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PROCEEDINGS AND DEBATES OF THE 97th CONGRESS, SECOND SESSION

SENATE—*Friday, August 20, 1982*

(Legislative day of Tuesday, August 17, 1982)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JAMES ABDNOR, a Senator from the State of South Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

Father in Heaven, the Senators and their staffs have come through a very difficult period physically and emotionally. Their bodies and minds need refreshing and renewal. Their families need to have time with them and they need time with their families. May the Labor Day recess provide the respite required to prepare them for the work remaining when they return to finish this session.

Some will be busy in their campaigns for reelection. Others will be responding to various requests and needs of their constituents. Give them wisdom in allocating time for their families, rest and play. Some will be traveling. Protect them as they go and return them safely to home and work. We ask this in the name of Him who promises to keep our "going out and coming in from this time forth and forever."—Psalm 121: 8. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 20, 1982.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JAMES ABDNOR, a Senator from the State of South Dakota, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ABDNOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

THE JOURNAL

Mr. STEVENS. Mr. President, I ask unanimous consent that the Journal of the Proceedings of the Senate be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. STEVENS. Mr. President, it is the intention of the leadership to turn as quickly as possible to the supplemental appropriations bill conference report. We are hopeful that a time agreement will be worked out so that all Members will know how long it will be before this matter is disposed of.

After the disposition of the conference report, we will then resume consideration of the debt ceiling bill.

EXPRESSION OF APPRECIATION

On behalf of the leadership, I wish to thank all Members of the Senate for their cooperation in disposing of the items on the must list that was presented to the Senate by the majority leader some weeks ago. We have completed the constitutional amendment to balance the budget, the tax bill, the reconciliation bill, and the immigration bill.

Today we hope to dispose of the supplemental appropriations conference report. That will complete the work on the list set forth as a prerequisite to our being able to recess simultaneously with the House. The House will go out today. We hope to take up the recess resolution today.

It is my intention, Mr. President, to be on board a plane on its way to Alaska by at least 5:40 this evening. So I hope all Members would understand that those of us who are going far away have probably one plane to make today that would allow us to make it home. That is the case with me, and I know that other Members from the West would appreciate the cooperation of the rest of the Senate in allowing us to make the reservations we have because they are very difficult to get.

We have a lot of work to do when we come back in September. We have to discover how to dispose of 13 separate appropriations bills in a period of 3½ weeks and complete the work of the Senate on other matters. It will be a very busy period.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, I ask unanimous consent that the time of the two leaders be reserved for their personal use through the remainder of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A TRIBUTE TO DEDICATED PUBLIC SERVANTS

Mr. BAKER. Mr. President, in 1972, a member of the U.S. Olympic Team remarked to a reporter that one of the most rewarding aspects of his involvement in the Olympic games was the opportunity to compete along side, instead of against, fellow Americans from colleges across the country. Ath-

letes that were once the opposition had become teammates, and it was that transition that reminded him of the fact that despite circumstances that occasionally necessitated divisiveness, Americans are actually always on the same team, working for the same ideals and fighting for the same dreams.

I thought about that observation yesterday evening as I watched and listened to Speaker O'NEILL's Remarks to his colleagues before the vote on the tax bill conference report. Mr. President, the Speaker's words yesterday were words that could only be delivered by an astute politician and a dedicated public servant. It was a speech divorced from traditionally partisan ploys, and one that embraced the very essence of legislative craftmanship.

Speaker O'NEILL and I do not always play along side each other, but I believe that we never forget that we are on the same team. He gave a forceful and historic speech, and I want to once again thank him for his essential support in getting the conference report adopted.

I would also like to take this opportunity to commend the Republican leader in the House, Congressman MICHEL for is efforts and leadership throughout the tax debate. Congressman MICHEL has become an architect of numerous impressive victories in the House, and he is above all, a trusted partner in bicameral relations.

Here in the Senate, it is obvious to me, as it should be to everyone, that the distinguished chairman of the Finance Committee, Senator DOLE, proved to be invaluable to this new chapter in economic policy. His tireless devotion, throughout seemingly endless hours of committee and conference work, provided both Chambers with one of the most important pieces of legislation we have considered all year.

Congress approval of the Tax Equity and Fiscal Responsibility Act completes an important stage of the budget cycle. I am confident that our experiences from this cycle will benefit our deliberations during the following one. As always, the distinguished chairman of the Budget Committee, Senator DOMENICI, will be at the fulcrum of Senate action. Senator DOMENICI, has constructed a most impressive track record with regard to the overall budget process, and I am sure that I speak for my colleagues when I say we are fortunate to have his expertise.

UNEMPLOYMENT COMPENSATION

Mr. ROBERT C. BYRD. Mr. President, the conference committee agreement on the supplemental appropriations bill, H.R. 6863, permits funding of additional unemployment compensation supplemental benefits for those workers who have exhausted their rights to any extended unemployment compensation under the Federal-State Extended Compensation Act of 1977.

I introduced legislation, S. 2542, to provide for an extended unemployment benefits program, and I testified before the Senate Finance Committee in support of extending these benefits.

The Senate agreed to an amendment to the Omnibus Budget Reconciliation Act to urge the Senate conferees on the tax bill to include in their conference report, language creating a supplemental unemployment benefits program for those who have exhausted all other such benefits for which they are eligible and to insure that those States which have triggered off the extended benefits program will be reinstated.

Unemployment is at an alltime high since World War II. In July, 9.8 percent of the work force was unemployed; this translates to approximately 10.8 million people looking for work.

I have heard from many West Virginians who are now unemployed and have exhausted their benefits under the existing extended compensation program. These people have worked continuously through their adult working years and are struggling to raise families. Unemployment is not a respecter of age or background—it has affected the young married man just getting started, the middle-aged worker with growing children, as well as the man who has a few short years for retirement. These people have worked hard and in the American tradition have contributed to America's productivity. These unemployed workers are now finding themselves, because they are unable to find employment, in a position of having to sell or lose everything they have worked to achieve over the years. They are not unemployed because they are afraid of hard work or because they do not want to work—they are unemployed because of the recession and because they cannot find other jobs.

They are not asking for a handout, they are looking for work. In the depressed labor market, we are finding more and more instances of people looking for work and being turned away.

This is what is happening in West Virginia—I am sure that every Senator here whose State is experiencing high rates of unemployment will have a similar story to tell. Through no fault of their own, many American workers are without a job and have no immediate chance of finding another.

The funding provided in the supplemental appropriations bill will help these individuals during this time of recession. This is not a new approach. It has been done before in periods of recession—in 1971 and in 1974. Unemployment rates are even higher now than then.

Mr. President, clearly we must provide these benefits now. To do less would not be in the best interest of the country or its workers.

THE SETTLEMENT IN LEBANON

Mr. ROBERT C. BYRD. Mr. President, it is with a sense of relief that we all welcome the agreement in Lebanon leading to the withdrawal of the PLO from Beirut. This has been a most welcome development.

It is also a time to pay special tribute to Philip Habib, whose patient and skillful negotiations made this all possible. Called out of retirement from the Foreign Service by President Reagan last year to defuse an earlier crisis in Lebanon, Phil Habib has rendered yeoman service on behalf of his country.

The negotiations were among the most difficult and complex ever undertaken by a diplomat. But Phil Habib persevered. What is particularly impressive about Ambassador Habib's efforts is the fact that he retired from the Foreign Service after suffering a serious heart attack. Yet, even though there were physical risks facing him, he still refused to give up.

This is just the first step in returning Lebanon to the Lebanese. But it is an important first step. Both Phil Habib, and President Reagan who gave his special negotiator his full backing, deserve our gratitude and appreciation for accomplishing this impressive diplomatic breakthrough.

Mr. President, I ask unanimous consent that the editorial in today's New York Times commending the efforts of Phil Habib be printed in the RECORD.

[From the New York Times, Aug. 20, 1982]

THE P.L.O., UNDER THE RUG

Last May the Foreign Service presented Philip Habib with its Director General's Cup, an engraved bowl celebrating his rough-hewn tenacity and accomplishment as a diplomat. Today the world owes him at least as much. Two momentous accomplishments are at hand.

After almost 11 weeks, the bloody battering of Lebanon can now stop. Starting Saturday, the P.L.O. fighters who have held west Beirut hostage will finally evacuate without goading the Israeli attackers into ferocious house-to-house fighting that would have vastly increased the carnage.

After seven years Lebanon can have its capital back, just as its presidential selection process begins. Parts of Beirut are rubble. Armed Syrian, Israeli and even P.L.O. forces remain in other parts of the country. A peacekeeping force of Americans, Italians and French will be around for perhaps a few months. But the capital city will be wholly in Lebanese hands.

Full credit belongs to Mr. Habib and to the President who backed him. The P.L.O. seems to be withdrawing without having won any more formal acceptance from the United States. Further, the outcome shows

that Ariel Sharon, the blunt Israeli Defense Minister, was wrong and President Reagan right to see that lifting the siege of west Beirut required a reliable cease-fire and not more divebombers. Some credit belongs to the Israeli Cabinet for belatedly recognizing the point and holding General Sharon back.

There is no question that the Israeli offensive has gutted the P.L.O. for years as a military force. There is also no question that the P.L.O. received a devastating political blow from its Arab brothers: not one Arab country offered to help. It took weeks even to arrange haven for the departing P.L.O. fighters. What remains unclear is how heavy a political price Israel will pay for its military gains.

That question must now be asked in the context of the bitter problems that remain. How, for instance, can the withdrawal of all foreign forces—Syrian, Israeli and P.L.O. outside Beirut—be negotiated? What can be done to reconstitute the Lebanese Government? Above all, how can Israel be brought to accept the reality of the Palestinians? Force of arms can, for the moment, sweep the P.L.O. under rugs in Jordan, Tunisia or Syria. But Palestinian aspirations, now more intense than ever, will not be so readily quenched.

There will be time enough to wrestle with such longer, larger torments. For the moment, it is enough to celebrate the peace already seeping back through the broken streets of west Beirut.

EDUCATION FOR THE HANDICAPPED

Mr. ROBERT C. BYRD. Mr. President, I am pleased that the conference committee agreement on the supplemental appropriations bill for fiscal year 1982 retains the language adopted by the Senate, which I supported, to prohibit the Department of Education from implementing changes in the existing regulations for the education for all Handicapped Children Act of 1975, until 45 days after the 97th Congress reconvenes sine die or until the 98th Congress convenes in January.

Earlier this year I joined with a number of my Senate colleagues in sending a letter to the President to urge full funding for Public Law 94-142 and to urge that no changes be made in the statute which would dilute the effectiveness of the existing law. Despite this action, the Department of Education has issued proposed regulations which would weaken existing law.

Prior to the enactment of Public Law 94-142, educational opportunities for the handicapped were not provided in many States. Many times parents of special children met with a brick wall in trying to find an appropriate education for their child. The choices were limited—institutionalization or if you were fortunate enough to find a private school or institution, the cost was prohibitive.

With the enactment of Public Law 94-142 in 1975, a Federal mandate was provided for a free appropriate public education for the handicapped. Since enactment of this law, handicapped children have been brought into the mainstream of American life and have been provided with an opportunity to become self-sufficient. Only those who have borne the responsiblitity of caring for a handicapped child can truly know the frustration and joys of these children. The courage of the handicapped should be an example to us all. They struggle against great odds—their battles are hard fought and hard won. Great strides have been made in recent years, and I do not feel that any changes should be made in existing law until the Congress has had an opportunity to review proposals to insure that these educational opportunities remain available. Adoption of this language by the Senate and the conferees sends a message to the President and the Department of Education that Congress remains firm on this issue.

SUPPLEMENTAL APPROPRIATIONS, 1982—CONFERENCE REPORT

Mr. STEVENS. Mr. President, I submit a report of the committee of conference on H.R. 6863 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The report will be stated.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6863) making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by a majority of the conferees.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 13, 1982, page H5912).

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. GOLDWATER. Is the conference report now open to amendment?

The ACTING PRESIDENT pro tempore. The conference report is not open for amendment.

Mr. STEVENS. Mr. President, if I may state to my good friend from Arizona, we are waiting for the managers of the bill. When they arrive, the Senate will proceed, I believe, to approve the conference report. After that time, matters such as the Senator from Arizona has could be raised in connection with an amendment in disagreement.

Mr. GOLDWATER. Can the Senator give me some idea of what time these people might get to work?

Mr. STEVENS. Well, they live on Yankee time. We cannot keep up with them. They are from the East and from the West. There is a little difference in the time. I could not answer the question directly. I am sorry.

Mr. GOLDWATER. We were told that the Senate would open at 9 a.m. and that there was great anxiety on the part of both the majority and the minority leaders to get out of here. Consequently, I got up quite early, prepared myself for the day, and got down here. Now I find there are bankers' hours being kept. I could have slept another hour.

I would like to know when the Senate is going to get to work on time. I am going to have to start running on Greenwich time because we do not do things in the morning that we say we are going to do the night before. Maybe Members are so busy that they cannot get here on time. I have my doubts. I would like to know sometime that I could get here at the opening hour and things would be ready to go. It used to be that way, but it has not been for a long time.

I do not say I am tired of it. I am just getting upset. If 9 o'clock means 10 o'clock, I will set my clock back. We will get on Alaska time. That is even better.

Mr. STEVENS. I might point out to my good friend that in Alaska it is 20 minutes after 4 in the morning.

Mr. GOLDWATER. Well, we might as well go in at that time, knowing that we are open at 10. Then we will all have a good idea. I have been waiting around here with a little old amendment for a long time.

Mr. STEVENS. That is one of the reasons I would like to get on that plane this afternoon because when I get up tomorrow morning to go to a State park dedication at 7 o'clock, it is going to be a little difficult. I would like to see us finish our work.

I agree with the Senator, I might say, but why do we not finish this dialog over a cup of coffee and save the taxpayers some money.

Mr. GOLDWATER. I do not drink coffee and it is too early in the day for what I do drink. [Laughter.]

Mr. STEVENS. I might say to the distinguished Senator he has talked me out of drinking coffee.

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending matter be temporarily set aside for the purpose of having routine morning business during which Senators may speak, not to extend beyond the hour of 10 a.m. or at the time when the distinguished chairman of the Appropriations Committee, the senior Senator from Oregon, wishes to commence consideration of this conference report.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO FORMER U.S. SENATOR THRUSTON B. MORTON OF KENTUCKY

Mr. THURMOND. Mr. President, on Saturday, August 14, 1982, Thruston B. Morton, a former Assistant Secretary of State, Congressman, and colleague in the U.S. Senate, passed away at the age of 74 at his home in Louisville, Ky. To his devoted wife, children, family, and friends I extend my deepest sympathy.

Without question, the State of Kentucky and our Nation has experienced a great loss in the passing of this man.

His contributions have made their mark in both Houses of Congress, as well as in the administrative branch of Government. His 6 years of dedicated service in the U.S. House of Representatives was a springboard from which Thruston would begin an effective political career. Following his service in the House, he served as a valuable member of the Eisenhower administration as Assistant Secretary of State for Congressional Affairs. Upon completing his duties at the State Department, he was elected to the U.S. Senate, where he served his State and country well in that post for 12 years.

Mr. President, Thruston Morton was a master of parliamentary procedure, which proved to be an important asset for him in his dealings on the Senate floor. He was known as an articulate and well-respected gentleman, whose vast knowledge earned him the admiration of his colleagues, not only within the Republican Party, but in other circles as well.

Thruston was dedicated to serving others. He had a deep love for his country and a strong belief in the good of its people. Though a man with deeply rooted convictions, Thruston Morton remained openminded, and was always fair to those whose beliefs were contrary to his own.

After his political career, Thruston returned to his Kentucky homeland where he became a successful banker. There, in the Bluegrass State, he was able to devote some of his energy to one of his favorite pastimes—horses. His special fondness of horses led him to become involved in the American Horse Council, where he served as president.

Mr. President, when Thruston Morton retired from the Senate in 1969, he was truly missed on Capitol Hill. Now, that sense of loss has been multiplied beyond measure as we mourn his untimely death. He was a dedicated colleague, a skillful diplomat, and a trusted friend. Thruston was a courageous American; a man of great ability and integrity; and an asset to the State of Kentucky and to our Nation. We are saddened by his passing. Yet, we are comforted in knowing that his invaluable contributions will live on.

Mr. President, I ask unanimous consent that an article about Thruston Morton from the August 15, 1982, edition of the Washington Post appear in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THRUSTON B. MORTON DIES AT 74

Thruston B. Morton, 74, a Kentuckian who was a former assistant secretary of State, congressman, and chairman of the Republican National Committee and served in the Senate from 1957 to 1969, died yesterday in his home in Louisville. He had cancer.

He was a member of the House of Representatives from 1947 to 1953, then spent three years as assistant secretary of State for congressional affairs during the Eisenhower administration. He won the first of two Senate elections in 1956. He retired from the Senate in 1969. He was GOP national chairman from 1959 to 1961.

During his years in Washington, Sen. Morton became a leader of his party's moderate wing. He became better known for his concern about international affairs than as an advocate of the interests of his state. He represented a rural, border state, yet called on the Republican Party not to ally itself with the forces of racial segregation in the South. He attacked leaders in both parties during the urban riots of the late 1960s, saving much of the debate on the riots was "irresponsible."

Urbane, wealthy, and Yale-educated, Sen. Morton could play the patrician or could become a blunt-talking, blunt-acting politician. He gained widespread respect for his parliamentary skills, his party leadership, and his political courage. In 1967, when most persons of his party and state probably supported the war in Southeast Asia, Sen. Morton came out against the Johnson administration's policies. A year later, Sen. Morton called for a halt to our policy of "high-handed interventionism."

Yet his power within his party in the Senate was formidable. He led a rebellion against the then-Senate Republican leader, Everett M. Dirksen of Illinois, urging approval of a U.S.-Soviet consular treaty that Dirksen sought to defeat. Dirksen eventually reversed his stand. He joined Sen. Morton, and a majority of the Senate Republicans in voting for the treaty. The treaty received the two-thirds majority it needed and passed.

By the end of his second term, Sen. Morton was being touted as either the next Republican Senate leader or its 1968 vice-presidential nominee. And although he had faced stiff Senate races in 1956 and again in 1962, he was expected by leaders of both parties to be unbeatable in his 1968 reelection race. It thus came as shock when Sen. Morton announced in February 1968 that he would not seek reelection and was leaving public life.

In a press conference in Louisville on Feb. 23, 1968 officially announcing his retirement, he said he was quitting "for very compelling personal reasons. To use an old Kentucky expression, I suppose I am just plain track sore."

The next day, an editorial in The Post deplored his decision. It said that "At 60, he is alert, vigorous and apparently in tune with the problems of the day. His decision to retire will entail severe losses to the Senate, the country, and the Republican Party. Congress has great need of well-informed men of moderate views who are still capable of vigorous activity."

During his last year in office, Sen. Morton served as cochairman of Nelson A. Rockefeller's unsuccessful bid for the 1968 Republican Presidential nomination. He campaigned for Richard M. Nixon, the party's nominee, during the 1968 general election. Since leaving office, Sen. Morton had been a Louisville Banker and president of the American Horse Council, an association formed to promote the horse industry.

Sen. Morton was a native of Louisville and a 1929 graduate of Yale University. He served with the Navy aboard mine-sweepers and destroyers in the Pacific during World War II. He then became president of the family grain and milling firm. It was sold to Pillsbury in 1951.

He was elected to Congress in 1946, and twice won reelection. He declined to run for reelection in 1952. During his years in the House, he voted for Greek-Turkish aid and the anti-poll tax bill, and opposed cuts in foreign aid. He also opposed the shrill anti-communist cliches that pervaded much of the political dialogue of the time.

He once said, "I think we have a rather myopic view of communism that doesn't help the cause of world peace. I hate communism. I deplore its atheistic qualities and all about it, But I think that if the Russians and ourselves could sit down together like grown men and say we're going to stop wars, why we could do it."

In 1956, he challenged Earle C. Clements for the Senate. Clements was a former governor, the incumbent senator, and was acting Democratic Senate leader at the time of the race. Sen. Morton beat him by a thin margin of 506,903 votes to 499,922.

Sen. Morton was the brother of Rogers C.B. Morton, a former Maryland congressman, secretary of the Interior under President Richard Nixon, and Republican National Chairman, who died in 1979.

Sen. Morton's survivors include his wife, Belle Clay Lyons Morton, two sons, Clay Lyons Morton and T. Ballard Morton Jr., and a sister, Jane Morton Norton, all of Louisville, and five grandchildren.

TRIBUTE TO MARGARET CLAIRE KELLY HAMRICK OF CHARLESTON, SOUTH CAROLINA

Mr. THURMOND. Mr. President, I rise today to pay tribute to Mrs. Margaret Claire Kelly Hamrick, a fine lady from my home State of South Carolina, who recently passed away. Mrs. Hamrick participated in a wide range of civic and church activities, which helped to make her State a better place in which to live. I want to formally recognize those accomplishments at this time.

Margaret Hamrick, wife of Dr. John Hamrick, president and founder of Baptist College in Charleston, S.C., was often referred to as "the first lady" of Baptist College. She exempli-

fied charm and grace in her role as first lady of the College. She was never far from the center of activities of her husband's ministry, and she played an important role in the founding of Baptist College.

For many years, Mrs. Hamrick taught English and Bible in the First Baptist Church Day School, an institution she was instrumental in founding. Because of her devotion to others and her dedicated work, Margaret Hamrick was the 1974 recipient of the Charleston Federation of Womens Club's Hall of Fame recognition.

Mrs. Hamrick has been recognized by many to have been "gifted with vision, leadership, and, most importantly, the ability to teach." The education brought to others by this extraordinary lady was more than common book knowledge. She taught people the meaning of courage, faith, loyalty, and love. Her service to others was exceeded only by her service to God.

Those who were fortunate enough to know Margaret Hamrick say,

She was a flame that has always burned high, and her indomitable courage has been an inspiration to every person who knew her.

Mr. President, I concur wholeheartedly in that assessment, and I ask unanimous consent that a brief biographical sketch of Mrs. Hamrick be included in the RECORD.

There being no objection, the sketch was ordered to be printed in the RECORD, as follows:

BIOGRAPHICAL SKETCH OF MARGARET CLAIRE KELLY HAMRICK

Gifted in vision, leadership, organizational ability, writing and teaching, Margaret Hamrick was never far from the center of activities that have marked her husband's ministry. She was instrumental in the founding of Charleston's First Baptist Church Day School, and she was at her husband's side at the founding of Baptist College at Charleston.

For many years she taught English and Bible in the day school and since then organized and directed countless Bible studies, both in the church, the school and in her own home.

She wrote many devotional materials, religious pageants, and skits for special events. At the time of her husband's inauguration as president of Baptist College, Margaret's fine planning was at the helm of the intricate and detailed matters surrounding massive guest lists and decisions as to appropriate handling of social aspects of the event.

She was a member of Delta Kappa Gamma, honorary organization for teachers, and in 1974, was recipient of the Charleston Federation of Women's Club's Hall of Fame recognition.

Members of First Baptist Church, Charleston, have sought in many ways to show their affection for Margaret Hamrick. Last year they gave symbolic recognition through the publishing of a "Margaret Hamrick Cookbook" released at the time of the dedication of the church's John A. Hamrick Activities Building.

But the imprint of her personality goes far beyond the written word or the pages in a book. The constancy of her prayers, the hours she spent in teaching, leading, writing and the example she set in a Gibraltar kind of faith all converge as a monument to the testimony of her life.

Her interest in others was a flame that always burned high, and her indomitable courage was an inspiration to every person who knew her. Even after many months of illness she was still saying, "Everyone suffers, in some way . . . I am still praising God!"

Her attitude toward life was consistent—a combination of enthusiasm, patience in the face of all difficulties, and unshakable faith. Her example won for her the love and loyal following of countless individuals from all walks of life. During her life her mail was flooded with letters from former students, and from individuals whose lives had been touched by her spirit.

In Charleston, as Baptist College's First Lady, she had for seventeen years presided at the institution's regular social and official events with charm and graciousness. With her husband, she lent inspiration to the yearly Christmas reception. This festivity bore her special touch each year as she created its theme of color and direction, making each one distinctively hers; and always she managed to greet and touch the hand of every guest and worker. The guest list of this event is counted in the thousands. The strength of Margaret Hamrick's love, the depth of her faith in God, and the unfailing evidence of the joy with which she served Him, are a testimony that has made impressions yet to be fully grasped.

TRIBUTE TO NORMAN A. CARLSON, DIRECTOR OF THE FEDERAL BUREAU OF PRISONS

Mr. HOLLINGS. Mr. President, over the years I have met and observed thousands of public service employees at the local, State, and Federal levels. By far the large majority of them have been good, hard-working, and dedicated people. Within that large group there are many that stand out because of their extraordinary talents to manage this great enterprise we call Government.

For more than 10 years, I have been associated with the State-Justice-Commerce Appropriations Subcommittee. Hundreds of witnesses have testified before us, but none has impressed me more than the outstanding Director of the Federal Bureau of Prisons, Norman A. Carlson. His presentations to the subcommittee are a model of succinctness and clarity that should be a model for all witnesses before the Appropriations Committee. During his brief annual visits to the committee, we can sense the warmth of this giant of a man and know that firm compassion is the watchword of the Federal prison system.

Those that know the inner working of the Bureau of Prisons realize that it is much like a large family. That good atmosphere is maintained by the Director who travels extensively to all the facilities, rises early in the morning to eat breakfast with the inmates, and seems to know all of the employees as he walks through the facilities to assure his high standards of care.

Last week Mr. Carlson completed 25 years of Federal service, a further milestone in a brilliant career that has been marked by many justly deserved awards. This is fitting moment to briefly recite the highlights of Mr. Carlson's career with the Bureau.

Norman A. Carlson has been Director of the Federal Bureau of Prisons since 1970. Like his three predecessors—Sanford Bates (1930–37) James V. Bennett (1937–64) and Myrl E. Alexander (1964–1970)—he is a career public administrator with the Department of Justice.

Mr. Carlson began his career as a Correctional Officer at the Iowa State Penitentiary, Fort Madison, Iowa, in 1956 while attending graduate school at the University of Iowa. He entered the Federal Prison System the following year as a parole officer at the U.S. Penitentiary, Leavenworth, Kansas. His next assignment was as a Supervisor at the Federal Correctional Institution, Ashland, Kentucky, from 1958 to 1960.

He came to Washington in 1960 when he was promoted to Assistant Supervisor of the Division of Institutional Programs. Beginning the following year, he served a four-year assignment as project director for the developing Community Treatment Center (halfway house) program.

Mr. Carlson was one of the Federal career executives chosen in 1965 to spend a year at the Woodrow Wilson School of Public and International Affairs, Princeton University, as a National Institute of Public Affairs fellow. He was named a delegate to the United Nations Committee on Crime Prevention and Control in 1971 and was co-chairman of the U.S. delegation to the United Nations Congress on the Prevention of Crime and Treatment of Offenders held in Geneva during 1975, and co-chairman of a similar delegation at Caracas. Venezuela, in 1980.

In 1966, Mr. Carlson became Executive Assistant to Bureau Director Myrl E. Alexander until his retirement in January, 1970. Mr. Carlson was named Director March 25, 1970.

He received the Arthur S. Flemming Award in February, 1972, honoring him as one of 10 outstanding men and women in the Federal government. In May, 1978, Mr. Carlson received the Roger W. Jones Award for Executive Leadership from the American University, Washington, D.C.

In July, 1981, he received the Attorney General's Award for Exceptional Service, the highest award granted by the Department of Justice. In August, 1981, he was given the E. R. Cass Award, an award made annually by the American Correctional Association. On Nov. 4, 1981, he received the Presidential Rank Award of Meritorious Executive in the Senior Executive Service. The Department of Justice honored him at its Fifth Annual Special Recognition Program Feb. 25, 1982, for establishing in the Bureau of Prisons one of the leading Equal Employment Opportunity Programs in the Department.

In February, 1982, Mr. Carlson was named an Advisor to the College of Public and International Affairs of the American University, Washington, D.C. He has been a member of the Advisory Committee of the Center for Criminal Justice of Harvard Law School and of the visiting committee of the School of Criminal Justice, State University

of New York at Albany. Mr. Carlson has also served on the Advisory Board of the Institute of Criminal Justice and Criminology at the University of Maryland.

Mr. Carlson was President of the American Correctional Association in 1978–1980 and is now a member of its Executive Committee. In 1971, he was elected to membership in the National Academy of Public Administration.

Mr. Carlson was born in Sioux City, Iowa on August 10, 1933. He received a B. A. degree from Gustavus Adolphus College, St. Peter, Minnesota in Sociology in 1955 and a Master's degree in Criminology from the University of Iowa in 1957.

Mr. WEICKER. Mr. President, I want to join my distinguished colleagues in noting this milestone in the career of Norman A. Carlson, the Director of the Bureau of Prisons.

Outstanding, indeed, are Mr. Carlson's contributions to the Nation. A member of the career service since 1956, he became Director in 1970 of the Bureau of Prisons. His service is distinguished by a genuine dedication to high standards of care, advances in corrections, and a true understanding of the needs of the employees of the prison system, as well as the inmates.

Mr. Carlson appears each year before the Subcommittee on State, Justice, Commerce, the Judiciary, and Related Agencies which I chair. He is a forthright witness who speaks frankly of the needs of the prisons.

I wish him well and look forward to continuing to work with him in the future.

THE CAPITOL HILL HASSLE

Mr. RUDMAN. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial comment appearing in the August 23 edition of Newsweek written by James A. Miller, special assistant to the majority leader.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE CAPITOL HILL HASSLE

(By James A. Miller)

After a year of working in the United States Senate, I am intrigued less by who votes for what than by why all these "whos" are even here. Recently, serving in Congress has turned into such an aggravating, exhausting and generally exasperating hassle, it's a wonder anybody wants to do it. Perhaps never before in political history have so many sacrificed so much for so little that was supposed to be so much.

A wise man once said, "Person who climb ladder of success too far, may hit head on ceiling." Running for Congress is chancy and perilous enough, but serving there has become nothing less than an endurance test. The Hays Scandal, the Mills Scandal, Koreagate and Abscam weren't enough; now there's talk of Pagescam or Sexscam or Dopescam, or whatever one wants to call the current flurry. It really doesn't matter if a legislator is personally involved or not; citizens assimilate and stereotype at the drop of an innuendo.

If people are starting to feel squeamish about running for Congress, who can blame them? It's not that they can't stand the heat and are getting out of the kitchen; it's that nobody in his or her right mind rushes into a kitchen that's already a blazing inferno.

FUND RAISING

Congress, lacking miracle cures, keeps falling short of national dreams, and politicans keep falling short of public expectations. The combination of financial sacrifices, wrenching family traumas, media aggressiveness and endless fund raising is driving smart members home and smart potential candidates away.

The sad fact is, the inducements to run for Congress aren't all that glorious to begin with. In fact, they may never before have been so paltry. An individual graduating with honors from a top-ranked law school may earn more after a few years than does a representative or a senator. In addition, lawyers in the private sector do not have to maintain two houses or comply with restrictions on income or publish their tax returns for all the world to see.

Whatever a representative or senator might choose to do instead of serving in Congress would, almost unquestionably, be a great deal more lucrative and rewarding than public office. After all, if these people could convince an entire district, or an entire state, that they were capable of leading and legislating the affairs of those who elected them, and if they had the financial resources to launch a successful drive to office, chances are that they are capable of getting a great many other jobs that would be regarded as darn good.

Congressmen are more than legislators, they are executives who must manage large staffs; they are businessmen as well. It is ironic that they could be more finanically successful selling used cars back home.

Republican Sen. Jake Garn of Utah, chairman of the Senate Banking Committee, goes from lunch with bank executives who make hundreds of thousands of dollars a year to the Senate floor where he must fight to lift the limitation on honorariums that senators can accept. Senator Garn has seven children, a mortgage in Washington and a mortgage in Utah.

But there is a much more profound frustration than money that he makes serving in Congress more and more of an ordeal. There is a perceived decline in the number of qualified and committed people who serve there—because the positions of senators or representative are not as attractive as they should be, or as they once were. Perhaps this is why Senator Garn, in a speech on the Senate floor in May, during the debate on the budget, cried out, "I am angry. I am angry at this body. I am angry at Congress—and I do not care which party, Republicans or Democrats—because there are weak-kneed, gutless politicians on both sides who will not face up to the issues . . ."

In Congress today one is expected to have the intellectual credentials of a Rhodes scholar, the oratorical skills of a Ted Koppel, the godlike trustworthiness of a Walter Cronkite and the sense of humor of a Johnny Carson. Americans may expect too much of the people they choose to represent them. After all, these aren't extraterrestrials. They're people who grew up next door, people who are just as capable of failure and indecisive as anybody else.

When those folks next door get to Washington, they will have to adapt to a life without privacy. They must endure constant intrusions from aggressive reporters and countless interest groups, nonstop fund raising to sustain their political and financial survival, exhausting plane travel, the disruption of normal family life and a growing fear that all this may just be too much trouble for too little satisfaction. From a great distance, serving in Congress sounds like fun—lots of power, money and great tables at French restaurants. When you see it up close, you realize it's more like tuna fish sandwiches from carryouts. The glamour disappears and people who should know better start regarding you as some lower form of life.

The cost-benefit ratio for many in Congress has fallen to a new low. The usual reasons for retirement—age, political vulnerability, redistricting and new political aims—are being replaced as quickly as one can say, "It's not worth it." In fact, they are being replaced by "It's not worth it."

RISK

It's hard to forget the smile of the wife of former Rep. John Cavanaugh, a Nebraska Democrat, as he announced his retirement from Congress at 35. Or the rhetorical question Texas Democratic Rep. Joe Wyatt Jr. put to a reporter a couple of years ago: "Why stay and take the grief?"

Certainly we should hold the people we elect to high standards—but not impossible ones. If they check all their frailties and vulnerabilities at the door of Congress, might they not be checking their humanity as well? "Nobody's perfect" is a pretty feeble excuse for wrongdoing, malfeasance and willful deceit, but the fact remains that nobody is perfect. If we wait around for perfect beings to elect to Congress, we risk frightening the imperfect but damned good people away. As for those who are currently serving, as long as they are masochistic enough to stay, we might as well take advantage of their talents.

Mr. RUDMAN. Mr. President, this is a very appropriate, precise comment that I think more people should read.

CONCLUSION OF MORNING BUSINESS

Mr. HATFIELD. What is the pending business, Mr. President?

The ACTING PRESIDENT pro tempore. Morning business is now closed.

SUPPLEMENTAL APPROPRIATIONS, 1982—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will resume consideration of the conference report on the supplemental appropriations bill.

Mr. HATFIELD. Mr. President, has the conference report been laid down?

The ACTING PRESIDENT pro tempore. The conference report has been reported.

Mr. HATFIELD. I thank the Chair.

The Senate continued with consideration of the conference report.

Mr. HATFIELD. Mr. President, we now have before us the conference report on H.R. 6863, the fiscal year 1982 supplemental. The conference agreement recommends a total of $14,117,265,924 in budget authority. Of that amount, $5,000,000,000 is for borrowing authority for the Commodi-

ty Credit Corporation, requested by the administration and provided by both Houses. Of the remaining amount, $6,145,002,640 is for increased pay costs due to last October's cost-of-living increase. The remainder, or $3,032,263,284, is for program supplementals in agencies throughout the Government.

Mr. President, the total amount of spending recommended in this conference agreement is $1,878,918,076 below the President's request. Officials in the Office of Management and Budget have attempted to characterize this bill as a "budget-buster" through the representation that it provides spending for certain domestic programs $918,000,000 in excess of the President's request. That sum provides funding for such programs as community service employment for older Americans, $211,000,000; compensatory education for the disadvantaged, $148,000,000; student financial assistance, $217,000,000; Coast Guard operating expenses, $30,000,000; payment to the Postal Service fund, $39,000,000; Federal highways, $112,500,000; and education for the handicapped, $26,000,000, among others.

I make no apology for the provision of these funds. These are important and useful programs, and it is manifestly apparent that a majority of both Houses strongly supports them. I do disagree vehemently with OMB's analysis of this bill, for several reasons.

First, OMB's bean counters have added up only the congressional increases in funding for certain domestic programs, and have not subtracted the congressional reductions.

Excluding the defense foreign operations and military construction chapters for consideration, this measure is $565 million over the request, not $918 million. I do not know what school of business finance they went to, but they obviously have not learned some elementary lessons about adding and subtracting; either that or it is a deliberate misrepresentation of the accuracy of this budget.

Second, OMB has chosen to look only at so-called nondefense spending, and ignore the substantial savings made in the defense area, savings which were not disputed in either committee, on either floor, or in conference.

Third, and most important, OMB's characterization of this bill as a budget buster because it exceeds the President's request for certain programs strikes at the heart of the constitutional role of Congress in determining spending priorities.

The Constitution is quite clear on this. No funds can be drawn from the Treasury except by act of Congress, and the Budget Act emphasizes that the President may not tamper heedlessly with appropriated funds. When it comes to budget matters, the President may propose, but the Congress disposes. So if Congress wishes to appropriate more funds for a certain program than the President has requested, and less for another, so be it. Of course, the President may always veto the legislation, but in this instance I feel very strongly that he would be most ill-advised to do so.

I repeat, Mr. President, that this bill recommends spending $1,878,918.076 below the President's request. This is not a budget buster, it is a deficit reduction measure. And, Mr. President, it is not only substantially below the President's request, it is even farther below the existing congressional budget resolution. As Chairman DOMENICI will confirm in his statement on this measure, total spending after enactment of this bill will be $8.1 billion in budget authority and $1.1 billion in outlays below the ceilings of the budget resolution.

So, Mr. President, I commend this conference report to my colleagues as a fine example of spending restraint. I trust the President will sign the bill. If for some reason he does not, I will urge my colleagues in the House to override his veto, and will certainly do so here in this body.

I think, Mr. President, we might as well draw the line here, today, as it relates to the imperial mentality of the Office of Management and Budget. This is a congressional prerogative, constitutionally established, and to be defended by every Member of this body on both sides of the aisle.

I yield to my good friend and colleague from the State of Wisconsin.

Mr. PROXMIRE. Mr. President, the conferees on the supplemental appropriation bill for fiscal year 1983 have recommended a reduction in the President's supplemental budget requests by almost $1.9 billion including the rescission of $113 million more than the total rescissions requested by the President. It is true that the bill as it comes out of conference contains $186.6 million more than the Senate-passed bill. There was a tendency to go for the higher of the House or Senate figure in conference. Nonetheless a budget reduction of approximately $2.4 billion in defense spending has more than offset increases in domestic spending above the President's budget of $566 million.

I wish it had been possible to meet the President's domestic marks as well. This would have meant the bill produced savings of about $3 billion. Personally, I would strongly favor that. Nonetheless, I find it difficult to object to congressional action that has made a cut of 17 percent in the President's overall supplemental requests and at the same time provided a whopping $5.7 billion—over 60 percent of the total budget authority included in the bill—for the Defense Department.

Let me repeat that: 60 percent of the money in this bill is for the Defense Department. It is less than the President requested, but nevertheless, it is very largely a defense supplemental bill. I think the Congress has done a competent and responsible job of restraining Federal spending in acting on this supplemental bill.

I congratulate my good friend from Oregon on the fine job he has done, as he always does.

Mr. HATFIELD addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Wisconsin. I will take a back seat to no one in this Senate as to review of spending by the Defense Department and every other department, but I point out that the money that is in this supplemental, which is set aside for the Defense Department, is primarily for military pay. That is the fulfillment of a commitment made by the Congress in terms of military pay increments to keep a comparability of military pay to civilian pay.

I think it is very significant that that has had a great impact on our ability to recruit and to retain personnel in our Armed forces.

In fact, to make the record specific, of that total amount for military, $5.5 billion is for pay increase for the military.

I have supported military pay. I feel it is not only an equitable matter to pay comparable compensation for those serving in the armed services to that which they might earn in civilian capacities, but I also think that maintaining comparability is the best answer to those who want to restore the draft. If we can retain the comparability standards that we have set, we are getting the volunteers. and so it is not only a matter of equity and fairness, but it is the best counteraction for those who would advocate the restoration of the draft, which I know others as well heartily oppose.

Mr. STEVENS. Will the Senator yield? Adding to what the distinguished chairman has said, the items that were deleted from this bill were deleted in the defense area. The Department of Defense items were not deleted because they were unneeded; they were deleted because of the impact of the 1983 budget outlay ceilings that our subcommittee must work under for the 1983 bill. It was my determination that if we had included those items in this supplemental, it would have limited our flexibility in dealing with the 1983 bill because of the budget ceiling in terms of budgetary outlays. I hope that the chairman of the committee and other members realize that some of the items that we have deleted may well come back into the 1983 bill, but they will come back

within the budget ceiling since that is where they would have impacted. This bill, having come up so late in the year, will not actually become law until most likely just before the last month of the fiscal year. The outlays of necessity would have taken place during 1983 and would have impacted our 1983 outlay ceiling.

In order to maintain maximum flexibility in dealing with the 1983 appropriations request for the Department of Defense, we have deleted those items with the understanding that all of them will be reviewed in connection with the full bill for 1983. I hope the Senator from Oregon and the Senator from Wisconsin understand that.

Mr. President, I must emphasize again the urgency of enacting this supplemental as quickly as possible. Time is running out on many programs requiring this additional funding, and there is separate justification for quick action to support those programs simply to avoid disruptions and cost increases. But the real urgency lies with the pay cost supplemental, particularly with the military pay requirements.

I am not exaggerating, Mr. President, when I state that time has already run out on military pay. There is no additional funding available for payrolls, and even the Pentagon's transfer authority is running out. The Secretary of Defense has warned that all appropriated funds for a military payroll have been exhausted. By law, the Department can neither obligate nor expend additional funds in the absence of supplemental appropriations.

These funds were exhausted on August 18, Mr. President—2 days ago. If the Department is to pay the troops, there is only $164 million in unused transfer authority and—as a desperate stretch out tactic—the so-called food and forage authority available to the military.

The transfer authority is not sufficient to get the Department through the next full payday. It would not even come close. Food and forage authority, a long standing permanent appropriation designed many years ago to cover urgent military needs for basic supplies, can be used to cover other costs so that funds appropriated for operation and maintenance needs could be diverted to pay.

Use of the food and forage authority in this manner is questionable at best. Congress has no business putting the military in a situation that even suggests using a measure with such dubious legality.

Mr. HATFIELD. Mr. President, I concur with the observations made by the Senator from Alaska, who is the chairman of the Defense Subcommittee of the Appropriations Committee, and he has stated the case very accurately. I concur with his general observations.

Mr. PROXMIRE. If the Senator will yield, it is also my understanding that the Defense Department asked for these increases in the regular bill. They were turned down.

Mr. HATFIELD. That is correct.

Mr. PROXMIRE. They were turned down by the House and by the Senate. This is a supplemental bill, and therefore we were simply following a policy that the House and Senate previously established.

I might point out to my good friend from Oregon that not only is this pay increase important in persuading volunteers to enlist in the military, but I think all of us recognize, if we have learned any lesson in the past few years, it is that military strength depends primarily on the quality of the people, their motivation, their desire to be there, their pride in their unit, their leadership. Of course, there are other ingredients that are important, too, but pay is vitally important if you are going to get competent people to stay in the military; you get what you pay for. I think that this part of the military appropriation is absolutely right and I support my chairman on this. I think he is making the right argument.

Mr. HATFIELD. I thank the Senator very much.

Mr. President, a parliamentary inquiry.

Mr. President, there are, I believe, two amendments in disagreement that have to be handled on this conference report?

The ACTING PRESIDENT pro tempore. There are many more than that.

Mr. HATFIELD. I am extrapolating from the amendments en bloc two amendments, one having to do with the pay commission, one having to do with a copper amendment by the Senator from New Mexico. I believe that they have to be handled separately from the ones that we would possibly agree to en bloc; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HATFIELD. I order to then get to those amendments, Mr. President, what is the appropriate motion to make at this time?

The ACTING PRESIDENT pro tempore. The Senate will have to dispose of the conference report.

Mr. HATFIELD. Mr. President, I move the adoption——

The ACTING PRESIDENT pro tempore. And the House-added amendments.

Mr. HATFIELD. Mr. President, I move adoption of the conference report.

Mr. SCHMITT. Will the Senator yield?

Mr. HATFIELD. I move the adoption of the conference report.

Mr. LEVIN addressed the Chair.

The ACTING PRESIDENT pro tempore. There is no such motion to move to adopt the conference report until the end. Then the question will be put. When the Senators have ceased to debate, then the question on the conference report will be put.

Mr. HATFIELD. I understand the Chair to say in order to get to the business before the Senate today we have to move the adoption of the conference report in order to take up the amendments. Is that correct?

The ACTING PRESIDENT pro tempore. Yes. The Chair assumes that there are other Senators seeking the floor to discuss the conference report.

Mr. HATFIELD. Does the Senator wish to speak to the conference report?

Mr. SCHMITT. The Senator from Oregon is correct.

Will the Senator yield?

Mr. HATFIELD. I yield.

Mr. SCHMITT. I am happy to recommend to the Senate the adoption of the Labor, Health and Human Services, and Education chapter, chapter IX, of this regular fiscal year 1982 supplemental conference report. The conference agreement on the bill takes account of longstanding concerns in health, education, and other programs, many of which were deferred in our consideration of the urgent supplemental.

As a result of the recent conference, chapter IX is $230 million above the request level but some $9 million below the recommendations of the House. Two hundred and ten million dollars, however, of that increase is a sincere disagreement with the administration on the mandate of current law relative to senior citizens programs. I do not think there is any question that we must provide that money as advance funding for those programs. I am still surprised that we hear noises from the administration that that is one of the items that they disagree with. There really is no choice.

Most importantly, our conference bill provides enabling language to fund and administer the supplemental benefits program automatically upon enactment of authorizing legislation. By acting now on the appropriations, language, we avoid delay in getting the benefits out to the long-term jobless in every State, including New Mexico. Last night's action on the tax increase measure, the conference report containing those tax increases, did, as one beneficial item, contain the authorizing language necessary to begin to make available an extension of unemployment benefits. This conference report will clear the deck so that can take place in an expeditious manner.

The final supplemental bill also includes additional funds for older workers programs; as I indicated earlier, for important disease prevention activities, particularly those that deal with

the research into this extraordinary new disease as yet undefined that has cropped up in recent months in New York and now in other cities. It is my hope that the $500,000 additional research funds here will enable us to crack this mystery and avoid any significant national consequences.

In addition, Mr. President, the conference report includes funds for compensatory, handicapped, and vocational education. In addition, we provide some further financial assistance, significant financial assistance, for college students from low-income families.

The conferees, I am glad to say, agreed to my amendment to begin targeting more institutional aid, in the developing institutions programs, to schools with large enrollments of Hispanic and native American students. Heretofore, the assistance to these groups has been far too limited and random to really take care of their special programs.

I am pleased with the conference result on chapter 9, and I believe that the Members can give it strong support.

My only major disappointment in this measure is with one of the amendments in disagreement. The House declined to concur and recede to the Senate in a very important matter dealing with the copper stockpile. That, I think, is unfortunate, in that the workers in that industry as well as the industry itself are going to be the losers.

I thank the chairman for yielding.

Mr. HATFIELD. I thank the chairman of the Subcommittee on HHS.

Mr. President, this is probably one of the most difficult of all committees on our Appropriations Committee, especially in light of the current fiscal restraints and problems we face. The Senator from New Mexico carries that burden and that responsibility with great character and great skill, and I thank him again for an extraordinary piece of workmanship.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. STEVENS. Mr. President, I should like to make an inquiry, on behalf of the leadership, as to whether it is possible for us to adopt this conference report so that debate may start on the series of amendments in disagreement. These amendments are debatable. There is no time limit. However, it is not possible for some Members to offer amendments on other matters, amendments in disagreement, until we dispose of the conference report.

I inquire of the Senator from Michigan whether it is possible for us to go to the conference report so that that debate may start. The Senator from Arizona has an amendment. The alternative, of course, is that the Senator from Michigan could debate the conference report on into the night, and other Senators would not be able to get to the matters they have in mind.

I might say that if the Senator has in mind keeping the Senate's attention on this issue, he might be able to rest his voice a little while the others talk for a few hours this morning. But they cannot commence their items until the conference report is adopted.

Mr. LEVIN. Mr. President, I think the Senator from Alaska knows that I want to accommodate every other Member of the Senate, including the Senator from Oregon.

Let there be no misunderstanding as to my goal. I want to accommodate everybody. I have been accommodating everybody for the last 2 months in an effort to get a vote on a critical matter involving students who want to begin school in September.

The leadership on both sides of the aisle have assured me that they would work with me in order to get such a vote. I think they have made good faith efforts to get such a vote. But I must use whatever tools are available to me to try to obtain a vote on my amendment before we go out.

I am not trying to add it to the conference report. There may be some misunderstanding between us from a prior conversation on that matter. What I am seeking is for the leadership to propound a unanimous-consent request that once this conference report is disposed of and we return to this debt limit bill, the pending amendment on the debt limit bill, which is not going to be disposed of this week, be set aside temporarily, so that my amendment can be considered under a strict time limit, disposed of, and then we would return to the other amendment.

There are 22 cosponsors of this amendment. If it is not voted on in August, it will have a lot less effect, because these students are awaiting some signal from us as to whether they can return to school in September.

If I may have the attention of my friend from Oregon for one more moment, there are 300,000 students out there who need this; 50,000 are children of soldiers who were killed in Vietnam. We promised these men before they left that their children would receive this benefit through college. I am trying to preserve that benefit for 1 more year, and all I want is a vote in August. All I want is someone in the leadership to propound the unanimous-consent request so that I can see if I can get a vote.

I will repeat this for the Senator from Oregon: The students we are talking about, in many instances, are the children of soldiers who went to Vietnam, who were promised that if they were killed in Vietnam, their children would receive that social security benefit through college.

This amendment has great meaning in August. It has less meaning in September.

I am trying to find a way, and I have been trying for 2 months, and the leadership has assured me they would help me get a vote. I am trying to find a way to get a vote on this matter before we leave today. I am not trying to add it to this conference report. What I am trying to do is to get the leadership to propound a unanimous-consent request that when we are done with this conference report, we will then set aside the pending amendment on the debt ceiling, take up this amendment, which has 22 cosponsors, for 40 minutes or an hour, get a vote on it, and then return to the Helms amendment.

Mr. STEVENS. Mr. President, I say to the Senator from Michigan that the majority leader is at a meeting downtown, and subsequently there will be a meeting at 10:30 to start planning the program for the Senate when we return.

The Senator's leverage is just as good against the matter before the Senate after the adoption of the conference report as it is before, because we cannot leave this matter until we handle the amendments in disagreement.

All we are asking is that the Senator allow this conference report to be adopted and allow the Senator from Arizona and the Senator from New Mexico and others to discuss the items in disagreement. I can assure the Senator from Michigan that we are not going to leave this matter until the Senator from Michigan has exhausted his statements to the Senate.

I will urge the majority leader to consider the request of the Senator from Michigan, and we will do our best to see what we can do to accommodate him. I am sure the Senator realizes the serious complications in handling the schedule with respect to getting to the debt ceiling bill in the past week. We did not anticipate that the time would be completely exhausted, as it has been, on other matters during this week.

It is possible, for example, that we may be able to consider the Senator's matter as a sense of the Senate resolution, separate from the debt ceiling bill. An amendment to the debt ceiling bill, I can tell the Senator, will not become law until about September 30, in any event. So if he is looking for a vehicle that will become law before September 30, this debt ceiling bill is not the vehicle to which he should address himself, in my opinion.

I urge the Senator again: Let us proceed with the debate on the matters that the other Senators are waiting to debate, and as soon as the majority

leader returns, we will confer with the Senator from Michigan to see what can be worked out about his matter.

In any event, the matter of the conference report amendments in disagreement will still be before the Senate, and the Senator will have his opportunity to call the attention of the Senate to the problem he has in mind, after these Senators have presented their discussions on the amendments in disagreement.

Will the Senator from Michigan allow us now to complete action on the conference report and go to the amendments in disagreement?

Mr. LEVIN. I appreciate the words of my friend from Alaska. I want to just go back for one more moment to a prior debt ceiling limit extension. It was a temporary extension in July. At that time I wanted to offer my amendment and did offer my amendment and was persuaded by the majority leader to withdraw my amendment at that time because the permanent debt ceiling limit was going to be coming up soon. I did that.

We now have this bill in front of us. I was assured 2 weeks ago by the majority leader that the debt ceiling bill would be resolved before recess and that my amendment could be voted on during the debt ceiling debate. Obviously that has not been possible and I understand that.

Last night we had discussions on this matter and so the background does become important.

Now, before I can answer the question which the Senator from Alaska has propounded I wish to check with the Parliamentarian, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, I ask unanimous consent to be allowed to proceed for not more than 1 minute as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SOVIETS USING PROHIBITED BIOLOGICAL WARFARE

Mr. PROXMIRE. Mr. President, for several years I have been exploring and offering legislation dealing with the issue of Soviet violations of the Biological Warfare Convention. One resolution has passed the Senate and House of Representatives on the subject of the Sverdlovsk incident in 1979. A second resolution passed this year on the fiscal year 1983 Defense authorization bill. This called on the President to reopen the Biological Warfare Convention and renegotiate provisions for verification and compliance—features missing from the original text.

The evidence of the use of biological agents in violation of this convention is compelling. And now a new source of convincing data has opened up for Western review and from an unusual source.

That source of new information is the People's Republic of China. They indicate that Chinese troops have died from booby traps dispensing agents that fit the description of the biological materials used in Cambodia.

According to an article in the Boston Globe, the Chinese have shared their information about these incidents with the United States. All signs point toward the use of mycotoxins by the Vietnamese. Mycotoxins probably only can be produced in military quantities in the U.S.S.R.—the Vietnamese ally in battles against Cambodia and the People's Republic of China.

Mr. President, this makes for several conclusions. The first, and most important, is that the U.S.S.R. probably, and I stress the word probably, has broken the Biological Warfare Convention. Second, it indicates the futility of agreeing to treaties that do not contain verification and compliance clauses.

Mr. President, I ask unanimous consent that an article from the Boston Globe be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Boston Globe, July 30, 1982]

TOXIC WEAPON USED ON CHINESE?

(By William Beecher)

WASHINGTON—Now comes word that the Vietnamese used deadly chemical warfare agents in 1979 against the invading forces of China.

Diplomatic sources say the use was not widespread but came in an unusual manner. Chinese troops moving down jungle trails in northern Vietnam stumbled over ankle-high tripwires which detonated booby traps hung in overhanging branches. Many of those exposed reportedly got extremely sick and died within a day or two.

The report is potentially significant in two respects.

First off, all previous allegations of banned chemical and biological agents being employed have come from Western, mostly American, officials based in large part on hearsay evidence from illiterate refugees—from Laos, Cambodia and Afghanistan—not from a government whose scientists could analyze what they found used against their army in battle.

And secondly, the description of the type of weapon used to dispense the agents fits with reports of similar devices used against antigovernment forces in Cambodia and supplied, by the Soviet Union, to Cuba more than 10 years ago. That raises the question whether Moscow regards chemical and biological weapons as just another form of conventional weaponry, to be employed when more effective than other standard arms, international agreements to the contrary notwithstanding.

Details are hard to come by since the Chinese have not yet gone public with their evidence and since information about the special booby traps is being closely held in the intelligence community.

But well placed sources say China has discussed its findings with American chemical warfare specialists, in part to compare notes about analytical techniques to identify the agent used. The sources say it appears to have been a deadly mycotoxin called T2 which derives from a fungus known as fusarium.

US sources say two Khmer Rouge guerrillas emerged from a firefight with Vietnamese troops in Cambodia not long ago reporting that the Vietnamese had slipped behind their position and strung up booby traps in the trees. When the Khmer Rouge fell back, they triggered the weapons and became very ill. Blood samples from survivors are said to have contained traces of T2.

The US has publicly alleged that mycotoxins used in Laos and Cambodia by Vietnamese forces are not produced naturally in jungle climates and must have been supplied by the Russians, who have written extensively of research on toxins from fusarium.

Furthermore, some Vietnamese military defectors have told U.S. intelligence they carried Soviet-manufactured chemical munitions toward the China border during the 1979 fight: they said they were told the weapons would be used it China initiated chemical warfare.

Finaly, a Cuban military defector said the identical type of booby trap was supplied by Moscow to Havana in 1970. He did not know what the traps were armed with or whether they were actually employed, for instance, in Angola or Ethiopia by Cuban forces there.

In response to inquiries from a United Nations team investigating alleged use of banned agents, the Soviet Union has provided a report conceding that T2 and other mycotoxins have shown up in Indochina, but they charge the United States is responsible.

The United States, the Russians said, deviously cleared and sterilized large areas of Vietnamese jungle with herbicides and napalm, then seeded the soil with elephant grass, knowing it would provide the breeding ground for fursarium. The spores from the fungi were windblown into Laos and Cambodia, they concluded, causing the deaths blamed on Soviet-supplied weapons.

It is long past due that an independent body of internationally respected scientists conduct a well publicized investigation whose conclusions will not be suspected of ideological bias. Otherwise some of the most repugnant weapons known to man could indeed become widely used "conventional arms."

IN MEMORY OF GORDON RULE

Mr. PROXMIRE. Mr. President, it is with sorrow and personal regret that I note the death of Gordon Rule, one of our Nation's most respected and authoritative experts on procurement.

I can speak with considerable personal experience about the qualities of Gordon Rule for he appeared several times before me as chairman of the Joint Economic Committee or one of its subcommittees.

I always found Mr. Rule to be an articulate and forceful proponent of the taxpaying public. Often he said things without regard to the political or bureaucratic consequences and this is a characteristic that few in Washington have. Perhaps his comment about Roy L. Ash's nomination to be head of the Nixon administration's Office of Management and Budget makes this most clear. He told my committee that President Eisenhower must be twitching in his grave as a result of the cost overruns which were incurred under Mr. Ash's leadership at Litton Industries. I can tell you that comment caused quite a stir that day but once again he had put truth ahead of personal safety.

Let me say that from time to time I ran afoul of Mr. Rule's perceptions of the right policies to pursue in naval shipbuilding. He used to criticize some of my opinions with the same vigor that he took on the bureaucracy. And that is just one more reason why I respected him so highly. He spoke out. He was not afraid of the consequences. He was a true patriot in that he fought for efficiency in Government and did not tolerate anything less than that total goal of cost-effectiveness at every level of Government.

We need more men and women in Government with the capacity for analysis and the personal courage to speak out like Gordon Rule. The Government has suffered a loss and so too the American taxpayer.

THE PARIS RESTAURANT KILLINGS: CONFRONTING THE ASSUMPTIONS OF HATRED

Mr. PROXMIRE. Mr. President, recently, four French citizens and two Americans were killed in a Jewish restaurant in Paris. The world has expressed its strong condemnation of this atrocious act. I would like to add my voice to that chorus of outrage.

Murder, in itself the most heinous of crimes, takes on one of its ugliest aspects in circumstances like these. The six victims were selected at random as the terrorists fired into the crowd. These six people had injured no one. They were not killed because they, as individuals, had harmed any person or any group. They were killed because they were patronizing a Jewish restaurant. They were killed because they were thought to be either Jewish or sympathetic to the Jewish people.

Let us look for a moment at the assumptions behind these killings. First and foremost is the assumption that the taking of life is an appropriate means of expressing a point of view. This assumption is patently wrong and utterly abhorrent. Any individual or group that has feelings to vent may do so through peaceful means. There are no circumstances which would permit the use of violence for that purpose.

Also underlying this crime is the assumption that a commonality of national and religious heritage implies a commonality of political intent. French officials believe that current tensions in France concerning the Middle East crisis are linked to this and other recent anti-Semitic incidents there. The basic mechanism of prejudice is evident in such transferrals of anger from those at its original source to other, uninvolved persons who happen to be of the same race, religion, or nationality. The notion that a shared cultural and religious heritage allows French Jews to be held responsible for the actions of the Israeli Government is repugnant to any civilized conception of equity and fairness.

But the assumptions involved in this ugly crime run deeper than a reaction to current political developments. Apparent in this action is the poisonous idea that cultural differences are somehow more important than the bond of a common humanity, and that such differences are grounds for fear, hatred, and enmity. This idea, so completely irrational and so terribly tragic, is nevertheless widespread, strong, and dangerous. It is and always will be a reality.

These assumptions are not confined to one terrorist organization, nor to one nation, one point in time, or one group of victims. These beliefs are everywhere; they are hidden in the dark recesses of all human minds. They may be dormant, they may be deeply buried, but in times of great tension they can be stirred to life. We must recognize this fact, we must confront it, and we must control it.

That is why we need the Genocide Convention. Because the same assumptions, the same beliefs that led to six deaths in a Paris restaurant also led to 6 million deaths in Nazi concentration camps. The difference is not one of substance, but of degree. Those who are willing to kill even one member of a group merely because of his/her membership in that group, may well be willing to kill a great many.

The U.S. Senate should not wait for that to happen. Six deaths is six too many; let us take every step, no matter how small, to see that the killing stops there. I urge the Senate to add the support of the United States to the treaty that seeks to prevent such killing: the International Genocide Convention.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

DR. LOYAL DAVIS

Mr. GOLDWATER. Mr. President, yesterday, unfortunately, Dr. Loyal Davis, the father of Mrs. Reagan, passed away in my hometown where he and his dear wife Edie have lived for many, many years.

Dr. Loyal Davis is one of the most eminent neurologists who has ever lived, the first neurologist to practice in the city of Chicago, and a man dedicated to the improvement of surgery not only in his own specialized field but in the whole gamut of surgery as practiced around the world.

He was a wonderful man, a wonderful father, and I just wish to say to the Senate that this country has lost one of its most outstanding citizens, not that he happened to be the stepfather or father, as I call him, of Mrs. Reagan, but a man whose qualities have been known to me for many, many, many years, and the country is going to miss him.

I wish to express the condolences of my family and my entire State to Mrs. Reagan and to Mrs. Loyal Davis.

Mr. PROXMIRE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am happy to yield.

Mr. PROXMIRE. Mr. President, I am delighted to join in tribute to Dr. Davis. My father was a doctor in the Chicago area and knew Dr. Davis and had the greatest admiration and respect for his great skill as a doctor, fine personality, and great integrity.

LABOR DEPARTMENT STUDY GIVES REASONS FOR FAILURE TO ENFORCE ERISA EFFECTIVELY

Mr. NUNN. Mr. President, for the past several years, first as chairman of the Permanent Subcommittee on Investigations and now as its ranking minority member, I have criticized the U.S. Department of Labor for the manner in which it has carried out its duties under the Employee Retirement Income Security Act, ERISA.

It has been my view, as well as the view of other members of the subcommittee, that the Labor Department has not been diligent in protecting the rights of union members who belong to, or are beneficiaries of, pension and welfare plans.

The subcommittee has had special interest in the Central States Pension Fund of the Teamsters Union. The subcommittee, in its report of August 3, 1981, accused the Labor Department of poor management and mistaken judgment in the Government's 6-year, $8 million investigation of alleged questionable conduct by trustees and administrators of the Central States fund.

An important criticism leveled at the Labor Department was that it had

failed to examine properly the allegation that organized crime figures and their surrogates had influenced management of the fund and that the result of organized crime's control was that large amounts of money had been looted through questionable and illegal loans and other transactions.

The subcommittee found that instead of directing a professional, procedurally sound investigation of allegations of questionable and illegal conduct, the Labor Department deliberately ignored evidence of criminal wrongdoing and rushed into a civil suit against fund trustees, thereby eliminating the possibility that recipients of fund loans and other culpable third parties would be brought to justice for the alleged widespread looting of the fund. The civil suit against former trustees of the fund is still in the court.

The U.S. General Accounting Office, asked by the subcommittee to evaluate the Department's investigation, came to conclusions similar to those reached by the subcommittee. In certain areas, GAO's criticism was more hard hitting than the subcommittee's. GAO also took a close look at the actuarial soundness of the fund and concluded that, because of past management practices, the fund's financial condition was not as good as it might have been. "Thinly funded" was the way GAO characterized the $3.4 billion corpus, one of the largest multiemployer pension plans in the Nation. The fund's unfunded liability as of January 1, 1980 was $6.05 billion.

A point of contention between the subcommittee and the Labor Department had to do with the mandate ERISA gave the Department to pursue criminal violations. The Department claimed it had very limited responsibility to investigate criminal activity in pension and welfare plans. The subcommittee disagreed, contending that ERISA intended for the Department to move against criminal violations with the same intensity that it was to attack civil infractions of the pension reform statute.

GAO, the Justice Department and the Library of Congress sided with the subcommittee in the debate over the Labor Department's obligation under ERISA to detect, investigate and make proper referral to Federal prosecuters of criminal violations in pension and welfare plans.

Finally, after several years of dispute over this point, Raymond J. Donovan, who took over as Secretary of Labor in 1981, testified before the subcommittee that his department did have the duty to detect, investigate and make proper referral of allegations of criminal activity in pension plans.

I have commended Secretary Donovan and his aides for their recognition of the proper role of the Department as directed by ERISA.

I also commend Secretary Donovan for commissioning a study within the Labor Department which examined the effectiveness of the Department in enforcing ERISA.

The May 1, 1982, study, entitled, "Evaluation and Recommendations, ERISA Enforcement," was sponsored jointly by the Department's Office of the Inspector General and the Labor Management Services Administration. The study was made available to the subcommittee. It is an important document for two reasons. First, it reveals in precise language why the Department has not been able to enforce ERISA effectively. Second, it offers practical and sensible recommendations on how the Department can enforce ERISA as Congress intended.

The study's recommendations include proposals to improve communication between the Washington headquarters of the Labor Department and its regional and area offices; devote more investigative resources to detecting and making inquiry into reported ERISA and title 18 violations; make more efficient the Department's use of information filed in annual reports by pension and welfare plans; improve training of investigators; and develop a better system for litigating alleged ERISA violations.

The Labor Department study, the result of a 3-month, 10-person inquiry, notes that ERISA cites six criminal acts for which it provides penalties. They are first, the embezzlement and theft of pension fund moneys; second, false reporting; third, kickbacks; fourth, criminals serving in fiduciary positions; fifth, violations of ERISA-mandated reporting and disclosure rules; and sixth, unlawful efforts to deny fund beneficiaries or participants their rights by force or violence. The new Labor Department study then goes on to say:

> The legislative history of ERISA indicates that Congress considered the six criminal acts specified to be so threatening and so dangerous to the rights of participants and beneficiaries that it prohibited them under threat of fines, imprisonment and debarment. Civil remedies only were provided for the other prohibited transactions and for breaches of fiduciary duty.
>
> The legislative history of ERISA also indicates that Congress considered the six criminal acts so threatening and so dangerous that it expected that plans, programs and strategy would be devised to seek out instances where theft, embezzlement, false statements, bribery, kickbacks, etc. existed. DOL (Department of Labor) was given broad powers under the Act: it was given the power to specify and require reports; to examine books and records; to call witnesses; to hold hearings and much more. Congress expected DOL to exercise a leadership role, acting alone and with other government agencies, to develop on a continuing basis the plans, programs and strategies to detect, investigate, litigate and prosecute not only prohibited transactions and fiduciary violations covered by civil remedies in the Act, but also the criminal acts punishable by fines, imprisonment and debarment.

With the above statement setting out in no uncertain terms the responsibilities of the Labor Department in criminal matters under ERISA, the May 1, 1982, study then details the organizational, procedural, and professional shortcomings in the Department that rendered it incapable of enforcing ERISA properly.

The study found that:

First. Since 1978, the number of personnel assigned to the ERISA program declined 29 percent, raising questions as to the adequacy of available resources.

Second. Investigating agents, working under the Labor Department's pension welfare benefit program, are hired, fired, transferred, promoted, and disciplined by another section of the Department. This causes an organizationally confusing situation in which the officials vested with responsibility to enforce criminal and civil law regarding pension and welfare plans have limited authority over the agents in the field who carry out the enforcement.

Third. Too many levels of review are imposed between the agent in the field investigating the alleged violations and Labor Department officials who are responsible for action. In the field, the agent's report of investigation is reviewed, in this order, by his "Track Supervisor," the Deputy Area Administrator, the Area Administrator, the Deputy Assistant Regional Administrator, the Assistant Regional Administrator and the Regional Administrator. Then, once those six levels of officers have reviewed the report of investigation, it is sent to Washington where it is read, in this order, by an analyst, the Regional Coordinator, the Chief of Fiduciary Standards and Investigations, the Assistant Administrator for the Office of Enforcement and the Solicitor's Office. In many cases, years have gone by before the Labor Department completed its review process and decided how to respond to reported ERISA violations.

Fourth. Labor Department policy, as spelled out in official publications, is that criminal violations in pension and welfare funds are to have the lowest priority in allocation of investigative resources. A January 1978 Labor Department manual, entitled, "PWBP (pension welfare benefit program) Compliance Strategy Document," stated:

> Criminal investigation cannot be allowed to displace the civil investigative efforts required under ERISA.

The manual added:

> Criminal investigations by PWBP personnel (agent) are to be minimized.

In addition, agents were directed to spend 85 percent of their time investi-

gating a limited range of alleged civil violations. Agents were discouraged from working with U.S. attorneys in the investigation of criminal cases. The study found that most Labor Department agents believed that the Department's enforcement policy discouraged or sought to prevent them from detecting and investigating criminal violations of ERISA and title 18. Because of the inordinate focus on civil inquiry, the study concluded:

Based on the field interviews and the documents reviewed, the (reviewing) committee has concluded that no federal agency including DOL is presently conducting a program to find ERISA criminal violations. With the emphasis on noncriminal cases in the present ERISA enforcement policy, the committee is of the opinion that the Department is not fulfilling its responsibility under ERISA to provide a balanced enforcement program. . . . The committee believes that the present enforcement resources are grossly inadequate.

Fifth. ERIAS violation cases, along with title 18 criminal cases in the pension and welfare fund field, are managed poorly. Leads uncovered by agents' investigations are not developed fully. Preliminary information indicating criminal wrongdoing is not pursued or referred to the Justice Department promptly. The study cited delays of 18 months and longer from the time an agent's report of investigation is filed until the Solicitor's Office makes a judgment as to how the Department should proceed. Inadequate attention is paid to the "Statute of Limitation" on both criminal and civil cases. The following cases were used as examples of poor case management:

In May of 1980, evidence was developed indicating that an investment advisor to a pension plan was receiving kickbacks. The possibility of using the Federal kickback statute (18 U.S.C. 664) was not raised at all levels of review of the case. A local district attorney now has the case under investigation.

In December 1977, information was developed indicating that a plan administrator might have embezzled funds in violation of 18 U.S.C. 664. The case was not brought to the attention of the Justice Department for 18 months.

In July of 1975, an agent found evidence that employees of a firm were being fired to prevent them from participating in a pension and profit-sharing plan. This is a potential violation of section 510 of ERISA. In that same month, the case was referred to the Solicitor's Office in the Labor Department in Washington. Today—6½ years later—the case is still pending in the Solicitor's Office. The Solicitor still has not decided what to do with it.

In March of 1980, it was alleged that a plan administrator had misappropriated more than $40,000 in plan funds. Civil action was initiated by a plan participant. A judgment was entered against the administrator in October of 1980 as a result of the civil action. But the criminal aspect of the case—the alleged embezzlement of plan funds—was not referred to the Justice Department until February of 1981.

In June of 1979, the Labor Department received a complaint that the total assets of a pension plan had been loaned to the plan sponsor to pay off a bank loan. The bank was a trustee of the plan. Nine months later—in March of 1980—an agent was assigned to investigate. Seventeen months later—in August of 1981—the agent's report of investigation was transmitted to the Office of Enforcement. The report recommended removal of the trustees; repayment of the loan with interest; and distribution to participants. In August of 1981, the Solicitor's Office, which now had the file, requested additional inquiry. In the field, the Regional Administrator objected to further inquiry, saying that Washington officials would never do anything on the case anyway and that the best that could be hoped for was voluntary corrective action by the fund trustees. In September of 1981, the Solicitor's Office initiated additional investigation. Subpenas were served for records. Depositions were taken. The case file does not reveal what documents the subpenas produced or copies of the depositions. By February of 1982, the Solicitor's Office had decided not to take legal action against the plan's trustees but to send them a letter proposing voluntary corrective steps. No further action was taken by the Department.

In March of 1978, the Labor Department received information that a welfare fund had made imprudent loans and that the fund had not filed reports with the Department as required by ERISA. In October of 1980, a report of investigation was filed in the Department of Labor's regional office setting forth evidence of improper loans amounting to $1.5 million. The report of investigation made its way to Washington where it was referred to the Solicitor's Office early in 1981. The Solicitor's Office has taken no action. The case file indicates that first, a private suit has been filed against the fund and the trustees; second, allegations were received of possible criminal acts by the former fund administrator; and third, there is no documentation that any of this information was referred formally to the Justice Department, only the undocumented "understanding" that the matter was sent to the Federal Bureau of Investigation in an "informal" manner.

In June of 1970, Labor Department investigators opened a case in which pension fund irregularities were alleged. In June of 1980, a report of investigation was filed indicating that fund trustees purchased stock of the sponsor company at a price in excess of market value; that life insurance was purchased on the company president, with the beneficiary being his estate and not the plan; that the trustees failed to keep minutes of their meetings; and that the plan was bonded inadequately. It was recommended to the Solicitor's Office in October of 1980 that litigation be initiated. Seven months later—in May of 1981—the Solicitor's Office rejected the recommendation, saying:

We concur with a finding that certain ERISA violations have occurred. However, we believe the matter should be referred to IRS.

Sixth. Agents and other Labor Department officials outside Washington said litigation based on ERISA is not initiated in a timely fashion. This is regrettable because litigation is considered an effective means to protect fund assets and recover assets already diverted. In several cases, however, assets were not protected or were jeopardized because of the Labor Department's failure to have a more aggressive and comprehensive litigation strategy. Frequently, the assets which are not protected and placed in jeopardy involve relatively small plans. Because cases are litigated infrequently, several Labor Department officials said they had settled cases for less financial compensation than the plans were entitled to since this was the best deal they could get for the plans.

Seventh. The ability of the Labor Department to detect ERISA violations was called into question. Labor Department officials said there was no nationwide Department program to detect cases of deliberate failure to submit reports, or the willful submission of false reports. Also noted is the failure of the Department to detect other ERISA violations, as well as title 18 violations.

Eighth. There is general agreement among agents and other field officials involved in ERISA enforcement that investigative personnel are trained insufficiently. The Labor Department's policy regarding agents' training requirements is unclear and there appears to be no organized approach to training.

Ninth. In five of the six Labor Department Regional Offices, strong criticism was leveled at the Solicitor's Office. The Solicitor was faulted for first, excessive delays, sometimes of 2 and 3 years' duration, in deciding on whether to bring litigation; second, giving self-serving or illogical reasons for refusing to litigate; third, intervening in on-going cases and negotiating settlements unilaterally without consulting with the pension welfare benefit program; fourth, showing no interest in cases which had required long periods of investigation by agents; fifth, having no interest in litigating

reporting violations; and sixth, failing to furnish guidance on statute of limitation problems.

Tenth. The Labor Department has not organized itself in such a way as to make efficient use of pension and welfare fund annual reports. Computerized data from reports is not used efficiently to detect ERISA violations. The Department has no program to flag delinquent reports. When it did try to install such a program, it failed, sending out hundreds of thousands of letters falsely accusing plans of reporting violations, only to learn that the notices went to plans which were in compliance. The study notes:

A serious question can be raised as to how DOL can be expected to enforce the other provisions of ERISA if it cannot enforce its basic requirement on plans to file annual reports.

The last major violation detection effort made by the Labor Department was in March of 1981 when the data reviewed was 1978 annual reports. When this effort was made, 40,000 pension plans were reviewed and more than 14,000 possible violations were found. But when the results of the "targeting run" were sent to the field for inquiry, they were rejected by agents and officials on the grounds that the data was 3 years old.

In summary, Mr. President, this Labor Department internal report demonstrates the fact that for the last 7 years—the entire life of the historic 1974 pension reform statute—the Department of Labor has fallen far short of proper enforcement of the law.

The internal report makes clear what the Senate Permanent Subcommittee on Investigations has been saying—namely, that the Labor Department has not met its responsiblity to protect pension and welfare funds against criminal exploitation. Unfortunately, it has taken the Department 7 years to realize the full extent of what Congress intended. Pension and welfare funds have been exposed needlessly to the threat of looting. Now, having recognized previous failures, the Labor Department should take steps to carry out corrective action.

This new report indicates that the Labor Department is coming to recognize its own important role in enforcing ERISA. This is a detailed and frank appraisal of the problems the Department must correct if it is to improve its enforcement of ERISA. This is an encouraging document because it shows that, finally, the Department is facing up to its responsibilities in regard to pension and welfare funds and that it is prepared to initiate the necessary corrective action. I commend Secretary Donovan and his aides associated with the preparation of this report.

CRIME CONTROL ACT OF 1982 TITLE IV—HABEAS CORPUS REFORM

(By request of Mr. NUNN, the following statement was ordered to be printed in the RECORD:)

● Mr. CHILES. Mr. President, we are now entering the fourth month that Senator NUNN and I have come to the floor of the Senate each day to urge our colleagues to pass legislation to fight crime and to reform our criminal justice system. We have two crime fighting bills on the Senate Calendar right now, and by passing either one of those proposals, the Senate would be taking an important step forward in the battle to make our communities safe for law abiding citizens. I am encouraged by the fact that both bills have received broad bipartisan support. But I am dismayed because, despite this support, and despite the fact that the bills have been on the Senate Calendar for almost 3 months, the Senate has not yet acted to pass them. In the meantime, the end of this session draws closer and closer. In fact, we have as few as 22 days remaining in this session of Congress, which makes it imperative that we act promptly on crime fighting measures if we are to have any chance of putting tough new laws on the books this year.

Mr. President, a recent poll disclosed that over 70 percent of the American people have little or no confidence in the ability of our courts to convict and sentence criminals. I believe that this lack of public confidence in our criminal justice system is well founded, and that reform of our courts is essential to the fight against crime. One important aspect of this court reform must be establishing more finality in our criminal justice system, and that means doing something about the endless number of appeals a prisoner is able to file under today's Federal habeas corpus statutes. Once again, we have the opportunity to reform our habeas laws, and to establish more finality in our criminal justice by acting on either one of two habeas reform proposals now pending on the Senate Calendar. Title 4 of S. 2543, a bill that Senator NUNN and I introduced, contains habeas reform measures. Another habeas reform bill, S. 2838, was introduced by Senator THURMOND and was placed on the Senate Calendar this past Tuesday. Both Senator NUNN and myself are cosponsors of that reform proposal.

Mr. President, the movement to reform our inadequate habeas laws continues to grow and to gain momentum. Recently, Mr. Frank Kelley, the attorney general of the State of Michigan, sent a letter of support for habeas corpus reform. He joins the many others involved in our criminal justice system who have called on us to act to restore the writ of habeas corpus to its original purpose. I would like to share some of the points Attorney General Kelley raised in his letter with my colleagues. He stated and I quote:

An overview of federal habeas corpus litigation in Michigan reveals that the majority of petitions . . . are frivolous in nature. I am informed that of the twelve hundred habeas applications filed in Michigan since 1977, only seven have required issuance of the Great Writ. Another troubling fact is that many of the petitions seek review of issues already examined in detail and rejected by Michigan's corrective tribunals. The all too frequent result, therefore, is duplication of effort and unnecessary expenditure of state and federal funds. For these reasons, I have become convinced that the statute under which habeas actions are brought should be modified so as to promote the state's interests in finality in the criminal process and the preservation of limited state economic resources. These interests must, of course, be balanced against the vital individual interests historically protected by habeas corpus. It is my view that the administration's [habeas reform] proposals adequately protect and promote these essential interests.

I agree with Attorney General Kelley that the present habeas system creates an unnecessary and unwarranted burden on both our Federal and our State court systems. I also agree with another point that he makes in his letter, and that concerns the need for Federal courts to give recognition to the competence of our State courts to examine and determine constitutional issues. It is my belief that our State courts are fully capable of assuring that each individual who is on trial receives the constitutional protections he is guaranteed. In fact, as Attorney General Kelley points out, some State courts, like the Michigan courts, actually give criminal defendants rights that are in excess of those mandated by the Constitution. Nevertheless, under our present habeas laws, we end up with a system in which the Federal courts review practically each and every aspect of the State court criminal trial.

Mr. President, the Senate has an opportunity to heed the calls for reform which have been raised by persons from across the country, and to reform our habeas corpus laws. We can do that, but only if we act promptly to pass the habeas reform legislation which is now ready to be considered by the Senate. There is no reason for further delay. I urge my colleagues to act now.●

SUPPLEMENTAL APPROPRIATIONS, 1982—CONFERENCE REPORT

Mr. ANDREWS. Mr. President, I ask unanimous consent that the Senate return to the consideration of the conference report on S. 6863.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate resumed consideration of the conference report.

Mr. ANDREWS. Mr. President, I would first like to thank the distinguished ranking member of the Transportation Subcommittee, Senator CHILES, for his help with this bill. His support and cooperation has been outstanding.

Mr. President, I recommend this bill to my colleagues for passage as a responsible and essential mechanism addressing the supplemental funding needs for the 1982 fiscal year. This bill is nearly $2 billion under the President's request and provides the necessary pay and operations funding to keep the Government operational through the end of the fiscal year.

Included in the transportation portion of this bill is $111 million for the Coast Guard and $203 million for the FAA. I have been told by the Department of Transportation that if this money is not made available, Coast Guard facilities will have to be curtailed and in some cases closed around the first week in September.

Mr. President, I point out to you and my colleagues that we all anticipate being back in our States over the Labor Day weekend. I say as chairman of the Transportation Subcommittee there are few, if any, Coast Guard facilities in North Dakota but there are many Coast Guard facilities in the States of our colleagues. I can imagine the number of telephone calls and concerned inquiries Senators are going to get if those search and rescue stations and other Coast Guard facilities are shut down over the Labor Day weekend.

In the case of the FAA, furloughs would be required across the country at all levels of operations. These events would both come during the increase in recreation and travel activity which occurs around the Labor Day weekend.

Mr. President, the only other major program which needs to be highlighted in these brief remarks is the interstate transfer grant program for highways. Although the conference agreement includes $112.5 million for this program, let me say that we have not even begun to meet the $1 billion need for ready-to-go highway construction projects to be funded out of this account, nor the $5.7 billion total outstanding commitment the Federal Government has to the States and local jurisdictions through this program.

Mr. President, the legislative process is one of compromise and the administration must also participate in this compromise. I know the administration has some reservation about the way funds in this bill have been distributed, but its passage is essential to keep vital transportation safety components working. I am, therefore, not only recommending to my colleagues that they pass this bill, but I am also announcing my support for it, to the point of committing my vote to override any possible veto of this bill because I think it is extremely important that we have it passed and on the books before we move into this Labor Day weekend.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, now may I address the question to the distinguished Senator from Michigan as to whether it would be possible to proceed to adopt the conference report so that we might have the discussion on the amendment in disagreement?

Mr. LEVIN. Before I answer the inquiry, I do wish to make sure that there is no misunderstanding about one thing that I said before. The majority leader as always has kept his word on this matter but what the majority leader told me and what I think I indicated before is that he would attempt to get a vote on this amendment prior to the August recess.

The majority leader has certainly made that attempt and is now making that attempt, I presume. The majority leader has in all respects carried out his word. He also indicated to me it was his hope and belief that we could complete the debt ceiling bill prior to going out in August, and there is no doubt that that was his belief at the time he so expressed it.a

So let there be no misunderstanding, the majority leader has certainly carried out his commitment in all respects and is now attempting to continue to do so.

I am unable to have the conference report voted on because I believe it would lose the opportunity for me to make some extensive remarks on what I believe is a matter which must be resolved in a timely fashion.

What I am asking for is that a unanimous-consent request be propounded to allow me to bring up this amendment after the disposition of the conference report. That is all I seek. I am not seeking to hold up this conference report. I am seeking to have another urgent matter voted on today. So I am unable to agree with the request from the Senator from Alaska.

Mr. STEVENS. I thank the Senator from Michigan.

Mr. President, did the Senator from Vermont have a colloquy he wished to pursue?

Mr. STAFFORD. Mr. President, if the Senator from Alaska will yield, the Senator from Vermont wants to have a colloquy with the manager of the bill, Senator HATFIELD, within 2 or 3 minutes, as soon as the Senator comes on the floor. It will be a short colloquy.

Mr. STEVENS. I thank the Senator. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I believe my colleague from the State of Vermont, Mr. STAFFORD, has some questions.

Mr. STAFFORD. Mr. President, I do have a question and some observations to address to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. President, I would like to discuss with my good friend from Oregon, the distinguished chairman of the Appropriations Committee, one of the provisions of the conference agreement on the supplemental appropriations bill. Senator HATFIELD, as you are aware, the conferees agreed to an amendment offered by myself and Senator LEAHY which would have provided $300,000 for two Vermont institutions of higher education. I want to clarify with you the intent of my amendment, which was offered because of new authorizing language contained in H.R. 6863 changing the distribution formula for the $5.2 million provided in supplemental funds for the title III program. Two Vermont institutions, the Community College of Vermont and Castleton State College, were already ranked on a list of title III eligible institutions and could have qualified for funding if the supplemental bill had been approved without restrictive language that had been added by the committee.

Mr. HATFIELD. The Senator from Vermont is correct in his statement.

Mr. STAFFORD. I understand the reason why the committee inserted the new language, in order to insure that institutions which serve large numbers of Hispanic and native American students receive adequate funding under title III. In order to insure equity for my Vermont institutions, however, I offered my amendment to make certain that these two Vermont institutions—Castleton State College and the Community College of Vermont—will receive funding as designated in my amendment.

I am hopeful that the compromise which was worked out by the conferees is one which pleases all involved, and I especially want to thank both

the distinguished chairman of the full Appropriations Committee, Senator HATFIELD, and my friend from New Mexico, Senator SCHMITT, the chairman of the subcommittee, for their invaluable assistance in this effort.

Mr. HATFIELD. I am delighted to be able to clarify the amendment with the Senator from Vermont. I want to assure him we will pursue it, and I appreciate his leadership on the subject.

Mr. STAFFORD. I am very grateful to the distinguished chairman of the Appropriations Committee for his cooperation.

Mr. HATFIELD. I thank the Senator.

Mr. STEVENS. Mr. President, before we complete action on the conference report on the regular supplemental appropriations bill, H.R. 6863, I would like to clarify the purpose of the $11.1 million that is provided in this bill for the transfer of the BIA day schools to the State of Alaska.

Alaska has been working with the Bureau since statehood in accepting the transfer of BIA schools at the rate of two or three a year. Our State has already assumed $80 million in construction costs alone associated with the transfer of these schools over the years.

I would point out to the Senate that Alaska is the only State that is proceeding to carry out its commitment to provide quality education for its children and not rely upon the Federal Government through the BIA program, to provide educational opportunities for our native children.

The purpose of the funding in this bill is to help the State meet the substantial repair and renovation costs associated with the transfer of these schools.

A long time ago, the beginning of our period of statehood, the Federal Government agreed to bring the schools up to total standards before they were transferred to the State. Now the schools will be opening in less than 3 weeks and many of the schools being transferred do not meet the uniform building, fire, and sanitary code requirements for public buildings. Our State schools do meet these requirements but the Federal Government has not complied with them. This funding will assist or will help assist the State in opening the schools on time and in a safe condition, and primarily in meeting the fire and safety codes that I think ought to be at least bare minimum for the operation of schools in the remote areas such as these are.

In providing funds to Alaska, it is not the intention of Congress to effect the legal rights of one of the schools, Goodnews Bay, to contest the Department of Interior's decision to transfer this school to the State.

This act does not mandate the transfer of those schools. It provides the funds to assist in the transfer. The problems related to the transfer must be worked out by the Bureau of Indian Affairs, the State of Alaska, and the village involved.

I thank the Chair and I suggest the absence of a quorum. I withhold that.

Mr. ABDNOR addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. ABDNOR. Mr. President, chapter 13 of the supplemental appropriations bill for 1982 is the responsibility of my subcommittee. In the opinion of my ranking minority member and myself, we have provided the absolute necessities required by the agencies during the remaining balance of this fiscal year. Senator DECONCINI and I were as frugal as possible. However, it must be remembered that the two biggest items in our chapter are mandatory. We had to provide $303,257,000 for the civil service retirement and disability fund. Additionally, we had to provide $303,806,000 for the annuitants and Federal employees health benefits plan.

Mr. President, I have heard rumors that the President might veto this bill. A veto would be the height of folly because if his health benefit money is not available by August 20, the health insurance carriers can declare their insurance plans void and refuse medical coverage to over 9 million people. Such an event would prove catastrophic and be a breach of faith for those individuals who presumed they were covered by health insurance.

Mr. President, there is money in my chapter of this bill for the personal security of the President and security of the White House office complex. This consideration alone makes it absolutely imperative this supplemental be enacted as soon as possible.

Mr. President, this legislation is not, I repeat and emphasize not, budget-busting legislation. It is far below the President's own budget. We in Congress have kept the faith. We have held down spending in this bill. It is now time for the executive branch to keep faith with Congress and insure that this bill becomes law immediately.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, what is the status of the pending measure?

The PRESIDING OFFICER. The pending question is the conference report on H.R. 6863.

Mr. HATFIELD. Is the matter open for further discussion or debate?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, this conference report contains many needed items. I intend to vote for this conference report when it is put before the Senate.

There is another critical question which we have to resolve before we leave today. It is a question which we delayed resolving for month after month in the U.S. Senate. It is a matter which is time critical. The matter will appear very different to us in September than it does in August. Unlike some of the other matters which we have been debating in recent days, unlike the amendment on the debt ceiling bill relative to abortion, relative to prayer, which we cannot resolve and will not resolve before we leave today, there is a matter which we should resolve before we leave today.

It is a matter that I want to bring to the attention of the Senate and hope that a way can be found that we can vote on this today after we dispose of the conference report. And that is a matter involving about a quarter of a million students in this country whose parents, for the most part, are no longer here to fight for their rights because they are gone. These are parents that were promised that if they died, whether here or in the war in Vietnam, that their children would receive the social security benefit promised to them through college. That was a solemn promise that we made to people who are no longer here to remind us of it. And unless we have an opportunity to vote and to preserve the social security student benefits for this year, that is a promise which this Government will break. And again we will be breaking it to people who are no longer here to fight back.

Forty-five thousand of these students are orphans of soldiers who were killed in Vietnam. When they went to Vietnam, they were assured that if they did not come back, that this social security benefit would be there for their children in the decades ahead. They had a right to rely on that commitment of this Government, and I presume that many or most of them did rely on that commitment.

About 200,000 of these students are the children of other persons who made contributions to our social security system with the same assurance; that if they died or became disabled, that the survivor benefit or the social security benefit to which they were entitled would continue for their children through college.

Mr. President, there are a lot of needs that are contained in this conference report. The Senator from Oregon and the Senator from Wisconsin have worked hard on this conference report and I want to commend them on it. I think my relationship with both of them is such that they know that it would be a fairly significant moral question which would be involved for me to raise it in this fashion. But there is a significant moral question which is involved, and that is whether or not we are going to have an opportunity to vote—just to vote—on the question of whether we preserve a benefit for these students, these quarter of a million students who are out there waiting for some kind of guidance from this Congress.

Hearings have been held on this matter in both Houses. Extensive hearings have shown over and over and over again the kind of reliance that was placed on this student benefit. And I believe that this Senate can keep this commitment to at least vote, vote before school starts in September, as to whether or not we want to keep this commitment for 1 additional year.

I wish to read to you the testimony of Mrs. Alice James, of Chestertown, Md., before the House Subcommittee on Post-Secondary Education. She testified as follows:

Mr. Chairman and members of the subcommittee. I am Alice James.

I appreciate the opportunity to appear before you to discuss the impact of the elimination of survivor benefits for college students. I shall read my testimony.

I teach in Chestertown, Md.—English to the Kent School, and writing at Washington College, and am the widow of a scholar who taught at Washington College for 25 years. But it is not as an educator that I am here today; it is as the parent of four students aged 15 to 21. As a widowed parent I must convey to you the plight of not just my own children, but of thousands like them who may be unjustly deprived of the benefits their dead parents earned for them, the benefits which would enable them to contribute their talents and skills to our society.

Let me explain the impact of the cuts on my own family. My oldest child will graduate from college in May. Until recently she had expected to go on to graduate school, preparing herself for a career in teaching or a related field. As a result of the extraordinary stress the cuts will impose on our family, she is shelving her plans and looking for a job. I pray that she will find one. Her father earned his Ph. D. I have an M.A. You can imagine how I feel about this derailment of her professional goals.

My second child is in her second year of college; she too wants to be a teacher. In the next year her annual income from social security will be reduced 50 percent. This year she received 12 checks for $238. During her junior year she will receive eight checks for $178. Her financial planning was predicated on the continued availability of both social security benefits and guaranteed student loans. She is to lose $1,900 in social security, and perhaps $2,000 in loans. How shall we compensate for the loss of $3,900? Which of the other programs will cover our loss?

When she returned to college after Christmas she thought her funding would only be reduced by 25 percent of her annual total. I am ashamed to admit that although I have talked to her since this document arrived on Wednesday, January 27, I have not told her the enormity of her loss. We talked on her 20th birthday. She told me that she missed her father, that she needed him to give her a hug and say. "Your old man is proud of you." Which of you could have delivered another blow? What do you think I should say to her now?

My son is 17. He would be a senior in high school but for a back injury sustained in the spring of his sophomore year. It was misdiagnosed and mistreated for 4 weeks. Finally, he was hospitalized. After another week of painful testing and anxiety, the doctors discovered that their 15-year-old patient had ruptured a disc in his lower back. Summer study was not possible because of lingering pain and the distracting discomfort of a heavy brace. He needed to repeat his sophomore year. Consequently he is not among the high school seniors scrambling to enroll in college program before May 1.

Extend the deadline. Do all you can to help the multitude of youngsters who cannot help themselves. But even if the deadline is extended to June 1, my boy will be deprived of social security benefits for his college education. On the PSAT he scored in the 94th percentile. Which of you wants to tell him that his education is jeopardized by these cuts?

I must add that his hero is the late David K. E. Bruce, envoy to China, ambassador to many European countries, negotiator at the Paris peace talks. He wants to emulate that distinguished career of service to this country. Which of you wants to tell him that his country does not need his services?

And now my youngest daughter, at 15 an enthusiastic sophomore in a stiff college preparatory program. I worry that she will lose her motivation to excel. On the one hand, she knows that her father and I would want her to work as hard as she could to go on to the best college that would take her; on the other hand, she sees what the financial stress is doing to me. What can I do to assure her that somehow we will find a way for her to pursue a career in architecture?

There are thousands of children like mine around the country. There are students who are asking for the benefits their dead parents earned for them. They are asking for help with their education in order that they may contribute to society, not become a drain on it. I wish their mothers could join me here, for I am a weak spokesman for a group of citizens with so few votes. I wish these students themselves could march on Washington and demonstrate outside your doors. But the administration has picked on a silent minority devoid of political clout.

Must I remind you that the G.I. bill and other educational programs have proved that they are a wise investment that pays dividends through the increased productivity and wage-earning capacity of the recipient?

Must I remind you that responsible parents like my husband took the social security program into consideration when they examined their life insurance coverage? And just as they expected their insurance companies to honor their commitment to a prearranged program, so too they expected the government of their country to honor its commitment. Because my husband and his employer were compelled to contribute to the social security program, he could not afford the additional life insurance that would otherwise compensate us for the loss of social security coverage.

Congress has robbed these children of the educational opportunities their parents earned for them. It has also robbed them of faith in their government. I beg of you—restore their funding; restore their faith in their country.

Mr. President, there was a double error made this year.

Mr. PROXMIRE. Will the Senator yield?

Mr. LEVIN. I would be happy to yield if I can get unanimous consent that I can yield without losing my right to the floor and it will not count as a second speech when I return.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. PROXMIRE. I will simply ask, if in the event he secures his wish and the majority leader should get unanimous consent for a vote today on the Senator's amendment on the debt limit bill, and if that amendment should prevail, what is the Senator's answer to the expectation on the part of all of us that we will not act on the debt limit bill until we come back, that then it has to go to conference with the House, that the House could easily strip off this amendment, or that it could be vetoed by the President even if the House passed it and we pass the conference report? At any rate, there is no way that these students would be able to receive these benefits until September in any event, and probably not until October. Therefore, getting a vote on it today would not advance their interests. Why, in these circumstances, not wait until we come back to vote on this?

Mr. LEVIN. For two reasons. One, we will have done everything we can do before they have to make a decision as to whether to try to go to college this fall.

No. 2, there are many people who have to make a decision as to whether or not to borrow money to go to college. That decision can be affected in August by whether or not the Senate decides in August that it wants to continue this benefit for an additional year.

Mr. PROXMIRE. That decision would still be conditioned on acceptance by the House and on the President signing the debt limit bill into law. As we all know, it is likely to be amended with amendments that might not be acceptable at all to the President. Under these circumstances, it would simply provide maybe a modest, very limited hope for these students that they might be able to get this support. Is that right?

Mr. LEVIN. Exactly. It is such a modest, limited hope, but it is important.

No. 3, this matter will appear differently in September to us than it will in August.

Mr. PROXMIRE. Does the Senator not see——

Mr. LEVIN. If I could finish my thought, this matter will appear differently to us in September when the school year has already started than it will in August when the school year has not begun,

Mr. PROXMIRE. But it would have a cruel effect on students if we pass it now, today, with the expectation of the Senate having acted on it it would become law and they go ahead and make commitments and then it does fall in conference, or it does not get the approval of the President. Under those circumstances, they will be in the position of having made commitments and they are not able to realize the benefits,

Mr. LEVIN. I have talked to enough Members of the House who are very confident that if the Senate passes this bill, it will be passed by the House.

Mr. PROXMIRE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. PROXMIRE. Will the Senator permit me to follow this up just a little bit more? I am also concerned about what might happen in these cases. We now have quite a different situation than we had 5 or 10 years ago. We have guaranteed student loans and we have other opportunities for students to finance their education. If a student, in the expectation that he would be able to get this social security assistance the Senator is pursuing so vigorously, forgoes getting a guaranteed student loan or forgoes using some of the other opportunities that he might have to advance his education, would that not disserve him?

Mr. LEVIN. I do not presume that anybody would forgo seeking all alternatives because it is still an uncertainty. Of course, there is enough uncertainlty so that I presume these students would seek all other options in any event.

Let me just add a double injustice of this year, not just the underlying injustice that we are taking away a commitment that we made to students whose parents are gone, 50,000 of whom were killed in Vietnam. This year there is a double injustice because the Social Security Administration sent out the wrong information. Two of the six offices of the Social Security Administration sent out erroneous information as to whether or not these benefits would be available to these students. They sent out information to these high school seniors that this program had been terminated. In fact, the student had to matriculate in college by May 1 in order for the student to continue to get the benefit of this program.

So there was a double mistake. There is the underlying inequity which this amendment, which now has 23 sponsors, would correct for 1 year, in a limited way, but there is a double inequity this year. The Government erred and misled the high school seniors in one out of three cases into believing that they could enroll in the fall and still be eligible. This amendment would correct that inequity as well.

Let me just repeat something which I said in the CONGRESSIONAL RECORD in May of this year.

During a February 3, 1982, joint hearing of the Subcommittee on Post-secondary Education, and Elementary, Secondary, and Vocational Education on the effects of the cutback in social security benefits on the student aid programs, Social Security Associate Commissioner Sandy Crank said the following:

"We did not discover it until after it had gone on for some time . . . Unfortunately, through an error, the old stock of pamphlets were not destroyed . . . and unfortunately some of the old stock was used in notices of children after August 1981. We have no way of identifying which children received the incorrect pamphlet."

Many, many parents and students have testified before committees on this Hill that the issue here has been examined at great length in the hearing process. I am not trying to get a vote on the floor today on something which is new. This is ground which has been plowed at great length and many organizations in this country have become involved in the cause to restore this benefit for this additional year. These organizations are the American Association of State Colleges and Universities, the American Council on Education, the Association of Catholic Colleges and Universities; the American Association of Community and Junior Colleges, the American Association of Admissions Officers and Collegiate Registrars, the Council of Independent Colleges, the Jesuit Colleges of America, the National Association for Equal Opportunity in Higher Education, the National Association of Independent Colleges and Universities, the National Association of State Universities and Land Grant Colleges, and the Committee of Urban Program Universities.

The amendment which I hope to be able to offer at some point and have voted on prior to our leaving in August would preserve for 1 year most of the social security student benefits for children of deceased and disabled workers and children of soldiers killed in Vietnam. The cost of this partial and temporary restoration of this program would be offset by crediting to the social security trust fund instead of to the general fund uncashed social security checks.

The amendment would extend the date by which this year's college-bound children must matriculate in order to continue receiving benefits.

The amendment is intended to redress the double injustice done to thousands of recipients whose college education plans may be thwarted because they were either misinformed or not informed at all by the Social Security Administration of the changes made in the 1981 Omnibus Reconciliation Act until only months prior to their graduation this spring—certainly not sufficient time to allow for these young people to investigate and apply for alternative resources.

The changes enacted last year eliminated social security student benefits for new beneficiaries not enrolled in a college or other post-secondary educational institution by May 1982. My amendment sets the enrollment deadline back from May to October 1982, allowing this year's high school seniors and hopefully, this year's fall college entrants to complete their education with the aid of social security benefits they had every expectation they would continue to receive. The program would phase out as scheduled, 1985—no benefits would be paid during this year's freshman or senior year in college. The student would enter his or her freshman year at a 25 percent reduction in benefits, as scheduled under present law for persons already covered. Additionally, there would be no benefit payments during the summer months—May through August—as under current law.

Mr. President, this amendment is somewhat different from legislation I introduced earlier this year. My original legislation, S. 2512, cosponsored by 23 Members in this body, would have allowed the students about whom I speak to receive benefits during their full 4 years in college by delaying the 25 percent reduction in benefits for 1 year, thereby extending the phaseout to 1986 rather than the scheduled 1985. Because it did that and because it would have delayed the scheduled 25 percent reduction for 1 year for all students, that bill cost almost four times what this amendment will cost. The cost of this scaled-down amendment is totally offset by crediting to the social security trust fund what belongs to that trust fund, uncashed social security checks.

It is estimated that 250,000 to 300,000 high school graduated seniors would benefit from this amendment. As many as 75,000 to 100,000 of these young people received erroneous information relative to their eligibility for future benefits. Thousands of incorrect brochures went out from the social security Kansas City and Birmingham regional offices—two out of six centers nationwide—from August 1981 to January 1982. Social security "mistakenly" sent out its old bro-

chures, containing previous law guidelines, which clearly stated beneficiaries would continue to be eligible for benefits upon attending college.

Mr. President, these young men and women made their educational plans based on the Social Security Administration's reassurance that promised benefits would continue to be available to them.

Not only did high school seniors receive erroneous information by mail—erroneous information was also given out by phone when parents and students called their local social security offices with questions about the program.

It is only fair that this Government accept the responsibility of its own errors and its own actions. These young people should not have their future educational plans suddenly disrupted, if not destroyed, through no fault of their own.

Most of the young people affected are from marginal income families. In 1981, over 60 percent were survivors of deceased workers and soldiers. A sizable number were from families where both parents are deceased. Seventy-one percent of the beneficiaries were from families with incomes of under $15,000; 53 percent from families with incomes under $8,000.

Mr. President, about 45,000 of these young people are orphans of Vietnam soldiers, our soldiers in Vietnam who never came back, who were promised that if they went to Vietnam and died that their children would receive the social security benefits through college.

Eleven thousand three hundred young people, by the way, in my own depressed State of Michigan are depending on these promised benefits to aid them through college.

Mr. President, I want to share with my colleagues one more paragraph from the remarks of Mrs. Alice James, the widowed parent of four children affected by the changes in the social security student benefit program. Her remarks were made on February 3 of this year before the Post-Secondary Education Subcommittee in the House:

> Congress has robbed these children of the educational opportunities their parents earned for them. It has also robbed them of faith in their government. I beg of you—restore their funding; restore their faith in their country.

As I indicated, Mr. President, the cost of this amendment, over the 3-year period affected, is $245 million. The second part of this amendment addresses the question of how to pay for the benefit by addressing the issue of the uncashed social security benefit checks. This amendment would offset the cost of this partial restoration of the program immediately, 1983 fiscal year, in the following way:

Hundreds of millions of unnegotiated social security checks remain in the general fund rather than being recredited to the social security trust funds. According to the Social Security Administration the accumulated total of uncashed benefits is now up to an estimated $255 million. Each year over $20 million is added. These funds can offset the 3-year cost of partially restoring the student benefit for this year's high school graduated seniors. They also will make a contribution toward preserving the solvency of the social security system.

For the past several years, the Social Security Administration has been negotiating with the Treasury Department to arrange for a change in the administrative procedure used in handling these outstanding checks, but to no avail. In response to this need for a legislative remedy, Senator HOLLINGS and I introduced this legislation on March 1 of this year. To date, the bill, S. 2150, has been cosponsored by Senators CHILES, CRANSTON, DIXON, DODD, HATFIELD, HAWKINS, HEFLIN, HOLLINGS, HUMPHREY, INOUYE, MATSUNAGA, MELCHER, and ZORINSKY.

The legislation provides procedures for crediting the Federal old-age and survivors insurance trust fund and the Federal disability insurance trust fund with the amounts of social security checks which have not been negotiated within 12 months. The legislation also applies retroactively, transferring the $255 million accumulation to date of unnegotiated checks to the social security trust funds.

Let me explain how the uncashed benefit checks have accumulated. When payment is made to a social security beneficiary a voucher is submitted by the Social Security Administration to the Treasury Department for the amount of the benefit. This amount is then withdrawn from the social security trust fund and the payment is sent to the beneficiary. For any number of reasons some benefit checks may not be cashed. In many instances the checks are lost, stolen, burned, or saved for later use. In some cases the beneficiary of the check is deceased. Under present procedure, regardless of why the check is not cashed, the money has technically been spent by Social Security. The Treasury Department holds these funds until the checks are cashed. If the check is never negotiated, this money is added to the Treasury's general fund. The social security trust funds not only lose the initial amount, but also the interest obtainable by proper investment of the trust funds.

Mr. President, I ask unanimous consent that I may yield to my colleague from Arkansas for purposes of debate only without losing my right to the floor and without this being counted as an interruption of my speech for the purposes of the two-speech rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I want to refer to a very personal experience I had when I was Governor. I think the distinguished floor manager on the majority side, Senator HATFIELD, as a former Governor, can relate to this.

I remember one night about 10 o'clock in the evening, a very stormy night, the president of Texas International—at that time it was called Trans-Texas—called me at the Governor's mansion and told me he thought that Texas International had a plane down in southwest Arkansas. The plane had apparently been lost in a storm and crashed into a mountain in the Ouachitas. I immediately called the National Guard and told them I wanted to send out helicopter search teams at the very earliest possible time. They checked the weather between Little Rock and Texarkana, which was the vicinity of the crash and said they did not think that helicopters could make it because of fog. I said, "Well, at the earliest possible moment that you think the weather will permit you to go, I want you to go. The relatives of all the people on that plane are not going to have a moment's rest until we find the plane."

So about 3 o'clock in the morning they decided that the weather was good enough to allow the plane to go, and two helicopters took off with three men on board each helicopter so they would arrive at the break of dawn to start looking for the plane. Unhappily, and tragically, about halfway to Texarkana, they ran into fog. It was later determined that one of the pilots apparently got vertigo in the fog, and one of the helicopters crashed killing all three crewmen.

That may seem like a strange story in the context of this debate, but I can tell you that it was the most traumatic thing that happened to me while I was Governor. I felt a great sense of responsibility for those three crewmen and certainly for their families. Two of the men who died left widows and children. I tried to keep up with their families.

About 1 year and 3 months ago, one of the wives called me and said, "Senator Bumpers, you got a bill passed when you were Governor so that my children could go to any State-supported school tuition free." I said, "Yes, I remember that."

She said, "Well, I just saw in the paper that the President is suggesting that they take student benefits away from children." She said, "I have one in school right now that could not be there if it were not for the social security he is drawing on his father, and I have another one who will start to school in the fall of 1982."

I said, "Well, do not worry about it. This President, I know, wants to cut the budget; he wants to do a lot of

things, but I do not think he would ever suggest that students who are in school on social security, or those who are about to enter, would ever be deprived of those social security benefits."

Well, the rest is history. The President made such a proposal and it passed. This is just one isolated case of the terrible burden and the terrible inequity that has been imposed on people who thought they had a sacred contract with the U.S. Government.

I am not going to defend against the argument that social security was never intended to send children to college. I agree that it was not. It was never intended to be the sole source of income for retirees either. It was always considered a supplemental benefit for old age.

Mr. President, you are listening to a Senator who would not be here right now if it had not been for the GI bill of rights. I went to law school in one of the best schools in the country. I guess my father would have stolen to see that his children received a good education. I know he could not have sent his two sons to expensive schools if it had not been for the GI bill of rights.

To follow that up, while I was in law school, my father, who had paid the maximum on social security since the program began, was killed in a car wreck, instantly. And his widow, my mother, could not have drawn because she was killed in the same car wreck. My father had paid maximum social security all of his life and his family drew not one penny.

I think in a case like that you might say the family should have at least gotten something back for the 20 years he paid social security. I think we received a $200 death benefit to help bury them. That was all.

Mr. President, one of the things I learned at my father's feet was that some people are very fortunate. They have good minds, they have good bodies, they are brought up in good families, they have plenty of income, they have the best of everything, and they have the choice of their schools. Unfortunately, that is not the case with about 90 percent of the people in this country.

Look at the statistics. Eighty percent of the children going to school on social security come from families with incomes of less than $15,000 a year.

This is not exactly a great, big grab by the wealthy. This program is designed to help people get an education.

Mr. President, I do not want to become absolutely maudlin about this, but, after all, what the Senator from Michigan is proposing is not all that draconian. First of all, he is taking care of the objection that his amendment is a budget buster. It is not, and he has told the Senate how it can be funded.

No. 2, he said, correctly, that if we are going to cut people off social security who want to go to college, for Pete's sake, give them a little notice, and do not try the underhanded tactic of saying, "If you're not enrolled in a college by May of 1982, you're out."

Is that fair? Was that really an open, honest, and above board proposal by this administration, to say, "If you are not entered by May, you are out"?

Kids do not enroll in college in May. Kids enroll in college in August and September.

I met with all the State-supported school presidents in my office one day, and the next day I met with all the presidents of the private colleges in Arkansas. They all said, "We are going across this State, combing it as best we can, to get the word out that these people are going to have to make a very early decision." I can tell you that they were upset about what we did last year with this program.

This President, Ronald Reagan, has had one of the greatest opportunities to do some things that should be done in this country, and he has done some of them. He has proposed a lot of budgetary cuts that were perfectly legitimate. He has tried to control spending in a lot of areas, and he is trying to cut down on the unnecessary regulation of business and average citizens. But when he talks about cutting back on student financial aid, to deprive youngsters of a college education—youngsters who have no chance otherwise—it betrays the very finest instincts of the people of this country.

How are we going to compete against Germany and Japan technologically if we do not educate our youngsters? Did you see the article in the newspaper a couple of days ago which stated that Harvard has always prided itself on the fact that about 25 percent of the freshman class come from families which have never had anybody attend college before?

I had the No. 1 student at Harvard intern in my office this summer, a youngster from Nashville, Ark.—one of the finest youngsters I have ever known. He just happened to be a brilliant lad who received a fine scholarship. I do not know whether his folks could have sent him to Harvard without financial help, but he finished No. 1 in his class last spring.

We talked about this, and he talked about what a great cross-section of students are there. But Harvard announced the other day that the figure of 25 percent in the freshman class who have been coming from families which have never had a soul go to college is now down to 15 percent or 16 percent. Do you know what that translates into? That translates into more and more of Harvard's students are coming from the affluent sections because the others simply cannot afford to go there, no matter how deserving they are. Harvard is upset about it, and rightly they should be.

Mr. President, as I said, I know that I have a tendency to be a populist when it comes to health and education; and if I were not a product of the GI bill and if my father had not taught me, and taught all three of his children, that we had good minds and good bodies and therefore owed society more, I would not be standing here.

I am always amazed, incidentally, to find a lot of people who grew up poor and probably made it more by luck, or by having sensible parents, or maybe just some kind of economic luck, always saying, "Why can't everybody pull themselves up by their bootstraps, like I did?"

Here is a minimal proposal to keep faith with about 250,000 youngsters who thought they were going to go to school this fall because their parents, one or more, are dead, and they have no other source of income. The fathers of some of them were killed in Vietnam, and their fathers thought they had a contract with the Government that if anything happened to them in Vietnam, their children would be educated.

So unless this amendment by Senator LEVIN passes, we are saying, "No. We have changed the rules in the middle of the game."

I applaud the tenacity and the dedication of the Senator from Michigan. He has never deviated once since he started on this crusade to try to take care of these youngsters this fall. I have always said that if I had CARL LEVIN's tenacity, I would run for king. I applaud him, and we all ought to, and I support him strongly in this effort to bring up this amendment.

Mr. President, I yield back to the Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Arkansas, not just for the eloquence of his defense of this amendment but also for his personal comments. I want him to know that I will vote for him for king, anytime he wants to run.

Mr. President, the Senator from Arkansas reminded us that what is involved here is not just correction of the underlying injustice of what we are doing to 250,000 students this fall, but also, we are talking about correcting the mistake our Government made in notifying them, when they were seniors in high school, about what their rights were. It was a double mistake, I hope an unusual mistake, because I hope Government does not often do what the Social Security Administration did this spring.

Representative PEYSER, the sponsor of one of the bills in the House to correct this problem, said the following

about this problem in one of the hearings in the House:

I think that the actions that we have seen, Mr. Chairman, and have been witnessing for the past few months by the Social Security Administration, can justifiably be described as deception by omission by not informing the students throughout the country that their education benefits will be lost unless they are enrolling and attending college by May of 1982. The Social Security Administration, in my opinion, is cheating nearly 200,000 eligible students out of their potential rights.

Mr. Chairman, the gentleman representing the Social Security Administration used the words "making extraordinary efforts to get the public the information." Well, I have gotten some copies of what those extraordinary efforts were in dealing with, for instance, the newspapers. This is a copy of what was sent out by the Social Security Administration on this subject matter and what it says, "As a result of legislation enacted in mid-1981, social security student benefits will be phased out for those attending postsecondary schools. When student benefits first began in 1965 the rationale was that young people 18 to 22 who were full-time students were as much dependent on their parents for support as children under 18. However, benefits were not related to any education costs involved or to school performance." That was the end of the release dealing with changes on social security that went out in December of 1981.

We have another one that deals with changes, and they say "There are changes in the social security benefits under the student programs. If you have any questions, contact your regional office." That was another news release that went out.

Representative PEYSER went on to say the following at this hearing, on this disastrous, precipitate, erroneous, false cutoff of social security benefits for a quarter of a million of our students, our children:

It seems to me that these news releases which are copies from the public service announcements of the Social Security Administration certainly do nothing that would tell the students we are talking about what the story is. It has reached such a point, and for once I am pleased—not for once—I am pleased with my colleagues for quick action on this. Many Members of Congress have been reaching out in their districts trying to get this message out. I took the liberty a month and a half ago of mailing out to nearly 6,000 guidance teachers in high schools all over the country exactly what the situation was. We have received countless calls and letters from people, and I selected one or two.

Mr. HATFIELD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. LEVIN. I am happy to yield.

Mr. HATFIELD. I am grateful to the Senator for letting me interrupt.

I inform the Senator that I just received word that there will be an objection raised to adopting the amendments en bloc which will require, therefore, that we act on each amendment separately. That means about 35 amendments will have to be acted on separately.

The Senator from Michigan will, of course, have an opportunity to retain his posture on this bill on any one of these amendments in terms of denying the Senate to move on to completion of this, and I understand the Senator's tactic and he is certainly within his rights. I know he feels very deeply about this subject. I do in no way want to be critical but rather merely perhaps to inform the Senator that I wish very much, if there is any possibility at all to move on these amendments, to get the conference report adopted in order that we can move on these amendments and to make certain that in no way we prevent the Senator or in any way foreclose the Senator from carrying on his effort here in the strategy that he has employed.

There are two amendments, one each from the Senators from Alaska and New Mexico, 115 and 150, which are not included in the motion to adopt the amendments en bloc but that no longer really means a great deal because of the fact we cannot adopt them en bloc.

I know the Senator from Michigan realizes, too, that we have to complete this supplemental appropriation before the recess commences. I have just also spoken to the majority leader, and the majority leader indicated to me that if we cannot finish this bill today, we will have to work until tomorrow to finish it.

So with those various forces at play here, I pose a question again to the Senator that has been posed a short while ago by the Senator from Wisconsin (Mr. PROXMIRE). Is the Senator willing at least to move ahead on the housekeeping activity that relates to this bill and not substantive matters in any way and at the same time not adopting all the amendments but rather adopt the major number that we can under the one-by-one routine and thereby preserving his same rights that exist now to delay final action on the bill until he has received some satisfactory resolution to his cause?

Mr. LEVIN. I thank my friend from Oregon. I wish to take that request under advisement. We are checking out a couple of technical aspects on it. I may be able to agree to that but I wish to take it under advisement at this point.

Mr. HATFIELD. Then I shall make a unanimous-consent request. Mr. President, I ask unanimous consent at this time that the Senator from Michigan, if he is willing, may yield the floor without losing his right to the floor for the purpose of some statements only by the chairmen of the subcommittees of the Appropriations Committee in support of this bill.

Mr. LEVIN. I am happy to yield.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield for that purpose under this situation now to the Senator from Connecticut.

Mr. WEICKER. I thank both the distinguished chairman of the committee and also my good friend, the distinguished Senator from Michigan.

Mr. President, I rise in support of the conference agreement on H.R. 6863 and urge my colleagues to expeditiously approve it so that it can be submitted to the President for his signature.

For the agencies funded under the provisions of chapter II of this bill, the President requested $171,384,000 in program increases. As chairman of the Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies, I am pleased to report that the conference agreement provides $149,951,000 in new budget authority and $6,250,000 by transfer. In addition, the conference report rescinds $2,000,000 in foreign currency gain excess to the program requirements of the Board for International Broadcasting. Thus, Mr. President, the recommendation of the conference for chapter II is $17,103,000 less than the program supplemental submitted to the Congress. Yet, it contains funds necessary to support the on-going activities of a number of Departments and agencies.

For the Department of Justice, this agreement provides $71,711,000 and includes funds to finance the activities of the South Florida Anticrime Task Force comprised of U.S. attorneys, marshals, the FBI, and DEA agents. In addition, the conference agreement contains $17,000,000 for the construction of one facility for the detention of aliens and provides $22,000,000 critically necessary for construction of a new Federal prison.

For the Department of State, the conference report provides $60,587,000 including $40,000,000 requested by the President to provide additional security for the protection of our diplomatic personnel abroad. Also included in this report is $1,600,000 for preparation and presentation of the U.S. claim in the Gulf of Maine boundary dispute before the International Court of Justice. The Gulf of Maine dispute concerns a 12,000 square mile area off New England which contains mineral and living resources of immense value. The preservation of the rights of the United States, which have long been exercised in this area, is of great importance to New England and to the rest of the country. While the conferees expressed concern regarding numerous irregularities in the presentation of the budget justification for this request, it is clear that there is every expectation that the case presented by the United States will not be inferior to the Canadian Government's presentation of its case.

For the Department of Commerce, the conference recommends $15,663,000 in new budget authority and $3,000,000 by transfer to fund the first year of New York's coastal zone management program. In addition, $10,000,000 is provided for U.S. participation in the World Exposition to be held in New Orleans in 1984. These funds are contingent upon enactment of an authorization.

Mr. President, I would like to say a few words about the conference agreement as a whole. The Senator from Oregon (Mr. HATFIELD) who is chairman of the Appropriations Committee should be congratulated for his leadership on this legislation. This is not a budget busting bill. The President submitted supplemental requests totaling $16.1 billion. This bill provides $14.2 billion. Thus, we are well within the budget request.

However, the programmatic priorities of the budget have been rearranged. The Defense Department did not get all it wanted in this supplemental. Congress has exercised its discretion and determined that other programs—programs directly benefiting the aged, the handicapped, the disadvantaged, and students are more deserving.

Let us review the list. We are $1.9 billion under the budget request. We have reduced the amount available for Defense programs and we have reduced military aid programs. We have added $210 million for older Americans; $148 million for compensatory education for the disadvantaged; $217 million for student financial assistance; and $26.5 million for education for the handicapped.

We have exercised our prerogatives to assure that Congress has an opportunity to address regulations governing the education of the handicapped and we have expressed ourselves with respect to the necessary level of resources to carry out energy conservation programs. We have language in the bill regarding the expenditure of funds for subsidized housing programs.

The issue at hand is not whether this bill is over the budget. The issue is over the details of the budget and whether those details are acceptable to the President.

The issue is whether we accept the budget as presented by the President or whether the Congress establishes different priorities.

In the opinion of this Senator, the conference agreement before the Senate today has set our priorities straight. It is a good conference agreement. It is one we should adopt and send to the White House.

Mr. HATFIELD. Mr. President, I would like to thank the Senator from Connecticut (Mr. WEICKER). He is immeasurably valuable to our committee. He is the chairman of the Subcommittee on State, Justice and Commerce, and he carries a major load in our committee, and I appreciate his statement of support.

Mr. McCLURE. Mr. President, I rise today in support of H.R. 6863, the 1982 Supplemental Appropriations Act. As chairman of the Department of the Interior and Related Agencies Subcommittee, I can say without hesitation that this bill represents tremendous fiscal restraint and responsibility on the part of the Congress, while at the same time providing necessary funds for numerous programs desirable to most legislators and, indeed, desirable to most Americans.

Specifically with respect to the Interior and Related Agencies chapter of the bill, we have included funds for firefighting costs in our national forests and on other public lands, we have provided money to pay citizens for lands condemned by the Government, and have finally made full payment to the people of Bikini on whose island we detonated nuclear weapons in the late 1950's.

Moreover, we have provided money to reclaim 45 high priority strip mine areas throughout the country, have included funds for necessary sanitation facilities in thousands of Indian homes, have taken steps to reduce duplication and waste in the Nation's coal mining research and development activities, and have made an effort to prevent further deterioration of several of this country's necessary energy programs.

Mr. President, while this bill—like every other—represents a compromise between the House and the Senate, I firmly believe it is a fair and balanced compromise. Perhaps, more important, I do not believe this measure can be considered a budget buster in any sense of the imagination. Therefore, Mr. President, I ask of my colleagues to join me and overwhelmingly approve the conference report on this 1982 Supplemental Appropriations Act.

Mr. D'AMATO. Mr. President, I am pleased to report that the District of Columbia's chapter that emerged from the conference is identical to the Senate version of H.R. 6863. This agreement provided for a net $60.3 million in new budget authority in District of Columbia funds. This is made up of $63.9 million in added authority for the operations of the city government and $10.6 million in capital project costs and $774,000 for costs associated with the new convention center. These increases are partially offset by the rescission of nearly $15 million in authority previously appropriated.

One key point should be made. This chapter contains no increased Federal funds to the District, and in fact rescinds the city's authority to spend some Federal funds which will no longer be available to them. This request is offset by additional local revenue being realized. There trends began nearly a year ago and results primarily from increased collection techniques.

Mr. President, these funds are critical to the District's ability to provide for the public safety and health. A third of this increase is needed as the local share of increased medicaid costs. We have also increased the funds available to the police chief to fight crime, to add 90 more correctional officers in order to increase security at the city's central prison facility, and authority for the courts to provide a speedier trial and reduce its staggering felony case backlog.

This chapter provides additional resources to address circumstances that could not have been foreseen at the beginning of the fiscal year. These allowances are prudent and necessary and I urge Senators to adopt them.

Mr. DOMENICI. Mr. President, I rise today in strong support of the conference report on H.R. 6863, the fiscal 1982 supplemental appropriations bill. This bill remains well within the budget ceilings of the Revised Second Budget Resolution for Fiscal Year 1982.

Mr. President, this conference agreement continues the fiscal restraint that was evident in the bill as it passed the Senate. I want to offer my congratulations to the distinguished chairman of the Appropriations Committee, Senator HATFIELD, and to all the other conferees on this bill for a job well done.

H.R. 6863, as reported by the committee of conference, provides $9.2 billion in budget authority and $7.5 billion in outlays in fiscal year 1982 for supplemental appropriations. If this conference report is enacted, Federal spending will still be below the fiscal year 1982 budget ceilings by $8.1 billion in budget authority and $1.1 billion in outlays.

H.R. 6863 provides $6.1 billion in budget authority and $5.9 billion in outlays for costs associated with the October 1981 pay raise for Federal employees. That is by far the largest item in this bill. The remainder provides supplemental appropriations for individual programs, including economic assistance funds for the President's Caribbean Basin Initiative, employment, education, and transportation items.

The conference report on H.R. 6863 is $1.5 billion in budget authority and $1.4 billion in outlays below the President's request. The major reason for this is that the conference agreement is $1.8 billion in budget authority and $1 billion in outlays below the President's request for defense programs.

Mr. President, I know that some have raised questions about the balance between defense and nondefense

programs in this bill. I am sure that each of us has his own opinion about the priorities in this bill. I would remind everyone, however, that under the congressional budget process, the determination of these priorities within the overall budget totals is the responsibility of the Appropriations Committees. In this regard, I would once again point out that the Appropriations Committees have brought us a bill that is well within the overall budget totals we have established.

In closing, Mr. President, let me once again congratulate the Appropriations Committee, and particularly the distinguished chairman of the committee, for their work on this bill. I urge adoption of the conference report.

Mr. President, I ask unanimous consent that a table showing the relationship of the reported bill to the fiscal year 1982 Revised Second Budget Resolution be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 6863—FISCAL YEAR 1982 SUPPLEMENTAL

[In billions of dollars]

	Budget authority	Outlays
Revised Second Budget Resolution	777.7	734.1
Current level	766.9	732.1
CBO technical adjustment to current level	−0.1	−0.1
Action underway (H.R. 4961)	0.4	0.2
Amount remaining	10.3	1.9
H.R. 6863, conference report [1]	9.2	7.5
Less items already in current level	−6.7	−6.4
Less offsetting receipts affected by appropriations action	−0.3	−0.3
Net impact of H.R. 6863	2.2	0.8
Amount remaining	8.1	1.1
President's request [1]	10.7	8.9
House-passed [1]	8.8	7.3
Senate-passed [1]	9.0	7.5

[1] Reflects Senate Budget Committee scoring of CCC borrowing authority.

Note: Details may not add to totals due to rounding.

Mr. DODD. Mr. President, this conference report appropriates absolutely necessary funding for one of our most efficient, most productive programs: the community service employment for older Americans program. This program, authorized under title V of the Older Americans Act, allows some 54,000 low-income senior citizens to work part time in their communities.

Mr. President, those who oversee title V employees throughout my State of Connecticut have told me that such employees are the hardest working, most dedicated people they have ever met. Title V employees have gone a long way toward improving the educational, health, welfare, and social services in communities across the Nation. It is imperative that we continue to provide full funding for this outstanding program.

I must express my deep concern, however, over a provision in this conference report which changes the formula for allocating title V funds. The Senate voted to appropriate the supplemental funds for title V according to the formula mandated by the Older Americans Act reauthorization of 1981, giving 76 percent to national contractors and 24 percent to State programs. The House version of H.R. 6863, however, changed that statutory formula, allocating 80 percent of the funds to national contractors and only 20 percent to State programs. A compromise was reached in conference, giving 78 percent to national contractors and 22 percent to State programs.

I commend my colleagues in the Senate who refused to recede to the House on this point during conference. Nevertheless, I view the compromise reached as a dangerous precedent, one which may undermine the State programs.

Mr. President, there is no reason to change the existing statutory formula for distributing title V funds. The State-administered programs are efficient and effective, as recognized during the debate on the reauthorization of the Older Americans Act last year. Moreover, State programs provide a wide geographic distribution of title V jobs, reaching senior citizens in areas not served by the national contractors.

Thus, although I support wholeheartedly the appropriation in this conference report for title V, I would have far preferred to see such funds distributed according to the statutorily mandated formula.

● Mr. COCHRAN. Mr. President, I want to emphasize the importance of the agriculture chapter of this supplemental appropriations bill, and to add my support for passage of the conference report.

The major item in the agriculture chapter is a badly needed increase of $5 billion in the borrowing authority of the Commodity Credit Corporation (CCC). This increase will permit the CCC to continue funding the price support and commodity purchase programs authorized by law—programs that are very important to our farmers. Without this additional authority, CCC may be unable to meet its obligations. Our farm economy is unable to withstand any breakdown in the administration of farm programs, so I urge my colleagues to vote for the conference report.●

● Mr. MATTINGLY. Mr. President, the Appropriations Committee conferees on H.R. 6863 have agreed upon a final product which deserves the support of Members of the Senate, and deserves the signature of the President. Resuming its traditional role of appropriating funds under the level requested by the President, the committee's final product is nearly $2 billion under the President's request. The President requested $11.056 billion in supplemental funds for fiscal year 1982, most of which is for increased pay costs in the Department of Defense. The conferees have been able to reduce this request to $9.177 billion, a savings of over 15 percent. In addition, we should not overlook the conference committee's performance regarding rescissions of fiscal year 1982 budget authority. Whereas the President recommended $287 million in rescissions, the conferees delivered slightly over $400 million, an increase in savings of nearly 40 percent over the President's proposals.

Mr. President, it is my privilege to head the Appropriations Subcommittee on the legislative branch. I want to be sure my colleagues are aware of the reductions made by our subcommittee in this bill. The President's budget included $35,629,000 in program supplementals for the legislative branch. The conferees, anxious to stress that the legislative branch is making the same sacrifices it is calling upon others to make, cut that request to only $8,597,325, a mere 24 percent of the requested amount. We were also able to make savings in pay supplementals. In title II of H.R. 6863, $35,233,000 is provided for the legislative branch, rather than the full request of $40,256,000. The total appropriated for the legislative branch in this bill is just 58 percent of the President's budget.

Mr. President, returning to the entire bill, how many times in the past year have we been able to say that we recommend appropriations of only 83 percent of the President's request? I hope the committee's performance on this bill is a harbinger of the committee's action on fiscal year 1983 appropriation bills. I would call to the attention of the Senate that the only fiscal year 1983 bill upon which committee action has been completed, for HUD and independent agencies, is nearly $9 billion under that subcommittee's allocation. So I think we are making progress in holding down spending. This is a good bill, and I urge my colleagues to support it, and the President to sign it.●

● Mr. SYMMS. During consideration of H.R. 6863 on the House floor, a colloquy took place between the distinguished chairmen of the House Public Works and Transportation Committee and the House Transportation Appropriations Subcommittee regarding a letter the Senator from North Dakota had received from the Federal Highway Administration on the subject of geometric design standards for 3R work. I wonder if the Senator from North Dakota, Senator ANDREWS, is familiar with that colloquy and the letter?

Mr. ANDREWS. Yes, I am familiar with the letter and the discussion in the other body. I am in agreement with the conclusion reached in that discussion. To be specific it reiterates Congress' intent that the 3R program continue and that reimbursements for

projects authorized after July 12, 1982, be made.

Mr. SYMMS. So it is the understanding of the chairman of the Senate Transportation Appropriations Subcommittee that rehabilitation work could continue to be carried out without disruption and delay using the standards and procedures in effect and being utilized by the States immediately prior to July 12, 1982?

Mr. ANDREWS. That is correct.

Mr. SYMMS. Is it also the understanding of the distinguished Senator that the limitation on the use of funds applies only to the Federal Highway Administration's rule "Design standards for highways, resurfacing, restoration, and rehabilitation of streets and highways other than freeways," and that this limitation is in force only until September 30, 1982?

Mr. ANDREWS. The distinguished chairman of the Transportation Subcommittee is correct.

Mr. SYMMS. I thank the distinguished chairman of the Senate Transportation Appropriations Subcommittee for this clarification. This has been a difficult issue and I believe that it must be resolved so that the critical 3R program is not put in jeopardy. I believe the States have been moving forward with this program as quickly as they can with the limited funds available to them.●

SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM

Mr. EAGLETON. Mr. President, I am very pleased that the conference report on H.R. 6863, the fiscal year 1982 supplemental appropriations bill, includes $210.6 million for the senior community services employment program authorized under title V of the Older Americans Act. This funding is essential to continued operation of the program beyond September 30 without disruption.

The Senate has repeatedly affirmed its overwhelming support for title V. Last year, it passed unanimously a 3 year reauthorization of the program, as part of the Older Americans Act amendments of 1981.

On July 1 of this year, the Senate passed by a vote of 89 to 6 a resolution expressing the sense of the Senate that no action be taken to terminate or weaken this program for older workers. The House of Representatives, on July 20, adopted a similar resolution of support for the title V program, by an overwhelming vote of 407 to 4.

It is clear that both the Senate and the House, Democrats and Republicans alike, recognize that failure to continue categorical funding for title V will seriously jeopardize a program which has proven effective in providing jobs and services to senior citizens and to communities across the Nation.

Testimony before Congress earlier this year revealed that a title V program in Alabama, at a cost of approximately $160,000, has saved the State roughly $1.35 million annually by enabling frail elderly persons to remain in their own homes. A title V worker in Illinois opened a communal meal center in an underutilized Federal building, and is now serving 25 meals per week to senior citizens. Leaders of community after community, have testified that title V program participants make important contributions to the quality of life in their towns and cities.

In strict dollar terms, studies show that title V jobs return to the taxpayers $1.15 for every dollar spent on the program; that SSI and food stamp costs were reduced an average of $24 a month whenever a new person joined the title V program; and that FICA contributions of title V participants alone amount to $1,575,639 per year. By any measure, the program is a valuable investment in communities and people.

In spite of the overwhelming evidence of this program's worth, the Reagan administration requested zero funding for title V for fiscal year 1983. The administration opposed the inclusion in the urgent supplemental appropriations bills of the $210.6 million to keep title V going, twice vetoing the bill. And now, in relation to the conference report on the regular supplemental which is before us, Budget Director Stockman has written to the Appropriations Committee complaining of the "unwarranted" increases in domestic spending, specifically citing the community service employment program for older Americans.

Mr. President, as I have said, Congress has repeatedly rejected the administration's efforts to terminate the title V programs. Through reauthorization legislation, resolutions of intent, and most significantly, through the first budget resolution for fiscal year 1983, which provides for continued funding at the 1982 level, Congress has affirmed congressional support for the future employment of the 54,200 senior citizens who work in title V programs. However, if the program is to continue without disruption this year, the funds in the supplemental bill before us must be approved to send a real signal to the administration of our determination to keep the title V program alive and well at present operating levels.

TITLE V OF THE OLDER AMERICANS ACT

● Mr. D'AMATO. Mr. President, I support H.R. 6863; however, I feel compelled to address the provision in the bill which appropriates $210.572 million for title V of the Older Americans Act. I fully support these additional funds which will permit this vital program to be operated on a forward-funded basis as required by the authorizing legislation. Failure to allocate these funds might well cause programs throughout the Nation to cease operations until which time the money becomes available.

As my colleagues in the Senate know, title V funds provide employment opportunities to over 54,000 older Americans. These hard-working citizens are employed in a variety of jobs which permit the delivery of important community services. The program has received an overwhelming endorsement by the Congress. Last year, the Older Americans Act was reauthorized for another 3 years. In addition, this body, by a vote of 89 to 6, reaffirmed its strong support for title V.

Under the formula for allocating funds for title V as set forth in the authorizing legislation, 76 percent of the appropriated moneys are directed toward national contractors and 24 percent go to State offices for the aging. Although the report which accompanies the reauthorization explicitly states that "efforts to distort this formula through other legislative vehicles clearly violate the letter and spirit of this Act," efforts have been made in the House to change the funding split to 80 percent for national contractors and 20 percent for State offices for the aging. This change in the funding allocation would have caused over 2,000 older Americans to lose their jobs.

Despite efforts by Representative BIAGGI and others in the House to return to the authorized funding splits, the House came to conference on the supplemental appropriations bill with a funding allocation which clearly contravenes law. In conference, I fought to have the House recede to the Senate position which followed the authorizing legislation. The merits are clearly on our side. As I have already indicated, the report language on the authorizing legislation states that any changes in the funding splits would be inappropriate. Moreover, several national contractors have written to Senator SCHMITT, chairman of the Senate Subcommittee on Labor, Health and Human Services, Education and Related Agencies Appropriations that they feel honorbound to accept the funding formula which they helped draft and which was agreed upon in the authorizing legislation.

In the spirit of compromise and in an effort not to stall passage of the supplemental appropriations conference report which contains other important items such as title I funds for the educationally disadvantaged and interstate transfer-highway funds, I agreed to a 78–22 split between national contractors and State offices for the aging. I thank my colleagues from New York, Representatives KEMP and ADDABBO, for their assistance in the conference on this matter. I support

the conference report, but I did want to indicate my opposition to attempts to change that formula set forth in the authorizing legislation.●

● Mr. LAXALT. Mr. President, I stand and join with my colleagues on the Appropriations Committee to endorse the conference agreement to H.R. 6863, the supplemental appropriations bill for fiscal year 1982.

Mr. President, the military construction chapter in the supplemental, which was considered by the subcommittee I chair, appropriates $45 million for various military facilities' projects. The $45 million was the same amount recommended by the House, and represents a decrease from the President's request of $153.7 million. As in the past, the Military Construction Subcommittee recommends funding in a supplemental only for those items of an urgent or unusual nature. The decrease from the budget request was made because authorization was lacking on some projects, but mainly because the money just was not necessary at this time. It is interesting to note that throughout the action in committee and on the Senate floor there was not even one question concerning the reduction in military construction funding. This certainly indicates to me the strong support of my colleagues.

Mr. President, the military construction chapter of this bill is minor in total dollars and was not even a part of the conference. However, the bill as a whole is back before us today, and I understand that within the administration there is discussion of a Presidential veto.

Let me say just a few words on the total bill at this point—

The bill is nearly $2 billion under the President's request, and granted, a sizable decrease was made in the defense-related chapters of the bill.

However, it is my understanding that the so-called, "must pay," defense items have been taken care of.

Mr. President, I, for one, have certainly gone on record for a strong national defense as has the distinguished Senator from Alaska, Mr. STEVENS, who chairs the Defense Appropriations Subcommittee. But, in considering both the defense and military construction chapters of this bill, the Congress has indicated its support for funding only the most urgent or unusual requirements in this supplemental.

As part of our constitutional responsibilities, Mr. President, this body oversees the budget. It is within this responsibility that the Congress makes changes to the President's request.

H.R. 6863, the supplemental for fiscal year 1982 now before us, contains differences from the budget request; and I must say that I do not agree with every aspect of the bill. However, as a whole, I believe that the bill is fair and warrants the careful consideration of all parties involved.

Mr. President, I endorse and support the conference agreement to H.R. 6863, the fiscal year 1982 supplemental appropriations bill; and I urge my colleagues to do the same.●

TITLE V, OLDER AMERICANS ACT

Mr. ROBERT C. BYRD. Mr. President, I am pleased that forward funding in the amount of $210,572,000 for title V of the Older Americans Act is included in the supplemental appropriations bill for fiscal year 1982. The Senate expressed its support of the senior jobs program under title V by passing Senate Resolution 340, a resolution which I introduced, to express the sense of the Senate that no action be taken to terminate or otherwise weaken title V and by twice including forward funding in the urgent supplemental appropriations bills, which were later vetoed by the President.

I want to thank the distinguished Senator from Oregon, Mr. HATFIELD, for his support of forward funding of title V.

THE SENIOR COMMUNITY SERVICES EMPLOYMENT PROGRAM TITLE V OF THE OLDER AMERICANS ACT

Mr. HEINZ. Mr. President, I rise in support of the conference report on H.R. 6863, the supplemental appropriations bill of 1982. In particular, I would like to voice my strong support for the restoration of funding for the senior community services employment program. As chairman of the Special Committee on Aging, I commend the members of the Appropriations Committee, especially Senator HATFIELD and Senator SCHMITT, for their work on behalf of the over 54,000 older persons who are employed under the title V program of the Older Americans Act. The inclusion of $211 million in the supplemental appropriations bill will restore forward funding to this program and guarantee continued employment for these older workers through June 30, 1983.

When the Congress passed the 1981 amendments to the Older Americans Act in December 1981, it made clear its intent that this vital and successful program be continued. Moreover, on July 1, 1982, the Senate again reaffirmed its strong support for title V when it voted 89 to 6 in support of Senate Resolution 340—a sense of the Senate resolution stating that no action be taken to terminate or otherwise weaken the community services employment program under the Older Americans Act.

The success of this program over the years cannot be disputed. Although the present appropriations provide job opportunities for 54,200 elderly persons, many more older men and women are able to participate in the program, because thousands are transitioned into positions with private business concerns or other public service agencies. It is estimated that over 80,000 older workers are served each year under this program.

Mr. President, title V now faces a critical need for funding. If we do not act immediately, 54,200 economically needy older workers, now working in a variety of community service jobs, will find themselves joining the ranks of the unemployed. In my own State of Pennsylvania, over 3,000 workers will be effected. This will not only be a serious blow to the individual, it will also have a damaging impact on the ability of aging programs to continue to serve older Americans. It is estimated that about half of the current enrollees are serving in jobs that promote the general well-being of other older persons funded by the Older Americans Act moneys.

In addition to these damaging facts, it is a serious human problem to neglect the importance of employment opportunities to the economic security, the health, and the personal fulfillment of older Americans. Virtually every survey of older men and women indicates that a majority want to have the opportunity to continue some form of work. One of the major benefits of this program is its demonstration of the significant contribution older workers can and do make to our society.

Mr. President, appropriations of funds for title V continue only to September 30, 1982. I have been informed that many States and national sponsors have already begun to send layoff notices to thousands of older enrollees. I am gravely concerned about the serious emotional consequences that these notices will have to the majority of these workers. To avert further damage and provide reassurance to these enrollees, I urge my colleagues to vote in favor of the conference report on H.R. 6863.

In conclusion, I would only like to make one additional observation, and that relates to the agreement reached in the conference concerning the formula distribution of the title V moneys. I am concerned that this new formula will shift as many as 1,000 jobs from older Americans employed by State and local agencies on aging to national contractors. This could result in many elderly enrollees losing their jobs due to geographic considerations. I am aware that this change originated in the House, and that the Senate conferees generally opposed it.

I would like to take this opportunity to thank those conferees and especially Senator D'AMATO for their efforts to retain the formula distribution as mandated in the 1981 amendments to the Older Americans Act.

Mr. President, the title V program is truly a working program. It has helped countless of thousands of older persons to stay in the mainstream of com-

munity life by making meaningful and productive contributions to our society. I urge my colleagues to continue their strong support for this extraordinarily important program.

TUG FORK FLOOD CONTROL PROJECT

Mr. ROBERT C. BYRD. Mr. President, this supplemental appropriations bill, H.R. 6863, contains language in chapter V which would require that the administration proceed with flood control work in the Williamson, W. Va., area and certain neighboring locations as specified by Congress in the statement of the managers accompanying the conference report on the fiscal year 1982 Energy and Water Development Appropriation Act. The managers clearly indicated that $7.5 million is to be made available for flood control projects authorized by section 202 which is the basis for the Tug Fork flood control project.

During the spring of 1982, I had serious concerns regarding the Department of the Army's willingness to follow congressional intent with respect to the Tug Fork flood control project. I met with Assistant Secretary of the Army for Civil Works, William R. Gianelli, in my office on February 18, 1982, to discuss these concerns; and, I have had a continuing dialog with Mr. Gianelli since that time. In early July, Mr. Gianelli indicated a willingness to proceed with certain flood control measures in the Williamson area beginning with the fiscal year 1984 budget request to Congress. However, the Congress has already directed in the fiscal year 1982 Energy and Water Development Appropriation Act legislative history that this work proceed immediately. In order to insure that the Corps of Engineers proceeds immediately as intended by Congress, I had language included in this supplemental appropriations bill requiring that the congressional intent as expressed last November, be followed explicitly.

Mr. HATFIELD. Mr. President, I am willing to yield back to the Senator from Michigan, and I appreciate the interlude here for these other activities.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my friend. I will take his request under advisement. We are trying to check out a number of things.

Mr. President, what I am doing at this point is reading from the record of the hearing where Mr. PEYSER, Congressman PEYSER, the sponsor of one of the bills in the House to extend this deadline so that these students can go to college with their promised benefits, is speaking.

Before I continue, just to set the context for this, the amendment we are talking about would continue a promised benefit to the children of workers who are now dead, who were promised if they died before their kids became 18 that the survivor's benefit would continue through college, the social security survivor's benefit.

There are about a quarter of a million this year. About 50,000 are children of soldiers who went to Vietnam and who were told that if they did not come back, if they gave their lives in Vietnam, that their kids would have this social security benefit. The other 200,000 are other Americans, just as equally American, who are also, for the most part, gone. Some of them are still with us and are disabled, but most of them are deceased, and who were told if they contributed to the social security system they could count on that benefit going to their kids through going to college. They could count in their life insurance plans and other plans for living on the social security benefit, and it was not just that we precipitately terminated this last year. That is the underlying problem, the underlying injustice. I am afraid this admendment does not cure that because this only would continue the benefits for 1 year. But what it does cure is a second injustice, and that is about a third of these kids were given false information from the Social Security Administration last year as to whether or not that benefit would be available to them this fall. They were sent information which stated that the social security student benefit program would continue when, in fact, it was terminated as of May of this year. About one out of three of these high school seniors were sent the wrong information.

Congressman PEYSER in this hearing I am quoting from is saying that he did his best to inform as many high school counselors as he could personally of what the correct facts were so at least some students would get the correct information, those who had been given false information, and they could, as many as possible, try to get into college by last May so that they would continue to qualify before the deadline was reached.

He sent out about 6,000 letters to high school counselors around the country and he got some letters back, and that is what he is describing in this hearing record. Congressman PEYSER says:

> Here is a letter from Spring, Texas and it says: "Thank you for taking the time to inform the counselors of the change is social security benefits. As a counselor and as a widow with a young daughter, this information was vital to me."
>
> That the Social Security Administration, who normally sends out tons of paperwork, has been so quiet on this issue is deplorable. And there are numerous letters of this nature.
>
> Now all this has reached such a volume, Mr. Chairman, that on the 14th of January—this is just a couple of weeks ago now—the Social Security Administration has sent out a special telegraphic message that I have gotten a copy of to all of its offices. It says, the thrust of it, it goes to the regional offices, special offices, and so forth, the purpose of this is to insure that inquiries regarding the student phaseout provisions of the 1981 Omnibus Budget Reconciliation Act are answered correctly. Now, it is very obvious to me that the only reason this was ever sent out, and then they detail the whole thing in great detail, covering it quite correctly as to when the benefits end, is because of the constant complaints that have come from all over the country on people not being notified.
>
> I talked with Commissioner Svahn the other day and he allowed as how there may be some of these students who were not given the correct information. The process, and I would like to ask if this is correct, normally you notify a student 5 months before he is 18 years of age that he will be eligible for these programs?
>
> Mr. CRANK. We explain to him at that time what the conditions are for continued receipt of benefits under the status of a student.
>
> Mr. PEYSER. Do you allow that there were a great many 18-year-olds that were notified that they were eligible for the full benefits after the Act had been changed? Because we have—in other words, that 5-month period, you are still mailing out eligibility, your notices that said they were eligible, and you still had a number of offices, first your Kansas City regional office as late as December was sending out your bulletins saying that these students were eligible, with no statement about your new bulletin that came out that is corrected. And these were sent out from that Kansas City regional office, which covered a very broad area of the country as late as December, letting people believe they were fully eligible. Obviously I guess that is what necessitated this kind of a telegraphic message to all of your units.
>
> Mr. CRANK. Mr. Peyser, what happened, we did not discover it until after it had gone on for some time, is that we did print up new leaflets explaining the new provisions as enacted in August 1981. Those leaflets were put into stock supplies in social security installations around the country, in particular our large processing centers where most of the notices are released to go to children 17½, use those leaflets to stuff into and to send out to people that age. Unfortunately, through an error, the old stock of pamphlets was not destroyed at the time the new stock of pamphlets was received, and unfortunately some of the old stock was used in notices to children after August 1981. We have corrected that problem. We have destroyed all that old stock.
>
> Mr. PEYSER. But the question is all of those who received the wrong information, they did not get another mailing, because there is nothing in the system I understand to allow for that up to this point.
>
> Mr. CRANK. That is correct. We had no way of identifying which children received the incorrect pamphlet.

So we have a double injustice where not only were these benefits precipitately cut off from students whose parents were not able to fight back, were not able to knock on our doors, because most of them are in their graves, but we have the double injustice of where the Social Security Administration to a large number of these students sent out the wrong in-

formation and was not able to correct that erroneous information.

We believe that as an absolute maximum this amendment would cost $245 million over the 3-year period. It is more likely it will cost somewhere between $100 million and $150 million, and I will get to that in a moment. But at this point I would like to explain how we have an offset in this amendment to pay for the maximum cost of this benefit, the continuation, 1-year continuation, of this benefit to the Social Security Administration.

As I have indicated, the Social Security Administration sends out hundreds of thousands of checks over a period of years which are not cashed, they are not negotiated, and according to the Social Security Administration the accumulated total of uncashed benefits is now up to an estimated $255 million.

Each year, over $20 million is added. These funds can offset the 3-year cost of partially restoring the student benefit for this year's high school graduated seniors. And if we apply the uncashed checks to the social security fund where it belongs, we also will make a contribution toward preserving the solvency of the social security system in the future.

For the past several years, the Social Security Administration has been trying to work out this arrangement with the Treasury Department, to arrange for a change in the administrative procedures used in handling these uncashed, unnegotiated checks, but to no avail. A legislative remedy appears to be needed. And, as I indicated before, Senator HOLLINGS and I introduced Senate bill 2150 which would correct it and it has been cosponsored on a bipartisan basis by about a dozen Senators to date.

The legislation provides procedures for crediting the Federal old age and survivors insurance trust fund and the Federal disability insurance trust fund with the amounts of social security checks which have not been negotiated within 12 months. The legislation also applies retroactively, transferring the $255 million accumulation to date of unnegotiated checks to the social security trust fund.

Let me explain now just for one moment how the uncashed benefit checks have accumulated. When payment is made to a social security beneficiary, a voucher is submitted by the Social Security Administration to the Treasury Department for the amount of the benefit. This amount is then withdrawn from the social security trust fund and the payment is sent to the beneficiary.

For any number of reasons, some benefit checks may not be cashed. In many instances the checks are lost, stolen, burned, or saved for later use. In some cases, the beneficiary of the check is deceased. Under present procedure, regardless of why the check is not cashed, the money has technically been spent by the Social Security Administration. And the Treasury Department holds these funds until the checks are cashed. If the checks are never negotiated, this money is added to the Treasury's general fund.

The social security trust fund not only loses the initial amount but also the interest obtainable by proper investment of the trust fund.

Mr. President, a moment ago I indicated that the maximum cost of this amendment, if we can get the vote on it, would be, assuming it is adopted, $245 million. And I have just indicated how it would be paid for in terms of the Social Security Administration being credited with about $255 million that have accumulated in uncashed social security checks. And that accumulation is added to at a rate of about $20 million a year. But I also indicated that $245 million is the maximum cost of this amendment, that the actual cost is probably somewhat in the area of half of that amount.

I would like here to quote from another Congressman who was at a hearing on the House side on this issue relative to the cost of restoring this benefit for 1 year.

This is Congressman SOLOMON of New York, who has introduced legislation which would extend the deadline for students to matriculate in college until this fall to accomplish the same purpose as my amendment would accomplish. Congressman SOLOMON said the following:

> Bewildered parents and students all across the United States, from California to Maine, from Florida to Minnesota, have called to voice their support for this legislation and to report that they also learned of these important changes only very recently and through unofficial channels.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUS REGULATORY REFORM ACT OF 1982—CONFERENCE REPORT

Mr. BAKER. Mr. President, there is a conference report which will require a rollcall vote, but, I think, little or no debate.

I ask unanimous consent, Mr. President, that the Senate temporarily set aside the pending business and proceed now to the consideration of the conference report on H.R. 3663, the Bus Regulatory Reform Act of 1982.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the report.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3663) to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of today, August 19, 1982.)

Mr. ROBERT C. BYRD. Mr. President, I do not mean to be the leadoff speaker on this measure. The managers have that right. I will be very brief when I do speak. I will take less than 2 minutes.

At this time I ask for the yeas and nays on the adoption of the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. I yield the floor.

Mr. PACKWOOD. Mr. President, the conference report has addressed, to the satisfaction of all of the conferees in the House and the Senate, the possibility of small towns losing service. This bill passed overwhelmingly and passed the conference report in 10 minutes in the House last night.

I think I can assure all of those who are concerned that this bill will not leave small towns without any service at all. I do not know of any other possible objections to the bill. Like all others, I come from a State that has hundreds of small towns. The best testimony we had in all of the hearings involving bus deregulation was probably that from Florida, which 1½ years ago, totally deregulated their truck and bus industry.

Florida, as you are aware, has a sunset law on most of their statutes. The sunset ran out on truck and bus regulation and has since never been renewed. In the almost now year and a half they have been operating under deregulation, small towns have been continued to be served. They are not served by 80-passenger buses when they pick up two people in a town. They are served by smaller buses.

I can assure the Senate that there will not be any great dislocation by the passage of this bill.

Mr. ROBERT C. BYRD. Mr. President, earlier this summer the Senate voted to pass legislation to deregulate the bus transportation industry. I voted against that legislation because I thought that it was not in the best interests of the thousands of citizens who live in small rural communities in

my State of West Virginia. For many of these people, especially the elderly, bus transportation is the only way to get from one place to another.

Because of the information and advice that I received from the head of the West Virginia Public Service Commission, I opposed bus deregulation by speaking against the bill at the time and voting against it.

I continue to be concerned that this legislation, if passed, would mean that bus transportation service to rural communities would be reduced or eliminated, and the quality of life for those people would be diminished.

I have seen little to no evidence to suggest that my original concerns were unfounded. In fact, a recent Wall Street Journal article has given weight to my convictions on this issue. The article discusses the experience of some States that have already taken the initiative to deregulate the bus industry. It is reported that in Florida, where deregulation was put into effect 2 years ago, "numerous tiny Florida towns * * * have lost bus service entirely through deregulation."

Mr. President, I think many of my colleagues will find this article of interest, especially since we are considering the bus regulatory reform conference report. I ask unanimous consent that the article be inserted in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BUS DEREGULATION GAINS FAVOR, WORRYING SMALL TOWNS, SMALL OPERATIONS AND ELDERLY

(By Luis Ubinas)

Several Greyhound buses a day once stopped in tiny Bushnell, Fla. Now only one express bus arrives each day, and it doesn't stop in surrounding towns. "We used to take Greyhound to visit old friends and family," says Pauline Graham, a 62-year-old resident, "Now we're stuck here. I guess it really isn't too bad—we have television and the chickens out back. But we feel so much more alone now."

Soon, lots of people in other states may share Mrs. Graham's gripe. Bus deregulation is picking up steam—and so is the controversy surrounding it. Some operators see a chance to make more money than ever while others see a chance to go broke. Many towns fear deregulation will deprive them of any bus service at all.

"We're going to see a boom for the big companies—the ones with the money—but the little old lady in Humboldt, S.D., isn't going to be able to get on a bus," says Sen. Larry Pressler of South Dakota.

CAUGHT IN THE MIDDLE

Intrastate bus deregulation went into effect in Arizona on July 1. It becomes effective in Ohio August 30 and in Wisconsin this fall. Both houses of Congress recently passed bills deregulating interstate bus service nationwide. Differences between the two bills could be resolved this month.

Like airline deregulation earlier, bus deregulation gives operators far greater freedom to start serving new markets, dump old routes that don't pay and revise fares. Advocates say increased competion could bring lower fares and improved fares and improved service, at least on the heavily traveled routes.

Big operators with lots of capital are adding such routes. Tiny cut-rate operators with low overhead costs are springing up by the dozen. But established small companies say they are caught in the middle because their overhead costs are high and they don't have the capital to start more service between big cities.

FLORIDA'S EXPERIENCE

"Under deregulation, small operators don't stand a chance." says Bernard Pollack, executive vice president of Sun Valley Bus Lines, Phoneix, Ariz. Many worried operators in Arizona and elsewhere look to what happened in Florida, which deregulated bus service two years ago.

Harold Slaughter, president of the Florida Motor Transport Association says that once the state deregulated, "Northern bus companies brought their bus companies down here during the winter and mom and pop operations sprang up." As a result, numerous members of his organization are "in some kind of financial trouble," he says.

One Florida operator complains of a former driver's buying a van, pulling up to bus stops five minutes before his old company's bus arrived and picking up all the passengers. Three days later, the established operator abandoned the route.

Even some newcomers complain. Paul Keeshin, president of Keeshin Bus Lines, Chicago, which opened an operation in Florida a year ago, says: "There are four times as many bus companies now as when I started. Three of my former employees have opened up companies. They drive themselves and park their buses at home."

Mr. Keeshin says his company started with 10 buses in Fort Lauderdale, planning to concentrate on charter service. He says he charged less than the established competitors, but found that low-overhead competitors charged even lower rates. By now he has cut his Florida fleet to five buses and says he is considering pulling out of the market entirely. "I hope what happened in Florida doesn't happen everywhere else," he says.

Of course, some newcomers with low costs are delighted with the opportunity deregulation has offered. David Spencer, who used to be a Greyhound driver, opened his own company in Clearwater, Fla. Now he runs three buses. He says he has grown because he charges 10% to 15% less than the competition. "My equipment isn't new, so my cost factor isn't as high" as his competitors', Mr. Spencer says. "Competition is always good," he says.

After 23 years of driving buses for a New Jersey concern, Frank Surace heard that Florida had deregulated bus service, quit his job and opened a bus company in Orlando. He has one bus, which he drives himself, His wife, Barbara, runs the office out of the family living room. "It's been great for us," Says Mrs. Surace. "It's a great feeling working for yourself."

What isn't a great feeling, though, is being without a car in any of the numerous tiny Florida towns that have lost bus service entirely through deregulation. "In Florida, we were able to cut out 90–95% of our small towns," says Frank Nageotte, vice chairman of Greyhound Corp. He says many of the stops were moved to nearby highways producing more efficient routes. But some small towns lost service entirely.

The 867 citizens of Mayo, Fla., haven't had any bus service since Greyhound pulled out nearly two years ago. "We have a lot of elderly people who don't have any cars," says Mayor Peter Wilson. "They depended on the buses for transportation. Now if their families can't do for them, they do without."

Clifford Carlstedt, president of the Sarasota, Fla., chapter of the Grey Panthers, which campaigns for older peoples' interests, says: "Deregulation will have a very detrimental effect on older people. A lot of older people can no longer drive or can't afford a car."

William Clark, an official of the South Central Florida Agency on Aging, says: "The main complaint we get from elderly people in rural areas where they've lost bus service is that they've lost independence. For these people, a loss of independence means a loss of dignity and pride."

For many, lack of bus service means a serious loss of hard cash too. "I need to go to the doctor right now, and there is no bus to take me," says Mattie-Lou Stewart, a retired nurse in Webster, Fla. Transportation to her doctor costs $20 round trip. "It takes all the money I have to eat," she says. She receives a monthly Social Security payment of $126.

Though the national deregulation bill contains some safeguards against loss of service, many still worry. "Iowa will certainly lose service," says Joanne Short, director of public transit for the Iowa Department of Transportation. "The quality of life here will definitely be diminished."

SHORT-LIVED FARE CUTS

Though advocates say deregulation can result in lower fares, as happened in many Florida situations, critics say the fare cuts don't always last long. After Florida's deregulation, one operator cut $6 from the Miami-to-Tampa fare. Two months later, it rescinded the cut. Speaking of Arizona operations, a Greyhound spokesman concedes, "I expect fare reductions to be short-lived."

The big operators, who lobbied hard for deregulation in most areas, are moving fast to capitalize on it. Trailways Inc. says it will cut some smaller lines in Arizona. But it has announced 14 new routes in the state, including one between Phoenix and Tucson. Greyhound has started runs linking Phoenix, Tucson and Flagstaff, the state's three biggest cities. It says it has also started a service on the "highly profitable" route linking Phoenix and the Grand Canyon.

Meanwhile, small established operators in Arizona worry a lot. Mark Godwin, general manager of Arizona Bus Lines, fears that deregulation could bring a price war at any time. As a result, he says, "everything we do is very tentative. We don't know what's going to happen."

Mr. ROBERT C. BYRD. Mr. President, the West Virginia Public Service Commission has just informed me that it is still opposed to the bus deregulation measure.

I am ready to vote and I realize there were only 10 votes cast against the bill on Senate passage, including my own vote, and that a vote on this conference report will be overwhelmingly in favor of its adoption, but I wish to register my opposition to the measure again because of the adverse effect it could have on rural communities in West Virginia.

● Mr. DANFORTH. Mr. President, we are now considering the conference report to H.R. 3663, the Bus Regulatory Reform Act of 1982.

I believe this legislation, which reduces the burdensome and outdated regulation the intercity bus industry functions under, is necessary and timely. The provisions of the bill are very similar to those contained in the bus deregulation bill which passed the Senate 85 to 10 on June 30, 1982. The language agreed to by the conferees addresses the concerns of the bus industry by opening the door to increased competition. The bill gives the industry greater ability to adjust its operations to meet the demands of its passengers.

The bill also pays special attention to the small and rural communities across the country. Much time and consideration went into the provisions which will affect these towns and cities.

I believe both passengers and the industry will benefit from the provisions of this bill. The President is eager to sign this legislation and I urge you to join me now in supporting the conference report.●

● Mr. WARNER. Mr. President, H.R. 3663, the Bus Regulatory Reform Act of 1982, will substantially lessen Federal and State regulation of interstate and intrastate bus service and operations. We all hope that improved service to the public and a healthier bus industry will result.

Among other changes, the Bus Regulatory Reform Act of 1982 will make it much easier for bus companies to terminate both interstate and intrastate service. This legislation will also significantly reduce the regulatory oversight of bus tour operations.

These changes have prompted numerous expressions of concern to me by organizations representing the traveling public. The concerns expressed have been that the substantially eased exit from service and greatly reduced regulation of tour operations could result in problems arising from termination of service to communities throughout our country and also problems of bus availability for tour operations.

Because of these concerns, when the bill was reported out by the Senate Committee on Commerce, Science, and Transportation, I asked for a recorded vote by the Senate so as to insure close attention to these questions.

Discussions carried on between the American Bus Association, the United Bus Owners of America—both passenger motor carrier industry associations—and the National Tour Brokers Association, and the National Association of Passenger Brokers who organize and operate bus tours, has led to the formation of an intercity bus and passenger tour broker regulatory reform liaison group. This liaison group is being formed to promote constructive implementation of the Bus Regulatory Reform Act and to explore joint solutions to any problems which may arise.

This liaison group will afford a mechanism whereby common concerns of the traveling public, bus operators, and tour brokers can be addressed. Later, I would like to insert in the RECORD a copy of the June 9, 1982, statement by the American Bus Association, the United Bus Owners of America, and the National Tour Brokers Association announcing the formation of this group and explaining its purpose.

I am reassured by the formation of this group that the concerns which have been expressed to me can be addressed if problems arise. Accordingly, I will support the conference report.

As this legislation is implemented, we will all want to make sure that the communities across the country, particularly those in outlying areas, and all the traveling public, in particular the elderly, who perhaps more than any other group depend upon bus service, have their needs for bus service and bus tour availability reasonably met.●

Mr. PACKWOOD. Mr. President, I am ready to vote.

Mr. ROBERT C. BYRD. Mr. President, perhaps we should have a brief quorum call to advise our colleagues that a rollcall vote is imminent. I will put in a brief quorum call to alert them to that fact. I will try to call it off in 5 minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there further debate? If not, the question is on agreeing to the adoption of the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BUMPERS (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Idaho (Mr. MCCLURE), and the Senator from Idaho (Mr. SYMMS) are necessarily absent.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), and the Senator from California (Mr. CRANSTON) are necessarily absent.

I also announce that the Senator from Florida (Mr. CHILES) is absent because of illness in the family.

The PRESIDING OFFICER (Mr. GORTON). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 84, nays 8, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—84

Andrews	Grassley	Murkowski
Armstrong	Hart	Nickles
Baker	Hatch	Nunn
Boren	Hatfield	Packwood
Bradley	Hawkins	Pell
Brady	Hayakawa	Percy
Burdick	Heflin	Proxmire
Byrd, Harry F., Jr.	Heinz	Pryor
	Helms	Quayle
Cannon	Hollings	Riegle
Chafee	Huddleston	Roth
Cochran	Humphrey	Rudman
D'Amato	Inouye	Sarbanes
Danforth	Jackson	Sasser
DeConcini	Jepsen	Schmitt
Denton	Johnston	Simpson
Dixon	Kassebaum	Specter
Dodd	Kasten	Stafford
Dole	Kennedy	Stennis
Domenici	Laxalt	Stevens
Durenberger	Leahy	Thurmond
Eagleton	Levin	Tower
East	Long	Tsongas
Exon	Lugar	Wallop
Ford	Mathias	Warner
Garn	Matsunaga	Weicker
Glenn	Mattingly	Zorinsky
Goldwater	Metzenbaum	
Gorton	Moynihan	

NAYS—8

Baucus	Cohen	Pressler
Boschwitz	Melcher	Randolph
Byrd, Robert C.	Mitchell	

ANSWERED "PRESENT"—1

Bumpers

NOT VOTING—7

Abdnor	Chiles	Symms
Bentsen	Cranston	
Biden	McClure	

So the conference report was agreed to.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. PACKWOOD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senate will be in order. The Senate cannot return to its business until the Senate is in order. Senators will please retire from the well.

SUPPLEMENTAL APPROPRIATIONS, 1982—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will resume consideration of the conference report on H.R. 6863.

Mr. FORD. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDING OFFICER. The Senator is correct. Senators will please retire from the well.

SENATE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. ROBERT C. BYRD. I thank the Senator from Oregon.

Mr. President, for the edification of Members on both sides of the aisle, I ask the distinguished majority leader what he may see as the program for the remainder of the day, whether there will be any rollcall votes and if he can at this moment indicate what the situation may be when the Senate returns on September 8.

Mr. BAKER. Mr. President, I thank the majority leader.

Mr. President, today I hope and trust that we can finish action on the supplemental appropriations conference report. I expect perhaps more than one vote on that measure.

After that, I do not anticipate that we will transact any other business except the most routine sort of business that might be cleared for action by unanimous consent.

Mr. President, I also expect that after the supplemental is disposed of we will adopt the adjournment resolution which is at the desk and has not yet been acted upon.

Mr. President, when we return on September 8, it is the intention of the leadership to ask the Senate to proceed to the consideration of the Hatch constitutional amendment on abortion. I will, of course, seek unanimous consent to do that.

Senators should know, however, that if it is necessary to do that, I will move to consideration of that item.

I also wish to say that, while we came within a hair's breadth of getting unanimous-consent agreement on the whole abortion issue and it fell through for a variety of reasons, I still hope that we can get a unanimous-consent agreement to limit debate to 8 hours as provided in that original request on the Hatch amendment as well as the provision that no amendment to the Hatch amendment will be in order.

If that were the case, then we would debate Hatch on Wednesday and then for a while on Thursday and perhaps dispose of that issue, that is, the constitutional amendment on abortion on Wednesday and Thursday, September 8 and 9.

INTENTION TO FILE CLOTURE MOTION

Mr. President, I intend today later, assuming that the debt limit bill recurs as the pending business, to file a cloture motion which will be a cloture motion to end debate on amendment No. 2038 which amendment amends amendment No. 2031, as modified.

Then, assuming that it is filed today, and I expect to do that, the vote on cloture on that amendment would occur on Thursday.

So if that plan holds, we would have the Hatch debate on Wednesday and Thursday, until the time arrives for the cloture vote on the Helms amendment on Thursday.

I anticipate that Friday of that week, which is September 10, will also be devoted to debate on the debt limit bill.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader be amenable to attempting to get consent that the Senate in voting on the cloture motion on Thursday, September 9 would vote at a certain hour, hopefully an hour, let us say, 2 p.m. in the afternoon or later, because I wish to have a caucus on that day? Since we will not be in on Tuesday, I wish to have a caucus on Thursday.

Mr. BAKER. Yes; I think that point is well made. I am entirely agreeable with that.

Let me check with my clearance staff, and I wish to make that request a little later today.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. METZENBAUM. Mr. President, will the majority leader yield for a question?

Mr. BAKER. I yield.

SUPPLEMENTAL APPROPRIATIONS—CONFERENCE REPORT

Mr. METZENBAUM. I am a little bit unclear about the program for the remainder of the day. The majority leader has indicated that he expects to complete the supplemental appropriations bill, which is fine with me, and I have no special concerns about it. However, it is my understanding that we not only have the conference committee report before us but we have 35 amendments that are in disagreement and that amendments thereto are in order, and knowing this body and its propensity, including myself, to offer amendments of that kind, I am curious to know how the majority leader intends to proceed. As the majority leader knows, I, yesterday, spoke to the effect about bringing up an amendment concerning extending unemployment benefits. Will he be good enough to clarify that? I heard that there are other amendments coming from that side. Many of us wish to know how he will handle that.

Mr. BAKER. Mr. President, assuming that the conference report itself is adopted, and I truly hope we will do that very promptly, of course, under the rule any item in disagreement will be amendable. The nature of the amendment might or might not be subject to a point of order and any Senator is within his right to offer amendments as he may wish. I do not encourage Senators to do that, certainly, but I recognize their right to offer amendments to any item in disagreement that is brought to us from the House of Representatives.

Mr. President, I still hope that we can finish this conference report and the items in disagreement this afternoon. The hope may be a vain hope and in that case our alternatives are either to stay late today and come back tomorrow or to take the bill down.

Taking the conference report down will be very difficult because I have in my hand a communication from the administration indicating that while it will be possible under the Food and Forage Act to obligate expenditure for the military and civilian payrolls of the Goverment of the United States it should not make expenditures. I am not certain that is the last word on that subject. But that would pose a nice problem, that is, the problem of whether or not we could issue paychecks for the military and civilian employees of the Government of the United States at the end of August.

So I think we owe the obligation to try to finish that if we can and if we cannot we cannot. I cannot force Senators to stay here, and I cannot force them to enter into agreements, but the answer to the Senator's question is if we adopt the conference report then items in disagreement, as I understand it, would be subject to amendment, and in the regular course of affairs I would observe with great interest how the Senate chose to dispose of that matter.

Mr. METZENBAUM. I thank the Senator.

Mr. LEVIN. Mr. President, will the majority leader yield?

Mr. BAKER. I yield to the Senator from Michigan.

Mr. LEVIN. First of all, I thank the majority leader for his efforts in helping me to try to get the vote on my matter over the past few months. He has been consistently true to his word in that regard, and I am hoping to achieve that today by offering my amendment to preserve the social security benefits for an additional year as an amendment to one of these amendments in disagreement.

We had a lengthy debate this morning on it, and there may be others of my cosponsors who wish to speak on it. But my intention now is, after the conference report is adopted, to offer my amendment as an amendment to one in disagreement and hope that we can have an up-and-down vote at that point without a point of order being raised against it.

Again, I thank the majority leader for his efforts to make this possible.

Mr. BAKER. I thank the Senator from Michigan.

Mr. President, I am advised now that I can clear the request suggested by the minority leader.

ORDER FOR VOTE ON CLOTURE MOTION AT 2 P.M., THURSDAY, SEPTEMBER 9, 1982

Mr. President, I ask unanimous consent that if a cloture motion is filed, which would be presented to the Senate for a vote on Thursday, September 9, under the provisions of rule XXII, that vote occur at 2 p.m.

Mr. HEFLIN. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Could the Chair put the request first? And then I will be happy to yield.

Mr. DECONCINI. Mr. President, reserving the right to object, is there any magic about 2 p.m.? What about 5 p.m.?

Mr. BAKER. No.

Mr. ROBERT C. BYRD. There is considerable magic about the hour of 2 p.m., according to a Senator who is sitting not very far from where I now stand. He prefers it at 2 p.m. inasmuch as he has to be in other places outside the city after 2 p.m.

Mr. DECONCINI. My own problem is I will not be here. I will be in other places at 2 p.m. I would be here at 5 p.m. I realize the problem.

Mr. BAKER. Which is one of the institutional problems of pluralism.

Mr. ROBERT C. BYRD. I hope the Senator sitting not very far from where I now stand will express his appreciation to the distinguished Senator from Arizona, and I am sure he will.

Mr. BAKER. Mr. President, I add to my request—no, Mr. President, I started to say that I add to my request that we waive the mandatory live quorum. I think it might just as well be for us to have that quorum at that time.

Mr. President, let me modify the request so that the live quorum provided for under rule XXII will begin at 2 p.m.

Mr. ROBERT C. BYRD. Mr. President, I would hope the vote itself would begin at 2 p.m.

Mr. BAKER. Mr. President, I have no problem with that. I will rephrase the request so that the vote itself will occur at 2 p.m., and the mandatory quorum under rule XXII will be waived.

The PRESIDING OFFICER. Is there objection?

Mr. HEFLIN. Mr. President, will the Senator yield for a question? In reciting what the cloture vote will be on, the Senator used numbers, and I generally consider that the last stages of Potomac swamp fever when we refer to numbers and we do not have an explanation of the bill without numbers.

Would the Senator be so kind as to tell us what the modifications and what the amendments would be pertaining to abortion or school prayer with an explanation beyond just numbers?

Mr. BAKER. Yes, Mr. President. So far as I can tell, and I have to say to the Senator I never have understood the substance of this debate very well anyway, but as far as I can tell what we are doing is applying the provisions of rule XXII to an amendment to limit debate on the abortion amendment.

Mr. HEFLIN. Is that on the modified amendment, is it modified by Helms or modified by Baucus?

Mr. BAKER. No, it is Helms modified by Helms.

Mr. HEFLIN. Helms modified by Helms

Mr. BAKER. Modified and amended by Helms.

Mr. PACKWOOD. Mr. President, I think what the Senator from Alabama is asking, if I understand it, is cloture on the abortion portion of the Helms amendment, and abortion alone; is that correct?

Mr. BAKER. That is correct.

Mr. ROBERT C. BYRD. The amendment has already been modified.

Mr. BAKER. The amendment has been modified, and the second-degree amendment to the amendment has been offered, and the cloture motion is against the abortion amendment which, I believe, is the second degree—Mr. President, the first-degree amendment, which was the prayer amendment, has been modified as a matter of right by the Senator from North Carolina. Then an amendment was offered to the first-degree prayer amendment, which is the abortion amendment. The abortion amendment, the second-degree amendment, has not been modified, but the yeas and nays have been granted.

Mr. President, the cloture motion is against the second-degree amendment, which is the abortion amendment alone.

Mr. ROBERT C. BYRD. And which cannot be modified except by unanimous consent.

Mr. BAKER. I agree with the minority leader. It cannot under the rules be modified absent unanimous consent.

I yield to the Senator from Arkansas.

Mr. BUMPERS. Mr. President, would a motion to table be in order in the event cloture is voted? Would a motion to table the Helms amendment be in order?

Mr. BAKER. Mr. President, let me yield so that the Senator may propound that as a parliamentary inquiry.

The PRESIDING OFFICER. The motion to table may be made against the matter on which cloture has been invoked.

Mr. BUMPERS. Either before or after cloture?

The PRESIDING OFFICER. The Senator is correct.

Is there objection to the unanimous-consent request of the majority leader? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, may I ask the distinguished majority leader, is there any word from the White House as to whether or not the veto of the supplemental might occur? We have heard rumors that there might be a veto.

Mr. BAKER. Mr. President, I thank the Senator for his inquiry. I cannot answer the question. I too have heard those rumors. I have made my recommendations on the bill to the President. The President has not indicated to me, I believe he has not indicated to anyone else, what his final disposition of this measure will be.

Mr. ROBERT C. BYRD. Mr. President, if the majority leader will further indulge me, may I ask does the majority leader intend to adopt a pro forma resolution or if he can tell us how does he intend to adjourn so as to preclude a pocket veto of the measure should the President do so?

Mr. BAKER. Mr. President, I do not believe the President will choose that. I cannot assure the Senator that that is absolutely impossible, but having inquired into that it is my distinct impression the President will choose either to sign or veto the measure. I do not anticipate a pocket veto, and the resolution sent to us by the House is an adjournment resolution.

Mr. ROBERT C. BYRD. If the President should veto the supplemental while the Senate is out what would be the plans of the President to call us back or what would be the plans of the majority leader?

Mr. BAKER. It would not be my plan to ask the Senate to return. I have made no provision for that in the adjournment resolution, which is the only authority I believe the leadership would have in this respect if it were to be granted by the Senate. I do not believe, however, that the President would entertain a call for the Senate or the House of Representatives to return.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will yield further, as I heard the majority leader a few moments ago, failure of passage of this measure would create some problems. If the President were to veto the measure those same problems would be created. I personally would like to express the hope that if the President vetoes this measure that the adjournment resolution will allow the leader to call us back, if necessary, so that the Senate will be here in the event a veto should take place. I am concerned about the Senate being out if the President is going to veto the measure, and I think he should let us know now, I personally feel he should let us know now, whether he is going to veto the bill. The majority leader is in no position to extract that from the President, but I think the President should let the Congress know before we go out on this break what his intentions are, else Congress could be blamed for

being away at a time when a veto occurred on a measure which, from what I understood the majority leader correctly to say, could create some problems if it is not enacted before the break.

Mr. BAKER. Mr. President, I thank the Senator. I assure him I will continue to recommend to the President and state my own views and to solicit from him his intentions. I understand the Senator's concern, the minority leader's concern.

I point out that in this particular case the House of Representatives orginated the adjournment resolution, and I believe they would act on a veto if indeed the bill were vetoed before the bill reached us. In order to change that I suppose we would have to, if we wanted to, amend the House-passed resolution and send it back to them. But I think, Mr. President, we may have some further views on that in the course of the day. I hope so.

Mr. ROBERT C. BYRD. I would hope so and I hope, may I say with much respect to the majority leader, if we cannot get that answer out of the White House if we are going to pass this measure, I hope the adjournment resolution will be so amended so that the leadership will be in position to act if necessary to keep these problems from occurring and the Congress to be criticized for being out and unable to act.

Mr. BAKER. I thank the Senator.

Mr. THURMOND. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. THURMOND. As I understand it, we will be on the abortion question when we come back and, as I understand, we would then go, after we finish that, to the crime package, S. 995, is that correct?

Mr. BAKER. Mr. President, I have discussed with the distinguished President pro tempore both of those measures, and it is my intention to proceed to both of those measures when we return, at some point and do so promptly. But I must say to the Senator from South Carolina that both of those measures will draw objection to their consideration by unanimous consent and we will have to negotiate a little on how we schedule them and when we schedule them.

Mr. THURMOND. I wish to remind the majority leader that we have already gotten unanimous consent to take up the crime package.

Mr. BAKER. No; I think we have a limitation on the crime package but we do not yet have unanimous consent to proceed to its consideration. In any event, I will confer with the distinguished Senator and we will do the best we can. But he should know that I do intend to deal with both of those measures and to do so promptly after we return in September.

Mr. THURMOND. I thank the Senator very much.

Mr. BUMPERS. Will the majority leader yield just for an observation?

Mr. BAKER. Yes.

Mr. BUMPERS. I know of three amendments that are probably going to be offered on the amendments to this conference report. The majority leader may know of more. But if we are going to get out of here today, it seems to me we are going to have to have some kind of agreement.

I was just wondering if the majority leader might consider making those three amendments the only ones in order on this, unless he knows of others, and get maybe a 30-minute time agreement. I feel certain the Senator from Michigan, maybe the Senator from Ohio, and the Senator from Arizona will all agree. Then we would have some more definitive idea of when we will get out of here today.

Mr. BAKER. The Senator's point is well taken. I will pursue that, as they say, with vigor, and I hope to make a request at a later time.

Mr. SARBANES. Will the majority leader yield?

Mr. BAKER. Yes.

Mr. SARBANES. Mr. President, I wish to underscore what the minority leader said; that if there is a real danger that the supplemental will be vetoed that the adjournment resolution ought to provide in it the opportunity for the leaders of the Senate or the Congress to call the Congress back in if that is necessary.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oregon.

SUPPLEMENTAL APPROPRIATIONS, 1982—CONFERENCE REPORT

The Senate continued with the consideration of the conference report.

Mr. HATFIELD. Mr. President, I have worked out with the Senator from Michigan (Mr. LEVIN) and the Senator from Colorado (Mr. ARMSTRONG) an agreement that we are ready to move to the adoption of the conference report in order to bring the amendment before the body and begin the debate on the amendments that may be offered by the Members.

Therefore, I move the adoption of the conference report on H.R. 6863.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report on H.R. 6863 was agreed to.

Mr. HATFIELD. I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, this is also a request that has been worked out with the interested parties. Let me first of all make an observation.

The committee amendments are amendable. There are two amendments that are in disagreement, amendments 115 and 150, which are not amendable. So, in order to expedite the process here, I ask unanimous consent that we adopt the committee amendments Nos. 2 through 177 en bloc.

What that does it to leave available for Members to offer amendments from the floor on three committee amendments that are available. We only need one, for that matter, I thought, to make sure everyone felt that we had plenty of opportunity for handling amendments, that we would exclude from the committee amendments en bloc Nos. 180, 182, and 183, and that we would exclude from this unanimous-consent agreement the two nonamendable amendments, amendments No. 115 and No. 150.

Mr. METZENBAUM. Will the Senator from Oregon yield for a question?

Mr. HATFIELD. Yes.

Mr. METZENBAUM. Is it not a fact that to proceed in that manner that certain amendments which might be germane might become nongermane by reason of the exclusion of all of the amendments that are now being proposed?

Mr. HATFIELD. Mr. President, I would like to have the Senator address that question to the Chair. My understanding is the germaneness goes to the total bill rather than to a single amendment.

The PRESIDING OFFICER. In connection with an appropriations bill, it is the ruling of the Chair that it is the action of the Senate itself which determines the germaneness.

Is there objection?

Mr. LEVIN. Will the Senator yield?

Mr. HATFIELD. I am happy to yield.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Will the Senator from Oregon yield to me?

Mr. HATFIELD. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, unless a Senator who has the floor yields for the purpose of calling a quorum, another Senator cannot suggest the absence of a quorum. I have noted recently that this has hap-

pened too many times. Someone suggested the absence of a quorum yesterday when the majority leader had the floor and made a unanimous-consent request. The majority leader did not lose the floor by virtue of his making the unanimous-consent request, but another Senator just said, "I suggest the absence of a quorum." That cannot be done unless the Senator who has the floor yields for that purpose

I hope that Senators would be more cognizant of their rights and I also hope that the Chair would protect Senators in that regard. I have no criticism of the Chair in this instance or of the Parliamentarian. It is just something that is sort of automatic when a Senator suggests the absence of a quorum, that the Chair will say, "The clerk will call the roll."

But I say again and again, that the Senator holding the floor, in this instance, Mr. HATFIELD, must yield for that purpose. Yesterday, the majority leader had the floor and put a unanimous-consent request, yet a Senator suggested the absence of a quorum and the quorum was called without the majority leader being asked if he yielded for that purpose. I hope that we all would be more cognizant of the rules.

The PRESIDING OFFICER. The minority leader is correct.

The Senator from Oregon has the floor.

Mr. HATFIELD. Mr. President, I wish to first of all thank the minority leader. He is extraordinarily expert in parliamentary procedure. I appreciate his observation. He has helped me, as one individual Senator, to recognize my rights a little more precisely than I understood them before.

Mr. ROBERT C. BYRD. In this instance, no harm was done. But it could be to great disadvantage of a Senator who had the floor if such a practice is allowed to continue.

The PRESIDING OFFICER. The question before the Senate is the unanimous-consent request of the Senator from Oregon to concur in certain House amendments en bloc.

The Chair would like to point out that amendment No. 182, is an amendment to strike and would not be further amendable.

Mr. HATFIELD. Mr. President, one is sufficient for the purpose of our procedures, so I would eliminate that from my exclusion so we would still have Nos. 180 and 183 to hang amendments on.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? Without objection, it is so ordered.

The committee amendments, Nos. 2 through 177 (except Nos. 115 and 150), and committee amendment No. 182, agreed to en bloc, are as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"FOOD AND NUTRITION SERVICE

"CHILD NUTRITION PROGRAMS

"If the funds available for Nutrition Education and Training grants authorized under section 19 of the Child Nutrition Act of 1966, as amended, require a ratable reduction in those grants, the minimum grant for each State shall be $50,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 6 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"OPERATIONS, RESEARCH, AND FACILITIES

"For an additional amount for "Operations, research, and facilities", $2,163,000, to remain available until expended: *Provided*, That of the funds appropriated under this head, $200,000 shall be for necessary expenses for research to develop life history information on the bowhead whale in high level and low level area surveys and not to exceed $50,000 shall be for implementation of the 1982 Cooperative Agreement between the National Oceanic and Atmospheric Administration and the Alaska Eskimo Whaling Commission as amended in July 1982."

Resolved, That the house recede from its disagreement to the amendment of the Senate numbered 17 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

": *Provided further*, That notwithstanding the provisions of title 31 U.S.C. 483(a) and 484, the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records for noncriminal employment and licensing purposes, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services: *Provided further*, That the funds available for carrying out these services shall be available only to the extent provided in advance in appropriation Acts."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"OFFICE OF JUSTICE ASSISTANCE, RESEARCH AND STATISTICS

"RESEARCH AND STATISTICS

(TRANSFER OF FUNDS)

"For an additional amount for "Research and statistics", $450,000, to be derived by transfer from "Law enforcement assistance" for a study of the victims of crime in the District of Columbia to be submitted to the Congress not later than September 30, 1983.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"Aircraft procurement, Air Force

"For an additional amount for 'Aircraft procurement, Air Force', $120,000,000, to remain available until September 30, 1984, only for the purchase of two new KC-10 aircraft or fully funding the purchase and modification of an appropriate number of used DC-10 aircraft to the KC-10 configuration".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 42 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$19,700,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 43 to the aforeaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$6,500,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 45 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the sum named in said amendment, insert: "$800,000,000".

Resolved, That the House recede from it disagreement to the amendment of the Senate numbered 58 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"ECONOMIC SUPPORT FUND

"CARIBBEAN BASIN INITIATIVE

"For an additional amount for necessary expenses to carry out chapter 4 of part II of the Foreign Assistance Act of 1961, $350,000,000, to remain available until March 31, 1983, notwithstanding section 10 of Public Law 91-672: *Provided*, That the funds in this paragraph shall be available only to the extent and in the manner provided as follows: not less than $20,000,000 for the Eastern Caribbean; not less than $41,000,000 for the Dominican Republic; not less than $10,000,000 for Haiti; not less than $50,000,000 for Jamaica; not less than $10,000,000 for Belize; not less than $70,000,000 for Costa Rica; not more than $10,000,000 for Guatemala; not less than $35,000,000 for Honduras; not more than $75,000,000 for El Salvador; not less than $2,000,000 for the American Institute for Free Labor Development; not less than $2,000,000 for the Inter-American Foundation; and $25,000,000 unallocated: *Provided further*, That none of the funds appropriated for this purpose may be obligated until September 15, 1982, or until the enactment of authorizing legislation, whichever comes first: *Provided further*, That none of the funds appropriated under this heading and made available only for a country referred to in the first proviso may be available for such country while such country is not taking adequate steps to cooperate with the United States, as certified monthly by the President to the Congress, to prevent narcotic drugs and other controlled substances (as listed in the schedules in section 202 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 812)) which are produced, processed, or transported in such country from entering the United States unlawfully. Notwithstanding any other provision of this Act, none of the funds appropriated in this paragraph may be obligated or expended in any manner in-

consistent with the policy hereby reaffirmed, which is stated in S.J. Res. 230 (76 Stat. 697), to wit:

"Whereas President James Monroe, announcing the Monroe Doctrine in 1823, declared that the United States would consider any attempt on the part of European powers 'To extend their system to any portion of this Hemisphere as dangerous to our peace and safety'; and

"Whereas in the Rio Treaty of 1947 the parties agreed that 'an armed attack by any State against an American State shall be considered as an attack against all the American States, and, consequently, each one of the said contracting parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by article 51 of the Charter of the United Nations'; and

"Whereas the Foreign Ministers of the Organization of American States at Punta del Este in January 1962 declared: 'The present Government of Cuba has identified itself with the principles of Marxist-Leninist ideology, has established a political, economic, and social system based on that doctrine, and accepts military assistance from extracontinental Communist powers, including even the threat of military intervention in America on the part of the Soviet Union'; and

"Whereas the international Communist movement has increasingly extended into Cuba, its political, economic, and military sphere of influence: Now, therefore, be it

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the United States is determined—

"(a) to prevent by whatever means may be necessary, including the use of arms, the Marxist-Leninist regime in Cuba from extending by force or the threat of force its aggressive or subversive activities to any part of this hemisphere;

"(b) to prevent in Cuba the creation or use of an externally supported military capability endangering the security of the United States; and

"(c) to work with the Organization of American States and with freedom-loving Cubans to support the aspirations of the Cuban people for self-determination.".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 60 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"MILITARY ASSISTANCE PROGRAM

"For an additional amount for necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, $2,000,000, to remain available for obligation until September 30, 1983: *Provided*, That such amount and $25,000,000 of funds reprogrammed during the fiscal year 1982 to carry out such section shall be available only to the extent and in the manner provided as follows: $10,000,000 shall be available only for Honduras; $5,000,000 shall be available only for Somalia; $2,000,000 shall be available only for Costa Rica; and, $10,000,000 shall be available only for Portugal."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 62 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

FOREIGN MILITARY CREDIT SALES

For an additional amount for necessary expenses to enable the President to carry out the provisions of sections 23 and 24 of the Arms Export Control Act, $50,000,000, which sum shall be available only for Sudan.

In addition to the total amount of gross obligations for the principal amount of direct loans, exclusive of loan guarantee defaults, which may be made during the fiscal year 1982 pursuant to the heading "foreign Military Credit Sales" of Public Law 97-121, there many be made $50,000,000 of such gross obligations during such fiscal year.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 63 to the aforesaid bill, and concure therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"SPECIAL DEFENSE ACQUISITION FUND

("Limitation on Obligations)

"There are authorized to be made available for the Special Defense Acquisition Fund for the fiscal year 1982, $125,000,000."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 64 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"DEPARTMENT OF STATE

"MIGRATION AND REFUGEE ASSISTANCE

"The funds appropriated by the Foreign Assistance and Related Programs Appropriations Act, 1982, for resettlement services and facilities for refugees and displaced persons in Africa shall remain available until expended."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 65 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"HOUSING PROGRAMS

"Annual Contributions for Assisted Housing

"The Urgent Supplemental Appropriations Act, 1982 (Public Law 97-216) is amended by striking the seventh and eighth provisos under this heading and inserting in lieu thereof the following: *Provided further*, That to the extent the amount of budget authority (including budget authority internally transferred by State Housing Finance Development agencies pursuant to 24 C.F.R. Section 883.207) which is recaptured or deobligated during fiscal year 1982 exceeds $3,250,000,000, the amount of recaptured or deobligated contract authority and budget authority which exceeds such $3,250,000,000, if any, shall be deferred until October 1, 1982, except that budget authority internally transferred pursuant to 24 C.F.R. Section 883.207 shall not be deferred: *Provided further*, That the first $89,321,727 of budget authority deferred in accordance with the immediately preceding proviso, or such lesser amount as is available on October 1, 1982, shall be made available for the modernization of 5,073 vacant uninhabitable public housing units, pursuant to section 14 of the United States Housing Act of 1937, as amended, other than section 14(f) of such Act."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 66 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"SELECTIVE SERVICE SYSTEM

"SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000: *Provided*, That the Director of the Selective Service System shall establish at the time of mobilization a Civilian Review Board(s) to review appeals made by alternative service workers to their job assignments or reassignments.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 69 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"LAND ACQUISITION

"For an additional amount for "Land acquisition", $700,000: *Provided*, That notwithstanding the date cited in section 119(d) of Public Law 96-199, this amount together with $1,920,000 appropriated under this head in Public Law 97-100 shall be available for acquisition of lands in the Yaquina Head Outstanding Natural Area, Oregon, to remain available until expended.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 84 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: ": *Provided further*, That the Act of December 23, 1981 (95 Stat. 1391, 1400) is amended under the heading "INDIAN AFFAIRS" in the paragraph headed "TRIBAL TRUST FUNDS" by deleting the last sentence of said paragraph and inserting the following in lieu thereof:

"No funds shall be deposited in such 'Indian money, proceeds of labor' (IMPL) accounts after September 30, 1982. The unobligated balance in IMPL accounts as of the close of business on September 30, 1982, including the income resulting from the investment of funds from such accounts prior to such date, shall be transferred to and held in escrow accounts at the locations of the IMPL accounts from which they are transferred. Funds in such escrow accounts may be invested as provided in section 1 of the Act of June 24, 1938 (52 Stat. 1037; 25 U.S.C. 162a) and the investment income added to such accounts. The Secretary shall determine no later than September 30, 1985 (after consultation with appropriate tribes and individual Indians) the extent to which the funds held in such escrow accounts represent income from the investment of special deposits relating to specific tribes or individual Indians. Upon such a determination by the Secretary and express acceptance of the determination by the beneficiary, the Secretary shall transfer such funds to trust accounts for such tribes or individual Indians. Not more than ten percent of the funds transferred to trust accounts for any tribe or individual Indian under this provision may be utilized to pay for legal or other representation relating to claims for such funds. Not to exceed two percent of the funds transferred from the IMPL accounts shall be available to reimburse the Bureau of Indian Affairs for administrative expenses incurred in determining ownership of the funds. Acceptance of a determination by the Secretary and the transfer of funds under this provision shall constitute a com-

plete release and waiver of any and all claims by the beneficiary against the United States relating to the unobligated balance of IMPL accounts as of the close of business on September 30, 1982. During the period of October 1, 1985 through September 30, 1987, or earlier if a Secretarial determination on ownership and appropriate fund transfers has been completed, the funds remaining in such escrow accounts because they have not been transferred to trust accounts, may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the respective governing bodies of the tribes at the locations where such accounts are maintained. The unobligated balances of such escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the Treasury."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 86 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "to remain available until expended, of which $1,000,000 shall be available for immediate payment to the people of Bikini under the terms and conditions as set forth in a trust agreement or amendment thereto approved by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Interior: *Provided,* That $19,600,000 shall be available for the relocation and resettlement of the Bikini people in the Marshall Islands, principally on Kili and Ejit Islands: *Provided further,* That such sum shall be paid to a trustee selected by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Interior to be held in trust pursuant to the provisions of the aforementioned trust agreement or amendment thereto approved by the Bikini/Kili Council subject only to the disapproval of the Secretary of the Interior: *Provided further,* That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided further,* That $2,000,000 of such fund shall remain available for future ex gratia distribution to the people of Bikini Atoll pursuant to the provisions of the trust agreement: *Provided further,* That the Governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds: *Provided further,* That of the remaining funds, $2,500,000 shall be transferred to the "Administration of territories" account for technical assistance activities, to remain available until expended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 91 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"FOSSIL ENERGY CONSTRUCTION

"(Deferral)

"Of the funds made available for obligation under this heading in the Department of the Interior and Related Agencies Appropriation Act, 1982 (Public Law 97-100) for the continued design of the Solvent Refined Coal-I (SRC-I) demonstration facility (Project No. 78-2-d), $64,000,000 is hereby deferred until the enactment of the Department of the Interior and Related Agencies Appropriation Act, 1983. Of the remaining funds, $28,100,000 shall be used to undertake SRC-I post-baseline activities of the type specified in ICRC-DOE letter numbered 1629 entitled Technical Scope of Work for the Post-Baseline Period; $22,000,000 shall be used for the termination costs of SRC-I; and $5,000,000 shall be used for administrative expenses incurred by the Department of Energy in carrying out the aforesaid activities.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 97 to the afore said bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: ": *Provided,* That not more than $46,325,840 shall be for grants to States under paragraph (3) of section 506(a) of the Older Americans Act of 1965, as amended".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 98 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

"For an additional amount for "Grants to States for Unemployment Insurance and Employment Services", $20,000,000, to remain available until September 30, 1983, to be used only for necessary administrative expenses for carrying out a Federal supplemental benefits program, subject to enactment of authorizing legislation.

"ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

"Funds appropriated under this head shall be available for non-repayable advances for a Federal supplemental benefits program, subject to enactment of authorizing legislation".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 112 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"For an additional amount to carry out title III of the Higher Education Act, notwithstanding section 516(c)(1) of the Omnibus Reconciliation Act of 1981, $10,000,000 which shall remain available for obligation by the Secretary of Education through September 30, 1983, of which $5,000,000 shall enable the Secretary (1) to award grants under title III of the Higher Education Act notwithstanding section 347 of that Act and (2) to pay expenditures of the Secretary in connection with the awarding of such grants: *Provided,* That the Secretary may award these funds to an eligible institution only if the institution is not eligible to receive title III funds under section 347(e) of the Act in fiscal year 1982 and its enrollment of Hispanic and Native American students, as reported on the latest available Education Department Higher Education General Information Survey (HEGIS), is at least 45 per centum: *Provided further,* That the remaining $5,000,000 shall enable the Secretary to award grants under parts A and B of title III of the Act to eligible instructions which had an application approved, but did not receive a grant in fiscal year 1982: *Provided further,* That any funds that were appropriated for part B of title III of the Higher Education Act for fiscal year 1982 and were reserved in accordance with section 347(e) of the Act but not awarded in fiscal year 1982 to institutions with special needs that historically serve substantial numbers of black students, shall remain available for obligation by the Secretary of Education through September 30, 1983 to enable the Secretary (1) to award such funds to those institutions with special needs that historically serve black students that were not selected for funding by the Secretary under title III of the Act in fiscal year 1982, and (2) to provide technical assistance to such institutions to assist them in applying for such funds, notwithstanding section 321(b) of the Act: *Provided further,* That of the amounts that shall remain available for obligation under part B of title III of the Higher Education Act, $300,000 shall be for two institutions of higher learning in Vermont under part A of title III of that Act".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 117 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment insert:

"ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

"Of the unobligated balances available under this heading, not to exceed $16,000,000 shall be reprogrammed upon the approval of the House and Senate Committees on Appropriations for the acquisition of an aircraft to replace a C-130 aircraft which had been based at Kodiak, Alaska".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 119 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: "$93,200,000, of which $57,500,000 shall remain available until September 30, 1983,".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 132 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "From funds previously appropriated for the Urban Mass Transportation Administration, Urban discretionary grants; advances shall be made immediately, upon the approval of the House and Senate Committees on Appropriations, toward extraordinary costs permitted under full funding contracts as necessary to insure project continuity.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 138 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "*Provided,* That none of the funds appropriated by this Act shall be used to impose or assess any tax due on custom-made firearms under subchapter D of chapter 32 of the Internal Revenue Code of 1954, as amended, sections 4161 and 4181, in all cases where less than fifty items are manufactured or produced per annum".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 149 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"NATIONAL ARCHIVES AND RECORDS SERVICE

"OPERATING EXPENSES

"For an additional amount for 'Operating expenses', $4,100,000, to remain available until expended, of which $1,500,000 shall be for allocations and grants for historical publications and records, and $600,000 shall be for the preservation of House and Senate historical records".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 161 to the aforesaid bill, and concur therein with an amendment as follows:

Strike out the matter stricken by said amendment, and insert: ", $10,000,000 shall be derived by transfer from 'Missile procurement, Air Force, 1982/1984', $12,000,000 shall be derived by transfer from 'Aircraft procurement, Air Force, 1982/1984', and $17,626,000 shall be derived by transfer from 'Research, development, test, and evaluation, Navy, 1982/1983'."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 172 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert: "and an additional $500,000 to be derived by transfer from "Emergency planning and assistance", for a total available by transfer of $2,584,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 177 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"SEC. 303. Notwithstanding any other provision of law, funds provided to the Department of Energy by this Act or any other Act for any fiscal year shall be used to maintain not less than the number of full-time permanent Federal employees specified herein for each of the following offices, agencies, or categories of activity: (1) The Office of the Assistant Secretary for Conservation and Renewables, 352 employees, of which not less than 154 employees shall be assigned to conservation research and development activities, and not less than 180 employees shall be assigned to State and local conservation activities; (2) The Office of the Assistant Secretary for Fossil Energy, 754 employees, of which not less than 150 employees shall be assigned to activities of the headquarters organization, not less than 280 employees shall be assigned to the Pittsburgh Energy Technology Center, and not less than 250 employees shall be assigned to the Morgantown Energy Technology Center; (3) The Economic Regulatory Administration, 450 employees, of which not less than 40 employees shall be assigned to the Office of Fuels Conversion; and (4) The Energy Information Administration, 490 employees: *Provided,* That, notwithstanding any other provision of law, in any case in which the President proposes to rescind, reserve, or defer funds which are available to maintain the Federal personnel levels required by this section, the President shall continue to obligate such funds in order to maintain such levels until a period of 45 days of continuous session of Congress has expired after the President has transmitted to the Congress a special message with respect to such rescission, reservation, or deferral under section 1012 or 1013 of the Impoundment Control Act of 1974, as the case may be: *Provided further,* That if, within such 45-day period, the Congress passes a rescission bill with respect to any such rescission or reservation or fails to pass an impoundment resolution with respect to any such reservation, the President may withhold from obligation the funds for which such special message was transmitted with respect to such rescission, reservation, or deferral; *Provided further,* That nothing in the foregoing provisions shall permit the transfer of funding or full-time permanent positions provided for programs and activities funded in Energy and Water Development Appropriation Acts to programs or activities funded in Interior and Related Agencies Appropriation Acts or vice versa."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 182 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"SEC. 306. Effective upon enactment of this Act and for the remainder of fiscal year 1983, notwithstanding any other provision of law, no funds may be paid out of the Treasury of the United States or out of any fund of a Government corporation to any private individual or corporation in satisfaction of any assurance agreement or payment guarantee or other form of loan guarantee entered into by any agency or corporation of the United States Government with respect to loans made and credits extended to the Polish People's Republic, unless the Polish People's Republic has been declared to be in default of its debt to such individual or corporation or unless the President has provided a monthly written report to the Speaker of the House of Representatives and the President of the Senate explaining the manner in which the national interest of the United States has been served by any payments during the previous month under loan guarantee or credit assurance agreement with respect to loans made or credits extended to the Polish People's Republic in the absence of a declaration of default".

Mr. HATFIELD. Mr. President, I thank the Senator for letting us proceed to this point in order to at least get as many of the preliminaries out of the way so we get down to the basic issues which confront us.

Mr. President, I would like to yield at this time to the Senator from Michigan.

AMENDMENT IN DISAGREEMENT NO. 180

The PRESIDING OFFICER. The clerk will state amendment in disagreement No. 180.

The assistant legislative clerk read as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 180 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the section number named in said amendment, insert: 305.

UP AMENDMENT NO 1256 TO AMENDMENT IN DISAGREEMENT NO. 180

(Purpose: To extend the deadline for enrolling in college in order to qualify for student benefits under the Social Security Act, to provide that the amount of unnegotiated social security checks shall be returned to the social security trust funds, and for other purposes)

Mr. LEVIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN) proposes an unprinted amendment number 1256 to amendment No. 180 in disagreement.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following new sections:

SEC. . (a) Subsection (c) of section 2210 of the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35) (relating to elimination of child's insurance benefits in the case of children aged 18 through 22 who attend postsecondary schools) is amended in paragraph (1)(D), by striking out "May 1982" and inserting in lieu thereof "October 1982".

(b) The Secretary of Health and Human Services shall notify all individuals who are entitled to child's benefits under title II of the Social Security Act for the month in which this Joint Resolution is enacted of the changes made in the eligibility for, and amount of, such benefits by reason of the provisions of section 2210 of the Omnibus Budget Reconciliation Act of 1981 and the provisions of this Joint Resolution. The notification shall be made as soon as possible after the date of the enactment of this Joint Resolution, but not later than 90 days after such date of enactment.

SEC. . (a) Section 201 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(m)(1) The Secretary of the Treasury shall implement procedures to permit the identification of each check for benefits issued under this title that has not been presented for payment by the close of the twelfth month following the month of its issuance.

"(2) The Secretary of the Treasury shall, on a monthly basis, credit whichever of the Trust Funds is appropriate for the amount of all benefit checks drawn on such Trust Fund more than 12 months previously but not presented for payment and not previously credited to the Trust Fund.

"(3) If a benefit check is presented for payment to the Treasury and the amount thereof has been previously credited pursuant to paragraph (2) to one of the Trust Funds, the Secretary of the Treasury shall nevertheless pay such check, if otherwise proper, recharge such Trust Fund, and notify the Secretary of Health and Human Services.

"(4) A benefit check bearing a current date may be issued to an individual who did not negotiate the original benefit check and who surrenders such check for cancellation if the Secretary of the Treasury determines it is necessary to effect proper payment of benefits.".

(b) The amendment made by subsection (a) shall apply with respect to all benefit checks issued under title II of the Social Security Act on or after the date of the enactment of this Joint Resolution.

(c)(1) The Secretary of the Treasury shall transfer from the general fund of the Treasury to the Federal Old-Age and Survivors Insurance Trust Fund and to the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to reimburse such Trust Funds in the total amounts of all unnegotiated benefit checks. After the amounts authorized by this subsection have been transferred to the Trust Funds, the provisions of paragraphs (3) and (4) of section 201(m) of the Social Security Act (as added by subsection (a)) shall be applicable to unnegotiated benefit checks.

(2) As used in paragraph (1), the term "unnegotiated benefit checks" means the checks issued under title II of the Social Security Act prior to the date of the enactment of this Joint Resolution, which remain unnegotiated after the twelfth month following the date on which they were issued.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. LEVIN. I yield.

Mr. HATFIELD. Would the Senator be agreeable to a time agreement on this particular amendment, perhaps a half hour equally divided?

Mr. LEVIN. That will be satisfactory.

Mr. HATFIELD. Mr. President, I make that request, a half hour equally divided on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. HATFIELD. I thank the Chair.

Mr. LEVIN. Mr. President, this amendment would preserve for 1 year most of the social security student benefits for children of deceased or disabled workers and children of soldiers killed in Vietnam.

The cost of this partial, temporary restoration of this program would be offset by crediting to the social security trust fund, instead of the general fund, uncashed social security checks.

Mr. President, I offer this amendment on my behalf and on behalf of Senator WEICKER and 23 other Sentors. I ask unanimous consent that they be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The cosponsors are as follows: Messrs. BUMPERS, BURDICK, CRANSTON, CANNON, DODD, FORD, HEFLIN, HUDDLESTON, INOUYE, KENNEDY, MATSUNAGA, MELCHER, METZENBAUM, MITCHELL, WEICKER, BIDEN, BRADLEY, SASSER, SARBANES, RIEGLE, RANDOLPH, PELL, TSONGAS, and STENNIS.

Mr. LEVIN. Mr. President, we have had a lengthy discussion of this amendment this morning.

By the way, I yield myself so much time as I may consume.

This amendment is absolutely essential if we are going to correct for 1 year two very basic adjustments which we have perpetrated. One was the precipitous discontinuation of a social security benefit to children whose parents are deceased or disabled, approximately 250,000 high school students this year being in that situation.

Many of these children, about 50,000 of these children, are the children of soldiers who went to Vietnam with the promise that if they did not return, their children would be given survivor's benefits through college. Forty-five thousand of these children are children of soldiers who went to their graves believing that that promise would be kept.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. LEVIN. I yield.

Mr. ROBERT C. BYRD. I hope that promise will be kept. I ask unanimous consent that I may be added as cosponsor to this amendment.

Mr. LEVIN. I ask that the Senator be added as a cosponsor, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The name of Mr. Zorinsky was added as a cosponsor, by unanimous consent.)

Mr LEVIN. Mr. President, we now come to a point where we are going to decide whether, for 1 more year, a solemn commitment of this Government, to people who, for the most part, cannot fight back, will be kept. Sixty percent of the parents are deceased; 30 percent of the parents of these children are disabled. The question is whether or not for 1 more year this promise is going to be kept.

The 1981 Omnibus Reconciliation Act phased out this benefit. We decided to reduce it by one-quarter for each of the next 4 years. This amendment does not change that phaseout. All this amendment does is to permit this year's seniors in high school to participate in the program at the reduced level.

As a result, the cost of this amendment has been dramatically reduced. Instead of being the approximately $900 million for the 4 years that these children would have gone to college if we had delayed the entire program for 1 year, the total cost is about $245 million because we do not change the phaseout which has been adopted as part of that Reconciliation Act.

Now the question comes, How do you pay for it? That is a question which we should be very conscious of.

The way this amendment pays for this is to credit to the social security account uncashed social security checks. Instead of those uncashed checks, which now total about $250 million, being credited to the general fund, those checks will be credited, if this amendment is agreed to, to the social security trust fund.

As a result, there is a total offset for the cost of this amendment, and we would be able to have all of these children go to college if they so wished without harming the social security trust fund.

I have read to this body this morning testimony of parents who do survive these children, in many cases the widow of a deceased soldier. I have read statements from many Members of the House of Representatives who have introduced similar legislation. I am not going to repeat all of that testimony and all of those statements. I simply want to urge my colleagues to give these students a chance to do what we promised them they could do, and that is to go to college.

I started out by saying there was a double injustice this year. The first injustice is that we deprive these students precipitously of a benefit that they were promised. Again, about 50,000 of these are children of soldiers who were lost in Vietnam.

But there was a second injustice this year. That is that the Social Security Administration in two out of six regional areas sent out the wrong information, and that error was not corrected in time for all of these students who got the wrong information to take necessary steps to matriculate in time so that their benefit could be preserved.

So the double injustice that exists this year is now before us. This amendment will correct that double injustice. It is a double injustice which I hope will never be repeated because if this phaseout continues, I would hope that the Social Security Administration would send out correct information so that we do not have a repetition of the mistake that took place this year. That is what is unique about this year. That is why I pleaded with the members of the Finance Committee to support this amendment, because it is offset by money being credited to the social security fund for uncashed checks, as it should be credited, and again because of the mistake which took place this year, which I again assume will not be repeated in future years.

Mr. President, I believe there are others who may want to speak on this amendment. At this point I will yield the floor.

Mr. FORD. Mr. President, will the distinguished Senator from Michigan yield me some time?

Mr. LEVIN. I am happy to yield 3 minutes to my friend from Kentucky.

Mr. FORD. Mr. President, how much time does the Senator have?

The PRESIDING OFFICER. Seven minutes and thirteen seconds.

Mr. FORD. Mr. President, I support the amendment of the Senator from Michigan. Over the last few months he has brought to our attention a serious situation—a situation that should

be of concern to all of us in the Senate who care about good government and maintaining public trust.

Let me underscore maintaining public trust. We have diluted that here in the last few years and I think we ought to restore it.

We have an overriding objective in this, the 97th Congress, to reduce the size of the Federal deficit in order to diminish the Federal Government's intrusion into the credit markets and free the economy from the shakles of high interest rates. In our zeal to reduce spending and control deficits, we sometimes move too fast and lose sight of our basic responsibilities as elected officials to honor and maintain Government commitments and preserve the integrity of out institutions.

Last year in the 1981 Budget Reconciliation Act, we reneged—I underscore, we reneged—on a Government commitment. We broke an agreement with the social security covered worker that provided that, in the event of his death, disability, or retirement, his children would receive Government assistance in obtaining a college education. Then we compounded this mistake by failing to give notice to last year's high school seniors that their social security student benefits were being terminated.

Suddenly, last spring, without prior warning, over 250,000 high school seniors who were making plans to attend college this fall had their social security benefits terminated. Their plans for a college education—an education their parents were led to believe would be affordable with Government assistance—were disrupted.

Whom are we talking about here? The great majority of these students come from families with gross income below $20,000. Approximately 80 percent of these students have at least one parent deceased or disabled. These students, because of the death, disability, or retirement of their income-earning parent, cannot otherwise afford a college education without some Government assistance. They are people in need and they were told all along that Government assistance would be there. But, in last year's reconciliation bill, Congress broke that promise.

In 1965, Congress enacted the social security student benefit program because it felt the underlying policy of the social security system to provide income security to America's workers and their families required an extension of the existing social security child benefits program to include children who were in college. No matter what one thinks about the merits of the social security benefit program, and whether it should have ever been established to begin with, expanded, or eliminated, the important point is that these families made financial plans based on that Government benefit. When the parents made a decision on buying life insurance, or putting money away for a college degree, they took into account that the social security student benefit assistance would be there in the event of the wage earner's death, disability, or retirement.

If Congress, in its wisdom, decided that the social security student benefit program no longer merited existence, then some mechanism should be provided for phasing out the program so that people could make financial plans based on that change in benefits. However, just the opposite happened. When we passed the 1981 Reconciliation Act, we did provide a phaseout for students currently in school, but all high school students were left high and dry. Benefits were immediately terminated with little notice. In fact, some students had no notice until the May 1 effective date. To top it all off, many students were given erroneous information when at least two Social Security Administration district offices mailed outdated student benefit brochures spelling out the previous law's guidelines that these students were eligible to continue to receive benefits when they entered college this fall.

Mr. President, I would like to preserve the social security student benefit program for a longer time to give families who have relied on this program a chance to adjust their financial plans. However, I realize that the Federal Government has serious budgetary problems and there is little sentiment in this Congress for reinstating the full social security student benefit program. The amendment of the Senator from Michigan does much less that that; in fact, it does less than legislation he introduced earlier this year. The Senator from Michigan is mindful of the budgetary problems we face. His amendment has a 3-year cost of $245 million but will not impose any further burdens on the social security trust funds. This year's high school seniors would be eligible for benefits but would not receive the full social security benefits; instead, the benefits would be reduced 25 percent and then completely phased out by 1985, as current law provides.

An important element of this amendment is that it does not increase the burden to the social security trust funds. All added costs arising from the extension of the social security student benefits to this year's high school seniors are picked up by the provisions of the second part of this amendment which transfers uncashed social security benefit checks from the general fund to the social security trust funds.

When social security benefit checks are written, there is a transfer of funds from the social security trust funds to the general fund in the Department of Treasury. However, over the life of the social security system, $255 million has accumulated in the Treasury in uncashed checks. These Treasury obligations remain a charge on the general fund, but have not been cashed. As a result, the general fund has been enriched by the amount of $255 million taken from the social security trust funds.

Mr. President, while I am a cosponsor of, and support the Senator from Michigan's amendment, I recognize that this is only a temporary solution to an immediate problem and does not address the full problem of a broken Government promise. I still believe the Federal Government owes more to these families. Congress should maintain and honor the Government commitment that was made to the social security-covered worker. It is not right for the Government to make a promise encouraging families to change their financial plans and then, literally overnight, turn around and break that promise.

That is why I have introduced legislation to provide loan assistance to students who are impacted by the termination of the social security student benefit program. My legislation expands the guaranteed student loan program to allow children who would otherwise have been eligible for social security student benefits, if not for last year's Budget Reconciliation Act, to receive a supplemental loan. S. 2655, the Student Loan Assistance Amendments of 1982, which I introduced on June 22, is a modest, low-cost program that seeks to assist only those social security-covered students who have been truly impacted by these hasty changes. The bill provides for a needs test that limits the additional guaranteed student loan funds to only those students who have a demonstrated need. I think it is a modest proposal in light of the jeopardy present and future social security child beneficiaries are placed in with respect to obtaining a college education. S. 2655 does not restore the social security student benefit program, but it does honor a Government promise and at a very small cost relative to the social security student benefit program.

I do not intend to bring up this amendment at this time. Senator STAFFORD, chairman of the Subcommittee on Education, Arts, and Humanities, has graciously agreed to hold hearings on this bill next month. I thank the chairman for his courteous accommodation in this respect and I urge my colleagues to consider cosponsoring this legislation.

In the meantime, I support the amendment of the Senator from Michigan. It is a good amendment; it corrects an injustice and will serve to restore some measure of faith in our Government while meeting the urgent

need for financial assistance which these students face this fall. We have all heard the stories from our own State of the last-minute, frantic scrambling by high school seniors and colleges, universities, and other post-secondary institutions, trying to somehow get these students enrolled by last May 1 in a full-time curriculum so that they would continue to be eligible for reduced benefits during the 4-year phaseout. There were many students who were not fortunate enough to have been able to meet this deadline. For these students and their families, the dream of a college education has been postponed or eliminated. These students will not be in the 1982 freshman class without the amendment of the Senator from Michigan. They will not be there because may of them received notification of benefit termination too late, or received misinformation from the Social Security Administration. The amendment of the Senator from Michigan attempts to correct this injustice by allowing these students to enroll in a postsecondary institution until October of this year. However, it does not provide full benefits, but integrates them into the current funding phaseout by reducing their benefits by 25 percent this year, and each succeeding year, completely eliminating their benefits, as scheduled, in 1985.

I urge acceptance of this amendment by the Senate and commend the Senator from Michigan for his efforts.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield to the Senator from Kansas 3 minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. Mr. President, I oppose the amendment. We have been trying to figure out, first of all, what equities were on the side of the amendment. We met as recently as yesterday with Mr. Schweiker, Secretary of HHS, and with social security representatives. We have been on the phone with them, in fact, as late as 9 or 10 o'clock last night and again this morning. I want to explain my reasons for opposition to the amendment.

It seems to me that the Senator from Michigan has correctly described what the amendment would do. It would delay the effective date of the social security student benefit elimination enacted in the 1981 Reconciliation Act, as pointed out by both the Senator from Michigan and the Senator from Kentucky. If the 25-percent reduction in benefits proceeds as under current law and only the effective date is delayed, the 5-year cost would total about $245 million.

Mr. President, we have gone through a rather difficult experience in the past several days, trying not only to reduce spending but also to raise revenues. Already we are back to the same old ways, a day after that experience—which caused a great deal of anguish for some Members who supported it—trying to spend Federal money we do not have and increase the burden on many Americans who would like to see us slow the growth of spending.

Mr. President, we had this amendment offered in the Senate Finance Committee and the vote was 12 to 6 against. There are 20 members on our committee, 11 Republicans, 9 Democrats. It would seem to me to be untimely to modify the student benefit law again at this late date—already 3½ months after the elimination became effective. Students who "double-enrolled" to take advantage of the May 1 loophole have already borne the inconveniences in order to extend the duration of their benefits. Students who missed the May 1 date have, by now, made alternative financial plans for this fall.

The amendment would allow another entire class of students on the benefit rolls. I assume next year, we would have someone else trying to make another exception. Pretty soon, we would unravel all we did last year in trying to get a grip on the size of the Federal debt.

The elimination of the student benefit was broadly supported. It was recommended by GAO and proposed not only by President Reagan, but also by Presidents Carter and Ford. The last three Presidents have tried to eliminate the student benefit. The student benefit was recognized to be a poorly targeted, duplicative Federal payment. Benefits were paid regardless of academic performance or need. The student benefit was created in 1965 at a time when there was a shortage of Federal aid for higher education and the social security trust funds were in considerably better financial shape. The benefit is a recent add-on, not essential to the program's basic mission.

Help is available to students through specifically targeted educational assistance programs and other public assistance programs. Since 1965, non-social-security Federal student assistance has risen from $272 million a year to over $7 billion. In addition, several billion more is available for students from State-sponsored scholarships and low-income supplements as well as from private lending institutions.

Since the student benefit has been payable even to children of well-to-do parents and to students performing poorly in school, it is an expensive and inefficient way of providing financial assistance.

The timing of the phaseout was a matter of concern to the administration last year and to Congress, so Congress changed it. The Finance Committee delayed the effective date to protect students who were high school seniors graduating in 1981. It was the consensus of the Finance Committee and the Congress that students graduating after 1981 would have adequate time to adjust to the new law.

Mr. President, there has been some talk about how there is equity in this amendment because a third of the offices sent out incorrect notices. But they did not continue to send out the wrong notice. It is my understanding that about 8 to 12 percent of the students may have received an improper notice, but that was immediately corrected. By April, 800,000 pamphlets had been mailed to all student beneficiaries aged 18 to 22.

The amendment offered by Senator LEVIN would also require that the social security trust funds be reimbursed for the amount of unnegotiated benefit checks—checks that have not been cashed after a year.

There has been some claim that we are going to pay for this restoration. The sponsor of the amendment claims that it does not cost anything. We are going to take all the unnegotiated social security checks that are currently credited to the Federal Treasury and shift that sum into the social security trust fund. We are taking the money out of one pocket and putting it into another. As I understand it, this is not new money. We are just saying, if the checks are not cashed, instead of giving them to the Treasury, we will take the proceeds from those social security checks and put it into the trust fund.

If that works, Mr. President, our problems are over. We can solve the deficit just by juggling money from one fund to another and say, "Oh, we are paying for it, it does not cost the taxpayers any money." I suggest that all we would be doing is creating additional administrative costs and not saving any money at all. There is no saving.

According to the social security actuaries, the total amount of past unnegotiated checks is about $280 to $300 million. Under this amendment Treasury would have to reimburse the trust funds for this amount. The transfer to the trust fund in the future would be about $30 million a year.

I do not know where the Treasury is going to get the $300 million to reimburse the social security trust fund, but in any event there is other legislation pending with a lot of sponsors on both sides to deal with this particular problem.

The Social Security Administration, and Treasury agree that legislation is needed to enable the trust fund to be credited for uncashed checks. That legislation is being considered separately. However, it never occurred to anybody in the administration that that is a savings; that somehow we can just take what has been done in the

past and push it into another fund and claim we paid for the cost of this program change.

I am also told by those who have been working with this program that students who would have their benefits restored under this amendment have already made college plans for the fall, probably applying for college this spring and registering this summer. According to the administration, it could take until December to locate these students and restore benefits.

As I understand it, the amendment requires that we notify all the beneficiaries of such a change. There are more than 4 million child beneficiaries and only about 200,000 affected by this amendment. That would be an administrative nightmare and a large cost. If we are merely trying to spend Federal money, then this may be a good amendment. But I again remind my colleagues who voted for the balanced budget amendment 2 weeks ago—here we are with business as usual: Vote for the balanced budget amendment and later try to figure a way to spend more money.

I would like to put in the RECORD at a later time a list of those who made great speeches on the Senate floor for a balanced budget amendment, because here is another test. Certainly we can say, "Oh, yes, it is too bad that somebody got the wrong notice, 8 to 12 percent of the student beneficiaries." The mistake should not have been made. I apologize for whichever agency may have made the mistake, but that does not suggest that we are to come in and take care of a whole class because somebody received the wrong notice.

I say to those who are concerned about fiscal integrity, a balanced budget, reducing the size of the Federal Government, the size of the Federal debt and Federal spending, here is a chance to strike a blow for freedom.

Mr. President, we discussed this matter with the Secretary of Health and Human Services to see if there were some way to accommodate the distinguished Senator from Michigan. I know that he has a more expensive amendment and that this is a fallback position. But I believe this is much like the minimum benefit struggle we had last year. We went through the agony of trying to eliminate the minimum benefit and then the stalwarts on the House side decided there was too much heat, so they tried to restore the minimum benefit. We ended up with a partial restoration of something the Congress had already done. And here we are, months later, trying to undo what we did last year as far as student benefits are concerned.

The elimination of these benefits was supported by President Ford, by President Carter, and by President Reagan. The benefit elimination was supported by the General Accounting Office because there was no relationship between the benefit and need or anything else that the General Accounting Office could determine.

I hope my colleagues, notwithstanding the eloquent argument by the distinguished Senator from Michigan and his sincere concern about these students, will not adopt this amendment.

I am pleased that the Senator from Michigan has been able to get this vote, because I know it is very important to him.

I have been trying to cooperate with the leadership and others so that the Senator might have this vote. The reason for having the vote now ostensibly was so that students might be notified. As I understand it, most of the students who are going to school this fall are starting this week. They probably enrolled this summer or this spring. It would take until December to find those who may not have made other plans.

My colleagues might appreciate having some background on the social security student benefit. When this benefit was added in 1965, student assistance from other sources was in the millions and now it is $7 billion. There are all kinds of opportunities for students. We do not need to add the student benefit back on to the social security system. I think we properly eliminated it last summer. That does not mean we are not concerned about poor students, but why should some well-to-do student get this benefit. I think the other educational assistance programs work better.

(Mr. EAST assumed the chair.)

Mr. LONG. Will the Senator yield at that point?

Mr. DOLE. I am happy to yield.

Mr. LONG. Mr. President, I ask the Senator, is it not true that while we would like to have accorded the Senator an opportunity to vote on his amendment at an earlier date, the fact remains that we are now at August 20, the Senate is about to take a recess and the House is going to take a recess, and we will not be back until September? If the bill is amended, does that mean that the House is going to be able to vote on that amendment before we get back?

Mr. DOLE. I do not think so. I tried to reach the Speaker this morning to thank him for his help on the tax bill, and he had already left for Boston. It is my understanding the House will be gone until September 8 and they would not act on this conference report until at least September 8.

Mr. LONG. So no one could feel any assurance that the benefit proposed will be available until after the House has an opportunity to act on it; is that correct?

Mr. DOLE. That is the understanding of the Senator from Kansas. In fact, if the amendment succeeds, it goes back to the House. The House is empty. There is no one there to do anything.

Whether they want to come back to take care of this amendment, the Senator from Kansas does not know.

Mr. LONG. The point I have in mind is that it would be impossible to do anything before, let us say, the second week of September, and by that time the people affected would have been further along in making their plans for the fall. Whatever school they are going to go to, they would have made their plans to attend or planned to do something else.

Mr. DOLE. I might say to the Senator from Louisiana that we are advised by administration officials who have checked that for us that most students have already made their plans for this school year. They indicate that if the amendment were passed today, not in the middle of September, but if it were passed today and signed by the President, it would take a considerable time—a couple of months in any event—even to locate the students.

Now, maybe that is no excuse, but it is a practical fact that we must face. School has started.

Mr. LONG. Of course, it will be even further along by the second week of September, and even then the Social Security Administration would still have to send out the letters through the mail. If the person receiving the letter wants to do something about it, that will take even more time. So it is a late date at which to try to move. That is the point.

Mr. DOLE. I have asked HHS if they could determine how many students are being disadvantaged by the elimination of this program. It is my understanding that if in fact the students are low income, other provisions can be made. If in fact we find that a great number of students cannot go to school because of the loss of this benefit, maybe we ought to change some of the other student loan or Pell grant programs. But let us try to keep social security for social security. As a matter of fact, the National Commission on Social Security is meeting today trying to figure a way to keep social security afloat. Are we prepared to spend this much money when the system is in so much trouble?

The savings the Senator claims for the transfer of unnegotiated checks to the trust fund are not real savings.

The PRESIDING OFFICER. The Chair advises that all of the time of the opponents of the amendment has expired. The Senator from Michigan has 4 minutes and 39 seconds remaining.

Mr. DOLE. The proponents' time has expired, too?

The PRESIDING OFFICER. No; they have 4 minutes 39 seconds. The opponents' time has expired.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 1 minute to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, it is estimated that 250,000 to 300,000 high school graduated seniors would benefit from this amendment. As many as 75,000 to 100,000 of these young people received erroneous information relative to their eligibility for future benefits.

Thousands of incorrect brochures went out from the social security headquarters, regional offices in Kansas City, and in Birmingham, as well as from two out of six centers nationwide. So a lot of mistaken information was sent out, and it was sent out in my area of Alabama, which causes me particular concern.

There have been some remarks concerning the fact that rich college students would be receiving the social security benefits under the Levin amendment. But according to a 1979 GAO report, the percentage of college students receiving social security, by family income, was as follows: first, 29 percent of the students had family income under $6,000; second, 53 percent of the students had family income under $8,000; third, 71 percent of the students had family income under $15,000.

The PRESIDING OFFICER. The Chair advises that the Senator's 1 minute has expired.

Mr. LEVIN. I thank the Senator from Alabama.

I yield myself the remainder of my time.

Mr. President, first, on the question of the House of Representatives, the problem is not in the House of Representatives, I say to the Senator from Louisiana. The problem is in the U.S. Senate, which has been unable to bring this matter to a vote.

There are eight bills in the House of Representatives to extend this deadline, with 250 sponsors; and we have assurance that it this amendment is agreed to by the Senate, it will be agreed to by the House.

The problem has been in the Senate, in getting this matter to a vote. I am glad we have brought it to a vote today, because we face the argument, "Look how late it is." If we had waited until September, that argument would have been much more telling. But it is still August, and there is still time to do justice.

We have hundreds of thousands of students out there who are waiting for word from the U.S. Congress as to whether or not we are going to keep this commitment at these reduced levels for 1 additional year.

Again I emphasize: 50,000 of these children are the children of soldiers who went to Vietnam, having been promised that if they did not come back, their kids would have this social security benefit through college. Now it is up to us to redeem that pledge. The House will redeem it. They will do their business. They have 250 sponsors on a bill. It is up to us to redeem this pledge now to these soldiers who are now in their graves.

The testimony before the House was eloquent. Mrs. James from New Jersey:

> Congress has robbed these children of the educational opportunities that their parents earned for them. It also has robbed them of their faith in their Government. I beg of you, restore their funding. Restore their faith in their country.

Mr. President, the chairman correctly talks about fiscal integrity. He has led the battle for it, and I give him great credit, and the Senator from Louisiana has joined in that. This is a matter of integrity, but it is not just fiscal integrity. It is governmental integrity that we are talking about, as to whether or not commitments that are made are going to be kept.

Finally, if I may conclude in this way, there was a double injustice this year, and this amendment will correct the second part of the injustice as well as the first.

The false information that was sent out this year was not corrected for all these students. The Associate Commissioner of Social Security, Mr. Sandy Krenk, testified before the House that they had no way of identifying which children received the incorrect pamphlet.

Mr. President, we can correct a double injustice with a relatively small outlay of funds for 1 additional year without doing violence to the changes which the chairman of the Finance Committee and others worked so hard to incorporate into the social security bill.

Mr. DOLE. Mr. President, will the Senator yield for an observation?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DOLE. I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I just want to indicate that there is a bill being considered now—I think by Senator QUAYLE and others—to take care of the problems suggested about Vietnam veterans, but not making it a part of the social security system. That is the basic difference, and I want the record to indicate that.

Mr. STENNIS. Mr. President, I am pleased to join with the distinguished Senator from Michigan (Mr. LEVIN) in the amendment which has been proposed to H.R. 6863, supplemental appropriations, 1982 conference report, which will preserve for 1 year most of the social security student benefits for children of deceased and disabled workers and children of soldiers who were killed in Vietnam.

The amendments enacted in 1981 eliminated social security student benefits for new beneficiaries not enrolled in a postsecondary institution by May 1982. I believe that this works an unfair and unnecessary hardship on the children of deceased and disabled workers and on the children of military personnel killed in Vietnam.

The amendment which I have cosponsored sets the enrollment deadline back from May to October 1982, which would allow this fall's college entrants to complete their education with the aid of social security benefits which they had every expectation that they would continue to receive.

Most of the children which would be affected by my amendment come from families with marginal income. About 45,000 of these young people are children of deceased military personnel who lost their lives in Vietnam. As the law existed at that time there was a commitment that, if they were sent to Vietnam and lost their lives there, their children would receive the social security benefits through college.

The cost of this amendment over a 3-year period is only $245 million. However, another part of the amendment requires that the cost of partially restoring the program as proposed by the amendment would be offset by crediting to the social security fund instead of to the general fund uncashed social security checks.

Mr. President, I believe that this is a fair and just amendment and it would correct an injustice which resulted from the legislation the Congress adopted last year. It will give the students in question relief that they urgently need and require. I hope that the amendment will be adopted by the Congress.

Mr. SASSER. Mr. President, I rise today to support the amendment of the Senator from Michigan (Mr. Levin). This amendment addresses a matter of crucial importance to some 250,000 high school seniors planning to further their educations this fall.

These students are dependent on social security benefits to supplement their postsecondary education. Last year, the administration was successful in pushing through changes in social security affecting student benefits. The changes contained in the Omnibus Reconciliation Act of 1981 included the elimination of social security benefits for new student beneficiaries not enrolled in college full time before May 1, 1982. For current recipients, beginning this month the amount of benefits will be reduced each year by 25 percent of the August 1981 amount.

I would like to point out to my colleagues that these benefits are not a

handout. They are directly related to the amount of earnings lost due to the death, disability, or retirement of the parent and are not related to the costs incurred in attending school. According to a report by the Congressional Research Service, these benefits are much more than a form of educational assistance, they also serve as basic income support to replace a part of the lost earnings of the parent upon which the student depended up until the time the parent either retired, became disabled, or died.

To further compound this injustice, the Social Security Administration failed to officially notify last year's high school seniors of the eligibility changes, phaseout and subsequent elimination of the benefits under the Reconciliation Act. And an undetermined number of students received erroneous information about their eligibility for future benefits.

This amendment attempts to rectify the unfair treatment accorded these high school seniors, 84 percent of which come from families with income below $20,000. In my own State of Tennessee, some 4,700 students will be affected. Without these benefits, it will be impossible for many of these students to continue their education.

I also support the return of some $255 million in unnegotiated social security checks to the social security trust funds where they rightfully belong. At a time when the social security system is facing both short- and long-term financial difficulties, the return of this money is at least a step in the right direction.

Mr. MITCHELL. Mr. President, I rise in support of this amendment redressing a major inequity that followed enactment of the phaseout of social security student benefits last year. Many recipients were either misinformed or not informed at all of the effects of this change until just before their graduation last spring. This left most students and their families without sufficient time to evaluate and apply for other sources of financial aid.

In the 1981 Omnibus Reconciliation Act, Congress phased out student benefits over a 4-year period. However, to be eligible for the reduced levels of benefits, students had to be enrolled in a postsecondary educational institution by May 1982. Although some high school seniors were able to adjust their plans so that they were enrolled in college by that date, the vast majority of college-bound children of deceased and disabled workers did not receive adequate notice. Thus, they will be denied the financial assistance that they had been counting on to help meet the ever rising costs of a college education.

It is estimated that 300,000 seniors were affected by this abrupt cutoff. Furthermore, as many as 75,000 to 100,000 were actually misinformed regarding their eligibility for student benefits. This is because two of the regional social security offices mistakenly sent out old brochures that included guidelines based on prior law.

The amendment offered by Senator LEVIN is a responsible one. It does not alter the phaseout of benefits, as defined in last year's reconciliation bill. It merely enables those high school seniors who graduated last spring to qualify for the reduced level of payments. I believe that this is simply a matter of fairness. Those graduated seniors who did not have the flexibility in their schedules to take advantage of the May 1982 deadline should not have their education plans disrupted by this abrupt termination of benefits.

This partial restoration of benefits is done in a responsible manner. Rather than cause a drain from the already fiscally strained trust funds, this amendment includes a partial offset for the increase in outlays. It does so by providing that uncashed social security checks, which currently remain in the general fund, will be returned to the social security trust funds. The Social Security Administration estimates that the accumulated total of unnegotiated checks is $255 million. This amount is expected to grow by $50 million annually. This simple accounting change can help pay for this worthwhile reform.

Mr. President, this amendment restores equity in a fiscally sound manner. I urge its adoption.

Mr. KENNEDY. Mr. President, I rise in support of the amendment offered by Senator LEVIN. This amendment is intended to right a very serious wrong. The action taken last summer in reconciliation jeopardized the future of hundreds of thousands of students across this country who are depending on social security benefits to fulfill their dreams of a college education.

The action we took last summer will mean an end to that dream for many of these youngsters and their families.

When the administration proposed eliminating student benefits last year it justified the action on grounds that this program violates the real purpose of social security. They argued that just because someone is old, or disabled, or dies, does not mean we have any responsibility to educate their children. After all, there are other programs to assist those who want to go on to college. Never mind that this year alone the Reagan administration would cut Pell grants by $800 million, guaranteed student loans by $912 million, and eliminate virtually all campus based aid.

In order to put this issue in perspective, it may help to know more about these 300,000 students who face having their benefits cut off. These young people live in cities and towns all across the country. Over 80 percent of these students have one or both parents who are deceased or disabled; 70 percent come from families with incomes below $15,000; over half have incomes under $8,000.

The Washington Post told Debbie Davis' story a few months ago. Her plight was brought to President Reagan's attention. Debbie is a cheerleader and honor student from Winder, Ga. Her father is dead and her mother has moved away. She's on her own, without the social security benefit she cannot go to college. The President was moved by her story and wants to help.

But Debbie Davis is only one of 300,000 seniors across the country whose future is in doubt.

There are the children of Evelyn Grubb, Madeline Van Wagenen, and Clair Leaver. All of these women are widows of the Vietnam war. Their husbands undertook dangerous missions, believing that the Government would provide for their wives and children if they did not return. They were wrong. Their widows are organizing others like themselves into a group called "Survivors for Sacrifice" to fight for their children's benefits.

The Veterans' Administration estimates 46,000 sons and daughters of those who gave their lives for their country will be affected by the cutoff of benefits.

The 7,000 high school seniors in my own State will have the benefits they were counting on taken away.

Gary Cooper is 18 and lives in East Sandwich, Mass. He has been partially blind since he was 5. Four years ago his father died. His mother is raising Gary and his brother on $12,000 a year.

Despite his handicap and the loss of his father he is an honor student, a musician, and a leader in his class. He dreams of a career in astronomy and a future with NASA. Student benefits are the only way Gary's dream will come true.

And the worst part is that the Social Security Administration never bothered to tell Gary and most of the other students that the benefits they were counting on would not be there.

Imagine the surprise and shock of these students and their families when they learned through the media that the Reagan adminstration had no intention of honoring the commitments these families thought they had from their Government.

As late as last December, the Social Security Administration was still sending out thousands of brochures to this year's seniors informing them that they would continue to receive their benefits if they enrolled in college next year. Students all around the country made their plans on this advice.

The Department of Defense has yet to notify servicemen on active duty that these benefits will be cut off. When asked how long notification would take a spokesman for the Department indicated it could take 18 months to publish a new pamphlet.

In 1939, the Social Security Act was amended to provide benefits to dependent children until their 17th birthday if they were attending school full time. In 1946, the age was extended to 18. In 1965, the age was extended to 22. Members of the Ways and Means Committee and Senate Finance Committee argued then that a child over 18 attending school full time is just as dependent as one under 18. They pointed out that a child who cannot look to a father for support—because their father has died, is disabled, or is retired—is at a disadvantage in completing his education:

Not only may the child be prevented from going to college by loss of parental support and loss of his benefits; he may even be prevented from finishing high school or going to vocational school.

The arguments made in this body in 1965 are as valid today as they were then.

The Levin amendment will give these young people the time they need to plan their education.

I urge its adoption.

Mr. RIEGLE. Mr. President, I rise as a cosponsor of the amendment offered by my colleague from Michigan, Mr. LEVIN.

The Social Security Administration never properly informed student beneficiaries, parents, or guidance counselors of the change in the law. Furthermore, high school seniors received erroneous information by mail and by phone when they and their parents made inquiries to their local social security offices. In the absence of clear notification of changes in the law—changes that have a dramatic impact on the futures of youngsters depending on this benefit to help finance higher education—it is simply unfair to penalize students who have been misinformed by the Government.

Mr. President, nearly 84 percent of the students receiving benefits come from parents earning less than $20,000 annually. Many students could not attend college without this aid. Cuts in other forms of student aid coupled with the ambiguous information supplied by the Social Security Administration concerning the status of the student benefit have already jeopardized the higher education plans of many. These students deserve more consideration than has been provided in the inept way the notification of this change has been handled. About 80 percent of these students have one or both parents deceased or disabled. Many of these young people have no spokesperson to plead their case.

I commend Senator LEVIN for his persistence in bringing this issue to the Senate floor, and I urge my colleagues to join me in support for the Levin amendment.

Mr. BRADLEY. Mr. President, I am pleased to join my colleague, Senator LEVIN, in an effort to preserve for an additional year most of the social security student benefits for children of deceased and disabled workers and children of soldiers killed in Vietnam.

In New Jersey, as elsewhere, a large proportion of the students whose college assistance was taken away from them had no opportunity to avoid this loss solely because the Social Security Administration failed to provide timely information.

Last year's change in the law apparently did not filter down to local staff in the Social Security Administration until after thousands of old brochures detailing the old guidelines were sent out to recipients. The information those high school seniors received flatly told them they were eligible for student benefits if they went to college in the fall. Still more students and parents were given that same erroneous information over the telephone by local social security offices. And guidance counselors who were not on top of congressional action were not advised of the change in eligibility standards for assistance until it was too late to benefit most high school seniors.

A letter from a constituent from Pennsauken, N.J., to President Reagan illustrates the impact of that action in very personal terms. She wrote:

I have been a widow since 1972 and unemployed. I am now 60 years old. I have been raising 2 children on our Social Security benefits since the death of my husband with absolutely no help from anyone. The student benefits have helped to keep us together as a family in our own home. I feel that was the purpose of the survivor and student benefits because even welfare gets that benefit. Their benefit checks, they had turned over to me with their checks and mine. I would pay Mortgage, Utilities, Food, Medical, Blue Cross and Blue Shield, and so forth, and it has not been easy.

When my husband died, his Company dropped us from the Company Pension Program and medical plans, now our Government has dropped us. My husband worked over 36 years and payed Social Security taxes to protect his family. These cuts are depriving young people of an education, a home, family togetherness. While inflation is continuing to consume us.

My son has been an excellent student all through these years. He has always been an "A" Honor Roll Student. His teachers and guidance counsellors have said all along he is college material. My son will be 18 years old January 8, 1982, he will graduate from High School June 1982. We visited our Social Security Office, according to the new rules he will no longer be eligible for benefits once he graduates from High School. He would have had to start Post Secondary before May 1982. It's a shame because he only wanted 2 years of county college. We needed those student benefits to keep our home together while my son went to college.

My son was heavy into education and now cannot finish what he started out to do. He now will have to find full-time work to pay our household expenses to keep a home together for us. * * *

Never, since my husband's death have I been so full of fear and bitterness, so insecure, worrying all the time, depressed, so that now I cannot even function properly the way I used to, this has been since March 1981.

It is estimated that 250,000 to 300,000 high school graduated seniors would benefit from this amendment. Based on the 1981 data, over 60 percent of those are children of deceased workers. Seventy-one percent of the beneficiaries were from families with incomes of under $15,000; fifty-three percent of the students have family incomes under $8,000.

A letter from a mother from Rockaway, N.J., is typical of many hundreds I received last year. She wrote, in part:

Both of my children are recipients of survivors benefits. When my husband was alive we often discussed the children's education, and he would say "if anything happens to me you will have Social Security to help you through." Since he was only 36 years old when he died, we certainly did not have the time to save for our daughters' college education. Needless to say, with the high cost of college tuition and all of the other proposed college aid cuts, it would be impossible for my children to receive the education which they want and deserve. To me, this would be a betrayal of my husbands faith in the system to which he paid, as security for himself and his family.

I would like you to consider these young people, who have the capacity and potential of making a positive contribution to our society, when making your decision on how to vote. These people need your backing; don't close the doors of education to them.

While the cost of this amendment over a 3-year period is $245 million, the second half of the amendment would more than offset these costs. Currently, unnegotiated social security checks remain in the general fund. The Social Security Administration estimates that those uncashed checks add up to $255 million and each year $20 million more goes into that general pool. If those moneys were instead returned to the social security system the entire 3-year cost of this amendment would be more than offset. And the moneys would be put where they properly belong.

While the amendment does not go as far as I would like, it does rectify a severe hardship caused by lack of proper notice. It will change from May 1982 to October 1982 the date by which a student must be enrolled in a postsecondary educational institution in order to receive student benefits.

I strongly urge my colleagues to support this amendment.

● Mr. HUDDLESTON. Mr. President, I rise in support of Senator LEVIN's efforts today to address a situation which I believe is grossly unfair to

many thousands of young people in this country. I, for one, have endorsed and will continue to endorse reasonable and appropriate efforts to restore the financial stability of the social security system, and recognize that this may require some painful decisions.

I cannot support, however, drastic, virtually unannounced reductions that render thousands of young Americans unable to obtain the education they are entitled to.

This is why I support my distinguished colleague from Michigan's amendment to restore social security student benefits to high school seniors who recently graduated and who, due to misinformation or no information at all, had no time to seek out alternate means of financing the education they had for so long hoped for.

It is important to note, Mr. President, that this amendment, which would extend the final enrollment deadline from May to October 1982 for students to continue receiving their benefits, would allow the administration's phaseout of social security benefits to continue as scheduled in the 1981 Reconciliation Act.

It would, however, allow up to 300,000 high school seniors, one-third of whom received outdated brochures about their benefits that SSA mistakenly sent out, to continue their education with the assistance they have been counting on.

Mr. President, all of us recognize the need to reduce spending in so many Federal programs which have grown beyond their original anticipated size.

But I cannot stand idly by when changes are proposed which are not only drastic in nature, but which are executed in an inexcusable manner.

Young people, children of deceased and disabled workers, children of soldiers killed in Vietnam, have been for years counting on survivor's benefits to aid them through college. Most of them were told only weeks before the deadline that they were being cut off from these benefits, and what occurred then was a hysterical scrambling by parents, high school counselors, and friends to enroll these children in any college that would take them before the May deadline.

That any legislative or governmental decision should cause such widespread panic is abhorrent.

I, therefore, wholeheartedly support my colleague from Michigan's unwavering commitment to the restoration of these benefits, and urge my colleagues to join him in this vital effort.●

Mr. ROBERT C. BYRD. Mr. President, changes enacted in the administration's budget-cutting bill last year eliminated social security student benefits for eligible young people who had not enrolled in a postsecondary educational institution by May of this year. The pending amendment would extend the cutoff deadline for 4 additional months, to October 1982.

This is an action the Congress should have taken before May's cutoff. All of us here can recall the tragic stories reported in the press last spring, as high school seniors missed their own graduations to enroll in college in order to recieve benefits. All of us here can remember the confusion that ensued when two of the six social security regional offices sent out benefit brochures by mistake, clearly telling students that their benefits would continue in full.

The Levin amendment is a compromise. Under its terms, student benefits would still be reduced by 25 precent, and phased out according to the provisions of last year's budget-cutting bill. However, the amendment would aid 250,000 to 300,000 high school graduated seniors in pursuing a higher education. Most of these young people are from lower income families. Last year, 71 percent of the young people aided under the program were from families with annual incomes below $15,000; 53 percent from families with yearly incomes below $8,000.

While funding for other Federal educational programs has been cut back, we must remember our commitment to our Nation's deceased workers and to our soldiers who never came back from Vietnam. We cannot unfairly desert their children.

The Levin amendment includes provisions to offset the amendment's cost to the social security system. I commend the Senator from Michigan for the many hours of work devoted to developing this legislation.

SOCIAL SECURITY STUDENT BENEFITS

● Mr. SARBANES. Mr. President, I am pleased to be able to join the distinguished Senator from Michigan (Mr. LEVIN) as a cosponsor of this important amendment to retain social security student benefits for those students who have graduated from high school this past spring. Many of these students have had their education plans disrupted or derailed by the failure of the Social Security Administration to provide them with adequate information about changes in the 1981 Omnibus Reconciliation Act affecting their eligibility for future benefits. As many as 75,000 to 100,000 of these young people received erroneous information that they would continue to be eligible for benefits upon attending a postsecondary school when two regional social security offices sent out old, outdated brochures. Others received incorrect information when they called their local social security offices with questions about the student assistance program. Many students and their families received no information at all, and were shocked to later find out they would not be eligible for benefits when they enrolled in the fall.

A college education and how to finance it is something that a family plans over its lifetime, and cannot be altered in a matter of months. The phaseout of student benefits has caused disruption in education institutions and heartache in families, who are faced with the prospect of making life-determining decisions almost overnight. Many families pulled their children out of their last year of high school and enrolled them in college early in order to meet the May 1 deadline. Other families that had carefully and responsibly planned for their children's education discovered that a college education might not be possible.

I am deeply concerned about these problems confronting students and their families, and have long questioned the wisdom of terminating the social security student assistance program. The administration's justification for the termination of this program was that other student assistance programs were more appropriate in providing financial help to college students. Yet these other programs have been severely cut or terminated on the insistance of the administration in both the 1981 and 1982 budgets. Recipients of social security student benefits are among those students most in need of financial assistance, often coming from families with marginal incomes. Over 53 percent are from families with annual incomes over under $8,000. They are more likely than other students to hold full- or part-time jobs while attending college. And many receive very limited help from their families in paying the cost of attending college.

Our Nation has a commitment to providing quality education for all of our citizens. I opposed the termination of the social security student benefit program, as well as other cuts in education program, when they were before the Senate last year, and earlier this year joined with the Senator from Michigan (Mr. LEVIN) in cosponsoring legislation to enable a partial restoration of this invaluable program. The amendment pending before the Senate would correct this serious inequity imposed on thousands of young people, and add to the ability of our Nation to insure an educated citizens. The amendment also requires that uncashed social security checks be recredited to the social security trust funds instead of to the general fund. These additional funds would insure that this partial restoration of student benefits would be at no additional cost to the social security trust funds. I commend my colleague from Michigan for offering this amendment, and urge my other colleagues to join in supporting it.

In order to illustrate the seriousness of the situation which is currently affecting students, their families, and

educational institutions in Maryland, I ask that testimony presented by several Marylanders before the House of Representatives Committee on Education and Labor this past February be included in the RECORD.

The testimony follows:

STATEMENT OF ALICE JAMES, CHESTERTOWN, MD.

Mr. Chairman and members of the subcommittee, I am Alice James.

I appreciate the opportunity to appear before you to discuss the impact of the elimination of survivor benefits for college students. I shall read my testimony.

I teach in Chestertown, Md. English to the Kent School, and writing at Washington College, and am the widow of a scholar who taught at Washington College for 25 years. But it is not as an educator that I am here today; it is as the parent of four students aged 15 to 21. As a widowed parent I must convey to you the plight of not just my own children, but of thousands like them who may be unjustly deprived of the benefits their dead parents earned for them, the benefits which would enable them to contribute their talents and skills to our society.

Let me explain the impact of the cuts on my own family. My oldest child will graduate from college in May. Until recently she had expected to go on to graduate school, preparing herself for a career in teaching or a related field. As a result of the extraordinary stress the cuts will impose on our family, she is shelving her plans and looking for a job. I pray that she will find one. Her father earned his Ph. D. I have an M.A. You can imagine how I feel about this derailment of her professional goals.

My second child is in her second year of college; she too wants to be a teacher. In the next year her annual income from social security will be reduced 50 percent. This year she received 12 checks for $238. During her junior year she will receive eight checks for $178. Her financial planning was predicated on the continued availability of both social security benefits and guaranteed student loans. She is to lose $1,900 in social security, and perhaps $2,000 in loans. How shall we compensate for the loss of $3,900? Which of the other programs will cover our loss?

When she returned to college after Christmas she thought her funding would only be reduced by 25 percent of her annual total. I am ashamed to admit that although I have talked to her since this document arrived on Wednesday, January 27, I have not told her the enormity of her loss. We talked on her 20th birthday. She told me that she missed her father, that she needed him to give her a hug and say, "Your old man is proud of you." Which of you could have delivered another blow? What do you think I should say to her now?

My son is 17. He would be a senior in high school but for a back injury sustained in the spring of his sophomore year. It was misdiagnosed and mistreated for 4 weeks. Finally, he was hospitalized. After another week of painful testing and anxiety, the doctor discovered that their 15-year-old patient had ruptured a disc in his lower back. Summer study was not possible because of lingering pain and the distracting discomfort of a heavy brace. He needed to repeat his sophomore year. Consequently he is not among the high school seniors scrambling to enroll in college program before May 1.

Extend the deadline. Do all you can to help the multitude of youngsters who cannot help themselves. But even if the deadline is extended to June 1, my boy will be deprived of social security benefits for his college education. On the PSAT he scored in the 94 percentile. Which of you wants to tell him that his education is jeopardized by these cuts?

I must add this his hero is the late David K. E. Bruce, envoy to China, ambassador to many European countries, negotiator at the Paris peace talks. He wants to emulate that distinguished career of service to this country. Which of you wants to tell him that his country does not need his services?

And now my youngest daughter, at 15 an enthusiastic sophomore in a stiff college preparatory program. I worry that she will lose her motivation to excel. On the one hand, she knows that her father and I would want her to work as hard as she could to go on to the best college that would take her; on the other hand, she sees what the financial stress is doing to me. What can I do to assure her that somehow we will find a way for her to pursue a career in architecture?

There are thousands of children like mine around the country. There are students who are asking for the benefits their dead parents earned for them. They are asking for help with their education in order that they may contribute to society, not become a drain on it. I wish their mothers could join me here, for I am a weak spokesman for a group of citizens with so few votes. I wish these students themselves could march on Washington and demonstrate outside your doors. But the administration has picked on a silent minority devoid of political clout.

Must I remind you that the GI bill and other educational programs have proved that they are a wise investment that pays dividends through the increased productivity and wage-earning capacity of the recipient?

Must I remind you that responsible parents like my husband took the social security program into consideration when they examined their life insurance coverage? And just as they expected their insurance companies to honor their commitment to a prearranged program, so too they expected the Government of their country to honor its commitment. Because my husband and his employer were compelled to contribute to the social security program, he could not afford the additional life insurance that would otherwise compensate us for the loss of social security coverage.

Congress has robbed these children of the educational opportunities their parents earned for them. It has also robbed them of faith in their Government. I beg of you—restore their funding; restore their faith in their country.

PREPARED STATEMENT OF DR. HOKE L. SMITH, PRESIDENT, TOWSON STATE UNIVERSITY, TOWSON, MD.

My name is Hoke Smith; I am President of Towson State University in Towson, Maryland. Towson is a public comprehensive university enrolling approximately 15,000 students.

I am pleased to have the opportunity to present my views concerning the recently mandated cuts in social security benefits for students attending institutions of higher education. To provide continued access for these students typifies the serious problem which confronts the higher educational system and which seriously threatens the twin goals of accesss and choice which we as a society have worked long to establish. Although my institution is less dependent upon federally-funded financial aid than most other institutions in our state, both our students and the institution itself will be seriously damaged by cuts in their social security benefits.

This year we have approximately 370 students receiving social security benefits. Of these approximately thirty percent receive some other type of federal aid. In addition, we made 1683 Pell Grants, 194 College Work-Study Grants, 706 NDSL Loans, 557 SEOG Grants, and 2200 GSL/FISL Loans. With the exception of College Work-Study and NDSL Loans, all of these were slightly smaller than the preceding year. In the view of our Director of Financial Aid, we did not have adequate funds in relation to the need in any of these programs and had a great deal less than needed in College Work-Study and SEOG.

We estimate that approximately 100 new students would attend Towson State University utilizing social security benefits in the coming year. As a result of publicity in or area, approximately 17 high school students have already enrolled this semester under our early admissions policy in anticipation of social security cuts. Depending upon the economic needs of the balance of the incoming students, we obviously are not in a position to supplement or replace these cuts by other federally-funded financial aid programs. A 25 percent cut in Pell funds would affect 420 students; 25 percent in CWS would affect 48; 35 percent in new NDSL funds would affect 247; while a cut of 42 percent in SEOG funds would affect 233 students.

In summary, the social security cuts coupled with other projected cuts in financial aid may affect slightly over 1,000 students. At this point, I cannot say whether this would keep these students from attending college. I can tell this committee that I am anticipating that we will have approximately 400 fewer students on campus due to cuts in financial aid.

Current federal policy is threatening the concept of access to higher education which has been developed since World War II. It is truly a counter-revolution which affects the educational and research basis of our nation's economy. It seems to me counter-productive to advocate economic development while wiping out the technological and education base which we have seen undergirds our technological and democratic society. Not only does higher education foster economic competence, but it also fosters support of the democratic ideals. I think that the works of Howard R. Bowen and Alexander Astin have demonstrated these accomplishments.

I wish to add a few words, as a parent of a high school senior. I have attempted to plan for the education of my children. My last one is graduating from high school this year. As a part of that planning, I have combined insurance with the coverage offered through the social security program. If I were to die now, the portion of my son's education which I had planned to have paid by social security would not be available to him. In other words, the government has without any warning changed the basis upon which I, and I believe other prudent citizens, have planned their lives. It has done so without offering any opportunity for adjustment of personal financial plans. Personally, I can adjust by taking extra insurance, if I am still insurable, or by some other means. However, if I were dead, it would not be possible.

I believe that one of the highest values in all of culture is the promise made by the living to the dead to care for their children and to see that they are raised to a position of adulthood in society. This is what we collectively have covenanted with each other through the social security program. Now, the federal government unilaterally, suddenly, and without any apparent concern for the violation of this covenant, has broken this collective promise to those who have died. Their children will no longer receive the support which was promised. And the parents obviously are in no position to do anything about it.

I believe that this action mocks the rhetoric of a return to traditional American values. It violates our political contract for the mutual benefit of society and the maintenance of domestic security and tranquility. It provides little assurance that our government will abide by its promises to its citizens—promises upon which they plan their lives. If our government violates its contract in this way, what assurance do we have that it will honor its commitments for disability payments under social security, or, indeed, that social security, which is built in as as essential element of many pension plans, will fulfill its promises.

Therefore, I recommend this committee give serious consideration to attempting to influence the form which the cut off of social security takes. I say this as a parent and as a citizen, not as a college president. I would suggest that instead of cutting off benefits for dependents entering institutions this year, the eligibility for benefits instead be geared to the time of the death of the covered individual. If this were to be made effective next January, it would mean that we would not achieve the instant cuts in social security which this approach will accomplish but that eventually we will have eliminated this drain on the budget. But more important, we will have kept faith with our fellow citizens.

If in view of the extreme financial problems facing the federal government it is deemed that this cannot be done, I would suggest that a low interest loan fund be created to equal the amounts which recipients would have otherwise achieved. This will have a long-term effect of not increasing the national debt significantly while honoring the commitment to provide financial support for these students.

I recognize, along with many of my fellow citizens, that steps must be taken to minimize and control federal expenditures. Perhaps from an institutional viewpoint, social security is not as effective as the basic opportunity grants or other need-based programs.

However, as I thought about this problem, I became convinced that, as important as access to education is, it is of secondary importance to that of honoring our national commitment to our people in the event of the death of a supporting parent, for this commitment was made to those who no longer can take any action of protest or repudiation of our promise.

STATEMENT OF JACQUELINE ARRINGTON, STUDENT, TOWSON STATE UNIVERSITY

I expected to receive social security throughout my college education. My father expected it before he died. He paid into it like many men and women today and expected his daughter to be able to continue her education.

Instead of receiving social security I thought I could get the basic opportunity grant. But now that seems to be getting cut. So I am just going to have to find a job during the winter which I don't want to do because I did it last winter and my grades fell. I really think that I want to direct myself totally to my education.

I discussed the whole situation with my mom, who I live with, and she is going to have to find some extra work somewhere or work overtime at her job.

I just feel it is totally unfair to a student whose parents died and the parents that died who expected their children to be taken care of by the Government, I don't know how I am going to be able to continue school. It is going to be hard because I am going to have to cut a lot of expenses.

As was said previously, I did not receive any notification. I did not know about the cuts until last month. A news reporter called me and informed me. I heard bits and pieces from different people and I thought I should have been notified before so I could have made plans to try to save a little bit more or put a little more away for college for my education, for books and so forth.

I also feel that it should be reexamined so students can continue school.

I just want to say that thank goodness I live with my mother. For the students that don't live with parents they cannot continue school and I just hope they find other ways to do it.

PREPARED STATEMENT PRESENTED BY HERM DAVIS, DIRECTOR OF FINANCIAL AID, MONTGOMERY COLLEGE, MONTGOMERY COUNTY, MD.

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to present the views of the American Association of Community and Junior Colleges (AACJC) regarding the payment of Social Security benefits to students attending postsecondary institutions. I am Herm Davis, Director of Financial Aid at Montgomery College in Montgomery County, Maryland.

This testimony is submitted regarding the cancellation of social security benefits for individuals who would normally receive these benefits as college students beginning in the fall of 1982. It is restricted to discussing the limited information and the communication process that the Social Security Administration failed to use.

As you are aware, we are addressing the college educational needs of over 100,000 students who are now completing their senior year in high school. As of this date, unless these students were nearing their 18th birthday, they have not been notified officially regarding the status of the elimination of their benefits. As a matter of fact, there have been no bulletins submitted to high school counselors or college representatives regarding this problem. For example, at Montgomery College the only official documentation we have received is one that we requested that turned out to be a Social Security Administration paper dated November, 1981 that we received in the middle of December. This document clarifies the issue but the question remains, why was a document of this nature not submitted earlier to the 100,000 plus students that its instructions ultimately affect? This is the main question being asked by students as well as their parents. They feel that there was only limited time to react to the elimination of Social Security benifits and this time was not used to promptly and properly notify them.

Inquiries were made at regional offices of the Social Security Administration to ascertain when notifications to the students and their parents would be sent. The response that we received indicated the students would be notified by the middle of late February of the new guidelines and restrictions. Because of this a large number of these students will not only lose their Social Security benefits, it will be too late for them to apply for institutional and state aid programs.

College officials throughout the United States have been besieged with inquiries regarding the loss of benefits. Unfortunately, the few press releases that were printed stated that students "enrolled" in college by May 1982 would be eligible for Social Security benefits for the fall of 1982. "Enrolled" was interpreted by many people to mean "admitted" to an institution but not necessarily in attendance by May 1. The meaning of the word "enrolled", has created problems for the colleges and students because Social Security officials are now interpreting this to mean "admitted and in full-time attendance." It is probable that many high school students are still making plans with this incorrect definition in mind.

To complicate the problem further, some high school recipients of Social Security benefits who will start college classes in the fall of 1982 believe they are automatically eligible to attend college and receive Social Security benefits because they will not be 18 until after the fall term begins.

To help resolve these issues in a fair and equitable manner to students and their parents who have invested in Social Security, and through no fault of their own are losing this important benefit, it is the recommendation of the American Association of Community and Junior Colleges that the May 1982 deadline be moved back to September 30, 1982 and that the Social Security Administration be instructed to notify all eligible students and their parents immediately.

Mr. Chairman, thank you for the opportunity to testify before this Subcommittee.●

Mr. BRADLEY addressed the Chair.

Mr. DOLE. Mr. President, have the yeas and nays been ordered?

The PRESIDING OFFICER. All time has expired.

The yeas and nays have not been ordered.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from South Dakota (Mr. ABDNOR), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Arizona (Mr. GOLDWATER), the Senator from Idaho (Mr. MCCLURE), the Senator from South Dakota (Mr. PRESSLER), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Califor-

nia (Mr. CRANSTON), and the Senator from Arizona (Mr. DECONCINI) are necessarily absent.

I also announce that the Senator from Florida (Mr. CHILES) is absent because of illness in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 42, nays 47, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—42

Baucus	Hart	Metzenbaum
Boren	Heflin	Mitchell
Bradley	Heinz	Moynihan
Bumpers	Hollings	Pell
Burdick	Huddleston	Pryor
Byrd, Robert C.	Inouye	Randolph
Cannon	Jackson	Riegle
Chafee	Johnston	Sarbanes
Dixon	Kennedy	Sasser
Dodd	Leahy	Specter
Eagleton	Levin	Stennis
Exon	Mathias	Tsongas
Ford	Matsunaga	Weicker
Glenn	Melcher	Zorinsky

NAYS—47

Andrews	Gorton	Nickles
Armstrong	Grassley	Nunn
Baker	Hatch	Packwood
Boschwitz	Hatfield	Percy
Brady	Hawkins	Proxmire
Byrd, Harry F., Jr.	Hayakawa	Quayle
	Helms	Roth
Cochran	Humphrey	Rudman
Cohen	Jepsen	Schmitt
D'Amato	Kassebaum	Simpson
Danforth	Kasten	Stafford
Denton	Laxalt	Stevens
Dole	Long	Symms
Domenici	Lugar	Thurmond
East	Mattingly	Tower
Garn	Murkowski	Warner

NOT VOTING—11

Abdnor	Cranston	McClure
Bentsen	DeConcini	Pressler
Biden	Durenberger	Wallop
Chiles	Goldwater	

So Mr. LEVIN's amendment (UP No. 1256) was rejected.

Mr. HATFIELD. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT IN DISAGREEMENT 180

Mr. HATFIELD. Mr. President, I move that the Senate recede from its disagreement to the amendment to the Senate numbered 180, as amended by the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

AMENDMENT IN DISAGREEMENT NO. 183

The amendment is as follows:

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 183 to the aforesaid bill, and concur therein with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

"SEC. 307. Notwithstanding any other provision of law, none of the funds made available by this or any other Act, heretofore or hereafter enacted, may be used to carry out section 103 and section 305(d)(3) of S. 1193 'An Act to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency and the Board for International Broadcasting, and for other purposes', unless reprogrammed in accordance with the procedures established by the Committees on Appropriations of the House and Senate."

Mr. HATFIELD. Mr. President, I move that the Senate recede from its disagreement to the amendment of the Senate numbered 183, as amended by the amendment of the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

AMENDMENTS IN DISAGREEMENT NOS. 115 AND 150

Mr. HATFIELD. I move that the Senate recede from its disagreement with the House to amendments numbered 115 and 150.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Oregon.

The motion was agreed to.

Mr. HATFIELD. Mr. President, I would like to yield for 15 seconds to the Senator from New York for a unanimous-consent request.

Mr. President, have all amendments been disposed of?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. Mr. President, I know of no other amendments. I wish to thank again the ranking minority member of the committee and the staff for their excellent job.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past the hour of 2 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEARL STREET CENTENNIAL DAY

Mr. MOYNIHAN. Mr. President, I send to the desk a concurrent resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 117) expressing the sense of the Congress that September 4, 1982, the one hundredth anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day".

Mr. MOYNIHAN. Mr. President, I thought this was cleared. There are 26 Members——

Mr. BAKER. Mr. President, I was not aware of that, and I am sure we can clear it, but I cannot clear it at this point. I would have to object.

Mr. MOYNIHAN. Mr. President, I believe no objection was heard, but I am asking to withdraw——

Mr. BAKER. I think the Chair had simply put the matter before the Senate, and the next request is for unanimous consent to proceed to its immediate consideration, is that correct?

The PRESIDING OFFICER. That is the next request, which has not been made.

Mr. BAKER. Mr. President, I really do not want to object, and if the Senator will withdraw it——

Mr. MOYNIHAN. I would be happy to withdraw, I so stated. Mr. President, I had thought this had been cleared. The distinguished chairman of the Appropriations Committee is a cosponsor and it is a simple misunderstanding.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR PLAY FOR SOCIAL SECURITY ACT OF 1982

Mr. STENNIS. Mr. President, on June 17, 1982, I introduced S. 2638, which I termed the Fair Play for Social Security Act of 1982. The purpose of that bill was to require that the social security trust funds be reimbursed from the general funds of the Treasury the amount which the social security trust funds have been shortchanged since January 1, 1970, because such trust funds have been invested in Government securities which have provided a lesser rate of return than was available on other Government securities.

In the statement which I made in connection with the introduction of S. 2638, I said that I made no charge of wrongdoing or malfeasance but assert-

ed that it appeared there was a custom or practice of investing social security trust funds in Government securities with a lesser yield than was otherwise available. I stated that this reduced the interest paid by the general fund and thereby unjustly enriched the general fund at the expense of the social security trust funds and social security beneficiaries.

I stated at the time that I could not fix the exact amount involved but that it was literally in the billions. I also told the Senate that at my request the General Accounting Office was working on this problem for the purpose of determining the amount of interest earned by the trust funds and the amount of interest which could have been earned if the trust funds were invested in other Government securities. I have now received a report from the General Accounting Office on this matter and am taking this opportunity to share it with the Senate.

I should make it clear at the outset that the action of the General Accounting Office was to make an effort to estimate what might have happened to social security trust funds under different investment policies. Specifically the General Accounting Office advised me that the data which it furnished was a "ball park" estimate of how much additional interest the trust funds would have earned over the past 12 years—1970-81—if the assets had been invested in short-term yields—6-month securities and 3-year securities—rather than under the actual investment practices.

The calculations of the General Accounting Office which they furnished me showed that at the end of fiscal year 1981 the combined old age and survivors insurance and disability insurance trust funds could have been about $4.8 billion higher and the hospital insurance trust fund about $1 billion higher under the 3-year investment policy. This means that for the combined old age and survivors insurance, disability insurance, and hospital insurance trust funds there could have been an increase of $5.8 billion if the money had been invested in 3-year securities.

The General Accounting Office calculations also show that, if the trust funds had been invested in 6-month securities, the combined old age and survivors insurance and the disability insurance trust funds could have been about $3.6 billion higher, and the hospital insurance trust fund for the same period could have been $1.6 billion higher. This is a difference for the three funds combined of $5.2 billion.

I ask that the report of the General Accounting Office, together with the covering letter and the tables attached thereto, be printed in the RECORD at the conclusion of my remarks.

I have mentioned this before but I want to point out again that in a hearing held by the Subcommittee on Social Security of the Committee on Ways and Means of the House of Representatives last October information was furnished by the Treasury Department relative to the additional interest income to the old age and survivors insurance and disability insurance trust funds under a revised investment policy. As I pointed out in my floor statement of June 17, 1982, this Treasury estimate showed that, if during the 1960-80 period the special issues held by the trust funds on June 30 of each year that carried an interest rate lower than the interest rate for the new issues in June had been reinvested or rolled over in special issues carrying the newer and higher rate, the assets of the old age and survivors insurance and disability insurance trust funds would have been increased by about $13.5 billion. I emphasize again, as I did on June 17, that this estimate does not include any possible increase in the hospital insurance trust fund.

I do not want to belabor the question, Mr. President, but the facts which I have laid out show conclusively that the social security trust funds were shortchanged by a minimum of $5.2 billion because such trust funds were invested in Government securities providing a lesser rate of return than was otherwise available on Government securities. This was a loss to the trust funds and a gain for the general fund of the U.S. Treasury.

I point out again, Mr. President, that these trust funds are dedicated for the payment of social security benefits. Those who hold and invest them act in a fiduciary relationship of the highest nature. It is therefore essential, in my judgment, that the funds be invested in Government securities that will earn the maximum return commensurate with the safety of the investment. This has not been done in the past and I am of the opinion that this has unjustly enriched the general fund of the Treasury at the expense of the social security trust funds.

If S. 2638 is enacted into law an injustice will be corrected by requiring that the social security trust funds be reimbursed for the difference in the interest actually earned and that which could have been earned by investing the trust funds in other Government securities. It would be a significant step in restoring and maintaining the solvency of the social security trust funds.

In closing, I want to urge that the Senate Committee on Finance, to which S. 2638 has been referred, give careful consideration to this matter and schedule hearings for the purpose of inquiring into it. If such hearings are held I would hope that appropriate legislation would be reported to the Senate.

Mr. President, I ask unanimous consent that a letter addressed to me from the U.S. General Accounting Office, dated August 6, 1982, with enclosures, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., August 6, 1982.

HON. JOHN C. STENNIS,
U.S. Senate

DEAR SENATOR STENNIS: Pursuant to your request we are providing the enclosed Statement of Facts which discusses our efforts to estimate what might have happened to the Social Security trust funds under different investment policies. The data show a "ball park" estimate of how much additional interest the trust funds could have earned over the past 12 years (1970-1981) if the assets had been invested in short-term yields (6-month securities and 3-year securities) rather than under the current investment practice.

Our calculations show that at the end of fiscal year 1981 the combined Old-Age and Survivors Insurance and Disability Insurance trust funds could have been about $3.6 billion higher under the 6-month investment policy and $4.8 billion higher under the 3-year investment policy. The Hospital Insurance trust fund for the same period could have been $1.6 billion higher under the 6-month investment policy and about $1.0 billion higher under the 3-year investment policy.

Our Institute for Program Evaluation designed the methodology and performed the calculations. Because of the frequency of the daily investment activities we applied actuarial techniques. Also, as discussed with your office we made certain assumptions relating to investment practices. However, we believe the data give a reasonable picture of what could have happened. The data do not show what the effect of future changes in the investment policy would be because future interest rate differentials could be very different from past differentials.

Sincerely yours,

EDWARD A. DENSMORE
(For Gregory J. Ahart,
Director).

Enclosure.

STATEMENT OF FACTS—INVESTMENT OF SOCIAL SECURITY ASSETS IN SHORT TERM GOVERNMENT SECURITIES

Under the Social Security Act, amounts in the social security trust funds not needed to meet current benefit payments and administrative expenses may be invested in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. The Act authorizes the Secretary of the Treasury to issue special, non-marketable public debt obligations to the trust funds and provides that the funds be invested in these special non-marketable issues unless the public interest indicates otherwise. Under a 1960 amendment, these special obligations bear interest determined by a statutory formula which seeks to approximate the interest rates the Treasury would pay in the market for borrowing for a period of four or more years.

Since 1960, the investment policy has been to invest daily trust fund receipts in special non-market Treasury obligations which mature on the upcoming June 30. On June 30, these maturing securities are redeemed and reinvested in longer term securities. The maturities of these longer term invest-

ments are determined by the projected cash needs of the funds.

The criticism has, at times, been levied that the Social Security trust funds should be invested in short-term Government obligations, rather than long-term ones. This paper provides "ball park" estimates of how much the trust funds could have earned over the past 12 years (1970–1981) if assets had been invested at short-term yields (6-month securities and 3-year securities) rather than under the current investment policy. Certain guidelines, assumptions, and data sources were used in developing the estimates. (See app. I.)

The estimates show what might have happended under different investment policies. Because of the frequency of transactions short cuts were taken (i.e., we did not attempt to show what the day-to-day results would have been). However, we believe the data give a reasonable picture of what could have happened. (See app. II.)

The data do not show what the effect of future changes in the investigation policy would be because future interest rate differentials could be very different from past differentials.

In the 1970's the yield of the 6-month securities fluctuated and sometimes was less than the yield of the actual investments of the three trust funds. As a result, the assets of the Old-Age and Survivors Insurance (OASI) and Disability Insurance (DI) funds would have been lower at the end of several fiscal years under short-term investment than under actual investment policy. (See app. II—Tables 1 and 2.) However, the yields started to increase rapidly in the late 1970's and early 1980's. By the end of fiscal year 1981, under this investment policy the OASI fund could have been $2.8 billion higher, and the DI fund $0.8 billion higher, than under the present policy.

Using 3-year investments, the assets would have been higher for both funds at the end of each year for the period under consideration. Assets could have been $3.7 billion higher for the OASI fund and $1.1 billion higher for the DI fund at the end of fiscal year 1981.

At the end of fiscal year 1981, the combined OASDI [1] trust funds (see app. II–Table 3) could have been $3.6 billion higher under the 6-month investment policy and $4.8 billion higher under the 3-year investment policy.

The same assumptions were applied to the Hospital Insurance (HI) trust fund. (See app. II—Table 4.) Investing in 6-month securities, the annual trust fund balances would have been slightly less than the actual balances until the end of fiscal year 1978, since the average yields of the actual investments wee slightly higher. Beginning in 1979, short-term interest rates increased repidly. By the end of fiscal year 1981, the balance in the HI fund could have been $1.6 billion higher than the actual balance.

If the assets of the HI fund had been invested in 3-year securities, the end-of-fiscal-year balances would have been slightly larger than actual balances for every year during the period under consideration. At the end of fiscal year 1981, the balance could have been about $1.0 billion over the actual balance.

The results for the OASDI and HI funds differ slightly, probably because the OASDI funds declined substantially between 1970 and 1981 while the HI fund increased over the same period. However, it can be seen for all three funds that investing in short-term securities under the stated assumptions would have resulted in higher trust fund balances at the end of fiscal year 1981.

Tables 5 and 6 of app. II show that the investment income under the two hypothetical investment policies would have been higher for all years (except for some of the early years, when investing in 6-month securities) than under the present policy.

Table 7 of app. II shows the average yield rates on 6-month and 3-year U.S. Government securities for the periods under consideration.

APPENDIX I—APPROACH, ASSUMPTIONS, AND DATA SOURCES USED IN PREPARING CALCULATIONS

Data were developed based on investing in two separate types of short-term Government securities (6-month securities and 3-year securities).

Daily income into the funds from tax receipts or other sources continued to be invested in "certificates of indebtedness".

Starting with 1970, special issue bonds were converted to short-term securities only if the short-term yield was greater than the special issue yield.

Benefits were paid from certificates of indebtedness first, then from the redemption of the short-term securities as necessary.

The assets of each fund invested in special issues on June 30, 1970, were rolled over into 6-month and 3-year securities respectively, if the yield was greater than the special issue yield. Otherwise they were invested at a later date.

Investments not in special issues were rolled over on their maturity date.

Interest earned every six months was also invested, unless needed for benefit payments.

Assets invested at the 6-month or 3-year rates could be redeemed only on the maturity date. Therefore, enough funds were assumed to have been kept in cash or certificates of indebtedness (earning interest on a short-term basis) to meet monthly benefit payments and other expenses.

Whenever income exceeded outgo substantially, the excess was invested. Conversely, when outgo exceeded income, securities were redeemed.

The following information was obtained from the Department of the Treasury and the Social Security Administration:

1. Monthly statements showing income outgo, investments, and balances of the trust funds from 1970 up to September 30, 1981.

2. Annual yields for 6-month and 3-year Government securities for each month from 1970 to 1981.

TABLE 1—BALANCE IN OASI TRUST FUND

[In millions of dollars]

End of fiscal year	Actual	Hypothetical	
		6 mo	3 yr
1970	32,616	32,616	32,616
1971	34,330	34,675	34,543
1972	36,399	36,614	36,863
1973	36,415	36,492	37,057
1974	37,867	38,257	38,577
1975	39,948	39,731	41,034
June 1976	37,799	37,608	39,397
September 1976 [1]	37,055	36,988	39,063
1977	35,372	34,970	37,754
1978	30,978	30,526	33,422
1979	27,743	27,928	30,388
1980	24,566	26,266	27,371
1981	23,834	26,636	27,564

[1] This 3-mo period was caused by the changing of the start of the Federal fiscal year 1977 from July 1, 1976, to Oct. 1, 1976.

Note: End of fiscal years June 1970–September 1981, if investments had been made in 6 mo. securities or 3-yr securities.

TABLE 2—BALANCE IN DI TRUST FUND

[Dollars in millions]

End of fiscal year	Actual	Hypothetical	
		6 mo	3 yr
1970	5,104	5,104	5,104
1971	6,408	6,418	6,474
1972	7,390	7,361	7,536
1973	7,869	7,812	8,099
1974	8,253	8,250	8,519
1975	8,191	8,302	8,499
June 1976	6,939	6,979	7,265
September 1976 [1]	6,459	6,579	6,906
1977	4,243	4,237	4,739
1978	4,372	4,384	4,946
1979	5,624	5,707	6,279
1980	7,681	8,108	8,483
1981	3,392	4,161	4,467

[1] This 3-mo period was caused by the changing of the start of the Federal fiscal year 1977 from July 1, 1976, to Oct. 1, 1976.

Note: End of fiscal years June 1970–September 1981, if investments had been made in 6-mo securities or 3-yr securities.

TABLE 3—BALANCE IN COMBINED OASDI TRUST FUNDS

[Dollars in millions]

End of fiscal year	Actual	Hypothetical	
		6 mo	3 yr
1970	$37,720	$37,720	$37,720
1971	40,738	41,093	41,017
1972	43,789	43,975	44,399
1973	44,284	44,304	45,156
1974	46,120	46,507	47,096
1975	48,139	48,033	49,533
June 1976	44,738	44,587	46,662
September 1976 [1]	43,514	43,567	45,969
1977	39,615	39,207	42,493
1978	35,350	34,910	38,368
1979	33,367	33,635	36,667
1980	32,247	34,374	35,854
1981	27,226	30,797	32,031

[1] This 3 mo. period was caused by the changing of the start of the Federal fiscal year 1977 from July 1, 1976, to Oct. 1, 1976.

Note:—End of fiscal years June 1970–September 1981, if investments had been made in 6 mo. securities of 3 yr. securities.

TABLE 4.—BALANCE IN HI TRUST FUNDS

[In millions of dollars]

End of fiscal year	Actual	Hypothetical	
		6-mo	3-yr
1970	2,677	2,677	2,677
1971	3,103	3,097	3,133
1972	2,859	2,848	2,913
1973	4,369	4,351	4,451
1974	7,914	7,880	7,958
1975	9,870	9,899	9,943
June 1976	10,836	10,738	10,951
September 1976 [1]	10,948	11,003	11,263
1977	11,115	10,964	11,472
1978	11,796	11,604	12,157
1979	13,363	13,392	13,771
1980	14,490	15,362	15,010
1981	18,093	19,721	19,056

[1] This 3-mo period was caused by the changing of the start of the Federal fiscal year 1977 from July 1, 1976, to Oct. 1, 1976.

NOTE.—End of fiscal years June 1970 and September 1981, if investments had been made in 6-mo securities or 3-yr securities.

TABLE 5.—INVESTMENT INCOME OF OASDI TRUST FUNDS

[In millions of dollars]

Fiscal year	Actual	Hypothetical	
		6-mo	3-yr
1970	1,572	1,572	1,572
1971	1,943	2,298	2,222
1972	2,107	1,938	2,438
1973	2,283	2,117	2,545
1974	2,518	2,885	2,622
1975	2,804	2,311	3,222
June 1976	2,815	2,770	3,345
September 1976 [1]	94	298	625
1977	2,659	2,198	3,082
1978	2,403	2,371	2,543
1979	2,205	2,913	2,487

[1] Represents the Old-Age and Survivors Insurance Fund and Disability Insurance Fund.

TABLE 5.—INVESTMENT INCOME OF OASDI TRUST FUNDS—Continued

[In millions of dollars]

Fiscal year	Actual	Hypothetical	
		6-mo	3-yr
1980	2,339	4,198	2,646
1981	2,289	3,733	3,487

[1] This 3-mo period was caused by the changing of the start of the Federal fiscal year 1977 froim July 1, 1976, to Oct. 1, 1976.

Note.—During fiscal years 1970–81, if investments had been made in 6-mo securities or 3-yr securities.

TABLE 6.—INVESTMENT INCOME OF HI TRUST FUND

[In millions of dollars]

Fiscal year	Actual	Hypothetical	
		6-mo	3-yr
1970	137	137	137
1971	180	174	210
1972	188	183	212
1973	196	189	224
1974	405	389	367
1975	609	672	638
June 1976	709	582	751
September 1976 [1]	5	158	205
1977	770	564	812
1978	780	739	784
1979	868	1,089	915
1980	1,039	1,882	1,161
1981	1,307	2,063	1,740

[1] This 3-mo period was caused by the changing of the start of the Federal fiscal year 1977 from July 1, 1976, to Oct. 1, 1976.

Note.—During fiscal years 1970–81, if investments had been made in 6-mo securities or 3-yr securities.

TABLE 7.—AVERAGE YIELD RATES ON U.S. GOVERNMENT SECURITIES

[In percent]

	6-mo. securities	3-yr. securities
June 1970	7.26	7.84
June 1971	5.08	6.32
June 1972	4.44	5.64
June 1973	7.61	6.83
June 1974	8.71	8.15
June 1975	5.70	7.17
June 1976	6.06	7.32
September 1976	5.55	6.66
September 1977	6.26	6.84
September 1978	8.40	8.41
September 1979	10.82	9.69
September 1980	11.33	11.57
September 1981	16.52	16.22

[Memorandum]

From: Harry C. Ballantyne.

Subject: Additional Interest Income to the OASI and DI Trust Funds Under a Revised Investment Policy.

We have determined the amount of additional interest income that would have been received by the Old-Age and Survivors Insurance and Disability Insurance Trust Funds during 1960–80 if the policies and procedures governing the investments of the trust funds had been changed as described below.

Under the revised policies and procedures, the special issues held by the trust funds on June 30 of each year, that carry an interest rate which is lower than the interest rate for new issues in June, would be reinvested (or rolled over) in special issues carrying the new issue rate for June, but with no change in the maturity date. If this revised procedure had been in effect since June 30, 1960, the assets of the OASI and DI Trust Funds would have been increased by the amounts shown in the following table:

INCREASE IN ASSETS

[In billions of dollars]

	OASDI	OASI	DI
Assets as of:			
Dec. 31, 1980	12.9	11.5	1.4
June 30, 1981	13.5	12.1	1.5

HARRY C. BALLANTYNE,
Acting Chief Actuary.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, time for morning business will expire, under the present order, in 3 minutes. I ask unanimous consent that the time be extended for 15 minutes under the same terms as previously stated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDERS FOR CERTAIN ACTIONS DURING ADJOURNMENT AND ORDER OF PROCEDURE ON WEDNESDAY, SEPTEMBER 8, 1982

Mr. BAKER. Mr. President, there is an adjournment resolution at the desk. I would shortly like to ask the Senate to consider it. First, I wish to put a unanimous-consent request for the consideration of the minority leader and all the Members.

I ask unanimous consent that during the adjournment of the Senate until Wednesday, September 8, messages from the President of the United States and the House of Representatives may be received by the Secretary of the Senate and appropriately referred; and that the Vice President, the President pro tempore, and the acting President pro tempore may be authorized to sign duly enrolled bills and joint resolutions.

I further ask unanimous consent that during the adjournment of the Senate until Wednesday, September 8, committees may be authorized to file reports on September 3 between the hours of 9 a.m. and 3 p.m.

I ask unanimous consent that when the Senate reconvenes on Wednesday, September 8, the reading of the Journal be dispensed with and following the time allocated to the two leaders under the standing order, there be a period for the transaction of routine morning business not to exceed 30 minutes in length, with Senators permitted to speak therein for not more than 5 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, would the distinguished majority leader change the routine morning business request to 1 hour instead of 30 minutes.

Mr. BAKER. Mr. President, I am pleased to amend the request to that effect.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, further reserving the right to object, this request has to do, in part, with messages from the President of the United States. I ask this question in the spirit in which I know the majority leader will not misunderstand.

I wonder if the majority leader can tell us anything further with regard to the possibility of a veto message from the President of the United States anent the supplemental appropriations conference report that we just voted on by voice to day.

Mr. BAKER. Mr. President, I thank the minority leader.

I regret to say that I cannot give the minority leader any more information than I could earlier. It is my impression that the President has not made a decision on what disposition he will make of this measure now that it has been adopted by the Senate for transmission to him for his consideration.

That is not to say he has not decided. It does mean he has not told me nor, I believe, has he indicated to anyone else—perhaps his own staff, but I doubt that—what he intends to do.

I do not know is the simple answer. I have made a recommendation to the President. I have no idea what he will do. My inclination is to think that the President will either sign or veto the bill. I do not expect that he will exercise a pocket veto. Since we are out of session for 10 days, that might be a possible choice, but I do not think that likely.

Mr. President, all I can say is that I do not believe the President would call us back into session. I do believe that were he to veto the bill, urgent matters that must be attended to by the Government could be attended to until we return.

The only new piece of information I can add to that which I gave to the mi-

nority leader this morning is that I have now talked to the Secretary of the Treasury, who, I believe, also does not know what the President intends to do. He indicated that in the event there were a veto—he does not predict that, but if there were a veto, he is convinced that temporary and interim measures could be undertaken on an emergency basis to provide for the needs of the Government until he returns.

Mr. ROBERT C. BYRD. So the majority leader does not believe a veto of this measure would put the Congress is a position where it could be criticized for being out for the length of time which is set forth in the adjournment resolution.

Mr. BAKER. Mr. President, I believe not. I think that the opinion of the Secretary of the Treasury, which I have asked him to reduce to writing in a letter to me, helps alleviate my fears, at least, in that respect.

Mr. ROBERT C. BYRD. I have one further question. I know that many Senators on the majority side of the aisle walked the plank on the Caribbean Basin provisions that are in this bill. The President very much supported those provisions. I suppose the question answers itself. Those same Caribbean Basin provisions in this piece of legislation for which the President fought and which he supported and for which many Senators on the majority leader's side of the aisle—as a matter of fact, most of them—voted, are in this legislation, are they not?

Mr. BAKER. Indeed they are, Mr. President. I am sure that must be a matter that the President will take account of as he considers this matter.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader for his usual courtesy and indulgence. I have no objection to the request.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

Mr. BAKER. I thank the minority leader.

ADJOURNMENT OF HOUSE AND SENATE

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 399.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 399) providing for an adjournment of the House from August 19 to September 8, 1982, and an adjournment of the Senate from August 19 or August 20 or August 21 to September 8, 1982.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

UP AMENDMENT NO. 1257

(Purpose: To provide for the adjournment of the House of Representatives on Friday, August 20, 1982)

Mr. BAKER. Mr. President, there is an amendment at the desk, I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes an unprinted amendment numbered 1257.

Strike "when the House adjourns on Thursday, August 19" and insert "when the House adjourns on Friday, August 20".

Amend the title so as to read "Providing for an adjournment of the two Houses for more than three days".

Mr. BAKER. Mr. President, I may say for the benefit of Senators that I discussed this matter with the leadership of the House. This accords with their wishes on how this matter would be dealt with procedurally.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (UP No. 1257) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 399), as amended, was agreed to as follows:

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Friday, August 20, 1982, and that when the Senate adjourns on Thursday, August 19, 1982, or on Friday, August 20, 1982, or on Saturday, August 21, 1982, pursuant to a motion made by the majority leader in accordance with this resolution, they stand adjourned until 12 o'clock meridian on Wednesday, September 8, 1982.

Amend the title so as to read:

Providing for an adjournment of the two Houses for more than three days.

Mr. BAKER. I move to reconsider the vote by which the concurrent resolution, as amended, was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, there are a number of items on the calendar on my side of the aisle that are available for unanimous consent. I invite the attention of the minority leader to those nominations beginning on page 4, under "New Reports," through page 5, and inquire of the minority leader if he is prepared to consider those items.

Mr. ROBERT C. BYRD. Mr. President, there is no objection on this side of the aisle.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering those nominations at this time.

There being no objection, the Senate proceeded to the consideration of executive business.

Mr. BAKER. I ask unanimous consent that the nominations I referred to be considered en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered en bloc and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Harry W. Wellford, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

VETERANS' ADMINISTRATION

Everett Alvarez, Jr., of Maryland, to be Deputy Administrator of Veterans' Affairs.

EXECUTIVE OFFICE OF THE PRESIDENT

Ronald B. Frankum, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF STATE

James L. Buckley, of Connecticut, to be Counselor of the Department of State.

SECURITIES AND EXCHANGE COMMISSION

Bevis Longstreth, of New York, to be a Member of the Securities and Exchange Commission.

MERIT SYSTEMS PROTECTION BOARD

Dennis M. Devaney, of Maryland, to be a Member of the Merit Systems Protection Board.

Mr. BAKER. I move to reconsider the vote by which the nominations were considered and confirmed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NOMINATION OF EVERETT ALVAREZ, JR., TO BE DEPUTY ADMINISTRATOR OF VETERANS' AFFAIRS

● Mr. SIMPSON. Mr. President, I am pleased to report that the Committee on Veterans' Affairs has completed its consideration of the qualifications of Everett Alvarez, Jr., the President's nominee to be Deputy Administrator of Veterans' Affairs, and the committee, by unanimous vote, recommends that the nomination be confirmed.

The position of Deputy Administrator of Veterans' Affairs is a most important assignment—especially at this time in the history of the Veterans' Administration. The Deputy Administrator is a vital part of the leadership team for the VA. The Deputy will be working with the Administrator in carrying out the many responsibilities of the agency which serves over 30 million living veterans through 172 medical centers, 226 outpatient clinics, 96 nursing home care units, and 58 regional offices. The Veterans' Administration operates the National Cemetery System and the Nation's largest medical system.

On July 1, 1982, President Reagan announced his intention to nominate

Everett Alvarez, Jr., to succeed Charles T. Hagle as Deputy Administrator for Veterans' Affairs. The nomination was made on July 26, 1982, and on that date, the nomination was referred to the Senate Committee on Veterans' Affairs.

Since July 27, 1981, Mr. Alvarez has been serving as Deputy Director of the Peace Corps. So, twice within approximately a year, this nominee has gone through the process of confirmation.

Everett Alvarez is a Vietnam combat veteran. He was a Navy pilot from 1967 to 1973. For 8½ years he was held prisoner in and around Hanoi, and was the longest held prisoner of war in North Vietnam. The former Navy pilot received his bachelor's degree in electrical engineering from the University of Santa Clara in California in 1960. From college he entered the Navy where he served for 20 years. He received his master's degree in operations research and systems analysis in 1976 and in December of this year will be receiving a J.D. degree from George Washington University National Law Center.

From November 1976 to July 1980, Alvarez served as assistant program manager for the U.S. Naval Air Production Management Project Office in Washington, D.C., where he managed the Navy's $200 million A-4 aircraft program, accounting for the management of development, testing, evaluation, and production of A-4 systems.

Mr. Alvarez was appointed as the Deputy Director of the Peace Corps in April 1981. As Deputy Director he managed the day-to-day business of the Peace Corps, an agency with more 5,000 volunteers serving in more than 60 countries of the world.

Mr. President, it is the view of members of our Senate Committee on Veterans' Affairs that Everett Alvarez, Jr. will perform the tasks assigned to him by the VA Administrator with skill, competence, and dependability, and that he will continue to unselfishly serve the people of the Nation just as he has in the past in the many responsibilities he has undertaken. I am impressed by him. I urge the Senate to support and likewise cast a fine vote on Mr. Alvarez—just as the Committee on Veterans' Affairs did in confirming this nomination.

At our committee's public hearing on August 5, 1982, Everett Alvarez was introduced to the committee by California's two Senators—CRANSTON and HAYAKAWA and by Senator DENTON of Alabama, who was a prisoner of war in North Vietnam with the nominee. I want to share with all of my colleagues Senator DENTON's introductory remarks. Following his remarks, I stated that in my 3½ years in the Senate, I had not heard a more beautiful statement made on anyone's behalf in any forum. Here is the truly remarkable introduction for Everett Alvarez, Jr.'s nomination to be Deputy Director of the VA as delivered by our fine colleague, Senator JEREMIAH DENTON of Alabama:

The statement referred to follows:

STATEMENT OF SENATOR DENTON

I believe my friend and brother on my right here is as sensitive as I that there has been perhaps too much said about Vietnam P.O.W.'s as opposed to other Vietnam veterans about whom not enough was said, not enough credit was given, and to veterans in general.

But this is a very special day for a special man and rather than go over what has been appropriately presented in introduction of this special man, I would like to say something special to Ev in a special way, which means "Happy Anniversary".

That is today, the 5th of August 1982 is the 18th anniversary of Ev having been shot down in 1964. And every morning in the camps in which we happened to be serving at the time, if someone had an anniversary, we all knew what date he was shot down and we would give that H.A. as an abbreviation to him and followed by his initials.

So it is kind of a dream that we never would have even dreamed, Ev, that I would be wishing you a happy anniversary in such happy circumstances.

Ev was flying an A-4 off the U.S.S. Constellation on a fateful day in U.S. history and therefore he should and will go down in history, perhaps more than any of us who are here extrolling his merits today.

The United States had just responded to the Tonkin Gulf incidents and President Johnson had ordered the launching of a retaliatory strike, and Ev was shot down on an attack on Hun Gay on that date of 5th of August.

Many of us have a long time alone. I happened to be the first person to get four years in solitary confinement, but my solitary confinement was somewhat ameliorated by the fact that occasionally I would be able to communicate with someone by tapping or other means.

Ev Alvarez was in North Vietnam alone at the military prison. There was no other American in the entire country with whom he could have possibly been in contact from 5 August 1964 until February 1965, when Bob Shoemaker happened to be shot down, who is still here also performing very well.

He has now been made a commodore in the Navy and I know that Ev and Bob and I would all like to be known by what we did before we were prisoners and after we were prisoners, rather than that which we just happen to be, because I know the chairman of the subcommittee or this committee would have been at least as staunch and certainly as much of a source of good morale to his comrades were he to have been there, and that is entirely true, and that applies to any other good American.

Ev was all alone. He in his loneliness would write messages, which I later saw as the 13th prisoner shot down in North Vietnam when I was introduced to little courtyards, perhaps half as big as this room where he had been permitted occasionally to exercise, and it is quite touching to read what he had left on the walls.

Let's see, he was shot down in August. He would have had certainly "Happy Thanksgiving Day" written on the walls just in case someone else would see it. There was no one to see it. You didn't know but there was no one there.

I don't know whether I can say this without emotion, but he had written in one place "Lord, I am not worthy, but only say the word, and my soul shall be healed."

A great many of us who were not particularly pious came to such thoughts very deeply during the years that we were there. I am sure none of us more deeply than Ev who was there longer than the rest.

He wrote "Merry Christmas". There was no one there. So when I saw those things and realized from the dates who had to have written them, I had been there a few months so I knew Ev was there, and I knew he had been there from reading about it in the newspapers and hearing about it in the P.O.W. school. It was quite touching, and I was extemely moved.

Later I got direct contact with Ev and learned that, from him and from his captors, that he had held up alone against the bombardment of propaganda, and at that time psychological pressure, then he held up extremely well under the torture which they began to apply in October 1965 and continued until October 1969. That is why he got many of those decorations.

He participated in the Hanoi March, which some day when we look back upon the Vietnam War with a bit more objectivity, I think it will be an event which goes down in American history.

They wanted to disgrace Americans in front of their citizens who they had dashed to fanaticism and hatred by propaganda reports for the past two weeks of how we ate little children for breakfast and destroyed old women for entertainment with our bombs and Ev participated in that March with great honor and courage, holding his head up despite being beaten as he marched through the streets of Hanoi.

I have the utmost respect for him from those days and affection.

Since those days he has shown, unlike the man about whom I had heard in the movie, I didn't see the movie, but I heard the man went nuts because he was in jail for eight years and it finally got to him. He kept saying "eight years, eight years, eight years" of things that he had missed. Well, Ev missed eight years. Came back, went to work, got those degrees you heard about and made those achievements that you have heard about and I can't think of a man who has more demonstrated patriotism, compassion, effectiveness, understanding of what it means to be an American, a man who will appreciate veterans more, a man who will deal with them with the understanding and appreciation which the chairman of this committee—with which he has dealt.

So, with those words, I wish to register for the Record and for my colleagues my welcome to Everett Alvarez.

God bless you.●

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRETRIAL SERVICES ACT—CONFERENCE REPORT

Mr. BAKER. Mr. President, I submit a report of the committee of conference on S. 923 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment to the bill (S. 923) to amend chapter 207 of title 18, United States Code, relating to pretrial services having met, after full and free conference, have agreed to recommend and do recommend to their repective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report will be printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BUFFALO BILL DAM AND RESERVOIR

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1409.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House insist upon its amendment to the bill (S. 1409) entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes", and ask a conference with the Senate on the disagreeing votes of the two Houses thereon.

Ordered, That Mr. Udall, Mr. Kazen, Mr. Phillip Burton, Mr. Seiberling, Mr. Miller of California, Mr. Coelho, Mr. Lujan, Mr. Clausen, and Mr. Pashayan be the managers of the conference on the part of the House.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment with further Senate amendments which I send to the desk on behalf of Senators McCLURE and JACKSON in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

UP AMENDMENT NO. 1258

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER), on behalf of Mr. McCLURE and Mr. JACKSON, proposes an unprinted amendment in the nature of a substitute numbered 1258.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Page 1, line 3, strike all after the enacting clause and insert the following:

TITLE I

SEC. 101. The Secretary of the Interior, acting pursuant to the Federal reclamation laws (Act of June 17, 1902, 32 Stat, 388 and Acts amendatory thereof and supplemental thereto), is hereby authorized to construct, operate, and maintain modifications to the Buffalo Bill dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, for the purposes of providing approximately seventy-four thousand acre-feet of additional water annually for irrigation, municipal and industrial use, increased hydroelectric power generation, outdoor recreation, fish and wildlife conservation and development, environmental quality, and other purposes. The principal modifications to the Buffalo Bill Dam and Reservoir shall include raising the height of the existing Buffalo Bill Reservoir by approximately two hundred and seventy-one thousand acre-feet, replacing the existing Shoshone Powerplant, enlarging a spillway, construction of a visitor's center, dikes and impoundments, and necessary facilities to effect the aforesaid purposes of the modifications. These modifications are hereby authorized as part of the Pick-Sloan Missouri Basin program: *Provided,* That the powerplant authorized by this section shall be designed, constructed, and operated in such a manner as to not limit, restrict, or alter the release of water from any existing reservoir, impoundment, or canal adverse to the satisfaction of valid existing water rights or water delivery to the holder of any valid water service contract.

SEC. 102. The conservation and development of the fish and wildlife reseources and the enhancement of recreation opportunities in connection with the modification of Buffalo Bill Dam and Reservoir shall be in accordance with the Federal Water Project Recreation Act (79 Stat. 213), as amended.

SEC. 103. The modifications of the Buffalo Bill Dam and Reservoir shall be integrated physically and financially with the other Federal works constructed under the comprehensive plan approved by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 887, 891), as amended and supplemented. Revenues for the return of costs allocated to power shall be determined by power rate and repayment analysis of the Pick-Sloan Missouri Basin program. Repayment contracts for the return of costs allocated to municipal and industrial water and irrigation water supplies exclusive of State participation pursuant to section 7 shall be negotiated under provisions of the Reclamation Project Act of 1939 (53 Stat. 1198) or the Water Supply Act of 1958 (72 Stat. 320), as amended, and shall be prerequisite to the initiation of construction of facilities for this purpose. Costs allocated to environmental quality shall be nonreimbursable and nonreturnable under Federal reclamation law.

SEC. 104. (a) The Secretary of Energy is authorized to construct, operate, and maintain transmission interconnections as required physically to interconnect the hydroelectric powerplant authorized by this Act to existing power systems as he determines necessary to accomplish distribution and marketing of the power generated.

(b) Hydroelectric power generated by the facility constructed pursuant to this Act shall be delivered to the Secretary of Energy for distribution and marketing. Such facility shall be financially integrated with the Western Division, Pick-Sloan Missouri Basin program power system and the power marketed under rate schedules in effect for such system.

SEC. 105. The interest rate used for computing interest during construction and interest on the unpaid balance of the reimbursable costs of the Buffalo Bill Dam and Reservoir modifications shall be determined by the Secretary of the Treasury, as of the beginning of the fiscal year in which construction of the unit is commenced, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations which are neither due nor callable for fifteen years from date of issue.

SEC. 106. (a) There is hereby authorized to be appropriated beginning October 1, 1982, for construction of the Buffalo Bill Dam and Reservoir modifications the sum of $106,700,000 (October 1982 price levels) plus or minus such amounts, if any, as may be required by reason of ordinary fluctuations in construction costs as indicated by engineering cost indexes applicable to the types of construction involved herein and, in addition thereto, such sums as may be required for operation, maintenance, and replacement of the works of said modifications: *Provided,* That, such sums authorized to be appropriated for construction, operation, maintenance, and replacement shall be reduced by the amounts contributed to the project under the provisions of section 7 of this Act.

(b) There is also authorized to be appropriated beginning October 1, 1982, such sums as may be required by the Secretary of Energy to accomplish interconnection of the powerplant authorized by this Act, together with such sums as may be required for operation and maintenance of the works authorized by section 104(a).

SEC. 107. The Secretary of the Interior is authorized to enter into contracts with the State of Wyoming, upon such terms and conditions as he deems necessary, for the division of additional water impounded by the modifications, the sharing of revenues from the modifications, and the sharing of the costs of construction, operation, maintenance, and replacement of the Buffalo Bill Dam and Reservoir modifications.

TITLE II

That this Act shall amend and supplement the Act of June 17, 1902, and Acts supplementary thereto and amendatory thereof (43 U.S.C. 371), hereinafter referred to as the "Federal reclamation law".

DEFINITIONS

SEC. 201. As used in this Act—

(a) The term "district" means any individual or any legal entity established under State law which has entered into a contract or is eligible to contract with the Secretary for irrigation water.

(b) The term "full cost" means an annual rate as determined by the Secretary that shall amortize the construction costs properly allocable to irrigation facilities in service, plus all operations and maintenance deficits funded, less payments, over such periods as may be required under reclamation

law or applicable contract provisions, with interest on both accruing from the date of enactment on costs outstanding at that date, or from the date incurred in the case of costs arising subsequent to the date of enactment. The interest rate used pursuant to this Act shall be determined by the Secretary of the Treasury on the basis of the arithmetic average of (1) the computed average interest rate payable by the Treasury upon its marketable public obligations which are neither due nor callable for redemption for fifteen years from the date of issuance; and (2) the weighted average of market yields on all new, publicly held, interest-bearing, marketable issues sold during the fiscal year preceding the fiscal year in which the expenditures are made or the date of enactment of this Act, whichever is later: *Provided*, That normal operation, maintenance, and replacement charges will be collected in addition to the full cost charge.

(c) The term "individual" means any natural person, including his or her spouse, and including other dependents thereof within the meaning of the Internal Revenue Code (26 U.S.C. 152).

(d) The term "irrigation water" means water made available for agricultural purposes from the operation of reclamation project facilities pursuant to a contract with the Secretary.

(e) The term "landholding" means total irrigable acreage of one or more tracts of land owned or operated under a lease which is served with irrigation water pursuant to a contract with the Secretary.

(f) The term "qualified recipient" means an individual who is a citizen of the United States or a resident alien thereof or any legal entity established under State or Federal law which benefits twenty-five such individuals or less.

(g) The term "limited recipient" means any legal entity established under State or Federal law benefiting more that twenty-five individuals.

(h) The term "Secretary" means the Secretary of the Interior.

SEC. 202. (a) The provisions of the Federal reclamation laws shall remain in full force and effect, except to the extent such laws are amended by, or are inconsistent with, this Act.

(b) Nothing in this Act shall repeal or amend any existing statutory exemptions from the acreage limitation of the Federal reclamation law.

ACREAGE LIMITATION

SEC. 203. (a)(1) Notwithstanding any other provisions of law to the contrary, irrigation water may be delivered to a qualified or limited recipient for use in the irrigation of a landholding of not more than one thousand two hundred and eighty acres of class I lands, or the equivalent thereof: Provided, That not more than six hundred and forty acres of such landholding may be owned by a limited recipient.

(2) Lands leased for a term of one year or less for the purpose of water management and conservation in years of inadequate project water supply shall not be considered as part of a landholding solely because of having been so leased.

(b) Irrigation water may be delivered to lands leased in excess of a landholding of one thousand two hundred and eighty acres or the equivalent thereof as described in subsection (a), only if full cost as defined in subsection 201(b) of this Act is paid for such water as is assignable to those lands leased in excess of a landholding of one thousand two hundred and eighty acres in the case of a qualified recipient or lands leased in excess of a landholding of six hundred and forty acres in the case of a limited recipient: *Provided*, That "full cost" shall not be applied to excess lands under recordable contract.

(c) In determining the extent of a landholding the Secretary shall add to any landholding held directly by a qualified or limited recipient that portion of any landholding held indirectly by such qualified or limited recipient which benefits that owner in proportion to that ownership.

EQUIVALENCY

SEC. 204. Wherever an acreage limitation is imposed by the Federal reclamation law, including this Act, the Secretary, upon the request of a contracting entity, shall designate lands under the applicable acreage limitation within a district classified as having class I productive potential or the equivalent thereof in other lands of lesser productive potential. Standards and criteria for determination of land classes pursuant to this authority shall take into account all factors which significantly affect the economic feasibility of irrigated agriculture, including but not limited to, soil characteristics, crop adaptability, costs of crop production, and length of growing season.

RESIDENCY NOT REQUIRED

SEC. 205. Notwithstanding any other provision of law, irrigation water made available from the operation of reclamation project facilities shall not be withheld from delivery to any project lands for the reason that the owners, lessees, or operators do not live on or near them.

RECORDABLE CONTRACTS

SEC. 206. (a)(1) Irrigation water made available in the operation of reclamation project facilities constructed after the enactment of this Act may not be delivered for use in the irrigation of lands held in excess of the acreage limitations imposed by the Federal reclamation law, including this Act, unless and until the owners thereof shall have executed a recordable contract with the Secretary.

(2) Lands held in excess of the acreage limitations imposed by the Federal reclamation law, including this Act, which on the date of enactment of this Act are or are capable of receiving delivery of irrigation water made available by the operation of existing reclamation project facilities may receive such deliveries only: (i) if the disposal of the owner's interest in such lands is required by an existing recordable contract with the Secretary, or (ii) if the owners of such lands have requested that a recordable contract be executed by the Secretary.

(b) The recordable contracts referred to in subsection (a) shall require the disposal of interests in excess lands within a reasonable time to be established by the Secretary, but shall not exceed ten years after the recordable contract is executed by the Secretary in accordance with terms and conditions required by the Federal reclamation law generally, except that the aforementioned time in years shall be five years for a recordable contract entered into after the date of enactment of this Act.

(c) Recordable contracts existing on the date of enactment shall be amended at the request of the landowner to conform with the acreage limitations contained in this Act: *Provided*, That the time period for disposal of excess lands specified in the existing recordable contract shall not be extended except as provided in subsection (e).

(d) All recordable contracts covering excess lands sales shall provide that a power of attorney shall vest in the Secretary to sell any excess lands not disposed of by the owners thereof within the period of time specified in the contracts. In the exercise of that power, the Secretary shall sell such lands through an impartial selection process only to qualified purchasers according to such reasonable rules and regulations as he may establish: *Provided*, That the Secretary shall recover for the owner the fair market value of the land and improvements thereon unrelated to irrigation water deliveries.

(e) The period of time for which the disposal of excess lands may have been required under recordable contracts executed under the Federal reclamation law, including this Act, are hereby, and in the future shall be, extended for the period of time in which the Secretary shall have withheld the processing or approval of the disposition of such lands, whether he may have been compelled to do so by court order or whether he may have declined to do so for other reasons.

(f) Excess lands which have been or may be disposed of in compliance with the Federal reclamation law, including this Act, shall not be considered eligible to receive irrigation water unless—

(1) they held by nonexcess owners; and

(2) in the case of disposals made after the date of enactment of this Act, their title is burdened by a covenant prohibiting their sale, for a period of ten years after their original disposal to comply with the Federal reclamation law, including this Act, for values exceeding the sum of the value of newly added improvements and the value of the land as increased by market appreciation unrelated to the delivery of irrigation water. Upon expiration of the terms of such covenant, the title to such lands shall be freed of the burden of any limitations on subsequent sale values which might otherwise be imposed by the operation of section 432e of title 43, United States Code.

CORPS OF ENGINEERS PROJECTS

SEC. 207. (a) Notwithstanding any other provision of law to the contrary, neither the acreage limitation provisions nor the other provisions of the Federal reclamation laws, including this act, shall be applicable to lands receiving benefits from Federal water resources projects constructed by the United States Army Corps of Engineers, unless—

(1) the project has, by Federal statute, explicitly been designated, made a part of, or integrated with a Federal reclamation project; or

(2) the Secretary, pursuant to his authority under the Federal reclamation law, has provided project works for the control or conveyance of an agricultural water supply for the lands involved.

(b) Notwithstanding any other provisions of this section to the contrary, obligations that require water users, pursuant to contracts with the Secretary, to repay the share of construction costs and to pay the share of the operation and maintenance and contract administrative costs of a Corps of Engineers project which are allocated to conservation storage or irrigation storage shall remain in effect.

REPAYMENT OF CONSTRUCTION CHARGES

SEC. 208. (a) The acreage limitation provisions of the Federal reclamation law shall

cease to apply to any part of a landholding upon completion of the repayment by any contracting entity of the amount of any construction costs required to be repaid by such contracting entity (of by a person within the district pursuant to a contract existing on the date of enactment of this Act) by the terms of any contracts with the Secretary relating to the delivery of water supplies to such part of a landholding for agricultural use: Provided, That where any such contract may be entered into pursuant to the authority of the Rehabilitation and Betterment Act (Act of October 7, 1949, 63 Stat. 724, as amended), the contracting entity shall have the additional option of adopting a form of repayment consistent with section 5(c)(2) of the Small Reclamation Projects Act of 1956 (Act of August 6, 1956, 70 Stat. 1044, as amended) and if such form of repayment is adopted, the acreage limitation provisions of the Federal reclamation law shall not apply solely as a result of the indebtedenss under such contract.

(b) The Secretary shall provide, upon request of any owner of a landholding for which repayment has occurred, a certificate acknowledging that the landholding is free of the acAny certificate issued prior to the date of enactment of this Act is hereby ratified.

(c) Nothing in this Act shall be construed as authorizing or permitting lump sum or accelerated repayment of construction costs, except in the case of a repayment contract which is in effect upon the date of enactment of this Act and which provides for such lump sum or accelerated repayment by an individual or district or except as provided in subsection (d) of this section.

(d) The Secretary is authorized to negotiate with such contracting entity to conform the terms of any such contract to permit lump sum or accelerated repayment if the Secretary finds that the amount of outstanding indebtedness is less than 5 per centum of the total repayment obligation associated with such contract and that a pattern of family farming has been established in the project service area.

RELIGIOUS OR CHARITABLE ORGANIZATIONS

SEC. 209. An individual religious or charitable entity or organization (including but not limited to a congregation, parish, school, ward, or chapter) which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, as amended, and which owns, operates, or leases any lands within a district shall be treated as a person under the provisions of this Act regardless of such entity or organization's affiliation with a central organization or its subjugation to a hierarchical authority of the same faith and regardless of whether or not the individual entity is the owner of record if—

(a) the agricultural produce and the proceeds of sales of such produce are directly used only for charitable purposes;

(b) said land is operated by said individual religious or charitable entity or organization (or subdivisions thereof); and

(c) no part of the net earnings of such religious or charitable entity or organization (or subdivision thereof) shall inure to the benefit of any private shareholder or individual.

EXEMPTIONS

SEC. 210. Neither the limitations and restrictions imposed by this Act nor any other provision of the Federal reclamation law shall prohibit the delivery of irrigation water—

(a) so long as the lands are held by an individual or corporate trustee in a fiduciary capacity for a beneficiary or beneficiaries whose interests in the lands served do not exceed the limits imposed by the Federal reclamation law, including this Act;

(b) when the lands served receive only a temporary, not to exceed one year, supply made possible as a result of—

(1) an unusually large water supply not otherwise storable for project purposes; or

(2) infrequent and otherwise unmanaged flood flows of short duration;

(c) when the lands are acquired by involuntary foreclosure, or similar involuntary process of law, by bona fide conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, of deed of trust), by inheritance, by devise: *Provided*, That if after acquisition, such lands are not qualified under the Federal reclamation law, including this Act, they shall be furnished temporarily with a water supply for a period not exceeding ten years from the effective date of such acquisition;

(d) to isolated tracts found by the Secretary to be economically farmable only if they are included in a larger farming operation but which may, as a result of their inclusion in that operation, cause it to exceed the acreage limitations of the Federal reclamation law, including this Act;

(e) to lands which will receive a substitute water supply and will be required by the Secretary in his contract with the district to reduce ground water pumping in equal quantity from aquifers in the project area as a condition of receiving substitute water from a Federal reclamation project.

CONTRACT REQUIRED

SEC. 211. Irrigation water temporarily made available from reclamation facilities in excess of ordinary quantities not otherwise storable for project purposes or at times when such water would not have been available without the operations of those facilities, may be used for irrigation, municipal, or industrial purposes only to the extent covered by a contract requiring payment for the use of such water, executed in accordance with the Reclamation Project Act of 1939, or other applicable provisions of the Federal reclamation laws: *Provided, however*, That the Secretary shall have the authority to waive such payments for water delivered in section 210(b)(2).

VALIDATION

SEC. 212. Any non-Federal party to a repayment contract with the Secretary relating to a reclamation project may apply for validation of any provisions of such contract relating to the acreage limitation available to such party pursuant to such contract or under the Federal reclamation law by making application therefor to the Secretary in writing within three years from the date of enactment of this Act. The Secretary shall review each such application and shall determine whether to validate the contract provisions taking into account the circumstances surrounding the execution of the contract. The Secretary shall transmit the application along with his determination to validate or not to validate such contract to the Congress within ninety days from the date he receives such application. Unless the Congress by concurrent resolution disapproves the determination of the Secretary within ninety days from the date on which it receives the Secretary's transmittal, the determination of the Secretary shall be final and binding.

WAIVER OF SOVEREIGN IMMUNITY

SEC. 213. Consent is given to join the United States as a necessary party defendant in any suit to adjudicate, confirm, validate, or decree the contractual rights of a contracting entity and the United States regarding any contract executed pursuant to the Federal reclamation law. The United States, when a party to any suit, shall be deemed to have waived any right to plead that it is not amenable thereto by reason of its sovereignty, and shall be subject to judgements, orders, and decrees of the court having jurisdiction, and may obtain review thereof, in the same manner and to the same extent as a private individual under like circumstances. Any suit pursuant to this section may be brought in any United States district court in the State in which the land involved is situated. The court, if it determines it appropriate based on the evidence, including written representations concerning the application of the Federal reclamation law, may reform the contract.

ADMINISTRATIVE PROVISIONS

SEC. 214. (a) The Secretary may prescribe regulations and shall collect all data necessary to carry out the provisions of this Act and other provisions of the Federal reclamation law.

(b) Section 3 of the Act of July 7, 1970 (43 U.S.C. 425b) is amended by striking the phrase "for a period not to exceed twenty-five years" following the term "project water".

(c) Any nonexcess land which is acquired into excess status pursuant to involuntary foreclosure or similar involuntary process of law, conveyance in satisfaction of a debt (including, but not limited to, a mortgage, real estate contract, or deed of trust), inheritance, or devise, may be sold at its fair market value without regard to any other provision of this Act or to section 46 of the Act entitled "An Act to adjust water rights charges, to grant certain relief on the Federal irrigation projects, and for other purposes", approved May 25, 1926 (43 U.S.C. 423e): *Provided*, That if the status of mortgaged land changes from nonexcess into excess after the mortgage is recorded and is subsequently acquired by the lender by involuntary foreclosure or similar involuntary process of law, by bona fide conveyance in satisfaction of the mortgage, such land may be sold at its fair market value.

(d) Beginning October 1, 1982, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

(e) The Secretary is hereby authorized and directed to amend any provision of any contract between the Secretary and another party existing upon the date of enactment of this Act which is inconsistent with the provisions of this Act but only at the request of said other party.

(f) The Act of May 26, 1926, appointment of Commissioner of Reclamation (44 Stat. 657) is amended by adding the words "by and with the advice and consent of the Senate" after the word "President".

LEASING REQUIREMENTS

SEC. 215. (a) Notwithstanding any other provision of the Federal reclamation law, including this Act, lands which receive irrigation water may be leased only if the lease instrument is—

(1) written; and

(2) for a term not to exceed ten years, including any exercisable options: *Provided, however*, That with the prior approval of

the Secretary, leases of lands for the production of perennial crops having an average life of more than ten years may be for periods of time equal to the average life of the perennial crop but in any event not to exceed twenty-five years. In addition, the Secretary shall be provided with a certificate signed by the lessee which contains a legal description of the leased land, including a statement of the number of acres leased, the term of the lease, and a certification that the rent paid reflects the reasonable value of the irrigation water to the productivity of the land.

(b) Any lease in effect as of January 1, 1982, shall be required to comply with the provisions of this Act within ten years of enactment of this Act.

(c) Lessees holding lands in excess of the acreage limitation of this Act or of any other provisions of the Federal reclamation law under the provisions of a valid written lease effective as of January 1, 1982, shall be required to comply with the appropriate acreage limitation within ten years of enactment of this Act.

REPORTING

SEC. 216. Any contracting entity subject to the acreage limitation of the Federal reclamation law shall compile and maintain such records and information as the Secretary deems reasonably necessary to implement this Act and the Federal reclamation law. On a date set by the Secretary following the date of enactment of this Act, and annually thereafter, every such contracting entity shall provide in a form suitable to the Secretary such reports on the above matters as the Secretary may require.

REPORT TO CONGRESS ON THE PRODUCTION OF SURPLUS CROPS ON ACREAGE SERVED BY IRRIGATION WATERS

SEC. 217. Within one year of the date of enactment of this Act, the Secretary of Agriculture, with the cooperation of the Secretary of the Interior, shall transmit to the Congress a report on the production of surplus crops on acreage served by irrigation waters. The report shall include—

(1) data delineating the production of surplus crops on lands served by irrigation waters;

(2) the percentage of participation of farms served by irrigation waters in set-aside programs, by acreage, crop, and State;

(3) the feasibility and appropriateness of requiring the participation in acreage set-aside programs of farms served by irrigation waters and the costs of such a requirement; and

(4) any recommendations concerning how to coordinate national reclamation policy with agriculture policy to help alleviate recurring problems of surplus crops and low commodity prices.

ENCOURAGEMENT OF RESPONSIBLE WATER CONSERVATION MEASURES

SEC. 218. The Secretary shall, pursuant to his authorities under otherwise existing Federal reclamation laws, encourage the full consideration and incorporation of prudent and responsible water conservation measures in the operations of non-Federal recipients of irrigation water from Federal reclamation projects, where such measures are shown to be economically feasible for such non-Federal recipients.

TITLE III

CONGRESSIONAL FINDINGS

SEC. 301. The Congress finds that—

(1) water rights claims of the Papago Tribe with respect to the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation are the subject of existing and prospective lawsuits against numerous parties in southern Arizona, including major mining companies, agricultural interests, and the city of Tucson;

(2) these lawsuits not only will prove expensive and time consuming for all participants, but also could have a profound adverse impact upon the health and development of the Indian and non-Indian economies of southern Arizona;

(3) the parties to the lawsuits and others interested in the settlement of the water rights claims of the Papago Indians within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area have diligently attempted to settle these claims and the Federal Government, by providing the assistance specified in this title, will make possible the execution and implementation of a permanent settlement agreement;

(4) it is in the long-term interest of the United States, the State of Arizona, its political subdivisions, the Papago Indian Tribe, and the non-Indian community of southern Arizona that the United States Government assist in the implementation of a fair and equitable settlement of the water rights claims of the Papago Indians respecting certain portions of the Papago Reservation; and

(5) the settlement contained in this title will—

(A) provide the necessary flexibility in the management of water resources and will encourage allocation of those resources to their highest and best uses; and

(B) insure conservation and management of water resources in a manner consistent with the goals and programs of the State of Arizona and the Papago Tribe.

DEFINITIONS

SEC. 302. For purposes of this title—

(1) The term "acre-foot" means the amount of water necessary to cover one acre of land to a depth of one foot.

(2) The term "Central Arizona Project" means the project authorized under title III of the Colorado River Basin Project Act (82 Stat. 887; 43 U.S.C. 1521, et seq.).

(3) The term "Papago Tribe" means the Papago Tribe of Arizona organized under section 16 of the Act of June 18, 1934 (48 Stat. 987; 25 U.S.C. 476).

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "subjugate" means to prepare land for the growing of crops through irrigation.

(6) The term "Tucson Active Management Area" means the area of land corresponding to the area initially designated as the Tucson Active Management Area pursuant to the Arizona Groundwater Management Act of 1980, laws 1980, fourth special session, chapter 1.

(7) The term "December 11, 1980, agreement" means the Central Arizona Project water delivery contract between the United States and the Papago Tribe.

(8) The term "replacement costs" means the cost of acquiring and delivering water from sources within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within that area. Such costs shall include costs of necessary construction amortized in accordance with standard Bureau of Reclamation Procedures.

(9) The term "value" means the value attributed to the water based on the Tribe's anticipated or actual use of the water, or its fair market value, whichever is greater.

WATER DELIVERIES TO TRIBE FROM CAP; MANAGEMENT PLAN; REPORT ON WATER AVAILABILITY; CONTRACT WITH TRIBE

SEC. 303. (a) As soon as is possible but not later than ten years after the enactment of this title, if the Papago Tribe has agreed to the conditions set forth in section 306, the Secretary, acting through the Bureau of Reclamation, shall—

(1) in the case of the San Xavier Reservation—

(A) deliver annually from the main project works of the Central Arizona Project twenty-seven thousand acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 304(a); and

(B) improve and extend the existing irrigation system on the San Xavier Reservation and design and construct within the reservation such additional canals, lateral, farm ditches, and irrigation works as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(2) in the case of the Schuk Toak District of the Sells Papago Reservation—

(A) deliver annually from the main project works of the Central Arizona Project ten thousand eight hundred acre-feet of water suitable for agricultural use to the reservation in accordance with the provisions of section 304(a); and

(B) design and construct an irrigation system in the Eastern Schuk Toak District of the Sells Papago Reservation, including such canals, laterals, farm ditches, and irrigation works, as are necessary for the efficient distribution for agricultural purposes of the water referred to in subparagraph (A); and

(3) establish a water management plan for the San Xavier Reservation and the Schuk Toak District of the Sells Papago Reservation which, except as is necessary to be consistent with the provisions of this title, will have the same effect as any management plan developed under Arizona law.

(4) there are authorized to be appropriated up to $3,500,000, plus or minus such amounts, if any, as may be justified by reason of ordinary fluctuations in construction costs as indicated by engineering cost indices applicable to the type of construction involved. For those features of the irrigation system described in paragraph (1)(B) or (2)(B) of section 303(a) which are not authorized to be constructed under any other provision of law.

(b)(1) In order to encourage the Papago Tribe to develop sources of water on the Sells Papago Reservation, the Secretary shall, if so requested by the tribe, carry out a study to determine the availability and suitability of water resources within the Sells Papago Reservation but outside the Tucson Active management Area and that part of the Upper Santa Cruz Basin not within that area.

(2) The Secretary shall, in cooperation with the Secretary of Energy, or, with the appropriate agency or officials, carry out a study to determine—

(A) the availability of energy and the energy requirements which result from the enactment of the provisions of this title, and

(B) the feasibility of constructing a solar power plant or other alternative energy producing facility to meet such requirements.

(c) The Papago Tribe shall have the right to withdraw ground water from beneath the San Xavier Reservation and the Schuk

Toak District of the Sells Papago Reservation subject to the limitations of section 306(a).

(d) Nothing contained in this title shall diminish or abrogate any obligations of the Secretary to the Papago Tribe under the December 11, 1980, agreement.

(e) Nothing contained in sections 303(c) and 306(c) shall be construed to establish whether or not the Federal reserve rights doctrine applies, or does, not supply, to ground water.

DELIVERIES UNDER EXISTING CONTRACT: ALTERNATIVE WATER SUPPLIES; OPERATION AND MAINTENANCE

SEC. 304. (a) The Water delivered from the main project works of the Central Arizona Project to the San Xavier Reservation and to the Schuk Toak District of the Sells Papago Reservation as provided in section 303(a), shall be delivered in such amount, and according to such terms and conditions, as are set forth in the December 11, 1980, agreement, except as otherwise provided under this section.

(b) Where the Secretary, pursuant to the terms and conditions of the agreement referred to in subsection (a), is unable, during any year, to deliver from the main project works of the Central Arizona Project any portion of the full amount of water specified in section 303(a)(1)(A) and section 303(a)(2)(A), the Secretary shall acquire and deliver an equivalent quantity of water from the following sources or any combination thereof:

(1) agricultural water from the Central Arizona Project which has been contracted for but has been released or will be unused by the contractor during the period in which the Secretary will acquire the water:

(2) any water available for delivery through the Central Arizona Project which exists by reason of the augmentation of the water supply available for use and distribution through the Central Arizona Project by subsequent Acts of Congress; and

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within the area in the State of Arizona:

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands or interests referred to in subparagraph (A) shall be made only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(c) If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill his obligations under this section or paragraphs (1)(A) and (2)(A) of section 303(a), he shall pay damages in an amount equal to—

(1) the actual replacement costs of such quantities of water as are not acquired and delivered, where a delivery system has not been completed within ten years after the date of enactment of this title, or

(2) the value of such quantities of water as are not acquired and delivered, where the delivery system is completed.

(d) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (b) without the consent of the owner thereof. No private lands may be acquired under subsection (b)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water right the use of which is recognized by State law. In acquiring any private lands under subsection (b)(3)(A), the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

(e)(1) To meet the obligation referred to in paragraphs (1)(A) and (2)(A) of section 303(a), the Secretary is authorized, acting through the Bureau of Reclamation, as part of the main project works of the Central Arizona Project to—

(A) design, construct and, without cost to the Papago Tribe, operate, maintain, and replace such facilities as are appropriate including any aqueduct and appurtenant pumping facilities, treatment plants, powerplants, and electric power transmission facilities which may be necessary for such purposes; and

(B) deliver the water to the southern boundary of the San Xavier Reservation, and to the boundary of the Schuk Toak District of the Sells Papago Reservation, at points agreed to by the Secretary and the tribe which are suitable for delivery to the reservation distribution systems.

(2) there is hereby authorized to be appropriated by this title in addition to other sums authorized to be appropriated by this title, a sum equal to that portion of the total costs of phase B of the Tucson Aqueduct of the Central Arizona Project which the Secretary determines to be properly allocable to construction of facilities for the delivery of water to Indian lands as described in subparagraphs (A) and (B) of

(3) water from any of the following sources or any combination thereof within the Tucson Active Management Area in the State of Arizona and that part of the Upper Santa Cruz Basin not within that area—

(A) private lands or interests therein having rights in surface or ground water recognized under State law; or

(B) reclaimed water to which the seller has a specific right.

Deliveries of water from lands referred to in subparagraph (A) shall be made only to the extent such water may be transported within the Tucson Active Management Area pursuant to State law.

(f) If the Secretary is unable to acquire and deliver quantities of water adequate to fulfill his obligations under this section, he shall pay damages in an amount equal to—

(1) the actual replacement costs of such quantities of water as are not acquired and delivered, where a delivery system has not been completed within ten years after the date of enactment of this title, or

(2) the value of such quantities of water as are not acquired and delivered, where a delivery system is completed.

(g) No land, water, water rights, contract rights, or reclaimed water may be acquired under subsection (c) without the consent of the owner thereof. No private lands may be acquired under subsection (c)(3)(A) unless the lands have a recent history of receiving or being capable of actually receiving all or substantially all of the water the right to the use of which is recognized by State law. In acquiring said private lands, the Secretary shall give preference to the acquisition of lands upon which water has actually been put to beneficial use in any one of the five years preceding the date of acquisition. Nothing in this section shall authorize the Secretary to acquire or disturb the water rights of any Indian tribe, band, group, or community.

LIMITATION ON PUMPING FACILITIES FOR WATER DELIVERIES; DISPOSITION OF WATER

SEC. 306. (a) The Secretary shall be required to carry out his obligation under subsections (b), (c), and (e) of section 304 and under section 305 only if the Papago Tribe agrees to—

(1) limit pumping of ground water from beneath the San Xavier Reservation to not more than ten thousand acre-feet per year;

(2) limit the quantity of ground water pumped from beneath the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area to those quantities being withdrawn on January 1, 1981; and

(3) comply with the management plan established by the Secretary under section 303(a)(3).

Nothing contained in paragraph (1) shall restrict the tribe from drilling wells and withdrawing ground water therefrom on the San Xavier Reservation if such wells have a capacity of less than fifty-five gallons per minute and are used only for domestic and livestock purposes. Nothing contained in paragraph (2) shall restrict the tribe from drilling wells and withdrawing ground water therefrom in the eastern Schuk Toak District of the Sells Papago Reservation which lies within the Tucson Active Management Area if such wells have a capacity of less than thirty-five gallons per minute and which are used only for domestic and livestock purposes.

(b) The Secretary shall be required to carry out his obligations with respect to distribution systems under paragraphs (1)(B) and (2)(B) of section 303(a) only if the Papago Tribe agrees to—

(1) subjugate, at no cost to the United States, the land for which those distribution systems are to be planned, designed, and constructed by the Secretary; and

(2) assume responsibility, through the tribe or its members or an entity designated by the tribe, as appropriate, following completion of those distribution systems and upon delivery of water under this title, for the operation, maintenance, and replacement of these systems in accordance with the first section of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385).

(c)(1) The Papago Tribe shall have the right to devote all water supplies under this title, whether delivered by the Secretary or pumped by the tribe, to any use, including but not limited to agricultural, municipal, industrial, commercial, mining, or recreational use whether within or outside the Papago Reservation so long as such use is within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within such area.

(2) The Papago Tribe may sell, exchange, or temporarily dispose of water, but the tribe may not permanently alienate any water right. In the event of the tribe sells, exchanges, or temporarily disposes of water, such sale, exchange, or temporary disposition shall be pursuant to a contract which has been accepted and ratified by a resolution of the Papago Tribal Council and approved and executed by the Secretary as agent and trustee for the tribe. Such contract shall specifically provide that an action may be maintained by the contracting party against the United States and the Secretary for the breach thereof. The net proceeds from any sale, exchange, or disposition of water by the Papago Tribe shall be

used for social or economic programs or for tribal administrative purposes which benefit the Papago Tribe.

(d) Nothing in section 106(c) shall be construed to establish whether or not reserved water may be put to use, or sold for use, off of any reservation to which reserved water rights attach.

OBLIGATION OF THE SECRETARY; CONTRACT FOR RECLAIMED WATER; DISMISSAL AND WAIVER OR CLAIMS OF PAPAGO TRIBE AND ALLOTTEES

SEC. 307. (a) The Secretary shall be required to carry out his obligations under subsections (b), (c), and (e) of section 304 and under section 105 only if—

(1) within one year of the date of enactment of this Act—

(A) the City of Tucson and the Secretary agree that the city will make immediately available, without payment to the city, such quantity of reclaimed water treated to secondary standards as is adequate, after evaporative, additional treatment, or land filtration losses, to deliver annually, as contemplated in section 305(a), twenty-eight thousand two hundred acre-feet of water for the Secretary to dispose of as he sees fit; such agreement may provide terms and conditions under which the Secretary may relinquish to the City of Tucson such quantities of water as are not needed to satisfy the Secretary's obligations under this title:

(B) the Secretary and the City of Tucson, the State of Arizona, the Anamax Mining Company, the Cyprus-Pima Mining Company, the American Smelting and Refining Company, the Duval Corporation, and the Farmers Investment Company agree that funds will be contributed, in accordance with the paragraphs (1)(B) and (2) of subsection (b) of section 313, to the Cooperative Fund established under subsection (a) of such section;

(C) the Papago Tribe agrees to file with the United States District Court for the District of Arizona a stipulation for voluntary dismissal with prejudice, in which the Attorney General is authorized and directed to join on behalf of the United States, and the allottee class representatives' petition for dismissal of the class action with prejudice in the United States, the Papago Indian Tribe, and others against the city of Tucson, and others, civil numbered 75-39 TUC (JAW); and

(D) the Papago Tribe executes a waiver and release in a manner satisfactory to the Secretary of—

(i) any and all claims of water rights or injuries to water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from time immemorial to the date of the execution by the tribe of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, arising under the laws of the United States or the State of Arizona; and

(ii) any and all future claims of water rights (including water rights in both ground water and surface water) within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, from and after the date of execution of such waiver, which the Papago Tribe has against the United States, the State of Arizona and any agency or political subdivision thereof, or any other person, corporation, or municipal corporation, under the laws of the United States or the State of Arizona; and

(2) the suit referred to in paragraph (1)(B) is finally dismissed.

(b) After the conditions referred to in subsection (a) have been met the Secretary shall be authorized and required, if necessary or desirable, to enter into agreements with other individuals or entities to acquire and deliver water from such sources set forth in section 305(c) if through such contracts as exercised in conjunction with the contract required in subsection (a)(1)(A) it is possible to deliver the quantities of water required in section 305(a).

(c) Nothing in this section shall be construed as a waiver or release by the Papago Tribe of any claim where such claim arises under this title.

(d) The waiver and release referred to in this section shall not take effect until such time as the trust fund referred to in section 309 is in existence, the conditions set forth in subsection (a) have been met, and the full amount authorized to be appropriated to the trust fund under section 309 has been appropriated by the Congress.

(e) The settlement provided in this title shall be deemed to fully satisfy any and all claims of water rights or injuries to water rights (included water rights in both ground water and surface water) of all individual members of the Papago Tribe that have a legal interest in lands of the San Xavier Reservation and the Schuk Toak District of the Sells Reservation located within the Tucson Active Management Area and that part of the Upper Santa Cruz Basin not within said area, as of the date the waiver and release referred to in this section take effect. Any entitlement to water of any individual member of the Papago Tribe shall be satisfied out of the water resources provided in this title.

STUDY OF LANDS WITHIN THE GILA BEND RESERVATION; EXCHANGE OF LANDS AND ADDITION OF LANDS TO THE RESERVATION; AUTHORIZED APPROPRIATIONS

SEC. 308. (a) The Secretary is hereby authorized and directed to carry out such studies and analysis as he deems necessary to determine which lands, if any, within the Gila Bend Reservation have been rendered unsuitable for agriculture by reason of the operation of the Painted Rock Dam. Such study and analysis shall be completed within one year after the date of the enactment of this title.

(b) If, on the basis of the study and analysis conducted under subsection (a), the Secretary determines that lands have been rendered unsuitable for agriculture for the reasons set forth in subsection (a), and if the Papago Tribe consents, the Secretary is authorized to exchange such lands for an equivalent acreage of land under his jurisdiction which are within the Federal public domain and which, but for their suitability for agriculture, are of like quality.

(c) The lands exchanged under this section shall be held in trust for the Papago Tribe and shall be part of the Gila Bend Reservation for all purposes. Such lands shall be deemed to have been reserved as of the date of the reservation of the lands for which they are exchanged.

(d) Land exchanged under this section which, prior to the exchange, were part of the Gila Bend Reservation, shall be managed by the Secretary of the Interior through the Bureau of Land Management.

(e) The Secretary may require the Papago Tribe to reimburse the United States for moneys paid, if any, by the Federal Government for flood easements on lands which the Secretary replaces by exchange under subsection (b).

ESTABLISHMENT OF TRUST FUND; EXPENDITURES FROM FUND

SEC. 309. (a) To the extent provided by an appropriation enacted pursuant to the authorization contained in section 314, the Secretary of the Treasury shall pay to the authorized governing body of the Papago Tribe the sum of $15,000,000 to be held in trust for the benefit of such Tribe and invested in interest bearing deposits and securities including deposits and securities of the United States.

(b) The authorized governing body of the Papago Tribe, as trustee for such Tribe, may only spend each year the interest and dividends accruing on the sum held and invested pursuant to subsection (a). Such amount may only be used by the Pagago Tribe for the subjugation of land, development of water resources, and the construction, operation, maintenance, and replacement of related facilities on the Papago Reservation which are not the obligation of the United States under this or any other Act of Congress.

APPLICATION OF INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT

SEC. 310. The functions of the Bureau of Reclamation under this title shall be subject to the provisions of the Indian Self-Determination and Education Assistance Act (88 Stat. 2203; 25 U.S.C. 450) to the same extent as if performed by the Bureau of Indian Affairs.

EXTENSION OF STATUTE OF LIMITATIONS

SEC. 311. Except as otherwise provided in section 107 of this title, notwithstanding section 2415 of title 28, United States Code, any action relating to water rights of the Papago Indian Tribe or any member of such tribe brought by the United States for, or on behalf of, such tribe or member of such tribe, or by such tribe on its own behalf, shall not be barred if the complaint is filed prior to January 1, 1985.

ARID LAND RENEWABLE RESOURCE ASSISTANCE

SEC. 312. If a Federal entity is established to provide financial assistance to undertake arid land renewable resources projects and to encourage and assure investment in the development of domestic sources of arid land renewable resources, such entity shall give first priority to the needs of the Papago Tribe in providing such assistance. Such entity shall make available to the Papago Tribe—

(1) price guarantees, loan guarantees, or purchase agreements.

(2) loans, and

(3) joint venture projects.

at a level to adequately cultivate a minimum number of acres as determined by such entity to be necessary to the economically successful cultivation of arid land crops and a level to contribute significantly to the economy of the Papago Tribe.

COOPERATIVE FUND

SEC. 313. (a) There is established in the Treasury of the United States a fund to be known as the "Cooperative Fund" for purposes of carrying out the obligations of the Secretary under sections 303, 304, and 305 of this title, including—

(A) operation maintenance, and repair costs related to the delivery of water under sections 303, 304, 305;

(B) any costs of acquisition and delivery of water from alternative sources under sections 304(b) and 305(c); and

(C) any damages payable by the Secretary under section 304(c) or 305(d) of this title.

(b)(1) The Cooperative Fund shall consist of—

(A) amounts appropriated to the Fund under paragraph (3) of this subsection;

(B) $5,250,000 to be contributed as follows:

(i) $2,750,000 (adjusted as provided in paragraph (2)) contributed by the State of Arizona;

(ii) $1,500,000 (adjusted as provided in paragraph (2)) contributed by the City of Tucson; and

(iii) $1,000,000 (adjusted as provided in paragraph (2)) contributed jointly by the Anamax Mining Company, the Cyprus-Pine Mining Company, the American Smelting and Refining Company, the Duval Corporation, and the Farmers Investment Company; and

(C) interest accruing to the Fund under subsection (a) which is not expended as provided in subsection (c).

(2) The amounts referred to in subparagraph (B) of paragraph (1) shall be contributed before the expiration of the 3-year period beginning on the date of the enactment of this title. To the extent that any portion of such amounts is contributed after the 1-year period beginning on the date of the enactment of this title, the contribution shall include an adjustment representing the additional interest which would have been earned by the Cooperative Fund if that portion had been contributed before the end of the 1-year period.

SEC. 313(b)(3) There are hereby authorized to be appropriated to the Cooperative Fund the following:

A. $5,250,000; and

(B) such sums up to $16,000,000 (adjusted as provided in paragraph 2) which the Secretary determines, by notice to the Congress, are necessary to meet his obligations under this title; and

C. Such additional sums as may be provided by Act of Congress.

(c)(1) Only interest accruing to the Cooperative Fund may be expended and no such interest may be expended prior to the earlier of—

(A) 10 years after the date of the enactment of this title; or

(B) the date of completion of the main project works of the Central Arizona Project.

(2) Interest accruing to the Fund during the 12-month period before the date determined under paragraph (1) and interest accruing to Fund thereafter shall, without further appropriation, be available for expenditure after the date determined under paragraph (1).

(d) The Secretary of the Treasury shall be the trustee of the Cooperative Fund. It shall be the duty of the Secretary of the Treasury to invest such portion of the Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of such Fund and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities.

(e) If, before the date three years after the date of the enactment of this title—

(1) the waiver and release referred to in section 307 does not take effect by reason of section 307(d); or

(2) the suit referred to in Section 307(a)(1)(B) is not finally dismissed,

the Cooperative Fund under this section shall be terminated and the Secretary of the Treasury shall return all amounts contributed to the Fund (together with a ratable share of accrued interest) to the respective contributors. Upon such termination, the share contributed by the United States under subsection (b)(3) shall be deposited in the General Fund of the Treasury.

AUTHORIZATION OF APPROPRIATIONS

SEC. 313(f) Payments for damages arising under 304(c) and 305(d) shall not exceed in any given year the amounts available for expenditure in any given year from the cooperative fund established under this section.

COMPLIANCE WITH BUDGET ACT

SEC. 314 No authority under this title to enter into contracts or to make payments shall be effective except to the extent and in such amounts as provided in advance in appropriations Acts. Any provision of this title which, directly or indirectly, authorizes the enactment of new budget authority shall be effective only for fiscal years beginning after September 30, 1982.

SHORT TITLE

SEC. 315 This title may be cited as the "Southern Arizona Water Rights Settlement Act of 1982".

● Mr. McCLURE. Mr. President, the amendment I am proposing on behalf of myself and Senator JACKSON, is intended to provide the legislative basis for a Senate-House conference on the reclamation bills passed by the respective houses. H.R. 5539, the Reclamation Reform Act of 1982, was passed by the House on May 6, 1982. The companion bill was passed by the Senate on July 16, 1982, and its text was substituted for the House test in H.R. 5539. The Senate insisted on its substitute amendment, asked for conference, and appointed the following conferees: Senators McCLURE, HATFIELD, DOMENICI, WALLOP, WARNER, JACKSON, JOHNSTON, FORD, and METZENBAUM. As of this date, the House has not agreed to the requested conference on H.R. 5539. I believe it is general knowledge that the House has not acted because of the continued negotiations between the administration and members of the House Interior and Insular Affairs Committee regarding the Papago Indian Water bill, H.R. 5518, which was vetoed by the President on June 1, 1982. Further action by the House on the reclamation reform bill has been delayed pending successful resolution of the Papago Indian water issue.

Mr. President, S. 1409 is a bill to authorize the Secretary of the Interior to construct, operate and maintain modifications at the existing Buffalo Bill Dam and Reservoir, and for other purposes. S. 1409 passed the Senate on June 22, 1982. Earlier this week, on August 17, 1982, the House passed S. 1409 with an amendment in the nature of a substitute. The substitute included three separate titles. Title I is the exact text of S. 1409 as it passed the Senate. Title II is the exact text of H.R. 5539, the reclamation reform bill, as it passed the House. Title III is the text of a House proposal for the modified Papago Indian bill. After passage of S. 1409, the House insisted on its amendments, asked for a conference, and appointed conferees.

This Senator and other Members of the Senate were particularly pleased that the House has not taken action to send the extremely important reclamation reform bill to conference. Unfortunately, however, the House-requested conference on S. 1409 would accomplish that objective without including the Senate-passed reclamation bill as matter committed to the conference. Also, there would be no companion Senate provision for the Papago Indian bill included in the House-passed title III. Consequently, it is now necessary for the Senate to act to amend the bill to include the necessary companion textual matter for full conference consideration of these issues.

The pending amendment is an amendment in the nature of a substitute with three companion titles to the House substitute. Title I is the Senate Buffalo Bill legislation as passed on June 22. It would be the same text as included in title I of the House amendment, and therefore would be nonconferenceable.

Title II of the pending amendment is the text of the reclamation bill as passed by the Senate on July 16. It would be the companion provision for the text of the House-passed reclamation bill in title II of the House amendment. The conference, therefore, would proceed on the normal basis of the differences in the two reclamation reform bills as passed by the House and Senate. Consequently, this action would have the same parliamentary result as the Senate action of July 16, 1982, asking for a conference directly on H.R. 5539, the reclamation reform bill.

Title III of the pending amendment is the text of the agreement on the Papago Indian water matter negotiated between the House Interior Committee, the Senate delegation from Arizona, and the Secretary of the Interior. It would be the companion text for the earlier House proposal in title III of the House amendment. The chairman and ranking minority member of the House Interior Committee, Congressman UDALL and Congressman LUJAN, have assured the parties involved in that negotiation and Senator JACKSON and myself, that the House will recede on title III and accept the Senate text incorporating the new agreement. This action would be taken without any further negotiation on the differences between the earlier House proposal and the text of the Senate title III. Consequently, it is not intended by either the House or the

Senate that title III will be the subject of any conference action other than the prearranged agreement of the House to recede to the Senate. It is important to note also that the Papago Indian water bill was within the jurisdiction of the Senate Select Committee on Indian Affairs and not the jurisdiction of the Senate Committee on Energy and Natural Resources. This discussion of the Papago Indian water matter and the actions on title III appropriately have been the subject of prior consultation and agreement with the chairman and ranking minority member of the Select Committee on Indian Affairs, Senator COHEN and Senator MELCHER, as well as the members of the Arizona delegation, Senator GOLDWATER and Senator DECONCINI.

The net intended effect of this somewhat complicated proceeding would be to place the Senate and House in a regular conference on the differences in their respective reclamation reform bills included in title II of S. 1409. Title I, the text of the Buffalo Bill legislation, will be nonconferenceable. Title III of the bill will only involve the House receding, and the resulting adoption of the Senate text.

In light of all these circumstances, it only appears necessary at this time for the Senate upon passage of S. 1409 with this amendment in the nature of a substitute as I have described, to appoint conferees with responsibility for the reclamation reform bill in title II. Those conferees have already been identified in the Senate action of July 16. There does not appear to be any need for any conferees from the Select Committee on Indian Affairs. If, for some totally unforeseen circumstance, there would be the necessity for the Conference Committee to take any action on title III other than the House directly receding it then would be appropriate and necessary for conferees from the Select Committee on Indian Affairs to be appointed to represent the Senate in any negotiation on the Papago Indian water matter. Such action does not appear to be necessary at this time, as I have discussed with Senator COHEN and Senator MELCHER, as well as the Arizona delegation.

Mr. President, these procedures should allow the conferees on the reclamation reform bill to proceed to conference immediately following the pending recess. It is the fond hope of the Senator from Idaho and the other Senate conferees, as well as all interested parties in the reclamation community, to obtain swift action to resolve the modest differences between the House and Senate bills, and then proceed expeditiously to obtain enactment before the adjournment of this Congress. I certainly appreciate the good faith and continued efforts of our colleagues in the House and Secretary Watt and their respective excellent staffs in arriving at this point in the process. I urge all interested parties as we go forward into conference to cooperate as fully as possible in seeking enactment of this critical legislation in this Congress. I also wish to thank the leadership of the Senate for its assistance and support in fashioning this procedure to place the two bodies in conference on these important issues.●

The motion to concur in the House amendment with further Senate amendments was agreed to.

Mr. BAKER. Mr. President, I move that the Senate insist on its amendment and request a conference with the House, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to, and the Presiding Officer appointed Mr. MCCLURE, Mr. HATFIELD, Mr. DOMENICI, Mr. WALLOP, Mr. WARNER, Mr. JACKSON, Mr. JOHNSTON, Mr. FORD, and Mr. METZENBAUM conferees on the part of the Senate.

INTERNATIONAL SAFE CONTAINER ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be discharged from further consideration of H.R. 6732, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 6732) to amend the International Safe Container Act.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6732) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMERICAN ENTERPRISE DAY

Mr. BAKER. Mr. President, I ask that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 226 and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 226) to authorize and request the President to designate October 1, 1982, as American Enterprise Day.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S.J. Res. 226) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 226

Whereas the American enterprise system is a cornerstone in our society; and

Whereas that system has produced the highest standard of living in the world; and

Whereas that system depends on and rewards individual initiative and innovation; and

Whereas American productivity is vital to the world economy and must be encouraged; and

Whereas the continuance and growth of our enterprise system depends in large part on the education of young men and women concerning that system: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating October 1, 1982, as "American Enterprise Day" and encouraging appropriate government agencies to foster the recognition of the significance of the American enterprise system on that day.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move that the motion to reconsider be postponed until tomorrow.

Mr. President, I move to lay the motion on the table.

Mr. BAKER. Mr. President, in the event of such motion, the minority leader should give me notice so I can gather my wits.

The motion to lay on the table was agreed to.

NATIONAL FIREFIGHTERS' WEEK

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 227, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 227) to establish National Firefighters' Week.

The PRESIDING OFFICER. Without objection, the Senate will proceed

to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S. J. Res. 227) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 227

Whereas firefighters have provided fire protection for millions of Americans;

Whereas firefighters have performed their duties with distinction;

Whereas many firefighters are volunteers, risking themselves for others without remuneration; and

Whereas firefighters have lost their lives in heroic services to their communities: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning Monday, September 20, 1982, is designated as "National Firefighters' Week" and the President is requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL ADULT DAY CARE CENTER WEEK

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 209, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 209) designating the week beginning September 5, 1982, as "National Adult Day Care Center Week."

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The joint resolution (S.J. Res. 209) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 209

Whereas there are nearly eight hundred adult day care centers nationwide, some of which serve adults starting at age eighteen and others which serve primarily senior citizens, providing a safe and positive environment to partially disabled individuals in need of daytime assistance and supervision;

Whereas adult day care centers provide necessary health maintenance functions and medical care, including medication monitoring, therapies, and health education, and are operated by professional staffs who identify the need for additional health services and make appropriate referrals;

Whereas adult day care centers provide opportunities for social interactions to otherwise isolated individuals and assist them in attaining and maintaining a maximum level of independence; and

Whereas these centers offer relief to families who otherwise must care for disabled elderly persons on a twenty-four-hour-per-day basis: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning September 5, 1982, is designated "National Adult Day Care Center Week". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MONEY AND FINANCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 6128, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6128), an act to revise, codify, and enact without substantive change certain general and permanent laws, relating to money and finance, as title 31, United States Code, "Money And Finance".

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 6128) was ordered to a third reading, was read the third time, and passed.

EXTENSION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that the time for the transaction of routine morning business may be extended until 2:30 p.m. under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

TECHNICAL AND CONFORMING CHANGES IN PATENT AND TRADEMARK LAWS AND IN THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 3345, and I ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3345) to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be offered, the question is on the third reading and passage of the bill.

The bill (H.R. 3345) was ordered to a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXCHANGE OF CERTAIN LANDS HELD BY NAVAJO TRIBE AND THE BUREAU OF LAND MANAGEMENT

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on H.R. 3589.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3589) to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes.

The Senate proceeded to consider the bill.

UP AMENDMENT NO. 1259

Mr. BAKER. Mr. President, I send to the desk an amendment on behalf of the Senator from Maine (Mr. COHEN) in the nature of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) on behalf of Mr. COHEN, proposes an unprinted amendment in the nature of a substitute numbered 1259.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike out all after the enacting clause of H.R. 3589 and insert in lieu thereof the following:

That (a) subject to the approval of the Secretary of the Interior and to the provisions of this Act, the Navajo Tribe is authorized to exchange any surface interests of such Tribe in the lands described in subsection (b) for surface interests of the United States in lands described in subsection (c) which are approximately equal in value to such tribal interests.

(b) Lands located within the following New Mexico principal meridian townships are described in this subsection:

Township S north, range 12 west;
Township S north, range 11 west;
Township 7 north, range 12 west;
Township 7 north, range 11 west;
Township 6 north, range 12 west;
Township 7 north, range 5 west;
Township 6 north, range 5 west;
Township 6 north, range 4 west;
Township 6 north, range 3 west; and
Township 7 north, range 3 west.

(c) The lands described in this subsection are the lands withdrawn for exchange by Public Land Order 5721 (Federal Register, May 2, 1980, pages 29295-29297) other than the following lands:

Township 23 north, range 13 west, New Mexico principal meridian: section 3, southeast quarter; section 13, southeast quarter; and section 28, southwest quarter;

Township 16 north, range 10 west, New Mexico principal meridian: section 6, southeast quarter; and section 18, northeast quarter; and

Township 22 north, range 10 west, New Mexico principal meridian: section 16, north half and southwest quarter.

SEC. 2. Any interests in lands acquired by the Navajo Tribe under section 1(a) shall be held by the Secretary of the Interior in trust for the benefit and use of the Navajo Tribe.

SEC. 3. (a) Lands received by the Navajo Tribe in an exchange under section 1(a) shall be subject to such easements or rights-of-way as the Secretary of the Interior may create in order to provide necessary access to lands adjacent to such lands. The Secretary of the Interior may create such an easement or right-of-way only after he has consulted the governing body of the Navajo Tribe with regard to the location, scope, and use of such easement or right-of-way.

(b) Nothing in this Act shall affect—

(1) the mineral interests of any person, or

(2) any easement or other rights of any person (other than the United States or the Navajo Tribe),

in lands exchanged under section 1(a) which existed prior to the enactment of this Act. The development of such interests and the exercise of such rights may only be controlled by the Navajo Tribe or the Secretary of the Interior to the same extent that such development or exercise could have been controlled by the Secretary of the Interior prior to the enactment of this Act.

SEC. 4. (a) No exchange shall be made under section 1(a) if, at the time such exchange is proposed, the value of the interests in lands described in section 1(b) which are proposed to be exchanged exceeds an amount equal to 125 percent of the value of interests in lands described in section 1(c) which are proposed to be exchanged.

(b)(1) If, at the time of an exchange under section 1(a), the value of the interests in lands described in section 1(b) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(c) which are exchanged under section 1(a), the Secretary of the Interior shall pay to the Navajo Tribe an amount equal to such excess value.

(2) If, at the time of any exchange under section 1(a), the value of the interests in lands described in section 1(c) which are exchanged under section 1(a) exceeds the value of the interests in lands described in section 1(b) which are exchanged under section 1(a), the Navajo Tribe shall pay to the United States an amount equal to such excess value.

SEC. 5. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of section 4(b)(1)

The amendment (Up No. 1259) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS IMPROVEMENT AND EXTENSION ACT OF 1982

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 6350.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 6350) entitled "An Act to amend title 38, United States Code, to authorize the Administrator of Veterans' Affairs to provide that Veterans' Administration nurses who work two twelve-hour regularly scheduled tours of duty over a weekend shall be considered to have worked a full basic workweek, and for other purposes", with the following amendments:

In lieu of the matter proposed to be inserted by the amendment to the text of the bill, insert:

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

PAY AND WORK SCHEDULES FOR NURSES AND CERTAIN OTHER HEALTH-CARE PERSONNEL

SEC. 2. (a) Paragraph (10) of section 4107(e) is amended to read as follows:

"(10)(A) Notwithstanding any other provision of law but subject to subparagraphs (B) and (C) of this paragraph, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses, the Administrator—

"(i) may increase the rates of additional pay authorized under paragraphs (2) through (8) of this subsection; and

"(ii) may extend the period for which additional pay authorized under paragraph (3) of this subsection is paid to include part or all of a tour of duty any part of which is within the period commencing at midnight Friday and ending at midnight Saturday.

"(B) An increase under subparagraph (A)(i) of this paragraph in rates of additional pay (i) may be made at any specific Veterans' Administration health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Veterans' Administration health-care facility (based upon a reasonably representative sampling of such non-Federal facilities), and (ii) may be made on a nationwide, local, or other geographic basis if the Administrator finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

"(C)(i) An extension under subparagraph (A)(ii) of this paragraph of the period for which additional pay may be paid under paragraph (3) of this subsection may be made on a nationwide, local, or other geographic basis. Any such extension shall be based on a determination by the Administrator that such extension is justified on the basis of a review of the need for such extension in such geographic area.

"(ii) The rates of additional pay payable pursuant to an extension under such subparagraph shall be established as a percentage of the applicable hourly rates of basic pay. Such rates of additional pay may not exceed the lesser of (I) the percentage of such hourly rates of basic pay that the Administrator determines is necessary to be paid within the geographic area involved in order to obtain or retain the services of nurses, and (II) the percentage provided for in paragraph (3) of this subsection of the applicable hourly rate of basic pay.".

(b) Section 4107(f) is amended by striking out "paragraphs (2) through (8) of".

(c) Section 4107 is amended by adding at the end the following new subsection:

"(h)(1) Notwithstanding any other provision of law but subject to paragraph (2) of this subsection, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses at any Veterans' Administration health-care facility, the Administrator may provide, in the case of nurses appointed under this subchapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel

ceilings) to have worked a full 40-hour basic workweek.

"(2)(A) Basic and additional pay for a nurse who is considered under paragraph (1) of this subsection to have worked a full 40-hour basic workweek shall be subject to subparagraphs (B) and (C) of this paragraph.

"(B) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by one thousand two hundred and forty-eight.

"(C)(i) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two 12-hour tours of duty is entitled to overtime pay under subsection (e)(5) of this section, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(ii)(I) Except as provided in subdivision (II) of this division, a nurse to whom this paragraph is applicable is not entitled to additional pay under subsection (e) of this section, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

"(II) If the Administrator determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two 12-hour tours of duty may be paid overtime pay under subsection (e)(5) of this section, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

"(3) A nurse described in paragraph (2)(A) of this subsection who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

"(4) The Administrator shall prescribe regulations for the implementation of this subsection.".

(d)(1) Not later than 120 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not to exceed sixty days, proposed regulations for the implementation of subsection (e)(10) of section 4107 of title 38, United States Code (as amended by subsection (a) of this section), subsection (g) of such section, and subsection (h) of such section (as added by subsection (c) of this section).

(2) Not later than 300 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register final regulations for the implementation of such subsections.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

SEC. 3. (a) Section 4142 is amended—

(1) in subsection (a)—

(A) by striking out "full-time" in clause (1); and

(B) by adding below clause (4) the following new sentences:

"To be accepted as a participant in the Scholarship Program, an individual must be accepted for enrollment or be enrolled (as described in clause (1) of this subsection) as a full-time student, except that an individual who is a Veterans' Administration employee described in subsection (g)(1) of this section may be accepted as a participant if accepted for enrollment or enrolled (as described in clause (1) of this subsection) for study on less than a full-time but not less than a half-time basis. (Such a participant is hereinafter in this subchapter referred to as a 'part-time student'.)";

(2) in subsection (e)(1)(A)(i), by inserting "(or in a case in which an extension is granted under subsection (g)(3) of this section, the number of school years provided for as the result of such extension)" after "years";

(3) in subsection (e)(1)(B)—

(A) by inserting "(to be reduced, in the case of a participant who is a part-time student, in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant)" in division (iv)(I) after "Scholarship Program";

(B) by striking out "years; and" in division (iv)(II) and inserting in lieu thereof "years (or, in the case of a participant who is a part-time student, one calendar year);";

(C) by inserting "and" at the end of division (v); and

(D) by adding at the end the following new division:

"(vi) in the case of a participant who is a part-time student, to maintain employment, while enrolled in such course of training, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health care facility;";

(3) in subsection (f)—

(A) by inserting a comma and "except that a stipend may not be paid to a participant who is a full-time employee of the Veterans' Administration and the stipend of a participant who is a part-time student shall be adjusted as provided in subsection (g)(2) of this section" before the period at the end of paragraph (1)(B); and

(B) by inserting "maximum" after "The" in paragraph (3);

(4) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively;

(5) by inserting after subsection (f) the following new subsection (g):

"(g)(1) To be accepted as a participant as a part-time student, an individual must be a full-time Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility on the date on which such individual submits the application referred to in subsection (a)(2) of this section and on the date on which such individual becomes a participant in the Scholarship Program.

"(2) If a participant in the Scholarship Program is awarded a scholarship as a part-time student—

(A) the maximum amount of the stipend payable to such participant under subsection (f)(1)(B) of this section shall be reduced in accordance with the proportion that the number of credit hours carried by such participant bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant; and

"(B) a stipend may not be paid to such participant under such subsection for any month during which such participant is not actually attending the course of training in which such participant is enrolled.

(3) In the case of a participant who is a part-time student, the Administrator may extend the scholarship award period to a maximum of six school years if the Administrator determines that such an extension would be in the best interest of the United States."; and

(6) in subsection (h) (as redesignated by clause (4))—

(A) by inserting "by virtue of their participation in such program (1)" after "Program shall not";

(B) by striking out "and shall not" and inserting in lieu thereof a comma and "or (2)";

(C) by striking out "employment" and inserting in lieu thereof "personnel"; and

(D) by striking out "while they" and all that follows through "clinical training".

(b)(1) Section 4143(b) is amended—

(A) by inserting "who is a full-time student or the date described in paragraph (5) of this subsection with respect to a participant who is a part-time student" in paragraph (1) after "Scholarship Program";

(B) by amending paragraph (2) to read as follows:

"(2) As soon as possible after the applicable date described n paragraph (3) of this subsection or provided for under paragraph (5) of this subsection, the Administrator shall—

'(A) in the case of a participant who is not a full-time employee in the Department of Medicine and Surgery, appoint such participant as such an employee; and

"(B) in the case of a participant who is such an employee but is not serving in a position for which such participant's course of training prepared such participant, assign such participant to such a position.";

(C) in paragraph (3)(B) by inserting "the later of (i) the date upon which the participant completes such participant's course of training, or (ii)" after "is"; and

(D) by adding at the end the following new paragraph:

"(5) The Administrator shall by regulation prescribe the date for the beginning of the period of obligated service of a participant who was a part-time student. Such regulations shall prescribe terms as similar as practicable to the terms set forth in paragraph (3) of this subsection.".

(2) Section 4143(c) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection, a participant in the Scholarship Program shall be considered to have begun serving such participant's period of obligated service—

"(A) on the date, after such participant's course completion date, on which such participant (in accordance with subsection (a) of this section) is appointed under this chapter as a full-time employee in the Department of Medicine and Surgery; or

"(B) if the participant is a full-time employee in the Department of Medicine and Surgery on such course completion date, on the date thereafter on which such participant is assigned to a position for which such participant's course of training prepared such participant.

"(2) A participant in the Scholarship Program who on such participant's course completion date is a full-time employee in the Department of Medicine and Surgery serving in a capacity for which such participant's course of training prepared such participant shall be considered to have begun serving such participant's period of obligates service on such course completion date.

"(3) For the purposes of this subsection, the term 'course completion date' means the date on which a participant in the Scholar-

ship Program completes such participant's course of training under the program.".

(c) Section 4144(b) is amended—

(1) in clauses (1) and (2), by striking out the semicolon at the end and inserting in lieu thereof a comma;

(2) by striking out the semicolon and "or" at the end of clause (3) and inserting in lieu thereof a comma;

(3) by striking out the semicolon at the end of clause (4) and inserting in lieu thereof a comma and "or"; and

(4) by inserting after clause (4) the following new clause:

"(5) in the case of a participant who is a parttime student, fails to maintain employment, while enrolled in the course of training being pursued by such participant, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility,".

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 601(4)(C)(v) is amended by striking out "September 30, 1982," and inserting in lieu thereof "September 30, 1983,".

RESTORATION OF CHAMPVA ELIGIBILITY FOR CERTAIN MEDICARE BENEFICIARIES

SEC. 5. (a) Section 613 is amended by adding at the end the following new subsection:

"(d) Notwithstanding the second sentence of section 1086(c) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1982.

EXTENSION FOR REPORT ON ALCOHOL AND DRUG DEPENDENCE AND ABUSE PILOTS PROGRAM

SEC. 6. Section 620A(f) is amended by striking out "March 31, 1983," and "September 30, 1982," and inserting in lieu thereof "March 31, 1984," and "September 30, 1983,", respectively.

TECHNICAL AMENDMENT RELATING TO PAYMENTS TO STATE VETERANS' HOMES

SEC. 7. Section 643 is amended by striking out "of any war".

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO STATE VETERANS' HOMES

SEC. 8. The first sentence of section 5033(a) is amended to read as follows: "There is hereby authorized to be appropriated $15,000,000 for fiscal year 1980 and such sums as may be necessary for fiscal year 1981 and for each of the five succeeding fiscal years.".

EXCHANGE OF MEDICAL INFORMATION WITH STATE VETERANS' HOMES

SEC. 9. Section 5054(b) is amended by inserting "(including State home facilities furnishing domiciliary, nursing home, or hospital care to veterans)" before the period at the end of the first sentence.

REPORT ON THE USE OF FLEXIBLE AND COMPRESSED WORK SCHEDULES BY THE VETERANS' ADMINISTRATION

SEC. 10. Not later than July 1, 1984, the Administrator of Veterans' Affairs shall submit to Congress a report on the results of the use of flexible and compressed work schedules by the Veterans' Administration. Such report shall include (1) an evaluation of the effects of the use of such schedules on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration, and (2) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the need for and use of flexible and compressed work schedules by the Veterans' Administration.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration Health Professional Scholarship Program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes.".

● Mr. SIMPSON. Mr. President, this measure is before the Senate now as a privileged matter in lieu of the formal conference report.

Mr. President, I strongly urge final passage of H.R. 6350, the Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982. The legislation pending before us today is the result of a compromise reached by the House and Senate Veterans' Affairs Committees in an excellent bipartisan effort that reflects our important commitment to meeting the needs of our Nation's veterans, especially through the provision of quality medical care. I greatly enjoy working with the House's "Mr. Chairman," SONNY MONTGOMERY. The various provisions of the bill are designed to improve the quality, scope, and efficiency of the Veterans' Administration's health-care system.

On April 15, 1982, as chairman of the Senate Committee on Veterans' Affairs, I introduced S. 2385. As introduced, S. 2385 would have amended the Veterans' Administration's health professional scholarship program to provide scholarship assistance to VA-employed nurses attending school on a part-time basis, and to permit funds appropriated for the health scholarship program for fiscal year 1982 to be used until expended.

On April 15, 1982, at the request of the administration, I also introduced S. 2383 and S. 2384. As introduced, S. 2383 would have extended, for 4 years, the VA's authority to provide construction grants to State veterans' homes. S. 2384 would have extended, for 1 year, the VA's authority to provide contract hospital care for certain veterans in Puerto Rico and the Virgin Islands.

On April 21, 1982, the committee held a hearing on these bills and a number of other measures and, on May 28, 1982, the committee voted to report favorably S. 2385, with an amendment in the nature of a committee substitute and a title amendment. S. 2385, as reported, consists of provisions derived with modifications from S. 2383, S. 2384, S. 2385, and S. 2389.

I am most pleased that the compromise agreement, H.R. 6350, contains all of the major provisions of S. 2385, with some modifications. A number of these provisions are targeted toward improving the recruitment and retention of VA nurses.

The compromise agreement modifies the VA health professional scholarship program to allow VA nurses who are employed full time at the time of their application and notification of their acceptance, to participate in the scholarship program on a part-time basis. This provision was designed to reward those VA employees whose dedication and commitment to the agency have been established by providing an alternative to attending school full time. Many VA nurses have expressed a strong desire for this program extension, noting that due to a financial need or family responsibility, going to school full time would result in a hardship, which in many instances, would result in an inability to participate in the scholarship program. The nurses who are currently VA employees deserve this added incentive to improve their educational and career opportunities.

Other provisions in this bill are intended to provide added recruitment incentives for registered nurses in the VA's Department of Medicine and Surgery. These incentives are greatly needed in order for the VA to be able to compete with private sector hospitals in the hiring and retention of nursing personnel. The ratio of nurses to patients has a direct impact on the quality of patient care in VA hospitals. Over the past several years the nursing shortage and other factors have caused some hospital wards to be closed. It has also resulted in poor morale among many VA nurses who have tried to remain loyal throughout this difficult period of shortages of professional nursing staff.

These various improvements designed to spur recruitment include provisions that would give the Administrator discretionary authority to extend, on a nationwide, local or other geographic basis, the period for which additional pay may be paid—to include some or all of a tour that begins or ends on a Saturday. They would also authorize the Administrator—but only when absolutely necessary to recruit nurses—within specific limitations, to provide that a nurse may work two regularly scheduled 12-hour tours of duty during a weekend, and have such service be considered as a full 40-hour workweek. This is referred to in some contexts as the "Baylor plan."

Mr. President, I look forward to the implementation of the provisions of this legislation which are designed to aid in the recruitment and retention of VA health-care personnel. The provision of quality health care, especially to veterans suffering from service-connected disabilities, is one of the most important missions of the VA.

A description of other provisions in this bill, as well as a more detailed explanation of the provisions I have just described, will follow in the text of the explanatory statement. I ask that this explanatory statement be printed at the end of my remarks.

Mr. SIMPSON. In conclusion, Mr. President, I wish to sincerely thank the distinguished ranking member from California, Senator CRANSTON, for his usual patient and invaluable assistance throughout the entire process of drafting this bill and reaching a very equitable compromise, and all other members of the committee, who are cosponsors of this measure, as are Senators COHEN and BURDICK.

In addition, I should like to recognize and thank the very able members of the majority staff for their efforts: Tom Harvey, chief counsel and staff director; Julie Susman; Koreen Kelleher, a valuable former member of the staff; Laurie Altemose, Becky Hucks, and Kay Eckhardt; our editorial director, Harold Carter; as well as the capable members of the minority staff: Jonathan Steinberg, Ed Scott, Bill Brew, Katy Burdick, and Ingrid Post. The hard work and cooperation of my most capable and effective counterpart on the House Veterans' Affairs Committee, G. V. "SONNY" MONTGOMERY, and his hard-working, capable staff, headed by Mack Fleming, were essential to the achievement of what I feel to be an equitable compromise.

Mr. President, at this time I would urge that my colleagues join me in assuring the Senate's favorable consideration of this bill.

The explanatory statement follows:

EXPLANATORY STATEMENT ON HOUSE BILL, SENATE AMENDMENT (S. 2385), AND COMPROMISE AGREEMENT ON H.R. 6350, THE "VETERANS' ADMINISTRATION HEALTH-CARE PROGRAMS IMPROVEMENT AND EXTENSION ACT OF 1982"

PAY AND WORK SCHEDULES FOR NURSES AND CERTAIN OTHER HEALTH-CARE PERSONNEL

Both the House bill (section 1) and the Senate amendment (section 3) would amend subsection (e) of present section 4107 of title 38, United States Code, relating to rates of additional pay for registered nurses and (by virtue of subsection (f)) certain other health-care personnel employed in VA facilities under title 38, to give the Administrator discretionary authority, under paragraph (3) of that subsection, to extend on a nationwide, local, or other geographic basis the period for which additional pay is paid under that paragraph for certain work on a weekend—presently limited to a period of work that occurs at least in part on a Sunday.

The House bill would have amended present paragraph (3) to authorize the Administrator to provide additional pay, at a rate of up to 25 percent of the applicable basic hourly rate, for each hour of service on a tour any part of which is on a Saturday. Under the House bill, the Administrator would set the rate of such additional pay within a geographic area at a percentage, up to 25 percent, that the Administrator considers necessary to retain and recruit adequate nursing staff in that area.

The Senate amendment would have amended present paragraph (10), relating to the Administrator's authority to modify rates of additional pay, to authorize the Administrator to provide additional pay—at a rate of 25 percent of the applicable basic hourly rate, the rate set forth in present paragraph (3)—for some or all of a tour that occurs on a Saturday. Under the Senate amendment, the authority would be available when its use is justified on the basis of a review of the need for it.

The compromise agreement (section 2(a)) contains a provision that would amend paragraph (10) of present subsection (e) to provide the Administrator with discretionary authority to extend, on a nationwide, local, or other geographic basis, the period for which additional pay is paid under paragraph (3) to include some or all of a tour that occurs at least in part on a Saturday. The authority would be available if the Administrator has determined that its use is necessary for recruitment and retention purposes and that the extension is justified on the basis of a review of the need for it in the geographic area involved. The rate of such additional pay for "Saturday" work would be set at a rate determined necessary for recruitment and retention purposes but not in excess of the percentage rate specified in paragraph (3)—25 percent under current law. As noted above, the Administrator has discretionary authority under paragraph (10) to increase that percentage. Such increase may be made where necessary for recruitment and retention purposes, and where the percentage has been increased, the higher percentage would replace the 25-percent limitation on additional pay for "Saturday" work.

The Senate amendment (section 3(1)), but not the House bill, would have further amended paragraph (10) to provide that any discretionary increase under that paragraph in rates of additional pay may be made on a nationwide, local, or other geographic basis, provided that the increase is justified by a specified review of the need for it.

The compromise agreement (section 2(a)) contains this provision and a provision (section 2(b)) amending subsection (f) of section 4107, relating to the general applicability of the additional-pay provisions in subsection (e) to physician assistants or expanded-function dental auxiliaries or both, to clarify that the provisions of subsection (e)(10) are applicable to these categories of personnel (that is, may be applied, as a matterng to the pay of VA Department of Medicine and Surgery (DM&S) personnel employed under the DM&S title 38 personnel system, to authorize the Administrator, when necessary to recruit or retain registered nurses in DM&S, subject to specified limitations relating to rates of pay and computations of leave, to provide that a nurse may work two regularly-scheduled twelve-hour tours of duty during a weekend and have such service be considered a full forty-hour workweek.

The compromise agreement (section 2(c)) contains a provision derived from these provisions.

The House bill would have limited eligibility for participation in the "Baylor plan" program to VA nurses appointed under section 4104 of title 38, all of whom are permanent VA employees. The Senate amendment would have permitted all nurses appointed under subchapter I of chapter 73 to participate in the program, thereby making possible the participation of temporary as well as permanent VA employees.

The compromise agreement would allow all VA nurses appointed under subchapter I to participate in the program. In adopting this approach, the Committee stress that they intend and expect that, to the extent that the use of this authority for weekend scheduling is necessary, the "Baylor plan" opportunity will first be offered to permanent employees and that it will be offered to temporary employees only as a last resort in order to obtain adequate nurse staffing.

Under the House bill, a nurse working such a weekend schedule—a so-called "Baylor plan" Schedule—would be entitled to additional pay under subsection (e)(5) of present section 4107, relating to additional pay for overtime service, when the nurse's total officially ordered or approved services is in excess of either fifty-two hours during his or her administrative workweek (the period from Sunday to Saturday), eight hours on a day other than a Saturday or Sunday, or twelve hours on a Saturday or Sunday. Under the Senate amendment, such a nurse would be entitled to additional pay under subsection (e)(5) when the total officially ordered or approved service is in excess of either forty hours during the nurse's administrative workweek, eight hours on a day other than a Saturday or Sunday, or twenty-four hours within the weekend period during which the two regularly-scheduled twelve hour tours of duty are worked.

The compromise agreement would specify that additional pay for "Baylor-plan" nurses would, with certain exceptions, be paid in accordance with the provisions of current law—section 4107(e) for permanent employees and, for temporary employees, section 4114(a), which authorizes temporary and part-time appointments and the administrative establishment of pay rates for those with such appointments. Thus, a "Baylor-plan" nurse would generally be entitled to overtime pay only for officially ordered or approved service that is in excess of eight hours on a day other than a Saturday or Sunday or in excess of twenty-four hours on a weekend, and would not be eligible for "night differential" pay (under section 4107(e)(2)) for tours beginning during the period between 6 P.M. and 6 A.M. on a Saturday or Sunday, for "holiday" pay (under section 4107(e)(4)) when a holiday occurs on a Saturday or Sunday, or—except as described in the next sentence of this discussion—for overtime pay (under section 4107(e)(5)) for work in excess of forty hours in an administrative workweek. However, if the Administrator determines it to be further necessary in order to obtain or retain the services of nurses so as to obtain adequate staffing at a particular facility, a "Baylor-plan" nurse may be paid additional pay for service in excess of forty hours—or in excess of such number of hours over 40 that the Administrator determines with respect to that facility—in an administrative workweek.

REGULATIONS FOR IMPLEMENTATION OF CERTAIN SPECIAL PERSONNEL AUTHORITIES

The Senate amendment (section 10), but not the House bill, would require the Administrator, within 90 days after the date of enactment, to publish in the Federal Register, for a 60-day public-review and comment period, proposed regulations for the implementation of the discretionary authorities in section 4107(e)(10) (as proposed to be amended in part by section 2 of the compromise agreement) to increase rates of additional pay and (as proposed to be added by section 2 of the compromise agreement) to extend the period for which additional pay is paid for certain weekend work and the authority in present section 4107(g) to increase rates of basic pay for certain health-care personnel. The Administrator would be required to publish final regulations within 210 days after the date of enactment.

The compromise agreement (section 2(d)) contains this provisions with amendments making this requirement applicable also to the "Baylor plan" regulations under new subsection (h) of section 4107 (as provided to be added by section 2 of the compromise agreement) and extending to 300 days the post-enactment deadline for publication of final regulations to implement all of these authorities.

The Committees note that the deadline for final regulations is extended, upon the VA's request, to ensure that adequate time is provided for the agency fully to take into account the views of all parties. Also, the Committees emphasize that this 300-day period is only a maximum. Thus, the Committees urge that every effort be made to publish final regulations in a lesser period of time.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

The Senate amendment (section 2), but not the House bill, would amend various provisions in subchapter IV of chapter 73 of title 38, relating to the VA's Health Professional Scholarship Program, to authorize the Administrator to provide scholarship assistance to VA health-care employees attending school on a part-time basis; to clarify that the amount of the stipend to be paid to a participant under the program may be modified so that the Administrator may limit, to tuition reimbursement and a nominal stipend, its payments to a VA employee participating in the scholarship program as a part-time student; to authorize, in the case of part-time students, an up-to-2-year extension of the 4-year limit on scholarships if the extension is in the best interest of the United States and the student maintains an acceptable level of academic standing; and to provide that sums appropriated for the purpose of making payments under the Scholarship Program shall remain available for that purpose until expended.

The compromise agreement (section 3) contains a provision derived from this provision with modifications—to limit the VA employees eligible for scholarship assistance for part-time study to those who are full-time employees when they apply for and are awarded a scholarship; to make a part-time student's scholarship contingent upon continued employment in a VA health-care facility and make the scholarship pay-back requirement (in section 4144(b) of title 38) applicable to a part-time student who fails to maintain such employment; to specify that no stipend may be paid to a full-time VA employee participating in the Scholarship Program; and to delete the provision extending the availability of appropriated funds.

The compromise agreement also contains certain conforming and clarifying amendments. These include amendments that would clarify the Administrator's responsibility (under section 4143(b)(2)) to act promptly with respect to the appointment and assignment of scholarship recipients after they have completed their training (where such action is necessary) so that they may begin to discharge their service obligations without undue delay; would clarify the provision (section 4142(c)) regarding the date on which a period of obligated service begins so as to specify, in the case of a scholarship recipient who is also a VA employee, that the period begins as soon as that individual has completed training and is appointed or assigned as a full-time employee in the Department of Medicine and Surgery in a position for which the training prepared him or her; and would make certain conforming changes in the provisions (section 4142(e)) specifying what must be included in the written contract between the Administrator and a scholarship recipient.

With respect to VA employee participation in the Scholarship Program, the Committees note their view that the first preference should be given to those VA employees who, by the length and quality of their VA service, have demonstrated their commitment to the agency. In this way, the Scholarship Program can promote retention not only through the requirement of a period of obligated service in return for scholarship assistance but also through the use of such assistance as a reward for continuity of service to the agency.

With reference to the requirement that VA employees be working on a full-time basis at the time of application and award, the Committees note that this requirement is intended to allow a full-time employee the option to apply to the VA for conversion to part-time service after being notified of the award of a scholarship and beginning the training course. As to the possibility of making the program available to applicants who are working in the VA on a part-time basis, the Committees note that the Scholarship Program is just now about to be implemented and that they intend to follow closely the award of scholarships to full-time employees. After experience has been gained in that regard, the Committees will give further consideration to the need for and desirability of legislation authorizing the award of scholarships to part-time VA employees.

With respect to the provision that would make funds appropriated for the program available until expended, this provision was not included in the compromise agreement in response to the request of the Appropriations Committees. In this connection, the VA has assured the Veterans' Affairs Committees that the $4 million appropriated for this program for fiscal year 1982 in the VA's medical administration and miscellaneous operating expenses (MAMOE) account will be fully obligated by September 30, 1982. With respect to future appropriations, the Veterans' Affairs Committees understand, as a result of staff discussions, that the Appropriations Committees will specifically take into account the need for the extended availability, beyond a single fiscal year, of funds made available for this program.

The Veterans' Affairs Committees are satisfied that, with these understandings, the duration of the availability of funding for the Scholarship Program will receive appropriate attention and that there is, therefore, no need to amend title 38 to extend the availability of appropriated funds for the program.

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

Both the House bill (section 2) and the Senate amendment (section 4(2)) would amend present section 601(4)(C)(v) of title 38, relating to the Administrator's authority to provide hospital care and medical services in certain noncontiguous "States" (defined in present section 101(20) to include United States Territories and possessions and the Commonwealth of Puerto Rico), to extend for one year—from September 30, 1982, until September 30, 1983—the VA's contract authority, in Puerto Rico and the Virgin Islands and other Territories and possessions of the United States, to provide hospital care for non-service-connected disabilities and such medical-care services as will obviate the need for hospital admission for such disabilities.

The compromise agreement (section 4) contains this provision.

The Committees note that this is the second, consecutive short-term extension—the first having been enacted on November 3, 1981, in Public Law 97-72—of this authority to provide certain fee-for-service care in Puerto Rico and the Virgin Islands, and that it is likely that further extension will be required before a permanent approach to providing appropriate and cost-effective health care to veterans in those locations can be developed. In order to move toward such an approach as quickly as is possible, the Committees consider it imperative that the VA take immediate steps to develop a comprehensive plan for providing such care and, to the extent that new construction is involved, prepare the needed project or projects for inclusion in the President's budget.

In order to be able to evaluate the VA's proposal in this regard prior to the time that a further, short-term extension of the fee-basis authority is required, the Committees direct that by December 1, 1982, the agency provide them with a specific, detailed proposal, including any construction project that the VA considers necessary, pertaining to health care for eligible veterans in Puerto Rico and the Virgin Islands and, most particularly, for meeting the health-care needs of those veterans included in that population who have service-connected disabilities.

RESTORATION OF CHAMPVA ELIGIBILITY FOR CERTAIN MEDICARE BENEFICIARIES

The Senate amendment (section 5), but not the House bill, would amend present section 613 of title 38, relating to eligibility for medical care through the CHAMPVA program for the survivors and dependents of certain severely disabled service-connected disabled veterans, to provide for a reinstatement of CHAMPVA eligibility if an individual, after losing CHAMPVA eligibility by virtue of becoming eligible for hospital insurance benefits under part A of Medicare, exhausts some or all such Medicare eligibility.

The compromise agreement (section 5) contains this provision.

The Committees note that an amendment was enacted last year in Public Law 97-72 (section 105) to section 613(b) to facilitate the treatment in VA facilities of individuals eligible for health care through the CHAMPVA program where the use of those facilities for CHAMPVA beneficiaries would not interfere with the care or treatment of any eligible veteran. In this regard, the

Committees urge that, to the extent feasible and with a view toward optimal utilization of VA health-care facilities, the VA use this authority as much as possible with respect to those whose eligibility would be restored under the compromise agreement as well as current CHAMPVA beneficiaries.

EXTENSION FOR REPORT ON ALCOHOL AND DRUG DEPENDENCE AND ABUSE PILOT PROGRAM

The Senate amendment (section 6), but not the House bill, would amend subsection (f) of present section 620A of title 38, relating to the Administrator's report to the Committees on the pilot program of alcohol and drug treatment and rehabilitation being conducted under that section, to extend by one year both the due date of the report—from March 31, 1983, to March 31, 1984—and the end date of the period of pilot program operations to be covered in the report—from September 30, 1982, to September 30, 1983.

The compromise agreement (section 6) contains this provision.

TECHNICAL AMENDMENT RELATING TO PAYMENTS TO STATE VETERANS' HOMES

The Senate amendment (section 7), but not the House bill, would amend present section 643 of title 38, relating to payments to State veterans' homes for care provided to eligible veterans, to strike an anachronistic reference to service during a period of war as an eligibility factor for such payments. This would conform section 643 to section 641, which sets forth the operative criteria for payments by the VA to State veterans' homes.

The compromise agreement (section 7) contains this provision.

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO STATE VETERANS' HOMES

Both the House bill (section 3) and the Senate amendment (section 8) would amend present section 5033(a) of title 38, relating to the authorization of appropriations for matching-fund grants to States for the construction of State veterans' home domiciliary and nursing-home facilities and to expand, remodel, or alter existing buildings for furnishing domiciliary, nursing-home, or hospital care in State veterans' homes, to extend the current authorization of appropriations (at a level of "such sums as may be necessary"). The House bill would extend the authorization for three years (through fiscal year 1985); the Senate amendment would extend the authorization for four years (through fiscal year 1986).

The compromise agreement (section 8) contains a provision to extend the authorization for four years, through fiscal year 1986.

EXCHANGE OF MEDICAL INFORMATION WITH STATE VETERANS' HOMES

The Senate amendment (section 9), but not the House bill, would amend present section 5054(b) of title 38, relating to the discretionary authority to make available to non-VA medical facilities, particularly those near VA facilities in remote areas, VA educational facilities and programs and the VA electronic communications capability linking such VA facilities to major medical centers and to charge a fee for such services, to include an express reference to State veterans' homes as part of the surrounding medical community eligible to participate in such reimbursable medical information programs.

The compromise agreement (section 9) contains this provision.

REPORT ON THE USE OF FLEXIBLE AND COMPRESSED WORK SCHEDULES BY THE VETERANS' ADMINISTRATION

The Senate amendment (section 3(2)), but not the House bill, would have further amended section 4107 (see the first part of this statement for discussion of the other amendments), to authorize the Administrator, upon a determination that it is necessary in order to recruit or retain certain specified categories of health-care personnel in DM&S, to permit the use by such personnel, on a nationwide, local, or other geographic basis, of the flexible and compressed work schedules that were described in regulations and guidelines issued by the Office of Personnel Management in order to carry out the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Public Law 95-390. This authority would have been available through fiscal year 1987, and the Administrator would have been required to report to the Congress, not later than four years after the date of enactment, on the results of the use by the VA of such alternative work schedules, both as authorized by this provision and otherwise. The mandated report would include an evaluation of the effects of the use of such schedules on the recruitment and retention of health-care personnel, together with recommendations for administrative or legislative action, or both, based on the VA's use of and need for such schedules.

The compromise agreement does not contain the provision authorizing the VA to utilize such alternative work schedules. In light of recent enactment of Public Law 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, which provides government-wide authority to utilize alternative work schedules until July 23, 1985, the Committees do not believe that the VA-specific authority proposed in the Senate amendment is needed at this time.

However, because of the Committees' strong interest in the results of the VA's use of this authority, the compromise agreement (section 10) contains a provision, derived from the Senate provision, requiring the Administrator to submit a report—not later than July 1, 1985, one year prior to the expiration of the new government-wide authority—on the VA's experience under that authority. The Committees intend to study that report carefully so that they will be able to assess the VA's use of that authority and to consider again, prior to the expiration of the government-wide authority, the desirability of providing the VA with agency-specific authority.

CONTRACT CARE FOR WOMEN VETERANS

The Senate amendment (section 4(1)), but not the House bill, would amend present section 601(4)(C)(iv) of title 38, relating to the Administrator's authority to provide contract hospital care to women veterans, to expand that authority so as to allow the Administrator to provide, on a fee basis, such outpatient medical services as are needed pre- or post-hospitalization or that would obviate the need for hospital admission for non-service-connected, gender-related disabilities of a woman veteran that the VA itself is not able to treat.

The compromise agreement does not contain this provision. Rather, in light of the expected increase in demand for VA medical services from women veterans in the coming years, the Committees believe that it would be preferable for the agency to build up its in-house staff capacity to meet the gender-related needs of these veterans for outpatient care and are concerned that the new fee-for-services authority proposed in the Senate amendment might discourage that result if enacted. The Committees note that, in those cases in which a particular VA facility does not have the capacity directly to provide such care to an otherwise eligible woman veteran, authorities under two provisions of title 38—section 4117 (authority to contract for service medical specialist services) and section 5053 (authority to enter into agreements for sharing of specialized medical resources)—are available to and should be used by the VA to arrange for furnishing the needed care.

The Committees intend to monitor closely the VA's efforts to meet the health-care needs of the growing population of women veterans and will consider legislative action in the future if that appears necessary.

HOUSE AMENDMENTS TO THE SENATE AMENDMENTS TO H.R. 6350

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE

SECTION 1. (a) This Act may be cited as the "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

PAY AND WORK SCHEDULES FOR NURSES AND CERTAIN OTHER HEALTH-CARE PERSONNEL

SEC. 2. (a) Paragraph (10) of section 4107(e) is amended to read as follows:

"(10)(A) Notwithstanding any other provision of law but subject to subparagraphs (B) and (C) of this paragraph, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses, the Administrator—

"(i) may increase the rates of additional pay authorized under paragraphs (2) through (8) of this subsection; and

"(ii) may extend the period for which additional pay authorized under paragraph (3) of this subsection is paid to include part or all of a tour of duty any part of which is within the period commencing at midnight Friday and ending at midnight Saturday.

"(B) An increase under subparagraph (A)(i) of this paragraph in rates of additional pay (i) may be made at any specific Veterans' Administration health-care facility in order to provide nurses, or any category of nurses, at such facility additional pay in an amount competitive with, but not exceeding, the amount of the same type of pay that is paid to the same category of nurses at non-Federal health-care facilities in the same geographic area as such Veterans' Administration health-care facility (based upon a reasonably representative sampling of such non-Federal facilities), and (ii) may be made on a nationwide, local, or other geographic basis if the Administrator finds that such an increase is justified on the basis of a review of the need for such increase (based upon a reasonably representative sampling of non-Federal health-care facilities in the geographic area involved).

"(C)(i) An extension under subparagraph (A)(ii) of this paragraph of the period for

which additional pay may be paid under paragraph (3) of this subsection may be made on a nationwide, local, or other geographic basis. Any such extension shall be based on a determination by the Administrator that such extension is justified on the basis of a review of the need for such extension in such geographic area.

"(ii) The rates of additional pay payable pursuant to an extension under such subparagraph shall be established as a percentage of the applicable hourly rates of basic pay. Such rates of additional pay may not exceed the lesser of (I) the percentage of such hourly rates of basic pay that the Administrator determines is necessary to be paid within the geographic area involved in order to obtain or retain the services of nurses, and (II) the percentage provided for in paragraph (3) of this subsection of the applicable hourly rate of basic pay.".

(b) Section 4107(f) is amended by striking out "paragraphs (2) through (8) of".

(c) Section 4107 is amended by adding at the end the following new subsection:

"(h)(1) Notwithstanding any other provision of law but subject to paragraph (2) of this subsection, if the Administrator determines it to be necessary in order to obtain or retain the services of nurses at any Veterans' Administration health-care facility, the Administrator may provide, in the case of nurses appointed under this subchapter and employed at such facility, that such nurses who work two regularly scheduled 12-hour tours of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be considered for all purposes (except computation of full-time equivalent employees for the purposes of determining compliance with personnel ceilings) to have worked a full 40-hour basic workweek.

"(2)(A) Basic and additional pay for a nurse who is considered under paragraph (1) of this subsection to have worked a full 40-hour basic workweek shall be subject to subparagraphs (B) and (C) of this paragraph.

"(B) The hourly rate of basic pay for such a nurse for service performed as part of a regularly scheduled 12-hour tour of duty within the period commencing at midnight Friday and ending at midnight the following Sunday shall be derived by dividing the nurse's annual rate of basic pay by one thousand two hundred and forty-eight.

"(C)(i) Such a nurse who performs a period of service in excess of such nurse's regularly scheduled two 12-hour tours of duty is entitled to overtime pay under subsection (e)(5) of this section, or other applicable law, for officially ordered or approved service performed in excess of eight hours on a day other than a Saturday or Sunday or in excess of 24 hours within the period commencing at midnight Friday and ending at midnight the following Sunday.

"(ii)(I) Except as provided in subdivision (II) of this division, a nurse to whom this paragraph is applicable is not entitled to additional pay under subsection (e) of this section, or other applicable law, for any period included in a regularly scheduled 12-hour tour of duty.

"(II) If the Administrator determines it to be further necessary in order to obtain or retain the services of nurses at a particular facility, a nurse to whom this paragraph is applicable who performs service in excess of such nurse's regularly scheduled two 12-hour tours of duty may be paid overtime pay under subsection (e)(5) of this section, or other applicable law, for all or part of the hours of officially ordered or approved service performed by such nurse in excess of 40 hours during an administrative workweek.

"(3) A nurse described in paragraph (2)(A) of this subsection who is absent on approved sick leave or annual leave during a regularly scheduled 12-hour tour of duty shall be charged for such leave at a rate of five hours of leave for three hours of absence.

"(4) The Administrator shall prescribe regulations for the implementation of this subsection.".

(d)(1) Not later than 90 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register, for public review and comment for a period of not to exceed sixty days, proposed regulations for the implementation of subsection (e)(10) of section 4107 of title 38, United States Code (as amended by subsection (a) of this section), subsection (g) of such section, and subsection (h) of such section (as added by subsection (c) of this section).

(2) Not later than 210 days after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall publish in the Federal Register final regulations for the implementation of such subsections.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

SEC. 3. (a) Section 4142 is amended—

(1) in subsection (a)—

(A) by striking out "full-time" in clause (1); and

(B) by adding below clause (4) the following new sentences:

"To be accepted as a participant in the Scholarship Program, an individual must be accepted for enrollment or be enrolled (as described in clause (1) of this subsection) as a full-time student, except that an individual who is a Veterans' Administration employee described in subsection (g)(1) of this section may be accepted as a participant if accepted for enrollment or enrolled (as described in clause (1) of this subsection) for study on less than a full-time but not less than a half-time basis. (Such a participant is hereinafter in this subchapter referred to as a 'part-time student'.)";

(2) in subsection (e)(1)(A)(i), by inserting "(or in a case in which an extension is granted under subsection (g)(3) of this section, the number of school years provided for as the result of such extension)" after "years";

(3) in subsection (e)(1)(B)—

(A) by inserting "(to be reduced, in the case of a participant who is a part-time student, in accordance with the proportion that the number of credit hours carried by such participant in any such school year bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant)" in division (iv)(I) after "Scholarship Program";

(B) by striking out "years; and" in division (iv)(II) and inserting in lieu thereof "years (or, in the case of a participant who is a part-time student, one calendar year);";

(C) by inserting "and" at the end of division (v); and

(D) by adding at the end the following new division:

"(vi) in the case of a participant who is a part-time student, to maintain employment, while enrolled in such course of training, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility;";

(3) in subsection (f)—

(A) by inserting a comma and "except that a stipend may not be paid to a participant who is a full-time employee of the Veterans' Administration and the stipend of a participant who is a part-time student shall be adjusted as provided in subsection (g)(2) of this section" before the period at the end of paragraph (1)(B); and

(B) by inserting "maximum" after "The" in paragraph (3);

(4) by redesignating subsections (g), (h), and (i) as subsections (h), (i), and (j), respectively;

(5) by inserting after subsection (f) the following new subsection (g):

"(g)(1) To be accepted as a participant as a part-time student, an individual must be a full-time Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility on the date on which such individual submits the application referred to in subsection (a)(2) of this section and on the date on which such individual becomes a participant in the Scholarship Program.

"(2) If a participant in the Scholarship Program is awarded a scholarship as a part-time student—

"(A) the maximum amount of the stipend payable to such participant under subsection (f)(1)(B) of this section shall be reduced in accordance with the proportion that the number of credit hours carried by such participant bears to the number of credit hours required to be carried by a full-time student in the course of training being pursued by the participant; and

"(B) a stipend may not be paid to such participant under such subsection for any month during which such participant is not actually attending the course of training in which such participant is enrolled.

"(3) In the case of a participant who is a part-time student, the Administrator may extend the scholarship award period to a maximum of six school years if the Administrator determines that such an extension would be in the best interest of the United States."; and

(6) in subsection (h) (as redesignated by clause (4))—

(A) by inserting "by virtue of their participation in such program (1)" after "Program shall not";

(B) by striking out "and shall not" and inserting in lieu thereof a comma and "or (2)";

(C) by striking out "employment" and inserting in lieu thereof "personnel"; and

(D) by striking out "while they" and all that follows through "clinical training".

(b)(1) Section 4143(b) is amended—

(A) by inserting "who is a full-time student or the date described in paragraph (5) of this subsection with respect to a participant who is a part-time student" in paragraph (1) after "Scholarship Program";

(B) by amending paragraph (2) to read as follows:

"(2) As soon as possible after the applicable date described in paragraph (3) of this subsection or provided for under paragraph (5) of this subsection, the Administrator shall—

"(A) in the case of a participant who is not a full-time employee in the Department of Medicine and Surgery, appoint such participant as such an employee; and

"(B) in the case of a participant who is such an employee but is not serving in a position for which such participant's course of training prepared such participant, assign such participant to such a position.";

(C) in paragraph (3)(B) by inserting "the later of (i) the date upon which the participant completes such participant's course of training, or (ii)" after "is"; and

(D) by adding at the end the following new paragraph:

"(5) The Administrator shall by regulation prescribe the date for the beginning of the period of obligated service of a participant who was a part-time student. Such regulations shall be as similar as practicable to the terms set forth in paragraph (3) of this subsection.".

(2) Section 4143(c) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2) of this subsection, a participant in the Scholarship Program shall be considered to have begun serving such participant's period of obligated service—

"(A) on the date after such participant's course completion date on which such participant (in accordance with subsection (a) of this section) is appointed under this chapter as a full-time employee in the Department of Medicine and Surgery; or

"(B) if the participant was a full-time employee in the Department of Medicine and Surgery on such course completion date, on the date after such course completion date on which such participant is assigned to a position for which such participant's course of training prepared such participant.

"(2) A participant in the Scholarship Program who on such participant's course completion date is a full-time employee in the Department of Medicine and Surgery serving in a capacity for which such participant's course of training prepared such participant shall be considered to have begun serving such participant's period of obligated service on such course completion date.

"(3) For the purposes of this subsection, the term 'course completion date' means the date on which a participant in the Scholarship Program completes such participant's course of training under the program.".

(c) Section 4144(b) is amended—

(1) by striking out the semicolons at the end of clauses (1) and (2) and inserting in lieu thereof a comma;

(2) by striking out the semicolon and "or" at the end of clause (3) and inserting in lieu thereof a comma;

(3) by striking out the semicolon at the end of clause (4) and inserting in lieu thereof a comma and "or"; and

(4) by inserting after clause (4) the following new clause:

"(5) in the case of a participant who is a part-time student, fails to maintain employment, while enrolled in the course of training being pursued by such participant, as a Veterans' Administration employee permanently assigned to a Veterans' Administration health-care facility,".

CONTRACT CARE IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 4. Section 601(4)(C)(v) is amended by striking out "September 30, 1982," and inserting in lieu thereof "September 30, 1983,".

RESTORATION OF CHAMPVA ELIGIBILITY FOR CERTAIN MEDICARE BENEFICIARIES

SEC. 5. (a) Section 613 is amended by adding at the end the following new subsection:

"(d) Notwithstanding the second sentence of section 1086(c) of title 10 or any other provision of law, any spouse, surviving spouse, or child who, after losing eligibility for medical care under this section by virtue of becoming entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.), has exhausted any such benefits shall become eligible for medical care under this section and shall not thereafter lose such eligibility under this section by virtue of becoming again eligible for such hospital insurance benefits.".

(b) The amendment made by subsection (a) shall take effect on October 1, 1982.

EXTENSION FOR REPORT ON ALCOHOL AND DRUG DEPENDENCE AND ABUSE PILOT PROGRAM

SEC. 6. Section 620A(f) is amended by striking out "March 31, 1983," and "September 30, 1982," and inserting in lieu thereof "March 31, 1984," and "September 30, 1983,", respectively.

TECHNICAL AMENDMENT RELATING TO PAYMENTS TO STATE VETERANS' HOMES

SEC. 7. Section 643 is amended by striking out "of any war".

AUTHORIZATION OF APPROPRIATIONS FOR GRANTS TO STATE VETERANS' HOMES

SEC. 8. The first sentence of section 5033(a) is amended to read as follows: "There is hereby authorized to be appropriated $15,000,000 for fiscal year 1980 and such sums as may be necesary for fiscal year 1981 and for each of the five succeeding fiscal years.".

EXCHANGE OF MEDICAL INFORMATION WITH STATE VETERANS' HOMES

SEC. 9. Section 5054(b) is amended by inserting "(including State home facilities furnishing domiciliary, nursing home, or hospital care to veterans)" before the period at the end of the first sentence.

REPORT ON THE USE OF FLEXIBLE AND COMPRESSED WORK SCHEDULES BY THE VETERANS' ADMINISTRATION

SEC. 10. Not later than July 1, 1984, the Administrator of Veterans' Affairs shall submit to Congress a report on the results of the use of flexible and compressed work schedules by the Veterans' Administration. Such report shall include (1) an evaluation of the effects of the use of such schedules on the recruitment and retention of Veterans' Administration employees, on such employees' productivity and morale, and on such employees' effectiveness in carrying out the missions of the Veterans' Administration, and (2) such recommendations for administrative or legislative action, or both, as the Administrator considers appropriate in light of the need for and use of flexible and compressed work schedules by the Veterans' Administration.

In lieu of the amendment of the Senate to the title of the bill, amend the title so as to read: "An Act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration Health Professional Scholarship Program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes.".●

● Mr. CRANSTON. Mr. President, as the ranking minority member of the committee on Veterans' Affairs, I am very pleased to join with the committee chairman, my good friend from Wyoming (Mr. SIMPSON), in urging the Senate to concur in the House amendment to the Senate amendment to H.R. 6350. The House amendment is a compromise agreed to between the two Veterans' Affairs Committees after extensive discussion and negotiations. This is an important measure that will improve various aspects of the Veterans' Administration's health-care programs, primarily by enhancing the agency's ability to recruit and retain registered nurses and other health-care personnel.

BACKGROUND

Mr. President, H.R. 6350 was first passed by the House on June 15, 1982. On June 21, 1982, the Senate took up S. 2385, the proposed "Veterans' Administration Health-Care Programs Improvement and Extension Act of 1982," as reported by the Committee on Veterans' Affairs on June 8. The Senate substituted the provisions of that measure in lieu of the provisions of H.R. 6350 as passed by the House and then passed H.R. 6350, returning it to the House. On August 19, the House of Representatives amended the bill with a substitute which represents a compromise agreement reached by the Veterans' Affairs Committees.

I believe that the measure before the Senate represents an equitable resolution of the differences between the two Houses and fairly vindicates the basic position of the Senate on the various matters addressed by the legislation.

In addition, I am pleased that the compromise agreement includes several provisions that I proposed in S. 2389, legislation that I introduced on April 15, 1982. I am very grateful to our committee chairman (Mr. SIMPSON) and the chairman (Mr. MONTGOMERY), and ranking minority member (Mr. HAMMERSCHMIDT) of our counterpart committee in the House for their cooperation and assistance as we have developed the compromise agreement.

NURSE AND OTHER HEALTH-CARE PERSONNEL

Mr. President, the compromise agreement as it is before the Senate today has a number of provisions that, if enacted, will enable the VA to improve its ability to attract and retain health-care personnel, most particularly nurses.

Mr. President, it is vital that the VA be able to compete effectively in the marketplace with other health-care providers for the services of qualified health-care personnel. The heart of the VA's health-care system is the agency's cadre of trained and motivated health-care personnel. Without sufficient, qualified personnel, the VA cannot provide the quality or quantity of health-care services needed by eligible veterans. At present, the greatest problem that the agency is facing in this regard is in the area of registered nurses.

The factual record developed in Veterans' Affairs Committee hearings is clear: There is a genuine shortage of registered nurses across the country and, as non-Federal health-care providers develop and implement innovative approaches to attract nurses, the

VA is at a significant competitive disadvantage. Provisions in the compromise agreement—specifically those providing new flexibility to the agency in areas of pay and scheduling for nurses and other health-care personnel and those making improvements to the VA's health professional scholarship program—should help address the agency's recruitment and retention problems.

According to the VA, as of June 30, 1982, there are nearly 400 beds that are out of use because of the nursing shortage. The agency, which had 987 RN vacancies as of that date, would need to hire at least 228 nurses to put the closed beds back into circulation. This legislation will help the VA fill those nurse vacancies and get those beds back into operation.

PAY AND WORK SCHEDULES

Mr. President, the compromise agreement contains two provisions—based on provisions included in the Senate amendment and derived from my bill, S. 2389—that would give the VA greater flexibility to compete in the areas of pay and work scheduling. First, the VA would be given authority to extend the period for which additional pay is paid for service on a weekend so as to include service on a Saturday. Second, the VA would be given authority to use the so-called "Baylor Plan," under which nurses could work two 12-hour shifts during a weekend and generally receive pay and benefits on the same basis as if they had worked 40 hours.

With reference to the new weekend pay authority, the provision in the compromise agreement, if enacted, will enable the agency to be more competitive with non-VA health-care facilities that currently offer additional pay to nurses for the entire weekend. Under the provision in the compromise agreement, the Administrator will have maximum flexibility in terms of specifying the hours on a Saturday for which such additional pay could be paid and the rate of such pay, up to the rate specified in law for work on a Sunday—which is currently a rate of 25 percent of base pay.

I want to emphasize that the exercise of both of these new authorities is discretionary with the Administrator. Neither would be required to be exercised and, in fact, the authorities could be utilized only when determined necessary to improve the agency's ability to recruit or retain needed personnel. Thus, even though the VA is experiencing serious nursing shortages at various locations in the system, it seems likely that neither of these authorities would be used immediately throughout the system. Rather, it is contemplated that the Administrator authorize the use of one or both authorities, as appropriate, at those locations where there are recruitment or retention difficulties because of competitive pressures from non-VA facilities in the same geographic area.

Mr. President, in addition to the provisions I have just outlined relating to new pay and work-scheduling authorities, there are several provisions in the compromise agreement—derived from the Senate amendment and S. 2389—relating to certain VA health-care personnel pay authorities enacted in Public Law 96-330 in 1980. Under those authorities, the Administrator may, when necessary to recruit or retain certain health-care personnel, modify statutorty rates of additional pay—such as for overtime work or work on a Sunday or holiday—for nurses on a facility-by-facility basis and modify rates of basic pay for nurses and other VA direct health-care personnel on a local, regional, or nationwide basis. Provisions in the compromise agreement would extend the first authority—the additional-pay authority for nurses—so as to permit modifications to be made on an other-than-local basis.

Also, as to both these authorities, as well as the new authority to utilize "Baylor Plan" scheduling, the Administrator would be required, within 120 days after the date of enactment of the bill, to publish for public review and comment proposed regulations to implement those authorities and, within 300 days after the date of enactment, to publish final regulations. This latter requirement is included in order to promote full and effective use of the various authorities which, in turn, should enhance the agency's ability to compete with private sector health-care facilities. The deadlines for these regulations were 90 and 210 days, respectively, in the Senate amendment. The additional time provided in the compromise agreement is for the purpose of enabling the VA to develop proposed regulations and fully to take into account the views of all parties before publishing final regulations. The committees have made clear, however, that they expect the VA to work to promulgate the implementing regulations as quickly as possible and not take the full period allowed.

One provision in H.R. 6350 as passed by the Senate relating to pay and scheduling flexibility is not included in the compromise agreement. Under the Senate amendment, as proposed in S. 2389, the Administrator would have been authorized to use flexitime or compressed work schedules, as described in regulations and guidelines that were issued under the Federal Employees Flexible and Compressed Work Schedules Act of 1978, Public Law 95-390, for nurses and other direct health-care personnel. This provision is not included in the compromise agreement. The reason for this deletion—as is discussed more fully in the "Explanatory Statement" that the chairman of the committee (Mr. SIMPSON) has printed in the RECORD as part of his remarks and which was printed in the RECORD in identical form by the chairman of the House Veterans' Affairs Committee, Representative MONTGOMERY, during the debate on the compromise agreement in the other body—is the recent enactment of Public Law 97-221, the Federal Employees Flexible and Compressed Work Schedules Act of 1982, which provides Government-wide authority to utilize alternative work schedules. However, because of the committees' strong interest in the results of the VA's use of this authority on the agency's recruitment and retention efforts, the compromise agreement includes the Senate provision requiring the Administrator to report, not later than July 1, 1985, on the VA's experience of the Government-wide authority.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Mr. President, as I noted earlier, the other aspect of the compromise agreement that should enhance the VA's ability to recruit and retain qualified health-care personnel pertains to the agency's health professional scholarship program.

This program, established in 1980 by Public Law 96-330, is available for use by the VA for physicians, nurses, and certain other health-care personnel, but has been used by the agency thus far only for nurses. Provisions in the compromise agreement, derived from the Senate amendment and S. 2389 as well as S. 2385 as introduced by our distinguished chairman (Mr. SIMPSON), would enable the VA to permit current full-time employees to participate in the program while continuing to work for the agency on either a full- or part-time basis. This change would allow the program to be used by VA registered nurses who are desirous of pursuing training for a baccalaureate or advanced degree or by other VA health-care personnel, such as licensed practical or vocational nurses, who are interested in pursuing training to become RN's. Such current employees would thus be made eligible for financial assistance from the VA—tuition and stipend assistance for those working on a part-time basis—while pursuing part-time training. At the completion of their training—which would have to be on at least a half-time basis—these employees would be obligated to remain with the VA for further periods.

The legislation as passed by the Senate included a provision that would have provided that funds appropriated for making payments to scholarship program participants would remain available until expended, which would have had the effect of enabling the VA to enter multi-year commitments with program participants and thereby make the scholarship program

more attractive to prospective applicants. As is explained in more detail in the "Explanatory Statement" I mentioned earlier, this provision is not included in the compromise agreement. I am satisfied, however, that as a result of the discussions involving staff from the Veterans' Affairs and Appropriations Committees, the need for program stability has been fully recognized by the Appropriations Committees and will be addressed by those committees in future appropriations activity.

CHAMPVA ELIGIBILITY RESTORATION

Mr. President, the compromise agreement contains a provision to ensure continuing Federal health-care eligibility for CHAMPVA beneficiaries—the spouses and children of veterans with total, permanent service-connected disabilities and of those who die from service-connected disabilities or who, at the time of death, had total, permanent service connected disabilities. Under current law, these family members and survivors lose their CHAMPVA eligibility when they become eligible for medicare and generally lose needed Federal health-care assistance when they exhaust any part of their medicare coverage. Under the compromise agreement, as provided in the Senate amendment and S. 2389, when a former CHAMPVA beneficiary exhausts any of his or her medicare benefits, he or she would again become eligible for CHAMPVA benefits and would not thereafter lose CHAMPVA eligibility by reacquiring medicare eligibility. As a result of this change, such a spouse, surviving spouse, or child previously eligible for medical care under CHAMPVA would no longer be confronted with the present inequitable situation in which he or she has no Federal health-care coverage.

EXTENSIONS OF CERTAIN EXPIRING AUTHORITIES

Mr. President, the compromise agreement includes provisions to extend two expiring authorities.

These provisions would:

First, extend by 4 years as proposed in the Senate amendment—through fiscal year 1986—the authorization of appropriations for the VA program of matching grants to States to construct, expand, remodel, or alter State veterans' home health-care facilities. State veterans' homes provide a cost-effective alternative to VA facilities for the provision of long-term care to veterans, and I thus consider this extension highly desirable. With further reference to the State veterans' home program, a provision in the compromise agreement includes, as provided in the Senate amendment an express reference to State veterans' homes as part of the surrounding medical community eligible to participate with the VA in programs through which VA facilities, particularly in remote areas, make available to others in the local medical community, for a fee, VA educational resources and VA electronic communications capability linking such VA facilities to major medical centers.

Second, extend for 1 year—until September 30, 1983—the VA's authority to provide, on a contract basis in Puerto Rico, the Virgin Islands, and other territories of the United States, hospital care for non-service-connected disabilities and outpatient treatment to obviate the need for hospitalization for such disabilities. With reference to this extension of the VA's authority to provide medical care on a contract basis to certain veterans in Puerto Rico and the Virgin Islands, I want to underscore the point made in the "Explanatory Statement" that this extension is a stop-gap action and that it is important that a permanent approach to the VA's providing appropriate and cost-effective health care in these two locations be developed expeditiously. The "Explanatory Statement" specifies a December 1, 1982, deadline for the VA to provide the committees with a comprehensive plan on this matter. I will be giving the proposed plan careful consideration as soon as it is submitted.

CONTRACT CARE FOR WOMEN VETERANS

Mr. President, the compromise agreement does not contain a provision that was included in the measure as passed by the Senate that would have authorized the VA to provide certain outpatient care—pre- or post-hospitalization care and care necessary to obviate the need for hospitalization—on a fee-for-service basis for a non-service-connected, gender-related disability of a woman veteran when the VA is unable to provide appropriate care. As is discussed in more detail in the "Explanatory Statement," this provision is not included in the compromise agreement because of a concern that providing fee-for-service authority might prove counterproductive to the need for the agency to enhance its in-house staff capacity to meet the gender-related needs of women veterans. I want to stress my concern that the existing authorities discussed in the "Explanatory Statement" that an individual VA facility can rely on at present when it does not have a current capacity to provide needed care to an otherwise eligible woman veteran—specifically the authorities in sections 4117 and 5053 of title 38—may result in long delays in certain instances in the provision of needed care to women veterans. In this regard, I will insert in the RECORD a letter, with deletions so as to respect the veteran's privacy interests, which describes the difficulties one woman veteran had in getting care from the VA for what was later discovered to be a serious gynecological disorder. I urge the VA's Chief Medical Director to look into the efforts undertaken around the VA system at present to meet the health-care needs of women veterans so as to insure that otherwise eligible women veterans receive appropriate care for gender-related disabilities on a timely basis.

Mr. President, I ask that the expurgated text of the letter I just mentioned be printed in the RECORD at this point.

The letter referred to follows:

JULY 15, 1982.

Hon. ALAN CRANSTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR CRANSTON: I am writing this letter in the hopes that your office may be able to shed some light on the problems of women who have served in the Armed Forces, and are currently residing at the California Veterans Home, in Yountville. The problem can best be explained by pointing up one particular case, that was experiencing what she thought were serious gynecological disorders, and went to the Veterans Home medical facility, requesting a doctor's attention. She was told that there were no Gynecologists on staff and it would benefit her to see a physician at the Veterans Administration Medical Center. She then pursued that avenue and found there were no GYN's in any VA facility in all of Northern California. Palo Alto VAMC did say that they had a GYN on consultation, but it would be months of getting nowhere, the administration at the Veterans Home told her to go to a private doctor in town at her own expense. Fortunately, being retired from the Army, she was entitled to be seen and treated at Letterman Army Hospital. They discovered Cancer, and operated to remove most of it on June 15, 1982. Whether or not the cancer could have been treated if detected earlier may never be known. My concern, as well as is what about the thousands of women in Northern California who may have gynecological problems but do not have the advantage of being retired from the service? Those women who served their country when needed and now may need their country? The women residents of the California Veterans Home, who are being told to wait for the VAMC to get a GYN or go to a Doctor at their own expense, when they barely can afford the essentials?

It is my hope that you may be able to get answers to these questions, answers that might give hope to those veterans who are already feeling rejected by their country, state and Veterans Administration.

As a veteran myself, I have always been pleased with the work and dedication you have shown the veterans of California and the country, and I thank you.

Sincerely,

——— ———,
Assistant,
Veteran Service Officer.

CONCLUSION

Mr. CRANSTON. Mr. President, as I noted earlier, I believe that the compromise agreement represents a fair resolution of the differences between the two measures passed by the two bodies and will contribute substantially to the provision of quality VA health-care services. Thus, I commend this compromise to the Senate and urge my colleagues to give it their full support.

In closing, I would like to express my appreciation to the chairman (Mr. SIMPSON) and the other members of the committee for their cooperation and assistance as we have worked to develop this measure. I also want to thank my good friends on the House committee, the chairman, Representative MONTGOMERY, and ranking minority member, Representative HAMMERSCHMIDT, for their usual fine work and cooperation. It has been, as always, a pleasure working with them. The compromise measure has true bipartisan support in both Houses.

Mr. President, I also want to express my thanks to the staff members of the House Committee who played key roles in the development of the compromise agreement, Mack Fleming, Rufus Wilson, Ralph Casteel, and Jack McDonell; to Robert Cover, assistant counsel, House Legislative Counsel's office, and to the members of our committee staff; Tom Harvey, Julie Susman, and Koreen Kelleher, who left the staff in July, on the majority side, for their excellent work and cooperation on this measure, committee editorial director, Harold Carter and his assistant, James MacRae, who so ably provide editorial support to the committee, and, on the minority side, Bill Brew, Ed Scott, Jon Steinberg, Katy Burdick, Charlotte Hughes, and Ingrid Post.

Mr. President, I urge my colleagues to support the compromise agreement.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

VA'S CHIEF MEDICAL DIRECTOR MAKES GOOD SENSE ON VETERANS' HEALTH CARE

Mr. CRANSTON. Mr. President, at the recent national convention of the Disabled American Veterans in Las Vegas, Nev., the Veterans' Administration's Chief Medical Director, Dr. Donald L. Custis, delivered a very instructive speech to the convention about the VA health-care system. I believe that Dr. Custis' views deserve the serious attention of my colleagues and others concerned about health care in the VA and in the United States generally.

Mr. President, so that my colleagues may have the benefit of Dr. Custis' views, I ask that a verbatim transcript of Dr. Custis' remarks to the DAV National Convention be printed in the RECORD at this point.

The transcript as follows:

REMARKS OF DR. DONALD L. CUSTIS

Thank you, Sherman, and my congratulations to you for your outstanding accomplishments as national commander. And Congressman Edgar, if I had any sense after that outstanding address, I would sit down.

Distinguished guests, members of the DAV and Auxiliary, yesterday while flying to Las Vegas, I read the July issue of the DAV Magazine, and from the tenor and the temper of some of the articles there, I was persuaded to open my remarks with the story of the African hunter. The hunter got separated from his safari, and he wandered through the jungle for several days until hungry and enervated, he began to realize that he was lost.

He became hysterical, and he said, "Oh, Lord, hear me; oh, Lord, save me; oh, Lord, lead me out of the jungle." Whereupon, he came face to face with a roaring lion. Now, can you give us a roar? (Laughter) Not as ferocious as I thought. The hunter fell to his knees and shouted, "Oh, Lord, make me a Christian," and the lion roared and shouted, 'Oh, Lord, bless this food I'm about to eat." (Laughter)

Last year I spent a lot of time writing what I thought was a very good speech, which I read to you. I think the measure of its merit was attested to by the fact that I lost you in the first ten minutes. I won't perpetrate that again. What I would like to do instead is spend a few minutes talking to you extemporaneously and from the heart.

And speaking of heart, I would up front commend a man who is heavily endowed with heart, our own Gabby Hartnett. (Applause) Believe me, it is a pleasure to work with Gabby and his staff. They have got class. They know their work, and they have got it all together, and I am sure that you are as proud of them as they are of the DAV.

Their concern for veterans is a reflection of the empathy which pervades the DAV. You show it day after day in the unselfish volunteer service you provide to our veterans in our hospitals.

Both Commander Roodzant and Gabby, writing in that issue of DAV Magazine, have reminded you that veterans' benefits are under attack. I lift the following sentence out of Gabby's article, quote: "The danger is real, very real. You must fight to save your benefits. And to that I say amen.

And I would like to focus down on the threats to that particular benefit called the veterans' health care delivery system. You have stood sentinel over that system for years, and you are very good at it. Your interest in the veterans' health care system is more than that of a consumer; you are also a proprietor.

The system is largely what you have made it. You have created not only an outstanding health care system for your fellow veterans, but you have also provided the nation with an outstanding asset. The veterans' health care system, to my mind, is a critical element in national security. It is today the most on-line contingency backup to military medicine that exists.

The veterans' health care system today is the nation's main resource for health manpower production. There is no substitute for that function. I know there are flaws in the system. We work on them every day, but let me tell you something. I also know firsthand the many elements that go to make up the pluralistic, public, private, voluntary health care delivery systems that have made American medicine the envy of the world.

I have practiced in the private sector. I have worked in community hospitals. I have worked in university hospitals. I have served in military hospitals, and now I work in the VA, and by comparison, let me tell you that your health care system is damn good. (Applause)

And I can only admonish you to cherish it and defend it and hang on to that dogged conviction that it is worth saving.

What are these dangers, these threats besetting VA medicine? I think first and foremost the threat stems from the fact that we are an integral part of the American health care scene, a $260- to $270 billion industry that is economically out of control. It has over a period of the last several years had an inflation rate sometimes double that of the Consumer Price Index.

If some means is not found to bring under control this escalating cost of medical care, it more than anything else is going to compromise our ability to provide the quantity and the quality of care that the veteran so richly deserves. So far the Congress has found no incentives, has written no legislation providing incentives for cost control.

Instead, they have reverted once more to caps, cuts, and pending capitation vouchering for Medicare, all of this cost shifting in the guise of cost containment. But the promise continues that the system will be redesigned, and there will be a new financial base provided.

Whatever form that takes, and right now all of these systems are in turmoil, in search of that redesign, you can be sure that veterans who have never before used our system are no longer going to be able to afford the increased differentials and surcharges that will be attendant upon Medicare and Medicaid.

The impact on the system will be more demand, aggravating the dilemma we have been struggling with for five or six years; namely, of increased demand in the face of ever-diminishing resources. There will be another impact—we are seeing it already—as federal subsidy to medical schools declines, our affiliate hospitals and universities will be the more dependent upon the VA system as a teaching base.

As we undergo this redesign, beware, beware of these danger signs: The threat for mainstreaming. We have seen it surface in the last two years in Portland, in Minneapolis, in Baltimore, all cities where there is an oversupply of physicians, the vanguard of a situation where there will be a glut of physicians in the country by the year 1990.

They are hungry and they would like nothing better than to see the high profit, acute care bled from the VA system. They are in no position, they are not interested, they are not capable of providing the full continuum of care, just that acute care. Should that ever happen, it would so disturb our patient mix that our ability to continue to provide a teaching base for health manpower would be gone, and with it our ability to attract quality health professionals into the system and retain them would be gone. It would be the beginning of a reversion to an old soldiers' and sailors' home system so well remembered from the 1930s.

Beware of mandated contracting out. Medical care, if it is to have quality, must be a team effort, and those who would fragment the management authority over that team would destroy the system. Just two weeks ago, I heard, of all places, an outstanding geriatrician from Philadelphia testifying before the House VA Committee, recommending that because the VA health care system was so manifestly good at providing extended care, they should exclusively, we should exclusively concern ourselves with extended care and let the acute care pass to the private sector.

Those who would advocate this are either ignorant of the implication or they know it

full well and have the ulterior motive to destroy your health care system.

Beware of attacks on affiliation. I tell you that our affiliation program is our chief guarantor of continued quality.

Beware of slander in the media. Never has a health care system suffered from so much inaccurate, unfair, lousy press.

And beware of the specious argument that somehow the nonservice-connected veteran, the needy, medically needy nonservice-connected veteran somehow is not entitled to care in the system. This system cannot exist caring only for service-connected.

Ladies and gentlemen, the best answer to competition is not just a defensive stance, but also an aggressive pursuit of improving what we do, and that is what our Medical District Initiated Program Planning—MEDIPP—is all about, our grass-roots planning effort. It is an effort to control change, to identify where improvement in care and facilities for care are needed, based on an updated demography of the veteran.

We need to identify a better resource distribution methodology. We need to improve our productivity. We need to step up our preparation for the aging veteran. Let me digress a minute and tell you the magnitude of that impact. During the 20th century, life expectancy in these United States has been increased from 48 years to 73 years. If everyone who ever lived beyond the age of 65 since the birth of Christ—let me repeat that: Of all human beings since the birth of Christ, whoever lived beyond the age of 65, one-half of them are alive today.

During the 20th century the incidence of over-65 has increased from three percent to 12 percent. By the year 1990, 35 percent of all veterans will be over the age of 65, and in 1990 of all living males over the age of 65, 60 percent of them will be veterans. We are talking about you and me down the road. And our needs at that time for acute care will be three times the need we ever experienced before.

We need clearly to regain our role in, leading role in rehabilitation, and we will. We need to find the ultimate answer to Agent Orange, and we will. We need to keep pace with the exploding technology in medicine, with automation of clinical services, with facility replacement and renovation, and all of this is going to take money, lots, of money.

The point is, we can and we will do it more economically than our competition. (Applause) As Sherm Roodzant would say, we have promises to keep. Working together, I have no doubt as to the continued integrity and durability of the VA health care system, just as I have no doubt of the continuous advancement of medicine itself.

Never has there been a period in medicine when the future looked so bright. There is within medicine somewhere, beneath the pessimism and discouragement resulting from the disarray of our health care systems and their stupendous costs, an undercurrent of almost outrageous optimism about what may lie ahead for the eradication of human disease, if not indeed an understanding of the nature and the meaning of life itself.

I thank you, and God bless the DAV.●

EXCHANGE OF CERTAIN INDIAN LANDS

Mr. BAKER. Mr. President, I ask unanimous consent that the Chair lay before the Senate S. 503, Calendar Order No. 725.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 503) to authorize the purchase, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with an amendment to strike out all after the enacting clause, and insert the following:

SECTION 1. The Congress finds that—

(1) the Devils Lake Sioux Tribe, of the Devils Lake Sioux Reservation, North Dakota, is vigorously pursuing its goal of self-determination through development of manufacturing and farming enterprises; and

(2) the continued existence of the Devils Lake Sioux Reservation, North Dakota, as a permanent homeland of the Devils Lake Sioux Tribe and as a necessary foundation for continued self-determination requires that the Secretary of the Interior have authority to—

(A) consolidate and increase the trust land base in the reservation for the tribe and individual tribal members, and

(B) prevent further loss of trust land.

SEC. 2. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to—

(1) purchase with any funds, or acquire by gift, exchange, or relinquishment, any interest in land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation for the benefit of the Devils Lake Sioux Tribe or individual members of such tribe;

(2) sell or approve sales of any interest in tribal trust or tribal restricted land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation but only if additional tribal trust or tribal restricted land which is approximately equal in acreage or value to the interest sold is acquired by the Secretary at the time of such sale; and

(3) exchange any interest in tribal or individual trust land or tribal or individual restricted land (or any improvements thereon) for any land located within the Devils Lake Sioux Reservation but only if the values of the interests in land involved in such an exchange are equal or are equalized by the payment of money.

(b) Any purchase of Federal lands under subsection (a)(1) shall be made in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2744).

SEC. 3. The Secretary shall accept any transfer of title from the Devils Lake Sioux Tribe, or from any individual member of such tribe, for any interest in land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation, and shall take title to such property in the name of the United States in trust for the benefit of the Devils Lake Sioux Tribe, or for such individual member.

SEC. 4. Any acquisition, sale, or exchange of lands for the Devils Lake Sioux Tribe which is made under this Act shall be made only upon the request of the authorized governing body of the Devils Lake Sioux Tribe, subject to the limitations and procedures of the tribal constitution.

SEC. 5. Notwithstanding any other provision of applicable law, the title to any interest in land, or any improvements thereon, acquired by the Secretary under this Act shall be acquired in the name of the United States in trust for the benefit of the Devils Lake Sioux Tribe or an individual member of such tribe, as the case may be, and such property shall be held and treated in the same manner as other trust or restricted Indian lands are held and treated under Federal law.

SEC. 6. Money or amounts credited to the Devils Lake Sioux Tribe from the sale or exchange under this Act of any interest in trust or restricted land (or any improvements thereon) may be used only for the purpose of purchasing or acquiring property under this Act and shall be deposited in a special account under the control of the Secretary or his duly authorized representative.

SEC. 7. Subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539; 25 U.S.C. 415), as amended, is further amended—

(1) by striking out "and leases of land on the Agua Caliente" in the second sentence and inserting in lieu thereof "leases of land on the Agua Caliente", and

(2) by striking out "and the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington," in the second sentence and inserting in lieu thereof the following: "leases of the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation,".

SEC. 8. (a)(1) A person who is not an enrolled member of the Devils Lake Sioux Tribe shall not be entitled to receive by devise or descent any interest in trust or restricted land located within the Devils Lake Sioux Reservation, if—

(A) the Devils Lake Sioux Tribe files with the Secretary notice of intent to purchase such interest, and

(B) while the decedent's estate is pending before the administrative law judge, the Devils Lake Sioux Tribe purchases such interest by paying to the Secretary for the benefit of such person an amount equal to the fair market value of such interest (as determined by the Secretary after appraisal).

(2) Within ninety days after the date on which the Secretary receives payment of an amount for the benefit of a person under paragraph (1), the Secretary shall pay such amount to such person.

(b)(1) Notwithstanding subsection (a), if—

(A) the spouse of the decedent is not an enrolled member of the Devils Lake Sioux Tribe, and

(B) such spouse would, but for this section, acquire by devise or descent an interest in trust or restricted land located within the Devils Lake Sioux Reservation, and

(C) the Devils Lake Sioux Tribe files with the Secretary notice of intent to purchase such interest, and

(D) the spouse of the decedent elects the application of this subsection.

the spouse shall have a life estate in such interest and the remainder of such interest shall pass to the heirs of the decedent who are alive on the date of death of the spouse of the decedent (on a per capita basis).

(2) The passing of any remainder interest under paragraph (1) shall be subject to the provisions of subsection (a).

(c) On request of the Devils Lake Sioux Tribe, the administrative law judge shall

keep an estate pending for not less than two years from the date of the decendent's death.

(d) In any case in which the Devils Lake Sioux Tribe acts under subsection (a) to purchase an interest in trust or restricted land and such interest is encumbered by a spousal life estate, the value of such life estate shall be reflected in the appraisal of the Secretary made under subsection (a)(1).

(e) This section shall only apply to interests included in the estates of decedents dying on or after the date of enactment of this Act.

SEC. 9. The Devils Lake Sioux Reservation, North Dakota, is hereby declared the permanent homeland of the Devils Lake Sioux Tribe.

SEC. 10. The Secretary is authorized to take such action as may be necessary to carry out the purposes of this Act.

Mr. COHEN. Mr. President, S. 503 was introduced by the senior Senator from North Dakota, Senator BURDICK. The purpose of S. 503 is to permit consolidation of landholdings on the reservation, reduce instances of fractionated heirship in trust lands, and to provide lands for tribal programs designed to improve the economy of the tribe. S. 503 authorizes the Secretary of the Interior to acquire land or improvements within the reservation for the tribe or individual members and also authorizes the Secretary to sell any trust land, provided that new trust land is acquired at the time of such sale. It also authorizes the exchange of trust land for other lands within the reservation.

S. 503 tracks many of the provisions of the Indian Reorganization Act of 1934. However, this legislation is required because the Devils Lake Sioux Tribe, many years ago, voted to exclude itself from the application of that act. A unique feature of S. 503, however, is a limitation placed upon the right of inheritance of trust property within the reservation by persons who are not members of the Devils Lake Sioux Tribe. This limitation is conditioned on the payment by the tribe to the heir or devisee of the fair market value of property.

Mr. BURDICK. Mr. President, a major feature of this legislation is a restriction on the right of nonmembers of the Devils Lake Sioux Tribe to inherit trust lands of deceased tribal members. Under the provisions of section 8 of the bill the tribe is given the right to purchase the trust lands of a deceased member if such lands would otherwise be acquired by a nonmember by devise or inheritance. However, this right of acquisition is modified to the extent that if the nonmember is the surviving spouse, then such nonmember is given the right to elect a life estate in the property and the remainder interest in the property shall descend by operation of law to the heirs of the decedent who are members of the tribe on a per capita basis.

Since this bill was reported out of the Select Committee on Indian Affairs the Devils Lake Sioux Tribe has requested a minor modification in the provisions of this section. I am therefore offering an amendment by way of a substitute for the bill reported out of the select committee. This amendment alters the provisions of section 8 of the bill to provide that in those situations where the tribe notifies a surviving nonmember spouse that it desires to exercise its right to purchase, the surviving spouse may elect a life estate and may convey the remainder interest to any heir of the decedent who is a member of the tribe. I believe this amendment will provide additional protection against further fractionation of these land holdings and also greater protection to surviving nonmember spouses.

In addition, there is a technical amendment to section 2 of the bill to make clear that nothing in this bill authorizes any new appropriation or expenditure of funds other than is presently authorized by law.

Mr. COHEN. Mr. President, I have reviewed the amendment offered by my distinguished colleague and I recommend that it be adopted by the Senate.

Mr. BAKER. Mr. President, is there a committee substitute at the desk?

The PRESIDING OFFICER. There is a committee substitute.

Mr. BAKER. Will the Chair put the question?

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was rejected.

UP AMENDMENT NO. 1260

(Purpose: To provide a committee substitute making technical amendments)

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BURDICK, I send an amendment in the nature of a substitute to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. ROBERT C. BYRD), on behalf of Mr. BURDICK, proposes an unprinted amendment in the nature of a substitute numbered 1260.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. The Congress finds that—

(1) the Devils Lake Sioux Tribe, of the Devils Lake Sioux Reservation, North Dakota, is vigorously pursuing its goal of self-determination through development of manufacturing and farming enterprises; and

(2) the continued existence of the Devils Lake Sioux Reservation, North Dakota, as a permanent homeland of the Devils Lake Sioux Tribe and as a necessary foundation for continued self-determination requires that the Secretary of the Interior have authority to—

(A) consolidate and increase the trust land base in the reservation for the tribe and individual tribal members; and

(B) prevent further loss of trust land.

SEC. 2. (a) The Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is authorized to—

(1) purchase with any funds held by the Secretary in trust for the benefit of the Devils Lake Sioux Tribe or appropriated for the purpose, or acquire by gift, exchange, or relinquishment, any interest in land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation for the benefit of the Devils Lake Sioux Tribe or individual members of such tribe;

(2) sell or approve sales of any interest in tribal trust or tribal restricted land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation but only if additional tribal trust or tribal restricted land which is approximately equal in acreage or value to the interest sold is acquired by the Secretary at the time of such sale; and

(3) exchange any interest in tribal or individual trust land or tribal or individual restricted land (or any improvements thereon) for any land located within the Devils Lake Sioux Reservation but only if the values of the interests in land involved in such an exchange are equal or are equalized by the payment of money.

(b) any purchase of Federal lands under subsection (a)(1) shall be made in accordance with the provisions of the Federal Land Policy and Management Act of 1976 (90 Stat. 2744).

SEC. 3. The Secretary shall accept any transfer of title from the Devils Lake Sioux Tribe, or from any individual member of such tribe, for any interest in land (or any improvements thereon) located within the boundaries of the Devils Lake Sioux Reservation, and shall take title to such property in the name of the United States in trust for the benefit of the Devils Lake Sioux Tribe, or for such individual member.

SEC. 4. Any acquisition, sale, or exchange of lands for the Devils Lake Sioux Tribe which is made under this Act shall be made only upon the request of the authorized governing body of the Devils Lake Sioux Tribe, subject to the limitations and procedures of the tribal constitution.

SEC. 5. Notwithstanding any other provision of applicable law, the title to any interest in land, or any improvements thereon, acquired by the Secretary under this Act shall be acquired in the name of the United States in trust for the benefit of the Devils Lake Sioux Tribe or an individual member of such tribe, as the case may be, and such property shall be held and treated in the same manner as other trust or restricted Indian lands are held and treated under Federal law.

SEC. 6. Money or amounts credited to the Devils Lake Sioux Tribe from the sale or exchange under this Act of any interest in trust or restricted land (or any improvements thereon) may be used only for the purpose of purchasing or acquiring property under this Act and shall be deposited in a

special account under the control of the Secretary or his duly authorized representative.

SEC. 7. Subsection (a) of the first section of the Act of August 9, 1955 (69 Stat. 539; 25 U.S.C. 415), as amended, is further amended—

(1) by striking out "and leases of land on the Agua Caliente" in the second sentence and inserting in lieu thereof "leases of land on the Agua Caliente", and

(2) by striking out "and the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington," in the second sentence and inserting in lieu thereof the following: "leases of the lands comprising the Moses Allotment Numbered 10, Chelan County, Washington, and leases to the Devils Lake Sioux Tribe, or any organization of such tribe, of land on the Devils Lake Sioux Reservation,".

SEC. 8. (a)(1) The devise or descent of any interest in trust or restricted land located within the Devils Lake Sioux Reservation to any person who is not a member of the Devils Lake Sioux Tribe shall be subject to the right of such tribe to purchase such interest within 2 years of the date of death of the decedent by paying to the Secretary for the benefit of such person an amount equal to the fair market value of such interest on the date of such purchase (as determined by the Secretary after appraisal).

(2) Within ninety days after the date on which the Secretary receives payment of an amount for the benefit of a person under paragraph (1), the Secretary shall pay such amount to such person.

(3) The Devils Lake Sioux Tribe may exercise its right under paragraph (1) to purchase the interest of a person only if the governing body of such tribe notifies such person and the Secretary of the intent of such tribe to purchase such interest at least 90 days prior to the date of such purchase.

(b)(1) Subsection (a) shall not apply to any interest in land acquired by the spouse of a decedent if—

(A) the spouse elects the application of this subsection prior to the date which is 90 days after the date on which the governing body of the Devils Lake Sioux Tribe notifies the spouse of its intent to acquire such interest, and

(B) prior to such date, the spouse retains a life estate in such interest and conveys the remainder of such interest to any heir of the decendent who is a member of such tribe.

(2) If the spouse of a decedent elects the application of this subsection with respect to any interest in land which was trust or restricted land immediately prior to the death of the decedent, the life estate and the remainder of such interest created by the conveyance described in paragraph (1) (B) shall acquire such trust or restricted status.

(c) This section shall only apply to interests included in the estates of decedents dying on or after the date of enactment of this Act.

SEC. 9. The Devils Lake Sioux Reservation, North Dakota, is hereby declared the permanent homeland of the Devils Lake Sioux Tribe.

SEC. 10. The Secretary is authorized to take such action as may be necessary to carry out the purposes of this Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute.

The amendment (UP No. 1260) was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VIRGIN ISLANDS NONIMMIGRANT ALIEN ADJUSTMENT ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3517, Calendar No. 766.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3517) to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin islands of the United States, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment:

On page 7, line 2, strike "States.", and insert the following: States other than for employment as an entertainer or as an athlete and for a period not exceeding forty-five days.

Mr. THURMOND. Mr. President, the Congressional Budget Office estimates that the Immigration and Naturalization Service will incur costs of $100,000 in fiscal year 1983 as a result of the enactment of this bill. H.R. 3517 might appear to require the provision of new budget authority to cover these costs. This is not the intent of the Judiciary Committee; the committee intends that the costs of implementing H.R. 3517 be absorbed by the Immigration and Naturalization Service. Also, H.R. 3517 is not intended to "drive up" the agency's future budget request to cover these costs.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MIGRATORY-BIRD HUNTING AND CONSERVATION STAMP CONTEST

Mr. BAKER. Mr. President, I send to the desk a bill, S. 2874, on behalf of the Senator from Rhode Island (Mr. CHAFEE), and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee?

There being no objection, the Senate proceeded to consider the bill (S. 2874) to amend the act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest, which was read the first time by title and the second time at length.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2874) was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 16, 1934, as amended (16 U.S.C. 718, et seq.) is amended by adding at the end thereof the following section:

"SEC. 10. Notwithstanding any other provision of law, moneys received by the U.S. Fish and Wildlife Service in the form of fees for entering the migratory-bird hunting and conservation stamp contest shall be credited first to the appropriation account from which expenditures for the administration of such contest are made, and second, to the extent such moneys exceed the expenditures for administration of the contest, to the migratory-bird conservation fund.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I have four nominations that have been reported by the Committee on the Judiciary earlier today which I believe have been cleared on both sides.

Mr. ROBERT C. BYRD. Yes; they have, Mr. President. Under great pressure, I reluctantly agreed to clear them on this side; but I found great difficulty in withstanding the pressure upon me, especially the pressure that came from the Senator from South Carolina (Mr. THURMOND).

Mr. BAKER. Mr. President, I am more familiar with that than perhaps any other Member in the Chamber.

Mr. ROBERT C. BYRD. God save the King and Senator BAKER, along with the King. [Laughter.]

Mr. BAKER. I thank the Senator.

Mr. President, after that colloquy, which perhaps only Members of the Senate will understand and, more especially, only Members of the leadership will appreciate, I ask unanimous consent that the Senate go into executive session for the purpose of considering the four nominations, which I now send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

THE JUDICIARY

Thomas F. Hogan, of Maryland, to the U.S. district judge for the District of Columbia.

Alex Kozinski, of the District of Columbia, to be a judge of the U.S. Claims Court for a term of 15 years.

Ross T. Roberts, of Missouri, to be U.S. district judge for the Western District of Missouri.

DEPARTMENT OF JUSTICE

Raymond J. Dearie, of New York, to be U.S. attorney for the Eastern District of New York for the term of 4 years.

Mr. BAKER. Mr. President, I move to reconsider en bloc the votes by which the nominations were confirmed en bloc.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

THE CRISIS IN POLAND

Mr. MURKOWSKI. Mr. President, today I should again like to speak to my distinguished colleagues on the crisis in Poland and on some of the profound effects on the people of that country. Poland's economy, political climate, and human rights situation have deteriorated drastically since the imposition of martial law on December 13 of last year.

In large part, the first half of this year in Poland may be characterized as the economy's reaction to import curbs and economic restrictions. Overall imports from the West to Poland are down 42.3 percent from last year. Industrial production under martial law is suffering, especially in those industries depending on imports from the West. Martial law has had a notable effect on the working population. Production per worker has dropped 2.7 percent in the last 6 months. One can expect this figure to increase if the conditions many Poles are forced to work under are taken into account. Close to half the 16 million work force labor under unsafe conditions and some 300,000 of these work in conditions that are very harmful to their health.

According to the Polish Government's central statistics office, real personal income has fallen by 26 percent and the inflation rate is up over 100 percent so far this year. The difficulties created by martial law have caused the supply of goods to dwindle and have even compelled the ruling junta to begin rationing items such as footwear and socks.

The agricultural picture is no better under General Jaruzelski's government. With their stockpile of fodder steadily deteriorating there will soon be a reduction in the livestock herd. The rationing of meat has been in effect for some time. Agriculture received 50 percent less fodder this year than last. Hog and chicken breeding and large-scale egg production have nearly come to a halt. The procurement of these items has dropped by 60 percent.

Poland consumes 6 million tons of grain annually. At best, they will produce 1.8 million tons this year. If it were not for the many humanitarian assistance programs originating in the United States the basic needs of 4 to 5 million Poles would very likely go unattended at the hands of the military government and many would face possible starvation. The Catholic Relief Service, Care, and Project Hope have been directly responsible for the continued well-being of this segment of the population. I cannot stress enough the need for this aid or the importance of it continuing to reach the Polish people.

The Soviet Union must be held accountable for their role in creating the martial law conditions in Poland. The sanctions imposed by President Reagan on Poland and the Soviet Union have in large part helped to create a net financial flow from Poland to the West. This has forced the Soviet Union to transfer significant amounts of real resources to Poland in an attempt to head off further deterioration of the Polish economy and avoid a popular uprising against the junta.

The Soviet Union has now put their own people to work in Polish factories to keep an eye on operations. This is obviously a tool that has been implemented by the Soviets in an attempt to deter Solidarity or any union activity. At the same time many Solidarity members are being pressured to emigrate. Large numbers have been fired from their jobs after having been released from detention camps. According to Polish press reports, several have been repeatedly beaten by police. In one such related incident, when a former Solidarity regional leadership member refused to work as an informer for the political police he was told that he could meet with an accident. Eventually he was pressured into emigrating. Many of those who stood up to the pressure have simply been sent back to prison. Furthermore, the Catholic church in Poland has been warned by authorities to cut their ties with Solidarity or face the possibility of raids which will uncover evidence implicating them in a "conspiracy" with Solidarity leaders.

The 31st of this month marks the second anniversary of the Gdansk Agreements whereby the Polish Government recognized the independent trade union's right to exist. As my distinguished colleagues know, this right was suspended on the 13th of December with the imposition of martial law. Solidarity has called for nationwide demonstrations on this day. Already this week we have seen numerous outbursts of public discontent in Poland's major cities.

For the coming weeks and months, this Congress must watch events closely and with great interest, as I hope all Americans will. I believe my colleagues should support President Reagan in this area until there is an abrogation of martial law, a readmission of Solidarity into the decisionmaking process, and persons sentenced or interned because of their relationship to Solidarity are released.

I support the President's policy of sanctions because I feel it represents the most credible means of letting the Soviets, and the Polish Government, know of our concern and interest in the welfare of the Polish people and their right to form independent trade unions. I call on my colleagues to do the same.

THE UNITED STATES-CHINA JOINT COMMUNIQUE

Mr. MURKOWSKI. Mr. President, many of us in the Senate are concerned about the United States-Mainland China communique which was issued earlier this week.

I have always believed that international peace and stability could be enhanced by improved relations between the United States and Mainland China. However, I also feel that this cannot occur at the expense of our

long-term friendship with Taiwan and that nation's legitimate defense concerns. After a careful study of the communique, the President's accompanying statement, and meeting personally with the President, some of my concerns have been alleviated while others have not.

The communique states that the United States "appreciates Mainland China's recent reunification proposals and contends that they have created a "new situation." I am strongly in favor of encouraging a decrease in tensions between Taiwan and China, and I believe the communique could serve a constructive role in convincing Beijing and Taipei that they should begin to talk seriously about their differences. Nevertheless, I feel we should not laud the Chinese position on reunification while ignoring the Taiwanese side.

The communique also states that the "U.S. Government does not seek to carry out a long-term policy of arms sales to Taiwan," and that it does intend "to reduce gradually its sales of arms to Taiwan, leading over a period of time to a final resolution." This crucial U.S. concession to a long-standing Chinese demand has been made in return for Chinese agreement to language saying that "striving for peaceful reunification" is a "fundamental policy" of their government. It is important that the Chinese have publically stated their desire to settle their problems with Taiwan peacefully. However, I fear we have now unwisely raised Chinese hopes for an eventual arms cut off and probably altered the Chinese demand from if arms will be cut off to when we will stop selling arms to Taiwan.

The assurances President Reagan made in his statement and the meeting I attended concerning our moral commitment to Taiwan were reassuring to my concerns about Taiwan's security. I applaud the agreement on the continued coproduction of the F5E fighter plane which President Reagan sent to Congress this week. The President personally assured me that if the PRC develops and deploys fighter planes with all-weather offensive capability, we will be morally obligated to provide Taiwan with the same capability. I feel it would be ideal if these statements and the six assurances U.S. Ambassador Lilly gave to the Chiang Ching-Kuo, the President of Taiwan, in July would be issued in a single written statement.

It is obvious that this communique will not be totally satisfactory to the interested parties. In future times of tension, each nation will interpret it as they wish. Unfortunately, there seems to be little alternative to the ambiguity of this communique when one is dealing with such a sensitive diplomatic matter.

I am confident that the President will hold steadfastly to our obligations to Taiwan and to the Taiwan Relation Act. I, for one, will be closely following U.S. policy in this region of the globe to assure that this administration and future ones do just that.

COMMEMORATION OF PEARL STREET CENTENNIAL DAY

Mr. BAKER. Mr. President, I send to the desk Senate Concurrent Resolution 117, which I offer on behalf of the two Senators from New York (Mr. MOYNIHAN and Mr. D'AMATO).

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Con. Res. 117) expressing the sense of the Congress that September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street Central Power Station, should be commemorated as "Pearl Street Centennial Day."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

Mr. ROBERT C. BYRD. Mr. President, there is no objection.

Mr. MOYNIHAN. Mr. President, I rise today to speak in behalf of a concurrent resolution expressing the sense of the Congress that September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street central power station, be commemorated as "Pearl Street Centennial Day."

On September 4, 1882, Thomas Edison began the operation of the Pearl Street Generating Station in New York's lower Manhattan giving birth to the electrical generation and distribution technology in America. On that day at exactly 3 p.m., electrician John Lieb closed the circuit breaker at the Pearl Street powerplant energizing the underground system. At the same moment, a half mile away, Edison himself turned on the lights at the Wall Street office of J. Pierpont Morgan. A soft steady glow filled the room. It was a momentous event in history. The age of incandescent lighting was inaugurated. Edison's Pearl Street station was the prototype of every central electrical generating station in the world today.

Thomas Edison's Pearl Street Station no longer exists, but its operation began New York's transformation into the leading modern metropolitan area in the United States, and signaled the birth of the electric power industry in this country and abroad. It has been said that no other man of the 19th century did as much as Thomas Edison to create the wealth of America and to improve the living standards of the Nation. Edison's vision and genius illuminated our lives, our cities, and our world. It is therefore fitting for us to commemorate one of his greatest accomplishments by recognizing September 4, 1982, as "Pearl Street Centennial Day."

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 117) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 117

Whereas on September 4, 1882, Thomas Alva Edison's historic Pearl Street powerplant began supplying electricity in New York City; and

Whereas this event signaled the birth of the electric power industry in this country and abroad; and

Whereas the Pearl Street powerplant became the model for every central electric generating station in the world today; and

Whereas the Pearl Street station, and the many central stations built thereafter, made possible a higher standard of living for all the world; and

Whereas September 4, 1982, marks the one hundredth anniversary of the Pearl Street station: Now, therefore be it

Resolved by the Senate (the House of Representatives Concurring), That the Congress urges the people of the United States to commemorate September 4, 1982, the one hundredth anniversary of Thomas Edison's Pearl Street central power station, as "Pearl Street Centennial Day".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ANTITRUST EQUAL ENFORCEMENT ACT

Mr. KENNEDY. Mr. President, I am pleased to support the amendment introduced by Senator GORTON to S. 995, the Antitrust Equal Enforcement Act. This amendment would reverse in part the holding of the Supreme Court in the well-known case of Illinois Brick Co. versus Illinois by conferring antitrust standing on certain indirect purchasers and sellers who are the victims of antitrust violations.

The Illinois Brick decision has been the subject of extensive criticism and debate in the Congress, because it frequently bars relief to parties who are injured by antitrust violators. I feel that the amendment offered by Senator GORTON would go far toward resolving the problems caused by Illinois Brick, and therefore I urge that the Senate give it serious consideration.

Mr. President, if the Senate is to act on any antitrust legislation, it is important that we also address the numerous problems that have arisen from the Illinois Brick decision. The issue has been carefully considered by the past two Congresses. Senator GORTON's proposal deserves to be enacted and I hope the Senate will accept it.

COSTA RICA PRESIDENT MONGE SUPPORTS CARIBBEAN BASIN INITIATIVE

Mr. PERCY. Mr. President, earlier this summer, President Luis Alberto Monge of Costa Rica visited the Congress and spoke with eloquence and emotion before the Foreign Relations Committee. President Monge noted that he had come to the United States to talk about Costa Rica and about the importance of the Caribbean Basin Initiative to his country.

All of us who were able to speak with President Monge were impressed at the tremendous efforts his administration is making to bring Costa Rica's present difficult economic situation under control. President Monge spoke of "draconian" measures such as an 80-percent increase in the price of petroleum products, a 70-percent increase in electricity rates, and a 100-percent increase in charges for water and public transportation. He described sharp increases in tax rates that are being imposed and noted that subsidies to a number of basic industries and commodities are being withdrawn. Clearly, with so many measures undertaken all at once, Costa Rica is going to experience serious difficulties in the near term.

President Monge asked that during this time the United States be generous in its support. He urged the Committee on Foreign Relations to support the Caribbean Basin Initiative in all of its aspects, noting that Costa Rica will depend heavily on the supplemental assistance this year to cover its balance-of-payments gap.

He also spoke strongly in favor of the trade component of the CBI, saying that the opportunity for one-way free trade with the United States would be extremely important for Costa Rica. He argued that this trade opportunity is one that Costa Rica and other Central Americans have been urging for more than 30 years.

Mr. President, I would like to share President Monge's comments before the committee with my colleagues, and I ask unanimous consent that the text be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY PRESIDENT LUIS ALBERTO MONGE OF COSTA RICA

During some 160 years of independence, Costa Rica has been an object of attention, sympathy, and solidarity for both the citizens and the Government of the United States. The history of the relations between our two countries is nothing less than exemplary, in that our tensions have been the exception, and our friendship and cooperation the rule. I recall at this moment the many North Americans who settled in my country since the very dawn of our independence and who made an outstanding contribution to its progress, and its material and spiritual development. At present, thousands of citizens of the United States live in Costa Rica, where they have found a land suitable to their own development within the framework of respect, peace, and freedom.

However, it is not difficult to discover that we are living under very extraordinary circumstances. The region of the American Continent from which I come is undergoing the gravest and deepest crisis of its history. This crisis extends to all aspects of human life.

This is precisely what transforms today's events into something more than a mere diplomatic gesture or another act of mutual reassurance of friendship. What happens in Latin Americans unavoidably affects relations between Latin Americans and the United States and involves the very fate of this Continent, which makes it difficult for all of us to enjoy harmonious relations on the basis of justice and liberty. Central America is a source of tension for the Western World; it is undeniably a region torn by conflict.

Its economic problems, its lack of development in social and political areas, and the constant resistance to change on the part of the more powerful social sectors are the source of frustration to the point that many people have lost all hope of finding and adequate solution to the problems. Many Central Americans have found refuge in the elusory path of revolution, which we know well only bring additional damage and suffering. Mutual respect within the framework of freedom and civil rule for more realistic approaches, but while we keep searching for them the situation continues to worsen due to violent confrontation and the acute economic crisis which is affecting us all, and which is particularly merciless to Central America and the Caribbean area.

The falling prices of our exports and the exorbitant rise in the price of imported oil add critically to the already endemic problems in the area. This situation sprung up after years of apparent stability which many of us feared would inevitably culminate in social violence. For a long time, Central America was not really on the map of the great powers' vital strategic and political concerns, until perhaps today.

For many North Americans, Central America may have appeared peaceful and secured from the perception of elements loyal to the international status quo. Informed Americans, and even the Governments of this country, for a long time, could afford ignoring Central America. Occasional skirmishes in Central America suggested instability, but nevertheless things would tend to remain normal for long periods of time. Solutions were wholly superficial, and the root of the evil was never treated properly, causing an abrupt break in the status quo. Things have changed now, obviously, in Central America, and Costa Rica is very perplexed because the alternatives offered to the majority of the people are not necessarily compatible with their aspirations of political and economic freedom, justice and peace.

Under present circumstances, for Central Americans who love liberty and who are firmly allied to the democratic principles, and who are identified with the great ideals of social justice, two avenues seem to be open. The solutions to the problems can be viewed as purely political and military in nature; or as matters to be solved by medium and long term economic and social development efforts.

On the one hand, we feel that the fall of democratic forces in this part of the hemisphere can bring about a general diseqilibrium which may prove harmful to the interests of the United States. It may appear logical for some to think of halting the advance of these destabilizing forces by military means only. This solution, unfortunately, implies other types of problems, that under most circumstances would unavoidably disrupt harmonious relations among nations of the hemisphere. The deprivation caused by war makes subversive activity an end in itself, and thus those from the extremes may succumb to the temptation of making war instead of working for peace which is needed to provide justice, freedom and well-being for all people. Because Costa Rica has committed herself for decades, particularly since the abolition of her army as a permanent institution, to principles of peace, freedom, and justice, it is essential for us to engage in a maximum effort to avoid belicose confrontation was the way to solve future problems.

On the other hand, a second approach to the problems of Central America through peaceful means requires immediate support from the United States and the International Organizations to seek medium and long term solutions which, no doubt, will affect the economic interests of the more conservative groups within the countries themselves.

The setting up of the integral process to bring forth our countries more effectively towards justice and freedom will not be accepted by groups occupying an extremist position.

The present Costa Rican situation demands immediate solutions from us with the support from our friends if these solutions are to have a chance, given the prevailing friction, and the growing confrontation.

As I said before, until recently the Central American countries were not on the map of the strategic and political concern of the more developed countries. Now, I must point out that my country, Costa Rica, barely appears at some level of concern in the minds of those who analyze the strategic and political problems of Central America and the Caribbean, and who only show us the evils that happen in nations which are torn by violence.

It would be unfortunate if the same policies applied with respect to other countries in the area will be followed in the case of Costa Rica, a country whose political maturity and social behavior makes it different from the typical neighbor. However, any comparison among countries and problems in Central America results so much in our favor that frequently the grave problems affecting us are underestimated. Moreover, from the political viewpoint, and from that of our alliance with those countries committed to freedom, Costa Rica offers no problems. Our solidarity with the United States and with other democratic nations is not based on a policy designed by a transitional government, but on the deep democratic convictions felt by our people, who, as in your case, have committed themselves to liberty and respect for one another as the foundation for a more equitable society.

As history can show the stability of our democratic institutions has been put to the test only twice in this century, and both times we have ultimately emerged strengthened from the crisis. We have in our favor three and a half decades of exemplary democratic life. Few countries can offer a similar record of respect for the rights of its citizens, as Costa Rica. These things

prompted the great Peruvian political leader Victor Raúl Haya de la Torre, to refuse to accept Costa Rica as a country of the Third World. He would have it as a Western Democracy, equal to those which have reached the highest levels of political development.

For the resolution of our internal conflicts, we have resorted to the effective support of the Inter-American System, in which we reiterate our faith, and we believe it still has the potential to aid each and every country in the future.

Our social development, so misunderstood at times, has been the guarantee of our political equilibrium, and it has brought about low mortality rates as well as the rise in the average life expectancy, which, if added to surprisingly low illiteracy rates, confers upon our people a wholly respected set of qualities.

It is because of what we have attained that we now claim our rightful place on the list of concerns of our more powerful friends, particularly the United States since the present economic crisis is affecting us most severely. The consequences of this crisis for the life of the country, as well as the worrisome repercussions of the country's financial commitments, might very well erase our long standing achievements.

The financial crisis faced by Costa Rica is worse than that suffered by other countries in the area, for there is a great deal to be lost. We are talking about a real financial and economic crisis different from any other faced by a Latin American country since 1930. The total external debt is on the order of $4 billion, of which nearly $3 billion is owed by the public sector. The annual per capita income enjoyed by Costa Ricans reached some $1.200 in recent years. It has since fallen considerably, and will, in real terms, possibly drop as low as $200 before the current year ends. The external debt per capita of Costa Rica is approximately $1.780, a figure which contracts sharply with the real per capita income figure of $200.

We are conducting negotiations with the International Monetary Fund. Whatever our success there, it will only be a starting point, a catalyst for the revitalizing force of other external help which we must receive from friendly countries. To conclude successful negotiations with respect to our external debt we need the help of the United States, as well as its support before the International Agencies.

Under our national policy to put the house in order, we have taken strong economic measures. We are eliminating subsidies to allow public services to raise to levels of present cost. We are striving to contain the expansion of the public sector, even at the expense of social stability and growing unemployment. In taking the strong measures outlined, we are very much aware of the serious effects of unemployment in a country lacking unemployment insurance, since open unemployment brings about hunger and malnutrition and other ills which could turn themselves into a powder keg.

Even when patience has been exceptional, and when love and respect for liberty and democratic institutions have firmly upheld, people can eventually act uncharacteristically if they are faced with hunger. If Costa Rica's democracy should fall and follow the same path of its neighbors, let us all be aware that this could mean the end to consolidate a Western democratic system in Latin America, under the present circumstances.

Inflation in Costa Rica has increased tremendously, and it could reach disastrous proportions in the near future. Our currency was devalued in 1981 by 60% and during that period, the previous administration stopped payment on the public external debt. This is very important to keep in mind, since Costa Rica has traditionally enjoyed substantial monetary stability.

As might be assumed, the effects of devaluation were disastrous, resulting in a total inmobility of new sources of private capital into our economy. The productive capacity of our country diminished and the private sector is going bankrupt. In 1977, our GNP's growth rate was 8.9%. It is negative at present. It is clear that a situation such as this will tend to generate political problems. However, if these problems grow for the worse, our democracy may soon face chaos, our alliance with the free and democratic countries could very well collapse. In addition, the deterioration of our situation resulted in a general credibility crisis, and a tarnished image abroad as well. Internally, lack of credibility could bring about disastrous social consequences. Our Government has embarked on serious efforts to forge a new image abroad. The extraordinary opportunity which you have given me to explain these problems will contribute to our reaching that goal.

All these years, we have demonstrated that democracy is viable in a tropical country. We have had the most positive experience of progress with freedom and of respect to the individual that had ever existed in a small, poor country. If this democratic experience is destroyed by natural economic forces, it would frustrate hopes which transcend our own aspirations, in places beyond our borders, as a bad testimonial for many others.

In order to address our more acute problems, we are undertaking a general mobilization—as if we were at war—and we have found that the average Costa Rican is, more than ever, ready to make a sacrifice. This very fact gives us the moral backing to solicit help and it would be very comforting to know that our friends are with us. We have been at the side of the Western democratic powers during their most difficult times. Ours has been a modest contribution in comparison with the total sacrifice which the involved nations endured, for example, during World War II. However, from our internal perspective, and measured by the standards of our own poverty and deprivation, it was an extraordinary and important effort.

When we have been needed, we have been present, and we have brought our moral support which is, plainly speaking, our best asset. This is why our people find it quite urgent that we explore all possibilities to obtain economic aid which will lessen the enormity of the sacrifice expected of them, and that can help to rescue our nation.

I could, of course, mention strategic factors to the essence of my argument and note, for example, how important it is for the United States to maintain a good, solid and reliable ally in the Caribbean Basin, an ally that should be saved for the cause of liberty. I would stress also, and very logically indeed, that we need economic help now so that in the future military aid will not be required. But I prefer to build on those other aspects which are relevant to our common convictions, such as love of liberty and solidarity between two democratic nations. We urgently need help now, as if we were at war, and it would be most regrettable if it did not come in time for us to utilize it effectively for the sake of democracy.

There is an additional subject that I would like to address directly. Some sectors of the North American press have criticized Costa Rica for having invested so heavily in social welfare policies. It is surprising to notice that, on the other hand, even stronger criticism is leveled against our neighboring countries for not having invested sufficiently in the betterment of their people's social environment. We are proud that we cannot deny that we have made great efforts to better the life of the average Costa Rican, that we have improved his health and his education, that we have provided him with decent housing, and that we have improved our country's infrastructure. The results of this policy represent our best hope for being able to partially absorb the crisis which we currently face.

We also recognize our defects and errors. This is a normal aspect of democratic life, which demands constant adjustment and corections. But what we have done is precisely what makes us different from other countries politically less fortunate than ours. If we have invested in education and in public health while others have invested in weapons, we are proud of this difference. This is not the cause of our crisis. The internal economic problems, not properly handled in the past, the fact that entire harvests have had to be used to pay for oil imports—these are disproportionately new elements—which could have not been foreseen in a time of expansion such as that known by our society in recent years. It is possible that if we were to live the past again, we would take the same course of action. We understand, of course, that, faced with new circumstances, new approaches are imperative. Together with our people, we are looking for new ways to cope with difficult times.

The situation which I have attempted to describe today may appear somewhat pessimistic. Eugene O'Neil once said, "There is an underlying optimism, not apparent on the surface, which is often taken by pessimism".

Our optimism contains within itself the seed of optimism which gives us the hope and the strength to fight for a better day.

Our new Government's action is deeply committed to raising production, since peace without food is difficult to achieve. We have made a commitment to social justice, in particular to attaining tranquility by eliminating abject poverty. We have renewed the great commitment of our people to democracy, since only through liberty can we build a hopeful and promising future.

Our Government is totally committed to those fundamental values which are to be respected to the utmost. These commitments form the framework of our actions and our life. We hope to be able to secure help in order to carry on our program of social, economic and political progress for our people.

The Costa Rican nation has conducted an intensive self-examination in the past few months, and has decided to unite in order to foster a better society. We are undertaking the first steps to realize better our great agricultural potential, that God-given resource which we must fully develop if we are to enjoy and sustain economic growth and provide a better life for our people.

Ladies and gentlemen of this great country, you have spent a great portion of your history pursuing a dream—the American dream—That is why you should be able to

understand the same type of dream as it exists in a small country like mine. You should know that we, too, dream of a better future.

We are only too aware that the dream we have described cannot come true unless we attempt to eliminate poverty, unrest, social injustice, and other scourges that plague my part of the world. In order to realize this dream we need to feel that we are not alone, that you are marching at our side as we begin this great crusade to save a nation!

PREPARATION FOR OCS HEARING

Mr. JACKSON. Mr. President, I am delighted to learn that Senator WEICKER, the chairman of the Subcommittee on Energy Conservation and Supply of the Committee on Energy and Natural Resources, has scheduled a hearing for September 8, 1982, on the Department of Interior's 5-year Outer Continental Shelf oil and gas leasing program. I understand that Senator WEICKER invited Secretary Watt to testify personally and that he has accepted the invitation to appear before the subcommittee. I know that the minority members of the subcommittee are also pleased to learn of this hearing as they had all requested that such a hearing be scheduled to consider this most important subject.

It is difficult to overstate the importance of the administration's plans to promote development of the oil and gas resources of the Outer Continental Shelf. Extending as far as 500 miles in some places from the shoreline, the OCS lies under the open sea on the coasts of the United States, including Alaska. The U.S. Geological Survey has estimated that the OCS may contain from 20 to 40 percent of the Nation's remaining deposits of conventionally recoverable crude oil. The administration estimates of revenues in fiscal year 1983 from the OCS declined from an initial figure of $18 billion to $15.7 billion in the April 10 budget update, but OCS receipts are still the second largest revenue source to the U.S. Treasury.

The administration's proposal to offer for lease 1 billion acres of the OCS in a 5-year period with substantial changes in the current procedures for evaluating potential environmental impact is a matter that deserves careful congressional review. Other legislation such as the proposals for sharing OCS receipts with the coastal States will, of course, be affected by this 5-year plan.

Under the OCS Lands Act Amendments of 1978, the Secretary of the Interior is required to submit to Congress a proposed leasing program at least 60 days prior to the Secretary's approval of the program. As the final proposed program was submitted to Congress on May 11, the 60-day waiting period ran out on July 10. On July 21 Secretary Watt approved the new program.

The attention of the Congress in recent months has been consumed by budgetary matters. While it would have been preferable to have begun committee oversight of the OCS program during this period, the OCS leasing is so important for so many reasons, including efforts to balance the budget, and the need to protect the ocean, its resources, and our coasts, that there should be constant congressional attention during its implementation.

I have submitted to the Department of Interior a series of questions on the 5-year plan and received their responses. These questions and answers have in turn raised more questions which I intend to put to the Department. I hope that these questions and answers which are available now will be of assistance to others in the preparation for the hearing on September 8.

There are some general issues which still trouble me. Some of these issues are:

First. Will the magnitude of the proposed leasing program overwhelm the ability of the States, local communities, and the public to analyze the social, economic, and environmental effects of proposed lease sales and provide substantive comments to the Department of Interior?

Second. Is the Department of Interior's determination of "net social value" firmly grounded on accurate assumptions, such as the resource estimates and the costs of ecological damage?

Third. Has the Department appropriately considered the "equitable sharing of developmental benefits and environmental risks?"

Fourth. Are the Department's estimates of revenues from OCS lands realistic? They have been revised downward once and GAO and other industry analysts still question the projected revenues.

Fifth. Will the public obtain the fair market value for these tracts given the generally depressed state of the industry, the difficulty of capital formation, and the enormous number of leases being offered?

There is, I believe, a danger that unless these issues are properly addressed in the 5-year program that the result will be endless litigation by States and environmental groups seeking to enjoin the lease sales. This delay could cost the Treasury dearly as OCS revenues are either foregone, delayed or greatly reduced.

I ask unanimous consent that my questions to the Department of Interior and their responses be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, D.C., April 30, 1982.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: We are pleased to respond to your request of April 19 regarding questions about the tentative proposed final 5-year OCS leasing program.

Because several of your questions involve complex matters and considerable detail of budget estimates, we have been unable to provide answers to all 13 of your questions in this letter by your requested date of April 30. I have enclosed answers to questions number 1, 2, 3, 7, 9, 10, and 11.

As soon as answers to the remaining questions are prepared, we will forward them to you. We believe this will be next week.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

Question 1. There have been suggestions that the proposed streamlining of the OCS leasing process, coupled with the changed substantive approach regarding the composition of sales will provide greater opportunities for smaller firms to participate in OCS lease sales. Have you performed any studies relating to the effects on competition that this proposed program will have, or have there been any positive expressions of intent to compete for OCS leases by firms that, to date, have not participated in OCS lease sales?

Question 2. What are the anticipated effects of the proposed leasing program on the ability of small firms to participate in OCS lease sales?

Response. While we have not prepared a separate, specific study of the potential effects of the program on small companies, a variety of comments have been received on the effects of the proposed 5-year OCS leasing program on participation by smaller firms and competition. These comments have been analyzed and considered in the process of formulating the program.

We have not received any expressions of interest by firms who have not previously participated in OCS leasing. This is due in large part, no doubt, because over 500 firms are currently on the list of qualified bidders. One would expect additional interest to emerge after the availability of good opportunities is evident in the leasing market, rather than at this early stage.

We look for increased participation by those small companies that are now interested in OCS leasing. With the areawide leasing approach, we believe unique exploration strategies can be used by smaller companies in determining the real hydrocarbon worth of an area. Moving away from government tract selection could foster innovative thinking by all companies and give them a chance to use their approach rather than be "outvoted" in a nomination and tract selection process. We also believe that joint bidding among small companies will continue to be used to acquire leases.

An illustration of some of the thinking involved is provided by the following testimony of Roger Stoneburner, Senior Vice President for Exploration, Union Texas Petroleum Corp. on January 21, 1982, before the House Subcommittee on Panama Canal/Outer Continental Shelf:

"No single company's exploration department has a monopoly on exploration know-how. All of our experience tells us that multiple imaginative strategies, by multiple companies, in successive repeated explora-

tion efforts result in more oil and gas discoveries in a shorter period of time. This concept justifies a broader nominating process.

". . . Our company believes more acreage of higher quality will allow companies like Union Texas to bid more often. The additional higher quality acreage will increase participation and the level of exploration but, in all probability, not to the point that the most promising areas will receive diminished bids."

Question 3. Were studies performed prior to proposing the expanded leasing program with respect to the capability of the industry to accommodate the increased acreage that is to be made available for lease? Did you evaluate the constraints on the industry that may limit their ability to participate effectively in OCS lease sales? Were any of the following factors that may adversely affect the ability of the industry to respond to the proposed program, taken into consideration: (1) capital availability, (2) rig and equipment availability, (3) engineering, technical support, and skilled labor availability?

Response. There have been a number of comments on the adequacy of capital, equipment and labor. The International Association of Drilling Contractors, for example, has submitted an analysis that shows adequate availability of rigs for exploratory drilling. Nevertheless, the expansion in lease offerings is not predicated on a one-to-one expansion in leases issued or wells drilled. It is primarily a means of assuring that OCS exploration can move forward at as rapid a pace as firms think is efficient. In this approach, rather than having the government's leasing program act as a bottleneck restricting our Nation's exploration of the OCS, the market system can allocate capital, rigs, and skilled labor in the way that gives the greatest payoff for firms as well as the national economy. If the potential for payoffs from discovery of OCS oil and gas are judged to warrant an expansion in the capital, equipment and labor allocated to the OCS, then that will be the result of the investments made by firms. If the government were to continue restricting the availability of leases, industry would have no reason to expand its offshore investments and capabilities, even if the geology is promising. It is possible however, that the potential payoffs on the OCS are not sufficiently promising. In this case, leasing and exploration investments will not increase. The expansion in lease offerings will have yielded disappointing results, but not resulted in any significant costs. It will not be damaging to the Nation to have offered tracts that drew no bidding or exploration. In summary, the pace of leasing and exploratory drilling should be determined primarily by the market's response to the opportunities provided by the resources of the OCS, not by the government's estimate of industry capabilities or assessment of the best prospects.

We would also point out that, as one illustration of industry's capacity, there are currently 260 new mobile offshore drilling rigs under construction worldwide to join the 254 now in operation in U.S. waters or the 529 rigs worldwide.

Question 7. The tentative proposed final OCS lease sale schedule contains 40 sales, 4 more than the June 1980 sale schedule. In addition, a substantial number of the sales have had their proposed sale dates advanced. How was the ability of the various State governments to respond to the expanded/accelerated OCS leasing program taken into consideration? What assurances are there, particularly in the case of Alaska, which is scheduled for 16 of the 40 sales, that the States will be able to respond to and participate in the process in a timely fashion and will not be an impediment to the program moving forward on schedule?

Response. The ability of the States to respond to accelerated leasing should not be a problem. The same decision points and opportunities to provide comments are provided in the new leasing program as in the past.

The refinement of the area-wide offering approach announced in March responds in large measure to the concern that offering entire planning areas will affect the ability of State and local governments to effectively participate in the pre-lease sale process.

The streamlined approach to EIS's should enhance contributions from State and local agencies and the public. Once an EIS has been prepared which considers an entire planning area, subsequent NEPA documents can focus on newly developed information, such as results of environmental studies of actual drilling. This should result in a reduced administrative burden for all reviewers and in more effective and efficient participation.

In addition, in the areas off Alaska, there have been several refinements that allow the State and local governments to respond easier to the program during the next few years. Changes in the March 1982 tentative proposed final program, as compared to the final program of June 1980 issued by former Secretary Andrus, reflect several adjustments that will allow Alaska more time to respond to the leasing program. These include the cancellation of sales 61 (Kodiak) and 75 (N. Aleutian Shelf) and the delay by 2 months of sales 57 (Norton) and 70 (St. George).

Question 9. Detail your assumptions, on a sale-by-sale basis, that formed the basis for the $13.2 billion estimate of receipts to be obtained from OCS lease sales scheduled in FY 1983. This estimate was contained in the President's budget request for the Department of the Interior for FY 1983.

Response. The assumptions on which the $13.2 billion estimate of bonuses was based are shown on Table 1 attached. The column headed "Reserves Equivalent Barrels (Millions)" shows the amount of resources expected to be offered in each sale. The column headed "Mean Range of Values per Barrel" shows the maximum value per barrel that we could expect to be bid. That estimate is based on our calculation of the value of the oil to companies after deducting all of the costs of lease acquisitions, exploration, production, transportation, and taxes from the price per barrel of oil which ranged from $30 to $35 per barrel when the estimate was made. The key is not the price of oil at the time of the estimate or when the sale is held, but the expected price over the expected production life of the field. The column headed "Discounted Receipts Factor" shows an adjustment factor to discount for possible risks and uncertainties, such as the chance that the sales won't take place as scheduled, that all resources in the area may not be offered for lease, that all resources won't be bid on, or the chance that accelerated leasing may increase the firms' cost of borrowing.

Subsequent to the preparation of the original estimates, the Secretary announced his tentative proposed final 5-year leasing schedule on March 15. Under that schedule, one sale, sale 73, will be postponed until September, and another, sale 75, will be deleted. Those changes are footnoted on the table.

On April 10, OMB submitted to the Congress its current budget estimates which indicated that the $13.2 billion estimate of receipts from sales had declined to $10.9 billion. Of the $2.3 billion decline, $400 million was attributed to the rescheduling of sale 73 and dropping of sale 75. An additional $1.9 billion decline in the overall estimate was also made by OMB to reflect the greater uncertainty about capital availablity due to lower oil prices.

Question 10. The recent decline in oil firm profitability may well affect the industry's ability to bid the amounts that you have projected as revenue in your FY 1983 budget request. This decline in profitability may affect a firm by both reducing their cash availability and by potentially reducing the availability of credit. The reduced availability of capital may affect firm bidding behavior in either one of two ways. First, they may not be able to bid on all of their top prospects, or they may, in order to bid on the full range of their prospects, reduce their bids. If either of the two situations obtain, it may lead to an absolute reduction in the amount of revenue raised by the lease sales. Have you taken into account the softening of the crude oil prices and its possible near-term effects on the FY 1983 OCS lease sales and revenue projections?

Response. The original estimate of $13.2 billion in bonuses to be received from lease sales in FY 1983 was discounted for the difficulty that oil companies might have in obtaining the capital required to bid on the larger offerings scheduled for FY 1983. The recent drop in crude oil prices also has caused further reduction in OMB's estimate of bonuses to be received in FY 1983 by $1.9 billion. This reduction was made in the document "Current Budget Estimates" issued on April 10 by the Office of Management and Budget. It reflects greater uncertainty about capital availability due to lower oil prices.

We would point out, however, that it is the long-term price of crude oil which should be the principal determinant of the amounts that will be bid for these tracts since no production can be expected from them for 5 to 10 years and a discovery may have a production life of 25 or more years.

We do not believe that the recent softness in the crude oil market will significantly affect the long-term price of oil.

Recent trends in the financial condition of the oil industry will undoubtedly have an effect on the market's response to expanded lease offerings. While this may affect revenue estimates, it does not mean that the basic policy of offering much more acreage for lease is inappropriate. Investments in any sector of the economy depend on financial and economic conditions and they may decline as prices decline. From the viewpoint of the economy, there is no more reason to restrict OCS lease offerings in times of declining prices than there is to restrict the availability of other basic resources such as agricultural land or iron ore. Restricting the availability of basic resources, including opportunities for offshore oil and gas exploration, would tend to slow economic recovery.

Question 11. In view of the recent decreasing demand for oil and the resultant softening in the price for oil, have you reviewed and revised your revenue estimates to be derived from the royalty from OCS produc-

tion? I understand that the assumption behind the $3.3 billion projection for OCS royalty receipts was a wellhead price of $37.26 per barrel. Given that the current price barrel is substantially less than that, I request that a revised estimate as to royalty receipts be provided.

Response. The Administration has not changed it's economic assumptions since the publication of the January budget, and therefore no new projections of oil prices and royalties have been made. However, sensitivity analyses which have been done indicate that royalty payments are not significantly affected by reduced prices because the reduction in revenue occurs in the amount paid in windfall profit tax, not in the amount paid as royalty. What we call royalties should really be called net royalties. Net royalties are calculated as follows:

Quantity produced × price = value.

Value × 16⅔% = gross royalties.

Gross royalties minus windfall profits tax = net royalties.

When oil prices drop, value drops and gross royalties are reduced. But the formula for calculating the windfall profits tax, which is too complicated to explain here, causes the amount paid as a windfall profits tax to decline in about the same proportion as gross royalties. Therefore, the amount which we call royalties (net royalties) remains about the same.

TABLE 2.—DEPARTMENT OF THE INTERIOR ESTIMATION OF FISCAL YEAR 1983 RECEIPTS

Date	Sale	Area	Reserves equivalent barrels (millions)	Mean range of values per barrel	Discounted receipts factor	October 1981 dollars (millions)			Current dollars (millions)	
						Total sale Bonuses	Escrow	Budget	Escrow	Budget
August 1982	[1]52	North Atlantic	1,067	$3.33	.5603	1,991	.....	[1]696	.....	[1]740
September 1982	[2]71	Diapir Field (Alaska)	2,679	2.00	.5603	3,002	881	[2]921	[2]935	[2]978
October 1982	69	Gulf of Mexico	137	9.375	.788	1,012	255	757	269	798
November 1982	57	Norton Basin (Alaska)	161	2.00	.5603	180	.....	180	.....	192
November 1983[3]	73	C. & N. Calif.	1,429	4.15	.0777	461	158	303	171	328
December 1983	70	St. George Basin (Alaska)	555	1.78	.1749	173	.....	173	.....	188
March 1983	76	Mid-Atlantic	5,579	2.07	.0777	897	.....	897	.....	979
April 1983[4]	75	North Aleutian Basin	199	1.78	.1749	62	.....	62	.....	68
May 1983	72	Gulf of Mexico	9,357	7.40	.0777	5,382	258	5,124	284	5,646
July 1983	[5]78	South Atlantic	1,656	1.78	.0777	229	.....	160	.....	178
August 1983	[5]74	Gulf of Mexico	9,357	7.40	.0777	5,382	280	2,755	312	3,074
Rents										38
Royalties										[6]3,299
Escrow payout										1,494
Total 1982										[7]18,000

[1] Sale to be held in fiscal year 1982 but 35 percent of receipts assumed to accrue in 1983.
[2] Sale to be held in fiscal year 1982 but 60 percent of receipts assumed to accrue in 1983.
[3] Sale delayed until September. Assumes no receipts in fiscal year 1983.
[4] Sale deleted.
[5] Assumes that bonuses will be credited as follows—Post sale time as cumulative percent of total: 7 days, 10; 21 days, 14; 22 days, 54; 35 days, 70; 90 days, 76; and 105 days, 100.
[6] Assumes oil and condensate production of 255 million barrels and average price of $37.26 per barrel. Assumes gas production of 5,200 MCF and average price of $2.71.
[7] Because of schedule changes noted in footnotes[5] and [6] total bonus estimate would be $17,604 billion.

Note.—Does not reflect April 10 adjustment by OMB.

Source: Office of Budget Feb. 6, 1982 (revised Apr. 28, 1982).

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C.

Hon HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: This supplements our response of April 30 regarding the questions you asked in your letter of April 19 on the tentative proposed final 5-year OCS leasing program.

In the April 30 response, we provided answers to questions 1, 2, 3, 7, 9, 10 and 11. Enclosed are responses to questions 4, 5, 6, 8, 12 and 13.

Sincerely,

DONALD PAUL HODEL,
Under Secretary.

Enclosure.

Question 4. The Outer Continental Shelf Lands Act Amendments of 1978 (P.L. 95-372) required the Department of the Interior to experiment with alternative bidding systems for a period of five years from the date of enactment. Bidding systems, other than cash bonus with a royalty fixed at not less than 12½ percent, are to be applied to not less than 20 percent and not more than 60 percent of the total area offered for lease each year, unless the Secretary of the Department of the Interior makes a determination that the use of such bidding systems is "inconsistent with the purposes and policies" of the Amendments. Which alternative bidding systems are scheduled to be utilized in the OCS lease sales in fiscal year 1983? This should be presented on a sale-by-sale basis.

Response. Bidding systems are designed on a sale-by-sale basis. To date, the Department of the Interior has developed bidding systems for proposed sales through August 1982. Bidding system designs for sales in FY 1983 have not yet been developed for each individual sale. Table 1 which indicates sale-by-sale the bidding systems used for sales in FY 1982. DOI has experimented with alternative systems in 22 sales starting in 1974 and in 19 since the enactment of the 1978 Amendments. Alternative bidding systems that have been tested are royalty bidding with a fixed cash bonus, cash bonus bidding with a sliding scale royalty, and cash bonus bidding with a fixed net profit share.

In the January 26, 1982, Federal Register, the Department requested comments on a proposed matrix of bidding systems for OCS sales consistent with the new concept of offering larger areas for lease. A copy of the request is attached. The proposed matrix provides a streamlined approach to future bidding systems' use by designating the types of bidding systems that might be used according to broad geographic area and water depth. Final decisions on the use of the bidding system matrix have not yet been made.

The results of our previous tests are presently being analyzed. We recognize the need to direct future tests towards those systems which offer the greatest promise to meet the goals of the OCS Lands Act.

TABLE I.—BIDDING SYSTEMS FOR FISCAL YEAR 1982 OCS SALES

Sale (status)	Tract offered—	
	Total	With alternative bidding system
66—Gulf of Mexico (sale held)	209	65 (31.1 percent) FNPS.[1]
59—Mid-Atlantic (sale held)	253	83 (32.8 percent) FNPS.
67—Gulf of Mexico (sale held)	234	13 (5.5 percent) FNPS.
68—Southern California (final notice issued.	172	0.

TABLE I.—BIDDING SYSTEMS FOR FISCAL YEAR 1982 OCS SALES—Continued

Sale (status)	Tract offered—	
	Total	With alternative bidding system
RS–2—Reoffering (proposed notice issued).	564	17 (3 precent) S.S.[2], 166 (29 percent) FNPS.
52—North Atlantic (proposed notice issued).	540	36 (6.6 percent) S.S.
71—Diapir Field (no decision)		

[1] FNPS—Fixed net profit share with a variable cash bonus.
[2] S.S.—Sliding scale royalty with a variable cash bonus.

Question 5. As was mentioned previously, the Outer Continental Shelf Lands Act Amendments requires that the alternative bidding systems be used for a period of five years from the date of enactment. What plans does the Department of the Interior have, at this time, for continued use of bidding systems, other than cash bonus bid, in FY 1984 through FY 1987?

Response. No specific plans have been developed for these years. However, the matrix concept discussed in Question 4 could be applied if it is adopted. The Department will review the analysis of the previous experiments and select those systems deemed to best achieve the goals prescribed by the OCSLA. It should be noted that the 5-year period mandated by Congress that requires testing of alternative systems ends in September 1983.

Question 6. Provide a detailed analysis showing the expected efficiencies that will result from the implementation of various streamlining proposals. This should be compared to the manner in which OCS leasing activities were conducted prior to the proposed streamlining initiatives. Estimates

should be quantified insofar as possible (i.e., man-years, funding requirements, workload indicators, etc.). This should be done for the following areas: (1) environmental impact analysis and EIS preparation, (2) activities associated with pre-sale and sale of leases, (3) determination of fair market value, and (4) post-lease management.

Response. (1) and (2). Environmental analysis and pre-sale and sale activities.

For your information, we are enclosing a table of budget estimates recently submitted as part of our proposed final leasing program. See Table II.

Streamlining is anticipated to result in an acceleration in the issuance of OCS leases which would, in turn, reduce the administrative costs per lease issued including: (1) environmental impact analysis and EIS preparation, (2) activities associated with pre-sale and sale of leases.

This increased efficiency is described in the Bureau of Land Management's budget justification for FY 83 (pp. 48-50), copy attached. From this material, it is evident that the July 1981 proposed schedule implementing streamlining was estimated to result in an increase over the June 1980 schedule (prestreamlining) of 400 leases issued for FY 1982 and thus a reduction of $41,000 in estimated average cost per lease issued. For FY 1983, the July 1981 proposed schedule was estimated to result in an increase over the June 1980 schedule of 920 leases issued, and thus a reduction of $21,000 in the estimated average cost of each lease issued.

As one example of the potential decrease in EIS workload, the March 1982 tentative proposed final schedule called for 40 sales. Of that total, there were six sales that already had a final or draft EIS completed by the end of April 1982. Of the remaining 34 sales, only 28 NEPA documents would have to be prepared as a result of multi-sale EIS's in the Gulf of Mexico. Of these 28 EIS's to be done, only 11 would be a first generation EIS (first-time basic analysis of the area). The other 17 would either be a second generation EIS, which are presumably shorter and add only the changes necessary to update the initial EIS, or would be another, shorter, NEPA type document. This would be a considerable reduction in EIS expenses and manpower.

Pre-lease site specific geohazard studies are being phased out under streamlining. Industry will be required, as it has been in the past, to perform detailed post-lease site-specific surveys. The results of the surveys will be reviewed by MMS (Minerals Management Service) as will drilling and production plans to make sure that proposed operations will be safe. MMS will do pre-sale regional (broad reconnaissance) and topical geohazard studies. Savings resulting from these changes will be offset by increased data requirements associated with large sale areas.

(3). Determination of fair market value.

Currently, a Government established pre-sale evaluation on every tract offered for sale is used as the primary means of assuring receipt of fair market value. The most logical way to reduce the number of tracts evaluated is to perform evaluations post-sale only on tracts receiving bids. For all sales except the reoffering sale, during the period December 1979 through February 1982, only 48 percent of the tracts offered for sale received bids. This percentage is anticipated to decrease considerably under areawide offerings.

The streamlined procedures provide for post-sale evaluation of only a certain portion of tracts receiving bids. In frontier areas a sample of about 35 percent of only those tracts receiving bids will be evaluated postsale as compared to the present system of evaluating all tracts offered (30 percent on predetermined criteria and another 5 percent random). In mature areas, in addition to the 35 percent sample mentioned above, all structures containing proven, drainage, or developed tracts would also be evaluated. (See the discussion in response to question 8.)

For the last five Gulf of Mexico OCS sales (A62, 62, A66, 66, and 67), utilizing the proposed streamlining procedures for fair market value determinations, MMS would have, at the most, had to evaluate 370 tracts as compared to the 928 tracts actually evaluated. The savings could be even greater in a frontier area where historically a lower percentage of tracts receive bids. The proposed procedures are intended to allow MMS to handle larger sale offerings with minimal increases in budget and personnel resources. Thus, for example, the FY 1983 request is 9.3 percent higher than the appropriated amount for FY 1982. The number of sales being held will increase from seven to nine.

(4). Post-lease Management.

The various streamlining proposals initiated by the MMS in the year 1981 were intended to reduce the paperwork burden on the industry. Any resulting benefits to MMS were welcome, but such benefits were not primary to initiating the effort. Only two of the streamlining proposals would produce a savings for MMS. These are the repeal of FIRS (Failure Inventory Reporting System) and the repeal of a requirement to set a maximum efficient production rate for all reservoirs.

The FIRS program has been unduly burdensome to industry. Its purpose was to make OCS waters safer against spills by tracking the performance of some 19 safety devices on all producing platforms. However, FIRS was not cost effective. In order to maintain the intent of the program, the MMS is incorporating the safety aspects of FIRS into its Safety Information Program (SIP). Through this program, safety device performance is tracked by periodic inspection. The program includes data from the Events File, accident investigations, alleged violations, and lessee reports on fires, accidents, spills, and injuries. SIP is an automated system designed to be sensitive to safety-device incidents of noncompliance. We estimate an annual savings to industry of about $6.25 million and to MMS of about ¾ million dollars. This change was published as a final rule in the Federal Register of April 30, 1982.

With the proposed revision to OCS Order No. 11, lessees of approximately 90 percent of the 3800 currently producing reservoirs will no longer be required to submit an application to MMS to set a maximum efficient rate of production. If approved, this will mean a workload reduction to the MMS of no more than 30 percent because of the many other requirements involving MMS monitoring.

Question 8. With regard to the Fair Market Value issue, the Department of the Interior has indicated that it is proposing to use a three-phase screening process to evaluate FMV after the sales have taken place. In your submission of the five-year leasing program to Congress, it was stated that this is an effort to more efficiently FMV. The system relies to a significant degree on competition in the marketplace to arrive at a FMV determination. Your proposal indicates that if a tract receives three or more bids, unless the tract is selected for FMV evaluation under different criteria, that the high bid would be accepted. Historically, 60 percent of all tracts leased have received fewer than two bids, and would, therefore, require you to perform at a minimum a FMV analysis for those leases prior to accepting or rejecting the bid.

Your budget indicates that you expect to issue 1800 leases in fiscal year 1983. Of those 1800, 1080 may receive fewer than the three-bid minimum and require a case-by-case FMV analysis. In fiscal year 1981, DOI offered for lease 1227 tracts for which FMV evaluations were performed. Given the emphasis, as reflected in several legal actions in recent years, that has been placed on the Fair Market Value being received by the government, this issue is of concern to me. Provide a detailed explanation of the procedures that the Department of the Interior will utilize in determining FMV. Included should be your estimate of the number of tracts that will have a FMV analysis performed on them in the fiscal year 1983-fiscal year 1987 time span. The resources (personnel and funding) that will be applied to this activity should also be submitted.

Answer. In recent leasing history, the past 13 OCS sales, only 38 percent of all tracts leased have received one bid and approximately 58 percent have received two or fewer bids. However, under the streamlined procedures, not all one- and two-bid tracts would be evaluated.

The process involves the following: 1. Post-sale rather than pre-sale evaluation has been adopted in order to save the effort expended on evaluating tracts not receiving bids. In advance of the sale, MMS efforts will be concentrated on preparation of geological maps using selected geological and geophysical data and information for the entire area offered for lease. Increased emphasis will be placed on competition to establish fair market value.

2. Evaluation of specific tracts will be limited to a post-sale period following the sale and will rely primarily on prospect and/or structure maps prepared pre-sale utilizing industry geological and geophysical data acquired under permits.

3. Only tracts which receive bids (historically about 50 percent of the acreage offered—probably less with increased sale sizes or offering of entire areas) will be evaluated post-sale.

Within 3 days after preparation of the bid recap, MMS will analyze the sale in light of predetermined criteria to select structures to be evaluated. The sample of tracts to be evaluated will include:

(a) 100 percent of structures containing proven, drainage, or development tracts,

(b) an appropriate number of tracts selected on the basis of predetermined criteria, generally in the range of 30 percent of tracts receiving bids.

(c) a random sample of tracts selected on a structure basis regardless of the number of bids received to yield a sample of 5 percent of the tracts receiving bids.

5. MMS will provide evaluation for the selected tracts as they become available. Structures containing highest dollar bids, where practical, will be cleared first.

MMS may provide a comparative evaluation screen first, the details of which are currently being developed and validated. It is envisioned that this phase will be completed within 3 weeks following the sale. If MMS is not able to detect prospects with re-

source potential, these tracts will be assigned a "minimum" value and high bids on them will be immediately recommended for acceptance (i.e., because by definition a company would have already offered at least the minimum bid). The remaining tracts would then be tested for comparable values against acceptable bids on other tracts which share the same geological structure, or against hypothetical or actual analogs with similar characteristics of structural size, water depths, distance from shore, drilling depths, and geological characteristics. If this evaluation is favorable in terms of values offered, the tracts will be recommended for acceptance. It is proposed that tracts recommended for acceptance under this phase will not have a dollar value assigned. MMS will provide a statement outlining the basis for recommending acceptance of the high bid.

6. If the high bids do not pass the comparative screen the tracts will receive a quantitative evaluation to be completed within 90 days following the sale. These tracts remaining to be evaluated are those where there is sufficient concern that the high bid might not represent fair market value. The procedures for the evaluation of selected tracts are the same as those presently employed in pre-sale tract specific evaluations, i.e., conventional petroleum resource evaluation methods. Geophysical and geological data will be correlated and mapped, stratigraphic thickness and reservoir be correlated and mapped, stratigraphic thickness and reservoir volumes estimated, and the likelihood of hydrocarbon occurrence evaluated. Geophysical and geological evaluation will be followed by as assessment of petroleum engineering parameters, infrastructure requirements, and all economic parameters which influence the revenues and costs of production. Resource, engineering, and economic parameters will be represented in the evaluation as probability distributions and will be incorporated into the calculations using a probabilistic computer simulation method. The resource economic value calculations will be a straight-forward discounted cast flow procedure.

The output from the calculation will be a distribution of resource economic values which represent the collective uncertainties of the inputs. For all tracts for which a detailed Monte Carlo discounted cash flow evaluation is made, MMS will continue to provide a mean (MROV), discounted mean (DMROV), and the range of values with associated probability estimates. This will allow decisionmakers to consider not only whether the high bid exceeds the MMS mean tract value, but also to consider the probability of the high bid representing the actual tract value. Although the recommendation to accept or reject bids on tracts so evaluated will be submitted within 3 months of the sale date, accept/reject recommendations will be made as soon as they are determined. In general, structures with the highest bid tracts will be analyzed first to allow early acceptance/rejection decisions on those tracts.

7. Current post-scale bid adequacy criteria will be applied, including use of the MROV, DMROV, and the AEOT. In certain anomalous situations, a geometric mean may be used to calculate the AEOT instead of an arithmetic mean as in the past.

The projection of acreage to be leased and the number of leases issued for the period FY 1983–1987 is shown in the following tabulation. The tabulation also includes estimates based upon historical data of the number of tracts likely to receive bids and under the proposed streamlining procedures the number of tracts likely to require a specific determination of fair market value (FMV). It should be emphasized that these are very rough estimates and because of the lack of comparable historical data, they may vary considerably from actual results. These estimates are the mean numbers in calculations that developed a low-high range. The 1800 leases estimate for FY 1983 previously mentioned was the high estimate for that year.

	Fiscal year—				
	1983	1984	1985	1986	1987
Millions of acres leased	7.4	6.8	7.3	5.6	5.0
Leases	1,300	1,190	1,280	980	875
Tracts receiving bids	1,445	1,320	1,420	1,090	970
Tracts requiring FMV determination	550	500	540	415	370

The sources (personnel and funding) estimated to be required to conduct these FMV determinations are as follows:

	Fiscal year—				
	1983	1984	1985	1986	1987
Funds (millions)	29.8	31.0	32.0	33.0	33.0
Personnel (full-time equivalent total)	350	381	381	381	381

Question 12. Provide data relating to production from OCS leases for FY 1981 and the first two quarters of FY 1982. Provide the OCS royalty receipts and the average wellhead price per barrel for OCS oil for the same time periods.

Response. Production and sales figures for fiscal year 1981 are available which can be compared as requested. There are as follows:

Production:	
Oil and condensate (bbl)	278,344,949
Gas (mcf)	4,900,654,703
Sales:	
Oil and condensate:	
Quantity sold (bbl)	283,865,810
Royalty value	$1,432,141,685
Average price per bbl	$31.07
Gas:	
Quantity sold (mcf)	4,879,242,071
Royalty value	$1,624,317,759
Average price per mcf	$2.04

Sales figures usually are slightly less than production figures because of the lag time inherent with measurement and delivery. However, for the year 1981, sales figures are slightly higher. Most likely this means that the continuing auditing process resulted in a credit carryover from the year 1980 or perhaps even earlier.

For fiscal year 1982, only first quarter production figures are available and these estimate the amount of production for the first 2 months from production off California. First quarter production was 71.374 million barrels and 1.225 trillion cubic feet.

Question 13. What indication do you have that the Department of Transportation, U.S. Coast Guard, has the ability to fulfill their responsibilities relating to safety and environmental protection given the expanded OCS leasing program and the probability, therefore, of an increase in the number of drilling and production rigs? Do you know if the Coast Guard took this into consideration in estimating their staffing and funding requirements for fiscal year 1983 and beyond?

Response. We have kept the Department of Transportation, U.S. Coast Guard, advised of the proposals to accelerate OCS leasing. We have received no indication from them that they will be unable to fulfill their responsibilities for safety and environmental protection. It should be noted that the potential increase in Coast Guard needs would only come after leasing and with increases in drilling rigs and production. This will not occur until after fiscal year 1983. The Coast Guard should thus have ample time to plan for and budget these needs. Further information can be obtained from the U.S. Coast Guard.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C. June 16, 1982.

Hon. HENRY M. JACKSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JACKSON: Enclosed are responses to the questions you transmitted on May 5. I hope these responses fully address your concerns.

Sincerely,

DON HODEL,
Under Secretary.

Enclosures.

RESPONSES TO QUESTIONS RAISED BY SENATOR HENRY M. JACKSON ON MAY 5, 1982

Question 1. It appears that DOI is still not giving equal weight to the purposes of the OCSLAA. It seems clear that DOI has emphasized the expediting of exploration and development on the OCS to achieve national economic goals at the expense of most of the other purposes of the Act such as, (1) the preservation, protection, and development of the oil and natural gas resources in a manner that is consistent with the need to make resources available to meet the Nation's energy needs, (2) balancing the development with protection of the human, marine, and coastal environments, (3) insuring the public a fair and equitable return on the resources of the OCS, (4) preserving and maintaining free enterprise competition, (5) providing States and local governments with comprehensive assistance in order to plan for any impact resulting from OCS development, and (6) assuring States will have adequate time and opportunity to fully participate in policy and planning decisions as they relate to the management of the OCS resources. As a result, I am concerned that the OCS leasing program, as it is presently constituted, will be the subject of litigation which will delay it unnecessarily. Appropriate steps could be taken at this time to more fully accommodate the concerns of many of the interested parties that would mitigate this possibility. What is your response?

Response. We believe that the purposes of the OCS Lands Act, including applicable ones paraphrased in your question from Sections 102(2)(A-D), and (4), have been fully met as a result of considering and balancing all of the specific factors which Sections 18(a)(2), 18(a)(3), and 18(a)(4) require be considered.

The proposed final program will meet the Nation's energy needs by expediting the inventorying and production of our offshore oil and gas resources. Two features of the program are especially important in this regard. First, the program emphasizes early and frequent entry into high potential areas, to the extent consistent with environmental and other Section 18 considerations. Second, the area-wide offering concept will result in consideration of entire planning

areas and offering of broad areas that have potential for commercial quantities of oil and gas resources. This will allow testing of various exploration strategies and result in improved efficiency of exploration and development investments and earlier discoveries.

Balancing the development with protection of the human, marine and coastal environments was an important element of the overall Section 18 balancing. In preparation of the tentative proposed final program, transmitted to Congress in March 1982, the Department undertook a lengthy and detailed analysis to develop a program which would balance environmental and other factors included in Section 18. Some of the factors were quantified or partially quantified, to allow quantitative comparisons of OCS planning areas as an aid in achieving the required balancing. Other factors could only be considered qualitatively, and the overall balancing of quantitative and qualitative factors required that judgments be made, including judgments about how much relative weight each factor should receive. The U.S. Court of Appeals for the District of Columbia Circuit recognized that the Secretary has discretion as to the weight assigned for oil and gas exploration, development and production, environmental damage, and coastal zone impact in his balancing, and thus, his decision is of necessity a highly judgmental one, with some factors receiving more weight than others, as he considers necessary, to best meet national energy needs.

Based on the comments received on the tentative proposed final program, the Department reviewed the previously prepared comparative analysis of OCS planning areas to determine whether any changes were required. We then reviewed the judgments we had made and balancing we had done in developing the tentative proposed final program, also in light of comments received.

In response to State comments several changes were made.

In response to comments about the size of potential sale areas and the potential adverse effect on the ability of State and local governments to participate in pre-lease activities and plan for sale-related development, we divided the North Atlantic into two planning areas, and we divided sale 100—South Alaska, into three separate offerings. Additionally, we had responded earlier to comments from State and local governments by refining the original area-wide offering concept when we released the tentative proposed final program in March. Several States commented favorably on the refined area-wide approach in their comments on the tentative proposed final program.

Off Alaska, we have also slowed the pace of leasing in Norton Basin and deferred leasing in Hope Basin beyond the 5 years covered by the schedule. This is in addition to our earlier decisions to hold only one sale in the North Aleutian Basin in the 5-year period, and to consult with the Alaska Land Use Council before proceeding with the first sale in St. George Basin.

We believe the proposed final program represents a careful and appropriate balancing of all of the Section 18 factors and of the concerns and recommendations of State and local governments. The consideration given to Section 18 factors is more fully discussed in Enclosure 6 of the proposed final program transmitted to the Congress on May 11, 1982.

A fair and equitable return to the public on resources of the OCS will be insured by assuring receipt of fair market value, as required by Section 18(a)(4). This will be achieved by a system which relies more extensively than in the past on competition in the lease market. This system will also result in more efficient tract evaluation procedures. Procedures for assuring receipt of fair market value were improved by (1) providing for a reconsideration of the $150 per acre minimum bid based on experience and, (2) by deferring implementation of a rule which would have resulted in acceptance of all the high bids for all tracts on a geologic structure if the sum of the high bids exceeded the Department's estimate of the structure's value or the mean of the range of values for these tracts. The system developed to assure fair market value is flexible enough to allow development and validation of new evaluation techniques and adjustments of tract evaluation efforts in response to emerging patterns of competition and bidding.

The proposed final program will also help to preserve and maintain free enterprise competition through the area-wide offering concept. The lessening of government restrictions will provide increased opportunities for firms to compete using a variety of exploration strategies.

While Title I of the OCS Lands Act Amendments includes as a purpose providing States and local governments with comprehensive assistance to plan for OCS development impacts, we believe this purpose was intended to be fulfilled primarily by Title V of the Act, Amendments to the Coastal Zone Management Act of 1972, rather than by the 5-year leasing program. However, to the extent that assistance in planning includes the opportunity for States and local governments to fully participate in the leasing program, we believe that the proposed final program will provide appropriate participation. As discussed above, a number of changes were made to address State and local government comments when Section 18 balancing was reviewed. These changes were made in response to comments that the size of sale offerings would preclude effective participation.

The 5-year program we propose meets the legislative goal of assuring that States have adequate opportunity to participate in OCS policy and planning decisions. Several of those opportunities are established in the OCS Lands Act—Section 19, for example. Several result from the regulations implementing the National Environmental Policy Act. In addition, we plan to continue the operations of the Policy Committee of the ODS Advisory Board, the OCS Referral Center, and other coordination mechanisms.

The proposed final program represents a sound determination of the best balance between the potential for environmental damage, the potential for the discovery of oil and gas, and the potential for adverse effects on the coastal zone, as required by Section 18(a)(3). However, as recognized by the U.S. Court of Appeals for the District of Columbia Circuit, the Secretary has discretion as to the weight to assign various factors in his balancing, and the various factors need not receive equal weight. As a result, his decision is necessarily judgmental.

Regardless of the balance achieved, there will always be parties who believe that the factors of most concern to them have not received enough weight. We do not believe that it is possible to make the program or individual sales litigation proof. We expect that the program transmitted to the President and Congress on May 11 will be litigated once it is approved in mid-July of this year. The June 1980 program was litigated and that litigation will likely be extended to the new program.

Litigation or the threat of litigation will always be a factor in the OCS program. It would be a mistake to proceed with a strategy of litigation avoidance as a major guiding principle in this important energy program. The best public policy is an honest effort to comply with the OCS Lands Act and other applicable legislation. Such compliance has been achieved in the proposed final program.

Question 2. In your response to the question relating to the effect that the proposed leasing schedule would have on the ability of the various State governments' ability to respond to the program, you indicated that there "should not be a problem." This seems to be a rather cavalier attitude to take in light of the fact that both California and Alaska on April 12 and 16, respectively, submitted extensive comments to DOI specifically pointing out areas of concern that DOI had not addressed despite the U.S. Court of Appeals for the District of Columbia's October 6, 1981, opinion.

Does DOI plan to make any further modifications to the OCS leasing program as a result of either comments received or additional internal analyses?

Response. As indicated in response to your first question, we have divided the North Atlantic planning area into two areas, and have divided sale 100—South Alaska into three separate areas, both in response to State recommendations stemming from concerns about the ability to participate in prelease activities for potentially large sale areas. These changes, and the earlier decision to refine the area-wide offering concept to narrow the focus of pre-sale planning and analysis early in the process, respond to the major concern of States about ability to participate, i.e., that sale areas would be too large to enable State and local government to meaningfully participate in pre-lease decision or to plan for sale-related activities.

The proposed final program will result in one to four sales per year off Alaska (compared to one to three per year in the June 1980 program) which will require a substantial amount of State/Federal coordination. However, beyond the issue of the size of the sale areas involved, addressed above, and the timing of sales, which is based on a balancing of Section 18 factors, the proposed final program does nothing to diminish in any way the existing opportunities for State participation in the OCS leasing process for individual sales. We continue to believe that under the streamlined procedures and the new proposed final program, the States will continue to participate fully in the leasing process.

Question 3. As I am sure you are aware, there still exists a tremendous amount of concern regarding the balancing of interests as required by the OCSLAA. In terms of environmental protection, the State of Alaska has repeatedly provided DOI with comments that suggest that those concerns have not been properly and fully addressed. DOI, however, despite those concerns, notes that ". . . the excellent environmental record of the U.S. OCS oil and gas program, including the opportunity for mitigation specially tailored to individual situations . . ." indicates that no modifications to the program were in order and that environmental considerations have been appropriately considered. Please provide me with the number of exploratory wells drilled in

extreme frontier regions in either Alaska or Canada where pack ice has been encountered. Indicate whether a sand and gravel island or a drilling rig was utilized. Please provide me with information relating to the opportunities for mitigating an oil spill in such an environment.

Response.

EXPLORATORY WELLS DRILLED IN EXTREME FRONTIER AREAS WHERE SEVERE ICE CONDITIONS HAVE BEEN ENCOUNTERED

	Number of wells [1]	Drilled from
Beaufort Sea	22	Artificial islands.
Offshore Canada	24	Ice islands.
	34	Drill ships. [2]
Beaufort Sea	1	Ice island.
Offshore Alaska	10	Artificial islands. [2]
(State waters)	18	Natural islands.
Beaufort Sea	2	Artificial islands. [2]
Offshore Alaska		
(OCS waters)		
Total	111	

[1] All wells were drilled under landfast or fast floating ice conditions except for an estimated two to five wells drilled by the Canadians under true pack ice conditions.

[2] Includes sand, gravel, silt, and shell materials.

To date, the oil spill record for federally leased activities offshore Alaska has been a good one. As a result of exploration in three sale areas (Gulf of Alaska, Cook Inlet and the Beaufort Sea) and production of 730 million barrels of oil from Cook Inlet leases, no large oil spills (greater than 1,000 barrels) have occurred. Additionally, there have been no large spills from platforms during production of over 1.8 billion barrels of oil at Prudhoe Bay, which presents similar conditions as drilling and production from gravel islands such as those being used in the shallow areas of the Beaufort Sea.

However, in the event a spill does occur, there are several opportunities for mitigating an oilspill in such an environment. During the period when flow ice is frozen solid, oil which is spilled will be trapped beneath the ice with varying amounts of oil absorbed by the ice pack depending on ice type, oil type, and other factors. The oil is trapped by natural mechanisms and may be recovered by melting through the ice pockets and then recovering or burning the oil trapped in the pockets.

A similar situation exists for oil spilled on pack ice. It is trapped by natural conditions and may be recovered or burned. Either method in either situation is labor and time intensive.

An oilspill which occurs during open water conditions would be handled in the same fashion as a spill in other open water areas; recovery by any of several skimmers or other pickup devices, or dispersed, or coagulated by chemicals and recovered.

The worst possible situation that may be anticipated would be for an oilspill to occur during the periods of freeze-up or break-up, approximately 2 to 3 weeks each during a year. The effectiveness of any clean-up technology during either of these periods is severely restricted due to the presence of large amounts of floating ice.

The recovery of spilled oil by these various techniques ranges from about 10 to 50 percent. The most effective recovery method for subice spills demonstrated in one experiment was quite simply to wait until spring thaw and burn the oil as soon as it was freed. The recovery rate in this experiment was estimated at 90 percent. The Department, through the Mineral Management Service's Environmental Studies Program, is contributing funding to research concerning the fate of spilled oil in the Arctic and the most successful and safest methods for controlling these spills. The results of this and other research can be used in post-sale permitting decisions to ensure appropriate technology is employed to prevent and control oil spills.

Question 4. According to DOI's Oil and Gas Leasing and Production Program Annual Report for FY 1981, 374 leases were issued for a total of approximately 2,021,000 acres. Bonuses in the amount of $6,516,637,794 were received for those leases. In FY 1983, DOI is estmating that 1800 leases will be issued for approximately 10,260,000 acres. Estimated bonuses, contained in the April 10 update of the budget, total $10,900,000,000. That will yield an average of only $1,062 per acre. It has been repeatedly suggested that by making available 200 million acres of the OCS on an annual basis, that DOI is establishing a set of preconditions that will not permit the public to achieve true fair market value because you are creating an over supply situation at a time when demand is depressed. It appears that, from your own estimates, you are admitting that this situation will obtain. What is your response?

Response. Fair market value for a property right, such as that conveyed by an OCS lease, is clearly to be determined by reference to the market. Increasing the supply of tracts available for lease by the Federal Government may lower the average bonus per tract or per acre, but not in ways that prevent the government from receiving fair market value. One reason for the decrease in the average bonus is that many of the additional tracts leased will have poorer resource prospects and higher costs and risks than the tracts leased under previous, more restrictive leasing programs. The use of the average bonus for before and after comparison tends to obscure this change. Such a trend does not indicate failure to receive fair market value for the additional, lower value tracts leased.

It is also possible that the increased supply of tracts could result in lower bonuses even on tracts that may have been offered and leased under a more restrictive program. With regard to these tracts, the question is whether there is a way to determine the overall pace of leasing such that "true fair market value" would be recieved. On the one hand, it is possible to extract higher and higher average bonuses by offering fewer and fewer tracts for lease. The bonuses on some set of tracts can be increased by offering acreage at a slower pace. This practice would result in the government exercising its power as a monopolists in OCS leasing, causing the same net loss to the economy that exercise of private monoply would cause.

On the other hand, supply is one of the primary determinants of value in any market. From this perspective, whether or not transactions yield fair market value, depends less on the consideration that changes hands and more on the process by which that consideration is agreed upon. Thus, while average bonuses may be lower on some tracts because they are offered along with so many others, the lower bonuses can constitute fair market value, given that supply and other conditions of the bidding process meet the requirements of a fair market. The issue in this case is not that there is a change in the market, but whether it is still a fair market. The combination of the competitive, sealed bidding process and the Department's tract evaluation procedures will assure that the lease market yields fair transactions.

Aside from these general concepts, it is instructive to compare the "only $1,062 per acre" projected for FY 1983. In the 10 sales in 1980 and 1981, the average per acre received in any sale ranged from $29.95 per acre in sale RS-1 to $6,975.66 per acre in sale 53. The average per acre in 1980 and 1981 Gulf of Mexico sales ranged from $2,446.32 to $4,852.54 per acre. Clearly, what this demonstrates is the variability of bonuses, depending upon the perceived geologic potential, the degree of certainty, the relative costs of exploration, development and transportation, and other factors.

In FY 1983, there are scheduled two first-time frontier sales off Alaska, in addition to a repeat sale off Alaska. The risks and high costs associated with these sales would lead to an expectation of lower bonuses than in proven and less costly areas.

Finally, the 1800 leases-issued figure is a high estimate for FY 1983. Using the mean estimate of 1300 leases, the average would be $1471 per acre.

Question 5. The General Accounting Office, in testimony before the Subcommittee on the Panama Canal/Outer Continental Shelf on April 22, indicated that they were still concerned about the issue of the fair market evaluation of tracts after OCS lease sales have taken place. How much time, on a sale-by-sale basis, is going to be required to perform the evaluations?

Response. A substantial portion of the geological and geophysical data analysis and mapping of general engineering and economic data will be completed and updated on a continuing basis. Therefore, the groundwork for the post-sale evaluation will have been laid before the sale takes place.

Recommendations of tracts for further evaluation, and recommendations for acceptance of high bids on all other tracts—Phase I of the evaluation process—will take place within 3 days of the sale. We anticipate that 35–40 percent of the tracts receiving bids will be recommended for further evaluation and 60-65 percent will initially be recommended for acceptance. Consequently, we expect the majority of the tracts which received bids to be accepted within a matter of a few days after the sale.

The Phase II comparative evaluation, when and if validated, is to be completed within 3 weeks of the sale. It is envisioned that the majority of the high bids on the sampled tracts could be recommended, if found adequate, for acceptance within this period.

Those tracts for which a sufficient concern remains regarding receipt of fair-market value will then enter Phase III, consisting of a detailed resource economic value determination. Structures containing highest dollar bids, where practical, will be evaluated first. This phase is to be completed within 90 days of the sale. Recommendations on bid acceptance/rejection will be made as soon as the evaluations are completed; therefore, if the Phase II evaluation is used, very few tracts will require the entire 90 days for evaluation—probably no more than 20 percent of the tracts receiving bids.

In the event that the Phase II comparative evaluation is not implemented, the tracts selected for evaluation will receive the Phase III quantitative evaluation.

Question 6. DOI's OCS regulations (43 CFR 3316.5(e)) contain a provision that relates to the amount of time that DOI has to

either accept or reject bids for OCS leases. At this time, DOI is required to make such a decision within 60 days after the lease sale. Is this amount of time sufficient in view of the anticipated workload relating to the fair market value evaluations? Under the existing leasing system, what was the average amount of time required to perform a fair market value evaluation?

Response. Under the current OCS leasing system, all decisions concerning bid acceptance or rejection have to be made within 60 days after the lease sale. This process is usually completed within 10 to 14 days. Under streamlined OCS leasing, 60 days will not be sufficient time to complete the three-phase post-sale analysis process required for a small percentage of the tracts. Ninety days will be necessary. Proposed revisions to the 43 CFR regulations were published in the Federal Register in Novemer 1981, including a proposal to extend this period. We expect to publish final regulations shortly. We cannot calculate what was the average time used to perform an evaluation. Work began on individual tracts sometimes 6 months prior to a sale with updating (because of new information) or completion just prior to a sale.

Question 7. Please provide a detailed explanation as to the factors that were considered by either OMB or DOI, in revising the OCS revenue estimates downwards. Please distribute the reductions over the individual lease sales scheduled for FY 1983.

Response. We have been advised by OMB that it has adjusted the estimates for OCS receipts for Fiscal Years 1982 thru 1985 as follows:

FY 1982—Increased estimated bonuses to reflect the results of sale 67 (about $300 million).

FY 1983—Lowered estimated bonuses to reflect the cancellation and postponement of sale 75 and sale 73 ($400 million).

—Lowered estimated bonuses because of uncertainty ($1.9 billion).

FY 1984—Increased estimated bonuses to reflect postponement of sale 73 ($400 million).

—Lowered estimated bonuses because of uncertainty ($1.6 billion).

FY 1985—Lowered estimated bonuses because of uncertainty ($0.8 billion).

The adjustments for uncertainty provide for uncertainty in the crude oil and capital markets and were not distributed by sale by OMB.

Question 8. Several major financial institutions engaged in financing OCS operations have taken issue with the estimated receipts for the FY 1983 proposed sales. They have indicated that the following factors have contributed to lower their expectations as to the bonuses that they believe the oil and gas industry is either willing or able to pay in FY 1983: (1) flattening of industry profits resulting in decreased cash flow, (2) high interest rates, (3) high risk and high cost of operations in frontier regions, and (4) decreased credit availability. Has DOI had any recent contact with financial institutions that will either confirm or refute those positions? Please provide a brief narrative as to the content of any discussions that have been held relating to this subject.

Response. Department staff have met with representatives of a number of financial institutions to discuss the relationship between financial conditions in the oil industry and the overall rate of investment in lease acquisitions and exploraton. These discussions have confirmed the view that these investments are financed primarily from earnings rather than outside financial sources. It is apparent that the oil industry will spend more money acquiring OCS leases and drilling exploratory wells when its profits are high than when its profits are low. It is less clear, however, how to determine what might be the amount of bonuses in a given year on the basis of financial statistics or economic forecasts. In the end, companies bid in response to their perceptions of specific prospects, shifting funds from one area of investment to another if the payoff appears to be sufficiently attractive. If the pre-sale evaluation of some of the OCS areas that will be offered turns out to indicate high promise, then firms would be able to bid more by foregoing investments in other areas, both OCS, onshore and foreign. While some general adjustment of receipt estimates for FY 1983 was warranted by financial conditions in the oil industry, sales in coming months will provide a better indication of these effects.

It is important to recognize that, while it is useful for Federal budgeting to consider the effects of financial conditions on bonus receipts, the current downswing in the oil industry is not reason to alter the leasing program for the next 5 years, leading to resource development stretching over decades. The proposed 5-Year Leasing Program will allow the oil industry to invest in OCS development in much the same fashion as in other sectors of the economy. During periods of economic decline, investment also declines, only to increase when economic growth resurges. The 5-Year Leasing Program will make leases available over a period of time so that firms will know that opportunities will be there when the investment funds are available.

Question 9. It appears as if the assumptions that were used to develop your sale-by-sale revenue estimates were based on the mean estimate of the undiscovered recoverable resources made by the United States Geological Survey. What has been the historical accuracy of the initial USGS resource estimates when compared to actual discoveries and proven reserves?

Response. The USGS only began developing resource estimates in a systematic way in 1975. Estimates are developed and reported in a probability distribution—that is, a range of values associated with a given probability of occurrence. The resource estimates are for the total undiscovered recoverable resources that may be discovered in a given area through time. Extensive exploration and delineation drilling is required before the amount of proven reserves in one find can be determined, and this requires several years. In conclusion, it is too early to evaluate the success of USGS undiscovered resource estimates in predicting ultimate discovered reserves.

We believe that, taken as a whole, the assumptions we used in making sale-by-sale revenue estimates were reasonable and conservative. The problem we face in estimating bonuses in FY 1983 and beyond is not only uncertainty about actual resources, but that very large areas will be offered for sale, and we must estimate how much of the area will actually receive bids. We believe that the revenue estimates are sound, since they are based on reasonable assumptions, taking into account uncertainties.

Question 10. Please provide me with a list of State submerged lands sales and their location in relation to DOI's planned OCS sales. Were these sales taken into consideration in developing DOI's 5-year plan? If not, why not? Also provide, if available, revenue estimates from those sales. Does DOI view those sales as being in competition with DOI's planned OCS lease sales? What were the anticipated effects on bonus revenue to DOI and was that taken into consideration in developing your revenue projections?

Response. To date, leases have been issued in State waters off of Texas, Louisiana, and Alabama; off of California in the Santa Barbara Channel and in the San Pedro area off of Los Angeles; and in the Upper Cook Inlet and Beaufort Sea off of Alaska.

In many cases, these State leases have directly influenced Federal lease sales. For example, leases in the Upper Cook Inlet had a direct influence on the evaluation of tracts offered in sale CI (1977). Mobil Oil's gas discovery on a State lease in Mobile Bay, Alabama, had a direct effect on sale 67, Gulf of Mexico (1980), in that the adjacent tract in Federal waters received the highest bid for that sale. In the State/Federal Beaufort Sea Sale (1979), 62 State tracts with a high bonus of $587 million were leased as compared to 24 Federal tracts with a high bonus of $589 million. These effects, however, are dependent upon drilling results and cannot be meaningfully estimated in advance. Therefore, effects of planned or potential State leasing on Federal revenues were not considered.

Regarding future State offshore lease sales, no lease sales are known to be planned for the east coast States. Although Delaware has expressed an interest in future offerings, no plans have been announced. All of the Gulf of Mexico States which have leased in the past intend to continue offshore leasing, as far as we know. In the past, Louisiana has had the most aggressive schedule, usually holding sales each month. Texas has periodic sales of both onshore and offshore leases. Alaska has a lease sale schedule which is attached. California has roughly 360,000 acres under lease in the Santa Barbara Channel and off Ventura and Huntington Beach. It is also studying a proposal to lease 40,000 acres offshore Santa Maria in Central California.

With the exception of Alaska and Louisiana, no State provided us with an indication of its offshore leasing plans when requested to provide the Department with its laws, goals and policies which should be considered in formulating the 5-year leasing program. Louisiana was concerned about possible adverse effects of Federal leasing on its own leasing. Alaska recommended that Federal and State sale schedules be consistent.

State offshore leasing was not explicitly considered in developing the proposed final program (however, cumulative environmental and socioeconomic effects of Federal and State leasing activities were considered in the supplement to the Final EIS covering the proposed final program). As long as we expect to continue importing oil, it is in the national interest to make Federal and State acreage available for exploration at a rapid pace. More rapid State leasing is not reason for slower Federal leasing. Additionally, there are significant differences in resource potential between State and Federal waters in many cases, and different pre-lease planning requirements. These lead to different conclusions about the appropriate location and timing of sales in State and Federal waters. Also, leasing programs of States may not have the same goals and objectives as those of the Federal OCS program which were established by the 1978 amendments to the OCS Lands Act. For these reasons, we

do not view State sales as in competition with Federal sales.

Question 11. Have your assumptions regarding either the acreage to be leased or the resources necessary for the management of the program changed as a result of the April 10, reestimation of the receipts to be derived from the accelerated OCS leasing program? If so, please provide the revised estimates.

Response. The basis for the reestimate is explained in the response to question 7. These changes do not affect workload or other resource needs. As a practical matter, it is the expected results of leasing programs that lead to receipt estimates, not the other way around, as this question might suggest.

Question 12. There exists a concern on the part of some major firms that are active participants in OCS exploration and development that the tentative proposed final OCS leasing schedule will present a set of problems to the industry that may not be easily overcome. For example, a recent criticism of the schedule is that it will overload the industry's capabilities to properly evaluate, explore and subsequently develop the vast amount of acreage that is to be offered by DOI. What is your response to this?

Response. See the response to question No. 3 of your April 19, 1982, letter. In general, the offshore oil industry has been supportive of the proposed 5-Year OCS Leasing Program. There is no doubt that it will provide a challenge, particularly to individual firms. On the other hand, it is neither necessary or likely for industry to "evaluate, explore, and subsequently develop the vast amount of acreage that is to be offered." The intent of the revised program is to make available a wide range of opportunities for investment in evaluating and exploring the OCS. Firms may decide within their individual financial and technical capabilities where, when and how much to invest. The resulting process of inventorying and developing our OCS resources will be more efficient and expeditious than one that depended on the government's ability to evaluate and anticipate industry's "capabilities" and to plan a leasing program that is constrained by those estimated capabilities. The proposed 5-Year Program harnesses the strength of the free enterprise system to the potential of the OCS.

Question 13. In preparing the tentative proposed final 5-year leasing schedule did DOI take into account the world-wide exploration activities of those firms thought most likely to participate in OCS lease sales? Was any consideration given to the possibility that firms may be constrained from participating by other commitments in other OCS areas of interest?

Response. The program is based on the principle that firms should decide how to invest, on the basis of their commitments and resources, rather than having the government restrict the availability of opportunities for investment in inventorying the OCS on the basis of questionable estimates of commitments and capabilities. A resource development program limited by past "commitments" would never provide the opportunities for rapid deployment of our Nation's economic resources in response to potentially great pay-off. The marketplace, rather than the government planner's office, is the best place for decisions on commitments to be made. See also the response to question #3 of your April 19, 1982, letter.

Question 14. How many rigs and what type (i.e., jack-up, semisubmersibles, etc.,) will be required over the course of the full 5-year leasing schedule should it fully meet your projections as to the amount of acreage leased? How many exploration wells are you projecting will be drilled and in which planning areas?

Response. The Final Supplement to the EIS on the 5-year program estimates a total of over 1500 exploration wells. This number is based on conditional resource estimates (assuming commercial discoveries in each area) and could be reduced if early exploration efforts in some planning areas are not successful. All types of drilling rigs are expected to be required, but total number of rigs and number of each type was not estimated. Comments from support industries indicated that drilling equipment should not constrain OCS development. (See response to question #3 of your April 19, 1982, letter.) The program has been developed on the assumption that equipment will be built and manufactured to meet whatever demands result from leasing activity under the schedule. Increases in the supply of the rigs, etc. over the past few years have indicated that this assumption is well founded.

Question 15. It appears as if, at this time, the construction of the Alaskan Natural Gas Transportation System (ANGTS), is uncertain. In your ranking of the Diapir field, you assumed 14.8 TCF of gas could be produced, and one assumes, transported through the ANGTS pipeline. Is it not appropriate to review the placement of the Diapir field on your leasing schedule in view of the fact that the net economic value of the field may be substantially reduced because of the unavailability of the means to transport the gas to the marketplace? Your views on this would be appreciated.

Response. The effect on net economic value of not producing gas discovered in the Diapir field was examined in response to comments received on the tentative proposed Final 5-year OCS Leasing Program. While its net economic value would be reduced from $47 billion to $25 billion, the Diapir Field's ranking among OCS planning areas would drop only from fourth to sixth. This would not substantially alter the placement of the area in the leasing schedule. Early exploration is warranted by the potential oil discoveries. Discoveries of gas during this process could be considered in investment decisions concerning the Alaskan Natural Gas Transportation System.

Question 16. In your response to a question contained in my letter of April 19, regarding the effects that DOI's tentative proposed final leasing schedule would have on competition, you indicated that no study had been performed relating to this issue. How did you propose to balance the various policy considerations contained in the OCSLAA without any information upon which to base decisions? You indicated that you analyzed and "considered" a variety of comments in formulating the program. Generally, what was the substance of the comments? How did you take them into consideration in formulating the program?

Response. The fact that no study had been done on the effects of the leasing program on competition does not mean that there was no information on that subject upon which to base decisions. In fact, a substantial discussion of the role of competition and the effect of the role of leasing on competition was provided in the Secretarial Issue Document of March 1, 1982 (see Appendix 3 to that document).

Comments received on the effects of the proposed program on competition fell generaly into two sets. One view was that competition has been inadequate and would be decreased by offering OCS acreage more rapidly. The other view was that competition has been intense, particularly on better prospects and will continue to be an adequate basis for assuring receipt of fair market value. Consideration of these comments is reflected in the Secretary's decision to move forward with an aggressive leasing program, placing greater reliance on the competitive bidding process to assure receipt of fair market value, while retaining procedures for government evaluation of a significant portion of the tracts receiving bids.

Question 17. Please provide a synopsis of comments received to date relating to the tentative proposed final OCS oil and gas leasing schedule.

Response. Enclosure 9B of the letter sending the proposed final program to the President of the Senate contains a synopsis of comments received on the tentative proposed final program. A copy is attached.

TAX EQUITY AND FISCAL RESPONSIBILITY ACT—CONFERENCE REPORT

Mr. LEVIN. Mr. President, I would like to take this opportunity to discuss my reasons for voting against the 1982 tax bill passed by the Senate yesterday. This was not an easy vote because the bill contained several provisions, such as those affecting multinational oil companies and mergers, which I believe were meaningful attempts at tax reform. It was also not an easy vote because I am fully aware of the need to reduce the Federal deficit in fiscal year 1983 and beyond. On Wednesday I voted for the reconciliation bill which will cut spending in important programs by over $13 billion over the next 3 years. On Tuesday I voted against the defense authorization bill for fiscal year 1983 because it called for more spending than a secure national defense required or a struggling economy could stand. And yesterday one part of me would have liked to vote for another deficit reduction measure.

But after carefully analyzing all of the individual provisions of the tax bill, I came to the conclusion that it was too high of a price to pay. Many aspects of the bill were troubling to me. Three of them were as follows:

First, the provision on additional weeks of unemployment compensation was a stopgap measure which would carry the politicians, and, incidentally, the unemployed through the election. It will take the wind out of the sails of a movement for more basic reform of the unemployment compensation system which would have benefited Michigan and similar States with high unemployment more than the one in the tax bill. The basic reform stood a reasonably good chance of passage this year.

The unemployment benefits provision creates the illusion that high un-

employment States have nothing more to worry about, when in reality it will, I am afraid, foreclose the possibility of meaningful reform. On paper it may look like the bill gives Michigan 10 additional weeks of unemployment benefits. But actually, within 2 months, when it is likely that Michigan will trigger off extended benefits, it will give many of the unemployed in Michigan fewer weeks of extended unemployment compensation than they would have been eligible for if the mistakes in last year's reconciliation bill had never taken place or had been corrected this year. In last year's bill not only did the Congress schedule an increase in the trigger for extended unemployment benefits for weeks beginning after September 25, 1982, but it also modified the formula by which a State determines whether it reaches that new and higher trigger. This modification took the form of excluding individuals who have exhausted their extended benefits—weeks 27 through 39—from the calculation of the insured unemployment rate. For a State like Michigan, which has endured over 30 months of double-digit unemployment, this change in the formula can be devastating. What it says, in a sense, is that too many people in Michigan have been unemployed for too long to be eligible for long-term benefits. Such illogic demands fundamental reform, and what the Congress did in passing the tax bill was to create a smokescreen obscuring the need for reform and what will make less likely that otherwise very likely reform.

The practical impact of the unemployment provisions of the tax bill is that unemployed individuals in Michigan who exhaust their first 26 weeks of benefits in October will probably only be eligible for 10 weeks of benefits on top of the basic 26 weeks because Michigan will not be able to reach the new higher triggers for the normal 13-week extended benefit program. Basically, it comes down to this: If we had engaged in meaningful reform, States such as Michigan would have been eligible for 39 weeks of unemployment benefits in October, whereas the tax bill, in effect, sets a limit of 36 weeks. Furthermore, after March 31, 1983, when the tax bill's provisions expire, there is the very real possibility that States will still be enduring historically high rates of unemployment without being eligible for an extended benefits program. And if I might be cynical for just a brief moment, at that time there will not be the pressure of an oncoming election for the passage of even a stopgap program for additional unemployment benefits.

Second, I was opposed to both the substance and the process of the provision which would have imposed upon restaurants reporting requirements with respect to tip income. These complex and burdensome requirements defy the imagination. Let me pose just a few of the questions which come to mind: In light of the fact that in many restaurants the turnover rate of tipped employees is quite high, will this requirement place an undue regulatory burden on some employers? Will the distinction required between table or carryout service place additional burdens on employers by requiring separate cash registers or tape computerization systems? Will the system of allocating 8 percent of gross receipts allow employers to practice favoritism, harass, pressure, or otherwise place unreasonable demands on employees? I cannot really believe that people who have for years urged that the Federal Government get out of the marketplace and out of the lives of individuals, are really proposing this bureaucratic nightmare.

Further, when there was a separate vote on the tip provision at the time the Senate first considered this bill, the tip provision was overwhelmingly defeated. But, nevertheless, the will of the Senate was ignored, after the will of the House had never even been tested, and this provision was added back in the bill in an eye-blurring marathon conference session. This arbitrary procedure is no way to enact a provision which could have such an intrusive impact on the lives of individuals.

Third, I was greatly concerned that the conference committee gutted an amendment which I offered to the withholding provision of the Senate version of the tax bill. This amendment would have required the Treasury to issue regulations to exempt financial institutions which could not comply with the withholding requirement without an undue burden. The original Senate bill, before my amendment, had a similar provision, but it only applied to small financial institutions and was open ended with respect to time. My amendment did not make any distinction with respect to the size of the financial institution and was still open ended. However, the conference committee agreement put a 6-month time limit on this provision. That change went a long way in watering down my original intent and hoped-for effect.

I believe that there was a better tax bill alternative. During the consideration of the Finance Committee version, Senator BRADLEY offered a substitute which would have preserved the benefits of the third year of the administration's tax cut for 85 percent of our taxpayers by asking for sacrifice from the most advantaged members of our country. The President said that the tax bill he was supporting this year would not harm the average working person. And nor would have Senator BRADLEY's. The difference was the Senator BRADLEY's amendment removed the need to impose regressive excise taxes as a way of making up additional revenue. The country would have been better served, in terms of basic equity, the Bradley proposal had been adopted in the place of the bill the Senate passed yesterday.

In conclusion, Mr. President, the tax bill which the Senate voted on yesterday had many good elements to it, but in my view, they could not outweigh the bad or questionable.

ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. PERCY. Mr. President, August 21 is the 14th anniversary of the Soviet invasion of Czechoslovakia, a day of sorrow for freedom-loving peoples everywhere.

The Czechoslovak people have set an outstanding example for all the captive nations. They have never accepted the Soviet occupation, and in 1977 more than 1,000 courageous Czechoslovak citizens signed Charter 1977, which petitioned the authorities to adhere to the Helsinki Final Act which both Czechoslovakia and the Soviet Union had signed 2 years earlier.

The Charter 77 movement has persisted in Czechoslovakia despite severe repression. Last month, our own U.S. Helsinki Commission published a compilation of Charter 77 petitions which are testimony to the indomitable spirit of the people of Czechoslovakia.

CONFERENCE REPORT ON TAX BILL

Mr. CANNON. Mr. President, I rise in opposition to the tax conference report of H.R. 4961, the Tax Equity and Fiscal Responsibility Act of 1982. Mr. President, this has been a difficult vote for many of my colleagues because this measure includes both positive and negative features. I could not, however, support this conference report because of several provisions which affect low- and middle-income taxpayers.

For example, Mr. President, I am deeply disappointed in the ruling of the Chair concerning the germaneness of the tip-reporting provision in the conference report. This part of the conference report was stricken from the Senate bill, and there was no such provision in the House bill. I am opposed to the tip-reporting provision, particularly, because of its dramatic impact on employees and employers in my State of Nevada. The reporting requirements represent an onerous burden to employers and to tipped food and beverage employees.

In addition, I could not support the adoption of a 10-percent withholding on interest and dividends. This means

yet another burden on the already-beleagured savings and loan institutions, and I believe that the cost of administering this provision will greatly outweigh the projected revenue to be gained from its adoption. I am thankful, however, that exemptions were provided, at least, for the elderly and those with very low incomes.

While I am glad that an airport and airway development bill was approved because it is important to our Nation's airport development, I am gravely dismayed that there were increases in general aviation taxes. I could not support the 8-cent-per-gallon increase in aircraft gasoline fuels, or the 3-percent increase in the air passenger ticket tax, or the reimposition of the international departure ticket tax. This is such a high amount for operation and maintenance, particularly when there is a substantial balance in the existing trust fund of some $2 billion.

Another provision I could not support, Mr. President, is the telephone excise tax increase which rises from 1 percent to 3 percent from 1983 through 1985. This is yet another burden on low- and middle-income taxpayers who are already shouldering a heavy tax burden, while working to make ends meet.

I also object to the medical expense deduction provision which limits the amount of medical expenses that taxpayers can deduct. Here, especially, Mr. President, is an area that is so vital to Americans—health. Each year, with rising health costs, it becomes harder and harder for the average American to afford adequate health care.

While I am pleased to see the additional weeks of unemployment benefits added in the conference report, I do not think that the conferrees went far enough in modifying the law with regard to extended benefits. With this Nation's unemployment rate at such a peak, I think this is one of our most urgent priorities.

And finally, Mr. President, I am concerned about the affect that the medicare cuts will have on its beneficiaries.

I should say, Mr. President, that I am pleased that this bill has taken steps to remedy the tax situation with respect to safe harbor leasing. I have advocated the repeal of at least half of the tax benefits approved in last summer's tax bill.

Nevertheless, Mr. President, there are too many provisions in this conference report that I could simply not support. I have enumerated the key ones for the record. For this reason, and at the urging of the majority of my constituency, I could not vote for this $98.3 billion tax increase bill—the largest in history.

JAPAN'S LATEST DEFENSE BUDGET DECISIONS FAIL TO MEET COMMITMENTS; DESPITE HEADLINES, PROGRAM THREATENS UNITED STATES-JAPAN MUTUAL SECURITY; CONGRESS MUST APPLY PRESSURE BY PASSING SENATE CONCURRENT RESOLUTION 46

Mr. LEVIN. Mr. President, earlier this week, the Senate approved the conference report on the Fiscal 1983 Defense Authorization Act.

This defense budget, which contains many programs needed to maintain and improve our national security, and several which are not, imposes substantial burdens on the American taxpayers.

Out taxpayers are becoming increasingly concerned about these burdens, expecially while the Federal Government is drastically reducing its commitment to important domestic programs.

As this concern mounts, I think it is instructive for the Congress to keep uppermost in mind the contrasts between our own efforts to defend ourselves and our allies in NATO Europe and Japan, and the contributions these other nations make to the common security.

I have spoken out may times on this issue, because as a member of the Armed Services Committee, I am confronted almost daily with the growing magnitude of American defense budgets and the insufficient military efforts of many of our allies.

While several of our NATO allies are contributing far less than their fair shares to the common defense, the prime offender—the nation which has contributed the least to our mutual security but which has the capability to contribute the most—is Japan.

I would like to focus the attention of the Senate on Japan's meager self-defense efforts at this time for two reasons.

First, in 10 days in Honolulu, Hawaii, senior American and Japanese defense and foreign affairs officials will meet to discuss mutual defense needs and each nation's contributions to satisfy them. This group, known as the Security Subcommittee of the United States-Japan Security Consultative Committee, was established to help implement the Treaty of Mutual Cooperation and Security between our two countries.

I want to urge the American members of this subcommittee, as strongly as I can, to candidly inform their Japanese counterparts that their nation continues its failure to meet its common defense commitments, that the recent defense budget decisions in Tokyo—by their many inadequacies—threaten United States-Japan security, and that Japan must rid itself of the complacency which marks its self-defense efforts.

The American representatives should determine to the Japanese that their business as usual attitudes toward their own self-defense needs and their commitments to our mutual security are becoming more and more unacceptable to the American people. Our officials should deliver this message loudly and clearly, without any of the diplomatic niceties which usually obscure such discussions, and they should prevail upon the Japanese representatives that Japan must increase its defense spending.

Second, I want to present further troubling evidence why our representatives should adopt this determined position at the Security Subcommittee sessions, and why the Senate should pass—as soon as possible after the Labor Day recess—Senate Concurrent Resolution 46, my resolution calling upon Japan to meet its mutual security commitments by significantly increasing its annual defense spending, as it has promised to do.

Senate Concurrent Resolution 46 is cosponsored by a majority of the Senate—53 of us to be exact. It reflects a dissatisfaction with Japanese defense contributions held by Americans throughout our Nation, not just by those who are experiencing hard economic times due to Japan's discriminatory trade policies. The cosponsors represent all regions of the United States, both parties and all positions on the political spectrum.

Senate Concurrent Resolution 46 is a moderate measure, Mr. President. In fact, some of my colleagues consider it too modest in its tone. But is sends a clear signal to the people of Japan from the people of the United States. I shall insert its text into the RECORD at the conclusion of my statment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. The Foreign Relations Committee already has held hearings on this legislation, and I want to express my thanks to Chairman PERCY and Senators HAYAKAWA and GLENN for their cooperation in expeditiously considering Senate Concurrent Resolution 46.

The Senate should overwhelmingly endorse Senate Concurrent Resolution 46, Mr. President.

Not to do so would demonstrate incredible insensitivity to the American taxpayers and would undermine the efforts of the executive branch to urge the Japanese to increase their defense spending annually.

The executive branch is not being aggressive enough as it is in such endeavors. Congress needs to push it further, as well as to show the Japanese that there is no division within the U.S. Government on this issue. Passage of Senate Concurrent Resolution 46 would apply reasonable and appro-

priate pressure on both the executive branch and on the Japanese Government.

The requirement for passage of Senate Concurrent Resolution 46 has become even more pressing in light of the Japanese Government's decisions late last month about its 1983–87 defense program.

The press greeted Japan's decisions to nominally increase defense spending in 1983, and to increase military hardware procurement between 1983–87, as a positive step.

Upon close examination, however, these decisions are a further set back to American efforts to convince Japan to increase defense spending and a further widening of the growing gap between Japanese rhetoric and actions about how they will expand their efforts to meet their common security commitments.

Just 1 year ago, in May 1981, Japan's Prime Minister Suzuki made such a commitment after his summit meeting with President Reagan. He promised Japan would make "even greater efforts" to improve its self-defense capabilities. More importantly, he declared it was Japan's policy to defend the sea space for several hundred miles around the home islands and the sea lanes of communication out to 1,000 nautical miles from Japan.

Japan is now unable to accomplish this mission, and it has been calculated it would require between 10 and 12 percent annual growth in defense spending, after inflation, between 1983 and 1987 for that nation to achieve these capabilities by the end of this decade, if then.

Japan's 1983 increase over 1982 represents only about $760 million, which will not even buy one capable destroyer these days. Since it will be spread around the entire defense budget, its impact on improving the self-defense forces will be even further diluted.

The nominal increase is also well below the nominal 11 percent growth recommended by Japan's own defense agency, the reported 10 percent real growth suggested by the United States, and the calculations by Japanese experts of the annual growth needed to meet the 1,000-mile sealane defense commitment.

Detailed analysis of the increase also shows that most of it does not embody new efforts to improve Japan's self-defense forces but instead represents present funding of past limited initiatives. One Japanese Defense Agency official has stated that almost all of the 1983 increase consists of outlays for previously obligated programs. To take credit for these programs now would be a form of double counting, and the Japanese deserve no credit for such an exercise.

It has been calculated by knowledgeable sources that just to meet these past obligations and to finance the normal operations and maintenance of Japan's existing forces would have required a 9.1 to 9.7 percent nominal increase in 1983. Thus, there may well be a real decline in Japan's military capabilities because of its insufficiency.

This low growth in 1983, coupled with the inadequate program planned for the following 4 years, insures that Japan's promised improvements to meet its policy commitments, especially the 1,000 nautical miles pledge, will be delayed even further beyond 1990. The Director General of the Defense Bureau of the Japanese Defense Agency even admitted this at a press conference after the 1983–87 plan was announced.

Our own defense plan maintains an average 6.5 percent annual real growth in 1983–87.

Furthermore, the 1983–87 projections will postpone, even longer, completion of Japan's military improvement program established in 1976—a program now recognized as outdated and deficient by the Japanese themselves in light of expanded Soviet military capabilities in the Far East.

Much has been reported about how the 1983–87 midterm defense program increases the number of aircraft and ships to be purchased for Japan's arsenal. Unfortunately, careful scrutiny discloses that this program still buys far fewer P–3C antisubmarine patrol aircraft, F–15 air defense interceptors, submarines and ships than are necessary to carry out the 1,000 mile sea lane defense policy.

Most shocking is that this 5-year program makes only marginal improvements in the defense budget area acknowledged to be the weakest link in Japan's self-defense chain—logistics and sustainability. Even the limited numbers of aircraft and ships being purchased will do little good if the pilots and sailors aboard them run out of ammunition and fuel. All three self-defense forces—Army, Maritime, and Air Force—suffer from this condition.

The Executive Director of Tokyo's Research Institute for Peace and Security, Seiichiro Onishi, recently was reported to conclude: "The priority is on mainstay items, but in logistical support, there is a shortage." Despite U.S. requests that Japan stockpile a 3-month supply of ammunition, for example, the Nation continues to maintain only a half-month's supply, it has been reported.

Mr. President, with our own defense concerns in the Persian Gulf and Pacific Ocean regions I do not think we should have to worry about our Japanese ally running out of bullets, bombs, aircraft missiles, spare parts, and gasoline.

Finally, much will be made in the near future about how Japan's annual defense spending soon will approach or exceed 1 percent of its gross national product (GNP), a statistic which has been the magic ceiling beyond which no Japanese Government has recently dared to go for fear of public rejection. The 1983–87 program will be given credit for reaching this milestone, which many of us have been urging for several years.

Americans should not be deceived by this occurrence, because it will be much more a product of slower-than-expected growth in Japan's GNP than it will be due to substantial increases in defense spending. Breaking the 1 percent of GNP barrier will be a statistical event. It will not mean Japan is meeting its self-defense and mutual security commitments by devoting sufficient national resources to improving its military.

Until Japan meets these commitments with adequate budget resources, the Japanese should understand that breaking the 1 percent of GNP barrier will not be praised in the United States. They should understand that the sophisticated observers in the Congress, the executive branch and the American public will not stop urging Japan to increase its self-defense capabilities and budget in substantial, meaningful ways.

Mr. President, Japan's new 5-year defense program is a major disappointment, not a cause for celebration. At the end of this program, with the Japanese forces which are to be purchased and maintained between 1983–87, if the Soviets were to try to sever Japan's sea lines of communication out to 1,000 miles from the home islands, Japan's economy probably would collapse and its freedom would be threatened.

I hope our representatives underscore this conclusion to their Japanese counterparts at the Security Subcommittee meeting. I hope they also urge them to reconsider the present 1983–87 program with the goal of expanding it to develop Japanese capabilities for a sustainable self-defense out to 1,000 miles by 1990. I also hope they ask the Japanese to increase their contributions to the support of U.S. forces based in Japan, in light of these present inadequacies in Japan's defense efforts.

Japan can accomplish all this during its final budget deliberations later this year.

The American people are united in urging this reversal of Japan's present, inadequate self-defense course. I am confident that the Senate will reflect this sentiment by adopting Senate Concurrent Resolution 46 by a resounding vote. I urge my colleagues to do so, and I hope the Japanese Government will be paying attention.

EXHIBIT 1

SENATE CONCURRENT RESOLUTION 46—Concurrent Resolution Relating to Mutual Security Efforts of the United States and Japan

Mr. LEVIN submitted the following concurrent resolutoin: which was referred to the Committee on Foreign Relations:

"S. CON. RES. 46

"Whereas current international developments indicate the need for greater efforts on the part of the United States and is allies in defending democratic values and ideals;

"Whereas the joint communique recently signed by Japan's Prime Minister Suzuki and President Reagan recognizes that the alliance between the United States and Japan is built upon shared values of democracy and liberty;

"Whereas the United States-Japan Treaty of Mutual Cooperation and Security states that the parties will maintain and develop their capacities to resist armed attack;

"Whereas, in the joint communique signed by Prime Minister Suzuki and President Reagan, the Prime Minister stated that Japan will seek to make even greater efforts for improving its defense capabilities; and

"Whereas Japan has demonstrable economic strength and yet contributes less of its national resources for defense expenditures than any country of comparable economic base: Now, therefore, be it

"Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that both the United States and Japan should exert maximum efforts to resist Soviet challenges to security and democracy in Asia.

"SEC. 2. It is further the sense of the Congress that Japan should make a greater contribution to its own defense so that a full partnership and closer cooperation in sharing the burden of common defense can be achieved, thereby enhancing the combined effectiveness of Japanese and United States defense forces in preserving peace and security in Asia.

"SEC. 3. It is further the sense of the Congress that, as a tangible sign of commitment to these aims, the Government of Japan should increase its defense expenditures to the level of at least 1 per centum of that country's gross national product."

SOVIET DAY OF SHAME

Mr. LEVIN. Mr. President, today marks the 14th anniversary of the Soviet-led invasion of Czechoslovakia, now known as the "Soviet Day of Shame." It is important that the United States—a country dedicated to national self-determination and democratic and humanitarian ideals—commemorate this day by honoring those brave Czechs who refuse to relinquish their pursuit of political and civil liberties and of fundamental human rights. In observing the "Soviet Day of Shame" we not only honor the Czechs, but we rebuke Soviet intervention and repression in a land whose people yearn to live in a more democratic society.

The struggle to establish a freer society predates 1968. In 1918, Czechoslovakia was the first among Eastern European countries to become a liberal democratic polity. A Communist coup in 1948 negated strides taken toward democracy. Yet it did not diminish the freedom-loving spirit of the Czechoslovakian people.

In 1968, for a regrettably brief period, Czechoslovakia enjoyed the reinstitution of a more liberal society. Under the rule of Alexander Dubcek, a program entitled the action program was introduced. Although it maintained the primacy of the Central Party, it substantially reduced the party's role in national life, while calling for expanded political and civil liberties and lifting of restrictions on media, cultural events, education, and religious practices. No sooner had the Communist-imposed bans been lifted, than the Soviets (fearing a diminution of control) invaded the small country, squelched the democratic advances and reimposed a government sympathetic to Moscow.

On the pretext that the Czechs had violated the Warsaw Pact, the Soviets ordered a "normalization process." The so-called "normalization" resulted in abnormalities in the political, cultural, and religious lives of the Czechs. "Normalization" gave rise to a society where party dogma determined and permeated every aspect of Czechoslovakian life. Czechoslovakian resistance to Soviet sanctions, to this day, leads to imprisonment and persecution. A particularly noteworthy and courageous group of citizens signed two documents, "Charter 77" and "Petition 78", which reveal the atrocities their fellow countrymen suffered and continue to suffer at the hands of the Soviets.

After 14 years, the situation in Czechoslovakia remains grim. It is appropriate that we denounce Soviet transgression of international accords and subjugation of the Czechoslovakian people today, as we did in 1968. In recognizing this day, in some small measure, we may help alleviate their suffering and let them know that we support their struggle to achieve a state where the Czechs will determine the political future of Czechoslovakia.

THE SOVIET DAY OF SHAME

Mr. PELL. Mr. President, August 21 marks the 14th anniversary of that day in 1968 when the Soviet Union, in blatant violation of the United Nations Charter, brutally invaded Czechoslovakia with 600,000 Soviet and Warsaw Pact troops, thereby extinguishing the flames of freedom and liberty which had begun to burn so brightly in Prague that spring.

During 1968, the Czech and Slovak peoples began an unprecedented experiment in "socialism with a human face." Acting in accordance with the principle of "sovereign equality" of all members of the United Nations, Czech and Slovak reformers set out to combine socialism with democracy and economic security with civil liberties. The role of the Communist Party, which had ruled Czechoslovakia for 20 years with an iron fist, was weakened. Censorship was abolished and, as a result, the press, radio, and television became "schools of democracy." The despicable acts of the Communist Party—the purges, trials, tortures, executions, denial of human rights—were being brought to light, publicly discussed and criticized. The people of Czechoslovakia, who had had a tradition of pluralist democracy before the imposition of communism in February 1948, soon began to discredit the system of one-party rule by the Communist Party. Civil liberties were restored; political prisoners were rehabilitated. The people of Czechoslovakia began to enjoy some of the freedoms which we, in the West, so often take for granted.

As a Foreign Service officer who had established our Consulate Consul at Bratislava, in Czechoslovakia, shortly after the Communist coup of 1948, I saw firsthand how the Czech and Slovak peoples were robbed of fundamental freedoms and basic human rights. In 1968, these brave people made great strides toward regaining these rights and humanizing the Communist system under which they had lived for 20 years. In fact, Czechoslovakia became the most liberalized state in Eastern Europe. One can imagine how high the flames of freedom and liberty would have risen had not Soviet-led tanks and troops stormed into Czechoslovakia on that fateful day of shame in August. The Soviet invasion of Czechoslovakia under the banner of "proletarian internationalism" abruptly ended the Czechoslovakian experiment in "socialism with a human face" and forcibly prevented the people of Czechoslovakia from shaping their own future.

I have been deeply interested in Czechoslovakia since serving there 35 years ago. Since then I have followed events in Czechoslovakia with particular concern and visited there as often as I could, including just before and just after the Soviet invasion of 1968. In addition, as a member and former cochairman of the Commission on Security and Cooperation in Europe, I have continued to be involved with affairs in Eastern Europe.

I was encouraged for a short time in the mid-1970's after the Soviet Union signed the Helsinki Final Act. By signing that document, the Soviets agreed that "no consideration may be invoked to serve to warrant resort to the threat or use of force." However, the Soviet invasion of Afghanistan in December 1979 shows that the Soviet Union has not abandoned aggression as a means of undermining the politi-

cal independence and sovereignty of its neighbors. In addition, Soviet involvement in the situation in Poland and support for the Polish Government, which has waged an excessive and heinous campaign of repression against the Polish people since the imposition of martial law in December 1981, demonstrates that the Soviet Union has wanton disregard for the fundamental freedoms and the rights of the individual.

Similarly, the present government of Czechoslovakia has failed to fulfill obligations undertaken in the Helsinki Final Act, especially in the area of human rights. The continued imprisonment of Vaclav Havel and other leaders of the Charter 77 movement and of the committee for the Defense of the Unjustly Persecuted and increased pressure on religious activists make a mockery of the human rights provisions of the Final Act.

As we commemorate the 14th anniversary of the Soviet Day of Shame, it is fitting and proper that we remind the Soviet Union and the present regime in Czechoslovakia that the world is watching to see how they live up to obligations assumed in the United Nations Charter, the Helsinki Final Act, and other international covenants. Continued failure to fulfill the letter and the spirit of these agreements will have a major impact on future relations with the West. In particular, both governments must start respecting the human rights of people living within their borders, and the sovereign rights of nations along their borders. The tragic events of August 21, 1968, must not be repeated yet again.

"A MILESTONE FOR RHODE ISLAND'S FEDERAL JUDGES"

Mr. PELL. Mr. President, last month the Federal District Court for the District of Rhode Island marked an important watershed. After 16 years of outstanding service on the Federal court, including the past 11 years as chief judge for the Rhode Island District, Raymond J. Pettine attained his 70th birthday and assumed the role of senior judge. Replacing him as chief judge is Francis J. Boyle, who for the past 5 years has served excellently and ably as a district judge. Simultaneously, President Reagan, at the recommendation of my colleague Senator CHAFEE, nominated Bruce J. Selya to fill the vacancy created by Judge Pettine's assumption of senior status. Mr. Selya's nomination has just been confirmed by the Senate this week, and he will shortly take his place alongside Chief Judge Boyle on our Federal court.

Raymond J. Pettine has been one of our Nation's most hard-working and scholarly Federal judges. His remarkable diligence and conscientious legal research produced opinions noted for their depth and scholarship. His decisions in many areas of law are of truly national significance, and have been referred to time and time again in other judicial decisions as well as legal publications and law school textbooks (Judge Pettine once told an interviewer that one of his proudest moments came when his son-in-law studied several of his decisions in law school).

Most notably, Judge Pettine's decisions reflect his sense of fairness and deeply felt concern for the human condition. His record on the Federal court is a tribute to his compassion and genuine humanitarian instincts. Many, many landmark Pettine decisions have opened the door to greater opportunity and a better life for the citizens who came into his courtroom.

Rhode Island is fortunate to have as fine a judge as Francis J. Boyle to succeed Raymond Pettine in the important role of chief judge. I have been privileged to know Frank Boyle as an attorney and leading citizen of my State for over three decades. Before his nomination to the Federal court, he was a highly respected trial attorney for 25 years, and a leading member of numerous civic, educational, religious, and professional organizations.

In his 5 years of service as a Federal judge, Judge Boyle has greatly distinguished himself and earned the respect of his fellow judges and the Federal court bar in Rhode Island. His workload has been an arduous one, and he has presided over a number of complex trials covering a wide range of legal issues. He possesses every quality of integrity, diligence, and professional excellence that a Federal judge should possess, and I know he will be a superb chief judge.

Bruce M. Selya is a welcome addition to our Federal court. He has been a leading trial attorney in Rhode Island for many years, and is a man of demonstrated professional achievement. I would point out that Mr. Selya is badly needed on the Rhode Island district court at this time. Our judges are among the very busiest in the Nation in terms of the number of civil and criminal cases handled by each judge. As of June 30, 1981, the Rhode Island district ranked sixth out of the Nation's 95 judicial districts in the number of pending cases per judge.

Rhode Island has been extremely fortunate to be served by a succession of outstanding Federal judges. Chief Judge Boyle, Senior Judge Pettine, and judge-designate Selya are very much a part of that tradition, and as their careers enter this new phase, it is appropriate that we recognize this important milestone for the district court in Rhode Island.

THE A.T. & T. SETTLEMENT

Mr. DANFORTH. Mr. President, yesterday the American Telephone & Telegraph Co., and the Department of Justice announced that they have agreed to terms which will settle their 8-year-old antitrust case. The results of this settlement are truly unprecedented. It will dramatically restructure the largest corporation in the world. And, it will help to assure America's leadership in telecommunications, perhaps the most dynamic sector of our economy, by bringing to the marketplace an A.T. & T. able to become a more vigorous competitor.

At the same time, the settlement contains safeguards absolutely essential to prevent anticompetitive conduct and to protect and promote the public interest. These safeguards would not be a part of the settlement were it not for modifications insisted upon by U.S. District Court Judge Harold Greene, modifications which Judge Greene realized were necessary after reviewing the proposed consent decree under the procedures and duties established by Congress in the Tunney Act.

United States against American Telephone & Telegraph Co., was one of the largest and perhaps most significant cases in the history of our antitrust laws. And, its settlement was the first time a case of this magnitude had been reviewed in light of the Tunney Act. The crucial protections that Judge Greene insisted upon and that the parties accepted are proof the act works as Congress intended. More importantly, they are a major victory for the American people.

With the Tunney Act, Congress ordered the process of approving antitrust settlements opened to public scrutiny and input. Too often, before the Tunney Act, consent decrees seemed to appear from nowhere. Too often, they seemed sweetheart deals between the Government and the defendants. So in the Tunney Act, Congress ordered all proposed settlements to be made public. Interested parties were to be given opportunity to comment. Judges were instructed to look beyond antitrust laws and the party litigants to determine whether a decree was equitable; they were instructed to accept only those decrees which were in the public interest.

Judge Greene, in reviewing the A.T. & T. settlement, has demonstrated the importance of the public's role in major antitrust cases. Some 600 comments concerning the settlement were filed with his court. Extensive oral arguments were heard. In exercising the powers Congress gave the Federal courts to identify and protect the public interest, Judge Greene went beyond the arguments of lawyers and took into account other factors, in-

cluding the clear will of Congress on some important issues.

The result of Judge Greene's Herculian efforts: A settlement that strikes a judicious balance of antitrust remedy and larger public interest concerns.

Mr. President, I am particularly heartened by one of the changes found necessary by Judge Greene and accepted by the parties. It addresses an issue I have cared about deeply for a long time. Furthermore, it ratifies action taken by the Senate last October—courageous action that was taken by this body in a highly charged political atmosphere. That issue, Mr. President, is whether A.T. & T. should be prohibited from the provision of electronic information publishing services so long as it possesses monopoly power in the provision of the transmission facilities upon which electronic publishing services are dependent.

Advances in telecommunications technologies are making possible the rapid development of this important new medium of mass communication. Electronic publishing services will provide Americans at home and at work with access to vast amounts of computer-stored news and information which can be called up on demand on home terminals and specially adapted television screens. For the immediate future the key link between these repositories of information and the public they serve will be the telephone lines.

I have long believed that first amendment principles require that this new medium of electronic publishing, which is now in the developmental stage, should be characterized by the same competition and diversity that characterizes our other information sources. And, I have long believed that such competition and such diversity would not develop if an unregulated A.T. & T. were allowed to enter this fledgling industry when it controlled access to the conduit through which electronic information must flow.

This issue was squarely before the Senate last year in S. 898, the Telecommunications Competition and Deregulation Act of 1981. My colleague from Kentucky, Senator FORD, and I perfected an amendment in committee which we believe established the proper public policy on this issue. In order to allow electronic publishing to develop into a viable and competitive medium, A.T. & T. was prohibited from electronically publishing information over its monopoly facilities. This amendment had the unanimous support of the Commerce Committee, and S. 898 passed the Senate overwhelmingly. Essentially the same policy was contained in House legislation this year where again there was broad, bipartisan support for the policy we established.

Part of that policy was reflected in the initial antitrust settlement proposal offered last January by A.T. & T. and the Department of Justice. Under that proposal, the divested local telephone companies would be prohibited from becoming electronic publishers over their monopoly telephone lines. Last week, Judge Greene found this arrangement to be in the public interest.

However, another aspect of the settlement proposal concerned me. A.T. & T., which will retain a virtual monopoly over all intercity lines, would have been freed to become an electronic publisher over those lines. But, Judge Greene, noting the clear will of Congress and the comments of many parties, found this unacceptable. Allow me to quote from his opinion.

Electronic publishing, which is still in its infancy, holds promise to become an important provider of information—such as news, entertainment, and advertising—in competition with the traditional print, television, and radio media; indeed, it has the potential, in time, for actually replacing some of these methods of disseminating information.

Traditionally, the Bell system has simply distributed information provided by others; it has not been involved in the business of generating its own information. The proposed decree would, for the first time, allow A.T. & T. to do both, and it would do so at a time when the electronic publishing industry is still in a fragile state of experimentation and growth and when electronic information can still most efficiently and most economically be distributed over A.T. & T.'s long distance network. If, under these circumstances, A.T. & T. were permitted to engage both in the transmission and the generation of information, there would be a substantial risk not only that it would stifle the efforts of other electronic publishers but that it would acquire a substantial monopoly over the generation of news in a more general sense. Such a development would strike at a principle which lies at the heart of the First Amendment: that the American people are entitled to a diversity of sources of information. In order to prevent this from occurring the Court will require, as a condition of its approval of the proposed decree, that it be modified to preclude A.T. & T. from entering the field of electronic publishing until the risk of its domination of that field has abated.

Mr. President, I commend Judge Greene on his insight and judicial fortitude in requiring this modification.

In summary, Mr. President, were it not for the procedures and powers given the Federal court by Congress in the Tunney Act, and the direction given by this body in the area of electronic publishing, this decision might not have been reached. But because of these actions, Judge Greene has been able to craft a decision which protects more than the parochial interests of the two litigants involved. Judge Greene has charted a wise course for the future of a dynamic industry. A.T. & T. and the Justice Department have been exemplary in their cooperation with the court throughout this suit, and have agreed to the imposed modifications. The American people can take pride in their Congress, pride in their court, and pride in the conduct of their fellow citizens, who fought this battle with a loyalty to the American system of justice that was nothing short of noble. Our country—its economy, its constitutional system, its people—will be the beneficiary of this historic case.

SENATE APPROVED CONFERENCE REPORT ON S. 2248

Mr. MITCHELL. Mr. President, on Tuesday, the Senate approved the conference report on S. 2248, the Department of Defense authorization bill for fiscal year 1983, I supported this conference report because I concluded that the report's benefits outweighed its deficiencies. For the record, I will take this opportunity to touch upon what I consider some of those benefits and deficiencies to be.

I was extremely pleased that the conferees, in their wisdom, saw fit to defer—for at least 1 year—the U.S. production of binary chemical weapons. I have voted on numerous occasions against the resumption of production of such weapons by all nations. I believe that our Government's emphasis should be on diplomatic efforts to prevent the manufacture and use of chemical and biological weapons. I do not accept the contention that such negotiations will only yield fruit if the United States races ahead and stockpiles more and more of these destabilizing tools of destruction. Though the debate on this subject clearly is not over, I applaud the conference for having deferred production for 1 more year.

The conference decision to retain the Inspector General provision added to the bill by the Senate is also noteworthy. Members of the House and Senate Armed Services Committees in the past have opposed efforts to establish an Inspector General's Office at the Pentagon. This year, the conference agreed that it will be beneficial to have, within the Department of Defense, an office the primary purpose of which will be to identify mismanagement, abuse, fraud, and waste, and to insist that actions be taken to remedy these problems when identified. It is clear there is no Government department which needs an Inspector General's Office more than the Department of Defense.

The conference acted responsibly when it decided to retain the provision in S. 2248 which authorizes for appropriations two nuclear aircraft carriers. These highly capable vessels are urgently required if our country's Naval strength is to be maintained at the level necessitated by our international reponsibilities and commitments.

Furthermore, I agree fully with the conferees' decision to insure that the National Guard and Reserve Forces receive the funds they require to replace aging equipment now in their inventories. The conference recommended a $200 million authorization for the Guard and Reserve Forces. We often forget the very important role played by the Guard and Reserve in the overall national defense effort. Currently, 33 percent of the Army's combat division strength is provided by the Army National Guard, and over 25 percent of the Air Force's fighter fleet is provided by the Air National Guard. The conference report acknowledges how vital these components are to our security.

Mr. President, recently, I shared with my colleagues my views on the issue of equity for former spouses. Although the full Senate never had the opportunity to debate this issue, many Members had expressed at various times the view that Federal law should permit the direct payment of retirement benefits to former spouses of members of the military. The conference report addresses this subject, and makes such payments possible as long as specific conditions prevail. The conference decision on this issue will permit service Secretaries to abide by the decrees of States courts relative to the distribution of military retirement benefits in divorce proceedings.

Lastly, Mr. President, the conference saw fit to cut from S. 2248 $100 million for civil defense crisis relocation. I have learned a great deal about this effort in recent months and am convinced that we are moving ahead much too quickly in this area. More thinking needs to be done and frankly, I believe we need to determine just how this relocation planning affects our strategic policy and the theory of deterrence on which this policy ostensibly is based.

Let me now turn to two of the major deficiencies of the bill covered by the conference report.

The Senate-passed bill struck the President's request for $1.5 billion to pay for the purchase of nine MX missiles. The conference decided not to adopt the Senate provision but instead to authorize $830 million for the purchase of five MX missiles. I continue to question the logic of financing the procurement of missiles the basing mode for which remains undecided.

The conference report also contains some $400 million for the B–1 bomber, which will most certainly be overcome by the technology of the Soviet Union in the early 1990's. The B–1 is a waste of money, and the funds intended for the B–1 program in my view should be devoted to an accelerated program for production of a more capable, longer lasting Stealth bomber

Mr. President, fortunately the conference report bill is an authorization for appropriations, and does not provide budget authority which will be forthcoming later in an appropriations measure. I am hopeful that some of the deficiencies regarding MX, the B–1, and other weapons systems of questionable value, can be corrected when the Department of Defense appropriations bill comes before us

Thank you, Mr. President.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:26 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House passed the bill (S. 1409) to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes, with an amendment; it insists upon its amendment, asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. UDALL, Mr. KAZEN, Mr. PHILLIP BURTON, Mr. SEIBERLING, Mr. MILLER of California, Mr. COHELO, Mr. LUJAN, Mr. CLAUSEN, and Mr. PASHAYAN as managers of the conference on the part of the House.

MESSAGE FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 20, 1982, received a message from the House of Representatives, announcing that the House agrees to the amendments of the Senate to the following concurrent resolution:

H. Con. Res. 399. Concurrent resolution providing for an adjournment of the House from August 19 to September 8, 1982, and an adjournment of the Senate from August 19 or August 20 or August 21 to September 8, 1982.

The message also announced that the Honorable MELVIN PRICE, a Representative from the State of Illinois, is elected Speaker pro tempore during the absence of the Speaker.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes.

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore has signed the following enrolled bill:

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 6968. An act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1983, and for other purposes; to the Committee on Appropriations.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 20, 1982, he had presented to the President of the United States the following enrolled bill:

S. 167. An act for the relief of Juan Esteban Ramirez.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–4109. A communication from the Principal Deputy Assistant Secretary of Defense (Comptroller) transmitting, pursuant to law, a report on certain transfers of funds appropriated to the Department of Defense; to the Committee on Appropriations.

EC–4110. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to Spain; to the Committee on Armed Services.

EC–4111. A communication from the Director of Facility Requirements and Resources, Office of the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics transmitting, pursuant to law, a report on certain military construction projects for the Air National Guard; to the Committee on Armed Services.

EC–4112. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Bank Merger Process Should be Modernized and Simplified"; to the Committee on Banking, Housing, and Urban Affairs.

EC–4113. A communication from the Secretary of Transportation transmitting, pursuant to law, the report of the Urban Mass Transportation Administration's second quarter report for fiscal year 1982; to the

Committee on Banking, Housing, and Urban Affairs.

EC-4114. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Impact of Congressional Review on Federal Trade Commission Decisionmaking and Rulemaking Processes"; to the Committee on Commerce, Science, and Transportation.

EC-4115. A communication from the Assistant Secretary of the Treasury for Legislative Affairs transmitting, pursuant to law, a report for 1981 on Fishery Allocations, Permits, and Foreign Import Barriers; to the Committee on Commerce, Science, and Transportation.

EC-4116. A communication from the Chairman of the Council on Environmental Quality transmitting, pursuant to law, the 1981 Annual Report on Environmental Quality; to the Committee on Environment and Public Works.

EC-4117. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a justification of an increase in the funding level of the proposed fiscal year 1982 program in Ecuador; to the Committee on Foreign Relations.

EC-4118. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a justification of an increase on the funding level of the proposed fiscal year 1982 program in Malawi; to the Committee on Foreign Relations.

EC-4119. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a justification of an increase in the funding level of the proposed fiscal year 1982 program in Morocco; to the Committee on Foreign Relations.

EC-4120. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a justification of an increase in the funding level of the proposed fiscal year 1982 program in Peru; to the Committee on Foreign Relations.

EC-4121. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, a report on the revision of a Privacy Act system of records and the report on the policies and procedures of the Copyright Office under the Privacy Act; to the Committee on Governmental Affairs.

EC-4122. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4123. A communication from the Director of ACTION, transmitting, pursuant to law, copy of the Final Notice of Guidelines for Mini-Grants; to the Committee on Labor and Human Resources.

EC-4124. A communication from the Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the John F. Kennedy Center for the Performing Arts for fiscal year 1981; to the Committee on Rules and Administration.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1138. Resolution adopted by the medical staff of St. Anne General Hospital, Raceland, La., supporting the administration's proposed repeal of PSRO and the repeal of Federal UR requirements, and opposing S. 2142 and S. 1250, bills for PSRO repeal and focus review profiles; to the Committee on Finance.

POM-1139. Resolution adopted by the Borough Council of Brentwood, Allegheny County, Pa., urging Congress to impose steel import limitations under the provisions of the Trade Act of 1974; to the Committee on Finance.

POM-1140. Resolution adopted by the Legislature of the State of New York; to the Committee on Foreign Relations:

"RESOLUTION

"Whereas the case of Raoul Wallenberg has been one of the most tragic, unresolved issues of the Holocaust; and

"Whereas as an agent of the government of Sweden, acting at the request of the American War Refugee Board, Mr. Wallenberg was responsible for saving the lives of tens of thousands of Hungarian Jews between July, 1944 and January, 1945; and

"Whereas on January seventeenth, nineteen hundred forty-five, Mr. Wallenberg was arrested by Soviet authorities and imprisoned; and

"Whereas although the Soviet government announced in nineteen hundred fifty-seven that Mr. Wallenberg had died in prison in nineteen hundred forty-seven, reports from former prisoners have provided evidence demonstrating that he has been alive as recently as nineteen hundred seventy-nine; and

"Whereas on October fifth, nineteen hundred eighty-one, with the signing of Public Law 97-54, the President of the United States, the Honorable Ronald W. Reagan, proclaimed Raoul Wallenberg an honorary citizen of the United States and endorsed the call that the United States government take all steps necessary to secure from the Soviet Union the whereabouts of Raoul Wallenberg and to secure his return to freedom; and

"Whereas the United States government has pressed this effort on behalf of Raoul Wallenberg on both a bilateral basis and at international forums, such as the United Nations Human Rights Commission in which the Soviet Union has been urged to make a humanitarian gesture, which may lay questions to rest; or else, in the best of all possible outcomes, result in the discovery of the whereabouts of a man who stands among the heroes of our time; and

"Whereas Raoul Wallenberg has now been imprisoned for more than thirty-six years and is now more than seventy years old, it is important that all efforts on his behalf be continued without delay by the United States government until the fate of this brave man has finally been ascertained: Now, therefore, be it

"Resolved, That this Legislative Body of the State of New York respectfully memorialize the Honorable members of the United States Congress, the Honorable Ronald W. Reagan, President of the United States and the Secretary of State of United States to use all appropriate diplomatic means to secure information from the government of the Union of the Soviet Socialist Republic concerning the fate of Raoul Wallenberg and that these efforts be concerning Raoul Wallenberg; and be it further

"Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the Speaker of the House of Representatives, the Honorable Thomas P. O'Neill, to the President of the Senate of the United States, the Honorable Vice-President George Bush, to the Honorable Ronald W. Reagan, President of the United States and the Secretary of State of the United States."

POM-1141. Resolution adopted by the National Federation of Business and Professional Women's Clubs urging congressional support and ratification of the U.S. convention on the elimination of all forms of discrimination against women; to the Committee on Foreign Relations.

POM-1142. A Joint resolution adopted by the Legislature of the State of California; to the Committee on Foreign Relations:

"ASSEMBLY JOINT RESOLUTION No. 78

"Whereas doctors and hospitals in California have in the past treated children from Mexico not covered by Medi-Cal or other health insurance; and

"Whereas hospitals have lost hundreds of thousands of dollars in uncollected fees to indigent Mexican patients; and

"Whereas rising medical costs, diminishing funds, and lack of space are putting greater limits on the amount of health care for children that can be given to nonpaying Mexican citizens in California hospitals and clinics, which could result in Mexican children being unable to obtain necessary care which cannot be obtained in Mexico; and

"Whereas some of the services being provided to children in California facilities could be done effectively in Mexican facilities; and

"Whereas this is an international problem which reaches to all levels of government, and involves the health, and the lives of children; and

"Whereas the health care of children is an area which is of concern to both Mexico and the United States: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and Congress of the United States to initiate discussions on the issue of border health care for children with the government of mexico for the purpose of establishing a child health care coordination policy agreement between the United States and Mexico; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1143. Resolution adopted by the board of supervisors of the County of Los Angeles, Calif., supporting House Joint Resolution 350, which will make a balanced budget requirement part of the U.S. Constitution; to the Committee on the Judiciary.

POM-1144. Resolution adopted by the National Federation of Business and Professional Women's Clubs supporting laws which help women achieve equity; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 2671. A bill to provide for the establishment of a Commission on the Bicentennial of the Constitution (Rept. No. 97-535).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Thomas F. Hogan, of Maryland, to be U.S. district judge for the District of Columbia;

Alex Kozinski, of the District of Columbia, to be a judge of the U.S. Claims Court for a term of 15 years;

Ross T. Roberts, of Missouri, to be U.S. district judge for the western district of Missouri; and

Raymond J. Dearie, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

By Mr. HATCH, from the Committee on Labor and Human Resources:

Edward A. Knapp, of New Mexico, to be an Assistant Director of the National Science Foundation.

The above nomination was reported from the Committee on Labor and Human Resources with the recommendation that the nomination be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

MODIFICATION OF REFERRAL OF S. 2805

Mr. HATFIELD. Mr. President, on August 3, I introduced S. 2805, a bill on timber contract problems, and it was referred jointly to the Committee on Agriculture and the Committee on Energy and Natural Resources with a 30-day requirement to report back or the bill would be discharged. The 30-day requirement was previously lifted as it related to the Energy and Natural Resources Committee. Because of the complexity of this, I now ask unanimous consent that the 30-day requirement be lifted as it refers to the Agriculture, Nutrition, and Forestry Committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 2869. A bill to modify the navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia; to the Committee on Environnment and Public Works.

By Mr. D'AMATO:

S. 2870. A bill for the relief of Mocatta & Goldsmid, Ltd., Sharps, Pixley & Co., Ltd., and Primary Metal & Mineral Corp; to the Committee on the Judiciary.

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 2871. A bill to provide that the moratorium on fringe benefit taxation Public Law 95-427) applies to the value of certain campus housing furnished by educational institutions to their employees; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2872. A bill to amend the Internal Revenue Code to clarify the exclusion from income for the value of lodging located in the proximity of an educational institution and furnished by such institution to its employees; to the Committee on Finance.

By Mr. MATHIAS:

S. 2873. A bill to amend the National Housing Act to provide for a mortgage and loan interest reduction program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CHAFEE:

S. 2874. A bill to amend the act of March 16, 1934, as amended, to credit entrance fees for the migratory—bird hunting and conservation stamp contest to the account which pays for the administration of the contest; considered and passed.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2875. A bill to authorize the Secretary of the Air Force to enter into long-term contracts for the lease of a limited number of housing units at or near not more than five Air Force installations for the purpose of providing badly needed family housing for Air Force personnel, and for other purposes; to the Committee on Armed Services.

By Mr. NUNN (for himself, Mr. TSONGAS, and Mr. BURDICK):

S. 2876. A bill to amend the Small Business Investment Act of 1958 to provide debentures for State development companies; to the Committee on Small Business.

By Mr. HATFIELD (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. CHILES, and Mr. HEFLIN):

S. 2877. A bill to amend the Internal Revenue Code of 1954 to provide an additional exclusion of interest and dividends for individuals 65 or over, and for other purposes; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. METZENBAUM):

S. 2878. A bill to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Finance.

By Mr. NUNN (for Mr. CHILES (for himself and Mr. NUNN)):

S.J. Res. 237. Joint resolution designating November 14, 1982, as "National Retired Teachers Day"; to the Committee on the Judiciary.

By Mr. THURMOND (for himself, Mr. ABDNOR, Mr. BAUCUS, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DURENBERGER, Mr. EAST, Mr. GOLDWATER, Mr. GORTON, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAXALT, Mr. LUGAR, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. RIEGLE, Mr. TSONGAS, Mr. KASTEN, Mr. GRASSLEY, and Mr. CHAFEE):

S.J. Res. 238. Joint resolution to designate October 9, 1982, as "National Running and Fitness Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. KASSEBAUM (for herself, Mr. CANNON, and Mr. INOUYE):

S. Res. 454. A resolution to promote the public safety and to prevent deterioration of aviation commerce by urging the President of the United States to take action to make the Nation's air traffic control system fully operational; to the Committee on Commerce, Science, and Transportation.

By Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. HATFIELD, and Mr. JACKSON):

S. Res. 455. A resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER:

S. Res. 456. A resolution opposing plans for nuclear war fighting; to the Committee on Armed Services.

By Mr. MOYNIHAN (for himself, Mr. D'AMATO, Mr. BRADLEY, Mr. BRADY, Mr. DECONCINI, Mr. DOMENICI, Mr. FORD, Mr. GARN, Mr. HATFIELD, Mr. HELMS, Mr. HUDDLESTON, Mr. JACKSON, Mrs. KASSEBAUM, Mr. LEVIN, Mr. LONG, Mr. LUGAR, Mr. RIEGLE, Mr. STAFFORD, Mr. SARBANES, Mr. STEVENS, Mr. STENNIS, Mr. TSONGAS, Mr. CHAFEE, Mr. BAUCUS, Mr. CRANSTON, Mr. ROBERT C. BYRD, Mr. JOHNSTON, and Mr. MATHIAS):

S. Con. Res. 117. A concurrent resolution expressing the sense of the Congress that September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day"; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 2869. A bill to modify the navigation project for Lynnhaven Inlet, Bay, and connecting waters, Virginia; to the Committee on Environment and Public Works.

MODIFICATION OF LONG CREEK CANAL PROJECT

Mr. WARNER. Mr. President, I am introducing legislation to modify the Long Creek Canal Project in Virgina Beach, Va. The purpose of the legislation is to authorize the Secretary of the Army to reimburse the city of Virginia Beach $1.63 million for remedial work done on the Long Creek Canal project. The city was required to carry out the work as a result of a Federal navigation project performed by the Army Corps of Engineers in 1965.

The Corps of Engineers acknowledges its responsibility in creating the need for this remedial work. Since 1977, the city of Virginia Beach has tried unsuccessfully to obtain these funds. In my judgment, the city is clearly entitled to Federal reimbursement of the city funds expended.

I hope my colleagues will join me in support of this legislation.

By Mr. MOYNIHAN (for himself and Mr. HEINZ):

S. 2871. A bill to provide that the moratorium on fringe benefit taxation (Public Law 95-427) applies to the value of certain campus housing furnished by educational institutions to their employees; to the Committee on Finance.

TAXATION OF CERTAIN CAMPUS HOUSING

● Mr. MOYNIHAN. Mr. President, the bill I am introducing today is of immediate concern to four New England colleges: Amherst, Wesleyan, Smith, and Wellesley. It is also of interest to other institutions.

The Senator from Pennsylvania (Mr. HEINZ) joins me as a cosponsor.

Wesleyan owns a number of houses and apartment buildings just off campus. The university purchased these to provide room for possible future expansion and to create a buffer zone around the campus. The dwellings are rented at cost to faculty members. They are unfurnished. The university pays the utility bills and has the snow shoveled in the winter, but offers no other services. It says its rental program is aimed at keeping faculty members near campus so that they have more contact with students. The rent is set so that the university recovers its costs. Wesleyan is not out to make a profit.

On December 8, 1981, the Internal Revenue Service issued a "technical advice memorandum" which states that the difference between the rent Wesleyan charges and the market rent it could collect is income to the faculty who live in the houses. Thus, Wesleyan should be withholding taxes based on that income. It also owes extra social security taxes. The ruling is retroactive. Wesleyan has been ordered to pay up for the last 3 years. The IRS cannot reach farther back than 3 years because of the statute of limitations.

Amherst, Smith, and Wellesley are in the same position.

In 1975, the IRS issued a discussion draft of regulations it was planning to publish on fringe benefits. The draft set off a furor. Members of Congress were deluged with mail from airline employees, who were upset about possibly having to pay taxes on their discounts on airline tickets, and from college professors who did not want to be taxed on tuition remissions that colleges offer children of university faculty. The IRS discussion draft was quickly withdrawn.

In 1978, Congress imposed a moratorium on fringe benefit regulations. The moratorium has been extended twice. The last time was in the 1981 tax bill. It expires at the end of 1983. According to the Joint Committee on Taxation:

Although the [moratorium] relates only to the issuance of regulations, it is the intent of the Congress that the [IRS] will not in any significant way alter, or deviate from, the historical treatment of traditional fringe benefits through the issuance of revenue rulings or revenue procedures, etc.

The IRS insists that this moratorium does not affect its decisions in the Wesleyan and other cases. That is because those decisions do not change the historical treatment of faculty housing. The colleges say that is not so.

My bill makes clear the moratorium applies to housing that is on or near campus and that is supplied at cost to the faculty members who occupy it. I am not asking the Senate to settle the underlying controversy over whether the rental discounts on the housing are income. Rather, this fringe benefit issue ought to be settled at the same time as the other fringe benefit issues. The bill also requires that any decisions on faculty housing be applied prospectively.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, along with the text of another bill on a similar subject.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2871

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1 of the Act entitled "An Act of prohibit the issuance of regulations on the taxation of fringe benefits, and for other purposes," approved October 7, 1978 (Public Law 95-427), as amended by Public Law 96-167 and Public Law 97-34, is amended by adding at the end thereof the following new subsection:

"(c) APPLICATION OF SECTION TO THE VALUE OF CERTAIN FACULTY HOUSING.—This section shall be construed to preclude the assessment, for taxable years or periods beginning prior to January 1, 1984, of Federal employment taxes (imposed by subtitle C) or Federal income taxes with respect to the value of lodging furnished by or on behalf of an educational institution described in section 170(b)(1)(A)(ii) to an employee (or his spouse or any of his dependents) of such institution if—

"(i) the lodging is located on a campus of, or in the proximity of, such institution, and

"(ii) such institution had a reasonable basis for not treating the value of lodging described in paragraph (i) as subject to such taxes.

For purposes of paragraph (ii), an educational institution shall be treated as having a reasonable basis for not treating the value of such lodging as subject to such taxes if such institution charged a reasonable rental amount for such lodging (even if such reasonable rental amount is less than the fair rental value of such lodging), taking into account such factors as the necessary direct costs of such institution in furnishing the lodging, the value of the lodging to the employee to whom the lodging is furnished, and any educational purposes of the institution in furnishing such lodging."

S. 2872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

(a) Section 119 of the Internal Revenue Code of 1954 (relating to meals or lodging furnished for the convenience of the employer) is amended by adding at the end thereof the following new subsection:

"(d) LODGING FURNISHED BY CERTAIN EDUCATIONAL INSTITUTIONS TO EMPLOYEES.—

"(1) IN GENERAL.—There shall be excluded from the gross income of an employee of an educational institution described in section 170(b)(1)(A)(ii) the value of lodging—

"(A) located on a campus of, or in the proximity of, such institution, and

"(B) furnished to the employee, his spouse, or any of his dependents by or on behalf of such institution.

"(2) RENT MUST NOT BE LESS THAN DIRECT COST OF LODGING.—Paragraph (1) shall not apply to the value of any lodging to the extent that the direct cost of such lodging to the educational institution exceeds amounts paid by the employee for the use of such lodging.

"(3) EMPLOYEES RESIDING IN UNIVERSITY HOUSING MUST NOT RECEIVE REDUCED COMPENSATION.—Paragraph (1) shall not apply to employees of an educational institution whose compensation is reduced because of their residence in lodging furnished by such institution."

(b) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

(c)(1) For purposes of the employment taxes, subsection (d) of section 119 of the Internal Revenue Code of 1954 (other than paragraph (2) thereof), as added by this Act, shall apply to all open taxable years beginning before January 1, 1982, if the educational institution had a reasonable basis for not treating the value of lodging described in paragraph (1) of such subsection as being subject to such taxes.

(2) For purposes of paragraph (1), an educational institution shall in any case be treated as having a reasonable basis for not treating the value of lodging as subject to the employment taxes if the educational institution charged a reasonable rental amount for such lodging, taking into account such factors as—

(A) the necessary direct costs of such institution in furnishing the lodging,

(B) the value of the lodging to the employees to whom the lodging is furnished, and

(C) the institution's educational purposes in furnishing such lodging.

The reasonableness of the rental amount shall not be affected by the fact that the fair rental value of the lodging may have exceeded the rental amount.

(3) For purposes of this subsection—

(A) the term "open taxable year" means any taxable year for which the assessment of a deficiency, or the allowance of any credit or refund, with respect to the employment tax involved is not barred by any law or rule of law, and

(B) the term "employment taxes" means the taxes imposed by subtitle C of the Internal Revenue Code of 1954.●

By Mr. MATHIAS:

S. 2873. A bill to amend the National Housing Act to provide for a mortgage and loan interest reduction program, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

MORTGAGE AND LOAN INTEREST REDUCTION PROGRAM

● Mr. MATHIAS. Mr. President, I am introducing today legislation to aid first-time home buyers in acquiring a home that they can afford.

The Home Buyers' Assistance Act seeks to reduce the cost of high mortgage interest rates by deferring part of the cost to later years as the homeowner's income increases or upon resale or refinancing of the home.

The vehicle I have chosen to do this is a below-market interest rate section 203 program. Section 203 is the basic FHA-insured conventinal 30-year mortgage. It has proven over the years to be a workable program for financing home purchases for many Americans. But even this program, in today's high mortgage interest rate environment, carries a 15-percent interest rate. Such a high rate of interest is simply intolerable for the vast majority of home buyers. So I have structured a mortgage interest reduction program to reduce that interest rate to a more affordable level.

My bill provides for the interest rate to be "brought down" by HUD through the Government National Mortgage Association to as low as 7 percent, depending on the home buyer's income and ability to pay. The Secretary of Housing and Urban Development would have the discretion to determine how deep the interest reduction should be within certain parameters spelled out in the bill.

First of all, the maximum annual household income would be limited to $30,000. That income limit could be increased to $37,000 where the HUD Secretary determines that a higher cost market exists.

The interest rate reduction payments would accumulate as a second lien against the property for up to 12 years or upon resale or refinancing of the property, whichever occurs first.

The home buyer would repay this second lien in gradually increasing payments which would increase by at least 5 percent each year. The home buyer's payment would be adjusted annually based on the home buyer's income and ability to pay. The monthly principal, interest, and mortgage insurance would, at all times, have to equal at least 25 percent of the home buyer's monthly income. So this bill is a self-financing one where the home buyer ultimately repays the interest reduction payments to the Federal Government. The ultimate cost to the Government of this home financing proposal is zero.

The interest rate reduction payments would accumulate as a second lien for up to 12 years repayable by the homeowner as I have just described.

Both the Federal National Mortgage Association (FNMA) and the Mortgage Corporation (Freddie Mac) are authorized to purchase these section 203 BMIR mortgages from Ginnie Mae. The bill requires an annual report to the Congress by the HUD Secretary on the number of households assisted, their income ranges, acceptability of the mortgages by the secondary market, and the general impact of the program on the housing market.

In order to insure sufficient equity in the home, the bill provides for a minimum down payment of 5 percent which may be increased in the discretion of the Secretary.

The initial capitalization for this program is the bill's $5 billion authorization over the next 5 years. This is a number my colleagues on the Banking Committee unanimously approved in May as a reasonable program level for a modest housing stimulus, crafted by the distinguished chairman of the Housing Subcommittee, Senator LUGAR. And I would note that the revised second concurrent budget resolution passed by the Congress anticipated at $3 billion program of this nature.

So the Congress is on record having recognized the severe housing crisis in which this Nation finds itself and having budgeted a sum to address this problem. All that is lacking is a program to obligate those funds in an expeditious manner. My bill would do this.

In structuring this bill, I have tried to avoid setting up new mechanisms or Government machinery and I have left as much discretion as possible with the HUD Secretary and the FHA underwriters in administering this program.

People know what the 203 program is. Buyers, sellers, builders, realtors, and mortgage finance institutions are familiar with what is commonly called the FHA program. So I have chosen to build on this tried and proven program which has been so successful in housing so many Americans over the years.

The bill does not specify the housing type which may be purchased, leaving that choice to the home buyers. The section 203 program is available to finance the purchase of both new and existing homes, in condominium form or fee simple. It is also available for townhouses, owner apartments, and mobile homes.

So a broad range of housing types and ownership forms are possible under my bill. It provides for freedom of choice in the marketplace by the consumer.

The American dream of a home of one's own has become more and more elusive for those who do not already own one.

The U.S. League of Savings Associations, in its publication Homeownership: The American Dream Adrift, reports that of all the 1981 home buyers, 13.5 percent were first-time purchasers, compared to 36 percent first-timers in 1977. The median purchase price paid by those first-time home buyers was $58,900. And more and more of them were buying condominiums—25.6 percent of all first-time purchases in 1981. Fifty-three percent of them made less than a 20-percent downpayment, while their median monthly housing expense (mortgage, taxes, insurance, utilities) totaled $721.

And shelter costs were eating up more and more of the first-time home buyer's income. In 1981, almost half (47 percent) of all first-time home buyers spent more than one-fourth of their household income on housing expenses.

Mr. President, I ask unanimous consent that a statistical profile table on repurchasers and first-time home buyers appear at the conclusion of my remarks.

Mr. President, even more disturbing is the shrinking percentage of home buyers able to afford a newly constructed home. The National Association of Homebuilders reports that only 11.2 percent of all families could afford the median-priced $70,000 new home in 1981, assuming they limited their housing expenses to one-fourth of their income. Mr. President, I ask unanimous consent that an NAHB table titled "Income and Expenses Needed to Purchase a New Single Family Home 1973-1981" appear at the conclusion of my remarks.

Mr. President, I would hope our Nation's homebuilders could take advantage of this bill's home financing technique for their unsold inventory and for additional new homes which they might bring to market within the affordability range of the first-time home buyer.

The national statistical profile of the first-time home buyer shows he or she is between the ages of 24 and 34 with a median household income of $34,000. More and more of these home buyers are single and, therefore, have less than the median income I have just cited which more often reflects the income of a two-earner household. Furthermore, their income is relatively high because so few first-time buyers can afford to buy in today's market.

To demonstrate what the $30,000 income home buyer can afford in today's market I ask that a table prepared by the Congressional Research Service appear at the conclusion of my remarks.

As one can readily see, the point at which a home buyer with a $30,000 income can afford the median-priced home cited by the National Association of Homebuilders is at a 13-percent interest rate, 2 points below the current FHA rate, assuming they have the cash for a 20-percent downpayment. The National Association of Realtors tells me that, in order to buy

down the current FHA rate to 12 percent, it would cost $1,800 per mortgage per year or $16,273 for the 12-year life of the second lien, taking into account the minimum 5-percent annual increase in homeowner payments. At year 12, however, the home would have appreciated in value and with resale or refinancing at that time, the second lien could be repaid leaving a balance in net equity for the homeowner.

Mr. President, this program promises immediate relief from the burden of high mortgage interest rates for not only the home buyer, but for others in the real estate chain including existing home sellers, new homebuilders, realtors, and mortgage finance institutions. These are extraordinary times for the housing sector of our Nation requiring extraordinary measures.

My Home Buyers Assistance Act promises such extraordinary help using existing, workable mortgage programs at modest initial outlays. I must emphasize again, however, that all of the initial Federal outlays are recaptured over time or upon resale or refinancing. It is a minimal price to pay to open the door of the American home to so many families.

I urge speedy consideration of this measure by my colleagues on the Banking Committee.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—REPURCHASERS AND FIRST-TIME HOME BUYERS, 1981 AND 1979—STATISTICAL PROFILE AT A GLANCE

	1981		1979	
	Repurchasers	First-time home buyers	Repurchasers	First-time home buyers
WHO THEY WERE				
A demographic profile:				
Median age (years)	34	28	34	27
Unmarried (percent)	27.9	40.6	20.6	30.7
One- and two-person households (percent)	54.4	76.2	48.1	69.8
An economic profile:				
Median household income	$40,197	$34,083	$28,796	$25,230
Importance of second income (percent) [1]	45.9	58.0	51.6	65.5
Median household net worth	$81,374	$30,514	$61,463	$22,617
Median equity from sale of previous residence	$38,900	$0	$30,877	$0
WHAT THEY PURCHASED				
Condominiums (percent)	20.8	25.6	10.8	11.8
New homes (percent)	26.8	20.7	32.3	23.6
Homes 25 or more years old (percent)	28.5	36.2	25.7	35.5
Median size of home (square feet)	1,489	1,264	NA	NA
AND ITS COST				
Median purchase price	$75,000	$58,900	$60,500	$48,950
Median downpayment	18,000	8,600	13,958	6,811
Median total monthly housing expense	834	721	563	501
Mortgage payment	639	565	411	366
Real estate taxes	75	58	60	50
Utilities	100	80	75	70
Hazard insurance	20	18	17	15
HOW THEY AFFORDED THEIR PURCHASE				
Less than 20 percent downpayment (percent)	27.3%	53.0%	38.7%	62.0%
Housing expenses exceeding 25 percent of household income (percent)	44.6%	47.1%	45.8%	45.1%

[1] Percentage of households with two adults in which income contributed by a second earner accounted for 10 percent or more of total household income.

Source: U.S. League of Savings Associations.

TABLE 2.—INCOME AND EXPENSES NEEDED TO PURCHASE A NEW SINGLE FAMILY HOME 1973–81

	1973	1974	1975	1976	1977	1978	1979	1980	Mid-year 1981
Median sales price	$32,500	$35,900	$39,300	$44,200	$48,800	$55,700	$62,900	$64,500	$70,000
Median square feet	1,525	1,560	1,535	1,590		1,655	1,645	1,595	1,600
Price per square foot	$21.31	$23.01	$25.60	$27.80	$30.31	$33.66	$38.24	$40.44	$43.75
Loan-to-value ratio	78.6	77.3	78.5	77.3	77.8	77.1	76.9	77.6	78.0
Mortgage amount	$25,547	$27,744	$30,869	$34,145	$37,950	$42,935	$48,360	$50,077	$54,600
Length of mortgage (years)	26.6	26.7	27.3	27.5	28.1	28.2	28.7	28.6	29.0
Contract interest rate (percent)	7.76	8.72	8.75	8.73	8.75	9.28	10.43	12.29	15.00
Monthly mortgage payment	$245.59	$287.23	$316.63	$350.94	$387.75	$454.14	$551.77	$644.47	$816.67
Principal and interest	189.44	223.65	248.15	273.41	302.90	358.56	442.89	528.92	691.67
Interest (1st yr)	164.32	200.70	224.14	247.38	275.64	330.87	419.22	511.93	681.84
Real estate taxes	48.75	53.85	58.95	66.30	73.20	83.55	94.35	96.75	105.00
Hazard insurance	7.40	9.73	9.53	11.23	11.65	12.03	14.53	18.80	20.00
Other monthly expenses	$62.11	$68.87	$74.35	$83.51	$96.53	$112.05	$119.05	$129.51	$141.00
Maintenance and repairs	21.91	24.14	25.49	28.64	30.13	33.90	35.38	37.61	41.00
Heat and utilities	40.20	44.73	48.86	54.87	66.40	78.15	83.67	91.90	100.00
Monthly housing expenses	$307.70	$356.10	$390.98	$434.45	$484.28	$566.19	$670.82	$773.98	$957.67
Annual mortgage payment	$2,947.08	$3,446.76	$3,799.56	$4,211.28	$4,653.00	$5,449.68	$6,621.24	$7,733.64	$9,800.04
Principal and interest	2,273.28	2,683.80	2,977.80	3,280.92	3,634.80	4,302.72	5,314.64	6,347.04	8,300.04
Interest (1st yr)	1,971.88	2,408.40	2,689.68	2,968.56	3,307.68	3,970.44	5,030.64	6,143.16	8,182.08
Real estate taxes	585.00	646.20	707.40	795.60	878.40	1,002.60	1,132.20	1,161.00	1,260.00
Hazard insurance	88.80	116.76	114.36	134.76	139.80	144.36	174.36	225.60	240.00
Other annual expenses	$745.32	$826.44	$892.20	$1,002.12	$1,158.36	$1,344.60	$1,428.60	$1,554.12	$1,692.00
Maintenance and repairs	262.92	289.68	305.88	343.68	361.56	406.80	424.56	451.32	492.00
Heat and utilities	482.40	536.76	586.32	658.44	796.80	937.80	1,004.04	1,102.80	1,200.00
Annual housing expenses	$3,692.40	$4,273.20	$4,691.76	5,213.40	$5,811.36	$6,794,28	$8,049.84	$9,287.76	$11,492.04
Income needed to afford:									
Expenses times 4	$14,769.60	$17,092.80	$18,767.04	20,853.60	$23,245.44	$27,177.12	$32,199.36	$37,151.04	$45,968.16
Expenses times 3	11,077.20	12,819.60	14,075.28	15,640.20	17,434.08	20,382.84	24,149.52	27,863.28	34,476.12
Median family income	$12,051.00	$12,902.00	$13,719.00	14,958.00	$16,009.00	$17,640.00	$19,684.00	$21,666.00	$23,513.00
Percent of families with income needed to afford:									
Expenses times 4	36.6	32.9	30.3	28.5	27.3	24.1	20.9	16.5	11.2
Expenses times 3	54.9	50.4	48.8	47.4	45.4	41.3	37.1	33.8	23.0

Source: Department of Housing and Urban Development, Federal Home Loan Bank Board, Bureau of the Census. Compilation, analysis and estimates by NAHB Economics Division.

TABLE 3.—MAXIMUM MORTGAGE AMOUNTS AND HOUSE PRICES BY INTEREST RATES FOR $30,000 ANNUAL INCOME[1]

	Maximum mortgage amount	House price
Interest rate—percentage:		
16	$46,400	$58,000
15	49,400	61,750
14	52,700	65,875
13	56,500	70,625
12	60,700	75,875
11	65,600	82,000
10	71,200	89,000
9	77,600	97,000
8	85,100	106,375
7	93,900	117,400

[1] Assumptions: Monthly payments to principal and interest do not exceed 25 percent of monthly income ($625); downpayment equals 20 percent of house price; term of mortgage is 30 years.

Note.—Mortgage amounts rounded to next lower $100.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2875. A bill to authorize the Secretary of the Air Force to enter into long term contracts for the lease of a limited number of housing units at or near not more than five Air Force installations for the purpose of providing badly needed family housing for Air Force personnel, and for other purposes; to the Committee on Armed Services.

THE AIR FORCE FAMILY HOUSING BUILD-LEASE ACT OF 1982

Mr. MURKOWSKI. Mr. President, today I am introducing, along with Senator STEVENS, legislation to permit the Air Force to undertake a new military housing pilot program in several locations around the country.

In recent years, military construction budgets have been slashed in an attempt to reduce short-term outlays. Serious family housing shortages have occurred as a result in several locations around the nation.

At Eielson Air Force Base near Fairbanks, Alaska, a critical housing need is resulting in lower morale and higher turnover than would otherwise be the case. At Eielson there will be 2150 families requiring housing by the end of 1982, but there are only 1247 housing units on base. We expect that 258 out of the 903 families unable to acquire on-base housing will also be unable to find housing in the Fairbanks area due to the low availability of housing locally.

As a result of this housing shortage, the Air Force must deny 62 percent of the requests of newly assigned personnel desiring to bring their families with them to Eielson. The average waiting time for on base housing is 4 months, but some eligible personnel have waited over 6 months—and the problem is getting worse. As you would expect, lower morale, lower retention, lower on-the-job performance, and higher turnover all take a toll on mission capability.

Mr. President, the Alaskan Air Command has made requests for new housing through Air Force channels. If the Air Force passes the request along to Congress in their regular budget submittal next year, and if Congress approves that request, we may see 100 new housing units built in Eielson in fiscal year 1984 followed by 100 new units in fiscal year 1986. However, the problem exists today and it will literally take years to correct using the conventional military construction program.

I believe there is a need for a new approach to respond to these situations with greater speed and flexibility than is possible under the existing military construction budgeting process. Today, I do not propose to replace that process, but I suggest we take a look at a new approach to complement that process. In two of the locations where the housing situation is critical—Fairbanks, Alaska, and Abeline, Tex.—concerned citizens have gotten together with base commanders to work out an alternative means of constructing family housing. The legislation I am introducing today embodies the fruits of their labor.

The Alaskan proposal—Operation Cool Hope—and the Texas proposal—Operation Ad Hope—envision private developers building housing to military specifications on land leased to them on the base. The developers would then lease the housing back to the Air Force. After a specified number of years the housing would revert back to the Air Force as would the land on which the housing was built. Instead of a single, "up front" construction expenditure, the Federal Government would spread its expenditures for leasing out several years.

Similar leasing arrangements are in successful use by the military in overseas installations. Current law allows the Air Force to enter into 10-year leasing arrangements overseas. My bill gives authority for the Air Force to undertake a limited pilot program where 30-year leases could be entered into. Under this program, the Air Force would pay no more than $1,000 per month per unit in "shelter rent" during the first year of the contract. "Shelter rent" is compensation to the developers for the fixed cost of the project, and does not include utilities and maintenance. This legislation also contains provisions to allow existing private housing to be provided in lieu of building new housing if it exists, and there is a provision requiring the Air Force to submit a report of the facts concerning a proposed contract to the House and Senate Armed Services Committees prior to the signing of the contract.

This approach is attractive to me for several reasons. First, it encourages the involvement of local communities in the development of a mutually beneficial working relationship with the Federal Government. This type of relationship exemplifies "New Federalism" at its best. Second, this program can be used to lower short-term construction outlays while providing badly needed family housing that would otherwise not be built for several years down the line. We already use multiyear arrangements for military procurement and entitlements—but unlike those areas where future Federal indebtedness cannot always be accurately projected, Federal indebtedness accruing from those construction contracts would be predictable on even fixed amounts. In a leasing contract like the ones which would be entered into using this approach, we know in advance what our future outlays will be. Clearly, the same cannot be said about procurement contracts or military retirement benefits. Finally, Mr. President, it has been frustrating for me to be made aware of housing situations that exist at Air Force Bases such as Eielson only to learn that the problem will take years to correct using the conventional military construction program. The Milcon program is a valuable, prudent manner to handle routine construction at our military bases around the world. However, it is clear that there is a need for a secondary, flexible approach to take care of urgent needs. I believe this legislation lays the groundwork for a pilot program to give us the experience and the data to determine whether to make this method of financing widely available for the construction of military housing.

I ask unanimous consent that the text of the bill appear following these remarks.

There being no objection, the bill was orderd to be printed in the RECORD, as follows:

S. 2875

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the Air Force Family Housing Build-Lease Act of 1982.

SEC. 2. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may enter into contracts for the lease of housing facilities, existing or to be constructed, at or near Air Force installations in the United States for assignment of such facilities, without rental charge, as public quarters to members of the Armed Forces, including enlisted members in the grade of E-4 and below. Such contracts may be made through negotiation.

(b)(1) A contract for leases of housing facilities uNot more than 300 housing units may be leased under this Act at any one location.

(c) Expenditures for the rental of housing facilities under a contract under this Act (exclusive of any costs for utilities, maintenance, and operation) may not exceed $1,000 per month for any unit for the first year of the contract.

(d) A contract may not be made under this Act until (1) the Secretary of the Air Force submits to the Committees on Armed Services of the Senate and House of Representatives a written report of the facts concerning the proposed contract, and (2) a period of 21 days elapses after the report is received by the committees.●

Mr. STEVENS. Mr. President, I am pleased to join with my colleague from Alaska in cosponsoring legislation authorizing the Air Force to enter into contracts for the long-term lease of privately built housing on or near Air Force bases.

The initiation of this type of program comes at an opportune time. We are in the process of rebuilding and restructuring our defenses. This process is causing problems at some military installations where the demand for housing is outstripping the supply. The shortage places burdens on the families of our military personnel. Families are being delayed in joining the service member at their new duty stations because suitable and affordable housing is not available. This causes morale problems which hurts the performance of the individuals involved. That in turn adversely impacts on the readiness of our armed services. It also hurts the rate of retention which has been improving lately—particularly among the skilled career personnel with families who are considering whether to remain in the service. It would be unfortunate if we lost some of these people because the shortage of decent affordable housing separates them from their families for unacceptably long periods of time.

Mr. President, my colleague from Alaska and I have a particular interest in seeing this type of pilot program tried. There is a serious shortage of family housing at Eielson Air Force Base near Fairbanks. It will be several years before adequate Government housing can be built. Not only is there a shortage of military housing, but

there is a shortage of civilian housing as well. This places strains on the whole community which obviously impacts on the service members and their families.

If this pilot project works—and I think it will—then these people's housing needs can be met without having to wait for regularly constructed military housing to be authorized, funded and constructed.

We should keep in mind that this is a pilot project. By making it a pilot project we will be able to test out the concept and make changes before applying it to the entire Department of Defense. At the same time, we can alleviate serious housing shortages facing Air Force families at several Air Force bases.

By Mr. NUNN (for himself, Mr. TSONGAS, and Mr. BURDICK):

S. 2876. A bill to amend the Small Business Investment Act of 1958 to provide debentures for State development companies; to the Committee on Small Business.

SMALL BUSINESS ADMINISTRATION STATE DEVELOPMENT COMPANY PROGRAM AMENDMENTS OF 1982

● Mr. NUNN. Mr. President, along with Senators TSONGAS and BURDICK, I am pleased to introduce the Small Business Administration State Development Company Program Amendments of 1982. The purpose of this legislation is to insure the continued Federal/State/private sector partnership that has existed through the Small Business Administration's State Development Company, or so-called 501 program, as a source of reasonable financing for small business.

This program is an integral part of the congressional policy to assist the small business community in meeting its financing needs by establishing a program to stimulate the flow of private equity capital and long-term loans to the business.

Under current Federal law, and pursuant to the laws of individual jurisdictions, a State economic development authority, or business development corporation, may be formed. The Small Business Administration is given explicit statutory authority to make long-term direct loans to these State business development companies. The proceeds of loans made to these companies may be used by these companies only to provide equity capital or long-term loans to small businesses. These companies typically derive their private capital by borrowing funds from financial institutions. They may then borrow directly from the Small Business Administration, up to the amount of its non-Federal capital.

In 1981, there were 24 State development corporations, although 16 States are most active. Nationwide, a total of 191 loans have been approved by the BDC's in 1981, with over $31 million being disbursed to the small business community. As an illustration of the Federal/State/private sector partnership in this program, bank financings to small businesses made in conjunction with "501" company loans totaled over $71 million. Almost one-half of these firms were in manufacturing. In addition, the program has cumulatively made almost 750 loans to small businesses, for a total loan volume of almost $106 million. Georgia has had a very active State development company program for several years.

Furthermore, to the best of my knowledge, there has never been a loss by the U.S. Small Business Administration on any loan to any State business development company, nor has the agency, or the Congress, found any significant programmatic problems.

Despite the apparent success of the program, one area where there is a potential problem is in the ability of the Federal Government to remain as an active partner in this program. As I indicated earlier, the current statute limits the Small Business Administration's participation with the State development companies to direct Government loans only. With the necessary budget reductions taking place, and the Small Business Administration's direct loans being the first area to be significantly reduced, it is imperative that the "501" program have an alternative funding vehicle.

This legislation will provide that alternative. Simply the bill provides that, in addition to the direct loan route which the Small Business Administration may use to participate in the "501" program, the SBA will be able to purchase or guarantee debentures issued by the State development company. This authority to purchase or guarantee debentures is similar to the existing authority that SBA has in its SBIC program, and in the "503" Certified Development Company program.

Furthermore, to insure that no additional budgetary requirements would be necessary to accommodate this "501" program change, the legislation provides that debentures issued under the "501" program shall be taken from the total authority already made available by Congress for debentures for the "503" Certified Development Company program.

Mr. President, to insure that there is no misconception about the regulatory authority which this legislation gives to the Small Business Administration, I want to clarify two points. First, there is nothing in this legislation that changes either the current relationship between SBA and the "501" companies, or between the "501" companies and their portfolio investments. The bill merely provides an alternative funding mechanism. Second, the legislation provides authority to the SBA to determine an overall regulatory scheme for deciding general appropriate uses of funds by the BDC's derived from the purchase or guarantee of the debentures. But this authority does not mean that the agency is given any authority to "approve" any specific investment, or individual use of proceeds. Currently, the agency's regulations (13 CFR 108.501-1(e)) establish a scheme for the permissible use of "501" direct loan proceeds. This authority is being extended only to permit the agency to provide the same guidance for use of proceeds derived from debenture purchases or guarantees.

Mr. President, this legislation has been endorsed by the Business Development Corp. of Georgia, and the National Association of business Development Corps. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2876

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Small Business Administration State Development Company Program Amendments of 1982".

SEC. 2. Section 501 of the Small Business Investment Act of 1958 is amended—

(1) by inserting in the first sentence of subsection (a), after the phrase "make loans to" the phrase ", or to purchase or guarantee debentures issued by,";

(3) by adding at the end of subsection (a) the following: "Any purchases or guarantees of debentures made under this section shall be subject to the provisions of subsection (c) of this section, but shall be made without regard to the use and investment by the development company of funds secured by it from other sources."; and

(4) by adding at the end thereof the following:

"(c)(1) The Administration may purchase, or guarantee the timely payment of all principal and interest scheduled on, any debenture issued by any qualified State development company.

"(2) Such purchases or guarantees may be made by the Administration on such terms and conditions as the Administration may by regulation determine to be appropriate. The Administration may impose an additional charge for administrative expenses with respect to each debenture purchases or guaranteed under this section.

"(3) The full faith and credit of the United States is pledged to the payment of all amounts which may be required to be paid under any guarantee under this section.

"(4) Debentures purchased or guaranteed by the Administration under this section shall be subordinate to any other debenture bonds, promissory notes, or other debts and obligations of such companies, unless the Administration in its exercise of reasonable investment prudence and in considering the financial soundness of such company determines otherwise.

"(5) The interest rate on any such debenture shall be the rate of interest determined

by the Secretary of the Treasury pursuant to section 303(b).

"(6) The proceeds of any such financing shall be used solely to assist an identifiable small business concern and for a sound business purpose as determined by the Administration.".

SEC. 3. (a) Section 20(n)(2) of the Small Business Act is amended by striking "section 503" each time it appears and inserting in lieu thereof "sections 501 and 503".

(b) Section 20(q)(2) of the Small Business Act is amended by striking "section 503" each time it appears and inserting in lieu thereof "section 501 and 503".●

● Mr. BURDICK. Mr. President, I am pleased to join Senator NUNN as a sponsor of this legislation. It is critical to the continued activities of State development corporations, which make an important contribution to the growth of our small business sector.

Last year, State development companies across the country disbursed over $31 million in loan money to firms employing more than 400,000 people. In North Dakota, this program has succeeded in creating or preserving jobs which might otherwise not exist. In fact, I am very proud to not that the North Dakota State Development Credit Corp.—NDSDCC—was recognized at the recent national convention of State development corporations as the most improved business corporation in the United States for 1981–82. Under the able leadership of its executive vice-president, W. C. Smith, the NDSDCC is helping farm equipment manufacturers, implement dealers, and other small businessmen to get on their feet and prosper in today's very competitive economy.

This bill will allow State development corporations to issue debentures guaranteed by the Small Business Administration, which in turn can be sold to private buyers or the Federal Financing Bank. With the likely curtailment of the SBA's direct loan program, this additional source of Federal funding is badly needed to supplement the financial backing that State development corporatons obtain from State banks and other investors. I appreciate the work done by my distinguished colleague from Georgia in putting this bill together, and I hope it will receive prompt consideration by the Small Business Committee, and the Congress.●

By Mr. HATFIELD (for himself, Mr. HUDDLESTON, Mrs. HAWKINS, Mr. CHILES, and Mr. HEFLIN):

S. 2877. A bill to amend the Internal Revenue Code of 1954 to provide an additional exclusion of interest and dividends for individuals 65 and over; and for other purposes; to the Committee on Finance.

ADDITIONAL EXCLUSION OF INTERESTS AND DIVIDENDS

● Mr. HATFIELD. Mr. President, today Senators HUDDLESTON, HAWKINS, CHILES, HEFLIN and I are introducing legislation that exempts 50 percent of net interest and dividend income from taxation for individuals age 65 or over. The proposal has two limitations: First, the exclusion is limited to $2,500 in interest for single and head of household returns—$5,000 in interest for joint return—and second, is available only to those who have an adjusted gross income (AGI) less than $15,000 for single returns ($17,500) for joint returns.

The partial exemption of interest income of persons over the age of 65 will benefit more than 93 percent of all people over age 65 who paid Federal income taxes. The Joint Committee on Taxation estimates that 1 million elderly taxpayes would be relieved from having to pay any Federal income taxes. About 4 out of the total 7 million elderly returns would receive an average reduction of $215.

In the 96th Congress a $200/$400 interest exclusion was enacted in order to encourage saving and in 1981 the Congress enacted the all-savers certificate and new retirement incentives that furthered the capital formation goals of the Congress. the Economic Recovery Tax Act of 1981 also enacted a 15 percent net interest exclusion that will begin in 1985 but is subject to a ceiling of $3,000 per person—$6,000 on a joint return. Unfortunately, ERTA also repealed the $200/$400 interest exclusion and in effect, leaves us without an effective incentive for the small saver. This mistake, unfortunately, will especially affect the fixed income elderly who earn interest income on savings accounts.

In my visits across the State of Oregon I have noticed that the elderly are frustrated, disappointed and outraged at the Congress for its policies that affect the aging. Budget cuts in medicare, housing assistance, and food stamps, to name a few, when combined with pending tax proposals to raise the floor on medical deductions as well as impose withholding on interest and dividend income have created a perception that the aging are bearing a disproprotionate burden. Even the popular IRA incentives are viewed by some of my elderly constituents as unfairly biased against the retired citizen.

Mr. President, the elderly need a tax incentive that recognized the contribution of their savings to the economy. When we consider the fact that many of the elderly taxpayers put their money into taxable pass book accounts, the double digit inflation rates that we have recently experienced virtually assures that their savings accounts are losing their original value. For example, a $100 a month private pension when faced with a 10-percent inflation rate, would lease 50 percent of its value in just 12 years. Since the income of our retired citizens has been taxed once already, should we tax it again when interest is earned on their little nest egg?

The elderly in our society have saved a lifetime to get what they have. Their nest egg for retirement is quickly losing its value in these inflationary times. When the all-savers certificates expire, these elderly savers will be in worse shape than they were prior to enacting the Economic Recovery Tax Act of 1981. Because the elimination of the $200/$400 exclusion provided a means for financing the all-savers certificates, we should reenact a targeted saving incentive for our elderly. Thus, the effective date of this bill corresponds to the expiration of the all-savers certificate.

Mr. President, in the past few years there have been dozens of savings bills introduced in the Congress. These bills have been based on three key assumptions that economists have made:

First, the savings rate is lower in the United States than in other industrial countries;

Second, the amount of savings is tied closely to changes in income; and

Third, saving is closely related to the life cycle—more saving is done in pre-retirement years while it is consumed after retirement.

According to a remarkable study conducted by Dr. F. Thomas Juster for the Institute for Social Research at the University of Michigan, these assumptions may be seriously flawed. In Dr. Juster's words,

> The principal reason for the fact that the U.S. has a very low national savings rate is not because those who are positive savers tend to save less than people in other countries, but rather because an unusually large proportion of the U.S. population dissaves every year (about one-third of the total 1972–1973).

In essence, by excessively utilizing credit we have diminished the amount of savings that is available to reindustrialize our economy and rebuild our infrastructure. Our current tax structure encourages this result by rewarding consumption and debt financing, but taxing harshly savings income.

The other surprise in the conclusions reached by Dr. Juster is the fact that those over the age of 65 do not seem to sharply reduce their savings. The data seems to indicate that the elderly save more than the average working adult. Moreover, Dr. Juster makes a strong argument that the existence of a pension plan or the availability of social security income at retirement actually intensifies the amount of saving for people reaching the retirement age.

Mr. President, I ask unanimous consent that these tables from Dr. Juster's study as well as an article written by Dr. Juster for the Economic Outlook be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAVING INCOME RATIOS 1972–73, FOR AGE-INCOME GROUPS: SAVING DEFINED AS AFTER TAX INCOME MINUS CONSUMPTION

Household income quintile	Under 45	45 to 54	55 to 64	65 or more
A. Households with positive savings:				
1	.21 (100)	.20 (41)	.22 (121)	.22 (535)
2	.22 (610)	.22 (206)	.26 (332)	.29 (708)
3	.23 (1,195)	.25 (368)	.28 (417)	.32 (333)
4	.24 (1,538)	.27 (533)	.31 (453)	.37 (175)
5	.28 (1,408)	.30 (944)	.36 (492)	.42 (106)
B. Households with negative savings:				
1	−1.27 (686)	−.81 (143)	−.68 (247)	−.59 (746)
2	−.46 (852)	−.39 (192)	−.42 (253)	−.38 (401)
3	−.29 (830)	−.26 (185)	−.31 (139)	−.37 (76)
4	−.21 (634)	−.24 (209)	−.22 (101)	−.23 (26)
5	−.17 (290)	−.18 (178)	−.17 (53)	−.63 (13)
C. All households:				
1	−1.08 (786)	−.58 (184)	−.38 (368)	−.25 (1,281)
2	−.18 (1,462)	−.07 (398)	−.04 (575)	.05 (1,109)
3	.02 (2,025)	.08 (553)	.13 (556)	.19 (409)
4	.11 (2,172)	.13 (742)	.21 (554)	.29 (201)
5	.20 (1,698)	.22 (1,122)	.31 (545)	.31 (119)

Asset income	Percent of all elderly families	Cumulative percent: Asset income equal to or less than	Percentage of families in asset income group having: Income 50 percent or more above the poverty level	Income $10,000 or more	House equity $50,000 or more
0	37.2	37.2	32	21	6
1 to 99	2.3	39.5	50	31	1
100 to 199	3.1	42.6	51	35	29
200 to 499	8.8	51.4	56	40	30
500 to 999	6.9	58.3	59	40	13
1,000 to 2,499	15.7	74.0	68	44	24
2,500 to 4,999	11.1	85.1	91	58	33
5,000 to 9,999	8.3	93.4	100	85	39
10,000 or more	6.7	100.0	100	100	55
Total	100.0				

Money income	Percent of all elderly families	Cumulative percent: Money income equal to or less than	Percent of families in money income group having: No asset income	$1,000 or more asset income
0 to 2,499	3.0	3.0	91	0
2,500 to 4,999	23.8	26.8	70	0
5,000 to 7,499	18.1	44.9	35	15
7,500 to 9,999	13.7	58.6	29	31
1,000 to 12,499	9.4	68.0	27	37
12,500 to 14,999	7.8	75.8	24	43
15,000 to 24,999	14.1	89.9	17	44
25,000 or more	10.1	100.0	7	71
Total	100.0			

[From Economic Outlook, Summer 1981]

SAVING, ECONOMIC GROWTH, AND ECONOMIC POLICY

(By F. Thomas Juster, Director, Institute for Social Research, Professor of Economics, University of Michigan)

[Charts herein referred to not reproduced in the RECORD]

INTRODUCTION AND BACKGROUND

It is widely believed by economists, policymakers, and perhaps even the general public that a significant part of the current problem faced by the U.S. economy lies in a shortage of savings, a shortage which has lowered the rate of capital formation and is thus partly or mainly responsible for the poor productivity performance of the economy during recent years. The sources of that concern are easy to identify: personal saving rates in the U.S. have tended to be around the 6–7 percent zone for many years, while comparable estimates of personal saving rates in Western European countries and Japan tend to be at least twice and sometimes three times as high. The resulting differential in savings is seen as a principal reason for differential economic performance. That general perception has been made more visible during the last several years by U.S. saving rates which, as initially reported, were as low as 3 or 4 percent in contrast to the customary 6 or 7 percent, allegedly driven down by consumers' unwillingness to save in the face of high inflation rates.

At the same time as many have perceived a gap between actual U.S. saving rates and what would be desirable to restore economic vigor and competitiveness, concerns have also been voiced about the longer term consequences for saving and investment of the predictable aging of the U.S. population. The issue here has little or nothing to do with inflation. Rather, it concerns the widely believed proposition that saving has a "life-cycle" character to it, that older people are typically dissavers who spend more than they receive in current income, and that a rise in the proportion of older people would have a perceptible impact on the total flow of saving available for productive investment.

These concerns have brought to the surface a number of issues, which the Reagan administration's economic policy proposals are designed to deal with. For example, the administration's proposal for tax reduction is clearly designed to have a significant impact on the rate of personal savings as well as on investment incentives. The attempt to pare down the rate of growth of the public sector and to reduce the deficit are in part designed to reduce the inflation rate, with the hope that it will have a positive impact on saving behavior. And finally, discussions about possible modification of the Social Security program to increase the retirement age are presumably designed not only with the object of maintaining solvency of the Social Security trust fund, but also with an eye to its possibly favorable impact on the saving behavior of the elderly population.

SAVING BEHAVIOR IN HISTORICAL PERSPECTIVE

Some of these concerns represent old problems that are being taken more seriously, others represent relatively new problems that have not been faced by previous administration, while still others represent the application of the new "supply-side" economics to analysis of saving behavior. But before any of them can be carefully examined or assessed, a few basic facts about saving behavior need to be understood.

In general terms, saving is the difference between disposable income and current outlays by consumers; alternatively, it is the difference between change in assets and change in liabilities—the change in net worth excluding changes due to capital gains or losses. If all the data were perfect and all the definitions were consistent, either income minus outlays or asset change minus liability change would come out with the same number. But that doesn't usually happen, and the discrepancy is sometimes pretty large. Given the difficulty of measuring asset levels accurately, to say nothing of measuring changes in asset holdings, most analyses of saving focus on the income less outlay definition.

The postwar trajectories of a number of series relevant to saving are shown below in Chart 1. The solid line in the lower panel shows the ratio of saving to disposable income as conventionally measured. The thick line in the upper panel shows the financial asset change component of saving, the dashed line shows the liability or debt change component, and the thin line shows an important component of debt—the change in housing mortgage debt.

What kind of story is shown by the data in Chart 1? First, a dominant characteristic of the saving/income ratio is that it appears to have no trend at all over the entire postwar period. Saving rates were relatively low during the late 1940s, as consumers were spending a relatively large fraction of income to replenish and replace stocks of durables depleted during World War II. During the 1950s saving rated were typically between 6 and 7 percent, averaging a little under 7, while during the 1960s saving rates averaged a bit lower, although they were usually between 6 and 7 percent than as well. And during the 1970s, saving rates actually averaged over 7 percent, although during the last several years they have been much lower.

An interesting perspective on the allegation that saving rates during the last few years of the 1970s were driven down to historically low levels by inflation-induced spending is provided by the fact that saving rates during that period were not much if any lower than they were during the early part of the 1960s—the halcyon days when inflation rates were in the one or two percent zone!

If data relating to a longer span of time had been plotted in Chart 1, they would show about the same story—not much evidence of any secular trend in saving behavior. The historical studies of Goldsmith, for example, which take saving back into the late nineteenth century, can be summarized by saying that there was no evidence of a secular trend in saving behavior all the way from the late 1800s to the 1920s and on to the late 1940s. Thus we have no persuasive evidence at all that saving rates have been significantly different, measured in a secular trend sense, for the last century.

The second thing Chart 1 tells us is that simple theories relating saving behavior to inflation rates—will not hold water. We have had four periods in the United States when inflation rates either reached high levels or accelerated dramatically: in 1950–51, we reached inflation rates of close to 6 percent after a couple of years when prices were roughly constant; in 1967–1970, inflation rates went up to the 6 percent level after a relatively long period of stability in the 1–2 percent range; in 1973–74, inflation rates went from the 3 percent range to as high as 12 percent; and in 1978–80 inflation rates went from a low of 5 percent to a high of over 13 percent. The corresponding behavior of saving rates during this period cannot be generalized: in 1950–51, rates of personal saving appeared to increase with inflation; in 1967–70, saving rates were high and erratic; in 1973–74, saving rates increased substantially; and in 1978–80, saving rates were low by historical standards, and lower than in the previous several years.

The third thing that Chart 1 shows is that movements in saving rates associated with economic expansions and contractions are much more easily identified in the debt change component of total savings than in the asset change component. Changes in debt are clearly a more volatile series than changes in assets, and the nature and direction of changes are easily predictable from knowledge of the peak and through dates of cyclical expansions and contractions. Thus, in a cyclical sense, most of the action in saving behavior shows up in terms of changes in debt, while in a secular trend sense, there doesn't appear to by any action at all.

Finally, the reader should note the big differences between total saving and the asset and debt change components. As an illustration, the saving-to-income ratio was 5.6 percent in 1977; but that figure resulted from the combination of an asset change-to-income ratio of roughly 18 percent and a debt change-to-income ratio of roughly 13 percent. Thus, while the U.S. saving rate is low by comparison with Western Europe or Japan, the reason is not that conventional saving (increases in savings or checking accounts, CDs, etc.) is that much lower, but that consumer debt changes are so much larger. The way to impact most effectively on total saving may well be to affect the debt component rather than the asset component.

WHAT DETERMINES SAVING BEHAVIOR?

There is an enormous professional literature on the determinants of saving. This is in part a consequence of the fact that we have a lot of data of various sorts that relate to consumption and saving behavior, and there are lots of fascinating puzzles in those data. For example, once Kuznets and Goldsmith discovered that the long-term saving/income ratio was trendless, that appeared at odds with the consistent finding that rich people seemed to save a higher proportion of their income than poor people. If rich people save more than poor ones, why didn't everybody save more when they all got richer? Various theories have been developed to explain this and other puzzles, but the two that attracted most attention were the permanent income hypothesis (attributable to Friedman) and the life cycle hypothesis (attributable to Modigliani, Ando, and Brumberg).

The two theories are really quite similar, and differ only in their subtleties. Both are based on standard assumptions of economic theory: that people live in a world characterized by perfect certainty and perfect foresight; that there are long-term income, consumption, labor supply, and bequest plans; that changes in family circumstances and in the general economy are foreseen and embedded in the plans; and that all consumers are busily making small adjustments in their consumption and saving behavior as new information and different circumstances occur over their lifetimes. The conventional theory has a static flavor—it assumes fixed expectations and goals and does not provide for much in the way of learning, adaptation, or other dynamic processes. To many people, including this writer, models of this sort are not very plausible representations of how people actually make consumption and saving decisions, given the uncertainties and vicissitudes of the real world.

Theory has a powerful influence on policy. For example, the widespread belief in the life cycle view of saving is the basis for the current debate about the implications of an aging population structure for the Social Security system. The idea is that younger people tend to save little or dissave because they are in the process of acquiring durable goods and are thus expanding debt of one kind or another, older people are using up the assets they have accumulated during their working lifetimes and are thus either saving little or dissaving, while middle-aged people whose children have grown and whose durable goods stocks are adequate for their needs are relieved from expenditure pressures, are looking toward retirement, and are saving at relatively high rates. As a rational way of acting in a perfectly certain world, that picture has a lot to recommend it. But does it accord with the way people actually behave?

Most of the evidence used to test saving theory is based on time-series analysis of aggregate data. For well-known technical reasons, all such attempts to estimate savings functions are unstable and, in my judgment, unpersuasive. One would like to find evidence, at the level of individual behavior, which either confirms or refutes the theory, especially one with such potent policy implications as suggesting that "we may need to revamp the Social Security system because of its negative impact on private saving.

Although good data on individual saving behavior are hard to come by, and most of them are subject to serious potential biases arising from measurement errors, it is instructive to look at the most recent data with an eye to its match with the life cycle theory. Chart 2, based on data from the 1971–73 Consumers Expenditure Survey, takes the 20,000-odd households covered by that survey, divides them into 20 groups based on income quintile and age, and then computes aggregate savings/income ratios for each of the 20 groups.

If the life cycle hypothesis is valid, we ought to find it reflected in the relationship of saving to age in any given income class. In general, saving ought to be lower in the under 45 and over 65 groups, higher in the other two groups, and highest in the 55–64 group where people are accumulating assets with the expectation of retiring. The data show no such patterns. In each income quintile, the saving rate rises monotonically with age. Not only do the elderly not dissave, they apparently don't even save less than the near elderly! As a generalization, these data are consistent with the behavioral view that saving gets to be a habit which people acquire with circumstances and then retain, even in the face of dramatic changes in life circumstances.

Similar patterns can be found for life cycle savings patterns in other countries, and for other cross-sectional data from the United States for earlier periods. For example, data on wealth holdings, which are scarce and also subject to significant measurement error problems, are also inconsistent with the life cycle view: if people dissaved when they retired, older people who die should have fewer assets than younger people who die, and that seems generally not to be the case.

CURRENT POLICY ISSUES: HOW CAN WE INCREASE SAVING?

Virtually everyone agrees that it would be good for the economy if saving rates were to increase. The implicit theory behind the proposals advanced by the administration, as reflected by the public comments of various economic spokesmen, is that the way to get saving up is to get the inflation rate down, provide a greater reward to savers, and legislate a tax cut with relatively favorable treatment of upper income groups who do most of the saving.

Before examining the likelihood that those effects will be observed, it might be well to remind ourselves that there is another view of the best way to increase saving, which might be called the conventional demand-side view. According to that theory, the way to increase saving is to initiate policies that have the effect of pushing up real income, and higher saving would follow along. If one attempted to push up saving without worrying about pushing up real income, the demand-side theory says that the saving would be dissipated—it wouldn't necessarily be matched by any demand for investment, and would simply take the form (temporarily) of investment in undesirably high inventories and (subsequently) of reduced rates of income growth, with the end result of actually reducing both saving and investment. That view has lots of problems with it, although it continues to retain a kernel of truth that ought not to be ignored.

But what about the "new" views of how to get the saving rate up? To begin with, there is absolutely no evidence that a cut in taxes will produce more than a temporary bulge in the saving rate. One can expect with some confidence that the bulk—perhaps three-quarters—of any tax cut would end up in saving during the quarter in which the tax cut was enacted. But one can expect with equal confidence that, over the next several years, the tax cut would result in the "normal" proportions of the increased income being spent and saved, with no permanent effect on saving rates. The absolute level of saving would of course be higher, simply because under the right conditions a tax cut would increase the level of real income. And if real income rose fast enough, there would be a longer though still temporary bulge in saving.

Secondly, there is little evidence that whether the taxes of the rich are cut more or less than the taxes of the poor makes much difference to the impact of a tax cut on saving. The argument being made by the administration—that the rich save more and therefore the tax cut would benefit saving if it favored the rich—has a curious political as well as economic history. In reverse, it is the same argument that used to be made by liberals—that tax cuts ought to favor the poor because they were more likely to spend it, and what the economy needed was a boost in spending that would pull income and subequently saving along with it. But after long and careful examination of the data, it turned out that there really wasn't much difference between what the poor did with an extra dollar of income and what the rich did with it—they were likely to spend it on different things, and the rich might be more likely to save by adding to assets while the poor saved by paying off debt, but they apparently didn't have very different propensities to spend. If that was true when liberals were arguing for tax cuts which favored the poor in order to stimulate consumption, it ought to be equally true now when conservatives are arguing for high-income tax cuts in order to stimulate saving.

Finally, the argument which says that saving incentives in the form of higher real rates of return would make a difference is also one that will not stand up on the evidence, as I read it. At least one study has found such an effect, but no one has been able to reproduce it. The studies in which I have most confidence show that real interest rates have no detectable effect on saving behavior. And that conclusion is eminently plausible on theoretical grounds: an increase in the rate of return on saving certainly provides an incentive to shift toward saving and away from spending, since saving has become more attractive. But at the same time, the higher rate of return to saving means that consumers need less assets to generate the same income return, and if the object is an income return, people can save less because they can get the target return more easily. Finding that these two effects seem to cancel out should not come as a great surprise.

Although the evidence clearly points in the direction of suggesting that neither tax cuts, income redistribution, nor higher real rates of return would do much to increase the saving rate, there still might be some impact of a supply-side type coming out of the program. If taxes are reduced substantially for high income households, investment incentives might be improved enough to warrant entrepreneurial individuals taking a more positive view of the rewards from investment. But here, it isn't so much that relatively high income entrepreneurial types would save more of their income in order to invest, but that they would see the future as more favorable, see themselves as being able to keep more of any return from investment, and be encouraged to borrow in order to expand their business. Whether the policy succeeds or fails may depend more on whether the administration can create an environment that encourages borrowing on the part of small entrepreneurs: seen in that light, prime interest rates in the neighborhood of 20 percent will not be particularly helpful.

If the policies espoused by the administration are unlikely to do much by way of increasing saving, are there other policies that might? If I were to set out to boost saving, I think I would rather work on the debt side than on the asset side. The data displayed in Chart 1, and all of our historical experience, suggest that it is very difficult to fashion policies that will have a large and permanent effect on the rate of personal saving—after all, that rate has been more or less stable for about a century, in the face of demographic and other changes far more potent than any of the proposed changes in public policy.

On the other hand, there are policies that could make for temporary improvement in the saving rate, but many of those seem to be ones that would cause consumers to change their debt behavior rather than their asset belicy of choice for an administration that wants more, not less, reliance on the free market.

An alternative, which is compatible with the general philosophy of conservatives, might be to try to affect saving by way of changing the current set of subsidies that have created an enormous demand for mortgage debt. As Chart 1 shows, the drop in the saving rate in the late 1970's seems due almost entirely to an explosion of mortgage debt. What happened is simple enough: high inflation rates, coupled with rapidly rising housing prices and interest rates that were little if any higher than the inflation rate, induced large numbers of people to "monetize" some of the capital gains they accrued when housing prices rose rapidly. Getting as much house as possible, with as much mortgage debt as possible, seemed to be a pretty good way to cope with the combination of high inflation rates and rising housing prices, provided people didn't have to undertake such transactions with mortgage interest rates in the middle or high teens. Thus getting the inflation rate down would have some impact on consumers' willingness to incur housing and other debt. Perhaps more to the point, reducing some of the subsidies associated with owner-occupied housing might well do some good. The chief subsidy here is the tax deductibility of mortgage interest and property taxes, for those who itemize income tax deductions.

Such a policy might well make sense. In earlier times, the subsidy to homeowners was a conscious national policy. It was widely thought that homeownership was a good thing, and that the government should encourage people to own their own homes rather than rent. Thus a significant subsidy to homeowners became national policy. As a result, close to 70 percent of American households now own their own homes, and the policy can be regarded as an outstanding success. But at the present time the attractive subsidies (especially for high income people) that accrue to homeownership may be serving the purpose of attractive speculative resources into the homebuilding industry, at the very time when we need to have more resources going into industrial investment. Cutting back on the deductibility of either mortgage interest or property taxes or both seems a reasonable way to do that, and would tend to balance the administration's policy of reducing the availability of subsidized housing for low income families. More importantly, perhaps, it has some prospect of causing at least a temporary bump in the saving rate that might last a few years.

Mr. HATFIELD, Mr. President, the Institute for Social Research at the University of Michigan has also conducted some extensive research into the savings behavior of those 65 or over that indicates the breakdown of savings rates among the elderly may be more dispersed than present assumptions. For example, 58 percent of all elderly families have less than $1,000 in asset income, and 75 percent have asset income of less than $3,000 a year. Even in those families earnings less than $10,000 a year, some 31 percent have interest and dividend income of over $1,000 a year.

Mr. President, the bill we introduce today is targeted to the elderly who earn less than $15,000 per year, and will relieve 1 million elderly citizens from having to pay any Federal income taxes.

We also should recognize that there is widespread agreement on the need to provide supplemental income to our senior citizens. By the year 2010, the elderly population is expected to be 50 percent larger, both relative to the total population and relative to our working population. Even more signifi-

cant is the growing numbers of elderly who will be 85 or over. As a percentage of the total number of people over the age 65, those 85 and other made up 4.8 percent of total in 1960. By the year 2050, they will make up over 10 percent of the total.

Because of these trends, our private pension plans, social security, and medicare programs may be seriously underfunded. Both the White House Conference on the Aging and the final report of the President's Commission on Pension Policy concluded that new incentives need to be enacted to increase the supplemental income of our aged.

In summary, the pressure on our retired citizens is going to increase as we approach the 21st century. Pressures on the budget and entitlement programs will only increase and we must necessarily rely to a greater extent on individual saving to finance our retirement years. This bill will provide an important incentive for the elderly saver and is structured in a way to keep the revenue losses at a minimum. The Joint Committee on Taxation estimates that the revenue loss will be $400 million in 1983, $1.2 billion in 1984, and $1.3 billion in 1985.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD at this time.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2877

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) Paragraph (2) of section 16(a) of the Internal Revenue Code of 1954 (relating to maximum dollar amount) is amended to read as follows:

"(2) MAXIMUM DOLLAR AMOUNT.—

"(A) IN GENERAL.—the aggregate amount excluded under paragraph (1) for any taxable year shall not exceed the greater of—

"(i) $100 ($200 in the case of a joint return under section 6013), or

"(ii) in the case of qualified elderly individual, the lesser of—

"(I) 50 percent of the amount determined under paragraph (1), or

"(II) $2,500 ($5,000 in the case of a joint return under section 6013).

"(B) QUALIFIED ELDERLY INDIVIDUAL.—For purposes of this paragraph, the term 'qualified elderly individual' means an individual who—

"(i) has attained the age of 65 before the close of the taxable year, and

"(ii) has an adjusted gross income for the taxable year of $15,000 or less ($17,500 or less in the case of a joint return under section 6013).

In the case of a joint return where either spouse has attained the age of 65 before the close of the taxable year, both spouses shall be treated as having attained such age.".

(b) The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 2. (a) Section 128(b) of such Code (relating to maximum dollar amount of partical exclusion of interest), as in effect subject to section 3 of this Act, is amended to read as follows:

"(b) MAXIMUM DOLLAR AMOUNT.—

"(1) IN GENERAL.—The aggregate amount excludable under subsection (a) for any taxable year shall not exceed 15 percent of the lesser of—

"(A) $3,000 ($6,000 in the case of a joint return under section 6013), or

"(B) the excess of the amount of interest received by the taxpayer during such taxable year (less the amount of any deduction under section 62 (12)) over the amount of qualified interest expenses of such taxpayer for the taxable year.

"(2) INDIVIDUALS 65 AND OVER.—In the case of a qualified elderly individual (within the meaning of section 116(a)(2)(B)) the aggregate amount excludable under subsection (a) for any taxable year shall not exceed the lesser of—

"(A) 50 percent of the amount determined under paragraph (1)(B), or

"(B) $2,500 ($5,000 in the case of a joint return under section 6013).".

(b) The amendment made by this section shall apply to taxable years beginning after December 31, 1982.

SEC. 3. Section 302 of the Economic Recovery Tax Act of 1981 (26 U.S.C. 128 note) is amended by striking out "December 31, 1984" and inserting in lieu thereof "December 31, 1983".●

By Mr. MOYNIHAN (for himself and Mr. METZENBAUM):

S. 2878. A bill to improve worker training under the Trade Act of 1974, and for other purposes; to the Committee on Finance.

WORKER TRAINING IMPROVEMENT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce for myself and my distinguished colleague from Ohio, Mr. METZENBAUM, legislation to reform and improve the trade adjustment assistance program. Our bill is identical to one introduced in the House by Congressman PEASE of Ohio and similar to S. 1868, legislation that I introduced last November 19.

I should remind this Chamber that trade adjustment assistance represents a commitment made by this Government to the American labor movement two decades ago. In exchange for labor support of trade liberalization, we created a program designed to help those workers who lost their jobs as a direct result of this liberalization. The program was called trade adjustment assistance, and it has remained a cornerstone of our trade policy for some 20 years.

I regret that this administration has shown little interest in the trade adjustment assistance program, and in fact has succeeded in altering it so that few of those for whom TAA was intended are able to benefit from it. This legislation would correct the damage done to trade adjustment assistance last year and will improve the program, emphasizing worker retraining.

Let me explain what our bill does. First, it would restore permanently the "contributed importantly" standard for determining whether or not imports resulted in job loss.

Second, it makes training an entitlement, as presently it is not. TAA is too important an element of our trade policy to be subject to indiscriminate budget cuts.

Third, the bill changes the work test to a "comparable standard" from a "suitable work test." The current standard defeats the purpose of TAA by forcing workers to accept temporary, low-paying jobs rather than long-term, skilled employment.

Fourth, our legislation creates an adjustment assistance trust fund, financed by customs duties, to fund the program.

Finally, the bill will retroactively qualify any worker who has participated in the TAA program since July 1, 1979.

A healthy trade adjustment assistance program is especially critical at a time when 10.8 million Americans are out of work, many of them for long periods of time. Our legislation will strengthen the commitment we made to labor two decades ago, and it is deserving of broad, bipartisan support.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2878

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GROUP ELIGIBILITY REQUIREMENTS.

Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) by amending paragraph (3) by striking out "were a substantial cause of" and inserting in lieu thereof "contributed importantly to", and by striking out "of such decline" and inserting in lieu thereof "to such decline"; and

(2) by amending the last sentence to read as follows: "For purposes of paragraph (3), the term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.".

SEC. 2. WORKER TRAINING.

(a) Section 236 of the Trade Act of 1974 (19 U.S.C. 2296) is amended—

(1) by striking out "may approve" in the first sentence of subsection (a)(1) and inserting in lieu thereof "shall approve";

(2) by adding at the end of subsection (a)(1) the following new sentence: "For purposes of applying subparagraph (C), a reasonable expectation of employment does not require that employment opportunities for a worker be available, or offered, immediately upon his completing training under this section."; and

(3) by adding at the end thereof the following new subsection:

"(d) The Secretary shall pay to any worker who—

"(1) begins approved training under this section after the date of the enactment of this subsection; and

"(2) is not eligible for trade readjustment allowances during any or all of the period of such training;

a supplemental assistance benefit of $15 for each day during which the worker participates in such training but for which he is not eligible for such allowances."

(b) Any individual who—

(1) after July 1, 1979 and before the date of the enactment of this Act participated in approved training under section 236 of the Trade Act of 1974; and

(2) personally financed all or part of the tuition costs for such training;

shall be entitled to be reimbursed for such costs by the Secretary of Labor if application therefor is made to the Secretary during the 180-period beginning on such date of enactment.

SEC. 3. JOB SEARCH AND RELOCATION ALLOWANCES.

(a) Section 237(a)(1) of the Trade Act of 1974 (19 U.S.C. 2297(a)(1)) is amended by striking out "$600" and inserting in lieu thereof "$800".

(b) Section 238(d)(2) of the Trade Act of 1974 (19 U.S.C. 2298(d)(2)) is amended by striking out "$600" and inserting in lieu thereof "$800".

(c) Any adversely affected worker who—

(1) was covered by a certification that was issued under subchapter A of chapter 2 of title II of the Trade Act of 1974 after June 30, 1979 and before the date of the enactment of this Act; and

(2) as of such date of enactment is not eligible for either job search allowances or relocation allowances, or both such allowances, under sections 237 and 238 of such Act by reason of failing to make timely application thereof;

may apply to the Secretary of Labor for either or both such allowances (computed on the basis of the amounts that would have been payable under such sections if a timely application referred to in paragraph (2) had been made) within the 180-day period beginning on the date of the enactment of this Act and an application filed within such period shall be deemed by the Secretary to have been timely made for purposes of such sections 237 and 238.

SEC. 4. TRUST FUND AND AUTHORIZATION OF APPROPRIATIONS.

The text of section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended to read as follows:

"(a) There is hereby established on the books of the Treasury of the United States a trust fund to be known as the 'Adjustment Assistance Trust Fund' (hereinafter referred to in this section as the 'Trust Fund'). The Trust Fund shall consist of such amounts as may be deposited in it pursuant to the authorization contained in subsection (b) of this section. Amounts in the Trust Fund may be used only to carry out the provisions of this part. The Secretary of the Treasury shall be the trustee of the Trust Fund and shall report to the Congress not later than March 1 of each year on the operation and status of the Trust Fund during the preceding fiscal year.

"(b) There are hereby authorized to be appropriated to the Trust Fund, out of amounts in the general fund of the Treasury attributable to the collection of customs duties not otherwise appropriated, for each fiscal year ending after October 1, 1981, such sums as may be necessary to carry out the provisions of this part."

SEC. 5. DEFINITION OF SUITABLE EMPLOYMENT.

(a) Section 202(a)(3)(C) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note) is amended—

(1) by striking out "(C) For purposes" and inserting in lieu thereof "(C)(i) Except as provided in clause (ii), for purposes"; and

(2) by adding at the end thereof the following new clause: "(ii) For purposes of this paragraph, the term 'suitable work' means, with respect to any worker who would be eligible for a trade readjustment allowance under the Trade Act of 1974 but for the fact that he is eligible for extended compensation under this Act, work of a substantially equal or higher skill level than the worker's past adversely affected employment (as determined for purposes of such Act of 1974), and wages for such work at not less than 80 percent of the individual's average weekly wage for his most recent base period.".

(b) Section 231(a)(4) of the Trade Act of 1974 (19 U.S.C 2291(a)(4)) is amended by striking out '202(a)(3)" and inserting in lieu thereof "202(a)(3)(ii)".

SEC. 6 EFFECTIVE DATES.

(a) The amendments made by section 1 shall apply with respect to all petitions for certification filed under section 221 of the Trade Act of 1974 on or after the 180th-day after the date of the enactment of the Omnibus Budget Reconciliation Act of 1981.

(b) The amendments made by section 2(a) and 3 (a) and (b) shall apply with respect to determinations regarding training and applications for allowances under sections 236, 237, and 238 of such Act that are made or filed after September 30, 1982.

(c) The amendments made by sections 2(b), 3(c) and 4 shall take effect on the date of the enactment of this Act.

(d) The amendments made by section 5 shall take effect with respect to weeks of unemployment beginning on or after the date of the enactment of this Act.●

● Mr. METZENBAUM. Mr. President, millions of industrial workers are today without jobs. This is through no fault of their own. Caught in the midst of a domestic recession and the victims of unfair foreign competition, these jobless Americans want to work but cannot.

The steel, automobile, and rubber factories, where they once labored long and hard, no longer need their services. Yet, because they are unemployed, they lack the means to reequip themselves to find new jobs in new fields.

It is a vicious cycle. But it is also a cycle that Congress can break.

That is why Senator MOYNIHAN and I are today introducing a bill to provide a meaningful training program for industrial workers displaced by foreign imports.

For too long this Nation has sat idly by and watched countries like Japan, Korea, and Taiwan use unfair trading methods to chip away at our fundamental industries. But with more than 10 million unemployed, however, the message is beginning to hit home that it is high time to act before more American industries are destroyed and more American jobs lost. It is time for us to make sure that free trade is first and foremost fair trade.

But, Mr. President, as we strive to revitalize basic American industries, we must keep in mind the fact that we cannot put things back the way they once were. No matter what trade bills Congress enacts, no matter what import quotas we establish, no matter how much money we pour into ailing firms, many of the unemployed will not be able to return to their original jobs.

Market demands have changed. So, too, have production techniques. Many industrial jobs are gone forever. Those are plain and simple truths.

New jobs, however, do exist. Indeed, despite record high levels of unemployment, there are an estimated 1 million job openings going unfilled. But without proper training, industrial workers are precluded from obtaining them. Without some type of Federal training program, thousands upon thousands of otherwise capable workers will have no choice but to remain permanently unemployed.

The country cannot afford to let that happen.

Yet this is precisely the course upon which the current administration is embarked. And where workers displaced by foreign imports are concerned, the administration's response to the urgent needs of thousands of Americans is to terminate the cash benefit part of the trade adjustment program and transfer its training aspects to a larger centralized function with very limited funding within the Department of Labor.

This must not happen. The Nation has a responsibility to help give displaced industrial workers a fresh start. We must encourage, not discourage, any person with the ambition and desire to learn a new skill. The legislation we are introducing today recognizes this by providing to these workers a one-time opportunity to reequip and retrain themselves so that they may find new employment in different lines of work.

This is prudent policy. It will cost us far less in the long run to retrain workers so that they can reenter the work force than it will to pay for unemployment compensation, welfare, and food stamp benefits. Furthermore, retraining workers will help America develop a work force with those skills needed to remain competitive in the 21st century.

The bill is relatively simple. It amends the Trade Act of 1974 to provide training benefits to more workers who lose their jobs because of foreign imports. And it will be financed from customs duties levied on foreign imports, not from new taxes.

Today, what little funding exists for Federal job training programs is almost exclusively targeted to the structurally unemployed and to disadvantaged youth. These programs are essential. However, we should also provide meaningful job training for displaced industrial workers. The bill we

are introducing today will help us accomplish this goal.●

By Mr. NUNN (for Mr. CHILES) (for himself and Mr. NUNN):

S.J. Res. 237. Joint resolution designating November 14, 1982, as "National Retired Teachers Day"; to the Committee on the Judiciary.

NATIONAL RETIRED TEACHERS DAY

● Mr. CHILES. Mr. President, it is a privilege to introduce this joint resolution in the Senate designating November 14, 1982, as "National Retired Teachers Day." We owe a debt of gratitude to all retired teachers in America for what they have contributed to the education and character of our young people. No other individual, outside the family, exerts so much influence on young citizens as the classroom teacher. It is only fitting that we set aside a day to honor teachers who have devoted their careers to serving our children and communities.

Education is the key to employment and success in America. Education makes possible the continuation of our democratic process through an informed electorate. Education is the means by which we compete with foreign markets, increase our productivity, and develop the high technology skills for defense and commercial industries. Education plays a crucial role in our citizens' ability to choose healthy lifestyles, positive attitudes, and humane values. And study after study has shown that the critical element in the educational process is not the textbook, the curriculum, the size of the classroom, or the audiovisual aides, but rather, the skills and character of the teacher.

Today there are many disincentives to the young man or woman who is thinking of choosing teaching as a career. Public education is often criticized or even blamed for our Nation's ills. Teacher salaries are low in relation to what can be earned in private industry or government. Paperwork and redtape, discipline problems, and administrative duties drain time and energy from the task of teaching. It is no wonder that many enthusiastic, dedicated educators leave the profession long before retirement.

Let us show our appreciation and our understanding of the devotion shown by teachers who remain in the classroom to retirement by setting aside a day in their honor. Most of us, when asked why we chose a profession or achieved a worthy goal or adopted a positive value, can name a particular teacher who influenced us early in life. I hope we all take the opportunity on November 14 to say a word of thanks to the teachers who have meant a lot to us.

Let us also use November 14 as a day to show educators who are still in the classroom that we support them in their efforts and are willing to do our part to strengthen the schools. The future of education in this country is not only in the hands of educators, but also rests in the commitment of parents, students, and communities to maintain the finest free education system in the world.●

By Mr. THURMOND (for himself, Mr. ABDNOR, Mr. BAUCUS, Mr. COCHRAN, Mr. CRANSTON, Mr. D'AMATO, Mr. DANFORTH, Mr. DECONCINI, Mr. DENTON, Mr. DOLE, Mr. DURENBERGER, Mr. EAST, Mr. GOLDWATER, Mr. GORTON, Mr. HELMS, Mr. HOLLINGS, Mr. JOHNSTON, Mr. LAXALT, Mr. LUGAR, Mr. PROXMIRE, Mr. PRYOR, Mr. RANDOLPH, Mr. RIEGLE, Mr. TSONGAS, Mr. KASTEN, Mr. GRASSLEY, and Mr. CHAFEE):

S.J. Res. 238. A joint resolution to designate October 9, 1982, as "National Running and Fitness Day"; to the Committee on the Judiciary.

NATIONAL RUNNING AND FITNESS DAY

Mr. THURMOND. Mr. President, I am introducing today a Senate resolution which would request the President to declare October 9, 1982, "National Running and Fitness Day."

National Running and Fitness Day began as National Jogging Day in 1971 in an effort to encourage Americans to actively pursue some form of exercise and to especially encourage jogging as a way to stay physically fit. The purpose of this day is to encourage people to make safe, enjoyable exercise a part of their daily activity.

The primary sponsor of this annual event is the American Running and Fitness Association, formerly the National Jogging Association, which is in its second decade of service. In the opinion of the association, its new name more clearly defines their commitment as an independent voluntary association of individuals dedicated to the promotion of aerobic health through safe and enjoyable exercise, especially running. The members of this nonprofit educational organization number more than 35,000 people, all of whom realize that physical fitness and good health go hand-in-hand.

This year, National Running and Fitness Day is being sponsored by the American Running and Fitness Association, in cooperation with the President's Council on Physical Fitness and Sports, the Governors' Councils on Physical Fitness and Sports, the National Recreation and Park Association, the YMCA, the American Podiatry Association, the American Academy of Podiatric Sports Medicine, and the American Medical Joggers Association.

National Running and Fitness Day is a proven success in getting the American people actively involved in the pursuit of improved physical fitness and a healthier way of life.

I hope my fellow Senators will give this resolution, which requires no expenditure of Government funds, their full support.

Mr. President, I ask unanimous consent that this resolution be printed in the RECORD following these remarks.

There being no objection, the joint resolution was ordered to be printed in the RECORD: as follows:

S.J. RES. 238

Whereas the public awareness of the need for maintaining physical fitness is becoming increasingly evident;

Whereas jogging is an excellent, convenient, and inexpensive form of exercise that provides opportunities for a graduated program of physical fitness for most individuals regardless of age, sex, or level of fitness;

Whereas numerous medical authorities believe that a regular, sensible jogging program improves the function of the cardiovascular system, reduces coronary risk factors, and serves as an advisable supplement to weight-reducing or weight-control program;

Whereas a positive correlation exists between the development of a fit body and the ability to experience an enriched and more satisfying life; and

Whereas an estimated thirty million persons all across America jog or run as a recreation activity which is beneficial and enjoyable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation declaring October 9, 1982, as "National Running and Fitness Day", and calling upon the people of the United States and interested groups to celebrate such day by participating in fitness-related sports, seminars, and other events throughout the United States and to incorporate regular exercise into their everyday lives.

ADDITIONAL COSPONSORS

S. 1215

At the request of Mr. PROXMIRE, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1215, a bill to clarify the circumstances under which territorial provisions in licenses to distribute and sell trademarked malt beverage products are lawful under the antitrust laws.

S. 1956

At the request of Mr. THURMOND, the names of the Senator from California (Mr. CRANSTON), and the Senator from Wyoming (Mr. SIMPSON) were added as cosponsors of S. 1956, a bill to amend title 38, United States Code, to authorize reimbursement for the reasonable charge for chiropractic services provided to certain veterans.

S. 2420

At the request of Mr. HEINZ, the name of the Senator from Georgia (Mr. NUNN) was added as a cosponsor of S. 2420, a bill to protect victims of crime.

S. 2676

At the request of Mr. DODD, the name of the Senator from Alaska (Mr.

MURKOWSKI) was added as a cosponsor of S. 2676, a bill to establish a National Hostel System Plan, and for other purposes.

S. 2751

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 2751, a bill to authorize the sale of certain fish in the State of Hawaii.

S. 2788

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. NUNN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of S. 2788, a bill to restrict the distribution of material involving the sexual exploitation of minors.

S. 2851

At the request of Mr. GORTON, the name of the Senator from North Dakota (Mr. ANDREWS) was added as a cosponsor of S. 2851, a bill relating to compelling governmental interests.

SENATE JOINT RESOLUTION 193

At the request of Mrs. KASSEBAUM, the name of the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of Senate Joint Resolution 193, a joint resolution designating the week of November 7 through November 13, 1982 as "National Respiratory Therapy Week."

SENATE JOINT RESOLUTION 202

At the request of Mr. DANFORTH, the names of the Senator from South Dakota (Mr. ABDNOR), the Senator from Washington (Mr. GORTON), the Senator from Alabama (Mr. HEFLIN), the Senator from Wisconsin (Mr. KASTEN), the Senator from New Mexico (Mr. SCHMITT), the Senator from New York (Mr. D'AMATO), the Senator from Idaho (Mr. SYMMS), the Senator from Minnesota (Mr. BOSCHWITZ), the Senator from Alaska (Mr. STEVENS), and the Senator from Missouri (Mr. EAGLETON) were added as cosponsors of Senate Joint Resolution 202, a joint resolution to express the sense of the Congress of the United States that the Nation reaffirm its commitment to the expeditious development of magnetic fusion energy.

SENATE JOINT RESOLUTION 218

At the request of Mr. ROBERT C. BYRD, the names of the Senator from South Carolina (Mr. HOLLINGS), the Senator from New York (Mr. MOYNIHAN), the Senator from Maryland (Mr. SARBANES), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of Senate Joint Resolution 218, a joint resolution to authorize and request the President to designate the week of August 29, 1982, through September 4, 1982, as "National Railroad Week" and September 4, 1982, as "National Railroad Day."

SENATE JOINT RESOLUTION 233

At the request of Mr. DURENBERGER, the name of the Senator from Minnesota (Mr. BOSCHWITZ) was added as a cosponsor of Senate Joint Resolution 233, a joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week."

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. HEINZ, the name of the Senator from Montana (Mr. BAUCUS), was added as cosponsor of Senate Concurrent Resolution 73, a concurrent resolution to condemn the Iranian persecution of the Bahai community.

SENATE RESOLUTION 444

At the request of Mr. DANFORTH, the names of the Senator from California (Mr. CRANSTON), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Resolution 444, a resolution expressing the sense of the Senate that President Reagan should submit to the United States Senate a clear and comprehensive report on the administration's policy for minimizing the risk of nuclear war.

SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the names of the Senator from Oklahoma (Mr. NICKLES), and the Senator from North Carolina (Mr. EAST) were added as cosponsor of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

AMENDMENT NO. 2006

At the request of Mr. GRASSLEY, the names of the Senator from Georgia (Mr. NUNN), and the Senator from Oklahoma (Mr. NICKLES) were added as cosponsors of amendment No. 2006 intended to be proposed to S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

SENATE RESOLUTION 454—RESOLUTION RELATING TO THE AIR TRAFFIC CONTROL SITUATION

Mrs. KASSEBAUM (for herself, Mr. CANNON, and Mr. INOUYE) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 454

Whereas, Since August 3, 1981, the Nation's air traffic control system has been operated by a reduced air traffic controller workforce that is severely below the level considered by the Federal Aviation Administration to be fully operational;

Whereas, replacement of the diminished workforce at the current rate of training and employment being implemented by the Federal Aviation Administration will not result in a fully operational air traffic controller workforce until 1988, at the earliest;

Whereas, the airline industry has been restricted severely by the reduced capacity of the air traffic system which has created inequities and distorted the competitive process;

Whereas, the airline industry has been one of the most severely affected by the recessions of 1980 and 1981 and by additional unique problems such as a $6,000,000,000 increase in fuel costs since 1979 and pricing challenges created by the ongoing transition to complete deregulation; and

Whereas, there exists a substantial number of dismissed controllers who may be eligible for reinstatement, and other qualified individuals barred by the age 30 hiring rule: Now, therefore, be it *Resolved*, That it is the sense of the Senate that the Department of Transportation has not utilized fully the human resources available to restore the capacity of the air traffic control system; and that immediate steps should be taken to waive the age 30 hiring rule and to expedite the processing of appeals of former traffic controllers seeking reinstatement.

SENATE RESOLUTION 455—RELATIVE TO THE STATUS OF PACIFIC SALMON STOCKS

Mr. MURKOWSKI (for himself, Mr. STEVENS, Mr. GORTON, Mr. HATFIELD, and Mr. JACKSON) submitted the following resolution, which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 455

Whereas Pacific Salmon orginating in the waters of Washington, Oregon, British Columbia, and Alaska wander freely across boundaries, both as rearing juveniles and maturing fish bound for their spawning streams;

Whereas as a result of this migratory pattern, fish of one country are caught in the fisheries of the other country both as an incidental harvest to domestic salmon fisheries and, in some cases, in targeted fisheries;

Whereas the mixed stock nature of Chinook (King Salmon) fisheries which harvest fish both as immatures and matures (due to their long life history at sea) complicates the management of this species, which must also take into account attempts to harvest both healthy stocks and hatchery stocks, as well providing for the conservation needs of depressed stocks, and not neglecting that this species also enters many different forms of fishery and is taken by a number of different user groups: commercial, recreational, and personal use in the United States and Canada;

Whereas severe conservation problems have been identified with most Chinook stocks from the Columbia River to Southeastern Alaska and recent work by scientists of both nations has highlighted stock problems in British Columbia, where those stocks are estimated to be reaching only one-third of their optimum escapement requirements;

Whereas Chinook salmon fisheries in British Columbia harvest well over one million Chinook salmon annually compared to a harvest of slightly more than 250,000 fish in Southeast Alaska as a result of the adoption by the State of Alaska of a 15-year rebuilding program designed to return natural Chinook runs in major rivers in Southeast Alaska to their historical levels of abundance;

Whereas the realization that neither country will be able to optimize production from its salmon stocks without an agreed upon set of management ground rules gov-

erning intercepting fisheries on both sides of the border and recognizing that unregulated escalation of interceptions and intercepting fisheries in British Columbia can only aggravate the allocation and conservation problems currently being faced by both nations;

Resolved, That it is the sense of the Senate that the Secretary Commerce should take all appropriate steps necessary to strengthen and define a United States position that will ensure: (1) That our anadromous fish stocks are perpetuated at productive levels, (2) That our fishermen are treated in an equitable manner in terms of sacrifices necessary to achieve conservation goals, (3) That interception problems are addressed in a manner having minimum impact on our user groups; and report back to Congress on at least a semiannual basis progress in these areas.

Mr. MURKOWSKI. Mr. President, today I have submitted a resolution instructing the Secretary of Commerce to strengthen and define his position regarding the status of Pacific salmon stocks. The problem we have with this west coast fishery is extremely serious and deserves immediate, priority attention. Should ongoing negotiations with Canada fail to produce a substantive cooperative management plan and should the status quo continue, we—the United States—and Canada can expect the demise of this important industry and valuable food resource in the Pacific Northwest.

Severe conservation problems have been identified with most Chinook (king salmon) stocks from Oregon to southeastern Alaska. However, scientific research conducted by both the United States and Canada has also highlighted severe stock problems in British Columbia, where stocks are estimated to be reaching only one-third of their optimum escapement requirements.

Canadian Fisheries and Ocean Ministry statistics indicate that the total coastwide catch of Canadian Chinook salmon by Canadian and United States commercial, sports, and native food fisheries for the period 1976–80 averaged 1,176,000 fish, while the average escapement during the same period was only 194,000 fish. In other words, it indicates a fishing mortality of nearly 86 percent of the total stocks. It is generally believed that Chinook stocks cannot withstand a fishing pressure of more than 70 percent. It is our opinion, buttressed by scientific research, that Canadian overfishing in British Columbian waters, on both United States and Canadian stocks is primarily responsible for these high mortality and low escapement figures.

Canadian Fisheries and Ocean Minister Romeo LeBlanc has stated that:

Despite the substantial salmon enhancement work and conservation restrictions introduced in 1981 and previous years, escapements of wild Chinook to British Columbia coastal streams and rivers is less then 50 percent of that required for optimum production. This situation means that to save the stock we must impose more strict catch restrictions * * *.

Canadian fishery management actions proposed for implementation this year are designed to increase 1982 British Columbia Chinook spawning escapements by 20,000 fish. This reduction in take seems inconsequential given the fact that Chinook harvest by British Columbia fishermen is expected to be well over 1 million fish. Their conservation measures over recent years have been aimed principally at the commercial net fisheries whose catch of Chinook salmon currently represents only 16 percent of the total catch of Canadian Chinooks. Not enough has been done to curtail harvests in the troll fishery.

Southeast Alaska catches of Chinook for the period 1970–80 have averaged 301,000. This year, despite strong opposition from our fishermen, we set our quota at 255,500 fish, a 15-percent reduction over our 10-year historical catch level. This was done to protect stocks and to insure productive harvest levels in the future. Similar Canadian conservation efforts to increase 1982 British Columbia spawning escapements by 20,000 fish will amount to a 2-percent reduction in quota assuming a harvest of at least 1 million fish. It seems obvious that any actions taken in southeast Alaska to conserve Chinook stocks will be doomed to failure unless other jurisdictions also take significant conservatory actions.

I have submitted this resolution today to bring to the attention of my colleagues and the the administration the severity of this problem and to impress upon all concerned that action taken too late or not at all will entail significant costs in terms of a declining industry and fishery.

To my colleagues here today I urge the consideration and passage of this resolution. To the administration and related individuals, I ask that an accord with the Canadians be reached expeditiously that will insure the proper, cooperative management of all salmon stocks for the benefit of all citizens in the Pacific Northwest.

PACIFIC FISHERIES

Mr. STEVENS. Mr. President, I support the resolution offered by my good friend Senator MURKOWSKI. The salmon stocks of the Northwest are in grave condition, Mr. President, and while the Department of State is aware of the problem, we have not been able to apply uniform conservation principles along the entire north Pacific coast. Meanwhile, chinook salmon stocks are being depleted because of inconsistent management regimes between the United States and Canada.

The unfortunate result from this inconsistent management between our two nations is an ever increasing burden that is being placed on troll fishermen in southeast Alaska and in Washington and Oregon. This burden of ever more extreme reductions in harvest levels on the U.S. side are not resulting in greater escapement for conservation purposes because of increased interceptions by Canadian fishermen on these stocks. The end result, if it is not dealt with immediately, will be to further deplete these stocks down the line, and to injure all of the participants in the fishery—United States and Canadian fishermen.

The United States-Canada salmon negotiations are well into a third decade of discussions, and the opportunity to work out a management regime may come as early as this fall. However, that agreement must contain a fair apportionment of responsibility to meet the conservation needs of the fishery, or it will crumble as soon as it is completed. The plight of the west coast chinook salmon has not been fully addressed to date, and I hope that the Secretaries of State and Commerce will take note of congressional concern in this matter, and undertake a fundamental reexamination of the chinook salmon problem prior to the continuation of the discussions this fall.

Several months ago I wrote to Secretary Baldrige on this problem. I am pleased that he understands that we cannot continue to make unilateral sacrifices without cooperation from the other user groups. A copy of his letter to me on this problem is attached.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., June 11, 1982.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR TED: Thank you for your letter and enclosed correspondence from B. F. Thompson, concerning harvest reductions in the Alaska troll salmon fishery.

I support the North Pacific Fishery Management Council's decision to limit the 1982 harvest of chinook salmon to 255,500 and to use in-season closures in the management of the 1982 high seas salmon troll fishery off Southeast Alaska (47 F.R. 20830) to achieve that goal. This strategy is appropriate and consistent with the Magnuson Fishery Conservation and Management Act. Because the Council is operating under an approved fishery management plan within an optimum yield range of 243,000–272,000, Secretarial approval of the Council action is not required. I am, however, reviewing the Council's overall fishery management plan for high seas salmon in light of continuing litigation; that is, *Confederated Tribes* v. *Baldrige.*

I recognize the sacrifices that have been made in the interest of conservation and management by the Alaska salmon fisher-

men and rural communities that are heavily dependent on the troll fishery for their economic well-being. Continued sacrifices cannot be justified, however, if all the chinook salmon saved in Alaska are caught in fisheries outside Alaska or mysteriously disappear after entering their spawing rivers. While this Department has limited jurisdiction over the factors contributing to salmon loss within the rivers, I am working with Federal and State agencies and with other organizations, including Indian groups, to identify and alleviate the problem. If the Pacific Northwest States make conservation efforts that result in increased spawning in the upper Columbia River, and if Canada's actions result in a potential for greater savings of fish to the spawning grounds in 1983, the Council and the Alaska Board of Fisheries have agreed to reduce the Southeast Alaska chinook harvest to 243,000 in 1983. The need for reduction of inter-dam losses and improved migrant passage was pointed out in this Department's response to the minority report on the North Pacific Council's action, submitted by Rolland Schmitten of the Washington State Department of Fisheries.

Thank you for your State's support in salmon management, and the willingness of individuals directly affected to abide by the Council's decision. Unfortunately, there is no practical, simplistic, and immediate resolution to the problem of depressed chinook stocks or the multiplicity of problems involved in the fisheries management of all five Pacific salmon species.

Sincerely,

MAC,
Secretary of Commerce.

SENATE RESOLUTION 456—RESOLUTION OPPOSING PLANS FOR WAGING AND WINNING NUCLEAR WAR

Mr. SPECTER submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 456

Whereas the policy of the United States has been to maintain strategic nuclear forces solely for the purpose of deterring war;

Whereas a nuclear war cannot be "won" in any meaningful sense of the word because the resulting destruction would be so extensive;

Whereas substantial unease has developed within the United States and abroad regarding current American policy on the role of nuclear weapons in our defense;

Whereas uncertainty regarding U.S. nuclear doctrine and forces has already resulted in the stalemate, since 1976, of the arms control process designed to reduce reliance upon nuclear weapons and to minimize the risks of accidental war;

Whereas the risks of nuclear war appear greater today than ever before; and

Whereas planning to enable the United States to win a nuclear war may make nuclear war more likely: Now, therefore be it

Resolved, That it is the sense of the Senate that the United States should not engage in planning for nuclear forces and strategies whose objective is to enable the United States to wage and win a nuclear war.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

Mr. SPECTER. Mr. President, I am today submitting a sense of the Senate resolution declaring that the Senate is opposed to any plan to wage and win a nuclear war. This sense of the Senate resolution follows a floor statement which I made 3 days ago on August 17, 1982, when the Senate was considering the Department of Defense authorization conference report.

While I have contemporaneously wrote to appropriate officials in the executive branch on this and related subjects, I consider it important to proceed at this time with the submission of this resolution so that its consideration may move ahead, including referral to the Subcommittee on Arms Control of the Committee on Foreign Relations.

I firmly believe that it is absolute folly to plan to wage and win a nuclear war, because a nuclear war cannot be won. The consequences would be devastating, the destruction unimaginable. My concern is that any such plans and preparations will, in and of themselves, increase the likelihood of a nuclear war, which we should instead be working to avoid. The wish is father to the thought; the plan is father to the act.

Recent news accounts have reported that the U.S. Government is in the process of revising its long-standing strategy of deterrence to focus instead on developing the capabilities and strategies to prepare us to, so to speak, win a prolonged nuclear conflict. "Win" is, however, a hollow word here.

I do not know if these assertions and their implications are accurate. However, the very fact that such articles appear creates undue apprehension among our own people, among our allies, and in the minds of potential adversaries.

Recently, I returned from a trip to the Soviet Union terribly concerned by the confusion in the minds of Soviet officials responsible for policies toward the United States and its allies. It is dangerous and unwise if American officials think they enhance our own security by keeping the Soviets as confused about our nuclear war policies as the U.S. Government sometimes seeks to be. Confusion can lead to miscalculation and miscalculation to devastation that no rational person would ever intentionally, willingly accept.

I believe that, to deter war, America must be strong and that improving our strategic forces can promote the important goal of concluding arms control agreements that will restrain and, I hope, someday end the nuclear arms race and the delusions of governments throughout the world that nuclear weapons can be tolerated. Even the existence of nuclear weapons, and the nuclear stockpiles which support them, pose substantial risks to the well-being of people everywhere, since, as the people in my own State of Pennsylvania learned not too long ago, all forms of nuclear energy—peaceful or military—involve some degree of risk.

I support and have been encouraged by the President's arms control initiatives, particularly his proposals at the START and INF negotiations in Geneva. I have also supported the President's initiatives regarding nuclear arms modernization, such as the B-1 bomber and improvements in our command, control, and communications systems.

It is important not to increase the risks of accidental nuclear war by failing to improve these systems to warn our country against a possible attack and not to interpret these programs as themselves signals that the Government is more concerned with being able to conduct prolonged nuclear war than with preventing nuclear holocaust. By contrast, massive spending on civil defense programs that planners seem to suggest would effectively protect Americans from the effects of nuclear attack does make me wonder what is being contemplated by officials who propose such programing. The purpose of nuclear weapons and strategy should be to deter nuclear war, not to wage it.

If the weapons are ever used, then our policy will have monumentally failed. In order to clarify for everyone what our nuclear policy is, and to declare opposition to any planning, whether ongoing or proposed, that might make nuclear war more likely, I offer this resolution.

When I made my statement on August 17, 1982, I referred to a press report in the Philadelphia Inquirer of August 17. The report concluded with the notation that:

> They [those who advocate planning to win a nuclear war] specified that 20 million U.S. fatalities would represent a compatible level.

Twenty million U.S. fatalities, in my judgment, is totally incompatible with any rational approach. To prevent such a catastrophe and to stop any such planning, I urge my colleagues to adopt this resolution.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HELMS. Mr. President, as chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, I wish to advise the Senate that committee markup of legislation to reauthorize the Federal Insecticide, Fungicide, and Rodenticide (FIFRA) program has been scheduled for September 15 and 16. The markup sessions will begin at 10 a.m. and 2 p.m., respectively, in room 324, Russell Senate Office Building.

CANCELLATION OF HEARINGS—SUBCOMMITTEE ON LABOR

Mr. NICKLES. Mr. President, the Labor Subcommittee of the Labor and Human Resources Committee has an oversight hearing scheduled on the Federal Mine Safety and Health Act of 1977 for September 14, 1982. That hearing is cancelled due to the limited amount of time remaining for the 97th Congress and the workload still pending.

I am encouraged that in the past 7 weeks since the hearing was announced, meaningful discussions have commenced between those directly concerned with the health and safety conditions in out Nation's mines. I am hopeful that such exchanges will continue in the months ahead so that together we may work toward a consensus bill for introduction in the 98th Congress.

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to receive testimony on S. 2061, to provide for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and for other purposes; and H.R. 4861, to en statements for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

For further information regarding this hearing you may wish to contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

ADDITIONAL STATEMENTS

EXPLANATION OF VOTE ON CONFERENCE REPORT ON TAX BILL

● Mr. PRESSLER. Mr. President, I would like to explain my vote for the conference report on H.R. 4961, the Tax Equity and Fiscal Responsibility Act.

Quite frankly, there are many things I do not like about this legislation. Although it is fortunate that the bill preserves the individual tax cuts passed last year, it contains provisions which I fought against on the Senate floor including withholding on dividends and interest and tip reporting requirements. In addition, the conferees chose not to include my amendment to H.R. 4961 which would have allowed an investment tax credit for farmers for soil and water conservation expenses. I believe this amendment would have proved very helpful to our hard-pressed farmers and I will continue to fight for adoption of the conservation tax credit.

Therefore, my decision to support the conference report was not an easy one. I voted for H.R. 4961 only because I believe its passage is absolutely necessary if we are to address satisfactorily the serious budget problem facing our Government. This legislation, which will raise $98.3 billion over the next 3 years, will help alleviate the budget problem.

The real solution, of course, is to put strict controls on Government spending. I would have preferred to see Congress reduce spending further; however, in the absence of sufficient budget cuts, we must raise the revenues necessary to decrease the unacceptably high deficits projected for the coming years. This Nation cannot tolerate the $200 billion deficits that would otherwise occur.

Recently, we have seen some very encouraging economic developments. Many banks have lowered their prime interest rate to 14 percent and Wall Street is enjoying a period of vigorous trading.

These are good signs, but if we wish the economy to continue to improve, we must make some very difficult choices. I have heard repeatedly from South Dakota farmers, small business people and consumers that they simply cannot survive with the high interest rates that have prevailed over the last 2 years. The Congress must face the fact that we cannot expect interest rates to come down further and to stay down if we do not pass this kind of legislation. The inhibitions I have about specific provisions of this bill have been overcome by the concern that the national economic recovery might be threatened unless the revenue package is adopted.

Mr. President, attached is a letter of today from Senator DOLE regarding my amendment on the farm 10 percent investment tax credit on tree-planting, soil and sector conservation.

The letter follows:

U.S. SENATE,
August 19, 1982

Hon. LARRY PRESSLER,
U.S. Senate,
Washington, D.C.

DEAR LARRY: I want to assure you that the Senate Conferees fought hard for your amendment to H.R. 4961 permitting farmers to elect a 10 percent investment tax credit for those soil and water conservation expenditures that are not expensed. As you recall I supported the provision on the Senate floor and agreed with you that it would be very beneficial for our farmers. Unfortunately, the House Conferees would not agree to the amendment.

I expect that the Finance Committee will consider the soil and water conservation credit as well as several other tax matters that do not involve a substantial revenue loss at an early time.

Sincerely yours,

BOB DOLE.●

NOMINATION OF OLIVER G. RICHARD III, TO THE FEDERAL ENERGY REGULATORY COMMISSION

● Mr. JEPSEN. Mr. President, earlier the Senate confirmed the nomination of Olvier G. Richard III to the Federal Energy Regulatory Commission (FERC).

This is an important nomination to a commission that touches the lives of every American. Because of the significance of this position, I feel I must express my opposition to the Richard nomination.

First and foremost, my opposition to this nomination is in no way related to Mr. Richard's character or qualifications. On the contrary, I understand he is a person of fine character and possesses the highest qualifications to serve on the Commission. Rather my objection lies in the general and marked imbalance that would be created within the Commission should Mr. Richard be confirmed.

Let me explain. Of the Commission's present membership, two individuals are from the State of Texas, a major energy producer, one is from Virginia, and another is from Hawaii, a State far removed from the natural gas distribution system.

As we can see, energy-producing States are well represented. Mr. Richard, who is from the State of Louisiana, would add another voice from these States. Thus, this nomination would further the imbalance between energy-producing States and energy-dependent States, such as those in the Midwest and Northeast.

Mr. President, the decisions of the Commission impact every American in every State. In order to increase public confidence we need a board member who geographically provides representation for States that are energy dependent.

For this reason I object to this nomination and would have voted no had there been a rollcall vote.●

NATIONAL DEFENSE EDUCATION ACT

● Mr. DODD. Mr. President, the Soviet launch of Sputnik in 1957 placed our Nation on notice that we could no longer take technological superiority for granted. In response, Congress passed the National Defense Education Act (NDEA). This $1 billion education program was geared basically to science, mathematics, and foreign languages.

The NDEA was a great success. Its most dramatic result, of course, was the man-on-the-Moon landing in 1969. Unfortunately, however, our commitment to science education has lapsed since then.

That is unfortunate. For a Federal commitment to science education is

not a commitment to an isolated special interest group. On the contrary, it is a commitment to the future of our Nation.

The public recognizes this and wants Federal support for science education. A 1980 poll of the general public asked, To which areas would it be most beneficial to assign public science and technology dollars? Among the 14 priorities listed, education ranked third, finishing ahead of such priorities as developing or improving weapons for national defense, reducing crime, or reducing and controlling pollution.

In spite of the public consensus that science education is vital, the quality of teaching science and mathematics has greatly deteriorated. The National Academy of Sciences has emphasized that the state of high school science and mathematics teaching is "scandalous."

Many secondary school science and mathematics teachers are unqualified to teach. They continue to teach nonetheless on an emergency basis due to a critical shortage of qualified science and mathematics teachers. The shocking fact is that at least 30 percent of the Nation's high school students who graduated last year did not have a qualified teacher in either science or mathematics.

This lack of basic science and mathematics training will have a profound effect on the Nation's future. Recent evidence proves this to be true.

One example is the declining growth rate in manufacturing productivity. Many factors obviously play a role in this situation. But it is relevant that Japan, France, West Germany, and the Soviet Union, all of which have witnessed substantial growth in manufacturing productivity, unlike the United States, are producing the manpower and skilled labor force necessary for high-technology industries.

In addition, while the United States is experiencing a decline in the standards of secondary education, these same countries are raising the standards of secondary education. Not surprisingly, they are placing greater emphasis on science and mathematics at all levels of education than is the United States.

This deterioration of the Nation's secondary school education must not be allowed to continue. Congress must take the necessary steps to insure a qualified science and mathematics faculty in secondary schools. In the near future, I plan to introduce legislation that will address the secondary school science and mathematics teaching problem.

Mr. President, to illustrate the seriousness of the decline in science and mathematics education, I ask consent that the following article from the August 8 issue of the Washington Post be inserted in the RECORD.

The article follows:

EQUATION FOR A TEACHING CRISIS

(By Donna Hilts)

At a recent convocation of the National Academy of Sciences, a group not easily pushed to overstatement, scientists and educators called the state of high school science and mathematics teaching in this country "scandalous." What's more, they agreed, most students graduating from high school are "scientifically illiterate."

The shortage of teachers is critical: In New York and Minnesota last year, according to Academy president Frank Press, not one university graduate qualified to teach high school science actually did so. In the Washington area, universities are graduating only a handful of high school math and science teachers, a trickle not large enough to supply the major school districts in Maryland, Virginia, and the District.

Pirating teachers has become a national way of life. Hightech industries, desperate for engineers and other technically skilled workers, are not only raiding college faculties but offering new graduates $10,000 more to start than the $14,000 they could get teaching in area high schools. Colleges and industry in turn are stealing teachers from high schools, according to area educators. As a result, those left behind to teach the young in the public schools are often neither sufficiently competent nor enthusiastic to inspire their students to the wonder of the quark or the beauty of an equation.

The crisis looms at a time when America's economic future depends on the expansion of its high technology industries—computers, robotics, laser optics, genetic engineering. And yet not nearly enough people are being trained to fill these jobs. In Massachusetts, Itek Corporation chairman Robert P. Henderson recently told a congressional hearing, the inability of these industries to find enough technically trained workers to fully staff their facilities had lost the state half a billion dollars in personal income revenue.

No one is quite sure why or how this crisis in science education happened. Television, Vietnam and the upheaval of the '60s, which forced lower school standards across the board, are commonly blamed. But it is certain, as Dr. Wade Gilley at George Manson University puts it, that while the high technology express rumbled into America, "We as a nation were asleep at the switch."

As a result, we have begun a national scramble to catch up. The National Science Board, which directs the National Science Foundation, has set up a panel of experts to find some answers, fast. And the Department of Education has put its own National Commission on Excellence in Education in place. Meanwhile local schools and industries have been left to assemble their own patchwork solutions.

The decline, some would even call it disgrace, of a nation that has long prized its technological ingenuity, can be read in recent statistics from the National Science Foundation:

In 1981, half the newly hired math and science teachers in high school were not qualified to teach those subjects. Forty-three states reported shortages of math teachers; nearly as many lacked enough physics teachers. More alarming, the average education major today scores significantly lower on standardized aptitude and achievement tests than other college students.

The performance of students, not unexpectedly, is equally dismal. The number of college freshmen needing remedial help in math jumped 72 percent from 1975 to 1980. On SATs and national assessment tests administered by the U.S. department of education during the past 10 years, 17-year-olds have scored increasingly badly in math and science. Many give up entirely by senior high: one half of all high school graduates in the United States take no math or science beyond 10th grade.

What is more, many experts are beginning to worry, not only about the quantity of science and math education, but also the quality. Henry Pollak, head of math and statistics research for Bell Laboratories, the nation's premier industrial lab, said recently, "Since 1940 the amount of math known has doubled every 10 years so that we now know about 16 times more math than we did then, but none of it has found its way into the schools."

In the Washington-area, public school systems, although admittedly better off than many places, have already begun to feel the crisis. "We're in a state of mild panic right now," admits James Shinn, director of employment services for Fairfax County schools. Despite the system being one of the most affluent and most highly regarded in the nation, Shinn expects to open this fall with uncertified substitutes filling several math and earth science teaching slots. The county's saving grace, he says, is that the quality of their substitutes is so high. Most are quite proficient in their fields, but lack the necessary teaching credentials for state certification.

In Montgomery county, where dwindling enrollments have caused massive school closings, there is a temporary surplus of math and science teachers, according to John Pancella, coordinator of secondary science for the schools. In Prince George's, the school system's recent $30 million budget cut forced the firing of more than 500 teachers, 16 high school math and science teachers among them. Those with provisional certificates were the first to be laid off.

"I don't want to imply there isn't a problem," said Carl McMillen, director of personnel for the Prince George's system. "There has been for the past several years. . . . As time goes on, if the student population increases, there will be a continuing and worsening shortage in math and science teachers, particularly in physics and chemistry."

Conard Seeboth, supervisor of mathematics for Prince George's is equally pessimistic: "In the junior high, middle school, and elementary levels, we definitely need to beef up the competence of some of our teachers." Already, the system is trying to retrain some of its teachers by offering courses in algebra and geometry. "Many of them haven't had those subjects since high school," he said. "They're very rusty."

In the District, officials have sent a desperate appeal to area universities to fill several math and physics teaching posts before school begins. Although exact figures are not available, Mary B. Harbeck, supervising director of science, said she recently lost two "excellent teachers," one to industry, the other to a college. "The shortage really exists in good teachers," she said. "There are people available who are certified, but not qualified."

To ease the problem, most area school districts are pushing to find teachers within their own systems who are near certification in the critical fields and help them become

qualified. In Montgomery and Fairfax, this includes some financial help for teachers' course work at area universities.

Even in Montgomery, where the school system's reputation, prime location, and relatively high salaries make it attractive to teachers, school officals worry about the near future. "I have an aged faculty," said Pancella. "My concern is in four or five years." Fairfax director Shinn agrees. In five years, shortages will be really severe, he said. "The supply will shrink, and we're frightening people out when we say there is an [overall] surplus of teachers."

The recent graduating classes of area universities indicate the kind of future shortage Shinn fears. At George Washington University, there were no graduates in secondary math and science education. At the University of Maryland, one of the largest teaching institutions in the area, out of 179 secondary education graduates, seven were qualified in math, only four in science, whild 43 majored in early-childhood education, and 19 in art.

George Mason University vice president Gilley estimates that half the jobs in Fairfax County are in high-tech industries. Yet people to teach youngsters to fill those jobs are not being trained in sufficient numbers. At George Mason only two students graduated in secondary math education last year, none in physics or chemistry.

George Mason, however, recently has begun a new partnership with county industries, which it hopes will "build a critical mass of first-rate faculty," said Gilley.

The new Institute of Science and Technology at George Mason will attempt to tap the highly paid talent, and expensive equipment, of the county's 424 high tech firms, those specializing in computers, software, and research and development among them.

Executives will be offered part-time teaching posts and help develop the university's science curriculum; they will in turn have access to the university's pool of manpower, professors and students, to carry out understaffed projects, said Gilley.

Such a solution, however, may do little to ease the drain of teaching talent below the college level. Gilley points out that in the past decade the number of technological companies in Fairfax has jumped from 135 to 424, and the number of jobs in these industries has more than doubled. "Firms are locating here now almost weekly," he said.

So where does that leave the coming generation of young people, who cannot possibly compete in the marketplace of microchips and robots if they are not somehow encouraged in science early on? The Washington area reflects what is happening nationally. There is a growing gap of information between rich and poor, the educated haves and have nots. In Montgomery County, for instance, more students than ever before are enrolling in advanced science courses and entering science fairs. While in the District's inner city, said science director Harbeck, "We have some young people—and some adults—who think the landing on the moon was a big science fiction extravaganza on T.V. They just don't believe it happened."

"The danger," wrote Academy of Sciences president Frank Press recently, "is not in failing to train the gifted who wish to be scientists and engineers; they still seem to receive the requisite education and opportunities. Rather, it is in raising a generation of Americans who lack the education to participate in a technological age; in failing to assure the scientific literacy of Americans, whatever their future vocations."

How America can be so tranformed, it is hoped by many, will be outlined by the National Science Board's new Commission on Precollege Education in Mathematics, Science and Technology. The 20 men and women on the panel were chosen for their credentials in industry, defense, science and education. They consider their mandate, according to commission executive director Richard S. Nicholson, to write a national science education policy.

Some believe not only the economic health, but the safety of America's future depends on it. In West Germany and Japan, where the governments have persuaded their citizens of the importance of technology and encouraged increasing numbers of young people to enter engineering and other technical fields, industrial productivity has increased far more rapidly than it has in the United States.

America's lag in technological education has perhaps more frightening implications in the state of the country's defense—not missiles and bombs, but the people who will control them.

"We can't compete with a driver of a tank from the Soviet Union who has two years of calculus when we have to write our manuals at the sixth-grade level in comic book style," Nicholson said.

SCIENCE AND MATH EDUCATION: HOW AMERICA COMPARES

These facts about science and math education in America, the Soviet Union, East Germany, the People's Republic of China, and Japan were assembled by the National Academy of Sciences:

The school year abroad averages 240 days: minimal time is lost to absences. Ours averages 180 days with a loss of one month on the average due to absences. Their school week is 5.5 or six days and includes a six to eight hour school day; we have a five day week and an average school day of four to five hours.

Specially trained science and mathematics teachers take over in grade four abroad, not until grade seven in our schools.

Courses in mathematics (other than arithmetic or general math), biology, chemistry, physics, and geography start in grade six and are required of all students.

The time spent on these subjects, based on class hours, is about three times that of even the most science-oriented U.S. students, i.e., those that select four years of science and mathematics in secondary school.

Other subjects are not slighted at the expense of science and mathematics. Language study is encouraged, partly to make contact with scientific and technology information in other languages. More students and adults are learning English in China than there are English-speaking people in the U.S.

In addition, the Soviet Union has just instituted a reform of its school system which makes it the most advanced in the world, according to the National Science Foundation. The number of high school students taking calculus each year in the Soviet Union has reached 5 million. For the United States the comparable number in 1977 was 105,000. In addition to two years of calculus, all youngsters in the Soviet Union are required to complete 5 years of physics, four years of chemistry, four years of biology and five years of algebra.●

UPPER MISSISSIPPI RIVER

● Mr. KASTEN. Mr. President, I am proud to announce that I am cosponsoring legislation which will provide for enhanced environmental management of the upper Mississippi River.

This legislation, introduced by Senator DANFORTH with 11 Senators from States along the Mississippi, not only provides for the needs of commercial navigation but recognizes that the environmental concerns of the upper Mississippi are equally important.

The Mississippi River is the only waterway in the United States that has been designated as part of both the National Wildlife Refuge System and the National Waterway Transportation System. As a result, there are differing interests competing for the river's resources which must be recognized in the management policy of this river.

Past management of the upper Mississippi has been dominated by commercial interests. This imbalance threatens many of the most significant natural amenities of the river. S. 2861, while providing for the continued commercial use of this waterway, orders the Federal Government to work with the States to give greater priority to the environmental health of the river.

The importance of protecting the environmental quality of this area is twofold. First, the upper Mississippi, a key element of the Mississippi flyway, is a vital link in the life cycle of nearly three-fourths of the Nation's migratory waterfowl. The river is important to the viability of other forms of wildlife as well. S. 2861 recognizes this fact, and establishes a long-term environmental management program for the river and its tributaries.

In addition, the recreational uses of this river make substantial contributions to local economies. In Wisconsin alone, over $234 million can be directly attributed to the recreational use of this waterway each year. In fact, the recreational uses of the river play a greater role in the local economy in Wisconsin than does commercial navigation.

While shipping along the upper Mississippi is overshadowed by other uses in Wisconsin, I recognize the key role of this transportation artery to other States. The adoption of this legislation will eliminate the bottleneck currently restraining navigation on the Mississippi River.

For these compelling reasons, we must act to correct the errors of past management practices. We can no longer stand by and watch the deterioration of this resource. For this reason, I am pleased to join with 11 of my colleagues in support of S. 2861.●

THE FBI'S RELUCTANCE TO COOPERATE WITH DEPARTMENT OF JUSTICE AUDITORS

● Mr. BAUCUS, Mr. President, I would like to bring to the attention of the Senate a sad story. It is the story of how, even though the years pass, administrations change and Attorneys General come and go, the Department of Justice continues to strive to operate under the veil of secrecy.

I firmly believe that the citizens of this Nation are the best judges of Government actions. And for the public to act in their role as judges, they must have access to information about their Government. Access to information is a right that has been used effectively in this country for centuries to improve Government operations as well as society in general. Unfortunately, this view is apparently not shared by too many top officials at the Department of Justice.

As an example of this reluctance to let the people of this Nation know about the Government they pay for, I ask that a series of letters between myself and the Department of Justice be inserted in the RECORD at this point.

The letter follows:

SUBCOMMITTEE ON SEPARATION OF POWERS,
February 1, 1982.

Hon. WILLIAM FRENCH SMITH,
Attorney General, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I would appreciate receiving a copy of the audit report entitled, "Acquisition, Control, and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation" completed by the audit staff of the Department of Justice. In addition, please provide me with copies of all written determinations made on the audit findings by the Federal Bureau of Investigation.

Thank you for your attention to this request.

With best personal regards, I am
Sincerely,

MAX BAUCUS,
Ranking Minority Member.

U.S. DEPARTMENT OF JUSTICE,
Washington, D.C. March 23, 1982

Hon. MAX BAUCUS,
Ranking Minority Member, Subcommittee on Separation of Powers, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAUCUS: The audit report "Acquisition, Control, and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation" that you requested in your February 1, 1982 letter to the Attorney General is enclosed.

You will recall that I responded by letter of March 3, 1982, explaining that the audit report would be sent to you as soon as it was issued.

Thank you for your interest in the Department of Justice.

Sincerely,

KEVIN D. ROONEY,
Assistant Attorney General for Administration.

SUBCOMMITTEE ON SEPARATION OF POWERS,
April 2, 1982

Hon. KEVIN D. ROONEY,
Assistant Attorney General for Administration, U.S. Department of Justice, Washington, D.C.

DEAR MR. ROONEY: Thank you for providing me with a copy of the audit report, "Acquisition, Control, and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation." I note, however, in Appendix A of the report, pages 7 through 15 were deleted from the final report. I would appreciate receiving copies of those pages from the draft report.

Thank you for your attention to this matter.

With best personal regard, I am
Sincerely,

MAX BAUCUS,
Ranking Minority Member.

U.S. DEPARTMENT OF JUSTICE,
April 22, 1982, Washington, D.C.

Hon. MAX BAUCUS,
Ranking Minority Member, Committee on the Judiciary, Subcommittee on Separation of Powers, U.S. Senate, Washington, D.C.

DEAR SENATOR BAUCUS: Your letter of April 2, 1982 acknowledges receipt of the audit report, "Acquisition, Control and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation," provided in response to your earlier request. Your letter also requests copies of the deleted pages 7-15 referenced in the Federal Bureau of Investigation's (FBI) response to the working draft report (Appendix A of the final report).

The Department's Audit Staff customarily submits all "working draft" reports pertaining to the FBI to the appropriate FBI officials for a "sensitivity review" before the draft audit report is prepared for distribution and comment. This review process ensures that the auditors have not inadvertently revealed classified or other sensitive investigative information, and allows the FBI officials and the auditors to discuss and clarify any misunderstandings that may be relevant to the audit findings. Subsequent to this review, necessary changes are made and the draft audit report is issued for formal review and comment.

In the case of the audit you referenced, the FBI formally responded to the "working draft" report rather than waiting for the draft report to be issued. The other respondees (Appendices B, C, D and E) commented on the draft report. It is the position of the Audit Staff that working papers and draft reports should not be released, for to do so would undermine the willingness of auditees to be candid and forthright with the auditors. You can be assured, however, that all appropriate audit findings were included in the final audit report.

For these reasons, it would be inappropriate for the Department to release copies of the "working draft." If you would like to discuss this matter further, the Director of the Audit Staff, Guy K. Zimmerman, and I would be available to meet with you to explain the circumstances and actions taken as a result of the "sensitivity review" with the FBI. Your staff may also contact Mr. Zimmerman directly on this matter.

Thank you for your continued interest in the Department of Justice.

Sincerely,

KEVIN D. ROONEY,
Assistant Attorney General for Administration.

SUBCOMMITTEE ON SEPARATION OF POWERS,
May 11, 1982.

Hon. KEVIN D. ROONEY,
Assistant Attorney General for Administration, Department of Justice, Washington D.C.

DEAR MR. ROONEY: I am in receipt of your letter of April 22, 1982 concerning my request for copies of the deleted pages of the audit report, "Acquisition, Control and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation." I am troubled by the Department of Justice's continuing reluctance to cooperate with members of Congress.

As you may know, I have been a strong supporter for an active and independent audit program at the Department of Justice in the past and am a cosponsor of legislation that would establish an Inspector General at the Department of Justice. Your Audit Staff Director, Mr. Guy Zimmerman, informed my staff that the deleted pages deal directly with the FBI's reluctance to cooperate with Department of Justice auditors. I therefore request, once again, that you provide me with copies of the deleted pages. In addition, I understand that a management communication was sent by you to FBI Director Webster concerning the FBI's reluctance to cooperate with the auditors. I would appreciate receiving from you a copy of that communication also. If you decide not to provide me with copies of the deleted pages of the management communication, please provide me with your specific legal reasons for denying my request.

With best personal regards, I am
Sincerely,

MAX BAUCUS,
Ranking Minority Member.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., July 7, 1982.

Hon. MAX BAUCUS,
Ranking Minority Member, Subcommittee on Separation of Powers, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR SENATOR BAUCUS: This is in further response to your letter of May 11, 1982 concerning the audit report the Department recently provided you on "Acquisition, Control and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation." Your letter requests: (1) copies of the deleted pages of the audit report, and (2) the management communication that was sent to Director Webster concerning this audit.

It is important to note that no pages were deleted from the audit report. As explained by the Assistant Attorney General for Administration, Kevin D. Rooney, in his letter of April 22, 1982, the pages to which you refer were in the "working draft report" that was submitted to the Federal Bureau of Investigation (FBI) for sensitivity review and comment.

This review process ensures that the auditors have not inadvertently revealed classified or other sensitive investigative information, and allows the FBI officials and the auditors to discuss and clarify any misunderstandings that may be relevant to the audit findings. Obtaining advance review and comments by officials of the audited entity is a requirement included in the General Accounting Office "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

Subsequent to the FBI review, necessary changes were made and the audit report was issued. In addition, a management communication was sent to Director Webster to clarify several misunderstandings that existed but, which were adequately addressed during the review process.

You will recall that Assistant Attorney General Rooney pointed out that it is the position of the Audit Staff that audit working papers and draft reports should not be released, for to do so would undermine the willingness of auditees to be candid and forthright with the auditors. Likewise, it is the Audit Staff's position that the release of the management communication to Director Webster would be detrimental to the audit process in the Department. I understand that the Audit Staff Director, Guy K. Zimmerman, discussed this matter at length with your staff trying to explain the situation, why it was handled the way it was, and why the Audit Staff opposes the release of these materials.

Please be assured that the Department very much wishes to cooperate with Members of Congress and, frankly I am unaware of any continuing reluctance to cooperate with Members. However, your request for pages from a working draft audit report that had not been completely reviewed for accuracy and adequacy of support, convincingness, objectivity, clarity and simplicity, conciseness, completeness, and constructiveness of tone must be denied. Likewise, it would serve no appropriate and constructive purpose to provide you with the communication between management officials clarifying misunderstandings that were addressed and resolved in the audit review process. To do otherwise could be detrimental to the necessary, appropriate and candid communications that must take place between the Department's auditors and management officials.

Therefore, the Department respectfully asks your understanding of why we are unable to furnish these internal deliberative materials.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. BAUCUS. As my colleagues will note from reading this correspondence, on February 1, 1982, I wrote attorney General Smith and requested a copy of a DOJ audit report entitled, "Acquisition, Control, and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation." Mr. Kevin Rooney, Assistant Attorney General for Administration, provided me with a copy of the final report on March 23, 1982.

In reviewing the report, I noticed that nine pages had been deleted from appendix A. On April 2, 1982, I requested that Mr. Rooney provide me with a copy of those deleted pages.

Mr. Rooney, by letter dated April 22, 1982, saw fit to deny my request. In his letter, the Assistant Attorney General for Administration stated,

It is the position of the Audit Staff that working papers and draft reports should not be released, for to do so would undermine the willingness of auditees to be candid and forthright with the auditors.

After a telephone conversation between a member of my staff and Mr. Guy Zimmerman, Director of the Audit Staff, I once again requested, by letter dated May 11, 1982, that I be provided copies of the deleted pages.

On July 7, 1982, Assistant Attorney General Robert McConnell responded to my request by stating,

• • • your request for pages from a working draft audit report that had not been completely reviewed for accuracy and adequacy of support, convincingness, objectivity, clarity and simplicity, conciseness, completeness, and constructiveness of tone must be denied.

Mr. President, I am sure that many of my colleagues would have shared my interest in knowing what the auditors had said in those nine pages that was either so inaccurate or so sensitive that a Member of the U.S. Senate could not review it let alone the general public.

First, my colleagues should know that the audit itself was fairly innocuous. I ask that the Executive Digest of the audit be placed in the RECORD at this point.

The Executive Digest follows:

AUDIT REPORT ON THE ACQUISITION, CONTROL, AND DISPOSITION OF SEIZED AND RECOVERED PROPERTY IN THE FEDERAL BUREAU OF INVESTIGATION

EXECUTIVE DIGEST

The Audit Staff, Justice Management Division, has completed an audit of the Acquisition, Control, and Disposition of Seized and Recovered Property in the Federal Bureau of Investigation (FBI).

The purpose of the audit was to ascertain whether the FBI was in compliance with Federal Property Management Regulations and had established an efficient and effective system of accountability to ensure:

1. Compliance with Federal policies and procedures regarding seized and recovered property.
2. There were effective procedures and records pertaining to acquisitions.
3. There were effective custodial procedures prescribed and practiced.
4. There is effective property accountability verification.
5. Compliance with Federal policies and legal requirements respecting the disposition of seized and recovered property.

Our review covered all seized and recovered property for which the FBI was accountable whether evidentiary in nature or not, on hand, or of record, at the time of our audit.

We found that improvements are needed in:

1. Program management controls in connection with: manual guidance; accounting for seals for valuable exhibits; supervision; training; the position description of the bulky exhibit clerk; and management inspections.
2. Acquisition controls in connection with documenting acquisitions, categories of exhibits, and the packaging of, and receipting for, exhibits.
3. Custodial controls in the areas of: responsibilities of bailees; inventory records; chain of custody records; and physical inventories.
4. Elimination of storage problems created by a court order prohibiting disposition of records.
5. Dispositions in the areas of: nonevidentiary property; improperly handled dispositions; and inadequately documented dispositions.
6. The file system in connection with numbering, status, and closing of files.
7. Relationships with U.S. Attorneys.
8. Relationships with U.S. Marshals.

Our recommendations are intended to strengthen the handling of seized and recovered property in the FBI through improvements in management and procedures to provide full documentation, strong chains of custody, effective property management practices and timely, appropriate, disposals of seized and recovered property for which the FBI is accountable.

Prior to issuance of this report, copies of the draft report were forwarded to the FBI, the Property Management and Procurement Staff (PMPS) and the Personnel and Training Staff (PTS), JMD, the Executive Office for U.S. Attorneys (EOUSA) and the U.S. Marshals Service for comment. Responses were received and have been included at the appropriate places in the final report with our comments which are primarily directed to FBI. The full texts of these responses are appended.

Mr. BAUCUS. As my colleagues will note, the auditors examined the FBI's compliance with Federal property management regulations with regards to seized and recovered property. Certainly not a subject that would make the FBI's list of 10 most controversial subjects. But it is a subject of importance to the many thousands of Americans who have had property either seized or recovered by the FBI and certainly of importance to the general and efficient operation of the FBI and our court systems.

And as I suppose could be surmised by any Member of this body, the auditors found that the FBI needs to strengthen their management of their property system. Not an earth-shattering finding, but one of importance to those of us who believe constant and aggressive oversight will lead to a more efficient and less costly Government.

But what was in the nine pages denied to me by the Department of Justice after months of deliberation and two written requests? I do not suppose I would have ever found out if it had not been for what I suspect was the conscious of a dedicated public servant who anonymously provided me with the deleted pages.

I ask that these pages be inserted in the RECORD at this point.

The pages follow:

CONDITIONS AND RECOMMENDATIONS, MANAGEMENT RESPONSES, AND INTERNAL AUDIT STAFF COMMENTS

I. AGENCY COOPERATION

In general, FBI Headquarters liaison and field offices visited in this audit proved to be less than fully cooperative. In part, we attribute this to the failure of Headquarters to provide the field offices with information as to our role and the level of cooperation expected. Also, the conduct of the audit was affected by the fact that, in a field division, the Special Agent in Charge (SAC) has a great deal of autonomy and can limit the

extent of cooperation with instructions received from Headquarters.

On numerous occasions throughout this review we attempted telephonic contact with our designated liaison agent. Rarely did we make immediate contact. Usually we were informed he had "stepped out," and would call back. Seldom was our call returned. We understand this was often due to an additional assignment which required him to absent himself from the office, sometimes for extended periods. However, this seriously affected his role as our liaison and caused unnecessary delays in the audit.

We also, as soon as practicable, provided our liaison with memoranda showing our planned field visits, the probable times of our visits and duration of our stay so the field sites could be informed. We also forwarded a memorandum designating those records to which access would be needed. While we note that those field divisions we proposed to visit were usually apprised of our coming, in no case were we given access to all the records we had identified and we have serious doubts that the field had been instructed to make them available. In our opinion, a liaison officer should be generally available, prompt in returning calls, and make every effort to provide the maximum level of cooperation. We do not now have such a liaison.

We also noted that field offices were apparently unaware that we were visiting as duly delegted representatives of the Attorney General serving under appropriate clearance levels and carrying out his mandates.

Title 28, Code of Federal Regulations states:

"§ 0.75 Policy functions. The Assistant Attorney General for Administration shall head the Justice Management Division and shall provide advice relating to basic Department policy for budget, financial management, auditing, personnel management and training, automatic data processing and telecommunications, security and for all matters pertaining to organization, management, and administration. Subject to the general supervision of the Attorney General and under the direction of the Associate Attorney General, the following described matters are assigned to, and shall be conducted, handled, or supervised by, the Assistant Attorney General for Administration:

"(h) Supervise and direct independent and comprehensive internal audits, including examinations authorized by 28 U.S.C. 526, of all organizations, programs, and functions of the Department to assure that the programs and functions of the Department are being carried out efficiently and economically."

Pursuant to these authorities the Assistant Attorney General for Administration issued and approved DOJ Order 2900.1C, dated March 24, 1980, delegating to the Director, Internal Audit Staff, the responsibility for carrying out internal audits in DOJ organizations.

In no FBI office were we accorded the freedom of movement and access to records that our status warranted. For example:

In Philadelphia, we were told at the outset that we would be denied access to Grand Jury material and investigative files. We were assigned an agent supervisor to assist us in any file review and serve as liaison. Although we were not so instructed, it was tacitly understood that we were expected to stay in our work area and the Bulky Exhibit Room. On one occasion, a request for information from a file was flatly refused as was a request for access to so-called "work box" rooms where we had reason to believe we would find unrecorded seized property.

In San Francisco, we were assigned a work area adjacent to the bulky exhibits clerk and were escorted by her wherever necessary within the office as well as from the reception area to the work site in the morning, at lunch, and back in the evening. When we sought information from the files it took two special agents to assist us in locating the information we needed.

Detroit was also uncooperative. We were assigned an inteview room off the reception area for a work area and an agent for liaison. We were escorted everywhere we went, including to the rest room, and as usual, routinely denied access to investigative files. There was even an initial denial of the local Federal Telecommunication System incoming number later rectified by our liaison but the denial was unwarranted because there is nothing secret about these numbers.

We asked to see some vehicles which that office had acquired to determine if they were properly stored and appropriate documentation was present. Personnel flatly refused to let us visit the storage site (a military post), on the grounds that there were sensitive materials stored there. We were also unable to review more than 600 bulky exhibit records on the grounds that they too were sensitive. The issue of sensitivity was, in our opinion, used as a method to prevent our effectively carrying out our assignment.

In Dallas we were permitted to move freely within the office and our liaison, the SAC, and Assistant Special Agent in charge (ASAC) were helpful. Again, though, we were denied access to investigative files and, as a result, tied up our agent liaison for the better part of a day researching the information we needed.

At Los Angeles, the pattern was the same. Access to investigative files was denied and where information from the file was needed an agent was designated to assist which interfered with the performance of the regular duties of the agent.

In the Atlanta Office we were well received. We were provided full cooperation by all personnel in that office and had access, after careful screening by the appointed liaison, to investigative case files which facilitated effective accomplishment of our mission.

The conduct of this audit has been hampered and made more costly by the general lack of cooperation. Not only was it necessary to devote more man days to the audit effort while waiting for return of telephone calls, or for files to be searched out and reviewed, but the removal of agents from their investigative duties to perform work which we could have done was costly to the FBI. Moreover, these agents, working with investigative files with which they were unfamiliar, all too often could not locate information which adequately answered the question we asked.

We have been carrying out audits in FBI under the terms of an agreement between the former Director and the Assistant Attorney General for Administration signed October 14, 1976. Contained in this agreement is the following:

The names of all informants, confidential sources, and other appropriate individuals will be excised from all FBI documents provided OMF. Additionally, if information obtained in certain instances would identify the informant, the FBI and OMF staff will discuss the matter and work out a procedure so such information is not presented in a way that could result in identifying the informant.

The field offices visited opted to deny us access to the files rather than carry out the procedures provided by the agreement. The option exercised did not facilitate our carrying out the audit.

The secretive attitude of the FBI toward its investigative files is, on our opinion, unwarranted. With the possible exceptions of Grand Jury material and informant names, (which should, in our opinion, be coded into the file) there should be nothing so unique or different with respect to FBI investigations, as to justify this attitude which proves costly both to us and to them. Accordingly, we include here certain recommendations to rectify this situation.

* * * * *

Prior to issuance of this draft report, the Supervisory Auditor addressed a memorandum to our liaison requesting that a close-out conference with appropriate FBI personnel be arranged. The memorandum also contained the suggestion that the report be reviewed for sensitive information and any concerns raised at the conference. Copies of a draft report indicating the report was for discussion purposes were also furnished.

The liaison officer telephonically informed the Supervisory Auditor that he would not arrange the requested conference nor route the drafts for sensitivity review because they had not been transmitted by the Director and because the FBI considered the draft report furnished a final draft.

The purpose of the requested conference was to provide FBI with an informal opportunity to comment on the possible report and raise any concerns as to content, recommendations, and sensitivity. Our regular practice is to hold close-out conferences with auditees before the final draft report is issued. With respect to the issue of sensitive matters, the requested conference could have addressed them as weil. The agreement with FBI provides that we will give FBI an opportunity to review draft reports for sensitive information but does not stipulate who shall provide the draft submission. We consider this another instance of the obstructionist tactics regularly used by FBI in their dealings with IAS.

RECOMMENDATIONS

The Director should:

1. Order that all FBI Divisions provide the Audit Staff with unrestricted access to their offices, personnel, equipment, and all records of whatever type and wherever situated in accordance with the terms of the 1976 agreement.

2. Establish a readily available liaison point at an organizational level high enough to facilitate in every possible way audits initiated by this Staff.

Mr. BAUCUS. For my colleagues who take the time to review these pages, they will find than during the course of the audit, the FBI was "less than fully cooperative." The FBI apparently used every opportunity to delay or hinder the auditors. The FBI actions ranged from annoying—not returning phone calls promptly—to the more serious—denial of access to needed records. The auditors concluded:

The conduct of this audit has been hampered and made more costly by the general lack of cooperation . . . . We consider this another instance of the obstructionist tactics regularly used by FBI in their dealings with IAS (Internal Audit Staff.)

Mr. President, I find this situation intolerable. On the one hand you have the Assistant Attorney General for Administration stating that the release of the deleted pages would "undermine the willingness of auditees to be candid and forthright with the auditors" and on the other hand you have those very same pages detailing the lack of candor and forthrightness of the FBI.

We have a problem here. Not only have I been hindered in performing my oversight duties as a member of the Judiciary Committee, but the taxpayer has had to shell out additional tax dollars to pay for what appears to be an institutional refusal to cooperate.

Has the situation been corrected? I suspect not, but who knows for sure? Certainly if the Department of Justice had had its way, we would never have known a problem existed.

I have brought this entire matter to the attention of the distinguished chairman and ranking minority member of the Judiciary Committee and have asked them to review the matter at public hearings at their earliest convience. It is evident that this body should at long last consider legislation that would elevate the audit staff within the Department of Justice to a position of direct supervision by the Attorney General. During the 96th Congress, I introduced legislation that would have established an Office of Professional Responsibility and Audit under the Attorney General. I did so with the belief that the Department of Justice and the American people would best be served by a permanent, independent and respected investigative and audit office similar to Inspector General offices in other agencies.

It now appears that we need this office more than ever. At a time of severe budget constraints, we cannot afford costly institutional badgerings. Auditors in the Department of Justice, as well as throughout the Government, perform on a daily basis service that leads to more efficient Government. Yet to do their work, auditors need the clout to overcome obstructionist tactics. Evidently such is not the case with the Department of Justice and the FBI.

Finally Mr. President, I have received an advance copy of the August 21, 1982, issue of Washington Merry-Go-Round written by Columnist Jack Anderson in which Mr. Anderson discusses this same matter. I believe his insight into this situation is most revealing and ask that his column be inserted in the RECORD at this point.

The column follows:

WASHINGTON MERRY-GO-ROUND

EMBARRASSING REPORT LEADS TO JUSTICE-FBI STONEWALLING

(By Jack Anderson)

WASHINGTON.—Like most presidents before him, Ronald Reagan has tried to draw a curtain of secrecy between the government's internal operations and the outside world. He doesn't want the acts and policies of his administration to reach the people through what he considers the distorting prism of the press.

Some of his subalterns have carried the coverup to a ludicrous degree. Perhaps the most celebrated example was Interior Secretary James Watt's claim of "executive privilege" for some documents of surpassing unimportance that a House committee wanted to see. Under threat of a contempt citation, Watt finally turned them over; they turned out to be hardly worth hiding.

Now the Justice Department has tried to stonewall requests for seven pages of an internal audit report that is mildly embarrassing to the FBI. The department refused a Freedom of Information Act request from my associate Tony Capaccio. The reason: "To protect the decision-making processes of the government," explained Justice official Kevin D. Rooney.

Sen. Max Baucus, D-Mont., was similarly rebuffed. He noticed seven pages missing from the Justice Department report and asked for them. The department turned him down, explaining that the pages were deleted "as a result of a sensitivity review with the FBI."

As part of a "working draft," the Justice Department told Baucus, release of the pages "could be detrimental to the necessary, appropriate and candid communications that must take place" in the course of a government audit. In other words, the department was trying to add auditor-bureaucrat to the sanctified relationships of lawyer-client, doctor-patient, priest-confessor and president-adviser.

I have now obtained the seven missing pages by other means. What was the material that was important enough to cause the Justice Department to defy a United States senator and invoke a loophole in the Freedom of Information Act?

Simply this: Rooney had written to FBI Director William Webster that "the auditors reported that the FBI was generally less than cooperative," and added: "The draft audit report was prepared with this cooperation problem as the first finding."

In a nutshell, the FBI had given the auditors a hard time, and the auditors were miffed. The republic apparently would be in peril if Congress and the American people learned that government employees don't always get along.

The purpose of the audit was to check the efficiency, or lack of same, in the performance of what is probably the most boring task FBI agents ever get stuck with: the handling of confiscated property for use as evidence in prosecutions.

Maybe the G-men thought the chore was bad enough, without having efficiency experts from Washington second-guessing them. At any rate, the auditors reported huffily:

"In general, FBI headquarters liaison and field offices visited in this audit proved to be less than fully cooperative. In no FBI offices were we accorded the freedom of movement and access to records that our status warranted."

This lack of respect to the Rodney Dangerfields of the audit branch was manifested in Philadelphia, San Francisco, Detroit and Los Angeles. In Detroit, the investigators were "unable to review more than 600 bulky exhibit records on the grounds that they were too sensitive."

The auditors concluded darkly: "The issue of sensitivity was, in our opinion, used as a method to prevent our effectively carrying out our assignment. We consider this another instance of the obstructionist tactics regularly used by the FBI in their dealings with internal audit staff."

This was the teapot tempest the Justice Department insists is too sensitive for the public to learn about.

Footnote: Baucus now plans to insert the seven deleted pages in the Congressional Record to demonstrate just how silly the bureaucrats' claim of privilege is.●

SOVIET DAY OF SHAME

● Mr. DOLE. Mr. President, on August 21, many people throughout the world, and particularly Americans of Czech and Slovak descent, will mark the Soviet day of shame, the day in 1968 when the Soviet Union sent troops in a brutal invasion of Czechoslovakia, crushing the reform minded government of Alexander Dubcek. Dubcek's liberal regime had been trying to introduce a humane and progressive element into the Communist way of life, the first major deviation from Iron Curtain rule since the Hungarian rebellion in 1956. This cruel act of aggression, in direct contravention to the United Nations Charter, was provoked by a movement to liberalize and democratize Czechoslovakia—to institute socialism with a human face.

The invasion of Czechoslovakia was the prototype of a Russian policy later called the Brezhnev doctrine, which seeks to justify Soviet military intervention whenever and wherever the interest of socialism, as defined by the Kremlin ideologues, are threatened. The fact that the people of Czechoslovakia were enjoying a period of relative freedom and, even more significantly, prospering under its influence, was an intolerable affront to the basic philosophy of the Soviet rulers.

The attempt by the Czechoslovak people to humanize the Communist system was clearly an internal matter. The Soviet infringement upon the rights of a sovereign country was an obvious violation of the recognized rights of self determination and nonintervention in the domestic affairs of an independent state. The continued presence of Soviet troops serves as a testament to the Soviet Union's contempt for international agreements and universally acknowledged principles. However, the presence of these troops is even more revealing in that it shows us how the Soviet Union is forced to use its military might to continue its domination of Czechoslovakia, Poland, and other nations when the system of communism has all too obviously failed.

STILL YEARNING FOR FREEDOM

Soviet control has failed to extinguish the yearning for freedom among the people. In 1977, more than 1,000 Czechoslovak citizens from all walks of life signed Charter '77, petitioning their Government to honor its commitments under the Helsinki Final Act, signed by Czechoslovakia, the United States, the Soviet Union and 32 other European nations in 1975 and which guaranteed basic human rights. Now, in strict adherence with the wishes of the Soviet ruling elite, the Czechoslovak Government, unwilling to accept the legitimacy of this movement, has detained, imprisoned, and otherwise persecuted its members. The authorities continue, as well, to curtail the activities of the Catholic church, and have even arrested or imprisoned several members of the clergy in the past few years. Intellectuals and dissidents protesting oppression and discrimination have been harassed, persecuted, or imprisoned.

The Commission on Security and Cooperation in Europe, on which I serve as cochairman, will continue to raise the issue of Soviet and Czechoslovak noncompliance with the Helsinki Final Act. Both the Soviet and Czechoslovak Government must be made aware that the world watches to see how they comply with their obligations under the Helsinki accords, and what this will mean for future strategic agreements. These governments must start respecting the sovereign rights of nations and the human rights of citizens living within their own borders, and complying with international agreements they have pledged to honor.

I would like to note, Mr. President, that the Commission has recently published a book entitled "Human Rights in Czechoslovakia: the Documents of Charter '77 (1977-1982)." the documents in this publication reflect the efforts of Czechoslovak citizens to express their views on rights guaranteed to them under Czechoslovak law, the Helsinki Final Act, and other international agreements.

It is essential that we encourage the Czechoslovak people in their quest for sovereignty and their efforts to secure basic rights. We must do this both in word and in deed. Continuing support for human rights, combined with our determination to remain strong and resolute, represents the most meaningful action we can undertake.●

NATIONAL SERVICE: AN ISSUE OF IMPORTANCE

● Mr. TSONGAS. Mr. President, I would like to share with my colleagues a speech on national service delivered by the Reverend William J. Byron, president of the University of Scranton, at the May 23, 1982, commencement of Anna Maria College in Paxton, Mass.

Father Byron's address is a thoughtful, eloquent, and penetrating analysis of the lack of purpose felt by many young Americans today. His recommendations on national service are well-stated and raise important issues. I have long advocated a program of voluntary national service, and I find Father Byron's remarks to be of great interest. While I do not favor a mandatory national service program as suggested by Father Byron, I believe that his insights enrich the debates on this important issue.

Mr. President, I ask that Father Byron's speech be printed in the RECORD.

ADDRESS BY WILLIAM J. BYRON, S.J.

It is a privilege to have the opportunity to come to Massachusetts, a State where ideas are generated and exchanged more readily than in most other parts of our nation, and share an idea with the graduating sons and daughters of Anna Maria. This college serves both the Commonwealth of Massachusetts and the nation by cultivating an appetite for ideas in those who come here to teach and learn. The teaching-learning transaction began here in 1946. It continues today with the evident life and vigor represented in this assembly. And it will prosper into an uncertain future so long as ideas continue to be taken seriously by competent parties to the teaching-learning transaction whose dedication and spirit of sacrifice remain sufficiently strong to forge the bonds that hold this academic community together.

I said I have an idea to share with you. It is not particularly original, nor lofty, nor new. Its is an idea that has engaged the interest of your junior senator from Massachusetts, Paul Tsongas, who has encouraged its discussion in our national Congress. It is the idea of national service. I want to discuss it with you now in the context of what I will refer to as drift and the draft—the drift of purposelessness besetting so many of our young, and the military draft for which our young men are now required to register.

When I first thought about becoming a Jesuit. I had to think as well about the military draft. It was just two years before the founding of Anna Maria. I was a senior in high school. I was quite uncertain about what I wanted to do in life. My situation was not exactly one of purposelessness, but I was not clear, in those late teenage years, about which of several purposes I wanted to pursue. The immediate decision was made for me by the military draft. It put me into uniform, opened up an interesting range of developmental experiences, sent me overseas to Germany, and returned me home in 1946 just a little older, considerably more mature, and anxious to take advantage of the educational benefits included in the G.I. Bill of Rights.

After three years of college, I had a much clearer sense of purpose. Subject then to neither drift nor draft, I decided to join the Jesuits. It was a free choice, a mature choice, made after careful consideration of the alternatives. I had a sense of purpose strong enough to overcome the doubts and ambiguities that surround any serious human choice into an unknown future.

The point of this brief autobiographic excursion is to set the stage for a discussion of two urgent contemporary issues. The first is the problem of purposelessness in America, particularly as it affects the young. The second is the potential remedy for the problem of purposelessness implied in a program of national service.

I think the U.S. is now in a state of national emergency. It is not a military emergency. I do not define it in terms of the presence of an external enemy. The enemy resides within. Specifically, it lies within the youth of the nation. It is a crisis of purposelessness. It is evident on inner-city street corners, in the youth unemployment rates, in the problems of drug abuse, vandalism, violence and crime. It resides in the suburbs as well, and populates our college campuses too. Several weeks ago, a psychiatrist remarked to me that he is seeing an epidemic growth of depression and suicide in adolescents.

The affluent young are not immune to drift. Alienation from their families and themselves may run deeper in the privileged young than does purposelessness in the poor who are trying to climb higher on the economic ladder.

It has been said that failure to plan means planning to fail. Absence of purpose encourages failure to plan which, in turn, contributes to the further diminution of purpose. In the wake of purposelessness, angry frustrations rise for awhile then dissolve into drift and destructive dependencies.

Four decades ago, "Remember Pearl Harbor" echoed back and forth across the nation as a call to arms. Today, we have no rallying cry, no focal point, no central project. But we do have a crisis.

Perhaps Chicago '68 and Woodstock '69 sent up the first signals that a new emergency was taking on national proportions. Was the "first shot" the one fired at Kent State in 1970? Both shots and shocks emanating from Jonestown in 1979 unsettled the nation but not sufficiently to bring us to a realization that we have a crisis on our hands. We remain unmoved, without the will to declare a war on purposelessness.

Lesser known events—personal tragedies which crippled the emotional development or shortened the lives of many of our young—have found their way into countless family histories. But American families have not yet come to a consensus that there is present in the nation a crisis of purposelessness episodically evident in bursts of violence, organized outrage, individual and communal withdrawal, self-denigration and self-destruction. There at the crossroads of our crisis are our generally well-educated but undisciplined young, most of them quite healthy, many relatively well off. Virtually all of them are "unnecessary" on the production side of our economy (they are in school or unemployed drop-outs, in the main), but they are quite active and "necessary" for the vitality of the consumption side of our economy. They constitute the largest collection of unemployed consumers in the world. And I think they resent it, deep down. They would prefer being on their own to being on the dole, even though the dole is from the family. Where are they going? What are they going to do? Many of them just don't know. Too many don't care. You, the purposeful young (and not so young) graduates of Anna Maria, are going to have to address yourselves to their problem since their problem is developing into a crisis for your nation.

Whenever goals are unclear, anxieties abound. Our youngsters are anxious. They are not simply uneasy and unclear about

which of several purposes they might pursue; many see no purpose at all in their lives. They have no goals. They are fatalistic about the future.

If the nation were to compel all 18 year olds, both the purposeless and the purposeful, to devote a year or two of their young adulthood to meeting, in some organized way, unattended human needs at home and abroad, it is just possible that the purposeless might find direction for their lives and the purposeful might gain further maturity without intolerable delay or deflection from their intended goals. What are these unattended or, at least, unmet human needs? World hunger, neglect of the elderly, the decay of U.S. cities, widespread disease and illiteracy in the developing countries, day-care and child-care needs. We also have an urgent need for conservation and environmental protection. The list of needs is endless. And we suffer from a shortage of both will and skill to meet these needs.

In cataloguing the needs, I am not arguing that they constitute a national emergency. I am suggesting that widespread purposelessness among our young is a fact of sufficient proportions to constitute a national emergency. I am also prepared to suggest that this emergency might be addressed by enlisting our young in national service that goes far beyond a military draft. To the extent that preparedness and national defense require military manpower, the military option would remain one form of national service open to those called up by the draft. To the extent that draftees objected in conscience to military involvement, their service would be directed toward nonmilitary national needs.

In the service scenario I am sketching here, all 18-year-olds, male and female, would be subject to the draft. If this raises several constitutional questions, let them be settled by the Supreme Court. If conscientious objection to enforced service of any kind emerges, provision would have to be made that would respect freedom of conscience. Compulsory national service plainly involves the use of force. Since any use of force poses a threat to the rule of reason, only a true national emergency can justify compulsion of service for the common good. In my judgment, such an emergency exists today. I realize, however, that there is no national consensus, no "Remember Pearl Harbor," in support of my position.

Nor do we have a socio-psychological index calibrated to measure rising or falling degrees of purposelessness in so many of our young whom we view more wishfully than wisely as our hope for the future. Moreover, there is no organization, governmental or private, sufficiently well-organized to manage a system of national service. We have no mechanism capable of channeling productive young energies into meaningful contact with national needs and a wider range of human needs.

Should the sponsorship and management of full national service be a federal responsibility exclusively? Or should it be shared with states, counties, cities and, indeed, with the private sector as well? Private sector participation, in my view, would be essential. Such participation could range from the provision of apprenticeship and training opportunities for draftees to transportation and recreation benefits for all service men and women. The private sector could also provide actual employment, at national service rates of pay, in service-rendering jobs.

Without a national consensus in support of my position, I have to conclude that voluntary, not compulsory national service, ought to be discussed, encouraged and even attempted now. It would be useful, I think, if the nation's political leadership began taking this issue seriously. Unattended purposelessness can have nothing but bad consequences for the nation.

My argument falls apart, of course, if there is in fact more purpose than drift in the nation's young. Anyone willing to assert the preponderance of purpose and the relative insignificance of drift among the young has to manage a fairly substantial burden of proof. On both sides of the question there is a dearth of data. We are also virtually without tools for measurement of the problem.

The prospect of compulsory national service raises hopes and fears, often in the same persons. When I wear my university president's cap and speak of national service, I have to be careful about a potential conflict of interest. Such a program would probably carry with it a post-service G.I. Bill-type of educational benefit. College administrators worried about rising costs, shrinking enrollments and vanishing student-aid funds would find this feature of a national service program immensely attractive. I share their enthusiasm on those understandable self-interested grounds. As a citizen, I share a concern voiced by those who fear that a system of registration and draft for national service will be abused by a government capable of using its war powers unwisely, even immorally, I further fear the possibility of an executive order which would mobilize for military training everyone on the national service register. Presidential power has been abused before; it could convert national service into an entrapment device to bring not only the unsuspecting but the conscientiously unwilling into the military manpower pool. Safeguards against that kind of abuse would have to be guaranteed before a national service program would have my full support. And finally, the notion of compulsion—the use of force—carries with it the caveat that it could provoke a resentful, counterproductive response from the young people I want most to help.

As one who benefitted from a service opportunity at age 18 and received a free college education as a result, I look at today's young and can't help but wonder whether they and their nation would not be better off if we had a new idea of national service. If it is going to work, it will exact opportunity costs from the better educated, better motivated young and financial outlays from an already strained Federal Treasury. On the benefit side, I would expect to see a significant strengthening of personal and national purpose along with a measurable reduction of some vexing social needs.

Well, that's the idea I wanted to share with you. Not a particularly great idea, nor is it altogether new. And perhaps its time has not yet come. But think about it.

You have purpose; pursue it now with confidence. You have enormous potential just waiting to be released. And you have the power that only knowledge can provide. Use it to help your nation to halt a harmful drift among others in your generation less fortunate, but no less valuable as persons, than yourselves.●

HAPPY BIRTHDAY TO COL. JOE MONTGOMERY

● Mr. BAUCUS. Mr. President, I would like to pay special tribute to one of my constituents, Col. Joe Montgomery, who will be celebrating a unique milestone, his 106th birthday, on August 23.

Born in Iowa in 1876, Colonel Joe has shared in the growth of the Nation and has added much to the spirit and character of Montana and the West. He has run a stagecoach line of 500 head of horses, politicked with the Rankins, and fought with Teddy Roosevelt in the Spanish American War. He knew all the first families of Montana, knew the Custer family, and remembers the Nex Perce and Gros Ventre, the Sioux and Blackfoot, the bear and buffalo of days long gone.

Claudia Brownlee has written a book of Colonel Joe's stories, called "Colonel Joe, The Last of the Rough Riders," and it is well worth reading. I know that I have enjoyed them, and I know that our future generations will appreciate the chance to see into a way of life that is such a colorful part of our heritage.

Happy birthday, Colonel Joe.●

DR. RICHARD HALVERSON, SENATE CHAPLAIN

● Mr. HATFIELD. Mr. President, it is true for me, as I am sure it is for each one in this Chamber, that there is one person in my experience who always speaks directly to my need and gives my spirit a lift. As long as I have been in this city, our Chaplain, Dr. Richard Halverson, has been that person in my life.

Senators may not be aware that he was proclaimed by the Presbyterian Church, U.S.A., as the Minister of the Year. In this capacity, he delivered a remarkable sermon in the National Presbyterian Church on Sunday, May 16, 1982. This message, "The Man, Christ Jesus," is an outstanding statement on the historic nature of Christ and His continuing impact on our lives as individuals and a nation.

Because we do not often have the opportunity to hear Dr. Halverson preach and to know more fully his heart on different subjects of concern to all Americans, I take this opportunity to make this truly compelling document available.

Mr. President, I ask that the full text of Dr. Halverson's sermon be printed in the RECORD.

The sermon follows:

THE MAN, CHRIST JESUS

(By Dr. Richard C. Halverson, Chaplain, U.S. Senate)

At the time when President Kennedy and Khrushchev were in confrontation over Cuba, I was scheduled for a retreat in a ranch near Yellowstone Park. In Billings I was met at the airport by a friend, City Attorney Willis Jones, who had the reputation of being very enthusiastic for President Kennedy. After the amenities, I said to Willis, "How would you like to be in the White House right now?" Expecting him to say, there's no place that I'd rather not be, to my amazement he said, "I'd like to be in

the White House right now!" We picked up my baggage and started for the ranch. "Willis", I asked, "why would you like to be in the White House right now?" He said, "Because that's where history is being made."

After a moment, I asked, "Willis, who do you remember from the first century?" He did not respond immediately so I continued. "Can you remember the name of a Roman emperor from the first century?" He knew he was called Caesar, but he couldn't remember a name. So I said, "Rome had a very powerful senate in those days, can you name any of the Roman senators?" He couldn't. "How about the Greek city fathers in Athens? He couldn't remember any. "Who do you remember, Willis?" "I remember Jesus." "You remember a Jewish carpenter, who at thirty years of age became an itinerant rabbi". "Who else do you remember?" "I remember Pilate". "Why Pilate?" "Because he tried Jesus.". "Who else?" "James and John". "Who were they?" "Fishermen", and so on. After 2,000 years of empire builders, empires and civilizations the one remembered is Jesus . . . except for those who were influnced by his life in one way or another.

Consider this: Jesus, virtually unnoticed by the important and powerful of his day as well as the historians. He began with twelve men; spent three years with them; and generated a movement which has reached the whole world . . . numbers into the hundreds of millions and today, 2,000 years later, is going stronger than ever. Can you think of anything equivalent in human history?

He was a man, but what a man!

How do you explain this man; unnoticed by his contemporaries—remembered by the whole earth 2,000 years later? He confounded those around him. You will recall one occasion. He was in a boat on the Sea of Galilee with his desciples, most of whom were seasoned fishermen who knew those waters like the palms of their hands. A great storm came up suddenly, as it often does on the Sea of Galilee, and the fishermen were terrified. Jesus was asleep. In their fear they awakened him, rebuked him and said, "Don't you care that we are perishing?" The record reports, "Jesus rose, rebuked the winds, and the waves. The storm subsided and there was a great calm. The record indicates that the men were amazed . . ." They marvelled and said, "What sort of man is this that even the wind and sea obey him?" When he was teaching in his hometown synagogue according to the record "They were astonished and said, 'Where does this man get his wisdon and these mighty works?'" The apostle, John, reports that the "Jews marvelled saying, 'How is it that this man has such learning when he has never studied?'" An when the officers refused to arrest Jesus and were explaining their failure, they said, "Never a man spoke like this man." What an explanation for failing to make an arrest!

Peter, in his sermon on the Day of Pentecost, declared, "Men of Israel, hear these words. Jesus of Nazareth, a man attested to you by God with mighty works and wonders and signs which God has done through him in your midst, as you yourselves know . . . this same Jesus delivered up according to the definite plan and foreknowledge of God, you crucified and killed by the hands of lawless men." Paul said, "For there is one God and on mediator between God and man . . . the man, Christ Jesus."

How do you explain this man? His credentials are interesting. He is in his hometown synagogue in Nazareth. The Scriptures are brought to him. He opens them to the 61st chapter of Isaiah and reads: "The Spirit of the Lord is upon me because he has annointed me to preach good news to the poor; he has sent me to proclaim release to the captives and the recovering of sight to the blind; to set at liberty those who are oppressed; to proclaim the acceptable year of the Lord." He closed the book. It was taken from him. He sat down and to the astonishment of his hometown people, he said, "Today, this Scripture is fulfilled." Now, think about this. This man Jesus, the carpenter, this traveling rabbi said to his hometown people, "This prophecy which Isaiah wrote 700 years ago, I fulfill today."

His credentials were amazing! Think about his teaching. In the Sermon on the Mount, Jesus says something very significant in Matthew 5. He says, "Think not that I have come to abolish the law and the prophets. I have come not to abolish, but to fulfill them, for truly I say to you 'til Heaven and earth pass away . . . not an iota or a dot will pass from the law until all is accomplished." This man, Jesus, had profound respect for the law of Moses and yet as He continued teaching, he said over and over again . . . Verse 21 of Matthew 5, "You have heard that it was said to the men of old, but I say; Verse 27, "You have heard that it was said, but I say"; Verse 31, "It was also said, but I say"; Verse 33, "Again you have heard that it was said to the men of old, but I say"; Verse 38, "You have heard that it was said, but I say"; Verse 41, "You have heard that it was said, but I say." To paraphrase, this is what Jesus said, "Not one jot or tittle of the law of Moses shall pass until all is accomplished" and you have heard what the law of Moses said, but now I say, and he spoke words that transcended the law of Moses.

The record says that when Jesus finished these sayings, the crowds were astonished at his teaching, for he taught them as one who had authority . . . not as a scribe.

Consider his self-awareness. Who did he think he was? What did he think about himself? In Matthew 16, Jesus says to the disciples, "Whom do men say that the Son of Man is?" and a little later when they have answered that question and he asked, "Who do you say that I am?" He is identifying himself with the Son of Man—which was an Old Testament concept of the one who should come to fulfill a promise made to Abraham 2,000 years before. Peter answered, "Thou art the Christ (the Messiah) the Son of the Living God." Jesus accepted the identity and commends Peter for his remarks, "Blessed are you Simon Bar-Jona," you have not discovered this by a logical or rational process, this has been revealed to you by my Father in Heaven, following which makes this amazing claim: "I will build my Church and the gates of hell shall not prevail against it. "The powers of death shall not defeat it."

In the first chapter of Genesis, we read these words, "In the beginning, God", in the third chapter of Genesis, we read these words, "Now the serpent, Satan." In those three chapters; in those two statements; seven words; we are introduced to the cosmic conflict in history: the conflict between truth and error—between light and darkness—between order and chaos—between God and Satan. Whether it be the conflict between a man and his wife; or a parent and a child; or neighbor with neighbor or friend with friend, or management with labor or black with white; or nation with nation—every conflict derives from this transcendent conflict and Satan has won conflict after conflict after conflict in human history. Now Jesus says, "This one I am going to win" . . . and He will and He is! Notice also the remarkable authority He transmits: "I, Jesus, the Jewish rabbi, the carpenter, I give to you the keys to the Kingdom. Whatever you bind on earth shall be bound in Heaven; whatever you loose on earth shall be loosed in Heaven."

The Jews had profound respect for the Sabbath. They wanted to stone Jesus for breaking it. He responded by saying, "I am the Lord of the Sabbath."

He said that obedience to his word constituted the entrance into the Kingdom and the only secure foundation for building a life. At the end of the Sermon on the Mount he said, "Not everyone who says unto me, 'Lord, Lord' shall enter the Kingdom of Heaven, but he who does the will of my Father which is in Heaven", by which he is equating what he has just taught in the Sermon on the Mount with the will of the Father in Heaven. "In that day, Many will say unto me 'Lord, Lord did we not do many wonderful works in your name? We prophesied in your name, we cast out demons in your name'. I will say to them 'Depart from me you evildoers, I never knew you.'" Then he goes on to say, "He that hears my sayings and does them is a wise man that builds his house upon the rock and the rain falls and the winds blow and the floods come and beat against that house and it does not fall because it was founded upon a rock. He that hears my sayings and does not do them is a foolish man who builds his house on the sand and the rain falls, and the winds blow and floods come and beat against that house and great is its ruin." This amazing man, Jesus, the Jewish carpenter and rabbi, said, "Obeying me is the only sure foundation for life."

John reports that Jesus said, "If anyone keeps my words, he will never see death," He said that he had power over life and death as far as he was concerned. "No one takes my life from me; I lay it down of myself; I take it up again. I have the power to lay it down and I have the power to take it up again." He said that he was going to be crucified and rise again from the dead. "This generation seeks a sign, there shall one sign be given it, the sign of the prophet, Jonah. As Jonah was three days in the belly of the fish; so will the Son of Man be three days in the heart of the earth. He said, when they brought to him the paralyzed man let down through the roof, "Thy sins be forgiven thee." They said to him, "Only God can forgive sin." He said, "Whether it is easier to say to this man 'take up thy bed and walk' or 'thy sins be forgiven'—you decide, but know this, I have the power to forgive sin."

But most of all, His incredible "I ams". Jesus Christ was the incarnation of virtue—the supreme manifestation of humility, yet he used the personal pronoun "I" continually and connected with it, absolutely incredible claims concerning himself! Take any of these claims, put them on the lips of the greatest person you can remember and they are simply unbelievable. For example, imagine Abraham Lincoln saying, "I am the light of the world." Jesus said, he was! He said "I am the living bread which came from Heaven, if anyone eats of this bread he will live forever." Jesus said, "I am the bread of life, he who comes to me shall not hunger and he who believes in me shall never thirst." Jesus said, "You are from below, I

am from above. You are of this world I am not of this world." Jesus said, "I am the door." Jesus said, "I am the good shepherd." Put that in the context of the twenty-third Psalm, "The Lord is my shepherd . . .". Jesus said, "I am the resurrection and the life. He that believes in me, though he were dead, (though one has already died, which would include Abraham and Noah and Adam and Eve) whosoever believes in me, even though he has already died, shall live again and whoever lives and believes in me shall never die." He said, "You call me teacher and Lord and you say right, for so I am." He said, "I am the way, the truth and the light. No one comes to the Father but by me." He said, "I am the true vine."

But the supreme statement came in another encounter with the pharisees, when Jesus said, "Abraham rejoices to see my day." They said, "You are not yet 50 years old and Abraham has been dead for 2,000 years." Jesus answered, "Before Abraham was, I am." The record says they took up stones to stone him for blasphemy. "I am" was the sacred name for God and a devout Jew would not think of pronouncing it. It was given to Moses when he said to God on Mount Sinai, "Who shall I say is sending me when I go to get the people of Israel out of Egypt?" And God said, "I Am that I Am. Tell them I AM hath sent thee." That is Yahweh in Hebrew, and would never be pronounced by a devout Jew. Now Jesus says, "Before Abraham was I AM." And when they took up stones to stone him for blasphemy, he did not try to explain and say, "Wait a minute, you don't understand, I didn't mean that." No, he just disappeared. It was not yet his time.

When he was accused of blasphemy he never denied it. He accepted worship. Peter and Paul rejected worship but Jesus accepted worship. In fact, on Palm Sunday when the Pharisees told Jesus to rebuke his disciples for crying out "Blessed is the King who comes in the name of the Lord," Jesus said, "If these were silent the very stones would cry." This amazing man said, "If these people did not worship me today, inanimate life would recognize me as the Kings of Kings and the Lord of Lords". And when accused of being the King, he did not deny it.

What about this man? Was he insane? Was he pathological, an egomanic with a Messianic complex, or was he speaking the truth? C. S. Lewis writes: "Either this man Jesus was or is the son of God or else a mad man or something worse! You can shut him up for a fool; you can spit at him and kill him as a demon or you can fall at his feet and call him Lord and God. But let us not come with any patronizing nonsense about his being a great human teacher. He has not left that open to us, he did not intend to."

Charles Malik, who in the days when he was President of the General Assembly of the United Nations was known as the conscience of the world, calls Jesus Christ the hinge of history. Every time you date a letter you testify to his existence—1982 A.D. He divides history into B.C. and A.D.

One tactic of those who slimply will not believe in Jesus Christ, do not want to believe in Jesus Christ, and therefore look for some way to justify their refusal to believe in Him, is to discredit the gospel record. You can't trust gospel history.

Let me read a few quotations:

Dr. James P. Shotwell, formerly Professor of History at Columbia in his book, "History of History" which J. Wilbur Smith said was the most important work of his time in the English language wrote: "Luke, as the 'Acts of the Apostles' show, was an educated man who compiled his history out of various sources, was accurate in geography and painstaking in his work, stands easily along side the best pagan history of his time."

Dr. John A. Scott, Professor of Greek at Northwestern University for forty years, one of the great Greek scholars of his day said: "Luke was not only a doctor, and an historian, but he was one of the world's greatest men of letters. He wrote the clearest and the best Greek written in his century. Without Luke, we never could have had a report from a competent man of science on the birth of Jesus from a virgin. If Jesus had two human parents, why did this shrewd Gentile physician never suspect the fact? Since the arguments were sufficient to convince Dr. Luke, we know that we are dealing with no ignorant childish fancy."

The late Professor Edward Meyer, recognized in his day as the greatest authority on ancient history and not a professing Christian, says this of the gospel. "It is evident that for our history of Jesus we have by no means to reckon merely with representations of the records of the second sub-apostolic generation, but are taken back far behind that into the midst of the first generation. People who personally had known Jesus intimately and still preserved a lively recollection of him and these old recollections lie 'under our eyes in manifold form.' There is no ground at all for refusing to accept these oldest traditions as historically trustworthy in all essentials and in their chronological ordering of the history."

Rousseau, the famous unbeliever and rationalist of two centuries ago asked this question: "Shall we say that the Gospel story is a work of the imagination? Friends, that is not how one invents. The facts about Socrates, which no one doubts, are not so well attested as those about Jesus Christ. It would be more incredible that four men should have agreed to manufacture this book than that there was a single man who supplied the subject matter for it. No Jew could have hit upon its tone and morality. The Gospel has notes of reality which are so great—so striking—so absolutely inimitable that their inventor would be a more astonishing person than their hero."

The record can be trusted. Jesus really said those things about himself.

Will you consider this important fact, that through history, and as never before in our day, men and women, when they put their trust in Jesus Christ as Saviour and Lord find their lives absolutely transformed by the power of his death and resurrection? Millions and millions and millions throughout human history of race and language and culture have been changed when they open their hearts to this amazing man! In this day, when our world so desperately languished for a leader who can be trusted, can you think of anybody more worthy of following, or trusting or of giving your life to? I invite you to give your life to this Man, this very God of very God, Jesus Christ, and follow him—eternally.

I want to close with a very familiar statement that so far as we know is anonymous:

"Here is a young man who was born in an obscure village, a child of a peasant woman; he grew up in another village; he worked in a carpenter's shop until he was thirty and then for three years he was an itinerant preacher. He never wrote a book; he never held an office; he never owned a home; he never had a family; he never went to college; he never put his foot inside a big city; he never traveled two hundred miles from the place where he was born; he never did any of the things that usually accompany greatness; he had no credentials, but himself.

"When he was still a young man the tide of public opinion turned against him; his friends ran away; he was turned over to his enemies; he went through the mockery of a trial; he was nailed to a cross between two thieves; while he was dying his executioners gambled for the only piece of property he had on earth—his coat. When he was dead he was laid in a borrowed grave through the pity of a friend.

"Nineteen wide centuries have come and gone and today he is the central figure of the human race and the leader of the column of progress. I am far within the mark, when I say that all the armies that ever marched and all the navies that were ever built and all the parliaments that ever sat and all the kings that ever reigned put together—have not affected the life of one man upon this earth as has this one solitary life."

Ladies and gentleman, I commend to you, Jesus Christ, Lord! Amen.●

THE CRITICAL CONDITION OF THE TIMBER INDUSTRY

● Mr. BAUCUS. Mr. President, the Senate Energy and Natural Resources Committee recently held hearings on S. 2805.

All of us from timber producing States recognize the critical condition of the timber industry, nationwide. While the diagnosis is clear, however, the remedy is not.

S. 2805 would authorize the Agriculture and Interior Secretaries to alter or terminate timber sales contracts with private companies that have been devasted by the depression in the housing industry.

There is no doubt that timber companies need relief from the hardships caused by high interest rates and the virtual standstill in timber sales. But S. 2805 is not the perfect vehicle for such aid.

For example, S. 2805 overlooks the effect of unrestricted timber contract termination on inland operators in States such as Montana. Montana businessmen view proposals like S. 2805 as a threat to their ability to maintain their share of an emaciated market. While S. 2805 may provide relief for west coast timber operators, its treatment of other regions is less fair.

The interests of timber companies outside the west coast must be taken into consideration. An estimated 80 percent of the benefits of S. 2805 potentially would go to the west coast. That means a greater share of the burden of the industry-wide depression would be shifted to inland businesses.

I do not know a single Montana businessman who wants timber companies in Washington or Oregon to be dragged down as a result of unrealistic contracts with the Forest Service. By

the same token, however, equitable relief cannot include any provision that would flood the market with west coast timber and undercut operators in the interior regions and other sections of the country.

I commend my colleague, Senator McCLURE, chairman of the Energy and Natural Resources Committee, for introducing S. 2818. This bill provides significant relief for west coast operators by allowing the Interior and Agriculture secretaries to adjust the terms of pre-1982 contracts for a period of up to 5 years. In doing so, this measure would relieve the affected companies of any type of penalty or interest payment during the extension period.

S. 2818 also would ease the massive backlog of uncut timber into the marketplace rather than unleasing a flood of timber. In addition, the measure would allow administrative flexibility in adjusting these contracts, which is certainly desirable.

I hope that as a result of the Energy and Natural Resources Committee hearings, the committee will be able to draft a compromise measure. To be successful, any bill must address the very important concerns of timber operators but without any regional bias.●

PAY INCREASE FOR FEDERAL EMPLOYEES

● Mr. HELMS. Mr. President, this is the time of year when Government employees begin to look forward to a pay raise. Every October, whether they deserve it or not, Federal employees get a pay raise. Everyone gets the same raise, as a percentage of salary, regardless of merit. If you are a Federal employee, and you can hang on until October, you will get a raise, as sure as the sun will rise tomorrow.

Private sector workers should have it so good. But they do not. Many U.S. workers will not get a raise this year. In fact, a good number will actually take a pay cut for the first time. But Federal employees, protected by their unions and insulated from concerns for economy, will get theirs.

I know of not one single private sector employee who is entitled to an automatic pay increase every year. I know of not one single private sector employee who has a "COLA." But workers in the private sector are paying the raises of Government employees.

I recently received a letter from Mr. Steven B. McBrayer, of Spindale, N.C. Mr. McBrayer calls my attention to a recent publication by the Chamber of Commerce of the United States, which compares salaries and benefits of Federal employees with those of workers in the private sector. Mr. McBrayer points out that the average private sector worker in North Carolina earns 51 percent less than the average Federal employee. I am not surprised that he is shocked and enraged by this fact.

I have obtained a copy of the Chamber's publication, which is entitled, incidentally, "The Case for Freezing Federal Pay and Pensions." It also contains a number of other interesting facts. Are Senators aware, Mr. President, that civilian personnel costs will amount to an estimated 10.8 percent of this year's Federal budget? Do they know that the pay and pension expenses of present and retired Government employees cost more than the medicare and medicaid programs combined, and almost five times the amount spent on food stamps?

Are any of my colleagues aware of how the pay for the average private employee in their State compares with the average pay for Federal employees? These and other statistics are contained in the Chamber article, and I invite my colleagues to study them closely.

I ask that Mr. McBrayer's letter be printed in the RECORD at the conclusion of my remarks, followed by the Chamber article.

The material follows:

SPINDALE MILLS, INC.,
Spindale, N.C., August 4, 1982.

Hon. JESSE A. HELMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HELMS: I am very concerned about the state of our economy and the apparent unwillingness of Congress to balance the federal budget. We can wait no longer for a return to reasonable financial management of our country.

Recently the Chamber of Commerce of the United States of America published a collection of data illustrating a comparison, by state, of federal government employees and private sector employees. The information is shocking and, frankly, sickening. In North Carolina we in the private sector earn 51.6% less than federal government employees on the average. This is ridiculous. But even more ridiculous is the fact that Congress continues to propose increases in federal salaries, benefits, and pensions, not to mention the "entitlement" programs. This must stop.

As a lifelong citizen of the State of North Carolina, I'm asking you as her representative to vote *NO* for any increase in federal expenditures, except military, until the budget is balanced. Also, please use your influence with other members of the Congress to cut expenditures and balance the budget.

Thank you for your concern and work for your state and country in Congress.

Sincerely yours,

STEPHEN B. MCBRAYER,

THE CASE FOR FREEZING FEDERAL PAY AND PENSIONS

[Chamber of Commerce of the United States, Economic Policy Division]

Federal pay for the more than 2 million civilian employees of the federal government will cost the U.S. taxpayers $58.7 billion this fiscal year. Combined with the $19.4 billion in pension and disability payments to former federal workers, civilian personnel costs will amount to an estimated 10.8 percent of this year's federal budget. These pay and pension expenses exceed the combined costs of the medicare and medicaid programs and are almost five times the amount spent on food stamps.

The Senate Budget Committee proposes that federal pay be frozen for FY 1983 and limited to 4 percent increases in the two subsequent years. The Senate Budget Committee also recommends a freeze on COLAs for all federal retirees. The U.S. Chamber supports these two proposals and urges Congress to adopt them as part of the FY 1983 budget. Given current deficit projections and the documented overcompensation in both pay and benefits, such a freeze is both necessary and equitable. Even with such a freeze, federal pay and pensions will still remain well above private sector levels.

Presented below are a number of facts and figures which support the Senate Budget Committee's proposal for a federal pay and pension freeze.

Because of poor management practices, benefits in excess of those received in the private sector and serious flaws in the pay comparability system, federal personnel costs are far higher than they should be to attract and keep competent workers.

On average, federal workers receive salaries that are 35.5 percent higher than private sector salaries, 45 percent higher than those of state and local workers, and 52 percent higher than pay in the manufacturing sector.

Federal pay excesses have widened over the past decade. In 1967, the federal premium over state and local salaries was 25 percent compared to the current 45 percent. Over the same period, the federal pay premium over manufacturing wages rose from 35 percent to 52 percent.

Similarly, federal benefits, including pensions, are considerably higher than those available in the private sector. Consider the following important differences:

Most federal workers, but few private workers, may retire at age 55 if they have thirty years of service. About half of all civil service retirees are under 60 compared to only 7 percent in the private sector. Further, private sector retirees do not receive full Social Security benefits until age 65.

Federal retirees have had their pensions fully indexed to the consumer price index (CPI). Only 3 percent of private sector retirees have this protection. Moreover, flaws in the CPI have led to overcompensation for inflation since the mid-1970's.

According to the Office of Personnel Management, if pension practices representative of the private sector were adopted by the Federal government, the cost to the taxpayer would drop from 28.2 percent of payroll to 16.7 percent.

Federal worker's compensation benefits can go as high as $829 per week compared to a typical private sector maximum of two-thirds of take-home pay—often capped at $250. Further, CBO estimates that the probability of receiving disability benefits is 50 percent greater for federal workers than for private workers.

Federal workers receive more generous vacation leave. They get 13 days of paid leave after one year of service. Only 6 percent of the private workforce does as well. After three years of service, federal workers get 4 weeks of vacation. Only about 2 percent of private workers get 3 or more weeks of vacation after three years.

In contrast to the popular perception of extensive federal layoffs, the fact is that only 7,592 employees out of a workforce of 2,717,000 have been laid off. Representing only three-tenths of one percent of all fed-

eral civilian workers, these layoffs are minor compared to the employment loss in the private sector.

COMPARISON OF PRIVATE SECTOR AND FEDERAL GOVERNMENT AVERAGE ANNUAL PAY IN 1980

	Average annual pay (in dollars) [1] private sector	Average annual pay rate Federal Gov't [2]	Federal pay comp. to private pay
United States	$14,363	$19,465	+35.5
Alabama	12,902	19,858	+53.9
Alaska	23,125	22,442	−3.0
Arizona	13,803	18,118	+31.3
Arkansas	11,705	17,878	+52.7
California	15,365	19,206	+25.0
Colorado	14,561	19,769	+35.8
Connecticut	14,821	19,123	+29.0
Delaware	15,255	18,660	+22.3
District of Columbia	18,930	23,302	+23.1
Florida	12,660	19,218	+51.8
Georgia	12,918	18,942	+46.6
Hawaii	13,507	20,526	+52.0
Idaho	12,769	19,433	+52.2
Illinois	15,664	18,999	+21.3
Indiana	14,222	18,692	+31.4
Iowa	13,110	18,668	+42.4
Kansas	13,091	18,607	+42.1
Kentucky	13,346	17,513	+31.2
Louisiana	14,342	17,974	+25.3
Maine	11,747	18,187	+54.8
Maryland	13,900	21,182	+52.4
Massachusetts	13,798	18,967	+37.5
Michigan	16,825	18,912	+12.4
Minnesota	13,896	19,197	+38.1
Mississippi	11,363	18,535	+63.1
Missouri	13,750	18,608	+35.3
Montana	12,729	19,435	+52.7
Nebraska	12,201	19,094	+56.5
Nevada	14,161	19,183	+35.5
New Hampshire	12,228	18,634	+52.4
New Jersey	15,194	20,491	+34.9
New Mexico	13,302	18,574	+39.6
New York	15,687	18,542	+18.2
North Carolina	11,989	18,179	+51.6
North Dakota	12,226	18,347	+50.1
Ohio	15,009	19,921	+32.7
Oklahoma	13,787	18,427	+33.7
Oregon	14,277	19,518	+36.7
Pennsylvania	14,373	18,295	+27.3
Rhode Island	12,527	19,183	+53.1
South Carolina	11,939	18,050	+51.2
South Dakota	11,097	17,927	+61.5
Tennessee	12,674	19,184	+51.4
Texas	14,583	18,438	+26.4
Utah	13,574	17,987	+32.5
Vermont	11,838	18,740	+58.3
Virginia	13,242	19,934	+50.5
Washington	15,638	19,806	+26.7
West Virginia	14,466	18,229	+26.0
Wisconsin	13,677	18,490	+35.2
Wyoming	15,629	18,750	+20.0

[1] Preliminary.
[2] Annual pay rates as of March 31, 1980.

Sources: Private Sector Pay U.S. Department of Labor, Bureau of Labor Statistics, News Release USDC 81-593 January 8, 1982.
Federal Pay—"Federal Civilian Workforce Statistics"—Pay Structure of the Federal Civil Service.●

STEALING FROM THE MIND

● Mr. MOYNIHAN. Mr. President, recent allegations about the theft of IBM computer secrets are but the latest reminders of an increasingly serious problem: The violation across borders of intellectual-property rights, which in many cases can no longer be protected adequately by patents.

A number of countries, in fact, are engaged in the practice of actually helping domestic companies produce and market products that rightfully belong to inventors outside those countries who hold lawful patents. The World Intellectual Property Organization of the United Nations is even considering rules that would further encourage, by legitimizing, the abrogation of patents.

In an essay that appeared in the New York Times recently, Mr. Barry MacTaggert, chairman and president of Pfizer International Inc., persuasively argued that the United States must take steps to oppose this stealing from the mind. It undermines international trade by eliminating a crucial incentive for technological innovation and research—the prospect that individuals might profit fairly from their enterprise. Moreover, violation of patent rights threatens American business and American jobs; most of this intellectual theft occurs in the area of high technology products, where American concerns have most often taken the lead.

Mr. President, this matter demands the attention of the Senate. I ask that Mr. MacTaggert's thoughtful and compelling article be printed in the RECORD.

The article follows:

[From the New York Times, July 9, 1982]

STEALING FROM THE MIND

(By Barry MacTaggart)

In recent days many people have been shocked that Japanese businessmen might have stolen computer secrets from I.B.M. The allegations are the latest twist in the tense worldwide struggle for technological supremacy, but few businessmen, especially those involved in high-technological, research-based industries, can be very surprised.

Their inventions have been "legally" taken in country after country by governments' violation of intellectual-property rights, especially patents. It has been going on for some time, and it is getting worse. Through political and legal dealings, many governments, including Brazil, Canada, Mexico, India, Taiwan, South Korea, Italy and Spain, to name a few, have provided their domestic companies with ways to make and sell products that under proper enforcement and honorable treatment of patents would be considered the property of the inventors. And now, the United Nations, through its World Intellectual Property Organization, is trying to grab high-technology inventions for underdeveloped countries.

As more and more countries yearn for industrialization, it is ironic that less and less respect is given those laws and principles that have attended industrialization in the last hundred years. This is nowhere more true than in the area of patent protection for high technology, where learning how to manufacture a product requires enormous resources but actually manufacturing it sometimes turns out to be quite simple. It is in acquiring the knowledge to make new products—computers, pharmaceuticals, telecommunications equipment, chemicals and others—that American companies have been so good. And it is this knowledge that is being stolen by the denial of patent rights.

For example, India has denied Pfizer the right to exercise its own patent covering doxycycline, an antibiotic used widely around the world. It reserves to Indian companies the right to manufacture and sell that drug, even though the result has been that far less of it is available in India than is needed. Another illustration is Canada's compulsory licensing law, which has obliged Smith, Kline & French to grant patent rights on its antiulcer drug, Tagamet, to a local company that invested nothing in its research and development. The royalty in such a transaction is a meager 4 percent.

Patents are a vital stimulus to technological innovation and a vital part of doing business. In 1883, Western nations met in Paris to write a treaty that firmly conferred international legitimacy on intellectual-property rights—patents and trademarks—and asserted their critical relation to technological innovation. The thought then, which is still valid, was that the enormous human and financial costs attending technological innovation are worth the risks only if the invention is protected from duplication for a period of years in which the inventor can reasonably hope to recoup his costs. Under this arrangement, the inventor is then free to disseminate the technology.

Many developing countries, and some that are clearly developed, do not respect this arrangement. In many cases, however, their laws give the impression that they do, thereby encouraging inventors to place their products on the market. Once a product is on the market, the information issued with a patent makes it easy to steal the technology unless its protection is enforced.

The irony is that by eroding patent protection, governments are likely to accomplish the opposite of their professed intentions. They may appear to benefit from the inventions they take, but these gains are made at the expense of the system that nourishes industrial creativity.

What's more, the revisions to the Paris treaty being considered by delegates to the United Nations organization would confer international legitimacy on the abrogation of patents. The principle the World Intellectual Property Organization seeks to introduce would enable a nation to deny the inventor the protection of a patent or, worse still, prevent him from exercising his own invention if the product is not made from scratch in that nation.

So far, the United States has opposed such a theft of American technology. Unfortunately, European nations have failed to insist on the respect of these principles of international law and of the international economic system. Canada, Australia and New Zealand have gone even further and argue that for these purposes their nations should be considered developing countries! The competition for world markets and international business is becoming ever more tense, and that is the very reason the United States should insist more than ever that the principle underlying the international economic system be respected and upheld.●

HAWAII OBSERVES 23D ANNIVERSARY OF STATEHOOD

● Mr. MATSUNAGA. Mr. President, on August 21, 1959, Hawaii was admitted to the Union. Admissions Day, a State holiday, is celebrated annually by the people of the Island State on the third Friday in August.

I well remember the day in March 1959 when the statehood resolution won final congressional approval. I was serving then as a member of the territorial legislature and, on March 12, all the members of the legislature had gathered in the Throne Room of Iolani Palace—then the capitol building of the territory—to await a long-

distance telephone call from our delegate to Congress, John A. Burns. His announcement of the favorable action taken by the Congress was greeted with a deafening cheer, followed immediately by an almost mystical silence, as if all those present had joined in silent prayer to thank God for the blessings of statehood, and to ask for His guidance in their new and heavier responsibilities.

In 1959, Hawaii had a population of about 600,000 people. The new State's economy was predominantly rural and agricultural, but, even then, it was the headquarters of the Pacific Fleet and the Pacific forces of the U.S. Army and Air Force as well. The racial and cultural ancestry of its people was diverse. Indeed, the ethnic diversity of Hawaii's people and the islands' geographical distance from the continental United States were among the principal arguments advanced by opponents of statehood.

The rightness of Congress in admitting Hawaii into the Union of States was never more appropriately recognized than by President John F. Kennedy in June 1963, when in his first major civil rights address before the National Conference of Mayors, assembled in Honolulu, he said he had chosen Hawaii as the platform for his speech because "Hawaii is what the United States is striving to be."

Today, Hawaii's population is approaching 1 million and, if anything, it is even more cosmopolitan than it was in 1959. The first 23 years of statehood have also brought unparalleled economic growth and diversification. While agriculture remains an important component in Hawaii's economy, it has been overtaken by the visitor industry. In 1959, visitors to Hawaii were numbered in the hundred thousands. Today, nearly 4 million tourists from all over the world visit Hawaii annually.

Hawaii has also become an important "gateway" to the nations of Asia and the Pacific Basin as the United States expands its trade in these areas. The Island State's strategic location in the Pacific has made it a natural "bridge" between East and West, a fact which was recognized by the Federal Government in the early 1960's when the East-West Center for Technical and Cultural Exchange was established in Honolulu.

During its first 23 years of statehood, Hawaii has also become a Pacific center of scientific research and education. Although it has no indigenous sources of fossil fuels, the Island State has become a leader in the development and commercialization of alternative forms of energy—solar energy, ocean thermal energy, wind energy, biomass, and hydroelectric power, among others. It is a pioneer in the field of aquaculture and tropical agricultural research, both promising fields which may eventually help alleviate the world food shortage. Research in Hawaii will also help unlock the remaining secrets of the universe. The exceptionally clear atmosphere atop Hawaii's tallest mountain, Mauna Kea, has led scientists from all over the world to select it as the site of a major observatory.

Despite the many changes which have occurred since 1959, Hawaii remains, in the words of Mark Twain, "The loveliest fleet of islands anchored in any ocean." I ask my colleagues in the Senate and House, and Americans throughout this country to join the people of Hawaii in celebrating its 23d anniversary of statehood.●

BLEAK OUTLOOK FOR AMERICAN AGRICULTURE

● Mr. HUDDLESTON. Mr. President, an article in today's Wall Street Journal graphically describes the bleak outlook for American agriculture. The article underscores how important it is for the Secretary of Agriculture first, to implement as quickly as possible the provisions in the Omnibus Reconciliation Act of 1982 relating to the Nation's farm programs, and second, use the broad discretionary authorities available to him under current law to immediately stabilize farm prices and provide credit assistance to farmers.

I ask that the article be printed in the RECORD.

The article follows:

U.S. FARMERS THIS YEAR HAVE REASON TO DREAD A BOUNTIFUL HARVEST

(By Sue Shellenbarger and Meg Cox)

SHABBONA, ILL.—To U.S. farmers this year, a bountiful harvest is not something to rejoice over.

So the news last week that the Agriculture Department is predicting a mammoth fall crop exceeding previous expectations was a shock to this farmland hamlet. Trading ceased at the local grain elevator as corn prices plunged. The decline immediately reduced the value of farmer Eilert Goken's corn harvest by $20,000. A farm-implement dealer prepared to cancel orders for combines, while local bankers braced themselves for an increase in loan delinquencies. Farm-supply stores were without customers.

And at the Kountry Kitchen Restaurant, depressed farmers crowded around tables to deplore the news: a predicted corn crop of 8.32 billion bushels, up 1% from the 1981 record; a larger-than-expected soybean crop of 2.29 billion bushels, up 13% from last year; and a wheat harvest of 2.77 billion bushels, down 1% from last year's record yield, but resulting nonetheless in a large surplus.

"This crop report is a disaster for a lot of farmers, including me," says Stanley Boehne, who now has no hope for repaying his bank debt this fall.

EXPECTING THE WORST

In a farm-belt economy already reeling from three years of bad news, the crop report may have been the worst news since the 1980 embargo on grain sales to the Soviet Union. Unless an early frost or other damage in the next several weeks reduces the harvest drastically, the grain glut will have far-reaching consequences.

Already, farm economists are scrambling to revise their forecasts to reflect what the chief agricultural economist of Chase Econometrics, Raymond Daniel, calls "absolutely the worst-case scenario."

The long-term outlook, experts say, is getting bleaker. Already-depressed farm prices will sink to even lower levels, thus shrinking farm income and land values. Farm-equipment makers, farm suppliers and rural banks aren't likely to fare better. Farm groups will certainly step up pressure on the Reagan administration to pay farmers directly to idle some of their land for the first time in several years. Pressure for a new grain treaty with the Soviet Union will also increase as the government is forced to spend billions of dollars managing huge surpluses.

Reduced farm income could also accelerate the deterioration of land quality, as farmers neglect soil conservation in order to pay their most pressing bills. Worsening that problem, federal budget proposals include cutbacks in federal aid for conservation.

COMPANY FOR MISERY

There are scattered bright spots. A mammoth surplus would mean business for storage operations, and lower feed-grain prices should reduce costs for livestock growers and, eventually, for consumers at retail meat markets. But for most, the latest USDA crop forecast brought a growing sense of despair. "This is the last nail in the coffin of the crop farmer," says Terry Francl, an agricultural economist at Continental Illinois National Bank & Trust Co. in Chicago. At the Hi-Way-Lounge on Route 30 here, a farmer couldn't agree more. Sipping a beer and contemplating fields bursting with corn, he says: "What the hell, I might as well burn it."

Farmers elsewhere have reason to feel the same way. Wharton Econometric Forecasting Associates predicts a sharp drop in farmers' cash receipts in 1983, reflecting a 9% drop in corn prices and a 10% drop in soybean prices. Since the USDA corn crop report, Wharton's chief agricultural economist John Urbanchuk has trimmed his forecast of 1983 net farm income by more than 10% to between $21 billion and $23 billion.

Low returns will depress Midwestern farm prices, already in their longest slide in 20 years. (Around Shabbona, land prices dropped more than 25% in the past 18 months to about $2,500 an acre.) That in turn will reduce farmers' equity and borrowing power, putting many in a severe cash squeeze. "This is affecting good farmers, not just people who are poor managers," says Robert Keil, a vice president of First National Bank in De Kalb, Ill. The result, experts say, will be more bankruptcies, foreclosures and forced liquidations.

FOREIGN-MARKET PROBLEMS

"Farmers who have hung on by their fingernails the last few years will have to let go," says James Anderson, a farm lender at First National Bank in Baltic, S.D. "We took second mortgages on a dozen farmers, so they could hang on one more year. But the way it looks now, this year won't allow them to turn around."

Foreign grain-buyers won't rescue farmers, either. "We think agricultural-export growth will be limited over the next four years," says Richard Pottorff, an economist with Data Resources Inc. In part that is because "there are economic problems with

our key growth-markets like Eastern Europe and Mexico." Mexico, which has become the best U.S. grain buyer after Japan, because of recent peso devaluations will find U.S. grain less affordable.

The Agriculture Department expects a surplus of 125 million metric tons of all grains next year, after exports. And even if the Soviet harvest is meager, as expected, and Soviet purchases exceed predictions, U.S. farmers can't expect too much help there. Soviet grain purchases from the U.S. peaked at only 15.2 million metric tons in 1979.

The burden of that expected surplus will weigh heavily on farm suppliers and agribusiness. Highly competitive seed-corn sellers, just starting their season, expect farmers to cut back orders in anticipation of a new government set-aside program next year.

Some small seed-companies won't survive, predicts Frank Thorp, whose Clinton, Ill., seed business sells a modest 100,000 bags a year. "One of my distributors in Indiana is scared that as many as 40% of his farmer-clients won't survive until next planting season" because of low farm prices.

Effective government inducements to farmers to let land lie fallow would also hurt pesticide and agricultural-chemical sales, says Dave Anderson, the director of marketing for Brayton Chemicals Inc., a Burlington, Iowa-based pesticide distributor. "I don't think people realize how bad things are," he says. "We'll have to be aggressive just to stay even."

Fertilizer sales will be hit hard again after a 10% decline—the steepest in seven years—in the year ended June 30, "I was predicting an increase in fertilizer use by farmers in 1983, until I saw the crop report," says Agriculture Department economist Paul Andrilenas. "Even if farmers use more fertilizer per acre, a set-aside may still mean lower fertilizer use."

Already suffering farm-equipment dealers worry about spending another winter trying to decide how many more mechanics to lay off. In De Kalb, after a six- to eight-month slump, Forster Implement Co.'s sales of Deere & Co. farm equipment started to pick up in recent weeks. But last week's crop report has stopped the tentative recovery cold, manager Max Heide says. He is considering canceling orders he placed for winter delivery of combines.

Two of the most troubled farm-equipment makers, International Harvester Co. and Massey-Ferguson, say their already conservative forecasts anticipated another depressed year in the farm economy in 1983. But some analysts say the crop report portends even greater pressures on a severely distressed industry. "In my opinion, the manufacturers haven't cut production enough, and we'll see additional cutbacks in the near future," says Larry Hollis, an analyst with Robert W. Baird & Co. "This big a crop will mean additional strains on balance sheets for both manufacturers and dealers."

DEPLETED SOIL

A longer-range problem exacerbated by the pending harvest, some say, is declining farm land quality. "We're already losing six billion tons of topsoil a year, and this crop will make it worse," says Barbara MacKenzie, the president of a new nonprofit group seeking to raise money for farm conservation.

The liquidity squeeze brought on by lower prices will make it difficult for farmers to build terraces, drainage ditches and dams and to take other measures to steward their land. And a proposed cut in federal conservation financing will add to those woes. "I don't think I'll be able to afford conservation projects for another two years," says Yuma, Colo., farmer Milton Mekelburg, the president of the National Association of Conservation Districts.

The expected grain surplus also will plague the federal budget. With corn stockpiles alone expected to mount from one-fourth of a year's production this fall to one-third by next fall, government programs to manage surpluses could cost the U.S. as much as $4 billion next year, estimates Abner Womack, a University of Missouri economist.

The Reagan administration tried to hold down this year's crop by offering low-cost operating loans and other benefits to farmers who idled 10% to 15% of their land. To get a loan, the farmer also must hold his surplus grain off the market, thus supporting prices. But prices are sinking so low that farmers are expected in the next few months to default on loans covering hundreds of millions of the 1.25 billion bushels of corn in storage under the program. Then, they will simply have to turn the corn over to the government. "A (storage) crisis could develop," an Agriculture Department official says. The department has scheduled emergency meetings throughout the farm belt this week to ask grain concerns for help in locating storage space.

A LOSING GAMBLE

Clearly, the government's farm policy failed: about 75% of U.S. corn growers spurned government help and gambled on prices holding up. Now, they're at the mercy of the market.

To avoid a similar farm-policy failure next year, farm groups are pressing the government to pay farmers directly to idle acres. Indeed, a spokesman for Agriculture Secretary John Block says that Mr. Block has changed his position and "won't oppose" such a subsidy next year.

Certainly, the glut is a boon to storage operations. As farmers prepare for the huge harvest, the wait to buy a grain bin has already grown from a week to a month. The agri-products division of Butler Manufacturing Co. has been making bins, at capacity for 60 days. "We could't produce many more than we are, and I think that's true of the industry," says Werner Eugster, the president of the division.

The glut should have at least some effect on consumer food-prices. Low-cost grain is supposed to result in a rapid increase in the numbers of hogs and chickens, thus reducing retail meat prices within six months to a year.

ONLY SLIGHTLY LOWER

But that food-price relief probably will be slight. Dennis Steadman, an agricultural economist at Chase Econometrics, says he lowered his estimate of the consumer price index for food next year by only 0.2% because of the USDA crop report.

Moreover, low-priced corn doesn't particularly excite livestock farmers. John Goeller, a Pilger, Neb., hog and cattle raiser, fears that cheap corn will lead to bigger and fatter hog herds and lower profits for him. "If every farmer raising hogs right now puts an extra 20 pounds on every hog, that would mean a 10% jump in the pork supply," he says. "Cheap grain makes cheap livestock. That's a rule as old as agriculture."

Suppliers to livestock farmers are similarly unenthralled. Despite a recent surge in profits after several money-losing years, hog raisers are still short of money for new equipment, says Tim Cumberland of Sand Livestock Systems Inc., a maker of livestock confinement buildings. "It may be another year before we see more orders from this (increased crop estimate) and then it depends on farmers getting financing."

In rural communities throughout the Midwest, even nonfarmers greeted the crop report with despair. "I haven't translated the latest grain report into the number of cars I won't sell, but things don't look good," says Harry Schlapia, a Ford dealer in Creston, Iowa. "Less than half our customers are farmers, but when they quit buying, so do the businessmen downtown."

In downtown Shabbona, closed storefronts reflect the damage already done by the sagging farm economy. Remaining merchants say additional crop-price declines will multiply the damage. "A lot of merchants are ready to go out of business," says Elizabeth Weber, whose antique shop rarely opens these days. "They're just hanging by a thread."

A few miles outside town, Mr. Boehne, the farmer, and his wife scratch their heads over the household budget. Since last week's crop report was released, they have been trying to cut spending on personal and farm needs. To Mr. Boehne, the report portends the loss of several thousand dollars in harvest income and dashes hopes of modestly reducing his bank debt this fall. The day the report was released, he joked to his banker: "Give me notice before you shut me down."

Walking across his farmyard near his lush fields of ripening corn, Mr. Boehne talks about hope. "You just can't lay down and die," he says. "But it's hard when you're so deep in debt. I just hope the bank goes along with me." On paper, Mr. Boehne says, his net worth is $1 million. "But when times get tough," he adds, "you can't eat the land." ●

THE NOMINATION OF OLIVER RICHARD TO THE FEDERAL ENERGY REGULATORY COMMISSION

● Mr. BRADLEY. Mr. President, I am sorry that the Reagan administration has once again rejected an opportunity to show sensitivity to issues of real concern to those who live in the Northeast and Midwest. There are real regional differences in energy demands and problems. Consumers should have confidence that those concerns will be heard and understood. One way to instill such confidence would be to establish some balance on the Federal Energy Regulatory Commission.

Of immediate concern is our natural gas policy. Unfortunately, instead of a reasoned and careful debate in Congress about possible changes to the National Gas Policy Act, we are likely to get a confused and emotional debate at the Federal Energy Regulatory Commission. The notice of inquiry now being conducted by the Commission has not inspired confidence that the fairness issues bound up in the natural gas pricing question

will be carefully treated. Even if it had the will, the FERC does not have the capacity to deal with these issues. Only the Congress has the capability to cushion for consumers the effects of any changes in the NGPA that might be contemplated. For this reason, I cosponsored the resolution offered by the distinguished Senator from Rhode Island, Mr. CHAFEE, opposing FERC's administrative control of natural gas.

The function of the Senate, however, is not to choose among nominees for FERC commissioners, but rather to review the qualifications of the nominees chosen by the President. But we do have an obligation to insure that those who seek confirmation are competent, honest individuals who can perform the job they are undertaking. In this regard, the members of the Energy and Natural Resources Committee are better able than usual to report on this nominee's qualifications. We have all worked with Rick Richard while he served on Senator JOHNSTON's staff. I, for one, know Rick to be an able, competent, and objective person.

Even still, I have taken extensive steps to make clear to Rick my concerns about FERC gas policy and their responsibility to follow congressional direction. I am reassured both from private meetings and his testimony at his confirmation hearing that he has an open mind on natural gas pricing issues.

No one knows exactly what is going on in the natural gas market today. As recently as 10 months ago, many people thought changes to the Natural Gas Policy Act were absolutely necessary; although no two people agreed on exactly what changes should be made, many wanted changes. The natural gas market is changing dramatically, however, and now there are many more questions to be answered before serious proposals can be made to change the NGPA. If the notice of inquiry sheds light on these questions, perhaps it will be worthwhile. Prices for deep gas are falling from their earlier, incredible heights—$10 per 1,000 cubic feet, the equivalent of $60 per barrel oil—back down to $5 or $6 per 1,000 cubic feet, more in line with $30 to $35 per barrel oil. Will this trend continue? Will supplies be sufficient to keep natural gas prices in line with oil prices in 1985 when more of the price controls come off of natural gas? We certainly need to know the answers to these and other questions before coming to any conclusions about changes to natural gas pricing policy. I am satisfied that Rick Richard will not advocate any precipitate action and that he will undertake to insure that consumer interests have a prominent place in reaching natural gas pricing decisions.

Perhaps along with others, the Senate Energy Committee will figure prominently in any review of natural gas policy. I for one intend to insist that Congress uses its full powers in this matter.

Although I lament the fact that the President has chosen to forego regional balance on the Commission, I believe that Rick Richard will serve ably on the Commission and I am happy to have voted for his nomination.●

PAID DIVERSION UNDER THE OMNIBUS RECONCILIATION ACT

● Mr. HUDDLESTON. Mr. President, today U.S. farmers face disastrously low prices stemming from oversupplies of commodities and weak demand.

In adopting the conference report on the Omnibus Reconciliation Act of 1982, Congress provided the administration with an important tool to use in assisting U.S. farmers. The reconciliation bill requires the Secretary of Agriculture to implement paid land diversion programs in 1983 for wheat, feed grain, and rice farmers. The bill requires that the paid diversion programs provide for the diversion of at least 5 percent of each participating farmer's acreage base. However, under the conference report, the Secretary could provide for a higher percentage of paid diversion for these commodities.

In the past several days, commodity prices have fallen drastically as the markets reacted to recent estimates of exceptionally large harvests in 1982. In light of these recent developments, Secretary Block should seriously consider going beyond the minimum 5-percent paid diversion to programs larger in scope. The commodity programs for 1983 must be responsive to the needs of farmers, and it now appears that 5-percent paid diversions might not be sufficient to strengthen farm prices adequately.

Also, the Secretary should rapidly implement the provisions of the 1981 farm bill providing for storage facility loans to farmers in storage deficient areas. The very large grain crop now being harvested and the near record carryover stocks of grain have produced serious storage deficits in many areas and increases in storage charges in other areas.

Mr. President, I ask to have printed the RECORD a summary of the provisions of the conference report on the Omnibus Reconciliation Act of 1982 concerning the agricultural paid land diversion programs and the related agricultural and nutrition provisions of the report.

The summary referred to follows:

SUMMARY OF THE PROVISIONS OF TITLE I—AGRICULTURAL, FORESTRY, AND RELATED PROGRAMS

SUBTITLE A—DAIRY PRICE SUPPORT PROGRAM (SEC. 101)

The Conference Report will revise the milk price support program for fiscal years 1983 through 1985.

Price support levels

Effective for fiscal years 1983 and 1984, the price of milk will be supported at not less than $13.10 per hundredweight of milk containing 3.67 percent milkfat. During fiscal year 1985, the price of milk will be supported at not less than the percentage of the parity price for milk that $13.10 per hundredweight represents as of October 1, 1983.

Deductions

The Conference Report will also authorize deductions from the proceeds of all commercial sales of milk by dairy farmers, as follows:

(1) During fiscal years 1983 through 1985, the Secretary of Agriculture will be authorized to provide for a deduction of 50 cents per hundredweight of milk (the deductions to be remitted to the Commodity Credit Corporation) if the Secretary estimates that, during the fiscal year involved, net price support purchases will be 5 billion pounds milk equivalent or more. The deductions collected would be applied to offset costs incurred under the milk price support program.

(2) During fiscal years 1984 and 1985, the Secretary will be authorized to provide for the deduction of an additional 50 cents per hundredweight of milk (the deductions to be remitted to the Commodity Credit Corporation) if the Secretary estimates that, during the fiscal year involved, net price support purchases will be 7.5 billion pounds milk equivalent or more. If this second deduction is implemented, the Secretary must establish a program under which dairy farmers can obtain refund of the second deduction if they reduce their marketings of milk. The deductions collected that are not refunded will be applied to offset costs incurred under the milk price support program. For the purposes of determining refunds for reduced marketings, each dairy farmer will be assigned a base, which will be equal to the marketings made by the dairy farmer during fiscal year 1982 or, at the option of the Secretary, the average annual marketings during fiscal years 1982 or, at the option of the Secretary, the average annual marketings during fiscal years 1981 and 1982. The Secretary could make adjustments in individual bases as the Secretary determines necessary to correct for abnormal factors affecting milk production and to reflect other factors that the Secretary determines should be considered in establishing a fair and equitable base. This authority will permit the Secretary, in appropriate circumstances, to establish bases for dairy farmers who did not produce milk, or had reduced production of milk, during the base calculation period. A dairy farmer could qualify for a refund of the entire amount of the second deduction for a fiscal year by reducing his marketings during the year by an amount that bears the same ratio to his base marketings as the national surplus milk production bears to overall production for the year. For dairy farmers who do not reduce marketings enough to receive a full refund, the Secretary could, nonetheless, provide for the refund of a portion of each

50-cent deduction proportionate to the amount of reduction achieved by the dairy farmer.

The Conference Report also contains provisions to facilitate compliance with, and administration of, the deduction program.

[In millions of dollars]

	1983	1984	1985
Savings:			
Price support operations	409	694	652
Savings from deductions (at first 50 cents level)	1,073	667	659
Total	1,482	1,361	1,311

SUBTITLE B—DONATION OF DAIRY PRODUCTS (SEC. 110)

The Conference Report will amend section 416 of the Agricultural Act of 1949, which authorizes the Commodity Credit Corporation to donate dairy products (acquired by the Corporation through price support operations) for use in the United States in nonprofit school lunch and child feeding programs, to assist needy persons, and in charitable institutions (including hospitals).

Under the Conference Report, additional language will be added to section 416 also to permit the donation of the dairy products to needy households in the United States, to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965, and (through foreign governments and humanitarian organizations) to assist needy persons outside the United States. The Corporation will be authorized to pay reprocessing and handling costs (including the cost of overseas delivery) involved in donations to persons outside the United States; and such donations will be coordinated with similar foreign aid programs, as provided under Public Law 480, and will be in addition to assistance provided under Public Law 480.

SUBTITLE C—ADJUSTMENT PROGRAM FOR THE 1983 CROPS OF WHEAT, FEED GRAINS, UPLAND COTTON, AND RICE

Advance deficiency payments (sec. 120)

The Conference Report will amend the Agricultural Act of 1949 to add a new section 107C providing for advance deficiency payments on the 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice. Under new section 107C, advance deficiency payments could be made to producers of these commodities who participate in a voluntary acreage reduction program for the crop involved if the Secretary of Agriculture determines it likely that deficiency payments will be made.

The Secretary will be required to make advance deficiency payments available to producers who participate in the acreage limitation programs for the 1982 crops of these commodities. Advance payments will equal 70 percent of the projected final payment and will be made as soon as practicable after October 1, 1982. The Secretary will be able to adjust the amount of the advance deficiency payment to any producer who has received a disaster payment on the commodity involved.

For the 1983 crops, the Secretary will be required—and for the 1984 and 1985 crops, the Secretary will have the authority—to make advance deficiency payments to producers who agree to participate in an acreage limitation or set-aside program for the crop involved. Payments will be made available to producers as soon as practicable after they file notices of intention to participate in the program. Payment would be provided in an amount determined by the Secretary as appropriate to encourage participation in the program, but not to exceed 50 percent of the projected final payment due the producer.

Producers will be required to refund any overpayment under new section 107C at the end of the marketing year for the crop involved. And, if the producer fails to comply with requirements under the acreage limitation or set-aside program involved (and, in the case of the 1983 crops of wheat, feed grains, and rice, the requirements of the paid land diversion program involved) after receiving an advance deficiency payment, the producer will be required to repay the advance, with interest, immediately.

1983 wheat loans (sec. 121)

The Conference Report will amend the Agricultural Act of 1949 to increase the minimum price support loan and purchase rate for the 1983 crop of wheat (by 10 cents) to $3.65 per bushel.

1983 wheat acreage reduction and diversion programs (sec. 122)

The Conference Report will amend the Agricultural Act of 1949 to require an acreage limitation program and a paid land diversion program for the 1983 crop of wheat. Under the provisions of the Conference Report, a wheat farmer who agrees to participate in the 1983 wheat program will be required to reduce his wheat acreage base for the farm in 1983 (i.e., plant to wheat for harvest in 1983 a number of acres on the farm equal to his wheat acreage base minus the required reduction) by 15 percent under the acreage limitation program, and an additional 5 percent under the paid land diversion program, as a condition of eligibility for loans, purchases, and payments under the program for the 1983 crop of wheat.

The Secretary of Agriculture could implement a program requiring wheat farmers to make reductions in production on the wheat acreage base in 1983 greater than the 20 percent provided for in the Conference Report. The Secretary could accomplish this by increasing the scope of the paid land diversion program to require a paid diversion of more than 5 percent, or by increasing the scope of the acreage limitation program to require that the wheat acreage base be reduced by more than 15 percent. To the extent that the Secretary expands the scope of the wheat acreage limitation program, he must increase the scope of the paid land diversion program so that the paid diversion percentage retains the same proportion to the acreage limitation percentage as that specified in the provisions of the Conference Report—5:15.

The Conference Report provides that the wheat acreage base for a farm for the 1983 crop (for purposes of calculating the reduction of planted acreage required to meet the specifications of the wheat acreage limitation and paid land diversion programs) will be the wheat acreage base applicable to the farm under the acreage limitation program for the 1982 crop of wheat, adjusted to reflect established crop rotation practices and other factors that the Secretary determines should be considered in determining a fair and equitable base. In making adjustments to a base, the Secretary is expected to consider the special problems of farmers who follow a normal summer-fallow crop rotational practice.

Under the paid land diversion program, a wheat farmer will be eligible for payment in an amount equal to the product obtained by miltiplying the additional acreage diverted from production under the program, by the 1983 wheat program payment yield for the farm, by the diversion program payment rate. This payment rate will be established by the Secretary but cannot be less than $3.00 per bushel of wheat, except that the Secretary could reduce the payment rate by as much as 10 percent—or to $2.70 per bushel—if the Secretary determines that the objective of the program could be achieved with the lower rate. The Secretary will be required to make not less than half of any payment due a wheat farmer under the paid land diversion program to the farmer in advance of any determination of performance and as soon as practicable in fiscal year 1983 after the farmer enters into the land diversion contract. Farmers who receive advance payments but fail to comply with the terms of the land diversion contract after receiving an advance payment will be required to repay the advance, with interest, immediately.

[In millions of dollars]

	Fiscal year—		
	1983	1984	1985
Savings (or costs)	(4)	191	33

Note: Numbers in parentheses indicate a net outlay.

1983 feed grain loans (Sec. 123)

The Conference Report will amend the Agricultural Act of 1949 to increase the minimum price support loan and purchase rate for the 1983 crop of corn (by 10 cents) to $2.65 per bushel. (The price support loan rates for the other feed grains will be set, under current law, at levels that the Secretary determines fair and equitable in relation to the level set for corn.)

1983 feed grain acreage reduction and diversion programs (sec. 124)

The Conference Report will amend the Agricultural Act of 1949 to require an acreage limitation (or set-aside) program and a paid land diversion program for the 1983 crop of feed grains. Under the provisions of the Conference Report, a feed grain farmer who agrees to participate in the 1983 feed grain program will be required to reduce his feed grain acreage base for the farm in 1983 (i.e., plant to feed grains for harvest in 1983 a number of acres on the farm equal to his feed grain acreage base minus the required reduction) by 10 percent under the acreage limitation (or set-aside) program, and an additional 5 percent under the paid land diversion program, as a condition of eligibility for loans, purchases, and payments under the program for the 1983 crop of feed grains.

The Secretary of Agriculture could implement a program requiring feed grain farmers to make reductions in production on the feed grain acreage base in 1983 greater than the 15 percent provided for in the Conference Report. The Secretary could accomplish this by increasing the scope of the paid land diversion program to require a paid land diversion of more than 5 percent, or by increasing the scope of the acreage limitation (or set-aside) program to require that the feed grain acreage base be reduced by more than 10 percent. To the extent that the Secretary expands the scope of the feed grain acreage limitation (or set-aside) program, he must also increase the scope of the

paid land diversion program so that the paid diversion percentage retains the same proportion to the acreage limitation (or set-aside) percentage as that specified in the provisions of the Conference Report—5:10.

The Conference Report provides that the feed grain acreage base for a farm for the 1983 crop (for purposes of calculating the reduction of planted acreage required to meet the specifications of the feed grain acreage limitation (or set-aside) and paid land diversion programs) will be the feed grain acreage base applicable to the farm under the acreage limitation program for the 1982 crop of feed grains, adjusted to reflect established crop rotation practices and other factors that the Secretary determines should be considered in determining a fair and equitable base. In making adjustments to a base, the Secretary is expected to consider the special problems of farmers who follow a normal summer-fallow crop rotational practice.

Under the paid land diversion program, a feed grain farmer will be eligible for payment in an amount equal to the product obtained by multiplying the additional acreage diverted from production under the program, by the 1983 feed grain program payment yield for the farm, by the diversion payment rate. This payment rate will be established by the Secretary but cannot be less than $1.50 per bushel of corn, except that the Secretary could reduce the payment rate for corn by as much as 10 percent—or to $1.35 per bushel—if the Secretary determines that the objective of the program could be achieved with the lower rate. The payment rates for grain sorghums, oats, and, if designated by the Secretary, barley will be set by the Secretary at levels the Secretary determines are fair and reasonable in relation to the rate for corn. The Secretary will be required to make not less than half of any payment due a feed grain farmer under the paid land diversion program to the farmer in advance of any determination of performance and as soon as practicable in fiscal year 1983 after the farmer enters into the land diversion contract. Farmers who receive advance payments but fail to comply with the terms of the land diversion contract after receiving an advance payment will be required to repay the advance, with interest, immediately.

[In millions of dollars]

	Fiscal year—		
	1983	1984	1985
Savings (or costs)	(178)	142	66

Note.—Numbers in parentheses indicate a net outlay.

1983 rice acreage reduction and diversion programs (sec. 125)

The Conference Report will amend the Agricultural Act of 1949 to require an acreage limitation program and a paid land diversion program for the 1983 crop of rice. Under the provisions of the Conference Report, a rice farmer who agrees to participate in the 1983 rice program will be required to reduce his rice acreage base for the farm in 1983 (i.e., plant to rice for harvest in 1983 a number of acres on the farm equal to his rice acreage base minus the required reduction) by 15 percent under the acreage limitation program and an additional 5 percent under the paid land diversion program, as a condition of eligibility for loans, purchases, and payments under the program for the 1983 crop of rice.

The Secretary of Agriculture could implement a program requiring rice farmers to make reductions in production on the rice acreage base in 1983 greater than the 20 percent provided for in the Conference Report. The Secretary could accomplish this by increasing the scope of the paid land diversion program to require a paid diversion of more than 5 percent, or by increasing the scope of the acreage limitation program to require that the rice acreage base be reduced by more than 15 percent. To the extent that the Secretary expands the scope of the rice acreage limitation program, he must also increase the scope of the paid land diversion program so that the paid diversion percentage retains the same proportion to the acreage limitation percentage as that specified in the provisions of the Conference Report—5:15.

The Conference Report provides that the rice acreage base for a farm for the 1983 crop (for purposes of calculating the reduction of planted acreage required to meet the specifications of the rice acreage limitation and paid land diversion programs) will be the rice acreage base applicable to the farm under the acreage limitation program for the 1982 crop of rice, adjusted to reflect established crop rotation practices and other factors that the Secretary determines should be considered in determining a fair and equitable base.

Under the paid land diversion program, a rice farmer will be eligible for payment in an amount equal to the product obtained by multiplying the additional acreage diverted from production under the program, by the 1983 rice program payment yield for the farm, by the diversion payment rate. This payment rate will be established by the Secretary but cannot be less than $3.00 per hundredweight, except that the Secretary could reduce the payment rate by as much as 10 percent—to $2.70 per hundredweight—if the Secretary determines that the objective of the program could be achieved with the lower rate. The Secretary will be required to make not less than half of any payment due a rice farmer under the paid land diversion program to the farmer in advance of any determination of performance and as soon as possible in fiscal year 1983 after the farmer enters into the land diversion contract. Farmers who receive advance payments but fail to comply with the terms of the land diversion contract after receiving an advance payment will be required to repay the advance, with interest, immediately.

[In millions of dollars]

	Fiscal year—		
	1983	1984	1985
Savings (or costs)	(10)	34	

Note.—Numbers in parentheses indicate a net outlay.

SUBTITLE D—AGRICULTURE EXPORT PROMOTION (SEC. 135)

The Conference Report will require the Secretary of Agriculture, in each of the 1983 through 1985 fiscal years, to use not less than $175 million, nor more than $190 million, of the funds of the Commodity Credit Corporation for agricultural export development activities authorized under current law. The program authorized under this subtitle will be carried out through the Commodity Credit Corporation. Activities that could be financed under this subtitle include "buy-down" plans to reduce interest rates on export loans, loan guarantees on "buy-down" loans, direct loans to finance export transactions, and export subsidy programs (where appropriate to counter unfair trade practices of other countries).

[In millions of dollars]

	Fiscal year—		
	1983	1984	1985
Savings	116	64	8

SUBTITLE E—FOOD STAMP ACT AMENDMENTS OF 1982

Definition of "household" (sec. 142)

The Conference Report will require that all parents and children or siblings who live together be treated as a single household for purposes of the food stamp program, unless one of the parents or siblings is elderly or disabled.

The Conference Report also provides that an individual who lives with others, but who is 60 years of age or older and who is unable to purchase food and prepare meals because of a disability, will be treated as a separate household, together with his or her spouse, without regard to the purchase of food and preparation of meals if the gross income of the other individuals with whom the person lives does not exceed 165 percent of the poverty line.

[In millions of dollars]

	1983	1984	1985
Savings	38	40	42

Rounding of computations (sec. 143)

The Conference Report will revise the rounding rules for annual adjustments to the cost of the thrifty food plan under the food stamp program to provide that rounding will occur only after the thrifty food plan amounts for all household sizes have been calculated, and that the amounts will then be rounded down to the nearest whole dollar.

Also, each household's food stamp allotment and (after adjustment for inflation) both the standard deduction and the excess shelter/dependent care deduction under the food stamp program will be rounded down to the nearest whole dollar increment.

[In millions of dollars]

	1983	1984	1985
Savings	68	93	93

Thrifty food plan adjustments (sec. 144)

The Conference Report provides that, in the next three fiscal years, the October 1 adjustment of the thrifty food plan under the food stamp program will be based on the cost of the plan through the preceding June 30, minus one percent. Allotments will be computed by taking the unrounded cost of the thrifty food plan as of the prior June, reducing this number by one percent, making the appropriate household size adjustments, and then rounding the resulting

figure for each household size down to the nearest lower dollar. In fiscal year 1986, the October 1 adjustment of the thrifty food plan will return to being based on the cost of the food plan through the preceding June 30 without the one percent reduction.

[In millions of dollars]

	1983	1984	1985
Savings	180	170	160

Disabled veterans (sec. 145)

The Conference Report will revise the Food Stamp Act of 1977 so as to cause certain disabled veterans and disabled survivors of veterans to be treated in the same manner under the Act as disabled persons who received supplemental security income benefits or who receive disability or blindness benefits under the Social Security Act.

[In millions of dollars]

	1983	1984	1985
(Cost)	(5)	(5)	(5)

Income standards of eligibility (sec. 146)

The Conference Report will revise the food stamp income eligibility test for households without an elderly or disabled member to require that these households have net monthly incomes below 100 percent of the poverty line, in addition to meeting the 130 percent of poverty gross income test, in order to be eligible for food stamps.

[In millions of dollars]

	1983	1984	1985
Savings	5	5	5

Cost-of-living adjustments to Federal benefits (sec. 147)

The Conference Report will require that the July cost-of-living increases in Social Security, SSI, veterans, and railroad retirement benefits not be counted as income for food stamp purposes until October of the same year, when the indexing of food stamp allotment levels occur.

[In millions of dollars]

	1983	1984	1985
(Cost)	(19)	(21)	(23)

Adjustment of deductions (sec. 148)

The Conference Report will delay the July 1, 1983, adjustment of the standard deduction and the excess shelter/dependent care deduction under the food stamp program until October 1, 1983.

[In millions of dollars]

	1983	1984	1985
Savings	42		

Standard utility allowance (sec. 149)

The Conference Report will specifically permit a State food stamp agency to use a standard utility allowance in computing a food stamp household's excess shelter expense deduction. An allowance that does not fluctuate within a year to reflect seasonal variations will be permitted, but a standard allowance for a heating or cooling expense could not be used for a household that does not incur a heating or cooling expense or for households in public housing units with central utility meters. States could use a separate standard utility allowance for households without heating or cooling expenses as long as these allowances are reflective of the utility costs incurred by these households. Prorating of the allowance will be required in the case of households sharing a residential unit.

[In millions of dollars]

	1983	1984	1985
Savings	90	93	97

Migrant farmworkers (sec. 150)

The Conference Report will preclude the Secretary of Agriculture from waiving the current requirement of the Food Stamp Act of 1977 that the calculation of household income for migrant farmworkers for purposes of the food stamp program occur on a prospective basis.

Financial resources (sec. 151)

The Conference Report will preclude the Secretary of Agriculture, with some exceptions, from altering the food stamp financial resources limitations that were in effect as of June 1, 1982. The Conference Report also will require that accessible savings or retirement accounts be counted in determining whether the financial resources limitation under the food stamp program has been exceeded.

Studies (sec. 152)

The Conference Report will delete the requirement for three studies that have been completed and deletes a requirement for an annual report to Congress on the effect of elimination of the purchase requirement under the food stamp program.

Categorical eligibility (sec. 153)

The Conference Report will permit States to consider households in which all members receive aid to families with dependent children and whose gross income does not exceed 130 percent of the poverty line to have satisfied the resource limitation requirements under the food stamp program.

Wavier of reporting requirements; cost-effectiveness of monthly reporting systems (secs. 154 and 156)

The Conference Report provides that a State food stamp agency can, with the approval of the Secretary and if it can show that monthly reporting would result in unwarranted administrative expense, select categories of households that can report at less frequent intervals.

The Conference Report will permit the Secretary of Agriculture, upon the request of a State, to waive any food stamp periodic reporting rules (other than those exempting certain categories of recipients from periodic reports) to the extent necessary to allow the State to establish periodic reporting rules for the food stamp program that are similar to those for the Aid to Families with Dependent Children program.

The Conference Report will also exclude from food stamp monthly reporting requirements households without earned income in which all adult members are elderly or disabled.

Approval of periodic reporting forms (sec. 155)

The Conference Report will remove the requirement that the Secretary of Agriculture design or approve the forms used by the States for nonperiodic reporting of changes in household circumstances under the food stamp program.

Employment and job search requirements; voluntary quit (secs. 157 and 158)

The Conference Report provides that, at the option of the State, job search requirements under the food stamp program could be imposed on applicants for food stamps, as well as recipients.

[In millions of dollars]

	1983	1984	1985
Savings	5	6	7

The Conference Report will permit the Secretary to fix the starting point of the disqualification period for participants in the food stamp program when the participant has voluntarily quit a job, and increase the disqualification period for voluntarily quitting a job from 60 to 90 days.

The Conference Report will extend the definition of voluntary quit without good cause (and the attendant period of ineligibility) to include Federal, State, or local government employees who have been dismissed from their jobs because of participation in a strike against the government entity involved.

Parents and caretakers of children (sec. 159)

The Conference Report will eliminate the exemption from work registration under the food stamp program for parents or caretakers of children when the parent or caretaker is part of a household in which there is another able-bodied parent or caretaker subject to food stamp work requirements. The effect of this provision is to require a second parent or caretaker in a household to register for work when the youngest child in the household reaches the age of 6. If, however, the youngest child is less than the age of 12, the second parent can decline employment if adequate child care is unavailable.

Joint employment regulations (sec. 160)

The Conference Report will remove the requirement for joint issuance of regulations on work registration by the Secretary of Agriculture and the Secretary of Labor, and remove the requirement that these regulations be patterned after those for the work incentive program.

College students (sec. 161)

The Conference Report will revise food stamp eligibility requirements for post-secondary students by limiting participation by students with dependents to those with dependent children under the age of 6 and students who are receiving aid to families with dependent children, unless the college student is the parent of a dependent child above the age of 5 and under the age of 1 for whom adequate child care is not available.

[In millions of dollars]

	1983	1984	1985
Savings	10	10	11

Issuance procedures (sec. 162)

The Conference Report will authorize the Secretary of Agriculture to require State food stamp agencies to use alternative issuance systems or to issue, in lieu of food stamps, reusable documents to be used as part of an automatic data processing system, if the Secretary, in consultation with the Inspector General, determines that use of such system or documents is necessary to improve the integrity of the food stamp program. Retail food stores could not be required to bear the cost of any system or document.

Initial allotments (sec. 163)

The Conference Report will eliminate any prorated food stamp benefits of less than $10.

[In millions of dollars]

	1983	1984	1985
Savings	15	15	15

The Conference Report will also require food stamp benefits to be prorated to the day of application for recertification if the application for recertification occurs after the end of the last month for which benefits were received.

[In millions of dollars]

	1983	1984	1985
Savings	2	2	2

Effect of noncompliance with other programs (sec. 164)

The Conference Report will prohibit any increase in food stamp benefits to households on which a penalty resulting in a decrease in income has been imposed for intentional failure to comply with a Federal, State, or local welfare law.

[In millions of dollars]

	1983	1984	1985
Savings	2	2	2

House-to-house trade routes (sec. 165)

The Conference Report will authorize the Secretary of Agriculture to limit the operation of house-to-house trade routes under the food stamp program to those that are reasonably necessary to provide households with adequate access to food if the Secretary finds, in consultation with the Department's Inspector General, that operation of house-to-house trade routes in a given area damages the integrity of the food stamp program.

Approval of State agency materials (sec. 166)

The Conference Report will prohibit the Secretary of Agriculture from requiring that the States submit, for prior approval, State food stamp agency instructions, interpretations of policy, methods of administration, forms, or other materials, unless the State determines that they alter or amend its plan of operation for the food stamp program or conflict with the rights and levels of benefits to which households are entitled.

Points and hours of certification and issuance (sec. 167)

The Conference Report will eliminate the requirement that State food stamp agencies comply with Federal standards with regard to points and hours of certification and issuance.

Authorized representatives (sec. 168)

The Conference Report will permit the Secretary of Agriculture to (1) restrict the number of households for which one individual may serve as an authorized representative under the food stamp program and (2) establish criteria and verification standards for representatives and for households that may be represented. The Secretary could not, however, exclude categories of households from using authorized representatives on the basis of age, household composition, or employment status unless necessary to control a documented pattern of abuse.

Disclosure of information (sec. 169)

The Conference Report will allow the disclosure of information obtained from food stamp households to persons connected with the administration or enforcement of Federal assistance programs and federally-assisted State programs other than the food stamp program.

Expedited service (sec. 170)

The Conference Report will revise expedited service requirements under the Food Stamp Act of 1977 to require that expedited service be provided within 5 calendar days to households (1) having gross incomes lower than $150 per month or that are destitute migrant or seasonal farmworker households in accordance with the regulations governing such households in effect July 1, 1982, and (2) having liquid resources that do not exceed $100. The State food stamp agency will also be required, to the extent practicable, to verify the income and liquid resources of the household prior to issuance of coupons to the household.

[In millions of dollars]

	1983	1984	1985
Savings	15	15	15

Notice of benefit reduction or termination (sec. 171)

The Conference Report will permit State food stamp agencies to immediately reduce benefits or terminate a household from the food stamp program when a written notice is received from the household that clearly equires such a reduction or termination.

[In millions of dollars]

	1983	1984	1985
Savings	10	10	10

Duplicate receipt of food stamps (sec. 172)

The Conference Report will require State food stamp agencies to establish a system and take periodic action to verify that no individual is receiving food stamps in more than one jurisdiction in the State.

Certification systems (sec. 173)

The Conference Report will permit each State to choose whether (1) AFDC and general assistance households must have their food stamp application included in their AFDC or general assistance application, and (2) food stamp applicants must be certified eligible based on information in the AFDC or general assistance case file, to the extent reasonably verified information is available in the file.

Assurance of nonduplication with "cashed out" benefits (sec. 174)

The Conference Report will require the Secretary of Agriculture to require State food stamp agencies to conduct at least annual verification or other measures to ensure that individuals who have been "cashed out" of the food stamp program are not also receiving food stamps.

Disqualification and penalties for food stores (sec. 175)

The Conference Report will raise the maximum civil money penalty for each violation of the Food Stamp Act of 1977 or its regulations committed by a retail food store or wholesale food concern from $5,000 to $10,000. The Conference Report will also establish periods of disqualification applicable to such entities. The disqualification period for the first violation will be for a reasonable period of time between 6 months and 5 years. The disqualification period for a second violation will be for a reasonable period of time between 12 months and 10 years. A retail food store or wholesale food concern will be permanently disqualified for a third violation or for trafficking in food stamps or authorization documents.

Bonding for food stores (sec. 176)

The Conference Report will permit the Secretary of Agriculture to require retail food stores and wholesale food concerns that have previously been disqualified or subjected to a civil penalty under the Food Stamp Act of 1977 to furnish a bond to cover the value of food stamps they may subsequently redeem in violation of the Act. The Secretary will prescribe the amount and other terms and conditions of such bond by regulation.

Alternative means for collection of overissuances and States' share of recovered moneys (secs. 177 and 179)

The Conference Report will permit States to use other means of collection for fraudulent and nonfraudulent overissuances of food stamps besides cash repayment and benefit offset.

The Conference Report provides that States can retain 50 percent of the recovered overissuances arising from fraud and 25 percent of recovered nonfraudulent overissuances, except in the case of State error, in which case the State may retain none of the recovered overissuances.

Fraud claims collection procedure (sec. 178)

The Conference Report provides that the household of a person disqualified from participation in the food stamp program will have 30 days after a demand to choose between a reduced allotment or repayment in cash to reimburse the Government for any overissuance of food stamps.

State liability for errors (sec. 180)

The Conference Report will revise the provisions of the Food Stamp Act of 1977 governing State liability for errors. The Federal share of a State's administrative costs will be reduced for States with pay-

ment error rates exceeding nine percent in fiscal year 1983, seven percent in fiscal year 1984, and five percent in fiscal year 1985, except that States will not be sanctioned for fiscal year 1983 if their payment error rates are reduced by a third of the difference between a base period rate and five percent, and will not be sanctioned for fiscal year 1984 if their payment error rates are reduced by two thirds of the difference between the base rate and five percent. States will continue to be liable to the Secretary of Agriculture for certification losses due to negligence or fraud.

[In millions of dollars]

	1983	1984	1985
Savings	90	200	235

Employment requirement pilot project (sec. 181)

The Conference Report will authorize the Secretary of Agriculture to conduct 4 pilot projects to determine the effect of making nonexempt individuals ineligible to participate in the food stamp program if they do not, with certain exceptions, work at least 20 hours per week or participate in a workfare program. Persons demonstrating a willingness to work could not lose benefits.

Benefit impact study (sec. 182)

The Conference Report will require the Secretary of Agriculture to study and report to the House and Senate agriculture committees (an interim report by February 1, 1984, and final report by March 1, 1985) on the effect of reductions in food stamp benefits provided under the Omnibus Budget Reconciliation Act of 1981, the Agriculture and Food Act of 1981, and any other laws enacted by the 97th Congress that affect the food stamp program.

Appropriation authorization (sec. 183)

The Conference Report will extend the authorization of appropriations for all programs under the Food Stamp Act, including the Puerto Rican block grant, as follows: $12.874 billion for fiscal year 1983, $13.145 billion for fiscal year 1984, and $13.933 billion for fiscal year 1985.

Puerto Rico block grant (sec. 184)

The Conference Report will require that, after fiscal year 1983, food assistance under the block grant to the Commonwealth of Puerto Rico under the Food Stamp Act of 1977 be made available in forms other than cash.

The Conference Report will also require the Secretary of Agriculture to conduct a study of the cash food assistance program in Puerto Rico, including the effect of the program on the nutritional status of residents of Puerto Rico and the economy of Puerto Rico, and report the findings of the study to the House and Senate agriculture committees not later than six months after the effective date of the Conference Report.

Similar workfare programs (sec. 185)

The Conference Report will require the Secretary of Agriculture to promulgate guidelines for food stamp workfare programs that will enable political subdivisions to operate the programs in a manner consistent with similar workfare programs operated by the subdivision. A political subdivision will be able to comply with food stamp workfare requirements by operating (1) a workfare program under the Aid to Families with Dependent Children program or (2) any other workfare program that the Secretary determines meets the provisions and protections contained in the food stamp program.

Exemption of WIN participants from workfare (sec. 186)

The Conference Report will revise the workfare provisions of the Food Stamp Act of 1977 to provide that a State may, at its option, exempt work incentive (WIN) program participants involved at least 20 hours a week in the program from workfare requirements under the food stamp program.

Hours of workfare (sec. 187)

The Conference Report will change the maximum number of hours that an agency operating a workfare program under the Food Stamp Act of 1977 can require of a participating person. Under the revision, a workfare participant will not be required to work more hours than those equal to the value of the food stamp allotment to which the household is entitled divided by the applicable minimum wage, or more than 30 hours a week when added to any other hours worked during a week for compensation (in cash or in kind) in any other capacity.

Reimbursement for workfare administrative expenses (sec. 188)

The Conference Report will require the Secretary of Agriculture to reimburse agencies operating workfare projects under the Food Stamp Act of 1977, for administrative expenses not otherwise reimbursable, from one half of the funds saved from employment of persons who have participated in workfare programs. Such savings will be considered to be the amount equal to three times the dollar value of the decrease in food stamp allotments resulting from wages received for the first month of employment that commences while a person is participating in a workfare program for the first time or in the 30-day period immediately following the termination of the person's first participation in the workfare program. Payments to agencies cannot exceed their share of workfare administrative costs.

Distribution of surplus commodities (sec. 191)

The Conference Report states the sense of Congress that the Federal Government should take steps to distribute surplus food, or food that would otherwise be discarded, to hungry people of the United States; that State and local governments should enact donor liability laws to encourage private cooperative efforts to provide food for hungry people; and that food distribution and shipping entities should work with organizations to make food that would otherwise be wasted or discarded available for distribution to the hungry.

Effective dates (secs. 192 and 193)

The Conference Report provides that all the food stamp provisions will be effective on date of enactment, except for those provisions dealing with error rate reduction and Federal reimbursement of workfare administrative expenses, which will be effective October 1, 1982.

The Conference Report will also make the food stamp provisions of the Omnibus Budget Reconciliation Act of 1981 (except for amendments concerning retrospective accounting and periodic reporting) and the food stamp provisions of the 1981 Farm Bill effective on the date of enactment, unless already effective.

[In millions of dollars]

	1983	1984	1985
Total food stamp savings	548	635	756

STATES AND THE BALANCED BUDGET

● Mr. GRASSLEY. Mr. President, in its "States and the Balanced Budget" editorial of Wednesday, August 4, 1982, in which it urged Senators to vote against Senate Joint Resolution 58, the proposed constitutional amendment altering Federal budget procedure, the Washington Post offered a compelling argument of impending economic doom. Unfortunately, the major assumptions of this argument were based upon serious errors of fact which undermine the conclusions of that editorial. As a member of the Senate Judiciary Subcommittee on the Constitution and an original cosponsor of Senate Joint Resolution 58 I feel obligated to set the record straight.

The editorial warned Senators that the amendment would ultimately force the Federal Government to shift its responsibilities to the States without Federal money to pay for them, thereby creating a fiscal dilemma. The Post substantiated this claim by suggesting that the drafters of Senate Joint Resolution 58 acknowledged this "necessity" by deleting the section 4 provision which stated that:

> The Congress may not require that the States engage in additional activities without compensation equal to the additional costs.

The record indicates that this is a gross distortion of the circumstances by which this provision was deleted.

Contrary to the editorial no such burden-shifting prohibition was included in Senate Joint Resolution 58 as originally drafted. This section was added without objection, and without discussion, as an amendment offered by Senator HATCH at the May 7, 1981 markup of the Senate Judiciary Subcommittee on the Constitution.

At the May 19, 1981 executive session of the Senate Judiciary Committee, I expressed my concerns that this section 4 language would repeal the federalist principles articulated in the 10th amendment. By stating that: "The Congress may not require that the States engage in additional activities without compensation equal to the additional costs." The section implies that the Congress could require that the States engage in additional activities so long as they were adequately compensated.

Notwithstanding the Post's inferences otherwise, the Supreme Court has ruled in numerous decisions that the 10th amendment denies any such plenary power to the Federal Government. In Penhurst State School against Halderman, an April 20, 1981,

decision regarding Federal grant-in-aid programs for the education of the handicapped—an example erroneously depicted in the editorial—the court ruled that participation in such Federal programs "is voluntary and the States are given the choice of complying with the conditions set forth in the act or forgoing the benefits of Federal funding."

A discussion between Senator HATCH and myself brought to provisions similar to section 4 are often included in spending limitations to State constitutions in order to protect local governments from undue cost shifting. This is because State legislatures may force their subdivisions to engage in additional activities without compensation, as these subdivisions are wholly creatures of the States. State governments, however, need no such protection, as they are not creatures of the Federal Government. All powers not specifically delegated to the Federal Government are reserved to the States by the 10th amendment.

Senators DOLE and HEFLIN concurred in my analysis and expressed their reservations about the probable impact of this provision. Senator HATCH, who shared these reservations, maintained that in including this section it was not his intention to repeal the 10th amendment in part or in whole. He suggested that the committee study this language to determine whether it needed revision or deletion. After extensive investigation the principal sponsors concluded that section 4 was unnecessary and threatening to the integrity of the federalist principles enunciated in the 10th amendment. At the Judiciary Committee executive session of July 20, 1981, my motion to delete section 4 was approved without objection.

Nowhere in the public record on this matter is there to be found any suggestion that the Judiciary Committee's motive in deleting this section was to allow for any form of burden-shifting. In fact, the committee's purpose was to prevent that which the Post fictitiously asserts that the committee was advocating. The extensive committee record, as well as a colloquy offered on the Senate floor by Senators HATCH and DURENBERGER on July 29, 1982 (C.R. S. 9408), leaves little doubt as to the true intentions of the sponsors of this amendment.

In light of this extensive record, that the Post would attribute the very opposite motive to our actions indicates a clear case of insufficient research. What is most troubling is that this misrepresentation would be the justification for attacking a very sound legislative proposal.

The editorial borders on the irresponsible by asserting that if the proposed amendment were currently effective, it would prohibit States from borrowing from the Federal Government to cover excessive unemployment compensation costs. This assertion is blatantly incorrect. Nothing in the terms of this amendment would prevent the Federal Government from granting such assistance. The beauty of this proposal is that it allows for fiscal flexibility. Congress is free to determine the substance of any spending programs. The amendment only requires that Congress may not adopt a planned budget deficit unless approved by a three-fifths vote of both Houses. Without the approval of three-fifths of Congress, legislators must go on record in favor of raising the taxes necessary to cover these costs. The amendment is simply designed to correct the strong institutional bias that leads to greater governmental spending that is desired by either the general populace or its elected representatives.

What is most ironic about the Post editorial is the contention that "State governments have been little consulted in the process thus far." In making this assertion the Post chooses to ignore the fact that much of the impetus for passage of this amendment comes from State legislators who reflect the will of the 80 percent of Americans who support this concept. At this time 31 State legislatures, only 3 short of the required 34, have petitioned Congress to call a constitutional convention to consider a balanced budget amendment. Additionally 42 States incorporate some form of a balanced budget or spending limitation requirement in their constitutions. In drafting the amendment embodied by Senate Joint Resolution 58 its sponsors drew largely upon similar measures which have been successfully implemented at the State level. I would suggest that in any further critique of this amendment, the Post pay due respect to the wisdom and experience of our State legislatures; the laboratories for democratic self-government in the United States.●

HUNTINGTON WOODS, MICH. CELEBRATES 50 YEARS

● Mr. LEVIN. Mr. President, on August 22, 1982, Huntington Woods, Mich., celebrates its 50th anniversary.

On this date in 1932, Huntington Woods was incorporated as a city, and since that date, it has continued to flourish as an ideal community.

The city of Huntington Woods truly embodies the best qualities of a community. It learns from its history while it prepares for its future. Throughout the more than 2,000 homes which line the quiet tree-lined streets and boulevards, there exist diverse, interested people. This is a community of keen community awareness and involvement.

Governmentally, Huntington Woods instituted, with its charter, the commissioner/manager plan for local government. This fine community can also boast of a highly successful public safety department, which is a combined police and fire department. This is but one branch of Huntington Woods' superb city services.

I am pleased to salute Huntington Woods, Mich., on this momentous occasion in its history and wish the community and its people the very best as they enter into the next 50 years.

A NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL DISEASES

● Mr. HATCH. Mr. President, today, I am pleased to add my name to the list of cosponsors of S. 1939, a bill to establish a new National Institute of Arthritis and Musculoskeletal Diseases at the National Institutes of Health. This bill was introduced by my colleagues, Senator GOLDWATER and Senator CRANSTON, in December of last year, and has gained remarkable support over the recent months.

As chairman of the Labor and Human Resources Committee, I have had the opportunity to learn a great deal about the National Institutes of Health. In March of this year, I introduced Senate bill 2311, the Biomedical Research, Training, and Medical Library Assistance Act Amendments. This bill reauthorizes the two largest Institutes at NIH—the National Cancer Institute and the National Heart, Lung, and Blood Institute. The other nine Institutes, including the National Institute of Arthritis, Diabetes, Digestive, and Kidney Diseases, operate under the general authority of section 301 of the Public Health Service Act. In preparing for hearings on this bill, I learned of many successes and accomplishments of our biomedical research scientists at NIH and at the research institutions and medical schools funded by NIH grants and contracts. There is no doubt that the collective research effort conducted by NIH is unparalleled in the world. They have become firmly established as the premier research institute and their work has benefited not only our citizens, but also people throughout the world.

However, in preparing for this legislation, I also learned of many problems associated with NIH. As the budget for NIH has grown to almost $3.8 billion, the complexities and difficulties associated with efficient management have also increased. Unfortunately, some important areas of research seem to be insufficiently researched. One of the most obvious problems to me was that research devoted to the prevention, treatment, and cure of arthritis and musculoskeletal diseases has been insufficient and inadequate. I cited this in the intro-

ductory statement to hearings on S. 2311 in March of this year. When one considers the prevalence of these painful diseases and the economic loss due to disability, I believe it is imperative we improve our research effort in this area. At Senator GOLDWATER's request, I held hearings on S. 1939 on July 20th. During these hearings, we had ample opportunity to learn about the reasons for the proposed institute as well as concerns of research scientists and the administration regarding excessive administrative costs and the possibility of other requests to establish new Institutes at NIH.

This is a complex issue, and there are good arguments on both sides of the proposal. However, after spending months of gathering information related to this, and listening to the pros and cons, I support Senate bill 1939 and the establishment of the new Institute of Arthritis and Musculoskeletal Diseases. I believe this will be the most effective means of giving the visibility and energy needed to find answers to the many kinds of arthritis and musculoskeletal disorders which afflict millions of Americans. However, to address the very legitimate concerns raised by opponents of this legislation, and the administration, that the administrative costs of establishing this new institute might actually diminish the current research effort, I strongly encourage that a $5 million sum be appropriated specifically for the establishment of this new Institute. I will be conveying this to my colleagues on the Senate Appropriations Committee and do everything I can to convince them that this relatively small additional appropriation is essential for a strong beginning of this new Institute. And I encourage all my colleagues who have joined in supporting S. 1939 to join with me to insure these necessary administrative costs are appropriated.

In addition to concerns about the administrative costs of a new Institute, the administration and other research scientists have made clear that to establish several other new Institutes may have a counterproductive effect on the overall research effort at NIH. Many have stated that the floodgates will be opened, and that special interest groups will devote considerable efforts encouraging Congress to restructure NIH by legislative mandate in the hopes that specific diseases or organ system research might be highlighted. I wish to insure that future changes at NIH are in the best interest of the overall research effort and the most efficient use of our taxpayers' dollars. Accordingly, when S. 2311 comes to the floor, I will propose to amend it by requiring a study be conducted over the next 18 months regarding any future administrative changes at NIH. I am proposing that the President's Health Council, which is authorized in S. 2311, conduct this study. This President's Health Council has been authorized for a one-time 18-month period in order that we might obtain a fresh look at NIH and for some external direction as to how we might prioritize our research and get the most out of our financial investment. It is timely that this panel address how we might better structure NIH in order to obtain the efficiency we all desire. At present, there is considerable disagreement and friction among research scientists and voluntary organizations representing patients with specific diseases regarding how NIH determines research priorities. In fact, much of the concern expressed to me and my staff was from individuals currently represented in the NIADDK Institute.

We have already learned of proposals to establish a new Diabetes Institute, recommendations on improving the research effort in digestive disorders, and of great concern that skin research is inadequate and poorly coordinated. Although the Federal dollar devoted to biomedical research has increased, the NIH budget has been constrained when compared to previous funding. Therefore, when competition for the Federal dollar is so intense, and is fueled by perceived inequities, it is imperative that we step back and thoughtfully consider how we might manage the biomedical research conducted at NIH in the most efficient and economic manner. Therefore, I will propose that any administrative changes other than S. 1939 be prohibited until the study is completed, within 18 months of enactment of this legislation. The results of the study will be made available to Congress and provide the basis for any future restructuring of the NIH. I believe this will provide a fair method of addressing concerns of multiple interest groups and insure equitable distribution of our Federal health dollar.

Now is the time to act on the mandate conveyed by the Arthritis Foundation—it is time we take arthritis seriously. The Institute proposed in S. 1939 will demonstrate that Congress has heard the concerns expressed by the millions of Americans who suffer from arthritis. I will do everything I can as chairman of the Labor and Human Resources Committee, to insure that we find answers which will relieve pain, diminish disability, and hopefully cure these dreadful diseases.●

NEED FOR COMPREHENSIVE REPORT ON ADMINISTRATION'S STRATEGIC POLICIES

● Mr. BUMPERS. Mr. President, I strongly support this resolution which calls on the President to provide the Senate with a comprehensive report on the administration's strategic policies and its commitment to abide by existing arms control agreements.

It is a sad day when a resolution such as this is necessary. However, over the course of more than a year-and-a-half in office, the President has been unwilling or unable to describe in any coherent fashion what he plans to do to reduce the possibility of a nuclear holocaust. Instead, we have seen emanating from the White House a string of illogical and dangerous assertions. For example, the President has argued that before we can agree to meaningful arms reductions we must gain clear strategic superiority over the Soviet Union. The key assumptions appear to be that a dramatic increase in our nuclear arsenal will somehow scare the Russians into freezing the development and deployment of new weapons and bargaining in good faith. Unfortunately, there is no historical basis for either contention. Rather, the history of the nuclear arms race is replete with examples of one side finding out that the only result of its attempt to gain a marginal strategic disadvantage is to spur its opponent to produce even more sophisticated and lethal weapons, thereby locking both into yet another round of this mindless and self-destructive game. The United States-Soviet nuclear arms spiral is, as Herbert York noted years ago, a race to oblivion. Those who argue that we will enhance our security by adding to the existing American and Russian stockpiles of 16,000 strategic and 34,000 tactical nuclear weapons are deluding themselves, the American people, and the citizens of the world. And yet that is exactly the line we have been hearing from senior administration officials since inauguration day of 1981.

This resolution provides the President with the opportunity to respond to the legitimate concerns that have been raised concerning all aspects of the administration's nuclear arms policy. Does the administration still contend that SALT II is "fatally flawed"? Is the President prepared to abrogate the ABM Treaty in order to pursue a ballistic missile defense scheme? Does the administration really believe dense pack is a viable basing mode for the MX that will increase nuclear stability? Why does the President want to renegotiate the limited test ban and peaceful nuclear explosion treaties? Does the President agree with those senior officials in the Defense Department who argue that a nuclear exchange would not necessarily have devastating effects on our physical and social environment, or on our political and economic systems? We deserve answer to these and other fundamental questions affecting the fate of this Nation and the world. I hope the President will respond positively to this resolution, and that in

the process of drafting the report to the Senate he and his senior advisers will ponder the enormity and gravity of the consequences of the nuclear policy decisions they will make during their tenure.●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on August 20, 1982.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room 4229, Dirksen Building.

The letter of notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., August 20, 1982.

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

WALTER B. LIGON,
Acting Director.●

CONCLUSION OF MORNING BUSINESS

Mr. BAKER. Mr. President, while 4 minutes remain for the time allocated to the transaction of routine morning business, unless the minority leader has another matter to deal with, I ask the Chair to inquire if there is further morning business.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. BAKER. Mr. President, what is the business now pending before the Senate?

The PRESIDING OFFICER. The clerk will report the unfinished business.

The bill clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

Howard Baker, Jesse Helms, Roger Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, Nancy Landon Kassebaum, John P. East, Steven Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, Robert Dole.

Mr. BAKER. Mr. President, there is a unanimous-consent request which has been granted by the Senate earlier today providing that the vote on this cloture motion will occur at 2 p.m. on Thursday, the 9th day of September. The mandatory quorum, as provided for under rule XXII, has been waived, according to the provisions of that order.

Mr. President, I have no other matter to bring up.

ORDER FOR RECORD TO REMAIN OPEN UNTIL 5 P.M. TODAY

Mr. BAKER. Mr. President, I ask unaimous consent that the RECORD may remain open today until 5 p.m. for the introduction of bills and the insertion of statements or introduction of resolutions, petitions, and memorials.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL WEDNESDAY, SEPTEMBER 8, 1982

Mr. BAKER. Mr. President, if no other Senator now seeks recognition, I move that the Senate now adjourn, in accordance with the provisions of House Concurrent Resolution 399, as amended, until Wednesday, September 8, 1982, at 12 noon.

The motion was agreed to; and at 2:28 p.m., the Senate adjourned until Wednesday, September 8, 1982, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate August 20, 1982:

DEPARTMENT OF STATE

William Alexander Hewitt, of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Jamaica.

Theodore C. Maino, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

Fernando E. Rondon, of Virginia, a Career Member of the Senior Foreign Service, class of Counselor, now Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Republic of Madagascar, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal and Islamic Republic of the Comoros.

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Paul Copperman, of California, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1982, vice Joseph J. Davies, Jr.

James Harvey Harrison, Jr., of Virginia, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1982, vice Timothy S. Healy.

Wallie Cooper Simpson, of New York, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1982, vice John S. Shipp, Jr.

Paul Cooperman, of California, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1985 (reappointmemt).

James Harvey Harrison, Jr., of Virginia, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1985 (reappointment).

Wallie Cooper Simpson, of New York, to be a Member of the National Council on Educational Research for the remainder of the term expiring September 30, 1985 (reappointment).

CONFIRMATIONS

Executive nominations confirmed by the Senate August 20, 1982:

EXECUTIVE OFFICE OF THE PRESIDENT

Ronald B. Frankum, of California, to be an Associate Director of the Office of Science and Technology Policy.

DEPARTMENT OF STATE

James L. Buckley, of Connecticut, to be Counselor of the Department of State.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constitued committee of the Senate.

SECURITIES AND EXCHANGE COMMISSION

Bevis Longstreth, of New York, to be a Member of the Securities and Exchange Commission for the remainder of the term expiring June 5, 1984.

VETERANS' ADMINISTRATION

Everett Alvarez, Jr., of Maryland, to be Deputy Administrator of Veterans' Affairs.

THE JUDICIARY

Harry W. Wellford, of Tennessee, to be U.S. circuit judge for the sixth circuit.

DEPARTMENT OF JUSTICE

Raymond J. Dearie, of New York, to be U.S. attorney for the eastern district of New York for the term of 4 years.

THE JUDICIARY

Ross T. Roberts, of Missouri, to be U.S. district judge for the western district of Missouri.

MERIT SYSTEMS PROTECTION BOARD

Dennis M. Devaney, of Maryland, to be a Member of the Merit Systems Protection Board for a term expiring March 1, 1988.

THE JUDICIARY

Thomas F. Hogan, of Maryland, to be U.S. district judge for the District of Columbia.

Alex Kozinski, of the District of Columbia, to be a judge of the U.S. Claims Court for a term of 15 years.

HOUSE OF REPRESENTATIVES—*Friday, August 20, 1982*

(Legislative day of Thursday, August 19, 1982)

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore at 12 o'clock noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, Heavenly King, may Your providence continue to bless our land and may your counsel guide our people. We raise our voices in praise for the wonderful gifts by which we have been blessed—the gifts of liberty and opportunity, the gifts of freedom and security. May those of us who share in this heritage not lose sight of Your presence in our history nor fail to see how people of destiny and courage have been strengthened by Your word and heed Your voice of peace. Give grace and dignity and righteousness to all your people this day and every day. Amen.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 398. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 4961.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4946) entitled "An act to make miscellaneous changes in the tax laws, and for other purposes."

AUTHORIZING SPEAKER PRO TEMPORE TO DECLARE RECESSES TODAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Speaker pro tempore be authorized to declare recesses at any time today subject to the call of the Chair.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO HAVE UNTIL MIDNIGHT, MONDAY, AUGUST 23, 1982, TO FILE REPORT ON H.R. 6457

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce may have until midnight on Monday, August 23, 1982, to file a report on the bill, H.R. 6457, reauthorization for the National Institutes of Health.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

THE FEDERAL RESERVE BOARD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, I continue the pursuance of the resolution I have introduced seeking the impeachment of the Chairman of the Federal Reserve Board, Mr. Paul Volcker. As I have said before, I have been denied any kind of acceptance on the part of the Committee on the Judiciary for looking into this matter of the resolution. I had no alternative but to then present the case to the full House. The rules of the House consider this resolution as a highly privileged one, and, of course, a very, very responsible and historic and awesome one. It is one of those resolutions going back to the mother parliament, steeped in the deepest and most ancient of history and precedent, and so, therefore, I certainly do this only after a great deal of very sober consideration over the course of years. This is not a sudden and abrupt decision.

As I have pointed out, and I do so now briefly by way of explanation, since I came to the Congress 20½ years ago, I was assigned to the Committee on Banking, and, therefore, have served my entire period as a Representative from the 20th District of Texas as a member of the standing committee known now as the Committee on Banking, Finance and Urban Affairs, but which historically had been known as the Committee on Banking and Currency.

At this point I would like to kind of bring up something that is very timely because of the action yesterday in the approval of the tax bill. The President urged, and the leaders of the Congress accepted, the argument that this tax bill was absolutely necessary in order to prevent the catastrophe of a record deficit for the Government and the people; and that therefore it would be a necessary implementation to reduce interest rates. We were told repeatedly all during yesterday's debate and before that through television, radio, through Presidential lobbying, through leadership of both parties lobbying, that the adoption of the tax bill would lead to lower interest rates. This is nothing but pure, undiluted hokum.

Interest rates started climbing before the tax bill, and there were two basic reasons which I have ad nauseam repeated. One, business conditions, economic conditions are simply horrible. They are terrible. Second, the Federal Reserve modified, changed its policy.

I must recall to the Members that I have said for years that I was completely demoralized by the lack of knowledge both on the congressional level as well as out generally, the lack of perception on the part of the leading, main economists that paraded before the committee as witnesses, the lack of accountability and also the enshroudment in obfuscation, double talk, on the part of the Federal Reserve Chairman and Board members that have appeared through the course of these 20½ years before the committee, everyone acting as if it was an act of God. "Why, it is the profligate Congesses, the spenders, that have brought us to this pass, and that is why interest rates are high."

But all of a sudden they find this as the most plausible reason for high interest rates when all along they have said, "Oh, no, there is nothing you can do about it, nothing the Fed can do about it, nothing the Government can do about it. It is kind of like an act of God."

Interestingly enough, in a big lead article in the Washington Post in the Outlook section of Sunday last, August 15, there is a lead article by the eminent economist, James Tobin, and it is entitled "Stop Volcker From Killing the Economy."

Now, when I said that for years I was labeled as sort of a kook or somebody that had a dagger out for the banking system and the Federal Reserve, and all the time all I was trying to say was that such things as interest rates, such things as monetary policy, were not acts of God; they were deci-

sions made by men and problems created by men, and therefore certainly susceptible to solutions made by men and women. Now comes this eminent economist, and look at the words he uses. For the first time they borrow a phrase I have been using for 20 years when I said interest rates are not an act of God, and that is exactly what Mr. Tobin says. He says, "Interest rates are not acts of God. They are the direct result of the Federal Reserve monetary policy."

I would like to offer that article for the RECORD at this point, because I think it is unfortunately too late.

STOP VOLCKER FROM KILLING THE ECONOMY—A LESS STINGY FED WOULDN'T BRING A SURGE OF INFLATION

(By James Tobin)

The hour is late, the situation is critial. The president, the Congress, and the Federal Reserve Board can no longer postpone a basic reappraisal of their economic policies.

The summer's dismal business news makes it vividly clear that under current policies, significant and sustained economic recovery in 1982 and 1983 is improbable. Maybe the recession trough has been reached, maybe not. But a second dip is quite possible, or stagnation with minor wiggles, or at best a limping and fragile expansion. Responsible policymakers and rational politicians cannot afford to remain complacent.

As the prevalent gloom of business managers is confirmed by events, their pessimistic expectations reinforce high interest rates and other obstacles to recovery. Plant and equipment investment, whose stimulus was the principal objective of the "economic recovery" tax act of 1981, is a disaster; even projects already scheduled and budgeted are being cut back.

The seven previous post-war recessions were pretty short, averaging 10 months. They were reversed when inventory liquidation ran its course. Federal monetary and fiscal policies helped turn the tide. Widespread belief that recessions were only brief interruptions of normal growth sustained investment, home building, and consumer spending.

The current recession has severely shaken that faith, coming only 12 months after the previous trough in July 1980. And the significance of such faith should not be underestimated. When faith in recovery was destroyed in 1931, recession turned into depression.

Nevertheless, powerful voices within the administration and the Federal Reserve Board and on the outside oppose any significant change of policy.

Doctrinaire monetarists still contend that the way to pilot the U.S. economy is to hold the helm and engine revolutions steady, ignoring the actual course and speed. Anti-inflation hawks are not terribly dissatisfied with the economy's path anyway. Their overriding goal is conquest of inflation, which has indeed been reduced somewhat. Several years of economic distress, perhaps even a full presidential term, are just the regrettable but inescapable cost of beating inflation, they reckon. Under the redoubtable Margaret Thatcher, Britain has been paying the cost for three years; the promised benefits have yet to materialize.

Thatcherism may be American policy, too, but its author is not Ronald Reagan. It is Fed Chairman Paul Volcker. The president has never told the American people that recovery and prosperity must wait until inflation is expunged. Nor has the Congress, for sure. Maybe the president and Congress didn't understand the consequences when they blithely assigned the task of disinflation wholly to the Fed and went off on their "supply-side" spree. Now the consequences are clear for all to see, and elected officials cannot responsibly leave to the Federal Reserve alone policy choices so crucial to the economic health of the country and the world for years to come.

The Federal Reserve holds the key to recovery. High interest rates, above the inflation rate by unprecedented margins, are the source of the recession and remain the insurmountable barrier to recovery and prosperity. They are not an act of God. They are not the natural equilibrium of investment opportunities and saving propensities in America today—if they were, investment and economic activity would not be so depressed.

The Fed's money supply targets are just too stingy to finance a growing, prosperous economy. Bank deposits are the major constituent of "money." Banks, and now other depository institutions, are required to hold, in currency or on deposit in Federal Reserve Banks, reserves proportional to their own deposit liabilities. The Fed controls the aggregate supply of such reserves. The Fed keeps reserves in scarce supply, and banks pay high rates to obtain or borrow reserves. Consequently they charge high rates on business loans, consumer credit, and mortgages.

It really is that simple. And so is the antidote. The Fed can bring interest rates down by providing more reserves, letting bank credit and money supply expand faster than its present targets allow. Otherwise the prospects for recovery will remain dismal.

Yet a potent taboo inhibits adoption, indeed even consideration, of this obvious remedy. Even officials, politicians, and commentators who reject Thatcherism shy away from its antidote. They will the ends—lower interest rates and recovery—but not the means—easing of monetary policy.

The governing cliche is that easier monetary policy is a recipe for high inflation. Well, prices will almost surely be higher in 1984 if the next two years bring recovery than if the economy remains depressed. Prices do move with business activity; recovery would reverse many of the declines in the prices of goods that are particularly sensitive to a downturn in the economy, like foods, metals and oil. Those price reductions made for pleasant inflation statistics earlier this year, although they were produced by unpleasant developments like higher unemployment and interest rates and lower production. To say that some price increases in conjunction with a recovery are unacceptable is just to say that Volcker should continue to be cast as Thatcher, and recovery should be postponed indefinitely.

But there is no reason to expect a great new surge of inflation if we do get a real recovery. With 9.8 percent of the labor force and 30 percent of industrial capacity now idle, there is plenty of room and time for expansion without unleashing the classic inflationary pressures of excess demand—"too much money chasing too few goods"—throughout the economy. In circumstances like the present most new monetary spending will be absorbed in added production rather than in prices. Monetary expansion is not invariably and arithmetically inflationary.

To be sure, a change of course would involve the Fed in some awkward problems of public communication, mostly of its own making. In the Fed's more eclectic and pragmatic days, before it was so tightly locked in the monetarist vise, easing controls on the money supply in response to financial and economic crisis would not have surprised or alarmed anyone. Now the Fed has tied its own hands by committing itself to achieving specific money supply outcomes, regardless of what may happen to unemployment, production, etc.

The Fed's targets for growth in the money supply are set in terms of two basic measurements, called M-1 and M-2. M-1 measures cash in circulation, traveler's checks and all checking accounts at banks and other financial institutions. M-2 is broader. It adds to M-1 the deposits in money market funds, small-denomination time deposits and all deposits in savings accounts, and a few other categories.

The current Fed targets—announced last fall and reaffirmed in February—set target ranges for percentage growth in monetary aggregates for 1982 of 2.5 to 5.5 percent for M_1, 6 to 9 percent for M_2. However, in today's rapidly changing environment of financial technologies and regulations, the relation of these aggregates to national spending and income is quite variable.

This year, as the Fed itself has recognized, the spread of interest-bearing checking accounts (included in M_1 as well as M_2) and the precautionary psychology of the public have slowed the rise in turnover of M_1. That means the Fed's targets for growth in M_1, do not support as large a level in dollar spending as had been expected.

Evidently the monetary medicine has been more painful and debilitating than the Fed itself intended. Yet the targets remain sacrosanct. The only relief Volcker feels free to offer is to aim at the top of the range of targeted growth, to tolerate temporary overshoots if they are offset before year's end, and to refrain, tentatively, from setting 1983 targets below those of this year. But doctor, those are bandaids—the patient needs a transfusion!

The Fed has also limited its own flexibility by acquiescing in the monetarist convention of describing policy always in terms of money supply *growth rates.* This habit of thought could lead skeptical Fed-watchers to extrapolate to the long future a one-shot corrective burst of reserves and money creation, if there were one. Growth of M_1 at, say, 8 percent a year would indeed mean permanent inflation if continued indefinitely. But over the coming 12 to 18 months it would be no more than needed to bring interest rates down and to allow total spending and income in dollars to grow at 10 to 13 percent per year.

This would permit real GNP ro recover at a modest 4-6 percent annual rate, no more than reduce unemployment by 1-2 points, given ongoing inflation of 6 or 7 percent a year. Thereafter, as and when circumstances warrant, the Fed could again tighten up on money supply growth to prevent a resurgence of inflation.

The most constructive thing the Fed could do right now is to indicate its willingness and determination to support growth of GNP measured in current dollars of 10 to 13 percent per year through 1983, whatever this may imply for bank reserves, money supplies and interest rates. It is surely not beyond the wit of Paul Volcker to explain, or beyond the wit of his constituency to understand, that the Fed can rescue the economy and the financial markets now without abandoning its longer-run determination to

limit monetary growth to non-inflationary rates.

It is often said that news of easier monetary policy would lead bond dealers, bond buyers, and lenders generally to raise interest rates in anticipation of higher inflation. In present circumstances this would be an irrational response to the kind of policy change envisaged.

Even if bond dealers and lenders were obtuse, they could not raise rates for long. Additional reserves supplied by the Fed would increase the lending capacities of banks and the public. They will not hold idle cash. They will find borrowers only at lower rates. Like the price of any commodity in oversupply, the cost of borrowing money would have to drop. The Catch-22 scenario by which interest rates rise whichever direction the Fed moves is a fairy tale designed to justify doing nothing.

Likewise, anyone so bewitched by primitive monetarism as to believe that new money will be wholly absorbed in higher prices and wages given the slack product and labor markets of 1982-83 would find these expectations refuted by events.

But what about those whopping budget deficits for the next several years? Isn't excessive federal borrowing the culprit for high interests rates and the obstacle to recovery?

Clarity on this question requires a moderate degree of subtlety, in particular distinction between deficits now and in 1983 and those in prospect for later and, one hopes, prosperous fiscal years.

This year's deficit is largely the result, not the cause, of the recession and of the high interest rates that have depressed the economy.

Every extra point of unemployment raises the deficit some $30 billion, by losses of tax revenues and automatic increases of outlays. Moreover, high interest rates directly raise the deficit by adding to the cost of federal debt service about $7 billion per point.

Defense spending and the tax cuts enacted in 1981 begin to be significant sources of deficit in the coming fiscal year. But recent upward revisions of the estimated FY 1983 deficit, by the Congressional Budget Office and other forecasters, reflect mainly more pessimistic projections of economic activity and interest rates.

Deficit-reducing measures, whether tax increases or expenditure cuts, might indeed lower interest rates. But in present circumstances, with monetary policy unchanged, they would do so only by making a weak economy still weaker. There is no way to enjoy both lower interest rates and economic recovery without an easing of monetary policy.

The large deficits in prospect for 1984, 1985 and subsequent years, even if the economy is prospering, are a different matter. Anticipation that they will crowd out private borrowers or that the Fed will be forced to monetize them may be raising longer-term interest rates today. That is why I and others urged earlier this year an "Accord of 1982," under which easing of monetary policy today and correction of future budgets would be simulataneously agreed and announced. That is still a good idea.

Can nothing be done to relieve the paralyzing fear that recovery supported by accommodative monetary policy will reignite inflation? As this risk inhibits policy for recovery today, so it will tomorrow and tomorrow. It will continue to do so even though inflation subsides further in a depressed and stagnant economy. Something can be done, and now is the right time.

Price and wage guideposts could assure continued disinflation even while employment and production improve. Given the dismal markets they now face, both business and labor should find a package combining guideposts with expansionary policy an attractive bargain. From 1961 to 1965, after two recessions back to back in 1957-58 and 1960, such a package brought a strong and durable recovery free of inflation. Today compliance with guideposts could be induced by tax credits for workers and employes—so-called tax-based incomes policy, TIP. Incomes policies do entail costs, inefficiencies and inequities; but these are small compared to the massive economic damage of protracted stagnation. The first requirement of a guide-post policy is presidential leadership in building the supportive consensus, and that of course is an unlikely departure from the administration's ideology.

The hardships we are suffering are not inevitable. They are made in Washington. Better policies are at hand. Those who reject them should not be allowed to take refuge in the plea that they have no choice.

What would I have given if Professor Tobin had come out with this even a year ago? It would have made a big difference. But what more would I have given if he had come out 10 years ago, 15 years ago, in 1965, when I first wrote President Johnson and could not get any kind of interest whatsoever.

So, I think the RECORD should reflect this article because it is analyzing correctly, but for the first time officially from an economist from that level, the top level. Economists have always intrigued me. Experts, I learned after I left the city council of San Antonio to go to the State Senate, and especially after I got up here, experts are the ones that you least must trust. They turn out to be, in most cases, amazingly, abysmally wrong and ignorant.

As a matter of fact, the first year that I was assigned to the Banking Committee, things were so easygoing then that the entire Banking Committee had only three full meetings during that whole year. But the second year, in 1963, we had the preeminent Secretary of the Treasury, Mr. Dillon, who was supposed to be an expert, and he came before us to ask that we repeal the Silver Transactions Tax. Nobody seemed to much care to ask what it was all about, but since Chairman Patman had just assumed the chairmanship, I was able to be recognized as a sort of a lowly freshman to ask a few questions. I asked Mr. Dillon if it was not true that the reason we had the Silver Transactions Tax was that it was put in there particularly at the inception of World War II in order to control or avoid speculation. He answered in a namby pamby way and said, well, the history of the tax was that it was a wartime tax and that it was long overdue to be done away with.

I said, "Well, then why do you wait until this point in time to ask for it?"

So, then he came out and for the first time admitted that the silver market had pressures because, he said, of industrial use, a highly exponential rise in the volume of use of silver for industrial purposes. But then I asked him what impact that would have on our currency, fractional currency that had as a monetary base of silver.

He said, "Oh, no, we have enough as far as the Treasury is concerned."

I said, "Well, what would you consider enough? If you say these tremendous pressures are building up, you have got to do away with the tax. What I see is that you are going to open the speculative market in silver first, and second, it must be in obedience to the fact that you want a desire to increase the availability and the flow of that metal."

I said, "But I can't see how that will fail from having an impact on our coinage."

He denied it strongly. His recommendation went through. I believe I was the only one voting negative, at least on the committee level. He came in less than 2 years later, in 1965, in April, to ask that we demonetize our coinage, removing silver and providing for what we now see as the clad coinage.

So, you can see why, when anybody points out an expert, that I am very, very skeptical, and you would think I was from Missouri. I say, "Show me."

Coming back to this question that has been raised because of the big argument on the tax matter, which was directly tied into this question of interest rates and the question of solvency and balancing of budgets and deficits and the like, the deficit of the Federal Government will not go down because of this tax bill. As a matter of fact, it will rise, and it will rise to more than $150 billion in fiscal year 1983, which begins October 1.

□ 1215

The tax bill merely made a little dent in what is surely and certainly a catastrophe, as I tried my best to evoke and define last week.

If we are talking about the relationship of Federal financing needs, that is to interest rates and their rise or fall, then this argument about the deficit is false. There is not an economist in the country who says that the economy is looking forward to a strong recovery.

Why do they say this? The reason is interest rates, under almost any forecast will remain at historically high levels.

What do we mean by historically high levels? It depends on the point of view.

According to the President, who is now taking credit for having had the

prime interest rate dropped to 14 percent, and the Federal Reserve takes credit for that also, and clearly admits then that it does have control of that policy.

You see, it is very human. I think President Kennedy said defeat is an orphan, victory has a thousand fathers.

So here they are trying to take credit for what, 14 percent? That is a gift to the American people? It is still usurious, it is still extortionate, it is still criminal to impose that kind of ordeal on the engines of commerce and business and the little taxpayer who is trying to save money, which incidentally this tax bill will tax.

So we are going around in circles again, all because both the President and the leaders and those majority Members of the Congress do not want the responsibility, they do not want the responsibility of what I call the sacrament of decision. As I have said repeatedly since last year, that sacrament of decision can no longer be avoided.

The only thing is that it will be brought only under an environment of crisis, of chaos, and as everybody knows, that is the worst time in which to soberly legislate or use judicious and knowledgeable discretion.

What is the sacrament of decision that I speak of? Given the importance, given the greatness of our country, given what is at stake in our country today, I parallel it to the decision that we read about in the scriptures with the prophet Elijah. If you recall, when he asked the Hebrews, who were beginning to worship a false god, he said, "Who is the true God, yours or mine, the One, the Ancient?" They said, "Well, let us test it. We will make a decision."

Elijah said, "Let us test it." He summoned forth, he asked the worshipers of the false god to summon their god, to do something on a sacrificial altar. They called forth and nothing happened.

Then the scripture says that Elijah called forth and said, "You, the true God, I summon." And he did, with fire and a flash of fire and burned that sacrificial matter on the altar.

"That is a true God." And all the Hebrews said, "Yes, that is a true God."

Today what is the true issue? The issue is whether we are going to be reaffirming the basic tenants of our creed of government as envisioned in the first words in the preamble of the Constitution. This is the issue. The issue is whether or not the American people are going to continue to let the bankers, the predatory, the self-seeking, the greedy, the insatiable interests control the economic welfare, the fiscal and monetary policies of this great Nation and great people, or whether the people are going to do it as it is envisioned and has been all along, and was carefully protected by those men who were serving in the Continental Congress. The issue goes back to the very beginning. This was an issue in the first Continental Congress.

Governments are what pass for governments, and those were the first efforts for a national government in our history. They had to have bankers, and that was a big issue. So they finally chartered a bank in Philadelphia and called it the Bank of North America, and that immediately became the issue.

Who is going to issue the people's money? What are going to be the terms? What are going to be the interest rates?

Do you not know that the bankers then were like the bankers today and the bankers have been all along and always will be, except that today we are in the hands of such tremendous forces that they transcend the power of any national government on Earth to control them.

More decisions are made by those 20 meeting in Brussels every year, privately—they decide such fate as what is going to be the standard of living of Americans—than are made in this Congress or made by the President. This is all because the people have let go control of what the Constitution says is their sovereignty.

After all, as I have said ad nauseum, the first words of our Constitution are the most radical, even today. What do they say? They say we, the people of the United States, in order to form a more perfect union, et cetera. It does not say we, the Congress, I, the President, we, the judges, the three branches of our Government. It says we, the people. That is where the sovereignty is. This is where we all come from. This is what we must account to.

But you have not had it because of what has been done since the adoption of the Federal Reserve Act of 1913.

I am not going to go into that because I have gone into that already in the past, and I think it would be repetitious. But that is our decision. That is the sacrament of this decision, whether we are going to reaffirm our faith in the people's ability to govern themselves or whether we are going to believe like this present President, that the Government is something separate and is to be distrusted, and is to be dismantled, and that that is the source of our problem. We are the source of our problems, in effect. This is what our President said in his inaugural speech when he said the enemy is the Government. I cannot believe it. We have Congressmen saying the same thing.

This misses the fundamental premise about what we are all about in America, and nowhere are we at a greater crisis than the fact that we are now prostrate. I think, as I have said before, that when we reach a sorry stage where such issues as war and peace are being decided by these bankers, every single issue that has come up and is coming up now.

Look what is happening down in Mexico right now. It has the potential for catastrophe. Today's papers bring out the fact, and I made a speech on this last week when it had just broken out and nobody has reflected that up here. But today's paper shows that the U.S. Treasury, the taxpayers had to ante up $1 billion to try to shore up Mexico.

I am not saying that is wrong. I am saying what caused it? The bankers. These $1 billion are going down there to shore the Mexican Government so that they will not default to the Chase Manhattan Bank, First City National, and the rest, and a few others outside of the United States. They are the ones that have bankrolled what everybody has boasted about, this tremendous development of gas and oil in Mexico.

That was all bankrolled with an initial $2.1 billion loan by Chase Manhattan and a few others. They are so squeamish that the Mexican Government, and I have said that I was the only one bringing this out just a couple of months ago, came out and purchased two of our destroyers as scrap, even though they came off of the active duty list of the destroyers that we have.

Why? Mexico has always prided itself in not seeking a standing army of any consequence.

Why? We made a secret deal, which I exposed for the first time last December, even though the deal had been made earlier than that, and we let Mexico have about a dozen or more F-5's. We are going to let Venezuela have about 14 F-16's.

Why? What is the reason?

It seems to me, in view of what happened in the Falklands, that if a repetiton of that happens further north, elsewhere, are we going to be facing those planes, those destroyers?

□ 1230

I raised a question. I said, "What does Mexico want the destroyers for? Is it so that they can get more of our shrimp boats when the time comes?"

And, of course, nobody has answered that. Why? Well, the reason comes back to this, just like the case of Poland. Same thing. The bankers made the decision, and they continue to. Just like the deal that finally, under great pressure, Mr. Reagan made with Mr. Volcker. In exchange for yesterday's tax bill, the Feds would modify their policy, in order to see if the day could be saved, if the thing could be patched, at least to let it limp until the election in November.

I think this is a sorry way. It is a lamentable way for a great and noble people, a great country, the greatest on the Earth. There is no more humanitarian people or Government in this whole Earth than the American Government, notwithstanding all of the critics to the contrary, I think the people deserve better than that.

There are things, of course, little by little coming out. I wanted to offer another article that appeared Friday, today, August 20, page D2 of the New York Times, by Leonard Silk, who is an economist but also a writer on economics and financial matters. It is entitled "A Reappraisal After the Binge." The binge he refers to is the fluctuations of the stock market. But among other things he says, and I want to quote from that:

A REAPPRAISAL AFTER THE BINGE

Wall Street's explosion this week has raised hopes that, if stocks are rising the resurgence of the national economy cannot lag far behind.

But there is wild irony in the picture: The forecasts of lower interest rates that triggered the stock market's upsurge were based on gloomy analyses of the overall business outlook.

For example, Henry Kaufman of Salomon Brothers said the economy was "straitjacketed by financial blockages and fear of international competition." Albert M. Wojnilower of the First Boston Corporation said flatly that "the business outlook has deteriorated"—capital spending plans had been slashed again, consumption had fallen and inventories had resumed piling up, both at wholesale and retail. The July 1 tax cut, he said was more like a life preserver thrown to a struggling swimmer than extra stimulus to an economy already at the point of lift-off.

Yet Wall Street cheered wildly, focusing only on the prediction of declining interest rates. Secretary of the Treasury Donald T. Regan, a Wall Streeter transported to Washington, was exuberant too: He refused to look a gift horse in the mouth. A rally was a rally and an enormous rally was an enormous rally. He expressed his appreciation to Mr. Kaufman for his help, but said he was right for the wrong reason: The real cause for Wall Street's upsurge was its recognition that the Reagan Administration had restored stability to the economy, Mr. Regan contended.

Yesterday, waking up after its two-day binge, Wall Street seemed less sure, wondering whether it had not overdone things. The gloomy economic forecasts—and the current reality of weak business conditions, declining profits and high unemployment—were still staring it in the face.

It was not, after all, just Mr. Kaufman and Mr. Wojnilower who had turned sour on the recovery just before the stock market exploded, but the vast majority of other economists as well. Robert J. Eggert, president and chief economist of Eggert Economic Enterprises, had reported on Aug. 10 that the earlier, modestly exuberant outlook for the "after-the-tax-cut" third quarter had faded among the 44 economists polled for his Blue Chip composite forecast. They expected interest rates to continue to decline. (It is curious how Wall Street tends to disparage the consensus of economists while preferring to follow one bellwether sheep, a role in which Mr. Kaufman has been cast.)

Alan Greenspan, president of Townsend-Greenspan and a frequent White House adviser, had just declared, on Aug. 13, that "The recovery is still not here," noting that the outlook for 1982-83 "has continued to deteriorate since our last forecast." Builders, he said, were holding out little hope for any significant near-term recovery; business orders for capital equipment were falling; consumer confidence was low and bankruptcies, already at a post-Depression record, were becoming "a problem rather than just a risk in the outlook."

Albert H. Cox, Jr., the president of Merrill Lynch Economics Inc., a subsidiary of Treasury Secretary Regan's old firm, had just warned that the Reagan Administration and Reaganomics might be headed for a major setback in the November elections because "too little has been accomplished thus far, and strategic errors have been made."

Hope springs on a moment's notice in Wall Street, but there is good reason to wonder whether the resurgence of the stock market earlier this week (even if it was overdone) does not mark an important turning point in the course of the economy. There has been a drawing back from the brink just before the economy crashed over it. And belief is rising that the economy will survive the mistakes of the past, now that they are being repaired.

Lower interest rates, brought on not just by weak loan demand but by significant changes in the Administration's fiscal policy and the Federal Reserve's monetary policy, should provide major support for economic recovery.

The decline in long-term rates as well as short rates should help lift housing out of its deep slump. The strengthening bond market should help arrest the fall in business investment in plant and equipment, although, given the heavy hangover of excess capacity, it will take months before capital spending recovers. High unemployment will still be a drag on consumer spending, but gains in take-home pay from the net tax cut (even if the tax-increase bill before Congress passes), higher Social Security benefits and, most important, a gradual rise in output and income as inventory cutting fades will put more money into consumers' pockets and increase their outlays.

Strengthening financial markets are likely to give a psychological lift not only to Wall Street and Washington but to many consumers and businesses around the country.

All the economy's woes have not vanished overnight. The international financial picture, with Mexico now rising to the top of the worry list, remains especially serious.

But Wall Street's burst of action this week suggests that the new Great Crash is not at hand. And if Congress supports the White House move to produce a more prudent fiscal policy and the Fed continues to work for lower interest rates, the recovery may soon get under way.

"Lower interest rates, brought on not just by weak loan demand"—meaning that business is rotten—"but by significant changes in the administration's fiscal policy and the Federal Reserve's monetary policy"—that is, the administration's tax, it is $99 billion, and the Fed's change of policy—"should provide major support for economic recovery."

On the other hand, nobody takes note—Tobin, Silk, all of the experts you read about—that what has happened is irreparable. I do not care if interest rates go down to 6 percent. We are in a mess we cannot reverse now. I was hopeful a year ago, when I first started talking, that maybe, just maybe, we could get some attention. Not action—I know better than to expect that—but just some attention which in turn would bring some, a little bit, recognition of what ultimately is going to have to be faced and resolved.

But I must admit I failed until a week ago, 10 days ago, when finally the pressure came up and the Fed had to make a deal and the President had to beg for a deal. And the Fed, as usual, said, "Well, you get a tax measure, and we will modify." Because also their banking system is going under.

You know, the Federal Reserve is not a governmental entity. It is called Federal, but it is not. It is, essentially, the private bankers of the country, but who in turn are really responsive to just a handful. No more than about five or six superbanks actually determine what the Federal policy is going to be, and particularly since the creation of the Open Market Committee, the biggest gimmick ever known to man.

No European wants to believe that Americans conduct and continue to conduct their fiscal and monetary policies the way we do. We are the only ones, as I said, in the world, industrial nation or otherwise, that handle our money the way we do, the people's money, the Treasury.

The legal title of the Federal Reserve is that it is the fiscal agent of the U.S. Treasury. That is what it is. We do not have the equivalent of what these other governments call a central bank. The nearest we have to it is the Federal Reserve. But it does not mean that it is a Government entity. But it is a creature of the Congress, though. That is why I said these things are not acts of God. The Federal Reserve Board is not an autonomous Government superior to the Presidency and the legislative branch, the first branch of the Government under the Constitution. It should be amenable. It is a creature of the Congress. Congress created it. But it is not. It does not respond to Congress.

I have brought out in my specific charges in my bill of particulars on the bill of impeachment, in the last one last week when I placed in the RECORD the complete report by the firm of Fulbright and Jaworski and the counsel, Alan B. Levenson, that was called in to do an inhouse investigation of what I had charged was a leak from the Federal Reserve Open Market Committee that resulted in tons of dollars of windfall, illegal profit, because they got that through the manipulation of their moneys by having advance notice of what that de-

cision was, which would not be announced for several weeks by the Open Market Committee, and that was the Hanover Manufacturers Trust Bank of New York.

So I finally had enough saliva—there is an old Mexican saying, "El que mas saliva tiene mas pinole trag"—he who has the most saliva is the one that can eat the most pinole. Pinole is a crushed powder like candy from the seeds of a certain palm tree that grows in Mexico. You cannot eat much of it because it drys up your saliva. So the saying coming from the people is that he who has the most saliva will eat the most pinole.

So finally, by just trying to bring pressure and yelling, the chairman of our committee finally summoned forth Mr. Volcker, and we said, "How about these rumors, what about these leaks?"

He said, "Oh, no such thing."

I tried to get a question in, "Do you have an Inspector General?" Nobody knows.

The Congress cannot get the General Accounting Office to go and look at the Feds. They are independent. They do not allow that. We have tried to get a bill through our committee. For years Chairman Patman, may his soul rest in peace, struggled. I was one of those who staunchly supported him. We found ourselves almost isolated. We tried to command an independent audit of the Federal Reserve Board. To this day, you cannot get it. They said, "Oh, we audit ourselves. We have sufficient audits."

So they brought in a special counsel. But from where? From the law firm of Fulbright and Jaworski. Mr. Levenson. You know, there is nothing like having a friendly counsel. He came to the conclusion that you can read in the RECORD of last week, because I placed a full report in here, and you can see, you do not have to be an expert, you do not have to be a lawyer, you do not have to be a financier, you do not have to be a Ph. D., you can see that it was one of the most thoroughgoing whitewash jobs that we have any record of.

The funny thing is that I did not even know they had prepared a report until I started raising the question months ago. And finally I got it, just a couple of weeks ago. But it is in the RECORD, and I think the citizens can see. That is part of the bill of particulars with which I am charging Mr. Volcker specifically as being not only susceptible but long overdue for impeachment. After all, that is the reason for such a legislative process, is impeachment—unfortunately. The common opinion is, even among Congressmen, that it is something you reserve for Presidents, or that it is a quasi-judicial or criminal procedure. Well, of course, it has the trappings of some judicial function inasmuch as you have a recital of facts that must be interpreted.

Now, I certainly think that I have raised, up to now, three very specific charges besides the general charges, which ought to satisfy the requirements of the Constitution as to impeachment and a resolution seeking impeachment. Impeachment means charges. It does not mean judgment or conviction or trying. And I think that I cannot regret too much and constantly the fact that the Judiciary Committee, which is the proper committee—I believe in going through channels, and this is why I am speaking today, because the Federal Reserve Board is arrogant, it denies any accountability to either the Congress or the President, and yet it has this fateful power. They now admit "Oh, yes, there is a cause and effect between Federal policy and interest rates."

Now, you know, when they want to take credit. But what is it they are trying to make us feel grateful for? We still have a problem.

If interest rates were to go below 10 percent, the problem remains unsolved, and you cannot build the destruction that has occurred in the last 1½ years. Businesses have been going out at a record every week in the last 6 months. More businesses have been going out; that is, bankrupt, than even during the Depression.

The banking system. The other day Mr. Volcker appeared, and he appeared only because we passed the so-called monetary policy assessment requirement, a little old sort of Milquetoast resolution. This was a compromise that we finally got on our efforts to get accountability from the Federal Reserve a few years ago. The big compromise was that the Federal Reserve chairman would come before us periodically to report on monetary policy and goals. And then they use all of this jargon, all of this jiggery pokery about M-1, M-2, and M-3, and all of that ridiculous talk, just to obfuscate, no other purpose. So he came in the other day under the requirements of that act. The big issue was the failure, the first complete collapse, of a bank since the Federal Deposit Insurance Corporation, in Oklahoma, the Penn Square. And we had known and we have known for a year, when we brought the regulators, who also refused to give us specifics—and there is no way we can make them. The Comptroller of the Currency, for example, who is supposed to oversee the banks, issues the charters, and the like, he is not accountable to the Congress. Believe it or not. Now, how many people know that the U.S. Comptroller of the Currency is really not a U.S. Comptroller of the Currency? He is financed. The Congress, the Government, does not appropriate money for the purposes of the Comptroller of the Currency's office. Rather, he operates his office from the fees he gets from the banks. So who is he looking after? The banks, of course. Just like the Federal Reserve Board.

One of the charges, by the way, and parenthetically speaking, that I have, the second one, in the bill of particulars, was the secret meeting that the Chairman, Paul Volcker, had with the president of the First City National, Walter Wrisdon, and that great Nelson Bunker Hunt of Texas, the multibillionaire speculator of silver, secretly in Florida.

Now, what Congressman can arrange a secret meeting with the Chairman of the Federal Reserve Board? Not even the committee. What little ordinary banker can arrange to consult? But Mr. Wrisdon had no problems with Nelson Bunker Hunt, who had just collapsed over $15 to $20 billion of bank credit in trying to corner what? The silver market.

Remember what I told you about the history of the abolition or the repeal of the silver transaction tax? You see, it all ties in. And I feel a great responsibility because I am charged with knowledge. I have had some letters from people as far away as Oregon. Incidentally, the people are there. This has brought the greatest reaction that I have ever had to any action or activity I have participated in in my history as a publicly elected official, whether city councilman, State senator, or U.S. Congressman. And people know. Politicians up here and Presidents underestimate people. The American people are way ahead. They are way ahead of us all. And they know. The only thing they feel is that there is not much they can do about it. They are frustrated. But they know. And they are there.

All we have to do is give them the opportunity and do what the whole theory of our system says that we ought to do.

But when I asked Mr. Volcker, I said, how many Penn Squares do you have out there in that wild blue banking yonder?

He always had a cigar. He paused, blew smoke, smiled, and said he did not know. This is your chief regulator, the Comptroller of the Currency. As I said, he does not feel he has to answer; none of them have. Every Comptroller, like every Chairman of the Federal Reserve that I have ever seen or heard come before the committee, in fact we had one that openly defied the committee in the sixties and he was a fellow Texan. He said, "You all don't pay us. The Congress doesn't appropriate the money. The bankers pay their fees for us to audit them or oversee them, so that is where our money comes from."

Well, you know, as ancient as mankind is the fundamental saying, it is

still true today more than ever in these Congresses since the advent of the Political Action Committees, and that is that he who pays the fiddler calls the tune; so if the Comptroller knows that his bread is being buttered by the private bankers that he is supposed to be looking to and regulating, you know what is going to happen. Let us not kid ourselves. Who is kidding whom?

Now, the Penn Square thing revealed clearly the abysmal failure of our regulatory system and accountability; but at no time did these regulators ever come and say, well, you know, this is the number.

I would ask, "What is the number of your problem banks or problem S. & L.'s?"

They would not say, but we know and I have good reason to know.

I do not care if this interest rate goes to 10 percent. It is too late.

There is also another saying that is so true, "golpe dado ni dios lo quita," "A blow once struck even God cannot remove." You are hit, and this is unfortunately the tragedy. These big experts are talking as if this kind of thing, extortionate, usurious interest rates, are something that you can flagellate a country with and then turn it off and turn it on at will, and that is such a fatal error because you cannot repair that which has already gone under. There is no way you can resurrect the thousands of businesses that have gone under just in the last 6 months, no way. They are gone. You have people unemployed. There will not be one more person employed today. In fact, you will have more unemployment than before the passage of the tax bill, the reduction temporarily of the prime interest rate to 14 percent, and to think that these big shots, Roosevelt called these malefactors of great wealth, should think that the American people are so gullible, that the Members of Congress are so ignorant and helpless that they do know they are being insulted when they say, "You ought to be grateful. Look what we have done. We have reduced this to 14 percent."

What an infamy. What a sorry day of shame.

For this reason, at this point, I would like to offer for the RECORD a news item in the New York Times of Thursday, August 12, this year, entitled "Business Failures Rise." It says, "Business failures last week rose 44.6 percent."

BUSINESS FAILURES RISE

Business failures last week rose 44.6 percent from a year ago, reversing a brief decline and remaining at a 50-year high, a private credit-information service reported today.

The corporate casualty count of 512 in the week ended Aug. 5 compared with 354 failures in the corresponding week a year ago, the Dun & Bradstreet Corporation reported.

Failures were also up sharply from the previous week, when the 343 failures reported were off slightly from the 346 of a year earlier.

Businesses have been failing at an average of 454 a week so far this year, compared with an average 316 a week in the same period of 1981, and the highest since the weekly average of 612 in 1932.

Dun & Bradstreet said 14,067 businesses failed through Aug. 5, up from 9,808 in the same 1981 period.

Previous to that, even Leonard Silk says because of the administration's policy, the administration has gone along. The President did not protest high interest rates. Just like his predecessor, President Carter, he did not say anything until October 1980 on the eve of the election.

Well, you know, the American people know better. I am just telling you, the American people are smart. They are not that dumb. They know who is for and who is against.

Anyway, from time to time in trying to contradict that there was something that could be done, you had the Secretary of the Treasury first coming out and saying, "I'm coming out and reviewing plans to restrict the Federal Reserve because of high interest rates." That was on Sunday, June 20 in the New York Times; but then, lo and behold, there is a follow up story on Tuesday, June 22, 1982, and it says Regan—I think he pronounced it Reagan—"Secretary Regan softens his call for review of the Fed":

REGAN SOFTENS HIS CALL FOR REVIEW OF THE FED

WASHINGTON, June 21.—Treasury Secretary Donald T. Regan, while continuing to criticize the Federal Reserve Board's handling of the nation's money supply, said today that he sees little need now to bring the Fed under more direct control of the Administration.

Mr. Regan, in a speech to the National Association of Accountants and in comments later, acknowledged that the Treasury is studying options for limiting the independence of the Fed, including bringing the Fed within the Treasury or putting the Treasury Secretary on the Federal Reserve Board. But he immediately sought to soften the impact of his remarks.

"I'm studying these things," he said. "I have no preconceived notions. I don't think there probably is much need for change in the Fed." Then, in a later news conference, he said: "At this point, I think the Fed's independence is a good thing."

Mr. Regan's remarks came after Treasury officials over the weekend said that the Secretary was seeking review of proposals to limit the independence of the Fed because of his continued annoyance with what he calls its "erratic" money policy. Mr. Regan has contended that this erratic growth contributed to high interest rates.

Mr. Regan's backtracking today is another example of a pattern within the Administration of attacking the Fed one day, only to retreat soon afterward. Officials at the Treasury suggested that the purpose of such attacks was to put pressure on the Fed to work harder to smooth out the weekly and monthly fluctuations in the money supply.

At the same time today, Mr. Regan sought to play down the importance of his announcement that the Administration is reviewing various economic policy options in case the hoped-for recovery does not get under way.

"I've always felt that you should be ready for any contingency," Mr. Regan said in the afternoon news conference. And in his speech, he said, "We are not advocating any new initiatives by virtue of undertaking this study." He added later, "You may find the best course is to do nothing."

David A. Stockman, the director of the Office of Management and Budget, in comments to reporters, also sought to minimize the importance of any review.

"No fundamental revision of policy is at all likely," Mr. Stockman said. "Any basic revision is not in the cards at all."

But while Mr. Regan sounded conciliatory, he continued to criticize the Fed.

"We like the policies but not the way the policies have been carried out," he said. "We believe that smoother growth of the money supply will lead to lower interest rates."

And in his speech he said: "The Fed's money growth has been anything but steady. The ups and downs have bred uncertainty in every quarter. And it's time we started asking some hard questions about just how the Fed implementation of policy os working."

In his news conference, Mr. Regan mentioned the same changes in Fed operations that the Administration has been pushing and the Fed has been resisting, including contemporaneous reserve accounting, a floating discount rate and more attention to the monetary base growth rate.

Now, who is trying to kid whom?

So we come back to the fundamental question and the reasons underlying the efforts I am making. I am going to continue to make the case of the impeachment resolution on the House floor. At the proper time, I will be summoning it forth.

As I told you before, this is a privileged resolution. In other words, I am not just kidding. I am not doing this just for effect. I had a letter from a person I think in Oregon saying, "Oh, you are very courageous." I do not think so.

I mean, I have gotten into some real good fights in my career back home, probably meaner than anyone else. I have even been shot at. I have been assaulted. I was almost killed in Boulder, Colo., for nothing else than trying to exercise free speech at a peaceful assembly.

I did not see any of the civil right groups or anybody protesting. I think I am the only American that has ever had storm trooper tactics used against him to prevent him from speaking under the threat to serious bodily injury or death.

Yes, during the Vietnam era you had a lot of people heckled and then they withdrew, but none were physically prevented; but I was on August 8, 1973, in Boulder, Colo; so that I do not think it is a particular mark of courage.

What would take courage, what would take gall and nerve would be for me to remain silent, because I have had the privilege to serve on this committee for 20 years. This is what I am saying. This is the way it looks to me. I am coming out and saying it.

I thought that I would be entitled to have the processes work and have the Committee on the Judiciary do it thoroughly and expertly because they have the staff and they have the resources. I do not. I do not have any staff available to me to handle this matter. I have been doing this alone and with some help that has been forthcoming from one of my greatest staff members, the best I could ever have, but who is so bogged down with the work that he is responsible for that I cannot delegate him to this. It would not be right; but it is not because I think that it is a way to get publicity. I have never had any reason to lack publicity. This would not be the way I would choose to try to get it. It is because I consider this to be the inescapable No. 1 issue, the $64 question, as my generation used to say in the days of radio with old Colonel Bowes or Major Bowes.

I think that there is so much here that goes to the heart of the continuing thing that we call the American way, that it would take nerve and I would think that it would really be cowardice not to speak out. If I am wrong, I can be judged. I am speaking out. If I am right, then I have all the more reason why I should continue.

I will continue with the bill of particulars on future occasions and when I have fully rounded out the bill of particulars and the general provisions of my resolution of impeachment, I fully intend to bring it up and the reason I am going into all this is so that the Members will have an opportunity to analyze for themselves just as if they had been members of the Committee on the Judiciary.

The SPEAKER pro tempore (Mr. GONZALEZ). The Chair recognizes the gentleman from Maryland, Mr. DYSON.

THE PRESIDENT'S BEIRUT DECISION DESERVES OUR SUPPORT

(Mr. DYSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYSON. Mr. Speaker, just this morning President Reagan announced his decision to commit 800 U.S. Marines to West Beirut. This major foreign policy decision comes in the wake of many weeks of tragic conflict—a conflict which has brought incalculable damage to this region of the world and to the families who once occupied it. Somehow we must end the senseless tragedy which continues to devastate the Middle East.

The President's decision deserves our support. Undertaken together with the French and Italian nations, this action follows complex and forthright negotiations of all parties to bring about a peaceful solution to the evacuation of the PLO.

The President is sending American troops for the sole purpose of assisting in the evacuation of the PLO in accordance with the final agreement worked out by Mr. Habib. These troops will be stationed in the Port of West Beirut, outside of the battle-torn areas in Lebanon.

The peaceful evacuation of the PLO is critical to any future attempts to achieve a broader peace in the Middle East. Some fear we may find ourselves in a deeper entanglement by sending these American troops. I do not think we can refrain from taking this absolutely necessary step which offers the best hope for a peaceful solution to this most recent chapter in this volatile region.

CONGRESSMAN HUGHES INTRODUCES TAX REFORM LEGISLATION

(Mr. HUGHES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUGHES. Mr. Speaker, today I am introducing a measure that I believe will greatly simplify the Nation's tax laws and bring them closer to the national interest.

I and a majority of my colleagues supported the Tax Equity and Fiscal Responsibility Act of 1982 yesterday because I felt it was in the best interest of the country. The Nation urgently needs the reduced deficit that will result from increased revenues, and I believe the bill eliminates many of the loopholes created by last year's tax package.

Despite the much-needed tax reforms addressed by the Tax Equity and Fiscal Responsibility Act, however, the withholding provisions are troublesome. I believe they will only result in unnecessary cost and paperwork burdens on financial institutions and corporations. It is not withholding that is needed to insure taxpayer compliance, but better use of information on interest and dividends, much of which is already provided on 1099 forms. Taxpayer compliance in reporting interest and dividend income is already remarkably high, at a 96.7 percent compliance rate. The provisions outlined in the tax package will result in a nominal increase in compliance, but at the same time will require millions of new forms to be processed. This paperwork is clearly unreasonable.

I regret that the real impact of the 10-percent withholding provisions will not come from better compliance but rather from speeding up collections by the IRS. Many taxpayers have more than their fair share of taxes withheld from income during the tax year. Requiring withholding on dividends and interest will only complicate this matter further, resulting in the Federal Government holding more than its fair share from taxpayers and requiring larger refund to individuals at the end of the year. Clearly, the projected revenue gain resulting from this provision is overstated and illusory.

In conclusion, the interest and dividend withholding provisions are an extremely costly way to improve compliance from a very small group of individuals. There are far less burdensome ways to achieve this same goal.

My bill will maintain the many progressive reforms of the tax package while eliminating this troublesome provision, which has raised the deepest concern of many Members.

RECESS

The SPEAKER pro tempore (Mr. GONZALEZ). The Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PRICE) at 2 o'clock and 30 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6863) entitled "An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House of Representatives to the amendments of the Senate numbered 2, 6, 17, 24, 41, 42, 43, 45, 58, 60, 62, 63, 64, 65, 66, 69, 84, 86, 91, 97, 98, 112, 117, 119, 132, 138, 149, 161, 172, 177, 180, 182, and 183 to the above-entitled bill.

The message also announced that the Senate recedes from its amendments numbered 115 and 150 to the above-entitled bill.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the

bill (H.R. 3663) entitled "An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 399. Concurrent Resolution Providing for an adjournment of the House from August 19 to September 8, 1982, and an adjournment of the Senate from August 19 or August 20 or August 21 to September 8, 1982.

MESSAGE FROM THE SENATE

The SPEAKER pro tempore. laid before the House the following message from the Senate:

The Clerk read as follows:

Resolved, That the concurrent resolution from the House of Representatives (H. Con. Res. 399) entitled "Concurrent resolution providing for an adjournment of the House from August 19 to September 8, 1982, and an adjournment of the Senate from August 19 or August 20 or August 21, to September 8, 1982," do pass with the following amendments:

The Clerk read the Senate amendments, as follows:

Page 1, line 3, strike out "when the House adjourns on Thursday, August 19" and insert "when the House adjourns on Friday, August 20".

Amend the title so as to read: "Concurrent resolution providing for an adjournment of the two Houses for more than three days."

The SPEAKER pro tempore. The question is on the Senate amendments.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

ADJOURNMENT

Mr. DYSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 399, 97th Congress, the House stands adjourned until 12 o'clock meridian, Wednesday, September 8, 1982.

Thereupon (at 2 o'clock and 32 minutes p.m.), pursuant to House Concurrent Resolution 399, the House adjourned until Wednesday, September 8, 1982 at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4638. A letter from the Comptroller of the United States, transmitting his review of two proposed rescissions, and a revision of one deferral, contained in the message of July 16, 1982 (H. Doc. No. 97-210), pursuant to sections 1012(a) and 1013(a) of Public Law 93-344 (H. Doc. No. 97-229); to the Committee on Appropriations and ordered to be printed.

4639. A letter from the Secretary of Transportation, transmitting the annual report on the "Effect of the Airline Deregulation Act on the Level of Air Safety," pursuant to section 107 of Public Law 95-504; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6173. A bill to amend the Public Health Service Act to replace title XV of such act with a block grant to States for health planning; with an amendment (Rept. No. 97-784). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6598. A bill to provide for the development of repositories for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; with an amendment (Rept. No. 97-785, Pt. I). Ordered to be printed.

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. Report on monetary policy for 1982 (Rept. No. 97-786). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HUGHES:

H.R. 7055. A bill to repeal the withholding on interest, dividends, and patronage dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. JACOBS:

H. Res. 578. Resolution to honor Mohammed Sedik Benyahia; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 7056. A bill for the relief of Shirley Lee a.k.a. Wu Shao Wei; to the Committee on the Judiciary.

By Mr. WAXMAN:

H.R. 7057. A bill for the relief of Arturo, Maria Luisa, and Rosa Posadas de Flores; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2500: Mrs. KENNELLY.
H.R. 3632: Mr. HERTEL.
H.R. 4066: Mr. KILDEE and Mr. PEYSER.
H.R. 5687: Mr. LAGOMARSINO.
H.R. 6239: Mr. DOWNEY.
H.R. 6565: Mrs. KENNELLY, Mr. EVANS of Indiana, Mr. BENJAMIN, Mr. JACOBS, Mr. FRANK, Mr. MOFFETT, Mr. BLANCHARD, Mr. CROCKETT, Mr. MCHUGH, Mr. FISH, and Mr. LAFALCE.
H.R. 6789: Mrs. SNOWE and Mr. WHITLEY.
H.R. 6866: Mr. PATTERSON, Mr. D'AMOURS, Mr. ALEXANDER, and Mr. RATCHFORD.
H.R. 6938: Mr. NAPIER and Mr. DANNEMEYER.
H.J. Res. 381: Mr. BAILEY of Pennsylvania.
H.J. Res. 507: Mr. FRENZEL.
H. Con. Res. 275: Mr. QUILLEN.

REGULATION OF LOBBYING ACT

In compliance with Public Law 601, 79th Congress, title III, Regulation of Lobbying Act, section 308(b), which provides as follows:

(b) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the CONGRESSIONAL RECORD.

The Clerk of the House of Representatives and the Secretary of the Senate jointly submit their report of the compilation required by said law and have included all registrations and quarterly reports received.

REGISTRATIONS

The following registrations were submitted for the second calendar quarter 1982:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§ 302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

Organization or Individual Filing	Employer/Client
A & S TRANSPORTATION COMPANY 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032	
ADVANCE COAL MANAGEMENT CORPORATION 805 NEWTOWN CIRCLE LEXINGTON KY 40511	RSV MINING EQUIPMENT B.V.
ADVOCATION, INC. #925, 1127 11TH ST., SACRAMENTO, CA 95814	FAIR CONGRESSIONAL TASK FORCE OF THE FEDERATION FOR AMERICAN IMMIGRATION REFORM
AKIN, GUMP, STRAUSS, HAUER & FELD SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AIR FREIGHT ASSOCIATION
Do	AMERICAN QUASAR PETROLEUM COMPANY
Do	BEACON OIL CO
Do	BENEFICIAL CORPORATION
Do	CAPITAL BANK
Do	COALITION OF SERVICE INDUSTRIES, INC
Do	CONTINENTAL AIRLINES
Do	DAMSON OIL CORP
Do	EQUITABLE BANK
Do	HEMISPHERE NATIONAL BANK
Do	MURPHY OIL CORP
Do	NEW YORK AIR
Do	NORTON SIMON, INC
Do	SOUTH HAMPTON, INC
Do	SOUTHLAND ROYALTY CO
Do	U.S. COMPANIES, INC
Do	WAGNER & BROWN
ALCALDE, HENDERSON & O'BANNON 1901 N. FT. MYER DR. SUITE 1204 ROSSLYN VA 22209	AMERICANS FOR THE NATIONAL DIVIDEND ACT, INC
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	BALDWIN-UNITED CORPORATION
Do	DISABLED AMERICAN VETERANS
Do	EASTERN AIR LINES, INC
Do	SEQUOIA VENTURES, INC
ALLIANCE FOR IMMIGRATION REFORM SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	
CHARLES L. ALMOND 3300 FIRST CITY TOWER, HOUSTON TX 77002	VINSON & ELKINS (FOR: MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT CORP.)
Do	VINSON & ELKINS (FOR: GALVESTON WHARVES OF THE CITY OF GALVESTON, TEXAS)
Do	VINSON & ELKINS (FOR: GUADELUPE BLANCO RIVER AUTHORITY)
AMERICAN ASSN OF EQUIPMENT LESSORS SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	
AMERICAN CHAMBER OF COMMERCE OF THE DOMINICAN REPUBLIC HOTEL SANTO DOMINGO DOMINICAN REPUBLIC	
AMERICAN GENERAL LIFE INSURANCE COMPANY 2727 ALLEN PARKWAY HOUSTON TX 77001	
AMERICAN NATL INSURANCE COMPANY ONE MOODY PLAZA GALVESTON TX 75201	
MORRIS J. AMITAY SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	NATIONAL SATELLITE CABLE ASSN
M. KENT ANDERSON BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY
ANDERSON, HIBEY, NAUHEIM & BLAIR 1605 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	MARRIOTT CORPORATION
L. J. ANDOLSEK 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES
J. KNOX ARGO, ARGO & ENSLEN, P.C. P.O. BOX 1550 MONTGOMERY AL 36102	MOTION PICTURE ASSN OF AMERICA, INC
ARKANSAS 2000, INC P.O. BOX 1776 RUSSELLVILLE AR 72801	
ARMOUR HANDCRAFTS, INC. 230 5TH AVENUE NEW YORK NY 10001	
ARNOLD & PORTER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AHMANSON FOUNDATION
Do	TABLE GRAPE GROWERS ASSN. OF SONORA, MEXICO
THOMAS LUDLOW ASHLEY, P.C. 1730 PENNSYLVANIA AVENUE, N.W. SUITE 1050 WASHINGTON DC 20006	
Do	LOCKHEED CORPORATION
DAVID AUSTERN 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSN
AVENEL ASSOCIATES, INC BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSN
PAMELA S. AYCOCK 2601 WOODLEY PL., NW WASHINGTON DC 20008	O'BRIEN, FIERCE & EBERLE (FOR HUNTON & WILLIAMS)
BALLARD, SPAHR, ANDREWS & INGERSOLL SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	PORT OF WILMINGTON, DELAWARE
Do	SOUTH JERSEY PORT CORPORATION
Do	U.S. COMMITTEE FOR UNICEF
SAMUEL J. BAPTISTA SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC.
BARNES RICHARDSON & COLBURN SUITE 400 1819 H ST., NW WASHINGTON DC 20006	FLORIDA CITRUS MUTUAL
Do	WOODHOUSE, DRAKE & CAREY (TRADING), INC.
Do	WORLD CARRIER, INC
BARNETT & ALAGIA 1627 K ST., NW, #900 WASHINGTON DC 20006	ASBESTOS COMPENSATION COALITION
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG SUITE 1400 26 BROADWAY NEW YORK NY 10004	METROPOLITAN TRANSPORTATION AUTHORITY
JOHN BARRY 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME
DIANE BATEMAN, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS
FRANK V. BATTLE JR., SIDLEY & AUSTIN ONE FIRST NATIONAL PLAZA CHICAGO IL 60603	HEINHOLD COMMODITIES, INC
BAYH, TABBERT & CAPEHART SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	WARNER COMMUNICATIONS, INC
DANIEL P. BEARD, BEARD AND ASSOCIATES P.O. BOX 2394 COLUMBIA MD 21045	AMERICAN RIVERS CONSERVATION COUNCIL
THERESA E. BEARMAN 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE
EDWARD A. BECK III 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.
ROBERT G. BECKEL 609 G STREET, SE WASHINGTON DC 20003	NATIONAL BROADCASTING CORP
LOUIS BEER, KEMP, KLEIN, ENDELMAN & BEER 1320 19TH ST., NW, #200 WASHINGTON DC 20036	M.A.N. TRUCK & BUS CORP
BENESCH, FRIEDLANDER, COPLAN & ARONOFF 1100 CITIZENS BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING
ROBERT B. BETZ SUITE 320 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ROBERT BETZ ASSOCIATES, INC
BEVERIDGE & DIAMOND, P.C. 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	UNION CAMP CORPORATION
BILLIG SHER & JONES 2033 K ST., NW WASHINGTON DC 20006	ADHERENCE GROUP, INC
BINGHAM, DANA & GOULD 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM
BIRCH HORTON BITTNER & MONROE SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA NATIONAL BANK OF THE NORTH
Do	CHUGACH NATIVES, INC
Do	FIRST FEDERAL SAVINGS & LOAN ASSN
BLACK, MANAFORT & STONE, INC. 435 NORTH LEE ST. ALEXANDRIA VA 22314	NATIONAL SECURITIES CLEARING CORP
BLATCHFORD, EPSTEIN & BRADY 1000 POTOMAC ST., NW WASHINGTON DC 20007	ARMOUR HANDCRAFTS, INC.
Do	CARON INTERNATIONAL/COLUMBIA MINERVA
Do	DIMENSIONS, INC.
Do	SUNSET DESIGNS
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY
Do	RADNOR CORPORATION
RICHARD W. BLISS, BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL. WASHINGTON DC 20036	FLUOR CORP
Do	MARLINE OIL CORP
STEPHEN F. BOTSFORD SUITE 1424 6805 MAYFIELD ROAD - BLDG. B MAYFIELD HEIGHTS OH 44124	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING
MARIVN C. BOWLING JR. 6630 WEST BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP
THURMAN L. BOYKIN 1799 SWANN STREET, NW WASHINGTON DC 20009	ARKANSAS 2000, INC
BRACEWELL & PATTERSON SUITE 1200 1825 EYE STREET, NW WASHINGTON DC 20006	DRESSER INDUSTRIES
Do	HOUSTON NATURAL GAS CORP
BREGMAN, ABELL & KAY SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AFL-CIO
JAMES R. BRIDGES, THELEN, MARRIN, JOHNSON & BRIDGES TWO EMBARCADERO CENTER SAN FRANCISCO CA 94111	SEQUOIA VENTURES, INC
PHILLIP J. BROMAN SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC
BEN JARRATT BROWN SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	CORPORATION FOR GOVERNMENT ACTION, INC
DONALD T. BROWNE 205 EAST 42ND STREET NEW YORK NY 10017	RISK & INSURANCE MANAGEMENT SOCIETY, INC
BROWNSTEIN ZEIDMAN & SCHOMER SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS
BUCKLEY SECURITY INTERNATIONAL, INC. P.O. BOX 2415 SATELLITE BEACH FL 32937	WACKENHUT CORPORATION
NICHOLAS J. BUSH SUITE 402 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN
BUSINESS COUNCIL FOR IMPROVED TRANSPORT POLICIES 1000 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	
BUTLER BINION RICE COOK & KNAPP 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BROWARD COUNTY, FLORIDA
Do	PENNSYLVANIA SHIPBUILDING CO
C & B ASSOCIATES 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	CARL M. FREEMAN ASSOCIATES, INC
Do	LOCKHEED CORPORATION
FRANK W. CALHOUN 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC
CAMP, CARMOUCHE, PALMER, BARSH & HUNTER 2550 M ST., NW, #275 WASHINGTON DC 20037	COALITION FOR AN EFFECTIVE ENERGY INVESTMENT TAX CREDIT
Do	TEXACO, IN...
ANGELA CAMPBELL 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE F... PUBLIC REPRESENTATION
CAPITOL ADVOCATES, 1127 11TH ST., #950, SACRAMENTO, CA 95814	PACIFIC MERCHANT SHIPPING ASSN.
GERALD M. CAPLAN 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP
CARON INTERNATIONAL/COLUMBIA MINERVA 230 5TH AVENUE NEW YORK NY 10001	
JANET B. CARROLL SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE
ROBERT J. CASEY 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY
J. WARREN CASSIDY 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN
WALTON M. CHALMERS II 6815 GEORGIA STREET CHEVY CHASE MD 20815	CITIZENS FOR A NUCLEAR FREEZE
CHAMBERS ASSOCIATES SUITE 1000 1100 17TH STREET, NW WASHINGTON DC 20036	AMERICAN POSTAL WORKERS UNION

Organization or Individual Filing	Employer/Client
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE
Do	FACET, CORP
J. WILLIAM CHARRIER JR. 2828 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20007	DELTA STEAMSHIP LINES, INC.
BRUCE L. CHRISTENSEN 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS
CHWAT/WEIGEND ASSOCIATES 226 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	AMERICAN HOME SEWING ASSN, INC
Do	LONG ISLAND UNIVERSITY
Do	MORSE TYPEWRITER CO., INC
Do	NATIONAL ASSN. OF TOBACCO DISTRIBUTORS
CIVIL PILOTS FOR REGULATORY REFORM 2819 NORDHAM DRIVE AUSTIN TX 78745	
CLEARY, GOTTLIEB, STEEN & HAMILTON SUITE 400 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	SALOMON BROTHERS, INC
CLIFFORD & WARNKE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	INGERSOLL-RAND COMPANY
COAN, COUTURE, LYONS & MOORHEAD SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	FOREST CITY DILLON, INC
COHEN AND URETZ 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	ITT CORPORATION
COLE & CORETTE, P.C. 1200 17TH ST., NW WASHINGTON DC 20036	GRAHAM-WHITE MANUFACTURING CO
Do	MEDTRONIC, INC.
Do	MILLIPORE CORPORATION
Do	MOHAWK DATA SCIENCES CORP.
JEFFREY B. CONLEY, NEDA/CAAP 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC
JOHN B. CONNALLY SUITE 900 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)
GERALD R. CONNOR 6500 WISCONSIN AVENUE CHEVY CHASE MD 20015	AMERICAN PUBLIC HEALTH ASSN
Do	THOMAS E. BRYANT
Do	CONGRESS OF ADVOCATES FOR THE RETARDED, INC
CONSERVATIVES FOR IMMIGRATION REFORM, INC SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	
CONSORTIUM OF SOCIAL SCIENCE ASSOCIATIONS SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	
COOK, PURCELL, HANSEN & HENDERSON 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	CNA INSURANCE CO OF CHICAGO, ILLINOIS
Do	HOME RECORDING RIGHTS COALITION
Do	NATIONAL ASSN OF GOVERNMENT EMPLOYEES
Do	NATIONAL FOOTBALL LEAGUE
PAUL E. COONEY 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)
Do	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP.)
C. WILLIAM COOPER 159 TOWN HALL SQUARE FALMOUTH MA 02540	UNITED DISTRIBUTION COMPANIES
CORNELL, PELCOVITS & BRENNER ECONOMISTS, INC. SUITE 712 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SONY CORP OF AMERICA
CORPORATION FOR GOVERNMENT ACTION SUITE 103 1000 POTOMAC STREET, NW WASHINGTON DC 20007	
MARY ALICE COTTER 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL
COURSEN & COMPANY 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH
COVINGTON & BURLING P.O. BOX 7566 WASHINGTON DC 20044	ANCHOR NATL LIFE INSURANCE CO
Do	MIDWEST TELEVISION, INC
DONALD J. CRONIN SUITE 1100 1511 K STREET, NW WASHINGTON DC 20005	FRANK G. KINGSLEY
Do	MILLIKEN & COMPANY
AARON W. CROSS 1801 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP
CROWELL & MORING 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	COMMUNICATIONS SATELLITE CORPORATION
SCOTT S. CUNNINGHAM 1100 15TH STREET, NW WASHINGTON DC 20005	UNION CARBIDE CORP
PATRICK R. CURREN 2008 NORTH DANIEL STREET ARLINGTON VA 22201	CONSERVATIVES AGAINST LIBERAL LEGISLATION
LYNN M. DAFT 1339 WISCONSIN AVENUE, NW WASHINGTON DC 20007	AMERICAN BAKERS ASSOCIATION
ELWYN LABAUVE DARDEN 1224 S. GEORGE MASON DR., APT. 21 ARLINGTON VA 22204	H. H. TIFFANY
M. DENNIS DAUGHERTY 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP
EARL F. DAVID SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO
DAVIS, WRIGHT, TODD, RIESE & JONES 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	NATIONAL INDEPENDENT DAIRY FOODS ASSN
ROBERT C. DAWSON 6630 WEST BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP
THOMAS C. DAWSON #1200 1730 RHODE ISLAND AVE NW WASHINGTON DC 20036	SMITH DAWSON ASSOCIATES, INC.
THOMAS DEBEVOISE 1200 17TH STREET, NW WASHINGTON DC 20036	GPU SERVCIE CORPORATION
BARBARA JOAN DEFURIA SUITE 502 1500 WILSON BOULEVARD ARLINGTON VA 22209	ROUNDTABLE ISSUES & ANSWERS
GEORGE H. DENISON 4837 DEL RAY AVE. WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSN
LLOYD J. DERRICKSON SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC.
DGA INTERNATIONAL INC 1225 19TH ST., NW WASHINGTON DC 20036	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS
LOUIS H. DIAMOND 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY
DICKSTEIN SHAPIRO & MORIN 2101 L ST., NW WASHINGTON DC 20037	CORAL PETROLEUM, INC
Do	GILBANE BUILDING CO
Do	HOME HEALTH SERVICES & STAFFING ASSN
Do	HVIDE SHIPPING, INC
Do	METROPOLITAN TRANSPORTATION AUTHORITY
DIMENSIONS, INC. 641 MCKNIGHT STREET READING PA 19601	
DOW LOHNES & ALBERTSON 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	EASTERN MICROWAVE, INC
Do	PALMER COMMUNICATIONS, INC
JOHN H. DOWNS JR. 1101 16TH STREET, NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN
DANIEL A. DUTKO SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	CALIFORNIA WESTSIDE FARMERS
Do	DOUGLAS OIL PURCHASING CORP
EDITH W. DYLAN SUITE 906 1828 L STREET, NW WASHINGTON DC 20036	MERRILL LYNCH & CO., INC.
GEORGE H. EATMAN SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN
DANIEL J. EDELMAN, INC. SUITE 460 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ROSES, INC
Do	SONY CORP OF AMERICA
EPSTEIN, BECKER, BORSODY & GREEN SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	TRANSIT ADVERTISERS ASSN
PAUL A. EQUALE SUITE 503 1120 19TH ST., NW WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC
INGOLF G. ESDERS, 815 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSN., AFL-CIO
BROCK EVANS 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY
RAE FORKER EVANS SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC
CONRAD H. C. EVERHARD WALL STREET PLAZA NEW YORK NY 10005	AMERICAN GLOBAL LINE, INC.
KY P. EWING JR. 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO.)
F/P RESEARCH ASSOCIATES SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	NATIONAL CABLE TELEVISION ASSN.
FARMERS FOR FAIRNESS P.O. BOX 6288 CAMILLA GA 31730	
MICHAEL FEINSTEIN 1319 F STREET, NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS
JANICE A. FENBERG SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO
ALLEN R. FERGUSON 1525 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	PUBLIC INTEREST ECONOMICS FOUNDATION
E. JAY FINKEL SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: J. ROYAL PARKER ASSOCS.)
FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	
MICHAEL FLEMING SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS
FLORIDA BUSINESS ASSOCIATES SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP
FOLEY LARDNER HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	LAWYERS TITLE INSURANCE CORP
NANCY E. FOSTER SUITE 510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSN
PETER M. FRANK SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORP.
FULBRIGHT & JAWORSKI 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	ALAMO RENT A CAR
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS
JAMES E. GAFFIGAN SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL
LARRY GALLO 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHEMICAL SPECIALTIES MANUFACTURERS ASSN
GARDNER, CARTON & DOUGLAS 1875 I ST., NW WASHINGTON DC 20006	K-A COMPANY
JOHN C. GARTLAND 1019 19TH STREET, NW WASHINGTON DC 20036	AMWAY CORPORATION
GARVEY, SCHUBERT, ADAMS & BARER 1000 POTOMAC ST., NW WASHINGTON DC 20006	PORT OF TILLAMOOK BAY & TILLAMOOK COUNTY
JOSE A. GEMEIL SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)
RICHARD GILBERT 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PUBLIC HEALTH ASSN
FLOYD H. GILKEY 2111 HARBOR DRIVE ANNAPOLIS MD 21401	CHESAPEAKE INDUSTRIES, INC
DAVID S. GILROY 715 EIGHTH STREET, NW WASHINGTON DC 20003	NATIONAL VICTIMS OF CRIME
SAMUEL P. GINDER 2361 S. JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	PRESEARCH, INC
DAVID B. GLANCEY 2600 THE FIDELITY BUILDING PHILADELPHIA PA 19109	
JERE W. GLOVER SUITE 1201 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION
MARTIN B. GOLD THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC.)
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORP)
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS, INC)
HOWARD S. GOLDBERG 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC. (FOR: SOFREAVIA)
MILLICENT GORHAM SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN
ROBERT K. GRAY THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORP.)

Organization or Individual Filing	Employer/Client
JOHN F. GRAYBEAL SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)
KATHLENE H. GREEN SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORP
JANE E. GREENBAUM 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC
GROOM & NORDBERG 1775 PENNSYLVANIA AVE., NW, #450 WASHINGTON DC 20006	GOLDMAN, SACHS & COMPANY
JOHN T. GRUPENHOFF SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN SOCIETY FOR GASTROINTESTINAL ENDOSCOPY
CLARK J. GUILD JR., GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC
JAMES L. GYORY SUITE 709 2021 K STREET, NW WASHINGTON DC 20006	
CRAIG HACKLER 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	HILLCREST EQUITIES, INC.
RANDOLPH M. HALE 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS
SEYMOUR HALPERN 540 MADISON AVE. NEW YORK NY 10022	BARON/CANNING AND CO, INC (FOR: NATIONAL PASSENGER TRAFFIC ASSN, INC)
HAMEL PARK MCCABE & SAUNDERS 888 16TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN WODELL HALBACH
Do	GOVERNMENT OF THE U.S. VIRGIN ISLANDS
Do	VIRGIN ISLANDS TRADE & ECONOMIC DEVELOPMENT INSTITUTE
HANSELL, POST, BRANDON & DORSEY, 1915 I ST., NW WASHINGTON DC 20006	EASTERN AIR LINES, INC.
MARGARET K. HARDING 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP
JUDY L. HARRIS SUITE 409 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC
WILLIAM H. HARSHA 1102 DELF DRIVE MCLEAN VA 22101	WM. H. HARSHA & ASSOC., INC. (FOR: AIRLINE PILOTS' ASSN)
ARTHUR W. HARTMANN 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN
JULIANE B. HARVEY SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID CO
JANET HATHAWAY 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH
ROBERT A. HAYNOS 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION
MARY CONNELL HEDBERG SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM, INC
PATTI HEDGE 278 POST STREET SAN FRANCISCO CA 94108	WILDERNESS SOCIETY
STEVEN B. HELLEM NEDA/CAAP 605 14TH STREET, NW WASHINGTON DC 20005	E. BRUCE HARRISON COMPANY, INC
HERRICK & SMITH 100 FEDERAL STREET BOSTON MA 02110	SMITH COLLEGE
CAROL M. HERRINGTON 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO
PAT I. HETH SUITE 906 1625 K STREET, NW WASHINGTON DC 20006	KERR-MCGEE CORPORATION
STEPHEN HITCHNER 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
HOGAN & HARTSON 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	DESIGN PROFESSIONS GROUP
Do	GLENDALE FEDERAL SAVINGS & LOAN ASSN
Do	NATIONAL HOSPICE EDUCATION PROJECT
HOLLAND & KNIGHT 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	RSV MINING EQUIPMENT B.V.
HOPKINS & SUTTER THREE FIRST NATIONAL PLAZA, #4200 CHICAGO IL 60602	CBI INDUSTRIES, INC
Do	CONGOLEUM CORPORATION
Do	MANAGEMENT INSIGHTS, INC
JOHN A. HOWES SUITE 290 1050 17TH STREET, NW WASHINGTON DC 20036	CONSUMERS POWER CO
HUGHES HUBBARD & REED SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	CONTINENTAL AIR LINES, INC
Do	GROCERY MANUFACTURERS OF AMERICA, INC
VESTER T. HUGHES JR. HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	AMERICAN GENERAL LIFE INSURANCE CO
Do	AMERICAN NATIONAL INSURANCE COMPANY
Do	REPUBLIC NATIONAL LIFE INSURANCE COMPANY
MARGOT SMILEY HUMPHREY 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)
GARY HYMEL THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
FRANK N. IKARD TENTH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY
JOHN H. INGRAM NICKERSON-INGRAM & ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY
IVINS, PHILLIPS & BARKER, CHTD., 1700 PENNSYLVANIA AVE NW WASHINGTON DC	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION
CHARLES L. JACKSON 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC.)
DOUGLAS F. JOHN, MCDERMOTT, WILL & EMERY 1850 K STREET, NW, #500 WASHINGTON DC 20006	MEDINA ELECTRIC COOPERATIVE, INC
Do	SOUTH TEXAS ELECTRIC COOPERATIVE, INC
CLIFFORD T. JOHNSON 1700 NORTH MOORE STREET ROSSLYN VA 22209	BOEING MILITARY AIRPLANE COMPANY
GEORGE DEAN JOHNSON JR., JOHNSON SMITH & HIBBARD P.O. BOX 5524 SPARTANBURG SC 29304	WASTE MANAGEMENT, INC
LAWRENCE D. JOHNSON 800 NORTH HIGHLAND AVENUE ORLANDO FL 32803	UNION NAVIGATION CORP, LTD (HONGKONG CORP)
PAULA JOHNSON 4789 POTOMAC AVENUE, NW WASHINGTON DC 20007	NATIONAL ASSN OF STEVEDORES
JONES & WINBURN SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	CITY OF BATON ROUGE
THEODORE L. JONES 3081 TEDDY DRIVE, BATON ROUGE LA 70809	INSURANCE ASSN OF CONNECTICUT
JONES, DAY, REAVIS & POGUE 1735 I ST., NW WASHINGTON DC 20006	MISSISSIPPI CHEMICAL CORP
DAVID W. JOYNER 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN
LINDA HELLER KAMM 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)
KAPLAN RUSSIN & VECCHI 1218 16TH STREET, NW WASHINGTON DC 20036	AMERICAN CHAMBER OF COMMERCE OF THE DOMINICAN REPUBLIC
Do	TADIRAN ISRAEL ELECTRONICS INDUSTRIES, LTD
ALAN C. KAUFFMAN 2600 FIDELITY BUILDING PHILADELPHIA PA 19109	
JOSEPH D. KEEFER SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION
JOHN D. KELLY 1875 EYE STREET, NW WASHINGTON DC 20006	TOBACCO INSTITUTE
ART KENNEDY P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC
JOHN E. KENNEDY VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES
EDWARD B. KENNEY & ASSOCIATES, INC SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA
KING & SPALDING 1915 I STREET, NW WASHINGTON DC 20006	
JANIE A. KINNEY #408 1015 18TH ST., NW WASHINGTON DC 20036	MERCK & CO, INC
PAUL G. KIRK JR. SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL FOOTBALL LEAGUE
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS 1900 M ST., NW WASHINGTON DC 20036	AMERICAN STOCK EXCHANGE
KIRLIN, CAMPBELL & KEATING SUITE 800 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN
RICHARD L. KLASS 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMAMENTS)
KOMINERS, FORT, SCHLEFER & BOYER 1776 F ST., NW WASHINGTON DC 20006	COUNCIL OF EDUCATIONAL SHIPOWNERS
JAMES C. KRONE 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC
KUTAK, ROCK & HUIE 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF INDUSTRIAL & OFFICE PARKS
Do	RONALD E. ROBINSON
BRUCE C. LADD JR. 1776 K STREET, NW WASHINGTON DC 20006	MOTOROLA, INC
ROBERT A. LADIG, SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY
JAMES H. LAKE SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMERICAN BAKERS ASSN
Do	RSV MINING CO.
V. KIM LAMB SUITE 515 1835 K STREET, NW WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES
STEPHEN K. LAMBRIGHT 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC.
LANGHAM PETROLEUM EXPLORATION CORP. SUITE 3100 11 GREENWAY PLAZA HOUSTON TX 77046	
LATHAM, WATKINS, & HILLS SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	IRVINE COMPANY
Do	THOMAS SAFRAN & ASSOCIATES
JOAN H. LAVOR 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA
CORNELIUS J. LEARY 2113 COUNTRYSIDE DRIVE SILVER SPRING MD 20904	AMERICAN COUNCIL OF INTERNATIONAL PERSONNEL, INC
ELIZABETH LEMOND 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE
JOHN LENGEL, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
ANN LENTS, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN
Do	FINNIGAN CORPORATION
LESLIE LEVY 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE
LEWIS AND ROCA 100 WEST WASHINGTON PHOENIX AZ 85003	INSPIRATION CONSOLIDATED COPPER COMPANY
LILLICK MCHOSE & CHARLES 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	JOHNSON SCANSTAR
Do	KAISER STEEL CORP
RON M. LINTON SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER
CHARLES B. LIPSEN 1826 CALVERT STREET, NW WASHINGTON DC 20006	KEMP, KLEIN, ENDELMEN & BEER
LOOMIS OWEN FELLMAN & HOWE 2020 K ST., NW WASHINGTON DC 20006	BOOK MANUFACTURERS' INSTITUTE, INC
RODNEY W. LOWMAN SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORPORATION
SUSAN LUIPERSBECK 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
THOMAS L. MACK 12808 BRUSHWOOD TERRACE POTOMAC MD 20854	BECHTEL POWER CORPORATION
J. LYNN MADDOX SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC
FRANCIS E. MAGUIRE JR. 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN
MANATT, PHELPS, ROTHENBERG & TUNNEY SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	JMB REALTY CORPORATION
Do	MARLINE OIL CORP
Do	MID ATLANTIC NEPHROLOGY CENTER, LTD
THOMAS P. MARINIS JR. 3300 FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: GALVESTON WHARVES OF THE CITY OF GALVESTON, TEXAS)
Do	VINSON & ELKINS (FOR: GUADALUPE BLANCO RIVER AUTHORITY)
Do	VINSON & ELKINS (FOR: MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT CORP
LUTHER A. MARKWART SUITE 1019 1156 15TH STREET, NW WASHINGTON DC 20005	AMERICAN SUGARBEET GROWERS ASSN
JOHN M. MARTIN JR. 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	JEWELRY INDUSTRY COORDINATING COMMITTEE

Organization or Individual Filing	Employer/Client
COLIN D. MATHEWS 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)
RICHARD D. MATHIAS SUITE 901 1660 L STREET, NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC
MARSHALL L. MATZ, BARNETT & ALAGIA 1627 K STREET, NW WASHINGTON DC 20006	AFFILIATED FOOD PROCESSORS, INC
Do	AMERICAN BAKERS ASSOCIATION
JEFFREY G. MAYS SUITE 400E 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN
JOHN C. MCCARTHY BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC
Do	STATE OF LOUISIANA
MARK T. MCDERMOTT, JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036	CIVIL PILOTS FOR REGULATORY REFORM
MCKENNA, CONNER & CUNEO 3435 WILSHIRE BOULEVARD LOS ANGELES CA 90010	AHMANSON FOUNDATION
MICHAEL R. MCLEOD, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	LEAF TOBACCO EXPORTERS ASSN
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE 1155 15TH STREET, NW WASHINGTON DC 20005	DAVIS POLK & WARDWELL
Do	NATIONAL OFFICE MACHINE DEALERS ASSN
MEEHAN & STOELKER 2200 TWO GIRARD PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP
MERRILL LYNCH & CO., INC. SUITE 906 1818 L STREET, NW WASHINGTON DC 20036	
BRIAN M. MEYER 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN
LARRY D. MEYERS SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	CALIFORNIA WESTSIDE FARMERS
Do	NATIONAL PEANUT GROWERS GROUP
Do	NORTH CAROLINA FARM BUREAU
MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114	
S. F. MIERS JR. BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY
JOE D. MILLER 535 NORTH DEARBORN ST. CHICAGO IL 60610	AMERICAN MEDICAL ASSN
ROBERTA BALSTAD MILLER SUITE 300 1755 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS
CHARLES A. MONFORT SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS
JEANNE MORIN 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
MORRISON & FOERSTER, #800, 1920 N STREET, NW WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO
FRANK DOMINIC MUSICA 1625 EYE STREET, NW WASHINGTON DC 20006	AMERICAN SOCIETY OF CIVIL ENGINEERS
CLIFFORD M. NAEVE SUITE 503 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN
ALAN Y. NAFTALIN 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)
LOUIS NAGY BOND COURT BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING
NATIONAL ASSN OF INSURANCE BROKERS, INC SUITE 700 311 FIRST STREET, NW WASHINGTON DC 20001	
NATIONAL ASSN OF PENSION FUNDS 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	
NATIONAL ASSN OF STEVEDORES SUITE 705 1899 L STREET, NW WASHINGTON DC 20036	
NATIONAL VICTIMS OF CRIME 715 EIGHTH STREET, NW WASHINGTON DC 20003	
NEILL & COMPANY, INC SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR
NEILL & MULLENHOLZ SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT OF EL SALVADOR
E. COLETTE NELSON SUITE 540 8401 CORPORATE DRIVE LANDOVER MD 20785	AMERICAN SUBCONTRACTORS ASSN, INC
NOSSAMAN, KRUEGER & MARSH 1140 19TH ST., NW, #600 WASHINGTON DC 20036	FOOD MARKETING INSTITUTE
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS, INC
Do	MOBIL OIL CORP
MICHAEL NOVELLI 3012 CAMBRIDGE PLACE, NW WASHINGTON DC 20007	PACIFIC POTOMAC SERVICES
O'CONNOR & HANNAN 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	BERENERGY CORPORATION
Do	BLYTH EASTMAN PAINE WEBBER HEALTH CARE FUNDING, INC
Do	CLAIBORNE GASOLINE COMPANY
Do	CNA INSURANCE
Do	CRINCO INVESTMENTS, INC
Do	GOLDEN GATEWAY CENTER
Do	GOLDMAN SACHS & CO.
Do	INSURANCE ECONOMICS SOCIETY OF AMERICA
Do	LORD, BISSELL & BROOK
Do	MERRILL LYNCH WHITE WELD CAPITAL MARKETS GROUP
Do	MINNEAPOLIS COMMUNITY DEVELOPMENT AGENCY
Do	PADDOCK PUBLICATIONS, INC
Do	WORLD BOOK LIFE INSURANCE COMPANY
O'MELVENY & MYERS 1800 M ST., NW WASHINGTON DC 20036	LOCKHEED CORPORATION
Do	WARNER COMMUNICATIONS, INC.
O'NEILL AND HAASE, P.C. SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	MARRIOTT CORPORATION
PATRICIA M. O'TOOLE SUITE 800 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA
R.Q. OLD AND ASSOCIATES, INC. 205 THE STRAND ALEXANDRIA VA 22314	FORD AEROSPACE & COMMUNICATIONS CORP
OREGON STEEL MILLS C/O GOVERNMENT RELATIONS ASSOCIATES, INC 1629 K STREET, NW, #401 WASHINGTON DC 20006	
ELVIRA J. ORLY 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY
JOSE A. ORTIZ-DALIOT SUITE 410 1522 K STREET, NW WASHINGTON DC 20005	HOUSE OF REPRESENTATIVES - P.R.
HIDEAKI OTAKA SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC
JACK W. OWEN SUITE 500 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN
PARRISH & CHAMBERS, INC. SUITE 1510 1300 17TH ST., NW ARLINGTON VA 22209	FORUM COMMUNICATIONS
Do	WESTINGHOUSE ELECTRIC CORP
PATTON BOGGS & BLOW SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS
Do	CITY NATIONAL BANK OF BEVERLY HILLS, CA
Do	COUPON BOND TAX COMMITTEE
Do	E.F. HUTTON LIFE INSURANCE COMPANY
Do	INDECO, INC
Do	LOCKHEED AIRCRAFT
Do	NATIONAL COALITION FOR PORT PROGRESS
PAUL, HASTINGS, JANOFSKY & WALKER 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO
PAUL WEISS RIFKIND WHARTON & GARRISON 345 PARK AVE. NEW YORK NY 10022	CHRIS-CRAFT INDUSTRIES, INC
Do	COLT INDUSTRIES, INC
PEABODY, LAMBERT & MEYERS 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GOVERNMENT OF THE VIRGIN ISLANDS
Do	VIRGIN ISLANDS TRADE & ECONOMIC DEVELOPMENT INSTITUTE
ANDREW PENN 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN LOGISTICS ASSN
PERKINS COIE STONE OLSEN & WILLIAMS SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BOEING COMPANY
WILLIAM G. PHILLIPS, D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN VOCATIONAL ASSN
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS
PIERSON BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036	BOEING COMPANY
RICHARD POLLACK 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN
MARK POWDEN SUITE 408 815 16TH STREET, NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPT., AFL-CIO
POWELL GOLDSTEIN FRAZER & MURPHY SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	COMMITTEE AGAINST REGULATION OF VIDEO ENTERPRISES
Do	RUBBER MANUFACTURERS ASSN
PRESTON THORGRIMSON ELLIS & HOLMAN 1776 G ST., NW, #500 WASHINGTON DC 20006	BELLINGHAM COLD STORAGE
Do	BOEING COMPANY
Do	PORT OF TACOMA
BARBARA J. PRICE SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY
R/A AND ASSOCIATES SUITE 801 1100 17TH STREET, NW WASHINGTON DC 20036	WAGNER & BARODDY
RADNOR CORPORATION P.O. BOX 1308 JUPITER FL 33458	
RAGAN & MASON 900 17TH ST., NW WASHINGTON DC 20006	CURTISS-WRIGHT CORP
LAW OFFICES OF JOHN SUITE 429 1800 K STREET, NW WASHINGTON DC 20006	BOARD OF TRADE CLEARING CORP
ROBERT A. RAPOZA SUITE 8G 1016 16TH STREET, NW WASHINGTON DC 20036	CAMPAIGN FOR COMMUNITY ECONOMIC DEVELOPMENT
Do	NATIONAL FEDERATION OF HOUSING COUNSELLORS
Do	NATIONAL RURAL HOUSING COALITION
HARRY M. REASONER, VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES
REID & PRIEST 1111 19TH ST., NW WASHINGTON DC 20036	CSX CORP
Do	KAMEHAMEH SCHOOLS/BERNICE P. BISHOP ESTATE
Do	TUCSON ELECTRIC POWER CO
REID & RIEGE, P.C. ONE CONSTITUTION PLAZA HARTFORD CT 06103	WESLEYAN UNIVERSITY
REPUBLIC NATIONAL LIFE INSURANCE COMPANY 3988 N. CENTRAL EXPRESSWAY DALLAS TX 75204	
JAMES E. RICH JR. SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY
STACY RICHARDS SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL
E. GEORGE RIEDEL SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORP
PATRICIA L. ROBERTS SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO
JOHN S. ROBERTSON THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)
Do	GRAY AND COMPANY (FOR: MULTI-FAMILY ACTION COUNCIL)
ROGERS & WELLS 1666 K ST., NW WASHINGTON DC 20006	WILLIAM ANTHONY HOGAN
AL ROGERS 3000 TOWN CENTER SOUTHFIELD MI 48075	M.A.N. TRUCK & BUS CORP
ROGOVIN, HUGE & LENZNER, P.C. 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	SHOSHONE AND ARAPAHOE INDIAN TRIBES

Organization or Individual Filing	Employer/Client
TENO RONCALIO P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP
FRED B. ROONEY 1300 19TH ST., NW, #404 WASHINGTON DC 20036	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)
ROPES & GRAY SUITE 360 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMHERST COLLEGE; WELLESLEY COLLEGE
ROSES, INC. 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	
TOBI Z. ROZEN 910 17TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION
DEBORAH K. RUDOLPH 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN
WILLIAM J. RUMSEY 6630 WEST BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE COMPANY
RANDALL M. RUSSELL PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY
JAMES H. SAMMONS 535 NORTH DEARBORN STREET CHICAGO IL 60610	AMERICAN MEDICAL ASSOCIATION
KLARA B. SAUER.9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC
MARK S. SCHACHT SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	FARMWORKER JUSTICE FUND, INC
MARC J. SCHEINESON 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY
BARI SCHWARTZ, 1625 K STREET, NW WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES
SCOTT COMPANY 8 JACANA ROAD HILTON HEAD SC 29928	BLACK ISLAND PLANTATION
Do	CHARLOTTE HARBOR LAND CO, INC
Do	DAUFUSKIE ISLAND LAND TRUST
Do	FLORIDA LAND COMPANY
Do	GREENWOOD DEVELOPMENT CORP
Do	HARBOR ISLAND DEVELOPMENT CO
Do	ISLAND DUNES
Do	KIAWAH ISLAND COMPANY
Do	LEISURE PROPERTIES, LTD
Do	MILAM & WILBUR
Do	NEW SEABURY
Do	RDC, INC
Do	SEABROOK ISLAND CO
Do	STOCKMAN WHATLEY DAVIN & CO
SCRIBNER HALL & THOMPSON SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	PHILADELPHIA LIFE INSURANCE CO
CHARLES M. SEEGER III SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL. (FOR NEWCOMB COMMODITIES CORP)
STUART D. SERKIN SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN
SEWARD & KISSEL 919 18TH ST., NW WASHINGTON DC 20006	A. I. LEASING CORP
SHAW PITTMAN POTTS & TROWBRIDGE 1800 M ST., NW, #900-S WASHINGTON DC 20036	AKAI AMERICA, LTD
Do	HITACHI SALES CORP OF AMERICA
Do	MATSUSHITA ELECTRIC CORP OF AMERICA
Do	MITSUBISHI ELECTRIC SALES OF AMERICA, INC
Do	NEC ELECTRONICS (USA) INC
Do	SANSUI ELECTRONICS CORPORATION
Do	SANYO ELECTRIC, INC
Do	SHARP ELECTRONICS CORPORATION
Do	SONY CORP OF AMERICA
Do	TOSHIBA AMERICA, INC
Do	US JVC CORP
SHEA & GOULD 330 MADISON AVE. NEW YORK NY 10017	DANVILLE RESOURCES, INC
Do	HOSPITAL CORP OF AMERICA
JAY SHERMAN 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
ROBERT VERNON SHIRLEY 35 E STREET, NW WASHINGTON DC 20001	PELTON RESEARCH CENTER
SHOOSHAN & JACKSON, INC 1850 K STREET, NW WASHINGTON DC 20006	
HARRY M. SHOOSHAN III 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)
MARK A. SIEGEL & ASSOC., INC., 400 N. CAPITOL ST. #368, WASHINGTON DC 20001	NESTLE COORDINATION CENTER FOR NUTRITION, INC.
BARBARA I. SIMON 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY
WILLIAM G. SIMPSON SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	J.R. SCRIBNER ENTERPRISES
GREGG P. SKALL BLUM & NASH 1015 18TH STREET, NW WASHINGTON DC 20036	UNIDEN CORP OF AMERICA
BETH SUSAN SLAVET ROOM 164 1776 PENNSYLVANIA AVE., NW WASHINGTON DC 20547	AMERICAN FED OF GOVERNMENT EMPLOYEES, LOCAL 1812
CATHERINE REISS SLOAN 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)
PETER SMALL 400 MADISON AVENUE NEW YORK NY 10017	PETER SMALL & ASSOCIATES, INC. (FOR: WILLIAM M. MERCER, INC.)
SMATHERS SYMINGTON & HERLONG SUITE 400 1700 K ST., NW WASHINGTON DC 20006	NATIONAL HOCKEY LEAGUE
JEFFREY A. SMITH SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC
KERN SMITH BOX 24200 SW STATION WASHINGTON DC 20024	AMERICAN HEALTH INDUSTRIES
WILLIAM L. SOLLEE 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PUBLIC SERVICE ELECTRIC & GAS CO.
CHARLES R. SONNIER, SONNIER & HEBERT P.O. BOX 1101 ABBEVILLE LA 70510	
PHILIP SPESER 1755 MASSACHUSETTS AVE, NW #300 WASHINGTON DC 20036	CONSORTIUM OF SOCIAL SCIENCE ASSNS
DAVID P. STANG, P.C. SUITE 601 1629 K ST., NW WASHINGTON DC 20006	EMPLOYEE STOCK OWNERSHIP ASSN
STATE & FEDERAL ASSOCS, INC SUITE 204 1101 15TH ST., NW WASHINGTON DC 20005	WASTE MANAGEMENT, INC
SAMUEL E. STAVISKY & ASSOCIATES, INC SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	INSTITUTO BRASILEIRO DO CAFE
SAMUEL E. STAVISKY 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)
J. C. STEEN 406 FIRST STREET, SE WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP
Do	GENERAL MOTORS CORPORATION
MARCY STEPHENS 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE
MICHAEL K. STEPHENSON ONE WASHINGTON CIRCLE, NW WASHINGTON DC 20006	BECHTEL POWER CORP
WILLIAM P. STEPONKUS, STEPONKUS & ASSOCIATES 815 CONNECTICUT AVE., NW, #810 WASHINGTON DC 20006	UNITED SERVICES AUTOMOBILE ASSN
STEPTOE & JOHNSON 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALLIANCE FOR CANNABIS THERAPEUTICS
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO., ET AL.
RICHARD H. STERN 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	INTEL CORPORATION
EUGENE L. STEWART 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC.
PATTI A. STOLL 100 FEDERAL STREET BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON
JOHN C. STONE BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC
Do	STATE OF LOUISIANA
KAREN PELTZ STRAUSS 600 NEW JERSEY AVENUE, NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION
SULLIVAN & CROMWELL 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	INCO UNITED STATES, INC
Do	INTERCONTINENTAL HOTELS CORPORATION
Do	LIGGETT GROUP, INC
Do	MERRILL LYNCH PIERCE FENNER & SMITH, INC.
SUNSET DESIGNS 3401 CROW CANYON ROAD SAN RAMON CA 94583	
SURREY & MORSE 1156 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN
SUTHERLAND ASBILL & BRENNAN 1666 K ST., NW WASHINGTON DC 20006	BAKER INTERNATIONAL
Do	HOLLYWOOD, INC
Do	MACCABEES MUTUAL LIFE INSURANCE CO
Do	NESTLE COORDINATION CENTER FOR NUTRITION, INC
DEBORAH SWARTZ 644 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20515	FOOTWEAR INDUSTRIES OF AMERICA
ALBERT S. TABOR JR., VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES
ROBERT TAFT JR 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	TAFT STETTINIUS & HOLLISTER (FOR: STORER BROADCASTING COMPANY)
TALCOTT MCCABE & BOWSER SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	HOLIDAY INNS, INC
Do	NATIONAL ASSN OF HOMES FOR CHILDREN
Do	SERVICEMASTER INDUSTRIES, INC
Do	UNITED STATES INDUSTRIAL COUNCIL
MARY LOU TANTON 2028 P STREET, NW WASHINGTON DC 20036	FAIR CONGRESSIONAL TASK FORCE
JOHN F. TATE 8428 AUBREY DRIVE MANASSAS VA 22111	U.S. DEFENSE COMMITTEE
MARGO THORNING 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION
TIMMONS & CO, INC 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING COS., INC
Do	ANHEUSER-BUSCH COS., INC
WILLIAM J. TOBIN SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE
DAVID R. TOLL 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP
ANN TONJES 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS
JOHN B. TOONE P.O. BOX 970 FORT WORTH TX 76101	TEXAS ELECTRIC SERVICE CO
JOHN G. TOTH 11935 BARREL COOPER CT. RESTON VA 22091	RESTON ADVISER COMMITTEE
JEFFREY B. TRAMMELL 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORP)
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL SUITE 607 1899 L STREET, NW WASHINGTON DC 20036	
LAURENCE H. TRIBE, P.C. 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC
THOMAS TRUAX 1401 21ST STREET SACRAMENTO CA 95814	AMERICAN HEALTH CARE ASSN
ANH TU SUITE 501 800 25TH STREET, NW WASHINGTON DC 20037	PROJECT ADVISORY GROUP
MARY TUCKER 1771 CHURCH ST., NW WASHINGTON DC 20036	NUCLEAR INFORMATION & RESOURCE SERVICE
WILLIAM J. TURENNE 1901 L STREET, NW WASHINGTON DC 20036	ELI LILLY AND COMPANY

Organization or Individual Filing	Employer/Client
JOSEPH D. TYDINGS 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	PLAINTIFF CLASS, CORRUGATED CONTAINER ANTITRUST LITIGATION
Do	PLAINTIFF CLASS, PLYWOOD ANTITRUST LITIGATION
U.S. DEFENSE COMMITTEE 3238 WYNFORD DRIVE FAIRFAX VA 22031	
U.S. INDUSTRIAL COUNCIL 3RD FLOOR, REALTORS BUILDING 306 GAY ST. NASHVILLE TN 37219	
ULLMAN CONSULTANTS, INC. 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	INTERNATIONAL TITANIUM, INC.
Do	OREGON METALLURGICAL CORP
CHARLES K. UNGER SUITE 601 307 YOAKUM PARKWAY ALEXANDRIA VA 22304	NATIONAL ASSN OF STEVEDORES
UNITED IRISH & AMERICAN SOCIETY OF ILLINOIS BOX 219 3400 W. 111TH STREET CHICAGO IL 60655	
YOSHINORI USUI SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC
RONALD D. UTT 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	HAWAIIAN ELECTRIC COMPANY
Do	NATOMAS COMPANY
Do	PEABODY COAL COMPANY
Do	STATE OF ALASKA
JAY N. VARON SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION)
BILLY F. VAUGHN 6630 WEST BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORPORATION
VENABLE, BAETJER, HOWARD & CIVILETTI SUITE 704 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	PHARMACEUTICAL MANUFACTURERS ASSN
VOLPE, BOSKEY & LYONS SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS
VORYS, SATER, SEYMOUR & PEASE SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	DOMINION-CONSOLIDATED TRUCK LINES, LTD.
WALD, HARKRADER & ROSS 1300 19TH ST., NW WASHINGTON DC 20036	HARTFORD STEAM BOILER INSPECTION & INSURANCE CO
CHARLS E. WALKER ASSOCIATES, INC. 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	IDEAL BASIC INDUSTRIES
Do	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION
Do	LONE STAR INDUSTRIES, INC
HENRY L. WALTHER 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF SUITE 802 1015 18TH STREET, NW WASHINGTON DC 20036	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA
DOUGLAS P. WENDEL 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUS ASSN
WEXLER AND ASSOCIATES, INC SUITE 400 1616 H STREET, NW WASHINGTON DC 20006	BENENSON REALITY COMPANY
WILKINSON, CRAGUN & BARKER 1735 NEW YORK AVE., NW WASHINGTON DC 20006	THOMAS L. ASHLEY, P.C.
Do	WICHITA & AFFILIATED TRIBES
WILLIAMS & CONNOLLY 839 17TH ST., NW WASHINGTON DC 20006	BENENSON REALTY COMPANY
WILLIAMS & JENSEN, P.C. 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	THOMAS L. ASHLEY, P.C.
Do	CIGNA
Do	COMM. FOR THE IMPROVE. OF THE TAX LAWS ON ANNUITY TAXATION
Do	COMMITTEE FOR EMPLOYMENT OPPORTUNITIES
Do	CONNECTICUT GENERAL INSURANCE CORP
Do	ESTEE LAUDER, INC
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM
Do	GENERAL ELECTRIC CREDIT CORP
Do	HOUSTON ENDOWMENT, INC
Do	PFIZER, INC
Do	UNIVERSAL FOODS , INC.
Do	NATIONAL CABLE TELEVISION ASSN
WILMER, CUTLER & PICKERING 1666 K ST., NW WASHINGTON DC 20006	CBS, INC
Do	HAPAG-LLOYD, A.G.
JOHN R. WILSON 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING
JOHN P. WINBURN SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	AMERICAN COUNCIL OF LIFE INSURERS
WINSTON & STRAWN #500 2550 M ST., NW WASHINGTON DC 20037	LEASE MANAGEMENT CORP
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY SUITE 350 1575 I ST., NW WASHINGTON DC 20006	COMMERCIAL CREDIT CORP
HUGH A. WOOD P.O. BOX 7598 SAN FRANCISCO CA 94120	ETSI PIPELINE PROJECT
M. ALAN WOODS 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)
WORLDWIDE INFORMATION RESOURCES, LTD SUITE 304 1101 30TH STREET, NW WASHINGTON DC 20007	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S.
Do	HEUBLEIN, INC
Do	PAN AMERICAN WORLD AIRWAYS, INC
Do	STATE OF MONTANA
Do	TOYOTA MOTOR SALES U.S.A., INC
WYATT, SALTZSTEIN, LIPSEN & HAMBERGER 8TH FLOOR 1725 DESALES STREET, NW WASHINGTON DC 20036	GREATER PHILADELPHIA CHAMBER OF COMMERCE
Do	MHD INDUSTRIAL FORUM
Do	OLIVETTI CORP OF AMERICA
Do	STONE & WEBSTER ENGINEERING CORP
ZUCKERT, SCOUTT & RASENBERGER 888 17TH ST., NW WASHINGTON DC 20006	HAZARDOUS WASTE TREATMENT COUNCIL
Do	WORLD AIRWAYS, INC.

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following quarterly reports were submitted for the second calendar quarter 1982:

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:

1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (*a*) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (*b*) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(*a*) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(*b*) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(*c*) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, ☐ place an "X" in the box at the left, so that this Office will no longer expect to receive Reports.

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (*a*) Short titles of statutes and bills; (*b*) House and Senate numbers of bills, where known; (*c*) citations of statutes, where known; (*d*) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (*a*) Description, (*b*) quantity distributed; (*c*) date of distribution, (*d*) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)
6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year
8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter
12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor ("Period" from Jan. 1 through....., 19.....)*
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures
9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year
11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A & S TRANSPORTATION COMPANY 75 JACOBUS AVENUE SOUTH KEARNY NJ 07032			
ROBERT J. AAGRE 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,147.00	174.05
ABADIE AND HUDSON P.O. BOX 2787 BATON ROUGE LA 70821	COASTAL CORPORATION		
Do	MILLER COAL SYSTEMS, INC.		
JOHN P. ABBADESSA 727 SOUTH 23RD STREET SUITE 100 ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
PAUL C. ABENANTE SUITE 850 2020 K ST., NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	1,073.25	3.75
THOMAS G. ABERNETHY SR 3973 STUART PLACE JACKSON MS 39211	U.S. CANE SUGAR REFINERS' ASSN	1,000.00	120.80
ALBERT E. ABRAHAMS 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	466.61
SHERMAN ABRAHAMSON 1201 PENNSYLVANIA AVE, NW #370 DC 20004	CONTROL DATA CORPORATION	45.00	19.73
ACLI INTERNATIONAL, INC 717 WESTCHESTER AVE. WHITE PLAINS NY 10604			
ACTION FOR CHILDREN'S TELEVISION 46 AUSTIN ST. NEWTONVILLE MA 02160		44,089.21	751.04
ACTION, INC. 713 D STREET, S.E. WASHINGTON DC 20003	AMERICAN HOME ECONOMICS ASSN		
Do	AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM	1,875.00	2,065.03
Do	NATIONAL CONGRESS OF AMERICAN INDIANS	500.00	277.79
JOHN J. ADAMS 1919 PENNSYLVANIA AVE, NW, #700 WASHINGTON DC 20036	ETHYL CORPORATION		
Do	VEPCO	1,632.06	
KENNETH R. ADAMS #2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
THOMAS L. ADAMS JR 1101 15TH STREET, NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
HOBSON H. ADCOCK ANDERSON HILL RD. PURCHASE, NY 10577			
V. J. ADDUCI 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
ADVANCE COAL MANAGEMENT CORPORATION 805 NEWTOWN CIRCLE LEXINGTON KY 40511	RSV MINING EQUIPMENT B.V.		
ADVOCATES TO SAVE LEGAL SERVICES, INC. 1625 K ST. NW WASHINGTON, DC		25.00	196.60
AEROSPACE INDUSTRIES ASSN OF AMER, INC 1725 DESALES ST., NW WASHINGTON DC 20036		26,799.85	26,799.85
AFL-CIO MARITIME COMM 100 INDIANA AVE., NW WASHINGTON DC 20001		4,020.00	3,975.70
ELIZABETH AGLE 530 7TH ST., SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC	8,485.77	414.94
ROBERT S. AGMAN 100 INDIANA AVE., NW WASHINGTON DC 20001	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	5.11
HERBERT ALLEN AILSWORTH SUITE 1101 1050 17TH STREET, NW WASHINGTON DC 20036	SANDOZ, INC		47.50
AIR CONDITIONING & REFRIGERATION INSTITUTE 1815 N. FT. MYER DR. ARLINGTON VA 22209		21,000.00	15,500.00
AIR PRODUCTS & CHEMICALS, INC 1800 K ST., NW SUITE 1016 WASHINGTON DC 20006			175.00
AIR TRANSPORT ASSN OF AMER 1709 NEW YORK AVE., NW WASHINGTON DC 20006		37,857.00	37,857.00
RANDOLF H. AIRES 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	3,300.00	120.33
G. COLBURN AKER 1201 PENNSYLVANIA AVE, NW, SUITE 700 WASHINGTON DC 20004	HILL & KNOWLTON, INC		
Do	HILL AND KNOWLTON, INC. (FOR: THERAPEDIC)		
AKIN, GUMP, STRAUSS, HAUER & FELD SUITE 400 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AG - ENERGY RESOURCES, INC	125.00	
Do	AIR FREIGHT ASSOCIATION	500.00	
Do	ALASKA INTERSTATE CO		
Do	AMERADA HESS CORPORATION		
Do	AMERICAN QUASAR PETROLEUM COMPANY	225.00	
Do	AMERICAN TELEPHONE & TELEGRAPH CO	4,000.00	
Do	ARCHER DANIELS MIDLAND COMPANY	500.00	
Do	BEACON OIL CO	750.00	
Do	BENEFICIAL CORPORATION	2,500.00	
Do	CAPITAL BANK		
Do	CITY OF HOUSTON		
Do	COALITION OF SERVICE INDUSTRIES, INC	3,000.00	
Do	COASTAL CORPORATION	2,500.00	
Do	CONTINENTAL AIRLINES	1,350.00	
Do	DAMSON OIL CORP	225.00	
Do	DESERT GRAPE GROWERS LEAGUE OF CALIFORNIA	7,200.00	
Do	E & J GALLO WINERY	3,000.00	
Do	EQUITABLE BANK		
Do	HEMISPHERE NATIONAL BANK		
Do	LONE STAR INDUSTRIES, INC		
Do	LOUISIANA ALCOHOL FUEL COMPANY		
Do	MAPCO INC	1,500.00	
Do	MARLEX PETROLEUM, INC	1,250.00	
Do	METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY	7,000.00	
Do	MILITARY ACCESSORIES SERVICE ASSN., INC		
Do	MISSOURI TERMINAL OIL CO., INC		
Do	MOTION PICTURE ASSN OF AMERICA, INC	24,500.00	6,511.38
Do	MURPHY OIL CORP	225.00	
Do	NATIONAL FOOTBALL LEAGUE	10,000.00	242.37
Do	NEW ENERGY CORPORATION OF INDIANA		
Do	NEW YORK AIR		
Do	NORTHWEST PIPELINE CO		
Do	RINGLING BROS. BARNUM AND BAILEY		
Do	SHEARSON, LOEB RHOADES		
Do	SOUTHLAND ROYALTY CO	225.00	
Do	SUN CO., INC		
Do	TEXAS AIR CORPORATION	5,500.00	
Do	TEXAS INSTRUMENTS INC		
Do	U.S. COMPANIES, INC	225.00	
Do	VALERO ENERGY CORPORATION	225.00	
Do	WAGNER & BROWN	225.00	
JAMES J. ALBERTINE 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
JOHN M. ALBERTINE SUITE 209 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	1,562.50	291.80
ALCALDE, HENDERSON & O'BANNON 1901 N. FT. MYER DR. SUITE 1204 ROSSLYN VA 22209	AMERICAN FISHING TACKLE MFRS ASSN	1,500.00	
Do	ASSOCIATED INDUSTRIES OF FLORIDA	600.00	
Do	BRUNSWICK CORP	3,000.00	
Do	COALITION FOR ENERGY EFFICIENT TRANSPORTATION		
Do	COMPUTER SCIENCES CORP	1,500.00	
Do	CONTINENTAL GROUP, INC		
Do	DADE COUNTY AVIATION DEPARTMENT	1,500.00	
Do	DADE COUNTY SEAPORT AUTHORITY	1,500.00	
Do	JIM WALTER CORP	3,000.00	
Do	NEWSPAPER-BROADCASTER COMMITTEE	15,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	TAMPA ELECTRIC CO	1,500.00	
Do	TAMPA PORT AUTHORITY	3,600.00	
Do	WILDLIFE LEGISLATIVE FUND OF AM		
H. MEADE ALCORN JR. ALCORN, BAKEWELL & SMITH ONE AMERICAN ROW HARTFORD CT 06103	HELEN WODELL HALBACH ESTATE		
CLAUDE D. ALEXANDER SUITE 801 2000 L ST., NW WASHINGTON DC 20036	RALSTON PURINA GOVERNMENT AFFAIRS, INC	400.00	165.00
DONALD C. ALEXANDER, MORGAN LEWIS & BOCKIUS 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036	ASSOCIATED TELEPHONE ANSWERING EXCHANGES, INC		
Do	BALDWIN-UNITED CORPORATION	110.00	
Do	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	330.00	
Do	DISABLED AMERICAN VETERANS	20.00	
Do	EASTERN AIR LINES, INC	130.00	
Do	MERRILL LYNCH LIFE AGENCY, INC	70.00	
Do	SEQUOIA VENTURES, INC	40.00	
WILLIS W. ALEXANDER 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,500.00	46.41
ALL UNIONS COMMITTEE TO SHORTEN THE WORK WEEK 4300 MICHIGAN AVE. DETROIT MI 48210			
MAXTON ALLCOX 400 FIRST ST., NW, RM 801 WASHINGTON DC 20001	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES	11,403.24	
JOSEPH P. ALLEN 1899 L ST., N.W. SUITE 400 WASHINGTON DC 20036	INTELLECTUAL PROPERTY OWNERS, INC	12,282.75	302.47
LORETTA E. ALLEN P.O. BOX 364 ORLEANS CA 95556	D.2. UNIVERSITY		
ROBERT G. ALLEN 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
ALLIANCE FOR CANNABIS THERAPEUTICS PO BOX 23691 L'ENFANT PLAZA STATION WASHINGTON DC 20024		1,647.50	721.21
ALLIANCE OF AMERICAN INSURERS 20 NORTH WACKER DR. CHICAGO IL 60606			4,744.35
ALLIANCE TO SAVE ENERGY 1925 K ST., NW SUITE 507 WASHINGTON DC 20006			655.92
PETER ALLSTROM 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	2,406.24	
JOSEPH C. ALLWARDEN DANIEL WEBSTER HIGHWAY SOUTH MERRIMACK NH 03054	KOLLSMAN INSTRUMENT CO		
HARVEY ALTER 1615 H STREET., N.W. WASHINGTON DC 20062	U.S. CHAMBER OF COMMERCE	200.00	
RICHARD H. ALTMAN 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,260.00	
RICARDO R. ALVARADO 6108 FORT HUNT RD. ALEXANDRIA VA 22307	LOCKHEED CORPORATION	940.00	346.29

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
AMALGAMATED TRANSIT UNION, AFL-CIO 5151 WISCONSIN AVE., NW WASHINGTON DC 20210			
AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001			
AMERICAN ACADEMY OF FAMILY PHYSICIANS 1740 WEST 92ND ST. KANSAS CITY MO 64114		7,141.11	7,141.11
AMERICAN ADVERTISING FEDERATION 1225 CONNECTICUT AVE., NW #401 WASHINGTON DC 20036			295.04
AMERICAN ARTS ALLIANCE 424 C ST., NE WASHINGTON DC 20002		48,311.48	72,434.20
AMERICAN ASSN OF BLOOD BANKS SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209			
AMERICAN ASSN OF CROP INSURERS 209 W. JACKSON BLVD. CHICAGO IL 60606		6,000.00	6,000.00
AMERICAN ASSN OF EQUIPMENT LESSORS 1300 N. 17TH ST, #1010 ARLINGTON, VA 22209			
AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE SUITE 210 5410 GROSVENOR LANE BETHESDA MD 20814			54.94
AMERICAN ASSN OF HOMES FOR THE AGING SUITE 770 1050 17TH ST., NW WASHINGTON DC 20036		3,410.00	3,410.00
AMERICAN ASSN OF MEAT PROCESSORS P.O. BOX 269 ELIZABETHTOWN PA 17022		76.48	4,190.02
AMERICAN ASSN OF PORT AUTHORITIES, INC 1612 K ST., NW WASHINGTON DC 20006			20,612.67
AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS 5410 GROSVENOR LA. SUITE 210, BETHESDA, MD 20814			73.68
AMERICAN ASSN OF UNIVERSITY WOMEN 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			513.23
AMERICAN AUTOMOBILE ASSN 8111 GATEHOUSE RD. FALLS CHURCH VA 22047			
AMERICAN BANKERS ASSN 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036		34,324.64	34,324.64
AMERICAN BUSINESS CONFERENCE 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036		1,100.00	2,088.20
AMERICAN COUNCIL FOR CAPITAL FORMATION SUITE 520 1850 K ST., NW WASHINGTON DC 20006		5,973.00	8,722.00
AMERICAN COUNCIL OF LIFE INSURANCE, INC 1850 K ST., NW WASHINGTON DC 20006			50,349.08
AMERICAN FARM BUREAU FED 225 TOUHY AVE PARK RIDGE IL 60068		118,991.00	118,991.00
AMERICAN FED OF LABOR AND CONG OF INDUSTRIAL ORGANIZATIONS 815 16TH ST., NW WASHINGTON DC 20006			146,584.22
AMERICAN FEED MFRS ASSN 1701 N. FT. MYER DR. ARLINGTON VA 22209		3,000.00	3,000.00
AMERICAN FROZEN FOOD INST 1700 OLD MEADOW ROAD MCLEAN VA 22102			7,970.65
AMERICAN GENERAL LIFE INSURANCE COMPANY 2727 ALLEN PARKWAY HOUSTON TX 77001			596.15
AMERICAN HELLENIC INSTITUTE PUBLIC AFFAIRS COMMITTEE 1730 K ST., NW WASHINGTON DC 20006			
AMERICAN HONEY PRODUCERS ASSN PO BOX 368 MINCO OK 73059			
AMERICAN HOTEL & MOTEL ASSN 888 SEVENTH AVE. NEW YORK NY 10019		15,805.63	7,303.05
AMERICAN INST OF MERCHANT SHIPPING SUITE 1000 1625 K ST., NW WASHINGTON DC 20006			1,419.50
AMERICAN INSURANCE ASSN 85 JOHN ST. NEW YORK NY 10038		2,052.00	2,052.00
AMERICAN ISRAEL PUBLIC AFFAIRS COMM #412 444 N. CAPITOL ST., NW WASHINGTON DC 20001		81,282.00	99,248.87
AMERICAN LAND TITLE ASSN 1828 L ST., NW WASHINGTON DC 20036			6,104.00
AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE #4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024		23,799.82	23,799.82
AMERICAN LIBRARY ASSN 50 E. HURON ST. CHICAGO IL 60611		1,159.07	7,792.57
AMERICAN MARITIME ASSN 17 BATTERY PLACE-NORTH NEW YORK NY 10004			250.00
AMERICAN MEAT INSTITUTE PO BOX 3556 WASHINGTON DC 20007		11,744.26	11,744.26
AMERICAN MEDICAL ASSN 535 NORTH DEARBORN ST. CHICAGO IL 60610		1,045.00	31,793.10
AMERICAN MOVERS CONFERENCE 400 ARMY-NAVY DR. ARLINGTON, VA 22202			2,469.68
AMERICAN NATL INSURANCE COMPANY ONE MOODY PLAZA GALVESTON TX 77550			796.15
AMERICAN NEWSPAPER PUBLISHERS ASSN BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041		20,117.11	20,117.11
AMERICAN NUCLEAR ENERGY COUNCIL 410 1ST ST., SE WASHINGTON DC 20003		253,607.70	57,073.84
AMERICAN NURSES' ASSN 2420 PERSHING RD KANSAS CITY MO 64108		14,968.73	14,968.73
AMERICAN OPTOMETRIC ASSN 600 MARYLAND AVE., SW, SUITE 400E WASH. DC 20024		446.97	446.97
AMERICAN ORTHOTIC AND PROSTHETIC ASSN. 717 PENDLETON ST. ALEXANDRIA VA 22314			
AMERICAN PAPER INST, INC 260 MADISON AVE. NEW YORK NY 10016			
AMERICAN PARATRANSIT INSTITUTE P.O. BOX 340276 CORAL GABLES FL 33134			1,200.00
AMERICAN PERSONNEL & GUIDANCE ASSOCIATION 5203 LEESBURG PIKE FALLS CHURCH VA 22041		20,353.44	18,978.69
AMERICAN PETROLEUM INST 2101 L ST., NW WASHINGTON DC 20037		200,270.00	233,666.00
AMERICAN PHYSICAL THERAPY ASSN 1156 15TH ST., NW WASHINGTON DC 20005		5,021.41	5,021.41
AMERICAN PODIATRY ASSN 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015			21,307.82
AMERICAN POSTAL WORKERS UNION, AFL-CIO 817 14TH ST., NW WASHINGTON DC 20005		4,529,610.04	300,562.82
AMERICAN PUBLIC TRANSIT ASSN 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036		17,063.00	17,063.00
AMERICAN PULPWOOD ASSN 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SEED TRADE ASSN SUITE 964 1030 15TH ST., NW WASHINGTON DC 20005			11,350.00
AMERICAN SHORT LINE RAILROAD ASSN 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
AMERICAN SOYBEAN ASSOCIATION SUITE 510 600 MARYLAND AVE., S.W. WASHINGTON DC 20024		4,125.00	2,418.16
AMERICAN SURVEYS EMBASSY SQUARE (SUITE 901) 2000 N ST., NW WASHINGTON DC 20036	NATIONAL CUSTOMS BROKERS & FORWARDERS ASSN OF AMERICA	512.25	322.98
AMERICAN TEXTILE MFRS INST SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		42,169.23	42,169.23
AMERICAN TRUCKING ASSNS, INC 1616 P ST., NW WASHINGTON DC 20036		10,290.06	76,955.85
AMERICAN VETERINARY MEDICAL ASSN SUITE 828 1522 K ST., NW WASHINGTON DC 20005			55.00
AMERICAN WATERWAYS OPERATORS, INC SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		9,510.00	6,874.85
MORRIS J. AMITAY SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	ENI COMPANIES	5,000.00	
Do	HICKORY ASSOCIATION	500.00	
Do	NORTHROP CORP.	3,000.00	
Do	PAN AMERICAN WORLD AIRWAYS, INC	3,500.00	
EDWARD ANDERSEN 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	785.00	
ANDERSON & PENDLETON SUITE 707 1000 CONNECTICUT AVE. NW WASHINGTON DC 20036	MILITARY MISSION OF CHILE		
ANTHONY L. ANDERSON 1800 K ST., NW, SUITE 820 WASHINGTON DC 20006	SUN CO, INC	4,934.00	182.90
ARNE ANDERSON 1325 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20005	AMERICAN FEDERATION OF GOVERNMENT EMPOLOYEES	7,604.31	
BETTE B. ANDERSON THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
J. LEM ANDERSON 888 16TH ST., NW WASHINGTON DC 20006	TIME INC	2,500.00	7.19
M. KENT ANDERSON BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY	1,800.00	1,806.78
ROBERT L. ANDERSON JOHN DEERE RD. MOLINE IL 61265	DEERE & COMPANY		
STEVEN C. ANDERSON 1700 OLD MEADOW RD. MCLEAN, VA 22102	AMERICAN FROZEN FOOD INST	5,000.00	
WAYNE C. ANDERSON 1629 K ST., NW WASHINGTON DC 20006	NABISCO, INC.	5,000.00	1,273.07
WILLIAM C. ANDERSON 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		62.50
JACK O. ANDRESEN 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ANDREWS & KURTH 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	SPACE SERVICES INC. OF AMERICA		
ROBERT ANGEL 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
JACK R. ANGELL 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO		
JAY ANGOFF 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	3,749.99	
J. DONALD ANNETT 1050 17TH ST., NW, #500 WASHINGTON DC 20036	TEXACO, INC.	500.00	
TOBIAS ANTHONY 1612 K ST., NW, #706 WASHINGTON DC 20006	RESEARCH-COTTRELL, INC	3,000.00	184.00
APARTMENT & OFFICE BUILDING ASSOC. OF METROPOLITAN WASH. D.C. 1413 K STREET., NW SUITE 600 WASHINGTON DC 20005.			
JOHN D. AQUILINO JR 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
JOHN CHRISTIAN ARCHER 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN ARCHER 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
ROY A. ARCHIBALD 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
ARENT, FOX, KINTNER, PLOTKIN & KAHN 1815 H ST., NW WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	58,408.65	3,779.52
Do	INTELSAT	7,751.40	51.68
Do	MOTOR & EQUIPMENT MANUFACTURERS ASSN	7,500.00	
Do	URANERZBERGBAU-GMBH		1,169.41
J. KNOX ARGO, ARGO & ENSLEN, P.C. P.O. BOX 1550 MONTGOMERY AL 36102	MOTION PICTURE ASSN OF AMERICA, INC		
ARKANSAS 2000, INC P.O. BOX 1776 RUSSELLVILLE AR 72801			
ARNOLD & PORTER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FEDERATION OF APPAREL MANUFACTURERS		19.65
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS	2,200.00	75.00
Do	SHELTER INSURANCE COS	250.00	4.95
Do	TABLE GRAPE GROWERS ASSN. OF SONORA, MEXICO	960.00	55.90
CARL F. ARNOLD 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN FAMILY CORP	480.00	
Do	AMERICAN IRON & STEEL INSTITUTE	750.00	
Do	AMERICAN PETROLEUM INST	11,250.00	
Do	CORPORATE PROPERTY INVESTORS	500.00	
Do	MORTGAGE GUARANTY INSURANCE CORP.	350.00	
Do	NATIONAL REALTY COMMITTEE	1,000.00	
Do	QUINTANA PETROLEUM CORP	375.00	
Do	QUINTANA REFINING COMPANY	375.00	
Do	SECURITIES INDUSTRY ASSN	350.00	
Do	SECURITY FIRST GROUP, INC	500.00	
ASBILL & JUNKIN SUITE 401 419 7TH STREET, NW WASHINGTON DC 20004	COALITION ON SMOKING OR HEALTH	18,976.25	11,173.00
THOMAS LUDLOW ASHLEY, P.C. 1730 PENNSYLVANIA AVENUE, N.W. SUITE 1050 WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC.		
Do	FEDERAL HOME LOAN MORTGAGE CORP	18,725.00	
Do	GENERAL PUBLIC UTILITIES, INC.	5,000.00	13,418.52
Do	IRVING TRUST CO.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TELEDYNE CAE		
Do	TOLEO-LUCAS COUNTY PORT AUTHORITY		
JOSEPH ASHOOH 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ASPHALT ROOFING MANUFACTURERS ASSOCIATION 1800 MASSACHUSETTS AVE., NW WASHINGTON, DC 20036			
ASSOCIATED BUILDERS & CONTRACTORS, INC SUITE 409 444 N. CAPITOL ST., NW WASHINGTON DC 20001		13,500.00	
ASSOCIATED CREDIT BUREAUS, INC 16211 PARK-TEN PLACE P.O. BOX 218300 HOUSTON TX 77084			171.64
ASSOCIATED EMPLOYERS, INC 1222 N. MAIN SUITE 315A SAN ANTONIO TX 78212			
ASSOCIATED GENERAL CONTRACTORS OF AMERICA 1957 E ST., NW WASHINGTON DC 20006			
ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER 10 BROADWAY ST.LOUIS MO 63102			7,500.00
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN, P O BOX 8068 WASHINGTON, DC 20024			1,346.42
ASSOCIATION OF AMERICAN PUBLISHERS 2005 MASS. AVE, NW WASHINGTON DC 20036		7,976.55	7,976.55
ASSOCIATION OF AMERICAN RAILROADS AMERICAN RAILROADS BLDG., SUITE 720 1920 L ST., NW WASHINGTON DC 20036		36,853.83	36,853.83
ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES SUITE 828 1522 K ST., NW WASHINGTON DC 20005			
ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS 1300 NORTH 17TH ST. SUITE 300 ARLINGTON VA 22209			1,219.80
ASSOCIATION OF GOVERNMENT ACCOUNTANTS SUITE 100 727 SOUTH 23RD ST. ARLINGTON VA 22202			
ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC 1735 DESALES ST., NW WASHINGTON DC 20036			4,387.26
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC. 1201 PA. AVE NW SUITE 340, WASH. DC 20004		29,353.36	4,111.29
ASSOCIATION OF TRIAL LAWYERS OF AMERICA 1050 31ST ST., NW WASHINGTON DC 20007		23,835.00	23,835.00
GEORGE J. ASTE 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	500.00	
CARL E. ATKINSON 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	240.00	41.00
ATLANTIC RICHFIELD CO SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			2,237.16
LLOYD G. ATOR JR. 1120 CONNECTICUT AVE., NW WASHINGTON, DC 20036	AMERICAN BANKERS ASSN	1,500.00	511.96
FRITZ E. ATTAWAY 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	52.45	
GEORGE L. ATWOOD SUITE 500 700 S. COLORADO BLVD. DENVER CO 80222	MONSANTO CO		
FRANK M. AULT 17 EATON AVENUE NORWICH NY 13815	NORWICH-EATON PHARMACEUTICALS		
CLAUDIA MANSFIELD AUSTIN 1801 N. MOORE STREET ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		25.00
JOHN D. AUSTIN JR 1920 N STREET, N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
RONALD R. AUSTIN 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN		
AUTOMOTIVE PARTS REBUILDERS ASSN 6849 OLD DOMINION DRIVE MCLEAN VA 22101		4,425.00	4,424.01
JOHN S. AUTRY SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION	4,000.00	6,000.00
AVENEL ASSOCIATES, INC BOX 53131 WASHINGTON DC 20009	BROWARD FEDERAL SAVINGS & LOAN ASSN	8,300.00	108.75
AVIATION CONSUMER ACTION PROJECT PO BOX 19029 WASHINGTON DC 20036			
AVON PRODUCTS, INC 9 WEST 57TH ST. NEW YORK NY 10019			1,072.40
WILLIAM H AXTMAN RM. 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS	24.03	6.30
PAMELA S. AYCOCK, 2601 WOODLEY PL. NW, WASHINGTON, DC 20008	O'BRIEN FIERCE & EBERLE (FOR: HUNTON & WILLIAMS)		
WALTER C. AYERS VIRGINIA PETROLEUM COUNCIL 1809 STAPLES MILL RD. RICHMOND VA 23230	AMERICAN PETROLEUM INST	600.00	276.70
CRAIG H. BAAB 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	147.10
JED L. BABBIN 4910 NORTH 27TH STREET ARLINGTON VA 22207	SHIPBUILDERS COUNCIL OF AMERICA	13,750.00	63.77
PATTI JO BABER 919 18TH ST. SUITE 400, N.W. WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,500.00	
DALE R. BABIONE 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	338.00	
BACHE, HALSEY, STUART, SHIELDS INC. 100 GOLD ST. NEW YORK NY 10038			750.00
WILLIAM DOUGLAS BADGER 12695 CASTILE CT. WOODBRIDGE VA 22192	CHRISTIAN ACTION COUNCIL, INC	5,162.50	7,061.98
BAER MARKS & UPHAM 299 PARK AVE. NEW YORK NY 10171	COMMODITY EXCHANGE, INC		
CARL E. BAGGE COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	3,050.00	
JOAN N. BAGGETT 815 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL UNION OF BRICKLAYERS AND ALLIED CRAFTSMEN	3,000.00	312.27
GEORGE F. BAILEY JR P.O. BOX 21 MONTGOMERY AL 36101	ALABAMA RAILROAD ASSN		
PAUL C. BAILEY JR. 1545 18TH STREET, NW WASHINGTON DC 20036	SOUTHERN COMPANY SERVICES, INC	157.50	184.98
WILLIAM W. BAILEY 1050 17TH ST., NW SUITE 1050 WASHINGTON DC 20036	MERCK & CO., INC	1,000.00	392.57
JOHN M. BAINES 4707 CONNECTICUT AVE., N.W. WASHINGTON DC 20008	JOHNSON OIL CO.,INC. AND SILVER EAGLE OIL CO., INC		
JUDITH L. BAIRD 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	250.00	
JOHN BAIZE CAPITOL GALLERY BLDG., #510 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN SOYBEAN ASSOCIATION	1,125.02	301.68
EDWARD R. BAJER 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	450.00	
BAKER & BOTTS 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOUSTON LIGHTING & POWER COMPANY		
Do	PENNZOIL CO		1,851.01
Do	ROTAN MOSLE, INC		
Do	TEXAS INTERNATIONAL AIRLINES, INC		
Do	TEXASGULF, INC		
BAKER & DANIELS SUITE 600 1920 N ST.,NW WASHINGTON DC 20036	ROCK ISLAND REFINING CORP	750.00	
BAKER & HOSTETLER 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	CLEVELAND INSTITUTE OF ELECTRONICS		
EMIL F. BAKER 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
JAMES JAY BAKER 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	675.00	149.71
WALDON L. BAKER SUITE 802 1015 15TH STREET, NW WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	100.00	
BARBARA J. BALCH 2350 5TH STREET ROCK ISLAND IL 61201	THER-A-PEDIC MIDWEST, INC		
ALBERT L. BALDOCK 1050 17TH ST., NW WASHINGTON DC 20036	RICHARDSON-VICKS INC	140,000.00	
DONALD BALE 7436 CHUMMLEY COURT FALLS CHURCH VA 22043	CENTER TO PROTECT WORKERS' RIGHTS	9,999.99	345.55
H.R. BALIKOV THORNALL STREET EDISON NJ 08837	J. M. HUBER CORP		
JACQUELINE BALK-TUSA 1625 EYE ST., NW, #809 WASHINGTON DC 20006	BOISE CASCADE CORP	14,375.00	
W. ALLEN BALL P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY	847.50	985.03
BALLARD, SPAHR, ANDREWS & INGERSOLL SUITE 1100 1850 K STREET, NW WASHINGTON DC 20006	ALASKA INDUSTRIAL DEVELOPMENT AUTHORITY	10,000.00	5,190.75
Do	AMERICAN CAN COMPANY		1,732.00
Do	DELAWARE RIVER PORT AUTHORITY	5,200.34	8,796.34
Do	PENNSYLVANIA ASSN OF INDUSTRIAL DEVELOPMENT AUTHORITIES		
Do	PHILADELPHIA PORT CORPORATION	4,187.20	6,825.15
Do	PORT OF WILMINGTON, DELAWARE	523.40	853.14
Do	SOUTH JERSEY PORT CORP	523.40	853.14
Do	U.S. COMMITTEE FOR UNICEF		106.84
Do	WEST VIRGINIA INDUSTRIAL DEVELOPMENT ASSN		2,035.53
MICHAEL BALY III 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	4,000.00	
SAMUEL J. BAPTISTA SUITE 603 1620 EYE STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC	1,000.00	
BARAFF, KOERNER, OLENDER & HOCHBERG, P.C. SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL BASKETBALL ASSN		
Do	NORTH AMERICAN SOCCER LEAGUE		
WILLIAM BARCLIFT 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	4,500.00	679.51
JUDY BARDACKE 11 DUPONT CIRCLE,NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS		
ROBERT O. BARKER 801 NORTHLAND TOWERS WEST SOUTHFIELD MI 48075	NATIONAL ASSN OF MANUFACTURERS	1,500.00	19.50
THOMAS H. BARKSDALE JR 2101 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST	5,300.00	461.65
BARLEY AND MALT INSTITUTE 733 N. VAN BUREN ST. SUITE 610 MILWAUKEE WI 53202		32,443.65	5,350.00
DONNA R. BARNAKO 2600 VIRGINIA AVE., NW SUITE 915 WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CENTERS	1,062.00	143.75
JOHN H. BARNARD JR 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL CORP		
J. REYNOLDS BARNES 621 S.W. MORRISON ST. PORTLAND OR 97205	ELEANOR A. CLARK		
BARNES RICHARDSON & COLBURN SUITE 400 1819 H ST., NW WASHINGTON DC 20006	INDUSTRIAS QUIMICAS Y TARTARICAS, S.A		10.54
Do	TARTARIC CHEMICALS CORPORATION		4.50
Do	WOODHOUSE, DRAKE & CAREY (TRADING), INC	885.00	37.50
Do	WORLD CARRIER, INC		59.00
Do	STRATTON HATS, INC		17.15
Do	U.S. CANTALOUPE GROWERS & IMPORTERS ASSN	4,370.00	207.39
ROBERT F. BARNES P.O. BOX 366, HIDALGO TX 78557	UNITED STATES CANALOUPE GROWERS & IMPORTERS ASSN	3,500.00	
BARNETT & ALAGIA 1627 K ST., NW, #900 WASHINGTON DC 20006	AMERICAN SCHOOL FOOD SERVICE ASSN	12,194.64	1,926.90
Do	ASBESTOS COMPENSATION COALITION	4,970.00	
Do	DADE COUNTY FARM BUREAU	1,020.00	
Do	FLORDIA FRUIT AND VEGETABLE	9,000.00	
Do	FLORIDA TOMATO EXCHANGE	3,000.00	
Do	PUBLICKER INDUSTRIES, INC	10,000.00	
Do	SECURITIES GROUPS (FOR HEDGED PORTFOLIO ADVISORS)		
LARRY P. BARNETT 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMER	7,000.00	
PAMELA H. BARNETT 100 MARYLAND AVE., N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	4,999.98	
BARNETT, YINGLING, & SHAY SUITE 810 1090 VERMONT AVE., NW WASHINGTON DC 20005	CITIBANK, N.A	1,740.00	4.00
Do	CROCKER NATIONAL BANK		
NEIL D. BARON, BOOTH & BARON 122 EAST 42ND ST. NEW YORK NY 10168	STANDARD & POOR'S CORPORATION		
JAMES C. BARR 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	205.72
DAVID M. BARRETT, BARRETT, HANNA, DALY & GASPAR 2550 M STREET, NW, #475 WASHINGTON DC 20037	ENERGY CONSUMERS AND PRODUCERS ASSN	6,000.00	2,436.87
Do	NATIONAL MEDICAL ENTERPRISES, INC	2,450.00	796.09
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG SUITE 1400 26 BROADWAY NEW YORK NY 10004	COFFEE, SUGAR & COCOA EXCHANGE, INC	7,200.00	228.57
Do	CSC CLEARING CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	HUGO NEU & SONS, INC		
Do	IRVING TRUST COMPANY		
Do	METROPOLITAN TRANSPORTATION AUTHORITY		149.50
ROBERT W. BARRIE 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	2,500.00	
HARVEY BARRISON 291 BROADWAY NEW YORK NY 10007	C. A. SHEA & COMPANY, INC		
THEA ROSSI BARRON 150 LITTLE FALLS ST. FALLS CHURCH VA 22046	RIGHT TO LIFE CRUSADE	1,500.00	30.89
LINDA LEIGH BARTLETT 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
RICHARD A. BARTON 1730 K ST., NW, #905 WASHINGTON DC 20006	DIRECT MAIL/MARKETING ASSN	1,400.00	
JAMES P. BASS 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN AIRLINES, INC	475.00	
DIANE BATEMAN DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS		
ROBERT E. BATES JR 1100 CONNECTICUT AVE, NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
DAVIS M. BATSON 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	1,200.00	
LAURIE C. BATTLE 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,250.00	
LYNNE D. BATTLE 1101 CONNECTICUT AVE., NW, #705 WASHINGTON DC 20036	COLLEGE PLACEMENT COUNCIL, INC		
JOHN F. BATTLES, MASSACHUSETTS PETROLEUM COUNCIL 11 BEACON ST., #515 BOSTON MA 02108	AMERICAN PETROLEUM INST		552.87
BATZELL NUNN & BODE 1015 15TH ST., NW WASHINGTON DC 20005	INDEPENDENT TERMINAL OPERATORS ASSN	500.00	
RICHARD H. BAUER SUITE 600S 1120 20TH ST.,NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	500.00	79.94
ROBERT J. BAUGHMAN 717 PENDLETON ST. ALEXANDRIA VA 22314	AMERICAN ORTHOTIC AND PROSTHETIC ASSN		
JAMES R. BAXTER 2033 K ST., NW, #200 WASHINGTON DC 20006	NATIONAL CONSTRUCTION EMPLOYERS COUNCIL		
BAYH, TABBERT & CAPEHART SUITE 1025 1575 I STREET, NW WASHINGTON DC 20005	ALLIED FIDELITY CORP	1,000.00	100.00
Do	AMERICAN CANCER SOCIETY	13,000.00	1,700.00
Do	CUMMINS ENGINE CO	5,000.00	550.00
Do	GEORGIA-PACIFIC	25,000.00	2,400.00
Do	MAYFLOWER CORPORATION		
Do	WARNER COMMUNICATIONS, INC		
TINA MARTS BEACH 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	84.00	
BRUCE A. BEAM SUITE 1041 1801 K ST., NW WASHINGTON DC 20006	AMERICAN ELECTRIC POWER CORP	312.48	468.16
MICHAEL K. BEARD 100 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS		
THERESA E. BEARMAN 9TH FLOOR 1111 19TH STREET, NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	90.00	
DONALD S. BEATTIE 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN	2,891.95	
CHRISTINE T. BEATTY 1730 RHODE ISLAND AVE., NW, #612 WASHINGTON DC 20036	ST. JOE MINERALS CORP	6,000.00	56.51
HUBERT BEATTY 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
LAURA L. BEATY 806 N. JEFFERSON ST. ARLINGTON VA 22205	NATIONAL PARKS & CONSERVATION ASSOCIATION	428.40	15.00
ROBERT G. BECKEL, BECKEL, FINCHEM, TORRICELLI & ASSOCIATES, 1731 21ST ST., NW, WASHINGTON DC 20009	NATIONAL BROADCASTING CORP	4,000.00	
Do	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS	30,000.00	
WILLIAM W. BEDDOW 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	925.00	
JON CHARLES BEDNERIK 499 SOUTH CAPITOL ST., S.W. SUITE 417 WASHINGTON DC 20003	INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS	1,200.00	
EDWIN L. BEHRENS 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	135.00	
MAX J. BEILKE 5535 HEMPSTEAD WAY P.O. BOX 1406 SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	1,298.50	
JAMES BEIZER 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	900.00	
ALEXANDER B. BELL 9618 COTTRELL TERRACE SILVER SPRING MD 20903	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	3,750.00	267.96
BELL BOYD & LLOYD THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	BOISE CASCADE CORP		
HOWARD H. BELL 1225 CONNECTICUT AVE., NW, #401 WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION		
WINSTON EVERETT BELL P.O. BOX 26543 LAS VEGAS NV 89126			
BENCO, INC. 1625 EYE ST., NW WASHINGTON DC 20006			
C. THOMAS BENDORF 3615 OVERCREEK DR. COLUMBUS SC 29206	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	5,000.00	950.00
BENEFICIAL MANAGEMENT CORPORATION OF AMERICA 1100 CARR RD WILMINGTON DE 19899			
BRUCE BENEFIELD SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
BENESCH, FRIEDLANDER, COPLAN & ARONOFF 1100 CITIZENS BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
KENNETH U. BENJAMIN JR 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,887.00	142.00
W. M. BENKERT 1625 K ST., NW, #1000 WASHINGTON DC 20006	AMERICAN INST OF MERCHANT SHIPPING	1,250.00	
DOUGLAS P. BENNETT 3238 PROSPECT ST., NW WASHINGTON DC 20007	ASSOCIATION OF EXECUTIVE RECRUITING CONSULTANTS, INC		
JAMES M. BENNETT 235 W. GALENA ST. MILWAUKEE WI 53201	JOS. SCHLITZ BREWING CO		
TRISHA BENNETT 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	BURLINGTON NORTHERN, INC	1,750.00	1,457.42
WILLIAM C. BENNETT JR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	375.00	
JOHN C. BENNISON 1300 19TH ST., NW, #230 WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	6,000.00	
FREDERICK S. BENSON III 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
NANCY C. BENSON 1575 EYE ST., NW, #220 WASHINGTON DC 20005	AMERICAN CYANAMID CO	490.00	100.30
JAMES E. BENTON N. J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	185.00	244.00
DAVID A. BEREN 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
REBECCA J. BERG 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	400.00	301.03
O. M. BERGE 12050 WOODWARD AVE. DETROIT MI 48203	BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES		
EDWIN M. BERGSMARK THREE SEAGATE TOLEDO OH 43603	TOLEDO TRUST COMPANY	37.00	
PAUL C. BERGSON 2550 M ST., NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	2,356.00	62.00
ELLEN BERMAN SUITE 320 2000 L ST., NW WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
JASON S. BERMAN 2020 K ST., #250 NW WASHINGTON DC 20006	WARNER COMMUNICATIONS INC	15,000.00	108,665.50
RICHARD B. BERMAN 6606 LBJ FREEWAY DALLAS TX 75240	STEAK & ALE RESTAURANTS OF AMERICA, INC		
WILLIAM R. BERMAN 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
MARY E. BERNHARD 1090 VERMONT AVENUE, N.W. SUITE 500 WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
CHARLES BERNHARDT 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	36.23	
ROBERT E. BERNIER 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP		
GEORGE K. BERNSTEIN 1730 K ST., NW WASHINGTON DC 20006	AMERICAN INSURANCE ASSN		
Do	CRUM & FORSTER INSURANCE COS		
MAX N. BERRY 3213 Q ST., NW WASHINGTON DC 20007	CENTRE NATIONAL INTERPROFESSIONNEL DE L'ECONOMIC LAITIERE		
Do	COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN		
Do	MEAT PRODUCTS GROUP, AMERICAN IMPORTERS ASSN		
FRANK S. BESSON III 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	1,450.00	
ROBERT A. BEST SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	5,000.00	
Do	ARCHER-DANIELS-MIDLAND COMPANY	500.00	
ROBERT L. BEVAN 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,750.00	328.97
BEVERIDGE & DIAMOND, P.C. 1333 NEW HAMPSHIRE AVE, NW WASHINGTON DC 20036	DOW CHEMICAL COMPANY		
Do	EDISON ELECTRIC INSTITUTE		
Do	NEW ENGLAND ELECTRIC SYSTEM	261.25	12.00
Do	UNION CAMP CORPORATION	32.50	4.00
Do	UNION MINES		
BARBARA L. BEZDEK 1223 DUPONT CIRCLE BUILDING WASHINGTON DC 20036	CENTER FOR AUTO SAFETY		
JAMES N. BIERMAN 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSN OF AMER)		
MOE BILLER 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	8,114.28	
BILLIG SHER & JONES 2033 K ST., NW WASHINGTON DC 20006	ADHERENCE GROUP, INC		5.50
Do	SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS	3,895.00	11.93
Do	STEAMSHIP CONFERENCES	5,400.00	1,132.21
LEON G. BILLINGS, INC. SUITE 713 1660 L STREET, NW WASHINGTON DC 20036	STATE OF MONTANA	9,750.00	
BINGHAM, DANA & GOULD 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	CONSUMER BANKERS ASSOCIATION	4,665.93	24.80
Do	FEDERATION FOR AMERICAN IMMIGRATION REFORM		
BIRCH HORTON BITTNER & MONROE SUITE 1100 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	ALASKA POWER AUTHORITY		
Do	CALISTA CORP		
Do	COASTAL CORPORATION		
Do	COOK INLET REGION, INC		
Do	MAPCO, INC		
Do	SEALASKA CORP		
Do	ST. GEORGE TANAQ CORP		
Do	TEAMSTERS LOCAL 959		
Do	WESTINGHOUSE ELECTRIC CORP		
Do	WIEN AIR ALASKA		
Do	JIM JONES, GOV'T RESEARCH & DEVELOPMENT CORP		
BONNIE G. BIRD 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
WILLIAM J. BIRKHOFER 1015 - 15TH STREET, N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	875.00	
WILLIAM H. BIRTCIL JR. SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,000.00	
H. RADFORD BISHOP SUITE 230 THE EXCHANGE ATLANTA GA 30339	NATIONAL HEALTH CARE FINANCING ASSN	20,000.00	17,980.00
BISON & WENNING 1625 I ST., NW WASHINGTON DC 20006	NATIONAL FOOD BROKERS ASSN		
PHIL M. BITTER 1700 K STREET N W. SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	480.00	
NEAL R. BJORNSON 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	2,950.00	57.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
TOM G. BLACK 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
BLACK, MANAFORT, & STONE, INC. 435 NORTH LEE ST. ALEXANDRIA VA 22314	NATIONAL SECURITIES CLEARING CORP	10,000.00	
Do	AMERICAN NEWSPAPER PUBLISHERS ASSN	15,000.00	10.85
Do	TOSCO CORPORATION	10,000.00	
BEV D. BLACKWOOD #1100, 1899 L ST., NW WASHINGTON DC 20036	EXXON CORPORATION		
BARBARA S. BLAINE, P.C. 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	6,700.00	289.65
HELEN BLANK 1520 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND	1,551.87	286.17
BLATCHFORD, EPSTEIN & BRADY 1000 POTOMAC ST., NW WASHINGTON DC 20007	CONSTRUCTORA NACIONAL de CAROS de FERROCARRIL, SA		
Do	NATIONAL ASSN OF PRIVATE ENTERPRISE		
KENNETH T. BLAYLOCK 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	21,850.57	3,772.81
SAMUEL A. BLEICHER, BLANK, ROME, COMISKY & MCCAULEY 1700 K STREET, NW, #404 WASHINGTON DC 20006	A & S TRANSPORTATION COMPANY		27.50
GERALD BLIZIN 1201 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20004	HILL & KNOWLTON, INC		
ELLEN BLOCK 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	825.00	
L. THOMAS BLOCK ONE WALL STREET NEW YORK NY 10015	IRVING TRUST CO	1,000.00	250.00
PETER L. BLOCKLIN 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	600.00	
HOLTON E. BLOMGREN SUITE 745 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NATIONAL MANUFACTURED HOUSING FEDERATION	12,501.81	
DOUGLAS M. BLOOMFIELD 444 NORTH CAPITOL ST, NW #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	14,454.96	
MARK BLOOMFIELD 1850 K ST., NW, #520 WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	875.00	
BLUM & NASH SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	GENERAL ELECTRIC CO	300.00	
Do	MERCK & CO., INC.	1,906.25	8.00
Do	NATIONAL ASSN OF TRUCKSTOP OPERATORS		
Do	TIME, INC.		
Do	TWIN COAST NEWSPAPERS, INC.		
JACK A. BLUM 1015 18TH ST., NW WASHINGTON DC 20036	INDEPENDENT GASOLINE MARKETERS COUNCIL	25,000.00	690.00
JARED O. BLUM 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	300.00	149.18
WAYNE F. BOAN 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,300.00	
BOAT OWNERS ASSOCIATION OF THE U.S. 800 S. PICKETT ST. ALEXANDRIA VA 22304		20,000.00	18,989.88
DAVID A. BOCKORNY 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	612.87
ROBERT Z. BOHAN 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	27.40	
CHRISTIE K. BOHNER 1629 K ST., NW, #401 WASHINGTON DC 20006	GOVERNMENT RELATIONS ASSOCIATE, INC	695.00	
PATRICIA BOINSKI 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO		
ROBERT J. BOLGER P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,650.00	
BERNADETTE BOLTON 400 FIRST ST., NW SUITE 800 WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	300.00	
M. WARREN BOLTON 2500 DEKALB PIKE MORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE CO		
A. DEWEY BOND P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	500.00	
JAY BONITT 300 MARYLAND AVE., NE WASHINGTON DC 20002	BENDIX CORP	610.00	105.00
SHARON LEE BONITT 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
BONSIB, INC P.O. BOX 1807 WASHINGTON DC 20013			
GAYLON B. BOOKER 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA		
EDWARD T. BORDA 1625 EYE ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	4,000.00	
CHARLES E. BOSWELL 100 INDIANA AVE., NW, #403 WASHINGTON DC 20001	AMALGAMATED TRANSIT UNION, NATL CAP DIV. 689		
G. STEWART BOSWELL 1611 NORTH KENT ST. #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC	6,199.99	101.86
CHARLES G. BOTSFORD SUITE 515 1730 M ST., NW WASHINGTON DC 20036		1,500.00	165.00
STEPHEN F. BOTSFORD SUITE 1424 6805 MAYFIELD ROAD - BLDG. B MAYFIELD HEIGHTS OH 44124	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
ALBERT D. BOURLAND 1660 L ST., NW, #800 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	2,100.14
FRANK J. BOWDEN JR ASSOC PETROLEUM INDUSTRIES OF PA P.O. BOX 925 HARRISBURG PA 17108	AMERICAN PETROLEUM INST		
M. STEPHANIE BOWER 102 LYNMOOR DRIVE SILVER SPRING MD 20901	UNITED FARM WORKERS OF AMERICA, AFL-CIO	2,250.00	641.72
RODNEY A. BOWER SUITE 702 818 ROEDER RD. SILVER SPRING MD 20920	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
DAVID W. BOWERS 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
ROBERT R. BOWERS WEST VIRGINIA PETROLEUM COUNCIL SUITE 714 ATLAS BLDG. CHARLESTON WV 25301	AMERICAN PETROLEUM INST	400.00	278.93
BOWMAN, CONNER, TOUHEY & THORNTON, PC 2828 PENNSYLVANIA AVE., NW WASHINGTON, DC	NATIONAL ASSN OF ARCRAFT & COMMUNICATIONS SUPPLIERS, INC	14,475.00	2054.00
BOWMER COURTNEY BURLESON & PEMBERTON P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LA		19.09
JIM D. BOWMER P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JOAN COSTAIN BOWYER 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	150.00	
ELISA BOYD 1221 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	BOMA INTERNATIONAL		
JOHN G. BOYD 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	332.30	9.50
ROBERT K. BOYD 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,500.00	633.13
VAN R. BOYETTE 1200 18TH STREET, N. W. SUITE 607 WASHINGTON DC 20036	AMERICAN PETROLEUM REFINERS ASSOCIATION	75.00	
THURMAN L. BOYKIN 2772 S. RANDOLPH ST., #202 ARLINGTON VA 22206	ARKANSAS 2000, INC		
J. PATRICK BOYLE NORTH WASHINGTON AT MADISON ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	950.00	19.90
STEPHEN S. BOYNTON SUITE 1204 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FUR RESOURCES INSTITUTE	500.00	10.00
BRACEWELL & PATTERSON SUITE 1200 1825 EYE STREET, NW WASHINGTON DC 20006	CLC OF AMERICA, INC		
Do	SOUTHDOWN/PELTO OIL COMPANY	540.90	359.10
Do	VALERO ENERGY CORPORATION	450.75	299.25
BRACY WILLIAMS & COMPANY SUITE 1200 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	CALIFORNIA NICKEL CORP	24,000.00	27,933.00
Do	CITY OF TUCSON	7,000.00	7,366.00
Do	EMPLOYEE OWNED AIRLINES		
Do	HUMANA, INC	1,000.00	1,000.00
Do	NIKE INTERNATIONAL LTD		
Do	PRATT & WHITNEY AIRCRAFT GROUP	10,000.00	10,441.00
Do	QUIXOTE CORPORATION	3,000.00	3,427.00
DENNIS R. BRADDOCK SUITE 1018 4660 KENMORE AVE. ALEXANDRIA VA 22304	LIVESTOCK MARKETING ASSOCIATION	7,500.00	250.00
FRANK W. BRADLEY 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	2,000.00	
GENE M. BRADLEY 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	680.00	126.00
MITCHELL H. BRADLEY 2029 K ST., NW WASHINGTON DC 20006	AMERICAN SOCIETY OF MECHANICAL ENGINEERS		
WAYNE W. BRADLEY 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	625.00	235.64
DENNIS M. BRADSHAW 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES N. BRADY 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
CHARLES G. BRAGG P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	1,000.00	176.99
KENNETH N. BRAGG 105 E STREET, SE WASHINGTON DC 20003	HOLY LAND STATE COMMITTEE		
RAYMOND F. BRAGG JR 1200 18TH ST., NW, #607 WASHINGTON DC 20036	AMERICAN PETROLEUM REFINERS ASSOCIATION	100.00	
STUART J. BRAHS 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	3,008.20	1,273.40
DAVID C. BRANAND 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	26.67	5.60
MARK BRAND SUITE 905 1625 K ST., NW WASHINGTON DC 20006	CREAMER DICKSON BASFORD, INC		
Do	KANSAS CITY, MISSOURI		
GERARD M. BRANNON 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	270.00	
THOMAS EDWARD BRASWELL, CORCORAN, YOUNGMAN & ROWE 888 17TH ST., NW, SUITE 600 WASHINGTON DC 20006	NEWPORT NEWS SHIPBUILDING & DRYDOCK CO		
ROY BRAUNSTEIN 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	12,115.36	1,239.38
PETER ELLIOT BRAVEMAN 500 NEWPORT CENTER DRIVE SUITE 555 NEWPORT BEACH CA 92660	LOEB AND LOEB (FOR: JOAN IRVINE SMITH)	15,750.00	320.00
NOEL BRAZIL 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
EDWARD T. BREATHITT 920 15TH ST., NW WASHINGTON DC	SOUTHERN RAILWAY CO	1,000.00	
JOHN HENRY BREBBIA ALSTON MILLER & GAINES 1800 M ST., NW, #1000 WASHINGTON DC 20036	RCA GLOBAL COMMUNICATIONS, INC		
Do	BOARD OF TRADE CLEARING CORP		
ROY S. BREDDER SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
GEORGE W. BREECE 2133 WISCONSIN AVE., NW WASHINGTON DC 20007	TURNER BROADCASTING SYSTEM, INC		
BREED, ABBOTT & MORGAN 1875 EYE ST., NW, #1000 WASHINGTON DC 20006	ASSOCIATED HOSPITAL SERVICE OF NEW YORK		
Do	DAVID H. MCCONNELL	20,000.00	
Do	DONALD C. LUBICK (FOR: TALISMAN FUND)		10.50
Do	HANDY AND HARMAN	8,208.00	7.00
Do	PANHANDLE EASTERN PIPE LINE COMPANY		12.00
BRENDA I. BREGMAN 100 MARYLAND AVENUE , N.E. WASHINGTON DC 20002	RELIGIOUS COALITION FOR ABORTION RIGHTS, INC	3,150.00	
BREGMAN, ABELL & KAY SUITE 610 1900 L ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMER	800.00	
Do	AMERICAN CAR RENTAL ASSN	1,250.00	
Do	COMMITTEE FOR EFFECTIVE TAX INCENTIVES		
Do	CONSOLIDATED FREIGHTWAY CORP		
Do	HILTON INTERNATIONAL, INC		
Do	NORTON SIMON, INC	5,000.00	
Do	ROADWAY EXPRESS, INC		
Do	RYDER SYSTEMS, INC	2,000.00	
Do	TRANS WORLD AIRLINES, INC	2,000.00	
Do	TRANS WORLD CORPORATION		
Do	TRUCK RENTING & LEASING ASSN	1,250.00	
MICHAEL J. BRENNAN 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	612.42

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD M. BRENNAN 1100 15TH ST., NW WASHINGTON DC 20006	UNION CARBIDE CORP		
MILES H. BRESEE JR 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
JOHN B. BREWER 400 ARMY-NAVY DR (P.O. BOX 2303) ARLINGTON VA 22209	AMERICAN MOVERS CONFERENCE		
ALAN E. BRIAN P.O. BOX 130 LEVIS, QUEBEC, CANADA	DAVIE SHIPBUILDING LIMITED		
CLAUDE S. BRINEGAR 461 S. BOYLSTON ST. LOS ANGELES CA 90017	UNION OIL CO OF CALIFORNIA	142.00	
BELVA B. BRISSETT 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	372.00
ELIZABETH Y. BRITTON 2550 M STREET , N.W. WASHINGTON DC 20037	RJR INDUSTRIES, INC	230.44	156.56
ELLEN BROADMAN 1511 K ST., NW SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC.	60.00	4.00
DAVID A. BRODY 1640 RHODE ISLAND AVE., NW WASHINGTON DC 20036	ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH	1,920.00	
PHILLIP J. BROMAN SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC.		
MICHAEL D. BROMBERG 1111 19TH ST., NW, #402 WASHINGTON DC 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
MICHAEL R. BROMWICH 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
E. R. BROOKS P. O. BOX 841 ABILENE TX 79604	WEST TEXAS UTILITIES CO	600.00	886.00
PHILLIP W. BROOKS VOLUNTEER STATE OIL COMM 18TH FLOOR, THIRD NATL BANK BLDG. NASHVILLE TN 37219	AMERICAN PETROLEUM INST	525.00	745.56
DAVID W. BROOME 1800 M ST., NW, #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC.	2,500.00	11,560.00
CAROL L. BROS SUITE 1110 1411 K ST., NW WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	1,750.00	337.78
DANIEL T. BROSS 1101 17TH ST., NW SUITE 704 WASHINGTON DC 20036	UNITED GAS PIPE LINE CO	950.00	608.03
MARIO BROSSI SUITE 610 1730 M STREET, NW WASHINGTON DC 20036	DIRECT SELLING ASSN		558.00
DONALD G. BROTZMAN 1901 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RUBBER MFGRS ASSN	10,000.00	
BROWN & ROADY 1333 NEW HAMPSHIRE AVE., NW SUITE 1270 WASHINGTON DC 20036	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION		
Do	KANSAS CITY SOUTHERN RAILWAY	7,655.00	853.41
Do	LOUISVILLE & NASHVILLE RAILROAD		
Do	METROPOLITAN TRANSIT AUTHORITY	4,875.00	925.56
TERRENCE J. BROWN ASSOCIATES SUITE 700 1331 H ST., NW WASHINGTON DC 20005	EASTERN BAND OF CHEROKEE INDIANS		
Do	RED LAKE BAND OF CHIPPEWA INDIANS		
Do	SENECA NATION OF INDIANS OF NEW YORK		
Do	UNITED SOUTH AND EASTERN TRIBES		
CHARLES B. BROWN 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	350.00	8.00
CHARLES T. BROWN BOX 100 MIAMI AZ 85539	CITIES SERVICE CO		96.00
DAVID S. J. BROWN 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	450.00	92.40
ELLEN B. BROWN SUITE 409 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS		
ELLEN S. BROWN SUITE 310 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES		
HOWARD C. BROWN JR 1919 PENNSYLVANIA AVE., NW, #702 WASHINGTON DC 20006	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC.		
JAMES F. BROWN 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	287.50	
JESSE B. BROWN 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	100.60	
JESSE P. BROWN JR. 1918 N. PARKWAY MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMERICA	1,329.23	
MARY ELIZABETH BROWN 1201 16TH ST., NW WASHINGTON, DC 20036	NATIONAL EDUCATION ASSN	1,930.00	86.94
BROWN TODD & HEYBURN 1600 CITIZENS PLAZA LOUISVILLE KY 40202	BROWN & WILLIAMSON TOBACCO CORP	5,000.00	505.88
VINCENT D. BROWN NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST. - P.O. BOX 95063 LINCOLN NB 68508	AMERICAN PETROLEUM INST	1,000.00	1,552.73
WILLIAM E. BROWN 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	63.70	152.08
WILLIAM R. BROWN 499 SOUTH CAPITOL STREET, S.W. SUITE 412 WASHINGTON DC 20003	COUNCIL OF STATE CHAMBERS OF COMMERCE	366.56	
STANLEY R. BROWNE SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
BROWNSTEIN ZEIDMAN & SCHOMER SUITE 900 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL FOODSERVICE MANUFACTURERS ASSOCIATION		
Do	INTERNATIONAL FRANCHISE ASSN		
Do	MORTGAGE GUARANTY INSURANCE CORP		
Do	NATIONAL HOUSING REHABILITATION ASSOCIATION		
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
DAVID BRUBAKER 8136 OLD KEENE MILL RD. B-110 SPRINGFIELD VA 22152	NATIONAL REHABILITATION COUNSELING ASSN		
JOHN R. BRUCH P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		
JAMES W. BRUNER JR 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731	LEAGUE TO SAVE LAKE TAHOE	9,000.00	474.03
KATHRYNE M. BRUNER 2021 K ST., NW, #709 WASHINGTON DC 20006	GENERAL ATOMIC CO	725.00	101.82
WILLIAM K. BRUNETTE 1909 K STREET, NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN-AMER ASSN OF RETIRED PERSONS	363.50	233.89
ROBERT O. BRUNNER 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	363.45	7.80
J. CHARLES BRUSE SUITE 750 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ALLSTATE ENTERPRISES, INC.		
Do	ALLSTATE INSURANCE COS.		
HARVEY F. BRUSH 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC.		
SUSAN BUCK 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC.	12,000.00	10,000.00
JOHN S. BUCKLEY SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	4,000.00	60.00
ROBERT D. BUEHLER 1800 K ST., NW, #929 WASHINGTON DC 20006	BF GOODRICH CO	400.00	
SUSAN M. BUFFONE 3604 34TH STREET, NW WASHINGTON DC 20008	NATIONAL PARKS AND CONSERVATION ASSN	1,000.00	
DOUGLAS W. BULCAO 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	1,500.00	14.40
DARREL D. BUNGE MINNESOTA PETROLEUM COUNCIL 300 NORTHERN FEDERAL BUILDING ST. PAUL MN 55102	AMERICAN PETROLEUM INSTITUTE	725.00	871.00
DAVID A. BUNN SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
Do	PARCEL SHIPPERS ASSN	1,000.00	
LAWRENCE E. BURCH 1735 JEFFERSON DAVIS HWY, #903 ARLINGTON VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION		
NORMAN D. BURCH SUITE 401 1101 VERMONT AVENUE, NW WASHINGTON DC 20005	COLLEGE OF AMER PATHOLOGISTS	5,220.00	37.70
DAVID G. BURDEN 200 E. RANDOLPH DR. CHICAGO IL 60601	STANDARD OIL CO		
PAUL F. BURDETT 10 EMERSON COURT SEVERNA PARK MD 21146	MERRELL DOW PHARMACEUTICALS INC.		43.00
HARRIET HUNT BURGESS 82 2ND ST. SAN FRANCISCO CA 94105	TRUST FOR PUBLIC LAND	1,615.38	3,180.56
QUENTIN L. BURGESS 733 15TH ST., NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
WILLIAM J. BURHOP 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMER	10,000.00	
GERARD P. BURKE SUITE 1009 1625 I STREET, NW WASHINGTON DC 20006	INTERNATIONAL AIR LEASES, INC.		
J.J. BURKE JR 40 E. BROADWAY BUTTE MT 59701	MONTANA POWER CO		257.34
FRANCIS X. BURKHARDT 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
BURLEY & DARK LEAF TOBACCO EXPORT ASSN 1100 17TH ST., NW WASHINGTON DC 20036		56,886.47	1,000.47
BILL D. BURLISON 499 SOUTH CAPITOL STREET, S.W. SUITE 102 WASHINGTON DC 20003	EMERSON ELECTRIC CO	3,750.00	77.25
Do	MCDONNELL DOUGLAS CORPORATION	8,750.00	154.50
Do	PLANNING RESEARCH CORPORATION	2,500.00	77.25
DAVID G. BURNEY 2040 HARBOR ISLAND DR., #208 SAN DIEGO CA 92101	U.S. TUNA FOUNDATION	6,000.00	3,000.00
CHARLES S. BURNS 1015 15TH ST., NW WASHINGTON DC 20005	PHELPS DODGE CORP	1,200.00	
GERRIE BJORNSON BURNS 1800 K ST., NW, #929 WASHINGTON DC 20006	B.F. GOODRICH CO.	100.00	
TIMOTHY F. BURNS 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
BURR, PEASE & KURTZ 810 N ST., ANCHORAGE, AK 99501	EKLUTNA		
B. KENT BURTON 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC.	8,000.00	
BUSBY, REHM & LEONARD 1629 K ST., NW, #1100 WASHINGTON DC 20006	UNIVERSAL LEAF TOBACCO CO., INC.		
BUSINESS EXECUTIVES MOVE FOR NEW NATL PRIORITIES 901 N. HOWARD ST. BALTIMORE MD 21201		2,865.00	971.03
JAMES J. BUTERA 1709 NEW YORK AVE., NW SUITE 200 WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	3,593.75	
BUTLER BINION RICE COOK & KNAPP 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BROWARD COUNTY, FLORIDA	150.00	
Do	CITY OF HOUSTON/DEPT. OF AVIATION	10,904.00	598.00
Do	CITY OF PHILADELPHIA		
Do	INEXCO OIL CO		
Do	PENNSYLVANIA SHIPBUILDING CO	330.00	9.00
Do	PEOPLE EXPRESS AIRLINES, INC.		
JOHN W. BUTLER SUITE 310 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES		
WILLIAM A. BUTLER 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	5,000.00	150.00
THOMAS D. BYRNE 2111 JEFFERSON DAVIS HIGHWAY, 917 NORTH ARLINGTON VA 22202	STONE CONTAINER CORP		
JOHN W. BYRNES 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY,LARDNER,HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
Do	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INSURANCE ASSOCIATION OF CONNECTICUT).		
JOHN F. BYSET 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	35.00
C & B ASSOCIATES 1750 NEW YORK AVENUE, NW WASHINGTON DC 20006	CLADOUHOS & BRASHARES (FOR: TOYOTA MOTOR SALES,USA)	500.00	
Do	CLADOUHOS & BRASHARES (FOR SECURITIES GROUP)		
Do	CLADOUHOS & BRASHARES (FOR SMITH, BARNEY, HARRIS & UPHAM CO)	300.00	
Do	CARL M. FREEMAN ASSOCIATES, INC.	200.00	
Do	LOCKHEED CORPORATION	400.00	
Do	WASHINGTON PSYCHIATRIC SOCIETY		
Do	WORLDWIDE INFORMATION RESOURCES (FOR STATE OF MONTANA)		
CADWALADER, WICKERSHAM & TAFT 7TH FLOOR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ASPHALT ROOFING MANUFACTURERS ASSOCIATION		
Do	KWAJALEIN ATOLL CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MOCATTA METALS CORP	546.00	164.00
Do	PHILADELPHIA STOCK EXCHANGE, INC	728.00	
ROY C. CAHOON 6100 KNOLLWOOD DR. FALLS CHURCH VA 22041	NATIONAL AUTOMATIC MERCHANDISING ASSN		
CAIN & SMITH 402 SCARBROUGH BUILDING AUSTIN TX 78701	STATE BAR OF TEXAS, JUDICIAL SECTION		52.16
MORRISON G. CAIN 1625 I ST., NW, #1023 WASHINGTON DC 20006	ASSOCIATION OF GENERAL MERCHANDISE CHAINS	6,250.00	
ALAN CALDWELL SUITE 770 2550 M STREET, NW WASHINGTON DC 20037	RJR INDUSTRIES, INC	1,200.00	115.10
FRANK W. CALHOUN 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,505.85
CALIFANO, ROSS & HEINEMAN 1575 I ST., NW SUITE 600 WASHINGTON DC 20005	COCA-COLA COMPANY		
Do	FEDERAL NATIONAL MORTGAGE ASSOCIATION	1,365.00	
Do	FLUOR CORPORATION	1,500.00	
Do	GENERAL TIRE & RUBBER CO		
Do	NATIONAL ASSN OF PUBLIC HOSPITALS	1,170.00	
Do	SENIOR CORP		
PETER E. CALLANAN 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	HONEYWELL, INC	300.00	425.00
JOHN C. CALLIHAN 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORP		
CALORIE CONTROL COUNCIL #500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342			1,831.00
GORDON L. CALVERT BOX 34-531 WASHINGTON DC 20034	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL. AGENCY SECTION		
ARTHUR E. CAMERON SUITE 110 499 S. CAPITOL ST., SW WASHINGTON DC 20001	AMERICAN GREYHOUND TRACK OPERATORS ASSN	4,500.00	
Do	FERRO CORPORATION, CATAPHOTE DIVISION	1,500.00	
Do	GULF & WESTERN INDUSTRIES, INC	4,000.00	
Do	PRISMO UNIVERSAL CORP, ET AL	6,562.00	
Do	SAFETRAN SYSTEMS CORPORATION	7,238.00	
CAMP, CARMOUCHE, PALMER, BARSH & HUNTER 2550 M ST., NW, #275 WASHINGTON DC 20037	WHEAT FIRST SECURITIES, INC	600.00	
Do	GEORGE K. BAUM & CO	600.00	
Do	BLYTH EASTMAN PAINE WEBBER, INC	600.00	
Do	CHAPMAN & CUTLER	600.00	
Do	CUMBERLAND SECURITIES	600.00	
Do	EASTERN CENTRAL MOTOR CARRIERS ASSN	150.00	
Do	ESSEX	600.00	
Do	FRAZER LANIER CO	600.00	
Do	GOLDMAN SACHS & CO	600.00	
Do	KIDDER, PEABODY	600.00	
Do	KING & SPAULDING	600.00	
Do	LEHMAN BROTHERS	600.00	
Do	MCDONALD & CO	600.00	
Do	MOBIL OIL CORP	1,050.00	
Do	NATURAL GAS SUPPLY ASSN		
Do	NORTH, HASKELL, SLAUGHTER, YOUNG AND LEWIS	600.00	
Do	PENNZOIL CO	225.00	
Do	PPG INDUSTRIES, INC	975.00	
Do	RAUSCHER PIERCE REFSNES	600.00	
Do	STERN, AGEE & LEACH	600.00	
Do	TEXACO, INC		
Do	THORNTON, FARISH & GAUNTT	1,875.00	
Do	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
Do	UNION PACIFIC RAILROAD	75.00	
Do	COALITION FOR AN EFFECTIVE ENERGY INVESTMENT TAX CREDIT		
C. R. CAMPBELL JR SUITE 900 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	GENERAL TELEPHONE & ELECTRONICS	3,000.00	
CARL C. CAMPBELL 1030 15TH ST., NW, SUITE 700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	461.54	
CHARLES ARGYLL CAMPBELL 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
JERRY L. CAMPBELL 831 CHESTNUT ST. CHATTANOOGA TN 37402	TENNESSEE VALLEY PUBLIC POWER ASSN		
KEVIN B. CAMPBELL 101 CONSTITUTION AVENUE, N.W. WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	5,525.00	2,740.70
THOMAS D. CAMPBELL SUITE 500 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	
ALYCE D. CANADAY 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	750.78
CANADIAN COALITION ON ACID RAIN SUITE 201 105 DAVENPORT ROAD TORONTO, ONTARIO M5R-1H6		6,677.50	20,250.78
ROBERT P. CANAVAN 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,123.45	185.00
SHARON M. CANAVAN 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	4,800.00	
CANDLELIGHTERS 123 C ST., SE WASHINGTON DC 20003		80.00	40.00
PAUL W. CANE 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
W. DEAN CANNON JR 9800 S. SEPULVEDA BLVD. SUITE 500 LOS ANGELES CA 90045	CALIFORNIA SAVINGS & LOAN LEAGUE	3,000.00	4,574.62
DAVID L. CANTOR SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	COALITION FOR ENVIRONMENTAL ENERGY BALANCE (CEEB)	295.00	60.25
CAPITAL COUNSELORS, INC. 1700 K STREET, N.W. WASHINGTON DC 20006	ELECTRONIC DATA SYSTEMS CORPORATION		
GERALD M. CAPLAN 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
CAPLIN & DRYSDALE SUITE 1100 1101 17TH ST., NW WASHINGTON DC 20036	AETNA LIFE & CASUALTY	3,327.50	127.75
Do	AMERICAN FAMILY LIFE ASSURANCE CO OF GA	390.00	10.00
ARNOLD P. CAPUTO 2302 HORSE PEN RD. P.O. BOX 781 HERNDON VA 22070	NATIONAL CONCRETE MASONRY ASSN	60.00	30.25
CONSTANTINE G. CARAS 2344 S. ROLFE ST. ARLINGTON VA 22202	OGDEN CORPORATION	1,000.00	
DENISE A. CARDMAN 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
NORVAL E. CAREY 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	GENERAL ATOMIC CO	4,905.00	541.68
CAROLE R. CARLIN 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
CARMODY, SYRDAL, DANELO & KLEIN, P.S. 24TH FLOOR FOURTH & BLANCHARD BLDG. SEATTLE WA 98121	WASHINGTON STATE CHARTER BOAT ASSN		
GEORGE D. CARPENTER 7162 READING ROAD CINCINNATI OH 45222	PROCTER & GAMBLE COMPANY	61.49	
JACK CARPENTER 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	80.00	15.35
LAWRENCE W. CARROLL 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	1,050.00	2,532.64
PATRICIA CARROLL 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	312.50	
JOHN R. CARSON 20 CHEVY CHASE CIRCLE WASHINGTON DC 20015	AMERICAN PODIATRY ASSN	16,000.00	
HANS L CARSTENSEN 1625 EYE STREET N.W. #902 WASHINGTON DC 20006	WEYERHAEUSER CO	3,013.50	203.58
DAVID C. CARTER 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
HARLON B. CARTER 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,875.00	
JOHN R. CARTER 1000 WILSON BOULEVARD SUITE 2600 ARLINGTON VA 22209	TRW, INC	1,000.00	
JOSEPH L. CARTER JR 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	682.50	155.77
JAMES P. CARTY 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	500.00	
DONATO CARUSO, LORENZ, FINN, GIARDINO & LAMBOS 29 BROADWAY, 9TH FL. NEW YORK NY 10006	NEW YORK SHIPPING ASSN., INC		
SUSAN B. CARVER 1130 17TH STREET, NW WASHINGTON DC 20036	NATIONAL COAL ASSN	232.00	2,197.04
JIM CASEY 3470 MILDRED DR. FALLS CHURCH VA 22042	AMFAC GARDEN PRODUCTS, INC		
Do	BELLE FOURCHE IRRIGATION DISTRICT		
Do	COMMITTEE OF POWER FOR THE SOUTHWEST, INC		
Do	GARRISON DIVERSION CONSERVANCY DISTRICT		
Do	LEAFFER COMPANY, INC		
Do	SALT RIVER VALLEY WATER USERS ASSN		
JOHN S. CASEY P.O. BOX 266 HEFLIN AL 36264	ALABAMA RAILROAD ASSN		
ROBERT J. CASEY 10TH FLOOR 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY	250.00	
JAMES B. CASH JR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	2,000.00	
ALLEN R. CASKIE 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
EUGENE I. CASRAISS JR 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	9,045.14	130.42
DANIEL J. CASSIDY SUITE 600 1117 NORTH 19TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
J. WARREN CASSIDY 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN	1,575.00	
JOHN J. CASTELLANI 27TH FLOOR 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
RITA L. CASTLE 100 NE ADAMS PEORIA IL 61629	CATERPILLAR TRACTOR CO	2,000.00	1,430.00
G. THOMAS CATOR 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE	2,000.00	2,000.00
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	200.00	200.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SOUTHEASTERN LUMBER MANUFACTURERS ASSN).	1,800.00	1,800.00
JOSEPH E. CAVANAGH 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO-CLC	2,675.00	
DOROTHY D. CECELSKI 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,125.00	
CEDERBERG & ASSOCIATES 7100 SUSSEX PLACE ALEXANDRIA VA 22307	GRUMMAN CORPORATION	200.00	
Do	MARTIN MARIETTA CORP	200.00	
Do	RCA	150.00	
Do	UNITED TECHNOLOGIES CORPORATION	150.00	
CENTER FOR ENVIRONMENTAL EDUCATION, INC SUITE 500 624 9TH STREET, NW WASHINGTON DC 20001		567,600.00	11,131.52
CF INDUSTRIES, INC. SALEM LAKE DR. LONG GROVE IL 60047			500.00
CHARLES M. CHAFER SUITE 300 2550 M ST., NW WASHINGTON DC 20037	SPACE SERVICES, INC		
CHAIN SAW MFGRS ASSN SUITE 1008 4340 EAST-WEST HIGHWAY BETHESDA MD 20014			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
DURWOOD CHALKER 2700 ONE MAIN PLACE DALLAS TX 75250	CENTRAL AND SOUTH WEST CORP		134.00
ELIZABETH PREWITT CHALMERS 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	750.00	
WALTON M. CHALMERS II 6815 GEORGIA STREET CHEVY CHASE MD 20815	CITIZENS FOR A NUCLEAR FREEZE	600.00	
CHARLES E. CHAMBERLAIN 1747 PENNSYLVANIA AVENUE, N.W. WASHINGTON DC 20006	COMMITTEE FOR 806.30 AND 807, INC.	750.00	
CHAMBERS ASSOCIATES SUITE 1000 1100 17TH STREET, NW WASHINGTON DC 20036	AMERICAN POSTAL WORKERS UNION	5,691.25	935.96
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE	1,542.50	20.00
Do	FACET, CORP	4,200.00	42.08
ED CHANDLER 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	7,623.00	500.00
J. W. CHANDLER 1575 I ST., NW WASHINGTON DC 20005	YORK DIV., BORG-WARNER CORP		18.50
DONALD E. CHANNELL 6407 CROSSWOODS DR. FALLS CHURCH, VA 22044	SOCIETY OF MILITARY WIDOWS		
Do	SOUTHERN FURNITURE MFGRS ASSN		
WILLIAM C. CHAPMAN 1600 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	3,709.98
RICHARD M. CHARLTON 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	208.00	130.61
J. WILLIAM CHARRIER JR. 2828 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20007	DELTA STEAMSHIP LINES, INC.	1,200.00	147.65
LESLIE CHEEK III 1120 CONNECTICUT AVE., NW, #1142 WASHINGTON DC 20036	CRUM & FOSTER CORP	16,250.00	941.61
JANE CHEEVER 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BOSTON CORPORATION		
Do	FIRST NATIONAL BANK OF BOSTON		
CHEMICAL MANUFACTURERS ASSOCIATION, INC. 2501 M ST.,NW WASHINGTON DC 20037		5,000.00	3,000.00
CHEMICAL SPECIALTIES MFGRS ASSN 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			3,264.16
WILLIAM B. CHERKASKY SUITE 1005 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
B. H. CHERRY 100 INTERPACE PARKWAY PARSIPPANY NJ 07054	GPU SERVICE CORPORATION	2,255.00	335.00
HOWARD P. CHESTER 218 NORTH LEE ST., ALEXANDRIA VA 22314	STONE, GLASS & CLAY COORDINATING COMM		
BLAIR G. CHILDS P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN	545.00	390.00
BRUCE L. CHRISTENSEN 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	150.00
WILLIAM T. CHRISTIAN 1333 NEW HAMPSHIRE AVENUE,N.W. WASHINGTON, DC 20036	ATLANTIC RICHFIELD CO	250.00	
JACK E. CHRISTY 1909 K STREET, NW WASHINGTON DC 20049	AMER ASSN OF RETIRED PERSONS	346.15	139.05
CHUGACH ELECTRIC ASSN, INC PO BOX 3518 ANCHORAGE AK 99501			3,749.23
DONALD T. CHUNN ROUTE 2, BOX 89 COLUMBIA TN 38401	TITLE ASSOCIATES, INC.		
CHWAT/WEIGEND ASSOCIATES 226 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	AMERICAN HOME SEWING ASSN, INC	500.00	500.00
Do	LONG ISLAND UNIVERSITY	500.00	500.00
Do	MORSE TYPEWRITER CO., INC	1,500.00	1,500.00
CIGAR ASSN OF AMERICA, INC SUITE 1201 1100 17TH STREET, NW WASHINGTON DC 20036			561.75
CITIZEN VICTIMS OF CHRYSLER 934 CALLIE AVENUE TAHLEQUAH OK 74464			
CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS #151 1601 114TH SE BELLEVUE WA 98004		632,122.77	130,822.18
CITIZENS FOR GOVERNMENT FAIRNESS PO BOX 1336 BRAWLEY CA 92227			28.50
CIVIL PILOTS FOR REGULATORY REFORM 2819 NORDHAM DRIVE AUSTIN TX 78745			
CLADOUHOS & BRASHARES 1750 NEW YORK AVE., NW WASHINGTON DC 20006	CROWN CENTRAL PETROLEUM CORP		
Do	INTERNATIONAL PROCESSORS		
Do	SEAVIEW PETROLEUM CO		
Do	SECURITIES GROUP		
Do	SMITH, BARNEY, HARRIS, UPHAM & CO	1,500.00	
BOB CLARK & ASSOCIATES SUITE 1908 400 MADISON ST. ALEXANDRIA VA 22314	RYDER SYSTEMS, INC.		
ANNE HARRISON CLARK 110 MARYLAND AVE., NE WASHINGTON DC 20002	POPULATION RESOURCE CENTER, INC	8,322.00	
GILBERT M. CLARK 1117 N 19TH ST., SUITE 600, ARLINGTON VA 22209	AMERICAN ASSN OF BLOOD BANKS		
JAMES W. CLARK JR 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
JOSEPH J. F. CLARK 1750 K ST., NW, #260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
JULIE CLARK 1625 K ST., NW EIGHTH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN.	9,080.00	457.37
KIMBALL CLARK 412 FIRST ST., SE, #200 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	634.51	352.43
MARK A. CLARK 511 CENTRAL AVENUE GREAT FALLS MT 59403	IFG LEASING COMPANY		
VERNON A. CLARK 1899 L ST., NW, #403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC.	1,613.00	6,057.00
DONALD M. CLARKE COLLINS & SMITH ASSOCIATES, INC 6269 FRANCONIA ROAD ALEXANDRIA VA 22310	INTERNATIONAL HARVESTER	2,250.00	
WADE P. CLARKE JR JOHN DEERE RD MOLINE IL 61265	DEERE & COMPANY	150.00	
SCOTT CHARLES CLARKSON SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	1,000.00	411.98
JOAN CLAYBROOK SUITE 605 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC.	55.00	
CLEARY, GOTTLIEB, STEEN & HAMILTON SUITE 400 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INDUSTRIAL HEALTH COUNCIL		
Do	NATIONAL SECURITIES CLEARING CORP	310.00	
Do	SPORTING ARMS AND AMMUNITION MANUFACTURERS INSTITUTE		
JACQUELINE W. CLEMENTS SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	INTERNORTH	1,500.00	
RONALD D. CLEMENTS 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,900.00	520.00
CLEVELAND ELECTRIC ILLUMINATING CO. 55 PUBLIC SQUARE P.O. BOX 5000 CLEVELAND OH 44101			1,428.80
CLIFFORD & WARNKE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AUSTRALIAN MEAT & LIVE-STOCK CORP		
Do	GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA		
Do	JOINT CORPORATE COMM ON CUBAN CLAIMS	600.00	180.00
Do	WARNER-LAMBERT CO.		
DEXANNE CLOHAN 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	3,769.00	18.77
CHRISTOPHER E. CLOUSER 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC.		
COALITION FOR UNIFORM PRODUCT LIABILITY LAW SUITE 303 1901 L STREET, NW WASHINGTON DC 20036		3,885.17	3,885.17
COAN, COUTURE, LYONS & MOORHEAD SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	A - C VALLEY CORPORATION		
Do	TOSCO		
Do	WESTINGHOUSE ELECTRIC CORPORATION	2,300.00	
THOMAS B. COATES CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST.		
JOE COBB COBB GREEN & ASSOCIATES, LTD. P.O. BOX 974 LAS VEGAS NV 89125			
RICHARD B. COBB PETROLEUM COUNCIL OF GA 230 PEACHTREE ST., NW, #1500 ATLANTA GA 30303	AMERICAN PETROLEUM INST.		
JOHN J. COFFEY 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	650.00	
DON V. COGMAN 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	3,750.00	358.56
COHEN & WHITE 1218 16TH STREET, NW WASHINGTON DC 20036	COMPUTER & COMMUNICATIONS INDUSTRY ASSN.		
COHEN AND URETZ 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	ITT CORPORATION		100.45
Do	NORTHWEST ENERGY COMPANY	14,709.75	290.14
MICHAEL J. COHEN 1225 CONNECTICUT AVE, NW WASHINGTON DC 20036	AMERICAN INTERNATIONAL GROUP		
HERBERT B. COHN, MORGAN, LEWIS, & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	147.00	
ELIZABETH A. COKER 815 16TH STREET, N.W. RM. 510 WASHINGTON DC 20006	SEAFARERS INTERNATIONAL UNION	3,000.00	282.93
COLE & CORETTE, P.C. 1200 17TH ST., NW WASHINGTON DC 20036	AMERICAN EXPRESS CO.		
Do	AMERICAN PETROLEUM REFINERS ASSOCIATION		12.00
Do	CHASE MANHATTAN BANK, N.A.		8.00
Do	DOW CHEMICAL COMPANY		32.00
Do	GOVERNMENT OF THE NETHERLANDS ANTILLES		
Do	GRAHAM-WHITE MANUFACTURING CO		8.00
Do	MINPECO S.A.		34.40
ANN COLE 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSOCIATION		
E. WILLIAM COLE 1100 CONNECTICUT AVE., NW SUITE 800 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	600.00	76.00
STACEY W. COLE NEW HAMPSHIRE PETROLEUM COUNCIL 23 SCHOOL ST. CONCORD NH 03301	AMERICAN PETROLEUM INST.		
JOHN M. COLLIER 4436 PERRIER ST. NEW ORLEANS LA 70115	SOUTHERN FOREST PRODUCTS ASSN	10,232.52	
COLLIER, SHANNON, RILL, & SCOTT SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TEXTILE MACHINERY ASSN		
Do	CSX CORPORATION	1,000.00	50.00
Do	AMERICAN FROZEN FOOD INST.		
Do	AMERICAN MEAT INSTITUTE	1,000.00	
Do	CROP INSURANCE RESEARCH BUREAU		
Do	CYLINDERS MANUFACTURERS ASSOCIATION		
Do	FERROS SCRAP CONSUMERS COALITION		
Do	FOOD MARKETING INSTITUTE		
Do	INDEPENDENT LUBRICANT MANUFACTURERS ASSN		
Do	NATIONAL ASSN OF CONVENIENCE STORES		
Do	NATIONAL BROILER COUNCIL		
Do	NORRIS INDUSTRIES	3,000.00	109.30
Do	OUTDOOR POWER EQUIPMENT INSTITUTE		
Do	SOCIETY OF INDEPENDENT GASOLINE MARKETERS OF AMERICA	2,000.00	
Do	TOOL AND STAINLESS STEEL INDUSTRY COMM		
Do	WEST TEXAS LAND & ROYALTY OWNERS ASSN		
GEORGE COLLINS 1126 16TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF ELECTRICAL, RADIO & MACHINE WORKERS	600.00	300.00
MARVIN COLLINS 1850 K STREET,N.W. WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	3,385.00	18.00
MARY M. COLLINS 1025 CONNECTICUT AVE., NW SUITE 200 WASHINGTON DC 20036	SHELL OIL CO.	500.00	
STEPHEN J. COLLINS 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.		
WILLIAM P. COLLINS 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
COLORADO RAILROAD ASSN 420 DENVER CLUB BLDG DENVER CO 80202			
COLORADO SKI COUNTRY USA, INC. SUITE A-201 1410 GRANT STREET DENVER CO 80203		300.00	
W. KENT COMBS 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP.	1,404.00	106.80
COMMERCIAL UNION INSURANCE COMPANIES ONE BEACON STREET BOSTON MA 02108			
COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT C/O HERBERT COHN 1800 M ST., NW, #800 NORTH WASHINGTON DC 20036.		908.00	908.00
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY SUITE 303 1901 L ST., NW WASHINGTON DC 20036		9,265.88	9,265.88
COMMITTEE FOR EFFECTIVE TAX INCENTIVES SUITE 303 1901 L ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS 3401 WEST DIVISION ST. CHICAGO IL 60651			
COMMITTEE FOR HUMANE LEGISLATION, INC 11 WEST 60TH ST. NEW YORK NY 10023		16,142.77	2,746.93
COMMITTEE FOR PROPOSITION THIRTY P.O. BOX 915 HARTSELLE AL 35640			
COMMITTEE OF URBAN PROGRAM UNIVERSITIES SUITE 228 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		7,000.00	11,460.38
COMMITTEE TO ASSURE THE AVAILABILITY OF CASEIN 3213 O ST., NW WASHINGTON DC 20007		28,000.00	
COMMON CAUSE 2030 M ST., NW WASHINGTON DC 20036		1,396,969.55	347,351.61
COMMUNITY NUTRITION INSTITUTE RM. 300 1146 19TH ST., NW WASHINGTON DC 20036			804.60
LANCE COMPA 1411 K ST., NW, #410 WASHINGTON DC 20005	UNITED ELECTRICAL, RADIO & MACHINE WORKERS OF AMER	4,877.42	
COMPUTER & COMMUNICATIONS INDUSTRY ASSOCIATION 2934 M ST., NW WASHINGTON DC 20007			
EDWARD C. CONE P.O. BOX 1788 FOREST PARK GA 30050	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
CAROLE K. CONES SUITE 301 1515 N. COURHOUSE ROAD ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	7,125.00	117.85
CONGRESS WATCH 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		49,818.30	48,341.59
CONGRESSIONAL DIST ACTION COMM, DIST 7 C/O JOE TOMAINO 2735 IVY ST. TAMPA FL 33607		50.00	
RAYMOND F. CONKLING 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC.	300.00	15.75
JAMES T. CONNER SUITE 500 1025 VERMONT AVE., NW WASHINGTON DC 20005	MOBAY CHEMICAL CORP		
ROBERT J. CONNER JR 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	500.00	1,331.27
STEPHEN N. CONNER THE WILLOWS ROUTE L, BOX 165 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA		507.73
JOHN J. CONNOLLY SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	2,800.00	
JOHN P. CONNOLLY SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK, ET AL (FOR CHICAGO MERCANTILE EXCHANGE)		
Do	POPHAM, HAIK, ET AL (FOR NEWCOMB SECURITIES CO)		
RICHARD J. CONNOR JR 1300 PENNSYLVANIA BUILDING WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC.	1,725.00	150.00
JERRY C. CONNORS 8111 GATEHOUSE RD. FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
GREGORY E. CONRAD 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
CONSOLIDATED NATURAL GAS SERVICE CO., INC FOUR GATEWAY CENTER PITTSBURGH PA 15222		4,000.00	
CONSTRUCTORA NACIONAL DE CARROS DE FERROCARRIL, S.A. SAN LORENZO NO. 925, 5 PISO MEXICO, D.F., MEXICO			
CONSUMER ENERGY COUNCIL OF AMERICA SUITE 320 2000 L ST., NW WASHINGTON DC 20036			243.82
CONSUMERS UNION OF U.S., INC. 256 WASHINGTON ST. MOUNT VERNON NY 10550			10,599.50
CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.) 511 C STREET, NE WASHINGTON DC 20002			
JOHN J. CONTNEY 1250 E. HOLLANDALE BEACH BLVD. HOLLANDALE FL 33009	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
CONTRACT CARRIER CONFERENCE 1730 RHODE ISLAND AVE., NW SUITE 801 WASHINGTON DC 20036			
JOHN A. CONWAY 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
JOHN T. CONWAY 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	7,875.00	916.93
EMERY S. CONYERS P.O. BOX 1706 MIDLAND MI 48640	DOW CHEMICAL CO	250.00	85.00
ALEXANDRA W. COOK 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	632.00	568.74
CHARLES F. COOK JR 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	140.00	8.00
FREDERCK N. COOK VERMONT PETROLEUM ASSOCIATION P.O. BOX 566 MONTPELIER VT 05602	AMERICAN PETROLEUM INST	750.00	468.80
HARRY N. COOK 1130 17TH ST., NW WASHINGTON DC 20036	NATIONAL WATER CONFERENCE, INC.		
K. RICHARD COOK 777 14TH ST., NW, SUITE 700 WASHINGTON DC 20005	GENERAL ELECTRIC CO	425.00	
THOMAS M. COOK SUITE 1020 425 13TH STREET, NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
COOK, PURCELL, HANSEN & HENDERSON 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	GUAM AIRPORT AUTHORITY	3,500.00	
EILEEN D. COOKE 110 MARYLAND AVE., NE, SUITE 101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	1,131.00	
BERNARD J. COONEY SUITE 900 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CATERPILLAR TRACTOR CO		
PAUL E. COONEY 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
Do	PHOSPHATE ROCK EXPORT ASSOCIATION		
BENJAMIN Y. COOPER JR 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	7,500.00	
JESSE D. COOPER SUITE 314 1155 15TH ST., NW WASHINGTON DC 20005	ROCKY MOUNTAIN OIL & GAS ASSN	1,100.00	811.25
JOSHUA W. COOPER 626 S. LEE ST. ALEXANDRIA VA 22314	PORTSMOUTH-KITTERY ARMED SERVICES COMM, INC	1,400.00	1,158.61
KATHY J. COOPER SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON USA, INC.	200.00	
MARK N. COOPER 2000 L STREET, N.W. SUITE 320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA		
MITCHELL J. COOPER 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES	4,250.00	
Do	FOOTWEAR DIV., RUBBER MFGRS ASSN	11,500.00	20.00
COOPERATIVE LEAGUE OF THE USA SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		219,767.28	5,028.33
DARRELL COOVER 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	2,000.00	427.00
JAMES M. COPELAND SUITE 801 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE	6,999.00	
CONSTANCE E.R. CORBINO 1015 15TH ST., N.W. # 802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
JOHN F. CORCORAN 920 15TH ST., NW WASHINGTON DC 20005	SOUTHERN RAILWAY CO	1,000.00	
PATRICK H. CORCORAN SUITE 1205 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF OIL PIPE LINES		
CORCORAN, YOUNGMAN & ROWE SUITE 1100 1511 K ST., NW WASHINGTON DC 20005	FRANK G. KINGSLEY		
Do	MILLIKEN & COMPANY		
ALFRED C. CORDON GORDON & JACOBS 2000 L ST., NW, #616 WASHINGTON DC 20036	BUFFALO BROADCASTING CO., INC.		
SAMUEL C. COREY JR 2500 DEKALB PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE CO		
SAMUEL C. COREY SR 2500 DEKALB PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE CO		
BENNETT J. CORN FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
CORN REFINERS ASSOCIATION, INC. 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		2,218.00	1,467.00
CORNELL, PELCOVITS & BRENNER ECONOMISTS, INC. SUITE 708 1211 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SONY CORP OF AMERICA	2,500.00	
ERNEST J. CORRADO SUITE 1000 1625 K STREET, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF MERCHANT SHIPPING	165.00	4.50
MARY MARCOTTE CORRIGAN 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER		
RICHARD L. CORRIGAN SUITE 560 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	CH2M HILL, INC.	1,200.00	
ALLAN D. CORS 1800 K ST., NW, SUITE 1104 WASHINGTON DC 20006	CORNING GLASS WORKS	450.00	
GLEN S. CORSO 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	6,840.00	705.00
R. H. CORY 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	605.00	390.85
TOM COSGROVE 530 7TH ST., S.E. WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION, INC.	3,706.95	
COSMETIC, TOILETRY & FRAGRANCE ASSN, INC SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005			
CLARK R. COSSE III 2900 INDIANA AVE., KENNER, LA 70062	SOUTHERN FOREST PRODUCTS ASSN	7,674.99	
JAMES R. COSTELLO JR 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	500.00	69.50
MICHAEL E. COSTELLO SUITE 600 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		263.20
MARY ALICE COTTER 410 FIRST STREET, SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	400.00	
COTTON FARMERS ASSOCIATION 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703			
COUDERT BROTHERS ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	U.S. TELPHONE COMMUNICATIONS, INC.	73,733.63	2,039.01
DANIEL T. COUGHLIN 235 W. GALENA ST. MILWAUKEE WI 53212	JOS. SCHLITZ BREWING CO		
J. BARRY COUGHLIN 815 CONNECTICUT AVE.,N.W. WASHINGTON DC 20006	FORD MOTOR CO	1,530.00	1,056.91
CRAIG A. COULTER 1660 L ST., NW SUITE 207 WASHINGTON DC 20036	CITIES SERVICE CO	1,015.00	
COUNCIL FOR A LIVABLE WORLD 11 BEACON ST. BOSTON MA 02108			27,064.75
COUNCIL FOR LANGUAGES AND OTHER INT'L. STUDIES SUITE 210 11 DUPONT CIRCLE, NW WASHINGTON DC 20036		3,308.29	7,255.85
COUNCIL OF STATE CHAMBERS OF COMMERCE SUITE 412 499 S. CAPITOL ST., SW WASHINGTON DC 20003		1,034.50	5,247.26
COURSEN & COMPANY 910 17TH STREET, NW WASHINGTON DC 20006	ESTATE OF HELEN HALBACH	12,675.00	373.00
COURTNEY & ASSOCIATES 632 F STREET, NE WASHINGTON DC 20002			
WILLIAM R. COURTNEY P.O. BOX 844 TEMPLE TX 76503	TRIBAL COUNCIL OF THE COUSHATTA TRIBE OF LOUISIANA		
JAMES COUSINS 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	4,000.00	
JOHN F. COVE 918 16TH ST., N.W. WASHINGTON DC 20006	COVE ASSOCIATES (FOR: AEROSPACE OPTICAL DIV. ITT)		
Do	COVE ASSOCIATES (FOR: ASSOC. OF U.S. NIGHT VISION MFRS.)		
COVINGTON & BURLING 1201 PENNSYLVANIA AVE, NW. P.O. BOX 7566 WASHINGTON DC 20044	AMERICAN ASSN OF ORAL & MAXILLOFACIAL SURGEONS	2,925.00	6.00
Do	AMERICAN WATCH ASSN	500.00	37.75
Do	ANCHOR NATL LIFE INSURANCE CO		
Do	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	3,198.75	
Do	FACET ENTERPRISES, INC	10,000.00	91.10
Do	INVESTMENT COMPANY INSTITUTE	9,000.00	86.97
Do	IRVING TRUST CO		
Do	NATIONAL FOOTBALL LEAGUE		14.65
Do	NEW YORK STATE URBAN DEVELOPMENT CORP		
Do	REICHHOLD ENERGY CORP	2,500.00	38.76
Do	SECURITIES INDUSTRY ASSN		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
EUGENE S. COWEN 2759 UNICORN LN., NW WASHINGTON DC 20015	AMERICAN BROADCASTING CO		
ARCHIBALD COX 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,492.50	1,448.52
C. BRYAN COX PO BOX 139 KANSAS CITY MO 64141	KANSAS CITY LIFE INSURANCE CO		
KENNETH A. COX 1133 19TH ST., NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	504.75	10.30
CRAMER HOFFMAN & HABER 1320 19TH ST., NW SUITE 200 WASHINGTON DC 20036	CANAVERAL PORT AUTHORITY	13,500.00	143.62
Do	CITY OF MIAMI	4,000.00	673.65
Do	DADE COUNTY	2,000.00	1,475.12
Do	GLOBAL EXPLORATION & DEVELOPMENT CORP		
Do	HOBBS CONSTRUCTION & DEVELOPMENT CO., INC	10,000.00	307.99
WILLIAM C. CRAMER 1320 19TH ST., NW, #200 WASHINGTON DC 20036	CRAMER HOFFMAN & HABER (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER HOFFMAN & HABER (FOR: CITY OF MIAMI)		
Do	CRAMER HOFFMAN & HABER (FOR: DADE COUNTY)		
Do	CRAMER HOFFMAN & HABER (FOR: HOBBS CONSTRUCTION & DEVELOPMENT CO., INC.).		
Do	HOFFMAN, HENDRY, ET AL. (FOR: GLOBAL EXP. & DEV. CORP.)		
CRAMER, HOFFMAN & HABER, ORLANDO, P.A. 215 E. CENTRAL BLVD. ORLANDO FL 32801	GLOBAL EXPLORATION & DEVELOPMENT CORPORATION		283.05
JOSEPH S. CRANE 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INSTITUTE OF ARCHITECTS	437.50	
CHARLES S. CRAWFORD THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)	85.00	
Do	GRAY AND COMPANY (FOR: AVIS ENTERPRISES)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	GRAY AND COMPANY (FOR: TERA CORPORATION)		
CREDIT UNION NATL ASSN, INC SUITE 810 1730 RHODE ISLAND AVE. WASHINGTON DC 20036		300.00	1,104.75
RICHARD C. CREIGHTON 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	5,000.00	500.00
JOSEPH M. CRIBBEN 6900 VALLEY BROOK DR. FALLS CHURCH VA 22042	UNITED ASSN OF JNYMEN & APPREN. OF PLMBG & PIPEFTG INDUSTRY	1,750.00	30.00
RICHARD E. CRISTOL 5775 PEACHTREE-DUNWOODY RD., #500D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)		
P. H. CROFT 2000 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN SHORT LINE RAILROAD ASSN		
ROBERT W. CROMARTIE 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	300.00	
CHARLES H. CROMWELL, INC. 6709 GEORGIA ST. CHEVY CHASE MD 20815	GENERAL ELECTRIC CO		
Do	HUGHES HELICOPTERS		
Do	MOTOROLA, INC		
Do	NORTHROP CORP		
RAE CRONMILLER SUITE 300 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DONALD A. CROSIER NEBRASKA PETROLEUM COUNCIL 334 S. 13TH ST., PO BOX 95063 LINCOLN NB 68509	AMERICAN PETROLEUM INST		
BOBBY E. CROW PO BOX 683 HOUSTON TX 77001	COLUMBIA GULF TRANSMISSION CO		
CROWELL & MORING 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASARCO, INC	595.00	10.00
Do	ASSOCIATED GAS DISTRIBUTORS		
Do	AVON PRODUCTS, INC	972.00	20.00
Do	BROOKLYN UNION GAS CO	576.00	20.00
Do	COMMUNICATIONS SATELLITE CORPORATION		10.00
Do	CONTROL DATA CORPORATION		
Do	ELI LILLY AND COMPANY	6,035.00	10.00
Do	HELICOPTER ASSOCIATION INTERNATIONAL		
Do	NATIONAL ASSN OF WHOLESALER-DISTRIBUTORS	11,602.50	10.00
Do	REGIONAL AIRLINE ASSOCIATION		2.50
Do	SIERRA PACIFIC POWER COMPANY		
Do	ZIMPRO, INC		
DAVID C. CROWLEY 1050 17TH ST., NW SUITE 770 WASHINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING		
CUBA CLAIMS ASSOCIATION PO BOX 014004 MIAMI FL 33101			
CHARLES T. CUDLIP 1100 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	90.00
BARRY M. CULLEN 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	125.00	
JOHN C. CULVER 1815 H STREET, NW WASHINGTON DC 20006	ARENT, FOX, KINTNER, PLOTKIN, & KAHN (FOR: CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS).		
Do	ARENT, FOX, KINTNER, PLOTKIN & KAHN (FOR: INTELSAT)		
Do	ARENT, FOX, KINTNER, PLOTKIN & KAHN (FOR: URANERZBERGBAU-GMBH)		
WILLIAM E. CUMBERLAND 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
RICHARD C. CUNAN 3100 FERRY BUILDING SAN FRANCISCO CA 94111	CALIFORNIA CANNERS & GROWERS	5,000.00	872.22
JOHN T. CURRAN 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	13,282.50	416.85
Do	NATIONAL COORDINATING COMM FOR MULTIEMPLOYER PLANS		
SHARON ALLEN CURRENS 1735 NEW YORK AVE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1400.00	
CARL T. CURTIS 1101 CONNECTICUT AVE., NW SUITE 800 WASHINGTON DC 20036	DON RICH COMPANY		
EDWARD P. CURTIS JR. 36 WEST MAIN STREET ROCHESTER NY 14614	MINISTRY OF THE ENVIRONMENT PROVINCE OF ONTARIO, CANADA	5,750.00	2,861.77
CURTIS, MALLET-PREVOST, COLT & MOSLE 100 WALL ST. NEW YORK NY 10005	AIR TRANSPORT ASSN OF AMERICA		
M. RUPERT CUTLER 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	300.00	138.00
EVERETT E. CUTTER 620 SW FIFTH AVENUE BLDG., SUITE 912 PORTLAND OR 97204	OREGON RAILROAD ASSN		
TERESE C. D'ALESSIO 2020 NORTH SUITE 402 14TH ST. ARLINGTON VA 22201	AMERICAN NEWSPAPER PUBLISHERS ASSN	3,335.00	121.26
Do	MEDIA GENERAL, INC	715.00	81.00
WILLIAM D. D'ONOFRIO 1800 W. 8TH ST. WILMINGTON DE 19805	NATIONAL ASSOCIATION FOR NEIGHBORHOOD SCHOOLS, INC		
LYNN M. DAFT 1339 WISCONSIN AVENUE, NW WASHINGTON DC 20007	AMERICAN BAKERS ASSOCIATION	955.56	978.76
WILLIAM KAY DAINES 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	700.00	50.20
LEWIS I. DALE SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	90.00	20.00
DONALD W. DALRYMPLE SUITE 220 1575 I ST., NW WASHINGTON DC 20005	AMERICAN CYNAMID COMPANY (FOR: LEDERLE LABORATORIES)	1,920.00	320.45
JAMES G. DALTON 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,500.00	
JOHN M. DAMGARD 1735 I ST., NW SUITE 716 WASHINGTON DC 20006	ACLI INTERNATIONAL, INC		
DAMRELL, DAMRELL & NELSON, P.C. 911 13TH STREET P.O. BOX 3489 MODESTO CA 94353	COASTAL CORPORATION	988.50	341.70
Do	DESERT GRAPE GROWERS LEAGUE OF CALIFORNIA	3,376.08	1,502.06
TRACY DANESE P.O. BOX 14000 JUNO BEACH, FL 33408	FLORIDA POWER & LIGHT CO		
ALICE DANIEL 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	412.50	
DAVID S. DANIELSON 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
DAN DANNER 1747 PENNYSLVANIA AVE., SUITE 702 NW WASHINGTON DC 20006	ARMCO INC	300.00	210.00
ELWYN LABAUVE DARDEN 1224 S. GEORGE MASON DR., APT. 21 ARLINGTON VA 22204	H. H. TIFFANY	1,600.00	20.00
WILLIAM H. DARDEN SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	630.00	
THOMAS ROGER DART ALABAMA PETROLEUM COUNCIL P.O. BOX 4440 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST		
DATAPOINT CORPORATION 9725 DATAPOINT DRIVE SAN ANTONIO TX 78284			
M. DENNIS DAUGHERTY 733 15TH STREET, NW WASHINGTON DC 20005	LEGAL SERVICES CORP	358.72	29.55
PHILLIP DAUGHERTY 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	7,329.00	317.99
JOHN B. DAVENPORT JR 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	115.35	
LARRY C. DAVENPORT 5775 PEACHTREE-DUNWOODY RD. SUITE 500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	35.00	
EARL F. DAVID SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
DANIEL I. DAVIDSON 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	SPIEGEL & MCDIARMID (FOR: NORTHERN CALIFORNIA POWER AGENCY)		
CHRISTOPHER L. DAVIS SUITE 650 1920 N STREET, NW WASHINGTON DC 20036	DIEBOLD, MILLONZI, RAISER, & ROBSHAW (FOR: AMERICAN BUREAU OF COLLECTIONS, INC).		
Do	DIEBOLD, MILLONZI, RAISER, & ROBSHAW (FOR: ERIE COUNTY INDUSTRIAL DEVELOPMENT AGENCY).		
Do	DIEBOLD, MILLONZI, RAISER, & ROBSHAW (FOR: NATIONAL SKEET SHOOTING ASSN		
Do	DIEBOLD, MILLONZI, RAISER, & ROBSHAW (FOR: TECHNOLOGY CENTER, INC		
DAVID R. DAVIS INDIANA PETROLEUM COUNCIL 714 HARRISON BLDG. INDIANAPOLIS IN 46204	AMERICAN PETROLEUM INST	1,046.16	651.23
DREW M DAVIS 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	212.87	
EDWARD M. DAVIS 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	4,990.01	542.62
EDWIN I. DAVIS 1510 FIRST CITY EAST BUILDING HOUSTON TX 77002	COASTAL CORP		
FRED G. DAVIS 1111 19TH STREET, N.W. WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,450.00	610.57
DAVIS GRAHAM & STUBBS SUITE 810 1920 N STREET, NW WASHINGTON DC 20036	INTEGRITY OIL & GAS COMPANY	635.50	534.74
Do	NORTHERN COLORADO WATER CONSERVANCY DISTRICT	15,093.85	15,093.85
Do	SNYDER OIL COMPANY	666.50	560.83
Do	TENNECO OIL COMPANY	961.00	808.64
KENNETH E. DAVIS 1434 NEW YORK AVE., NW SUITE 743 WASHINGTON DC 20005	ROHM & HAAS CO	500.00	22.04
OVID R. DAVIS P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY		
DAVIS POLK & WARDWELL 1575 EYE ST., NW WASHINGTON DC 20005	INTERNATIONAL PAPER CO	76.25	161.75
Do	MORGAN GUARANTY TRUST CO OF NEW YORK		
Do	SOCIETE GENERALE (FOR: HUDSON SECURITIES, INC)		
R. HILTON DAVIS 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	900.00	
ROBERT DAVIS 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	492.00	287.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM LEE DAVIS 299 PARK AVE. NEW YORK NY 10171	WESTVACO CORP	4,250.00	3,297.37
DAVIS, WRIGHT, TODD, RIESE & JONES 6TH FLOOR 1050 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007	SOUTHERN PACIFIC COMMUNICATIONS CO	5,225.00	292.78
P. M. DAVISON JR 418 E. ROSSER AVE. P.O. BOX 938 BISMARCK ND 58501	NORTH DAKOTA RAILWAY LINES		
DONALD S. DAWSON 723 WASHINGTON BLDG. WASHINGTON DC 20005	OPTICIANS ASSN OF AMER		
Do	U.S. BREWERS ASSOCIATION, INC		
Do	VIRGIN ISLANDS GIFT & FASHION SHOP ASSN		
Do	VIRGIN ISLANDS MERCHANTS ASSOCIATION	25,000.00	335.81
J. EDWARD DAY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ELECTRONIC INDUSTRIES ASSN	300.00	
Do	THIRD CLASS MAIL ASSOCIATION		
DCM GROUP SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	AD HOC COMMITTEE FOR AMERICAN SILVER	12,375.00	12,739.52
O. MARK DE MICHELE 411 N. CENTRAL P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY		
JOHN RUSSELL DEANE III 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN METAL DETECTORS MFRS., INC		
Do	COALITION OF AUTOMOTIVE ASSNS		
Do	NATIONAL OUTDOOR COALITION		
Do	SPECIALTY EQUIPMENT MARKET ASSN	8,710.00	5,186.07
GASTON DEBEARN 1775 K ST., NW SUITE 300 WASHINGTON DC 20006	HOFFMANN-LA ROCHE INC		
THOMAS DEBEVOISE 1200 17TH STREET, NW WASHINGTON DC 20036	GPU SERVICE CORPORATION		198.59
ROBERT L. DEBO MISSOURI OIL COUNCIL 428 E. CAPITOL, #203 JEFFERSON CIY MO 65101	AMERICAN PETROLEUM INST		
EDWARD S. DEBOLT SUITE 301 1515 N. COURTHOUSE ROAD ARLINGTON VA 22201	DCM GROUP (FOR: AD HOC COMMITTEE FOR AMERICAN SILVER)	5,250.00	
MARK O. DECKER SUITE 1100 1707 H STREET, NW WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	230.00	
WINSTON M. DECKER SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	40.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
BRIAN DEERY 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DONALD H. DEFOE 100 N.E. ADAMS STREET PEORIA IL 61629	CATERPILLAR TRACTOR CO	99.88	167.80
GEORGE K. DEGNON ASSOCIATES, INC. SUITE 3A 1311-A DOLLEY MADISON BLDG. MCLEAN VA 22101	ASSOCIATION OF STATE & TERRITORIAL HEALTH OFFICIALS		
Do	NATIONAL ASSN OF CHILDREN'S HOSPITALS & RELATED INSTITUTIONS		
DEHART ASSOCIATES, INC 1505 22ND ST., NW WASHINGTON DC 20037	RECORDING INDUSTRY ASSN OF AMER, INC	4,015.00	901.87
JOHN P. DEKANY SUITE 823 201 I STREET, SW WASHINGTON DC 20024	MANUFACTURERS OF EMISSION CONTROLS ASSN		
STEPHEN T. DELAMATER 2600 SOUTHLAND CENTER DALLAS TX 75201	HALLIBURTON CO		
JOHN W. DELANEY 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
Do	FIRST NATIONAL BOSTON CORPORATION		
JOHN L. DELANO BOX 1172 HELENA MT 59624	MONTANA RAILROAD ASSN		815.80
ROBERT B. DELANO 225 TOUHY AVE. PARK RIDGE IL 60068	AMERICAN FARM BUREAU FED	2,500.00	
DELL, CRAIGHILL, FENTRESS & BENTON 888 17TH ST., NW SUITE 1200 WASHINGTON DC 20006	CONSEJO ESTATAL DE DESAROLLO		
Do	GOVERNOR ROBERTO DE LA MADRID		
CARTHA D. DELOACH 700 ANDERSON HILL ROAD PURCHASE NY 10577	PEPSICO, INC	600.00	256.80
SUSAN C. DEMARR 1615 H ST., N.W. WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	2,500.00	
TANIA DEMCHUK 499 SOUTH CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	100.00	
BRADFORD T. DEMPSEY 512 W. MAPLE AVE. SUITE 210 VIENNA VA 22180			
GEORGE H. DENISON 4837 DEL RAY AVE. WASHINGTON DC 20814	NATIONAL OFFICE PRODUCTS ASSN	350.00	
Do	WESTINGHOUSE ELECTRIC CORP	1,275.00	
RAY DENISON 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	15,201.29	483.83
JOHN H. DENMAN MISSOURI OIL COUNCIL 428 E. CAPITAL ST., #203 JEFFERSON CITY MO 65101	AMERICAN PETROLEUM INST	400.00	537.20
WELLS DENYES 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	750.00	112.02
DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO 815 16TH ST., NW WASHINGTON DC 20006		9,149.69	9,149.69
DERREL BLAURETT DEPASSE 1100 CONNECTICUT AVE., NW, #540 WASHINGTON DC 20036	CONTAINER CORP OF AMERICA	9,750.00	4,950.00
ALPHONSE DEROSSO SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
HELEN B. DESAI 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	375.00	
CLAUDE J. DESAUTELS APT. 617 2401 CALVERT ST., NW WASHINGTON DC 20008	CARL BYOIR & ASSOCIATES		
Do	FLAVOR AND EXTRACT MFGRS		
SAMUEL L. DEVINE 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
Do	DILWORTH, PAXSON, KALISH & LEVY		
Do	GROCERY MANUFACTURERS OF AMERICA, INC	652.50	
Do	O'CONNOR & HANNAN	412.50	
Do	OCCIDENTAL PETROLEUM CORP	19,999.98	
Do	PAYCO AMERICAN CORPORATION		
Do	PEPSICO, INC	5,000.00	30.57
R. DANIEL DEVLIN 1000 16TH ST., NW WASHINGTON DC 20036	TRANS WORLD AIRLINES, INC	350.00	
RALPH B. DEWEY 1050 17TH ST., NW, #1180 WASHINGTON DC 20036-5574	PACIFIC GAS & ELECTRIC CO	892.80	1,054.66
DORIS J. DEWTON 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
KENDALL P. DEXTER 9 COUNTRY CLUB ROAD MOBILE AL 36608	MACMILLAN BLOEDEL INC	1,750.00	1,584.00
DGA INTERNATIONAL INC 1225 19TH ST., NW WASHINGTON DC 20036	AIRBUS INDUSTRIE	3,238.40	991.80
Do	DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS		
Do	SOFREAVIA	155.00	32.30
LOUIS H. DIAMOND 10TH FLOOR 1120 CONNECTICUT AVENUE,NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY	3,000.00	
DIAMOND SHAMROCK CORPORATION 717 N. HARWOOD STREET DALLAS TX 75201			1,212.51
CHARLES J. DIBONA 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	1,875.00	
JOHN M. DICKERMAN JOHN DICKERMAN & ASSOCIATES, INC. 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL LUMBER & BUILDING MATERIAL DEALERS ASSN	4,333.32	278.89
CHESTER T. DICKERSON JR. 1101 17TH STREET , N.W. SUITE 604 WASHINGTON DC 20036	MONSANTO CO		169.79
ANN SANDERS DICKEY 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	7,182.00	65.00
WILLIAM E. DICKINSON SUITE 300 206 N. WASHINGTON STREET ALEXANDRIA VA 22314	SALT INSTITUTE	3,000.00	250.00
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	GENERAL MOTORS CORP	12,720.00	1,449.07
Do	K MART CORP		
Do	OAKLAND COUNTY D.P.W		
Do	ROYAL HAWAIIAN CRUISES, INC		
DICKSTEIN SHAPIRO & MORIN 2101 L ST., NW WASHINGTON DC 20037	CUSTOM AUTOMOTIVE SOUND ASSN, INC	1,000.00	
Do	FEDERATED CASH MANAGEMENT SYSTEMS		
Do	MARINE ENGINEERS' BENEFICIAL ASSN		
Do	NATIONAL FEDERATION OF SOCIETIES FOR CLINICAL SOCIAL WORK	500.00	
Do	ROCKPORT YACHT & SUPPLY CO		
Do	SHRIMP HARVESTERS COAL OF THE GULF COAST & S. ATLANTIC STS		
Do	TENNESSEE GAS TRANSMISSION CO		
JOHN R. DIERKER 1150 17TH ST., NW WASHINGTON DC 20036	MCDONNELL DOUGLAS CORPORATION		
NANCY DIETZ 45 EVERETT ST. NEWTON CENTER MA 02159	ACTION FOR CHILDREN'S TELEVISION	500.00	
TIMOTHY V. A. DILLON 1850 K ST., NW, #380 WASHIONGTON DC 20006	WESTLANDS WATER DISTRICT	2,379.62	129.62
THOMAS A. DINE 444 NORTH CAPITOL ST, NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	11,388.60	
MICHAEL F. DINEEN 600 PENNSYLVANIA AVE., SE, #206 WASHINGTON DC 20003	LUMBERMENS MUTUAL CASUALTY COMPANY	1,800.00	
HARLEY M. DIRKS STANTON SQUARE 420 C ST., NE WASHINGTON DC 20002	HEALTH AND MEDICINE COUNSEL OF WASHINGTON	189.00	
Do	PROFESSIONAL SERVICES COUNCIL	189.00	
DISABLED AMERICAN VETERANS 3725 ALEXANDRIA PIKE COLD SPRING KY 41076		73,964.12	73,964.12
DENNIS C. DIX 1901 L ST., N.W. WASHINGTON DC 20036	OUTDOOR POWER EQUIPMENT INSTITUTE		
PATSY B. DIX 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,660.10	50.00
O. L. DIXON III P.O. BOX 1151 PENSACOLA FL 32520	GULF POWER COMPANY	1,405.00	1,140.53
WILLIAM H. DODDS 1757 N STREET, NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	11,588.82	28.20
STEVEN P. DOEHLER SUITE 1405 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,500.00	46.15
WILLIAM BARROWS DOGGETT SUITE 600 1001 22ND STREET, NW WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	800.00	148.77
JOHN D. DOHERTY JR 900 17TH ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A	337.50	31.38
JULIE DOMENICK 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	550.00	494.96
DOMESTIC WILDCATTERS ASSN P.O. BOX 4394, HOUSTON TX 77210		112,000.00	106,829.24
BRIAN J. DONADIO SUITE 104 499 SOUTH CAPITOL STREET, NW WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN		
MICHAEL DONAGHUE 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	400.00	
LEO J. DONAHUE 230 SOUTHERN BLDG. WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
MARLA M. DONAHUE 1625 K STREET, NW WASHINGTON DC 20006	COUNCIL OF AMRICAN-FLAG SHIP OPERATORS	1,250.00	2.50
RICHARD M. DONALDSON 1738 GUILDHALL BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
THOMAS J. DONOHUE 1615 H ST., NW WASHINGTON DC 20062	CITIZENS' CHOICE, INC	5,000.10	
JACK C. DONOVAN P. O. BOX 5000, #612 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO		276.44
WILLIAM DONOVAN 1111 N. 19TH ST, #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	2,500.00	94.50
FRANCIS X. DOOLEY 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	6,000.00	530.00
IRA DORFMAN SUITE 850 2020 K STREET, NW WASHINGTON DC 20006	AMERICAN BAKERS ASSN	721.88	7.30
MAY DEL RIO DORFMAN 380 SECOND AVENUE NEW YORK NY 10010	PLANNED PARENTHOOD OF NEW YORK CITY, INC	282.00	
JAMES A. DORSCH 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC	39.50	4.65
DEAN R. DORT II SUITE 808 910 17TH ST., NW WASHINGTON DC 20006	DEERE & COMPANY	358.75	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
THEODORE DOUGLAS 2501 59TH ST. ST. LOUIS MO 63110	PAINTERS DISTRICT COUNCIL NO.2 (FOR: MISSOURI STATE CONFERENCE OF PAINTERS & ALLIED TRADES).		
GORDON JACK DOVER 1718 DOGWOOD DRIVE ALEXANDRIA VA 22302	RENDON COMPANY		
DOW LOHNES & ALBERTSON 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	ADVANCE PUBLICATIONS, INC, PALMER COMMUNICATIONS, INC	2,393.00	
Do	CENTRAL CALIFORNIA EDUCATIONAL TELEVISION ET AL	18,585.00	
Do	EASTERN MICROWAVE, INC		656.75
Do	HAMPTON ROADS ENERGY CO.,ET AL		
CHARLES P. DOWNER 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	866.66	250.00
JANE LIND DOWNEY 400 ARMY NAVY DRIVE, P.O. BOX 2303 ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	1,644.00	
JOHN P. DOYLE SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	3,479.62	1,867.18
PATRICK L. DOYLE SUITE A-3 210 SEVENTH STREET, SE WASHINGTON DC 20003	FEDERAL EMPLOYEES POLITICAL ACTION COMM (FEDPAC)		
ROBERT H. DOYLE SUITE 230 1130 17TH STREET, NW WASHINGTON DC 20036	WATER QUALITY ASSN	7,315.00	
NANCY DRABBLE 215 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	CONGRESS WATCH	4,250.00	
JAMES E. DRAKE 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,300.00	
JOAN ALBERT DREUX 600 PENNSYLVANIA AVE., SE #211 WASHINGTON DC 20003	NATIONAL ASSN. OF CASUALTY & SURELY AGENTS	1,875.00	828.63
JEROME L. DREYER 1300 N. 17TH ST. SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
STEPHEN D. DRIESLER SUITE 1150 17TH ST., NW #306 WASHINGTON DC 20036	NATIONAL MULTI HOUSING COUNCIL		
DRINKER BIDDLE & REATH 1815 H ST., NW WASHINGTON DC 20006	PHOENIX STEEL CORP.		
KEVIN J. DRISCOLL 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
W.H. DRUSHEL JR 3500 FIRST CITY TOWER, HOUSTON TX 77002	VINSON & ELKINS (FOR: QUINTANA PETROLEUM CORP)		
Do	VINSON & ELKINS (FOR: QINTANA REFINERY CO.)		
EDWIN JASON DRYER 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY,LARDNER,HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
EVELYN DUBROW 1710 BROADWAY NEW YORK NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	8,916.00	4,020.82
MORGAN D. DUBROW 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
BARBARA S. DUDECK 955 L'ENFANT PLAZA, SW # 905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	47.15
JANE MCPIKE DUDLEY 1101 15TH STREET, N.W. WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	375.00	
DOUGLAS F. DUERR 1730 RHODE ISLAND AVE. SUITE 810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	290.96
ANN ANDERSON DUFF 222 S. PROSPECT AVE. PARK RIDGE IL 60068	NATIONAL ASSOCIATION OF MANUFACTURERS	1,200.00	
MICHAEL F. DUFFY 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
FRANCIS J. DUGGAN 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	518.50	937.15
LAURIE DUKER 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,950.00	75.75
EVELYN DUKOVIC 3 EAST 86TH STREET, NEW YORK NY 10028	MORALITY IN MEDIA, INC.	18.19	
MERVIN E. DULLUM 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC.	200.00	42.10
DON R. DUNCAN 1825 K ST.,NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
DUNCAN, WEINBERG, & MILLER SUITE 1200 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ADOLPH KIZAS		
Do	EAST BAY REGIONAL PARK DISTRICT		
Do	IVA MAY HARVEY		
Do	HURON-CLINTON METROPOLITAN AUTHORITY		
Do	KONIAG, INC.	250.00	6.50
Do	MID WEST ELECTRIC CONSUMERS' ASSN, INC		
Do	STATE OF NORTH DAKOTA		
Do	WESTERN FUELS ASSOCIATION, INC.		
JAMES W. DUNLOP 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO.		
MARI LEE DUNN 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	375.00	
JOHN H. DUNNE 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
JAMES A. DUPREE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO.	3,650.00	2,156.00
JOSEPH L. DURAN 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
DANIEL A. DUTKO SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORP OF AMERICA	2,499.00	
Do	CALIFORNIA WESTSIDE FARMERS	833.33	
Do	DOUGLAS OIL PURCHASING CORP		
HENRY I. DWORSHAK 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DENIS J. DWYER 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST.	342.00	
RODERICK T. DWYER 1920 N STREET,N.W. WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
DENNIS J. EARHART 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	362.95	
JACK D. EARLY 1155 15TH ST., NW, #514 WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	140.00	28.50
ROY W. EASLEY 1735 DE SALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC		
EATON ASSOCIATES, INC 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006			
CHARLES H. S. EATON SUITE 260 1750 K STREET, NW WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. L. EATON 1750 K ST., NW, SUITE 260 WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
ROBERT E. EBEL 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	1,450.00	847.00
HAROLD F. EBERLE O'BRIEN, FIERCE & EBERLE 1828 L STREET, NW, #201 WASHINGTON DC 20036	AMERICAN ELECTRONICS ASSN	3,300.00	50.00
Do	COMMITTEE FOR TITLE XI VESSEL FINANCING	12,000.00	150.00
WILLIAM ECHOLS 1920 N STREET, SUITE 300 NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
N. BOYD ECKER 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	117.20
ROBERT C. ECKHARDT 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CONSOLIDATED NATURAL GAS CO	6,666.67	
Do	CONSUMER FEDERATION OF AMERICA		
Do	INVESTMENT COMPANY INSTITUTE	3,333.34	
PATRICIA K. ECONOMOS 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
EDELMAN INTERNATIONAL CORP 1730 PENNSYLVANIA AVE., NW, #460 WASHINGTON DC 20006	ELECTRONIC INDUSTRIES ASSN OF JAPAN		24.00
PETER B. EDELMAN 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
DANIEL J. EDELMAN, INC. SUITE 460 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN SEAT BELT COUNCIL		
Do	ROSES, INC	4,000.00	508.21
Do	SONY CORP OF AMERICA	100.00	
WILLIAM R. EDGAR SUITE 401 815 CONNECTICUT AVENUE, NW WASHINGTON DC 20006	GATES LEARJET CORPORATION		
HELEN H. EDGE 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST.	391.25	
ARTHUR B. EDGEWORTH JR 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,750.00	
EDISON ELECTRIC INSTITUTE 9TH FLOOR 1111 19TH ST., NW WASHINGTON DC 20036		61,188.10	120,643.13
V. ANNE EDLUND 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
STEPHEN L. EDMISTON 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	9,825.60	2,046.41
ED EDMONDSON BOX 11 MUSKOGEE OK 74401	AMERICAN INLAND WATERWAYS COMMITTEE		
Do	CHEROKEE NATION		
Do	DOSS AVIATION, INC.		
Do	IU INTERNATIONAL MANAGEMENT CORP		
Do	OKLAHOMA ASSN. OF ELECTRIC CO.		
Do	U.S. MARITIME COMMITTEE, INC		
EDS CORPORATION 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003			2,336.02
EDWARDS ASSOCIATES 507 SECOND ST., NE WASHINGTON DC 20002	CONFEDERATED TRIBES OF WARM SPRINGS		
Do	PORTLAND GENERAL ELECTRIC CO.		
CHRISTINE A. EDWARDS 1211 CONNECTICUT AVE., N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	323.50	71.12
J. RODNEY EDWARDS 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
MACON T. EDWARDS 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	2,100.00	45.08
MICHAEL D. EDWARDS 1201 16TH STREET, NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,891.80	120.00
WILLIAM A. EDWARDS 250 OLD COUNTRY ROAD MINEOLA NY 11501	LONG ISLAND LIGHTING CO.	1,925.00	985.19
PAUL S. EGAN 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	5,532.00	181.11
EGGERS & GREENE 1407 MAIN ST. SUITE 335 DALLAS TX 75202	LTV CORPORATION	3,000.00	735.48
CHARLES E. EHRHART SUITE 801 2000 L ST., NW WASHINGTON DC 20036	RALSTON PURINA CO	500.00	165.00
SARA EHRMAN 444 NORTH CAPITOL ST., NW, #412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	1,764.66	
MARY ANN EICHENBERGER 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,800.00	15.00
CARL W. EK SUITE 600 1012 14TH ST., NW WASHINGTON DC 20005	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,038.47	176.75
H. J. ELAM III 1201 MAPLE ST. GREENSBORO NC 27405	CONE MILLS CORPORATION		
JOSEPH J. ELEY 1700 K ST., NW SUITE 601 WASHINGTON DC 20006	SQUIBB CORP		
GEORGE K. ELIADES 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	200.00	280.00
J. BURTON ELLER JR 425 13TH ST., NW, #1032 WASHINGTON DC 20004-1886	NATIONAL CATTLEMEN'S ASSN	1,000.00	
CHARLES W. ELLIOTT WISCONSIN PETROLEUM COUNCIL 25 W. MAIN ST., #703 MADISON WI 53703	AMERICAN PETROLEUM INST	7.20	
JOHN DOYLE ELLIOTT 5500 QUINCY ST. HYATTSVILLE MD 20784			277.24
STEVE ELLIOTT 765 BROAD ST NEWARK NJ 07101	FIDELITY UNION TRUST CO		
JOHN ELLIS 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DOROTHY A. ELLSWORTH 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	11,747.18	136.95
PERRY R. ELLSWORTH 435 SOUTHERN BLDG. 1425 H STREET, NW WASHINGTON DC 20005	NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS	1,500.00	27.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOSEPH T. ELVOVE 54 SURFWATCH DRIVE KIAWAH ISLAND SC 29455	PUBLICKER INDUSTRIES, INC.		4,433.71
ELY, GUESS & RUDD 1090 VERMONT AVENUE, N. W. WASHINGTON DC 20005			
CARL F. EMDE 1800 K ST., NW, #1016 WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC.	50.00	
EMERGENCY COMMITTEE FOR AMERICAN TRADE 1211 CONNECTICUT AVE. WASHINGTON DC 20036		72,675.88	63,854.96
EMERSON ELECTRIC CO 8000 W. FLORISSANT ST. LOUIS MO 63136			1,423.11
EMPLOYEE RELOCATION COUNCIL SUITE 600 1627 K ST., NW WASHINGTON DC 20006			2,394.78
EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006		937.49	1,434.45
IRENE R. EMSELLEM 1800 M STREET, NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
LOWELL J. ENDAHL 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	175.00	
ENERGY CONSUMERS & PRODUCERS ASSN BOX 1726 PETROLEUM PLAZA SEMINOLE OK 74868		37,476.65	27,169.79
GERTRUDE ENGEL 2450 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL HEALTH FEDERATION	3,000.00	
RALPH ENGEL 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	346.14	44.25
STEVEN L. ENGELBERG 2033 M ST., NW, #404 WASHINGTON DC 20036	AMERICAN ASSN FOR MARRIAGE & FAMILY THERAPY		
LEWIS A. ENGMAN 1155 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	2,500.00	
PATRICIA HANAHAN ENGMAN 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	2,500.00	
CHRISTOPHER ENGQUIST 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
M. DALE ENSIGN 1100 17TH ST., NW SUITE 406 WASHINGTON DC 20036	SINCLAIR OIL CORPORATION	500.00	170.81
VICKIE L. ERICKSON SUITE 514 900 17TH STREET, NW WASHINGTON DC 20006	NATIONAL HOME FURNISHINGS ASSN	1,000.00	
JOHN M. ERSKINE JR 1108 LAVACA, SUITE 400 AUSTIN TX 78701	STANDARD OIL CO (INDIANA)	134.24	12.00
JERRY N. ERVIN P. O. BOX 3331 HOUSTON TX 77253	QUINTANA REFINERY COMPANY		
SAM J. ERVIN JR. P.O. BOX 69 MORGANTON NC 28655	MEAD CORP., ANHEUSER-BUSCH & WESTVACO	30,000.00	52.00
GEORGE T. ESHERICK 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	355.00	
JANE B. ESTERLY 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	255.00	135.45
ETHYL CORPORATION SUITE 611 1155 15TH ST., NW WASHINGTON DC 20005			4,200.00
STEPHEN E. EURE P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	550.45
DONALD C. EVANS P.O. BOX 1496 SARASOTA FL 33578			
JOHN FORD EVANS JR. O'CONNOR & HANNAN 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	R.M. SINGER & ASSOCIATES, INC.		
Do	TRANSPORT MUTUAL SERVICES, INC.		
Do	UNITED KINGDOM MUTUAL STEAM SHIP ASSURANCE ASSN (BERMUDA)	17,214.23	
Do	WEST OF ENGLAND SHIP OWNERS MUTUAL PROTECTIONS & INDEMNITY ASSN.		
O. KEISTER EVANS 417 N. LEE STREET, P.O. BOX 1308 ALEXANDRIA VA 22313	IMPORTED HARDWOOD PRODUCTS ASSN, INC.		
RAE FORKER EVANS SUITE 210 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	HALLMARK CARDS, INC.		
ROBERT D. EVANS 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
WILLIAM J. EVANS JR SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC	550.00	715.59
ELLEN E. EVES NEW MURPHY RD. AND CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC.		
JEFFREY P. EVES SCOTT PLAZA PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	1,500.00	1,111.96
KY P. EWING JR. 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: AMERICAN GENERAL CORPORATION)		721.17
Do	VINSON & ELKINS (FOR: GATX TERMINALS CORP)	7,360.00	16.00
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE CO)		661.24
ROBBIE G. EXLEY 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	19.92	7.80
F/P RESEARCH ASSOCIATES SUITE 303 1700 K STREET, NW WASHINGTON DC 20006	SLURRY TRANSPORT ASSN	1,500.00	214.20
Do	WAGNER & BARODDY (FOR AMERICAN BUS ASSN)	1,170.00	37.20
MICHAEL FADEN 1346 CONNECTICUT AVE., NW SUITE 1101 WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	6,300.00	
THOMAS L. FAGAN 777 - 14TH STREET, N.W. WASHINGTON DC 20003	GENERAL ELECTRIC CO	250.00	
ROBERT R. FAHS 1101 15TH ST., NW SUITE 205 WASHINGTON DC 20005	CARGILL INC.	2,500.00	60.00
DALE W. FALLAT FIRST FEDERAL BUILDING 5740 SOUTHWYCK BLVD. TOLEDO OH 43614	ANDERSONS		
ROBERT C FARBER 6712 OLD MCLEAN VILLAGE DR. MCLEAN VA 22101	TOSCO CORPORATION	17,850.00	1,186.62
THOMAS B. FARLEY II 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	7,130.00	136.50
FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA P.O. BOX 2251 DENVER CO 80251		160,902.27	78,689.68
JOHN W. FARQUHAR 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
DAGMAR T. FARR 1750 K STREET, N.W. WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
DOLORES L. FARR 1101 14TH ST., NW SUITE 200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	4,051.36	517.73
MICHAEL FARRAR 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
PENELOPE S. FARTHING SUITE 415 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN INSURANCE ASSN	200.00	
MARCUS G. FAUST SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	KENNECOTT CORPORATION	9,000.00	
Do	KIRTON, MCCONKIE AND BUSHNELL	6,056.25	125.43
CLINTON B. FAWCETT NINE GREENWAY PLAZA HOUSTON TX 77046	COASTAL CORPORATION		
JANE FAWCETT-HOOVER 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	6.25	
KEVIN J. FAY 1815 N. FORT MYER DRIVE ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	2,000.00	800.00
FEDERAL EXPRESS CORP BOX 727 MEMPHIS TN 38194			21,309.69
FEDERATION OF AMERICAN CONTROLLED SHIPPING 50 BROADWAY NEW YORK NY 10004		1,622.04	1,622.04
FEDERATION OF AMERICAN HOSPITALS SUITE 402 1111 19TH ST., NW WASHINGTON DC 20036		9,000.00	9,000.00
FEDERATION OF AMERICAN SCIENTISTS 307 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			1,466.43
ARTHUR S. FEFFERMAN 1850 K ST., NW WASHINGTON DC 20037	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
JOHN W. FEIST SUITE 401 1629 K ST., NW WASHINGTON DC 20006	GOVERNMENT RELATIONS ASSOCIATES, INC.	695.00	
KENNETH E. FELTMAN 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
JANICE A. FENBERG SUITE 602 1155 15TH STREET, NW WASHINGTON DC 20005	PENNZOIL CO.	45.00	
C. WELLES FENDRICH P. O. BOX 1500 SOMERVILLE NJ 08876	RESEARCH-COTTRELL, INC.		
BERNARD FENSTERWALD JR 1000 WILSON BLVD., SUITE 900 ARLINGTON, VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	4,374.99	376.71
EDWARD T. FERGUS 100 GOLD ST. NEW YORK NY 10272	BACHE, HALSEY, STUART, SHIELDS INC.	750.00	
JACK FERGUSON ASSOCIATES 203 MARYLAND AVE., NE WASHINGTON DC 20002	ALASCOM, INC.	2,900.00	675.00
Do	ALASKA INTERNATIONAL INDUSTRIES		675.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	1,300.00	675.00
Do	NORTHWEST ALASKAN PIPELINE CO	7,050.00	675.00
Do	U.S. BORAX	7,500.00	675.00
Do	WESTERN AIRLINES		
BETSY FERGUSON 1875 EYE STREET,N.W. SUITE 1110 WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JAMES H. FERGUSON 1140 CONNECTICUT AVE., NW, #609 WASHINGTON DC 20036	AMERICAN SOCIETY FOR PERSONNEL ADMINISTRATION	7,500.00	4,483.00
JOHN T. FERGUSON II 1875 EYE STREET, NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP.	975.00	15.00
JOHN L. FESTA 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
BLAINE FIELDING 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
FRED C. FIELDING 1129 20TH STREET, NW WASHINGTON DC 20036	AM GENERAL CORPORATION	2,400.00	368.00
GARY W. FIELDS 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	600.00	550.00
HERBERT A. FIERST 610 RING BLDG. 1200 18TH ST., NW WASHINGTON DC 20036	COUNCIL OF FOREST INDUSTRIES OF B.C.	13,125.00	400.00
MATTHEW P. FINK 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	248.00	26.00
E. JAY FINKEL SUITE 1200 1133 15TH STREET, NW WASHINGTON DC 20005	PORTER WRIGHT MORRIS & ARTHUR (FOR: J. ROYAL PARKER ASSOCS.)	1,800.00	225.00
MARK FINKELSTEIN 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO		
CHRISTINE M. B. FISHKIN SUITE 200, 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORP		100.00
FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036.	COMMITTEE FOR HUMANE LEGISLATION, INC.	360.00	
Do	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY	4,000.00	4,000.00
Do	GOVERNMENT OF ANTIGUA & BARBUDA	1,560.00	
Do	PLAINTIFF CLASS, PLYWOOD ANTITRUST LITIGATION	750.00	
Do	POPULATION CRISIS COMMITTEE	249.00	
Do	STEWART ENVIRONMENTAL SYSTEMS, INC.		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER 1775 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL COMMUNICATIONS ASSN	4,000.00	600.00
THOMAS D. FINNIGAN OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP.		
JILL FINSEN 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	605.00
M. J. FIOCCO 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRAFFIC LEAGUE	3,000.00	25.00
LAURIE A. FIORI 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	400.40	294.18
RICHARD J. FIORINI 986 ATHERTON DR. SALT LAKE CITY UT 84107	NORANDA MINING INC.		
FIRST CLASS MAILERS ASSN, INC SUITE 107 1101 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037			94.00
FIRST NATIONAL BANK OF BOSTON 100 FEDERAL ST. BOSTON MA 02110			6,969.46
FIRST NATIONAL BOSTON CORPORATION 100 FEDERAL ST. BOSTON MA 02110			
RICHARD L. FISCHER 1000 16TH ST., NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	677.00	
FISHER & SINICK, P.C. SUITE 440 2020 K ST. NW WASHINGTON DC 20006	LEAGUE OF NEW YORK THEATRES & PRODUCERS, INC.		
DONALD W. FISHER 3814 IVANHOE LANE ALEXANDRIA VA 22310	AMERICAN GROUP PRACTICE ASSN, INC.	3,392.00	177.00
JOHN H. FITCH JR. 1725 K STREET, NW SUITE 1200 WASHINGTON DC 20006	NATIONAL ASSN. OF WHOLESALER-DISTRIBUTORS		
MARK FITZGERALD 15TH & M ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
MARY CLARE FITZGERALD 900 17TH ST., NW, #706 WASHINGTON DC 20006	CHASE MANHATTAN BANK, N.A.	112.50	18.46
VICTOR E. FITZMAURICE 1100 CONNECTICUT AVE., NW SUITE 800 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
REV. MSGR. JAMES H. FITZPATRICK 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	913.00	221.00
HILLIARD J. FJORD 602 MAIN ST., #600 CINCINNATI OH 45202	OHIO RIVER CO.	1,500.00	893.85

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
SUSAN G. FLACK 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	38.00
DANIEL V. FLANAGAN JR. SUITE 900 1776 K STREET, NW WASHINGTON DC 20006	DANIEL V. FLANAGAN		
JAMES J. FLANAGAN 25 RESEARCH DR. WESTBOROUGH MA 01581	NEW ENGLAND POWER SERVICE CO	450.72	126.65
MICHAEL FLEMING SUITE 1010 1300 NORTH 17TH STREET ARLINGTON VA 22209	AMERICAN ASSN OF EQUIPMENT LESSORS		
FLORIDA BUSINESS ASSOCIATES SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	9,400.00	32.00
DAVID H. FOERSTER 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
WILLIAM J. FOGARTY 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	2,000.00	
HOWARD W. FOGT JR. FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW, SUITE 1000 WASHINGTON DC 20006.	PHOSPHATE ROCK EXPORT ASSOCIATION		
FOLEY LARDNER HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CITY OF MINNEAPOLIS	7,865.00	79.91
Do	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
Do	INDEPENDENT REFINERS ASSOCIATION OF AMERICA	11,578.50	413.45
Do	INSURANCE ASSOCIATION OF CONNECTICUT	2,620.00	16.49
Do	LAWYERS TITLE INSURANCE CORP		235.47
Do	NATIONAL GYPSUM CO./CEMENT DIV	10,180.00	239.10
Do	PHOSPHATE ROCK EXPORT ASSOCIATION	225.00	
Do	VGS CORPORATION		
LEANDER J. FOLEY III 267 CAPE ST. JOHN RD. CAPE ST. JOHN MD 21401	NATIONAL FED OF COMMUNITY DEVELOPMENT CREDIT UNIONS		
Do	NATIONAL RURAL DEVELOPMENT & FINANCE CORP		
RAYMOND J. FOLEY 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO 815 16TH ST., NW WASHINGTON DC 20006		11,501.93	11,501.93
FOOD MARKETING INSTITUTE 1750 K ST., NW WASHINGTON DC 20006			4,750.00
FOODSERVICE & LODGING INST 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			
GORDON FORBES 303 HANOVER BLDG., 480 CEDAR ST. ST. PAUL MN 55101	MINNESOTA RAILROADS	650.00	1,241.01
CHARLES A. FORD 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
LAURENCE S. FORDHAM FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC	5,000.00	
DONALD D. FOREMAN SUITE 329 4600 W. 77TH MINNEAPOLIS MN 55437	STANDARD OIL CO (INDIANA)	1,050.00	
FOREST FARMERS ASSOCIATION P.O. BOX 95385 ATLANTA GA 30347			
FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036.		266.62	266.62
EDWARD H. FORGOTSON 1627 K ST., NW 10TH FLOOR WASHINGTON DC 20006	TEXAS OIL & GAS CORP		
MARK A. FORMAN SUITE 600 S 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	625.00	
SALLIE H. FORMAN 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	1,100.00	29.40
ROBERT U. FOSTER SUITE 1250 1110 VERMONT AVE., NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
EBERT E. FOURNACE 3706 EATON RD., NW CANTON OH 44708	AMERICAN ELECTRIC POWER SERVICE CORP		
ERIC R. FOX 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		328.29
Do	EMPLOYEE RELOCATION COUNCIL		
WILLIAM C. FRANCE 1701 K ST., NW, #1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
WILLIAM H. G. FRANCE 1701 K ST., NW SUITE 1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
DOUGLAS L. FRANCISCO 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		84.00
ALFRED S. FRANK, JR. SUITE 320 1140 19TH ST., NW WASHINGTON DC 20036	NCR CORPORATION		
WALTER L. FRANKLAND JR 1717 K ST., NW WASHINGTON DC 20006	SILVER USERS ASSN, INC	1,390.40	127.63
THOMAS C. FRANKS 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	1,500.00	992.46
CHARLES W. FRANZ 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	2,000.00	224.72
CHARLES L. FRAZIER 475 L'ENFANT PLAZA, SW, #2250 WASHINGTON DC 20024	NATIONAL FARMERS ORGANIZATION	4,708.33	2,307.59
DONALD A. FREDERICK 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	233.00	
ROBERT M. FREDERICK 1616 H ST., NW WASHINGTON DC 20006	NATIONAL GRANGE	4,625.00	
JAMES O. FREEMAN 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	3,575.00	41.15
LINDA J. FREEMAN 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	353.08	512.45
PAMELA B. FREER 1710 BROADWAY NEW YORK CITY NY 10019	INTERNATIONAL LADIES' GARMENT WORKERS UNION	3,699.00	81.68
PAULA D. FREER 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
ROBERT E. FREER JR. SUITE 2200 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP	100.00	
RONNA FREIBERG THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: BUDD COMPANY)		
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)	28.75	5.00
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)	28.75	5.00
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)	57.50	6.00
VERRICK O. FRENCH 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	550.00	15.00
GEORGE L. FRICK C/O DELAWARE OIL MEN'S ASSN 20 E. DIVISION ST. DOVER DE 19901	AMERICAN PETROLEUM INST		
SUSAN FRIDY 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	2,490.00	36.00
FRIED FRANK HARRIS SHRIVER & KAMPELMAN SUITE 1000 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	AGRIGENETICS CORPORATION	9,329.45	589.77
Do	CHEYENNE RIVER SIOUX TRIBE	1,305.00	12.00
Do	CZECHOSLAVAK CLAIMANTS		37.74
Do	DIAMOND DEALERS CLUB, INC		15.85
Do	DOYON, LIMITED		
Do	MAKAH INDIAN TRIBE		
Do	METLAKATLA INDIAN COMMUNITY	1,389.00	15.00
Do	MICCOSUKEE TRIBE OF INDIANS OF FLORIDA	504.00	11.00
Do	NATIONAL ASSN OF PENSION FUNDS		6.00
Do	NEZ PERCE TRIBE		10.20
Do	NORTON SOUND HEALTH CORPORATION		
Do	OGLALA SIOUX TRIBE OF THE PINE RIDGE RES		
Do	PUEBLO OF LAGUNA	2,820.00	14.10
Do	ROSEBUD SIOUX TRIBE		
Do	SCHENLEY INDUSTRIES, INC		178.93
PHILIP P. FRIEDLANDER JR 1343 L ST., NW WASHINGTON DC 20005	SENECA NATION OF INDIANS	2,329.00	15.40
FRIEDMAN & MANN, P.C. 810 18TH ST., NW WASHINGTON DC 20006	NATIONAL TIRE DEALERS & RETREADERS ASSN	5,500.00	10.00
BARRY A. FRIEDMAN WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COUSHATTA TRIBE OF LOUISIANA		
JAMES M. FRIEDMAN 700 TERMINAL TOWER CLEVELAND OH 44113	AMERICAN SOCIETY OF TRAVEL AGENTS		
GAY H. FRIEDMANN 1150 CONNECTICUT AVE., NW, #717 WASHINGTON DC 20036	CLEVELAND ELECTRIC ILLUMINATING CO	3,165.61	665.61
FRIENDS OF THE COLUMBIA GORGE ROOM 303 519 SW THIRD PORTLAND OR 97204	SOUTHERN CALIFORNIA GAS CO	7,075.00	50.90
OWEN V. FRISBY 900 17TH ST., NW WASHINGTON DC 20006		12,979.00	1,891.00
GUSTAVE FRITSCHIE 1101 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	CHASE MANHATTAN BANK, N.A	900.00	191.26
CHARLES H. FRITTS 2009 NORTH 14TH ST. SUITE 600 ARLINGTON VA 22201	NATIONAL FISHERIES INST	6,000.00	75.00
CHARLES H. FRITZEL 499 S. CAPITOL ST., SE, #401 WASHINGTON DC 20003	NEW BEDFORD SEAFOOD COUNCIL, INC	6,600.00	410.28
JEFFREY FRITZLEN 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	NATIONAL ASSN OF INDEPENDENT INSURERS	300.00	350.00
ROBERT F. FROEHLKE 1850 K STREET, N.W. WASHINGTON DC 20006	TENNECO INC	1,000.00	
RICHARD B. FROH SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	8,500.00	50.00
RICH FRUCHTERMAN III 108 S. AKARD STREET, DALLAS TX 75202	KAISER FOUNDATION HEALTH PLAN	15,500.00	2,207.94
GORDON H. FRY 1100 17TH ST., NW #1201 WASHINGTON DC 20036	U.S. TELEPHONE COMMUNICATIONS, INC	4,500.00	
FULBRIGHT & JAWORSKI 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CIGAR ASSOCIATION OF AMERICA, INC		
Do	CRYSTAL OIL COMPANY		
Do	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS	6,772.50	8.00
Do	PETRO LEWIS CORP	17,241.25	170.64
Do	UNDERWOOD NEUHAUS		
FULL EMPLOYMENT ACTION COUNCIL 707 D ST., SE WASHINGTON DC 20003	UNITED STATES LEASING INTERNATIONAL, INC		
RONALD K. FULLER 1150 CONNECTICUT AVE., NW, #517 WASHINGTON DC 20036		9,555.00	7,172.00
CLAUDIA R. FUQUAY 1133 20TH ST., NW WASHINGTON DC 20036	SAN DIEGO GAS & ELECTRIC	1,256.00	1,437.85
DAVID H. FYOCK SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	NATIONAL FOOD PROCESSORS ASSN	500.00	29.93
MARC P. GABOR 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	GPU SERVICE CORPORATION	6,845.00	979.59
TERRY GABRIELSON 490 L'ENFANT PLAZA, SW, #3202 WASHINGTON DC 20024	AMALGAMATED TRANSIT UNION, AFL-CIO		302.23
GADSBY & HANNAH SUITE 511 1129 20TH STREET, NW WASHINGTON DC 20036	TRANSCONTINENTAL GAS PIPELINE CORP	450.00	
Do	GOVERNMENT OF BELIZE		37.18
Do	GOVERNMENT OF REPUBLIC OF PANAMA	9,000.00	44.95
JAMES E. GAFFIGAN 1101 CONNECTICUT AVE., NW SUITE 1006 WASHINGTON DC 20036	SUGAR ASSN OF THE CARIBBEAN	11,300.00	57.71
Do	AMERICAN HOTEL & MOTEL ASSN	837.69	
NORMAN S. GAINES 2550 M ST., NW, #770 WASHINGTON DC 20037	TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL	750.00	
MICHAEL R. GALE 444 NORTH CAPITOL ST., NW #412 WASHINGTON DC 20001	RJR INDUSTRIES, INC	2,200.54	342.50
JOE H. GALIS P.O. BOX 1100 SLOT 1455 AVON PARK FL 33825	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	8,744.79	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
LAWRENCE H. GALL P.O. BOX 1396 HOUSTON TX 77251	TRANSCO ENERGY CO		
ANN E. GALLAGHER 1111 NORTH 19TH STREET, SUITE 700 ARLINGTON, VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	600.00	
LINDA P. GALLAGHER 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
GALLAND, KHARASCH, CALKINS & SHORT 1054 31ST ST., NW WASHINGTON DC 20007	ATLANTIC CONTAINER LINE	7,523.60	397.81
HARRY GANDERSON P.O. BOX 3351 UNIV. STATION, CHARLOTTESVILLE VA 22903			
WILLIAM R. GANSER JR 4804 FOLSE DR. METAIRIE LA 70002	SOUTHERN FOREST PRODUCTS ASSN	2,006.25	
NICOLE GARA SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	4,384.56	231.89
SHERWIN GARDNER 1010 WISCONSIN AVE., NW SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
GARDNER, CARTON & DOUGLAS 1875 I ST., SUITE 1050 NW WASHINGTON DC 20006	FTC COMMUNICATIONS, INC		
Do	K-A COMPANY		
Do	MIDCON CORP		
Do	SEALED POWER CORP		
EDWARD A. GARMATZ 2210 LAKE AVE. BALTIMORE MD 21213	BALTIMORE GAS & ELECTRIC CO		
NICHOLAS P. GARNETT SUITE 410 1025 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
JAMES J. GARRY 4TH FLOOR FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
GARVEY, SCHUBERT, ADAMS & BARER 1000 POTOMAC ST., NW WASHINGTON DC 20007	AMERICAN PYROTECHNICS ASSN		
Do	COMINCO AMERICAN, INC		
Do	COMMITTEE FOR PROTECTION OF AMERICAN TRADE		
Do	GTE SERVICE CORPORATION	2,850.00	
Do	JAPAN FISHERIES ASSN	12,115.00	63.49
Do	NORANDA MINING INC	7,925.00	
Do	NORTHWEST MARINE IRON WORKS	722.00	18.00
Do	PACCAR, INC		
Do	PACIFIC RIM TRADE ASSN		
Do	TOTEM OCEAN TRAILER EXPRESS, INC	4,215.00	
Do	TRAILWAYS, INC	1,905.00	
Do	WASHINGTON CITIZENS FOR WORLD TRADE	312.50	
E. JUNE GARVIN OHIO PETROLEUM COUNCIL 88 E. BROAD SUITE 1960 COLUMBUS OH 43215	AMERICAN PETROLEUM INST	2,500.00	887.83
GAS APPLIANCE MFGRS ASSN, INC 1901 NORTH FORT MYER DR. ARLINGTON VA 22209			91.30
LILLIAN B. GASKIN 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN	400.00	50.00
PHILIP GASTEYER 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	2,350.00	
JOHN GAUTHIER 923 15TH STREET, N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	240.00
JOHN R. GEIGER SUITE 506 1660 L ST., NW WASHINGTON DC 20036	GOULDS PUMPS, INC	500.00	
ROBERT C. GELARDI 5775 PEACHTREE-DUNWOODY RD. #500-D ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	240.00	
MORTON A. GELLER 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
JOSE A. GEMEIL SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		
GENERAL AVIATION MANUFACTURERS ASSOCIATION SUITE 517 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036			6,684.00
GENERAL INSTRUMENT CORPORATION 1775 BROADWAY NEW YORK NY 10019		3,186.46	221.70
GENERIC PHARMACEUTICAL INDUSTRY ASSN 18TH FLOOR 600 THIRD AVENUE NEW YORK NY 10016		19,426.00	19,426.00
JOHN GENTILLE 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GEORGE AND GEORGE 499 SOUTH CAPITOL ST., SW SUITE 400 WASHINGTON DC 20003	PEPSICO, INC		
Do	RISS INTERNATIONAL		
GEORGIA ASSN. OF PETROLEUM RETAILERS, INC. 315 W PONCE DE LEON AVE. 933 FIRST NATIONAL BANK BLDG. P.O. BOX 789 DECATUR GA 30031.	SERVICE STATION DEALERS OF AMERICA, INC		85.62
JOSEPH G. GERARD 918 16TH ST., N.W. # 402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	1,500.00	1,257.40
LOUIS GERBER 1925 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS WORKERS OF AMERICA	5,967.88	111.00
LLEWELLYN H. GERSON 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	2,000.00	300.00
PHYLLIS H. GERSTELL 1850 K ST., NW WASHINGTON DC 20037	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
DOROTHY F. GEVINSON 1801 K ST., NW SUITE 230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	27.33	
ROBERT N. GIAIMO 499 SOUTH CAPITOL ST., S.W. SUITE 110 WASHINGTON DC 20003	INSURANCE ASSOCIATION OF CONNECTICUT	11,500.00	
WAYNE GIBBENS 1919 PENNSYLVANIA AVE., NW, #503 WASHINGTON DC 20006	MID-CONTINENT OIL & GAS ASSN	7,500.00	118.85
ANNE MARIE GIBBONS THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CLIFFORD S. GIBBONS 1010 WISCONSIN AVENUE, N.W. SUITE 800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
WILLIAM G. GIERY 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	FOODSERVICE & LODGING INST		
NORMA J. GILBERT 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	294.24
SUSAN GILBERT 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ARTHUR P. GILDEA 274 GLENFIELD CT. CINCINNATI OH 45238	BREWERY & SOFT DRINK WORKERS, NATIONAL CONFERENCE		
MICHAEL GILDEA 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,370.58	
JOHN E. GILES 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC	1,450.00	754.81
MARK W. GILLASPIE P.O. BOX 1188 HOUSTON TX 77001	HOUSTON NATURAL GAS CORP		
WILLIAM GILMARTIN SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	209.64	
JOE L GILMORE 1745 JEFF DAVIS HWY., ARLINGTON VA 22202	GENERAL DYNAMICS LAND SYS		
MARLA F. GILSON 444 NORTH CAPITOL STREET, N.W. # 412 WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	718.75	
SAMUEL P. GINDER 2361 S. JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	PRESEARCH, INC		
GINSBURG, FELDMAN WEIL AND BRESS 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	COAL OIL PRODUCERS ASSOCIATION	750.00	82.68
Do	BELCHER TOWING COMPANY	414.98	106.48
GERARD GIOVANIELLO 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	607.20
MICHAEL K. GIRE BRICKER & ECKLER 100 E. BROAD ST. COLUMBUS OH 43215	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
BRENDA M. GIRTON 1211 CONNECTICUT AVENUE, N.W. # 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	90.00	74.08
JONAH GITLITZ SUITE 905 1730 K ST., NW WASHINGTON DC 20006	DIRECT MAIL MARKETING ASSOCIATION		
MICHAEL J. GIUFFRIDA 600 MARYLAND AVE., SW SUITE 450 WASHINGTON DC 20024	NATIONAL FROZEN FOOD ASSOCIATION	2,092.70	
JAY W. GLASMANN 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EMPLOYEE RELOCATION COUNCIL		
SOL GLASNER SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
GEORGE L. GLEASON 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	6,625.10	380.73
JOHN P. GLEASON 1750 OLD MEADOW RD. MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
LAW OFFICES OF THOMAS W. GLEASON ONE STATE STREET PLAZA NEW YORK NY 10004	INTERNATIONAL LONGSHOREMAN'S ASSOCIATION, AFL-CIO		
ROBERT GLEASON 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,105.60	1,484.58
JAMES T. GLENN 840 WASHINGTON BUIDING 15TH STREET & NEW YORK AVE., NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	1,154.27
JUDITH M. GOFF 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	347.87	
HARVEY S. GOLD 1015 15TH ST., NW, #909 WASHINGTON DC 20005	VELSICOL CHEMICAL CORP	6,625.00	192.83
MARTIN B. GOLD THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)		
Do	GRAY AND COMPANY (FOR: NEWCHANNELS CORP)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS, INC)	825.00	28.00
HOWARD S. GOLDBERG 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTL, INC. (FOR: SOFREAVIA)		
JANE A. GOLDEN 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: NATIONAL GYPSUM CO./CEMENT DIV.)		
JACK GOLODNER 815 16TH ST., N.W. WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	3,086.86	
JOHN GONELLA SUITE 200 412 FIRST STREET, SE WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	396.71	228.00
RUTH GONZE THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
CHARLES E. GOODELL 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC. (FOR: SOFREAVIA)		
VANCE V. GOODFELLOW 307 4TH AVE., SOUTH, P.O. BOX 15047 MINNEAPOLIS MN 55415	CROP QUALITY COUNCIL	10,201.29	
ROBERT F. GOODWIN 1850 K ST., NW, SUITE 275 WASHINGTON DC 20006	MEREDITH CORP	40.00	29.75
BENJAMIN GORDON 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
BETH GORDON SUITE 1016 1800 K STREET, NW WASHINGTON DC 20006	AIR PRODUCTS & CHEMICALS, INC	15.00	
DOUGLAS GORDON 1133 20TH STREET, N.W. WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	375.00	47.77
IRMGARD GORDOS RT. 7, BOX 34 JEFFERSON CITY MO 65101	AMERICAN SECURITY COUNCIL		
BRENDA J. GORE SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JAMES M. GORMAN 1 WORLD TRADE CENTER, NEW YORK NY 10048	C. A. SHEA & COMPANY, INC		
JAMES D. GORMLEY 1025 CONNECTICUT AVENUE, N.W. SUITE 517 WASHINGTON DC 20036	GENERAL AVIATION MANUFACTURERS ASSOCIATION	2,186.00	
ANN M. GOSIER 1920 N ST., SUITE 300 NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
PETER GOSSENS 1717 MASSACHUSETTS AVE., NW, #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	10,500.00	579.04
JOHN T. GOULD JR. SUITE 805 1625 EYE STREET, NW WASHINGTON DC 20006	ST. REGIS PAPER CO	500.00	700.00
GOVERNMENT RELATIONS ASSOCIATES, INC. SUITE 401 1629 K STREET, NW WASHINGTON DC 20006		2,346.00	2,346.00
EDMOND GRABER 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JOHN R. GRAFF SUITE 330 1025 VERMONT AVE., NW WASHINGTON DC 20005	INTERNATIONAL ASSN OF AMUSEMENT PARKS AND ATTRACTIONS	66.00	292.15
DONALD E. GRAHAM 1800 MASSACHUSETTS AVE., NW, #604 WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	2,287.50	
LAWRENCE T. GRAHAM 1101 CONNECTICUT AVE., NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	1,247.07	
JOHN K. GRAM 714 OREGON BANK BLDG. PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	623.62
LUIS L. GRANADOS 1725 DESALES STREET, NW SUITE 400 WASHINGTON, DC 20036	ESOP ASSOCIATION OF AMERICA	7,300.00	6,168.03
WILLIAM W. GRANT SUITE 710 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	UTAH INTL, INC		1,043.31
JAMES L. GRANUM 920 15TH ST., NW WASHINGTON DC 20011	SOUTHERN RAILWAY CO	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MICHAEL R. GRAUL 1725 DESALES ST., NW SUITE 401 WASHINGTON DC 20036	AMERICAN HARDWARE MANUFACTURERS ASSN	1,000.00	
Do	CUTTING TOOL MANUFACTURERS ASSN & METAL CUTTING TOOL INST	1,200.00	
JAMES A. GRAY 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	725.00	25.00
ROBERT K. GRAY THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON AND STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: AMERICAN TRUCKING ASSN)		
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	350.00	
Do	GRAY AND COMPANY (FOR: COUNCIL OF STATE HOUSING AGENCIES)		
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)		
Do	GRAY AND COMPANY (FOR: EL PASO NATURAL GAS)		
Do	GENERAL TELEPHONE & ELECTRONICS		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	175.00	
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORP)		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)		
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & CO., LTD.)		
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS)	525.00	
JOHN F. GRAYBEAL SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP)		
MARK E. GRAYSON 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC		
SAMUEL A. GRAYSON P.O. BOX 1745 BOISE ID 83701	UNION PACIFIC RAILROAD		
JAMES R. GRECO P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
DONALD R. GREELEY 1101 17TH ST., NW, #307 WASHINGTON DC 20036	CELANESE CORP	1,000.00	348.39
EDWARD M. GREEN 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GEORGE R. GREEN 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JAMES W. GREEN 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,536.20	377.50
JOHN K. GREEN 800 NEBRASKA SAVINGS BLDG. 1623 FARNAM, OMAHA NB 68102	PAPILLION NEBRASKA SCHOOL DISTRICT	2,863.00	356.59
KATHLENE H. GREEN SUITE 225 2550 M STREET, NW WASHINGTON DC 20037	CONGOLEUM CORP	210.00	63.15
MICAH S. GREEN 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	436.05
WAYNE GREEN 80 PINE ST. PETERBOROUGH NH 03458	WAYNE GREEN, INC		
JANE E. GREENBAUM 25TH & MCGEE KANSAS CITY MO 64108	HALLMARK CARDS, INC		
ALLEN GREENBERG SUITE 708 2000 P STREET, NW WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
CALVIN REGINALD GREENE JR. 1434 DUNCAN STREET, NE WASHINGTON DC 20003	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS	3,000.00	
ROBERT GREENSTEIN 236 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CENTER ON BUDGET & POLICY PRIORITIES	1,475.83	663.38
DALE W. GREENWOOD 612 HOGE BLDG. SEATTLE WA 98104	WASHINGTON RAILROAD ASSN	454.80	1,375.17
SAUNDERS GREGG PO BOX 2628 HOUSTON TX 77001	ENTEX, INC		
CHELLIS O. GREGORY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: MOTION PICTURE ASSN OF AMERICA)	1,725.00	94.00
WILLIAM G. GREIF 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	35,000.00	
ELLEN GRIFFEE SUITE 1048 425 13TH STREET, NW WASHINGTON DC 20004	NATIONAL ORGANIZATION FOR WOMEN	2,575.00	71.45
L. GEORGE GRIFFIN 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,000.00	130.88
MARK N. GRIFFITHS 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
JACK GRIMES 8100 OAK STREET, DUNN LORING VA 22027	NATIONAL PEST CONTROL ASSN		
OLGA GRKAVAC 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		59.85
GROCERY MANUFACTURERS OF AMERICA, INC. SUITE 800 1010 WISCONSIN AVE., NW WASHINGTON DC 20007			652.50
GROOM & NORDBERG 1775 PENNSYLVANIA AVE., NW, #450 WASHINGTON DC 20006	AD HOC GROUP ON LIFE INSURANCE CO. TAXATION OF PENSION FUNDS	100.00	4.00
Do	AETNA LIFE & CASUALTY		
Do	BALLY MANUFACTURING CORP		
Do	CONNECTICUT GENERAL LIFE INSURANCE COMPANY		
Do	ELI LILLY AND COMPANY		
Do	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S		
Do	GULF OIL CORP	500.00	8.00
Do	JOHN HANCOCK MUTUAL LIFE INSURANCE CO		
Do	PHILLIPS PETROLEUM COMPANY		
Do	PHOENIX MUTUAL LIFE INSURANCE COMPANY		
Do	PRUDENTIAL INSURANCE COMPANY OF AMERICA	1,000.00	50.00
Do	TRAVELERS		
Do	WESTERN CONFERENCE OF TEAMSTERS PENSION TRUST FUND	100.00	4.00
Do	WESTINGHOUSE ELECTRIC CORP		
CHESTER A. GROSECLOSE JR. P.O. BOX 1030 ABERDEEN SD 57401	SOUTH DAKOTA RAILROADS ASSN		
DAVID B. GROSS 7490 BROMPTON #108, HOUSTON TX 77025	SHELL OIL CO		
NINA G. GROSS 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	600.00	119.76
STANLEY C. GROSS 249 MAITLAND AVENUE ALTAMONTE SPRINGS FL 32701	INSTITUTE OF INTERNAL AUDITORS, INC		
FRANK N. GROSSMAN SUITE 840 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,500.00	
JEROME GROSSMAN 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	6,105.43	
JOHN T. GRUPENHOFF SUITE 306 10,000 FALLS ROAD POTOMAC MD 20854	AMERICAN ACADEMY OF DERMATOLOGY	1,020.00	517.00
Do	AMERICAN GASTROENTEROLOGICAL ASSN	600.00	548.00
Do	AMERICAN SOCIETY FOR GASTROINTESTINAL ENDOSCOPY	600.00	596.20
Do	NATIONAL ASSN. FOR HOSPITAL DEVELOPMENT		
RICHARD F. GUAY 1101 15TH ST., NW WASHINGTON DC 20005	NATIONAL CONSTRUCTORS ASSOCIATION	3,375.00	
CLARK J. GUILD JR. GUILD, HAGEN & CLARK, LTD. 102 ROFF WAY RENO NV 89505	MOTION PICTURE ASSN OF AMERICA, INC	4,521.25	1,033.97
JEROME R. GULAN 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	4,500.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL	2,500.00	
GUN OWNERS OF AMERICA, INC. 101 S. WHITING ST. ALEXANDRIA VA 22304		247,485.69	245,572.18
THOMAS M. GUNN PO BOX 516 ST. LOUIS MO 63166	MCDONNELL DOUGLAS CORPORATION		
DAVID GUSKY 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	9,235.56	
SUSAN L. GUSTAFSON 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NED H. GUTHRIE 209 HAYES AVENUE CHARLESTON WV 25314	AMERICAN FEDERATION OF MUSICIANS	815.00	1,527.02
ROBERT F. GUTHRIE #608 815 16TH ST., NW WASHINGTON DC 20006	DEPARTMENT FOR PROFESSIONAL EMPLOYEES, AFL-CIO	4,468.76	
TIMOTHY M. HAAKE BIRCH, HORTON, BITTNER & MONROE 1140 CONNECTICUT AVE., NW, #1100 WASHINGTON DC 20036	JIM JONES, GOV'T RESEARCH & DEVELOPMENT CORP		
Do	TEAMSTERS LOCAL 959		
Do	WIEN AIR ALASKA		
C. JAMES HACKETT P.O. BOX 11700 TACOMA WA 98411	AMERICAN PLYWOOD ASSN		
JAMES M. HACKING 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	553.84	479.00
CRAIG HACKLER 412 FIRST ST., SE SUITE 214 WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA	1,000.00	
Do	CADILLAC FAIRVIEW U.S., INC		
Do	CALIFORNIA WESTSIDE FARMERS	833.33	
Do	GUAM OIL & REFINING CO		
Do	NATIONAL LIVING CENTERS	2,000.00	
Do	STICHTING PHILIPS PENSIONENFONDS A AND B		
LOYD HACKLER 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	2,000.00	48.50
CHARLES W. HACKNEY JR 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S		
WILLIAM F. HADDAD 322 W. 57TH ST., NEW YORK NY 10019	GENERIC PHARMACEUTICAL INDUSTRY ASSN	4,320.00	189.00
THOMAS M. HAGAN 1510 AMERICAN BANK TOWER AUSTIN TX 78701	CENTRAL AND SOUTH WEST SERVICES, INC	1,377.00	2,699.25
ANN HAGEMANN 1150 17TH ST., NW WASHINGTON DC 20036	AMERICAN BROADCASTING CO		
WILLIAM D. HAGER 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
BRUCE N. HAHN 9300 LIVINGSTON RD. WASHINGTON DC 20744	NATIONAL TOOLING & MACHINING ASSOCIATION	8,769.24	1,689.98
DONALD M. HAINES 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	8,619.10	28.40
THOMAS F. HAIRSTON 1100 CONNECTICUT AVE., NW, #800 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	4,000.00	654.57
HALE AND DORR SUITE 807 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	GHK COMPANIES	24,365.16	5,307.94
BEVERLY HALEM 414 HIGH POINT DR., #206 COCOA FL 32922	HALEM INDUSTRIES, INC		
HALEY BADER & POTTS SUITE 700 1730 M ST., NW WASHINGTON DC 20036	PILOTS RIGHTS ASSOCIATION	344.00	118.19
MARTIN HALEY COMPANIES 1015 15TH ST., NW WASHINGTON DC 20005	AGRI-BUSINESS INC		
Do	AMERICAN ENERGY INC		
Do	CENTRAL TEXAS GRAIN PRODUCTS MARKETING COOPERATIVE		
Do	GRAIN PRODUCTS ALCOHOL COOPERATIVES		
Do	HIGH PLAINS GRAIN PRODUCTS COOPERATIVE		
Do	LOUIS DREYFUS CORP		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	M&M/MARS		
Do	MARION LABORATORIES, INC		
Do	NEW ENGLAND MUTUAL LIFE INSURANCE CO		
Do	NORTH PLAINS GRAIN PRODUCTS COOPERATIVE		
Do	NORTHWEST TEXAS GRAIN PRODUCTS COOPERATIVE		
Do	POWER AUTHORITY OF THE STATE OF NEW YORK		
Do	TELEPHONE & DATA SYSTEMS, INC		
HALL ESTILL HARDWICK GABLE COLLINGSWORTH & NELSON SUITE 350 1750 K ST., NW WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
HARRY L. HALL SUITE S-520 1120 20TH ST., NW WASHINGTON DC 20036	NATIONAL MULTIPLE SCLEROSIS SOCIETY	4,500.00	
JOHN F. HALL 1619 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	600.00	
RICHARD F. HALL SUITE 800 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA	2,000.00	2,849.56
JOSEPH HALOW SUITE 610-N 1800 M ST., NW WASHINGTON DC 20036	NORTH AMERICAN EXPORT GRAIN ASSN., INC		
MAURICE E. HALSEY SUITE 202 1627 K ST., NW WASHINGTON DC 20006	NORTHERN ILLINOIS GAS COMPANY	2,500.00	
PAUL T. HALUZA SUITE 333 1120 19TH STREET, NW WASHINGTON DC 20036	MOTOR AND EQUIPMENT MANUFACTURERS ASSOCIATION	3,000.00	899.71
JERALD V. HALVORSEN COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSOCIATION	7,000.00	2,735.87
HAMEL PARK MCCABE & SAUNDERS 888 16TH STREET, NW WASHINGTON DC 20006	BENEFICIAL FOUNDATION		
Do	ESTATE OF HELEN WODELL HALBACH		
Do	STATE OF ALASKA		
Do	TANDY CORPORATION	830.00	
Do	UNITED STUDENT AID FUNDS, INC		
Do	GRAEPER-VAN NOY-WAGNER, INC		
BRUCE HAMILTON BOX 1078 LANDER WY 82520	SIERRA CLUB	3,330.00	1,057.70
JAMES L. HAMILTON III 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION	525.00	181.96
J. LEE HAMILTON 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	146.23	40.00
PHILIP W. HAMILTON 1901 L ST., NW, #711 WASHINGTON DC 20036	HAMILTON & (FOR: NATIONAL LABOR-MANAGEMENT FOUNDATION)		
STANLEY HAMILTON 1616 P ST., NW, #204 WASHINGTON DC 20036	COMMON CARRIER CONFERENCE-IRREGULAR ROUTE	500.00	50.00
WILLIAM W. HAMILTON JR. SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	299.66	93.95
SUSAN W. HAMLIN 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
AMY R. HAMMER SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		1,175.76
ROBERT E. HAMPTON NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
ROBERT N. HAMPTON 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	843.75	
SARA HAMRIC 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
NOLAN W. HANCOCK 1126 16TH ST., NW WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,787.50	
TED HANDEL THIRD FLOOR 2301 M STREET, NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	500.00	
DONALD K. HANES 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	150.25	
GEORGE J. HANKS JR 1100 FIFTEENTH STREET, NW 12TH FL WASHINGTON DC 20005	UNION CARBIDE CORP		
JAMES M. HANLEY JAMES M. HANLEY AND ASSOCIATES 1301 PENNSYLVANIA AVENUE, NW, #1150 WASHINGTON DC 20004.	ALLIANCE OF THIRD CLASS NON-PROFIT MAILERS	15,000.00	900.00
ELIZABETH HANLIN SUITE 810 2000 L ST., NW WASHINGTON DC 20036	SPERRY CORPORATION		
HANNAFORD CO., INC. SUITE 750 1225 19TH STREET, NW WASHINGTON DC 20036	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS		
Do	BALTIC AMERICAN FREEDOM LEAGUE	9,300.00	3,307.42
Do	CENTURY 21	2,250.00	75.44
Do	CHINA EXTERNAL TRADE DEVELOPMENT COUNCIL	1,500.00	51.59
Do	FIREMAN'S FUND INSURANCE COS		
Do	GENERAL MOTORS CORP		
Do	HUBBARD BROADCASTING COMPANY		
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	8,400.00	942.62
Do	NORTHWEST ALASKAN PIPELINE CO		
Do	TOSCO OIL CORPORATION		
Do	TRANS WORLD AIRLINES, INC		
HANNAFORD INTERNATIONAL, INC SUITE 207 905 16TH STREET, NW WASHINGTON DC 20006	STABLEX CORPORATION	2,700.00	137.07
HANSELL POST BRANDON & DORSEY 1915 I ST, NW WASHINGTON, DC 20006	EASTERN AIR LINES, INC		
Do	ASSOCIATED BUILDERS & CONTRACTORS, INC	469.46	
Do	ROCKWELL INTERNATIONAL CORP		
Do	PORTMAN PROPERTIES	20,000.00	
ERLING HANSEN 624 9TH ST., NW, 7TH FL WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
J. E. HANSEN 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
PETER J. HAPWORTH 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	500.00	150.86
HARBISON FORD, INC. ROUTE 1 MORRISVILLE PA 19067			
MARGARET K. HARDING 1000 WILSON BLVD. ARLINGTON VA 22209	KIMBERLY-CLARK CORP		
RALPH R. HARDING 305 HEARTHSTONE DR. BOISE ID 83702	AMPCO FOODS, INC		
WILLIAM E. HARDMAN 9300 LIVINGSTON ROAD FT WASHINGTON DC 20744	NATIONAL TOOLING & MACHINING ASSN		
EUGENE J. HARDY SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036	GERBER PRODUCTS COMPANY	500.00	12.25
HELEN S. HARGADON 1155 15TH STREET, NW SUITE 900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	14.15
CHARLES N. HARKEY 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
WILLIAM G. HARLEY SUITE 606 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSN		
DAN R. HARLOW 919 18TH STREET, N.W. WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	3,000.00	
DONALD L. HARLOW 310 RILEY ST. FALLS CHURCH VA 22046	AIR FORCE SERGEANTS ASSN, INC		
CHARLES E. HARMAN JR. PETROLEUM COUNCIL OF GEORGIA 230 PEACHTREE ST., NW, #L500 ATLANTA GA 30303	AMERICAN PETROLEUM INSTITUTE	301.43	754.37
JOHN L. HARMER 50 SOUTH MAIN ST. SUITE 1560 SALT LAKE CITY UT 84144		15,000.00	2,344.98
ROBERT L. HARNESS 1101 17TH ST., NW SUITE 604 WASHINGTON DC 20036	MONSANTO CO	450.00	72.60
WILEY C. HARRELL JR 1211 CONNECTICUT AVE., NW, #502 WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES, INC		
MICHAEL T. HARRIGAN 421 KING ST., #214 ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE		
TONI HARRINGTON 955 L'ENFANT PLAZA NORTH, SW, #905 WASHINGTON DC 20024	AMERICAN HONDA MOTOR CO, INC	200.00	139.18
HARRIS COMMUNICATIONS, INC 80 TROWBRIDGE STREET CAMBRIDGE MA 02138	ALARM DEVICE MANUFACTURING COMPANY		
HUBERT L. HARRIS 444 NORTH CAPITOL STREET, N.W. SUITE 409 WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
JUDY L. HARRIS SUITE 409 444 NORTH CAPITOL ST., NW WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
ROBERT L. HARRIS 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		50.00
HARRIS, BERG & CRESKOFF 1100 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF FOOD INDUSTRIES, INC	850.00	38.60
Do	COMMITTEE OF DOMESTIC STEEL WIRE ROPE & SPECIALTY CABLE MFRS		
Do	P.L. THOMAS & CO., INC	250.00	6.45
JIM HARRISON 1346 CONNECTICUT AVE., NW #228 WASHINGTON DC 20036	COMMITTEE OF URBAN PROGRAM UNIVERSITIES	6,250.00	137.67
WILLIAM H. HARSHA 1102 DELF DRIVE MCLEAN VA 22101	WILLIAM H. HARSHA & ASSOCIATES, INC. (FOR: AMERICAN TRUCKING ASSNS, INC)	7,500.00	49.63
Do	WM. H. HARSHA & ASSSOCIATES, INC (FOR: APPALACHIAN REGIONAL COMMISSION).	4,000.00	103.66
Do	WM. H. HARSHA & ASSOC., INC. (FOR: COMMUTER AIRLINE ASSOCIATION OF AMERICA).	3,000.00	
Do	WM. H. HARSHA & ASSOC., INC. (FOR: GRUMMAN FLXIBLE)	4,500.00	
Do	WM. H. HARSHA & ASSOC., INC. (FOR: SLURRY TRANSPORT ASSN)	12,000.00	
JEFF R. HART 1201 PENNSYLVANIA AVE., NW SUITE 340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	1,875.00	
RICHARD HART 601 N. VERMONT AVENUE LOS ANGELES CA 90004	NATIONAL ASSN OF MANUFACTURERS		
HARTKE & HARTKE 7637 LEESBURG PIKE FALLS CHURCH VA 22043	NATIONAL CULTURAL LIBERATION MOVEMENT & S.A. BLACK ALLIANCE		
CHARLES D. HARTMAN 1050 17TH ST., NW, SUITE 500 WASHINGTON DC 20036	TEXACO, INC	1,868.00	
MARY L. HARTMAN 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
NORMAN B. HARTNETT 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	19,156.80	3,472.38
EDWIN HAROLD HARVEY 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
CLIFFORD J. HARVISON 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
HOLLY HASSETT SUITE 801 1629 K STREET, NW WASHINGTON DC 20006	HERSHEY FOODS CORP		
LEWIS B. HASTINGS 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	1,000.00	248.35
WALTER A. HASTY JR SUITE 230 1801 K ST., NW WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	320.25	
L. ANDREA HATFIELD 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	1,000.00	
GARY R. HATTAL 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
BARBARA J. HAUGH SUITE 800 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		1,660.00
RODNEY E. HAUGH SUITE 903 1735 JEFFERSON DAVIS HWY. ARLINGTON, VA 22202	POTATO CHIP/SNACK FOOD ASSOCIATION	600.00	
MARY W. HAUGHT 1800 K ST., NW, #820 WASHINGTON DC 20006	SUN CO, INC	700.00	59.40
CHARLES W. HAVENS III 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE		
KATHRYN JOANN HAWES SUITE 702 818 ROEDER RD. SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
SIDNEY G. HAWKES 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	3,000.00	165.00
DAVID G. HAWKINS 1725 I ST., NW WASHINGTON DC 20006	NATURAL RESOURCES DEFENSE COUNCIL, INC	5,691.60	29.55
JOHN H. HAWKINS JR 600 N. 18TH ST. BIRMINGHAM AL 35291	ALABAMA POWER CO	12,058.00	405.16
WESLEY F. HAYDEN 5224 CHEROKEE AVE. ALEXANDRIA VA 22312	INTERNATIONAL ASSOCIATION OF FISH AND WILDLIFE AGENCIES	7,125.00	69.65
ROBERT A. HAYNOS 4711 HUNT CIRCLE HARRISBURG PA 17112	HARSCO CORPORATION		
HEALTH INSURANCE ASSOCIATION OF AMERICA, INC. 1750 K ST., NW WASHINGTON DC 20006		514.35	514.35

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HEALTH RESEARCH GROUP SUITE 708 2000 P ST., NW WASHINGTON DC 20036			
PATRICK B. HEALY 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	543.75	
ROBERT L. HEALY 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	300.00	
CHARLES L. HEBNER NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
MARY CONNELL HEDBERG SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM, INC	360.00	
JAMES B. HEDLUND 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	3,200.00	
JAY HEDLUND 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	217.70
EDWARD D. HEFFERNAN !875 EYE ST., NW, # 1025 WASHINGTON DC 20006	DUCTILE IRON PIPE RESEARCH ASSN		
Do	SOUTHERN CALIFORNIA GAS CO	15,000.00	6.40
JOHN HEFFNER 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT E. HEGGESTAD CASEY, SCOTT & CANFIELD 1435 G ST., NW WASHINGTON DC 20005	MANUFACTURED HOUSING INST		
JOHN F. HEILMAN 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	13,430.40	1,866.09
JOHN R. HEISSE II SUITE 900 1828 L STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF DEMOLITION CONTRACTORS		4,486.45
HELICOPTER ASSOCIATION INTERNATIONAL 1110 VERMONT AVE., NW SUITE 430 WASHINGTON DC 20005			15,148.88
RICHARD L. HELLWEGE 1911 JEFFERSON DAVIS HIGHWAY, #1002 ARLINGTON VA 22202	LEAR SIEGLER, INC		
NOEL HEMMENDINGER 1919 PENNSYLVANIA AVE., NW, #400 WASHINGTON DC 20006	ARTER HADDEN & HEMMENDINGER (FOR: JAPAN IRON & STEEL EXPORTERS ASSN & BANCO DO BRASIL).		
THOMAS R. HENDERSHOT BARNETT, & ALAGIA 1627 K ST., NW, #900 WASHINGTON DC 20006	PARTNERSHIP PLACEMENTS, INC		
Do	PETROLEUM HEAT AND POWER CO		
Do	PHILADELPHIA GAS WORKS	6,045.00	
Do	PHILADELPHIA STOCK EXCHANGE	7,038.43	
Do	SLURRY TRANSPORT ASSN		
CAROL C. HENDERSON 110 MARYLAND AVE., NE, #101, BOX 54 WASHINGTON DC 20002	AMERICAN LIBRARY ASSN	666.00	
JOHN B. HENDERSON SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	TEXTRON, INC	1,990.00	295.00
RICHARD DEAN HENDERSON SUITE 310 1101 17TH ST., NW WASHINGTON DC 20036	PRIVATE TRUCK COUNCIL OF AMER, INC		40.00
TOM HENDERSON 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC	15,000.00	7,627.10
C. DAYLE HENINGTON 1101 CONNECTICUT AVE., NW, #801 WASHINGTON DC 20036	CHICAGO MERCANTILE EXCHANGE		
EDMUND P. HENNELLY 150 E. 42ND ST. NEW YORK NY 10017	MOBIL OIL CORP	1,500.00	
GEORGE F. HENNRIKUS JR 201 N. WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	4,744.00	
LEANN HENSCHE 2550 M STREET, NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC	263.74	152.03
BRUCE HEPPEN 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
LYLA M. HERNANDEZ 5410 GROSVENOR LANE, SUITE 210, BETHESDA, MD 20814	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		73.68
HERRICK & SMITH 100 FEDERAL ST. BOSTON MA 02110	SMITH COLLEGE	144.00	
CAROL M. HERRINGTON 1235 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	EMERSON ELECTRIC CO		
WILLIAM G. HERROLD SUITE 608 1111 19TH ST., NW WASHINGTON DC 20036	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
FRED HERVEY P.O. BOX 20230, 4500 SOUTH 40TH ST. PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION	10.00	6,814.47
HEUBLEIN, INC. C/O MAUREEN BRIGGS MUNSON RD. FARMINGTON CT 06032			22,914.01
TED ALLEN HEYDINGER 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,176.25	304.93
G. BROCKWEL HEYLIN 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ANDREW I. HICKEY JR 3900 WISCONSIN AVE., NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	15,750.00	924.73
PAUL T. HICKS RHODE ISLAND PETROLEUM ASSN 154 FRANCIS ST. PROVIDENCE RI 02903	AMERICAN PETROLEUM INST		
J. THOMAS HIGGINBOTHAM MELLON BANK, N.A. PITTSBURGH PA 15230	MELLON BANK, N.A. & MELLON NATL CORP	2,000.00	1,441.04
CLIFTON T. HILDERLEY JR. SUITE 507 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	U.S. FILTER CORPORATION	1,000.00	
HILL AND KNOWLTON, INC SUITE 700 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	FLORISTS' TRANSWORLD DELIVERY ASSN	8,250.00	
GERALD 'JERRY' HILL 6 EXECUTIVE PARK DRIVE ATLANTA GA 30329	STANDARD OIL CO (INDIANA)		
J. ELDRED HILL JR SUITE 603, 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	2,000.00	
MORTON A. HILL 980 PARK AVE. NEW YORK, NY 10028	MORALITY IN MEDIA, INC	10.00	
PATRICIA HILL 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE, INC		
ROBERT B. HILL 2501 M STREET, N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
HIMES & KETCHEY, P.A. 100 TWIGGS STREET 301 FOUNDERS LIFE BUILDING TAMPA FL 33602	PHH GROUP, INC		
CORNISH F. HITCHCOCK 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	AVIATION CONSUMER ACTION PROJECT		
STEPHEN HITCHNER 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	7,846.05	252.09
SHEILA K. HIXSON 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
LAWRENCE S. HOBART 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	1,000.00	
CLAUDE E. HOBBS 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	3,700.00	115.00
ROBERT J. HOBBS 11 BEACON ST. BOSTON MA 02108	NATIONAL CONSUMER LAW CENTER		
JERALD E. HOBSON 1775 K ST., NW SUITE 310 WASHINGTON DC 20006	EL PASO COMPANY	2,500.00	273.38
HODGSON, RUSS, ANDREWS, WOODS & GOODYEAR 1776 F STREET, NW WASHINGTON DC 20006	J. C. BROCK CORP	850.00	
HOWARD E. HOELTER ILLINOIS PETROLEUM COUNCIL P.O. BOX 5034 SPRINGFIELD IL 62705	AMERICAN PETROLEUM INST		
GLEN D. HOFER 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,660.00	
IRVIN A. HOFF 20 N. LIVE OAK RD. HILTON HEAD ISLAND SC 29928	U.S. CANE SUGAR REFINERS' ASSN		
ELLEN S. HOFFMAN 1520 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND OF THE WASH RESEARCH PROJECT, INC	5,180.50	629.82
ELMO R. HOFFMAN 215 EAST CENTRAL BOULEVARD ORLANDO FL 32801	CRAMER, HOFFMAN & HABER (FOR: GLOBAL EXPLORATION & DEVELOPMENT CORPORATION).		
WILLIAM H. HOFFMAN 1000 16TH ST., NW WASHINGTON DC 20036	AMERICAN IRON & STEEL INSTITUTE		
WILLIAM L. HOFFMAN 516 FIRST ST., S.E. WASHINGTON DC 20003	AMERICAN UNIVERSITY OF BEIRUT	8,300.00	777.66
F. NORDY HOFFMANN AND ASSOC., INC SUITE 327 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND COMPANY	500.00	
Do	EPIC	400.00	
Do	INTERNATIONAL TELEPHONE & TELEGRAPH	800.00	
Do	MARINE ENGINEERS BENEFICIAL ASSN	500.00	
Do	O'CONNOR & HANNAN	400.00	
Do	PAGE AIRWAYS	400.00	
Do	WESTINGHOUSE ELECTRIC	300.00	
HOGAN & HARTSON 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	AMERICAN ELECTRONICS ASSN	2,612.50	35.19
Do	COMPUTER & BUSINESS EQUIPMENT MANUFACTURERS ASSN	1,050.00	35.19
Do	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN		
Do	DIRECT SELLING ASSOCIATION	6,768.00	
Do	ETSI PIPELINE PROJECT		
Do	FLORIDA STATE HOSPICE ORGANIZATION, INC		122.30
Do	GLENDALE FEDERAL SAVINGS & LOAN ASSN		25.00
Do	MOTORCYCLE INDUSTRY COUNCIL, INC		
Do	NATIONAL FARMERS ORGANIZATION		4.25
Do	NATIONAL SOFT DRINK ASSN	2,525.00	68.82
Do	NEWSPAPER-BROADCASTER COMMITTEE	75.00	
Do	SCIENTIFIC APPARATUS MAKERS ASSN	1,050.00	35.19
Do	SEMICONDUCTOR INDUSTRY ASSOCIATION		35.19
Do	TOYOTA MOTOR SALES, U.S.A., INC	4,512.50	162.94
JAMES F. HOGG 8100-34TH AVE. SOUTH (MAILING P.O.B. 0) MINNEAPOLIS, MN. 55440	CONTROL DATA CORPORATION		
RICHARD F. HOHLT 1709 NEW YORK AVE., NW SUITE 801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,312.50	180.00
WALTER HOLAN 20 NORTH WACKER DRIVE CHICAGO IL 60606	PROFIT SHARING COUNCIL OF AMER		
WILLIAM J. HOLAYTER 1300 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS	6,460.87	
BRUCE E. HOLBEIN 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	10,750.00	
MICHELE O'DONNELL HOLBROOK 10 LAFAYETTE SQUARE ROOM 900 BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	880.00	3,977.72
NIELS HOLCH THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	979.50	36.00
MARCUS A. HOLLABAUGH 1775 PENNSYLVANIA AVE., NW, #1000 WASHINGTON DC 20006	PHOSPHATE ROCK EXPORT ASSOCIATION		
HOLLAND & KNIGHT 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	RSV MINING EQUIPMENT B.V.		
Do	WACKENHUT CORP		
WENDELL M. HOLLOWAY 815 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20006	FORD MOTOR CO	2,490.00	1,838.34
HOLME, ROBERTS & OWEN 1700 BROADWAY DENVER CO 80290	PARAHO DEVELOPMENT CORP	15,191.25	516.91
LEE B. HOLMES 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	5,000.00	87.72
MOSES D. HOLMES JR 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,239.20	203.65
PETER E. HOLMES 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	1,250.00	
E.Y. HOLT JR 1111 NORTH 19TH ST., #700 ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
A. LINWOOD HOLTON JR 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	600.00	
JOHN W. HOLTON 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
LOIS HOLWERDA - HOYT SUITE 104 499 SOUTH CAPITOL STREET, NW, WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN	1,500.00	
HOME RECORDING RIGHTS COALITION SUITE 1025 1015 15TH STREET, NW WASHINGTON DC 20006		182,053.12	228,980.15
KAREN C. HONTZ 600 NEW HAMPSHIRE AVENUE, N.W. SUITE 920 WASHINGTON DC 20037	GULF & WESTERN MANAGEMENT COMPANY	1,656.00	283.64
VIRGINIA E. HOPKINS 1800 MASSASHUSETTS AVENUE, N.W. WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: NATIONAL ASSN FOR ASSN POLITICAL ACTION COMMITTEES).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE AND DATA SYSTEMS, INC.)		
WILLIAM B. HOPKINS P.O. BOX 13366 ROANOKE VA 24033	TULARE LAKE WATER USERS COMMITTEE	9,450.00	3,150.86
BETTY CAROLYN HORN SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
ALISON HORTON 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	4,250.00	2,100.00
SANFORD D. HORWITT 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION		
Do	FRIENDS OF ANIMALS, INC	2,333.33	26.36
HOSPITAL ASSOCIATION OF NEW YORK STATE 15 COMPUTER DRIVE WEST ALBANY NY 12205		1,695.00	1,695.00
WILLIAM J. HOTES 919 18TH ST., N.W. #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION	1,000.00	455.76
THOMAS B. HOUSE 1700 OLD MEADOW RD. SUITE 100 MCLEAN VA 22102	AMERICAN FROZEN FOOD INST	1,000.00	
HOUSLEY, GOLDBERG & KANTARIAN, P.C. 2301 M STREET, NW SUITE 500 WASHINGTON DC 20037			
JACK W. HOUSTON 315 W. PONCE DE LEON AVENUE DECATUR GA 30031	GEORGIA ASSOCIATION OF PETROLEUM RETAILERS, INC.		163.45
HOUSTON NATURAL GAS CORP P.O. BOX 1188 HOUSTON TX 77001			
DONALD L. HOWELL FIRST CITY NATIONAL BANK BLDG. HOUSTON TX 77002	VINSON & ELKINS (FOR: SLURRY TRANSPORT ASSN)		
J. WILLIAM HOWELL 1801 K ST., NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	2,565.30	151.09
JAMES P. HOWELL 1800 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	915.00	
JOE L. HOWELL SUITE 750 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ALLSTATE ENTERPRISES, INC		
Do	ALLSTATE INSURANCE COS		
MARY J. LYNCH HOWELL 1090 VERMONT AVE., NW, SUITE 1100 WASHINGTON DC 20005	TEXTRON, INC	1,500.00	280.00
JOHN B. HOWERTON 1730 RHODE ISLAND AVE., NW, #209 WASHINGTON DC 20036	ASARCO INC	2,000.00	
JOANNE MASSEY HOWES SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036	PLANNED PARENTHOOD FEDERATION OF AMERICA, INC	943.37	117.00
MARY HOYER P.O. BOX 7610, BF STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSN		
KARL T. HOYLE SUITE 810 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC	300.00	400.75
JOHN S. HOYT 400 N. WASHINGTON STREET ALEXANDRIA VA 22314	PROFESSIONAL INSURANCE AGENTS	250.00	200.00
PAUL R. HUARD 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,250.00	
MARGARET RENKEN HUDSON 2550 M ST., NW SUITE 450 WASHINGTON DC 20037	KORF INDUSTRIES, INC	1,000.00	
HUDSON, CREYKE, KOEHLER & TACKE 1744 R STREET, NW WASHINGTON DC 20009	JAMES P. PURVIS		155.77
DAVID EMERY HUGHES 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	80.00	363.75
GARY E. HUGHES 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
HUGHES HUBBARD & REED SUITE 300 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	BUSINESS ROUNDTABLE	600.00	8.00
Do	CONTINENTAL AIR LINES, INC		
Do	FORD MOTOR COMPANY	450.00	149.49
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	PFIZER, INC		
PETER W. HUGHES 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	920.80	
VESTER T. HUGHES JR. HUGHES & HILL 1000 MERCANTILE DALLAS BUILDING DALLAS TX 75201	AMERICAN GENERAL LIFE INSURANCE CO	200.00	596.15
Do	AMERICAN NATIONAL INSURANCE COMPANY	200.00	596.15
Do	REPUBLIC NATIONAL LIFE INSURANCE COMPANY	200.00	596.15
Do	SAMMONS ENTERPRISES, INC		
WILLIAM HUGHES 1522 K ST., NW, #836 WASHINGTON DC 20005	NATIONAL ASSN OF FEDERAL VETERINARIANS	34.92	
EDWARD L. HUIE WHEATON PLAZA NORTH, #415 WHEATON MD 20902	NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS	8,612.80	1,424.39
CORDELL W. HULL 50 BEALE ST., P O BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
DAVID C. HULL 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	291.00	4.20
GREGORY A. HUMPHREY 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	11,648.34	240.00
MARGOT SMILEY HUMPHREY 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)	1,575.00	22.00
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		60.15
A. TRUMAN HUNT JR. MISSISSIPPI PETROLEUM COUNCIL P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST	850.00	1,476.14
DAVID A. HUNT 1815 NORTH FORT MEYER DRIVE ARLINGTON VA 22209	AIR CONDITIONING & REFRIGERATION INSTITUTE	4,000.00	1,200.00
FREDERICK D. HUNT JR 1800 M ST., NW SUITE 1030N WASHINGTON DC 20036	SOCIETY OF PROFESSIONAL BENEFIT ADMINISTRATORS		
LAWRENCE H. HUNT JR SIDLEY & AUSTIN ONE FIRST NATL PLAZA CHICAGO IL 60603	HEINOLD COMMODITIES, INC & CONTI COMMODITY SERVICES, INC		18.00
HUNT OIL COMPANY 2900 FIRST NATIONAL BANK BLDG. DALLAS TX 75202			
PETER C. HUNT 195 MONTAGUE ST. BROOKLYN NY 11201	BROOKLYN UNION GAS CO		
RICHARD M. HUNT 1150 CONNECTICUT AVE., NW, #1009 WASHINGTON DC 20036	NL INDUSTRIES, INC		
HARRY HUNTER SUITE 809 3 SKYLINE PLACE 5201 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL ASSN OF CONVENIENCE STORES		
JAMES C. HUNTER SUITE 207 1660 L STREET, NW WASHINGTON DC 20036	CITIES SERVICE COMPANY	2,481.00	
MICHAEL M. HUNTER 1707 L ST., NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	3,000.00	100.00
WILLIAM J. HUNTER JR SUITE 900 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MEAD CORPORATION	7,750.00	354.56
MILTON F. HUNTINGTON MAINE PETROLEUM ASSN 283 WATER ST. AUGUSTA ME 04330	AMERICAN PETROLEUM INST	250.00	597.96
HUNTON & WILLIAMS P.O. BOX 1535 RICHMOND VA 23212	EDISON ELECTRIC INSTITUTE	18,910.00	589.73
J. JAMES HUR 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	ATLANTIC RICHFIELD COMPANY		
ADELE M. HURLEY SUITE 206 1825 K ST., NW WASHINGTON DC 20006	CANADIAN COALITION ON ACID RAIN	1,316.18	200.00
GERARD F. HURLEY 1625 I ST., NW, #609 WASHINGTON DC 20006	NATIONAL CLUB ASSOCIATION	400.00	25.00
JOHN EDWARD HURLEY SUITE 107 1101 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037			
Do	NATIONAL ASSN FOR FREE ENTERPRISE		
ROBERT R. HURT 1050 17TH ST., NW SUITE 1050 WASH DC 20036	MERCK & CO., INC		
BENJAMIN MELVIN HURWITZ 1925 K ST., NW SUITE 200 WASHINGTON DC 20006	MITCHELL ENERGY & DEVELOPMENT CORP		
GEOFFREY B. HURWITZ SUITE 743 WASHINGTON BLDG. 1434 NEW YORK AVE. WASHINGTON DC 20005	ROHM AND HAAS COMPANY	500.00	40.00
DEWEY M. HUTCHINS 1919 PENNSYLVANIA AVE., NW, # 705 WASHINGTON DC 20006	EASTMAN KODAK CO	450.00	190.00
PHILIP A. HUTCHINSON SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	250.00	
ROBERT E. HUTCHINSON P.O. BOX 20230 4500 SOUTH 40TH ST. PHOENIX AZ 85036	CIRCLE K CORPORATION		
Do	REDUCE OUR DEBT FOUNDATION	10.00	6,814.47
RANDY HUWA 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	65.55
GARY HYMEL THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)	900.00	
Do	GRAY AND COMPANY (FOR: ASARCO)		
Do	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	GRAY AND COMPANY (FOR: COUNCIL OF STATE HOUSING AGENCIES)	172.50	18.00
Do	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, INC)	950.00	48.00
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HAMBROS BANK LIMITED)	50.00	6.00
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	172.50	18.00
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	NEW CHANNELS CORP		
Do	GRAY AND COMPANY (FOR: QUIXOTE CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)	350.00	42.00
Do	GRAY AND COMPANY (FOR: SHARPS, PIXLEY & COMPANY, LTD.)	50.00	6.00
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS/FRANKLIN MINT)		
ROBERT D. HYNES JR SUITE 807 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	500.00	83.27
RICHARD H. ICHORD SUITE 201 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	EMERSON ELECTRIC CO	262.50	58.45
Do	MAGNAVOX GOVERNMENT & INDUSTRIAL ELECTRONICS CO	312.50	
Do	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
FRANK N. IKARD 1120 CONNECTICUT AVE., NW, 10TH FL. WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY	250.00	
RONALD K. IKEJIRI 1730 RHODE ISLAND AVE., NW, #204 WASHINGTON DC 20036	JAPANESE AMERICAN CITIZENS LEAGUE	3,729.00	46.00
BERNARD J IMMING 727 N. WASHINGTON ST. ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
INDEPENDENT INSURANCE AGENTS OF AMERICA, INC. 100 CHURCH ST. NEW YORK NY 10007		16,618.03	16,618.03
INDEPENDENT LOCAL NEWSPAPER ASSN 1050 17TH ST., NW WASHINGTON DC 20036			
INDEPENDENT LUBRICANT MANUFACTURERS ASSN 1055 THOMAS JEFFERSON STREET, NW WASHINGTON DC 20007			
INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL C/O PIERSON, BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036.		48,000.00	66,557.72
INDUSTRIAL UNION DEPARTMENT, AFL-CIO 815 16TH ST., NW WASHINGTON DC 20006		20,969.08	20,969.08
NANCY J. INGALSBEE SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	U. S. SKI ASSOCIATION	96.00	
ANDREA L. INNES COAL BUILDING WASHINGTON DC 20036	NATIONAL COAL ASSN	4,625.00	371.27
INSURANCE ECONOMICS SOCIETY OF AMERICA SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		62,508.54	
INTER-AMERICAN SERVICES, INC SUITE 102 1804 N.E. LOOP 410 SAN ANTONIO TX 78217			
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036			23,892.06
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES 1750 NEW YORK AVE., NW WASHINGTON DC 20006			

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
INTERNATIONAL BROTHERHOOD OF TEAMSTERS 25 LOUISIANA AVE., NW WASHINGTON DC 20001			37,125.91
INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO 17 BATTERY PLACE SUITE 1500 NEW YORK NY 10004			36,873.57
INTERNATIONAL UNION OF BRICKLAYERS & ALLIED CRAFTSMEN 815 15TH ST., NW WASHINGTON DC 20005			3,312.27
INVESTMENT COMPANY INSTITUTE 1775 K ST., NW WASHINGTON DC 20006			12,475.73
INVESTMENT COUNSEL ASSN OF AMERICA, INC. 50 BROAD ST. NEW YORK NY 10004			
CHARLES C. IRIONS 400 ARMY NAVY DRIVE P.O. BOX 2303 ARLINGTON VA 22202	AMERICAN MOVERS CONFERENCE	107.68	
IRON ORE LESSORS ASSN, INC 1500 FIRST NATL BANK BLDG. SAINT PAUL MN 55101		15,611.53	11,666.68
JOHN ISAACS 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	6,126.18	
ITEL CORPORATION, CONTAINER DIVISION #2 EMBARCADERO CENTER 24TH FLOOR SAN FRANCISCO CA 94111			274.50
JOSEPH S IVES 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	115.00	
IVINS, PHILLPS & BARKER, CHTD. 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	EMPLOYERS COUNCIL ON FLEXIBLE COMPENSATION	1,428.75	
ROBERT A. JABLON SPIEGAL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
BENJAMIN R. JACKSON 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	NORMAN D. SHUTLER	3,000.00	
CHARLES L. JACKSON 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)		
MERCER L. JACKSON 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC.	200.00	
ROBERT S. JACKSON 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP	2,500.00	83,525.41
WALTER K. JAENICKE 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
E. A. JAENKE & ASSOCIATES, INC 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
DANIEL L. JAFFE 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN ADVERTISING FEDERATION	120.88	
MARGO L. JAMES 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	5,000.00	371.33
JAPAN ECONOMIC INSTITUTE OF AMERICA 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		1,969.95	1,969.95
JOSEPH J. JAQUAY 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION , AFL-CIO		
T. DESTRY JARVIS 529 TENNESSEE AVE. ALEXANDRIA VA 22305	NATIONAL PARKS & CONSERVATION ASSOCIATION	1,071.00	73.15
EVELYN JARVIS-FERRIS 444 MARKET STREET SAN FRANCISCO CA 94111	SHAKLEE CORPORATION	1,000.00	2,899.18
JERRY J. JASINOWSKI 1776 F STREET, N.W. WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	2,000.00	
PATRICIA A. JEFFERS SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	65.00	25.00
JOSEPH A. JEFFREY 1920 N STREET,N.W. SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS	400.00	
JOSEPH S. JENCKES 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	5,000.00	42.80
LINDA JENCKES 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	280.00	30.50
JENKENS & GILCHRIST 2200 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	AMERICAN COLLEGE OF EMERGENCY PHYSICIANS	67.50	23.20
JENNINGS, STROUSS & SALMON 111 WEST MONROE PHOENIX AZ 85003	SHAMROCK FOODS CO.	90.00	
CHRIS L. JENSEN FLORIDA PETROLEUM COUNCIL 111 NORTH GADSDEN ST. TALLAHASSEE FL 32301	AMERICAN PETROLEUM INST	1,518.00	1,660.20
JENSEN, SANDERS & MCCONNELL SUITE 1875 1875 EYE ST., NW WASHINGTON DC 20006	CARMA-SANDLING GROUP	1,500.00	
Do	COUNTY OF ORANGE	9,500.00	750.00
Do	ORANGE COUNTY TRANSPORTATION COMMISSION	6,500.00	397.00
Do	SANTA ANA RIVER FLOOD PROTECTION AGENCY	300.00	
Do	SANTA ANA VALLEY IRRIGATION CO.		
NANCY H. JESSICK 425 13TH STREET, NW SUITE 1220 WASHINGTON DC 20004	HIRAM WALKER & SONS, INC.		
A. W. JESSUP 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		381.17
GUY E. JESTER 2150 KIENLEN AVE. ST. LOUIS MO 63121	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
CHARLES E. JOECKEL JR 807 MAINE AVE., SW WASHINGTON DC 20024	DISABLED AMERICAN VETERANS	10,862.40	2,319.30
JOHNSON & SWANSON 4700 FIRST INTERNATIONAL BLDG. DALLAS TX 75270	HARBISON FORD, INC.		
Do	HUNT OIL COMPANY		45.66
CARL T. JOHNSON SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	CORNING GLASS WORKS	400.00	
DAVID H. JOHNSON MISSISSIPPI PETROLEUM COUNCIL 215 LAMAR LIFE BLDG., P.O. BOX 42 JACKSON MS 39205	AMERICAN PETROLEUM INST	100.00	435.15
EDWARD JOHNSON 1920 N STREET, NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
GEORGE DEAN JOHNSON JR. 220 NORTH CHURCH STREET P.O. BOX 5524 SPARTANBURG SC 29304	MILLIKEN & COMPANY	1,200.00	1,547.47
Do	WASTE MANAGEMENT, INC	1,000.00	324.05
H. BRADLEY JOHNSON 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
JESS JOHNSON JR SUITE 200 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	SHELL OIL CO.	500.00	
JOHN B. JOHNSON ALABAMA PETROLEUM COUNCIL P.O. BOX 4220 MONTGOMERY AL 36195	AMERICAN PETROLEUM INST	587.50	
JOHN D. JOHNSON SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER PERMANENTE MEDICAL GROUP	15,500.00	2,207.94
LINDA MEYER JOHNSON 7700 LITTLE RIVER TURNPIKE ANNANDALE VA 22003	ROLM CORPORATION	8,750.00	2,984.17
RADY A. JOHNSON 1000 16TH ST., #500 NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	176.97
RICHARD W. JOHNSON JR 110 MARYLAND AVE., NE, BOX 43 WASHINGTON DC 20002	NON COMMISSIONED OFFICERS ASSN OF THE USA	3,153.15	126.49
SPENCER A. JOHNSON 1101 VERMONT AVE., SUITE 411 WASHINGTON DC 20005	PAPERBOARD PACKAGING COUNCIL		
STANLEY L. JOHNSON 1050 17TH ST., NW WASHINGTON DC 20036	TEXACO, INC.	185.00	
WILLIAM L. JOHNSON SUITE 301 1050 17TH STREET, NW WASHINGTON DC 20036	MICHIGAN CONSOLIDATED GAS CO	1,000.00	
BARBARA W. JOHNSTON 1150 CONNECTICUT AVE. NW #710 WASHINGTON DC 20036	UTAH INTERNATIONAL INC.		
DAVID JOHNSTON 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
JAMES D. JOHNSTON 1660 L ST., SUITE 801 NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	3,060.25
T. GLENN JOHNSTON SUITE 500 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC		
JOINT CORPORATE COMM ON CUBAN CLAIMS C/O LONE STAR INDUSTRIES, INC PO BOX 5050 GREENWICH CT 06830		600.00	180.00
JOINT TASK FORCE ON FEDERAL FINANCIAL ASSIST. FOR STUDENTS C/O LAW SCHOOL ADMISSION COUNCIL 11 DUPONT CIRCLE, NW WASHINGTON DC 20036			
MARY KAAREN JOLLY 1600 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	750.00	518.70
ALLAN R. JONES 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC.	9,000.00	1,124.75
CHARLIE W. JONES SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	300.00	100.00
ERNEST W. JONES 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
GERALD R. JONES SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
JAMES E. JONES JR 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	195.00	45.00
JAMES E. JONES 40 FRANKLIN RD., SW P.O. BOX 2021 ROANOKE VA 24022	APPALACHIAN POWER COMPANY		
JONES JONES BELL CLOSE & BROWN, LTD. 700 VALLEY BANK PLAZA 300 S. 4TH ST. LAS VEGAS, NEVADA 89101	MEAD CORPORATION	2,228.38	446.10
NORVILL JONES 1620 EYE ST., NW WASHINGTON DC 20006	REYNOLDS METALS CO.	250.00	
RANDALL T. JONES 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	945.00	37.65
GREGORY N. JONSSON 1629 K ST., NW WASHINGTON DC 20006	UNITED STATES INDUSTRIAL COUNCIL		
DE SOTO JORDAN 229 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ELECTRONIC DATA SYSTEMS CORPORATION	154.00	128.67
JAMES V. JORDAN III PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
JEFFREY H. JOSEPH 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	1,365.00	65.00
ELLEN JOSEPHSON 1625 K ST., NW 8TH FLOOR WASHINGTON DC 20006	NATIONAL LEGAL AID & DEFENDERS ASSN.	9,080.00	58.30
ARDON B. JUDD JR 1100 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	DRESSER INDUSTRIES, INC.		
ROBERT E. JULIANO 1875 I ST., NW, #450 WASHINGTON DC 20006	HOTEL & RESTAURANT EMPLOYEES & BARTENDERS INTL UNION	16,238.52	1,001.91
BYRON E. KABOT LEGAL DEPARTMENT 77 WEST 45TH ST. NEW YORK NY 10036	INTERNATIONAL PAPER COMPANY	2,500.00	360.95
GEZA KADAR 1750 K STREET, N.W. WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC.	46.50	17.25
HANS KAEHLER P.O. BOX 118 COLD SPRING HARBOR NY 11724			
KAISER STEEL CORPORATION SUITE 401 1629 K STREET, NW WASHINGTON DC 20006			7,878.54
VICTOR S. KAMBER SUITE 800 1899 L STREET, NW WASHINGTON DC 20036	KAMBER GROUP (FOR: NATIONAL FOOTBALL LEAGUE PLAYERS ASSN)	4,500.00	1,076.12
LINDA HELLER KAMM 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSOCIATION OF AMERICA).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORP).		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: NATIONAL GYPSUM CO./CEMENT DIV.).		
Do	PHOSPHATE ROCK EXPORT ASSOCIATION		
Do	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: VGS CORPORATION)		
DONALD J. KANIEWSKI 905 16TH ST., NW WASHINGTON DC 20006	LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO	5,747.49	130.10
KAPLAN RUSSIN & VECCHI 1218 16TH STREET, NW WASHINGTON DC 20036	TADIRAN ISRAEL ELECTRONICS INDUSTRIES, LTD		1,154.80
CHARLES W. KARCHER MIDLAND BLDG, ROOM 850 CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
FRED G. KAREM SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	LINCOLN PROPERTY CO	1,500.00	
Do	NATIONAL MULTI HOUSING COUNCIL		
JOSEPH E. KARTH 102 W. BOCA RATON RD. PHOENIX AZ 85023	ARCHER-DANIELS-MIDLAND COMPANY	3,000.00	
Do	KBS ASSOCIATES, INC.		
MARYANN M. KASWELL SUITE 1200 1300 NORTH 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	1,300.00	592.22
HOWARD C. KATZ 160 WATER ST. NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC.		
LAWRENCE W. KATZ 8283 GREENSBORO DR. MCLEAN VA 22102	SATELLITE BUSINESS SYSTEMS	1,500.00	15.00
LINDA EILEEN KATZ 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	964.29	668.47
EVERETT E. KAVANAUGH SUITE 800 1110 VERMONT AVE., NW WASHINGTON DC 20005	COSMETIC, TOILETRY & FRAGRANCE ASSN, INC.		
KAYE, SCHOLER, FIERMAN, HAYS & HANDLER 1575 I ST., NW SUITE 1150 WASHINGTON DC 20005	AMERICAN PSYCHOANALYTIC ASSOCIATION		
RICHARD F. KEATING SUITE 502 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	ANHEUSER-BUSCH COMPANIES		
WILLIAM J. KEATING 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
HOWARD B. KECK 555 S. FLOWER ST. SUITE 4750 LOS ANGELES CA 90071	SUPERIOR OIL CO.		300.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. M. KECK JR 1801 AVENUE OF THE STARS SUITE 1110 LOS ANGELES CA 90067			
TERESA A. KEEFE 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,861.00	12.00
JOSEPH D. KEEFER SUITE 1050 1825 EYE STREET, NW WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
DAVID A. KEENE 919 PRINCE ST. ALEX. VA 22314	NATIONAL TAX LIMITATION COMMITTEE	500.00	10.00
KEITH KEENEY SUITE 500-D 5775 PEACHTREE-DUNWOODY RD. ATLANTA GA 30342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	140.00	
ROBERT C. KEENEY 727 N. WASHINGTON ST ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN	927.34	141.50
JEFFERSON D. KEITH 8100 OAK STREET, DUNN LORING, VA 22027	NATIONAL PEST CONTROL ASSN		
ROBERT H. KELLEN 5775 PEACHTREE-DUNWOODY RD., #500-D ATLANTA GA 20342	ROBERT H. KELLEN CO (FOR: CALORIE CONTROL COUNCIL)	180.00	
KELLER & HECKMAN 1150 17TH ST., NW WASHINGTON DC 20036	SPECIALTY ADVERTISING ASSN. INT'L	8,500.00	150.00
DONALD W. KELLER 601 JEFFERSON HOUSTON TX 77002	QUINTANA PETROLEUM CORP		
Do	QUINTANA REFINERY CO		
JOHN G. KELLER 1899 L STREET, N.W. SUITE 1100 WASHINGTON DC 20036	EXXON CORPORATION		452.04
DONALD KELLERMANN SUITE 1110 1875 EYE ST., NW WASHINGTON DC 20006	TIMES MIRROR COMPANY		
JOHN B. KELLEY 1025 CONNECTICUT AVE., NW, #1200 WASHINGTON DC 20036	AVCO CORP	2,500.00	
PAUL J. KELLEY 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC	5,000.00	
TY KELLEY P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	1,500.00	
STEPHEN G. KELLISON 1835 K ST., NW, #515 WASHINGTON DC 20006	AMERICAN ACADEMY OF ACTUARIES		
STEPHEN S. KELLNER 1001 CONNECTICUT AVE., NW, #1120 WASHINGTON DC 20036	CHEMICAL SPECIALTIES MFGRS ASSN	349.93	80.01
BRIAN F. KELLY 1211 CONNECTICUT AVENUE, N.W. SUITE 802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO		105.86
ERNEST B. KELLY III 1301 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	COMMUNICATIONS SATELLITE CORPORATION	1,000.00	162.99
HAROLD V. KELLY 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
MICHAEL J. KELLY 1775 PENNSYLVANIA AVE. NW WASHINGTON DC 20006	FOLEY & LARDNER (FOR: NATIONAL GYPSUM CO./CEMENT DIV.)		
RICHARD B. KELLY 770 LEXINGTON AVENUE NEW YORK NY 10021	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISE		
MARK L. KEMMER 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,115.65
WILLIAM T. KENDALL 1750 N.Y. AVE. NW SUITE 210 WASHINGTON DC 20006	ALLIANCE FOR FREE ENTERPRISE		
ANN KENKEL 1201 PENNSYLVANIA AVE., NW #340 WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	1,750.00	
JOSEPH W. KENNEBECK 475 L'ENFANT PLAZA, S.W. SUITE 2450 WASHINGTON DC 20024	VOLKSWAGEN OF AMERICA, INC	300.00	
ART KENNEDY P.O. BOX 3576 ECB ANCHORAGE AK 99501	ALASKA RESOURCE ANALYSTS, INC		
JOHN E. KENNEDY VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		7,978.49
MICHAEL E. KENNEDY 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
EDWARD B. KENNEY & ASSOCIATES, INC SUITE 1610 1700 NORTH MOORE STREET ARLINGTON VA 22209	LOCKHEED-GEORGIA	156.25	18.62
JEREMIAH J. KENNEY JR 1100 15TH ST., NW (12TH FLOOR) WASHINGTON DC 20005	UNION CARBIDE CORP		285.70
PETER B. KENNEY 1825 K ST., NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO, INC	2,200.00	747.54
WILLIAM J. KENNEY SUITE 400 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	BAY STATE GAS CO		
BRENDAN KENNY 1709 NEW YORK AVE., N.W. WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMER	5,500.00	
J. H. KENT KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW SUITE 300 WASHINGTON DC 20006	AMERICAN SUPPLY ASSOCIATION	4,283.14	2,060.05
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION		
Do	MOTOR CARRIER LAWYERS ASSN		
PHIL KENT SUITE 321 227 MASSACHUSETTS AVENUE, NE WASHINGTON DC 20002	CONSERVATIVES FOR IMMIGRATION REFORM	495.00	
VYTAUTAS KERBELIS 69 COTTAGE ST. BAR HARBOR ME 04609	ARAS		
PAUL A. KERSCHNER 1909 K STREET, NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMER ASSN OF RETIRED PERSONS	680.77	103.70
ROBERT M. KETCHEL 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
GILBERT W. KEYES PO BOX 3999 M/S 84-07 SEATTLE WA 98124	BOEING COMPANY		
EARLINE A. KEYSER 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
KIAWAH ISLAND COMPANY P.O. BOX 12910 CHARLESTON SC 29412			
RICHARD F. KIBBEN 200 PARK AVE. NEW YORK NY 10166	BUSINESS ROUNDTABLE		
EDWARD J. KIERNAN 422 1ST ST., SE WASHINGTON DC 20003	INTERNATIONAL UNION OF POLICE ASSOCIATIONS		
ROBERT W. KIERNAN 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
WILLIAM S. KIES 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARYANN KILDUFF 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	176.07
DANIEL L. KILEY 8 NORTH JEFFERSON ST. ROANOKE VA 24042	NORFOLK & WESTERN RAILWAY CO		
MARGARET A. KIMBALL 1620 I ST., NW, #703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
RICHARD H. KIMBERLY 1000 WILSON BOULEVARD SUITE 2200 ARLINGTON VA 22209	KIMBERLY-CLARK CORP	203.13	1,855.18
KIMBERLY-CLARK CORP 401 NORTH LAKE ST. NEENAH WI 54956			2,158.31
GENE KIMMELMAN 215 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	CONGRESS WATCH	3,000.00	
KING & SPALDING 1915 I STREET, NW WASHINGTON DC 20006	CAPITAL HOLDING CORP		477.70
Do	GEORGIA-PACIFIC CORP	255,383.01	9,374.57
Do	KING & SPALDING		4,011.45
CHARLES L. KING 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	240.00	
EDWARD H. KING 200 WILMOT RD. DEERFIELD IL 60015	WALGREEN CO		
G. JACK KING WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	1,000.00	
W. RUSSELL KING SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT-MCMORAN INC	300.00	92.75
ROGER P. KINGSLEY 10801 ROCKVILLE PIKE ROCKVILLE MD 20852	AMERICAN SPEECH-LANGUAGE-HEARING ASSN		
JANIE A. KINNEY #408 1015 18TH ST., NW WASHINGTON DC 20036	TWIN COAST NEWSPAPERS, INC		
Do	MERCK & CO, INC		
KIRBY & GILLICK SUITE 303 600 MARYLAND AVENUE, S.W. WASHINGTON DC 20024	AMERICAN BUS ASSN	700.00	
Do	COMMUNITIES FOR AN EFFECTIVE AIR TRANSPORTATION SYSTEM		
Do	NATIONAL COUNCIL OF FARMER COOPERATIVES		
Do	SLURRY TRANSPORT ASSN	6,996.00	123.00
CAROL KIRCHNER 4598A SW CALDEW PORTLAND OR 97219	FRIENDS OF THE COLUMBIA GORGE	301.00	
ALAN G. KIRK II 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO	17.24	
JOHN R. KIRK BINGHAM, DANA & GOULD 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
KIRKLAND & ELLIS 1776 K ST., NW WASHINGTON DC 20006	AMERICAN NEWSPAPER PUBLISHERS ASSN	368.00	
SALLY ANN KIRKPATRICK 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	588.00	
KIRKPATRICK, LOCKHART, HILL, CHRISTOPHER & PHILLIPS 1900 M ST., NW SUITE 800 WASHINGTON DC 20036	AMERICAN STOCK EXCHANGE		
Do	COLUMBIA PICTURES INDUSTRIES, INC		325.00
Do	COUNCIL OF STATE HOUSING AGENCIES	450.00	
Do	GROCERY MANUFACTURERS OF AMERICA		
Do	MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY		
Do	MORGAN GUARANTY TRUST CO OF NEW YORK		
Do	REPUBLIC NATIONAL BANK OF NEW YORK		
Do	SEARCH GROUP, INC		
Do	SOUTHERN SHIPBUILDING CORP		
Do	WHITNEY NATIONAL BANK OF NEW ORLEANS	360.00	
SAUL B. KLAMAN 200 PARK AVE. NEW YORK NY 10166	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	1,476.91	
RICHARD L. KLASS 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL. INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMEMENTS)		
RICHARD P. KLEEMAN 2005 MASS. AVE., NW, WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS		
MARK KLEINMAN 2007 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			
ALLIE C. KLEINPETER JR 666 NORTH ST., PO BOX 2811 BATON ROUGE LA 70802	LOUISIANA BANKERS ASSN		
RICHARD A. KLINE 650 INDEPENDENCE AVE., SE WASHINGTON DC 20003	COUNCIL OF ACTIVE INDEPENDENT OIL & GAS PRODUCERS	7,629.00	
KLINE, KNOPF & WOJDAK, INC. 111 STATE STREET HARRISBURG PA 17101	GENERAL PUBLIC UTILITIES CORPORATION		
WILLIAM J. KLINEFELTER 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,549.52	
JOHN J. KLOCKO III 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
GLENN KNAPP 773 DARTMOUTH AVE. SAN CARLOS CA 94070			
JAMES E. KNEALE 2335 SOUTH MEADE ST. ARLINGTON VA 22202	LOCKHEED CORPORATION	710.00	264.62
DANIEL F. KNISE 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KEITH R. KNOBLOCK 1920 N ST., NW SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
C EUGENE KNODER 645 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	AUDUBON SOCIETY		
JOHN C. KNOTT 6800 POWDERHOUSE RD. CHEYENNE WY 82001	BURLINGTON NORTHERN INC	365.91	891.84
ROBERT L. KNOUS JR. SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
RUTH E. KOBELL 1012 14TH ST. SUITE 600 WASHINGTON DC 20005	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	5,472.94	301.09
THOMAS G. KOBUS 2000 K ST., NW, #350 WASHINGTON DC 20036	NATIONAL PARKING ASSOCIATION	14,849.96	
BRADLEY R. KOCH 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	137.35	
GEORGE W. KOCH 1010 WISCONSIN AVE., NW, #800 WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
PATRICK C. KOCH 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	800.00	
STANLEY E. KOLBE JR 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	3,000.00	
MICHAEL S. KOLEDA 1825 I ST., N.W. SUITE 1050 WASHINGTON DC 20006	NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION		
KOMINERS, FORT, SCHLEFER & BOYER 1776 F ST., NW WASHINGTON DC 20006	AERON MARINE SHIPPING CO., ET AL		
Do	AMERICAN TANKSHIPS, INC. & INGRAM TANKSHIPS, INC		
Do	COMMITTEE FOR TITLE XI VESSEL FINANCING	18,500.00	37,738.76
Do	COUNCIL OF EDUCATIONAL SHIPOWNERS		
Do	SOUTHERN OVERSEAS CORPORATION		
NICHOLAS KOMINUS 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036	U.S. CANE SUGAR REFINERS' ASSN	1,342.69	89.15

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
STEPHEN KOPLAN 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,189.83	293.08
EUGENE P. KOPP SUITE 600 SOUTH 1120 20TH STREET, NW WASHINGTON DC 20036	UNION PACIFIC CORP	1,250.00	
STEVEN KOPPERUD 1701 N. FT. MYER DRIVE ARLINGTON VA 22209	AMERICAN FEED MANUFACTURERS ASSN	3,000.00	
HORACE R. KORNEGAY 1875 I ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	375.00	29.00
CHARLES B. KORNMANN P.O. BOX 1030 ABERDEEN SD 57401	SOUTH DAKOTA RAILROADS ASSN		
PETER H. KOSTMAYER 1825 K STREET, NW WASHINGTON DC 20006	JOHN ADAMS ASSOCIATES		
KENNETH S. KOVACK 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,549.52	
E. J. KRABACHER 4701 MARBURG AVE. CINCINNATI OH 45209	CINCINNATI MILACRON INC	2,400.00	688.00
MYLIO S. KRAJA 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	10,338.00	257.45
THOMAS G. KRAJEWSKI SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA	75.00	
AMOS KRAMER KANSAS PETROLEUM COUNCIL SUITE 1414 MERCHANTS BANK BLDG. 8TH & JACKSON STS. TOPEKA KS 66612.	AMERICAN PETROLEUM INST	583.75	722.70
JOSEPH H. KRAMER III THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB INC.)		
RAYMOND ROGER KRAUSE 1000 WILSON BLVD. SUITE 2700 ARLINGTON VA 22209	TRW, INC	1,000.00	
C. EUGENE KNODER 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
KROGER COMPANY 1014 VINE ST. CINCINNATI OH			6,664.99
JAMES C. KRONE 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840	ROSES, INC	1,500.00	438.14
ARTHUR J. KROPP 2029 K STREET, NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,250.00	
NEIL B. KRUGMAN SUITE 320 1050 17TH STREET, NW WASHINGTON DC 20036	FAMILY HEALTH PROGRAM, INC	2,500.00	149.23
JAMES S. KRZYMINSKI 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	782.50	
ANTHONY J. KUCERA 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	600.00	
LLOYD R. KUHN 1725 DESALES ST., NW WASHINGTON DC 20036	AEROSPACE INDUSTRIES ASSN OF AMER, INC	15,484.00	
THOMAS R. KUHN 410 FIRST ST., SE WASHINGTON DC	AMERICAN NUCLEAR ENERGY COUNCIL	4,875.01	314.87
JUDITH KUNOFSKY 530 BUSH STREET SAN FRANCISCO CA 94108	SIERRA CLUB	1,880.25	
ESTER KURZ SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMM	9,999.96	
DANIEL M. KUSH 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	500.00	340.00
E.J. KUSHAN SUITE 500, 1828 L St., NW WASHINGTON DC 20036	SOUTHERN PACIFIC COMMUNICATIONS CO.	1,500.00	24,741.53
KUTAK, ROCK & HUIE 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	HAYES, INC	4,422.11	137.65
Do	RONALD E. ROBINSON		20.89
KWAJALEIN ATOLL CORP P.O. BOX 5220 KWAJALEIN EBEYE MARSHALL ISLANDS 96970			
LABOR BUREAU, INC. 1200 15TH ST., NW SUITE 505 WASHINGTON DC 20005		7,873.00	7,017.00
LABOR-MANAGEMENT MARITIME COMMITTEE 100 INDIANA AVE., NW WASHINGTON DC 20001			19,591.04
LABORERS' INTL UNION OF NORTH AMERICA, AFL-CIO 905 16TH ST., NW WASHINGTON DC 20006	INTERNATIONAL MASONRY INSTITUTE	1,362.00	
PHILLIP RAY LACKEY 823 15TH ST., NW SUITE 1001 WASHINGTON DC 20005	EDS CORPORATION	128.00	
JOHN D. LACOPO 229 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	MOTOROLA, INC	1,500.00	12.00
BRUCE C. LADD JR. 1776 K STREET, NW WASHINGTON DC 20006	SCOTT PAPER COMPANY	750.00	524.74
ROBERT A. LADIG SCOTT PLAZA PHILADELPHIA PA 19113	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC	4,165.00	24.00
WALTER LAESSIG 1115 MASSACHUSETTS AVE. SUITE 6 WASHINGTON DC 20005	NATIONWIDE INSURANCE COMPANIES	500.00	
SANDRA L. LAFEVRE 1000 CONNECTICUT AVE., NW, #304 WASHINGTON DC 20036	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: INDEPENDENT REFINERS ASSN OF AMERICA).		
JACK L. LAHR 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	NATIONAL EDUCATION ASSN		
RALPH D. B. LAIME 1201 16TH ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	4,269.00	103.00
SARAH M. LAIRD 1730 M ST., NW WASHINGTON DC 20036			
LAKE CARRIERS' ASSN 1411 ROCKEFELLER BLDG. CLEVELAND OH 44113	AMERICAN BAKERS ASSN	3,050.00	
JAMES H. LAKE SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL		
Do	RSV MINING CO	125.00	
Do	SUNMAID RAISIN GROWERS OF CALIFORNIA		
Do	WESTERN COTTON GROWERS ASSN		
Do	NELSON & HARDING (FOR: WESTERN GROWERS ASSOCIATION)		
Do	AMERICAN PETROLEUM INST	5,000.00	391.91
ROBERT LAMB 2101 L STREET, N.W. WASHINGTON DC 20037	AUTOMOTIVE OCCUPANT PROTECTION ASSN	3,750.00	
DAVID F. LAMBERT III 2001 JEFFERSON DAVIS HWY. SUITE 1101 ARLINGTON VA 22202	AMERICAN SEED TRADE ASSN	5,000.00	
DAVID R. LAMBERT 1030 15TH ST., NW SUITE 964 WASHINGTON DC 20005	ANHEUSER-BUSCH COMPANIES, INC		
STEPHEN K. LAMBRIGHT ONE BOSCH PLACE ST. LOUIS, MISSOURI 63118	NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC	5,000.00	2,734.76
LAMON, ELROD & HARKLEROAD, P.C. SUITE 2500 229 PEACHTREE STREET, NE ATLANTA GA 30043	SAMARITAN HEALTH SERVICE		
CONSTANCE M. LAMONICA 1410 N. THIRD STREET P.O. BOX 25489 PHOENIX AZ 85007	LEBOEUF, LAMB, LEIBY & MACRAE	94.82	
L. CHARLES LANDGRAF 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	SMITHKLINE BECKMAN CORP		
THOMAS M. LANDIN 1500 SPRING GARDEN ST. PHILADELPHIA PA 19101	AMERICAN SOCIETY OF COMPOSERS, AUTHORS & PUBLISHERS	1,500.00	
LANDIS, COHEN, SINGMAN AND RAUH 1019 19TH STREET, N.W. # 500 WASHINGTON DC 20036	COUNCIL OF CREATIVE ARTISTS, LIBRARIES AND MUSEUMS	1,000.00	
Do	NATIONAL FOOTBALL LEAGUE PLAYERS ASSN	2,000.00	
Do	BENCO, INC		
MOON LANDRIEU SUITE 1007 1625 EYE STREET, NW WASHINGTON DC 20006	GEOTHERMAL RESOURCES INTL, INC	750.00	8.00
KARL S. LANDSTROM 510 N. EDISON ST. ARLINGTON VA 22203	B.A.I. CO		
BRUCE ALAN LANDY 2700 VIRGINIA AVE., NW WASHINGTON DC 20037	CRYOGENIC VACUUM TECHNOLOGY CO		
Do	BRUCE ALAN LANDY		
Do	CITY OF BALTIMORE	2,500.00	
LANE & EDSON SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	NATIONAL LEASED HOUSING ASSN	450.00	
Do	PEOPLE OPPOSED TO ENERGY LOBBY - POTEL		
ALBERT E. LANE 1377 K STREET, N.W. SUITE 537 WASHINGTON DC 20005	AMERICAN ASSN OF HOMES FOR THE AGING	1,352.00	50.00
LAURENCE F. LANE 1050 17TH ST., NW, #770 WASHINGTON DC 20036	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
RICHARD F. LANE 1957 E STREET, NW WASHINGTON DC 20006	SHELLFISH INSTITUTE OF NORTH AMERICA	9,000.00	6,900.00
LANIER & COMPANY, INC. 1625 K STREET, NW SUITE 501 WASHINGTON DC 20006	LANIER & COMPANY, INC. (FOR: SHELLFISH INSTITUTE OF NORTH AMERICA)	4,500.00	
R. JOSH LANIER 1625 K STREET, NW SUITE 501 WASHINGTON DC 20006	NATIONAL RETAIL MERCHANTS ASSN	100.00	5.00
ROBIN W. LANIER 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	1,125.00	358.86
WAYNE R. LAPIERRE JR 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIGHT TO WORK COMM		
REED E. LARSON 8001 BRADDOCK ROAD, #600 SPRINGFIELD VA 22160	AMALGAMATED TRANSIT UNION, AFL-CIO		
JAMES LASALA 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
LASALLE NATIONAL BANK 135 SOUTH LASALLE ST. CHICAGO IL 60690			
MICHAEL LASHBROOK 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	925.00	
LATHAM, WATKINS, & HILLS SUITE 1200 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	WILSHIRE TERRACE COOPERATIVE HOUSING CORP	2,315.00	63.32
THEODORE A. LATTANZIO 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	750.00	
LOUIS F. LAUN 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
KATHRYN M. LAVRIHA 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	2,412.00	103.00
GEORGE H. LAWRENCE 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	415.00	
HENRY J. LAWRENCE 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
LINDA L. LAWRENCE 1730 RHODE ISLAND AVE., NW, #213 WASHINGTON DC 20036	BROWN & ROOT, INC		
JOHN I. LE BERRE 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP	210.00	45.00
ERNEST M. LE SUEUR 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
LEAGUE OF NEW YORK THEATRES & PRODUCERS, INC. 226 WEST 47TH STREET NEW YORK NY 10036			
LEAGUE OF WOMEN VOTERS OF THE U.S. 1730 M ST., NW WASHINGTON DC 20036		36,228.00	37,228.00
LEAGUE TO SAVE LAKE TAHOE 2197 LAKE TAHOE BLVD. P.O. BOX 10110 SOUTH LAKE TAHOE CA 95731		9,000.00	474.03
CORNELIUS J. LEARY 2113 COUNTRYSIDE DRIVE SILVER SPRING MD 20904	AMERICAN COUNCIL OF INTERNATIONAL PERSONNEL, INC	1,800.00	
RICHARD J. LEASE 2145 BOISE DRIVE LAS CRUCES NM 88001			
KERLEY LEBOEUF SUITE 809 THREE SKYLINE PLACE 5201 LEESSBURG PIKE FALLS CHURCH VA 22041	NATIONAL ASSN OF CONVENIENCE STORES		
LEBOEUF LAMB LEIBY & MACRAE 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	SHIPPING CORP. OF INDIA, LTD		62.75
Do	UNDERWRITERS AT LLOYD'S LONDON	342.00	94.82
LECHNER & BUTSAVAGE, P.C. 3101 SOUTH STREET, NW WASHINGTON DC 20007	NATIONAL ASSN OF POLICE ORGANIZATIONS, INC	13,500.00	150.58
LECHNER & BUTSAVAGE, P.C. 3101 SOUTH ST., NW WASHINGTON DC 20007	UNITED FOOD & COMMERCIAL WORKERS INTL UNION		
ANNE H. LECLAIR 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	700.00	89.75
ROBERT F. LEDERER 230 SOUTHERN BLDG. WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
THOMAS J. LEE JR. P.O. BOX 2628 HOUSTON TX 77001	ENTEX, INC		
RICHARD A. LEGATSKI SUITE 700 1050 17TH ST., NW WASHINGTON DC 20036	NATIONAL OCEAN INDUSTRIES ASSN		
CAROLINE MILLS LEGETTE 215 PENNSYLVANIA AVE., S.E. WASHINGTON DC 20003	CONGRESS WATCH	4,000.00	
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	CLOROX COMPANY		
Do	GENERAL INSTRUMENT CORPORATION		
Do	GREATER BOSTON REAL ESTATE BOARD		
Do	GROCERY MANUFACTURERS OF AMERICA, INC		
Do	MUTUAL SAVINGS CENTRAL FUND, INC	5,000.00	75.00
Do	NATIONAL CABLE TELEVISION ASSN, INC		
Do	NATIONAL GLASS DEALERS ASSN		
Do	PROFESSIONAL AIR TRAFFIC CONTROLLERS ORGANIZATION		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	SAVINGS BANKS ASSN. OF MASSACHUSETTS	2,000.00	150.00
Do	TURNER BROADCASTING SYSTEM, INC.		
Do	WHEY PRODUCTS INST.		
JOSEPH L. LEITZINGER 900 4TH AVE. SEATTLE WA 98164	SIMPSON TIMBER CO	1,023.00	221.00
GILBERT LEKANDER SUITE 801 1629 K ST., NW WASHINGTON DC 20006	MONTANA POWER CO & WASHINGTON WATER POWER CO	600.00	
LYNETTE B. LENARD 1800 M STREET, NW, #700S WASHINGTON DC 20036	DOW CHEMICAL CO	125.00	62.50
JOHN LENGEL THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
ANN LENTS VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		7,978.49
BETTY JANE LEONARD P.O. BOX 21368 GREENSBORO NC 27420	UNIFI, INC	4,072.86	399.60
EARL T. LEONARD JR P.O. DRAWER 1734 ATLANTA GA 30301	COCA-COLA COMPANY	382.00	2,020.76
KAYE CONNIFF LEONARD SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	144.00	
LLOYD LEONARD 1730 M ST., NW WASHINGTON DC 20036	LEAGUE OF WOMEN VOTERS OF THE U.S.	3,185.00	80.00
RODNEY E. LEONARD 1146 19TH ST., NW, #300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
LEONARD, KOEHN, ROSE AND HURT, P.C. SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
CHARLES LEPPERT JR 1801 K ST., NW, #230 WASHINGTON DC 20006	PROCTER & GAMBLE MANUFACTURING CO	56.70	
RICHARD L. LESHER 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	800.00	
DALE LESTINA 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	2,239.20	237.76
JOSEPH A. LETORNEY 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	953.00	437.25
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	BOSTON EDISON, ET AL	2,410.00	11.00
Do	BUSINESS ROUNDTABLE	1,130.00	
Do	COMMERZBANK AG		
Do	COOPERATIVE FOR AMERICAN RELIEF EVERYWHERE, INC. (CARE)		
Do	GK TECHNOLOGIES, INC		
Do	HOLY CROSS HOSPITAL		
Do	SONY CORPORATION OF AMERICA	12,180.00	8,064.28
Do	U.S. INDUSTRIES, INC		
Do	UNION INVESTMENT GMBH		
ROBERT JOHN LEVERING 1730 M ST., NW, #610 WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION		1,065.00
S.R. LEVERING 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	U.S. COMMITTEE FOR THE OCEANS	15.00	100.00
MORRIS J. LEVIN 1050 17TH ST., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN RAILROADS	2,500.00	
Do	INDEPENDENT LOCAL NEWSPAPER ASSN		
KENNETH S. LEVINE SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	JOSEPH SEAGRAM & SONS, INC	896.25	
LESLIE LEVY 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	3,249.99	
CHARLES L. LEWIS 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	214.00	
DAVID LEWIS 600 MARYLAND AVE., SW SUITE 400 E WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN	89.40	136.57
E. DAVID LEWIS 1401 WILSON BLVD., #205 ARLINGTON VA 22209	SOCIETY OF AMERICAN WOOD PRESERVERS, INC	175.00	285.00
MICHAEL R. LEWIS 1133 15TH ST., NW SUITE 640 WASHINGTON DC 20005	INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION	9,086.00	756.14
STUART A. LEWIS SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MANUFACTURERS HANOVER CORP	400.00	
Do	NATIONAL BANK OF DETROIT	400.00	
Do	SEATTLE FIRST NATIONAL BANK	400.00	
JOHN F. LEYDEN 815 - 16TH ST., N.W. SUITE 308 WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	3,631.67	
WILLIAM J. LHOTA 301 CLEVELAND AVE., SW CANTON OH 44702	OHIO POWER CO	876.80	703.48
HERBERT LIEBENSON 1604 K ST., NW WASHINGTON DC 20006	NATIONAL SMALL BUSINESS ASSN	5,625.00	
Do	SMALL BUSINESS LEGISLATIVE COUNCIL		
WILLIAM C. LIENESCH 238 10TH ST., SE WASHINGTON DC 20003	NATIONAL PARKS & CONSERVATION ASSOCIATION	765.00	22.35
SYLVESTER LIGSUKIS SUITE 200 1320 19TH STREET, NW WASHINGTON DC 20036	CRAMER, HOFFMAN & HABER (FOR: CANAVERAL PORT AUTHORITY)		
Do	CRAMER, HOFFMAN & HABER (FOR: CITY OF MIAMI)		
Do	CRAMER, HOFFMAN & HABER (FOR: DADE COUNTY)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: GLOBAL EXP. & DEV. CORP.)		
Do	CRAMER, HOFFMAN & HABER, P.C. (FOR: HOBBS CONSTRUCTION & DEVELOPMENT CO., INC.).		
ROSS W. LILLARD 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
RICHARD A. LILLQUIST SUITE 500 1090 VERMONT AVE., NW WASHINGTON DC 20005	FLEXIBLE PACKAGING ASSOCIATION		
EDWARD J. LINCOLN 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	100.00	
KATHLEEN M. LINEHAN 1025 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	GULF OIL CORP	345.00	150.00
ALLIED LINTHICUM 1150 CONNECTICUT AVE., NW SUITE 700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP		
RON M. LINTON SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	DENVER TECHNOLOGICAL CENTER	3,957.00	
THOMAS LINTON L. 1700 K STREET, NW #1204 WASHINGTON DC 20006	CHEVRON USA, INC	475.00	
LINTON, MIELDS, REISLER & COTTONE, LTD. SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO	3,000.00	
Do	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	3,000.00	
Do	LAKE SUPERIOR DISTRICT POWER CO	476.00	
Do	MADISON GAS & ELECTRIC CO	1,058.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	4,073.00	
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	1,800.00	
Do	NORTHERN STATES POWER CO	1,430.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	
Do	STATE OF IL, DEPT OF TRANS, DIV OF WATER RES	2,880.00	
Do	STATE OF IL, DEPT OF TRANSPORTATION	7,632.00	44.00
Do	SUPERIOR WATER, LIGHT & POWER CO	286.00	
Do	WISCONSIN ELECTRIC POWER CO	4,642.00	41.00
Do	WISCONSIN POWER & LIGHT CO	1,986.00	
Do	WISCONSIN PUBLIC SERVICE CORP	1,438.00	
THOMAS A. LISK 1600 RHODE ISLAND AVENUE,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	637.50	
ROBERT G. LITSCHERT 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	727.27	128.63
BARBARA A. LITTLE SUITE 611 1155 15TH STREET, NW WASHINGTON DC 20005	ETHYL CORPORATION	1,000.00	
CHARLES B. LITTLE SUITE 603 600 MARYLAND AVE., SW WASHINGTON DC 20024	UBA, INC	1,000.00	
WILLIAM F. LITTLE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	362.50	389.60
ROY LITTLEFIELD 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	6,000.00	260.00
THEODORE M. LITTMAN 12214 LAKEWOOD BLVD. DOWNEY CA 90241	ROCKWELL INTL	50.92	53.80
DAVID A. LITVIN 1001 22ND ST., NW, SUITE 600 WASHINGTON DC 20037	STANDARD OIL COMPANY (OHIO)	925.00	153.84
E.F. LIVAUDAIS JR 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	350.00	9.85
LIVESTOCK MARKETING ASSOCIATION 301 E. ARMOUR BLVD. KANSAS CITY MO 64111			4,804.17
JACKIE LLOYD P.O. BOX 943 3240 WHITEBIRCH DRIVE WEST COVINA CA 91793	U.S. CANE SUGAR REFINERS' ASSN		
JIM LLOYD 1325 18TH ST., NW WASHINGTON DC 20036	COMMUTER AIRINE ASSN OF AMERICA		
Do	NORTHROP CORPORATION		
LOBEL NOVINS & LAMONT 1523 L ST., NW SUITE 200 WASHINGTON DC 20005	GENERIC PHARMACEUTICAL INDUSTRY ASSN	12,570.00	314.87
CHARLES H. LOCKWOOD II 300 NEW CENTER BUILDING DETROIT MI 48202	MOTOR VEHICLE MANUFACTURERS ASSN OF THE U.S., INC	960.00	472.93
HAROLD D. LODEN 1030 15TH ST., NW, #964 WASHINGTON DC 20005	AMERICAN SEED ASSN	4,000.00	
NILS LOFGREN 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	25.00	
LAW OFCS OF SHELDON I. LONDON SUITE 401 1725 DESALES ST., NW WASHINGTON DC 20006	AMERICAN HARDWARE MANUFACTURERS ASSN	1,500.00	
ROBERT W. LONG 1920 N ST., NW SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS	40.00	
THOMAS R. LONG 299 PARK AVENUE NEW YORK NY 10171	WESTVACO CORPORATION	900.00	1,214.00
JOHN H. LONNQUIST, JR. #214, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	MANVILLE CORPORATION	100.00	100.00
LOOMIS OWEN FELLMAN & HOWE 2020 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF BITUMINOUS CONTRACTORS		
Do	BOOK MANUFACTURERS' INSTITUTE, INC		
Do	CLASSROOM PUBLISHERS ASSN		
Do	INDUSTRIAL DIAMOND ASSN		
Do	OPTICAL MFGRS ASSN		
Do	TEXTILE RENTAL SERVICES ASSN OF AMERICA		
SUSAN J. LOOMIS 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
KENNETH T. LOPATKA FOLEY, HOAG & ELIOT ONE POST OFFICE SQUARE BOSTON MA 02109	C & S WHOLESALE GROCERS, INC	5,000.00	
LORD, DAY & LORD 25 BROADWAY NEW YORK, N.Y. 10004	BOWATER NORTH AMERICA CORPORATION	3,285.88	
Do	CARGILL, INC	2,762.02	
Do	CONTINENTAL GRAIN COMPANY	2,044.01	
Do	ORGANIZATION OF HEATER MANUFACTURERS	707.36	
Do	PHOSPHATE CHEMICALS EXPORT ASSN., INC		
PHILIP J. LOREE 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
ROBERT E. LOSCH 1716 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	AMERICAN DREDGING CO., ET AL	17,500.00	3,078.38
Do	PELICAN TERMINAL CORP & PORT OF GALVESTON	10,000.00	2,051.30
DAVID S. LOTT 1775 PENNSYLVANIA AVE. WASHINGTON DC 20006	FOLEY & LARDNER (FOR: NATIONAL GYPSUM CO./CEMENT DIV.)		
CLAUDIA J. LOUIS 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	59.60	
JAMES F. LOVETT 1801 K ST., NW WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	500.00	200.00
RICHARD J. LOVETT 1200 NORTHWESTERN BANK BLDG. MINNEAPOLIS MN 55480	NORTHWEST BANCORPORATION	1,000.00	937.55

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MATTHEW A. LOW 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	NORMAN D. SHUTLER	3,000.00	
ROBERT C. LOWER ALSTON MILLER & GAINES 35 BROAD ST., #1200 ATLANTA GA 30335	BOARD OF TRADE CLEARING CORP		
RODNEY W. LOWMAN SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORPORATION		
WILLIAM C. LOWREY 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
GERALD M. LOWRIE 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	6,000.00	
DONALD C. LUBICK 1776 F STREET, NW WASHINGTON DC 20006	TALISMAN FUND	855.00	
MRS. FREDDIE H. LUCAS 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	447.12
CHARLES EMMET LUCEY SUITE 500 1850 K ST., NW WASHINGTON DC 20006	CATHOLIC PRESS ASSN		
WILLIAM F. LUDLAM SR P.O. BOX 5282 VIRGINIA BEACH VA 23455	ARBA LICENSEES ASSN		425.50
SUSAN LUIPERSBECK 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	3,400.03	
RANDOLPH C. LUMB SUITE 1200 1801 K STREET, NW WASHINGTON DC 20006	INTERNATIONAL BUSINESS MACHINES CORP	825.00	247.00
LUMBERMENS MUTUAL CASUALTY COMPANY LONG GROVE IL 60049			2,845.00
MILTON F. LUNCH 2029 K ST., NW WASHINGTON DC 20006	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,000.00	
LUND, LEVIN & O'BRIEN 1625 EYE ST., NW WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	500.00	33.31
Do	NATIONAL PRODUCT LIABILITY COUNCIL	800.00	95.82
Do	PENNSYLVANIA POWER & LIGHT CO	2,500.00	219.32
W. FLETCHER LUTZ SUITE 100 727 SOUTH 23RD STREET ARLINGTON VA 22202	ASSOCIATION OF GOVERNMENT ACCOUNTANTS		
EDWARD LYLE 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
TIMOTHY P. LYNCH SUITE 910 1510 WILSON BLVD. ARLINGTON VA 22209	ROADWAY EXPRESS, INC	400.00	200.00
WILLIAM T. LYONS SUITE 700 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	CIBA-GEIGY CORP	3,892.00	3,478.00
M.O.A./AIOA & SUBS, INC SUITE 107 701 S. 22ND OMAHA NB 68102			
JOSEPH H. MACAULAY SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
TIMOTHY MACCARTHY 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	1,300.00	
RUSSELL MACCLEERY 1343 L ST., NW WASHINGTON DC 20005	NATIONAL TIRE DEALERS & RETREADERS ASSN	4,600.00	125.00
JACK A. MACDONALD SUITE 915 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL COUNCIL OF HEALTH CARE SERVICES	1,125.00	112.06
JAMES E. MACK SUITE 504 5101 WISCONSIN AVE., NW WASHINGTON DC 20016	NATIONAL ASSN OF MIRROR MFGRS		
Do	NATIONAL CONFECTIONERS ASSN		
Do	PEANUT BUTTER & NUT PROCESSORS ASSN		
JAMES H. MACK 7901 WESTPARK DR. MCLEAN VA 22101	NATIONAL MACHINE TOOL BUILDERS' ASSN	12,375.00	500.00
WILLIAM M. MACKENZIE SUITE 101 5908 COLUMBIA PIKE FALLS CHURCH VA 22041			
CURTIS T. MACKEY 1005 VERMONT AVE., NW, WASHINGTON DC 20005	NATIONAL INSULATION CONTRACTORS ASSN		
JOHN P. MACKEY 605 14TH ST., NW SUITE 302 WASHINGTON DC 20005	AD HOC COMM IN DEFENSE OF LIFE, INC	11,660.00	3,875.05
MARK J. MACKEY 1775 K STREET, NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
J. LYNN MADDOX SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC	106.00	
LEE G. MAGNUSSEN 250 S. WACKER DR. CHICAGO IL 60604	HEINOLD COMMODITIES, INC		
FRANCIS E. MAGUIRE JR. 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	700.00	
W. TERRY MAGUIRE BOX 17407 DULLES INTERNATIONAL AIRPORT WASHINGTON DC 20041	AMERICAN NEWSPAPER PUBLISHERS ASSN	1,500.00	
DAVID L. MAHAN 1225 19TH STREET, NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	475.00	
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
THOMAS D. MAHER 1775 K STREET,N.W. WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE		
JOHN F. MAHONEY 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	4,400.00	250.83
ROBERT L. MAIER SUITE 1000 900 17TH ST., NW WASHINGTON DC 20006	KAISER ALUMINUM & CHEMICAL CORP		
F. ANTHONY MAIO FOLEY, LARDNER, HOLLABAUGH & JACOBS 1775 PENNSYLVANIA AVE., NW, SUITE 1000 WASHINGTON DC 20006.	FIRST WISCONSIN NATIONAL BANK OF MILWAUKEE		
ANDRE MAISONPIERRE 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	765.00	
DAVID L. MALLINO 815 16TH ST., NW SUITE 706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,549.52	
J. WILSON MALLOY JR 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	EASTMAN CHEMICAL PRODUCTS, INC	775.00	42.00
MARY JO MALONE 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,875.00	3,195.00
BARRY L. MALTER SUITE 900 1730 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CATERPILLAR TRACTOR CO		
MAN-MADE FIBER PRODUCERS ASSN, INC SUITE 310 1150 17TH ST., NW WASHINGTON DC 20036			550.00
CARTER MANASCO 5932 CHESTERBROOK RD. MCLEAN VA 22101	NATIONAL COAL ASSN	6,774.01	101.55
MANATT, PHELPS, ROTHENBERG & TUNNEY SUITE 200 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN PACIFIC INTERNATIONAL, INC		
Do	CSL ENERGY CONTROLS, INC		
Do	GATX CORP	16,056.25	81.35
Do	GENERAL TELEPHONE CO. OF CALIFORNIA	3,637.50	
Do	IBAR	8,800.00	
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS		
Do	JMB REALTY CORPORATION	5,675.00	
Do	LATHAM, WATKINS & HILLS	5,725.00	
Do	LUZ INTERNATIONAL LTD		
Do	MAGANA, CATHCART, ET AL (FOR: MARINE & SHPBLDG WKRS AFL-CIO)	1,837.50	
Do	MARLINE OIL CORP	7,137.00	
Do	MID ATLANTIC NEPHROLOGY CENTER, LTD	1,750.00	
Do	MUSIC CORPORATION OF AMERICA, INC	6,300.00	
Do	NATIONAL INVESTMENT DEVELOPMENT CORPORATION		
Do	NATIONAL RESTAURANT ASSN	125.00	
Do	NORTHROP CORP	20,797.50	
Do	NORTHWEST ALASKAN PIPELINE CO	15,106.25	52.81
Do	PENNCORP FINANCIAL, INC		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	2,625.00	
Do	TEXAS AIR CORPORATION		
MANCHESTER ASSOCIATES, LTD. 1155 15TH ST.,NW. SUITE 1010 WASHINGTON, DC 20005	NISSAN MOTOR COMPANY, LTD	1,742.31	2,199.28
FORBES MANN 1155 15TH ST., NW, #1004 WASHINGTON DC 20005	LTV CORPORATION	500.00	20.00
TED R. MANNEN 1030 15TH STREET, N.W. SUITE 1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
MICHAEL J. MANNING 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	PETRO-LEWIS CORPORATION	17,241.25	170.64
CYNTHIA MANSFIELD SUITE 520 600 MARYLAND AVE., SW WASHINGTON DC 20024	GPU SERVICE CORPORATION	3,092.81	567.72
ARMAND G MANSON 1090 VERMONT AVE. N.W. STE 1100 WASHINGTON DC 20006	BELL AEROSPACE TEXTRON	2,760.00	
MANUFACTURERS OF EMISSION CONTROLS ASSN SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006		2,700.00	2,700.00
MILTON C. MAPES SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	7,500.00	
JOHN V. MARANEY 324 EAST CAPITOL ST., NE WASHINGTON DC 20003	NATIONAL STAR ROUTE MAIL CARRIERS' ASSN		
MARCH FOR LIFE, INC PO BOX 2950 WASHINGTON DC 20013		2,428.40	4,518.03
CHARLES T. MARCK 1800 M ST., NW, SUITE 700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	1,000.00	250.00
THOMAS P. MARINIS JR. 3300 FIRST CITY TOWER HOUSTON TX 77002	MONTGOMERY COUNTY INDUSTRIAL DEVELOPMENT CORP		1,147.72
Do	VINSON & ELKINS (FOR: GALVESTON WHARVES OF THE CITY OF GALVESTON, TX)		1,147.72
Do	VINSON & ELKINS (FOR: GUADALUPE BLANCO RIVER AUTHORITY)		1,147.72
Do	VINSON & ELKINS (FOR: WATERWOOD IMPROVEMENT ASSN)		1,147.72
MARITIME INSTITUTE FOR RESEARCH & INDUSTRIAL DEVELOPMENT SUITE 600 1133 15TH STREET, NW WASHINGTON DC 20005.			
RICHARD MARK 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	5,500.02	1,185.74
PATRICIA MARKEY SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES		
RICHARD P. MARKEY 444 NORTH CAPITOL ST. N.W. SUITE 409 WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC		
E. VERNON MARKHAM III SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STEPHENS OVERSEAS SERVICES, INC	20.70	
LAWRENCE D. MARKLEY PO BOX 3518 ANCHORAGE AK 99501	CHUGACH ELECTRIC ASSN, INC	1,890.00	1,859.23
NATHAN FRED MARKS 685 N.W. 8TH STREET GRESHAM OR 97030			
PATRICIA MARKS SUITE 1110 1411 K STREET, NW WASHINGTON DC 20005	NATIONAL WOMEN'S POLITICAL CAUCUS	3,000.00	94.00
RONALD ANTHONY MARKS 685 N.W. 8TH ST. GRESHAM OR 97030			
HOWARD MARLOWE 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	12,701.45	707.19
CHALMERS H. MARQUIS SUITE 7200 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	500.00	150.00
C. TRAVIS MARSHALL 1776 K ST., NW WASHINGTON DC 20006	MOTOROLA, INC	1,500.00	12.00
DAVID S. MARSHALL 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMERICA	637.50	
DAVID O. MARTIN NORTH LAKE ST. NEENAH WI 54956	KIMBERLY-CLARK CORP		
JOHN M. MARTIN JR. 6909 FORT HUNT ROAD ALEXANDRIA VA 22307	FOOD MARKETING INSTITUTE	100.00	
Do	TENNECO, INC	100.00	5.00
KATHERINE E. MARTIN 412 FIRST ST., SE. #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	203.13	165.14
LARRY K. MARTIN 1150 17TH ST., NW WASHINGTON DC 20036	MAN-MADE FIBER PRODUCERS ASSN, INC	150.00	
THOMAS A. MARTIN 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	225.00	
ERNEST MARTY 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
JOSEPH J. MARTYAK 1100 15TH ST., NW (12TH FLOOR) WASHINGTON DC 20005	UNION CARBIDE CORP		
MARYLAND SAVINGS-SHARE INSURANCE CORP. 901 NORTH HOWARD ST. BALTIMORE MD 21201			163.29
MIKE M. MASAOKA SUITE 520, THE FARRAGUT BLDG. 900 17TH ST., NW WASHINGTON DC 20006	AMERICAN JAPANESE TRADE COMM		
Do	MATSUSHITA ELECTRIC CORP OF AMERICA	650.00	
Do	NISEI LOBBY		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	TOYOTA MOTOR SALES, U.S.A., INC.	750.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
SCOTT A. MASON SUITE 320 4260 GREENSBORO DRIVE MCLEAN VA 22102	NATIONAL HEALTH ADVISORS, LTD.		
W. A. MASON P.O. BOX 21106 SHREVEPORT LA 71156	SOUTHWESTERN ELECTRIC POWER CO	129.94	
JAMES D. MASSIE 1015 - 18TH STREET, N.W. WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	2,599.62
WILLIAM F. MASSMANN PO BOX 225086 DALLAS TX 75265	DR PEPPER CO		
COLIN D. MATHEWS 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	VINSON & ELKINS (FOR: GATX TERMINALS CORP)		50.00
Do	VINSON & ELKINS (FOR: TRAVELERS INSURANCE COMPANY)		50.00
ROBERT A. MATTHEWS 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314	RAILWAY PROGRESS INST.	937.50	
JOANNE E. MATTIACE 1211 CONNECTICUT AVE., NW, #802 WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	756.25	108.75
MARSHALL L. MATZ BARNETT & ALAGIA 1627 K STREET, NW WASHINGTON DC 20006	AFFILIATED FOOD PROCESSORS, INC.		
Do	AMERICAN BAKERS ASSOCIATION	2,895.00	
C.V. & R.V. MAUDLIN 1334 G ST., NW WASHINGTON DC 20005	BRASS AND BRONZE INGOT INSTITUTE		
ANTHONY F. MAURIELLO NY STATE PETROLEUM COUNCIL 551 FIFTH AVE., RM. 718 NEW YORK NY 10176	AMERICAN PETROLEUM INST	1,009.96	630.71
SAMUEL L. MAURY SUITE 402 1828 L STREET, NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	300.00	6.00
CHARLES H. MAUZY 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
THOMAS H. MAXEDON KENTUCKY PETROLEUM COUNCIL 612-A SHELBY STREET FRANKFORT KY 40601	AMERICAN PETROLEUM INST		
ALBERT E. MAY 1625 K ST., NW WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	4,112.50	7.60
WALTER R. MAY 7004 PARK TERRACE DRIVE ALEXANDRIA VA 22307	YELLOW FREIGHT SYSTEM, INC	9,750.00	707.87
ARNOLD MAYER 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	16,153.80	539.56
MAYER, BROWN & PLATT 888 17TH ST., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMER, INC.		
Do	BRUNSWICK CORP		
Do	COMDISCO, INC.		
Do	ERISA INDUSTRY COMMITTEE	1,255.50	
Do	GATX CORPORATION		
Do	GENERAL TELEPHONE & ELECTRONICS CORP.		
Do	JMB REALTY CORP	498.00	
Do	NATIONAL ASSOCIATION OF MANUFACTURERS' FTC-ANTITRUST SUBCMTE		
Do	NORTHWEST ALASKAN PIPELINE CO	777.70	
C. H. MAYER, INC. SUITE 901 3421 NORTH CAUSEWAY BLVD. METAIRIE LA 70002	L.P. MANAGEMENT CORPORATION		1,514.42
JERRY MCANDREWS 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC.	7,500.00	236.44
WILLIAM J. MCAULIFFE JR 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LAND TITLE ASSN	223.00	
LARRY D. MCBENNETT 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
ANN MCBRIDE 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	10,750.00	28.00
MARTHA MCCABE 1828 L ST., N.W. SUITE 1100 WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	2,083.33	
MICHAEL J. MCCABE ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE ENTERPRISES, INC.		
Do	ALLSTATE INSURANCE CO.		
JOHN A. MCCAHILL 1250 CONNECTICUT AVE, NW WASHINGTON DC 20036	U.S. OLYMPIC COMMITTEE		
JULIE P. MCCAHILL SUITE 715 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	MEAD CORPORATION	275.00	
A.R. MCCAMMON TENNESSEE RAILROAD ASSN 916 NASHVILLE TRUST BLDG NASHVILLE TN 37201	CLASS I RAILROADS		
LAW OFFICES OF R. C. MCCANDLESS 1707 H ST., NW WASHINGTON DC 20006	INTERNATIONAL PAPER CO.		
Do	MILLER & SCHROEDER MUNICIPALS, INC.	36,315.00	12,450.70
Do	TRANSAMERICA CORPORATION		
Do	TRANSAMERICA-OCCIDENTAL INSURANCE CORP.	61,936.50	16,562.24
CAROLYN KIM MCCARTHY 7901 WESTPARK DRIVE MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN	925.01	500.00
JAMES R. MCCARTHY 2101 L STREET, NW WASHINGTON DC 20037	AMERICAN PETROLEUM INSTITUTE	200.00	
JAMES W MCCARTHY 1515 WILSON BLVD ARLINGTON VA 22209	AMERICAN GAS ASSN.	3,000.00	1,471.15
JOHN C. MCCARTHY BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC.	1,000.00	800.00
Do	STATE OF LOUISIANA	20,000.00	7,250.00
MCCARTY NOONE & WILLIAMS SUITE 3306 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	AMERICAN MEDICAL TECHNOLOGISTS	225.00	18.16
MCCLURE & TROTTER SUITE 600 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CITIES SERVICE CO.		10.50
Do	COCA-COLA COMPANY		12.25
Do	GULF & WESTERN INDUSTRIES, INC.		110.15
Do	GULF RESOURCES & CHEMICAL CORP		
Do	MOBIL OIL CORP.	1,575.00	30.15
Do	TRACOR, INC.		
ROBERT S. MCCONNAUGHEY 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.		
MOLLY MCCORMICK 2301 MARKET ST., S23-1 PHILADELPHIA PA 19101	PHILADELPHIA ELECTRIC COMPANY	1,875.00	156.39
SALLY MCCORMICK 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	6,000.00	
REUBEN MCCORNACK 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	6,000.00	
E. L. MCCULLOCH 819 RAILWAY LABOR BLDG., 400 1ST ST., NW WASHINGTON DC 20001	BROTHERHOOD OF LOCOMOTIVE ENGINEERS	284.60	1,510.69
DAVID F. MCDERMITT SUITE 606 1235 JEFFERSON-DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL UTILITY CONTRACTORS ASSN		155.93
ALBERT L. MCDERMOTT 1101 CONNECTICUT AVE., NW, #1006 WASHINGTON DC 20036	AMERICAN HOTEL & MOTEL ASSN	2,151.40	
MARIANNE MCDERMOTT 1201 PENNSYLVANIA AVE., N.W. WASHINGTON DC 20004	HILL & KNOWLTON, INC.		
MARK T. MCDERMOTT JOSEPH, POWELL, MCDERMOTT & REINER, P.C. 1300 19TH STREET, NW, #400 WASHINGTON DC 20036.	CIVIL PILOTS FOR REGULATORY REFORM.		
JAMES MCDONALD 9311 WOODLAND DR. SILVER SPRING, MD 20910	JACK MCDONALD ASSOCIATES (FOR: NORTHROP CORP)		
MICHAEL D. MCDONALD MARYLAND PETROLEUM ASSN 60 WEST ST. SUITE 403 ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	368.00	308.18
PATRICK J. MCDONOUGH 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	3,483.00	
DINAH D. MCELFRESH SUITE 1030N 1800 M ST., NW WASHINGTON DC 20036	HAUCK & ASSOCIATES (FOR: NATIONAL ASSN OF CHILD CARE MANAGEMENT)		
DARRYL D. MCEWEN 901 N. WASHINGTON ST. ALEXANDRIA VA 22134	SOCIETY OF AMERICAN FLORISTS & ORNAMENTAL HORTICULTURISTS		
ROBERT H. MCFADDEN 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC.	200.00	
JAMES M. MCGARRY JR 1750 K ST., NW WASHINGTON DC 20006	EATON ASSOCIATES, INC.		
PAUL J. MCGEADY 27 HAMPTON PL. NUTLEY NJ 07110	MORALITY IN MEDIA, INC.	10.00	
GALE W. MCGEE ASSOCIATES SUITE 700 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	DGA INTERNATIONAL, INC.		
DONNA LEE MCGEE 1800 M STREET,N.W. #870-S WASHINGTON DC 20036	BURLINGTON INDUSTRIES, INC.	2,200.00	65.00
W. CURT MCGEE 1620 I ST., NW, SUITE 703 WASHINGTON DC 20006	BECHTEL NATIONAL, INC.		
P. ANNE MCGHEE 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
JOHN E. MCGILL SUITE 200 1221 S.W. YAMHILL PORTLAND OR 97205	PACIFIC TELECOM, INC.		
ROBERT M. MCGLOTTEN 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	16,439.83	912.49
CHRISTOPHER C. MCGRATH N. Y. S. PETROLEUM COUNCIL 551 5TH AVE., #718 NEW YORK NY 10176	AMERICAN PETROLEUM INST.		
JEROME J. MCGRATH 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	500.00	
TERRENCE G. MCGREEVY FIRST CITY TOWER HOUSTON TX 77002	VINSON & ELKINS (FOR: PELICAN TERMINAL)		
JOSEPH M. MCGUIRE 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
PETER E. MCGUIRE 400 FIRST ST., NW WASHINGTON DC 20001	NATIONAL ASSN OF RETIRED & VETERAN RAILWAY EMPLOYEES	5,999.98	
WILLIAM P. MCGUIRE 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER.	600.00	
CLARENCE M. MCINTOSH JR 400 FIRST ST., NW WASHINGTON DC 20001	RAILWAY LABOR EXECUTIVES' ASSN.	1,254.08	
LYN R. MCINTOSH 410 1ST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL		
ROBERT MCINTYRE ROOM 200 2020 K ST., NW WASHINGTON DC 20006	CITIZENS FOR TAX JUSTICE	6,663.46	15.00
CHRISTINE E. MCKECHNIE 2550 M ST., NW SUITE 770 WASHINGTON DC 20037	RJR INDUSTRIES, INC.	250.00	190.18
WILLIAM F. MCKENNA SUITE 500 2301 M ST., NW WASHINGTON DC 20037	HOUSLEY, GOLDBERG & KANTARIAN		
MCKENNA, CONNER & CUNEO 3435 WILSHIRE BOULEVARD LOS ANGELES CA 90010	AHMANSON FOUNDATION	48,841.00	217.69
JAN E. MCKENZIE 1111 19TH ST., NW SUITE 702 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,920.00	229.69
ROBERT T. MCKERNAN 1619 MASSACHUSETTS AVENUE, N.W. WASJINGTON DC 20036	AMERICAN PAPER INST, INC		
WILLIAM COLM MCKEVENY 30 ROCKEFELLER PLAZA NEW YORK NY 10112	AMERICAN PULPWOOD ASSN.		
JAMES D. MCKEVITT SUITE 695 600 MARYLAND AVE. SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	3,500.00	150.00
C. A. 'MACK' MCKINNEY BOX 43 110 MARYLAND AVE. SUITE 304, NE WASHINGTON DC 20002	NON COMMISSIONED OFFICERS ASSN OF THE USA	7,123.14	8,569.04
JAMES D. MCLAUGHLIN 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,100.00	177.30
WILLIAM F. MCMANUS 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO.	650.00	
JANE PIERSON MCMICHAEL 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	13,179.04	54,301.06
JAMES D. MCMILLAN 1899 L ST., NW, #1100 WASHINGTON DC	EXXON CORPORATION		
ROBERT R. MCMILLAN 9 WEST 57TH STREET NEW YORK NY 10019	AVON PRODUCTS, INC.		
MCNAIR GLENN KONDUROS CORLEY SINGLETARY PORTER & DIBBLE 1155 15TH STREET, NW WASHINGTON DC 20005	AMERICAN PETROLEUM INSTITUTE	500.00	61.89
Do	BUSINESS ROUNDTABLE		896.52
Do	GENERAL TELEPHONE & ELECTRONICS CORP	6,706.00	406.91
Do	GEORGIA PACIFIC CORP	7,328.00	458.74
Do	KLINE IRON & STEEL CO	165.00	119.00
Do	NATIONAL ASSN OF REALTORS	1,000.00	8.23
Do	NATIONAL OFFICE MACHINE DEALERS ASSN.		57.32
Do	PHARMACEUTICAL MANUFACTURERS' ASSN.	3,195.25	148.93
Do	SONY CORP OF AMERICA	12,657.25	465.15
Do	WESTINGHOUSE ELECTRIC CORP	1,273.00	108.50
LARAMIE FAITH MCNAMARA SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC.	1,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PETER F. MCNEISH 618 WASHINGTON BUILDING WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	2,000.00	
ROBERT MCVICKER 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT CO		
RONALD E. MCWILLIAMS 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY		
GEORGE G. MEAD 430 FIRST ST. SE WASHINGTON DC 20003	AMERICAN TRUCKING ASSNS, INC	10,000.00	
JOHN K. MEAGHER 1155 15TH ST.,N.W. SUITE 1004 WASHINGTON DC 20005	LTV CORPORATION	2,500.00	610.00
JOSEPH J. MEDER SUITE 1100 1050 17TH ST., NW WASHINGTON DC 20036	INTERLAKE, INC	9,000.00	
MEEHAN & STOELKER 2200 TWO GIRARD PLAZA, PHILADELPHIA, PA 19102	MILLIKEN RESEARCH CORP	8,135.00	148.56
DAVID O. MEEKER 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,500.00	
WILLIAM H. MEGONNELL 1111 19TH ST., NW, 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,324.67	70.45
RICHARD A. MEHLER 1742 N STREET NW WASHINGTON DC 20036	AUTOMOTIVE PARTS REBUILDERS ASSN		
R. OTTO MELETZKE 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
PATRICK L. MELLON 1724 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	312.50	
STEPHEN J. MELMAN 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JACK MENACHE 7900 CALLAGHAN ROAD SAN ANTONIO TX 78229	DATAPOINT CORPORATION		
HOWARD N. MENAKER 600 MARYLAND AVE., SW SUITE 400E WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
MARILEE MENARD P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	2,000.00	
MENDELSOHN ASSOCIATES, INC. 1826 JEFFERSON PLACE, NW WASHINGTON DC 20036	AMERICAN PRESIDENT LINES		
Do	WOLF TRAP FOUNDATION FOR THE PERFORMING ARTS	6,000.00	181.83
EDWARD L. MENNING 1522 K STREET N.W. SUITE 836 WASHINGTON DC 20005	ASSOCIATION OF FEDERAL VETERINARIANS	15.41	
ELLIS E. MEREDITH 1611 NORTH KENT ST. ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
EDWARD L. MERRIGAN 6000 CONNECTICUT AVE., NW WASHINGTON DC 20015	CENTRAL GULF LINES, INC		
Do	NATIONAL ASSN OF RECYCLING INDUSTRIES, INC	11,250.00	872.50
METZGER, SHADYAC & SCHWARZ ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	MELEX USA, INC		
Do	MOLDOW DUST CONTROL, INC	3,147.50	172.45
BRIAN M. MEYER 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	300.00	
M. BARRY MEYER 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	ALUMINUM ASSN		
LARRY D. MEYERS SUITE 214 412 FIRST STREET, SE WASHINGTON DC 20003	BENEFICIAL MANAGEMENT CORP. OF AMERICA	2,499.00	
Do	INDEPENDENT CATTLEMEN ASSOCIATION	4,500.00	
Do	NATIONAL PEANUT GROWERS GROUP	1,500.00	
Do	NORTH CAROLINA FARM BUREAU		
Do	CALIFORNIA WESTSIDE FARMERS	833.33	
ANDRICE J. MICHAELS 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
BRENDA J. MICHAUD SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
JAMES G. MICHAUX 1801 K ST., NW, #903 WASHINGTON DC 20006	FEDERATED DEPT STORES, INC	500.00	
LAURIE L. MICHEL 1629 K STREET, N.W. WASHINGTON DC 20006	NABISCO, INC		
RONALD A. MICHIELI SUITE 1020 425 13TH ST., NW WASHINGTON DC 20004	NATIONAL CATTLEMEN'S ASSN	1,000.00	
MID CONTINENT WILDCATTERS ASSN. 200 DOUGLAS BLDG. WICHITA KS 67202		116,435.34	7,729.00
MID-CONTINENT OIL & GAS ASSN 711 ADAMS OFFICE BLDG. TULSA OK 74103		26,179.36	10,665.76
JOY MIDMAN 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	250.00	
MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114			
S. F. MIERS JR. BOX 300 TULSA OK 74102	CITIES SERVICE COMPANY	1,800.00	2,340.46
PAUL J. MIGNINI SR. 815 16TH STREET, NW WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	2,595.00	61.30
MILBANK, TWEED, HADLEY & MCCLOY 1825 EYE ST., NW WASHINGTON DC 20006	CHASE MANHATTAN BANK		
Do	JOINT TASK FORCE ON FEDERAL FINAN. ASSIST. FOR LAW STUDENTS		
Do	LASALLE NATIONAL BANK		
MILES & STOCKBRIDGE SUITE 500 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	PEPSICO, INC	1,000.00	120.00
Do	PIZZA HUT, INC	500.00	50.00
ROY H. MILLENSON 2005 MASS. AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	2,215.00	52.11
MILLER & CHEVALIER, CHARTERED 1700 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSOCIATION	28,658.12	
Do	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	486.29	
Do	HERCULES INC		
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	LOCKHEED CORPORATION	1,312.50	
Do	NUCLEAR FUEL SERVICES, INC	150.00	
Do	WHEELABRATOR-FRYE, INC	150.00	
A. STANLEY MILLER, 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING		
MILLER ASSOCIATES, INC. 2500 QUE ST.,NW WASHINGTON DC 20007	TOSCO CORPORATION	500.00	66.45
DALE MILLER 1200 16TH ST., NW, #305 WASHINGTON DC 20036	GULF INTRACOASTAL CANAL ASSN		
Do	TEXASGULF, INC		
DANIEL R. MILLER 1020 PRINCESS ST. ALEX. VA 22314	TRUCK TRAILER MANUFACTURERS ASSN	700.00	16.45
DEBORAH IMLE MILLER 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JAMES C. MILLER 1616 H ST, NW WASHINGTON DC 20006	NATIONAL GRANGE	3,250.00	
JOHN R. MILLER 1750 MIDLAND BUILDING CLEVELAND OH 44115	STANDARD OIL CO		
PAUL J. MILLER 8000 SEARS TOWER CHICAGO IL 60606	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
ROBERT H. MILLER 490 L'ENFANT PLAZA EAST, SW, #2202 WASHINGTON DC 20024	TENNECO INC		
ROBIN MILLER 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY	379.85	
W. KIRK MILLER 733 N. VAN BUREN ST. SUITE 610 MILWAUKEE WI 53202	BARLEY AND MALT INSTITUTE	4,250.00	
MILLER, CANFIELD, PADDOCK & STONE SUITE 300 2555 M ST., NW WASHINGTON DC 20037	INTERNATIONAL PAPER CO	5,935.95	1,135.95
MILLER, CASSIDY, LARROCA & LEWIN SUITE 500 2555 M ST., NW WASHINGTON DC 20037	NATIONAL PUBLIC RADIO	135.00	12.75
MILLER, HAMILTON, SNIDER & ODOM P.O. BOX 46 MOBILE AL 36601	THORNTON, FARISH & GAUNTT		718.04
C.G. PETE MILLIGAN 4360 N.E. JOE'S POINT STUART FL 33494	ILLINOIS BELL TELEPHONE COMPANY	1,740.00	127.68
CHRISTINE TOPPING MILLIKEN 1717 MASSACHUSETTS AVE., #503 WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	8,880.00	315.54
JOHN C. MILLINER P.O. BOX 1788 FOREST PARK GA 30051	SOUTHEASTERN LUMBER MANUFACTURERS ASSN		
RICHARD M. MILLMAN, P.C. SUITE 908 1730 M STREET, NW WASHINGTON DC 20036	HOUSE OF REPRESENTATIVES, SAN JUAN, PR	41,715.75	
Do	SENATE OF PUERTO RICO	8,000.00	4,078.06
JOHN F. MILLS 1875 I ST., NW WASHINGTON DC 20006	TOBACCO INSTITUTE	900.00	86.90
EDWARD J. MILNE JR 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	187.00	194.27
RICHARD V. MINCK 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC	1,500.00	
MINERALS EXPLORATION COALITION, INC. 790 WEST TENNESSEE AVE. SUITE 103 DENVER CO 80223		35,800.00	2,385.00
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO SUITE 1025 1015 15TH STREET, NW WASHINGTON DC 20005	WNET/13		
Do	HOME RECORDING RIGHTS COALITION	35,015.00	2,463.09
Do	GENERAL TELEPHONE & ELECTRONICS CORP	2,000.00	
Do	SCA SERVICES, INC	3,500.00	64.00
THOMAS B. MIRANDA 410 FIRST ST., SE WASHINGTON DC 20003	AMERICAN NUCLEAR ENERGY COUNCIL	2,187.51	85.25
STAFFORD MICHAEL MISHOE 499 S. CAPITOL ST., S.W. SUITE 102 WASHINGTON DC 20003	NATIONAL PORK PRODUCERS COUNCIL	225.00	870.00
MARK R. MISIOROWSKI 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
THOMAS F. MITCHELL 1875 I ST., NW WASHINGTON DC 20006	GEORGIA-PACIFIC CORP		680.00
STACEY J. MOBLEY 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
MICHAEL S. MOE 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
ROBERT M. MOLITER 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		147.00
JOHN V. MOLLER 1155 15TH ST., NW SUITE 1010 WASHINGTON DC 20006	MANCHESTER ASSOCIATES, LTD. (FOR: NISSAN MOTOR COMPANY, LTD.)	1,192.50	68.00
ROBERT A. MOLOFSKY 5025 WISCONSIN AVENUE, NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		284.13
MICHAEL J. MOLONEY 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	60.00	
C. MANLY MOLPUS P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,000.00	
HERMAN J. MOLZAHN 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
CHRISTOPHER MONEK 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
CHARLES A. MONFORT SUITE 1101 1346 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OF CONCERNED SCIENTISTS	1,104.17	2,165.52
JOHN M. MONLEY SUITE 600 1090 VERMONT AVENUE, NW WASHINGTON DC 20005	TEXAS EASTERN TRANSMISSION CORP		36.48
ELIZABETH R. MONRO 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMER	5,000.00	
MICHAEL MONRONEY SUITE 2700 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
JOHN C. MONSUL 923 RIVA RIDGE DRIVE GREAT FALLS VA 22066			
STEVEN M. MOODIE 910 16TH STREET ROOM 302 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
G. MERRILL MOODY 412 FIRST ST., SE, #200 WASHINGTON DC 20003	ASSOCIATION OF AMERICAN RAILROADS	22.44	15.65
JAMES P. MOONEY 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	5,700.00	
ALAN J. MOORE SUITE 840, 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	ATCHISON, TOPEKA & SANTA FE RAILWAY CO	1,000.00	
JANIS E. MOORE 1776 F ST., NW WASHINGTON, DC 20006	NATIONAL ASSN OF MANUFACTURERS	250.00	
MORALITY IN MEDIA, INC. 475 RIVERSIDE DRIVE SUITE 239 NEW YORK NY 10115		709.84	709.84
RICHARD D. MORAN 444 NORTH CAPITOL STREET, N.W. SUITE 409 WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	1,000.00	
VINCENT L. MORELLI 2550 M ST., NW SUITE 225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	399.00	459.93
E. JOYCE MORGAN 1920 N ST., NW SUITE 300 WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
MORGAN, LEWIS & BOCKIUS SUITE 800 NORTH 1800 M ST., NW WASHINGTON DC 20036	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT	908.00	477.00
Do	CONSOLIDATED NATURAL GAS CO	275.00	
Do	KNOLL FINE CHEMICALS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT E. MORIN 2600 VIRGINIA AVE., NW #901 WASHINGTON DC 20037	SOCIETY OF REAL ESTATE APPRAISERS		
JAMES A. MORRILL SCOTT PLAZA I PHILADELPHIA PA 19113	SCOTT PAPER COMPANY	2,250.00	2,260.37
MARGARET M. MORRIS 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
MARTIN S. MORRIS 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MORRISON & FOERSTER 1920 N STREET, N.W. WASHINGTON DC 20036	CITY AND COUNTY OF SAN FRANCISCO	1,365.00	70.50
WILLIAM C. MORRISON 2001 NORTH ADAMS ST. ARLINGTON VA 20001	MEAT IMPORTERS COUNCIL OF AMERICA, INC	875.00	
RUSSELL N. MOSHER SUITE 160 950 N. GLEBE RD. ARLINGTON VA 22203	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC	21.70	1.30
BERNARD MOSS 2440 VIRGINIA AVE., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	900.00	
LYNN E. MOTE 1015 15TH ST., NW, #900 WASHINGTON DC 20005	INTERNORTH	2,000.00	
MOTION PICTURE ASSN OF AMERICA, INC 1600 EYE STREET, NW WASHINGTON DC 20006		34,000.00	34,167.74
JOHN J. MOTLEY 600 MARYLAND AVE., SW, SUITE 695, WASHINGTON, D.C. 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC. 300 NEW CENTER BLDG. DETROIT MI 48202		6,685.47	6,685.47
KELLY HOLLEY MOUNTAIN 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
MOUNTAIN WEST ASSOCIATES 2000 L ST., NW # 200 WASHINGTON DC 20036	FINLINSON AND FINLINSON		
Do	GREAT NATIONAL CORPORATION	6,400.00	105.96
Do	UTAH POWER & LIGHT CO	29,689.00	5,235.76
HAROLD P. MUELLER III P.O. BOX 7755 PHILADELPHIA PA 19101	TAXPAYERS FOR FEDERAL PENSION REFORM	8,750.00	
WILLIAM G. MULLEN 1725 K ST., NW, #607 WASHINGTON DC 20006	THIRD CLASS MAIL ASSOCIATION	600.00	
RICHARD J. MULLER 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	CHRYSLER CORPORATION	2,000.00	105.00
JOHN P. MULLIGAN 1101 17TH ST., NW WASHINGTON DC 20036	TUNA RESEARCH FOUNDATION	1,590.00	
ALBERT E. MULLIN JR 111 POWDERMILL RD. (B79) MAYNARD MA 01754	DIGITAL EQUIPMENT CORPORATION	4,000.00	
TRACY MULLIN 1000 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN	100.00	15.00
ROBERT J. MULLINS 1012-14TH ST., N.W., #600 WASHINGTON, D.C. 20005	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,374.13	121.45
DANIEL J. MUNDY 815 16TH ST., NW, #603 WASHINGTON DC 20006	BUILDING & CONSTRUCTION TRADES DEPT	14,481.87	3,587.56
MUNICIPAL LABOR COMMITTEE 140 PARK PLACE NEW YORK NY 10007		16,897.40	16,897.40
K. R. MURPHY 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORPORATION	1,000.00	15.00
RICHARD E. MURPHY 2020 K ST., NW, #200 WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO	1,000.00	133.00
RICHARD W. MURPHY 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	61.05
D. MICHAEL MURRAY 2550 M STREET, N.W., #695, WASHINGTON, D.C. 20037	CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RRS	500.00	
Do	CLEVELAND CLIFFS IRON CO	250.00	
Do	FREEPORT MINERALS CO	200.00	
Do	IRON ORE LESSORS ASSN, INC	250.00	
Do	LTV CORPORATION	500.00	
GORDON L. MURRAY SUITE 1002 1911 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	LEAR SIEGLER, INC./ENERGY PRODUCTS DIV		72.54
WILLIAM E. MURRAY 1800 MASS. AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	179.50	
FRANK DOMINIC MUSICA 1735 NEW YORK AVE., N.W. WASHINGTON, D.C. 20006	AMERICAN INST OF ARCHITECTS	2,750.00	
HAROLD D. MUTH 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	300.00	
ROBERT J. MUTH 120 BROADWAY NEW YORK NY 10271	ASARCO INC	300.00	117.00
LAWRENCE P. MUTTER 6849 OLD DOMINION DR. MCLEAN VA 22101	AUTOMOTIVE PARTS REBUILDERS ASSN		
FRED J. MUTZ 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,000.00	
PAUL J. MYER 1150 17TH ST., NW, 11TH FLOOR WASHINGTON DC 20036	AMERICAN BROADCASTING CO		
GARY D. MYERS 1015 18TH ST., NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	500.00	1,533.14
J. WALTER MYERS JR P.O. BOX 95385 ATLANTA GA 30347	FOREST FARMERS ASSOCIATION		
KENNETH NADEN 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES		
CLIFFORD M. NAEVE 2550 M STREET, NW., #770, WASHINGTON, D.C. 20037	RJR INDUSTRIES, INC	115.25	40.00
ALAN Y. NAFTALIN 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	KOTEEN & NAFTALIN (FOR: ALASCOM, INC)	1,550.00	
Do	KOTEEN & NAFTALIN (FOR: TELEPHONE & DATA SYSTEMS, INC)		
GERALD P. NAGY 900 17TH ST., NW, #514 WASHINGTON DC 20006	NATIONAL HOME FURNISHINGS ASSN	1,000.00	
LOUIS NAGY BOND COURT BUILDING CLEVELAND OH 44114	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RSTRUCTURING		
NANCY A. NAGY SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	62.50	25.00
LINDA K. NAIDA 1616 H STREET, NW WASHINGTON DC 20006	NATIONAL GRANGE	812.50	
NAMAN, HOWELL & SMITH, LEE 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703	COTTON FARMERS ASSOCIATION		
BERNARD NASH 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	GENERAL ELECTRIC CO		
Do	MERCK & CO., INC		
Do	TIME, INC		
NATA SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20006			
FRANCES E NATHAN 455 FIFTH AVENUE NEW YORK NY 10016	NEW YORK PUBLIC LIBRARY	4,305.00	
HARDY L. NATHAN 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
RAYMOND NATHAN 4242 EAST-WEST HWY CHEVY CHASE MD 20815	AMERICAN ETHICAL UNION	555.00	418.80
NATIONAL AGRICULTURAL CHEMICALS ASSN 1155 15TH ST., NW WASHINGTON DC 20005		5,850.00	5,850.00
NATIONAL AIR CARRIER ASSN SUITE 710 1730 M ST., NW WASHINGTON DC 20036			
NATIONAL ASSN FOR FREE ENTERPRISE SUITE 107 1101 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037			
NATIONAL ASSN FOR HUMANE LEGISLATION, INC PO BOX 11675 ST. PETERSBURG FL 33733		11.51	20.00
NATIONAL ASSN FOR NEIGHBORHOOD SCHOOLS, INC P.O. BOX 14887 COLUMBUS OH 43214		8,552.79	8,527.40
NATIONAL ASSN FOR UNIFORMED SERVICES P.O. BOX 1406 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151		2,151.44	1,998.98
NATIONAL ASSN OF AIR TRAFFIC SPECIALISTS SUITE 415 WHEATON PLAZA NORTH WHEATON MD 20902		96,320.82	10,037.19
NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISE 276 FIFTH AVENUE NEW YORK NY 10010			
NATIONAL ASSN OF CHAIN DRUG STORES, INC. P.O. BOX 1417-D49 ALEXANDRIA VA 22313			7,126.80
NATIONAL ASSN OF CONVENIENCE STORES SUITE 809 THREE SKYLINE PLACE 5201 LEESBURG PIKE FALLS CHURCH VA 22041.			2,500.00
NATIONAL ASSN OF FEDERAL VETERINARIANS SUITE 836 1522 K ST., NW WASHINGTON DC 20005			50.33
NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036.		4,373.00	160,793.55
NATIONAL ASSN OF MANUFACTURERS 1776 F ST., NW WASHINGTON DC 20006		59,881.09	59,881.09
NATIONAL ASSN OF MUTUAL INSURANCE COS. 3707 WOODVIEW TRACE P.O. BOX 68700 INDIANAPOLIS IN 46268			
NATIONAL ASSN OF MUTUAL SAVINGS BANKS 200 PARK AVE. NEW YORK NY 10166		15,993.26	15,993.26
NATIONAL ASSN OF PENSION CONSULTANTS & ADMINISTRATORS, INC SUITE 300 3 PIEDMONT CENTER ATLANTA GA 30305		8,955.50	5,856.66
NATIONAL ASSN OF PERSONNEL CONSULTANTS 1432 DUKE ST., ALEXANDRIA, VA. 22314		5,254.43	6,100.00
NATIONAL ASSN OF PRIVATE ENTERPRISE ALAMEDA ROOSEVELT 2827 SAN SALVADOR, EL SALVADOR			
NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUSTS, INC. 1101 17TH ST., NW SUITE 700 WASHINGTON DC 20036		8,000.00	11,535.50
NATIONAL ASSN OF STEVEDORES SUITE 705 1899 L STREET, NW WASHINGTON DC 20036		15,500.00	12,882.00
NATIONAL ASSN OF TRUCK STOP OPERATORS, INC SUITE 505 700 N. FAIRFAX ST. ALEXANDRIA VA 22314			127.74
NATIONAL BAIL BOND INFORMATION CENTER P.O. BOX 010781 MIAMI FL 33101	COTTON BELT INSURANCE CO		
NATIONAL BROILER COUNCIL 1155 15TH ST., NW WASHINGTON DC 20005		1,750.00	1,750.00
NATIONAL BUSINESS AIRCRAFT ASSN ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006			
NATIONAL CABLE TELEVISION ASSN, INC 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		13,002.83	13,515.28
NATIONAL CATTLEMEN'S ASSN 5420 SOUTH QUEBEC ST., P.O. BOX 3469, ENGLEWOOD, CO. 80155			3,000.00
NATIONAL CLEAN AIR COALITION, INC 530 7TH ST., SE WASHINGTON DC 20003		74,089.11	48,798.53
NATIONAL CLUB ASSOCIATION 1625 EYE ST., NW, #609 WASHINGTON DC 20006		400.00	25.00
NATIONAL COAL ASSN COAL BLDG. WASHINGTON DC 20036		1,369,351.19	27,111.00
NATIONAL COAL CONSUMERS ALLIANCE SUITE 800 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006		625.68	625.68
NATIONAL COALITION FOR MARINE CONSERVATION, INC. P.O. BOX 23298 SAVANNAH GA 31403		11,527.50	17,103.31
NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS SUITE 108 115 D STREET, SE WASHINGTON DC 20003.		140,000.00	191,122.00
NATIONAL COALITION TO BAN HANDGUNS 100 MARYLAND AVE., NE WASHINGTON DC 20002			
NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS BOX 1, 900 SOUTH 1800 M ST., NW WASHINGTON DC 20036.		8,438.25	8,438.25
NATIONAL CONSUMER FINANCE ASSN 1101 14TH ST., NW. WASHINGTON, D.C. 20005			2,600.00
NATIONAL COTTON COUNCIL OF AMER P.O. BOX 12285 MEMPHIS TN 38112		13,453.95	13,453.95
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS 435 SOUTHERN BLDG. 1425 H ST., NW WASHINGTON DC 20005		8,817.00	1,877.00
NATIONAL COUNCIL OF FARMER COOPERATIVES 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036		35,659.57	44,262.03
NATIONAL COUNCIL OF HEALTH CENTERS SUITE 1100 2600 VIRGINIA AVE., NW WASHINGTON DC 20037		5,027.65	3,604.02
NATIONAL COUNCIL OF TECHNICAL SERVICE INDUSTRIES SUITE 1190 1850 K STREET, NW WASHINGTON DC 20006		1,841.55	925.67
NATIONAL COUNCIL ON SYNTHETIC FUELS PRODUCTION SUITE 1050 1875 EYE ST., NW WASHINGTON DC 20006			
NATIONAL COUNSEL ASSOCS, INC 421 NEW JERSEY AVE., SE WASHINGTON DC 20003	GENEVA PACIFIC CORP	1,680.00	
Do	HEUBLEIN, INC	20,450.00	2,464.01
Do	SOUTHERN RAILWAY SYSTEM	3,600.00	787.36
Do	TOSCO	9,000.00	1,509.85
NATIONAL ELECTRICAL MFGRS ASSN 2101 L ST., NW WASHINGTON DC 20037		141.62	141.62
NATIONAL FAMILY FARM COALITION 918 F ST., NW WASHINGTON DC 20004			
NATIONAL FEDERATION OF FEDERAL EMPLOYEES 1016 16TH ST., NW WASHINGTON DC 20036		32,427.84	32,427.84
NATIONAL FEDERATION OF INDEPENDENT BUSINESS 150 W. 20TH AVE. SAN MATEO CA 94403		13,450.00	13,450.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL FERTILIZER SOLUTIONS ASSN 8823 NORTH INDUSTRIAL ROAD PEORIA IL 61615		380.00	380.00
NATIONAL FOOD PROCESSORS ASSN. 1133 20TH ST., NW WASHINGTON DC 20036		5,000.00	2,525.46
NATIONAL GRAIN & FEED ASSN 725 15TH ST., NW WASHINGTON DC 20005			
NATIONAL GRANGE 1616 H ST., NW WASHINGTON DC 20006		12,500.00	9,472.50
NATIONAL GUARD ASSN OF THE U.S. ONE MASSACHUSETTS AVE., NW WASHINGTON DC 20001		11,782.00	2,751.76
NATIONAL HOME FURNISHINGS ASSN 405 MERCHANDISE MART CHICAGO, ILLINOIS 60654			3,383.62
NATIONAL INDUSTRIAL TRAFFIC LEAGUE SUITE 410 1090 VERMONT AVE., NW WASHINGTON DC 20005		4,125.00	3,660.00
NATIONAL LEASED HOUSING ASSN SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL MARITIME COUNCIL 1748 N ST., NW WASHINGTON DC 20036		144,000.00	389.61
NATIONAL MILITARY WIVES ASSN., INC. 2666 MILITARY RD. ARLINGTON VA 22207		4,634.50	147.38
NATIONAL MILK PRODUCERS FED 30 F ST., NW WASHINGTON DC 20001		8,694.46	8,694.46
NATIONAL MOTORSPORTS COMM OF ACCUS SUITE 1204 1701 K ST., NW WASHINGTON DC 20006			
NATIONAL OFFICE MACHINE DEALERS ASSOCIATION 810 LIVELY BOULEVARD, P.O. BOX 707 WOOD DALE, ILLINOIS 60191		108.00	3.73
NATIONAL OIL JOBBERS COUNCIL, INC. 1707 H ST., NW 11TH FLOOR WASHINGTON DC 20006		214,284.00	17,183.17
NATIONAL ORGANIZATION FOR WOMEN SUITE 1048 425 13TH ST., NW WASHINGTON DC 20004			3,055.45
NATIONAL PARKING ASSOCIATION 2000 K ST., NW, #350 WASHINGTON DC 20006			47,094.33
NATIONAL PEACE ACADEMY CAMPAIGN SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		95,471.83	81,901.84
NATIONAL PEST CONTROL ASSN 8100 OAK STREET DUNN LORING, VA 22027			
NATIONAL PRODUCT LIABILITY COUNCIL 20 N. WACKER DR. CHICAGO IL 60606			895.82
NATIONAL PUBLIC AFFAIRS CORP. 1 FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	WESTINGHOUSE ELECTRIC CORP	300.00	
NATIONAL REALTY COMMITTEE 2033 M ST., NW WASHINGTON DC 20036		2,971.00	2,971.00
NATIONAL REHABILITATION ASSN 633 S. WASHINGTON ST. ALEXANDRIA VA 223L4			4,500.00
NATIONAL RETAIL MERCHANTS ASSN 100 W. 31ST ST. NEW YORK NY 10001			4,285.00
NATIONAL RIGHT TO WORK COMM SUITE 600 8001 BRADDOCK RD. SPRINGFIELD VA 22160		5,170.96	5,170.96
NATIONAL RURAL ELECTRIC COOPERATIVE ASSN 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036			4,017.18
NATIONAL SAVINGS & LOAN LEAGUE SUITE 400 1101 15TH ST., NW WASHINGTON DC 20005		45,577.25	
NATIONAL SECURITY TRADERS ASSN, INC SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048			3,540.33
NATIONAL SMALL BUSINESS ASSN 1604 K ST., NW WASHINGTON DC 20006		5,000.00	1,448.32
NATIONAL SMALL BUSINESS INDEX R.R. #1 AITKIN MN 56431			
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS 2029 K ST., NW WASHINGTON DC 20006		12,500.00	15,450.00
NATIONAL SOFT DRINK ASSN 1101 16TH ST., NW WASHINGTON DC 20036			33,200.68
NATIONAL SOLID WASTES MANAGEMENT ASSN SUITE 930 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036			
NATIONAL TAX EQUALITY ASSN SUITE 615 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		5,451.30	7,119.02
NATIONAL TAX LIMITATION COMMITTEE SUITE 600 1523 L STREET, NW WASHINGTON DC 20005		23,000.00	22,705.00
NATIONAL TIRE DEALERS & RETREADERS ASSN 1343 L ST., NW WASHINGTON DC 20005		16,495.00	16,495.00
NATIONAL YOUTH PRO-LIFE COALITION P.O. BOX 67 NEWPORT KY 41072			
SUSAN BINGHAM NEAL 490 L'ENFANT PLAZA EAST, S.W. SUITE 3206 WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
KAREN J. NEALE 2501 M STREET N.W. WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
ALAN M. NEDRY 1111 19TH ST., NW, #303 WASHINGTON DC 20036	SOUTHERN CALIFORNIA EDISON CO	50.00	50.00
ALLEN NEECE JR. 1050 17TH STREET, NW WASHINGTON DC 20036	NEECE, CATOR & ASSOCIATES, INC (FOR: NATIONAL VENTURE CAPITAL ASSN)	2,500.00	2,500.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS DEVELOPMENT CENTER DIRECTORS ASSN)	1,400.00	1,400.00
Do	NEECE, CATOR & ASSOCIATES, INC (FOR: SMALL BUSINESS UNITED)	1,500.00	1,500.00
NEECE, CATOR & ASSOCIATES, INC 1050 17TH STREET, NW WASHINGTON DC 20036	GOVERNMENT GUARANTEED LOAN COMMITTEE	2,000.00	2,000.00
Do	NATIONAL ASSN OF DEVELOPMENT COMPANIES (NADCO)	200.00	200.00
Do	NATIONAL VENTURE CAPITAL ASSOCIATION	2,500.00	2,500.00
Do	SMALL BUSINESS DEVELOPMENT CENTER DIRECTORS ASSN	1,400.00	1,400.00
Do	SMALL BUSINESS UNITED	1,500.00	1,500.00
Do	SOUTHEASTERN LUMBER MANUFACTURERS ASSN (SLMA)	1,800.00	1,800.00
C. B. NEELY JR. P.O. BOX 829 RALEIGH NC 27602	BENEFICIAL MANAGEMENT CORP OF AMERICA		
MARY ELIZABETH NEESE 1101 15TH ST., NW, #400 WASHINGTON DC 20005	NATIONAL SAVINGS & LOAN LEAGUE	1,000.00	
STANLEY NEHMER 1320 19TH ST., NW WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
GORDON E. NELSON 12005 MILLSTREAM DR. BOWIE MD 20715	FARM WATER ALLIANCE	21,600.00	2,689.81
MARK D. NELSON SUITE 1120 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO		
PETER M. NELSON SUITE 920 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	30.48	27.36
ROBERT W. NELSON 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN		
MICHAEL A. NEMEROFF SIDLEY & AUSTIN 1722 EYE STREET, N.W. WASHINGTON DC 20006	DEKALB AGRESEARCH, INC		
Do	STERN ELECTRONICS, INC.	5,000.00	799.89
WILLIAM D. NESBEITT SUITE 150 2655 VILLA CREEK DRIVE DALLAS TX 75234	UNI-BELL PLASTIC PIPE ASSN		
MILTON E. NESHEK THE GODFREY BLDG. 11 N. WISCONSIN ST. ELKHORN WI 53121	KIKKOMAN FOODS, INC.		
MAL NESTLERODE SUITE 700 1111 NORTH 19TH STREET ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,400.00	
NETWORK 806 RHODE ISLAND AVE., NE WASHINGTON DC 20018		28,709.42	22,704.93
CARLA NEUSCHEL 1101 VERMONT AVE., NW. WASHINGTON DC 20005	AMERICAN MEDICAL ASSN	2,400.00	38.32
ROBERT B. NEVILLE 311 1ST ST., NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		4,975.00
LOUIS H. NEVINS 1709 NEW YORK AVE., NW, #200 WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	5,218.75	
NEW YORK COMM OF INTL COMM OF PASSENGER LINES 25 BROADWAY NEW YORK NY 10004			
BILL NEWBOLD #204, 1510 NORTH 12TH STREET ARLINGTON VA 22209	BILL NEWBOLD AND ASSOCIATES (FOR: AMERICAN PROTESTANT HOSPITAL ASSN.)	11,250.00	
Do	BILL NEWBOLD & ASSOCIATES (FOR: TEXAS HOSPITAL, ET AL)	4,500.00	
LESLIE F. NEWCOMER PNB BUILDING, BROAD & CHESTNUT STREETS PHILADELPHIA PA 19101	PHILADELPHIA NATIONAL BANK		
KATHRYN L. NEWMAN 1101 15TH ST., NW WASHINGTON DC 20005	REPUBLIC STEEL CORP		
THOMAS E. NEWMAN 1719 ROUTE 10 PARSIPPANY NJ 07054	NATIONAL ASSN OF MANUFACTURERS	600.00	365.22
JANET G. NEWPORT 1707 H ST., NW, SUITE 1100 WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	5,000.00	575.48
CHARLES E. NICHOLS 101 CONSTITUTION AVE., NW WASHINGTON DC 20001	UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA	21,125.00	1,396.80
NICHOLAS JOHN NICHOLS 1620 EYE ST., NW WASHINGTON DC 20006	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS	1,000.00	9,773.40
ROBERT W. NICHOLS 1511 K STREET, N.W. SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC.	7,500.00	33.00
DONALD R. NIEMI 100 NE ADAMS ST. PEORIA IL 61629	CATERPILLAR TRACTOR CO.		
PATRICK J. NILAN 817 14TH ST., NW WASHINGTON DC 20005	AMERICAN POSTAL WORKERS UNION, AFL-CIO	11,946.52	6,755.86
STEWART E. NILES 225 BARONNE ST. NEW ORLEANS LA 70112	SHIPBUILDERS COUNCIL OF AMERICA		
NISSAN MOTOR COMPANY, LTD. P.O. BOX 1606 560 SYLVAN AVENUE ENGLEWOOD CLIFFS NJ 07632			2,461.28
ROBERT W. NOLAN 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN	100.00	
WALKER F. NOLAN 1111-19TH STREET,N.W. 9TH FLOOR WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	2,600.00	493.44
H. CHRISTOPHER NOLDE 2501 M ST.,NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC.	300.00	
NOOLEY REINHEARDT & ASSOCIATES 6712 OLD MCLEAN VILLAGE DR., MCLEAN VA 22101	RURAL BUILDERS COUNCIL OF CALIFORNIA		
CHARLES M. NOONE 490 L'ENFANT PLAZA EAST SUITE 3306 WASHINGTON DC 20024	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS.	1,800.00	230.24
M. KATHRYN NORDSTROM SUITE 725 1575 EYE ST., NW WASHINGTON DC 20005	PACIFIC SEAFOOD PROCESSORS ASSN	3,750.00	171.26
JULIA J. NORRELL 1850 K ST., NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC.	357.00	147.48
NORTH AMERICAN EXPORT GRAIN ASSN., INC. 1800 M ST., NW, SUITE 610-N WASHINGTON DC 20036			
NORTHEAST UTILITIES SERVICE CO SELDEN ST. BERLIN CT 06037			1,824.91
CLIFFORD R. NORTHUP 1730 RHODE ISLAND AVE., NW, #810 WASHINGTON DC 20036	CREDIT UNION NATL ASSN, INC.	300.00	207.32
JOE M. NORTON JR. SUITE 1605 400 MADISON STREET ALEXANDRIA VA 22314	NATIONAL COALITION OF TELECOMMUNICATION USERS & PROVIDERS	9,000.00	
MORGAN NORVAL 1202 S. WASHINGTON ST. #2 ALEXANDRIA, VA 22314	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	300.00	
NOSSAMAN, KRUEGER & MARSH 1140 19TH ST., NW, #600 WASHINGTON DC 20036	FOOD MARKETING INSTITUTE		166.90
Do	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS, INC.		8.55
Do	BURLINGTON NORTHERN	2,640.00	
Do	MISSION RESOURCES	330.00	
RALPH D. NURNBERGER SUITE 412 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN ISRAEL PUBLIC AFFAIRS COMMITTEE	9,296.70	
FRANKLIN W. NUTTER 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER.		26.00
MARK J. NUZZACO 7901 WESTPARK DR. MCLEAN VA 22102	NATIONAL MACHINE TOOL BUILDERS' ASSN.		
C.D. NYBERG P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO.		
PHILIP S. NYBORG 1133 19TH STREET, NW WASHINGTON DC 20036	MCI COMMUNICATIONS CORP.	4,400.00	
GEORGE O'BEA JR 815 16TH ST., NW, #304 WASHINGTON DC 20006	UNITED PAPERWORKERS INT'L UNION		
COLEMAN C. O'BRIEN 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	4,593.75	71.00
DAVID O'BRIEN, O'BRIEN, FIERCE & EBERLE, INC. 1828 L ST., NW. SUITE 201, WASHINGTON DC 20036	THE UTILITY GROUP	10,780.000	62.00
JOHN F. O'BRIEN CONNECTICUT PETROLEUM COUNCIL 410 ASYLUM ST. HARTFORD CT 06103	AMERICAN PETROLEUM INST.		
LAWRENCE J. O'BRIEN JR. 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	AT-SEA INCINERATION, INC.	6,000.00	
Do	NEW YORK CITY PARTNERSHIP	6,000.00	
MARY EILEEN O'BRIEN 1800 M ST., NW, SUITE 7905 SOUTH WASHINGTON DC 20036	DOW CORNING CORPORATION		
RAYMOND V. O'BRIEN 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	1,600.00	100.00
ROSEMARY L. O'BRIEN 2550 M STREET, N.W., #640 WASHINGTON, D.C. 20037	CF INDUSTRIES, INC/ENERGY COOPERATIVE, INC	500.00	540.67
DAVID S. O'BRYON 1916 WILSON BLVD. ARLINGTON VA 22201	AMERICAN CHIROPRACTIC ASSN.	450.00	122.50
JAMES J. O'CONNELL 1201 PENNSYLVANIA AVENUE, #370 NW WASHINGTON DC 20004	CONTROL DATA CORPORATION	478.00	133.96
WILLIAM B. O'CONNELL 111 EAST WACKER DR. CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	10,312.00	2,890.02
O'CONNOR & HANNAN 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	AMERICAN ASSN OF ADVERTISING AGENCIES		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	AMERICAN CLINICAL LABORATORY ASSN	1,750.00	
Do	AMERICAN FAMILY LIFE ASSURANCE CO		
Do	AMERICAN INST OF CERTIFIED PUBLIC ACCOUNTANTS		
Do	AMERICAN INVSCO CORPORATION		
Do	AUTOMOTIVE PARTS & ACCESSORIES ASSN		
Do	BLYTH EASTMAN PAINE WEBBER		
Do	BORDEN, INC		
Do	CHARLES RIVER BREEDING LABORATORIES, INC		
Do	CKLW RADIO BROADCASTING, LTD	1,000.00	
Do	CLAIBORNE GASOLINE COMPANY	3,145.00	
Do	COMPETITIVE TELECOMMUNICATIONS COALITION	120.00	
Do	ELECTRONIC DATA SYSTEMS CORP	3,658.00	
Do	FIRST NATIONAL MONETARY CORPORATION		
Do	GLASS PACKAGING INSTITUTE	700.00	
Do	GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO		
Do	HEALTH CARE FINANCING STUDY GROUP		
Do	HENNEPIN COUNTY		
Do	INVESTMENT COMPANY INSTITUTE		
Do	INVESTORS DIVERSIFIED SERVICES, INC		
Do	J. C. PENNEY CO, INC	709.00	
Do	JOHN NUVEEN & CO, INC		
Do	JOSEPH E. SEAGRAM & SONS, INC		
Do	KIMBERLY-CLARK CORP	570.00	
Do	NATIONAL ASSN OF NUMISMATIC PROFESSIONALS		
Do	NATIONAL COAL CONSUMERS ALLIANCE	500.00	
Do	NATIONAL COMM FOR QUALITY HEALTH CARE		
Do	NEIGHBORHOOD TV COMPANY, INC	1,846.00	
Do	PFIZER, INC		
Do	SECURITIES INDUSTRY ASSN	13,398.00	
Do	TENNESSEE-TOMBIGBEE WATERWAY DEVELOPMENT AUTHORITY	1,873.00	
Do	WESTINGHOUSE ELECTRIC CORP		
LEONARD F. O'CONNOR 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON		
PATRICK C. O'CONNOR KENT & O'CONNOR 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	AMERICAN SUPPLY ASSOCIATION	4,283.14	1,534.29
Do	AMERICAN WAREHOUSEMEN'S ASSOCIATION	4,070.83	1,007.51
Do	MOTOR CARRIER LAWYERS ASSN	10,328.69	2,753.46
JOHN B. O'DAY SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA		
THOMAS A. O'DAY 1110 VERMONT AVE., NW WASHINGTON DC 20005	ALLIANCE OF AMERICAN INSURERS	500.00	416.35
ASHTON J. O'DONNELL 50 BEALE ST., PO BOX 3965 SAN FRANCISCO CA 94119	BECHTEL INC		
JANE O'GRADY 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	14,189.83	54.97
BARBARA E. O'HARA 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS	100.00	
BARTLEY O'HARA 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	11,409.57	
O'KEEFE, ASHENDEN & LYONS ONE FIRST NATIONAL PLAZA - SUITE 5100 CHICAGO IL 60603	AMERICAN INVSCO CORPORATION		
HAROLD E. O'KELLEY 7900 CALLAGHAN ROAD SAN ANTONIO TX 78229	DATAPOINT CORPORATION		
KATHLEEN O'LEARY 1625 EYE ST., N. W. ROOM 301 WASHINGTON DC 20006	COLUMBIA GAS DISTRIBUTION COMPANIES	3,500.00	179.19
O'MELVENY & MYERS 1800 M ST., NW WASHINGTON DC 20036	AIR TRANSPORT ASSN OF AMERICA		
O'NEILL AND HAASE, P.C. SUITE 1110 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ALLEGHENY COUNTY COMMISSION		
Do	CHICAGO BOARD OF TRADE CLEARING CORP		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	GLASS PACKAGING INSTITUTE		
Do	HOLLY CORP		
Do	HOUSTON NATURAL GAS CORP		
Do	LEGISLATIVE ALLIANCE OF PHILATELISTS, HRD ASSET DLRS & CLTRS		
Do	MAHONING VALLEY ECONOMIC DEVELOPMENT CORP		
Do	MASSACHUSETTS HOSPITAL ASSOCIATION		
Do	PANHANDLE PRODUCING CO		
Do	SANTERELLI AND GIMER		
Do	SUGAR USERS GROUP		
Do	TEXAS UTILITIES SERVICES, INC		
Do	WESTERN UNION TELEGRAPH CO		
Do	WESTINGHOUSE ELECTRIC CORP		
DONALD K. O'NEILL SUITE 2600 1000 WILSON BLVD. ARLINGTON VA 22209	TRW, INC	1,000.00	
KATHLEEN A. O'NEILL 1208-F, NORTH WAYNE STREET ARLINGTON VA 22201	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS	9,000.00	
J. DENIS O'TOOLE 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,500.00	
PATRICIA M. O'TOOLE SUITE 800 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	UNION OIL COMPANY OF CALIFORNIA	600.00	197.20
STEPHEN E. O'TOOLE 1660 L STREET, N.W. WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	2,044.13
G. H. OCHENRIDER 1000 WILSON BLVD. ARLINGTON VA 22209	GRUMMAN AEROSPACE CORPORATION	2,500.00	509.38
T. J. ODEN 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	4,500.00	
BRADFORD C. OELMAN 900 17TH ST., NW WASHINGTON DC 20006	OWENS-CORNING FIBERGLAS CORPORATION		
OIL INVESTMENT INST PO BOX 8293 WASHINGTON DC 20024			
R.Q. OLD AND ASSOCIATES, INC. 205 THE STRAND ALEXANDRIA VA 22314	GENERAL ELECTRIC CO	15.00	55.00
Do	GOULD, INC		129.00
Do	GRUMMAN AEROSPACE CORPORATION	189.00	303.97
Do	SPERRY DIVISION	28.00	78.05
ROBERT A. OLEXY P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC	10,500.00	419.80
ALVIN E. OLIVER 725 15TH ST., NW WASHINGTON DC 20005	NATIONAL GRAIN & FEED ASSN		
AUSTIN P. OLNEY 1333 NEW HAMPSHIRE AVE., NW, #1100 WASHINGTON DC 20036	LEBOEUF, LAMB, LEIBY & MACRAE (FOR: SHIPPING CORP OF INDIA, INC)	7.25	18.75
DENNIS M. OLSEN 485 E STREET IDAHO FALLS ID 83402	AETNA INSURANCE CO	16.36	1.26
Do	AMERICAN BANKER'S INSURANCE CO OF FLORIA	103.90	8.10
Do	CENTENNIAL INSURANCE COMPANY	7.80	.61
Do	CHARTER OAK INSURANCE	7.90	.61
Do	FLORISTS' MUTUAL INSURANCE CO	38.89	3.03
Do	FOREMOST INSURANCE CO	207.26	16.23
Do	GREAT AMERICAN INSURANCE COMPANY	22.21	1.72
Do	MINNEHOMA INSURANCE COMPANY	7.15	.56
Do	MONSANTO CO	1,160.50	424.03
Do	NATIONAL FARMERS UNION PROPERTY & CASUALTY INSURANCE CO	36.32	2.86
Do	STATE FARM FIRE AND CASUALTY CO	17.98	1.39
Do	STATE FARM INSURANCE COMPANY	149.40	11.70
Do	STATE FARM MUTUAL AUTOMOBILE INSURANCE CO	243.01	19.03
Do	TRAVELER'S INDEMNITY OF RHODE ISLAND	9.64	.72
Do	TRAVELERS	215.38	16.85
VAN R. OLSEN 1156 15TH ST., NW, #1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
GERALD L. OLSON 200 S. 5TH ST. MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROY E. OLSON 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
ALAN M. OLSZEWSKI 1608 K STREET, NW WASHINGTON DC 20006	AMERICAN LEGION	4,920.00	22.10
PHILIP C. ONSTAD 500 WEST PUTNAM AVE. GREENWICH CT 06830	CONTROL DATA CORPORATION	50.00	946.49
MICHEL ORBAN 1700 K ST., NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		115.00
OREGON STEEL MILLS C/O GOVERNMENT RELATIONS ASSOCIATES, INC 1629 K STREET, NW, #401 WASHINGTON DC 20006.			
ABRAHAM ORLOFSKY 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,025.48	
JOHN L. OSHINSKI 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,605.77	
JOHN J. OSICK SUITE 700 SOUTH 1800 M STREET, NW WASHINGTON DC 20036	DOW CHEMICAL U.S.A		
HIDEAKI OTAKA SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC		
ROLAND A. OUELLETTE 1660 L ST., NW, #501 WASHINGTON DC 20036	GENERAL MOTORS CORP	3,600.00	2,238.00
CLIFFHOUSE 1800 MASSACHUSETTS AVE., N.W. WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	37.50	
OUTDOOR POWER EQUIPMENT INSTITUTE SUITE 700 1901 L ST., NW WASHINGTON DC 20036			
JOSEPH A. OVERTON III 1000 WILSON BLVD. #2600 ARLINGTON, VA 22209	TRW, INC	1,000.00	
THOMAS J. OWENS P.O. BOX 12266 SEATTLE WA 98102	DOLLAR SAVINGS BANK AND WASHINGTON MUTUAL SAVINGS BANK	11,850.00	7,048.74
WILLIAM H. OWENS JR SUITE 1004 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
R. RAY PAABO SUITE 840 1100 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,000.00	
LEE W. PADEN P.O. BOX 201 TULSA OK 74102	PUBLIC SERVICE COMPANY OF OKLAHOMA		
GERI PALAST SUITE 200 2020 K STREET, NW WASHINGTON DC 20006	SERVICE EMPLOYEES INTL UNION, AFL-CIO, CLC	5,000.00	155.05
JOHN M. PALATIELLO 210 LITTLE FALLS STREET FALLS CHURCH VA 22046	AMERICAN CONGRESS ON SURVEYING & MAPPING	4,495.30	26,249.73

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HENRY S. PALAU 201 N WASHINGTON ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	754.00	
DIANE M. PALMER 1200 NORTHWESTERN BANK BLDG. MINNEAPOLIS MN 55480	NORTHWEST BANCORPORATION		
FRED PANZER 1875 EYE ST., NW, #800 WASHINGTON DC 20006	TOBACCO INSTITUTE	125.00	35.00
PAPERBOARD PACKAGING COUNCIL SUITE 411 1101 VERMONT AVE, NW WASHINGTON DC 20005			
G. OLIVER PAPPS N.J. PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	20.00	
PARAHO DEVELOPMENT CORPORATION 101 SOUTH THIRD STREET, #300 GRAND JUNCTION CO 81501			15,708.16
STEVEN JAY PARCELLS 12 WEBB RD. CABIN JOHN MD 20818	SAVE THE TALLGRASS PRAIRIE, INC.		
HERSCHELL E. PARENT ARKANSAS PETROLEUM COUNCIL 302 COMMERCIAL NATL. BANK BLDG. LITTLE ROCK AR 72201	AMERICAN PETROLEUM INST	497.00	678.93
NANCY L. PARKE 1919 PENNSYLVANIA AVE., N.W. SUITE 300 WASHINGTON DC 20036	LONE STAR INDUSTRIES, INC	600.00	200.00
DOUGLAS L. PARKER 600 NEW JERSEY AVE., NW WASHINGTON DC 20001	INSTITUTE FOR PUBLIC REPRESENTATION		
JOHN N. PARKER 1100 CONNECTICUT AVE., NW SUITE 620 WASHINGTON DC 20036	MOBIL OIL CORP	375.00	
KIMBERLY C. PARKER 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	7,858.13	68.60
PRUDENCE H. PARKS 1100 H STREET, NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO	43.18	61.65
KEN PARMELEE 1155 15TH ST., NW SUITE 611 WASHINGTON DC 20005	ETHYL CORPORATION	2,000.00	
TOM E. PARO 1735 DESALES ST., NW WASHINGTON DC 20036	ASSOCIATION OF MAXIMUM SERVICE TELECASTERS, INC	2,432.00	
PARRISH & CHAMBERS, INC. SUITE 1510 1300 17TH ST., NW ARLINGTON VA 22209	AEROSPATIALE HELICOPTER CORP.	11,130.00	2,734.68
Do	ASSOCIATION OF NIGHT VISION MANUFACTURERS	1,000.00	1,047.89
Do	BANGOR & AROOSTOOK RAILROAD	3,600.00	2,489.62
Do	BOSTON & MAINE RAILROAD	4,749.00	2,560.94
Do	DELAWARE OTSEGO SYSTEM	4,200.00	2,550.08
Do	FORUM COMMUNICATIONS		1,479.31
Do	GENESEE & WYOMING INDUSTRIES	2,250.00	2,489.62
Do	OY WARTSILA AB	26,666.66	2,489.62
Do	PITTSBURG & SHAWMUT	2,100.00	2,489.62
Do	WESTINGHOUSE ELECTRIC CORP	1,960.00	1,603.40
JACK PARTRIDGE 1014 VINE ST. CINCINNATI OH 45201	KROGER COMPANY	2,000.00	479.70
ROBERT D. PARTRIDGE 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	465.00	
ALAN K. PARVER 1050 17TH ST., NW, #770 WASHIINGTON DC 20036	AMERICAN ASSN OF HOMES FOR THE AGING	1,308.00	50.00
PASKUS, GORDON & HYMAN 2005 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL MUSIC PUBLISHERS' ASSN	200.00	
RICHARD M. PATTERSON 1800 M ST., NW, #700 SOUTH WASHINGTON DC 20036	DOW CHEMICAL CO	500.00	239.50
THOMAS PATTERSON 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	231.00	
DAVID J. PATTISON 1750 K ST., NW WASHINGTON DC 20006	HEALTH INSURANCE ASSOCIATION OF AMERICA, INC		
EDWARD W. PATTISON 22 FIRST STREET TROY NY 12180	NATIONAL MUSIC PUBLISHERS ASSN, INC	3,700.00	1,213.42
PATTON BOGGS & BLOW SUITE 800 2550 M ST., NW WASHINGTON DC 20037	AKAI AMERICA, LTD	804.82	11.17
Do	AMERICAN COLLEGE OF MORTGAGE ATTORNEYS	2,955.00	8.00
Do	AMERICAN CONGRESS OF SURVEYORS AND MAPPERS	361.25	
Do	AMERICAN EXPRESS COMPANY	5,130.00	160.54
Do	AMERICAN INTERNATIONAL AUTOMOBILE DEALERS ASSN	250.00	
Do	AMERICAN MARITIME ASSN		
Do	AMERICAN MOVERS CONFERENCE	1,150.00	30.00
Do	AMERICAN PRESIDENT LINES	940.00	
Do	AMERICAN RETAIL FEDERATION		
Do	AMERICAN SOCIETY OF ASSN EXECUTIVES		
Do	ARMCO INC		
Do	ASOCIACION DE AMIGOS DEL PAIS		
Do	ASOCIACION DE AZUCAREROS DE GUATEMALA		
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	15,510.00	30.00
Do	BURLINGTON INDUSTRIES, INC	23,658.75	353.75
Do	BUSINESS ROUNDTABLE	200.00	
Do	CALIFORNIA WESTSIDE FARMERS	7,450.00	100.00
Do	CASTLE & COOKE, INC		
Do	CHRYSLER CORPORATION	4,835.00	230.00
Do	CITY NATIONAL BANK OF BEVERLY HILLS, CA	1,880.00	5.00
Do	COUNCIL OF STATE CHAMBERS OF COMMERCE	117.50	
Do	DONALDSON, LUFKIN & JENRETT, INC		
Do	DREDGING INDUSTRY SIZE STANDARDS COMMITTEE (DISSC)		
Do	DUTY FREE SHOPPERS, LTD	2,075.00	49.00
Do	E.G.G. INDUSTRIES & THE ESSEX CO		
Do	ENERGY RESEARCH CORPORATION	3,202.50	
Do	HAMPTON-WINSOR CORP		
Do	HITACHI SALES CORP OF AMERICA	3,163.78	44.07
Do	HOBBY INDUSTRY OF AMER		
Do	E.F. HUTTON LIFE INSURANCE COMPANY	3,465.00	
Do	INDECO, INC	2,285.00	10.00
Do	INSTITUTE OF SCRAP IRON & STEEL, INC		
Do	LASCO SHIPPING COMPANY	480.00	8.00
Do	LITTON INDUSTRIES, INC		
Do	LOCKHEED AIRCRAFT	200.00	
Do	LOOP, INC		
Do	LOS ANGELES OLYMPIC COMMEMORATIVE COIN COMMITTEE	4,700.00	70.00
Do	LOS ANGELES OLYMPIC ORGANIZING COMMITTEE		
Do	LOSS RESERVE DEDUCTION COMMITTEE	460.00	16.00
Do	MARATHON OIL CO	2,827.50	
Do	MARS, INC	1,100.00	
Do	MCI TELECOMMUNICATIONS, INC	6,730.00	40.00
Do	MITSUBISHI ELECTRIC SALES AMERICA, INC	3,163.78	44.07
Do	MITSUSHITA ELECTRIC CORP OF AMERICA	3,163.78	44.07
Do	MOCATTA METALS CORP		
Do	MULTI MINERAL CORP	4,160.00	13.00
Do	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,500.00	
Do	NATIONAL CABLE TELEVISION ASSN., INC	1,400.00	
Do	NATIONAL COALITION FOR PORT PROGRESS	230.00	
Do	NATIONAL MARINE MFRS ASSN		
Do	NATIONAL MULTI HOUSING COUNCIL		
Do	NATIONAL SOFT DRINK ASSN		
Do	NEC ELECTRONICS (USA) INC	1,637.40	22.77
Do	NEW PROCESS CO		
Do	NORTHWEST ENERGY COMPANY		
Do	OCEAN MINERALS CO	705.00	
Do	OPTIONS CLEARING CORP		
Do	OSG BULK SHIPS, INC		
Do	PENN CENTRAL CORPORATION	705.00	
Do	PEPSICO, INC		
Do	READER'S DIGEST ASSN, INC	2,000.00	
Do	REDWOOD INDUSTRY PARK COMM	1,200.00	
Do	RETAIL TAX COMMITTEE	927.50	70.00
Do	ROCKWELL INTERNATIONAL CORP		
Do	SANSUI ELECTRONICS CORP		
Do	SANYO ELECTRIC INC	3,163.79	44.07
Do	SHARP ELECTRONICS CORP	3,163.78	44.07
Do	SHERIDAN-KALORAMA NEIGHBORHOOD COUNCIL	1,700.00	
Do	SONY CORPORATION OF AMERICA	3,163.79	44.07
Do	ST. JOE MINERALS CORP	407.50	
Do	STATE OF LA., DEPT OF CONSERVATION	6,730.00	40.00
Do	SULTANATE OF OMAN	3,000.00	
Do	TOSHIBA AMERICAN, INC	3,163.79	44.07
Do	US JVC CORPORATION	3,163.79	44.07
Do	WILSHIRE OIL COMPANY OF TEXAS	3,290.00	
ANDREW R. PAUL 600 NEW HAMPSHIRE AVE., NW, #920 WASHINGTON DC 20037	GULF & WESTERN INDUSTRIES, INC	1,250.00	97.63
PAUL, HASTINGS, JANOFSKY & WALKER 6TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TELEPHONE & TELEGRAPH CO		
Do	BEST EMPLOYERS ASSOCIATION		
Do	ENSERCH CORPORATION		
Do	SECURITY LIFE OF DENVER	18,500.00	6,122.36

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
PAUL WEISS RIFKIND WHARTON & GARRISON 345 PARK AVE., NY, NY 10022	CHRIS-CRAFT INDUSTRIES, INC		
Do	NIPPON ELECTRIC CO., LTD	38,000.00	1,581.41
LARRY E. PAULICK 2000 K ST., NW WASHINGTON DC 20006	NATIONAL SPA & POOL INSTITUTE		
RICHARD A. PAYSOR SUITE 135 1415 ELBRIDGE PAYNE RD. ST. LOUIS MO 63017	FIRST CAPITOL ASSOCIATES - GATEWAY, INC.		
PEABODY, LAMBERT & MEYERS 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ASSOCIATION OF MEDIA PRODUCERS		
Do	TUNA RESEARCH FOUNDATION		
RONALD W PEARSON 103 W. CEDAR STREET ALEXANDRIA VA 2230!	CONSERVATIVES AGAINST LIBERAL LEGISLATION		
FRANK PECQUEX 815 16TH ST., NW, #510 WASHINGTON DC 20006	SEAFARERS INTERNATIONAL UNION	3,000.00	200.41
JAMES M. PEIRCE JR 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,551.22	
PELTON RESEARCH CENTER 1400 S JOYCE STREET ARLINGTON VA 22202	HELP, INC.		
HUMBERTO R. PENA 1155 15TH ST., NW WASHINGTON DC 20005	BRISTOL-MYERS CO	1,000.00	
PENNSYLVANIA POWER & LIGHT CO 2 N. 9TH ST. ALLENTOWN PA 18101			2,719.32
DONALD PENNY 2020 K ST., N.W. SUITE 250 WASHINGTON DC 20006	WARNER COMMUNICATIONS INC.	3,000.00	1,910.67
DOMINIC V. PENSABENE 1700 K ST., NW WASHINGTON DC 20006	CHEVRON USA, INC	1,000.00	
GREGORY M. PENSABENE 1100 CONNECTICUT AVE., NW, #840 WASHINGTON DC 20036	SANTA FE INDUSTRIES, INC	1,875.00	
PEPPER & CORAZZINI PEPPER & CORAZZINI 1776 K ST.,NW #700 WASHINGTON DC 20006	SOUTHERN SATELITE SYSTEMS INC.	1,420.00	26.00
PEPPER HAMILTON & SCHEETZ 1777 F ST., NW WASHINGTON DC 20006	ALARM DEVICE MANUFACTURING CO.		
Do	ALARM IND TELECOMM COMM OF NATL BURGLAR & FIRE ALARM ASSN	2,190.00	
Do	FOCUS		
Do	GLENMEDE TRUST CO		
Do	MILLICOM INCORPORATED	436.50	
Do	NATIONAL ASSN OF RETAIL DRUGGISTS		
Do	SOUTHERN PACIFIC COMMUNICATION CO		
Do	SUN SHIPBUILDING & DRY DOCK CO	5,143.00	50.00
Do	TRT TELECOMMUNICATIONS CORPORATION		
Do	TURNER BROADCASTING SYSTEM, INC	1,255.00	
Do	DIRECT BROADCAST SATELLITE CORP	184.00	
Do	GENERAL DYNAMICS CORP	760.00	
BARBARA K. PEQUET 1921 KALORAMA RD., NW, #103 WASHINGTON DC 20009	NATIONAL CONSUMERS LEAGUE	787.50	9.00
VICTOR J. PERINI JR 1776 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	HIGHWAY USERS FEDERATION FOR SAFETY & MOBILITY		
PERITO, DUERK, CARLSON & PINCO, P.C. 1140 CONNECTICUT AVE., NW #400 WASHINGTON DC 20036	ADVANCED HEALTH SYSTEMS, INC		
Do	AMERICAN COLLEGE OF NEUROPSYCHOPHARMACOLOGY	60.00	524.40
Do	NATIONAL ASSN OF ALCOHOLISM TREATMENT PROGRAMS, INC.	192.75	3.95
Do	SOCIETY OF REAL ESTATE APPRAISERS		
PERKINS COIE STONE OLSEN & WILLIAMS SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BOEING COMPANY	13,181.50	76.20
Do	GENERAL PUBLIC UTILITIES CORP.	900.00	
TONY PERKINS 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	100.00	
GARY J. PERKINSON 1700 NORTH MOORE STREET 1925 ROSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
ERNEST MICHAEL PERLEY SUITE 201 105 DAVENPORT ROAD TORONTO, ONTARIO M5R 1H6	CANADIAN COALITION ON ACID RAIN	2,112.00	200.00
JEFFRY L. PERLMAN 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,420.00	258.47
LEONARD PERLMAN SUITE 400 5203 LEESBURG PIKE FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSN	4,050.00	255.26
MARK PERMAR P.O. BOX 12910 CHARLESTON SC 29142	KIAWAH ISLAND COMPANY	880.00	1,292.59
JOHN P. PERRIN 499 SOUTH CAPITOL ST., SW SUITE 104 WASHINGTON DC 20003	AMERICAN OSTEOPATHIC ASSN	3,412.50	18.50
RICHARD J. PERRY 1575 I. ST NW. WASHINGTON DC 20005	CALIFORNIA SAVING & LOAN LEAGUE	13,125.00	526.47
SUSAN PERRY 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUS ASSN.	2,687.50	75.00
JOHN J. PESCH 3422 STONEBRAE DR. FALLS CHURCH, VA 22044	NORTHROP CORPORATION		
EDWARD B. PETERSEN SUITE 700 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	GULF OIL CORP	50.00	16.50
GEOFFREY G. PETERSON SUITE 1300 425 13TH ST., NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S.	2,000.00	400.00
KENNETH PETERSON 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	16,439.83	212.87
LARS E. PETERSON 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	450.00	
MARY B. PETERSON 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	870.97
RUSSELL W. PETERSON 950 THIRD AVENUE NEW YORK NY 10022	NATIONAL AUDUBON SOCIETY	1,000.00	576.10
PETERSON, ENGBERG & PETERSON SUITE 907 1730 M ST., NW WASHINGTON DC 20036	FEDERATED RESEARCH CORP.	16,660.00	382.65
SUSAN E. PETNIUNAS, #214, 1025 CONNECTICUT AVE., NW WASHINGTON, DC 20036	MANVILLE CORPORATION	100.00	100.00
SUSAN J. PETRICK SUITE 300 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GATX CORPORATION		
MICHAEL J. PETRINA JR 1155 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	44.10
PAUL F. PETRUS 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,200.00	
JAMES R. PHALEN 1100 CONNECTICUT AVE., NW SUITE 820 WASHINGTON DC 20036	MAPCO INC.	2,500.00	91.00
PHARMECUTICAL MANUFACTURERS ASSN., 1155 15TH ST., NW WASHINGTON DC 20005		52,791.13	52,791.13
GWEN PHARO 1101 S. ARLINGTON RIDGE RD., #1213 ARLINGTON VA 22202	OILFIELD INDUSTRIAL LIMES, INC.		
MARSHALL A. PHARR 6103 ADIRONDACK, AMARILLO TX 79106	SOUTHWESTERN PUBLIC SERVICE CO	877.20	148.16
JOHN P. PHILBIN 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,500.00	
DEBORAH M. PHILLIPS SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORP		
JOHN D. PHILLIPS SUITE 503 1717 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF INDEPENDENT COLLEGES & UNIVERSITIES	13,500.00	763.63
RICHARD F. PHILLIPS 1825 K STREET,N.W. SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
SUSAN L. PHILLIPS 815 16TH ST., NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	3,056.00	22.95
WILLIAM G. PHILLIPS D.C. ASSOCIATES, INC. 402 THIRD STREET, SE WASHINGTON DC 20003	AMERICAN VOCATIONAL ASSN	4,000.00	227.83
Do	ASSOCIATION OF UNIV. PROGRAMS IN OCCUPA HEALTH & SAFETY	2,400.00	275.17
Do	ASSOCIATION OF UNIVERSITY ENVIRONMENTAL HEALTH CENTERS	6,000.00	102.03
PHOSPHATE CHEMICALS EXPORT ASSN., INC. 8410 WEST BRYN MAWR AVE. CHICAGO, IL 60631			
SAM PICKARD 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO	500.00	193.14
BILL PICKENS 1111 19TH ST., NW SUITE 900 WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	1,698.00	410.91
W.D. PICKETT 400 FIRST ST. WASHINGTON DC 20001	BROTHERHOOD OF RAILROAD SIGNALMEN	350.00	
M. M. PIERCE 1001 22ND ST., SUITE 600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	175.00	
PIERSON BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036	COMMUNITY PSYCHIATRIC CENTERS	10,159.18	
Do	COMPETITIVE TELECOMMUNICATIONS COALITION	9,032.69	
Do	DUN & BRADSTREET CORP.		
Do	GENENTECH, INC	17,091.85	
Do	GENERAL TIRE & RUBBER COMPANY	1,750.00	
Do	INDEPENDENT TELECOMMUNICATIONS SUPPLIERS' COUNCIL	66,557.72	
Do	INFECTIOUS DISEASES SOCIETY OF AMERICA	4,564.90	
Do	INTERNATIONAL FUTURES EXCHANGE (BERMUDA) LTD	3,200.00	
Do	INTEX HOLDINGS (BERMUDA) LTD		
Do	NATIONAL ASSN OF CASUALTY & SURETY AGENTS	4,698.64	
Do	NATIONAL MUSIC PUBLISHERS ASSN	7,317.24	
Do	PHARMACEUTICAL MANUFACTURERS ASSN	10,617.63	
Do	SATELLITE BUSINESS SYSTEMS	2,500.00	
ELIZABETH W. PIERSON SUITE 810 2000 L STREET, NW WASHINGTON DC 20036	SPERRY CORPORATION		
PIERSON SEMMES CROLIUS & FINLEY 1054 31ST ST., NW WASHINGTON DC 20007	AMERICAN LAND TITLE ASSN	3,803.00	195.88
STUART F. PIERSON VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
PILOTS RIGHTS ASSOCIATION P.O. BOX 7000-367 REDONDO BEACH CA 90277		3,975.00	6,249.02
PINEAPPLE GROWERS ASSN OF HAWAII 1902 FINANCIAL PLAZA OF THE PACIFIC HONOLULU HI 96813			
LINDA PINEGAR 1709 NEW YORK AVE., NW WASHINGTON DC 20006	AIR TRANSPORT ASSN OF AMER	3,000.00	
PIPER & MARBURY 888 16TH STREET, NW FIFTH FLOOR WASHINGTON DC 20006	PHH GROUP, INC.	7,160.00	7,169.26
Do	RYDER SYSTEMS, INC.		
Do	U.S. AIR, INC.		
LILLIAN M.S. PITCAITHLY SUITE 209 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	100.00	25.00
PITNEY BOWES 69 WHEELER DR. STAMFORD CT 06926			
ERNEST M. PITT JR. P.O. BOX 1264 ASHLAND KY 41101	REYNOLDS & PITT (FOR: DR. ROBERT LANG)		
PLAINS COTTON GROWERS, INC PO BOX 3640 LUBBOCK TX 79452			
PLANNED PARENTHOOD FEDERATION OF AMERICA, INC. SUITE 303 1220 19TH STREET, NW WASHINGTON DC 20036		2,217.75	2,217.75
PLANNED PARENTHOOD OF NEW YORK CITY, INC 380 SECOND AVENUE NEW YORK NY 10010			1,028.00
RONALD L. PLATT P.O. BOX 520783 GENERAL MAIL FACILITY MIAMI FL 33152	BURGER KING CORP		
WYLL W. PLEGER 1730 RHODE ISLAND AVENUE, N.W. # 213 WASHINGTON DC 20036	BROWN & ROOT, INC		
RONALD L. PLESSER BLUM & NASH 1015 18TH ST., NW, #408 WASHINGTON DC 20036	TWIN COASTS NEWSPAPER, INC		
ROBERT PLETT ASSOCIATES 1200 18TH ST., NW WASHINGTON DC 20036			
JAMES W. PLUMB SUITE 1225 19TH ST., NW WASHINGTON DC 20036	HARSHE-ROTMAN & DRUCK, INC.		
SHERMAN S. POLAND ROSS, MARSH & FOSTER 888 16TH STREET, NW WASHINGTON DC 20006	DORCHESTER GAS PRODUCING CO	5,305.00	149.00
MICHAEL A. POLING 1920 N ST., NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS	23.20	9.65
RICHARD POLLACK 1101 14TH ST. NW. SUITE 200 WASHINGTON DC 20005	AMERICAN NURSES' ASSN	3,330.83	491.99
FRANCES A. POLLAK SUITE 390 1850 K STREET, NW WASHINGTON DC 20006	UNION CAMP CORPORATION	1,269.00	77.05
ALFRED M. POLLARD SUITE 702 1901 L STREET, NW WASHINGTON DC 20036	SECURITY PACIFIC NATIONAL BANK	66.00	135.00
HENRY E. POOLE 9 WEST 57TH ST. NEW YORK NY 10019	AVON PRODUCTS, INC		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RAYMOND K. POPE 1639 K ST., NW, #800 WASHINGTON DC 20006	AMFAC, INC	3,145.00	431.36
JAMES J. POPHAM 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	2,000.00	250.00
POPULATION RESOURCE CENTER, INC 622 THIRD AVE. NEW YORK NY 10017		2,537.00	11,490.00
PAULA D. PORPILIA 1120 CONNECTICUT AVENUE, N.W. SEVENTH FLOOR WASHINGTON DC 20036	AMERICAN BANKERS ASSN	850.00	161.38
PORT OF SEATTLE P.O. BOX 1209 SEATTLE WA 98111		119.91	80.59
PHILLIP PORTE & ASSOCS., INC. SUITE 208 1301 S. ARLINGTON RIDGE RD. ARLINGTON VA 22202	AMERICAN ASSN FOR RESPIRATORY THERAPY	6,500.00	
Do	NATIONAL ASSN. OF MEDICAL DIRECTORS OF RESPIRATORY	3,000.00	
PORTER, WRIGHT, MORRIS & ARTHUR 37 WEST BROAD STREET COLUMBUS OH 43215	COALITION FOR ENVIRONMENTAL-ENERGY BALANCE		5,138.24
PORTMAN PROPERTIES 1800 PEACHTREE CENTER SOUTH 225 PEACHTREE STREET, N.E. ATLANTA GA 30303			20,000.00
JOHN POST SUITE 402 1828 L ST., NW WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	40.00
MARY E. POST 5203 LEESBURG PIKE, SUITE 400 FALLS CHURCH VA 22041	AMERICAN PERSONNEL & GUIDANCE ASSOCIATION	3,486.95	
MARK POWDEN SUITE 408 815 16TH STREET, NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPT., AFL-CIO	358.27	
JOHN MICHAEL POWDERLY 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	9,549.52	
POWELL GOLDSTEIN FRAZER & MURPHY SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	AHRENS AIRCRAFT, INC		
Do	COALITION FOR EMPLOYMENT THROUGH EXPORTS		
Do	COMMITTEE AGAINST REGULATION OF VIDEO ENTERPRISES		
Do	COUNCIL OF STATE HOUSING AGENCIES	1,512.00	
Do	FEDERAL NATIONAL MORTGAGE ASSN	4,462.00	
Do	GATX CORP		
Do	GOVERNMENT OF NICARAGUA		
Do	INTERGRAPH CORPORATION		
Do	INTERNATIONAL PAPER COMPANY		
Do	JACQUES BOREL ENTERPRISES, INC		
Do	LINCOLN PROPERTY COMPANY		
Do	MARYLAND SAVINGS-SHARE INSURANCE CORP		
Do	NATIONAL ASSN OF REAL ESTATE DEVELOPERS		
Do	NATIONAL COUNCIL FOR INDUSTRIAL INNOVATION		
Do	NATIONAL MULTI HOUSING COUNCIL	3,240.00	
Do	WESTINGHOUSE ELECTRIC CORP		
RICHARD M. POWELL 7315 WISCONSIN AVE. WASHINGTON DC 20014	INTERNATIONAL ASSN OF REFRIGERATED WAREHOUSES		
ROBERT D. POWELL SUITE 400 1300 NINETEENTH ST NW WASHINGTON DC 20036	NATIONAL BUSINESS AIRCRAFT ASSN		
JANET POWER 1620 I ST., NW WASHINGTON DC 20006	VISA USA, INC		
JOHN J. POWER 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	12,937.92	
GRAYDON R. POWERS JR 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
BRAINARD E. PRESCOTT 670 MAIN ST. EAST AURORA NY 14052	SECURITY NEW YORK STATE CORPORATION		674.65
LLOYD T. PRESLAR 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTERNATIONAL, INC. (FOR: SOFREAVIA)		
PRESTON THORGRIMSON ELLIS & HOLMAN 1776 G ST., NW, #500 WASHINGTON DC 20006	AMERICAN PRESIDENT LINES	6,415.50	
Do	AMERICAN WATERWAYS SHIPYARD CONFERENCE		
Do	BELLINGHAM COLD STORAGE		
Do	BOEING COMPANY	18,183.00	221.45
Do	BPA INDUSTRIAL CUSTOMERS		
Do	CALISTA CORP		
Do	CHUGACH NATIVES, INC		
Do	COMMERCIAL UNION ASSURANCE COMPANIES		
Do	CROWLEY MARITIME CORPORATION	850.00	
Do	DRAVO CORPORATION		
Do	EMPLOYERS REINSURANCE CORP		
Do	MOORE MCCORMACK RESOURCES, INC	6,069.50	
Do	NORTHERN TIER PIPELINE CO		
Do	PORT OF SEATTLE	312.50	
Do	ST. JOE MINERALS CORP		
Do	STATE OF ALASKA		
Do	TENNESSEE GAS PIPELINE CO	345.50	
Do	TRANSPORTATION INSTITUTE		
Do	U.S. CRUISES, INC		
Do	WASHINGTON NATURAL GAS		
Do	WESTERN RESOURCE ALLIANCE		
Do	WOMETCO ENTERPRISES, INC	6,542.50	245.39
Do	YARDARM KNOT CORPORATION	2,350.00	
KEITH A. PRETTY 322 W. OTTAWA LANSING MI 48933	STANDARD OIL CO (INDIANA)		
FORREST J. PRETTYMAN 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	962.50	
BARBARA J. PRICE SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
WOODRUFF M. PRICE 840 WASHINGTON BLDG. 15TH ST. & NEW YORK AVE. WASHINGTON DC 20005	CSX CORPORATION	3,000.00	629.55
PATRICIA PRIDE 1129 20TH ST., NW WASHINGTON DC 20036	FINANCIAL ACCOUNTING STANDARDS BOARD	227.47	42.53
BEVERLY HINES PRINCE 1620 EYE STREET N.W. WASHINGTON DC 20006	VISA USA, INC		
GWENYTH PRITCHARD 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
JERRY C. PRITCHETT 5530 WISCONSIN AVE., NW CHEVY CHASE, MD 20815	MECHANICAL CONTRACTORS ASSN OF AMER, INC		
PRO-LIFE CDAC 12 P.O. BOX 7145 MENLO PARK CA 94025		299.00	1,308.41
PRO-LIFE CONGRESSIONAL DIST ACTION COMM, IN/2 208 TINKLER LAFAYETTE IN 47901			
PROFIT SHARING COUNCIL OF AMER 20 N. WACKER DRIVE CHICAGO IL 60606			
PROJECT ADVISORY GROUP 1029 VERMONT AVE., NW SUITE 860 WASHINGTON DC 20005			3,477.00
PROPRIETARY ASSN 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			2,687.50
PROVIDENT INDEMNITY LIFE INSURANCE CO 2500 DEKALB PIKE NORRISTOWN PA 19404			
JAMES C. PRUITT SUITE 500 1050 17TH STREET, NW WASHINGTON DC 20036	TEXACO, INC	83.00	
STEVEN L. PRUITT SUITE 308 815 16TH STREET, NW WASHINGTON DC 20006	PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO	9,999.99	
PUBLIC EMPLOYEE DEPARTMENT, AFL-CIO 815 16TH ST., NW WASHINGTON DC 20006		37,093.45	23,845.71
PUBLIC TIMBER PURCHASERS GROUP 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		24,000.00	6,561.69
GERALD H. PUGH 707 SKOKIE BLVD. NORTHBROOK IL 60062	COMBINED INSURANCE CO OF AMERICA		
DAVID E. PULLEN #214, 1025 CONNECTICUT AVE., NW WASHINGTON, DC 20036	AMVO::E CORPORATION	600.00	
F. EUGENE PURCELL 1919 PENNSYLVANIA AVE., N.W. SUITE 300 WASHINGTON DC 20006	LONE STAR INDUSTRIES, INC	1,000.00	205.00
WILLIAM E. PURSLEY 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
EARLE W. PUTNAM 5025 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
HOWARD PYLE III 4930 QUEBEC ST., NW WASHINGTON DC 20016	HOUSTON LIGHTING & POWER COMPANY	3,600.00	
ROBERT N. PYLE P.O. BOX 3731 WASHINGTON DC 20007	INDEPENDENT BAKERS ASSN	3,000.00	
JOHN R. QUARLES JR MORGAN, LEWIS & BOCKIUS 1800 M ST., NW WASHINGTON DC 20036	NATIONAL ENVIRONMENTAL DEVELOPMENT ASSN CLEAN AIR ACT PROJ	1,000.00	50.00
JAMES M. QUIGLEY SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
WILLIAM A. QUINLAN 3045 RIVA RD. RIVA MD 21140	NATIONAL CANDY WHOLESALERS ASSN, INC		
Do	RETAIL BAKERS OF AMERICA		
QUINTANA REFINERY COMPANY P.O. BOX 3331 HOUSTON TX 77253			
R/A AND ASSOCIATES SUITE 801 1100 17TH STREET, NW WASHINGTON DC 20036	WAGNER & BARODDY	3,393.75	
CLIFFORD RABER ONE MCDONALD'S PLAZA OAK BROOK IL 60521	MCDONALD'S SYSTEMS, INC	462.50	284.77
ALEX RADIN 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	653.76	
TESS A. RAE 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE		
ROBERT A. RAGLAND 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	200.00	
RICHARD W. RAHN 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.		
RAILWAY LABOR EXECUTIVES' ASSN 400 FIRST ST., NW SUITE 804 WASHINGTON DC 20001		48,250.00	100,942.31
RAILWAY PROGRESS INST 700 NORTH FAIRFAX ST. ALEXANDRIA VA 22314			
RANDALL & BANGERT 1625 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE	3,900.00	
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	2,200.00	
Do	PHARMACEUTICAL MANUFACTURERS ASSN	1,070.00	
DONALD A. RANDALL SUITE 1205 1625 K ST., NW WASHINGTON DC 20006	AUTOMOTIVE SERVICE COUNCILS, INC	4,585.91	
Do	NATIONAL INDEPENDENT DAIRY-FOODS ASSN	2,200.00	
GARY B. RANDALL 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	125.00	
ROBERT RANDALL P.O. BOX 23691 WASHINGTON DC 20024	ALLIANCE FOR CANNABIS THERAPEUTICS		
CAROL RANDLES 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN. OF BROADCASTERS	1,500.00	694.00
R. RAY RANDLETT 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CORP	390.00	
ARTHUR G. RANDOL III 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		175.74
GAYLE RANDOL 1828 L STREET, N.W. SUITE 402 WASHINGTON DC 20036	BUSINESS ROUNDTABLE	200.00	40.00
RARE ANIMAL RELIEF EFFORT, INC C/O NATIONAL AUDUBON SOC 950 THIRD AVE. NEW YORK NY 10022			
ROBERT RAUCH SUITE 1000 1150 CONNECTICUT AVE., NW WASHINGTON DC 20036	KOTEEN & BURT (FOR: CSL ENERGY CONTROLS, INC)		
CAROL L. RAULSTON 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
G. DAVID RAVENCRAFT SUITE 507 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
W. LEE RAWLS 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20005	PENNZOIL CO	750.00	21.82
RAY ROBERTS & ASSOCIATES 499 SOUTH CAPITOL ST., SW SUITE 102 WASHINGTON DC 20003	CENTEX CORP	3,000.00	500.46
Do	GUAM OIL & REFINING CO., INC	9,000.00	2,505.28
Do	NORTH TEXAS MUNICIPAL WATER DISTRICT	3,000.00	789.01
Do	TEXAS UTILITIES SERVICES, INC	3,000.00	759.31
J. GENE RAYMOND 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,091.52	
JULIAN O. READ 1011 CONGRESS AVE., #400 AUSTIN TX 78701	CENTRAL AND SOUTH WEST CORP		
SYDNEY C. REAGAN NO. 10 DUNCANNON CT. DALLAS TX 75225	SOUTHWESTERN PEANUT SHELLERS ASSN	300.00	
DENNIS M. REARDON SUITE A-3 210 SEVENTH STREET, SE WASHINGTON DC 20003	FEDERAL EMPLOYEES POLITICAL ACTION COMM (FEDPAC)		
LINDA S. REARICK 1707 H STREET, NW SUITE 1100 WASHINGTON DC 20006	NATIONAL OIL JOBBERS COUNCIL	3,100.00	172.19
HARRY M. REASONER VINSON & ELKINS 3000 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		7,978.49
JOHN DANIEL REAVES 910 16TH STREET, NW WASHINGTON DC 20006	PHARMACEUTICAL MANUFACTURERS ASSN	9,550.00	444.30
SUSAN E. RECCE 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	875.00	37.20
JOHN M. RECTOR 205 DAINGERFIELD RD. ALEXANDRIA, VA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00
ROBERT E REDDING 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004	SHIPPERS NATIONAL FREIGHT CLAIM		
TIMOTHY J. REDMON 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
CHARLOTTE REED 200 NORTH PICKETT ST., ALEXANDRIA VA 22304	MOTOROLA, INC	3,000.00	
DWIGHT C. REED 1101 16TH ST., NW WASHINGTON DC 20036	NATIONAL SOFT DRINK ASSN	336.52	
JANET S. REED SUITE 501 100 MARYLAND AVE., SE WASHINGTON DC 20002	PARALYSIS CURE RESEARCH FOUNDATION		
JO REED 1909 K STREET, NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN-AMER ASSN OF RETIRED PERSONS	291.92	64.65
PAULINE B. REEPING 1750 NEW YORK AVENUE, NW SUITE 815 WASHINGTON DC 20006	NEW YORK SHIPPING ASSN, INC		
MARTHA L. REES 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	37.00	2.00
THOMAS M. REES SUITE 403 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	FLUOR CORP		
JOSEPH H. REESE JR. 2500 DEKALB PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE COMPANY		
ROBERT S. REESE JR 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	2,015.07
J. RONALD REEVES WASHINGTON NATIONAL AIRPORT WASHINGTON DC 20001	U.S. AIR, INC	2,000.00	220.52
JOHN T. REGGITTS JR 95 BOONTON AVE PO BOX 470 BOONTON NJ 07005			
FRANK D. REGISTER 1825 SAMUEL MORSE DR. RESTON VA 22090	NATIONAL ASSN OF RETAIL GROCERS OF THE U.S	50.00	
REID & PRIEST 1111 19TH ST.,NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	57.00	2.00
Do	SOUTH CAROLINA ELECTRIC & GAS COMPANY		
Do	TUCSON ELECTRIC POWER CO		
Do	UTILITY GROUP		50,042.96
CHARLOTTE REID 200 NORTH PICKETT ST., ALEXANDRIA, VA 22304	MOTOROLA, INC	3,000.00	
MICHAEL W. REID SUITE 507 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
JERRY E. REIDER 1235 JEFFERSON DAVIS HWY., #305 ARLINGTON VA 22202	EMERSON ELECTRIC CO		
MARK REIHL 815 16TH STREET, N.W. RM 510 WAHINGTON DC 20006	SEAFARERS INTERNATIONAL UNION	3,000.00	438.74
GARY B. REIMER 1800 K ST., NW SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	1,410.00	246.95
WILLIAM W. REINERTSON 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
NOOLEY REINHEARDT, NOOLEY REINHEARDT & ASSOC. 6712 OLD MCLEAN VILLAGE DRIVE, MCLEAN, VA 22101	RURAL BUILDERS COUNCIL OF CALIFORNIA		
HARRY O. REINSCH 50 BEALE ST. P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
MURRAY P. REISER 73 TREMONT ST. BOSTON MA 02108	EDWARD BLANKSTEIN, INC		
JACK REITER 1800 K STREET, N.W. SUITE 600 WASHINGTON DC 20006	TIGER INTERNATIONAL, INC	2,100.00	156.40
RELIGIOUS COALITION FOR ABORTION RIGHTS, INC. 100 MARYLAND AVENUE, N.E. WASHINGTON DC 20002		6,935.11	18,618.15
JOHN W. RENDON JR. 1321 PENNSYLVANIA AVE SE WASHINGTON DC 20003	RENDON COMPANY		
W. W. RENFROE 69 FOUNTAIN PL. FRANKFORT KY 40602	KENTUCKY RAILROAD ASSN		
DIANE RENNERT 2005 MASSACHUSETTS AVE NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	3,300.00	347.44
REPUBLIC NATIONAL LIFE INSURANCE COMPANY 3988 N. CENTRAL EXPRESSWAY DALLAS TX 75204			596.15
RESEARCH-COTTRELL, INC P.O. BOX 1500 SOMERVILLE NJ 08876			3,184.00
RESOURCES FUND, INC. 810 18TH ST., NW, 3804 WASHINGTON DC 20006			
RETIRED OFFICERS ASSN 201 N. WASHINGTON ST. ALEXANDRIA VA 22314		7,055.00	
FORREST L. RETTGERS 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN. OF MANUFACTURERS		
JOHN H. REURS 25 BROADWAY NEW YORK NY 10004	NEW YORK COMM OF INTL COMM OF PASSENGER LINES		
ALLAN R. REXINGER 1700 PENNSYLVANIA AVE., NW, #700 WASHINGTON DC 20006	PROPRIETARY ASSN	2,687.50	150.00
NANCY C. REYNOLDS 300 MARYLAND AVE., NE WASHINGTON DC 20002	BENDIX CORP	475.00	80.00
AUSTIN T. RHOADS 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		162.95
ROBIN ALAN RHODES 2000 K ST., NW, #350 WASHINGTON DC 20006	NATIONAL PARKING ASSOCIATION	6,711.42	
LOIS D. RICE 1201 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	CONTROL DATA CORPORATION		
THERON J. RICE 1025 CONNECTICUT AVE., NW, #1000 WASHINGTON DC 20036	CONOCO		
JAMES E. RICH JR. SUITE 200 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SHELL OIL COMPANY	500.00	
R. PAUL RICHARD 1 DUPONT CIRCLE, NW SUITE 370 WASHINGTON DC 20036	ASSOCIATION OF AMERICAN LAW SCHOOLS		
ALAN H. RICHARDSON 2301 M ST., NW WASHINGTON DC 20037	AMERICAN PUBLIC POWER ASSN	2,000.00	
JOHN G. RICHARDSON 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER COMPANY	14,097.00	7,442.41
LLOYD C. RICHARDSON JR. P.O. BOX 1030 ABERDEEN SD 57401	SOUTH DAKOTA RAILROADS ASSN		
RUSSELL W. RICHARDSON 201 GRAYSON COURT SUN CITY CENTER FL 33570	LEAR SIEGLER, INC		
JUDY NOEL RIDDLE 6630 W. BROAD STREET RICHMOND VA 23230	LAWYERS TITLE INSURANCE CORP		1,247.03
KERRI RIDENOUR 1155 15TH STREET, NW WASHINGTON DC 20005	NATIONAL BROILER COUNCIL	750.00	
LOWELL J. RIDGEWAY NORTH DAKOTA PETROLEUM COUNCIL 418 EAST ROSSER, P.O. BOX 1395 BISMARCK ND 58502	AMERICAN PETROLEUM INST	512.00	1,404.99
E. GEORGE RIEDEL SUITE 200 1707 L STREET, NW WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORP	1,650.00	60.00
MARK J. RIEDY 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA		
E. PHILIP RIGGIN 1608 K ST., NW WASHINGTON DC 20006	AMERICAN LEGION	8,079.00	395.93
VALERIE M. RIGGINS 1700 NORTH MOORE STREET 1925 ROSSYLN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
R. SCOTT RINN 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
KEVIN J. RIORDAN 1025 CONNECTICUTAVENUE, N.W. # 700 WASHINGTON DC 20036	GULF OIL CORP	335.00	125.00
JOHN S. RIPPEY 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	875.00	38.00
CAROL A. RISHER 2005 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	ASSOCIATION OF AMERICAN PUBLISHERS	1,200.00	
ROBIN RISSO 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
JAMES E. RITCHIE & ASSOCIATES SUITE 400 499 S. CAPITOL ST., SW WASHINGTON DC 20003	GAMING INDUSTRY ASSN OF NEVADA, INC	3,200.00	674.45
Do	NATIONAL ASSN OF OFF-TRACK BETTING	2,000.00	1,230.52
Do	NATIONAL ASSN OF OPTOMETRISTS & OPTICIANS, INC		
Do	NEVADA RESORT ASSN	4,800.00	1,011.69
STARK RITCHIE 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST		
RIVKIN, SHERMAN AND LEVY 900 17TH STREET, NW #1100 WASHINGTON DC 20006	TOYOTA MOTOR CORPORATION	2,725.00	110.80
NICHOLAS A. RIZZO JR. SUITE 1007 1625 EYE STREET, NW WASHINGTON DC 20006	BENCO, INC		
WALTER BRUCE ROBB 527 LANDER STREET RENO NV 89509	DATAPOINT CORPORATION		
ELIZABETH JANE ROBBINS 43 D STREET, S.E. WASHINGTON DC 20003	NATIONAL MUSIC PUBLISHERS ASSN, INC	16,168.00	
Do	SCHOLASTIC MAGAZINES, INC	3,705.00	
Do	SHEARSON/AMERICAN EXPRESS, INC	3,988.00	
GEORGE ROBERTS 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
PATRICIA L. ROBERTS SUITE 1107 1825 K STREET, NW WASHINGTON DC 20006	PHILLIPS PETROLEUM CO		
PERRY A. ROBERTS 8000 W FLORISSANT ST. LOUIS MO 63136	EMERSON ELECTRIC CO		1,241.44
RICHARD R. ROBERTS 1899 L STREET, N.W. SUTIE 403 WASHINGTON DC 20036	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC	289.00	265.00
JOHN S. ROBERTSON THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)	1,260.00	42.00
Do	GRAY AND COMPANY (FOR: MULTI-FAMILY ACTION COUNCIL)	1,953.00	96.00
BETTY S. ROBINSON 1757 N ST., NW WASHINGTON DC 20036	UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS	9,045.14	159.50
CHARLES A. ROBINSON JR 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	173.42	
RONN ROBINSON 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
THOMAS E. ROBINSON SUITE 700 1101 17TH STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF REAL ESTATE INVESTMENT TRUST, INC	374.00	14.00
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
ANTOINETTE K. ROCHE 2021 K ST., NW, SUITE 709 WASHINGTON DC 20006	GENERAL ATOMIC CO	1,000.00	200.00
THOMAS G. RODERICK 1101 16TH ST., NW, #400 WASHINGTON DC 20036	CONSOLIDATED NATURAL GAS SERVICE CO., INC	4,000.00	
RODEY, DICKASON, SLOAN, AKIN & ROBB P.O. BOX 1888 ALBUQERQUE NM 87103	NAVAJO TRIBE		555.69
QUINCY RODGERS 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		48.24
WILLI ROELLI FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
ROGERS & WELLS 1666 K ST., NW WASHINGTON DC 20006	A. JOHNSON & CO, INC		
Do	DESERT PALACE, INC		
Do	MAGIC PANTRY FOODS, INC	95.00	
Do	MERRILL LYNCH COMMODITIES, INC	285.00	
Do	MERRILL LYNCH INTERNATIONAL INC		
Do	MERRILL LYNCH LEASING, INC		
Do	NATIONAL COAL CONSUMERS ALLIANCE		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SQUIBB CORP		
Do	TEACHERS INSURANCE & ANNUITY ASSN/COLLEGE RET. EQUITIES FUND		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	20TH CENTURY FOX FILM CORPORATION		
BRUCE N. ROGERS 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,255.95
DONALD L. ROGERS 730 15TH ST., NW WASHINGTON DC 20005	ASSOCIATION OF BANK HOLDING COS	1,900.00	
ROGERS HOGE & HILLS SUITE 301 1111 19TH STREET, NW WASHINGTON DC 20036	FORMALDEHYDE INSTITUTE		
Do	NATIONAL ASSN OF CHAIN DRUG STORES		
JAMES T. ROGERS 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
MARGARET ROGERS 1730 NORTH LYNN ST. ARLINGTON VA 22209	PRINTING INDUSTRIES OF AMER, INC	2,000.00	
SUSAN M. ROGERS 1600 RHODE ISLAND AVE.,NW WASHINGTON DC 20036	NATIONAL RIFLE ASSN OF AMER	612.50	
TERRENCE L. ROGERS 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	9,343.81	132.50
CAROLE M. ROGIN 1800 M ST., NW, #1030 #1030 WASHINGTON DC 20036	HAUCK & ASSOCIATES, INC (FOR: HEARING INDUSTRIES ASSN)		
Do	HAUCK & ASSOCIATES, INC. (FOR: NATIONAL ASSN FOR CHILD CARE MANAGEMENT).		
MARTIN ROGOL 200 EAST 90TH STREET NEW YORK NY 10028	NATIONAL COALITION OF TELECOMMUNICATIONS USERS & PROVIDERS	12,000.00	
RICHARD A. ROHRBACH 1625 I ST., NW SUITE 809 WASHINGTON DC 20006	BOISE CASCADE CORP	22,250.00	3,136.00
JACK ROLLINS 1201 16TH STREET, NW WASHINGTON DC 20036	OVERSEAS EDUCATION ASSN & NATIONAL EDUCATION ASSN		
JOHN F. ROLPH III SUITE 350 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	CITIBANK, N.A	1,500.00	
KENNETH S. ROLSTON JR 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PULPWOOD ASSN		
EMIL A. ROMAGNOLI 120 BROADWAY NEW YORK NY 10271	ASARCO INC	600.00	746.00
TENO RONCALIO P.O. BOX 1707 CHEYENNE WY 82001	ENERGY FUELS CORP	2,500.00	
Do	NORTHWEST ALASKAN PIPELINE CO & COLORADO INTERSTATE GAS CO		
TATIANA ROODKOWSKY 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S	2,500.00	35.00
NICHOLAS ROOMY JR P.O. BOX 1986 CHARLESTON WV 25327	APPALACHIAN POWER COMPANY	403.80	717.09
FRED B. ROONEY 1050 THOMAS JEFFERSON ST., NW SIXTH FL WASHINGTON DC 20007	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: AM GENERAL CORPORATION)	200.00	
Do	AMERICAN IRON AND STEEL INSTITUTE	150.00	
Do	ASSOCIATION OF AMERICAN RAILROADS	350.00	
Do	CALIFORNIA PORTLAND CEMENT COMPANY	100.00	
Do	PAUL, HASTINGS, JANOFSKY & WALKER (FOR: SECURITY LIFE OF DENVER)	300.00	
JOHN C. ROOTS SUITE 1001 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	202.31	
ROPES & GRAY SUITE 360 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	AMHERST COLLEGE; WELLESLEY COLLEGE		
Do	DOW CORNING CORP	115.00	115.00
LOUISE L. ROSEMAN SUITE 603 1620 I STREET, NW WASHINGTON DC 20006	VISA U.S.A., INC		
RICHARD ROSEN SUITE 118 5010 WISCONSIN AVENUE, NW WASHINGTON DC 20016			
ALBERT B. ROSENBAUM III 1616 P ST., NW WASHINGTON DC 20036	NATIONAL TANK TRUCK CARRIERS, INC		
SARA ROSENBAUM 1520 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	CHILDREN'S DEFENSE FUND	750.00	772.00
FRANCIS C. ROSENBERGER 6809 MELROSE DRIVE MCLEAN VA 22101	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	3,750.00	
PETER ROSENSTEIN SUITE 700 2341 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	AMERICAN ACADEMY OF PHYSICIAN ASSISTANTS	692.30	
ROGER C. ROSENTHAL SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	72.23	
ROSES, INC. 1152 HASLETT ROAD P.O. BOX 99 HASLETT MI 48840		9,792.21	7,888.14
JOE ROSS 927 DONAGHEY BLDG. LITTLE ROCK AR 72201			
WILLIAM F. ROSS SOUTH CAROLINA PETROLEUM COUNCIL 716 KEENAN BLDG. COLUMBIA SC 29201	AMERICAN PETROLEUM INST		
GARY W. ROSSOW 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	400.00	
ALAN J. ROTH SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	FT. PIERCE UTILITIES AUTH OF THE CITY OF FT. PIERCE, ET AL		
BARRY N. ROTH 1750 K ST., NW, #350 WASHINGTON DC 20006	WILLIAMS COMPANIES	100.00	
DONALD D. ROUNDS SOUTH DAKOTA PETROLEUM COUNCIL P.O. BOX 669 PIERRE SD 57501	AMERICAN PETROLEUM INST	500.00	813.90
WILLIAM C. ROUNTREE 1001 22ND ST., NW SUITE 600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)		
MICHAEL D. ROUSH 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
ROUSS & O'ROURKE 231 E. VERMIJO COLORADO SPRINGS CO 80903	UNION NACIONAL DE PRODUCTORES DE AZUCAR	2,725.00	4,063.48
MARK ROVNER 203C M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,180.03	
EUGENE F. ROWAN 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC		
JAMES C. ROWLAND JR 1100 15TH STREET NW WASHINGTON DC 20005	UNION CARBIDE CORP		
JOHN W. ROWLAND 5025 WISCONSIN AVE.,NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
KEVIN P. ROWLAND 511 C STREET, NE WASHINGTON DC 20002	CONTINENTAL ASSN OF RESOLUTE EMPLOYERS (C.A.R.E.)		
TOBI Z. ROZEN 910 17TH STREET, NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
JAMES S. RUBIN 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	306.00	
PAUL M. RUDEN WILNER & SCHEINER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	AMERICAN SOCIETY OF TRAVEL AGENTS		
DEBORAH K. RUDOLPH 1225 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PUBLIC TRANSIT ASSN	3,500.00	70.00
JOHN C. RUNYAN 444 NORTH CAPITOL STREET, N. W. SUITE 409 WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
CLARKE RUPERT 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS	1,416.66	28.99
LEONARD H. RUPPERT NEW JERSEY PETROLEUM COUNCIL 170 W. STATE ST. TRENTON NJ 08608	AMERICAN PETROLEUM INST	255.00	
CHARLOTTE RUSH SUITE 700 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	GULF OIL CORP	75.00	28.50
ALBERT R. RUSSELL PO BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	389.23	
BARRY RUSSELL 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		50.00
CHRISTINE ANNE RUSSELL 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	7,300.00	293.14
JOHN R. RUSSELL JOHNSON, SMITH & HIBBARD 220 N. CHURCH STREET, SUITE 6 P.O. BOX 5524 SPARTANBURG SC 29304.	MILLIKEN & COMPANY		
RANDALL M. RUSSELL PILLSBURY CENTER MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
ROBERT M. RUSSELL 2170 PIEDMONT RD., NE ATLANTA GA 30324	ORKIN EXTERMINATING CO	264.00	701.00
WALLY RUSTAD 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	50.00	
HERMAN MAX RUTH BOX 1000 OTISVILLE, NY 10963			
J. T. RUTHERFORD & ASSOCIATES, INC. SUITE 514 1660 L ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF BIOANALYSTS/INTL SOC OF CLINICAL LAB TECHS		123.40
Do	AMERICAN COLLEGE OF RADIOLOGY		75.30
Do	AMERICAN OPTOMETRIC ASSN		101.20
SHERYL P. RUTLEDGE 1100 H ST., NW WASHINGTON DC 20080	WASHINGTON GAS LIGHT CO		
ELLA MARICE RYAN 1156 15TH ST., NW WASHINGTON DC 20005	J. C. PENNEY CO, INC	100.00	
FRANK T. RYAN 1901 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	RUBBER MANUFACTURERS ASSN	2,500.00	
JOHN F. RYAN 1707 L ST., NW, #200 WASHINGTON DC 20036	INTERNATIONAL TELEPHONE & TELEGRAPH CORPORATION	114.00	20.00
JOHN G. RYAN 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP		
JOSEPH RYAN SUITE 800 1725 DESALES STREET, NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION	3,186.46	173.46
VINCENT J. RYAN 300 INDEPENDENCE AVENUE, SE WASHINGTON DC 20003	LIBERTY LOBBY, INC		
PAUL R. SACIA 101214TH ST.,NW WASHINGTON DC 20005	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	4,038.47	103.38
THOMAS L. SAGER 1701 PENNSYLVANIA AVE., NW SUITE 1120 WASHINGTON DC 20006	E. I. DU PONT DE NEMOURS & CO	42.00	
SAMARITAN HEALTH SERVICE 1410 NORTH 3RD ST. P.O. BOX 25489 PHOENIX AZ 85002			2,640.00
SAMMONS ENTERPRISES, INC. 403 SOUTH AKARD ST. DALLAS TX 75202			
FRANK P. SANDERS 1575 I ST, NW WASHINGTON DC 20005	SIGNAL COMPANIES, INC	1,600.00	
CHARLES W. SANDFORD 15740 SHADY GROVE RD. GAITHERSBURG MD 20877	BECHTEL POWER CORP		
CHARLES E. SANDLER 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	5,000.00	
PETER G. SANDLUND 1725 EYE ST., NW, #315 WASHINGTON DC 20006	COUNCIL OF EUROPEAN & JAPANESE NATIONAL SHIPOWNERS' ASSN	300.00	
CHARLES SAPP 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,998.32
KLARA B. SAUER 9 VASSAR STREET POUGHKEEPSIE NY 12601	SCENIC HUDSON, INC	385.00	
ALBERT C. SAUNDERS 1155 15TH ST., NW SUITE 900 WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	45.85
SAVE OUR SECURITY SUITE 222 1201 16TH STREET, NW WASHINGTON DC 20036		39,319.75	19,078.74
HENRY SCHACHT 3100 FERRY BLDG. SAN FRANCISCO CA 94106	CALIFORNIA CANNERS & GROWERS		
VICTORIA V. SCHAFF SUITE 1014 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	ENSERCH CORPORATION	1,875.00	1,376.59
MARK L. SCHAFFER ASHCRAFT & GEREL 2000 L STREET, NW, #700 WASHINGTON DC 20036	AMERICAN FED OF LABOR & CONGRESS OF INDUSTRIAL ORGANIZATIONS	5,919.00	35.00
HAROLD A. SCHAITBERGER 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	11,486.28	
JEROME D. SCHALLER 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO	10,000.00	
HERBERT Y. SCHANDLER 475 L'ENFANT PLAZA, SW, #4400 WASHINGTON DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	2,000.00	28.45
JAY T. SCHECK JR. SUITE 802 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN HOECHST CORPORATION		
MARC J. SCHEINESON 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	FINLEY KUMBLE WAGNER HEINE UNDERBERG & CASEY	500.00	
DALE E. SCHELL 1919 PENNSYLVANIA AVE., NW, #300 WASHINGTON DC 20006	GATX CORP		
JANE N. SCHERER SUITE 1204 1700 K STREET, NW WASHINGTON DC 20006	CHEVRON U.S.A., INC	100.00	
JACQUES T. SCHLENGER 1800 MERCANTILE BANK & TRUST BLDG. 2 HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS SHARE INSURANCE CORP		163.29
JAMES P. SCHLICHT 444 NORTH CAPITOL STREET, N.W. SUITE 409 WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
KENNETH D. SCHLOMAN 1600 RHODE ISLAND AVENUE, N.W. WASHINGTON DC 20036	NATIONAL RIFLE ASSOCIATION OF AMERICA	875.00	58.95
SCHLOSSBERG-CASSIDY & ASSOCIATES,INC. 955 L'ENFANT PLAZA, S.W. SUITE 1401 WASHINGTON DC 20024	BOSTON UNIVERSITY	2,125.00	162.00
Do	OCEAN SPRAY CRANBERRIES, INC	625.00	5.00
Do	TUFTS UNIVERSITY	1,250.00	15.00
FOREST S. SCHMELING 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	500.00	83.00
RICHARD M. SCHMIDT JR SUITE 600 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COHN AND MARKS	500.00	
ARTHUR L. SCHMUHL 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
FRANK SCHNELLER 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
MICHAEL M. SCHOOR SUITE 409 444 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC	2,500.00	
SCHRADER-LAUTH & ASSOCIATES, INC. 1600 WILSON BOULEVARD ARLINGTON VA 22209	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	15,000.00	6,587.71

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JACK J. SCHRAMM SUITE 607 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	WASTE MANAGEMENT, INC	2,000.00	
ROBERT I. SCHRAMM 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
N. DONALD SCHROEDER MARYLAND PETROLEUM ASSN 60 WEST ST. ANNAPOLIS MD 21401	AMERICAN PETROLEUM INST	256.00	386.60
STANLEY W. SCHROEDER 1901 N. FT. MYER DRIVE ARLINGTON VA 22209	GAS APPLIANCE MFGRS ASSN, INC		91.30
MARK SCHULTZ 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	5,000.00	90.60
WILLIAM B. SCHULTZ SUITE 700 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC		
ROBERT L. SCHULZ C/O IOWA PETROLEUM COUNCIL 1012 FLEMING BLDG. DES MOINES IA 50309	AMERICAN PETROLEUM INST	562.50	638.75
WALTER A. SCHUMANN III 1511 NATALIE JOY LN. MCLEAN VA 22101	POTOMAC OVERLOOK ASSOCIATES		
JAMES H SCHUYLER 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
DONALD H. SCHWAB 200 MARYLAND AVE., NE WASHINGTON DC 20002	VETERANS OF FOREIGN WARS OF THE U.S.	5,000.00	781.90
SCHWABE, WILLIAMSON, WYATT, MOORE & ROBERTS 1200 STANDARD PLAZA PORTLAND OR 97204	NATIONAL FOREST PRODUCTS ASSN		1,648.20
Do	NORTHWEST INLAND WATERWAYS COMMITTEE	7,824.37	28.23
HARRY K. SCHWARTZ 1800 M ST., NW SUITE 400 SOUTH WASHINGTON DC 20036	TOSCO CORPORATION	2,500.00	
RICHARD SCHWARTZ 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
STEVE AARON SCHWARTZ 818 ROEDER ROAD SUITE 702 SILVER SPRING MD 20910	INTERNATIONAL FED OF PROFESSIONAL & TECHNICAL ENGINEERS		
CARL W. SCHWARZ ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	METZGER, SHADYAC & SCHWARZ (FOR: MOLDOW DUST CONTROL, INC)		
SCIENTIFIC APPARATUS MAKERS ASSN 1101 16TH ST., NW WASHINGTON DC 20036		6,798.57	4,452.15
MICHAEL SCIULLA 880 S. PICKETT ST. ALEXANDRIA VA 22304	BOAT OWNERS ASSOCIATION OF THE U.S.	4,000.00	
HAROLD B. SCOGGINS 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		40.80
SCRIBNER HALL & THOMPSON SUITE 700 1875 EYE STREET, NW WASHINGTON DC 20006	OCCIDENTAL LIFE INSURANCE CO OF CALIFORNIA	7,500.00	
Do	SECURITY LIFE & ACCIDENT INSURANCE CO		
EARL W. SEARS P.O. BOX 12285 MEMPHIS TN 38112	NATIONAL COTTON COUNCIL OF AMER	1,205.00	40.59
SANDY SEDACCA 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	763.93	
JOSEPH E. SEAGRAM & SONS, INC. 375 PARK AVE., NEW YORK, NY 10152		896.25	
CHARLES M. SEEGER III SUITE 802 2000 L STREET, NW WASHINGTON DC 20036	POPHAM, HAIK ET AL (FOR: CHICAGO MERCANTILE EXCHANGE)		
Do	POPHAM, HAIK ET AL. (FOR NEWCOMB SECURITIES CO)		
H. RICHARD SEIBERT JR 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	407.00	
PAUL J. SEIDMAN 5201 LEESBURG PIKE 9TH FLOOR FALLS CHURCH, VA 22041	JOSEPH J. PETRILLO, P.C. (FOR: NATIONAL ASSN OF AIRCRAFT & COMMUNICATIONS SUPPLIERS, INC)	1,220.00	
SEIFMAN, SEMO & SLEVIN P.C., 1000 POTOMAC ST., NW WASHINGTON D.C. 20007	UNITED FOOD & COMMERICIAL WORKERS' INT'L. UNION		
GEORGE M. SEITTS SUITE 900 1015 15TH STREET, NW WASHINGTON DC 20005	NORTHERN PLAINS NATURAL GAS CO	1,300.00	
ARMISTEAD I. SELDEN SUITE 4400 475 L'ENFANT PLAZA, SW WASHINGTON, DC 20024	AMERICAN LEAGUE FOR EXPORTS & SECURITY ASSISTANCE	15,000.00	49.25
STANTON P. SENDER 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	SEARS, ROEBUCK AND CO	2,025.00	38.70
DAVID SENTER 100 MARYLAND AVENUE, N.E. SUITE 500A, BOX 69 WASHINGTON DC 20002	AMERICAN AGRICULTURE MOVEMENT, INC	4,500.00	
STUART D. SERKIN SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
SARAH SETTON 1511 K ST., NW WASHINGTON DC 20005	SUGAR ASSOCIATION, INC	115.00	54.90
SEVEN MONTHS SESSION FOR CONGRESS 3306 YELLOWSHIRE TERRACE AUSTIN TX 78757			557.00
SEWARD & KISSEL 919 18TH ST., NW WASHINGTON DC 20006	HALLAC ASSOCIATES, INC		
Do	MERRILL LYNCH MONEY MARKETS, INC		
Do	SEWARD & KISSEL		
J. RICHARD SEWELL 1111 19TH ST., NW, #1102 WASHINGTON DC 20036	FLORIDA POWER & LIGHT CO	1,540.00	589.30
SEYFARTH SHAW FAIRWEATHER & GERALDSON 1111 19TH ST., NW WASHINGTON DC 20036	AGRICULTURAL PRODUCERS	13,240.04	
Do	NATIONAL MULTI HOUSING COUNCIL		
Do	SHIPBUILDERS COUNCIL OF AMERICA		
CLIVE SEYMOUR P.O. BOX 2511 1010 MILAM, RM. 1657-B HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO	143.83	10.00
SHACK & KIMBALL, P.C. 1129 20TH ST., NW SUITE 500 WASHINGTON DC 20036	EAZOR EXPRESS, INC		
Do	FIVE TRIBES CONFEDERACY OF NORTH CENTRAL OKLAHOMA		
Do	KIOWA-COMANCHE-APACHE INTERTRIBAL LAND USE COMMITTEE		
Do	KOOTZNOOWOO, INC		
Do	SENECA-CAYUGA TRIBE OF OKLAHOMA		
Do	UKPEAGVIK INUPIAT CORPORATION		
YVONNE L. SHAFER 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
BARBARA J. SHAILOR 1300 CONNECTICUT AVE., NW WASHINGTON DC 20036	INTERNATIONAL ASSN OF MACHINISTS & AEROSPACE WORKERS		
WILLIAM H. SHAKER SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	5,000.00	45.00
JAMES M. SHAMBERGER 1025 CONNECTICUT AVE., NW, #512 WASHINGTON DC 20036	REINSURANCE ASSN OF AMER		
SHAMROCK FOODS CO. 2278 N. BLACK CANYON PHOENIX AZ 85009			90.00
LLOYD D. SHAND 1101 17TH ST., NW WASHINGTON DC 20036	MONSANTO CO	400.00	91.60
SHANK, IRWIN, CONANT & WILLIAMSON SUITE 210 1300 19TH STREET, NW WASHINGTON DC 20036	ASSOCIATION FOR EQUAL ACCESS TO NATURAL GAS MRKTS & SUPPLIES	12,449.50	8.80
Do	DOW CHEMICAL CO	1,890.00	103.67
DEBBIE SHANNON 5TH FLOOR 777 14TH STREET, NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	293.21
DAVID LEWIS SHAPIRO SUITE 409 444 N. CAPITOL ST., NW WASHINGTON DC 20001	ASSOCIATED BUILDERS & CONTRACTORS, INC		
HARRY D. SHAPIRO 1800 MERCANTILE BANK & TRUST BLDG. TWO HOPKINS PLAZA BALTIMORE MD 21201	MARYLAND SAVINGS-SHARE INSURANCE CORP		163.29
NORMAN F. SHARP 1100 17TH ST., NW SUITE 1201 WASHINGTON DC 20036	CIGAR ASSN OF AMERICA, INC		
G. JERRY SHAW P.O. BOX 7610, BEN FRANKLIN STATION WASHINGTON DC 20044	SENIOR EXECUTIVES ASSOCIATION	415.36	
LUTHER W. SHAW SUITE 514 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL AGRICULTURAL CHEMICALS ASSN	5,625.00	56.50
SHAW PITTMAN POTTS & TROWBRIDGE 1800 M ST., NW, #900-S WASHINGTON DC 20036	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER		
Do	ATLAS MINERALS DIVISION	639.00	
Do	CAYMAN TURTLE FARM, LTD		
Do	CONSOLIDATED GRAIN & BARGE CO		
Do	EMERSON ELECTRIC CO		
Do	INSTITUTE OF FOREIGN BANKERS	4,000.00	
Do	INVESTMENT COMPANY INSTITUTE	1,200.00	
Do	INVESTMENT COUNSEL ASSN OF AMERICA, INC		
Do	NATIONAL COMM ON SMALL ISSUE INDUSTRIAL DEVELOPMENT BONDS	8,401.00	37.25
Do	UTILITY NUCLEAR WASTE MANAGEMENT GROUP	2,070.88	54.37
Do	FARMERS FOR FAIRNESS		
SHEA & GOULD 330 MADISON AVE. NEW YORK NY 10017	CHAMPION INTERNATIONAL CORP		
Do	CINCINNATI MILACRON		
Do	ELEANOR A. CLARK	14,845.41	53.33
Do	NABISCO, INC	35,000.00	97.80
MAUREEN SHEA 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	8,250.00	165.45
JOHN J. SHEEHAN 815 16TH ST., NW, #706 WASHINGTON DC 20006	UNITED STEELWORKERS OF AMER	12,360.52	
KATHLEEN SHEEKEY 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	7,500.00	674.29
JOHN P. SHEFFEY P.O. BOX 1406 5535 HEMPSTEAD WAY SPRINGFIELD VA 22151	NATIONAL ASSN FOR UNIFORMED SERVICES	586.20	
DEBRA K. SHELTON SUITE 1300, 425 13TH STREET, NW WASHINGTON DC 20004	DISTILLED SPIRITS COUNCIL OF THE U.S., INC	500.00	42.00
LOIS BURKE SHEPARD 8602 HIDDEN HILL LANE POTOMAC MD 20854	REPUBLICANS ABROAD		
SEYMOUR SHERIFF 1126 WOODWARD BLDG. WASHINGTON DC 20005	MAN-MADE FIBER PRODUCERS ASSN, INC		
JAY SHERMAN 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	4,145.60	1,025.78
DALE SHERWIN 1735 I ST., NW, #717 WASHINGTON DC 20006	A.E. STALEY MFGR CO	1,500.00	210.00
Do	ALABAMA FARM BUREAU FEDERATION	1,500.00	210.00
RUSSELL L. SHIPLEY JR 1430 K ST., NW, #1000 WASHINGTON DC 20005	NATIONAL CANDY WHOLESALERS ASSN, INC		
SHIPLEY SMOAK & HENRY SUITE 820 910 17TH ST., NW WASHINGTON DC 20006	BLUEJAY OIL COMPANY		
Do	FEDERATED DEPARTMENT STORES, INC	3,000.00	
Do	FLANIGAN'S ENTERPRISES, INC		
Do	FORT SILL GARDENS, INC		
Do	NATIONAL COMMITTEE OF DISCOUNT SECURITIES BROKERS		
Do	STEADMAN MUTUAL FUNDS		
Do	STEADMAN SECURITY CORPORATION		
Do	U.S.-NAMIBIA/SWA TRADE & CULTURAL COUNCIL, INC	5,000.00	
Do	WBNO RADIO AND WLKM RADIO		
HARVEY A. SHIPMAN 1776 G ST., NW, #502 WASHINGTON DC 20006	PENN CENTRAL CORPORATION	50.00	160.00
FRED B. SHIPPEE 1611 N. KENT ST., #800 ARLINGTON VA 22209	AMERICAN APPAREL MANUFACTURERS ASSN, INC		
SHIPPERS NATIONAL FREIGHT CLAIM COUNCIL, INC 425 13TH STREET N.W. SUITE 915 WASHINGTON DC 20004			
MARY FRANCES SHLAGEL 1100 CONNECTICUT AVE., NW, #800 WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
W. RAY SHOCKLEY 1101 CONNECTICUT AVE., NW, #300 WASHINGTON DC 20036	AMERICAN TEXTILE MFRS INST	2,550.00	11.00
DEBBIE LEILANI SHON 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,891.80	29.55
SCOTT SHOTWELL 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	2,475.00	
RICHARD G. SHOUP SUITE 600 SOUTH 1120 20TH ST. NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	2,850.00	1,594.71
A. Z. SHOWS 1801 COLUMBIA RD., NW, ROOM 203, WASHINGTON DC 20009		2,815.00	2,815.00
JOHN SHUEY P.O. BOX 3151, HOUSTON TX 77007	BROWNING-FERRIS INDUSTRIES, INC	7,500.00	374.17
NORMAN D. SHUTLER 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20009	CLAYTON MFRG CO	6,000.00	3,500.00
CANDICE J. SHY 1025 CONNECTICUT AVE., NW, #1014 WASHINGTON DC 20036	ENSERCH CORPORATION	3,625.00	1,264.99
SARA SIBLEY SUITE 1104 1800 K STREET, NW WASHINGTON DC 20006	MANUFACTURER'S OF EMISSION CONTROLS ASSN	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
MARK A. SIEGEL & ASSOCIATES SUITE 368 400 NORTH CAPITOL STREET, NW WASHINGTON DC 20001	ARCHER DANIELS MIDLAND CO	6,000.00	
Do	CAN-AMERICAN CORP		
Do	COUZENS DISTRIBUTION SYSTEM	1,500.00	
Do	TWIN CITY BARGE, INC.	4,000.00	
BERNARD H. SIERACKI ILLINOIS PETROLEUM COUNCIL 79 W. MONROE ST., #514 CHICAGO IL 60603	AMERICAN PETROLEUM INST	500.00	445.39
MARK SILBERGELD 1511 K ST., NW SUITE 1033 WASHINGTON DC 20005	CONSUMERS UNION OF U.S., INC.	2,200.00	12.50
DAVID SILVER 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	308.70	9.00
SILVER USERS ASSN, INC 1717 K ST., NW WASHINGTON DC 20006		969.00	2,657.36
BRUCE A. SILVERGLADE 1755 S STREET, NW WASHINGTON DC 20009	CENTER FOR SCIENCE IN THE PUBLIC INTEREST	2,000.00	15.00
BARBARA ANN SILVERMAN 2500 DEKALP PIKE NORRISTOWN PA 19404	PROVIDENT INDEMNITY LIFE INSURANCE CO		
SILVERSTEIN & MULLENS 1776 K ST., NW WASHINGTON DC 20006	AMERICAN STOCK EXCHANGE		
Do	ASSOCIATION FOR ADVANCED LIFE UNDERWRITING	15,000.00	
Do	CHAMPION INTL CORP		
Do	FEDERAL NATIONAL MORTGAGE ASSN		
Do	HWL PROPERTIES	1,500.00	
Do	MUSIC CORP OF AMER, INC		
Do	NATIONAL SAVINGS & LOAN LEAGUE		
GARY D. SIMMS 1957 E STREET, NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
DON SIMON 3RD FLOOR 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	725.00	
SIMON, DEITCH, SIEFMAN, TUCKER & FRIEDMAN, PC SUITE 1500 4000 TOWN CENTER SOUTHFIELD MI 48075	FIRST NATIONAL MONETARY CORP		
TALMAGE E. SIMPKINS 100 INDIANA AVE., NW WASHINGTON DC 20001	AFL-CIO MARITIME COMM	300.00	262.91
Do	LABOR-MANAGEMENT MARITIME COMMITTEE	1,302.60	153.07
C. KYLE SIMPSON 1515 WILSON BLVD. ARLINGTON VA 22209	AMERICAN GAS ASSN	3,250.00	1,852.81
JEAN SINDAB 2480 16TH ST., NW, #610 WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	4,280.01	
ROBERT C. SINGER 475 PARK AVE., SO. AT 32ND ST. NEW YORK NY 10016	SOAP & DETERGENT ASSN		
MARGOT A. SINGLETON SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	3,500.00	50.00
GREGG P. SKALL, BLUM & NASH 1015 18TH STREET, NW WASHINGTON DC 20036	DAYTIME BROADCASTERS ASSN		8.00
Do	GENERAL ELECTRIC COMPANY		8.00
Do	TIME, INC.		8.00
ANGELA G. SKELTON N.C. PETROLEUM COUNCIL P.O. BOX 167 RALEIGH NC 27602	AMERICAN PETROLEUM INSTITUTE		
WILLIAM J. SKINNER 815 15TH ST., NW WASHINGTON DC 20005	U.S. PHARMACOPEIAL CONVENTION, INC	1,261.36	59.37
BARNEY J. SKLADANY JR 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBIL OIL CORP	1,125.00	
RUTH L. SKY 2211 CONGRESS ST. PORTLAND ME 04122	UNION MUTUAL LIFE INSURANCE CO	48.00	368.75
CARSTENS SLACK 1825 K ST., NW SUITE 1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
SLADE, PELLMAN & BIEHL 850 THIRD AVENUE NEW YORK NY 10022	LAURA H. BEER, ET AL	5,000.00	425.20
F. SLATINSHEK & ASSOCIATES, INC. 1102 BELLE VISTA DR. ALEXANDRIA VA 22307	GRUMMAN AEROSPACE, D.L. LYNCH & ASSOC & GULFSTREAM AMERICAN	400.00	
BETH SUSAN SLAVET, RM 164, 1776 PENNSYLVANIA AVE., NW WASHINGTON DC 20547	AMERICAN FED. OF GOV'T. EMPLOYEES, LOCAL 1812		
JOHN H. SLAYTON ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	METZGER, SHADYAC & SCHWARZ (FOR: MOLDOW DUST CONTROL, INC)		
MATTHEW B. SLEPIN SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEAGUE OF THE USA	230.00	
CATHERINE REISS SLOAN 1850 K STREET, NW WASHINGTON DC 20006	SHOOSHAN & JACKSON, INC (FOR: U.S. CABLESYSTEMS, INC)	90.00	10.00
SMALL BUSINESS LEGISLATIVE COUNCIL 1604 K ST., NW WASHINGTON DC 20006		3,000.00	1,437.64
DONALD E. SMILEY 1899 L ST., NW, #1100 WASHINGTON DC 20036	EXXON CORPORATION		307.78
JAMES R. SMIRCINA P.O. BOX 5000 CLEVELAND OH 44101	CLEVELAND ELECTRIC ILLUMINATING CO	717.50	434.86
ARTHUR J. SMITH 1025 CONNECTICUT AVE., NW, #200 WASHINGTON DC 20036	SHELL OIL CO	500.00	
CATHERINE S. SMITH 1025 CONNECTICUT AVENUE, N.W. SUITE 209 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE	112.50	25.00
CHARLES R. SMITH 919 18TH ST., NW, #400 WASHINGTON DC 20006	DIAMOND SHAMROCK CORPORATION		
SMITH DAWSON ASSOCIATES, INC SUITE 1200 1730 RHODE ISLAND AVENUE, NW WASHINGTON DC 20036	METROPOLITAN TRANSPORTATION AUTHORITY	4,875.00	5,390.60
ELIZABETH M. SMITH 815 16TH ST., NW, #310 WASHINGTON DC 20006	AMALGAMATED CLOTHING & TEXTILE WORKERS UNION	4,744.48	7,461.68
GORDON L. SMITH 1201 PENNSYLVANIA AVE., NW, #70 WASHINGTON DC 20004	HILL & KNOWLTON, INC (FOR: FLORISTS' TRANSWORLD DELIVERY ASSN)	8,250.00	
GRACE H. SMITH 1800 M STREET, NW WASHINGTON DC 20036	TELOCATOR NETWORK OF AMERICA	8,077.00	411.98
JEFFREY A. SMITH SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	50.00	29.00
JULIAN H. SMITH JR. 600 NORTH 18TH STREET BIRMINGHAM AL 35291	ALABAMA POWER COMPANY	10,070.97	7,020.78
KERN SMITH BOX 24200 SW STATION WASHINGTON DC 20024	AMERICAN HEALTH INDUSTRIES	2,250.00	
MICHAEL P. SMITH 485 LEXINGTON AVE. NEW YORK NY 10017	NEW YORK STATE BANKERS ASSN	1,140.00	1,785.00
ROBERT BLAND SMITH JR 1155 15TH ST., NW WASHINGTON DC 20005	PHARMACEUTICAL MANUFACTURERS ASSN	4,000.00	54.15
ROBERT N. SMITH SUITE 210 255 EAST BROWN STREET, BIRMINGHAM MI 48011	UNITED DISTRIBUTION CO		
ROBERT T. SMITH 1625 EYE STREET NW #902 WASHINGTON DC 20006	WEYERHAEUSER CO	500.00	49.65
THOMAS BLAISDELL SMITH 1146 19TH STREET, N.W. WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
WILLIAM H. SMITH 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
WAYNE H. SMITHEY 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	FORD MOTOR CO	1,125.00	849.30
ARTHUR V. SMYTH 1625 EYE ST., NW, #902 WASHINGTON DC 20006	WEYERHAEUSER CO	300.00	10.50
THOMAS M. SNEERINGER 1050 31ST STREET, NW WASHINGTON DC 20007	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	2,000.00	100.00
FRANK B. SNODGRASS 1100 17TH ST., NW, #306 WASHINGTON DC 20036	BURLEY & DARK LEAF TOBACCO EXPORT ASSN	1,000.47	
LARRY S. SNOWHITE 1015 15TH ST., N.W. WASHINGTON DC 20005	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO (FOR: LION LINES, LTD.)		
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: MASS. CONSTRUCTION INDUS. COUNCIL TRUCK WEIGHT COMM).	6,670.00	
Do	MINTZ, LEVIN, COHN, GLOVSKY AND POPEO (FOR: SCA SERVICES)	3,500.00	64.00
Do	MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO (FOR: SECURITIES INDUSTRY ASSN)		
SNYDER & BALL ASSOCS, INC SUITE 1610 1700 N. MOORE ST. ARLINGTON VA 22209	DSP, INC	245.00	
Do	GOULD, INC		
J. R. SNYDER 400 1ST ST., NW, #704 WASHINGTON DC 20001	UNITED TRANSPORTATION UNION		1,800.00
JOHN M. SNYDER 600 PENNSYLVANIA AVE., S.E. SUITE 205 WASHINGTON DC 20003	CITIZENS COMM FOR THE RIGHT TO KEEP & BEAR ARMS	8,000.00	
SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION P.O. BOX 3719 GEORGETOWN STATION WASHINGTON DC 20007		13,365.04	13,276.55
STEVEN EDWARD SOME SUITE 205 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORPORATION	300.00	35.15
EDMUND T. SOMMER JR 1625 K ST., NW, #1200 WASHINGTON DC 20006	COUNCIL OF AMERICAN-FLAG SHIP OPERATORS	400.00	9.25
S. L. SOMMER & ASSOCIATES, INC. 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORPORATION	1,500.00	1,936.00
SOUTH DAKOTA RAILROADS ASSN P.O. BOX 1030 ABERDEEN SD 57401			
JAMES L. SOUTH 8607 DIXIE PLACE MCLEAN VA 22102	PENN CENTRAL CORPORATION	300.00	
SOUTHERN FOREST PRODUCTS ASSN P.O. BOX 52468 NEW ORLEANS LA 70152		31,003.64	31,003.64
SOUTHWESTERN PEANUT SHELLERS ASSN 10 DUNCANNON CT. DALLAS TX 75225		300.00	300.00
WILLIAM A. SPEARY JR P.O. BOX 3151 HOUSTON TX 77001	BROWNING-FERRIS INDUSTRIES, INC		
FRANK J. SPECHT 1725 DESALES ST., NW WASHINGTON DC 20036	SCHENLEY DISTILLERS, INC		
SPECIALIZED CARRIERS & RIGGING ASSOCIATION 1155 16TH ST., NW WASHINGTON DC 20036			
JOHN F. SPEER JR 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		150.00
SPEISER, KRAUSE & MADOLE 1216 16TH ST., NW WASHINGTON DC 20036	MRS. VERA C. CLEMENTE, ET AL		
WILLIAM C. SPENCE 3805 W. ALABAMA HOUSTON TX 77027	COLUMBIA GULF TRANSMISSION CO		
PHILIP SPESER 110 SOUTHWOOD AVENUE SILVER SPRING MD 20901	EMERGENCY COMM TO PASS THE SMALL BUS INNOVATION RESEARCH ACT	1,500.00	222.41
SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY, ET AL		
GEORGE SPIEGEL, SPIEGEL & MCDIARMID 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	NORTHERN CALIFORNIA POWER AGENCY		
NICHOLAS J. SPIEZIO 3900 WISCONSIN AVENUE, NW WASHINGTON DC 20016	FEDERAL NATIONAL MORTGAGE ASSN	10,000.00	202.55
LARRY N. SPILLER 1015 15TH ST., NW, #802 WASHINGTON DC 20005	AMERICAN CONSULTING ENGINEERS COUNCIL	900.00	
JOSEPH L. SPILMAN JR 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	200.00	
WILLIAM LINCOLN SPOOR 1010 WISCONSIN AVENUE, NW WASHINGTON DC 20007	GROCERY MANUFACTURERS OF AMERICA, INC		
FREDERICK C. SPREYER SUITE 540 2501 M ST., NW WASHINGTON DC 20007	PACIFIC RESOURCES, INC	500.00	
EARL C. SPURRIER 1101 17TH ST., NW, #604 WASHINGTON DC 20036	MONSANTO CO		
ELISABETH A. SQUEGLIA, BRICKER & ECKLER 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20515	AMERICAN SMALL AND RURAL HOSPITAL ASSOCIATION, OHIO CHAPTER		
SQUIRE, SANDERS & DEMPSEY 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	AMERICAN CHAMBER OF COMMERCE IN EUROPE & THE MEDITERRANEAN		
Do	AMERICAN CHAMBER OF COMMERCE IN ITALY, INC		
Do	AMERICAN CHAMBER OF COMMERCE IN SPAIN, INC		
Do	AMERICAN SOCIETY OF ANESTHESIOLOGISTS		
Do	NATIONAL COLLEGIATE ATHLETIC ASSN		52.84
Do	PUBLIC SECURITIES ASSN		
Do	U.S. WRESTLING FEDERATION		
JOHN W. SROKA 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
ROBERT P. ST. LOUIS 2550 M ST., NW, #225 WASHINGTON DC 20037	CONGOLEUM CORPORATION	1,000.00	243.42
DAVID E. STAHL 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
LYNN E. STALBAUM 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	2,610.00	7.29
STANDARD OIL CO (OHIO) MIDLAND BLDG. CLEVELAND OH 44115			7,256.68
MITCHEL STANFIELD 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	COASTAL CORPORATION	400.00	26.70
DAVID P. STANG, P.C. SUITE 601 1629 K ST., NW WASHINGTON DC 20006	AMERICAN TRUCK DEALERS	18.50	
Do	EMPLOYEE STOCK OWNERSHIP ASSN	9.10	
Do	INTERNATIONAL ASSN OF DRILLING CONTRACTORS	60.05	
Do	OCEAN MINERALS CO	352.81	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	OFFSHORE INDUSTRY COMMITTEE	110.45	
Do	ROWAN COMPANIES, INC	32.88	
Do	ZAPATA CORP	29.93	
MICHAEL J. STANTON 1909 K ST., NW, #300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC	1,406.00	
MELVIN L. STARK SUITE 321 1707 L ST., NW WASHINGTON DC 20036	HARTFORD FIRE INSURANCE CO	6,000.00	
WALTER M. STARKE P.O. BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
STATE & FEDERAL ASSOCS, INC SUITE 204 1101 15TH ST., NW WASHINGTON DC 20005	SCHERING-PLOUGH CORP		
ROBERT R. STATHAM, ROBERT R. STATHAM & ASSOCIATES 1000 VERMONT AVENUE, NW WASHINGTON DC 20005	COMMITTEE FOR COMMERCIAL ENERGY CONSERVATION		
JEAN C. STATLER 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	3,835.00	362.21
CHARLES D. STATTON 50 BEALE ST., P.O. BOX 3965 SAN FRANCISCO CA 94119	BECHTEL POWER CORPORATION		
SAMUEL E. STAVISKY & ASSOCIATES, INC SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	BROADCAST MUSIC INC. (BMI)	300.00	30.00
Do	INSTITUTO BRASILEIRO DO CAFE		
SAMUEL E. STAVISKY 1100 17TH ST., NW, #302 WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES INC. (FOR: BROADCAST MUSIC INC. (BMI))		15.00
Do	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: INSTITUTO BRASILEIRO DO CAFE)		
RANDOLPH J. STAYIN 1800 MASSACHUSETTS AVE., NW, #708 WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOT DIP GALVANIZERS ASSN.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).	275.00	
Do	TAFT, STETTINIUS & HOLLISTER (FOR: NATIONAL ASSN FOR ASSN POLITICAL ACTION COMMITTEES).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: NATIONAL BARREL AND DRUM ASSN)		
Do	TAFT STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).		
ROBERT H. STEEL 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
JOHN L. STEELE 888 16TH ST., NW WASHINGTON DC 20006	TIME INC	2,200.00	
WILLIAM N. STEELE 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	707.12	591.63
J. C. STEEN 406 FIRST STREET, SE WASHINGTON DC 20003	FORD AEROSPACE & COMMUNICATIONS CORP	300.00	41.17
Do	GENERAL MOTORS CORPORATION	416.60	41.17
DAVID J. STEINBERG 7216 STAFFORD RD. ALEXANDRIA VA 22307	NATIONAL COUNCIL FOR A RESPONSIBLE FIREARMS POLICY, INC		
MARCY STEPHENS 2030 M STREET, NW WASHINGTON DC 20036	COMMON CAUSE	3,584.02	310.99
STEPHENS OVERSEAS SERVICES, INC. SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATIONAL OFFICE MACHINE DEALERS ASSN	8.95	8.82
Do	STEPHENS OVERSEAS SERVICES, INC.	98.95	116.87
MICHAEL K. STEPHENSON 1620 EYE ST., NW, #703, WASHINGTON DC 20006	BECHTEL POWER CORP		
WILLIAM P. STEPONKUS, STEPONKUS & ASSOCIATES 815 CONNECTICUT AVE., NW, #810 WASHINGTON DC 20006	UNITED SERVICES AUTOMOBILE ASSN	8,280.00	226.27
STEPTOE & JOHNSON 1250 CONNECTICUT AVE., NW WASHINGTON DC 20036	COALITION FOR UNIFORM PRODUCT LIABILITY LAW		3,885.17
Do	COMMITTEE FOR EFFECTIVE CAPITAL RECOVERY		9,265.88
Do	FOREST INDUSTRIES COMMITTEE ON TIMBER VALUATION & TAXATION		266.62
Do	INTERNATIONAL PAPER CO	2,600.00	40.00
Do	RULE OF LAW COMMITTE		
RICHARD H. STERN 2555 M ST., NW WASHINGTON DC 20037	INTEL CORPORATION		
RICHARD W. STERNBERG 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	120.00	
MICHAEL E. STEWARD 7957 REVENNA LANE SPRINGFIELD VA 22153	PUGET SOUND POWER & LIGHT CO	7,500.00	1,033.93
Do	VITRO ENGINEERING CORP	100.00	28.90
EUGENE L. STEWART 1001 CONNECTICUT AVE., NW, #910 WASHINGTON DC 20036	ROSES, INC	1,200.00	1,362.95
TRAVIS B. STEWART 1775 K ST., NW WASHINGTON DC 20006	HOFFMANN-LA ROCHE INC		
WALTER J. STEWART SUITE 1225 1133 15TH STREET, NW WASHINGTON DC 20005	SONAT, INC		
WARREN E. STICKLE SUITE 1120 1001 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	CHEMICAL SPECIALITIES MANUFACTURERS ASSN	2,075.00	368.83
LAVERNE STILL 1030 15TH ST., NW, #700 WASHINGTON DC 20005	NATIONAL COTTON COUNCIL OF AMER	690.00	38.57
JOHN W. STILLWAGGON 8TH FLOOR FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		
EDWARD W. STIMPSON 1025 CONNECTICUT AVE., NW, #517 WASHINGTON DC 20036	GENERAL AVIATION MANUFACTURERS ASSOCIATION	1,156.00	
KENNETH F. STINGER 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	9,000.00	587.88
STOCKHOLDERS OF AMERICA, INC. 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006		13,000.00	1,636.60
STEVEN F. STOCKMEYER 1771 N STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	3,000.00	207.00
LISA STOLP 1101 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	VINSON & ELKINS (FOR: CONTINENTAL RESOURCES COMPANY)		
Do	VINSON & ELKINS (FOR: SLURRY TRANSPORT ASSN)	1,260.00	55.00
ADAM D. STOLPEN SUITE 203 1101 30TH ST., NW WASHINGTON DC 20007	PITNEY BOWES		
GEORGE W. STONE 12025 EAST 45TH AVE. DENVER CO 80251	FARMERS' EDUCATIONAL & CO-OPERATIVE UNION OF AMERICA	8,750.00	90.65
JOHN C. STONE BOX 1300 MCLEAN VA 22102	MELAMINE CHEMICALS, INC	1,000.00	800.00
Do	STATE OF LOUISIANA	20,000.00	7,250.00
RICHARD BOYLE STOREY 455-B CARLISLE DR. HERNDON VA 22070	INTERNATIONAL MILITARY CLUB EXECUTIVES' ASSN		
ALAN STOVER 1735 NEW YORK AVENUE, NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	2,500.00	
WILLIAM M. STOVER 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	1,000.00	
DAVID E. STRACHAN 1432 DUKE STREET, ALEXANDRIA VA 22314	NATIONAL ASSN OF PERSONNAL CONSULTANTS	4,500.00	
STRADLEY, RONON, STEVENS & YOUNG 1100 ONE FRANKLIN PLAZA PHILADELPHIA PA 19102	MILLIKEN RESEARCH CORP	5,618.00	1,617.61
TERRENCE D. STRAUB 818 CONNECTICUT AVENUE, N.W. WASHINGTON DC 20006	U.S. STEEL CORPORATION	825.00	418.40
ROGER J. STROH 727 N. WASHINGTON ALEXANDRIA VA 22314	UNITED FRESH FRUIT & VEGETABLE ASSN		
JOEL B. STRONBERG 1750 OLD MEADOW ROAD MCLEAN VA 22102	BRICK INSTITUTE OF AMERICA		
GEORGE W. STRONG 1211 HYDE PARK HOUSTON TX 77006	HOUSTON NATURAL GAS CORP		
STROOCK STROOCK & LAVAN 1150 17TH ST., NW WASHINGTON DC 20036	CHEMOLIMPEX		
Do	CHINOIN		
Do	J. ARON & CO, INC	2,000.00	190.00
Do	PUERTO RICO FEDERAL AFFAIRS ADMINISTRATION	4,500.00	150.00
Do	SHEARSON/AMERICAN EXPRESS INC	465.00	25.00
Do	TENANT-OWNED APARTMENT ASSN., INC	1,200.00	75.00
Do	WARNER COMMUNICATIONS, INC	1,500.00	300.00
GEORGE STRUMPH 624 9TH ST., NW, 7TH FL. WASHINGTON DC 20001	GROUP HEALTH ASSOCIATION OF AMERICA, INC		
NORMAN STRUNK 111 E. WACKER DRIVE CHICAGO IL 60601	U.S. LEAGUE OF SAVINGS ASSOCIATIONS		
WALTER B. STULTS 618 WASHINGTON BLDG. WASHINGTON DC 20005	NATIONAL ASSN OF SMALL BUSINESS INVESTMENT COS	3,000.00	
EUGENE F. STURGEON 182 CRATER LANE KENSINGTON CT 06037	NORTHEAST UTILITIES SERVICE CO	1,073.38	751.53
SUBSCRIPTION TELEVISION ASSN 1425 21ST STREET, NW WASHINGTON DC 20036			
SULLIVAN & CROMWELL 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN INTERNATIONAL GROUP, INC		
Do	GOLDMAN SACHS & CO		
Do	INCO, LTD		
Do	SECURITY LIFE OF DENVER		8.00
SULLIVAN & WORCESTER 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	DOLLAR SAVINGS BANK & WASHINGTON MUTUAL SAVINGS BANK	1,242.50	126.06
Do	MARION LABORATORES, INC	15,613.75	407.74
AUSTIN P. SULLIVAN JR P.O. BOX 1113 MINNEAPOLIS MN 55440	GENERAL MILLS, INC		
GAEL M. SULLIVAN SUITE 1004 1155 15TH STREET, NW WASHINGTON DC 20005	LTV CORPORATION	2,344.00	610.00
HAROLD R. SULLIVAN 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
JUDY M. SULLIVAN SUITE S-700 1120 20TH STREET, NW WASHINGTON DC 20036	NORTHWEST PIPELINE CORP		
MARCIA Z. SULLIVAN SUITE 1200 1300 N. 17TH STREET ARLINGTON VA 22209	CONSUMER BANKERS ASSN	825.00	559.14
MARGARET COX SULLIVAN 1625 EYE ST., N.W. # 724A WASHINGTON DC 20006	STOCKHOLDERS OF AMERICA, INC		
MARY BETH SULLIVAN 923 15TH ST., N.W. WASHINGTON DC 20005	TRANSPORTATION INSTITUTE	3,000.00	872.64
PATRICK J. SULLIVAN 815 SIXTEENTH STREET, N.W. WASHINGTON DC 20006	INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, AFL-CIO	6,930.00	1,719.13
RICHARD C. SULLIVAN SUITE 409 110 MARYLAND AVE., N.E. WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	4,500.00	
GARY R. SUMMERS SUITE 1014 900 17TH STREET, NW WASHINGTON DC 20006	KAISER FOUNDATION HEALTH PLAN	10,750.00	2,207.94
J. MITCHELL SUMMERS 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO INC	1,170.00	217.50
PETER B. SUMMERVILLE 1133 20TH ST., NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	500.00	108.50
SUNMAID RAISIN GROWERS OF CALIFORNIA SUITE 420 1200 NEW HAMPSHIRE AVE. WASHINGTON DC 20036			
SURREY & MORSE 1156 15TH ST., NW WASHINGTON DC 20005	BENCH AD COMPANY		
Do	GOVERNMENT OF THE REPUBLIC OF ZAIRE		
Do	PHARMACEUTICAL MANUFACTURERS ASSN	375.00	
Do	PIETRO BERETTA, S.P.A	270.00	7.95
THOMAS M. SUSMAN 1200 NEW HAMPSHIRE AVENUE, N.W. SUITE 360 WASHINGTON DC 20036	WILLIAM CARTER COMPANY		
SUTHERLAND ASBILL & BRENNAN 1666 K ST., NW WASHINGTON DC 20006	AMERICAN INDUSTRIAL CLAY & GEORGIA KAOLIN	1,947.25	41.29
Do	ANGLO-AMERICAN CLAYS CORP	1,947.25	41.29
Do	CONSUMER CREDIT INSURANCE ASSOCIATION		
Do	ENGELHARD MINERALS & CHEMICALS CORP	1,947.25	41.29
Do	EQUIFAX, INC		
Do	FREEPORT KAOLIN	1,947.25	41.29
Do	J. M. HUBER CORP	1,947.25	41.29
Do	KANSAS FARM BUREAU LIFE INS CO; FARM BUREAU MUTUAL INS CO		
Do	KENTUCKY FARM BUREAU MUTUAL INSURANCE CO; FARM BUREAU INS CO		
Do	LIFETIME COMMUNITIES, INC	650.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	MACCABEES MUTUAL LIFE INSURANCE CO		5.50
Do	MASSACHUSETTS MUTUAL LIFE INSURANCE CO		
Do	MULLITE CO OF AMER	1,947.25	41.29
Do	MUTUAL OF OMAHA INSURANCE CO		
Do	NATIONAL ASSN OF LIFE COS	1,600.00	5,055.50
Do	NATIONAL HOME LIFE ASSURANCE COMPANY	1,320.00	23.30
Do	NORD RESOURCES CORP	1,947.25	41.29
Do	STOCK INFORMATION GROUP	33,150.00	2,413.68
Do	SOUTHERN FARM BUREAU LIFE INS. CO., CT AL		
Do	THIELE KAOLIN CO	1,947.25	41.29
Do	UNITED FARM BUREAU FAMILY LIFE INS. CO. & UNITED FARM BUREAU MUTUAL INS. CO.		
WILLIAM F. SUTHERLAND 1750 K STREET, NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	300.00	
SUTIN, THAYER & BROWNE P.O. BOX 1945 ALBUQUERQUE NM 87103	TAXATION & REVENUE DEPARTMENT		
W. THOMAS SUTTLE 1755 WILLARD ST., NW, #4 WASHINGTON DC 20009	INSTITUTE OF ELECTRICAL & ELECTRONICS ENGINEERS	2,000.00	1,575.00
WILLIAM W. SUTTLE 1025 CONNECTICUT AVE., NW SUITE 415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		
IRVING W. SWANSON 2600 VIRGINIA AVE., NW WASHINGTON DC 20037	HARRIS CORPORATION		
DAVID A. SWEENEY 25 LOUISIANA AVE., NW WASHINGTON DC 20001	INTERNATIONAL BROTHERHOOD OF TEAMSTERS	15,378.99	
JOHN R. SWEENEY 800 SOLAR BLDG. 1000 16TH ST., NW WASHINGTON DC 20036	BETHLEHEM STEEL CORP		
TRICIA L. SWIFT 1619 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,200.00	
A. B. SWINDELL IV P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
RUSSELL A. SWINDELL P.O. BOX 2635 RALEIGH NC 27602	NORTH CAROLINA RAILROAD ASSOCIATION		
MERRIBEL SYMINGTON SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
GERALD M. SYRKETT 617 HAMLIN STREET, NE WASHINGTON DC 20017			
ALBERT S. TABOR JR., VINSON & ELKINS 3300 FIRST CITY TOWER HOUSTON TX 77002	ASSOCIATION OF OIL PIPELINES		7,978.49
ROBERT TAFT JR 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	TAFT, STETTINIUS & HOLLISTER (FOR: STORER BROADCASTING COMPANY)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOSPITAL ASSN)	500.00	11.00
Do	TAFT, STETTINIUS & HOLLISTER (FOR: AMERICAN HOT DIP GALVANIZERS ASSN.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: CINCINNATI STOCK EXCHANGE)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: HANNA-BARBERA PRODUCTIONS, INC.)		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MACHINERY DEALERS NATIONAL ASSOCIATION).		
Do	TAFT, STETTINIUS & HOLLISTER (FOR: MIAMI CONSERVANCY DISTRICT)	1,650.00	17.38
Do	TAFT, STETTINIUS & HOLLISTER (FOR: OHIO ASSN OF COMMUNITY ACTION AGENCIES).	5,000.00	242.44
Do	TAFT, STETTINIUS & HOLLISTER (FOR: SPECIAL COMM FOR WORKPLACE PRODUCT LIABILITY REFORM).	12,000.00	430.38
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TAFT BROADCASTING COMPANY)	3,700.00	8.00
Do	TAFT, STETTINIUS & HOLLISTER (FOR: TELEPHONE & DATA SYSTEMS, INC.)		1,942.14
WALTER G. TALAREK 1651 OLD MEADOW ROAD MCLEAN VA 22102	AMERICAN WOOD PRESERVERS INSTITUTE		
JOE TALLAKSON SUITE 421 1010 VERMONT AVE., NW WASHINGTON DC 20005	SENSE, INC (FOR: ONEIDA TRIBE OF WISCONSIN)		339.50
Do	SENSE, INC. (FOR: QUINAULT INDIAN NATION)	2,153.63	2,875.23
ELINOR D. TALMADGE 2501 M ST., NW WASHINGTON DC 20037	TANNERS' COUNCIL OF AMERICA		
TANAKA WALDERS & RITGER 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	BRIDGESTONE TIRE CO., LTD		35.25
Do	ELECTRONIC INDUSTRIES ASSN OF JAPAN		
SUSAN TANNENBAUM 2030 M ST., NW WASHINGTON DC 20036	COMMON CAUSE	4,743.78	84.85
MARY LOU TANTON 2028 P STREET, NW WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM	1,200.00	25.00
LINDA TARR-WHELAN 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN	1,375.00	83.00
WILLIAM M. TARTIKOFF 1775 K ST., NW WASHINGTON DC 20006	INVESTMENT COMPANY INSTITUTE	222.00	180.10
DAN C. TATE 1825 K STREET, NW WASHINGTON DC 20006	NATIONAL BROADCASTING CO., INC.		
JOHN F. TATE 8428 AUBREY DRIVE MANASSAS VA 22111	U.S. DEFENSE COMMITTEE	175.00	72.08
GRACA DA SILVA TAVARES 17 PERKINS STREET WEST NEWTON MA 02165			
TAXPAYERS FOR FEDERAL PENSION REFORM P.O. BOX 7755 PHILADELPHIA PA 19101		2.80	8,531.47
CHARLES A. TAYLOR III 499 SOUTH CAPITOL ST., SW, #401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS	1,000.00	
DENNIS J. TAYLOR SUITE 650 1090 VERMONT AVE., NW WASHINGTON DC 20005	CENTRAL STATES HEALTH & LIFE CO OF OMAHA	700.00	
Do	MULTI-STATE COMMUNICATIONS, INC		
Do	ST. JOE MINERALS CORP		
FRANK A. TAYLOR 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PEGGY TAYLOR 815 16TH ST., NW WASHINGTON DC 20006	AFL-CIO	13,917.47	577.45
R. WILLIAM TAYLOR 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN SOCIETY OF ASSN EXECUTIVES		
SID TAYLOR 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION		
B. W. TEAGUE P.O. BOX 2121 CORPUS CHRISTI TX 78403	CENTRAL POWER AND LIGHT COMPANY		
ELAYNE L. TEMPEL 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
PAUL TENDLER 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	PAUL TENDLER ASSOCIATES, INC. (FOR: NATIONAL FED. OF LICENSED PRACTICAL NURSES, INC.).	2,500.00	370.00
Do	PAUL TENDLER ASSOCIATES (FOR: RASCH ELEKTRONIK)		
Do	PAUL TENDLER ASSOCIATES, INC (FOR: SCHOENEMAN, INC)		
BETTY-GRACE TERPSTRA 918 16TH ST., NW, #402 WASHINGTON DC 20006	SOUTHERN FURNITURE MFGRS ASSN	750.00	756.06
EDWARD F. TERRAR JR. 499 SOUTH CAPITOL ST., S.W. ROOM 400 WASHINGTON DC 20003	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
TEXTRON, INC. 40 WESTMINSTER ST. PROVIDENCE RI 02903			12,321.80
THER-A-PEDIC MIDWEST, INC 2350 5TH STREET ROCK ISLAND IL 61201			
BRUCE D. THEVENOT 1155 15TH ST., NW, #424 WASHINGTON DC 20005	CASSON, CALLIGARO & MUTRYN (FOR: HUMANA,INC.)	1,500.00	
Do	OKLAHOMA STATE NURSING HOME ASSN	2,340.00	
Do	SPECTRUM EMERGENCY CARE, INC	1,668.00	
THEVENOT, MURRAY & SCHEER SUITE 695, 2550 M ST., NW WASHINGTON DC 20037	AMERICAN INST OF ARCHITECTS	1,750.00	
Do	FEDERAL EXPRESS		
Do	NATIONAL BUSINESS AIRCRAFT ASSN	520.00	
Do	JOSEPH SEAGRAM & SONS, INC		
Do	SWAZILAND SUGAR ASSN		
BARBARA BRENDES THIES, 1500 PLANNING RESEARCH DR., MCLEAN VA 22102	PLANNING RESEARCH CORP		600.00
THIRD CLASS MAIL ASSOCIATION SUITE 607 1725 K ST., NW WASHINGTON DC 20006		600.00	600.00
EDLU J. THOM 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	NATIONAL FOREST PRODUCTS ASSN	1,350.00	35.50
DORIS I. THOMAS 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
JOHN W. THOMAS SUITE 828 1522 K ST., NW WASHINGTON DC 20005	AMERICAN VETERINARY MEDICAL ASSN	15.00	
Do	ASSOCIATION OF AMERICAN VETERINARY MEDICAL COLLEGES		
PATRICIA THOMAS 1016 16TH STREET, NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES	1,963.94	
ROBERT L. THOMAS 1319 F ST., NW WASHINGTON DC 20004	NATIONAL ASSN OF PRIVATE PSYCHIATRIC HOSPITALS	100.00	
THOMPSON & CRAWFORD SUITE 325 1575 EYE STREET, NW WASHINGTON DC 20005	CABLE AMERICA, INC	1,764.71	
Do	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS	15,224.00	
Do	U.S. CABLESYSTEMS, INC	1,764.71	
Do	WESTINGHOUSE ELECTRIC CORP	6,242.50	
THOMPSON & MITCHELL SUITE 3400 ONE MERCANTILE CENTER ST. LOUIS MO 63101	AMERICAN INLAND WATERWAYS COMMITTEE	609.00	
Do	MIDLAND ENTERPRISES, INC		
Do	VALLEY LINE COMPANY		
BOYD THOMPSON 5410 GROSVENOR LANE, #210 BETHESDA MD 20814	AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE		54.94
Do	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		
CHARLES P. THOMPSON P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	1,000.00	3,403.22
GARY C. THOMPSON 1126-16TH ST., N.W. WASHINGTON DC 20036	OIL, CHEMICAL & ATOMIC WORKERS INTERNATIONAL UNION	4,111.25	
JAMES F. THOMPSON JR. 1957 E STREET, N.W. WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA		
KENNETH W. THOMPSON 1660 L ST., NW, #601 WASHINGTON DC 20036	INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA	300.00	
NANCY THOMPSON 1600 EYE STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA, INC	180.00	
RICHARD L THOMPSON 1730 M ST., NW, #808 WASHINGTON DC 20036	ABBOTT LABORATORIES	4,500.00	
ROGER G. THOMPSON 1701 CENTRAL AVE. ASHLAND KY 41101	KENTUCKY POWER CO	1,300.00	1,864.26
VICKI THOMPSON SUITE 517 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	SAN DIEGO GAS & ELECTRIC CO	550.00	
W. REID THOMPSON 1900 PENNSYLVANIA AVE., NW WASHINGTON DC 20068	POTOMAC ELECTRIC POWER CO		
WILLIAM D. THOMPSON 1001 CONNECTICUT AVE., NW, #601 WASHINGTON DC 20036	LEAR SIEGLER, INC	3,000.00	333.42
TERENCE H. THORN SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP	163.45	15.00
CYNTHIA L. THORNBURG P.O. BOX 3556 WASHINGTON DC 20007	AMERICAN MEAT INSTITUTE	1,500.00	193.81
RICHARD B. THORNBURG SUITE 505 5205 LEESBURG PIKE FALLS CHURCH VA 22041	NATIONAL BEER WHOLESALERS' ASSN.	324.30	324.30
WILLIAM R. THORNHILL P.O. BOX 2511 HOUSTON TX 77001	TENNESSEE GAS PIPELINE CO		
MARGO THORNING 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL FOR CAPITAL FORMATION	263.00	
D. WHITNEY THORNTON II SUITE 203, 2828 PENNSYLVANIA AVE., NW WASHINGTON DC 20007	FLYER INDUSTRIES LTD	1,436.25	70.92
SAMUEL THURM 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
CYRUS C. TICHENOR III 1050 17TH ST., NW, #1104 WASHINGTON DC 20036	A. H. ROBINS CO, INC.	785.00	67.00
DREW V. TIDWELL 1300 N. 17TH ST., #1200 ARLINGTON VA 22209	CONSUMER BANKERS ASSN	2,250.00	21,093.18
ROBERT O. TIERNAN 1015 18TH ST., NE #601 WASHINGTON DC 20036	PENN CENTRAL CORP		12,449.20
ROGER TILLES SUITE 1050 1111 19TH ST., NW WASHINGTON DC 20036	CITIES IN SCHOOLS, INC	2,000.00	78.52
Do	MICHIGAN DEPT OF EDUCATION		1,082.10
Do	NATIONAL CON-SERV, INC	4,000.00	134.39
Do	WASHINGTON PSYCHIATRIC SOCIETY	19,195.00	11,087.59
WALLACE TILLMAN 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	150.00	
MARTIN R. TILSON JR PO BOX 2563 BIRMINGHAM AL 35202	SOUTHERN NATURAL GAS CO		
PATTI A. TILSON SUITE 520 900 17TH STREET, NW WASHINGTON DC 20006	MATSUSHITA ELECTRIC CORP OF AMERICA	400.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
C. H. TIMBERLAKE 1825 K ST., NW, #1107 WASHINGTON DC 20006	PHILLIPS PETROLEUM COMPANY		
TIMMONS & CO, INC 1850 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BROADCASTING COS., INC	431.25	
Do	AMERICAN INLAND WATERWAYS COMM	862.50	
Do	AMERICAN PETROLEUM INST	431.25	
Do	ASSOCIATION OF TRIAL LAWYERS OF AMERICA	825.00	
Do	CHRYSLER CORPORATION	750.00	
Do	EASTERN AIR LINES, INC	1,293.75	
Do	FILMWAYS, INC	431.25	
Do	G. D. SEARLE & CO	1,293.75	
Do	H. J. HEINZ CO	431.25	
Do	LOS ANGELES OLYMPIC ORGANIZING COMMITTEE, ET AL	5,250.00	
Do	MAJOR LEAGUE BASEBALL	1,875.00	
Do	MIDDLE SOUTH SERVICES	1,293.75	
Do	NATIONAL RIFLE ASSN OF AMER	431.25	
Do	NORTHROP CORP	437.50	
Do	OFFICE OF THE GOVERNOR OF THE STATE OF AK	862.50	
Do	STANDARD OIL CO (INDIANA)	862.50	
MICHAEL L. TINER 1775 K ST., NW WASHINGTON DC 20006	UNITED FOOD & COMMERCIAL WORKERS INTL UNION	9,000.00	672.83
E. LINWOOD TIPTON 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		162.95
EBEN S. TISDALE 1101 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN	1,450.00	324.53
TITLE ASSOCIATES, INC. RT.2, BOX 89 COLUMBIA TN 38401			
TOBACCO ASSOCIATES, INC SUITE 912 1101 17TH ST., NW WASHINGTON DC 20036			2,869.49
JAMES R. TOBIN MACK CENTRE DR. PARAMUS NJ 07652	BECTON, DICKINSON & CO	2,000.00	
WILLIAM J. TOBIN SUITE 600 1523 L STREET, NW WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	1,000.00	25.00
DAVID G. TODD 1025 CONNECTICUT AVE., NW, #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
DAVID R. TOLL 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	WESTERN UTILITIES CLEAN AIR GROUP		
WILLIAM R. TOLLEY JR PO BOX 37 MELBOURNE FL 32919	HARRIS CORPORATION		543.73
SALLY AUSTEN TOM SUITE 1120 1522 K STREET, NW WASHINGTON DC 20005	AMERICAN COLLEGE OF NURSE-MIDWIVES		
EDWARD TONAT 6723 BRIGADOON DRIVE BETHESDA MD 20034	ROBERT GOFF & ASSOCIATES, INC		
ANN TONJES 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN OF PUBLIC TELEVISION STATIONS	600.00	115.00
WILLIAM D. TOOHEY 1899 L ST., NW, #600 WASHINGTON DC 20036	TRAVEL INDUSTRY ASSOCIATION OF AMERICA		
JOHN B. TOONE P.O. BOX 970 FORT WORTH TX 76101	TEXAS ELECTRIC SERVICE CO	138.46	45.50
WANDA TOWNSEND 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	318.75	
JOHN P. TRACEY 1801 K ST., NW, #1201 WASHINGTON DC 20006	U.S. INDEPENDENT TELEPHONE ASSN	1,000.00	
JEFFREY B. TRAMMELL 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: EASTERN MICROWAVE, ICN)		
Do	GRAY AND COMPANY (FOR: GENERAL TELEPHONE & ELECTRONICS)		
Do	GRAY AND COMPANY		
Do	GRAY AND COMPANY (FOR: GROUP W)		
Do	GRAY AND COMPANY (FOR: HEALTH INSURANCE ASSN OF AMERICA)		
Do	GRAY AND COMPANY (FOR: MOTOROLA)		
Do	GRAY AND COMPANY (FOR: NEW CHANNELS CORP)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)	210.00	42.00
TRANSPORTATION ASSN OF AMER SUITE 1107 1100 17TH ST., NW WASHINGTON DC 20036		845.00	550.00
TRANSPORTATION INSTITUTE 923 15TH ST., NW WASHINGTON DC 20005			22,267.24
HUBERT TRAVAILLE SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	2,000.00	
TRAVEL & TOURISM GOVERNMENT AFFAIRS POLICY COUNCIL SUITE 607 1899 L STREET, NW WASHINGTON DC 20036		779.00	779.00
TRAVEL INDUSTRY ASSOCIATION OF AMERICA 1899 L ST., NW WASHINGTON DC 20036			
ERNEST B. TREMMEL, INC. 5908 ROSSMORE DRIVE BETHESDA MD 20014	BURNS AND ROE, INC	1,051.00	182.86
R. S. TRIBBE 1000 16TH ST., NW WASHINGTON DC 20036	TRANS WORLD AIRLINES, INC	235.00	
LAURENCE H. TRIBE, P.C. 1525 MASSACHUSETTS AVENUE CAMBRIDGE MA 02138	MOTION PICTURE ASSN OF AMERICA, INC	9,050.00	844.73
DAVID A. TRICK SUITE A-3 210 SEVENTH STREET, SE WASHINGTON DC 20003	FEDERAL EMPLOYEES POLITICAL ACTION COMM (FEDPAC)		
PAUL E. TRIMBLE 1411 ROCKEFELLER BLDG. CLEVELAND OH 44113	LAKE CARRIERS' ASSN		
SALLY A. TRIPLETT SUITE 302 1100 17TH STREET, NW WASHINGTON DC 20036	SAMUEL E. STAVISKY & ASSOCIATES, INC (FOR: BROADCAST MUSIC, INC)		15.00
EUGENE M. TRISKO 9817 ROSENSTEEL AVENUE SILVER SPRING MD 20910	STERN BROS., INC	11,810.00	2,641.00
GLENWOOD S. TROOP JR 1709 NEW YORK AVE., NW, #801 WASHINGTON DC 20006	U.S. LEAGUE OF SAVINGS ASSOCIATIONS	17,500.00	252.00
MICHAEL G. TROOP SUITE 700 1111 NORTH 19TH STREET, NW ARLINGTON VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS	1,300.00	53.65
ROBERT C. TROUP 730 SMITH RIDGE RD NEW CANAAN CT 06840			
GEORGE G. TROUTMAN SUITE 1100 1090 VERMONT AVE., NW WASHINGTON DC 20005	BELL HELICOPTER TEXTRON	150.00	
ALEXANDER B. TROWBRIDGE 1776 F STREET, NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	1,148.00	
THOMAS L. TRUEBLOOD 401 NORTH MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,000.00	1,162.35
TRUST FOR PUBLIC LAND 82 SECOND ST. SAN FRANCISCO CA 94105			5,315.82
ANH TU SUITE 501 800 25TH STREET, NW WASHINGTON DC 20037	PROJECT ADVISORY GROUP		3,477.00
TUCKER & BROWN SUITE 2330 WESTERN FEDERAL SAVINGS BLDG. DENVER CO 80202	JOHNS-MANVILLE CORP		
Do	PETRO-LEWIS CORPORATION	1,125.00	
TUNA RESEARCH FOUNDATION 1101 17TH ST., NW WASHINGTON DC 20036		2,647.63	4,173.43
BRIAN TURNER 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	9,330.00	113.14
RICHARD F. TURNEY 1725 K ST., NW WASHINGTON DC 20006	COURTNEY, MCCAMANT & TURNEY	300.00	
ST. CLAIR J. TWEEDIE SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY	3,750.00	157.04
EDGAR H. TWINE 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	ATLANTIC RICHFIELD CO	500.00	
JOSEPH D. TYDINGS 10TH FLOOR 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	PLAINTIFF CLASS, CORRUGATED CONTAINER ANTITRUST LITIGATION	390.00	
Do	PLAINTIFF CLASS, PLYWOOD ANTITRUST LITIGATION	750.00	
U.S. CANE SUGAR REFINERS' ASSN 1001 CONNECTICUT AVE., NW WASHINGTON DC 20036		5,134.00	5,436.59
U.S. CANTALOUPE GROWERS & IMPORTERS ASSN P.O. BOX 366 HIDALGO TX 78557		3,500.00	
U.S. COMMITTEE FOR THE OCEANS 100 MARYLAND AVE., NE WASHINGTON DC 20002		15.00	100.00
U.S. DEFENSE COMMITTEE 3238 WYNFORD DRIVE FAIRFAX VA 22031		542.90	542.90
U.S. LEAGUE OF SAVINGS ASSOCIATIONS 111 E. WACKER DR. CHICAGO IL 60601			166,580.56
U.S. SKI ASSOCIATION SUITE 300 1919 PENNSYLVANIA AVE., NW WASHINGTON DC 20006			173.00
JERRY G. UDELL 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	200.00	65.00
LEWIS K. UHLER 1523 L STREET, NW #600 WASHINGTON DC 20005	NATIONAL TAX LIMITATION COMMITTEE	2,000.00	35.00
ULLMAN CONSULTANTS, INC. 1000 POTOMAC ST., N.W. SUITE 302 WASHINGTON DC 20007	CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION	1,300.00	
Do	INTERNATIONAL TITANIUM, INC	4,500.00	
Do	MERCK & CO., INC	7,500.00	28.39
Do	OREGON METALLURGICAL CORP		
Do	PUBLIC UTILITY TAX COMMITTEE	15,000.00	
Do	SPRUELL DEVELOPMENT CORPORATION	4,500.00	
Do	WESTERN FOREST INDUSTRIES ASSOCIATION		
MANYA S. UNGAR 10 BRANDYWINE COURT SCOTCH PLAINS NJ 07076	NATIONAL CONGRESS OF PARENTS & TEACHERS		1,200.19
CHARLES K. UNGER SUITE 601 307 YOAKUM PARKWAY ALEXANDRIA VA 22304	NATIONAL ASSN OF STEVEDORES	2,500.00	232.00
UNIFI, INC. P.O. BOX 21368 GREENSBORO NC 27420			4,472.46
UNION MUTUAL LIFE INSURANCE CO 2211 CONGRESS ST. PORTLAND ME 04122			981.50
UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS WORKERS OF AMERICA (UAW) 8000 E. JEFFERSON DETROIT MI 48214.		93,827.57	93,827.57
UNITED BROTHERHOOD OF CARPENTERS & JOINERS OF AMERICA 101 CONSTITUTION AVE., NW WASHINGTON DC 20001			30,787.50
UNITED FOOD & COMMERCIAL WORKERS INTL UNION 1775 K ST., NW WASHINGTON DC 20006		89,348.56	42,841.85
UNITED FRESH FRUIT & VEGETABLE ASSN 727 N. WASHINGTON ST. ALEXANDRIA VA 22314		2,398.76	2,398.76
UNITED GAS PIPE LINE CO PO BOX 1478 HOUSTON TX 77001			2,258.31
UNITED SERVICES AUTOMOBILE ASSOCIATION 9800 FREDERICKSBURG RD., SAN ANTONIO TX 78288			
LLOYD N. UNSELL 1101 16TH ST., NW WASHINGTON DC 20036	INDEPENDENT PETROLEUM ASSOCIATION OF AMERICA		27.00
DREW A. UPTON 1100 16TH ST., NW WASHINGTON DC 20036	SCIENTIFIC APPARATUS MAKERS ASSN		
MARIAN S. URNIKIS 1120 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN		
YOSHINORI USUI SUITE 600 919 18TH STREET, NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, USA, INC	69.60	88.78

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
UTILITY NUCLEAR WASTE MANAGEMENT GROUP C/O EDISON ELECTRIC INSTITUTE 1111 19TH ST., NW WASHINGTON DC 20036.		2,125.25	2,125.25
RONALD D. UTT 1615 H STREET, NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	288.00	85.13
JACK J. VALENTI 1600 EYE ST., NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMER, INC.	1,080.00	
R. THOMAS VAN ARSDALL 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,362.50	
DAVID T. VAN CAMP 1700 K ST., NW SUITE 1204 WASHINGTON DC 20006	CHEVRON USA, INC	225.00	
VAN FLEET ASSOCIATES SUITE 102 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	MARCONI ELECTRONICS	4,500.00	17.25
Do	CADILLAC GAGE	11,250.00	900.35
C. D. VAN HOUWELING P.O. BOX 69 CENTREVILLE VA 22020	NATIONAL PORK PRODUCERS COUNCIL	157.50	
NICK L. VAN NELSON SUITE 540 1875 EYE STREET, NW WASHINGTON DC 20006	CHAMPION INTERNATIONAL CORPORATION		
VAN NESS, FELDMAN, SUTCLIFFE, CURTIS & LEVENBERG 7TH FLOOR 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007.	NATOMAS COMPANY	312.50	
Do	ALLIED-GENERAL NUCLEAR SERVICES	300.00	6.00
Do	AMERICAN ELECTRIC POWER CO., INC., ET AL	5,756.00	157.42
Do	AMERICAN INST FOR CERTIFIED PUBLIC ACCOUNTANTS	450.00	
Do	AMERICAN PRESIDENT LINES, LTD	1,095.00	36.00
Do	ARCTIC SLOPE REGIONAL CORP		
Do	ASHLEY, THOMAS LUDLOW (FOR GENERAL PUBLIC UTILIES)	705.00	
Do	COMMITTEE ON STATUS AND TRANSITION		
Do	FLORIDA AGRICULTURE COALITION, INC		
Do	HAWAIIAN ELECTRIC COMPANY	312.50	
Do	METROPOLITAN DISTRICT COMMISSION		
Do	NORTH SLOPE BOROUGH	175.00	6.00
Do	PACIFIC GAS & ELECTRIC CO		
Do	PALM BEACH-BROWARD FARMERS COMM. FOR LEGISLATIVE ACTION		
Do	PUBLIC UTILITY HOLDING COS	5,756.00	157.42
Do	REPUBLIC GEOTHERMAL, INC	187.50	131.04
Do	REPUBLIC OF PALAU		
Do	JOSEPH SEAGRAM & SONS, INC		
Do	SLURRY TRANSPORT ASSN	2,612.50	206.26
Do	SOUTH FLORIDA TOMATO & VEGETABLE GROWERS ASSN		
Do	SOUTH WEST WINTER VEGETABLE GROWERS ASSN		
Do	STANDARD OIL CO (INDIANA)		
Do	STATE OF ALASKA	187.50	
Do	U.S. ETHANOL CORPORATION		
Do	UNION CARBIDE CORP	125.00	5.00
Do	WHEELABRATOR-FRYE, INC	1,412.50	6.00
Do	WINDFARMS, LTD		
GLENN R. VAN SCHOONEVELD SUITE 702 1747 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	ARMCO	1,464.65	275.75
R. DICK VANDER WOUDE 1201 16TH ST., NW WASHINGTON DC 20036	NATIONAL EDUCATION ASSN		
DANIEL W. VANNOY 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS		
JAY N. VARON SUITE 1000 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	FOLEY LARDNER HOLLABAUGH & JACOBS (FOR: LAWYERS TITLE INSURANCE CORPORATION).		
JENNIFER VASILOFF 530 7TH STREET, SE WASHINGTON DC 20003	NATIONAL CLEAN AIR COALITION	3,146.36	50.46
MURLE L. VAUGHAN 1700 NORTH MOORE ST. 1925 ROSSLYN CENTER BUILDING ARLINGTON VA 22209	BENEFICIAL MANAGEMENT CORPORATION OF AMERICA		
A. RANDALL VEHAR 900 15TH ST., NW WASHINGTON DC 20005	UNITED MINE WORKERS OF AMERICA		
VELSICOL CHEMICAL CORP 341 EAST OHIO ST. CHICAGO IL 60611			6,817.83
VENABLE, BAETJER, HOWARD & CIVILETTI SUITE 704 1301 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20004	PHARMACEUTICAL MANUFACTURERS ASSN		
Do	WESTVACO CORPORATION		732.43
VENTURE ENTREPRENEURS, INC. SUITE 206 1201 SAN MARCO BLVD. JACKSONVILLE FL 32207			
C. JOHN VERMILYE 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	U.S. STEEL CORPORATION		
VERNER, LIIPFERT, BERNHARD & MCPHERSON 1660 L ST., NW WASHINGTON DC 20036	COALITION OF U.S. CIT. AWARD-HOLDERS AGAINST CZECHOSLOVAKIA	68,499.12	
Do	LABOR-INDUSTRY COALITION FOR INTERNATIONAL TRADE	350.00	2,494.00
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	SEMICONDUCTOR INDUSTRY ASSN	13,780.00	1,800.00
Do	TRANS-LUX CORP		
Do	TRAVELERS CORP		193.75
FRANK VERRASTRO SUITE 702 2000 L STREET, NW WASHINGTON DC 20036	TOSCO CORPORATION		
LINDA VICKERS 1735 EYE ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF CROP INSURANCE AGENTS	6,500.00	
BRENDA R. VIEHE-NAESS 1025 CONNECTICUT AVE., NW, #415 WASHINGTON DC 20036	AMERICAN INSURANCE ASSN		69.75
R. ERIC VIGE 1660 L ST., NW, #207 WASHINGTON DC 20036	CITIES SERVICE CO	375.00	
STEVE A. VILLAS 1001 22ND ST., NW SUITE 600 WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	550.00	100.09
HOWARD A. VINE 1776 F ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF MANUFACTURERS	400.00	
WALTER D. VINYARD JR, ALSTON MILLER & GAINES 1800 M ST., NW WASHINGTON DC 20036	CONTINENTAL INSURANCE COMPANIES	4,000.00	
Do	HARTFORD INSURANCE GROUP	3,000.00	
VIRGINIA ASSOCIATION OF RAILWAY PATRONS P.O.BOX 867 RICHMOND VA 23207		106.10	94.63
CHRISTOPHER N. VISHER SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: NATIONAL HOUSING LAW PROJECT)	7,487.00	20.00
ANDREW VITALI JR 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,000.00	
VOLKSWAGEN OF AMERICA, INC SUITE 2450 475 L'ENFANT PLAZA, SW WASHINGTON DC 20024			2,130.99
VOLPE, BOSKEY & LYONS SUITE 602 918 16TH STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF EQUIPMENT LESSORS		
INGRID A. VOORHEES 1957 E ST., NW WASHINGTON DC 20006	ASSOCIATED GENERAL CONTRACTORS OF AMERICA	2,000.00	500.00
ABE J. VORON 6204 WHITE OAK LANE TAMARAC FL 33319	NATIONAL RADIO BROADCASTERS ASSOCIATION	1,975.00	2,225.00
VORYS, SATER, SEYMOUR & PEASE SUITE 1111 1828 L ST., NW WASHINGTON DC 20036	AMERICAN LIFE & CASUALTY		
Do	BOWERY SAVINGS BANK		
Do	CABOT CORPORATION	6,000.38	242.48
Do	COMMITTEE OF PUBLICLY OWNED COMPANIES		
Do	GROCERY MANUFACTURES OF AMERICA, INC		
Do	OHIO MFRS ASSN	1,666.25	182.34
Do	MOWSAFE PRODUCTS INC		
Do	SMALL BUSINESS COALITION FOR POLLUTION CONTROL	27,635.15	2,548.27
Do	TOLEDO TRUST COMPANY	14,560.95	989.37
Do	WAGNALLS MEMORIAL		
W.A.W. WAR AGAINST WOMEN 1710 GILES ROSEBURG OR 97470			
REX B. WACKERLE 8001 BRADDOCK RD. SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMMITTEE	461.00	126.00
SADAMI WADA 9 WEST 57TH STREET NEW YORK NY 10019	SONY CORPORATION OF AMERICA	1,500.00	2,524.04
CATHERINE WAELDER 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
ROBERT J. WAGER 2020 K ST., NW, #850 WASHINGTON DC 20006	AMERICAN BAKERS ASSN	1,653.75	6.75
HOWARD W. WAHL 777 E. EISENHOWER PKWY P.O. BOX 1000 ANN ARBOR MI 48106	BECHTEL POWER CORPORATION		
CHRISTINE M. WAISANEN NEW MURPHY ROAD & CONCORD PIKE WILMINGTON DE 19897	ICI AMERICAS, INC		
HERBERT R. WAITE 100 FEDERAL ST. BOSTON MA 02110	FIRST NATIONAL BANK OF BOSTON	4,000.00	2,969.46
Do	FIRST NATIONAL BOSTON CORPORATION		
WALD, HARKRADER & ROSS 1300 19TH ST., NW WASHINGTON DC 20036	AMERICAN PAPER INSTITUTE		
Do	HILLSDALE COUNTY RAILWAY COMPANY		
Do	LIFELINE SYSTEMS, INC		
ROBERT E. WALDRON ASSOCIATED PETROLEUM INDUSTRIES OF MICHI 930 MICHIGAN NATL TOWER, PO BOX 10070 LANSING MI 48901.	AMERICAN PETROLEUM INST	700.00	518.59
CHARLS E. WALKER ASSOCIATES, INC. 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AEROSPACE INDUSTRIES ASSN OF AMERICA	10,000.00	
Do	AMERICAN GUILD OF AUTHORS & COMPOSERS	3,000.00	
Do	HAMPSHIRE ENERGY	750.00	
Do	INLAND STEEL CORP		
Do	POTLATCH CORPORATION	625.00	
Do	REPUBLIC STEEL CORP		
Do	AGRICO CHEMICAL COMPANY, ET AL	1,500.00	
Do	AIR TRANSPORT ASSN OF AMER	2,500.00	
Do	ALUMINUM CO OF AMER	775.00	
Do	AMERICAN AIRLINES, INC		
Do	AMERICAN TELEPHONE & TELEGRAPH CO	4,475.00	
Do	ASHLAND CHEMICAL	150.00	
Do	BECHTEL CORP	625.00	
Do	BETHLEHEM STEEL CORP	625.00	
Do	CIGAR ASSOCIATION OF AMERICA, INC		
Do	CSX CORPORATION	2,500.00	
Do	DEALER BANK ASSN	2,500.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	DEERE & COMPANY	625.00	
Do	DRESSER INDUSTRIES, INC	625.00	
Do	EASTERN AIR LINES, INC		
Do	FEDERAL NATIONAL MORTGAGE ASSN	1,250.00	
Do	FIRST CHICAGO CORP		
Do	FORD MOTOR CO	2,000.00	
Do	GENERAL ELECTRIC CO	625.00	
Do	GENERAL PUBLIC UTILITIES CORPORATION	8,000.00	
Do	GENERAL TELEPHONE & ELECTRONICS	625.00	
Do	GOODYEAR TIRE & RUBBER CO	625.00	
Do	IDEAL BASIC INDUSTRIES	1,000.00	
Do	INTERNATIONAL PAPER CO	625.00	
Do	KAISER ALUMINUM & CHEMICAL CORP	300.00	
Do	LONE STAR INDUSTRIES, INC	2,000.00	
Do	LONE STAR STEEL CO	150.00	
Do	MEAD CORPORATION	3,525.00	
Do	NATIONAL STEEL CORPORATION		
Do	NATIONAL TAX LIMITATION COMMITTEE	3,060.00	
Do	NORTHWESTERN MUTUAL LIFE INSURANCE CO	1,875.00	
Do	OWENS-ILLINOIS	1,250.00	
Do	PHELPS DODGE CORP	1,250.00	
Do	PROCTER & GAMBLE MANUFACTURING CO	625.00	
Do	SCOTT PAPER COMPANY	625.00	
Do	UNION CARBIDE CORP	775.00	
Do	UNITED AIRLINES	1,250.00	
Do	WEYERHAEUSER CO		
CHARLES W. WALKER 1125 15TH ST., NW WASHINGTON DC 20005	INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS	9,987.50	
WARREN W. WALKLEY 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO		
MARTIN A. WALL 643 PENN. AVE., SE WASHINGTON DC 20003	AMERICAN OSTEOPATHIC HOSPITAL ASSN		
R. DUFFY WALL SUITE 400 1730 RHODE ISLAND AVE., NW WASHINGTON DC 20036	FREEPORT-MCMORAN INC	350.00	73.90
DON WALLACE ASSOCIATES, INC. 232 E. CAPITOL ST. WASHINGTON DC 20003	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC	6,000.00	2,211.25
Do	COTTON WAREHOUSE ASSOCIATION OF AMERICA	11,000.00	1,881.61
RAYMOND C. WALLACE 5151 WISCONSIN AVE., NW WASHINGTON DC 20016	AMALGAMATED TRANSIT UNION, AFL-CIO		
LIONEL L. WALLENROD 260 MADISON AVE. NEW YORK NY 10016	AMERICAN PAPER INST, INC		
R. DOUGLAS WALLIN JR 1235 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	EMERSON ELECTRIC CO		181.67
CHARLES S. WALSH FLEISCHMEN & WALSH 1725 N ST., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC		
JAMES P. WALSH 1050 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	AMERICAN TUNABOAT ASSN	7,500.00	447.47
HENRY L. WALTHER 3238 WYNFORD DRIVE FAIRFAX VA 22031	U.S. DEFENSE COMMITTEE	250.00	
JOHN F. WANAMAKER 201 N. WASHINGTON, ST. ALEXANDRIA VA 22314	RETIRED OFFICERS ASSN	1,557.00	
JAMES WANKO 901 N. WASHINGTON ST. ALEXANDRIA VA 22314	SOCIETY OF AMERICAN FLORISTS & ORNAMENTAL HORTICULTURISTS		
BARBARA WANNER 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036	JAPAN ECONOMIC INSTITUTE OF AMERICA	300.00	
ALAN S. WARD 818 CONNECTICUT AVE., NW WASHINGTON DC 20006	BAKER & HOSTETLER (FOR: SOAP & DETERGENT ASSN)		
JOHN E. WARD 182 SOUNDVIEW AVE. WHITE PLAINS NY 10606	MEAT IMPORTERS COUNCIL OF AMERICA, INC		
RICHARD D. WARDEN 1757 N ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION, UNITED AUTO, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA	14,403.12	284.70
JACK WARE 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	8,870.00	221.83
MICHAEL O. WARE 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CONOCO	1,200.00	
PETER F. WARKER SUITE 2700 1000 WILSON BOULEVARD ARLINGTON VA 22209	TRW, INC	1,250.00	
ERNEST R. WARNER JR 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTERNATIONAL, INC. (FOR: AIRBUS INDUSTRIE)	516.80	434.92
Do	DGA INTERNATIONAL INC. (FOR: SOFREAVIA)	32.30	31.79
CHRISTINE M. WARNKE SUITE 300 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	AMERICAN TEXTILE MANUFACTURERS INSTITUTE	400.00	248.80
WASHINGTON GAS LIGHT CO 1100 H ST., NW WASHINGTON DC 20080			1,706.83
WASHINGTON INDUSTRIAL TEAM, INC. 499 SOUTH CAPITOL ST.,S.W. ROOM 400 WASHINGTON DC 20003	BOEING COMPANY	450.00	370.07
Do	GENERAL DYNAMICS CORPORATION	450.00	370.07
Do	HUGHES AIRCRAFT COMPANY	450.00	370.07
Do	MCDONNELL DOUGLAS CORPORATION	450.00	370.07
Do	RAYTHEON COMPANY	450.00	370.07
Do	ROCKWELL INTL	450.00	370.07
Do	TRW, INC	450.00	370.07
Do	UNITED TECHNOLOGIES CORPORATION	450.00	370.07
Do	WESTINGHOUSE ELECTRIC CORP	450.00	370.07
WASHINGTON OFFICE ON AFRICA 110 MARYLAND AVE., NE WASHINGTON DC 20002		12,733.71	19,003.94
WASHINGTON STATE NARAL ROOM 610 909 FOURTH AVENUE SEATTLE WA 98104	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
ROBERT E. WATKINS 1909 K STREET, N.W. SUITE 300 WASHINGTON DC 20006	WESTLAND COMPANIES, INC		
CLARKE R. WATSON 1722 LAFAYETTE ST., DENVER CO. 80218	ROCKWELL INTL	495.00	171.20
RALPH J. WATSON 1745 JEFFERSON DAVIS HIGHWAY ARLINGTON VA 22202	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	75.00	
CAROLYN HERR WATTS 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL BROILER COUNCIL	1,000.00	
GEORGE B. WATTS 1155 15TH ST., NW WASHINGTON DC 20005	NATIONAL COAL ASSN	4,750.00	543.96
BRUCE H. WATZMAN 1130 17TH STREET, N.W. WASHINGTON DC 20036	NATIONAL HEALTH LAW PROGRAM	2,107.78	2,223.78
JUDITH G. WAXMAN 1424 16TH ST., NW SUITE 304 WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	1,225.00
WILLIAM J. WAY 1660 L ST., NW WASHINGTON DC 20036	AMERICAN PETROLEUM INST		
WILLIAM H. WEATHERSPOON NORTH CAROLINA PETROLEUM COUNCIL PO BOX 167 RALEIGH NC 27602	STEPHENS OVERSEAS SERVICES, INC	78.25	
VERNON WEAVER SUITE 500 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	STANDARD OIL CO (OHIO)	500.00	21.45
DOUGLAS M. WEBB 1001 22ND ST., NW WASHINGTON DC 20037	IOWA ELECTRIC LIGHT AND POWER COMPANY		
HORACE S. WEBB P.O. BOX 351 CEDAR RAPIDS IA 52406	EDISON ELECTRIC INSTITUTE	5,193.75	45.85
FREDERICK L. WEBBER 1111 19TH ST., NW WASHINGTON DC 20036	ADAMS COUNTY, COLORADO	59,295.00	5,404.63
WEBSTER AND SHEFFIELD 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	PENOBSCOT NATION	5,000.00	209.03
Do	SKANSKA (U.S.A.), INC	5,570.00	32.74
Do	AMERICAN PARATRANSIT INSTITUTE	1,200.00	
WEBSTER, CHAMBERLIN & BEAN 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	AMERICAN SOCIETY OF RADIOLOGIC TECHNOLOGISTS		
Do	NATIONAL FISHERIES INST	4,000.00	20.00
LEE J. WEDDIG SUITE 700 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	PROFESSIONAL INSURANCE AGENTS	425.00	275.00
CHARLES W. WEGNER JR. 600 PENNSYLVANIA AVE., S.E. SUITE 203 WASHINGTON DC 20003	DOW CORNING CORPORATION		
JACK R. WEHRLY 1800 M ST., NW SUITE 710 SOUTH WASHINGTON DC 20036	CONTINENTAL GROUP		
WEIL, GOTSHAL & MANGES 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL RETAIL MERCHANTS ASSN		
Do	ROHM AND HAAS COMPANY	500.00	86.50
NANCY WEINBERG SUITE 743, 1434 N.Y. AVE., NW WASHINGTON DC 20005	NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS	1,500.00	
DONALD G. WEINERT 2029 K ST., NW WASHINGTON DC 20006	ACUREX SOLAR CORPORATION	3,182.16	347.16
JOEL A. WEISS 1730 N. LYNN ST. # 400 ROSSLYN VA 22209	TENNECO INC		150.00
MICHAEL A. WEISS 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	NATIONAL SECURITY TRADERS ASSN, INC	3,125.00	415.33
MORTON N. WEISS SUITE 4511 ONE WORLD TRADE CENTER NEW YORK NY 10048	CHILDREN'S DEFENSE FUND	832.11	28.00
JUDITH H. WEITZ 1520 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	WEST TEXAS UTILITIES CO	400.00	700.00
DON WELCH P.O. BOX 841 ABILENE TX 79604	NATIONAL COUNCIL OF FARMER COOPERATIVES	1,925.00	
PAUL S. WELLER JR 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	CANADIAN EMBASSY	950.00	
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF SUITE 802 1015 18TH STREET, NW WASHINGTON DC 20036	DEPARTMENT OF NATURAL RESOURCES, PROVINCE OF MANITOBA	4,800.00	
Do	JOHNS-MANVILLE		
Do	PETRO-LEWIS CORPORATION		
Do	SHELL OIL CO	500.00	
L. H. WELLS SUITE 200, 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BUS ASSN	3,000.00	316.89
DOUGLAS P. WENDEL 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETAIL GROCERS OF THE U.S		
THOMAS F. WENNING BISON AND WENNING 1625 I ST., NW WASHINGTON DC 20006	CERTAINTEED CORP		
W. R. WERNER, P.O. BOX 860, VALLEY FORGE, PA. 19482	COMMON CAUSE	13,475.04	1,905.73
FRED WERTHEIMER 2030 M ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF REALTORS	2,500.00	476.75
FRANK WEST 777 14TH STREET, NW WASHINGTON DC 20005			1,000.00
WEST MEXICO VEGETABLE DISTRIBUTORS ASSN PO BOX 848 NOGALES AZ 83621			
WEST TEXAS LAND & ROYALTY OWNERS ASSN. 4302 AIRPORT BLVD. AUSTIN TX 78722	DELTA AIR LINES, INC	273.00	157.37
W. P. WEST 1629 K ST., NW ROOM 204 WASHINGTON DC 20006	ST. REGIS PAPER CO	1,650.00	
HARRY H. WESTBAY III SUITE 805 1625 EYE ST., NW WASHINGTON DC 20006			
WESTERN COTTON GROWERS ASSN 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
WESTERN GROWERS ASSOCIATION 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			
JOHN F. WETZEL 1235 JEFFERSON DAVIS HIGHWAY, ARLINGTON, VA 22202	MOTORCYCLE INDUSTRY COUNCIL, INC	1,000.00	36.00
WEXLER AND ASSOCIATES, INC SUITE 400 1616 H STREET, NW WASHINGTON DC 20006	MOTION PICTURE ASSN OF AMERICA	1,650.00	
Do	GHK COMPANIES	1,290.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	NATIONAL FOOTBALL LEAGUE	3,545.00	
Do	ARMCO INC		
Do	BENEFICIAL MANAGEMENT CORP OF AMERICA	1,840.00	
Do	BENENSON REALITY COMPANY	900.00	
Do	NATIONAL RADIO BROADCASTERS ASSOCIATION	3,480.00	
Do	TOSCO CORPORATION	150.00	
Do	INDEPENDENT GAS PRODUCERS COMMITTEE (IGPC)		
ROBERT G. WEYMUELLER SUITE 401 1629 K STREET, NW WASHINGTON DC 20006	AMERICAN LUNG ASSOCIATION	3,600.00	1,955.00
BRIAN B. WHALEN JR 401 N. MICHIGAN AVE. CHICAGO IL 60611	INTERNATIONAL HARVESTER	1,250.00	599.12
CURTIS E. WHALEN P.O. BOX 44 WINTER PARK FL 32790	CONTINENTAL RESOURCES COMPANY	3,300.00	1,645.97
CLYDE A. WHEELER JR SUITE 820 1800 K ST., NW WASHINGTON DC 20006	SUN CO, INC	15,000.00	464.90
DALE J. WHEELER 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
EDWIN M. WHEELER 1015 18TH ST., NW WASHINGTON DC 20036	FERTILIZER INSTITUTE		25.00
THOMAS E. WHEELER 1724 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL CABLE TELEVISION ASSN, INC	1,375.00	
JUNE M. WHELAN SUITE 600 S 1120 20TH ST., NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	1,250.00	134.38
WILLIAM WHICHARD JR 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	UNION OIL CO OF CALIFORNIA		
WHITE & CASE 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	COMMERCIAL UNION LEASING CORP		
Do	REPUBLIC OF INDONESIA	112.50	5.50
BRENDA WHITE ROOM 807 140 PARK PLACE NEW YORK NY 10007	MUNICIPAL LABOR COMMITTEE	14,296.14	1,160.28
DONALD F. WHITE 1616 H ST., NW WASHINGTON DC 20006	AMERICAN RETAIL FEDERATION	1,500.00	90.00
JOHN C. WHITE SUITE 207 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	COASTAL CORP & CHICAGO MERCANTILE EXCHANGE		
JOHN S. WHITE 1800 M ST., NW, #975 WASHINGTON DC 20036	MARATHON OIL CO		
JOHN THOMAS WHITE II SUITE 2202 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	TENNECO INC		
ALTON W. WHITEHOUSE JR 1750 MIDLAND BLDG. CLEVELAND OH 44115	STANDARD OIL CO (OHIO)		
MARSHALL E. WHITENTON 1001 22ND STREET, NW, SUITE 600, WASHINGTON DC 20037	STANDARD OIL CO (OHIO)	712.50	170.53
W. EDWARD WHITFIELD 840 WASHINGTON BUILDING 15TH STREET & NEW YORK AVENUE, NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	347.98
BENNETT C. WHITLOCK JR 1616 P ST., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC	7,500.00	100.00
WHITMAN & RANSOM 1333 NEW HAMPSHIRE AVE., NW, #650 WASHINGTON DC 20036	AMERICAN FRIENDS OF KIRYAT SANZ LANIADO HOSPITAL		
Do	BELZ INSTITUTE OF ISRAEL		
JAMES A. WHITMAN P.O. BOX 1417-D49 ALEXANDRIA VA 22313	NATIONAL ASSN OF CHAIN DRUG STORES, INC	500.00	
WILLIAM F. WHITSITT 1800 K ST., NW SUITE 820 WASHINGTON DC 20006	SUN CO, INC	2,000.00	461.66
DAVID E. WHITTEN 1015 18TH ST., NW WASHINGTON DC 20036	FERTILIZER INSTITUTE	5,000.00	4,422.38
STEPHANIE WHYCHE 600 MARYLAND AVE., SW SUITE 400 WASHINGTON DC 20024	AMERICAN OPTOMETRIC ASSN		
WICKWIRE, LEWIS, GOLDMARK, & SCHOOR 500 MAYNARD BLDG. SEATTLE WA 98104	ARCTIC SLOPE REGIONAL CORP, ET AL		
RICHARD J. WIECHMANN 1619 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
HARRY G. WILES II 499 S. CAPITOL ST., SW SUITE 401 WASHINGTON DC 20003	NATIONAL ASSN OF INDEPENDENT INSURERS		118.00
GUENTHER O. WILHELM SUITE 1100 1899 L STREET, NW WASHINGTON DC 20036	EXXON CORPORATION		
CARL B. WILKERSON 1850 K STREET, NW WASHINGTON DC 20006	AMERICAN COUNCIL OF LIFE INSURANCE, INC		
JERRY C. WILKERSON 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN	1,950.00	2,650.00
WILKINSON, CRAGUN & BARKER 1735 NEW YORK AVE., NW WASHINGTON DC 20006	ARAPAHOE TRIBE OF INDIANS		66.24
Do	THOMAS L. ASHLEY, P.C	1,305.00	
Do	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS	1,129.50	30.45
Do	CONFEDERATED SALISH & KOOTENAI TRIBES OF THE FLATHEAD RES		9.26
Do	INDEPENDENT DATA COMMUNICATIONS MANUFACTURERS ASSOCIATION	8,061.50	145.70
Do	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC	1,005.00	
Do	LOUISIANA PACIFIC CORP	2,491.50	4.00
Do	MARATHON OIL CO		
Do	NATIONAL CONGRESS OF AMERICAN INDIANS, INC		
Do	PUEBLO DE COCHITI	165.00	16.75
Do	SHEE ATIKA, INC		
Do	STATE OF HAWAII, DEPT OF REGULATORY AGENCIES		
Do	THREE AFFILIATED TRIBES OF THE FT. BERTHOLD RESERVATION		16.45
Do	WICHITA & AFFILIATED TRIBES	2,670.00	10.20
SANDRA L. WILLETT 624 C ST., SE WASHINGTON DC 20003	NATIONAL CONSUMERS LEAGUE	750.00	5.00
RALPH E. WILLHAM 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	8,977.50	
WILLIAMS & CONNOLLY 839 1000 HILL BUILDING, WASHINGTON DC 20006	BENENSON REALTY CO	675.00	
Do	COUNCIL OF STATE HOSPITAL FINANCE AUTHORITIES	2,936.25	
Do	TWENTIETH CENTURY-FOX FILM CORP		
WILLIAMS & JENSEN, P.C. 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN TRUCKING ASSNS, INC		
Do	C. BREWER & CO, LTD		
Do	CONNECTICUT GENERAL INSURANCE CORP		
Do	DOMESTIC PETROLEUM COUNCIL, INC		
Do	LOUISIANA LAND AND EXPLORATION CO		
Do	LLOYD HAYES		
Do	PILLSBURY COMPANY		
LAWRENCE F. WILLIAMS 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	6,093.75	30.00
LUCINDA WILLIAMS 1111 19TH ST., NW, #402 ARLINGTON VA 20036	FEDERATION OF AMERICAN HOSPITALS	4,500.00	
ROBERT E. WILLIAMS 1825 K ST., NW, #607 WASHINGTON DC 20006	UNITED AIRLINES	1,500	
W.G. WILLIAMS 1100 SEVENTEETH STREET, N.W. SUITE 1000 WASHINGTON DC 20036			
WILLIAMS, MYERS & QUIGGLE 888 17TH ST., NW WASHINGTON DC 20006	CHURCH ALLIANCE FOR CLARIFICATION OF ERISA	10,055.99	746.63
JOHN C. WILLIAMSON SUITE 1402 1725 K ST., NW WASHINGTON DC 20006	MORTGAGE INSURANCE COMPANIES OF AMERICA	2,700.00	81.15
DAVID K. WILLIS 1909 K ST., NW SUITE 300 WASHINGTON DC 20006	MOTOR VEHICLE MANUFACTURERS ASSOCIATION OF THE U.S., INC		
CHARLOTTE M. WILMER 1800 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	NATIONAL RURAL ELECTRIC COOPERATIVE ASSN	175.00	
WILMER, CUTLER & PICKERING 1666 K ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		33.95
Do	CBS, INC	5,155.00	199.18
Do	CPC INTERNATIONAL, INC	21,731.25	166.29
Do	DEALER BANK ASSN		
Do	FORD MOTOR CO	12,664.00	189.06
Do	G-4 CHILDREN'S COALITION	34,342.75	92.87
Do	HANDGUN CONTROL, INC		66.35
Do	HAPAG-LLOYD, A.G		55.20
Do	MORGAN GUARANTY TRUST CO		
Do	NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS		
CHARLES D. WILSON 1850 K ST., NW, #390 WASHINGTON DC 20006	OWENS-ILLINOIS	1,320.00	35.05
DENA L. WILSON 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	UNION CAMP CORP	2,062.50	423.46
DONNIE E. WILSON 1800 M ST., NW, #295 WASHINGTON DC 20036	AMERICAN WATERWAYS OPERATORS, INC	3,000.00	174.85
DOROTHY WILSON 4201 CATHEDRAL AVE., NW SUITE 1205E WASHINGTON DC 20016	HUSKY OIL COMPANY	250.00	
JAMES E. WILSON JR 1150 17TH ST., NW, #500 WASHINGTON DC 20036	COALITION OF CONCERNED CHARITIES		
JOHN R. WILSON 1520 OHIO SAVINGS PLAZA CLEVELAND OH 44114	MCDONNELL DOUGLAS CORPORATION		
MRS. BJORG OPDAHL WILSON 110 MARYLAND AVE., NE WASHINGTON DC 20002	MIDWEST ALLIANCE FOR INDUSTRIAL FINANCING & RESTRUCTURING		
ROBERT C. WILSON ROOM 400, 499 SO. CAPITAL ST., SW WASHINGTON DC 20003	U.S. COMMITTEE FOR UNICEF		
Do	RMI, INC	550.00	
Do	SOUTHWEST MARINE, INC	320.00	
WILLIAM A. WILSON III 8001 BRADDOCK ROAD SUITE 500 SPRINGFIELD VA 22160	WASHINGTON INDUSTRIAL TEAM, INC	600.00	
JUDITH A. WINCHESTER 1620 I ST., NW WASHINGTON DC 20036	NATIONAL RIGHT TO WORK COMM	400.00	
WINDELS, MARX, DAVIES & IVES SUITE 940 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	CITY OF PHILADELPHIA		
Do	SOLITRON DEVICES, INC		
JOSEPH B. WINKELMANN 777 14TH ST., NW WASHINGTON DC 20005	WATERMAN STEAMSHIP CORP		
KATHLEEN J. WINN 1155 15TH ST., NW SUITE 602 WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	2,500.00	521.24
JAMES R. WINNIE PO BOX 25128 OKLAHOMA CITY OK 73125	PENNZOIL CO	475.00	
WINSTON & STRAWN #500 2550 M ST., NW WASHINGTON DC 20037	CITIES SERVICE GAS CO		
Do	AMERICAN ASSN OF MUSEUMS	180.00	
Do	ANTAEUS ENTERPRISES, INC		
Do	BUILDING OWNERS & MANAGERS ASSN INC	400.00	
Do	CUMMINS ENGINE CO., INC		
Do	GIC FINANCIAL SERVICES CORP	287.50	
Do	GOULD, INC		
Do	INTERNATIONAL COUNCIL OF SHOPPING CENTERS	447.50	
MARK E. WINTER 1828 L ST., NW WASHINGTON DC 20036	LEASE MANAGEMENT CORP	878.75	
ANN R. WISE 112 WASHINGTON ST. EAST WALPOLE MA 02032	AMERICAN LAND TITLE ASSN	3,000.00	
ALAN M. WISEMAN SUITE 900 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	HOLLINGSWORTH & VOSE CO	450.00	3,062.00
ROBERT V. WITECK THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	MEAD CORPORATION	3,552.50	166.78
	GRAY AND COMPANY (FOR: MINIMUM TAX COALITION)	900.00	70.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RICHARD F. WITHERALL 420 DENVER CLUB BLDG. DENVER CO 80202	COLORADO RAILROAD ASSN		
WITKOWSKI, WEINER, MCCAFFREY & BRODSKY SUITE 350 1575 I ST., NW WASHINGTON DC 20005	COMMERCIAL CREDIT CORP	1,318.15	17.67
Do	COORDINATING COUNCIL ON MANUFACTURED HOUSING FINANCE	4,576.50	4,644.87
Do	NATIONAL MANUFACTURED HOUSING FINANCE ASSN		
Do	NATIONAL TRUCK EQUIPMENT ASSN		
Do	TASK FORCE ON CREATIVE FINANCE FOR MANUFACTURED HOUSING	14,889.60	15,369.76
Do	WILMORE CITY DEVELOPMENT, INC & SILVERCREST INDUSTRIES, INC		
GLENN P. WITTE 910 17TH ST., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF ICE CREAM MFRS & MILK IND. FOUNDATION		
HERMAN C. WITTHAUS 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	3,000.00	1,528.03
JAMES E. WOLF 2020 14TH ST., NORTH ARLINGTON VA 22201	TRANE COMPANY	2,500.00	
JAMES WOLF 1925 K STREET, NW WASHINGTON DC 20006	ALLIANCE TO SAVE ENERGY		
SIDNEY M. WOLFE 2000 P ST., NW, #708 WASHINGTON DC 20036	HEALTH RESEARCH GROUP		
BENJAMIN WOLFF 1730 P ST. N.W WASHINGTON DC 20036	U.S. WINDPOWER ASSOC		
BRUCE WOLPE 2025 M STREET, NW WASHINGTON DC 20036	NATIONAL PUBLIC RADIO	6,333.00	73.34
RONALD WOLSEY ONE NORTH CHARLES ST., SUITE 1115, BALTIMORE, MARYLAND 21201	AMOCO OIL COMPANY		
DON WOMACK SUITE 303 1825 K ST., NW WASHINGTON DC 20006	TEXAS UTILITIES SERVICES, INC	2,356.00	210.45
BURTON C. WOOD 1125 15TH ST., NW WASHINGTON DC 20005	MORTGAGE BANKERS ASSOCIATION OF AMERICA	10,950.00	2,052.00
CHARLES A. WOOD 10 LAFAYETTE SQUARE BUFFALO NY 14203	NATIONAL FUEL GAS DISTRIBUTION CORP., ET AL	357.20	2,112.95
JOHN L. WOOD 2700 1 MAIN PLACE, DALLAS, TEXAS 75202	CENTRAL AND SOUTH WEST CORP	197.00	
Do	EDISON ELECTRIC INSTITUTE		35.70
W. ALAN WOODFORD 2501 M ST., NW WASHINGTON DC 20037	CHEMICAL MANUFACTURERS ASSOCIATION, INC	300.00	
DIANE WOODRUFF 1349 CONNECTICUT AVE. NW #228, WASHINGTON DC 20036	COMMITTEE OF URBAN PROGRAM UNIVERSITIES	3,250.00	
M. ALAN WOODS 1225 19TH ST., NW WASHINGTON DC 20036	DGA INTL, INC (FOR: AIRBUS INDUSTRIE)		
Do	DGA INTL, INC (FOR: DIR INTL AFF OF THE GEN DEL FOR ARMAMENTS)		
Do	DGA INTL, INC. (FOR: SOFREAVIA)		
RICHARD P. WOODS 2501 M ST., N.W. SUITE 540 WASHINGTON DC 20037	PACIFIC RESOURCES, INC	500.00	
WILLIAM E. WOODS 205 DAINGERFIELD RD., ALEXANDRIA, VIRGINIA 22314	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
PERRY W. WOOFTER SUITE 530 1800 K ST., NW WASHINGTON DC 20006	TESORO PETROLEUM CORP	2,500.00	
EDWARD A. WOOLLEY BEDFORD CONSULTANTS BUILDING P.O. BOX 605 BEDFORD NY 10506	CTI-CONTAINER TRANSPORT INTL., INC., ET AL	136.06	46.07
LINDA ANZALONE WOOLLEY 1615 H ST., NW WASHINGTON DC 20062	CHAMBER OF COMMERCE OF THE U.S.	2,500.00	
RONALD L. WOOTEN #1000 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	CONSOLIDATION COAL CO	625.00	120.00
GEORGE M. WORDEN 1201 PENNSYLVANIA AVE., NW SUITE 700, WASHINGTON DC 20004	HILL AND KNOWLTON, INC. (FOR: DISTILLED SPIRITS COUNCIL OF THE US, INC)		
DEE WORKMAN VALKYRIE ENTERPRISES, INC 405 LEXINGTON AVE., NEW YORK, NEW YORK 10017	MOBIL OIL CORPORATION	18,750.00	1,600.00
WORLD FEDERALIST POLITICAL EDUCATION COMM 600 VALLEY RD. WAYNE NJ 07470		11,105.65	10,476.10
WORLDWIDE INFORMATION RESOURCES, LTD SUITE 304 1101 30TH STREET, NW WASHINGTON DC 20007	EQUITABLE LIFE ASSURANCE SOCIETY OF THE U.S		
Do	HEUBLEIN, INC		
Do	PAN AMERICAN WORLD AIRWAYS, INC		
Do	STATE OF MONTANA		
Do	TOYOTA MOTOR SALES U.S.A., INC		
W. ROBERT WORLEY 1736 CREEK CROSSING ROAD VIENNA VA 22180	SOUTHERN COMPANY SERVICES, INC	88.00	992.39
STEVEN M. WORTH 3255 GRACE ST., NW THE POWER HOUSE WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
Do	GRAY AND COMPANY (FOR: JOINT MARITIME CONGRESS)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)		
Do	GRAY AND COMPANY (FOR: THYSSEN NORDSEEWERKE GMBH)	380.00	114.00
FRANKLIN L. WRIGHT JR 1709 NEW YORK AVE., NW, #200 WASHINGTON DC 20006	NATIONAL ASSN OF MUTUAL SAVINGS BANKS	2,968.75	
WILLIAM L. WRIGHT 1901 L STREET, N.W. WASHINGTON DC 20036	ELI LILLY AND COMPANY	3,000.00	59.30
RICHARD E. WYCKOFF 1771 N ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF BROADCASTERS	1,500.00	527.00
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT SUITE 580, THE WATERGATE 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037.	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC		
Do	AUTOMOTIVE DISMANTLERS & RECYCLERS ASSN		
Do	BRISTOL BAY NATIVE CORP		
Do	CARL M. FREEMAN ASSOCIATES		
Do	EKLUTNA, INC		
Do	FILMWAYS, INC		
MARC D. YACKER 1619 MASSACHUSETTS AVENUE, N.W. WASHINGTON DC 20036	AMERICAN PAPER INST, INC		
T. ALBERT YAMADA SUITE 520 900 17TH ST., NW WASHINGTON DC 20006	MATSUSHITA ELECTRIC CORP OF AMERICA	500.00	
Do	TOYOTA MOTOR SALES, U.S.A., INC	500.00	
Do	WEST MEXICO VEGETABLE DISTRIBUTORS ASSN	500.00	
EDWARD R. YAWN 1111 19TH ST., NW WASHINGTON DC 20036	EDISON ELECTRIC INSTITUTE	857.00	318.48
KIM YELTON 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	4,482.72	2,581.13
JACK YELVERTON 1303 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FLEET RESERVE ASSN		
PATRICIA D. YODER SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC		
D. SCOTT YOHE 1629 K ST., NW, #204 WASHINGTON DC 20006	DELTA AIR LINES, INC	390.00	114.80
EDWARD A. YOPP P.O. BOX 1072 EL PASO TX 79958	STATE NATIONAL BANK OF EL PASO		
G. REYNOLDS YOUNG 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	1,000.00	
HUGH F. YOUNG JR 1500 RHODE ISLAND AVE., NW WASHINGTON DC 20005	NATIONAL PAINT & COATINGS ASSN, INC	3,000.00	20.00
JOHN ANDREW YOUNG 1333 NEW HAMPSHIRE AVE., NW, #207 WASHINGTON DC 20036	COASTAL CORPORATION	1,000.00	
THANE YOUNG 777 14TH STREET, N.W. WASHINGTON DC 20005	NATIONAL ASSOCIATION OF REALTORS	1,500.00	291.04
BETSY YOUNKINS SUITE 600 2101 L ST., NW WASHINGTON DC 20037	AMERICAN PETROLEUM INST	6,000.00	83.44
EUGENE A. YOURCH 50 BROADWAY NEW YORK NY 10004	FEDERATION OF AMERICAN CONTROLLED SHIPPING	200.00	
HARRY M ZACHEM 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
MICHAEL ZAGORAC P.O. BOX 4689 CLEARWATER FL 33518	JACK ECKERD CORPORATION		
DONALD ZAHN 8001 BRADDOCK RD., #600 SPRINGFIELD VA 22160	NATIONAL RIGHT TO WORK COMM	528.00	206.76
LYNN ZAKUPOWSKY 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	750.00	
STEVEN S. ZALEZNICK 1909 K ST., NW WASHINGTON DC 20049	NATIONAL RETIRED TEACHERS ASSN/AMERICAN ASSN OF RET PERSONS	340.40	61.50
BARNABY W. ZALL 2028 P ST., NW WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM	3,677.00	245.08
BARRY W. ZANDER 6113 AMHURST ST. METAIRIE LA 70003	SOUTHERN FOREST PRODUCTS ASSN	7,062.54	
JOHN S. ZAPP 1101 VERMONT AVENUE, NW WASHINGTON, DC 20005	AMERICAN MEDICAL ASSN	4,500.00	141.26
JANICE ZARRO 1660 L STREET NW, SUITE 715-16, WASHINGTON, DC 20036	AVON PRODUCTS, INC	60.40	20.00
THOMAS K. ZAUCHA 1910 K ST., NW SUITE 700 WASHINGTON DC 20006	COOPERATIVE FOOD DISTRIBUTORS OF AMERICA		
L. ANDREW ZAUSNER 1155 15TH ST., NW, #602 WASHINGTON DC 20005	PENNZOIL CO	1,000.00	30.00
PHILIP F. ZEIDMAN 1025 CONNECTICUT AVE., NW, #900 # 900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
JEROME M. ZEIFMAN 1424 16TH ST., NW SUITE 300 WASHINGTON DC 20036	NATIONAL SENIOR CITIZENS LAW CENTER	1,932.50	2,322.00
DON J. ZELLER SUITE 503 1000 16TH STREET, NW WASHINGTON DC 20036	STANDARD OIL CO (INDIANA)	1,500.00	147.92
RONALD L. ZIEGLER 700 N. FAIRFAX STREET, SUITE 505, ALEXANDRIA, VA 22314	NATIONAL ASSN OF TRUCK STOP OPERATORS		
KENNETH ZINN 1720 Q STREET, NW WASHINGTON DC 20009	WASHINGTON OFFICE ON AFRICA	2,749.98	
JOHN L. ZORACK COOK, PURCELL, HANSEN, & HENDERSON SUITE 1100, 1015 18TH ST., NW WASHINGTON DC 20036	FEDERAL EXPRESS CORP	9,500.00	
ZUCKERT, SCOUTT & RASENBERGER 888 17TH ST., NW WASHINGTON DC 20006	ANTAEUS ENTERPRISES, INC		29.23
Do	HARCOURT BRACE JOVANOVICH	11,004.66	468.28
Do	HAZARDOUS WASTE TREATMENT COUNCIL	3,950.00	1,601.29
Do	REPUBLIC AIRLINES, INC	8,062.00	144.70
Do	WORLD AIRWAYS, INC	1,651.00	66.23
LEIGH ANN ZUNKE 1133 20TH STREET, NW WASHINGTON DC 20036	NATIONAL FOOD PROCESSORS ASSN	375.00	28.21
CHARLES O. ZUVER 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN BANKERS ASSN	3,000.00	
CARL E. ZWISLER III 1025 CONNECTICUT AVE., NW, #1005 WASHINGTON DC 20036	INTERNATIONAL FRANCHISE ASSN		
1ST PRO-LIFE CONG DISTRICT ACTION COMM (RI) 6 MAXFIELD CT. BARRINGTON RI 02806		1,000.00	956.94
23RD CONGRESSIONAL DISTRICT ACTION COMM. 575 CHARLES ST. ST. MARYS PA 15857			
36TH CONGRESSIONAL DISTRICT ACTION COMM. 129 BELMONT AVE. BUFFALO NY 14223			44.13
38TH PRO-LIFE CONGRESSIONAL DISTRICT ACTION COMM 8654 BONVIEW TERRACE WILLIAMSVILLE NY 14221			
39TH CONGRESSIONAL DISTRICT ACTION COMM RD 2 ALLEGANY NY 14706			20.00
5TH PRO-LIFE CONG DISTRICT ACTION COMM (FL) C/O MR. JOHN KELLEY 1120 MICHIGAN BLVD. DUNEDIN FL 33528			87.25
6TH PRO-LIFE CONG DISTRICT ACTION COMM (FL) #1 PLAZA PLACE, NE, SUITE 1003 ST. PETERSBURG FL 33701			

QUARTERLY REPORTS*

*All alphanumeric characters and monetary amounts refer to receipts and expenditures on page 2, paragraphs D and E of the Quarterly Report Form.

The following reports for the first calendar quarter of 1982 were received too late to be included in the published reports for that quarter:

(NOTE.—The form used for report is reproduced below. In the interest of economy in the RECORD, questions are not repeated, only the essential answers are printed, and are indicated by their respective letter and number.)

FILE ONE COPY WITH THE SECRETARY OF THE SENATE AND FILE TWO COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

This page (page 1) is designed to supply identifying data; and page 2 (on the back of this page) deals with financial data.

PLACE AN "X" BELOW THE APPROPRIATE LETTER OR FIGURE IN THE BOX AT THE RIGHT OF THE "REPORT" HEADING BELOW:

"PRELIMINARY" REPORT ("Registration"): To "register," place an "X" below the letter "P" and fill out page 1 only.

"QUARTERLY" REPORT: To indicate which one of the four calendar quarters is covered by this Report, place an "X" below the appropriate figure. Fill out both page 1 and page 2 and as many additional pages as may be required. The first additional page should be numbered as page "3," and the rest of such pages should be "4," "5," "6," etc. Preparation and filing in accordance with instructions will accomplish compliance with all quarterly reporting requirements of the Act.

Year: 19.....

REPORT

PURSUANT TO FEDERAL REGULATION OF LOBBYING ACT

P	QUARTER			
	1st	2d	3d	4th
(Mark one square only)				

NOTE ON ITEM "A".—(a) IN GENERAL. This "Report" form may be used by either an organization or an individual, as follows:
(i) "Employee".—To file as an "employee", state (in Item "B") the name, address, and nature of business of the "employer". (If the "employee" is a firm [such as a law firm or public relations firm], partners and salaried staff members of such firm may join in filing a Report as an "employee".)
(ii) "Employer".—To file as an "employer", write "None" in answer to Item "B".
(b) SEPARATE REPORTS. An agent or employee should not attempt to combine his Report with the employer's Report:
(i) Employers subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their agents or employees.
(ii) Employees subject to the Act must file separate Reports and are not relieved of this requirement merely because Reports are filed by their employers.

A. ORGANIZATION OR INDIVIDUAL FILING:
1. State name, address, and nature of business.

2. If this Report is for an Employer, list names of agents or employees who will file Reports for this Quarter.

NOTE ON ITEM "B".—*Reports by Agents or Employees.* An employee is to file, each quarter, as many Reports as he has employers, except that: (a) If a particular undertaking is jointly financed by a group of employers, the group is to be considered as one employer, but all members of the group are to be named, and the contribution of each member is to be specified; (b) if the work is done in the interest of one person but payment therefor is made by another, a single Report—naming both persons as "employers"—is to be filed each quarter.

B. EMPLOYER.—State name, address, and nature of business. If there is no employer, write "None."

NOTE ON ITEM "C".—(a) The expression "in connection with legislative interests," as used in this Report, means "in connection with attempting, directly or indirectly, to influence the passage or defeat of legislation." "The term 'legislation' means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House"—§302(e).
(b) Before undertaking any activities in connection with legislative interests, organizations and individuals subject to the Lobbying Act are required to file a "Preliminary" Report (Registration).
(c) After beginning such activities, they must file a "Quarterly" Report at the end of each calendar quarter in which they have either received or expended anything of value in connection with legislative interests.

C. LEGISLATIVE INTERESTS, AND PUBLICATIONS in connection therewith:

1. State approximately how long legislative interests are to continue. If receipts and expenditures in connection with legislative interests have terminated, place an "X" in the box at the left, so that this Office will no longer expect to receive Reports. ☐

2. State the general legislative interests of the person filing and set forth the *specific* legislative interests by reciting: (a) Short titles of statutes and bills; (b) House and Senate numbers of bills, where known; (c) citations of statutes, where known; (d) whether for or against such statutes and bills.

3. In the case of those publications which the person filing has caused to be issued or distributed in connection with legislative interests, set forth: (a) Description, (b) quantity distributed; (c) date of distribution, (d) name of printer or publisher (if publications were paid for by person filing) or name of donor (if publications were received as a gift).

(Answer items 1, 2, and 3 in the space below. Attach additional pages if more space is needed)

4. If this is a "Preliminary" Report (Registration) rather than a "Quarterly" Report, state below what the nature and amount of anticipated expenses will be; and if for an agent or employee, state also what the daily, monthly, or annual rate of compensation is to be. If this is a "Quarterly" Report, disregard this item "C4" and fill out item "D" and "E" on the back of this page. Do not attempt to combine a "Preliminary" Report (Registration) with a "Quarterly" Report.

AFFIDAVIT

[Omitted in printing]

PAGE 1

COPIES WITH THE CLERK OF THE HOUSE OF REPRESENTATIVES:

NOTE ON ITEM "D."—(a) *In General.* The term "contribution" includes *anything of value.* When an organization or individual uses printed or duplicated matter in a campaign attempting to influence legislation, money received by such organization or individual—for such printed or duplicated matter—is a "contribution." "The term 'contribution' includes a gift, subscription, loan, advance, or deposit of money, or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution"—Section 302(a) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN EMPLOYER.—(i) *In General.* Item "D" is designed for the reporting of all receipts from which expenditures are made, or will be made, in accordance with legislative interests.

(ii) *Receipts of Business Firms and Individuals.*—A business firm (or individual) which is subject to the Lobbying Act by reason of expenditures which it makes in attempting to influence legislation—but which has no funds to expend except those which are available in the ordinary course of operating a business not connected in any way with the influencing of legislation—will have no receipts to report, even though it does have expenditures to report.

(iii) *Receipts of Multipurpose Organizations.*—Some organizations do not receive any funds which are to be expended solely for the purpose of attempting to influence legislation. Such organizations make such expenditures out of a general fund raised by dues, assessments, or other contributions. The percentage of the general fund which is used for such expenditures indicates the percentage of dues, assessments, or other contributions which may be considered to have been paid for that purpose. Therefore, in reporting receipts, such organizations may specify what that percentage is, and report their dues, assessments, and other contributions on that basis. However, each contributor of $500 or more is to be listed, regardless of whether the contribution was made solely for legislative purposes.

(c) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE.—(i) *In General.* In the case of many employees, all receipts will come under Items "D 5" (received for services) and "D 12" (expense money and reimbursements). In the absence of a clear statement to the contrary, it will be presumed that your employer is to reimburse you for all expenditures which you make in connection with legislative interests.

(ii) *Employer as Contributor of $500 or More.*—When your contribution from your employer (in the form of salary, fee, etc.) amounts to $500 or more, it is not necessary to report such contribution under "D 13" and "D 14," since the amount has already been reported under "D 5," and the name of the "employer" has been given under Item "B" on page 1 of this report.

D. RECEIPTS (INCLUDING CONTRIBUTIONS AND LOANS):

Fill in every blank. If the answer to any numbered item is "None," write "None" in the space following the number.

Receipts (other than loans)

1. $.....Dues and assessments
2. $.....Gifts of money or anything of value
3. $.....Printed or duplicated matter received as a gift
4. $.....Receipts from sale of printed or duplicated matter
5. $.....Received for services (e.g., salary, fee, etc.)

6. $.....TOTAL for this Quarter (Add items "1" through "5")
7. $.....Received during previous Quarters of calendar year

8. $.....TOTAL from Jan. 1 through this Quarter (Add "6" and "7")

Loans Received

"The term 'contribution' includes a . . . *loan* . . ."—Sec. 302(a).

9. $.....TOTAL now owed to others on account of loans
10. $.....Borrowed from others during this Quarter
11. $.....Repaid to others during this Quarter

12. $.....Expense money" and Reimbursements received this Quarter

Contributors of $500 or more (from Jan. 1 through this Quarter)

13. Have there been such contributors?

Please answer "yes" or "no": .....

14. In the case of each contributor whose contributions (including loans) during the "period" from January 1 through the last days of this Quarter total $500 or more:

Attach hereto plain sheets of paper, approximately the size of this page, tabulate data under the headings "Amount" and "Name and Address of Contributor"; and indicate whether the last day of the period is March 31, June 30, September 30, or December 31. Prepare such tabulation in accordance with the following example:

Amount	*Name and address of Contributor* ("*Period*" from Jan. 1 through....., 19.....)
$1,500.00	John Doe, 1621 Blank Bldg., New York, N.Y.
$1,785.00	The Roe Corporation, 2511 Doe Bldg., Chicago, Ill.
$3,285.00	TOTAL

NOTE ON ITEM "E".—(a) *In General.* "The term 'expenditure' includes a payment, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure"—Section 302(b) of the Lobbying Act.

(b) IF THIS REPORT IS FOR AN AGENT OR EMPLOYEE. In the case of many employees, all expenditures will come under telephone and telegraph (Item "E 6") and travel, food, lodging, and entertainment (Item "E 7").

E. EXPENDITURES (INCLUDING LOANS) in connection with legislative interests:

Fill in every blank. If the answer to any numbered item is "None," write "None" in the spaces following the number.

Expenditures (other than loans)

1. $.....Public relations and advertising services
2. $.....Wages, salaries, fees, commissions (other than item "1")
3. $.....Gifts or contributions made during Quarter
4. $.....Printed or duplicated matter, including distribution cost
5. $.....Office overhead (rent, supplies, utilities, etc.)
6. $.....Telephone and telegraph
7. $.....Travel, food, lodging, and entertainment
8. $.....All other expenditures

9. $.....TOTAL for this Quarter (Add "1" through "8")
10. $.....Expended during previous Quarters of calendar year

11. $.....TOTAL from January 1 through this Quarter (Add "9" and "10")

Loans Made to Others

"The term 'expenditure' includes a . . . *loan* . . ."—Sec. 302(b).

12. $.....TOTAL now owed to person filing
13. $.....Lent to others during this Quarter
14. $.....Repayment received during this Quarter

15. Recipients of Expenditures of $10 or More

In the case of expenditures made during this Quarter by, or on behalf of the person filing: Attach plain sheets of paper approximately the size of this page and tabulate data as to expenditures under the following heading: "Amount," "Date or Dates," "Name and Address of Recipient," "Purpose." Prepare such tabulation in accordance with the following example:

Amount	*Date or Dates—Name and Address of Recipient—Purpose*
$1,750.00	7-11: Roe Printing Co., 3214 Blank Ave., St. Louis, Mo.—Printing and mailing circulars on the "Marshbanks Bill."
$2,400.00	7-15, 8-15, 9-15: Britten & Blaten, 3127 Gremlin Bldg., Washington, D.C.—Public relations service at $800.00 per month.
$4,150.00	TOTAL

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
A-K ASSOCIATES,INC. 1225 8TH STREET, STE 590 SACRAMENTO, CA 95814	CALIFORNIA AIR TANKER OPERATORS ASSN		
Do	CALIFORNIA SOCIETY OF PATHOLOGISTS	6,999.99	
Do	CITY OF SOUTH LAKE TAHOE	8,750.01	13,145.43
Do	PATHOLOGIST PRACTICE ASSOCIATION	18,000.00	7,249.93
Do	SISKIYOU COUNTY SUPERINTENDENT OF SCHOOLS	11,666.67	40.80
ABADIE AND HUDSON P.O. BOX 2787 BATON ROUGE LA 70821	COASTAL CORPORATION	1,000.00	
Do	MILLER COAL SYSTEMS, INC.	1,000.00	3,451.34
GEORGIA ABRAHAM 1825 CONNECTICUT AVENUE, NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS	1,125.00	350.00
ALBERT E. ABRAHAMS 777 14TH ST., NW WASHINGTON DC 20005	NATIONAL ASSN OF REALTORS	8,000.00	
AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS 415 SECOND ST., NE WASHINGTON DC 20003		36,149.97	36,149.97
MICHAEL A. AISENBERG 8300 PROFESSIONAL PLACE LANDOVER MD 20785	DIGITAL EQUIPMENT CORP	8,750.00	
ALL UNIONS COMMITTEE TO SHORTEN THE WORK WEEK 4300 MICHIGAN AVE. DETROIT MI 48210			
LORETTA E. ALLEN P.O. BOX 364 ORLEANS CA 95556	D.Z. UNIVERSITY		
JEROME A. AMBRO ASSOCIATES 2301 SOUTH JEFFERSON DAVIS DRIVE ARLINGTON VA 22202	ASSOCIATED UNIVERSITIES		213.95
Do	COUNTY OF SUFFOLK	2,250.00	1,981.21
Do	NEW YORK STATE DEPARTMENT OF TRANSPORTATION	4,750.00	3,279.07
AMERICAN ASSN FOR RESPIRATORY THERAPY 1720 REGAL ROW DALLAS TX 75235		17,527.49	18,011.59
AMERICAN ASSN OF CROP INSURERS 209 W. JACKSON BLVD. CHICAGO IL 60606		6,000.00	6,000.00
AMERICAN ASSN OF UNIVERSITY WOMEN 2401 VIRGINIA AVE., NW WASHINGTON DC 20037			477.85
AMERICAN CANCER SOCIETY 777 THIRD AVE. NEW YORK NY 10017			14,775.00
AMERICAN DENTAL ASSN 211 E. CHICAGO AVE. CHICAGO IL 60611		13,839.81	13,839.81
AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES 1625 L ST., NW WASHINGTON DC 20036			66,389.28
AMERICAN HEALTH PLANNING ASSN SUITE 700 1601 CONNECTICUT AVE., NW WASHINGTON DC 20036		246,002.83	5,576.74
AMERICAN HONEY PRODUCERS ASSN PO BOX 368 MINCO OK 73059			
AMERICAN HOSPITAL ASSN 840 N. LAKE SHORE DR. CHICAGO IL 60611		14,233.62	14,233.62
AMERICAN LOGISTICS ASSOCIATION SUITE 1213 5205 LEESBURG PIKE FALLS CHURCH VA 22401		1,500.00	1,500.00
AMERICAN SOCIETY FOR MEDICAL TECHNOLOGY 1725 DESALES ST., NW. #403 WASHINGTON DC 20036		4,675.75	4,496.32
AMERICAN SUBCONTRACTORS ASSN SUITE 540 8401 CORPORATE DR. LANDOVER MD 20785			
AMERICAN TEXTILE MFRS INST SUITE 300 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036		39,701.88	39,701.88
AMERICAN TUNA ACTION COMMITTEE R-58 MERRIMAC STREET NEWBURYPORT MA 01950		14,016.43	13,934.93
AMERICAN WATERWAYS OPERATORS, INC SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209		6,409.65	4,994.65
AMERICAN WAY SUITE 600 915 15TH ST., NW WASHINGTON DC 20005			
AMERICANS FOR NUCLEAR ENERGY P.O. BOX 28371 WASHINGTON DC 20005			
NANCY AMIDEI SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
MORRIS J. AMITAY SUITE 168 400 N. CAPITOL ST., NW WASHINGTON DC 20001	PAN AMERICAN WORLD AIRWAYS, INC	1,500.00	178.06
ANDERSON & PENDLETON SUITE 707 1000 CONNECTICUT AVE, NW WASHINGTON DC 20036	MILITARY MISSION OF CHILE	3,750.00	23.85
SCOTT G. ANDERSON 600 MARYLAND AVE., SW WASHINGTON DC 20024	BURLINGTON NORTHERN INC.	1,900.00	1,536.45
ANDERSON, HIBEY, NAUHEIM & BLAIR 1605 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	BAY AREA RAPID TRANSIT DISTRICT	3,400.00	
Do	BURLINGTON INDUSTRIES, INC.		
Do	COMMUNICATION INDUSTRIES ASSN OF JAPAN	20,000.00	729.31
Do	KUTAK ROCK & HUIE (FOR METRO. ATLANTA RAPID TRANSIT AUTH.)	1,800.00	28.00
Do	MORGAN GUARANTY TRUST CO OF NEW YORK	9,200.00	
Do	REPUBLIC OF HAITI EMBASSY	1,000.00	
Do	TEXAS AIR CORP (FOR N.Y. AIR & TEXAS INT'L AIRWAYS)	250.00	
L. J. ANDOLSEK 1533 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	442.00	
ARENT, FOX, KINTNER, PLOTKIN & KAHN 1815 H ST., NW WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS		
Do	MOTOR & EQUIPMENT MANUFACTURERS ASSN	7,500.00	
RODNEY ARMSTRONG 1825 CONNECTICUT AVE., NW SUITE 428 WASHINGTON DC 20009	ARMSTRONG, BYRD & ASSOCIATES (FOR: TOYOTA MOTOR SALES (USA), INC.)		
ARNOLD & PORTER 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	FEDERATION SUISSE DES ASSNS DE FABRICANTS D'HORLOGERIE		
Do	HAMILTON BROTHERS OIL & GAS CORP	1,417.00	3.10
Do	LONDON COMMODITY EXCHANGE COMPANY, LTD		288.24
Do	LONDON GOLD FUTURES MARKET		
Do	LONDON INTERNATIONAL FINANCIAL FUTURES EXCHANGE, LTD.		288.24
Do	LONE STAR INDUSTRIES, INC.	275.00	1,881.00
Do	METAL MARKET & EXCHANGE CO., LTD.		
CARL F. ARNOLD 1100 CONNECTICUT AVE., NW WASHINGTON DC 20036	SECURITIES INDUSTRY ASSN	1,361.31	6.37
ASPHALT ROOFING MANUFACTURERS ASSOCIATION 1800 MASSACHUSETTS AVE., NW WASHINGTON, DC 20036	CORPORATE PROPERTY INVESTORS	625.00	
ASSOCIATION OF AMERICAN FOREIGN SERVICE WOMEN P.O. BOX 8068 WASHINGTON DC 20024			
ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC. 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004		7,126.10	
FRANK M. AULT 17 EATON AVENUE NORWICH NY 13815		37,562.50	9,264.43
CLAUDIA MANSFIELD AUSTIN 1801 N. MOORE STREET ARLINGTON VA 22209	NORWICH-EATON PHARMACEUTICALS		
ROBERT A. BACHA 1625 MASSACHUSETTS AVE., NW, #505 WASHINGTON DC 20036	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
Do	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)	1,250.00	
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	2,500.00	450.55
JAMES D. BACHMAN 1899 L ST., N.W. SUITE 1200 WASHINGTON DC 20036	KEEFE COMPANY (FOR: YOUNGS DRUG PRODUCTS CORP.)		
WILLIAM DOUGLAS BADGER 12695 CASTILE CT. WOODBRIDGE VA 22192	OASIS PETROLEUM CO.		
CARL E. BAGGE COAL BUILDING WASHINGTON DC 20036	CHRISTIAN ACTION COUNCIL, INC.	5,162.50	6,100.30
BAKER & DANIELS SUITE 600 1920 N ST., NW WASHINGTON DC 20036	NATIONAL COAL ASSN.	3,050.00	
BAKER & MCKENZIE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	ROCK ISLAND REFINING CORP.	700.00	
Do	DAILY EXPRESS, INC.		
ALBERT L. BALDOCK 1050 17TH ST., NW WASHINGTON DC 20036	GEOSOURCE, INC.		
BALLY MANUFACTURING CORP 2640 BELMONT AVE. CHICAGO IL 60618	RICHARDSON-VICKS INC.	140,000.00	73.78
PATTY BANKSON SUIETE 408 1725 K STREET, NW WASHINGTON DC 20006			
ROBERT D. BANNISTER 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSNS	250.00	
BARAFF, KOERNER, OLENDER & HOCHBERG, P.C. SUITE 203 2033 M STREET, NW WASHINGTON DC 20036	NATIONAL ASSN OF HOME BUILDERS OF THE U.S	15,576.93	82.80
Do	NATIONAL BASKETBALL ASSN.		
JUDY BARDACKE 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	NORTH AMERICAN SOCCER LEAGUE		
BARNETT & ALAGIA 1627 K ST., NW, #900 WASHINGTON DC 20006	AMERICAN FED OF TEACHERS		
BARRETT SMITH SCHAPIRO SIMON & ARMSTRONG SUITE 1400 26 BROADWAY NEW YORK NY 10004	NATIONAL MILK PRODUCERS FEDERATION	12,500.00	323.66
Do	COFFEE, SUGAR & COCOA EXCHANGE, INC.	1,500.00	544.55
Do	HUGO NEU & SONS, INC.		
Do	IRVING TRUST COMPANY		
DIANE BATEMAN, DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	NEW YORK COCOA CLEARING ASSN, INC.	1,500.00	
REGINALD E. BEANE 205 EAST 42ND STREET NEW YORK NY 10017	AMERICAN ASSN OF CROP INSURERS		
BEATTY & MCNAMEE 4316 HAMILTON STREET HYATTSVILLE MD 20781	RISK AND INSURANCE MANAGEMENT SOCIETY, INC.		
BOB BECKEL 108 S. AKARD STREET DALLAS TX 75202	CELP	1,266.63	
BECKEL, FINCHEM, TORRICELLI & ASSOCIATES, INC 1731 21ST STREET, NW WASHINGTON DC 20009	U.S. TELEPHONE COMMUNICATIONS, INC		
JOSIAH BEEMAN 1625 L ST., NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC	1,500.00	115.00
BELL BOYD & LLOYD THREE FIRST NATIONAL PLAZA 70 WEST MADISON STREET CHICAGO IL 60602	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	14,918.76	446.09
GEORGE L. BERG JR. 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	BOISE CASCADE CORP.		
ELLEN BERMAN SUITE 320 2000 L ST., NW WASHINGTON DC 20036	AMERICAN FARM BUREAU FEDERATION	4,950.00	8.00
ROBERT E. BERNIER 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	CONSUMER ENERGY COUNCIL OF AMERICA	1,055.04	28.00
GEORGE K. BERNSTEIN 1730 K ST., NW WASHINGTON DC 20006	COMMUNICATIONS SATELLITE CORP.		
Do	AMERICAN INSURANCE ASSN.		
ROBERT B. BETZ 444 N. CAPITOL ST. WASHINGTON DC 20001	CRUM & FORSTER INSURANCE COS.		
WILLIAM M. BEUTE 25 BROADWAY CLARK NJ 07066	AMERICAN HOSPITAL ASSN	627.24	
RALPH A. BIEDERMANN ONE BRUNSWICK PLAZA SKOKIE IL 60077	BRUNSWICK CORPORATION		28,624.51
NEAL R. BJORNSON 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED.	2,500.00	68.80
BLACK, MANAFORT, & STONE, INC. 435 NORTH LEE ST. ALEXANDRIA VA 22314	AIR TRANSPORT ASSN OF AMER.		
NEAL B. BLAIR SUITE 1400 1875 SOUTH STATE STREET OREM UT 84057	FREE THE EAGLE & TARGET, INC.	18,000.00	
SMITH BLAIR 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	602.00	
KENNETH T. BLAYLOCK 1325 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	AMERICAN FED OF GOVERNMENT EMPLOYEES	18,729.06	2,859.11
RICHARD W. BLISS BLISS & CRAFT 1050 THOMAS JEFFERSON ST., NW, 6TH FL WASHINGTON DC 20007	GOVERNMENT OF AMERICAN SOMOA		
Do	SUNEDCO	1,800.00	122.05
Do	WESTWOOD ENERGY, INC.		
Do	ST. JOE MINERALS CORPORATION	1,619.95	134.78
BLUM & NASH SUITE 408 1015 18TH ST., NW WASHINGTON DC 20036	GENERAL ELECTRIC CO.	1,387.50	8.00
Do	MERCK & CO., INC.	2,475.00	8.00
Do	TIME, INC.		
BOASBERG FINKLESTEIN KLORES & TUCKER 2101 L ST., NW WASHINGTON DC 20037	COMMITTEE FOR FARMWORKER PROGRAMS	8,064.19	
JAY BONITT 300 MARYLAND AVE., NE WASHINGTON DC 20002	BENDIX CORP	500.00	120.00
BONNEVILLE ASSOCIATES SUITE 300 200 E. SOUTH TEMPLE SALT LAKE CITY UT 84102	WESTERN REGIONAL COUNCIL	886.00	1,795.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ROBERT N. BORENS 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	GETTY OIL COMPANY	805.50	289.49
CONNIE BORKEN-HAGEN 29 CAMBRIDGE STREET LONDON SWIV 4PR, ENGLAND	AMERICAN CHAMBER OF COMMERCE (UNITED KINGDOM)	9,000.00	1,025.16
BOWERY SAVINGS BANK 110 EAST 42ND STREET NEW YORK NY 10017			1,948.72
ELISA BOYD 1221 MASSACHUSETTS AVE., NW WASHINGTON DC 20005	BOMA INTERNATIONAL		
MARGUERITE BRACY 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	7,631.10	127.67
ROBERT E. BRADFORD 311 FIRST STREET, NW WASHINGTON DC 20001	NATIONAL RESTAURANT ASSN		
DAVID A. BRADLEY SUITE 906 2101 L ST., NW WASHINGTON DC 20037	NATIONAL COMMUNITY ACTION FOUNDATION, INC	12,000.00	900.00
THOMAS EDWARD BRASWELL, CORCORAN, YOUNGMAN & ROWE 888 17TH ST., NW, SUITE 600 WASHINGTON DC 20006	NEWPORT NEWS SHIPBUILDING & DRYDOCK CO	1,200.00	
MICHAEL J. BRENNAN 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS	10,800.00	370.08
ALBERT E. BREWSTER SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP		1,409.15
ALAN E. BRIAN P.O. BOX 130 LEVIS, QUEBEC, CANADA	DAVIE SHIPBUILDING LIMITED		
CAROLYN BRICKEY SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	CONGRESS WATCH		
Do	FOOD RESEARCH AND ACTION CENTER	901.89	11.00
BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS FREIGHT HANDLERS, EXPRESS & STATION EMPL 815 16TH ST., NW WASHINGTON DC 20006		23,235.70	23,235.70
JOSEPH BROWDER 1015 18TH ST., N.W. WASHINGTON DC 20036	TOLEDO MINING COMPANY	500.00	
BROWN & ROADY 1333 NEW HAMPSHIRE AVE., NW SUITE 1270 WASHINGTON DC 20036	AMAX, INC		
Do	DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION	1,117.13	217.13
Do	KANSAS CITY SOUTHERN RAILWAY	10,690.00	36.23
Do	LOUISVILLE & NASHVILLE RAILROAD		490.85
Do	METROPOLITAN TRANSIT AUTHORITY	1,153.24	
DIANE V. BROWN 1620 EYE ST., NW, #700 WASHINGTON DC 20006	INTERNATIONAL PAPER CO	2,000.00	275.00
DONALD K. BROWN 1127 11TH ST., #544 SACRAMENTO CA 95814	CROWLEY MARITIME CORPORATION		
Do	SUMMA CORPORATION	998.00	
HOWARD C. BROWN JR 1919 PENNSYLVANIA AVE., NW, #702 WASHINGTON DC 20006	CENTAR ASSOCIATES		
Do	NATIONAL ASSN OF LIFE SCIENCE INDUSTRIES, INC		
JOHN J. BROWN 1125 17TH ST., NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	8,500.00	574.00
WALTER W. BRUDNO 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	12,083.32	
Do	TEXASGULF, INC	12,083.32	
MARGARET H. BRYANT 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL SERVICE CO	190.00	35.00
BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER, P.C. 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	INTERNATIONAL DISTRICT HEATING ASSN		
SUSAN BUCK 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC	16,000.00	10,000.00
SUSAN M. BUFFONE 3604 34TH STREET, NW WASHINGTON DC 20008	NATIONAL PARKS AND CONSERVATION ASSN	1,000.00	
BUILDING OWNERS & MANAGERS ASSN INTL 1221 MASSACHUSETTS AVE.,N.W. WASHINGTON DC 20005			
DAVID A. BUNN SUITE 406 1211 CONNECTICUT AVE., NW WASHINGTON DC 20036	HEARST CORPORATION	900.00	
Do	MAGAZINE PUBLISHERS ASSN, INC	4,000.00	
Do	PARCEL SHIPPERS ASSN	1,000.00	
CHRISTININE CAPITO BURCH 1625 L STREET, N.W. WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	8,022.00	261.99
QUENTIN L. BURGESS 733 15TH ST., NW WASHINGTON DC 20005	LEGAL SERVICES CORP		
FRANCIS X. BURKHARDT 1750 NEW YORK AVE., NW WASHINGTON DC 20006	INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES		
NICHOLAS J. BUSH SUITE 402 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	6,000.00	770.43
ROBERT W. BUSHA 6811 KENILWORTH AVE. RIVERDALE MD 20737	NATIONAL ASPHALT PAVEMENT ASSN		
CAIN & SMITH 402 SCARBROUGH BUILDING AUSTIN TX 78701	STATE BAR OF TEXAS, JUDICIAL SECTION		718.91
HARRY P. CAIN SUITE 700 1601 CONNECTICUT AVE., NW WASHINGTON DC 20009	AMERICAN HEALTH PLANNING ASSN	4,187.52	280.71
FRANK W. CALHOUN 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,131.09
GORDON L. CALVERT BOX 34-531 WASHINGTON DC 20034	COMMERICIAL LAW LEAGUE OF AMER, COMM COLL AGENCY SECTION		
VICTORIA R. CALVERT, THE CAPITAL GALLERY, EAST WING 600 MARYLAND AVENUE, SW, #450 WASHINGTON DC 20025	NATIONAL FROZEN FOOD ASSN		
CAMPAIGN FOR COMMUNITY - BASED ECONOMIC DEVELOPMENT 734 15TH ST., NW WASHINGTON DC 20005		9,750.00	9,923.00
ALYCE D. CANADAY 918 16TH ST., NW WASHINGTON DC 20006	PACIFIC POWER AND LIGHT CO	740.00	927.91
CANDLELIGHTERS 123 C ST., SE WASHINGTON DC 20003			
CAPITAL COUNSELORS, INC. 1700 K STREET, N.W. WASHINGTON DC 20006	ELECTRONIC DATA SYSTEMS CORPORATION		
CAPITOL ADVOCATES 1127 11TH ST., SUITE 605 SACRAMENTO CA 95814	CROWLEY ADVOCATES		424.00
Do	DISTILLED SPIRITS COUNCIL OF THE U.S.		
Do	PACIFIC MERCHANT SHIPPING ASSN	300.00	173.09
Do	SUMMA CORPORATION	7,071.00	173.09
MARVIN H. CAPLAN 815 16TH ST., NW WASHINGTON DC 20006	LEADERSHIP CONFERENCE ON CIVIL RIGHTS		
CAPLIN & DRYSDALE SUITE 1100 1101 17TH ST., NW WASHINGTON DC 20036	AETNA LIFE & CASUALTY		265.63
DAVID CARLEY 955 L'ENFANT PLAZA, SW, #7200 WASHINGTON DC 20024	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS		
DAVID C. CARTER 1156 15TH ST., NW SUITE 1019 WASHINGTON DC 20005	U.S. BEET SUGAR ASSN		
DONATO CARUSO, LORENZ, FINN, GIARDINO & LAMBOS 29 BROADWAYU, 9TH FL. NEW YORK NY 10006	NEW YORK SHIPPING ASSN., INC		
JIM CASEY 3470 MILDRED DR. FALLS CHURCH VA 22042	AMFAC GARDEN PRODUCTS, INC	2,000.00	72.00
Do	BELLE FOURCHE IRRIGATION DISTRICT	2,000.00	72.00
Do	COMMITTEE OF POWER FOR THE SOUTHWEST, INC	1,000.00	49.00
Do	GARRISON DIVERSION CONSERVANCY DISTRICT	3,000.00	95.00
Do	LEAFFER COMPANY, INC		
Do	SALT RIVER VALLEY WATER USERS ASSN	3,000.00	96.00
GORDON CAVANAUGH SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: COUNCIL OF LARGE PUBLIC HOUSING AUTHORITIES).	300.00	160.00
ELIZABETH PREWITT CHALMERS 1735 NEW YORK AVENUE,NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	750.00	
CHAMBERS ASSOCIATES SUITE 1000 1100 17TH STREET, NW WASHINGTON DC 20036	AMERICAN POSTAL WORKERS UNION	2,680.00	46.00
Do	COMMISSIONED OFFICERS ASSN OF THE PUBLIC HEALTH SERVICE	300.00	3.50
Do	FACET, CORP	240.00	7.50
LARRY E. CHRISTENSEN 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER, P.C. (FOR: INTERNATIONAL DISTRICT HEATING ASSN).		
CLADOUHOS & BRASHARES 1750 NEW YORK AVE., NW WASHINGTON DC 20006	TOYOTA MOTOR SALES, U.S.A., INC		
MARK A. CLARK 511 CENTRAL AVENUE GREAT FALLS MT 59403	IFG LEASING COMPANY		
CLIFFORD & WARNKE 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	GOVERNMENT OF THE FEDERATED STATES OF MICRONESIA		
Do	NATIONAL TOUR BROKERS ASSOCIATION, INC	6,400.00	2,270.00
Do	PHILLIPS PETROLEUM COMPANY	20,000.00	7,000.00
COALITION FOR LEGAL SERVICES, INC. 1625 K STREET, N.W. ROOM 908 WASHINGTON DC 20006		32,545.27	16,540.25
COAN, COUTURE, LYONS & MOORHEAD SUITE 1015 1625 EYE ST., NW WASHINGTON DC 20006	INTERNATIO, INC		
Do	WESTINGHOUSE ELECTRIC CORPORATION	2,850.00	
COHEN & WHITE 1218 16TH STREET, NW WASHINGTON DC 20036	COMPUTER & COMMUNICATIONS INDUSTRY ASSN	525.00	5.50
COHEN AND URETZ 4TH FLOOR 1775 K ST., NW WASHINGTON DC 20006	STICHTING PHILIPS PENSIOENFONDS A AND B	20,117.50	43.01
DAVID COHEN 810 18TH STREET, NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	6,000.00	662.49
DIANE B. COHN SUITE 700 2000 P STREET, NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	1,667.00	118.60
COLE & CORETTE, P.C. 1200 17TH ST., NW WASHINGTON DC 20036	AMERICAN EXPRESS CO		
COLLIER, SHANNON, RILL, & SCOTT SUITE 308 1055 THOMAS JEFFERSON ST., NW WASHINGTON DC 20007	NATIONAL ASSN OF CONVENIENCE STORES		
COLORADO SKI COUNTRY USA, INC. SUITE A-201 1410 GRANT STREET DENVER CO 80203		300.00	48.00
COMMITTEE FOR DO-IT-YOURSELF HOUSEHOLD MOVING SUITE 1000 1100 17TH ST., NW WASHINGTON DC 20036			
COMMITTEE FOR EQUALITY OF CITIZENS BEFORE THE COURTS 3401 WEST DIVISION ST. CHICAGO IL 60651			
COMMITTEE FOR FARMWORKER PROGRAMS SUITE 906 2101 L STREET, NW WASHINGTON DC 20037			8,064.19
COMMUNITY SERVICE SOCIETY OF NEW YORK 105 EAST 22ND STREET NEW YORK NY 10010			2,822.00
STEPHEN R. CONAFAY 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	PFIZER, INC	500.00	881.50
ROBERT J. CONLAN 2001 S STREET, NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	9,347.84	
JAMES T. CONNER SUITE 604 1140 CONNECTICUT AVE., NW WASHINGTON DC 20036	MOBAY CHEMICAL CORP		
STEPHEN N. CONNER THE WILLOWS ROUTE L, BOX 165 EASTON MD 21601	FOREIGN MINISTRY OF KINGDOM OF SAUDI ARABIA	10,000.00	680.91
JOHN J. CONNOLLY SUITE 1000 1600 WILSON BLVD. ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	2,200.00	
GERALD R. CONNOR 6500 WISCONSIN AVENUE CHEVY CHASE MD 20015	VOLUNTEER TRUSTEES OF NOT-FOR-PROFIT HSOPITALS	3,000.00	1,074.86
DAVID CONRAD 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH, INC	945.00	
CONSOLIDATED EDISON CO OF NEW YORK, INC 4 IRVING PLACE NEW YORK NY 10003			512.50
JAY CONSTANTINE SUITE 700 1775 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	STATE OF CALIFORNIA		
CONSUMER ENERGY COUNCIL OF AMERICA SUITE 320 2000 L ST., NW WASHINGTON DC 20036			2,624.45
CONTINENTAL RESOURCES COMPANY P. O. BOX 44 WINTER PARK FL 32790			38,634.71
COOK, PURCELL, HANSEN & HENDERSON 11TH FLOOR 1015 18TH ST., NW WASHINGTON DC 20036	ALEUT CORPORATION	4,000.00	
Do	AMERICAN ACADEMY OF OPHTHALMOLOGY		
Do	AMERICAN RICE, INC	29,270.82	
Do	ASHLAND OIL, INC		
Do	BOARD OF TRADE OF KANSAS CITY, MO., INC	9,431.66	
Do	CITIZENS DEPOSIT BANK		
Do	CNA INSURANCE CO OF CHICAGO, ILLINOIS		
Do	COMPREHENSIVE CARE CORP		
Do	CONGRESS OF COUNTY MEDICAL SOCIETIES		

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	CONSOLIDATED NATURAL GAS CO	1,000.00	
Do	FIRST BANK AND TRUST COMPANY	1,500.00	
Do	HOME RECORDING RIGHTS COALITION		
Do	IOWA BEEF PROCESSORS, INC	26,137.50	
Do	N. C. MACHINERY		
Do	NATIONAL ASSN OF GOVERNMENT EMPLOYEES		
Do	NATIONAL FOOTBALL LEAGUE	5,250.00	
Do	OHIO VALLEY IMPROVEMENT ASSN, INC	6,000.00	
Do	PLANTERS PEANUTS	25,037.50	
Do	ROADWAY EXPRESS, INC	3,100.00	
Do	ST. GEORGE TANAQ CORP		
Do	TANADGUSIX CORPORATION	5,000.00	
Do	TEXACO, INC	5,000.00	
Do	TEXAS GAS TRANSMISSION CORP		
Do	TOBACCO INSTITUTE	12,000.00	72.25
Do	WESTERN UNION TELEGRAPH COMPANY		
EDWARD COONEY SUITE 500 1319 F ST., NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	2,023.59	
MARK N. COOPER 2000 L STREET, N.W. SUITE 320 WASHINGTON DC 20036	CONSUMER ENERGY COUNCIL OF AMERICA	211.50	15.75
COOPERATIVE LEAGUE OF THE USA SUITE 1100 1828 L ST., NW WASHINGTON DC 20036		8,851.74	19,085.99
BENNETT J. CORN FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC	1,000.00	6,747.46
WILLIAM R. CORSON 1707 H ST., NW WASHINGTON DC 20006	PENTHOUSE INTL LTD	10,500.00	7,450.00
PHILIP S. CORWIN SUITE 202 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	INDEPENDENT BANKERS ASSN OF AMERICA	10,750.00	599.04
COTTON FARMERS ASSOCIATION 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703			
COUNCIL FOR A COMPETITIVE ECONOMY, INC. 410 FIRST ST., SE WASHINGTON DC 20003		3,411.85	7,962.26
COUNCIL FOR A LIVABLE WORLD 11 BEACON ST. BOSTON MA 02108			21,618.51
COUNCIL OF ENERGY RESOURCE TRIBES 1140 CONNECTICUT AVE.,NW SUITE 310 WASHINGTON DC 20036		87,000	897.64
COUNCIL OF INDUSTRIAL BOILER OWNERS 11222 SILVERLEAF DR. FAIRFAX STATION VA 22039			1,347.53
JEAN ANNE COUREY 1825 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS	2,125.00	425.00
ERIC COX SUITE W-219 1011 ARLINGTON BLVD. ARLINGTON VA 22209	WORLD FEDERALIST POLITICAL EDUCATION COMM	859.96	
JOHN C. CULVER 1815 H STREET, NW WASHINGTON DC 20006	CENTRAL STATES SE & SW AREAS HEALTH, WELFARE & PENSION FUNDS		
RUDOLPH N. D'AGARIS 15 W. MONTGOMERY AVENUE ROCKVILLE MD 20850			
LESLIE DACH 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	5,625.00	10,074.73
FRED L. DAHL 1620 I ST., NW SUITE 703 WASHINGTON DC 20006	BECHTEL POWER CORPORATION		
DANIELS, HOULIHAN & PALMETER, P.C. 1819 H ST., NW WASHINGTON DC 20006	AMERICAN ASSN OF EXPORTERS AND IMPORTERS	3,000.00	211.32
DAN DANNER 1747 PENNYSLVANIA AVE., NW WASHINGTON DC 20006	ARMCO INC.	300.00	203.55
JOHN C. DATT 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,687.50	
JOHN L. DAVIDSON JR 510 LOCUST ST. ST. LOUIS MO 63188	ST. LOUIS MERCANTILE LIBRARY ASSN		
CHERYL C. DAVIS 510 C ST.,N.E. WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT	50.00	
DEMINEX U.S. OIL COMPANY SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201			60,214.96
CATHERINE B. DESIBOUR 1700 PENNSYLVANIA AVE., NW, #730 WASHINGTON DC 20006	PFIZER, INC	150.00	58.55
MARCIA L. DESMOND 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	456.84	5.50
SAMUEL L. DEVINE 1301 PENNSYLVANIA AVENUE, N.W. SUITE 1150 WASHINGTON DC 20004	OCCIDENTAL PETROLEUM CORP	19,999.98	
DEWEY BALLANTINE BUSHBY PALMER & WOOD 1775 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GENERAL ELECTRIC PENSION TRUST		
DORIS J. DEWTON 1025 CONNECTICUT AVENUE, NW SUITE 507 WASHINGTON DC 20036	ASHLAND OIL, INC	2,000.00	
DICKINSON, WRIGHT, MOON, VAN DUSEN & FREEMAN 1901 L ST., NW SUITE 801 WASHINGTON DC 20036	OAKLAND COUNTY D.P.W		
JAMES J. DICKMAN 12TH FLOOR 80 BROAD STREET NEW YORK NY 10004	NEW YORK SHIPPING ASSN, INC		170.00
DIRECT SELLING ASSOCIATION 1730 M ST., NW WASHINGTON DC 20036			4,417.83
DMA ASSOCIATES 6712 OLD MCLEAN VILLAGE DRIVE MCLEAN VA 22101	AMERICAN CYANAMID CO		
Do	GEORGIA AGRICULTURAL COMMODITY COMMISSION FOR PEANUTS		
Do	REFRIGERATED TRANSPORT, INC		
Do	SAFT AMERICA, INC		
DOMESTIC PETROLEUM COUNCIL TRADE ASSOCIATION 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036			
LEO J. DONAHUE 230 SOUTHERN BLDG. WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
JOHN C. L. DONALDSON THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: DEFENSE LOGISTICS SUPPLY CORP)		
Do	GRAY AND COMPANY (FOR: TERA CORPORATION)		
FRANCIS X. DOOLEY 525 SCHOOL ST., SW WASHINGTON DC 20024	AMERICAN ROAD & TRANSPORTATION BLDRS ASSN	6,000.00	450.00
CHARLENE DOUGHERTY 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	4,500.00	3,035.00
EARL C. DUDLEY JR., NUSSBAUM & OWEN 1800 M STREET, NW WASHINGTON DC 20036	PLAINTIFFS' ANTI-TRUST LIAISON SOCIETY	3,210.00	471.30
MICHAEL F. DUFFY 1920 N ST. NW WASHINGTON DC 20036	AMERICAN MINING CONGRESS		
C. R. DUGGAN 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
MICHAEL V. DURANDO 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	2,475.00	12.00
DENNIS J. EARHART 1753 EUCLID AVE., NW WASHINGTON DC 20009	BONNEVILLE ASSOCIATES, INC. (FOR: WESTERN REGIONAL COUNCIL)	528.41	
GEORGE H. EATMAN SUITE 3210 490 L'ENFANT PLAZA, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	800.00	
DONALD R. EBE 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	3,125.00	
HAROLD F. EBERLE O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	INDEPENDENT INSURANCE AGENTS OF AMERICA, INC		
ECONOMIC SERVICE CONSORTIUM P.O. BOX 2009 ARLINGTON VA 22202			
DANIEL J. EDELMAN, INC. SUITE 460 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	WHITTAKER CORPORATION	750.00	
PHYLLIS EISEN 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036	ZERO POPULATION GROWTH, INC	1,386.00	72.00
TIMOTHY L. ELDER 1850 K ST., NW SUITE 925 WASHINGTON DC 20006	CATERPILLAR TRACTOR CO	2,500.00	2,356.84
C. M. ELKINS ASSOCIATES SUITE 310 1100 17TH ST., NW WASHINGTON DC 20036	DELAWARE & HUDSON RAILWAY CO		
Do	MISSOURI KANSAS TEXAS RAILROAD		
Do	PITTSBURGH & LAKE ERIE RAILROAD		
LAW OFC OF NORTHCUTT ELY SUITE 915 WATERGATE 600 BLDG. WASHINGTON DC 20037	OCEAN MINING ASSOCS		
GERTRUDE ENGEL 2450 VIRGINIA AVE., NW WASHINGTON DC 20037	NATIONAL HEALTH FEDERATION	3,000.00	
AMOS S. ENO 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
EPSTEIN, BECKER, BORSODY & GREEN SUITE 900 1140 19TH ST., NW WASHINGTON DC 20036	AMERICAN ASSN OF FOUNDATIONS FOR MEDICAL CARE		
Do	AMERICAN ASSN OF PROFESSIONAL STANDARDS REVIEW ORGS		
Do	TDI/WINSTON NETWORK, INC		
JERRY N. ERVIN P. O. BOX 3331 HOUSTON TX 77001	QUINTANA REFINERY COMPANY		
CECILIA D. ESQUER P.O. BOX 27907 TEMPE AZ 85281	LEGAL SERVICES CORP		
JOHN T. ESTES 1150 CONNECTICUT AVE., NW #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	250.00	25.00
BROCK EVANS 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,500.00	35.00
JOHN FORD EVANS, JR., O'CONNOR & NANNAN 1919 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	UNITED KINGDOM MUTUAL STEAM SHIP ASSURANCE ASSN		
O. KEISTER EVANS P.O. BOX 1308 ALEXANDRIA VA 22313	IMPORTED HARDWOOD PRODUCTS ASSN, INC		
WILLIAM J. EVANS JR SUITE 901 1660 L ST., NW WASHINGTON DC 20036	PAN AMERICAN WORLD AIRWAYS, INC	300.00	240.71
GEORGE W. FALLTRICK 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
FARMERS FOR FAIRNESS P.O. BOX 6288 CAMILLA GA 31730		15,000.00	15,036.00
GEORGE L. FARNHAM 530 8TH ST., SE WASHINGTON DC 20003	NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS		
JEFFREY L. FARROW 5161 MACOMB ST., NW WASHINGTON DC 20012	LISBOA ASSOCIATES, INC	5,596.40	
MARCUS G. FAUST SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	KENNECOTT CORPORATION	9,000.00	
Do	KIRTON, MCCONKIE AND BUSHNELL	7,125.00	432.86
FEDERATION FOR AMERICAN IMMIGRATION REFORM 2028 P STREET, NW WASHINGTON DC 20036			2,918.77
FENSTERWALD & ASSOCIATES 1000 WILSON BLVD SUITE 900 ARLINGTON VA 22209	NATIONAL NUTRITIONAL FOODS ASSOCIATION	9,424.59	5,262.39
JACK FERGUSON ASSOCIATES 203 MARYLAND AVE., NE WASHINGTON DC 20002	ALASCOM, INC	5,500.00	675.00
Do	ALASKA INTERNATIONAL INDUSTRIES		675.00
Do	FOSS LAUNCH & TUG COMPANY; FOSS ALASKA LINE	2,350.00	675.00
Do	NORTHWEST ALASKAN PIPELINE CO	15,800.00	675.00
Do	U.S. BORAX	3,600.00	675.00
Do	WESTERN AIRLINES		
C. H. FIELDS 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,450.01	37.00
SAMUEL STEPHEN FIELDS 100 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL COALITION TO BAN HANDGUNS		
MANUEL D. FIERRO SUITE 800 2101 L STREET, NW WASHINGTON DC 20037	PHARMACEUTICAL MANUFACTURERS ASSN		
THOMAS D. FINNIGAN OLD RIDGEBURY ROAD SECTION D228 DANBURY CT 06817	UNION CARBIDE CORP		56.97
M. J. FIOCCO 1090 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL INDUSTRIAL TRAFFIC LEAGUE	3,000.00	40.00
DAVID M. FITZGERALD 206 KING ST. ALEXANDRIA VA 22314	GOODYEAR AEROSPACE CORPORATION	950.00	
Do	LITTON DATA SYSTEMS	1,000.00	
REV. MSGR. JAMES H. 15 COMPUTER DRIVE WEST ALBANY NY 12205	HOSPITAL ASSOCIATION OF NEW YORK STATE	351.00	1,389.00
FLORIDA BUSINESS ASSOCIATES SUITE 200 2000 L STREET, NW WASHINGTON DC 20036	WESTINGHOUSE ELECTRIC CORP	1,500.00	
JOHN J. FLYNN 1125 17TH STREET, NW WASHINGTON DC 20036	INTERNATIONAL UNION OF OPERATING ENGINEERS	7,500.00	317.00
FOOD RESEARCH & ACTION CENTER C/O HELAINE COHEN SUITE 500 1319 F ST. NW WASHINGTON DC 20004		5,000.00	6,030.75
DAVID H. FOSTER SUITE 402 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY COMM	1,783.34	254.30
ROBERT U. FOSTER SUITE 1250 1110 VERMONT AVE., NW WASHINGTON DC 20005	SHIPBUILDERS COUNCIL OF AMERICA		
ALBERT A. FOX JR 1150 CONNECTICUT AVE., NW, #700 WASHINGTON DC 20036	ALLIED CHEMICAL CORP	200.00	25.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
ERIC R. FOX 1700 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	APPLE COMPUTER CORP		
DONALD FRAHER 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	6,769.23	119.55
JOSEPH L. FRAITES 4 WORLD TRADE CENTER NEW YORK NY 10048	RIONDA DE PASS LTD. (FOR: COFFEE, SUGAR & COCOA EXCHANGE, INC.)		
WILLIAM C. FRANCE 1701 K ST., NW, #1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
WILLIAM H. G. FRANCE 1701 K ST., NW SUITE 1204 WASHINGTON DC 20006	NATIONAL MOTORSPORTS COMM OF ACCUS		
GREGORY W. FRAZIER P.O. BOX 427 ENGLEWOOD CO 80151	INTERNATIONAL ENERGY BROKERS, INC		
FREE THE EAGLE 1875 S. STATE ST., SUITE 1400 OREM UT 84057		113,471.00	128,616.92
DAVID W. FREER 1050 17TH ST., NW 1050 17TH ST., NW WASHINGTON DC 20036	WESTERN OIL AND GAS ASSOCIATION	825.00	
SUSAN FRIDY 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	1,925.00	
CHARLOTTE FRIEDMAN 1801 NORTH MOORE ST. ARLINGTON VA 22209	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		
FRIENDS OF THE EARTH 530 7TH ST., SE WASHINGTON DC 20003		70,190.00	46,624.24
ROBERT D. FRITZ 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	2,000.00	2,000.00
FULBRIGHT & JAWORSKI 1150 CONNECTICUT AVE., NW, #400 WASHINGTON DC 20036	CRYSTAL OIL COMPANY	11,858.58	84.07
Do	UNDERWOOD NEUHAUS		
Do	UNITED STATES LEASING INTERNATIONAL, INC		
FULL EMPLOYMENT ACTION COUNCIL 707 D ST., SE WASHINGTON DC 20003		14,405.00	5,866.00
NANCY H. FUSSELL 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	863.75	264.45
ANN E. GALLAGHER 1111 NORTH 19TH STREET, SUITE 700 ARLINGTON, VA 22209	NATIONAL ASSN OF FEDERAL CREDIT UNIONS		
GALLAND, KHARASCH, CALKINS & SHORT 1054 31ST ST., NW WASHINGTON DC 20007	ATLANTIC CONTAINER LINE	603.40	89.91
JAMES J. GARRY 4TH FLOOR FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		275.20
GARVEY, SCHUBERT, ADAMS & BARER 1000 POTOMAC ST., NW WASHINGTON DC 20006	WASHINGTON CITIZENS FOR WORLD TRADE	2,660.00	
DWIGHT M. GEDULDIG 444 NORTH CAPITOL ST.,N.W. #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	2,667.85	819.51
GENERAL INSTRUMENT CORPORATION 1775 BROADWAY NEW YORK NY 10019			
CLAIRE M. GEOGHEGAN 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	7,794.22	
GEORGE W. GEPHART 1412 GAS & ELECTRIC BLDG., P.O. BOX 1475 BALTIMORE MD 21203	BALTIMORE GAS & ELECTRIC CO		
GERARD, BYLER & ASSOCIATES, INC. 1100 17TH ST., NW, #1100 WASHINGTON DC 20036	AK CHIN INDIAN COMMUNITY	418.96	
Do	COLVILLE INDIAN TRIBE	463.72	
Do	COMMISSIONED OFFICERS ASSN OF THE U.S. PUBLIC HEALTH SERVICE	507.27	
Do	DAMSON OIL CORPORATION		
Do	MINNESOTA CHIPPEWA TRIBE	206.00	
Do	PAPAGO TRIBE OF ARIZONA	5,795.41	77.95
Do	TULALIP TRIBES	302.40	19.80
GETTY OIL COMPANY 3810 WILSHIRE BLVD. LOS ANGELES CA 90010			9,643.88
THERESA M. GIBSON 1700 K ST., NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		
SUSAN GILBERT 1016 16TH ST., NW WASHINGTON DC 20036	NATIONAL FEDERATION OF FEDERAL EMPLOYEES		
VERNIE R. GLASSON 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	216.67	
CLAUDE R. GLAZE 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	500.00	500.00
JAMES T. GLENN 840 WASHINGTON BUIDING 15TH STREET & NEW YORK AVE., NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	538.24
JERE W. GLOVER, PRICE & GLOVER 1001 CONNECTICUT AVE., NW., #1201 WASHINGTON DC 20036	SERVICE STATION DEALERS OF AMERICAN		59.95
NEIL B. GOLDSTEIN 228 E. 45TH ST. NEW YORK NY 10017	SIERRA CLUB	1,950.00	3,721.09
WILLIAM M. GOLDSTEIN, DRINKER, BIDDLE & REATH 1100 PHILADELPHIA NATIONAL BANK BLDG., BROAD & CHESTNUT STS. PHILADELPHIA PA 19107.	COMMITTEE FOR CAP FORMATION THROUGH DIVIDEND REINVESTMENT		
ALFONSO J. GONZALEZ 1425 H ST., NW, SUITE 600 WASHINGTON DC 20005	NATIONAL ASSN OF SOCIAL WORKERS	10,000.00	720.00
JOHN K. GRAM 714 OREGON BANK BLDG. PORTLAND OR 97204	PUBLIC TIMBER PURCHASERS GROUP	1,781.25	390.00
RUTH P. GRAVES SUITE 500 600 MARYLAND AVE. SW WASHINGTON DC 20560	READING IS FUNDAMENTAL, INC	30.00	12.00
ROBERT K. GRAY THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: HTB CORPORATION)		
Do	GRAY AND COMPANY (FOR: REPUBLIC AIRLINES)		
GREAT WESTERN SUGAR CO P.O. BOX 5308 DENVER CO 80217			13,170.97
EDWARD F. GREISSING JR 1660 L ST., NW, #205 WASHINGTON DC 20036	UPJOHN COMPANY		
OLGA GRKAVAC 1300 NORTH 17TH STREET SUITE 300 ARLINGTON VA 22209	ASSOCIATION OF DATA PROCESSING SERVICE ORGANIZATIONS		
JEROME GROSSMAN 11 BEACON ST. BOSTON MA 02108	COUNCIL FOR A LIVABLE WORLD	6,259.26	
KENNETH A. GUENTHER 1625 MASSACHUAETTS AVE., #202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	15,000.00	77.00
DAN A. GUNDERSON 608 SECOND AVE. SOUTH MINNEAPOLIS MN 55402	PILLSBURY COMPANY		
TIMOTHY M. HAAKE, BIRCH, HORTON, BITTNER & MONROE 1140 CONNECTICUT AVE., NW, #1100 WASHINGTON DC 20036	TEAMSTERS LOCAL 959		
WILLIAM F. HALL P.O. BOX 16241 ST. LOUIS MO 63105	WILLIAM HALL & ASSOCIATES, INC		
SEYMOUR HALPERN 540 MADISON AVE. NEW YORK NY 10022	BARON/CANNING & CO., INC. (FOR: AMERICAN CAN CO)		
Do	BARON/CANNING & CO., INC. (FOR: COORDINATION COUNCIL FOR NORTH AMERICAN AFFAIRS).		
Do	BARON/CANNING & CO., INC. (FOR: ELECTRONIC INDUSTRY ASSN OF JAPAN)	1,000.00	812.17
Do	BARON/CANNING AND COMPANY, INC (FOR: EMBASSY OF INDIA)		
HALT, INC SUITE 319 201 MASSACHUSETTS AVE., NE WASHINGTON DC 20002			
HANDGUN CONTROL, INC. 810 18TH ST., NW WASHINGTON DC 20006		561,015.34	258,679.36
MICHAEL T. HARRIGAN 421 KING ST., ALEXANDRIA VA 22314	U.S. OLYMPIC COMMITTEE		
ALLEN HARRIS SUITE 316 1330 CLASSEN BUILDING OKLAHOMA CITY OK 73106	SOUTHWEST KANSAS IRRIGATION ASSN		2,174.23
Do	TEXAS COUNTY IRRIGATION & WATER RESOURCES ASSN		
JEFF R. HART SUITE 340 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	ASSOCIATION OF PRIVATE PENSION & WELFARE PLANS, INC	1,875.00	
LYNN S. HART 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	254.37	254.37
PAUL T. HASSE 201 MASSACHUSETTS AVE., NE, #319 WASHINGTON DC 20002	HALT, INC		
LEWIS B. HASTINGS 1776 K ST., NW, #200 WASHINGTON DC 20006	MOTOROLA, INC	1,000.00	238.39
BRUCE R. HAWLEY 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	6,390.00	13.00
PATRICK B. HEALY 30 F ST., NW WASHINGTON DC 20001	NATIONAL MILK PRODUCERS FED	543.75	
HELICOPTER ASSOCIATION INTERNATIONAL 1110 VERMONT AVE., NW SUITE 430 WASHINGTON DC 20005			13,814.85
THOMAS R. HENDERSHOT, BARNETT, ALAGIA, & CAREY 1627 K ST., NW, #900 WASHINGTON DC 20006	PARTNERSHIP PLACEMENTS, INC	3,569.50	
Do	PETROLEUM HEAT AND POWER CO		
Do	PHILADELPHIA GAS WORKS	600.00	
Do	PHILADELPHIA STOCK EXCHANGE		
Do	SLURRY TRANSPORT ASSN		
TOM HENDERSON 108 S. AKARD STREET DALLAS TX 75202	U.S. TELEPHONE COMMUNICATIONS, INC	13,500.00	8,986.79
THOMAS M. HENNESSY 1701 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	GETTY OIL COMPANY	1,375.00	640.21
HERCULES INC 910 MARKET ST. WILMINGTON DE 19899			7,140.00
SHARON L. HILDEBRANDT 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,972.46	100.03
HILL AND KNOWLTON, INC SUITE 1000 1425 K ST., NW WASHINGTON DC 20005	FLORISTS' TRANSWORLD DELIVERY ASSN	8,250.00	
E. JOSEPH HILLINGS P.O. BOX 44 WINTER PARK FL 32790	CONTINENTAL RESOURCES COMPANY	1,666.00	395.50
HILLSDALE COUNTY RAILWAY CO 50 MONROE STREET HILLSDALE MI 49242			2,916.70
MAUREEN K. HINKLE 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY	1,260.00	617.65
J.D. HITTLE 3137 S. 14TH ST. ARLINGTON VA	VOUGHT CORP	2,460.00	522.55
SHEILA K. HIXSON 1101 17TH ST., NW WASHINGTON DC 20036	AMERICAN DENTAL ASSN	1,000.00	
LAWRENCE S. HOFFHEIMER SUITE 520 1120 20TH STREET, NW WASHINGTON DC 20037	AMERICAN ASSN OF HOMES FOR THE AGING	1,500.00	
Do	BRAZOS RIVER HARBOR NAVIGATION DISTRICT	10,500.00	866.00
Do	NATIONAL MULTIPLE SCLEROSIS SOCIETY	5,100.00	149.00
HERBERT E. HOFFMAN 1800 M ST., NW WASHINGTON DC 20036	AMERICAN BAR ASSN		
NIELS HOLCH, THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)		
Do	GRAY AND COMPANY (FOR: AMERICAN MARITIME ASSN)		
HOLIDAY INNS, INC 3742 LAMAR AVE. MEMPHIS TN 38195			1,500.00
HOPKINS & SUTTER THREE FIRST NATIONAL PLAZA RM. 4200 CHICAGO IL 60602	CHICAGO BOARD OF TRADE CLEARING CORP	1,562.50	696.00
Do	COMMONWEALTH EDISON CO		
Do	FIRST CHICAGO CORP		
Do	INLAND STEEL COMPANY		
Do	NATIONAL ASSN OF INDEPENDENT INSURERS	1,500.00	
Do	NORTHWEST INDUSTRIES, INC		
Do	PEOPLES ENERGY CORPORATION		
Do	SEARS, ROEBUCK AND CO		
Do	TRANS UNION CORP		
WILLIAM B. HOPKINS P.O. BOX 13366 ROANOKE VA 24033	TULARE LAKE WATER USERS COMMITTEE	7,575.00	2,224.15
JOHN F. HORTY 1735 I ST., NW SUITE 716 WASHINGTON DC 20006	NATIONAL COUNCIL OF COMMUNITY HOSPITALS		
SANFORD D. HORWITT 5935 N. 5TH ROAD ARLINGTON VA 22203	COMMITTEE FOR HUMANE LEGISLATION		
Do	FRIENDS OF ANIMALS, INC	6,999.99	8,648.00
HOSPITAL ASSOCIATION OF NEW YORK STATE 15 COMPUTER DRIVE WEST ALBANY NY 12205		5,116.00	5,116.00
C.T. HOVERSTEN 6850 S. HARLEM AVE., ARGO P.O. BEDFORD PARK IL 60501	NATIONAL ADVERTISING CO		
HOWELL CORP 1010 LAMAR SUITE 1800 HOUSTON TX 77002			
STEVEN K. HOWELL SUITE 1800 1010 LAMAR HOUSTON TX 77002	HOWELL CORP		
GREGORY A. HUMPHREY 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS, AFL-CIO	11,648.34	126.00
ROBERT BRUCE HUNTER 1621 RIPON PLACE ALEXANDRIA VA 22302	AMERICAN ASSN OF SCHOOL ADMINISTRATORS		79.60

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
WILLIAM J. HUNTER JR SUITE 900 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MEAD CORPORATION	575.00	679.10
F. H. HUTCHISON & CO. 1744 R STREET, NW WASHINGTON DC 20009	GEOPRODUCTS CORPORATION	891.67	341.36
Do	HYDROTHERMAL ENERGY CORPORATION	383.33	226.81
Do	RENEWABLE ENERGY, INC		155.15
Do	WESTEC SERVICES, INC	910.20	
ISABEL E. HYDE 1800 K STREET, NW WASHINGTON DC 20006	GOODYEAR TIRE AND RUBBER CO	1,750.00	
GARY HYMEL THE POWER HOUSE 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY (FOR: AMERICAN IRON & STEEL INSTITUTE)	168.75	
Do	GRAY AND COMPANY (FOR: COUNCIL OF STATE HOUSING AGENCIES)	281.25	2.00
Do	GRAY AND COMPANY (FOR: WARNER COMMUNICATIONS/FRANKLIN MINT)	56.25	
INDEPENDENT BANKERS ASSOCIATION OF AMERICA 1625 MASSACHUSETTS AVE., NW, #202 WASHINGTON DC 20036		157,018.00	109,662.20
JOHN H. INGRAM, NICKERSON-INGRAM & ASSOCIATES, INC 1150 17TH STREET, NW, #607 WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	13,350.00	2,733.14
INSTITUTE OF FOREIGN BANKERS SUITE 303 EAST, RM. 23 200 PARK AVE. NEW YORK NY 10017		2,000.00	2,000.00
INSURANCE ECONOMICS SOCIETY OF AMERICA SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006		528.04	
INTER-AMERICAN SERVICES, INC SUITE 102 1804 N.E. LOOP 410 SAN ANTONIO TX 78217			
INTERNATIONAL ASSN OF BRIDGE, STRUCT. & ORNAMENTAL IRON WKRS 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			10,800.00
INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES 1750 NEW YORK AVE., NW WASHINGTON DC 20006.			
INTERNATIONAL UNION OF OPERATING ENGINEERS 1125 17TH ST., NW WASHINGTON DC 20036		16,000.00	891.00
JOHN ISAACS 100 MARYLAND AVE., NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	6,532.47	
BENJAMIN R. JACKSON 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	NORMAN D. SHUTLER	3,000.00	
E. A. JAENKE & ASSOCIATES, INC 1575 EYE ST., NW, SUITE 230 WASHINGTON DC 20005	FARMLAND INDUSTRIES	500.00	
Do	UNIVERSITY OF KANSAS	250.00	
JAFFE SQUIRES & FOOTE 1000 POTOMAC STREET, NW WASHINGTON DC 20007	U.S. & OVERSEAS TAX FAIRNESS COMMITTEE		
CLARENCE L. JAMES JR. SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	KEEFE COMPANY (FOR: PUBLIC EMPLOYEES BENEFIT SERVICES CO)		
Do	KEEFE COMPANY (FOR: RIVIANA FOODS)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)		
HERBERT N. JASPER 415 2ND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	22,596.15	
PHILIP F. JEHLE 1150 CONNECTICUT AVE., NW, #310 WASHINGTON DC 20036	SMITHKLINE CORP	1,500.00	
KEMPTON B. JENKINS SUITE 702 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	ARMCO	600.00	205.00
WALTER W. JOHN RM. 1414 SOUTH BUILDING USDA WASHINGTON DC 20250	ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA	756.00	
CALVIN P. JOHNSON, HOFFHEIMER & JOHNSON 1120 20TH STREET, NW, #520 WASHINGTON DC 20036	COMPUTER SCIENCES CORPORATION	18,000.00	2,123.00
DOUGLAS JOHNSON SUITE 402 419 7TH STREET, NW WASHINGTON DC 20004	NATIONAL RIGHT TO LIFE COMMITTEE, INC	4,999.98	414.46
JOHN PAUL JOHNSON 1025 CONNECTICUT AVE., NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	4,250.02	548.99
JONES & WINBURN SUITE 1040 1101 15TH STREET, NW WASHINGTON DC 20005	AMERICAN ASSN OF EQUIPMENT LESSORS	16,728.98	
LINDA WOLF JONES 105 E. 22 STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	665.00	
JONES, DAY, REAVIS & POGUE 1735 I ST., NW WASHINGTON DC 20006	FOOD POLICY CENTER		
RUTH E. JURMAN 2000 L ST., NW, #815 WASHINGTON DC 20036	GLASS PACKAGING INSTITUTE		
HANS KAEHLER P.O. BOX 118 COLD SPRING HARBOR NY 11724			
LAUREL B. KAMEN SUITE 702 1700 K STREET, NW WASHINGTON DC 20006	AMERICAN EXPRESS CO		
LINDA HELLER KAMM 1775 PENNSYLVANIA AVE., NW SUITE 1000 WASHINGTON DC 20006	FOLEY, LARDNER, HOLLABAUGH & JACOBS (FOR: CITY OF MINNEAPOLIS)		
ELIZABETH R. KAPLAN 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,150.06	
FRED G. KAREM, SHUFFETT, KENTON, CURRY & KAREM 109 NORTH MILL STREET LEXINGTON KY 40507	NATIONAL MULTI HOUSING COUNCIL		
KARL F. FUNKE & ASSOCIATES 729 2ND STREET, N.E. WASHINGTON DC 20002	KEWEENAW BAY CHIPPEWA TRIBE		
HOWARD C. KATZ 160 WATER ST. NEW YORK NY 10038	COFFEE, SUGAR & COCOA EXCHANGE, INC		
DAVID L. KEATING 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	1,750.00	
W. M. KECK JR 1801 AVENUE OF THE STARS SUITE 1110 LOS ANGELES CA 90067			
ROBERT J. KEEFE 1625 MASSACHUSETTS AVE., NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: ALVIN NEDERLANDER ASSOCIATES, INC.)		
Do	KEEFE COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)	1,250.00	
Do	KEEFE COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,250.00	
Do	KEEFE COMPANY (FOR: KNOXVILLE INTERNATIONAL ENERGY EXPOSITION)	1,250.00	
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	1,250.00	
DONALD W. KELLER P.O. BOX 3331 HOUSTON TX 77001	QUINTANA PETROLEUM CORP		
Do	QUINTANA REFINERY COMPANY		
PAUL J. KELLEY 2727 NORTH CENTRAL AVE. PHOENIX AZ 85004	U-HAUL INTL, INC	5,000.00	
EARL KELLY 4350 EAST-WEST HWY., #300 WASHINGTON DC 20014	PARALYZED VETERANS OF AMERICA	7,104.48	
RICHARD B. KELLY 770 LEXINGTON AVENUE NEW YORK NY 10021	NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISE		
JAMES J. KENNEDY JR 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,200.00	500.00
ROSALIE K. KESSLER 1825 CONNECTICUT AVE., NW WASHINGTON DC 20006	ARMSTRONG, BYRD, & ASSOCIATES, INC. (FOR: TOYOTA MOTOR SALES, U.S.A., INC.).		
KIAWAH ISLAND COMPANY P.O. BOX 12910 CHARLESTON SC 29142			
PAUL A. KIEFER, KIEFER & MORRISON 805 15TH STREET, NW, #524 WASHINGTON DC 20005	AMERICAN FUR INDUSTRY, INC; FUR CONSERVATION INST OF AMER		75.00
KIKKOMAN FOODS, INC P.O. BOX 69 WALWORTH WI 53184			
KILGORE & KILGORE, INC 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	20,636.00	23,330.88
Do	TEXASGULF, INC		20,415.38
FRANK J. KINNEY 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,181.55	336.93
DONALD R. KIRTLEY 910 MARKET ST. WILMINGTON DE 19899	HERCULES INC		
LAURENCE KLEIN 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	650.00	
JAMES E. KNEALE 2335 SOUTH MEADE ST. ARLINGTON VA 22202	LOCKHEED CORPORATION	550.00	255.44
ROBERT L. KNOUS JR. SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA	48.00	
LEONARD THOMAS KOCH 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORPORATION		
PAUL E. KOHL 1301 AVENUE OF THE AMERICAS NEW YORK NY 10019	18TH CONG. DIST. FOR PRO-LIFE ACTIVITIES		
KOMINERS, FORT, SCHLEFER & BOYER 1776 F ST., NW WASHINGTON DC 20006	COMMITTEE FOR TITLE XI VESSEL FINANCING	87,250.00	56,501.88
THOMAS G. KRAJEWSKI SUITE 1100 1828 L STREET, NW WASHINGTON DC 20036	COOPERATIVE LEGAUE OF THE USA	10,150.00	
C. EUGENE KRODER 645 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	NATIONAL AUDUBON SOCIETY		
ANTHONY J. KUCERA 1600 WILSON BLVD., #1101 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,000.00	
JOSEPH A. KUCHLER 444 N. CAPITOL ST., WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,091.01	93.82
LABOR BUREAU, INC. 1200 15TH ST., NW SUITE 505 WASHINGTON DC 20005			
BRUCE C. LADD JR. 1776 K STREET, NW WASHINGTON DC 20006	LACLEDE GAS COMPANY		
PETER M. LAFEN 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,895.13	
ERIC T. LAITY 1800 FIRST NATIONAL BANK BLDG. DALLAS TX 75202	DEMINEX U.S. OIL CO	7,333.34	
Do	TEXASGULF, INC	7,333.34	
JAMES H. LAKE SUITE 420 1200 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL	200.00	
Do	SUNMAID RAISIN GROWERS OF CALIFORNIA		
Do	WESTERN COTTON GROWERS ASSN	1,000.00	
Do	NELSON & HARDING (FOR: WESTERN GROWERS ASSOCIATION)	1,000.00	
C. P. LAMBOS 29 BROADWAY NEW YORK NY 10006	NEW YORK SHIPPING ASSN., INC		170.00
LANE & EDSON SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036	NATIONAL LEASED HOUSING ASSN	450.00	
GLENN T. LASHLEY 8111 GATEHOUSE ROAD FALLS CHURCH VA 22047	AMERICAN AUTOMOBILE ASSN		
DENNIS LAVALLEE 1016 20TH ST., NW WASHINGTON DC 20036	NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS	500.00	97.85
JOHN H. LEACH II P.O. BOX 11125 SANTA ANA CA 92711	LET THE PEOPLE BE HEARD COMM		
LEAGUE OF CALIFORNIA MILK PRODUCERS 1225 8TH ST. SACRAMENTO CA 95814			2,693.60
LECHNER & BUTSAVAGE, P.C. 3101 SOUTH ST., NW WASHINGTON DC 20007	MASSACHUSETTS ASSN OF CONTRIBUTORY RETIREMENT SYSTEMS, INC		
Do	NATIONAL ASSN OF POLICE ORGANIZATIONS	13,500.00	2,704.45
Do	UNITED FOOD & COMMERCIAL WORKERS INTL UNION		
ROBERT F. LEDERER 230 SOUTHERN BLDG. WASHINGTON DC 20005	AMERICAN ASSN OF NURSERYMEN		
LEIGHTON CONKLIN LEMOV JACOBS & BUCKLEY SUITE 800 2033 M ST., NW WASHINGTON DC 20036	ADHESIVE & SEALANT COUNCIL, INC		
Do	AMERICAN ASSN OF NURSE ANESTHETISTS		
Do	INTRAOCULAR LENS MFRS ASSN		
Do	NATIONAL GLASS DEALERS ASSN		
GILBERT LEKANDER SUITE 801 1629 K ST., NW WASHINGTON DC 20006	MONTANA POWER CO & WASHINGTON WATER POWER CO	300.00	
KAYE CONNIFF LEONARD SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	152.55	
LEONARD, KOEHN, ROSE AND HURT, P.C. SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
LEVA HAWES SYMINGTON MARTIN & OPPENHEIMER SUITE 1001 815 CONNECTICUT AVE., NW WASHINGTON DC 20006	COMMERZBANK AG		
Do	COMMONWEALTH EDISON COMPANY	82.80	
Do	GK TECHNOLOGIES, INC		
Do	UNION INVESTMENT GMBH		
KENNETH S. LEVINE SUITE 220 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	JOSEPH SEAGRAM & SONS, INC	896.25	
LEWIS AND ROCA 100 WEST WASHINGTON PHOENIX AZ 85003	INSPIRATION CONSOLIDATED COPPER COMPANY		
LEWIS RICE TUCKER ALLEN & CHUBB SUITE 1400 611 OLIVE ST. ST. LOUIS MO 63101	SPECTRUM EMERGENCY CARE, INC	2,748.17	42.69
Do	ST. LOUIS MERCANTILE LIBRARY ASSN	712.11	24.94
JAN PITTMAN LIEBMAN 1120 20TH ST., NW SUITE 520 WASHINGTON DC 20036	NATIONAL COMM FOR RES IN NEUROLOGIC & COMMUNICATIVE DISEASES	6,000.00	30.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
RUSSELL B. LIGHT 1700 NORTH MOORE ST. ARLINGTON VA 22209	BOEING COMPANY		
ROSS W. LILLARD 2100 CHARTERBANK CENTER KANSAS CITY MO 64105	STINSON, MAG & FIZZELL (FOR: FARMLAND INDUSTRIES, INC)		
LILLICK MCHOSE & CHARLES 21 DUPONT CIRCLE, NW WASHINGTON DC 20036	FAR EAST CONFERENCE	11,440.00	306.47
Do	JONES, LOYD & WEBSTER, INC		
Do	PACIFIC WESTBOUND CONFERENCE	11,385.00	480.63
LINTON, MIELDS, REISLER & COTTONE, LTD. SUITE 200 1015 18TH ST., NW WASHINGTON DC 20036	AMBASSADOR BRIDGE CO	3,000.00	
Do	COUNCIL OF POLLUTION CONTROL FINANCING AGENCIES	3,000.00	
Do	LAKE SUPERIOR DISTRICT POWER CO	577.00	
Do	MADISON GAS & ELECTRIC CO	1,171.00	
Do	METROPOLITAN SANITARY DISTRICT OF GREATER CHICAGO	3,965.00	
Do	NATIONAL ASSN OF URBAN FLOOD MANAGEMENT AGENCIES	1,800.00	
Do	NORTHERN STATES POWER CO	1,583.00	
Do	OREGON DEPT OF TRANSPORTATION	3,000.00	
Do	STATE OF IL DEPT OF TRANS, DIV OF WATER RES	2,527.00	
Do	STATE OF IL DEPT OF TRANSPORTATION	5,019.00	
Do	SUPERIOR WATER, LIGHT & POWER CO	317.00	
Do	WISCONSIN ELECTRIC POWER CO	5,137.00	
Do	WISCONSIN POWER & LIGHT CO	2,198.00	
Do	WISCONSIN PUBLIC SERVICE CORP	2,125.00	
JANICE C. LIPSEN 900 17TH ST., NW, #504 WASHINGTON DC 20006	INDEPENDENT ZINC ALLOYERS ASSN (FOR: COUNSELORS FOR MANAGEMENT, INC.)		
LISBOA ASSOCIATES, INC. 3600 M ST., NW WASHINGTON DC 20007		20,500.00	1,511.88
THEODORE M. LITTMAN 12214 LAKEWOOD BLVD. DOWNEY CA 90241	ROCKWELL INTL		
LORD, DAY & LORD 1120 20TH STREET, NW WASHINGTON DC 20036	CARGILL, INC	6,276.71	
Do	CONTINENTAL GRAIN COMPANY	3,365.88	
Do	LESLIE SALT COMPANY	3,105.31	
Do	ORGANIZATION OF HEATER MANUFACTURERS	5,631.01	
CHARLES M. LOVELESS 1625 L STREET, NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES, AFL-CIO	7,819.56	160.57
MATTHEW A. LOW 1607 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20009	NORMAN D. SHUTLER	3,000.00	
SAMUEL A. MABRY 1800 K ST., NW WASHINGTON DC 20006	HERCULES INC	2,250.00	1,765.00
MARION M. MACRAE 1800 K ST., NW, #920 WASHINGTON DC 20006	BANKAMERICA CORPORATION		
EDWARD MAGUIRE 1333 NEW HAMPSHIRE AVENUE, NW WASHINGTON DC 20036	BUCHANAN, INGERSOLL, RODEWALD, KYLE & BUERGER (FOR: INTERNATIONAL DISTRICT HEATING ASSN).		
MARY JO MALONE 1735 NEW YORK AVE., NW WASHINGTON DC 20006	AMERICAN INST OF ARCHITECTS	1,875.00	
TED R. MANNEN 1030 15TH STREET, N.W. SUITE 1100 WASHINGTON DC 20005	HEALTH INDUSTRY MANUFACTURERS ASSOCIATION		
ALLEN J. MANZANO 444 NORTH CAPITOL ST., NW SUITE 500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN		
MILTON C. MAPES SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002	NATIONAL PEACE ACADEMY CAMPAIGN	7,500.00	
JOHN V. MARANEY 324 EAST CAPITOL ST., NE WASHINGTON DC 20003	NATIONAL STAR ROUTE MAIL CARRIERS' ASSN		
R. V. MARIANI 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	700.00	700.00
PATRICIA MARKEY SUITE 505 1899 L STREET, NW WASHINGTON DC 20036	UNITED DISTRIBUTION COMPANIES	682.00	80.50
CHALMERS H. MARQUIS SUITE 7200 955 L'ENFANT PLAZA, SW WASHINGTON DC 20024	NATIONAL ASSN FOR PUBLIC TELEVISION STATIONS	600.00	150.00
ELEANOR MARSHALL 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	598.00	
MARSHALL, BRATTER, GREENE, ALLISON & TUCKER 1140 CONNECTICUT AVE,NW WASHINGTON DC 20036	DREXEL BURNHAM LAMBERT, INC		131.40
JAMES D. MARTIN 4600 72ND AVENUE LANDOVER HILLS MD 20784	COMMUNICATIONS SATELLITE CORP	2,000.00	133.00
ERNEST MARTY 85 RIDGE ST. NORTH SIDNEY, NSW 2060 AUSTRALIA			
JUDITH MARTY 85 RIDGE ST. NORTH SYDNEY, NSW 2060 AUSTRALIA			
SCOTT A. MASON SUITE 320 4260 GREENSBORO DRIVE MCLEAN VA 22102	NATIONAL HEALTH ADVISORS, LTD		
HERBERT S. MATTHEWS BOX 72 MECHANICSVILLE MD 20659	MARTIN-MARIETTA AEROSPACE	6,025.00	666.19
H. WESLEY MCADEN SUITE 424 1155 15TH ST., NW WASHINGTON DC 20005	J. G. BOSWELL CO	9,000.00	2,440.00
MICHAEL J. MCCABE ALLSTATE PLAZA NORTHBROOK IL 60062	ALLSTATE INSURANCE COS		
WILLIAM C. MCCAMANT 1725 K ST., NW WASHINGTON DC 20006			
LAW OFFICES OF R. C. MCCANDLESS 1707 H ST., NW WASHINGTON DC 20006	INTERNATIONAL PAPER CO	97.50	
Do	MILLER & SCHROEDER MUNICIPALS, INC	7,374.10	2,166.89
Do	TRANSAMERICA-OCCIDENTAL INSURANCE CORP	59,387.40	8,267.53
Do	TRANSAMERICA CORPORATION	4,539.00	1,031.34
REUBEN MCCORNACK 100 MARYLAND AVENUE, NE WASHINGTON DC 20002	COUNCIL FOR A LIVABLE WORLD	2,000.00	
MARIA S. MCCREA 1825 CONNECTICUT AVE., NW WASHINGTON DC 20009	NATIONAL ASSN OF ARAB AMERICANS	1,187.00	400.00
E. T. MCDONALD 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	500.00	500.00
CHRISTOPHER C. MCGRATH, N. Y. S. PETROLEUM COUNCIL 551 5TH AVE., #718 NEW YORK NY 10176	AMERICAN PETROLEUM INST		
PHIL A. MCKEANEY 11 DUPONT CIRCLE, NW WASHINGTON DC 20036	AMERICAN FED OF TEACHERS	8,258.64	156.00
MICHAEL R. MCLEOD DAVIS & MCLEOD 499 SOUTH CAPITOL ST., SW WASHINGTON DC 20003	AMERICAN ASSN OF CROP INSURERS	6,000.00	
Do	FLORIDA SUGAR CANE LEAGUE, INC		
Do	NATIONAL CATTLEMEN'S ASSN		
Do	OLD REPUBLIC COMPANIES		
Do	RENEWABLE FUELS ASSOCIATION		
Do	SOCIETY OF AMERICAN FLORISTS		
Do	UNITED EGG PRODUCERS		
WILLIAM G. MCMURTRIE 8150 LEESBURG PIKE VIENNA VA 22180	WILLIAM H. SULLIVAN JR	2,000.00	
ROBERT MCVICKER 2001 JEFFERSON DAVIS HWY. ARLINGTON VA 22202	KOLLSMAN INSTRUMENT CO		
FRANCIS X. MEANEY ONE CENTER PLAZA BOSTON MA 02108	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: GOLDMAN SACHS & CO).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: NORTHERN ENERGY CORPORATION).		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SCA SERVICES)		
Do	MINTZ, LEVIN, COHN, FERRIS, GLOVSKY, AND POPEO (FOR: SECURITIES INDUSTRY ASSN).		1,125.00
LOUIS L. MEIER JR 1625 I ST., NW WASHINGTON DC 20006	AMERICAN SOCIETY OF CIVIL ENGINEERS	1,128.00	1,493.00
NANINE MEIKLEJOHN 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	9,493.74	100.25
EDWARD L. MERRIGAN 6000 CONNECTICUT AVE., NW WASHINGTON DC 20015	COALITION OF U.S. CIT. AWARD-HOLDERS AGAINST CZECHOSLOVAKIA		
METZGER, SHADYAC & SCHWARZ ONE FARRAGUT SQUARE SOUTH WASHINGTON DC 20006	PHILADELPHIA NATIONAL BANK	15,466.86	15,466.86
KATHERINE A. MEYER SUITE 700 2000 P STREET, NW WASHINGTON DC 20036	PUBILC CITIZEN, INC	1,593.00	118.60
BRENDA J. MICHAUD SUITE A-201 1410 GRANT STREET DENVER CO 80203	COLORADO SKI COUNTRY USA		
JAMES G. MICHAUX 1801 K ST., NW, #903 WASHINGTON DC 20006	FEDERATED DEPT STORES, INC	500.00	
MIGRANT LEGAL ACTION PROGRAM, INC. 806 15TH ST., NW WASHINGTON DC 20005		28,958.55	28,958.55
A. STANLEY MILLER 910 16TH ST., NW, #402 WASHINGTON DC 20006	FEDERATION OF AMERICAN CONTROLLED SHIPPING		
CLINTON R. MILLER 212 W. FOOTHILL BLVD. MONROVIA CA 91016	NATIONAL HEALTH FEDERATION	1,477.20	465.36
MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO SUITE 1025 1015 15TH STREET, NW WASHINGTON DC 20005	MASS. CONSTRUCTION INDUSTRY COUNCIL TRUCK WEIGHT COMMITTEE	6,670.00	
LUIS MIRANDA 105 EAST 22ND STREET NEW YORK NY 10010	COMMUNITY SERVICE SOCIETY	644.00	12.20
MITCHELL ENERGY & DEVELOPMENT CORP. SUITE 200 1925 K STREET, NW WASHINGTON DC 20006			
JOSEPH A. MITCHELL HOFFHEIMER, JOHNSON & PETERSON 1120 20TH STREET, NW, #520 WASHINGTON DC 20036	CHURH WORLD SERVICE		
GERALD A. MORRIS 11 DUPONT CIRCLE WASHINGTON DC 20036	AMERICAN FEDERATION OF TEACHERS/AFL-CIO	9,215.00	54.00
JOHN J. MOTLEY 490 L'ENFANT PLAZA EAST, SW, #3206 WASHINGTON DC 20024	NATIONAL FEDERATION OF INDEPENDENT BUSINESS	2,250.00	200.00
FAREED A. MUHAMMAD P.O. BOX 41 MICHIGAN CITY IN 46360	PRISONERS OF THE STATE OF INDIANA, ET AL		
JAMES MULAR 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	700.00	700.00
MUNICIPAL LABOR COMMITTEE 140 PARK PLACE NEW YORK NY 10007		16,632.97	16,632.97
JEANNE MARIE MURPHY 1625 MASSACHUSETTS AVE., N.W. # 202 WASHINGTON DC 20036	INDEPENDENT BANKERS ASSOCIATION OF AMERICA	7,500.00	157.42
WILLIAM T. MURPHY JR 1899 L ST., NW, #500 WASHINGTON DC 20036	AMERICAN NATURAL SERVICE CO	1,080.00	37.50
HAROLD D. MUTH 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	300.00	
NAMAN, HOWELL, SMITH, LEE & MULDROW 700 TEXAS CENTER 900 WASHINGTON WACO TX 76703	COTTON FARMERS ASSOCIATION		
BERNARD NASH 1015 18TH ST., NW SUITE 408 WASHINGTON DC 20036	ASSOCIATION OF INDEPENDENT CORRUGATED CONVERTERS		
Do	GENERAL ELECTRIC CO		
Do	MERCK & CO., INC		
Do	TIME, INC		
NATA SUITE 1200 1000 CONNECTICUT AVE., NW WASHINGTON DC 20006			
HARDY L. NATHAN 1750 K ST., NW WASHINGTON DC 20006	FOOD MARKETING INSTITUTE	900.00	
NATIONAL ASSN FOR HUMANE LEGISLATION, INC PO BOX 11675 ST. PETERSBURG FL 33733		6.35	10.00
NATIONAL ASSN OF CATALOG SHOWROOM MERCHANDISE 276 FIFTH AVENUE NEW YORK NY 10021			
NATIONAL ASSN OF FEDERALLY LICENSED FIREARMS DEALERS 2801 E. OAKLAND PARK BLVD. FT. LAUDERDALE FL 33306			
NATIONAL ASSN OF HOME BUILDERS OF THE U.S. 15TH & M STS., NW WASHINGTON DC 20005		19,801.67	55,136.71
NATIONAL ASSN OF HOMES FOR CHILDREN 104 EAST 35TH ST. NEW YORK NY 10016			1,050.00
NATIONAL ASSN OF LATINO ELECTED & APPOINTED OFFICIALS, INC. 109 SECOND ST., NE WASHINGTON DC 20002		17,290.00	27,106.23
NATIONAL ASSN OF PLUMBING-HEATING-COOLING CONTRACTORS 1016 20TH ST., NW WASHINGTON DC 20036		3,107.82	3,107.82
NATIONAL ASSN OF REALTORS 777 14TH ST., NW WASHINGTON DC 20005			43,662.55
NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036		3,006.04	2,471.06

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION 410 WILDE LAKE VILLAGE GREEN, COLUMBIA MD 21044		2,433.90	3,372.52
NATIONAL COMMUNITY ACTION FOUNDATION, INC. 2101 L STREET, N.W. SUITE 906 WASHINGTON DC 20037		41,583.00	31,191.00
NATIONAL COUNCIL FOR RESPONSIBLE FIREARMS POLICY, INC 7216 STAFFORD RD. ALEXANDRIA VA 22307			
NATIONAL COUNSEL ASSOCS, INC 421 NEW JERSEY AVE., SE WASHINGTON DC 20003	AMERICAN PARATRANSIT INSTITUTE	16,175.00	977.03
Do	INTERNATIONAL RECTIFIER	7,500.00	779.67
NATIONAL EDUCATION ASSN 1201 16TH ST., NW WASHINGTON DC 20036		78,074.30	78,074.30
NATIONAL EMPLOYEE BENEFITS INST SUITE 300 2550 M ST., NW WASHINGTON DC 20037		3,000.00	668.00
NATIONAL FAMILY PLANNING & REPRODUCTIVE HEALTH ASSN, INC 1110 VERMONT AVENUE, N.W. SUITE 950 WASHINGTON DC 20005.		83,451.00	3,174.65
NATIONAL FEDERATION OF COMMUNITY DEVELOPMENT CREDIT UNIONS SUITE 1804 16 COURT STREET BROOKLYN NY 11201.			
NATIONAL FEDERATION OF LICENSED PRACTICAL NURSES 214 SOUTH DRIVER DURHAM NC 27703		2,870.00	2,870.00
NATIONAL LEASED HOUSING ASSN SUITE 400 SOUTH 1800 M ST., NW WASHINGTON DC 20036		450.00	450.00
NATIONAL MILK PRODUCERS FED 30 F ST., NW WASHINGTON DC 20001		7,517.95	7,368.95
NATIONAL NEWSPAPER ASSN SUITE 400 1627 K ST., NW WASHINGTON DC 20006		71,258.57	6,634.00
NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS 530 8TH ST., S.E. WASHINGTON DC 20003			
NATIONAL PEACE ACADEMY CAMPAIGN SUITE 409 110 MARYLAND AVE., NE WASHINGTON DC 20002		71,508.44	90,935.00
NATIONAL POTATO COUNCIL SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036			1,000.00
NATIONAL RESEARCH CENTER FOR CONSUMERS OF LEGAL SERVICES 1302 18TH ST., NW, #303 WASHINGTON DC 20036			
NATIONAL RIFLE ASSN OF AMER 1600 RHODE ISLAND AVE., NW WASHINGTON DC 20036		61,545.63	117,177.49
NATIONAL RIGHT TO LIFE COMM, INC SUITE 402 419 7TH ST., NW WASHINGTON DC 20004		400,875.26	51,903.55
NATIONAL RURAL DEVELOPMENT & FINANCE CORP. SUITE 360 1300 19TH STREET, NW WASHINGTON DC 20036.			
NATIONAL SOLID WASTES MANAGEMENT ASSN SUITE 930 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036			
NATIONAL TAX EQUALITY ASSN 1000 CONNECTICUT AVE., NW WASHINGTON DC 20036		5,610.75	6,374.32
NATIONAL TAXPAYERS UNION 324 PENNSYLVANIA AVE., SE WASHINGTON DC 20003		13,725.15	13,227.00
NATIONAL TOUR BROKERS ASSOCIATION, INC. 120 KENTUCKY AVE. LEXINGTON KY 40502		21,153.00	21,153.00
NATIONAL YOUTH PRO-LIFE COALITION P.O. BOX 67 NEWPORT KY 41072			
NATURAL GAS SUPPLY ASSN. 1025 CONNECTICUT AVE., NW, #402 WASHINGTON DC 20036		1,126,788.00	37,163.19
STANLEY NEHMER 1320 19TH ST., NW WASHINGTON DC 20036	LEAD-ZINC PRODUCERS COMMITTEE	500.00	350.00
NEILL & MULLENHOLZ SUITE 410 1100 17TH STREET, NW WASHINGTON DC 20036	NATIONAL FARM & POWER EQUIPMENT DEALERS ASSN	1,000.00	
CAROLYN B. NELSON #2 METROPLEX DR., SUITE 500 BIRMINGHAM AL 35209	METROPOLITAN PROPERTIES, INC.		
PETER M. NELSON SUITE 920 1800 K STREET, NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	17.36	101.88
NEW YORK SHIPPING ASSN 80 BROAD ST. NEW YORK NY 10004			360.00
NICKERSON INGRAM & ASSOCIATES, INC. SUITE 404 2030 M STREET, NW WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSPORTATION AUTHORITY	13,350.00	2,733.14
WILLIAM W. NICKERSON SUITE 404 2030 M ST., NW WASHINGTON DC 20036	MASSACHUSETTS BAY TRANSIT AUTHORITY		
STEWART E. NILES 225 BARONNE ST. NEW ORLEANS LA 70112	SHIPBUILDERS COUNCIL OF AMERICA		
NORFOLK & WESTERN RAILWAY CO. 8 NORTH JEFFERSON ST. ROANOKE VA 24042			519.00
NORTH AMERICAN TELEPHONE ASSOCIATION 511 2ND ST., NE WASHINGTON DC 20002		54,737.50	54,737.50
J. HALLOCK NORTHCOTT 1101 15TH ST., NW WASHINGTON DC 20005	MINNESOTA MINING & MANUFACTURING CO.	2,000.00	
C. D. NYBERG P.O. BOX 800 AUSTIN MN 55912	GEO. A. HORMEL & CO		
DAVID D. O'BRIEN O'BRIEN & FIERCE 1828 L STREET, NW, #201 WASHINGTON DC 20036	COMMITTEE FOR TITLE XI VESSEL FINANCING		
TERRENCE M. O'CONNELL II SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE AND COMPANY (FOR: AMERICAN FAMILY LIFE ASSURANCE CO)		
Do	KEEFE AND COMPANY (FOR: COMMONWEALTH OF PUERTO RICO)		
Do	KEEFE COMPANY (FOR: KNOXVILLE INTERNATIONAL ENERGY EXPO)		
Do	KEEFE COMPANY (FOR: PUBLIC EMPLOYEES BENEFIT SERVICES CO)		
Do	KEEFE COMPANY (FOR: RIVIANA FOODS)		
Do	KEEFE COMPANY (FOR: TENNESSEE VALLEY AUTHORITY)		
Do	KEEFE COMPANY (FOR: WESTINGHOUSE ELECTRIC CORP)	2,500.00	
O'CONNOR & HANNAN 1919 PENNSYLVANIA AVE., NW, #800 WASHINGTON DC 20006	NATIONAL ASSN OF NUMISMATIC PROFESSIONALS		
JOHN B. O'DAY SUITE 590 1700 PENNSYLVANIA AVE., NW WASHINGTON, DC 20006	INSURANCE ECONOMICS SOCIETY OF AMERICA		
O'NEAL & CLAASSEN, CHTD. SUITE 952 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037	COMMODITY EXCHANGE, INC.	262.50	
Do	INTERNATIONAL PRECIOUS METALS CORP	2,000.00	
Do	NATIONAL AIR TANKERS ASSN	4,000.00	186.48
Do	NATIONAL REA TELEPHONE ASSN.		
M. DIANE O'TOOLE SUITE 2300 1000 WILSON BLVD. ARLINGTON VA 22209	NORTHROP CORP.		47.50
MARY E. OAKES 1800 K ST., NW WASHINGTON DC 20006	HERCULES INC.	634.00	109.00
NEIL H. OFFEN 1730 M ST., NW WASHINGTON DC 20036	DIRECT SELLING ASSOCIATION	1,000.00	253.48
VAN R. OLSEN 1156 15TH ST., NW, #1019 WASHINGTON DC 20006	U.S. BEET SUGAR ASSN		
WILLIAM J. OLSON 1819 H ST., NW WASHINGTON DC 20006	MARCH OF DIMES BIRTH DEFECTS FOUNDATION	5,600.00	454.83
CHARLES J. ORASIN 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC.	7,134.61	103.18
ORGANIZATION OF PROFESSIONAL EMPLOYEES OF USDA RM. 1414 S. BUILDING U.S. DEPT OF AGRICULTURE WASHINGTON DC 20250.		2,663.90	1,544.22
ELVIRA J. ORLY 1701 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006			
Do	GETTY OIL COMPANY	143.76	195.96
GERARD PAUL PANARO 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	RETAIL BAKERS OF AMERICA	900.00	
JUDY E. PARK 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	9,544.00	20.25
SARA LYNN PARKER 1319 F. ST.,NW SUITE 500 WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER	184.32	
RENEE PARSONS 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	2,246.51	
WILLIAM H. PATTERSON 777 14TH ST., NW WASHINGTON DC 20005	GENERAL ELECTRIC CO	95.00	
PAUL WEISS RIFKIND WHARTON & GARRISON 345 PARK AVE. NEW YORK NY 10022	NEW YORK STATE TAX COMMISSION	1,000.00	90.00
PEABODY, LAMBERT & MEYERS 1150 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	COUNCIL OF ENERGY RESOURCE TRIBES	1,505.50	
Do	GOVERNMENT OF THE VIRGIN ISLANDS	2,361.65	173.35
Do	INTERNATIONAL COMMUNICATIONS ASSOCIATION		
Do	MICHIGAN KNIFE CO	485.00	
Do	VIRGIN ISLANDS TRADE & ECONOMIC DEVELOPMENT INSTITUTE	1,742.50	55.20
Do	GUARDIAN AD LITEM, AIR CRASH DISASTER NEAR SAIGON		
JAMES B. PEARSON #1100, 1333 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	MOBIL CORPORATION	400.00	
DONALD PENNY 2020 K STREET, N. W. SUITE 250 WASHINGTON DC 20006	WARNER COMMUNICATIONS INC.	3,000.00	11,550.00
PENNY, OHLMANN, NEIMAN, INC. 1605 NORTH MAIN STREET DAYTON OH 45405	NATIONAL MANAGEMENT ASSOCIATION	500.00	117.76
PENSION RIGHTS CENTER 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		280.00	1,129.35
PERKINS COIE STONE OLSEN & WILLIAMS SUITE 1200 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	BURLINGTON NORTHERN, INC.	1,800.00	125.00
Do	GENERAL PUBLIC UTILITIES CORP.	900.00	
JOHN J. PESCH SUITE 2300 1000 WILSON BLVD. FALLS CHURCH VA 22042	NORTHROP CORPORATION		
A. HAROLD PETERSON 715 CARGILL BLDG. MINNEAPOLIS MN 55402	NATIONAL R.E.A. TELEPHONE ASSN	1,500.00	733.10
LORRAINE PETTI 2817 18TH ST., NW WASHINGTON DC 20009	NATIONAL COMM AGAINST REPRESSIVE LEGISLATION	3,510.00	
DEBORAH M. PHILLIPS SUITE 320 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	GENERAL INSTRUMENT CORP		
JOAN PICCOLO SUITE 435 2020 K ST., NW WASHINGTON DC 20006	COMMODITY EXCHANGE, INC	600.00	
PIERSON BALL & DOWD 1200 18TH ST., NW WASHINGTON DC 20036	NEIGHBORHOOD SCHOOL COUNCIL, TURNER ELEMEN SCHOOL		
STUART F. PIERSON VERNER, LIIPFERT, BERNHARD, & MCPHERSON 1660 L ST., NW, #1100 WASHINGTON DC 20036	PAN AM, ET AL		
RENA S. PIES 1611 N. KENT ST., #900 ARLINGTON VA 22209	AMERICAN FOOTWEAR INDUSTRIES ASSN		
DANIEL J. PILIERO II 1750 PENNSYLVANIA AVENUE, NW WASHINGTON DC 20006	AD HOC COMMITTEE OF MUTUAL FUND MANAGERS		11,612.68
ROBERT PLETT ASSOCIATES 1200 18TH ST., NW WASHINGTON DC 20036			
RAFE POMERANCE 530 7TH ST., SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	6,350.13	
PORT OF SEATTLE P.O. BOX 1209 SEATTLE WA 98111		64.29	112.97
ROBERT W. PORTER SUITE 420 1200 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL POTATO COUNCIL	800.00	
Do	WESTERN GROWERS ASSN.	500.00	
POWELL GOLDSTEIN FRAZER & MURPHY SUITE 1050 1110 VERMONT AVE., NW WASHINGTON DC 20005	NATIONAL MULTI HOUSING COUNCIL		
PRATHER SEEGER DOOLITTLE & FARMER 1101 16TH ST., NW WASHINGTON DC 20036	BANKERS' ASSN FOR FOREIGN TRADE	1,000.00	
WOODRUFF M. PRICE 840 WASHINGTON BLDG. 15TH ST. & NEW YORK AVE. WASHINGTON DC 20005	CSX CORPORATION	3,000.00	1,159.83
PRO/LIFE CONGRESSIONAL DISTRICT 11 P.O. BOX 727 SAN CARLOS CA 94070		91.50	597.25
STUART PROCTOR 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,875.00	49.00
PROJECT ADVISORY GROUP 1029 VERMONT AVE., NW SUITE 860 WASHINGTON DC 20005			4,043.00
PUBLIC TIMBER PURCHASERS GROUP 714 OREGON BANK BLDG. 319 S.W. WASHINGTON ST. PORTLAND OR 97204		25,500.00	3,697.63
GERALD H. PUGH 707 SKOKIE BLVD. NORTHBROOK IL 60062	COMBINED INSURANCE CO OF AMERICA		
JACK I. PULLEY P.O. BOX 1592 MIDLAND MI 48640	DOW CORNING CORPORATION		
QUINTANA REFINERY COMPANY P.O. BOX 3331 HOUSTON TX 77001			
LANI HUMMEL RALEIGH 950 L'ENFANT PLAZA, SW WASHINGTON DC 20024	COMMUNICATIONS SATELLITE CORP	2,000.00	130.00
CRAIG J. RANCOURT SUITE 503, 1825 K STREET, NW WASHINGTON DC 20006	AMERICAN ASSN OF CLASSIFIED SCHOOL EMPLOYEES	3,522.18	3,522.18
HOWARD W. RANDOLPH JR 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	1,000.00	1,400.00
MAGDA RATAJSKI P.O. BOX 23652 WASHINGTON DC 20024	NORFOLK & WESTERN RAILWAY CO	519.00	
READING IS FUNDAMENTAL, INC. 600 MARYLAND AVE.,SW RM 500 WASHINGTON DC 20560			53.26
REAVIS & MCGRATH 1776 F ST., NW WASHINGTON DC 20006	BUSINESS ROUNDTABLE		
JOHN M. RECTOR 1750 K ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF RETAIL DRUGGISTS	700.00	150.00

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
JOSEPH M. REES SUITE 505 1625 MASSACHUSETTS AVENUE, NW WASHINGTON DC 20036	KEEFE COMPANY (FOR: YOUNG DRUG PRODUCTS)		
Do	KEEFE COMPANY (FOR: CORDAGE INSTITUTE)	1,250.00	
Do	DELTA DENTAL PLANS ASSOCIATION	1,500.00	30.00
WOLFGANG REINECKE SUITE 840, LOCK BOX 340 PLAZA OF THE AMERICAS, NORTH TOWER DALLAS TX 75201	DEMINEX U.S. OIL COMPANY	37,125.00	
REID & PRIEST SUITE 1100, 1111 19TH ST., NW WASHINGTON, DC 20036	KAMENHAMEH SCHOOLS/BERNICE P. BISHOP ESTATE	16,554.00	1,534.00
J. E. REINKE 1030 15TH ST., NW WASHINGTON DC 20005	EASTERN AIR LINES, INC		1,721.00
MURRAY P. REISER 73 TREMONT ST. BOSTON MA 02108	EDWARD BLANKSTEIN, INC		
RESERVE OFFICERS ASSN OF THE US 1 CONSTITUTION AVE., NE WASHINGTON DC 20002		1,118.61	9,708.10
NANCY C. REYNOLDS 300 MARYLAND AVE., NE WASHINGTON DC 20002	BENDIX CORP	1,000.00	133.49
EDMUND B. RICE 444 NORTH CAPITOL ST., NW, #500 WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	1,253.94	89.10
GRACE ELLEN RICE 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	4,449.99	40.00
JOHN G. RICHARDSON 2774 NORTH HILLS DRIVE, NE ATLANTA GA 30305	GEORGIA POWER COMPANY	14,097.00	
K. O. RICHARDSON 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	900.00	900.00
LEONARD I. RIPPA 325 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	NATIONAL TAXPAYERS UNION	3,125.00	
SELINA RISSELL SUITE 301 415 SECOND ST., NE WASHINGTON DC 20002	AD HOC COMM FOR COMPETITIVE TELECOMMUNICATIONS	5,759.60	
ELIZABETH JANE ROBBINS 43 D STREET, S.E. WASHINGTON DC 20003	NATIONAL MUSIC PUBLISHERS ASSN, INC	39,836.78	
Do	SCHOLASTIC MAGAZINES, INC	8,000.00	
Do	SHEARSON/AMERICAN EXPRESS, INC	7,560.00	
JEROME ROBINSON 1065 N. E. 125TH ST. SUITE 409 MIAMI FL 33161	FLORIDA RESTAURANT ASSN		
ROBINSON, SILVERMAN, PEARCE, ARONSOHN & BERMAN 230 PARK AVE. NEW YORK NY 10169	NATIONAL REALTY COMMITTEE		
QUINCY RODGERS 1200 NEW HAMPSHIRE AVE., NW SUITE 320 WASHINGTON DC 20036	GENERAL INSTRUMENT CORPORATION		
WILLI ROELLI FOUR WORLD TRADE CENTER NEW YORK NY 10005	COFFEE, SUGAR & COCOA EXCHANGE, INC		250.50
ROGERS & WELLS 1666 K ST., NW WASHINGTON DC 20006	PAN AMERICAN WORLD AIRWAYS, INC		
BRUCE N. ROGERS 1660 L ST., NW WASHINGTON DC 20036	GENERAL MOTORS CORP	2,500.00	2,609.36
TENO RONCALIO P.O. BOX 1707 CHEYENNE WY 82001	NORTHWEST ALASKAN PIPELINE CO & COLORADO INTERSTATE GAS CO		
ROSE, SCHMIDT, DIXON, HASLEY, WHYTE & HARDESTY SUITE 300 818 CONNECTICUT AVENUE, NW WASHINGTON DC 20006			
ERIC M. RUBIN 4TH FLOOR 1737 H ST., NW WASHINGTON DC 20006	OUTDOOR ADVERTISING ASSOCIATION OF AMERICA, INC		
JOHN G. RYAN 1700 K STREET, NW WASHINGTON DC 20006	SQUIBB CORP		
ARTHUR B. SACKLER 1627 K ST., NW, #400 WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN	5,000.00	184.00
DANIEL SALTZMAN 317 PENNSYLVANIA AVE., SE WASHINGTON DC 20003	ENVIRONMENTAL POLICY CENTER		
SAMARITAN HEALTH SERVICE 1410 N. 3RD ST., P.O. BOX 25489 PHOENIX AZ 85002			5,681.21
WILLIAM SAMUEL 1730 K ST., NW SUITE 1101 WASHINGTON DC 20006	NATIONAL TREASURY EMPLOYEES UNION	7,061.25	
MARK ROY SANDSTROM, THOMPSON, HINE AND FLORY 1920 N STREET, NW WASHINGTON DC 20036	GREAT WESTERN SUGAR COMANY	12,913.50	
Do	ORKIN EXTERMINATING CO., INC		
DONALD E. SANTARELLI SUITE 700 2033 M ST., NW WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A	250.00	235.00
Do	KINGS RIVER WATER USERS COMM	3,000.00	620.00
Do	SAFARI CLUB INTERNATIONAL	2,500.00	595.00
Do	STURM, RUGER COMPANY, INC	500.00	275.00
CHARLES SAPP 3400 TEXAS COMMERCE TOWER HOUSTON TX 77002	HOUSTON ENDOWMENT, INC		1,736.00
MARK S. SCHACHT SUITE 600 806 15TH STREET, NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC	12,975.86	1,220.00
HAROLD A. SCHAITBERGER 1750 NEW YORK AVE. WASHINGTON DC 20006	INTERNATIONAL ASSN OF FIRE FIGHTERS	11,486.28	
SCHRADER-LAUTH & ASSOCIATES, INC. 1600 WILSON BOULEVARD ARLINGTON VA 22209	ASSOCIATION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER	12,500.00	9,923.60
MARSHA SCHRAMM 1101 CONNECTICUT AVE., NW, #406 WASHINGTON DC 20036	DOMESTIC PETROLEUM COUNCIL, INC		
ROBERT I. SCHRAMM 1725 K ST., NW, #909 WASHINGTON DC 20006	SUPERIOR OIL CO & SUPERIOR FARMING CO		
WILLIAM B. SCHULTZ SUITE 700 2000 P ST., NW WASHINGTON DC 20036	PUBLIC CITIZEN, INC	500.00	10.00
BARI SCHWARTZ 1625 K STREET, NW SUITE 700 WASHINGTON DC 20006	COALITION FOR LEGAL SERVICES	6,068.99	1,461.02
ELIZABETH NASH SCHWARTZ 1700 N. MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	720.00	704.49
WILLIAM E. SEALE SUITE 435 2020 K ST., NW WASHINGTON DC 20006	COMMODITY EXCHANGE, INC	3,000.00	
DAVID SENTER 100 MARYLAND AVENUE, N.E. SUITE 500A, BOX 69 WASHINGTON DC 20002	AMERICAN AGRICULTURE MOVEMENT, INC	4,500.00	118.00
STUART D. SERKIN SUITE 3210 490 L'ENFANT PLAZA EAST, SW WASHINGTON DC 20024	SLURRY TRANSPORT ASSN	1,000.00	
SERVICE MASTER INDUSTRIES, INC 2300 WARRENVILLE ROAD DOWNERS GROVE IL 60515			1,200.00
KAREN DOLMATCH SHAW SUITE 920 1800 K ST., NW WASHINGTON DC 20006	BANKAMERICA CORPORATION	441.10	1,227.16
SHAW PITTMAN POTTS & TROWBRIDGE 1800 M ST., NW, #900-S WASHINGTON DC 20036	DATAPOINT CORPORATION		
RUSSELL H. SHAY 6014 COLLEGE AVE. OAKLAND CA 94618	SIERRA CLUB	1,264.36	974.40
SHEARMAN & STERLING 53 WALL ST. NEW YORK NY 10005	AMORY HOUGHTON, SR., ET AL		4,050.00
JONATHAN R. SHEINER 410 FIRST ST., SE WASHINGTON DC 20003	CONSOLIDATED EDISON CO OF NEW YORK, INC	512.50	
LOIS BURKE SHEPARD 8602 HIDDEN HILL LANE POTOMAC MD 20854	REPUBLICANS ABROAD		
DALE SHERWIN 1735 I ST., NW, #717 WASHINGTON DC 20006	A.E. STALEY MFGR CO	1,500.00	210.00
Do	ALABAMA FARM BUREAU FEDERATION	1,500.00	210.00
NELSON T. SHIELDS 810 18TH ST., NW WASHINGTON DC 20006	HANDGUN CONTROL, INC	5,750.93	
ELIZABETH SHIPLEY-MOSES 1107 JACKSON COURT FALLS CHURCH VA 22046	SOCIETY FOR NUTRITION EDUCATION	100.00	16.52
RICHARD G. SHOUP SUITE 600 SOUTH 1120 20TH ST. NW WASHINGTON DC 20036	UNION PACIFIC CORPORATION	2,850.00	1,802.39
NORMAN D. SHUTLER 1607 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20006	CLAYTON MFRG CO	6,000.00	3,500.00
SIERRA CLUB 530 BUSH ST. SAN FRANCISCO CA 94108		210,028.23	210,028.23
STEPHEN SILBIGER 1625 L ST., NW WASHINGTON DC 20036	AMERICAN FED OF STATE, COUNTY & MUNICIPAL EMPLOYEES	11,528.28	411.40
MARK SIMON 815 16TH ST., NW WASHINGTON DC 20006	FOOD AND BEVERAGE TRADES DEPARTMENT, AFL-CIO	419.56	
WILLIAM G. SIMPSON SUITE 424 1155 15TH STREET, NW WASHINGTON DC 20005	FIRST MISSISSIPPI CORPORATION	2,000.00	
Do	FIRST MISSISSIPPI NATIONAL BANK	2,000.00	
Do	MISSISSIPPI POWER & LIGHT COMPANY	2,000.00	
Do	STATE OF MISSISSIPPI	4,000.00	
GREGG P. SKALL, BLUM & NASH 1015 18TH STREET, NW WASHINGTON DC 20036	DAYTIME BROADCASTERS ASSN		8.00
Do	GENERAL ELECTRIC COMPANY		8.00
Do	TIME, INC		8.00
STEPHEN L. SKARDON JR 1533 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20036	NATIONAL ASSN OF RETIRED FEDERAL EMPLOYEES	8,442.00	
SLURRY TRANSPORT ASSN., 490 L'ENFANT PLAZA, SW, #3210 WASHINGTON DC 20024		1,000.00	
SL SOMMER & ASSOCIATES,INC. 3129 WORTHINGTON ST., NW WASHINGTON DC 20015	NORTHROP CORP	1,000.00	1,448.46
ROBERT SLAUGHTER SUITE 402 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	NATURAL GAS SUPPLY ASSN	8,531.26	393.47
SCOTT L. SLESINGER 15TH & M STREETS, NW WASHINGTON DC 20005	NATIONAL APARTMENT ASSN		
SMALL BUSINESS COUNCIL OF AMERICA, INC P.O. BOX 4299 COLUMBUS GA 31904		30,510.00	11,300.56
SMATHERS SYMINGTON & HERLONG SUITE 400 1700 K ST., NW WASHINGTON DC 20006	AMERICAN HORSE COUNCIL	3,666.00	
Do	AMERICAN INLAND WATERWAYS COMM	3,500.00	
Do	GOLDMAN SACHS & CO	1,500.00	
Do	PENNZOIL CO	6,000.00	
Do	REPUBLIC OF SOUTH AFRICA	7,500.00	99.40
GORDON L. SMITH 1425 K ST., NW, #1000 WASHINGTON DC 20005	FLORISTS' TRANSWORLD DELIVERY ASSN (FOR: HILL & KNOWLTON, INC)		
KERN SMITH BOX 2420 SW STATION, WASHINGTON DC 20024	AMERICAN HEALTH INDUSTRIES		
ROBERT N. SMITH SUITE 210 255 EAST BROWN ST., BIRMINGHAM MI 48011	UNITED DISTRIBUTION CO	260.00	234.50
LEIGH SNELL 510 C ST.,NE WASHINGTON DC 20002	NATIONAL ASSN OF CREDIT MANAGEMENT	1,050.00	
SOCIETY FOR NUTRITION EDUCATION 1736 FRANKLIN STREET OAKLAND CA 94612		137.00	16.52
CHARLES B. SONNEBORN SUITE 300, 1101 VERMONT AVE., NW WASHINGTON DC 20005	AMERICAN ACADEMY OF OPHTHALMOLOGY		2,371.46
SOUTH DAKOTA DEPT. OF TRANSPORTATION, DIV. OF RAILROADS PIERRE SD 57501			
JAMES L. SOUTH 8607 DIXIE PLACE MCLEAN VA 22102	PENN CENTRAL CORPORATION		
SOUTHERN FOREST PRODUCTS ASSN P.O. BOX 52468 NEW ORLEANS LA 70152		32,434.29	32,434.29
ST. LOUIS MERCANTILE LIBRARY ASSN. 510 LOCUST ST. ST. LOUIS MO 63188		712.11	24.94
DAVID E. STAHL 15TH & M STS., NW WASHINGTON DC 20005	NATIONAL ASSN OF HOME BUILDERS OF THE U.S.		
WILLIAM N. STEELE 1700 NORTH MOORE ST. ROSSLYN VA 22209	BOEING COMPANY	565.13	514.40
MICHAEL STIENTJES 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	2,737.49	10.00
JOHN W. STILLWAGGON 8TH FLOOR FOUR WORLD TRADE CENTER NEW YORK NY 10048	COFFEE, SUGAR & COCOA EXCHANGE, INC		717.70
JACK MARK STOLIER SUITE 500 1319 F STREET, NW WASHINGTON DC 20004	FOOD RESEARCH & ACTION CENTER		
W. MELVIN STREET SUITE 400 1627 K STREET, NW WASHINGTON DC 20006	NATIONAL NEWSPAPER ASSN		
RICHARD H. STREETER 1729 H STREET, NW WASHINGTON DC 20006	CAST NORTH AMERICA LTD	3,000.00	12.00
SUNMAID RAISIN GROWERS OF CALIFORNIA SUITE 420 1200 NEW HAMPSHIRE AVE. WASHINGTON DC 20036			
SUTHERLAND ASBILL & BRENNAN 1666 K ST., NW WASHINGTON DC 20006	COUNCIL OF INDUSTRIAL BOILER OWNERS		
Do	INDUSTRIAL OIL CONSUMERS GROUP		
Do	LIFETIME COMMUNITIES, INC	10,144.62	115.42
Do	LOYAL TRUST	500.00	7.00
Do	MUTUAL OF OMAHA INSURANCE CO	2,823.00	41.50
DONNAE SUTHERLIN SUITE 502 17 W. MARKET STREET INDIANAPOLIS IN 46204	NATIONAL ASSN OF MANUFACTURERS		
ROSEMARIE SWEENEY 475 L'ENFANT PLAZA WEST, SW #2970 WASHINGTON DC 20024	AMERICAN ACADEMY OF FAMILY PHYSICIANS	1,875.00	639.81
DONALD R. SWEITZER 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	5,000.00	1,015.25
SCOTT R. SWIRLING SUITE 950 1110 VERMONT AVENUE, NW WASHINGTON DC 20005	NATIONAL FAMILY PLANNING AND REPRODUCTIVE HEALTH ASSOC., INC	2,607.00	
Z. MICHAEL SZAZ 6819 SUPREME COURT SPRINGFIELD VA 22150	EMBASSY OF THE DEMOCRATIC REPUBLIC OF SOMALIA	500.00	
TALCOTT MCCABE & BOWSER SUITE 302, WEST WING 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	NATIONAL ASSN OF HOMES FOR CHILDREN	1,050.00	

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
Do	HOLIDAY INNS, INC.	1,500.00	
Do	SERVICEMASTER INDUSTRIES, INC	1,200.00	
Do	UNITED STATES INDUSTRIAL COUNCIL	750.00	
ELINOR D. TALMADGE 2501 M ST., NW WASHINGTON DC 20037	TANNERS' COUNCIL OF AMERICA		
MARY LOU TANTON 2028 P STREET, NW WASHINGTON DC 20036	FEDERATION FOR AMERICAN IMMIGRATION REFORM	1,200.00	25.00
TARGET, INC. 2411 OLD CROW CANYON ROAD SAN RAMON CA 94583			6,000.00
C. MICHAEL TARONE 2033 M ST., NW, #700 WASHINGTON DC 20036	EMPRESA BRASILEIRA DE AERONAUTICA, S.A.		
Do	SANTARELLI & GIMER (FOR: KINGS RIVER WATER USERS COMM)		
LLOYD V. TEMME SUITE 600 915 15TH STREET, NW WASHINGTON DC 20005			
JAY D. TERRY SUITE 317 1025 CONNECTICUT AVENUE, NW WASHINGTON DC 20036	LEONARD, KOEHN, ROSE AND HURT, P.C.		
TEXASGULF, INC. HIGH RIDGE PARK STAMFORD CT 06904			
MARY KAY THATCHER 600 MARYLAND AVENUE, SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FEDERATION	4,442.31	22.00
THEVENOT, MURRAY & SCHEER SUITE 1128 1120 CONNECTICUT AVE., NW WASHINGTON DC 20036	FEDERAL EXPRESS		
Do	JOSEPH SEAGRAM & SONS, INC.		
CHARLES P. THOMPSON P.O. BOX 21666 PHOENIX AZ 85036	ARIZONA PUBLIC SERVICE COMPANY	1,000.00	1,902.34
ROBERT N. THOMSON ONE LANDMARK SQ. STAMFORD CT 06901	MOORE MCCORMACK RESOURCES, INC.	5,000.00	210.94
TERENCE H. THORN SUITE 919 1700 NORTH MOORE STREET ARLINGTON VA 22209	HOUSTON NATURAL GAS CORP.		
SAMUEL THURM 1725 K ST., NW WASHINGTON DC 20006	ASSOCIATION OF NATL ADVERTISERS		
TIETZ & O'CONNELL 107 WEST JEFFERSON STREET ROCKVILLE MD 20850	Y & M STEEL CONTRACTORS, INC	450.00	
M. DOUGLAS TODD SUITE 2300 1000 WILSON BOULEVARD ARLINGTON VA 22209	NORTHROP CORPORATION		
JOSEPH P. TRAINOR 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS	3,000.00	920.45
JEFFREY B. TRAMMELL 3255 GRACE STREET, NW WASHINGTON DC 20007	GRAY AND COMPANY		
HUBERT TRAVAILLE SUITE 510 1090 VERMONT AVE., NW WASHINGTON DC 20005	POTLATCH CORPORATION	1,000.00	
PAULA C. TREAT 900 17TH ST., NW, #514 WASHINGTON DC 20006	NATIONAL HOME FURNISHINGS ASSN		
THOMAS TRUAX 1401 21ST STREET SACRAMENTO CA 95814	AMERICAN HEALTH CARE ASSN	3,000.00	110.49
ANH TU SUITE 501 800 25TH STREET, NW WASHINGTON DC 20037	PROJECT ADVISORY GROUP		4,043.00
TUCKER & BROWN SUITE 2330 WESTERN FEDERAL SAVINGS BLDG. DENVER CO 80202	JOHNS-MANVILLE CORP.	500.00	
Do	PETRO-LEWIS CORPORATION	200.00	
BRIAN TURNER 815 16TH STREET, NW WASHINGTON DC 20006	INDUSTRIAL UNION DEPARTMENT, AFL-CIO	8,000.00	
W. GLENN TUSSEY 600 MARYLAND AVE., SW WASHINGTON DC 20024	AMERICAN FARM BUREAU FED	6,474.99	21.00
ST. CLAIR J. TWEEDIE SUITE 220 1575 EYE STREET, NW WASHINGTON DC 20005	AMERICAN CYANAMID COMPANY		
JOSEPH R. TYLER 101 S. MAIN ST. DELPHOS OH 45833	U.S. FIBER CORPORATION		
U.S. INDUSTRIAL COUNCIL 3RD FLOOR, REALTORS BUILDING 306 GAY ST. NASHVILLE TN 37219			750.00
UNITED FOOD & COMMERCIAL WORKERS INTL UNION 1775 K ST., NW WASHINGTON DC 20006		46,506.71	46,506.71
UNITED VAN LINES, INC. ONE UNITED DR. FENTON MO 63026			
RICHARD A. VAN DEUREN, REINHART, BOERNER, VAN DEUREN, ET AL. 111 E. WISCONSIN AVE., SUITE 1800 MILWAUKEE WI 53202.	NATIONAL EMPLOYEE BENEFITS INST.		
JOHN A. VANCE 1050 17TH ST., NW, #1180 WASHINGTON DC 20036	PACIFIC GAS & ELECTRIC CO.	3,102.00	1,944.18
VERNER, LIIPFERT, BERNHARD & MCPHERSON 1660 L ST., NW WASHINGTON DC 20036			
Do	TRAVELERS CORP.	193.75	193.75
JOHN C. VICKERMAN 1210 CONNECTICUT AVE., NW WASHINGTON DC 20006	INTERNATIONAL CONFERENCE INDUSTRY ASSN		
DAVID VIENNA 510 C ST., NE WASHINGTON DC 20005	NATIONAL ASSN OF CREDIT MANAGEMENT	1,475.00	
RUDOLPH A. VIGNONE 1800 K ST., NW, #800 WASHINGTON DC 20006	GOODYEAR TIRE & RUBBER CO	3,500.00	
CHRISTOPHER N. VISHER SUITE 800 1016 16TH STREET, NW WASHINGTON DC 20036	ROISMAN, RENO & CAVANAUGH (FOR: NATIONAL HOUSING LAW PROJECT)	7,487.00	20.00
DOUGLAS K. VOLLMER 4350 EAST WEST HIGHWAY , SUITE 900 WASHINGTON DC 20814	PARALYZED VETERANS OF AMERICA	8,505.00	
MARTIN A. WALL 444 N. CAPITOL STREET, NW WASHINGTON DC 20001	AMERICAN HOSPITAL ASSN	398.82	103.25
DON WALLACE ASSOCIATES, INC. 232 E. CAPITOL ST. WASHINGTON DC 20003	AMERICAN SUGAR CANE LEAGUE OF THE USA, INC.	6,000.00	2,866.30
Do	COTTON WAREHOUSE ASSN. OF AMERICA	11,000.00	2,196.10
ROB WALLACE 203 MARYLAND AVENUE, N.E. WASHINGTON DC 20002	WESTERN SOLAR UTILIZATION NETWORK		
JOHN X. WARD 2001 S STREET, NW WASHINGTON DC 20009	NATIONAL CONSUMER COOPERATIVE BANK	9,960.64	
GEOFFREY WEBB 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	990.00	
WEBSTER AND SHEFFIELD 1200 NEW HAMPSHIRE AVE., NW, #350 WASHINGTON DC 20036	NATIONAL CONFERENCE OF BANKRUPTCY JUDGES	6,570.00	
WEIL, GOTSHAL & MANGES 1101 CONNECTICUT AVENUE, NW WASHINGTON DC 20036			
Do	NATIONAL RETAIL MERCHANTS ASSN.		
WELLFORD, WEGMAN, KRULWICH, GOLD & HOFF SUITE 802 1015 18TH STREET, NW WASHINGTON DC 20036	CANADIAN EMBASSY	720.00	
JOY CHERIE WEST 806 15TH ST., NW WASHINGTON DC 20005	MIGRANT LEGAL ACTION PROGRAM, INC.	4,158.57	1,221.35
WESTERN COTTON GROWERS ASSN SUITE 705 1101 17TH STREET, NW WASHINGTON DC 20036			
WESTERN GROWERS ASSOCIATION SUITE 420 1200 NEW HAMPSHIRE AVE., NW, WASHINGTON DC 20036			1,000.00
JOSEPH J. WESTWATER 10140 LINN STATION ROAD LOUISVILLE KY 40223	DAIRYMEN, INC.	8,750.00	3,202.22
WEXLER AND ASSOCIATES, INC SUITE 400 1616 H STREET, NW WASHINGTON DC 20006	TOSCO CORPORATION		
CURTIS E. WHALEN P.O. BOX 44 WINTER PARK FL 32790	CONTINENTAL RESOURCES COMPANY	3,300.00	1,158.33
STEPHEN M. WHEELER 530 7TH STREET, SE WASHINGTON DC 20003	FRIENDS OF THE EARTH	615.00	
WHITE & CASE 1747 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	REPUBLIC OF INDONESIA	742.50	8.75
BRENDA WHITE ROOM 807 140 PARK PLACE NEW YORK NY 10007	MUNICIPAL LABOR COMMITTEE	7,966.14	2,157.88
BRYAN K. WHITEHEAD 815 16TH ST., NW WASHINGTON DC 20006	BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS		
W. EDWARD WHITFIELD 840 WASHINGTON BUILDING 15TH STREET & NEW YORK AVENUE, NW WASHINGTON DC 20005	CSX CORPORATION	3,000.00	466.13
WILKINSON, CRAGUN & BARKER 1735 NEW YORK AVE., NW WASHINGTON DC 20006	MARATHON OIL CO.		15.50
RALPH E. WILLHAM 1750 NEW YORK AVE., NW WASHINGTON DC 20006	SHEET METAL WORKERS' INTL ASSN	8,977.50	
WILLIAMS & JENSEN, P.C. 1101 CONNECTICUT AVE., NW WASHINGTON DC 20036	AMERICAN PHYSICAL THERAPY ASSN	50.00	13.26
Do	AMERICAN TRUCKING ASSNS, INC.		
Do	BURGER KING CORP.	1,462.50	154.16
Do	C. BREWER & CO. LTD.		
Do	CENTURY 21 REAL ESTATE CORP.	795.00	64.22
Do	COMPETITIVE TELECOMMUNICATION COALITION	1,900.00	154.16
Do	CONNECTICUT GENERAL INSURANCE CORP.		12.84
Do	CONSOLIDATED FOODS CORP.		12.84
Do	DOMESTIC PETROLEUM COUNCIL, INC.		
Do	FIRST BOSTON CORP.	52.50	12.84
Do	HIGHER EDUATION ASSISTANCE FOUNDATION		
Do	IU INTERNATIONAL MANAGEMENT CORP.	1,002.50	89.92
Do	KELLOGG COMPANY	227.50	25.69
Do	KRAUSE MILLING CO.	20.00	12.84
Do	LLOYD HAYES		
Do	LOUISIANA LAND & EXPLORATION CO.		
Do	MUSTANG FUEL CORPORATION		
Do	NATIONAL ASSN OF WATER COS.	960.00	102.77
Do	NATIONAL SOFT DRINK ASSN	1,032.50	79.57
Do	NATIONWIDE INSURANCE COMPANIES	40.00	12.84
Do	OLYMPIA & YORK DEVELOPMENTS LTD.		
Do	OLYMPIA & YORK EQUITY CORP.		
Do	PARALYZED VETERANS OF AMERICA		
Do	PILLSBURY COMPANY		
Do	RECORDING INDUSTRY OF AMERICA, INC.	9,235.00	655.17
Do	SOUTHERN RAILWAY SYSTEM		
Do	STUDENT LOAN MARKETING ASSN.	1,062.50	89.92
LAWRENCE F. WILLIAMS 330 PENNSYLVANIA AVENUE, SE WASHINGTON DC 20003	SIERRA CLUB	6,500.00	7.50
THOMAS C. WILLIAMS, STANFORD, WILLIAMS & BRIGGS 1825 K STREET, NW, #703 WASHINGTON DC 20006	NATIONAL ASSN OF INDUSTRIAL & OFFICE PARKS		
Do	NATIONAL FOOTBALL LEAGUE		125.00
DENA L. WILSON 1600 WILSON BLVD., #1000 ARLINGTON VA 22209	AMERICAN WATERWAYS OPERATORS, INC	1,400.00	94.65
ALAN M. WISEMAN SUITE 900 1730 PENNSYLVANIA AVE., NW WASHINGTON DC 20006	MEAD CORPORATION	2,851.25	467.90
WILLIAM E. WOODS 1750 K ST., NW WASHINGTON DC 20006	NATIONAL ASSN OF RETAIL DRUGGISTS	1,500.00	300.00
GEORGE M. WORDEN 1201 PENNSYLVANIA AVE., NW WASHINGTON DC 20004	HILL & KNOWLTON, INC. (FOR: DISTILLED SPIRITS COUNCIL)		
WYATT, SALTZSTEIN, LIPSEN & HAMBERGER 8TH FLOOR 1725 DESALES STREET, NW WASHINGTON DC 20036	DRAVO CORP.	625.00	
Do	AMERICAN BUSINESS PRESS, INC	3,000.00	
Do	AMERICAN WATERWAYS OPERATORS, INC	3,900.00	150.00
Do	WESTINGHOUSE ELECTRIC CORP	5,210.00	210.00
FREDERICK S. WYLE 3 GREENWOOD COMMON BERKELEY CA 94708	FEDERATED STATES OF MICRONESIA		
WYMAN, BAUTZER, ROTHMAN, KUCHEL & SILBERT SUITE 580, THE WATERGATE 600 600 NEW HAMPSHIRE AVE., NW WASHINGTON DC 20037.	AMERICAN BOILER MANUFACTURERS ASSOCIATION, INC.		
Do	BRISTOL BAY NATIVE CORP.		
Do	EKLUTNA, INC.		
Do	FILMWAYS, INC.		
KIM YELTON 8120 FENTON ST. SILVER SPRING MD 20910	AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE	4,482.72	212.45

Organization or Individual Filing	Employer/Client	Receipts	Expenditures
HARRY M ZACHEM 1025 CONNECTICUT AVE., #507 WASHINGTON DC 20036	ASHLAND OIL, INC.	2,000.00	
MICHAEL ZAGORAC P.O. BOX 4689 CLEARWATER FL 33518	JACK ECKERD CORPORATION		472.00
JANICE ZARRO 1660 L ST., NW, SUITE 715-16 WASHINGTON DC 20036	AVON PRODUCTS, INC	30.20	10.00
THOMAS K. ZAUCHA 1910 K ST., NW SUITE 700 WASHINGTON DC 20006	COOPERATIVE FOOD DISTRIBUTORS OF AMERICA		
KEVIN B. ZEESE 530 8TH ST., SE WASHINGTON DC 20003	NATIONAL ORGANIZATION FOR THE REFORM OF MARIJUANA LAWS		
PHILIP F. ZEIDMAN 1025 CONNECTICUT AVE., NW, #900 WASHINGTON DC 20036	AMERICAN BUSINESS CONFERENCE		
MYRON ZEITZ 1146 19TH STREET, N.W. ROOM 300 WASHINGTON DC 20036	COMMUNITY NUTRITION INSTITUTE		
ZERO POPULATION GROWTH, INC 1346 CONNECTICUT AVE., NW WASHINGTON DC 20036		3,474.00	3,144.00
13TH CONGRESSIONAL DISTRICT ACTION COMM 986 VICAR LANE SAN JOSE CA 95117		83.75	164.28
5TH PRO-LIFE CONG DISTRICT ACTION COMM (FL) C/O MR. JOHN KELLEY 1120 MICHIGAN BLVD. DUNEDIN FL 33528			342.84

EXTENSIONS OF REMARKS

A TRIBUTE TO MISS KATHY MITCHELL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. SKELTON. Mr. Speaker, I would like to bring to the attention of this body the achievements of a young lady from Lexington Mo., Miss Kathy Mitchell.

Kathy Mitchell was crowned the new Miss Lafayette County for 1983, enabling her to represent Lafayette County next year in the Miss Missouri Pageant. Miss Mitchell, an accounting major at the University of Missouri, is the daughter of Mr. and Mrs. William D. Buchanan, also of Lexington, Mo.

Beauty pageants are nothing new to Miss Mitchell. In 1980, she was the second runner-up in the Miss Lafayette County contest, first runner-up in the Missouri Show-Me Pageant and, in 1982, she was the first runner-up in the Miss Trenton Pageant.

I take this opportunity to congratulate Kathy Mitchell for her outstanding achievements and to wish her every success in her future endeavors.●

THE PLIGHT OF SOVIET JEWRY

HON. HANK BROWN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. BROWN of Colorado. Mr. Speaker, I rise today to tell my colleagues about the plight of two courageous people, Vladimir and Efim Feldman. These two brothers first applied to leave the Soviet Union 10 years ago. Today, they still remain there, yearning for the chance to live in freedom.

The situation for those of the Jewish faith in the Soviet Union has deteriorated in the last few years. Vladimir and Efim Feldman are only two of the many who are being subjected to a virulent, government-sponsored, anti-Semetic campaign. Jews are being denied the opportunity to study at Soviet universities or secure decent employment. Those bold enough to ask to leave the Soviet Union often are ostracized, losing jobs and friends.

The case of Vladimir and Efim Feldman, unfortunately, is characteristic of this treatment. Along with their mother, Riva Feldman, the two brothers made their first emigration application in October 1972. They were refused, and Efim was drafted into the army. He completed his duty in 1975. That same year, Vladimir was drafted, but was demobilized in 1976.

Riva Feldman, an active member of the Moscow Women's Refusenik Group, finally was permitted to emigrate in April 1980. Her sons, however, have repeatedly been denied permission to emigrate on the grounds that their military service made them privy to "state secrets," even though Efim had been out of the military for 7 years and Vladimir only served 1 year as a guard for a construction unit.

The world must not remain silent while these people and others are denied the opportunity to live in freedom. The National Conference on Soviet Jewry estimates that only 182 Soviet Jews were allowed to emigrate in June of this year—the lowest monthly figure in over 10 years and a 96-percent decrease from comparable figures in June 1979.

Mr. Speaker, I hope my colleagues will continue to speak out for the Feldmans and others seeking to emigrate from the Soviet Union.●

OPPOSITION TO HEALTH AND HUMAN SERVICES PROPOSAL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WEISS. Mr. Speaker, today I am introducing a resolution, cosponsored by 53 of my colleagues, which expresses congressional, opposition to Health and Human Services Secretary Schweiker's recent attempt to silence public opinion through radical changes in the Department's policy of giving notice and soliciting comments on proposed regulations. This constitutes one more example in a long list of this administration's efforts to reverse decades of progress in expanding citizen participation in Government decisionmaking. It is an affront to the American people and should be promptly withdrawn.

My opposition to the Department's ill-advised proposal to exempt itself from any legal obligation to follow notice and comment procedures stems from a strong conviction that public input is essential to the development of just and sound policy. Experience has taught us that open rulemaking strengthens participatory democracy and thereby mitigates the possibility of arbitrary, harmful, and irresponsible regulations.

Notice and comment procedures are essential because they afford Government agencies the opportunity to receive important data, diverse perspectives, and suggestions for alternative approaches before promulgating regulations. Such an exchange of information between the public and decisionmakers has led to improved regulations and increased Government responsiveness and accountability to those affected by its actions. It is quite clear that the public benefit from citizen involvement far outweighs any administrative delay or burden that may result from open rulemaking procedures.

The Administrative Procedure Act requires that Government agencies publish notice of proposed rulemaking, provide the public with an opportunity to comment on such proposals, and consider the comments before promulgating final rules. These procedures were carefully constructed to provide flexibility for Government agencies and guarantee protection for the public. The act permits Government agencies to waive notice and comment procedures for "good cause," but this discretion is subject to public and judicial review. If the Secretary's proposal were to be implemented, the courts would be stripped of their right to review the validity of the Department's decision to forego these procedures.

Unfortunately, there is an exemption in the Administrative Procedure Act for rules relating to loans, grants, benefits, or contracts. Most of the Department's major programs, including social security, medicare, medicaid, AFDC, and SSI fall within this loophole. However, 12 years ago, former HEW Secretary Elliott Richardson waived this exemption because he recognized the importance of public access to information and participation in the Department's policy development.

Moreover, the Administrative Conference of the United States has recommended elimination of the so-called proprietary exemption in the APA because, and I quote, "the potential damage to sound policy formulation and private rights is great in any case where (public) participation is not assured." Both the full Senate and the House Judiciary Committee recently heeded this recommendation by adopting legislation to eliminate this technicality in the APA. In contrast to the Department of Health and Human Services, the Congress intends to increase public involvement in the regulatory process.

I am particularly disturbed by the Department's exclusionary stance be-

cause of the broad scope of grant and benefit programs that fall within its jurisdiction. Many of these programs affect the health and security of millions of Americans. The Schweiker proposal would not only negatively affect program beneficiaries, but it would also exclude hospitals, human service providers, doctors, unions, State and local governments, businesses, and nursing homes from the rulemaking process. Without their important contribution, program administration and service delivery would likely deteriorate, causing needless hardships among those dependent on these programs.

It is critical that the Department reconsider this move to close itself off from the public as quickly as possible. During the next few months, many important and far-reaching regulations will be issued as a result of the 1982 reconciliation bill and the administration's own agenda for reforming health and human services programs. The public must have the opportunity to comment on these upcoming changes.

Apparently many people serving in this administration prefer to ignore the fact that our Government belongs to the people. Despite its rhetoric, the administration continues to sabotage established practices of open government and to suppress public participation. In doing so, they have furthered the perception of the Federal bureaucracy as closed, exclusive and indifferent to the concerns of the people it is supposed to be serving.

I invite my colleagues to join with me in urging the withdrawal of this Health and Human Services proposal and affirming the American people's right to be involved in their Government's policy decisions.

The text of the resolution follows:

H. CON. RES. —

Whereas public participation in the regulatory process is essential to the formulation of fair and sound policy;

Whereas open rulemaking mitigates the possibility of arbitrary, harmful, and ill-advised rulemaking;

Whereas the Department of Health and Human Services has successfully adhered to Administrative Procedure Act notice and comment period procedures for twelve years;

Whereas the daily lives of millions of Americans are profoundly affected by the regulations that are issued by the Department of Health and Human Services; and

Whereas it is critical that program beneficiaries, State and local governments, human services providers, and organizations continue to be afforded the opportunity for input whenever Health and Human Services regulatory changes are proposed: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Secretary of Health and Human Services should withdraw proposed rules published in the Federal Register on June 22, 1982 (pp. 26860-61) that would reduce public notice and comment opportunities, and affirm current practices which involve the public in rulemaking procedures.●

A TRIBUTE TO ANDREW GLICK

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to recognize the outstanding work done for all of us by a former page, Andrew Glick. After having spent the last 2 years as a page, Andy recently left his job in the Democratic cloakroom to begin college at Brandeis University. His knowledge of the House of Representatives and his willingness to be helpful made Andy invaluable to all the Members. No request was ever too great or too small for him. He accepted his responsibilities cheerfully and always did his best to make our lives easier.

Now that Andy has moved on to bigger things, I know my colleagues will join me in expressing our deep appreciation for all his help. I consider Andy Glick a close personal friend and shall miss seeing him on a daily basis. However, I know that, with his love of politics and of the House, Andy will be back—perhaps as a Member of Congress himself. Under any circumstances, I know Andy will go far in life. He will certainly be hard to replace.●

TARGETED DEVELOPMENT AID AMENDMENT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. SIMON. Mr. Speaker, yesterday, I introduced the "targeted development aid amendment." In my statement, I inadvertently left out the name of one of my colleagues as a cosponsor of this legislation, a Member of this body who has provided solid and consistent leadership on world food and hunger problems. Mr. Speaker, I would like to add the name of my colleague TOM DASCHLE as a cosponsor of H.R. 7012.●

DIVERSION OF DRUGS FROM FLORIDA TO NEW YORK

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ZEFERETTI. Mr. Speaker, yesterday there appeared in the New York Times a front page story entitled, "Drug Seizures Rising in New York as Navy Blocks Florida Route." I read this story with great concern but with little surprise. Since the creation of the Vice President's Task Force on Violent Crime in South Florida, I have consistently warned the administration that the massive concentration of Federal enforcement personnel and equipment in south Florida strips other narcotics entry ports, as New York, of needed defenses against drug traffickers. I cautioned then—as I do now—a concentrated drug interdiction effort in one area of the country will only force traffickers to channel their efforts elsewhere.

In what is turning out to be a prophetic event, the Select Committee on Narcotics Abuse and Control held a hearing on narcotics law enforcement in the New York area on April 30, 1982. A major issue was the impact of the transfer of Coast Guard, Customs, DEA, and other Federal manpower and equipment to south Florida. We were warned then as to what would happen—any lessening of our narcotics enforcement efforts in the Northeast would leave the Long Island, New Jersey, and New England coasts and area airports severely vulnerable to narcotics trafficking. This sadly has come true. The Times reported record seizures of cocaine and marihuana in the Northeast in recent months.

The administration has failed to give the problem of drug trafficking the budgetary priority and resources it deserves. Instead of insuring that all areas of major narcotics importation are able to sustain successful interdiction efforts, the administration has acted with a crisis management approach, shifting rather than increasing resources. In a recent meeting with Vice President BUSH, I vigorously pointed out the need for a balanced enforcement policy.

Let no one be mistaken, I fully support the activities of the south Florida task force. These resources cannot be withdrawn. It was my action in the Rules Committee that placed in the urgent supplemental the operational funds needed by the Coast Guard and Customs to participate in the south Florida effort. I applaud the successes of the task force. However, its achievements highlight the failure of the administration to develop a national comprehensive narcotics control program. If we are to have any hope of significantly reducing the drug trade, our drug law enforcement agencies must be provided with the resources needed to maintain a balanced enforcement posture in all threatened areas.●

THE COOPERATIVE STATE FORESTRY RESEARCH AND EXTENSION AMENDMENTS OF 1982

HON. WILLIAM C. WAMPLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WAMPLER. Mr. Speaker, today I am introducing legislation to require a substantial policy shift in funding agricultural forestry research and extension.

From every quarter of our society and abroad conditions are occurring which place increasing demands on American agriculture to produce more and better wood products at cheaper prices. The General Accounting Office in a report to Congress in January 1981, "New Means of Analysis Required for Policy Decisions Affecting Private Forestry Sector," stated "that consumption of timber product in terms of roundwood volume could double by the year 2030." The U.S. Forest Service in the same report projects a timber shortage of 15.8 billion cubic feet of timber by 1990. And the GAO further stated in its report that the wholesale price index for timber escalated from 6.4 in 1900 to 127.4 in 1976. GAO further indicated that prices for timber have climbed at a much faster rate since 1900, especially since 1946 when the price index rose from about 71 to 127.4 in 1976.

Obviously, if this Nation is to build or improve homes for its citizens, supply a growing body of Americans with furniture and other products for homes and businesses, provide pulp for paper products, meet the demands for boxes, cartons, and bags to protect other products from damage in transportation or to increase shelf life, and supply wood and wood residues to supplement or replace our dwindling supplies of primary fossil fuels, we must take action to improve wood supplies and cut costs of production. Since trees in a forest take years to reach a size when they can be harvested for the use of mankind, the sooner we take action to correct this pressing problem, the sooner we will have a chance to prevent serious wood shortages and halt price escalations of wood products.

Today the U.S. timber supply comes from three sources, that owned by the public in our national and State forests, that held by the forest industry, and that owned by nonindustrial owners in relatively small private holdings. Of the total 737 million acres of forests in the Nation, about 428 million acres, or about 66 percent of our total forested areas, are classified as "commercial land," that is, each acre is capable of producing at least 20 cubic feet of wood each year and the acreage is not reserved for other uses such as parks and wilderness areas. Ownership of commercial timberland is as follows:

OWNERSHIP OF COMMERCIAL TIMBERLAND, JANUARY 1977

Owner	Million acres	Percentage
Public	135.7	28
Industrial	68.7	14
Nonindustrial	277.9	58
Total	482.3	100

Source: U.S. Forest Service.

Timber is a renewable resource but one which requires a long wait between investment and maturity. Thus, while it is profitable to harvest current forests, there may be reluctance to invest in the production of future supplies. To deal with this problem, the Congress has established long-term objectives for the national forests, stipulated in the National Forest Management Act of 1976. It also has provided tax incentives and other forms of assistance to encourage private timber production.

But, the actions Congress has taken and the research efforts we have taken have not sufficiently answered the problem of meeting expected wood products shortfalls of the all too near future.

There are three pressing reasons that exists for my bill. They are:

First, timber replacement and improved utilization technology must be developed if we are to meet these known expanding demands for the future.

Second, if we are to have the necessary quality and quantity of wood to meet future demands and to protect the environment we must begin today to plant the types of trees we will need to replace what we are cutting today and tomorrow, this means better management of our existing forests.

Third, current forestry research and education policy favors the public and industrial forces resources over our nonindustrial resources by a ratio of about 10 to 1. Yet over 58 percent of our total forest potential lies in nonindustrial forest area largely owned by millions of small landholders. Moreover, the greatest return toward meeting the demands for the future and reducing the cost of wood products lies in improving and better utilizing these nonindustrial forest lands. I might add Mr. Speaker, that these privately held nonindustrial lands are not held by the Weyerhausers or the Georgia-Pacifics of this land as we are often led to believe, to the contrary, nonindustrial private lands are held by millions of small landholders, averaging about 25 to 50 acres in size.

My State of Virginia is a prime example of conditions in a majority of the wood producing States of this Nation.

First, nonindustrial private forest landowners own 77 percent of the commercial forest land of the State. Second, there are some alarming trends for Virginia's forest lands: One, the acreage of pine timberland is decreasing due to increasing urbanization and conversion of timber to other uses, and two, the composition of Virginia's forest are shifting from commercially valuable pine to low-valued hardwoods. Third, it is estimated that investments in better forest management activities capable of earning a 10-percent return would yield approximately 341 million additional cubic feet per year, a 41-percent increase over the current net annual growth of 823 million cubic feet. At current average stumpage prices, the value of the increased annual yield would be approximately $150–170 million.

I have become increasingly concerned that we have not engaged in sufficient study of forestry conditions nor have we developed the best ways to help the several million forest landowners apply knowledge gained from research so that they can secure the best set of benefits from their forest that they would desire to have.

We are a nation that has been strong on efficiency and progress in manufacturing techniques, but we have been far less progressive in devising ways to assure a constant and effective flow of raw materials, especially renewable resources such as our trees.

To have forests for tomorrow of the kind we will need and use, we have to act today. Ideally forest research should be a private endeavor funded with private money. However, there are several practical reasons why this has not been the situation and is not likely to be the situation in the future. Private firms are of necessity profit-oriented.

We would have to, in effect, grant a 100-percent tax credit for much of the forest land research that needs to be done for a private corporation to expend money that would not benefit it and its shareholders directly and almost solely. Such grants would then have to be supervised by the State or Federal Government granting this preferential tax treatment, and the likely cost and redtape that would result from this supervision would be greater than if the States and Federal Government performed the research directly with appropriated State or Federal funds.

Research of the type needed, then, is a public service with a public benefit and thus it ought to be directly publicly funded. And this is especially true of forest research, where long-term commitments are needed and research and development takes time to complete and distribute.

The forest industry, for many reasons which make sense to it, does not engage in extensive research that will

benefit all private landowners. Most of its efforts are product and internally oriented rather than land and resource and publicly oriented.

We have in place a modest and useful system capable of the type of research that is needed in our forestry schools at our land grant colleges and universities and the Forest Service.

We have also developed a system of research grants under the McIntire-Stennis Act, which authorizes the Secretary of Agriculture to award formula-based research grants to qualified State forestry schools, such as the Forestry School at Virginia Tech. But, despite the enactment of a law sponsored by an eminent Senator from Mississippi and an illustrious former Member of the House from Maine, these institutions are only receiving in total about $12 million annually under this program.

This amount does not come close to meeting the public benefits that would be secured from adequate funding. We find this especially true when we consider that the total amount of funds expended by the U.S. Forest Service for the Federal Government-owned forests consisted of the bulk of $130 million in the current fiscal year. To me the disparity between funding for Federal-owned forests and privately owned forests is completely out of balance.

I have discussed this with a number of people, not only in Virginia, but also throughout the South, and the inescapable conclusion is that measured against what ought to be done to upgrade our private forest, which I believe is in the national interest, we as a Nation find ourselves woefully deficient. This is a situation that deserves to be changed and one that I am, as the ranking minority member of the committee on Agriculture, endeavoring to change.

The reductions planned in the fiscal year 1983 budget for all forms of forest research are in my view not going to produce public benefits, but rather will work against building a long-term stronger economy that will yield better forests, better income for the millions of small landowners, more reasonably priced products for consumers, and a balanced budget for the States and Federal Government.

It is not my purpose to write that program. This is the task that ought to be carried forward by those with good technical knowledge of the sorts of forest research that will meet the most critical needs. However, I shall identify, as examples, some of the types of things that I am persuaded, after considerable discussion with the people of Virginia, deserve far greater attention and funding.

The Federal Government, in my opinion, should have the same cooperative partnership with the States to improve our private forests that it has long had and developed over the years with respect to our farmers and ranchers in the production of food and fiber. This cooperative partnership has made our country first in the world in producing, processing, and marketing the most abundant, safest, and most reasonably priced food and fiber products the world has ever seen. Our people deserve no less when it comes to helping landowners grow forest products.

The forests of this Nation are not a single environmental or economic unit. While we share much in common, even in Virginia the situation and the needs are different in our tidal counties, where softwood lands are more dominant, and in our uplands and mountains, where the hardwood forests have become the major force.

I would cite two principal areas for immediate attention from the standpoint of Virginia: First, pine forest regeneration, and second, utilization of existing hardwood forests.

I have selected for citation just two of the numerous areas where we need to accelerate research and to improve our forest extension service. In my view there are a number of areas where we need to make useful examinations and devise ways to get the results to landowners. Forests are influenced by the effects of weather and natural events. Trees are afflicted by attacks from insects and diseases.

The way the land is managed and the timber harvested has impacts. The soil, the water, the wildlife and the uses man makes of the land affect and interact with each other. The techniques used to harvest trees and convert them to products affect the utility of the forest. The economics of all of these elements, along with the economics of the forest resource infrastructure, are of vital interest.

What is needed then is legislation which accomplishes the following: An increase in funding of State forestry research and renewable resources extension to insure that we increase the productive capability and usability of our millions of acres of private forests held by millions of small landholders; a formula for these funding increases that places the bulk of these funds in the States which grow, harvest and add value to timber in the form of needed and improved wood products; a formula that also provides for improving the best conservation aspects of all our forests, improves the recreational capability of our forests, and the environment of our whole Nation; and finally a provision that enables the Nation to conduct high priority forestry research on a competitive basis by our best forestry researchers.

The bill I am introducing today is conceptual in nature. In my judgment and the judgment of others these concepts are valid. However, mine is not an inflexible position. It is my intention to develop a dialog on this legislation by submitting my bill to the deans of forestry and the directors of extension in every State. I also need the views of the wood products industry, the forestry associations, State foresters, public interest groups and the executive branch. It is my hope after reviewing their comments to incorporate them into an improved bill.

A brief explanation of the bill follows:

EXPLANATION OF LEGISLATION

Short Title: "The Cooperative State Forestry Research and Extension Amendments of 1982."

1. The bill amends the McIntire-Stennis act, the principle Act that authorizes fund for cooperative State Forestry research at State designated forestry schools, by:

a. Increasing the eligibility requirements for receipt of Federal funds by requiring higher graduate level training in forestry for institutional recipients.

b. Increasing the level of funding for the McIntire-Stennis Act from $12,500,000 annually to approximately $30,000,000, by requiring McIntire-Stennis appropriations to be made at an amount equal to 25 per centum of the aggregate amount of all research appropriated for the conduct of research by the U.S. Forest Service and Cooperative State Forestry Research in each fiscal year beginning October 1, 1982. Such appropriations are to be apportioned by a formula that gives the first 4 per centum to the Federal government for administration of the program; apportions 10 per centum of the remainder equally among eligible institutions; and the remaining 86 per centum is apportioned among eligible state forestry institutions based upon a formula which weighs the ratio each state bears to all states in each of the following categories: as to the volume of growing timber on private and Federal forest lands; the volume of growing timber on private forest lands; the volume of timber cut on private and Federal forest lands; the volume of timber cut on private forest lands; and the value added to timber manufactured from timber grown or imported into a State.

c. The apportionment duties of the council appointed under the McIntire-Stennis Act are eliminated and in its stead the Council is required to recommend high priority research areas to improve forestry resources in the United States to the Secretary of Agriculture.

2. The McIntire-Stennis Act is further amended to allow the Secretary of Agriculture to establish a new competitive grants program for high-priority forestry research for all colleges, meeting the requirements of the McIntire-Stennis Act and for other institutions, organizations and persons having a capacity to carry out high priority forestry research. The Secretary is required to establish a peer review system for evaluating competing proposals, and $10 million is authorized annually to support this new program.

3. The bill also amends the Smith-Lever Act, which authorizes the Extension Service and the Renewable Resources Extension Act, so as to permit an expansion of forestry extension under the Renewable Resources Extension Act. This program is expanded from approximately $2,000,000 annually to $15,000,000. This is accomplished in the same manner as the previous action described above to upgrade the McIntire-Sten-

nis program, except that the percentage of appropriations of the aggregate of all extension under the Smith-Lever Act and the Renewable Resources Extension Act made under this provision are only 5 per centum instead of the 25 per centum cited in the previous McIntire-Stennis amendment. Additionally, the apportionment of funds equally among states is at 20 per centum of the funds. The remaining 76 per centum of the funds to be apportioned follow the same formula between states as in the early cited McIntire-Stennis Act amendments.

4. This bill is effective October 1, 1984.●

JONATHAN BINGHAM

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. PEYSER. Mr. Speaker, I would like to take this opportunity to pay tribute to Jonathan Bingham, an outstanding Member of Congress who is retiring at the end of this session.

JACK is leaving the Congress after 18 years of exemplary service to his constituents and to his country. His unyielding devotion to those principles in which he believed made him one of the most respected Members of Congress that this body has seen.

JACK'S service on the House Foreign Affairs Committee and his depth of knowledge on foreign affairs has been a constant source of strength to this country. As one of the leading supporters for the State of Israel he was chiefly responsible for antiboycott legislation that prohibited U.S. complicity in the Arab boycott of Israel. His commitment to that Nation served as an inspiration to all of us and to democratic nations around the world.

JACK was also one of the main authors of the Nuclear Non-Proliferation Act, one of the most important pieces of legislation produced by the House Foreign Affairs Committee. He became the pioneer of the nuclear freeze movement in this country and it was my pleasure to join with him in cosponsoring this resolution.

Since our congressional districts in the Bronx shared the same boundaries, I had the pleasure of working on many projects with him. His dedicated commitment and service that brought better housing, health care and services to the residents of the Bronx will always be remembered by the people whose lives were touched by knowing him.

Since I first came to this Congress, in 1971 JACK BINGHAM has been one of the most forthright, honest, and intelligent Members of Congress that I have met. He has represented the people of his district and this country with great skill and devotion. He will be truly missed by all of us.●

IMPLICATIONS OF THE LAW OF THE SEA TREATY FOR OCEAN MINING

HON. JIM LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. LEACH of Iowa. Mr. Speaker, an emerging focal point of the political controversy surrounding the Law of the Sea Convention centers on the implications of that treaty for future U.S. ocean mining and other commercial interests. The President took one point of view when he announced July 9 that the United States would refuse to sign the treaty because of remaining imperfections in the deep seabed mining provisions of the text. An article in the August 23, 1982, issue of Fortune magazine provides a different perspective on the future prospects for U.S. business outside the international Law of the Sea Treaty. I commend it to the attention of my colleagues:

THE REAGANITES' MISADVENTURE AT SEA

(By Tom Alexander)

Several American companies have been captivated for years now by the lure of manganese nodules—those black, potato-shaped, metal-rich objects that litter some mid-ocean floors. These companies have spent around $350 million prospecting the seas and developing the impressive equipment required to raise the nodules and process them into refined metals. But as a result of recent decisions by the U.S. government, it is likely that when nodule harvesting eventually starts, the companies doing it won't be American. The U.S. outfits will probably have either fled to foreign shores or sold off their technology and dropped the mining idea entirely.

What's oddest about this imminent demise of American-flag ocean mining is that it amounts to a complex form of corporate suicide. Climaxing a long and successful lobbying campaign by the industry and its supporters in government, the Reagan Administration recently announced that it won't sign the international Law of the Sea Treaty, which has been under negotiation for 14 years. That pretty much sank any prospects that U.S. companies will be able to mine nodules in international waters.

In the short run, it's true, the dissolution of U.S. ocean mining is no big deal. Given the high cost of operations and the current dismal market for metals, nodule gathering may not prove profitable for decades. But the Administration's decision threatens more immediate national interests, notably freedom of navigation for ships and aircraft and political and commercial relations with the world at large. In the longer run it may impede U.S. access to strategic metals.

Were the implications less disquieting, the affair would be notable mainly for its quality of farce. For the U.S. was a prime instigator of the Law of the Sea Treaty—now widely referred to as LOST. What's more, the treaty accomplished practically everything the U.S. had hoped it would. But by withdrawing, the U.S. may deny itself the benefits. The turnabout on the treaty also reinforces the country's international reputation for inconstancy and unreliability.

WALLS IN THE OCEAN

The ' nerican interest in securing a treaty on maritime law dates back to the 1950s and the emerging problem of "creeping jurisdiction"—coastal nations extending their seaward boundaries beyond the traditional three-mile limit. Many countries began adopting 12-mile limits; several Latin American countries claimed 200 miles. In the face of these claims, U.S. defense planners—and their counterparts in the Soviet Union—wanted to pin down their rights to navigate freely. Widely adopted and strictly exercised, the extended jurisdiction could close some 116 international straits to shipping and large expanses of ocean to aircraft. As it was, some countries were demanding that foreign warships provide 24-hour notice before entering their new territorial waters and that nuclear submarines passing through straits—perhaps on their way to secret stations—travel on the surface.

Looking for ways to induce other countries to guarantee unimpeded navigation, the U.S. hit on the idea of bringing in marine natural resources-notably manganese nodules. Oceanographic research had revealed the abundance of the nodules, particularly the rich deposits in the international waters of the eastern Pacific. In the Sixties, enthusiastic scientists and would-be mining entrepreneurs portrayed those seafloors as being paved with trillions of dollars' worth of fairly high-grade sources of manganese, copper, nickel, and cobalt. Metal prices were high and climbing; grades of ores from onshore mines were declining. U.S. companies—familiar corporate names such as Kennecott and Lockheed and less familiar ones such as Sedco and Deepsea Ventures—surveyed prospective seabed claims and developed techniques for lifting nodules from their three-mile-deep resting places and refining them. To help raise capital and spread financial and political risk, the companies acquired partners abroad.

THE 77 SAW AN OPPORTUNITY

At first everyone presumed that the nodules fell under the centuries-old doctrine of freedom of the seas—that, like fish, they were free for the taking. But in 1966, President Johnson, in a burst of 1960s-style openhandedness and sentimentality, characterized the nodules as belonging to all nations. In 1970 the U.N. declared them to be the "common heritage of mankind"—L.B.J.'s very words. The U.S. voted in favor of the declaration. A clause in it said that no country could exercise rights over the international seabed except in accordance with a new treaty.

In authorizing the U.S. vote, President Nixon saw the proposed treaty as an opportunity to obtain worldwide agreements to keep straits open, assure U.S. rights of navigation and marine research within 200-mile waters, provide mechanisms for settling disputes, and resolve other troublesome issues associated with the oceans.

These expectations failed to anticipate torpedoes from two directions. At the U.N., the newly militant Third World voting bloc known as the Group of 77 saw law-of-the-sea negotiations as an opportunity to advance its New International Economic Order, aimed at obtaining a more equal distribution of the world's wealth. The Group of 77 drove a hard bargain on seabed mining. Among other things, it insisted that all mining be carried out under contract to an International Seabed Authority, which would divert part of the profits to the Third World. Some members of the Group of 77,

joined by some developed mining countries like Canada, Australia, and New Zealand, also demanded limits on seabed production to protect their metal prices.

The other main source of trouble was the embryonic U.S. ocean-mining industry itself. It did not care for Nixon's scheme, and its friends in Congress strongly opposed the Group of 77's demands.

VERGING ON THE BIZARRE

Deadlocked over seabed mining, the treaty negotiations dragged out until 1976, when Secretary of State Henry Kissinger put forward a package of compromises, which were adopted. He proposed a dual system that would allow mining both by private operators and by an internationally owned entity, which came to be referred to as the Enterprise. Kissinger suggested that the Enterprise might get help from its private competitors—not only capital but also access to proprietary mining and processing technology. One provision carried international generosity to an almost bizarre extreme: before a private company could obtain a permit to mine a new seabed site, it would first have to prospect two sites, and then the Enterprise would be allowed to pick the one it wanted.

By 1980 it finally looked as though a treaty was within reach, a treaty that would effect many changes in international law. It would grant coastal nations 12-mile territorial seas plus the rights to natural resources in a 200-mile "economic zone." But it would also guarantee freedom of passage for ships and aircraft of signatory nations. It would establish standards covering marine pollution and set up an international tribunal to resolve disputes. A final conference to iron out a few remaining differences was scheduled for the spring of 1981.

WASHED-AWAY MEMORY

Then Reagan was elected. The new Administration paid little attention to the formidably complex sea-law issues until shortly before the final session was to begin, two months after Reagan took office. By that time, government had little institutional memory about such issues as navigation, which had prompted the U.S. to initiate the LOST process to begin with. Instead the Defense Department suddenly became preoccupied with strategic metals, notably manganese and cobalt, which the U.S. imports largely from Communist or unstable Third World countries. And the Administration became preoccupied with questions of precedent and free-enterprise ideology.

A few days before the conference the Administration abruptly fired the old Carter delegation's leaders and demanded a year's delay in the negotiations while it studied the whole treaty with a fresh team. The year-long study turned into a bitter and confused affair. Badly divided, the various government agencies argued their narrow concerns with little regard for the overall package of U.S. maritime interests. Many of the bureaucrats most knowledgeable about the history of LOST were either transferred or intimidated into silence. Some of them contend that middle-level political appointees deliberately kept their Cabinet and White House superiors in the dark about the complex web of U.S. interests and options.

The intellectual vacuum was filled by lobbyists from the mining companies and by people like Secretary of the Interior James Watt and Theodore Kronmiller, a deputy assistant secretary at State, who were outraged by the thought that private U.S. enterprises would put up the capital and take the risks for the benefit of a centrally planned international regime. Some of the Third World's other demands seemed designed to inflame this reaction—the insistence, for example, that part of the seabed-mining proceeds should go to movements like the Palestine Liberation Organization.

Some of those involved in the U.S. deliberations say that Kronmiller and others really sought to sabotage the LOST negotiations by imposing demands they were fairly sure the other side would never accept. For instance, they demanded that all ceilings on seabed production be eliminated, even though the ceilings actually negotiated appear to be so liberal as to have no practical effect.

More moderate members of the U.S. delegation, including the chief negotiator, Washington lawyer Leigh Ratiner, agreed that some of the treaty's features were unacceptable. These included the absence of guarantees that the international seabed authority would actually authorize a private company to mine once it had spent, say, $200 million on exploration and equipment. The moderates also objected to a provision for a future review conference, in which arduously negotiated compromises might be changed by a vote of the member nations. And they didn't like the requirement that mining companies sell their technology to the Enterprise.

Ratiner probably knows more about the law of the sea and Third World attitudes toward it than anybody else in the U.S., having spent some 16 years as a government sea-law functionary, chief negotiator in several sessions, and lobbyist for Kennecott and various other outfits interested in ocean industries. From that seasoned perspective, he believes that all the substantive objections could have been removed in the recent negotiations. Agreeing with that estimate is Elliot Richardson, who headed the U.S. law-of-the-sea delegation in the Carter Administration. Ratiner contends that the U.S. negotiating position was undermined by the hardliners' rigid and unrealistic demands, which convinced the Group of 77 that the U.S. wasn't negotiating in good faith.

This conviction was bolstered by a strategy the U.S. delegation has been energetically pursuing: an attempt to persuade other Western countries and Japan to join the U.S. in a "reciprocating states agreement" or "mini-treaty" independent of LOST. Each country would pledge to recognize the mining rights and claims of all the others. The U.S. hoped that by the sheer weight of economic power represented in the mini-treaty it could prevent the maxi-treaty from supplanting the freedom-of-the-seas principle in international law.

Unfortunately the scheme probably won't succeed. Given the choice between joining a legally dubious mini-treaty to mine an economically marginal resource and joining a maxi-treaty with multiple benefits, the other industrial countries seem to prefer the later. For one thing, most to them are more sensitive than the U.S. to trade relations and goodwill in the Third World. In April, to be sure, several of these countries abstained on a vote to adopt a treaty draft, but odds are that most will eventually ratify the treaty.

The Group of 77 cleverly helped spike the mini-treaty scheme this spring by sweetening the mining provisions. In effect, they agreed to create for the first generation of mining consortia a worldwide cartel guaranteeing them exclusive access to the seabed for 30 to 50 years, while protecting prices by controlling production. This "prior investment protection" clause for miners has driven a wedge between the U.S. and its allies. Moreover, it will probably either break up the mining consortia or cause their American participants to move abroad. The American companies have acquired connections with sophisticated foreign outfits, including oil companies, which not only tend to be tolerant of such arrangements but also have larger interests to protect. (See table.)

A SORT OF SMORGASBORD

Despite the Administration's recent denouncement of LOST, based on its mining provisions, the U.S. is still trying to keep a hand in the proceedings that deal with navigation and the scores of other provisions that it would like to see become international law. The delegates are scheduled to meet in Caracas in December to sign the "final act," one step short of the actual treaty. Some officials say the U.S. plans to sign this non-binding document, which will permit it to participate as an observer in some of the technical sessions dealing with various issues. But the U.S. says it will not participate in the seabed-mining sessions, nor sign the treaty when it is ready in January. In effect, the Administration seems to regard the treaty not as a give-and-take bargain but as a smorgasbord from which it can pick items it likes.

Some American mining companies and their supporters in government claim, for example, that seabed mining is still covered by the doctrine of freedom of the seas. But the U.S. itself acknowledged doubts about that doctrine years ago when it invited the rest of the world to sit down and clarify the matter. LOST is the outcome of that process, and it will soon become part of international law. It will, among other things, deny a go-it-alone miner's right to stake out a seabed-mining claim. And without a widely recognized claim, no company can prudently invest the kind of money it will take to harvest manganese modules. Surveys by the General Accounting Office and the Department of Commerce support the unsurprising conclusion that banks will not lend the $1.2 billion or more required to equip a mining venture when the claim is disputed. So for all their free-enterprise rhetoric, some of the companies have been counting on the U.S. government to subsidize them or insure them against the risk of mining outside the treaty. Few Washington observers give those hopes much chance.

At any rate, government's preoccupation with the mining issues in LOST seems misplaced. Based on current metal prices and anticipated mining costs, an MIT model projects a rate of return to mining companies of only 9.5%—too low to trigger investment. Someday, no doubt, as onshore mines are depleted, seabed mining will make economic sense. Depending on whose projections you believe, that could be anywhere from ten to about 25 years from now. Whenever the time comes, mining outside the treaty will be riskier than mining within it.

WHALES, FOR EXAMPLE

Right now, nobody in authority in Washington seems to have any clear ideas about what the U.S. should do that doesn't sacrifice the very benefits the U.S. originally sought to preserve. The Administration has been preoccupied with the precedents the treaty would establish, such as the "common heritage" and seabed-authority concepts, which they hold to be antithetical to American concepts of private property and of rewarding those who make efforts

and take risks. But it's hard to find much practical substance in these concerns. As for precedents, U.S. governments and corporations have long dealt with all kinds of alien, sometimes absurd, regimes and institutions. And there's nothing novel about international regulation of common resources. Radio frequencies are one example. Whales are another.

Something else that bothered the Administration about the treaty was the application of the one-nation, one-vote principle to control of seabed resources. Opponents of the treaty feared that the huge voting majorities of the Communist and Third World countries might swamp Western interests. Initially, changes could be made only by unanimous consent. But 20 years after mining starts, changes could be imposed by three-quarters of the countries voting. Like the other Administration fears, this one appears to be exaggerated. At the very worst, the U.S. could always withdraw from the treaty.

Some oil company representatives and others in the mining consortia privately acknowledge that the treaty really isn't all that bad compared with many business deals in the Third World. "A good thing about the treaty," one man observes, "is that if the seabed authority tries to screw you, it's not just an expropriation, it's a treaty violation."

The fees and taxes to be paid to the authority are comparable to those some countries impose on mining enterprises ashore. And given the nation's interest in access to strategic materials, there is a fair likelihood that the federal government would credit the imposts against U.S. taxes, as is usually the case with foreign taxes now. Moreover, an analysis by the Bureau of Mines discounts the seriousness of the technology-transfer provisions. A company has to transfer only technology that the Enterprise can't find anywhere else, and the bureau says there are at least four manufacturers for every component of seabed-mining hardware. In any case, the Enterprise would have to pay a fair price, arrived at by commercial arbitration. Finally the treaty's prior-investment-protection clause, with its cartel-like protections against new entrants and overproduction, would make life more relaxed for the companies that qualify—though that, to be sure, would not necessarily serve the public interest.

As matters are shaping up, the question of whether seabed mining—when it eventually comes about—will be a good deal under LOST scarcely matters since no American company is likely to mine outside the treaty anyway. What matters more is the cost to the U.S. of going its own way. It could be argued that the U.S. would be better off if there were no LOST at all. But that option doesn't exist. Whether the U.S. ratifies or not, the treaty will come into force one year after at least 60 countries ratify, possibly as soon as 1984.

HERE COME THE GUNBOATS

The LOST process has already begun to affect the behavior of coastal nations. Unlike national law, international law has traditionally been determined primarily by custom. LOST amounts to an explicit program to fix law by international agreement instead, but custom—that is, what countries are allowed to get away with—will continue to exert a shaping force on the treaty's actual effects. Since the treaty amounts to a delicate bargain between countries with widely diverse interests, adherents will have an incentive to prevent other countries from getting away with much.

An analogous instance was the U.S. challenge last year to Libya's unilateral claims in the Gulf of Sidra, a challenge that took the form of downing two Libyan fighter planes. It's conceivable that some countries will be prepared to challenge any unilateral moves by non-signatories to mine oceans or even to traverse straits. Some states, Indonesia, Malaysia, Algeria, and Morocco among them, are already arming themselves with Exocet missiles, torpedoes, and gunboats to enforce the sovereignty authorized by LOST. Retaliatory expropriation or sabotage of American commerical interests abroad cannot be ruled out.

But even these consequences of the Reagan policy are less disquieting than the habits of mind it represents. It's the kind of policy that incurs considerable costs but no commensurate gains, that is better suited to raising ideological fervor in think tanks than to furthering national interests—the kind of policy that was a trademark of the Carter Administration in its worse days.

Consortium/ participants	Country	Percent share
Kennecott Consortium:		
Sohio	United States	40
Rio Tinto-Zinc	United Kingdon	12
Consolidated Gold Fields	do	12
British Petroleum	do	12
Noranda	Canada	12
Mitsubishi, Mitsubishi Metal, Mitsubishi Heavy Industries.	Japan	12
Ocean Mining Associates:		
U.S. Steel	United States	25
Union Miniere	Belgium	25
Sun	United States	25
Ente Nazionate Idrocarbui (ENI)	Italy	25
Ocean Management Inc.:		
Inco	Canada	25
Metallgessellschaft, Preussage, Saizgitter	West Germany	25
Sedco	United States	25
Domco	Japan	25
Ocean Minerals Co.:		
Standard Oil (Indiana)	United States	30.7
Lockheed	do	30.7
Royal Dutch Petroleum	Netherlands	30.7
Royal Bos Kalis Westminster	do	7.9
Afernod:		
Societe Metallurgique Le Nickel	France	NA
Chantiers de France-Dunkerque	do	NA
Two French government agencies.		
Deep Ocean Minerals Association: Mitsubishi Heavy Industries, Kawasaki Heavy Industries, Kobe Steel, Nippon Steel, 34 other companies.	Japan	NA

OCEAN MINERS IN STORMY WEATHER

So far, six consortia have been set up to mine seabed managanese nodules when politics and economics permit. But four of the six are already undergoing a lot of strain because of the Reagan Administration's rejection of the Law of the Sea Treaty. Under that treaty, companies from non-signatory countries won't be granted mining rights. U.S. companies will probaby either move abroad or give up on seabed mining.

Kennecott, a founding member of one consortium, has been absorbed by Sohio, which in turn is controlled by British Petroleum. So Kennecott's ocean-mining arm could probably find a haven in Britain—assuming that Britain ratifies the treaty. Some U.S. participants are trying to induce Latin American governments to provide a home, offering to locate nodule-refining plants in the domicile countries.

Conflicting attitudes toward the treaty have created tensions among consortium members. Lockheed, for example, has stirred up uneasiness in its Dutch partners with its tough anti-treaty stance. Like BP, Royal Dutch has oil-drilling, shipping, and marketing interests that might be endangered by ill will in the Third World.

Sedco, a specialist in offshore oil drilling, has developed mining technology for its consortium partners, but is now disenchanted with nodules, having ideological objections to the treaty and better things to do with its money. But Sedco's partner Inco, which produces 30% of the non-Communist world's nickel, is still interested in seabed mining even though some of its onshore mines are shut down. It has nightmarish visions of big oil companies cutting into its share of the nickel market.●

NIAGARA GAZETTE OPPOSES BALANCED BUDGET AMENDMENT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. LaFALCE. Mr. Speaker, the Niagara Gazette published a very thoughtful editorial last week that raised serious questions about including the proposed balanced budget amendment in the U.S. Constitution.

Let me quote from the editorial:

There is no question about the desirability of a balanced budget, but there are serious questions about making it a requirement in the Constitution. Why, for example, should economic theory be written into the Constitution. That document's amendments, save for the Prohibition amendment, have dealt with basic rights and responsibilities, not budgetary choices and certainly not legislative ones. And we know what happened to the Prohibition amendment. It was repealed.

Budget policy is part and parcel of a political philosophy and it should remain there where it is subject to recall by the people. The amendment, basically, is a way around responsibility for political leaders.

These are very important points that I feel Members of Congress must consider as we address this drastic proposal. As I have stated in the past, amending the Constitution is not something that is approached lightly. The Constitution is, as the editorial correctly points out, a document of basic rights and responsibilities. That is why it has served this Nation so well for almost 200 years. The full ramifications and implications of any proposed amendment to that document must be thoroughly understood and debated. The Niagara Gazette contributes to this debate and raises points that must be considered.

Following is the text of the editorial that appeared on August 12, 1982:

CONSTITUTION DOESN'T NEED BALANCED BUDGET PROVISO

One has to wonder about the merits of an amendment to the U.S. Constitution that contains within itself a way around it. But that is just one of the many questions raised by the proposal for a constitutional amendment requiring a balanced national budget.

A balanced budget certainly is something desirable, but it is by no means an absolute requirement. A balanced budget would indicate a government living within its means.

In the current state of economic affairs, it would lead to lower interest rates for everyone because it would curb the government's insatiable appetite for credit. The availability of an added $100 billion (the budget for the next fiscal year will be in excess of $100 billion) in credit certainly would help stimulate the economy by providing funds for industrial growth.

There is no question about the desirability of a balanced budget, but there are serious questions about making it a requirement in the constitution. Why, for example, should economic theory be written into the Constitution. That document's amendments, save for the Prohibition amendment, have dealt with basic rights and responsibilities, not budgetary choices and certainly not legislative ones. And we know what happended to the Prohibition amendment. It was repealed.

Budget policy is part and parcel of a political philosophy and it should remain there where it is subject to recall by the people. The amendment, basically, is a way around responsibility for political leaders.

David Broder best expressed that sentiment in a recent column:

"When we were a shaky seaboard society but recently liberated from colonial status, men of influence were prepared to risk 'their lives, their fortunes and their sacred honor' to fight for the ratification of the charter of this nation's being.

"Today, this vast, rich and powerful nation is governed by people who, reducing their status to clerkships, are prepared—against their better judgment—to forward, for inclusion in that charter, any kind of simple-minded scheme they think commands a popular majority.

The amendment would allow for spending to exceed income if approved by a three-fifths vote of the House and Senate and in time of war. Which gets back to the original premise: What good is an amendment that recognizes the need to get around it?●

REIMBURSEMENT OF FEDERAL EMPLOYEES' RELOCATION EXPENSES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WOLF. Mr. Speaker, today, I am introducing legislation which would correct some of the inequities which currently exist when Federal employees are transferred from one geographic area to another to meet the needs of their Government agencies. I believe an unfair burden is placed on Federal employees who are relocated in their Government service jobs.

As a former Federal employee, I am sensitive to the special problems of our civil servants. But I also want to point out that that experience has given me a broader understanding of where productivity can take place. For example, I believe that the legislation I am introducing today, patterned after private sector moving practices, will force a reexamination of what moves are truly necessary expense. When the Government is required to meet its responsibility in this area, I predict the ultimate result will be a more accountable response to the American taxpayer who provides the funds for these decisions.

My interest in this legislation arises from a letter I recently received from a constituent faced with exorbitant moving expenses whose costs would go largely unreimbursed and yet whose option to move was mandated by the Government agency he served. This is not an uncommon occurrence. For example, the FBI, the Drug Enforcement Administration, Secret Service, IRS, Bureau of Customs, and many of the Department of Defense agencies must move their best middle and higher grade employees in order to staff their field offices with the best possible managers and executives. When reassignments are made to fill management needs, though, these agencies have found that many of these vital employees have chosen to leave Government service rather than accept moves they cannot afford. Government, these employees, and the American taxpayers are losers in this situation. We cannot afford to lose the best managers, executives, and employees in our law enforcement and DOD agencies at a time when it is crucial that we have continuity and stability in Government to improve productivity and efficiency.

To rectify this longstanding problem, I am introducing this bill which I believe will serve two purposes. First, it can help to alleviate the hardship faced by these employees and their families. Second, it should provide the necessary disincentive to agencies in transferring these personnel and thereby eliminate wasteful and unnecessary Government spending.

Specifically, this legislation would:

Place a flat rate limitation on the amount of expenses which could be reimbursed by the Government to 10 percent on the sale of a residence and 5 percent on the purchase of a residence.

Currently, these percentages are limited by a dollar figure, and thus because of the rising average cost of homes and of real estate fees, do not fully reimburse employees for their costs. My bill would retain the percentage limitations so that excess real estate fees and other fees would not become the norm.

Reimburse the transferred employees for the Federal, State, and city income taxes incurred as a result of reimbursements received.

Currently, when an employee does receive reimbursement, that amount is taxable income. The Internal Revenue Code currently limits the maximum amount of deductions that are available to employees to $3,000 for moving costs. Thus, when an employee who moves at the request of the Government, pays $16,000 in expenses, is reimbursed by the Government $8,000, and then can only deduct $3,000 of the $8,000 reimbursement, and then is required to pay tax on the $5,000. This results in the employee losing $8,000 initially on unreimbursed expenses, and then paying up to $2,500 taxes on the majority of the reimbursement received—$5,000. This $5,000 reimbursement often pushes the employee into a higher tax bracket and forces payment of a higher tax rate than on ordinary income from salary and wages. It is not unusual for an employee to end up paying $10,000 or more out of his or her own pocket for the move.

Allow the Government to reimburse the employee for the additional taxes incurred because of moving cost reimbursement. Studies available indicate that approximately 85 percent of private sector companies provide this assistance to employees—according to an August 1980 survey by the Employee Relocation Council. The Employee Relocation Council is a national association that reports on relocation trends and practices in private industry to other companies and to the press.

Reimburse transferred employees occupying temporary quarters at a new duty station for up to 60 days and at the discretion of the agency head for an additional 60 days.

Currently, the reimbursement limitation is for 30 days. This has proved inadequate in the current housing market because of the difficulty of finding a home in today's housing market and because of the difficulty in selling former residences. This has required employees to leave their families at their former duty station for an extended period of time until that residence is sold. The hardship of separation from the family is, in my opinion, too great a sacrifice to ask of these employees. The asking these employees to pay double expenses without reimbursement inflicts still greater unnecessary hardships.

Increase the weight of household goods which the Government would pay for moving from 11,000 to 18,000 pounds. The 11,000-pound limit was established in the 1960's and has not been changed since. It is grossly inadequate for the average family of today. This has caused Government employees to personally pay the substantial amount just to move their furniture.

I would point out that this legislation would carry no increased cost for the Government. A recent survey of agency heads conducted by the General Services Administration indicated that every Federal agency head except two would voluntarily absorb the increased cost resulting from employee transfer within their agency's total appropriations. Obviously the agency head recognized the absolute necessity to correct the inequities which result

from present law and are willing to end the practice of forcing Government employees to subsidize their employer on geographic reassignments.

I am firmly committed to this concept and feel that for too long Government employees who have been transferred at the Government's request have been forced to subsidize the Government through paying much of the moving costs, and paying taxes on the minimal reimbursement which they do currently receive. Information provided to me indicates that in many instances these employees are forced to pay anywhere from $500 to $10,000 or more out of their own pockets to make these moves. In a letter dated December 22, 1981, to Mr. Gerald Carmen, Administrator of the General Services Administration, William H. Webster, the Director of the FBI, stated:

Results of studies have shown that an employee and family relocating from one geographical area to another under today's economic conditions will spend several thousand dollars of their personal funds in connection with the transfer . . . In discussions with my agents during the past year, the personal and financial problems facing them as a result of the government's inadequate employee relocation allowances has repeatedly been presented as one of the areas of most concern to them.

In a letter to David Stockman, the Director of the Office of Personnel Management, on May 22, 1981, Attorney General William French Smith noted in discussing moving cost reimbursements:

It is not unusual for such transferred employees to incur in excess of $10,000 of reimbursed expenses. Although this is a government-wide problem, the hardships which result from these inadequate reimbursements have presented especially significant problems for the federal law enforcement agencies such as the FBI, the DEA and the U.S. Secret Service, inasmuch as these agencies must transfer their agents more often than most agencies in order to meet their investigative responsibilities.

In addition, I have been informed by the Internal Revenue Service that while on the average employees are reimbursed approximately $8,000 for moving cost expenses, an additional $8,000 is the average cost to an employee who is not reimbursed by the agency.

This bill would only apply to moves that were certified to be in the interest of the Government and would not apply to voluntary moves sought by the employee. It would also bring Government employees more in line with their private sector counterparts. Government employeees would still be receiving far short of what many private sector companies do for their employees, such as subsidizing interest rates in the purchase of new homes and purchasing old homes from the employees who are unable to sell their residences. While these are desirable benefits in these times of austerity, I do not believe it is appropriate to expend Government funds for those purposes. But I do believe this legislation could provide fair and equitable reimbursement.

By bringing Federal executives in line with private sector employees, and by forcing agencies to absorb the costs for transferring employees, I believe great cost savings can be achieved. This bill will benefit the affected Federal employees and the taxpayers and could successfully end the dilemma faced by many of our agencies as well. I urge support for this legislation.

SECTION ANALYSIS OF AMENDMENT

1. (a) Maintains the same percentage limitation for reimbursement of expenses in buying and selling a home, but abolishes the current $8,000 and $4,000 limitation.

(b) Reimburses employees for tax liabilities incurred because of moving cost reimbursements. This would bring Federal practice into line with the great majority of private sector companies.

(c) Increase from 30 to 60 days the period in which an agency can reimburse an employee and his family for temporary quarters. Would allow an agency head to extend for another 60 days in hardship cases.

(d) Increases the household goods weight limit from 11,000 lbs. to 18,000 lbs. maximum. The old limit is unrealistic and creates a hardship, requiring employees to sell their family furniture or pay excess charges for moving it. 2. Requires that any additional costs incurred by the agencies from this amendment must be borne by the agency out of their total appropriations. Every agency head but two volunteered to do this in a survey conducted by GSA, because the need was so great.

These increased allowances would only apply to moves certified by agencies to be in the interest of the government. Would not apply to moves voluntarily sought by an employee for his convenience.

H.R. 7054

A bill to provide for the reimbursement of certain moving expenses incurred by Federal civil service employees who are transferred in the interest of the Government from one official station or agency to another for permanent duty

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of any provisions of law generally applicable to Federal civil service employees an agency may make the expenditures described in section 2 in the case of any employee who is transferred in the interest of the Government from one official station or agency to another for permanent duty.

SEC. 2. (a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available to provide, by reimbursement or otherwise, for all or part of the following expenses of an employee who is transferred as described in the first section of this Act:

(1)(A) Expenses incurred in connection with the sale of the residence of the employee at the old official station, not to exceed 10 percent of the sale price or $15,000, whichever is the lesser amount.

(B) Expenses incurred in connection with the purchase of a residence at the new official station, not to exceed 5 percent of the purchase price or $7,500, whichever is the lesser amount.

(C)(i) Effective October 1 of each year, the respective dollar amounts applicable under subparagraphs (A) and (B) shall be increased by the precent change, if any, in the Consumer Price Index published for December of the preceding year over that published for December of the second preceding year, adjusted to the nearest ⅒ of 1 percent.

(ii) For the purpose of clause (i), the term "Consumer Price Index" means the Consumer Price Index for All Urban Consumers, U.S. City Average, Housing Component (1967=100), prepared by the Bureau of Labor Statistics, Department of Labor.

(D) Reimbursement for brokerage fees on the sale of the residence and other expenses under this paragraph may not exceed those customarily charged in the locality where the residence is located, and reimbursement may not be made for losses on the sale of the residence. This paragraph applies regardless of whether title to the residence is in the name of the employee and a member of his immediate family, or in the name of a member of his immediate family alone. Nothing in this paragraph shall be construed to prohibit reimbursements with respect to the settlement of an unexpired lease.

(2) Subsistence expenses of the employee and his immediate family for a period of 60 days while occupying temporary quarters when the new official station is located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979). The period of residence in temporary quarters may be extended for an additional 60 days if the head of the agency concerned or his designee determines that there are compelling reasons for the continued occupany of termporary quarters. The regulations shall prescribe average daily rates for subsistence expenses per individual, not in excess of the maximum per diem rates prescribed by or under section 5702 of title 5, United States Code, for the location in which the temporary quarters are located.

(3)(A) Federal, State, or city income taxes incurred by the employee, or by the employee and such employee's spouse (if filing jointly), for any relocation expenses furnished in kind, or for which reimbursement or an allowance is provided by the Government (but only to the extent of the expenses paid or incurred), under paragraph (1), (2), or (4) of this subsection.

(B) Any reimbursement under subparagraph (A) shall be adjusted so as to compensate fully for any additional taxes for which the employee, or the employee and spouse, would be liable due to such reimbursement.

(4) Expenses of transporting, packing, crating, temporarily storing, draying, and unpacking the household goods and personal effects of the employee and his immediate family, not in excess of 18,000 pounds net weight.

(b) an agency may pay the expenses described in subsection (a) only after the employee agrees in writing to remain in the Government service for 12 months after his transfer, unless separated for reasons beyond his control that are acceptable to the agency concerned. If the employee vio-

lates the agreement, the money spent by the United States for such expenses is recoverable from the employee as a debt due the United States.

SEC. 3. The provisions of this Act shall be carried out by agencies by the use of funds appropriated or otherwise available for the administrative expenses of each of such respective agencies. No additional funds are authorized to be appropriated by this Act.

SEC. 4. (a) This Act shall take effect beginning on the date of the enactment of this Act.

(b) The President shall, not later than 30 days after the date of the enactment of this Act, prescribe the regulations required under this Act, and such regulations shall be made effective as of such date of enactment.●

RELIGIOUS LIBERTY AND THE TAX EXEMPT STATUS OF CHURCHES

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. SMITH of Alabama. Mr. Speaker, I recently came across two excellent articles which appeared in the Chalcedon Report, Post Office Box 158, Vallecito, Calif. The articles are concerned with two very timely subjects, religious liberty and the tax-exempt status of churches. So often we address subjects here in Congress from a perspective of limited historical understanding. This shallow historical appreciation often leads to misinterpretation and misunderstanding of many of the principles upon which the Founding Fathers created our constitutional system. One must understand the social and political historical development of these principles to be able to correctly interpret the relationship of our law to them today.

At this time I insert in the RECORD, the following articles.

RELIGIOUS LIBERTY VERSUS RELIGIOUS TOLERATION

One of the areas of profound ignorance today is religious liberty and the meaning thereof. The common pattern throughout history, including in the Roman Empire, has been religious toleration, a very different thing.

In religious toleration, the state is paramount, and, in every sphere, its powers are totalitarian. The state is the sovereign or lord, the supreme religious entity and power. The state decrees what and who can exist, and it establishes the terms of existence. The state reserves the power to license and tolerate one or more religions upon its own conditions and subject to state controls, regulation, and supervision.

The Roman Empire believed in religious toleration. It regarded religion as good for public morale and morals, and it therefore had a system of licensure and regulation. New religions were ordered to appear before a magistrate, affirm the lordship or sovereignty of Caesar, and walk away with a license to post in their meeting-place.

The early church refused licensure, because it meant the lordship of Caesar over Christ and His church. The early church refused toleration, because it denied the right of the state to say whether or not Christ's church could exist, or to set the conditions of its existence. The early church rejected religious toleration for religious liberty.

Over the centuries, both Catholics and then Protestants often fought for religious liberty. Over the centuries also, the churches too often capitulated to religious toleration, with very evil results. Toleration was productive of fearful evils. First, one church was tolerated and established by the state, not by Christ, as the "privileged" or state-tolerated institution. This "privilege" called for concessions to the state.

These took a variety of forms. It could mean that the state appointed or controlled the bishops (Protestant of Catholic). It meant that only the state could give permission for a meeting of the church's national convention or general assembly. In a variety of ways, establishment meant an establishment under the state's control. At its best, the church was turned into a privileged house-slave; at its worst, the church was simply a part of the bureacracy, and the working pastors were rare and alone. Sooner or later, an establishment meant subservience and bondage to the state.

Second, the tolerated church became a parasite, because it was dependent too often on state aid to collect its tithes and dues. It lived, not because of the faith of the people, but because of the state's subsidy. As a result, the state church served the state, not the Lord, nor the Lord's people. (When the states turned humanistic and, losing interest in their captive churches, began to cut their "privileges" and subsidies, revivals broke out in many established churches as a result!)

Third, the tolerated or established church became a persecuting church. It could not compete with its now illegal rivals in faith, and so it used the state to persecute its competitors. Both Catholic and Protestant establishments built up an ugly record in this respect. Meanwhile, their humanist foes could criticize their intolerance and speak of this inhumanity as a necessary aspect of Christianity!

Fourth, religious toleration leads to intolerance, as it should now be apparent. Toleration is licensure; it is a state subsidy, and those prossessing it want a monopoly. Hence, intoleration of competitors results, and the church becomes blind to all issues save monopoly. In 17th century England, for example, the blindness of the Church of England under Archbishop Laud, as he fought the Puritans, was staggering. However, when Cromwell came to power, the Presbyterians became a one-issue party, the issue being the control and possession of the Church of England. Had they triumphed, the evils of Laud would have been reproduced. Cromwell balked them; later, the Presbyterians undermined the Commonwealth and helped bring in the depraved Charles II, who quickly ejected them from the Church of England.

In Colonial America, uneasy semi-establishments existed. Technically, the Church of England was the established church for all the crown realms, including Catholic Ireland. (Ireland was never more Catholic than after England imposed an alien church on the land!) Carl Bridenbaugh, in "Mitre and Sceptre" (1962), showed how the fear and threat of a full-scale establishment with American bishops alarmed Americans and led to the War of Independence. Meanwhile, in the colonies, men began to oppose religious toleration in favor of religious liberty. Here, the Baptists were most important, especially Isaac Backus.

Backus declared, "We view it to be our incumbent duty to render unto Caesar the things that are his but also that it is of as much importance not to render unto him anything that belongs only to God, who is to be obeyed rather than any man. And as it is evident that God always claimed it as his sole prerogative to determine by his own laws what his worship shall be, who shall minister in it, and how they shall be supported, so it is evident that this prerogative has been, and still is, encroached upon in our land." (Wm. J. McLounglin, editor: Isaac Backus on Church, State, and Calvinism, Pamphlets, 1754–1789, p. 317. Harvard University Press, 1956.) The defenders of establishment or toleration became, Backus said, "Caesar's friend," citing the Pharisees who said to Rome's magistrates about Jesus, "If thou let this man go, thou art not Caesar's friend" (John 19:12). We cannot make the state the definer of man's duty to God, as the establishment-toleration position does. This position, Backus held, takes matters of faith from the conscience of man to the councils of state and thus undermines true faith. Backus saw that the new country would have no unity if establishment and toleration became lawful in the Federal Union. Backus quoted Cotton Mather, who said, "Violences may bring the erroneous to be hypocrites, but they will never bring them to be believers." The heart of Baukus' position was this: "Religion (meaning Biblical religion) was prior to all states and kingdoms in the world and therefore could not in its nature be subject to human laws" (p. 432).

The First Amendment to the U.S. Constitution, replacing religious toleration and establishment with religious liberty, was the result of the work of Backus and many other churchmen. It represented a great and key victory in church history.

Now, however, religious liberty is dead in the United States. It only exists if you confine it to the area between your two ears. Instead of religious liberty, we have religious toleration. Now, religious toleration is the reality of the situation in Red China and Red Russia. In both cases, the toleration is very, very limited. In the United States, the toleration is still extensive, and most churchmen fail to recognize that the states and the federal government are insisting that only toleration, not liberty, exists, and the limits of that toleration are being narrowed steadily.

Thus, Senator Ernest F. Hollings of South Carolina has given expression to the position of the regulators and tolerationists, writing (2–19–82), "Tax exemption is a privilege, not a right. It is not only proper but Constitutional that the government condition that privilege on the Constitutional requirement of nondiscrimination. Religious freedom is a priceless heritage that must be jealously guarded. But when religious belief is contrary to the law of the land then it is the law, not religion, that must be sustained. The 1964 Civil Rights Act provided there be no discrimination in institutions receiving Federal financial assistance and the courts have interpreted this to mean that no public monies be appropriated directly or indirectly through tax exemption to those institutions that discriminate" (Letter by Hollings, re: the Reagan bill S2024, to control Christian Schools).

Sen. Hollings has, with many, many other members of Congress, first, replaced reli-

gious liberty with state toleration. Tax exemption originally meant no jurisdiction by the state over the church, because the power to tax is the power to control and destroy. Now, these humanistic statists tell us it is a subsidy! Tax exemption is called "Federal financial assistance," and the courts hold that controls must follow assistance from the civil treasury. This means a mandate to control churches, and every facet of their existence, including Christian Schools, colleges, seminaries, employees, etc., in the name of controlling federal grants!

Second, Hollings (and others, including many judges) hold that this means that the Civil Rights Act of 1964 must take priority over the First Amendment. The Civil Rights laws forbid descrimination in terms of race, and also a number of other things, including creed. The evidence is accumulating that federal authorities believe that they have now the legal right to require churches to ordain women, and homosexuals; on January 26, 1982, to a group of us meeting with Edwin Meese and 8 or 10 Justice Department lawyers in the White House, Meese (a Lutheran layman!) said flatly that this was within the legitimate power of the federal government. This means that the church, in terms of the same laws, can be forbidden to discriminate with respect to creed! This would mean equal time for all creeds, including humanism and atheism, in every church. In the Worldwide Church of God case, the court held that a church and its assets belongs, not to the members thereof, but to all people, all citizens!

Third, the position of Hollings; Reagan; before him, Carter; the Justice Department; the Internal Revenue Service; the Labor Department; the Treasury Department; and the several states is that the only "freedom" that the church can have is that activity which the state chooses to tolerate. Toleration on any and all activities is subject to regulation, controls, and oversight.

This is, of course, totalitarianism. The fact is that religious liberty is dead and buried; it needs to be resurrected. We cannot begin to cope with our present crisis until we recognize that religious liberty has been replaced with religious toleration. The limits of that toleration are being steadily narrowed. If Christians are silent today, the Lord will not be silent towards them when they face the judgment of His Supreme Court. There is a war against Biblical faith, against the Lord, and the men waging that war masquerade it behind the facade of non-discrimination, subsidies, legitimate public interest, and so on.

All this done in the name of one of the most evil doctrines of our time: public policy. Nothing contrary to public policy should have tax exemption, and, some hold, any right to exist. Today, public policy includes homosexual "rights," abortion, an established humanism, and much, much more. The implication is plain and, with some, it is a manifesto: No one opposing public policy has any rights. The public policy doctrine is the new face of totalitarianism. It has all the echoes of tyrannies old and new, and with more muscles.

What is increasingly apparent is that the triune God of Scripture, the Bible itself, and all faith grounded thereon, are contrary to public policy. Christianity has no place in our state schools and universities; it does not inform the councils of state; every effort by Christians to affect the political process is called a violation of the First Amendment and "the separation of church and state." Our freedom of religion is something to be tolerated only if we keep it between our two ears. A war has been declared against us, and we had better know it, and we had better stand and fight before it is too late.

We may be able to live under religious toleration, but it will beget all the ancient evils of compromise, hypocrisy, and a purely or largely public religion. It will replace conscience with a state license, and freedom with a state-endowed cell of narrow limits. This is the best that toleration may afford us in the days ahead.

But the Lord alone is God, and He does not share His throne with the state. If we surrender to Caesar, we will share in Caesar's judgment and fall. If we stand with the Lord, we shall stand in His Spirit and power. "Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage" (Gal. 5:1). At the heart of that yoke of bondage is the belief and fear that the powers of man (and the state) are greater than the power of God. It is bondage to believe that man can prevail, or that man can frustrate God's sovereign and holy purpose. The only real question is this: will we be a part of the world's defeat and judgment, or a part of the Lord's Kingdom and victory?

WHO MAKES CHURCHES TAX-EXEMPT?

(By Dr. Douglas F. Kelly)

The Tax exempt status of Churches is becoming a major controversy in the United States. Many are asking the question: What right does the Church have to be exempt from taxation anyway?

Of course a matter such as taxation or exemption of the Church is first of all an historical question. One has to look at the historical context in order to give a proper interpretation of our present status. It is clear that religiously, culturally, legally, politically, etc. the American colonies are the direct extension of Medieval, Christian Europe—particularly as this tradition was mediated through the Protestant Reformation of the 16th century and the Puritan movement of the late 16th and 17th centuries.

An illustration of this relationship is the fact that English Common Law precedents are binding in American practice unless they are specifically set aside by American Law. For instance, the Federal Courts claimed treasure that one Mr. Fisher had found in a sunken Spanish Galleon off the coast of Florida belonged to the Federal Government on the basis of British precedent. Supposedly, the Federal Government is an heir to the rights of King George III over all treasure found in coastal waters. We may not agree with this particular interpretation, but it is an illustration of the fact that American jurisprudence cannot be understood without the European and English background.

Now to come specifically to tax exemption of the Christian Church. In the Roman Empire, when the Church first came into prominence, it was treated by the Roman civil authorities as a legitimate Jewish sect, and as such, the Church (like the Jewish religion) was (in the equivalent of that day) fully "tax exempt." However after the Fall of Jerusalem in A.D. 70, Judaism for a time was no longer a "religio licita" and this brought Christianity as well as Judaism into serious trouble legally. The real problem was not that the Roman government wanted to tax the Church (they apparently did not), but rather that they (from time to time) wanted Christians to swear by the genius of the Emperor: i.e. to sacrifice to him as being the world's center of unity and final Lord over all (including the Church). Rome was perfectly happy for the Church to exist as long as the Church recognized that Caesar is final Lord over the Church: the one who makes it "licita" or licensed. Most Christians refused to do so and accepted persecution and death in order to acknowledge Christ as Lord over all (including Caesar).

This situation of conflict radically changed with the Christian Emperor Constantine, who made Christianity the official state religion. Under the Constantinian settlement (and this was thoroughly backed up the later influential Theodosian and Justinian Codes, which had so much authority in shaping legislation in all the Christian countries of Medieval Europe), the civil government had absolutely no authority to tax churches. They did not actually make churches tax exempt: they rather recognized that they already were such by virtue of the fact that churches paid taxes (tithes and offerings) to their head: Jesus Christ, while the state paid taxes to its temporal head: Caesar and his successors.

Sometimes tithes were collected for the Church by the civil authorities (as is still the case in West Germany), but these tithes went to the local churches and/or to the Pope in Rome. In these cases therefore the civil government collected taxes (tithes) not from the Church, but from the populace, and then gave the tithes to the Church.

Now there was an exception in Medieval Europe during the Crusades, in which the Church itself asked the civil authorities to tax Church income in order to finance this movement. This was known as the "Saladin Tithe." C. W. Previte-Orton in "The Shorter Cambridge Medieval History" (Cambridge: At The University Press, 1971), p. 618, explains:

"The Crusades, on which depended so much of the moral leadership of the West assumed by the Papacy, were financed in two ways: by indulgences, which were commutations of the vow to go on a crusade in return for money payment, a measure productive of perilous extension and abuse in all directions, and by the taxation of ecclesiastical income by kings with the consent of the Papacy, begun by Louis VI of France (1146) and repeated in England and France by the Saladin Tithe (1188), which under Innocent III developed into the claim to dispose of all Church property and to tax it at will (i.e. the will of the Pope), while excluding the lay powers (i.e. the kings) from like behaviour. Further expedients by the Papacy to pay its way were to be devised in the next century.

In other words, with the exception of the Saladin Tithe, the problems and struggles over taxatio. of local and national Churches during the Middle Ages was an inter-Church battle to a major degree: between an increasingly strong Papacy, and local Bishops. Civil governments at this point had no thought of attempting to interfere and 'put their hands in the till'. (Civil governments were intensely involved in struggles with the Papacy over matters such as lay investiture, but this is on a different level, for powerful church officials who were to be 'invested' were often also powerful temporal lords).

In England, just before the Reformation, King Henry VIII did forcibly close down monasteries and confiscate their lands and wealth: on the supposed basis that the monasteries were dens of corruption and a

hazard to the well being of the nation. The same thing happened in France after the French Revolution. However, the civil authorities still did not attempt to tax the Churches: closing the monasteries (as they saw it) was a police act, and, at least in England, was not used as a precedent to claim state authority to levy taxes on the remaining Church property and revenues.

At the time the American colonies were settled, the same Medieval situation still obtained between Church and State (even after the Reformation and Puritan movement): the Church was universally understood to owe its taxes (tithes) to its spiritual head, Christ, and thus was by definition free from civil control at this point since it was the spiritual realm or Kingdom of God on earth.

Therefore when we speak of tax exemption today, it is not a matter of trying to find some ancient obscure law that specifically states the Church has been declared (or made) tax exempt by the state: all history presupposes the independent financial status of the Church. Such was the accepted procedure of all Europe for a millenium and a half. The burden of proof is on the other side: let those who want to tax the Church find substantial historical or legal precedents for doing so. To use a rather silly illustration, who needs to prove that the public has the right to breathe free air without paying the civil government fo doing so? Our right to do so is presupposed by all history and common sense. To claim we must have specific legislative action to make legal all we do is ridiculous: in most cases, to determine what is right, rather than researching volumes of statute legislation, one has to look at the whole human, moral, and historical situation.

Up until the Enlightenment, civil states knew that passing legislation for something like tax exemption of Churches would be as superfluous as voting to allow Christ to be Lord in his own realm. What the state did was to recognize Christ as Lord over his Church: they did not legislate to make him so: they simply accepted that as a previously existing situation. With the late 18th century, secular humanist Enlightenment, some states (such as France after 1789) did indeed begin to claim sovereignty (including financial control) over the Church: but America was already a free country by this time with its own constitution, rooted—not in the humanist Enlightenment—but in the earlier Medieval, Reformation Christian order. We had no problems along these lines in this country until this same secular humanist Enlightenment reached these shores in the late 19th century. The Enlightenment attempts to cut ties with the past under the very modern pretense that every legitimate situation must rest upon specific statute legislation by the contemporary state or its legislative predecessors. They however are clearly the innovators and cannot be supported under American and British Common Law jurisprudence taken in its easy-to-understand historical context.

RESCUE AT SEA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. STUDDS. Mr. Speaker, last week Mr. Peter Ford, harbormaster of the town of Chatham, brought to my attention an editorial appearing in the Cape Cod Chronicle which describes the valiant efforts of our Coast Guard to secure the rescue of five fishermen from their foundering vessel. I want to share with my colleagues this fine editorial because it describes so clearly the Coast Guard's value to those of us residing in coastal areas.

RESCUE AT SEA

It's days like Monday of this week when we wince to think of the politicians noodling around with Coast Guard appropriations. On that day, five middled-aged New Bedford fishermen were taken off their foundering vessel near Chatham by an efficient and highly skilled Coast Guard search and rescue crew. The ease with which this rescue was accomplished belies the difficulty involved.

A hard-nosed and unknowing pencil-pusher might argue the men could have made it to shore on their own, without Coast Guard assistance—their fast-filling vessel was only a half-mile offshore and in comparatively shoal water. We would ask that pencil-pusher to look at the very condition of the water that rolled between the stricken vessel and the nearest shore, the tip of North Beach. Even with a serviceable smallboat, the fishermen would have been hard put to have made it to shore on their own. As well, the famous tidal patterns at the entrance to Chatham Harbor would have worked against the men. Another inexperienced politician might have argued that any one of several passing Chatham fishing vessels could have effected the rescue. Certainly, these local seamen have years of boathandling experience and could have maneuvered, as did the Coast Guard, under the lee of the fishing vessel and brought the men aboard. While we do not question the courage or expertise of local skippers, we doubt any would have attempted the rescue because of the legal ramifications in this litigious age if anything were to have gone wrong.

Instead, it was—as it should always be—the Coast Guard which provided the life-saving service. The money we, as taxpayers, spend on the Coast Guard is for just this purpose—to save lives and property at sea, whenever and wherever possible. our money is being spent to train these seafaring technicians and to equip them. While the equipment isn't as much as it used to be and while budgetary cutbacks have crippled the effectiveness of some of the Coast Guard's floating stock, dedicated maintenance by ingenious personnel is keeping more of this fleet in workable condition than the nation has any right to expect.

Certainly ours is a regional point of view, and we can understand why it might not be supported by taxpayers in the landlocked mid-West. But the exhausted relief etched on the faces of those five fishermen Monday bears testimony to public monies wisely and humanely spent.●

AMENDING THE BANKRUPTCY ACT

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. SEIBERLING. Mr. Speaker, I am introducing legislation today amending the Bankruptcy Act to provide that judgment debts resulting from a liability which is based on driving while intoxicated shall not be discharged.

The need for this legislation was recently brought to my attention by a heart-rending situation involving a family in my district whose daughter was fatally injured 4 years ago by a drunk driver. My constituents filed a civil suit against the driver, which was finally heard in March of this year. The court awarded them $110,000 for "wrongful death" and survivor's compensation. However, the defendant is now attempting to file for bankruptcy, trying to have his judgment debt discharged by using Federal bankruptcy law.

Mr. Speaker, my constituents must now face the reality that the man who tragically ended their daughter's life may be excused from the judgment debt by using Federal bankruptcy laws. But it is not the money involved that has shattered their faith in our judicial system; rather, it is the principle that the man that recklessly killed their daughter might be able to use the bankruptcy law to escape punishment.

This case is distinctly different from regular bankruptcy cases, since my constituents certainly did not extend credit or ask payment for services rendered. The legislation I am introducing today will provide victims and their families with an assurance that if they win civil damages against a drunk driver, the driver will not be able to use Federal law to avoid paying his debt.

Current bankruptcy law does contain a provision (11 U.S.C. 523(a)(6)) which prohibits a debtor from discharging any debt he owes for willful and malicious injury. However, the problem is that some bankruptcy judges have concluded that drunk driving is not "willful and malicious." In a recently decided bankruptcy case, In re Joseph Anthony Cooney, it was held that this provision rendered a defendant's judgment debt to a plaintiff nondischargeable.

In the case, the plaintiff was accosted by a defendant who was intoxicated. The plaintiff obtained a judgment for $50,000 in actual damages which she alleged was not a dischargeable debt because it was the result of a willful and malicious injury. The debtor's defense that he suffered an alcoholic

blackout, and as a result did not remember the incident. The court held that he had acted with malicious intent at the time of the incident. While that case involves an assault rather than a car accident, it seems to highlight the need to take swift action to classify tortious acts committed while intoxicated as willful and malicious acts.

This legislation was originally introduced by Senator DANFORTH as S. 2159, and I commend him for his action to help remedy this tragic abuse of Federal bankruptcy law.

Mr. Speaker, I believe that drunk driving is a problem which we cannot ignore and which desperately deserves prompt Federal attention. While I am aware that this legislation will not put a stop to the grim tragedies taking place on our Nation's highways, I hope that it will be effective as one method to deter drunk drivers.●

BALANCED MONETARY POLICY ACT OF 1982 (H.R. 6967)

HON. KENT HANCE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. HANCE. Mr. Speaker, I rise today in support of H.R. 6967, the Balanced Monetary Policy Act of 1982.

For the past 34 months, the Federal Reserve Board's policy of tight money has strangled the economy and prohibited any economic recovery. Under the Fed's tight money grip, interest rates have grown dramatically. And with each interest rate increase, we see more businesses failing, more jobs lost, more people unable to realize their dream of homeownership, and the inevitable pain and suffering associated with such actions.

This bill would require the Fed to set interest rate targets—targets that businesses and families can use in their long-range planning and decisionmaking. Congress needs to send the signal to the Federal Reserve that interest rates must be taken into consideration by that body for the good of all Americans.

It is high time for the Federal Reserve Board to look past just counting the money supply and start looking at the dismal impact its policies have had on every individual in this Nation.

The Balanced Monetary Policy Act of 1982 will force the Fed to take interest rates into consideration and report to Congress accordingly. I support the bill and urge my colleagues to join me.●

THE CRIME CONTROL AND VICTIMS' COMPENSATION ACT OF 1982

HON. DONALD JOSEPH ALBOSTA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ALBOSTA. Mr. Speaker, yesterday I introduced the Crime Control and Victims' Compensation Act of 1982, H.R. 7001.

This legislation addresses several basic problems in the criminal justice system by providing a sure sentence for certain types of serious offenders; by providing that these offenders work to pay for their keep and to compensate their victims for the harm they have suffered; and by helping States to care for victims of crimes not specifically covered in this bill.

We hear over and over about crimes committed by repeat offenders who are out on parole or released after light sentences. We hear that this is due in part to a lack of prison space and in part to a lack of clear and direct guidance from those who write the laws. We also know that the poor and the elderly, those who can least afford to be victims of crime, are its most frequent victims. The impact of crime is not just local and not just personal. Crime raises insurance rates and the prices of goods for all of us. It raises the overall costs of Government at every level. The longer we fail to deal with serious and repeating offenders, the more they are encouraged to strike again. Yet it is not enough just to lock the door and throw away the key. Unless we provide for the innocent victims of crime, then justice is not done even if we punish for past crimes and prevent future crimes.

In light of these concerns and the increasingly interstate nature of crime and its impact, I believe it is time for the Congress to take the initiative. The Crime Control and Victims' Compensation Act would create a Federal mandatory life sentence for three of the most serious classes of offenders. These are: Persons who commit first degree murder with a weapon, those who commit three felonies while carrying a gun, and those who sell $500 or more worth of controlled substances. This sentence would be applied to those who violate either State or Federal law.

The bill requires that these offenders work to pay for their keep and to compensate victims. A recent poll of my district shows that of those responding, 93 percent favor requiring criminals to pay back victims of crime and to perform public service jobs.

In order to provide facilities for housing and employing these prisoners, my bill authorizes the Attorney General to issue bonds to pay for any construction needed. This section completes title I, concerning Federal prisons and criminal law.

Title II was approved by the Judiciary Committee of the House in February of 1980. It provides grants to States with programs to compensate victims. This would cover most crimes not covered by title I.

This is a criminal justice bill that offers greater protection for every citizen.

A summary and a section-by-section review follow:

H.R. 7001—CRIME CONTROL AND VICTIMS' COMPENSATION ACT OF 1982

SUMMARY

In light of the fact that serious and repeated offenses have an impact on every sector of society, including interstate commerce, through increased insurance rates, public health expenditures, judicial time and expense, and the general mental and physical well-being of the victims, the community, and the nation, I have drafted legislation to correct some of the most basic problems in our criminal justice system.

The key elements of my bill are provisions to:

(1) Sentence 1st Degree murderers and certain 3-time felons to life imprisonment without parole;

(2) Compensate victims or their families for harm done; and

(3) Make the guilty persons work to pay for their keep and for victims' compensation.

SECTION-BY-SECTION SUMMARY

TITLE I—FEDERAL SENTENCES

SEC. 101. Whoever commits a homicide with a weapon, if that homicide is punishable by life imprisonment under State or Federal law, then that person shall be subject to a mandatory life sentence in a Federal prison without parole.

SEC. 102. Whoever carries a firearm while committing each of three felonies shall be imprisoned for life in Federal prison without parole.

SEC. 103. Whoever sells on three or more occasions $500 worth of controlled substances shall be imprisoned for life without parole.

SEC. 104. (a) Each person imprisoned under the terms of this Act shall be employed for pay with half of the pay going to the victim(s), and half going to cover the costs of imprisoning the offender. After the victims are compensated, that half of the prisoner's pay shall be deposited in a fund to compensate victims who would otherwise not be compensated.

(b) The Attorney General is authorized to issue bonds to finance the construction of facilities necessary to provide suitable employment for convicted persons.

TITLE II—VICTIM COMPENSATION

SEC. 201. This title may be cited as the "Victims of Crime Act of 1982".

SEC. 202. The Attorney General shall make annual grants to states with qualifying programs for compensation of victims of crime.

Sec. 203. There is established an Advisory Committee of state officials appointed by the Attorney General which shall advise the Attorney General with respect to the compensation of victims.

Sec. 204. Criteria for qualifying for grants—State programs must include the following:

(1) Compensation for personal injury or death;

(2) Applicant victims must cooperate with the law; enforcement authorities with respect to the crime;

(3) Conviction is not necessary for compensation from the fund;

(4) Proceeds from books or interviews about the crime are deposited in compensation fund until victim is compensated.

Sec. 205. Federal Grants limited to actual cost of compensation for injuries or death and directly related expenses.

Sec. 206. Attorney General to report on progress of program to Congress.

Sec. 207. Definitions.

Sec. 208. Authorizes 15, 25, and 35 million dollars for grants to states over the next three years.●

REAFFIRM OUR COMMITMENT TO HANDICAPPED CITIZENS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WEISS. Mr. Speaker, I believe that this Congress must act to reaffirm our commitment to handicapped citizens. It is imperative that we oppose this administration's attacks on legislative support for handicapped Americans.,

When the Rehabilitation Act was passed in 1973, section 504 became the cornerstone of legislation for the handicapped. Its passage helped promote equal opportunity for handicapped persons in such areas as public transportation, education, building accessibility, and employment. Since then, new statutes and regulations have reflected a new public consciousness and sense of responsibility toward those whose potential had been wasted for so long due to widespread ignorance and misconceptions. Section 504 has fostered a more enlightened and respectful approach to the handicapped.

For some time now, the Reagan administration has been working to dilute these guarantees. It has pushed the Department of Justice and the Office of Management and Budget to revise section 504 regulations to permit the Federal Government to escape from its responsibilities to the handicapped. In addition, the administration has targeted preschool incentive programs, the vocational rehabilitation program, and the developmental disabilities program with funding reductions and weakening regulatory changes. The cumulative effect of the administration's proposals would be to render major handicapped legislation meaningless and inoperative.

In a particularly odious move, the Department of Education has proposed changes for the Education for All Handicapped Children Act, Public Law 94-142. since this law was enacted in 1977, millions of children have received the education necessary to become self-sufficient and self-respecting members of society. Not only would the regulations virtually eliminate any standards for the Government and school boards to follow when evaluating and educating handicapped children, but they would also alienate parents from these same processes. In the belief that handicapped education is no place for the laissez-faire doctrine, I have cosponsored an emergency resolution opposing the Department of Education's proposals.

The cost/benefit analysis that the administration has applied in evaluating these regulations for the handicapped is economically as well as morally irresponsible, for it fails to appreciate the reciprocity inherent in handicapped programs. Educational and employment opportunities will shape what any citizen can offer the larger community in return. Our society is committed to providing all its members with access to these avenues of development. We had learned that handicapped programs can foster the independence necessary for handicapped persons to become productive citizens. In many instances, our expectations of the handicapped need be no less than those made of other citizens. We must not go back on a promise which has given us the opportunity to discover this. Miscalculating our real gains from these programs traps us into a self-fulfilling prophesy: The less we invest in the handicapped, the less we will receive from them in return.

I urge my colleagues to oppose these moves to betray our handicapped citizens. Instead, we should encourage a healthier and more reciprocal relationship between these individuals and the communities in which they live.●

RETURNING PRAYER TO PUBLIC SCHOOLS WITHOUT AMENDING THE CONSTITUTION

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. NEAL. Mr. Speaker, there is considerable enthusiasm at this time for a constitutional amendment that would return prayer to the public schools. According to the poll results that I have seen, about 75 percent of the people of America are for putting prayer back in the classroom, and from conversations with my own constituents and mail from them, I would say that at least that percentage of them would favor it also.

If a constitutional amendment were the only way to accomplish this purpose, I certainly would be obligated to vote to send it to the States for ratification. I do not believe, however, that a constitutional amendment for this purpose is necessary. I think, Mr. Speaker, that there is another way, a better way. I testified earlier this week on this subject before the Senate Committee on the Judiciary, and at this point would like to place in the RECORD the testimony I presented to this distinguished committee. A copy of my proposed legislation, House Concurrent Resolution 1, is also included.

TESTIMONY OF THE HONORABLE STEPHEN L. NEAL

Mr. Chairman, I appreciate the opportunity to appear before the Committee to discuss the issue of voluntary prayer in the public schools—and, specifically, my resolution (H. Con. Res. 1) dealing with that subject.

I have followed the proceedings of the Committee and the previous hearings in the House with intense interest because of both my personal concern about the school prayer controversy, and that of my constituency in North Carolina. It is an issue that is very much alive in the press and much alive in the minds and hearts of the people in North Carolina.

There are a number of proposals pending that attempt to return prayer to the public schools. The Committee is considering a proposed constitutional amendment which supporters feel would remove the bar against individual and group prayer. Legislation has also been introduced that would strip the federal courts of the authority to hear cases involving voluntary prayer. You have indeed heard eloquent and reasonable arguments from advocates and opponents of both approaches. Those who would formalize prayer in the classroom have pursued their objective with vigor; those who oppose it, with equal conviction. I say, Mr. Chairman, that there is a third approach wherein we may find an accommodation of the other two—that is, those who say we cannot, and those who say we must, pray in the public schools. The answer, contained in my resolution—which I will discuss at some length later—is that we can if we want to.

First, it is necessary, I believe, to clear up some of the misconceptions that exist concerning the Supreme Court's decision regarding prayer in the schools.

We know, of course, that the Court has not ruled out voluntary prayer in the schools. It has stated only that such prayer cannot be required, written, or supervised by the state or its representative—that is, the administrators or the faculties of the public schools. Yet, while voluntary prayer is permissible, there has been great difficulty in formulating a recitative prayer, and a prayer period, that do not exceed the limits set by the court.

Second, this misunderstanding of the Court's rulings has created in the minds of many people the idea that the Supreme Court banned prayer in the schools, and in so doing has denied, rather than protected, their rights under the First Amendment. The misconception has led to the widespread belief that "God has been expelled from the classroom."

The result has been both understandable and predictable. I have seen poll data which indicate that some 80 percent of Americans believe prayer in the schools should be permitted. That implies, of course, that 80 percent believe it is not permissible. The idea that one is not free to pray wherever and whenever one chooses is offensive to all Americans who cherish our fundamental

freedoms, and especially to those who find in our religious tradition a course of great comfort and pride.

This concern has led, I firmly believe, to suggested solutions which are unnecessary, and if carried to fruition could be intolerable. I have in mind the proposed constitutional amendment under consideration today. The Committee has heard much testimony about this amendment, but I would beg your indulgence of some further thoughts on the subject.

The proposed constitutional amendment strikes at the very foundation of our constitutional form of government. It would compromise that most basic guaranty of our individual rights—the First Amendment—which was appended by men of clear vision and noble purpose. That purpose, simply stated, was to guarantee that government shall in no way control religious thought, speech, or practice. Further, it also guarantees that religion shall not control the state, and through government impose the religious preferences of one persuasion upon a lesser number who do not completely agree with it. This we call the separation of church and state. It has served both constituencies extremely well.

Mr. Chairman, this constitutional doctrine was not established either easily or by chance. Powerful forces argued against it. I think we have to thank Thomas Jefferson and James Madison for insisting that it be part of our Constitution. Especially Mr. Jefferson, who fought this battle in the Virginia House of Burgesses, which ultimately established his Bill of Establishing Religious Freedom. It should be noted that only three accomplishments adorn the grave marker of Mr. Jefferson. That statute is one of them. He asked, also, to be remembered as author of the Declaration of Independence and founder of the University of Virginia.

Permit me to quote from Mr. Jefferson, and from his biographers, some of his observations about freedom and separation of church and state:

From Saul K. Padover's "Jefferson: A Great American's Life and Ideas":

"In few things was Jefferson more consistent than in his advocacy of religious liberty, or more resolute than in his hatred of religious tyranny. He went farther than those who merely believed in toleration. Mere toleration. was a lazy man's creed; it meant indifference toward the political problems involved in the religious question. Toleration, therefore, was not enough. What Jefferson wanted, and ultimately achieved, was liberty—liberty fully protected by the law, to believe or not to believe whatever a man saw fit; liberty of the genuine Protestant variety, for a man and his conscience to care for his soul in his own fashion."

And from Mr. Jefferson's "Notes on Religion," penned shortly after he wrote the Declaration of Independence:

"The care of every man's soul belongs to himself. . . . God himself will not save men against their wills. . . . I cannot give up my guidance to the magistrates, because he knows no more of the way to heaven than I do, and is less concerned to direct me right than I am to go right."

Mr. Jefferson in that instance was concerned about the state being in charge of religion. He was equally if not more concerned about the church being in charge of the state. Assailed by the stinging criticism of some members of the clergy, he wrote to a friend:

"They (the clergy) believe that any portion of power confided to me, will be exerted in opposition to their schemes. And they believe rightly; for I have sworn upon the altar of God, eternal hostility against every form of tyranny over the mind of man."

The last clause of that immortal statement is familiar to everyone who visits the Jefferson Memorial, for it is engraved in the marble there. The basic issue in his time, as in ours, was separation of church and state.

I would not contend, Mr. Chairman, that conditions have not changed since Mr. Jefferson's day. I would submit, however, that our need to be free has not changed; that it took many more years after the First Amendment was ratified to establish religious freedom uniformly throughout the states; and that we ought not to surrender one inch of the ground which our forebears struggled to gain for themselves and their posterity.

Former Senator Sam J. Ervin, Jr., a distinguished Constitutional scholar, felt just as strongly as did the Founding Fathers that the separation of church and state must remain absolute, and in 1966 he argued forcefully and long against the Dirksen and Bayh proposals to amend the Constitution so as to reestablish prayer in the classroom. A telling point in Senator Ervin's argument was his observation that the Supreme Court's opinions, as he interpreted them, did not deal with the subject of voluntary prayer. "All they do is to hold that under the establishment of religion clause, the State cannot require religious exercises to be conducted in the public schools," he said.

Mr. Chairman, these distinguished Americans were absolutely right. If the state were to be given power to make us pray, it would have equal power to stop us from praying. The Constitution declares that the state does not have the power to make us do either.

But the problem remains. The people of America want prayer in the schools, and they believe their government is prohibiting it.

I would argue that my resolution (H. Con. Res. 1) would solve the problem. This resolution confirms, (1) that the Supreme Court decisions did not prohibit periods of silence for the purpose of private prayer, meditation, contemplation, or introspection; and (2) that local school authorities can now provide such periods of silence under the law. I respectfully urge the Committee to consider this approach for the following reasons:

(1) It would clear up the misconception that the Supreme Court decision of 1962 prohibits prayer in the public schools, and that government (the Supreme Court) has expelled God from the classroom. The lack of a clear expression on the permissibility of voluntary prayer has had a "chilling" effect on local school boards which, upon passage of the resolution, would receive both guidance and encouragement to provide the opportunity for voluntary prayer in the schools.

(2) It would help restore the public's trust in government, and in the democractic process, which many have come to doubt as concerns the issue of prayer in the public schools.

(3) It would inspire widespread discussions between students, their parents, and religious leaders of all religions and all denominations as to how the "periods of silence" suggested in House Con. Res. 1 should be filled. In my opinion, such healthy discussion among all Americans contains, at the very least, the possibility of an understanding that reaches beyond the temporal and the transitory. Perhaps it would result in a heightened spirit of unity, while maintaining diversity; perhaps a higher awareness of man's relationship to this Creator and to his fellowman; perhaps a higher level of trust, tolerance, and understanding among ourselves.

(4) Finally, the passage of this resolution would restore truly voluntary prayer to the public schools, by which the majority might confirm, with no threat to or infringement of the rights of the minority, our Nation's motto, "In God We Trust."

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress—

(1) that the Constitution of the United States does not preclude periods of silence to be used, solely at the discretion of the individual student in public schools, for quiet and private prayer, meditation, contemplation, or introspection, even if these moments are supervised by a school official; and

(2) that public school authorities should recognize the historic importance of religion to our civilization by encouraging such periods of silence.●

YAKOV AND TATIANA KOGAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. MATSUI. Mr. Speaker, I would like to call your attention to the plight of Yakov and Tatiana Kogan, two Soviet refusniks who have been denied permission to emigrate to Israel for the past 6 years. Yakov and Tatiana are of special concern to me because they have been adopted by the Jewish community in my district of Sacramento, Calif.

Yakov Kogan was a member of the Soviet Army until 1969 when he completed his service. Because of this security clearance, Yakov agreed to sign a document stating he would be unable to go abroad for 5 years. Six years later when he applied for permission to emigrate, however, Yakov was refused on the basis of his army service. His application was turned down again 6 months later.

Yakov's wife, Tatiana, lost her job when it was learned that she and her husband had applied for emigration visas.

It is my hope that through our efforts here in Congress and through concern shown by communities across the Nation, the Kogans and other Soviet Jews will finally be given permission to leave the Soviet Union.●

TRIBUTE TO JOHN SONNEBORN, JR.

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ANDERSON. Mr. Speaker, only once in a great while is a community blessed with having a rare individual who not only devotes full time to the job at which he earns his living, but who devotes equally of his talents and energy to his community. San Pedro has been blessed by such a man in John G. Sonneborn, Jr.

John Sonneborn is a man of restless, dynamic energy. If he sees something wrong, he wants to correct it. If he sees something that can be done better, he wants to assist in doing it better. If he sees a fellow citizen not as fortunate as himself in need, he is the one who steps forward and wants to help him.

John was originally an easterner, having graduated from Germantown Friends School in Philadelphia, Pa. He then attended Swarthmore College and Temple University before coming to USC in Los Angeles. Not content with baccalaureate diplomas, he went on to the UCLA Graduate School of Business, and has taken courses at the Los Angeles Harbor College. He holds a Los Angeles college teaching credential.

After service in World War II as a major in the U.S. Air Force, he spent a short time with Consolidated Steel and the Union Bank, settling with Pacific Telephone Co. in July of 1949. Except for a period of time when he again donned his country's uniform in the Korean war, John remained with Pacific Telephone & Telegraph, for many years as district manager for the South Bay area, from July 1949 until July 1981, when he went on a year's leave of absence to be foreman of the Los Angeles County grand jury. Those of you who have kept up with the local and national news on TV and in the press have heard and seen John's exploits as the foreman of the jury, as several sensational cases attracting nationwide attention were handled under his foremanship.

I mentioned his involvement in community activities; John has been a past president of no less than six such organizations. They are the Los Angeles Civitan Club, San Pedro Lions Club, San Pedro Chamber of Commerce, Los Angeles County Probation Commission, Los Angeles Harbor College Foundation, and, for almost 10 years, the San Pedro Peninsula Hospital Foundation. He is an active member of the Los Angeles Police Foundation, continues as a board member of the San Pedro Peninsula Hospital, is first vice president of the Los Angeles County Affairs of Aging, and is on the executive committee of the Affiliated Committees on Aging, Inc. He works as an active consultant for the Small Business Administration. And on top of all that, until reaching retirement age, he remained active in the Air Force Reserve.

Mr. Speaker, to list the numerous commendations, awards, and recognitions that John has received will demand too much of your time and those of my colleagues. Suffice to say they are many.

This past month John completed his year's tour as foreman of the Grand Jury, and on the 27th of this month will officially retire from the Pacific Telephone Telegraph Co., but John will never retire. I know that the organizations in which he serves will continue to receive the benefit of his advice. I know he will continue doing many fine things for his community. And, above all, I know John will continue looking for more things to do.

My wife Lee joins me in congratulating John Sonneborn for his many achievements and we thank him for all he has contributed to his community. We wish John and his wife Barbara, and their two sons, John III, and Paul Sonneborn, all the best in the years ahead.●

SOVIET DAY OF SHAME

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. RITTER. Mr. Speaker, I join with members of the American-Czech and Slovak communities in observance of the 14th anniversary of the ruthless Soviet invasion of Czechoslovakia, commonly known as the "Soviet Day of Shame." The consequences of this Soviet action 14 years ago are still being felt and certainly have not left our memories.

On August 21, 1968, the world witnessed a brutal and unprovoked act of military aggression on the Czech nation under the leadership of Alexander Dubcek. Prior to the invasion, Czechoslovakia was making substantial economic strides compared to the other nations dominated by the Soviet Union. Restricted by all the inefficiencies inherent in a centrally planned economy as is the case in all communist countries, Alexander Dubcek attempted to liberalize the nation's overbureaucratized economy by moving toward a free-market system. This attempt at liberalization is commonly known of as "Prague Spring." All hopes of political and economic reform were destroyed when Warsaw Pact forces under Soviet instigation and leadership invaded Czechoslovakia and replaced the Dubcek government with a puppet regime, manipulated from Moscow.

In the 14 years since the invasion, opposition to Soviet domination has never ended. Charter 77, a movement led by Czech intellectuals and other brave citizens, champions the cause of human rights in Czechoslovakia even though the price they must pay for their beliefs are harassment, beatings, and imprisonment. August 21, 1968, shall long be remembered to Czechs and people everywhere as the "Soviet Day of Shame."

The Soviet Union's inexcusable and unlawful intervention into the domestic affairs of other nations represents a gross violation of international law and human decency. We now know that the Soviet Union will not permit deviations from Soviet policy and Communist doctrine among its captive neighbors. The Breznev doctrine, which guarantees Soviet domination over Eastern Europe, is the policy that dictates Soviet actions in the area. Any nation which must bear the presence of the Soviet Red army faces the grim specter of having that powerful force thrust against it at the whim of Moscow. Whenever a captive nation attempts to better the lot of its people or seeks greater independence, the Red army is the instrument used to decimate the hopes of the millions who long for justice and freedom. The day will come when the Soviet Union no longer will be able to use their Red army to depose progressive regimes which are not capable of Soviet-style oppression. No Soviet tank or missile can douse the burning flame for independence and freedom that the Czech people so anxiously desire. Each Czech who has fallen as a victim to Soviet tyranny has not done so in vain, but has made a priceless sacrifice for the Czech people, which will not be forgotten by posterity.

In a country which enjoys freedom and justice, we cannot be blind to the plight of the Czech people who long to live in a democratic and independent society, without the fear of reprisals or internment for advancing the cause of human rights. As Congressman from the Lehigh Valley where many people of eastern European extraction live, I condemn the 1968 Soviet invasion of Czechoslovakia and pray for the day when the Czech and Slovak peoples can determine their own destiny, free from outside intervention. Thank you.●

THE ROLE OF COOPERATIVES IN FOSTERING DEMOCRACY IN THE CARIBBEAN BASIN

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. McHUGH. Mr. Speaker, as you know, the current situation in the Car-

ibbean and Central America is complex, with each country in the region facing distinctly different challenges. However, one of the most basic challenges we face is whether it is possible to channel legitimate aspirations for change through democratic political institutions, and thus I do not think it is inappropriate to suggest that what is at stake is the future of democracy in Central America and the Caribbean.

Yesterday the House voted to approve the conference report on H.R. 6863, which included funds to implement the President's Caribbean Basin Initiative. Much of the money contained in H.R. 6863 will be directed to democratic allies, such as Costa Rica, the Dominican Republic, and Jamaica. It is our hope that funds for the remainder of the countries that would benefit under this legislation will bolster democratic forces, and thus I supported the bill, Mr. Speaker.

At the same time, I want to stress once again my own view that the root causes of the crisis in this region is the growing aspirations of its people for economic progress and well-being. There can be little doubt that economic stagnation, whether caused by purely economic circumstances such as lower sugar or coffee prices and depressed markets, or by disruptive military and political actions, breeds antidemocratic pressures.

The response from the extreme right is to clamp down on programs, such as land reform, which are essential for economic prosperity for the poor majority. The extreme right argues that the large landholdings of the rich must be maintained for export production. The response from the extreme left is precisely the opposite. They point to continuing poverty and blame capitalism for the ever widening gap between the rich and the poor. They appeal to the landless and the exploited, playing upon the desire of the poor majority to own their own land and the means of production.

As you know, Mr. Speaker, history has shown that the forces of the extreme left can be as antidemocratic as those of the extreme right. When some leftist revolutions succeed, all too often the promises for land evaporate in favor of state farms or other coercive economic instruments. At the same time, the extreme right tends to wait too long as the pressure for land redistribution builds and fuels revolutionary unrest.

The peasant is the person caught in the middle of all of this, Mr. Speaker. While disagreeing with the forces of the extreme right, he typically resists the appeals of the extreme left as long as his situation falls short of being intolerable. He wants his own land, and to be left alone to make a modest living in peace.

Mr. Speaker, I am firmly convinced that there is a unique type of organization which is well suited the meeting the economic needs of the peasant and fits in well with his basic attitudes. I am speaking of cooperatives. Cooperatives and credit unions have been a great success in the United States and a growing phenomena in the developing world. These institutions are geared to the needs of the owners, most often farmers, who own and control them. Each member, no matter what his wealth, has one vote in cooperative decisionmaking and, rather than distribute profits to shareholders, cooperatives put earnings back into operations or into patronage refunds based on individual usage of services or goods purchased from the cooperative. Thus, they are democratic, nongovernmental and nonideological economic businesses which fit the needs of the peasant.

In 1962, an amendment to the Foreign Assistance Act directed the Agency for International Development to promote cooperatives and credit unions overseas. As a result, six cooperative development organizations were created. They are: Agricultural Cooperative Development International, Cooperative Housing Foundation, Cooperative League of the U.S.A., Credit Union National Association (whose global office recently merged with the World Council of Credit Unions), National Rural Electric Cooperative Association, and Volunteer Development Corps.

Each of these organizations began its programs in Latin America in the early 1960's and have created networks of indigenous cooperative structures. In over 20 years of providing U.S. technical assistance, they have helped build a variety of cooperative businesses.

In the new directions legislation of 1974, Congress changed the mission of the Agency for International Development from capital projects to those more directly benefiting the poor. As a result, the focus of cooperative development, and of all development assistance for that matter, shifted from Latin America to Asia and Africa where the vast majority of the desperately poor live. As a result, funds to assist cooperative development in Latin America have dwindled. Fortunately, strong cooperative roots have been started there which, with the additional resources in H.R. 6863, can be made to flourish.

H.R. 6863 represents an opportunity to reinvigorate cooperatives and credit unions in the Caribbean and Central America. U.S. cooperative development organizations have identified over $40 million in immediate needs for training, technical assistance and capital requirements. Cooperatives can directly increase agricultural productivity, the underpinning to the economies of the region. They are a means by which small farmers can pool their resources in purchasing fertilizer, seeds, farm implements, and other inputs; and expand their markets through regional and national cooperatives. In credit unions, farmers and urban residents can save, with the pooled savings available to members for productive uses such as farm credit. Cooperatives make possible adequate housing or electricity which otherwise would not be possible.

The Agricultural Cooperative Development International (ACDI) is now completing over 10 years of assistance to the Federation of Regional Agricultural Cooperatives (FECOAR) in Guatemala. Through FECOAR, ACDI cooperative technicians have helped highland Indians form agricultural cooperatives to make possible their entry into the market economy. While these cooperatives are now endangered by fighting in the countryside, the Indians are holding tenaciously to their own independent cooperatives despite threats and killings of their leaders.

Another FECOAR project, with ACDI help, provides for cooperative colonization in northern Guatemala. In this development project, landless tenants are now being given land and the opportunity to eke out an economic existence in very harsh jungle environments. This region was recently closed because of rebel activity.

Mr. Speaker, these are two examples of where cooperatives remain beacons of democracy and hope. But, like other public institutions, they are threatened by political and military violence. The United States can help sustain these cooperatives and encourage their continued growth through the funds in H.R. 6863 and I hope we will do so.

ACDI is also helping to organize two regional agricultural service cooperatives in Honduras, the poorest Central America country. These cooperatives provide agricultural supplies, short- and medium-term credit, marketing assistance, custom machine work, and technical assistance. ACDI has also been asked to help form cooperatives in support of El Salvador's land reform, but is holding back because of the violence in that nation.

Mr. Speaker, Haiti is the poorest country in our hemisphere. The Cooperative Housing Foundation (CHF) could use funds in H.R. 6863 to expand its 5-year urban self-help shelter and slum upgrading program there for the very-low-income population of Port-au-Prince. CHF could also work with the Haitian Development Foundation to provide cooperative housing in urban areas for its employees. In addition, CHF is interested in developing a cooperative block making enterprise in Haiti for building materials production and distribution. These types of programs can have the positive effect of building democratic institutions which

respond to the harsh realities of poverty in Haiti.

Costa Rica is a democratic oasis threatened by violence, Mr. Speaker, and by an economy which is nearly bankrupt. Its new President, Luis Alberto Monge, has called for restructing the Costa Rican economy, especially its agriculture sector. His program is focused on the small farmer through the provision of technical assistance and an expansion of cooperatives. The Cooperative League of the U.S.A. assisted the conversion of the Cooperative Department of the National Bank of Costa Rica into an autonomous agency, the National Institute for Cooperative Development (INFOCOOP). The Cooperative League provided technical assistance to INFOCOOP in organization and administration, marketing, credit operations, and education and training. This has resulted in INFOCOOP providing technical assistance for cooperative projects in dairying, fish marketing, livestock marketing, taxi cooperatives and agricultural marketing operations. INFOCOOP is critical to President Monge's program and funds from H.R. 6863 can play an important role in strengthening this independent cooperative structure.

The National Rural Electric Cooperative Association (NRECA) has built rural power systems in Nicaragua, Costa Rica, Honduras, Panama, and Guatemala as well as in the Dominican Republic, Jamaica, Haiti, and other Caribbean countries. One of the casualties of the revolution in Nicaragua was the nationalization of five successful rural electric cooperatives serving over 60,000 farm families. This indicates why cooperatives must not be too closely identified with the government, in this case with former President Somoza.

NRECA-assisted rural cooperatives are serving the electric needs of 30,000 families in Costa Rica. In the Caribbean, there are 22 small utilities, mostly government-controlled and originally started with European investors. All of these systems need help. They are deficit operations needing U.S. training, better audit systems and technical assistance for capital planning and loan applications.

Whether NRECA activities are directed to cooperatives or national electric authorities, their operations are quite similar to U.S. cooperatively run systems. The areas are primarily rural and their scale of operation is quite similar. For example, NRECA has used specialists from the Blue Ridge Electric Cooperative to work in Jamaica for the improvement of the physical plant, a plant almost identical to one in the United States. H.R. 6863 can help bring power to rural areas or address second generation problems of existing systems which must deal with skyrocketing oil prices.

As a result of the Credit Union National Association (CUNA) activities of the 1960's, credit unions have been established throughout Latin America and the Caribbean. National movements in these countries have formed two confederations: The Confederation of Latin American Credit Unions (COLAC) and the Caribbean Confederation of Credit Unions (CCCU). Approximately 700,000 individuals are credit union members in the Caribbean Basin, with nearly $200 million in savings.

This success is largely attributable to the ability of credit unions to provide access to credit. Credit unions help mobilize domestic savings, particularly among those often considered too poor to save and thus frequently denied credit from traditional financial institutions. The resulting credit is often then used for productive or income generating purposes of small farmers, entrepreneurs, and tradesmen. In the Caribbean, credit is extensively used for housing.

Mr. Speaker, credit unions adhere to cooperative principles of self-help and democratic control. They deserve our encouragement and support, and H.R. 6863 would provide the funds through which our government can demonstrate concretely that we support them.

Finally, H.R. 6863 could help to send highly qualified cooperative volunteers to the region through the Volunteer Development Corps. In Costa Rica, volunteers are needed to advise the Union Regional de Cooperatives on processing and marketing potatoes and other vegetables; and to help consumer cooperatives create a central purchasing federation. In Jamaica, short-term volunteers can help the Ministry of Agriculture open the island's first cheese processing plant; work with the Pan American Development Foundation and Jamaica Cooperative Union in training fishermen to operate their own 76-foot mother ship and a 48-foot carrier ship; and to help Christiana Potato Growers Cooperative Association participate in an AID integrated rural development project involving marketing and storage of potatoes and other vegetables. VDC is highly cost effective in that the volunteer is not paid for his services. Thus, very modest dollars can expand this small but efficient program.

Most people do not realize that the C in CARE stands for cooperative. CARE's full name is Cooperative for American Relief Everywhere. CARE was created by the cooperative movement after World War II for relief to Europe. While it continues relief programs, CARE has over the years moved into development work. H.R. 6863 could help create five deep-sea fishing cooperatives in Belize; help a Costa Rican agricultural cooperative in soybean production and processing; provide for cooperative fish ponds in the Dominican Republic; and assist a Guatemalan cooperative in bean production. CARE is also encouraging cooperatives for crafts in Haiti; planting trees in Honduras; and assisting in a cooperative credit program for small landholders in Panama.

In short, Mr. Speaker, cooperatives can play a significant role in helping our neighbors to the south. As democratic business enterprises, they are the types of assistance programs all Americans can be proud of. Thus, I commend my colleagues for joining with me yesterday in supporting the funds contained in H.R. 6863 needed to implement the Caribbean Basin Initiative. I hope that the President will sign the bill into law and direct the State Department to make extensive use of the skills and talents of cooperatives in meeting the challenge to democracy that our neighbors to the south face.●

CONGRESSIONAL STEEL CAUCUS FINANCIAL REPORT

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Ms. MIKULSKI. Mr. Speaker, as executive secretary of the Congressional Steel Caucus I am submitting, in accordance with the regulations of the Budget Committee, the Congressional Steel Caucus financial report for the first quarter of 1982. The report contains a fund balance statement of expenses through the first quarter of 1982, a cumulative statement of expenses through the first quarter of 1982, and a listing of Congressional Steel Caucus members who had paid their dues as of May 11, 1982

Quarterly report, fund balance statement, U.S. House of Representatives, Congressional Steel Caucus

Balance remaining (as of Dec. 31, 1981)	$9,606.71
Total revenues (clerk hire, membership dues and donations)	28,405.63
Total	38,012.34
Less expenses:	
January 1982	3,916.03
February 1982	4,247.15
March 1982	5,907.67
	14,070.85
Remainder	23,941.49
Total unexpended revenues (as of March 31, 1982)	23,941.49

Quarterly report, cumulative statement of expenses, U.S. House of Representatives, Congressional Steel Caucus

Salaries	$11,873.61
Travel	0
Stationery	132.02
Postage	0
Telephone	178.98
Publications	123.95

Equipment	504.33
Printing	941.25
Miscellaneous	316.71
Total, expenses as of March 31, 1982	14,070.85

CONGRESSIONAL STEEL CAUCUS, 97TH CONGRESS STEEL CAUCUS MEMBERSHIP (AS OF MAY 11, 1982)

Joseph Addabbo, Douglas Applegate, Don Bailey, Adam Benjamin, Jr., Tom Bevill, Clarence Brown, George Brown, Don Clausen, William Clay, William Clinger, Cardiss Collins, John Conyers, Baltasar Corrada, Lawrence Coughlin, William J. Coyne, Robert David, Edward Derwinski, John Dingell, Dennis E. Eckart, Allen Ertel, John G. Fary, Vic Fazio, Jack Fields, Floyd Fithian, William Ford, L. H. Fountain, Joseph Gaydos, William Goodling, Sam Hall, Jr., James V. Hansen, Elwood Hillis, Ken Holland, Thomas Kindness, Ray Kogovsek, Stanley Lundine, Joseph McDade, Bob McEwen, Marc Marks, Dan Marriott, James Martin, Clarence Miller, George Miller.

Barbara Mikulski, Robert Mollohan, G. V. Montgomery, Ronald Mottl, John Murtha, William Natcher, James Nelligan, Bill Nichols, Henry Nowak, Mary Rose Oakar, James Oberstar, George O'Brien, Donald Pease, Melvin Price, Nick Joe Rahall, Ralph Regula, Don Ritter, Robert Roe, Marty Russo, Gus Savage, Richard Schulze, John Seiberling, Richard Shelby, Bud Shuster, Albert Lee Smith, Joseph Smith, J. William Stanton, David M. Staton, Bruce Vento, Doug Walgren, Robert Walker, Richard White, Lyle Williams, Ron Wyden, Gus Yatron, C. W. Young, Clement Zablocki, Leo Zeferetti.●

TRIBUTE TO ITALIAN TRIBUNE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. RODINO. Mr. Speaker, over the past half century the Italian Tribune has established a long and rich tradition of service to New Jersey's Italian American community. I am proud to join with my colleagues in recognition of this respected Newark publication, which is the largest Italian American picture newspaper printed in English.

The Italian Tribune provides a lively source of news and culture for its readers. The spirit of the journal is perhaps best reflected in its publisher, my good friend Ace Alagna.

I have never considered the Tribune to be my paper,

He states:

ownership and viability of the paper rests with the people for whom it was designed.

Ace Alagna has involved the paper directly with the Italian American community. He used the paper to marshall the energies of the Italian American community to provide emergency relief for the earthquake victims of Italy in 1976 and 1980.

The paper has grown in size and importance, and has laid strong foundations for making an impressive contribution to American readers over the next 50 years. This is a prospect that Italian Americans can view with satisfaction and pride, and I know my colleagues will join me in commending the Italian Tribune and its publisher, Ace Alagna, on this milestone occasion.●

CONSUMERS MUST HAVE A ROLE IN U.S. TRADE POLICIES

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ANNUNZIO. Mr. Speaker, it is with pleasure that I draw to the attention of my colleagues and others, inside and outside the Government who are concerned with various aspects of international trade, two articles, "Consumers Group Seeking Larger Role in Trade Policy," and "Trade Policy 'Pros' Praise Doreen Brown," by Richard Lawrence, that appeared in the August 5 issue of the Journal of Commerce. At a time when domestic economic crises and discontent with our trading partners are fueling legislative reactions which threaten our open trading system, I urge consideration of the views and valuable services rendered by the Consumers for World Trade (CWT).

As chairman of the House Subcommittee on Consumer Affairs and Coinage, I read these two articles with particular interest. It is my understanding that the CWT is a national nonprofit membership organization established in 1978 and is the only consumer organization concerned exclusively with international trade policy. As stressed in the first article, "CWT fulfills a necessary mission no other U.S. consumer group has undertaken—the consistent promotion of consumer interests through U.S. trade policy."

Objectives of CWT include efforts to help insure that the American economy regain a healthy growth momentum, at stable prices, with high employment; that the competitiveness of American industry is maintained in both domestic and world markets; and that choices in the marketplace are provided for consumers of this country. In order to achieve these goals, CWT supports expanded world trade—both imports and exports—and believes in the importance of increasing productivity through the efficient utilization of human and capital resources.

Mr. Speaker, in view of the timeliness of these two articles and the significance of the work of the Consumers for World Trade for the American economy, I ask unanimous consent that these informative articles be printed in the RECORD.

CONSUMERS GROUP SEEKING LARGER ROLE IN TRADE POLICY

(By Richard Lawrence)

WASHINGTON.—The nation's only consumer group exclusively concerned with U.S. international trade policy is striving to make itself more of a force in the halls of government.

The four-year-old Consumers for World Trade, said its president, Doreen L. Brown, plans to develop closer ties with local consumer and other "public interest" groups around the country as one way to mobilize more active "grass-roots" support for a freer trade policy in Washington.

Many members of Congress, she said, may instinctively favor freer trade, but often they face strong protectionist pressures from industry.

"They want to hear from their constituents," she said in an interview, "and CWT, by working with 'back home' groups, can help generate the kind of pro-consumer mail and phone calls they want and need."

Early next year, for example, CWT and the Center for Public Representation in Madison, Wis., are due to launch an 18-month project to "involve consumer organizations in the trade policy debate," as CWT describes it.

The project will involve leaders of 30 to 50 local, state and national consumer organizations, who after briefings in Washington on international trade issues will prepare policy positions for their respective groups.

They would then state a convention here to "draw attention to the consumer's stake in world trade policy."

CWT was founded in 1978 by Mrs. Brown and others with the Consumer Education Council for World Trade to actively lobby for freer trade.

The council had represented an ad hoc coalition of 20 non-profit organizations seeking to defeat the Burke-Hartke bill, a controversial protectionist proposal of the early 1970s.

CWT, Mrs. Brown said, fulfills a necessary mission no other U.S. consumer group has undertaken—the consistent promotion of consumer interests through U.S. trade policy.

Other national groups such as the Consumer Federation of America and the National Consumers League only occasionally speak out on trade policy, and, Mrs. Brown contended, sometimes they take stands not in the consumers' interest.

As an example, she cited the federation and league's support of legislation to require a prescribed level of domestic content in any car sold in the United States.

The legislation, she said, is "the most protectionist and anti-consumer" bill being considered in this session of Congress; it is likely to boost imported car prices by at least $3,000 a car.

CWT, in the midst of a membership drive (it welcomes individuals, corporations and other organizations, but only individuals have a direct voice in CWT policy), lobbies the administration and Congress not only against protectionist import restrictions but also for programs that help expand U.S. exports.

Two pending bills the group supports are the Export Trading Company Act and amendments to clarify the Foreign Corrupt Practices Act. "Exports create jobs and increase our foreign exchange earnings; they make protectionism less likely," Mrs. Brown said.

Still, she makes it plain that CWT will not back any kind of export promotion measure. For instance, she said, CWT opposes a bigger budget for the Export-Import Bank because of the bank's government-subsidized financing.

In principle, Mrs. Brown said, CWT opposes trade subsidies, either by the United States or foreign governments.

In the four years of CWT's life, the group, like almost any organization, has "won some and lost some," she acknowledges. The "wins" Mrs. Brown counts include the administration's lifting of import restrictions on footwear and TV sets and an administration decision against import quotas on casein. She counts as a "modified success" the Senate Finance Committee's "watering down" of the pending trade reciprocity bill.

Among CWT's "losses" are the administration's fixing import quotas on sugar, its negotiation of another restrictive international textile and apparel agreement, and its "acquiescence" to Japanese car export curbs.

Despite its "freer trade" rhetoric, Mrs. Brown reported she has been at times "disappointed" with the Reagan administration. The way it first espoused free trade, "we thought we might go out of business," for lack of issues, she said.

But the administration's restrictive actions on textiles, sugar and autos have changed her thinking sharply. She also believes that the administration makes excessive use of "foreign policy" controls on exports. Those controls, she explained, amount to international trade barriers.

CWT's current top priorities are to defeat the domestic content auto bill, help move President Reagan's Caribbean Basin Initiative through Congress without protectionist amendments, enact liberalizing changes to the Foreign Corrupt Practices Act, and help make sure Congress approves a meaningful export trading company bill.

CWT continues to withhold support from trade reciprocity legislation, even the Senate Finance Committee's new version of it, which the administration and a number of business groups endorse. The bill, argued Mrs. Brown, still places too much "emphasis on unilateral decisions and retaliatory measures."

For more information on Consumers for World Trade, write to the group at 1346 Connecticut Ave., N.W., Washington, D.C. 20036.

TRADE POLICY "PROS" PRAISE DOREEN BROWN

Doreen L. Brown, the Consumers for World Trade president, gets high marks for her work from trade policy "pros" both in and out of government.

"She and her organization," said one government official, "are one of the few we can rely on in the fight for freer trade." He lauded the Consumers for World Trade bimonthly newsletter as "one of the best ways in town for keeping abreast of U.S. foreign trade policy."

A major business group representative called CWT a "very helpful" advocate on international trade policy. CWT gives a larger dimension to business pleadings for a more open trade policy in Washington, he said. Mrs. Brown, in his view, is both an "unusually quick study" and "very articulate."

French-born, Mrs. Brown came to Washington just before World War II. In a sense, she has been in foreign trade since childhood. Her father was an executive with a Baltimore-based export-import company. Besides English, she speaks fluent French, Italian and Spanish.

After graduating from Bryn Mawr College in 1947, she went almost at once into international work with the United Nations Food and Agriculture Organization. She then married and raised two children, now in their 20s.

Mr. Brown became active in international trade policy in the early 1970s as chairwoman of the Consumer Education Council on World Trade.

She serves on two government trade panels: the U.S. Trade Representative's international steel policy advisory committee and the Commerce Department's importers and retailers textile advisory committee, where she is trying to persuade the department to reform the way it goes about limiting textile and apparel imports.

Mrs. Brown's goal is to broaden CWT's membership beyond "sophisticated" consumers to the kind of large "grass-roots" organization labor unions boast. The more CWT members, the more clout consumers will have in Washington, she reasons.

CWT members not only get a voice on Capitol Hill and into the administration but also a bimonthly newsletter, access to a speakers bureau, and the possibility of trade seminars and conferences. CWT's 12-member board includes a number of high government officials, some of who have turned to academia or private business. They take turns speaking out for consumers in CWT testimony in Congress.●

EXPRESSION OF GRATITUDE TO ENVOY PHILIP HABIB

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. BROOMFIELD. Mr. Speaker, as the Congress prepares to recess, I want to express my gratitude for the courageous efforts of Special Envoy Philip C. Habib to bring about an end to the tragic bloodshed in Lebanon.

On many occasions, he has been called upon to serve his country in resolving the most difficult and challenging problems in this particularly volatile region. His prowess in diplomacy and his negotiating skills are legend among his colleagues and foreign government officials. His successes are noteworthy.

Once again, in furtherance of the national interests of his country, he has carried out with dedication the extremely complex negotiations to end this horrible bloodshed and destruction in Beirut.

In the midst of the bitter fighting, Envoy Habib traveled to war-torn Beirut and deftly worked with the many concerned parties to effect a rapid cease-fire. He displayed not only personal courage, but incredible stamina in pursuing the long-term negotiating efforts. When a resolution of the problems appeared to be slipping away, his determination and professionalism prevailed; he resolved differences by urging compromise when necessary, and displayed sensitivity to the vital interests of the concerned factions. He brought together men with varying backgrounds and political positions, and urged them to stop the carnage. When personal meetings with high-ranking officials were critical to maintain momentum, he seized the moment and shuttled off to distant capitals in his quest for peace.

He is more than a man with a mission; I believe that because of his personal commitment and involvement with the Middle East, he has truly devoted his life to resolving the longstanding troubles in this strategic area of the world. It is perhaps fitting that a son of Lebanon should return to bring peace to his ancestral land.

As we approach the day for the implementation of the Habib plan to bring about an end to the siege of West Beirut and the removal of all foreign forces from Lebanon, I encourage my colleagues to join me in expressing our sincere appreciation for Mr. Habib's distinguished service and historic accomplishments in working to bring peace to the Middle East.●

AMEND SECTION 513 OF TAX CODE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. GUARINI. Mr. Speaker, today, my distinguished colleague from the State of Tennessee, Mr. DUNCAN, is introducing a bill to exempt from taxation income earned by tax-exempt organizations through exchanging, renting, or selling the names and addresses from donor or membership lists. I am pleased to cosponsor this legislation.

Under current law, income earned by an exempt organization from a trade or business which is regularly carried on and is not substantially related to the activities constituting the basis for the organization's tax exemption, is considered to be unrelated business income subject to taxation. This provision, first enacted in 1950, was designed to prevent exempt groups from having an unfair competitive edge over taxable businesses engaged in similar activities.

Recently, the Court of Claims and the Internal Revenue Service have taken the position that income earned by groups from the rental or exchange of donor lists constitutes unrelated business income subject to taxation. While these rulings are a highly questionable interpretation of present law, legislation is the appropriate solution. Our bill addresses those rulings, and adds to section 513 of the Internal Revenue Code a specific exemption from taxation for income earned through the exchange, sale, or rental

of names and addresses from donor or membership lists.

Tax-exempt organizations provide a wide range of services and programs for needy individuals. Many of these services and programs assist particular groups of people who otherwise would go unaided. For example, through its national service program the Disabled American Veterans offers free assistance to veterans in penetrating the bureaucratic maze and obtaining the benefits to which they are entitled.

Funds for the services and programs provided by tax-exempt groups come primarily from tax-deductible contributions. Contributions are solicited generally by direct mail from individuals whose names are maintained on donor or member lists. To keep the lists current, names of individuals who have died, moved or no longer contribute are removed. The name attrition rate can be high. In the case of the Disabled American Veterans, for example, the attrition rate runs about 12 percent per year.

To maintain donor lists large enough to provide organizations with the contributions required to sustain their programs, these names must be replaced. Replacement is best accomplished through the rental, sale, or exchange of names from an organization's donor list to and with other organizations. Not only does the acquisition of new names through these means help maintain a list large enough to sustain an organization's program in these difficult economic times, but also income from the rental, sale, or exchange of lists helps defray the high costs of acquisition of names and maintenance of a donor list.

Since its enactment in 1950, section 513 of the Code has been amended frequently to provide exceptions to the taxation of unrelated business income. Public entertainment activities at agricultural fairs, certain convention and trade show activities, billing and data processing services rendered for hospitals by hospital service organizations, bingo games, and certain telephone and electric pole rentals have been exempted. In enacting these exemptions, Congress found that the benefit to the exempt entity through relief from unrelated business tax outweighed any detriment to competing commercial enterprises. Such is the case here. Exempt organizations that rent, sell, or exchange their own mailing lists do not directly compete with commercial mailing organizations. Each donor or membership list is unique. Exempt groups do not act as a clearinghouse for other interested parties and do not engage in direct mail activities for groups other than themselves. Thus, they do not compete with commercial groups that offer a full range of direct mail services.

We are now calling on the private sector to provide more than ever before to meet our national needs ranging from education and the arts to health and the preservation of rights. The proposed amendment to section 513 will materially assist exempt organizations in their efforts to solicit needed funds from the public and at minimal loss of revenue. I hope that the Congress will act on this legislation quickly and favorably.●

HIGHER EDUCATION INVESTMENT PLAN

HON. BARBARA A. MIKULSKI

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Ms. MIKULSKI. Mr. Speaker, time and time again, I hear my constitutents ask about education funds. The cost of tution at a decent college these days for 1 year is more than I paid for my house 12 years ago. Just as owning a home is an integral part of the American dream, an even more important part is the belief that every citizen has the fundamental right to learn, to make a better life for him or her self. I see that dream fading with the rising cost of higher education.

There are more than 12 million Americans from all income brackets, all ages, and all walks of life who today are students at our colleges and universities. Those numbers must not be diminished because of lack of funds.

Every democratic society needs a literate population. Our greatest threat is ignorance. Our greatest defense is a population that can read and make decisions for themselves. Our greatest defense is a people that can go beyond their own personal experience for information. Colleges and universities give people those skills. It is the responsiblity of this Government to make sure that the funds will be there to teach those skills.

For these reasons, today I have introduced a bill to amend the Internal Revenue Code of 1954 to provide for the establishment of, and the deduction of contributions to, education savings accounts.

This bill is the result of a study done by the Citizens League of Baltimore to determine additional ways to help students and their families pay for higher education. The Citizens League has recommended a higher education investment plan that is practical, administratively simple, and economically sound. Today, I am pleased to introduce this companion legislation to a Senate bill introduced by Senator MATHIAS on June 30 of this year.

Essentially, this legislation would amend the IRS Code to permit individuals to set aside for educational purposes up to $2,000 per year per student beneficiary and be allowed a corresponding income tax deduction. The funds would not be taxed until after the student has graduated and then the funds would be taxed as income to the beneficiary over a 10-year period in 10 equal parts. The legislation also sets aside 5 percent of the money placed in these accounts for a State scholarship fund.

Such legislation could only be beneficial to all our attempts to make this country one where education is a right, not a gift to the wealthy. Education is the greatest gift we can give our children, and our country.●

MILITARY AID TO HONDURAS

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. STUDDS. Mr. Speaker, I strongly support the newly elected civilian government of Honduran President Roberto Suazo Cordova, and I support a generous U.S. development assistance program to that impoverished nation. However, I am extremely disturbed by the tremendous escalation of military aid to that country, and by the emerging U.S. policy of using Honduras as a pawn in our conflicts with other nations in the region. I believe the United States should be doing all it can to help isolate Honduras from the violence in the Central American isthmus; instead we appear to be doing all we can to throw it further into the fray. A recent editorial from the Boston Globe analyzed this trend, and pointed out the dangers inherent in such a policy. I would like to include this in the RECORD now for the benefit of my colleagues.

[From the Boston Globe, Aug. 12, 1982]

HONDURAS ON THE BRINK

For months, friends of Honduras have feared that its weak civilian government would be undermined by the US policy of "using" Honduras as a staging area and an agent in the widening Central American war.

Those fears are now coming true. A number of recent signs suggest that the Reagan Administration's insistence on a military victory in El Salvador, and on a continued war of nerves with Nicaragua, is beginning to spill the violence over into Honduras. There is a trend toward bombings, bank robberies and other guerrilla operations that are clearly acts of retribution.

Honduras could and ought to be an innocent bystander. It is the third poorest country in the western hemisphere and has a small, wealthy oligarchy typical of the region. Class differences are more muted than in Salvador or Guatemala, however. The Honduran upper classes have not shared the vicious repressive instincts that provoked revolution elsewhere.

During the 1960s, under a moderate military dictatorship, Honduras embraced the goals of John Kennedy's Alliance for Progress and initiated significant land and

labor reform. Allowed to stand aside from the troubles outside its borders—and provided sufficient economic assistance—Honduras could avoid the cycle of bloodshed and pull itself up.

It appears that Honduras will not have that opportunity. Although a civilian government took over last year, the power of the Honduran military is growing. US military aid is being poured in, along with numerous overt and covert US military advisers and CIA personnel, and even some Argentine troops brought in to disguise the American presence. As always happens when civilian governments are not well established, this aid gives the military a disproprotionate influence.

Honduras faces no threat that would justify all the aid. It is simply a payoff for doing the Administration's dirty work. For months, Honduran forces have allowed exiled National Guardsmen of the former Nicaraguan dictator Anastasio Somoza, and some counterrevolutionary factions of Miskito Indians, to launch counterrevolutionary raids cross the Nicaraguan border.

Now, tense relations with Nicaragua are reportedly building toward war hysteria. Honduras could have eased those tensions months ago by accepting a Nicaraguan offer of joint border patrols, but, probably on a signal from Washington, it has turned a deaf ear. Meanwhile, to the west, Honduran forces have been cooperating with Salvadoran troops in a series of secret hammer-and-anvil operations to trap Salvadoran guerrillas along the border.

The cost of being a spear carrier for the Reagan Administration was breathtakingly evident in the earnest words of a Honduran officer in a recent radio interview: "The US will supply all the arms, equipment and body bags that we need, and all we have to do is supply the bodies."●

FINANCIAL IRREGULARITIES IN ELECTIONS IN DISTRICT OF COLUMBIA

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DICKINSON. Mr. Speaker, yesterday, I brought to the attention of my colleagues, an article from the Washington Post dealing with financing of local elections in the District of Columbia and possible violations of the Hatch Act. I would like to submit that article for the RECORD, along with additional information relating to this matter.

[From the Washington Post, Aug. 18, 1982]

HATCH PROBE—D.C. EMPLOYES' VIOLATIONS ALLEGED

(By Juan Williams)

The federal Merit Systems Protection Board is investigating possible violations of the Hatch Act by D.C. government employes who are alleged to have done work for Mayor Marion Barry's reelection campaign, officials of the board said yesterday.

James Sugiyama, associate special counsel for investigations of the board's Office of Special Counsel, confirmed that an investigation is taking place and that the Hatch Act violations are alleged to have been committed by members of the American Federation of Government Employes (AFGE), which has endorsed Barry's reelection bid.

The Hatch Act prohibits federal and D.C. government workers from active participation in partisan political campaigns. The board has legal authority to impose penalties, including firing and suspending employes, for Hatch Act violations.

"There were some union activities involving District employes and the campaign that have been brought to our attention, and we are trying to find out the process at this point to determine exactly what happened," said Sugiyama. He declined to further detail the allegations. Sugiyama declined to say how many persons were under investigation or when the investigation will be completed. He said the investigation had been launched after the board received several complaints, but would not disclose the source of the complaints. "I don't want to leave any implication that we are after Barry or the AFGE," said Sugiyama.

Ivanhoe Donaldson, Barry's campaign manager, questioned whether the federal merit board has the right to investigate possible Hatch Act violations by District of Columbia workers.

"That's garbage," said Donaldson. "They don't have jurisdiction. A local agency would have to handle that, probably the [D.C. government's] Office of Employee Appeals." Sugiyama said that the merit board is the body with jurisdiction in this instance.

A spokeswoman for AFGE said Kenneth Blaylock, head of the union, is in New York for a convention and declined immediate comment in his absence.

In addition to its inquiry into possible Hatch Act violations, according to a knowledgeable merit board source, the board also is collecting information on whether AFGE might be in violation of the District of Columbia's campaign finance laws by paying the salary of political organizer Jane Danowitz.

Danowitz is in charge of a union-sponsored phone bank operation and efforts to gain union support for Barry. Her operation is in a suite of offices on the same floor of the same building as Barry's reelection headquarters. Her union job description, obtained from a source, states that she works "under instructions of the manager of the campaign" to reelect Barry.

Danowitz said yesterday that she reports directly to the director of the union's Legislative and Political Affairs Department, but acknowledged that the union political director may consult with Donaldson in setting out Danowitz's tasks.

Under D.C. law, AFGE can give only $2,000 to Barry's campaign. The union has given $500 thus far. If Danowitz's work—for which, she said she is being paid at a yearly rate of $25,000 for a period of 90 days, or a total of more than $6,000—were judged to be a political contribution, AFGE could be determined to have contributed more than the maximum amount.

While the merit board is looking into this situation, the final determination would rest with the D.C. Office of Campaign Finance, which has not launched any probe of the Barry campaign.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,

Washington, D.C., June 18, 1982.

Memorandum: 10/vacancy—staff.

To: All employees, national office.

From: Kenneth T. Blaylock, national president.

Subject: Ninety-day temporary vacancy: political organizer GS-301-11.

There is now a vacancy for the position of Political Organizer, in the Legislative and Political Affairs Department, effective immediately, a ninety-day temporary vacancy. Selection to fill this vacancy will be made in accordance with the AFGE/OPEIU #2 contract and the NEC's policy on hiring.

The attached position description outlines the duties, responsibilities, and qualifications of the position.

All interested applicants must apply in writing to Samuel E. Widger, Director, Personnel Department, not later than the close of business on Monday, June 28, 1982.

Attachment.

I. INTRODUCTION

The Legislative and Political Affairs Department (LPAD) serves as the political action/fund raising arm of the American Federation of Government Employees. It fosters development of District, Council and Local political activities; administers the AFGE-PAC; raises, distributes and reports funds used for political campaigns and candidates; generates grass roots support of AFGE political and legislative goals; and assures effective political communication throughout AFGE, develops and maintains membership education and training programs in the area of political and legislative affairs, supervises a field political and legislative staff to work with local leadership members. This is the position of Political Organizer in the LPAD.

II. MAJOR DUTIES AND RESPONSIBILITIES

Under the general supervision of the Director LPAD and the direct instructions of the manager of the campaign to reelect District of Columbia Mayor Marion Barry perform the following wide variety of complex duties and responsibilities.

A. Plans, builds and manages communications structure within AFGE and with other public employees in Federal, District of Columbia, and other governments.

B. Plans, initiates, develops and administers such activities as political fundraisers, rallies, phone banks, news conferences, candidate appearances and other similar political support efforts.

C. Plans and conducts out-reach activities to other organizations and works on the building of coalitions.

D. Develops groups of professional and volunteers to work on such activities as voter registration, get-out-the-vote, and manning of stations near polls.

E. Performs related duties as assigned.

III. CONTROLS

Under the general supervision of the Director LPAD and under instructions of the manager of the campaign to reelect District of Columbia Mayor Marion Barry, incumbent will be expected to work independently and with latitude for the exercise of independent judgment.

IV. QUALIFICATIONS

Applicants must have at least four years of experience which will have demonstrated ability to work effectively with others as the leader of professionals and volunteers; ability to write a wide variety of campaign materials, leaflets, brochures, mailing pieces, etc.; ability to debate and explain complex issues regarding governmental operations and to speak effectively before groups; ability to enlist, encourage, and direct the support of individuals and organizations.

Preference may be given to applicants who reside in the District of Columbia, who are knowledgeable of D.C. governmental affairs and activities; and those candidates

who have had political activists experience with labor organizations. Preference may also be given to applicants who have had experience in responsible administrative assignments in connection with four political campaigns, aggregating one year of such experience.

AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Memorandum: 6d.

To: Jane P. McMichael, director, Legislative and Political Affairs.

From: Donald M. Haines, Legislative Attorney.

Subject: Election law restrictions and prohibitions for D.C. elections.

In view of AFGE's increased involvement in District of Columbia elections, I thought it would be helpful to review some of the pertinent provisions of the D.C. election law. Although D.C. law parallels the Federal Election Campaign Act in many ways, it also includes some notable differences. (The law is found in chapter 14 of title 1 of the District of Columbia Code.) This discussion will focus on three aspects of the law: sources of funding and election support, limitations on contributions, and recordkeeping and reporting requirements.

SOURCES OF FUNDING AND ELECTION SUPPORT

Unlike the Federal Election Campaign Act, D.C. law contains no prohibition on the use of general treasury funds to make political contributions to candidates for District office. In fact, the law's definition of contribution expressly includes "any assessment, fee, or membership dues." [1] Therefore, any contribution made by AFGE-PAC to candidates for District office (mayor, city council, school board, but not including the Delegate to Congress, which is a Federal office covered by the Federal Election Campaign Act) should not be made from scarce AFGE-PAC voluntary contributions but from the administrative account using general treasury money.

Using treasury money may have certain tax consequences for AFGE, however, and we should be careful to follow the advice from National COPE on how to minimize or eliminate those consequences. The COPE Handbook provides:

"By having an AFGE-PAC administrative account, we are fortunate in having already established a "separate segregated fund" for treasury monies to be used in political expenditures. We should take care, however, that whatever funds go into this account do not come from interest-bearing accounts."

Thus, if transfers are going to be made from National AFGE's general treasury finds, to the AFGE-PAC account, then AFGE should use a non-interest bearing holding account to receive funds with the funds then being split, part of the AFGE-PAC administrative account and the bulk to AFGE's general account. Both the AFGE-PAC administrative account and the AFGE general treasury account may be interest bearing. (COPE recommends that per capita payments be made from the holding account, not the general treasury account.)

In addition, we should make sure that all "political expenditures", is IRS terms, using treasury money are made from the AFGE-PAC administrative account. This is important to avoid tax liability (and possible other consequences) for AFGE's general treasury funds. IRS includes in its definition of political expenditure, opposition or support to an appointment or nomination, so expenses relating to Senate Confirmation, for example, should be paid out of the AFGE-PAC administrative account. The reason for these actions is to avoid tax liability since taxes are owed only if there are both investment income and a political expenditure from the same fund.

It may also be advisable to establish a separate AFGE-PAC administrative account to handle general treasury funds which are to be used in D.C. or state elections allowing treasury funds to be spent for political purposes. If we pursue this course, our reporting situations change.

In addition, District law parallels the Federal Election Campaign Act in exempting certain activities from the definition of contribution and thereby allowing AFGE to make certain expenditures which would not be counted toward the limit on how much AFGE may legally contribute to a particular candidate.

The cost of direct communications to AFGE members and their families, on any subject including outright endorsement of particular candidates, is not included within the definition of contributions.

The District Office of Campaign Finance interprets this exclusion to require that the communications not be done in conjunction with or after consultation with a candidate or his campaign. If such consultation is involved, then the cost is a contribution.

Subject to other requirements such as the Hatch Act (which is discussed in a separate memorandum), individuals may provide personal services on a voluntary basis so long as they are not compensated for those services or their time.

LIMITATIONS ON CONTRIBUTIONS

District law limits the total amount of contributions to a particular candidate. The limits are determined by the office which the candidate seeks. The limits are:

Mayor	$2,000
Council chairman	1,500
At-large council member	1,000
Ward council member or at-large school board member	400
Ward school board member	200
Advisory neighborhood commission member	25

Unlike the Federal law, this limitation is on all contributions "including both the primary and general or special election" and applies to all contributions aggregated together.[5]

AFGE-PAC may make an independent expenditure advocating the election or defeat of a candidate for office. So long as that expenditure is not made at the request or suggestion of the candidate or his agents, the expenditure is not included in the contribution effort. If, however, the expenditure is made in coordination or consultation with the candidate or his agents, then according to the Office of Campaign Finance, the expenditure would be subject to the limitation.[6]

District law requires that the limitation apply to "all contributions made . . . directly or indirectly to or for the benefit of a particular candidate."

District law also prohibits the making or receiving cash contributions of $50 or more.

Applying these restrictions to our apparent activities, AFGE has already made in-kind contributions to Mayor Barry's campaign in at least two situations and possibly in a third. The amounts involved in these situations should be deducted from the $2,000 limit before any monetary contribution is made, and that contribution—together with the in-kind contributions should not exceed $2,000.

Obviously, AFGE is free to communicate with its members about the campaign. The difficulty arises in doing this in coordination or consultation with campaign personnel. Bernard's working relationship with the Barry campaign, including advising them on how to address certain issues in public forums, does not fall within the "member communication" category and AFGE's payment of his salary and benefits for the time spent on campaign work is a contribution subject to the $2,000 limit. The same is true for any other staff member. Although discussion with other AFL-CIO unions about promoting the Barry campaign conceivably falls within the definition of contribution, I would argue that contacts with other AFL-CIO affiliates falls within internal membership communications of the AFL-CIO and so, at least initially, the cost associated with such discussions should not be included as part of AFGE's contribution.

When selling tickets to AFGE staff for the Barry breakfast, Mildred was clearly not instructed to limit herself to AFGE members. Thus, Mildred's salary and benefits for the time spent on the Barry breakfast or other campaign activity must also be included in the $2,000 limit on contributions. The same is true for the costs of the breakfast itself (because it was not limited to AFGE members), although AFGE may be able to deduct the income from ticket sales from the cost in order to determine the net contribution value of the event.

The third situation which involves a possible contribution is the press conference endorsing Barry. That conference was "for the benefit of" the Mayor's campaign, so it would seem to fall within the definition of contribution. On the other hand, the conference was a press event which may not be a contribution if AFGE did not work out arrangements (such as timing and things to say) with the Mayor's campaign.

The 90-day temporary political organizer position also constitutes a contribution to the Mayor's campaign. The position description notes that the organizer will be working "under the direct instructions of the manager of the campaign." In this situation, the organizer would be a contribution even if his activities were limited to contacting only AFGE members and their families because there is express consultation and coordination with the Mayor's campaign.●

PUBLIC HOUSING TENANT PROTECTION BILL

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. RANGEL. Mr. Speaker, the situation in the Nation's public housing has never been graver. Low-income tenants are being asked to contribute a higher and higher portion of their income as rent in public housing projects. At the same time, rumors are rampant that the Reagan administration is planning to sell these projects around the country. The administration has indeed already taken actions to dispose of low-income housing built under the 236 program.

This is happening at a time when life has never been harder for low-

income citizens. Reaganomics has crippled the economy, making it virtually impossible for those without specialized skills to find a job. Health benefits are being restricted, food stamps are being cut back, unemployment training programs have been slashed, and education money is being cut. Reaganomics has cut the ability of those with low incomes to survive and to provide for themselves and their families.

To counter at least one aspect of this, I am introducing the Rangel Public Housing Tenant Protection Act. This legislation would rollback the tenant contribution from 30 to 25 percent of adjusted income and establish numerous exclusions to be taken before that 25 percent is calculated, but it would also prohibit the demolition, sale, or other disposal of public housing and section 236 projects except under the most stringent of conditions.

Among the exclusions provided for in the bill are—the value of food stamps; all medical and dental expenses (including prescription drugs); income from any member of the family earned while in school; income from any member of the family earned during during the course of a summer job, if that person is 18 or below; $500 for each minor, disabled or handicapped person, student, elderly person; all child care expenses related to working; all educational expenses including book, school supplies, tuition, and room and board at any accredited school, college, trade school, or university.

In addition to provisions which deal with tenant rent contribution, the Rangel bill would prohibit the demolition of public housing projects and section 236 projects except when the following stringent provisions are met: The project is substantially unoccupied; there is no waiting list for public housing units for the area in which the project is located; the Department of Housing and Urban Development, the Public Housing Authority involved, and the local government approve of the disposal; the Department of Housing and Urban Development and the Public Housing Authority have entered into agreements with any displaced tenants guaranteeing them actual, reasonable expenses for moving himself and his family, actual reasonable expenses incurred in searching for a new home (including the cost of wages foregone in order to search for new home), and a lump payment of $200 per person to help allay the psychological and emotional disruptions caused by the displacement.●

CONGRATULATIONS SUNDAY GLOBE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. RITTER. Mr. Speaker, I would like to bring to the attention of my colleagues an ambitious endeavor which has just been launched by the Globe-Times, a daily newspaper which serves the people of the 15th District. In Bethlehem, nearly everybody reads the Globe; for decades, 6 days a week, the Globe-Times has reached into many households in Bethlehem, touching people's lives at every level—be it work or recreation, local or international news, sports, arts, or social activities.

As is pointed out in a Globe editorial of August 15, 1982, however, the 6-day-a-week newspaper has become inadequate to report on the times. Hence, as of that date, the Globe-Times has launched a Sunday newspaper—the Sunday Globe.

The editorial traces the growth of the Globe-Times; its origins in the Daily Times, which premiered on February 4, 1867; its merger with the Daily Globe on October 19, 1925; its philosophy of publishing the news without fear or favor; and its impact on the community. The Globe-Times has fearlessly covered the happenings and the people in its hometown, and—in a sense—has helped to make it a real community.

I commend the Globe-Times staff and management for its faith in the Lehigh Valley, for making it a better place in which to live and grow, and for creating the Sunday Globe. I am confident that the Sunday Globe will continue to honor the fine Globe-Times tradition of "maintaining the people's right to know."

The editorial follows:

[From the Sunday Globe, Aug. 15, 1982]

A HISTORIC MORNING

The first Sunday newspaper in Bethlehem's 240-year history is launched by The Globe-Times with this issue.

While the founding Moravian brethren who huddled in that log cabin on the banks of the Monocacy Creek probably never conceived a 100-page edition with photographs in full color serving their settlement. I believe they could have readily understood the purpose.

Bethlehem, their communal camp, is today a mature community, the heart of a budding metropolitan area. Maturity brought an explosion of interests—and a complexity of problems. Just as the colonial presses of John Bradmueller long ago become inadequate to report on the times, so has the six-day-a-week newspaper.

The Sunday Globe is a logical extension of a tradition of service. We first pledged to serve and protect the interests of our hometown more than a century ago. An editorial in our parent paper stated in that founding issue on Feb. 4, 1867: "The Daily Times will be neutral in politics and will strive to be a welcome daily visitor . . . We have nothing to complain of in the past, and hope for as good, and will strive to merit still better support in the future."

The Times survived challenges from a number of competing publications and become the voice of North Bethlehem. With a foot on two bridges, it reported this community's first historic transition—the borough breaking away from the church-controlled mold where for a century the Moravian heirarchy was also the political law.

While developments in the Moravian Church continued to be big news, the paper started reporting such activities as meetings of the Friends of Ireland, which clearly recognized interests of immigrants. It also disclosed the presence of "illicit whiskey establishments," which was news to everyone.

Our second parent arrived in September, 1894, with the founding of the Daily Globe of South Bethlehem. It, too, was born of mission. Streams of people from foreign countries came to feed belching furnaces of the developing steel industry. No single religion or even a common language unified them. This fed suspicion and distrust. Is there any wonder the new voice of South Bethlehem started serving readers with this front page disclaimer: "The Daily Globe is not the Organ of any Party."

The borough papers were couriers and advocates in the consolidation of Bethlehem as a city in 1917. While the coming of World War I and growth of Bethlehem Steel helped consummate the consolidation, the completion of the Hill-to-Hill bridge in 1924 made it a reality.

However, factionalism plagued the city, and there was little hope of ending it as long as each side had its own newspaper. On Oct. 19, 1925, the Daily Times of Bethlehem and the Daily Globe of South Bethlehem merged into the Bethlehem Globe-Times. Our files hold no intimate insights on how that was achieved. We suspect civic leaders took turns twisting arms until they persuaded the two rival newspaper factions to get together for the good of the community.

The merger did not go smoothly, and the Great Depression of the 1930s periled the paper's existence. Rolland L. Adams, a young bank examiner hired by the E. P. Wilbut Trust, was brought in to run the business affairs. He saved the paper from financial distress, built it into one of the state's most viable and respected dailies, and prepared an orderly transition to members of his family, who are building on that legacy with the debut of The Sunday Globe today.

And why a Sunday? For more than a half a century, The Globe-Times has been a six-day courier of news for Bethlehem, Hellertown, Fountain Hill and the townships and boroughs around us. With the folding of the Evening Chronicle in Allentown two years ago, we filled the afternoon void there by opening a Lehigh County news office at 933 Turner St., now computer linked and staffed by a half dozen reporters and photographers.

It was time for a Sunday paper. Our neighbors in Easton, Stroudsburg, and Bucks County all recently started Sunday editions. When marketing surveys showed that the Bethlehem area readers, now served principally by Allentown, would support their own Sunday paper, Globe-Times President Donald S. Taylor made the recommendation and the board gave him the green light.

Thus, at a time when newspapers in the metropolitan areas are dying, when even healthy papers in the regions feel increased competition from electronic media, and when ominous forecasts abound about the printed word, we're investing. We have added nine newsroom staff members (from a pool of more than 100 applicants), other departments have expanded similarly, and much additional computer equipment, including a substantial portion from the defunct Philadelphia Bulletin, has been purchased.

We are looking beyond the present economic gloom. We're confident in the future of this area. And we're confident that the Sunday Globe has a mission for today's readers as important as any in our 115-year-history.

We will look fatter, more colorful, and filled with new features, but our philosophy will continue to be the statement of policy first issued to the staff 40 years ago:

"Our joint objective is to publish all the news without fear or favor; to evaluate it as honestly and objectively as is humanly possible to do so; to respect the rights of all groups and individuals; to support city, school, county, state and national governments when they operate in the public's interests, and forthrightly to criticize them when, in our studied opinion, they subvert the public welfare."

And we feel the same way the first editor did when he wrote in first Daily Times in 1867: "We have nothing to complain of in the past, and hope for as good, and will strive to merit still greater support in the future."●

A TIME FOR REAL REFORM

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. GUNDERSON. Mr. Speaker, there is a lot of talk around this Congress about taxes. And the tax bill that will be considered this week is referred to by our President as "tax reform."

A study released this week by Tax Analysts, a non-profit research organization, reveals a real need in this country to get some profit-making companies to start paying taxes. This is so basic, I am not sure it can even be called reform.

We all like to talk about how this Government takes pride in enacting and administering laws in an equal and fair manner. I would like to share with you some interesting statistics in this regard. According to the study, Anheuser-Busch earned $310.5 million on U.S. sales in 1981. Yet, it did not pay one cent in Federal corporate income taxes to our Government.

Now in 1981, Anheuser-Busch produced 54.5 million barrels of beer, leading all beer producers in the country with 30.3 percent of the market. I happen to have a beer producer in my district, G. Heileman Brewing Co., of La Crosse, Wis. In 1981, they produced 14 million barrels, considerably less than the leader, constituting only 7.8 percent of the total market. Yet, they did their part as American corporate citizens, paying some $13.6 million in Federal corporate income taxes.

Perhaps you have also heard that many times during the past year Heilemans sought Justice Department approval to merge with other beer companies in an attempt to compete with Anheuser-Busch on a fair and competitive manner. Every time they have been turned down.

Seems to me there is a need for more reform in our Government.●

CZECHOSLOVAKIA'S OBLIGATION

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. BARNES. Mr. Speaker, I am concerned that the Government of Czechoslovakia is not meeting its obligations. Under a 1968 agreement, the United States and Czechoslovakia agreed to make reciprocal payments of social security benefits to residents of the two countries. This means that both the United States and Czechoslovakia are supposed to pay benefits to individuals who are entitled, regardless of where they live.

However, during the last year, it has come to my attention that there are significant problems with this arrangement. There are a number of American citizens who are not receiving the benefits to which they are entitled from Czechoslovakia. In an effort to address this situation, when Congress reviewed the proposed settlement of claims between the United States and Czechoslovakia under the Czechoslovakian Claims Settlement Act of 1981, I proposed an amendment to require the Secretary of State to conduct a detailed assessment. In particular, the law mandated a review to assess the extent to which Czechoslovakia is complying with the spirit and provisions of the agreement, a comparison of benefits realized by residents of Czechoslovakia and the United States, and an evaluation of the basis of the differences in such benefits. In addition, the law required an assessment of the feasibility, likely effects and advisability of terminating the U.S. payments in response to inequities and incomparabilities of benefits payments.

The Secretary of State has recently submitted the report, and I believe that my colleagues will find the results of interest. In brief, the report concludes the following:

First, at present the United States pays about $480,000 per month to about 1,500 social security beneficiaries in Czechoslovakia, of whom about 400 are U.S. citizens. Czechoslovakia pays about $32,000 per month to about 200 U.S. citizen beneficiaries in the United States.

Second, Czechoslovakia probably pays few, if any, social security benefits to non-U.S. citizen residents of the United States.

Third, the number of U.S. citizen claimants against the Czechoslovak system appears to be substantially lower than the number of Czechoslovak resident claimants against the U.S. system.

Fourth, it is considerably more difficult to qualify for benefits under the Czechoslovak social security system than under the U.S. system.

Fifth, the benefits realized even by U.S. citizens who qualify under the Czechoslovak system are substantially smaller—on an individual basis—than those the United States pays to social security beneficiaries in Czechoslovakia.

In total, it means that while equality of payments between the two countries is not a realistic objective, the United States should seek better treatment of its citizens under the Czechoslovak system. There is also a strong case to be made for liberalization of certain Czechoslovak qualification criteria—as applied to U.S. claimants—particularly in view of the relative case with which the Czechoslovak claimants are able to qualify for benefits under the U.S. system.

I believe that the U.S. Government has a responsibility and a duty to pursue this matter promptly. The Department of State is now engaged in negotiations with Czechoslovakia to resolve this unfair situation. I hope that the results of these negotiations will correct the current problem and make additional legislative action unnecessary.

REPORT TO THE CONGRESS

In Compliance With Public Law 97-127, Section 11—On the 1968 Exchange of Letters Between the United States and Czechoslovakia on Reciprocal Payment of Social Security Benefits

Section 11 of the Czechoslovakian Claims Settlement Act of 1981 (PL 97-127, December 29, 1981) requires the Secretary of State to conduct a detailed review of the 1968 exchange of letters between the U.S. and Czechoslovakia on reciprocal payment of social security benefits and, in consultation with the Secretary of Health and Human Services, to report to the Congress on the results of the review, together with recommendations for achieving greater equity for residents of the two countries. The following report is submitted in compliance with Section 11.

I. THE 1968 EXCHANGE OF LETTERS

The complete texts of the letters exchanged in 1968 by the Czechoslovak Ambassador to the United States and the Assistant Secretary of State for European Affairs are at Attachment 1. In this exchange of letters the Czechoslovak Government affirmed that it would pay social security benefits "to otherwise qualified United States citizens and nationals without regard to their residence or its duration . . ." The U.S

confirmed that the social insurance system of Czechoslovakia thereby met the requirements of Section 202(t)(2) of the Social Security Act, and that the U.S. could lawfully pay social security benefits to citizens of Czechoslovakia outside the U.S. Based on the assurances provided by the Czechoslovak Government, and following U.S. Government removal of Czechoslovakia from Treasury Department Circular 655 listing, the U.S. began making Social Security and other benefit payments in Czechoslovakia as soon as individual claims could be verified.

To reiterate, Czechoslovakia informed the U.S. Government through its letter that it would pay benefits to U.S. citizens living anywhere in the world who established entitlement to annuities from the Czechoslovak social security system. The U.S. acknowledged that, this being the case, the U.S. would no longer be barred from paying social security benefits to residents of Czechoslovakia. This understanding need not have been reduced to writing, nor was the legal effect of this understanding altered in any way by its having been spelled out in an exchange of letters. It was the Czechoslovak Government which requested a written exchange of letters on this subject; such an exchange, or other formal agreement, was not and is not a requirement of U.S. law for foreign social security systems to be found in compliance with Section 202(t)(2) of the Social Security Act.

Under Section 202(t)(2), the U.S. has been concerned only with ensuring payment of U.S. citizens who establish entitlement to benefits under foreign social security systems. The understanding expressed in the exchange of letters with Czechoslovakia is similar to those which the U.S. has reached—in various forms—with numerous other foreign countries to whose citizens the U.S. pays social security benefits outside the U.S.

There was no U.S. presumption in 1968, nor has there been to date, that the benefits each country would pay to residents of the other would be equal or nearly equal. Indeed, a "balance" of social security benefit payments is not required to satisfy the provisions of Section 202(t)(2) of the Social Security Act.

While it is not clear existing records precisely what motivated the U.S. and Czechoslovakia to address the social security issue when and in the manner they did, it would have been reasonable to assume in 1968—given the differences in the two systems which then existed—that U.S. benefits to residents of Czechoslovakia would be substantially greater than Czechoslovak benefits to residents of the U.S. (In this regard, it is important to note that Czechoslovakia made no commitment with regard to payment of benefits to non-U.S. citizens residents of the U.S., nor is Czechoslovakia required to do so to comply with Section 202(t)(2).)

Not only has there been no requirement that social security benefit payments "balance", there also has been no requirement or intent under U.S. law that qualification criteria under foreign social security systems be similar to those under the U.S. system. It was not (and is not) relevant to a Section 202(t)(2) determination that Czechoslovak qualification criteria were (and still are) far more restrictive than those of the United States.

It should be emphasized, however, that even in 1968 there was a clear U.S. presumption that all U.S. citizen claimants under the Czechoslovak social security system would receive fair and equitable consideration of their claims.

II. COMPARISON OF BENEFITS PAID SINCE 1968

Detailed charts showing amounts paid by the U.S. to residents of Czechoslovakia, and by Czechoslovakia to citizens of the U.S., are at Attachment 2.

U.S. social security benefits payments[1] to residents of Czechoslovakia in 1969 were approximately $85,000 per month. The monthly benefits total in 1981 was approximately $480,000. The current annual total, therefore, is about $6,000,000. The number of beneficiaries in Czechoslovakia, once over 2,000 (1973-74), is now about 1,500, of whom about 20-25 percent are U.S. citizens. While the number of beneficiaries in Czechoslovakia has declines steadily since 1974, the total annual amount paid by the U.S. to beneficiaries in Czechoslovakia has risen steadily since 1968. This apparent inconsistency is explained largely by the substantial increases individual U.S. social security beneficiaries have realized in recent years.

Czechoslovak social security benefits payments[2] to U.S. citizens in 1970 were approximately $1,520 per month. The monthly benefits total (paid to U.S. citizens) in 1981 was approximately $32,000. The current annual total, therefore, is about $381,000. The number of U.S. citizen beneficiaries of the Czechoslovak social security system, as low as 14 in 1970, has risen to a reported 198.

Czechoslovak authorities reportedly believe that, given U.S. and Czechoslovak emigration/immigration trends, the number of U.S. citizens qualifying under the Czechoslovak system is likely to continue to increase, with a concomitant increase in Czechoslovak social security payments to U.S. citizens in this country. (We doubt this would prove to be the case unless Czechoslovak eligibility criteria were eased.) At the same Czechoslovak authorities reportedly anticipate that in the coming years only a small number of persons who qualify under the U.S. social security system will take up residence in Czechoslovakia. In view of this projection, and the advanced age of many of the current U.S. social security beneficiaries in Czechoslovakia authorities reportedly believe that U.S. benefits payments to residents of Czechoslovakia are likely to decline in the coming years. In our view, whether U.S. payments to residents of Czechoslovakia decline in the foreseeable future is likely to depend most importantly on the rate of increase in individual benefits under the U.S. system.

III. EVALUATION OF "IMBALANCE" IN BENEFITS PAYMENTS

There are various reasons why the U.S. has consistently paid substantially more benefits to residents of Czechoslovakia than Czechoslovakia has paid to residents of the U.S.

(a) *Czechoslovakia probably pays few, if any, social security benefits to non-U.S. citizen residents of the U.S.*, although this is a matter on which the Czechoslovak Government has provided us no information. As noted earlier, the exchange of letters relates solely to U.S. and Czechoslovak social security payments to citizens of the other country. The Czechoslovak Government has never acknowledged or assumed an obligation, vis-a-vis the U.S. Government, with regard to payment of social security benefits to non-U.S. citizens residents in the U.S. The U.S. has had no authority to intercede on behalf of Czechoslovaks or other non-U.S. citizen residents of the U.S. who may have applied for and been denied Czechoslovak benefits.

(b) *The number of U.S. citizen claimants against the Czechoslovak system appears to be substantially lower than the number of Czechoslovak resident claimants against the U.S. system.* This comparison is difficult to make, however, since the number of Czechoslovak resident claimants who fail to qualify under the U.S. system is unknown, as is the number of U.S. citizen claimants who fail to qualify under the Czechoslovak system.

(c) *It is considerably more difficult to qualify for benefits under the Czechoslovak social security system than under the U.S. system.* As noted above, this disparity in qualification criteria was not relevant to the Section 202(t)(2) finding, for which the two governments exchanged letters in 1968. U.S. social security qualification criteria are quite liberal compared to those of Czechoslovakia. For example, to obtain benefits under the U.S. system, a person who reaches age 62 in 1982 needs to have accumulated only 31 quarters (7 and ¾ years) of qualifying work. To obtain benefits under the Czechoslovak system, by contrast, most persons must work a minimum of 25 years and must have worked within the 2 years preceding the normal age of entitlement to benefits, i.e., age 60. While most persons who work under the Czechoslovak system and reside in Czechoslovakia throughout their lives probably have little difficulty qualifying, persons who, for example, emigrate to the U.S. in their 50's, even after having worked 20-30 years, normally would not qualify.

(d) *The benefits realized even by U.S. citizens who qualify under the Czechoslovak system are substantially smaller—on an individual basis—than those the U.S. pays to social security beneficiaries in Czechoslovakia.* Difference in per capita income and wage levels contribute to differences in levels of benefits realized by beneficiaries under the two systems. We have seen no evidence that U.S. citizens who qualify for Czechoslovak benefits (and are paid in dollars) receive less per month or per annum than their counterparts living in Czechoslovakia (who are paid in crowns).

IV. EVALUATION OF CZECHOSLOVAK BENEFIT PAYMENTS PERFORMANCE

Section 11 of PL 97-127 requests a determination of the extent to which Czechoslovakia "is complying with the spirit and provisions of the letters". It is difficult to differentiate Czechoslovak "compliance" as between the "spirit" and the "provisions" of the letters.

Several facts seem indisputable:

(a) The Czechoslovak Government has been making payments to U.S. citizens—regardless of their place of residence—whom it has found qualified to receive benefits under the Czechoslovak social security system.

[1] Statistics maintained by the Social Security Administration do not permit identification of U.S. social security benefits paid to Czechoslovak citizens living outside Czechoslovakia. It is reasonable to assume, however, that the amount of such U.S. benefits, if any, would be small.

[2] The U.S. does not maintain records on, and cannot verify, numbers of beneficiaries in the U.S. paid under the social security systems of foreign governments, or the amounts these beneficiaries receive. This information on Czechoslovak payments to U.S. citizens was provided by Czechoslovak eligibility criteria were eased.) At the same time Czechoslovak authorities in response to a U.S. request.

(b) There was no understanding between the two governments in 1968, nor has there been since then, that benefits paid by each government to residents of the other country were to be equal or nearly equal, or, indeed, that the "balance" of benefit payments was relevant to either party's meeting the commitment it expressed in the exchange of letters.

(c) There was no understanding between the two governments in 1968, nor has there been since then, that benefit payments qualification criteria under the two social security systems were to be similar, or nearly similar, or that differences in such criteria were relevant to either party's meeting the commitment it expressed in the exchange of letters.

(d) The Czechoslovak qualification criteria which most U.S. citizen claimants have failed to meet (and because of which their claims have been denied) have not changed since 1968.

The above considerations might suggest that Czechoslovakia has been complying with the commitments it expressed in the exchange of letters. However, Czechoslovakia appears to have been implementing its restrictive social security law—at least in the cases of U.S. citizen claimants—in a severely restrictive manner. The effect of Czechoslovakia's implementation of its law has been to make it virtually impossible for all but a relatively few U.S. citizen claimants to qualify. For example:

In the social security law of the U.S., as well as that of Czechoslovakia, there is room for some judgment in determining whether certain periods of work or other activity meet legal requirements to be counted in calculating whether a claimant has completed the requisite period of work under the system to qualify for benefits. In some cases, U.S. citizens who had nearly the requisite number of work years in Czechoslovakia nevertheless were denied benefits by a discretionary finding that all or part of normally credited non-work activity (e.g., wartime resistance, etc.) was not creditable. Some lacked only a very short period of creditable activity to qualify.

Czechoslovak authorities exercise similar discretion in determining whether a claimant's activities were covered activities within the requisite two years of the normal age of entitlement to benefits. Again, based on discretionary findings, Czechoslovak authorities have determined in some cases that U.S. citizens, who had acquired the requisite number of years of qualifying work under the Czechoslovak system, nonetheless failed to qualify for benefits because their work or other normally creditable activity during the two-year period before age 60 was not recognized as creditable.

A review of specific cases suggests a strong predisposition by Czechoslovak authorities to reach a negative decision on claims by U.S. citizens where any defensibly credible grounds therefor can be found. One case has been brought to our attention involving the extremely rare occurrence of a Czechoslovak court's having overturned the denial by Czechoslovak social security officials of a U.S. citizen's claim. Rather than to comply with the ruling and pay the claim, Czechoslovak social security officials, after prolonged delay, resorted to extraordinary procedures to appeal the court's ruling. The grounds of the appeal involved, again, a discretionary determination about a period of qualifying activity. The social security authorities were sustained, as anticipated, by a higher court.

In conclusion, the Czechoslovak Government expressed a commitment in the 1968 exchange of letters to pay U.S. citizens who "qualified" under the Czechoslovak system. They have done so. However, as a result of Czechoslovak law and/or practice, the number of U.S. claimants who "qualify" obviously has been kept to a minimum.

V. HOW TO OBTAIN BETTER TREATMENT FOR U.S. CLAIMANTS

Section 11 refers to achieving "greater comparability and equity of benefits for the residents of the two countries". We know of no precedent in the field of social security for seeking to obtain equality or near equality of social security payments between the U.S. and a foreign country. There will continue to be different and constantly varying numbers of claimants in the U.S. and Czechoslovakia against the social security system of the other country, and there will continue to be substantial differences in levels of individual benefits paid by the two systems.

While we believe that equality of payments between the two countries is not a realistic objective, we also believe that the U.S. should seek better treatment for its citizens under the Czechoslovak system. While there is no need for the two social security systems to be comparable in every respect, there is a strong case to be made for a liberalization of certain Czechoslovak qualification criteria—as applied to U.S. claimants—particularly in view of the relative ease with which Czechoslovak claimants are able to qualify for benefits under the U.S. system.

DIPLOMATIC OPTION

The U.S. has proposed negotiations with Czechoslovakia to resolve this issue. We have informed the Czechoslovak Government:

of the seriousness of the Congress' concern over the treatment afforded numerous U.S. citizen claimants under the Czechoslovak social security system; and

that we seek immediate negotiations aimed at:

(1) amending or supplementing the 1968 exchange of letters so as to modify, in law and/or in practice, certain Czechoslovak pension requirements which have had the effect of denying all but a relatively few claims by U.S. citizens; and

(2) satisfying existing claims which appear to have been dealt with in an inequitable manner.

We shall consult closely with the Congress as we seek to resolve these issues expeditiously through diplomatic channels.

Legislative options

Section 11 raises the possibility of a legislative approach to ensuring greater "comparability and equity of benefits for the residents of the two countries." Section 11 also raises the possibility of terminating U.S. benefit payments to residents of Czechoslovakia in response to existing "inequities and incomparabilities". We believe that resort to such a legislative approach would be premature at this time in view of the proposed negotiations. However, we provide the following information in response to the request in Section 11 that we address the "feasibility, likely effects, and advisability" of terminating benefits to residents of Czechoslovakia:

Congress obviously has the authority to legislate a termination of benefits to all residents of Czechoslovakia, and such legislation could be implemented.

The effects of a termination of benefits are difficult to calculate. The effects of a U.S. cutoff on beneficiaries in Czechoslovakia obviously would depend on the alternate sources of income available to each, but one might presume that the impact on the standard of living of most of these beneficiaries would be severe. One "likely effect" of a U.S. termination of benefits would be a cutoff of Czechoslovak benefits to those U.S. citizens who now receive them. Czechoslovakia might, in addition, seek to respond in other areas, but discussion of any Czechoslovak response (or U.S. counter-response) beyond social security benefits would be highly speculative.

In view of the proposed negotiations between the U.S. and Czechoslovakia to resolve this issue, we do not believe it is now advisable to exercise the legislative option of terminating U.S. social security benefits to residents of Czechoslovakia.

Legislative options may merit further consideration should a diplomatic effort prove unsuccessful in resolving this issue within a reasonable period of time. In that context, we would be prepared to discuss how we believe such legislation might best be drafted.●

LOVE YOUR FARM

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. JONES of Tennessee. Mr. Speaker, I rise today to share with my colleagues in the House the reprint of an article written by Dr. Clarence Poe, a respected journalist and former editor in chief of the Progressive Farmer magazine. The name of this article is "Love Your Farm."

I want to share with all of the Congress this article because I think it captures magnificently the tradition and the rationale for the love of farming that so many of us in the agriculture profession feel. It captures so well the essence of the farmer's role as a steward of the Earth and his responsibility to this Earth.

More important, it reminds all of us—farmers and manufacturers, urban and rural, young and old, rich and poor—of our own individual obligation to the natural resources that our land has been blessed with.

The article follows:

LOVE YOUR FARM

Love your farm. Every farmer should not only love his work as the artist loves his work, but in this spirit, too, every farmer should love his farm itself as he would love a favorite horse or dog.

He should know every rod of the ground, should know just what each acre is best adapted to, should feel a joy and pride in having every hill and valley look its best, and he should be as much ashamed to have a field scarred with gullies as he would to have a beautiful colt marked with lashes; as much ashamed to have a piece of ground worn out from ill treatment as to have a horst gaunt and bony from neglect; as much hurt from seeing his acres sick from wretch-

ed management as he would be to see his cows half-starving from the same cause.

Love your ground—that piece of God's creation which you hold in fee simple. Fatten its poorer parts as carefully as you would an ailing collie. Heal the washed, torn places in the hillsides as you would the barb-scars on your pony. Feed with legumes and soiling crops and fertilizers the barren and gullied patch that needs special attention; nurse it back to life and beauty and fruitfulness.

Make a meadow of the bottom that is inclined to wash; watch it and care for it until the kindly root-masses heal every gaping wound, and in one unbroken surface the "tides of grass break into foam of flowers" upon the outer edges.

Don't forget even the forest lands. See that every acre of woodland has enough trees on it to make it profitable: "a good stand" of the timber crop as well as of every other crop. Have an eye to the beautiful in laying off the cleared fields—a tree here and there, but no wretched beggar's-coat mixture of little patches and little rents; rather broad fields fully tended and of as nearly uniform fertility as possible, making of your growing crops, as it were, a beautiful garment, whole and unbroken, to clothe the fruitful acres God has given you to keep and tend.

And so again we say, love your farm. Make it a place of beauty, a place of joyous fruitfulness, an example for your neighbors, a heritage for your children! Make improvements on it that will last beyond your day.

Make an ample yard about it with all the old-fashioned flowers that your grandmother knew; set a great orchard near it, bearing many manner of fruits, lay off roads and walks leading to it and keep them up; plant hedges along the approaches, and flowering bulbs and shrubs—crape myrtle and spirea and privet and roses—so that your grandchildren will someday speak of their grandsire, who cared enough for the beautiful and loved the farm well enough to leave for them this abiding glory of tree and shrub and flower.

Name the farm, too; treasure up its history; preserve the traditions of all the romance and adventure and humor and pathos that are in any way connected with it; and if some of the young folks must leave it, let them look back to it with happy memories of beauty and worthy ideals and of well ordered industry.

Love your farm. If you cannot be proud of it now, begin today to make it a thing you can be proud of.

Much dignity has come to you in that you are owner and caretaker for a part of God's footstool; show yourself worthy of that dignity. Watch earnestly over every acre. Let no day go by that you do not add something of comeliness and potential fertility to its fields.

And finally, leave some spot beneath the shade of some giant tree where at last, "like as a shock of corn cometh in his season," you can lay down your weary body, leaving the world a little better for your having lived in it, and earning the approval of the Great Father (Who made the care of the fields and gardens the first task given man): "Well done thou good and faithful servant; enter into the joy of Thy Lord."—Clarence Poe.●

REFUGEE ASSISTANCE AMENDMENTS OF 1982

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. MAZZOLI. Mr. Speaker, the Subcommittee on Immigration, Refugees, and International Law, which I have had the privilege to chair since the start of this Congress, has been very diligent in its efforts to examine the United States refugee program. This careful oversight has been carried on in addition to the tremendous workload attendant to the long-overdue reform of our Nation's immigration and naturalization laws.

I want to commend my six able subcommittee colleagues—SAM HALL, BARNEY FRANK, GEORGE CROCKETT, HAM FISH, DAN LUNGREN, and BILL MCCOLLUM—for the devoted and high caliber work they have given to the complex and sensitive refugee issue. My colleagues on the subcommittee have approached refugee issues with compassion such issues deserve but also with the hard-headedness befitting any program costing several billions of tax dollars.

One of our concerns from the start has been with the health screening and subsequent health treatment of refugees admitted to this country. My subcommittee took a close look at refugee health-related matters in August 1981 when we traveled through the refugee camps in Hong Kong and Thailand.

Because of our concerns, I requested the General Accounting Office (GAO) to do a study on the overseas medical examinations and treatment administered to Indochinese refugees about to enter the United States for resettlement. The study, entitled "Improved Overseas Medical Examinations and Treatment Can Reduce Serious Diseases in Indochinese Refugees Entering the United States," was issued on August 5, 1982. GAO found that the incidence of disease among Indochinese refugees is a costly public health problem. In a careful and objective manner, the GAO investigators established that State and local governments sustain today—and will face in the future—severe public health and financial problem stemming from the presence of infectious and communicable diseases among such refugees.

GAO also reached the conclusion that overseas medical examinations and treatment could be substantially improved and that this would be a less expensive, more effective way to treat the refugee population than waiting to screen and treat them after they enter.

The GAO concludes that treatment abroad of ill and diseased refugees lessen the public health hazard here in the United States as compared to screening and treatment here.

The GAO report strongly underscores two provisions which my subcommittee included in H.R. 5879, the Refugee Assistance Amendments of 1982, the bill which this House passed overwhelmingly on June 22, 1982.

The first provision is an authorization of $14 million to defray costs to State and local health departments for medical screening and treatment of resettled refugees. It is not appropriate, in my judgment, for State and local taxpayers to bear the costs of initial health screening and treatment of refugees. This is a Federal responsibility.

The second important provision the subcommittee placed in the measure is an instruction to the Department of Health and Human Services, the State Department, and to the Justice Department—through the Immigration and Naturalization Service—to improve and tighten today's rather loose system of overseas medical screening and treatment of refugees headed for the United States.

I am extremely pleased that the House supported my subcommittee in its efforts to improve our important and needed refugee program.

My subcommittee will continue to examine the refugee program in the Next Congress. We will continue to pay close attention to the health questions which have such broad potential impact on the American people.

For the benefit of my colleagues, I am including the executive summary of the GAO report and some of its recommendations at the conclusion of these remarks.

IMPROVED OVERSEAS MEDICAL EXAMINATIONS AND TREATMENT CAN REDUCE SERIOUS DISEASES IN INDOCHINESE REFUGEES ENTERING THE UNITED STATES

DIGEST

From April 1975 through February 1982, about 1.4 million Indochinese refugees fled their homelands, and about 580,000 (40 percent) resettled in the United States. The United States has set an admission level of 100,000 for fiscal year 1982.

Before persons can be admitted to the United States, they must be eligible under the terms of the Immigration and Nationality Act. The act denies persons, including refugees, the right to enter this country if they have certain mental or physical conditions, including several specified contagious diseases (active tuberculosis, infectious leprosy, and certain venereal diseases).

Because refugees had difficulty meeting the act's medical eligibility requirements, many were being detained in overseas camps. To expedite their movement, the medical requirements were relaxed in April 1980, and refugees were routinely granted medical waivers. About 21,000 refugees diagnosed as having certain health problems, such as active (but noninfectious) tuberculosis, were granted medical waivers and permitted to come to the United States. The Surgeon General concluded that this would not pose a problem to the health of the American public because refugees were to

receive follow-on care by local health departments in the United States.

At the request of the Chairman, Subcommittee on Immigration, Refugees and International Law, House Committee on the Judiciary, GAO evaluated the medical procedures used to screen Indochinese refugees overseas and followup procedures in the United States to see if they were adequate to protect the American public health.

INCIDENCE OF DISEASE IN INDOCHINESE REFUGEES: A COSTLY PUBLIC HEALTH PROBLEM

The incidence of several serious and contagious diseases in Indochinese refugees far exceeds that found in the U.S. population. Among these diseases are active tuberculosis, serious parasitic diseases, hepatitis B, malaria, and leprosy.

For example, in 1980, the incidence of tuberculosis was 12 cases per 100,000 in the United States but 407 cases per 100,000 in Indochinese refugees. Refugee children had particularly high rates of tuberculosis.

Because these diseases could spread to others, some State and local health officials believe a potential public health problem exists. Although the Department of Health and Human Services (HHS) has maintained that there is no public health problem, it has encouraged health departments to make special efforts to monitor and treat refugees.

The Federal Government provided about $173 million in fiscal year 1981 and will provide about $217 million in 1982 for medical services to refugees in the United States—about 77 percent of whom are Indochinese.

Several State and local health departments said that refugees pose more of a financial burden than a public health problem and that their diseases could be controlled provided adequate funding was provided. The health departments also said that providing services to Indochinese refugees has proven costly and hindered their efforts to provide services to the general population.

IMPROVED OVERSEAS MEDICAL EXAMINATIONS AND TREATMENT NEEDED

To determine refugees' medical conditions, physicians of the Intergovernmental Committee for Migration conduct medical examinations overseas using Public Health Service criteria. However, these medical examinations were—

Cursory and not in conformance with medical procedures commonly used in the United States or by other countries admitting refugees and

Inadequate to detect and treat certain diseases and health conditions.

As a result, serious contagious diseases, as well as other medical problems, went undetected and untreated overseas. These problems became difficult to deal with once refugees were dispersed into the U.S. population. Moreover, Immigration and Naturalization Service authorities made their decisions to admit refugees before medical examinations were performed; therefore, the examinations' results were not considered in the decisionmaking process.

While local health departments had succeeded in making initial contact with most refugees, a number of barriers (such as refugees' movement within the United States) hindered their ability to provide follow-on care.

GAO believes that the overseas medical examination and treatment procedures for refugees should be improved to preclude many of the difficulties confronting U.S. health departments in dealing with refugees' health problems. These improvements would result in granting medical waivers only for compelling reasons in contrast to the current procedure of routinely granting such waivers.

GAO estimates that adequate overseas medical examinations for an expected 100,000 refugees could be accomplished for about $5.8 million in fiscal year 1982. This would represent a $3.1 million increase over the $2.7 million now expected to be spent on overseas medical examinations—a modest increase in cost compared to the $217 million the United States will spend to take care of refugees' medical problems in 1982.

GAO also believes that the results of the medical examinations should be made available to immigration officers for use in making final determinations concerning whether refugees are eligible for admission into the United States.

RECOMMENDATIONS

GAO is making several recommendations to the Secretaries of State and HHS to improve the Government's overseas capability for detecting and treating refugees' health problems and minimize the potential of communicable diseases being transmitted to the U.S. population.

Also, several recommendations are being made to the Attorney General to (1) assure that refugees are not admitted to this country until the medical requirements of the Immigration and Nationality Act are met and (2) grant refugee medical waivers only when there are compelling reasons to do so.

AGENCY COMMENTS AND GAO'S EVALUATION

Federal, State, and local agencies made numerous comments on the issues and recommendations discussed in GAO's report. HHS and the State Department took action to improve the usefulness of refugees' medical records and medical examinations to both the Immigration and Naturalization Service and health departments. However, HHS—the lead agency responsible for setting health admissions criteria for Indochinese refugees—generally disagreed with GAO's recommendations to improve the medical procedures used in Southeast Asia.

HHS said that GAO's report generally overstated the public health risk posed by diseases in refugees. HHS cited several factors, such as sanitary conditions and medical care in the United States, which it believed rendered such diseases to be personal health problems and of minimal public health importance. HHS believed the American public's health was adequately protected by the current medical system.

Many State and local health departments said that the overseas medical process should be improved but saw some difficulties in doing this. Some believed the overseas medical work would be unreliable. Some said that the chronic nature of refugees' diseases would necessitate reexamining them after arrival in the United States.

The seriousness of refugees' diseases and the protection afforded to the American public is a matter of judgment; however, GAO believes that it would be more prudent to prevent the introduction of diseases into the United States rather than attempt to deal with them afterward. Therefore, GAO believes that the overseas medical examination and treatment procedures should be improved.

In May 1982, the House Committee on the Judiciary, in a report on pending refugee assistance legislation (H.R. 5879), authorized $14 million in fiscal year 1983 to defray costs to health departments for medical screening and treatment of refugees. The Committee also instructed HHS, State, and Justice to improve the overseas medical processing of refugees. The Committee's dual approach of increasing medical care to refugees both overseas and in the United States should help improve the health of refugees and protect the American public.

RECOMMENDATIONS TO THE SECRETARY OF HEALTH AND HUMAN SERVICES

We recommend that the Secretary of HHS arrange with the Secretary of State to change the procedures for giving overseas medical examinations to Indochinese refugees destined for the United States and request that a medical history and examination for each refugee be performed by a physician using medical procedures commonly used in the United States. This examination should include:

An examination for diseases commonly found in Southeast Asia—tuberculosis, leprosy, parasites, hepatitis B, and malaria. The examination for tuberculosis should include analyses of sputum cultures to further verify the presence or absence of the disease.

An evaluation for mental illness.

An examination of body systems to help the physician determine if the refugee is suffering from a health problem which may affect his or her ability to earn a living in the United States.

Because of the high incidence of tuberculosis in refugees under age 15 and the significant number of cases undetected overseas in this group, we recommend that the Secretary require that all refugees under age 15 be tested for tuberculosis.

We also recommend that treatment be initiated and completed in Southeast Asia for refugees with active tuberculosis, malaria, amebiasis, or giardiasis before they are cleared to enter the United States. In the case of leprosy, the treatment should be sufficient to render the patient noninfectious.

In addition, we recommend that the Secretary transmit to the State or local health department at the refugee's destination all pertinent medical information available on the refugee.

RECOMMENDATIONS TO THE SECRETARIES OF STATE AND HEALTH AND HUMAN SERVICES

We recommend that the Secretaries ensure that medical records developed and maintained while refugees in overseas camps are under the care of the U.N. High Commissioner for Refugees are transferred to the overseas physicians before they perform the medical admissions examinations.

We also recommend that the Secretaries require that the results of overseas medical examinations be provided to INS officials for use in INS' final determinations of eligibility of refugees for entry into the United States.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

We recommend that the Attorney General:

Not admit refugees into the United States until they have received a thorough medical examination to diagnose health conditions specified in the Immigration and Nationality Act.

Require that the results of medical examinations be used in making final determinations concerning the eligibility of refugees for admission.

Not admit refugees with active tuberculosis, infectious leprosy, amebiasis, giardiasis, and malaria until treatment for these dis-

eases has been completed, unless compelling reasons exist to justify a medical waiver.●

THE HIDDEN EFFECTS OF UNEMPLOYMENT

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ROYBAL. Mr. Speaker, yesterday, our Committee on Appropriations reported out House Joint Resolution 562, the urgent jobs supplemental bill. The resolution specifies that 85 percent of the funds will provide temporary employment to thousands of jobless to work on essential public works and public health and safety activities in communities experiencing high unemployment. This legislation is badly needed given the impact of this current recession on unemployment. The unemployment rate has climbed from 7.2 percent in July 1981 to 9.8 percent in July 1982, which means that almost 10.8 million persons are currently jobless. The Congressional Budget Office estimates that each 1-percent increase in unemployment adds $25-30 billion to the Federal deficit because of lost tax revenues and increased costs for unemployment compensation, welfare payments, and other forms of public assistance.

We have heard countless stories about the hardships endured by the jobless, the hopelessness facing the unskilled, the obstacles encountered by minority jobseekers, the dashed dreams of those who fled to another region of the country in search of employment. But do we fully understand the depth of frustration felt by the jobless, of the emotions with which he or she is forced to cope?

According to the National Institute of Mental Health, a series of studies underway since 1977 have found that declines in the work force are significantly related to reported child abuse. Other studies have demonstrated that increases in unemployment are usually followed by increases in the rates of suicide and other health problems. As early as 1976, a study presented to the Joint Economic Committee contained some shocking correlations between unemployment and health problems. When enemployment rises 1 percent, the study indicated, 4.3 percent more men and 2.3 percent more women are admitted to State mental hospitals for the first time; 4.1 percent more people commit suicide; 5.7 percent more people are murdered; 4 percent more wind up in State prisons; and over a 6-year period, 1.9 percent more people die from heart disease, cirrhosis of the liver and other stress-related chronic ailments. The study estimated that the economic slump of 1970, with its 1.4-percent rise in unemployment, was linked to 51,570 additional deaths by 1975 and cost our society nearly $7 billion in lost income due to illness and mortality, and in added States prison and mental hospital outlays.

These problems will exist even after our economy begins to recover, a terrible price to society. Lives are being thrown into turmoil, more each day, and I am very concerned that we in Congress are not responding appropriately.

Apparently lured by the administration's promises of prosperity, the Congress has given President Reagan everything he has asked for. And what have the working men and women received in return? Certainly not the 13 million new jobs the President promised his program would create. Nor the period of economic growth his tax policies were supposed to stimulate. Instead, we are faced with 3 million additional unemployed workers, 400,000 more discouraged workers who have given up looking for jobs, and the worst rate of business failures since 1933. In short, we are experiencing the worst recession in 40 years.

The facts clearly show that for many of the 10½ million unemployed persons in this country, as well as their family and friends, Reaganomics has created an environment of deep frustration and lost hope. For the sake of this country, for the sake of all those faceless statistics, it is time we adopt a new course based on full employment. I urge all of you to join with me in support of such efforts.●

THE DAY THE BUBBLE BURSTS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. PAUL. Mr. Speaker, Time recently quoted an officer of the Chase Manhattan Bank as saying that: "If Latin America goes into default, it will bring down all the major banks in this country."

William Quirk argues the present insolvency of the Nation's second largest bank, Citibank, and the pending insolvency of still others in "Busted Flat on Wall Street" from The New Republic. His analysis of the situation is extremely important, and I hope my colleagues will attend to it.

BUSTED FLAT ON WALL STREET

(By William J. Quirk)

The mattress doesn't pay interest, but it's probably safer.

Is Citibank bust? Do its liabilities exceed the value of its assets? It sure looks that way.

The specter of major bank failures was first raised by the banks themselves when they were pressuring the Reagan Administration for the $400-million midnight bailout of the Polish grain loans. The banks persuaded the Administration not to declare Poland in default because it would set off other default declarations, and, as a New York Times account put it, "no one was sure where it might end." Presidential counselor Ed Meese explained: "If we should require these banks to exercise the default clause in the contracts, this could plunge a number of banks, particularly in Europe, into bankruptcy."

The Meese explanation conjures up a picture of Western banks swooping and exploding like alien creatures in a game of Space Invaders. The savings and loans and savings banks are already popping spectacularly: more than four hundred have been merged out of existence in the last eighteen months. The commercial banks are now failing at the highest rate since 1942. The chairman of the Federal Deposit Insurance Corporation, William Isaac, explains why: "A combination of the recession and a prolonged period of high interest rates are finally having an effect on the ability of borrowers to repay loans." When the Penn Square Bank of Oklahoma City went under, it took $190 million of uninsured deposits with it. For the first time since the Depression a large number of uninsured depositors will take a loss. It's beginning to look a bit like 1933, when Senator Carter Class of Virginia, author of the Federal Reserve Act, described the banks as falling "like the leaves in Vallambrosa."

The chairman of Citibank, Walter Wriston, has certainly shown the shortness of temper of someone who believes himself put upon. Early this year The New York Times got hold of a ton of leaked documents and ran a front-page story on the 3-to-1 vote of the Securities and Exchange Commission to kill the recommendation of its staff that enforcement proceedings be brought against Citibank. The issue was whether Citibank had cooked the books to shift foriegn profits from foggy London to the sunny Cayman Islands, a favorite tax haven. "Thousands of false documents," said the staff reports, were used to make things appear other than they were. There was also no question that Citibank had fired an employee who reported the fancy bookwork to the SEC.

Was this anything for Chairman Wriston to get excited about? The SEC staff should not be that big an irritant to the head of New York's largest bank, the second largest in the United States, with $119 billion of assets and fifty-eight thousand employees. Yet Mr. Wriston wrote the Times on February 23:

Gentlemen:

Joseph McCarthy in his "best days" could not improve on your caption under my picture in your paper. Finely crafted by some libel lawyer, it quotes some unnamed source that I "authorized disguised foreign exchange transactions."

I don't know what a disguised FX [the abbreviation is apparently Wriston's] transaction is, but if you imply that I ever authorized any illegal transaction, you are wrong. My memory is that the Times thought McCarty's methods were reprehensible, but now you have apparently adopted these as a model. It is a shame to see a great newspaper stoop to these methods.

The Wriston letter is notable for its clear and direct use of language. Normally, bankers use euphemisms as reflexively as preachers use analogies. A poor country is a "less developed country," and that gets abbreviated to "LDC"; a default is a "rescheduling"; a second default is a "re-rescheduling"; and "fund availability risk" is the possibility that tomorrow you won't have any money because the Arabs have pulled out their de-

posits. A sour loan is a "nonperforming loan," which gives the impression of a James Thurber seal who, when a ball is tossed at him, just lies there and looks quizically at it.

Last fall, in what was to become one of the best-kept secrets on Wall Street, Standard & Poor's dropped the AA rating of Citibank's parent, Citicorp, to AAA. The rating agency cited "reduced profitability levels" during the past two years. Specifically, it noted a management strategy to offer fixed-rate consumer loans and mortgages, installment loans, and credit cards in the hope of funding the loans with low-interest deposits. Citicorp has over $22 billion of such loans outstanding. Instead of profiting, Citicorp has had to cover by borrowing funds at very high interest rates, causing what the industry calls a negative spread.

Moody's followed suit on Citicorp in January, and in March issued an extensive report dropping the rating on nine major bank holding companies, including Bank of America, Chase Manhattan, Chemical New York, Manufacturers Hanover, Mellon National, and Continental Illinois. In a roaring understatement, the bank analyst John Ward observed: "Everyone's concerned about the banks."

Some of Citibank's business is as profitable as the dreams of greed could imagine. For example, it holds $2 billion in savings accounts. It pays the hapless depositors 5 percent and relends their money at an average rate of 17.8 percent. All by itself, this scam produced half the bank's total profit for 1981: $260 million out of $530 million. This source of easy money will diminish as time goes by, since, as the S&Ls have discovered, the old low-interest savings-account pigeons are getting smarter and flying to money market funds. Even better than the savings accounts are domestic demand deposits, $7.5 billion, on which Citicorp pays zero percent and and relends at 17.8. There's a flight problem here, too—checking accounts and other demand deposits were $10 billion a year earlier, a drop of $2.5 billion in one year. In 1960 half the funds of U.S. commerical banks came from demand deposits; in 1980 the figure was 17 percent.

Even so, it shouldn't be too hard to make money under these circumstances. As Walter Bagehot pointed out in his book Lombard Street, published in 1873, banking "ought to be simple; if it is hard, it is wrong." Certainly that was the view of William Rockefeller, brother of John D. and a co-founder of Standard Oil, who was a major figure in the history of Citibank.

Lately, however, Citibank has fostered a reputation for brilliant complexity. Its managers have been acclaimed as geniuses. The 1960s were smashing. In 1961 Wriston invented the Certificate of Deposit, a deposit with a time limit; in 1968 came Citicorp, the first-ever bank holding company, which permitted diversification and added more borrowing power. Both of these innovations would later cause trouble, but at the time seemed brilliant. Citibank staffed its branches aboard with, as Martin Mayer writes, the "same hard-driving, bright, vain people" who ran the bank at home. But the 1970s brought hard times: the foreign loans became a bad joke. The bank's foreign operations contributed two-thirds of total earnings, but it was increasingly clear that the principal of the loans would never be paid. Domestically, the bank's main strategy—increasing consumer business—had proved, as Standard & Poor's said, "more successful in generating consumer assets [loans] than consumer liabilities [deposits]." The effort at consumer business had also led to some spectaculars; in 1976 Citibank blanketed the country with twenty-six million unsolicited blue-and-white plastic credit cards. Naturally, people with credit problems accepted the offer. Consumer operations cost the bank $225 million in 1980 and 1981.

By 1981 earnings were hard to come by. Moody's reported that the bank was repurchasing debt—a "new and visible method of maximizing reported profits." The phony profit comes from retiring old low-interest debt (say an 8 percent note with a market value about half of its face value) and issuing a new obligation at market rates. The reduction in outstanding liabilities is technically a gain, although you are obviously no richer after than before. In 1981 Citicorp issued two million shares of common stock in exchange for $88-million face value of Citicorp notes paying 8.5 percent and due in 2007. The notes were held by First Boston and Goldman Sachs. At current interest rates the $88 million of notes were worth only $47 million, so Citicorp could report a $41 million gain. These phantom profits, together with a $61 million gain from the sale of real estate, accounted for almost 25 percent of its bank's total profit.

We have all been told it was our patriotic duty to pay absurd interest rates, formerly the province of the tommy-gun and cement-booties set, because it was part of the fight against inflation. Many were confused when the rates stayed up as inflation went down. Milton Friedman, who was recently questioned about this, said: "It's simple, the banks are getting even." All those years of listening to fixed-interest debtors brag around the barbecue about how the bank had financed their beach house and how they were repaying it with dollars worth 33 cents had taken a toll. In any case, with Citibank, the need for stratospheric interest is clear. In 1981, charging an average interest rate of 17.8 percent, the bank earned $13 billion on total loans of $72 billion. Since each 1 percent of interest was worth $720 million, a 1 percent drop in the rate—all the way down to 16.8 percent—would have reduced earnings by $720 million. Instead of a gain for the year, a reported $531 million, the bank would have had to report a large loss, $189 million.

Citicorp's 1981 annual report lists $1.1 billion of "nonperforming loans," an increase of 30 percent over 1980. Even though such problem loans do not pay interest, the bank leaves them on the balance sheet as assets, taking the position that they will ultimately be good. The bank won't specify the companies or industries involved, but the airlines, International Harvester, the S&Ls, and Poland are likely. If the loans were written off, as they should be, it would wipe out Citibank's earning for the next two years.

In the summer of 1980, Citibank laid down a big bet that interest rates would go down—and lost. Barron's reports that Don Howard, a Citibank executive vice president, brought $3 billion of intermediate-term government bonds paying 11 percent. He paid for the purchase with the shortest of short-term money—what bankers call "federal funds." These have nothing to do with government spending; they're the funds that banks lend to each other overnight, in order to meet federal reserve requirements. The price changes daily. At one point Citibank was paying 21 percent to fund an investment paying 11 percent. Even geniuses falter at times.

Citibank is so short of cash (what the bankers call liquidity) that it must borrow $5 billion of "federal funds" from other banks each night so it can open its doors the next morning. Citicorp owes $22.4 billion of short-term debt, "federal funds," and commercial paper due within a year. In 1981 it paid an average of 19 percent interest on these funds.

Citibank has done so badly in the banking business that it is now trying to become a fee collector. In the future it expects to live on fee income and service charges rather than on its interest revenue. Savings accounts, in addition to receiving their generous 5 percent interest, are now charged $1.50 per month if the balance is under $500. In 1981, the bank's fee income was 39 percent of net interest revenue. Fees are the coming thing in banking. One bank customer opened an account with $500 and left it undisturbed for a month. His statemeent showed a charge of $8.32, which was designated "EOM." The small print explained that EOM meant End-of-the-Month Charge, whatever that might be.

The market's judgment on Citicorp's troubles has been harsh. In 1973 Citicorp stock sold for $51.50—twenty-five times earnings. Today it sells for around $26—five times earnings. The bank is earning less, when adjusted for inflation, than it did five years ago. In the last few years, earnings have dropped severely: 1979, $614 million; 1980, $486 million; 1981, $465 million. This is not a lot to show for $119 billion of assets. Of course, $119 billion is a bit of an exaggeration; Citicorp holds a lot of fixed-interest mortgages and bonds, which are worth substantially less than their face value. If the assets were "marked to market," the bank would be instantly insolvent.

But all these gloomy facts are just prelude. The real trouble was that the geniuses didn't believe Lord Palmerston. In 1848 Palmerston said that, historically, the British government had thought it "undesirable that British subjects should invest their capital in loans to foreign governments instead of employing it on profitable undertaking at home." Her Majesty's government, "with a view to discouraging hazardous loans to foreign governments who may be unable or unwilling to pay the stipulated interest thereupon," had therefore abstained from taking up as international questions the complaints of British subjects against foreign governments that failed to pay. Finally, said Palmerston, in words designed to ruin Walter Wriston's next cocktail hour, the British Government has considered that the losses of imprudent men who have placed mistaken confidence in the good faith of foreign governments would prove a salutary warning to others, and would prevent any other foreign loans being raised in Great Britain, except by Governments of known good faith and ascertained solvency.

For governments of "known good faith," read $80 billion of loans to Communist bloc countries. For governments of "ascertained solvency," read $200 billion of commercial bank loans to poor countries such as Zaire, Zambia, and Malawi, sometimes referred to as non-oil-exporting developing countries. The main thing these countries have been developing lately is debt. When loans to them by international agencies and western governments are counted in, they owe a stunning $500 billion. Since they have run trade deficits for as long as anyone can remember, and will for as long as anyone can foresee, the prospects for repayment are nil. U.S. banks have loaned $83 billion to these poor countries, and are contractually committed to loan another $25 billion. Neither

the Federal Reserve Board nor Citibank will disclose its share of these disastrous loans already made. A reasonable guess is $8 billion to $10 billion—which is about 200 percent of the bank's reserves, or enough to wipe out the shareholders twice over. Citibank's stated capital is $4.9 billion. U.S. banks have loaned $7 billion to the Communist countries, of which Citibank's share is probably around $1 billion.

The commercial banks accelerated their lending to the LDCs even after it was clear that repayment was impossible. Some time ago ("The Bankers' Dilemma," TNR, January 27, 1979) I wrote: "The problem seems to be that the American banks have loaned $37.7 billion which will probably not be repaid. Default on this much money would bust the banks which in turn would bust the country which in turn would bust the world." Undismayed, in 1980 and 1981, Western commercial banks loaned the LDCs a new $90 billion (over and above net of "refinancing" repayments). Now the banks say they are getting worried.

Mexico's public- and private-sector foreign debt is $75 billion. It says it needs at least $25 billion more this year, while running a trade deficit of $4 billion. The bankers bet on the oil bubble to pull Mexico out of centuries of poverty. Many Americans will be surprised to learn that Mexico has a line of credit with Mr. Volcker's Federal Reserve Bank. In April Mexico was so hard up for cash that it had to draw down $600 million of its $700-million line. About 40 percent of its people are under 16 years of age; when they grow up they may understandably, decide they are not responsible for their parents' debts.

Citibank is reported to have over 4 percent of its total assets in Brazil and earns 15 percent of its worldwide profit there; Brazil owes $63 billion of long-term debt and needs at least $14 billion more this year. Argentina owes $32 billion, which you could buy up cheap. Argentina had to reschedule its bank debt in 1976; at the time it only owed $2 billion. The U.S. banks probably have a greater stake in these countries than their own people do. Venezuela, previously considered a blue-chip credit, has $14 billion due within a year, and is having trouble coming to terms with the bankers.

At no point has Citibank claimed that its loans to Communists and dictators were intended to support U.S. policy or add to the measure of freedom in the world. Quite the contrary. The head of the bank's international division, Thomas C. Theobald, will go down in history for this statement: "Who knows which political system works? The only test we care about is: can they pay their bills?"

On July 12 the world's central bankers met at the Bank for International Settlement in Basel, Switzerland, to assess the degree to which international lending poses a threat to the world's banking system. A group of the central bankers, identified by the Financial Times as "the pessimists," estimated "that more than $200 billion of outstanding international debt is of doubtful or potentially dubious quality." Leading the doubtful list is the $80 billion of Communist loans, but there is also "growing concern" about the $210 billion Latin America owes. Most of the central bankers concede that high interest and recession are squeezing the poor countries. Others would not say so publicly, the F.T. goes on, "for fear of undermining the already fragile confidence of the marketplace."

The old "recycling" scam is coming to a bitter end. From 1974 on, the banks borrowed from oil-soaked Arabs, loaned to LDCs, and lived comfortably on the spread. At times, to add to the excitement, the banks would engage in currency speculation: borrowing deutsch marks at 9.5 percent and converting them to dollars to be loaned to Brazil at 17 percent. Now the scheme is unraveling at both ends. The LDCs are still so poor they can never pay back what they already owe, let alone the new funds they must have. At the other end the Arabs, having induced a worldwide recession, now need money themselves; in 1980 OPEC ran a $105-billion surplus, but is expected to show a deficit this year. The Arabs will have to pull out their short-term deposits, busting the banks, which cannot recall their loans so quickly—if at all.

Recently, Mr. Kit MacMahon, deputy governor of the Bank of England, recalled that the central bankers had promised, in the mid-1970s, to act as lenders of last resort to provide liquidity for the Euromarkets if needed. This means the central bankers will print up enough money to hold off a run on the international banks—maybe. The central bankers at the Basel meeting failed to renew this promise.

As far as Citibank is concerned, the foreign loans fall into two distinct periods: the original, or They Always Pay, period was based on the observation that countries don't disappear. Mr. George J. Clark, an executive vice president of Citibank, is a vestige of this early period. He recently said Citibank's new policy is to discourage reschedulings: "If governments set their priorities and rearrange their financial affairs, virtually all of them can meet their obligations. I can envision the day when we do only a few, if any, reschedulings."

Chairman Wriston demonstrates the current, or They Never Pay, period. He was asked on "Face The Nation" last January 24 how Poland could possibly pay any interest—much less principal—due in the future. He replied: "As far as paying off debt is concerned, there are very few instances in history when any government has ever paid off debt. . . . What we are talking about is access to a marketplace." "Market access," of course, is another euphemism for more borrowing.

The rest of the year is sure to have its moments. One unnamed U.S. official recently told the Wall Street Journal that 45 percent of the $300 billion in international loans is due this year: "There's an increasing concern just about getting through the next year or so. If there's a panic reaction anywhere, it could lead to an implosion of the system." The bank's bad loans have created the purchasing power which has given the world the greatest inflation since Roman times. The banks manufactured the money to escape one reality after another. The LDC deficit is still rolling along, and the banks are left with only two choices. They can loan more money if they can get it. Or they can stop and watch the LDCs go off like a string of Chinese firecrackers, with the banks as the cherry bomb on the end.

Along with other commercial banks, Citibank, in apparent recognition of its big problems, has silently latched on to an S&L bailout now rolling through Congress. Under the bailout, the taxpayer will get to put money into failed banks to keep them floating along. Euphemistically called a "capital infusion" plan, the bailout is supposedly to help out the poor S&Ls, but the commercial banks will be the main beneficiaries.

The reality is that Citibank is bust. The true value of what it owns is less than what it owes. It has made a lot of stupid loans that are not going to be repaid. Once the bankruptcy of Citibank is established, there is not much more to say. Except perhaps that when you're dead you're not supposed to be walking around.●

KREMLIN USES BILLY GRAHAM

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. McDONALD. Mr. Speaker, Billy Graham's recent trip to the Soviet Union was a propaganda triumph for the Soviet Union. The Soviets succeeded in getting Billy Graham to say things about the freedom of the churches in the Soviet Union that they themselves hesitate to say in their own propaganda. They gave him an officially conducted tour through the state approved churches, with state approved ministers, and they even went so far as to stack the congregations with KGB members to insure that everything went according to the script. The State Committee for Religous Affairs attached to the Soviet Council of Ministers, (also overseen by the KGB), saw to it that Billy Graham saw and did only the correct things. Billy Graham, instead of chaffing at this treatment, did even better than they expected. Billy Graham saw none of the suffering Christians and Jews in the forced labor camps. He saw none of the true church in the Soviet Union that has to meet furtively in people's homes or in the forests for services. He, evidently, knows nothing of a young Soviet citizen, who while serving in the Red Army, was beaten to death for his beliefs. He knows nothing of children taken away from their parents for teaching belief in God at home. He appears to be unaware of the fact that smuggling a Bible into the U.S.S.R. is a crime against the state, but the traffic flourishes. He did a disservice to his calling and the cause of religious freedom the world over by his visit to the U.S.S.R. This whole, sad affair, was recently summed up in the Birch Log by John F. McManus in the July 8, 1982, issue of that publication. The item follows:

[From the Birch Log, July 8, 1982]

KREMLIN USES BILLY GRAHAM

(By John F. McManus)

BELMONT, MASS.—It must be a constant delight for the leaders of world Communism to note that the people whom they are working to enslave have so little appreciation of what Communism is all about.

The world should be well aware that Communism's fundamental premise is a denial of God and the supplanting of His law with rule of all by a few ruthless criminals. Communist morality is, of course, no morality, a tenet confirmed by Lenin as follows: "Our morality is entirely subordinated to the interests of the class struggle."

For most of the Twentieth Century, Communist leaders translated their words into actions by murdering churchmen and closing their churches. But when they either found or trained clergymen who would overlook Red crimes and preach socialism from pulpits, they began a working relationship with religion, not only in conquered nations but in the United States and elsewhere. Far from being a contradiction of Communism's real attitude about religion and morality, the use of churchmen to preach Communist goals or to foster a belief that it has mellowed has helped immeasurably to spread Red terror.

BILLY GRAHAM CHANGES TUNE

Twenty-five years ago, Rev. Billy Graham clearly understood all of this. But the man who then declared that Communism was "inspired, directed and motivated by the Devil himself" has softened his attitudes tremendously. Years ago, he condemned America's leaders for "silence during the 1956 Hungarian rebellion" and for "failing to aid the Cuban freedom fighters at the Bay of Pigs." As late as 1965, he declared: "Communist China is the most dangerous enemy of freedom in the world."

By 1970, however, Graham was refusing to condemn Communism, saying instead: "I cannot go around the world and say who is right and who is not right." In 1972, he defended Richard Nixon's announced plan to visit Red China's bloody tyrants. One year later while in Japan, he proclaimed: "Mao Tse-tung's eight precepts are basically the same as the Ten Commandments." He then promptly denied that he had uttered such a blasphemy, but the journalist who reported it impressively stood by her story.

NOW WELCOME IN RED TERRITORY

In 1977, Graham conducted a religious crusade in Communist Hungary where Cardinal Mindzenty and so many others had been persecuted. There he admitted: "During the last five years, my heart has been expanding and changing to take in all the churches of the world." But as far back as 1966, his World Congress on Evangelism had endorsed the World Council of Churches, whose membership included the KGB-directed Orthodox Churches of Russia, Romania, Bulgaria and Poland.

Earlier this year, many Americans who have been unaware of Billy Graham's strange conversion were shocked to read that during his trip to Moscow in May, he praised "religious freedom" in the Soviet Union. He also stated that the Orthodox Churches he visited "were jammed to capacity" and that "you would never get that in Charlotte, North Carolina." Even if he chooses to overlook the known fact that these churches in Russia are led by Kremlin-approved KGB functionaries in clergymen's garb, he ought to acknowledge that the few churches are full precisely because there are so few. Charlotte Pastor Charles Page responded by saying that his church was full and added: "I find it hard to believe that they (the Russian people) are not experiencing a great deal of suffering over there in order to worship."

Not in Russia on purely church business, Graham was there to take part in a Soviet-sponsored conference on nuclear weapons. Vice President Bush, acting in the name of President Reagan, had sought to persuade him to stay home. Their fear was that he would be used to promote Soviet aims. Perhaps they did not know that what they tried to prevent has been going on for a long time.

WHISTLE BLOWER FIGHTS FORCED TRANSFER ATTEMPT

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. BROOKS. Mr. Speaker, I would like to take this opportunity to share with my colleagues two recent newspaper articles from the Washington Times written by Clark R. Mollenhoff. These articles point out yet another area where DOD is wasting hundreds of millions of dollars in weapons contracts.

According to the articles, Air Force Secretary Verne Orr issued a directive aimed at cutting back on excessive contractor costs. Secretary Orr should be complimented for the decisive action he has taken to eliminate these abuses. I commend these articles to my colleagues and urge all Members to support the Secretary in this matter.

[From the Washington Times, Aug. 19, 1982]

WHISTLE BLOWER FIGHTS FORCED TRANSFER ATTEMPT

(By Clark R. Mollenhoff)

A veteran audit chief for the Defense Contract Audit Agency (DCAA) is being pressured to accept an unwanted transfer or resign after disputes with superiors over the need for agency-wide audits of labor union contracts that add millions in "excessive costs" to major military weapons systems.

George R. Spanton, a 30-year veteran of military contract auditing, filed a controversial report last March 13 pinpointing at least $150 million in "this unwarranted waste of public funds" caused by "excessive wage escalations" in the labor agreements of one major defense contractor.

Spanton, in an appeal filed with the special counsel at the U.S. Merit Systems Protection Board, claimed his transfer from Palm Beach, Fla., to Los Angleles, Calif., was an illegal retaliation for pointing out the laxity and compromises of DCAA superiors during inadequate and ineffective audits of major defense contractors.

Spanton had no objection to The Washington Times reviewing the papers he filed with the special counsel's office, established to protect whistle-blowers on fraud and corruption from retaliation by superiors.

Harold Lamb, special assistant to DCAA Director Charles Starrett, said the DCAA was "not prepared to comment" on the charges of an illegal retaliatory transfer of Spanton.

Lamb said the DCAA would comment "tomorrow" on Spanton's request for an agency-wide audit of excessive wage escalations in defense contracts.

The DCAA also will review Air Secretary Verne Orr's directive on the need for tighter policies on excessive wage hikes involving defense contractors.

Ironically, Orr's policy directive to Air Force contract negotiators sets out essentially the same line as Spanton's controversial report.

Orr's directive on the millions being lost through defense contract labor agreements was the result of his thoughtful observation after more than a year as Air Force secretary.

He said his disputes with superiors involved instances where he believed "the DCAA mission was being compromised by timidity in dealing with defense contractors who barred direct access to records and expected us to be satisfied with summaries or partial access to records."

"A half audit is no audit," Spanton said.

Spanton was pleased to find, he said, that Orr's directive to Air Force contract officials "was totally consistent with my thinking."

Several months ago he tried to get his DCAA superiors in the Atlanta regional office and Washington to approve an agency-wide audit of major defense contractors by arguing that billions probably were being lost annually through uncontrolled labor agreements that boosted wages from 15 to 18 percent a year while federal salary raises are restricted to from 4 to 8 percent.

When Spanton persisted in his campaign for an audit of all major contractors on labor, he received a cold shoulder and notice that he was being transferred because he could not get along with his superior in Atlanta.

When Spanton attempted to get the Washington office to examine his report, he learned that he still was being transferred to Los Angeles despite his protests.

"It is necessary for us to relocate you by no later that 15 September 1982," wrote James R. Brown, deputy director of DCAA on May 11. "Your failure to relocate by that date will be grounds for possible disciplinary action including removal."

In late May, Spanton made one more attempt in a report on waste in labor costs.

Fearful the Atlanta office would delay forwarding the controversial report, Spanton simultaneously sent the report to DCAA headquarters in Washington.

Washington DCAA officials asked the Atlanta office to call Spanton's attention to the proper chain of command for filing such documents and they ignored the substance of the special report.

They were no longer ignoring the Spanton reports Wednesday when they had a special request for them from Air Force Secretary Orr's office and from the House Government operations subcommittee headed by Rep. Jack Brooks, D-Texas, an outspoken critic on Pentagon waste and mismanagement.

Brooks' subcommittee staff has received the two Spanton reports on "excessive costs" resulting from uncontrolled labor union contracts. The subcommittee has oversight responsibilities over military spending and over the manner in which the auditing policies of DCAA control and expose unwarranted military costs.

[From the Washington Times, Aug. 18, 1982]

AF CHIEF ACTS TO CURB WAGE RISES FOR LABOR FORCES BUILDING WEAPONS

(By Clark R. Mollenhoff)

Air Force Secretary Verne Orr has directed Air Force contract negotiators not to buy labor peace with contract settlements containing wage agreements that are excessive when compared with federal government pay guidelines.

"I am fully prepared to accept work stoppages in some of our weapons acquisition programs, if that is what it takes to bring inflation under control and to bring wage settlements down to the level which the federal government deems adequate for its own people," Orr wrote on April 15.

Orr acknowledged Monday that he personally wrote the tough internal directive "to try to stiffen the backs" of Air Force contracting officers on negotiated contracts that are not now controlled by the government pay lids imposed by the Reagan administration in its fight against inflation.

"It makes no sense to have pay lids on government salaries at 5 to 8 percent and have these procurement officers come in here on negotiated contracts and explain that the best they could do was to limit the wage boosts to 16 or 18 percent," Orr said.

The eight-paragraph policy directive was addressed to Russell Hale, deputy assistant secretary in charge of financial management. It said: "Will you see that this policy is distributed widely to the civilian and military members who negotiate with our contractors. It should be made available to the contractors before they complete labor negotiations and not after."

He noted in the first paragraph of the directive that when President Reagan's budget is submitted to Congress "there is a 5 percent cost-of-living raise for civilian personnel and 8 percent for military."

"I think it is absolutely ludicrous to expect all elements of government and all retirees and pensioners from government to undergo strict limitation of their receipts from our federal government while at the same time, through our contracts, we pay substantially larger increases to labor forces building our weapons systems," he wrote.

In asking contract negotiators to "make every effort to see that we do not pay negotiated wage settlements to weapons producers which are greater than" federal pay policies, he added:

"This may involve insisting that some contractors take the excess negotiated payments out of their profits. It could even involve a case where there are work stoppages."

Orr said he had no idea of how much defense money is lost through excessive wage boosts for labor unions or other defense contract or employees. He estimated it could run into the hundreds of millions of dollars and perhaps more.

Orr said he was not aware of any studies the Pentagon has done on the subject, and had not heard of a detailed 15-page report by George R. Spanton, a Defense Contract Audit Agency accounting chief in Florida.

Spanton drew on his 30 years experience as a defense contract auditor to write the report. It is accompanied by charts on "excessive labor escalation" resulting from firms with government contracts making agreements with labor unions and boosts to other employees far above the government pay lids.

The defense firm "granted raises which were 178 percent higher than federal employee escalation and 108 percent higher than all private industry (nonsupervisory, nonagricultural) workers," the report said.

Orr told The Washington Times he is interested in reviewing the Spanton report and will take steps immediately to obtain a copy from the Defense Contract Audit Agency.

"Obviously, there is a limited amount of good any Air Force secretary can do on some of these matters because of long-term contracts—many months before I got here," Orr said.●

SUPER NOW ACCOUNT

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DASCHLE. Mr. Speaker, Newsweek magazine columnist Jane Bryant Quinn recently noted, "Banking institutions are mad as hell and they're not going to take it any more."

The object of the wrath of depository institutions is the Depository Institutions Deregulation Committee—which is not in the opinion of a substantial and ever-increasing number of banking officials.

Recently the DIDC again confirmed the opinion of banking officials by effectively saying "no" to the Super NOW account which had been proposed by the South Dakota State Banking Commission. The Super NOW account, which had been approved earlier this year by the South Dakota Banking Commission, is identical to the existing NOW account with the exception of no interest rate ceiling on balances over $5,000.

The Super NOW account is a reasonable step in the right direction. The Super NOW account would further interest rate deregulation mandated by Congress and enable federally insured depository institutions to become more competitive.

The DIDC, unfortunately, has not been willing to move its feet or even wiggle its toes in the direction of the Super NOW account. To the detriment of consumers and increased competition, the DIDC has instead chosen to ignore the Super NOW account proposal. The DIDC pocket veto of the Super NOW account is not a step in the right direction.

Mr. Speaker, to facilitate needed competition and in the interest of consumers, I am today introducing legislation which will permit federally insured depository institutions to offer the Super NOW account. I invite my colleagues to join with me in support of this legislation.

Mr. Speaker, I request the text of the measure I am introducing today be printed in the RECORD at this point as well as a letter which I recently received from Mr. C. P. "Buck" Moore, president of the Northwestern National Bank of Sioux Falls, S. Dak., and the recent Newsweek article which I referred to earlier.

H.R. 7021

A bill to remove the limitation on the maximum rate of interest which may be paid on certain balances maintained in a negotiable order of withdrawal account

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, after the date of the enactment of this Act, no provision of Federal law shall regulate the amount of interest which federally insured depository institutions may pay on balances in excess of $5,000 which are maintained in a negotiable order of withdrawal account.

NORTHWESTERN BANK,
Sioux Falls, S.D., July 27, 1982.

Hon. THOMAS DASCHLE,
Cannon House Office Building,
Washington, D.C.

DEAR TOM: This letter expresses my complete frustration at the inadequate action taken by the DIDC at its June 29th meeting.

When the Depository Institutions Deregulation Act was passed in 1980, Congress gave the DIDC as a directive:

". . . provide for orderly phase-out and the ultimate elimination of the limitations on the maximum rates of interest and dividends which may be payed on deposit in accounts as rapidly as economic conditions warrant."

At its recent meeting, the DIDC once again failed to fulfill its responsibility in the deregulating of interest rates on deposits. The account authorized by the DIDC falls far short of a short-term, low denomination, deregulated transaction account which the banking industry so desperately needs in order to continue to finance local communities.

At the meeting, the opening statement made by the DIDC Chairman, Treasury Secretary Donald Regan, evidences my frustration in watching the actions of the DIDC. Secretary Regan noted that:

". . . after legislation has passed and the asset powers for thrifts are expanded further so these institutions (thrifts) can generate the earnings needed to pay for additional market rate deposits, I will urge the Committee (DIDC) to consider authorizing a truly competitive market rate, transaction type account."

What is abundantly clear from this statement is that the DIDC is not about to be responsible for the task of unravelling the structure of deposit rate interest ceilings, but is content to throw the deregulation question back at Congress. When the Depository Institutions Deregulation Act was passed in 1980, it was a consensus among many points of view and as such a compromise. Congress decided to turn the actual process of dismantling the rate structure to the Committee rather than involving itself in the daily push and shove of the deregulation process. I believed at that time this was a sound decision.

Intense lobbying by the various affected parties to delay the phase-out of interest rate ceilings is well documented. The Committee was expected to be able to reaffirm the need for deregulation of depository institutions without political repercussions, thereby assuring that an orderly process could continue uninterrupted by political machinations.

However, the statement by Treasury Secretary Regan shows that the DIDC is not going to fulfill its mandate, but instead would return to Congress the daily push and shove of the deregulation process. It seems ironic that Congress would create a committee and charge it with responsiblity, only to have the committee in turn charge Congress with a task before the committee will act.

I urge you as a member of Congress to instruct the DIDC to begin to do its duty. As a member of Congress, you can exert influence on DIDC to take positive action now,

or in the alternative, pass legislation authorizing us to offer a competitive account.

Yours truly,

C. P. MOORE, *President.*

THE BANKS STRIKE BACK

(By Jane Bryant Quinn)

Banking institutions are mad as hell and they're not going to take it anymore.

For 10 years they have stood like pitiful, helpless giants while depositors pulled their savings out of banks and S&L's and reinvested in high-interest money-market mutual funds. Money funds now hold $216 billion in assets, and the bankers want it back. To get it, they're starting to fight the money funds on their own turf.

Where the law allows, they are starting a variety of money-fund look-alikes, combining high interest with ready access to your savings. Where the law does not allow, frustrated bankers are starting to rebel.

"Super NOW." The civil-disobedience campaign began last month in South Dakota. The state banking commission unilaterally eliminated all interest-rate ceilings on checking deposits larger than $5,000 and called this new account the "Super NOW."

Under federal regulations, the interest paid on insured checking accounts cannot exceed 5¼ percent. But two defiant banks in South Dakota started offering rates linked to those on 91-day treasury bills. Both banks backed down after the Federal Reserve threatened them with heavy fines. Last week, however, the state attorney general's office decided to sue the Federal Depository Institutions Deregulation Committee for failing to decide about the Super NOW and for dragging its heels on interest-rate deregulation.

Several other states are raising mutinies of their own. The Super NOW's are being considered in North Dakota, New Jersey and Ohio. Similar raids on federal rate ceilings are being planned in Utah and Georgia.

The savings banks and savings and loan associations already hold a potent—and legal—weapon against money-market funds. Since May the thrifts have been able to offer an automatically renewable, daily retail repurchase agreement, or repo for short. It's an uninsured investment, paying high and variable interest rates. You may withdraw your money from daily repos at any time without penalty. Some S&L's even advertise them as money-fund accounts.

Repos are often linked to interest-paying checking accounts. The first $2,000 or so of your deposit goes into an insured NOW account earning 5¼ percent; everything above the minimum balance is swept into a repo, currently paying around 14 percent. When you write a check for, say, $25, a similar sum will be removed from your repo to keep the NOW account at $2,000.

Repos are backed by U.S. government securities, which makes them safer than other uninsured deposits. But on a daily basis the value of the underlying securities may not match your actual investment. If the S&L suddenly folded you could take a loss. The risk is small, but it's there.

Only a few thrifts offer money-fund accounts, but they're bound to spread. Some commercial banks are tying NOW accounts to regular money-market mutual funds. By fall the banks should be authorized to give automatically renewable repos of their own.

Credit Unions: The only money-fund look-alikes legally covered by federal deposit insurance are the few begun by deregulated credit unions, among them the Monsanto Community Credit Union in St. Louis and the McGuire-Public Employees Federal Credit Union in Wrightstown, N.J. Both accept deposits from the public, but only credit-union members are insured. Unlike true money funds, these accounts pay no interest on balances of less than $5,000.

A handful of S&L's in Maryland and Ohio offer money-fund look-alikes that are privately insured. Private insurance is state regulated but carries no state or federal guarantee. Depositors rely entirely on the ability of the insuring institutions to meet their obligations. It's probably a good bet. The Maryland Savings-Share Insurance Corp. is backed by 102 S&L's. In 20 years it has suffered only one liquidation (in 1964) and one merger (1979). But there is no certainty outside of government insurance.

The Boston Five Cents Savings Bank hopes to attract deposits by starting its own money-market mutual fund. This makes the Investment Company Institute see red. The ICI, representing mutual funds, says it's illegal for banks and money funds to mix and is suing the Federal Deposit Insurance Corp. for doing nothing to prevent it.

Last year banks tried—and failed—to stifle competition by shackling money funds with legislation. With any luck the ICI's return match will fail, too. If the funds can't live with interest-rate deregulation, they should find something else to do.●

EFFECTS OF AGENT ORANGE

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mrs. HECKLER. Mr. Speaker, as the Veterans' Administration continues to grapple with the still unknown effects of the herbicide agent orange on those men and women who served their country in Vietnam, the discussion continues on the best method to test for the after effects of exposure to the chemical.

I would like to insert in the RECORD today an article which appeared in today's Boston Globe and which outlines the continued questions regarding the effects of agent orange. Those troubling concerns—the current lack of adequate testing and the still unfinished comparisons between soldiers exposed to the herbicide and control groups—should lead us to double our efforts to seek expedited yet complete answers to the hundreds of questions that remain.

As the second ranking Member of the House Veterans Affairs Committee I have long fought for VA recognition of the effects of exposure to agent orange suffered by some Vietnam veterans. I will continue to do so and welcome the efforts of my colleagues to bring recognition to the problem and thus find the answer—if there is one, or many—more quickly.

AGENT ORANGE TESTS CALLED INADEQUATE

PHILADELPHIA.—Two doctors told the first national convention of United Vietnam Veteran's Organization yesterday that current tests are often not good enough to give an accurate diagnosis for ailment that may have been caused by exposure to the herbicide Agent Orange.

"It's entirely possible that none is going to come with an answer," said Doctor James Erwin of the Veteran's Administration.

Doctor Ron Codario, a Philadelphia physician, who has studied 278 Vietnam veterans who think they were exposed to Agent Orange, said he understands Veterans' frustrations when doctors cannot tell them what is wrong.

But he said it takes time for the proper tests to be developed.

"Just because you have a battery of tests and the tests turn out normal doesn't mean there is nothing wrong with you," said Codario.

Edmund Miller of Buffalo, who served in Vietnam in 1970–1971, said repeated examinations have not discovered the cause of the heartburn and stomach disorders he has had since he returned from the war.

"They'll tell me what I don't have," he said, "they won't tell me what I have. I'd like to feel good again one day, but I need some help. They're treating my symptoms and not my cause."

Erwin said it still has not been determined what effect herbicides have on human beings who are exposed to them.

"The major group of people interested in herbicides have been environmentalists," Erwin said, "but even that group has yet to come up with a clear cut picture of what herbicide poisoning in humans is."●

MEDICAL DEVICE AMENDMENTS OF 1982

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WAXMAN. Mr. Speaker, today I have introduced H.R. 7052, the Medical Device Amendments of 1982. This legislation, which amends the Food, Drug and Cosmetic Act, incorporates three changes requested by the Department of Health and Human Services. These amendments would improve the rulemaking procedures for developing safety standards for medical devices. They would also permit manufacturers of drugs and devices to disclose in labeling or advertising that the product has been approved by the Food and Drug Administration (FDA). Further, they would repeal the unconstitutional Filled Milk Act.

In addition, I have included a provision which would require the manufacturer of a medical device to notify FDA when it learns of a defect in a device that presents an unreasonable risk of substantial harm. Once notified of the potential hazard, FDA could then investigate and determine whether corrective action (recall of the device, replacement of the defective part, and so forth), is required under its existing authority.

FDA has similar authority with respect to electronic products that emit radiation under the Radiation Control for Health and Safety Act and infant formula under the Infant Formula Act of 1981. The agency also generally im-

poses reporting requirements upon drug makers with respect to adverse drug reactions. Even agencies which deal with products less critical than medical devices have such authority. For example, the Consumer Product Safety Commission has statutory reporting authority with respect to most consumer products (for example, toys, irons, hair dryers, bicycles) that pose substantial product hazards. Certainly, FDA should have comparable statutory authority over medical devices which may be implanted in the human body or support bodily functions during an operation.

The following is a section-by-section analysis of the legislation.

MEDICAL DEVICE AMENDMENTS OF 1982

SECTION 1: SHORT TITLE

Section 1 provides that the short title of the bill is the "Medical Device Amendments of 1982."

SECTION 2: PROCEDURES FOR ESTABLISHING PERFORMANCE STANDARDS FOR MEDICAL DEVICES

Section 2 amends Section 514 of the Food, Drug and Cosmetic Act (FDCA) to substitute informal rulemaking procedures for existing law. Currently, the Secretary must use a novel form of rulemaking called the offeror process which requires third parties, rather than the Secretary, to develop proposed rules. In lieu of the offeror process, Section 2 requires the Secretary to comply with the notice and comment rulemaking procedures of the Administrative Procedures Act. In promulgating regulations under this section, the Secretary must consult with the advisory panel expert in that field of medical devices.

SECTION 3: INFORMATION FROM MEDICAL DEVICE MANUFACTURERS

Section 3 amends Section 518(a) of FDCA to require a manufacturer of medical devices intended for human use who obtains information that a device presents an unreasonable risk of substantial harm to the public health to notify the Secretary immediately of the defect. The manufacturer need not report if he has actual knowledge that the Secretary has been informed of the risk. An unreasonable risk of substantial harm exists when: (1) a medical device fails to comply with an applicable performance standard creating a substantial risk of death or serious injury to the public; or (2) a defect in a medical device creates a substantial risk of death or serious injury to the public. Failure to report a defect is a prohibited act under Section 301(q) of FDCA.

SECTION 4: REPEAL OF PROHIBITION ON USE IN LABELING OR ADVERTISING OF REPRESENTATIONS CONCERNING DRUG OR DEVICE APPROVALS UNDER THE ACT

Section 4 repeals the ban in Section 301(l) of FDCA against the use of representations regarding FDA approval in the labeling or advertising of any drug or device. The effect of this provision is to permit the inclusion of accurate statements concerning FDA approval in labeling or advertising for drugs or devices. False or misleading statements are prohibited under Section 301(b) of FDCA.

SECTION 5: REPEAL OF THE FILLED MILK ACT

Section 5 is a technical amendment. It repeals the Filled Milk Act which was declared unconstitutional in *Milnot Co.* v. *Richardson*, 350 F. Supp. 221 (S.D. Ill. 1972). The Act banned the shipment in interstate commerce of milk, cream or skimmed milk containing added fat or oil other than milk fat.●

MICHIGAN SHOULD RETAIN WATERWAY CONTROL

HON. ROBERT W. DAVIS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DAVIS. Mr. Speaker, on June 24, I was joined by Congressmen TRAXLER, SAWYER, and BLANCHARD—and on August 4, Congressmen DUNN and BRODHEAD—in introducing legislation which would block efforts by the Army Corps of Engineers to gain control of nearly 4,700 miles of Michigan rivers and streams.

Utilizing previously dormant authority granted under section 10 of the Rivers and Harbors Act of 1899, the Corps of Engineers' Detroit district office has proposed to expand its jurisdiction from 571 miles of "navigable" waters to a total of 5,227 miles—a seven-fold increase. These inland lakes and streams, not previously considered navigable by the corps, are already protected by strong Michigan environmental laws such as the Wetlands Protection Act of 1979 and the Inland Lakes and Streams Act of 1972. This unnecessary assertion of Federal jurisdiction runs counter to clear congressional intent that States should be responsible for the management of their water resources.

If the Corps of Engineers is successful, this change would result in a wasteful duplication of State and Federal regulation, and would seriously interfere with Michigan's efforts to assume full regulatory control of its wetlands under section 404 of the Clean Water Act. In a period of deregulation and administrative streamlining, it seems odd that the Army Corps of Engineers would seek to expand its jurisdiction and add another layer of Federal bureaucracy.

Mr. Speaker, I include here the text of a letter to Vice President George Bush from Michigan Lt. Gov. James H. Brickley, who has been the leader in this campaign against this expansion of corps authority in his capacity as chairman of Michigan Regulatory Review Task Force. I also include a letter from myself and a number of my Michigan colleagues to William Gianelli, Assistant Secretary of Defense for Civil Works.

STATE OF MICHIGAN,
OFFICE OF THE LIEUTENANT GOVERNOR,
Lansing, Mich., March 12, 1982.

Hon. GEORGE BUSH,
Vice President of the United States,
Washington, D.C.

DEAR VICE PRESIDENT BUSH: Because of our respective efforts to reduce unnecessary governmental regulations, I want to bring to your attention recent actions of the United States Corps of Engineers to expand their regulatory responsibilities over waters in Michigan. I am concerned by these actions, find them an unnecessary assertion of federal jurisdiction, and request that the Presidential Regulatory Relief Task Force review the Army Corps of Engineers' regulations.

Under Section 10 of the 1899 River and Harbor Appropriation Act, the Detroit office of the Corps has conducted widespread navigability studies, and the result of these studies may lead to an expansion of the Corps' jurisdiction over approximately 4,500 miles of streams in Michigan. Legal interpretations of the term "navigable" water have led to the possibility of this expanded role for the Corps in our state.

Michigan's concerns are further magnified in that we have actively pursued assumption of the Clean Water Act (Section 404) regulatory program. Assertion of Section 10 jurisdiction could not only prevent the state from assuming this regulatory authority but would dramatically expand the scope of the undesired duplication of state/federal regulation of the same waters.

I am quite sure that your task force will find this situation to be an unnecessary assertion of federal jurisdiction. Additionally, we believe that the regulations should be revised to prevent this occurrence in states like Michigan having adequate regulatory programs.

I appreciate your attention to this important issue. It was good seeing you in Green Bay.

Sincerely,

JAMES H. BRICKLEY,
Lieutenant Governor.

THE VICE PRESIDENT,
Washington, March 22, 1982.

Hon. JAMES H. BRICKLEY,
Lieutenant Governor of the State of Michigan, Lansing, Mich.

DEAR JIM: Many thanks for your letter concerning the Corps of Engineers' expansion of its jurisdiction over waters in Michigan.

The Presidential Task Force on Regulatory Relief designated the Corps' Section 404 regulatory program for thorough review last August. The Corps has now developed its proposal for change, a copy of which is enclosed. One of the Corps' recommendations is to provide the states with greater responsibility for running their own programs. There is broad agreement on the need to eliminate unnecessary duplication of state/federal regulation of the same waters and to streamline the permit approval process. While it is unlikely that the Administration will act on all of the Corps' proposals, the state/federal issue will be one of the Task Force's highest priorities. Any comments you might have on the Corps' recommendations would be greatly appreciated, especially since you have focussed on an issue—Section 10 jurisdiction—that we may not have sufficiently addressed. In the meantime, I will make sure your comments are fully taken into account in our review, and I will keep you informed of our progress.

Again, thank you for your letter and for your help in the effort to reduce unnecessary government regulations.

Sincerely,

GEORGE BUSH.

STATE OF MICHIGAN,
OFFICE OF THE LIEUTENANT GOVERNOR,
Lansing, May 18, 1982.

Hon. GEORGE BUSH,
Vice President of the United States, the White House, Washington, D.C.

DEAR VICE PRESIDENT BUSH: Thank you for sharing with me a copy of the Presidential Regulatory Relief Task Force's report on the U.S. Corps of Engineers permit programs. As you know, I had previously written to express my concern that the Corps, under Section 10 of the 1899 Rivers and Harbors Act, was planning to expand federal jurisdiction over an additional 4,700 miles of Michigan waters. While I support many of the changes proposed by the task force concerning the Corps' 404 authority, I nevertheless want to again express deep concern with the Corps' Section 10 jurisdictional expansion. In fact, we are most concerned that the reforms in the Section 404 process may well be lost through the proposed Section 10 expansion.

The enclosed report is Michigan's detailed response to the Corps reform proposal. In addition to supporting your efforts to streamline and reduce the bureaucratic processes of the Corps, we offer the following recommendations to resolve the navigable waters issue:

(1) The definition of "navigable waters in the United States" must be limited to what is commonly referred to as the "traditional, navigable waters of the U.S." This would require a change in 33 CFR 329, the regulations of the U.S. Corps of Engineers.

(2) Legislation should be introduced in the US Congress to prohibit the expansion of Section 10 jurisdiction by the Corps "solely on the basis of historical use in interstate commerce." A draft bill is enclosed in our report to accomplish this change.

I continue to believe that any expansion of Corps Section 10 authority over Michigan waterways is unnecessary and duplicative of existing state programs. I urge you to give careful consideration to the enclosed proposals.

Your continued interest is most appreciated as we both strive to improve governmental regulations.

My continued best wishes.

Sincerely,

JAMES H. BRICKLEY,
Lieutenant Governor.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 2, 1982.

Mr. WILLIAM R. GIANELLI,
Assistant Secretary for Civil Works, Department of the Army, the Pentagon, Washington, D.C.

DEAR MR. GIANELLI: It recently has come to our attention that the United States Army Corps of Engineers is taking action to expand its regulatory jurisdiction over several thousand miles of Michigan's waters. As U.S. Representatives from Michigan we are deeply concerned over this proposed change. We urge the Corps of Engineers to reconsider its position.

By changing the definition of "navigability" under Section 10 of the 1899 River and Habor Appropriation Act, the Corps would assume "supreme federal jurisdiction" over some 4,500 miles of Michigan's inland streams and lakes. In light of the lack of any demonstrated need for increased federal involvement in our state-regulated waterways, we view this action as being both unwarranted and unnecessary. Contrary to the President's goal of lessening the federal regulatory burden at the state level, this proposal would only lead to needless duplication of effort and resources between state and federal government.

We are concerned that this assertion of Section 10 jurisdiction would seriously hamper the efforts of our state to assume the direction of the wetlands regulatory program under Section 404 of the Clean Water Act. your proposed action would negate the state's progress in this area and would result in additional duplication of effort in a program which is now being assumed by our state Department of Natural Resources.

It is our sincere hope that the Section 10 regulations can be revised in a manner which will both simplify the oversight of Michigan's waters and protect the clear state role in the management of our natural resources. We would be pleased to lend whatever assistance you may require in achieving these ends.

Thank you for your consideration of this important matter.

Sincerely,

Robert W. Davis, James J. Blanchard, Harold S. Sawyer, Bob Traxler, Guy Vander Jagt, Dale E. Kildee, Howard Wolpe, William D. Ford, David E. Bonior, Carl D. Pursell, Jim Dunn.
Members of Congress.●

OPPORTUNITIES FOR A MIDDLE EAST PEACE

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. LEHMAN. Mr. Speaker, when the evacuation of the PLO from Beirut is completed, attention can then be directed toward achieving a total withdrawal of PLO and Syrian forces from Lebanon. Once that is accomplished, an independent Lebanon with a central authority can become a reality.

It seems ironic that the defeat of the PLO was a necessary condition for a potentially peaceful settlement of the Palestinian issue. The PLO had brought nothing but despair to the people it claims to represent. Now, for the first time, Palestinians will have an opportunity to choose negotiation, and peace.

I have written to President Reagan, joined by colleagues on the Foreign Operations Subcommittee of Appropriations, urging the President to allow the true Palestinian voice to be heard, and to also press the Government of Jordan to join us in seeking autonomy. Surely those Arab nations who claim to be our moderate friends, and who wish U.S. arms, should be willing to participate in the Camp David peace process. The letter follows:

President RONALD REAGAN,
The White House,
Washington, D.C. 20500

DEAR MR. PRESIDENT: We applaud the efforts of Ambassador Philip Habib in bringing to a successful conclusion negotiations to remove the PLO from Beirut. We are hopeful that the evacuation will be carried out without incident and that subsequent steps can then be taken to ensure the withdrawal of PLO and Syrian forces from Lebanon and to guarantee a return to Lebanon's sovereignty.

With the removal of the PLO from Palestinian civilian populations, the development of free political expression can become possible. Palestinians have never before had the opportunity to choose peaceful negotiation. The emergence of free political expression will enable a resolution of the Palestinian issue that PLO involvement could never achieve.

It would be a grievous error to allow the PLO to achieve politically what it could not attain militarily. Future reconstitution of the PLO and its possible acceptance of United Nations Resolution 242 does not mean that the ultimate aims of the PLO would be abandoned. PLO spokesmen have unambiguously stated on numerous occasions that they will exploit any means, including political or diplomatic means, to achieve the ends so clearly spelled out in the PLO covenant.

We must begin to seize the opportunities before us. Israel has pledged, in the Camp David Peace Treaty, and reiterated in recent days, to proceed toward a peaceful settlement of the Palestinian issue. We urge your administration to encourage non-PLO Palestinian involvement in the autonomy talks, and to urge the government of Jordan to participate in the Camp David peace process.

Sincerely,

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DEDICATION FOR ST. JOSEPH MEDICAL CENTER

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. MOORHEAD. Mr. Speaker, I would like to add my name to the long list of persons who will be honoring St. Joseph Medical Center in Burbank on September 17.

On this special date, a dedication ceremony will be held for the opening of the hospital's new emergency rooms and cardiac care facilities.

St. Joe's as the hospital is affectionately known to many, has been providing the San Fernando Valley with skillful, caring medical service since its establishment in 1942.

At that time there was no health care facility in the valley so the business and entertainment community, led by Bob and Delores Hope, Walt and Roy Disney, Bud Abbott and Lou Costello, Ozzie and Harriet Nelson, joined together and seek a solution.

The Catholic Archbishop of Los Angeles and the Sisters of Providence responded to the call and began construction of a 100-bed facility on land located across the street from Disney Studios and given to the hospital by Lockheed.

Now St. Joseph is the largest hospital in the San Fernando Valley. It operates a 498-bed acute care facility and the 149-bed Esther Pariseau Pavilion for Rehabilitative Care.

It is recognized throughout the State and medical community as an excellent institution. It is recognized by the people of the community as a great benefactor and an entity they point to with pride.

St. Joseph Medical Center deserves this credit as its history is a distinguished one, full of outstanding achievements and significant contributions.●

IN MEMORY OF ART SARRIS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

Mr. MATSUI. Mr. Speaker, with the defense bill now on its way to the President, I would like to make a statement on behalf of Mr. HANSEN of Utah, Mr. FAZIO, Mr. MCCURDY, myself, and several staff people in the Congress.

Among the many items in the conference report is a section which will put a stop to the consolidation of critical supply and logistics functions away from the armed services. This may not seem like an important issue to Members who are not familiar with it. To those of us who have studied the problem and have worked to maintain the ability of the services to control supplies necessary to do their job, it is an issue with far-reaching implications.

The gravity of these consolidations was also apparent to Mr. Aristides Sarris, one of the finest civil servants it has ever been our privilege to know. We would like to dedicate our successful efforts of the last year on this issue to Art Sarris.

Whenever I hear anyone denigrating Federal civil service employees, I need only think of Art Sarris to appreciate how wrong the critics can be. Our country was never served by a more talented and dedicated individual.

For more than 30 years, he worked in the logistics field for the Air Force. He was in the best position of anyone to witness the steady accretion of power to a central agency which was strangling the Air Force's ability to perform its mission and which was increasingly wasting taxpayers' money. It appalled and outraged him. And rage was not a common emotion to this quiet, gentle man.

I first met him when he was one of about 20 Air Force officials to give short briefings which several Congressmen had requested. I was so impressed that shortly afterward I asked him to educate my staff and me on the issue of supply centralization. That turned out to be one of the warmest and most rewarding associations of my public career.

Consolidation of supply and logistics is such an apparently esoteric and mundane issue that Art Sarris found it difficult to get an audience. In 1980, he was given a $10,000 award for his work in the Senior Executive Service. In 1981, he offered to return the entire award to demonstrate the depth of his concern, just to be able to get some sort of airing of the issue in a fair and open forum. His dedication was also evidenced by his constant refusal to take the retirement that he became eligible for several years ago.

Finally in March of this year, the Armed Services Subcommittee on Readiness, led by our very distinguished friend from Virginia, DAN DANIEL, held 2 days of hearings on the consolidation of management of consumable repair parts. Art Sarris sat eagerly through those hearings and was called to testify and made his unique contribution to the public record. The issue was being exposed to the light of day; and from the merits, the conclusions were inevitable.

I do not believe it is melodramatic to say that Art had been to the mountaintop. That is about how he felt. Alas, he did not complete the journey down to the land he had viewed.

On June 19, Art Sarris suffered a fatal heart attack. The disappointment was acute in each of us, because this is a day we all wanted to share with him.

But, in much more than the transient moment of success, we will miss him. He set an example and standard which we will carry through our lives. The proof of the existence of any of us is not written in certificates of birth, death, or in any other documents. It is inscribed in the hearts of those whose lives we touch. So, Art will continue to live in each of us.

Tonight, we will quietly drink a toast to him. Here's to you, Art Sarris. We won; but the victory isn't nearly as sweet without you.

MOST FAVORED NATION STATUS FOR COMMUNIST ROMANIA

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. McDONALD. Mr. Speaker, it was with considerable dismay and anguish that I observed the House yesterday postpone action or even vote on the resolution of disapproval of continuation of Most Favored Nation status for Romania—H. Res. 521. This to me was a cowardly action that avoided facing up to the problem of the human rights of Christians, Jews, and minorities being persecuted in Romania. In that connection, I just learned that M. Traian Dorz, a well-known Romanian Christian poet, has just been sentenced to 2 years in prison after having served 14 years on previous occasions for his beliefs. Two other Romanians, Mr. Basil Riosheanu and Mr. Nucian Rusu have both been sentenced to 2 years each in prison for distributing the poems of Mr. Dorz. We mock our Christian-Judaic heritage by our lack of action. This body should be ashamed.●

TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. WOLF. Mr. Speaker, I want to make it clear that my vote against H.R. 4961 should not be interpreted as a vote against lower deficits.

One of the greatest strengths our country has is the freedom to disagree and I believe that is the situation with the responsible men and women of this body on both sides of the issue. After studying this legislation and weighing the evidence carefully, I simply do not agree that this is the most appropriate or best way to raise needed revenues—and certainly not the best way during this time of economic recession.

I submit, however, that the House of Representatives must share a large part of the burden for the flaws in this legislation. I objected at the time to the way the bill was maneuvered through the House of Representatives and sent directly to conference without consideration by this body—without even holding hearings on whether or not this bill could in fact raise the required revenues and whether or not the economy could withstand the impact of this measure. I believe this action violated the basic tenets of the Constitution and has resulted in a serious omission of creativity, fairness and fact in developing this legislation.

There are many examples of unfairness in the legislation but among the most troublesome are proposed changes to eliminate small-issue industrial development bonds after 1986. This would pose an unfair and unnecessary hardship on areas like Loudoun and Fairfax Counties in Virginia which depend on this program to attract new business and encourage economic development.

In addition, the proposed withholding of dividends and interest represents a costly and cumbersome way to improve taxpayer compliance. While we should all work to improve collection practices, this proposal would take money from savers and give it to

the large financial institutions for a 30-day "float." In turn, all the administrative costs encountered by these financial institutions in complying with this new Federal regulation would, most likely, be written off as a legitimate business expense and the U.S. Treasury will not realize any appreciable increase in revenue.

Finally, one of the most glaring examples of the unfairness inherent in this bill is the imposition of a 1.3 percent medicare tax on Federal employees. Imposition of a 1.3 percent medicare tax on these employees coupled with an expected 4 percent cost-of-living increase, and the 10 percent individual tax cut, adjusted to 1982 dollars, will not only result in most employees having their entire pay increase and tax cut wiped out, but will also translate into an additional 3 percent average real loss in net salary for these employees in 1983 compared with 1982 levels.

While I represent probably more Federal employees than any other Member, I argue that not only this measure unfair to Federal employees, it offends the sense of fairness in each of us.

The people who are dedicating their lives to Government, should not be singled out to bear an unfair burden in this effort to raise revenues. I know of no other segment of society that will have virtually its entire tax cut eroded by this legislation.

I also recognize that there are many good features of this legislation. It is intended to close certain tax loopholes and that is an honorable and desirable goal.

On balance, however, this legislation falls short of its goal and our goal of helping the country and therefore I cannot support it in this form.●

HIGH TECHNOLOGY NIGHTMARE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. PHILIP M. CRANE. Mr. Speaker, a major aspect of the tax bill, which may have escaped the attention of my colleagues in this less than responsible procedure under which the tax bill was considered today, deals with high technology. Essentially the bill will decimate future research and development in this area. Gregory Fossedal explained this clearly in an article he wrote in today's Washington Times. It is just another reason why the bill in question is so fully unacceptable. I commend this article to the attention of my colleagues.

[From the Washington Times, Thursday, Aug. 19, 1982]

REAGAN TAX HIKE A HIGH TECH DISASTER

(By Gregory Fossedal)

A little-known aspect of the President's tax hike proposal is its potential impact on high technology industry.

The firms that dominate the high risk, high tech field are small and largely invisible. Total investment in research and development accounts for only 2.5 percent of America's gross national product.

That small component, however, will generate roughly 50 percent of the country's 1990 GNP. A major story in the Aug. 9 Newsweek outlines the importance of this dynamic sector of the economy:

"The stakes are enormous. Technology will set the economic agenda in the developed countries for the remainder of this century and beyond. Unless U.S. and European firms rally to the challenge, the prosperity and the jobs that flow from this new industrial revolution will almost certainly go to (Japan)."

And the Reagan tax bill, as it now stands, would be a disaster for the high tech sector.

Here's how the tax system works now for a small entrepreneur hoping to sell his promising invention:

The inventor seeks out a broker to sell his product to investors. He submits an estimate of the product's potential revenues, based upon its application to current industries.

Using that estimate, the broker is allowed to lease out shares of the technology to interested investors, based on its projected value. It's risky stuff, but investors know they have a sizeable tax writeoff if the project fails. Since the product being sold is an idea, something intangible, the entrepreneur can claim a large value for his product—and the IRS gives brokers and inventors a lot of leeway in this gray area of U.S. tax law.

Under the Reagan tax hike, two changes would occur.

First, estimates would be limited to a strict 2-to-1 ratio of cost. If an investor discovers a chemical that changes lead into gold, he can only lease out-shares in that technology equal to twice what he actually spent on lab materials producing it.

Second, brokers become liable for obtaining a strict estimate from the inventor as to the value of the new technology.

The effect on chancy investments would be chilling.

Investors would lose most of the tax advantages they can now claim from a failed project. Where the IRS has allowed leasing provisions of up to 10-to-1 for high tech sales, the cap would be 2-to-1.

And brokers, now legally responsible for any over-estimate on the part of the inventor, would be reluctant to handle high tech projects in their portfolios.

Winfred Savory is just such a high technology pioneer. Among Savory's new products is a bacteria that doubles the yield of oil wells pumped using "water flooding" techniques. The technology, if applied to all existing water flood wells, will produce an extra 5 million barrels of oil a day in the United States—roughly what we now import from the Arab countries.

When I asked Mr. Savory what the Reagan tax bill will do to high technology investment in this country, he responded:

"There would be no research and development carried on at all by small entrepreneurs. Large corporate research would remain pretty much the same—their work is internal, and carries easily-documented costs and benefits."

What would have become of projects like Mr. Savory's, or of Apple Computer, or of Texas Instruments, which all obtained initial financing partly through the current tax benefits?

"They would never have gotten off the ground."

The American Council for Technological Growth, which recently analyzed the bill's impact on high tech industries, agrees: "At a time when American investment in research and development is falling relative to previous levels and to foreign competition, any additional hinderance of capital formation in high-tech would have disastrous long-term impact on economic growth."

Contacted for their comment on these arguments, both the White House press office and the office of Sen. Robert Dole, the bill's main sponsor, expressed surprise.

"No specific study has been performed on the question of high tech investment," the White House said. "The changes in leasing are considered a matter of tax equity and loophole closing."

"No, we haven't heard those arguments," a Dole press aide admitted.

And no wonder. The Tax Equity and Fiscal Responsibility Act of 1982, as it is called, was a committee compromise tossed together in an atmosphere of political panic.

If indeed it is a tax reform bill, as the president argued Monday night, it is ill-considered reform: No hearings even addressed the question of the bill's impact on high-tech and other highly sensitive, highly important areas of the economy. It hits at small risk-takers in a dynamic industry.

If the Reagan-Dole measure passes, we had all better learn to speak Japanese.●

SOVIET DAY OF SHAME

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mrs. HOLT. Mr. Speaker, 14 years ago Soviet tanks and troops rolled into Czechoslovakia to crush a movement for liberalizing reform of the harsh Communist rule the people had endured. The Soviet Army continues to occupy that country to maintain totalitarian control.

A brave people oriented toward Western ideals of freedom and democracy, the Czechs and Slovaks have suffered more than 40 years of totalitarian rule, first by the Nazis and then by the Russians and their puppets. They have never lost their hope of freedom. Even today, Czech and Slovak patriots are organized within their captive nation and tell the world about the nature of totalitarian rule.

It was on August 21, 1968, that the Soviet Army moved into Czechoslovakia to destroy the liberalization movement, but it was not a new example of how the Soviet Union deals with its neighbors. In 1956, we watched a Soviet invasion of Hungary to crush a revolt against the police state. Today we have the example of Poland being

oppressed by a cruel military regime taking orders from Moscow to suppress the workers' Solidarity movement for more freedom.

Mr. Speaker, the prayer and hope of all of us is that resistance to Soviet rule will someday bring freedom to the people who long for deliverance from the Kremlin's empire.

Let us never shrug our shoulders and say that their plight is not our concern. Their concern is ours, because the Soviet leaders consider our freedom as an infectious disease that threatens their dominion. The Soviet leaders regard as enemies all those parts of the world they do not control.

That is the nature of the force that the people of Czechoslovakia, Poland, Hungary, and others have endured. This is the nature of the force that confronts us in the world.●

SECOND ANNIVERSARY OF JAMMING OF WESTERN RADIO BROADCASTS

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. FASCELL. Mr. Speaker, Friday, marks the second, sad anniversary of the most serious violation of the Basket III provisions of the Helsinki Final Act on the free flow of information. On August 20, 1980, the Soviet Union resumed massive jamming of the broadcasts of Voice of America, jamming which had been suspended for nearly 7 years.

Ironically, this clear violation of the letter and the spirit of the final act—which calls for "the dissemination of information by radio to meet the interest of mutual understanding among people"—occurred just 3 weeks prior to the opening of the Madrid CSCE preparatory meeting.

The Voice of America has been jammed intermittently by the Soviet Union since 1948. The jamming ceased, for the first lengthy period, on September 10, 1973—1 month before the opening of the Geneva CSCE meeting, whose deliberations led to the adoption of the final act in Helsinki in 1975. That action, which was publicly welcomed by the United States, was clearly a positive factor in the negotiations which led to the adoption of the final act. Just as clearly, the resumption of jamming on August 20, 1980, was a portent of the impending stalemate at Madrid. Jamming of the BBC and Deutsche Welle—which also ceased on 1973—was resumed at the same time.

What in August 1980 led the Soviets and their allies to return to the practice of jamming? The Soviets were attempting to keep from their own citizens the facts regarding the increasing toll of casualties resulting from their armed invasion of neighboring Afghanistan. There was also great fear that the developing situation in Poland—as the Poles sought a breath of freedom through the evolution of Solidarity—would "infect" their own citizenry and that of their allies. The truth about the successful development of the first truly independent trade union in the Warsaw Pact was deemed too dangerous to spread.

The Voice of America attempts to fill a gap between the final act's goal of "freer and wider dissemination of information of all kinds" and the present situation in the U.S.S.R., Poland, Czechoslovakia, and Bulgaria, where only information approved by those governments can be published and broadcast. The purpose of the Voice and other Western broadcasts is to restore some balance to these censored and distorted versions of national and international events, normally the only information available in these countries.

I might point out, by the way that Radio Moscow broadcasting in English to the United States averages more than 87 hours per week. It has never been, and never will be, jammed.

The negotiations at the Madrid review meeting of the Conference on Security and Cooperation in Europe are scheduled to resume on November 9. In recent weeks, the Soviet Union has reiterated that it will approach that meeting from the premise "that to follow the Helsinki spirit means successfully concluding the Madrid meeting." There is no stronger impetus that could be given to that goal than for the Soviets to immediately cease, once again, their electronic jamming of Western radio broadcasts—in accordance with the spirit and the letter of the Helsinki Final Act.

I challenge them to do so.●

A TRIBUTE TO MR. CONRAD E. RAHME

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. FLORIO. Mr. Speaker, it is uncommon in these times to find an individual who has found a worthy cause and dedicated much of his adult life to it.

Yet, it is my privilege to ask this House to join me in recognizing and paying tribute to Mr. Conrad E. Rahme of Haddon Heights in my district for just such a reason.

Mr. Rahme is retiring this year on October 8 after dedicating 28 years of his life toward providing, improving, and administering a unique brand of education to the schoolchildren of Mount Ephraim, N.J.

For a great many of those 28 years, Mr. Rahme was viewed by all as a responsible source of stability in the school system. One who had the rare ability to have a positive affect not just on the teachers that worked with him, but also the children and school board members of the Mount Ephraim system. This illustrates the most admirable blend in this man of the teacher and leader.

But Mr. Rahme's devotion to education went beyond his employment. He served on the Mount Ephraim ambulance squad for 10 years, he was a 25-year member of the PTA, and for 18 years he served as secretary of the tri-community scholarship committee. He has served as the president of the Mount Ephraim Rotary Club and received a Paul Harris Fellow, the highest honor in the Rotary.

Mr. Speaker, Conrad E. Rahme is a rare individual who deserves this recognition and praise for his steadfast devotion, and for the example of leadership and humanitarianism he has provided to the children and adults of Mount Ephraim. Thank you Mr. Speaker.●

LEGISLATION TO REPEAL EXTENSION OF MEDICARE TAXES TO FEDERAL EMPLOYEES

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DICKS. Mr. Speaker, imposing the medicare tax on Federal employees is, I believe, a mistaken decision made by the House and Senate conferees on H.R. 4961, and intrudes into a broad range of issues far beyond the stated purpose of the tax bill to raise revenues and reduce the Federal deficit.

It prejudges the recommendations of the Presidential commission which is scheduled to report next year on the status of social security.

It represents a decision by the conferees to further impact millions of Federal workers who have in the 97th Congress already endured pay caps, a freeze in health benefits, furloughs, reduction-in-force, and cuts in retirement benefits.

This week alone the tax bill, H.R. 4961, combined with the Omnibus Budget Reconciliation Act, subjects Federal employees to a 4-percent salary cap in each of the next 3 years—far below the level of comparability with the private sector—and would then reduce that down to 2.7 percent.

The medicare tax provision also puts serious pressures on the operations of many existing Federal agencies. They will have to pay the matching share contribution of each Federal employ-

ee's tax, but the bill provides no funds for that purpose. In effect, agencies will have to absorb the cost of the medicare tax in addition to the already-scheduled 49 percent absorption of the October pay raise.

I believe that the conferees did not fully realize the ramifications of their action in approving the medicare tax. A decision of this kind should be made by an informed vote of the House of Representatives, not treated as a minor appendage to a major revenue bill. If this proposal was considered as separate legislation, the House would surely spend many hours debating and amending it under the normal legislative processes. That is why I am today introducing legislation to repeal the extension of the medicare tax, to provide a vehicle to allow the Congress to debate the issue on its own merits.

My colleagues on the Federal Government Service Task Force have attempted with me on repeated occasions to gain a chance to consider the medicare tax issue on its own merits. We wrote to Chairman ROSTENKOWSKI on July 19 and July 29 outlining the reasons that the medicare tax was unwarranted, and urged its deletion from the conference report.

We attempted to have a separate vote on the issue allowed under the rule, but our request was denied.

I reluctantly supported the tax bill, because I believe it is critical to address the deficit problem we face and it was the only vehicle available. If it had failed, I fear that pressures to make further drastic and immediate reductions in domestic programs and in particular Federal employee compensation and benefits, would have been overwhelming. We could have seen a renewed call for a pay freeze and even more restrictions on cost-of-living adjustments.

I sincerely hope the Ways and Means Committee will see fit to allow the House to consider the implications of the extension of the medicare tax conducting comprehensive hearings and reporting the legislation my colleagues and I have introduced.

FEDERAL GOVERNMENT
SERVICE TASK FORCE,
Washington, D.C., July 19, 1982.

Representative DAN ROSTENKOWSKI,
Chairman, House Committee on Ways and Means, Longworth House Office Building, Washington, D.C.

DEAR CHAIRMAN ROSTENKOWSKI: As Members of the Federal Government Service Task Force, a group of House and Senate Members concerned about the quality of Federal service, we believe that steps taken on July 16th by your committee to levy a 1.3 percent Medicare tax on Federal employees are inappropriate and unfair for many important reasons.

1. *Overlapping Coverage.*—The Medicare tax is slated to increase to 1.35 percent in 1985, 1.45 percent in 1986. Federal employees will pay, under your proposal, $421, $460, $507, $571 and $667 of pay over the next five years. For this increasing burden, they will either face shrinking coverage under Medicare as deductibles increase and copayments decrease or they will prefer to remain covered under their Federal Employee Health Benefit (FEHB) plans.

Since most Federal annuitants would retain their health benefits under the FEHB Program, Medicare coverage provided under your proposal simply means double coverage at an extremely high cost to government. Typically, the FEHB coverage costs the Federal government far less than Medicare. In 1982, the government paid an average of $451.32 per Federal annuitant covered by FEHB, but $1,548 for each Medicare recipient.

2. *Medicare Tax in Context.*—The proposed tax reduces the maximum comparability pay increase assumed by the FY 83 budget (4 percent) to 2.7 percent. The 4 percent cap heavily contributes to the widening gap between private and Federal pay—even when expanded comparability standards proposed by the Reagan Administration are taken into account. Eroding comparability, together with reductions in force, furloughs, last year's reductions in retirement and health benefits, and the threat that similar actions will continue, impair government's ability to retain and attract the quality of talent sorely needed during a period of recession and expanding defense responsibilities. We have begun to force the wrong people out of Federal service and this exodus may well cost many times the anticipated revenue gain.

3. *Stabilizing Medicare Funding.*—Expanding the numbers of employees served by Medicare can create more problems for the system than a short-term savings of $600 million warrants, Increasing medical costs in future years will more than offset the fiscal year 1983 savings projected by the Committee. In our view, the Committee's cost-containment approach to the Medicare system's problems has far greater potential. Such approaches should be expanded as quickly as possible.

4. *The Need to Stabilize FEHBP.*—Serious after-effects from last year's turmoil in the FEHB programs (resulting from actions taken by the Office of Personnel Management) have prompted the Post Office and Civil Service Committee of the House to examine the relationship of FEHBP to Medicare. Rep. Mary Rose Oakar's Compensation and Benefits Subcommittee has been hard at work for months on a comprehensive effort to reform and stabilize the FEHBP. Last week's decision to tax Federal employees and bring them under Medicare does not appear to dovetail with the Oakar initiative despite the fact that identical constituencies are impacted. We find this piecemeal approach to Federal employee compensation, as we have said, particularly unfortunate. We also believe that any effort to restructure the relationship between Medicare and FEHBP requires extensive review in order to determine the long-term impact upon both programs.

For these reasons, we urge you to initiate and support steps to delete provisions levying the 1.3 percent Medicare tax as your Committee continues its present work. If you or your staff have any questions about the information we have provided, please do not hesitate to contact the Task Force staff at ext. No. 62494.

We hope that once you have had a chance to review the ramifications of the Medicare tax fully, you will agree that it is both precipitous, poor policy, and unwarranted.

Sincerely,

Robert T. Matsui, Vic Fazio, Frank R. Wolf, James J. Howard, Norman D. Dicks, Michael D. Barnes, Steny H. Hoyer, Toby Moffett, and Fortney H. (Pete) Stark.●

SISTER FLORA MARY MacDONALD

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. MOORHEAD. Mr. Speaker, Sister Flora Mary MacDonald is among that very special class of women, long lauded by history, who has spent their lives ministering, with energy, skill, and love, to the sick and infirm.

For 60 of her 80 years, she has eased the pain of those with pain; she has sustained, encouraged, and strengthened those in need of sustenance, courage, and strength. She is the paradigm of the caring, devoted nurse.

In recognition of her dedication and faith, her grace and warmth, St. Joseph Medical Center will honor her on September 17.

Sister Flora Mary has played an important role in the history of St. Joseph's. She was the hospital's first administrator from 1944 until 1950. She returned as administrator in 1962 and held that position until 1972. Today, at the age of 80, she remains a caring, active hospital administrator in Washington State.

Mr. Speaker, it is a pleasure for me to be able to take part in honoring this very special woman.●

COMPETITIVE SHIPPING AND SHIPBUILDING REVITALIZATION ACT OF 1982

HON. LEO C. ZEFERETTI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ZEFERETTI. Mr. Speaker, I rise in support of a very important and timely piece of legislation—H.R. 6979, the Competitive Shipping and Shipbuilding Revitalization Act of 1982. I would also like to take this opportunity to thank my colleague, Congresswoman LINDY BOGGS, for introducing such essential legislation and spearheading the efforts to bring it before the House.

At a time when our maritime industry is suffering great losses, both economic and manpower, we must take a very serious look at what can be done to support and maintain our merchant marine and shipbuilding mobilization base. H.R. 6979 is a sound bill, which

will give this Nation's two most valuable assets the shot-in-the-arm it so desperately needs.

Essentially, the bill would decrease this country's dependence on foreign shipping for strategic materials; help rebuild the bulk component of the U.S.-flag merchant fleet engaged in international commerce; provide needed work for the commercial shipyards located throughout the Nation; and provide substantial work for support industries such as mining, steel mills, and foundries, as well as manufacturers of fabricated metals/alloys, pipes and valves, propulsions and machines, and other materials and equipment.

Today, our U.S.-flag bulk fleet numbers only a mere 48 ships. In 1970, that fleet engaged in international commerce totaled 81. That is quite a decline and a decline we, as a nation and world power, cannot afford. If provisions are not made for replacement—such as this bill would entail—we can most assuredly expect this Nation's shipping capacity and defense base to be put in serious jeopardy.

I firmly believe, as my esteemed colleague, LINDY BOGGS, so rightly stressed, that the U.S. merchant fleet and shipbuilding industry can be revitalized through this legislation to meet the national requirements for an efficient and well-equipped merchant fleet. H.R. 6979 will give this country the capacity of fulfilling national requirements during peace and war and a U.S.-flag merchant marine capable of giving the United States independence from foreign shipping. Let me also point out that H.R. 6979 does not represent any additional cost to the U.S. Treasury—and only a very low-percentage increase in costs to bulk commodity exporters and importers. This is a very small price tag for stimulating vital industrial segments of the economy, increasing employment, aiding our balance of payments, adding tax dollars to the U.S. Treasury and fostering the growth of the U.S.-flag merchant fleet.

Mr. Speaker, I wholeheartedly urge my colleagues to stand in support of H.R. 6979 and our merchant marine and shipbuilding mobilization base.●

THE LEBANESE CRISIS

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DOUGHERTY. Mr. Speaker, during this time of trouble in the Middle East, I would like to bring to the attention of my colleagues a statement on Lebanon recently issued by 18 prominent Christian and Jewish leaders of the Philadelphia area. I think it brings to the forefront the major concern of many Americans in the settlement of this crisis in Lebanon.

STATEMENT ON THE CRISIS IN LEBANON

All sensitive people are troubled by the violence and bloodshed in Lebanon and Northern Israel in recent days. As Christian and Jewish Americans, we share a special concern for the Christian minorities, Muslims and Jews who have paid a great price in conflicts that originated with armed intruders to the region.

We believe the situation in Lebanon must be resolved within a framework that both restores genuine sovereignty to the people and government of Lebanon and provides permanent security for people living near the Israeli-Lebanon border.

Therefore, in order to be of lasting benefit, any Israeli withdrawal from Lebanon must be related to firm guarantees for the withdrawal of Syrian and PLO military forces.

Ernesta D. Ballard, Civic Leader; Stephen Board, Executive Editor, Eternity Magazine; Dr. Dennis J. Clark, Historian; Alvin H. Clemens, President and Chairman, Executive Committee of Academy Insurance Group; Father Louis El Farek, Father Antoine El Maghariki, Assistant Pastors of St. Maron's Church; John M. Elliott, Senior Partner, Dilworth, Paxson, Kalish & Kauffman, Board of Directors Irish Society of Philadelphia; Dr. Murray Friedman, Middle Atlantic States Regional Director, American Jewish Committee.

Robert A. Fox, Chairman of the Board, Philadelphia Chapter, American Jewish Committee; Richard G. Gilmore, Banker; Matthew R. Giuffrida, Director, Parish Witness Program, American Baptist Church; Reverend John F. Hardwick, Episcopal Priest; Patricia B. Levine, Director, National Conference of Christians and Jews; Dr. Peter J. Liacouras, President, Temple University; Father Sharbel Lischaa, Pastor of St. Maron's Church; W. Thacher Longstreth, Philadelphia Quaker, President, Philadelphia Chamber of Commerce; Frank C. P. McGlinn, Businessman; Eugene Pasymowski, President, Polish-American Affairs Council of Pennsylvania; and Honorable James J. Tayoun, Councilman of the City of Philadelphia.

CHARLES F. DOUGHERTY.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. CORCORAN. Mr. Speaker, due to a series of meetings with the President regarding the pending tax bill, I was unavoidably detained during part of the House proceedings on Wednesday and today. Had I been present yesterday, I would have voted in favor of the motion that the House resolve itself into the Committee of the Whole House for the consideration of the bill H.R. 5540, to amend the Defense Production Act of 1950.

Earlier today I was absent for the vote on agreeing to the House Journal of yesterday's proceedings. Had I been present, I would have voted for this motion. I would have voted against the motion of the gentleman from Illinois (Mr. ROSTENKOWSKI) to table House consideration of House Resolution 571, which dealt with the constitutionality of the conference report on the tax bill.●

AUGUST 27—HAPPY BIRTHDAY, PRESIDENT LYNDON JOHNSON

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. PICKLE. Mr. Speaker, a week from tomorrow the Congress will be at recess as the Nation celebrates August 27 as the 74th birthday of Lyndon Baines Johnson, our beloved 36th President. Since Congress will not be in session, we should take care to think back, collectively and individually, and remember L. B. J.

L. B. J. was one of our strongest and most effective Presidents, and the long shadow he cast can still be seen in the Halls of this great Capitol. Clearly, he was "the education President." Just as clearly, he was a brilliant tactician and an effective administrator, as evidenced by his legislative accomplishments in both the 88th and 89th Congresses.

His legend grows larger each year, and in each Congress there are more and more stories told about L. B. J.—about his uncanny knack for knowing what to do in a legislative battle, about how to do it, and when. His Presidency meant more to the poor, the oppressed, and the dispossessed in this country than any other Presidency this century, with the possible exception of F. D. R., Lyndon Johnson genuinely cared about the poor, about minority cultures, about his fellow man—and he wanted to help. He wanted the Government to help. Finally, he wanted to be a part of the Government, and to grab that unwieldly instrument and make it work for people, make it help lift people up and give them dignity.

We do not yet know how historians, with the full benefit of hindsight, will rate Lyndon Johnson and his Presidency. Those of us who worked on his staff or served in his administration, we know that he earned a niche in history never to be diminished. And those of us who served in Congress during his years in the White House, and who knew and worked with him, increasingly we talk among ourselves about how much we enjoyed that time, and we still wonder at his mastery of the office.

He knew this House backward and forward, as he knew his allies and his opponents. Though he might have done some outlandish things, he did them with style and flourish. He was an immense man, full of complexities and driving ambitions, but, at his core,

always a caring and thoughtful individual. L. B. J. was the consummate President; there may never be another like him. He was a man born to greatness. And we miss him.●

TO HONOR THE 40TH ANNIVERSARY YEAR OF THE 8TH AIR FORCE

HON. JACK KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. KEMP. Mr. Speaker, I would like to take this opportunity to honor a request from one of my constituents, Mr. Don Keohane. Mr. Keohane was a member of the 8th Air Force, which flew heavy bombing missions over Europe during World War II. The 8th Air Force consisted of the bulk of the American airmen in England during the war. At least 300,000 U.S. airmen served in the 8th Air Force by the end of the war, yielding it the nickname. "The Mighty Eighth."

American airpower was greatly responsible for our victories in Europe during the course of World War II. Some of our Nation's bravest men were the crews of the B-17 and B-24 bombers who flew on complicated raids over Germany. Losses were high and each crewmember risked his life many times for his country, and for the cause of freedom.

Mr. Keohane was attached to the 390th Bomb Group of the 8th Air Force. For his service, we owe him a great honor, as we owe all members of World War II aircrews who courageously served their country. Therefore, I would like to add this "Resolution to Honor the 8th Air Force in its 40th Anniversary Year" to the record of this Congress.

RESOLUTION TO HONOR THE 8TH AIR FORCE IN ITS 40TH ANNIVERSARY YEAR

The Eighth Air Force was activated as a part of the U.S. Army Air Force on 28 January 1942, at Hunter Field, Savannah, Ga. Col. Asa N. Duncan was named the first Commander of the 8th Air Force (it was only a paper organization at that time—soon afterward the 8th Air Force Command was given to the famous "Tooey" Spaatz).

On 20 February 1942, Brig. Gen. Ira C. Eaker (Lt. Gen. (Ret.), now living in the Washington, D.C. area—he was awarded the Congressional Gold Medal on 17 December 1979) took the 8th Air Force Bomber Command Headquarters to High Wycombe, England. On 24 April 1972, Maj. Gen. Carl Spaatz arrived in England. He established the Headquarters of the 8th Air Force at Bushy Park, 15 miles WSW of London.

On 26 June 1942, a crew of the 15th Bomb Squadron flew in RAF Boston aircraft on the first operation of the 8th Air Force. On 14 July the 15th Bomb Squadron flew the first combat mission of the 8th Air Force with six aircraft (Bostons) flying in a RAF formation to hit airfields in Holland. Two crews were lost on this night mission.

On 17 August 1942, 12 B-17's of the 97th Bomb Group flew the first 8th Air Force heavy bomber raid of the 8th Air Force. The target was Rouen, France. Col. Frank A. Armstrong commanded the mission. The lead pilot was Paul Tibbetts (of "Enola Gay" fame, he dropped the first atomic bomb). General Eaker was in the lead aircraft of the second flight.

Lt. Gen. Ira Eaker took command of the 8th Air Force on 1 December 1942 (Spaatz went to North Africa to command the air forces there under General Eisenhower). Lt. Gen. Jimmy Doolittle took command of the 8th Air Force on 6 January 1944 (General Eaker moved to command the air forces in the Mediterranian area). Maj. Gen. William E. Kepner took command on 10 May 1945 (General Doolittle moved to the United States to begin setting up the B-29 units that would become the 8th Air Force in Okinawa). On 16 July the flag of the 8th Air Force was moved to Okinawa, with Jimmy Doolittle assuming command once again. The war ended before the B-29 groups in the 8th Air Force could become operational.

The 8th Air Force has continued in active service since its inception, serving in every armed conflict the United States has engaged in ever since. It presently consists of most of the SAC units east of the Mississippi River with headquarters at Barksdale Air Force Base, Shreveport, Lt. Gen. Robert T. Herres presently commands the 8th Air Force.

In World War Two, the 8th Air Force became the greatest single air arm of any country in any war, reaching a total strength of 200,000 persons by Mid-1944 (it is estimated that more than 300,000 Americans served in the 8th Air Force in the 3 years of war in Europe). At peak strength it could put up 2,000 four-engined bombers and more than 1,000 fighters on a mission. For these reasons the 8th Air Force has become known as "The Mighty Eighth."

Half of the USAAF casualties in World War Two were suffered by the 8th Air Force (over 47,000 killed). Half of the Medals of Honor awarded to airmen in WWII went to 8th AFers. Of the 406,000 Americans reported to have died in WWII, 11.3 percent were in the 8th Air Force.

In 1975 the 8th Air Force Historical Society was born. The function of this nonprofit organization is to provide for opportunities for 8th Air Force War Veterans to get together. It also has the mission of perpetuating the history of the 8th Air Force. This historical function is carried out by the sister organization of the 8th AFHS, the Eighth Air Force Memorial Museum Foundation, Inc. New members are signing up with the 8th AFHS at the rate of 140 per month at the present time.

To commemorate the 40th Anniversary, the 8th AFHS is sponsoring the 8th Air Force Reunion at Cincinnati, 6-10 October 1982. Lt. Gen. Jimmy Doolittle and Lt. Gen. Robert T. Herres are expected to attend, along with a number of former group commanders. Highpoints will include an Air-War Symposium (on Escape & Evasion and POW topics) on 6 October and the dedication of the 8th Air Force Dayton Memorial on the grounds of the Air Force Museum, Wright-Patterson Air Force Base, Ohio, at 11:00 a.m. on 9 October 1982.●

DEATH OF FORMER HOUSE MEMBER JAMES J. GEELAN

HON. LAWRENCE J. DeNARDIS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. DeNARDIS. Mr. Speaker, it is my sad duty to inform the House that one of its former Members has passed away.

James J. Geelan, U.S. Representative in the Third District of Connecticut from 1944 to 1946, died Sunday, August 8, 1982, at Yale-New Haven Hospital at the age of 80.

The Geelans are an outstanding family in the district, and Jim was a popular and well-liked individual. His son, James, is a friend of mine, and his brother, Bernard, who lives in New Haven, was a friend of my recently deceased father.

A Democrat and a labor leader, he won three straight elections to the State senate starting in 1938, before winning the Third District seat.

Mr. Geelan was born in New Haven, August 11, 1901, son of the late Thomas and Mary McDonnell Geelan, and was a resident of New Haven before moving to Branford 15 years ago. He was the husband of Elizabeth Doll Geelan.

A graduate of St. Anthony's College in San Antonio, Tex., he was elected vice president of the New Haven Central Labor Council in 1942. He lived at 52 Beckett Avenue and owned and operated Jim Geelan's Package Store in New Haven for 7 years until his retirement 10 years ago. He had leased five gas stations on the Wilbur Cross and Merritt Parkways for more than 20 years.

Jim Geelan will be missed by many people. He was a very important part of the political scene in my area for many years.●

REPLACEMENT MOTOR FUELS ACT OF 1982

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. JEFFORDS. Mr. Speaker, yesterday I participated in a special order arranged by the gentleman from Pennsylvania (Mr. EDGAR) which I believe should serve as a reminder to the Members of this House that the energy crisis is not over. We are overly dependent on expensive and unreliable supplies of liquid fuel from abroad. I am encouraged that there seems to be an interest in innovative ways of easing our dependence on foreign oil.

Today, I am approaching legislation that I believe is the type of approach

that can make a significant contribution to the development of new sources of liquid fuel without high Government subsidies. I urge my colleagues to cosponsor this bill, the text of which is reprinted below.

The Replacement Motor Fuels Act of 1982 would require that, by 1990, 10 percent of each gallon of motor fuel sold in the United States must be a replacement fuel. The term "replacement fuel" is defined as alcohol, or other liquid produced from coal, oil shale, tar sands or other substance for the purpose of mixing with gasoline to be used as a motor fuel. The ultimate goal, by 1995, is to replace 20 percent or more, by volume, of the nationally projected consumption of motor fuel.

Without a doubt, the United States has the technical capability to produce fossil fuels from grains, garbage, coal, oil shale, tar sands, and other sources. However, Government research in these areas has been cut back and even with massive subsidies, synthetic fuels plants have had to be closed. It is clear that the United States will fall short of the goal of producing 500,000 barrels a day of synthetic fuel by 1987, and 2 million barrels a day by 1992, as spelled out in the Energy Security Act that Congress passed just 2 years ago.

My approach is to mandate a market for these products in order to create a certainty for the private sector in its efforts to develop these new sources of domestic liquid fuel. It is a concept built on the model of successful program of mandating fuel efficiency in motor cars. In spite of the sorry condition of the U.S. auto industry today, I believe we can safely say that it would be in worse shape if it were not for mandated fuel efficiency.

Best of all, this approach can make a contribution to energy security without increasing Federal spending or adding to the Federal bureaucracy. It puts the choice of process, product, and price in the marketplace where the working of competitive forces will give the public the most suitable products at the lowest price. In addition, it can be implemented quickly without elaborate contracts and complicated administration.

In the last Congress, the Replacement Motor Fuels Act had over 135 consponsors. Testimony on the bill was overwhelmingly favorable, indicating that this program could save about 700,000 barrels of imported oil each day by 1990.

Mr. Speaker, I urge my colleagues to study this bill and join me in support of the approach of guaranteed market.

H.R. 7037

A bill to establish a program for replacing, by 1990, 10 percent or more of the gasoline consumed in the United States with alcohol and other replacement fuels derived from coal and renewable resources.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Replacement Motor Fuels Act of 1982".

FINDINGS

SEC. 2. The Congress finds that—

(1) the United States is currently importing significant quantities of the crude oil needs of the United States;

(2) a substantial portion of such crude oil is needed for the production of gasoline sold in commerce; and

(3) renewable resources, coal, and other substances can provide a sufficient source of replacement fuels suitable for blending with gasoline to decrease the need for imported crude oil.

DEFINITIONS

SEC. 3. For purposes of this Act—

(1) the term "alcohol" means methanol, ethanol, or any other alcohol which is produced from renewable resources or coal and which is suitable for use by itself or in combination with other fuels as a motor fuel;

(2) the term "replacement fuel" means alcohol or other liquid produced from coal, oil, shale, or other substance as may be determined by the Secretary, for the purpose of mixing with gasoline to be used as a motor fuel;

(3) the term "replacement motor fuel" means any fuel described in paragraph (2) mixed with gasoline for use as a motor fuel;

(4) the term "commerce" means any trade, traffic, transportation, exchange, or other commerce—

(A) between any State and any place outside of such State; or

(B) which affects any trade, traffic, transportation, exchange, or other commerce described in subparagraph (A);

(5) the term "motor fuel" means any substance suitable as a fuel for self-propelled vehicles designed primarily for use on public streets, road, and highways;

(6) the term "refiner" means any person engaged in the refining of crude oil to produce motor fuel, including any affiliate of such person, or any importer of gasoline for use as a motor fuel;

(7) the term "Secretary" means the Secretary of Energy;

(8) the term "United States" means each State of the several States and the District of Columbia; and

(9) the term "renewable" means any source of energy which is available in an inexhaustible supply in the foreseeable future.

REPLACEMENT FUEL PROGRAM

SEC. 4. The Secretary shall establish, pursuant to this Act, a program to promote the development and use of replacement fuels in the United States. Such program shall be designed to promote the replacement of gasoline to be used as a motor fuel with replacement motor fuel containing the maximum percentage of replacement fuel as is economically and technically feasible for use as a motor fuel.

DEVELOPMENT PLAN AND PRODUCTION GOALS

SEC. 5. (a) Under the program established under section 4, the Secretary, in consultation with the Secretary of Transportation, the Secretary of Agriculture, the Secretary of Commerce, and the heads of other appropriate agencies, shall review appropriate information and determine—

(1) the most suitable raw materials, other than petroleum or natural gas, for the production of replacement fuels;

(2) the nature of the replacement motor fuel distribution systems, and the various production processes which use feedstock other than petroleum and natural gas, necessary for the rapid development of a replacement motor fuel industry, including a proposed timetable for the development of such systems and processes;

(3) the technical and economic feasibility of including liquids extracted from oil shale and coal as part of the replacement fuels program; and

(4) the technical and economic feasibility of producing sufficient replacement fuels, by the calendar year 1995, in order to replace 20 percent or more, by volume, of the projected consumption of gasoline used as a motor fuel in the United States for that year.

The Secretary shall prescribe by rule, a substitute percentage goal for purposes of paragraph (4) if he determines that 20 percent is inappropriate.

(b) The Secretary shall, by rule, establish production goals for the optimal production of replacement fuel in the United States in each of calendar years 1984 through 1990. In establishing such goals, the Secretary shall—

(1) take into account the availability of reliable sources of replacement fuel produced from renewable resources, coal, and substances other than petroleum and natural gas; and

(2) provide that the production goal for replacement fuel for calendar year 1990 and thereafter shall be not less than 10 percent by volume of the projected consumption of gasoline used as a motor fuel in the United stated for each year.

(c) In carrying out subsection (a), the Secretary shall—

(1) identify ways to encourage the development of a reliable replacement fuel industry, and the technical, economic, and institutional barriers to such development, and

(2) include an estimation of the production capacity of replacement fuel needed to implement the provisions of this Act.

(d) Not later than one hundred and eighty days after the date of the enactment of this Act, the Secretary shall complete his review and determinations under this section and prepare and transmit a report thereon to each House of the Congress.

REPLACEMENT FUEL REQUIREMENTS

SEC. 6. (a) Of the total quantity of gasoline and replacement fuel sold in commerce during any of the following years by any refiner (including sales to the Federal Government), replacement fuel shall constitute the minimum percentage determined in accordance with the following table:

In the calendar year:	The minimum percentage of that volume which replacement fuel constitutes, shall be—
1984, 1985, 1986, 1987, 1988, and 1989.	Determined by the Secretary under subsection (b) of this subsection.
1990, 1991, and 1992.....	10 percent.
1993, and each year thereafter.	The percentage determined feasible under section 5(a)(4).

(b) Not later than July 1, 1983, the Secretary shall prescribe, by rule, the minimum percentage replacement fuel, by volume, required to be contained in the total quantity of gasoline sold each year in commerce in the United States in calendar years 1984 through 1989 by any refiner for use as a motor fuel. Such percentage shall apply to each refiner, and shall be set for each such

calendar year at a level which the Secretary determines—

(1) is technically and economically feasible, and

(2) will result in steady progress toward meeting the requirements under this section for calendar year 1990.

(c) Each refiner shall report annually to the Secretary the percentage replacement fuel by volume contained on the average in the total quantity of gasoline for use as a motor fuel that refiner sold during the preceding calendar year.

(d) The requirements under subsection (a) on any refiner may be satisfied directly with replacement fuel and gasoline refined and blended by the refiner or indirectly pursuant to any contract or other arrangement with replacement fuel and gasoline refined or blended by others.

(e) The Secretary may, on the application of any person, make adjustments to reduce the minimum percentage requirement as it applies to that person, but only if and to the extent that such adjustments are consistent with the purposes of this Act.

ENFORCEMENT BY THE SECRETARY

SEC. 7. (a) Any person who violates any requirement of section 6(a) is subject to a civil penalty of not more than $1 per gallon for each gallon of fuel sold that is not in compliance with section 6(a). Such penalties shall be assessed by the Secretary.

(b)(1) Before issuing an order assessing a civil penalty against any person under this section, the Secretary shall provide to such person notice of the proposed penalty. Such notice shall inform such person of his opportunity to elect within thirty days after the date of such notice to have the procedures of paragraph (3) (in lieu of those of paragraph (2)) apply with respect to such assessment.

(2)(A) Unless an election is made within thirty calendar days after receipt of notice under paragraph (1) to have paragraph (3) apply with respect to such penalty, the Secretary shall assess the penalty, by order, after a determination of violation has been made on the record after an opportunity for an agency hearing pursuant to section 554 of title 5, United States Code, before an administrative law judge appointed under section 3105 of such title 5. Such assessment order shall include the administrative law judge's findings and the basis for such assessment.

(B) Any person against whom a penalty is assessed under this paragraph may, within sixty calendar days after the date of the order of the Secretary assessing such penalty, institute an action in the United States court of appeals for the appropriate judicial circuit for judicial review of such order in accordance with chapter 7 of title 5, United States Code. The court shall have jurisdiction to enter a judgment affirming, modifying, or setting aside in whole or in part, the order of the Secretary, or the court may remand the proceeding to the Secretary for such further action as the court may direct.

(3)(A) In the case of any civil penalty with respect to which the procedures of this paragraph have been elected, the Secretary shall promptly assess such penalty.

(B) If the civil penalty has not been paid within sixty calendar days after the assessment order has been made under subparagraph (A), the Secretary shall institute an action in the appropriate district court of the United States for an order affirming the assessment of the civil penalty. The court shall have authority to review de novo the law and the facts involved, and shall have jurisdiction to enter a judgment enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part such assessment.

(C) Any election to have this paragraph apply may not be revoked except with the consent of the Secretary.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order under paragraph (2) or after the appropriate district court has entered final judgment in favor of the Secretary under paragraph (3) the Secretary shall recover the amount of such penalty in any appropriate district court of the United States. In such action, the validity and appropriateness of such final assessment order or final judgment shall not be subject to review.

PROCEDURES FOR RULEMAKING

SEC. 8. Section 501 of the Department of Energy Organization Act of 1977 shall apply to any rule, regulation, or order having the applicability and effect of a rule (as defined in section 551(4) of title 5, United States Code) prescribed or issued under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There is authorized to be appropriated to the Secretary to carry out section 5 not to exceed $1,000,000 for the fiscal year ending September 30, 1983.●

GEORGE WASHINGTON SILVER COIN NOW AVAILABLE OVER THE COUNTER

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. ANNUNZIO. Mr. Speaker, the George Washington 90-percent silver commemorative half dollar is now available for over-the-counter purchase at the U.S. mints in Philadelphia, Denver, and San Francisco and at the Main Treasury Building in Washington, D.C.

In addition, the coins are also available at all branches of the Wright Patman Congressional Federal Credit Union. The House credit union is the first credit union in the Nation to have the coins available, and your visiting constituents may want to take advantage of the opportunity to buy a coin while they are at the Nation's Capital.

Up to this week, the coins were only available by mail from the Bureau of the Mint. The Mint had sold 3.8 million of the popular coins by mail in less than 7 weeks, and Mint Director Donna Pope has wisely decided to make the coins available over the counter as well.

The coin is one of the most beautiful coins ever produced in America. It features Washington in uniform mounted on a horse on the front and a view of Mount Vernon on the reverse.

It is available in two versions. The proof version is struck twice on highly polished dies, and is $10.50 each. The uncirculated version is $8.50 each. Cash and personal checks are accepted. Check purchases over $250 require a cashier's or certified check.

There is no limit on the number of uncirculated coins that can be purchased over the counter, but there is a limit of five proof coins per purchaser. The limitation on proof purchases is dictated by the time-consuming and intricate process of proof coin production. There is no limit on the number of coins that can be ordered by mail.

The coins can be purchased by mail. They can be ordered by check or money order from the Bureau of the Mint, 55 Mint Street, San Francisco, Calif. 94175.

Mr. Speaker, these coins are beautiful mementos of our Nation's first President. In addition, 20 percent of the proceeds are to be used solely to reduce the national debt. I urge my colleagues to inform their constituents who visit our Nation's Capitol or mints that these coins are available to them in person.●

JERRY SCHAFFER HONORED

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. COELHO. Mr. Speaker, I would like to take this opportunity to recognize the many outstanding contributions to the community by Mr. Jerry Schaffer, dean of community services at Merced College in Merced, Calif.

On September 11, Jerry Schaffer will be honored by the North San Joaquin Valley Health Systems Agency as their Volunteer of the Year, and a better choice for this award could not have been found. Jerry's commitment to the improvement of community health services is most obvious in his willingness to give of his time and energy in the pursuit of the goals of the agency. He has served as chairperson of the agency's governing body and has been an active participant in all aspects of its affairs.

I am pleased that Jerry's colleagues have seen fit to honor him in this way. His concern for our community and for his fellow man should serve as an example to us all, and I join with his many friends in saying thanks to Jerry Schaffer for a job well done.●

SANTO LOGUASTO: AN "AMERICAN"

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. RITTER. Mr. Speaker, too often we do not recognize that a giant walks among us until that giant disappears from the scene.

Such is the case in the Lehigh Valley that I represent. On August 12, 1982 Santo (Sandy) Loguasto of Easton, Pa., died after many years of enduring constant pain of a terminal illness. He was a loving father, a successful salesman, a veteran who knew the horror of combat. Yet he preferred to describe himself simply only as "an American."

We can all learn a lesson from this "American."

Sandy came from a big family and persevered the hardships of growing up and working in the anthracite coal mines in northeastern Pennsylvania.

He knew what he wanted out of life and set about achieving it, shifting from the mines to a career as a hair stylist. World War II, however, interrupted his life as it did millions of other young men.

Sandy entered the Army in 1942 and saw service in Africa and Sicily before volunteering for the Rangers to make the Normandy invasion. As a soldier, he suffered along with his fellow GI's. He knew the hell he underwent in being pinned down in a foxhole for a week, unable even to raise his head because of murderous enemy fire. He knew the hell of being cut off and isolated in the Battle of the Bulge. He did not complain. He had a job to do.

During the latter stages of the war, he was attached to a European civil affairs division, helping in the seizure of some Nazi war criminals and helping to set up civil governments in captured towns.

He did not boast of his ribbons and medals. He insisted he was an "American" and just did his job to help bring peace to the world.

Returning to civilian life, he embarked on a new career as a salesman-manager of stainless steel cookware. Twice he led the Nation in sales for his company and paved the way to open up new markets in Europe and Canada.

Fate dealt him another blow in the mid-1970's when he fell victim to a terminal illness. Constant pain became a way of life. Enormous doses of medication became a way of life.

Forced into retirement by the illness, he reassessed what he would do with the time left for him. He thought of the 11 men out of 180 still surviving from his wartime Ranger outfit. As a symbol to them, he decided to fly 11 flags on his lawn every day in their honor.

He also realized that many veterans, for one reason or another, were not receiving benefits they were entitled to. He busily engaged, his health permitting, in filling out their reports for compensation or admission to veterans hospitals. He listened to all, helping in whatever measure he could.

The community took note of his unselfish efforts. He was honored by Easton VFW Post 1290 on memorial Day in 1976 for community service, in 1979 by Easton AmVets Post 17 with a National Service Award for patriotism, and in 1980 he was named the community's "Veteran of the Year."

His wife Evelyn never faltered in helping him to help others. His three sons remember him as a loving father.

Sandy's final wish was a simple military funeral. He was accorded that honor. The veterans and closest friends at the graveside service will never forget Sandy's youngest son. Led to the car after the service, he halted, turned around and saluted his father's casket.

Ironic as it may seem, an American flagpole stands at the foot of Sandy's grave—a silent tribute to a great American.

I feel honored for having been able to know him as a personal friend. I will never forget this "American."●

SENATOR THRUSTON BALLARD MORTON

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. ROGERS. Mr. Speaker, allow me first to express my gratitude to Congressman CARL PERKINS for taking out this special order today so that we who revere the late Senator Thruston Ballard Morton may honor him.

We all know Senator Morton's singular achievements. He was educated at Yale University and was an officer of the Navy in World War II. Elected to the House of Representatives in 1947, he remained there for 6 years, served as Assistant Secretary of State under President Eisenhower for 3 years, and then went on to the Senate where he remained for 12 years. During his two terms there, he also served as the national chairman of the G.O.P. and as head of the Senate Campaign Committee.

But what makes Thruston Morton special is not what he has done, but the courage with which he did it. A leader of moderate Republicans and a strong supporter of civil rights, he sometimes disagreed with popular conservative views. Known as an internationalist in foreign policy, Senator Morton advocated negotiating with the Soviet Union in the midst of the cold war scare. He dissented openly with popular sentiment by calling for our withdrawal from the Vietnam war in 1968. But these stands only inspired respect among his colleagues who referred to him as a "Kentucky Republican." His retirement from the Senate in 1969 was met with great dismay by all who knew him.

I am honored to represent the State that Thruston Morton served so faithfully and hope to continue the fine traditions he established throughout his entire career.●

ELLIS BULLOCK—FRIEND OF "CLOSE UP"

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. FRENZEL. Mr. Speaker, I rise today to bring to the attention of my colleagues the work of an outstanding Minnesotan for a program that many of us consider most important—the Close Up program.

Since the inception of the program in Minnesota in 1972, the Close Up program has benefited from the active interest and support of the Twin Cities business community. Area companies have not only been generous in their financial support but they have also given time and personal energy to the program.

The embodiment of this spirit of cooperation has been the evolution and work of the Minnesota Close Up Committee which has served as the backbone of the Minnesota Close Up program—lending its expertise and support to the program. The chairman of this effort has been Ellis F. Bullock, Jr., director of the Jostens Foundation. For the past several years, Ellis has given generously of his time and his enthusiasm to help raise the necessary corporate funds to make the program possible for the young people of my State. His efforts have not only been appreciated by the thousands of young people who have been reached but have also been welcomed by the Minnesota delegation who have worked with him on this worthwhile effort.

He is to be commended on his public spirit and his excellent work.●

BURNING FLESH

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. FINDLEY. Mr. Speaker, war is never pretty, but the conflict in Lebanon reached great ugliness inflicting new measures of misery upon civilians as well as guerrillas.

Reports to the Christian Science Monitor and the Washington Post state that phosphorous bombs have been used by Israeli forces, causing terrible injury to civilians as well as military units.

These bombs burn flesh for as long as 24 hours, and according to the Monitor article, medical resources in Lebanon were so limited that the only way to stop the burning was for physicians

to cut away the burning flesh or amputate.

I call this information to your attention, Mr. Speaker, because these dreadful weapons were supplied to the Israeli forces by the U.S. Government. Where are the shouts of moral outrage, of protest? Are we indifferent to this engulfing human tragedy? We cannot escape responsibility.

The articles follow:

[From the Christian Science Monitor]

PHOSPHOROUS BOMBS HAVE BECOME THE NAPALM OF THE WAR IN LEBANON

U.S.-SUPPLIED BOMBS THAT BURN FOR UP TO 24 HOURS ARE SAID TO HAVE HIT MANY CIVILIANS

(By T. Elaine Carey)

BEIRUT.—What napalm was to the Vietnam war phosphorus is to the war in Lebanon, particularly in Beirut.

And the use of phosphorous bombs against human targets—civilians as well as soldiers—has begun to raise new questions about the United States arms trade to the Middle East. It does so, ironically, even as the siege of Beirut seems near an end.

Earlier in the war a muted crisis arose between President Reagan and Israeli Prime Minister Begin over Israeli use of US-supplied cluster bombs. That dispute ended in a temporary cutoff of shipments of the bombs to Israel.

Diplomats and hospital personnel here are beginning to go public with evidence of the widespread human damage caused by the phosphorous explosives. The result is likely to be renewed questioning as to why Washington fails to enforce the defensive-only restriction it places on use of such exported weapons.

"Phosphorous is a more sophisticated kind of napalm. It is designed to strike military installations like fuel depots. . . . It is antipersonnel," said Dr. Amir Salam, a urologist working at the American University Hospital.

In west Beirut, phosphorous shells and bombs have crashed onto the main street, Hamra, hitting banks, local newspapers, and foreign news offices. They have plowed into two hospitals, a Red Cross building, and hundreds of apartments.

The Palestinians do not have phosphorous weapons. Those used in the city have crashed into areas where Palestinian civilians had taken refuge, such as Hamra.

There are no precise, reliable figures for any aspect of the war yet, including the number of burn cases. But doctors said they have treated hundreds—at the very least.

Dr. Salam said neither he nor any of his colleagues here are burn specialists.

"Unfortunately we are guessing on the treatment. We don't have time to research it. We rarely have time to do much more than amputate.," Dr. Troy Rusli said. Dr. Rusli, who worked in Cambodia but lives in Norway, said he treated about 50 cases in five weeks. His "hospital" is the basement garage of the Near East School of Theology.

The use of phosphorous bombs by the Israeli Army has been condemned by relief workers in Lebanon who have seen its effects. They say that without the proper supplies, the only way to stop the burning is either to cut the burning tissue away or amputate. No one here has the supplies.

Relief workers are reporting an unusually high incidence of amputations in west Beirut, particularly, they say, among civilians. Phosphorous reportedly continues to burn for up to 24 hours unless treated.

The American University Hospital, Beiruts' best, said it had received hundreds of burn cases. Staff in the emergency room estimated 80 percent were civilians and 20 percent guerrillas. One Palestinian Red Crescent Society field hospital said its phosphorous cases were split 50-50 between guerrillas and civilians. Several other hospitals said their breakdown was about 70 percent civilian and 30 percent guerrilla.

Ahmad Abdisaleh, an elderly Palestinian porter who lived in Borj el Barajneh, was eating breakfast when a phosphorous shell smashed through his house.

Phosphorus, a yellowish powder, sprays out of the shell casing, igniting instantly when it hits air. Mr. Abdisaleh's body and clothing went up in flames.

At first glance, Mohammed Halil, another patient who is a PLO guerrilla, looked Sudanese or Ethiopian. His face was black. But when a doctor pulled back the sheet, his chest skin was white. His face had been charred black.

"Industrialized countries don't have burn centers to care for these people, but they have the weapons to use in the third world," Dr. Rusli lamented.

One of the last groups he cared for was a family of seven. The hair on their heads had been singed off and the features on each of their faces were no longer discernible.

"I never experienced anything like this in Cambodia," Dr. Rusli said.

"The difference here is the weapons and their velocity. In Cambodia we didn't have the small fragmentation of shrapnel."

The shrapnel has phosphorous on it, so it begins burning the minute it imbeds in the body, he explained.

"When we took a big piece of shrapnel out of one man's ankle, we opened the bandages on the operating table and smoke came out. The man was wounded 10 hours before. The leg had burned for 10 hours."

"Usually war is on the battlefield," Dr. Rusli said. "Seventy percent of my patients are civilians. Women and children aren't in the army."

[From the Washington Post]

VICTIMS BURNED BY PHOSPHOROUS IN WEST BEIRUT

(By Loren Jenkins)

BEIRUT, August 19—Her lips are swollen and blackened, her thin frame swathed in ointment-soaked gauze. From her bed in a makeshift hospital at International College here, she recalls when the shell hit the underground garage where she and her family were hiding a week ago.

"Everything suddenly went dark," says 17-year-old Fatmeh Aytawi, "and then I remember a brilliant white flame, and I felt I was suddenly on fire."

Hours later, when rescue workers finally dug the Aytawi family out of the rubble and rushed them to the hospital, doctors recall that their bodies were still smoldering. Fatmeh's mother died last Monday, while her father remains in serious condition. Four sisters and a brother also are hospitalized.

Doctors here and at hospitals throughout West Beirut say they are seeing an increasing number of burn patients like Aytawi and her seven family members, who they say are victims of Israeli phosphorous shells that were part of the intense bombardment that rained down on the Lebanese capital in recent weeks.

The wounds are distinctive and much harder to treat than ordinary burns, the doctors say, in part because phosphorus sticks to the skin and can burn for hours. It cannot be extinguished by water, which causes a chemical reaction that makes the wound burn more. Like the Aytawi family, victims often arrive at the hospital with smoke still pouring out of their bodies from internal burns as well as skin injuries.

Israeli authorities say they only use the shells as "markers" to guide artillery because the smoke the shells give off helps gunners zero in on their targets. The Israelis say phosphorous shells traditionally have been used in this fashion since World War II and blame civilian injuries on Palestinian guerrillas who chose to make their stand in civilian-occupied parts of the city.

With the chaos that the two-month Israeli siege and bombardment has produced here, it is impossible to determine exactly how many civilians have been killed, maimed or, like Aytawi, disfigured by Israeli phosphorous shells. Still, many doctors say the number of burn cases they have seen has increased markedly this month, which corresponds with the first physical evidence of heavy use of phosphorous shells.

"Most of the serious injuries we were getting [during] the early part of the war were from bullets and shrapnel," said Sameer Shehadi, chief of surgery at the American University of Beirut's teaching hospital here. "In the last two or three weeks, though, we have been getting a number of serious burn patients."

Dr. Amal Shamma, the U.S.-trained, Lebanese director of the now-closed and shell-battered Barbir Hospital, recalled when one couple brought in three small children—two dead, 5-day-old baby girls and a badly burned 3-year-old boy, all of whose bodies were still smoldering. The boy died the next day.

Troy Rusli, a Cambodian-born, Norwegian doctor who is a volunteer surgeon at the makeshift Lahout Hospital at West Beirut's Near East Theological Center, described a man, about 60, who was brought in with a piece of phosphorous-coated shrapnel lodged in his chest.

"Smoke from the burning phosphorus inside him was coming out his nose and mouth with every painful breath," recalled Rusli. "We had to cut the shrapnel out of him before we could finally stop the burning by cutting away the scorched tissues."

"No weapon is a good weapon," said John Barton, an Illinois University professor of medicine who is working as a volunteer at the same hospital. "But this one, the phosphorous bomb, is one of the worst."

Shamma said most hospitals lacked both the supplies and the expertise to treat phosphorous victims properly. She said doctors were relying mostly on printed information compiled by U.S. military doctors in Vietnam and on a handbook of war surgery published by the North Atlantic Treaty Organization.

There is no way to determine accurately how many phosphorous shells have been dropped on this city. But dozens of 155-mm artillery shells dug from the rubble of the main Palestinian neighborhoods on Beirut's southern fringes have hollowed interiors coated with yellowish-orange oxide, and the pungent odor of phosphorous is unmistakable.

Other phosphorous shells have hit the city's center in the vicinity of the Hamra Street business district. One gutted the offices of Newsweek and the Los Angeles Times in the An Nahar newspaper building minutes after the correspondents had left to seek refuge in the building's basement. At

least two of the city's 19 hospitals also have reported being hit with the shells.

Some doctors, especially those who have not treated phosphorous-burn patients firsthand, are reluctant to estimate their number, saying pressure on hospital laboratories have made chemical analyses impossible. All burn victims generally are treated alike here after surgery, and medical records often do not distinguish phosphorous victims from other burn patients.

Joseph Ayyad, a Palestinian of Spanish citizenship who is Aytawi's doctor, said he is treating 17 phosphorous-burn patients, 11 of them civilians.

[It was unclear Thursday whether the shells are Israeli- or American-made. Benjamin Abileh, an Israeli Embassy spokesman in Washington, said he would not provide an answer, but noted that the shells "have been made all over the world for many years and used in all the armies of the world for many, many years."

[Abileh acknowledged that the phosphorous shells could cause severe injuries but said they were less deadly than regular artillery shells. "People can get burned, but with another kind of shell they would die, so in this sense it's a less dangerous weapon," he said.

[A Department of Defense spokesman said the Pentagon was checking to determine whether U.S.-made phosphorous shells had been sold to Israel. He said that unlike the special, classified restrictions on Israeli use of U.S. cluster bombs, the only restriction on phosphorous-shell use would be the provisions of the Arms Export Control Act that require that American-made weapons by used only for defensive purposes. Israel has argued that its invasion of Lebanon was undertaken in self-defense.] ●

TAX REFORM DECISION DIFFICULT, BUT NECESSARY

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. McCOLLUM. Mr. Speaker, yesterday I made the toughest vote I have had to make since coming to Congress. I voted for the conference report to H.R. 4961—the 1982 Tax Reform Act—endorsed by President Reagan.

It is absolutely essential to the economic recovery of our Nation that we lower interest rates substantially below where they are at the present and that we keep them there while also keeping inflation under control. To accomplish this, we must dramatically reduce the runaway deficits created by the reckless spending policies of past Congresses. Ideally, this should be done totally by spending cuts, but it is clear there are not enough Members in this Congress who feel as I do to make the necessary cuts. However, we did manage to pass a budget resolution earlier this year reducing the deficit $380 billion over the next 3 years, of which $280 billion is in spending cuts. The price we had to pay to the liberal leadership which still controls the House was $99 billion in added revenues over the same period of time. The Tax Reform Act fulfills the revenue commitment of this budget resolution, and now our job is to see to it that the spending cuts are actually produced.

Like President Reagan, I had to "swallow hard" to support any revenue increases, and there are specific provisions in this tax bill, such as interest and dividend withholding, which I do not like. But, on the whole, for a revenue-raising measure, this is far better for the average American than one might expect. Under this measure, three-fourths of these additional revenues will come from closing loopholes and collecting taxes which are not now being collected. Less than one-fourth of the $98.3 billion in revenues covered by this bill are in the form of actual tax increases.

For most individual taxpayers, the bill will have little impact, and because of the indexing of tax rates and the rate reductions passed last summer, even with this new bill's increased revenues, the tax burden on Americans will be $334 billion less over the next 3 years than if the tax cuts of last year had never been enacted or had been repealed, as some suggested. The typical family will pay almost $400 less in taxes this year than if prior rates still applied. Next year, even with the passage of this bill, that family will pay $788 less.

Contrary to some common rumors, there are no new taxes on interest and dividend income. This type of income becomes subject to withholding of estimated taxes due under present law just as in the case of wages. The purpose is to collect from those not now paying what they owe, and most senior citizens and the poor are exempted from the provisions. Nearly 80 percent of people over 65—those who make less than $14,450, or $24,214 for a joint return—and low-income people of any age who owed $600 or less in taxes the prior year—$1,000 on a joint return—are exempt from the dividend and interest withholding. All interest payments of less than $150 are totally exempt from the withholding requirement. Even so I strongly opposed this part of the bill and will continue to work hard for passage of the Senior Citizens Savings Protection Act which I introduced last year to eliminate all taxes on interest and dividends for persons age 62 and older.

It is vital that we give our economic recovery program the chance to succeed. The goals our Nation endorsed last year promise to bring to an end 40 years of uncontrolled tax and spend policies and to bring us a future of growth, employment, and stability. To achieve this end, this tax bill is necessary and for that reason alone it is a step well worth taking.●

THRUSTON B. MORTON

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 19, 1982

● Mr. CORRADA. Mr. Speaker, I rise to pay tribute to a great public servant, the late Hon. Thruston B. Morton, whose presence will be sorely missed both here in Washington and in his home State of Kentucky. Although I did not have the privilege of serving with him in the House of Representatives, I know well of his reputation as an outstanding leader and hard-working lawmaker.

Senator Morton lived a life dedicated to improving the public good—not only did he serve in the House and the Senate for 12 years, but he held the post of Assistant Secretary of State under Dwight D. Eisenhower for over 3 years. As a Representative for the people of Kentucky, he provided a moderate voice in the public policy and a strong supporter of the Republican Party. After leaving Washington in 1969, Senator Morton continued to influence national politics by actively campaigning for Presidential candidates, despite the fact that he was falling into progressively poorer health.

Senator Morton will be remembered not only as a dedicated public servant, but also for his performance in the Navy, as commander in the Pacific during World War II. In addition, his many accomplishments as chairman of Churchill Downs and president of the American Horse Council will never be forgotten by the people of Louisville, Ky.

Mr. Speaker, it is with great sadness that I remark the passing of this great man, remembering his contribution to our Nation.●

PROTECTING THE RIGHTS OF THE HANDICAPPED

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. McKINNEY. Mr. Speaker, the regulations promulgated under section 504 of the Rehabilitation Act are the cornerstone of the Federal Government's effort to encourage the integration of the handicapped into the mainstream of American society. After decades of second-class status, institutionalization, and prejudice, the disabled won a guarantee from Congress that their rights as citizens would be protected.

In the 5 years since the first of these regulations went into effect, the handicapped have greatly benefited from the vastly expanded opportuni-

ties available to them. Yet despite the unqualified success of these regulations in insuring the civil rights of the disabled, a number of changes have recently been proposed. Today I want to applaud the efforts of those in Connecticut and around the Nation who have rallied to preserve these rights, and to once again add my voice to theirs.

In the worthy interest of trimming the Federal budget and simplifying regulatory procedure, several discussion drafts proposing modifications in section 504 have been circulated. Unfortunately these drafts have included changes which would reduce the protections afforded the civil rights of the handicapped under the existing language. Changes which would serve as a step back in the fight to insure that the disabled have access to the same wide range of services available to every other citizen cannot be accepted. Civil rights cannot tolerate cost/benefit analysis. Recently discussed changes could limit the programs covered by section 504 from those benefiting from Federal funding to those directly receiving funding. This would have a significant impact on the educational opportunities open to the disabled.

Proposed modifications could shift the burden of proof in demonstrating discrimination on to the handicapped person. An additional change expands the undue hardship waiver to cover many areas not currently affected. I feel that these changes are not in the best interest of those the regulations were designed to protect, nor are they in the best interest of the Nation. In limiting the self-improvement opportunities open to the disabled we pave the road for Federal assistance to undereducated, untrained, unemployable individuals. Section 504 represents an investment in the future, not only for the handicapped but for the Nation as a whole.

Like the proposed changes in section 504, alterations have been suggested for Public Law 94-142, the Education for All Handicapped Children Act, which would weaken these fundamental protections. I stand by the current Public Law 94-142 language as a commitment to all handicapped children to an appropriate, free public education. The proposed modifications would weaken the rights of parents to involve themselves in their child's educational program as active advocates. The proposal would limit the evaluation process which is designed to seek out children in need of special education and would give over to the States the power to set certain deadlines and requirements. I believe that these changes would take an unacceptable toll in limiting the educational opportunities open to this Nation's disabled children.

While I am committed to guaranteeing the rights of the disabled in the most cost-effective way, I cannot support short-sighted, near-term savings which will ultimately cost both the handicapped and the country more than will be saved. I stand firmly opposed to any weakening of the protections contained in section 504 and Public Law 94-142.●

TRIBUTE TO RICH DEVOS

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 20, 1982

● Mr. SAWYER. Mr. Speaker, today I would like to express my praise for the great contribution that Mr. Rich DeVos, cofounder of Amway Corp. in Ada, Mich., made as finance chairman of the Republican Party. During his term as chairman, Mr. DeVos spent many long hours traveling throughout the country encouraging more party members to donate than ever before. He coordinated grassroots support among young Republicans and the numbers have grown to a total of 1.6 million people involved with the party. Contributions have increased 50 percent over those pledged in 1980, and by midyear 1982, contributions are up 11.6 percent ahead of 1981 totals. All of this can be attributed to the hard work and dedication of Mr. Rich DeVos. He has encouraged participation by all members of the party and has given innumerable talks extolling the virtues of the Republican principle. I would like to thank Mr. DeVos for bringing greater prosperity to the Republican Party and for a job well done. I am personally proud to know him.●

SENATE—*Wednesday, September 8, 1982*

The Senate met at 12 noon, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, LL.D., D.D., offered the following prayer:

Let us pray.

O praise the Lord, all ye nations: praise him, all ye people.

For his merciful kindness is great toward us: and the truth of the Lord endureth forever. Praise ye the Lord.—Psalm 117.

Thou art worthy, O Lord, to receive honor and glory and adoration and worship and praise. Thou dost not need our worship, but we need to worship Thee. Our humanness depends on it and we diminish our humanness when we refuse. It is to the benefit of our Nation to worship Thee. "Blessed is that nation whose God is the Lord."

May we be a worshipful people in deed as well as in word. May our lives honor and exhalt Thee. We love Thee, Lord. Grant that the work done here—the decisions made, the laws passed, and the conduct of our private lives individually and as families will manifest our devotion to Thee. In the name of the Father and the Son and the Holy Spirit. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I believe the reading of the Journal of the proceedings has been dispensed with under the previous order. Is that correct?

The PRESIDENT pro tempore. The majority leader is correct.

ORDER THAT NO RESOLUTIONS COME OVER UNDER THE RULE AND THE CALL OF THE CALENDAR BE DISPENSED WITH

Mr. BAKER. Mr. President, I ask unanimous consent that no resolutions come over under the rule and the call of the calendar be dispensed with on this legislative day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF CONGRESSMAN ADAM BENJAMIN, JR.

Mr. BAKER. Mr. President, yesterday, it was learned that Congressman ADAM BENJAMIN died over the Labor Day weekend at the age of 47 from natural causes. Representative BENJAMIN was serving in his third term, and was chairman of the Congressional Steel Caucus, and a member of the House Appropriation and Budget Committees.

All of us, in both Chambers, and in both parties, send our deepest sympathies to the Benjamin family. ADAM BENJAMIN'S death is a tragic loss, not only to the members of his district, but to the whole of Congress.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. ROBERT C. BYRD. Mr. President, I rise to extend my deep sympathies to the family of ADAM BENJAMIN, and to the people of Indiana he served so well.

His early and tragic death takes from us a quiet leader, a man with an absolute commitment to public service. His was a style that never sought the limelight, never sought personal gain; that focused on the hard, substantive, behind the scenes work so fundamentally necessary to the functioning of our democracy. His honesty and integrity were known to all. When ADAM BENJAMIN gave you his word, or his commitment to assist you in any way, you could put the matter out of your mind.

For his honesty, his commitment to hard work, and for his ideals he will be greatly missed. Again, I extend my deepest sympathies to his wife and children.

BRUSH UP YOUR SHAKESPEARE

Mr. BAKER. Mr. President, it is a miserable thing to return to work without poetry, and I ask unanimous consent that this week's poem, "Brush Up Your Shakespeare," by Cole Porter be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

BRUSH UP YOUR SHAKESPEARE

The girls today in society
Go for classical poetry
So to win their hearts one must quote with ease
Aeschylus and Euripides.
One must know Homer and, b'lieve me, bo,
Sophocles, also Sappho-ho.
Unless you know Shelley and Keats and Pope,
Dainty debbies will call you a dope.
But the poet of them all
Who will start 'em simply ravin'
Is the poet people call
"The bard of Stratford-on-Avon."

Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
Just declaim a few lines from "Othella"
And they'll think you're a helluva fella,
If your blonde won't respond when you flatter'er
Tell her what Tony told Cleopaterer,
If she fights when her clothes you are mussing,
What are clothes? "Much Ado About Nussing."
Brush up your Shakespeare
And they'll all kowtow.

Brush up your shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
With the wife of the British embessida
Try a crack out of "Troilus and Cressida,"
If she says she won't buy it or tike it
Make her tike it, what's more, "As You Like It."
If she says your behavior is heinous
Kick her right in the "Coriolanus,"
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
If you can't be a ham and do "Hamlet"
They will not give a damn or a damnlet,
Just recite an occasional sonnet
And your lap'll have "Honey" upon it,
When you baby is pleading for pleasure
Let her sample your "Measure for Measure,"
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare,
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
Better mention "The Merchant of Venice"
When her sweet pound o'flesh you would menace,
If her virtue, at first, she defends—well,
Just remind her that "All's Well That Ends Well,"
And if still she won't give you a bonus
You know what Venus got from Adonis!
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare
Start quoting him now,
Brush up your Shakespeare
And the women you will wow.
If your goil is a Washington Heights dream
Treat the kid to "A Midsummer Night's Dream,"
If she then wants an all-by-herself night
Let her rest ev'ry 'leventh or "Twelfth Night,"
If because of your heat she gets huffy
Simply play on and "Lay on, Macduffy!"
Brush up your Shakespeare
And they'll all kowtow.

Brush up your Shakespeare,
Start quoting him now,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Brush up your Shakespeare
And the women you will wow.
So tonight just recite to your matey
"Kiss me, Kate, Kiss me, Kate, Kiss me, Katey,"
Brush up your Shakespeare
And they'll all kowtow.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, there will be a period for the transaction of routine morning business, not to exceed 1 hour in length, in which Senators may speak for not more than 5 minutes each, under the order entered prior to our adjournment for the August break.

After the expiration of the period for the transaction of routine morning business, the Senate will resume consideration of the unfinished business, House Joint Resolution 520, the debt limit measure.

Mr. President, it is not my intention to ask the Senate today to deviate from the regular course of procedure. As was indicated in the press this morning, there is the possibility that we might temporarily lay aside the Helms amendment to take up the Hatch amendment. May I say that I am working on the possibility of a unanimous-consent agreement to limit the time for debate on the Hatch amendment. For the time being it is not my intention to ask the Senate to proceed to the consideration of the Hatch amendment to the Constitution. I do intend to do that at some point.

Mr. President, I anticipate that debate on the Helms amendment will continue through this day. I do not anticipate that it will be a late day.

Debate will continue on that measure tomorrow when at the hour of 2 p.m., under the order previously entered, the Senate will vote under the provisions of rule XXII on the cloture motion filed against further debate on the Helms second-degree amendment.

Mr. President, I call the attention of Members to the fact that the House of Representatives will focus its attention, I assume, on the veto message from the President related to the supplemental appropriations bill, and I am advised that that will occur some time tomorrow. Members should be on notice of the fact that if that veto is sustained, it will become necessary to promptly act on a new supplemental bill which must originate in the House of Representatives.

If the veto is overridden, it is my intention to bring it up in the Senate as soon as it is received here, within a reasonably short period of time.

So Senators should not assume that this week will be an idle week. Indeed, I have encouraged Senators who are out of town to return to deal with the matter at hand, that is, the debt limit and the debate on the Helms amendment, but also to be prepared to deal with the veto message if the Senate is faced with that message or with the supplemental appropriations bill in the alternative.

So Senators in making their plans should not assume that they will have a light week this week. We may indeed have very important measures that must be dealt with before this week is out.

Mr. President, I am happy to be back, I say in more ritual than in sincerity, but in any event I wish to extend my greetings to all my colleagues and particularly to my friend and colleague, the distinguished minority leader, who looks hale and hearty, appears to thrive on what I am sure must have been an extensive tour of his home State of West Virginia.

Mr. President, I have no further need for my time under the standing order, and I am prepared now to yield it to any Senator who requires time now or to yield it to the minority leader if he wishes additional time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the majority leader for his kind remarks. He is always courteous, gracious, affable, congenial, amicable, and all the pleasant adjectives that are in Webster's dictionary.

Mr. President, does the distinguished Senator from Wisconsin need any time yielded to him?

Mr. PROXMIRE. Mr. President, I wish to have 2 minutes yielded to me.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

LEARNING ABOUT THE BOMB

Mr. PROXMIRE. Mr. President, on August 25, the Milwaukee Journal carried a compelling article by Victoria Bissell Brown—a historian at the University of California in San Diego. The subject was what does a mother tell her daughter about the bomb?

No one argues that raising a child is easy. There are so many difficult problems to explain. There are complexities to life that defy easy description. The reasons "why" and the justification for life's seemingly unfair occurrences make answers to a child's questions far from an easy task.

But what do you say to a son or daughter when explaining the stark possibility that mankind one day may simply just blow itself up? How do you tell the innocent that countries spend enormous sums on armaments for the purpose of more efficiently destroying millions of people?

Victoria Bissell Brown describes it this way:

Maybe if I tell her about the bomb I can soften the blow. Maybe I can talk about nationalism and politics and defense capabilities. Maybe I can tell her that it's just something that we have to scare people with, that no one would ever use it. I know her, thought. She'll ask: "But what if somebody does use it? Will we all die? Will everything on Earth die forever?"

Maybe. Maybe we will blow ourselves up. Maybe someone else will do it for us.

Or maybe the world will come to its senses and find some way to achieve arms limitations and reductions. Our children are waiting for the anwser.

Mr. President, I ask unanimous consent that the article from the Milwaukee Journal be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MOMMY, WILL YOU TELL ME ABOUT THE BOMB?

(By Victoria Bissell Brown)

My daughter is 6, and knows the facts of life. She knows how babies are made and why women menstruate and why mommies and daddies like to sleep alone together. She knows, from her grandmother's death, that all living things will die.

We talk about these things; they are part of the image of this world and this life that she is constructing for herself.

But there is something that she doesn't know about yet, and I don't know how to tell her: She doesn't know about The Bomb. She doesn't know that some members of life's community have taken a detour—some would say a shortcut—off the slow path of evolution. She doesn't know that the "highest" form of life has evolved to the point where it can now destroy all its yesterdays and all its tomorrows.

How can I explain this to her? Should I? Of course I should. I must. The bomb is, for us, what sex was to parents in the 19th century. If I don't tell her, she'll hear it from some kid on the corner who'll tell it all wrong. He'll tell her about our eyes melting out of their sockets and our skin burning off the melting bones, about whole cities destroyed in seconds and neighboring cities where millions will run in panic from the inevitable. He'll tell her that the survivors will envy the dead and that radiation-caused mutations will make evolution (a concept that she has struggled so hard to grasp) go haywire.

Maybe if I tell her about the bomb I can soften the blow. Maybe I can talk about nationalism and politics and defense capabilities. Maybe I can tell her that it's just something that we have to scare people with, that no one would ever use it. I know her, though. She'll ask: "But what if somebody does use it? Will we all die? Will everything on Earth die forever?"

The world is a slippery place for children. They hold onto two precious certainties: that adults know what they're doing; and that life follows a certain predictable course. Whether the child is raised to be a creationist or an evolutionist, those basic

certainties are what rock our children to sleep at night. The mere existence of the bomb blows those certainties to kingdomcome. If we never, ever use it on another country, we will, by countenancing its existence, have used it every day on our children.

We attended a peace rally not long ago—an anti-nuke rally, of course. As far as my daughter was concerned it was just a rally against war. She played in the rows of empty seats and up into the grassy hillside with the other children for most of the evening. But at one point, when a speaker was being particularly graphic about the dangers of nuclear war, I noticed that she had stopped playing and was leaning, chin in hands, against a rail, listening. Was this it, I wondered. Would she ask me about this man's words later? In a moment, she'd been tagged by a playmate and was off, up into the trees. She never asked me about the speech.

My days are numbered, though. I'll have to tell her soon. And I know that I'll have to tell her the truth: that, if this bomb explodes, the continuous stream of life that I've worked so hard to make real to her will be destroyed. There's only one thing in the world that can soften the blow: that the two adults she trusts most in the world are doing something to stop it. If she knows that we're working on it, she may rest easier.

That's why I'm writing this. I must tell my daughter the truth soon, and when I do I want to be able to say that I'm doing something. This is my first effort; I don't yet know what I'll do next.

WHO REMEMBERS THE ARMENIANS?

Mr. PROXMIRE. Mr. President, I have recently received a letter from an Armenian American who is distressed over the world's amnesia regarding the first genocide of the 20th century, that against the Armenians of the Ottoman Empire. This terrible episode has become the "forgotten genocide" of modern times. History records that it began in April 1915, when the Empire uprooted the Armenian inhabitants and forced them to migrate on foot. The letter recounts what happend:

> The Armenian people . . . were . . . deported from every city, town, and village of Asia Minor and Turkish Armenia. In most instances during the death marches, the men were quickly separated and executed soon after leaving town. The women and children were marched for weeks into the Syrian desert; thousands were seized along the way, forcibly converted to Islam, and raised in Turkish homes and harems. The majority of the deportees died of starvation and disease during the forced marches. Many others were murdered brutally. During the years 1915–1922, 1,500,000 Armenians were killed and more than 500,000 exiled from the Ottoman (Turkish) Empire. Thus, the Armenian Community of the Ottoman Empire was virtually eliminated as a result of a carefully executed government plan of genocide.

Eyewitness accounts alerted a horrified world to these massacres immediately. On May 24, 1915, the Triple Entante nations of Britain, France, and Russia declared that they would hold all the members of the Ottoman government personally responsible for the fate of the Armenian people.

Yet only two decades later, the slaughter of the Armenians had faded from the memory of the world. Adolf Hitler scoffed at the notion that he would go down in infamy for perpetrating the Holocaust. He would ask: "Who remembers the Armenians?" Just as popular wisdom had it, history forgotten is history repeated. How many times must men vow, "never again?" We can never stop learning the lessons from the "final solutions" of the past. We should never let anyone ask of the Armenians, or of the Jews, or of any others, "Who remembers?" Nor should anyone ask "Who cares?" or "Who would bring me to justice?" If only the U.S. Senate would ratify the Genocide Convention, we could announce with conviction that we will remember, we will care, and we will bring the guilty to justice. Let us insure that the horror of genocide stays alive in our collective conscience, that those who may consider such a crime will be shamed and deterred, and that no future Hitler shall shrug off the prospect of a judgment day.

I thank the distinguished Democratic leader and I yield the floor.

Mr. BAKER. Mr. President, I yield back my time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. HAYAKAWA). There will now be a period for the transaction of routine morning business.

LEBANON'S PRESIDENT-ELECT

Mr. PERCY. Mr. President, during the recess, I briefly visited Lebanon at the invitation of Ambassador Dillon and Ambassador Habib. Although I had been there only 7 months earlier, the differences I saw were remarkable. I was particularly pleased that the Lebanese now appear to look toward the future with expectation of major changes for the better in their country.

The man upon whom the future of Lebanon rests is President-elect Bashir Gemayel. During the past 8 years of conflict, Bashir Gemayel, as commander of the Phalange militia and the Lebanese forces, has been viewed as the savior of the nation in the eyes of a substantial portion of the population, but others consider him a right-wing militarist. Now the task falls upon him to bind the national wounds. In my conversation with him, the young, 34-year-old President-elect displayed considerable sensitivity to the problems he faces, including the need to reach out to all segments of Lebanese society. I was impressed by his determination to act as President of all Lebanese and to put aside the differences of the past.

He indicated he intended to go down and actually spend several days in southern Lebanon and be a part of the country down there, a part of the people, and to better understand its problems.

In an op-ed article published in the Washington Post on August 23, the day of his election to the Presidency, Bashir Gemayel discussed in general terms the course necessary to bind the wounds of his troubled land. I believe he showed a commendable approach, and I urged him to press forward along the path of reconciliation and moderation that he presented. I recommend to my colleagues this thoughtful article and ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 23, 1982]

REBUILDING LEBANON: WHAT WE MUST DO NOW—AND WHY IT MATTERS

(By Bashir Gemayel)

Lebanon, a country that has occupied much space in the international and American press recently, holds its presidential election today. Few people seem to have paid much attention to the future of our small country, concerning themselves solely with its present. As a candidate for the presidency, however, I have devoted substantial consideration to my country's future, and I should like to share these ideas with the American people.

Much of the press seems to see Lebanon in terms of its parts, like a permanently divided political entity. It is certainly true that the Lebanese people is formed of diverse social and cultural stocks. But it is not true that we are internally divided. Indeed, despite divisions imposed by the occupation of Lebanon by three foreign forces, in some ways, in many ways really, the people of Lebanon are united as never before—united in our determination to recover and safeguard our sovereignty, united in our opposition to the use of violence in our country to resolve others' problems, united in our demand to return to our own historic traditions of democracy, pluralism, and moderation.

What many outside Lebanon do not appreciate is how much the Lebanese—all Lebanese in all religious, ethnic, social and economic groups—have learned from more than seven tragic years of violence. What we learned first and foremost, frankly, was that we had taken Lebanon and its way of life for granted. All of us know today—and what a price we paid for this knowledge—that we can no longer allow others to drag us into their quarrels. And we know, too, that we ourselves must take conscious, tangible and effective steps to restore the unique experience that is Lebanon's historic way of life.

Lebanon is a country of minorities. No single group can claim majority status for itself. Yet, the next president of Lebanon will not be a minority president, because all the many groups that make up our small but culturally rich country and have contributed to its unique traditions treasure the Lebanese way of life and Lebanon. This

nation of minorities has, as few other countries in the developing world have, a majority political culture.

Should I be elected president, my program will recognize that highest priority must be given to the healing of wounds caused by the painful years of conflict. At the same time, one of the most effective ways of healing wounds over the long term is to revitalize the institutions of Lebanese democracy. We must ensure the continued security and liberty for the diverse cultural communities of Lebanon, defining equitably the rights and the obligations of citizens based on the unique characteristics of our country, our values and our customs. The people of Lebanon have always known, and the history of our country has been founded on the belief, that a thriving democracy is the best way for each community and, in fact, each individual to realize his potential and pursue his dreams.

At the same time, any Lebanese president must recognize that much of our national territory is still occupied by Israel, Syria and the PLO. Certainly, it is imperative that this tripartite occupation, the legacy of earlier attempts to partition Lebanon, must be terminated. If Syria considers the Bekaa Valley in eastern Lebanon a Syrian security zone, then of course Israel will treat the south as an Israeli security zone. The Bekaa is at once on the frontiers of both countries. Should this valley be included in the security strategy of either, it will in fact become less secure for both. Re-Lebanization of the north, the east and the south of Lebanon is the best guarantee for all parties and is certainly the only principle congruent with the unity and sovereignty of Lebanon. As long as Lebanon is not stabilized, its land not completely liberated from foreign occupiers, its territory still used by some to threaten others, a regional settlement will remain impossible to achieve. We assert that a strong, independent and prosperous Lebanon is undoubtedly the best security guarantee for all.

As our internal society must return to its traditional pluralism, so our regional relations must also assume a character befitting relations between sovereign countries. For too long have the neighbors of Lebanon and the other regional powers treated our country as a playground for their games of intrigue and violence. Too long have we permitted seditious behavior directly funded by other governments who send men, weapons, and money in our midst. We look forward to a new era now in which we will treat with other countries in the region as our friends and neighbors—but on the firm basis of sovereign equality.

Lebanon's international role must certainly be reasserted. We have always seen ourselves as a cultural and commercial crossroads of East and West. We value the Western traditions of democracy and free enterprise, we reject totalitarian ideologies wherever promulgated. At the same time we also value the cultural traditions and holism of the East, and try not to lose sight of the interrelationship between values and actions.

The West in general, and the United States (as the leader of the free world) in particular, have significant interests in the Middle East. At the same time, the Middle East has a great interest in a regional American presence, and in the maintenance of cooperative and interdependent relations with the United States. Lebanon used to maintain an active role as a friend and interlocutor of both Arab moderates, on the one hand, and the West, on the other. Following its total liberation, Lebanon should be prepared to resume that role which has been sorely missed in recent years.

Therefore, the new Labanon, given another chance to pursue its destiny by the admirable and tireless efforts of Ambassador Philip Habib and the United States as a whole, must follow several fundamental principles in the days ahead:

First, any solution to the Lebanese crisis must be based on recovery of Lebanese sovereignty over the entirety of the national territory and the restoration to the Lebanese state of its full powers.

Second, Israeli and Syrian forces must return to their own countries. Within the framework of Lebanese sovereignty there must be a Lebanese army strong enough to preserve the territorial integrity of our nation and thereby reassure and undergird the security of Israel and Syria.

Third, the hundreds of thousands of Palestinians remaining in Lebanon must submit to and respect the authority of the Lebanese government in Lebanon. There must be a transformation of Lebanese-Palestinian relations that reflects both the historic relationship of the two peoples and the transitory character of the Palestinian presence in Lebanon.

Fourth, most important, and most widely recognized, the people of Lebanon must agree that force has no place in the inevitable disagreements that arise within any country. Lebanese pluralism, which has tended in its self-assuredness to overlook occasional resort to violence, must evolve to place a new emphasis on the peaceful settlement of disputes. At the same time, the character of that pluralism must remain based upon the unity of Lebanon; the uniqueness of the Lebanese experience; and liberty, security, and justice for all Lebanese within a democratic government that guarantees all citizens' basic freedom.

Mr. PERCY. Mr. President, I ask unanimous consent that the comments I made on the departure from Beirut be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR CHARLES H. PERCY—AUGUST 27, 1982

I have just received my copy of the President's report to the Senate on the 800-man U.S. contingent that arrived in Beirut two days ago under the war power authority granted to the President. In consultations with the President before leaving the United States I fully supported this action and wish to commend not only U.S. Marines with whom I have met today but also the French and Italian military members of the Multi-National Force with whom I have also consulted. I assured the President of my support for this effort as an essential part of the peace-making process in Lebanon and the Middle East and have assured myself that every precaution is being taken to see that such Multi-National Forces do not become engaged in hostilities. Without their presence, however, the evacuation of military forces from West Beirut could not have taken place.

I have witnessed today and discussed with United States Marine Col. Meade, Col. Sehulster, his Italian counterpart, Senior Col. Gueli, and French Col. Coullon details of today's largest and most successful evacuation to date involving 1,351 personnel and 200 vehicles transported by motor vehicles on the Damascus Road to Syria plus more than 600 by sea making a total successful evacuation from Beirut in excess of 2,000 people.

I am confident that the evacuation will be completed more rapidly and with fewer difficulties than was anticipated.

I have met again today as I did last January with President Elias Sarkis. We discussed today his own future role in the private sector helping to restore Beirut as a business, commercial and banking center in the Middle East and I assured him of my full cooperation and support in this regard. He is to be commended for his distinguished service to his country under the most difficult circumstances.

It was a pleasure to meet once again Sheikh Bashir Gemayel. This time he has assumed his role as President-elect. We discussed the three challenging tasks that he faces: one, develop a strong central government; two, reconciliating all political factions within his country; and three, freeing Lebanon at the earliest possible time from foreign forces.

I commend him on the forward looking moderate and creative statements that he made to me and publicly as to his intentions as President; statements that he reiterated with conviction and deep feeling. We discussed in particular the way he will reach out to Lebanese Muslims in addressing their concerns and to the Palestinians, particularly the families of those that have left Lebanon. I intend to indicate to my colleagues in the Senate and to the leadership of the Executive Branch of Government my confidence in his political and humanitarian intentions and his desire to bring order, peace and stability to Lebanon for the first time in many years.

I have sent messages of appreciation to leaders of the Lebanese Muslim community, for without their assistance in the search for peace no agreement on Palestinian withdrawal could have been reached. As an individual Senator having met and talked with Muslim Lebanese leaders in the past, I can appreciate their concerns about the Presidential election just completed. I would urge, as President-elect Bashir Gemayel reaches out, that they themselves reach out to achieve a moderate forward-looking course for a united Lebanon. If Lebanon is to be successfully reunited, as we all hope and pray, all factions will be called upon to make difficult compromises and practice moderation. All should agree that the earliest possible withdrawal of foreign forces is a common goal.

I return now to my study of the problems of Cyprus and highly commend the contribution made by the Cypriots to the Lebanese peace-making effort.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE ACHIEVEMENTS OF U.S. SPECIAL NEGOTIATOR PHILIP C. HABIB

Mr. BAKER. Mr. President, the distinguished Senator from Kansas (Mr. DOLE) proposes a concurrent resolution which I am pleased to cosponsor, along with the distinguished minority leader and the distinguished chairman of the Committee on Foreign Relations, Mr. PERCY, and the distinguished ranking minority member of the Committee on Foreign Relations, Mr. PELL.

It deals with a commendation for Ambassador Philip C. Habib, recently the recipient of the Medal of Freedom.

Mr. President, I send the concurrent resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 118) expressing the sense of the Congress commending the achievements of U.S. Special Negotiator Philip C. Habib.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, today I would like to introduce a resolution commending U.S. Special Negotiator Philip C. Habib for his outstanding achievements during the recent crisis in Lebanon.

In an area that has been torn by conflict for many years, the Lebanese conflict seemed to many of us one more long and discouraging step away from the peace settlement we have sought for so long. The suspicions and resentments that were aroused in the course of the crisis caused concern, as well, that the United States might risk losing a significant part of its ability to influence events throughout the entire region of the Middle East.

But, despite these exceedingly difficult circumstances, Mr. Habib undertook the task of serving as a special negotiator in the crisis with the full commitment of his talent and his energies. Throughout the long weeks of painstaking negotiation on arrangements for evacuation of the Palestinian forces from Beirut, he carried on with a clear-eyed appreciation of the obstacles in his path but, at the same time, with a courageous determination to overcome them.

In winning agreement to terms for an orderly departure of Palestinian forces from Beirut, Mr. Habib also helped to renew the opportunity for progress toward a settlement of the wider differences that still afflict the region of the Middle East—an opportunity that President Reagan has seized with the presentation of his new peace initiative, for which we all hold great hopes and offer our support.

Yesterday, in recognition of Mr. Habib's dedication to his task and his high accomplishments, the President awarded him the Medal of Freedom. All of us here, in the name of the American people, wish to join with the President in expressing our highest praise and our most heartfelt gratitude for the noble contribution he has made toward peace in the Middle East and throughout the world.

Mr. BAKER. Mr. President, on behalf of my colleague from Kansas (Senator DOLE) and with the cosponsorship of Senators ROBERT C. BYRD, PERCY, and PELL, I have sent to the desk a resolution commending Ambassador Philip C. Habib for his efforts in negotiating an end to the crisis in Lebanon. I ask unanimous consent that the resolution remain open for additional cosponsors throughout the balance of the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the problems of Lebanon are not over, but through the efforts of Ambassador Habib there exists the opportunity for the central government to restore its authority and territorial integrity for the first time in a number of years. We can be hopeful, perhaps even optimistic, that the promise of that opportunity will be realized, that all foreign troops will be soon removed and that the process of rebuilding a once-prosperous Lebanon can begin. This opportunity has not come without tragic costs, but the costs make it even more imperative that the opportunity, created by the efforts of Ambassador Habib, not be lost.

As the Ambassador observed yesterday in receiving from the President the Nation's highest civilian award, the Medal of Freedom, the resolution of the crisis in Lebanon is an essential step toward resolution of the larger Arab-Israeli conflict in the region. The President's initiative to that end would not have been possible without the efforts of Ambassador Habib and for that too, we are grateful.

Mr. President, I would be remiss if I failed in this context to mention Morris Draper who accompanied Ambassador Habib on each step of the long, arduous and frequently hazardous mission. Mr. Draper, Ambassador Dillon and his staff in the Embassy in Beirut, exemplify the very finest of the diplomatic service of the United States and we are well-served by their efforts.

I commend the distinguished Senator from Kansas for taking this initiative and believe it a most fitting tribute to a man in whose debt we will long remain.

Mr. ROBERT C. BYRD. Mr. President, it is a privilege to join with the distinguished Senator from Kansas (Mr. DOLE), the distinguished majority leader (Mr. BAKER), the distinguished chairman of the Senate Committee on Foreign Relations (Mr. PERCY), and the distinguished ranking member of the Senate Committee on Foreign Relations (Mr. PELL) in sponsoring this resolution commending the achievements of U.S. Special Negotiator Philip C. Habib.

Just yesterday, President Reagan presented Philip Habib with the President's Medal of Freedom Award for his efforts in achieving a resolution of the Lebanon crisis. The President's Medal of Freedom Award is the highest civilian award that can be accorded an individual who has rendered extraordinary service to our Nation. In the case of Ambassador Habib it is well-deserved recognition of his tenacity, creativity, and undiminished faith that a greater tragedy needed to be averted in Lebanon. I am sure few people felt he could achieve a successful evacuation of the Palestinian forces from Beirut. However, with the President's full backing, Ambassador Habib persevered in the end.

I also think credit should be given to Ambassador Habib's special assistant during this task—Mr. Morris Draper, a career Foreign Service officer who is presently Deputy Assistant Secretary of State for Near Eastern Affairs. The accolades given Mr. Draper by Ambassador Habib during yesterday's ceremonies at the White House were well deserved.

The withdrawal of Palestinian and Syrian forces from Beirut is an impressive achievement and one which I think we in the Congress should pay tribute. The road ahead will be difficult as we pursue a broader peace in the Middle East. Nevertheless, I think the Ambassador Habib's efforts, and those of all the parties concerned which led to the evacuation of foreign forces from Beirut, should serve as an example of what men of good will can achieve.

I am proud to be a sponsor of this sense of the Congress resolution expressing our appreciation to an exceptional public servant—U.S. Special Negotiator Philip C. Habib.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

The preamble was agreed to.

The concurrent resolution (S. Con. Res. 118) together with the preamble is as follows:

S. CON. RES. 118

Whereas it is in the national security interest of the United States to achieve an enduring settlement of the conflict that has afflicted the region of the Middle East for many years; and

Whereas the attainment of such a settlement depends on continuing efforts on the

part of the United States to persuade all parties to the conflict to resolve their differences in a peaceful manner; and

Whereas the recent crisis in Lebanon made even more clear than before the critical need for a peace settlement in the region; and

Whereas the resolution of that crisis and the successful evacuation of the Palestinian forces from Beirut were brought about, in large measure, as a result of the activities of U.S. Special Negotiator Philip C. Habib: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), that (1) It is the sense of the Congress that Mr. Habib warrants the highest commendation for his extraordinary achievement in negotiating the terms under which Palestinian forces were peacefully evacuated from the city of Beirut; for his success in a difficult and delicate task that constituted an essential step toward resolution of the continuing political conflict in the Middle East; and for the model he has provided of the skill, commitment, and endurance that we must sustain in our continuing effort to reach that goal; and that

(2) the Congress extends not only its praise but also its thanks, on behalf of the American people, to Mr. Habib for his accomplishments and his dedicated service in the interests of the United States and of a lasting peace in the Middle East for all its peoples.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

GOV. WALTER MENGDEN

Mr. HELMS. Mr. President, this past Monday was Labor Day, but in Texas it was also "Walter Mengden Day"—a day set aside to honor one of Texas' most distinguished citizens—Walter Mengden.

Walter Mengden has been a member of the Texas Senate since first elected in 1972. He is now president pro tempore of that body. So, in keeping with a fine Texas tradition, Walter Mengden was made Governor for a day on September 6 with a formal ceremony beginning with his inauguration at the capitol on Monday morning and concluding with a luncheon at which 1,000 people paid their respects to this fine man and his lovely wife, June.

I had the privilege of attending this tribute to Senator Mengden. I used the occasion to tell him, in the presence of so many of his friends, that although he did not seek reelection to the Texas Senate this year I sincerely hope that the future will find him returning to government, either in Texas or in Washington. He is a great American.

Mr. President, Walter Mengden is a direct descendent of one of the pioneer families in Texas. His family settled near Caney Bayou in Matagorda County in 1842.

Governor Mengden is a native Houstonian, born in 1926, and is a graduate of the Kinkaid School. He received his law and doctor of jurisprudence degree from the University of Texas law school and also holds a BBA from the University of Texas. Walter Mengden is a veteran of both the U.S. Navy in World War II and the U.S. Army in the Korean war. He received three battle stars and a Presidential unit citation.

Governor Mengden first ran for the Texas House of Representatives in 1964 and 1968 before finally winning in 1970. He was then elected to the Texas Senate in 1972. He was reelected in 1976, receiving more votes for State senator than anyone else in the history of Texas. In 1980, he was reelected again—this time without opposition.

During his service in the senate, Governor Mengden has been able to play an extremely significant role in working for conservative solutions to the problems facing our State. Through his efforts in continually speaking out on the issues, and through his personal persuasion, he has succeeded in passing 91 conservative bills and resolutions into law.

Governor Mengden has been especially active in sponsoring anticrime legislation. He was designated as "law enforcement's strongest supporter in the senate" by the Texas District and County Attorneys' Association. He was also twice named as "the most outstanding member of the legislature" by the Sheriffs' Association of Texas. In addition, Governor Mengden has been given a leadership award from Ross Perot's war on drugs committee for his efforts in fighting drug abuse.

Among the many significant laws that he has sponsored. Governor Mengden is especially proud of the measure that established a State "crime stopper" program to provide rewards to citizens who furnish information leading to the arrest and indictment of criminals who commit serious felonies, with emphasis on drug traffic and organized crime, and to provide State assistance in the creation of local "crime stopper" operations throughout Texas.

Other honors that have been presented to Governor Mengden include leadership awards from the Dallas County Sheriffs' Association, the Houston Police Department, Texas Young Americans for Freedom, Texas Right-to-Life, San Antonio Right-to-Life, Dallas Right-to-Life, Congress of Houston Teachers, Accelerated Christian Education, Texas Public Community-Junior College Association, Texas Independent Colleges and Universities of Texas, Associated Builders and Contractors, Coalition for Peace Through Strength, and the Veterans of Foreign Wars.

In addition to his successful efforts in behalf of law-and-order legislation, Governor Mengden has been a leader in working for profamily legislation. He has passed the only antiabortion bills that have been enacted into law in Texas since the infamous 1973 U.S. Supreme Court ruling. And he sponsored the law giving all cities and counties the ordinance-making power to restrict the location of "massage parlors" and other sexually oriented commercial activities,

Other important laws that Governor Mengden has put on the statute books include numerous proposals to improve the operations of our State government and to make it more responsive to the people; to protect our senior citizens from abuse and neglect; and to conserve our natural resources.

These many accomplishments have helped to significantly move Texas government in a more conservative direction. Long after Governor Mengden has left office, his legacy of conservatism will remain as a tribute to all that he has done for our State.

It is fitting that his career in public service be concluded as president pro tempore of the senate and Governor of Texas.

Mr. President, following his inauguration, Governor Mengden issued several proclamations, three of which I particularly wish to share with my colleagues and with others who read the CONGRESSIONAL RECORD.

Therefore, Mr. President, I ask unanimous consent that the three resolutions be printed in the RECORD.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

PROCLAMATION: GOVERNOR WALTER MENGDEN, SEPTEMBER 6, 1982

Whereas, the foundation of all human liberty is a forthright adherence to the principles of Divine Authority as taught in the Bible and as recognized by the Founding Fathers of the American Republic who wrote:

"The God who gave us life, gave us liberty at the same time . . ."

"We hold these truths to be self evident; that all men are created equal, that they are endowed by their creator with certain inalienable rights . . . life, liberty, and pursuit of happiness; " and

Whereas, all political, civil, religious and human rights, no matter how well guaranteed by a benevolent state, become mere pious fraud if innocent life may be arbitrarily taken by despotic action of the state; and

Whereas, society at large in this decade has exhibited a growing willingness to flout both God's laws and the historical laws of political liberty concerning the sanctity with which we many concerned Texans hold life—both preborn and born; and

Whereas, the right to life is the first and most basic right of all humankind;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby proclaim this day a day of memorial to those unborn millions

of human beings whose right to live unhindered by tyrannical interference on the part of those no longer helpless within the womb has been irretrievably and tragically lost; and do hereby call upon the citizens of Texas to restore that lost right to life, that all may enjoy the blessings of God spread abroad in a land of responsibly self-governed men and women subject only to the righteous and just laws of both the civil state and the Kingdom of God.

PROCLAMATION: GOV. WALTER MENGDEN, SEPTEMBER 6, 1982

Whereas, America's religious tradition is inseparable from it's heritage of liberty under the sovereignty of God; and

Whereas, prayer is that one efficacious means of both addressing and hearing the one, almighty God, Lord of both civil governments and individuals; and

Whereas, for some twenty years, the right of schoolchildren to pray publicly has been in question to the point of severely hindering the prayers of all religious sects desiring such voluntary, public prayer; and

Whereas, the people of Texas have repeatedly expressed a strong desire to reaffirm this basic right given to all by God and guaranteed by the First Amendment to the Constitution of the United States of America;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby offer felicitations, congratulations and God-speed to all who endeavor to restore voluntary prayer to public schools and all public institutions within the State of Texas.

PROCLAMATION: GOV. WALTER MENGDEN, SEPTEMBER 6, 1982

Whereas, the fundamental concepts of individual justice, liberty, stewardship and independence beneath the authority and protection of Almighty God are inseparable from the concept of civil rule of the people, by the people and for the people; and

Whereas, stable and lasting government is historically seen to be a beneficient gift of God, given in just recompense to nations which reflect righteousness:

"Blessed is the nation whose God is the Lord."—Psalms 32: 12.

"Righteousness exalteth a nation: but sin is a reproach to any people."—Proverbs 14: 34.

"When the righteous are in authority, the people rejoice but when the wicked beareth rule, the people mourn."—Proverbs 29: 2.

Whereas, a growing concern for the direction and fate of the nation has evidenced itself by a renewed participation in both electing and assisting the stewards of God-ordained civil government by men of all Christian faiths desiring to hold fast the revered moral principles and tenets of the faith exposed by our forefathers;

Now, therefore, I, Walter Mengden, Governor of Texas, do hereby congratulate the individuals, churches and organizations working to restore a Biblical moral foundation for government and all of national life.

THE PRESIDENT'S VETO OF THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. PROXMIRE. Mr. President, as we all know, the President has vetoed the supplemental appropriations bill. I think that somehow in the country we have missed the significance of that veto. I think it was a very ill-advised action by the President of the United States, because that supplemental appropriation bill was $1.4 billion below—underneath, less than—President Reagan had requested. President Reagan asked for $15.6 billion. We passed a supplemental appropriation bill that provided for $14.2 billion.

When I was in second grade and we learned subtraction, we learned that 14 is less than 15 and certainly 14.2 is less than 15.6. And yet the President is saying that the bill we passed is a budget buster. If this is a budget buster, what was it the President proposed to us?

The difference, Mr. President, is not that our bill is more than the President's. It is less. People who believe in economy should vote for an override because they are voting for less than the President requested. We come in under the budget. The difference, Mr. President, is in priorities.

The fact is that the President asked for $2.1 billion more for military spending than the Congress provided. The President asked for $110 million more for foreign aid than the Congress provided. He asked for about $109 million more for a pay raise than the Congress provided.

The Congress cut every one of those. It cut military, it cut the pay raise, and it cut the foreign aid.

Now, it is true that the Congress added back $919 million—less than a billion dollars; far less than it cut. It added that money back for programs like grants for college students. What it added back for college students is interesting because the President made a cut of about 17 percent and we reduced that cut below 1981 to about 10 percent. So we still cut the funds available for students to go to college in absolute terms. And, of course, if you allow for inflation, the cut was probably closer to 15 or 20 percent. That was in the bill we passed.

We also provided somewhat more money for community service, a couple hundred million dollars more money that will provide for 55,000 jobs for the elderly—the elderly in this country, who, Mr. President, would otherwise go on welfare.

The argument that this is additional spending, I think, can be disputed. But, certainly, Mr. President, no one—no one—should miss the fact that the Congress passed a bill below what the President requested.

Now I remember, because I was managing that bill on the minority side for the Democrats, that at the time the Senate voted on this bill we put a hotline out and asked if any Member of our party opposed it. And there was no Member of our party who told us he opposed that bill as we passed it. We assured Democratic Senators that the bill was under the President's request, substantially under. I understand Senator MARK HATFIELD, the chairman of the Appropriations Committee, also consulted with Republicans on his side and there was no expressed Republican opposition.

So while you cannot say that any voice vote is unanimous, nevertheless, it was obviously one that had no significant opposition and had very strong support.

In the Appropriations Committee, we went over this bill carefully. And there was no opposition to that bill when it came out of the Appropriations Committee. As you know, about a third of the Senators serve on the Appropriations Committee.

So, Mr. President, I hope that the people in this country would realize that that bill, was vetoed by the President of the United States and may or may not override the President in the House. So we may or may not have a chance in the Senate to act on it. But the bottom line is that that was an economy bill. And those who voted for that bill, either by voice vote or in the House by rollcall vote, voted for economy, and they voted for less spending. Oh, yes indeed, they voted for different priorities than the President.

Of course, the President has every right to veto a bill if it does not agree with his priorities. He should veto it if he thinks that the priorities are that much out of line.

But it is not a budget buster when we subtract far more money from the military than we put into community service and education and all other domestic programs. The answer on the effect of every spending bill that comes before us lies in the net effect: The final total amount.

The President, as I say, has every right to say we are spending too much on the domestic programs and to little on the military. I respect that. But I do not respect the argument that this supplemental appropriation bill is a budget buster or that it is excessive or that as compared with the President's bill it is anything other than an economy measure.

I hope that message—the true message—gets out as much as possible to Members in the House and in the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, August 25, August 31, September 1, and September 2, 1982, received messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on August 24, August 25, August 31, September 1, and September 2, 1982, are printed at the end of the Senate proceedings.)

RESCISSION AND DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 165

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 23, 1982, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Foreign Relations, the Committee on Veterans' Affairs, the Committee on Commerce, Science, and Transportation, and the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report a new proposal to rescind a total of $2.3 million, a new deferral of $2.7 million, and revisions to two deferrals previously reported increasing the amounts deferred by $4.8 million.

The rescission proposal affects the Board for International Broadcasting. The deferrals affect the Veterans' Administration, Interstate Commerce Commission and the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

The details of the rescission proposal and the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, *August 23, 1982.*

ANNUAL REPORT ON PROGRESS IN SPACE AND AERONAUTICS—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 166

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I am pleased to transmit this report of the nation's progress in space and aeronautics during 1981. The report is provided in accordance with Section 206 of the National Aeronautics and Space Act of 1958, as amended (42 U.S.C. 2476).

In 1981, U.S. commercial and government-owned spacecraft brought important rewards from space. Particularly notable were *Voyager 2*, which sent closeup photographs of the Saturn planetary system, and new Explorer satellites that studied the sun's interactions with Earth's environment. Communications and weather satellites, both civil and military, furnished improved, ever-expanding daily service.

The reusable Space Shuttle *Columbia* made its maiden space-flight in 1981, opening a new era that will enable the nation to take full advantage of the ultimate frontier of space. With the fourth and final orbital test flight now completed, the next flights of *Columbia* and its sister ships will provide routine operational access to space for scientific exploration, commercial use for economic benefits, national security tasks, and the welfare of mankind.

We can all take pride in these and other accomplishments reported for 1981.

RONALD REAGAN.

THE WHITE HOUSE, *August 24, 1982.*

SEVENTH ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 167

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Environment and Public Works:

To the Congress of the United States:

I transmit herewith the Seventh Annual Report of the Nuclear Regulatory Commission as required by Section 307(c) of the Energy Reorganization Act of 1974 (42 U.S.C. 5877).

The report covers fiscal year 1981, with occasional treatment of events occurring after that period.

RONALD REAGAN.

THE WHITE HOUSE, *August 24, 1982.*

ANNUAL REPORT ON EAST-WEST TRADE—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 168

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 24, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section 411(c) of the Trade Act of 1974, I hereby transmit the East-West Trade Report for 1981, covering trade relations between the United States and the nonmarket economy countries.

I have reviewed the sanctions on the export of oil and gas equipment to the Soviet Union imposed on December 30, 1981 and decided on June 18, 1982 to extend those sanctions through adoption of new regulations to include equipment produced by subsidiaries of U.S. companies abroad as well as equipment produced abroad under licenses issued by U.S. companies.

The objective of the United States in imposing the sanctions has been and continues to be to advance reconciliation in Poland. Since December 30, 1981, little has changed concerning the situation in Poland; there has been no movement that would enable us to undertake positive reciprocal measures.

The decision taken to extend the sanctions will, I believe, advance our objectives of reconciliation in Poland.

RONALD REAGAN.

THE WHITE HOUSE, *August 24, 1982.*

ANNUAL REPORT OF THE FEDERAL COUNCIL ON AGING—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 169

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 24, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 204(f) of the Older Americans Act of 1965, as amended, I hereby transmit the Annual Report for 1981 of the Federal Council on the Aging. The report reflects the Council's views in its role of examining programs serving older Americans.

RONALD REAGAN.

THE WHITE HOUSE, *August 24, 1982.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 25, 1982, received a message from the House of Representatives announcing that the Speaker pro tempore has signed the following enrolled bills:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes;

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes;

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes;

H.R. 3126. An act to direct the Secretary of the department in which the United States is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade, and for other purposes;

H.R. 3345. An act to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act;

H.R. 6350. An act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration Health Professional Scholarship Program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes;

H.R. 6409. An act to provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, Louisiana, and for other purposes;

H.R. 6732. An act to amend the International Safe Container Act; and

H.R. 6955. An act to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, Ninety-Seventh Congress).

Under the authority of the order of the Senate of August 20, 1982, the enrolled bills were signed on August 25, 1982, during the adjournment of the Senate, by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on August 26, 1982, received a message from the House of Representatives, announcing that the Speaker pro tempore had signed the following enrolled bills:

H.R. 3239. An act to amend the Communications Act of 1934, and for other purposes; and

H.R. 3663. An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

Under the authority of the order of the Senate of August 20, 1982, the enrolled bill H.R. 3239 was signed on September 2, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

Under the authority of the order of the Senate of August 20, 1982, the enrolled bill H.R. 3663 was signed on September 8, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received a message from the House of Representatives announcing that the Speaker pro tempore has signed the following enrolled bills:

H.R. 4961. An act to provide for tax equity and fiscal responsibility, and for other purposes; and

H.R. 6128. An act to revise, codify, and enact without substantive change certain general and permanent laws, relating to money and finance as title 31, United States Code, "Money and Finance".

Under the authority of the order of the Senate of August 20, 1982, the enrolled bills were signed on September 2, 1982, during the adjournment of the Senate by the President pro tempore (Mr. THURMOND).

MESSAGE FROM THE HOUSE

At 2:36 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has agreed to the following resolution:

H. Res. 579. Resolution relative to the death of the Honorable ADAM BENJAMIN, Jr., a Representative from the State of Indiana.

ENROLLED BILL SIGNED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following enrolled bill, which had previously been received from the House of Representatives, was signed by the President pro tempore (Mr. THURMOND) on August 23, 1982, during the adjournment of the Senate:

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

ENROLLED BILLS PRESENTED DURING THE ADJOURNMENT

The Secretary of the Senate reported that on August 27, 1982, he had presented to the President of the United States the following enrolled bills:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes;

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurements, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4125. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on two rescissions and a revision to one deferral previously reported; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources.

EC-4126. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale by the American Institute in Taiwan to the Coordination Council for North American Affairs; to the Committee on Armed Services.

EC-4127. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to study the conversion to contractor performance of various functions at different installations; to the Committee on Armed Services.

EC-4128. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Guard Service function at the Naval Construction Battal-

ion Center, Davisville, RI to performance under contract; to the Committee on Armed Services.

EC-4129. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision made to convert the food service mess attendants function at Port Austin Air Force Station, Michigan to performance under contract; to the Committee on Armed Services.

EC-4130. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Administrative Telephone Service function at the Navy Experimental Diving Unit, Panama City, FL to performance under contract; to the Committee on Armed Services.

EC-4131. A communication from the Secretary of the Treasury transmitting, pursuant to law, the fiscal year 1981 annual report of the Exchange Stabilization Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC-4132. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Bank Merger Process Should be Modernized and Simplified"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4133. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety; to the Committee on Commerce, Science, and Transportation.

EC-4134. A communication from the Secretary of the Interior transmitting, pursuant to law, the eleventh annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-4135. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Cities Service Company; to the Committee on Energy and Natural Resources.

EC-4136. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payment to Amoco Production Company; to the Committee on Energy and Natural Resources.

EC-4137. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Mobil Oil Co.; to the Committee on Energy and Natural Resources.

EC-4138. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Scurlock Oil Co.; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following reports of committees were filed on September 3, 1982, during the adjournment of the Senate:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. 2879. An original bill to provide flexibility to the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, and the Federal Supervisory Agencies to deal with financially distressed depository institutions, to enhance the competitiveness of depository institutions, to expand the range of services provided by such institutions, to protect depositors and creditors of such institutions, and for other purposes (with additional views) (Rept. No. 97-536).

ADJUSTMENT OF FEDERAL WHITE COLLAR PAY—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 170

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate on August 26, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Under the Federal Pay Comparability Act of 1970, an adjustment in Federal white collar pay will be required in October, 1982.

The Act requires that calculations be made annually of the adjustments that would be required in Federal statutory pay systems to achieve comparability with private sector pay for the same levels of work. Using the calculation methods developed in the past, my pay advisers have indicated that an average 18.47 percent increase would be required to achieve comparability as that concept is presently defined.

The Comparability Act gives me authority to propose an alternative adjustment in lieu of comparability, if such action is appropriate because of economic conditions. Under that authority, in accordance with our economic recovery program, I am submitting to the Congress an Alternative Plan for a 4-percent increase in Federal white collar pay this October in lieu of the 18.47 percent increase indicated under current comparability calculation methods.

Current law governing military pay increases provides that the annual increase in military pay be the same as the average Federal white collar increase. However Congress is currently considering legislation dealing with military pay increases. If legislation is enacted, it will supersede the increase that military personnel would otherwise receive under this Alternative Plan.

RONALD REAGAN.

THE WHITE HOUSE, *August 26, 1982.*

EXCLUSION OF CERTAIN PAY UNDER THE MERIT PAY SYSTEM—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 171

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

Supervisors and management officials in GS-13, 14, and 15 positions throughout the Federal Government are covered by the Merit Pay System as required by Chapter 54, Title 5, U.S. Code, unless otherwise excluded by law.

Upon proper application from the heads of affected agencies and upon the recommendation of the Director of the Office of Personnel Management, I have, pursuant to 5 U.S.C. 5401(b)(2)(B), excluded 9 agencies and units of agencies from coverage under the Merit Pay System.

Attached is my report describing the agency or unit to be excluded and the reasons therefor.

RONALD REAGAN.

THE WHITE HOUSE, *September 1, 1982.*

ANNUAL REPORT OF THE REHABILITATION SERVICES ADMINISTRATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT—PM 172

Under the authority of the order of the Senate of August 20, 1982, the Secretary of the Senate, on September 1, 1982, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with Section 12 of the Rehabilitation Act of 1973, as amended, I am pleased to transmit the enclosed report to Congress. The report, prepared by the Department of Education, covers activities supported under the Act in fiscal year 1981.

As we strive for control over the rising costs of government and sort out appropriate roles for the Federal, State and local governments, it is useful to document the gains already achieved by handicapped citizens and the role of these primarily State-administered programs in contributing to those gains.

RONALD REAGAN.

THE WHITE HOUSE, *September 1, 1982.*

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING THE ADJOURNMENT

Under the authority of the order of the Senate of August 20, 1982, the following executive reports of committees were submitted:

By Mr. GARN, from the Committee on Banking, Housing, and Urban Affairs:

Frank J. Donatelli, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1984; and

Edward Sulzberger, of New York, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1983.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolution and Senate resolution were read, and acted upon, as indicated:

By Mr. DOLE (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. PERCY, and Mr. PELL):

S. Con. Res. 118. Concurrent resolution expressing the sense of the Congress commending the achievements of U.S. Special Negotiator Philip C. Habib; considered and agreed to.

By Mr. BAKER, for Mr. LUGAR (for himself and Mr. QUAYLE):

S. Res. 457. Resolution relative to the death of Representative Adam Benjamin, Jr., of the State of Indiana; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1939

At the request of Mr. GOLDWATER, the names of the Senator from Utah (Mr. HATCH), the Senator from Alabama (Mr. HEFLIN), the Senator from Ohio (Mr. GLENN), and the Senator from Iowa (Mr. JEPSEN) were added as cosponsors of S. 1939, A bill to amend the Public Health Service Act to establish a National Institute on Arthritis and Musculoskeletal Diseases.

S. 2421

At the request of Mr. GLENN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2421, A bill to establish the National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education, and for other purposes.

S. 2737

At the request of Mr. GLENN, the name of the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2737, A bill to authorize an educational assistance program which will provide low cost loans to college students who pursue mathematics and science baccalaureate degrees and enter the precollege mathematics and science teaching profession, and for other purposes.

S. 2738

At the request of Mr. GLENN, the name of the Senator from Nevada (Mr. CANNON) was added as a cosponsor of S. 2738, A bill to amend the Internal Revenue Code of 1954 to allow a credit to certain employers for compensation paid to employees with precollege mathematics or science teaching certificates who are employed for the summer months by such employers or who are employees who teach a limited number of hours.

S. 2780

At the request of Mr. COCHRAN, the names of the Senator from Kentucky (Mr. HUDDLESTON), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2780, A bill to limit the insanity defense and to provide a procedure for commitment of defendants found guilty who are mentally ill.

S. 2857

At the request of Mr. ROBERT C. BYRD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2857, a bill to establish a Customs Revenue Sharing Trust Fund for public works projects for the development and maintenance of the Nation's ports.

S. 2867

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. BRADLEY) was added as a cosponsor of S. 2867, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

SENATE JOINT RESOLUTION 234

At the request of Mr. GOLDWATER, the names of the Senator from South Dakota (Mr. PRESSLER), the Senator from Iowa (Mr. JEPSEN), the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from New Hampshire (Mr. RUDMAN) were added as cosponsors of Senate Joint Resolution 234, a joint resolution to provide for the designation of the week commencing with the third Monday in February 1983 as "National Patriotism Week."

SENATE RESOLUTION 331

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of Senate Resolution 331, a resolution expressing the sense of the Senate that the Federal Energy Regulatory Commission should take no action to accelerate the decontrol of wellhead natural gas prices.

SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the names of the Senator from Idaho (Mr. MCCLURE), and the Senator from New Jersey (Mr. BRADLEY) were added as cosponsors of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

AMENDMENT NO. 2023

At the request of Mr. COHEN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from North Dakota (Mr. BURDICK), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Vermont (Mr. LEAHY), the Senator from Rhode Island (Mr. PELL), the Senator from Michigan (Mr. RIEGLE), the Senator from Tennessee (Mr. SASSER), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of amendment No. 2023 intended to be proposed to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

SENATE CONCURRENT RESOLUTION 118—CONCURRENT RESOLUTION COMMENDING THE ACHIEVEMENTS OF PHILIP C. HABIB

Mr. DOLE (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. PERCY, and Mr. PELL) submitted the following concurrent resolution; which was considered and agreed to:

SENATE CONCURRENT RESOLUTION 118

Whereas it is in the national security interest of the United States to achieve an enduring settlement of the conflict that has afflicted the region of the Middle East for many years; and

Whereas the attainment of such a settlement depends on continuing efforts on the part of the United States to persuade all parties to the conflict to resolve their differences in a peaceful manner; and

Whereas the recent crisis in Lebanon made even more clear than before the critical need for a peace settlement in the region; and

Whereas the resolution of that crisis and the successful evacuation of the Palestinian forces from Beirut were brought about, in large measure, as a result of the activities of U.S. Special Negotiator Philip C. Habib: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That:

(1) It is the sense of the Congress that Mr. Habib warrants the highest commendation for his extraordinary achievement in negotiating the terms under which Palestinian forces were peacefully evacuated from the city of Beirut; for his success in a difficult and delicate task that constituted an essential step toward resolution of the continuing political conflict in the Middle East; and for the model he has provided of the skill, commitment, and endurance that we must sustain in our continuing effort to reach that goal; and that

(2) the Congress extends not only its praise but also its thanks, on behalf of the American people, to Mr. Habib for his accomplishments and his dedicated service in the interests of the United States and of a lasting peace in the Middle East for all its peoples.

SENATE RESOLUTION 457—RESOLUTION RELATIVE TO THE DEATH OF REPRESENTATIVE ADAM BENJAMIN, JR.

Mr. BAKER (for Mr. LUGAR, for himself and Mr. QUAYLE) submitted the following resolution; which was considered and agreed to:

S. RES. 457

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Adam Benjamin, Jr., late a Representative from the State of Indiana.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representatives.

AMENDMENTS SUBMITTED FOR PRINTING

TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

AMENDMENT NOS. 2044 THROUGH 2059

(Ordered to be printed and to lie on the table.)

Mr. BAUCUS submitted 16 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

AMENDMENT NOS. 2060 THROUGH 2062

(Ordered to be printed and to lie on the table.)

Mr. DANFORTH submitted three amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), supra.

AMENDMENT NOS. 2063 THROUGH 2111

Mr. WEICKER submitted 49 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), supra.

AMENDMENT NOS. 2112 THROUGH 2739

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted 628 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520), supra.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. WEICKER. Mr. President, I would like to announce that the Senate Small Business Committee will hold a joint hearing with the Senate Appropriations Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies on the Justice Department merger guidelines and its enforcement of antitrust laws, on Thursday, September 9, 1982, at 10 a.m., in room 424 of the Russell Senate Office Building. Senator RUDMAN will chair the hearing. For additional information, contact Brian Hartman at 224-8490 or Claudia Ingram at 224-7244.

Mr. President, I would like to announce that the Senate Small Business Committee will hold a hearing on Thursday, September 16, 1982, room 424 of the Russell Senate Office Building, at 10 a.m., to consider S. 2446, the Small Business Procurement Reform Act of 1982, and other small business procurement reforms. Senator S. I. HAYAKAWA will chair the hearing. For further information please contact Kimberly Elliott of the Small Business Committee staff at 224-3840.

COMMITTEE ON THE BUDGET

Mr. DOMENICI. Mr. President, the Senate Committee on the Budget will hold hearings next week on Budget Act reform. All hearings will be held in 6202 Dirksen Senate Office Building starting at 9:30 a.m.

The hearings are as follows:

Tuesday, September 14, 9:30-11:30 a.m.—The Honorable Henry Bellmon, cochairman, Committee for a Responsible Federal Budget; The Honorable Robert N. Giaimo, cochairman, Committee for a Responsible Federal Budget.

Thursday, September 16, 9:30-11 a.m.—Mr. George Gross, National League of Cities; Messrs. John McEvoy, Kutak, Rock, and Huie.

Thursday, September 16, 11-12:30 p.m.—Dr. Rudy Penner, American Enterprise Institute; Dr. Norman Ornstein, American Enterprise Institute.

ADDITIONAL STATEMENTS

LEGAL SERVICES CORPORATION

● Mr. KENNEDY. Mr. President, in the next few weeks the Senate will be asked to continue funding the Legal Services Corporation. President Reagan has wanted to kill the LSC and its predecessor, the Office of Legal Services in OEO since he was the Governor of California. He has consistently tried to kill it since becoming President. I have fought against the President on this issue because I believe that the LSC is too important to eliminate. Contrary to the claims of the opponents of LSC, there is no one to take its place.

I recently received a letter from Dean Richard Huber of the Boston College Law School on the subject of the LSC and its funding. Dean Huber eloquently explains the importance and continuing need for funding the LSC I would submit the letter for the RECORD.

The letter follows:

BOSTON COLLEGE,
Newton, Mass., July 20, 1982.

Hon. EDWARD M. KENNEDY,
U.S. Senator,
Washington, D.C.

DEAR SENATOR KENNEDY: I write to ask your support for full appropriation for the Legal Services Corporation, as requested at the $265 million level for this coming fiscal year. This amount represents at best level funding of the Corporation at a time when need is slowly increasing.

The provisions for legal services to the poor in our society has been one of the great efforts of the federal government over the past fifteen years or so, and particularly so since the LSC reached an adequate level of funding. In a society such as ours, in which law is so decisive in determining rights and obligations, it is necessary that each person have some meaningful access to whatever legal services are required to gain entitlements. Otherwise the concept that all are equal before the law loses effective meaning.

Of course, in any organization as large and diverse as the LSC, abuses do occur. But the level and extent of abuse seems to me to be remarkably limited. In fact what has sometimes been labeled abuse has been merely the forceful advocacy of rights that are set out in legislation but which before this time have not been enforced. We do, as a society, tend to legislate solutions fairly readily but are weaker in enforcing this legislation. The LSC has, no doubt, by seeking enforcement of rights that have been earlier established, seemed to some to be overly aggressive. But, as we know, a right without remedy is no right at all, and the LSC has done much to assure that legislation is enforced.

On another matter, the private bar cannot assume the entire level of legal services for poor people. Only so much time can be devoted to this service since office and other costs continue even if there is no fee. And it is not unfair to note that many lawyers do not practice in areas to which the LSC necessarily devotes its services to the poor. A good lawyer can probably handle most cases competently but he or she will handle them very slowly if they cover an area of law or a type of practice dissimilar to that in which the lawyer ordinarily practices. Law schools can and do bear some of the burden but, since our purpose must be primarily educational, we can do less for the same level of expenditure than the LSC, whose purpose is solely service. And our resources are very limited.

I appreciate your attention to this rather lengthy letter. The cause is, frankly, very important to me and I hope this will excuse the length. Thank you for any assistance you can give toward full funding of the Legal Service Corporation.

Sincerely,

RICHARD G. HUBER,
Dean.

AMERICAN CONSERVATION CORPS

● Mr. MOYNIHAN. Mr. President, I am pleased that the Public Lands and Reserved Water Subcommittee has scheduled a hearing on September 22 to consider S. 2061, legislation that Senator MATHIAS and I have introduced to create an American Conservation Corps modeled after the Civilian Conservation Corps of the 1930's. Our bill enjoys the bipartisan cosponsorship of 17 Members of this Chamber and a companion bill, H.R. 4861, passed the House on June 9 by a vote of 291 to 102. I am confident that the

Senate will act expeditiously on this important legislation and will put thousands of unemployed young people to work conserving and rehabilitating our Nation's natural and cultural resources.

Mr. President, I would like to bring to my colleagues' attention a timely essay by Mr. Harry Goldsmith that appeared in the September 5 New York Times, and I ask that it be printed in the RECORD.

The essay follows:

[From the New York Times, Sept. 5, 1982]

CONSTRUCTED BY DAVIDS, OCCUPIED BY GOLIATHS

(By Harry Goldsmith)

UPPER MONTCLAIR, N.J.—Camp David, the Presidential retreat, has been very much in the news. We've see Ronald Reagan strolling through the woods with the Secretary of State, and Congressmen were invited there when the President wanted to persuade them of the soundness of his tax increase.

I wonder whether the President, as he walks in the cool mountain wilderness of Camp David or relaxes in one of its rustic log cabins, is aware that he is enjoying a facility that was built by unemployed youth of two generations ago—members of the Civilian Conservation Corps. One of the earliest New Deal programs, the C.C.C. was established by Congress in 1933 to combat unemployment during the Depression.

Until the C.C.C. was terminated in 1942, it provided useful work and vocational guidance for a total of three million unemployed single young men through conserving and developing our country's natural resources.

Even as President Reagan relaxes at Camp David, he cannot help but have on his mind the hundreds of thousands of youth who are unemployed today. Perhaps it may occur to him that an answer to this blight on our society is to revive the C.C.C. program.

Camp David was not always a Presidential retreat. In the summer of 1940, my family and I spent a glorious week's vacation in this wilderness wonderland. It was then called Camp Hi-Catoctin and operated as a low-cost vacation camp for Federal employees and their families. The cost was $14 per week per adult, $7 for children; meals, lodgings and all recreational facilities were included.

There was room for only 72 guests in the camp's 18 long cabins, nestled unobtrusively among the pines, so it did not take long for us to turn into one big family.

Life at Camp Hi-Catoctin began at 7 A.M. with the bong of a gong. Breakfast was served family-style at 8 in a large dining and recreation hall. Most campers were on time for meals because life in the woods developed quite an appetite. Those few who straggled in late were greeted with a hiss.

After breakfast, campers swam in a pool of crystal-clear continuously filtered spring water, hiked, rode horses or used the craft shop or dark room. Others played badminton, Ping-Pong or softball—or settled down to some serious loafing. In the evenings, campers gathered for dancing, movies, singing or lectures on nature and the stars that filled the night sky.

Camp David is a shining example of what unemployed youth can create when given the opportunity. Through forest and wildlife protection, flood control, soil conservation, development of new state parks and recreational areas, and similar activities, the C.C.C. added to the nation's material wealth and well-being, the benefits of which are being enjoyed to this very day, even by the President.

The C.C.C. not only conserved and enhanced our natural resources but also conserved and enhanced our youth at a time of severe unemployment.

There are hundreds of thousands of jobless youth today who would also benefit if Congress revived the C.C.C.●

BUSINESS AND ENVIRONMENTAL- ISTS: A PEACE PROPOSAL

● Mr. ARMSTRONG. Mr. President, I have seldom, if ever, read a more sensible article than Christopher Palmer's interesting essay in the August 8, Washington Post. Mr. Palmer calls for more tolerance and understanding between business and environmentalists. As one who cares about both, I think he has made a very significant and worthy statement. I commend it to my colleagues.

The essay follows:

[From the Washington Post, Aug. 8, 1982]

BUSINESS AND ENVIRONMENTALISTS: A PEACE PROPOSAL

(By Christopher Palmer)

Environmental groups are not perfect. We have flaws, as does business. By candidly examining the flaws on both sides we may be able to defuse the destructive animosity and mutual misunderstanding, and even find areas where we can make common cause. Let me first focus on the weaknesses, both real and perceived, of environmentalists.

One of our problems is that we tend to assume a tone of arrogance when talking to business. When we environmentalists act as though we talk to God and as though we have all the answers, then industry, even those business people who are inclined to be sympathetic, will be irritated. We call ourselves "public interest" groups—the implication being that we look after the "public interest" while everyone else is pursuing his own selfish goals.

This tendency is matched by a tendency to be rigid, unwilling to compromise or negotiate. Environmentalists sometimes are afraid to bend and be flexible. We think the arguments made by industry are totally self-interested and exaggerated.

Too often environmentalists think of profits as dirty. We don't always appreciate the effectiveness of the free market. Too few of us have ever worked as entrepreneurs and, consequently, lack an appreciation of just how hard it is to succeed in business. We are much more expert at grantsmanship.

Some environmentalists are—like business people—probably not concerned enough about the harsh impact of high prices on poor people. Few of us know anything about the degradation and pain of poverty. While the image of us—in Michael Kinsley's words—as a "clique of rich people attempting to protect their backyard" is an exaggeration, nevertheless we are probably oversensitive to the desires of the upper and middle class and insufficiently sensitive to the desires of those less well off.

Environmental goals should not be pursued without regard to their consequences elsewhere. Preserving wilderness is important, but it is only one of a number of important national goals. For example, energy policy should not be based on environmental values alone. A clean environment is just one of many results we want in a energy policy, not the central driving force. Environmentalists have to accept the fact that occasionally—ideally, rarely—they may have to compromise some environmental goals for more important ones, such as jobs.

This brings me to economic growth and productivity. Too often environmentalists give the impression of wishing economic growth would somehow go away. But economic growth and increased productivity are needed to create new jobs, to increase our investments in energy efficient housing and our investments in new less-polluting industrial processes.

And finally, environmentalists, like other human beings, can suffer from parochialism. A recent issue of a major environmental magazine contained a long and detailed editorial on how domestic cats are not a threat to birds. We voraciously consume each other's newsletters but tend to neglect Business Week, Forbes and Fortune.

Let me now turn to steps that business could take to gain a better understanding of us and to help win our confidence and trust.

There should be a greater realization on the part of business of the extent to which future growth and profits depend on efforts to preserve land, air and water. Erosion control aims at maintaining the productivity of soils, essential to sustaining U.S. agricultural output. Forest conservation and reforestation are essential to the protection of soils and watersheds. Reduced pollution means fewer work days lost to environment-related illnesses. Thus, conservation and environmental protection make direct contributions to economic productivity.

Another step that business could take would be to show greater appreciation of the tremendous market opportunities in energy conservation, solar energy and pollution control. Business Week reported in its April 6, 1981, issue that the market for energy conservation investments was growing phenomanally fast and could reach $30 billion by 1985. An article in the November/December 1980 Harvard Business Review concluded that alert companies can turn pollution prevention into profit and make economic growth and environmental protection go hand in hand. There are now over 600 companies in the business of manufacturing air- and water-pollution-control equipment, including cooling towers, scrubbers, precipitators and catalytic converters. These firms constitute a multi-billion-dollar industry employing hundreds of thousand of people around the country.

There are three broad areas where we could form alliances with business. First is the area of lobbying. Recently, United Technologies and the Audubon Society formed a lobbying team to promote increased federal funding for fuel cells. Why can't we do this on other issues, such as adoption of user fees, establishment of unnecessary government bureaucracies like the Synthetic Fuels Corporation?

The second area is in defining public policy. The National Coal Policy Project, led by Larry Moss, a well-known environmentalist and former chairman of the Sierra Club, and Jerry Decker, of the Dow Chemical Company, is a good example of an attempt by both environmentalists and industry to explore common ground in their conflict over coal policy.

The third way environmentalists could form alliances with business is to enter into business partnerships. Is there any reason why environmental groups have to be limit-

ed to testifying, writing and lobbying? Why shouldn't they help to market pro-environmental products? Audubon has recently established an arrangement with an energy management company to promote energy efficiency in commercial buildings. We have just helped to sell a $100,000 system.

The opportunities for business partnerships are immense. Why shouldn't we, for example, work with manufacturers of water-heating heat pumps to develop a packet of information that would help our half million members—especially those in the South, who heat their homes with electricity—to become more familiar with this technology? Why shouldn't we produce an investment newsletter that contains information about profitable companies in solar, conservation and pollution-control equipment, which Audubon members could use in purchases and sales in their own portfolios? If we were to sit down with business and industry, we could probably come up with many more projects that could help both of us.

There is much on which we can make common cause, and business people should seek out those in the environmental movement with whom they can work. Environmentalists, in turn, should not treat industry as a monolith.

We should all be seeking the right kind of growth, growth that does not degrade the environment that others must share. Environmentalists are not opposed to business enterprises, nor to those who seek to return on invested capital. We are only opposed to mindless growth that demands a narrow advantage regardless of social costs.●

INTERGOVERNMENTAL COMMITTEE FOR MIGRATION

● Mr. KENNEDY. Mr. President, our newspaper headlines remind us daily of one of the most persistent and critical international problems—the plight of refugees and migrants around the world.

Over the years, one of the international community's most important tools for dealing with the problems of migration has been the Intergovernmental Committee for Migration—which the United States was instrumental in launching following World War II.

In the 30 years since, ICM has become a lifeline of hope for millions of refugees and migrants seeking new lives in new lands. Recently, the European and Asian editions of the Reader's Digest contained an excellent article describing ICM's humanitarian work, which I would like to share with my colleagues.

Mr. President, I ask that the Reader's Digest article on the ICM be printed at this point in the RECORD.

The article follows:

[From the Reader's Digest, September 1982]

LIFELINE TO HOPE FOR THE WORLD'S REFUGEES

(By Rudolph Chelminski)

In the ominous months preceding last December's military crackdown in Poland, an estimated 100,000 Poles fled to the West. Most are still scattered around Europe, lodged with friends or in refugee quarters in Austria and Germany, and the sad truth is that Europe, with its weakened economy and high unemployment, can do little to help.

For these Poles, the only solution is emigration to lands like the United States, Canada, Australia or perhaps South Africa. And their only hope for getting there is embodied in three letters: ICM.

ICM stands for the Intergovernmental Committee for Migration. It is one of the least known but most important—and most quietly efficient—of the world's many international organizations. ICM's primary job is moving people in distress—finding destinations for those who have nowhere to go, and then taking them there. "Extrication" was the way one ICM worker put it.

It was ICM that resettled the 300,000 Displaced Persons remaining in Western camps after the United Nations' postwar refugee operation ended in 1951; ICM that moved the 200,000 Hungarians who fled from Soviet tanks in 1956, the 20,000 Czechs who shared the same experience in 1968, the 250,000 Soviet Jews who have chosen voluntary exile over the last decade. In all, since its birth in 1951, ICM has "extricated" more than three million refugees and exiles.

Headquartered in Geneva, ICM is a curiosity amidst the jumble of United Nations agencies that fill the Swiss city: with 131 employees (and 186 more stationed around the world), it is the smallest intergovernmental organization in town. In fact, it is not even part of the UN, and for a good reason. ICM's 30 member states and 16 associates (including Britain) have agreed on a single precondition to membership: the principle of free circulation of peoples. As a result, ICM is composed essentially of the United States, Western Europe and most of Central and South America, whose nations share its present £77-million yearly budget.

"Of the 157 UN members," observes Karel Norsky, a former British journalist based in Geneva, "less than one-third can be called true democracies. So who's going to help those who flee totalitarianism? ICM can, because it is one of the few organizations where the countries of the free world have a decisive influence."

QUIET APPROACH

ICM is often compared to a fire brigade of humanitarianism but, notes Alain Modoux of the International Committee of the Red Cross, "their humanitarianism remains discreet." ICM keeps its mouth shut and leaves value judgements to others.

"The result is that we can get things done when others can't," says a highranking ICM officer in Geneva. Thanks to ICM, 30,000 supporters of Chile's late President Salvador Allende were able to leave after Pinochet came to power in 1973—but also thanks to ICM, several hundred opponents who had fled Allende's regime were able to return home.

To understand how ICM gets things done, I spent a day with Bill Anderson, who is in charge of ICM's South-East Asian operation in San Francisco. With 700,000 Indo-Chinese refugees moved so far—more than half through San Francisco—and 250,000 more to go, it is by far ICM's biggest operation ever. The Asian refugee problem began in 1975, with the fall of Saigon, when the first "boat people" began appearing in the West in large numbers. It swelled to catastrophic proportions in 1979 when the US and other Western countries vastly increased their Asian refugee allocations.

July 1979 found Anderson ridiculously understaffed and ill-equipped as wave after wave of jumbo jets descended upon him, spewing forth hundreds of confused and exhausted refugees. "Sometimes they were stuck for hours at the San Francisco airport with no facilities, waiting for re-routing to their sponsors," Anderson recalled. "At one time we had a thousand of them sleeping on the floor."

Faced with the threat of a caretakers' strike, rumours of disease and a hostile local press, Anderson told US State Department officials that he was taking the problem into his own hands. As a stopgap, he lodged the pregnant and sick in a motel near the airport, and sent out an emergency call for volunteers.

The crowding and chaos eased the following January when the ever-resourceful Anderson found three good barrack blocks at the sprawling, unused Hamilton Air Force Base, 25 miles north of San Francisco. He cleaned them up and borrowed a thousand cots and bedding from an army camp, while his volunteers scrounged playground equipment for the children. By February 10, 1980, his Hamilton transit camp was ready for customers, and it has been filled ever since.

WELCOME GIFTS

With Anderson, I watched as the first busloads arrived from that morning's flight and were checked in. Each person was issued a hooded parka as protection against the chilly November air, and a new set of warm clothing from a considerable stock donated by local charitable and church groups.

As important to ICM as donated clothing is donated time. Volunteers and part-time help are the main reasons ICM gets so much done with so little staff; its 317 full-time employees cost £6·3 million, just over eight percent of the total budget. The regulars are outnumbered by 444 temporary staff, who range from doctors on contract to students and retired people working for free. At Anderson's transit camp, one Cambodian family named Ken was so moved by the kindness of the volunteer staff that they named their first American-born son Hamilton. It was the finest compliment they could have paid ICM.

Anderson is the first to admit that little would be possible without team effort. "We've made it work with the help of a lot of dedicated people. ICM work is a calling, like the ministry—you get addicted to it."

Addicts of Anderson's ilk abound among full-time ICM officers. Margaret Steele of the refugee assistance division, one of the few Britons at the Geneva headquarters, has been with ICM for 25 years. So has 62-year-old Dane Soren Christensen, ICM's chief of operations and transport, whose quarter-century of service has included more than one act of heroism.

In 1970 he brought planeloads of Biafran children back to Nigeria from the Ivory Coast and Gabon where they had been sent during the civil war; two years later, he snatched 5,000 terrorized Ugandan Asians out of Kampala. In 1976, in the thick of battle in Beirut, he used every ruse in the book, from bribing sentries with whisky to pretending to be a corpse in a casualty pickup truck, in order to get through the lines and bring families to safety.

ON HER TOES

Improvisation is an ICM byword, as one steward of an American airline discovered in Los Angeles. Applying to the letter an airline rule that all passengers must wear foot covers, he refused to allow a bare-foot Vietnamese refugee boy on board his plane. The ICM agent on the spot immediately wrig-

gled out of her tights, plonked the boy into them and sent him up the ramp, daring the steward to let out a squeak. He didn't.

Another master improviser is Joe Dvorak, a canny 62-year-old Viennese, whose near-miraculous solutions to apparently insoluble problems have made him something of a living legend among ICM professionals. Dovrak sums up his approach with a personal axiom that could well be the organization's motto: "Jump into the lake and swim."

With Dvorak and his boss, Henri van Werveke, a Luxenburger who runs the ICM office for Austria, I visited the refugee camp of Traiskirchen, some 15 miles south of Vienna, where nearly 3,000 Poles were awaiting resettlement. In addition, some 23,000—mostly young families—were housed in different camps, hotels, and boarding houses throughout the country, while another 20,000 were paying their own way:

Austria is the first-asylum country, but it can't absorb these people itself," said van Werveke. "We're the only ones who can get them out for settlement elsewhere."

The situation in Austria illustrates why ICM is not a part of the UN and never will be. The UN is bound by a 1951 convention, which defines a refugee as a person who has fled his country, and no longer has the protection of a government, for reasons of racial, religious or political persecution. This did not apply to Poles fleeing to Western Europe before martial law was established last December because no tangible persecution could be proved in most cases. For the UN they were only Polish tourists in the West.

Likewise, the 1951 convention does not permit refugee status for nationals within their own country, such as the 30,000 anti-Pinochet Chileans ICM moved out in 1973, or the luckless Asians in Idi Amin's Uganda. The United Nations High Commission for Refugees does praiseworthy work, but only ICM can negotiate the fate of "unofficial refugees." Said Karl Radek, director of the Traiskirchen camp, "Over the years we have found that when you can't reach anyone else, you can always reach ICM."

EXPANDING ROLE

This kind of humanitarianism, however, is not the whole picture. Over the years, ICM has branched out into the development business with three specific programmes.

The oldest is known as Selective Migration. In 1964, after receiving a joint request from Latin-American governments, ICM began recruiting in Europe and America the specialized talent they needed to help exploit natural resources and to develop new trades and businesses. Since then, ICM has settled nearly 30,000 technicians, farmers, architects and other professionals all over Central and South America.

In 1974, ICM inaugurated two corollary programmes: Integrated Experts and Return of Talent. The first is a kind of technical shopping service for developing nations. At Ecuador's request, for example, the ICM Mission in Bonn recruited a German mechanical engineer. As a supervisor at Quito University, he has organized training programmes and instructed graduate engineers in the design, manufacture and maintenance of machine tools.

The Return of Talent programme attacks one of the most vexing problems of the Third World: the brain drain. The goal of the programme is to convince and assist those who have been trained abroad to return home or to another country in the region, where their skills are desperately needed. Since 1974 some 2,000 of them—doctors, engineers, economists among others—have been repatriated through the good offices of ICM.

The future, then, will certainly witness an increased role for ICM as a tool and a channel for developing nations. But the original humanitarian mission will remain as long as there are refugees. And the world has never had so many—more than ten million, by most estimates. As US Senator Edward Kennedy put it, looking into a troubled future, "Through this century and into the next, migration is going to be a serious international issue. If we didn't already have an ICM to deal with it, we'd have to invent one."●

TRIBUTE TO NATHAN M. CARTER, JR.

● Mr. SARBANES. Mr. President, Baltimore and the State of Maryland are very proud of the extraordinary musical talents of the Morgan State University Choir and its outstanding director, Nathan M. Carter, Jr. This unique musical group has achieved international recognition and received numerous awards for its artistry.

This singular achievement has been accomplished through Mr. Carter's outstanding tutelage and leadership. He has inspired scores of young people to pursue active participation in the performing arts, and their contributions to the enhancement of our cultural life has been felt in Maryland and throughout the Nation.

A great musician and scholar, Mr. Carter has elevated the caliber of the choir to an enviable level of serious musicianship. The development of natural talent for artistic expression has been central to Mr. Carter's energetic and innovative direction, and the results have greatly benefited Morgan State University, the greater Baltimore community, and indeed the entire State of Maryland.

Mr. President, the friends and colleagues of Nathan Carter have reserved September 9 to recognize his outstanding record of accomplishments. I am proud to join my fellow Marylanders and ask my colleagues to join me in saluting this great Maryland citizen, whose musical achievements are deservedly recognized the world over.●

RECESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, it does not appear that there will be any further morning business at the moment. Morning business does not expire by the terms of the agreement entered into earlier until 1:11 p.m.

In view of that, I ask unanimous consent that the Senate now stand in recess until the hour of 1 p.m., at which time the Senate will resume session and there will be not more than 11 minutes of further morning business, after which the Senate will resume consideration of the unfinished business.

There being no objection, the Senate, at 12:34 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PACKWOOD).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from the State of Oregon, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Chair now state the pending business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The clerk will state the unfinished business.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Montana (Mr. BAUCUS).

Mr. BAKER. I thank the Chair.

Mr. President, it is my hope that at some time today or tomorrow we will be able to negotiate an agreement for an arrangement to temporarily lay aside the pending measure and proceed to the consideration of the Hatch amendment to the Constitution under a time agreement.

I think the parties are negotiating in good faith. I think it is not possible to get that agreement today.

I will examine that situation again tomorrow to see what the prospects are.

For the remainder of this day I anticipate that we will be on the debt limit bill and the pending question of the Baucus amendment as and until that matter is disposed of.

I remind Members of the Senate that under the order previously entered there will be a vote on cloture against further debate on the Helms second degree amendment to occur at 2 p.m. tomorrow.

Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, if I may ask the majority leader a quick

question, what time would the majority leader envision he wishes to go out tonight?

Mr. BAKER. Mr. President, it is, of course, up to the managers of the bill and the manager of the pending question, but it would not be my expectation that we would be in very late today. There is a cloture vote tomorrow, and I do not see any particular reason to keep the Senate in late. I would anticipate something in the range of 5 p.m.

Mr. PACKWOOD. I thank the majoriy leader.

Mr. President, I ask unanimous consent that I may yield to the Senator from Montana (Mr. BAUCUS) for the purpose of debate only without losing my right to the floor and without this being considered the end of one speech for the purpose of the two-speech rule; and I further ask unanimous consent to be allowed to be seated during the period of time to be required by the Senator from Montana, Senator BAUCUS, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The Senator from Montana.

AMENDMENT NO. 2040

Mr. BAUCUS. Mr. President, I thank the Chair and I also thank the Senator from Oregon for his industrious and persevering efforts with regard to the pending question as well as the pending business.

Mr. President, at an earlier stage I outlined some of the reasons why I am very much opposed to these court-stripping amendments that are introduced in the Congress in various forms. There are some 34 court-stripping amendments introduced in various bills, and certainly the amendments offered by the Senator from North Carolina (Mr. HELMS) are court-stripping amendments, one to a greater degree than the other.

The amendment which would limit Supreme Court review of school prayer certainly is court-stripping in its purest form. The provisions of the other amendment offered by the Senator from North Carolina are of a court-stripping nature but not of the same pure form as the amendment offered with respect to the school prayer bill.

In an earlier time I outlined some of the reasons why I think it would be a tragedy for this body, for the Congress, to adopt these kinds of amendments, and at this point, Mr. President, I would like to summarize and conclude some remarks to those earlier statements I made.

Mr. President, the Helms amendment I think presents the Senate with—I said tragedy, and I think that is the word—also an overwhelming constitutional concern. The impact of this amendment on our judicial system and on Congress I think has been grossly underestimated, certainly by those who are proponents of the amendment. Although this body voted favorably on this language 3 years ago, I now ask that each and every Member reconsider his vote because it is my firm view when this body voted earlier it did not focus on the court-stripping aspects of the amendment, and had this body done so the result would have been much different.

In the time that has elapsed since the vote on the Helms amendment, public awareness and interest in these matters, I think, have very much increased. In August of 1981 the house of delegates of the American Bar Association, for example, overwhelmingly approved a resolution opposing the "legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law." Let me repeat. That was in August of 1981. The house of delegates of the American Bar Association overwhelmingly approved a resolution opposing the "legislative curtailment of the jurisdiction of the Supreme Court of the United States or the inferior Federal courts for the purpose of effecting changes in constitutional law."

I think that is significant that the lawyers of America, men and women who understand our constitutional process, our legal process, are overwhelmingly against this kind of approach to attempt to change Federal constitutional law.

Since then the leadership of the organized bar has repeatedly spoken out and testified against the jurisdiction-removal proposals. The president of the ADA has described the court-stripping bills as posing "a possible constitutional crisis that could prove the most serious since the Civil War." Let me repeat that, this is the president of the ABA, American Bar Association, speaking. He said these court-stripping bills posed "a possible constitutional crisis that could prove the most serious since the Civil War."

The American College of Trial Lawyers has gone on record in opposition to the jurisdiction bills. They state:

> The doors of the Federal courts must remain open to litigants whose claims arise out of the Federal Constitution. This issue should not divide conservatives and liberals or Democrats and Republicans, nor should it divide those who support or disagree with one or another constitutional decision of the Supreme Court.

Those are the trial lawyers in addition to the American Bar Association. In fact, opposition to the court-stripping bills has been bipartisan and has crossed ideological lines. The Senator from Arizona, the senior Senator from Arizona, has recently spoken out eloquently against the jurisdiction-removal bills. Senator GOLDWATER has observed:

> I am strongly opposed to the breakup of neighborhood schools. I think the unborn baby is entitled to some protection. And I believe school children should be allowed a few moments of voluntary prayer. In my view, the Supreme Court has erred. But we should not meet judicial excesses with legislative excesses.

This is still the senior Senator from Arizona speaking:

> What particularly troubles me about trying to override constitutional decisions of the Supreme Court by a simple bill is that I see no limit to the practice.
>
> There is no clear and coherent standard to define why we shall control the Court in one area but not another. The only criteria seem to be that whenever a momentary majority can be brought together in disagreement with a judicial action it is fitting to control the Federal courts. Whether or not Congress possesses the power of curbing judicial authority, we should not invoke it. As sure as the sun will rise over the Arizona desert the precedent will return to oppress those who would weaken the courts. If there is no independent tribunal to check legislative or executive action, all of the written guarantees of rights in the world would amount to nothing.

As I mentioned, this issue should not divide Republicans and Democrats and should not divide liberals and conservatives. We should be unanimous and, as pointed out by the Senator from Arizona, if there is no independent tribunal to check legislative or executive action, all the written guarantees of rights in the world will amount to absolutely nothing.

Unfortunately, the momentary majorities that Senator GOLDWATER speaks of are proceeding to exert enormous pressure on Congress. Certain constituencies are continuing to pursue the legislative end runs of the Constitution.

While the proponents of this amendment may represent a formidable political force, the Nation has previously faced and withstood challenges to the independence of the Federal judiciary. One such challenge occurred in 1937 when President Roosevelt proposed to increase the size of the Supreme Court. He felt that a series of Supreme Court decisions threatened the success of his national recovery program, and by proposing to alter the Court's composition he hoped to force the Court to uphold the constitutionality of his economic plan.

The people in Congress resoundingly defeated the Roosevelt plan. The court-packing plan was seen for what it was, a significant threat to the independence of the judicial branch.

As we now consider this amendment, we should keep in mind the wise words of those who successfully defended the Supreme Court in 1938. One such Senator was Senator Burton K. Wheeler from my own State of Montana, who delivered this warning which applies with equal force today. I quote Senator Wheeler:

So I say it is morally wrong to do by indirection what cannot be done by direction. It is morally wrong to change the Constitution by coercive interpretation. Of course, Mr. President, there have been abuses in the court. I have been one who disagreed with them and I expect to disagree with them again. But I am unwilling on the basis of some specious argument or some subterfuge that denies the spirit of the Constitution to participate in setting one of the most dangerous precedents that has ever been conceived by this Congress or by any other.

I urge my colleagues to consider those wise words because I think they applied with tremendous force then in 1937 and they apply with equal force today. I urge my colleagues to oppose these court-stripping amendments that are pending before us today.

Mr. President, let me go through now a set of questions that are often asked concerning the court-stripping amendments offered in the main by the Senator from North Carolina, go through some of the questions and then attempt to answer them as best I possibly can.

The first question that is often asked is this: How does the Helms court-stripping amendment alter existing law?

Under current law, the U.S. district courts have jurisdiction to determine whether State or Federal courts violate any rights secured by the U.S. Constitution. In addition, the U.S. Supreme Court has jurisdiction to review any decision of a State or Federal court construing the U.S. Constitution.

The Helms amendment would alter existing law by precluding the U.S. district courts and the U.S. Supreme Court from considering whether State enforcement of any State law "which relates to voluntary prayers in public schools and public buildings" violates any provision of the U.S. Constitution or other Federal law. It would preclude the courts from considering any of those actions.

Question: Does the Helms amendment change the law regarding prayer in schools and other public buildings?

Answer: No. The bill only restricts the jurisdiction of the Federal courts. It does not alter the constitutional law governing the permissibility of prayer in public buildings.

Question: What is the legislative objective in support of eliminating Federal jurisdiction over cases pertaining to school prayer?

Answer: Some legislators disagree with decisions of the U.S. Supreme Court interpreting the first amendment to limit prayer in public schools. The sponsors of this amendment view the bill as one means of undermining those Supreme Court rulings by providing the State courts an opportunity to circumvent the Supreme Court and to permit prayer in the schools under circumstances where the U.S. Supreme Court has found it to be prohibited by the Constitution.

Let me emphasize one key point in that last question and answer. The question again: What is the legislative objective in support of eliminating Federal jurisdiction over cases pertaining to school prayer?

As I explained in the answer, essentially it is because some legislators disagree with decisions of the Supreme Court and they are attempting to, by legislation, undermine Supreme Court rulings. But in so doing, if we pass these court-stripping bills, we provide the State courts an opportunity to circumvent the Supreme Court and circumvent the Constitution.

What does that mean? That means we could have 50 separate decisions by 50 separate Supreme Courts interpreting the Federal Constitution and with no review by the U.S. Supreme Court or other Federal courts. Think of that. Fifty separate decisions interpreting Federal constitutional provisions. Where does it lead? Not only to school prayer, but free speech, freedom of press, freedom of religion, the right against self incrimination, the right to bear arms—you name it.

In my view, Mr. President, if that were to happen, we would not have a Confederacy. We would have 50 separate nations. We would have 50 separate jurisdictions fairly soon, very quickly at war with each other. And our national motto of e pluribus unum would be without the unum. It would be all pluribus. And I think that is not the direction we want to go in.

Another question that is asked: Would the Helms amendment accomplish that objective? The objective being overturning the Supreme Court decisions particularly with respect to school prayer.

The answer is, probably not. First, that objective could only be accomplished if State court judges are willing to violate their oath of office by refusing to enforce the U.S. Constitution, as interpreted by the U.S. Supreme Court in cases already decided. A critical point. The Helms objective would only be accomplished, if the statute passes, if State supreme courts violate their oath of office to uphold the U.S. Constitution by interpreting the Constitution in a way contrary to the last decisions by the U.S. Supreme Court on that issue. That is the only way that the Helms objective, ultimate objective, could be accomplished.

Second, there is no assurance that all States, for all time, would use this immunity from Federal judicial review to expand, reather than to restrict, the opportunity for prayer in public places.

Think of that. State supreme courts could restrict, they will not necessarily expand upon the latest decisions by the U.S. Supreme Court, which would not, by the statute, have authority to review those State supreme court decisions.

The Helms amendment would, for example, preclude Federal courts from invalidating a State law prohibiting individuals from participating in prayer in a public building under circumstances where the U.S. Supreme Court would have held that the law represented an unconstitutional infringement of the individual's first amendment rights to engage in the free exercise of religion.

Another question often asked: Does Congress have the power to enact the Helms amendment?

The answer is, No. Although Congress does have some power to regulate the jurisdiction of the U.S. Supreme Court, the Supreme Court has held that Congress cannot constitutionally use this power for the purpose of undermining the finality of Supreme Court decisions with which the Congress disagrees. There are various precedents, various opportunities, various times when the Court has spoken on this issue. One is the United States against Klein in 1872. And in the United States against O'Grady in 1875, the Court found that there is only one Supreme Court and "it is quite clear that Congress cannot subject the judgments of the Supreme Court to reexamination and revision of any other tribunal or any other department of the Government." Yet the only objective of the Helms amendment is to subject the judgments of the U.S. Supreme Court to review under a provision by other State tribunals.

As Justice Rehnquist recently stated: "It is not the province of Congress to judge the persuasiveness of the opinions of Federal courts—that is the judiciary's province alone." That was in United States against Sioux Nation, a 1980 case.

The American Bar Association have also adopted a resolution asserting its position that the Congress does not have constitutional authority to enact the Helms amendment.

The Constitution does provide Congress with the means to initiate a change in the constitutional school prayer doctrine—it very much does—not by the usurpation of judicial power, but by the amendment process established in article V of the Constitution. That is the only power which this Congress can constitutionally exercise to achieve the legislative objective advanced by the pending amendment.

To repeat, the only power that our forefathers and the framers provided to amend the Constitution or to overturn the Supreme Court decisions is through the constitutional amendment process.

Mr. President, we are not here today to debate whether to amend the Constitution. We are debating today only with respect to the court-stripping amendments that are now pending

whether, by statute, to prohibit the Supreme Court from reviewing certain Federal constitutional questions.

Another question asked is: Is there any congressional precedent for removal of jurisdiction to review the constitutionality of State action?

The answer, again, is no. In the past, when Congress has disagreed with the wisdom of Supreme Court interpretations of the Constitution, Congress has initiated a change in the law by proposing a constitutional amendment. When legislators have attempted to short circuit the constitutionally established amendment process by proposing the removal of Federal jurisdiction, the Congress has adhered to its long and respected tradition of separation of powers and rejected these measures.

Another question is this: Are the issues removed from Federal court review by the Helms amendment limited to those concerning the scope of allowable prayer in public places?

Again, the answer is, no. The bill—and this is important—precludes review of any State action enforcing a law which "relates to voluntary prayer in public schools and public buildings." Thus the Federal courts would be precluded from a whole range of due process, equal protection, and other constitutional issues. For example, if a State enacted a statute allowing a school to fine and dismiss, without notice or any opportunity for a hearing, any teacher who allegedly failed to allow voluntary prayer in a classroom, the Federal courts would be precluded from determining not only whether the statute satisfied the first amendment, but also whether it satisfied due process. Nor could the Federal courts determine whether a black teacher allegedly fired on the basis of such a statute was in fact fired on the basis of race, in violation of the 14th amendment or the civil rights laws. A statute allowing Christians but not Jews to recite prayers in class would also not be subject to challenge in Federal court.

Another question sometimes asked with respect to the pending measure:

Would the removal of jurisdiction over school prayer cases under the Helms amendment impair the uniform administration of law in the State and Federal courts?

The obvious answer is yes. By removing Supreme Court jurisdiction, 51 different courts will have the final authority to interpret the Federal Constitution as it applies to prayer in public buildings. Thus despite a Federal Constitution granting rights equally to all the people of the United States, residents of Texas may not enjoy the same Federal constitutional rights as residents of New York, or vice versa. Just as the State courts should have final authority to interpret the State constitution, the Federal courts should have final authority to construe the Federal Constitution.

As a result of the Helms amendment the first amendment would also be applied differentially to State and Federal action. The constitutionality of prayer in Federal buildings and enclaves would be measured by the standards established by the Federal courts. The constitutionality of State laws would be measured by the standards established by that State.

The removal of Federal court jurisdiction is also a direct challenge to the independence of the judiciary's constitutional authority to render interpretations of the Supreme Court binding on the other branches of Government. Passage of the Helms amendment would represent an assertion by Congress that it does not feel bound by the decisions of the Supreme Court—an assertion which threatens our system of governance.

Mr. President, I think it would be appropriate now to enter into the RECORD a comment on a letter written by former officials of the Department of Justice in opposition to the Helms court-stripping proposal. I might note that while S. 481 is not exactly word for word identifical it is virtually identical to the amendment before us.

This letter is addressed to Hon. GEORGE BUSH, President of the U.S. Senate, Vice President of the United States. It is also addressed to Hon. HOWARD BAKER, the majority leader of the U.S. Senate, as well as to Hon. ROBERT C. BYRD, minority leader, U.S. Senate; Hon. STROM THURMOND, chairman of the Committee on the Judiciary, and Hon. JOSEPH BIDEN, the ranking minority member of the Committee on the Judiciary.

SIRS: As former officials of the United States Department of Justice, we are deeply concerned that the judicial system in the United States would be improperly and needlessly impaired by passage of S. 481, which would eliminate all federal court jurisdiction to determine the constitutionality of state laws relating to voluntary prayer in public schools and buildings. Before voting on S. 481, we urge you to consider the reasons why Congress has never before pursued such a legislative course.

As I said, S. 481 is virtually identical to the pending amendment by the Senator from North Carolina as it applies to school prayer.

Continuing on with the letter:

The Supreme Court of the United States was vested with the authority to render constitutional interpretations binding on the Congress, the Executive Branch and the fifty states. If the Members of Congress disagree with the wisdom of the Supreme Court's construction of any constitutional provision, such as the terms of the First Amendment governing the establishment and free exercise of religion, Article V of the Constitution provides Congress with the means to initiate a change in the law by amendment. To circumvent Article V by withdrawing all federal court jurisdiction would undermine the separate roles of Congress and the judiciary and destroy the uniform interpretation of federal constitutional rights in the fifty states.

We may differ among ourselves as the correctness of the Supreme Court's decisions concerning school prayer, but we are unanimous in our judgment that S. 481 is unconstitutional. We therefore urge you to oppose S. 481.

Very truly yours,

BENJAMIN R. CIVILETTI.
ERWIN N. GRISWOLD.
CARLA A. HILLS.
NICHOLAS DEB. KATZENBACH.
ELLIOT L. RICHARDSON.
HAROLD R. TYLER, JR.

I would now like to read a letter from Prof. Jesse Choper, now dean of Boalt Law School, University of California at Berkeley, concerning the constitutionality and wisdom of the Helms school prayer amendment. This letter is addressed to me, dated August 11, 1981.

DEAR SENATOR BAUCUS: I have your letter of July 27 concerning S. 481. Let me respond, albeit briefly, to the questions you put:

1. I profess no expertise as to whether, as a matter of original intent, the Fourteeth Amendment was meant to apply the Bill of Rights to the States.

2. Even if the Fourteenth Amendment was not intended to "incorporate" the Bill of Rights, the school prayer decisions are not "unconstitutional" because even those Justices like John M. Harlan—who argued vigorously that the Fourteenth Amendment did *not* apply the Bill of Rights to the States—believed that prayer and bible reading in the public schools violated the "fundamental fairness" guaranteed by the Due Process Clause of the Fourteenth Amendment. (Indeed, although Justice Frankfurter did not participate in the school prayer decisions, I am confident from his other relevant opinions that he agreed with the school prayer decisions despite his strongly stated opposition to the "incorporation" theory.)

3. Even if the school prayer decisions are "unconstitutional", I do not believe that Congress' proper course of action is to remove the Court's jurisdiction. In my view, if Congress disagrees with the Court's decisions, the honored remedy is a constitutional amendment.

4. The Supreme Court's decisions on the question of removing Supreme Court jurisdiction over an issue like school prayer are few and opaque. Therefore, there is no authoritative answer to your question. My personal view is that S. 481 would itself violate the First Amendment guarantees of religious freedom.

5. As I have indicated in my responses to questions 3 and 4 above, I think that it is not advisable, as a matter of public policy, for Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically.

One final point. S. 481 talks about "voluntary prayers in pubic schools." As I have argued at length elsewhere—in Volume 47 of the Minnesota Law Review—I do not believe that prayer and bible reading in public schools can be voluntary.

Please let me know if I can be of any service.

Sincerely,

JESSE CHOPER,
Professor of Law.

Mr. President, I would now like to read a letter from law professor Louis Henkin, of Columbia University Law School, again on the constitutionality and wisdom of the Helms school prayer amendment. It is dated September 3, 1981.

DEAR SENATOR BAUCUS: I respond to the several questions in your letter of July 27 about S. 481.

1. It is intrinsic to our constitutional system that the Supreme Court is the final arbiter of what the Constitution means. The Supreme Court's decisions in the "school prayer cases" are not and cannot be unconstitutional.

2. Congressional disagreement with a constitutional interpretation by the Supreme Court on a particular issue is not in my view a sufficient cause for removing the Court's jurisdiction of cases involving that issue.

3. Whether Congress has the constitutional authority to remove the Supreme Court's jurisdiction of cases involving issues like school prayer has been sharply debated. Only the Supreme Court can decide that question authoritatively. But whatever the authority of Congress in theory, I am firmly convinced that for Congress to attempt it would not achieve the purposes of the authors and would do grave damage to our constitutional system. I am unalterably opposed to S. 481 and similar bills.

Sincerely yours,

LOUIS HENKIN.

Now, Mr. President, I would like to read an excerpt from another letter I have received. This is a letter from Prof. Thomas Emerson, of Yale University Law School, again concerning the constitutionality and the wisdom of the Helms' court-stripping amendment.

Quoting from Professor Emerson's letter dated August 28, 1981:

1. There is a long-standing dispute as to whether the 14th Amendment was, as an original matter, intended to apply the Bill of Rights to the States. The issue is now, however, a purely academic one. For many years it has been settled through Supreme Court decisions that, with one minor exception, the Bill of Rights does apply to the States. The obligation of the States to observe the protections embodied in the First Amendment, including the prohibition against government establishment of religion, has been accepted law for over 50 years. Any reversal or modification of this basic constitutional doctrine would require an amendment to the Constitution and would amount to a revolutionary departure from our traditional structure of government.

2. Even if the 14th Amendment was not intended "to incorporate the Bill of Rights" the Supreme Court would probably have reached the same result by holding that freedom from government establishment of religion was a "privilege or immunity" of citizens of the United States and not subject to "abridgment" by the States under the 14th Amendment. Or possibly it would have come to the same conclusion under the due process clause of the 14th Amendment. The right to freedom of religion was a major factor in the settlement of the American colonies and remained a fundamental tenet of American constitutional faith.

3. The fact that Congress, the President, or others believe that the Supreme Court decisions in the school prayer cases are "unconstitutional", or wrongly decided, is not cause for Congress to remove the jurisdiction of the courts from that area. The appropriate remedy is a constitutional amendment. Any attempt to achieve a constitutional amendment by manipulating the jurisdiction of the Supreme Court or the lower courts, amounts to an overruling of the principle, established since Marbury v. Madison in 1803, that the ultimate decision on matters of constitutional law is entrusted to the courts, not to the legislature. In other words any such action by Congress would destroy the entire structure of judicial review upon which maintenance of our constitutional rights so largely depends.

Mr. President, I think that is an important point. Let me repeat it because I think Professor Emerson states it as well and succinctly as anyone can. I am quoting now from the letter dated August 28 from Professor Emerson of the Yale Law School to me.

3. The fact that Congress, the President, or others believe that the Supreme Court decisions in the school prayer cases are "unconstitutional", or wrongly decided, is not cause for Congress to remove the jurisdiction of the courts from that area, The appropriate remedy is a constitutional amendment. Any attempt to achieve a constitutional amendment by manipulating the jurisdiction of the Supreme Court or the lower courts, amounts to an overruling of the principle, established since Marbury v. Madison in 1803, that the ultimate decision on matters of constitutional law is entrusted to the courts, not to the legislature. In other words any such action by Congress would destroy the entire structure of judicial review upon which maintenance of our constitutional rights so largely depends.

To continue with the letter:

4. Congress does not have the authority to remove the jurisdiction of the Supreme Court over an issue like school prayer. The power of Congress under Article III, Section 2 of the Constitution to make "exceptions" to, or issue "regulations" regarding, the appellate jurisdiction of the Supreme Court was intended to apply to minor, mostly house-keeping or procedural, matters. It was not designed to allow Congress to emasculate the function of the Supreme Court by withdrawing jurisdiction in any area where a majority of Congress disagreed with a Supreme Court decision. There is nothing in the Supreme Court cases, including Ex Parte McCardle, which suggests the contrary.

Let me repeat that point, Mr. President, because it addresses a point which is often being raised, that Congress, under the exceptions clause, does have the authority to remove Court jurisdiction.

4. Congress does not have the authority to remove the jurisdiction of the Supreme Court over an issue like school prayer. The power of Congress under Article III, Section 2 of the Constitution to make "exceptions" to, or issue "regulations" regarding, the appellate jurisdiction of the Supreme Court was intended to apply to minor, mostly house-keeping or procedural, matters. It was not designed to allow Congress to emasculate the function of the Supreme Court by withdrawing jurisdiction in any area where a majority of Congress disagreed with a Supreme Court decision. There is nothing in the Supreme Court cases, including Ex Parte McCardle, which suggests the contrary.

Mr. President, that is an important point. It is an apparent point, an obvious point. If the framers intended Congress to have the right, through the exceptions clause, to remove, willy-nilly, by a bare civil majority vote, Supreme Court jurisdiction on any Federal constitutional issue, then the framers would necessarily want Congress to have the power to eliminate the Supreme Court and, at the same time, eliminate the Constitution. If the framers wanted Congress, through the exceptions clause, to have the power by a simple civil majority to prohibit Supreme Court review of any constitutional right—remember, now, we are talking about Federal constitutional rights, the Bill of Rights, for example—then the framers intended necessarily for Congress to have the constitutional authority to limit Supreme Court review over any constitutional issue and therefore eliminate the Constitution and eliminate one branch of our three branches of Government. In effect, what we would be doing is going back to the lack of rule of law that our Founding Fathers tried to get away from when they came to our country.

That is, they came to our country to avoid religious persecution, to avoid the tyranny of the monarchies of various European countries. That is why our Founding Fathers wrote a Constitution of Federal rights, so the whims of Government could not override basic Federal guarantees. If the framers, by the exceptions clause, did not intend regular procedural or housekeeping matters, those matters given to the authorities of the Congress, but rather, the Founding Fathers wanted Congress willy-nilly, through the exceptions clause, to eliminate Supreme Court appellate jurisdiction, then, necessarily, the Founding Fathers intended Congress as a matter of constitutional right to pass legislation removing limitations over any right and therefore eliminate the Supreme Court jurisdiction over procedural questions. I do not think that is what the Founding Fathers had in mind.

Continuing the letter from Professor Emerson:

5. Even if Congress had the authority to deprive the Supreme Court and other Federal courts of power to decide constitutional questions it would be reckless and irresponsible for Congress to do so. Our constitutional system has long operated under the principle that the maintenance of our system of individual rights rests in crucial part upon the power of the courts—institutions somewhat removed from the clashes of partisan politics—to guarantee adherence to

the Bill of Rights, including the right to freedom of religion. Abandonment of this structure would be a constitutional catastrophe.

The concluding paragraph of Professor Emerson states as follows:

I have not attempted to buttress the foregoing statements by reference to court decisions, legal treatises, or similar materials because the propositions set forth are so elementary. I am sure they represent the views of the overwhelming majority of constitutional scholars. And I hope they will not be lost sight of or obscured in a maze of legal technicalities.

Again, Mr. President, the view of one man and one man only, Professor Emerson of Yale. He says that he has not buttressed his aforegoing statements by references to court decisions, legal treatises or similar materials because the propositions set forth are so elementary.

I might add, Mr. President, that sometimes in this body, because we are caught up too often in such detail, overwhelmed in many cases with trivia, it is easy for us to not see the forest for the trees. Too often we see only the trees and not the elementary provisions that are so obvious to all of us if we stand back a few steps and ask what we are doing, particularly if we adopt the pending amendments.

(Mr. GORTON assumed the chair.)

Mr. BAUCUS. Mr. President, I should now like to read excerpts of a letter from another law professor—this is Prof. Eugene Gressman of the University of North Carolina at Chapel Hill School of Law—concerning the constitutionality and wisdom of the court-stripping bills before us. Professor Gressman of the University of North Carolina is a noted expert on the Supreme Court.

This is a letter dated January 26 of this year to me:

DEAR SENATOR: I regret that my involvement in preparing for the imminent Supreme Court argument in the *Chadha* "one-House veto" case, wherein I represent the House of Representatives, has prevented an earlier response to your August 12 letter. In that letter, you put forth five questions that your subcommittee will be examining in forthcoming hearings on S. 481, which would strip the Supreme Court and the lower Federal courts of jurisdiction over any case which relates to voluntary prayers in public schools and public buildings.

I preface my answers to these questions with the remark that in recent weeks I have had occasion to review the entire problem of congressional power to revise and remove certain aspects of article III judicial power from the jurisdictional ambits of the Supreme Court and the lower Federal courts. The occasion has been thorough discussions of these matters in my courses in Constitutional Law and Federal Jurisdiction. And I am sure you are aware of the recent analysis of these jurisdictional problems by Professor Sager in last November's issue of the Harvard Law Review, "Foreword: Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts," 95 Harv. L. Rev. 17 (1981). I would say that I am in thorough agreement with Professor Sager's analysis, and with his conclusion (p. 89).

Professor Gressman now quotes Professor Sager, and I read that excerpt:

Adoption of any of the bills that are part of the proposed assault on the federal judiciary would set a dangerous and tawdry precedent by sabotaging the integrity of the judicial process. The Constitution neither empowers Congress to enact legislation of this sort, nor prevents the Supreme Court from acting to restore the balance of governmental authority. But one must hope that constraints of conscience will make those of the Constitution unnecessary. . . . But these bills propose a gross breach of the institutional premises by which we have chosen to govern ourselves, and no legislator should succumb to their temptation.

I am now reading from the letter from Professor Gressman. The last quotation was from Professor Sager by Professor Gressman. This is now Professor Gressman in a letter to me dated January 26 of this year:

If the school prayer decisions are unconstitutional, isn't that sufficient cause for the Congress to remove the Supreme Court's jurisdiction from that area?

Mr. President, that is the question that I posed to Mr. Gressman. The question is again, "If the school prayer decisions are unconstitutional, is that not sufficient cause for the Congress to remove the Court's jurisdiction from that area?" Logical question. This is Professor Gressman's response:

No. As I have explained above, no decision of the Supreme Court can be considered unconstitutional, unless the Court is somehow acting beyond the scope of its vested judicial power. Whether outsiders agree or disagree with the Court's interpretation of the Constitution, the decision itself must be deemed constitutional. Under the basic theory of the Court's role in the interpretation and application of the Constitution, the Constitution has to mean what the Supreme Court declares it to mean. Thus a decision interpreting the Constitution as applied to public school prayers cannot be considered unconstitutional. Nor can it serve as "sufficient cause" to remove the Court's jurisdiction from that area.

This is the fourth question that I posed to various law professors around the country. The question is, Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer? Professor Gressman's response:

No, absolutely not. This question and answer, I know, are very controversial, and to explore all aspects of the problem would fill a fat volume. I content myself in this letter to a reference to the one Supreme Court decision that I believe makes a definitive negative answer to the question put. That decision is *United States* v. *Klein*, 13 Wall. (80 U.S.) 128 (1871).

In the *Klein* case, Congress sought to remove the jurisdiction of the Supreme Court over a certain kind of case arising out of the Court of Claims. It did so in purported reliance on the power of Congress in Section 2 of Article III to make "such Exceptions" to the Supreme Court's appellate jurisdiction "as the Congress shall make." The Court invalidated this attempt to strip the Court of the designated appellate jurisdiction. The reason why the Court invalidated this purported "Exception" is what is now critically important.

The kind of case that Congress sought to exclude from from the appellate jurisdiction involved suits to recover property confiscated by the Government "in insurrectionary districts" wherein the claimant introduced into evidence a Presidential pardon as to any rebellious actions; upon such proof of a pardon or amnesty, the claimant was entitled to recover his seized property. The Supreme Court had earlier held that proof of such a pardon would entitled the claimant to relief—a decision with which the Congress apparently disagreed. Thereafter, Congress expressed its displeasure with the earlier decision by providing that:

"• • • in all cases where judgment shall have been heretofore rendered in the Court of Claims in favor of any claimant [wherein proof of loyalty was shown in the form of a Presidential pardon], the Supreme Court shall, on appeal, have no further jurisdiction of the cause, and shall dismiss the same for want of jurisdiction." 16 Stat. 235.

That was the attempted legislative action in response to the Court's action.

The Court was unanimous in its determination that such an appellate jurisdiction "Exception" was impermissible. It did so after acknowledging that if the statute had "simply denied the right of appeal in a particular class of cases," it would be "our duty to give it effect" for there "could be no doubt that it must be regarded as an exercise of the power of Congress to make 'such exceptions from the appellate jurisdiction' as should seem to it expedient." 13 Wall. at 145.

But, said the Court, this statute did something more than create an "Exception" to its appellate jurisdiction. The statutory language, said the Court, "shows plainly that it does not intend to withhold appellate jurisdiction *except as a means to an end.*" 13 Wall. at 145 (emphasis added). The impermissible end, the "great and controlling purpose is to deny to pardons granted by the President the effect which this court has adjudged them to have." *id.* The Court having earlier determined that pardons were to be taken as "equivalent to proof of loyalty," it follow that:

"• • • the denial of jurisdiction to this court, as well as to the Court of Claims, is founded solely on the application of a rule of decision, in causes pending, prescribed by Congress. The court has jurisdiction of the cause to a given point; but when it ascertains that a certain state of things exists, its jurisdiction is to cease and it is required to dimiss the cause for want of jurisdiction.

"It seems to us that is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power.

"We must think that Congress has inadvertently passed the limit which separates the legislative from the judicial power . . . Congress has already provided that the Supreme Court shall have jurisdiction of the judgments of the Court of Claims on appeal. Can it prescribe a rule in conformity with which the court must deny to itself the jurisdiction thus conferred, because and only because its decision, in accordance with settled law, must be adverse to the government and favorable to the suitor? This question

seems to us to answer itself." 13 Wall. at 146-147 (emphasis added).

In other words, Congress was found to have had two unconstitutional objectives in mind in passing this "Exception" statute: (1) an interference with the judicial function of deciding a particular kind of case or controversy in a particular way; and (2) an impairment of the constitutional power of the Executive to grant pardons and to have them respected by the judiciary. Such impermissible purposes drained the statute of its claim to be a mere "Exception" to the appellate jurisdiction of the Court. Congress, in short, cannot seek unconstitutional ends under the guise of creating an exception to the Court's appellate jurisdiction.

It seems to me that the *Klein* decision and rationale constitute a complete negative answer to your Question 4.

I repeat Question 4:

Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer?

Again, Professor Gressman says:

It seems to me that the *Klein* decision and rationale constitute a complete negative answer to your Question 4.

The effort in S. 481 to make an exception to the Court's appellate jurisdiction stems from disagreement with the Court's earlier decisions in *Engel* V. *Vitale*, 370 U.S. 421 (1962), and *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), invalidating state requirements respecting prayers and Bible readings in public schools. In like fashion, the jurisdictional legislation in the *Klein* case stemmed from Congressional disagreement with an earlier Supreme Court decision declaring that a Presidential pardon was the equivalent of proof of loyalty.

When Congress expresses its disagreement with some Supreme Court decision by attempting to withdraw the Court's appellate jurisdiction over the subject matter of the disputed decision, the attempt seems to spawn a host of constitutional roadblocks. In *Klein*, once the effort was stripped of its "Exception" veneer, the Court found that the legislation was really aimed at invading the judicial decision-making function, as well as the Executive's vested pardoning power. In the case of S. 481, I suggest that the proposed "Exception" would run afoul of (1) the essential Supreme Court function of enforcing constitutional rights found to adhere to the school prayer situation; (2) the essential Supreme Court function of enforcing such rights on a nationally uniform basis, achieved through appellate review of the various state court decisions that deal with school prayers; and (3) the established constitutional rights of parents and children who wish not to participate in state sanctioned school prayers.

In sum, I suggest that an effort to withhold appellate jurisdiction "as a means to an end," 13 Wall at 145, an end beyond that of controlling that jurisdiction in traditional ways, inevitably loses its status as an exercise of Congressional power to make exceptions to this jurisdiction. Put differently, legislation designed to make such an "Exception" is just as much subject to other provisions and limitations embedded in the Constitution as is any other kind of legislation. And with the *Klein* precedent in hand, the Supreme Court can be expected to peer through the patent "Exception" facade of S. 481 and to assess its constitutionality on the basis of the real ends sought to be achieved.

If the Supreme Court were to attempt to answer your Question 4, I suspect it would answer as it did in *Klein:* "This question seems to us to answer itself." 13 Wall. at 147.

The fifth question posed to various law professors around the country is as follows:

Even if the Congress has such authority, as a matter of public policy is it advisable for the Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically?

This is Professor Gressman's response to that question:

It is certainly not advisable as a matter of public policy. I would assume that it is a matter of public policy to continue to have a constitutional form of government, with the Supreme Court performing the essential role of ultimate arbiter of the meaning and application of the Constitution. That at least was the policy laid down by the Framers and articulated by John Marshall. I see no reason to tear apart the very fabric of this great document by withdrawing the Court's appellate power to make the Constitution workable, uniform and sensitive to ever-changing public issues and concerns.

If one starts tinkering with the Court's appellate jurisdiction merely to express disagreement with a particular kind of decision, the way is open, the precedent is established, for a wholesale disestablishment of constitutional rights and privileges. Freedom would then become a synonym for what current statehouse majorities are disposed to recognize.

I would be happy to expand on these notions before your subcommittee, should you deem that appropriate.

Sincerely,

EUGENE GRESSMAN,
WILLIAM RAND KENAN,
Professor of Law, Chapel Hill, N.C.

Mr. President, at this point I should like to read into the RECORD a portion of a letter from Harvard law professor Archibald Cox, concerning the constitutionality and wisdom of the Helms court-stripping amendment. This is a letter from Professor Cox to me, dated August of last year, and I will read portions of that letter which are applicable. I begin with the third question I posed to Professor Cox:

3. If the school prayer decisions are unconstitutional, isn't that sufficient cause for the Congress to remove the Court's jurisdiction from that area?

This is the response of Professor Cox:

The assumption we are asked to make in this question is either unqualifiedly false or ambiguous. The Supreme Court of the United States has final authority to interpret the Constitution; therefore, its interpretations cannot be "unconstitutional" in any legal sense.

If we are being asked to assume that we think the school prayer decisions are inconsistent with what we think to be a "correct" interpretation of the Constitution—or with what the Congress thinks to be a "correct" interpretation—then the answer is that those suppositions are not sufficient cause for Congress to remove the Court's jurisdiction. The very purpose of the Constitution was to put its provisions and interpretation beyond the control of congressional majorities.

Mr. President, I think that states it very simply. To repeat:

The very purpose of the Constitution was to put its provisions and interpretations beyond the control of congressional majorities.

Question No. 4 that I asked Professor Cox, as well as all the other law professors to whom we wrote, is this:

4. Does the Congress have the constitutional authority to remove Supreme Court jurisdiction over an issue like school prayer?

The answer of Professor Cox is as follows:

It is impossible to give a categorical answer to this question, except as a statement of professional opinion. No precedents provide an authoritative answer one way or the other. It is my considered opinion that the so-called "exceptions clause" does not permit Congress to remove all federal court jurisdiction over a class of cases defined in terms of the constitutional right asserted, such as freedom of speech or the establishment of religion.

To repeat:

It is my considered opinion that the so-called "exceptions clause" does not permit Congress to remove all Federal court jurisdiction over a class of cases defined in terms of the constitutional right asserted, such as freedom of speech or the establishment of religion.

Question No. 5:

Even if the Congress has such authority, as a matter of public policy is it advisable for the Congress to remove Supreme Court jurisdiction over constitutional issues generally or over the school prayer issue specifically?

The answer of Professor Cox:

I believe that the removal of jurisdiction would be a radical and unprincipled change in our form of government. Reasons are stated in testimony given last spring.

To repeat:

I believe that the removal of jurisdiction would be a radical and unprincipled change in our form of government.

I conclude reading from Professor Cox's letter:

I shall be glad to have you call upon me in the future if more hearings are scheduled.

With personal regards,

Sincerely,

ARCHIBALD COX.

Mr. President, at this point I have another letter, and we have lots of letters because, as has been stated, in the opinion of the legal scholars in our country, it was overwhelming. It was not a bare majority. It is, I might say, a constitutional majority. It is clear that over two-thirds of the law professors in our country very definitely, very firmly believe that these efforts to remove the Supreme Court from jurisdiction are not only unconstitutional but are unwise.

The next letter which I have, from which I will read only a portion, is a letter from Harvard Law Professor Emeritus Paul Freund concerning the

constitutionality and wisdom of these court stripping bills.

I will begin with question No. 4 again, the same question I asked the previous correspondents. The question relates to whether Congress may deprive the Supreme Court of jurisdiction to review decisions. This is Professor Freund's answer with respect to question four:

Whether Congress may deprive the Supreme Court of jurisdiction to review decisions, including those of state courts, that turn on Federal constitutional issues, has been the subject of considerable scholarly discussion, centering on the scope of the "regulations and exceptions" clause in Article III. An argument for a broad reading of that clause is advanced by Professor Wechsler in The Courts and the Constitution, 65 Colum. L. Rev. 1001 (1965), but with the warning that the "practical objections" to withdrawal of jurisdiction in constitutional cases "are often overlooked." Id. at 1006. A restrictive view of Congressional power is taken by Professor Hart in Exercise in Dialectic, 66 Harv. L. Rev. 1364–65, on the ground that withdrawal would "destroy the essential role of the Supreme Court in the constitutional plan." Id. at 1364–1365.

In support of a broad Congressional power, reliance is placed chiefly on Exparte McCardle, 7 Wall. 506 (1869), sustaining the Act of 1868 which removed Supreme Court jurisdiction over appeals (including the pending one) under a habeas corpus statute of 1867—a removal designed to save Reconstruction from an anticipated adverse decision of the Court. But several special features of that case caution against a broad reading of the decision. (1) The habeas corpus claim had been adjudicated in the Federal circuit court, and hence the case does not confront the problem of withdrawal of access to the Federal judiciary at any and all levels in specified classes of constitutional claims. (2) The withdrawal of Supreme Court jurisdiction was confined to cases arising under a particular jurisdictional statute; the withdrawal was not defined in terms of particular constitutional claims or the finding of particular facts. (3) Supreme Court review remained available by another route, apart from an appeal under the 1867 Act, and attention was pointedly directed at this fact at the close of the Court's opinion. Id. at See also Exparte Yerger, 8 Wall. 85 (1869). The scholarly debate can be considerably narrowed, indeed avoided, in the context of S. 481. Of central importance is the principle that the power under Article III to regulate the appellate jurisdiction must not be used as a device to regulate the substantive issues, the "merits", where Congress would otherwise have no legislative power over the subject.

This is virtually the same as one of the pending amendments offered by the Senator from North Carolina.

In this light, S. 481 is not a genuine exercise of Article III power. Its divestiture affects only prayers that are "voluntary" and are not officially composed. It thus draws lines ostensibly of jurisdiction but actually of constitutional protection. It would presumably be unacceptable politically, morally and constitutionally to withdraw Federal judicial protection against certain kinds of prayer exercises in the public schools, accordingly a "jurisdictional" line is drawn between permissible and impermissible school prayers. But this is a determination of what may and may not qualify for protection under section 1 of the 14th Amendment.

Consider how S. 481 would operate in a concrete case group of parents sue to enjoin the school board from carrying out a plan to require all pupils to recite an officially composed prayer. In this posture, the authority of the Federal courts is untouched by S.481.

As it is by the pending Helms amendment.

The 14th Amendment is available to protect the plaintiffs. Suppose now that the school board offers to stipulate that an officially composed prayer will not be used, and that objectors will be excused. At this point, may the Federal court proceed to decide whether such an arrangement is or is not an unconstitutional abridgment of the plaintiffs' free exercise of religion in light of the intrinsically coercive atmosphere of the classroom? Not at all. S. 481 would direct the district court or the Supreme Court to dismiss the case. If this is not a Congressional determination, a prescription, of the merits of the controversy it is hard to imagine what would be.

An exact parallel was presented in *U.S.* v. *Klein*, 13 Wall. 128 (1872). A Federal statute allowed recovery of abandoned property by owners who had never given aid or comfort to the enemy. The Supreme Court held that a presidential pardon entitled an owner to recover. Thereafter Congress enacted a proviso that evidence of a pardon should be conclusive evidence of ineligibility in a suit in the Court of Claims, and that the Supreme Court should have no jurisdiction to review a determination by the Court of Claims. Holding that the statute could not be sustained under Article III, the Supreme Court observed that the proviso "shows plainly that it does not intend to withhold appellate jurisdiction except as a means to an end. Its great controlling purpose is to deny to pardons granted by the President that effect which that court had adjudged them to have. . . . The court has jurisdiction of the cause to a given point, but when it ascertains that a certain state of things exists, its jurisdiction is to cease and it is required to dismiss the case for want of jurisdiction. It seems to us that this is not an exercise of the acknowledged power of Congress to make exceptions and prescribe regulations to the appellate power."

This is Professor Freund in his letter.

In *Klein*, the statutory proviso was invalid under Article III because it prescribed a substantive rule of decision, and regarded in the latter light it was invalid because it conflicted with the President's pardoning power. Likewise, S. 481 cannot be sustained under Article III because it regulates prayers, not jurisdiction, and Congress, by hypothesis, possesses no substantive power over school prayers. S. 481 is governed not by *McCardle*, but by *Klein*.

Suppose, however, that a way out of the dilemma were sought by basing the legislation frankly on the enforcement provision, section 5, of the Fourteenth Amendment. This, of course, would mean an abandonment of the moral foundation advanced for S. 481 that the courts have made a fundamental error in regarding the 14th Amendment as having application to school prayers. More significantly, it would raise problems of transcendent importance regarding the balance of constitutional power in the safeguarding of basic rights.

Congress does have power under section 5 to identify specific liberties or entitlements to equality and to provide mechanisms for their vindication by appropriate legislation. See *Katzenback* v. *Morgan*, 348 U.S. 641 (1966); but cf. *Oregon* v. *Mitchell*, 400 U.S. 122 (1970). But does that power to "enforce" the Amendment extend to the power to supersede by simple legislation rights that have been adjudicated by Supreme Court decisions? So radical a realignment of power, so great an increase in the vulnerability of rights, has scarcely been proposed, much less adopted. Frequently dissatisfaction with decisions of the Court has led to proposals for giving Congress power to overcome decisions by subsequent legislation that is passed with an extraordinary majority. But even this very restricted plan of legislative overruling has always been thought to require a constitutional amendment. From every point of view, so fundamental a shift in the balance of forces that sustain our constitutional order would demand at least a submission to the American people for their fullest consideration.

It seems unnecessary to pursue further the question of reach of section 5 of the 14th Amendment, since S. 481 is not premised on that ground.

Question 5. The practical consequences of withdrawing Federal court jurisdiction over classes of constitutional issues are sufficiently serious to caution against such a move, even apart from its dubious constitutional validity.

It would invite fifty interpretations of our national Constitution, and leave them unresolvable.

A key point: To remove Supreme Court jurisdiction and exclude, preclude, prohibit the U.S. Supreme Court from reviewing Federal constitutional issues would invite 50, that is, separate State supreme courts, 50 interpretations of our national Constitution and leave them unresolvable, probably 50 separate Supreme Court decisions, State supreme court decisions, interpreting our Federal Constitution, and leave those 50 separate, distinct, contradictory opinions unresolvable.

It would prevent review of those state decisions that are too restrictive of local authority—e.g. if a state court were to strike down an enforced period of silent meditation in the schools.

It would leave state judges in a quandary about the binding effect of Supreme Court precedents in the field, presenting the judges with an intolerable moral dilemma.

On the one hand, State judges are sworn to uphold the Federal Constitution. They know what the latest Supreme Court decision has been on the issue before them, but if Congress prohibits Supreme Court review, that places those State court judges, as Professor Freund stated, in an intolerable dilemma of interpreting the Constitution as they see it or as the latest Supreme Court decision interpreted it, even though by definition we are hypothesizing that the Supreme Court would not have the power of review over those State court decisions.

It would deprive the Supreme Court of its normal opportunity to reconsider constitutional doctrine and alter it.

It would stimulate piecemeal erosion of Federal judicial safeguards in whatever fields a dominant majority might at any time be displeased by Supreme Court decisions. It was considerations of this kind that led Congress to reject resoundingly President Roosevelt's Court plan in 1937, despite the landslide election of 1936, the clear constitutional validity of the plan, and the weight of professional and popular criticism of crucial Court decisions.

What recourse then is available to overcome judicial decisions that prove to be insupportable?

That is really the bottom line question, what recourse is there when the public, the people, when Congress, believe that Supreme Court decisions are unsupportable, are wrong, incorrectly decided? Professor Freund's response to that question is as follows:

There is, of course, the resort to a constitutional amendment, as in the case of the Eleventh and Sixteenth Amendments. There is resort to the Court itself for reconsideration or modification of doctrine. And there is the possibility of altering the program in question to avoid the thrust of a decision. Thus a program of school prayers recited in union might be replaced by a period of silent meditation, in which each pupil might recite inaudibly whatever sacred or secular text was dictated by his or her upbringing and faith.

Mr. President, I would now like to refer to a letter and a paper of Prof. Paul Mishkin, of the Boalt School of Law at the University of California at Berkeley, concerning the constitutionality and wisdom of the Helms court-stripping proposal, a letter dated August 7 of last year to me:

UNIVERSITY OF CALIFORNIA, BERKELEY,
Berkeley, Calif, August 7, 1981

Hon. MAX BAUCUS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BAUCUS: This is in response to your letter of July 27th requesting my opinion regarding the proposals to limit lower federal court and Supreme Court jurisdiction over school prayer and other constitutional issues.

I have prepared a short paper on the subject of such efforts to limit federal court jurisdiction, which sets forth the key reasons why I believe such legislation would be inconsistent with the Rule of Law. I enclose a copy of that paper for whatever value it may be to you. I hope you will find it helpful.

Sincerely,

PAUL J. MISHKIN,
Heller Professor of Law.

Mr. President, let me read that paper, it is very brief, it is only four pages. It is entitled "On Efforts to Limit Federal Jurisdiction in Particular Constitutional Matters, Paul J. Mishkin:"

ON EFFORTS TO LIMIT FEDERAL JURISDICTION IN PARTICULAR CONSTITUTIONAL MATTERS

(By Paul J. Mishkin)

Bills being pressed in Congress would cut off the federal courts from cases having anything to do with school prayer, abortion laws, and school busing. Some of these proposals would abrogate all federal judicial power in the specified matters; others would apply only to lower courts, leaving intact Supreme Court review of state court cases. But they all aim to undo particular constitutional principles handed down by the Supreme Court.

It has been argued that these proposals are themselves unconstitutional, and pronouncements by some leading law professors support that position. That is certainly not beyond question. But there are other fundamental reasons, of a basic order that transcends the specific substantive issues, why these bills should be rejected.

On their face, these proposals would not purport to overrule existing Supreme Court decisions. They would merely withdraw from the federal courts jurisdiction to hear cases in the specified areas. For that reason, they can be adopted by a simple majority of Congress. And by that same token, the Court's existing decisions would remain the constitutional law of the nation, their binding force as precedents undiminished.

On their face also, these bills would not affect the state courts. Yet, cases involving the specified subjects clearly can come before state courts, and those courts undoubtedly have the power and the duty to enforce the Untied States Constitution. Those who support curtailing federal jurisdiction because they disagree with current Supreme Court rulings must be assuming that state court judges generally—or at least those who share their views—will disregard the law laid down in those rulings. They would seek to make such state decisions controlling by ruling out actions in the federal courts. They would seek to make such decisions invulnerable to reversal by cutting off Supreme Court review. (Even where such review is not explicitly barred, the already extreme overcrowding of that Court's dockets would often produce effectively the same result.)

The proponents may or may not be right about the extent that state judges will act in disregard of previous Supreme Court authority. But precisely to the extent that they are—precisely to the extent that these bills would work as intended—the effect would be to reinforce disrespect for law.

The rule of law depends fundamentally upon consistent near-universal acceptance of an obligation of obedience to the authority of courts. That in turn depends upon recognition and acceptance of the governing authority of higher courts over lower ones. Occasional, individual, repudiation of this obligation may be tolerable. Routine, or even frequent, repudiation by judges in their official capacity is not.

Yet, these proposals expect state courts to flout the law laid down by the Supreme Court because they disagree strongly with the substance of that law. Where the proponents of this legislation share that disagreement, they would have Congress back up the judges who act that way and, by that token, encourage others to do likewise. That would in turn produce a continual series of judges consciously and overtly disregarding legitimate higher authority and being officially protected in that defiance. The effect of that could only be further to weaken general respect for law.

The proponents' position can only make sense on the premise that effectuating one's strongly held beliefs outweighs the moral demands of fidelity to law—and the long-run harm to the stability of the legal system inflicted by the repetitive public acting-out of that thesis.

This is not to say that that is the conscious view of the supporters of these proposals. Indeed, they are most often persons who see themselves as seeking to preserve and promote stability of important values and institutions in a rapidly changing world. But that conception of self will not change the results of their proposals being enacted.

The hegemony of the rule of law is not fragile, but neither is it entirely invulnerable. It has been battered and, it seems fair to say, somewhat diminished in our times. Many of the attacks have been precisely in the name of strongly held views of moral right. But, while occasional attacks in extraordinary circumstances may be both justified and readily absorbed, routinization of such attacks—and, particularly, Congressional legitimation of them—can only generate and reinforce destabilizing of them—can only generate and reinforce destabilizing tendencies. That is reason enough to reject the proposed legislation.

Mr. President, I again wish to thank the Senator from Oregon for giving me the opportunity to address these basic points. We are taking the floor because we think it is extremely important that the public, the press, and even Members of the Senate fully realize the import of these provisions so that the action we take is wise and not unwise.

Mr. President, I again thank the Senator from Oregon for yielding the floor to me.

(During the remarks of Mr. BAUCUS the following occurred:)

Mr. HELMS. Mr. President, will the Senator yield without losing his right to the floor?

Mr. BAUCUS. I might in just a moment. There are a few more letters I would like to get into the RECORD at this point, I say to the Senator from North Carolina, and at the end I would be glad to yield but only for purposes of a question.

Mr. HELMS. It is not for a question. I would ask unanimous consent to insert in the RECORD a letter following the Senator's presentation.

Mr. BAUCUS. That would be fine.

The PRESIDING OFFICER. The Senator from Oregon has the floor and has yielded to the Senator from Montana.

Mr. PACKWOOD. What was the request of the Senator from North Carolina? I did not hear it.

Mr. HELMS. I wish to insert a Dear Colleague letter in the RECORD to appear following the presentation of the Senator from Montana.

Mr. PACKWOOD. I have no objection.

Mr. HELMS. Mr. President, in connection with the pending business, I ask unanimous consent to insert a Dear Colleague letter signed by the distinguished Senator from Alabama (Mr. DENTON) and myself and have it printed in the RECORD, along with an explanation of amendment No. 2038.

The PRESIDING OFFICER. At the conclusion of the remarks of the Senator from Montana?

Mr. HELMS. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Senator from Montana and the Senator from Oregon.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, D.C., September 7, 1982.

DEAR COLLEAGUE: On August 18 Amendment No. 2038 to the debt ceiling bill, H.J. Res. 520, was called up. This amendment is an amendment in the second degree and deals with abortion. A copy is enclosed. We want to take this opportunity to explain briefly its purposes.

The amendment accomplishes three basic goals. First, it makes permanent law the Hyde Amendment limitations on federal funding of abortion. It also extends this defunding principle so as to remove the federal government from the abortion business.

Second, the amendment gives broad protection against discrimination to medical personnel, working in institutions receiving federal funds, who have conscientious objections to abortion. In this regard, it expands the protection previously afforded in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

Third, the amendment lays a congressional basis for state anti-abortion laws and provides for an orderly reconsideration of *Roe* v. *Wade* by the Supreme Court. In its findings, it expresses a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority. Further, it contains a provision for expedited Supreme Court review of any state statutes based on the findings. In this way, the Supreme Court itself will be assured an early opportunity to reconsider the *Roe* decision.

Enclosed is a more detailed explanation of the provisions of the abortion amendment. If you have questions concerning it, please contact us or our staffs.

Sincerely,

JESSE HELMS,
U.S. Senator.
JEREMIAH DENTON,
U.S. Senator.

EXPLANATION OF AMENDMENT NO. 2038 ON ABORTION TO HOUSE JOINT RESOLUTION 520

I. SECTIONS 202 THROUGH 205

Sections 202 and 203 basically make permanent law the Hyde Amendment funding limitations which in the past have been enacted piecemeal as riders to various appropriation bills. After enactment of this measure, such riders will not be necessary. Unless specific appropriations for abortion are made in the future, there will be no need for Congress to go through the annual Hyde Amendment battles on appropriations bills. This has obvious merit for the more efficient conduct of Senate business. The language in section 203 stopping federal funding of abortion referrals is a logical extension of Hyde and is based on the power of Congress to control the use of appropriated funds.

Section 204 extends the Hyde Amendment defunding principle to teaching abortion techniques, financing research on abortion, and financing experiments on aborted children. This provision will not prohibit use of federal funds to teach techniques that, while they can be used for abortion, are also generally used for non-abortion procedures. The ban here is on using tax money to teach the techniques of abortion or teaching procedures which can only be used to perform abortions. Likewise, the research language bans funding of research about how to perform abortions. It does not stop federal funding for compiling purely demographic data about abortions. Also, the language on experimentation prohibits federal funding for experiments on live babies after abortions but before death. Ordinary pathological and similar procedures are not within the scope of this language.

Section 205 is based on the so-called Ashbrook Amendment prohibiting the government from paying for abortions through employees' health insurance plans. Although not current law, it has passed the House and is generally in effect as a result of administrative action by the Office of Personnel Management.

II. SECTION 206

Section 206 affords medical personnel working in institutions receiving federal funds protection against discrimination on account of their objections to abortion. This is a freedom-of-conscience provision. It has antecedents in the Health Services Extension Act of 1973 and the Nurse Training Amendments of 1979.

III. SECTIONS 201, 207, AND 208

Section 201 lays a congressional basis for state antiabortion laws, and section 207 sets out the appellate procedure leading to an orderly reconsideration of *Roe v. Wade* by the Supreme Court. Taken together, these provisions assure that the Court itself will have an early opportunity to reconsider its much criticized decision in *Roe*. They do not constitute a reversal of the Court's order in *Roe*, but they do express a congressional understanding of the Constitution and the right to life different from that articulated by the *Roe* majority.

Some critics have suggested that even if *Roe v. Wade* was wrongly decided and ought to be overruled, Congress must always act in conformity with Supreme Court precedents until the Court itself chooses to overrule them. But the Subcommittee on Separation of Powers disagreed with this position and in its Report on S. 158 stated as follows:

"This criticism rests on a profound misapprehension of the doctrine of judicial review espoused in *Marbury v. Madison* 5 U.S. (1 Cranch) 137 (1803). Under *Marbury*, the Supreme Court, presented with a proper case, must rule in accordance with its own interpretation of the Constitution rather than with a contrary congressional interpretation, because the Justice have taken an oath to uphold the Constitution. As Chief Justice Marshall stated in *Marbury*, automatic judicial deference to a legislative interpretation of the Constitution would constitute an implicit violation of the Justices' oath of office; the Justices would thereby "close their eyes on the constitution, and see only the law." 5 U.S. (Cranch) at 178. It does not follow, however, that once the Court has interpreted a provision of the Constitution members of Congress must automatically defer to the judicial interpretation. Indeed, members of Congress take the same oath that the Justices take to uphold the Constitution. Confronted with a proposed law that is consistent with his own honest construction of the Constitution and with his view of sound policy, but that conflicts with what he regards as an erroneous Supreme Court decision, a member of Congress has at least the right and perhaps the duty to vote for the bill. To do otherwise would be to close his eyes on the Constitution and see only the case. Through its power to issue judgments that are binding on the parties to litigation, the Supreme Court will as a practical matter generally have the final word in any dispute over constitutional interpretation. But this does not preclude the possibility of a responsible dialogue between Congress and the Court.[11] (pp. 21-22; see also remarks of Senator Helms concerning "Separation of Powers," CONGRESSIONAL RECORD, August 18, 1982, S10739; and see generally Report on S. 158, Subcommittee on Separation of Powers of the Senate Judiciary Committee, December 1981.)

Section 207 provides for appeal as of right to the Supreme Court from lower court orders involving statutes based on this amendment. In addition, award of attorneys' fees under federal law is specifically prohibited in cases involving this bill in order to carry out the purpose of ending federal financial support in securing abortions.

Section 208 assures severability of this amendment in the event of some partial judicial invalidation.

Mr. PACKWOOD. Mr. President, I thank very much my distinguished colleague from Montana who has reviewed very well the law on this subject.

This is not an issue of do you like or do you not like school prayer or do you think that it should be written by the school board or written by the Governor's son, as it is in Alabama.

This is an issue as to whether or not we are going to strip the Supreme Court of jurisdiction to pass on fundamental issues of American civil liberties and to pass it, if we do—it would be unfortunate if we do—in the passing passion of the moment because some people are disgruntled with the constitutional decisions of the Supreme Court and do not want to take the trouble of trying to amend it by statute or by constitutional amendment.

So I again thank my colleague from Montana for his extraordinary review of the law on this subject.

Mr. President, there has been prepared by Leland E. Beck, a legislative attorney for the Legislative Reference Service, a memorandum entitled "Historic Proposals to Except Particular Cases from the Appellate Jurisdiction of the Supreme Court of the United States."

I would like to read that review for the benefit of the Senate.

This report reviews the major historical proposals to except particular cases from the Supreme Court's appellate jurisdiction. The Constitutional premise for these bills is the Exceptions and Regulations Clause of Article III, § 2, of the Constitution. After enumerating the types of jurisdiction contemplated in the Constitution and specifying when that jurisdiction is to be trial in nature, the Constitution provides: "In all other Cases before mentioned, the Supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

Prior to 1956 there do not appear to have been any substantial proposals to except

particular classes of cases from the Court's jurisdiction. The authority exercised by Congress was limited to the regulation of processes of review by the Court. Numerous calls were made in the early days of the Republic for the abolition of the Court's jurisdiction to review decisions of the State courts of last resort, but none of these proposals succeeded; on the contrary, there was a steady increase in the scope of both the Supreme and inferior federal courts' jurisdiction.

Beginning in 1956, numerous proposals have been introduced to except a particular specie of cases from the Court's jurisdiction. The purpose of these proposals has been to stop the Court from further elaborating particular areas of constitutional law. The proposals have included both generic rights and particular types of prospective legislative review, including: due process in subversive activities regulation, contempt of Congress, desegregation of schools, reapportionment of State legislative bodies, regulation of obscenity, prayer in public schools, abortion, gender discrimination in military conscription, and others. We will here review the proposals which have received serious Congressional attention.

The first bill to receive formidable consideration was introduced by Senator Jenner in 1957. S. 2646 proposed to except from the Court's jurisdiction "any case where there is drawn into question the validity of" five different areas of governmental regulation or activity. At the time of hearings, the bill provided:

"Notwithstanding the provisions of sections 1253, 1254, 1257 of this chapter, the Supreme Court shall have no jurisdiction to review, either by appeal, writ of certiorari, or otherwise, any case where there is drawn into question the validity of—

"(1) any function or practice of, or the jurisdiction of, any committee or subcommittee of the United States Congress, or any action or proceeding against a witness charged with contempt of Congress;

"(2) any action, function, or practice of, or the jurisdiction of, any officer or agency of the executive branch of the Federal Government in the Administration of any program established pursuant to an Act of Congress or otherwise for the elimination from service as employees in the executive branch of individuals whose retention may impair the security of the United States Government;

(3) any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State;

(4) any rule, bylaw, or regulation adopted by a school board, board of education, board of trustees, or similar body, concerning subversive activities in its teaching body; and

(5) any law, regulation of any State, or of any board of bar examiners or similar body, of any action or proceeding taken pursuant to any such law, rule, or regulation pertaining to the admission of persons to the practice of law within such State."

Mr. President, I am going to deviate from this report to comment especially on items (3), (4), and (5), to indicate the breadth of their effect.

Again, (3) reads:

Any statute or executive regulation of any State the general purpose of which is to control subversive activities within such State.

The other two following have similar language.

Mr. President, what does that mean? Does that mean that a State legislature or school board, or any other body in the State enumerated in the statute, can pass a law saying, "We regard as subversive activities the following:" and list whatever it is they wish to regard? In those days, of course, it was membership in the Communist Party, previous affiliation with the Communist Party, or Communist front organizations. But really, it could be anything that the school board wanted to define as subversive.

What Senator Jenner's bill said was no matter how broad that classification, define it as subversive and the court has no jurisdiction to review cases involving it.

I do not need to call to the attention of my fellow Senators the danger inherent in that kind of language. It is a bootstrap argument. It defines conduct you do not like or which offends your sensibilities. If you define it as subversive, you deny a person his or her rights because you have called them subversive and then you say they cannot have their rights reviewed in court.

By way of correlation, the first exception was founded on the authority of a Congressional Committee regarding witnesses and the power of contempt of Congress, and was in response to the Court's decision in *Watkins* v. *United States.* Second, the bill would have removed jurisdiction to review any program to assure the loyalty of government employees, in response to the court's decisions in *Service* v. *Dulles* and *Cole* v. *Young.* The third excision of jurisdiction centered on state "subversive activities" controls in response to, among other cases, *Pennsylvania* v. *Nelson.* A still more particular jurisdictional removal centered on rules or regulations of Boards of Education and like bodies concerning "subversive activities" by members of their teaching staff in response to the Court's decision in *Slochower* v. *Board of Higher Education.* Finally, the Jenner bill would have removed jurisdiction to review bar admissions practices and policies, a response to *Schware* v. *Board of Bar Examiners* and *Konigsberg* v. *State Bar of California.* All of these decisions were handed down during 1956 and 1957 and limited the Cold War loyalty and security programs. The bill was thus a major political response tuned to the perceived crisis of its time. The style of the bill, however, appears to be the first attempt to utilize in the strict linguistic sense the power of Congress to make "exceptions" to the Court's appellate jurisdiction.

Hearings were held on the bill and a substantially revised and more limited version was reported to the floor of the Senate. After it became apparent that the leadership would not call up the Jenner bill, proponents of the measure moved to attach it to another bill dealing with the federal courts. Both the new parent bill and the amendment, however, were laid on the table and were extinguished at adjournment sine die. Less problematic responses to another court decision were more successful.

A second major attempt to remove a particular subject matter from the Court's appellate jurisdiction was in response to the reapportionment decisions: *Baker* v. *Carr* and *Reynolds* v. *Simms.*

Mr. President, I ask unanimous consent that I might yield to the Senator from Connecticut (Mr. WEICKER) for the purpose of debate only without losing my right to the floor and without this being construed as the end of the speech for purposes of the two-speech rule, and I ask further unanimous consent that I might be seated during the time required by the Senator from Connecticut without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WEICKER. Mr. President, I read into the RECORD at this point some very eloquent comments made by the distinguished Senator from Montana (Mr. BAUCUS), which comments appeared in the New York Times of September 7, 1982.

The Senate adjourned for Labor Day in the middle of what most people believed was a filibuster against an amendment that would reverse the Supreme Court's historic 1962 decision preventing states from requiring prayer in public schools. Nothing could be further from reality.

The amendment at issue, sponsored by Senator Jesse Helms, Republican of North Carolina, would not overturn the 1962 decision. What it would do is prevent the Supreme Court and other Federal courts from considering future school prayer cases, thereby threatening the Court's ability—and right—to interpret the Constitution.

If Congress can strip the Federal courts of jurisdiction over school prayer cases, there is no provision in the Constitution immune from Congressional tampering.

Senator Barry Goldwater, Republican of Arizona, says: "I see no limit to the practice. There is no clear and coherent standard to define why we shall control the Court in one area but not another. The only criteria seems [sic] to be that whenever a momentary majority can be brought together in disagreement with a judicial action, it is fitting to control the Federal Courts."

"Momentary majorities" can exert enormous pressure on Congress, as anyone who has tangled with the National Conservative Political Action Committee and the rest of the New Right knows.

But court-stripping bills pose "a possible constitutional crisis that could prove the most serious since the Civil War," according to the president of the American Bar Association, Morris Harrell.

Attorney General William French Smith shares that concern. He maintains that Congress's power over Federal court jurisdiction cannot interfere with the "core functions" of the Supreme Court, and argues that the "integrity of our system of Federal law depends upon a single court of last resort having a final say on the resolution of Federal questions."

Despite objections from people such as Attorney General Smith and Senator Goldwater and organizations such as the A.B.A., Senator Helms' court-stripping proposal has gained an alarming amount of support. Three years ago, the Senate voted, 51 to 40, for a proposal identical to this year's Helms amendment (that bill died in the House). Senators, the press and the public all thought that vote was a referendum on school prayer. I hope this perception has changed.

The Senate may vote on the Helms amendment soon. I hope a majority of Senators will reject this radical proposal. Those of us who realize the implications of this measure have an obligation to prevent it from passing. We will continue our filibuster until every avenue is closed.

The Founding Fathers provided a way to reverse unpopular Supreme Court decisions: a constitutional amendment. The Framers of the Constitution wisely understood that constitutional principles must not be sacrificed on the altar of political appeasement.

Court-stripping does an end-run around the constitutional-amendment process and thereby undermines the Constitution itself.

School prayer, abortion and school busing are indeed controversial issues. I doubt that there ever will be complete agreement on the public-policy questions they raise. But as those who support the filibuster in the Senate understand, Article V of the Constitution provides a means of resolving these disputes.

Let's not take the short cut offered by Senator Helms.

Mr. President, I commend in the most sincere terms my good friend, Senator BAUCUS, not just for his statement in the New York Times, but his efforts here, on the floor of the U.S. Senate, and his efforts within the Judiciary Committee. Senator BAUCUS has a record of which every American could, indeed, be proud. That is that, regardless of what his personal views might be on any one of the given issues that have been raised on the floor by Senators HELMS, JOHNSTON, THURMOND, et cetera. The fact is that he wants to maintain three separate but equal branches of government. It is just as simple as that.

Mr. President, when that division, that number, disappears, then the loser is not Senator BAUCUS or Senator PACKWOOD or myself. The loser becomes the American people.

Right now, the American people have three separate but equal branches of government. By the time Senator HELMS is through, if he has his way, they will only have two, or maybe even one.

That is what is at issue here, on the floor. It is not a matter of anybody's personal views on school prayer, busing, court stripping, whatever. What is at issue is whether or not the full force and effect of the Constitution as it exists today is going to be there tomorrow on behalf of every one of the citizens of this Nation. The Senator from Montana has spoken eloquently to this point and with great courage. I did not want to let this opportunity go by without saying so on the floor, without commending him while, at the same time, including his written words on this particular subject.

(Mr. HUMPHREY assumed the chair.)

Mr. WEICKER. Mr. President, once again, we are at it. I suspect we are going to be at it for quite a period of time on this business of stripping the courts of their jurisdiction and trying to bypass the amending provison of the Constitution of the United States. There are a lot of people I have talked to during the recess who have raised the question as to why it is we are occupying ourselves in this manner when the rest of the country is flat on its back economically; when we have 10.5 million people unemployed; when we have continued high interest rates; when we have all sorts of difficulty in the various manufacturing industries of this Nation selling our products; when we have no housing being built? Why are we talking about these social issues and why are you, Senator WEICKER, Senator PACKWOOD, Senator BAUCUS, and others, taking up the time of Congress when there are more pressing issues?

I think it is important to point out that we are not the ones who raised this on the Senate floor. That question is better directed at Senator HELMS. That question is better directed at Senator JOHNSTON, Senator THURMOND, Senator HATCH. They are the ones who have raised all these issues. There have been many times, certainly, on the floor when we have had time to engage in this very serious academic exercise. But this is not one of them. There are very urgent needs that have to be addressed.

Here we are. We have gone through a good portion of the summer and at this particular moment in time, many young people are going or trying to go back to school. They do not have the ability to do so. If you want to know what I would consider to be a relevant debate on the floor of the U.S. Senate, it is one that would address itself to the needs of the students of America. It would consider whether or not their opportunity for an education, in the college, graduate, or vocational sense, has been dented by virtue of Presidential and congressional action, and whether there is anything we can do about it to make sure that educational opportunity is there? That would be a proper matter for debate.

Or, when we have 10.5 million people unemployed, it seems to me we would want to address ourselves to what it is in our economic fabric that needs repair. Is it public service employment? Is it to try to encourage additional employment through the public sector? Is it the fact that we could restore homeowning, homebuilding, and jobs by investing in that particular industry?

Is it that maybe jobs can be created by proper attention to our transportation system? Certainly, the deteriorating highways and the deteriorating rail systems of this country are something that really do need rebuilding.

Maybe it is just that, instead of having meaningless public service employment, money should be directed toward our transportation system, and the jobs thus created would help alleviate the unemployment that exists in this Nation today. These are matters that would make sense. Instead, we find ourselves confronted by the great moral crusaders of our time, who feel that their point of view and their morals have to be imposed on this Nation regardless of the tragedy that exists around us at this time.

I suspect they also feel that if they do not have their point of view imposed right now, they never will. There is probably a lot of truth to that. That is the reason why some of us are on the floor. If they have a good idea, believe me, it will last until the next Congress. If, on the other hand, it is a will-o'-the-wisp, if it is something that only was fanned into reality by virtue of one election and the attitudes of our people during a short period of time, then it will not withstand the test of time.

So, Mr. President, this is a service which some of us are more than glad to provide to test the substance of what is being proposed. Is it real, solid? Is it made of the stuff that will survive time? Or is it a temporary passion that is finding expression and would best find its way into the garbage can? I suspect that latter categorization is exactly what we are confronted with here today and have been for several weeks and months.

Mr. President, I am not disposed personally toward having any votes on any of these matters. There is not much I can do about a cloture vote, but certainly, I do not feel that these are matters that should be addressed now, should be voted upon now. Let the new Congress in January 1983 come to grips with these issues.

The substance, it has been said time and time again, is what it is that is being done out here if the courts are stripped of their jurisdiction. I would like to address another aspect of the problem that might be somewhat new to the debate that has taken place heretofore. That is the matter of describing the courts as if they were truly something dropped from above or, I am sure in the minds of some of my colleagues, something ascended from below. I refer to the idea that they are something separate and apart from all of us. The fact is that these courts clearly come out of the political system. Indeed, my colleagues on the floor have their imprimatur upon every single Federal judge who sits. They were all subject to confirmation by the U.S. Senate, including the Supreme Court of the United States.

Indeed, most of those who are sitting at whatever level of the Federal judiciary were proposed by Members of this body to the then sitting executive. I have no one from the State of Connecticut who sits on the Supreme Court but certainly I can assure you that I know each member of the Fed-

eral judiciary, whether it be Federal district court or the circuit court of appeals. I did not nominate them all. I nominated some of them. But I surely approved all of them and had the opportunity to block them.

My friends who propose this type of legislation not only want to nominate; they want to confirm, and then they want to have a leash on the subject of the confirmation. I do not think the American people want that sort of justice. I think they expect, once we have done our work, that the judiciary is independent of politics, that it is independent in philosophy, it is independent of religion. They expect the judiciary to blindly serve in the sense of impartiality, blind in the sense of impartiality in the cause of justice.

But this legislation, this court-stripping legislation, is in effect a senatorial leash law. We want our judges on a leash. If they do not say what we want them to say, if they do not believe what we want them to believe, then they no longer have their jobs or, indeed, they have their jobs but in name only.

Is that the justice that everybody wants regardless of their points of view on individual issues? Is that the kind of justice you want? Because, indeed, impartial justice is what we speak for, be it black schoolchildren or women or be it those youngsters that go to school—that pretty much covers the people I am talking about in the sense of school prayer, abortion, and busing. If you adopt this principle, then, believe me, the leash law is not restricted to those persons but, rather, it applies to all of us. Maybe it will come to pass that it is very onerous and expensive on the part of Government to take care of the elderly, and so there will be men and women on this floor to try to excuse Government of its obligations to that segment of our society. Maybe it will be very onerous and expensive to be disabled or retarded and there will be those on this floor who would try to excuse Government from its obligation to that segment of our society. Maybe it will be very expensive and very onerous to be a businessman and there will be those on this floor trying to excuse Government of its obligation to that segment of the society, and so on and so on.

There is no end to the mischief that is being proposed here. It does not relate simply to the discrimination against black schoolchildren which results in a court remedy. It is not simply a matter as to whether or not there is going to be a Christian society foisted upon schoolchildren. That is not the issue. The issue is not what the choice of women is going to be. The issue here today is whether or not the right of each of us to be ourselves and to live in freedom—that is truly the issue, freedom—is going to be diminished in any sense by a point of view held by either a minority or majority that happens to wield the power of a U.S. Senator.

Mr. BAKER. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. WEICKER. Without losing my right to the floor for the purpose of debate, I yield to the distinguished majority leader.

Mr. BAKER. I thank the Senator.

Mr. President, I ask unanimous consent that the Senator may yield to me under those circumstances without his speech counting as a second speech and without prejudice to any rights that the Senator from Oregon may have in respect to recognition by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, it is clear to me that we are not going to resolve this issue today, and given that circumstance and the fact that I, for the life of me, cannot find another Senator who wishes to speak at length on this subject other than the distinguished Senators from Oregon and Connecticut, I am inclined to suggest that we may fold our tent for this day.

Mr. PACKWOOD. Will the Senator include in the order that I would have the floor coming then onto the bill tomorrow?

Mr. BAKER. Yes.

DEATH OF REPRESENTATIVE ADAM BENJAMIN, JR., OF INDIANA

Mr. BAKER. Mr. President, as in morning business, I send to the desk a resolution, on behalf of the Senators from Indiana (Mr. LUGAR and Mr. QUAYLE), and I ask for its immediate consideration.

The PRESIDING OFFICER. The resolution will be stated.

The legislative clerk read as follows:

S. RES. 457

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Adam Benjamin, Jr., late a Representative from the State of Indiana.

Resolved, That a committee be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit and enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

● Mr. LUGAR. Mr. President, ADAM BENJAMIN was a distinguished Hoosier legislator whose mastery of detail and faithfulness to duty produced solid achievement.

He enjoyed bipartisan respect in the Indiana General Assembly and in the U.S. House of Representatives for his intelligence, his indefatigable work style, and his friendliness.

ADAM was extraordinarily effective in obtaining favorable transportation issue results for Indiana. I will deeply miss him as a strong legislative ally and as a gracious friend throughout many good years of Hoosier political life.●

● Mr. QUAYLE. Mr. President, the sudden death of Congressman ADAM BENJAMIN of the First District of Indiana this past weekend leaves a great void for those of us who had the privilege of knowing and working with this special person.

ADAM BENJAMIN and I came to the U.S. House of Representatives together in 1977. We worked together for nearly 6 years. Even though our political parties were different, there were many areas of agreement, and our efforts in behalf of Indiana were harmonious and productive.

ADAM was given a coveted seat on the House Appropriations Committee as a freshman Congressman, and he quickly mastered the intricacies of working with the Federal budget. He served as chairman of the Legislative Appropriations Subcommittee and in this Congress was chairman of the Transportation Appropriations Subcommittee.

He worked hard on economic development of his congressional district in northwest Indiana. He was a leader in steel industry revitalization and strived for improvement of transportation throughout Indiana.

ADAM also served as a member of the Indiana House of Representatives and the State senate prior to his election to Congress in 1976.

ADAM BENJAMIN'S relatively short life was dedicated to helping people. He tackled every job with intensity, good humor, and skill.

Mr. President, I feel a deep personal loss over the passing of ADAM BENJAMIN. He was a true friend and patriot. His loss will be sorely felt by his dear family, his constituency, and all of us in Indiana who valued his friendship and his leadership.

We convey to his beloved wife, Patricia, and to his children, Adam III, Alison, and Arianne our heartfelt sympathy. May God bless them and comfort them during this time of sorrow.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 457) was unanimously agreed to.

The PRESIDING OFFICER. Pursuant to the resolution just adopted, the Chair appoints the two Senators from Indiana (Mr. LUGAR and Mr. QUAYLE) as the committee on the part of the

Senate to join the committee on the part of the House of Representatives.

ORDERS FOR THURSDAY

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, let me propound this series of requests.

First of all, I ask unanimous consent that when the Senate completes its business today it stand in recess until 11 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BAKER. I further ask unanimous consent, Mr. President, that after the recognition of the two leaders under the standing order there be a period for the transaction of routine morning business to extend not past 12 noon, in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS ON THURSDAY FROM 12 NOON TO 1:50 P.M.

Mr. BAKER. Mr. President, it is my understanding, that there is a requirement for time for a caucus tomorrow, and I will discuss this further with the distinguished minority leader when he reaches the floor, but I ask unanimous consent then that the Senate stand in recess tomorrow from 12 noon until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Now, Mr. President, could I inquire, if the order in respect to the vote under rule XXII to invoke cloture provides for the waiving of the mandatory quorum call prior to the vote?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. So there will not be a quorum call prior to the cloture vote, as I understand it, and the vote is ordered at 2 o'clock; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I think, under those circumstances, I will amend my previous request in respect to the recess.

CLOTURE VOTE AT 2 P.M.

I ask unanimous consent that the Senate stand in recess tomorrow from 12 noon until 1:50 p.m., and that at 1:50 p.m. the Senate resume consideration of the unfinished business, and that at 2 p.m. under the order previously entered the Senate proceed to vote on cloture as provided under the previous order.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that at 1:50 p.m. when the Senate resumes consideration of the unfinished business, the Senator from Oregon (Mr. PACKWOOD) be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. And once again, Mr. President, I ask unanimous consent that the interruption occasioned by the recess which has now been provided for not be deemed an interruption for the purpose of creating a second speech under the provisions of rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 4 P.M. TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the RECORD remain open today until 4 p.m., for the insertion of statements and the introduction of bills, resolutions, petitions, and memorials.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BAKER. Mr. President, in accordance with the previous order, and pursuant to the provisions of Senate Resolution 457, as a further mark of respect to the memory of the deceased ADAM BENJAMIN, JR., late a Representative from the State of Indiana, I move that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and at 3:21 p.m. the Senate recessed until tomorrow, Thursday, September 9, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate August 24, 1982, under authority of the order of the Senate of August 20, 1982:

U.S. INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Jay F. Morris, of Maryland, to be Deputy Administrator of the Agency for International Development, vice Joseph C. Wheeler, resigned.

THE JUDICIARY

Edward Rafeedie, of California, to be U.S. district judge for the central district of California vice David W. Williams, retired.

David D. Dowd, Jr., of Ohio, to be U.S. district judge for the northern district of Ohio vice Leroy J. Contie, elevated.

DEPARTMENT OF JUSTICE

Rufus W. Campbell, Jr., of Louisiana, to be U.S. marshal for the eastern district of Louisiana for the term of 4 years vice James V. Serio, Jr., term expired.

Max E. Wilson, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years vice Andrew E. Gardner, deceased.

Herbert M. Rutherford III, of New Jersey, to be U.S. marshal for the eastern district of Virginia for the term of 4 years, vice Isaac G. Hylton, retired.

IN THE AIR FORCE

Maj. Gen. William E. Brown, Jr., 137-22-1897FR, U.S. Air Force, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, in the grade of lieutenant general.

Executive nomination received by the Secretary of the Senate August 25, 1982, under authority of the order of the Senate of August 20, 1982:

MERIT SYSTEMS PROTECTION BOARD

K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board for the remainder of the term expiring June, 3, 1986, vice Alex Kozinski, resigned.

Executive nominations received by the Secretary of the Senate, August 31, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Peter Dalton Constable, of New York, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Zaire.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

Richard J. Fitzgerald, of Illinois, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1985, vice Elliott D. Marshall, term expired.

Truman McGill Hobbs, of Alabama, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1985, vice Walter E. Craig, term expired.

Margaret Truman Daniel, of New York, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1987, reappointment.

Gloria Ann Hay, of Alaska, to be a Member of the Board of Trustees of the Harry S Truman Scholarship Foundation for a term expiring December 10, 1987, vice John Portner Humes, term expired.

DEPARTMENT OF STATE

The following-named Career Members of the Foreign Service of the Department of Commerce for promotion into the Senior Foreign Service as indicated:

Career Members of the Senior Foreign Service of the United States of America, class of Counselor:

Herbert A. Cochran, of North Carolina.

Henry Y. McCown, Jr., of Texas.

Michael J. Mercurio, of California.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

Col. Diann A. Hale, [redacted]FR, Regular Air Force, Nurse Corps.

Col. Arthur J. Sachsel, [redacted]FR, Regular Air Force, Dental Corps.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

Albin, James E., xxx-xx-xxxx
Allen, David E., xxx-xx-xxxx
Anderson, John M., xxx-xx-xxxx
Anna, John W., xxx-xx-xxxx
Arbeiter, Randolph G., xxx-xx-xxxx
Arnold, Eugene F., xxx-xx-xxxx
Atkinson, Delbert B., xxx-xx-xxxx
Backstrom, David W., xxx-xx-xxxx
Bacon, Joseph L., xxx-xx-xxxx
Bailey, Roger A., xxx-xx-xxxx
Bassett, Kenneth R., xxx-xx-xxxx
Bayless, Robert L., xxx-xx-xxxx
Bell, Raymond L., xxx-xx-xxxx
Berg, Thomas R., xxx-xx-xxxx
Bergquist, David E., xxx-xx-xxxx
Bettencourt, Manuel J., xxx-xx-xxxx
Bible, Richard W., xxx-xx-xxxx
Bischoff, Kenneth C., xxx-xx-xxxx
Black, Donald L., xxx-xx-xxxx
Blondin, James D., xxx-xx-xxxx
Boettcher, Jon H., xxx-xx-xxxx
Bofferding, Michael J., xxx-xx-xxxx
Booker, Elbert R., Jr., xxx-xx-xxxx
Borofsky, Clifford R., xxx-xx-xxxx
Bow, David M. H., xxx-xx-xxxx
Boyd, Thomas E., xxx-xx-xxxx
Boytim, William G., xxx-xx-xxxx
Brandon, John D., xxx-xx-xxxx
Breuhl, Timothy E., xxx-xx-xxxx
Bright, Thomas J., xxx-xx-xxxx
Brown, Christopher J., xxx-xx-xxxx
Brown, David J., xxx-xx-xxxx
Browne, Michael J., xxx-xx-xxxx
Bruckner, Linda G., xxx-xx-xxxx
Brungess, James R., xxx-xx-xxxx
Bruton, Patricia A., xxx-xx-xxxx
Bryant, William R., xxx-xx-xxxx
Buck, Richard J., Jr., xxx-xx-xxxx
Bukevicz, Ronald E., xxx-xx-xxxx
Burns, Robert D., xxx-xx-xxxx
Bush, Stephen J., xxx-xx-xxxx
Bys, Neil D., xxx-xx-xxxx
Cagle, Mervin J., xxx-xx-xxxx
Caldwell, John P., xxx-xx-xxxx
Call, Charles M., Jr., xxx-xx-xxxx
Carlson, Kenneth C., Jr., xxx-xx-xxxx
Carter, William M., Jr., xxx-xx-xxxx
Casteel, Gary E., xxx-xx-xxxx
Catalano, Charles F., xxx-xx-xxxx
Caulfield, Michael D., xxx-xx-xxxx
Chaklos, John, Jr., xxx-xx-xxxx
Chisholm, Robert K., xxx-xx-xxxx
Cleveland, Otis L., xxx-xx-xxxx
Cohen, Philip A., xxx-xx-xxxx
Cook, Darild J., xxx-xx-xxxx
Corrow, William B., xxx-xx-xxxx
Counts, Donald R., xxx-xx-xxxx
Courtheyn, Terry L., xxx-xx-xxxx
Cox, Michael H., xxx-xx-xxxx
Dalby, Jan F., xxx-xx-xxxx
Daniels, Courtney R., Jr., xxx-xx-xxxx
Davenport, David L., xxx-xx-xxxx
Delp, James H., xxx-xx-xxxx
Demetrio, James J., xxx-xx-xxxx
Demmel, Robert J., xxx-xx-xxxx
Demuth, Robert L., xxx-xx-xxxx
Derego, Gerald H., xxx-xx-xxxx
Dever, Dolores K., xxx-xx-xxxx
Dilda, Victor F., xxx-xx-xxxx
Douthit, William E., Jr., xxx-xx-xxxx
Dumont, Gary G., xxx-xx-xxxx
Dunlop, Roy W., xxx-xx-xxxx
Durning, Albert J., xxx-xx-xxxx
Duval, Philip R., xxx-xx-xxxx
Eastman, Kenneth D., xxx-xx-xxxx
Elam, Carl M., xxx-xx-xxxx
Elder, Eric C., xxx-xx-xxxx
Eldredge, Francis S., xxx-xx-xxxx
Elking, Gerald J., xxx-xx-xxxx
Elliot, Roger D., xxx-xx-xxxx
Erickson, Alan P., xxx-xx-xxxx
Evans, Kimmel K., xxx-xx-xxxx
Ferrua, George S., xxx-xx-xxxx
Fitzhugh, William J., Jr., xxx-xx-xxxx
Flickinger, Norman H., xxx-xx-xxxx
Foley, Richard S., xxx-xx-xxxx
Foley, Walter W., xxx-xx-xxxx
Ford, Geraldine C., xxx-xx-xxxx
Foster, Wilford L., xxx-xx-xxxx
Frederick, Mark N., xxx-xx-xxxx
Freund, Robin A., xxx-xx-xxxx
Funck, Victor A., xxx-xx-xxxx
Galligan, Michael K., xxx-xx-xxxx
Galloway, Samuel E., xxx-xx-xxxx
Gannon, John R., xxx-xx-xxxx
Garrigan, Kevin J., xxx-xx-xxxx
Gaskin, Lawrence W., xxx-xx-xxxx
Gates, Thomas E., xxx-xx-xxxx
Gaudreau, Raymond L., xxx-xx-xxxx
Gelwix, Randall C., xxx-xx-xxxx
Georg, Elden M., xxx-xx-xxxx
Gilbert, Charles H., xxx-xx-xxxx
Gilbert, Emmett R., xxx-xx-xxxx
Gilbertson, Keith G., xxx-xx-xxxx
Gillispie, James D., xxx-xx-xxxx
Godart, Richard J., xxx-xx-xxxx
Goetz, Thomas J., xxx-xx-xxxx
Gonzalez, Jaime A., xxx-xx-xxxx
Goodrich, David A., xxx-xx-xxxx
Gorczyca, Raymond F., xxx-xx-xxxx
Gore, Larry R., xxx-xx-xxxx
Gough, Michael J., xxx-xx-xxxx
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Traylor, Eddie K., xxx-xx-xxxx
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Weiss, Daniel A., xxx-xx-xxxx
Wells, Cecilia Salas, xxx-xx-xxxx
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Wethe, Wallace K., xxx-xx-xxxx
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Wheeler, Patrick E., xxx-xx-xxxx
Whisenhunt, Jeffery W., xxx-xx-xxxx
Whitney, Wanda L., xxx-xx-xxxx
Widney, Christopher W., xxx-xx-xxxx
Wilkinson, John D., xxx-xx-xxxx
Williams, Kenneth A., xxx-xx-xxxx
Williams, Robert J., xxx-xx-xxxx
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Woolley, Donald F., xxx-xx-xxxx
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Wortham, James O., Jr., xxx-xx-xxxx
Wydra, Edward J., xxx-xx-xxxx
Xiques, George M., Jr., xxx-xx-xxxx
Young, Ruth A., xxx-xx-xxxx
Zuck, Dale A., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10 United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

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Aiello, William C., xxx-xx-xxxx
Baldwin, Mavis S., xxx-xx-xxxx
Beamon, Walter E., xxx-xx-xxxx
Bell, Gerald M., xxx-xx-xxxx
Brezna, Raymond G., xxx-xx-xxxx
Fahner, David W., xxx-xx-xxxx
Fedor, Leroy L., xxx-xx-xxxx
Johnston, Robert F., xxx-xx-xxxx
Krauss, Robert M., Jr., xxx-xx-xxxx
Milcetich, Paul P., Jr., xxx-xx-xxxx
Moffatt, Jack F., xxx-xx-xxxx
Plested, Robert W. H., xxx-xx-xxxx
Quinn, Lawrence T., xxx-xx-xxxx
Stryjewski, John J., xxx-xx-xxxx
Supa, Joseph, xxx-xx-xxxx
Tibus, Andrew J., xxx-xx-xxxx
Walsh, Andrew J., Jr., xxx-xx-xxxx
Yates, Edcort D., xxx-xx-xxxx
Zinzer, Walter W., xxx-xx-xxxx

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Allen, Ronald G., xxx-xx-xxxx
Eckhardt, Carl W., Jr., xxx-xx-xxxx
Jackson, Jerald W., xxx-xx-xxxx
Kuster, Robert L., xxx-xx-xxxx
Madsen, David W., xxx-xx-xxxx
Miniclier, Joseph E., xxx-xx-xxxx
Robinson, Donald L., xxx-xx-xxxx
Starr, Eddy M., xxx-xx-xxxx
Tudor, Thomas S. M., xxx-xx-xxxx
Weaver, Phillip A., xxx-xx-xxxx
Yee, Harry, xxx-xx-xxxx
Young, Roger L., xxx-xx-xxxx
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Andrews, Mary F., xxx-xx-xxxx
Baker, Richard D., xxx-xx-xxxx
Beesinger, Carol J., xxx-xx-xxxx
Bennett, Walter A., Jr., xxx-xx-xxxx
Bohman, Richard C., xxx-xx-xxxx
Brown, Mary E., xxx-xx-xxxx
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Cherry, Rosalie D., xxx-xx-xxxx
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Collins, Wendy S., xxx-xx-xxxx
Dalton, Catherine C., xxx-xx-xxxx
Darnold, Jana L., xxx-xx-xxxx
Deberg, Joellen, xxx-xx-xxxx
Donald, Linda K., xxx-xx-xxxx
Drake, Gene E., xxx-xx-xxxx
Edsen, Mary A., xxx-xx-xxxx
Eichenauer, Ronald J., xxx-xx-xxxx
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Gemberling, George C., Jr., xxx-xx-xxxx
Gillespie, Mary C., xxx-xx-xxxx
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Harrington, Frances L., xxx-xx-xxxx
Hatfield, Denzell K., xxx-xx-xxxx
Hauck, Elaine M., xxx-xx-xxxx
Hollis, Rodney C., xxx-xx-xxxx
Howe, Mary A., xxx-xx-xxxx
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Whittaker, Robert Y., xxx-xx-xxxx
Winn, Mary Martha, xxx-xx-xxxx
Young, Carl A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Geis, Bruce A., xxx-xx-xxxx
Hosman, James V., xxx-xx-xxxx
Jenn, Donald A., xxx-xx-xxxx
Kurowski, Kenneth J., xxx-xx-xxxx
Middleton, Allen W., xxx-xx-xxxx
Milner, Gary W., xxx-xx-xxxx
Putnam, Patricia A., xxx-xx-xxxx
Seitz, Gary J., xxx-xx-xxxx
Yaege, Glen B., xxx-xx-xxxx

BIOMEDICAL SCIENCE CORPS

Cathcart, Alan M., xxx-xx-xxxx
Cooper, James R., xxx-xx-xxxx
Emmett, Frank E., Jr., xxx-xx-xxxx
Fodor, William J., xxx-xx-xxxx
Frank, Rex A., xxx-xx-xxxx
Gentry, Michael W., xxx-xx-xxxx
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Young, James H., xxx-xx-xxxx

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The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with grades and dates of rank to be determined by the Secretary of the Air Force.

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Bowles, David S., xxx-xx-xxxx
Clark, Jay L., xxx-xx-xxxx
Fallon, Thomas A., xxx-xx-xxxx
Hood, Barry K., xxx-xx-xxxx
Lindsay, Jon K., xxx-xx-xxxx
Michel, Howard E., xxx-xx-xxxx

Pratt, Lawrence R., xxx-xx-xxxx
Roth, Mark A., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be lieutenant colonel

Bowles, David S., xxx-xx-xxxx
Boyd, Michael L., xxx-xx-xxxx
Carr, Michael L., xxx-xx-xxxx
Deer, Thomas E., xxx-xx-xxxx
Donnelly, John J., xxx-xx-xxxx
Ellis, Smokey F. C., xxx-xx-xxxx
Fallon, Thomas A., xxx-xx-xxxx
Foster, Leland C., Jr., xxx-xx-xxxx
Hood, Barry K., xxx-xx-xxxx
Jevcak, Joseph J., xxx-xx-xxxx
Jolly, Charles F., xxx-xx-xxxx
Kurinec, Ronald G., xxx-xx-xxxx
Stafford, Millard D., Jr., xxx-xx-xxxx
Tucker, Paul K., xxx-xx-xxxx
Updyke, Junius E., xxx-xx-xxxx
Vinkels, Gunars, xxx-xx-xxxx

CHAPLAIN

Clayton, Bennie H., xxx-xx-xxxx

LINE OF THE AIR FORCE

To be major

Davis, Ryan M., xxx-xx-xxxx
Ellis, Roger F., xxx-xx-xxxx
Lindsay, Jon K., xxx-xx-xxxx
Roth, Mark A., xxx-xx-xxxx

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

LINE OF THE AIR FORCE

To be major

Aaron, Gregory J., xxx-xx-xxxx
Abadie, Peter J., xxx-xx-xxxx
Abrami, John R., xxx-xx-xxxx
Abravaya, Ralph I., xxx-xx-xxxx
Adams, Alan L., xxx-xx-xxxx
Adams, Terry R., xxx-xx-xxxx
Adams, Theodore D., xxx-xx-xxxx
Adamski, John, xxx-xx-xxxx
Adsit, Jay R., xxx-xx-xxxx
Agrella William, xxx-xx-xxxx
Aguirre, Ralph G., xxx-xx-xxxx
Ahmann, James, R., xxx-xx-xxxx
Aitkencade, Philip B., xxx-xx-xxxx
Albertazzie, Thomas E., xxx-xx-xxxx
Albin, James E., xxx-xx-xxxx
Albright, Robert E., xxx-xx-xxxx
Albritton, James E., xxx-xx-xxxx
Alchian, Allen A., xxx-xx-xxxx
Aldrich, David G., xxx-xx-xxxx
Alexander, Johnny D., xxx-xx-xxxx
Alford, Truman G., Jr., xxx-xx-xxxx
Alford, William L., xxx-xx-xxxx
Allen, David E., xxx-xx-xxxx
Allen, Michael D., xxx-xx-xxxx
Allgood, James E., xxx-xx-xxxx
Allison, Kenneth L., xxx-xx-xxxx
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Almond, Daniel L., xxx-xx-xxxx
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Alves, Paul J., xxx-xx-xxxx
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Anarde, Russell J., xxx-xx-xxxx
Anderl, Robert S., xxx-xx-xxxx
Andersen, Leslie C., xxx-xx-xxxx
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Anderson, Donald C., xxx-xx-xxxx
Anderson, Emery D., xxx-xx-xxxx
Anderson, Herbert K., Jr., xxx-xx-xxxx
Anderson, James R., xxx-xx-xxxx
Anderson, John M., xxx-xx-xxxx
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Anderson, Stanley K., xxx-xx-xxxx
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Arbeiter, Randolph G., xxx-xx-xxxx
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Audley, David R., xxx-xx-xxxx
Augustine, Charles D., xxx-xx-xxxx
Austin, Robert A., xxx-xx-xxxx
Autry, Larry D., xxx-xx-xxxx
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Bain, Keith E., xxx-xx-xxxx
Baird, Jay L., xxx-xx-xxxx
Baker, Francis J., Jr., xxx-xx-xxxx
Baker, Glenn F., xxx-xx-xxxx
Baker, Jack T., xxx-xx-xxxx
Baker, Robert D., xxx-xx-xxxx
Baker, Robert F., xxx-xx-xxxx
Baker, Rodney W., xxx-xx-xxxx
Baker, Stephen L., xxx-xx-xxxx
Baker, William P., xxx-xx-xxxx
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Banner, Clifden A., xxx-xx-xxxx
Bannon, Michael T., xxx-xx-xxxx
Bante, Thomas M., Jr., xxx-xx-xxxx
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Baptiste, Samuel J., xxx-xx-xxxx
Baptiste, Thomas L., xxx-xx-xxxx
Barber, Gary N., xxx-xx-xxxx
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Bard, Nathan R., Jr., xxx-xx-xxxx
Barker, Kenneth R., Jr., xxx-xx-xxxx
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Belisle, Thomas M., xxx-xx-xxxx
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Bernard, John E., xxx-xx-xxxx
Bernard, Richard E., xxx-xx-xxxx
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Rightmyer, Margaret A., xxx-xx-xxxx
Robinson, Louise W., xxx-xx-xxxx
Rodie, Sandra M., xxx-xx-xxxx
Rumsey, Cheryl L., xxx-xx-xxxx
Scannell, Elizabeth A., xxx-xx-xxxx
Schermerhorn, Jan B., xxx-xx-xxxx
Sheldon, Carolyn E., xxx-xx-xxxx
Smith, Cheryl A., xxx-xx-xxxx
Steen, Wanda M., xxx-xx-xxxx
Stratford, Leslie C., xxx-xx-xxxx
Striler, Marsha L., xxx-xx-xxxx
Sutterer, Wanda H., xxx-xx-xxxx
Temple, Barbara A., xxx-xx-xxxx
Thoman, Margaret A., xxx-xx-xxxx
Thompson, Carol D., xxx-xx-xxxx
Thompson, Esther A., xxx-xx-xxxx
Tryon, Kathryn J., xxx-xx-xxxx
Tubac, Gregory, xxx-xx-xxxx
Walker, Mary E., xxx-xx-xxxx
Walton, George A., xxx-xx-xxxx
Warner, James, Jr., xxx-xx-xxxx
Washington, Barbara J., xxx-xx-xxxx
Whittaker, Robert Y., xxx-xx-xxxx
Williams, Sarah J., xxx-xx-xxxx
Winn, Mary Martha, xxx-xx-xxxx
Wood, Peggy A., xxx-xx-xxxx
Yingling, Sue E., xxx-xx-xxxx
York, Theresa M., xxx-xx-xxxx
Young, Carl A., xxx-xx-xxxx
Yousey, Donald J., xxx-xx-xxxx
Zarate, Barbara S., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Agler, William B., III, xxx-xx-xxxx
Camacho, David A., xxx-xx-xxxx
Chamberlain, Richard T., xxx-xx-xxxx
Csercsevits, Martin B., xxx-xx-xxxx
Deel, David I., xxx-xx-xxxx
Degracia, Daniel P., xxx-xx-xxxx
Devall, Richard A., xxx-xx-xxxx
Drees, Kenneth O., xxx-xx-xxxx
Dreifus, Douglas M., xxx-xx-xxxx
Evans, John E., xxx-xx-xxxx
Fescenmeyer, William K., xxx-xx-xxxx
Geis, Bruce A., xxx-xx-xxxx
Grabfelder, Michael T., xxx-xx-xxxx
Hendren, George R., xxx-xx-xxxx
Hosman, James V., xxx-xx-xxxx
Jenn, Donald A., xxx-xx-xxxx
Krause, William E., Jr., xxx-xx-xxxx
Kurowski, Kenneth J., xxx-xx-xxxx
Lamarine, David A., xxx-xx-xxxx
Liszewski, Richard S., xxx-xx-xxxx
Middleton, Allen W., xxx-xx-xxxx
Milner, Gary W., xxx-xx-xxxx
Myers, Robert H., xxx-xx-xxxx
Neuberger, Jeffrey L., xxx-xx-xxxx
Peedin, Floyd R., xxx-xx-xxxx
Putnam, Patricia A., xxx-xx-xxxx
Scheer, Robert H., xxx-xx-xxxx
Schroeder, Richard E., xxx-xx-xxxx
Seitz, Gary J., xxx-xx-xxxx
Sexton, William P., xxx-xx-xxxx
Shaw, William D., xxx-xx-xxxx
Snell, George C., xxx-xx-xxxx
Sutterer, Larry J., xxx-xx-xxxx
Yaege, Glen B., xxx-xx-xxxx

Young, Charles R., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Artiolia, Edward W., xxx-xx-xxxx
Brothers, John E., xxx-xx-xxxx
Buch, Lee C., xxx-xx-xxxx
Burgoon, Charles C., xxx-xx-xxxx
Cathcart, Alan M., xxx-xx-xxxx
Childers, Louis, xxx-xx-xxxx
Cooper, James R., xxx-xx-xxxx
Crowder, Harvey R., xxx-xx-xxxx
Dehler, John H., xxx-xx-xxxx
Doane, Thomas R., xxx-xx-xxxx
Dunlap, James H., xxx-xx-xxxx
Emmett, Frank E., Jr., xxx-xx-xxxx
Fodor, William J., xxx-xx-xxxx
Frank, Rex A., xxx-xx-xxxx
Gentry, Michael W., xxx-xx-xxxx
Greenamyer, Judith J., xxx-xx-xxxx
Hagen, Carl H., xxx-xx-xxxx
Harraghy, Donald M., xxx-xx-xxxx
Hill, Ronald C., xxx-xx-xxxx
Howard, Allen H., xxx-xx-xxxx
Hughes, Edward B., xxx-xx-xxxx
Hulse, Phillip M., xxx-xx-xxxx
Hyatt, Thomas L., xxx-xx-xxxx
James, Viola S., xxx-xx-xxxx
Jordan, Dick T., Jr., xxx-xx-xxxx
Juhas, Andrew M., xxx-xx-xxxx
Kasa, Thomas J., xxx-xx-xxxx
Kelleher, William J., xxx-xx-xxxx
Keller, William C., xxx-xx-xxxx
Kiel, Johnathan L., xxx-xx-xxxx
Krogwold, Roger A., xxx-xx-xxxx
Luehrs, Lewis G., xxx-xx-xxxx
Maher, Edward F., xxx-xx-xxxx
Marcondooley, Royetta, xxx-xx-xxxx
McCloy, David L., xxx-xx-xxxx
McCullough, George D., xxx-xx-xxxx
McDade, Richard L., xxx-xx-xxxx
McNamee, Corinne K., xxx-xx-xxxx
Meinders, Marvin D., xxx-xx-xxxx
Merchant, Peter D., xxx-xx-xxxx
Nelson, John P., xxx-xx-xxxx
Ostraat, Randall C., xxx-xx-xxxx
Peacock, Joseph R., xxx-xx-xxxx
Perry, Robert G., xxx-xx-xxxx
Pratt, George K., xxx-xx-xxxx
Reed, Michael J., xxx-xx-xxxx
Riggs, Raleigh E., xxx-xx-xxxx
Rohrig, William L., xxx-xx-xxxx
Root, Charles F., Jr., xxx-xx-xxxx
Seignious, George W., IV, xxx-xx-xxxx
Shirtz, John J., xxx-xx-xxxx
Stanley, Marie E., xxx-xx-xxxx
Swindling, William S., xxx-xx-xxxx
Tillman, Dale W., xxx-xx-xxxx
Tullio, Carl J., xxx-xx-xxxx
Uthe, Dennis G., xxx-xx-xxxx
Varca, Philip F., xxx-xx-xxxx
Varmecky, James R., xxx-xx-xxxx
Vierafernandez, Jorge, xxx-xx-xxxx
Vura, Ronald C., xxx-xx-xxxx
Waggaman, Lewis P., xxx-xx-xxxx
Wall, Robert M., xxx-xx-xxxx
Weiland, William C., xxx-xx-xxxx
West, George V., Jr., xxx-xx-xxxx
Whitney, Dale E., xxx-xx-xxxx
Wilber, Russell H., xxx-xx-xxxx
Young, James H., xxx-xx-xxxx

IN THE MARINE CORPS

The following-named officers of the Marine Corps Reserve for permanent appointment to the grade of lieutenant colonel under provisions of title 10, United States Code, section 5912, subject to qualification therefor as provided by law:

Adamson, James C., xxx-...
Allen, George F., Jr., xxx-...
Allen, James W., III, xxx-...
Allen, Charles R., Jr., xxx-...
Ande, Robert V., xxx-...
Anderson, Peder A., xxx-...
Anderson, Ralph C., xxx-...
Anderson, Delane E., Jr., xxx-...
Averitt, Richard G., III, xxx-...
Bacon, Paul C., xxx-...
Bailey, James R., Jr., xxx-...
Bailey, Jay R., xxx-...
Bailey, John C., III, xxx-...
Barrow, John C., xxx-...
Barrows, Frank P., III, xxx-...
Becker, James S., xxx-...
Beland, Carlton L., xxx-...
Bowman, Harry J., xxx-...
Bradstreet, Bernard F., xxx-...
Brahm, Russell N., xxx-...
Brahmstadt, Clifford A., xxx-...
Bromley, Ray P., xxx-...
Brooks, Kevin P., xxx-...
Brueckner, Martin F., xxx-...
Brzytwa, Edward J., Jr., xxx-...
Budinger, Charles J., xxx-...
Burg, William J., xxx-...
Burgemeister, Alvin H., xxx-...
Burgess, William V., xxx-...
Butler, Ronald V., xxx-...
Calkins, Gordon O., Jr., xxx-...
Campbell, Clarence A., Jr., xxx-...
Carey, Donald F., Jr. xxx-...
Casey, Maurice M., xxx-...
Cathey, Michael R., xxx-...
Cernick, Randolph F., xxx-...
Chapman, Joseph R., Jr., xxx-...
Charbonneau, Edwin T., xxx-...
Coats, James D., Jr., xxx-...
Colella, Anthony R., xxx-...
Cooper, William C., xxx-...
Costello, Michael J., xxx-...
Crawford, James F., xxx-...
Crews, Clifford J., xxx-...
Cripe, Daniel L., xxx-...
Curnow, Francis J., xxx-...
Dalton, James J., II, xxx-...
Danskin, John W., xxx-...
Dau, James E., xxx-...
Davis, Nancy A., xxx-...
Douglass, Robert C., xxx-...
Dowds, Charles J., xxx-...
Doyle, Kevin M., xxx-...
Duffy, David A., xxx-...
Dunlap, James V., xxx-...
Dyer, Glenn W., xxx-...
Easton, John O., xxx-...
Euler, John L., xxx-...
Favor, Joseph M., xxx-...
Feltner, Jonathan P., xxx-...
Ferland, James T., xxx-...
Finnegan, William J., xxx-...
Flaherty, Thomas J., xxx-...
Furbee, Charles W., III, xxx-...
Fergerson, James L., xxx-...
Galvin, Gerald T., xxx-...
Gardner, Robert G., xxx-...
Gill, James R., xxx-...
Gonzalez, Gabriel A., xxx-...
Grader, Dwight J., xxx-...
Graham, Kenneth D., xxx-...
Green, Michael J., xxx-...
Gregory, Willis M., xxx-...
Hale, Douglas A., xxx-...
Hamnquist, Richard A., xxx-...
Hare, Richard C., xxx-...
Harper, Wilmer K., xxx-...
Harris, Mary J. D., xxx-...
Heinemeyer, Klauspeter, xxx-...
Hill, Robert, III, xxx-...
Hill, Randle, Jr., xxx-...
Hill, Charles D., Jr., xxx-...
Hill, John W., xxx-...
Hilliard, Frank P., xxx-...
Himes, Harris D., xxx-...
Hitchcock, William T., Jr., xxx-...
Holland, Michael P., xxx-...
Howie, Robert G., Jr., xxx-...
Isbell, William P., xxx-...
James, Tommy L, xxx-...
Johnnides, Victor, xxx-...
Kaufman, Thomas W., xxx-...
Keir, Harold V., xxx-...
Keller, Robert P., Jr., xxx-...
Kern, Harold C., III, xxx-...
Kerr, William M., xxx-...
Kinsey, George H., xxx-...
Klocek, Joseph J., xxx-...
Kosinski, Ronald G., xxx-...
Kowalski, Michael V., Jr., xxx-...
Kroen, William C., Jr., xxx-...
Kropp, Edward H., xxx-...
Kruger, Lewis W., xxx-...
Lampo, Stephen F., xxx-...
Laterra, Joseph, xxx-...
Lemoine, Ned J., xxx-...
Lewis, Tyrone L., xxx-...
Lewis, Francis E., xxx-...
Ley, Andrew J., xxx-...
Loughman, Robert J., xxx-...
Lynch, Stephen J., xxx-...
MacNamee, John T., xxx-...
Mange, Gerald B., xxx-...
Martinazzi, Robert, xxx-...
Maxey, Richard D., xxx-...
McAninch, Thomas W., xxx-...
McGinty, James P., xxx-...
McGrath, Wayne J., xxx-...
McMullan, Thomas P., xxx-...
McNeill, Thomas P., xxx-...
Metschan, John A., xxx-...
Mills, John M., xxx-...
Monserrate, Lawrence C., xxx-...
Moore, James D., xxx-...
Morgan, Charles D., xxx-...
Morgan, Ronald B., Jr., xxx-...
Nemetz, Paul T., xxx-...
Nisewaner, Ken W., xxx-...
Nullmeyer, William M., xxx-...
Oberdorf, John G., xxx-...
O'Hare, Patrick A., xxx-...
Oleszycki, Charles R., xxx-...
Olson, Kenneth R., xxx-...
O'Neill, Charles W., xxx-...
O'Rourke, Robert J., xxx-...
Pardoe, Craig J., xxx-...
Parish, Mark D., xxx-...
Patrick, Carl W., xxx-...
Payne, John S., xxx-...
Perry, Larry E., xxx-...
Peterson, Jeffrey L., xxx-...
Poole, Henry J., xxx-...
Powell, Norris L., xxx-...
Powers, John C., xxx-...
Preston, James J., xxx-...
Reilly, Michael W., xxx-...
Remily, Daniel R., xxx-...
Remme, Michael J. W., xxx-...
Reynolds, David B., Jr., xxx-...
Richard, Lawrence G., xxx-...
Richards, Robert M., Jr., xxx-...
Robinson, Theodore C., III, xxx-...
Romanetz, Nicholas S., xxx-...
Rooth, Eric L., xxx-...
Rose, George D., xxx-...
Rossey, Paul W., xxx-...
Rottrup, Lowell C., xxx-...
Ruebenacker, Paul C., xxx-...
Ruzicska, Joseph G., xxx-...
Sanford, Steven R., xxx-...
Sawyer, David T., xxx-...
Scheer, Arthur L., Jr., xxx-...
Schultz, Frank A., III, xxx-...
Schwarz, William O., xxx-...
Scotten, William E., xxx-...
Shaw, Dennis R., xxx-...
Sinclair, James W., xxx-...
Skatoff, Leonard L., Jr., xxx-...
Smith, Donald D., xxx-...
Snipes, Douglas C., xxx-...
Souders, John E., xxx-...
Stabile, Michael A., xxx-...
Stacey, Wayne R., xxx-...
Steiner, Ted A., xxx-...
Stocker, Norman R., xxx-...

Stout, Larry, xxx-...
Straley, John A., xxx-...
Sullivan, Richard J., xxx-...
Tibbs, Don F., xxx-...
Trapp, Sidney D., Jr., xxx-...
Utley, Thomas R., xxx-...
Vogt, H. C., xxx-...
Vontagen, Karl E., xxx-...
Wallace, Paul H., xxx-...
Walters, Kenneth J., xxx-...
Weaver, Henry J., xxx-...
Weh, Allen E., xxx-...
Weiner, William J., xxx-...
Welch, Robert E., xxx-...
Wells, John D., Jr., xxx-...
Whitaker, Alexander W., xxx-...
White, David H., Jr., xxx-...
Whitworth, John R., xxx-...
Wiggins, Bruce E., xxx-...
Wilson, Eleanor M., xxx-...
Winters, William D., Jr., xxx-...
Wright, Broadus H., xxx-...
Wright, Robert B., xxx-...
Young, Walter R., xxx-...

Executive nomination received by the Secretary of the Senate September 1, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Kenneth W. Dam, of Illinois, to be Deputy Secretary of State, vice Walter J. Stoessel, Jr.

Executive nominations received by the Secretary of the Senate September 2, 1982, under authority of the order of the Senate of August 20, 1982:

DEPARTMENT OF STATE

Henry Allen Holmes, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Portugal.

Rozanne L. Ridgway, of the District of Columbia, a Career Member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the German Democratic Republic.

DEPARTMENT OF EDUCATION

Lawrence F. Davenport, of Virginia, to be Assistant Secretary for Elementary and Secondary Education, Department of Education, vice Vincent E. Reed, resigned.

COPYRIGHT ROYALTY TRIBUNAL

Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal for a term of 7 years from September 27, 1982, reappointment.

Executive nominations received by the Senate September 8, 1982:

DEPARTMENT OF STATE

W. Allen Wallis, of New York, to be Under Secretary of State for Economic Affairs, vice Myer Rashish, resigned.

DEPARTMENT OF EDUCATION

Gary L. Bauer, of Virginia, to be Deputy Under Secretary for Planning and Budget, Department of Education, vice Gary L. Jones.

Charles L. Heatherly, of Virginia, to be Deputy Under Secretary for Management, Department of Education, vice Kent Lloyd, resigned.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1982, vice Kennon V. Rothschild, term expired.

Alfred J. Fleischer, Sr., of Missouri, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1985, reappointment.

PEACE CORPS

Edward A. Curran, of Maryland, to be Deputy Director of the Peace Corps, vice Everett Alvarez, Jr.

IN THE AIR FORCE

The following-named officers for permanent promotion in the U.S. Air Force, under the appropriate provisions of chapter 36, title 10, United States Code, as amended, with dates of rank to be determined by the Secretary of the Air Force.

DENTAL CORPS

To be lieutenant colonel

Rome, William J., xxx-xx-xxxx

To be major

Rogerson, John H., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, 533:

MEDICAL CORPS

Colonels

Berman, Irwin, xxx-xx-xxxx
Cadol, Donald E., xxx-xx-xxxx
Rasberry, James N., xxx-xx-xxxx

Lieutenant colonels

Brodie, Donald E., xxx-xx-xxxx
Brown, Tommy J., xxx-xx-xxxx
Kahn, Patricia J., xxx-xx-xxxx
Komes, Sermsook, xxx-xx-xxxx
Laneve, Ralph J., xxx-xx-xxxx
Lazarini, Jose A., xxx-xx-xxxx
McCreary, Maurice L., xxx-xx-xxxx
Milnor, William H., xxx-xx-xxxx
Osterholzer, Heinz O., xxx-xx-xxxx
Pierce, Edward V., xxx-xx-xxxx
Podgore, John K., xxx-xx-xxxx
Rhodes, Miller F., xxx-xx-xxxx
Rosen, Howard M., xxx-xx-xxxx
Sandri, William N., xxx-xx-xxxx
Shelton, Edward J., xxx-xx-xxxx
Theard, Franz C., xxx-xx-xxxx
Watanabe, Henry, xxx-xx-xxxx
Williamson, Gary B., xxx-xx-xxxx
York, Lester A., III, xxx-xx-xxxx

Majors

Flynn, Mary M., xxx-xx-xxxx
Gelnett, Mary J., xxx-xx-xxxx
Moss, Jesse, Jr., xxx-xx-xxxx
Parker, James W., xxx-xx-xxxx
Taveau, Horatio S., xxx-xx-xxxx

Captains

Andersen, Christian T., xxx-xx-xxxx
Castro, Timothy J., Jr., xxx-xx-xxxx
Davis, William H., xxx-xx-xxxx
Gordon, Wayne H., xxx-xx-xxxx
McLeod, John F., III, xxx-xx-xxxx
Pfaff, James A., xxx-xx-xxxx
Radentz, William H., III, xxx-xx-xxxx
Rochon, Roy B., xxx-xx-xxxx
Roser, John F., Jr., xxx-xx-xxxx
Simon, Paul J., xxx-xx-xxxx
Smith, Robert G., xxx-xx-xxxx
Stuuy John W., xxx-xx-xxxx
Whitlock, Warren L., xxx-xx-xxxx
Wright, Jack L., xxx-xx-xxxx

ARMY NURSE CORPS

Lieutenant colonel

Taylor, Venorise M., xxx-xx-xxxx

Majors

Greenfield, Elizabeth, xxx-xx-xxxx
Vanhorne, Arlene M., xxx-xx-xxxx
Wiegand, Joyce L., xxx-xx-xxxx

Captains

Baxter, Roger D., xxx-xx-xxxx
Booth, Christine K., xxx-xx-xxxx
Connor, Susan G., xxx-xx-xxxx
Driggers, Karen R., xxx-xx-xxxx
Howell, Mary E., xxx-xx-xxxx
Kirby, Diana C., xxx-xx-xxxx
Perkins, Charles B., xxx-xx-xxxx
Silvers, Selah G., xxx-xx-xxxx

First lieutenants

Daly, Mary C., xxx-xx-xxxx
Sunshine, Mary M., xxx-xx-xxxx

MEDICAL SERVICE CORPS

Majors

Goodwin, Larry N., xxx-xx-xxxx
Lynn, David E., xxx-xx-xxxx
Macdonald, Edward A., xxx-xx-xxxx
Proctor, Michael I., xxx-xx-xxxx
Sheets, David L., xxx-xx-xxxx
Thompson, James W., xxx-xx-xxxx
Wells, Dawn, xxx-xx-xxxx

Captains

Baker, Nancy A., xxx-xx-xxxx
Bell, Clinton M., Jr., xxx-xx-xxxx
Bice, William S., xxx-xx-xxxx
Chapin, Mark G., xxx-xx-xxxx
Crook, Kenneth R., xxx-xx-xxxx
Hartley, Michael W., xxx-xx-xxxx
Kociscak, William M., xxx-xx-xxxx
Lord, Stephen E., xxx-xx-xxxx
Mack, Fred D., xxx-xx-xxxx
Mulligan, Gregory P., xxx-xx-xxxx
Perry, Randy xxx-xx-xxxx
Stanley, David L., xxx-xx-xxxx
Toelkes, David E., xxx-xx-xxxx
Treadway, Steven G., xxx-xx-xxxx
Williams, Dennis L., xxx-xx-xxxx
Zimmerman, Brian L., xxx-xx-xxxx

First lieutenants

Collier, Ann M., xxx-xx-xxxx
Hellman, Joseph P., Jr., xxx-xx-xxxx
Norris, Gary C., xxx-xx-xxxx
Sanford, Edward J., xxx-xx-xxxx

Second lieutenant

Palange, Valentina H., xxx-xx-xxxx

DENTAL CORPS

Majors

Lund, Douglas F., xxx-xx-xxxx
Stewart, Jack C., xxx-xx-xxxx
Stonerock, Robert L., xxx-xx-xxxx

Captains

Boice, Gregory W., xxx-xx-xxxx
Cook, Lawrence J., xxx-xx-xxxx
Foster, Newton H., IV, xxx-xx-xxxx
Nosal, Gregory, Jr., xxx-xx-xxxx
Powell, Douglas A., xxx-xx-xxxx
Quinones, Deogracia xxx-xx-xxxx
Smith, Milton L., xxx-xx-xxxx
Worthington, Roger C., xxx-xx-xxxx
Yard, Robert A., xxx-xx-xxxx

VETERINARY CORPS

Major

Slaytor, Michael V., xxx-xx-xxxx

Captains

Baxter, Nathan F., xxx-xx-xxxx
Bludau, Colin E., xxx-xx-xxxx
Long, Richard E., xxx-xx-xxxx
MacIntire, Jeffrey S., xxx-xx-xxxx
Martin, Dale G., xxx-xx-xxxx

IN THE NAVY

The following-named Naval Reserve Officers Training Corps candidates to be appointed permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law:

Batchelder, Craig D.
Beierl, John S.
Carlson, Christopher P.
Clark, Julia D.
David, Harold W., Jr.
Elliott, Wade B.
Greer, Gordon B., Jr.
Hanson, James C.
Harris, Michael W.
Mischke, John G.
Morse, Christopher A.
Perretta, David A.
Pfaff, Stephen H.
Plosay, James R.
Ramsey, Robert G., Jr.
Ruud, Paul E.
Souter, Charles R.
Stanford, Michael L.
Veto, Timothy A.
Vojvoda, Richard A., Jr.
Ward, Robert E., Jr.
Woodard, Charles W.

Luisito J. Arevalo, Enlisted Commissioning Program candidate, to be appointed a permanent ensign in the line or staff corps of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named Naval Reserve officers for permanent appointment in the line or staff corps of the U.S. Navy in the permanent grade of ensign, subject to qualification therefor as provided by law:

Allison, Douglas V.
Bergs, Ivars R.
Coy, Lawrence S.
Croy, Jeffrey S.
Dupree, Richard A.
Farquharson, Ian B.
Husemann, Christopher J.
Johnson, Alan F.
Kegley, Gary L.
Kirby, Stephen H.
Lasky, Larry W.
McCabbe, John C., II
McClure, Michael D.
Michaels, David S.
Piotrowski, David C.
Searight, David L.
Senteio, Stephen M.
Smith, Peter F.
Solohub, Roman T.
Stoffregen, James R.
Sullivan, Terence P.
White, William D.
Woodyard, Bruce L.

Capt. Lloyd B. Nichols, U.S. Navy, Retired, to be reappointed a permanent captain from the Temporary Disability Retired List, subject to qualification therefor as provided by law.

Commander Kermit R. Booher, Jr., Medical Corps, U.S. Navy, to be appointed a permanent commander in the Medical Corps in the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

HOUSE OF REPRESENTATIVES—*Wednesday, September 8, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. PRICE).

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all the blessings of life and for Your continued providence to us. We thank You for Your grace which fills our lives with hope and for Your bountiful love which surrounds us and gives us faith for each new day.

At this time we are particularly thankful for the life of ADAM BENJAMIN and for his good works done for the people he represented. We are conscious of his dedication to his tasks, his friendliness, and openness to those he met, and his care and concern toward those in need. We ask Your special blessing upon his family and those who mourn his passing, that Your peace that passes all human understanding may be with them now and during all the days to come. In Your holy name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last legislative day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WALKER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 268, nays 17, answered "present" 4, not voting 143, as follows:

[Roll No. 306]

YEAS—268

Akaka	Archer	Bedell
Albosta	Ashbrook	Beilenson
Alexander	AuCoin	Benedict
Annunzio	Badham	Bennett
Applegate	Bailey (MO)	Bethune
Bliley	Hansen (UT)	Pease
Boner	Hartnett	Pepper
Bouquard	Hatcher	Perkins
Bowen	Hawkins	Pickle
Brinkley	Heckler	Porter
Brodhead	Hefner	Price
Brooks	Heftel	Quillen
Brown (CA)	Hightower	Railsback
Brown (CO)	Hiler	Ratchford
Broyhill	Hillis	Regula
Burgener	Hollenbeck	Reuss
Burton, Phillip	Hopkins	Rhodes
Byron	Horton	Rinaldo
Campbell	Howard	Ritter
Carman	Hoyer	Robinson
Carney	Hubbard	Roe
Cheney	Huckaby	Rogers
Clausen	Hughes	Rose
Clinger	Hunter	Rostenkowski
Coats	Hutto	Roth
Coelho	Hyde	Roukema
Coleman	Jeffords	Rousselot
Collins (IL)	Jenkins	Roybal
Conable	Jones (NC)	Russo
Conte	Jones (OK)	Scheuer
Corcoran	Jones (TN)	Schneider
Courter	Kastenmeier	Schulze
Coyne, James	Kazen	Seiberling
Coyne, William	Kildee	Sensenbrenner
D'Amours	Kindness	Shamansky
Daniel, Dan	Kramer	Shannon
Daniel, R. W.	LaFalce	Sharp
Dannemeyer	Lagomarsino	Shaw
Daub	Lantos	Shuster
Derwinski	Latta	Simon
Dicks	Leach	Skeen
Dixon	Leath	Skelton
Dorgan	Levitas	Smith (NE)
Dornan	Lewis	Smith (NJ)
Downey	Livingston	Smith (PA)
Dreier	Long (MD)	Snowe
Duncan	Lowery (CA)	Snyder
Dunn	Lowry (WA)	Solarz
Dwyer	Lujan	Solomon
Dyson	Lundine	St Germain
Eckart	Lungren	Stangeland
Edgar	Madigan	Stanton
Edwards (AL)	Martin (NC)	Stark
Edwards (CA)	Martin (NY)	Staton
Edwards (OK)	Matsui	Stenholm
English	Mazzoli	Stokes
Evans (DE)	McClory	Stratton
Fary	McCollum	Studds
Fascell	McCurdy	Swift
Fazio	McDade	Synar
Fenwick	McDonald	Tauzin
Ferraro	McEwen	Taylor
Fiedler	McGrath	Thomas
Fish	McHugh	Traxler
Fithian	Michel	Trible
Flippo	Mikulski	Udall
Ford (TN)	Mineta	Vander Jagt
Fowler	Minish	Volkmer
Frank	Mitchell (NY)	Walgren
Frenzel	Moakley	Wampler
Frost	Molinari	Watkins
Gaydos	Mollohan	Waxman
Gibbons	Montgomery	Weber (MN)
Gilman	Moore	Weber (OH)
Gingrich	Moorhead	Whitley
Ginn	Morrison	Whitten
Gonzalez	Mottl	Williams (OH)
Gore	Murphy	Wilson
Gradison	Myers	Wirth
Gramm	Natcher	Wolf
Green	Neal	Wolpe
Guarini	Nelson	Wortley
Gunderson	Nichols	Wyden
Hagedorn	Nowak	Wylie
Hall (OH)	Oakar	Yates
Hall, Ralph	Obey	Yatron
Hall, Sam	Oxley	Young (FL)
Hamilton	Panetta	Young (MO)
Hammerschmidt	Parris	
Hance	Patterson	

NAYS—17

Barnes	Goodling	Miller (OH)
Butler	Ireland	Roemer
Clay	Jacobs	Schroeder
Emerson	Johnston	Smith (OR)
Evans (IA)	Luken	Walker
Forsythe	Markey	

ANSWERED "PRESENT"—4

Bonior	Dymally
Broomfield	Ottinger

NOT VOTING—143

Addabbo	Ertel	Mitchell (MD)
Anderson	Evans (GA)	Moffett
Andrews	Evans (IN)	Murtha
Anthony	Fields	Napier
Aspin	Findley	Nelligan
Atkinson	Florio	O'Brien
Bafalis	Foglietta	Oberstar
Bailey (PA)	Foley	Pashayan
Barnard	Ford (MI)	Patman
Beard	Fountain	Paul
Bereuter	Fuqua	Petri
Bevill	Garcia	Peyser
Biaggi	Gejdenson	Pritchard
Bingham	Gephardt	Pursell
Blanchard	Glickman	Rahall
Boggs	Goldwater	Rangel
Boland	Gray	Roberts (KS)
Bolling	Gregg	Roberts (SD)
Bonker	Grisham	Rodino
Breaux	Hansen (ID)	Rosenthal
Brown (OH)	Harkin	Rudd
Burton, John	Hendon	Sabo
Chappell	Hertel	Santini
Chappie	Holland	Savage
Chisholm	Holt	Sawyer
Collins (TX)	Jeffries	Schumer
Conyers	Kemp	Shelby
Coughlin	Kennelly	Shumway
Craig	Kogovsek	Siljander
Crane, Daniel	LeBoutillier	Smith (AL)
Crane, Philip	Lee	Smith (IA)
Crockett	Lehman	Spence
Daschle	Leland	Stump
Davis	Lent	Tauke
de la Garza	Loeffler	Vento
Deckard	Long (LA)	Washington
Dellums	Lott	Weaver
DeNardis	Marks	Weiss
Derrick	Marlenee	White
Dickinson	Marriott	Whitehurst
Dingell	Martin (IL)	Whittaker
Donnelly	Martinez	Williams (MT)
Dougherty	Mattox	Winn
Dowdy	Mavroules	Wright
Early	McCloskey	Young (AK)
Emery	McKinney	Zablocki
Erdahl	Mica	Zeferetti
Erlenborn	Miller (CA)	

□ 1215

Mr. MOLLOHAN changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 923) entitled "An act to amend

chapter 207 of title 18, United States Code, relating to pretrial services."

The message also announced that the Senate agrees to the amendment of the House with an amendment to a bill of the Senate of the following title:

S. 1409. An act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes.

The message also announced that the Senate insists upon its amendment to the amendment of the House to the bill (S. 1409) entitled "An act to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri basin program, Wyoming, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MCCLURE, Mr. HATFIELD, Mr. DOMENICI, Mr. WALLOP, Mr. WARNER, Mr. JACKSON, Mr. JOHNSTON, Mr. FORD, and Mr. METZENBAUM to be the conferees on the part of the Senate.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3517. An act to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes; and

H.R. 3589. An act to authorize the exchange of certain land held by the Navajo Tribe and the Bureau of Land Management, and for other purposes.

The message also announced that the Senate had passed bills, joint resolutions, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S 503. An act to authorize the purchase, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota, and for other purposes;

S. 705. An act to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes;

S. 1940. An act to amend chapter 209 of title 18, United States Code, relating to extradition, and for other purposes;

S. 1986. An act to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250-A and 279-C by the U.S. Court of Claims, and for other purposes;

S. 2222. An act to revise and reform the Immigration and Nationality Act, and for other purposes;

S. 2355. An act to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service;

S. 2874. An act to amend the Act of March 16, 1934, as amended, to credit entrance fees for the migratory-bird hunting and conservation stamp contest to the account which pays for the administration of the contest;

S.J. Res. 209. Joint resolution designating the week beginning September 5, 1982, as "National Adult Day Care Center Week";

S.J. Res. 226. Joint resolution to authorize and request the President to designate October 1, 1982, as "American Enterprise Day";

S.J. Res. 227. Joint resolution to establish "National Firefighters' Week";

S.J. Res. 233. Joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week"; and

S. Con. Res. 117. Concurrent resolution expressing the sense of the Congress that September 4, 1982, the one hundredth anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day."

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
August 23, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, the Clerk received at 10:25 a.m. on Monday, August 23, 1982, the following messages from the Secretary of the Senate:

(1) That the Senate agree to the amendments of the House to the amendments of the Senate to the bill H.R. 6350.

(2) That the Senate passed without amendment H.R. 3345.

(3) That the Senate passed without amendment H.R. 6732.

(4) That the Senate passed without amendment H.R. 6128.

With kind regards, I am

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bills on Friday, August 20, 1982:

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The following enrolled bills on Tuesday, August 24, 1982:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; and

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

The following enrolled bills on Wednesday, August 25, 1982:

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes;

H.R. 3126. An act to direct the Secretary of the Department in which the U.S. Coast Guard is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade, and for other purposes;

H.R. 3345. An act to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act;

H.R. 6350. An act to amend title 38, United States Code to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration health professional scholarship program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes;

H.R. 6409. An act to provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, La. and for other purposes.

H.R. 6732. An act to amend the International Safe Container Act.

H.R. 6955. An act to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Congress).

The following enrolled bills on Thursday, August 26, 1982:

H.R. 3239. An act to amend the Communications Act of 1934, and for other purpose; and

H.R. 3663. An act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

And the following enrolled bills on Wednesday, September 1, 1982:

H.R. 4961. An act to provide for tax equity and fiscal responsibility, and for other purposes; and

H.R. 6128. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, "Money and Finance."

CONFERENCE REPORT ON S. 923, PRETRIAL SERVICES ACT OF 1982

Mr. HUGHES submitted the following conference report and statement on the Senate bill (S. 923) to amend chapter 297 of title 18, United States Code, relating to pretrial services:

CONFERENCE REPORT (H. REPT. NO. 97-792)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 923) to amend chapter 207 of title 18, United States Code, relating to pretrial services, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and

agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Pretrial Services Act of 1982".

SEC. 2. Section 3152 of title 18, United States Code, is amended to read as follows:

"§ 3152. Establishment of pretrial services

"(a) On and after the date of the enactment of the Pretrial Services Act of 1982, the Director of the Administrative Office of the United States Courts (hereinafter in this chapter referred to as the 'Director') shall, under the supervision and direction of the Judicial Conference of the United States, provide directly, or by contract or otherwise (to such extent and in such amounts as are provided in appropriation Acts), for the establishment of pretrial services in each judicial district (other than the District of Columbia). Pretrial services established under this section shall be supervised by a chief probation officer appointed under section 3654 of this title or by a chief pretrial services officer selected under subsection (c) of this section.

"(b) Beginning eighteen months after the date of the enactment of the Pretrial Services Act of 1982, if an appropriate United States district court and the circuit judicial council jointly recommend the establishment under this subsection of pretrial services in a particular district, pretrial services shall be established under the general authority of the Administrative Office of the United States Courts.

"(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer selected by a panel consisting of the chief judge of the circuit, the chief judge of the district, and a magistrate of the district or their designees. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3654 of this title.".

SEC. 3. Section 3153 of title 18, United States Code, is amended to read as follows:

"§ 3153. Organization and administration of pretrial services

"(a)(1) With the approval of the district court, the chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title shall appoint such other personnel as may be required. The position requirements and rate of compensation of the chief pretrial services officer and such other personnel shall be established by the Director with the approval of the Judicial Conference of the United States, except that no such rate of compensation shall exceed the rate of basic pay in effect and then payable for grade GS-16 of the General Schedule under section 5332 of title 5, United States Code.

"(2) The chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title is authorized, subject to the general policy established by the Director and the approval of the district court, to procure temporary and intermittent services to the extent authorized by section 3109 of title 5, United States Code. The staff, other than clerical staff, may be drawn from law school students, graduate students, or such other available personnel.

"(b) The chief probation officer in all districts in which pretrial services are established under section 3152(a) of this title shall designate personnel appointed under chapter 231 of this title to perform pretrial services under this chapter.

"(c)(1) Except as provided in paragraph (2) of this subsection, information obtained in the course of performing pretrial services functions in relation to a particular accused shall be used only for the purposes of a bail determination and shall otherwise be confidential. Each pretrial services report shall be made available to the attorney for the accused and the attorney for the Government.

"(2) The Director shall issue regulations establishing the policy for release of information made confidential by paragraph (1) of this subsection. Such regulations shall provide exceptions to the confidentiality requirements under paragraph (1) of this subsection to allow access to such information—

"(A) by qualified persons for purposes of research related to the administration of criminal justice;

"(B) by persons under contract under section 3154(4) of this title;

"(C) by probation officers for the purpose of compiling presentence reports;

"(D) insofar as such information is a pretrial diversion report, to the attorney for the accused and the attorney for the Government; and

"(E) in certain limited cases, to law enforcement agencies for law enforcement purposes.

"(3) Information made confidential under paragraph (1) of this subsection is not admissible on the issue of guilt in a criminal judicial proceeding unless such proceeding is a prosecution for a crime committed in the course of obtaining pretrial release or a prosecution for failure to appear for the criminal judicial proceeding with respect to which pretrial services were provided.".

SEC. 4. Section 3154 of title 18, United States Code, is amended to read as follows:

"§ 3154. Functions and powers relating to pretrial services

"Pretrial services functions shall include the following:

"(1) Collect, verify, and report to the judicial officer, prior to the pretrial release hearing, information pertaining to the pretrial release of each individual charged with an offense, including information relating to any danger that the release of such person may pose to any other person or the community, and recommend appropriate release conditions for such individual.

"(2) Review and modify the reports and recommendations specified in paragraph (1) of this section for persons seeking release pursuant to section 3146(e) or section 3147 of this chapter.

"(3) Supervise persons released into its custody under this chapter.

"(4) Operate or contract for the operation of appropriate facilities for the custody or care of persons released under this chapter including residential halfway houses, addict and alcoholic treatment centers, and counseling services.

"(5) Inform the court and the United States attorney of all apparent violations of pretrial release conditions, arrests of persons released to the custody of providers of pretrial services or under the supervision of providers of pretrial services, and any danger that any such person may come to pose to any other person or the community, and recommend appropriate modifications of release conditions.

"(6) Serve as coordinator for other local agencies which serve or are eligible to serve as custodians under this chapter and advise the court as to the eligibility, availability, and capacity of such agencies.

"(7) Assist persons released under this chapter in securing any necessary employment, medical, legal, or social services.

"(8) Prepare, in cooperation with the United States marshal and the United States attorney such pretrial detention reports as are required by the provisions of the Federal Rules of Criminal Procedure relating to the supervision of detention pending trial.

"(9) Develop and implement a system to monitor and evaluate bail activities, provide information to judicial officers on the results of bail decisions, and prepare periodic reports to assist in the improvement of the bail process.

"(10) To the extent provided for in an agreement between a chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, or the chief probation officer in all other districts, and the United States attorney, collect, verify, and prepare reports for the United States attorney's office of information pertaining to the pretrial diversion of any individual who is or may be charged with an offense, and perform such other duties as may be required under any such agreement.

"(11) Make contracts, to such extent and in such amounts as are provided in appropriation Acts, for the carrying out of any pretrial services functions.

"(12) Perform such other functions as specified under this chapter.".

SEC. 5. Section 3155 of title 18, United States Code, is amended to read as follows:

"§ 3155. Annual reports

"Each chief pretrial services officer in districts in which pretrial services are established under section 3152(b) of this title, and each chief probation officer in all other districts, shall prepare an annual report to the chief judge of the district court and the Director concerning the administration and operation of pretrial services. The Director shall be required to include in the Director's annual report to the Judicial Conference under section 604 of title 28 a report on the administration and operation of the pretrial services for the previous year.".

SEC. 6. The table of sections for chapter 207 of title 18, United States Code, is amended by striking out the item relating to section 3152 and all that follows through the item relating to section 3155 and inserting in lieu thereof the following:

"3152. Establishment of pretrial services.
"3153. Organization and administration of pretrial services.
"3154. Functions and powers relating to pretrial services.
"3155. Annual reports.".

SEC. 7. Section 604(a) of title 28, United States Code, is amended by—

(1) striking out "agencies" in paragraph (9);

(2) striking out "for pretrial services agencies" and inserting in lieu thereof "providing pretrial services" in paragraph (10);

(3) striking out "pretrial service agencies" in paragraph (11) and inserting "offices providing pretrial services" in lieu thereof; and

(4) striking out "pretrial services agencies" in paragraph (12) and inserting "offices providing pretrial services" in lieu thereof.

SEC. 8. During the period beginning on the date of enactment of this Act and ending eighteen months after the date of the enactment of this Act, the pretrial services agencies established under section 3152 of title 18

of the United States Code in effect before the date of enactment of this Act may continue to operate, employ staff, provide pretrial services, and perform such functions and powers as are authorized under chapter 207 of title 18 of the United States Code.

SEC. 9. (a) There are authorized to be appropriated, for the fiscal year ending September 30, 1984, and each succeeding fiscal year thereafter, such sums as may be necessary to carry out the functions and powers of pretrial services established under section 3152(b) of title 18, United States Code.

(b) There are authorized to be appropriated for the fiscal year ending September 30, 1983, and the fiscal year ending September 30, 1984, such sums as may be necessary to carry out the functions and powers of the pretrial services agencies established under section 3152 of title 18 of the United States Code in effect before the date of enactment of this Act.

And the House agree to the same.

PETER W. RODINO,
BILL HUGHES,
JOHN CONYERS,
ROBERT W. KASTENMEIER,
DAN GLICKMAN,
ROBERT MCCLORY,
HAROLD S. SAWYER,
HAMILTON FISH, JR.,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS,
PAUL LAXALT,
JOSEPH R. BIDEN,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 923) to amend chapter 207 of title 18, United States Code, relating to pretrial services, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The Senate bill provides for the establishment of pretrial services in each judicial district. The House amendment provides for the establishment of pretrial services in those districts with respect to which the district court and the circuit council have so recommended.

The conference substitute adopts the Senate position.

The Senate bill provides that, for an 18-month period following enactment of the bill, any pretrial services beyond the existing demonstration districts—which are specifically authorized to continue their operation during the 18-month period—are to be provided under the supervision of the chief probation officers, utilizing existing resources, with no authority for additional appropriations. After this 18-month period, pretrial services may also be provided under the supervision of chief pretrial services officers, who must be individuals other than those serving as probation officers under the authority of section 3654 of title 18. When the district court and circuit counsel recommended the establishment of pretrial services in these special districts, authority is provided for additional appropriations to support pretrial services. The Senate bill also specifically authorizes appropriations necessary to continue the demonstration projects in effect prior to the date of enactment, for a period ending 18 months after the date of enactment.

The House amendment provides that, based on the recommendation of the district court and the circuit council, pretrial services may be provided under the supervision of either chief probation officers or chief pretrial services officers. There is no delay period in the availability of either type of pretrial services supervision, and the authority for appropriations extends to both types of management.

The conference substitute adopts the Senate position. This delay period is, in the opinion of the conference managers, sufficient for the district courts, circuit councils, and the Administrative Office of the U.S. Courts to evaluate the needs for pretrial services and the resources available in each district. This evaluation process, as described in more detail at page 10 of Senate Report 97-77, should begin immediately upon enactment of S. 923, and should permit the United States courts to identify those districts which are capable of providing pretrial services within existing resources and those which will need additional resources and will therefore be required to utilize the special districts provision of this statute.

The Senate bill provides that chief pretrial services officers and chief probation officers shall appoint such other personnel as required, and that the position requirements and rate of compensation of the chief pretrial services officer, the chief probation officer, and other personnel are to be established by the Director of the Administrative Office. The House amendment provides for the chief pretrial services officer to appoint additional personnel, and for position requirements and compensation of these persons to be fixed by the Director for the Administrative Office.

The conference substitute provides for the appointment of additional personnel by the chief pretrial services officer, and authorizes the chief probation officer to designate existing probation personnel to perform pretrial services functions. Authority for the chief probation officer to "designate", rather than "appoint", is necessary to remain consistent with the determination of the Managers that additional personnel will be appointed only in special districts under the supervision of chief pretrial services officers. Similarly, since the position requirements and compensation of probation officers and other probation support personnel are provided for in Chapter 231 of title 18, reference to them here is deleted.

Both the Senate and House bills provide for the confidentiality of information collected in the course of providing pretrial services functions. The conference substitute adopts the position of both bills, with language taken from both bills. The conference substitute clarifies that the protected information is that "obtained in the course of performing pretrial services functions. . . ." This carries out the purpose of protecting the relationship between the pretrial services officer and the particular defendant. Defendants may be reluctant to cooperate with pretrial services officers unless assured of the confidentiality of the information they reveal to the officers. The courts, in turn, would receive only incomplete information. The conference substitute also makes clear that the information is protected unless it is to be revealed for the purposes of a bail hearing. Hearings to determine whether a defendant's bail should be revoked are, or course, considered bail hearings.

The conference substitute requires the Director to issue regulations establishing the confidentiality of the information referred to above, and not just information contained in pretrial services files. Otherwise, as suggested above, the purpose of furthering the relationship between the pretrial services officer and the defendant, and thus of gathering the most complete information for the court, would be threatened.

Finally, the conference substitute provides that such information is not admissible on the issue of guilt in a criminal judicial proceeding unless the proceeding is for a crime committed in the course of obtaining pretrial release, or for the defendant's failure to appear on the case for which pretrial services were provided. In this case, the conference substitute adopts a combination of exceptions set forth in the Senate and the House bills. As described above, the limitation on admissibility is necessary to further the objective of ensuring that the court receives the most complete information possible. However, the exceptions are provided to ensure that defendants cannot attempt to take advantage of the pretrial services process and then shield themselves behind the guarantee of confidentiality.

Both the Senate and the House bills set forth the functions of providers of pretrial services, including collecting, verifying, and reporting to the court information about the defendant's pretrial release. The House bill also requires providers of pretrial services to inform the court if the release of the defendant may pose a danger to any other person or the community.

The conference substitute adopts the House position.

Both the Senate and the House bills require the providers of pretrial services to inform the court and the United States attorney of all apparent violations of conditions of release, and arrests of persons under their supervision or released to their custody. The House bill also requires providers of pretrial services to inform the court and United States attorney that the person may come to pose a danger to any other person or the community.

The conference substitute adopts the House position.

PETER W. RODINO,
BILL HUGHES,
JOHN CONYERS,
ROBERT W. KASTENMEIER,
DAN GLICKMAN,
ROBERT MCCLORY,
HAROLD S. SAWYER,
HAMILTON FISH, JR.,
Managers on the Part of the House.

STROM THURMOND,
CHARLES MCC. MATHIAS,
PAUL LAXALT,
JOSEPH R. BIDEN,
PATRICK J. LEAHY,
Managers on the Part of the Senate.

THE LATE ADAM BENJAMIN, JR.

(Mr. HAMILTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMILTON. Mr. Speaker, with deepest regret I inform the Members of this House of the death of our colleague, ADAM BENJAMIN. I extend my most heartfelt condolences to his wife, Patricia, and his children, Adam, Alison, and Arianne.

All of us who knew him are grateful for his life and the contributions he made to his friends, community, State, and Nation. His life, from West Point to Congress, was in the highest, finest tradition of public service.

ADAM was an extremely effective legislator. I know of no one who was so quick to master the procedures of the House and use them for the benefit of his constituents. He set a record by becoming the chairman of an appropriations subcommittee in his second term. There used to be a saying at the Indiana Statehouse that ADAM BENJAMIN was the only member of the general assembly who read all the bills. That gives some indication of the respect his fellow legislators had for ADAM's legislative skill. ADAM's drive for self-improvement enabled him to study for a master of law degree to teach academic courses while carrying on his duties as a Member of Congress.

ADAM believed in, and lived for, representative government. He came from his constituents; he was a part of them; and he worked hard for them. Their problems and hopes, troubles and ambitions were his as well. Their welfare was his primary concern. He thought constantly of how he might serve them better. ADAM had pride in his work as a politician and legislator. He believed it was the politician's job to make the country work, to provide stability, to accomodate different points of view, to develop a consensus, and to meet the needs of people.

He believed that a politician's work is the chief means of achieving justice for all persons.

His death cut short a brilliant career in the House of Representatives. We will miss him as a friend, politician, and legislator. All of us who knew him will be able to hold our heads a little higher because he contributed, as few are able to do, to making this House, as well as representative government, work better. His loss will be deeply felt by all of us who knew and worked with him.

The funeral for ADAM will be at 10 a.m. Friday, September 10. It will be held at the Sts. Constantine and Helen Greek Orthodox Cathedral, 8000 Madison Street, Merrillville, Ind. Visitation hours will be Thursday, September 9, from 12 noon to 10 p.m., at the funeral home of Stilinovich, Palmer, Wiatrolik, 4201 Broadway, Gary, Ind. A delegation will depart from the House steps at approximately 7:30 a.m. on Friday, September 10, for Gary, Ind., returning immediately upon conclusion of services in Indiana.

□ 1230

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, we all were shocked and saddened with the news yesterday morning of the loss of our dear friend, ADAM BENJAMIN. We all learned to know him, some more recently than some of the rest of us from Indiana. ADAM was one of the hardest working Members of Congress, as he had been a hard working State legislator. With his passing, he will be missed here in this House. We offer our condolences and our prayers to Pat and his children. The loss will be to our Nation to lose a very valuable, caring, and nice person that ADAM was.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I thank the dean of our delegation for his contribution. Sadness and the understanding of death lie very heavily across this Chamber on this Wednesday. We had a colleague amongst us who was quick, alive, warm, friendly, and smiling just a few days ago. We are reminded that no person is an island. Particularly in this Chamber, we are a part of one another, and how childish our selfish tragedies seem at a time like this. Death ends a life, but it does not end a relationship, which will continue on in our hearts and in our minds. It does not make any difference whether it is a chamber of commerce person or a labor person in Indiana who speaks of ADAM BENJAMIN. The regard is high and is immense for his scholarship, for his fairness and for his just plain friendliness.

There is an old advertisement that says, "Nobody doesn't like Sarah Lee." And, as you shall soon see by the remarks that are to follow, nobody didn't like ADAM BENJAMIN.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Speaker, it was with great shock and with great sadness that I learned of this tragic event, the passing of our colleague. I had first gotten to know ADAM when we went to the Indiana General Assembly together in 1967 and served in the house where we sponsored a good number of bills together. As I got to know ADAM and worked with him we became quite good friends. He typified, as the gentleman said, everything that is good about politics and good about government. He was a symbol there. We used to call him Mr. Clean because of what he stood for and how he conducted himself. I would say in public service I have known many fine people and many great people. ADAM is of that category, probably the most ethical man in politics that I have ever known.

Mr. HAMILTON. I thank the gentleman for his remarks.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. SHARP. I appreciate the gentleman yielding.

Mr. Speaker, I want to join my colleagues in recognizing our distinguished Hoosier colleague, who was a model, I think, for many of us as legislators. He certainly was an exceptional public servant who did honor to our people and honor to this Institution.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to join in mourning the passing of ADAM BENJAMIN. There was no more dedicated or hardworking Member of this House.

He served as the chairman of the Transportation Appropriations Subcommittee, of which I am the ranking minority member. We sat shoulder to shoulder through countless hours of hearings, markups, and conferences with the other body.

ADAM sought solutions, not contention. He sought results, not showmanship. He was a champion of his people in his district. He was a giant of a man, a block of granite.

The people of Indiana have lost a great Congressman; the Congress has lost a fine subcommittee chairman, and I have lost a friend.

Mr. HAMILTON. I thank the gentleman for his remarks.

Mr. FITHIAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. FITHIAN. I thank the gentleman for yielding.

Mr. Speaker, I had the privilege and the pleasure to share in the representation of ADAM's home county, Lake County. I think the best way to describe ADAM BENJAMIN is to say that he was a legislator's legislator. And the best phrase I know of to describe ADAM's life's work is that "he got things done," a tremendously effective person who knew no hours limitations on himself. His long hours contributed to democracy and to this House. We shall all miss him in Indiana, and we shall miss him in this House. The Nation has lost a great legislator. I extend my heartfelt condolences to the family of our late and great colleague, ADAM BENJAMIN, JR.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I, too, was deeply shocked and saddened by ADAM's passing. As first-term Congressman from the other party, quite often you do not know what kind of relationships that you will be able to develop over time. But having the opportunity to fly with ADAM many, many times to and from Chicago I got to know ADAM as a friend and as a fellow Congressman. I think in those trips to and from Washington I learned a great deal not only about his dedication to his family, whether it was the last time I talked to him and he was the next day going to a baseball game with his children, or whether it was on Sunday afternoons or Sunday evenings hurrying to catch a plane, when we had been at the same parade, or at the same function, so that he could be here first thing Monday morning to get the job done here. Indiana will certainly miss ADAM BENJAMIN. The northwest Indiana sector had a fine Representative, and whoever follows him will have very large shoes to fill. I, as a new Member of Congress, will miss ADAM as well.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding and I express my gratitude to him for taking this time to relate to one of the great friends I have had in the Congress.

Mr. Speaker, as was pointed out earlier, I, too, flew from Washington to Chicago, and I developed a truly wonderful friendship with ADAM. I never thought that it would so suddenly end.

As a man, ADAM was tough, he was generous and he was loving. As a Congressman, his achievements were as stunning as they were profound. ADAM was shrewd, he was honest, and he was effective. The effectiveness of the man was that he defeated one of the most powerful Members of Congress for that seat in Indiana. His rise on the Appropriations Committee was nothing less than miraculous. ADAM was a man certainly of national stature. Yet his dedication to his constituents ran very deep. ADAM BENJAMIN won many, many battles for Gary, and I am just happy to say that in winning those battles some of the victory spilled over into Chicago. He was a de facto member of the South Side of the city of Chicago because what was good for Gary and Indiana and Illinois was also good for my city. He also expected and received support from the Illinois delegation. I am proud of that. ADAM was a West Pointer and a marine. He was intensely proud of his family. He was a great storyteller and a magnificent person to share a martini with at week's end. Only in his death do we sadly recognize the national achievement and the personal wealth that were in one person, ADAM BENJAMIN. I express to his family my deepest sympathy.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, I think our colleagues are witnessing today the deep respect and admiration that both sides of the aisle have had for ADAM BENJAMIN. His loss is tragic. My first reaction was that ADAM is as close to irreplaceable in Congress as any person that I have known here. Even though I am a freshman from the party opposite of ADAM's, that was no barrier to his taking me under his wing, putting his hand on my shoulder, helping me to understand the legislative process, and working with me together for the good of Indiana and for the good of this Nation. I will miss him greatly. My deep sympathies are extended to his family. ADAM's loss is a loss to all of us.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, as a Congressman who has served on the Appropriations Committee and in the Steel Caucus and as one who was born in Indiana, I hope my colleagues will let me share their pride in ADAM and their sorrow over his death. He had a penetrating, no-nonsense mind. In the words of the E. F. Hutton ads, when ADAM spoke, people listened. We shall miss him very, very much.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I came to know ADAM BENJAMIN because my son, who was a political consultant, was involved in his first campaign in which he was elected to the Congress. When I had my office over in the Cannon Office Building, it would not matter whether I went home at 7 or 11 o'clock at night; I went by ADAM's office, and every time I went by his office, no matter how late it was, ADAM was in there working. I never experienced anyone who spent the hours at night working that ADAM did, for his constituents and for this House of Representatives. We will certainly miss him very much.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding.

May I pick up on the remarks of the gentleman from Iowa, because I have known ADAM BENJAMIN over the relatively short period of time that he served in this body. I can tell you that he lived to work. When I have been driving home in the immediate neighborhood, there was ADAM at 8:30, 9 o'clock, just walking slowly back to his apartment. When I came back to work the next morning at 7:30, quarter to 8, there was ADAM BENJAMIN walking more briskly back to his office again.

Having served with him on the Subcommittee on Appropriations, I can certainly attest to the industrious manner with which he approached any subject. If it was the Capitol Grounds around here that needed repair, he wanted to see it firsthand, to make absolutely sure that the expenditure of a few thousand dollars was justified. I did not know about the fact that he came from a legislature with the kind of a reputation for having read every bill that came before the legislature, but I can fully understand that, having served the brief period of time that I served with him.

I guess at this time there really is no center aisle because those of us on our side appreciate just as much as those of you on the majority side what a contribution ADAM BENJAMIN has made to this House of Representatives. Seeing him operate, an "in-house" man at times, but also so well versed in the legislative ways, he brought credit to this House of Representatives. Each of us could take just a leaf from his book in how to conduct our lives on the floor of this House, on and off the floor. We are certainly going to miss ADAM. I consider him one of those new-found friends, now lost, that I got to know in the House of Representatives, and I guess that is what makes this such a great place to have the opportunity to serve with people about whom we feel so strongly, and I certainly want to extend my unbounded sympathy to his wife and children in their hour of bereavement.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I believe the gentleman from Indiana has effectively summarized the characteristics of ADAM BENJAMIN that made him so beloved to all of us who had the opportunity to work with him. I was particularly privileged to have served with ADAM on the Budget Committee. Some of the traits that have been discussed already were the ones that stand out in my mind about ADAM, particularly the hard worker attitude that he had.

When I first came to this institution, one of the oldtimers told me that

around this place knowledge is power, which means that if you do your homework fairly and effectively, people will come to you to seek information. If you are honest with them, you gain a stature of power that is not measured by title or by office. Clearly ADAM BENJAMIN was one of the most powerful people in this body because he was a prodigious worker who did his homework very effectively. And when you talked to him about an issue, he did not color the facts; he gave it to you straight. He was honest, he was independent. That made him a powerful and beloved individual. Another characteristic of ADAM was his independence, the fact that he was a strong Democrat, and yet he crossed the aisle many times and voted for Republican amendments when he thought that was in the best interest of the country.

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Obviously, he had strong support from labor, organized labor, and working people, and yet a few months ago when I was in Gary at his request to speak to the chamber of commerce group there, it was obvious that he had very strong support and respect among management and the business community.

It is this honest and independence and hard work that made him stand out as a most effective legislator and a most effective national leader.

I will miss him very deeply as a friend. The Budget Committee and the whole process of the budget will miss him very deeply, because he did do his homework and he was effective.

I extend my very deepest sympathies to his family and friends.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, with a profound sense of shock and sorrow, I join my colleagues in paying a last tribute to ADAM BENJAMIN. As a human being, and as a Member of this House, ADAM embodied everything that was decent and good.

He was a caring person, with a deep sense of fairness and justice, and he was a warm personal friend of many Members of this House.

He was an exceptional legislator and public servant, who served with high distinction in the Indiana Legislature, and who in only three terms came to be recognized as one of the most respected and effective Members of the House. He was, in a word, a legislator's legislator, noted for his diligence, his knowledge of the procedures and the business of the House, and his skill in using the art of the possible to make good things happen.

In the House, there is no higher distinction than to be an effective chairman of an appropriations subcommittee. ADAM earned that distinction on two appropriations subcommittees during his three terms on the committee.

It was my privilege to serve with ADAM during his chairmanship of the Transportation Subcommittee. I served on that subcommittee for many years. I have a strong personal commitment to many of those programs, and I have had many deep and rewarding associations with members of that subcommittee.

ADAM mastered the programs and the personalities of that subcommittee, and became one of the most effective members and chairman in its history. I am deeply grateful for the opportunity I had to serve with him, and to share his high abilities as a legislator, and his warmth and depth as a human being.

His ability and his depth and his warmth will be missed by this House and each of its Members. His public service will be missed by this country. I send my heartfelt condolences to Mrs. Benjamin and his family.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentleman.

I certainly want to join the gentleman from Indiana in extending my sympathy to ADAM's beautiful family. He was a wonderful father and husband and spoke of them very, very often.

ADAM was a friend and classmate. I remember when we came in together to this fine body, he gave our class many innovative, creative ideas.

I think ADAM was one of those public servants who very seldom would make headlines, but he was one of the most quietly effective and decent people for whom this country could hope.

In addition to that, he not only served Gary, Ind., so effectively and beautifully, and unselfishly, he also was very generous with his time for other constituencies. I know that the people of the city of Cleveland, Ohio, our mayor and Congressman STOKES, myself, and others, are especially grateful for the hard work that he performed on our behalf in terms of the supplemental bill that we will be taking up shortly.

So all of us will miss ADAM tremendously, but we will remember him. I believe for me, anyway, he will always be a prototype and a model of what a public official should be.

Mr. FARY. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

● Mr. FARY. Mr. Speaker, as Congress reconvened from the district work period, I am sure that our colleagues join me in the grief that I felt upon learning of the death of ADAM BENJAMIN. He was a dear friend to all of those whose lives he touched, and he will be sorely missed.

ADAM and I became close friends shortly after his arrival to Congress in 1976, traveling together frequently on Midway Airlines from Chicago's southside. I think the fact that we had many things in common enabled us to develop a quick and lasting friendship. We were both Democrats who represented a Midwestern district, and had a long record of public service in our respective State legislatures. We were both keenly interested in transportation issues, he as chairman of the Transportation Subcommittee of the House Appropriations Committee and I, as a member of the House Public Works and Transportation Committee.

The true testament to ADAM, though, is that aside from any common interests, he could befriend anyone. ADAM was an approachable, sensitive, warm person and genuinely liked people, regardless of their ideology or party affiliation. I am sure that is exactly how he became such a successful and respected leader in his community.

Coupled with his personal charm, ADAM was also one of the most tireless, dedicated workers of this body. The stories of his late night and weekend work hours have almost become legend in his relatively short tenure here. The industry and commitment which he brought to his job will be hard to match for many years by those of us remaining. As if the role of a Congressman were not demanding enough, ADAM still found the time and energy to better himself by attending Georgetown for a masters of law degree. I trust our House leaders and fellow Members recognized immediately this inherent perseverence and dependability, when ADAM was awarded a seat on the powerful Appropriations Committee.

Mr. Speaker, this body is composed of a variety of Members who span a broad range of stature. I am sure, with time, it will become evident that ADAM BENJAMIN made his mark as a giant amongst us. I offer my heartfelt condolences to his entire family.●

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding.

I learned about ADAM BENJAMIN before he got here. He had the reputation in Indiana and in the Indiana Legislature for being the classic inside man. He was a real pleasure to work with. I had the privilege of working with from the very beginning and it was fascinating to watch him move in ways that most people do not, to get to the core of the House.

I doubt very much whether most people understand how potent he was in the first few months that he was here. He knew his way around in a way that was almost unbelievable in 6 months and he was a force and an influence in a year. His power and influence for good and for his State grew monthly. He was one of the most extraordinary Members I have ever seen in this institution and I doubt that even his close friends fully understand how much influence he had.

The country is going to miss ADAM BENJAMIN. The institution is going to miss ADAM BENJAMIN. The district and the State that he represented are going to miss him and I have nothing but the deepest sympathy for his family, because I know they will miss him, too.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

ADAM occupied the same corridor as I do in the Cannon Building, two offices down. No matter what time I left that office, 7 o'clock, 8 o'clock, 9 o'clock, 10 o'clock, ADAM's light was still on; no one in his office, just ADAM sitting at his desk poring over legislation, working on issues long after every other Member of Congress had gone home. He worked very, very hard. He worked too hard. He worked harder than any man I have ever met in any field of endeavor.

I am very sorry to see him pass, because he was one of the most honest, tough, ethical people that I have ever met. He was somebody who if he had worked a little less hard could have been with us another 20 or 25 years serving this institution and would have left a record that would have been unparalleled because of his ability to understand how this place worked and how to make it work for the issues and the beliefs that he held very dearly.

I will miss him very much, because he was a good friend of mine, and I believe the Congress and the people of this country will miss him just as much.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I subscribe to the many wonderful statements that have been made on the untimely passing of our friend, ADAM BENJAMIN.

On the Appropriations Committee, I do not know of anyone who applied himself more closely, who was more effective and who did it with as little fanfare as did ADAM BENJAMIN. Notwithstanding all the work that he did in so many fields, if ever there was a need for a volunteer, ADAM was willing to take that on, too.

So I say again that I subscribe to the many things said here and I add to it that his untimely passing leaves a void that is going to be difficult to fill and nobody will ever take his place, actually, but it will take two or three to take up the load that he carried.

I extend my deepest sympathy to his family. He leaves a monument and a mark here that all of us might well try to emulate.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I want to join my colleagues in paying tribute to ADAM BENJAMIN.

Our colleague, the chairman of the Appropriations Committee, summarized it well when he said that ADAM BENJAMIN did things with little fanfare. He was not a meteor out there. He was not doing things because it might make television tomorrow. He was a solid, substantial legislator, who contributed in a very meaningful way to what goes on in this body.

Our colleague, the gentleman from Missouri (Mr. BOLLING) was correct when he said this institution, this House, is going to miss him.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I wish to join my colleague, the gentleman from Indiana, and my other friends and colleagues in expressing sympathy to the family of ADAM BENJAMIN.

We came to Congress together. He was a good friend, which of course was strengthened by the fact that he was educated in my district during his younger life.

He worked hard and he was what we call a real workhorse, as opposed to a show horse. This institution is all the finer because of it. This country is all the better off because of ADAM BENJAMIN.

I know that his memory will linger with us for many, many years.

Mr. GINN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Georgia.

Mr. GINN. Mr. Speaker, I thank the gentleman for taking this time to give those of us who knew and loved ADAM BENJAMIN the opportunity to express our deepest and sincerest sympathy to his family.

Late yesterday afternoon, having lost the governorship in my State, I boarded a plane in Atlanta to return to Washington to complete my career in the Congress. I picked up a paper and opened it up and first learned of ADAM's death.

It suddenly dawned on me that all I have lost was an election, but that ADAM's wife has lost a husband. His children have lost a great father. His district and his State have lost a tremendous Representative and this Congress and this country have lost, I think, one of the finest men who ever served in this body.

I was a fellow Appropriations Subcommittee chairman with ADAM. No Member, to my knowledge, did his work more effectively, as has been pointed out, with less fanfare, but with more dignity and effectiveness than did ADAM BENJAMIN.

I extend my deepest sympathy to his family and to his district and to his State.

I think the highest compliment I can pay ADAM BENJAMIN is to say that he will truly be missed. I am a better person in having known my friend, ADAM BENJAMIN.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman.

I would like to express my deepest sympathies to the family of ADAM BENJAMIN.

I was fortunate to get to know ADAM BENJAMIN as a member of the executive committee of the Steel Caucus and I watched him as a leader of that caucus. I listened and learned as he handled a wide variety of issues of critical importance to this Nation's steel industry. I grew to respect his ability and to admire him greatly.

It has been said that he operated without fanfare, that he was concerned with substance—that is so true. He was the kind of Congressman that we would hope for on both sides of the aisle—for the benefit of the body and for the benefit of the American people.

ADAM BENJAMIN was also a kind and affectionate human being. He did not seem to have, and if he had them, I never saw them—any partisan bones in his body. He would work with Members of this side of the aisle just as well as he would work with Members of his own party. Respect and friendship were in surplus from his fellow Members.

He will certainly be missed by his colleagues on the Steel Caucus and throughout this House. I heard some people talking the other day about what a Congressman has to do to achieve national recognition. You would think that national recognition would come to a Congressman who worked and achieved the way ADAM BENJAMIN did. That is not exactly the way things work out, but when people ask Members of Congress who they admire and who they respect and who they would like to emulate, certainly the name of ADAM BENJAMIN would

stand tall before all of us as a name to remember.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the genetleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

I join my colleagues in expressing my condolences to the family of my dear departed friend, ADAM BENJAMIN, with whom I had the privilege of serving on the Appropriations Committee.

Like others who have expressed their admiration for ADAM today, I respected ADAM for his quiet courage and the dedicated manner in which he went about his work in service to his Nation.

I was taught as a child at my mother's knee that loyalty was the greatest virtue, and I believe that ADAM demonstrated loyalty to the people that he worked for, to the Nation that he served, and to the family that he loved. He will be dearly missed in Congress. While his lights in the office in the Cannon Building will be darkened, the light that ADAM BENJAMIN shone here in Washington will long be remembered.

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Mr. McDADE. Mr. Speaker, will the gentleman yield to me?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. McDADE. I thank my colleague for yielding.

Mr. Speaker, I was shocked, as all of us were, to read of the untimely passing of our dear friend ADAM BENJAMIN. I want to join my colleagues on both sides of the aisle in paying tribute to a distinguished and dedicated Member of this body. ADAM's life will always stand as a great symbol for all of us to strive for in achieving excellence, in attempting to achieve excellence as we go about our legislative duties.

I do not know of a finer man than ADAM. ADAM was a marvelous man to deal with. He knew all the intricate details of every piece of legislation that he handled, and others.

Mr. Speaker, I used to enjoy talking with him about Hoosier hysteria and Hoosier mania and how all the teams were doing which represented that great part of this Nation, which he so ably represented. He was a fine gentleman.

I was doubly saddened to read that he had come back to town to put his son into school; to have it happen in such a way as that is the height of pain, I am sure, for he and his family.

The Nation is poorer for his loss. This House is poorer for his loss.

I want to extend my deepest condolences to his survivors and I thank the gentleman for taking the time to permit us to pause to pay tribute to a truly great American, the late ADAM BENJAMIN.

● Mr. McCLORY. Mr. Speaker, joining in this final tribute to our colleague, Congressman ADAM BENJAMIN, JR., of the First District of Indiana, I must first indicate the deep shock which accompanied the report of his unexpected and abrupt passing.

Mr. Speaker, my association with Congressman BENJAMIN was far more intimate than that which I have experienced with most of my colleagues in this body. As a Representative in Congress from the great steel-producing area of Gary, Ind., ADAM BENJAMIN and I worked closely together as members of the Steel Caucus. ADAM's consideration of the views and interests of others and his ability to organize and apply the joint efforts of those of us who were having similar economic problems were among his special talents.

Mr. Speaker, ADAM BENJAMIN has been one of the harder working Members of the Congress who earned the respect and enjoyed the friendship of those on both sides of the political aisle. In recalling his service and his useful life in our Nation, I take this occasion also to express my respect and deep sympathy to his widow, Patricia, and to all members of his family.●

● Mr. WIRTH. Mr. Speaker, I want to express my deep sorrow at the passing of our distinguished and well-loved colleague, ADAM BENJAMIN. His sudden death is a great personal loss for me and a great loss as well for the Congress and the Nation it serves.

ADAM was a legislator in every good sense of the word. His ability to move complex legislation through the House—building coalitions, crafting compromises, and giving all affected parties a fair say in the final product—exemplified the best in our democratic traditions and in our legislative process.

As we worked together closely on legislation, ADAM and I developed a friendship that has ended too soon. My heart goes out to ADAM's family and to the people of Indiana in this time of sorrow. I know that we in the House will not soon forget the contributions ADAM BENJAMIN has made to our institution and to the American people.●

● Mr. ANNUNZIO. Mr. Speaker, like so many of my colleagues, I was stunned yesterday at the tragic news of the untimely death of my distinguished colleague and good friend from Indiana, ADAM BENJAMIN.

During the last 6 years he served in the Congress, representing the First District of Indiana, I had the opportunity to work with him, to get to know him, and I became one of his great admirers.

He was a loyal, staunch, and dedicated Member of the House of Representatives. He reflected credit on the House, for he was a tireless worker in behalf of his constituents, his State, and his beloved America.

As chairman of the Congressional Steel Caucus, as a member of the House Budget and Transportation Committees, as a member of the Democratic Steering and Policy Committee and the Democratic Caucus Committee on Party Effectiveness, and later, as a member of the Appropriations Committee and chairman of the Subcommittee on Transportation of the Appropriations Committee, he gave inspired leadership to this body which will be remembered for years to come.

He was a 1958 graduate of the U.S. Military Academy, earned his law degree from Valparaiso University in 1968, and before coming to Congress, he served as a State senator in the Indiana Legislature from 1971 to 1977, and prior to that, he served as a State representative from 1967 to 1971.

Those of us who had the privilege of knowing ADAM BENJAMIN as a friend and colleague deeply mourn his passing, and our hearts go out to his bereaved family. Mrs. Annunzio joins me in extending our heartfelt sympathy to ADAM's devoted wife, Patricia, and his three children, Adam III, Alison, and Arianne, on their great loss.●

● Mr. O'BRIEN. Mr. Speaker, I knew ADAM because we represented adjoining districts, we served together on the Steel Caucus, and we served together on the Appropriations Committee.

He was a model of what a Congressman should be.

No issue was too complex, nor constituent case too small, to escape his study. Everything that affected the lives of his constituents affected his life. He was totally dedicated to their service.

This was illustrated by his mastery of the problems of the steel industry. ADAM had a knowledge of the workers, the management, the plants, and the equipment that would have made a Wall Street analyst envious.

Why did he know these things? Because in ADAM's district the steel industry is the economic mainstay. And, to his great personal anguish, hundreds upon hundreds of steel workers are out of work.

ADAM made their concern his own. He could have paid lipservice to their plight, and probably have been seen as doing enough. But that was not ADAM. He had to learn the industry—top to bottom, inside and out—so that he would truly act in the best interests of those unemployed workers.

This is just one example of the kind of Congressman he was. There are many more.

What we have gained by his working among us is inestimable. What we have lost by his passing is clear: He was a voice of reason and conciliation, of compassion and responsibility.

I valued his counsel greatly. I will miss him every day.●

● Mr. CLAUSEN. Mr. Speaker, I would like to take this opportunity to pay tribute to the late ADAM BENJAMIN, JR., our colleague from Indiana. I know that many of the Members gathered here share my sadness at his sudden and untimely death.

ADAM BANJAMIN will long be remembered by his colleagues in the House, Indiana State legislators and local elected officials, and by more than anyone else his constituents for his tireless efforts on their behalf. The words dedication and self-sacrifice come to the minds of his friends and associates when his name is mentioned. I was privileged to serve with ADAM on the Congressional Steel Caucus, of which he was chairman—his leadership there will be sorely missed. Known for his mastery of detail and his in-depth knowledge of the problems facing steel and other heavy industries, he was an effective spokesman for the interests of the industrial Midwest.

ADAM BANJAMIN earned an engineering degree from the U.S. Military Academy at West Point, and his law degree from Valparaiso University of Indiana. As well, he lectured on the social sciences and budget studies at Georgetown University, from which he was to have been awarded a master's degree in comparative and international law. He was first elected to the House of Representatives in 1976, and has served on the House Appropriations and Budget Committees, holding the chairmanship of the Subcommittee on Transportation of the Appropriations Committee.

Mr. Speaker, it is with great honor and respect that we mark the passing of ADAM BENJAMIN, JR. No words can fully express the emptiness we all feel and the void which he has left. Our prayers go out to his family, for we know what a loss they have suffered, and pray that God will give them strength.●

● Mr. DE LUGO. Mr. Speaker, there was something in the character of our colleague from Gary, Ind., that reflected the burgeoning steel-mill communities of his district. ADAM BENJAMIN was a man of steel when it came to making the difficult choices that we all must make in this body. He was a man of principle, of compassion, and a model of dedication for us all.

Many of us have our own special memories of this man, who I regarded as my friend. For me and for all the citizens of our country's territories, ADAM BENJAMIN will be remembered as a man who remembered them. Time and again, when faced with the need to control Government spending, it was politically expedient to forget that the territories are actually a part of this country and to wipe out their share of a particular Federal program. ADAM never saw things that way. His vision of the Nation was one of the whole rather than the overriding interest of a part.

We needed a man like ADAM to be our conscience and we are at a great loss with his passing. As chairman of the Congressional Territorial Caucus, I would like to extend to his family the deepest sympathy of the representatives and the people of the U.S. territories on the passing of this great man, our friend. I know that all our thoughts are with his wife, Patricia, and his children in this time of need. ADAM, we miss you.●

● Mr. DAUB. Mr. Speaker, as a freshman Republican Member of this House it may seem unlikely that I would have had the time or experiences to come to know ADAM BENJAMIN but in fact my brief relationship with him was one of the most pleasant and surprising experiences I have had in this body.

Earlier this year I asked ADAM BENJAMIN if a city official from Omaha and I might visit with him and his staff about a project that his subcommittee had jurisdiction over. He readily agreed and during that meeting you would have thought the public works director from Omaha and the freshman Republican Congressman were visiting dignitaries from Gary, Ind. He knowledgeably discussed the problem with us and explained the various priorities and problems that his committee faced. We received no assurances or promises during that meeting but when we left we were both supremely confident that whatever decision was made—it would be a fair one.

Later, I had an opportunity to thank ADAM for his committee having agreed to appropriate funds for this project and he told me that the merits of the situation had made the decision for him—refusing my thanks.

ADAM BENJAMIN showed me the kind of class that one would expect to see in Congress and more. Listening to the remembrances of those who knew him far better than I it is clear that his life must have been a continuing series of impressions such as mine. As long as I will serve in this body, I shall remember the fairness and kindness that ADAM BENJAMIN showed me and I will recall how good he made me feel about this body. He was an example to all of us, not simply because he worked so hard, but because he did that work in a positive fashion, making friends all the while.

Mr. Speaker, I am proud that I had the opportunity to know ADAM BENJAMIN during the short time that we served together in this body. It is a memory that I shall keep with me and treasure.●

● Mr. RODINO. Mr. Speaker, I join my colleagues in expressing my terrible shock and sadness at the sudden death of our colleague, ADAM BENJAMIN.

It would be impossible to find a Member of Congress who worked harder than the soft-spoken gentleman from Indiana. ADAM was a friendly and gentle man whose conscientious attitude earned him the admiration of his colleagues and the affection of his constituents.

A graduate of West Point Military Academy who served in Korea, ADAM BENJAMIN was intensely dedicated to serving his country. In his third term as the Representative of Indiana's First District, he proved to be a skilled legislator who sought out some of the most difficult tasks in the House. His work on the Budget and Appropriations Committees, and on the Democratic Steering and Policy Committee and the Democratic Caucus Committee on Party Effectiveness, reflected a sincere commitment to good government.

He brought honor to this House, and he will be remembered as a man of integrity and distinguished service to the people of America. I offer my deepest sympathies to his wife and family.●

● Mr. GAYDOS. Mr. Speaker, as closely as I worked with our late colleague ADAM BENJAMIN on the Steel Caucus, and as much as I respected him, there is much about him I did not know because his talk was of work and not of himself.

For example, he was relentless in his search for useful knowledge and he had an unquenchable curiosity about the way things work.

But I do not know if he read philosophy.

However, I do know his approach to public life matched to the letter a maxim of a 19th century French philosopher, who said, "you can only govern men by serving them. The rule is without exception."

Around Gary and northwest Indiania they were well governed when ADAM BENJAMIN had a hand in it. And the same is true for the executive committee of the Congressional Steel Caucus, of which he was chairman.

I do not know if ADAM BENJAMIN was a religious man.

But I do know his personal style matched word for word the admonition from Ecclesiastes in the Old Testament:

"Whatsoever thou findest to do, do it with thy might . . ."

ADAM BENJAMIN'S time in the House of Representatives was marked by considerable service given with his might, which was substantial.

As a founder of the Steel Caucus, and a sustaining force, ADAM had an unspoken rule—never retreat, always advance. I do not know if he learned the rule in the Marines as an enlisted man or at West Point or as a young of-

ficer in the 101st Airborne; but he learned it well and he applied it with diligence as he moved from local government to State government to National Government and up in the National Government, always serving.

No meeting was too early for ADAM BENJAMIN and no crisis happened to late. He just was always there. It was never inconvenient for ADAM to drop what he was doing—and you never found him doing nothing—to go to the White House or the Department of Commerce or the International Trade Commission to work on a problem.

Unfailing is the only word to describe him.

One of his last official acts was to straighten out a punitive and discriminatory application to the steel industry of last month's tax bill.

He did it between 6 p.m. and 10 p.m. one hectic day before adjournment.

ADAM was never at a loss for long, and here he met and exceeded an ancient measure set down by the Roman historian Tacitus for judging the quality of a man:

"Reason and calm judgment are the qualities especially belonging to a leader."

ADAM BENJAMIN was a leader.

When you work day in and day out with a man, month in and month out, year in and year out, you come to understand his strength and his shortcomings.

ADAM BENJAMIN had very few flaws and they were all minor.

He had much strength, and as the Book of Proverbs says, "Iron sharpeneth iron; so a man sharpeneth the countenance of his friends."

The sharp edge of the steel caucus will be different because ADAM is not with us to apply his particular honing; so will that of the House; so will that of the Congress.

The highest tribute we can give him is to see that the edge is only different and not less sharp.

And most important in my mind is this: We must always advance, never retreat.●

● Mr. RUSSO. Mr. Speaker, it is with a deep and abiding sense of loss that I join with my colleagues in paying a final tribute to Representative ADAM BENJAMIN. Of course, with a man like ADAM, there is no "final" ending because his caring, his concern, and his hard work have left a lasting monument and living legacy.

The man got the job done. In a quiet and unassuming way he assured, for example, that the Midwest got a fair hearing always with the Federal Government when it came to dollars and cents. He got the job done of being a Member of Congress, and done well, because he understood not only practical matters like transportation needs, but he also understood the deeper needs of a citizenry for fair representation.

I counted ADAM as a personal friend and I will miss our discussion on the plane the many times we flew together to and from Washington, D.C. I will miss knowing he is not here. He was a fine and cooperative person with whom to work as well as a loyal friend.●

● Mr. OBERSTAR. Mr. Speaker, what word other than shocking can one use to describe the passing of ADAM BENJAMIN. The House has lost one of its most hard-working, decent, and principled Members—and I have lost a treasured and respected friend and colleague.

In only three terms, ADAM had already been chairman of two House Appropriations subcommittees. He was Chair of the Congressional Steel Caucus Executive Committee, where I worked closely with him, and to which he gave such forceful leadership.

He was a most effective representative of the people of his district. Despite a crowded schedule, ADAM somehow made time to work on a graduate degree in law and to lecture at the Georgetown University Law Center.

ADAM offered a most fitting example of the manner in which a Member should conduct himself—principled, competent, knowledgeable, unassuming, in touch with his constituents, responsive to the national interest.

My wife, Jo, and I join together to express to ADAM's wife and children our deepest sympathies. We can only imagine the great loss they feel. They and ADAM will be in our prayers.●

● Mr. ANDERSON. Mr. Speaker, earlier this week we were shocked to learn of the untimely death of one of this Chamber's most dedicated and hardest-working Members, the Honorable ADAM BENJAMIN, JR.

In the three short terms ADAM BENJAMIN served in Congress, he proved himself to be one of this body's most skilled and effective legislators. Members on both sides of the aisle will agree that ADAM was one who did not constantly strive for attention from the media when he tackled the many problems we face today. He simply worked diligently at his desk and quietly looked for results. ADAM was one who took a position on an issue—no matter what the press or anyone else thought about it—and kept pushing that idea along till it could go no further. Many here quickly learned that if you had ADAM BENJAMIN on your side it made your job much, much simpler.

Born in Gary, Ind., ADAM attended the public schools before graduating from Kemper Military School. From there, he entered the U.S. Marine Corps. In 1958, he earned an engineering degree from the U.S. Military Academy at West Point. Soon thereafter, he entered the Army and served through 1961. ADAM went on to receive a law degree in 1966 from Indiana's Valparaiso University. At the time of his death, ADAM was working on a masters degree in comparative international law at Georgetown University.

Prior to his work in Congress, ADAM first served in the Indiana House of Representatives from 1967 to 1971. After this, he continued to move up the ladder with his election to the State senate. He served in this capacity through 1977.

In November 1976, ADAM began the first of his three terms in the U.S. House of Representatives as the lawmaker of Indiana's First Congressional District. Those familiar with this tough, blue-collar, heavily industrialized area know that its residents made a wise decision when they sent ADAM to Washington to represent their views.

Upon his arrival in our Nation's Capitol, ADAM received two highly critical committee assignments: Appropriations and Budget. Also, he was chairman of both the executive committee of the Congressional Steel Caucus and the Transportation Appropriations Subcommittee. ADAM also found the time to sit on the Democratic Steering and Policy Committee and the Democratic Caucus' Committee on Party Effectiveness.

As chairman of the Surface Transportation Subcommittee, I have had the unique opportunity and privilege to work closely with ADAM on a number of projects in the field of public transit. Anyone the least bit familiar with his work in this area recognized that ADAM was an absolute champion in advocating the need for a strong national transit system. ADAM fought hard for many important transit projects, not only in Gary but also in the entire State of Indiana. At the same time, however, he had the foresight needed to look at the situation on a national scale and take appropriate action. His ability to comprehend the enormous problems which face our Nation's highways, bridges, and ports should not be overlooked. ADAM's insight, wisdom, and fortitude will sorely be missed through the end of this 97th Congress and beyond.

Mr. Speaker, my wife, Lee, joins me in expressing our heartfelt condolences to ADAM's wife, Patricia, and their three children, Adam III, Alison, and Arianne.●

● Mr. NOWAK. Mr. Speaker, it is with a sense of deep sadness that I join today in paying tribute to and mourning the loss of our hard-working, affable colleague from Indiana, Representative ADAM BENJAMIN, JR.

I had the opportunity to work closely with ADAM BENJAMIN in two major areas in recent years: Problems confronting our domestic steel industry and funding for mass transit systems.

As a member of the Executive Committee of the Congressional Steel

Caucus, I had a firsthand view of ADAM's leadership abilities. While chairman of the Executive Committee he was relentless in efforts to probe the problems of this vital domestic industry and to seek remedial action by drawing attention to those problems in Executive Committee sessions and special orders here on the floor.

In his capacity as chairman of the House Appropriations Subcommittee on Transportation, ADAM was a strong supporter of mass transit improvements. On several occasions, he was most helpful to our efforts in Buffalo, N.Y., to provide sustained Federal funding for construction of a light rail transit line in our city.

While he was diligent in carrying out his leadership responsibilities. ADAM BENJAMIN wore the mantle of leadership lightly, never too busy to listen to a colleague or lend a hand if he possibly could. ADAM BENJAMIN'S leadership and friendship will be missed in this Congress and I join in expressing sympathy to his family.●

Mr. HAMILTON. Mr. Speaker, I thank the Members for their several contributions.

Mr. Speaker, I offer a privileged resolution (H. Res. 579) on the death of the Honorable ADAM BENJAMIN, JR.

The Clerk read the resolution, as follows:

H. RES. 579

Resolved, That the House has heard with profound sorrow of the death of the Honorable Adam Benjamin, Jr., a Representative from the State of Indiana.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE LATE HONORABLE FRANK CHELF

(Mr. NATCHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NATCHER. Mr. Speaker, our former colleague, Frank Chelf of Lebanon, Ky., died on Wednesday, September 1, in the nursing home of the Spring View Hospital. He was buried in Ryder Cemetery in Marion County, Ky.

Frank Chelf was born on a farm near Elizabethtown in Hardin County, Ky., on September 22, 1907. He attended the public schools in Elizabethtown and later attended Centre College at Danville, Ky., and St. Mary's College at St. Mary's, Ky. He was graduated from the Law School of Cumberland University in Lebanon, Tenn., in 1931 and was admitted to the bar the same year. He began the practice of law in Lebanon, Ky., and was elected to the office of county attorney of Marion County, Ky., and served from 1933 to 1944. Beginning on August 1, 1942, he was granted a leave of absence from his official duties to volunteer in the U.S. Army and later was commissioned a first lieutenant in the Air Corps and saw active service. He served as chief code designator, Intelligence Division, Air Transport Command, and later as executive officer of the Plans and Liaison Division and as assistant chief of air staff training. He was discharged on August 10, 1944, with a rank of major in the Air Corps. He was elected as a Democrat to the 79th and to the 10 succeeding Congresses, January 3, 1945, January 3, 1967. Frank Chelf returned to his home county to resume the practice of law following his service in the Congress of the United States.

Mr. Speaker, my friend, Frank Chelf, established an outstanding record in the House of Representatives. He served for 22 consecutive years as Representative of the old Fourth Congressional District and this is the alltime record. He served in the House of Representatives with distinction and honor. Frank Chelf loved the House of Representatives and he believed that our country is the greatest country in the world. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not in the best interests of our people.

Mr. Speaker, words are inadequate to fully appraise Frank Chelf's tremendous capacity for loyalty and love of his country. In every position he held, either private or public, he achieved distinction. His service in all of his assignments was marked by a high sense of conscience and duty. He will have a high place in the history of our country and in the hearts of his countrymen. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

During his service in the House of Representatives, he succeeded in passing the Young American Medals for Bravery Act, which went into effect in 1950. Under this legislation, young people who demonstrate unusual bravery are awarded medals by the President. My friend, Frank Chelf, was very much concerned about the immigration laws in this country and he soon became one of the leading authorities on his Committee on the Judiciary on this subject. He was a self-made man and he was one of the Members of the House who enjoyed participating in debate on important legislation. His life exemplifies those virtues that make a great Congressman and those were fairness, generosity, willingness to listen, and unyielding devotion to the principles of his party and to all matters which were for the best interests of our country. He left his mark on Congress, not necessarily through legislation which he succeeded in having enacted, but instead through his character itself. He was always a gentleman and always a strong leader.

I have lost a true friend and this country has lost a great statesman. To his lovely wife and family, I extend my deepest sympathy in their bereavement.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. NATCHER. I yield to my friend, the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding.

I thank the gentleman very much for having taken this moment to remind the Members of our House of the passing of our distinguished colleague from the State of Kentucky, Frank Chelf.

Mr. Speaker, this is a very sad day, because of our dear friend, ADAM BENJAMIN, who died and has been eulogized earlier today. He was a young man with great promise.

I would like to mention to my friend from the Second District of Kentucky, the distinguished chairman of the Appropriations Subcommittee on Labor, Health and Human Services, and Education (Mr. NATCHER), that when I first came to the House 12 years ago I lived at the place which was then called the Coronet Hotel. As I walked back and forth to my office, which was then in the Longworth Building, I would see Frank Chelf, who was still in Washington following his distinguished service in the House of Representatives. Mr. Chelf, despite my own youth and newness to the Chamber and this body, and despite his senior status and great experience, never passed an opportunity to say hello to me, to welcome me, to try to make me feel comfortable, to give me the benefit of his years of wisdom.

Mr. Speaker, I have never forgotten that. In a short note to his bereaved widow the other day, I mentioned that. I think perhaps the way senior Members of this Chamber treat the junior Members of it is perhaps the best delineation and measurement of that individual's character. If I am correct in that analysis, I would say that our distinguished past Member, Mr. Chelf, had deep character.

I thank the gentleman from Kentucky for taking this moment, I extend, with him, sympathies to the widow and to the family.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield to me?

Mr. NATCHER. I yield to the gentleman from Mississippi.

Mr. PERKINS. Mr. Speaker, those of us who knew and served with former Representative Frank L. Chelf of Kentucky are saddened by his death on September 1.

He had been ill for a long time, and death came in his hometown of Lebanon, Ky. He would have been 75 on the 22d of this month.

Congressman Chelf was first elected to the House in 1944, and served from January 3, 1945, until the expiration of his 11th term on January 3, 1967. He performed distinguished service on the Judiciary Committee for many years.

He was a stalwart fighter for more equitable immigration laws at a time when our immigration policies had not been changed for many years. His own background as an orphaned child was reflected in his efforts to liberalize the immigration laws to permit the entry into this country of children orphaned and displaced by World War II.

Frank was born in Elizabethtown, Ky., on September 22, 1907. After spending time in an orphanage, he was graduated from the Elizabethtown High School, and then went on to study at Centre College in Danville, Ky., and at St. Mary's College in Kentucky. He took his legal training at Cumberland University School of Law in Lebanon, Tenn., and began his practice in Lebanon, Ky., in 1931. For 11 years he was county attorney of Marion County.

In August 1942, he took leave from his official duties to volunteer in the Army Air Corps, and was discharged for physical disability in August 1944 with the rank of major.

But service was in Frank Chelf's blood. As a returned veteran, he sought and won his Democratic Party's nomination to Congress, and in November 1944, defeated the incumbent, Hon. Chester O. Carrier.

Frank was widely known and much liked in the Congress. He was a friendly, outgoing man, and did his best to be accommodating. Service to the people of his district was his guiding star, and they responded by reelecting him time after time.

After a difficult court-ordered redistricting of Kentucky as a result of the one-man, one-vote decision, Frank Chelf voluntarily retired and the legislature created a new Fourth District. The Democratic nominee in the newly drawn district died with less than 2 weeks to go before the election. The Democratic Party once more turned to Frank as its standard bearer, but it was then too late to mount an effective campaign. And so Frank's last campaign—an accident no one could foresee—was the only unsuccessful one in his political career. He retired to the practice of law in his home State.

He is survived by his wife, the former Louise Rash; two daughters, Mrs. John Collins Polk and Mrs. Tommy Simpson; a son, Frank L. Chelf, Jr.; a sister, Mary Ellen Gruber; and seven grandchildren, all of Lebanon, Ky.

Those of us who knew this kind and decent man are grieved by his passing.●

Mr. WHITTEN. Mr. Speaker, may I join with my colleague, the gentleman from Kentucky (Mr. NATCHER), in expressing our deep regret at the passing of our good friend, Frank Chelf.

As we pause here today in memory of two of our friends, may I say that Frank was a valuable and outstanding Member of Congress with another type of approach. I never saw him that he was not enthusiastic and outgoing, active and personable beyond average. There is room in this Congress for all types, each successful particularly in these cases where there was a real contribution to the well-being of the country.

Mr. Speaker, as has been pointed out, Frank was very much interested in all of his associates. We regretted to see him leave this body and we again join with our friends in expressing our sorrow at this untimely passing.

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the life, character, and public service of the late Honorable Frank Chelf of Kentucky.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

"TALKING POINTS" OF PRESIDENT REAGAN'S MIDDLE EAST PEACE PROPOSAL

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, President Reagan's speech last week outlining major and fundamental changes in American policy toward Israel raises several disturbing questions.

I have read the President's speech, I have read carefully the letters exchanged between President Reagan and Israeli Prime Minister Begin, and the formal response from the Israeli Cabinet on September 2, 1982.

The Israeli Cabinet response of September 2, and I quote, states:

The positions conveyed to the Prime Minister of Israel on behalf of the President of the United States consist of partial quotations from the Camp David Agreement or are nowhere mentioned in that agreement or contradict it entirely.

The Cabinet statement also says, "The following are the major positions of the United States:"

The Cabinet response then goes on to list seven major deviations from the letter and spirit of the Camp David accords.

Mr. Speaker, the fact that the positions enunciated by the President constitute major deviations from the Camp David peace process in that they fundamentally alter American policy in the Middle East are a matter of grave concern to me.

More importantly, however, is the matter of the details of the American position.

The language conveyed to the Israeli Government must come from some document.

Clearly the anguished response by our stauchest ally in the Middle East cannot be based on the fairly mild and vague statements contained in the President's speech.

Where does this language come from, which seems effectively to abrogate the Camp David agreements?

Mr. Speaker, highly respected sources in the Middle East and here in Washington have been saying for some days that the language comes from a detailed set of talking points which were included with the President's letter to Mr. Begin. Neither the President's letter to Prime Minister Begin, nor the accompanying documents, have been made public.

It is these so-called talking points that are the basis of the Israeli Cabinet's angry rejection of the Reagan plan.

One must also presume that these same talking points are the basis for the Arab States thus far warm reception to the Reagan plan.

Mr. Speaker, I have sent a letter to the President this morning in which I request him to make public the details of these talking points so that we in the Congress and the American people can make intelligent judgments with regard to the Reagan plan, once we are in possession of all the relevant facts.

It is essential for us to know exactly what are the elements of the President's peace plan.

The President and administration owe it to the American people to make the talking points a matter of public record.

Surely there can be no compromise to American security involved here since a number of Arab governments in the region had an advance look at the points before they were even shown to our ally, Israel.

AMBASSADOR PHILIP C. HABIB: A REWARD RICHLY DESERVED

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KAZEN. Mr. Speaker, today, I want to extend my congratulations and my personal appreciation to Ambassador Philip C. Habib for the extraordinary work he has performed for this country and for the cause of peace in the world. Few people have the expertise, the tireless energy and the dedication to do what he has done in gaining the confidence of such diverse parties and bringing about a cease-fire and withdrawal of foreign forces in Lebanon.

I have known Philip Habib since the days when he served so well as our negotiator in Paris charged with the difficult job of dealing with the North Vietnamese, and it was obvious at that time that this country had been blessed with a truly remarkable person. It was characteristic of him to praise his own staff and others when, this week, he was presented with the Medal of Freedom, the highest honor a civilian can receive from a grateful Nation, for his untiring and successful efforts to end the bloodshed in the Middle East.

He has called himself a "chronic optimist," but he is also a caring person who is dedicated to the cause of peace. The Medal of Freedom is richly deserved for this fine man, this great American, this proud son of Lebanese immigrants, and I am pleased to extend my strongest support for his efforts and my warmest congratulations to him and his family.

THE LATE HONORABLE ADAM BENJAMIN

(Mr. GAYDOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GAYDOS. Mr. Speaker, it is both ironic and significant that ADAM BENJAMIN leaves us at this time, since the Steel Caucus is just 5 years old this month. The significance of it is that ADAM BENJAMIN was one of the originators, one of the original organizers of the Steel Caucus. He took numerous trips personally with the executive committee which he headed during the last 3 years down to the White House, with the Secretary of Commerce, and held early morning meetings for years as chairman of the executive committee.

Mr. Speaker, these are the things we do not know and do not read of.

I knew ADAM BENJAMIN personally and I do regret that I was not here when my remarks could have been made part of the RECORD with my colleagues in a longer timeframe.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the life, character, and public service of our friend and colleague, the Honorable ADAM BENJAMIN, JR.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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CONGRATULATIONS EXTENDED TO AMBASSADOR PHILIP HABIB

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute.)

Mr. BROOMFIELD. Mr. Speaker, yesterday it was my privilege to attend the White House ceremonies honoring Ambassador Philip Habib for his dangerous and demanding mission to halt the bloodshed in Lebanon.

As President Reagan said in presenting the Medal of Freedom to him:

> His successful negotiation of the cease-fire in Lebanon and the resolution of the West Beirut crisis stands out as one of the unique feats of diplomacy in modern times.

Typical of his manner, Ambassador Habib responded by praising his talented deputy, Morris Draper, and Secretary of State George Shultz.

Yet, it was Phil Habib, the son of Lebanese parents, who almost singlehandedly was responsible for halting the war in Lebanon and enhancing the prospects for peace in the region.

As the Washington Post said so well this morning, "He had the imagination, toughness, and perseverance to see the game through."

Mr. Speaker, I know every Member joins me in extending congratulations to Phil Habib for his truly heroic work and in praying that the process he has begun will bring lasting peace to the Middle East.

THE LATE HONORABLE KEITH SEBELIUS OF KANSAS

(Mrs. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SMITH of Nebraska. Mr. Speaker, it is with heavy heart that I address the House today because of the news of the death of my good friend, counselor, and the former colleague, the gentlemen from Kansas, the Honorable Keith G. Sebelius, from the First District of the great State of Kansas.

Even as I speak, his funeral, attended, by his family, by his Kansas colleagues in both the House and Senate as well as by other important officials of his State and region, and by many hundreds of other friends, is being held in Norton, his home town.

One of the saddest days since I became a Member of the Congress, was the day that I learned that Keith Sebelius was leaving the House for good after six terms of distinguished service and would not seek reelection in 1980.

From the moment that I came into the House back in 1974, I was advised to confer frequently with the gentleman from Kansas because he "always figured things out right." And I, and my colleagues, learned to have profound respect for his knowledge and for his judgment.

And from the beginning, he was my staunch and dependable friend—ever ready to back me up on the tough battles in committee and on the floor of the House. When campaign time came, he was always willing to leave his own election effort to travel to my district to help me—whenever I asked.

Keith Sebelius was a man of unshakable integrity. He had backbone. His convictions had stamina. His goals reflected the man and his district: To have a happy family; to leave agriculture better than he found it; and to see his country renewed in strength and leadership. Let us thank God for such men.

For his wife, Bette, and for his sons and their families, we realize the pain of his loss must be almost umbearable, because those of us who worked with him feel so bereft ourselves.

His legacy to us all is great, especially his astute and knowledgeable successor, my good friend and colleague, the gentleman from Kansas (Mr. ROBERTS) who has assumed the Sebelius mantle with such skill and distinction.

We will never forget Keith Sebelius. We will miss him beyond measure.

Mr. HAGEDORN. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Speaker, I would like to join with my colleague in expressing our sympathy on the passing of our former colleague, Congressman Sebelius.

I have had the privilege of serving with him on the House Agriculture Committee as well as making some trips, one of them China, in our pursuit of expanded markets.

I share the expression of sorrow over his loss, and the fact of what a great American he was in serving the people and the Congress. It is a tremendous loss to his family as well as to the State of Kansas and the American people.

Mrs. SMITH of Nebraska. I thank the gentleman.

Mr. FISH. Mr. Speaker, will the gentlewoman yield?

Mrs. SMITH of Nebraska. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentlewoman for yielding. I would like

to add that Keith Sebelius came to Congress 14 years ago as a freshman, the same year as I did. We were a small group and very close. Our class in Congress came to know Keith as a knowledgeable legislator and came to appreciate him as a true representative of his State and of agriculture.

I thank the gentlewoman.

Mrs. SMITH of Nebraska. I thank the gentleman.

Mr. Speaker, I want to add that it is my understanding that there will be a special order in tribute to Keith Sebelius early next week.

LEGISLATION INTRODUCED TO REPEAL WITHHOLDING OF TAXES ON INTEREST AND DIVIDENDS

(Mr. HAGEDORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAGEDORN. Mr. Speaker, I am introducing legislation today to repeal the withholding of taxes on interest and dividends. This legislation is a direct result of the outcry from my constituents over the past 2 weeks. More than any other issue, as I traveled my district, my constituents were outraged over the Government using their dollars as an interest-free loan.

I believe we need to give this issue time for debate and time for a separate vote. Two years ago this House overwhelmingly defeated withholding and just 2 weeks ago the vote on a separate rule was 220 to 210. I believe that vote is close enough to warrant a direct vote on the provision itself.

I urge you to cosponsor my repeal bill and join those of us who will not settle for a hastily drafted bill. With the correct reporting information, there is a taxpayer compliance rate of 96.7 percent. I think that is pretty darn good.

Is it fair to burden the banks and interest recipients with much more paperwork and regulation to get at that small percentage who do not comply? This proposal will cost $1 billion to implement and $1 billion to administer annually. Is this consistent with less Government interference?

Of the $4.3 billion this provision will raise, only $1.3 billion comes from increased compliance; $3 billion is an interest-free loan from the people to Uncle Sam. The people in my district are a little outraged and I can see why. Let us take the time to reconsider this ill-conceived provision and repeal it before it begins.

AN ALTERNATIVE TO MASS AMNESTY FOR ILLEGAL ALIENS

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, many of us have grave reservations over the Immigration Reform and Control Act as passed recently by the other body, and the House Judiciary Committee will shortly be considering its version of this legislation, H.R. 6514.

Today, I am introducting an alternative to the amnesty provision contained in H.R. 6514, in the form of a registry date amendment. Our proposal would simply amend existing law by updating current methods for granting legal status to certain types of deserving illegal immigrants, and allow permanent residence for illegal aliens who entered the country prior to January 1, 1973.

Should H.R. 6514 be brought to the floor of the House prior to consideration of our alternative, we will be prepared to offer our alternative as an amendment to H.R. 6514. I urge my colleagues to join us in cosponsoring this more reasonable alternative.

VOTERS NO LONGER HAVE BOLD FAITH IN REAGANOMICS

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALEXANDER. Mr. Speaker, Labor Day 1981 picnics were filled with bold faith that Ronald Reagan's promises to reduce wasteful Government spending, cut taxes, and balance the Federal budget would solve the Nation's economic problems. A year later, that bold faith in the ability of the President's economic policy has faded and has been replaced by a sense of betrayal.

An Arkansas farmer, dressed in threadbare overalls, told me the other day that it is hard to see through the pain, but "I can now tell that I was tricked by Reaganomics."

While rhetoric oftentimes rolls in Washington, actions speak louder than words in farm country.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 25, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely,

FRED RICHMOND.

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 25, 1982.

Hon. HUGH CAREY,
Governor, State of New York,
New York, N.Y.

DEAR MR. GOVERNOR: It is with considerable and understandable regret and deep sadness that I submit my resignation as a Representative of the 14th Congressional District of New York. Copy of my statement is enclosed.

All good wishes.

Yours sincerely.

FRED RICHMOND.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the permission granted in the Rules of the House of Representatives, I have the honor to transmit sealed envelopes received from The White House as follows:

(1) At 3:00 p.m. on Monday, August 23, 1982 and said to contain a message from the President wherein he transmits the seventeenth special message for FY 1982 under the Impoundment Control Act of 1974.

(2) At 1:50 p.m. on Tuesday, August 24, 1982 and said to contain a message from the President wherein he transmits the 1981 Annual Report of the Federal Council on the Aging.

(3) At 1:50 p.m. on Tuesday, August 24, 1982 and said to contain a message from the President wherein he transmits the Seventh Annual Report of the Nuclear Regulatory Commission.

(4) At 1:50 p.m. on Tuesday, August 24, 1982 and said to contain a message from the President wherein he transmits the 1981 Aeronautics and Space Report of the President.

(5) At 1:50 p.m. on Tuesday, August 24, 1982 and said to contain a message from the President wherein he transmits the East-West Trade Report for 1981.

(6) At 4:00 p.m. on Thursday, August 26, 1982 and said to contain a message from the President wherein he transmits an Alternative Plan under the Federal Pay Comparability Act of 1970.

(7) At 9:14 a.m. on Monday, August 30, 1982 and said to contain H.R. 6863, An Act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, with the President's veto message of August 28, 1982, thereon.

(8) At 10:50 a.m. on Wednesday, September 1, 1982 and said to contain a message from the President whereby he transmits the Fiscal Year 1981 Annual Report of the Rehabilitation Services Administration.

(9) At 10:50 a.m. on Wednesday, September 1, 1982 and said to contain a message from the President whereby he transmits a report on agencies and units of agencies excluded from the Federal Merit Pay System.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

SUPPLEMENTAL APPROPRIATIONS ACT, 1982—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-231)

The SPEAKER pro tempore laid before the House the following veto message from the President of the Ur.ited States:

To the House of Representatives:

A week ago, the Congress passed important legislation to reduce deficits through tax reform. I worked hard to help win that passage—and at the same time stressed that if we are to keep deficits down we must also keep Federal spending down. We can only do this if the Congress resists the temptation to slide back into old spendthrift habits. I will use every means in my power, including the veto, to prevent that from happening.

Accordingly, today I am returning to the House of Representatives, without my signature, the bill H.R. 6863, making supplemental appropriations for Federal programs and agencies for fiscal year 1982.

I do not take this step lightly. Delay in the adoption of this legislation poses serious problems for the Department of Defense and other Federal agenices in meeting prior commitments, including payroll, that are funded by this bill. In addition, the bill contains funds for important new programs, such as the Caribbean Basin Initiative, for which funds are needed prior to the beginning of the next fiscal year.

But this bill would bust the budget by nearly a billion dollars. It provides an unacceptable total of $918 million in unrequested and unwarranted increases in domestic spending programs. We have seen a positive reaction to last week's Congressional action in the Nation's securities markets and other areas. It is founded in large measure on a growing conviction that this Government has finally developed the will to set its fiscal house in order. This legislation flies in the face of that conviction. Unless amended to restrict its scope to only those funds that are urgently needed, it will undermine the confidence crucial to continued reductions in deficits and interest rates which we must achieve for sustained economic growth.

Increases in domestic spending include $367 million in funding for items contained in the urgent supplemental I vetoed in June that were subsequently deleted from the urgent supplemental bill I signed in July. Also restored is $892 million in funding that was cut by the Congress last fall. This simply is not tolerable in the face of triple-digit deficits, and I cannot endorse these unwarranted spending increases.

While the enrolled bill includes $918 million in unrequested domestic increases, it provides only $0.5 billion of the $2.6 billion defense program supplementals I requested, a reduction of 82 percent. The enrolled bill fails to provide required funding in virtually every major defense program—military personnel (reduced 52 percent), operation and maintenance (reduced 93 percent), procurement (reduced 86 percent), and military construction (reduced 77 percent).

The bill also unnecessarily restricts the Executive Branch from exercising its authority to allocate funds appropriated by the Congress. Most notable among these are provisions that would:

—prevent the planned consolidation of the Office of the Inspector General into the Department of the Treasury and thereby block improvements in administrative effectiveness and efficiency;

—require the expenditure of $1.75 billion in unexpended balances in 1982 for the Section 8 housing program. The Administration would achieve similar purposes by using budget authority available from program deobligations, rather than new appropriations;

—require the Department of Energy to maintain specified employment levels that are unnecessary for the effective management of the Department;

—require a minimum staffing level for the Railroad Retirement Board, blocking savings that could be achieved through improved management and administrative consolidation;

—direct 1982 Energy and Water funds be made available for a specific project (Tug Fork, West Virginia), that is expected to cost over $1 billion before it is completed; and

—extend, through 1983, the restrictions on the President's ability to deal with the Polish debt problem.

For these reasons, I am returning H.R. 6863 without approval. I urge the Congress to enact immediately a 1982 supplemental appropriations bill that does not contain excessive and unwarranted spending increases for domestic programs and that provides an acceptable balance of supplemental funding for those programs requiring additional money in fiscal year 1982.

Certain important provisions of the bill must be preserved, notably funding for the Caribbean Basin Initiative. This funding is designed to resolve an unprecedented economic crisis that affects a strategic region located at our doorstep. I hope the Congress will review and modify country funding levels to bring them closer in line with the Administration's original request. The Congress has also provided $50 million for special Lebanon emergency relief. This humanitarian assistance is essential for thousands of Lebanese civilians requiring aid. The funds provided for security assistance, while less than I requested, will help demonstrate that countries in pivotal regions of the world can count on American support when they need it. I strongly urge the Congress to continue to include these essential programs as they work on an acceptable alternative.

To bring the sustained recovery we all want we must not only rewrite this measure; we must also press forward in an all-out attack on wasteful and unnecessary spending. I look forward to prompt Congressional action on a revised bill that will assure continuity in the operations of Federal agencies and be consistent with continued progress toward economic recovery.

RONALD REAGAN.

THE WHITE HOUSE, *August 28, 1982.*

□ 1330

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that further consideration of the veto message of the President on the bill (H.R. 6863) making supplemental appropriations for the fiscal year ending September 30, 1982, be postponed until tomorrow, Thursday, September 9, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

VIRGIN ISLANDS NONIMMIGRANT ALIEN ADJUSTMENT ACT OF 1981

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3517) to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 7, line 2, strike out "States." and insert "States other than for employment as an entertainer or as an athlete and for a period not exceeding forty-five days.".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FISH. Mr. Speaker, reserving the right to object, I do not have any intention to object, but I make this reservation in order to give an opportunity to the subcommittee chairman to explain to the House the nature of the Senate amendment that was added to our bill.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. FISH. I am happy to yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker. I thank the gentleman for yielding, and I want to thank him publicly for his support in reaching today's events and the passage of the bill.

Essentially, as the gentleman knows, the bill regularizes the status of certain (H)(ii) temporary workers who came into the Virgin Islands around the time of the Second World War to make up for labor shortages. As part of the bill that we passed from the House, we suggested that there be a termination of the (H)(ii) program by which other temporary laboring people can come into the Virgin Islands.

It came to the attention of the Senate that that language would inadvertently bar from entering into the Virgin Islands temporary workers, for example, such as athletes and musicians. Of course, the Virgin Islands has a very lively tourist industry, and both of those are very important elements, so the Senate amendment which we are asking permission today for the House to adopt is simply to permit the short-term admission into the U.S. Virgin Islands of persons such as athletes and entertainers who would otherwise be barred by the House-passed bill.

The amendment conforms to the intent of the legislation, as the gentleman, who is a codraftsman of the bill, knows, the primary purpose of which is to prohibit the future admission into the U.S. Virgin Islands of large numbers of temporary agricultural or industrial workers but, again, not those workers or persons, for example, who are in the entertainment field or in athletics.

Mr. FISH. Mr. Speaker, I thank the gentleman from Kentucky (Mr. MAZZOLI).

Does the Delegate from the Virgin Islands (Mr. DE LUGO) wish me to yield to him?

Mr. DE LUGO. Yes; I do, Mr. Speaker.

Mr. FISH. I yield to the gentleman from the Virgin Islands.

Mr. DE LUGO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, this is a very historic moment for the people of the U.S. Virgin Islands. The House of Representatives is about to take the final step in passing H.R. 3517, the Nonimmigrant Alien Adjustment Act. Years of work and development have gone into this bill and the hopes and aspirations of many people are riding on its passage. Many of these people who were invited into the U.S. Virgin Islands to assist us during the boom years of our development have been living as long as 20 years under the shadow of deportation. They have laid their roots there, and have become active and responsible members of our community. This bill will end their legal limbo and allow them to plan their future with dignity and assurance.

Mr. Speaker, I introduced this bill on May 12, 1981, and in its travels through the various House and Senate subcommittees and committees it has not received a single opposing vote. This legislation was passed by the House last fall with no opposing votes and on August 20 the Senate was unanimous in its passage and even willingly waived its rules to expedite this measure to the benefit of the people of the Virgin Islands.

However, its smooth passage through this Congress does not mean the waters were always calm for this legislation. On the contrary, stormy and frequently bitter debates rose up in our islands. I know from the 10 years I have been working on this that it was in fact one of the most divisive issues in our history. And many times during those years I was frequently the only political figure trying to tackle this issue. As little as a few months before this bill was introduced the storm was still raging. But, with the assistance of Gov. Juan Luis, a compromise solution was finally reached. It is reflected in the legislation before you, but it was not without pain, not without sacrifice, and not without years of development and debate.

The people of the Virgin Islands should be proud today, for this bill is an honorable and equitable solution to a very difficult and long-standing problem. It tugged at their conscience. They wrestled with it publicly and privately. And, in the end reached this compromise solution which is uniquely ours—a product of our community for our community. Credit must be given to them, and to the Governor of the Virgin Islands who worked with me in the development of this legislation, and to the people of the alien community for their patience, cooperation, and genuine concern for the community as a whole, and to the legislature for finally recognizing the community's support and passing a resolution in support of the bill.

All that remains today, Mr. Speaker, is for this House to concur with an amendment adopted by the Senate Immigration Subcommittee at my request which will allow athletes and entertainers to continue to enter the U.S. Virgin Lslands under temporary visas. I urge my colleagues to concur on this, and I would like to take this opportunity to thank my colleagues in the House for their support, and Senator ALAN SIMPSON, the chairman of the Senate Immigration Subcommittee, for all his support and assistance, Senators DENNIS DECONCINI, TED KENNEDY, and Congressman HAMILTON FISH, and most especially, the chairman of the House Immigration Subcommittee, and my friend, Congressman RON MAZZOLI, whose unfailing commitment on this bill, and whose sympathy and concern for all the people of the U.S. Virgin Islands, have without a doubt been a major factor in this success.

Mr. FISH. Mr. Speaker, the minority has no objection to the Senate amendment or to concurring therein, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

A motion to reconsider was laid on the table.

RESOURCE CONSERVATION AND RECOVERY ACT REAUTHORIZATION ACT OF 1982

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 545 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 545

Resolved, That upon the adoption of this resolution it shall be in order, sections 402(a) and 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6307) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, and all points of order against said substitute for failure to comply with the provisions of section 401(b)(1) of the Congressional Budget Act of 1974 (Public Law 93-344) are hereby waived. In lieu of the amendments recommended by the Committee on Public Works and Transportation to said substitute now printed in boldface roman in the bill, it shall be in order to consider amendments to said substitute printed in the Congressional Record of August 3, 1982, by, and if offered by, Representative Roe of New Jersey. It shall also be in order to consider an amendment to said substitute printed in the Congressional Record of August 2, 1982, and if offered by, Representative Fithian of Indiana, and all points of order against said amendment for failure to comply with the provisions of clause 7, rule XVI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may

have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. MOAKLEY. Mr. Speaker, House Resolution 545 is the rule providing for the consideration of H.R. 6307, to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983-84, and for other purposes.

This is an open rule. It provides 1 hour of general debate, 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 30 minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation. It makes in order consideration of the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill as an original bill for the purpose of amendment under the 5-minute rule, and it also waives section 401(b)(1) against said substitute.

Section 401(b)(1) bars consideration of legislation which provides new entitlement authority to become effective before the beginning of the next fiscal year. The committee substitute provides new entitlement authority in the form of salaries to be paid to members of the National Groundwater Commission.

Mr. Speaker, I am advised, however, that the Committee on Energy and Commerce intends to offer an amendment which will change the entitlement authority into an authorization subject to an appropriations, thereby curing the violation and making the waiver technical in nature.

In lieu of the amendments recommended by the Committee on Public Works and Transportation now printed in the Energy and Commerce Committee substitute, the rule makes it in order to consider amendments to the substitute which are printed in the CONGRESSIONAL RECORD of August 3, by, and if offered by, Representative ROE of New Jersey.

An amendment to the substitute printed in the CONGRESSIONAL RECORD of August 2, by, and if offered by, Representative FITHIAN of Indiana, is also in order and points of order against the amendment for failure to comply with the provisions of clause 7, rule 16 which prohibits the consideration of nongermane amendments are waived. Mr. FITHIAN's amendment pertains to hazardous waste facilities owned by States or political subdivisions.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, H.R. 6307 reauthorizes and amends the principal law governing the disposal of solid and hazardous wastes, the Solid Waste Disposal Act enacted in 1976, in order to assure adequate protection of public health and the environment. The bill authorizes $108.5 million for fiscal year 1983 and $111.5 million for fiscal year 1984. The bill also amends the act to set deadlines for issuance of permits for the coverage of the waste and creates a National Groundwater Commission.

Mr. Speaker, H.R. 6307 addresses several important and somewhat controversial issues regarding the disposal and management of hazardous wastes. I urge my colleagues to adopt this open rule, House Resolution 545, so that the House may proceed to debate and consider these important issues.

□ 1345

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained; it is an open rule.

We need to get down to the business of discussing the measure on the floor of the House. There are controversial sections in this bill. There will be amendments offered which will be hotly debated. But it is time for action.

H.R. 6307 needs to be considered. The rule needs to be adopted.

Mr. Speaker, I have no requests for time and reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FLORIO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6307) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983-84, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. FLORIO).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6307, with Mr. MOAKLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey (Mr. FLORIO) will be recognized for 15 minutes, the gentleman from New York (Mr. LENT) will be recognized for 15 minutes, the gentleman from New Jersey (Mr. ROE) will be recognized for 15 minutes, and the gentleman from Arkansas (Mr. HAMMERSCHMIDT) will be recognized for 15 minutes.

The Chair recognizes the gentlemen from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Resource Conservation and Recovery Act (RCRA) was originally enacted in 1976 in response to the need for protection of public health and the environment from uncontrolled hazardous waste management practices.

In 1980, Congress established the Superfund program to initiate and fund the cleanup of thousands of inactive hazardous waste sites that were created by the uncontrolled waste management practices of the past. Together with the Superfund program, RCRA is intended to provide comprehensive prevention and cleanup of hazardous waste damage incidents.

In examining the operation of the RCRA program and its relationship to the Superfund and other environmental statutes, the committee discovered that the relationship is anything but complementary. In fact, the committee uncovered several major loopholes in RCRA coverage which allow as much hazardous waste to escape regulation as is presently covered by RCRA controls—40 million tons.

These loopholes have several damaging effects:

First, they cause substantial gaps in protection of public health and the environment;

Second, they compromise the occupational health of works in the waste management and related fields; and

Third, they create direct disincentives to investment in alternative treatment and ultimate disposal technologies. Without the necessary controls in place, the hazardous waste marketplace will never function in a way that is consistent with protection of health and the environment.

In this regard, I reference three recent reports:

First, Review of Activities of Major Firms in the Commercial Hazardous Waste Industry: 1981 Update, prepared for the EPA; and,

Second, Comparative Evaluation of Incinerators and Landfills for Hazardous Waste Management, prepared for the Chemical Manufacturers Association; and

Third, Impact of Burning of Hazardous Waste in Boilers, prepared for SCA Services, Inc.

I would like to insert into the RECORD recent letters from SCA Services, Inc., Stablex Corporation, and the Hazardous Waste Treatment Council; firms and associations that have been at the forefront of the hazardous waste treatment field.

SCA SERVICES, INC.,
Boston, Mass, September 3, 1982.

Hon. JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation and Tourism, House Office Building, Annex II, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to endorse H.R. 6307, the "RCRA Reauthorization Act of 1982", and the amendments you will offer to it.

SCA Services, Inc. is the nation's technological leader in the recovery, treatment and disposal of hazardous wastes. These services are provided from waste processing centers in six states, with two additional facilities planned. SCA also provides solid waste services from 79 operating centers in 28 states and the District of Columbia.

EPA now allows significant amounts of hazardous wastes to be exempt from RCRA regulation. In particular, a facility is exempt if it burns hazardous wastes from the "primary purpose" of energy recovery. The public is exposed by this exemption to 1.2 million metric tons of hazardous pollutants emitted from unpermitted boilers burninig hazardous wastes. SCA's permitted incinerator will be 300 times more efficient in the destruction of hazardous wastes than uncontrolled commercial and residential boilers. H.R. 6307 will close this loophole. Your labeling amendment will also assure the end to the unknowing burning of hazardous wastes.

H.R. 6307, and the Florio amendments, also provide a reasonable and workable balance between the very real environmental and safety dangers posed by the present small quantity generator exemption and the legitimate concerns of small business. SCA speaks with experience of the problems posed by the present exemption. An SCA transfer station caught fire, sending a dozen people to the hospital, because of laboratory hazardous wastes dumped with the regular garbage by a school that had a small quantity generator exemption. SCA strongly opposes the Gramm Amendment to "study" the issue. Keeping the status quo allows a generator to dispose of 12 tons of hazardous wastes a year into sanitary landfills. The Gramm Amendment should be defeated.

SCA has made a major commitment in high technology hazardous waste treatment and to the future of the RCRA program. Enactment of H.R. 6307 and the Florio amendments will show that Congress is willing to keep its commitment to protect human health and the environment, and to foster the economic health of companies like SCA committed to protecting the environment.

Sincerely,

JOHN T. FOX,
Chairman of the Board.

STABLEX CORPORATION,
Radnor, Pa., August 20, 1982

Hon. JAMES J. FLORIO,
Longworth House Office Building, Washington, D.C.

DEAR MR. FLORIO: As Congress again takes up issues relating to hazardous wastes, I want to bring one crucial fact to the attention of all members of Congress. Since the passage of the Resource Conservation and Recovery Act in 1976, there have been no new advanced hazardous waste treatment and disposal facilities constructed and placed in operation in accordance with the detailed environmental protection guidelines developed in Congress. Companies engaged in high-technology solutions to the hazardous waste problem, such as Stablex Corporation, have spent millions of dollars to locate suitable sites, obtain federal, state, and local permits, and prepare for the construction and operation of the modern type-facilities Congress sought when it passed the Resource Conservation and Recovery Act. While the Resource Conservation and Recovery Act has, at last, finally resulted in a more complete regulatory program to halt some of the more outrageous dumping practices in the past, it has failed to formulate a policy and a direction to allow companies using their own funds to develop and institute modern technological solutions to treatment and disposal of toxic and hazardous waste.

Let us work together to halt the old practices and procedures that for too long have poisoned our environment. Let us work together to consider how to set the Resource Conservation and Recovery Act back on its original and true course to stimulate the construction and operation of new advanced waste treatment plants which can permanently eliminate the threat of chemicals leaching from landfills.

Sincerely yours,

STEVEN I. TAUB,
Vice President.

HAZARDOUS WASTE TREATMENT COUNCIL,
Washington, D.C. September 6, 1982.

DEAR CONGRESSMAN: We represent the Hazardous Waste Treatment Council, a trade association of companies engaged in the treatment, destruction, stabilization, recycling and detoxification of hazardous wastes. A basic objective of the Council is the development of more stringent laws on the management of hazardous waste. The Council lead a coalition of environmental organizations, states and grass-roots citizen groups earlier this year to successfully reverse EPA's suspension of the liquid-to-landfill ban.

The Council urges you to support the amendment being offered by Representative LaFalce to H.R. 6307—an amendment which would require EPA to begin restricting certain hazardous wastes from being landfilled. The philosophy of the amendment recognizes that some very persistent toxic wastes present problems for safe long-term containment in a landfill. Some waste destroy the liners which are designed to contain wastes and others are simply too toxic and persistent to be contained in perpetuity.

Several states have moved aggressively to restrict certain wastes from landfills and the Council believes that protection of public health and the environment mandate a uniform federal rule in this regard.

The amendment would require EPA to begin the process of determining which wastes need to be so restricted. We believe that this effort is long overdue. Every week the newspapers carry new stories of landfills that have developed problems of groundwater contamination. Prevention of further problems requires that Congress act favorably on this important amendment.

Sincerely,

LAWRENCE C. MERTHAN,
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Attorneys for the Hazardous Waste Treatment Council.

Furthermore, unless these loopholes are closed, the RCRA program itself and the hazardous wastes it is supposed to control will be doing little more than sowing the seeds of future Superfund sites.

The present RCRA system allows wastes to escape controls through a varity of gaps:

Generators of up to 1 ton of hazardous wastes per month are virtually exempt from RCRA coverage and may dispose of their wastes into solid waste facilities and municipal dumps—a practice which has produced the majority of our present Superfund sites.

I would like to point out that the National Solid Waste Management Association has attempted to close this serious loophole ever since its inception in 1980, and should be commended for this effort.

There are virtually no categorical restrictions on the placement of wastes into domestic sewer systems, or their injection into the ground near areas that supply drinking water.

Hazardous waste recycling, including the burning of hazardous wastes in boilers, has been virtually ignored by RCRA despite the fact that 13 recycling operations are on the Superfund list and 20 million tons of waste are inefficiently burned in boilers each year.

The placement of liquid wastes into landfills must be further restricted.

The legislation addresses all of those loopholes by prescribing the appropriate restriction, prohibition, or assessment. In addition, the legislation:

Insures that the final permitting review of major hazardous waste facilities occurs in an expeditious fashion and that leaking facilities not be granted a final permit until there is some form of commitment to control the release;

Protects the right of citizens and States to seek redress for hazardous waste damages and releases under the existing common law;

Establishes a National Groundwater Commission to report to the Congress on the nature and scope of present and future groundwater pollution and to issue recommendations on direction of the future policy; and

The bill also provides a generous authorization under sections 3011 and 3012 for State hazardous waste programs, which are vital to a sound RCRA program. Equally important to the RCRA program operation and oversight are State hazardous waste

management associations. In the RCRA area, this group is the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). ASTSWMO has greatly contributed to the Congress understanding of State RCRA programs and always with an emphasis on professionalism and thoroughness. I for one, speaking for the committee, believe it would be both appropriate and highly beneficial to fund ASTSWMO directly from the 3011 State grants authorization.

This legislation has been drafted through bipartisan cooperation with my distinguished colleague from New York (Mr. LENT) and his staff.

Since adoption of H.R. 6307 by the Energy and Commerce Committee, a number of concerns have been raised regarding several provisions of the bill. Mr. LENT and I have developed a substitute amendment which amends several of the bill's provisions in a manner consistent with the legitimate concerns that have been voiced. Specifically, the bill changes the present small generator exemption by explicitly modifying all of the administrative and managerial requirements prior to disposal, while maintaining the requirement that hazardous wastes must go to a hazardous waste facility when being treated or disposed of not to sanitary landfill municipal dumps.

The substitute bill reflects a shared consenus regarding the necessary measures for protection of public health and the need to accommodate the legitimate concerns of the regulated community. I strongly urge all of my colleagues to support H.R. 6307 and to oppose all amendments that would continue these loopholes.

Mr. LENT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the committee has under consideration H.R. 6307, the Resource Conservation and Recovery Act Amendments of 1982. This bill makes a number of important and necessary changes to RCRA, the law which governs the disposal of hazardous waste in this country. However, as reported from committee, H.R. 6307 was not, in my opinion, an acceptable bill. The minority views in the committee report reflected a number of my concerns with H.R. 6307 as reported.

Since that time, I have been working with my distinguished colleague from New Jersey, Subcommittee Chairman FLORIO, to make what I consider are necessary changes to H.R. 6307. I would indicate to my colleagues that Mr. FLORIO and I have been able to agree on several changes to H.R. 6307 which will be offered today as part of an amendment in the nature of a substitute to H.R. 6307. This amendment retains the beneficial provisions of H.R. 6307 while incorporating several desirable modifications to a number of other provisions of that measure. Unfortunately, we were unable to agree to delete section 10 of the bill relating to Federal common law remedies.

Before addressing some of the specifics of our substitute amendment, I would like to take a moment to commend the chairman of the subcommittee for his leadership in this area. The safe disposal of toxic waste should be one of this Nation's primary goals and the gentleman from New Jersey has done yeoman's duty to insure that this goal is met. I would also express my appreciation for the spirit of cooperation that Mr. FLORIO and his staff have exhibited in working out many of the troublesome provisions of H.R. 6307. I also want to commend my colleagues, Mr. ROE and Mr. HAMMERSCHMIDT for their contribution as well. I believe that the substitute that will be before this committee today is far superior to our original committee bill. If it is adopted along with a number of other meritorious amendments to be offered today, such as an amendment to strike section 10, I believe the Members of this body will have produced a well-considered and much-needed environmental measure.

Mr. Chairman, I would now like to take a moment to highlight what I consider to be several of the more important provisions of the amendment in the nature of a substitute to H.R. 6307 which will be offered shortly.

Section 3 of the substitute brings into the RCRA regulatory system for the first time a large number of small generators of hazardous waste. These small generators previously had been exempted from RCRA so the EPA could concentrate on regulating the larger generators which are producing the lion's share of hazardous waste in this country. Now that EPA has completed the regulations implementing RCRA, I am hopeful that the agency will have sufficient resources to adequately regulate these small generators. In addition, since compliance with RCRA will impose additional costs on these small businesses, I am pleased to point out that the substitute makes provision for regulatory variances for those businesses. For instance, section 3 of the substitute makes it clear that all the complicated RCRA testing procedures do not have to be followed by the small generators—identification of wastes to the level of process involved will be sufficient to satisfy the RCRA requirements. This variance provision will substantially lessen the financial and regulatory impacts of RCRA on small generators.

Another extremely important provision of the substitute is section 6. That section calls for a two-step approach to regulating the burning and blending of hazardous wastes as fuel, it is badly needed because the burning of hazardous wastes for purposes of energy recovery is totally exempt from RCRA regulation at this time. Even though energy recovery is a laudable goal and should be an important national priority, it should not, in my opinion, be achieved at the expense of our national health and environmental goals. Therefore, section 6 performs an important service in requiring notification to EPA by those who produce, distribute, and burn hazardous waste fuel. EPA is then required to regulate those production, distribution, and burning practices which are determined to be harmful to public health and the environment. Once these practices are regulated, a major gap in the RCRA regulatory program will be closed.

Mr. Chairman, I do not want to monopolize the time the minority has available on this measure but suffice it to say that sections 3 and 6 are only two of many worthwhile RCRA amendments contained in the substitute to be offered shortly. I believe it is our obligation as Members of Congress to support legislation which contributes to the long-term environmental well-being of our country. Today we are being given an opportunity to fulfill that obligation—I believe each of us should seize this opportunity and vote in favor of the bipartisan substitute.

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Mr. ROE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to join with our colleagues today and particularly pay my deepest respect in regard to our chairman of the committee, the gentleman from New Jersey (Mr. FLORIO), the gentleman from New York (Mr. LENT) and also the gentleman from Arkansas (Mr. HAMMERSCHMIDT), and strongly support H.R. 6307, to which I know there will be an amendment in the nature of a substitute which will incorporate the amendments in the nature of a substitute of the Subcommittee on Water Resources of the Public Works Committee to sections 4 and 9. In my judgment, I think it is an extremely important environmental bill. As background, Mr. Chairman, this bill, after being reported by the Committee on Energy and Commerce, was sequentially referred to the Committee on Public Works and Transportation for consideration of section 4 and section 9. These sections direct a study by EPA of mixtures of sewage and hazardous wastes and establish a National Groundwater Commission to study and report on our ground water resources.

I might say at this point, Mr. Chairman, that the ground water of our Nation has been really neglected over the years in most of our legislation. I think that this bill is a monumental

step forward in bringing into clear focus the policy developments that the Congress chooses to make to protect our ground water drinking water supply.

Our committee amended each of these provisions and our amendments will be incorporated in the substitute.

Section 4 directs the Administrator of the Environmental Protection Agency to submit a report to Congress on mixtures of sewage and hazardous wastes. These mixtures are presently regulated under the Federal Water Pollution Control Act. EPA would be directed to include recommendations as to whether regulations of these mixtures would be better accomplished under the Solid Waste Disposal Act.

The amendment to section 4 deletes the reference to the Solid Waste Disposal Act and calls, rather, for recommendations on whether existing law applicable to such mixtures is adequate to protect human health and environment.

The Subcommittee on Water Resources of the Committee on Public Works now has under review the pretreatment requirements under the Federal Water Pollution Control Act which relate directly to this amendment.

Section 9 of H.R. 6307 establishes a National Groundwater Commission composed of four Members of the House, four from the Senate, four appointed by the President from lists submitted by various groups and the Director of the Office of Technology Assessment.

The commission is charged with assessing a number of problems associated with contamination of ground water from hazardous wastes, together with that contamination coming from possible solid waste disposal, with a report to be submitted to Congress by October 30, 1986. The amendment to section 9 expands the scope of the study, Mr. Chairman, to include other aspects of the subject of ground water, including a general assessment of the amount, location and quality of the Nation's ground water resources; a general identification of the sources, extent and types of ground water contamination; an assessment of the relationship between surface water pollution and ground water pollution; an assessment of the extent of overdrafting of ground water resources and the adequacy of existing mechanisms for preventing such overdrafting; an assessment of the engineering and technological capability to recharge aquifers; an assessment of the methods for abatement of ground water contamination and a comparison of cleanup costs to the costs of substitute water supply methods; an assessment of the adequacy of existing standards for ground water quality under State and Federal law; an assessment of Federal and State monitoring methodology; an assessment of the adequacy of existing ground water research; and, finally, an assessment of the Federal, State, and local roles in managing ground water quality and quantity.

The amendment also changes the membership of the commission, as I previously mentioned. Of the four House Members, two would be from the Energy and Commerce, and two from Public Works and Transportation. Eight Members would be appointed by the President, four from a list submitted by the National Governors Association, and four from lists submitted by other organizations and groups.

The commission would be directed to utilize on a reimbursable basis personnel from the U.S. Geological Survey and from the Corps of Engineers.

Finally, Mr. Chairman, the date for submission of the report to Congress would be changed from October 30, 1986, to October 30, 1985, and the amount authorized to be appropriated for this indepth Commission review and study of the Nation's groundwaters will be $7 million.

The substitute includes an additional provision directing the Groundwater Commission to submit a separate preliminary study to Congress concerning ground-water contamination from solid and hazardous waste, and this study would be submitted within 1 year as an exigency to deal with this vitally important measure, as was mentioned by the subcommittee chairman (Mr. FLORIO).

In addition, the final conclusions and findings of this study would be incorporated in the Commission's report as a separate chapter.

May I conclude, Mr. Chairman, by complimenting the distinguished gentleman, my colleague, the gentleman from New Jersey (Mr. FLORIO), in having joined his subcommittee with our subcommittee in the two major elements of our concern and responsibility in this legislation, and also particularly compliment him on the joint work we did in the State of New Jersey—if our other colleagues will pardon us that provincial observation—coming out of the joint hearings we held in the county of Morris in the State of New Jersey, particularly Rockaway Borough, relating to solid waste and hazardous waste disposal in so-called dumps and land disposal of that nature, which brought forth many of the problems that our Nation is faced with in this vitally important issue.

Take into consideration, my colleagues, that 50 percent of the drinking water supply of this country is groundwater supply affecting the very life and health and safety of the people of our Nation.

Mr. HAMMERSCHMIDT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wish to associate myself with those remarks just made by our very able Chairman of the Water Resources Subcommittee, Mr. ROE of New Jersey.

Mr. Chairman, there are two provisions of H.R. 6307, As reported by the Committee on Energy and Commerce, which involve matters under the jurisdiction of the Public Works Committee. These two provisions relate to regulation of hazardous substances in publicly owned treatment works and creation of a national groundwater commission. The two committees have resolved their differences with respect to these two provisions, and I rise in support of this compromise on sections 4 and 9 of the bill.

Others have explained the process whereby H.R. 6307 was sequentially referred to the Committee on Public Works and Transportation. They have also summarized the provisions of the different versions reported by the two committees reporting this legislation.

I would like to emphasize just a few matters in my statement.

First, I would like to recognize and thank the leadership Chairman FLORIO and Mr. LENT of the Energy and Commerce Subcommittee and their staff for their willing cooperation in fashioning the compromise language that reconciles the differences in sections 4 and 9 between the bills reported by the two committees.

Second, the Public Works Committee received sequential referral of H.R. 6307 only for consideration of section 4 (dealing with publicly owned treatment works) and section 9 (dealing with the Groundwater Commission). In testimony received on the bill during the Water Resources Subcommittee's hearings, concerns were raised with respect to other sections but the committee limited its amendments only to those areas covered by the sequential referral. Two of the concerns expressed include the small generator provision and the Federal common law provision. The committee discusses these concerns in its committee report. Regarding section 3, the small generator provision, there was concern expressed that reducing the exemption for small generators from 1,000 to 100 kilograms per month would add significantly to the number of those people regulated without substantial benefit in control of hazardous wastes. Section 10 might, according to those testifying, subject those who are in full compliance with the act to additional undefined Federal liabilities and be an invitation to plaintiffs to reverse legitimate administrative determinations.

Third, Mr. Chairman, the Public Works Committee amendments to sec-

tions 4 and 9 of the bill reported by the Energy and Commerce Committee were designed to improve those provisions while maintaining the basic thrust and intent of the Energy and Commerce Committee. Our amendment to section 4 maintains the Clean Water Act focus of EPA's pretreatment study and calls for the results of the study in 1 year rather than 2 years. The shorter time frame is appropriate because much work has already been done and data collected concerning EPA's pretreatment program and because the 1-year period will better dovetail with future congressional legislative schedules. Our amendment to section 9 expands the scope of the Groundwater Commission's duties to deal with ground-water contamination of all types, not just that associated with hazardous waste, and to make a number of other changes to the structure and charter of the Commission. The compromise that has been agreed to by the two committees is identical to the Public Works Committee amendments, except that an additional paragraph has been added to subsection 9(f) of the bill calling for EPA to submit after 1 year a preliminary study concerning ground-water contamination from hazardous and other solid waste.

Finally, I think it is important to note that the amendments to section 4 and 9 of H.R. 6307 which were approved by the Public Works Committee were unanimously adopted by voice vote, with obvious support from both sides of the aisle.

In summary, then, I believe that sections 4 and 9 of H.R. 6307 are improved by actions taken in the Committee on Public Works and Transportation, and I urge my colleagues to support these provisions.

Mr. Chairman, I yield such time as he may consume to the distinguished ranking minority member of the full committee, the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Chairman, I am pleased to be able to join my colleagues in support of the compromise version of H.R. 6307's provisions relating to hazardous wastes entering publicly owned treatment works and formation of a National Groundwater Commission.

Our Committee on Public Works and Transportation received sequential referral of H.R. 6307 to consider sections 4 and 9 of the bill reported by the Energy and Commerce Committee. Section 4 required EPA to submit a report to Congress within 2 years of enactment, addressing whether hazardous wastes exempted from Solid Waste Disposal Act control when discharged to a sewer should be regulated under the Solid Waste Disposal Act. Section 9 established a 13-member National Groundwater Commission to conduct a 4-year study of ground water contamination by hazardous wastes and to report to Congress with recommendations for appropriate legislative and administrative actions.

The amendment reported by the Public Works Committee refined the study authorization contained in section 4, restructured the National Groundwater Commission authorized in section 9, and expanded the scope of the Commission's responsibilities. The 2-year section 4 study was shortened to 1 year, with a progress report due in 6 months, and the Solid Waste Disposal Act orientation of the study was broadened to an evaluation of adequacy of existing law generally.

Section 9's ground water commission charter was amended to call for an examination of all types of ground water contamination rather than just that resulting from hazardous wastes. In addition, the due date for the report was advanced from 1986 to 1985, the authorized funding reduced from $10 million to $7 million, a requirement added that the Chairman of the Commission will be selected from among the House-appointed Commission members, and a number of other changes made to improve the organization and effectiveness of the Commission.

After a number of discussions, the Public Works and Energy Committees have reached a consensus position concerning these provisions. Essentially, this compromise version is identical to the language reported by the Public Works Committee with the addition of a new requirement that the Commission submit an interim report within 1 year focusing on the narrower issue of ground water contamination resulting from hazardous wastes.

Mr. Chairman, I am persuaded that these two provisions will be valuable additions to our national effort to address the problems associated with safeguarding the quality of our ground water supplies and disposing of hazardous wastes in a safe and environmentally sound fashion.

Protecting our ground water is a matter of very special priority. Twenty-five percent of the fresh water used for all purposes in this country comes from ground water. Fifty percent of our population relies on ground water as its primary source of drinking water.

Despite these facts, it is only recently that we have begun to realize how remiss we have been in understanding and protecting this invaluable natural resource. The General Accounting Office reports that, in 25 States, private and public water supply wells have been capped as a result of contamination. Over 200 wells in California have been contaminated by toxic wastes. On Long Island, N.Y., where 100 percent of the population depends on ground water, 36 public water supplies and dozens of private wells have been closed because of contamination. The water supplies for nearly 2 million residents have been affected. Just this year, it was reported that contamination was only 900 feet from the well field that supplies Atlantic City, N.J.

These are just a few examples that illustrate how important our ground water supplies are and how necessary it is that we direct more national attention and resources to protecting this special national resource. Establishment of this ground water commission will significantly assist us in these efforts, and I complement the two committees for recognizing this fact and bringing this important legislation to the floor this afternoon.

Mr. Chairman, I commend these provisions to the attention of my colleagues here today and I urge you to join me in supporting their enactment.

Mr. FLORIO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Ms. MIKULSKI), a very valuable member of our subcommittee.

Ms. MIKULSKI. Mr. Chairman, the Resource Conservation and Recovery Act deals with one of the most serious health hazards facing this Nation, the hazard of toxic waste. It is a problem that knows no boundaries. It affects every person, every home, every farm and every neighborhood in this country. It is insidious and deadly.

The legislation we are asked to vote for today, the Resource Conservation and Recovery Act is the most important vehicle, the most critical tool we have to deal with hazardous waste—to contain its creeping power. RCRA, is the most effective shield we have to help protect our communities and our citizens.

Earlier this year I held extensive hearings on hazardous waste in my district. And I would like to take this opportunity to thank the chairman for allowing me to hold those hearings. They were invaluable.

As the hours went by I heard horror story after horror story about toxic and hazardous waste, not only in my community, but in communities throughout the State, and throughout the country.

I learned two very important facts from those hearings. First, I learned that the law must be enforced, that it must be enforced fairly and equitably, and that there must be some control over those who enforce it.

Second, I learned that there is no vehicle now for citizens to find redress for their grievances. I found that people were being treated as if they were the problem, when the problem was the poison of hazardous waste.

RCRA took important steps to tighten up loopholes that allowed improper disposal of toxic waste. We must pass and support funding for the legislation

as our pledge toward a poison-free community.

What we are talking about in this legislation is the right of human beings to live without the fear of disease of impairment by chemical poisoning. We are talking about the responsibility of Government to protect its citizens, and we are talking about the ability of the Government to respond to the people—the people who have heard the warning of Rachel Carson, and who do not want to face a silent spring, or poisoned neighborhood.

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Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I would like to ask the gentleman from New Jersey, who is the author of this legislation and the chairman of the subcommittee from which it is reported, a few questions concerning the so-called small generator exemption now found in the Resource Conservation and Recovery Act. It is my understanding that facilities generating less than 1,000 kilograms per month of hazardous wastes currently are exempt from most RCRA regulation and may dispose of their wastes at sanitary landfills. Section 3 of H.R. 6307 would lower the threshold to 100 kilograms per month.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from New Jersey.

Mr. FLORIO. That is correct. Section 3 also provides, though, that the EPA may establish a different set of standards for generators in the 100- to 1,000-kilogram range than they have for those who produce more than 1,000 kilograms.

Mr. BEDELL. Those of us who serve on the Small Business Committee have advocated two-tier regulations for some time now, and that distinction in your legislation is welcome.

I also commend the gentleman for his floor amendment to clarify the present two-tiered nature of the small quantity generator provision by modifying the managerial and administrative requirements imposed on such generators prior to the actual disposal or treatment of the waste.

However, I still am troubled by the large number of small businesses that could be brought under RCRA's provisions who are now substantially exempt.

Clearly, there are certain hazardous substances that cannot be overlooked, no matter how small a quantity we are talking about. But there are other materials, which when properly recovered and recycled, do not endanger public health or the environment.

In particular, I am concerned about the tens of thousands of service stations where waste oil, used car batteries, and various solvents are collected. As the gentleman knows, the Small Business Subcommittee on Energy, Environment and Safety, which I chair, has been deeply involved in both motor fuel marketing issues and used motor oil recovery.

We have found that waste oil, in particular, has become an increasingly valuable commodity. Gasoline dealers, car care centers, and others are being paid up to 30 cents per gallon for the waste oil they collect. Similarly, there is a lucrative market for used batteries and solvents.

Mr. FLORIO. The gentleman is correct. Used motor oil is a recyclable product and this committee has sought to encourage the recovery of this resource through enactment of the Used Oil Recycling Act of 1980. We are disappointed that the Environmental Protection Agency has not yet issued regulations covering the recycling of waste oil. Section 3012 of RCRA mandates that such regulations should be promulgated promptly. I would also point out that it is the purpose of H.R. 6307 to serve as an additional impetus in this regard by bringing the appropriate incentives and control to this segment of the waste stream.

If I may digress, it should be noted that the gentleman from Iowa and his subcommittee have been very helpful in bringing the public's attention to the fact the EPA has not acted yet on this important matter. The Small Business Committee has correctly pointed out that EPA's failure in this regard has impeded development of the used oil recycling industry.

Mr. BEDELL. I thank the gentleman for his kind comments.

In regards to H.R. 6307, is it the gentleman's understanding that service stations which collect used motor oil would be considered hazardous waste storage facilities?

Mr. FLORIO. It is certainly not the committee's intention to categorically require that service stations become permitted hazardous waste storage facilities under RCRA, particularly when waste oil is the sole or primary component of their waste stream and when such material is properly recycled. Nor is it the committee's intent to categorically exempt all service stations from storage requirements irrespective of the nature and quantity of the waste stream and the manner of waste management. This will depend upon how much of what type of waste is generated, and upon the ultimate disposition of the waste material.

One of the RCRA's basic purposes is to insure that all forms of hazardous waste treatment, storage, and disposal are controlled as may be necessary to protect public health and the environment. It is the intent of this amendment to stem the disposal of hazardous wastes into solid waste landfills, a practice which has contributed to unparalleled environmental harm. In light of these concerns, and given the general nature of operations at service stations, however, the committee does not intend or expect that such facilities will be substantially affected for the following reasons.

First, waste oil is covered by the Used Oil Recycling Act of 1980 which directs the EPA to develop regulations that create incentives for used oil recycling. While some waste oil may ultimately be determined to be a hazardous waste, it is expected that the Agency will take into account the nature of the waste oil management practice and the need to encourage such recycling when implementing any waste oil standards.

Second, under current EPA regulations, car batteries are not included even in the 1,000 kilogram-month count, and would not be subject to regulations, or included in the monthly generator count prior to recycling. The committee believes this approach to be appropriate.

Third, with specific reference to potential permitting for hazardous waste storage at service stations and other previously exempt generators, the committee has included specific statutory language which allows the Agency to accommodate the particular storage needs of such facilities, where appropriate, including extension of the current 90-day limit.

And fourth, the committee has also clarified the recycling provision of the legislation such that certain recycling practices may not be regarded as hazardous waste management, or need not be subject to regulation where the Agency determines that such a distinction is appropriate and will not endanger public health and the environment. Recycling of hazardous wastes under RCRA, however, connotes much more than oil recycling. The use of hazardous wastes as landfill covers and the air emissions of hazardous wastes through boilers also constitute waste recycling. Such practices must be subject to the same health and environmental standard as all other forms of hazardous waste management.

In summary, used oil collected by service stations which is properly recycled, is not intended to be subject to substantial additional requirements under RCRA. However, if this same material or other hazardous waste generated by such facilities is discarded rather than recycled, the amendments should not be construed to allow the disposal of such wastes by generators of more than 100 kilograms per month to occur at facilities other than subtitle C hazardous waste facilities.

Mr. BEDELL. In fact, in many areas, including my home State of Iowa, service stations have actually added to the cleanup of environment by serving as collection points where do-it-yourselfers can bring in waste oil for proper disposal.

Mr. FLORIO. That is correct. This is an activity that is beneficial to all parties concerned.

Mr. BEDELL. RCRA requires those who generate hazardous wastes to keep various records regarding its disposal. If waste oil becomes listed as a hazardous waste, this could impose a significant burden on service station operators. They frequently sell used motor oil to several different, competing collectors who then transport it hundreds of miles to reprocessing facilities. It would be impractical for the service station operator to meet the present RCRA requirements in such cases.

Mr. FLORIO. The committee recognizes this problem. We have included specific instructions to EPA that smaller generators of hazardous wastes should be relieved of as much administrative burden as possible.

Is it our understanding that most States require waste oil collectors to be licensed to operate, and that this includes a showing that they are disposing of the product in an approved fashion. Consequently, we feel it would be sufficient for a service station operator to merely keep receipts from waste oil collectors, showing that particular quantities of specific substances were sold to properly licensed collectors for subsequent disposition.

Mr. BEDELL. That would place the primary burden on the waste oil collector or transporter, which I believe is where it properly belongs. Thus the transporter or collector would assume the bulk of the responsibility for the generator's manifesting requirements.

Would you envision a similar disposition of recordkeeping requirements for used batteries and solvents that are sold for reuse?

Mr. FLORIO. Yes, this type of arrangement is appropriate for waste oil and could be appropriate for slovents depending upon the type of recycling arrangements and degree of continuing control over spent solvent exercised by the generator. Solvents, however, are the architypical hazardous waste contaminant, which readily migrate and solubilize additional hazardous waste contaminants, particularly when placed into landfills. It is those type of wastes when so disposed that have been the specific focus of this legislation and much recent controversy.

The committee recognizes though, that certain arrangements regarding solvent recycling may well provide the necessary level of public health and environmental protection, while minimizing administrative burden to the generator. For instance, many automobile repair facilities employ commercial cleaning services that actually retain title to the materials they use and who remove and recycle used solvents, so that the shop owners are not functioning as generators in the usual sense of the word. The specifics of such complex determinations, however, require the exercise of Agency discretion.

These are all spent materials which have commercial resale value, and which are already being recycled. It is my feeling that service station operators are already behaving in a very responsible fashion. Imposing an added paperwork burden on them would not produce any further improvement in environmental protection.

Our concern is for what happens to the products after they have been sold for reuse, and I believe showing proof of sale to licensed collectors or reprocessors, and requiring the manifesting responsibility to be borne by the collector and/or transporter should be sufficient to satisfy the requirements of RCRA as it would be amended by H.R. 6307.

Mr. BEDELL. I thank the gentleman, and I commend him for his continuing awareness of this potential for energy savings and environmental protection from encouraging the recycling of used motor oil, and for his awareness of the special circumstances of the service station industry. I believe the gentleman seeks an appropriate balance between environmental protection and the needs of smaller generators in section 3 of this legislation.

Mr. LENT. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLLENBECK).

Mr. HOLLENBECK. Mr. Chairman, I rise in strong support of H.R. 6307 as substituted, the Resource Conservation and Recovery Act reauthorization before us this afternoon. I believe that the $113.5 million authorized by this legislation for fiscal year 1983 as well as the $11.5 million for fiscal year 1984 will go far in our Nation's fight against environmental degradation.

In 1976, Congress revised the Solid Waste Disposal Act to establish the RCRA program and provide for a basic national hazardous waste program. Since that time, we have made great progress in our ability to better control hazardous solid wastes.

Today, we have an opportunity to expand on that progress by voting in favor of this legislation as reported by the House Energy and Commerce Committee and amended by substitute. Based on an evaluation of the RCRA's performance to date, the Energy and Commerce Committee in conjunction with the Public Works Committee has proposed certain changes designed to improve the program's effectiveness through the closing of loopholes in the system of tracking hazardous waste and the streamlining of EPA disposal permit processing.

Finally, I favor the work done to narrow the hazardous waste exemption for small quantity generators. With about 10 percent of all hazardous wastes, about 8 billion pounds, the responsibility of small quantity generators, I think the need to control this waste is self-evident. Currently, I understand that these wastes are dumped into sanitary landfills or public sewage treatment systems—neither of which are designed to safely contain hazardous materials. I find this unacceptable.

I hope that my colleagues will join me in support of this legislation to help preserve our environmental quality of life.

Mr. ROE. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from Pennsylvania (Mr. EDGAR).

Mr. EDGAR. Mr. Chairman, I rise in strong support of H.R. 6307 and commend the chairman of our subcommittee, the gentleman from New Jersey (Mr. ROE), on the Public Works and Transportation Committee; our chairman of the Commerce Committee, the gentleman from New Jersey (Mr. FLORIO); the ranking Republican members of both Commerce and Public Works, particularly the gentleman from Arkansas (Mr. JOHN PAUL HAMMERSCHMIDT), for their work in putting together this reauthorization of RCRA.

I commend all of these who have taken the time to look at the way in which resource recovery and its legislation has been put in place so that we can protect ourselves in the disposal of hazardous substances.

I could go into some great detail about the provisions of the legislation that deal with resource recovery, but I would like to take the few minutes I have been granted in general debate to talk about one section of the bill which I had something to do with and also a section which I think is important to the whole Nation, North, East, South, and West.

Mr. Chairman, I rise in support of H.R. 6307, the bill reauthorizing the Resource Conservation and Recovery Act.

As chairman of the Northeast-Midwest Congressional Coalition, I am aware that the proper management and disposal of hazardous wastes has to be one of the Northeast-Midwest region's top priorities. Due to the region's history of heavy industrialization, our States have been the sites of numerous horror stories about illegal or careless disposal of hazardous wastes. In fact, under the Superfund program, 57 percent of the priority cleanup sites that were both solid and hazardous waste facilities are located in the Northeast-Midwest region.

The Resource Conservation and Recovery Act provides the public with important protections against the environmental and health impacts of hazardous substances. H.R. 6307 amends the 1976 act in ways that will serve to enhance that protection and close certain loopholes which otherwise may allow dangerous disposal practices to continue at many facilities. For example, H.R. 6307 phases out the current exemption for those which generate between 100 and 1,000 kilograms per month of hazardous wastes. Eight States in the Northeast-Midwest region already have regulations which establish a 100-kilogram cutoff, as does the committee bill, and some States have substantially lower cutoff points. Several other States in the region have imposed requirements that are significantly more stringent than EPA's current practice. It is possible that, due to a lack of uniformity in the treatment of small quantity waste generators by the States, certain areas will suffer a competitive disadvantage with businesses that are concerned about waste disposal requirements.

Other provisions of the bill which will help control one of the most serious threats to environmental quality—that is, the contamination of ground water with hazardous substances. These provisions will restrict the disposal of hazardous waste liquids in landfills and the injection of hazardous wastes into ground water.

Section 9 of H.R. 6307 authorizes the creation of the National Groundwater Commission. As an author of the original legislation to create the Commission included in Mr. FLORIO's bill and modified by the Public Works Committee amendments I want to underline the importance of this section.

A great deal of evidence has surfaced showing that contamination of our Nation's ground water supplies is increasing at a dangerous pace. When you consider the fact that over one-half of all Americans depend on ground water for drinking water, you can begin to realize the magnitude of this problem.

According to a survey published last year by the New York Public Interest Research Group, a sampling of 450 wells in Nassau County found traces of suspected carcinogens in 25 percent of the tested wells. Public water supplies have been found to be contaminated in 20 Massachusetts communities, 16 communities in Connecticut, 25 in Pennsylvania, and 22 in New York. About 100 drinking water wells surrounding a landfill in Jackson Township, N.J., have been closed because of organic contamination. Thirty square miles of the shallow aquifer under the Rocky Mountain Arsenal in Denver have been contaminated by chemical byproducts from the manufacture of pesticides and herbicides. A May 6, 1982 survey by the General Accounting Office points out as a major national issue impending water shortages in the West and Southwest caused by continual shifting of population to urban centers in the western region which are dependent on underground aquifers for water supply.

Congress has addressed ground water problems in the past—notably in the area of hazardous water control. The Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Superfund Act all address issues concerning ground water contamination and related health hazards. The Northeast Midwest Congressional Coalition held an informal field hearing on this subject last fall at Greenvale, L.I. At that hearing 11 witnesses told Senator PAT MOYNIHAN and Representatives LENT, FERRARO, and CARMAN of the need for a more concerted Federal and State attack on ground water contamination.

The idea for a Groundwater Commission grew out of that hearing on Long Island and a subsequent conference on water issues in January. At the Northeast-Midwest Coalition conference in January, which was attended by our distinguished subcommittee chairman, Mr. ROE, Prof. David Morrell of Princeton University strongly advocated the need for a high-level Commission to focus on ground water problems. Subsequently, Dr. Morrell wrote to me:

> While local areas already face serious dangers, at the national level we still have sufficient time (perhaps two or three years) to formulate responsible and effective public policy. Moreover, this is an area of public policy which, while national in scope, requires a great deal of action on the state and local level * * *. In addition, ground water policy remains highly ambiguous. Essentially, no one knows what we should be doing: not the government regulatory officials at EPA or in the states; not the academic experts; not the business executives; not the environmental community; and not the politicians. Frankly, all of us are still foundering in a morass of unclear scientific information, political and economic pressures, and regulatory confusion.

These are the words of an environmental engineer and one of America's top experts in this field. While much work and research is being conducted on ground water currently, there is no overall focus for these efforts. The bureaucracy at EPA has not helped substantially. Congressional committees have tried to find answers, but congressional jurisdiction is scattered and chaotic on this issue. Dr. Morrell went on to suggest to me that what we need is a congressionally charged commission, with specific duties.

The Water Resources Subcommittee examined the Groundwater Commission concert in hearings and heard no substantive objections to the legislation. Representatives of the EPA expressed concern that the formation of the Commission might somehow interfere with administrative activity now being undertaken on the groundwater issue, but were reassured that the formation of the committee would not preclude any near-term actions being taken by EPA or the administration. The Commission is, rather, a long-range effort to instill coherence in our knowledge and policy on a problem that is dealt with in several Federal statutes, dozens of State laws, and a handfull of committees of the House and Senate.

Membership on the Commission is equitably composed of Members of Congress and representatives of State government, public interest groups and industry. There is no prior bias as to the policies and directions the Commission may eventually recommend. I believe that this provision will put us on a firm path toward preserving a safe and adequate supply of ground water and is an important addition to the reauthorization of the RCRA program. I urge my colleagues to support this legislation.

I ask the Members as they think about this particular legislation to think about the many other experts throughout the Nation who have reminded us that we really are in a time-skip as we live in our society. We are the only generation in human history that has an opportunity to plan, not predict, its future, and I think that moving toward the establishment of a National Groundwater Commission gives us an opportunity to put handles on this very serious problem in time for us to address in an adequate way the solutions to that problem in the future.

Mr. ROE. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New Jersey.

Mr. ROE. I thank the gentleman for yielding.

Mr. Chairman, I want to take this opportunity to identify myself with the gentleman's comments and also thank the gentleman for the extensive effort the gentleman has been putting forth in really spearheading the work that we are projecting in this legislation, in the ground water area.

I think it is an extremely important environmental issue that has been completely overlooked over the years. I think the gentleman is doing a superb job. I want to compliment the gentleman for his efforts.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. EDGAR. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I would likewise like to recognize the initiative of the gentleman coming forward with this proposal and it is out of the gentleman's ideas that this whole situation of the bill has developed.

I thank the gentleman.

Mr. EDGAR. I thank the gentleman.

Mr. LENT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I would ask if the gentleman from New Jersey (Mr. FLORIO) would engage in a colloquy briefly.

Several oil refineries in my district inject refinery wastewater through class IV wells into an old oil and gas producing formation located several thousand feet underground, well below any current or even anticipated future sources of drinking water. Current EPA regulations define the term "underground source of drinking water" to allow such a formation to avoid designation as a USDW if it can be shown the aquifer does not now and cannot in the future serve as a source of drinking water.

Was it the gentleman's intention, in drafting section 5 of H.R. 6307, to incorporate the current EPA regulatory definition of the term "underground source of drinking water"?

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Mr. FLORIO. Mr. Chairman, if the gentleman will yield, the answer is "Yes."

Mr. THOMAS. I thank the gentleman. Therefore, this bill and the gentleman's substitute will not change the existing regulatory procedure for the designation as "exempted aquifers" of those formations which do not now, or cannot in the future, serve as underground sources of drinking water, as provided by the EPA regulations; is that correct?

Mr. FLORIO. If the gentleman will yield, the gentleman is correct.

Mr. THOMAS. I thank the gentleman very much.

Mr. HAMMERSCHMIDT. Mr. Chairman, at the moment I have no further requests for time, and I reserve the balance of my time.

Mr. LENT. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. FLORIO. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAFALCE), who has been extremely helpful in developing this legislation.

Mr. LAFALCE. Mr. Chairman, I rise in strong support of the subcommittee's substitute being offered by both the gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT).

I want to thank the gentleman from New Jersey and the gentleman from New York, and their staffs, for working with me and my staff to put together what I believe is a responsible approach to the hazardous wastes in landfills issue.

The amendment contained in the substitute embodies a fundamental principle with which all Members can agree: Hazardous waste management must fully protect human health and the environment.

The compromise amendment directs EPA to submit annual reports to Congress identifying those hazardous wastes for which landfill disposal may not be protective of human health and the environment based upon the toxicity, mobility, persistence, and the ability of the waste to bioaccumulate.

The amendment also directs EPA to also identify those hazardous wastes for which there exists one or more technologically feasible means of treatment, recover, or disposal, other than landfill disposal, which will protect human health and the environment. Most importantly, the compromise amendment directs EPA to promulgate regulations respecting those hazardous wastes for which landfill disposal may not be protective of human health and the environment. For the purposes of such regulations, the amendment directs EPA to consider the ability of landfill disposal facilities to contain hazardous wastes over time; to examine alternative treatment, recovery, and disposal technologies, and the actions taken by State governments in this regard; and to review, for possible regulatory action, all halogenated organics.

The compromise amendment is fully consistent with EPA policy. Yesterday, Rita Lavelle, Assistant Administrator for Solid Waste and Emergency Response, wrote to both the Speaker and the minority leader. Ms. Lavelle's letter notes:

> The Agency now plans to prohibit land disposal of hazardous wastes which are highly toxic, persistent and mobile, where alternative treatment or recovery technologies are reasonably available.

Mr. Chairman, the evidence continues to demonstrate that the unrestricted landfill disposal of hazardous wastes in secure landfills makes those landfills less than secure. Peter Montague, the administrator of Princeton University's hazardous waste research program, recently reported that four New Jersey landfills that employed state-of-the-art technology to prevent leakage actually leaked. These were not landfills constructed in the 1950's or 1960's; they were landfills that were less than 4 years old.

A recent report in Civil Engineering, the journal of the American Society of Civil Engineers, concludes that low permeability clay used to contain hazardous wastes can be rendered highly permeable by certain chemicals. And EPA, in the introduction to its regulations for hazardous waste landfills, notes, "any liner will begin to leak eventually * * *" EPA concludes, "thus it can be assumed that a hazardous waste land disposal unit presents some risks to groundwater well into the future * * *."

Secure hazardous waste landfill design features include: Liners to block or impede movement of leachate out of the waste containment area; subsurface and groundwater monitoring wells; caps which do not allow rainwater to infiltrate the landfill, yet remain sufficiently moist to support vegetation; drainage control facilities; and features to collect any leachate or gas produced in the waste disposal area.

These features minimize, but do not prevent, the escape of materials from secure landfills. Perpetual monitoring, maintenance, and cleanup are required even at the most modern, secure landfill.

The growing concern throughout the United States regarding the adequacy of landfills for the safe disposal of hazardous wastes reflects a belief, shared by EPA, that these requirements simply cannot be met.

Given these real problems, we must exercise care in the selection of hazardous wastes for landfill disposal. If the landfill disposal option is to remain viable—and I believe it will for the foreseeable future—we cannot allow the indiscriminate disposal of all hazardous wastes in landfill disposal facilities. It is this end, Mr. Chairman, which the compromise amendment is designed to achieve.

This Nation generates over 60 million metric tons of acids, corrosive materials, toxic chemicals, and other hazardous wastes annually. The volume of such wastes will grow at an annual rate of 3.5 percent, exceeding 80 million metric tons annually by 1990. I believe that the time has come to phase out the landfill disposal of hazardous wastes for which landfill disposal may not be protective of human health and the environment.

Several States have moved ahead aggressively to achieve just this end. California will, over the next several years, phase out the landfill disposal of priority hazardous wastes including PCB's, pesticides, toxic metals, cyanides, halogenated organics, and nonhalogenated volatile organics.

As the gentleman from New York, Mr. LENT, knows, the Department of Environmental Conservation has developed a plan to selectively ban landfilling of hazardous wastes. CECOS International and SCA Services, Inc., New York's two licensed hazardous waste disposal companies, are working with the State to phase in alternative treatment technologies.

Several other States, including Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, and Vermont, have or will implement plans to encourage the development and utilization of alternative technologies for the treatment, recovery, or disposal of hazardous wastes.

Mr. Chairman, in 1977, a small community in Niagara Falls, N.Y., in my congressional district, achieved nation-

al prominence. Love Canal, a neat working class community, became synonymous with the problem of hazardous waste disposal. Today over 237 homes have been demolished, and dioxin, the most toxic substance known to man, still poisons area creeks and sewers.

Love Canal is but one of the thousands of toxic time bombs that dot the American landscape. The Congress has committed $1.6 billion to clean up these sites, and we are becoming painfully aware that billions more may be needed to complete the job. We will be paying for yesterday's mistakes tomorrow and for years to come.

Passage of RCRA 6 years ago marked the beginning of our commitment to insure that hazardous waste landfills are designed, operated, and maintained to fully protect human health and the environment. If we are to avoid a second generation of Love Canals, we must manage hazardous wastes with the same vigilance. Mr. Chairman, the compromise amendment is a first, necessary step toward that goal. I urge its adoption by the House.

The second necessary step is to insure that most, if not all, hazardous wastes generated in this country each year are disposed of in a manner which protects public health and the environment.

RCRA currently regulates generators that produce more than 1,000 kilograms of hazardous waste per month. The exemption afforded the so-called small quantity generators allows them to dispose of their hazardous wastes in solid waste landfills and municipal dumps.

There can be no doubt, Mr. Chairman, that this exemption poses a potentially serious threat to human health and the environment. Solid waste disposal facilities and municipal dumps are simply not designed to contain hazardous wastes. There are no facilities to monitor, control, or clean up hazardous wastes that might migrate from these nonsecure landfills.

According to EPA's own data, over one-half of the 115 Superfund priority sites identified by the Agency for cleanup were solid waste facilities or municipal dumps that accepted both hazardous and solid wastes.

The substitute being offered today by Mr. FLORIO and Mr. LENT includes a responsible solution to this serious problem. The substitute lowers the level of the exemption from 1,000 kilograms-per-month to 100 kilograms-per-month. It gives EPA the flexibility necessary to modify the administrative and managerial requirements on these smaller operations prior to actual disposal or treatment of the waste. And, the substitute requires that small generators take their waste to a proper hazardous waste management facility, and not a sanitary landfill or municipal dump.

Mr. Chairman, those of us who support this provision of the substitute, recognize that compliance with regulations that will be amended to take into account the particular conditions affecting small business will be costly. But we also recognize that the cost of noncompliance will be greater.

The subcommittee substitute being offered today by Mr. FLORIO and Mr. LENT moves us several steps closer to insuring that all hazardous wastes are properly managed.

Mr. Chairman, I urge adoption of the subcommittee substitute and the provisions therein to restrict the landfill disposal of hazardous wastes for which land disposal may not be protective of human health and the environment, and to bring most, if not all, of the 60 million metric tons of hazardous waste generated in this country each year under RCRA's regulatory umbrella.

Mr. FLORIO. Mr. Chairman, I thank the gentleman for his support and I wish to pay recognition for the gentleman's role as an environmentally oriented person who is particularly concerned for small business.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Mr. Chairman, I rise in strong support of H.R. 6307 and I especially want to commend the efforts of the two gentlemen from New Jersey, Mr. FLORIO and Mr. ROE. I feel like I am reciting a Shakespeare play, but they have done a fine job in bringing this responsible and essential legislation to the floor.

Mr. Chairman, H.R. 6307 addresses a serious problem that deeply concerns many Americans, the problem of hazardous waste.

This legislation authorizes $109 million in fiscal year 1983 for EPA's program on hazardous waste and takes positive and essential steps in the management of hazardous waste.

I believe this funding level would allow for an effective hazardous waste program at the Environmental Protection Agency.

In addition, I wholeheartedly approve of the provisions in the bill that would tighten the management requirements for hazardous waste generated in this country.

Existing law has failed to address some very serious hazardous waste problems and I believe appropriate actions must now be taken.

Specifically, I refer to the handling of hazardous wastes from small generators, the disposal of hazardous wastes in municipal landfills, and the use of fuel that has been combined with hazardous waste materials.

Oversight activities conducted by the Subcommittee on Natural Resources, Agriculture Research and Environment, which I have the honor to chair, confirm the fact that these are all serious problems, not only in my State of New York but also in many other parts of the country.

We cannot ignore these problems and further jeopardize our environment and our citizens.

This legislation addresses these problems responsibly and I, therefore, strongly urge its adoption by the House.

● Mr. ZEFERETTI. Mr. Chairman, I rise in support of H.R. 6307, the Resource Conservation and Recovery Act reauthorization.

Hazardous waste management has become an issue of major national concern and one of great concern for both New York State and New York City. Since passage of the Resource Conservation and Recovery Act in 1976, the U.S. Environmental Protection Agency has been slow to implement this important law. The EPA did not issue its first major package of hazardous waste regulations until May 1980, and it had barely begun to implement them before the Reagan administration took office. Since then, EPA has been hit with severe budget reductions.

As approved by the Energy and Commerce Committee, the bill authorizes appropriations of $108.5 million in fiscal year 1983 and $111.5 million in fiscal year 1984. These figures are more than $30 million more than the President had originally requested for the Resource Conservation and Recovery Act (RCRA). In addition, the bill earmarks $109 million to enhance the enforcement activities of RCRA. H.R. 6307 will significantly expand the scope of the hazardous waste law and will force the EPA to meet new deadlines for issuing or denying disposal permits to the generators of hazardous wastes. Plus, this legislation will create a National Ground Water Commission to recommend ways of protecting ground water from contamination.

Specifically, Mr. Speaker, I support:

Restricting the disposal of bulk and containerized liquid hazardous wastes in landfills. Present EPA regulations are inadequate to protect the environment from contamination in that those regulations permit the free disposal of untreated bulk liquid wastes in landfills. The regulations ignore the fact that toxic chemicals can migrate through the ground and into the ground water.

Prohibiting the injection of hazardous wastes into underground sources of drinking water and restricting the injections above present and potential underground water supplies, pending the development of State programs to regulate this practice. EPA has vacillated on whether to regulate underground injection wells for the disposal of hazardous wastes under RCRA of

the Safe Drinking Water Act. Thus the regulation of class IV underground injection wells used for the disposal of toxic and radioactive liquids into and above underground sources of drinking water has been sorely neglected.

Requiring the EPA to set standards for industrial boilers that burn hazardous wastes as fuel.

Requiring that interim status facilities wanting to expand by more than 10 percent obtain permits in accordance with the standards that apply to new facilities.

Establishing a timetable for the EPA to review permit applications to accelerate the issuance of final permits which spell out specific environmental protection measures for existing hazardous waste management facilities.

All of these issues—my concerns, the concerns of the Nation, the concerns of my congressional district, and the people of Staten Island—are addressed by H.R. 6307. The national hazardous waste problem has reached a crisis stage in many of our communities. If we fail to act now, we may very well lose the opportunity to develop a preventative approach to future hazardous waste problems. We need a strong Federal law now more than ever to restore public confidence. We need to put teeth in the Resource Conservation and Recovery Act. We need H.R. 6307, and I call upon my colleagues to give their wholehearted support to it.●

● Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 6307, the RCRA Reauthorization Act of 1982. This legislation provides a 2-year reauthorization for a major law that established our Nation's basic hazardous waste system.

RCRA represented a milestone in our efforts to regulate and monitor the problem posed to the environment by the increasing amounts of hazardous wastes which are generated annually. If unchecked, these wastes would create enormous environmental and health problems for generations to come.

This legislation seeks to provide additional guidelines for the implementation of the law. The establishment of specific deadlines in the legislation dealing with the issuance of hazardous waste disposal permits is an additional step in the right direction and which will provide certainty in this complex regulatory area.

At the same time, I also support the amendment that will be offered by our colleague, Congressman PHIL GRAMM, dealing with small generators of hazardous wastes. I agree that there should be some consideration given to the regulation of generators of hazardous wastes in quantities of less than 1,000 kilograms per month. However, the immediate applicability of the RCRA regulations on small generators, as provided for in section 3 of the bill, will have a significant economic impact on those generators, the majority of which are small businesses such as gas stations, dry cleaners, auto repair shops, laboratories, and so forth. I favor the approach taken by Congressman PHIL GRAMM which directs the Environmental Protection Agency to conduct a comprehensive study on small generators to assess the problem they present and to analyze the regulatory alternatives available to deal with these hazards. In this way, different options can be studied that will achieve the desired purpose without being onerous on the small generators that will be regulated.

I urge my colleagues to vote in favor of the Gramm amendment and will also support the prompt enactment of this bill.●

● Mr. MOFFETT. Mr. Chairman, I rise in strong support of H.R. 6307. First, let me thank Mr. FLORIO and Mr. ROE for their leadership on this issue and congratulate them on this excellent reauthorization bill.

Over 80 billion pounds of hazardous wastes are dumped each year, creating a serious threat to the land, to drinking water supplies, and to the health and well-being of our citizens. H.R. 6307 is an important and essential step in providing a solution to this problem and in reaching the goal of protecting the public from significant environmental and health damage.

In particular, I would like to emphasize the importance of the creation of the National Ground Water Commission. The Subcommittee on Environment, Energy and Natural Resources, which I chair, undertook a year-long investigation into the ground water problem. Our investigation culminated in a report of the full Government Operations Committee which urged, in the strongest terms, the development of a national strategy to protect our ground water resources.

Over 100 million Americans depend on ground water. Over 40 percent of our citizens in my State of Connecticut obtain their water from wells. Ironically, as the dependence on ground water is growing, so is the destruction of precious underground drinking water supplies. In Connecticut alone, some 25 percent of the towns have suffered from hazardous waste and toxic chemical contamination of ground water.

Just last week, I visited the residential community of Montville, Conn., where toxic organic solvents had destroyed 13 private wells and pose a threat to dozens more. The problems faced by the citizens of Montville are being faced by residents of towns across the Nation.

Despite my pleasure at seeing the ground water issue addressed, I am disappointed that EPA's failure to act in this vital area has necessitated further congressional action. The Reagan administration has not used its authorities to address this issue and, by failing to act, is exposing our resources and our citizens to dangers which could be mitigated. As Mr. FLORIO noted in the full committee markup on this legislation, the establishment of this Commission should be viewed by the EPA as a signal that the Congress is not happy with its "go slow" approach, that Congress is frustrated by the EPA's meager efforts to prevent the destruction of ground water supplies. Thus, the creation of the Commission must be seen as a call to action.

I would also like to say that I believe Mr. FITHIAN's amendment is essential. Hearings held by my subcommittee in the field earlier this year clearly indicated that this amendment will correct wasteful and unnecessary ambiguity in the Superfund legislation. I believe this amendment clearly expresses the intent of the Congress that only municipally owned and operated sites should be forced to pay 50 percent of the cleanup costs.

I believe that H.R. 6307 deserves the full support of the House. I look forward to working with my colleagues in future efforts to protect our essential and irreplaceable underground drinking water supplies.●

● Mr. MATSUI. Mr. Chairman, I rise in support of H.R. 6307, legislation to reauthorize the Resource Conservation and Recovery Act. This statute has been most effective in addressing the hazardous waste question, and the protections it affords the public should be retained.

It is widely accepted that the mismanagement of hazardous wastes is one of the most serious public health and environmental problems before our country today. This fact is underscored by the large number of abandoned toxic dump sites littered across America, and the continued illegal dumping of wastes down sewers, storm drains, and in vacant lots. It is disconcerting to realize that the public still relies on land disposal facilities for the most deadly and persistent chemicals despite overwhelming evidence that most landfills eventually leak.

The Resource Conservation and Recovery Act of 1976, which sought to correct these egregious problems, was modeled on California's 1972 hazardous waste law. California, with one of the Nation's most serious waste problems and one of the most progressive programs to combat it, provides an interesting case to study during our consideration of RCRA's reauthorization.

Indeed, my State has assumed an important role in the debate surrounding the hazardous waste question, and a review of the relevant facts concerning California's current situation is appropriate. Given the Environmental Protection Agency's claims that California is the fourth largest producer of haz-

ardous wastes in the country, a discussion of my State's problems will also be instructive to other industrial States faced with similar difficulties.

During the past several years, nearly 100 hazardous waste sites have been identified throughout California. The soil and water surrounding these areas has been contaminated with dangerous pollutants and are a profound threat to human health and the environment. Cleanup of these sites represents a long-term commitment of resources and time, as it will require hundreds of millions of dollars and many years to complete the task. These 100 sites are only the first to be discovered, and it is expected that numerous other hazardous dump sites will be located before California's county-by-county search is ended.

We cannot shirk our commitment to the eradication of dangerous wastes, as many of these sites have contaminated drinking wells with solvents, pesticides, and other possible carcinogenic materials. The existence of these tainted wells poses an unacceptable hazard to the public's well-being and as such, it becomes our responsibility to prevent such pollution from occurring. Once an aquifer is contaminated, the process of reclaiming it is a difficult and expensive one, and the natural rate of ground water recharge is on the order of decades. This problem needs to be addressed, as over half of all U.S. citizens rely on ground water aquifers for their drinking water. We cannot continue to threaten that water supply by relying on questionable land disposal practices.

Hazardous wastes of all types continue to be churned out at an alarming rate. In 1982, California discovered that the actual amount of waste generated within its borders is close to 18 million tons, rather than the 5 million tons previously estimated. Most recently, we have witnessed the Santa Clara Valley's citizens contend with a critical waste problem. This productive area, which is the capital of the State's electronics industry, has been plagued by a series of massive leaks in underground storage tanks containing toxic solvents. The event's potential for damaging the integrity of the area's ground water supplies was significant and is indicative of the need for society's greater vigilance in the disposition and long-term management of hazardous waste.

Notwithstanding the numerous hazardous waste problems encountered by the State, California has been in the vanguard of the battle to reclaim these poisoned sites. Our State's hazardous waste laws have been updated during each of the last 10 years as the extent of the problem becomes understood more fully. The Resource Conservation and Recovery Act, on the other hand, has not been modified to reflect the new changes in our knowledge about hazardous wastes. It is my firm belief that the adoption of H.R. 6307, as amended by the committee proposals, will allow our country to keep pace with the growing complexity of this problem, I urge my colleagues to support this measure.●

● Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 6307, the reauthorization of the Resource Conservation and Recovery Act and in support of strengthening amendments.

Mr. Chairman, I commend by colleagues on the Energy and Commerce Committee for the excellent work they have done in addressing the problem of hazardous waste management. In particular, I commend my colleague from New Jersey (Mr. FLORIO) for the leadership he has demonstrated. The Superfund legislation enacted in 1980, providing authority for clean up of abandoned hazardous waste sites, was guided through the committee by Mr. FLORIO and will benefit communities across the country suffering the results of poor or illegal dumping practices. The Resource Conservation and Recovery Act (RCRA) is designed to control current waste management practices so that ideally, Superfund would no longer be needed.

The problems of hazardous waste management describe by my colleagues and well known to most Members are very real. They certainly are found in my own State of California, long known for its aggressive efforts to protect its rich environmental resources. In my own district, the community of Glen Avon in the Jurupa hills has suffered years of turmoil and uncertainty regarding a liquid hazardous waste site leaching toxic chemicals into underground streams feeding the community. The Stringfellow Acid Pits, as the site is called, is listed as one of the 100 or so sites on the Federal Superfund list. I appreciate the provisions contained in Superfund which can help alleviate the problems of sites like Stringfellow across the country. But I am also interested in insuring that communities do not have to face problems like this in the future.

California's hazardous waste law was enacted in 1972. It was the first law in the country and provided the model for RCRA. California updated its statute during each of the last 10 years as the extent of the hazardous waste problem became more fully understood. I believe that a few points about California's program are relevant to our debate today.

NO SMALL GENERATOR EXEMPTION

California has never exempted smaller generators from hazardous waste controls. Many of the most poisonous wastes, such as cyanide, toxic metals, PCB's, and chlorinated solvents, are produced by smaller businesses. In practice, this has not been a burden for either the State or for industry. An Environmental Protection Agency (EPA) exemption can have serious results. Each small generator can send up to about 50 barrels per year of waste to the local municipal landfill. In any good size city you may have 100 smaller generators. That is 5,000 barrels per year of toxic wastes going into a landfill that was never engineered to accept hazardous wastes. The results are injured municipal trash collectors, combinations of incompatible wastes that can form toxic clouds that drift over residences, and continued contamination of ground water.

This situation must be changed and this bill does that by reducing the small-generator exemption.

NO EXEMPTION FOR BURNING WASTES IN BOILERS

EPA now allows generators to burn their hazardous wastes in their own boilers without a permit. Just because the waste is to be burned for the laudable goal of energy recovery does not mean that the hazards of such a practice can be ignored. The flagrant abuses of this exemption have become clear over the last year—the mixing of hazardous wastes with fuel oil. California has no such exemption—a permit is required no matter whether treatment, incineration, recycling, or landfilling is planned.

This bill addresses this problem.

BAN ON THE LAND DISPOSAL OF HIGHLY TOXIC WASTES

Despite EPA's ban on the landfilling of liquid wastes and new design and operating standards for disposal facilities, there is nothing to prevent many of the worst wastes from continuing to go to surface impoundments, injection wells, or land farms. EPA is taking the bandaid approach, patching the symptoms but not addressing the cause of the illness.

California has an aggressive new program that has received national attention. I will insert a Washington Post article for the record for those of my colleagues who may have missed it over the recess. The Governor's Office of Appropriate Technology has worked for a couple of years on alternatives to land disposal of toxic wastes. The Governor's office has identified wastestreams that are not suitable for land disposal, has set up a 3-year schedule to ban about 500,000 tons of the most toxic wastes from land disposal, and aggressively encouraged the construction of alternative management technologies that recycle, treat, or destroy these hazardous wastes. Technologies to treat, recycle, or destroy such toxic wastes are proven and in use in Europe or in other parts of the world. A future of safer waste management is possible today if we are willing to recognize it.

I understand that my colleague from New York (Mr. LAFALCE) will offer an amendment that will require EPA to

promulgate regulations indentifying hazardous waste which would be banned from land disposal. I urge my colleagues to support this amendment. The State of California has shown that it can be done for the State. Let us show that we are committed to solving this problem for the Nation.

Mr. Chairman, I urge adoption of the bill.

At this point I include the following:

[From the Washington Post, Sept. 1, 1982]

CALIFORNIA UNVEILS STRICT NEW TOXIC WASTE RULES

(By Ward Sinclair)

The California state government yesterday announced details of a far-reaching new program to ban the land disposal of a variety of highly toxic chemical wastes identified as serious hazards to human health.

The program, which would require that toxic wastes be treated at new handling facilities, would be the most stringent in the nation when its first portions take effect, as expected, early next year.

Gov. Edmund G. (Jerry) Brown, Jr., who unveiled the program at a San Francisco press conference, said the program, an outgrowth of his executive order last year banning toxic waste land dumps, "will help prevent intolerable human suffering . . . and help end enormous cleanup costs that neither industry nor the taxpayer can afford."

Although the proposed regulations apply only to California, Brown's action yesterday carried a decidedly national slant.

Public concern over toxic waste disposal has been heightened by the Love Canal, N.Y., tragedy, involving sickness and land contamination, and disclosures that hundreds of unregulated toxic dumps may threaten public health across the country.

Brown, the Democratic candidate for the U.S. Senate from California is a frequent critic of Reagan administration environmental enforcement and a gubernatorial aide conceded yesterday that the state action is intended to spur the federal Environmental Protection Agency to take a more militant enforcement stand.

Brown was joined at his press conference by Sen. Gary Hart (D-Colo.), who has proposed amendments to the federal Resource Conservation and Recovery Act (RCRA), now awaiting congressional reauthorization, that parallel California's program.

The Hart proposals are pending before the Senate Environment and Public Works Committee. The House is expected to debate its own version of a RCRA extension, with amendments similar to Hart's offered by Reps. James J. Florio (D-N.J.), John J. LaFalce (D-N.Y.) and Norman F. Lent (R-N.Y.).

Brown said yesterday that he was "fully supportive" of the Hart proposals.

California officials estimate that their new regulations, although subject to final public comment and review before they take effect next March, would affect at least half a million tons of highly toxic chemical wastes now dumped in landfills.

Wastes that would be banned from landfill-dumping include cyanides, toxic metals, strong acids, PCBs, halogenated organic compounds such as the pesticides DDT, DBCP and Kepone, and all other wastes currently classified by the state as "extremely hazardous."

The proposed regulations carry a maximum fine of $25,000 per day for each violation of the land-dumping ban.

Compliance and enforcement, according to Kent Stoddard of the governor's Office of Appropriate Technology, will be keyed to a two-year timetable for construction of treatment facilities, beginning next March 31.

The facilities will be built by private enterprise, with low-interest state pollution-control loans available. The Brown program also calls for expedited state processing of applications for construction permits.

"We have identified the treatment and recycling technologies that could be used," Stoddard said, "and we know there are clear alternatives to land disposal of these wastes. We have worked closely with the chemical, petroleum and electronics industries in laying out these treatment timetables."

California's plan to phase out landfills as dumps for highly toxic wastes began last October when Brown issued an executive order banning such activity and increasing state monitoring and enforcement at all hazardous waste disposal sites.

State officials estimate that California, with perhaps the nation's fourth largest volume of toxic wastes, has at least 70 major dumping sites that need cleaning up, including some in the state's most populous counties.●

● Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 6307, a bill to amend the Solid Waste Disposal Act and authorize appropriations for fiscal years 1983 and 1984.

This bill was sequentially referred to our Committee on Public Works and Transportation for consideration of sections 4 and 9 in recognition of our jurisdiction over water pollution and water resources management, conservation and development.

Section 4 directs the Environmental Protection Agency to submit a report to Congress with recommendations as to whether regulation of hazardous wastes mixed with domestic sewage under the Solid Waste Disposal Act is necessary to protect human health and the environment, or whether the existing provisions of law are adequate. Section 1004(27) of the Solid Waste Disposal Act provides that the term "solid waste" does not include solid or dissolved material in domestic sewage. Therefore, hazardous waste mixed with domestic sewage is currently exempt from regulation under the provisions of the Solid Waste Disposal Act. Instead, the pretreatment provisions of the Federal Water Pollution Control Act establish a program for the regulation of toxic pollutants which interfer with, pass through, or contaminate the sludge produced by municipal sewage treatment plants.

Section 9 establishes a National Ground Water Commission to investigate and assess a broad range of matters relating to ground water contamination by hazardous wastes and existing or needed mechanisms for the protection or rehabilitation of ground water resources. The Commission is directed to transmit a report along with recommendations for appropriate legislation and administrative actions to Congress and the President no later than October 30, 1986; $10 million is authorized to carry out the study.

Our committee adopted amendments to these sections, which will be explained in detail by Congressman ROE, chairman of our Water Resources Subcommittee. I would like, however, to discuss the National Ground Water Commission provision. Ground water is one of our most precious resources. It is used extensively for human consumption, irrigation of agricultural crops and industrial purposes. It is essential that it be protected and used wisely so that its availability for continued and future use will be assured.

We know that our ground water resources are threatened with contamination and depletion. Yet we lack comprehensive information on the nature and scope of these threats and possible remedial action which can be taken with regard to them.

So that this information will be available, the Commission is charged with the study of a broad range of matters relating to ground water, ranging from the extent and condition of available resources to measures which can be taken to restore and preserve them. This will enable us to determine what measures should be taken to insure that future generations will be able to enjoy the benefits of this vital resource.●

● Mr. WALGREN. Mr. Chairman, almost everyone recognizes that the careful disposal of the increasing volume of hazardous waste is one of the major problems society must face. I am pleased that yesterday the House acted to improve the way this Nation disposes of hazardous waste.

In western Pennsylvania, there are many sites, including abandoned strip mines and landfills, where all types of wastes are being dumped, some of which are hazardous. In the view of one citizens' group in my district, "We view these landfills as ticking time bombs." Citizens should not have to live in fear that their health will be imperiled and the value of their property decreased by unsafe disposal methods.

The Resource Conservation and Recovery Act, enacted in 1980, has provided a framework for the identification, transportation, treatment, storage, and disposal of hazardous waste. Yet there are major loopholes in present law that require us to improve regulation of these dangerous substances.

First, present law exempts the multitude of generators of smaller amounts of hazardous waste from the requirement that amounts under 1,000 kilograms be disposed of in sites that will effectively seal the waste from the surrounding environment. Although some argue that these wastes should contin-

ue to be exempt, and although it is generally acceptable to exclude small parties from regulation, small amounts of hazardous waste often cause as much damage to our environment as larger concentrations. In view of the increasing size of this problem for our society, we should bring all such waste under some form of reasonable regulation to protect our environment in both the short and in the long run.

Second, the bill will sharply curtail two very damaging practices—the disposal of hazardous waste in landfills not designed for that purpose and the underground injection of hazardous wastes that may pollute drinking water.

Third, the bill will make a number of improvements in the administration of regulations including the requirement of action on permit applications on a strict schedule. The bill also provides for critical studies that will insure that we stay ahead of the hazardous waste problem.

Fourth, the bill provides increased money to enforce the disposal requirements so that we have an effective program to monitor and deal with this problem.

I am also pleased that we adopted an amendment, offered by Congressman LAFALCE, to require that EPA submit an annual report on hazardous waste for which land disposal may be harmful to human health and the environment. This amendment would also prohibit the landfill disposal of hazardous wastes that EPA determines to be unsuitable for such disposal because they would be harmful to human health based on the toxicity, mobility, persistence, or ability of the waste to bioaccumulate. I believe that this amendment will go a long way toward protecting human health.

This is one of the most important problems for the longrun future of our environment. I urge my colleagues to support this measure that we must act on today.●

Mr. LENT. Mr. Chairman, I have no further requests for time.

Mr. HAMMERSCHMIDT. Mr. Chairman, I have no further requests for time.

Mr. FLORIO. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I would like to commend the gentleman from New Jersey (Mr. FLORIO) for his leadership in this field of storage and disposal of toxic wastes. I commend and thank him, in particular, for taking time out of the recess last week to come out and spend a day in Ohio to look at a novel situation where PPG Industries is proposing to use a 2,000 foot deep abandoned limestone mine as a permanent disposal site and also a temporary storage site for hazardous wastes.

I would like to ask the gentleman from New Jersey, with respect to the study and the proposed regulations that the EPA is directed by this substitute to come up with, is it the gentleman's intent to the maximum extent feasible to require treatment or processing of wastes so that they are reduced to their least hazardous form before they are permanently stored or disposed of?

Mr. FLORIO. Mr. Chairman, if the gentleman will yield, the gentleman is correct. That is the clear intent of this legislation, so as to discourage inappropriate disposal means. We saw at the gentleman's facility a good example of a hybrid system that was a combination storage and disposal facility for which there really is not a clear cut regulatory system that has been defined; so the gentleman is correct. Circumstances such as the proposed, underground mine site require separate standards for facility operation and specific restrictions on the types of wastes that can be placed in the facility.

Mr. SEIBERLING. I thank the gentleman and I commend him and also the other gentleman from New Jersey (Mr. ROE) for the work that he has done in connection with this legislation.

The CHAIRMAN. Pursuant to the rule, the committee amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the reported bill shall be considered as an original bill for the purpose of amendment. It shall be in order to consider amendments to said substitute printed in the CONGRESSIONAL RECORD of August 3, 1982, by, and if offered by, Representative ROE of New Jersey in lieu of the amendments recommended by the Committee on Public Works and Transportation now printed in the reported bill.

The Clerk will read.

The Clerk read as follows:

H.R. 6307

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1983 AND 1984

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. FLORIO. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. FLORIO: Strike out all after the enacting clause and insert in lieu thereof:

SHORT TITLE

SECTION 1. This Act may be cited as the "Resource Conservation and Recovery Act Reauthorization Act of 1982".

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 1983 AND 1984

SEC. 2. (a) GENERAL AUTHORIZATION.—Section 2007(a) of the Solid Waste Disposal Act is amended by striking out "and $80,000,000 for the fiscal year ending September 30, 1982" and substituting "$80,000,000 for the fiscal year ending September 30, 1982, $44,520,000 for the fiscal year ending September 30, 1983, and $44,520,000 for the fiscal year ending September 30, 1984".

(b) STATE HAZARDOUS WASTE PROGRAMS.—Section 3011(a) of such Act is amended by striking out "and $40,000,000 for the fiscal year 1982" and substituting "$40,000,000 for the fiscal year 1982, $40,000,000 for the fiscal year 1983, and $40,000,000 for the fiscal year 1984".

(c) HAZARDOUS WASTE SITE INVENTORY.—Section 3012 of such Act (relating to the hazardous waste inventory) is amended by—

(1) redesignating such section (and the corresponding reference thereto in the table of contents) as "Section 3012A."; and

(2) by striking out "$20,000,000" in subsection (c)(2) and inserting in lieu thereof "$10,000,000 for the fiscal year 1983, and $10,000,000 for the fiscal year 1984".

(d) DEVELOPMENT AND IMPLEMENTATION ASSISTANCE.—Section 4008(a)(1) of such Act is amended by striking out "and $20,000,000 for fiscal year 1982" and substituting "$20,000,000 for the fiscal year 1982, $10,000,000 for fiscal year 1983, and $10,000,000 for fiscal year 1984".

(e) IMPLEMENTATION ASSISTANCE.—Section 4008(a)(2)(C) of such Act is amended by striking out "and $10,000,000 for fiscal year 1982" and substituting "$2,000,000 for the fiscal year 1982, $2,000,000 for fiscal year 1983, and $2,000,000 for fiscal year 1984".

(f) SPECIAL COMMUNITIES.—Section 4008(e)(2) of such Act is amended by striking out "and $1,500,000 for each of the fiscal years 1981 and 1982" and substituting ", $1,500,000 for each of the fiscal years 1981 and 1982, $500,000 for the fiscal year 1983 and $500,000 for the fiscal year 1984".

(g) ASSISTANCE TO STATES FOR RECYCLED OIL PROGRAMS.—Section 4008 of such Act is amended—

(1) by redesignating subsection (f) (relating to assistance to municipalities for energy and materials conservation and recovery planning activities) as subsection (g); and

(2) in paragraph (4) of subsection (f) (relating to assistance to States for discretionary programs for recycled oil) by striking out "and $5,000,000 for fiscal year 1983" and substituting "$5,000,000 for fiscal year 1983 and $3,000,000 for fiscal year 1984".

(h) DEPARTMENT OF COMMERCE FUNCTIONS.—Section 5006 of such Act is amended by inserting after "1982" the following "$1,500,000 for fiscal year 1983, and $1,500,000 for fiscal year 1984".

SMALL QUANTITY GENERATORS

SEC. 3. Section 3001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof:

"(d) SMALL QUANTITY GENERATOR WASTE.—(1) After the date twenty-four months after the date of the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, no hazardous waste which is generated by any generator in a quantity greater than one hundred kilograms during any calendar month shall be exempt, by reason of the small quantity generated, from standards under this subtitle.

"(2) Not later than twenty-four months after the date of the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, the Administrator, after opportunity for notice, comment, and public hearings, shall promulgate standards under sections 3002, 3003, and 3004 for hazardous waste which is generated during any calendar month by any generator in a quantity greater than one hundred kilograms but less than one thousand kilograms. Such standards may vary as provided in this paragraph from the standards applicable to hazardous waste generated in larger quantities to the extent that the Administrator deems such variation necessary by reason of the smaller capacity of the facilities concerned. The Administrator is directed to provide variances in such standards which—

"(A) in the case of standards under section 3002, provide that—

"(i) a determination concerning whether or not hazardous waste is being generated may be made through testing, or process identification, or applying knowledge of the characteristics of the waste based upon materials or processes used, or generic testing for an industry where waste streams of generators within the industry have the same or similar characteristics;

"(ii) requirements for waste identification on manifests may be modified so that such requirements may be satisfied on the basis of information obtained by testing, or process identification, or applying knowledge of the characteristics of the waste based upon materials or processes used, or generic testing for an industry where waste streams of generators within the industry have the same or similar characteristics;

"(iii) labeling requirements prior to waste shipments may be modified so that such requirements may be satisfied on the basis of information obtained through testing, or process identification, or applying knowledge of the characteristics of the waste based upon materials or processes used, or generic testing for an industry where waste streams of generators within the industry have the same or similar characteristics;

"(B) in the case of standards under section 3003, provide that transportation requirements for smaller quantities of hazardous wastes may vary from those applicable to hazardous waste generated in excess of one thousand kilograms during any calendar month, and

"(C) in the case of standards under section 3004, provide that storage requirements shall be modified to allow on-site waste storage for up to 180 days without the requirement of a permit.

The variances as specified in subparagraphs (A), (B), and (C) shall apply to all hazardous waste generated during any calendar month in a quantity of less than one thousand kiiograms unless the Administrator demonstrates that other standards are necessary to protect human health and the environment. In addition, the Administrator is directed to examine the requirements in effect under section 3003 and, in cooperation with the Secretary of Transportation, modify regulations in effect on the date of the enactment of this paragraph to the extent appropriate to conform such requirements to the scale of the operations involved. The actions of the Administrator under this paragraph shall be treated as a nondiscretionary duty for purposes of section 7002.

"(3) The Administrator may promulgate regulations under this subtitle which established special standards for, or exempt from regulation, hazardous wastes which are generated by any generator in a quantity less than one hundred kilograms during any calendar month.

"(4) Nothing in this subsection shall be construed to affect or impair the validity of regulations of the Administrator promulgated prior to the date of the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982 with respect to hazardous waste generated by generators of less than one thousand kilograms per month of hazardous waste, except that after the date eighteen months after such date of enactment, such prior regulations shall not apply to hazardous waste generated by generators which generate more than minimal quantities (one hundred kilograms or less) of hazardous waste per month.".

HAZARDOUS WASTE MIXED WITH DOMESTIC SEWAGE

SEC. 4. The Administrator of the Environmental Protection Agency shall, not later than one year after the date of the enactment of this Act, submit a report to the Congress concerning hazardous wastes identified or listed under section 3001 of the Solid Waste Disposal Act which are excluded from regulation pursuant to subtitle C of the Solid Waste Disposal Act under regulations exempting mixtures of domestic sewage and other wastes that pass through a sewer system to a publicly owned treatment works for treatment. Such report shall specify the types and quantities of such hazardous wastes which are exempted pursuant to such regulations and shall include recommendations respecting whether or not existing law applicable to such mixtures are adequate to protect human health and the environment from the hazards associated with such wastes. Not later than six months after the date of the enactment of this section, the Administrator shall submit to Congress a notice setting forth the progress made on the report required under this section.

HAZARDOUS WASTE INJECTION; LIQUIDS IN LANDFILLS

SEC. 5. Section 3004 of the Solid Waste Disposal Act is amended by inserting "(a) IN GENERAL.—" after "3004." and by adding the following at the end thereof:

"(b) HAZARDOUS WASTE INJECTION.—(1) Eighteen months after the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, the disposal of hazardous waste by injection through a class IV well into an underground source of drinking water is prohibited. Twelve months after the date of enactment of the Resource Conservation and Recovery Reauthorization Act of 1982, disposal of hazardous waste by injection through a class IV well which is above an underground source of drinking water is prohibited until such practices are regulated by State programs or by the Administration pursuant to section 1422 of the Safe Drinking Water Act. In those States that have not undertaken administrative responsibility for the underground injection program with regard to injection into an underground source of drinking water by January 1, 1983, the Administrator shall assume such responsibility at that time. For purposes of this subsection, the terms 'underground source of drinking water' and 'class IV well' shall have the same meaning as provided in regulations of the Administrator under the Safe Drinking Water Act.

"(2) Nothing in paragraph (1) shall affect any well which injects fluids:

"(A) which are brought to the surface in connection with conventional oil or natural gas production;

"(B) which are brought to the surface in connection with the withdrawal of natural gas from underground storage reservoirs;

"(C) which are brought to the surface in connection with the production of geopressured methane;

"(D) for enhanced recovery of oil or natural gas;

"(E) for storage of hydrocarbons which are liquid or gases at standard temperature and pressure.

"(3) Nothing in paragraph (1) shall affect any well which injects fluids for extraction of minerals or energy, including, but not limited to:

"(A) mining of sulfur by the Frasch process;

"(B) solution mining of minerals;

"(C) in-situ combustion of fossil fuel; and

"(D) recovery of geothermal energy to produce electric power.

"(c) LIQUIDS IN LANDFILLS.—Not later than one year after the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, the Administrator shall promulgate final regulations which minimize the disposal of liquid hazardous waste, and free liquids contained in hazardous waste, in landfills. Pending promulgation of such regulations, the Administrator shall maintain the current requirements in regulations under this section respecting the disposal in landfills of liquid hazardous waste and free liquids contained in hazardous waste.

"(d) LAND DISPOSAL REPORTS.—The Administrator shall, not later than one year after the date of the enactment of this subsection, and after notice and opportunity for public comment, publish and submit to the Congress a report listing those hazardous wastes for which one or more types of land disposal may not be protective of human health and the environment based upon the toxicity, mobility, persistence, and ability of the waste to bioaccumulate. The report shall also identify hazardous wastes for which there exists one or more technologically feasible means of treatment, recovery, or disposal (including incineration, neutralization, fixation, chemical destruction, or any other means of thermal, chemical, physical, or biological treatment, recovery, or disposal) other than land disposal which will protect human health and the environment. The report shall include an assessment of the costs of such other means of treatment, recovery, or disposal. The report shall also include an assessment of other hazardous wastes which are unsuitable for other means of waste treatment or disposal. The report under this subsection shall be modified and supplemented from time to time after its initial publication as new information becomes available.

"(e) RESTRICTIONS ON LAND DISPOSAL.—Not later than 9 months after the date on which the report is required to be published under subsection (d), and from time to time thereafter, the Administrator shall promulgate regulations respecting those hazardous wastes for which land disposal may not be protective of human health and the environment based upon the toxicity, mobility, persistence, and ability of the waste to bioaccumulate. Such regulations shall contain effective dates that take into account the Administrator's best estimate of the amount of time necessary to install nationwide sufficient capacity of alternative treatment, recovery or disposal methods identi-

fied pursuant to section (d). After any effective date such prohibition shall not apply when it can be demonstrated on a case-by-case basis that capacity for such alternative means of disposition is not reasonably available. Factors to be considered in determining reasonable availability shall include, but shall not be limited to, geographic proximity and the nature of particular wastes. For purposes of such regulations, the Administrator shall—

"(1) consider the ability of land disposal facilities to contain hazardous wastes over time;

"(2) consider alternative treatment methods;

"(3) examine the actions taken by State governments with regard to such controls; and

"(4) review all halogenated organic wastes.".

SEC. 6. (a) NOTICE.—(1) Section 3010 of the Solid Waste Disposal Act is amended by inserting the following after the first sentence thereof: "Not later than twelve months after the date of the enactment of this sentence—

"(1) the owner or operator of any facility which produces a fuel (A) from any hazardous waste identified or listed under section 3001, (B) from such hazardous waste identified or listed under section 3001 and any other material, (C) from used oil, or (D) from used oil and any other material;

"(2) the owner or operator of any facility which burns for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001; and

"(3) any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains used oil or any hazardous waste identified or listed under section 3001 shall file with the Administrator a notification stating the location and general description of the facility, together with a description of the identified or listed hazardous waste involved and, in the case of a facility referred to in paragraph (1) or (2), a description of the production or energy recovery activity carried out at the facility and such other information as the Administrator deems necessary. For purposes of the preceding sentence, the term 'hazardous waste listed under section 3001' also includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (i) produced for use as (or as a component of) a fuel, (ii) distributed for use as a fuel, or (iii) burned as a fuel. Notification shall not be required under this subsection in the case of facilities (such as residential boilers) where the Administrator determines that such notification is not necessary in order for the Administrator to obtain sufficient information respecting current practices of facilities using hazardous waste for energy recovery. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). Nothing in this subsection shall affect regulatory determinations under section 3012 (as amended by the Used Oil Recycling Act of 1980)."

(2) Section 3010 is amended by striking out "the preceding sentence" and substituting "the preceding provisions".

(b) STANDARDS.—Section 3004 of such Act is amended by adding the following at the end thereof:

"(e) HAZARDOUS WASTE USED AS FUEL.—Not later than two years after the date of the enactment of this subsection, and after notice and opportunity for public hearing, the Administrator shall promulgate regulations establishing such—

"(1) standards applicable to the owners and operators of facilities which produce a fuel (A) from any hazardous waste identified or listed under section 3001, or (B) from any hazardous waste identified or listed under section 3001 and any other material;

"(2) standards applicable to the owners and operators of facilities which burn for purposes of energy recovery any fuel produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001; and

"(3) standards applicable to any person who distributes or markets any fuel which is produced as provided in paragraph (1) or any fuel which otherwise contains any hazardous waste identified or listed under section 3001—

as may be necessary to protect human health and the environment. Such standards may include any of the requirements set forth in paragraphs (1) through (7) of subsection (a) as may be appropriate. Nothing in this subsection shall be construed to affect or impair the provisions of section 3001(b)(3). For purposes of this subsection, the term 'hazardous waste listed under section 3001' includes any commercial chemical product which is listed under section 3001 and which, in lieu of its original intended use, is (A) produced for use as (or as a component of) a fuel, (B) distributed for use as a fuel, or (C) burned as a fuel.

"(f) LABELING.—Notwithstanding any other provision of law, it shall be unlawful for any person who is required to file a notification in accordance with paragraph (1) or (3) of section 3010 to distribute or market any fuel which is produced from any hazardous waste identified or listed under section 3001, or any fuel which otherwise contains any hazardous waste identified or listed under section 3001 if the invoice or the bill of sale fails—

"(1) to bear the following statement: "WARNING: THIS FUEL CONTAINS HAZARDOUS WASTES", and

"(2) to list the hazardous wastes contained therein.

Such statement shall be located in a conspicuous place on every such invoice or bill of sale and shall appear in conspicuous and legible type in contrast by typography, layouts, or color with other printed matter on the invoice or bill of sale.".

SECTION 3005 PERMITS

SEC. 7 (a) FINAL PERMIT.—Section 3005 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(g) RELEASES.—Any permit (other than a permit treated as issued pursuant to subsection (e)) issued to a treatment, storage, or disposal facility under section 3005 (or under an authorized State hazardous waste program under section 3006) shall, in addition to other applicable requirements, address any release of hazardous waste from such facility which occurs prior to the date of issuance of such permit. Such permits shall include schedules and provide financial assurances for addressing such releases where the required action cannot be completed prior to permit issuance. The permit provisions required under this subsection shall not apply to any portion of the facility at which hazardous waste treatment, storage or disposal activities do not take place.

(b) EXPANSION DURING INTERIM STATUS.—Section 3005(e) of such Act is amended by adding the following at the end thereof: "The Administrator shall promulgate regulations under which any owner or operator of a treatment, storage, or disposal facility operating under interim status pursuant to this subsection who expands the capacity of the facility (except the capacity for storage or treatment in tanks or containers and enclosed waste piles) by an amount in excess of 10 per centum of the capacity specified in the permit application shall be required to obtain a permit under the provisions of this section prior to construction of such expansion. The regulations of the Administrator under this subsection may, in the discretion of the Administrator, contain standards for facilities which expand such capacity by 10 per centum or less and such standards may vary from the standards applicable to those facilities operating pursuant to a permit under this subsection which do not expand such capacity.".

TIMETABLE FOR REVIEW OF EPA PERMIT APPLICATIONS

SEC. 8. Section 3005(c) of the Solid Waste Disposal Act is amended by inserting "(1)" after "PERMIT ISSUANCE.—" and by adding the following new paragraph at the end thereof:

"(2)(A) Not later than the date four years after the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, in the case of each application for a permit for a land disposal facility under this section which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(B) Not later than the date six years after the enactment of the Resource Conservation and Recovery Act Reauthorization Act of 1982, in the case of each application for a permit for any facility under this section (other than a facility referred to in subparagraph (A)) which was submitted before such date, the Administrator shall issue a final permit pursuant to such application or issue a final denial of such application.

"(C) The time periods specified in this paragraph shall not apply in the case of any State which is administering an authorized hazardous waste program under section 3006. Interim status under subsection (e) shall terminate for each facility referred to in subparagraph (A) or (B) on the expiration of the four- or six-year period referred to in subparagraph (A) or (B), whichever is applicable, unless an application is filed for a permit under other provisions of this subsection within such four-year or six-year period, as the case may be.".

NATIONAL GROUNDWATER COMMISSION

SEC. 9. (a) ESTABLISHMENT.—There is established a commission to be known as the National Groundwater Commission (hereinafter in this section referred to as the "Commission").

(b) DUTIES OF COMMISSION.—The duties of the Commission are to:

(1) Assess generally the amount, location, and quality of the Nation's groundwater resources.

(2) Identify generally the sources, extent, and types of groundwater contamination.

(3) Assess the scope and nature of relationship between groundwater contamination and groundwater withdrawal and develop projections of available, usable groundwater in future years on a nationwide basis.

(4) Assess the relationship between surface water pollution and groundwater pollution.

(5) Assess the need for a policy to protect groundwater from degradation caused by contamination.

(6) Assess generally the extent of overdrafting of groundwater resources and the adequacy of existing mechanisms for preventing such overdrafting.

(7) Assess generally the engineering and technological capability to recharge aquifers.

(8) Assess the adequacy of the present understanding of groundwater recharge zones and sole source aquifers and assess the adequacy of knowledge regarding the interrelationship of designated aquifers and recharge zones.

(9) Assess the role of land-use patterns as these relate to protecting groundwater from contamination.

(10) Assess methods for remedial abatement of groundwater contamination as well as the costs and benefits of cleaning up polluted groundwater and compare cleanup costs to the costs of substitute water supply methods.

(11) Investigate policies and actions taken by foreign governments to protect groundwater from contamination.

(12) Assess the use and effectiveness of existing interstate compacts to address groundwater protection from contamination.

(13) Analyze existing legal rights and remedies regarding contamination of groundwater.

(14) Assess the adequacy of existing standards for groundwater quality under State and Federal law.

(15) Assess monitoring methodologies of the States and the Federal Government to achieve the level of protection of the resource as required by State and Federal law.

(16) Assess the relationship between groundwater flow systems (and associated recharge areas) and the control of sources of contamination.

(17) Assess the role of underground injection practices as a means of disposing of waste fluids while protecting groundwater from contamination.

(18) Assess methods for abatement and containment of groundwater contamination and for aquifer restoration including the costs and benefits of alternatives to abatement and containment.

(19) Assess State and Federal groundwater law and mechanisms with which to manage the quality and quantity of the groundwater resource.

(20) Assess the adequacy of existing groundwater research and determine future groundwater research needs.

(21) Assess the roles of State, local, and Federal Governments in managing goundwater quality and quantity.

(c) MEMBERSHIP.—(1) The Commission shall be composed of seventeen members as follows:

(A) Four appointed by the Speaker of the United States House of Representatives from among the Members of the House of Representatives, two of whom shall be members of the Committee on Public Works and Transportation and two of whom shall be members of the Committee on Energy and Commerce;

(B) Four appointed by the majority leader of the United States Senate from among the Members of the United States Senate;

(C) Eight appointed by the President as follows:

(i) Four from among a list of nominations submitted to the President by the National Governors Association, two of whom shall be representatives of groundwater appropriation States and two of whom shall be representatives of groundwater riparian States;

(ii) One from among a list of nominations submitted to the President by the National League of Cities;

(iii) One from among a list of nominations submitted to the President by the National Academy of Sciences;

(iv) One from among a list of nominations submitted to the President by groups, organizations, or associations of industries the activities of which may affect groundwater; and

(v) One from among a list of nominations submitted to the President from groups, organizations, or associations of citizens which are representative of persons concerned with polution and environmental issues and which have participated, at the State or Federal level, in studies, administrative proceedings, or litigation (or any combination thereof) relating to groundwater; and

(D) the Director of the Office of Technology Assessment.

A vacancy in the Commission shall be filled in the manner in which the original appointment was made. Appointments may be made under this subsection without regard to section 5311(b) of title 5, United States Code. Not more than two of the four members appointed under subparagraph (A) and not more than two of the four members appointed under subparagraph (B) may be of the same political party. No member appointed under paragraph (C) may be an officer or employee of the Federal Government.

(2) If any member of the Commission who was appointed to the Commission as a Member of the Congress leaves that office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for not longer than the ninety-day period beginning on the date he leaves that office or becomes such an officer or employee, as the case may be.

(3) Members shall be appointed for the life of the Commission.

(4)(A) Except as provided in subparagraph (B), members of the Commission shall each be entitled (subject to appropriations provided in advance) to receive the daily equivalent of the maximum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission. While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistance, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5 of the United States Code.

(B) Members of the Commission who are Members of the Congress shall receive no additional pay, allowances, or benefits by reason of their service on the Commission.

(5) Five members of the Commission shall constitute a quorum but two may hold hearings.

(6) The Chairman of the Commission shall be appointed by the Speaker of the House of Representatives from among members appointed under paragraph (1)(A) of this subsection and the Vice Chairman of the Commission shall be appointed by the majority leader of the Senate from among members appointed under paragraph (1)(B) of this subsection. The Chairman and the Vice Chairman of the Commission shall serve for the life of the Commission unless they cease to be members of the Commission before the termination of the Commission.

(7) The Commission shall meet at the call of the Chairman or a majority of its members.

(d) DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.—(1) The Commission shall have a Director who shall be appointed by the Chairman, without regard to section 5311(b) of title 5, United States Code.

(2) The Chairman may appoint and fix the pay of such additional personnel as the Chairman considers appropriate.

(3) With the approval of the Commission, the Chairman may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code.

(4) The Commission shall request, and the Chief of Engineers and the Director of the Geological Survey are each authorized to detail, on a reimbursable basis, any of the personnel of their respective agencies to the Commission to assist it in carrying out its duties under this section. Upon request of the Commission, the head of any other Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under this section.

(e) POWERS OF COMMISSION.—(1) The Commission may, for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate.

(2) Any member or agent of the Commission may, if so authorized by the Commission, take any action which the Commission is authorized to take by this section.

(3) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(4) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(f) REPORT.—(1) The Commission shall transmit to the President and to each House of the Congress a report not later than October 30, 1985. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to each item listed in subsection (b), together with its recommendations for such legislation; and administrative actions, as it considers appropriate.

(2) Not later than one year after the enactment of this Act, the Commission shall complete a preliminary study concerning groundwater contamination from hazardous and other solid waste and submit to the President and to the Congress a report containing the findings and conclusions of such preliminary study. The study shall be con-

tinued thereafter, and final findings and conclusions shall be incorporated as a separate chapter in the report required under paragraph (1). The preliminary study shall include an analysis of the extent of groundwater contamination caused by hazardous and other solid waste, the regions and major water supplies most significantly affected by such contamination, and any recommendations of the Commission for preventive or remedial measures to protect human health and the environment from the effects of such contamination.

(g) TERMINATION.—The Commission shall cease to exist on October 30, 1985.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the fiscal years 1983 through 1985 not to exceed $7,000,000 to carry out this section.

PRESERVATION OF OTHER RIGHTS

SEC. 10. Section 7002(f) of the Solid Waste Disposal Act is amended by striking out "section" and substituting "Act".

SEC. 11. Section 1004(27) of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "The Administrator shall promulgate such regulations as may be necessary to protect human health and environment ensuring that the use, reuse, recycling, and reclamation of hazardous waste identified or listed under section 3001 is conducted in a manner consistent with such protection.".

SIZE OF CERTAIN FACILITIES

SEC. 12. (a) Section 4001 of the Solid Waste Disposal Act is amended by adding the following at the end thereof: "In developing such comprehensive plans, it is the intention of this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

(b) Section 4003 of such Act is amended by adding the following new subsection (c) at the end thereof:

"(c) SIZE OF WASTE-TO-ENERGY FACILITIES.—Notwithstanding any of the above requirements, it is the intention of this Act and the planning process developed pursuant to this Act that in determining the size of the waste-to-energy facility, adequate provision shall be given to the present and reasonably anticipated future needs of the recycling and resource recovery interest within the area encompassed by the planning process.".

DEMONSTRATION PROJECT

SEC. 13. Section 4008 of the Solid Waste Disposal Act is amended by adding the following new subsection at the end thereof:

"(h) RECYCLING INTERMEDIATE PROCESSING CENTER.—(1) The Administrator is authorized to make grants to local government authorities to construct demonstration recycling intermediate processing centers. Such grants may also be used for the acquisition of lands necessary for such centers, notwithstanding subsection (a)(2)(A).

"(2) Grants under this subsection may be made only to a local government unit which demonstrates a successful past experience in multimaterial curbside source separation programs at the municipal level. Grants under this subsection may be made only to a local government unit which has approved, and expressed its intention to carry out, a plan for a recycling intermediate processing center which—

"(A) is part of a county-wide recycling program that includes curbside collection of recyclable material and central processing at the intermediate processing center;

"(B) projects commencement of operation of the center not later than October 1983; and

"(C) projects the processing at such center of an annual total of not less than 21,000 tons of recyclable material within 3 years after commencement of operation.

"(3) No grant may be made under this subsection to the local government of any political subdivision having a population of less than 175,000 or greater than 225,000. Not more than $900,000 of the funds made available under subsection (a)(3)(C) may be used to make grants under this subsection.

"(4) Section 8004 shall not apply to any grants made pursuant to this subsection.".

Mr. FLORIO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. FLORIO. Mr. Chairman, I would at the outset publicly express my appreciation to all who have been involved in fashioning this compromise proposal.

The substitute makes several technical and substantive changes to H.R. 6307:

Regarding small generators, the bill explicitly modifies the administrative and managerial requirements for these generators prior to the actual disposal or treatment of the wastes. However, when wastes are taken to be treated or disposed of, the wastes must go to a proper hazardous waste facility, and not a sanitary landfill or municipal dump. For example, the maximum storage period for smaller generators is extended to 180 days from 90. This means that smaller generators would only be required to dispose of their wastes twice a year, but that it be done properly.

In addition, the provision as amended by the substitute would allow smaller generators to identify their wastes at the more general level of process identification rather than individual chemical structure. Thus, for a generator who knows or believes his waste to be hazardous, he could identify it at a more general level for purposes of labeling, manifesting and waste identification on the condition that it was subsequently handled, transported, and treated or disposed of as a hazardous waste. In short, the provision allows such a generator to make a presumption of hazardousness in lieu of actual testing. At the same time, the provision does not allow a waste to be presumed nonhazardous without testing or some previous demonstration. The generation is still responsible for correctly identifying whether a waste is hazardous, and for knowing whether they generate sufficient quantities and types of hazardous waste to come under the requirements of this provision.

Section 4 of the substitute incorporates the Public Works Committee amendment on the disposal of hazardous wastes into sewer systems.

Section 5 makes a number of technical changes to the underground injection prohibitions, and incorporates a requirement to impose restrictions on the land disposal of certain hazardous wastes as may be necessary to protect human health and the environment. This latter amendment embodies the approach of the LaFalce amendment, and is a much needed addition to the bill.

Section 6 is amended to require that only hazardous wastes listed or identified under the regulations will be considered for controls when burned in boilers. This section also requires that 12 months postenactment, and the Agency will concurrently publish a notification requirement for those who burn, blend, or distribute fuels containing hazardous wastes, and that such fuels be labeled so that consumers are aware of the hazardous waste content of any fuels they may be buying.

For purposes of this provision, the term "distribute and market as a fuel" is not intended to encompass those operations which only collect used oil and in turn sell that material to collectors for purposes of recycling, such as many service stations currently do. The bill is concerned with hazardous waste and used oil collection facilities and operations, as these types of facilities have been involved in the practice of blending, distributing, and marketing waste containing fuels. However, it is the committee's belief that service stations which only collect used oil have not been a major source of concern.

Similarly, for purposes of notification the Agency is given the discretion to not require notification from certain operators that produce, burn, distribute or market a fuel derived from or which contains hazardous wastes on the basis of the smaller size of the operation. For example, residential boilers should not have to notify. With regard to service stations, the Agency may want to include such operations in the class of facilities that are not required to notify, however, this determination is left to Agency discretion based upon its evaluation of the nature of hazardous waste management at service stations and the need for such information in developing a complete and accurate picture of fuel production, distribution and burning from hazardous wastes.

Material which is released during the process of re-refining or reclaiming used oil is not intended to be considered as "production of a fuel" for purposes of this provision.

Regarding the standards for the burning of hazardous wastes in boilers, the committee believes that these requirements could take the form of facility standards and/or fuel content standards.

Section 7 is amended to clarify that permits can be issued prior to the completion of required actions on the condition that compliance schedules and financial assurances for such actions are specified in the permit.

Substantial demands are and will be made on the superfund for remedial action at abandoned and inactive sites. It is imperative that active sites, which seek a final permit, conduct or initiate the necessary cleanup or containment action prior to final permit issuance wherever possible and thereby prevent the transfer of responsibility for such action to the superfund program.

Section 9 incorporates the Public Works and Energy and Commerce Committee amendments to the National Ground Water Commission.

Section 11 requires the Agency to promulgate standards for hazardous waste recycling practices as necessary to protect public health and the environment.

Section 12 emphasizes that in the solid waste planning process, adequate provision should be given to both resource recovery and recycling technologies, and that these decisions remain at the local level.

AMENDMENT OFFERED BY MR. GRAMM TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. GRAMM. Mr. Speaker, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GRAMM to the amendment in the nature of a substitute offered by Mr. FLORIO: Page 3, strike out line 22 and all that follows down through line 16 on page 7 and substitute:

The Administrator shall, not later than three years after the date of the enactment of the Resource Conservation and Recovery Reauthorization Act of 1982, complete a study and submit a report to the Congress concerning whether the provisions of regulations promulgated under this Act respecting hazardous waste generated by small generators in quantities of 1,000 kilograms or less per calendar month should be modified with respect to any class or category of hazardous waste.

"(2) The study required under this section shall include—

"(A) A profile of the generators, hazardous wastes, and waste management practices subject to such provisions;

"(B) an assessment of the hazards associated with such wastes and practices; and

"(C) an analysis of the regulatory alternatives to the exemption of such wastes from the standards under this subtitle, including an analysis of the cost-effectiveness of such alternatives.

"(3) At intervals of not more than one year, and not more than two years, after the date of the enactment of the Resource Conservation and Recovery Reauthorization Act of 1982, the Administrator shall submit an interim report to the Congress setting forth a detailed statement of the status of the study required under this subsection.".

Mr. GRAMM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

(By unanimous consent, Mr. GRAMM was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from Texas (Mr. GRAMM) is recognized for a total of 10 minutes.

Mr. GRAMM. Mr. Chairman, I would like first to begin by talking about how RCRA works today, about the cutoff in terms of the size of the generator.

I would like to talk about the restrictions imposed on the small generator under existing law and under existing regulations issued by the Environmental Protection Agency.

I would like to talk about the mountain of paperwork that they are currently exempt from under existing regulations at EPA.

I would like to talk about the confusion that exists concerning scientific data and its evaluation concerning the small generators, and I would like to argue for an amendment that sets up a study to get the facts before we begin the legislative process.

Currently under RCRA, we impose a mountain of regulations and redtape, and I believe rightly so, on those generators that produce more than 1,000 kilograms of hazardous waste a month. There are about 75,000 of those generators and, according to EPA, they generate about 99 percent of all the hazardous waste generated in the country.

Small generators that generate less than 1,000 kilograms per month are not burdened with the restrictions imposed under RCRA in terms of full reporting. It does not follow, however, that they do not face restrictions in the way that they dispose of hazardous wastes.

The existence of small and large generators, according to EPA, basically breaks down as follows:

Those that generate more than 1,000 kilograms a month make up about 9 percent of the total generators nationwide and they generate about 99 percent of the waste. Those that generate less than 1,000 kilograms per month compose about 91 percent of the generators and they generate about 1 percent of the waste.

Small generators are not exempt from regulations. Under existing procedures at EPA, they must determine if the waste they generate is classified as hazardous under RCRA. If the waste is so classified, they then must dispose of it either at an authorized hazardous waste management facility or at a facility approved by a State to receive municipal or industrial wastes.

□ 1445

Small generators are subject to penalties if they do not comply with existing regulations.

I think it is also important to note that we are talking about hazardous waste, not acutely hazardous waste. Under existing procedures, acutely hazardous waste under RCRA is regulated and the full RCRA requirements are imposed on anyone who generates more than 1 kilogram of acutely hazardous waste.

Finally, the small generator is currently subject to regulation by the States which have the power under RCRA and under EPA regulations to go far beyond those regulations imposed by EPA.

Now, what is the small generator exempt from if he is not exempt from regulations concerning the deposition of hazardous waste?

He is exempt from an avalanche of paperwork—paperwork from cradle to grave, a paper trail in multiple copies, all signed, all returned, all reported, all kept for at least 3 years; storage permits if he holds the waste for over 90 days, labeling, ID numbers, manifests, and logs.

Under the Carter administration, EPA considered whether to lower the cutoff point for RCRA compliance from 1,000 to 100 kilogram generations per month. They rejected that proposal at least until 1986 for two reasons: First, the enormous number of small generators in the country, and second, the costs that the restrictions would impose on small business.

I think it is important to note that EPA has the power to lower the exclusion to 100 kilograms per month if and when they find it feasible to do so. H.R. 6307, however, mandates that the administration take action that was not taken under the Carter administration and that has not been taken under the Reagan administration.

What our amendment to this substitute does is, quite simply, seek to get the facts. It seeks a study by the Environmental Protection Agency to generate a profile of those hazardous waste generators that produce between 1,000 and 100 kilograms per month. It seeks a study of their waste management practices under existing procedure. It seeks a study of the hazardous waste associated with those practices.

It asks for an analysis of regulatory alternatives to full RCRA or partial RCRA implementation. And finally, and I think most importantly, it mandates an analysis of the cost effectiveness of various alternatives.

It mandates that EPA report to the Congress at the end of 1 year, 2 years, and in a final study at the end of 3 years the results of this study and the answers to the questions posed in this substitute.

We do face genuine uncertainties. When the Office of Technology Assessment testified before the Florio subcommittee, they testified that 91 percent of small generators generated around 10 percent of the hazardous waste generated in the country. When they submitted their testimony in writing, they reduced that percentage to 6 percent. EPA concludes that the 91 percent currently exempt from RCRA generate less than 1 percent of the hazardous waste.

I would submit to this body that it behooves us, if we are going to impose regulations on hundreds of thousands of small businesses, that we do it knowing what the facts are; that we get data to allow us to determine: First, is there a problem; second, what the extent of the problem is; and third, what options we have in trying to deal with it.

I think it is also important to note that the Environmental Protection Agency supports the amendment that I offer with my colleague on the full committee, the gentleman from Virginia (Mr. BLILEY).

I read from a letter to the Honorable THOMAS P. O'NEILL, JR., dated August 1, from Mrs. Anne Gorsuch:

> The Environmental Protection Agency supports the amendment introduced by Representative Phil Gramm.
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> * * * * *
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> Mr. Gramm's substitute is a far more considered and careful approach to addressing the small quantity generator issue than section 3 of H.R. 6307. It would permit a careful assessment of what wastes from which small quantity generators should be regulated and how these wastes might best be controlled. It fits in well with the Agency's plans to analyze these issues in detail during the next few years.
>
> * * * * *
>
> Further abrupt and across-the-board regulation of a huge number of additional generators of hazardous waste is likely to encourage illegal disposal practices. The result could have a serious detrimental net impact on the environment.

Mr. Chairman, I think it is important to note that we are talking about a considerable amount of money in costs imposed on small business under the proposal made in H.R. 6307.

I have here a letter from the International Fabricators Institute, the trade association of the American dry cleaners, which indicates that their studies show that the full implementation of RCRA would impose a cost of $4,200 per laundry in the country, an amount roughly equivalent to the net profit after taxes earned by the family laundry last year.

I think it is also important, Mr. Chairman, to note that we are talking about support from American small business. We are not talking about an amendment that is going to benefit the petroleum industry or the chemical industry. We have had 72 trade, professional, and educational groups endorse this amendment, and I am not talking about just the Chamber of Commerce or the National Association of Manufacturers; I am talking about the American Hospital Association, the American Retail Federation, the Association of American Railroads, the Automobile Service Council, the Launderers, the American Association of Community and Junior Colleges, who would be affected and would bear the burden of costs from the adoption of H.R. 6307 unamended, the Association of Jesuit Colleges and Universities, the National Association of University and Land Grant Colleges, the National Odd Jobbers Council.

Mr. Chairman, we have proposed change in the amendment that is offered in the nature of a substitute. I have met with representatives of those groups who have endorsed my amendment. They do not believe that this substitute basically deals with the concerns of small business.

The CHAIRMAN. The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. GRAMM was allowed to proceed for 1 additional minute.)

Mr. GRAMM. Mr. Chairman, I believe that we have here a compromise between existing law and practice under the Carter administration and the Reagan administration and a proposal made by the committee. It is a compromise that proposes a study to get the facts and, on the basis of those facts, to have EPA either act on its own or be mandated to act by the Congress.

I ask my colleagues to vote for this amendment.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. FLORIO was allowed to proceed for an additional 5 minutes.)

The CHAIRMAN. The gentleman from New Jersey (Mr. FLORIO) is recognized for a total of 10 minutes.

Mr. FLORIO. Mr. Chairman, we have perhaps the most important element to date on this matter in this amendment.

The small generator loophole was the most serious deficiency in the existing RCRA system. Present EPA regulations, by the way, in opposition to the clear legislative language of the statute, have been drawn in such a way as to unequivocally exempt 92 percent of the Nation's hazardous waste generators from virtually all hazardous waste controls on the basis that they are small generators.

The net effect of this exemption is to explicitly allow generators of up to 2,200 pounds per month—that is, over a ton of hazardous waste per month—to dispose of their hazardous wastes into solid waste landfills or local dumps.

I distinguish between hazardous waste landfills and solid waste landfills that are not capable nor prepared to accept these types of materials.

These facilities are not designed to contain hazardous wastes, are incapable of protecting ground water supplies, and are the leading cause of the Nation's abandoned and leaking dumpsite problems.

According to EPA's own data, over 50 percent of the priority Superfund sites are such solid waste landfills or local dumps that have previously accepted hazardous waste materials.

The Office of Technology Assessment, the independent bipartisan arm of the Congress, estimates that this exemption allows up to 2.7 million tons, or 6 billion pounds per year of hazardous waste to be disposed of in sanitary solid waste landfills. This amount of waste is equivalent to 6.6 percent of the total waste stream in this Nation.

The Battelle Institute, a study that was also undertaken by EPA, has issued a similar estimate. They say it is 7 percent of the solid waste stream that goes under this exemption. The OTA report also states that "the scope and severity of the generation of hazardous wastes by small generators were greatly underestimated by the EPA."

While the gentleman from Texas emphasizes EPA's estimate, which has been criticized by OTA, is 1 percent of the national waste stream, the exact percentage, in my opinion, is irrelevant. Whatever percentage is put into the equation, we are still talking about billions of pounds of hazardous wastes potentially being put into our drinking water supplies.

Moreover, EPA in May of 1980 committed to a lowering of the small generator exemption based upon the very 1 percent estimate that the gentleman now refers to as the basis for his proposal of inaction.

The only thing that has really changed is EPA's policy on this very important issue. EPA now believes that the exemption is not a significant problem, despite the overwhelming additional evidence to the contrary.

EPA has even denied the waste disposal industry's petition to close this loophole. The agency also asserts that its previous study of the small generator exemption is sufficient, yet they support this amendment which does nothing more than to study the problem for an additional 3 years.

This is really a classic example of a calculated policy of inaction, groping around for a justification.

Earlier this year the public and the Congress were outraged, and appropri-

ately so, when EPA lifted the ban on the disposal of containerized liquid hazardous wastes into hazardous waste landfills, that is, landfills that are supposed to be prepared to accept those materials.

Other provisions of this legislation deal with needed restrictions on the types of wastes that can be placed into hazardous waste landfills. However, unless similar restrictions are placed on hazardous waste disposal at solid waste landfills, the environmental consequences will be disastrous. This is because 92 percent of the hazardous waste generators can now freely dispose, under this exemption, of their hazardous wastes at local dumps, which are totally unsuited for receiving this type of material.

Consider the irony of the following situation: The current small generator exemption of 12 tons per year translates roughly into a volume of 60 drums. If a nonexempt big generator were to dispose of a load of 60 drums into a sanitary solid waste landfill, there would be public outrage. However, if a small generator, as defined by EPA, disposed of 60 drums of the same material, it is legal, although the fact of the matter is that the harm to the environment would be indistinguishable.

In devising a remedy for this serious loophole, the committee examined the report and the recommendations of OTA and the policies of 20 individual States that have already restricted or totally eliminated the small generator exemption.

I am going to, for a specific purpose, read the list of the States: Arkansas, California, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Vermont, and Washington. Parenthetically, I note that the State of Texas Department of Health is on the verge of lowering its own small generator exemption, according to information that we have from the Association of State and Territorial Solid Waste Management Officials.

I took the time to read this list for a very important reason: I do not know how any Congressperson from any of those States can support the amendment of the gentleman from Texas and then go home to his constituents and say that "We in our State have removed this exemption.

□ 1500

But I voted against making this a national standard such that State X, which is immediately adjacent to us, allows these 12 tons per year to be dumped in their landfill, infiltrating into the aquifer that knows nothing about State boundaries, which is now polluting our water."

This is a totally indefensible position. In addition, the Ashland Chemical Co., is already operating a small generator and waste collection and treatment service in 34 of its 60 major markets, many of which are in States that already restrict this loophole.

Let me deal finally with one of the arguments that I know is superfically very persuasive, the question about small business and the impact on small business of removing this loophole. The argument is that this is somehow antismall business. That is pure nonsense. I would ask any of the Congresspersons from those States that have already taken this action if they have had a whole lot of small business people beating down their doors, prior to the initial consideration of H.R. 6307, saying that retail cleaners are going out of business, gasoline stations are going out of business, because these 20 States have already taken that action. The answer is, they have not.

The reasoning is, we are not talking about "mom and pop" retail operations generating 12 tons a month of dioxin, of PCB's, or phosgene, or phenol. We are not talking about small businesses, average neighborhood stores. We are talking about relatively large generators of these wastes. Now is the time to act on this matter, and not to sanction, as the gentleman's amendment would, a fourth study on this issue, one that would take 3 years to boot.

The committee provision steers a moderate course based upon the experience of the States by lowering the level of the exemption within a 2-year period to one-tenth of a ton per month, while reducing the administrative and managerial requirements prior to disposal.

I would strongly urge support of the bill as presented, and opposition to the amendment of the gentleman from Texas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman. I rise in support of the amendment. There are many provisions of this legislation that I believe serve important environmental needs, and the Committee on Energy and Commerce is to be complimented for supporting many improvements in the legislation. Unfortunately, the provision before us on small generators creates more problems than it solves. By agreeing to the Gramm amendment, we will be able to answer some of the remaining questions on the extent of this problem.

Others will discuss in greater length the difficulties the provision presents to thousands of small retail and service establishments across the country. There will also be discussion, with widely differing claims by opponents and proponents of the provision, of the volumes of material involved. In fact, the potential problems with the existing provision were discussed in the report of the Committee on Public Works and Transportation. Although not an issue we could act on within the scope of our referral, the difficulties with the provision that came out during the public works hearings were important enough to be detailed in the report.

I would like to make just a couple of related points. First, the goal of this legislation is to protect the health of the American people and prevent abuse of waste disposal practices. The Committee on Energy and Commerce is to be commended for their efforts toward this goal. Everything reasonable should be done to go after the illegal dumper and those disposing of large volumes of material. The provision on small generators diverts us from this effort. We are all too aware of the fiscal limitations of the Federal Government, local and State governments, as well as private industry and the public. Let us put forth the funds and effort toward the major and illicit pollutors, rather than spending limited resources on creating additional bureaucratic redtape for the small businessman.

Second, there is still disagreement over the scope of the problem. There are claims that small generators may contribute anywhere from 1 to 10 percent of hazardous waste. When there is such a wide range of uncertainty, and so many thousands of companies affected, we had better make sure. The Gramm amendment does exactly this, by directing EPA to study and report on the scope of the problem and means for addressing it.

I want to close by again complimenting the Committee on Energy and Commerce for being willing to modify several provisions to improve the legislation. This small generator provision deserves similar modification. The changes made in the substitute offered today do not address the problem as well as the amendment. With the Gramm amendment language, I believe the legislation goes a long way toward meeting the Nation's environmental protection needs by improving the existing legislation without creating new bureaucratic complexities.

Ms. MIKULSKI. Mr. Chairman, I move to strike the requisite number of words, and I rise to speak against the amendment.

Mr. Chairman, I rise in opposition to the Gramm amendment. During the district work period, I used that opportunity to go into my congressional district and to talk to small generators. I visited an industrial laundry employing 100 minority personnel, jobs that we want to save and keep in our community. I went to another small gener-

ator in my district that processes metal finishings, again an employer of 50 or 60 people, many of them women and other minorities, status people. There are jobs that both my mayor and I want to keep.

They raised substantial questions in terms of the disposal of hazardous and toxic wastes as contained in our original proposal, but the arguments that they raised about their own concerns I believe have been dealt with in the Florio substitute: The reduction of paperwork, the different form of storage, the whole range of other items that the chairman of the committee has outlined I believe substantially reduces their concerns.

However, one of the things that emerged, whether one talks to the community or whether one talks to the businessmen and women involved, was an issue that they want legislation on this matter now. They tell me they cannot organize themselves and make the appropriate investments or even seek those kinds of mechanisms if they do not know what the rules of the game are; whether it is the community that is affected by the potential of hazardous waste or the businessperson who wants to be a good corporate citizen, they want to know what the rules of the game are and they do not need another EPA study.

Right down the street from one of the manufacturers of hazardous and toxic wastes was a little landfill called Monument Street Landfill. It is in my district, and it has been used to improperly dispose of hazardous and toxic wastes. Much of the material that we are concerned with has come from small generators. These are called small generators; they have been unnoticed, unmonitored, and unregulated, and have caused in my own community substantial concern about pollution and poison, so much so that the people of that community organized to take their case to the Governor of the State of Maryland in order to have some type of resolution done. Because of the accumulation of the disposal of small generation we know might constitute a danger in that community, and if the studies indicate what we fear, we might even have to apply to Superfund for it, not because there is one big dirty that dumped in Monument Street, but because there were a lot of little dirties over a number of years. They have said to the people of the community, "Don't worry, it won't hurt a little bit."

Now, we are afraid it is going to hurt a lot. Rather than be engaged in Superfund cleanup, I believe that an ounce of prevention here and now in the regulation of the small generator issue will save us a lot of heartbreak and community concern in the future.

Mr. SEIBERLING. Mr. Chairman, will the gentlewoman yield?

Ms. MIKULSKI. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Chairman, I certainly support what the gentlewoman has just said. During the recess a small generator of toxic waste in my district, who had gone bankrupt, sold some of the facilities that he had. The people who bought some of these facilities decided to open up a tank and find out what was in it. They turned one valve, and the fumes that came out nearly knocked them out. They managed to get away, but a toxic cloud of such magnitude ensued that the police had to evacuate 20 city blocks of a residential area.

□ 1510

Afterward when the toxic gas cloud had been dissipated by the wind so the people could come back to their homes the authorities found almost a hundred barrels of various types of toxic waste that had been accumulated over a period of time and stored on this man's property. EPA granted $50,000 in Superfund money to help clean it up because the generator was bankrupt and the city had no funds for that purpose.

The 100 kilograms of waste of some degree of toxicity might be enough to poison a whole city. So even the 100-kilogram limit is a compromise.

Mr. Chairman, I strongly commend the gentleman for introducing this 100-kilogram limit, and I concur in the statement the gentlewoman from Maryland (Ms. MIKULSKI) has just made.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, there have been statements made to the effect that the bill before us merely fine tunes the basic RCRA law and that it represents a "delicate balance" between environmental and economic interests. That is simply not true. The bills as reported represent a major and even radical departure from the original act and from common respect for administrative and judicial decisions. In many ways it turns back the clock on the kind of reasonable regulatory reform that many of us have been working so hard to achieve.

We should recognize that the carefully crafted regulations which would be totally overturned without the pending amendment were not written by the much-maligned Reagan EPA, but by the Carter EPA which some of our colleagues hold up as a shining example of environmental sensitivity and concern.

The chairman of the subcommittee reporting the bill has charged that the EPA has now abandoned a commitment to regulate small generators within 2 to 5 years. Yet I have a copy of a letter from the EPA Assistant Administrator to the Speaker stating the Agency's intention to come up with a regulatory scheme for small generators within 3 years. Those plans fit very well with the pending amendments as offered by my colleague from Texas and myself.

So the question before us is whether we are to put the EPA in a legislative straitjacket or whether we are going to let reason and normal procedure prevail to come up with a workable approach to the problem of regulating small generators of hazardous waste.

If section 3 passes in its present form, a regulatory scheme designed for large manufacturers would be inflexibly applied to thousands of smaller businesses in vastly different circumstances. By any account, most of the waste generated is now fully regulated. The EPA says 99 percent, the OTA says 93.4 percent in their preliminary study. That is an important difference, but we need to nail it down to see the magitude of the problem. Our amendment would allow us to do that while continuing to regulate far over 90 percent of all hazardous wastes.

What kinds of effects would section 3 have if passed? According to the EPA 130,000 small businesses would be added to the program, tripling its present work load. Some proponents of section 3 have claimed that 700,000 businesses would be added. It is hard to believe that the supporters of a clean environment would choose to divert the EPA's resources from the 60,000 companies that produce over 90 percent of our waste to 10 times as many who cause less that one-twentieth of the problem.

EPA estimates that the businesses and groups that would be affected include: 56,000 gas stations, 14,000 auto repair garages, 6,000 dry cleaners and 2,000 hospitals as well as most high schools and virtually every college and university in the Nation.

Several of the Members of this body from time to time express a concern for small businesses. Well, there is nothing worse you could do for a small business than to add a minimum of $3,000 every year to their costs, yet that is what section 3 would do.

Finally, some proponents of section 3 have raised concerns about small quantities of toxic wastes. Yet the EPA already has a 1-kilogram limit for highly toxic wastes. I even read about threats of Kepone dumping in open landfills. Well, let me assure my colleagues speaking from the State that made Kepone a household word, it is no longer manufactured in the United States and its use has been banned for many years.

In short, section 3 represents a bludgeon approach against untold numbers of small businessmen and schools to solve a problem the magnitude of which we are not certain, but

which, certainly, could be addressed in a more humane and cost-effective way.

I urge my colleagues to support the pending amendment.

Mr. MOLINARI. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the Gramm amendment.

Mr. Chairman, I had not planned to get up and speak today, but I sat here throughout the debate listening to those who spoke for and against the various amendments, and it brought me back to about a month or so ago to a hearing that was held in New York City by the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

At that hearing, Mr. Chairman, the General Accounting Office was asked to estimate how many illegal toxic dumps there might be in this country, and the answer was 50,000. Now, if that answer is anywhere close to a ball park figure, if we were to appropriate all the money that we spend on defense each year, we would not have enough money to clean up the mess—the dangerous mess, I might add—that is occurring in this country.

We are not going to cure this problem by having more studies. We in this House are going to have to look at this problem seriously, knowing that almost every neighborhood in this country in almost every congressional district is being impacted by illegal toxic dumps that are poisoning the people and perhaps even taking the lives of many of our citizens.

So when we have on one hand the question of paperwork that is being created by the amendment offered by the gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT) and, on the other hand, the serious question of public health, I think the decision is easy.

I do not want to see the matter studied any more, Mr. Chairman. I think it has been studied enough. I think we have to stop the dumping that is going on. I think the initial bill, with the amendment offered by the gentleman from New Jersey (Mr. FLORIO) and the gentleman from New York (Mr. LENT) will do the job, and I urge my colleagues to oppose the Gramm amendment.

Mr. FLORIO. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

The CHAIRMAN. Without objection, the gentleman from New Jersey (Mr. FLORIO) is recognized.

There was no objection.

Mr. FLORIO. Mr. Chairman, I rise just to correct a few of the points that have been made. One is the question, to put it in perspective, of the small quantity generator. We are talking about 12 tons a year qualifying as a small quantity generator by which someone is able to just randomly dump into a solid waste landfill, and that goes effectively unregulated. I think that is a serious point.

The question was asked, and the point was raised by one of the supporters of the Gramm amendment that we are talking about imposing upon the smaller people the full scope of RCRA regulations. We are not. We are specifically directing EPA to put together a second tier of regulations designed to take into account the unique problems associated with generating smaller amounts.

What we are saying is that they cannot dump it anywhere, but EPA has the discretion to come up with a lesser regulatory system. The provision in the bill is clear and unequivocal on this point. EPA has stated that that is what they committed to do prior to their change of policy.

I think it is also important to note that I heard someone say that by passage of this provision, that is, by nonpassage of the Gramm amendment, we are encouraging illegal dumping. I find this both specious and disingenious because what is happening now is that the equivalent of midnight dumping is taking place under full regulatory sanction. It is legal but inappropriate; it is legal but hazardous to the environment and the public health, and, therefore, we are going to try to prohibit that.

Does that make it illegal? I suppose, yes; it does.

□ 1520

But if you follow the logic of the proposal or suggestion about illegal dumping you might conclude that if we did not have a law against murder and we passed a law against murder one would say by virtue of passing that law we have converted ordinary citizens into lawbreakers; therefore, we should not have the law and we would have no lawbreakers.

I suppose we could get rid of crime by just repealing all of the criminal statutes and then we would have no violations of the Criminal Code.

I am stating that this is a serious environmental health problem. We are talking about massive amounts of waste. When you are talking about a few billion pounds versus a multiple of a billion pounds going into drinking water supplies, you are talking about a serious problem, a serious loophole that should be plugged.

Therefore I ask that we reject the Gramm amendment and go forward trying to plug these loopholes.

It is important to note that this country generates close to 100 million tons of hazardous wastes and 40 million tons of hazardous waste is regulated. About 40 million tons of hazardous wastes per year go through these loopholes. It is not regulated and is just scattered across the country.

This cannot continue.

Mrs. SCHNEIDER. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I yield to the gentlewoman from Rhode Island.

Mrs. SCHNEIDER. I would just like to point out in the State I represent, the State of Rhode Island, we have no exemptions whatsoever for any amount of hazardous waste that is generated. Yet my district is the home of numerous small jewelry industries and chemical manufacturing plants.

We have a situation in the State of Rhode Island where we have the State department of environmental management implementing these laws and industry working hand in hand because industry has come to realize that it is only by following the laws of disposing of hazardous wastes that we are able to protect: No. 1, the jobs within our State and, No. 2, the public health.

So we have an example that is already working which is the kind of example that I think lends credence to the gentleman's argument.

Mr. FLORIO. I thank the gentlewoman for that contribution. I think it is very important that she be in a position, and I know she is, to verify the fact that even though you go far beyond what EPA has done, we do not have dry cleaners closing, we do not have gas stations going out of business. All of these horror stories that are being talked about are merely the figments of someone's imagination.

I thank the gentlewoman and would like to insert in the RECORD at this time a factsheet on the "small generator" issue, and a partial list of the bill's endorsers.

"SMALL GENERATOR" FACTSHEET

PROBLEM

Present EPA regulations exempt so called "small generators" from virtually all requirements to properly manage and dispose of their wastes. A "small generator" is defined as anyone who generates up to one ton (100 kilograms) per month. 700,000 or 92% of the hazardous waste generators in the country presently qualify for this exemption (45 FR 33120).

This exemption means that 92% of the generators are not required to manifest their waste, keep any records, and most importantly are specifically allowed to dispose of their hazardous wastes at solid waste landfills and municipal dumps. These landfills and dumps are frequently nothing more than open pits which are incapable of containing hazardous wastes (particularly solvents). They have none of the design and monitoring safeguards for the protection of groundwater as would be found at a hazardous waste treatment or disposal facility.

In fact, according to EPA's own data submitted to the Congress, a majority of the priority sites that have been identified for cleanup under the "Superfund" program are solid waste facilities or municipal dumps that accepted hazardous wastes.

The Office of Technology Assessment (OTA), an independent, bi-partisan arm of the Congress, estimates that this exemption allows up to 2.7 million tons (6.0 billion

pounds) of hazardous waste to be disposed of into sanitary landfills. This volume of waste is equal to 6.6% of the national hazardous waste stream.

REMEDY

The bill and its clarifying floor amendment will: lower the exemption level from one ton/month (1,000 kilograms) to one-tenth of that amount (100 kilograms); extend the provision's effective date to two years after enactment of the bill and concurrently provide self-implementing variances from administrative and managerial requirements prior to disposal; (i.e., extend the permissible storage period so that these generators could dispose of their hazardous waste only twice a year) and require that such generators dispose of their hazardous wastes at hazardous waste treatment or disposal facilities, not solid waste facilities or municipal dumps.

BASIS FOR COMMITTEE APPROACH

20 States had undertaken similar, or more stringent action to restrict this loophole including: Arkansas, California, Guam, Illinois, Indiana, Kansas, Louisiana, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Rhode Island, South Carolina, Vermont, and Washington.

In May, 1980 the EPA committed to reduce the exemption to 100 kilograms/month, the level sought by the provision. Moreover, EPA's commitment was based on its estimates that the volume of exempt wastes amounted to 1 percent of the national waste stream (45 FR 33103).

The OTA Report concluded that, "the scope and severity of the generation of hazardous wastes from small generators were greatly underestimated by the EPA." OTA goes on to recommend the precise remedy that is contained in H.R. 6307.

ENDORSERS

The following is a partial list of the associations and firms that endorse H.R. 6307 in its entirety or support the provisions of stated interest to them:

American Association of University Women.
American Public Health Association.
Association of Petroleum Rerefiners.
Association of State and Territorial Solid Waste.
Management Officials.
Association of State and Territorial Health Officials.
At-Sea-Incineration, Inc.
Audubon Society.
California Oil Recyclers, Inc.
Center for Urban Environmental Studies.
Chesapeake Bay Foundation.
Chicago and Suburban Refuse Disposal Association.
Citizens Clearinghouse for Hazardous Waste Information.
Coalition for Safe Waste (Boston, Massachusetts)
Colorado Greenpeace.
Concerned Citizens of Pennsylvania.
Connecticut Citizens Action Group.
Conservation Council of North Carolina.
EMPAC, Inc. (Texas).
Envirite, Inc. (Connecticut, Pennsylvania, Ohio, Illinois).
Environmental Action Foundation.
Environmental Defense Fund.
Environmental Information Center (Winter Park, Florida).
Environmental Policy Center.
Environmental Waste Removal (Connecticut).
The Fertilizer Institute.
Flowen Oil Recycling (Camden, New Jersey).
Garden State Paper Company, Inc.
Governmental Refuse Collection and Disposal Association.
Hazardous Waste Treatment Council.
Interstate Natural Gas Association.
Institute for Chemical Waste Management (NSWMA)
IT Corporation.
League of Cities.
League of Women Voters.
Legal-Environmental Assistance Foundation (Alabama, Tennessee, Florida).
Massachusetts Fair Share.
Michigan United Conservation Clubs.
National Association of Attorneys General.
National Association of Counties.
National Association of Oil Recycling Coordinators.
National Conference of Mayors.
National Solid Waste Management Association including the State chapters of Colorado, Indiana, Kentucky, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Texas and Virginia.
National Wildlife Federation.
Natural Resources Defense Council.
Oil, Chemical and Atomic Workers Union.
Petrcon, Inc.
SCA Services, Inc.
Solid Tec, Inc. (Georgia).
Stablex Corporation.
Tennessee Environmental Council.
Tri-Country Alliance on Chemicals (Pittsboro, N.C.).
Urban Environment Conference.
Voting Ohioans Initiating a Clean Environment.

Mrs. SCHNEIDER. Mr. Chairman, I rise in strong support of H.R. 6307 and in opposition to all weakening amendments. Rhode Islanders are acutely sensitive to the threat that hazardous wastes pose to the public health, and with good reason—our State has the unfortunate distinction of having 3 of the 114 worst dumpsites in the Nation.

The Resource Conservation and Recovery Act was established to protect the public safety by regulating the generation, transportation, and storage of hazardous wastes. H.R. 6307 would strengthen the act and help us make hazardous dumpsites—threatening our neighborhoods and destroying valuable residential property—a thing of the past.

I would particularly like to express my support of the provision in H.R. 6307 that would extend RCRA safety standards to companies generating between 200 and 2,000 pounds of hazardous wastes per month, which are now exempt under current law. I know that some have argued that small businesses would be subjected to an unreasonable burden of regulation by this requirement. I would ask that Members consider three points.

First, H.R. 6307 reduces the reporting burden for small businesses by allowing them to batch hazardous wastes for twice a year disposal. This is a reasonable compromise worked out by members of the committee, and it deserves our support.

Second, Members may be interested to know that my State of Rhode Island provides no exemption whatsoever from regulation for any amount of hazardous wastes. Whether you generate 10 pounds or 1,000, under Rhode Island law you are liable for the safe handling and disposal of hazardous wastes.

Has this forced our small businesses to shut down, or at least driven them out of the State? In fact, it has had no such effect.

Rhode Island is home to hundreds of small jewelry manufacturers and to large and small chemical processing firms. Both industries, which provide valuable employment in our State, have developed a positive working relationship with Rhode Island's Department of Environmental Managment. In fact, the State reports no complaints. It seems that both industries are working responsibly under State laws to control a problem that everybody in Rhode Island—no matter where they are employed—recognizes as serious.

Finally, although the amount of hazardous waste that would be covered by the new requirement in H.R. 6307 may seem small—somewhere between 1 percent and 7 percent of the total volume, depending on whose statistics you care to believe—the consequences of exempting that volume of waste from any regulation can be very serious. After all, it only takes a few irresponsible individuals to create a dump site dangerous to the public's health, and requiring the expenditure of millions of dollars for decontamination. Existing law, without the modification proposed by H.R. 6307, would exempt up to 6 billion pounds of hazardous waste from any effective Federal regulation. Can we really afford a loophole of that size when the public's health is at stake? I hope not.

Two amendments that will be offered to H.R. 6307 today deserve special notice. The first would increase the criminal penalties for the violation of statutes pertaining to the safe handling and disposal of hazardous wastes. I strongly urge the adoption of this amendment. If the criminals who play with the public's health for profit do not think we are serious about cracking down on hazardous waste violations, it is time they learned.

The second amendment would make it virtually impossible for States, cities, and private citizens to sue the EPA for nonenforcement of hazardous waste statutes. This amendment needlessly restricts the individual's and State's rights, and deserves to be defeated. If a citizen or State contends that an agency is trying to sabotage a law through administrative means, the courts should be available to resolve the dispute. That is a basic right that we should be protecting, not trying to weaken.

I ask my colleagues to support H.R. 6307, and to reject all weakening amendments.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words and rise in support of the amendment.

Mr. Chairman, there have been arguments already made here with respect to the economic impact that these proposed changes in law are going to have on these small generators. I will not argue that fact at this time.

Most of these generators are small businesses, schools, dry cleaners, hospitals, retailers, gasoline stations, and so forth.

I must concede that bringing them under RCRA is going to mean a tremendous economic hardship. It is going to mean time-consuming paper work requirements, sophisticated testing procedures and so forth.

But I want to talk for just a moment, if I could, about the problem that this is going to bring to the agency itself that has been charged with the responsibility and the duty of regulating under the law.

The Environmental Protection Agency in a letter to Members of Congress has said that the lowering of the small generator exclusion to 100 kilograms per month would substantially dilute its efforts to insure that waste produced by large generators is handled and disposed of properly.

I do not think that is what we want to occur as a result of the amendments that are being considered here today. We must face the fact that the large generators account for 95 percent-plus of the hazardous waste generated annually in this country.

When we consider that fact then this statement by the EPA is not a statement that we would dismiss lightly.

The gentleman from New Jersey was talking about the argument that was made about this amendment passing and thus encouraging illegal disposal practices. I think what the gentleman was referring to who made that argument is that we are going to be giving the EPA such a tremendous regulatory burden that many of the activities here are going to escape whatever regulatory scheme the EPA may come up with.

What the gentleman from Texas (Mr. GRAMM) is suggesting is a more constructive and sensible way to approach this small generator problem, and that is let us step back from it for just a moderate period of time and let us take a look at it; let us study and determine the feasibility and the methods of regulating these small generators.

He would require a report to Congress on this study prior to the issuing of standards.

I might point out in conclusion, Mr. Chairman, that the EPA already has the authority to regulate under the law these small generators. They have not chosen to do so.

I might point out that should the EPA choose under the Administrative Procedures Act to regulate small generators, it would seem to me that the small generators at least would have more ample opportunity to come forward in a rulemaking process, to be heard, to state their side of the case as to how such a regulatory scheme should be designed and to bring whatever knowledge they have to bear on the particular problem.

It seems to me that would be a far better way to approach this problem than the language that is in the bill. That is why I support the amendment offered by the gentleman from Texas (Mr. GRAMM).

Mr. IRELAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Texas (Mr. GRAMM), and would like to associate myself with the remarks of the gentleman from North Carolina (Mr. BROYHILL), who just spoke.

The small business community is overburdened by regulation. If there is a problem here, we need to take a look at it and study it.

As a very strong exponent of the small business community I would indicate one more time that the small business community had little or no opportunity to express itself in regard to this matter.

We support the amendment offered by the gentleman from Texas (Mr. GRAMM). We will have a considerable opportunity to study the issue and treat it in the way that it should be treated.

Mr. GRAMM. Mr. Chairman, will the gentleman yield?

Mr. IRELAND. I would indeed.

Mr. GRAMM. I thank my colleague from Florida for yielding.

I would like to answer two points that have been raised in the debate.

First is the point about State action, that somehow if one's State has taken or contemplates taking action to set different standards for that State than the Nation mandates, that somehow that binds the Member of Congress in question to vote for imposing the State standards as Federal standards. That is a fallacious argument. I reject that argument and, quite frankly, I, too, have done a survey of the States which have imposed restrictions beyond the national standard. Exactly what one would expect to be the case is the case.

Most States that have in fact set more stringent standards have done so to meet specific State needs and in the process have carefully crafted exemptions which vary greatly from State to State.

Second, the points raised about the deserted dump site in Ohio and the question raised about illegal dump sites are interesting but irrelevant.

□ 1530

What we are talking about here is how we are going to deal with waste generated by laundries, by filling stations, by colleges, and by garages, and whether or not we are going to put on them the very heavy burden of RCRA. That is the issue, and it has nothing to do with existing waste sites that came into existence in the past, before RCRA was ever law, and now pose problems which we are trying to clean up.

Mr. IRELAND. I thank the gentleman for his comments.

Mr. Chairman, I would conclude by urging the adoption of the amendment offered by the gentleman from Texas (Mr. GRAMM).

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. GRAMM) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO).

The question was taken; and on a division (demanded by Mr. GRAMM) there were—ayes 11, noes 13.

Mr. GRAMM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call.

Mr. GRAMM. Mr. Chairman, I ask unanimous consent that I might demand a recorded vote.

The CHAIRMAN. The Chair will advise the gentleman that his request comes too late.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 307]

Akaka	Benedict	Broomfield
Albosta	Bennett	Brown (CA)
Anderson	Bereuter	Brown (CO)
Andrews	Bethune	Broyhill
Annunzio	Bingham	Burgener
Applegate	Bliley	Burton, Phillip
Archer	Boggs	Byron
Ashbrook	Boland	Campbell
AuCoin	Boner	Carman
Badham	Bonior	Carney
Bailey (MO)	Bouquard	Chisholm
Bailey (PA)	Bowen	Clausen
Barnes	Brinkley	Clay
Bedell	Brodhead	Clinger
Beilenson	Brooks	Coats

Coelho
Coleman
Collins (IL)
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Crane, Daniel
Crockett
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Daub
Dellums
DeNardis
Derwinski
Dickinson
Dicks
Dingell
Dixon
Dorgan
Dornan
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Emery
English
Erdahl
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Fish
Fithian
Flippo
Florio
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Fuqua
Gaydos
Gejdenson
Gilman
Gingrich
Ginn
Gonzalez
Goodling
Gore
Gradison
Gramm
Green
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Holt
Hopkins
Horton
Howard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
LeBoutillier
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Madigan
Markey
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Ottinger
Oxley
Panetta
Parris
Patman
Patterson
Paul
Pease
Perkins
Petri
Porter
Price
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (SD)
Robinson
Roe
Roemer
Rogers
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Russo
Savage
Schneider
Schroeder
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Staton
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weber (MN)
Weber (OH)
Whitley
Whitten
Williams (OH)
Wirth
Wolf
Wolpe
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zeferetti

□ 1540

The CHAIRMAN. Three hundred nineteen Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas (Mr. GRAMM) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind the Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 183, answered "present" 1, not voting 100, as follows:

[Roll No. 308]

AYES—148

Anderson
Applegate
Archer
Ashbrook
Badham
Bailey (MO)
Benedict
Bennett
Bereuter
Bethune
Bliley
Boggs
Bouquard
Bowen
Brinkley
Broomfield
Brown (CO)
Broyhill
Burgener
Byron
Campbell
Carman
Carney
Clinger
Corcoran
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Derwinski
Dickinson
Dornan
Dreier
Duncan
Dunn
Dyson
Edwards (AL)
Edwards (OK)
Emerson
English
Erdahl
Fiedler
Fields
Flippo
Forsythe
Fountain
Frenzel
Fuqua
Gradison
Gramm
Gunderson
Hagedorn
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (UT)
Hartnett
Hatcher
Hefner
Hightower
Holt
Hopkins
Huckaby
Hunter
Hutto
Hyde
Ireland
Johnston
Jones (NC)
Jones (OK)
Kazen
Kindness
Kramer
Lagomarsino
Latta
Leath
LeBoutillier
Lewis
Livingston
Loeffler
Long (LA)
Lott
Lowery (CA)
Lujan
Lundine
Lungren
Martin (NC)
McClory
McCollum
McCurdy
McDonald
McEwen
McGrath
Michel
Miller (OH)
Mollohan
Montgomery
Moore
Moorhead
Morrison
Myers
Nichols
O'Brien
Oxley
Parris
Patman
Paul
Petri
Quillen
Rahall
Rhodes
Ritter
Roberts (SD)
Robinson
Roemer
Rogers
Roth
Rousselot
Sensenbrenner
Shaw
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (OR)
Snyder
Spence
Stangeland
Stanton
Staton
Stenholm
Tauke
Tauzin
Taylor
Thomas
Vander Jagt
Volkmer
Walker
Wampler
Watkins
Whitley
Whitten
Wolf
Young (FL)
Young (MO)

NOES—183

Akaka
Albosta
Alexander
Andrews
Annunzio
Aspin
AuCoin
Bailey (PA)
Barnes
Bedell
Beilenson
Bingham
Boland
Bolling
Boner
Bonior
Brodhead
Brooks
Brown (CA)
Burton, Phillip
Chisholm
Clausen
Clay
Coats
Coelho
Coleman
Collins (IL)
Conte
Coughlin
Courter
Coyne, William
Crockett
D'Amours
Daschle
Deckard
Dellums
DeNardis
Dicks
Dingell
Dixon
Dorgan
Dowdy
Downey
Dwyer
Dymally
Eckart
Edgar
Edwards (CA)
Emery
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fish
Fithian
Florio
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Gaydos
Gejdenson
Gilman
Gingrich
Ginn
Gonzalez
Goodling
Gore
Green
Guarini
Hall (OH)
Hamilton
Harkin
Hawkins
Heckler
Heftel
Hertel
Hiler
Hillis
Hollenbeck
Horton
Howard
Hoyer
Hughes
Jacobs
Jeffords
Jones (TN)
Kastenmeier
Kemp
Kennelly
Kildee
LaFalce
Lantos
Leach
Lent
Levitas
Long (MD)
Lowry (WA)
Luken
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mazzoli
McDade
McHugh
McKinney
Mikulski
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mottl
Murphy
Murtha
Natcher
Neal
Nelson
Nowak
Oakar
Obey
Ottinger
Panetta
Patterson
Pease
Perkins
Porter
Price
Railsback
Rangel
Ratchford
Regula
Reuss
Roe
Rose
Rosenthal
Rostenkowski
Roukema
Roybal
Russo
Savage
Scheuer
Schneider
Schroeder
Seiberling
Shamansky
Shannon
Sharp
Simon
Smith (NJ)
Smith (PA)
Snowe
Solarz
St Germain
Stark
Stokes
Stratton
Studds
Swift
Synar
Traxler
Walgren
Waxman
Weber (MN)
Weber (OH)
Williams (MT)
Williams (OH)
Wirth
Wolpe
Wyden
Wylie
Yates
Yatron
Zeferetti

ANSWERED "PRESENT"—1

Coyne, James

NOT VOTING—100

Addabbo
Anthony
Atkinson
Bafalis
Barnard
Beard
Bevill
Biaggi
Blanchard
Bonker
Breaux
Brown (OH)
Burton, John
Butler
Chappell
Chappie
Cheney
Collins (TX)
Conable
Conyers
Craig
Crane, Philip
Davis
de la Garza
Derrick
Donnelly
Dougherty
Early
Erlenborn
Ertel
Evans (GA)
Findley
Foglietta
Garcia
Gephardt
Gibbons
Glickman
Goldwater
Gray
Gregg
Grisham
Hance
Hansen (ID)
Hendon
Holland
Hubbard
Jeffries
Jenkins
Kogovsek
Lee
Lehman
Leland
Marks
Marlenee
Marriott
Mattox
Mavroules
McCloskey
Mica
Miller (CA)
Mitchell (MD)
Moffett
Napier
Nelligan
Oberstar
Pashayan
Pepper
Peyser
Pickle
Pritchard
Pursell
Rinaldo
Roberts (KS)
Rodino
Rudd
Sabo
Santini
Sawyer
Schulze
Schumer
Shelby
Shumway
Smith (IA)
Solomon
Stump
Trible
Udall
Vento
Washington
Weaver
Weiss
White
Whitehurst
Whittaker
Wilson
Winn
Wortley
Wright
Young (AK)
Zablocki

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Kogovsek for, with Mr. Pepper against.

Mr. Chappie for, with Mr. Rodino against.

Mr. Rudd for, with Mr. Addabbo against.
Mr. Hendon for, with Mr. Weiss against.
Mr. Philip M. Crane for, with Mr. Schumer against.
Mr. Goldwater for, with Mr. Moffett against.
Mr. Craig for, with Mr. Foglietta against.
Mr. Cheney for, with Mr. Gray against.

Mr. CARMAN changed his vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DANNEMEYER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER to the amendment in the nature of a substitute offered by Mr. FLORIO: Page 30, strike out lines 7 through 10.

Mr. DANNEMEYER. Mr. Chairman, to get an appreciation for the amendment now pending, it would be helpful, I think, for us to talk a little about how the law of nuisance, the common law of nuisance, developed in our country during its 200-plus years of history.

The law of nuisance says that you cannot use your property in such a way so as to interfere with your neighbor on his own land.

□ 1600

The 50 States of the Union, through their own State court proceedings have developed this common law of nuisance. This is to be constrasted with the so-called Federal law of nuisance. Any lawyer in this Chamber will immediately recognize this case from law school: Erie Railroad against Tompkins, decided by the Supreme Court in 1938, established as a principle that there is no such thing as a Federal common law in this country; that we have State laws dealing with nuisance, but no Federal common law.

This distinction is important in understanding the amer dment that I am now describing to the Committee. In 1976, Congress adopted the predecessor to the authorization bill that is now pending before the Committee dealing with hazardous wastes, and properly so.

We set forth in over a thousand pages a systematic method of dealing with the disposal of hazardous wastes by the 60,000 polluters in this country to which it is applicable. If you are in the business of disposing of waste, the one thing you want to know with certainty in the law is what you must do. Why? Because it is not going to be very profitable for your business if, after investing in the means of disposing of waste, the ground rules are changed. It just is not fair. This concept of fairness is at the foundation of the reason why I am offering this amendment because it says very simply that in the enforcement of this area of the law, the ground rules will come from the Federal law which we have adopted, the 1,000 pages plus, and the regulations adopted, by the EPA, and we will permit recourse, in addition, to the Federal law, a so-called Federal common law of nuisance.

Now, why is this important? It is important for the reason that businesses, cities, counties, disposing of waste, want certainty in their systems. For example, with respect to the city of Milwaukee, the State of Illinois got after the city in the last few years and took it to court, attempting to require that the city of Milwaukee follow certain procedures for disposing of municipal waste in a manner that was beyond the requirements of the existing Federal law.

The U.S. Supreme Court in that case, Milwaukee against Illinois, handed down a decision which said, in effect: "No, State of Illinois, you may not pursue relief based on any Federal common law that you may be able to find in our law. You will rely, State of Illinois, on the existing Federal statute. There is no Federal common law of nuisance. Thus reaffirming the decision of Erie Railroad v. Tompkins of 1938."

Incidentally, if the State of Illinois had been successful in that litigation, it would have cost the city of Milwaukee about an additional $1 billion for disposing of the wastes of that community beyond what they have already spent.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, what this legislation before the Committee will now do is, in effect, repeal the principle of the decision of Milwaukee against Illinois by, in effect, establishing the groundwork for people who make a living in the environmental community to contest whether or not what a city or county or State or a business does in the way of waste disposal or what a business has done in the way of waste disposal, whether it is in compliance with the Federal common law.

The thrust of the amendment is merely to say that in this effort, we will rely on what Congress has adopted and what the EPA has adopted in the way of regulations.

A plaintiff may not resort to a Federal common law of nuisance as a means of expanding the happy hunting grounds of litigation which they seek to pursue.

This is a fair amendment. The provision that I seek to delete in this legislation was adopted in the final moments of the committee deliberation on the representation that it was a technical amendment. It was far more than technical. I think we should adopt the amendment which would establish a fair basis for anybody disposing of waste in this country to know what the ground rules are.

Mr. PORTER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Illinois.

Mr. PORTER. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman suggesting that the Milwaukee against Illinois case arose under this provision of Federal law? I thought that was under the Clean Water Act.

Mr. DANNEMEYER. Mr. Chairman, it was under the Clean Water Act; that is right.

Mr. PORTER. How would the gentleman's amendment affect that situation, the Milwaukee-Illinois situation, assuming the court had decided it the other way around?

Mr. DANNEMEYER. Well, the amendment that I am offering is merely to make clear that in this act, that any litigant who seeks to go to court would be limited to the provisions of the Resource Conservation Recovery Act, not be able to resort to any Federal common law. That is the applicability of the decision of the Milwaukee against Illinois case. Its principle is affirmed.

Mr. PORTER. Mr. Chairman, if the gentleman will yield further, it would not have an effect on interstate water pollution, is that correct, that is, the gentleman's amendment?

Mr. DANNEMEYER. Is the gentleman referring to the amendment that I am offering?

Mr. PORTER. Mr. Chairman, I do refer to that.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has again expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, I do not want to say to the gentleman that it would have no effect, but I cannot think of one that I can relate to the gentleman right now. I am not saying none exists; but I cannot think of one. Perhaps the gentleman from Illinois can.

Mr. PORTER. Mr. Chairman, if the gentleman will yield further, it would not affect the Milwaukee-Illinois situation, for example?

Mr. DANNEMEYER. It would not.

Mr. PORTER. The gentleman is using it as an example of common law that would be superseded.

Mr. DANNEMEYER. That is correct. That is exactly right.

Mr. FLORIO. Mr. Chairman, I rise in opposition to the amendment.

Section 10 makes a simple technical change to clarify congressional intent, to spell out the rights of all parties to seek relief under State and Federal common law for problems caused by improper disposal of hazardous and solid wastes.

This provision, although it affects RCRA, in response to one of the previous questions, does have an impact upon the Clean Water Act in the sense that certainly RCRA and the Clean Water Act interact. Hence, we see the jurisdictional overlapping between the Committee on Public Works and Transportation and the Committee on Energy and Commerce.

Congress never intended that RCRA was designed to replace the Federal common law of nuisance. I wrote the provision of the law, and I can authoritatively assert that that was not the intention.

□ 1610

EPA's regulation could not possibly cover all potential waste management problems. The use of the Federal common law of nuisance is especially essential in the interstate pollution cases where State principles probably would not apply beyond State boundaries.

The National Association of Attorneys General, the State law enforcement officers, vigorously support the need for section 10. It is an essential tool in their arsenal of enforcement mechanisms designed to prevent and prosecute illegal and unsafe dumping of wastes.

The attorney general's office of the State of New York testified before Congress that "the Federal common law is a necessary and basic element of our system of environmental law."

To vote for this amendment would contradict the policy of this House expressed just last month when it voted overwhelmingly to preserve a private right of action to challenge pesticide permits. EPA's own regulations issued in May 1980 state that "issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or an infringement of State or local laws or regulations."

EPA itself has recognized that there is a need to preserve other legal remedies. I would just call to the attention of the gentleman from California (Mr. DANNEMEYER) that he may be interested in knowing that the single largest source of air pollution in the Southern California Basin as reported to us by officials of the State is the BKK Landfill in West Covina. The emissions from this landfill are several times greater than even the Chevron Refinery. Yet, presently there are absolutely no air emission standards for hazardous waste landfills. This landfill is adjacent to large population centers, and without the common law remedy that will be precluded by the gentleman's amendment there potentially will be no remedy to deal with this particular problem.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. FLORIO. I will be happy to yield.

Mr. SENSENBRENNER. Just so that I can get the argument of the gentleman from New Jersey straight, what the gentleman from New Jersey is proposing is that the body of law that is contained in RCRA is not the exclusive law, but someone can go into any one of the 400 Federal district courts around the country and attempt to have judge-made standards implemented by that particular court as a way of developing another body of law which may or may not be synchronized with RCRA?

Mr. FLORIO. That is not what I am advocating. What I am advocating is that there be a remedy and access to the courts to utilize the fully established body of Federal common law which is recognized throughout the courts of the United States.

Mr. SENSENBRENNER. In the case of Milwaukee against Illinois, which the gentleman from California (Mr. DANNEMEYER) referred to, there the district court decided that the Clean Water Act was not the exclusive law that applied in this particular lawsuit, and the judge thereupon ordered a remedy that was separate and apart from the Clean Air Act, that required one community to spend over a billion dollars to have its effluents six times purer than the effluent that was admitted by the plaintiffs. The Supreme Court of the United States reversed that decision, saying that the Clean Air Act was the exclusive remedy.

Does the gentleman realize that by renewing the Federal common law there may be as many as 401 separate bodies of law that arise out of section 10; one passed by Congress and 400 that are established by each Federal district court around the Nation.

Mr. FLORIO. The gentleman has talked about the Clean Air Act. That is not what we are dealing with today. The clear intention of the RCRA was that the Federal common law shall be an alternate remedy, and we are attempting to make that abundantly clear, that is to be distinguished from the situation in the Clean Air Act.

Section 10 makes a simple technical change to clarify congressional intent of the rights of all parties to seek relief under law for problems caused by improper disposal of hazardous and solid waste are preserved.

This provision effects RCRA only, and was congressional intent.

Congress never intended RCRA to displace the Federal common law of nuisance. RPA's regulation could not possibly cover all potential waste management problems.

The use of the Federal common law of nuisance is especially essential in interstate pollution cases where State principles probably would not apply.

The National Association of Attorneys General vigorously support the need for section 10. It is an essential tool in their arsenal of enforcement mechanisms to prevent illegal and unsafe dumping of wastes.

The attorney general's office of the State of New York testified before Congress that:

The federal common law is a necessary and basic element of our system of environmental law.

To vote for this amendment would contradict the policy that this House expressed just last month when it voted overwhelmingly to preserve a private right of action to challenge pesticide permits.

EPA's own regulations issued in May 1980 state that "issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or an infringement of State or local laws or regulations." EPA itself has recognized that there is a need to preserve other legal remedies.

Mr. SENSENBRENNER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment to delete section 10 from H.R. 6307.

Section 10 is a misguided effort to reverse the Supreme Court's argument in Milwaukee against Illinois in dealing with wastes covered by this act, when a reversal is neither necessary nor in the best interest of the environment. Adoption of section 10 would lead to greater confusion in an area where clarity and certainty are needed if the health and environment of this country is to be protected. It would be a serious and costly mistake for all concerned: businesses, property taxpayers, local governments, and environmentalists.

The Supreme Court, in Milwaukee against Illinois, did no more than apply a long established doctrine concerning the separation of powers between the Congress and the judiciary. The Court held that when an act of Congress, and the regulations issued under it, are so comprehensive, so as to occupy the field, there is no need or room for judge-made standards. Courts may not, therefore, interpose judge-made standards if the Congress has spoken.

Judge-made standards are just that, judge-made standards, even though they are embraced within a body of law which is referred to as the Federal common law. Federal common law is ad hoc. It is the aggregation of a body

of individual judges' decisions responding to a series of individual problems. It is not a planned, cohesive, overall studied and consistent approach.

Section 10 would abrogate the planned and consistent statutory scheme of RCRA by permitting a Federal judge, under the guise of Federal common law, to impose different requirements than those found in the act and its regulations. In essence, section 10 would permit the courts to overrule Congress.

Thus, two sets of standard-making bodies would be established by section 10, Congress and the EPA on the one hand, and any one of the over 400 Federal judges on the other. To permit Federal judges, who lack the technical expertise in pollution issues, to take a crack at writing his or her own standards, would destroy the uniformity and certainty of the system. This would be catastrophic for all concerned: Businesses, property taxpayers, local governments, and environmentalists.

Businesses would be subject to different standards based entirely upon their location. A business located in a district where the Federal judge applied a lenient standard would obtain an economic advantage over its competitor, located in a district where the judge applied a strict standard, because the latter would have to pass along the higher compliance costs to their customers. Inconsistencies in standards could also lead to court shopping by businesses seeking to expand in regulatory favorable jurisdictions.

Local governments, after incurring million of dollars in designing and constructing pollution abatement facilities, would be forced to alter these facilities to conform to a judge's standard. Property taxpayers would have to bear the cost of this inefficiency. In the case of the city of Milwaukee, the local property taxpayers would have had to pay an additional $1 billion in taxes for the court-ordered improvements, which would not have been eligible for Federal aid since the EPA has ruled that the court-mandated standards were unnecessary and excessive.

Finally, environmentalists should also be concerned, for the litigation that section 10 invites, will not only delay but also kill badly needed pollution abatement projects.

If the proponents of section 10 desire stricter standards, they should seek enactment of those standards by the Congress, rather than giving each of the over 400 Federal judges a crack at drafting judge-made common law standards.

I, therefore, urge support of the amendment.

Mr. Chairman, I would like to respond to the argument raised by my friend from Illinois (Mr. PORTER) in his colloquy with the gentleman from California (Mr. DANNEMEYER).

□ 1620

I think that this would have an impact on Milwaukee versus Illinois and the Clean Water Act if substances that are controlled by RCRA find their way into a municipal pollution abatement treatment and end up having to be treated pursuant to the standards that the Clean Water Act imposes upon the municipality.

In response to the gentleman from New Jersey (Mr. FLORIO) I do believe that the lower court's decision in imposing a different body of law in Milwaukee versus Illinois will open a Pandora's box to different standards in different districts, with forum shopping either by environmentalists or by businessmen to secure the judge who is the most favorable to their own particular viewpoint, as well as causing delay in making the necessary improvement that protracted litigation requires.

Mr. Chairman, I urge support of the amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been impressed by the arguments proposed by the able Members, both for and against the amendment offered by the gentleman from California (Mr. DANNEMEYER). I do not have the legal expertise to engage in debate with them over the effects of this particular amendment offered by the gentleman from California, and I merely want to offer a few comments based upon my own general experience with this kind of problem.

Many references have been made to the case of Illinois against Milwaukee. I think everyone is aware of the fact that this case was decided under the Clean Water Act, but perhaps some of the Members are not aware of the fact that there is a very real differences between the Clean Water Act and RCRA.

There is a much longer and more elaborate and detailed history of regulation of water in this country than there is of solid waste. While I have not researched it in preparation for this discussion, I know that regulation of the water supply, and pollution of the water supply in this country goes back more than 50 years, perhaps much longer than that, whereas regulation under RCRA is a relativley new field.

Now, what is the relevance of this? Basically, it would support the action of the judge in Illinois against Milwaukee in contending that there is a fully developed and very explicit set of standards under the Clean Water Act which would mitigate against use of the common law in making a decision on a matter involving water. Such is not the case with regard with solid waste disposal. We are not clear about all of the effects of improper practices in this field.

The gentleman from New Jersey made reference to a very well-known toxic waste dump in southern California, the BKK dump, which has features that affect the environment there in many different ways, and I personally am knowledgeable of other similar dumps which are operated in accordance with the provisions of RCRA and the appropriate State and local laws and yet which still create tremendous nuisance damages throughout the surrounding environment. I can take the Members to some of these and they can observe them, and I do not think there would be any question but what a legally operated dump can still create serious problems for which there need to be remedies.

Now, we had some discussion, as the gentleman from New Jersey again mentioned, of the appropriateness of various remedies under a similar act, FIFRA, just a few weeks ago, and this House by an overwhelming vote acted to adopt the principle that there should be private rights of action for damages which were not contemplated or spelled out in the act and which would be available to those who were affronted.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield on this point?

Mr. BROWN of California. I am happy to yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I supported the amendment to allow a private right of action under FIFRA.

Mr. BROWN of California. And we appreciate that.

Mr. SENSENBRENNER. And we were successful in that. But I believe there is an essential difference between that amendment which allowed a private right of action under an established body of law that was passed by the Congress and this issue under RCRA which allows the judge in effect to go either above or below the body of law which was passed by the Congress and adopt his own standards for better or for worse.

Now, I certainly would have no objection to allowing a FIFRA type private right of action under this bill where an individual citizen could go in and sue to get the enforcement of the protections of RCRA. But that is not what we are talking about here. We are in effect turning a blank check over to the Federal judges. Perhaps the gentleman has more confidence in what they would come up with than I do. Even the trial judge in the Milwaukee versus Illinois case said he really did not know the technicalities of what he was talking about.

Mr. Chairman, I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(On request of Mr. SENSENBRENNER, and by unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for his contribution. It is obvious that he has made a detailed study of this matter, and I think his points are very reasonable.

I do not agree with the conclusions that the gentleman has reached on this matter because, as I perceive it, what the gentleman is seeking to do is to limit the recourse available under a very new act in which there is a relatively limited amount of details in the law and in the regulations, as compared, for example, with the Clean Water Act under which the ruling in Milwaukee against Illinois was made.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, the gentleman from California (Mr. BROWN) has very succinctly stated the case for opposition to this amendment.

We are talking about a relatively new regulatory system in which all the potential problems have not yet even been divined, much less been appropriately regulated. We, therefore, are asking that there be some residual authority on the part of the State officials, and I think it is very significant that the State attorneys general, the chief law enforcement officials of the States have specifically asked that this section be preserved so they can have the maximum number of tools for dealing with the problem of illegal dumping of toxic wastes.

To support the gentleman's amendment is to take away one of those potential tools that those law enforcement officials need, they think—and I believe that they do need it—in fighting illegal dumpers and dumping of hazardous toxic waste.

So, Mr. Chairman, I thank the gentleman for his clarification.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from New Jersey (Mr. FLORIO) for his comments.

I think the time may come—and it may be relatively soon—when we will have fully developed and well codified principles of law in this field just as we have in the water field, and it might be unnecessary to have recourse to the common law, in which case I would be happy to see that time develop and I might even be willing to support an amendment such as the gentleman from California is offering at this time.

However, Mr. Chairman, I do not think that the time is now, and I, therefore, am constrained to object to the amendment offered by the gentleman from California (Mr. DANNEMEYER).

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California (Mr. DANNEMEYER).

Mr. Chairman, as a member of the Water Resources Subcommittee of Public Works and Transportation, I am very familiar with the problems associated with the Federal common law provision in section 10 of H.R. 6307.

Our committee has heard from representatives in industry and local sewer agencies of the severe negative impact that this provision will have on our Nation's cities.

In a recent Supreme Court decision concerning the Clean Water Act, the Court, in Milwaukee against Illinois, held that the comprehensive nature of the act preempted any Federal common law remedy that might have been available. The issue raised in section 10 with respect to the Solid Waste Disposal Act was considered in a pollution control context last year when I was a member of the conference committee on the Clean Water Act Amendments of 1981. The conferees agreed not to include the common law provision.

Section 10 would allow litigants to bring suit against owners and operators of hazardous waste facilities in Federal courts even though those operators may be operating in full compliance with the law and regulations. These owners and operators of hazardous waste disposal facilities that are in compliance with the law and regulations should not be subjected to the threat of Federal common law actions.

In its committee report, the Public Works and Transportation Committee expressed the deep concerns regarding section 10. In July, the Water Resources Subcommittee heard overwhelming testimony opposing the Federal common law provision during hearings on the reauthorization of the Clean Water Act.

In the final analysis, this amendment will prevent undue delays to our hazardous waste management program. I urge my colleagues to support the amendment and continue the progress in achieving a comprehensive and sound hazardous waste program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO).

The question was taken, and on a division (demanded by Mr. DANNEMEYER) there were—ayes 15, noes 21.

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will now record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 309]

ANSWERED "PRESENT"—338

Akaka	DeNardis	Hall, Sam
Albosta	Derrick	Hamilton
Alexander	Derwinski	Hammerschmidt
Anderson	Dickinson	Hance
Andrews	Dicks	Hansen (UT)
Annunzio	Dingell	Harkin
Applegate	Dixon	Hartnett
Ashbrook	Dorgan	Hatcher
Atkinson	Dornan	Hawkins
AuCoin	Dowdy	Heckler
Badham	Downey	Hefner
Bailey (MO)	Dreier	Heftel
Bailey (PA)	Duncan	Hertel
Barnes	Dunn	Hightower
Bedell	Dwyer	Hiler
Beilenson	Dymally	Hillis
Benedict	Dyson	Holland
Bennett	Eckart	Hollenbeck
Bereuter	Edwards (AL)	Holt
Bethune	Edwards (CA)	Hopkins
Bingham	Edwards (OK)	Horton
Bliley	Emerson	Howard
Boggs	Emery	Hoyer
Boland	English	Hubbard
Boner	Erdahl	Huckaby
Bonior	Evans (DE)	Hughes
Bouquard	Evans (IA)	Hunter
Bowen	Evans (IN)	Hutto
Brinkley	Fary	Hyde
Brodhead	Fascell	Ireland
Brooks	Fazio	Jacobs
Broomfield	Fenwick	Jeffords
Brown (CA)	Ferraro	Jenkins
Brown (CO)	Fiedler	Johnston
Broyhill	Fields	Jones (NC)
Burgener	Fish	Jones (OK)
Burton, Phillip	Fithian	Jones (TN)
Byron	Flippo	Kastenmeier
Campbell	Florio	Kazen
Carman	Foley	Kemp
Carney	Ford (MI)	Kennelly
Clausen	Ford (TN)	Kildee
Clay	Forsythe	Kindness
Clinger	Fowler	Kramer
Coats	Frank	LaFalce
Coelho	Frenzel	Lagomarsino
Coleman	Fuqua	Lantos
Collins (IL)	Gaydos	Latta
Conable	Gejdenson	Leach
Conte	Gibbons	Leath
Corcoran	Gilman	LeBoutillier
Coughlin	Gingrich	Lent
Courter	Ginn	Levitas
Coyne, James	Gonzalez	Lewis
Coyne, William	Goodling	Livingston
Crane, Daniel	Gore	Loeffler
Crockett	Gradison	Long (LA)
Daniel, Dan	Gramm	Long (MD)
Daniel, R. W.	Green	Lott
Dannemeyer	Guarini	Lowery (CA)
Daschle	Gunderson	Lowry (WA)
Daub	Hagedorn	Lujan
Deckard	Hall (OH)	Luken
Dellums	Hall, Ralph	Lundine

Lungren
Madigan
Markey
Marks
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Ottinger
Oxley
Panetta
Parris
Patman
Patterson
Paul
Pease
Perkins
Petri
Pickle
Porter
Price
Quillen
Rahall
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (SD)
Robinson
Roe
Roemer
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Rousselot
Roybal
Russo
Savage
Schneider
Schroeder
Schulze
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shuster
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Udall
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Waxman
Weber (MN)
Weber (OH)
Whitley
Whitten
Williams (OH)
Wilson
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zeferetti

□ 1640

The CHAIRMAN. Three hundred and thirty-eight Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. DANNEMEYER) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 85, noes 255, not voting 92, as follows:

[Roll No. 310]

AYES—85

Archer
Ashbrook
Badham
Bailey (MO)
Benedict
Bliley
Broyhill
Burgener
Byron
Campbell
Carman
Clausen
Corcoran
Crane, Daniel
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Derwinski
Dickinson
Dreier
Emerson
Fields
Flippo
Forsythe
Gramm
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (UT)
Hartnett
Hightower
Hillis
Hubbard
Hyde
Ireland
Johnston
Leath
LeBoutillier
Lent
Lewis
Livingston
Loeffler
Lowery (CA)
Lungren
McDonald
Montgomery
Moore
Moorhead
Morrison
Myers
Parris
Patman
Paul
Petri
Quillen
Ritter
Roberts (SD)
Robinson
Roemer
Roth
Rousselot
Sensenbrenner
Shelby
Shuster
Siljander
Skeen

NOES—255

Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Applegate
Atkinson
AuCoin
Bailey (PA)
Barnes
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bingham
Boggs
Boland
Boner
Bonior
Bouquard
Bowen
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Burton, Phillip
Carney
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Conable
Conte
Coughlin
Courter
Coyne, James
Coyne, William
Crockett
Daschle
Deckard
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Dorgan
Dornan
Dowdy
Downey
Duncan
Dunn
Dwyer
Dymally
Dyson
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emery
English
Erdahl
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fascell
Fenwick
Ferraro
Fiedler
Fish
Fithian
Florio
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frenzel
Frost
Fuqua
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Ginn
Gonzalez
Goodling
Gore
Gradison
Green
Guarini
Hagedorn
Hall (OH)
Hamilton
Harkin
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hertel
Hiler
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Levitas
Long (LA)
Long (MD)
Lowry (WA)
Lujan
Luken
Lundine
Madigan
Markey
Marks
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mazzoli
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Michel
Mikulski
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Mottl
Murphy
Murtha
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Ottinger
Oxley
Panetta
Patterson
Pease
Perkins
Pickle
Porter
Price
Rahall
Railsback
Rangel
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Roe
Rose
Rosenthal
Rostenkowski
Roukema
Roybal
Russo
Savage
Schneider
Schroeder
Schulze
Seiberling
Shamansky
Shannon
Sharp
Shaw
Simon
Skelton
Smith (NJ)
Smith (PA)
Snowe
Solarz
St Germain
Stanton
Stark
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Traxler
Udall
Vander Jagt
Volkmer
Walgren
Walker
Watkins
Waxman
Weber (MN)
Whitley
Williams (OH)
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Zeferetti

NOT VOTING—92

Addabbo
Anthony
Aspin
Bafalis
Barnard
Beard
Bevill
Biaggi
Blanchard
Bolling
Bonker
Breaux
Brown (OH)
Burton, John
Butler
Chappell
Chappie
Cheney
Chisholm
Collins (TX)
Conyers
Craig
Crane, Philip
D'Amours
Davis
de la Garza
Donnelly
Dougherty
Early
Edgar
Erlenborn
Ertel
Evans (GA)
Fazio
Findley
Foglietta
Garcia
Gephardt
Glickman
Goldwater
Gray
Gregg
Grisham
Hansen (ID)
Hendon
Jeffries
Kogovsek
Lee
Lehman
Leland
Lott
Marlenee
Marriott
Mattox
Mavroules
McCloskey
Mica
Miller (CA)
Moffett
Napier
Nelligan
Oberstar
Pashayan
Pepper
Peyser
Pritchard
Pursell
Roberts (KS)
Rodino
Rogers
Rudd
Sabo
Santini
Sawyer
Scheuer
Schumer
Shumway
Smith (IA)
Stump
Trible
Vento
Washington
Weaver
Weiss
White
Whitehurst
Whittaker
Whitten
Williams (MT)
Winn
Young (AK)
Zablocki

□ 1650

The Clerk announced the following pairs:

On this vote:

Mr. Chappie for, with Mr. Pursell against.

Mr. Philip M. Crane for, with Mr. Craig against.

Mrs. BOUQUARD changed her vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FITHIAN TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. FITHIAN. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. FITHIAN to the amendment in the nature of a substitute offered by Mr. FLORIO: Page 32, after line 7, insert:

HAZARDOUS WASTE FACILITIES OWNED AND OPERATED BY STATES OR POLITICAL SUBDIVISIONS

SEC. 12. Section 104(c)(3)(C)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 is amended by striking out "owned" and substituting "owned and operated".

Mr. FITHIAN. Mr. Chairman, this is a very simple amendment.

There are dump sites in the country which are owned and operated by municipalities, by counties, by States, and in many cases for profit. Under the present law, the cleanup of any disaster or any threat to health would under those conditions be split 50 percent Federal and 50 percent State or local, as it should be.

There is a second category of dump sites around the country, however, which do not fall in that frame of reference.

What I propose to do is clarify what I believe the committees of original jurisdiction intended when the Superfund law was drafted, for it seems clear to me that if a city or a county leases out—as one would do in an industrial park—leases land and then a private entity operates the dump site at a profit and subsequently, as in the case of the four dump sites which I cite in my discussion here, if they then operate it at a profit, go broke as in the case of Seymour, Ind., and disappear, they are leaving a city or a State tabbed with a 50-percent cleanup cost which was not the original intention of the law.

It is true that before the original passage of this act, that perhaps most of those operations were no violation of law nor were they violations of regulations because none existed. I think it is clear, however, that we should distinguish between a city or a county which operates a dump site at a profit and intentionally and now knowingly uses bad procedures and those which were not in any way knowingly at fault.

It is clear that we have dump sites in this category. We have located four. Our Committee on Government Operations had a hearing at one of the sites in Seymour, Ind. We believe sincerely that the EPA should have already moved to eliminate the threat to health.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from New Jersey.

□ 1700

Mr. FLORIO. Mr. Chairman, I thank the gentleman for yielding.

I would say that I support this amendment as fully in accord with the intent of the legislation, the so-called Superfund, and I think it is a highly desirable piece of legislation.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I would be happy to yield to my colleague, the gentleman from Indiana (Mr. HAMILTON).

Mr. HAMILTON. Mr. Chairman, first of all, let me express my appreciation to the gentleman from Indiana for offering this amendment and the initiative that the gentleman has displayed in bringing it as an amendment to this bill.

As I understand it, the State now pays 50 percent of the cleanup costs if the site is owned by the State or a subdivision of the State. Under the amendment of the gentleman, the State would pay 50 percent if the site is owned and operated by the State or a subdivision, but the State would pay 10 percent of the cost if the site was owned but not operated by the State or subdivision thereof; is that correct?

Mr. FITHIAN. The gentleman is correct.

Mr. HAMILTON. I think it is a very important amendment. It is the only way that I know that we can clean up the site at Seymour, Ind., at the present time. We have a very serious hazardous waste problem in that community now. It has stopped all economic development for a period of several years.

The State has not been able, or at least has been unwilling, to pick up its share of the tab; so is the case with the county and the city itself, and unless this amendment is adopted, I think it is unlikely that that site will be cleaned up. I am sure the same thing is true in a number of other sites in the country.

I commend the gentleman and I support his amendment.

Mr. LENT. Mr. Chairman, would the gentleman yield for a question?

Mr. FITHIAN. I would be happy to yield to the ranking Member.

Mr. LENT. Mr. Chairman, I am a little confused by the import of the amendment.

Is it a fact that under this amendment you would in effect have two classifications of municipal dumps, those municipal dump sites that are owned by the municipality and those dump sites that are owned and operated by a municipality?

Mr. FITHIAN. Yes; the gentleman is correct.

Mr. LENT. Under this amendment, if a municipality were to lease out, either at a profit or without a profit, the operation of the dump site to an independent operator, it could be relieved of much of the burden of the cost of a Superfund cleanup; is that not the case?

Mr. FITHIAN. Well, I will say to the gentleman, as the gentleman well knows, that we are now operating in an era when, thanks to the work of the gentleman and the gentleman from New Jersey, where regulations are being promulgated, this House and the other body have worked on it and we are operating in quite a different era.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. FITHIAN was allowed to proceed for 3 additional minutes.)

Mr. FITHIAN. But many of the dump sites which we are now having problems with were created 20 or 30 years ago, long before RCRA, long before we had any body of either law or regulation to take care of that, and it is that kind of retroactive activity that we are trying to get at here.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I would be happy to yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I thank the gentleman for yielding.

I totally agree with the chairman of the subcommittee, the author of the amendment, the gentleman from Indiana. In fact, during the discussions on the bill, the Superfund legislation, it was pointed out to me in discussions with the chairman, the gentleman from New Jersey (Mr. FLORIO), that definitely a site like the Gratiot County landfill, which was owned by the county and licensed by the State, but run by a private concern, was included in the intent of the legislation.

So I fully agree with the amendment of the gentleman and support his efforts.

Mr. FITHIAN. Mr. Chairman, I thank the gentleman.

Mr. SAM B. HALL, JR. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I would be happy to yield to the gentleman from Texas.

Mr. SAM B. HALL, JR. Mr. Chairman, I would like to ask the gentleman if this amendment would permit land owned by a State or municipality on which hazardous waste was deposited by an entity other than that State or municipality, to qualify for a 90-percent share of cleanup costs under the Superfund program?

Mr. FITHIAN. That is correct.

Mr. SAM B. HALL, JR. Would it also specify that if the States or municipalities owned and operated these Superfund sites, they would qualify for a payment of only 50 percent of their costs?

Mr. FITHIAN. That is correct.

Mr. SAM B. HALL, JR. Mr. Chairman, I thank the gentleman.

Mr. LENT. Mr. Chairman, will the gentleman yield for a further question?

Mr. FITHIAN. I would be happy to yield.

Mr. LENT. If there are two municipalities side by side, they each own a dump site; one municipality leases that dump site out to an operator, the other municipality operates the dump site itself through its own employees: Is not the effect of this amendment to place a higher burden of financial responsibility on the part of that municipality which both owns and operates the dump site?

Mr. FITHIAN. Well, I think it is clear that if a municipality, now that the regulations are laid out, cuts corners, operates at a profit and then expects the Federal Government to clean up 90 percent of their city dump, that is not what RCRA was designed for in the first place; so clearly, there should be a distinction.

What we are trying to do here is to get at those dump sites which have been developed over the years when there were no regulations. We have seen it in at least four cases in the United States where that is the case; the company has then gone broke. It is not there. The State does not have the money.

The fundamental question at issue in this amendment is whether or not we are going to proceed with cleaning up the dump sites. That is the fundamental issue.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. FITHIAN was allowed to proceed for 1 additional minute.)

Mr. FITHIAN. I would simply say to my friend, who has worked long on this legislation, that my amendment has the support of the National League of Cities and the Governors of Michigan and New York, in States in which dump sites similar to the one at Seymour, Ind., is located. It clarifies and it confirms what I believe to have been the original intent of the law, and it has been confirmed by my colleague, the gentleman from Michigan.

I would urge support of this amendment.

Mr. LENT. Mr. Chairman, I move to strike the requisite number of words. I rise to state my opposition to the amendment.

Mr. Chairman, I am very sympathetic to the plight of my colleague, the gentleman from Indiana, with respect to this particular site that he is concerned about in his own State; but I did want to point out that this amendment pertains to a statute that is not presently under consideration. This applies, this amendment applies to the Superfund legislation, not the RCRA legislation.

This is a subject where we have had absolutely no hearings. We do not know with any degree of certainty what the impact of this amendment will be. We do not know how many of these sites that are owned, but not operated by municpality or a State, may exist. There may be scores of them. There may be hundreds of them.

Perhaps, most importantly, the effect of this amendment if it is adopted will be to dissipate the available funds in the Superfund and make less funds available for cleanup of other sites, privately owned sites, sites where no owner can be found or if the owner can be found, where the owner is insolvent.

Now, one of the gentlemen who spoke earlier mentioned the GAO. The GAO estimates that there may be as many as 50,000 illegal hazardous dump sites in this country; so I would say to my colleagues, before you vote "yes" on this amendment, you had better realize that it could have the effect of delaying the date on which some other dump site in your district or State will be eligible for cleanup under this Superfund program.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. FITHIAN) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. RINALDO TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. RINALDO. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. RINALDO to the amendment in the nature of a substitute offered by Mr. FLORIO: Page 33, after line 7, insert:

CRIMINAL PENALTIES

SEC. 12. (a) Subsection (d) of section 3008 of the Solid Waste Disposal Act is amended by striking out "two years" in each place it appears and substituting "five years".

(b) Subsection (e) of section 3008 of such Act is amended by striking out "2 years" and substituting "five years" and by striking out "5 years" and substituting "ten years".

Mr. RINALDO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. RINALDO. Mr. Chairman, this amendment will strengthen the Resource Conservation and Recovery Act's criminal penalties for the illegal disposal of hazardous wastes.

Many of us know from problems in our districts the serious danger posed by illegal disposal of hazardous wastes to the public health and environment. We all know about Love Canal. In my district, the name Chemical Control calls forth the same dangers from improper disposal of hazardous wastes. I believe RCRA's criminal penalties should be strengthened and brought into line with other Federal felony penalties. Thus, the amendment increases the law's maximum felony penalty from the present 2 years to 5 years, which is, typically, the maximum Federal felony penalty. In addition, the amendment changes to 10 years from 5 years the maximum penalty for a violation that places another person in danger of death, provided the circumstances manifest an extreme indifference to human life.

We know from the experiences of Love Canal, Chemical Control and other now infamous names that felony violations of RCRA are more serious than many other crimes and should carry the same penalty.

This amendment has been endorsed by leading environmental groups, including the Environmental Defense Fund, the Sierra Club, and the Natural Resources Defense Council. It will improve the deterrent value of the law and thereby safeguard the public health. I urge its adoption to make the Resource Conservation and Recovery Act a more effective means of curbing the illegal disposal of hazardous wastes.

□ 1710

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. RINALDO. I would be glad to yield to my friend, the gentleman from New Jersey.

Mr. FLORIO. Mr. Chairman, I am pleased to have worked with the gentleman on this amendment. It is a desirable amendment and I would accept it.

Mr. RINALDO. Mr. Chairman, I thank the gentleman.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. RINALDO) to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment to the amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DANNEMEYER TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. FLORIO

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER to the amendment in the nature of a substitute offered by Mr. FLORIO: Page 30, after line 6, insert:

ATTORNEY'S FEES

SEC. 11. Section 7002(e) of the Solid Waste Disposal Act is amended by striking out "to any party" and substituting in lieu thereof "to the prevailing or substantially prevailing party".

Renumber the following section accordingly.

Mr. DANNEMEYER. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. Mr. Chairman, I have reviewed this amendment with the gentleman from New York (Mr. LENT) and I would now offer a unanimous-consent request to modify it as follows, and it would then be acceptable, and it would be acceptable to the gentleman from California (Mr. DANNEMEYER) as well.

Page 30, after line 6, insert:

SEC. 11. Section 7003(e) is amended by inserting the following after the first sentence: "Nothing in the preceding sentence shall be construed to affect the power of any court to award costs or fees under any other authority of law."

With that provision, making that unanimous-consent request——

The CHAIRMAN. The Chair would insist that the gentleman submit the modification to the Clerk for its perusal.

Mr. FLORIO. Mr. Chairman, I would make that unanimous-consent request and then the gentleman's amendment, as so amended, is fine, de-

sirable, and I think it is a healthy addition to this legislation.

The CHAIRMAN. The Clerk will now report the modification.

The Clerk read as follows:

Page 30, after line 6, insert:

SAVINGS PROVISION

SEC. 11. Section 7003(e) of the Solid Waste Disposal Act is amended by inserting the following after the first sentence: "Nothing in the preceding sentence shall be construed to affect the power of any court to award costs or fees under any other authority of law."

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey (Mr. FLORIO) to modify the amendment offered by the gentleman from California (Mr. DANNEMEYER)?

There was no objection.

Mr. LENT. Mr. Chairman, will the gentleman yield to me?

Mr. DANNEMEYER. I yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, we have examined the amendment. If the gentleman has no objection to the modification to the language of his amendment, it is certainly agreeable to the minority.

Mr. DANNEMEYER. Mr. Chairman, I have no objection to the language.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER), as modified, to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO).

The amendment, as modified, to the amendment in the nature of a substitute, was agreed to.

The CHAIRMAN. Are there any other amendments to the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO)?

Mr. LEVITAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do so to take this opportunity to engage in a colloquy with the distinguished chairman of the subcommittee.

I serve as the chairman of the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation, which has joint jurisdiction in certain areas with the subcommittee that has presented this bill.

There is one area and one problem that recently has come to our attention that I would like to get some opinion and view of the distinguished subcommittee chairman on, and that is this: The Environmental Protection Agency, which has the responsibility of identifying certain sites which contain hazardous and toxic wastes, has the responsibility of trying to identify the generators of that material in these abandoned sites and require them, rather than the fund and the taxpayers, to pay for the cleanup. They created the problem; they have the responsibility of paying for it. Yet, based on preliminary information, it appears that the Environmental Protection Agency is not vigorously pursuing these types of identifications followup, and in many instances are letting the large generators string them along for periods of time, and in many instances end up with sweetheart-type settlements rather than full responsibility.

I wonder if the chairman of the subcommittee has any information or view on this problem.

Mr. FLORIO. Mr. Chairman, will the gentleman yield?

Mr. LEVITAS. I yield to the gentleman from New Jersey.

Mr. FLORIO. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is correct with regard to the responsibilities under the law. EPA, for any moneys that are paid out of this fund, is charged with the responsibility of pursuing those who cause the problem. As a matter of fact, Congress provided an easier standard for that pursuit, strict liability. EPA is charged with going after those people.

The gentleman is probably making reference to what it is I have been seeing in the newspaper, where, as EPA comes upon a site and finds a number of generators and it appears that some of the wealthier generators are allowed to enter into settlement contracts, thereby absolving them from any further responsibility, EPA then goes and expends its money and the residual number of generators that are left that EPA can pursue under strict liability may not have the wherewithal to provide for reimbursement, the result being that the fund is depleted.

So I am very concerned about that apparent initiative that is being pursued by EPA. It is my intention and my committee's intention to pursue and look into this practice that appears to be followed by EPA.

Mr. LEVITAS. I thank the distinguished chairman of the subcommittee.

Mr. LENT. Mr. Chairman, will the gentleman yield to me so that I may engage in a colloquy with the chairman of the subcommittee?

Mr. LEVITAS. Let me complete this one comment, and I would then be happy to yield to the gentleman.

I appreciate the chairman's response. I think it is a very, very serious problem because I think the American people, the American taxpayers and the American public may get jerked around to a very expensive tune if EPA does not vigorously go after the people who have created the problem and make those responsible pay for it.

Mr. Chairman, I would be happy to yield to the gentleman from New York.

Mr. LENT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the distinguished chairman of the subcommittee with respect to section 3 of the substitute, am I correct in my understanding that for purposes of satisfying waste identification, manifesting and labeling requirements, that it would be sufficient to make such identification on the basis of process identification such as dry cleaning solvents and metal plating wastes?

Mr. FLORIO. Yes, the gentleman is correct in his understanding. Generators may even make presumptions that their wastes are hazardous and treat them accordingly, thereby alleviating any requirement to test the waste. However, generators are responsible for knowing whether or not they are hazardous waste generators.

Mr. LENT. Mr. Chairman, if the gentleman will yield further, I have a question with respect to section 11, the recycling provision of this bill.

Mr. Chairman, is this provision intended to apply to recyclers who do not deal with hazardous waste?

Mr. FLORIO. The answer is no.

Mr. LENT. I thank the gentleman.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from New Jersey (Mr. FLORIO), as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. The question is now on the Energy and Commerce Committee amendment in the nature of a substitute, as amended.

The Energy and Commerce Committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PRICE) having assumed the Chair, Mr. MOAKLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6307) to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes, pursuant to House Resolution 545, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 1720

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 317, nays 32, not voting 83, as follows:

[Roll No. 311]

YEAS—317

Akaka	Dingell	Hammerschmidt
Albosta	Dixon	Harkin
Alexander	Dorgan	Hatcher
Anderson	Dornan	Hawkins
Andrews	Dowdy	Heckler
Annunzio	Downey	Hefner
Applegate	Dreier	Heftel
Aspin	Duncan	Hertel
Atkinson	Dunn	Hightower
AuCoin	Dwyer	Hiler
Bailey (PA)	Dymally	Hillis
Barnes	Dyson	Holland
Bedell	Early	Hollenbeck
Beilenson	Eckart	Holt
Benedict	Edgar	Hopkins
Bennett	Edwards (AL)	Horton
Bereuter	Edwards (CA)	Howard
Bethune	Edwards (OK)	Hoyer
Bingham	Emerson	Hubbard
Boggs	Emery	Huckaby
Boland	English	Hughes
Bolling	Erdahl	Hunter
Boner	Evans (DE)	Hutto
Bonior	Evans (IA)	Hyde
Bouquard	Evans (IN)	Jacobs
Bowen	Fary	Jeffords
Brinkley	Fascell	Jenkins
Brodhead	Fazio	Jones (NC)
Brooks	Ferraro	Jones (OK)
Broomfield	Fiedler	Jones (TN)
Brown (CA)	Findley	Kastenmeier
Brown (CO)	Fish	Kazen
Broyhill	Fithian	Kemp
Burton, Phillip	Flippo	Kennelly
Byron	Florio	Kildee
Campbell	Foley	Kindness
Carney	Ford (MI)	Kramer
Chisholm	Ford (TN)	LaFalce
Clausen	Forsythe	Lagomarsino
Clay	Fountain	Lantos
Clinger	Fowler	Latta
Coats	Frank	Leach
Coelho	Frenzel	LeBoutillier
Coleman	Frost	Lent
Collins (IL)	Fuqua	Levitas
Conable	Gaydos	Lewis
Conte	Gejdenson	Livingston
Corcoran	Gibbons	Long (LA)
Coughlin	Gilman	Long (MD)
Courter	Gingrich	Lowery (CA)
Coyne, James	Ginn	Lowry (WA)
Coyne, William	Gonzalez	Lujan
Crockett	Goodling	Luken
Daniel, Dan	Gore	Lundine
Daniel, R. W.	Gradison	Madigan
Daschle	Green	Markey
Daub	Guarini	Marks
Deckard	Gunderson	Martin (IL)
Dellums	Hagedorn	Martin (NC)
DeNardis	Hall (OH)	Martin (NY)
Dicks	Hamilton	Martinez
Matsui	Pickle	Solarz
Mazzoli	Porter	Solomon
McClory	Price	Spence
McCollum	Quillen	St Germain
McCurdy	Rahall	Stangeland
McDade	Railsback	Stanton
McEwen	Rangel	Stark
McGrath	Ratchford	Staton
McHugh	Regula	Stokes
McKinney	Reuss	Stratton
Michel	Rhodes	Studds
Mikulski	Rinaldo	Swift
Mineta	Ritter	Synar
Minish	Roberts (SD)	Tauke
Mitchell (MD)	Robinson	Tauzin
Mitchell (NY)	Roe	Taylor
Moakley	Roemer	Thomas
Molinari	Rogers	Traxler
Mollohan	Rose	Udall
Montgomery	Rosenthal	Vander Jagt
Moore	Rostenkowski	Volkmer
Moorhead	Roth	Walgren
Morrison	Roukema	Walker
Mottl	Rousselot	Wampler
Murphy	Roybal	Watkins
Murtha	Russo	Waxman
Myers	Savage	Weber (MN)
Natcher	Scheuer	Weber (OH)
Neal	Schneider	Whitley
Nelson	Schroeder	Whitten
Nichols	Schulze	Williams (OH)
Nowak	Seiberling	Wilson
O'Brien	Shamansky	Wirth
Oakar	Sharp	Wolf
Obey	Shaw	Wolpe
Ottinger	Shelby	Wortley
Oxley	Shuster	Wright
Panetta	Siljander	Wyden
Parris	Simon	Wylie
Patman	Skelton	Yates
Patterson	Smith (NE)	Yatron
Pease	Smith (NJ)	Young (FL)
Perkins	Smith (PA)	Young (MO)
Petri	Snowe	Zeferetti
Peyser	Snyder	

NAYS—32

Archer	Fields	Lott
Ashbrook	Gramm	Lungren
Badham	Hall, Ralph	McDonald
Bailey (MO)	Hall, Sam	Miller (OH)
Bliley	Hance	Paul
Burgener	Hansen (UT)	Sensenbrenner
Carman	Hartnett	Skeen
Crane, Daniel	Ireland	Smith (AL)
Dannemeyer	Johnston	Smith (OR)
Derwinski	Leath	Stenholm
Dickinson	Loeffler	

NOT VOTING—83

Addabbo	Evans (GA)	Pashayan
Anthony	Fenwick	Pepper
Bafalis	Foglietta	Pritchard
Barnard	Garcia	Pursell
Beard	Gephardt	Roberts (KS)
Bevill	Glickman	Rodino
Biaggi	Goldwater	Rudd
Blanchard	Gray	Sabo
Bonker	Gregg	Santini
Breaux	Grisham	Sawyer
Brown (OH)	Hansen (ID)	Schumer
Burton, John	Hendon	Shannon
Butler	Jeffries	Shumway
Chappell	Kogovsek	Smith (IA)
Chappie	Lee	Stump
Cheney	Lehman	Trible
Collins (TX)	Leland	Vento
Conyers	Marlenee	Washington
Craig	Marriott	Weaver
Crane, Philip	Mattox	Weiss
D'Amours	Mavroules	White
Davis	McCloskey	Whitehurst
de la Garza	Mica	Whittaker
Derrick	Miller (CA)	Williams (MT)
Donnelly	Moffett	Winn
Dougherty	Napier	Young (AK)
Erlenborn	Nelligan	Zablocki
Ertel	Oberstar	

□ 1730

Mr. CARMAN changed his vote from "yea" to "nay."

Mrs. BOUQUARD, Mr. MOORE, and Mr. SILJANDER changed their votes from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 6307, RESOURCE CONSERVATION AND RECOVERY REAUTHORIZATION ACT OF 1982

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 6307, the Clerk be authorized to correct section numbers, punctuation, page and line numbers, and cross-references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GENERAL LEAVE

Mr. FLORIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERSONAL EXPLANATION

Mrs. FENWICK. Mr. Speaker, referring to rollcall No. 311, the vote on H.R. 6307, the bill which just passed the House, I was unavoidably detained and could not be here in order to cast my vote in favor of it.

□ 1740

APPOINTMENT OF CONFEREES ON S. 1409, AUTHORIZING ENLARGEMENT OF BUFFALO BILL DAM AND RESERVOIR IN WYOMING

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1409) to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes, with a Senate amendment to the House amendment thereto, disagree to the Senate amendment to the House amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona? The Chair hears none and, without objection, appoints the following conferees: Messrs. UDALL, KAZEN, PHILLIP BURTON, SEIBERLING, MILLER of California, COELHO, LUJAN, CLAUSEN, and PASHAYAN.

There was no objection.

CONFERENCE REPORT ON H.R. 6068, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1983

Mr. BOLAND. Mr. Speaker, I call up the conference report on the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of August 19, 1982.)

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from Virginia (Mr. ROBINSON) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this House has spent long hours in the consideration of next year's Defense budget. Issues resolved in the authorization process will be revisited in the Defense appropriation bill. There has been—and will be—full and lengthy debate on the state of the national defense—with one significant exception.

That exception, of course, is the intelligence budget, which is part of the overall Defense budget, but not publicly identified. It too has been the subject of congressional scrutiny and debate—but within the executive sessions of the Intelligence and Appropriations Committees. The procedures established by the Congress for this consideration require this closed door approach. They are essential to protect the viability of intelligence sources and methods. At the same time, however, such consideration does not occur in a vacuum.

President Reagan campaigned for office on a platform of rebuilding the intelligence community. Adm. Bob Inman, the former Deputy Director of Central Intelligence, recently characterized as "marginal" U.S. intelligence capabilities directed against a host of Third World and economic issues. While each of these positions is subject to qualification, they indicate real concern in the executive branch.

That concern has led to intelligence reappraisals not unlike those directed at the larger Defense Establishment. It has led to requests for a larger intelligence budget. More importantly, however, it has led to the beginnings of a planning process that can look ahead in 5-year spans instead of the traditional year-by-year approach.

The Congress has been receptive to many of the improvements developed in the process—both last year and in this year's intelligence authorization conference report. This year the intelligence committees have not adopted all of the budget proposals put forth for fiscal year 1983. Nonetheless, the committees encourage the forward looking aspects of intelligence planning and budgeting. While the committees will continue to require the provision of budget detail as in the past, they see the real value of a comprehensive, multiyear approach to intelligence community enhancement. The advantages of this system will increase as budgets are squeezed in the outyears and necessary adjustments are made.

Mr. Speaker, there is significant real growth in intelligence funding authorized by this conference report. If the intelligence community sticks to its future plans and commitments, the fiscal year 1983 intelligence budget can contribute significantly to improvements in intelligence capabilities. The Permanent Select Committee on Intelligence has played a role in bringing this comprehensive approach into being. We wish to see it retain and enhance its credibility in the future.

Mr. Speaker, the disposition of all budgetary matters at issue in conference are contained in the classified annex to the joint statement. The annex is available to all Members of the House during business hours. I urge Members to take the opportunity to review it.

Besides budgetary matters. The conference report retains the provisions of the House bill with the following three exceptions.

The House conferees accepted a Senate provision empowering the Director of Central Intelligence to authorize additional civilian personnel in fiscal year 1982 above the limit set by the Intelligence Authorization Act for fiscal year 1982 when he finds it necessary to the performance of important intelligence functions. This authority will be used to hire new employees in several critically important fields.

The House conferees accepted a Senate provision exempting the CIA from the Brooks Act, which provides for uniform Government coordination of purchases of advanced data processing equipment, maintenance and repair. The exemption is identical to that approved by the Congress last year for all Department of Defense intelligence ADP purchases.

Last, the conferees agreed on a modified version of provisions extending a retirement equity to former spouses of certain CIA employees. Although different in drafting style, the House and Senate versions were very similar. The conferees did agree to two Senate provisions which were not in the House bill. Coverage is provided to qualifying ex-spouses of CIA employees even if the employee eventually retires from another Federal agency, and any lump sum disbursement in lieu of retirement benefits made to retiring CIA employees requires the concurrence of the employee's spouse.

Mr. Speaker, this conference report makes important improvements in legislation and in intelligence funding. It deserves the approval of the House and that of the President. I urge its adoption.

Mr. ROBINSON. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I rise in support of the conference report on H.R. 6068.

It would authorize appropriations and establish personnel end strengths for the intelligence activities of the United States and is the result of many months of exhaustive examination of the intelligence needs of our Government.

With regard to the tactical intelligence activities of the Department of Defense covered in title I, conferees from both the Intelligence and Armed Services Committees worked together to resolve differences and where there is overlapping jursidiction, funding authorized by this bill is fully consistent with that provided in the Department of Defense Authorization Act for fiscal year 1983.

The Chairman has summarized the major differences between the remaining six titles of this report and the original House bill. I will not repeat them. Details of all of these matters are contained in the classified schedule of authorizations and a classified annex to the joint explanatory statement. These documents have been available for review by Members in the committee offices in the Capitol.

I have participated in consideration of every item contained in the conference report and I fully support it. Intelligence continues to receive the strong bipartisan support it needs and deserves.

This is not to say there were not some disagreements as to the proper resolution of some issues at conference. I can say, however, the conference recommendation is a compromise which I believe represents a fair and balanced reconciliation of the two authorization bills. Moreover, while

slightly below the President's request, it provides for real growth in intelligence funding over last year's levels and some modest increases in personnel needed to support the intelligence programs and activities essential to our national security and foreign policy.

I urge Members of the House to adopt this conference report.

Mr. BOLAND. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. I thank the distinguished chairman.

Mr. Speaker, I rise only to raise a question that, for some reason or other, has been agitated. I have had some inquiries.

As I understand it, the original 1947 Security Act provided very explicitly that intelligence activities, particularly the Central Intelligence Agency, would not in any way provide domestic jurisdiction. Does that still hold true? Or does that in any way change or modify by virtue of this legislation?

Mr. BOLAND. If the gentleman will yield, the gentleman raises a good question. Let me indicate to the gentleman what he says is in the 1947 statute is still there—that is, that the CIA shall have "no police, subpena, law-enforcement powers or internal security functions"—and whatever action this committee has taken does not change that provision of the National Security Act at all.

Mr. GONZALEZ. I thank the distinguished chairman.

● Mr. DICKINSON. Mr. Speaker, I rise to join Chairman PRICE in urging that the intelligence activities conference report be adopted. The Armed Services Committee and the Intelligence Committee have worked closely to insure that both the Defense authorization bill and the intelligence authorization bill reflect consistent actions on matters of shared jurisdiction.

I, too, would like to congratulate the Intelligence Committee, its staff, Chairman BOLAND and Mr. ROBINSON, the ranking Republican member of the committee, for their excellent work on this most sensitive and critical piece of legislation.●

● Mr. PRICE. Mr. Speaker, I rise in support of the conference report on H.R. 6068, the fiscal year 1982 intelligence activities authorization bill. As the membership is aware, the Armed Services Committees over matters pertaining to intelligence related activities. In this regard, I would like to note that the fiscal year 1983 Defense authorization bill and intelligence activities authorization bill are in conformity as they relate to intelligence related activities.

I would like to congratulate the Intelligence Committee, its staff and Chairman BOLAND and Mr. ROBINSON, the ranking Republican member of the committee, on another job well done and I urge that the conference report be adopted.●

● Mr. MAZZOLI. Mr. Speaker, I rise in support of the conference report on the Intelligence Authorization Act for fiscal year 1983.

I would like to focus my remarks on one of the act's legislative provisions, title VI, which adopts for the CIA the same provisions concerning retirement and survivor benefits for spouses and former spouses of CIA officers who serve overseas as were established for their colleagues in the Foreign Service by the Foreign Service Act of 1980.

This provision was included in the authorization bill reported by the Intelligence Committee upon the unanimous recommendation of the members of the Subcommittee on Legislation—which I have the good fortune to chair.

The provision recognizes that CIA spouses who serve overseas do so under difficult and sometimes dangerous circumstances, perform valuable services for their country, contribute immensely to the success of the mission of the CIA officers to whom they are married—and, because of the unique circumstances of their service, are unable to acquire transferable job skills or vested pension rights of their own, and thus are often in financial peril when a divorce occurs after many years of marriage.

Too often, the financial difficulties are exacerbated by the spouse's unfamiliarity with State divorce laws and by the spouse's understandable reluctance, after years of CIA life, to reveal to a lawyer or judge all the circumstances which would aid in an equitable monetary settlement but which may involve classified information, or which may involve information which the employee spouse, for his own benefit, suggests should remain confidential.

Title VI attempts to bring some equity to this situation by treating CIA spouses similarly to Foreign Service spouses. It does this by establishing for the spouse a vested interest in the employee's retirement benefits by entitling the employee's former spouse to a pro rata share of the employee's retirement annuity, survivor's benefits, and lump-sum disbursements made from the retirement fund.

To qualify, the former spouse must have been married to the CIA employee for at least 10 years during the employee's CIA service and both parties must have served at least 5 years overseas.

To protect fully the interest of the employee, and to recognize that it is the local courts that should and do administer our domestic relations laws, title VI provides that the pro rata share it grants can be reviewed, modified, or rejected altogether by spousal agreement or by the State court granting the divorce.

As I noted when title VI passed the House last May, it will provide some assurance to dependent spouses who have served the CIA and their country well that they will not become impoverished in their retirement years following a divorce.

I urge adoption of the conference report.●

Mr. BOLAND. Mr. Speaker, I have no further requests for time.

Mr. ROBINSON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOLAND. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

MOSCOW HELSINKI GROUP FORCED TO DISBAND

(Mr. FASCELL asked and was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, it is with deep regret that I report the formal dissolution of the Moscow Helsinki Monitoring Group, announced this morning in Moscow by Elena Bonner, the wife of exiled Nobel Peace Prize laureate Andrei Sakharov.

Founded in May 1976 under the leadership of now imprisoned Prof. Yuri Orlov, the Moscow Public Group to Promote Observance of the Helsinki Agreements in the U.S.S.R., has come under seige since its inception. Referring to this cruel persecution of the monitors, Ms. Bonner cited the possible prosecution of 75-year-old group member Sofya Kalistratova as the reason for calling a final halt to the group's activities. Sofya Kalistratova, who suffers from a heart condition, was first informed by Soviet authorities on December 24, 1981, that she faces possible criminal charges of anti-Soviet slander. This Monday, she was again threatened with prosecution as part of an official campaign to pressure the three Moscow group members still at liberty into silence.

I deplore the Soviet repression which has forced an end to the noble

work of the Moscow Helsinki Group. The Moscow group, however, lives on through its 200 documents—based on information from many Soviet citizens—which bear testimony to the Soviet people's desire to see their Government live up to its Helsinki human rights pledges. The Soviet Government has undertaken a systematic campaign of repression against the Moscow, Ukrainian, Lithuanian, Georgian, and Armenian Helsinki Groups: The 38 currently imprisoned members of these groups are serving a total of 355 years of imprisonment. Despite Soviet claims to have "wiped out" dissent in the U.S.S.R., I am confident that Soviet citizens will still speak out for their rights. We in the West will continue to defend their right to do so.

□ 1750

SOVIET VIOLATION OF HELSINKI ACCORDS

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RITTER. Mr. Speaker, I would like to commend the gentleman from Florida on bringing this issue to the forefront of this Congress and to the American people. I think it is instructive to consider the relationship between the Soviet Government and their own history of having signed the Helsinki accords and the fact that they have consistently violated these accords time and again with their own citizens and citizens of countries that are directly under their jurisdiction.

I think it is instructive for the American people to understand how the Soviet Union has treated the Helsinki accords because these are signed treaties, treaties perhaps equivalent to treaties which we would engage in with the Soviet Union, the subject of arms controls and that without incentives and for sure it is hard to find incentives for the Soviets to live up to their Helsinki responsibilities without incentives, arms control can be like the Helsinki accords violated at every turn.

Mr. FASCELL. Mr. Speaker, will the gentleman yield?

Mr. RITTER. I yield to the gentleman from Florida.

Mr. FASCELL. The gentleman is correct. Of course, the Helsinki accords are not formal treaties between nations. They are certainly formal commitments of principles to the people of the countries who sign the Helsinki accords.

The Soviets have made it quite clear they are not going to give their citizens, any of them, any rights under those accords.

Mr. RITTER. I thank the gentleman for his point.

REPORT OF RESCISSION PROPOSAL AND DEFERRALS IN ACCORDANCE WITH IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

EAST-WEST TRADE REPORT FOR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

REPORT ON NATION'S PROGRESS IN SPACE AND AERONAUTICS IN 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science and Technology:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

SEVENTH ANNUAL REPORT OF THE NUCLEAR REGULATORY COMMISSION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

ANNUAL REPORT FOR 1981 OF THE FEDERAL COUNCIL ON THE AGING—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

ALTERNATIVE PLAN FOR FEDERAL WHITE COLLAR PAY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-233)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service and ordered to be printed:

(For message, see proceedings of the Senate of today, Wednesday, September 8, 1982.)

□ 1800

DEPARTMENT OF EDUCATION REPORT ON ACTIVITIES UNDER REHABILITATION ACT OF 1973 DURING FISCAL YEAR 1981—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor:

(For message, see proceedings of the Senate of today Wednesday, September 8, 1982.)

REPORT ON AGENCIES AND UNITS EXCLUDED FROM COVERAGE UNDER MERIT PAY SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today Wednesday, September 8, 1982.)

UNCONVINCING OPPOSITION TO H.R. 5252

(Mr. LUKEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. LUKEN. Mr. Speaker and Members of the House, I would like to draw attention to a publication in which there is incorporated the remarks of one James Sheets of the Laborers International Union, as we resume our deliberations in the Committee on Energy and Commerce on the Clean Air Act amendments.

Mr. Sheets is one of two contributors to this publication, both of whom are labor union representatives. This emphasizes the fact that the Clean Air Act amendments are promoted primarily by those who are interested in jobs, whether they be on the labor or management side of the picture.

In the remarks, and I quote:

UNCONVINCING OPPOSITION TO H.R. 5252

(By James Sheets)

Both the intensity and the shrillness of opposition to H.R. 5252, proposed Clean Air Act amendments are, or should be, unconvincing to the public.

The nature of the bill, which is basically moderate, simply does not deserve the demagogic violence of reaction that has come from the environmental community.

Fortunately, the Auto Workers will address the complexities of Title II, the mobile source portions of the bill, so I will restrict my remarks here to the main elements of Title I and their effect on the construction of new stationary sources. Further, I will focus here on the two or three elements of Title I that have been most commented on by opponents of H.R. 5252. Examining the literature of opposition to the bill, it would seem that the key elements of opposition are against the extension of deadlines, the elimination of offsets in nonattainment areas, and the elimination of monitoring and modeling requirements in Prevention of Significant Deterioration (PSD) Class II and III Areas.

Much has been made of the so-called "unnecessary" extensions of deadlines in H.R. 5252. The argument itself is a canard since the bill, when passed, will not extend anyone's deadlines itself. Indeed, it is very specific that those areas that can meet the 1982 deadline for achievement of the National Ambient Air Quality Standards must do so. Instead, H.R. 5252 provides administrative means for extending deadlines in very specific areas where the magnitude of clean air problems has made it impossible to meet the 1982 date. In this element, H.R. 5252 squares exactly with the recommendations of the National Commission on Air Quality that uniform national deadlines be abandoned.

The original Clean Air Act and its 1977 successor were unrealistic on the question of deadlines in two regards. The designers of the bill underestimated the magnitude of air quality problems or, perhaps conversely, overestimated the resources society was willing to put into clean air. Those assumptions led them to set uniform deadlines of 1975 in the original bill and 1982 in the current Act. In simple fact, NCAQ and other objective observers have uniformly realized that there were a number of problem areas that were not amenable to such uniform deadlines and, indeed, some which would not, without the imposition of severe limitations, be able to meet the NAAQS within the foreseeable future.

The second fallacy was to write the Act so that states were the basic unit for judging compliance with the Act. Every state has both attainment and nonattainment areas, and the Environmental Protection Agency quickly realized in 1979 that it could not even administer the State Implementation Plan requirements on a state-wide basis. This led to a massive administrative amendment of the Act to allow the administrator to act on SIP's partially and conditionally, without specific authorization in the language of the Clean Air Act. Intransigent air problems in specific metropolitan areas will have to be met by site-specific actions. H.R. 5252 will allow planning on that basis.

Finally, the simple fact is that Congress must do something about the deadlines. If the Act is not amended by December 31, 1982, nonattainment areas will receive either relief from the deadlines or punishment for failure to meet them. It is doubtful that governors, mayors or congressmen are going to be willing to face the political prospect of widespread punishment. The real question is whether the relief should be in the form of general extensions of deadlines for a limited period, or an administrative procedure such as the one embodied in H.R. 5252.

Of the two, my choice would go to the administrative procedure. Congress has made the experiment of uniform deadlines twice now, and both times the experiment has failed. There is no reason to think a third attempt would be more successful, and there are more productive ways for Congress to spend its time than meeting every two or three years to debate a new and equally futile deadline for the Clean Air Act.

As an administrative tool, the idea of required offsets in nonattainment areas was another flawed notion in Clean Air Act administration. The flaws, in this case, were obscured for quite some time and, indeed, still are obscured in part by the delay in completion of the SIP process. The most important part of Clean Air Act administration, considering the number of sources involved, has always been the requirement for Reasonably Available Control Technology (RACT) on existing facilities. After all, existing facilities will always outnumber new ones by several orders of magnitude and, since most of them in this period of time were in operation prior to passage of the Clean Air Act, RACT obviously would attack the overwhelmingly greatest source of air pollution.

Unfortunately, the requirements of RACT depended in large part upon guidelines which were to be laid down in the state implementation plans. Since many states still do not have fully approved SIPs, their RACT requirements are, to some extent, speculative. However, most states have gone ahead with RACT regulation. As these regulations are implemented, they will quickly eat up any available supply of offsets.

But above all, as costly and inefficient as offsets are, they are not aimed at a significant air quality problem. In a number of states, studies show that the total contribution to air pollution inventories from new facilities—with installed Best Available Control Technology (BACT)—amounts to less than 1 percent of the total. Offsetting such emissions, sometimes at great cost, does not seem a significant contribution to the ultimate achievement of clear air.

The cost of this policy creates a situation directly opposed to other important policies of our economic society. Imposing a costly requirement such as offsets on new capital development can only increase the movement of our economy toward large units—to the detriment of our long-held policy of encouraging small business. There are enough tendencies toward economic concentration in this country without adding one through the Clean Air Act.

Elimination of Class II and III PSD areas was a basic recommendation, with some modifications, of the National Commission on Air Quality, and the reasons for that elimination seem quite sound.

PSD requirements arising from the Supreme Court's determination in Alabama Power v. Costle were, at best, a theoretical construct which experience has demonstrated to be unworkable. NCAQ's examination of PSD transactions found, with practically no exceptions, that the process of monitoring and modeling consumed a great deal of money and time, but did not produce any useful information to guide the permitting process. In fact, in the overwhelming majority of cases, permitting agencies merely fell back on BACT determinations which could have been made many months earlier and thousands of dollars cheaper.

The present PSD requirements of the Clean Air Act are a classic case of administrative overkill. So complex and demanding are these requirements for the administrators of the Act that few states have even attempted to win delegation of PSD authority. This flies in the face of the clear congressional intent to make the states partners in Clean Air Act administration. Not only that, it creates the ludicrous situation of making EPA—itself not a large federal agency—responsible for case-by-case determinations on economic decisions in something like 85 to 90 percent of the United States.

After 10 years experience, it has become clear that the protection and promotion of clean air has certain basic elements. Preservation of the National Ambient Air Quality Standards under federal jurisdiction is basic, as is the requirement that the Best Available Control Technology be installed on new and modified plants and that there be rigorous enforcement of the requirements of the Clean Air Act.

Leaving aside the question of what may be expected from this or subsequent Administrations, H.R. 5252 provides the legislative framework for a "lean and mean" Clean Air Act which will far better serve both our economy and the goals of clean air than the present administrative hogwallow of regulation for its own sweet sake.

BILL GREEN ON THE TAX BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 15 minutes.

● Mr. GREEN. Mr. Speaker, Congress recently completed action on the tax bill known as the Tax Equity and Fiscal Responsibility Act of 1982. This legislation is projected to raise $98.3 billion in new tax revenues and reduce spending by $17.5 billion over the next

3 years. This was a difficult vote for me. The bill contained some tax provisions which I believe to be bad tax policy, because they discourage badly needed personal savings. In particular, I am disturbed about those provisions which mandate 10 percent withholding on interest and dividends, which I had voted against when it came up in the last Congress, and discourage contributions to pension funds, which have been a major source of investment capital. The bill also required spending cuts in the medicare and medicaid programs. In general, I believe that such spending reductions in social programs should not occur while the defense budget spirals upward uncontrollably.

However, with these serious reservations in mind, I did support the tax bill. Hanging over almost every action taken by Congress is an expanding Federal deficit, which is estimated to be in the range of $109 to $114 billion in fiscal year 1982 and which the Congressional Budget Office estimated September 1 to be $152 to $155 in each of the 1983-85 fiscal years. That deficit has a profound effect on interest rates, which have remained at record high levels over the past several years and which impede economic recovery from the current recession and stifle the growth of our economy. I might add, the large deficit was the reason given by Common Cause and the American Association of Retired Persons when both organizations urged me to support this bill. This tax bill will directly reduce the deficit by $115.8 billion over the next 3 years. There will be $98.3 billion in tax increases and $17.5 billion in spending cuts for medicare, medicaid, and other programs. By reducing the deficit, interest rates may come down, which in turn will reduce the deficit even further. The Office of Management and Budget estimates that for every 1 percent decrease in Treasury bill interest rates, which reduces the cost of Federal borrowing, budget outlays, and hence the Federal deficit, are reduced by $4 billion.

A major factor in my decision to support the tax bill was a real possibility that, if this bill were defeated, another would be drafted and presented to Congress which would almost certainly be worse. This is not idle speculation. The administration requests for reductions in medicaid and medicare were far higher than those contained in the tax bill. In all probability, an alternative tax bill would include an oil import fee that would be devastating to the Northeast section of the United States. I favored repealing the generous tax breaks granted oil companies last year. While this year's tax bill did not rid the tax code of those tax breaks, it did not impose this burdensome new tax on our region.

I should also add that, if this measure had been rejected and another submitted for a vote, several of the important and beneficial items which I supported and which were contained in last year's $749 billion tax cut, might have been repealed. In particular, I refer to the mass transit leasing provision which I got into last year's tax bill and is a major component in the Metropolitan Transportation Authority's subway car and bus purchase program—it will save the MTA approximately $500 million. There was a great deal of pressure to scrap this provision this year and I fought successfully to retain it. Had this bill gone down to defeat, another one almost certainly would have quickly been written, and the mass transit provision would have been a prime candidate for repeal.

A second concern was the third year of the personal income tax cut. Many Members of the House were on record as supporting the repeal of the final 10-percent tax cut that is scheduled to become effective July 1, 1983. I have stated publicly on numerous occasions that we need the full 25-percent tax cut in order to provide redress to middle-income taxpayers for the full effect of inflation which pushes them into higher brackets.

A further reason for supporting this year's bill was that it contains several sections that are good tax policy, which close loopholes and assist in collecting revenue. Individual income tax provisions totaled $6.5 billion ($18 billion if the withholding provision is included) while business tax provisions came to approximately $50 billion. Finally, specific tax issues that many New Yorkers were concerned about, such as tax policy toward restaurants and the public utility dividend reinvestment provision, were resolved in ways that were beneficial to New Yorkers.

HOUSE VOTE

On Thursday, August 19, the House approved the tax bill by a vote of 226 to 207. This was the only time the House had an opportunity to consider this tax bill. The Constitution requires that tax legislation originate in the House, where the Ways and Means Committee writes the bill, the full House acts upon that legislation, and it is then sent over to the Senate for consideration. Except for a minor tariff provision approved earlier by the House, this bill essentially originated in the Senate. The Senate Finance Committee wrote the legislation, the Senate adopted it and then sent it to the House. What should have occurred was an opportunity for the House Ways and Means Committee to consider the bill and alter it in any way it felt appropriate, and, of course, a chance for the full House to consider and amend the bill. If this had happened, it is quite possible that the House might have eliminated or drastically modified the interest and dividend withholding provision, or changed the medicaid and medicare provisions. However, in an unusual procedure, this bill bypassed consideration by the full House. By a vote of 208 to 197, the House voted to go directly to "conference" with the Senate. A "conference" is a meeting of the House and Senate committees with jurisdiction over the legislation to resolve differences between the House and Senate versions. In this case, the conference had to resolve differences between a minor tariff provision (the House version) and scores of major tax changes (the Senate version). I voted against going directly to conference because I thought it violated the spirit of sound legislative procedure, if not the letter of the Constitution. It denied the Members of the House their right to develop a bill which reflected their views.

When the House-Senate conference committee completed its work, there was another opportunity for House Members to change the bill. The guideline or rule under which the House was to consider the tax bill allowed for no amendments whatsoever. There was an attempt to change that rule so that amendments could be offered. Unfortunately, I was again on the losing side of a 220 to 210 vote to revise the rule, and, consequently, no amendments were allowed. From the debate that day, it was clear that an amendment to eliminate the interest and dividend withholding provision would have been offered if the rule had been changed.

MAJOR TAX PROVISIONS

The tax bill contains approximately 50 revenue provisions which will raise taxes and increase compliance as well as changes in the medicaid, medicare, aid to families with dependent children, SSI, and unemployment compensation programs. I want to take the opportunity to explain some of these elements of the bill.

MASS TRANSIT PROVISION

In the 1981 tax cut bill, I negotiated a provision which would assist the Metropolitan Transportation Authority (MTA) and other public mass transit agencies in their acquisition of new rolling stock. In the MTA's case, this provision allows it to save the taxpayers 25 percent of the cost of a subway car and 14 percent of the cost of a bus. Given that the MTA has a $7.2 billion capital improvement program planned for the next 5 years, one can see how this provision can mean $500 million in savings for the MTA.

The mass transit provision had been a part of the safe harbor leasing section of the 1981 tax bill. Safe harbor leasing as applied other than to mass transit had been criticized for various abuses and an effort was undertaken

either to repeal or revise the law dramatically. While mass transit leasing had not been abused at all, there were critics of the provision, and it became a real possibility that this important section of the law might be repealed or changed so that it would be rendered useless to New York City. However, others and I were successful in urging retention of the mass transit leasing provision, while eliminating some of the abuses that had developed in safe harbor leasing. The fact that we were able to do this was a major reason for my support of the tax bill. As a practical matter, defeat of this bill would have made it impossible for the MTA to continue to use the mass transit provision, in view of Senator Dole's announcement that he favored repealing it retroactively. I had a phone call from the MTA on the day before the tax bill vote reinforcing this point.

10 PERCENT WITHHOLDING ON INTEREST AND DIVIDENDS

The bill requires withholding at a flat rate of 10 percent on payments to individuals of interest and dividends. This provision was put into the tax bill based on the proposition that some individuals were not paying their taxes on interest and dividends. I believe that the tax evasion problem is not large enough to warrant an imposition of a withholding tax and, in effect, penalizes those people who have paid their taxes religiously. Further, through information returns, the IRS has all the information it needs to determine who is an evader and should match interest and dividend statements with taxpayers returns. As mentioned earlier, I had voted against such a provision in the past.

This being said, the provision is now in the law, though it will not become effective until July 1, 1983. The law does provide for several exemptions. Persons with $150 or less in interest will be exempt, as will individuals with prior year tax liability of $600 or less—$1,000 on a joint return. This provision has a much more profound effect on those elderly persons who often depend on their interest and dividends for living expenses. For persons over 65 years of age, there is an exemption from this law if an individual's tax liability in the prior year was $1,500 or less—or $2,500 or less on a joint return. This is estimated to mean that a single person over 65 with an income of $13,323 or less—or a couple with an income of $22,214 or less—will be exempt. Social security need not be included when estimating this income. The Internal Revenue Service will make exemption forms available to file with those banks, corporations, and other institutions that issue interest and dividend payments.

PUBLIC UTILITY DIVIDEND REINVESTMENT PLAN

The 1981 tax cut bill added a provision which allows public utility corporations to set up reinvestment plans under which shareholders electing to receive distributions in the form of common stock, rather than money, may exclude from their income up to $750 per year or $1,500 in the case of a joint return. The Senate had repealed this provision. I felt that this abrupt repeal after only 1 year in effect was unfair to investors who had purchased public utility stocks and was therefore pleased when the conference committee dropped this provision from the tax bill.

RESTAURANT TIPS

This provision will require restaurants with more than 10 employees to take 8 percent of the restaurant's gross income and the restaurant must report for each employee a share of that amount under the employee's name to the Internal Revenue Service each year. The IRS would use the amount reported as a bench mark to measure the accuracy of the amount of tip income reported by the employee.

BUSINESS ENTERTAINMENT DEDUCTION

While the tips section of the tax bill will add to the recordkeeping and paperwork requirements of restaurants, it is far better than the Senate provision for which it was substituted, that would have limited deductions for business meals to 50 percent of the cost of food and beverages unless one was traveling away from home on business. That provision would have fallen unfairly and inequitably on New York City, which has thousands of restaurants that cater to a business clientele and would have cost New Yorkers many jobs, at a time when unemployment is very high. There is no question in my mind that the conference committee chose the better of the two alternatives from New York's point of view.

MEDICAL DEDUCTIONS

Under present law, a deduction is allowed for those itemizing their income taxes of one-half of health insurance premiums up to $150, medical expenses in excess of 3 percent of a taxpayer's adjusted gross income and for the cost of drugs in excess of 1 percent of a taxpayer's adjusted gross income. The tax bill eliminates, effective tax year 1983, the $150 health insurance deduction and raises the medical expense deduction to 5 percent. Beginning in tax year 1984, the 1-percent floor for drugs will be eliminated and drugs will be redefined to include only prescription drugs and insulin. The major change in this section is the 3-to-5 percent change. However, it should be noted that this is far better than the change from 3 to 10 percent that the Senate Finance Committee had approved. While not ideal, I certainly see this modification as less harmful than what the Senate Finance Committee had adopted.

EXCISE TAXES

The telephone excise tax is raised from 1 cent to 3 cents effective January 1, 1983, stays at that level for 3 years, and then drops to zero after 1985. The cigarette excise tax is doubled from 8 cents to 16 cents until October 1, 1985.

PENSIONS

The tax bill restricted deductions for contributions to corporate pension plans, while increasing the contribution limit on Keogh plans.

For corporate, defined contribution benefit plans the maximum limit on contributions would drop from $45,475 to $30,000. For defined benefit plans, the maximum would drop from $136,425 to $90,000. These provisions become effective after December 31, 1982. Under present law, reasonable loans from pension plans are permitted. Effective on loans made after August 13, 1982, loans will be limited to $10,000, plus those loans up to $50,000 that do not exceed half the present value of the employee's vested benefits. Repayment must be within 5 years.

The limit for deductions for those contributing to Keogh plans, that is, pension plans for the self-employed, is increased from $15,000 to $30,000 effective tax year 1984.

TAX LOOPHOLES

There are several tax loopholes or tax breaks that reform-minded Members of Congress have been attempting to end for some time. This bill addresses some of them and creates greater equality in our tax system. Among these changes, the bill repealed a tax break allowing oil and gas companies to shelter income through the use of credits and losses from foreign oil and gas extraction and reduced several business tax breaks by 15 percent including special deductions for mining exploration and development and for depletion for coal and iron ore reserves.

TAX COMPLIANCE

It has been stated many times that there are always certain taxpayers who fail to pay taxes or do not report all their income. The result of this is a higher deficit and ultimately the burden being carried by the honest taxpayer. This bill had added provisions which will beef up tax compliance through enforcement and collection procedures. The bill instituted or increased penalties for many situations, such as substantial understatement of taxes, for promoting abusive tax shelters, for aiding and abetting understatements of tax, for failure to furnish information returns to taxpayers, and for substantial underpayment of taxes. The bill also included a section on increased taxpayer rights, including increasing the amount of property exempt from levy; requiring prompt release of liens; extending the

redemption period for real property; and reimbursing taxpayers for property wrongfully levied upon at fair market value.

UNEMPLOYMENT BENEFITS

Because the Federal unemployment law was changed last year, New York does not qualify at the present time for the extended benefit program that provides additional weeks of unemployment compensation beyond the basic 26 weeks of benefits. With an unemployment rate of 9.7 percent in New York City, many people are exhausting their benefits. The tax bill provides 8 weeks of extended benefits to workers in New York who have exhausted their 26 weeks of unemployment benefits. I supported a revision in the law to make New Yorkers eligible for additional benefits and I am pleased that this provision is in the bill. It will become effective September 12, 1982.

SPENDING PROVISIONS

As mentioned above, this bill also contained changes in guidelines governing certain programs which were made in order to reduce the amount of funds which would be spent in these programs. I shall describe some of these important modifications. I would add that I consulted a number of interested parties—Mayor Koch, the Washington office of Governor Carey, the Greater New York Hospital Association, the Democratic chairman of the House Subcommittee on Health and the Environment—about the medicare and medicaid changes. I found they were willing to accept this tax bill because they felt that, were the bill disapproved and sent back for revisions, the result would have been a bill imposing hardship to a greater extent than this bill would.

MEDICARE

Changes in medicare advocated by the Senate of which I disapproved included a provision seeking to impose a copayment requirement for home health services. I was pleased that this provision was rejected by the bill's conferees, as the elimination of this provision made the bill more attractive to me.

Desirable parts of the bill included provisions which will provide medicare coverage of hospice services, and allow medicare beneficiaries to participate in health maintenance organizations (HMO's). Savings were also made through changes in reimbursement and other procedures affecting providers rather than program participants. While I realize this will impose hardship on some institutions, I am glad that medicare beneficiaries will be spared from drastic changes in their coverage plans.

One new provision may result in increases in premium costs. The new law links the increase in premium charges to the rise in health care costs rather than the rise in the cost of living. As you may know, health care costs have been increasing rapidly than the general inflation rate. While this change does concern me, I do feel that other suggested modifications which were rejected would have had significantly more adverse effects. I felt that I should settle for this because more harsh ones could have been offered and I was pleased that in some cases it extended coverage.

MEDICAID

The bill also included some changes in the medicaid program aimed at making savings. Unfortunately, the new law permits States to require that beneficiaries make copayments for services. However, I am pleased that it also allows for outpatient treatment of disabled children. It also permits states to place liens on the property of permanently institutionalized beneficiaries in order to recover medical incurred on behalf of the beneficiary.

AID TO FAMILIES WITH DEPENDENT CHILDREN

The tax bill included changes in the formula used to determine benefit amount in this program which will result in additional limitations on benefit amounts. It addition, the new law permits States—which administer the program—to impose a work requirement on program participants, and charges them an increased penalty for high error rates. Although I take issue with these reductions at a time military spending is escalating, again, had this bill been rejected, the bill written and offered to replace it would have almost certainly imposed more harsh changes in these vital human service programs.

SUMMARY

While I continue to have serious concerns about various provisions of the tax bill, on balance I believe Congress took the right action in approving this legislation. I would have preferred a bill that did not contain reductions in spending for social programs, though I believe this legislation will have a minimal effect on the recipient and I am convinced that, if this bill had been defeated, the alternative offered would have been much worse. The mass transit provision is a similar case. Approximately $500 million in savings to the MTA and taxpayers of New York City would likely have been placed in jeopardy if this bill had been defeated. The possibility of an oil import fee being imposed in a redrafted bill was a factor that I had to consider. The overriding need to reduce the deficit was an issue with which I was concerned. Any burden this tax bill imposes must be considered in light of what could have been and the benefits to New Yorkers in law that were preserved.●

NAVY SAYS CHAUFFEURS NOT NEEDED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. CORCORAN) is recognized for 5 minutes.

● Mr. CORCORAN. Mr. Speaker, during the congressional recess just completed, I had the opportunity to spend some time visiting the naval headquarters of our Pacific Fleet in San Diego, Calif. While there were many interesting and satisfying aspects about the condition of the U.S. Navy's operations at Miramar Base and other naval installations there, the thing that impressed me the most was the fact that many of the top officers, including Adm. George M. Furlong, drove their own cars on official business. Maybe "no chauffeur" is not everything, but it certainly is something. What I saw of the Navy in San Diego tells me that it is a lean, tough organization. That is what we need more of these days throughout our entire Armed Forces.

Mr. Speaker, as you know, in the 6 years I have been privileged to serve in this House of Representatives, I have voted to correct the neglect of our Armed Forces during the previous decade. Nonetheless, I would like to see a leaner, tougher and less top-heavy national defense program for the United States. I think it might be a very good thing for all top Government officials, including admirals, generals, and Members of Congress, to cut back on the so-called perks as we rearm this country's defenses and rebuild confidence in America in other ways as well.●

THE 43D ANNIVERSARY OF THE INVASION OF POLAND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, the month of September marks the 43d anniversary of the invasion of the country of Poland, and the beginning of one of the most tragic and destructive wars in recent history—World War II.

Throughout history, Poland has served as a bulwark of Christian civilization in Europe, restraining the Tartars and the Turks as they plundered and pillaged across the continent. But in the fall of 1939, the Polish homeland was divided between two barbaric and greedy conquerors.

On September 1, 1939, the forces of Hitler broke across the Polish border from the west. Sixteen days after this initial Nazi attack, Stalin saw that the Poles were fighting against overwhelming odds, and gave orders for a treacherous assault from the east. Although the Poles fought courageously

and heroically against these brutal forces of nazism and communism, they were unable to prevent Poland from becoming a nation without a state, a tyrannized and persecuted country, deprived of half of its territory and millions of its people.

Thousands of Polish troops forced to flee the country joined the Allied Forces, and as the regular army slowly disintegrated, an underground movement was formed, directed by the Polish Government-in-exile. Polish soldiers joined together with civilian men, and women, and children in the fighting and destroying of enemy planes, ammunition dumps, bridges, and other military installations.

The members of the resistance movement and the Polish populace refused to betray their national honor by collaborating with the enemy. Instead, some were forced to survive for months, or even years, in the forest and mountains, and 6 million Poles preferred self-respect and death to capitulation. Millions of Poles suffered deportation and imprisonment in labor camps in Soviet Siberia and in Germany. The Polish nation lost close to one-quarter of her population, and the beautiful capital city of Warsaw was leveled to the ground.

Even after the end of the war, there was no peace for Poland, as the Soviets continued to attempt to systematically destroy the culture, religion, and national identity of the Polish people. Nevertheless, the Communists have been unable to completely crush the spirit and pride of the Poles, for the struggle to achieve self-determination continues today.

The protests and demonstrations which followed the recent second anniversary of the founding of the independent labor union Solidarity clearly indicates that the Polish desire for human rights, human dignity, and liberty can survive and overcome every threat of the Communists and every act of violence. The dedicated men and women of Poland daily face a dismal existence under Communist-imposed martial law, but nevertheless continue their fight against this oppression in an effort to achieve self-determination.

Mr. Speaker, I take this opportunity to join with Polish Americans who reside in the 11th District I am honored to represent, and Poles all over this Nation, in their hopes and prayers for the day when the people of Poland can live in personal and economic freedom with the right to choose the course of their own national destiny.●

"TICONDEROGA" PASSES SEA TRIALS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. MONTGOMERY) is recognized for 5 minutes.

● Mr. MONTGOMERY. Mr. Speaker, there have been press reports recently questioning the seaworthiness of the *Ticonderoga* class of guided missile cruisers being made at Ingalls Shipyard in Pascagoula, Miss. I want to share two letters with my colleagues on this subject. One letter is from Mr. Leonard Erb, president of Ingalls Shipbuilding, which effectively refutes the erroneous statements made about this ship.

As Mr. Erb points out the *Ticonderoga* underwent the most extensive sea trials ever conducted and passed every test successfully.

The other letter was sent to Members of Congress from Chief of Naval Operations, Adm. James D. Watkins. In it he reaffirms the Navy's support for this ship and called the *Ticonderoga* a "superbly capable ship" and a "quality product."

I am happy to share these letters with my colleagues in order to present a true balance against the misinformation which was made public earlier about this ship:

INGALLS SHIPBUILDING,
Pascagoula, Miss., August 23, 1982.

Hon. G. V. MONTGOMERY,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MONTGOMERY: While the news media last week was repeating in print the inaccurate information and conclusions of an S&I report on the *Ticonderoga* class of guided missile cruisers, Ingalls and the Navy had the ship at sea on scheduled trials. Without exception, the trials were the most extensive, most successful ever conducted for a first-of-a-kind surface war ship. And that, too, is the opinion of the Navy which was represented on the trials by Vice Admiral E. B. Fowler, Jr., Commander, Naval Sea Systems Command, Vice Admiral John D. Johnson, Jr., Commander, Naval Surface Forces, Atlantic Fleet, and Rear Admiral Wayne E. Meyer, the Navy's Aegis Shipbuilding Project Manager.

Before I tell you how well *Ticonderoga* performed at sea on this, her second trials (the first conducted in May), let me tell you what the ship "is not"—contrary to the conclusions of the S&I report and the newspaper headlines:

It is not overweight, unstable and in danger of capsizing.

It is not sluggish and unable to keep up with the carrier battle group she is built to protect.

It is not ineffectual.

Last week's trials, as well as those in May, proved the S&I report "wrong" on every major issue:

Ticonderoga met every objective and demonstrated, without question, the capability to carry out its mission.

It meets, or exceeds, the required endurance, speed, survivability and combat capability originally established over six years ago.

It is the most extensively armed surface ship in the U.S. Navy Fleet and has achieved battle force speeds in excess of 30 knots.

It is not overweight, although the ship has increased in size in response to Congressional direction to build a truly multi-mission cruiser. At 9,600 tons she has margin for growth.

During last week's trials, *Ticonderoga* underwent an unprecedented testing of her weapons suit—tests that are normally scheduled after a ship is commissioned. This early firing of weapons is in step with the Navy's long-standing emphasis to get the new ships operational and into the Fleet as quickly and as cheaply as possible. In fact, *Ticonderoga* will deliver to the Navy in November—in budget and well ahead of her original delivery date established four years ago.

The highlights of the recent trials were the weapon firings and the first at-sea testing of a completed Aegis combat system. A total of 13 Standard missiles were fired from the ship's MK 26 launchers, including 11 "test" missiles and two "active" missiles. During the "active" missile firings, the Navy crew aboard *Ticonderoga* fully employed the Aegis system against an "attacking target" launched and controlled from Eglin Air Force Base. The "target" was successfully detected and tracked by the Aegis system—then "destroyed" by the Aegis directed and guided SM-1 missiles. In both "active" firings, *Ticonderoga's* missiles passed within five feet of the "target"—well within the range necessary for a "sure kill." The results may well have set first firing records.

The weapons test also included firing of anti-surface missiles from the ship's Harpoon launchers; firing of 140 rounds from the ship's 5-inch guns; and the firing of the Phalanx close in weapons system, radar controlled gatling guns which fire at the rate of 3,000 rounds per minute.

Rear Admiral Meyer, who has directed the Aegis program for the Navy since its inception more than a decade ago, described the trials as "extraordinary."

The enclosed color photographs were taken during the missile firings. The black and white photograph demonstrates the ship's maneuverability and stability during high speed turns.

At daybreak tomorrow, we take *Ticonderoga* to sea again for more previously scheduled trials and testing. We expect her to pass these tests, too, with equally high marks, in preparation for her Navy acceptance trials shortly.

Your support of the Aegis program and our shipyard's participation as the builder of the Aegis ships has been and continues to be vitally important. I wanted you to have this report so that you would know the "facts" about *Ticonderoga*. And know, too, that your support has resulted in the construction of the world's most capable cruiser.

Sincerely,

LEONARD ERB, *President.*

DEPARTMENT OF THE NAVY,
Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, a number of magazine and newspaper articles have publicized a report by the House Appropriations Committee's Surveys and Investigations Staff which questions the safety, stability and combat capability of *Ticonderoga* (CG 47). I recognize the concern these articles have created and want to assure you that *Ticonderoga* is a safe, seaworthy battle group combatant.

It is apparent that the exchange of technical data with the investigators for the House Appropriations Committee's Surveys and Investigations Staff was deficient, thus not permitting them to correctly judge sta-

bility and mission effectiveness. Translation of highly technical data into overall performance criteria while maintaining a balanced perspective is difficult at best. However, the serious distortions of fact and conclusions resulting from the leak of this classified report to the press have been far more damaging than the report itself, thus creating erroneous impressions and serious allegations regarding the management of a very successful shipbuilding project. Therefore, I want to personally clarify some of the issues that have been raised regarding ship stability and mission capability.

Ticonderoga evolved from *Spruance* Class destroyer design. That design, by intent, had large displacement and stability margins for future use. Adapting the same hull to the more heavily armed *Kidd* Class DDG effectively utilized some of this margin. *Ticonderoga*, with her AEGIS Weapon System, continues this practice using an additional portion of the original *Spruance* margins. The utilization of this margin has been a conscious decision from the very start of CG 47 design. It was explicitly directed by my predecessors and endorsed by Congress. Careful and prudent naval architectural practices have permitted full realization of the combat potential of this hull. *Ticonderoga* will commission at 9600 tons displacement with 600 tons of service life margin. Well within her limiting displacement of 10,200 tons, she is both safe and stable, meets all speed and endurance requirements and still has some room for future expansion.

Ticonderoga was conceived, designed and built as a multimission capable ship and approved by Congress as such. She is fully capable of operating continuously with carrier battle groups and surface groups throughout the world in sea and weather conditions we design any major combatant to endure. In what we refer to as Battle Group capable ships, we design for and expect to achieve operational speeds of 30 knots or better; *Ticonderoga* has fully demonstrated speeds in excess of 30 knots on both of her sea trials. These trials have proved *Ticonderoga* to be a fully sea-worthy ship which is stable and responsive.

Allegations that we have done inadequate testing are preposterous. The Aegis cruiser is the most carefully considered and tested surface combatant ever built. Over 100,000 hours of successful land-based and at-sea testing of the Aegis Weapon System have been completed to date. *Ticonderoga* has completed two sea trials nearly six months prior to commissioning and has met or exceeded all operational requirements tested. She is well ahead of schedule and I can assure you she will deploy "war ready" in record time after her commissioning.

I am assured by Vice Admiral Fowler (Commander, Naval Sea Systems Command), Vice Admiral Johnson (Commander, Naval Surface Force, U.S. Atlantic Fleet) and Rear Admiral Meyer (Aegis Shipbuilding Project Manager), all of whom have sailed in her, that *Ticonderoga* is a superbly capable ship. It should be reiterated that the increase in displacement from 8,000 tons for the DD 963 Class to 9,200 tons for the DDG 993 Class and finally to 9,600 tons full load displacement for *Ticonderoga* has been a carefully planned and executed process. No rules of naval architecture have been breached nor has safety been sacrificed in building this ship. *Ticonderoga* is a quality product and her addition to the fleet will herald a new dimension in Battle Group Anti-Air Warfare capability.

I have sent identical letters to the other Committee Chairmen concerned and I am prepared to respond to any inquiries you may have.

Sincerely,

JAMES D. WATKINS,
Admiral, U.S. Navy.●

EXPORT-IMPORT BANK FINANCING NOTIFICATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. NEAL) is recognized for 5 minutes.

● Mr. NEAL, Mr. Speaker, I am informing the House today of an Export-Import Bank proposal for a direct credit of $292.5 million for the purchase of U.S. goods and services to expand an oil refinery in Indonesia.

The Eximbank proposes to grant the loan to the Republic of Indonesia for use by Pertamina, the national oil and gas company.

The total refinery expansion will cost $1.18 billion, of which $450 million would be paid to U.S. suppliers. Eximbank's financing would cover 65 percent, or $292.5 million, of the U.S. purchases. International competition for contracts on this project has been intense. Japanese suppliers offered financing at 7.5 percent.

Fluor Corp. and UOP, Inc., will each supply one-half of the U.S. goods and services. It is estimated that 3,007,000 man-years of employment for these U.S. firms would be created by this transaction.

This Eximbank financing notification was referred to me as chairman of the Banking Committee's Subcommittee on International Trade, Investment, and Monetary Policy. Under section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, the Eximbank must notify Congress of proposed loans or financial guarantees, or combinations thereof, of $100 million or more. Unless the Congress determines otherwise, the Eximbank may give final approval to the transaction after 25 days of continuous session of the Congress after notification.

I am submitting for the RECORD copies of the Eximbank proposal, including details about the Indonesian project and the financing arrangements. I would welcome any comments or questions my colleagues might have regarding this proposal. The Eximbank material follows:

EXPORT-IMPORT BANK
OF THE UNITED STATES,
Washington, D.C., August 11, 1982.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
The Speaker's Room, H-209, U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 2(b)(3)(i) of the Export-Import Bank Act of 1945, as amended, Eximbank hereby submits a statement to the United States House of Representatives with respect to the following transaction involving U.S. exports to Indonesia.

A. DESCRIPTION OF TRANSACTION

1. Purpose

Eximbank is prepared to extend a direct credit in the amount of $292,500,000 to the Republic of Indonesia ("ROI") to assist in financing the export from the United States of U.S. goods and services for the expansion of an oil refinery located in the town of Cilacap on the southern coast of Java. In conjunction with this financing, it is contemplated that commercial banks will extend an additional credit of $90,000,000, which will not be guaranteed by Eximbank.

Pertamina, the national oil company of the ROI, presently operates the oil refinery at Cilacap with a processing capacity of 100,000 barrels per stream day. The expansion will increase the capacity of this refinery to 300,000 barrels per stream day, and will include a fuel oils plant, lube oil plant, tankage and ship loading and support facilities.

The total costs of the project are estimated at $1.182 billion, not including working capital and construction interest. Non-local costs are estimated at $740 million, which include U.S. costs of $450 million for financing under the proposed Eximbank Credit. Mechanical completion is scheduled for December of 1983.

2. Background

The expansion of the Cilacap refinery is one of the projects in a national plan to reduce or eliminate Indonesia's import of middle distillate fuels which it must now import from countries such as Singapore and Kuwait, despite its position as a major supplier of crude oil, because it lacks sufficient refining capacity. The ROI also plans to expand other refineries at Dumai and Balikpapan.

Suppliers from Japan, Germany, France and Spain have competed with U.S. suppliers for the procurement on this project. The Japanese government export credit agency offered financing at a rate of 7.5 percent per annum, the minimum consensus interest rate for Indonesia when bids were submitted in July, 1980.

In response to this competition Eximbank issued a letter of interest on February 13, 1980, to the U.S. firm competing for this business. Subsequently, Eximbank issued a Preliminary Commitment on March 2, 1982 to the ROI indicating that Eximbank was prepared to consider financing of U.S. goods and services for the project. The ROI has now filed its application for an Eximbank Credit to assist in financing U.S. procurement of approximately $450 million.

3. Identity of the parties

The Republic of Indonesia, acting through its Minister of Finance, will be the borrower and will issue its unconditional full faith and credit obligation to repay the Eximbank Credit.

Perusahaan Pertambangan Minyak dan Gas Bumi Negara (Pertamina) is a wholly owned state enterprise which was established in 1971 to operate and manage Indonesia's oil and gas industry. While not a party to the Eximbank financing, Pertamina will have responsibility for the construction and operation of the project.

4. Nature and use of goods and services

Fluor Eastern Inc., a subsidiary of the Fluor Corporation of Irvine, California, will be the major U.S. supplier for this project, and will furnish engineering, construction, procurement, and operational assistance valued at approximately one-half of the total U.S. costs. Technology for the fuels

plant will be supplied by UOP Inc., of Des Plaines, Illinois.

The fuel oils plant will be designed to process Indonesian crude oil into fuel gas, liquefied petroleum gas, gasoline, naphtha, kerosene, diesel oil and industrial fuel oil. The lube oils plant will further process products from the existing refinery into lube oil base, fuel oil and bitumen.

B. EXPLANATION OF FINANCING

1. Reasons

The proposed Eximbank Credit of $292.5 million will facilitate the export of $450 million of U.S. goods and services. The favorable impact on U.S. employment resulting from these exports would not be possible without the Eximbank financing terms offered to meet intensive foreign competition.

Fluor has estimated its portion of the project will generate 3,000,000 man-hours of U.S. employment in California. Since the remainder of the procurement involves over 150 different U.S. suppliers, the resulting effect on employment in the United States can only be estimated. Using U.S. Department of Commerce data on employment impact, Eximbank estimates that this procurement has the potential for maintaining over 7,000 man-years of employment throughout the United States. Since the output of the project will be consumed in Indonesia and U.S. petroleum sales to Indonesia are minimal, no adverse impact on the United States economy is anticipated.

2. The financing plan

The total cost of U.S. goods and services to be exported from the United States for the project is estimated to be $450 million, which will be financed as follows:

	Amount	Percent of U.S. costs
Cash payment	$67,500,000	15
Eximbank credit	292,500,000	65
Private financing	90,000,000	20
Total	450,000,000	100

(a) Eximbank Charges

The Eximbank Credit will bear interest at the rate of 11 percent per annum, payable semiannually. There will be a commitment fee of 0.5 percent per annum charged on the undisbursed portion of the Eximbank Credit and a credit application fee of 2 percent of the amount of the Eximbank Credit.

(b) Repayment Terms

Indebtedness incurred by the ROI under the Eximbank Credit and the Private Financing will be repaid in 20 semiannual installments of principal beginning June 30, 1984. This date is six months after the estimated completion date of the project. The Private Financing will be repaid from the early installments and the Eximbank Credit will be repaid from the later installments.

Attached is additional information on Eximbank activity in and economic data on Indonesia.

Sincerely,

WILLIAM H. DRAPER III.

ECONOMIC INDICATORS

Exchange Rate

[U.S. $1.00 = 625 rupiah [1]]

	1980	1981	Percent change (1980–81)	Estimate [1] 1982
Population (million midyear)	147	150	2.1	153
GDP (millions of dollars in constant 1973 prices)	17,526	18,896	7.8	19,293
GDP (millions of dollars, current prices)	70,024	84,028	20.0	98,500
Per capita GDP dollars	476	560	17.6	644
Consumer Price Index	168	180	7.1	205
Money supply (millions of dollars, Dec. 31)	7,928	10,358	30.6	13,000
Foreign investment approvals (nonoil) (millions of dollars)	900	1,012	12.4	1,000
Net official international reserves (millions of dollars—Dec. 31)	6,531	6,244	−4.3	5,000
External official debt [2] disbursed—millions of dollars—Dec. 31	14,482	14,960	3.3	16,000
Debt service	1,777	2,041	14.8	2,258

[1] At exchange rate of U.S. $1.00 = 625 rupiah for 1980 and 1981. Exchange rate of U.S. $1.00 = 650 rupiah used for 1982 estimates and fiscal year 1982/83 budget.
[2] Government debt, including debt of state corporations such as Pertamina.

GOVERNMENT BUDGET [1]

[Dollars in millions]

	Fiscal year 1980–81 (actual)	Fiscal year 1981–82 (actual)	Percent	Fiscal year 1982–83 [2]
Routine expenditure	$9,280	$11,164	20.3	$10,777
Development expenditure	9,465	11,104	17.3	13,077
Domestic revenues	16,363	19,540	19.4	21,231
Development receipts (external assistance)	2,390	2,734	14.4	2,769

[1] Indonesian fiscal year Apr. 1 to Mar. 31. (Source: Fiscal year 1982–83 budget.)
[2] At exchange rate of US $1.00 = 625 rupiah for 1980 and 1981. Exchange rate of US $1.00 = 650 rupiah used for 1982 estimates and fiscal year 1982–83 budget.

OFFICIAL BALANCE OF PAYMENTS

[Dollars in millions [1]]

	Fiscal year 1980–81	Fiscal year 1981–82 (estimate)	Percent	Fiscal year 1982–83 (forecast)
Overall balance (change in official reserves)	2,736	−828	—	−1,191
Current account	482	−3,495	—	−4,576
Exports, merchandise	22,470	23,716	5.5	26,446
Oil and LNG (gross)	(16,883)	(19,516)	15.6	(21,352)
Nonoil	(5,587)	(4,200)	−24.8	(5,093)
Imports, merchandise	17,125	21,587	26.1	24,647
Oil and LNG	(5,255)	(6,840)	30.2	(7,671)
Nonoil	(11,870)	(14,747)	24.2	(16,976)

[1] Indonesian fiscal year Apr. 1 to Mar. 31. (Source: Fiscal year 1982–83 budget.)

UNITED STATES-INDONESIAN TRADE [1]

[Dollars in millions]

	1980	1981	Percent	1982 estimated
Indonesian exports to the United States	4,303	4,084	−5.1	6,200
U.S. share of Indonesian exports (percent)	19.6	18.3		20.0
Indonesian imports from the United States	1,409	1,795	27.4	1,800
U.S. share of Indonesian imports (percent)	13.0	13.5		14.0

[1] U.S. trade data for 1980 and 1981 is not consistent with that quoted above. According to U.S. Dept. of Commerce trade statistics, U.S. exports to Indonesia were $1.5 billion in 1980 and $1.3 billion in 1981. Indonesian exports to the U.S. were $5.3 billion and $6 billion during the same period.

(Source: Bank Indonesia, Central Bureau of Statistics, Ministry of Finance, Investment Coordinating Board, Embassy Estimates.)

Eximbank Exposure in the Republic of Indonesia as of June 30, 1982

	Thousands
Direct loans	$384,705
Financial guarantees	35,000
Bank guarantees and other	1,390
Insurance	10,530
Medium-term	(3,131)
Short-term	(7,399)
Total exposure	431,625

Repayment experience

Payment of principal, interest and fees due on Eximbank loans to Indonesian borrowers have usually been prompt.●

COMPETITIVE SHIPPING AND SHIPBUILDING REVITALIZATION ACT (H.R. 6979)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, I am pleased to request that the following Members be added as cosponsors of the Competitive Shipping and Shipbuilding Revitalization Act (H.R. 6979): Representatives ADDABBO, APPLEGATE, BEVILL, CLAY, COELHO, DYMALLY, DYSON, ECKART, EDGAR, FRANK, LANTOS, MITCHELL of Maryland, MONTGOMERY, MOTTL, NELLIGAN, PEPPER, and SWIFT. These additional cosponsors bring to a current total of 37 the number of Members actively supporting this important legislation.

This support, as well as the strong support of industry and labor, indicate recognition that H.R. 6979 could provide a means for effective regeneration of the shipbuilding industrial base and the creation of a new U.S.-flag bulk cargo fleet, both of which would be unquestioned as national security assets.

The industrial asset represented by our domestic shipyards is threatened by a number of external forces which are presently eroding the capability of the U.S. shipbuilding community to support our military forces in time of national emergency.

A recent administration analysis of this situation concluded:

Shipyard capability to meet mobilization needs is the area of greatest concern . . . While there are great uncertainties over the course of future war, indicators of increased demand for mobilizable assets are apparent and argue against a drastic reduction in current shipyard capacity and capability. However, the general lack of demand for new commercial ships and recent contract awards by U.S. shipowners to foreign yards have increased the risk that some U.S. yards may be forced to close.

This administration study went on to conclude that a loss of even 10 percent of current shipyard capability would reduce the base to below the minimum required level for mobilization.

Against this background, H.R. 6979 is a clear expression of congressional concern with respect to the vitality and continued existence of critical U.S. shipyards and their ability to provide industrial support to the U.S. Navy and the Navy's auxiliary, the American Merchant Marine, in times of national emergency.

I would also like to call attention to expressions of support for the Shipbuilders Council of America and representatives of maritime labor unions for this legislation:

STATEMENT BY EDWIN M. HOOD, PRESIDENT, SHIPBUILDERS COUNCIL OF AMERICA, AUGUST 19, 1982

Until the question of cargo generation is answered, there can be no meaningful U.S. maritime policy. Nor can there by any substantive improvement in the quantum of shipping resources under sovereign jurisdiction available to serve U.S. national security and mercantile objectives.

Absent a rational method of cargo reservation, such as has been in effect in other major trading countries for some while, there can be no meaningful impetus for bulk shipping under the American flag. Nor can there be any stable demand for merchant ship construction in the United States by American workers. Nor can the U.S. shipbuilding industrial base and supporting infrastructure be preserved for national security as President Reagan has said is "vitally important to the Nation."

With the introduction on Thursday (Aug. 12) of legislation to promote the transport of bulk commodities in U.S.-flag, U.S.-built ships by Congresswomen LINDY BOGGS of Louisiana, and cosponsored by a bi-partisan group of 18 other Members of the House of Representatives, a start can be made toward a reasonable solution to the enduring dilemma of how to develop an effective U.S.-flag, U.S.-built bulk fleet in the national interest.

The members of the Shipbuilders Council of America applaud Mrs. BOGGS' action, as well as that of her cosponsors, and we unanimously endorse the concept on which H.R.-6979 has been formulated.

Over the last ten years, the U.S.-flag, U.S.-built bulk fleet declined by 50 percent: from 81 to 40 ships. Total tonnage carried continued to drop and is today hovering at slightly less than four percent. HR-6979 is intended to reverse this trend in an orderly fashion in a manner which will result in no cost to the public treasury.

To paraphrase President Reagan's assessment of the economic impact of the pending tax increase legislation, the price of any minimal increase (and they would be minimal) in delivered costs is "worth paying" in the national interest.

HR-6979 also imposes a challenge to reduce domestic shipbuilding costs. Given the continuity of a 158-ship program, as envisioned by the bill, and the opportunity for economies of scale that are possible through series construction, this requirement is attainable. The accomplishments of U.S. shipbuilders during the early phases of the program authorized by the Merchant Marine Act of 1970 can well be recalled in these respects.

As the Administration proceeds with its on-going development of maritime policy, Mrs. Boggs' bill could well provide a mechanism for answering the question of cargo generation from the standpoint of national security. It surely merits the consideration of the Cabinet Council on Commerce and Trade. We commend her and her co-sponsors for their timely initiative and enthusiastically support HR-6979.

Frank Drozak, President of the Seafarers International Union of North America (SIU) and Ray McKay, President of District II, Marine Engineers Beneficial Association-American Maritime Officers, today commended the House of Representatives for its timely introduction last week (8/12/82) of H.R. 6979, legislation promoting American-flag bulk shipbuilding and ship operating more competitive with our foreign counterparts.

Frank Drozak and Ray McKay called the bill's introduction "an encouraging development." Drozak said that "'The Competitive Shipping and Shipbuilding Revitalization Act of 1982' provides the formula which the Administration, the Congress and the industry itself have been looking for as an answer to developing an American-flag bulk shipping capability without the need for taxpayer subsidy. Aside from the impetus that this bill, authored by Congresswoman Lindy Boggs of Louisiana and eighteen co-sponsors, would give to a shrinking American industry, the bill will be of tremendous value in providing a badly needed transportation asset for the defense of this country. The sponsors of this legislation obviously are concerned that foreign-flag shipping carries more than 96 percent of the bulk commodities of America's foreign trade."

"According to the bill's prescription, reduction of at least 15 percent in the costs of building and operating bulk vessels in the United States would qualify U.S. bottoms to carry a minimal percentage of our exports and imports beginning with five percent in the year 1983," explained Drozak, who is also President of the AFL-CIO's 8½ million

member Maritime Trades Department (MTD).

"The provision for a one percent increase each year in that participation up to a maximum of 20 percent is a powerful incentive, it appears in our judgment, to all of the shipping community that would be involved—shipbuilding and ship operation, labor and management, as well as the support industries, such as steel, electronics, machinery, etc."

Both labor leaders agree that there is now a means whereby a concerted movement toward greater efficiency and lesser costs can be achieved in the American maritime industry. Such a development could not come at a more critical moment both in terms of the problems of the shipping industry and of the state of our national economy. With unemployment nationwide reaching alarming levels, the proposed legislation could create tens of thousands of jobs.

Drozak and McKay said "we are sure that the membership of our organizations who man American-flag shipping will heartily endorse making the sacrifices that will be necessary to make the proposed program a successful one. Likewise, we are confident that all American workers who would gain employment under the proposal will welcome the opportunity to once again have purposeful jobs."

Drozak and McKay concluded their joint release by stating that "President Reagan has on a number of occasions expressed concern over the cargo policies by foreign countries and their impact on the U.S. maritime industry. This bill appears to deal with some of that concern and at the same time satisfies the President's additional concerns over making the industry more cost-efficient and competitive. We sincerely hope that the President will find it possible to work with the appropriate Members of Congress to enact the proposed legislation into law."

It is important that this legislation be considered, not only because it would help achieve President Reagan's goals of an adequate shipbuilding base for national defense needs, but it will also insure a merchant fleet capable of carrying a fair portion of our Nation's trade.●

PESO DEVALUATION LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

● Mr. UDALL. Mr. Speaker, I am introducing legislation today to restore the Small Business Administration's pre-1981 nonphysical disaster loan program and to make it specifically applicable to the type of economic dislocation now being experienced in the Southwest as a result of the Mexican peso devaluation.

This action is critically needed. The August 5 peso devaluation has brought as much economic devastation to this country as any recent natural disaster. The devaluation, which made U.S. goods nearly twice as expensive as Mexican goods sold along the border, has reduced the volume of sales for many businesses by as much as 50 percent. Heavy layoffs are being reported. Many small businesses will go bankrupt, particularly if their Mexican customers default on their obligations. We have a crisis on our hands. To meet that crisis, we should take appropriate action.

The Small Business Act Amendments of 1977 established a new nonphysical disaster loan program. The new program was designed to assist or help refinance the debts of small businesses located in areas subject to severe "economic dislocation." The conference report on that legislation stressed that loans should be made available to businesses suffering substantial economic injury due to a Mexican currency devaluation.

Last year, however, the President in his budget message to Congress requested the termination of the nonphysical disaster loan program. In congressional action, this body voted to restructure the nonphysical disaster program, while the other body voted to eliminate the program entirely. The final conference agreement accepted the restructuring provisions requested by this body, but barred any funding for the new program in fiscal years 1982, 1983, and 1984. Even if funded, however, the new nonphysical disaster loan program would not apply to economic dislocation arising from foreign currency devaluation.

The legislation that I am introducing today will reinstate the old, pre-1981 SBA nonphysical disaster loan program and make it specifically applicable to economic dislocation arising from a foreign currency devaluation. Under the terms of the bill I am introducing, small businesses in a qualified disaster area would be eligible for low-interest loans with rates as low as 8 percent, depending upon the availability of conventional financing. Businesses could borrow up to $100,000 and the payment of all interest and principal would be deferred for 1 year. The loans could be used for working capital and to pay financial obligations which the small business owner could have met had the disaster not occurred. Funding for the program would come from the existing revolving fund for SBA physical disaster loans and be subject to the availability of those funds. For fiscal year 1982, $640 million was appropriated for the SBA's physical disaster loan program. Through July 1 of this year, only $197 million of that amount has actually been used.

Let me add at this point that the $200 million "peso pack" unveiled by the Small Business Administration on August 31 differs substantially from the legislation that I am introducing today. The "peso pack" offers qualifying small businesses regular SBA direct loans and SBA loan guarantees. Businesses applying for such loans can expect to pay an interest rate as high as 14¾ percent or higher, depending on the prime rate. Also, payment of principal and interest on regular SBA business loans is generally deferred only 3 months. Because of these requirements, many hard-hit businesses will not seek and many will not qualify for SBA's "peso pack."

What is needed in this instance is disaster aid, not the type of SBA business loan that is given in the ordinary course of business. I urge my colleagues to assist in the swift passage of this legislation.●

INSIGHT/OUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. WIRTH) is recognized for 5 minutes.

● Mr. WIRTH. Mr. Speaker, over the last months, national debate has arisen and is now increasing concerning the freedom of our scientific institutions to freely generate and exchange the results of scientific inquiry.

While it is easy to suggest that, in the name of national security, our basic freedoms should be compromised, this suggestion contains within it the seeds of the destruction of freedom and democracy as we know them.

The following article by Dr. Robert Rosenzweig, vice president of Stanford University, is a clear exposition of the issue, and I commend it to my colleagues in the House.

[From the Stanford magazine, Summer 1982]

Insight/Out

(By Robert M. Rosenzweig)

There is a great deal of quite understandable concern abroad these days about the fact that the United States no longer enjoys the wide margin of superiority in science and technology that was ours for more than a quarter of a century following World War II. Many people, myself included, believe that to lose this advantage over our adversaries would be a very substantial threat to our national security. It is, therefore, critically important that we understand the sources of our advantage and adopt policies to preserve it.

The extraordinary dominance enjoyed by American science and technology at the close of the war was a product of the exhaustion of our enemies and our allies and of the unprecedented influx of brilliant scientific talent fleeing from the totalitarian regimes of Europe. The recovery of Japan and the leading powers of Europe was to be expected; renewed application of the talent and energy that exists in those places was bound to reduce our advantage. Yet we have managed to sustain the edge over a broad range of scientific areas despite energetic and determined competition.

What are the sources of our continuing strength? I suggest that there are five major elements.

1. Working with new technology is inherently risky, and we have an economic system than rewards risk taking. Centrally directed, highly bureaucratized economies, in contrast, are risk-averse.

2. Our educational system by and large makes it possible for talented people to go as far as their talents will take them. Comprehensive programs of student financial aid have enabled good students and good colleges to find one another. Thus, our pool of trained talent is large and diverse.

3. We have a tradition of higher education that connects it with the requirements of the society it serves while also protecting it from distortion by those same requirements. It is a tradition that is especially relevant to the health of science and technology, as shown by examples as diverse as the role of the Land Grant colleges and universities in the growth of American agriculture, the importance of the links between such universities as MIT and Stanford and the electronics and computer industries, and the emerging set of connections between universities and industry in the field of biotechnoloy.

4. In this country we link fundamental research and research training. They are done in the same place—universities—and by the same people—faculty and graduate students. Thus research is refreshed by the best young minds, and they in turn are trained by the best of our senior people.

5. We have a scientific structure that puts a high value on the free communication of scientific results. This means that intellectual talent is quickly and accurately assessed and that good results can be rapidly confirmed and quickly become the platform for further work.

In an effort to maintain our superiority, there is a call for strong efforts to stop technology leakage. Yet I believe any solution that does damage to the sources of our strength will produce results far worse than the problem it purports to solve. Let us look at two alleged causes of leakage.

The first is found in the exchange programs between the Soviet Union and the United States. It is true that the Russians derive more tangible benefits from them than we do, but while we have little to gain from their science and technology, we have much to lose from ignorance of Russian institutions, processes, motives, and purposes.

The balance must be struck by the government, which negotiates all exchange agreements. Currently, the State Department must approve the program of study of a Russian scientist before he can be assigned to an American university. If the program is sensitive, or closely connected to sensitive work, the remedy is to veto the application.

In the recent controversy involving Stanford, the State Department proposed to admit a Russian visitor and allow him to come to the University, but only if we would agree to prevent him from seeing and hearing things that are open to everyone else. That was bad policy. If work going on at Stanford is judged too sensitive to be exposed to a Russian visitor, the solution is to keep him away. Once an individual is admitted for study, the institution at which he is working should not be asked to become less open, more secretive.

The general problem of the ready availability of the results of American scientific research through open literature is far more difficult to deal with. Our scientific literature is freely available, enabling others to profit from our work and perhaps narrow our margin of superiority. But if this very openness is also an important factor in maintaining our advantage, we would tamper with it only at our own peril.

Surprisingly, perhaps, there is very substantial agreement on that point. Even those who would like to shut down the flow of certain kinds of information are usually quick to say that they do not propose programs of government censorship or extensive new classification of research projects. More commonly, the call is for some kind of voluntary self-regulation, a system of prepublication screening of research results so that findings with potential military application can be kept out of circulation.

I seriously doubt that this is a solution of very wide applicability. My sense is that the more widely agreements of that sort were to be extended, the more difficult they would be to enforce, the more frustrating the failure to abide by them would be, and the closer we would therefore be to the next steps—required prescreening and government control over the decision to publish. I don't know anyone who wants that result.

Our national security, health, and prosperity will be served best by adherence to the principles and practices that have been our main sources of strength. It has always seemed risky to run an open society; perhaps that is why there are so few of them. But when citizens and leaders alike have been willing to take the risk, as ours have done throughout our history, the most marvelous engine of creativity is set in motion. That is our real advantage. Why would we want to give it away?●

OVERRIDE THE VETO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 10 minutes.

● Mr. ALEXANDER. Mr. Speaker, the majority leader has made a persuasive case for overriding the President's veto of the supplemental appropriations bill which was published today—September 8, 1982—in the Washington Post. I join the gentleman from Texas in the effort to override the President's veto.

His eloquently stated remarks point out that the issue is not spending, for the vetoed bill is under-budget. Congress is attempting to exercise its duty; setting national priorities within the funds budgeted. I commend his forceful logic to my colleagues and to the American people.

The article follows:

OVERRIDE THE VETO

(By JIM WRIGHT)

Congress should override President Reagan's veto of the supplemental appropriations bill.

A vote to override would provide funds sorely needed for education and older-American programs, obviate any disruption in orderly public services and restore a sense of balance to the tattered relationship between the executive and legislative branches of our government.

Ironically, a vote to override also would help Reagan fulfill his commitments to friendly nations in the Western Hemisphere. It might be the one means of salvaging his Caribbean Basin Initiative.

Contrary to presidential rhetoric, this bill is not a "budget-buster." In aggregate, it appropriates almost $2 billion less than the president officially requested for the particular items the bill covers.

It is a bipartisan bill embraced by legislators of both political parties who clearly understand the need for its provisions. In the Senate, Majority Leader Howard Baker, Appropriations Committee Chairman Mark Hatfield and Budget Committee Chairman Pete Domenici all urged Mr. Reagan to sign the bill. Rep. Silvio Conte, ranking House Republican on the Appropriations Committee, made his plea quite public. Experienced Republican lawmakers tried to explain that the old, shopworn shibboleth of "budget-busting" simply would not wash in this case.

Members presumably voted their convictions when they passed the bill with only a handful of dissenters. If they vote their personal convictions on the veto, it will be overridden.

Congress did add some $917 million that the president had not requested for such things as elderly employment, student loans, education for the handicapped and advances to state unemployment funds. But we reduced other programs by $2.8 billion below their budgeted figures.

It is disappointing that the president used this supplemental bill as an excuse to renew his war against Congress—and against the students, the handicapped and the elderly. If this veto is sustained, several hundred thousand young Americans will not be able to attend college this fall.

The veto and the president's shrill explanation for it are especially unfortunate following the conciliatory spirit that Congress exhibited on the tax bill last month, since they revive the spirit of confrontation and hostility that some of us had tried to put to rest.

What irony that only a week after the carefully choreographed embrace in the rose Garden and Reagan's high-sounding appeal for a show of "unity," he went out of his way to pick an unnecessary fight with Congress.

Some contend that the veto was a sop to his party's right wing, disaffected by the tax increases that its members' own excessive tax cutting of last year made necessary. Others, groping for an explanation, hark back to this revelation contained in the Atlantic Monthly story on David Stockman:

"Disappointed by events and confronted with potential failure, the Reagan White House was developing a new political strategy: wage war with Congress over the budget issues, and in 1982 blame the Democrats for whatever goes wrong."

Whatever the reasoning, the political advisers who won out on this highly political veto have done the president a disservice. Reagan would have done better to follow the advice of Secretary of State George Shultz and Defense Secretary Caspar Weinberger, who urged that he sign the bill.

As one who has worked hard to build effective bipartisan backing for the president's Caribbean Basin Initiative, I particularly regret the veto. I fear that it puts that program in jeopardy. Many of my colleagues are saying that if Reagan is unwilling to give needed help to the old, the poor and the handicapped in our own country, he scarcely can expect Congress to appropriate more money for such people in other countries.

If our hemispheric program should fall victim to a wounded sense of priorities and to the polarization exacerbated by this highly political veto, then that could be the greatest tragedy of all. Our friends in Latin America will not understand the political nuances. They will understand only that the United States went back on its word.

For all of these reasons the president, the Congress and the nation will be better served if the veto is overridden.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. MICHEL), through September 17, on account of official business.

Mr. WEISS (at the request of Mr. WRIGHT), for an indefinite period, on account of medical reasons.

Mr. RUDD (at the request of Mr. MICHEL), for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LOWERY of California) to revise and extend their remarks and include extraneous material:)

Mr. GREEN, for 15 minutes, today.

Ms. FIEDLER, for 60 minutes, on September 14.

Mr. CORCORAN, for 5 minutes, today.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 15 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. NEAL, for 5 minutes, today.

Mrs. BOGGS, for 5 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. WIRTH, for 5 minutes, today.

Mr. ALEXANDER, for 10 minutes, today.

Mr. SIMON, for 60 minutes, on September 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mrs. SCHNEIDER, previous to last vote on Gramm amendment.

(The following Members (at the request of Mr. LOWERY of California) and to include extraneous matter:)

Mr. PARRIS.

Mr. DORNAN of California.

Mr. HAGEDORN.

Mr. DAUB.

Mr. CARMAN.

Mr. ROUSSELOT in two instances.

Mr. GRADISON.

Mr. MCDADE.

Mr. SKEEN.

Mr. MCCLORY.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. ROEMER.

Mr. MONTGOMERY.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. ROSENTHAL in 10 instances.

Mrs. BOUQUARD in five instances.

Mr. HAMILTON in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. STARK.

Mr. SANTINI.

Mr. MOTTL in three instances.

Mr. JONES of Oklahoma.

Mr. SKELTON in two instances.

Mr. FLORIO.

Mr. FASCELL.

Mrs. BOGGS.

Mr. PHILLIP BURTON.

Mr. FAUNTROY.

Mr. CLAY.

Mr. FOLEY.

Mr. BENNETT in two instances.

Mr. FRANK.

Mr. SIMON in two instances.

Mr. RODINO.

Mr. MCDONALD.

Mr. GUARINI.

SENATE BILLS AND JOINT AND CONCURRENT RESOLUTIONS REFERRED

Bills and joint and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 503. An act to authorize the purchase, sale, and exchange of lands by the Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, N. Dak., and for other purposes; to the Committee on Interior and Insular Affairs.

S. 705. An act to authorize the Secretary of Agriculture to convey certain National Forest System lands, and for other purposes; to the Committee on Agriculture and Interior and Insular Affair.

S. 1986. An act to provide for the use and distribution of funds awarded the Blackfeet and Gros Ventre Tribes of Indians and the Assiniboine Tribe of the Fort Belknap Indian Community, and others, in dockets numbered 250-A and 279-C by the U.S. Court of Claims, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 2222. An act to revise and reform the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

S. 2355. An act to amend the Communications Act of 1934 to provide that persons with impaired hearing are ensured reasonable access to telephone service; to the Committee on Energy and Commerce.

S.J. Res. 209. Joint resolution designating the week beginning September 5, 1982, as "National Adult Day Care Center Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 226. Joint resolution to authorize and request the President to designate October 1, 1982, as "American Enterprise Day"; to the Committee on Post Office and Civil Service.

S.J. Res. 227. Joint resolution to establish "National Firefighters' Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 233. Joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

S. Con. Res. 117. Concurrent resolution expressing the sense of the Congress that September 4, 1982, the 100th anniversary of Thomas Edison's Pearl Street central power station, should be commemorated as "Pearl Street Centennial Day"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore announced his signature to enrolled bills of the Senate of the following titles:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; and

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker pro tempore:

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes;

H.R. 3126. An act to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade, and for other purposes;

H.R. 3239. An act to amend the Communications Act of 1934, and for other purposes;

H.R. 3345. An act to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act;

H.R. 3363. An act to make subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers;

H.R. 4961. An act to provide for tax equity and fiscal responsibility, and for other purposes;

H.R. 6128. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, "Money and Finance";

H.R. 6350. An act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration health professional scholarship program and certain aspects of other Veterans' Administration health-care programs,

and to extend certain expiring Veterans' Administration health-care programs; and for other purposes;

H.R. 6409. An act to provide for the participation of the United States in the 1984 Louisiana World Exposition to be held in New Orleans, La., and for other purposes;

H.R. 6731. An act to amend the International Safe Container Act;

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes; and

H.R. 6955. An act to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Congress).

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following titles:

On August 20, 1982:

H.R. 6530. An act to designate the Mount St. Helens National Volcanic Monument in the State of Washington, and for other purposes.

On August 23, 1982:

H.R. 6863. An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

On August 27, 1982:

H.R. 1526. An act to amend the Accounting and Auditing Act of 1950 to require ongoing evaluations and reports on the adequacy of the systems of internal accounting and administrative control of each executive agency, and for other purposes;

H.R. 3126. An act to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Sky Lark* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade, and for other purposes;

H.R. 3345. An act to make technical and conforming changes in the patent and trademark laws and in the Civil Rights of Institutionalized Persons Act;

H.R. 6350. An act to amend title 38, United States Code, to enhance recruitment and retention by the Veterans' Administration of nurses and certain other health-care personnel, to improve the Veterans' Administration health professional scholarship program and certain aspects of other Veterans' Administration health-care programs, and to extend certain expiring Veterans' Administration health-care programs; and for other purposes;

H.R. 6409. An act to provide for the participation of the United States in the 1984 Louisiana World Expansion to be held in New Orleans, La., and for other purposes;

H.R. 6732. An act to amend the International Safe Container Act; and

H.R. 6955. An act to provide for reconciliation pursuant to the first concurrent resolution on the budget for fiscal year 1983 (S. Con. Res. 92, 97th Congress).

On September 2, 1982:

H.R. 3239. An act to amend the Communications Act of 1934, and for other purposes;

H.R. 4961. An act to provide for tax equity and fiscal responsibility, and for other purposes; and

H.R. 6128. An act to revise, codify, and enact without substantive change certain general and permanent laws, related to money and finance, as title 31, United States Code, "Money and Finance."

ADJOURNMENT

Mr. DE LUGO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to House Resolution 579, the House stands adjourned until 10 a.m. on Thursday, September 9, 1982, in memory of the late ADAM BENJAMIN, JR., of Indiana.

Thereupon (at 6 o'clock and 5 minutes p.m.), pursuant to House Resolution 579, the House adjourned until tomorrow, Thursday, September 9, 1982, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports of various House committees, delegations traveling under an authorization from the Speaker, and miscellaneous reports filed with the Committee on House Administration, concerning the foreign currencies and U.S. dollars utilized by them during the second quarter of calendar year 1982 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Clair Burgener	4/7	4/9	Morocco		150.00						150.00
	4/9	4/11	Egypt		150.00						150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman		138.00						138.00
	4/14	4/15	Kenya		75.00						75.00
	4/15	4/17	Mauritius		150.00						150.00
	4/17	4/18	South Africa		75.00						75.00
	4/18	4/19	Barbados		96.00						96.00
Transportation (DOD)							13,409.00				13,409.00
Hon. Mickey Edwards	6/24	6/26	El Salvador		150.00						150.00
	6/26	6/28	Guatemala		150.00		[3] 673.00				823.00
Hon. Jerry Lewis	6/24	6/26	El Salvador		150.00						150.00
	6/26	6/28	Guatemala		150.00		[3] 673.00				823.00
Hon. Eldon Rudd	4/7	4/9	Morocco		150.00						150.00
	4/9	4/11	Egypt		150.00						150.00
	4/11	4/13	Israel		180.00						180.00
	4/13	4/14	Oman		138.00						138.00
	4/14	4/15	Kenya		75.00						75.00
	4/15	4/17	Mauritius		150.00						150.00
	4/17	4/18	South Africa		75.00						75.00
	4/18	4/19	Barbados		96.00						96.00
Trantsportation (DOD)							13,409.00				13,409.00
Robert V. Davis	4/11	4/14	West Germany		360.00						360.00
	4/15	4/18	England		254.00		3,209.00				3,463.00
Jim Fairchild	4/3	4/5	France		269.00						269.00
	4/5	4/9	Zaire		540.00						540.00
	4/9	4/10	Switzerland		89.00		3,421.00				3,510.00
F. Michael Hugo	4/8	4/12	England		312.00						312.00
	4/12	4/14	West Germany		180.00						180.00
	4/14	4/17	Italy		106.00						106.00
	4/17	4/18	West Germany		158.00		1,974.00				2,132.00
Terry Peel	4/12	4/13	Belize		78.00						78.00
	4/13	4/15	Honduras		150.00						150.00
	4/15	4/17	Panama		150.00				10.00		160.00
	4/17		United States		22.00		943.00				965.00
Transportation (DOD)							993.00				993.00
Edwin F. Powers	4/3	4/5	France		269.00						269.00
	4/5	4/9	Zaire		540.00						540.00
	4/9	4/10	Switzerland		89.00		3,421.00				3,510.00
Edwin F. Powers	6/24	6/26	El Salvador		150.00						150.00
	6/26	6/28	Guatemala		150.00		[3] 673.00				823.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1982—Continued

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Austin G. Smith	4/11	4/15	West Germany		360.00						360.00
	4/15	4/18	England		254.00		3,209.00				3,463.00
Committee total					7,108.00		46,007.00		10.00		53,125.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Transportation provided by military aircraft. Cost shown is comparable 1st class commercial rate.

JAMES L. WHITTEN, Chairman, Aug. 2, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL AND JUNE OF 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Nulty, Timothy	6/13	6/17	France		425.00		3,437.00		496.73		4,358.73
Sims, Stephen F.	5/24	5/28	Canada		300.00		242.00				542.00
Smith, Martin	5/11	5/16	Africa		450.00		2,118.00				2,568.00
Woo, Michael T.	6/14	6/18	France		425.00		660.00		496.73		1,581.73
Rogers, Harold	5/20	5/23	Spain		231.00		2,497.00		837.00		3,565.00
Committee total					1,831.00		8,954.00		1,830.46		12,615.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, STEPHEN I. JACOBS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 2 AND APR. 9, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stephen I. Jacobs	4/2	4/9	Belgium	24,597	540.00		997.00				1,537.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

STEPHEN I. JACOBS, Apr. 21, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO CENTRAL AMERICA, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 7 AND APR. 16, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Jim Wright	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
Willaim Lehman	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
George Miller	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/10	El Salvador	375	150.00		20.17		569.16		739.33
Charles Rangel	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
E. Clay Shaw	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
J. L. Bodiford	4/7	4/9	Costa Rica	7,035	150.00		52.05		28.24		230.29
J. F. Joyner	4/7	4/9	Costa Rica	7,035	150.00		52.05		28.24		230.29
J. P. Mack	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
A. M. Page	4/7	4/9	Costa Rica	7,035	150.00		52.05		28.24		230.29
R. Pena	4/7	4/8	Costa Rica	3,517.50	75.00		52.05		28.24		155.29
	4/8	4/9	El Salvador	187.50	75.00		20.17		11.16		106.33
Committee totals					1,575.00		661.69		918.52		3,155.21

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES WRIGHT, May 16, 1982.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, HON. ROBERT E. BADHAM, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 31 AND JUNE 2, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Congressman Robert E. Badham	5/31	6/2	Netherlands	443.75	172.00		[3] 1,250.00				1,422.00
Committee total					172.00		1,250.00				1,422.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Estimated pro rata share of military air travel.

ROBERT BADHAM.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ENGLAND, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 25 AND JUNE 29, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
James M. Shannon	6/25	6/29	England	57.97	100.00					115.95	200.00
Werner Brandt	6/25	6/29	England	57.97	100.00					115.95	200.00
Committee totals					200.00						400.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY SUBCOMMITTEE ON EAST WEST ECONOMIC RELATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 14 AND APR. 21, 1982

Name of member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elliott H. Levitas	4/15	4/16	England	59.25	104.00		[3] 2,768.00				2,872.00
	4/16	4/20	Belgium	14,791	324.00						324.00
Peter A. Abbruzzese	4/18	4/20	Belgium	7,395	162.00		[3] 2,584.00				2,746.00
	4/20	4/21	England	59.25	104.00						104.00
Committee totals					694.00		5,352.00				6,146.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Based on information available as of date of report.

ELLIOTT H. LEVITAS, May 13, 1982.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4640. A letter from the Secretary of Agriculture, transmitting the evaluation of the objectives, implementation, and effectiveness of the expanded food and nutrition program (EFNEP) of the cooperative extension system pursuant to Senate Report No. 96-246 on the Agriculture Appropriations Act for fiscal year 1980; to the Committee on Appropriations.

4641. A letter from the Secretary of State, transmitting a report, covering the month of July, on the manner in which the national interest of the United States has been served by the payments made by the Commodity Credit Corportion to the U.S. creditors on credits guaranteed by the CCC on which payments had not been received from the Polish People's Republic, pursuant to section 205 of Public Law 97-216; to the Committee on Appropriations.

4642. A letter from the Secretary of the Air Force, transmitting the required report to accompany the notice of July 30, 1982, that a weapon system had exceeded the baseline unit cost by more than 25 percent, pursuant to section 917(b)(2) of Public Law 97-86; to the Committee on Armed Services.

4643. A letter from the Assistant Secretary of Defense (Facility Requirements and Resources), transmitting notice of the location, nature, and estimated cost of various construction projects proposed to be undertaken by the Air Force Reserve, pursuant to 10 U.S.C. 2233a(1); to the Committee on Armed Services.

4644. A letter from the Chief of Legislative Affairs, Department of the Navy, transmitting notice of the Navy's intention to sell two naval vessels to the Coordination Council for North American Affairs representing the people of Taiwan, pursuant to 10 U.S.C. 7307(b)(2); to the Committee on Armed Services.

4645. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision of the base operating services function at the Naval Air Station, Whiting Field, Milton, Fla., from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4646. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision of the grounds maintenance function at the Naval Station, Roosevelt Roads, Puerto Rico, from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4647. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to convert the air terminal operations function at the Naval Air Station, Jacksonville, Fla., from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4648. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of plans to study the conversion from in-house operation to contractor performance of various functions at sundry locations, pursuant to section 502(a) of Public Law 96-342; to the Committee on Armed Services.

4649. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to convert the keypunch function at the Naval Air Station, Cecil Field, Fla., from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4650. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to

convert the Servmart function at the Naval Supply Center, Puget Sound, Wash. from performance by the Department of Defense personnel to private contractors, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4651. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of a decision to convert the air-conditioning maintenance function at the Naval Training Center, Orlando, Fla., from performance by the Department of Defense personnel to private contractors, pursuant to section 520(b) of Public Law 96-342; to the Committee on Armed Services.

4652. A letter from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the keypunch function at the Aviation Supply Office, Philadelphia, Pa., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4653. A letter from the Acting Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting notice of the proposed conversion to contractor performance of the transient aricraft services function at Robins Air Force Base, Ga., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4654. A letter from the Attorney General of the United States, transmitting notification that the Department of Justice does not intend to defend the constitutionality of the 90-day deferral provision of section 7(o)(3) of the Department of Housing and Urban Development Act; to the Committee on Banking, Finance and Urban Affairs.

4655. A letter from the Comptroller of the Currency, transmitting a notice of proposed reorganization of the Office's regional structure; to the Committee on Banking, Finance and Urban Affairs.

4656. A letter from the Secretary of the Treasury, transmitting the annual report on the operations of the exchange stabilization fund for fiscal year 1981, pursuant to section 10(a) of the Gold Reserve Act of 1934, as amended; to the Committee on Banking, Finance and Urban Affairs.

4657. A letter from the Chairman, District of Columbia Armory Board, transmitting the 33d annual report on the operation of the D.C. National Guard Armory, and the 23d annual report on the operation of the Robert F. Kennedy Memorial Stadium, covering calendar year 1980, pursuant to section 10 of the Armory Board Act of 1948, as amended, and section 10 of the District of Columbia Stadium Act of 1957, as amended, respectively; to the Committee on the District of Columbia.

4658. A letter from the Assistant Secretary for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Fernando E. Rondon, and by members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4659. A letter from the Secretary of Education, transmitting proposed final priorities for the National Institute of Handicapped research program, pursuant to section 431(d) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

4660. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor and for other purposes; to the Committee on Education and Labor.

4661. A letter from the Deputy Director, Office of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting text of proposed final rule on the safety standard for omnidirectional citizens ban base station antennas, promulgated pursuant to section 9(a) of Public Law 92-573; to the Committee on Energy and Commerce.

4662. A letter from the Vice President for Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of June 1982, on the number of passengers per day onboard each train operated, and the onetime performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Energy and Commerce.

4663. A communication from the President of the United States, transmitting a report on the use of U.S. Armed Forces to facilitate the withdrawal of Palestine Liberation Organization personnel from Lebanon, pursuant to the War Powers Resolution Act of 1973 (Public Law 93-148) (H. Doc. No. 97-230); to the Committee on Foreign Affairs and ordered to be printed.

4664. A letter from the Secretary of State, transmitting the semiannual report for the periods October 1980 to March 1981, March 1981 to September 1981, and October 1981 to March 1982 on the disposition of voluntary contributions made by the U.S. Government to international organization as requested, pursuant to section 2 of Public Law 806, 81st Congress; to the Committee on Foreign Affairs.

4665. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4666. A letter from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4667. A letter from the Assistant Secretary for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate William A. Hewitt, and by members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4668. A letter from the Vice President and General Counsel, Overseas Private Investment Corporation, transmitting a report on the issuance of civil strife insurance coverage, pursuant to section 9(b) of Public Law 97-65; to the Committee on Foreign Affairs.

4669. A letter from the Acting Director, Agency for International Development (Legislative Affairs), transmitting justification of an increase in the funding level of the Agency's proposed fiscal year 1982 program in Swaziland, pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4670. A letter from the Acting Director, Agency for International Development (Legislative Affairs), transmitting justification of an increase in the funding level of the Agency's proposed fiscal year 1982 program in Rwanda, pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4671. A letter from the Acting Director, Agency for International Development (Legislative Affairs), transmitting justification of an increase in the funding level of the Agency's proposed fiscal year 1982 program in Burundi, pursuant to section 653(b) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4672. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of March 31, 1982, pursuant to section 613(c) of the Foreign Assistance Act of 1961; to the Committee on Foreign Affairs.

4673. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during July 1982, pursuant to section 234 of the Legislative Reorganization Act; to the Committee on Government Operations.

4674. A letter from the Administrator, General Services Administration, transmitting the fiscal year 1981 report on records disposition activities of the Federal Government, pursuant to 44 U.S.C. 3303a(f); to the Committee on Government Operations.

4675. A letter from the Inspector General, Department of Health and Human Services, transmitting the quarterly report covering the activities of the Office of Inspector General for the period April 1 to June 30, 1982, pursuant to section 204(a) of Public Law 94-505; to the Committee on Government Operations.

4676. A letter from the Inspector General, Department of Health and Human Services, transmitting notice of a proposed new records system for the Department's health care program violations, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4677. A letter from the Chief Judge, U.S. Tax Court, transmitting the annual report for the U.S. Tax Court judges' retirement and survivor annuity plans for the year ending December 31, 1981, pursuant to section 121(a)(2) of the Budget and Accounting Procedures Act of 1950, as amended; to the Committee on Government Operations.

4678. A letter from the Chairman, Administrative Conference of the United States, transmitting copy of Recommendation 82-1, exemption (b)(4) of the Freedom of Information Act, adopted at the Conference's 24th Plenary Session, June 17, 1982, pursuant to 5 U.S.C. 575; to the Committee on Government Operations.

4679. A letter from the Deputy Director, Federal Mediation and Conciliation Service, transmitting a report on the agency's activities under the Freedom of Information Act during calendar year 1981, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

4680. A letter from the Deputy Director, Office of Congressional Relations, U.S. Product Safety Commission, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4681. A letter from the Secretary of the Interior, transmitting the 11th annual report on the operation of the Colorado River, pursuant to the Colorado River Basin Project Act of 1968, Public Law 90-537; to the Committee on Interior and Insular Affairs.

4682. A letter from the Acting Assistant Secretary of the Interior for Indian Affairs,

transmitting a proposed plan for the use and distribution of the judgment funds awarded to the Cheyenne-Arapaho Tribes of Oklahoma by the U.S. Court of Claims in Dockets Nos. 342-70 and 343-70, pursuant to section 2(a) and 4 of Public Law 93-134; to the Committee on Interior and Insular Affairs.

4683. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $48,228.12 in excess royalty payments to the Superior Oil Co., pursuant to section 10(b) of the Outer Continental Lands Act of 1953, as amended; to the Committee on Interior and Insular Affairs.

4684. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $18,818.60 to the Phillips Petroleum Co., for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4685. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $1,128.88 to the Cities Service Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4686. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $2,558.47 to the Scurlock Oil Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4687. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $796.31 to the Cities Service Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4688. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $15,000 to Mobil Oil Exploration & Producing Southeast, Inc., for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4689. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $8,746.67 to the Amoco Production Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4690. A letter from the Comptroller General of the United States, transmitting a report and recommendation concerning the claim of the Florida Times-Union and the Jacksonville Journal for advertising provided for the Army Division, Fort Stewart, Ga. pursuant to the Meritorious Claims Act of April 10, 1982, as amended; to the Committee on the Judiciary.

4691. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to implement the Convention for the Conservation of Salmon in the North Atlantic Ocean, signed at Reykjavik, March 2, 1982; to the Committee on Merchant Marines and Fisheries.

4692. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a final report on the national program of inspection of non-Federal dams, pursuant to section 5 of Public Law 92-367; to the Committee on Public Works and Transportation.

4693. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report on Pensacola-Tallahassee and other urban areas, Fla., in response to resolutions adopted by the U.S. Senate Committee on Public Works on June 19, 1971, and March 23, 1973, and by the Committee on Public Works and Transportation of the House of Representatives on June 14, 1972; to the Committee on Public Works and Transportation.

4694. A letter from the Chairman, Federal Election commission, Transmitting a copy of the commission's fiscal year 1984 budget request, pursuant to section 307(d)(1) of the Federal Election Campaign Act, as amended; jointly, to the Committees on Appropriations and House Administration.

4695. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's contingency plans regarding the supplemental appropriation funding of fiscal year 1982 pay raises, pursuant to section 304(b)(7) of Public Law 93-633; jointly, to the Committees on Appropriations, Energy and Commerce, and Public Works and Transportation.

4696. A letter from the Comptroller General of the United States, transmitting a report on 13 States early experiences in making the transition to the block grants authorized by the Omnibus Budget Reconciliation Act of 1981 (GAO/GGD-82-79), August 24, 1982; jointly, to the Committees on Government Operations, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on Aug. 19, 1982, the following reports were filed on Aug. 23, 1982]

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6520. A bill to transfer the authority of the Secretary of Transportation under the act commonly known as the Truman-Hobbs Act to the Secretary of the Army; with an amendment (Rept. No. 97-787, Pt. I). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6580. A bill to reform the regulation of sailing school vessels; with an amendment (Rept. No. 97-788). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6804. A bill to provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes; with amendments (Rept. No. 97-789). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 6813. A bill to amend the Federal Boat Safety Act of 1971; with amendments (Rept. No. 97-790). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6457. A bill to amend the Public Health Service Act to revise and extend the authorities under that act relating to the National Institutes of Health and the national research institutes, and for other purposes; with amendments (Rept. No. 97-791). Referred to the Committee of the Whole House on the State of the Union.

[Submitted Sept. 8, 1982]

Mr. HUGHES: Committee of conference. Conference report on S. 923 (Rept. No. 97-792). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6355. A bill to make technical corrections in health and other laws amended by the Omnibus Budget Reconciliation Act of 1981, and for other purposes; with amendments (Rept. No. 97-793). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6056. A bill to make technical corrections related to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980; with amendments (Rept. No. 97-794). Referred to the Committee of the Whole House on the State of the Union.

Mr. FUQUA: Committee on Science and Technology. Report on research programs conducted by the Nuclear Regulatory Commission. (Rept. No. 97-795). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AKAKA (for himself, Mr. SMITH of Oregon, Mr. MORRISON, Mr. PRITCHARD, Mr. FOLEY, Mr. DICKS, Mr. WEAVER, and Mr. HEFTEL):

H.R. 7058. A bill to grant the consent of the Congress to the Northwest Interstate Compact on Low-Level Radioactive Waste Management; jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

By Mr. DINGELL:

H.R. 7059. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to repeal the provisions requiring withholding on dividends and interest; to the Committee on Ways and Means.

By Mr. DAUB:

H.R. 7060. A bill to amend the Immigration and Nationality Act to extend the date of registry for permanent residence from June 30, 1948, to January 1, 1973; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 7061. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to allow the issuance of general obligation bonds for certain purposes, to extend and alter the authority of the Secretary of the Treasury to make certain interim loans and advances to the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. DELLUMS (for himself, Mr. FAUNTROY, and Mr. MCKINNEY):

H.R. 7062. A bill to amend the District of Columbia Stadium Act of 1957 to require the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium vested in the United States; to the Committee on the District of Columbia.

By Mr. HAGEDORN:

H.R. 7063. A bill to repeal the withholding of tax from interest and dividends; to the Committee on Ways and Means.

By Mr. HANSEN of Utah:

H.R. 7064. A bill to provide resource protection and administration contracting authority for the Bureau of Reclamation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. MATSUI:

H.R. 7065. A bill to amend the Community Services Block Grant Act to clarify the authority of the Secretary of Health and Human Services to designate community action agencies for certain community action programs administered by the Secretary for fiscal year 1982, and for other purposes; to the Committee on Education and Labor.

By Mr. PARRIS (for himself and Mr. WOLF):

H.R. 7066. A bill to repeal section 301 of the Omnibus Reconciliation Act of 1982; to the Committee on Post Office and Civil Service.

By Mr. QUILLEN:

H.R. 7067. A bill to amend the Internal Revenue Code of 1954 to provide that in the case of individuals who attain age 62 no penalty shall be imposed for failure to pay estimated income tax where taxable income for the taxable years is less than $20,000 ($30,000 in the case of a married couple filing a joint return), and more than 50 percent of such income is retirement income; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 7068. A bill to amend the Natural Gas Policy Act to eliminate authority under such act to increase ceiling prices of natural gas higher than the maximum lawful price if just and reasonable; to the Committee on Energy and Commerce.

By Mr. STANGELAND:

H.R. 7069. A bill to amend the Internal Revenue Code of 1954 to allow a tax credit for investment in multipurpose agricultural structures or other buildings designed primarily for grain storage; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 7070. A bill to amend the Small Business Act to restore the authority to make loans for economic dislocation and to clarify that such dislocations include foreign currency devaluations; to the Committee on Small Business.

By Mr. RINALDO:

H. Con. Res. 402. Concurrent resolution expressing the sense of the Congress that any member of the United Nations that fails to pay its assessed contribution for 2 consecutive years should be denied the right to vote in the General Assembly, the Security Council, and any other organ or organization of the United Nations; to the Committee on Foreign Affairs.

By Mr. ANNUNZIO:

H. Res. 580. Resolution expressing the sense of the House of Representatives with respect to recognition of the Red Shield of David of the Magen David Adom Society of Israel by the League of Red Cross Societies; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

460. By the SPEAKER: Memorial of the Legislature of the State of California, relative to rates of interest; to the Committee on Banking, Finance and Urban Affairs.

461. Also, memorial of the Legislature of the State of California, relative to natural gas decontrol; to the Committee on Energy and Commerce.

462. Also, memorial of the Third Northern Marianas Commonwealth Legislature, relative to an alternative tax system; to the Committee on Interior and Insular Affairs.

463. Also, memorial of the Legislature of the State of California, relative to agriculture exports; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. McDADE introduced a bill (H.R. 7071) to authorize the documentation of the vessel *Centurion* as a vessel of the United States with coastwise privileges; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1353: Mr. MCCOLLUM.
H.R. 1506: Mr. BIAGGI.
H.R. 1595: Mr. VANDER JAGT.
H.R. 2205: Mr. STARK.
H.R. 3300: Mr. ROBINSON and Mr. YOUNG of Missouri.
H.R. 3361: Mr. SOLARZ.
H.R. 3921: Mr.WINN.
H.R. 3970: Mr. DYSON, Mr. PATMAN, Mr. TAUKE, Mrs. HECKLER, and Mr. FRANK.
H.R. 4140: Mr. RATCHFORD.
H.R. 5084: Mr. VENTO.
H.R. 5362: Mr. DASCHLE.
H.R. 5635: Mr. NOWAK.
H.R. 5788: Mrs. SCHROEDER.
H.R. 5814: Mr. EMERSON.
H.R. 6190: Mr. LOWRY of Washington, Mr. OBERSTAR, Mr. CONTE, and Mr. HARKIN.
H.R. 6353: Mrs. HECKLER, Mr. HEFTEL, Mr. BAILEY of Pennsylvania, Mr. BRODHEAD, Mr. GEPHARDT, and Mr. MATSUI.
H.R. 6386: Mr. STARK, Mr. WON PAT, Mr. WORTLEY, Mr. ROE, Mr. BAFALIS, Mr. PORTER, Mr. CHAPPIE, Mr. MILLER of Ohio, Mr. SOLOMON, Mr. BEDELL, Mr. SIMON, Mr. DENARDIS, Mr. MOTTL, Mr. WEAVER, Mr. DORGAN of North Dakota, Mr. COELHO, and Mrs. KENNELLY.
H.R. 6418: Mr. ARCHER.
H.R. 6467: Mr. VOLKMER, Mr. DUNCAN, Mr. BOLAND, Mr. OXLEY, Mr. FITHIAN, Mr. MYERS, Mr. PETRI, Mr. BONER of Tennessee, Mr. HOLLENBECK, Mr. COATS, and Mr. WINN.
H.R. 6526: Mr. MCKINNEY and Mr. PEPPER.
H.R. 6527: Mr. HANCE, Mr. RALPH M. HALL, Mr. HANSEN of Idaho, Mr. QUILLEN, Mr. LEE, Mr. FORSYTHE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. SUNIA, Mr. ADDABBO, Mr. MATTOX, Mr. TRIBLE, Mr. D'AMOURS, Mrs. HOLT, Mr. BOWEN, Mr. MCCURDY, Mr. BROWN of California, Mr. SMITH of Alabama, Mr. MCKINNEY, Mr. CHAPPELL, Mr. GOODLING, Mr. PEPPER, Mr. OTTINGER, Mr. NAPIER, and Mr. LEATH of Texas.
H.R. 6578: Mrs. HECKLER, Mr. FRANK, and Mr. GUARINI.
H.R. 6591: Mr. PETRI and Mr. SEIBERLING.
H.R. 6746: Mr. LEE and Mr. TAUKE.
H.R. 6764: Mr. JOHN L. BURTON and Mr. JEFFRIES.
H.R. 6774: Mr. TRAXLER.
H.R. 6775: Mr. TRAXLER.
H.R. 6781: Mr. STUDDS, Mr. MCHUGH, Mr. ARCHER, Mr. SNYDER, Mrs. FENWICK, Mr. GRAY, Mr. DENNARDIS, Mr. MARTIN of New York, Mr. HILLIS, Mr. PICKLE, Mr. TAUKE, Mr. HEFNER, Mr. HOWARD, Mr. WINN, Mr. ROTH, Mr. WHITEHURST, Mr. ROBINSON, Mr. HAMMERSCHMIDT, Mr. RUSSO, Mr. HOLLENBECK, Mr. BROOMFIELD, and Mr. REUSS.
H.R. 6829: Mrs. BOGGS.
H.R. 6901: Mr. EDGAR and Mr. NELLIGAN.
H.R. 6941: Mr. MARLENEE.
H.R. 6962: Mr. GEJDENSON, Mr. MCCLOSKEY, and Mr. RAHALL.
H.R. 6976: Mr. ANTHONY, Mr. AUCOIN, Mr. BEDELL, Mr. BEVILL, Mrs. BOGGS, Mr. BROWN of California, Mr. JOHN L. BURTON, Mr. COATS, Mr. COELHO, Mr. CONTE, Mr. COURTER, Mr. DASCHLE, Mr. CROCKETT, Mr. DECKARD, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. EARLY, Mr. EMERY, Mr. ERTEL, Mr. FARY, Mrs. FENWICK, Mr. FLIPPO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FUQUA, Mr. GARCIA, Mr. GRAY, Mr. HAGEDORN, Mr. HAMILTON, Mr. HANSEN of Idaho, Mr. HERTEL, Mr. KEMP, Mr. KILDEE, Mr. LEE, Mr. LEVITAS, Mr. LEWIS, Mr. LOWRY of Washington, Mr. LUKEN, Mr. MITCHELL of New York, Mr. MOTTL, Mr. MURPHY, Mr. PEPPER, Mr. PEYSER, Mr. RINALDO, Mr. TAUKE, Mr. ROSENTHAL, Mrs. ROUKEMA, Mr. MARKEY, Mr. PURSELL, Mrs. SNOWE, Mr. YOUNG of Florida, Mr. IRELAND, Mr. SCHEUER, Mr. SEIBERLING, Mr. SKEEN, Mr. SMITH of Alabama, Mr. SMITH of New Jersey, Mr. STENHOLM, Mr. STUDDS, Mr. WEAVER, Mr. WOLPE, Mr. YATES, Mr. YOUNG of Missouri, Mr. ZEFERETTI, Mr. YATRON, Mr. ARCHER, Mr. BINGHAM, Mr. BONIOR of Michigan, Mr. COUGHLIN, Mr. JAMES K. COYNE, Mr. DANIEL B. CRANE, Mr. D'AMOURS, Mr. CORCORAN, Mr. DENARDIS, Mr. DICKS, Mr. DOWNEY, Mr. DUNN, Mr. LUNDINE, Mr. MCCOLLUM, Mr. MARRIOTT, Mr. MILLER of Ohio, Mr. MORRISON, Ms. OAKAR, Mr. OTTINGER, Mr. PANETTA, Mr. PATMAN, Mr. PETRI, Mr. PORTER, Mr. RAHALL, Mr. ROBERTS of South Dakota, Mr. SAWYER, Mrs. SCHROEDER, Mr. SHAMANSKY, Mr. SOLARZ, Mr. SWIFT, Mr. WAXMAN, Mr. WHITEHURST, Mr. WHITTAKER, Mr. WIRTH, Mr. WOLF, Mr. HUGHES, Mr. GREGG, Mr. RITTER, Mr. ADDABBO, Mr. CHAPPELL, Mr. LAFALCE, Mr. MINISH, Mr. HUBBARD, Mr. HUTTO, Mr. JACOBS, Mr. KOGOVSEK, Mr. LEHMAN, Mr. LUJAN, Mr. MCKINNEY, Mr. MADIGAN, Mr. MATSUI, Mr. MAVROULES, Mr. DWYER, Mr. EDGAR, Mr. ENGLISH, Mr. FASCELL, Mr. FAZIO, Ms. FERRARO, Mr. FOGLIETTA, Mr. FRANK, Mr. GEJDENSON, Mr. GIBBONS, Mr. GINN, Mr. GRADISON, Mr. GRISHAM, Mr. GUARINI, Mr. HOPKINS, AND Mr. HOWARD.
H.R. 6979: Mr. ADDABBO, Mr. APPLEGATE, Mr. BEVILL, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. LANTOS, Mr. MITCHELL of Maryland, Mr. MOTTL, Mr. NELLIGAN, Mr. SWIFT, Mr. CLAY, Mr. COELHO, Mr. PEPPER, Mr. FRANK, Mr. EDGAR, and Mr. MONTGOMERY.
H.J. Res. 172: Mr. HANSEN of Idaho, Mr. PETRI, Mrs. SCHNEIDER, and Mr. ZABLOCKI.
H.J. Res. 350: Mr. YOUNG of Missouri, Mr. ALBOSTA, and Mr. EMERY.
H.J. Res. 436: Mr. BENNETT.
H.J. Res. 456: Mr. DYSON, Mr. HOYER, Mr. ARCHER, Mr. BEVILL, Mr. BOLAND, Mr. BREAUX, Mr. BURGENER, Mr. JOHN L. BURTON, Mr. CHAPPIE, Mr. CONYERS, Mr. DICKS, Mr. FINDLEY, Mr. FUQUA, Mr. GRAY,

Mr. DERWINSKI, Mr. LONG of Maryland, Mr. LATTA, Mr. BRODHEAD, Mr. COUGHLIN, Mr. DYMALLY, Mr. SKELTON, Mr. BAILEY of Missouri, Mr. MARTIN of North Carolina, Mr. LOWERY of California, Mr. MATTOX, Mr. FROST, Mr. FOLEY, Mr. SANTINI, Mr. WHITEHURST, Mr. GREGG, Mr. PHILLIP BURTON, Mr. UDALL, Mr. STOKES, Mr. MOLINARI, Mr. WIRTH, Mr. YATES, Mr. NAPIER, Mr. BAILEY of Pennsylvania, Mr. COLLINS of Texas, Mr. DECKARD, Mr. MINISH, Mr. FOWLER, Mr. HOLLENBECK, Mr. BOLLING, Mr. BARNES, Mr. EVANS of Delaware, Mrs. SCHNEIDER, Mr. YATES, Mr. PHILIP M. CRANE, Mr. SILJANDER, Mr. CHENEY, Mr. RATCHFORD, Mr. BARNARD, Mr. WYDEN, Mr. ENGLISH, Mr. BROWN of Colorado, Mr. HILER, Mr. RHODES, Mr. MATSUI, Mr. PATTERSON, Mr. NICHOLS, Mr. SMITH of Iowa, Mr. NEAL, Mr. ROBERTS of Kansas, Mr. MOAKLEY, Mr. HERTEL, Mr. ROSENTHAL, Mr. PEYSER, Mr. MURPHY, and Mr. SPENCE.

H.J. Res. 460: Mr. SIMON, Mr. D'AMOURS, Mr. DWYER, Mr. DORGAN of North Dakota, Mr. BONER of Tennessee, Mr. LOWERY of California, Mr. FASCELL, Mr. LAGOMARSINO, Mr. HAGEDORN, Mr. HANSEN of Idaho, Mr. LAFALCE, Mr. MCDADE, Mr. MOAKLEY, Mr. NAPIER, Mr. LOWRY of Washington, Mr. SYNAR, Mr. SHUMWAY, Mr. RUSSO, Mr. MYERS, Mr. GOLDWATER, and Mr. WHITE.

H.J. Res. 489: Mr. OTTINGER, Mr. EDGAR, Mr. EDWARDS of California, Mr. WASHINGTON, Mr. STOKES, Mr. NEAL, Mr. MCHUGH, Mr. RATCHFORD, Mr. CROCKETT, Mr. DE LUGO, and Mr. PETRI.

H.J. Res. 496: Mr. BROOKS, Mr. CONTE, Mrs. SCHNEIDER, Mr. IRELAND, Mrs. ROUKEMA, Mr. HUTTO, Mr. LEE, Mrs. MARTIN of Illinois, Mr. EARLY, Mr. CORCORAN, Mr. HARKIN, Mr. RUSSO, Mr. DOWDY, Mr. VENTO, Mr. PURSELL, Mrs. SNOWE, Mr. MORRISON, Mr. HUBBARD, Mr. ROBERTS of Kansas, Mrs. COLLINS of Illinois, Mr. MAVROULES, Mr. PHILIP M. CRANE, Mr. APPLEGATE, Mr. HARTNETT, Mr. JACOBS, Mr. SMITH of Alabama, Mr. BROYHILL, Mr. BROWN of Colorado, Mr. ROSTENKOWSKI, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. ANDERSON, Mr. BRINKLEY, Mr. DORNAN of California, Mrs. BOUQUARD, Mr. LONG of Maryland, Mr. HILER, Mr. HALL of Ohio, Mr. ENGLISH, Mr. PASHAYAN, Mr. OXLEY, Mr. TRAXLER, Mr. BOWEN, Mr. STENHOLM, Mr. MITCHELL of New York, Mr. EMERSON, Mr. AUCOIN, Mr. KOGOVSEK, Mr. ZABLOCKI, Mr. SKELTON, Mr. LOTT, Mr. ROSE, Mr. FORD of Michigan, Mr. HOPKINS, Mr. REGULA, Mr. SABO, Mr. PERKINS, and Mrs. BYRON.

H.J. Res. 524: Mr. BLANCHARD, Mrs. BOGGS, Mr. BREAUX, Mr. COELHO, Mr. CROCKETT, Mr. DOUGHERTY, Mr. ERDAHL, Mr. FISH, Mr. FLORIO, Mr. FROST, Mr. GEJDENSON, Mr. GILMAN, Mr. GINN, Mr. GONZALEZ, Mrs. HECKLER, Mr. HOLLENBECK, Mr. KASTENMEIER, Mrs. KENNELLY, Mr. LAFALCE, Mr. LEWIS, Mr. MATTOX, Mr. PRITCHARD, Mr. ROSENTHAL, Mr. ROUSSELOT, Mr. SHAMANSKY, Mr. SNYDER, Mr. STARK, Mr. TAUKE, Mr. WEISS, Mr. FOLEY, Mr. MITCHELL of New York, Mr. PATTERSON, Mr. KRAMER, Mr. IRELAND, Mrs. ROUKEMA, Mr. FROST, Mr. NELLIGAN, Mr. HALL of Ohio, Mr. PASHAYAN, and Mr. BARNARD.

H.J. Res. 532: Mr. ADDABBO, Mr. KINDNESS, Mr. FRANK, Mr. GRADISON, Mr. O'BRIEN, Ms. OAKAR, Mr. STANTON of Ohio, Mrs. ROUKEMA, Mr. RINALDO, Ms. MIKULSKI, Mr. MOLINARI, Mrs. ASHBROOK, Mr. MOTTL, and Mr. WAXMAN.

H.J. Res. 533: Mr. ZABLOCKI.

H.J. Res. 551: Mr. BEILENSON, Mr. CROCKETT, Mr. D'AMOURS, Mr. FOGLIETTA, Mr. FROST, Mr. GORE, Mr. GUARINI, Mr. LUNDINE, Mr. SANTINI, and Mr. WALGREN.

H.J. Res. 567: Mrs. COLLINS of Illinois, Mr. WILLIAM J. COYNE, Mr. DWYER, Mr. FAZIO, Mr. FISH, Mr. GOODLING, Mr. GRAY, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. RANGEL, Mr. RATCHFORD, and Mr. WILLIAMS of Montana.

H.J. Res. 568: Mr. BOLAND, Mr. MINISH, Mr. MOAKLEY, Mr. HOYER, Mr. EVANS of Georgia, Mr. VENTO, Mr. MARKEY, Mr. FORD of Michigan, Mr. SHANNON, Mr. MILLER of California, Mr. DOWNEY, Mrs. KENNELLY, Mr. MAVROULES, Mr. BROWN of California, Mr. LELAND, Mr. WEAVER, Mr. KILDEE, Mr. LEHMAN, Mr. SABO, Mr. HEFNER, Mrs. BOGGS, Mr. BEVILL, Mr. DWYER, Mr. HIGHTOWER, Mr. WATKINS, Mr. FAZIO, Mr. ROYBAL, Mr. DICKS, Mr. NATCHER, Mr. SMITH of Iowa, Mr. YATES, Mr. MURTHA, Mr. TRAXLER, Mr. BLANCHARD, Mr. COELHO, Mr. HARKIN, Mr. YOUNG of Alaska, Mr. CONTE, Mr. HUCKABY, Mr. MONTGOMERY, Mr. DONNELLY, Mr. BIAGGI, Mr. RUSSO, Mr. JENKINS, Mr. BAILEY of Pennsylvania, Mr. MATSUI, Mr. MCDADE, Mr. D'AMOURS, Mr. STARK, Mr. LOWRY of Washington, Mr. RAHALL, Mr. PATTERSON, Mr. JOHN L. BURTON, Mr. BRINKLEY, and Mr. ZEFERETTI.

H.J. Res. 585: Mr. REGULA, Mrs. HOLT, Mr. MCCLORY, Ms. OAKAR, Mr. WINN, Mr. LEBOUTILLIER, Mr. DAN DANIEL, Mr. NICHOLS, Mr. BAILEY of Pennsylvania, Mr. YOUNG of Florida, Mr. WILLIAMS of Ohio, Mr. BARNES, Mr. ARCHER, Mr. LEWIS, Mr. HUGHES, Mr. FISH, and Mr. ZABLOCKI.

H. Con. Res. 1: Mr. DONNELLY.

H. Con. Res. 222: Mr. STUDDS.

H. Con. Res. 275: Mr. EDGAR, Mr. MARKEY, and Mr. WILSON.

H. Con. Res. 293: Mr. WYDEN.

H. Con. Res. 362: Mr. COUGHLIN.

H. Con. Res. 364: Mr. KEMP and Ms. MIKULSKI.

H. Con. Res. 401: Mr. MILLER of California, Mr. ADDABBO, Mr. WAXMAN, Mr. GEJDENSON, Mr. ROBERTS of South Dakota, Mr. EDGAR, Mrs. COLLINS of Illinois, Mr. LUNDINE, Mr. SKELTON, Mr. MATSUI, Mr. STOKES, Mrs. CHISHOLM, Mr. SANTINI, Mr. BARNES, Mr. MARKEY, Mrs. FENWICK, and Mr. FASCELL.

H. Res. 406: Mr. PATTERSON.

H. Res. 421: Mr. ALEXANDER, Mr. BONER of Tennessee, Mr. WILLIAM J. COYNE, Mr. DOWDY, Mr. FINDLEY, Mr. GUARINI, Mr. NELSON, Mr. NOWAK, and Mr. PRICE.

H. Res. 506: Mr. FISH and Mr. WAXMAN.

H. Res. 514: Mr. PANETTA, Mr. WINN, Mr. SOLARZ, Mr. FISH, Mr. ROUSSELOT, Mr. RODINO, Mr. VANDER JAGT, Mr. FARY, Mr. PRICE, Mr. PRITCHARD, Mr. EMERY, Mr. MURPHY, Mr. FOUNTAIN, Mrs. FENWICK, Mr. VENTO, Mr. FRANK, Mr. FASCELL, Mr. GILMAN, and Mr. ROE.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

571. By the SPEAKER: Petition of the City Council of the city of Compton, Calif., relative to civil defense protection; to the Committee on Armed Services.

572. Also, petition of the National Coalition for U.S. Auto Content Law, Detroit, Mich., relative to the Fair Practices in Automotive Products Act (H.R. 5133 and S. 2300); to the Committee on Energy and Commerce.

573. Also, petition of the County Board of Commissioners, Yadkin County, N.C., relative to a freeze on Federal salaries and pensions; to the Committee on Post Office and Civil Service.

574. Also, petition of the City Council, Vineland, N.J., relative to the National Development Investment Act (H.R. 6100); to the Committee on Public Works and Transportation.

575. Also, petition of the City Council of Houston, Tex., relative to certain provisions of H.R. 4961; to the Committee on Ways and Means.

576. Also, petition of the Permanent Delegation of the National Peasant Party of Romania in Exile, Paris, France, relative to extension of the most favored nation status for Romania; to the Committee on Ways and Means.

577. Also, petition of United Retailers Association of Puerto Rico, Hato Rey, Puerto Rico, relative to section 936 of the Federal Internal Revenue Code; to the Committee on Ways and Means.

578. Also, petition of mayor and committee of the township of Greenwich, Stewartsville, N.J., relative to nuclear weapons freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

579. Also, petition of the Lawrence Township Council, Lawrenceville, N.J., relative to a nuclear weapons freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

580. Also, petition of the City Council, Highland Park, Ill., is relative to the Cable Telecommunications Act of 1982 (S. 2172); jointly, to the Committees on Energy and Commerce and the Judiciary.

581. Also, petition of the City Council of Philadelphia, Pa., relative to pending legislation enabling the creation of export trading companies; jointly, to the Committees on Foreign Affairs, the Judiciary, and Banking, Finance and Urban Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6838

By Mrs. BYRON:

—Strike out all after line 3, page 2, of the bill as reported, and insert in lieu thereof the following: "be effective on or after the thirtieth day following the enactment of this subsection: *Provided, however,* That selected export controls may remain in effect if the President, within the aforesaid thirty day period, certifies to Congress that, after review by appropriate Executive Departments including the Department of Defense, there is a reasonable expectation that particular technologies transferred as a result of terminating the above-mentioned export controls could be used by the Soviet Union or the Soviet Union's treaty allies to produce or improve military hardware, related military systems, or military-related manufacturing processes."

EXTENSIONS OF REMARKS

DISABILITY REVIEW CREATES HARDSHIPS THROUGHOUT NATION

HON. JAMES J. FLORIO
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. FLORIO. Mr. Speaker, many of our colleagues have spoken out against the way the Department of Health and Human Services is conducting a congressionally mandated review of the social security disability program.

I have many constituents in my congressional district who have been unfairly and improperly dropped from the rolls of this important program. The Social Security Administration has been, to say the least, overzealous in their review of medical disability cases.

This fact was brought out in an article in yesterday's Washington Post. I think that all Members should be aware of this process. The article follows:

ELIGIBLE RECIPIENTS LOSING OUT—U.S. GETS TOUGH WITH DISABLED

(By Margaret Engel)

In 1973, after lupus, an incurable crippling disease, forced her to stop working as a nurse's attendant, Mary Williams of Capitol Heights began receiving $366 a month in disability payments from Social Security.

Last year, under a speeded-up review of disability recipients ordered by the Reagan administration, the payments to Williams were stopped, and she was told to get a job, despite the fact that three government doctors had said she was totally disabled.

In August, after Williams had struggled for a year to pay the $203 rent on the apartment she shares with her teen-age sons, an administrative law judge ruled that she was eligible for the payments after all.

Her experience was not unusual. Since federal officials tightened eligibility standards and began closer scrutiny of the $18 billion disability program in March 1981, 157,980 people nationwide have been dropped from the Social Security rolls.

Aimed at weeding out the undeserving, the new procedures have in many cases imposed an unnecessary burden on thousands of disabled people who do in fact meet the government's strict standards. According to figures compiled by the Senate Finance Committee, administrative judges have ruled in favor of recipients 67 percent of the time since the accelerated program began.

The review program has succeeded in trimming the rolls to fit its strict definition of disability, a standard that is much tougher than private disability insurance. "You must be unable to do any kind of work," noted Social Security spokesman John Trollinger. "It doesn't matter that you don't have any experience, or if there aren't any jobs there."

Dropping ineligible people from the program has saved the federal government $216 million for the fiscal year ending Sept. 30, and a projected $458 million for next year, according to Social Security figures. But the savings have been offset by the huge volume of complaints from the disabled, advocacy groups and Capitol Hill.

Many of those who have been dropped suffer extreme hardships and are forced onto state welfare rolls. If they are over 65, they also lose Medicare reimbursement for their health care costs. And for some, the consequences are worse.

On Nov. 5, 1981, Herbert Tuttle, a father of three who was active in civic organizations, killed himself with a 16-gauge shotgun outside the Social Security office in Lansing, Mich., after learning that he was no longer eligible for benefits. His suicide note read, "They cut my Social Security. They are playing God."

One month later, Harold Holtz, 45, of Council Bluffs, Ind., shot himself in the head after a year of attempts to win Social Security disability benefits, after diabetes and triple bypass heart surgery forced him to give up his job driving a truck.

Those who wait for an appeals decision face nine or more months without income. "An immense amount of unjustified, needless, unconscionable suffering takes place during that year," said Sen. Carl Levin (D-Mich.), who is pushing an amendment to the debt ceiling bill that would slow down the rate of reviews and pay benefits until appeals are heard.

Many congressmen say the pain and confusion the reviews have caused isn't what they had in mind when they asked the Social Security Administration in 1980 to improve the monitoring of the disability income program, and its welfare sister, Supplemental Security Income.

The requests, contained in amendments to the Social Security Act, were aimed at paring down the growing cost of the disability insurance program, which was added to Social Security in 1956, and SSI, which took the place of state welfare programs for the disabled in 1972.

When the Reagan administration came into office, it moved the starting date of the program up nine months. It also ordered that eligibility standards then on the books be strictly enforced.

In doing so, it was seeking changes in a vast system that cost nearly $18 billion and had nearly 4.4 million beneficiaries in the fiscal year ending last March.

In order to process benefits, there are federally-funded reviewing offices in every state and 800 administrative law judges. Disability cases appealed beyond the Social Security system account for almost 16 percent of all civil cases filed.

The congressional mandate to better monitor the program has had unexpected results. For one thing, overloaded reviewers are throwing out about 47 percent of all cases examined—many more people than the 10 to 20 percent found by the Government Accounting Office and Social Security studies to be improperly receiving benefits. Critics say pressure to dispose of cases and a new emphasis on stricter standards are responsible. For their part, Social Security officials say most of the misunderstanding is over the program's tough standards.

What is clear is that the special state offices, called disability determination units, which are financed by the federal government to handle the reviews, have been overwhelmed with cases.

"We're struggling," said Roland Owens, assistant commissioner of rehabilitative services for Virginia. Since the closer scrutiny began, the federal government has sent Virginia 13,971 cases, compared to 2,897 reviews handled by the state in fiscal 1980. Forty-two percent of those reviewed under the tougher regulations were dropped.

In Maryland, 1,595 people have been dropped from the rolls, or 39 percent of the cases reviewed. In the District of Columbia, 357 people have lost benefits, or nearly 41 percent of those reviewed.

Most of these cases have their own sad stories of economic struggles and tangles with the bureaucracy over lost files and confusing notices.

In Fairfax, McDonald Huffman, 56, is considering bankruptcy as a solution to the financial woes he and his wife face. He had been receiving $444 a month in disability income but was notified in July that he was dropped because he was fit to work. A coal miner for most of his life, Huffman uses an oxygen tank at night to aid his breathing. He last worked for the county as a truck driver in 1973, until his supervisor said he could no longer take responsibility for Huffman's poor health. "I earned this money and it makes me mad to have to fight for it," Huffman said.

In Hyattsville, Robert Larkins, 47, and his wife, Alpha, had to move in with with their daughter's family into a two-bedroom apartment after his $354 disability checks simply stopped coming in August 1981. Larkins, who cannot read or write, worked as a laborer until his kneecap was removed following a work related accident in 1973.

"We just ain't got no home to live in," said Larkins, who also was informed in July that he owes the government $17,038 because his disability was "terminated" in 1978, although, he says, this was the first he or his Legal Services lawyer have ever heard of it.

Most of those dropped by the state agencies never see an examiner, but have their case decided by a review of their files, which often does not include pertinent medical information. Nonetheless, Social Security Administration officials say state examiners make mistakes in only 3 percent of the cases. When the decisions are reversed, explained Trollinger, it is usually because of additional medical data that's been assembled during a later appeal.

Recent revisions of the desk manual examiners use have made it more difficult to win benefits, too. Several advocacy groups claim state agencies are cracking down through internal, unpublished standards on those suffering mental disabilities and chronic pain. This suspicion has prompted lawsuits against the review program in nine states.

Nationwide, 29 percent of those dropped in the program's first year are mentally disabled, according to the U.S. House Select Committee on Aging. In Maryland, the state attorney general has filed a Freedom of Information request with the Social Security

Administration to find out why the mentally disabled are being dropped from the rolls with much greater frequency.

"A staff member was told that only people who are literally climbing the walls can qualify for disability now on psychiatric claims," said Dr. Dennis Kutzer, a psychiatrist at the Springfield Hosptial in Sykesville, who said 72 percent of disability claims now are denied. Three years ago, the rate was about 30 percent. The denials are keeping patients in costly state mental hospitals, according to mental health experts. They say these patients cannot be released because they cannot support themselves without the federal disability income.

The uproar over the manner in which the disability caseload was trimmed has prompted some changes. The Social Security Administration already has scaled down the number of reviews it expects to send the states this year. And, in the next few weeks, Commissioner John Svahn will require that recipients be notified in person, rather than by letter, that their cases are going to be reviewed.●

DISTINGUISHED JOURNALIST HONORED BY VETERANS

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. MOTTL. Mr. Speaker, I want to recognize the important contributions of a man with his pen to help those who have carried the sword for our Nation. Ronald J. Seman of Maple Heights, Ohio, a veteran of the Korean war, and longtime Cleveland communications specialist, has been named to receive the 1982 Americanism News Media Award of the Catholic War Veterans of the U.S.A. National Awards Committee Chairman Gus Gallo tells us Seman received the award during the CWV National Convention last month in Bal Harbour, Fla.

The award is given annually to a newspaper, radio, or television station or an individual in any of the three media for presenting an outstanding individual or continuing program supporting positive ideals of American tradition.

Seman was cited for his weekly veterans column in the Cleveland Press and for originating "The Cleveland Veteran" radio program which he hosts Sunday nights at 9:45 on WERE. The show went on the air August 12, 1979. It is the only continuing program on Cleveland radio which is devoted to veterans news and features. At Seman's request, entertainer Bob Hope recorded two promotional spots for the show. Hope appeared on the program on February 1, 1981.

Seman served 1 year, 1953, of his 4-year tour with the U.S. Air Force's 17th Bombardment Wing Light in Pusan, Korea. He is a public information specialist in the Public Affairs Office of the Defense Contract Administration Services Region (DCASR) Cleveland.

Prior to joining the Federal Government, Seman was an administrative assistant to Cleveland Mayor Ralph J. Perk, 1973-1977; was manager of public relations for the American Society for Metals for 11 years; and was an announcer, news writer, and program director for KCVH, KSYD, and KWFT-TV, Wichita Falls, Tex. Also, WERE, WJMO, WCUY-FM, KYW-TV, Cleveland, and WEOL, Elyria from 1954 to 1962.

Seman is a 1959 graduate of Kent State University where he majored in speech-radio and minored in journalism. He is currently serving his second term as commander of the Cuyahoga Chapter, CWV; is a member of CWV Post 1812, Garfield Heights, Veterans of Foreign Wars "Stars & Stripes" Post 1415, Cleveland, and American Legion Post 309, Maple Heights.

He and his wife, Mary, are the parents of Mark, 19; Eve, 17; Kelly, 15, and David, 11. The family resides at 5536 Elmwood Ave. They are members of St. Wenceslas Parish.●

THE IMPORT PROBLEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, September 1, 1982, into the CONGRESSIONAL RECORD:

THE IMPORT PROBLEM

Hoosier workers and businessmen often express to me the view that the scales of foreign trade are weighted unfairly against the United States. Sometimes with anger in their voices, they cite surging imports as evidence for their belief. In 1981, we had the largest trade deficit in our history—more than $40 billion—some $18 billion of which was with Japan alone. Steel imports captured 20% of our market; imported automobiles grabbed 27.3%

The more I listen to these workers and businessmen, the more I share their frustration with the problem of imports. In part through our generosity, the countries that we defeated in World War II have become our major rivals in foreign trade. Japan and West Germany have invaded not only our overseas markets, but our domestic markets as well. They rely on us to defend them against their enemies, but while we devote more and more of our budget to defense, they use their resources both to subsidize civilian research and to boost exports. There is definitely something to the complaint that they protect their exporting industries while we still try to play the game by the rules of free trade. Hoosiers want to know why we support other nations in these ways, especially when our economy is in such need of assistance.

Although most of us feel strongly about the problem, we realize that we cannot just "slam the door" on imports. The world economy, of which the United States is an inseparable part, is much too complex for that. For one, much of our distress is due to interest rates which keep the value of the dollar up and the prices of imports low. We will make a good deal of progress against the trade deficit when interest rates come down. Also, America is a major exporter: we sell 40 percent of our farm production abroad; our exports of services were valued at $60 billion in 1981; one of every seven jobs in American manufacturing depends on the export sector; our foreign direct investment in other countries is triple that of all foreign companies here. We are vulnerable to retaliation if we crack down on imports. Moreover, if we take exports of services and foreign direct investment into account in assessing the impact of imports, we see that we are running a surplus, not a deficit, in our trading account. It is good for us to keep in mind that we do have an overall advantage. Then, too, the United States itself is not completely free of protectionism. Despite the fact that our markets are generally more open than others, we do protect chemical, textile, and some farm products. Finally, at least a few of the trading advantages enjoyed by other nations are due to a greater reliance on technology, a closer relationship between government and business, a simpler regulatory enviroment, or an increased emphasis on investment. If such explanations are valid, our case against imports is weakened.

Nonetheless, it is my impression that the system of trade is biased against the United States, sometimes in subtle ways and other times in ways that are not so subtle. I have the feeling that Hoosier workers and businessmen would not mind imports so much if they thought that the terms of competition were fair. They often tell me that they are prepared to compete head-to-head with anyone, provided that the rules are the same for everyone. The private sector can take important steps to better our trading position, and the government should help support that effort by doing the following things to ensure that we compete with other nations on a fair footing.

Large budget deficits and tight money have pushed interest rates up and kept the value of the dollar high. This makes imports cheap and exports expensive. We should alter the mix of fiscal and monetary policies so that interest rates fall.

Both in the Far East and in Western Europe, the United States carries more than its fair share of the burden of defense. This allows our allies to divert their resources to civilian and export sectors. We must demand from our allies a more equitable sharing of the burden of defense.

Export trading companies have figured in the expansion of export sectors in foreign countries. There are many small and medium-sized American firms which could compete worldwide if they had the expertise. We should legislate to encourage the formation of export trading companies.

Exports could be increased if we clarified our laws on foreign corrupt practices, cut taxes for Americans working abroad, and streamlined our export licensing procedures. We must trim costly and excessive legislative and administrative restrictions which we impose upon ourselves.

A larger lending authority is needed to counterbalance the aggressive, credit-based export strategies of other countries. We should increase the credit available to our exporters.

The United States has generally chosen to approach trade problems through bilateral talks, not by using the sanction-backed,

international mechanisms that are available in cases of dispute. We must use these mechanisms as the need arises.

The United States does well in the export of services and in foreign direct investment. We should improve our advantage by bringing these aspects of trade under international procedures.

Trade policy influences and is influenced by foreign policy. We must give the President more power to make our trade and foreign policies more consistent and mutually supportive.

With direct subsidies and very low interest rates, other nations invade our markets. We must take a tough line against these unfair practices.

Standards, licenses, and special demands on companies are examples of non-tariff barriers which other nations use to exclude our exports. We should engage in hard-nosed bargaining to rid the trade system of such barriers.

Our import problem will recede, and our competitive edge will be maintained, if we insist on the same rules for all the players.●

AN ALTERNATIVE TO MASS AMNESTY FOR ILLEGAL ALIENS

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. DAUB. Mr. Speaker, many of us have grave reservations over the Immigration Reform and Control Act (S. 2222) as passed by the Senate recently. The House version of this legislation, H.R. 6514, offers no more reasonable approach to our immigration problems.

Frustration and outright opposition are growing over the "amnesty" provisions in this legislation, S. 2222 contained an amnesty provision which will provide eventual permanent residence for all illegal aliens who entered the United States prior to 1980. Those who entered between 1977 and 1980 will have to wait 3 years. H.R. 6514 also contains an amnesty provision which will provide permanent residence to illegal aliens who entered before 1980—although the wait for those who entered between 1978 and 1980 is only 2 years.

With the millions of illegal aliens in this country—estimates range from 3 to 10 million—I ask everyone to consider these points:

With nearly 11 million Americans out of work, and the attendant massive drain on Federal, State and local treasuries, can we afford to add to our work force and place an even greater burden on our social service programs?

Do we really want to set the dangerous precedent of such a liberal "legalization" policy, thereby encouraging more illegal immigration?

Have we considered that those allowed permanent residence will be bringing in their families, thereby compounding the numbers applying for residence?

What about those who have waited for years to gain permanent residence, legally—are we not rewarding those who violated the law, while ignoring those who abided by the law?

Today I have introduced an alternative to the amnesty provision of H.R. 6514—a registry date amendment—that would simply amend existing law, by updating current methods for granting legal status to certain types of deserving illegal immigrants. My proposal would allow permanent residence for illegal aliens who entered the country prior to January 1, 1973. Should H.R. 6514 be brought to the floor of the House prior to consideration of my proposal, I will be prepared to offer my alternative as an amendment to H.R. 6514.●

UNUSED INNER-CITY RICHES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. GARCIA. Mr. Speaker, earlier this year I spoke of the need to stimulate inner-city economic revival and the possibilities of its success while recognizing the unique and many times significant costs associated with depressed urban areas. One possible method to stimulate new development is the enterprise zone concept of targeting Federal tax incentives to areas where the poor and unemployed are living.

Throughout the debate on urban America, there have been those who have stated that the problems of the inner city are too entrenched and that there may never be any real revival nor for that matter any successful Government programs to assist them in a return to the economic mainstream. I reject this viewpoint and believe that we must continuously seek new and additional avenues to assist the low- and moderate-income families of our Nation. I am an even more fervent believer that there can be economic success in our Nation's cities.

One entreprenuer that has served to maintain my faith is John Mariotta and his Welbilt Electronic Die Corp. located in the South Bronx. The following article from Nation's Business speaks to Mr. Mariotta's success and determination and I recommend it to my colleagues.

[From Nation's Business, February 1982]

TAPPING UNUSED RICHES IN THE SLUMS

(By Gerson Goodman)

The English language is not exactly the forte of John Mariotta, founder of the Welbilt Electronic Die Corporation in New York City's notorious South Bronx. Born of Puerto Rican immigrants, he had little chance to polish his verbal skills. Still, his business has an annual sales volume of $12 million.

But this is a success story not so much about Welbilt's owner as about Welbilt's workers—ghetto youths and hard-core unemployed who learned a trade and discovered the work ethic.

Mariotta was 36 when in 1965 he set up Welbilt, his fourth attempt to go into business. Fred Neuberger, now vice president and part owner, was the needed extra ingredient, Mariotta says. An experienced sales engineer, Neuberger brought Welbilt its first big contract, for air filter assemblies for Bell helicopters.

Today, the Welbilt plant stands like a beacon in a sea of residential and industrial deterioration. While remaking society's castoffs into operators capable of running the latest in computerized metalworking machinery, it has become a respected supplier of precision parts and assemblies to the armed forces and the defense industry. The firm has won increasingly larger private and government contracts.

Teaching the unskilled was not a matter of choice, since getting machinists to commute to Welbilt was—and still is—impossible. Job hunters quickly lost interest when they found out where the factory was.

"How are you going to make machinists out of semi-illiterates?" parts buyers for the big corporations would ask him, Mariotta recalls. But he has done it, motivating his workers with the homilies of a Benjamin Franklin rather than the formulas of a Ph.D. in labor relations. Among the doubters that are now convinced are General Electric and TSARCOM (Troop Support and Aviation Readiness Command).

Mariotta still interviews every job applicant, "I tell them, 'You got to work hard, You got to learn.'"

Once he is convinced an applicant can be counted on, he hires on the spot. No effort is made to check references. "What do I care about the past?" he demands. A note of intensity colors his voice. "What if he did commit a crime? Today, right now, he wants to work. That's the only thing that counts."

Mariotta's unorthodox procedures stem from this conviction: Most people abhor idleness. But language and educational deficiencies, not to mention prejudice in hiring, bar some from decent opportunities, he contends.

"Everyone is saying, 'What are we going to do about the South Bronx?'" Mariotta growls. "Everyone is saying, 'You can't teach those so-and-so's anything. You can't get them to come to work on time.' Well, it's not so. I say to them, 'Maybe we have no education, maybe our manners aren't up to par, but this is where it's at between you and me: If you're willing to work, I'll increase your salary.'"

Chico is a good example, Mariotta says. "One morning, in walks Chico with a cigar box under one arm. He says he is working in a hotel, washing dishes. In Mexico he was a mechanic, but here no one will hire him because he doesn't speak English. I ask him what's in the box. He shows me a mike, a 4-inch caliper, two C-clamps and a 6-inch rule. They are all brand-new. I say to myself, if he spent half a week's pay to buy tools, he must really want to learn. So I put him on. When he came to the shop the next morning, he didn't even know how to turn the saw on. But day after day, we stood beside him at the bench till he learned."

The plant, which has never been struck, was organized by the Teamsters in 1974 after peaceful negotiations. "Our relations with the union are extremely cordial," Neuberger observes. "The attitude here is so

good that the pilferage and vandalism that plague other industrial enterprises are nearly nonexistent."

Workers who have become supervisors have seen Mariotta fulfill his promises. A bonus arrangement instituted in 1980 pays $1,000 each to first-line supervisors for every $1 million the plant ships. The incentive plan, which added $10,000 to each supervisor's income last year, has also fostered interdepartmental cooperation, Mariotta says.

What the kids he recruited from the streets would have become had there been no Welbilt is a thought that stokes Mariotta's contempt for the nation's multibillion-dollar welfare system. "Everyplace in the U.S. where there is a South Bronx, we have more unused riches than all the Arab oil countries put together," he argues. "Our riches are in our people who want to work. Let the businessmen and the government put factories here where the people are, and you'll see how fast those billions will shrink."●

DR. JAMES ARCHER SMITH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. FASCELL. Mr. Speaker, during our absence for the district work period, the city of Homestead, Fla., lost one of its most distinguished and beloved citizens. Dr. James Archer Smith passed away at the age of 91.

Dr. Smith was a general practitioner who came to Homestead in 1919 after serving as a frontline medic during World War I. During his long medical career he estimated that he delivered 3,500 of the 24,000 people living in the Homestead area. He was one of two staff doctors when a four-bed hospital opened in Homestead in 1940. The hospital, which today is the only city-owned hospital in the county, has grown to 120 beds and was named in his honor.

Dr. Smith was a pioneer in recognizing, and then working to meet, the medical needs of the community. He frequently treated patients knowing he would never be paid for his services and was eulogized by his friends for his love of mankind. According to his longtime friend and associate, Dr. Fred Vihlen,

He had a great fondness in his heart for the people who were down and out. People who had had hard times and had lived hard times.

He is survived by his wife, Gene; a brother, Marion; a son, James Archer Smith III, four grandchildren and five great-grandchildren. I extend my deepest sympathies to his family. An editorial in the South Dade News Leader summed up Dr. Smith's life when it stated, "They don't make 'em like that anymore."

DR. SMITH'S PASSING: THE END OF AN ERA

Today the Homestead community mourns the loss of a physician, a pioneer, a patriot—Dr. James Archer Smith.

He came to the fledgling town early in this century and stayed, not only to minister to the sick, but to contribute to the city's growth and well-being.

His greatest contribution, many say, was the founding of the city's hospital.

But Dr. Smith did much more than that. He would pack his medical bag in the middle of the night and tend to the ill and needy whenever and wherever—often without any hope of ever receiving any kind of pay in return.

Dr. Smith not only tended to the sick but he served on the volunteer fire department in the city's early years, was a member of the city council, founder and charter member of the Rotary Club, chief of staff at both the old Dade County Hospital and the hospital he founded.

At one time, most of the citizens of Homestead could claim he had brought them into the world.

During his long years, he was honored many times. In 1967, the Florida Academy of General Practice named him "Man of the Year" and during the Bicentennial in 1976, he was named one of Florida's 76 Patriots.

Dr. Smith's passing marked an end to the era of the "old family doctor."

They don't make 'em like that anymore.●

INEQUITY IN COST-OF-LIVING ADJUSTMENTS

HON. STAN PARRIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. PARRIS. Mr. Speaker, today I am introducing legislation which would correct an inequity created by the budget reconciliation bill. Under the terms of the fiscal year 1983 budget bill which is now law, Federal civilian and military retirees under the age of 62 will only be receiving half of a cost-of-living adjustment. In addition, rather than those cost-of-living increases being received as scheduled next spring, they are going to be delayed 1 month for the next 3 years. Military retirees who are holding Government jobs will have their compensation reduced by a dollar amount equal to the cost-of-living adjustment increases in their military retired pay. My legislation would repeal this language from the 1983 budget and treat military and Federal civilian retirees in an equitable manner.

These retirees should not be treated any differently than those individuals receiving social security benefits. The Federal Government has a contractual and moral obligation to provide these earned retirement benefits in a timely manner. There should be no reductions in the amount and the increase should not be delayed by 1 month.

Federal civilian and military retirees do not object to making their contribution to society but they have already been required to sacrifice more than any other group of citizens. Their well-thought-out plans for retirement have been severely disrupted. Living on a fixed income is difficult enough but having that amount reduced at a time when the cost of living is escalating makes maintaining a decent standard of living even more difficult.

Aside from the injustice the COLA changes have placed upon retirees, there are also serious ramifications for the Federal Government. These changes in retirement benefits will make it hard for the Federal Government to attract and retain qualified people to serve in the military or civil service. As taxpayers, we will all lose out by having less qualified individuals providing less service.

In the best interest in Government and as a matter of equity, I urge my colleagues to join in cosponsoring this most important legislation.●

THE LAW OF THE SEA TREATY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for August 1982 into the CONGRESSIONAL RECORD:

THE LAW OF THE SEA TREATY

When the United States voted against the Law of the Sea Treaty several weeks ago, the action hardly made a headline. Even though the treaty took more than a decade to complete and contained several important rules governing the uses of the seas, few Americans seemed worried about its rejection. Yet, the decision is a significant one for American foreign policy.

The seas have always been important in the scheme of things, and the ability of vessels to travel the seas freely has been of interest for hundreds of years. For the United States, one of the world's leading maritime powers, freedom of the seas is so vital that we fought wars to preserve it before our nation was a century old. Our trade depends heavily on the unimpeded movement of the merchant fleet. The value of our Navy would diminish if the seas were not open to our warships. History shows our strong commitment to the freedom of the seas—a commitment which we have honored in war and peace.

Since the 1700's, the only thing protecting the freedom of the seas has been its acceptance among nations. In this century that acceptance has been eroding. Many nations have different views of the seas and their uses. Oil and gas on the continental shelf and mineral-laden nodules on the seabed have caused conflict and may result in a division of the seas among the powerful nations.

In 1958 and 1960, the United Nations convened conferences to codify rules on the uses of the seas. The first conference produced agreements on the continental shelf, the high seas, and the conservation of marine wildlife. The second conference considered the width of territorial waters, but reached no agreement. The expansion of territorial waters (in some cases, up to 200 miles) and technological advances not anticipated by the 1958 agreement made fur-

ther negotiations necessary, so the United Nations, with American support, again took up the question of the uses of the seas and called for a third conference. The conference convened in 1973 amid speculation that a consensus among nations could produce a treaty to cover all maritime activities. Presidents Nixon, Ford, and Carter pursued the negotiations with vigor. By the summer of 1980, all but three issues were decided. Tentative accords were reached on the width of territorial waters, passage through straits, responsibilities and rights of states in territorial waters, in economic resource zones, on the continental shelf, and on the high seas, conservation of fisheries, protection of the marine environment, marine research, and mining of minerals on the seabed. With regard to the last point, the treaty set up a body to regulate seabed mining so that the poor nations would have a role. The body would get its technology from the rich nations.

Critics of the treaty were found mainly among isolationists and among certain parts of the seabed mining industry. When President Reagan took office, however, these critics gained an influential ally. One of the President's first acts was to withdraw from the conference pending a full review of the American position. During the review, there was an intense battle within the bureaucracy between those who opposed the treaty outright and those who wanted certain changes, mainly in the provisions on seabed mining. In January of 1982, the President decided to return to the conference to pursue such changes.

The United States was unable to get all its changes at the 1982 session. Many delegates thought that the United States was inflexible in its view, pushing for changes but refusing to negotiate. Members of the American delegation said that their instructions, drafted largely by opponents of the treaty, were designed to prevent agreement. When a compromise was offered by some of our allies, we turned it down. The final session ended with the adoption of the treaty by 130 nations, but the United States, along with Israel, Venezuela, and Greece, cast negative votes. We said "no" despite some gains at the bargaining table, including the power to veto funding for national liberation movements and a guaranteed seat on the seabed mining authority. The President argued that the seabed mining provisions would not encourage investment and would not guarantee our access to minerals on the seabed. He hoped that other nations would recognize certain provisions as international law, not denying their benefits to the United States, but that the seabed mining provisions would not be accepted as international law because the United States, the major mining nation, would not follow them. He is now trying to get our friends to sign a separate "mini-treaty" on seabed mining.

Treaty supporters disagree. They think that the treaty protects our interests, and that we should try to change the provisions on seabed mining. They say that we will be unable to select the provisions of the treaty we like, and that we could lose our navigation rights. Since many of our friends appear unwilling to sign any mini-treaty, treaty supporters assert that we could jeopardize our own seabed mining industry and lose our assured access to minerals on the seabed.

I doubt that the Reagan Administration gave enough consideration to the implications of rejecting the treaty. Because the treaty also regulates territorial waters and navigation rights, treaty supporters are correct when they contend that any straits in the world could be closed to us in times of crisis. Also, any attempts by American companies to mine the seabed could be attacked by nations which have signed the treaty. These companies could then be forced to relocate abroad, and America could find itself with no means to reach minerals on the seabed. The President hopes to negotiate individual agreements if our interests are not adequately protected. The costs of such an approach could be high since we would be forced to make concessions to gain rights now protected under the treaty. Just as important, by rejecting the treaty we relinquish our leadership in the struggle to establish norms of behavior to guide nations.

The United States should not have given up on negotiations to change the treaty. I hope that we will reconsider sooner rather than later.●

KHJ RADIO—ON POLITICAL PROPAGANDA

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. ANDERSON. Mr. Speaker, we are all only too aware of the growing importance of money in our political campaign. In the last 10 years costs of campaigning has increased astronomically. This is true not only in regard to candidates, but also, in States like California, in regards to propositions placed before voters for their consideration.

I recently received a copy of an editorial from KHJ radio, a station in the Los Angeles area. I would like to share their brief comments with my colleagues. We seem to see more and more public issues where one side has little or no funding for their campaign and the other side has great sums to spend. This problem challenges our basic belief that in a free election each side will be heard. I offer this piece to my colleagues:

ON BEATING POLITICAL PROPAGANDA

It's unfortunate—but true—that an election is often won by the guy who puts on the best show. That is the power of political propaganda. Politicians know that the money they invest in TV and Radio ads will pay off at the polls. The unfortunate result is that an election can virtually be bought by big money concerns. But we can beat the political propaganda trap. We can focus on the issues and the candidates, as they impact on us, and not fall prey to the campaign shows they put on.

A good example is Proposition 11, an initiative that would require deposits on all beverage containers. It is an anti-litter measure, supported by environmental groups, who are now running their campaign in the red. There's no big money behind the measure, so chances are you won't see many commercials urging you to vote for it. But you will hear a lot from the no on 11 people, because they have got the money to make you hear them. Soft drink and beer producers are opposed to Prop 11 because it will cost them money, so they are forking over hefty contributions to defeat it. And it is tough not to be swayed by a flashy campaign. Catchy radio and TV ads are a powerful political tool, used to influence public opinion. But we urge our listeners to look at Proposition 11—and every other measure and candidate on the November ballot—objectively. Look at the issues and the candidates—how they will impact on you. He who yells the loudest usually gets heard, but we do not have to listen to the screamers.

Let us challenge ourselves to beat the political propaganda trap in this election. Vote in your own best interests, not because of a clever ad on radio or TV. Remember we will have to live with the measures and candidates that win this election long after the curtain goes down on the campaign shows of 1982.●

HANDICAPPED AWARENESS WEEK IN ALAMEDA, CALIF.

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. STARK. Mr. Speaker, Mayor Chuck Corica has proclaimed September 5-11 as Handicapped Awareness Week, 1982. The theme this year is "Independence for the Handicapped." I applaud the Mayor's Committee for the Handicapped whose members have worked tirelessly to provide housing, resources and accessible facilities for disabled individuals in Alameda.

Their successes and progress is clearly evident in Alameda as the committee continues to meet the needs of the disabled and to make the entire city aware of the needs of the handicapped and to share their concerns and understand their priorities.

I join the citizens of Alameda in pausing to recognize Handicapped Awareness Week, 1982, and to offer my support and encouragement to the Mayor's Committee for the Handicapped as they continue to contribute to the well-being of the disabled.●

THE CLEAN AIR ACT IS WORKING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. BROWN of California. Mr. Speaker, I am pleased to report to the House that there is good news in the fight against air pollution. To put it simply, the Clear Air Act is beginning to work as designed.

Over the years, much has been made of the special air pollution problems of California, and the special leadership shown by the California State government, even while Ronald Reagan was Governor. Recently there was some doubt that California retained its com-

mitment to cleaning up the air, as illustrated by the reluctance of the California State Legislature to enact an automobile inspection and maintenance program. As a representative of a typical southern California district dependent upon personal automobiles for virtually every transportation use, I am quite aware of the public resistance to a cumbersome inspection and maintenance program. But I am even more aware of the public demand for cleaner air, and its willingness to accept a new program to clean our air.

Now, at long last, the battle is over. California has an automobile emissions control program using inspection and maintenance. This victory for clean air doubly pleases me since the credit for its enactment goes to my good friend and my representative in the California State senate, Senator Robert Presley.

This was not the only good news in air pollution. The major air pollution control district in California has also finally adopted a new, more stringent stationary air pollution control program, which nicely supplements the new auto emission controls.

The only bad news for California's air is here in Washington. In spite of abundant evidence that the Federal Clean Air Act is working to clean up air everywhere, the House Energy and Commerce Committee still seems bent on repealing or delaying the good sections of the current law. Fortunately, the Senate Environment and Public Works does not have the same approach, and a growing number of House Members are having second thoughts on weakening this law.

The battle for clean air is not over. But it is starting to be won. The Congress should learn from the successes of the past, and follow the old adage, "if it ain't broke, don't fix it." Let's let the Clean Air Act continue working, unbroken.

Mr. Speaker, at this time I wish to share an editorial from the Los Angeles Times which further describes the situation in California with my colleagues.

[From the Los Angeles Times, Sept. 2, 1982]

IT'S SAFE TO BREATHE AGAIN

The policy-makers and technicians who are responsible for cleaning up the air over Los Angeles are breathing more easily than they have in years. They can even chuckle when they talk about the future.

Why this rare level of levity among a group that seemed ready to throw in the crying towel a few years ago? The list of reasons is impressive.

For one thing, nature and smog policy finally seem to be moving in the same direction this year.

Smog controls that have been imposed at great cost over many years are starting to pay off in lower levels of pollution. There was a time recently when it looked as though the hard work had been in vain.

At the same time, there have been more cool, cloudy mornings this year than usual, along with fewer inversion layers to trap smog close to the ground.

The result has been fewer smog alerts than in any year to this date since the South Coast Air Quality Management District began keeping hourly smog readings 12 years ago. And there have been no second-stage alerts at all—the kind that force power plants to throttle back and commuters to double up in cars or take buses.

Next on the list is legislation that will require periodic inspections of automobiles, starting in 1984, to keep their smog-control devices working and their engines running cleaner.

Local smog officials have pleaded with the Legislature for such a law since the 1970's in another case that looked as though the hard work would be in vain.

But a bill, sponsored by Sen. Robert B. Presley (D-Riverside), requiring inspections every other year, was passed and sent to the governor late in the session.

The program will reduce pollution by something less than half as much as would annual inspections, but it is a place to start. If the program goes smoothly—as we expect it will—the Legislature may be persuaded to move to annual testing, which would reduce key pollutants by 20 percent to 30 percent.

Then there is a proposal to tighten controls on new polluters and on old polluters who expand their operations.

In recent years, hydrocarbons over Southern California have increased by 66 tons a day because small new businesses could start operating without pollution controls.

The air quality district staff wants to require all new operations, regardless of size, to install control devices and to keep pollution levels from rising by balancing new operations with cutbacks or shutdowns in old operations.

Business and industry are likely to protest the proposal. The public will have chances to protest the protests at public hearings in Los Angeles, Orange, San Bernardino and Riverside counties starting Sept. 13.

Another smile-provoking development for clean-air professionals is a new district plan to cut pollution by as much as half over the next five years. The plan calls for measures ranging from synchronized traffic lights to reduce emissions from idling cars to major reductions in refinery and power-plant pollution.

The cost would be steep—an estimated $475 million each year through 1987, with the oil industry bearing about half the total.

The cost of failing to keep reaching for cleaner air most likely would be higher—not only in human health but also in economic stability and growth for the region.

The smog specialists have good cause to feel jaunty this month, but their own computer models tell them that their best efforts will reduce smog only until 1993. After that, the air will get dirtier unless a second generation of smog-control techniques is brought to bear.

Finally, even Washington has given the clean-air managers a break. After months of bitter infighting in committee, Rep. Henry A. Waxman (D-Los Angeles) turned back by a single vote an effort to weaken the federal Clean Air Act.

The result was a triumph only in that it is a stalemate that will prevent either Waxman and the environmentalists or a coalition of industry and the Reagan Administration from getting changes in the act for at least another year.

Granted that smog in Los Angeles can turn on you overnight, there is still an impressive amount of good news on clean air. And if the policymakers are breathing more easily, so can we all.●

NUCLEAR TEST BAN VERIFICATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. DORNAN of California. Mr. Speaker, an article that appeared recently by columnist Jack Anderson is cause for grave concern. Mr. Anderson contends that secret documents and intelligence sources disclose that the United States does not have the capability to verify Soviet compliance with a nuclear test ban. As a result, the President had no choice but to cancel the talks with the Soviet Union and the British on a comprehensive nuclear testing ban in 1980.

I would like at this time to submit Mr. Anderson's disturbing article for the RECORD.

The article follows:

[From the Washington Post, Aug. 10, 1982]

U.S. CAN'T TELL IF RUSSIA CHEATS ON TEST BAN

(By Jack Anderson)

President Reagan decided at a July 19 National Security Council meeting that he didn't want to resume talks with the Soviet Union and the British on a comprehensive nuclear testing ban. The talks were suspended in 1980.

Secret documents and intelligence sources disclose the appalling reason for the president's decision: U.S. experts do not at present have adequate means to catch the Soviets in violations of a test ban.

Eight years ago the United States and Soviet Union agreed to limit underground nuclear tests—the only kind permitted—to 150 kilotons, or roughly 10 times the size of the Hiroshima bomb. The Threshold Test Ban Treaty was never ratified by the United States, but the 150-kiloton limit was observed by both powers.

Then, in 1978, U.S. scientists, unsure of their measurement system, secretly changed their methods of calibrating a kiloton, in effect doubling the size of permitted test explosions.

When the Soviets subsequently doubled the size of their blasts, intelligence experts were alarmed; they suspected a leak to the Kremlin at the highest levels.

Even with the new measuring method, the Soviets appear to have exceeded the 150-kiloton limit at least 11 times since 1978. One test—in September, 1980—was clocked at a likely size of 350 kilotons, according to my sources.

As recently as July 4, the Soviets set off a huge nuclear blast. It was estimated at a likely 260 kilotons, or at least 110 over the limit.

Reagan asked for the precise measurement of the Soviet explosion, so that he could lodge a vehement protest with the Kremlin. It was then that he learned such precision was impossible. A secret, highly technical Pentagon briefing disclosed that, in fact, the United States would not verify Soviet compliance with a test ban.

There was another, perhaps even more persuasive reason the president decided against a test ban treaty: U.S. scientists want to be able to test our nuclear weapons to make sure the stockpile is up to snuff.

A highly sensitive White House report shown to my associate Dale Van Atta states that the people in charge of U.S. nuclear weapons laboratories "insist that they must test up to approximately five kilotons in order to be able to verify performance of the weapons for stockpiling certification."

The report explains: "In the continued non-nuclear testing of weapons components, it turns out with some regularity that individual components fail or degrade. Even acceptable components may become unavailable as manufacturers shift product lines or go out of business."

This means that new components of different materials have to be used, and the resulting weapons may not work. As the report states:

"Developing weapons remains to a considerable extent an art rather than a science. Weapons designs which seem appropriate, based on computer models, fail to work as predicted when actually tested." In short, a test-ban treaty would leave the United States doubly in the dark—about the reliability of our own nuclear weapons and about any violations by the Soviet Union.●

JOHNNIE LEE WILLS CELEBRATES ANNIVERSARY

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. JONES of Oklahoma. Mr. Speaker, Johnnie Lee Wills, a legend in the field of country music and one of the creators of the western swing music turned 70 this past Thursday, September 2. He and the music he loves are still going strong in his 49th year in our beautiful city of Tulsa, and he has become as much an institution in our community as he is the pantheon of country music heroes.

It all began many, many years ago with the "Light Crust Doughboys," a group of men in love with music and especially taken with a certain sound. That special sound, and many of those men, soon evolved into "Bob Wills and the Texas Playboys"—the greatest western swing band in the world.

In 1934, the Texas Playboys and their mainstay, Johnnie Lee Wills, moved to Tulsa to begin broadcasts on radio station KVOO from the Cain's Academy in downtown Tulsa. For 10 years, the Playboys were on the radio for 5 nights every week! Their music was, and is, loved by the people of Oklahoma and by many throughout the Nation.

Later, Johnnie Lee Wills spun off into his own group and recorded two classic hits: "Rag Mop" and "Peter Cottontail." In fact, "Rag Mop" remains the biggest country hit ever put out by Bullet Records

Johnnie Lee Wills still performs from time to time, and is now a very successful businessman in Tulsa. We are proud of him, and we are very honored to have him still sharing his wonderful music with us. As one publication noted: "Tulsa was Johnnie Lee Wills' town * * * and Cain's Academy was where the dancing action took place in Tulsa."

We are still Johnnie Lee Wills' town.●

CHINESE TENNIS STAR DESERVES ASYLUM IN UNITED STATES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. DERWINSKI. Mr. Speaker, an issue that has sports as well as political overtones is the case of Hu Na, the 19-year-old Chinese tennis star, who wishes to obtain asylum in the United States. Her story was carried in an editorial commentary which appeared in the August 17 Southtown Economist, serving suburban Chicago.

The editorial calls for the granting of political asylum, a point to which I completely concur. It should be noted that there is a growing number of defections from mainland China which is quiet testimony to the lack of utopia under that Communist government. The editorial follows:

CHINESE TENNIS STAR DESERVES ASYLUM IN U.S.

One of the prices communist governments pay for oppressing their citizenry is the embarrassment caused whenever some of them defect to free countries. The price is double high when the defector is an especially talented or prominent person enjoying the best that life has to offer in your standard workers' paradise.

Now that the People's Republic of China is beginning to permit carefully selected citizens to travel to Western Europe or the United States, it is beginning to suffer the defections that have long plagued the Soviet Union.

A case in point is Hu Na, the 19-year-old Chinese tennis star who disappeared recently from a hotel in Santa Clara, Calif., where she had been staying for an international tennis tournament. A week later, she turned up in San Francisco and asked for political asylum in the United States.

The State Department has taken her petition under study. Peking has reacted by demanding that she be handed over to Chinese officials for shipment home and, presumably, an appropriate spell of "re-education" in some labor camp.

International Tennis Federation officials, who seem to care less about the moral issues involved than about keeping China on the tennis circuit, are charging that Hu Na may have been "lured" into defecting by some talent-hungry professional sports promoter. Even if this is true, what of it?

Shouldn't young Hu Na, said to be a potential world class player, have the right to be compensated in full for her talent and achievement? No one considered packing Martina Navratilova back to Czechoslovakia when she defected in 1975.

Chinese officials are threatening to curtail cultural and sports exchanges with the United States unless Hu Na is returned. Let them. Hu Na deserves asylum in the United States, and the State Department should grant it forthwith.●

KATE PETRUSKA

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. MOTTL. Mr. Speaker, I would like to call to the attention of my colleagues in the House, the achievements and enduring courage of Kate Petruska of my own hometown city of Parma, Ohio.

Born and raised in England, Kate served 3 years in the British Army during World War II in the Royal Corps of Signals with the Supreme Head of Allied Expeditionary Forces under Gen. Dwight D. Eisenhower.

She met her husband, John, while he was stationed in England and they were married 3 days before D-day, 1944. She became a U.S. citizen in 1950 and worked with PTA and church organizations while her children, David and Janice Kay, were growing up. Her husband became mayor of Parma in 1967 while her son was serving in Vietnam. Kate helped organize the Southwest Military Moms with the local Red Cross during this time. This was a group of mothers whose sons were fighting in Vietnam who were dedicated to helping support their morale in a variety of ways.

In 1976, she accepted the chairmanship of the Women's Health Day Committee in cooperation with the American Cancer Society Cuyahoga Unit and has served as such for 7 years. In this capacity, she organizes educational efforts to teach area women of the necessity of early detection of cancer.

Her daughter, Janice, was stricken with ovarian cancer and died at age 23 in 1978 after completing her second year of law school at Toledo University. Janice asked her mother to continue her efforts in the cause of cancer control.

Kate had a mastectomy of the right breast in 1981 after a biopsy revealed cancer, and she received several months of cobalt treatments. A malignant lymph node was also removed from the right clavicle and she was put on monthly chemotherapy treatments. In 1982, the left breast was removed.

She is presently serving on the board of directors of the American Cancer Society and the board of trustees of Parma Community General Hospital. She is also chairman of the health committee of the senior citizens advisory board. Other organizations to which she belongs are the

Parma Women's Democratic Club, the Parma Democratic Club, the Parma Area Fine Arts Club, the Parma Junior Woman's League, and the Parma Historical Society.

Kate Petruska is a credit to her community of Parma, Ohio. Her voluntary contributions and years of service in the battle against cancer are to be commended. Her own family tragedy and personal fight against this disease have made her all the more committed to spurring the education and awareness of cancer to others. I am honored to have a woman of this caliber in my district and hometown. We need more outstanding citizens like Kate Petruska.●

A TRIBUTE TO SHANNON HUMPHREY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SKELTON. Mr. Speaker, I take this opportunity to inform Members of this body of the heroic actions of an Independence, Mo., high school senior, Shannon Humphrey.

Shannon Humphrey was on her way to the store when she saw a riding lawnmower overturn, pinning the rider underneath. With no thought for her own safety, she reacted immediately by pulling the man from underneath the lawn mower, just seconds before the mower exploded.

For her heroic actions, Miss Humphrey received several awards. She became only the second Missourian to ever receive the Kiwanis International Robert P. Connally Award. She received the key to the city, and Independence Mayor Barbara Potts even proclaimed a Shannon Humphrey Day in her honor. I join those who applaud Shannon Humphrey for her bravery and selfless actions and I want her to know how proud we are to have her as a Missourian.●

THE TAX BILL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, August 25, 1982, into the CONGRESSIONAL RECORD:

THE TAX BILL

In his most politically surprising move to date, President Reagan has called on Congress to increase taxes.

The President's bill raises $99 billion in revenue in a host of ways, largely by increasing taxpayers' compliance with the law ($32 billion), raising excise taxes on tobacco, telephone use, and air travel ($19 billion), and scaling back major tax breaks recently created for big business ($48 billion). These provisions soften the impact of last year's massive tax cut and help moderate the excesses of that cut, which heavily favored large corporations and rich individuals. The bill also includes cuts in spending totaling more than $15 billion in welfare, medicare, medicaid, and other programs, and it provides an additional six to ten weeks of compensation for jobless workers whose benefits have run out.

This bill represents a very important turning point for the President in at least two senses. Mr. James Baker, a chief White House advisor, acknowledges that the President's economic program has not worked. The President in shifting away from the "supply-side" theory he advocated for the first 18 months of his term and has begun to drift back toward traditional economic thinking. Also, the President is pushing major legislation without the unified support of his party for the first time. In order to get the bill passed, he has had to reach out to the Democrats in ways he never tried before.

It is not conventional policy to raise taxes in a recession, but these are not conventional times. This bill, in effect, cancels only about one fourth of the 1981 tax cut. Taken together, the 1981 act and this bill leave taxes much lower than they otherwise would have been. The tax increases and spending reductions in the bill must be seen as a package intended to slash deficits by $130 billion over the next three years. Indeed, the main argument for the bill is that it is a constructive and necessary step forward in restricting unfair tax preferences and in dealing with our serious budgetary and economic problems. The added revenues and savings should help reduce deficits and relieve the pressure on interest rates; the new reforms should help make the tax code a little fairer.

Some people argue that a better way to deal with our fiscal problems is to cut spending. This argument, appealing as it is, overlooks the events of the last year. The President and Congress have persistently combed through the budget, looking for places to cut. Both are now having difficulty finding the room to cut any more. The events of the last year make it clear that even with additional and necessary cuts in spending, the sharply increased military expenditures make it impossible for the President and Congress to agree on spending cuts of sufficient magnitude to keep deficits in check—much less bring them down. I am aware that the passage of this bill does not relieve us of the responsibility to cut spending vigorously. Deficits simply cannot be controlled without further reductions in spending.

This tax bill followed a short and quite unconventional route to enactment. It never went through the time-consuming procedures which are part of the legislative process. According to the Constitution, measures raising revenue must originate in the House of Representatives. This bill was fashioned in the Senate, attached to an obscure House-passed revenue bill there, and then passed. The House, refusing to develop its own bill, moved to take the Senate's bill directly to a joint conference. The conferees generally ignored the rules and included provisions that had cleared neither chamber. Then the conferees sent the bill back to each chamber under rules that allowed only a single vote, up or down; votes on separate provisions were barred. I opposed this procedure from beginning to end even though it was supported by the leadership of both political parties. It violated the spirit, if not the letter, of the Constitution and denied House members an opportunity to work their will on specific provisions of the bill.

To enact a tax increase in an election year, the political and economic reasons for it must be compelling. My fear is that mounting deficits will keep interest rates high and will eventually wreck the economic recovery. Also, I am fearful that if present trends continue, the financial structure of the economy will crack. I think that the President is right when he says that the taxes are needed for lower interest rates, stronger economic recovery, and more jobs. His point, however, must not be overstated. No one should suggest that our economic troubles are over because of the bill. Rather, we should only suggest that these troubles will be lessened because of it.

Like any complex bill, this bill contains a number of provisions with which I do not agree. I would have voted against these provisions had I been given the opportunity to vote separately on them. Among the provisions in question are increased contributions for beneficiaries of medicare and medicaid, a "medicare tax" on federal employees, a disproportionate increase in the tax on tobacco, and withholding of tax on interest and dividends. However, because of the restrictive procedures of debate I was not permitted to vote on separate provisions of the bill, but only for or against the entire 723-page measure.

The popular vote, I suspect, was against the tax increase. In a bill with hundreds of provisions, it is always easy and tempting to seize on one, or even several, unpopular provisions to justify a vote against the bill. But as I thought more and more about the bill, I kept coming back to one central point: the massive deficits must come down if we are to make the economy healthy again. I might prefer other ways of getting deficits down (by cutting spending or raising some other taxes, for example), but in the real world those other ways were never really alternatives. The reality of the situation is that if deficits are going to come down, the bill must be enacted. So I voted "yes".●

SAN BERNARDINO COMMUNITY SERVICES DEPARTMENT—A TRACK RECORD OF EXCELLENCE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. BROWN of California. Mr. Speaker, in these times of fiscal restraint, creative programing and cost-effective initiatives are more than merely good administration, they are necessary. In the 36th Congressional District, we have an example of innovative programing in the San Bernardino County Community Services Department (CSD) that should be used as a role model for organizations seeking imagination and efficacy in administration.

The Community Services Department of San Bernardino County has

been selected for national honors as a recipient of the National Association of Counties' (NACo) prestigious NACo Award for 1982, just recently announced.

CSD's transporation for seniors project and housing opportunities program were selected for 1982 NACo Awards. Furthermore, CSD has been awarded 10 NACo Awards in 5 years—a track record of excellence. It is for this reason that I commend CSD and its outstanding community action board. The members of the CSD Community Action Board are: Paul Treadway, chairman; Wanda Bethel; Camilla Herrera; George Gonzales; Venny Newman; Robbin Hawkins; Arturo Rios; Josephine Knopf; Dolores Kossman; James Hackleman; Dorothy Grant; Eloisa Zermeno; and John Jimenez.

I recommend the following article, which presents a more detailed account of the Community Services Department's achievements, to my colleagues. The article follows:

[From the El Chicano, July 29, 1982]

COMMUNITY SERVICES DEPARTMENT RECEIVES NATIONAL RECOGNITION

The National Association of Counties has announced its prestigious NACo Awards for 1982 and the Community Service Department (CSD) of San Bernardino County has been selected for national honors.

CSD's transportation for Seniors Project and Housing Opportunities Program received 1982 NACo Awards. "CSD has consistently received national recognition for creative programming and cost-effectiveness," stated Rodolfo H. Castro, Executive Director for the Community Service Department.

"The Transportation for Senior Projects provides for the unmet transportation needs of senior citizens, handicapped, and low-income clients in the largest county in the continental United States," states Herman Pena, Transportation Manager, for the award winning program. Sandra Brown, CSD Housing Coordinator, stated that her program provides service, advocacy and emergency housing assistance.

Pat Nickols, CSD Administrative Assistant, stated that Community Service Department has been awarded ten (10) NACo awards in five (5) years and they are: Housing Opportunities Program, Sandra Brown, Housing Coordinator (1982); Transportation for Seniors, Herman Pena, Transportation Manager (1982); Grassroots Women's Program, Sylvia Robles, Project Coordinator (1981); Mobil Home Energy Conservation, Kelly McQueen, Energy Program Manager (1981); Operation Alert, Polly Duncanson, Program Associate (1981); Roadrunner Transit Program, Susan Campos, Assistant Transportation Manager (1981); Ballet Folklorico de San Bernardino, Maria Juarez, Special Program Manager (1981); Access California, Jackie, McIntyre, Capabilities Coordinator (1979); Bon View Art Project (1979) and Energy Conservation Education, Dina Hunter, Program Manager (1978).

"A track record of excellence," stated Paul Treadway, CSD Board Chairman. John Jimenez, CSD Planning and Finance Committee Chairman, stated that the Mobile Home Energy Conservation Project awarded a NACo in 1981 also received the Presidential Energy Efficiency Award.●

TAXATION OF ANNUITIES

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. GRADISON. Mr. Speaker, as I understand it, section 267 of H.R. 4961 materially tightens the taxation of all annuities, both variable and fixed, by providing in general that distributions prior to annuitization are treated as coming first from income rather than principal, loans are treated as distributions, and a penalty tax is imposed on premature distributions. These significant changes would prevent a variable annuity from being a substitute for a mutual fund investment.

However, the scope of an adverse ruling issued last year by IRS regarding variable annuities still has not been defined. In particular, the IRS should reconsider its attitude toward variable annuities and the investment management practices of annuity funds. A variable annuity should be treated as an annuity regardless of whether its investment manager is affiliated with the life insurance company issuing the annuity, whether its investment policy or assets are similar to those of a mutual fund, and whether its investment manager manages a mutual fund. The IRS should resolve these questions promptly in view of the substantial changes in section 267 of H.R. 4961.●

RICHARD P. CHRISTIANSEN

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. ROUSSELOT. Mr. Speaker, the Nation's construction industry as well as his family and friends suffered a severe loss with the sudden and untimely death of Richard P. Christiansen of Arcadia, Calif.

He was respected throughout the field of industrial plant construction. Active in the affairs of the National Constructors Association, he was elected last year as its chairman. When his term ended early this year, he was appointed to head the association's policymaking group, the advisory committee.

Dick Christiansen joined the Jacobs organization in 1956 as a design engineer but his interests extended beyond the drawing board to encompass the complex world of men and machines where huge industrial process and manufacturing plants are constructed to meet the needs of the modern world.

His talents were recognized as he moved up from construction superintendent to construction manager and to vice president of construction for his company. He became president of Jacobs Constructors in 1976. His seniority within the Jacobs organization was second only to that of Joseph Jacobs, its founder and chairman.

He had a deep interest in the welfare of construction workers, carpenters, pipefitters, ironworkers, and all the other mechanics and laborers who came to work on projects of his company. He took a personal interest in developing project agreements with the building trades unions which spelled out jobsite working conditions. One international union, the United Association of Plumbers & Pipefitters, awarded him lifetime honorary membership. The California Central Labor Council chose him for the Council's Man-of-the-Year award, which was to have been presented to him at its forthcoming annual meeting.

Construction is a hazardous occupation and Dick Christiansen was concerned about the safety and health of the industry's workers. He played a role last year in eliminating Federal dual regulations for area projects located on the surface of mine property that are not considered mining activities. The jurisdictional change was from the Mine Safety and Health Administration (MSHA) to the Occupational Safety and Health Administration (OSHA). Since then MSHA has regained jurisdiction but Dick's efforts have built a strong base for our side when the matter is taken up by Congress again this year.

Dick Christiansen was a family man, devoted to his wife, Judith, and their two children. He was interested in his community and active in his church, Trinity Lutheran, in Arcadia.

He was respected in the construction industry as an achiever and as one who made it on his own. He will be missed.●

A TRIBUTE TO ROY WILKINS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. GUARINI. Mr. Speaker, I would like to pay tribute to one of the greatest civil rights leaders in our Nation's history, Mr. Roy Wilkins, who passed away 1 year ago today.

His life was an inspiration to all of us. Grandson of a Mississippi slave and son of a college graduate who was forced to earn a living tending a brick kiln. Roy Wilkins had the strength and determination to climb out of the ghetto and pursue social justice. He began his career as the crusading editor of a black weekly, the Call, in Kansas City, Mo. Within a few years he was asked to join the staff of NAACP. During his tenure of over 40

years with the organization, he led the drive to enact antilynching laws, set the legal process in motion in Brown against Board of Education, organized the historic 1963 march on Washington, and helped President Johnson develop the Civil Rights Act of 1964. On the occasion of his retirement he promised "As long as there is breath in my body, I shall be with you in this fight." The very spirit of his commitment is still with us today.

To truly honor his memory we must complete his work. To truly walk in his footsteps we must be unselfish, patient, and committed to nonviolence. Picking up his banner may not be easy but if we could follow in his footsteps we would accomplish much to be proud of. There is still work to be done. The present administration has not been moving toward the goal of equality for all. The memory of Roy Wilkins should be an encouragement for all of us to continue the fight and bring about lasting change in America.●

H.R. 5250—COPYRIGHT LAW PERTAINING TO HOME TELEVISION

HON. THOMAS S. FOLEY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. FOLEY. Mr. Speaker, last December, I introduced H.R. 5250, a bill which would exempt from copyright law the recording of television programs in the privacy of the home so long as the recording is not made either directly or indirectly for commercial advantage. This measure would protect consumers from the potential burden of a royalty tax on the purchase of video recorders and blank recording tapes.

Throughout the country strong support has been building for a copyright exemption on the home use of video recorders, and numerous editorials have appeared in the past year which underscore the importance of this issue to the public. Among those editorials which have come to my attention are those from the following newspapers and magazines:

1. Huntsville, Ala., Times.
2. Huntsville, Ala., News.
3. Florence, Ala., Times.
4. Alexander City, Ala., Outlook.
5. Talladega, Ala., Home.
6. Tucson, Ariz., Star.
7. Arizona Business Gazette, Phoenix, Ariz.
8. Eldorado, Ark., News-Times.
9. Magnolia, Ark., Banner-News.
10. Los Angeles, Calif., Daily Journal.
11. Pomona, Calif., Progress-Bulletin.
12. San Diego, Calif., Union.
13. Victorville, Calif., Daily Press.
14. Richmond, Calif., Independent & Gazette.
15. Indio, Calif., News.
16. Martinez, Calif., News-Gazette.
17. Los Angeles, Calif., Northeast Star-Review.
18. Fresno, Calif., Bee.
19. Los Angeles, Calif., Lincoln Heights Bulletin.
20. San Jose, Calif., News.
21. Turlock, Calif., Journal.
22. Ontario-Upland, Calif., Report.
23. Santa Ana, Calif., Register.
24. Clearwater, Fla., Sun.
25. Lake Wales, Fla., Highlander.
26. Vero, Beach, Fla., Press-Journal.
27. West Palm Beach, Fla., Times.
28. West Palm Beach, Fla., Post.
29. Rome, Ga., News-Tribune.
30. South Idaho Press, Burley, Idaho.
31. Caldwell, Idaho, Press-Tribune.
32. Boise, Idaho, Statesman.
33. Pocatello, Idaho, State Journal.
34. Chicago, Ill., Sun-Times.
35. Granite City, Ill., Press-Record.
36. Joliet, Ill., Herald-News.
37. Dixon, Ill., Telegraph.
38. Chicago, Ill., Calumet.
39. Ottawa, Ill., Times.
40. Southtown Economist, Chicago, Ill.
41. Mattoon, Ill., Journal-Gazette.
42. Oskaloosa, Iowa, Herald.
43. Lebanon, Ind., Reporter.
44. Evansville, Ind., Courier.
45. Wichita, Kans., Eagle-Beacon.
46. Atchison, Kansas, Globe.
47. Wellington, Kans., News.
48. Reflector-Chronicle, Abilene, Kans.
49. Colby, Kans., Free Press.
50. Maysville, Ky., Ledger-Independent.
51. Frankfort, Ky., State Journal.
52. Fulton, Ky., Leader.
53. Hammond, La., Daily Star.
54. Waterville, Maine, Sentinel.
55. Sun Chronicle, Attleboro, Mass.
56. Herald American, Boston, Mass.
57. Detroit, Mich., Free Press
58. Monroe, Mich., News.
59. Oakland Press, Pontiac, Mich.
60. Detroit, Mich., News.
61. Cadillac, Mich., News.
62. Republican Eagle, Red Wing, Minn.
63. Sandstone, Minn., Courier.
64. The Sun, Biloxi-Gulfport, Miss.
65. Boliver Commercial, Cleveland, Miss.
66. Capital News, Jefferson City, Mo.
67. York, Nebr., News-Times.
68. Shrewsbury, N.J., Register.
69. News Tribune, Woodbridge, N.J.
70. Las Vegas, N. Mex., Optic.
71. Popular Electronics, New York, N.Y.
72. Consumer Electronics, New York, N.Y.
73. The New York Times.
74. News World, New York, N.Y.
75. Utica, N.Y., Press.
76. Poughkeepsie, N.Y., Journal.
77. The Wall Street Journal.
78. Hornell, N.Y., Tribune.
79. Kinston, N.C., Free Press.
80. Jacksonville, N.C., News.
81. Burlington, N.C., Times News.
82. Columbus, Ohio, Dispatch.
83. Wapakoneta, Ohio, News.
84. Dayton, Ohio, Journal Herald.
85. Athens, Ohio, Messenger.
86. Willoughby, Ohio, News-Herald.
87. Oklahoman, Oklahoma City, Okla.
88. Corry, Pa., Journal.
89. Pottstown, Pa., Mercury.
90. Ridgway, Pa., Record.
91. Kane, Pa., Republican.
92. The State, Columbia, S.C.
93. Austin, Tex., Citizen.
94. Athens, Tex., Review.
95. Bryan, Tex., Eagle.
96. Kilgore, Tex., News-Herald.
97. Marshall, Tex., News Messenger.
98. Salt Lake City, Utah Deseret News.
99. Manassas, Va., Journal Messenger.
100. Harrisonburg, Va., News-Record.
101. Spokane, Wash., Spokesman-Review.
102. Bluefield, W. Va., Telegraph.
103. Morgantown, W. Va., Dominion-Post.

Mr. Speaker, I wish to submit for the RECORD a few of these editorials, including an editorial from one of my hometown papers, the Spokesman-Review. In the coming days and weeks, I will be introducing other editorials into the RECORD for the benefit of Members and Staff.

[From the Spokesman-Review (Spokane, Wash.) July 30, 1982]

IS TAPING AT HOME ILLEGAL?

The Supreme Court has agreed to rule on a case involving the legality or illegality of home video-taping. An estimated five million Americans have video-taping equipment, and the outcome of the case could have far-reaching ramifications.

The Ninth Circuit Court of Appeals in San Francisco ruled last October that video-cassette taping of copyrighted television programs violates copyright law, even when done at home for non-commercial use. On one side of this confrontation are the producers of taping equipment, and on the other side are the producers of movies and other television shows. If the lower court ruling is upheld, the effect of the decision could spread to audio tape-recorders, and ultimately to ordinary copying machines that most offices have.

Sony Corp. is one of the major defendants. It is a major producer of taping equipment. Also included as defendants are distributors such as Sears, Roebuck and Company. The movie companies would like the video-cassette manufacturers to be ordered to pay a copyright royalty for each machine or tape they sell or distribute.

This raises some interesting questions. Makers of video-tape machines have done nothing illegal. They are not taping the copyrighted shows. And yet they are being asked to pay the costs of copyright infringement by someone else who might decide to use their products in an illegal way.

This is a whole new concept. A manufacturer could be liable if one of his products is used illegally. General Motors could be liable for overtime parking tickets given to GM cars. Haig and Haig could be liable if someone is convicted for driving while under the influence (assuming he had been drinking Haig and Haig). Eastman Kodak would be liable if photographs were illegally taken in court.

Obviously, the reason for picking on the manufacturer is because of the difficulty of going after the real villain, sitting in his living room with his video recorder turned on. There is no question it's much simpler to go after the manufacturer, but that doesn't mean it is justified.

If it is illegal to record your favorite TV program, it is just as illegal to record music from your favorite radio station. Therefore, anyone making old-fashioned audio recorders is equally liable. And for that matter, so is anyone making copying machines that can copy copyrighted publications. As we move into the electronic age, it turns out that nearly everyone is guilty.

This is more a matter for Congress than for our already-clogged courts. What two consenting adults do, or what one consenting adult with a home video-recorder does in the privacy of a home ought not to be ille-

gal or subject to some royalty payment to some Hollywood producer.

[From the Wall Street Journal, Oct. 28, 1981]

TV TAPE AND RED TAPE

When we read the other day of a court ruling which, if upheld, could possibly result in putting Sony Betamax salesmen in jail, we decided that something misfired in the judicial process. How could it be that manufacturers, retailers and users of videotape recorders could be in violation of federal copyright law any more than sellers of photocopiers or audiotape recorders?

The dichotomy is the result of poorly written law, inconsistent court decisions and the legal challenges presented by the rapid advance in technology. Last week's ruling by the Ninth U.S. Circuit Court of Appeals in California, which declared that home use of videotape recorders violates the copyrights on movies and television programs, shows that Congress and the courts have yet to come to grips fully with the conflict between the use of modern technology and established copyright monopolies.

The quintessential law of copyright and patents—is contained in the Constitution: "To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right of their respective writings and discoveries." The Supreme Court has said, "The economic philisophy behind the clause . . . is the conviction that encouragement of individual effort by personal gain is the best way to advance public welfare."

The intent of the law is to help advance the public good and not to safeguard self-aggrandizement. To this end, however, the law recognizes that some amount of economic monopoly must be afforded to writers, artists and scientists if the public good is to be well served. Who would devote so much time, energy and money to art and science if the fruits of these labors could be freely exploited by someone else for personal gain?

The copyright laws written by Congress have often been ill-suited to achieve these joint goals. As a result, the courts have created a doctrine of "fair use," which basically permits a limited infringement on "exclusive rights" to copyrighted material for private, non-commercial use. From 1955 to 1976, Congress worked on new copyright legislation in the hopes of clarifying some of these conflicts between the copyright holder's rights and the rights of the public to use the material. The unsatisfactory results of Congress's work is a copyright law that is even more confusing than before and that still fails to keep up with the advances of technology. For instance, a special exemption is given for the recording of sound broadcasts and recorded material at home by audio-tape recorders. But Congress did not even mention videotape recorders in the legislation.

The Sony case will probably end up in the Supreme Court. We would hope the judges would ignore much of the legalese that now engulfs copyright law and reflect instead on the intent embodied in the Constitution. The development of videotape recorders certainly contributed to the public welfare. It is doubtful that their use by millions of Americans at home will somehow adversely affect the development of science and the arts.

[From the San Jose News, Apr. 5, 1982]

DON'T TAX THE BETAMAX

Rep. Don Edwards, D-San Jose, thinks filmmakers and songwriters are getting a raw deal. Unfortunately, the consumer is going to get burned by the little scheme he's cooked up.

The issue is recordings and royalties. Edwards believes that the proliferation of videotape recorders, cassette tape players and other home electronic gear infringes on artists' copyrights. So he's introduced a bill, H.R. 5705, to make sure these artists get their fair share of the revenues.

But will it? Edwards obviously is responding to last October's U.S. Court of Appeals ruling that said private, home use of videotape (VTR) recorders constitutes a copyright violation. The so-called "Betamax Case" (named after Sony's popular videotape recorder) is on appeal at the U.S. Supreme Court.

The congressman, recognizing the broad—not to mention bizarre—legal implications of outlawing in-home VTR use, wants to exempt this practice from copyright laws. This is fine, and Edwards should have stopped here. Yet H.R. 5705 goes on to empower the little-known federal Copyright Royalty Tribunal to impose a special tax on the machines and blank videotapes. The tax would be reviewed and revised every five years.

That's one helluva way to grant a copyright exemption.

There are two major flaws in this approach. First, there's the knotty procedural problems of how to set the fee and how to divide royalty revenue equitably. Edwards apparently thinks that the government can reliably predict the number of VTRs that will be used to tape particular broadcasts.

Second, and more fundamentally, H.R. 5705 embodies the misguided notion that television and motion picture producers must be compensated a second time for their work.

When used for personal non-commercial purposes, VTRs merely save programs that already have been purchased by cable or network television. Rep. Stan Parris, R-Va., and Sen. Dennis DeConcini, D-Ariz., who have authored competing VTR legislation, correctly liken such recording to the more widespread practice of taping record albums and radio shows.

Congress granted approval to this type of in-home taping when it specifically exempted personal non-commercial audio recordings from copyright laws back in 1976. Logically, Parris and DeConcini have now introduced H.R. 4808 and S. 1758 to extend this exemption to the relatively new videotape market.

Unfortunately, Edwards hasn't gotten the message. He not only wants to grant a sweeping royalty windfall to TV and motion-picture producers, but is proposing repeal of the audio rule by slapping new taxes on tape recorders and blank tapes, too.

With predictable backing from the film, TV and recording industries, Edwards has attracted 45 co-sponsors for his bill. But the Parris and DeConcini measures, which have won broader support, are cleaner and more realistic approaches. With nearly 4 million VTRs in use today, home video recording falls under the "fair use" doctrine—that is, a common practice falling outside royalty and copyright laws. Congress should leave it at that.

Unless specific damages can be proved and until an equitable compensation mechanism comes along—we're not holding our breath on either count—Edwards and his supporters ought to forget about H.R. 5705.

[From the Sun-Times (Chicago, Ill.), June 17, 1982]

DON'T PRE-EMPT BETAMAX VERDICT

Since 1976, Universal City Studios and Sony have been arguing whether a moviemaker's rights are violated because Sony sells equipment that lets viewers tape TV programs off the air and watch them later.

The question isn't direct damages: Universal and the rest of the motion picture industry have never been able to show how they have suffered specific financial loss. Rather, they seem to be trying to cash in on a huge new sector of the entertainment market.

In the six years since the suit started, the annual value of video recorders shipped from Sony's and other companies' factories has gone from about $34 million to more than $1.6 billion. Some 3.5 million U.S. homes already have the machines, and sales this year are expected to exceed 1.5 million units.

Universal lost in U.S. District Court and won in the Court of Appeals, which said Sony could be liable for damages, or sales of recorders could be forbidden. Now the Supreme Court has agreed to hear the case, and a decision should come in about a year.

Meanwhile, the Motion Picture Association of America wants Congress to tax both video and audio machines, plus their tapes—even if they aren't used for off-the-air recording, and even though broadcasters have already paid for the right to distribute programs. Proceeds would be split among copyright-holders.

We see little merit in the royalty plan, and even less in Hollywood's push for Congress to short-circuit the court. Let it speak.

[From the West Palm Beach (Fla.) Post, Nov. 4, 1981]

HOME TAPING

A federal appeals court in San Francisco was unlucky enough to hear a civil suit involving the new electronic technology and consequently rendered an opinion which raised more questions than it answered.

The court held that manufacturers of home video recorders and people who sell them are liable for damages if people use the equipment to violate the copyright laws.

The issue was a claim by Universal Studios and Walt Disney Productions that their copyrighted television shows were infringed upon by Sony, by stores which retailed Sony's Betamax video recorders and by a man who bought a Betamax and taped shows off network television.

Copyright laws should be diligently enforced, of course, but we wonder if it makes sense to hold liable the makers of devices which anyone may use illegally. What about the makers of office copying machines, for example, if those machines are used to reproduce copyrighted book pages? Or, reducing the point to absurdity, are the makers of typewriters and pencils to be held liable for the misuse of their products?

The real concern, it seems here, should be with the person misusing the equipment, and the question then becomes whether the maker of television shows is entitled to a royalty for the taping and replaying of his product. If he is, then someone must face the obvious problem of monitoring the usage and collecting the fee.

It has been suggested that a practical approach to that problem would be a flat roy-

alty imposed upon the manufacturer or retailer, which of course would be passed on to the buyer.

We wonder, however, if the producers of TV shows are entitled to even that much compensation. Copyright laws are supposed to protect artistic creators from the commercial or public exploitation of their product.

The ordinary user of a home video recorder has no commercial purpose in mind. He saves a program for his and his family's occasional perusal, and it's hard to see why he should be charged a royalty for the private, noncommercial usage of a program that has been offered for public view.

[From the Herald American (Boston, Mass.), Nov. 1, 1981]

IS "FAIR USE" UNFAIR?

Two years ago, a federal district judge in Los Angeles ruled that taping television shows on home videotape recorders is not an infringement of copyright laws. Recently, the 9th Circuit Court of Appeals ruled just the opposite.

Taping of televised movies and other programs is indeed unlawful, say the appellate judges. Moreover, they ruled that the manufacturers of videotape recorders are responsible for the infringement and should pay royalties to the owners of material recorded on the equipment they sell.

We think the district judge was right in the first place. Taping television shows for personal use is not substantially different from taping music from a radio. Congress and the courts have established in the past that audio recording in the home is a "fair use" of material otherwise protected by copyright.

The test, of course, is whether the tapes are used strictly for personal entertainment. If they were sold or exhibited in any commercial way it would be a clear infringement of copyright—but by the person using the tapes, not by the manufacturers of the equipment.

Old concepts of copyright protection are going to have to yield to advancing technology Video recorders are posing the same challenge to the entertainment industry that photocopiers have posed to the publishing industry. Policing the non-commercial reproduction of broadcast or published material under copyright is well nigh impossible, and an attempt to enforce copyright laws at that level would be at best a nuisance and at worst an infringement on personal freedom.

The videotape case, pitting producers of movies and television shows against equipment manufacturers, has been in the courts since 1976, and we probably have not heard the last of it. The manufacturers are expected to take the issue to the U.S. Supreme Court, where we can hope the "fair use" doctrine will be given broader interpretation than it received in the Court Appeals.

[From the Detroit (Mich.) News, Nov. 4, 1981]

HOME VIDEO RECORDERS

Life was once relatively simple for television producers. They hired actors, writers, and directors. They recruited sponsors and aired their shows.

Then along came syndication and endless reruns, and now video cassettes and home recording equipment. First the actors went on strike, claiming a piece of the new action. Then the writers did the same. After all, why settle for a flat payment when your work is going to be an ongoing source of revenue for the producer.

The studios vented their frustration in the only direction open to them—toward the perpetrators of this technological bonanza. They sued the manufacturers of home video equipment used to tape copyrighted television programs.

Univeral City Studios and Walt Disney Productions charged the use of a home video set to record a television show is an infringement of copyright, and as such should be prohibited.

Incredibly, the 9th U.S. Circuit Court of Appeals agreed with them.

Those liable, said the court, are the manufacturer of the equipment, the distributor, the store that sells the equipment, and, yes, the consumer who tapes a favorite show for later viewing.

However, the court said it has no desire to put all those manufacturers, distributors, and appliance stores out of business. A better solution, said the court, would be for the producers and all of the above to make a deal in which the producers receive royalties for the sale of equipment designed to tape their shows.

The court based its ruling on a strict and technically accurate interpretation of existing copyright law. But is it a feasible plan? Can it be enforced? And is it really in the best interest of the entertainment industry?

If this use of home video recorders can be banned, what about tape recorders used to tape music from the radio? Will all recording devices be banned, or will consumers have to register their equipment with police and swear they won't use it to break the law?

Existing laws already effectively prohibit reproduction of broadcast materials for commercial purposes. It seems to us that home use is a very different thing. This is one case in which a court should be asked to enforce its own impractical ruling.●

BRIGANTINE "CENTURION" TO BE CHARTER VESSEL

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. McDADE. Mr. Speaker, today I have introduced a bill to authorize documentation of the vessel *Centurion* as a vessel of the United States, so that she may engage in coastal trade as a charter vessel. The *Centurion* is a 53-foot brigantine, built at New Smyrna Beach, Fla. Its construction was commissioned in 1937 to be, as close as possible, a replica of an 1812 American gunboat. The vessel was not completed by its builder, Thomas Langan, until 1946.

Subsequently it was sold to David Stern—then to Mr. J. H. Winfield of Canada who, in the next year, sailed it to the Caribbean. Although believed lost in a hurricane, the 74-year-old Canadian sailor successfully brought this vessel to Bermuda. Sold again in the next year to Murtaugh Guiness for local charter, it was sailed to Alexandria, Egypt—over 6,500 miles—by Mr. Richard de Graff-Hunter of Britain. For a time it was berthed in Beruit until its sale to Horace W. Fuller, an American citizen, who chartered the vessel around the Greek coast. It was then sold to another British citizen, John H. Millar. Mr. Millar then loaned the brigantine to the Royal Yacht Squadron, where she was used to train cadets for the 1976 tall ships worldwide exposition.

She was next sold, then donated, to the Chesapeake Maritime Museum in St. Michael's, Md. Mr. Joseph B. Simoncelli of Scranton, Pa., purchased this fine vessel from the museum and has spent over $70,000 refitting it in Cambridge, Md., and Newport, R.I. Mr. Simoncelli intends to employ a crew of three to charter the brigantine in coastal trade.

Adoption of this bill will result in no cost to the Federal Government, nor would it increase or affect Federal regulations in any way.●

PASTERNAK FAMILY HONORED

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. CLAY. Mr. Speaker, recently, the B'nai B'rith Foundation announced that the Pasternak family of St. Louis will be presented the B'nai B'rith Guardian of the Menorah Award for distinguished communal service. I am honored to take this opportunity to extend my deepest congratulations to the Pasternaks on this momentous occasion.

"Helping people has held us together," Samuel Pasternak once said in explanation of his family's devotion to each other and to the St. Louis Jewish community.

The Pasternak family—brothers Samuel and Joseph, and sisters Helen and Sylvia—have contributed a combined 300 years of service to their local Jewish community.

All four Pasternaks have engaged in an unusual range of philanthropy and communal service, giving generously of their time, energies, and resources. They are active in the St. Louis Jewish Community Centers Association, and endowed the Ida Pasternak Auditorium in memory of their mother. They sponsor the Faye Pasternak Margolies family life education program and the Harry and Faye Pasternak Margolies institute of family living—programs offered through the JCCA that present courses aimed at strengthening Jewish life and clarifying parental roles.

They have established the Sam Pasternak Foundation, which supports a number of worthy projects, including a camp scholarship program for underprivileged youth, music scholarships, a concert series and special transportation for the elderly that

provides buses and cabs for those who might otherwise be homebound.

The Pasternaks also work on behalf of the young—they helped establish the Susan Jacobs Day Care Building; and the elderly—the Pasternaks were instrumental in securing the current physical facility of the Jewish Center for the Aged, and in founding its Special Gift Committee. In addition, they serve Parkview Towers, a facility for senior adults.

Their philanthropy has aided such diverse concerns as cancer research, educational programs of the Jewish Hospital, a symphony orchestra and the Shaare Emeth Temple in St. Louis.

The four will be publicly recognized for their contributions to St. Louis Jewry when B'nai B'rith International, the world's largest and oldest Jewish service organization, bestows upon them the Guardian of the Menorah Award for Distinguished Communal Service, on November 7, 1982, at a dinner in their honor at the Breckenridge Inn, Frontenac, Mo.●

REPEAL WITHHOLDING

HON. TOM HAGEDORN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. HAGEDORN. Mr. Speaker, I am today introducing legislation to repeal the withholding of taxes on interest and dividends.

I have consistently opposed withholding taxes and I want to provide this House with the opportunity to vote separately on this issue. Two years ago this House overwhelmingly defeated withholding and the vote on the separate rule was close enough to warrant time for a debate on this singular provision.

I urge you to cosponsor this bill and join those of us who will not settle for a hastily drafted bill in which we had no voice. Listed below are just some of the reasons for opposing withholding:

A July 1981 IRS study documented that when the IRS has information reporting (as it does from 1099 forms for all bank accounts and dividend earnings) there is a taxpayer compliance rate of 96.7 percent. What we really need is greater information reporting on all sources of income that are currently exempt from the 1099 reporting process.

According to a nationwide survey by Behaviorial Research Corp., 70 percent of the American people oppose withholding and 50 percent say withholding will discourage them from making investments. When we compare the U.S. savings rate of 5.6 percent of income with other nation's such as West Germany's 14 percent and Japan's 24 percent, I believe we all agree it is ludicrous to discourage savings even further.

This provision will cost the law-abiding public $1 billion to implement and $1 billion annually to administer. This figure comes very close to the revenue it is expected to raise. What will the Government receive after banks and other institutions write off the high cost of compliance as a very real legitimate business expense?

In 1979, 77 percent of all tax returns filed were due a refund from the Treasury. Obviously, the additional withholding requirement will result in even greater overpayments. Treasury expects to raise $4.3 billion from withholding in fiscal year 1983. Only about $1.3 billion of that comes from increased compliance. The other $3 billion is, in reality, an interest-free loan from the American people to Uncle Sam.

To avoid overwithholding, this provision will force most of the 60 million dividend and interest recipients to file exemption certificates (an average of five or more per taxpayer) or to change their wage withholding or estimated payments. Over 90 percent of taxpayers 65 and over have income from interest or dividends and nearly all would qualify from exemptions. This is less Government regulation?

I believe these reasons barely scratch the surface. Above all, I believe we deserve the opportunity to vote on this issue. That is the least we can do for the 70 percent of the American public who do not support this proposal. I urge your consideration and cosponsorship.●

ENVIRONMENTAL SUCCESSES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 8, 1982, into the CONGRESSIONAL RECORD.

ENVIRONMENTAL SUCCESSES

One of my biggest surprises in Congress this year has been the strength of environmental issues. As the year began, I thought that a combination of deregulation and changes in legislation would weaken substantially the effort to clean up and protect our air, water, and land. I thought that Congress would reverse the progress the nation had made toward cleaner air, purer water, and the conservation of wilderness during the 1970's. I now think the fight for a better environment will be a closer match than I had expected.

A few weeks ago, the environmentalists scored a series of impressive victories in Congress, victories which indicated that the environmental movement is by no means prepared to stand silently by and watch its accomplishments dismantled:

Cuts in environmental programs proposed by the President have met defeat in many committees of the House of Representatives and the Senate, and his proposals for less monitoring of the environment have been delayed, watered down, withdrawn, and rejected.

Both the House and the Senate are moving to require the spending of more funds for scientific research to identify the chemicals which endanger human health, to determine when concentrations of pollutants are hazardous, and to meet other needs.

The House voted by a far wider margin than anticipated, 340 to 58, to prohibit exploration for oil and natural gas in protected areas.

The House also voted overwhelmingly, 352 to 56, to extend federal legislation on pesticides for another two years, after defeating several weakening amendments, one of which would have kept states from enacting stricter standards.

During its consideration of bills extending the Clean Air Act, a House committee turned down an amendment on airborne pollutants which would have weakened the legislation significantly.

Despite objections from the administration, a Senate committee resoundingly approved its own version of the Clean Air Act, with provisions which really amount to mere "fine-tuning".

These developments in Congress are not the only ones which have changed the outlook for environmental protection. Decisions to be made in Congress in the next few weeks could likewise boost the environmental movement. For example, two environmentally controversial projects, the Tennessee-Tombigbee Waterway and the Clinch River Breeder Reactor, are in jeopardy despite repeated approval by Congress.

As I reflect on the sudden display of pro-environmental feeling in Congress, it occurs to me that I really should not have been surprised by it. Nothing out of the ordinary has really happened. Congressmen and Senators who have visited their constituencies recently realize that people from all parts of the political spectrum are worried about pollution of the air and water and are fearful that our remaining wilderness is not being managed properly. These people are willing to incur some additional cost and put up with a reasonable amount of government regulation to ensure that the environment is protected.

Politicians are paying attention to what their constituents are saying, not to what the experts are claiming about the lack of interest in environmental issues. The polls say that the pro-environmental vote could figure prominently in the upcoming election. In March of this year, a survey showed that 13% of all voters felt so strongly about environmental issues that a politician's stand on such issues could determine their vote. A survey released just a short time ago showed that 85% of all voters supported strict enforcement of laws on clean air and water; a mere 10% of the voters did not favor such enforcement.

As I see it, there are two principal factors which serve to explain the surge of support for environmental issues in Congress and the depth of pro-environmental sentiment among the people:

One factor is the perception that the Reagan Administration is unsympathetic toward the environment, especially as environmental policies are presented by the Secretary of the Interior, James Watt, and by the Administrator of the Environmental Protection Agency, Anne Gorsuch. The pro-

environmental consensus runs strong, deep, and wide in this country. It cuts across ideological, regional, and partisan lines. It is hardly surprising that Congress and the people have reacted vigorously, rallying to the defense of the environment in many areas. Many persons have simply misjudged the public's attitude on the environment: most Americans want clean air, pure water, and unspoiled wilderness, and they are unwilling to sacrifice them, even if protection costs a little more. They have never been persuaded—and it is not likely they could be convinced—that we cannot have both a clean environment and a growing economy. The public sees stewardship of air, water, and wilderness as an integral part of prosperity.

A second factor is positive change in the environmental movement itself. Environmental groups have always been well organized, but lately they have become sophisticated, effective players in the political arena. Armed with computerized data banks and other innovations available to the modern lobbyist, the environmentalists are now better able to compete head-to-head with older, more experienced groups in drafting legislation, rounding up votes, and forging coalitions. The environmental groups do not possess as much money as the lobbyists they often oppose, but as they continue to grow in experience they are wielding greater clout with members of Congress. Moreover, these groups have learned how to work at the grass roots and how to join forces—with hunters and fishermen, with state governments, and with proenvironmental businesses, unions, civic groups, and professional organizations—to reach mutually desired goals.●

H.R. 6957—STATE, JUSTICE, COMMERCE APPROPRIATIONS

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SANTINI. Mr. Speaker, as chairman of the House Travel and Tourism Caucus, I want to express my concern over the level of funding provided for the U.S. Travel and Tourism Administration in H.R. 6957.

The recommended $5 million will not even allow the USTTA to meet its mandate established by the National Tourism Policy Act just last year. That act made it national policy to work to bring more foreign tourists to the United States, thus increasing employment opportunities for Americans.

In examining which programs should be pruned during austere times, it behooves Members of Congress to look closely at costs and benefits. Attracting foreign visitors to the United States is a cost-effective enterprise for the Federal Government to undertake. For every dollar spent, studies have shown a return of more than $18 in revenue. Few other Government programs could show such a return on investment.

It is particularly surprising that the USTTA budget would be cut at a time of high unemployment. For a very small investment, growth in jobs can be great. If this Congress would, among other things provide the funding necessary for funding a complete marketing program in USTTA, perhaps we would not be forced to consider the need to expand unemployment benefits an extra 13 weeks.

As we continue in the budget process, I will be seeking support for additional funds for this administration. I am confident that additional funds will be authorized, and I hope that the members of the committee will agree to fund this essential program up to the authorized level.●

TRIBUTE TO THE CITY OF IRWINDALE, CALIF.

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to take a moment to pay tribute to the city of Irwindale, Calif., which will be celebrating its silver anniversity and the 173d year of independence of Mexico during the second weekend of September 1982. Many events are planned, ranging from an antique car parade to a traditional Mexican fiesta of mouth-watering tamales and music by a mariachi band. A costume contest will kick off the Saturday night activities, which will include dinner, dancing, and the crowning of the fiesta queen. The proud community of Irwindale has worked hard to make this the greatest fiesta of them all.

The silver anniversary celebrates Irwindale's day of incorporation 25 years ago on August 6, 1957. Irwindale became the 56th city in Los Angeles County. Known as the Jardin de Roca—Garden of Rocks—this community began a colorful history back in the 1850's when it was first settled by the families of Gregorio Fraijo and Fecundo Ayon. The land was a barren waste of rocks, sand, and jackrabbits but the families stayed there, raised their families and built their thriving community. Generation after generation have stayed on the land, and now there are seven generations of native Irwindale residents from some of these families.

Within the city limits flows the San Gabriel River, which for centuries built up large accumulations of rocks round and smooth from movement down the river. At first obstacles, the rocks later became a key asset to the area. When the age of the automobile arrived in southern California, so did the demand for roads and highways which require vast quantities of crushed rock and gravel. Huge rock crushers were built along the river and soon the industry flourished. Today, Irwindale provides Los Angeles County with two-thirds of its road construction material needs.

This is a proud moment for the city of Irwindale which has served its residents and the San Gabriel Valley with great success over the last 25 years. I would like to wish Irwindale the best of luck on its silver anniversay and I am sure Irwindale will continue its outstanding contribution to its residents and the entire Los Angeles County.●

A TRIBUTE TO W. KENNETH DAVIS

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. RITTER. Mr. Speaker, it gives me great pleasure today to pay tribute to W. Kenneth Davis, Deputy Secretary, Department of Energy, for being selected to receive the American Association of Engineering Societies' National Engineering Award.

Mr. Davis has proven over many decades his continuing dedication and support to the engineering field. He has served as vice president of the National Academy of Engineering, president of the American Institute of Chemical Engineers, and was professor of engineering and applied sciences at UCLA. Mr. Davis is a world renowned chemical engineer who enjoys the support and respect of his peers, both in this country and in numerous foreign countries.

Mr. President, I find it most appropriate that AAES honor W. Kenneth Davis for his many professional accomplishments over many decades in the engineering field, and I too wish to congratulate the Deputy Secretary of Energy for this honor.●

RIGHTS—NOT ARMS—FOR SPACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. BROWN of California. Mr. Speaker, I will report extensively in the near future on my involvement with the United Nations Conference on the Exploration and Peaceful Uses of Outer Space (Unispace) conducted in Vienna last month. I had the privilege of being a part of the U.S. delegation to Unispace, and had the opportunity to discuss a number of issues with delegates from other nations as well as to participate in the nongovernmental organization activities conducted at the same time as the U.N. Conference.

I have been vocal in the past about my concern for the increasing military

emphasis placed on space activities. This was a major concern expressed by most nations participating in the conference although both the Soviet Union and the United States largely tried to avoid the issue. In fact, the United States was successful in keeping reference to the "militarization" of space out of the report, referring instead to the "arms race" in space. Although the military issue is of prime importance, there are many other significant issues which need to be discussed. These include access to geostationary orbits for communications satellites and right of prior consent for remote sensing of foreign nations. At this time I would like to submit an editorial from the Christian Science Monitor which does an excellent job of summarizing some of these other critical issues.

The article follows:

[From the Christian Science Monitor, Aug. 26, 1982]

RIGHTS—NOT ARMS—IN SPACE

The United Nations space conference in Vienna was given little enough news coverage anyway. It is all the more unfortunate that so much of this pittance dwelt on the one topic of militarizing space—and the United States reluctance to deal with it. Urgent as this matter is, other ones of far-reaching significance should not be ignored. These include:

Fair access to the "geosynchronous" or "geostationary" orbit where communications satellites can remain over the same spot while the earth turns. As more and more satellites are lofted by the industrial countries, the developing countries worry that no good locations will be left for them. Technical improvements permit increased "crowding" without communications interference. But questions remain over the developing countries' rights to technology or to control of the space above them. The outer space treaty of 1967 states that the use of space shall be free and for the benefit of all countries "irrespective of their degree of economic or scientific development."

Right of prior consent to protect against technological intrusion via space. Many governments are concerned by the ability of direct-broadcast satellites to beam propaganda to their people. What kind of safeguards should there or could there be? Would they be compatible with freedom of information?

Also there are the "remote sensing" capabilities of scrutinizing military installations or crops, minerals, and other national resources from space. Developing countries want their share of this potentially valuable knowledge. They want access to any data developed about themselves, so it cannot be exploited by others—such as someone offering to buy "worthless" land when he knows oil lies under it. At the same time they want to be able to obtain remote-sensing data about themselves without having it go to others without their consent.

Such issues were aired if not resolved in the course of the Vienna conference's acceptance of a report it had been called together to consider. The final version, including recommendations to the UN, will go to the General Assembly for consideration this fall. It is to be hoped the suggestions for more study do not result in inordinate delay.

Which brings us to the small but important part of the report dealing with military activity in space. Most of the nations present were concerned not only about the futuristic weaponry that has made headlines but the conventional arms that are a more immediate threat to the peaceful uses of space. The US wanted to keep such matters out of this report and address them in the UN disarmament committee. It succeeded in eliminating references to the "militarization" of space.

But by the end of the parley the US did go along with revised paragraphs in the report calling for action to prevent an "arms race" in space—and for strict adherence to the letter and spirit of the 1967 outer space treaty. This bans nuclear and other weapons of mass destruction from space.

A mere report, alas, will not stop either Washington or Moscow from diverting resources to development of laser and other space weapons, even though their military efficacy has been seriously questioned. But the degree of agreement could be a step toward the goal backed by many in Vienna: that of outlawing the "testing, stationing, and deployment" of all weapons in space.

Prudence requires the free world to maintain defenses against any eventuality. But there is no reason that the inhabitants of Planet Earth cannot agree to put space off limits to arms—and thus concentrate on solving the problems of technology and equity in its marvelous peaceful uses.●

TRIBUTE TO THRUSTON MORTON

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. RODINO. Mr. Speaker, I want to join in paying tribute to our beloved former colleague, Thruston Morton, who passed away on August 14 in his home State of Kentucky.

Thruston Morton was a man who dedicated his life to public service, and whose conduct taught us all something about honor and integrity. When I entered Congress in 1949, Thruston Morton was in his second term as Congressman from Kentucky, and although we belonged to different political parties, we became fast friends. His conscientious manner as a member of the Education and Labor Committee won him the respect of his colleagues in the House. When he left Congress in 1952 he became Assistant Secretary of State in the Eisenhower administration and then went on to become national chairman of his party. He continued to serve the people of Kentucky and the Nation as U.S. Senator from 1956 to 1968.

I followed his career as a friend who admired his sense of compassion for the people he represented and his willingness to fight for principles.

Kentucky was rightly proud of its favorite son, and the Nation is grateful to him.

I am deeply saddened that he is gone, and I extend my sympathies to his wife, Belle Clay, and his family.●

BERTIL LENNART HANSON DAY

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. WATKINS. Mr. Speaker, Dr. Bertil Lennart Hanson has served the State of Oklahoma in many ways since 1959, with loyalty and dedication as a professor and head of the political science department at my alma mater, Oklahoma State University in Stillwater, Okla.

Today, in honor of his birthday and in recognition of all his years of service and devotion to the State of Oklahoma, I am proud to announce that the Governor of Oklahoma has proclaimed September 8, 1982, as "Bertil Lennart Hanson Day," as declared in the following proclamation:

PROCLAMATION

Whereas Dr. Bertil Lennart Hanson has served the state of Oklahoma in many ways since 1959, with loyalty and dedication as professor and now as professor and head of the Political Science Department at Oklahoma State University in Stillwater; and

Whereas Dr. Hanson has gained a worldwide reputation for such scholarship as his profound analysis, "The Intellectual Foundations of Political Science" (Oslo, 1967), "The Efforts of American Legislatures to Solve Problems of Public Policy" (Rome, 1975), and the oft quoted "Harnessing the Guinness Effect" (London, 1982); and

Whereas Dr. Hanson has gained a national reputation for the scope and depth of his ideas including articles on "The Anthropic Principle" (1982), "The MVQ" (1977), "The Just Wage in America" (1976), "The Common Heresy of Muenzer and Marx" (1976) and monographs on Stockholm (1959), Nashville (1960) and Milwaukee (1961) governments, while his numerous and eclectic reviews have helped three generations of scholars do better next time; and

Whereas Dr. Hanson has contributed mightily to the understanding of Oklahoma government, publishing works on Oklahoma County Commissioners (1965), Direct Legislation (1966) and Tulsa Politics (1967); and

Whereas Dr. Hanson is remembered by two decades of students who, as leaders of government and business and scholars now well established, recall fondly his quiet humor, his easy good nature and his ability to express with drawings, ideas he could not convey with words;

Now, therefore, I, George Nigh, Governor of the State of Oklahoma do hereby proclaim September 8, 1982 as "Bertil Lennart Hanson Day" in the State of Oklahoma, in recognition of his achievements and contributions to educational leadership in his university and in Oklahoma.●

ARCHBISHOP JOSEPH LOUIS BERNARDIN OF CHICAGO

HON. ROBERT McCLORY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. McCLORY. Mr. Speaker, the city of Waukegan and my 13th Congressional District of Illinois were honored last Sunday, September 5, by a pastoral visit to our area by the newly installed Archbishop Joseph L. Bernardin of the Chicago Archdiocese of the Roman Catholic Church.

This warm and outgoing spiritual leader, who presides over more than 2¼ million members of the Catholic Church recognized early in his new role that the Lake County portion of the archdiocese merited equal recognition with that part which lies within Cook County.

Adorned in his clerical garments, Archbishop Bernardin gave consistent evidence of his warm, compassionate, and friendly personality. It was a mission of love which characterized his visit to the Immaculate Conception Church of Waukegan. His frequently outstretched arms in devotional gesture were at the same time an invitation to seek divine guidance and healing in our human lives and experiences.

Mr. Speaker, Archbishop Bernardin's special message to those of us who gathered in Waukegan's Immaculate Conception Church on Sunday encompasses both the humanity of his mission and the enlightened views on some public and social issues with which he as an ecclesiastical leader of the church is identified.

Mr. Speaker, Archbishop Bernardin received a commemorative plaque from Waugegan's Mayor William Morris, a remembrance from State Senator Adeline Geo-Karis, and many personal and private tributes from leading clerical and lay citizens who gathered to meet him. His welcome to Immaculate Conception Church was extended by Rev. John Quinn Corcoran, the church's pastor. I am pleased to attach to these remarks Archbishop Bernardin's eloquent and inspiring message:

HOMILY FOR THE 23RD SUNDAY OF ORDINARY TIME—IMMACULATE CONCEPTION CHURCH, WAUKEGAN

After I was appointed Archbishop of Chicago, I received many congratulatory letters. Many of them contained advice. A number of people, for example, reminded me that the Archdiocese includes *two* counties: not only Cook County but also Lake! "Don't forget us in Lake County," many of the people said. I took that advice to heart. Here I am. And I am delighted to be with you. Your warm welcome has already made me feel very much at home.

Today's scripture readings provide an excellent basis for our reflection on this first pastoral visit to Waukegan. In the first reading, Isaiah prophesied that when God's anointed servant, the Messiah, visited his people, "the eyes of the blind will be opened, the ears of the deaf will be cleared . . . the tongue of the dumb will sing."

Christ's healing of the deaf man, as recorded in the gospel by Mark, fulfills this prophecy. In an act that speaks more eloquently than words, Jesus is proclaiming that the one so long proclaimed by the prophets is here. In him, Jesus of Nazareth, the son of the carpenter, the very power of God is at work. God *has* visited his people. Let us reflect on this miracle for a moment to see what lessons it contains for us.

"Be opened," Jesus commands the deaf man. Deafness has closed the poor man to others; it has isolated him because of his inability to communicate normally. Deafness isolates its victims from others more than blindness. Deaf people see others talking and realize they are excluded. Jesus wants to free the deaf man from the prison in which his handicap has confined him. Jesus himself is the man of total openness: to God, and to those whom society in his day accepted only in subordinate roles or not at all: children, women, public sinners and social outcasts. Jesus come, as Isaiah said on another occasion, to proclaim "glad tidings to the lowly, liberty to the captives and comfort to all who mourn."

What Jesus said to the deaf man he is saying to us today: "Be opened!" How closed in we are much of the time: closed to God, closed to others, shut up in a prison of our own making, whose walls are self-fulfillment, whose guiding principle is the slogan: "Do your own thing." Most of the conflicts, divisions and wars in our world—between individuals, families, classes, groups and nations—are the result of people not being open. We tend to hear what we want to hear and no more; just enough to confirm our prejudices, then we stop listening altogther.

It is part of the good news of the gospel that there is One who can break through the walls which isolate us from one another and from God. His name is Jesus Christ. Jesus, the person of total openness, has the right, if anyone ever did, to command: "Be opened!" He won that right for all time on Calvary when—

For our sake be opened his arms on the cross,
He put an end to death
And revealed the resurrection.

The question we must constantly ask ourselves is why we are so often closed to the Lord; why we remain deaf to his many appeals to us. The basic reason, I think, is that we are not ready or willing to accept what he might tell us. Because we are afraid of the demands he might make, we pretend not to hear.

Fidelity to God's command, after all, is not always easy. Such fidelity means living a life of integrity, always telling the truth and being totally honest even when this causes us pain, inconvenience or embarrassment. It means working for justice and respecting the dignity and rights of others so that they may achieve their full God-given potential. It means working for peace, helping to develop a will on the part of all nations to reduce and ultimately to eliminate weapons capable of massive destruction, especially nuclear weapons. It means respecting the gift of life from the moment of conception until death. It means giving good example, especially to those who are younger than we, or those who look up to us. It means respecting the gift of our sexuality, using it as God intended so that it will be enobling and uplifting, not degrading.

It means giving a real priority to Jesus and his values, resisting to the best of our ability all the forces which would make a mockery of those values. It means communicating with the Lord in prayer each day, worshipping him throughout the eucharist and the other sacraments, together with our families and all the other members of the community to which we belong; and listening to the Word of God in which he reveals himself to us in so many wonderful ways. It means saying we are sorry and asking for forgiveness through the Sacrament of Reconciliation when we have sinned.

This is what openness to the Lord and fidelity to his will are all about. May we never be afraid to open up ourselves to him. Sure, he makes demands but the rewards of being open, of listening, are great. My experience—both in terms of my personal life and my ministry to others—tells me that there is nothing more frustrating and disillusioning than spiritual deafness, that unwillingness to listen to the Lord, to hear what he has to say, and then to incarnate it in our lives. I can tell you in a very personal way that it is only when I turn a deaf ear to Jesus that I begin to experience doubts, temptations, anxieties, difficulties of every kind. But when I open up to him—when I let him enter my mind and heart, my very being—everything changes: Then he gives me direction as well as strength and motivation to continue the struggle. He forgives me and wipes away the tears of discouragement and loneliness. He fills me with peace and joy.

I am so happy to be with you this morning. First of all, this visit provides me with an occasion to pay tribute to all the priests, religious and laity of the past and present who have cooperated in such a wonderful way to make this parish and this area a real community of faith. I thank you all and I also wish to acknowledge the presence of Congressman Robert McClory, Senator Adeline Geo-Karis, Mayor William Morris and other civic officials.

Another reason I am pleased to be here is that my presence enables me to express my solidarity with you. As your Archbishop, I want to be united with you, as together we go about the work of the Lord. We live in a world whose values often stand in contradiction to the values of the gospel. Today people are frequently unwilling to listen to the voice of Jesus and his Church.

Through all we say and do, we must help people to come to know Jesus better and to love him more. Through our own love and concern for people, through our understanding and compassion, through our desire to deal with them justly and fairly, we must make our Christian faith credible. Then people will begin to listen. Their deafness will disappear.

I simply want to assure you that I personally have a great respect and affection for you and that I pray each day that God will given you the grace and strength to live up to what he expects of all of us. All I ask in return is that you pray for me that I may be a good pastor—a good shepherd—both for you and for all the people of the archdiocese.●

PRICE CONTROLS ON "OLD" NATURAL GAS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SKELTON. Mr. Speaker, today I am introducing a bill to amend the Natural Gas Policy Act to eliminate the Federal Energy Regulatory Commission's authority to increase ceiling prices of "old" natural gas. It is my fear that, by putting an end to vintaging at this time, serious and life-threatening results could occur to our elderly and low-income citizens. While the issue of natural gas supply is an important one, I have seen little evidence that putting an end to these price controls will dramatically increase supplies. Furthermore, I am not convinced that there is a demand for such an increase in natural gas supplies. Finally, no further incentives are needed to encourage production of this old gas—this is natural gas that has already been produced.

It is apparent to me that the Commission is searching for ways to thwart the intent of current natural gas legislation. If the Congress had intended for vintaging to be eliminated, legislation would have been enacted to accomplish it. It is vitally important that any changes in public law profit from the appropriate representation of our citizens through the legislative process.

I am hopeful that my colleagues will join me in this legislation to prohibit the Federal Energy Regulatory Commission from lifting the price controls on our old, inexpensive natural gas.●

U.S. FOREIGN AID BELOW OTHER NATIONS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SIMON. Mr. Speaker, the National Journal recently had an article about the U.S. foreign economic assistance relative to Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Italy, Japan, Netherlands, New Zealand, Norway, Sweden, Switzerland, and the United Kingdom.

We are behind every other nation in terms of percentage of gross national product with the exception of Italy which is just a fraction below us. And Italy has economic problems much more severe than ours.

But, interestingly, even Italy is increasing their assistance while we are cutting back.

The story is well worth reading and it contrasts with what we are doing in the military area.

And what does not make sense is that the chance of the Soviet Union moving their tanks across Central Europe is acknowledged by all as being a small fraction of 1 percent. But we cannot avoid recognizing that as a possibility and so we must be prepared militarily.

But the chance that Soviets will take advantage of poverty and misery and chaos in a developing, poor nation is almost 99 percent.

And yet we cut back on the much more likely threat and increase dramatically our assistance to the area where the threat is much less likely.

I am inserting the article in the RECORD at this point and urge my colleagues in the House and Senate to read it:

[From the National Journal, August 1982]

U.S. AID: IS IT GENEROUS OR STINGY?

There is more than one way to view U.S. development aid to Third World countries, and that is what lies beneath the disagreement between this side of the Atlantic and the other over the relative generosity or stinginess of the American aid performance.

U.S. policy makers are fond of pointing to total dollar contributions, in which the United States always ranks first, as the index of our aid effort toward the welfare and economic development of the Third World. But members of the European Community prefer their own yardstick, in terms of which the U.S. effort looks a good deal more modest: the portion of gross national product that goes to development aid. This year's annual data on official development assistance, from the Organization for Economic Cooperation and Development (OECD), should provide for more conversation.

As usual, the United States ranks first among OECD member nations with a 1981 contribution of $5.8 billion. In share of GNP, however, it ranks second to last. Using either measure, the United States posted the biggest reduction in aid volume in 1981; its dollar contribution fell by almost a fifth, from $7.1 billion to $5.8 billion, and the share of gross national product it contributed fell by 26 per cent. Development assistance, as defined by the OECD, includes grants and concessionary loans by member countries to Third World nations for economic development and welfare, but not for military purposes.

	1981 (millions)	1981 GNP share (percent)	1980–81 change, GNP share (percent)
Australia	$649	0.41	−12
Austria	317	0.48	+108
Belgium	574	0.59	+16
Canada	1,187	0.43	+3
Denmark	405	0.73	−1
Finland	135	0.28	+26
France	4,022	0.71	+22
Germany	3,182	0.46	+6
Italy	670	0.19	+12
Japan	3,170	0.28	−11
Netherlands	1,510	1.08	+10
New Zealand	67	0.29	−11
Norway	467	0.82	−3
Sweden	916	0.83	+5
Switzerland	236	0.24	+3
United Kingdom	2,194	0.43	+21
United States	5,760	0.20	−26

Here is another way to look at the U.S. performance: as a dollar share of total development assistance. In 1981, the 17 countries gave $25 billion, of which the U.S. share was about a fourth. But in 1970, the U.S. share was double that: 46 percent, as the chart shows (in billions of 1981 dollars).

BORIS AND GEDI KUN

HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SKEEN. Mr. Speaker, I rise to point out to my colleagues the plight of Boris and Gedi Kun, Soviet Jews who have been repressed by the totalitarian regime under which they are forced to live.

Gedi's parents and three sisters emigrated to Israel in 1973. At that time, Boris was employed as an aircraft engineer. He resigned from this position when he and Gedi applied for an exit visa to Israel, in order to avoid denial based on his secret work.

Upon receipt of their initial denial in 1974, Boris and Gedi were unable to obtain employment for 6 months. They have submitted numerous applications to emigrate from the Soviet Union and have been refused on each occasion.

Repression of Jews in the Soviet Union continues, 7 years after the completion of the Helsinki accords. And I feel we would be remiss in our duties were we to fail to bring this situation to the attention of the international community.●

STATEMENT IN SUPPORT OF LAFALCE AMENDMENT TO H.R. 6307

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. GOODLING. Mr. Speaker, I am pleased that this body today passed the bill H.R. 6307, the Resource and Recovery Reauthorization Act of 1982, for this measure contains a provision offered by my colleague, Mr. LAFALCE. As you know, section 5(d) of H.R. 6307 directs EPA to submit a report to the Congress identifying those hazardous wastes which may be unsuitable for landfill disposal. The LaFalce amendment will strengthen this provision on two counts.

First, the amendment requires that the report also identify hazardous wastes for which there exists one or more technologically feasible means of treatment, recovery, or disposal—including incineration, neutralization, fixation, chemical destruction, or any other means of thermal, chemical, physical or biological treatment, recovery, or disposal—other than land dis-

posal which will protect human health and the environment.

Second, this amendment directs EPA to promulgate regulations respecting those hazardous wastes for which landfill disposal may not be protective of human health and the environment based upon the toxicity, mobility, persistence, or ability of the waste to bioaccumulate.

I speak to this issue because at present there are several landfills located in my district which have generated concern among local residents, township officials, the State department of environmental resources, and the Environmental Protection Agency. At least once a week my offices are contacted by frustrated people who do not know for sure if they can safely drink their water, or allow their children to drink it or what agency has jurisdiction to monitor it. I have heard of cases concerning sick infants, of dying cattle or cattle whose fur is falling out, and of property owners who finally sold their homes and moved when all of their well water was found to be contaminated.

Athough the landfills with which I am most acquainted are not permitted to accept hazardous waste—they are municipal, or sanitary landfills—my experience with them has educated me on the dangerous materials that society has "thrown away" for decades and that have endured in the environment, making household words of "Love Canal"—a problem Mr. LAFALCE is all too well familiar with.

What bothers me most about this situation is that Americans have the technology to treat our hazardous wastes. Landfilling, however, is still the cheapest method around for dealing with the hazardous waste that nobody wants in their backyard. I know of one study which reported that alternative hazardous waste treatment facilities are from 41 to 60 percent underused. Incinerators capable of handling 670,000 metric tons of waste annually are currently burning only 395,000 tons. Water treatment plants capable of detoxifying 4 million metric tons of waste a year are now treating only 2 million. And recycling plants that can handle 1 million metric tons of wastes a year are recycling only 400,000.

I favor the LaFalce amendment, because I believe that a strong Federal stand against landfills will encourage the development of the emerging alternative technology industry to deal with the disposal of hazardous wastes. I feel that this would be a positive step toward safeguarding the health of our children and grandchildren.

My father, who also served in this body, was a farmer. I learned from him early on that we reap what we sow. As one Ohio farmer has said, "If poisons are buried in our ground, we will reap a bitter harvest."●

AFGE VICE PRESIDENT URGES OVERRIDE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. FRANK. Mr. Speaker, Mr. Daniel Kearney, the first district national vice president of the American Federation of Government Employees (AFGE), wrote to me yesterday a very strong and thoughtful letter critical of the President's veto of the supplemental appropriations bill. This bill provides the needed funding for many necessary Government jobs for the remainder of this year. I join with Mr. Kearney and with the entire American Federation of Government Employees in strongly opposing this veto, in supporting its override, and in appealing to Government employees to continue their work which is unquestionably essential to the proper functioning of the activities of our Federal Government.

I agree wholeheartedly with Mr. Kearney's analysis of the harmful effects of this veto and I wish to share his letter with my colleagues.

The letter follows:

AMERICAN FEDERATION
OF GOVERNMENT EMPLOYEES,
September 7, 1982.

Hon. BARNEY FRANK,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRANK: Once again, thousands of Federal employees are being furloughed due to the Presidental veto of the Supplementary Appropriations Bill. In the span of less than one year due to budgetary constraints, agencies have been forced to furlough personnel. The President's intransigence in this area has created chaos. Again, agencies are choosing which employees to furlough and declaring some essential and others non-essential. The V.A. Hospitals, for instance, are finding it hard to select the kind of people that can be furloughed and not interrupt patient care. It is almost an impossible task, for if you furlough people in dietetics, meals will not be served on time and special diets will be neglected. Can the hospitals take a chance and furlough a refrigeration and air conditioning mechanic and hope that the systems will operate without difficulty? Those are terrible decisions to force on anyone.

The Coast Guard is already furloughing thousands of very vital maintenance people who provide for the safety of our fishing and maritime industries.

I could go on and on about many other agencies that are vital to the public. All this because a President did not get his way and who objects to the appropriation of 900 million dollars for vital social programs that affect the aged, poor and handicapped.

The public and the Congress should reflect on the irony of an Administration that objects to aid to the poor, but continually overlooks the gross mismanagement and cost overruns in military procurements which, if rectified, could more than pay the 900 million dollars he objects to. For example:

(a) The first trident submarine was delivered way behind schedule and the cost overruns were reported to be 600 million dollars.

(b) The Air Force's C5A program is running into a billion dollar overrun. The correction of defects and attention directed at the late delivery of these air craft, which the administration maintains are essential to our defense, would be a more appropriate area for cost savings.

(c) Just recently the press noted that the Navy was fighting with the manufacturer of the F18 because each plane had gone from an estimated price of 26 million to about 40 million and deliveries are delayed.

Total cost overruns on all defense procurement are not known to the public but it certainly will cost the taxpayer billions of dollars because of poor military management. Would that, President Reagan, speak out against defense department military management and welfare for the giant defense contractors? The silence of the Administration on cost overruns is deafening. I suppose some Generals and Admirals will be transferred to other billets without loss of pay or rank because of these overruns, but no one will face up to the fact that the Defense Department is unmanageable.

I am urging today that all Federal employees be declared essential and that the Congress immediately override the President's veto which affects so many working men and women. I am also asking every Federal employee to report for work regardless of the stories that he reads in the newspapers so that he may continue to serve the public for which he provides essential services. He or she should report for work even if the doors of the agencies are locked against them.

Respectfully yours,

DANIEL J. KEARNEY,
National Vice President.●

REMEMBER THE CONSTITUTION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. McDONALD. Mr. Speaker, a great deal of controversy has surrounded the constitutionality of the procedures used in drafting and considering the recently passed tax increase bill. I, for one, believe the tactics used were blatantly unconstitutional and, therefore, have joined with a number of my concerned colleagues in filing a lawsuit challenging these procedures.

Unfortunately and regrettably, this is just the most recent in a series of examples of constitutional abuse. To elaborate further, I would like to add the editorial which appeared in the Chattanooga News-Free Press of August 23, 1982, entitled "Remember the Constitution." I believe we all would be better off if we would take this title to heart a little more often and consistently.

The article follows:

[From the Chattanooga News-Free Press, Aug. 23, 1982]

REMEMBER THE CONSTITUTION

In recent years, the Constitution of the United States has taken a beating—and our freedom with it.

The Constitution provides the basic rules by which our country lives. Violate those rules and we run the risk of destroying the greatest system of government the world has ever seen.

The worst attacks upon the Constitution in recent years have come from those who have sworn to uphold it—public officials. And their depredations have been tolerated by the rest of us. We have seen the judicial branch of government usurp the powers of legislative and executive branches, and both of them have assumed powers they did not have or failed to exercise those they did.

The most recent example of constitutional abuse came last week with passage of President Ronald Reagan's new tax bill with strong support from a majority of Democrats and Republicans in both the House of Representatives and the Senate. There may be legitimate differences in judgment on the contents of the tax bill. But there really should be no differences about the procedure—it was clearly improper.

Look at what Article, I, Section 7, of the Constitution of the United States says: "All bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other bills."

Did the new tax bill originate in the House of Representatives? No, it didn't. There was no pretense about it. It originated in the Senate, probably because it was felt there was a friendlier atmosphere for it there. But that is no excuse. The Constitution says bills for raising revenue shall originate in the House.

The reason is simple. Because the members of the House are elected every two years and come from districts usually smaller than an entire state, they are closer to the people and more subject to the will of the people. The idea of the writers of the Constitution was to protect the people from undue taxes by having the representatives closest to the people start tax legislation in Congress.

It might be argued that it really doesn't make much difference, since the House majority voted for the new tax bill. But that's not the way the Constitution says it shall be done. We believe the Constitution was violated, and that's wrong.

Some have suggested they might file suit against the tax bill on procedural grounds. Others have commented and let it go at that. But every American should be concerned about every instance in which the rules of the Contitution are violated. That's how our system designed for liberty, justice and public order is eroded.●

SELECTIVE SERVICE REGISTRATION

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. MONTGOMERY. Mr. Speaker, I wrote the following article to Ms. Meg Greenfield, editorial page editor of the Washington Post, on August 4. It concerned a column written earlier by Post columnist Colman McCarthy about Enten Eller's conscientious objection to war and his decision not to sign up with the Selective Service System, as the law requires.

I might point out that since then, Mr. Eller and Benjamin Sasway have both been convicted for failure to register with the Selective Service System.

Even though the Post did not print this article, it ran an editorial on August 20 entitled, "Conscience and Draft Registration," advocating the enforcement of the law in regard to draft registration. I also want to include this editorial for the benefit of my colleagues.

The points made in this editorial are similar to the ones I made in the article submitted to Ms. Greenfield.

LAW MUST BE OBEYED

(By Representative G. V. Montgomery)

Persons reading Colman McCarthy's recent article concerning Mr. Enten Eller and conscientious objection to war are entitled to further illumination on the subject inasmuch as there are several misleading statements in McCarthy's piece. Registration is a manifest responsibility of citizenship. Refusal to register can lead not only to fine and/or imprisonment but also to such civic disabilities as the inability to hold office or vote.

Can "all those responsible" take pride in an individual who knowingly commits a felony? I think not. Enter Eller's father (a board member of the Church of the Brethren and a professor of religion) registered with Selective Service during World War II and was subsequently classified as a conscientious objector. Thus it can be seen that the person who obeys the law is likewise protected by the law. It is resonable to speculate that if the younger Eller emulated his father by obeying the law and registering, he too would be classified as a conscientious objector IF the draft were ever resumed.

Senator Hatfield's proposal to permit an individual to register as a conscientious objector was wisely rejected by the Congress. The proper time to consider a conscientious objector application is at the time of classification, not registration. At that time, determination of a claim of conscientious objection would be made by a local Selective Service Board, comprised of civilians.

Provision for conscientious objector status is already an important part of the Military Selective Service Act. If a draft were ever resumed, every individual ordered to report for examination and induction would be given the opportunity to request postponement, deferment, exemption or conscientious objector status. Information supporting such a request would be presented to the local civilian board. The individual could be assisted in his presentation by counselors, family members, clergy or others. No individual would be drafted until he had been offered all of his appeal rights under the law.

McCarthy misinforms readers by stating "this use of fear is an odd way of recruiting an army" and by intimating that Selective Service would present Mr. Eller with the option of going to jail or going to the Army. All Selective Service asks is that Mr. Eller register as the majority of his peers (14 out of 15) have done. No one is trying to recruit Mr. Eller for military service. As McCarthy acknowledges, "there is no draft, no recruit shortage, no war . . ."

Mr. Eller may be commended for achieving a straight A average in school, for having short hair, for reading the Bible and for being polite to his elders. But no citizen can be permitted to decide which laws he will obey and which he will ignore. For a democracy to work, all laws have to be obeyed.

While more than 8 million men have already registered, there is a sizeable number who have not. I believe the majority of those who have not yet registered are either uninformed of the requirement or are unaware of the importance of registering within 30 days of their 18th birthday. I would hate to see their future blemished because they failed to register. Parents, clergy, educators and others who seek to instill good behavior and character in young men would do well to counsel them to register with Selective Service. Registration is a simple process that can be accomplished in a few minutes at any post office.

[From the Washington Post, Aug. 20, 1982]

CONSCIENCE AND DRAFT REGISTRATION

You probably have been impressed, as we have, with the placid demeanor and obvious sincerity of Enten Eller, the 20-year-old student who on Monday became the first man convicted of violating the law requiring young men to register for the draft. Mr. Eller is a member of the Church of the Brethren, a group which has been in this country since 1723 and which believes in pacifism. "God has led me to this position," Mr. Eller said during his trial, and there is no doubt that his refusal to obey the law, as well as his refusal to make any legal defense of his conduct, arise from what American conscription law has long regarded as conscientious objection.

Nonetheless, we think it was proper for the government to bring this prosecution and that it is important to understand why. The law Mr. Eller was convicted of violating represents about the mildest intrusion on personal liberty a government interested in maintaining the possibility of conscription can make. Young men are required only to register, there is no draft and no other consequence, at least for the moment, of registering. Selective Service law in the past has provided for conscientious objector status, and while an argument can be made that the law in the past was not generous enough in granting such status, the fact is that for members of the Church of the Brethren, the granting of such status was automatic. Mr. Eller's father, a minister in that church, himself registered for the draft during World War II and then sought and was granted CO status. It is hard to resist the conclusion that Mr. Eller and others like him, who have publicized their refusal to obey the registration law, do so because it is the only military-related law around that they can disobey.

In these circumstances, the government has not merely the option but the responsibility to enforce a law which was passed in a democratic process, which is plainly within the constitutional powers of Congress and which, in fact, does not represent an assault on personal freedom. The situation is not much different, we think, from that which would arise if members of a religious sect refused to obey stop signs, because of a genuine religious conviction that such government commands were morally wrong. Even while we respect their religious beliefs, we

will want to have enforced the law which they feel compelled to disobey.

The arguments that the draft registration law is unwise, that it somehow promotes war or unfairly violates civil liberties, should be—and have been—directed at the politically responsible officials. Congress passed this law, and perhaps Congress will choose to repeal it; there is an election this fall, and voters can make their views known. In the meantime, the law should be enforced, even against as personally appealing a defendant as Mr. Eller.●

FATHER ALFRED BOEDDEKER, O.F.M.

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, on Friday, October 1, 1982, the American Irish Alliance will present its Fifth Annual Award for Outstanding Service to San Francisco to the Reverend Alfred Boeddeker, O.F.M.

Father Boeddeker, a Franciscan priest for more than 55 years, is the founder of St. Anthony's Dining Room which provides more than 1,200 free meals daily to the poor of San Francisco.

It is fitting that as part of San Francisco's observance of the 800th anniversary of the birth of Francis of Assisi, a member of the Franciscan community, who lives to the fullest the rule of the gentle Francis, should be so honored by his fellow citizens.

It has been said by Franciscan Cardinal Paulo Arns of Brazil "that Francis called the men and women of his time to form communities with the poor so that injustice and poverty would be overcome." Father Boeddeker has spent his entire adult life in selfless work with the poor, the sick, and the helpless. He has indeed formed communities with the poor and spent the riches of his talents to fight injustice and poverty.

Father Boeddeker received the robes of the Franciscan Order in 1921 at St. Elizabeth Friary in Oakland, Calif. He was ordained to the priesthood on June 11, 1927. He has served at a variety of assignments in the intervening years before his appointment as pastor of St. Boniface Parish, San Francisco, in 1949.

1928–30: First assignment: Assistant pastor, Old Mission Santa Barbara; pastor, St. Rafael Church, Goleta, a small church serving a large area near Santa Barbara; Parishioners mainly laboring men and families, Mexican; took immediate, active interest in welfare work, built social hall, secured recreation areas serving children, mostly Mexican and black. Chaplain—General Hospital, Santa Barbara, Calif.

1930–33: Graduate studies—Rome, the Antonianum University. Specialized in canon law and theology. Diploma: Lector generalis.

1933–48: Teacher at Franciscan Theologate, Santa Barbara, Calif. Dean of studies, Franciscan Province of Santa Barbara; in charge of Houses of Study on Pacific Coast: Santa Barbara, San Luis Rey, San Miguel. Member of Provincial Council, 1946–49.

1948–50: Graduate studies resumed—University of California. Specialized: Japanese, Chinese, Russian languages, Chinese history, political science. (Superiors intended to send him to Hankow, China to establish a Catholic University.) Special assignment: Restoration of historic Mission San Antonio de Padua near King City, Calif.

1949 to present: Appointed pastor of St. Boniface Parish, San Francisco. German National Parish for San Francisco area, and a sizeable residential parish. Congregation made up of "inner city" residents, mostly apartment and hotel dwellers, senior citizens, tourists, shoppers, downtown workers of virtually every race and nationality represented. Established "St. Boniface Credit Union" for parishioners.

Founder and executive director: "St. Anthony Charities"—including: St. Anthony Dining Room—1,200 or more free meals daily for the poor; St. Anthony Clinic—free medical services for persons without other care; St. Anthony Employment Service—nearly 1,000 jobs annually—free; Seton Hall (home for men), dining room workers—35 in city—free; St. Anthony Farms in Sonoma County—renewing lives of 40 men and providing meat and produce for the dining room—free; St. Anthony Thrift Shop—to assist low income persons.

Founder and director: Madonna Residence for elderly women of low income—1055 Pine Street, San Francisco. Foreign Student Center—social, educational, recreational—70 Oak Street, San Francisco. International Center—50 Oak Street, San Francisco. Marian Center—135 Golden Gate Avenue, San Francisco. Adult Benevolent Association—to assist elderly. Second Spring—magazine for adults: inspirational.

Father Boeddeker is a universally admired and beloved San Franciscan. He has by his example given all of us a glimpse of the spirit of Francis of Assisi. A spirit that tells us to love all of nature, to live simply and joyfully and to identify with and give service to the poor among us.

Father Boeddeker by his life reminds us all that we must be instruments of peace, sources of love, comforters of those in need and seekers after justice for all persons.

I share this brief account of Father Boeddeker's accomplishments with my colleagues in the House so that they might know of this truly noble person.

I join with my fellow San Franciscans in paying tribute to Father Alfred Boeddeker who has lived the gentle life of Francis of Assisi and who has brought love into the lives of those he serves in his continuing quest for justice.●

MAYOR DON FRASER REFLECTS ON SOVIET TRIP

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SIMON. Mr. Speaker, I am inserting into the RECORD the brief observations of our former colleague, now the mayor of Minneapolis, Don Fraser.

He was always a sensitive and thoughtful Member of the House on matters of foreign relations and that has not stopped since he became mayor of Minneapolis.

I believe my colleagues will find this of interest.

MY TRIP TO USSR: NUCLEAR ARMS TALKS TO CONTINUE HERE IN '83

In April of this year, I went to Moscow in the company of nine other Americans to talk about the nuclear arms race.

Our group had been invited by the Soviet Academy of Sciences and the American-Soviet Friendship Society to explore Soviet attitudes towards arms control and disarmament.

I had been in the Soviet Union ten years before on a Congressional mission and found the talks this time more candid and far-ranging than previously.

I was startled, for example, to hear one Soviet official admit that the Soviets did have human rights problems. However, when it came to specifics, no further admissions were forthcoming.

Later in the visit, I was able to meet with a number of individuals who have been attempting to emigrate, some for as long as ten years, despite the severe social ostracism that is heaped upon anyone who even applies for permission to leave the country.

We also raised such issues as Afghanistan, Poland and the imprisonment of Soviet dissidents but this in turn only elicited a list of Soviet grievances against the United States.

For me, the visit was an opportunity to become active in the nuclear arms issue again. When I left the Congress, just before running for Mayor, there was a five-month-period during which I served as a staff member of an organization known as Members of Congress for Peace Through Law. There I had concentrated on the Salt II treaty. I was disappointed with the U.S. failure to ratify Salt II but pleased that both the Soviets and the U.S. are currently complying with its provisions.

Our Moscow group which had been convened by the Institute of Policy Studies in Washington included such figures as the Rt. Rev. Paul Moore, Episcopal Bishop of New York, journalist Roger Wilkins and disarmament writer, Mark Raskin. Unfortunately, Salt II negotiator, Paul Warnke, was prevented from accompanying us because of last-minute illness.

Clearly the Soviets are worried about the next round of new weapons such as the MX missile, the new Trident submarines and the cruise missile.

Our hosts evidenced some of this concern by accepting our invitation to come to the United States next year for another round of talks.

These talks, at my suggestion, are to be held here in Minneapolis and should bring a delegation of about 35 Soviet officials to our city next May.

At the recent Mayor's Conference in Minneapolis, Mayor Dianne Feinstein of San Francisco called nuclear arms the nation's major issue. She noted that two years ago, "you couldn't fill a small hall on this topic." This year it was one of the conference's most hotly debated resolutions.

Mayors throughout the nation have begun to recognize that the desire for world

peace is fast becoming America's biggest local concern.●

TRIBUTE TO PEARL WILLIAMS-JONES

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. FAUNTROY. Mr. Speaker, I rise to bring to the attention of my colleagues and the Nation a remarkable woman who will be saluted for her humanitarian contributions to the people of Washington, D.C., Ms. Pearl Williams-Jones will be cited for outstanding achievement this Saturday by the Shaw Community Center Food Committee.

Ms. Williams-Jones is a highly skilled pianist and singer with special expertise in black American music. She is also an assistant professor of music at the University of the District of Columbia.

The Shaw Food Committee is saluting Ms. Williams-Jones in appreciation for her volunteering her musical talents to benefit the Food Committee efforts to provide free food baskets for needy Washington area families at Thanksgiving.

None is so tall as the person who reaches down to lift up her brothers and sisters. With her service in helping to feed hungry people, Ms. Pearl Williams-Jones has elevated herself in our hearts and inspired us to even greater achievements.

I am so very proud to join the Mayor and the Council of the District of Columbia, in conjunction with Shaw Community Center Food Committee, in paying tribute to Pearl Williams-Jones.

Hereto is a brief biographical sketch for your review:

BIOGRAPHCIAL SKETCH OF PEARL WILLIAMS-JONES

Pearl Williams-Jones, associate professor of music at the University of the District of Columbia, is a leader in the field of Black American music education, research, and performance. She has performed concerts of Black American music in the United States and abroad, and has published the findings of her specialized research in gospel music in scholarly music publications such as the Journal for the Society of Ethnomusicology.

She has been a consultant for the Smithsonian Institution's Folklife Festival and an administrative staff member of its African Diaspora Advisory Group. Mrs. Williams-Jones received a grant from the National Endowment for the Arts for research and development of curricula in Black American gospel music. In 1977 she served as consultant for the Festival d'Automne, an international festival of the music of Africa, Europe, and the United States, in Paris, France by invitation of the French government.

Mrs. Jones lectures and performs for radio, television, and has appeared at major universities and colleges as specialist in Black American music. She has received many honors for musical achievement, among which is the honorary degree Doctor of Humanities. Mrs. Jones is active in community and educational arts organizations. She is secretary of the Board of Directors of the D.C. Community Orchestra, a member of the Music Educator's National Conference, the Society for Ethnomusicology, Pi Kappa Lambda; she is an editorial advisor for Minority Voices, an interdisciplinary journal of literature and the arts.

Pearl Williams-Jones is an honor graduate of Howard University, and is listed in the Directory of Significant 20th Century American Minority Women and in the eighth edition of International Who's Who in Music.●

NUCLEAR "TURKEY" ON CONGRESS MENU

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. BROWN of California. Mr. Speaker, my colleagues are no doubt familiar by now with the case against construction of the Clinch River breeder reactor in Tennessee. Even supporters of Clinch River have quietly begun to wonder about the project. Estimated to cost $3.2 billion and with breeder technology not likely to be economically competitive before the middle of the next century, if ever, construction of Clinch River has been questioned by conservatives and liberals alike. Pro- and anti-nuclear advocates, economists, readers of Reader's Digest, and scientists have all voiced their opposition to its construction.

While proponents of the project like to claim scientific support for construction of Clinch River, the Federation of American Scientists (FAS), an organization priding itself in an objective scientific approach to issues, has gone on record in opposition to the project. Frank von Hippel, chairman of the FAS and senior research physicist at Princeton University, outlined the case against the project in a recent Los Angeles Times editorial. Dr. von Hippel has contributed as an independent analyst to the international debate over the breeder reactor since 1976. I include his editorial in the Los Angeles Times for the RECORD and urge my colleagues to read it for a succinct review of the case against the project.

The article follows:

[From the Los Angeles Times, Aug. 22, 1982]

NUCLEAR "TURKEY" ON CONGRESS MENU—ENERGY ECONOMICS HAVE CHANGED NEED FOR $3 BILLION REACTOR

(By Frank von Hippel)

In 1971, President Richard M. Nixon established as the highest priority energy program of this nation the commercialization of the plutonium breeder reactor. This almost magical machine makes the enormous amounts of energy stored in uranium fully accessible by turning it into plutonium fuel. It would thereby free mankind from concern about future nuclear fuel supplies for millennia.

The Atomic Energy Commission was quick to respond, and in 1972 entered into agreements with a consortium of electrical utilities to build a "demonstration" breeder reactor on the edge of the Clinch River in Tennessee at an estimated cost of $700 million. (The estimated final cost is now $3 billion and rising.)

In 1977, President Jimmy Carter vetoed appropriations for the project, citing concerns that the process of extracting huge quantities of chain-reacting plutonium would make it too easy for unfriendly nations—even terrorist groups—to produce nuclear weapons.

Now the signals from the White House have changed once again, and Congress is being encouraged to approve further appropriations for the breeder reactor next month. The vote will be close. The Clinch River project is now widely represented in periodicals ranging from the New York Times to the Reader's Digest as just another federal pork-barrel project. The Reader's Digest, for example, recently characterized it as "Sen. Baker's 'costly technological turkey'," referring to Senate Majority Leader Howard H. Baker Jr. in whose home state the reactor would be built.

How did this dream machine turn into a "technological turkey"? The basic reason is simple and has nothing to do with whether you are pro- or anti-nuclear power: At foreseeable uranium prices, the breeder cannot compete economically with ordinary nuclear power plants.

Both today's reactors and breeder reactors turn the energy of uranium into electrical energy, but breeders require the mining of much less uranium per kilowatt-hour of electricity produced. Procurement of uranium ore for today's reactors accounts for less than 5% of the price of electricity produced by a new nuclear power plant.

Most of the cost of nuclear power is charged to pay off the huge capital investment involved in the construction of the power plants. A small cost differential between the construction costs of the breeder and an ordinary nuclear power plant can, therefore, more than offset the breeder's savings in uranium costs. The breeder, which uses molten sodium metal instead of water as a coolant, would cost 25% to 75% more than existing reactors. This is why the most recent government analyses project that the breeder will not be economically wise until the price of uranium increases approximately tenfold.

The Clinch River demonstration program has been aimed at making breeder reactors commercially available by about the year 2000. Is it possible that by the year 2000—or even within a decade or two thereafter—the price of uranium, corrected for general inflation, will have risen tenfold?

Eight years ago that did in fact appear possible. In 1974, the Atomic Energy Commission projected that by 2020 the U.S. demand for electrical energy would have increased almost 1,400%. Solely for the generation of our electricity, we would be using the equivalent of more than the world's total energy consumption in 1974. Nuclear power plants were expected to satisfy three-quarters of this demand. To supply the present generation of reactors at the predicted rate, the known U.S. reserves of low-cost uranium would soon be exhausted.

But times have changed. The price of electricity, which had dropped steadily relative to other prices from the 1930s to 1970, began rising in the 1970s as the costs of power plants, as well as fuel, began to increase much faster then general inflation. As soon as the price rise began, the demand for electricity, which had been doubling every decade, began to grow much more slowly. Suddenly, the utilities found that they needed much less new generating capacity than they had expected. Orders for new nuclear power plants, which averaged 20 per year between 1966 and 1973, dropped to zero. Of those under construction or on order in 1974, 40% were canceled. Construction schedules for most of the others have been stretched out.

As a result, actual nuclear capacity on line today is only one-third of what was being projected just eight years ago by the Atomic Energy Commission. The Department of Energy still expects nuclear energy to play a major role in the nation's energy future, but, because of its projections of slower growth in U.S. energy consumption, it now projects that our nuclear generating capacity in 2020 will be only about one-tenth as large as the 1974 prediction. With a tenfold reduction in expected demand for uranium, it may be a century before the price of uranium can be expected to reach the level that would make breeder reactors economical.

But once the Federal Government has been persuaded to spend tax money on a particular project—be it a dam, a new weapons system or a new type of nuclear reactor—the contractors, the bureaucracy and the politicians always join in an alliance to keep the money flowing, even if there is no longer a need for the project. Baker and his allies have been successful so far, but the alliance opposed to the Clinch River breeder has grown also, and now includes many of those concerned about Federal pork-barrel projects and budget deficits, as well as those concerned about nuclear proliferation.

This year, Congress should be under pressure from both sides as it faces its annual vote on the appropriation of yet another $250 million to keep Baker's "technological turkey alive."●

1983 BUDGET INFORMATION

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. ASPIN. Mr. Speaker, the week before we recessed, the House considered a number of important bills affecting the 1983 budget. Probably the two most significant were the tax and reconciliation bills. These bills implemented two of the major elements of the deficit reduction plan—revenue increases and cuts in existing entitlement law. We now know that the overall reconciliation targets for revenues and spending were exceeded. But it is important to realize that there are four other elements to the deficit reduction plan. The first of these is the management savings package that the administration has promised to accomplish. These savings in the areas of waste, fraud and abuse, debt collection, property management, and so on, do not require legislation, but they do require determination and hard work on the part of the administration. Second, the budget resolution assumes outlay savings from legislation to raise certain types of user fees. To date, no committees have reported such legislation, and there is some question as to whether they will be achieved. Third and fourth are the savings in defense and in nondefense discretionary programs that are assumed in the budget resolution. These will be accomplished if the appropriation bills in total remain within the aggregate targets for discretionary appropriations that were set out in the 302(a) allocations made pursuant to the Budget Act. I feel sure that the Appropriations Committee will remain on target, so that these savings will be achieved.

In fact, four appropriation bills have been reported by the committee, and one (Military Construction) has already passed the House. Mr. JONES, Mr. PANETTA, and I have included in the RECORD a cost comparison for three of these bills—the military construction bill, the Commerce-State-Justice bill, and the HUD-independent agencies bill. Each of these bills is under its budget resolution targets for discretionary spending. The cost comparison for the fourth bill (Transportation) will be inserted in the RECORD when the bill is scheduled for floor action.

The HUD-independent agencies bill deserves special mention. To begin with, the spending target set for that bill by the Appropriations Committee when it subdivided its budget resolution allocation calls for even more cuts than the budget resolution assumed. Though the assumptions of the budget resolution are not binding on the Appropriations Committee, in fact, the HUD Subcommittee has agreed to cut its programs by $690 million in budget authority and $497 million in outlays beyond those cuts assumed in the budget resolution.

Second, the subcommittee is at this point more than $9.3 billion in budget authority below its own restrictive targets. This has come about because the subsidized housing programs are undergoing major reform, and it is not yet clear what shape these programs will take when their reauthorization is complete. So, the subcommittee has deferred action on this funding until a later date. While the budget resolution assumes up to $10 billion for subsidized programs, the subcommittee has made it clear that it does not intend to use this full amount; instead, the subcommittee will remain at or under its own targets.

EARLY WARNING, H.R. 97-6968, MILITARY CONSTRUCTION APPROPRIATION, FISCAL YEAR 1983

Floor action: Scheduled for Tuesday, August 17, 1982.

Scorekeeping: The functional totals included in the first budget resolution conference report are allocated to the appropriate House committees in accordance with section 302(a) of the Budget Act. Each committee then divides the 302(a) allocation among its subcommittees or programs and reports its subdivisions back to the House in a 302(b) report. It is this 302(b) report that the House Budget Committee uses to "score" a spending bill.

Scoring of this bill: Using the 302(b) report, the Budget Committee makes several comparisons to determine whether or not a spending bill is within the targets of the first budget resolution. In scoring a spending bill, the Budget Committee pays particular attention to programs over which a committee has funding discretion. For example, the Appropriations Committee is bound by existing law and generally cannot effectively reduce amounts required for the funding of mandatory programs. Many of these comparisons are for informational purposes only; the only procedural sanction is deferred enrollment which causes a conference report to be held at the desk if the discretionary budget authority exceeds its target.

Discretionary programs in bill: The bill is under the subcommittee's total. This bill would not be subject to the deferred enrollment provisions of the budget resolution.

Mandatory programs in bill: The bill is under the subcommittee's total.

Overall bill total: The bill is under the subcommittee's total.

Credit targets: The subcommittee has no credit activities in its jurisdiction.

Supplemental amounts which may be required: Future anticipated funding requirements also in this subcommittee's jurisdiction if added to this bill should not breach this subcommittee's 302(b) target.

For additional details see the attached early warning report.

EARLY WARNING ADDITIONAL DETAIL, HOUSE BUDGET COMMITTEE

Bill: H.R. 97-6968, military construction appropriation, fiscal year 1983.

STAFF ANALYSIS

Committee: Appropriations.

Subcommittee: Military Construction.

Chairman: Mr. Ginn (Georgia).

Ranking minority member: Mr. Regula (Ohio).

Scheduled: Tuesday, August 17, 1982.

I. Description of bill

This bill provides appropriations for military construction and family housing for the Department of Defense in fiscal year 1983.

II. Comparison with target for discretionary appropriations action

Pursuant to the Budget Act and HBC scorekeeping, the subcommittee has two targets: one for discretionary programs and one for mandatory programs. Since the Appropriations Committee is bound by existing entitlement law, it generally cannot effectively change the amounts required for the funding of mandatory programs. The Subcommittee's target for discretionary programs is therefore the main focus for this Early Warning report. That target is specified in the report of the Appropriations Committee made pursuant to Sec. 302(b) of the Budget Act, in which the Appropriations Committee subdivided to subcommittees the amounts allocated to it in the First Budget Resolution for Fiscal Year 1983.

Further, if the conference report on this appropriation bill, combined with any other fiscal year 1983 appropriations that the Subcommittee may have enacted this session, causes the target for discretionary budget authority to be breached, then the bill will be subject to the "deferred enrollment" provision of Section 4 of the Fiscal Year 1983 First Budget Resolution (or held at the desk and not sent to the President for signature).

The summary table below shows that the Subcommittee is under its discretionary target. The numbers in the summary table would change only with floor amendments, Senate action, or conference action on this bill.

III. Summary table

[In millions of dollars]

	Budget authority	Outlays
The amounts shown below are only for discretionary 1983 spending by this subcommittee:		
1. Discretionary amount in bill	6,998	2,142
2. Prior action		
3. Total action to date	6,998	2,142
4. 302(b) target	7,466	2,290
5. Over(+)/under(−)	−468	−148
6. Amounts assumed but not yet considered		
7. Over(+)/under(−)	−468	−148
The amounts shown below are only for mandatory programs that are funded by this subcommittee:		
8. Mandatory amounts in bill	2	2
9. Prior action		3,969
10. Total	2	3,971
11. 302(b) target	4	3,975
12. Over(+)/under(−)	−2	−4
13. Supplemental amounts needed	2	2
14. Over(+)/under(−)		−2
The amounts shown below are for the bill total and include both discretionary and mandatory amounts:		
15. Total amounts in bill	7,000	2,144
16. Prior action		3,969
17. Total	7,000	6,113
18. 302(b) total target	7,470	6,265
19. Over(+)/under(−)	−470	−152
20. Supplemental amounts	2	2
21. Over(+)/under(−)	−468	−150

Note.—Detail may not add due to rounding.

IV. Explanation of over/under

The total of the 302(b) subdivisions made by the Appropriations Committee must equal the total amounts of the 302(a) allocation, but the assumptions which make up the subcommittee target need not be the same as the program assumptions that underlie the budget resolution. The specific assumptions behind the 302(b) target are not known—as a result, the specific programmatic reasons that the bill is over or under the subcommittee targets can not be precisely identified.

For this bill, the budget resolution only assumed the President's request in total. Therefore, the only valid comparison of the bill and the resolution would be a comparison of the bill and the President's request. Section V below provides the comparison of the bill and the President's request.

V. Comparison with President

This bill is below the President's request for items in this bill by $1,212 million in budget authority and $253 million in outlays. The major differences in budget authority are as follows:

[In millions of dollars]

Program	President's request	Appropriations bill	Appropriations over/under request
Military construction, defense agencies	409	289	−120
NATO infrastructure	375	325	−50
Military construction, Navy	1,208	1,121	−87
Military construction, Army	1,100	942	−159
Military construction, Air Force	2,082	1,421	−661
Family housing, Army	1,053	1,016	−37
Family housing, Navy	769	713	−55
Family housing, Air Force	932	872	−60
Net miscellaneous small changes	281	299	+17
Total	8,209	6,998	−1,212

The bill's reduction of $661 million in budget authority from the President's budget request for military construction, Air Force, is composed of $207 million related to the decision to defer MX funding until a decision is made on the basing mode, $82 million in projects not contained in the House-passed authorization bill, $81 million in NATO related projects, $122 million for a Rapid Deployment Force project in Egypt, $50 million related to a Rapid Deployment Force project in Oman, $75 million in other overseas projects, $134 million in miscellaneous reductions and miscellaneous increases of $90 million.

VI. Definitions of terms in summary table, section III

Line 1

Discretionary amounts in bill: discretionary fiscal year 1983 appropriations in H.R. 6957.

Line 2

Prior action: the fiscal year 1983 budget authority and outlays for this committee that were appropriated in prior bills this session.

Line 3

Total action to date: line 1 plus line 2.

Line 4

302(b) target: the target for discretionary appropriations set by the Appropriations Committee pursuant to the Budget Act.

Line 5

Over (+)/Under(−): line 3 minus line 4.

Line 6

Amounts assumed but not yet considered: these are amounts assumed in the fiscal year 1983 budget resolution for which funding has been deferred by the Appropriations Committee, probably until next Spring's supplemental appropriations bill.

Line 7

Over(+)/Under(−): line 5 plus line 6.

Line 8

Mandatory amount in bill: funding for mandatory programs (entitlements).

Line 9

Prior action: outlays from budget authority enacted for years prior to fiscal year 1983, plus permanents and advance appropriations assigned to the Appropriations Committee.

Line 10

Total: line 8 plus line 9.

Line 11

302(b) target: the target for mandatory amounts set by the Appropriations Committee. The target set by the Appropriations Committee includes effect of assumed authorizing legislation that would change the level of mandatory programs.

Line 12

Over(+)/Under(−): line 10 minus line 11.

Line 13

Supplemental amounts needed: amounts for any new entitlement legislation assumed in the budget resolution and to fund mandatory items in the bill at the level estimated in the budget resolution.

Line 14

Over(+)/Under(−): line 12 plus 13.

Line 15 through 21

These lines equal the sums of lines 1 and 8, lines 2 and 9, etc., respectively.●

COST COMPARISON FOR H.R. 97-6957, COMMERCE, JUSTICE, STATE, JUDICIARY AND RELATED AGENCIES APPROPRIATION, FISCAL YEAR 1983

HON. JAMES R. JONES

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. JONES of Oklahoma. Mr. Speaker, I submit a cost comparison for the RECORD.

Floor action: Scheduled for Friday, August 13, 1982.

Scorekeeping: The functional totals included in the First Budget Resolution conference report are allocated to the appropriate House committees in accordance with Section 302(a) of the Budget Act. Each committee then divides the 302(a) allocation among its subcommittees or programs and reports its subdivisions back to the House in a 302(b) report. It is this 302(b) report that the House Budget Committee uses to "score" a spending bill.

Scoring of this bill: Using the 302(b) report, the Budget Committee makes several comparisons to determine whether or not a spending bill is within the targets of the First Budget Resolution. In scoring a spending bill, the Budget Committee pays particular attention to programs over which a committee has funding discretion. For example, the Appropriations Committee is bound by existing law and generally cannot effectively reduce amounts required for the funding of mandatory programs. Many of these comparisons are for informational purposes only; the only procedural sanction is deferred enrollment which causes a conference report to be held at the desk if the discretionary budget authority exceeds its budget.

Discretionary programs in bill: The bill is under the subcommittee's total. This bill would not be subject to the deferred enrollment provisions of the Budget Resolution.

Mandatory programs in bill: The bill is over the subcommittee's total by $1 million.

Overall bill total: The bill is under the subcommittee's total.

Credit targets: The bill is under the subcommittee's total.

Supplemental amounts which may be required: Future anticipated funding requirements also in this subcommittee's jurisdiction if added to this bill should not breach this subcommittee's 302(b) target.

For additional details see the attached early warning report.

EARLY WARNING ADDITIONAL DETAIL, HOUSE BUDGET COMMITTEE

Bill: H.R. 6957, Commerce, Justice, State, Judiciary and Related Agencies appropriation, fiscal year 1983.

STAFF ANALYSIS

Committee: Appropriations.

Subcommittee: Commerce, Justice, State, and Judiciary.

Chairman: Mr. Smith (Iowa).

Ranking minority member: Mr. O'Brien (Illinois).

Scheduled: Friday, August 13, 1982.

I. Description of bill

This bill provides funds for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for fiscal year 1983.

II. Comparison with target for discretionary appropriations action

Pursuant to the Budget Act and HBC scorekeeping, the subcommittee has two targets: one for discretionary programs and one for mandatory programs. Since the Appropriations Committee is bound by existing entitlement law, it generally cannot effectively change the amounts required for the funding of mandatory programs. The Subcommittee's target for discretionary programs is therefore the main focus for this Early Warning report. That target is specified in the report of the Appropriations Committee made pursuant to Sec. 302(b) of the Budget Act, in which the Appropriations Committee subdivided to subcommittees the amounts allocated to it in the First Budget Resolution for Fiscal Year 1983.

Further, if the conference report on this appropriation bill, combined with any other fiscal year 1983 appropriations that the subcommittee may have enacted this session, causes the target for discretionary budget authority to be breached, then the bill will be subject to the "deferred enrollment" provision of Section 4 of the Fiscal Year 1983 First Budget Resolution.

The summary table below shows that the subcommittee's possible full-year total is under its various targets at this time. The subcommittee has considered all the programs assumed in the budget resolution; no other items remain to be considered. The numbers in the summary table would change only with floor amendments, Senate action, or conference action on this bill.

III. Summary Table

[In millions of dollars]

	Budget authority	Outlays
The amounts shown below are only for discretionary 1983 spending by this subcommittee:		
1. Discretionary amounts in bills	8,878	7,545
2. Prior action		
3. Total action to date	8,878	7,545
4. 302(b) target	8,880	7,585
5. Over (+)/under (−)	−2	−40
6. Amounts assumed but not yet considered		
7. Over (+)/under (−)	−2	−40
The amounts shown below are only for mandatory programs that are funded by this subcommittee:		
8. Mandatory amounts in bill	191	188
9. Prior action		2,110
10. Total	191	2,298
11. 302(b) target	190	2,297
12. Over (+)/under (−)	+1	+1
13. Supplemental amounts needed	−8	−12
14. Over (+)/under (−)	−7	−11
The amounts shown below include both discretionary and mandatory amounts:		
15. Total amounts in bill	9,070	7,733
16. Prior action		2,110
17. Total	9,070	9,843
18. 302(b) total target	9,070	9,882
19. Over (+)/under (−)		−39
20. Supplemental amounts	−8	−12
21. Over (+)/under (−)	−8	−51

Note: Detail may not add due to rounding.

IV. Explanation of over/under

Since the assumptions behind a committee's 302(b) subdivision are not required to be provided to the House, the House Budget Committee is unable to give a definitive answer to the question of where a particular bill is over or under a committee's 302(b) subdivision. The Budget Committee can only compare the items in the bill to the assumptions contained in the budget resolution. It is important to note that the line item assumptions in the budget resolution are not binding on a committee. A list of the major areas where this bill differs from the budget resolution follows:

Department of State's conduct of foreign affairs is above the resolution assumptions by $44 million in budget authority and $65 million in outlays.

Contributions to international organizations is above the resolution by $52 million in budget authority and $33 million in outlays.

Patent and Trademark Office salaries and expenses is above the resolution by $44 million in budget authority and $43 million in outlays.

Economic Development Administration (EDA) assistance program is below resolution assumptions by $30 million in budget authority.

Payment to the Legal Services Corporation is above resolution assumptions by $88 million in budget authority and $67 million in outlays.

V. Credit

The First Budget Resolution contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit activities, and subdivides those amounts among subcommittees. For comparative purposes, the table below shows the bill and the credit subdivisions.

[In millions of dollars]

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. Credit program limits in the bill	12	28	
2. Limits assumed in the budget resolution not acted upon in the bill and other amounts not subject to limit	1,729	3,638	
3. Total in bill	1,741	3,666	
4. Credit subdivisions	2,400	3,700	
5. Over (+)/under (−)	−659	−34	

The Commerce-Justice-State Subcommittee generally did not include credit limitations in this bill. For credit activities that are not limited, the amounts shown in this table are the estimates of the unconstrained level of such credit activities, which is the estimate in the first budget resolution for nearly all cases. These unlimited amounts include not only items assumed to be limited in the budget resolution but activity, like direct loans recorded when loan guarantee default payments are made, which are not subject to current limits. All of the differences in this subcommittee allocation from the budget resolution involve SBA programs. Comments on the differences included in the report are summarized below:

Direct loans

Business loan and investment fund is estimated to support $698 million in new direct loans. The resolution included a proposed limitation of $738 million for disaster loans, thus the bill is $40 million below the resolution assumption.

National Oceanic and Atmospheric Administration operations and administration fund is $7.5 million below the $40 million assumed in the resolution assumption.

Primary guaranteed loans

National Oceanic and Atmospheric Administration operations and administrative fund is $11 million below the $42.5 million assumed in the resolution assumption.

VIII. Definitions of Terms in Summary Table, Section III

Line 1

Discretionary amounts in bill: discretionary fiscal year 1983 appropriations in H.R. 6957.

Line 2

Prior action: the fiscal year 1983 budget authority and outlays for this committee that were appropriated in prior bills this session.

Line 3

Total action to date: line 1 plus line 2.

Line 4

302(b) target: the target for discretionary appropriations set by the Appropriations Committee pursuant to the Budget Act.

Line 5

Over(+)/Under(−): line 3 minus line 4.

Line 6

Amounts assumed but not yet considered: these are amounts assumed in the fiscal year 1983 budget resolution for which funding has been deferred by the Appropriations Committee, probably until next Spring's supplemental appropriations bill.

Line 7

Over(+)/Under(−): line 5 plus line 6.

Line 8

Mandatory amount in bill: funding for mandatory programs (entitlements).

Line 9

Prior action: outlays from budget authority enacted for years prior to fiscal year 1983, plus permanents and advance appropriations assigned to the Appropriations Committee.

Line 10

Total: line 8 plus line 9.

Line 11

302(b) target: the target for mandatory amounts set by the Appropriations Committee. The target set by the Appropriations Committee includes the effect of assumed authorizing legislation that would change the level of mandatory programs.

Line 12

Over(+)/Under(−): line 10 minus line 11.

Line 13

Supplemental amounts needed: amounts for any new entitlement legislation assumed in the budget resolution and to fund mandatory items in the bill at the level estimated in the budget resolution.

Line 14

Over(+)/Under(−): line 12 plus 13.

Line 15 through 21

These lines equal the sums of lines 1 and 8, lines 2 and 9, etc., respectively.●

COST COMPARISON FOR H.R. 6956, HUD-INDEPENDENT AGENCIES APPROPRIATION, FISCAL YEAR 1983

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. PANETTA. Mr. Speaker, I submit a cost comparison for the RECORD.

Floor action: Scheduled for Tuesday, August 17, 1982

Scorekeeping: The functional totals included in the First Budget Resolution conference report are allocated to the appropriate House committees in accordance with Section 302(a) of the Budget Act. Each committee then divides the 302(a) allocation among its subcommittees or programs and reports its subdivisions back to the House in a 302(b) report. It is this 302(b) report that the House Budget Committee uses to "score" a spending bill.

Scoring of this bill: Using the 302(b) report, the Budget Committee makes several comparisons to determine whether or not a spending bill is within the targets of the First Budget Resolution. In scoring a spending bill, the Budget Committee pays particular attention to programs over which a committee has funding discretion. For example, the Appropriations Committee is bound by existing law and generally cannot effectively reduce amounts required for the funding of mandatory programs. Many of these comparisons are for informational purposes only; the only procedural sanction is deferred enrollment which causes a conference report to be held at the desk if the discretionary budget authority exceeds its target.

Discretionary programs in bill: the bill is under the subcommittee's total. This bill would not be subject to the deferred enrollment provisions of the Budget Resolution.

Mandatory programs in bill: the bill is under the subcommittee's total.

Overall bill total: the bill is under the subcommittee's total.

Credit targets: the bill is under the subcommittee's total.

Supplemental amounts which may be required: Future anticipated funding requirements may breach this subcommittee's 302(b) target!

Explanation: Early Warning reports take into account items assumed in the Budget Resolution but not yet acted on to provide Members with a possible Subcommittee spending total for an entire fiscal year. This comparison is for informational purposes only—no procedural sanctions accompany this comparison.

Two items traditionally funded by the HUD-Independent Agencies Subcommittee remain to be considered. The Subcommittee deferred action on HUD subsidized housing programs and GNMA tandem mortgage purchases because these programs have not been reauthorized and because there is a wide difference between the administration's proposals for these activities and the House Banking Committee's reported reauthorization (H.R. 97-6296, Housing and Rural-Urban Recovery Act of 1982). These items are expected to be funded in a later supplemental appropriations bill after enactment of the reauthorization, which may make major changes in housing programs. If these deferred items were funded at levels assumed in the Budget Resolution, the Subcommittee could exceed its 302(b) target for discretionary budget authority, but not for outlays. However, at full committee mark-up of this bill, Mr. Boland, chairman of the Subcommittee, indicated that the HUD-Independent Agencies Subcommittee intends to keep funding for these items within its 302(b) subdivision which would thus eliminate the problem.

For additional details see the attached early warning report.

EARLY WARNING ADDITIONAL DETAIL, HOUSE BUDGET COMMITTEE

Bill: H.R. 6956 HUD-Independent Agencies appropriation, fiscal year 1983

STAFF ANALYSIS

Committee: Appropriations.

Subcommittee: HUD-Independent Agencies.

Chairman: Mr. Boland (Massachusetts).

Ranking Minority Member: Mr. Green (New York).

Scheduled: Tuesday, August 17, 1982.

I. Description of bill

This bill provides appropriations for HUD, the Environmental Protection Agency, NASA, the Veterans Administration, and several other smaller independent agencies.

II. Comparison with target for discretionary appropriations action

Pursuant to the Budget Act and HBC scorekeeping, the subcommittee has two targets: one for discretionary progams and one for mandatory programs. Since the Appropriations Committee is bound by existing entitlement law, it generally cannot effectively change the amounts required for the funding of mandatory programs. The Subcommittee's target for discretionary programs is therefore the main focus for this Early Warning report. That target is specified in the report of the Appropriations Committee made pursuant to Sec. 302(b) of the Budget Act, in which the Appropriations Committee subdivided to subcommittees the amounts allocated to it in the First Budget Resolution for Fiscal Year 1983.

Further, if the conference report on this appropriation bill, combined with any other fiscal year 1983 appropriations that the subcommittee may have enacted this session, were to cause the target for discretionary budget authority to be breached, then the bill would be subject to the "deferred enrollment" provision of Section 4 of the Fiscal Year 1983 First Budget Resolution (or held at the desk and not sent to the President for signature).

The summary table below shows that the subcommittee is under its discretionary targets. The numbers in the summary table could change as a result of floor amendments, Senate action, conference action on this bill, or possible future supplemental appropriations. Possible future supplementals are discussed in Section IV below.

III. Summary table

[In millions of dollars]

	Budget authority	Outlays
The amounts shown below are only for discretionary 1983 spending by this Subcommittee: [1]		
1. Discretionary amounts in bill	32,153	20,201
2. Prior action		
3. Total action to date	32,153	20,201
4. 302(b) target	41,500	20,900
5. Over (+)/under(−)	−9,347	−699
6. Amounts assumed but not yet considered	10,375	253
7. Over (+)/under(−)	+1,028	−446
The amounts shown below are only for mandatory programs that are funded by this Subcommittee:		
8. Mandatory amounts in bill	14,843	12,900
9. Prior action		21,846
10. Total	14,843	34,746
11. 302(b) target	15,103	35,700
12. Over (+)/under(−)	−260	−954
13. Supplemental amounts needed	+69	+811
14. Over (+)/under(−)	−191	−143
The amounts shown below are for the bill total and include both discretionary and mandatory amounts:		
15. Total amounts in bill	46,996	33,101
16. Prior action		21,846
17. Total	46,996	54,947
18. 302(b) total target	56,603	56,600
19. Over (+)/under(−)	−9,607	−1,653
20. Supplemental amounts	10,444	1,064
21. Over (+)/under(−)	+837	−589

[1] In this display, general revenue sharing is scored as a discretionary program consistent with the classification used by the Appropriations Committee in setting its 302(b) targets. GRS is fully funded, so this classification has no impact on whether the bill is under or over its targets.

Note.—Detail may not add due to rounding.

IV. Explanation of over/under

Since the assumptions behind a committee's 302(b) subdivision are not required to be provided to the house, the House Budget Committee is unable to give a definitive answer to the question of where a particular bill is over or under a committee's 302(b) subdivision. The Budget Committee can only compare the items in the bill to the assumptions contained in the budget resolution. It is important to note that the line item assumptions in the budget resolution are not binding on a committee.

This appropriations bill is far below its 302(b) target for discretionary budget authority because the Appropriations Committee deferred action on two items, funding for HUD subsidized housing programs and for GNMA tandem mortgage purchases. These programs have not been reauthorized for 1983, and there is a wide difference between the administration's proposals for these programs and the House Banking Committee's reported reauthorization, H.R. 6296, the Housing and Rural-Urban Recovery Act of 1982. These items are expected to be funded in a future supplemental appropriations bill after enactment of the reauthorization, which may make major changes in housing programs. Mr. Boland, chairman of the Subcommittee, indicated at full committee mark-up of the bill that the Subcommittee intends to keep supplemental funding for these items within its 302(b) subdivision. They are:

NASA Research and development (space flight) is $140 million in budget authority and $106 million in outlays above the budget resolution assumption;

Section 202 Housing for the Elderly or Handicapped direct loans are $371 million

below the resolution assumption for budget authority;

Urban Development Action Grants are $100 million in budget authority and $5 million in outlays below the resolution assumption;

Payments for operation of low income housing projects are funded at a level of $198 million in budget authority and $110 million in outlays above the resolution assumption; and

Funding for major veterans' hospital construction projects is $268 million in budget authority above the resolution assumption.

V. Credit

The First Budget Resolution contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit program levels, and subdivides those amounts among subcommittees. For comparative purposes, the table below shows the bill, plus items not yet acted on, and the credit subdivisions.

[In millions of dollars]

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. Credit program limits in the bill	578	40,225	68,250
2. Limits assumed in the budget resolution not acted upon in the bill and other amounts not subject to limit	6,165	16,664	
3. Possible total for subcommittee	6,743	56,889	68,250
4. Credit subdivisions	8,350	56,900	68,250
5. Over (+)/under (−)	1,607	−1	

The HUD-Independent Agencies Subcommittee has one of the larger jurisdictions over credit assistance programs among the Appropriations subcommittees. (The Agriculture and Foreign Operations Subcommittees are the other large jurisdictions.) In this bill, the possible total, including items not yet acted on by the Subcommittee, for all three credit program measures is at or below the subdivision assigned to the Subcommittee. In addition, for all credit programs in this bill the Subcommittee included an annual limit as requested by the administration except for the NCUA Central Liquidity Facility.

The major credit assistance program levels in this bill are:

FHA mortgage insurance commitments are limited to $40 billion in 1983, the same amount assumed in the budget resolution;

GNMA guarantees of mortgage-backed securities are limited to $68.25 billion, the same amount assumed in the budget resolution;

Section 202 Housing for the Elderly or Handicapped direct loans are limited to $453 million, $366 million less than assumed in the budget resolution; and

Action on GNMA tandem mortgage purchases is deferred by the Appropriations Committee, pending completion of the reauthorization for this program. The budget resolution assumes $2.97 billion for these direct loans.

VIII. Definitions of terms in Summary Table, Section III

Line 1

Discretionary amounts in bill: discretionary fiscal year 1983 appropriations in H.R. 6956.

Line 2

Prior action: the fiscal year 1983 budget authority and outlays for this committee that were appropriated in prior bills.

Line 3

Total action to date: line 1 plus line 2.

Line 4

302(b) target: the target for discretionary appropriations set by the Appropriations Committee pursuant to the Budget Act.

Line 5.

Over(+)/Under(−): line 3 minus line 4.

Line 6.

Amounts assumed but not yet considered: these are amounts assumed in the fiscal year 1983 budget resolution for which funding has been deferred by the Appropriations Committee, probably until next spring's supplemental appropriations bill.

Line 7.

Over(+)/Under(−): line 5 plus line 6.

Line 8.

Mandatory amount in bill: funding for mandatory programs (entitlements).

Line 9.

Prior action: outlays from budget authority enacted for years prior to fiscal year 1983, plus permanents and advance appropriations assigned to the Appropriations Committee.

Line 10.

Total: line 8 plus line 9.

Line 11.

302(b) target: the target for mandatory amounts set by the Appropriations Committee. The target set by the Appropriations Committee includes the effect of assumed authorizing legislation that would change the level of mandatory programs.

Line 12.

Over(+)/Under(−): line 10 minus line 11.

Line 13.

Supplemental amounts needed: amounts for any new entitlement legislation assumed in the budget resolution and to fund mandatory items in the bill at the level estimated in the budget resolution.

Line 14.

Over(+)/Under(−): line 12 plus 13.

Line 15 through 21.

These lines equal the sums of lines 1 and 8, lines 2 and 9, etc., respectively.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 9, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 10

9:00 a.m.

Special on Aging

To hold hearings on alleged fraud, waste, and abuse in the medicare pacemaker industry.

318 Russell Building

10:00 a.m.

Finance

To hold hearings on S. 2350, allowing taxpayers to choose to conduct their business in corporate or noncorporate form based solely upon business reasons, to be followed by a business meeting to consider the following miscellaneous tariff bills: S. 231, S. 1392, S. 1552, S. 1565, S. 1588, S. 1717, S. 1723, S. 1746, S. 1979, S. 2031, S. 2247, S. 2396, S. 2539, S. 2540, S. 2560, S. 2566, S. 2685, S. 2692, S. 2699, and S. 2705.

2221 Dirksen Building

Foreign Relations

To hold hearings on the current situation in the Middle East.

4221 Dirksen Building

SEPTEMBER 13

10:00 a.m.

Energy and Natural Resources

To hold hearings on S. 2088, requiring citizens of the Northern Mariana Islands to be treated as U.S. citizens for purposes of specified Federal statutes; S. 2089, declaring that the Northern Mariana Islands shall not be considered a foreign country for purposes of the tort claims procedure provisions of the Federal Tort Claims Act; S. 2090, exempting the Northern Mariana Islands from the application of the Clean Air Act; S. 2632, authorizing American Samoa to issue bonds and other obligations and to exempt such bonds for taxation; S. 2633, transferring specified functions, powers, and duties from the government comptrollers for the insular areas to the Inspector General of the Department of the Interior in order to establish an organization to maintain an independent audit oversight of their governments; and S. 2729, amending or repealing certain provisions of the Organic Acts applicable to the Virgin Islands.

3110 Dirksen Building

1:00 p.m.

Judiciary

Immigration and Refugee Policy Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1983 for refugee assistance programs.

2228 Dirksen Building

SEPTEMBER 14

10:00 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on the activities of the Export-Import Bank of the United States.
5302 Dirksen Building

Commerce, Science, and Transportation
To hold hearings on the nomination of Justin Dart, of California, to be a member of the Board of Directors of the Communications Satellite Corporation.
235 Russell Building

Foreign Relations
To hold hearings on U.S. trade relations with Japan.
4221 Dirksen Building

11:30 a.m.
Budget
To hold hearings on proposals reforming the Congressional Budget Act of 1974 including S. 13, S. 59, S. 581, S. 582, S. 193, S. 265, S. 384, S. 938, S. 2629, S. 1683, S. 2008, S. 2864, S. 2069, and S. 2454.
6202 Dirksen Building

2:00 p.m.
Armed Services
Business meeting, to receive recommendations from the Subcommittee on Manpower and Personnel on the Uniformed Services Pay Act of 1982.
212 Russell Building

Foreign Relations
To continue hearings on U.S. trade relations with Japan.
4221 Dirksen Building

Governmental Affairs
Business meeting, to consider pending calendar business.
3302 Dirksen Building

SEPTEMBER 15

9:30 a.m.
Judiciary
To hold hearings on S. 2428, proposed Trademark Counterfeiting Act.
2228 Dirksen Building

Labor and Human Resources
Business meeting, to resume consideration of proposed legislation establishing a program to increase the availability of information to the American public on the health consequences of smoking and thereby improve informed choice, and to consider the nomination of Gary L. Jones, of Virginia, to be Under Secretary of Education.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Energy and Natural Resources
Business meeting, to consider pending calendar business.
3110 Dirksen Building

Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To hold hearings on Law of the Sea.
4221 Dirksen Building

Governmental Affairs
To resume hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue to mark up S. 2245 and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Foreign Relations
To hold hearings on pending nominations.
4221 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 16

9:30 a.m.
Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on the activities of the Export-Import Bank of the United States.
5302 Dirksen Building

Budget
To resume hearings on proposals reforming the Congressional Budget Act of 1974, including S. 13, S. 59, S. 581, S. 582, S. 193, S. 265, S. 384, S. 938, S. 2629, S. 1683, S. 2008, S. 2864, S. 2069, and S. 2454.
6202 Dirksen Building

Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

Finance
Health Subcommittee
To hold hearings on hospital reimbursement systems used by private third-party payors.
2221 Dirksen Building

Foreign Relations
To hold hearings on the nomination of Kenneth W. Dam, of Illinois, to be a Deputy Secretary of State.
4221 Dirksen Building

Select on Indian Affairs
To hold hearings on the statute of limitations relating to Indian claims.
Room to be announced

10:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the effects of coal s'urry pipelines on the overall national transportation system.
235 Russell Building

Governmental Affairs
To hold oversight hearings on certain activities of the General Services Administration.
3302 Dirksen Building

Small Business
To hold hearings on S. 2446, to increase small business participation in the Federal procurement process, and other related proposals.
424 Russell Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

10:30 a.m.
Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Judiciary
To resume hearings on Senate Joint Resolution 199, proposing a constitutional amendment providing for voluntary prayer in public schools and certain institutions.
2228 Dirksen Building

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To continue oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of William R. Graham, of California, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.
4221 Dirksen Building

Judiciary
Courts Subcommittee
To hold hearings on S. 1403 and S. 1874, bills to reform and improve the annuity program for survivors of Federal justices and judges.
2228 Dirksen Building

Judiciary
Separation of Powers Subcommittee
To hold hearings on the Joint China Communique, Taiwan Relations Act, and documentation of separations of powers.
5110 Dirksen Building

SEPTEMBER 20

10:00 a.m.
Judiciary
To resume oversight hearings on Government merger enforcement policy, focusing on the legal and economic basis for horizontal merger policy.
2228 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Governmental Affairs
To hold hearings on reorganization issues relating to Department of Energy laboratories.
3302 Dirksen Building

Select on Indian Affairs
To hold hearings on S. 2847, proposed Indian Housing Act.
Room to be announced

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol consumption during pregnancy.
4232 Dirksen Building

10:30 a.m.
Veterans Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending treaties and nominations.
4221 Dirksen Building

SEPTEMBER 22

10:00 a.m.
Governmental Affairs
To hold hearings to review proposals providing benefits to former Presidents and their families.
3302 Dirksen Building

Judiciary
To resume hearings on the impact of the Boulder, Colo., decision, relating to potential antitrust liabilities for local governments.
2228 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2061, providing for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and H.R. 4861, establishing the American Conservation Corps.
3110 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 23

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 1747, relating to the purchase of prison-made products by Federal departments, to allow in certain cases, the purchases of similar products from small businesses.
2228 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the alleged use of false identification to penetrate Federal programs.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold hearings on S. 2863, to extend Federal employees compensation benefits to all Federal jurors, to provide the taxing of attorney fees for court appointed attorneys, and to expand the method of serving jury summons.
6226 Dirksen Building

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 2255, proposed Antiterrorism and Foreign Mercenary Act.
2228 Dirksen Building

SEPTEMBER 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline labor protection relating to mergers acquisitions, and intercarrier transactions.
235 Russell Building

10:00 a.m.
Judiciary
Courts Subcommittee
To resume hearings on S. 1529, and S. 2035, bills establishing the National Court of Appeals.
2228 Dirksen Building

SEPTEMBER 27

9:30 a.m.
Finance
To hold hearings on proposals providing for a flat rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1626, proposed Department of Energy Organization Act Amendments of 1981.
235 Russell Building

SEPTEMBER 28

9:30 a.m.
Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on Local 28, Oakland, Calif., Local 19, San Jose, Calif., Local 86, Reno, Nev., and Local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

SEPTEMBER 29

9:30 a.m.
Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on Local 28, Oakland, Calif., Local 19, San Jose, Calif., Local 86, Reno, Nev., and Local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed assistance to State and local law enforcements to reduce criminal case backloads.
5110 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on Local 28, Oakland, Calif., Local 19, San Jose, Calif., Local 86, Reno, Nev., and Local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2655, providing an alternative source of financial assistance for social security student benefit recipients.
4232 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on Presidential immigration emergency powers.
2228 Dirksen Building

OCTOBER 6

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the accessibility of the judicial system.
2228 Dirksen Building

CANCELLATIONS

SEPTEMBER 14

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Federal Mine Safety and Health Act of 1977.
4232 Dirksen Building

SEPTEMBER 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the use of computer matching in certain Federal agencies.
3302 Dirksen Building

HOUSE OF REPRESENTATIVES–*Thursday, September 9, 1982*

The House met at 10 a.m.

Rabbi Barry Rosen, Temple Israel, Sharon, Mass., offered the following prayer:

During these days of preparation for the Jewish high holy day season, we join in the theme of introspection and prayer. We shall read in the liturgy on these days of remembrance and judgment, "It is decreed which countries are destined for the sword and which for peace." We pray that all peoples of the world will enter a permanent era of peace. Our thoughts turn to Israel and her neighbors with a special prayer that shalom, peace, can be realized that will bring security to all nations and dignity and tranquillity to every human being, each a creation of God. Bless also all the leaders of America, that they may continue to inspire and guide all Americans and all free peoples to attain shalom. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PORTER. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. PORTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 20, answered "present" 5, not voting 63, as follows:

[Roll No. 312]

YEAS—344

Akaka	Badham	Bliley
Albosta	Bailey (MO)	Boggs
Alexander	Bailey (PA)	Boland
Anderson	Barnard	Bolling
Andrews	Barnes	Boner
Annunzio	Bedell	Bonior
Anthony	Benedict	Bonker
Archer	Bennett	Bouquard
Ashbrook	Bereuter	Bowen
Aspin	Bethune	Brinkley
Atkinson	Bevill	Brodhead
AuCoin	Biaggi	Brooks
Brown (CA)	Ginn	McDade
Brown (CO)	Glickman	McDonald
Broyhill	Gonzalez	McEwen
Burgener	Gore	McGrath
Burton, John	Gradison	McHugh
Burton, Phillip	Gramm	McKinney
Campbell	Green	Mica
Carman	Gregg	Michel
Carney	Guarini	Mikulski
Chappie	Gunderson	Miller (CA)
Cheney	Hagedorn	Mineta
Clausen	Hall, Ralph	Minish
Clinger	Hall, Sam	Mitchell (NY)
Coats	Hamilton	Moakley
Coelho	Hammerschmidt	Molinari
Coleman	Hance	Mollohan
Collins (IL)	Hansen (ID)	Montgomery
Conable	Hansen (UT)	Moore
Conte	Hartnett	Moorhead
Conyers	Hatcher	Morrison
Corcoran	Hefner	Mottl
Coughlin	Hertel	Murtha
Courter	Hightower	Myers
Coyne, William	Hiler	Napier
Craig	Hillis	Natcher
Crane, Daniel	Holland	Neal
Crane, Philip	Hollenbeck	Nelligan
D'Amours	Hopkins	Nelson
Daniel, R. W.	Howard	Nowak
Dannemeyer	Hoyer	O'Brien
Daschle	Hubbard	Oakar
Daub	Huckaby	Obey
Davis	Hughes	Oxley
de la Garza	Hunter	Panetta
Deckard	Hutto	Pashayan
DeNardis	Hyde	Patman
Derrick	Ireland	Patterson
Dicks	Jeffords	Paul
Dingell	Jenkins	Pease
Dixon	Jones (NC)	Perkins
Donnelly	Jones (OK)	Petri
Dorgan	Jones (TN)	Peyser
Dornan	Kastenmeier	Pickle
Dowdy	Kazen	Porter
Downey	Kemp	Price
Dreier	Kennelly	Pursell
Duncan	Kildee	Quillen
Dunn	Kindness	Rahall
Dwyer	Kogovsek	Railsback
Early	Kramer	Ratchford
Eckart	LaFalce	Regula
Edgar	Lagomarsino	Reuss
Edwards (AL)	Lantos	Rhodes
Edwards (CA)	Latta	Rinaldo
Edwards (OK)	Leach	Ritter
Emery	Leath	Roberts (KS)
English	LeBoutillier	Roberts (SD)
Erdahl	Lee	Robinson
Evans (DE)	Lehman	Rodino
Evans (IN)	Leland	Rogers
Fary	Lent	Rose
Fascell	Levitas	Rostenkowski
Fazio	Lewis	Roth
Fenwick	Livingston	Roukema
Ferraro	Loeffler	Rousselot
Fiedler	Long (LA)	Roybal
Fields	Long (MD)	Russo
Findley	Lott	Sawyer
Fish	Lowery (CA)	Scheuer
Fithian	Lowry (WA)	Schneider
Flippo	Lujan	Schulze
Florio	Lungren	Seiberling
Foglietta	Madigan	Sensenbrenner
Foley	Markey	Shamansky
Ford (TN)	Marlenee	Shannon
Fowler	Martin (IL)	Sharp
Frank	Martin (NC)	Shaw
Frenzel	Martin (NY)	Shelby
Frost	Martinez	Shumway
Fuqua	Matsui	Shuster
Garcia	Mavroules	Skeen
Gaydos	Mazzoli	Skelton
Gephardt	McClory	Smith (AL)
Gilman	McCollum	Smith (NE)
Gingrich	McCurdy	Smith (NJ)
Smith (OR)	Tauke	Whittaker
Smith (PA)	Tauzin	Whitten
Snowe	Taylor	Williams (MT)
Snyder	Thomas	Williams (OH)
Solarz	Traxler	Wilson
Solomon	Trible	Wirth
Spence	Udall	Wolf
St Germain	Vander Jagt	Wolpe
Stangeland	Vento	Wortley
Stanton	Volkmer	Wright
Stark	Wampler	Wyden
Staton	Watkins	Wylie
Stenholm	Waxman	Yates
Stokes	Weaver	Yatron
Stratton	Weber (MN)	Young (FL)
Studds	Weber (OH)	Young (MO)
Swift	Whitehurst	Zeferetti
Synar	Whitley	

NAYS—20

Butler	Harkin	Mitchell (MD)
Dickinson	Hendon	Murphy
Emerson	Holt	Roemer
Evans (IA)	Jacobs	Sabo
Forsythe	Johnston	Walker
Gejdenson	Luken	Washington
Goodling	Miller (OH)	

ANSWERED "PRESENT"—5

Byron	Horton	Ottinger
Daniel, Dan	Oberstar	

NOT VOTING—63

Addabbo	Erlenborn	Parris
Applegate	Ertel	Pepper
Bafalis	Evans (GA)	Pritchard
Beard	Ford (MI)	Rangel
Beilenson	Fountain	Roe
Bingham	Gibbons	Rosenthal
Blanchard	Goldwater	Rudd
Breaux	Gray	Santini
Broomfield	Grisham	Savage
Brown (OH)	Hall (OH)	Schroeder
Chappell	Hawkins	Schumer
Chisholm	Heckler	Siljander
Clay	Heftel	Simon
Collins (TX)	Jeffries	Smith (IA)
Coyne, James	Lundine	Stump
Crockett	Marks	Walgren
Dellums	Marriott	Weiss
Derwinski	Mattox	White
Dougherty	McCloskey	Winn
Dymally	Moffett	Young (AK)
Dyson	Nichols	Zablocki

□ 1015

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 457

Resolved, That the Senate has heard with profound sorrow the announcement of the death of the Honorable Adam Benjamin, Jr., late a Representative from the State of Indiana.

Resolved, That a committee be appointed by the presiding officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Rep-

resentatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased Representative.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 118. Concurrent resolution expressing the sense of the Congress commending the achievements of U.S. Special Negotiator Philip C. Habib.

RABBI BARRY ROSEN

(Mrs. HECKLER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. HECKLER. Mr. Speaker, wisdom is needed in this House each day, but particularly on days such as this, when we face the possibility and the responsibility of dealing with constitutional issues as subject on our congressional agenda.

It is, therefore, very, very fitting that our opening prayer today was offered by a man of great wisdom, Rabbi Barry Rosen of Sharon, Mass.

A graduate of the University of Cincinnati and the Jewish Theological Seminary of New York, Rabbi Rosen is the spiritual leader of the 600 families of the Temple Israel in Sharon. His wife, the former Judy Ostrow, and their 10-year-old daughter, Rebecca Shira, accompanied him here today. A 5-year-old son, Ami Ben Chai, remained in Massachusetts.

The Hebrew word "rabbi" means teacher, and the role of teacher is an important one for any rabbi in his relationship with the members of his congregation. It is a role from which we, the Members of the House of Representatives, can benefit, in learning from the rabbi about his recent trips to Lebanon and Israel.

But that is only one of the roles of a rabbi. Rabbi Rosen has served his congregation as teacher, leader, and adviser for 6 years. Sensitivity and warmth characterize his dealings with people—his congregates and all others. Compassion guides him in the many decisions he must make daily that affect the lives of those within his congregation and beyond it.

Wisdom is something that he not only gleans from his congregation but that he also returns to them in his daily contacts with them.

In welcoming Rabbi Rosen to this House of Representatives and to Washington, I would also like to extend a welcome to the delegation from the Temple Israel that has joined the Rosens in their trip today, including temple president Joseph Walter and his oldest son Barry; Cantor Harold Lew; temple sisterhood Copresident Carol Brown; chairman of the board, Mr. Martin Raab; Past President Wol Wersted and his wife Evelyne, and also a past president, and their grandson, Jeremy Blumenthal; Aaron Kischil, director of the New England region, United Synagogues of America; Mr. Morris Burke; Mr. Ronald Shufrin; and Mr. Irving S. Krupsky, who is the educational director of the Temple Israel.

LEGISLATIVE PROGRAM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, I ask to proceed for the purpose of discussing the program for the day and the remainder of the week and generally the start of next week.

We plan at the conclusion of the 1-minute period to take up the Consolidated Farm and Rural Development Act, which is an open rule with 1 hour of general debate allowed, and we would hope that we might be able to conclude that piece of legislation before going to the vote on overriding the President's veto of the supplemental appropriation bill.

In order that Members might understand the plan and make their own plans accordingly, it is our expectation to begin the 1 hour of debate on the override at about 2:30. If we have not concluded the Consolidated Farm and Rural Development Act by that time we would rise and go into the Whole House to act on the supplemental appropriation veto beginning at about 2:30.

With 1 hour of debate, given the general experience around here, it usually takes about an hour and a half, so we would expect that the vote on the override would occur at about 4 o'clock.

Following that there are some other things that we are going to try to do today so that tomorrow may be a pro forma session. The funeral for our late colleague, Adam Benjamin, will be held in Gary, Ind., tomorrow at 10 o'clock central time. Buses for those who would like to attend the services will leave the Capitol at 7:30 in the morning to go to Andrews and from there the plane will fly such Members as can attend to Gary, Ind., and will return tomorrow probably arriving back here midafternoon.

Therefore, if there were any session tomorrow, we would expect that it would be a pro forma session.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I will be delighted to yield to the gentleman.

Mr. MICHEL. I have forgotten; what time was set for the funeral tomorrow? There may be Members who would like to go to the funeral and then make connections to go to their districts, rather than returning to Washington.

Mr. WRIGHT. The funeral will be held beginning at 10 o'clock central standard time in Gary, Ind., tomorrow morning. As I understand it, Members seeking to return to their home districts directly from there may have to go to O'Hare or perhaps Midway in Chicago to make flights if they want to check that out.

Next week we have primaries in 13 States on Tuesday. Therefore, it would be our expectation that we would take suspensions on Monday and Tuesday and to devote those days to debating the suspensions and passing those that can be passed by voice vote. But in deference to the Members whose States have these primaries, we would hope not to have votes and we would put the votes off until Wednesday of next week.

I should think maybe Members might also want to be alerted to the fact that the HUD appropriation bill will be considered next week.

Yom Kippur, the high holy day of the Jewish faith, occurs on Monday, September 27. I will ask unanimous consent that when the House adjourns on Friday, September 24, it stand adjourned until noon on Tuesday, September 28.

AUTHORIZING ADJOURNMENT OF HOUSE ON FRIDAY, SEPTEMBER 24, 1982, UNTIL TUESDAY, SEPTEMBER 28, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that when the House adjourn on Friday, September 24, it stand adjourned until Tuesday, September 28.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

That is all I had to announce at this particular time, Mr. Speaker. I will answer any questions about the program or we could discuss them later in the day, unless the distinguished minority leader, the gentleman from Illinois, would have a question.

Mr. MICHEL. I wonder if the distinguished majority leader could look in his crystal ball. This may be unfair to ask at this juncture but are we talking about getting out of here on October 2d or 9th? In a conversation I had yesterday with the majority leader in the other body he was talking in terms of the 2d, but in conversations I have had with the Speaker, on occasion, it has been more like the 8th or the 9th.

Has that been crystallized yet or can we begin shooting for some other date?

I think Members all have a problem of scheduling.

Mr. WRIGHT. As the gentleman so well understands, the very best plans of mice and men go astray.

We have tried from year to year to give a specific date. Our earlier target date was October 8.

I was told also yesterday by the minority leader in the Senate, Senator BYRD, that he and Senator BAKER both were hopeful that we could adjourn on October 2. There are relatively few things that just absolutely have to be done.

As we did last year, the House undoubtedly will pass many regular departmental appropriation bills. But, as happened last year, they may languish in the other body and it may become necessary for us to have a continuing resolution.

□ 1030

I would like to hope that if that were the case, the President would resist the temptation to play politics with the continuing resolution. Let us pass it and get on out of here, if that becomes necessary, instead of bringing us back, like little, errant schoolboys, by the ear, and thrashing us around the cheek and jowls and calling us big spenders, and things like that, especially since our continuing resolution would be under the budget. That is just an expression of hope. And if that hope were fulfilled, we could get out of here October 2.

Mr. MICHEL. I thank the gentleman. And, of course, if we do not act like errant schoolboys and do some of the right things rather than the wrong things, I do not think we will have that kind of confrontation, either.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. WRIGHT. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

If I understand what was just done here by unanimous consent, we have eliminated now the date of September 27, in terms of a House session; is that correct?

Mr. WRIGHT. Yes. And there will be no schedule of legislative business late on the 17th, because at sundown on the 17th, that being a Friday, begins the holy day of Rosh Hashana. I think that Members might understand that with respect to any votes on legislation, we would really try very hard to have them occur early on the 17th in order that Members of the Jewish faith, might return to their homes by sundown on that date. So we would try to protect both that holiday and Yom Kippur, which occurs on the 27th of September.

Mr. WALKER. I thank the gentleman.

If the gentleman will yield further, my concern about the 27th is that that is one of the last days of the session when it is possible to have a discharge day. As the gentleman is well aware, there is building a momentum in terms of getting enough signatures on the discharge petition for the balanced-budget amendment.

Could the gentleman give us some assurance, since we are now eliminating that discharge day, that if we got 218 signatures on the discharge petition for a balanced budget, we would have another discharge day scheduled in order to have action in the House? Could we have some kind of assurance on this?

Mr. WRIGHT. Well, the rules of the House will be complied with, I will assure the gentleman, and whatever those rules provide, we will certainly extend to all Members the protection of them.

Mr. WALKER. If the gentleman will yield further, then is the gentleman assuring me that, under the rules of the House, he would ask unanimous consent, for instance, to have the 28th declared a discharge day? Because the rules of the House would preclude us from taking up the balanced-budget amendment if the gentleman proceeds under the course we have now scheduled. I know the gentleman does not want to prevent the balanced-budget amendment from coming to the floor.

Mr. WRIGHT. I would be glad to discuss that with the leadership on the gentleman's side of the aisle. I do not think I can make any commitment at this moment about a unanimous-consent request of that type. It might be objected to. Let us give me an opportunity to discuss that with the leadership on the other side of the aisle. I do not want to make any commitments right here on the spur of the moment.

THE HOUSE SHOULD OVERRIDE PRESIDENT'S VETO OF SUPPLEMENTAL APPROPRIATION BILL

(Mr. PEYSER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEYSER. Mr. Speaker, the President has said, and I quote, we should "shoulder our responsibilities in the House" and sustain his veto on the supplemental appropriation.

I also hope we are going to shoulder our responsibilities, Mr. Speaker, and we will vote to override this really unbelievable veto.

With the election just 7 weeks away, I am confident that many of my colleagues will recognize that senior citizens, college students, the handicapped and those who are concerned about getting America back to work will also be asking us to shoulder our responsibilities and to override this veto.

Mr. Speaker, the truth is that the Congress helped the President hit a home run on his tax bill. And in appreciation, he has thrown us and the American people a real spit ball in this veto. Let us show him what we think about it and override it this afternoon.

LOW-INCOME SENIOR CITIZENS RELY ON CONTINUED FUNDING OF TITLE V PROGRAM IN SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. MOAKLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOAKLEY. I rise today on a matter of grave importance to thousands of low-income senior citizens in our Nation, who rely heavily on the continued funding of the title V program. The necessary funding to continue this very valuable program is contained in the supplemental appropriations bill which was vetoed by President Reagan, that we will later today, attempt to override. I cannot stress enough the value of the title V program. Over 54,000 poverty level elderly nationwide are able to supplement their income while providing critically needed community service tasks. In my State of Massachusetts, over 1,300 senior citizens benefited from title V this year.

There were 911 of these workers who provided needed services to the elderly.

Without the funding contained in the supplemental bill, title V will not continue past the September 30 deadline. Should this misfortune occur, not only will these elderly workers lose this critically needed income they will also lose the self-esteem and sense of worth that these jobs provide. We will lose the benefit of these citizens' years of experience and knowledge that they give so generously to these public service jobs. Many of these people who now are able to live independently because of title V, will be forced to turn to welfare and other Government support programs, thus costing the Federal Government far more dollars than the relatively few required to keep title V operating.

On July 20 of this year, 407 Members of this body voted for a resolution expressing the sense of the House of Representatives, that the title V program should be continued and funded at levels sufficient to maintain or increase the number of those employed under this program. While that vote was important to show support for this fine program, the vote today to override the supplemental appropriations bill, is the real test of our commitment to the continuation of title V and the positive future for those senior citizens served by the program.

I urge your support for the override of the Presidential veto.

VOTE TO OVERRIDE PRESIDENT'S VETO OF SUPPLEMENTAL APPROPRIATIONS BILL

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, the President came to Washington with the right idea. He said that Congress has been trying to solve problems by throwing money at them and that was wasting the taxpayers' money. He was right about that. Unfortunately, the President has not learned the same lesson when it comes to defense spending. When the President tries to strengthen our defense by throwing money at the Pentagon, he is also wasting the taxpayers' money.

That is what the President's veto of this supplemental appropriations bill and the override attempt is all about.

The Congress passed a supplemental spending bill that spends nearly $2 billion less than the budget allowed. So our bill was not a budget-buster. The President, however, was upset because he wanted more money for defense and foreign aid so he vetoed the bill.

The President is making a mistake, and unfortunately he is misrepresenting this issue to the American people. We are not busting the budget. Rather, it is the President who wants to break the bank on defense spending.

According to the Appropriations Committee chairman there is a $147 billion carryover in the Pentagon today. Adding to that, the military budget was increased $37 billion this year. Now the President complains that he wants to spend, spend, spend, even more on the military. I think he is literally throwing money at the military and the resulting waste is staggering.

The President's spending appetite for Federal spending when it comes to defense is making some of these liberals in Congress look cheap by comparison.

I am going to vote to override the President's veto today because I think he is wrong.

We need a strong defense, but you do not get that by throwing money at it. Throwing money at the defense problem will not strengthen our defense. Instead, it will further weaken our economy.

Taking money out of a jobs program for senior citizens, student aid, and handicapped education to add to the waste in the military is just plain foolish. It is time for some clear thinking about spending down at the White House and in Congress to get this country back on track.

OVERRIDE VETO—SAVE TITLE V

(Mr. RATCHFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RATCHFORD. Mr. Speaker, I rise in support of the vote to override the President's veto of the supplemental appropriations bill. Clearly, the issue here is not one of total dollar amount, but of distribution. The appropriations bill is well below the limits of both the administration's request and the fiscal year 1982 budget resolution ceiling. Yet the President has rejected this bill, simply because he feels it is unwarrented to provide 54,000 elderly and disadvantaged men and women, who have little or no other income, with a modest amount of assistance.

In Connecticut, the title V program provides 649 jobs for the elderly, who in turn, provide countless community services for their peers. In one area alone, 40 title V enrolees staff the nutrition programs serving 4,000. Veto of this bill would not only eliminate those positions, but cut the number of meals served in half. These services cannot be easily replaced, and in most cases, will require even greater outlays in supplemental security income, medicaid, and food stamps. These people will go from self-sufficiency to institutionalization as home delivered meals, day care, and transportation services provided by title V end.

We cannot afford to let the title V program end. We must again assert our priorities, and vote to maintain this supplemental appropriation. On behalf of the disadvantaged elderly, I urge my colleagues to join me in voting to override the President's veto.

AN ISSUE OF PRIORITY

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, everyone knows that this critical supplemental bill is almost $2 billion less than the President requested. So what is the issue? The issue is priority—whether a few more pieces of military hardware and the cost overrun of a submarine are more important than immunizing our children from disease; whether a few pieces of military hardware and the cost overrun of a submarine are more important than the education of handicapped children; whether the employment of our older Americans who, among other things, deliver meals to our frail elderly who otherwise would not, in many cases, eat that day, are more important than a few more pieces of military hardware or the cost overrun of a submarine.

Members have a very clear choice today between choosing military cost overruns or people. It is that simple. It is a matter of national conscience. It is a matter of priority. Let us all vote to override the President's veto and show that we are a country of morality and that we have a national conscience.

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM MUST NOT BE ELIMINATED

(Mr. FROST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, there are many good reasons for this body to override the President's veto of the supplemental appropriations bill. But none is more clearly compelling than the need to rescue the $210 million it contains for the senior community service employment program.

This is funding that originates with the Department of Labor and passes through eight national aging organizations and through the State aging agencies. It is money that could not be better spent, particularly at this juncture when the Federal Government is withdrawing from the social sector and when the percentage of senior citizens in our society is growing.

The 54,000 senior citizens whose part-time jobs are funded by this program are primarily serving their peers. In my district in Dallas, Tex., 80 elderly citizens are working in this program. They are driving the Meals on Wheels vans, transporting other senior citizens who have no access to transportation. Some are working in elderly nutrition programs, and others are doing a variety of in-home services for their less fortunate friends.

Because of the President's veto, these 80 elderly workers have received termination notices, effective September 30. And across the country, a total of 54,000 jobs are at stake, as are about 250 community service programs that directly serve the elderly.

Mr. Speaker, the senior community service employment program is a double-purpose program that must not be eliminated because of the President's nickel-and-dime mentality. We should and we must override this veto.

A REFERENDUM ON IMPORTANT ISSUES

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, as my colleagues are pointing out, the vote on the override of the veto is clearly a referendum on several important issues. It is a referendum on title V, the senior community services employment program and the 54,000 senior citizens, disadvantaged senior citizens, who are employed by that program.

The administration calls it "unwarranted." This House, in a vote of 407 to 4, committed itself to full funding for title V. You cannot have it both ways, voting for a resolution that commits itself to full funding, and then turning around and voting to support a veto that is against this program and would gut it.

Second, it is a referendum on the basic priorities of this country. The administration is taking the position that they want more for military at the sacrifice of the elderly, at the sacrifice of the students and the handicapped. The Congress on the other hand has committed itself to the human priorities by adopting this appropriations bill by an overwhelming vote in the first instance.

Lastly, it is a test of whether this Congress is truly going to be an independent branch of Government or simply a rubberstamp. We ought to clearly stand with the President when he is right, as we did with regards to the tax bill. But we ought to certainly oppose him when he is wrong. And on this issue he is wrong.

LET'S REAFFIRM OUR PRIORITIES

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, President Reagan's recent statement that the supplemental appropriations bill "would bust the budget by nearly a billion dollars" is incorrect. The bill is actually $1.5 billion below the President's request in budget authority and $1.3 billion below his request in outlays. Furthermore, the Congressional Budget Office estimates that the bill is $3.2 billion less in budget authority and $1.1 billion less in outlays than the budget ceilings established in the budget resolution for fiscal year 1982.

The President vetoed the bill not because it is a budget buster, but because he does not like the spending priorities established in the bill. Congress chose to spend more on essential domestic programs and less on military programs than requested by the President.

The supplemental appropriations bill contains funding critical to the operations of many programs including the senior community service employment program, student loans, education for the handicapped, and State extensions of unemployment benefits. The bill does not give the President the total amount he requested for defense programs. Instead, Congress funded only those programs which met the criteria for supplemental funding, which is to provide funds for mandatory costs incurred by the Government or other emergency or extraordinary circumstances. Even Defense Secretary Weinberger argued against the veto and urged the President to sign the supplemental.

Congress made its spending priorities clear last month when it overwhelmingly voted in favor of the supplemental appropriations bill. At a time when many people in our country are experiencing great hardships, Congress chose to spend money on programs which will allow people to just hang on to their standard of living rather than to fatten our already obese defense budget.

I urge my colleagues to reaffirm our priorities by voting to override the President's veto.

□ 1045

IS VETO OF THE PRESIDENT TRULY A SEARCH FOR WASTE?

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONIOR of Michigan. Mr. Speaker, we are told aid to our most needy college students or education for handicapped youth is "unwarranted," yet $700 million the Secretary of Defense himself suggested be cut, is according to the White House "urgently needed."

The Defense Department cannot wait until October for hundreds of millions in new hardware, yet senior citizens, we are told, can wait for jobs and dignity.

A bill that costs less than the President requested cannot be called a "budget buster" and the President's spending list cannot be called the priorities of the American people.

Is this veto a determined search for "waste"? Or is it a budget policy reduced to disdain for any program that puts the Government in service to its people?

TAX BILL ALLOWS CORPORATIONS TO TAKE TAX DEDUCTIONS FOR BRIBES

(Mr. FLORIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLORIO. Mr. Speaker, I have today introduced legislation to repeal the provision of the recently enacted $98.3 billion tax bill which allows multinational corporations to take tax deductions for bribes paid overseas.

That the tax bill contained a provision allowing U.S. corporations to take tax deductions for so-called grease payments overseas is a further demonstration of its basic unfairness to average Americans.

My amendment is based on the simple premise that bribery, no matter what it might be called, should not be tax deductable.

Not only does the tax bill condone the paying of bribes, it raises bribery to a new height of respectability by forcing average taxpayers to give it a special subsidy.

If this provision is allowed to stand, corporations will get more tax breaks while the average person pays more taxes on a pack of cigarettes, for a telephone call and for health care. People should be outraged over this.

The estimated loss to the Treasury for these bribery deductions is $30 million per year. My suspicion is that this is a very conservative estimate, particularly when foreign officials find out that U.S. corporations can actually limit their tax liabilities by passing out money under the table overseas.

Although the Foreign Corrupt Practices Act of 1977 provides for civil and criminal penalties for businesses convicted of bribing foreign government officials to obtain or maintain overseas markets, so-called grease payments were not made illegal.

Such payments, which would be tax deductible, could be made for such purposes as expediting shipments through customs or securing required permits.

APPEASEMENT OF RIGHT WING EVIDENT IN VETO

(Mr. FRANK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANK. Mr. Speaker, the President's veto of the supplemental appropriation is an example of why the American public sometimes gets the Federal Government confused with the flat earth society. We are being told that a bill that spends a billion less than the President wants to spend is bad because it spends too much. He says we are budget busters because we passed a bill that is $1 billion less than his recommendation.

Clearly what is at stake here is the President's need to appease his right wing. A little commonsense has broken out in the White House on some matters and that has caused consternation amongst some of his far-right supporters, so he has to engage in the sort of rhetoric we see in this veto denouncing the senior aide program, decrying aid to students, and demanding billions more for weapons.

Unfortunately, this means that the elderly and the students of this country get sacrificed on that right wing political altar.

Mr. Speaker, perhaps in the spirit of compromise we can work something out. Maybe what we can do under the senior aide program is to arm the elderly. Perhaps if we gave each one of them an M–16 or assigned each one of them duty as a monitor under the nuclear evacuation plan, we might per-

suade the White House to go ahead with the senior aide program. Clearly something has to be done to persuade the President and those who will support him in this body that a program which provides jobs to older people to work is worthwhile.

I would have thought that the merits of the senior aide program would have been self-evident even through the thick, ideological bog that envelops the White House. But if not—if it takes enlisting old people into some paramilitary force, if that is the only way we can provide them jobs—perhaps the time has come to arm the elderly and work out a compromise with the President's need to shore up his right.

MR. PRESIDENT: GIVE THE AMERICAN PEOPLE A CHANCE

(Mr. PATTERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PATTERSON. Mr. Speaker, I rise in opposition to the President's veto and to support the veto override today. The President asked us for $15.7 billion in the supplemental appropriations bill. We gave him only $14.2 billion, and now he has vetoed that appropriations bill as a "budget buster."

How does he logically explain that? The President believes we are spending $900 million too much on programs for the elderly, the handicapped, and students, and we are not spending enough—$2 billion too little—on defense and foreign aid. He would rather take the money away from the elderly and the young and send it overseas. Apparently Federal money spent for foreign aid and defense do not increase deficits—nor are they budget busters. But money for our own people here at home is a budget buster, even when we reduce the President's overall budget request.

I urge my friends, moderate and conservative, who are concerned with fairness and spending restraint to rise with me and vote to override this veto. And, I say to the President: "Come on, Mr. President, give the American people a chance."

THE PRESIDENT CHOSE CONFRONTATION OVER COMPROMISE

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today this House will consider and vote upon the override of a Presidential veto. This supplemental measure passed by a 7-to-1 margin reflecting good judgment and reflecting compromise on the part of this House and the other body.

Any veto and override attempt is a most serious matter but today's vote is all the more important because of what is at stake.

The President has chosen confrontation over compromise.

The decision that the House and the other body make on the President's veto will have a profound effect on our Nation's students, the unemployed, the handicapped, and a special group of elderly Americans. That is what is at stake today. No matter how you try to frame the debate, the basic issues are the future of education for the disadvantaged, student financial assistance, education for the handicapped, unemployment compensation, and the continuation of life-sustaining jobs for older workers.

President Reagan may rail about defense and the budget but what he is doing is cutting off essential programs. With his veto, the President has laid off over 50,000 older Americans and he has denied countless others of essential programs. What the issue comes down to is that the Congress decided not to add $3 billion to the largest Pentagon spending increase in peacetime.

President Reagan's veto is another grandstand play at his riverboat gamble. It is a losing gamble that has cost Americans over 10 million workers. The ante on this bid is 54,000 senior citizens and our children's future. I say stop the gamble. Let us provide the resources to address the needs of the people we represent.

Mr. Speaker, it is time for this Congress to stand up and force the President to put aside the cards and give the American people a fair deal.

CUTS FROM OVERRUN COSTS OF TRIDENT PROGRAM PUT TO GOOD USE

(Mr. WILLIAMS of Montana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS of Montana. Mr. Speaker, my colleagues have spoken well about the various priorities of this bill which the President has vetoed.

Let me speak about the use of one of those priorities.

This bill cuts $100 million in cost overruns from the Trident submarine program and it uses that $100 million in these ways: Some of it is appropriated for early education for handicapped children under the age of 8; it uses money for childhood immunization programs; it expends dollars to secure the unemployment trust fund so that America's jobless workers can be guaranteed some small financial assistance; and finally, it uses part of that $100 million cost overrun that we cut from the Trident submarine program to develop mass transit in the United States to make the lives of our urban neighbors somewhat more comfortable.

Those are proper priorities. I trust the House will join me and my other colleagues in overriding the President's veto.

IN SUPPORT OF TITLE V

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, in the past 2 months, both the House and the Senate have reaffirmed their commitment to title V, the senior community services employment program. The House overwhelmingly demonstrated its bipartisan support by a vote of 407 to 4 and the Senate by a vote of 89 to 6.

The bill contains $210 million needed to keep this program in operation and to keep 54,000 low-income older people working on the rolls after September 30. It is time here for us to reaffirm our commitment to this program. If we do not do that, if we eliminate the program, then what will happen is we will force these people off of the work rolls and on to the welfare rolls.

In addition, the cost of replacing these workers and providing the services which they do provide for the local community will be astronomical and probably twice the cost that we now provide through Federal funding.

In sum, any savings that we now believe we are going to achieve by eliminating this program would have to be assumed by some other branch of Government. I think that is absolutely counterproductive.

I hope we are able through this minimal funding to retain these elderly workers to provide jobs for 54,000 people and services for the hundreds of thousands of others that they work for.

UPHOLD THE RIGHT OF CONGRESS TO SET FEDERAL SPENDING PRIORITIES

(Mr. PHILLIP BURTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. PHILLIP BURTON. Mr. Speaker, President Reagan's veto of an appropriations bill overwhelmingly passed by Congress is an outrageous, hypocritical act. This bill proposes spending an amount $3.2 billion less than the budget supported by Reagan and appropriates $1.5 billion less than his appropriations request. The President's veto has unnecessarily precipitated yet another crisis in the Government. In his own words: "Delay in

adoption of this bill poses serious problems."

The President states that one of his objections to the bill is the amount proposed for defense. He says this because Congress, in its wisdom, cut $2.1 billion from his excessive request for Pentagon spending, including a $30.7 million reduction in the Pentagon's nuclear weapons program.

Another problem the President has with the bill is the funding of various domestic programs. Mr. Speaker, I strongly endorse the Appropriations Committee's proposed $211 million for community service employment for the elderly poor. I applaud the $148 million for college grants for disadvantaged students. I commend the committee for proposing $26.5 million for handicapped education; $217 million for student financial assistance; and $10 million for aid to colleges with large numbers of minority students.

President Reagan is opposing a bill which includes $500,000 for the Center for Disease Control's preventive health services program to continue efforts to discover the cause and cure for Kaposi's sarcoma. This funding is critical for the fight against a pernicious and often fatal disease. People in San Francisco and the Nation are appalled that Mr. Reagan's veto will halt this vital program.

The people of San Francisco and other major American cities must wonder why Mr. Reagan opposes $37 million for urgently needed urban mass transportation. Those people concerned for our Nation's environment must wonder why he opposes $13.3 million to fund efforts to return land ravaged by strip mining to a useful and esthetic state.

Mr. Speaker, I will vote to override this veto and I urge all my colleagues to uphold the right of Congress to set Federal spending priorities.

VETO OF PRESIDENT A CON JOB

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, this veto is the biggest scam, con job that has been attempted by the White House up to this point. There is no point in calling it anything else but that. It is a con job. It is a scam. The President knows darn well that this is not any budget buster. He knows that. It is way below his figures.

What he wants to do and does not apparently have the will and support to do is to eliminate all Federal programs. That is what he wants.

Way back when we passed the Social Security Act, it was the Republicans who voted overwhelmingly to send it back to committee, and that would have killed the Social Security Act. A leopard does not change its spots.

What we have here is a scam job and we have got to deal with it. We have to be honest with the people. I tell the Members, the President is afraid. He is afraid to say, "I do not like housing; Government should not provide it. I do not like to help senior citizens; the Federal Government should not do that. I do not like to help students; the Federal Government should not do that."

He does not have the guts to say that. What he is doing is nibbling away at these programs every chance he gets. Cut, cut, cut.

Come on out. Be the true conservative that you are, Mr. President, and say end all Federal programs. I would have a lot more respect for you.

VOTE AGAINST THE PATENT TERM EXTENSION BILL

(Mr. GORE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GORE. Mr. Speaker, the issue of the day is the supplemental veto and the effort to override which I strongly support, but I rise to discuss another bill that has just been scheduled for debate next Monday with a vote to occur on Wednesday. Although it has been scheduled as a suspension, I rise to alert my colleagues that this measure is anything but noncontroversial. It is extremely controversial.

Since a lot of Members will be out of town on Monday and Tuesday for the primary elections, they will come back on Wednesday to face this vote without benefit of a lot of the debate. So I just want to alert my colleagues on this occasion.

I am speaking of the patent term extension bill which is an extremely important measure that will raise the price of medicine by giving up to a 7-year extension on patent terms to pharmaceutical companies.

It is based on false premises. The fact is that there has been no decline in innovation whatsoever by pharmaceutical companies since 1962.

Second, there have been huge increases in real dollar terms in research and development by pharmaceutical companies and enormous increases in profits. In addition, we just gave them a 25-percent tax credit for research and development expenditures.

Do not be hornswoggled on this bill. Consumer groups are strongly against it. Senior citizen groups are strongly against it, as well as many others.

The pharmaceutical industry is trying to pull the wool over the eyes of this Congress, do not let it happen. Vote "no" next Wednesday.

THE IMPORTANCE OF TITLE V FOR OLDER WOMEN

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, a number of my colleagues have already spoken to the possible elimination of title V of the Older Americans Act, if the Congress today does not override the President's veto on the supplemental appropriations bill.

Recently the Select Committee on Aging conducted hearings in the Northwest on the impact of budget cuts on older women. Congressman WYDEN and myself participated in these hearings and we heard from witnesses who reaffirmed the vital importance of the title V senior employment program, particularly for older women. Older women now represent 72 percent of the elderly poor and are truly dependent on many of these Federal programs.

Despite the crucial need for title V, President Reagan has vetoed the one piece of legislation that appropriated the $211 million in additional funds to keep title V seniors employed through June of 1983. If the Congress cannot override this veto, over 54,000 elderly will be out of work after September 30. Of the 54,000 part-time community services jobs provided for the low-income elderly, two-thirds are those employing women.

I urge the Congress today to override the President's veto and sustain this important program.

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HUMAN NEEDS JUSTIFY OVERRIDING VETO

(Mr. DASCHLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DASCHLE. Mr. Speaker, later today, this House will have an opportunity to show that our country's senior citizens, handicapped citizens, and young people are just as important to this country as B-1 bombers, MX missiles, and M-1 tanks. We can do this by voting to override the veto on a supplemental appropriations bill, a bill that, far from being a "budget buster," appropriates almost $2 billion less than the administration asked for. This bill was not vetoed because it spent too much money. It was vetoed because it tried to meet some human instead of military concerns. It tried to make sure that we strengthen our country through programs like Green Thumb, so that senior citizens would have the opportunity to perform useful community services and lead a life of dignity instead of dependency. It tried to make sure that the handicapped would have the opportunity to fully participate in the educational system. It tried to make sure that our young people would not be denied the opportunity for a college education be-

cause of financial need. And, finally, it tried to reassert the will of this Congress that human needs, and not just military needs, are fit subjects for national concern, and for congressional support. I support a strong defense for our country. But I want also to make sure that we have a country worth defending. I think we all know that the kind of country we all want is one that does not turn its back on its elderly, its young, and its handicapped. That is why I will be voting to override today, and why I urge all my colleagues to do likewise.

ENOUGH IS ENOUGH—OVERRIDE THE VETO

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, enough is enough. Today the House must vote to override the veto of the supplemental appropriation bill for fiscal year 1982.

There are ample reasons to justify this vote—but none are more compelling than to avert the profound human trauma and tragedy which will occur if 54,200 older workers employed by title V are fired. Pure and simple—that is exactly what will happen if we fail to override. Already in parts of this Nation elderly workers—all of whom are low income—have been handed pink slips. In one case it resulted in a heart attack. All of these older workers will get these slips by the end of this month if the veto is sustained.

Who are these workers? More than two-thirds are women—almost 30 percent are from minority groups. They are people working for others in their community. More than half work for other less fortunate elderly providing them with meals or taking them to doctors. What other Federal program can boast of such a cost effective record?

I am an original cosponsor of the title V program. I know it works. It was only 4 years ago when President Carter signed into law the end of mandatory retirement at 65. It put the Federal Government in the position of setting the example for the private sector not to discriminate on the basis of age. Yet 4 years later we are regressing. A program exclusively providing jobs for the elderly is being singled out for extinction. Let us not be a party to this reversal of an enlightened and humane policy. Vote to override.

A BAD VETO

(Mr. HERTEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERTEL. Mr. Speaker, today many of my colleagues have spoken out against the President's veto. We have taken more time on 1-minute speeches than usual, because we do not think there is enough time in the debate today to fully alert the American people to all the bad that is being done by that veto.

I have to say that I notice there are very few Republican Members here to speak on 1-minute speeches and I can understand why, since only 18 Republicans in this House voted against this bill when it was originally before us.

Why is that? It is because it does many good things. There is $211 million in jobs for older Americans, $26 million for handicapped education, $217 million for student financial assistance. Those are just a few items, and all those items that are so vitally important equal the cost of only one B-1 bomber.

Let me say that there was much talk last year about the President's mandate. There was no mandate to cut education, no mandate to cut funds for senior citizens. There was no mandate in the 1980 election to cut money for the disadvantaged.

I think that we had better listen to the people. The polls are clear. Our mail is clear. We have the worst economic conditions in this Nation's history since the Great Depression right now. It is time to reach out and to help the people. It is time to have a reordering of priorities across the board, including defense. It is time to have some commonsense and some compassion on the floor of this House.

THE PRESIDENT'S WORD DOES NOT MAKE IT SO

(Mr. ALEXANDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. ALEXANDER. Mr. Speaker, just because Ronald Reagan said it, does not make it so. The vetoed appropriation bill is about $1.9 billion under the budget. The President said that he vetoed the bill because it is over budget.

Farm exports would be established as a national priority under this bill. The American farmer needs help. The farm economy is facing the same conditions today as it did during the Great Depression, with net farm income about $1 billion less than it was in 1933.

I urge every Member of this body to vote to override the President's veto in order to set agricultural exports as a national priority.

A MESSAGE OF HOPE TO OLDER AMERICANS

(Mr. DOWDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWDY. Mr. Speaker, today we have the opportunity to send a message of hope and encouragement to a special group of older Americans, those who have worked in our communities through title V of the Older Americans Act.

What we can tell them is that we value their talent, resourcefulness, and experience. We can tell them that we want them to continue to be contributing members of our work force.

In my home State of Mississippi, we have three highly successful senior aides projects which employ hundreds of older Americans. These citizens feel that their work has not only provided them with a means of becoming self-supporting, but also has given them a renewed sense of purpose and involvement.

Unemployment is a problem which cripples our productivity and demoralizes our people. In Mississippi, it has jumped to over 12 percent. By failing to fund the senior community service employment project, we will force older Americans into competition with younger workers and further damage our economy. It has been estimated that for every dollar invested in title V programs, $1.15 is saved because of increased tax revenues and reduced public assistance. I think we should continue this valuable investment by voting to override the veto of the supplemental appropriations bill.

FEDERAL WORKERS AGAIN LEFT DANGLING IN THE WIND

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on August 28, the President saw fit to veto an imperative piece of legislation after sitting on it for 10 days. Once again, the leaders of both parties were mistaken in their belief that the President would sign the bill they had worked so hard together to develop.

As a result of the supplemental appropriation veto, once again the Federal worker was left dangling in the wind by the President and the Congress: The President did so by design; the Congress did so by its failure to act in a timely fashion.

It is tragic that this pattern is repeated year after year. Not only is it traumatic for Federal employees and ludicrous to the taxpayer, it is also bad personnel policy, bad politics, and bad Government. It should be an unacceptable performance for all of us.

At the 11th hour on Tuesday we averted the unwarranted, unwanted, and unplanned layoff of 19,000 Internal Revenue Service employees—the individuals we rely upon to collect the revenues to which this Government is

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entitled and dependent upon. The reprieve came, however, only after employees were put through a closing-down process devastating to morale and to the effective operations of certain offices for the last 7 days.

I have sponsored legislation to preclude the regular disruption of Government services and employee lives, which is titled the "Government Service Continuity Act." The Office of Personnel Management opposed that legislation specifically because it wanted to keep the heat on Congress through the threat to Federal workers. Such a stance is deplorable. We ought to reject it and act to insure rational, Government management in the months and years ahead.

As the man said, "this is no way to run a railroad."

ANOTHER AIR FARE INCREASE FOR OUR CONSTITUENTS?

(Mr. WEBER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEBER of Ohio. Mr. Speaker, the uniform joint fare system which exists for air travel and which we now enjoy in terms of convenience and lower fares will expire in January 1983 unless H.R. 5717, the Community Air Service Act of 1982 is passed; 5717 extends the uniform joint fare system beyond that time and continues to eliminate the need for separate reservations, separate ticketing, and separate baggage handling. Passengers from small- and medium-size communities who must fly a combination of two or more air carriers will be severely affected if joint fares are allowed to lapse.

Without joint fares, there will be substantially increased costs for constituents who have to fly on more than one airline because separate fares will be charged for each reservation, each ticketing, and each baggage handling. The result will be a consequent loss of traffic and the ultimate reduction or elimination in commuter service to the small- and medium-size cities in our districts. Toledo is one such medium-size community and the commuter service offered at Toledo Express Airport is valuable and important to my constituents and northwest Ohio.

I urge my colleagues to consider their own constituents—weigh their own situations. I urge my colleagues to think of the increased fares, and the reduction or elimination in commuter service in their own districts. I urge my colleagues to think of the inconvenience and the extra time involved. And most of all, I urge my colleagues to think of the impact it will have on your own communities.

H.R. 5717, the Community Air Service Act of 1982, introduced by Congressman GENE SYNDER should be supported.

PHONY AND EMOTIONAL ARGUMENTS AGAINST THE VETO

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, we have heard a string of arguments here this morning in favor of overriding the President's veto of the supplemental appropriations bill. Those particular arguments have been emotional, but they have been phony.

I am going to argue the other side. I am going to say that we should sustain this veto.

The issue here, the whole issue, is a billion dollars of spending that we cannot afford. It is a billion dollars of deficit add-on.

It is not a question of spending priorities. The administration has already agreed to take the defense cuts that the Congress has made and in addition wants the domestic cuts that they think are in order. In other words, any savings ought to be used to reduce the deficit, not to add on more spending programs.

Also, this is not a question of whether or not you are for title V of the Older Americans Act. We have written assurance this morning from the House Republican leadership that that program is going to be funded.

So there are no real excuses here. You are either for reducing deficits or you are a big spender. This vote will tell America, as few votes before it have, who the big spenders in this Congress are.

This debate this morning, with the Democrats supporting more deficits, has told us quite clearly that they continue to be the big spenders in Washington.

INCREASING USE OF COAL IS SOUND ENERGY POLICY

(Mr. BENEDICT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENEDICT. Mr. Speaker, next week, I, along with my colleague from Kentucky, HAL ROGERS, will be sending a survey questionnaire to over 100 electric utilities across the United States. The purpose of this survey is to understand more fully why so few utilities in the United States have converted to coal from oil or natural gas as a source of boiler fuel.

Taking a closer look at the impediments to conversion makes sense now when oil prices in the world are relatively stable and consumption of oil has leveled off. Instead of waiting for the next energy crisis to remind us of the need to encourage the use of coal, we should be exploring the means to encourage the use of coal now. Congress must continue to pursue workable incentives to encourage conversion to coal-fired powerplants.

Increasing the use of coal is a sound energy policy. Coal is available in abundant domestic supply which insures a long-term stable price. Increased use of coal means expanded job opportunities. With respect to the environment, coal is a cleaner burning fuel than much of the residual oil currently being used in many utility boilers in the East.

This body has confronted the issue of encouraging the use of coal a number of times. In 1974 and again in 1978, laws were passed specifically to encourage the utility powerplants to convert to coal. Yet, in spite of these laws and the many hours of debate on the need to increase our domestic use of coal, only two utilities in the United States have taken the steps necessary to convert to coal.

I look forward to sharing the results of the utility survey with my colleagues who are concerned about our energy future.

PROBLEMS WITH DOMESTIC CONTENT LEGISLATION

(Mr. BLILEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, the Energy and Commerce Committee began last night to mark up automobile domestic content legislation. I had serious doubts about the concept of domestic content in general and about the previous bill specifically.

Governmental quotas are never the best way to accomplish any objective. In the economic area they may be the most damaging of all. Quotas lead to inefficiency, they lead to higher prices, and most of all they restrict consumer choices. Let us face it: Most people who buy foreign cars, especially Japanese cars, buy them because they are less expensive than American cars and often because they believe they are of higher quality. Now I own three American cars myself, but I am not sure that I want to go home and tell my voters who drive Datsuns and Toyotas that they cannot buy those cars any longer or that their prices are likely to be increased by a set of Government quotas. I think not.

I was somewhat shocked that at least one national consumer group endorsed this legislation as an apparent payoff to a union that is one of its members.

Every credible economist who has examined the issue has detailed the harmful effects of domestic content quotas: On our own economy and on the public. Beyond its direct effects,

this bill could have serious effects on our international trade relationships. And those relationships create U.S. jobs. Excluding oil imports the United States is a large net exporter of manufactured products. Upsetting the open trade relationships that this country has worked so hard for since World War II would cost America jobs. It would cost American consumers in terms of lost choices. It could throw the world economy into a protectionist tailspin the likes of which we have not seen since the 1930's.

As if all of these facts are not enough, now we have a substitute before us. I share with my colleague from California a concern about the cursory treatment this legislation has received. But even with a short time to look at the proposed substitute I have found that if anything it is worse than the original.

The gentleman from New York himself has admitted that the substitute would give foreign, Japanese, manufacturers more flexibility. In fact he is going to give them an automatic 25-percent quota. For domestic manufacturers on the other hand the substitute even further ties their hands by freezing their current domestic content ratios. By allowing an automatic 200,000 plus import exemption while stopping innovation by American manufacturers we may be actually increasing the technological and price advantage of Japanese manufacturers. In short, this substitute may cost American jobs, not just overall, but in the auto industry itself.

I do not pretend to fully understand the complicated formula at the heart of this bill, but I can see one thing right away: It is an accountant's relief act. The opportunities for cost-shifting are almost limitless, and the domestic content ratio is wholly dependent on where those costs are assigned.

These are only a few of the problems with domestic content legislation in general and with this bill specifically. I can only hope that the committee will regain its senses and conduct a serious investigation of these issues.

THE LATE HONORABLE KEITH SEBELIUS

(Mr. ROBERTS of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS of Kansas. Mr. Speaker, it is my sad duty to officially inform this House of the death of a former colleague, Keith Sebelius, who at the age of 65 passed away after a long illness last Sunday.

Keith served this body and represented the First District of Kansas from 1969 until 1981.

We had Keith's services yesterday in Norton, Kans. It was attended by the entire Kansas congressional delegation and it was a genuine outpouring of love and affection not only for Keith, but for his family as well. We expressed our deepest sympathies to his wife Bette, and his sons, Doug and Gary.

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I have asked for a special order, Mr. Speaker, on Wednesday at the close of business, September 15, so that the Members may make a personal statement to the memory of Keith Sebelius and his outstanding contributions to our State of Kansas and our Nation.

H.R. 6863—SUPPLEMENTAL APPROPRIATIONS ACT OF 1982

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, I have decided to vote to sustain the President's veto today. President Reagan, in his message on the veto, said that H.R. 6863 would "undermine the confidence crucial to continued reduction in deficits and interest rates which we must achieve for sustained economic growth."

I believe that the President has accurately pointed out the key to economic recovery. The American people must have confidence that the Federal deficit will be reduced.

The fact of the matter is that this urgent supplemental appropriations bill contains $1 billion in new spending not authorized by the authorizing committees. Congress is trying to sneak in through the back door what we took out through the front door vis-a-vis the budget bill.

At the same time, and so as not to be misunderstood, I think the defense spending level in the bill is quite adequate and if the veto is sustained, which I hope it will be, it will result in a real reduction in spending which will send a message of confidence to the marketplace that economic recovery is on its way.

REQUEST FOR PERMISSION FOR COMMITTEE ON ENERGY AND COMMERCE TO SIT TODAY DURING 5-MINUTE RULE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be permitted to sit today during the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. BLILEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

(Messrs. FRENZEL, ROUSSELOT, WALKER, BETHUNE, LOEFFLER, WEBER of Minnesota, EMERSON, BAILEY of Missouri, and HAMMERSCHMIDT also objected.)

The SPEAKER pro tempore. More than 10 Members having objected, objection is heard.

WE SHOULD LISTEN TO OUR CONSTITUENTS

(Mr. LUNGREN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LUNGREN. Mr. Speaker, the other day I happened to run across an article in the Los Angeles Times by someone who served the Carter administration in their Office of Management and Budget. In the article he indicated that he thinks it is good that the President has exercised his prerogative to bring down a veto. As a matter of fact, he suggested that perhaps if the previous administration had done that more often, they would have been in a stronger position to form their policies as they worked with the House of Representatives and the U.S. Senate.

The gentleman expressed the very interesting thought that this is just one part of the overall process of negotiation in terms of spending. I think that has been brought out by the most recent reaction from the White House. They have indicated the President will take a number of cuts that we have suggested in defense. They want us to take a number of cuts that they have suggested on the domestic side, and it seems to me that is in a spirit of compromise. We can work this out.

But what we have to do in order to have the opportunity to work it out is to sustain the President's veto.

When I was home in the last couple of weeks talking to the people, I did not have many come up to me suggesting we are not spending enough money on the Federal level. Some of them agreed, while most of them disagreed, with the President's position on the recent tax bill, but the one thing they all thought we ought to do was to bring the deficit down. Most recognize we have to do this in domestic spending.

Let us respond to our constituents' concerns by sending the message home that we have listened to them and acted on their sentiments.

CONSIDERATION OF THE VETO OVERRIDE ON H.R. 6863

(Mr. PEASE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PEASE. Mr. Speaker, I rise to add my voice to those urging the House to override the veto of the supplemental appropriations bill, H.R. 6863. I believe that the President, in his political zeal to confront the Congress and pretend to be a responsible

fiscal executive, has chosen the wrong bill to veto.

The President's veto undoes the cooperative work of both Houses of this Congress, Mr. Speaker. Not only has he insulted America's elderly, America's students, our military personnel, hard-working Federal employees from NASA to IRS, and the unemployed, but the President has also vetoed a bill that Members of his own party in both the House and the Senate worked hard on. Although the bill's priorities are different than a line-item-veto executive might prefer, the funding totals are actually less than the limits set by the Republican budget resolution and less than the OMB-recommended Reagan appropriations bill.

This Reagan confrontation is harmful to many Federal programs, but I am particularly concerned that it stops funding for title V—the employment portion of the Older Americans Act. While the administration assures us that they do not intend to end the program, the substitute they expect to take up the slack is entirely inadequate.

The State of Ohio is one of the biggest participants in title V senior community service employment programs. Ohio senior citizens are engaged in meaningful jobs ranging from homemaker services for homebound elderly to distribution of meals under other Federal programs. Almost 70 percent of the seniors employed under title V were women in 1981-82. A full 86 percent of those employed were below the poverty line, and 33 percent were minorities.

Four hundred and six Members of the House voted to support title V in July; 89 Senators supported full funding in a similar resolution. We cannot back off that commitment now.

Mr. Speaker, the loss of the senior community service employment program is one of the many reasons that the House must act to override the veto of H.R. 6863. On behalf of elderly citizens, our military personnel, Federal employees, and American's unemployed, I urge my colleague to vote to override the Presidential veto of the supplemental appropriations bill.

SUPPORT OF THE VETO OVERRIDE EFFORT

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, I rise in support of the override measure.

I think we all recognize in this House, if we are going to be honest with one another, that the House has worked its will and we actually came in at $1.5 billion less than what the administration wanted us to do.

I think also of particular concern ought to be the title V program for older Americans which is creating a crisis for many of them who will lose their jobs and receive their pink slips.

I think it is ludicrous to recognize that we are following a policy where we are taking older Americans who have productive jobs and are going to put them on welfare, put them in medicaid and food stamps. I do not know of any political party that wants to follow a strategy which includes throwing people out of work and onto welfare. Thus, I urge my colleagues today to override this veto and begin to say to the elderly in this country that we are not going to play political ping-pong with their lives any more, and to say that this Congress has examined the President's recommendations, and we came in at $1.5 billion less, and if he does not like our priorities, that is tough.

SUPPLEMENTAL APPROPRIATIONS MEAN INCREASED SPENDING

(Mr. ROUSSELOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Speaker, this bill that will come before us today, the vetoed bill, is a supplemental appropriation, as we are aware. This is an add on to money that we have already appropriated. This contributes to the deficit to the tune of $14 billion.

Now, the President has already said and made it clear that he will continue the title V program for the elderly. So all of these arguments that that program will stop are pure unadulterated bunk. That will not stop. Everyone should know that here today.

I intend to support the President in his effort to try to hold down the spending that this Congress has engaged in, far and beyond and above what we have already appropriated.

A supplemental bill is exactly what it says. It says in effect Congress cannot live within its means. The Congress constantly comes back and asks for more money, like spoiled children. The House cannot live within the appropriated dollars that we have already spent; billions of dollars.

I urge my colleagues to sustain the President's veto.

OLDER AMERICANS PROGRAM FUNDING INCLUDED IN SUPPLEMENTAL APPROPRIATIONS

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, we know there is considerable support for title V of the older Americans employment program. I support that program. There are funds for this program, of course, included in the supplemental appropriations bill that will be debated and voted on later today, which was vetoed by the President.

There is $211 million contained in the bill, and it represents forward funding for the program to cover the first 9 months of fiscal year 1983, October through June. This forward funding is required by statute. We are well aware that the program has merit and it is clear that the only way to avoid problems will be to include this forward funding for the program.

Therefore, I support this program, and I have been assured, along with our distinguished Republican leader, that the forward funding for this older Americans program will be included in a followup version of the supplemental when the President's veto is sustained. This program will be funded at the full level that has been required by statute on a forward-funding basis.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield to me?

Mr. LOTT. I yield to the gentleman from California.

Mr. ROUSSELOT. So the $211 million will be there even if the House sustains the President's veto today?

Mr. LOTT. That is my understanding. And we will support that.

LENDING LIMITS FOR FARMERS HOME ADMINISTRATION FARM AND RURAL DEVELOPMENT PROGRAMS

Mr. DE LA GARZA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5831) to provide lending limits for fiscal years 1983, 1984, and 1985 for programs under the Consolidated Farm and Rural Development Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BLILEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 381, nays 0, answered "present" 2, not voting 49, as follows:

[Roll No. 313]

YEAS—381

Akaka	Annunzio	Atkinson
Albosta	Anthony	AuCoin
Alexander	Archer	Badham
Anderson	Ashbrook	Bailey (MO)
Andrews	Aspin	Bailey (PA)

Barnard	Fiedler	Loeffler
Barnes	Fields	Long (LA)
Bedell	Findley	Long (MD)
Beilenson	Fish	Lott
Benedict	Fithian	Lowry (WA)
Bennett	Flippo	Lujan
Bereuter	Florio	Luken
Bethune	Foglietta	Lundine
Bevill	Foley	Lungren
Biaggi	Ford (TN)	Madigan
Bliley	Fountain	Markey
Boggs	Fowler	Marlenee
Boland	Frank	Martin (IL)
Boner	Frenzel	Martin (NC)
Bonior	Frost	Martin (NY)
Bonker	Fuqua	Martinez
Bouquard	Garcia	Matsui
Breaux	Gaydos	Mavroules
Brinkley	Gejdenson	Mazzoli
Brooks	Gephardt	McClory
Broomfield	Gibbons	McCloskey
Brown (CA)	Gilman	McCollum
Brown (CO)	Gingrich	McCurdy
Broyhill	Ginn	McDade
Burgener	Glickman	McDonald
Burton, Phillip	Gonzalez	McEwen
Butler	Gore	McGrath
Byron	Gradison	McHugh
Campbell	Gramm	Mica
Carman	Gray	Michel
Carney	Green	Mikulski
Chappell	Gregg	Miller (CA)
Chappie	Grisham	Miller (OH)
Cheney	Guarini	Mineta
Clausen	Gunderson	Minish
Clay	Hagedorn	Mitchell (NY)
Clinger	Hall (OH)	Moakley
Coats	Hall, Ralph	Molinari
Coelho	Hall, Sam	Mollohan
Coleman	Hamilton	Montgomery
Collins (IL)	Hammerschmidt	Moore
Conable	Hance	Moorhead
Conte	Hansen (ID)	Morrison
Conyers	Hansen (UT)	Mottl
Corcoran	Harkin	Murphy
Coughlin	Hartnett	Murtha
Courter	Hatcher	Myers
Coyne, James	Hawkins	Napier
Coyne, William	Heckler	Natcher
Craig	Hefner	Neal
Crane, Daniel	Heftel	Nelligan
Crane, Philip	Hendon	Nelson
D'Amours	Hertel	Nowak
Daniel, Dan	Hightower	O'Brien
Daniel, R. W.	Hiler	Oakar
Dannemeyer	Hillis	Oberstar
Daschle	Holland	Obey
Daub	Hollenbeck	Oxley
Davis	Holt	Panetta
de la Garza	Hopkins	Parris
Deckard	Horton	Pashayan
Derrick	Howard	Patman
Derwinski	Hoyer	Patterson
Dickinson	Hubbard	Paul
Dicks	Huckaby	Pease
Dingell	Hughes	Pepper
Dixon	Hutto	Perkins
Donnelly	Hyde	Petri
Dorgan	Jeffords	Peyser
Dornan	Jenkins	Pickle
Downey	Johnston	Porter
Dreier	Jones (NC)	Price
Duncan	Jones (OK)	Pritchard
Dunn	Jones (TN)	Pursell
Dwyer	Kastenmeier	Quillen
Dymally	Kazen	Rahall
Dyson	Kemp	Railsback
Early	Kennelly	Rangel
Eckart	Kildee	Ratchford
Edgar	Kindness	Regula
Edwards (AL)	Kogovsek	Reuss
Edwards (CA)	Kramer	Rhodes
Edwards (OK)	LaFalce	Rinaldo
Emerson	Lagomarsino	Ritter
Emery	Lantos	Roberts (KS)
English	Latta	Roberts (SD)
Erdahl	Leach	Robinson
Ertel	Leath	Rodino
Evans (DE)	LeBoutillier	Roe
Evans (IA)	Lee	Roemer
Evans (IN)	Lehman	Rogers
Fary	Leland	Rose
Fascell	Lent	Rostenkowski
Fazio	Levitas	Roth
Fenwick	Lewis	Roukema
Ferraro	Livingston	Rousselot
Russo	Solarz	Washington
Sabo	Solomon	Watkins
Santini	Spence	Waxman
Sawyer	St Germain	Weaver
Schneider	Stangeland	Weber (MN)
Schulze	Stark	Weber (OH)
Seiberling	Staton	White
Sensenbrenner	Stenholm	Whitehurst
Shamansky	Stokes	Whitley
Shannon	Stratton	Whittaker
Sharp	Studds	Whitten
Shaw	Swift	Williams (MT)
Shelby	Synar	Williams (OH)
Shumway	Tauke	Wilson
Shuster	Tauzin	Winn
Siljander	Taylor	Wirth
Simon	Thomas	Wolf
Skeen	Traxler	Wolpe
Skelton	Trible	Wortley
Smith (AL)	Udall	Wyden
Smith (NE)	Vander Jagt	Wylie
Smith (NJ)	Vento	Yates
Smith (OR)	Volkmer	Yatron
Smith (PA)	Walgren	Young (FL)
Snowe	Walker	Young (MO)
Snyder	Wampler	Zeferetti

ANSWERED "PRESENT"—2

Ottinger	Roybal

NOT VOTING—49

Addabbo	Dowdy	Moffett
Applegate	Erlenborn	Nichols
Bafalis	Evans (GA)	Rosenthal
Beard	Ford (MI)	Rudd
Bingham	Forsythe	Savage
Blanchard	Goldwater	Scheuer
Bolling	Goodling	Schroeder
Bowen	Hunter	Schumer
Brodhead	Ireland	Smith (IA)
Brown (OH)	Jacobs	Stanton
Burton, John	Jeffries	Stump
Chisholm	Lowery (CA)	Weiss
Collins (TX)	Marks	Wright
Crockett	Marriott	Young (AK)
Dellums	Mattox	Zablocki
DeNardis	McKinney	
Dougherty	Mitchell (MD)	

□ 1130

Mr. SHUMWAY and Mr. ZEFERETTI changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5831, with Mr. PEASE in the chair.

The Clerk read the title of the bill.

□ 1145

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas (Mr. DE LA GARZA) will be recognized for 30 minutes, and the gentleman from Vermont (Mr. JEFFORDS) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 5831, a bill to provide lending limits for fiscal years 1983, 1984, and 1985 for programs under the Consolidated Farm and Rural Development Act, and for other purposes.

In brief summary, this legislation addresses the lending programs carried out by the Department of Agriculture through the Famers Home Administration for farm ownership and operating purposes, rural water and waste disposal, and other community facilities, rural business, and industrial development, and assistance to farmers who are victims of natural disasters.

The basic legislation, the Consolidated Farm and Rural Development Act, requires that lending levels for farmer and rural development-type programs be reauthorized for successive 3-year periods. Current authorizing provisions for this purpose are effective through fiscal year 1982. H.R. 5831 reauthorizes levels for these programs for fiscal years 1983–85.

The authorized program levels contained in the bill were adopted without controversy within the committee. They represent, for the most part, a lower total level than the level originally authorized for the 3-year period through fiscal 1982, and approximate the level as revised by the 1981 Reconciliation Act. I would suggest that these provisions enjoyed a broad concensus of support because they reflect a judicious compromise between conflicting interests: First, the need for fiscal restraint; and second, the need for adequate credit to enable rural America to survive a period of economic stress not approached since the depths of the Great Depression. Credit is no substitute for decent farm income. But it may be all that will permit farmers—including many able and experienced farmers—to hang on pending the economic recovery we have been assured is forthcoming.

I believe that a few illustrations will establish the responsible manner in which the Committee on Agriculture fashioned this legislation. For example, authorized program levels contained in current law and in H.R. 5831 are as follows:

	Current law	H.R. 5831
Real estate loans (including farm ownership loans).	$900 million	$1 billion.
Farm operating loans	$1.325 billion	$1.510 billion.
Emergency disaster loans	Amounts necessary	Amounts necessary.
Water and sewer loans	$300 million	$500 million.
Business and industrial loans	$1.5 billion	$1 billion.
Community facilities	$130 million	$300 million.

I shall not discuss these figures in detail. But a few of them merit mention. The authorized level for emergency disaster loans—and, I might add, the level utilized for such loans by the Appropriations Committee—has traditionally been established on an "as needed" basis. This recognizes the fact that it is not possible to estimate with any accuracy the magnitude or number of natural disasters which may occur in any given year. H.R. 5831 continues this prudent approach. In addition, the bill would restore a provi-

sion of the program changed, to the detriment of farmers, in the Omnibus Budget Reconciliation Act of 1981. It would reduce from 30 to 20 percent, the level of production loss making a farmer eligible for loans. The 30-percent loss criterion precluded assistance to many farmers who were severely affected by natural disasters.

As to business and industrial loans, it has long been recognized that this program, consisting largely of loan guarantees, has been one of the most effective—and lowest cost—approaches to creating jobs and promoting healthy economic development in rural areas. While H.R. 5831 would cut by one-third the authorized annual level for this program, it will maintain a meaningful program operation. I would note that the administration has proposed to abolish this program. However, to insure that program benefits are targeted more narrowly to those the committee believes most in need of assistance, the bill imposes a "credit elsewhere" test, and reduces from 50,000 to 25,000 the population limit of areas in which the program will be available.

Extensive hearings conducted by the Subcommittee on Conservation, Credit, and Rural Development disclosed a need for other improvements in the programs carried out under the Consolidated Act. The need is also addressed by H.R. 5831.

The severe price declines for agricultural commodities, coupled with ruinous interest rates, have pressed a growing, indeed an alarming, number of farmers ever nearer the edge of financial collapse. One remedial measure considered and ultimately rejected by the committee was a blanket moratorium on Farmers Home foreclosures and loan repayments in States where such foreclosures approached numbers reflecting a multiple of customary levels. However, the committee did adopt a provision that, on a case-by-case basis, makes mandatory through September 30, 1983, a provision, which is discretionary with the Secretary under current law, to defer foreclosures and repayments on farmer-type loans. The deferral would be triggered only if a farmer requests deferral and establishes to the satisfaction of the Secretary that inability to pay is due to circumstances beyond the borrower's control, that good management practices were used, and that there is a reasonable chance for ultimate repayment after the deferral. This provision would be available only to owners or operators of family-size farms. It is a provision which can be the salvation of many experienced and competent farmers who are devastated by circumstances over which they have no control.

A series of other provisions are designed to insure the objectives of the water and waste disposal program are met. Several of the provisions are directed to reducing to statutory terms certain directives concerning program operation contained in conference reports on the Omnibus Budget Reconciliation Act of 1981 and the 1981 farm bill. The Secretary, in the committee's judgment, has not satisfactorily responded to the directives. Therefore, stronger measures are required. H.R. 5831 would—

First, authorize grants to borrowers to be used solely for repaying loans in cases where repayment cannot be made because of extraordinary circumstances;

Second, direct the Secretary to establish a graduated scale of grant rates reflecting higher rates for communities with lower population and income levels which demonstrate a financial need;

Third, direct the Secretary to establish a project selection system for choosing among applicants for loans and grants, giving equal weight to factors of low community income, small population, and health hazards resulting from lack of potable water or inadequate waste disposal;

Fourth, authorize payments to associations likely to receive grants or loans to assist them in meeting predevelopment costs of facilities;

Fifth, authorize grants to private nonprofit organizations for the purpose of enabling them to provide technical assistance and training to associations likely to receive loans or grants;

Sixth, direct the Secretary, in cases in which projects serve more than one rural community, to use the median population level and median community income level of all of the communities to be served for purposes of applying applicable formulas for assistance;

Seventh, change the standard for low-income areas eligible for 5-percent loans from those having an income level below the Federal poverty line to those having an income level below 80 percent of the statewide nonmetropolitan median family income; and

Eighth, establish a 7-percent maximum loan interest rate for borrowers which do not qualify for 5-percent loans but which have an income level not exceeding 100 percent of the statewide nonmetropolitan median family income.

Mr. Chairman, there are other items in the legislation that will be discussed by the chairman of the Subcommittee on Conservation, Credit, and Rural Development, and may I at this time state that the chairman of the subcommittee, the gentleman from Tennessee (Mr. JONES), the ranking minority member, the gentleman from Vermont (Mr. JEFFORDS), and all the members of the subcommittee merit our appreciation for the fine dedicated work which they did under very difficult circumstances. It would be very easy to just throw money at the problem, but that is not the way that our committee works nor was it the way that the subcommittee worked. Rather, they studied the issues, took a look at the budget, and prepared legislation for the 3-year period which is within, if not below, the budget.

So at this time I give personal commendation to the chairman, the ranking minority member, and the members of the subcommittee.

Mr. Chairman, H.R. 5831 clearly represents, in our view, a responsible and moderate effort to continue a program for furnishing assistance to rural America—assistance now urgently needed to mitigate the disaster that has befallen this sector of our economy.

The various changes in the Consolidated Act proposed by the bill enjoyed broad support. Only the repayment and foreclosure deferral provision described above encountered substantial opposition. The committee ordered H.R. 5831, as amended, reported favorably to the House by a rollcall vote of 38 to 1.

Mr. Chairman, I urge my colleagues to give equally strong support to this worthy legislation so essential to the viability of rural America.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 5831, a bill to amend the Consolidated Farm and Rural Development Act. I want to associate myself with the remarks of the distinguished chairman of the Subcommittee on Conservation, Credit, and Rural Development of the Committee on Agriculture, Mr. JONES of Tennessee, and urge my colleagues to support passage of this legislation.

H.R. 5831 represents an important milestone in the Farmers Home Administration (FmHA) farm and rural development loan programs. Prior to 1978, loan program activity levels were addressed only in appropriation acts. As a result of the need for the legislative committees to make a periodic review of FmHA programs, the Agricultural Credit Act of 1978 (Public Law 95-334) required the aggregate principal amount of loans under the FmHA farm and rural development loan programs to be authorized every 3 years beginning October 1, 1979. H.R. 5831 marks the second time this requirement has been satisfied through legislation.

Mr. Chairman, H.R. 5831 would authorize insured and guaranteed loans totaling up to $4.31 billion annually—not including any farm disaster loans which might be needed—for fiscal years 1983, 1984, and 1985. The Committee on Agriculture felt that these levels were appropriate in order to take into consideration the need for

increased FmHA loan program activity and to allow for program expansion over the 3-year life of the bill.

I also would like to point out that this is a $1.5 billion reduction in program authorization levels from the last 3-year authorization period (1980–82). It should be remembered that actual lending levels for these programs in each of the 1983, 1984, and 1985 fiscal years will still be set in separate actions by Congress in annual appropriation acts. I believe the new loan ceilings will give Congress a chance, through the appropriation process, to provide adequate credit to our rural areas through these FmHA programs.

In addition to establishing FmHA loan authorization levels, H.R. 5831 contains several other amendments whose purpose is to improve the operations of the Farmers Home Administration. These amendments include provisions to modify the water and waste disposal facilities loan and grant program in order to target program moneys to those communities most in need of assistance. Other amendments would modify the various farm programs and the business and industrial loan program.

Mr. Chairman, I do have some concerns about section 7 of H.R. 5831, which would require the Secretary of Agriculture to forgo foreclosure and allow a deferal of principal and interest payments by any individual FmHA farm borrower who is unable to make scheduled payments if the borrower requests deferral and can demonstrate, to the satisfaction of FmHA officials, that he had used good management practices, that he is temporarily unable to make payments because of circumstances beyond his control, and that he has a reasonable chance of repaying his loan if the Secretary foregoes foreclosure and allows the deferral. While I am well aware of and concerned about the critical problems our farmers are facing in meeting their credit needs, I am not convinced that it would be prudent policy to adopt section 7 into law.

The Farmers Home Administration currently serves the credit needs of only about 10 percent of all farmers. Thus, any type of deferral on FmHA loan payments could put the overwhelming majority of farmers, 90 percent, who have obtained credit from sources other than Farmers Home at a severe disadvantage since they would have to continue repaying their loans. I also believe that this type of requirement is not prudent program administration, and could create havoc in the agency's loan and accounting departments. Furthermore, FmHA already has, under existing authority, a number of alternatives available which will achieve the purpose of section 7, including authority to consolidate, reschedule, or defer loans. We have received numerous reassurances from USDA stating that it is their full intention to use the full range of these options to assist their borrowers and avoid termination of their loan accounts. There also is no reliable way to estimate the cost that this provision could incur on the Federal Government.

Nevertheless, Mr. Chairman, I am in support of this bill and urge its passage. The programs of the Farmers Home Administration play a vital role in the economy of our farm and rural communities. Adequate credit must be made available to encourage the orderly development of rural America. This legislation goes a long way toward insuring that such credit will be available.

I urge support of H.R. 5831.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I am happy to yield to the gentleman from Missouri.

Mr. COLEMAN. Mr. Chairman, I appreciate the gentleman's yielding.

Let me just say that I do not think there is much controversy or opposition to this bill. Everybody recognizes that the farm sector of this country is under very dire economic straits and circumstances. Certainly when corn is selling for around $2 a bushel in my area, that means a loss of income and certainly no profits for my farmers. It is the same throughout this country.

But I would like to say a few things about the bill. I think we ought to point out that the Secretary of Agriculture has stated and publicly instructed the Department to go the extra mile with any farmers who might be facing these very tough economic times to see if they cannot work out payments on these Farmers Home Administration loans. I think they are trying to go the extra mile. At the same time we want to insure that farmers are treated fairly and equitably, and we want the administration to take into consideration these very difficult times that farmers are going through. I think this bill does address that.

Other positive features of this bill have to do with disaster emergency loans, reducing down from 30 to 20 percent the normal crop yield losses that must be sustained in order to qualify and to be eligible for low-interest Farmers Home Administration loans. I know in my area, where we have had a substantial amount of rain and floods this year, some counties were coming in with 28- and 25-percent losses, but the 30 percent was not reached. If we go back to 20 percent, I think we will be a lot more fair with the farmer who does sustain a large loss because of rain or drought or whatever the disaster may be.

I would also like to point out a positive aspect of the bill regarding the water facilities provisions, which I know this gentleman is very interested in, as well as the business and industrial sections of the bill which provide the support, if you will, and the infrastructure for rural America. A lot of these communities are being hurt because of depressed prices for farmers and are not able to come up with the dollars for these water treatment facilities and sewer systems, and the Farmers Home Administration can go in there and provide some help. I think this is a recognition of the very difficult times that rural America is facing.

Mr. Chairman, again let me say I appreciate the gentleman's yielding, and I add my support to the bill.

Mr. JEFFORDS. Mr. Chairman, I appreciate the very fine statement of the gentleman from Missouri (Mr. COLEMAN), and I reserve the balance of my time.

□ 1200

Mr. DE LA GARZA. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Tennessee (Mr. JONES), chairman of the Subcommittee on Conservation, Credit and Rural Development.

Mr. JONES of Tennessee. Mr. Chairman, I rise in strong support of H.R. 5831, and urge my colleagues to approve this legislation today in order that we may move ahead in meeting the September 30 deadline for reauthorizing the lending ceilings for the programs of the Farmers Home Administration. In addition to providing authorization levels for fiscal years 1983 through 1985 for the Farmers Home Administration's farm and rural development loan programs, this legislation would also mandate several important changes in the administration of various programs carried out by the FmHA.

H.R. 5831 was favorably reported by the Agriculture Committee by a vote of 38 to 1. Previous to this action, my subcommittee which has jurisdiction over agricultural credit held extensive oversight hearings during which we closely examined the operations of the programs addressed in H.R. 5831. In addition, we devoted a great deal of time to a careful review of the lending-and-loan-servicing policies of the Farmers Home Administration, particularly in the area of farmer program loans. I can assure you that the committee has done its homework on this legislation, and has been diligent in confronting the serious and difficult issues now facing our Nation's farm and rural communities.

Although I personally would have desired to see higher lending ceilings for farmer and rual development loan programs, I am satisfied that this legislation will provide adequate authority for the FmHA to fulfill its mission to rural America in the coming 3

years. In addressing the operations of the loan programs covered in this bill, the committee has sought to insure that the limited funding available during these times of budget restraint will be directed in ways to accomplish the most good. This is particularly true with regard to FmHA's water and sewer grant and loan programs, and the business and industry loan program.

I would especially like to note at this point that H.R. 5831 contains several provisions which are directly aimed at addressing the potentially disasterous farm foreclosure situation which could occur at a result of the current overwhelming numbers of farm loan delinquencies. This legislation would provide that, under certain circumstances, the FmHA would be required to forego foreclosure and defer principal and interest payments for individual farmer-borrowers. In addition, these borrowers would be given the opportunity to reschedule their loan repayments, and at interest rates no greater than the terms of their original loans. Rarely in my lifetime have I know a more critical and desperate period than the one now being faced by America's farmers, ranchers, and rural communities. The situation is so bad that you can hardly pick up a national news magazine or a major metropolitan newspaper without reading a cover story about the depression in rural America.

Time is running out for the American farmer, and it is running out fast. I can assure you that this legislation is not in itself going to solve all our problems, but I firmly believe we have taken a good first step in trying to meet some of the immediate needs.

In closing, let me say that I especially appreciate the bipartisan nature by which this legislation was handled in the committee. Ranking minority member of the Agriculture Credit Subcommittee, Mr. JEFFORDS, and I joined together in introducing H.R. 5831, and have worked closely with each other as it moved through the committee. Although there were differences on some specific provisions considered in the committee, for the most part this bill has enjoyed widespread support from both sides of the aisle.

So again, I urge my colleagues to support H.R. 5831 because it represents a sincere and diligent effort in reflecting the basic needs of farmers, ranchers, and communities in rural America.

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Chairman, I would like to associate myself with the remarks of my distinguished colleagues and urge support of this bill. In accordance with the Agricultural Credit Act of 1978, Public Law 95-334, H.R. 5831 authorizes funding levels for the Farmers Home Administration loan programs over the next 3 years.

The Farmers Home Administration loan programs play an important role in the economy of our rural areas. Rapid increases in the cost of land and other elements of production have made it necessary for many farmers to borrow in order to stay in business. Adequate credit must be made available to these farmers to foster and encourage the orderly growth and development of rural America. The purpose of the farmers home programs is to provide such credit, and this bill insures that the credit will be available.

In particular, I am pleased that the bill contains provisions to modify and improve the FmHA water and waste disposal system loan program. Two amendments which I offered to this program with the gentleman from South Dakota (Mr. CLINT ROBERTS), were adopted into H.R. 5831. I believe these amendments will serve to make FmHA assistance more readily available to low and moderate income, rural communities on a more cost-effective basis. The first provides for predevelopment assistance to communities for preliminary engineering and other costs associated with the preapplication stage of the FmHA funding process. The second amendment provides for technical assistance in design, construction, and operation, and maintenance of water and sewer systems.

I also would like to point out, Mr. Chairman, that the funding levels established by this bill are ceiling levels which in some cases will not be reached in fiscal 1983. In establishing these levels, the Agriculture Committee considered expected program growth over the next 3 years. Actual lending levels still would be fixed separately by the Congress in annual appropriations bills.

Mr. Chairman, we must provide the resources to strengthen and improve the ability of FmHA to deliver its full range of programs for farms and small communities. H.R. 5831 insures that the Farmers Home Administration will have the ability to provide these services, thereby improving the economy and living conditions in rural America. I urge passage of this bill.

Mr. DE LA GARZA. Mr. Chairman, I yield 4 minutes to the gentleman from Iowa (Mr. BEDELL).

Mr. BEDELL. Mr. Chairman, I had not planned to speak on this bill and then I found in my office a letter from the Secretary of Agriculture from which I would like to quote. The letter says:

> H.R. 5831 provides for mandatory deferral of loan repayments and foreclosures which turn massive amounts of Federal loans into outright gifts.

The attachment reads as follows:

> Mandatory authority would allow borrowers who are able to pay to avoid doing so, thus undermining FmHA's effectiveness in assisting many farmers who are in financial difficulty.

Mr. Chairman, I would like to read from the bill. The bill reads as follows:

> The Secretary shall permit deferral if, due to circumstances beyond the borrower's control is temporarily unable to continue making payment on such principle and interest then due.

Mr. Chairman, what we are discussing here, in my opinion, is much more important than just this bill. We are going to pass this bill, I feel confident. But there are two issues that this House had better address. The first issue is whether or not we are going to have honesty in Government.

We have to know whether we can depend, when we get a letter from the Secretary of Agriculture, that that letter is accurate. This letter absolutely is completely inaccurate. It is an outright lie, if we want to be honest about what they have said.

The second thing we have to ask ourself is: Who is going to make agricultural policy? My people called over to the Department of Agriculture when they saw this statement, which they knew was wrong, and they asked them about it. Then they said the letter was written by OMB.

People in our Government had better know who is writing the letters in regard to agricultural policy that come to every Member of Congress. They had better know that it is OMB. And we had better know that either the Office of Management and Budget does not know what is in the legislation that they are writing letters to us about—sent to all Members of Congress—or we had better know that they are outright misleading the Members of Congress.

Our job is to write the best legislation we can. We cannot write it very well if we are misled.

So I hope the people of this Congress will realize hereafter when we get correspondence of this type that we had better look at it twice before we determine that we are getting accurate information.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. BEDELL. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I share the gentleman's concern because I think there is a discrepancy between what that letter says and what is in the legislation.

However, is the gentleman aware and is it not so that the Secretary issued orders months ago to all of the Farmers Home Administration agencies throughout this Nation to be cautious, to not foreclose on anyone that demonstrated the ability to repay the loans, to work with them in any possible way in order that they survive?

I think from that standpoint this legislation is somewhat redundant.

Mr. DE LA GARZA. Will the gentleman yield to me briefly?

Mr. BEDELL. I am glad to yield.

Mr. DE LA GARZA. In the oversight hearings, during the hearings before the committee, it was never made explicitly clear by the Assistant Secretary or by the members of the Agriculture Department whether they had indeed issued orders or what orders they had issued or what restrictions they had or had not placed. I think that should be made clear.

Mr. BEDELL. And to answer the gentleman, I think the gentleman and I agree. We should have accurate information. When a Member of Congress gets a letter signed by the Secretary, they should feel that that letter is accurate.

This letter clearly is inaccurate. It clearly is not correct as to what is in the legislation. It misleads the Members of Congress and I believe that the Members of Congress should be aware of it so that if we get additional letters from the Secretary we had better check to find out whether they are correct or not.

Mr. HAGEDORN. Will the gentleman yield further?

Mr. BEDELL. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I think this is a very sensitive area we are treading in here because there are indeed many farmers who are in desperate and dire straits. Ninety percent of America's farmers are not financed by the Farmers Home Administration but, rather, by private creditors.

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

Mr. JEFFORDS. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa.

Mr. HAGEDORN. Therefore, when we get into a position of telling people that if, beyond their own fault, they fall into dire economic straits, due to the fact we are in these times, and maybe he has exercised good management but simply is in financial difficulty, whether we ought to have the Government wave principle payment and forgive the interest payment forever. Therefore we may be carving out a very special niche for all of the farmer's that have come to the Government for their financial needs because they have been turned down by the private sector. I believe it requires at least two instances of rejection before they are even eligible for Farmers Home Administration money or loans.

We are making a very special niche for these people.

I have a great deal of sympathy for them, but in relationship to all of the other farmers that are having to go out into the private sector, they do not have this same kind of protection.

I really concern myself about what we might be doing if we tell people that we know it is tough, and if you have been a good manager you can come back to the Government; we are not going to foreclose and we are going to continue on making loans to what is probably, in all regards, going to be a losing proposition in the end anyway.

Mr. BEDELL. My argument is not whether the gentleman from Minnesota is right or wrong. My argument is that we should expect honest information in a letter signed by the Secretary.

□ 1215

Second, we should expect that to be a letter from the Secretary. We should not expect that to be a letter written by the Office of Management and Budget.

Mr. HAGEDORN. Just so that I understand it, I am trying to get a copy of the language so that I can quote from it exactly, but I believe it pretty much says that if a farmer, beyond his own fault, if he has been a good manager, and circumstances beyond his control—obviously, the market is going down, and beyond his control, an 8-billion-plus bushel price-depressing corn crop is beyond the farmer's control—are you saying, then, that the Government would not be able to foreclose, the Government would be forced to continue to give him operating capital?

The CHAIRMAN. The time of the gentleman from Iowa (Mr. BEDELL) has expired.

Mr. JEFFORDS. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. BEDELL. I am saying that the letter from the Secretary reads as follows: "Mandatory authority would allow borrowers who are able to pay to avoid doing so * * *."

The bill mandates deferral only if "the borrower due to circumstances beyond the borrower's control is temporarily unable to continue making payment on such principal and interest then due * * *." The bill clearly says that you cannot get such a loan unless you are unable to pay. The Secretary has written a letter that says if you are able to pay, you will still be able to get these loans. Either he did not read it or OMB did not read it, or at least they are misleading the people in this Chamber.

Mr. HAGEDORN. I think the gentleman is partly right and he is partly wrong, because it does not allow for people who are able to pay their loans not to have to pay them. On the other hand, there are certain criteria right here in this section of the law which would say that if it is beyond the borrower's control and he is temporarily unable to continue making payment on principal and interest and he has a reasonable chance of repayment of the loan after the deferral of principal, that it must be waived.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota (Mr. DASCHLE).

Mr. DASCHLE. Mr. Chairman, I support H.R. 5831, amendments to the Consolidated Farm and Rural Development Act reauthorizing lending programs within FmHA. I would like to respond to some of the outrageous misrepresentation by the administration of some provisions in H.R. 5831, specifically the deferral language contained in section 7 and the limited resource loan program provision. I am sure other of my colleagues will address other portions of the administration's memo on H.R. 5831.

The administration hand delivered a letter and memo from Secretary Block explaining their opposition to H.R. 5831 to my office at about 5 o'clock yesterday. I do not appreciate their method of handling this important legislation by not allowing much time for rebuttal. It is consistent, however, with their handling of this bill from the beginning. For the benefit of my colleagues not on the Agriculture Committee, you should be aware that the administration did not even make available to Republican members of the Agriculture Committee their proposals for reauthorization of the FmHA lending programs until the day of the markup of the bill. The Department of Agriculture was, and rightfully so, chastized by Members on both sides of the aisle. And now, here we are again, with another last minute USDA document, and this one filled with outrageous statements about the provisions of the legislation before us today. To term the Department's memo as a "gross distortion" is the most generous thing I can think to say.

With regard to the deferral section of the bill, Secretary Block, in his cover letter, says:

> H.R. 5831 provides for mandatory deferral of loan payments and of foreclosures which turn massive amounts of Federal loans into outright gifts.

The memo then states:

> Section 7 would give delinquent farm loan borrowers entitlement, under certain conditions, to deferral, rescheduling or reamortization of loan payments or moratorium on foreclosure. Mandatory provisions would undermine borrowers' incentive to work within FmHA to improve their farm operations and debt management, and would allow those who are able to pay to avoid doing so.

"Mandatory deferral," "outright gifts," "wholesale moratorium"—I do not know what provision the administration is talking about. It certainly is not the one Congressman DORGAN and I authored, is not the one the House Agriculture Committee overwhelmingly approved, and is not the one found

in our bill today. And the statement about farmers losing their "incentive" to work with FmHA is patronizing and insulting to farmers. The deferral provision in section 7 is just that—a deferral on payment of loan for a limited time, under limited circumstances, and on a case-by-case basis. The farmer is not forgiven the loan or interest—it must be repaid. How this is termed "outright gift" or "wholesale moratorium" I do not understand—Secretary Block and David Stockman must have created their own dictionary.

Under this deferral provision a farmer must meet certain criteria—and FmHA gets to determine whether he meets the criteria—to be eligible for a deferral. The criteria are nearly identical to the ones the Department now says it uses in allowing deferrals anyway. Under the bill, a farmer, in order to receive a deferral must: First, be a good manager; second, his inability to repay must be due to circumstances beyond his control; third, he must have a reasonable chance for repayment; and fourth, he must have no larger than a family-size farm—this is something now determined by county committees in determining farmers' eligibility for operating and ownership loans which have family-size-farm criteria.

A second, and very important part of the provision requires that FmHA notify farmers of the existence of deferrals and other servicing remedies. In a recent court decision in Georgia, Curry against Block, the district judge ruled that FmHA must provide clear notification to farmers about the existence of deferral possibilities and must rewrite their deferral regulations. The Government, in its brief filed in this case, stated that FmHA has no obligation to inform farmers about deferral possibilities and is appealing the case. The provision in H.R. 5831 is consistent with the judge's order regarding notification of deferral options.

The deferral provision in section 7 also fills a void in the law by requiring that USDA have clear procedures for applying for and appealing denials of deferrals and other servicing remedies. USDA currently does allow appeal of deferral decisions, but it is not something required by statute. Currently, decisions made by FmHA county committees are appealable by order of statute. Decisions made by FmHA county supervisors who do make deferral decisions are appealable by virtue of regulation, but it is not mandated by law. Our provision simply makes the law consistent with regard to decisions by country committees and county supervisors, and should not require USDA to change the way they operate. The Secretary also goes after the limited resource loan program, saying that it would cost "$231,697,000 in life-of-loan subsidy costs." It is ridiculous to think that a farmer would get a limited resource ownership loan and pay the limited resource interest rate for the 30-year life of the loan. Limited resource borrowers accounts are periodically reviewed and borrowers are usually graduated to regular interest rates within a couple years. I would estimate the cost of subsidy over a 3-year period to be about $80 million—certainly a reasonable cost to help young and limited-resource farmers who otherwise could not farm or would, like so many other farmers today, be forced out of business and into the unemployment lines. It is a very small investment for something as crucial as maintaining a family farm system.

And so, I hope my colleagues will not be taken in by the administration's outlandish statements and will support H.R. 5821, including the deferral and limited resource program provisions.

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Chairman, the House has before it the most significant piece of agriculture legislation it will consider this year, the Consolidated Farm and Rural Development Act. It is critical for the survival of America's farm economy at this time of severe depression in American agriculture.

The USDA had just reported that 1982 net farm income will be again setting new lows for the third year in a row. When adjusted for inflation, farm income will be the lowest since 1932. The Congress has adopted legislation in the reconciliation bill which offers some long-term relief in the form of a paid diversion program on 1983 crops in order to reduce supplies. However, farmers need help now. They need the financial assistance and removal of the fear of imminent foreclosure which this bill provides. This bill provides for a moratorium on foreclosures by FmHA in the coming year, as a last resort.

I have just returned from 2 weeks of meetings with my constituents and the question on the minds of many farmers is whether they will be able to continue to operate. They already know that they are not going to make any money at today's unbelievably low prices. They know that their debt load is going to be much larger. What they do not know is whether their lenders, in particular, the Farmers Home Administration, will allow them to continue to farm in 1983. The First Congressional District of Arkansas is full of rumors that the FmHA will begin wholesale foreclosures shortly after the election. The fact is that a majority of FmHA borrowers in Arkansas will be unable to meet the existing criteria which were established in February 1982. This insures that farmers are on a collision course with FmHA policy unless the relief afforded by this legislation is provided.

Earlier this year, we persuaded Secretary Block to move away from the stringent collection policy which the administration attempted to put into place in 1981, just as the collapse of the farm economy was gaining momentum. However, now that total collapse is near at hand, the policy of the administration appears to be oppose the relief afforded by H.R. 5831. On Wednesday, USDA delivered a letter from Secretary Block to all the Members stating that the administration opposes this bill because it provides for mandatory deferral of loan foreclosure actions and because it exceeds the President's budget request.

In fact the administration already has at its disposal the flexible authority it needs to avoid massive foreclosures, but has little desire to use it. Farmers do not want a handout. They need a helping hand to make it through the hard times that exist because of circumstances beyond their control. That authority is provided by earlier versions of the Consolidated Farm and Rural Development Act, which allow the Secretary to defer loan principal and interest payments when he determines that a borrower is temporarily unable to make payments due to conditions beyond his control. The Secretary also has authority to consolidate and reschedule loans to farmers for up to 7 years. While the FmHA has utilized this authority to some extent, they have discouraged farmers from refinancing by forcing them to give up earlier loans made at lower interest rates and adopt higher rates after rescheduling. If farmers cannot pay back the loans they received at lower rates, how does the administration expect them to repay at recent, higher rates, given today's farm prices?

H.R. 5831 will allow farmers to request deferral of principal and interest on farm operating, disaster, and economic emergency loans only through September 30, 1983. This bill will not in any way alter the farmer's eventual obligation to repay the loan. During this 1 year period, loan foreclosures will be prohibited only if three conditions are met:

First, the borrower must be able to demostrate good management practices;

Second, the borrower must be able to show that he is unable to repay due to conditions beyond his control; and

Third, he must have a reasonable chance of repayment of the loan at the end of the period that principal and interest are deferred.

For those loans deferred by this legislation, no interest will accrue in the case of family size farms. Once the period of deferral is ended, borrowers

may reschedule, consolidate, and reamortize their loans without being subjected to the higher rates required by the administration in recent cases of rescheduling.

This is a necessary piece of legislation in view of the great fear that is spreading through the farm community. It will allow farm borrowers another year to begin to salvage and rebuild what this farm depression has destroyed.

Mr. Chairman, I have not discussed other aspects of the bill. The administration opposes what the committee has recommended in terms of lending limits, but actual increases are very modest in view of the severity of the agricultural crisis.

The ceiling on farm ownership loans is raised to $1 billion from the current level of $900 million. The operating loan fund is raised to $1.5 billion from the current level of $1.3 billion and water and sewer loans are raised from $300 million to $500 million. In fact, the economic emergency loan program which the administration has so adamantly opposed is eliminated entirely although my hard-pressed farmers are entitled to know that there is $600 million in existing authority for fiscal year 1982 which the administration has refused to use.

In conclusion, Mr. Chairman, H.R. 5831 is a modest response to the severe needs of rural America. It provides no bailout for farmers or anyone else. Only a 1-year deferral of foreclosures in the most critical cases is provided. All debts due will continue to be the farmer's obligation after September 30, 1983. I urge my colleagues to vote for this essential legislation.

Mr. JEFFORDS. Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. MARLENEE).

Mr. MARLENEE. Mr. Chairman, I rise in support of 5831 which is a reauthorization bill that properly addresses many of the problems facing agricultural borrowers from the Farmers Home Administration (FmHA). American agriculture has rarely faced times so crucial:

Income, in constant dollars, is now at depression-era levels.

Land values in some areas have dropped 4 to 8 percent.

Producers have cut capital purchases 10 percent, resulting in depressed sales in the agribusiness industries.

High interest rates and a severe cut in cash flow have combined to form the major deterrent to agricultural prosperity. Because agriculture and its related industries are the largest segment of the economy, employing approximately 16 million workers, there is a domino effect on the entire economy.

I believe the FmHA should be committed to do all it can, in a responsible manner, to assist its borrowers through these economic rough waters. National attention has focused on delinquency rates and foreclosures. Several congressional hearings, and now the General Accounting Office, have investigated FmHA lending practices. A variety of solutions have been suggested to the FmHA credit crisis. I did not find it wise to support a blanket moratorium on all FmHA foreclosures, and blanket deferrals of payments on FmHA loans—that is plainly overkill. I did, however, want to make certain that FmHA had the legal authority to exercise their judgment, forgo foreclosure, and defer payments of principal and interest in some cases. This reauthorization makes that consideration the law through the next fiscal year. The conditions qualifying this consideration are appropriate: First, the borrower must have demonstrated good management skills; second, circumstances beyond the borrower's control are making repayment impossible; and third, a delay of foreclosure or payments would afford the borrower a reasonable chance of repayment.

This bill also requires the notification of all borrowers of the criteria that must be met, and the availability of deferrals of payments and the forgoing of foreclosure. Borrowers are also to be notified of the appeals process to any FmHA decision. These are appropriate and adequate measures of safeguard for borrowers.

I want to underscore my extreme concern for agricultural operators who find no credit available from any lending source, including FmHA. For that reason I support this bill as it was reported from committee. In testimony I gave before the Agriculture Committee, I reminded my colleagues that many capable producers are not FmHA borrowers. Now seeking to borrow from FmHA as a last resort, they are finding no funds available for operating loans. Available FmHA funds must first be reserved for existing borrowers who may be in distressed conditions and require additional loans. In Montana, the amount of money used to finance existing FmHA borrowers was three times the amount loaned to first-time borrowers. An unnecessary moratorium of foreclosures, or unnecessary deferrals of payments, will further drain the reserve of funds that would otherwise provide credit to first-time borrowers.

It is important to every taxpayer that FmHA be a responsible credit source, so I was successful in striking the vague "impaired standard of living" test as one of the criteria for postponing otherwise appropriate foreclosures. There is no producer still in the business today who does not find his net income barely sufficient to survive another year. Last year, the increase in production expenses outstripped the growth in farm income $4 to $1. Applying an impaired standard-of-living test to FmHA borrowers would discriminate against every producer who is obtaining credit from another source, and is meeting much more stringent credit terms in doing so.

Mr. Chairman, I feel it is important that FmHA adhere strictly to the business of keeping agriculture in business. My committee amendment to the reauthorization bill is aimed at keeping the FmHA out of the oil, gas, and mineral business. Current FmHA loan agreements secure the mineral rights as a matter of routine. I question the propriety of this practice. More importantly, past loan agreements did not specifically secure the mineral, oil, and gas rights as collateral. Land values at the time the loan was made would not have reflected the value of possible mineral deposits, since much of these now-valuable deposits were as yet undiscovered, or a lesser value was placed on them. It is improper for the FmHA to now claim authority over disposition of these rights, especially if the agricultural producing capacity of the land is not greatly impaired. My amendment was aimed at stopping this practice. The FmHA was established to serve family farms. Until prosperity returns to America's producers, I want to see FmHA as a responsible lending source keeping producers in business.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Chairman, a young friend of mine from North Dakota is a family farmer in his early thirties and this year he received a notice from the Farmers Home Administration saying to him that "You are not making any financial progress, and we suggest that you either cut back your operations or consider quitting farming." This is a young fellow who is not delinquent. He is a good young farmer. He has a good record. He was written to by the Farmers Home Administration saying, "We think you ought to consider quitting farming."

What kind of a Federal agency is it that is supposed to be the lender of last resort and is writing to good young family farmers in this country suggesting they quit farming?

I think that is incompetent. The reason we are debating these bills today is because the Farmers Home Administration is not doing its proper job for our family farmers.

Now, the speaker before me talked about David Stockman. The letter that I received in my office today coming from the Secretary of Agriculture, apparently, was written by David Stockman. When is David Stockman going to get off agriculture's case? David Stockman says farmers are crybabies. I say David Stockman does not know what he is talking about.

Six months ago on the floor of the House I said that David Stockman could not tell the difference between a razorback hog and a pickup truck. I still do not think he can tell the difference. The fact is, he does not know anything about farming. He fights harder for foreign aid than he does for family farmers. Does he not understand that the health of this country's economy is dependent in a large part on the health of the American family farmer?

Now, we put a provision in this bill, an amendment that Congressman DASCHLE and I sponsored in subcommittee, that came through the committee, that provides for a deferral for young farmers in trouble. It does not say, "We are going to forgive the interest and principal payments on your loan," but it say, "If you are a good young farmer, who, through no fault of your own, because of high interest rates and low prices, you have gotten into some trouble, we are going to give you some time."

The Farmers Home Administration ought to be giving these farmers a helping hand. Instead, they are giving them a handcuff. We are saying, with this deferral, "We will give you some time," It does not say, "You do not have to repay the interest and you do not have to repay the principal," It does not say that at all. You still have to repay it all. It simply buys them some breathing space. It says that young farmers are the farming future in this country and we want to give them some time. That is all this says. We will get into it during the debate, but I think this is a very important issue for family farmers.

Mr. JEFFORDS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nebraska (Mrs. SMITH).

Mrs. SMITH of Nebraska. Mr. Chairman, I thank the chairman, my good friend from Tennessee, Mr. JONES, and my friend from Vermont, the ranking member of the subcommittee, Mr. JEFFORDS.

I rise to briefly point out a very serious concern of mine regarding the emergency disaster loan program administered by the Department of Agriculture. Currently, producers are eligible for low-interest loans if a natural disaster has wiped out 30 percent of the aggregate economic value of production for his particular county.

The committee in its wisdom has provided for a reduction from 30 to 20 percent loss of an applicant's production from a single enterprize based on a per acre or per animal calculation.

However, short of offering an amendment, I want to call attention to the practice of basing eligibility on loss to the county instead of loss to the individual producer.

As the program now operates, a producer who sustains 100 percent loss from a natural disaster may not be eligible for an emergency loan while his neighbor across the road, who was hit by the same storm, would be eligible for the disaster assistance.

This situation is possible because of the calculation based on county loss not individual producer loss. Also, the county designation procedure discriminates against large counties and counties with intensive production. This situation is very inequitable and unfair.

I suggest the Department of Agriculture and the committee address this obviously questionable policy, especially in light of the absence of direct payments for disaster assistance.

I include for the RECORD, with your permission, a copy of my letter to the Secretary of Agriculture, asking him to use the authority he has to provide the assistance that the spirit of the law demands.

WASHINGTON, D.C.,
September 2, 1982.

Hon. JOHN R. BLOCK,
Secretary of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: Again I feel compelled to cite the need for greater flexibility in the rules under which the Department operates the disaster assistance program.

As presently applied, the guidelines require that there must be a 30 percent loss of all crops in a single county before any Federal disaster assistance can be approved. Since storms do not respect county lines there are many instances where deserving farm producers are ruled out because the storm damage is confined to their area of the county and it is not possible to meet the 30 percent requirement even though the losses of one farmer or a group of neighboring farmers might be 100 percent.

To deal with the inequities the strict application of this rule creates, I respectfully recommend that you exercise your authority to grant waivers of the 30 percent rule in those cases of exceptional merit.

I have one such case in mind where grain producers near Hay Springs, Sheridan County, Nebraska, have recently suffered etensive hail damage in the one major crop production area of the county and have lost as much as 100 percent of some of their crops. Unless the present rule is waived, however, disaster assistance will be denied them. This would be catastrophic in view of all of the other economic losses occuring as a result of the faltering farm economy.

Mr. Secretary, I know you will be interested in seeing the figures on the extent of these disaster losses in Sheridan County, Nebraska, and that you will see fit to approve an exemption so that the producers can recoup a percentage of their losses inflicted by the severe hail storm on August 23, 1982.

With best wishes, I am,
Sincerely,

VIRGINIA SMITH,
Member of Congress.

□ 1230

Mr. JEFFORDS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. GUNDERSON).

Mr. GUNDERSON. Mr. Chairman, I rise in support of H.R. 5831 that establishes lending limits for farm and rural development programs of the Farmers Home Administration during the next 3 fiscal years.

The importance of these FmHA programs to our rural areas cannot be overemphasized. Besides being the "lead agency" in the area of rural development, the FmHA has played an increasingly important role in the farm credit picture in recent years.

In fact, as of January 1, 1981, 12.2 percent of all of the total outstanding farm debt—some $22 billion—was held by the Farmers Home Administration.

The importance of the FmHA as a "lender of last resort" for farmers has taken on even greater significance during the current recession when credit is tight. In many cases, the availability of a FmHA operating loan may make the difference for good, young farmers as to whether or not they will be in business a year from now.

Mr. Chairman, it is no secret that the Federal Government is facing a period of fiscal austerity when authorizations and actual spending on many Federal programs is being decreased rather than increased by the Congress. This is not the case with the FmHA farm lending programs.

Farm ownership loans are authorized at $1 billion for fiscal year 1983 under H.R. 5831. That is an 11-percent increase over their current authorization of $900 million and 29 percent more than requested by the President.

Farm operating loans are authorized at $1.51 billion for fiscal year 1983. Again, that is almost 10 percent more than the current authorization of $1.375 billion for this program.

H.R. 5831 also authorizes such sums as may be necessary for the natural disaster emergency loan program. More importantly, it decreases the eligibility requirements for such emergency loans from a 30-percent loss of a normal year's production to a 20-percent loss. This is particularly important during these times of economic austerity when even a 20-percent loss may result in the insolvency of many in our farming community.

Within the farm lending programs of the Farmers Home Administration are provisions permitting loans to limited resource farmers at interest rates less than those FmHA normally charge. The future of the family farm in America has been solidified since 1978 because of the existence of these provisions. That is why I am very pleased that H.R. 5831 continues the special treatment of limited resource farmers during the upcoming 3 fiscal years.

Mr. Chairman, if we are to guarantee the existence of the current family farm structure of agriculture, we need to provide opportunities for our good, young farmers to get in, and stay in,

farming. The reauthorization of the ownership and operating programs at increased levels together with the special treatment of limited resource farmers all contained in H.R. 5831 will go a long way in achieving this goal.

I, therefore, urge my colleagues to support this valuable and most necessary legislation.

Mr. JEFFORDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in strong support of H.R. 5811.

Mr. Chairman, the best case for passing this bill was made by the administration last week when they released at long last the projections for net farm income in 1982. Farmers in 1982—said the administration—will net $19 billion, down nearly 25 percent from last year's $25.1 billion.

In constant dollars, farm income this year will be at its lowest point since 1933. Farmers' return on equity will most likely be less than 1 percent, in 1982 and 1983, at this point does not look any better in fact it look worse.

Let me remind the Members that what we do with this bill will not just affect farmers. If one doubts that, ask an unemployed International Harvester worker whether agriculture's buying power affects him.

This bill is designed to assist a profoundly depressed segment of our economy. It is necessary although I wish it were not. It is fiscally responsible by House budget standards, reducing the authorized levels by 19 percent over 1979 budgeted levels, and I challenge a Member to find any other program levels with this type of funding reductions.

I do not like everything that is in the bill. I would rather see a declining requirement of Federal funds in the farm sector instead of an increasing requirement; but the truth of the matter is when one looks at the very real fact that at this very moment, 28 percent of all Farmers Home loans in the United States are now delinquent because farmers are unable to pay and with the income projections that we have just come out with, with the current farm bill which is totally inadequate in place, the truth of the matter is we are going to have increased needs for capital (from the Federal Government as a leader of last resort) in the agricultural sector in the very near future.

I repeat again: This bill is within the budget. It does meet the short-term needs. If we somehow can change our agricultural policy to provide for a more realistic net farm income, it will meet the needs in the future. If we do not, it will not.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Chairman, I rise in support of passage of H.R. 5831. This important legislation has originated in the House Agriculture Committee's Subcommittee on Conservation, Credit and Rural Development, chaired by our able and distinguished colleague, ED JONES of Tennessee.

As a former member of this subcommittee, I am particularly aware of the critical nature of this bill for American agriculture. It is imperative that our farmers and the rural sector of the country have access to the financial assistance and credit provided by it as soon as possible.

In my State of Arkansas, the Farmers Home Administration is more than the lender of last resort. It is the only lifeline keeping many of my farmers afloat at this time of economic disaster for agriculture.

As many of my colleagues have noted in this and earlier debates on the economy, the farm sector has been suffering longer than any other during the recent economic recession. In Arkansas, we have suffered through the 3 worst years in my lifetime. The drought of 1980 destroyed crops all over the State and 1981 and 1982 have been years of economic disaster. Now, FmHA reports that there are 3,349 operating loans and 6,485 emergency loans in the State of Arkansas in which farmers may well be unable to meet existing payment obligations, given today's low prices.

The level of delinquency on these loans exceeded 60 percent in January of this year and will go higher by January of 1983. Even with extensive subordination by FmHA to other lenders and some refinancing of debts, the delinquency levels on loans in Arkansas could not be reduced below 30 percent this year.

The loan ceilings for the various FmHA programs have received modest and very necessary increases. More needs to be done but our farmers recognize that at this time of budgetary restraint, the levels proposed will have to be sufficient.

The bill also provides for borrowers to receive a 1-year deferral of principal and interest repayments when they can show that they have used good farming practices, but economic conditions prevent repayment as scheduled. This temporary relief will enable our farmers to gain a reprieve from possible foreclosure in the most extreme cases.

I urge my colleagues to join with the members of the Agriculture Committee in approving this very necessary legislation. A broad base of support for this bill will reassure our farmers that Congress will not abandon them at the time of their greatest need.

● Mr. FITHIAN. Mr. Chairman, as a member of the House Agriculture Committee, I urge my colleagues to support the Consolidated Farm and Rural Development Act which will be considered by the House of Representatives today. I support this legislation, more specifically, I support the provision that requires the Department of Agriculture to forgo foreclosure and permit an FmHA family farm borrower to defer principal and interest payments on ownership, operating, disaster, and economic emergency loans. This deferral is permitted if the family farmer demonstrates that he has used good management practices, and that he has a reasonable chance of paying the loan after the deferral. There is a third requisite to the deferral that I feel tells the whole story. That requisite is the ability of the farmer to demonstrate that his temporary inability to make payments is due to circumstances beyond his control.

Mr. Speaker, allow me to spell out exactly what those circumstances beyond the farmers control are, and who is in control of those conditions that are causing the American farmers' plight. Since this administration took office on January 20, 1981, the prices of the cash crops in Indiana have been on a disastrous plunge. The price of corn has dropped from $3.75 in January of 1981 to below $2 in some parts of Indiana, and are expected to stay well below $2 for the remainder of this year. Wheat and soybeans have dropped over 30 and 20 percent, respectfully.

All the while that the bottom is dropping out of the commodity prices, the administration is discouraging the export sales of grain to foreign countries because of an ideologue that threatens to lead the American farmer into bankruptcy.

In Indiana alone, there is a new foreclosure every 3 hours of every day, 7 days a week. The threat of losing your home or family farm is becoming a frightening reality to most Americans.

Make no mistake about the fact that I do not consider this section of the Consolidated Farm and Rural Development Act as the savior of the farm community. The fact is that this provision will affect only a small amount of the farmers who need help. I do, however, consider this an effort to help those farmers that have called on the Government to assist them in producing the food of our Nation. The farmer that is helped by this provision is being put out of business because of the farm policies of this administration.

Again, I urge my colleagues to support this act and the provision calling on the Department of Agriculture to defer foreclosure on the family farmer. There is already enough foreclosures and business failures in Amer-

ica due to this administration's policies without the Government becoming active in the process of foreclosure themselves.●

Mr. DE LA GARZA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute recommended by the Committee on Agriculture now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

H.R. 5831

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by—

(1) in paragraph (1), inserting the designation "(A)" before the existing text thereof, and adding at the end thereof a new subparagraph as follows:

"(B) The Secretary is authorized to make a grant to any association which received a loan made or insured under subparagraph (A) to finance a water or waste disposal facility if—

"(i) such association is unable to repay such loan without suffering great economic hardship, and

"(ii) the inability to repay such loan results from an unanticipated diminution in the aggregate amount of fees or revenue received by such association, caused by a substantial decline in population or commercial activity in the area served by such facility.

The proceeds for such grant may be used only to repay such loan.";

(2) adding at the end of paragraph (2) the following: "The Secretary shall fix the grant rate for each project in conformity with regulations promulgated by the Secretary which shall provide for a graduated scale of grant rates prescribing higher rates for projects in communities having lower community population and income levels which can demonstrate a financial need: *Provided,* That for grants for projects in communities having a population of fifteen hundred or less and a median community income level below 80 per centum of the statewide nonmetropolitan median family income, the grant rate shall be the maximum rate permitted under this paragraph when the community can demonstrate a financial need.";

(3) amending paragraph (7) to read as follows:

"(7) As used in this title, the terms 'rural' and 'rural area' shall not include any area in any city or town having a population in excess of ten thousand, except that (A) for the purpose of loans for essential community facilities under subsection (a)(1) of this section, the terms 'rural' and 'rural area' may include any area in any city or town having a population not in excess of twenty thousand; and (B) for purposes of loans and grants for private business enterprises under sections 304(b), 310B, and 312 (b), (c), and (d), the terms 'rural' and 'rural area' may include all territory of a State that is not within the outer boundary of any city having a population in excess of twenty-five thousand and its immediately adjacent urbanized areas as determined by the Secretary of Agriculture according to the latest decennial census of the United States: *Provided,* That special consideration for such loans and grants shall be given to areas other than cities having a population in excess of ten thousand."; and

(4) adding at the end thereof the following new paragraphs (16), (17), (18), and (19), as follows:

"(16) In providing financial assistance for water and waste disposal facilities under this section, the Secretary shall utilize a project selection system to determine which of the applicants for assistance meeting the basic requirements of this section shall be selected to receive assistance. Such project selection system shall provide for the objective and uniform comparison of requests for assistance (in the form of preapplications) on the basis of relative need as reflected by (A) low community median income; (B) small population; and (C) severity of health hazards resulting from inadequate provision for the reliable supply of potable water or from inadequate means of disposing of waste. For purposes of the project selection system, each of these three factors shall be weighted equally.

"(17)(A) The Secretary is authorized to make payments to associations described in paragraph (1) of this subsection which are reasonably likely to receive financial assistance under paragraph (1) or paragraph (2) of this subsection for community water and waste disposal facilities, for predevelopment costs incurred in connection with the planning and design of such facilities. Such costs may include the costs of drilling test wells and of preparing alternative engineering designs to determine the most feasible and economical method to improve the water supply or waste disposal system of the community involved.

"(B)(i) The amount of any payment received under subparagraph (A) with respect to a project by an association which receives, before the expiration of the five-year period beginning on the date of such payment is received, a loan under paragraph (1) of a grant under paragraph (2) of this subsection to finance such project shall be treated as part of the amount of such loan or the amount of such grant, as the case may be; and

"(ii) the amount of any payment received under subparagraph (A) with respect to a project by an association which does not receive, before the expiration of the five-year period beginning on the date of such payment is received, a loan under paragraph (1) or a grant under paragraph (2) of this subsection to finance such project shall be repaid to the Secretary as if such payment were a loan made under paragraph (1) unless the Secretary waives the repayment requirement with respect to all or part of such amount.

"(C) The total of payments made by the Secretary under this paragraph for any fiscal year shall not be less than 5 per centum of any amount appropriated to carry out paragraph (2) of this subsection for the fiscal year unless the applications for payments received by the Secretary from eligible associations for the fiscal year total less than 5 per centum of such amount.

"(D) For purposes of section 346, each payment made under subparagraph (A) shall be deemed to be a loan unless and until such payment is offset against a grant or the Secretary waives the repayment of such payment.

"(18)(A) The Secretary is authorized to make grants to private nonprofit organizations for the purpose of enabling them to provide to associations described in paragraph (17) of this subsection technical assistance and training—

"(i) to identify, and evaluate alternative solutions to, problems relating to the development, storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas;

"(ii) to prepare applications to receive financial assistance for any purpose specified in paragraph (2) of this subsection from any public or private source; and

"(iii) to improve the operation and maintenance practices at any existing works for the storage, treatment, purification, or distribution of water or the collection, treatment, or disposal of waste in rural areas.

"(B) In selecting recipients of grants to be made under subparagraph (A), the Secretary shall give priority to private nonprofit organizations which have experience in providing the technical assistance and training described in such subparagraph to such associations serving rural areas in which residents have low incomes and in which water supply systems or waste facilities are unhealthful.

"(C) The total of grants made by the Secretary under this paragraph for any fiscal year shall not be less than 2 per centum of any amount appropriated to carry out paragraph (2) of this subsection for the fiscal year unless the applications for grants received by the Secretary from eligible associations for the fiscal year total less than 2 per centum of such amount.

"(19) In the case of water and waste disposal projects serving more than one separate rural community, the Secretary shall utilize the median population level and the median community income level of all the separate communities to be served in applying the formulas provided in sections 306(a)(2), 306(a)(16), and 307(a)(3)(A).".

SEC. 2. Section 307 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927) is amended by—

(1) in subsection (a)(3)(A)—

(A) striking out "the poverty line prescribed by the Office of Management and Budget as adjusted under section 624 of the Economic Opportunity Act of 1964 (42 U.S.C. 2971d)" and inserting in lieu thereof "80 per centum of the statewide nonmetropolitan median family income"; and

(B) inserting before the period at the end thereof the following: "; and not in excess of 7 per centum per annum on loans for such facilities which do not qualify for the 5 per centum per annum interest rate but are located in areas where the median family income of the persons to be served by the facilities does not exceed 100 per centum of the statewide nonmetropolitan median family income"; and

(2) adding at the end thereof a new subsection as follows:

"(d) Unless appraised values of the rights to oil, gas or other minerals are specifically included as part of the appraised value of property securing a farm ownership loan, the rights to oil, gas or other minerals located under the property shall not be considered part of the collateral securing the loan.".

SEC. 3. Section 309(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(h)) is amended by adding at the end thereof a new sentence as follows: "In addition, the Secretary may provide financial assistance to persons eligible for financing under section 302 of this title by guaranteeing loans for the purposes specified in section 303(a)(1) of this title made by States or

by agencies of States, including loans which involve tax-exempt bond funds.".

SEC. 4. Section 310B(d)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(d)(5)) is amended to read as follows:

"(5) No loan commitment issued under this section, section 304, or section 312 shall be conditioned upon the applicant investing in excess of 10 per centum in the business or industrial enterprise for which purpose the loan is to be made unless the Secretary determines there are special circumstances which necessitate an equity investment by the applicant of up to, but not exceeding, 20 per centum. The Secretary shall permit an applicant to make the required equity investment in the form of cash, tangible earning assets at book value, or appraisal surplus, or any combination thereof.".

SEC. 5. Section 316 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1946) is amended by adding at the end thereof a new subsection as follows:

"(c) The Secretary shall permit a borrower having an outstanding loan made under this subtitle who has adequate equity to protect the loan to use proceeds from the sale of property securing the loan to make prospective scheduled payments on the loan: *Provided*, That such sale does not impair the borrower's ability to continue the borrower's operation.".

SEC. 6. Section 329 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1970) is amended by—

(1) striking out "30 per centum" and inserting in lieu thereof "20 per centum"; and

(2) striking out "based upon the average monthly price in effect for the previous year".

SEC. 7. Section 331A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981a) is amended by—

(1) inserting the designation "(a)" before the existing text thereof;

(2) in the second sentence, striking out "section" and inserting in lieu thereof "subsection"; and

(3) adding at the end thereof new subsections (b), (c), and (d) as follows:

"(b) During the period beginning with the date of enactment of this subsection and ending September 30, 1983, the Secretary shall permit, at the request of the borrower, the deferral of principal and interest on any outstanding loan made, insured, or held by the Secretary for farm ownership purposes under subtitle A, farm operating purposes under subtitle B, disaster emergency purposes under subtitle C, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, and shall forgo foreclosure of any such loan, in both cases upon a showing by the borrower that the borrower (1) has demonstrated good management practices, (2) due to circumstances beyond the borrower's control is temporarily unable to continue making payment on such principal and interest then due, and (3) has a reasonable chance of repayment of the loan after the deferral of principal and interest or the foregoing of foreclosure. Interest that accrues during the deferral period on any loan deferred under the provisions of this subsection shall bear no interest during or after such period. The foregoing provisions of this subsection shall be limited to borrowers who own or operate family-size farms, as certified by the county committee in accordance with section 333(b) of this Act. The Secretary shall promulgate regulations which provide (1) for notification of all farm borrowers of the provisions of this subsection and all other servicing alternatives offered by the Secretary; (2) clear procedures by which borrowers may petition the Secretary for relief under such provisions and alternatives; and (3) for appeal within the Department of Agriculture from a decision which denies relief under such provisions and alternatives.

"(c) Upon the expiration of any period of deferral of payment of principal and interest and foregoing of foreclosure by the Secretary under subsection (b) of this section, the Secretary shall make available to the borrower, upon the borrower's request, procedures whereby the loan can be consolidated, rescheduled, or reamortized to provide equitable repayment terms consistent with the borrower's farm and financial situation, and any loan so consolidated, rescheduled, or reamortized shall bear interest at a rate not in excess of the rate of interest on the original loan.

"(d) Any loan deferred, consolidated, rescheduled, or reamortized under any authority of the Secretary other than pursuant to subsection (b) of this section shall, notwithstanding any other provision of this title, bear interest for the balance of the original loan and for the term of the original loan at a rate not in excess of the rate of interest on the original loan.".

SEC. 8. Section 332 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1982) is amended by adding at the end thereof a new subsection as follows:

"(d) On the request of a borrower with respect to whom the committee has made a certification under section 333(b) of this title, the committee may meet with such borrower—

"(1) to discuss with such borrower any question regarding the farming operation of such borrower, or

"(2) to advise such borrower regarding farm management decisions such borrower may be required to make.".

SEC. 9. Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by—

(1) in subsection (b)—

(A) inserting "(1)" after "(b)";

(B) inserting before ": *Provided*, That", the following: ", and (2) the county committee to establish the maximum amount of credit which may be extended to such applicant under such certification to meet the actual needs of such applicant during the crop year involved"; and

(C) in the proviso, striking out "or recommendation required to be made by the county committee," and inserting in lieu thereof ", recommendation or limitation required to be made by the county committee under this subsection,";

(2) in subsection (d), striking out "and" following the semicolon;

(3) in subsection (e), striking out the period and inserting in lieu thereof "; and"; and adding at the end thereof a new subsection as follows:

"(f) that a borrower having an outstanding loan made, insured or held by the Secretary for farm ownership purposes under subtitle A, farm operating purposes under subtitle B, disaster emergency purposes under subtitle C, or economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978, be permitted to use the proceeds from the sale or lease of oil, gas, or other minerals and the proceeds from royalties generated from leases of oil or gas, located under the property securing the loan to make prospective scheduled payments on the loan.".

SEC. 10. Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended by adding at the end thereof a new subsection (e) as follows:

"(e) Notwithstanding the provisions of subsection (a) of this section—

"(1) loans for each of the fiscal years 1983, 1984, and 1985 are authorized to be insured, or made to be sold and insured, or guaranteed under the Agricultural Credit Insurance Fund as follows:

"(A) real estate loans, $1,000,000,000;

"(B) operating loans, $1,510,000,000; and

"(C) emergency loans in amounts necessary to meet the needs resulting from natural disasters.

Not less than 25 per centum of the insured loans authorized for farm ownership purposes and not less than 25 per centum of the insured loans authorized for farm operating purposes shall be for low-income, limited-resource applicants.

"(2) loans for each of the fiscal years 1983, 1984, and 1985 are authorized to be insured, or made to be sold and insured, or guaranteed under the Rural Development Insurance Fund as follows:

"(A) insured water and sewer facility loans, $500,000,000;

"(B) industrial development loans, $1,000,000,000: *Provided*, That such loans may be insured, or made to be sold and insured, or guaranteed only with respect to applicants which, in the case of insured loans, are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time, and, in the case of guaranteed loans, the lender certifies that the lender is unwilling to provide credit to the applicant at the same rate of interest in the absence of the guarantee authorized by this title; and

"(C) insured community facility loans, $300,000,000.".

SEC. 11. The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 note) is amended by adding at the end thereof a new section 349 as follows:

"SEC. 349. (a) Not later than one month following the end of each calendar quarter beginning with the quarter ending June 30, 1982, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report containing the information specified below with respect to loans made, insured, or guaranteed for farm ownership purposes under subtitle A of this title, farm operating purposes under subtitle B, disaster emergency purposes under subtitle C, and economic emergency purposes under the Emergency Agricultural Credit Adjustment Act of 1978:

"(1) the estimated number and dollar value of loans designated delinquent;

"(2) the estimated number and dollar value of loans voluntarily liquidated;

"(3) the estimated number and dollar value of loans accelerated;

"(4) the estimated number and dollar value of loans in the process of foreclosure;

"(5) the estimated number and dollar value of loans foreclosed; and

"(6) the estimated number and dollar value of loans on which any other adverse action was taken.

"(b) Each report submitted under this section shall provide the required information

on a State-by-State basis and shall list such information separately for each type of loan specified in subsection (a), and within each such type, separately for loans made or insured and for loans guaranteed, and separately for regular loans and for loans made to low-income, limited-resource borrowers.

"(c) In preparing the format of the report to be submitted under this section, the Secretary shall closely consult on a continuing basis with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, to ensure a common understanding of the terms employed in this section.

"(d) For purposes of this section—

"(1) 'loans described delinquent' means loans with respect to which (i) the amount repaid is more than $10 less than the amount due under the repayment schedule, or (ii) any payment is not made within fifteen days after the date the payment is due under the repayment schedule;

"(2) 'loans voluntarily liquidated' means loans with respect to which the borrower, on the borrower's own volition, or under threat of foreclosure and with the Secretary's agreement, has sold property securing the loan and applied the proceeds against the loan indebtedness;

"(3) 'loans accelerated' means loans with respect to which the borrower is notified by the Secretary that, because of a default, all principal and interest under the loan are due and payable;

"(4) 'loans in the process of foreclosure' means loans which have been referred by the Secretary to the Office of the General Counsel of the Department of Agriculture for initiation of action to foreclose the loans and such action is not completed;

"(5) 'loans foreclosed' means loans with respect to which legal proceedings have been concluded to sell the property securing the loan, or the property securing the loans has been sold by the Secretary under the terms of the loan agreement; and

"(6) 'loans on which other adverse action was taken' means loans with respect to which the Secretary has, because of delinquency or default, taken an action against the borrower other than those described in any other paragraph of this subsection.

"(e) The provisions of this section shall be effective through September 30, 1985.".

SEC. 12. (a) The amendments made by section 1(1) of this Act shall become effective on October 1, 1982, and shall apply to any association described in section 306(a)(1)(B) of the Consolidated Farm and Rural Development Act, as added by section 1(1) of this Act, without regard to whether the loan involved was received by such association before such effective date.

(b) The amendments made by section 1(4) of this Act which added new paragraphs (17) and (18) to section 306(a) of the Consolidated Farm and Rural Development Act shall become effective on October 1, 1982.

(c) The amendments made by section 6 of this Act shall apply to financial assistance made available with respect to disasters occurring after January 1, 1981.

(d) All other amendments made by this Act shall become effective upon the date of enactment.

Mr. DE LA GARZA (during the reading). Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDMENT OFFERED BY MR. JEFFORDS

Mr. JEFFORDS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. JEFFORDS: Page 15, after line 24, insert the following new section (and redesignate succeeding sections accordingly):

SEC. 10. Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in the first sentence—

(A) by striking out "may" and inserting in lieu thereof "shall"; and

(B) by inserting after the first sentence the following: "Such property shall be determined to be suitable for such disposition if such property is being used, or customarily has been used, for the production of agricultural commodities and if such use is permitted under applicable land use laws in effect at the time of disposition under this subsection.";

(2) in the second sentence—

(A) by striking out ", whenever practicable,"; and

(B) by inserting before the period ", except that if such property is not sold to such persons within a period of two years after the date of acquisition, then such property shall be offered for sale to those States, units of local government, and private nonprofit organizations described in section 170(c)(2) of the Internal Revenue Code of 1954 which agree to use such property for agricultural purposes and to convey such property to such persons as soon as practicable."; and

(3) in the third sentence by inserting "or any such State, unit of local government, or organization" after "such persons".

Mr. JEFFORDS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. JEFFORDS. Mr. Chairman, the purpose of the amendment I am offering today is to insure that Farmers Home Administration policy on disposition of agricultural land acquired through foreclosure is in compliance with the Farmland Protection Policy Act. This amendment does not make any major changes to the law, but instead simply clarifies the congressional intent expressed in existing statutes.

What this amendment would specifically do is to require that land in the possession of Farmers Home as a result of foreclosure that customarily has been used for agriculture be offered to eligible farmers as a matter of first priority, then to State and local governments, and nonprofit organizations; and only then be put on the open market. Rather than simply disposing of such land to the highest bidder, Farmers Home Administration would be required to make a good faith effort to keep such land in agricultural use. I believe this is the intent of existing statutes, and this amendment would specifically define that intent.

Mr. Chairman, the purpose of Congress in enacting the Consolidated Farm and Rural Development Act and its predecessor legislation was to provide for the continuation of agriculture in the face of adverse market conditions by extending below-market credit to eligible farmers. A reading of this act, and in particular section 335(c), shows that this law establishes a hierarchy of priorities in the disposition of farm properties acquired by FmHA through foreclosure. The first priority it sets forth is to dispose of such property in a way that assures that it will be put back into the hands of farmers for continued agricultural use. The disposition of property in this preferred manner necessarily implies that sales need not bring the highest price.

Viewed in this light, the law assumes that farm property should be sold to eligible farmer purchasers unless circumstances other than its nonfarm value so dictate. Such circumstances might arise, for example, when local land use regulations no longer permit agricultural use of the property. But it is clear that the price of the property alone is not sufficient grounds for a secretarial determination that is not suitable for disposition to eligible farmers.

The fact that Congress did not intend CONACT to be a revenue generator for the Federal Treasury is reinforced by the provision of section 335(c) that the Secretary must keep open his offer to sell suitable property to eligible farmer purchasers for 3 years before going to public auction or negotiated sale. Three years is an extraordinarily long period of time to hold property acquired by foreclosure, and yet so strong was Congress apparent desire to assure that farms would eventually be put back into the hands of capable but financially disadvantaged farmers, that it provided for such a holding period in the statute.

Nor does CONACT stand in isolation as an expression of Congress intent to perpetuate the agricultural useage of agricultural land. The Farmland Protection Policy Act of 1981 (Public Law 97-8), title XV, subtitle I, section 1539, provides, for example, that its purpose is "to minimize the extent to which Federal programs contribute to the unnecessary and irreversible conversion of farmland to nonagricultural uses." The term "Federal program" is defined by the statute as including those "undertaking, financing or assisting construction or improvement projects; or acquiring, managing or disposing of Federal lands and facilities."

The disposition of farm properties by FmHA clearly falls within the purview of the Farmland Protection Policy Act, and FmHA is compelled by this statute to minimize the unnecessary and irreversible conversion of farmland in disposing of farmland it acquires by foreclosure. Because the CONACT does not require FmHA to sell farm property at the highest price, the conversion of farmland as a result of such a sale would be "unnecessary" within the meaning of the Policy Act.

Importantly, the underlying purpose of the Farmland Protection Policy Act is similar to that of CONACT—to strengthen rather than weaken the agriculture industry in the face of adverse economic conditions. In adopting the Policy Act, Congress found that "the extensive use of farmland for nonagricultural purposes undermines the economic base of many rural areas." Thus, these two statutes complement each other and their interpretation together strongly mandates that FmHA take every appropriate step to assure that good farmland remains in agricultural use under the private management of capable farmers. It is clear that this result was intended by the statutes to safeguard the long-run economic prospects of the agriculture industry, even if it means foregoing some potential Federal revenue in the short run. In the administration of these laws, the Executive must attempt to carry out Congress intentions. My amendment would clearly specify these intentions and require the Secretary to carry them out.

As you can see, Mr. Chairman, this amendment does not necessarily change the law, but merely clarifies the intent of existing statutes. I believe that by specifically requiring Farmers Home Administration to made a good faith attempt to convey farm properties acquired through foreclosure into the hands of farmers who might not otherwise be able to copetitively bid for such land, we will be granting Farmers Home the ability to enhance farming opportunities and strengthen a domestic agriculture industry that, as we all know, is in serious economic trouble.

I urge my colleagues to support this amendment.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. JEFFORDS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

I would like to inform the gentleman I have discussed the matter with the chairman of the subcommittee, the gentleman from Tennessee (Mr. JONES). The gentleman in turn has discussed it with various members of the committee. We have arrived at the consensus the gentleman makes a very valid and useful contribution to the legislation, and it would be our purpose to accept his amendment on our side.

Mr. JEFFORDS. Mr. Chairman, I appreciate the gentleman's comments.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. JEFFORDS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HARKIN

Mr. HARKIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN: On page 12, after line 2, insert a new section 7 as follows and renumber the following sections accordingly:

"SEC. 7. Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by adding at the end thereof the following: 'If the borrower under a loan made or insured by the Secretary under section 310B of this title establishes to the satisfaction of the Secretary that (1) the borrower is entitled to reimbursement for the principal and interest due under such loan from a third party that is involved in reorganization or liquidation under the Bankruptcy Act, and (2) the estate of such third party is likely to have sufficient assets to reimburse the borrower, the Secretary shall defer, at the request of the borrower, payment of the principal and interest for such time as the Secretary determines necessary to permit reimbursement of the borrower to be made under the bankruptcy proceedings.'."

Mr. HARKIN. Mr. Chairman, this amendment simply provides for a postponement in the payment of a B. & I. loan in a special type of circumstance of considerable hardship. For example, a borrower can have a loan with Farmers Home and a contingent contract with another firm that is undergoing bankruptcy which requires that the amount be repaid because the bankrupt company cannot perform its responsibilities.

When Farmers Home finds such a circumstance and also finds that the bankrupt firm can make the required payment but must wait for the distribution of funds under our bankruptcy laws, then I believe the Farmers Home Administration should wait for the repayment of their loan.

To do so could force the borrower from Farmers Home into bankruptcy.

This amendment simply has Farmers Home wait for the payemnt to be made by the contingent borrower.

What if the bank or the firm that is the third borrower cannot make the payment at the end? Would the Farmers Home be out of money? No, it would not, because this amendment only takes effect when Farmers Home knows that there are sufficient funds to make the payment, and it will be made because of the contractual relationship between the primary borrower and secondary borrower.

This amendment will not cost any money. The payment will be made. The number of cases involved is small. However, the impact on the borrower could be very large. These types of loans are major ones in the view of the small businesses that are affected. The Farmers Home is taking a very tight view of this, and there are some special cases involved where borrowers have borrowed money from Farmers Home; they have loaned the money to another firm. That firm has performed some of its contractual liabilities, but that third borrower is now undergoing bankruptcy.

Under some special contracts with the first borrower, if the secondary borrower is liquidated in bankruptcy, they have to pay back the first borrower before any other creditors. Farmers Home knows they are going to get the money back in that situation. That is what my amendment speaks to. It just allows that first borrower to put off until such time as they get their proceeds from the contingent contractor under bankruptcy proceedings to then pay the money back to the Farmers Home Administration.

As I said in my remarks, to not do so may be, in fact, to force the first borrower into bankruptcy which they otherwise might not have to do if they can just wait until the third borrower pays the money back.

Mr. JEFFORDS. Mr. Chairman, will the gentleman yield?

Mr. HARKIN. I yield to the gentleman from Vermont.

Mr. JEFFORDS. Mr. Chairman, I have reviewed the amendment. As I understand it, as the gentleman has stated it, it is to take care of those rare circumstances where the requirement by FmHA to pay the loan precedes the ability through bankruptcy to receive the money that is due the primary obligor.

Therefore, I have no objection to it, with that understanding.

Mr. HARKIN. I appreciate that.

Mr. DE LA GARZA. Mr. Chairman, I have discussed this with the chairman of the subcommittee. As we understand the explanation of the gentleman, this would impose no obligation on the Government. Under the factual situation the gentleman has delineated for us, there is no possibility that it could be any loss to the Government but rather that a time sequence is all the gentleman is asking for but not a deferral of payment or a deferral of the loan but rather that the time sequence for foreclosure would be affected; is that correct?

Mr. HARKIN. Mr. Chairman, let me try to be more clear than that. Let's take a specific case.

The primary borrower—let us say a group of business people—have borrowed the money under an association name. They have taken that money from Farmers Home and loaned it to a

secondary borrower. That secondary borrower now is, let us say, undergoing bankruptcy proceedings. The secondary borrower has a contract with the primary borrower which says that the money which was borrowed from Farmers Home, and which was then loaned to the secondary borrower, that in case of bankruptcy, that amount of money is deemed to be cost of administration, which means under bankruptcy laws that is paid first.

We know they are going to pay it back to the primary borrower.

In a case like that, where Farmers Home knows they are going to get the money back, then Farmers Home would be obligated to, at the request of the primary borrower, put off repayment of that loan until such time as the bankruptcy court begins to distribute the funds, the first of which will be the cost of administration.

Of course, the primary borrowers would get their money back at that time. Then Farmers Home could go in and demand payment of that loan.

Mr. DE LA GARZA. Mr. Chairman, I think the gentleman has explained it satisfactorily. It is a delay in time.

Mr. HARKIN. That is true. It is a delay in time. It will cost the Farmers Home Administration no money whatsoever.

Mr. DE LA GARZA. Mr. Chairman, we have no objection to the gentleman's amendment on this side.

Mr. HARKIN. Mr. Chairman, I yield back the balance of my time.

□ 1245

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WAMPLER

Mr. WAMPLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WAMPLER: Page 4, line 18, strike out "can demonstrate a financial need" and insert in lieu thereof "are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time".

Page 4, beginning on line 24, strike out "can demonstrate a financial need" and insert in lieu thereof "are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing rates and terms in the community in or near which the applicant is located for loans for similar purposes and periods of time".

Mr. WAMPLER. Mr. Chairman, the purpose of this amendment is to clarify language contained in section 1 of H.R. 5831 pertaining to the grant formula for rural communities seeking Farmers Home Administration grants for water and waste disposal systems. This amendment would strike the language in the bill requiring communities having a population of less than 1,500 and a median community income level below 80 percent to "demonstrate a financial need' in order to receive a maximum 75-percent grant rate. Instead of requiring this demonstration of financial need, such communities would have to show that they were unable to obtain sufficient credit at reasonable terms elsewhere to meet their financing needs.

During consideration of H.R. 5831, the House Committee on Agriculture unanimously approved provisions to amend the Consolidated Farm and Rural Development Act to provide for graduated grant assistance for water and sewer system development in rural communities. These provisions provided that grant size would be determined on the basis of two objective criteria—community income level and community size. In addition, those communities with median family income no greater than 80 percent of the State nonmetropolitan median family income and with populations which do not exced 1,500 would be assured a maximum 75 percent grant.

The gentleman from Iowa (Mr. EVANS) offered an amendment to H.R. 5831 which added a third criterion—demonstrable financial need—to the grant formula specified in the bill. The amendment was agreed to by voice vote even though several Members questioned whether any community with a population less than 1,500 and a median family income at or below 80 percent of State nonmetropolitan median income would not be demonstrably in need of financial assistance to construct or improve a water or waste disposal system. These criteria of size and income level in most, if not all, cases define a community's need for grant assistance.

The problem with this section of the bill, as it currently is worded, is that it requires the consideration of an extremely vague condition in determining grant assistance. It has the effect of opening up the criteria for grant assistance to other unspecified and possibly nonobjective measures of community need for financial aid, as defined by the Farmers Home Administration through regulations.

In order to avoid these possible problems while achieving the objective of the original language, I am offering an amendment to strike the "demonstrable financial need" language and substitute language which would establish a "credit elsewhere" test on those communities applying for maximum 75-percent grants which meet the two criteria of having a population less than 1,500 and median family income at or below 80 percent of State nonmetropolitan median income. Such language is much more specific and actually clarifies the intent of the original language. The "credit elsewhere" test also is an objective and established criterion which Farmers Home Administration is required to use in several of their loan and grant programs.

I have spoken with the gentleman from Iowa (Mr. EVANS) and understand that he is in agreement with this amendment. I also have spoken with the Members on the other side of the aisle and understand that this amendment has their support.

I therefore urge my colleagues to vote for passage of this amendment.

Mr. HARKIN. Mr. Chairman, will the gentleman yield?

Mr. WAMPLER. I yield to my colleague, the gentleman from Iowa.

Mr. HARKIN. Mr. Chairman, I want to compliment the gentleman for offering this amendment. I am most supportive of it.

When this came up in committee, I remember it was late in the day. As the gentleman knows, I had been involved in these amendments with the gentleman from Virginia and I was unavoidably absent at the time that this came up; but I think what the gentleman has done here is to take a very loosely worded thing on this "demonstrable need," tighten it down, and as the gentleman says, to make it a "credit elsewhere" test, which really tracks with what Farmers Home has done in all these other cases they have made loans for.

I believe, if the gentleman does not mind me saying so, that the gentleman has perhaps stopped an end run by OMB or others, I am not going to pick out any bad people here, ghosts or anything like that, but an end run to try to get around what we worked out in the subcommittee and in the full committee, to make sure that these waste water loans and grants——

The CHAIRMAN. The time of the gentleman from Iowa has expired.

(By unanimous consent, Mr. WAMPLER was allowed to proceed for 2 additional minutes.)

Mr. HARKIN. Mr. Chairman, if the gentleman will yield further, to make sure that these small communities that really meet those criteria that we set down, those objective criteria of less than 80 precent of the State nonmetropolitan median income and less than 1,500 people are assured that they are available for the maximum grants and loans under the provisions that we put in the bill.

I think the "demonstrable financial need" was an attempt at an end run. I thank the gentleman for stopping the end run with his amendment.

Mr. WAMPLER. Mr. Chairman, I thank the gentleman for this contribution.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we appreciate the contribution of the gentleman from

Virginia. I just want to understand for the record that the gentleman's amendment in no way changes the responsibility of the Farmers Home to assure repayment and the responsibility to make loans to the full amount, or grants possible, but rather that the gentleman defines in a more exact nature the criteria, so that these small communities may be able to work and present their case to the Farmers Home Administration, is that a correct interpretation of the amendment?

Mr. WAMPLER. Mr. Chairman, will the distinguished gentleman from Texas yield?

Mr. DE LA GARZA. I yield.

Mr. WAMPLER. I thank the gentleman for yielding.

That is correct and is an accurate statement of the intent of the amendment.

Mr. DE LA GARZA. With that, we have no objection to the amendment on this side, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia (Mr. WAMPLER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: On page 13, line 7, strike out "The Secre-" and all that follows through line 15.

On page 13, insert after line 25 a new subsection (d) as follows:

"(d) The Secretary shall promulgate regulations which provide (1) for notification of all farm borrowers of the provisions of this section and all other servicing alternatives offered by the Secretary; (2) clear procedures by which borrowers may petition the Secretary for relief under such provisions and alternatives; and (3) for appeal within the Department of Agriculture from a decision which denies relief under such provisions and alternatives.".

On page 14, line 1, redesignate subsection (d) as subsection (e).

Mr. DASCHLE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. DASCHLE. Mr. Chairman, I offer this amendment simply as an improvement in the language that we have in the bill. It is really technical in nature. It does not change the thrust of the legislation at all. It simply provides for the section dealing with the deferral in the bill to be split into two sections.

The way the bill reads now, the requirements that Farmers Home borrowers be notified of the existence of deferral and other servicing remedies would apply only to the deferral language in H.R. 5831. There are other deferral language and servicing loan provisions in current law. We always intended, that is, the committee always intended, to be certain that the notification procedures applied to them as well. It is simply a matter of clarification that we now offer this subsection change.

I ask the acceptance of the committee in that regard.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the chairman of the committee.

Mr. DE LA GARZA. Mr. Chairman, we have examined the amendment.

I have just checked with counsel, though, with one clarification, that we would be prepared to accept the amendment.

The gentleman's amendment in item 3 provides for appeal within the Department of Agriculture from a decision which denies relief under such provisions and alternatives.

Is it the gentleman's intent to restate the appellate procedure that exists in the law at this time?

Mr. DASCHLE. The chairman is correct. We are not changing the appellate procedure at all. We are simply restating it for legislation clarification.

Mr. DE LA GARZA. That being the case, Mr. Chairman, we accept the gentleman's contribution and have no objection to the amendment.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. Mr. Chairman, what I understand this to be, this is the Farmers Home Administration Outreach program to notify farmers that they will be eligible at the request of the borrower to come in and seek deferral of their principal and interest; interest for 1 year and the principal to be amortized over the remainder of the life of the contract, they can show that for reasons beyond their control, being low market prices, had weather, high interest rates, they will be eligible for a waiver of interest and principal for 1 year and for no interest or compounding of interest waved for the balance of the contract; is that correct?

Mr. DASCHLE. My amendment only relates to the information required to be provided to them, not to the legislation itself.

As it stands right now, whether we are talking about loans under this section, this bill, or any other loan servicing mechanism the Farmers Home has, there is a requirement that farmers be notified that services such as that exist. We are simply breaking that down into two areas; one, dealing with the deferral language in this bill, the other dealing with other servicing provisions that currently exist in law.

Mr. HAGEDORN. I understand that; but Mr. Chairman, I do not know if there has been any estimate made of the cost of this provision which is included in notification, but when we get into deferral of interest and principal, there is not probably a farmer in the country that cannot come to the Government today, and remember that only 10 percent are financed by the Farmers Home Administration, explain why because of excessively high short-term interest rates, because of low farm prices, high fuel costs, that they are not in a cash-flow bind because of reasons beyond their own ability to control, they are in dire economic straits, and therefore meet the criteria Members of this Congress better be made aware that this is exactly what we are doing.

I will be amazed if virtually every single Farmers Home Administration borrower of ownership loans is not going to petition the Government for relief from 1 year's interest, and it is a lifelong gift, it is an outright gift.

I have a lot of support and sympathy for the people who are financed under this program, but for this Congress to award interest free gifts on the unpaid principal to people who have farm ownership loans, is a very serious thing that we are embarking on.

What are we going to do for the small business people? What are we going to do for the homeowners? What are we going to do for all the other people that come in during this time and show serious problems?

We are opening up a Pandora's box here, I think, that defies imagination.

Mr. DASCHLE. Mr. Chairman, if I can reclaim my time, we are not providing any gift at all.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

(By unanimous consent, Mr. DASCHLE was allowed to proceed for 2 additional minutes.)

Mr. DASCHLE. These borrowers are still going to be required to pay that money back. They are still bound by the responsibilities that they held from the moment they signed the contract for that loan. They are simply being deferred the responsibility of having to pay that for 1 year, not the responsibility for payment, just the deferral of that responsibility for 1 year.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. DASCHLE. I yield to the chairman.

Mr. DE LA GARZA. Mr. Chairman, I appreciate the gentleman yielding; but taking that statement, the gentleman's amendment and the reason for accepting it, recommending it to the committee, is that the concerns of the gentleman from Minnesota may be valid concerns and we share some of them.

□ 1300

What the gentleman is doing has nothing to do with the legislation, the interest rate, 1 year, 3 years, or anything. All the gentleman is saying is that when and if the legislation is in place or that the Secretary informs those who have an interest, which I think is worthwhile in many of the rural areas where there is a lack of the dissemination of information.

I think it would be unjust and many times cruel if we were to pass legislation providing for some assistance and that some farmer, because of the lack of receiving the information, might not at least petition so that his situation may be reviewed.

Granted, the bulk of them possibly would, but I think that we do no harm to responsible activity by the Farmers Home Administration, but we rather enhance it; that they not put themselves off in a corner, shut themselves off in a room and say, "Well, the Congress gave us authority but we are not going to let anyone know about it."

I think that is the thrust of the gentleman's amendment and the reason why we would accept it.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield to me?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I thank the gentleman for yielding.

Mr. Chairman, I am not quarreling with the part of the fact that we are making the information available.

The CHAIRMAN. The time of the gentleman from South Dakota (Mr. DASCHLE) has expired.

(On request of Mr. ENGLISH and by unanimous consent, Mr. DASCHLE was allowed to proceed for 3 additional minutes.)

Mr. HAGEDORN. My problem is the information that we are sending them, I say to the chairman of the committee and to the gentleman from South Dakota. That does concern me greatly because we are informing them of an outright gift. It says right here, "Interest that accrues during the deferral period on any loan deferred under the provisions of this subsection shall bear no interest during or after such period."

I would call that an interest-free gift. I think there are literally tens of millions of people throughout the Nation that would like one similar to that. I think in the area of agriculture there is hardly a farmer in the Nation, I do not care how rich or well off they are, that is not having cash flow problems and who would not be able to come in and qualify to their local banker. We are not doing anything at all for them.

That is the bad part, the news that we are sending to them and what this is going to allow if we pass this legislation intact and it actually becomes law.

Mr. ENGLISH. Mr. Chairman, will the gentleman yield to me?

Mr. DASCHLE. I will yield in just a moment.

Mr. Chairman, let me respond just one more time by saying, first of all, that the homeowners in this country already have that opportunity under certain conditions. I think what we are asking is that farmers be given the same opportunity.

Second, we have already seen in the courts down in Georgia earlier this year where the judge made it very clear that unless we legislate a clarification in this area, that is going to be dictated in the courts. I think it is up to us to insure that the responsibility rests here, that we clarify that, and that we do it right now.

Third, I think it is important that we recognize that here we are talking about the discretion of the Secretary, we are talking about the discretion of the Farmers Home Administration. Any program can be subject to abuse. Any program can be made unworkable or untenable. But it depends on how good a manager there is.

I would certainly hope that we have in the Farmers Home Administration or in the Department of Agriculture, and I think in this case we can give the power to the Secretary and to the Farmers Home Administration the opportunity to make the good judgment under which cases the deferral provisions of this law would be used.

Mr. Chairman, I yield to the gentleman from Oklahoma (Mr. ENGLISH).

Mr. ENGLISH. I thank the gentleman for yielding.

Mr. Chairman, I would like to commend the gentleman for his amendment. I would like to make one other point that perhaps should be brought out here.

Many of us do not feel that the particular provision that the gentleman from Minnesota finds objectionable is strong enough. We made that point in committee. The point that I think has to be understood and the reason that this issue has even been addressed in this bill is the fact that the Secretary of Agriculture and the Department of Agriculture have failed to work with farmers, failed to work with farmers in trying to make certain that they have an opportunity to survive during these difficult times.

If they had shown a willingness to work with farmers this issue would not have even been addressed in this bill.

I think the provision in the bill itself is very weak because discretion is left up to the Secretary of Agriculture. The gentleman is certainly to be commended for at least letting the farmers know what is there and that the Secretary has the discretion to help farmers.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield to me?

Mr. DASCHLE. I yield to the chairman of the committee, the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding.

Mr. Chairman, if I may address the gentleman from Minnesota, the concern of the gentleman from Minnesota deals with another area in the bill.

The CHAIRMAN. The time of the gentleman from South Dakota has again expired.

(On request of Mr. DE LA GARZA and by unanimous consent, Mr. DASCHLE was allowed to proceed for 1 additional minute.)

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield further?

Mr. DASCHLE. I yield to the chairman, the gentleman from Texas.

Mr. DE LA GARZA. I thank the gentleman for yielding further to me.

Mr. Chairman, might not the gentleman from Minnesota address that issue in the bill, with the possibility that he might receive some support, rather than to obstruct at this time the intention of the gentleman from South Dakota? That information should be made available. If the gentleman is worried about the content of what information may be made available, then he should address that in the other section of the bill.

Mr. HAGEDORN. Mr. Chairman, will the gentleman yield further to me?

Mr. DASCHLE. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I thank the gentleman for yielding.

Mr. Chairman, with due respect to the chairman, I will probably take this up later, but I think it is important that when we talk about providing information to make sure that we know what is actually being told to them. I think I brought out a little bit of that in this debate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Dakota (Mr. DASCHLE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROSE

Mr. ROSE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROSE: On page 9, after line 14, insert a new subparagraph (A) as follows:

"(A) inserting after 'the upgrading of existing facilities or construction of new facilities' the following: '(i) for providing firefighting, emergency transportation, or rescue services, and (ii)';".

On page 9, lines 15 and 22, redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively.

Mr. ROSE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ROSE. Mr. Chairman, what I would like to show you is, I think, what you will find is a very simple and very fair amendment.

To best explain it to you, let us look for a moment at existing law and then what this bill does to the existing law.

The existing law allows 5-percent community facility-type loans for the upgrading of existing facilities or construction of new facilities as required to meet applicable health or sanitary standards in the area where the median income for the people to be served is below the poverty line. That is in our current law.

The committee bill does away with the test of the poverty line as provided by the Office of Management and Budget and substitutes as a test for eligibility for 5-percent loans that the income level must be less than 80 percent of the statewide nonmetropolitan median-family income.

In other words, it is a liberalization of the poverty line test that is the current law.

To that package, I want to add only one thing because I feel very strongly that providing volunteer firefighting, emergency transportation, and rescue service to those types of areas with 5-percent loans is just as important as helping upgrade health or sanitary standards.

I believe the cost is modest; I believe that we all realize that the health and security of people who live in those kinds of areas is just as important as their sanitary requirements.

I am told by many rescue and volunteer fire department people across the South that they are finding it, in these types of depressed areas, very, very difficult to get these loans and to make these kinds of payments.

I wish that we could provide a 5-percent loan for volunteer rescue squads and volunteer fire departments regardless of their economic situation, regardless of the income that is received, that is paid in that area, as we did prior to the 1981 reconciliation.

But, realizing the realities of the current budgetary situation, it is my intention that the words that I insert with my amendment only apply in those areas that equally are qualified for the 5-percent loans to meet health or sanitary standards, which is already in the current law.

I urge my colleagues to support me in this. I do not believe this is controversial and I hope it is not, and I yield back the balance of my time.

AMENDMENT OFFERED BY MR. HARKIN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. ROSE

Mr. HARKIN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HARKIN as a substitute for the amendment offered by Mr. ROSE: On page 9, after line 14, insert a new subparagraph (A) as follows:

"(A) inserting after 'the upgrading of existing facilities or construction of new facilities' the following: 'for providing firefighting, emergency transportation, or rescue services, or';".

On page 9, lines 15 and 22, redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively.

Mr. HARKIN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HARKIN. Mr. Chairman, I have checked with the initial offeror of the amendment. All my amendment does is to strike the "(i)" and to strike the "and, (ii)," that was in the initial amendment, which means that the firefighting, the ambulance, or emergency rescue and transportation services will still have to meet the same criteria of 80 percent of standard, nonmetropolitan median income and 1,500 population to be eligible for the 5-percent loans.

Mr. ROSE. Mr. Chairman, will the gentleman yield to me?

Mr. HARKIN. I yield to the gentleman from North Carolina.

Mr. ROSE. I thank the gentleman for yielding.

Mr. Chairman, the gentleman has perfected my amendment. That is my intention, and I thank him for offering it. I totally support it.

Mr. HARKIN. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. HARKIN) as a substitute for the amendment offered by the gentleman from North Carolina (Mr. ROSE).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from North Carolina (Mr. ROSE) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MORRISON

Mr. MORRISON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORRISON: Page 20, after line 17, insert the following new section:

SEC. 12. The Secretary of Agriculture, at the request of the borrower, shall release such borrower (without payment of any consideration or penalty) from personal liability on any outstanding loan insured or guaranteed under the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note) before the effective date of this Act if such borrower transfers the property securing such loan to another person who—

(1) satisfies the conditions of eligibility specified in section 202 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961 note), as in effect on September 29, 1982;

(2) agrees to assume the full amount of the outstanding indebtedness and the obligations of such borrower under the terms of such loan (including the payment of interest in accordance with the provisions of such loan in effect immediately before such transfer); and

(3) is reasonably likely to repay such indebtedness and to fulfill such obligations considering the financial condition of such person.

Page 20, line 18, strike out "SEC. 12." and insert in lieu thereof "SEC. 13.".

Page 21, line 8, strike out "All" and insert in lieu thereof "This Act and all".

Mr. MORRISON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MORRISON. Mr. Chairman, the amendment I am offering seeks to modify current Farmers Home Administration regulations regarding sale of a farm operation by a farmer who has an outstanding FmHA economic emergency loan. I believe that this amendment will allow slightly improved credit terms for some new farm borrowers without adversely affecting the Federal budget.

Under current FmHA regulations, a person who purchases a farm operation from someone carrying an economic emergency loan can, if he wishes, assume the loan. However, FmHA regulations require him to assume the loan at current rates and terms rather than at the original conditions of the loan. This situation is in effect at Farmers Home Administration because the economic emergency program, while still authorized, is operated at the discretion of the Secretary of Agriculture and currently is not being implemented. If the program were implemented, the farm buyer would be able to assume the economic emergency loan at the loan's original rates and terms.

All my amendment would do is allow a purchaser of a farm operation to assume an outstanding economic emergency loan from the seller at the original rates and terms of the loan, whether the economic emergency program is implemented or not at the time. The buyer would still have to meet all eligibility criteria of the economic emergency program before he could assume the loan.

Mr. Chairman, when the farm economy is facing one of the most severe credit squeezes in history, this amendment will allow slightly better credit

terms for a very small number of borrowers interested in keeping a farm operation in production. The alternative is usually foreclosure, and no repayment at all to the Treasury. Local Farmers Home officials have asked for this flexibility, and I believe it can help the current crisis with little impact on the Treasury.

I urge support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. MORRISON).

The amendment was agreed to.

□ 1315

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: On page 16, line 18, after "applicants.", insert the following: "The Secretary shall inform in writing all applicants for loans for farm ownership and farm operating purposes of the availability of the loan program for low-income, limited-resource borrowers and the general nature of the program.".

Mr. DORGAN of North Dakota. Mr. Chairman, I will not take all my time, but this amendment is a very simple amendment that provides that the Farmers Home Administration shall do their job. That is, they shall notify potential borrowers of the operating loans and ownership loans of the Farmers Home Administration funds that there does exist a limited resource loan program. The limited resource program was targeted by this Congress to try and provide some help to some folks out there who are trying to make a go of family farming. These are the smaller family farmers.

The Farmers Home Administration operates as a lender of last resort. We say to the Farmers Home Administration by law that we want 20 percent of these funds for operating and ownership loans to be set aside for the marginal borrowers, for the smaller family farmers, for the ones who are in the most difficulty.

What I have discovered is that nearly one-half of the operating loans nationwide in the limited resources programs are unused. From my own State's experience and other States' experiences, there are a lot of farmers who could well use these funds. They could well qualify for limited resource loans but they are not notified by the Farmer Home Administration that those opportunities exist.

The day before I came back from the recess I received a call from a young borrower, a fellow that has two quarter sections of land. He was in serious trouble—not delinquent with anybody, but he needed a operating loan. His total income last year was $6,000. This was a small farmer who has very limited income and who went to the Farmers Home Administration, asked for some operating loan money. He was told no.

I asked the fellow, "Did the Farmers Home Administration tell you there was a limited resource program available specifically targeted for smaller farmers?"

His answer was, "No, I was not aware of it."

That is the answer almost universally when you speak to folks who have been to Farmers Home offices around the country. I think it is our job to make sure that the farmers understand that the limited resources program is there. This amendment does that, and I ask for its passage.

Mr. DASCHLE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in strong support of the amendment offered by Mr. DORGAN and myself which requires that written notification be given to operating and ownership loan applicants of the existence of the limited resource loan program. As far as we can tell, and GAO has confirmed this to us in their preliminary briefing as part of an FmHA investigation they are doing at our request, the national FmHA office is not in any way encouraging the use of this congressionally mandated program.

States have widely varying records with regard to how much of the loan authority they have obligated this year—nationwide, only 48 percent of the limited resource operating funds were obligated as of July 7, 1982. North Dakota, for instance, had obligated only 19 percent of their limited resource operating funds on July 7, while South Dakota has an excellent record of 87 percent of its funds obligated on the same date.

But even if there were not a problem this year with regard to the limited resource loan operating funds not being obligated in a timely fashion, there would be the need for this amendment. There has always been a flaw in the administration of the limited resource loan program is that there is no such thing as an application procedure for it. The program is actually an earmark of funds within the regular operating and ownership loan programs. A farmer fills out an application form for an operating or ownership loan, on which there is no mention of the limited resource interest rate. The county supervisor then, in determining approval or disapproval of the application, decides whether to recommend the farmer for the limited resource interest rate. Again, I am sure there are wide variances with regard to whether county supervisors are inclined to use the program or not. The point is, however, that the farmer is not required to be informed of the program and may not even know whether he is being considered for the limited resource program.

This amendment would require that operating and ownership loan applicants be given something in writing which explains the limited resource loan program—a farmer has every right to know about a program created by Congress for which he or she may be eligible.

Something that is not in the amendment, but a suggestion I would make to FmHA is that they put a checkoff box on their operating and ownership application forms which asks a farmer if he/she wants to be considered for the limited resource loan program, and would be an easy way to verify that farmers have been informed of the program.

I urge my colleagues to support this amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in strong support of this amendment by the gentleman from South Dakota. The amendment would simply require the Secretary to inform loan applicants of the availability of the limited resource program.

I am deeply concerned that the 25 percent of the funds in the farm ownership and farm operating loan programs which are to be devoted to the limited resource program have, in most States, not been fully utilized. In my own State of Nebraska, for example, as of July 14 of this year, only 48 percent of the limited resource operating loan funds had been disbursed. Considering the current depressed state of the farm economy, I simply cannot believe that there is so little need for operating loans under the limited resource program.

We must send a clear signal to USDA that the Congress maintains its commitment to providing these low-interest funds to those many farmers who are struggling to meet their costs and retain their operations. I understand that there is some consideration of holding hearings into the operations of the limited resource program after the election, and I strongly urge that the committee do so.

At a minimum, I urge my colleagues to support the adoption of this amendment, so that our farmers and ranchers will at least be made aware of the existence of the program and have a fair opportunity to apply.

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield.

Mr. DORGAN of North Dakota. Mr. Chairman, first of all I want to thank the gentleman for his support of the amendment. I thought the gentleman's statement was right on target. I would like to say that the General Accounting Office is in the process of conducting a study of the use of the

limited resource funds and the procedures under which they are used. I think we will see some interesting results from that study, but I do appreciate the gentleman's comments and I hope this body will adopt this amendment.

Mr. BEREUTER. I thank the gentleman from North Dakota for his comments.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota (Mr. DORGAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HIGHTOWER

Mr. HIGHTOWER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HIGHTOWER: On page 20, insert after line 18 a new section 14 as follows, and renumber the following section accordingly:

SEC. 12. (a) Section 202 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961) is amended by striking out "The Secretary of Agriculture may" and inserting in lieu thereof "The Secretary of Agriculture shall".

(b)(1) Section 207(b) of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961) is amended—

(A) by striking out "$400,000" and inserting in lieu thereof "$200,000", and

(B) by striking out "$650,000" each place it appears and inserting in lieu thereof "$450,000".

(2) The amendments made by paragraph (1) shall not be construed to affect any loan insured or guaranteed before the date of the enactment of this Act.

(c) Section 211 of the Emergency Agricultural Credit Adjustment Act of 1978 (7 U.S.C. prec. 1961) is amended by striking out "September 30, 1982" and inserting in lieu thereof "September 30, 1983".

(d) Notwithstanding any other provision of this act, the amendments made by this section shall become effective on October 1, 1982.

Mr. HIGHTOWER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HIGHTOWER. Mr. Chairman, this amendment pertains to the economic emergency loan program that is authorized by section 202 of the Emergency Agricultural Credit Adjustment Act of 1978, which will expire on September 30 of this year.

In 1982 $600 million was budgeted for this program and was not used. The Secretary of Agriculture said on more than one occasion that he wanted to use the economic emergency loan program, but it has not been done.

This amendment would continue the program for an additional year, would reduce the loan amount per borrower on a direct loan from $400,000 to $200,000, and on a guaranteed loan from $650,000 to $450,000. It does also change the wording of the law from, "The Secretary may" to "The Secretary shall."

Mr. Chairman, it has been said over and over again, and I hope every Member of Congress fully understands the extent of the economic disaster that is faced by many areas of agriculture. This is a good program that was put into the law several years ago. This Secretary of Agriculture has not seen fit to use it, but it is needed and it should be used. We have people that did not want or need Farmers Home Administration loans for a long time. They were able to go to their local banks. They were able to find the kind of financing that they needed, but now they have not been able to continue.

Yet, we know that if given the opportunity, if they are just given a chance to survive, to dig in a little bit deeper, they will be able to survive and stay in production, pay back their FmHA loans, and pay back their bank loans, but we need to provide the economic emergency loan program.

It has been in the law, as I said. We need to extend it another year, and that is all this section does—it extends the program for 1 additional year.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. HIGHTOWER. I will be happy to yield to my distinguished chairman of the subcommittee.

Mr. JONES of Tennessee. Mr. Chairman, the 1981 omnibus farm bill authorized a 1-year extension, through September 30, 1982, of the economic emergency loan program with a total lending ceiling of $600 million per year. Unfortunately, the authorization was made discretionary with the Secretary of Agriculture.

We are now into the 12th month of the fiscal year and the Secretary has yet to implement and utilize his authority to make loans to farmers under the EE program.

In spite of numerous letters and requests from Members of Congress and nearly every major farm organization, the Secretary has ignored the need for the program and has allowed $600 million in potential credit assistance to American farmers to go unused.

On March 15 of this year, I received a letter from Secretary Block in which he stated his intention to implement the EE program, and he stated that Farmers Home regulations would be issued shortly. It has now been 6 months since the Secretary made this announcement, but he still has not issued regulations.

To say I am disappointed would be an understatement. I still believe the economic emergency loan program has been a vitally important source of agricultural credit since its establishment in 1979. It should have been used in 1982, but it is too late now to expect much cooperation from USDA in making use of these needed funds.

Therefore, I support the gentleman's amendment, and urge its adoption.

Mr. HIGHTOWER. Mr. Chairman, I thank the gentleman. We certainly know that we are not going to be able to solve all the problems of agriculture by extending loans or getting larger loans. We want to address it in other ways, but we also think that spare tires are not included in cars just because they want to have flats. It might be that it will be needed. It is needed, and it should be implemented. It is a good program, and the authorization should continue for an additional year.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. HIGHTOWER. I am happy to yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, in looking at the amendment which the gentleman offers, I guess I have a question. There are a number of people following this debate who would be interested. The gentleman has not increased the authorization level. He has not mandated a Federal appropriation or anything. He is just saying that we ought to have the program available, and he is reflecting the remarks of the chairman of our distinguished subcommittee, is that correct?

Mr. HIGHTOWER. The gentleman is absolutely correct, and of course in addition to that we are reducing the amount a borrower can get, reducing the loan levels from the existing level.

Mr. GUNDERSON. So, if anything, the gentleman is actually tightening up the program. He is just saying that is what we need to do, this program ought to be available, the Secretary said he was going to use it, and let us get on with it.

Mr. HIGHTOWER. The gentleman is correct.

Mr. GUNDERSON. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HIGHTOWER).

The amendment was agreed to.

□ 1330

AMENDMENT OFFERED BY MR. DORGAN OF NORTH DAKOTA

Mr. DORGAN of North Dakota. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DORGAN of North Dakota: Page 17, line 15, insert before before the semicolon the following: ": *And provided further*, That it is the sense of the Congress that insured loans and guaranteed loans for industrial development also be available for facilities for the conversion of agricultural commodities into alcohol or hydrocarbons for use as motor fuel or other fuel, and that the Congress encourages the USDA to be more aggressive in pursuing op-

portunities to assist in the development of an alcohol fuels industry in the United States through the proper use of industrial development funds.".

Mr. DORGAN of North Dakota. Mr. Chairman, this is a sense of Congress resolution. I originally wanted to provide the 25 percent of the B. & I. loans to be made available for the use in construction of plants that would produce ethanol alcohol from agricultural products. I have decided not to include the percentage figure, but this sense of Congress resolution does encourage the USDA to be more aggressive in pursuing oportunities to assist in the development of an alcohol fuels program in this country.

I really believe that this is not only a step toward energy independence but also a step toward developing new and important markets for agricultural products which can be achieved through the development of a strong ethanol alcohol industry in this country. I think it needs the kind of incentive that we can give it through the B. & I. program in the USDA. I think a sense of Congress ought to be expressed to the USDA that we believe this program should have the kind of support we have always expected it to get from the USDA.

Mr. Chairman, that is why I offered the amendment, and I hope the House will give the amendment its approval.

Mr. ALBOSTA. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I yield to the gentleman from Michigan.

Mr. ALBOSTA. Mr. Chairman, I kind of wish the gentleman had left the amendment the other way, with the 25 percent in it, but I know there are only a certain number of things that can be accomplished with a small amount of money. Certainly this is one of the types of things that the Department of Agriculture, along with the Farmers Home Administration or through the Farmers Home Administration, can use to really do something to try to help accomplish the goal in this country of energy independence.

Besides that, as the gentleman has stated, we have got huge crops of corn and huge crops of wheat that right now could be put to another use for consumers, other than through animals for the meat or poultry for the eggs, and so forth. So, we ought to be encouraging the Secretary to move in this direction.

Mr. Chairman, I compliment the gentleman from North Dakota (Mr. DORGAN) on offering his amendment.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman from Michigan (Mr. ALBOSTA) for his support.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I rise in support of the amendment.

I think the amendment recognizes that while we have not been hearing much about gasohol or alcohol fuels in the last year, the issue is not only not dead but it is going to spring back again in America as more and more motorists realize that they need an octane improver for their gasoline. We have taken the lead out of gasoline, and alcohol is an environmentally safe, productive octane improver.

The fact of the matter is, as the gentleman from Michigan (Mr. ALBOSTA) noted, that we have enormous surpluses of corn and wheat that have been piling up on the ground all over America, and alcohol is a way of using those surpluses for productive purposes.

So, Mr. Chairman, I think the gentleman's amendment recognizes that alcohol, as well as all sorts of alternative fuels, is not dead and it will come back again in America.

Mr. DORGAN of North Dakota. Mr. Chairman, I thank the gentleman from Kansas (Mr. GLICKMAN) for his comments.

It should be noted that we can develop an ethanol alcohol industry that extracts alcohol from a large number of farm products in this country and still retain much of the feedstock protein and other capabilities from the residue of the development. I think this is an awfully good approach.

Mr. MARLENEE. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Montana.

Mr. MARLENEE. Mr. Chairman, in regard to the feedstocks I think human food is also a byproduct of the conversion process, and I am wondering about this. This is a good amendment and I support the amendment, but I am wondering if the gentleman would accept an amendment to his amendment to say, after the comma on line 5, after the words "or other fuel," "and or byproducts and that the Congress encourages," and so forth.

Mr. DORGAN of North Dakota. Mr. Chairman, let me say that I would be happy to accept that language.

Mr. MARLENEE. I ask unanimous consent that that amendment be accepted.

The CHAIRMAN. The Clerk will report the modification.

Mr. MARLENEE. Mr. Chairman, if the gentleman will yield further, this would allow the loans to be made on that basis and not strictly for fuel, but in addition to that, they could utilize the byproducts for food or the processing of such food.

The CHAIRMAN. If the gentleman will suspend, the Clerk will report the modification.

The Clerk read as follows:

In line 5 of the Dorgan amendment after "other fuel" insert "and or byproducts."

The CHAIRMAN. Is there objection to the request of the gentleman from Montana (Mr. MARLENEE) that the amendment be modified?

There was no objection.

The CHAIRMAN. The language is incorporated in the amendment by modification.

Mr. DORGAN of North Dakota. Mr. Chairman, the point that the gentleman from Montana makes is an important one. The feasibility of developing an ethanol alcohol industry relates in part to the ability to use byproducts from that industry, and I certainly think the amemdment makes good sense.

Mr. HUCKABY. Mr. Chairman, will the gentleman yield?

Mr. DORGAN of North Dakota. I am happy to yield to the gentleman from Louisiana.

Mr. HUCKABY. Mr. Chairman, I wish to commend the gentleman from North Dakota (Mr. DORGAN) for his amendment.

The oil glut today is beginning to go away, and in just a few years we will probably have another oil squeeze. It is so seldom that we here in Congress anticipate future needs, and I certainly feel that we need to get on with the business of developing a synthetic fuels industry.

Mr. Chairman, I think this sense of Congress resolution certainly makes sense, and again I commend the gentleman from North Dakota (Mr. DORGAN).

Mr. DORGAN of North Dakota. Mr. Chairman, if I may conclude, we are choking on one of the record crops that we have had in this country with very low prices, and yet in North Dakota there are now six applications for developing ethanol alcohol plants to be built on the prairie to use agricultural products. I think it makes good sense for this country's agricultural future. It also makes inherent good sense as a step toward energy independence.

It is not a cure-all, but it is looking at the right kinds of things for this country's future. It is time that we started to do that, and I appreciate the comments of the gentleman from Louisiana (Mr. HUCKABY).

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not going to rise in opposition to the amendment because it is really a sense of Congress resolution and I do not think that fighting it would be worth while. But I do want to express a sense of caution about what we are doing here.

Let us understand the business and industry loan program from day one. The whole purpose of that program, since its inception, was to provide financial credit to industry in rural areas that did not happen to have the

financial institutions in those rural areas that had the resources to provide the necessary financial capital for that industry. When we take a look at the appropriation level we are dealing with for the business and industry loan program in this country, we are looking at a total appropriation of about $300 million for business and industry loans. Let us just very simply divide that up among all the 50 States, and that comes out to about $6 million per State. That is not very much money.

When we start dividing that even further to the various industries presently in trouble in one of those states, we very quickly get an idea that there is not much money to go around at the present time to deal with the wide array of industry that we have in our total constituencies that presently is suffering and undergoing the same financial difficulties that the farmers are. When the farmers have depressed prices, they do not buy. When they do not buy, the machinery dealer does not sell and nobody else sells, and those people also run into some very difficult conditions.

For us to go into the legislative language and insist that USDA ought to be more aggressive in placing this money in alcohol fuels, as opposed to any of the other business and industry programs, I think, is a questionable policy.

It is questionable, No. 1, because of the limited resources, and it is also questionable because I think we are facing a second problem of misleading our farmers.

We talk about the glut of grain that we have in this country, and I am aware of that. But I think part of the reason we have a glut of grain in this country is because this Congress for too long has told the farmer to "produce, produce, produce, and we will simply export your food and you will have all kinds of financial success." That has not happened, and that is unrealistic. Now we are telling them to "keep on producing, and we will make alcohol fuels out of your grain and you will go into a financially successful area."

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. Mr. Chairman, I understand the gentleman's point, and I do not minimize the need out there to give some help to some small businesses that are suffering. But I think the record is pretty clear from the Farmers Home Administration and from this administration when they came to testify before the Agriculture Committee that they are not very interested in or very happy with the business and industry I loans in the first instance. They have not used them a great deal. They have not been very excited about the appropriations or the authorization of money for them.

I am saying, since the business and industry program is authorized and funded by this Congress, let us at least do something for the future of this country that makes sense for agriculture. That is what the Farmers Home Administration Agency is all about, helping agriculture and helping rural America.

I cannot think of anything that would help this country more or help family farmers more than trying to develop seed money for an industry called the alcohol fuels industry because that would move us a step toward energy independence and also a step toward higher grain prices. That makes good sense to me. I am not suggesting that we bleed it off of funds that would otherwise be going to small business on Main Street. I think the record is clear that that is not what is happening today anyway.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's remarks, and I am not opposing the amendment. I am just expressing a word of caution about what we are doing here.

I was one of those Members who, when we started consideration of this bill in our subcommittee, was not intending to support the business and industry loan program because I thought we ought to restore it to the farmer's program, in the Farmers Home Administration, and yet as we went through the hearings and the testimony, it became obvious that in these economic times we need a business and industry program.

I am saying that if there are some reasons that came out of that testimony justifying this need, let us not today say that none of that testimony matters and we are going to expand and start a new program. That is my only caution.

Mr. DORGAN of North Dakota. Mr. Chairman, if the gentleman will yield once again, my only point is that in the past this Congress has specifically designated a portion, 25 percent, of the business and industry loan program to be expended for the development of an alcohol fuels industry. We are moving away from that with no targeted money here at all.

I am saying that with a sense-of-Congress resolution we still care about that. We still think that alcohol fuels represent part of our agricultural future.

The major oil companies put ads in newspapers saying that "we don't think alcohol fuels means much and we don't think it is worth much," and right away I think it is something that we ought to start looking into.

So I think we ought to be expressing our interest to the USDA that we believe that this holds some hope for the future and we want to be aggressive in looking into it. That is all I am concerned with, and that is the intent of the amendment.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's remarks, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Dakota (Mr. DORGAN), as modified.

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. STANGELAND

Mr. STANGELAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STANGELAND: On page 14, insert at the end of line 9 a dash and strike line 10 and insert in lieu thereof—

(1) inserting the following proviso immediately before the period at the end of the first sentence in subsection (a): "*Provided*, That the Secretary shall obtain at least three recommendations for each such county committee vacancy from the board of county commissioners in each county or area in the state (or the equivalent of such board of county commissioners in each State)"; and

(2) adding at the end thereof a new subsection (d) to read as follows:

Mr. STANGELAND. Mr. Chairman, I am offering an amendment today that is designed to allow farmers some input into the nomination process for appointing Farmers Home Administration county committee members.

Current FmHA policy calls for the 3-year terms of the county committeemen to be staggered so that there is one term expiring each year. To fill the annual opening on the county committee, the Farmers Home county supervisor recommends three names to the State director who he feels are qualified for the position. The State director is then authorized to act on behalf of the Secretary of Agriculture in making the final selection.

My amendment would simply require that Farmers Home obtain at least three recommendations from the county board of commissioners, or its equivalent, when filling the open position on the county committee. The Secretary of Agriculture, or the State director as his designee, would still retain authority for making the final selection.

It is no secret that Farmers Home has been under increasing attack from farm groups and individual farmers in recent months. One common criticism heard from farmers is that they have no input into the selection of the FmHA county committee members. By transferring the nominating authority from the Farmers Home county supervisor to the county board of commissioners, or its local government equivalent in various States, farmers who are subject to the decisions made by the county committee will have some

input into the appointment process through their own locally elected officials.

An added advantage is that while this amendment provides for democratic input from farmers in the appointment of FmHA county committeemen, there would be no added costs or excessive agency paperwork required as might be the case if an election were held instead.

Again, I want to emphasize that under my amendment final decisionmaking authority would continue to rest with the Secretary of Agriculture, or the FmHA State director acting as his designee. However, it would provide farmers with the opportunity to participate in the nomination process and allow them to have some input into the appointment of Farmers Home Administration county committee members.

□ 1345

I understand there are potential problems with this legislation in some areas. If those problems can be recited I will not push for this amendment at this time. But I would urge a colloquy so that we might discuss this with the Department of Agriculture to see if they can change the method of appointing or nominating people to serve on the Farmers Home Administration county committee.

If we cannot convince them to make some changes in these rules and regulations then it would be my intent to introduce this amendment as a piece of legislation in the next session of Congress.

If there is anyone that would care to comment on this amendment I would be most happy to try to respond to questions.

Mr. JONES of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Tennessee.

Mr. JONES of Tennessee. We have discussed this before as we did in subcommittee to some extent. I assure the gentleman that if he wants this, too, we will have hearings without doubt next year on the Farmers Home Administration. We will make this one of the necessary items to be discussed.

I share some of the problems with the gentleman on this. I do not really have the answer to it. I do not know just exactly where we should go because of the wording the gentleman has. So many people, the commissioners come from the urban areas of some of these counties and I do not know if that is the answer or not. But I will certainly be glad to confer with the gentleman and members of the subcommittee and also the USDA and see what we should come up with.

Mr. STANGELAND. I thank the gentleman for his comments.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. STANGELAND) has expired.

(By unanimous consent Mr. STANGELAND was allowed to proceed for 2 additional minutes.)

Mr. STANGELAND. I understand that local government units may be structured differently in different parts of the country from what they are in mine.

My purpose in offering this amendment is as an option and an alternative to election. If we are going to give a county Farmers Home Administration committee some authority for management assistance to the county director, then I think to elect them would run the risk of electing people to this board who would not have that management expertise or ability to advise and counsel.

So I would urge and appreciate the assurance of the chairman of the subcommittee, the gentleman from Tennessee (Mr. JONES) that we have hearings and I would hope that we could talk to the Department about this in the meantime.

Mr. Chairman, I ask unanimous consent that I may withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. If there are no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore, (Mr. BROWN of California) having assumed the chair, Mr. PEASE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5831) to provide lending limits for fiscal years 1983, 1984, and 1985 for programs under the Consolidated Farm and Rural Development Act, pursuant to House Resolution 509, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the Committee amendment in the nature of a substitute, adopted by the Committee of the Whole. If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CARNEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 372, nays 39, not voting 21, as follows:

[Roll No. 314]

YEAS—372

Addabbo	Derrick	Hall, Ralph
Akaka	Derwinski	Hall, Sam
Albosta	Dickinson	Hamilton
Alexander	Dicks	Hammerschmidt
Anderson	Dingell	Hance
Andrews	Dixon	Harkin
Annunzio	Donnelly	Hartnett
Anthony	Dorgan	Hatcher
Applegate	Dornan	Hawkins
Ashbrook	Dougherty	Hefner
Aspin	Dowdy	Heftel
Atkinson	Downey	Hendon
AuCoin	Duncan	Hertel
Bailey (MO)	Dunn	Hightower
Bailey (PA)	Dwyer	Hiler
Barnard	Dymally	Hillis
Barnes	Dyson	Holland
Beard	Early	Hollenbeck
Bedell	Eckart	Hopkins
Beilenson	Edgar	Horton
Benedict	Edwards (AL)	Howard
Bennett	Edwards (CA)	Hoyer
Bereuter	Edwards (OK)	Hubbard
Bethune	Emerson	Huckaby
Bevill	Emery	Hughes
Biaggi	English	Hunter
Bingham	Erdahl	Hutto
Blanchard	Ertel	Ireland
Bliley	Evans (DE)	Jacobs
Boggs	Evans (IA)	Jeffords
Boland	Evans (IN)	Jenkins
Boner	Fary	Johnston
Bonior	Fascell	Jones (NC)
Bonker	Fazio	Jones (OK)
Bouquard	Fenwick	Jones (TN)
Breaux	Ferraro	Kastenmeier
Brinkley	Fiedler	Kazen
Brodhead	Fields	Kemp
Brooks	Findley	Kennelly
Broomfield	Fish	Kildee
Brown (CA)	Fithian	Kindness
Broyhill	Flippo	Kogovsek
Burgener	Florio	LaFalce
Burton, Phillip	Foglietta	Lagomarsino
Byron	Foley	Lantos
Campbell	Ford (MI)	Latta
Chappell	Ford (TN)	Leach
Chappie	Forsythe	Leath
Chisholm	Fountain	Lee
Clausen	Fowler	Lehman
Clay	Frank	Leland
Clinger	Frenzel	Lent
Coats	Frost	Levitas
Coelho	Fuqua	Lewis
Coleman	Garcia	Livingston
Collins (IL)	Gaydos	Loeffler
Conte	Gejdenson	Long (LA)
Conyers	Gephardt	Lott
Corcoran	Gibbons	Lowery (CA)
Courter	Gilman	Lowry (WA)
Coyne, James	Gingrich	Lujan
Coyne, William	Ginn	Luken
Crockett	Glickman	Lundine
D'Amours	Gonzalez	Madigan
Daniel, Dan	Goodling	Markey
Daniel, R. W.	Gore	Marks
Daschle	Gradison	Marlenee
Daub	Gray	Martin (IL)
Davis	Green	Martin (NC)
de la Garza	Guarini	Martin (NY)
Deckard	Gunderson	Martinez
Dellums	Hagedorn	Matsui
DeNardis	Hall (OH)	Mavroules

Mazzoli	Porter	Spence
McClory	Price	St Germain
McCloskey	Pursell	Stangeland
McCurdy	Quillen	Stark
McDade	Rahall	Staton
McEwen	Rangel	Stenholm
McHugh	Ratchford	Stokes
McKinney	Regula	Stratton
Mica	Reuss	Studds
Michel	Rhodes	Swift
Mikulski	Rinaldo	Synar
Miller (CA)	Roberts (KS)	Tauke
Miller (OH)	Roberts (SD)	Tauzin
Mineta	Robinson	Taylor
Minish	Rodino	Thomas
Mitchell (MD)	Roe	Traxler
Mitchell (NY)	Roemer	Trible
Moakley	Rogers	Udall
Moffett	Rose	Vander Jagt
Molinari	Rosenthal	Vento
Mollohan	Rostenkowski	Volkmer
Montgomery	Roth	Walgren
Moore	Roukema	Walker
Moorhead	Rousselot	Wampler
Morrison	Roybal	Washington
Murphy	Sabo	Watkins
Murtha	Santini	Waxman
Myers	Savage	Weaver
Napier	Sawyer	Weber (MN)
Natcher	Scheuer	White
Neal	Schneider	Whitehurst
Nelligan	Schulze	Whitley
Nelson	Sensenbrenner	Whittaker
Nowak	Shamansky	Whitten
O'Brien	Shannon	Williams (MT)
Oakar	Sharp	Williams (OH)
Oberstar	Shaw	Wilson
Obey	Shelby	Winn
Ottinger	Shuster	Wirth
Oxley	Siljander	Wolf
Panetta	Simon	Wolpe
Parris	Skeen	Wortley
Pashayan	Skelton	Wright
Patman	Smith (IA)	Wyden
Patterson	Smith (NE)	Wylie
Pease	Smith (NJ)	Yates
Pepper	Smith (PA)	Yatron
Perkins	Snowe	Young (FL)
Petri	Snyder	Young (MO)
Peyser	Solarz	Zablocki
Pickle	Solomon	Zeferetti

NAYS—39

Archer	Dreier	Lungren
Badham	Gramm	McCollum
Brown (CO)	Gregg	McDonald
Butler	Grisham	McGrath
Carman	Hansen (ID)	Motti
Carney	Hansen (UT)	Paul
Cheney	Heckler	Pritchard
Conable	Holt	Ritter
Coughlin	Hyde	Russo
Craig	Jeffries	Shumway
Crane, Daniel	Kramer	Smith (AL)
Crane, Philip	LeBoutillier	Smith (OR)
Dannemeyer	Long (MD)	Weber (OH)

NOT VOTING—21

Bafalis	Evans (GA)	Schroeder
Bolling	Goldwater	Schumer
Bowen	Marriott	Seiberling
Brown (OH)	Mattox	Stanton
Burton, John	Nichols	Stump
Collins (TX)	Railsback	Weiss
Erlenborn	Rudd	Young (AK)

□ 1400

Mrs. COLLINS of Illinois changed her vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to amend the Consolidated Farm and Rural Development Act to provide lending limits for fiscal years 1983, 1984, and 1985, and for other purposes."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 5 P.M., FRIDAY, SEPTEMBER 10, 1982, TO FILE REPORT ON H.R. 6946, THE FALSE IDENTIFICATION ACT OF 1982

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until 5 p.m., Friday, September 10, 1982, to file a report on H.R. 6946, the False Identification Act of 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON AGRICULTURE APPROPRIATION BILL, 1983

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that the Committee on Apporopriations may have until midnight tonight to file a privileged report on a bill making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1983, and for other purposes.

Mrs. SMITH of Nebraska reserved all points of order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATION BILL, 1983

Mr. FAZIO. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the legislative branch for the fiscal year ending September 30, 1983, and for other purposes.

Mr. BURGENER reserved all points order on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

SUPPLEMENTAL APPROPRIATIONS ACT, 1982—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 6863) making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Mississippi (Mr. WHITTEN) is recognized for 1 hour.

□ 1415

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill (H.R. 6863) making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, and that I may include extraneous and tabular matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WHITTEN. Mr. Speaker, I yield 30 minutes to the gentleman from Massachusetts (Mr. CONTE) for purposes of debate only, pending which I yield myself such time as I may require.

Mr. Speaker as we all realize, under present conditions—those that have existed for the last year and a half—we have the House with a majority of one party, the Senate with a majority of another party, and, of course, the President, the head of the executive branch.

As we come here today, I have no complaint about the use of the veto, because that is clearly within the rights of the executive branch. By the same token, however, for our system of government to work, there must be cooperation between the three branches of Government. Otherwise, as I have pointed out before, it is like the old Russian chariot with three horses; if we do not pull together, we do not get anywhere.

Mr. Speaker, at this time I would like to point out it is my opinion that the Congress, particularly the House of Representatives, and our Committee on Appropriations, which deals with this bill, has leaned over backward trying to cooperate with the executive branch. I say for the record the Committee on Appropriations through the years has been below the budget 37 out of 39 times. That is the budget recommended by our President.

I was senior cochairman of the study group that led to the Budget Act and the establishment of the Budget Committee. That came about largely because 58 percent of the spending by the Government was bypassing the Committee on Appropriations, its annual review, and its actions and recommendations to the Congress.

Last year, at the request of the President and due to the circumstances which we faced, we were asked to rescind funds previously appropriated by some $15.1 billion. The committee recommended, and the Congress went along with, rescinding $14.3 billion of that total. We were also asked to go along with budget amendments carrying an additional 10-percent cut for the 1982 fiscal year. We went along with that. Last November, we had a request for a further reduction for 1982, and the Congress went along again. Colleagues on both sides of the aisle signed that agreement and that in turn was vetoed. Again the President was acting within the powers and the rights of the executive branch.

As we come to the Members today, I want to point out two or three things to the House that I think are significant. In the first place, may I say that the vetoed bill is $1.9 billion below the budget request. What we have done, and what the committee did do in the bill, is we took care of domestic programs. Funds are included for education programs and jobs for the aged and many other things that I think are vital. In addition, we did reduce some spending in the military. We asserted congressional priorities.

Some of the Members will recall when Mr. Weidenbaum, the Chairman of the Council of Economic Advisers, resigned he said the benefits of our cuts were not being felt because the spending was being done in another area. The unprecedented cuts in civilian programs have been offset by a rapid expansion of military outlays, according to Mr. Weidenbaum.

Do the Members realize that in the last 25 years, through the defense appropriations bill, we have spent $2.137 trillion? But under the Pesident's proposals, we are asked to spend $1.7 trillion in the next 5 years. I say here candidly, if conditions continue to deteriorate, in 3 years we will not have any money for anything else, because the money will all have been committed to military contracts.

May I say, too, at the end of fiscal year 1983, it is estimated that there will be an unexpended balance of $142 billion for the Defense Department. May I also point out that the reduction of approximately $2 billion from the President's requests for the Defense Department should be compared with the $200 billion which has already been appropriated this fiscal year.

I understand the need to carry over some money. With the situation being as it is, however, when they have a $142 billion expected carryover—certainly to cut a very small part of 1 percent from that amount, when it will not be spent the next year, in order to take care of these domestic programs that we have facing us, for which there is a need is a valid congressional action.

I believe in a balanced budget. No one has talked more about a balanced budget or worked harder for it. Mr. Speaker, certainly we need to have a balanced budget. We need interest rates to be brought down so we can have some stability in our Government.

One says, "What have we done about it?" I asked the General Accounting Office on April 26 to make a review of the Federal Reserve System. They have been doing that. Their final report just came in. During the period they have studied the Federal Reserve, we have had three reductions in interest rates. What else have we done? We reported out of our Committee on Appropriations a jobs bill that creates productive jobs instead of funding unemployment compensation.

We all believe in a balanced budget; but we are going to have to balance that budget at a level that carries on those things essential to our well being. We are going to have to protect the land. We will have to protect the highways. We will have to protect the things essential to us carrying on our economy. May I say we better give a thought to what level we balance the budget at. I recall some years ago somebody said Ethiopia is the only country in the world with a balanced budget. They did not owe a dollar and did not have one either. So it is just as essential that we carry on the necessary things as it is that we cut out that which is unnecessary.

I do not believe in the history of this Nation any Congress or any committee has cooperated more than we have here. Let me point out to the Members, in a country like ours, with a Constitution like ours, with three equal, independent branches of Government, under the Constitution, the Congress cannot be silent at a time like this. I believe that the President should propose and the Congress should dispose.

I say here and now, we need a President who will hold spending down. The overall amount is largely up to the President; what it is for specifically is the responsibility of this Congress.

I say to the Members that the responsibility is up to this legislative body to protect the rights of the people, the right of the Congress to say what for.

I say to the Members in overriding this budget, it is not a case of who wins, the Executive or the Congress. It is a case of whether we protect and live up to our responsibility of looking after the people's branch. Any time we sacrifice something given to us in the Constitution, to that degree we let the people down. When they cramp our style as authorized and as obligated as we are under our rules, you have taken rights away from the people.

So this is not said in anger or ill feeling. It is the responsibility of the President to veto when he sees fit. I do say it is our obligation to see that the Congress retains the right to say what for, and the President's recommendations should be how much.

Mr. Speaker, let me say to my colleague, the gentleman from Kentucky (Mr. PERKINS) and I have said this before: Some of the people that go along with all those cuts in domestic programs think the reductions are being applied to the debt. My friend knows this is not the case. It is being spent for more military spending.

I tell the Members more and more there is so much money, and the Defense Department has not been tight in the handling of it. I think one reads about that every day. For example, it took 11 years to complete the Trident submarine. I say to the Members that this slight reduction of the amount requested by the Defense Department is necessary so that we maintain these domestic programs so essential to our welfare.

I leave the Members with one thing to keep in mind, those who believe in defense—and we all do. A strong national defense is based on a sound economy, public support, and military capability and readiness, perhaps in equal amounts.

I say to the Members: It is just as important we keep the economy as strong as any part of defense. I say to the Members when the Congress took it upon itself to say what for, while cutting the budget $2.7 billion in certain areas we increased others by approximately $900 million. I say we acted wisely. I think we should insist on taking care of the people's programs and the things essential to our economy as best we can.

This bill is below the President's request considerably. It is within the totals of the budget resolution for fiscal year 1982 for both budget authority and outlays. I urge my colleagues to override the President's veto of this legislation.

Mr. PERKINS. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I believe the President was poorly served by those who counseled him to veto this supplemental appropriations measure.

While I am not generally numbered among his allies, I urge my colleagues to help him retrieve that unfortunate error and vote to override his veto.

It takes a mind more clever than honest to argue that this bill "busts" the budget. How in the name of sense can he argue in paragraph 4 of the veto message that the bill provides an unacceptable total of $918 million in domestic spending increases, and in paragraph 6 complain that Congress gave him only a half billion dollars of the $2.6 billion he had asked for defense program supplementals?

Is there some mathematical magic by which dollars spent for domestic programs bust the budget, while those spent for military programs do not?

The budget estimates of new obligational authority for fiscal year 1982 for the activities funded by the supplemental amount to $16.3 billion. The conference committee recommended $14.5 billion—more than $1.7 below the budget authority.

That is hardly "budget busting" legislation, and the people who advise the President on this kind of business know it.

The conference report had strong bipartisan backing in both Senate and House. It was not considered by the distinguished chairmen and ranking minority members of either Appropriations Committee to be a partisan vehicle. And it was not voted upon on that basis.

This veto has produced a needless confusion and disruption of the Government, and has brought about a pointless confrontation between the President and the Congress.

The major components of the supplemental have to do with pay increases that are obligator on the part of the Government. It contains $4.4 billion for increases in military pay costs in the Department of Defense alone. This is the greatest single item in the bill.

I am especially concerned by the antipathy this administration has shown for the programs that benefit the poor and the disabled and disadvantaged. Those programs are virtually singled out by the veto message which speaks of "unrequested and unwarranted increases in domestic spending programs."

Is it "unwarranted" for this Congress to appropriate $210.6 million for employment of older Americans under the community service employment program, at a time when unemployment among older people is at or near an alltime high?

Is it "unwarranted" to appropriate $148 million for added assistance to local school districts in meeting the special needs of educationally disadvantaged children under the title I program of the Elementary and Secondary Education Act?

Is it "unwarranted" to put in an additional $2.5 million for vocational education assistance at a time when the national employment rate is running at its highest level since the Great Depression?

Is it "unwarranted" to appropriate another $140 million for the Pell grants that enable children of poor families to go to college at a time when educational and technological skills are so needed?

And is it "unwarranted" to appropriate $26.5 million more funds for the education of handicapped children? That is not a message I want to send to those children, and to their parents.

At a more personal level, am I supposed to tell the people of the Tug and Levisa Valleys of the Big Sandy River in my district that it is "unwarranted" to spend money to save their lives and homes and businesses from the floods that roar down those hollows with tragic regularity?

If that is the message the President and his advisers want to send to those people of Appalachia, then he can deliver it himself—preferably on a dark midnight when the torrents come and the streams rise out of their banks and engulf the little homes of people who have to run up the hillsides in their night clothes to escape being washed away.

I am not going to say to those people that flood control is an "uwarranted" expenditure, and I do not believe this House wants to tell them that, either.

I submit that scaring thousands of loyal and hardworking Government employees to death with the threat of unpaid furloughs is not a reasonable or decent way to run this Government. Nor does the threat of payless paydays for the military do much to improve the morale of our armed services.

I also submit that the people who are benefited by the supplemental appropriations contained in this bill are not the enemies of fiscal solvency. Even if one could say that the $918 million complained of by the President as "unwarranted," it is pocket change compared with the $155 billion budget deficit the President himself has embraced for the fiscal year beginning next month.

Let us bail the President out of his mess by overriding his veto of this supplemental appropriations bill and get on with the business of legislating for a sorely troubled country.

□ 1430

Mr. CONTE. Mr. Speaker, I yield 5 minutes to my distinguished leader, the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, I have heard all of the arguments for overriding the veto, and they are unconvincing.

This is not a terribly bad bill compared with some appropriations bills I have seen around here.

Our distinguished majority leader turned newspaper columnist was correct when he wrote that this bill is technically under the budget. Technically, we do not have to sustain this veto to comply with our budget. Technically, we can sit back and say what is all the fuss about?

The problem is that the growth in Government spending and the high deficits we face are not mere technicalities.

A supplemental appropriation bill is supposed to do no more than make up for deficiencies in existing appropriations. This supplemental, like most others in recent years, goes far beyond that. It adds new legislative language; it expands programs and provides additional funding—far more than what is essential.

I will have to admit that in this bill is a $3 million item to replace an antiquated railroad bridge in my district, but I cannot allow that project to sway my judgment on a $14 billion bill that our President says is too much to spend at this time.

And I am not suggesting that we restore the defense cuts proposed in this supplemental. It is my understanding that if we sustain this veto, the President can live with the reduced defense figures that have been recommended. Defense spending is not an issue here. Nor is the issue cutting out programs or cutting out essential services.

The title V older Americans employment program, for example, is not threatened. The media tried to light that fire but such preying on the emotions of people is unfounded.

The President called me personally this afternoon to assure us of his support for this program.

What we are talking about here is forward funding for the program after September 30. If the money is not included in the supplemental, as I feel it should be, it will be included in the regular 1983 Labor-HHS appropriations bill or in the continuing resolution.

It is not my intention to see any disruption in that program, and I have told the administration that a revised bill will have to include that item.

Nor is the issue here that of providing additional funding to maintain vital services.

It is not absolutely essential to increase urban mass transit funding by 1 percent right now. Nor is there an emergency requiring more money in the interstate transfer program.

Will student aid programs fall flat on their face if we do not increase Pell grants by $56 per student? Of course not.

Is there some emergency that requires us to maintain higher levels of

employment in the Department of Energy? Of course not.

Is it essential to spend $148 million in ESEA title I to resolve an argument over census figures? Of course not.

There are Members who may prefer all of these add-ons. I am sure the President would prefer the additional money for defense procurement. But doing everything we would like is not good economics.

The President is not going to get everything he wants, and we must not allow ourselves to dig deeper into the pockets of American taxpayers for what we want. The issue here is whether we stay on course or turn back.

A substantial percentage of the domestic increase in this bill represents restoration of the reductions made in last year's continuing resolution. You remember how hard we worked to achieve an extra billion or two in savings—how we sweated over the weekend and into the late hours of the evening to put together a continuing resolution that met our responsibility to bring down the deficit.

We should not wipe out that effort.

We are not just sustaining a Presidential veto, we are sustaining the momentum of the monumental task we set out to accomplish 20 months ago. If we lose that momentum, we lose the confidence of the American people and the confidence of those in the marketplace who are just beginning to believe we will back up our rhetoric with touch decisions and decisive action.

I would urge Members to vote "no" on the motion to override the President's veto of this supplemental appropriation bill.

Mr. CONTE. Mr. Speaker, I yield to my good friend, the gentleman from Virginia (Mr. TRIBLE).

Mr. TRIBLE. Mr. Speaker, at a time of burgeoning budget deficits, I do not believe we should add nearly $1 billion in spending not requested by the President.

Since the bill passed the House on July 29, revised estimates have revealed ominous implications for the budget in fiscal 1983. The deficit is now estimated to reach an unacceptably high $155 billion—and this bill would add nearly $655 million to the deficit.

This bill would constitute a substantial and unwarranted addition to the $760 million contained in already enacted supplemental appropriations.

We must draw the line.

My vote to sustain this veto is a vote to curtail Federal spending; it is not a vote for the additional defense funding requested by the administration.

The supplemental request for defense lacked merit, and I support the committee's reductions. Moneys cut from defense should be used to reduce the deficit—and for that purpose only.

In 1980, Virginians voted to make America better. They rejected the tax-and-tax, spend-and-spend policies of the past.

We have made progress. We have reduced interest rates. We have cut taxes. And we have cut the growth of Government spending. We must continue this effort.

That is why I am voting to sustain the veto.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to by good friend, the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I rise in support of President Reagan's veto and do so with the full knowledge, if I can consult with my ranking Republican member, that we are assured that either in the continuing resolution and/or any subsequent supplemental that title V for the senior citizens will be preserved; is that correct?

Mr. CONTE. Well, if the gentleman will yield, I hope so. I have a letter here, though, on July 23 from the White House telling me they were opposed to this program and that they were going to turn this program over to CETA. I will have more to say about that when I speak.

Mr. ROUSSELOT. Well, my understanding is that our leadership, the gentleman from Illinois (Mr. MICHEL), and the gentleman from Mississippi (Mr. LOTT), have received absolute assurances that this program will continue to be funded and will be covered either in a continuing resolution or with the guidance of the gentleman from Massachusetts, another supplemental; is that not correct? We know the gentleman from Massachusetts is supportive of it.

Mr. CONTE. Oh, definitely, I am 100 percent for it.

Mr. ROUSSELOT. Mr. Speaker, I believe that the President is correct in stating that Congress has fallen back on its responsibility to stop spending over what we have originally appropriated.

I wish to say to my colleagues that I have always felt that supplemental appropriations were just that, above and beyond what the House had already committed to spend. We are only kidding the public when we try to lead them to believe that these programs will be drastically cut if we do not override this veto. That is just not true. A supplemental bill such as this provides billions of dollars.

For instance, the handicapped and disadvantaged will have well over $4 billion that we have already appropriated. In this supplemental I think there is $138 million additional spending; so we are not tromping on the disadvantaged or the handicapped if we support this veto.

That just is not true. As an example let me review for my colleagues just one area of substantial add-on spending in health programs contained in this bill.

The bill provides add-on money for three health program areas—health resources, Indian health facilities, and the Alcohol, Drug Abuse, and Mental Health Administration—that have already been fully funded, and operated throughout the fiscal year, at a $1.1 billion level.

None of these funds are needed to cover agency costs before the end of the year; year-end payroll and related costs will be covered by the pay supplementals provided elsewhere in the bill.

Providing new program funds of this magnitude—$28 million—will force the Department of Health and Human Services to conduct a wasteful year-end spending operation in the last 20 days of the fiscal year.

If program levels for fiscal year 1983 need to be adjusted for changing circumstances, these can be accommodated by the $27.8 billion in discretionary spending authority provided to the Labor/HHS/Education Appropriations Subcommittee under the budget resolution for fiscal year 1983.

I say to my colleagues that I think we make a mistake when we try to mislead the public into believing that when we turn down a supplemental such as this—which is $14 billion in total costs, substantially over what we have originally appropriated—that we mislead the public into believing that programs will be drastically cut back. That just is not true.

So I will support the President's veto, because I think he is correct in what he has done.

Now I yield to my colleague, the gentleman from California, a member of the Budget Committee, who I know is trying to keep from spending unnecessarily.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLLENBECK).

Mr. HOLLENBECK. Mr. Speaker, I thank the gentleman from Massachusetts.

In advance, I will associate myself with the gentleman's remarks in support of the override attempt.

Mr. Speaker, I rise to urge my colleagues to join me in voting to override the President's veto of H.R. 6863, the $14.2 billion supplemental appropriations measure. I disagree with the President's assertion that H.R. 6863 would bust the budget by nearly $1 billion. On the contrary, I have been told by the Congressional Budget Office that the supplemental is $3.2 billion less in budget authority than the budget ceiling established in the revised fiscal year 1982 budget resolution and $1.1 billion less in outlays.

What is more, this supplemental appropriations measure is not only below

the Reagan budget enacted by Congress, it is also below the supplemental amount requested by the President himself. H.R. 6863 is $1.5 billion less than the President's request in budget authority and $1.3 billion less than his request in outlays. Why then I ask has the President decided to veto this measure? Simply stated, I believe the President has confused his spending priorities and the veto is an attempt by the Executive to force Congress to accept these questionable priorities.

President Reagan vetoed H.R. 6863 because it appropriated funds for education, jobs for older Americans and other domestic programs while reducing his request for an additional increase in military spending. Of the $2.6 billion requested for military purposes, about $2 billion was either previously denied by Congress or was intended to start new military programs. Despite the fact that Secretary of Defense Caspar Weinberger argued against a veto, the President contended the requested defense money was necessary.

In order to secure his increase in defense spending, the President is asking Congress to sustain his veto and oppose $211 million for jobs for older Americans, $217 million for student financial assistance, $148 million for compensatory education for the disadvantaged, $112.5 million for Federal highways, $26.5 million for handicapped education, $37 million for urban mass transportation, $39 million for the U.S. Postal Service, $20 million for advances to the unemployment trust fund, $11.5 million for preventitive health services, $10 million for alcohol, drug abuse and mental health, and $11 million for the Railroad Retirement Board.

At a time when we have already made significant cuts in discretionary domestic spending and provided for real defense increases unmatched in our history during peacetime, I find it ironic that the President would veto a measure which falls well within his budget parameters on the grounds that a nonessential defense increase should be funded at the expense of domestic programs which have already borne their fair share of budget cuts. I, for one, cannot and will not support the President in his veto of this supplemental appropriation. I urge my colleagues to join with me in voting to override the veto and, in so doing, sending a message to the White House voicing our consternation over the spending priorities being pursued by the Executive.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from New York (Mr. SOLOMON).

Mr. SOLOMON. Mr. Speaker, I rise in strong opposition to the supplemental budget in its present form. Mr. Speaker I voted against the recent tax increase legislation because I was concerned that this greedy Congress would not use the additional $98 billion in new revenues to reduce the deficit but would try to spend every nickel of it resulting in a huge tax increase and no smaller deficit. Mr. Speaker, this bill before us justifies those concerns because it is more than 1 billion over the budget enacted earlier in the year and it is only the beginning of the budget busting bills due to come before us in the near future.

Mr. Speaker, this is not the same supplemental that many of us voted for when the bill left this House some weeks ago. There are many changes such as the $1 billion pork barrel water project in Tug Fork, W. Va., which was secreted into the bill during the conference between the House and the Senate.

Mr. Speaker, one of the worthwhile programs contained in this supplemental is title V, Older Americans Act, providing continued funding for the Senior Aid or Green Thumb program. This is an excellent program that actually spends money to save money in the long run. I have been assured by the White House that regardless of whether this bill goes down these funds will be included in a cleared up version of a smaller supplemental and President Reagan guaranteed the continued funding of this program in his call to Minority Leader BOB MICHEL earlier today.

With that guarantee, I am going to vote to sustain the President's veto in hope that we can come back with a supplemental that is void of all the "pork," and within the budget that we all pledged to support just a few weeks ago. If we do this consistently with this and all future bills, we will be doing the American people a favor because it is the only way we will ever get a handle on higher and higher deficits and it is the only way we will ever get interest rates down to an acceptable level, the one major ingredient needed to reduce unemployment and get our economy rolling again.

Mr. WHITTEN. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky (Mr. NATCHER), a member of the committee.

Mr. NATCHER. Mr. Speaker, the bill that is now before the House of Representatives is $1.9 billion under the President's request.

The amount pertaining to the Subcommittee on Labor, Health and Human Services and Education, is $960 million less than the subcommittee's allocation under the Gramm-Latta budget resolution which the Congress adopted for 1982.

We are $960 million under the congressional budget for fiscal year 1982, including all of the supplemental appropriations that have come before this body.

In our section, Mr. Speaker, we have about 15 major items that are of great concern to every Member in this House. We have the community services employment for older Americans in the bill, $210,572,000. This would continue this program for 54,000 community service jobs for the elderly through June 30 of next year.

There is $217 million for financial assistance to low-income college students and other matters that I will point out before I finish, Mr. Speaker.

Now, Mr. Speaker, we have a copy of a letter from the Director of the Office of Management and Budget, Mr. David Stockman. I recall when Dave Stockman served in this House and I considered him one of the able Members of the House.

Mr. Speaker, a portion of this letter reads as follows:

> The reason for the administration's objection to including the fiscal year 1983 program funds in the fiscal year 1982 supplemental is that it is a pure and simple gimmick designed to prevent funds provided for this program from being counted under the 302(b) appropriation ceiling for fiscal year 1983 in the Labor, Health and Human Services bill.

Now, Mr. Speaker, that statement is wholly inaccurate, and Dave Stockman knows it.

My friend, the ranking minority member on the Appropriations Committee, will tell you why we put this money in this bill. Unless this older Americans money goes in the supplemental bill that is now before the House, there will be no jobs, there will be no employment of the 54,000 Americans after October 1. The Older Americans Act passed by this Congress provided for forward funding. We have to have forward funding. The funding cannot take effect until July 1 of each year. This means that funds appropriated in the 1983 bill could not be obligated until next July. The program would have to shut down since there is no funding in place for the period from October 1 to June 30. The funds in this supplemental bill are to cover that period.

Furthermore, this program has been forward-funded in this manner since it began in the midseventies, and the budget resolution certainly takes account of this. The money in the 1983 bill will fund the program from July 1, 1983, to June 30, 1984. This has been the practice for years. This is not a "gimmick" or a "back door attempt to excape the discipline of the budget process" as Mr. Stockman would have you believe. That is absolutely false and I wanted the Members to know it.

It is absolutely untrue to say, as the letter does, that "the President's veto of the supplemental bill will have absolutely no effect on the continuation of this program next year." We understand that layoff notices have already gone out to these workers.

The administration proposed to eliminate this program in the 1983 budget. We have never been able to figure out why.

Now, in our regular bill for 1982, Mr. Speaker, we placed in the House bill $277 million.

□ 1445

On the other side, in the other body, they cut that amount back to $66 million. That is why we are here today with this supplemental. We must restore the full amount required for the program to operate at the current level from October 1, 1982, through June 30, 1983, in accordance with the authorizing legislation

Mr. Speaker, we have a number of other major matters in this bill that are of great importance to this House: $26.5 million for additional funds for education for the handicapped; $148 million in this bill for compensatory education of the disadvantaged children; $11.5 million here for preventive health services, and $6 million of that is for childhood immunization, the balance being for the control of venereal diseases and tuberculosis; $40 million for college housing loans; $11 million for railroad retirement dual benefits; $10 million for research on alcoholism, drug abuse, and mental health; $10 million for aid for developing institutions of higher education; and $11 million for school assistance in federally affected areas, as well as important provisions related to the payment of Federal supplemental unemployment benefits.

I hope the House of Representatives votes to override this veto.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to our distinguished whip, the gentleman from Mississippi (Mr. LOTT).

Mr. LOTT. Mr. Speaker, I would like to thank the distinguished gentleman from Massachusetts for yielding this time to me.

Mr. Speaker, I urge my colleagues to remember that this is a supplemental appropriations bill, and that means an add-on, an addition, an increase, any way you cut it.

Now, it is beyond me to explain why we always have two or three supplementals every year. I am sure there are good reasons for it. I am not being critical of the members of the Appropriations Committee or the administration, because the administration requested a lot of these supplementals. But remember, this is a supplemental, which means more spending.

Neither should we forget that this bill is not chicken feed. There are $14 billion in supplemental requests in this bill. What we are trying to save is a few hundred million dollars, maybe $700 million, maybe $800 million, maybe as much as $1 billion.

Is that not a worthwhile effort? We have been talking about doing it all year.

With regard to title V, the older Americans employment program, I support that program. We all support that program. I want to tell you right now that we are going to support the full $211 million of forward funding in the next supplemental when this veto is sustained and I—and the minority leader—have been assured that the administration is going to go along with that.

Mr. COLEMAN. Mr. Speaker, will the gentleman yield to me?

Mr. LOTT. I yield to the gentleman from Missouri.

Mr. COLEMAN. Telexes have been sent out today by the Office of Special Targeted Programs of the Department of Labor. I think this is very germane, following the remarks of the gentleman from Kentucky. The beginning of the Telex says that it is directed to all sponsors of title V employment for senior citizens:

You are hereby authorized a 90-day no cost extension and to begin planning for a fiscal year 1983 program at a level consistent with your 1982 activity. While his authorization cannot serve as a fiscal year 1983 funding commitment, it does allow the use of your remaining 1982 funds for continuation of the program. As you know, the Congress has not appropriated funds for the SCSEP at this point. Upon completion of appropriation action by the Congress, we will provide appropriate funding commitments and associated instructions. However, the information behind the budget resolution indicates congressional intent that this program will be continued. This TWX is based on the assumption that Congress will carry out that intent.

DAVID T. COPENHAFER,
Acting Director, Office of Special Targeted Programs.

Mr. LOTT. I thank the gentleman for those comments.

Ms. OAKAR. Mr. Speaker, will the gentleman yield to me?

Mr. LOTT. If the gentlewoman will give me just a moment to complete my statement. I have only 3 minutes, and I know that there are a lot of people who would like to be yielded to and I will be glad to do that in a moment.

But first, there are two other points I would like to make. The next one is on defense.

As I understand it, the next supplemental will contain the same amount for defense as is in this bill. The administration is not going to come back and say we have to put the full $2 billion for defense in the supplemental even though, clearly, they would like to have it. So that issue is not going to be there. Those of us who are cheap hawks or just plain hawks, there is a recognition that for defense the additional money will not be in there.

Just a final point, and I then want to yield to a couple of my colleagues.

Everything we have been doing this year so far has been show and tell, show and tell, so we could go home and say, "Hey, we are cutting back. We are getting the budget under control." That is what we do in the budget resolution. That is what we do in authorization bills, but this is an appropriations bill, when we get down to the real thing; whether or not we are going to spend more and more money or not.

Mr. GRAMM. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Speaker, I think it is important to point out that when we are discussing whether this bill busts the budget or not, that the budget is already busted. The deficit is $68 billion over the initial budget for fiscal year 1982, and $47 billion over budget for fiscal year 1983.

The question is: Are we going to make it $918 million higher? I say no. Let us sustain this veto.

The SPEAKER pro tempore. The time of the gentleman from Mississippi (Mr. LOTT) has expired.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute. I do so in order to correct some wrong impressions that have been left.

The President requested $16.1 billion in supplemental funding and the Congress reduced these requests by $1.9 billion. So this bill by no means exceeds the budget but is $1.9 billion below the budget. The President objects to the fact that Congress wants to put the funds in different programs then where he wants to put them.

Involved here is whether you want to cut the bill below the budget requests by $1.9 billion from other program areas and save the domestic programs, as we do, or let the President tell you what to do in the bill. May I say, that out of the $16.1 billion requested by the President about $12 billion is mandatory in nature. The Congress has very little control over these items. The Budget Act was supposed to place more of the Federal budget under the annual review process and correct this situation but that has yet to be realized.

The Congress has a wonderful track record on this supplemental bill. We are under the budget by $1.9 billion. We are helping the President save money, and the gentleman from Texas as well.

Mr. CONTE. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Speaker, this is a difficult position for a lot of us today on the floor. Many of us who supported this supplemental did so in good faith. We did it after working out a compromise, particularly on the President's Caribbean/Central American

Initiative so vital to our foreign policy objectives in this hemisphere.

Let me say this is not the end of the process. I will support sustaining the President's veto, but it does not mean that these worthwhile programs will not receive additional funding. We will still have a chance for compromise. We will still have a chance to save money while providing for the legitimate funding requirements. The entire legislative process is one of compromise. We need a little more work on this bill to reach an agreement but we will do so—an agreement that will provide for Pell grants, for education for the disadvantaged and handicapped, for unemployment benefit administration, for health programs and, most importantly of all, for the title V senior citizen employment program which the House has so overwhelmingly supported. We will reach agreement on these programs and save some money in the process for the taxpayer.

I stress to my colleagues that a compromise will be reached because I fear that in the heat of the debate we may be tempted to take measure which we will later regret deeply. I am speaking here of President Reagan's Caribbean/Central American Initiative.

The House supported this initiative as an amendment to the conference report by a vote of 281 to 129—a strong showing of bipartisan support. Indeed, this initiative was a part of a package of economic and security assistance fashioned by Congressmen LONG, MCHUGH, OBEY, GRAY, WILSON, and DIXON on this side of the aisle and Congressmen CONTE, EDWARDS, LIVINGSTON, LEWIS, and PORTER on our side. All political persuasions, all regions of the Nation were included.

The common ground which we reached was a belief that American foreign policy should display a marked concern for the economic and security interests of our neighbors in this hemisphere. The reiteration of the Monroe Doctine which this bill contained must be supported by the financial, industrial, and intellectual resources of our Nation. I believe that our agreement was based on a very correct evaluation of the economic and military situation in Latin America and President Reagan is to be commended for this Marshall-aid-type strategy for this hemisphere.

The financial crisis which is now engulfing Central and South America and the Caribbean makes it imperative that we take action to protect the most vulnerable nations. As we all know, Mexico is in need of immediate assistance. Even without congressional action, we have sent $1 billion in advanced oil payments and have entered the foreign exchange markets to help stabilize the peso. This assistance we provided to a relatively strong developing nation with abundant oil reserves and a record of high real growth. Mexico is so vital to this Nation that we cannot afford to let them down.

In the near future we may be called upon to assist other neighbors and friends in the region during this time of crisis in foreign exchange. I do not believe that we will or should turn them down.

At the same time we simply cannot turn our backs on our smaller, most vulnerable neighbors. The nations of Central America and the Caribbean depend on our support and friendship. I might add that friendship on their part has been constant in the face of vascillating American policies over the past three decades. We cannot again fail to provide the support urgently needed.

When we begin writing a new supplemental, I intend to offer an amendment to restore the Caribbean/Central American Initiative and the security assistance package which accompanied it. This total package was not part of the controversy surrounding the President's veto. It was recognized by all parties as a truly emergency measure. Events since the vote have shown this to be a correct decision.

As I vote for sustaining this veto, I just want to announce that the vote today is not the end of the process. We will meet again in the Appropriations Committee to work out a new compromise. That product will incorporate the criticisms of the President and the wishes of the Congress. I urge my colleagues to approach this veto in a spirit of compromise and as a part of a process delicately designed to provide for the welfare of the Nation.

Before my time has expired I just want to make reference of the fact that I particularly appreciated the gentleman who is now standing up and wants me to yield—and I will yield to him and thank him for his support and spirit of compromise in helping bring forth the President's Caribbean Basin Initiative.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield to me?

Mr. KEMP. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, as the gentleman well knows, after a great deal of hard work, late-night wrangling, we came out with a Caribbean Basin Initiative plus the other money that the President wanted for supplemental overseas military aid, which was half of what the President asked.

Now, that was substantial. I gather that the President is very much disturbed that we cut that in half. Now, is the gentleman proposing then that we sustain this veto?

Mr. KEMP. In the spirit expressed above, that is what I propose.

Mr. LONG of Maryland. And does the gentleman——

Mr. KEMP. Mr. Speaker, I cannot yield further. I have only 30 seconds.

Mr. LONG of Maryland. I understand why the gentleman does not want me to talk any longer.

Mr. KEMP. Mr. Speaker, may we have order? I am not shutting off the chairman, Mr. Speaker, I have just 25 seconds left, and I just wanted to have a chance to answer the question.

It is simply this as I said before, that this is not the end of the process. We are going to go back in the committee. We are still able to come up with a supplemental that will include the projects and programs mentioned on the floor and supported by both sides of the aisle.

I just wanted everyone to know that I think the Caribbean Basin Initiative is so important and the foreign exchange crisis in Latin America and on our borders is so critical that I just plan to try to help resurrect the Caribbean Basin Initiative if the veto is sustained.

Mr. LONG of Maryland. Does the gentleman want to take money away from domestic programs in order to resurrect?

Mr. KEMP. The answer is "Yes."

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. YATES), the chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. YATES. Mr. Speaker, the gentleman from New York, the gentleman from Mississippi, and the gentleman from California who look to the passage of the older Americans program at some time in the future are deluding themselves and deluding the country when they say they are willing to accept the promise of the White House that that program will be taken care of. The facts are directly to the contrary.

The letter read by the gentleman from Massachusetts (Mr. CONTE), indicated the White House was opposed to the program in July. Subsequently, the President vetoed the older Americans program in the urgent supplemental bill; now he vetoes this bill because this program is in it. Now we are supposed to accept the President's assurance that this program will be approved at some time in the future.

The fact is that the President does not want this program. He insists upon defense, defense, and more defense. He refuses to agree to any kind of programs which provide funds for the needs of senior citizens of this country, for the older Americans, for people who are in need of health, education, food, and the other programs for which this bill is intended. The defense program is overfunded now. As the gentleman from Mississippi stated the military now has $143 billion which has not been obligated.

Mr. Speaker, it is time President Reagan realized the people of this country do have problems which need

Government help. Our older citizens need help. They need the community services program which provides needed constructive employment for them.

This bill is needed for the students of this country so that they may complete their education. They should have the funds for Pell grants which this bill provides.

There are other programs in this bill which should be sustained. There is no valid reason the President has advanced for his veto. It is not a budget busting bill as he has charged. It is almost $2 billion below the amount he himself requested from the Congress.

I shall vote to override President Reagan's veto of this bill.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. Mr. Speaker, I rise in support of our President and I want to applaud him for his courageous action in vetoeing this spending bill. If we do not support our President, we are sending a clearcut signal to those Members currently working on 1983 appropriations to spend and spend again.

History does indeed repeat itself. Congress did this same thing to Gerald Ford in 1976. We overloaded appropriations bills, forcing President Ford to veto, making him the bad guy. I think the American people are smarter than that. It should be congressional leaders who take the lead in this difficult area and I believe we are wrong to force this decision, and subsequent blame, upon President Reagan.

All four significant areas funded by this bill in excess are worthy but all four areas are funded at levels beyond what we can afford. We are busting our own budget resolution. Our economy is finally showing a little life. Do we want to kill the beginnings of growth which we have seen in recent weeks?

If there is one of you that did not talk about Government spending and the effect it is having on our economy during your recent visit home, then you can go right ahead and override. I know that I talked about it a great deal—to farmers, small businesses, and individuals who had a glimmer of hope that interest rates were responding. They believed, that perhaps, just maybe, Congress was on the right track for once. I cannot vote to override and damper that optimism; $1 billion to us is pittance. We deal in vast numbers daily. However, $41 billion is not so small and we are already $41 billion over target on the $695 billion we passed in the fiscal year 1982 budget resolution; $1 billion is a beginning.

We can begin to show that we did indeed pass those budget resolutions in earnest or we can begin to bellyflop and slip back in all that money we struggled to remove.

Almost half of the domestic spending add-ons in this supplemental were vetoed by President Reagan earlier this year in an urgent supplemental. We sustained that veto. We should sustain this veto also.

Mr. CONTE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LUNGREN).

Mr. LUNGREN. Mr. Speaker, I would just like to commend my colleagues' attention to an article that appeared in the Los Angeles Times of Monday, September 6, by Mr. Bowman Cutter, a senior official at the Office of Management and Budget during the Carter administration. The article appeared in the Los Angeles Times. It was entitled "Reagan's Veto Was Right—It's Part of the System."

He points out, as one of the prior speakers just mentioned, that the veto "does not finish an issue; Washington does not work that way." He goes on to say: "Those of us who have been there know only too well that nothing finishes an issue. Once an issue is on the public agenda, it remains."

A lot of what we are hearing is pure rhetoric. We say this program is going to go down unless we pass this particular instrument that is before us. That is not true. This is part of a very good process, which has worked well so far.

We have only had two attempts at working out the supplemental. They have not worked. So what happens now? We have shown that we do not want the total amount of defense that the President wants. He now agrees that he will accept the defense cuts we have asked for. He is asking that we accept some of the domestic cuts that he wants. That is in the spirit of compromise. It gets us closer to what the people are saying back home. They are saying "Bring down that spending." Now, there are a lot of things we would like to have money spent on. We know we do not have all that money, so try to do what the people back home are asking us to do, bring us back within our own means.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Iowa (Mr. SMITH).

Mr. SMITH of Iowa. Mr. Speaker, it is no wonder that people in this country are confused. Last December when we passed a continuing resolution, we were told, "Leave out the older Americans $210 million and the administration will approve, including it in the next bill."

The next bill was requested in February but they did not request the money needed to fund employment for older Americans. But the President requested items that we told him ought to have been in the bill in December which he vetoed because they were included. But he did not include money for older Americans. We put the money in but then that bill was vetoed. At that time, they said sustain the veto and we will approve money for older Americans in the next one. The veto was sustained.

Here is the next supplemental. Now they say, "Oh, older Americans funding need not be involved. Leave it out of this one and wait for the next supplemental."

It is no wonder the people of this country are confused at these inconsistent statements and actions by the administration. The fact of the matter is that there is a fundamental difference of opinion as to whether or not we should fund older Americans, college student programs, grants to local school districts impacted with large numbers of disadvantaged children, whether we should fund some of these immediately important things while making a slight reduction in the President's request for a huge increase in military spending. The President wants more for military, although the bill includes giving him 99 percent of what he requested. I urge Members to vote to override the veto.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am going to vote to override the President's veto of H.R. 6863, the Supplemental Appropriations Act of 1982.

The President was not well served by those who advised him on this issue.

The veto message states that "this bill would bust the budget by nearly a billion dollars." In fact, the conference agreement was $1.9 billion in budget authority under the President's budget estimates.

The veto message states that the bill "fails to provide required funding in virtually every major defense program * * *." In fact, cuts in defense were made precisely because the administration did not convince the House and the Senate that the funds requested were required. In fact, an estimated $2 billion in defense supplementals was proposed to restore funds previously denied by the Congress, or to start new programs which should and could have been proposed for consideration in the defense appropriations bill for fiscal 1983.

The veto message emphasizes "that if we are to keep deficits down we must also keep Federal spending down." As we have been told by Mr. Stockman—again and again—deficits are driven by outlays, and outlays under the conference agreement would be an estimated $1.5 billion less in fiscal 1982 than under the President's budget estimates.

Let me read to the Members a letter that I saw today, written to all of the

Governors of the country on September 1. I will use the one to Governor Matheson of Salt Lake City:

COMMITTEE ON APPROPRIATIONS,
Washington, D.C. September 1, 1982.

Hon. SCOTT M. MATHESON,
Governor State of Utah, State Capitol, Salt Lake City, Utah

DEAR GOVERNOR MATHESON: The Senate leadership has taken seriously the recommendations of the nation's Governors regarding budget decisions for FY 1983 and supplemental appropriations for FY 1982. As you have suggested, we froze discretionary funding at 1982 levels and reduced the deficit through cuts in military expenditures, indexed entitlements and tax reform.

You are no doubt aware of the President's recent veto of the regular supplemental for FY 1982. I disagree strongly with the President's decision and hope that the veto will be overturned.

It should be made clear that this bill is not a "budget buster". It is a total of nearly $2 billion less than the President's request and within the budget ceiling for FY 1982 by $8.1 billion. Congress did add funding for high priority domestic programs such as Community Service Employment for Older Americans ($211 million), Compensatory Education for the Disadvantaged ($148 million), and Interstate Transfer Grants ($112 million) which the Administration opposes. It also approved over $400 million requested by the President for foreign economic and military assistance.

Congress chose also to defer or deny nearly $2 billion worth of inappropriate military spending requests. They will be considered in conjunction with the regular FY 1983 budget. However, the bill still contains over $5.2 billion for pay supplementals for the Department of Defense. In this manner, we have tried to balance the competing demands for scarce federal resources. I strongly believe we have been fair and prudent in this regard.

Now I need the Governors' assistance to override the veto of this bill. Upon its return, Congress will attempt to overturn this veto. The public support and assistance of the Governors would be very helpful and appreciated.

Warm regards.

Sincerely,

MARK O. HATFIELD,
U.S. Senator.

Go back and tell your people you are for cutting older Americans and aid to education and compensatory education for the disadvantaged. They are going to love that.

A lot has been said about title V. I am concerned about the mixed signals that we are getting on title V. I will read a White House letter I received on July 23:

THE WHITE HOUSE,
Washington, July 23, 1982.

Hon. SILVIO O. CONTE,
House of Representatives, Washington, D.C.

DEAR SIL: This is in further response to the letter you and 114 of your colleagues sent to the President in follow-up to our previous correspondence concerning the Senior Community Service Employment Program authorized under title V of the Older Americans Act. That letter raises a number of issues that I hope I can answer to your satisfaction.

While we can appreciate the Congressional interest in retaining title V as a categorical program, the Administration's policy not to seek financing for title V in 1983 has not changed since my March 15 reply. The Administration still believes that programs to meet the training and employment needs of the elderly can be operated under the Federal jobs training program proposed by the Administration to replace the Comprehensive Employment and Training Act (CETA) which expires at the end of this fiscal year.

Your letter to the President suggests that this approach to meeting the needs of the older worker is flawed because the older worker has been consistently underrepresented in CETA and because working through contractors, not States, has been the strong point of the title V program. It may be true that older workers have been underserved statistically in the CETA training programs. One explanation for that may be found in the views recently expressed by some program administrators at a workshop on job training at the annual meeting of the National Council on Aging. Several viewed categorical financing for the program for older workers as a hindrance to greater participation in other job training programs. Given constrained resources for job training, CETA prime sponsors could be expected to concentrate their efforts on programs for youth or other low-income adults if there were already categorical programs or setasides for the older worker. Categorical financing in effect becomes a ceiling, not a floor.

In addition, a number of program operators at this workshop argued that it was their experience that States had been more responsive to their needs than their local communities and that it was often easier to work through the State capital than their local government to secure services. This supports our view that the proposal to service the training needs of the older worker through State grants will be a positive help to the elderly rather than a flaw as your letter suggests. It is also not accurate to suggest that the States have not performed as well as the national contractors in title V. A recent study of title V by the Federal Council on Aging notes that national sponsors operate in areas that are most congenial for them while States, under ground rules for equitable distribution of services, must fill the gaps by taking what is left. States have had to take on the more difficult tasks, yet program data show their performance is in line with that of contractors. None of the available evidence, therefore, indicates that States are ill-equipped to serve the older worker.

Your letter is correct in stating that the Administration's job training legislation specifically prohibits the use of resources for wages or stipends. This would prohibit establishing subsidized jobs of the type that title V participants now hold. These jobs provide only short-term income maintenance similar to that provided through the CETA public service employment programs that Congress agreed last year should be phased out. The arguments for discontinuing the authority for title V type jobs are the same as for the CETA-financed jobs—the program does not provide long term benefits to participants by moving them into unsubsidized employment. The transition rate from title V to unsubsidized jobs is less than 15 percent, which is far below that of the CETA public service employment programs. As your letter suggests by citing the Philadelphia title V job counseling program, it is not necessary for the transition rate to be so low. As another example, the National Retired Teachers Association—American Association of Retired Persons (NRTA-AARP) consistently places 33-40 percent of its participants in unsubsidized jobs; a rate three to four times higher than any other national contractor. According to the Federal Council on Aging study, some NRTA-AARP local programs place over 100 percent of their participants in unsubsidized employment. This argues that a program that emphasizes training for jobs can benefit older workers without the need for subsidized jobs as an intermediate step to private sector employment.

Finally, I believe it is necessary to correct what appears to be a popular misperception of the benefits derived from title V programs. Your letter, and others, have cited as fact that title V returns $1.15 to the taxpayer for every dollar spent on the programs. The Department of Labor has been unable to document that statistic, but believes it must have been drawn from the 1978 study of the Senior Community Service Employment Program done by NRTA-AARP. The conclusions reached by this study, which only surveys experience in 1976 with a very small number of title V participants in the NRTA-AARP program, do not support the cost-benefit estimate for all of the title V as your letter suggests. The report specifically states that "the cost-benefit calculations refer to the successful placement of an enrollee in a permanent job, not to all aspects of S.C.S.E.P." In addition the evaluators note that since the study did not have a control group, they could not say what might have happened to the enrollees in the absence of the program. Clearly, the survey size and design are not statistically reliable enough to use for generalizations about the benefits of title V.

I hope this letter has helped to clarify the Administration's position concerning title V.

With best wishes,

Sincerely,

KENNETH M. DUBERSTEIN,
Assistant to the President.

Mr. MICHEL. Mr. Speaker, would the gentleman yield to me?

Mr. CONTE. I would be glad to yield to my good friend from Illinois.

Mr. MICHEL. Who wrote that letter?

Mr. CONTE. It was written by Ken Duberstein, assistant to the President.

Mr. MICHEL. What was the date of that letter?

Mr. CONTE. That letter is dated July 23.

Mr. MICHEL. Well, I do not know—the President—whether or not he was misinformed at the time or whether he had all the facts, but I have to reiterate what he told me this afternoon and in unequivocal terms, that he would support the program and in any kind of new supplemental he would certainly support the addition of that.

Mr. CONTE. I thank the gentleman, but we have mixed signals.

I also have a letter here from Cyril F. Brickfield, executive director of the American Association of Retired Persons:

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, D.C., September 9, 1982.

Hon. SILVIO O. CONTE,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN CONTE: We understand from press accounts that the Administration has dropped its opposition to provision of $210.6 million for the Title V Senior Community Service Employment Program to extend it beyond October 1st. While the American Association of Retired Persons is pleased that the Administration appears to have changed its position, we are fearful that in deliberations over a second supplemental appropriations bill, Title V will be held hostage for radically altered expenditures in other areas. The Administration appears to be willing to trade a $211 million Title V program for a $600 million reduction in other domestic spending and a $2 billion increase in defense spending. It is hard to believe that a second supplemental will be agreed to on these terms. We are therefore continuing to urge Congress to vote to override the President's veto of H.R. 6863.

Thank you again for your continuing support of the Title V program and the nation's elderly.

Sincerely,

CYRIL F. BRICKFIELD,
Executive Director.

Let me say that the programs that I mentioned under title V really are very small programs that do not cost a considerable amount of money, but they do provide jobs. It is ironic that we just came back from the Labor Day weekend, when many of us attended Labor Day breakfasts and marched in Labor Day parades, and here we are saying that we are going to fire 54,200 people when we have one of the highest unemployment rates we have ever had in this country.

The $210.6 million that we provided to continue title V has been vetoed before, and it is the single largest item to which the President and the Director of the Office of Management and Budget object to. The President's executive office made it clear they wanted to terminate the program before, and to fill the gap with a new job training program, but I can assure you that there is no substitute for this program. Their proposal will not provide a single community service job, let alone 54,200 jobs, because the legislation does not authorize payment of wages, and because it vastly reduces funding specifically for the elderly.

Unless this Congress acts, the title V program will end, I believe, on September 30. Unless we act now, those termination notices that older Americans have been receiving will take effect in a matter of days as the program starts phasing out for good.

At this point I include the following:

MEMORANDUM

To: All NCOA and Department of Senior Citizen Affairs Enrollees.

From: Natalie Gold, Project Director.

Subject: Termination Notice.

Date: August 20, 1982.

The National Council on the Aging Inc. (NCOA) receives funds each year from the U.S. Department of Labor and the Department of Senior Citizen Affairs, to employ low income older workers under Title V of the Older Americans Act. As you know, the NCOA Title V Program is called The Senior Community Service Project (SCSP).

The President did not include Title V in the Administration's Proposed Budget for fiscal year 1983 (10/1/82-9/30/82). The President also recently vetoed two versions of a supplemental appropriations bill that contained $210.6 million to fund Title V. This amount plus the $66.5 million already appropriated for July 1, 1982 through September 30, 1982 would have provided a total of $277.1 million for Title V and fully funded the program through June 30, 1983.

Another supplemental appropriations bill (H.R. 6863) containing $210.6 million for Title V was approved by a House-Senate Conference Committee on August 2. It is expected to be sent to the President prior to Congress adjournment (from August 20 until September 8). It faces a possible veto by the President.

NCOA is continuing to press for refunding of this highly effective program in order to protect the program enrollees and the valuable services that they perform in their communities. As of today, the fate of this program is uncertain and there are currently no funds available to NCOA for continuation of the program after September 30. There is no assurance that such funds will become available. Therefore, prudent management requires that we plan, on a contingency basis, for an orderly close-down of the program.

This is to notify you that your SCSP enrollment will terminate effective at the close of business on September 17, 1982. It will not be possible to pay you in cash for any vacation time that you have accumulated. Therefore, you should immediately contact our Fiscal Department to find out how much vacation you have earned. All such vacation time must be used before the close of business on the termination date.

If you are entitled to job related mileage reimbursement, payment will be included in you final check. The final check will be mailed to your address of record unless some other arrangement is requested and approved.

Many friends of the SCSP in Congress and elsewhere have worked hard to secure continued funding for the program. These efforts may yet succeed, either through H.R. 6873 being enacted or by some other means. If refunding occurs, we will notify you immediately to rescind this notice of termination.

Please do not hesitate to contact your Worksite Representative if you have any questions.

GREEN THUMB, INC.,
Arlington, Va., August 30, 1982.

To Green Thumb Workers and Staff:

As most of you are no doubt aware, Congress passed a supplemental appropriations bill before it recessed for Labor Day that included funds to continue Title V and Green Thumb from September 30, 1982 until June 30, 1983.

President Reagan has vetoed this bill, and if Congress does not override this veto, it is likely that the Title V program and Green Thumb will end on September 30, 1982.

Because we must plan to close out our activities in a responsible manner, you are hereby notified that it may become necessary for Green Thumb to terminate the employment of all enrollees as of the close of business, September 24, 1982. Although I deeply regret having to convey this news to you, I feel a moral obligation to give you as much notice as possible so that you can begin making plans for a future that may not include Green Thumb employment.

If some action is taken that permits Green Thumb to continue beyond September 30th, you will be notified immediately by the State Green Thumb office.

I would like to thank you for all the hard work and support you have given the program and your community in the past, as I am sure you will continue to do in the future.

Sincerely,

CARL A. LARSON.

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The administration would have you believe that we are playing games with the funding for this program. What we are doing is correcting a $67 million Senate funding level that we got stuck with in the continuing resolution. The $210 million will bring the level up to the full funding this House approved in its regular 1982 Labor/HHS appropriations bill. This $210 million will not be outlayed until 1983, so it will not have an effect on the deficit any different from funding the program in fiscal year 1983. It will not increase the deficit in fiscal year 1982. Rather the 3-year reauthorization passed in December requires that the program be forward funded, which is what we are doing here.

In response to the administration's intent to end the program on September 30, the gentleman from California, Mr. PANETTA, and myself sponsored House Concurrent Resolution 278, which over half of you joined, to continue this program at current levels through 1983. That resolution passed the House overwhelmingly, with only four negative votes. During the debate on that resolution, I warned my colleagues that they had better be ready to stand firm on that vote when push came to shove and the funding to keep these 54,200 needy older Americans working was at stake. Push has come to shove. If you meant your vote on House Concurrent Resolution 278, then you will vote to override the veto. It has become a battle of wills on this program between Congress and the President, and we have been given no choice but to back our words with definitive action

The SPEAKER pro tempore. The Chair wishes to remind the gentleman from Massachusetts (Mr. CONTE) that he has 2 minutes remaining.

Mr. CONTE. In closing, Mr. Speaker, let me say that this is a worthwhile program. It is a program that keeps a lot of old people off the poverty rolls. If the program does not continue, a lot of them will have to go on welfare, and, therefore, it will cost the taxpayers. They drive people to the congregate meal centers, they drive people to the stores, they drive them to the den-

tist, the hospital, and to the doctor. It is one of the finest programs for elderly people that we have in this country.

But let me go one step further. Everyone is concentrating on this program and saying, "All right, we will put that back." But there is also $217 million in here for Pell grants and SEOG grants. On one hand you want to say, "All right, we are going to take care of the elderly, but the heck with students who need it to enroll this year in college." I emphasize this is a supplemental for fiscal year 1982, so we are affecting the students who are in college for this 1982-83 school year.

There is $26.5 million in there that my good friend, the gentleman from Illinois (Mr. PORTER) fought so hard for—education for the handicapped. Are we going to say, "All right, there is $211 million here for title V, but the heck with that program for the handicapped"?

There is $21 million for the Coast Guard. They are closing stations all over the country. They do not have gasoline to run their patrols to go after the drug dealers. Are we saying, "All right, we are going to go for the $211 million for title V, but you know what the Coast Guard can do"?

Mr. PURCELL. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Michigan.

Mr. PURCELL. Mr. Speaker, I want to thank the ranking Republican member on the committee, the gentleman from Massachusetts (Mr. CONTE), for an outstanding statement which I wholeheartedly support.

I am disturbed here today that my party, through its whip, has come to the floor and said that we are going to have to have a lock on the military piece of this supplemental and that is already decided and in place for the next time we meet in committee, assuming the budget veto is sustained without any commitments on some of these other programs.

If we had an across-the-board reduction here to take out the $918 million, maybe that might have some merit if we are looking for dollar savings. But to come on to the floor and make commitments on program A versus program B at this hour to attempt to gain votes for the veto is disturbing to me.

Mr. Speaker, I want to thank the ranking Republican member on the committee for his comments.

As in most every agency in the Government, the agencies under the jurisdiction of the Labor/HHS/Education Subcommittee are on a short time fuse if they do not receive their requested pay supplementals. Just about the entire Department of Education is facing 10 working days of furlough. The entire Bureau of Labor Statistics and a majority of the Employment Standards Administration in the Department of Labor will be furloughed. At least 10 States are facing serious problems continuing their occupational safety and health inspection programs without the $3.8 million transfer authorized in this supplemental. The Health and Human Services Department is potentially faced with an agencywide shutdown, with the exception of essential health-related personnel.

These increases in spending are all very important and targeted at the needy, be they children, college students, handicapped, or elderly. If the veto is not overridden, we will not be able to go back to the President with the same bill. There will need to be changes. We may very well lose some of these items. If you supported title V, as 407 of you did, as well as these education supplementals, I urge you to vote to override this veto.

If the veto is not overridden, the Patent and Trademark Office will be forced to furlough 2,700 employees, virtually the entire agency, on September 17.

The Department of Justice has completely run out of funds in two important law enforcement programs: The support of U.S. prisoners now housed in State and local jails, and fees and expenses of witnesses. They simply cannot pay the bills for these functions. So far, State and local law enforcement agencies are picking up the tab for the support of prisoners who are the responsibility of the Federal Government, but they cannot be expected to continue this indefinitely. The lack of funds for the fees and expenses of witnesses involved in Federal trials has made it necessary to postpone a number of trials, further delaying due process and adding to the already unacceptable backlog of such trials.

Two Department of Justice offices, the Drug Enforcement Administration and U.S. Attorneys and Marshals, will have to furlough personnel on or about September 15, and the Federal Bureau of Investigation is not far behind.

Due to some early and prudent management decisions, the State Department will not have to furlough employees through the end of the fiscal year, but this is at the cost of seriously delaying the security enhancement program at our overseas posts. Funds which were to have been used for such items as safe havens, locks, teargas, and other security-related projects have been postponed in order to continue to pay salaries. In addition, the vetoed bill includes $49 million, as requested by the President, for new personal security activities at overseas posts.

The bill includes a number of appropriations and language provisions which are important to many of your districts and which may not be provided if this veto is not overridden.

For example, language is needed and is included authorizing the Economic Development Administration to issue $30 million in direct loans and $150 million in loan guarantees during the remainder of fiscal 1982 from the economic development revolving fund. This is in accord with the clear intent of Congress in the continuing resolution, but the language is necessary if these loans are to be made available.

The bill includes funding for the coastal zone management program for the State of New York. Whaling research and activities are funded for Alaska. Ten million dollars is included for the 1984 Louisiana World's Fair. Law enforcement assistance funding is provided through the FBI, the Drug Enforcement Administration, U.S. attorney's and marshals and the Federal prison system for the expenses of the south Florida task force against drug traffic and organized crime.

Money is in here for the long-delayed alien detention center to be located in either Louisiana or Oklahoma, both of which are lobbying to get it. A new Federal prison to house 4,000 inmates is included for Arizona, as well as a minimum security prison camp for California. And $1.6 million is included to conduct the U.S. case in the Gulf of Maine boundary dispute, which is critical to New England and to the entire country in terms of future resources.

As I mentioned earlier, funding is provided in this bill in the amount of $49 million for additional security requirements at overseas posts in Western Europe and other highly threatened areas. The appropriations of this money is timely and important if we are to do all we can to avoid future attacks and kidnapings against our personnel serving in these countries.

And finally, $3.4 million is provided in the bill for the Iran-United States claims tribunal, an activity which must be funded regardless of our individual feelings about that whole ugly episode.

The Defense Department military personnel account is out of money. There is no money to pay the troops on September 15 and there is grave doubt enough money can be found to meet the civilian payroll.

We heard the same thing last month and some may think this is just another horror story from Defense.

But the fact is that the August 31 payroll was met only by using money which should have gone to the Treasury for withholding taxes and by deferring the transfer of social security withholding. That was a one-time shot. The well is empty. There is no more. If we do not get a pay supplemental, the troops will not be paid next week.

There is little or no impact on defense programs in this supplemental.

We are too far along in the fiscal year for anything to help straighten out the impact of deferring operations and maintenance activities in order to make the payroll.

But we cannot allow the millions of uniformed personnel to miss a payday next week together with the real likelihood some civilians will not be paid either. We must pay the troops. We cannot put the entire Armed Forces structure on furlough.

The supplemental also includes $30.5 million for Coast Guard operating expenses and $78.1 million in supplemental pay. The Coast Guard is the service we always seem to forget when it comes to funding, but which we never forget when it comes to adding new responsibilities.

We want active drug interdiction efforts from the Coast Guard along with responsive search and rescue performance, and they do a fine job at both of these tasks even though their funding posture is often in question, and certainly strained now.

What happens if a Coast Guard rescue plane takes off from New York, and after searching a wide-ranging area, needs to refuel at the Atlantic City, N.J., Airport using a Government credit card backed up with no obligational authority. If the card is refused, the plane cannot refuel and continue its mission. Such a situation has not occurred, but it is not out of the realm of possibility if the Coast Guard has to continue operations with no funding authority.

Coast Guard activities such as drug interdiction, because of their nature, require constant use of equipment. Therefore, spare parts replacement is a very high priority, particularly given the age of many of the ships and rotary and fixed wing aircraft. The operating moneys in the supplemental are essential for continued Coast Guard performance of the duties which we in Congress have mandated.

Right now, the Coast Guard is calling operating funds in from the field to pay its nonuniformed personnel, who incidently face furlough after the 14th of this month. That means that for operating activities, the Coast Guard would have to deficiency spend to continue to keep its ships and airplanes running, as we here in Congress expect them to do. In other words, the Coast Guard is close to broke. Think about that when you consider how you are going to vote on this Presidential veto because right now, the Coast Guard is in jeopardy.

The vetoed bill provides $350 million in economic assistance for the President's Caribbean Basin Initiative. This is the aid portion of the total CBI package of trade and aid initiative proposed last February.

In my view, if this money is not included in this bill, and if this veto is not overridden, the Caribbean Basin aid package will not be funded. And that would send the wrong signal to our neighbors to the south, a very damaging signal that we do not care and that we do not follow through on our promises.

If we do not come through with this money after it has been so well publicized, we cut the legs out from under those in the Caribbean and Central America who would be friendly with the United States. Those friends are in Costa Rica, Jamaica, the Eastern Caribbean, the Dominican Republic, the new, democratically elected government in Honduras, the new and hopefully less repressive government in Guatemala, and the new constituent assembly in El Salvador.

The bill reduces the administration's request for economic aid to El Salvador from $128 million to $75 million, and we have eliminated the $20 million request for military assistance to that country entirely. As you will recall, our House conferees compromised with the Senate Members, who wanted to include all of the requests for El Salvador. I believe it is a reasonable compromise.

The bill also includes $3.5 million, as requested, for international military education and training. These funds represent the best investment we can make with foreign assistance money—for a very small amount of funding, we expose the rising military leaders in many countries to the U.S. system of a civilian-controlled, restrained military and to our way of domestic life.

The bill also includes $50 million in forgiven military credits for Sudan, as requested by the President. Sudan has proven itself a good and loyal friend to the United States and to our friends in the Middle East region, and that country is now directly threatened by Soviet and Cuban-inspired forces from Libya and Ethiopia. We must continue our support.

As mentioned in the veto message, the bill includes a transfer of $50 million for relief and rehabilitation in Lebanon, and earmarks $10 million of this for the American University of Beirut and its hospital. The Senate also included report language, which we have no difficulty in accepting, proposing that up to $1.9 million of the total $50 million, be made available for Beirut University College. These are American institutions of long standing which are located right in the heart of some of the most severe fighting and damage. We intend to continue our support for them during this very difficult period, just as we intend to support our Lebanese friends.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts (Mr. CONTE) has expired.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. FAZIO).

Mr. FAZIO. Mr. Speaker, I think we are observing a very embarrassing process for the minority here today, with all this shucking and jiving and slipping and sliding, they are trying to avoid responsibility for the very specific rejection of the priorities that are included in this bill.

This is a bipartisan committee. I think it is well known in the House in fact in both Houses that we do our work in a collegial way. Most Members of both parties supported this bill, in fact the other bodies fiscal leaders on the Republican side strongly advocated it. But now, because it is time for the President to run against the Congress, we all are supposed to get in line with the minority and let our appropriation responsibilities be dictated to us. And that is what is happening here. Congress is being told that our priorities are unimportant, that the Executive's priorities will have to take precedence and be implemented despite the input we are providing in adjusting downward by $1.9 million the President's request.

The President would have us retain $200 million for operation and maintenance money for the military in this bill that has already been provided for by transferring unobligated funds. And yet he would remove the $200 million for job programs for senior citizens who will end up going on SSI if they do not receive their minimal $3.25 an hour as this bill would provide. This is the clearest case of a priorities debate that we have had in the 3½ years I have been in Congress, and if anybody votes to sustain this veto, their constituents will not be confused, they will not be fooled. They will know in fact whose side the minority in this House is on. This is no vague budget resolution that allows Members to plea that they were against any particularly unpopular budget cut but for a budget reduction in general. This as Mr. LOTT the minority leader has said is a specific up or down vote on whether we force feed the military while starving the poor, the aged, the disabled, and the young. You cannot hide that fact.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, farm prices are depressed, in part, because exports are down. And, one immediate action that Government can take to boost farm prices is to sell more products in foreign trade.

This vetoed bill would make export trade a national priority by appropriating $500 million for the CCC export credit revolving fund.

Farmers do not want a handout. They want a helping hand.

This bill is not a budget-buster, and just because Ronald Reagan says it, that does not make it true. It sets na-

tional priorities that the President has ignored.

Mr. Speaker, I urge a vote to override the veto.

Mr. WHITTEN. Mr. Speaker, I yield 30 seconds to the gentleman from North Carolina (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, let me just say as chairman of the subcommittee which has the Older Americans Act, in title V that what the gentleman from Iowa (Mr. SMITH) and others have said is true. They have simply been out to get this program all year, and it is not what is going to happen, it is happening. The pink slips went out and a number of them were discharged as of September 3, and another group as of September 13 has already been notified.

Mr. Speaker, the hour is late. It is going to be after midnight in about an hour unless we vote to override this veto.

Mr. WHITTEN. Mr. Speaker, I yield 30 seconds to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, one of the things that was interesting to me was that the committee cut $106 million in cost overruns in the Trident submarine program, but they wanted to have an immunization program for children and a jobs program for the elderly and an education program for our handicapped. They also included a program that means very, very much to the city of Cleveland. It is just amazing that anyone could vote to sustain the President when the committee is trying to do away with all of these exorbitant cost overruns in the military budget.

Mr. Speaker, therefore today, I rise in support of overriding the President's veto of H.R. 6863. The 1982 supplemental appropriations bill will, if passed, provide necessary funds for programs which affect constituents in every Member's district. The supplemental provides vital services for our elderly, our disadvantaged, the unemployed, and our Federal employees. Where is our conscience? Where are our priorities? While the Pentagon continues to fund billions of dollars in military hardware around the world, we continue to cut the very basics from those in our own country.

Let us look briefly at some of the specifics of what has been vetoed.

FUNDING FOR EDUCATION

The President's veto would be devastating to education at all levels; $399 million in education money has been carelessly labeled as "wasteful and unnecessary spending." Included in this figure are programs which have proven to be more than mere success stories. It is vital to education at all levels, but particularly to higher education, that the supplemental appropriations bill be passed—we must override the President's veto. Unless we do, programs such as compensatory education for the handicapped, handicapped education, vocational education, student financial assistance—including Pell grants and higher and continuing education, will be severely diminished. If we do not override this veto the neediest students receiving Pell grant money will lose over $100 each since the maximum grant will be cut from $1,800 to $1,674.

FUNDING FOR IMMUNIZATION

The administration is asking us to turn our backs on preventive health services and childhood immunizations. If we do not override this veto, $6 million targeted for childhood immunization against such diseases as polio, measles, rubella, dyptheria, whooping cough, and tetanus will be lost. This is $6 million which is administered by the States in various ways to prevent outbreaks of illnesses which we all know to be cripplers. Without this money school systems, health facilities, and visiting nurses programs throughout the United States would be unable to provide these innoculations to needy and vulnerable children. Fifty percent of all these immunizations are administered through these State programs. Can we afford to deny this life-saving protection to these children? Can we at the same time say "No, you can't have your immunizations and if you do become crippled or disabled we won't be able to take care of you down the road either." It is a well-established fact that prevention of disease is less costly than the treatment of disease.

FUNDING FOR OUR UNEMPLOYED

Failure to override the President's veto would mean the loss of $20 million in grants to the States for unemployment insurance and employment services. This money is needed to cover the initial administrative expenses of the Federal supplemental benefits program which the House approved in passing the Tax Equity Act last month. Certainly, now is not the time to put this supplemental benefits program in jeopardy when the unemployment rate is hovering near 10 percent and hundreds of thousands of jobless Americans are depending on additional weeks of unemployment benefits to tide them over until the labor market improves.

FUNDING FOR OUR ELDERLY

The supplemental also contains $112 million in grants to States to help pay for the medicaid health care program for the poor. The medicaid program has been the victim of substantial cutbacks in the last two budgets. Last year's budget reduced the Federal matching rate to the States by 3 percent in fiscal year 1982, 4 percent in fiscal year 1983, and 4.5 percent in fiscal year 1984. These reductions drastically hurt the States and consequently the recipients.

This year's budget allowed for copayments or medical services as well as liens on real property, including homes of medicaid recipients who are institutionalized. These changes directly penalized the recipients.

It is not fair to jeopardize the financial status of the States or the medical care of the poor by delaying this supplemental funding any longer.

One of the most severe results of the President's veto involves 54,200 elderly citizens participating in the title V senior community service employment program. Depriving these seniors of the $210 million appropriated through H.R. 6863 is self-defeating because it will put more people in the unemployment lines and make them more dependent on the Government through SSI and food stamp benefits.

As all of you are aware, the title V program is offered to those low-income persons 55 years of age and older. The shock of a senior citizen receiving a pink slip could be devastating. At the present time, approximately 86 percent of the participants on community services have incomes below the poverty level. In 1981, the cutoff income for a single title V participant was $5,387. Thirty-three percent of the participants are from minority groups and 58 percent have less than a high school education.

These workers have proven the success of the program. In Ohio alone, $12 million were allocated to employ 2,355 people during last year; 1,313 of the 2,355 provided direct services to the elderly, while 1,042 provided services to the general community; 362 seniors provided services through nutrition sites. It should be noted that approximately 100 of these participants were able to assist others in their homes in the areas of health and home care. Institutionalized care is far more costly. Further, title V returns to the taxpayers $1.15 for every dollar spent on the program; and it was found that SSI and food stamp costs were reduced an average of $24 a month when a new person joined the title V program.

FUNDING FOR CIVIL SERVICE RETIREES' HEALTH BENEFITS

Some $607 million would be appropriated to the civil service retirement fund and the Federal employees' health benefits program. The amount does not represent a superfluous sum of money, but, actually, equals the amount of money owed to the insurance carriers and annuitants who are awaiting their claims to be processed. I do not need to speak at length about the FEHBP, whose financial difficulties have been used by this administration to make drastic cuts in benefit coverage and cause sharp increases in premium payments.

FUNDING FOR MASS TRANSIT, HIGHWAYS AND BRIDGES

There is no question that our elderly are dependent upon public transporta-

tion. In addition, our roads, bridges, and highways are badly in need of repair. I am especially concerned about a particular project in this bill that is vital for the city of Cleveland. In the heart of our downtown, the bridge streets which support the downtown area Terminal Tower, Huron Road, and the Old Post Office are eroding. These supports must be repaired for the safety of the hundreds of thousands who daily commute in that area and to revitalize our downtown. The supplemental provides $12.5 million for this vital work. If we do not override this veto today, the city of Cleveland has lost a critical opportunity to provide jobs and to revitalize itself.

Of course, human worth as demonstrated by these important programs can never be measured in dollars and cents. If in principle, we seek to encourage a sense of self-sufficiency, self-worth, and pride of achievement; then, in practice, we should feel honor-bound to support funding for these programs sufficient to match our deeds to our words.

We have demonstrated our support of these programs in the past, Mr. Speaker. I urge my colleagues to consider the alternatives and regard the beneficiaries of these programs not just in abstract statistics, but rather as individuals contributing to our society.

Thank you.

Mr. WHITTEN. Mr. Speaker, I yield 30 seconds to the gentleman from Oregon (Mr. AuCoin).

Mr. AuCOIN. Mr. Speaker, what it all comes down to is that this veto is a sham. This is not an argument here over how "much" is to be spent; this is an argument over "where" to spend.

That is significant because you can tell the political differences between people and political parties by where they choose to put money and where they choose to take it away. It is a dollars and cents statement of political values.

It is pretty clear what the White House's values are. You will find it reflected in their spending request.

They want to spend hundreds of millions of dollars more on defense and in foreign aid, particularly for the military junta in El Salvador.

Our bill, instead, says that is too much—and that with a mere fraction of the savings we will just as surely build a strong nation by keeping the U.S. Coast Guard afloat, keeping young minds from being priced out of college, providing economic opportunities for the elderly and providing unemployment assistance for jobless Americans.

That is the argument. The only argument.

When the men in the White House call this bill a "budget buster" they are betting that the American people will believe anything. Someone called this tactic a "sideshow." I agree. It is right out of P. T. Barnum, who said, "A sucker is born every minute."

Well, the administration is wrong about the American people being suckers. And the administration is wrong on this bill.

I urge my colleagues to override this veto.

● Mr. BROWN of California. Mr. Speaker, as the elections draw closer we can no doubt expect more and more partisan politics; it is the nature of things. But I was dismayed to learn that the President had vetoed H.R. 6863, the latest supplemental appropriation package. He contended wrongly that it was over budget merely because it set different priorities from his own. Priorities which I felt then, and feel now, are sound and sensible.

Our national defense budget has increased geometrically placing a strain not only upon those programs reduced to offset the added costs, but also upon the military-industrial complex as it spends money too fast and inefficiently. Both Secretary of Defense Weinberger and Secretary of State Shultz supported this package as a reasonable and well thought out alternative to the President's proposals. It in no way endangered the defense buildup, nor our national security. And in fact, it came under the President's proposals by a full $1 billion, in a small, but significant way reducing our astronomical deficit.

What are some of the moneys the President has decided are not important? Among other items, this package includes $211 million for jobs for older Americans; $217 million for student financial aid; $148 million for compensatory education for the disadvantaged; $26.5 million for handicapped education; $112.5 million for Federal highways; $11.5 million for preventive health services; and $20 million for advances to the unemployment trust funds. These are reasonable, worthwhile programs which should not be continually jerked around by the whim of politics.

While I was in my district, I witnessed the distress felt by my constituents regarding this veto measure. Hundreds of my senior constituents will be out of jobs without this bill, students will either have to sacrifice more or completely give up their ambitions for further education; and unemployment in my district jumped 2 percentage points to 13.6 percent in just 1 month. My constituents want and need help. The veto of this measure gave them little hope that it would be forthcoming. It is now Congress responsibility to renew that promise.

As a politician, I expect politics in an election year, but not to the detriment of the American people. It is time, Mr. Speaker, for the President to stop playing politics, to put away his playthings, and get on with the business of Government—that of serving the American public. This bill is a solid piece of legislation, and I urge my colleagues to join me in overriding the President's veto.●

● Mr. BOLAND. Mr. Speaker, I intend to vote to override the President's veto of the fiscal year 1982 supplemental appropriations bill.

The supplemental appropriations bill was the product of a considerable effort on the part of the members of the House and Senate Appropriations Committees. That effort involved the fashioning of numerous compromises required when the funding needs of various important programs had to be reconciled with the fiscal constraints that we all realize we have to operate under. The margin by which the conference report on the supplemental appropriations bill passed the House was evidence that the Members were satisfied with the compromises that had been made. We sent to the President a bill that was not only substantially below his request, but below the budget outlay and authority levels in the 1982 budget ceilings as well.

When the President vetoed the supplemental, he indicated that his action was premised on his belief that the bill was a "budget buster." This contention is not supported by fact. What the veto actually represents is a dispute with Congress over spending priorities. These disputes often occur but it seems to me that they can be most rationally dealt with if all parties recognize them for what they are, rather than misrepresent them. Let us look at the facts. The vetoed supplemental contained $0.5 billion of the $2.6 billion requested by the President in budget authority for defense. Of the money not provided, a substantial amount represented funds no longer sought by the Department of Defense, funds to pay cost overruns, funds previously denied by Congress, or funds to begin new programs. In contrast, the supplemental contained $918 million more for domestic programs than requested by the President. These funds were for programs for which Congress has, time and time again, given its approval.

The President took exception to our making available an additional $217 million to assist our young people in obtaining a college education, an additional $210 million to provide community service jobs to 52,000 of our low-income elderly, an additional $148 million to assist school districts in meeting the educational needs of the disadvantaged, and an additional $26 million to educate our handicapped children. I happen to believe that these programs are vital to the future of our country, as vital in the long run as many aspects of our defense programs. I also happen to believe in a strong na-

tional defense. I know, however, that the cuts the supplemental made in defense were not going to make or break our national security. The domestic programs that were selected for additional funding, however, need supplemental funds to sustain those Americans who depend on them. It is imperative that those funds be provided.

Mr. Speaker, the question of whether or not to override this veto really is a question of priorities. I believe that the bill we sent to the President appropriately reflected our priorities. The veto was unjustified and should be overridden.●

● Mr. DOWNEY. Mr. Speaker, I rise today to protest one of the most ludicrous actions I have seen this year. The President's veto of the regular supplemental was nothing but a blatant attempt to play political baseball. Unfortunately, the ball that is getting tossed back and forth is the quality of many people's lives.

The President maintains that the veto was necessary because the bill is a "budget buster." But this allegation simply does not stand up under the facts. The total amount of this bill is $1.3 billion less than the President's request. In fact, his own request would have "busted the budget" by more than $250 million.

But the President is not playing with facts, he is using mirrors. Is he trying to regain preelection credentials as a tough antispending conservative? Is this part of an effort to shift national attention away from the failure of Republican economic policies? Is the President trying to portray Congress, especially Democrats, as big spenders right before election?

The only other justification I can find for the veto is that the President is peeved because Congress did not agree to his every wish. In a bipartisan move, $2 billion in extra defense spending was denied that the President wanted for housekeeping items and some early starts on weapons buying planned for next year. Then Congress spent $900 million on some social programs that cannot finish the present fiscal year uninterrupted without the supplemental funds.

Let us look at some of the programs the President does not want to fund.

First and foremost, there is the older workers program. We all know how important that $210 million is to the 55,000 senior citizens who are anxiously awaiting word of our action today. Last July, a sense of the Congress resolution in support of title V passed the House overwhelmingly. I hope that every Member who voted for that resolution is ready today to put their vote where their mouth was last summer, and prove to their seniors that they pay more than lipservice to the program.

Hundreds of thousands of students are waiting for word on the quality of their education. One million Pell grant recipients and 128,000 SEOG beneficiaries will have their financial aid reduced because the President does not want to live up to his commitment to them. And the quality of education for many thousands of handicapped and learning disabled children will also be determined by today's vote.

Unemployment has risen to post-World War II records, and last month we agreed to a new extended benefits program for unemployed workers. There is money for this program in the supplemental, too.

Numerous health programs need additional money to finish off this fiscal year without curtailment. Basic health research by the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, and Health Resources will be stalled because the President's priorities are elsewhere.

Despite promises in recent television commercials, the President does not want to pay full retirement benefits to approximately 400,000 railroad retirees.

President Reagan's veto was also spurred by a request to fund programs that serve the deaf and blind.

The most absurd aspect of the situation we find ourselves in today is that the President did not veto this bill because it spends too much. Rather, it was vetoed because it spends too little.

I urge all Members to end this political game by voting to override the veto. It is time to send a message to the President that enough is enough.●

● Mr. FOGLIETTA. Mr. Speaker, I rise to urge my colleagues to reject the President's veto of the urgent supplemental. Not only has Mr. Reagan vetoed a bill that is clearly within the guidelines of the fiscal year 1982 second budget resolution, he has vetoed a bill essential to the handicapped, the elderly, the unemployed, the disadvantaged, and to the American city. Mr. Reagan has complained that Congress has funded programs he does not want, and not funded programs that he does want. And he is right. We funded human needs programs. Mr. Reagan wanted us to forget human needs and build a bigger military.

The bill we passed provided $211 million for jobs for our older Americans. It provided $217 million for student financial assistance; $148 million for compensatory education; $37 million for urban mass transit; $20 million for the unemployment compensation trust fund. That was not quite what the President had in mind.

So what if the senior community service employment program runs out of money—so long as the military gets a bigger budget. So what if the unemployment fund runs out of cash—so long as the military gets more money. Mr. Speaker, Congress rejected the President's requests because the needs of the Nation demanded that we do so.

This urgent supplemental provides money needed by people from all walks of life in all parts of the country. The President had no legitimate reason to reject it. It is within spending targets, and it deals with need. If the President cannot accept our obligation to fund social programs, but can only see bigger defense budgets, then I suggest that his priorities are backward.

What we have done is right. I urge the House to stick to its convictions, and override this veto.●

● Mr. VOLKMER. Mr. Speaker, contrary to President Reagan's rhetoric, this bill is not a "budget-buster." The bill is not only well below budget, it is also $1.4 billion below the amount the President recommended.

When the President vetoed the bill he said it contained $900 million more than he wanted for social programs and about $2 billion less than he requested for defense.

Congress did add a much needed $217 million in financial aid to college students. Education is just as necessary as defense. A strong and adequate education is just as important for our citizens as a strong national defense. If the veto is sustained, several hundred thousand young people will not be able to attend college this fall.

Congress also added funds for elderly employment, education for the handicapped, and advances to the State unemployment funds. But we reduced other programs, such as defense, by $2.8 billion.

When the President opposes providing funds sorely needed for education and older American programs, I have to vote against him. This bill provides those funds, while keeping within our goal of holding down Federal spending. For these reasons, I intend to vote to override the President's veto.●

● Mr. MATSUI. Mr. Speaker, I rise to support the veto override of the fiscal year 1982 supplemental appropriations bill, H.R. 6863.

My support for the override is founded on my profound belief that the Congress of the United States serves as a coequal constitutional body to the Presidency in the establishment of this Nation's budget priorities. As the elected representatives of the people, we have a fundamental duty to govern over our national spending programs. To do otherwise is to abdicate our essential constitutional responsibilities.

It must be made clear that the supplemental appropriations bill which was submitted to the President for his signature conformed to the overall guidelines prescribed by the final budget resolution for 1982. Moreover, the measure was $1.5 billion below the total funds requested by the President

for supplemental appropriations budget authority. For the President to frame his veto of H.R. 6863 in such terms as "budget busting" is simply distortive and unfair to the American people.

What must be made clear is that the President's veto of this measure was based solely on his disagreement with the spending priorities specified by the Congress in the bill. Given the unprecedented recession confronting this land, the Congress authorized in H.R. 6863 more money for domestic programs and less for military projects. By reducing the defense funding allocation by merely 1 percent, $918 million was made available to meet numerous critical domestic needs.

For the citizens of my congressional district, this funding differential is not a mere abstraction. H.R. 6863 insures that $16,000 per month is available to the Sacramento Office of Urban Indian Health Services for the provision of basic health care to my local Indian community. H.R. 6863 provides the necessary moneys to fund both supplementary educational opportunity grants and Pell grants. Hundreds of low-income young people from my district would not be able to attend such institutions as the University of California or the University of the Pacific without these grants. The opportunity for a higher education for needy and deserving students is a national priority deserving of support.

H.R. 6863 allocates $5.5 million for the Sacramento light rail project, a system which is being built today to meet tomorrow's transportation needs. Without this form of investment in our Nation's urban infrastructure, we sacrifice the future of our cities and communities.

Most importantly, H.R. 6863 invests in people. It contains moneys for childhood immunization, for the research efforts of the National Institutes of Alcohol, Drug Abuse and Mental Health, and for our struggle against tuberculosis. These programs are as essential for the security and well-being of my constituents as is a reasonable investment in our national defense. For our Nation's disabled, H.R. 6863 provides critical funds for handicapped education services. We are not too callous of a people not to recognize the right of all children to a decent education. For this country's senior citizens, H.R. 6863 authorizes over $210 million for title V jobs. This funding authority translates into 129 jobs for senior citizens in my district. For these Americans, H.R. 6863 represents the dignity of employment through public service.

To override the President's veto of H.R. 6863 is the responsible congressional action. Funding for these domestic programs must be preserved if pressing human needs are to be adequately answered. To override the President's veto will constitute the reaffirmation of our constitutional responsibility of representation.●

● Mr. SIMON. Mr. Speaker, today this House is called upon to assert its constitutional prerogative as a coequal branch of Government. On July 29 the House adopted H.R. 6863, the fiscal year 1982 supplemental appropriations bill. It was common knowledge in the House at that time that this bill was a candidate for Presidential veto. Nevertheless, the House passed the bill 282 to 111—with 41 Members not being recorded. Subsequently the House overwhelmingly adopted the conference report on this bill 348 to 67.

This bill is not a "budget buster" the President has alleged. Rather it is the Congress assertion of its legislative authority to establish spending priorities for the Federal Government. We have chosen a balanced approach to spending—providing more funds for domestic programs and less for defense than the President wishes. I personally believe those spending priorities currently reflect what the American people want, and just as importantly, what they need.

In the area of education, the supplemental appropriations bill provides additional funds for the following programs in the 1982–83 school year:

Compensatory education for the disadvantaged (chapter I, ECIA) $140 million;

Pell grants for low- and middle-income college students $140 million;

Supplemental educational opportunity grants (SEOG) $77 million;

Education for the handicapped $26 million;

College housing loans (continuing lending authority) $75 million;

Title III, institutional aid ($10 million in carryover authority plus $10 million in new spending authority) $20 million.

Let me explain to my colleagues the importance of these supplemental student aid funds to higher education. Without the additional $140 million in Pell grants, more than 200,000 low-income students from families with incomes below $9,000 will receive a $1,674 maximum grant instead of the $1,800 provided for in the March continuing resolution. Because of the rising costs of attending public and private postsecondary institutions—increases this year are as high as 21 percent—many of these low-income students will be denied the opportunity to pursue or continue their college education. In addition to the 200,000 low-income students who will have their maximum grants reduced, as many as 800,000 others will receive smaller awards.

The bill vetoed by the President would also restore $77 million of the $92 million in supplemental educational opportunity grant (SEOG) funds cut last year, eliminating or reducing SEOG awards to 128,000 students.

While many of my colleagues may view these amounts as small or insignificant in the context of a $14.1 billion supplemental appropriations bill, these funds represent an important contribution to thousands of low- and middle-income students who need these funds to obtain a higher education. Many of you have also heard horror stories about students defaulting on loans and misusing or abusing Federal student aid funds. A major new study of more than 2 million public college student aid recipients, by three major higher education associations, tells a very important story about the beneficiaries of Federal student aid. The typical student at a public 2-year or 4-year college or university who receives Federal student aid earns a substantial part of college expenses, has parents who can provide little or no help, and could not attend college without student aid. About one-third are self-supporting. I would like to share some of the study's major findings with my colleagues:

Over two-thirds of self-supporting or independent students have incomes below $6,000, and 94% have incomes below $12,000. For those with some help from their families, average family income was $16,500;

The average self-supporting student in 1981–82 needed about $6,000 a year for college and living costs, and was often an older person helping to support a family. Such a student received no help from family, earned about $450 in college work study, and contributed other earnings of about $1,900. He or she also received about $1,100 in grants, mostly Pell Grants, and borrowed about $700;

The average students getting family help faced college costs of about $3,800 a year, received about $469 from parents, and earned about $500. He or she received about $1,000 in grants and borrowed about $700. Minority students generally received less family help than white students. The average black student at a public four-year college received about $180 from his or her family, the average Hispanic student about $142 and the average white student about $600.

This is the true story of the average student from a working class or poor family, who wants to improve his chances for success and contribute to the growth of this great Nation. We would not read about these students in the New York Times or Washington Post, but these students are the success stories of our Federal student aid program.

I want to ask unanimous consent to insert the "Fact Sheet on Stampen Study of Student Aid at Public Colleges" in the CONGRESSIONAL RECORD at this point.

I urge my colleagues to stand by their votes on the conference report and to support the right of this body and the Congress as a whole to establish the Nation's spending priorities.

FACT SHEET ON STAMPEN STUDY OF STUDENT AID AT PUBLIC COLLEGES

Dr. Jacob Stampen of the University of Wisconsin is completing a research study of student aid recipients at public community colleges, four-year colleges, and universities. This is the first such survey ever made, and is based on a representative sample of recipients at all types of public institutions. The data represents about 2,200,000 students, of whom about one-third are self-supporting or independent, and about two-thirds dependent to some extent on their families' assistance.

The project was carried out under the sponsorship of the American Association of State Colleges and Universities (AASCU), the National Association of State Universities and Land Grant Colleges (NASULGC), and the American Association of Community and Junior Colleges (AACJC) with support from the Ford and Exxon Foundations.

The study included students receiving at least one form of federal, state, or institutional need-based student aid, including grants loans, and work-study. Data is also available on cost of attendance, family income, student earnings, and other information. The data will be presented in a variety of ways—type of institution, race, sex, students on-campus and off-campus, etc.

Some data is expected to throw light on what most observers feel to be a very discriminatory feature of student aid: students living on campus are allowed to count the entire cost of room and board as an expense, but those living off campus are allowed only an arbitrary $1100 "commuter allowance," far below actual living costs. Proportionately, this affects far more public college students than private college students.

The data also shows clearly, in the judgement of the association, that students receiving aid are not getting a "free ride." Most students, even those with very low incomes, receive aid equal to only a fraction of their costs. Almost no students receive aid equal to total costs of college, even counting their own earnings and any family assistance.

So far, only preliminary data is available; the study is expected to be completed in October. Because of the urgent nature of Congressional decisions about federal student aid for fiscal years 1982 and 1983—which may be in the next two or three weeks—and because of strong public interest in student aid as colleges re-open this fall under difficult circumstances, the associations have decided to issue a short news release and this accompanying fact sheet at this time.

The attached tables are indicative of the method used and the kinds of information revealed. The first table (labelled No. 2) deals with about 1,300,000 "dependent" undergraduate students—those receiving some family help. It includes students at two-year colleges, four-year colleges, and universities. It shows the average student budget—a total to $3,833 for tuition and fees, room and board, and all other budgeted expenses. The table then shows expected parental contribution and assistance from need-based grants, student employment, loans, and student earnings or contributions, as well as all other sources. The budget shows that the average student faces an unmet need of $443, to be made up in what ever way he or she can.

The second table (labelled No. 3) gives the same data for independent or self-supporting students. These students represent about one-third of those receiving aid. Self-supporting students are heavily concentrated in public college; many are older—many public two-year and four year college students averaged 30 to 40 years in age—a good number are married and helping to support families. As a result, most have considerably higher living expenses than dependent students, and also much greater unmet need.

For general information about this study, please call John Mallan at 202/293-7070. For detailed research information, please call Dr. Jacob Stampen, 608/263-4485.

1981-82 AACJC/AASCU/NASULGC—FORD/EXXON STUDENT AID NATIONAL SAMPLE, ALL DEPENDENT STUDENTS RECEIVING NEED-BASED STUDENT AID, UNDERGRADUATES REPORTING PARENTAL INCOMES

[Sample N=1,289,783]

	Average dollar amounts	Percent of total student expenses
Student expenses:		
A. Tuition and fees	$921	24.0
B. Room and board	1,577	41.1
C. All other budgeted expenses	1,267	33.1
Total student expenses (A+B+C)	3,833	100.0
Grants/parental contributions:		
1. Expected parental contributions	469	12.2
2. Need-based grants:		
Pell grants (BEOG)	714	18.6
Supplemental grants (SEOG)	117	3.1
State grants (including SSIG)	159	4.1
Institutional grants	43	1.1
Total need-based grants	1,033	27.0
3. Subtotal (1+2)	1,502	39.2
Self-help:		
4. Student employment:		
College work-study (CW-S)	252	6.6
State/institutional work programs	94	2.5
Total student employment	346	9.0
5. Student loans:		
Nat'l direct student loans (NDSL)	156	4.1
Guaranteed student loans (FISL/GSL)	555	14.5
Institutional loans	8	0.1
Total student loans	719	18.8
6. Expected student contributions	540	14.1
7. Subtotal (4+5+6)	1,605	41.9
Other aid:		
8. Aid from all other sources	282	7.4
Total student resources (3+7+8)	3,390	88.4
Balance (total resources—total expenses)	−443	−11.6

1981-82 AACJC/AASCU/NASULGC—FORD/EXXON STUDENT AID NATIONAL SAMPLE, ALL INDEPENDENT STUDENTS RECEIVING NEED-BASED STUDENT AID, UNDERGRADUATES REPORTING STUDENT INCOMES

[Sample N-717.116]

	Average dollar amounts	Percent of total student expenses
Student expenses:		
A. Tution and fees	$1,702	11.5
B. Room and board	2,912	47.5
C. All other budgeted expenses	2,458	40.1
Total student expenses (A+B+C)	6,125	100.0
Grants parental contributions:		
1. Expected parental contributions	11	0.2
2. Need-based grants:		
Pell grants (BEDG)	832	13.6
Supplemental grants (SEOG)	146	2.4
State grants (including SSIG)	158	2.6
Institutional grants	31	0.5
Total need-based grants	1,168	19.1
3. Subtotal (1+2)	1,179	19.2

1981-82 AACJC/AASCU/NASULGC—FORD/EXXON STUDENT AID NATIONAL SAMPLE, ALL INDEPENDENT STUDENTS RECEIVING NEED-BASED STUDENT AID, UNDERGRADUATES REPORTING STUDENT INCOMES—Continued

[Sample N-717.116]

	Average dollar amounts	Percent of total student expenses
Self-help:		
4. Student employment:		
College work-student (CW-S)	276	4.5
State/institutional work programs	171	2.8
Total student employment	447	7.3
5. Student loans:		
National direct student loans (NDSL)	161	2.6
Guaranteed student loans (FISL/GSL)	534	8.7
Institutional loans	17	0.1
Total student loans	712	11.6
6. Expected student contributions	1,959	32.0
7. Subtotal (4+5+6)	3,118	50.9
Other aid:		
8. Aid from all other sources	339	5.5
Total student resources (3+7+8)	4,636	75.7
Balance (total resources—total expenses)	−1,488	−24.3

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● Mr. ROYBAL. Mr Speaker, I rise in support of the veto override.

This supplemental appropriations bill does not bust the budget as the President would like us to believe. In fact, it is below President Reagan's request by $1.9 billion and below the 1982 budget authority ceiling by $3.2 billion.

President Reagan vetoed this bill because he wanted more for the military, in the amount of $2.6 billion, than for needed domestic programs. For example, he objects to $211 million for the older Americans workers program; $217 million for student assistance; $174 million for education of the disadvantaged and the handicapped; $12 million for immunization and disease control; $10 million for alcohol, drug abuse, and mental health research; and $39 million for postal rate subsidy for charitable organizations and other preferred-rate mailers.

With regard to the older American workers program, let me caution my colleagues not to be swayed by last minute assurances that the program will be saved at the end of this process in yet another supplemental or continuing resolution. The fact is that precious time is passing by, before this program's current funding ends on September 30. Last year we reauthorized this program as a forward-funded activity. This supplemental provides that forward funding through June 30, 1983. The President's veto eliminates those funds. We should not allow this program to be bandied about like a political football—54,200 older workers' jobs are at stake; and the hours of dedicated service they provide to our communities and schools are being jeopardized. It should be remembered that the President's budget submission for fiscal

year 1983 eliminates community service employment for older Americans as a separate program.

I would also like to share with you the petitions that I have received from senior citizens living in California who are affected directly by the action we take today. So far I have received 15,000 signatures from individual senior citizens throughout the State. I am sure that other Members have received similar petitions and correspondence from senior citizens of their district and thoughout the United States.

I urge every Member of this Chamber to look closely at the human impact of the President's veto and support our efforts to override it today.●

● Mr. WYDEN. Mr. Speaker, I rise today to urge my colleagues to override the President's veto.

The issue before us is not one of cold cash—it is a question of priorities, of choices, of how we want to allocate our resources.

The President cannot really be upset about how much we spent—we spent less than he requested. The President is upset about where we spent it.

The President would rather spend for foreign aid, than for elderly employment, student loans, and education for the handicapped.

The President would rather spend for exotic weaponry that does not work very well and would not give us any more security if it did, than for advances to State unemployment funds.

So we have got a choice today. We can either help this country get back on her feet, or we can continue to pay for waste.

I do not believe that there is any question about what we should do. In the name of fairness and credibility, we should vote to override the veto.●

● Mr. BONIOR of Michigan. Mr. Speaker, the fiscal year 1982 supplemental appropriation, H.R. 6863, is some $2 billion below the administration's request. It is over $3 billion below the budget ceiling established in the present fiscal year 1982 budget.

This bill does not rob from defense to fund social programs. After massive increases, it slices $2 billion, including $700 million the administration's own Secretary of Defense had marked for cuts.

This bill does not bust the budget or sap vital defense spending. This veto cannot be justified by economic policy and the need to control Federal spending. It cannot be wrapped in the flag and justified by reason of national defense.

Mr. Speaker, the bird is out of the bush. We can see it for what it is. This veto reflects one policy and only one policy—a determined distaste for any program that dares put the Federal Government to work in service of a better society. Listen to the litany:

This is the veto of an administration opposed to older Americans earning dignity through community service. This is the veto of an administration opposed to education for handicapped children. This is the veto of an administration opposed to helping beleaguered families finance the spiraling costs of higher education.

Having overseen the worse recession since the Great Depression, this is the veto of an administration opposed to advances to the unemployment trust fund.

Are these programs examples of waste, fraud, and abuse? If so, then let those who support the veto clearly say so. If not, then let us all acknowledge that this veto is not a battle over budget policy but a battle over the nature of our society.

When the young and the old, the struggling middle class and unemployed workers, cannot turn to their Government, then they are truly condemned to a closed society with limited and predefined opportunities. The growing train of administration vetoes forces a direct question. Will this Congress, simply and without hedging complexity, pledge this Government to the service of its people?

I urge my colleagues to override the veto.●

● Mr. GEJDENSON. Mr. Speaker, I rise today to urge my colleagues to join with me in supporting the continuation of the title V senior community service employment program by voting to override the President's veto of the supplemental appropriations bill. Without the funding contained in this bill, many of the 54,000 workers currently employed under title V will find themselves laid off work in October. Not only will this cause hardship for them, but it will also result in the disruption of nutrition programs and other services for older Americans that rely on the labor supplied by title V for their operation.

Title V of the Older Americans Act was reauthorized for fiscal year 1983–85 by the Congress last December. However, because of its funding structure, title V requires the $210 million contained in the supplemental appropriations bill to continue operations. Without this money, the older workers who rely on the income the program provides will find themselves out of work and dependent on SSI, food stamps, medicaid, and other welfare programs for their livelihood.

Unemployment levels for people 55 and older reached the second highest mark ever recorded for older Americans this summer. Never before has a senior employment program been so important. At a time when the threat of poverty faces many of our country's senior citizens, title V provides a dignified and productive alternative for the low-income elderly.

Once again, let me encourage each and every one of you to think seriously of the implications of your vote for the elderly workers in your district. I know that, like me, you have heard from hundreds of concerned citizens as to the importance and value of this program. I urge you to cast your vote for title V and vote to override the President's veto.●

● Mr. CROCKETT. Mr. Speaker, we are faced today with yet another example of President Reagan's callous disregard for the needs of American citizens, as he plays politics with the funding of Federal programs for the next few weeks and puts thousands of Federal workers in suspense about their jobs.

Mr. Reagan calls this supplemental appropriations bill budget-busting—but it is well below the spending bill he sent us. What it does cut is spending on military programs and Pentagon boondoggles, and it adds funding for older Americans, urban mass transportation, student funding, handicapped assistance, and other programs he seems hellbent on eliminating from the Federal Government.

This political game Mr. Reagan is playing with the lives of our constituents must be ended. I urge my colleagues to vote with me in overriding this outrageous veto.●

● Ms. FERRARO. Mr. Speaker, I rise in support of the motion to override the President's veto of H.R. 6863, the Supplemental Appropriations Act of 1982, and I ask unanimous consent to revise and extend my remarks.

I will vote to override the veto because I think this bill meets the needs of the American people in a fiscally and economically responsible way.

The President, in his veto message, labeled this bill a budget-buster. But the label will not stick.

Rather than busting the budget, the bill is actually $1.1 billion under the budget ceiling. The President's charge is particularly weak in view of the fact that the bill spends $1.5 billion less than he wanted to spend.

This bill contains funding for several programs that are strongly supported by the American people and that have proved successful in making ours a better society.

It includes $211 million for the title V senior community service employment program, which employs 54,200 older Americans who provide services to hundreds of thousands more senior citizens.

The Reagan administration has repeatedly tried to eliminate this program. This House went on record on title V on July 20, when we voted 407 to 4 for a resolution which I cosponsored which reaffirmed our support for continued title V funding. That vote will be a hollow gesture if we do not vote today to override this veto.

The bill also contains some $400 million for education programs. Included in that total are $148 million for education aid for disadvantaged children and $26.5 million for education of handicapped children.

The funds also include $217 million for college student assistance. The American Council on Education estimates that without these funds, 1 million students will have their aid reduced, and 128,000 will lose their aid completely. My own State of New York will lose $54 million overall in education funds, and thousands of elementary, secondary, and postsecondary students will be denied opportunity.

In addition to the title V jobs and the education programs, the bill also includes funds for mental health programs, alcohol and drug abuse research, unemployment compensation, and mass transit aid. All of these programs have been cut severely in the past 2 years, and the small increases in this bill do not fully restore funding to previous levels. But they will help Americans cope during this recession.

The President has attempted to justify his veto on the ground that he is trying to save taxpayers dollars. But this bill spends less than the President requested, and the veto raises the spectre of another Government shutdown, such as occurred last November. At that time, when President Reagan vetoed the continuing resolution, the cost of the resulting 1-day shutdown of the Government was over $80 million. By overriding this veto, we can avoid having that happen again, and thereby spare Federal employees the uncertainty of indefinite job loss while we save money and keep Government services flowing.

As I have stated, this bill is not a budget buster. I urge my colleagues to stand by the senior citizens, students, and handicapped children who need the help provided in this bill, and vote to override the President's veto.●

● Mr. EVANS of Delaware. Mr. Speaker, I rise in support of this effort to override the President's veto of the supplemental appropriations bill.

I voted for this bill when it first passed, and I intend to continue my support for the important programs funded by this legislation.

The supplemental appropriations provides approximately $210 million to fund community service jobs for older Americans, $217 million to help economically disadvantaged students, and $148 million for education of handicapped children.

There are few programs more deserving of our full support than these important efforts to provide assistance to older Americans, handicapped children, and low-income students.

I would ask my colleagues: What more important obligations do we have than providing job opportunities for older Americans, and the human dignity associated with productive employment? What greater investment in the future of this Nation can we make than providing educational opportunities for low-income students so that they might lift themselves out of the viscious cycle of poverty? And what more compassionate and worthwhile help can we extend to handicapped children than insuring they get an appropriate education in the same public schools we provide for all children.

As for the administration's desire to shift funds from these programs into the Department of Defense; I believe we have already increased the Pentagon's budget enough this year. We also just passed legislation that provides for substantial increases in defense spending for fiscal year 1983. With this in mind, I believe that we simply do not have to pour millions more into the Pentagon in the 21-odd days left in the current fiscal year.

This measure will not seriously add to the Federal budget deficit. In fact, the bottom line figure in the bill is over $1 billion below the total of the President's original supplemental request. What this bill comes down to is simply a matter of priorities, and as far as I am concerned, senior Americans, handicapped children, and low-income students deserve our support. I urge my colleagues to join me in overriding the President's veto.●

● Mr. WORTLEY. Mr. Speaker, I am gravely disappointed that the President chose to veto the supplemental appropriations bill for fiscal year 1982.

Many of us were elected by voters who were sick and tired of the same old policies of tax and spend. That message was made abundantly clear in 1980. I believe that this Congress has taken that message seriously and we have carried out their wishes by drastically cutting back on Federal spending.

Therefore, the President's logic eludes me. In its present form, the supplemental appropriations bill is almost $2 billion less than the President's request. It is also well within the ceiling prescribed under the budget resolution. Given that, it is difficult to fathom how this bill can be a budget buster.

The President wants to remove most of the funds for domestic social programs and substitute an additional $2 billion for the defense function. An additional $2 billion, whether spent on domestic or defense programs, is still $2 billion. One cannot bust the budget while the other does not.

Even Secretary Weinberger admitted to the Senate Armed Services Committee that the Defense Department could operate very well without additional funds requested by the President. Total funds allocated for the defense function represent a 19-percent increase over fiscal year 1981 levels, giving the President 99 percent of his defense budget request.

Congress reauthorized the Older Americans Act last year. Included in that bill was the promise that money would be available for title V senior citizen employment programs. Again on July 20, the House overwhelmingly restated its support for title V. The Senate did the same. More than 54,000 low-income elderly across the country need and depend on this program. Title V workers are worried now for good reason. Unless this bill passes, current participants will receive termination notices. With unemployment of those over 55 at record high levels, this is hardly the time to terminate the program.

If the veto hurts the old, it also hurts the young: $148 million for compensatory education for the disadvantaged is sorely needed by local school districts; $217 million is included in this bill for student financial assistance. The academic year has begun and students are counting on this aid. Are we to pull the rug from underneath them now? I think not.

The responsible position for Members of this body is to override the President's veto. In so doing, we will demonstrate fiscal prudence and our commitment to those who sent us to Washington to set our national priorities.●

● Mr. FRENZEL. Mr. Speaker, this urgent supplemental appropriations bill, H.R. 6863, is the successor to two previous vetoed supplementals. In each of those cases, the President made his objections to overspending very clear.

He has made his objections clear on this bill, too. Nevertheless, each time, including this one, the Appropriations Committees of both Houses have been unwilling to accept even modest reductions in their favorite spending programs. Now that each House has satisfied all of its pet spending urges, domestic spending in this bill is nearly $1 billion over the President's requests made 6 months ago.

This vote is no test of congressional authority. Rather, it is a test of congressional willingness, or unwillingness, to work with the President to hold down deficits. It will take only one-third of us to pass that test today.

There has been a lot of talk about the specifics of the bill. It is said that the President wants to increase money for defense and foreign aid. I do not. My suppport of the veto is based on the need to reduce spending, not to increase it. Support of the veto need not increase defense spending.

There has been talk of reductions in student assistance programs and in senior citizen employment programs. Those need not be reduced in a new bill if the veto is sustained. There is plenty of room for cuts in other areas,

like housing assistance, CETA, transportation, and others. Nobody expects us to save the full $1 billion, but we can surely carve out a couple of hundred million without inconvenience. Some of our taxpayers probably still believe that $200 million is worth saving.

Yes, we need to pay our essential Federal employees, and in addition to student assistance and senior employment, we need the funding for the Caribbean Basin Initiative which is necessary for our national security.

But we do not need the mandatory floor on Energy Department employees provided in this bill. We are trying to phase out some of that Department's activities. And we surely do not need the Tug Fork, W. Va., porkbarrel item which will ultimately cost $1 billion.

Finally, we will have a hard time convincing our constituents that an urgent supplemental request for funds made 6 months ago, is needed in its entirety when there are only 3 weeks left in the fiscal year. That is pretty hard for anyone to swallow.

We can redeem ourselves by sustaining this veto. We can prove our resolve to manage the fiscal problem. We can help reduce deficits and lower interest rates.

We have to set aside the old spending habits, the back scratching, the porkbarrel, and the logrolling. But it has to be done.●

● Mr. GEPHARDT. Mr Speaker, this bill is not the budget-buster the President claims. In fact, it provides for spending $1.3 billion less than the President had proposed. The bill also assures compliance with the budget resolution. While the administration's supplemental budget request called for breaching the overall spending ceiling established by the resolution by $250 million, the appropriations measure the President has vetoed holds spending $1.1 billion below that level.

The veto message further implies that the President objects to the priorities reflected in this bill. He attacks the $918 million provided for domestic programs while decrying a $2 billion reduction in military spending.

This argument is specious. The Pentagon does not want the additional appropriation and claims it cannot spend the money before the end of the fiscal year. In fact, Defense Secretary Weinberger urged the President to sign the bill.

In short, I cannot see any justification for this veto. The supplemental appropriation is a remarkably modest measure providing only the minimum amount of money needed to keep the Government running smoothly through the end of the fiscal year. It does not bust the budget, but rather it represents responsible budget policy. I will, therefore, vote in favor of overriding the President's veto.●

● Mr. BROWN of California. Mr. Speaker, funding for title V, senior community service employment program, the Federal community jobs program for low-income elderly, continues its struggle for survival in spite of the repeated efforts by the administration to eliminate it.

On July 20, I voted with 406 of my colleagues to pass House Concurrent Resolution 278. This resolution expresses the sense of the House that the title V, senior community service employment program must be fully funded. A similar resolution also passed the Senate by a vote of 89 to 6.

The senior community service employment program employs 54,000 low-income elderly workers. In my own congressional district, I am personally aware of the great value of this program to the community and its participants. If for no other reason than this program, I urge my colleagues to vote to override the President's veto. If we do not, the senior community service employment program, including Green Thumb and Senior Aides, will lose their jobs before the end of this month. This productive program should not be eliminated.●

● Mr. ERTEL. Mr. Speaker, I rise to urge my colleagues to override President Reagan's veto of the supplemental appropriations bill. President Reagan is misleading the American people when he claims he vetoed the supplemental funding bill because it would "bust the budget."

The President is not moving the Nation toward a balanced Federal budget. His own supplemental funding request would add $1.3 billion more to the deficit than this supplemental funding bill. The President objects to $918 million Congress added to domestic programs. But he is requesting that over $2 billion be added to a defense budget which is already bloated with unnecessary spending.

When Mr. Reagan accuses Congress of "sliding back into old spendthrift habits," he really means that the appropriations in this bill do not coincide with his own priorities. Mr. Reagan voted a bill that would keep in operation a program employing over 54,000 low-income older Americans in community service jobs. The President derided Congress for adding such unwarranted expenditures as funding for State administration of the unemployment compensation program. The President also described as "wasteful and unnecessary" increases in funds for handicapped and disadvantaged schoolchildren, financial assistance to college students, preventive health services, abandoned mine reclamation, highways and urban mass transportation.

Mr. Speaker, increased funding for these programs is not "unwarranted." It is now, when our country is in the depths of recession, when 1 in 9 Americans is unemployed, and 1.5 million are to discouraged even to look for work, that we need to sustain our investment in education and jobs and infrastructure.●

● Mr. GRAY. Mr. Speaker, I rise in support of the override measure before us, and wish to direct the attention of my colleagues to the inclusion in this bill of long-overdue funds for title V of the Older Americans Act, the senior community service employment program.

Mr. Speaker, the veto of this measure creates a particular crisis for the low-income senior citizens entering and reentering the work force through title V. They have already received termination slips and will be laid off by the end of this month if we fail to act today.

Mr. Speaker, this bill, which is $3.2 billion less than the budget resolution we approved, and $1.5 billion less than the administration's version of this bill, provides funds necessary to prevent title V from ending this month. Anxious title V workers, pink slips in hand, are distraught at the thought of losing their jobs, opportunities for training and private employment, and being forced back onto medicaid, food stamps, SSI, and Federal and State welfare roles. And, Mr. Speaker, I cannot think of any political strategy, of any party, which includes throwing people out of work and placing them on welfare.

Title V is a paradigm of efficiency. It has been shown to return to all levels of government $1,039 per worker in tax revenues, FICA contributions of over $1.5 million per year, and services which, if we had to hire regular part-time workers to do them, would cost us nearly double in salaries alone.

Mr. Speaker, my colleagues tell me they see the logic of continuing this program which, with its 16-percent rate of profit, is now a better investment than money market funds. But they say we can put title V dollars in yet another appropriations bill.

The time has come to face up to our responsibilities. We have a myriad of other matters, including appropriations bills for fiscal year 1983, awaiting our attention. Yet we face a bill which is under budget and less than the administration's request, and again we hear mutters of "next time, next time."

This is the third time this vital appropriation has been before us, and each time we have been pressured into bouncing it back and forth between this Congress and the administration. Starting September 17, title V workers are going to be out of jobs and back on welfare, and programs will begin to spend funds to close doors a majority of Members say they intend to reopen,

that is wasteful—in financial and human terms.

Mr. Speaker, this supplemental appropriations bill has become urgent, our other duties have become increasingly pressing, and the time to stop playing ping-pong with every spending measure coming before this body has arrived. I urge my colleagues to take David Stockman and the President behind the woodshed by overriding this veto.●

● Mr. WOLF. Mr. Speaker, I want to express my concern over the veto of the general supplemental appropriations bill, H.R. 6863. At the outset, I would like to point out that this measure is $1.5 billion below the President's request.

I have been a supporter of this administration's efforts to achieve economic recovery and I will continue to do so. I support a policy of strong national defense and have consistently supported the President in the past on spending measures for the Department of Defense, including funding for foreign aid support for the Caribbean Basin which is contained in this appropriations bill. In a period of budget austerity, I do not believe, however, that we can afford to support increased defense spending at the expense of all else.

I firmly believe H.R. 6863 provided fair and adequate funding to maintain a strong defense posture, while it also recognized the importance of necessary domestic programs. I supported the original passage of H.R. 6863 because I believe it established a crucial balance in national spending priorities, while maintaining a level of funding that was $1.5 billion less than the President's request.

I agree with many of the points and programs supported by the President in the veto message, however, the President objected to several programs which I support. Of particular concern to me is the administration's request to reduce the $210.6 million funding for the senior community service employment program—a program where senior citizens assist other elderly individuals through community service. In Virginia, this translates into the loss of funding for jobs for 593 senior citizens. This figure does not even reflect, however, the scores of elderly residents who will lose the benefits offered by this community service.

I also have reservations regarding this proposal to reduce funding for education assistance. Universities nationwide are suffering due to the lack of commitment by the Congress to fund authorized student loan programs. I support these loan programs as a means of allowing young people the opportunity to attend college. I disagree with the administration's opposition to $148.8 million for educational programs designed to assist the disadvantaged, or objections to the $46.5 million appropriated for education for the handicapped.

I also disagree with the administration's position denying $39 million for the U.S. Postal Service. This will directly impact second-class mailers such as small daily and weekly newspapers and their abilities to continue to publish and distribute.

H.R. 6863 also included $112.5 million for Federal highways, $37 million for urban mass transportation, $10 million for alcohol, drug abuse, and mental health programs and $11.5 million in childhood immunization and other health programs—all of which I support.

Moreover, I feel strongly that an important factor was overlooked when the President decided to reject this bill. Some 200,000 Americans working for the Federal Government will face furloughs as a result of the President's veto if funds are not appropriated by September 15. These individuals were not targetted by the veto; however, they will be victims of furloughs without pay if these funds are not appropriated. This action poses unnecessary hardship for these employees and their families which is completely unjustified.

I believe we have the responsibility to legislate fairly and take actions to prevent the disruption of Government services and programs on which American citizens depend. I submit that we cannot afford this veto and urge the President's action on H.R. 6863 be overturned.●

● Mr. OBERSTAR. Mr. Speaker, in August, I joined with a majority of my Democratic colleagues in voting to pass the Tax Equity Act of 1982 which President Reagan had so strongly supported. Enactment of that legislation required a level of bipartisanship which has been rarely present in this body during the past 2 years.

It required Members on this side of the aisle to put aside partisan concerns and questions of political advantage, and respond, instead, to the overwhelming national interest in reduction of the Federal deficit.

Today, my colleagues on the other side of the aisle are faced with a similar decision. They must put aside political considerations and recognize that the national interest requires that the veto be overridden. To vote to override the veto of a President of one's own party is a courageous act, particularly the veto of an appropriations bill which the President has made yet another symbol of his economic policies. It is an inappropriate symbol, and the Congress cannot allow it to stand in the way of the operations of the Government or the essential services upon which millions of people depend. We must pass this appropriations bill.

The President has called this bill a budget buster. It is, in fact, $1.9 billion below the request made by the President. The Senate, controlled by the President's own party, passed this bill by voice vote. The House passed it 348–67.

The President's objections are not very convincing. The bill does not give him the further increases in defense spending he sought. The defense budget is already increasing at record levels, at a time when spending on domestic programs is being slashed.

The current rate of military spending puts us on course, almost unavoidably, toward a $1.7 trillion military budget over the next 4 years. At that rate, there would not be much room in the budget for spending on any other sector of human and social needs—a dangerous and very unwise policy.

The President finds it objectionable that Congress has voted to appropriate: $211 million for jobs for older Americans; $217 million for student financial assistance; $26.5 million for handicapped education; and $20 million for advances to the unemployment trust fund.

The administration, stung by public reaction against the President's veto of funding for the community services employment for the elderly program is now attempting, clumsily to cover up that blunder by saying that it affects only the "forward funding" of this program. I have checked this matter out thoroughly and want senior citizens to know, particularly those in my district who have been outraged by this veto, that killing the foward funding means killing the older Americans jobs program altogether.

That means that if the veto is not overridden, funds for community services employment for the elderly will be cut off and the program will end on September 30—there is no second chance.

I think it is also important for the public to understand the facts about this supplemental appropriations bill. The President asked Congress for $16 billion in supplemental appropriations a few weeks ago. The Congress cut $1.9 billion from that request. We did not exceed his budget; we reduced it. It is the President's prerogative to proposes levels of spending for Government programs; it is the responsibility of Congress to determine which programs shall receive the funds and how much shall be spent on them. We made that determination and we did so responsibly, within the budget limitations, and below the level of the President's request.

I think it is also important for people to understand that money saved by cuts in spending for the programs I mentioned earlier are not being applied to reduction of the deficit. Not at all—they will just be spent in some other area of the budget. And in the case of this supplemental appropriation, it means taking from the el-

derly, students, the handicapped, and the jobless and increasing military spending. That is the wrong course; those are the wrong programs to cut, particularly in a year in which we have already increased military spending more than 18 percent above last year.

I urge this House to join me in overriding the President's veto. I particularly urge my colleagues across the aisle to stick to your convictions of scarcely 2 weeks ago and vote to restore funding for these programs that so urgently need your support.●

● Mr. ROEMER. Mr. Speaker, I voted against passage of this same supplemental appropriation bill some 4 weeks ago, because it was over budget in a number of key areas and, I thought, contained excessive funds for foreign aid and for the sale of military weapons to foreign countries on easy credit.

In the past 4 weeks neither my feelings about this bill nor the excessive spending in this bill has changed. Therefore, I applaud the President's veto and will vote to sustain.

There is some necessary and on-budget spending in the bill that should be supported when the revised supplemental bill returns to the House. Of particular interest to me is adequate funding for title V. This program is working and ought to be supported by Congress and the President. The same is true of handicapped education.

Frankly, I was tempted to change my position to override the President's veto when I heard the President's stated reason for the veto. He said that the bill cut military spending too much. He is wrong on that issue in my opinion. The $2 billion in military savings is but a fraction of the military waste that can and should be cut.

In effect, the President did the right thing when he vetoed the bill, but for the wrong reasons. It was excessive foreign aid that he should have attacked, not a reduction in the amount of military waste.

I was pleased to hear from the White House staff today that the President would not attempt to add money back to the bill for military spending and would support title V funding.

For all these reasons I have decided to vote to sustain the veto.●

● Mr. MARKS. Mr. Speaker, the President's veto of the supplemental is a political and substantive mistake. The political error is in going back on his word to approve the supplemental if he received support for the revenue reform bill we passed before this recent recess. The support he has lost in the Congress by doing so will come back to haunt him as he continues to seek assistance in passage of his own spending priorities—such as the Caribbean Initiative, defense appropriations, and future spending cuts and revenue reform measures.

Mr. Speaker, compounding this political misjudgment is the seeking of an unnecessary confrontation with the Congress—attempting to force administration spending priorities, to the last penny, on a Congress which clearly has differing views on how much various functions and programs will receive within current budget constraints.

The substantive error represented by this veto is also two part. First, the President is not being honest with the American people when he calls this supplemental a budget buster. The totals in the bill are about $2 billion less than the President requested. This bill provides about about $8 billion less in budget authority and about $1.2 billion less in outlays than requested. This supplemental is fiscally responsible and represents our collective best judgment of how these Federal dollars should be spent. Allocating Federal funds is a congressional prerogative and constitutional duty of the first magnitude. A President should veto appropriations so strongly supported by a Congress only on the most serious grounds, not on the spurious reasoning and dubious political maneuvering this veto represents.

The second part of this substantive error is the President's obduracy in expecting a Congress to turn its back even further on the handicapped, the needy, the elderly, and students who will not attend college without this legislation.

The $148 million for education of the handicapped is needed. The $217 million for college student aid is needed. The $210 million for employment opportunities for the elderly is needed. All of these needs are far more vital than rushing advance procurement of next year's generation of weaponry into this year's supplemental. Incidentally, for Congress to do this would set a very bad fiscal precedent and I trust, if the veto is sustained, Congress will continue to refuse such advance funding as we negotiate with the administration on the next slimmer version of the supplemental.

Mr. Speaker, in closing, let me address a few remarks to a program which this administration seems determined to kill—and that is employment funding for the elderly under title V. As ranking minority member of the Health and Long-Term Care Subcommittee of the Committee on Aging, I feel very strongly about the vital necessity of preserving this valuable program.

By vetoing the supplemental the President plans to eliminate about 54,000 more jobs in the U.S. economy—and this will be done directly—the responsibility for this added unemployment cannot be placed at the door of economic bad times. These jobs and all they represent in self-respect, dignity, home care for the less ambulatory elderly, and cost-effective return in services for every Federal dollar spent must be preserved. These jobs will have been eliminated by Presidential veto.

In my own State of Pennsylvania over 2,200 jobs will be eliminated for the elderly. These senior aides are vital for the alternatives to institutionalization. They work as homemakers, home health aides. They assist in delivering meals to the bed or home ridden. They perform weatherization services and maintenance and cleaning chores in homes and at nutrition sites and senior centers.

A recent report indicates that by providing these services the Government actually benefits by hiring senior aides. For each dollar spent, aides return $1.31 in services, taxes, and so forth. These programs are clearly cost-effective—vastly more so than unguided missiles which recently attacked Danish resort areas. The value of the feeling the elderly get from giving of themselves has no dollar measurement—except that an active and involved senior citizen is far less likely to need expensive Government medical, psychological, and income supplement services.

This veto is a terrible mistake and I urge my colleagues to vote to override. Should the veto be sustained, I trust my colleagues will fashion and support a supplemental which contains no additional funds for defense and funds title V at the full level.●

● Mr. MOFFETT. Mr. Speaker, I strongly urge quick action to override the President's veto of the supplemental appropriations bill, which contains funding for a wide range of programs vital to our citizens. These programs are in vital need of funding; many will shut down unless the veto is overridden. Already, we have seen that 19,000 IRS employees were threatened with imminent furloughs until an emergency, temporary transfer of funds was made. But this transfer is valid until only 5 days from today.

Some of the major programs included in the bill are:

Unemployment compensation: It provides for both extended unemployment benefits authorized in the recently enacted tax bill, and $20 million for program administration costs, at the State level. Extended benefits are essential for millions of American workers who were cut off from such benefits by the 1981 Reagan budget bill, which changed trigger formulas for such benefits. My own State lost eligibility for such benefits, and will get back 6 weeks worth, if this veto is overridden.

Education: $148 million is appropriated for education for disadvantaged children.

Higher education: $217 million is appropriated for college students, of which $140 million is for Pell grants, and $77 million for supplemental education opportunity grants.

Jobs for older Amercians: $211 million is appropriated for the senior community service employment program, which will have to shut down if funding is cut off. Yesterday, in Connecticut, I was told that pink slips are already being delivered to the 600 elders employed by this program. Nationwide, 54,000 senior citizens are currently participating in this meaningful, community-based service program.

Health: $122 million is appropriated to the States for the medicaid program.

Child disease immunization: $6 million is included for this program, of which $1.5 million is for tuberculosis vaccinations which should be given at the start of the school year.

Transportation: $30 million is appropriated for the Federal Railroad Administration; $37 million for the Urban Mass Transportation Administration and $133 million for interstate highways.

Handicapped education: $26.5 million is appropriated to help education programs for handicapped citizens.

I want to take a minute to make particular notice of two programs contained in the supplemental bill which are of grave concern and importance to my home State of Connecticut. First, the title V senior community service employment program employs over 600 elders living in Connecticut. While I was home over the congressional work period, I was taken aside by countless seniors who urged my continued support for title V. These seniors were both title V employees and those who they serve in the community. It was not only the elderly who spoke to me about the importance of the program; persons of all ages working in their communities, in schools, in nutrition centers, they all benefit from title V services and cannot understand the President's opposition to senior community service employment. Frankly, I do not understand it either. One would think that he would have more compassion for his peers.

If it is not the elderly who are being victimized by the President's fiscal policies, it is our Nation's children. Only yesterday, I cochaired a forum in Connecticut on the effects of the New Federalism on the children in my State. George Springer, the president of the Connecticut State Federation of Teachers, testified on cutbacks in public education support. Mr. Springer drew attention to the funding for title I, compensatory education for disadvantaged children, contained in the supplemental bill. The $148 million for title I represents the amount necessary to overcome the potential loss of funds based on either 1970 or 1980 census data. Mr. Springer noted that the children of Connecticut stand to lose $3 million in title I funds if the veto of the supplemental bill is not overridden. 4,100 disadvantaged children would lose services and over 200 staff positions would be terminated.

I wonder how the President would explain his supposed profamily stance to the 4,100 title I children and their parents in Connecticut?

In addition to these vital social programs, the bill contains funding for many Government agencies, including the Internal Revenue Service. This is particularly ironic, since the Congress just recently enacted the largest peacetime tax increase in our history, at the urging of the President, to help close the record deficits generated by the President's budgets for the next 3 fiscal years. The centerpiece of this proposal is renewed emphasis on taxpayer compliance, based on the theory that Americans who actually owe taxes should not be permitted to avoid their liability. Because IRS salaries are included in this bill, IRS employees will be furloughed again next week, unless the veto is overriden. Our efforts to increase taxpayer compliance will falter, as thousands of work hours are lost in an utterly pointless charade created by the President. Further, the furloughed employees and their families, along with the Americans who benefits from the social programs funded in the bill, should not be asked to suffer because the President seeks publicity in a showdown with Congress.

The sums involved may not seem large in terms of our $750 billion Federal budget, but they are critical to the success of the programs involved and the future of individuals who are relying on them for assistance. We must not play political games at this time when so much is riding on the ability of Congress to meet the economic challenges before us.

It is important to remember that the President did not veto this bill because the total spending in it is too high. Indeed, the amount appropriated is $1.9 billion less in outlays and $1.5 billion less in budget authority than the administration requested. The President vetoed this bill because he did not like the choices we made—he believes we chose to spend too much on social programs and too little on defense. I find it just slightly incredible that the President objects to $1.5 million for tuberculosis vaccinations at a time when we are already spending $200 billion on the Pentagon.

I believe that the House was correct in passing the conference report on this bill and funding the social programs that the President wants to cut. A massive bipartisan majority voted for this bill—by a margin of 348 to 67. Clearly, the House believes that we should not trade our children's health and education, jobs and medicaid assistance, transportation improvements, or aid to unemployed workers for unnecessary increases in defense programs. I hope that the 348 Members of the House who originally supported this bill will join me in voting to override the President's veto of this critical legislation.●

● Mr. DYSON. Mr. Speaker, I rise in support of H.R. 6863, the supplemental appropriations for the balance of this fiscal year.

Mr. Speaker, it strains credulity when one considers the administration's rationale for opposition to this important piece of legislation. The President's contention that the $14.2 billion supplemental appropriations measure "would bust the budget by nearly a billion dollars" is inaccurate.

According to the Congressional Budget Office H.R. 6863 is $3.2 billion less in budget authority than the budget ceiling established in the revised fiscal year 1982 budget resolution, and $1.1 billion less than the ceiling in outlays.

Thus, rather than exceeding the budget by nearly a billion dollars, the bill is more than a billion below the ceiling established by the fiscal year 1982 budget resolution which this House adopted at the urging of President Reagan.

Moreover, while the bill passed by the Congress does not bust the budget, the measure requested by the administration would. According to the latest budget estimates by the CBO, the President's request would exceed the budget outlay ceiling contained in the fiscal year 1982 budget resolution by more than $250 million.

Finally, the facts also refute the President's contention that the bill would "undermine the confidence crucial to continue the reductions in deficits and interest rates." "H.R. 6863 is $1.5 billion less than the President's request in budget authority and $1.3 billion less than the request in outlays.

Therefore, the President's request, not the bill passed by the Congress, would be more likely to undermine confidence. It's request for $1.3 billion more in outlays would increase the deficit by that much more.

What the President has also objected to is that the Congress has set its own priorities and did not reflect his supplemental request on a program by program basis. I believe that the decision made by this House to modestly correct come of the problems inadvertently created by the cutbacks being made in domestic programs—older workers programs, compensatory education for the disadvantaged, student financial aid, among others—is the

right decision. The House confirmed this position when it voted 348 to 67 on August 18 to pass the conference agreement to this bill.

Specifically, the bill before us today includes funding for the senior community service employment program, which employs approximately 54,200 low-income elderly. This cost effective and valuable program faces being shut down unless the $211 million contained in this bill is quickly approved. The bill includes funding for school districts which have had increases in the number of disadvantaged students who qualify for special aid. If this funding is not made available soon, school districts throughout the country will be unable to pay for this program. The bill also includes necessary funding for handicapped education programs and student financial assistance which has been cut very sharply in the past. Finally, it includes the new Federal supplemental extended unemployment benefits which were authorized in the tax and entitlement reconciliation bill passed last month. While money to pay benefits may be temporarily borrowed from the UI trust fund, the $20 million for staff to receive and process the claims will be lost, resulting insufficient administrative capacity for the program.

This is not a budget busting bill by any stretch of the imagination; and the priorities which are established in this legislation simply reflect a continuation of the highest national priorities this Congress and the American people have clearly mandated. I urge all of you to support this important commitment and vote to override the President's veto.●

● Mr. BIAGGI. Mr. Speaker, I rise to urge my colleagues to join with me in rejecting President Reagan's veto of this supplemental funding bill, H.R. 6863. The reasons why we should do this are numerous and compelling.

First and foremost, contained in this bill is funding for the title V senior community service employment program. If this program does not receive additional funding—$211 million contained in this bill, the program will terminate the end of this month and all 54,200 older workers currently employed will be fired.

As one of the original sponsors of the Older Americans Act amendments of last year which extended this program through 1985, I know firsthand the value and the merits of this program. I also feel that I do not need to reiterate its merits to my colleagues here as I am confident that title V workers have made themselves known in their communities and known to their representatives. Thousands of these workers, fearful that they will lose the very jobs which allow them to maintain a modest degree of self-sufficiency, are letting their voices be heard—and heard in a big way. We have heard how these workers provide nutritions services, home health services, and a variety of other support services to their elderly peers. We have heard how they assist in senior centers, in libraries, in hospitals, and in homes. We know that if we lose this vote, these 54,200 low-income elderly workers will be forced into public welfare rolls into lives of dependency and never-ending poverty.

It is essential to provide for funding of this program now in order to continue it to the end of its program year, June 1983. The authorizing legislation, signed by President Reagan last year, provides for forward funding of this program in order to allow for planning on the part of sponsors and participants. Any attempt to include funding for this program in a 1983 funding bill will be a clear violation of the statute and would result in a 9-month delay of the program until July 1983. Clearly, such a move would, in all practicality, end the program on September 30 of this month for sponsors would be required to close out programs until they receive funds next year. The problem is now—and funding this program now in a fiscal 1982 appropriations bill is the only way we can assure that this program will continue in an orderly fashion. Mere rhetoric in support of this program on the part of the administration will not assure its funding. Unless Congress appropriates the money now, the words of support will be rendered meaningless to the thousands of elderly now depending on this program.

For the benefit of my colleagues, I also wish to insert into the RECORD a listing of the kinds of services that are provided by senior workers in the title V program to other seniors. I would point out that nearly half the enrollees are providing direct services to the elderly nationwide. I am also including a listing of funding of this program by State as well as the number of senior workers employed in each State.

In my dual capacity as a member of the Education and Labor Committee and the Select Committee on Aging, my commitment to this program is based upon my personal knowledge of its effectiveness and its importance to older workers. It is the only employment program that we have for older workers. It is also one of our most cost-effective employment programs—returning $4 for every Federal $1 spent. Finally, it is the only employment program for the elderly which allows them to maintain a productive role in their towns and communities instead of being forced to rely on income support programs such as food stamps and SSI.

Congress overwhelmingly adopted House Concurrent Resolution 278 last month expressing its full support for the title V program at current funding levels. This resolution was adopted by a vote of 407 to 4 in the House. It is high time that we back this vote with this vote to override. If not, mere words and expressions of support will not keep these workers on the rolls. Already pink slips have been sent out and already horror stories are surfacing of seniors having heart attacks and other illness related to tension and stress of being fired from their jobs. Clearly we must act and act now in order to avert the true terror which will rise if we fail to provide money for title V.

I also wish to note the importance of the $169 million provided for Pell grants and the $148 million provided for title I funding in this bill. Mr. Speaker, no other social programs have faced the kinds of cuts which our education programs have received. These funds will provide modest relief to students and schools who depend on these programs. The Pell grant program—targeted toward our neediest college students—and the title I program—targeted toward our neediest elementary and secondary students—must be maintained at current services. This appropriation will allow for that continuation.

Recent reports have indicated that as a result of last year's draconian cuts in student aid programs, public colleges are witnessing a dramatic increase in enrollments for this fall. Private institutions are increasingly hard-pressed to provide aid to needy students and Pell grants provide the bulk of aid to this group if we cut this program any further, we risk returning our private colleges and universities into bastions for the rich—which they once were.

Another consequence of our failure to override will be a fiscal crisis of tremendous proportion in the Coast Guard. At issue in dollar terms is some $33 million in essential funds to permit the Coast Guard simply to function at present levels. According to a report in today's New York Post the headline reads "Cash Crisis May Spark Coast Guard Layoffs, 750 Civilians Here Are Facing the Ax." I am a former chairman of the Coast Guard and Navigation Subcommittee of this House and I remain a full-fledged supporter of the outstanding work which the Coast Guard performs on a regular basis for the people of this Nation. It is not fair to subject the uniformed or civilian employees of the Coast Guard to this game of fiscal roulette. I believe the damage which will be done to the Coast Guard if the veto is sustained provides still another reason to vote to override.

I urge my colleagues to vote to override this unfortunate veto and not allow many worthwhile programs to be terminated without cause.

TITLE V AND SERVICES TO THE ELDERLY

If title V of the Older Americans Act were not continued beyond September 30, 1982, States and communities would lose valuable services being provided to the population in general, and to older people in particular. As of the end of the last program year for which data are available (June 1981), just about half, or 27,935 enrollees, were providing services to the elderly nationwide.

The following table shows how many title V enrollees were serving older people in each state, and, among those, how many were working in the extremely important areas of nutrition and of "health and home care."

	Health and home care	Nutrition	Total serving elderly
Alabama	139	142	566
Alaska	16	29	79
American Samoa		3	128
Arizona	32	78	244
Arkansas	153	149	597
California	113	635	2,105
Colorado	17	55	229
Connecticut	73	130	445
Delaware		17	97
District of Columbia	18	32	191
Florida	210	364	1,419
Georgia	80	113	429
Guam			17
Hawaii	15	18	115
Idaho	5	37	117
Illinois	107	189	1,075
Indiana	48	243	780
Iowa	29	118	393
Kansas	6	64	186
Kentucky	32	166	488
Louisiana	162	86	519
Maine	3	12	106
Maryland	165	91	603
Massachusetts	81	146	911
Michigan	106	371	1,003
Minnesota	42	207	560
Mississippi	31	95	455
Missouri	52	135	565
Montana	8	36	127
Nebraska	4	70	157
Nevada	9	33	87
New Hampshire	2	33	86
New Jersey	62	221	869
New Mexico	10	38	107
New York	173	587	2,208
North Carolina	157	183	786
North Dakota	2	48	139
Ohio	108	362	1,313
Oklahoma	3	110	387
Oregon	10	79	317
Pennsylvania	223	230	1,449
Puerto Rico	47	27	209
Rhode Island	11	37	119
South Carolina	118	90	431
South Dakota	8	34	169
Tennessee	95	151	692
Utah	1	33	97
Vermont	4	21	97
Virginia	82	123	593
Virgin Islands	38	5	79
Washington	18	68	284
West Virginia	65	42	352
Wisconsin	45	176	658
Wyoming	5	52	82
Mariana Island	79	7	101
Texas	83	465	1,518
Total	3,205	7,086	27,935

Source: U.S. Department of Labor, State Summaries, SCSEP, Quarterly Reports, Dec. 9, 1981.

SCSEP FOR 1981–82 PROGRAM YEAR [1]

State	Allocation	Number of participants
Alabama	$5,018,000	982
Alaska	1,160,000	227
Arizona	2,777,000	543
Arkansas	5,178,000	1,013
California	21,788,000	4,263
Colorado	2,575,000	504
Connecticut	3,316,000	648
Delaware	1,160,000	227
District of Columbia	1,589,000	311
Florida	14,422,000	2,822
Georgia	5,788,000	1,133
Guam	555,750	109
Hawaii	1,160,000	227
Idaho	1,274,000	250
Illinois	11,002,000	2,153
Indiana	7,244,000	1,417
Iowa	3,586,000	702
Kansas	2,833,000	554
Kentucky	5,247,000	1,026
Louisiana	4,494,000	879
Maine	1,763,000	345
Maryland	3,773,000	738
Massachusetts	6,893,000	1,347
Michigan	8,867,000	1,735
Minnesota	6,885,000	1,347
Mississippi	3,394,000	664
Missouri	6,993,000	1,368
Montana	1,738,000	340
Nebraska	2,181,000	427
Nevada	1,274,000	250
New Hampshire	1,213,000	237
New Jersey	8,624,000	1,687
New Mexico	1,296,000	254
New York	20,587,000	4,028
North Carolina	6,755,000	1,322
North Dakota	1,665,000	326
Ohio	12,035,000	2,355
Oklahoma	4,252,000	832
Oregon	3,924,000	767
Pennsylvania	15,578,000	3,048
Puerto Rico	2,952,000	578
Rhode Island	1,455,000	285
South Carolina	3,360,000	657
South Dakota	1,950,000	382
Tennessee	5,508,000	1,078
Texas	13,854,000	2,710
Utah	1,702,000	333
Vermont	1,505,000	295
Virginia	5,852,000	1,145
Virgin Islands	555,750	109
Washington	3,722,000	728
West Virginia	3,139,000	614
Wisconsin	7,303,000	1,428
Wyoming	1,274,000	249
American Samoa	555,750	109
Trust Territory	366,750	72
Northern Marianas	189,000	37
Totals	277,100,000	54,216

[1] Total State-by-State allocations and authorized participant levels.

CALL OF THE HOUSE

Mr. WHITTEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Rollcall No. 315]

Addabbo	Brinkley	Crane, Daniel
Akaka	Brodhead	Crane, Philip
Albosta	Brooks	Crockett
Alexander	Broomfield	Daniel, Dan
Anderson	Brown (CA)	Daniel, R. W.
Andrews	Brown (CO)	Dannemeyer
Annunzio	Broyhill	Daschle
Anthony	Burgener	Daub
Archer	Burton, John	Davis
Ashbrook	Burton, Phillip	de la Garza
Atkinson	Butler	Deckard
AuCoin	Byron	Dellums
Badham	Campbell	Derrick
Bailey (MO)	Carman	Dickinson
Bailey (PA)	Carney	Dicks
Barnard	Chappell	Dingell
Barnes	Chappie	Dixon
Beard	Cheney	Donnelly
Benedict	Chisholm	Dorgan
Bennett	Clausen	Dornan
Bereuter	Clay	Dougherty
Bethune	Clinger	Dowdy
Bevill	Coats	Downey
Biaggi	Coelho	Dreier
Bingham	Coleman	Duncan
Blanchard	Collins (IL)	Dunn
Bliley	Conable	Dwyer
Boggs	Conte	Dymally
Boland	Conyers	Dyson
Bolling	Corcoran	Early
Boner	Coughlin	Eckart
Bonior	Courter	Edgar
Bonker	Coyne, James	Edwards (CA)
Bouquard	Coyne, William	Edwards (OK)
Breaux	Craig	Emerson
Emery	LaFalce	Reuss
English	Lagomarsino	Rhodes
Erdahl	Lantos	Rinaldo
Ertel	Latta	Ritter
Evans (DE)	Leach	Roberts (KS)
Evans (IA)	Leath	Roberts (SD)
Evans (IN)	LeBoutillier	Robinson
Fary	Lee	Rodino
Fascell	Lehman	Roe
Fazio	Leland	Roemer
Fenwick	Lent	Rogers
Ferraro	Levitas	Rose
Fiedler	Lewis	Rosenthal
Fields	Livingston	Rostenkowski
Findley	Loeffler	Roth
Fish	Long (LA)	Roukema
Fithian	Long (MD)	Rousselot
Flippo	Lott	Roybal
Florio	Lowery (CA)	Russo
Foglietta	Lowry (WA)	Sabo
Foley	Lujan	Sawyer
Ford (MI)	Luken	Scheuer
Ford (TN)	Lundine	Schneider
Forsythe	Lungren	Schulze
Fountain	Madigan	Seiberling
Fowler	Markey	Sensenbrenner
Frank	Marlenee	Shamansky
Frenzel	Martin (IL)	Shannon
Fuqua	Martin (NC)	Sharp
Garcia	Martin (NY)	Shaw
Gaydos	Martinez	Shelby
Gejdenson	Matsui	Shumway
Gephardt	Mavroules	Siljander
Gibbons	Mazzoli	Simon
Gilman	McClory	Skeen
Gingrich	McCloskey	Skelton
Ginn	McCollum	Smith (AL)
Glickman	McCurdy	Smith (IA)
Gonzalez	McDade	Smith (NE)
Goodling	McEwen	Smith (NJ)
Gore	McGrath	Smith (OR)
Gradison	McHugh	Smith (PA)
Gramm	McKinney	Snowe
Gray	Mica	Snyder
Green	Michel	Solarz
Gregg	Mikulski	Solomon
Grisham	Miller (CA)	Spence
Guarini	Miller (OH)	St Germain
Gunderson	Mineta	Stangeland
Hagedorn	Minish	Stanton
Hall (OH)	Mitchell (MD)	Staton
Hall, Ralph	Mitchell (NY)	Stenholm
Hall, Sam	Moffett	Stokes
Hamilton	Molinari	Stratton
Hammerschmidt	Mollohan	Studds
Hance	Montgomery	Swift
Hansen (ID)	Moore	Synar
Hansen (UT)	Moorhead	Tauke
Harkin	Morrison	Tauzin
Hartnett	Mottl	Taylor
Hatcher	Murphy	Thomas
Hawkins	Murtha	Traxler
Hefner	Myers	Trible
Heftel	Napier	Vander Jagt
Hendon	Natcher	Vento
Hightower	Neal	Volkmer
Hiler	Nelligan	Walgren
Hillis	Nelson	Walker
Holland	Nowak	Wampler
Hollenbeck	O'Brien	Washington
Holt	Oakar	Watkins
Hopkins	Oberstar	Waxman
Horton	Obey	Weaver
Howard	Ottinger	Weber (MN)
Hoyer	Oxley	Weber (OH)
Hubbard	Panetta	White
Huckaby	Parris	Whitehurst
Hughes	Pashayan	Whitley
Hunter	Patman	Whittaker
Hutto	Patterson	Whitten
Hyde	Paul	Williams (MT)
Jacobs	Pease	Williams (OH)
Jeffords	Pepper	Wilson
Jeffries	Perkins	Winn
Jenkins	Petri	Wirth
Johnston	Peyser	Wolf
Jones (NC)	Pickle	Wolpe
Jones (OK)	Porter	Wortley
Jones (TN)	Price	Wright
Kastenmeier	Pritchard	Wyden
Kazen	Pursell	Wylie
Kemp	Quillen	Yates
Kennelly	Rahall	Yatron
Kildee	Railsback	Young (FL)
Kindness	Rangel	Young (MO)
Kogovsek	Ratchford	Zablocki
Kramer	Regula	Zeferetti

□ 1530

The SPEAKER pro tempore. On this rollcall, 396 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call are dispensed with.

SUPPLEMENTAL APPROPRIATIONS ACT, 1982—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. WRIGHT), the distinguished majority leader.

Mr. WRIGHT. Mr. Speaker, about 3 weeks ago 130 Members of the Republican side voted for this bill.

□ 1540

On that day, August 18, 130 of the Members—70 percent of the Republicans in the House—voted for the students, voted for the elderly, voted for the handicapped, voted for the programs that make money possible to cure childhood diseases through immunization.

In a very few minutes, we are going to find out how many of the Members meant it, how many are serious about it, and how many are going to back their own convictions or how many are going to let the White House lead them around with a ring in their nose like a prize bull at the county fair.

Just about 6 weeks ago, on July 20, 406 Members of this House voted for a resolution, bravely voted for a resolution saying that title V ought to be fully funded—fully, fully funded. The House voted for that last December and the President demanded it be taken out of the supplemental bill. He said it will go into the first supplemental this year. We put it in the first supplemental this year. He took it out again. He said we will put it in the next supplemental. We put it in the next supplemental. He said take it out now, sustain my veto, and we will do it some other time.

The warm smile, the gracious manner, and the cold heart that embraced the leaders of the Congress so warmly in such a high sounding tribute to bipartisanship and unity in the Rose Garden, 1 week later went out of its way to pick an unnecessary fight with the Congress. He did not have to. A phony charge. Every one of us knows that it does not have anything to do with budget busting. Every one of us knows the President asked almost $2 billion more be spent than we appropriated in this bill. So it is a phony charge, as phony as a three dollar bill to say that the Congress is budget busting.

What he wants to do is take money away from the students, take money away from the elderly, take money away from the children and the programs that will immunize them against diphtheria and typhoid and other diseases and give it to the military.

I am for military readiness, but we have increased military strength by 19 percent this year. We have added $36 billion over last year, and we have already cut educational programs by 25 percent. It is a question of priorities and it is a question of whether you meant it when you vetoed your convictions for this bill.

If half of the Members on the Republican side stand by their convictions of 3 weeks ago, we will override the veto, and once again we will demonstrate that a responsible Congress is capable of conducting the public debt.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I rise in support of the motion to override the President's veto. Less than a month ago I joined with the President in support of his tax bill. Partisan differences were set aside. Election considerations were overcome. Democrats and Republicans did, in my opinion, what was best for the Nation. The response from the financial markets of this display of unity was immediate and overwhelming. The stock market gave this country its first good economic news in a long time.

Today I rise in opposition to the President because he has chosen to break that spirit of cooperation over the Congress decision to fund jobs for the elderly, loans for the students, and education for the poor.

This bill is not, as the President claims, a budget buster. It is a billion and a half dollars less than he requested, most of the savings coming out of defense in a fiscal year when we have appropriated nearly 20 percent more for defense than we did last year.

By vetoing this measure, the President wants us to make a choice between weapons and handicapped children. Well, we do not have to accept this. We have made our choices, responsible choices, fair choices and I say let us stick to them.

Most of the Members have seen the television program the last couple of nights on title V and what it does to the older Americans is brutal. One would have to be a glib-tongued, effervescent personality, and have a heart of stone, to be able to vote against the title V program shown on the television the last couple of nights.

I say to the Members, I could outline the whole bill. The majority leader on my side I believe has done an excellent job. I say to the Members on my side, 16 of the Members voted against this bill originally. I believe we are going to perhaps have no more than the same 16.

Over on that side, 130 Republicans saw fit to do what they thought in their heart and their mind and their conscience was the right thing for America, last month, they knew that we had gone too far in the budget cuts previously.

Today, I am asking the Members as a leader in this House to stay with their conscience, to stay with their will, to stay with their high principles, to stay with those who need it the most in this country; and if 50 percent of the Republican Members who voted for this bill will vote to override the President's veto, then it is a victory for America.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. O'NEILL. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Speaker, I would like to honor the gentleman from Massachusetts for his words. This is the attitude and these are the thoughts that will certainly move us to a bipartisan motion that we consider in the interests of the people. I think we cannot have, and I was sorry to hear some of the cheers for some of the remarks concerning our President. It is not in that spirit that we will work for the public good.

I thank the Speaker.

Mr. O'NEILL. I want to thank the gentlewoman and I want to leave the Members with this: Let us not leave the elderly, the handicapped, the physically disabled behind. This is our opportunity to do a good deed.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. WHITTEN) has 1½ minutes remaining.

Mr. WHITTEN. Mr. Speaker, I yield myself the remaining time.

Mr. Speaker, I take this time to conclude the debate, by pointing out what in my mind is more significant than anything that has been said heretofore.

The President asked for some $16 billion in appropriations, about 84 percent of which is required by law. We cut $1.9 billion. It cannot be said that we are exceeding the budget.

The President in his veto message points out that we cut the military. Now he says that they do not want that restored. So it comes back to whether we are going to stand up for our rights and meet the obligations that we have as Members of the legislative body, because this bill is not a budget buster; it is below the budget.

Throughout the year, I have had letters from the Office of Management and Budget demanding the right to control funding of items which are in the hands of the people's branch of the Congress. As I look at the veto message, listen to this:

The bill also unnecessarily restricts the executive branch from exercising its author-

ity to allocate funds appropriated by the Congress.

We must fight to keep the rights of the people located in the House of Representatives, the people's branch of the Government. I do not believe any man in history has supported a President in his requests any more than I have.

May I say that I myself do not support everything in this bill. There are a number of items different from what I might prefer. I opposed the Caribbean Basin additions and I shall vote against legislation to be recommended. But when it comes to sacrificing to the executive branch, or through the President, to his Office of Management and Budget, the right to determine specific items to be funded, I must say no.

Again the President is within his rights under the Constitution to say how much; but it is up to the Congress to say what for.

I urge you to vote to override this veto, which provides much-needed funds while staying within the budget, and protecting our rights as legislators.

Thank you.

□ 1550

PARLIAMENTARY INQUIRY

Mr. CONTE. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CONTE. Mr. Speaker, is a yes vote a vote to override?

The SPEAKER pro tempore. A yes vote is a vote to pass the bill.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 301, nays 117, not voting 15, as follows:

[Roll No. 316]

YEAS—301

Addabbo	Bingham	Clausen
Akaka	Blanchard	Clay
Albosta	Boggs	Clinger
Alexander	Boland	Coats
Anderson	Bolling	Coelho
Andrews	Boner	Coleman
Annunzio	Bonior	Collins (IL)
Anthony	Bonker	Conable
Applegate	Bouquard	Conte
Aspin	Breaux	Conyers
AuCoin	Brinkley	Coughlin
Bailey (PA)	Brodhead	Coyne, James
Barnard	Brooks	Coyne, William
Barnes	Brown (CA)	Crockett
Beard	Burton, John	D'Amours
Bedell	Burton, Phillip	Daniel, Dan
Beilenson	Byron	Daschle
Bereuter	Chappell	Davis
Bevill	Chappie	de la Garza
Biaggi	Chisholm	Dellums
DeNardis	Hoyer	Pursell
Derrick	Huckaby	Rahall
Dicks	Hughes	Railsback
Dingell	Hutto	Rangel
Dixon	Jacobs	Ratchford
Donnelly	Jeffords	Regula
Dorgan	Jenkins	Reuss
Dougherty	Jones (NC)	Rhodes
Dowdy	Jones (OK)	Rinaldo
Downey	Jones (TN)	Roberts (SD)
Duncan	Kastenmeier	Robinson
Dunn	Kazen	Rodino
Dwyer	Kennelly	Roe
Dymally	Kildee	Rogers
Dyson	Kogovsek	Rose
Early	LaFalce	Rosenthal
Eckart	Lantos	Rostenkowski
Edgar	Leach	Roukema
Edwards (AL)	Leath	Roybal
Edwards (CA)	LeBoutillier	Russo
Emerson	Lee	Sabo
Emery	Lehman	Santini
English	Leland	Savage
Erdahl	Lent	Scheuer
Ertel	Levitas	Schneider
Evans (DE)	Long (LA)	Schulze
Evans (IA)	Long (MD)	Seiberling
Evans (IN)	Lowry (WA)	Shamansky
Fary	Luken	Shannon
Fascell	Lundine	Sharp
Fazio	Markey	Shaw
Fenwick	Marks	Shelby
Ferraro	Martin (NY)	Shuster
Findley	Martinez	Simon
Fish	Matsui	Skelton
Fithian	Mavroules	Smith (IA)
Flippo	Mazzoli	Smith (NE)
Florio	McCollum	Smith (NJ)
Foglietta	McCurdy	Smith (PA)
Foley	McDade	Snowe
Ford (MI)	McGrath	Solarz
Ford (TN)	McHugh	St Germain
Fountain	McKinney	Stangeland
Fowler	Mica	Stark
Frank	Mikulski	Stokes
Frost	Miller (CA)	Stratton
Fuqua	Mineta	Studds
Garcia	Minish	Swift
Gaydos	Mitchell (MD)	Synar
Gejdenson	Mitchell (NY)	Tauke
Gephardt	Moakley	Traxler
Gibbons	Moffett	Udall
Gilman	Molinari	Vander Jagt
Ginn	Mollohan	Vento
Glickman	Morrison	Volkmer
Gonzalez	Mottl	Walgren
Goodling	Murphy	Wampler
Gore	Murtha	Washington
Gray	Natcher	Watkins
Green	Neal	Waxman
Guarini	Nelligan	Weaver
Gunderson	Nelson	Weber (OH)
Hamilton	Nowak	White
Hammerschmidt	O'Brien	Whitley
Hance	O'Neill	Whitten
Harkin	Oakar	Williams (MT)
Hatcher	Oberstar	Williams (OH)
Hawkins	Obey	Wilson
Heckler	Ottinger	Wirth
Hefner	Panetta	Wolf
Heftel	Parris	Wolpe
Hendon	Patterson	Wortley
Hertel	Pease	Wright
Hightower	Pepper	Wyden
Hillis	Perkins	Yates
Holland	Petri	Yatron
Hollenbeck	Peyser	Young (MO)
Holt	Pickle	Zablocki
Hopkins	Porter	Zeferetti
Horton	Price	
Howard	Pritchard	

NAYS—117

Archer	Burgener	Dannemeyer
Ashbrook	Butler	Daub
Atkinson	Campbell	Deckard
Badham	Carman	Derwinski
Bailey (MO)	Carney	Dickinson
Benedict	Cheney	Dornan
Bennett	Corcoran	Dreier
Bethune	Courter	Edwards (OK)
Bliley	Craig	Fiedler
Broomfield	Crane, Daniel	Fields
Brown (CO)	Crane, Philip	Forsythe
Broyhill	Daniel, R. W.	Frenzel
Gingrich	Loeffler	Roemer
Goldwater	Lott	Roth
Gradison	Lowery (CA)	Rousselot
Gramm	Lujan	Sawyer
Gregg	Lungren	Sensenbrenner
Grisham	Madigan	Shumway
Hagedorn	Marlenee	Siljander
Hall (OH)	Martin (IL)	Skeen
Hall, Ralph	Martin (NC)	Smith (AL)
Hall, Sam	McClory	Smith (OR)
Hansen (ID)	McCloskey	Snyder
Hansen (UT)	McDonald	Solomon
Hartnett	McEwen	Spence
Hiler	Michel	Stanton
Hubbard	Miller (OH)	Staton
Hunter	Montgomery	Stenholm
Hyde	Moore	Tauzin
Ireland	Moorhead	Taylor
Jeffries	Myers	Thomas
Johnston	Napier	Trible
Kemp	Oxley	Walker
Kindness	Pashayan	Weber (MN)
Kramer	Patman	Whitehurst
Lagomarsino	Paul	Whittaker
Latta	Quillen	Winn
Lewis	Ritter	Wylie
Livingston	Roberts (KS)	Young (FL)

NOT VOTING—15

Bafalis	Evans (GA)	Schroeder
Bowen	Marriott	Schumer
Brown (OH)	Mattox	Stump
Collins (TX)	Nichols	Weiss
Erlenborn	Rudd	Young (AK)

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Mattox and Mr. Young of Alaska for, with Mr. Collins of Texas against.

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will notify the Senate of the action of the House.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HON. ADAM BENJAMIN, JR.

The SPEAKER. Pursuant to House Resolution 579, the Chair appoints as members of the Funeral Committee of the late Adam Benjamin, Jr., the following Members on the part of the House:

Mr. HAMILTON of Indiana;
Mr. WRIGHT of Texas;
Mr. MICHEL of Illinois;
Mr. MYERS of Indiana;
Mr. HILLIS of Indiana;
Mr. JACOBS of Indiana;
Mr. EVANS of Indiana;
Mr. FITHIAN of Indiana;
Mr. SHARP of Indiana;
Mr. DECKARD of Indiana;
Mr. COATS of Indiana;
Mr. HILER of Indiana;
Mr. BOLAND of Massachusetts;
Mr. DERWINSKI of Illinois;
Mr. ROSTENKOWSKI of Illinois;
Mr. SMITH of Iowa;
Mr. FORD of Michigan;
Mr. BEVILL of Alabama;
Mr. COUGHLIN of Pennsylvania;
Mr. STOKES of Ohio;

Mr. OBEY of Wisconsin;
Mr. YOUNG of Florida;
Mr. BURGENER of California;
Mr. JONES of Oklahoma;
Mr. LEHMAN of Florida;
Mr. O'BRIEN of Illinois
Mr. MURTHA of Pennsylvania;
Mr. TRAXLER of Michigan;
Mr. MINETA of California;
Mr. RUSSO of Illinois;
Mr. SOLARZ of New York;
Mr. MARKEY of Massachusetts;
Mr. GLICKMAN of Kansas;
Ms. MIKULSKI of Maryland;
Mr. PANETTA of California;
Mr. PURSELL of Michigan;
Mr. RAHALL of West Virginia;
Mr. DANNEMEYER of California;
Mr. DONNELLY of Massachusetts;
Mr. FAZIO of California;
Mr. GRAY of Pennsylvania;
Mr. LEWIS of California;
Mr. SABO of Minnesota;
Mr. SENSENBRENNER of Wisconsin; and
Mr. WASHINGTON of Illinois.

ADDITIONAL AUTHORIZATION FOR JAMES MADISON BUILDING

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 556 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 556

Resolved, That upon the adoption of this resolution it shall be in order, section 402(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6666) to amend the joint resolution of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building, and the first reading of the bill shall be despensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Public Works and Transportation, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

□ 1610

The SPEAKER. The gentleman from Michigan (Mr. BONIOR) is recognized for 1 hour.

Mr. BONIOR of Michigan. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Missouri (Mr. TAYLOR), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 556 provides for the consideration of H.R. 6666, to increase the construction authorization for the James Madison Building of the Library of Congress. It is a simple open rule providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Public Works and Transportation Committee. A waiver of section 402(a) of the Budget Act is provided because H.R. 6666 constitutes an authorization bill that was reported after May 15 of the fiscal year preceding that for which the authorization is made.

Mr. Speaker, H.R. 6666 increases the construction authorization for the James Madison Building of the Library of Congress from $130,675,000 to $139,200,000. This additional amount—$8.5 million—will be used to settle a claim by the J. W. Bateson Co., Inc., one of the building's construction contractors, for losses incurred because of alleged "Government delays." The original claim was for more than $20 million.

The Architect of the Capitol contends that the delays were primarily caused by the deficiencies, errors, and omissions of associate architects. The Justice Department has filed suit against the associate architects to recover approximately one-third of the cost of delays.

It is the opinion of the Architect of the Capitol that this agreement will obviate lengthy and costly negotiations and facilitate litigation against the associate architects.

Mr. Speaker, this is a noncontroversial rule and I urge its expeditious approval. I reserve the balance of my time.

Mr. TAYLOR. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, House Resolution 556 is a 1-hour open rule under which the House will consider legislation to increase the authorization for construction of the James Madison Building of the Library of Congress.

This rule contains one waiver, that of section 402(a) of the Budget Act, in order to allow the House to consider the bill, H.R. 6666. That section of the Budget Act requires legislation containing new budget authority to be reported from committee by May 15 of the preceding fiscal year. In this instance, the Committee on Public Works and Transportation did not report H.R. 6666 until July 28.

In addition to the necessary waiver, this rule provides one motion to recommit.

Mr. Speaker, this rule makes in order legislation that will increase the cost of construction of the James Madison Building by $8.5 million. This amount is in addition to the $130.6 million we have already spent on the new building.

During our hearing in the Committee on Rules, we were told that this additional $8.5 million will be used to pay off a claim against the Government for losses to one of the building contractors, the J. W. Bateson Co., Inc., allegedly caused by Government delay.

The legislation represents an attempt by the Committee on Public Works to put our stamp of approval on an agreement negotiated between the Architect of the Capitol and the Bateson Co.

There was no controversy about the need for this legislation in the Rules Committee, and I urge adoption of the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. BONIOR of Michigan. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. NELSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ROUSSELOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device and there were—yeas 365, nays 21, not voting 46, as follows:

[Roll No. 317]

YEAS—365

Akaka	Broomfield	Davis
Albosta	Brown (CA)	Deckard
Alexander	Broyhill	de la Garza
Anderson	Burgener	Dellums
Andrews	Burton, Phillip	DeNardis
Annunzio	Butler	Derrick
Anthony	Byron	Derwinski
Applegate	Campbell	Dicks
Archer	Carman	Dingell
Aspin	Carney	Dixon
Atkinson	Chappell	Donnelly
AuCoin	Chappie	Dorgan
Badham	Cheney	Dornan
Bailey (MO)	Clausen	Dougherty
Bailey (PA)	Clay	Dowdy
Barnard	Clinger	Downey
Barnes	Coats	Dreier
Beard	Coelho	Duncan
Bedell	Coleman	Dunn
Bellenson	Collins (IL)	Dwyer
Bennett	Conable	Dymally
Bereuter	Conte	Dyson
Bethune	Conyers	Early
Bevill	Corcoran	Eckart
Bingham	Coughlin	Edgar
Blanchard	Courter	Edwards (AL)
Bliley	Coyne, James	Edwards (CA)
Boggs	Coyne, William	Edwards (OK)
Boland	Craig	English
Boner	Crane, Daniel	Erdahl
Bonior	Crane, Philip	Erlenborn
Bonker	D'Amours	Ertel
Bouquard	Daniel, Dan	Evans (DE)
Breaux	Daniel, R. W.	Evans (IA)
Brinkley	Dannemeyer	Evans (IN)
Brodhead	Daschle	Fary
Brooks	Daub	Fascell

Fazio
Fenwick
Ferraro
Fiedler
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Grisham
Guarini
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Madigan
Markey
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rinaldo
Ritter
Roberts (KS)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schulze
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
Shaw
Shelby
Shumway
Siljander
Simon
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
St Germain
Stangeland
Staton
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauke
Tauzin
Taylor
Thomas
Traxler
Trible
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Young (FL)
Young (MO)
Zablocki

NAYS—21

Ashbrook
Benedict
Brown (CO)
Dickinson
Emerson
Frenzel
Gregg
Gunderson
Hiler
Jeffries
Johnston
Latta
Marlenee
Martin (IL)
McDonald
Paul
Rousselot
Shuster
Solomon
Walker
Weber (MN)

NOT VOTING—46

Addabbo
Bafalis
Biaggi
Bolling
Bowen
Brown (OH)
Burton, John
Chisholm
Collins (TX)
Crockett
Emery
Evans (GA)
Fields
Forsythe
Fountain
Goldwater
Ireland
Luken
Marks
Marriott
Mattox
McCloskey
Mitchell (MD)
Moffett
Nichols
O'Brien
Rangel
Rhodes
Roberts (SD)
Rosenthal
Roth
Rudd
Santini
Schroeder
Schumer
Smith (PA)
Spence
Stanton
Stark
Stump
Weiss
Williams (MT)
Wylie
Yatron
Young (AK)
Zeferetti

□ 1630

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. FARY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6666) to amend the joint resolution of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. FARY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, I object to the vote on the ground that quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 12, not voting 77, as follows:

[Roll No. 318]

YEAS—343

Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Archer
Ashbrook
Aspin
Atkinson
AuCoin
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Beard
Benedict
Bennett
Bereuter
Bethune
Bevill
Bingham
Blanchard
Boggs
Boland
Boner
Bonior
Bonker
Bouquard
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Burgener
Burton, Phillip
Butler
Byron
Campbell
Carman
Carney
Chappell
Chappie
Cheney
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
D'Amours
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
Deckard
de la Garza
Dellums
DeNardis
Derrick
Derwinski
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dornan
Dougherty
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dyson
Early
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdahl
Erlenborn
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fascell
Fazio
Fenwick
Ferraro
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hagedorn
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (ID)
Harkin
Hartnett
Hawkins
Heckler
Hefner
Heftel
Hightower
Hiler
Hillis
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kramer
LaFalce
Lagomarsino
Lantos
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lundine
Lungren
Madigan
Markey
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McClory
McCurdy
McDade
McEwen
McGrath
McHugh
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patterson
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Ratchford
Regula
Reuss
Rhodes
Rinaldo
Ritter
Roberts (KS)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roukema
Rousselot
Russo
Sabo
Santini
Savage
Sawyer
Scheuer
Schneider
Schulze
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Shuster
Siljander
Simon
Skeen
Skelton
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solarz
Spence
St Germain
Stangeland
Staton
Stenholm
Stokes
Stratton
Studds
Synar
Tauke
Tauzin
Taylor
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Wilson
Winn
Wirth
Wolf
Wolpe
Wortley
Wyden
Yates
Young (FL)
Young (MO)
Zablocki

NAYS—12

Badham
Emerson
Frenzel
Hendon
Jeffries
Johnston
Latta
Marlenee
McDonald
Solomon
Walker
Weber (MN)

NOT VOTING—77

Addabbo
Albosta
Applegate
Bafalis
Bedell
Bellenson

Biaggi	Hertel	Rosenthal
Bliley	Ireland	Roth
Bolling	Jeffords	Roybal
Bowen	Kemp	Rudd
Brown (OH)	Kindness	Schroeder
Burton, John	Kogovsek	Schumer
Chisholm	Livingston	Shamansky
Collins (TX)	Long (MD)	Shannon
Conyers	Luken	Smith (AL)
Crockett	Marks	Smith (PA)
Daniel, Dan	Marriott	Stanton
Dymally	Mattox	Stark
Edgar	McCloskey	Stump
Emery	McCollum	Swift
Ertel	McKinney	Thomas
Evans (GA)	Mitchell (MD)	Trible
Fiedler	Moffett	Weiss
Fields	Morrison	Williams (MT)
Forsythe	Nichols	Wright
Fountain	O'Brien	Wylie
Gaydos	Patman	Yatron
Goldwater	Pease	Young (AK)
Hansen (UT)	Rangel	Zeferetti
Hatcher	Roberts (SD)	

□ 1650

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6666, with Mr. BONIOR of Michigan in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. FARY) will be recognized for 30 minutes, and the gentleman from Minnesota (Mr. STANGELAND) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 6666 increases the authorized limit of cost for the James Madison Memorial Library from $130,675,000 to $139,200,000, or an increase of $8,525,000. Mr. Chairman, the James Madison Memorial Library of Congress Building was accepted for beneficial occupancy commencing in April 1979 and full occupancy will be concluded during fiscal year 1982. The building is substantially complete with the exception of the so-called punch list and warranty items and the decorative screen to be installed at the front of the Madison Building.

Mr. Chairman, in 1980, George White, Architect of the Capitol, had requested a $10-million increase in the authorized limit of cost for this project. However, at that time, the House Committee on Public Works and Transportation determined that the request should be brought up at a later time due to the fact that the contractor's (J. W. Bateson Co., Inc.) delay claim amount was indeterminate.

On June 1, 1982, the Architect of the Capitol wrote to the chairman of the House Committee on Public Works and Transportation, the Honorable JAMES J. HOWARD, stating that a proposed settlement with the contractor for $8,525,000 was in place, and as such, requested that legislation be introduced immediately. I would like to point out that the initial contractor's delay claim demanded a total of $23.5 million. However, after in-depth negotiations between the Architect and the contractor, on December 9, 1981, these efforts culminated in a settlement by letter of the entire delay claim for the lump-sum figure of $8,525,000. I do want to point out to the House that the letter agreement signed by Mr. White and the contractor did acknowledge that the Government was liable for delay claim in the amount of $8,525,000, and further, that if funds were not paid to the contractor by July 1, 1982, the contractor would have the right to commence legal action on the unpaid portion of the claim in the U.S. Court of claims, in order to protect his interests and to assure that interest on the agreed amount would commence to run at the then current U.S. Treasury rate. Yesterday, the Architect of the Capitol advised the committee that the delay claim in the amount of $8,525,000 which is listed in the committee report was wrong; that in fact on January 7, 1982, the Architect's Office had paid $385,000 to the Mills Co., a subcontractor, due to the fact that the company was ready to file for bankruptcy unless the money due them was paid. In light of this new fact, I do have an amendment at the desk which will reduce the amount of funds sought in this authorization from $8,525,000 to $8,140,000. Thus, the new figure providing for the total construction of the James Madison Memorial Library Building will be $138,815,000. I have checked further with the Architect's Office to make sure that no other portion of this claim has been paid, and the Architect advised that no other portion of the claim has been paid, and when it is paid, it will be in one lump sum.

The Architect of the Capitol states that a major causative factor in the lengthy and costly delays incurred on this project was the inordinate number of design deficiencies, delays, and errors or omissions of the associate architects. This matter has been referred to the Department of Justice and suit has been filed against the associate architects seeking to recover approximately one-third of the amount the Government has been forced to pay as a result of delays on the project. While any recovery in such an action will not be returnable directly to the project appropriation, it will go directly to the Treasury and will, therefore, serve to offset to some extent the cost of this proposed settlement.

Mr. Chairman, to conclude, this proposed settlement with the contractor has the effect of bringing to an end a series of lengthy, and of course, costly negotiations, and appears to be fair to all concerned. It also obviates the need for resort to protracted litigation by the contractor, which could lay the Government open to a potentially heavy judgment, plus whatever interest would accrue thereon.

Mr. Chairman, I urge adoption of H.R. 6666, as proposed to be amended by the amendment at the desk.

Mr. STANGELAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to express my support for this legislation which would increase the authorization ceiling for the Library of Congress James Madison Memorial Building. This additional funding is necessary to satisfy various delay claims now pending against the Government that arose during construction of this building. It is my belief that the funding level in this legislation as it will be amended by the Committee is fair and provides both the Government and the contractor a reasonable and acceptable compromise.

This in not to say that the prior history of price escalations on this project is one which we should be proud. In 1965, $75 million was authorized and, should we approve H.R. 6666, the authorization ceiling will be close to double what we originally authorized.

Despite these huge cost overruns and escalations, I firmly believe that we must honor our commitments and reimburse the contractor for delays on this project caused by government action or inaction. I would like to emphasize that before any of these claims are paid, they are validated by the Government to insure their accuracy.

For example, initially a total of 616 days of Government-caused delay were alleged. Subsequently, this has been lowered to an agreed-upon figure of 375 days of delays. Similarly, as has been previously pointed out, a total of $23.5 million was demanded originally but since that time, the Architect of the Capitol and the contractor have reached an agreement on a negotiated lump-sum figure.

Finally, I would like to join with my chairman and urge that the Department of Justice should continue actively to pursue its investigation regarding any inordinate number of design deficiencies, delays, errors, and omissions by the associate architects for this project. Any recovery will then be able to be used to offset the amount the Government has been forced to pay as a result of project delays.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. STANGELAND. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Chairman, could the gentleman confirm the figures in the report here? As I understand, when this building was first authorized in 1965, we authorized an appropriation of $75 million to construct the building; is that correct?

Mr. STANGELAND. Yes; that is correct. The initial authorization was for $75 million.

On March 16, 1970, there was an additional authorization bringing it up to $90 million.

On February 27, 1976, there was an additional authorization bringing it up to $123 million.

On October 30, 1978, there was an authorization of up to $130,675,000. This authorization would bring the total cost of the Madison Library to about $138 million.

Mr. WALKER. What we have virtually done is doubled the cost of this building from the time that it was first proposed; is that correct?

Mr. STANGELAND. Basically that is correct; yes.

Mr. WALKER. This final $8.5 million is basically to pay cost overruns; is that correct?

Mr. STANGELAND. I think that would be correct. I was not here. The gentleman was not here. I do not know my memory serves me exactly correctly. This building was initially authorized perhaps as a House office building. There was a dispute and a determination that there was a need for an addition to the Library of Congress. There were a great number of design changes because as an office building, it would have been constructed in one fashion; as a library, with the load weight the floors had to carry, it needed a different type of construction.

Some of this increase was because there was a change in how that building was to be utilized after completion.

Mr. WALKER. I thank the gentleman. I was here as an aide at that time. I remember that controversy well. It was originally authorized I think as a library building. Then there was talk it was going to become a House building. Then it went back to a library building. There was quite a bit of discussion about that.

Nevertheless, what we have here is a doubling of the cost. It seems to me now to come in at a time when we have a budget crunch to say that we are authorizing another $8.5 million to pay some of these cost overruns is a little tough on the taxpayers.

I for one am going to vote against the bill.

I thank the gentleman for responding.

● Mr. MINETA. Mr. Chairman, I rise in opposition to this legislation.

This legislation represents the fourth cost overrun for this project. This is the fifth time this Committee has been on the floor seeking funds for this project, and each time the funding requested was to be the full amount required to complete the project.

In 1965 the Congress authorized $75 million to construct the Madison Library. In 1970 the Congress revised that to $90 million. In 1976 we raised it to $123 million. In 1978 we raised it to $130.7 million. And now in 1982 we are asked to raise it again to $139.2 million.

I was chairman of the Subcommittee on Public Buildings and Grounds in 1978 when the authorization for this project was last considered. Given the past history of cost overruns for the project, we scrutinized what was then a request for an additional $10 million. I worked very closely on this matter with my colleague, the since-retired ranking minority member of the subcommittee, the Honorable Bill Walsh of New York. We both felt that the request before us has to be trimmed to only those items for which the Architect of the Capitol had been able to show specific justification. Accordingly, we reduced the request to $7.67 million. And furthermore, both Mr. Walsh and I felt it was imperative that we put all concerned on notice that this would be the last request which would be permitted, and that those managing the project should conduct their business accordingly.

We made our position very clear in marking up this legislation in subcommittee in 1978. Mr. Walsh stated:

First, I want it stated in the record and understood in this Committee that this is the last request for funds that I would participate in for this project. I would hope that in the future, those people associated with this project can be more cost-conscious, and this Committee will exercise tighter control in order to prevent such cost overruns as we have experienced in this project.

I added my own commitment: "let it be clearly understood by all parties involved in this project that this is, in fact, the last request."

I will not go back on that commitment today. This authorization is not required. The request today is for an additional $8.5 million to settle contractor delay claims against the Architect of the Capitol. I have no idea whether such claims are justified or not. But they are best adjudicated through the normal Court of Claims process. If they are found to be justified, the Court of Claims may order them paid without legislative authorization. And if they are not justified, we will have saved the taxpayer some money. I think the taxpayer would be best protected by having both the Architect of the Capitol and the contractors present their respective cases in open court.

I therefore oppose the bill.●

● Mr. HOWARD. Mr. Chairman, I rise in support of H.R. 6666, a bill to provide an additional authorization of $8,525,000 for the Library of Congress James Madison Memorial Building.

Mr. Chairman, I would like to commend the gentleman from Illinois (Mr. FARY), the chairman of the Subcommittee on Public Buildings and Grounds, for his fine presentation of this legislation to the House today. I would also like to thank the ranking minority member of the full committee (Mr. CLAUSEN), and the ranking minority member of the Subcommittee on Public Buildings and Grounds (Mr. STANGELAND), for their hard work and bipartisan support on this legislation.

Mr. Chairman, as my colleagues are aware, Congress authorized the Architect of the Capitol to construct the Library of Congress James Madison Memorial Building in 1985 at a cost of $75 million. On three different occasions, Congress found it necessary to increase the cost, whereby, today the authorized ceiling is set at $130,675,000. This legislation as proposed to be amended will increase the ceiling to $138,815,000. Today, I am pleased to state this will be the last time Congress will have to deal with this matter. The moneys incorporated in this legislation will finally bring to completion the outstanding delay claim filed by the contractor. The Architect of the Capitol had requested funding for this purpose in 1980, however, our committee felt it wise to hold up on an authorization until Mr. White had an opportunity to establish what the precise amount would be. I am pleased to point out that the initial claim filed by the contractor in 1978, demanded a total of $23,532,928, and only after lengthy negotiations, the contractor and the architect of the Capitol have agreed to a settlement of the entire delay claim in the amount of $8,525,000.

It should be noted that the Government has filed a law suit against the architects of the Madison Library Building alleging design deficiencies which ultimately led to delays being incurred by the contractor. The Architect of the Capitol has advised the Department of Justice has filed suit against the architects, and it is anticipated approximately $2 million to $3 million will be recovered by the Government.

To conclude, the Architect of the Capitol has assured the House Public Works and Transportation Committee, that by agreeing to this proposed settlement with the contractor, J. W. Bateson Co., Inc., that enactment of this legislation will bring to an end the lengthy and costly negotiations with Bateson and its subcontractors. It also avoids protracted litigation which

could be potentially more costly for the Government.

Mr. Chairman, I urge adoption of H.R. 6666 as proposed to be amended.●

Mr. STANGELAND. Mr. Chairman, I yield back the balance of my time.

Mr. FARY. Mr. Chairman, I have no further requests for time, and I yield back the remainder of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

H.R. 6666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes" approved October 19, 1965 (79 Stat. 986; Public Law 89-260), is amended by striking out "$130,675,000" and inserting in lieu thereof "$139,200,000".

□ 1700

Mr. FARY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

AMENDMENT OFFERED BY MR. FARY

Mr. FARY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FARY: Page 2, line 6, strike out "$139,200,000" and insert in lieu thereof "$138,815,000".

Mr. FARY. Mr. Chairman, yesterday, the Architect of the Capitol advised the committee that the delay claim in the amount of $8,525,000 which is listed in the committee report was wrong; that in fact on January 7, 1982, the Architect's office had paid $385,000 to the Mills Co., a subcontractor, due to the fact that the company was ready to file for bankruptcy unless the money due them was paid. Therefore, Mr. Chairman, the amendment at the desk will authorize $8,140,000 to be appropriated which takes into account the $385,000 which has already been paid. Thus, the new figure providing for the total construction of the James Madison Memorial Library Building will be $138,815,000.

I have checked further with the Architect's office to make sure that any other portion of this claim has not been paid, and the Architect advises that no other portion has been paid, and when it is paid, it will be in one lump sum.

Therefore, Mr. Chairman, I urge adoption of the amendment.

Mr. STANGELAND. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment to reduce the authorized limit in this legislation by $385,000. At this time I would like to express my displeasure that the committee has been made aware of this needed reduction at such a late date. It appears that one of the pending delay claims has already been satisfied by the Architect and that the authorization in H.R. 6666 has not been reduced correspondingly. I would hope that in the future the Architect of the Capitol would keep this committee updated on all developments of the legislation he has pending before us so that we can avoid wasting the time and effort of the Members on matters that should be resolved at the committee level.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FARY).

The amendment was agreed to.

The CHAIRMAN. Are there other amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BINGHAM) having assumed the chair, Mr. BONIOR of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6666) to amend the joint resolution of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building, pursuant to House Resolution 556, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 188, nays 186, not voting 58, as follows:

[Roll No. 319]

YEAS—188

Akaka	Frost	Moffett
Albosta	Fuqua	Mollohan
Alexander	Garcia	Mottl
Andrews	Gejdenson	Myers
Annunzio	Gephardt	Natcher
Anthony	Gibbons	Nelligan
Applegate	Ginn	Nowak
Aspin	Gonzalez	Oberstar
AuCoin	Gore	Obey
Bailey (PA)	Gradison	Ottinger
Barnard	Gray	Parris
Barnes	Guarini	Patman
Bevill	Hall (OH)	Pease
Bingham	Hall, Ralph	Pepper
Blanchard	Hall, Sam	Perkins
Boland	Hamilton	Pickle
Boner	Hatcher	Price
Bonior	Hawkins	Pritchard
Bonker	Heftel	Rahall
Bouquard	Hertel	Railsback
Breaux	Hightower	Ratchford
Brinkley	Hillis	Reuss
Brodhead	Holland	Rhodes
Brooks	Hollenbeck	Rinaldo
Brown (CA)	Horton	Rodino
Burton, Phillip	Howard	Roe
Chappell	Hoyer	Rose
Chisholm	Hughes	Rostenkowski
Clausen	Hutto	Russo
Clay	Jenkins	Sabo
Clinger	Jones (NC)	Savage
Coelho	Jones (OK)	Scheuer
Coleman	Jones (TN)	Schneider
Collins (IL)	Kastenmeier	Schulze
Coyne, James	Kemp	Seiberling
Coyne, William	Kennelly	Shannon
Davis	Kildee	Shuster
Dellums	LaFalce	Simon
DeNardis	Lantos	Smith (IA)
Dingell	Leach	Smith (NJ)
Dixon	Leath	Solarz
Donnelly	Lee	St Germain
Downey	Lehman	Stangeland
Dwyer	Leland	Stanton
Early	Lewis	Stokes
Edwards (AL)	Long (LA)	Stratton
Edwards (CA)	Long (MD)	Studds
Erlenborn	Lowry (WA)	Swift
Evans (IN)	Lujan	Synar
Fary	Markey	Udall
Fascell	Martinez	Washington
Fazio	Matsui	Watkins
Fenwick	Mavroules	Waxman
Ferraro	Mazzoli	White
Fish	McClory	Whitten
Fithian	McCloskey	Wilson
Flippo	McDade	Wirth
Florio	McHugh	Wright
Foglietta	McKinney	Yates
Foley	Mikulski	Young (FL)
Ford (MI)	Miller (CA)	Young (MO)
Ford (TN)	Minish	Zablocki
Forsythe	Moakley	

NAYS—186

Archer	Coughlin	Erdahl
Ashbrook	Courter	Evans (DE)
Atkinson	Craig	Evans (IA)
Badham	Crane, Daniel	Fiedler
Bailey (MO)	Crane, Philip	Findley
Beard	D'Amours	Fountain
Bedell	Daniel, Dan	Frenzel
Benedict	Daniel, R. W.	Gaydos
Bennett	Dannemeyer	Gilman
Bereuter	Daschle	Gingrich
Bethune	Daub	Glickman
Billey	Deckard	Goodling
Broomfield	Derrick	Gramm
Brown (CO)	Derwinski	Green
Broyhill	Dickinson	Gregg
Burgener	Dicks	Grisham
Butler	Dorgan	Gunderson
Byron	Dornan	Hagedorn
Campbell	Dowdy	Hammerschmidt
Carman	Dreier	Hance
Carney	Duncan	Hansen (ID)
Chappie	Dunn	Harkin
Cheney	Dyson	Hartnett
Coats	Eckart	Heckler
Conable	Edwards (OK)	Hefner
Conte	Emerson	Hendon
Corcoran	English	Hiler

Holt	Mineta	Shelby
Hopkins	Mitchell (NY)	Shumway
Hubbard	Molinari	Siljander
Huckaby	Montgomery	Skeen
Hunter	Moore	Skelton
Hyde	Moorhead	Smith (AL)
Jacobs	Morrison	Smith (NE)
Jeffords	Murphy	Smith (OR)
Jeffries	Napier	Snowe
Johnston	Neal	Snyder
Kazen	Nelson	Solomon
Kindness	Oakar	Spence
Kramer	Oxley	Staton
Lagomarsino	Panetta	Stenholm
Latta	Pashayan	Tauke
LeBoutillier	Patterson	Tauzin
Levitas	Paul	Taylor
Livingston	Petri	Vander Jagt
Loeffler	Peyser	Vento
Lott	Porter	Volkmer
Lowery (CA)	Pursell	Walgren
Lundine	Quillen	Walker
Lungren	Regula	Wampler
Madigan	Ritter	Weaver
Marlenee	Roberts (KS)	Weber (MN)
Martin (IL)	Robinson	Weber (OH)
Martin (NC)	Roemer	Whitehurst
McCollum	Rogers	Whitley
McCurdy	Roukema	Whittaker
McDonald	Rousselot	Williams (OH)
McEwen	Santini	Winn
McGrath	Sawyer	Wolf
Mica	Sensenbrenner	Wolpe
Michel	Sharp	Wortley
Miller (OH)	Shaw	Wyden

NOT VOTING—58

Addabbo	Fields	Roth
Anderson	Fowler	Roybal
Bafalis	Frank	Rudd
Beilenson	Goldwater	Schroeder
Biaggi	Hansen (UT)	Schumer
Boggs	Ireland	Shamansky
Bolling	Kogovsek	Smith (PA)
Bowen	Lent	Stark
Brown (OH)	Luken	Stump
Burton, John	Marks	Thomas
Collins (TX)	Marriott	Traxler
Conyers	Martin (NY)	Trible
Crockett	Mattox	Weiss
de la Garza	Mitchell (MD)	Williams (MT)
Dougherty	Murtha	Wylie
Dymally	Nichols	Yatron
Edgar	O'Brien	Young (AK)
Emery	Rangel	Zeferetti
Ertel	Roberts (SD)	
Evans (GA)	Rosenthal	

□ 1720

Ms. OAKAR, and Messrs, NELSON, D'AMOURS, NEAL, NELSON, FOUNTAIN, and WORTLEY changed their votes from "yea" to "nay."

Mr. AuCOIN changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TERRITORIAL OMNIBUS BILL

Mr. WON PAT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5139) to authorize appropriations for certain insular areas of the United States, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment as follows:

In lieu of the amendment of the Senate to H.R. 5139, strike all after the enacting clause and insert the following:

TITLE I—GUAM

SEC. 101. Section 7 of the Organic Act of Guam (64 Stat. 384, 487), as amended, is revised to read as follows:

"SEC. 7. (a) The people of Guam shall have the right of initiative and referendum, to be exercised under conditions and procedures specified in the laws of Guam.

"(b) Any Governor, Lieutenant Governor, or member of the legislature of Guam may be removed from office by a referendum election in which at least two-thirds of the number of persons voting for such official in the last preceding general election at which such official was elected vote in favor of recall and in which those so voting constitute a majority of all those participating in such referendum election. The referendum election shall be initiated by the legislature of Guam following (a) a two-thirds vote of the members of the legislature in favor of a referendum, or (b) petition for such a referendum to the legislature by registered voters equal in number to at least 50 per centum of the whole number of votes cast at the last general election at which such official was elected preceding the filing of the petition.".

SEC. 102. Section 1(a)(1) of Public Law 95-348 (92 Stat. 487) is amended by deleting "involved." and inserting in lieu thereof "involved, and $6,052,000 for fiscal year 1983, such sums to remain available until expended.".

SEC. 103. Section 205 of Public Law 95-134 (91 Stat. 1159, 1162), as amended by subsection 1(d) of Public Law 95-348 (92 Stat. 487, 488), is further amended by deleting "Medical Center of the Marianas:" and inserting in lieu thereof "Medical Center of the Marianas, to renovate, maintain, and operate the Guam Memorial Hospital, and to construct, maintain, and operate a health care facility in the northern part of Guam:".

SEC. 104. The Organic Act of Guam (64 Stat. 384), as amended, is further amended—

(a) by deleting the first sentence of the sixth paragraph of section 6, as amended (82 Stat. 842, 843), and substituting the following: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report."; and

(b) by deleting section 9-A (82 Stat. 842, 845), as amended (91 Stat. 1159, 1161), in its entirety, and inserting in lieu thereof the following new section 9-A:

SEC. 9-A. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of Guam:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of Guam, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of Guam including those pertaining to trust funds held by the government of Guam.

"(2) The authority to report to the Secretary of the Interior and the Governor of Guam all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of Guam, and shall be in addition to the authority conferred upon the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.

TITLE II—TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 201. In section 402(a) of Public Law 96-597 (94 Stat. 3478) strike "by October 1, 1982," and insert in lieu thereof: "by a date not later than ninety days following termination of the trusteeship agreement governing the administration of the Trust Territory of the Pacific Islands,".

SEC. 202. (1) The Act of June 13, 1975, (89 Stat. 212) is amended by inserting the following language before the last sentence:

"The corpus, income of, or distributions from such trust, or distributions to the beneficiaries of such trust shall not be subject to any form of United States Federal, state, or local taxation.".

(2) The corpus, income of, or distributions from the Ujelang Trust Fund numbered 2 (established by the High Commissioner of the Trust Territory of the Pacific Islands), or distributions to the beneficiaries of such trust fund shall not be subject to any form of United States Federal, state, or local taxation.

SEC. 203. The Act of March 21, 1972 (86 Stat. 87), relating to the Trust Territory of the Pacific Islands is amended—

(a) by amending section 5 (86 Stat. 88), to read: "The chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The chief executives shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The chief executives shall also make such other reports at such other times as may be required by the Congress or under applicable Federal laws. The chief executives shall submit to the Congress, the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263, 268).".

(b) by deleting section 4 of the Act of June 30, 1954 (68 Stat. 330), as amended (87 Stat. 354; 91 Stat. 1162; 94 Stat. 85), in its entirety, and inserting in lieu thereof the following new section 4:

SEC. 4. (a) The following functions, powers, and duties heretofore vested in the government comptroller for Guam with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the aforementioned governments including those pertaining to trust funds held by such governments.

"(2) The authority to report to the Secretary of the Interior, the High Commissioner of the Trust Territory of the Pacific Islands, the chief executives of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands all failures to collect amounts due the governments, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the governments of the Marshall Islands, the Federated States of Micronesia, Palau, and the Northern Mariana Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended. This section is not subject to termination under section 502(a)(3) of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America (90 Stat. 263,268).

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for Guam related to its audit function, with respect to the government of the Trust Territory of the Pacific Islands and the government of the Northern Mariana Islands are hereby transferred to the Office of Inspector General, Department of the Interior.".

(d) Section 201(a) of Public Law 96-205 (94 Stat. 85), is hereby repealed in its entirety.

SEC. 204. (a) That the Northern Mariana Islands shall not be considered a foreign country for purposes of subsection (k) of section 2680 of title 28, United States Code.

(b) This Section shall expire upon the establishment of the Commonwealth of the Northern Mariana Islands.

SEC. 205. The Secretary shall conduct, upon request of the affected regional governments and through the Director of the National Park Service, a comprehensive inventory and study of the most unique and significant natural, historical, cultural and recreational resources of the Trust Territory of the Pacific Islands (specifically composed of the Mariana, Caroline and Marshall Islands). Areas or sites exhibiting such qualities shall be described and evaluated with the objective of the preservation of their values and their careful use and appreciation by the public, along with a determination of their potential for attracting tourism. Alternative methodologies for such preservation and use shall be developed for each area or site (including continued assistance from the National Park Service); current or impending damage or threats to the resources of such areas or sites shall be identified and evaluated; and authorities needed to properly protect and allow for public use and appreciation shall be identified and discussed. Such inventory and study shall be conducted in full cooperation and consultation with affected governmental officials and the interested public. The inventory and study shall also identify areas or sites which qualify to be listed on the Registry of Natural Landmarks and the National Register of Historic Places. A full report on such inventory and study shall be transmitted to the respectively involved governments, the Committee on Interior and Insular Affairs of the U.S. House of Representatives and the Committee on Energy and Natural Resources of the United States Senate no later than two complete calendar years after the effective date of this Act.

TITLE III—VIRGIN ISLANDS

SEC. 301. (a) Effective October 1, 1982, there is authorized to be appropriated to the Secretary of the Interior $150,000 for to be paid as a grant to the government of the Virgin Islands for use by the College of the Virgin Islands to study and plan for the creation of an institution for Caribbean educational, cultural, and technical interchange.

(b) The Secretary may place such stipulations as he deems appropriate on the use of funds appropriated pursuant to subsection (a) of this section.

(c) Grant funds appropriated pursuant to subsection (a) but not obligated or expended during the fiscal year in which they are appropriated shall remain available for obligation or expenditure in subsequent fiscal years.

SEC. 302. Section 405 of Public Law 96-205 (94 Stat. 84, 89) is amended by adding at the end thereof the following new sentence: "The officials of the Customs and Postal Services of the United States are directed to assist the appropriate officials of the United States Virgin Islands in the collection of these taxes.".

SEC. 303. There are authorized to be appropriated to the Secretary of the Interior, not to exceed $10 million for grants to the Government of the Virgin Islands for improvements in the generation and distribution of water and power, to remain available until expended.

SEC. 304. There are authorized to be appropriated to the Secretary of the Interior, not to exceed $3,000,000 for grants to the Government of the Virgin Islands for construction of two juvenile pretrial detention facilities, one on the island of St. Thomas, and one on the island of St. Croix, to remain available until expended.

SEC. 305. Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment hereof which discharge is attributable to the manufacture of rum (alcoholic spirits classified under item 169.13 and 169.14 of the Tariff Schedules of the United States (19 U.S.C. Section 1202) shall not be subject to the requirements of Section 301 (other than toxic pollutant discharges), Section 306 or of Section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least 1,500 feet into the territorial sea from the line or ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment of maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 306. Sections 8(d) and (e) of the Revised organic Act of the Virgin Islands (68 Stat. 500; 48 U.S.C. 1574 (d) and (e)) are repealed.

SEC. 307. Section 4(d) of the Organic Act of the Virgin Islands of June 22, 1936 (49 Stat. 1808, 48 U.S.C. 1405c(d)) is amended by substituting the word "legislature" for the words "legislative assembly" wherever they appear.

SEC. 308. The following provisions of the Organic Act of the Virgin Islands of June 22, 1936, as amended, are repealed: Section 2 (49 Stat. 1807; 48 U.S.C. 1405a); section 3 (49 Stat. 1807; 48 U.S.C. 1405b); section 5 (49 Stat. 1808; 48 U.S.C. 1405d); section 6 (49 Stat. 1808; 48 U.S.C. 1405e); section 7 (49

Stat. 1808; 49 U.S.C. 1405f); section 8 (49 Stat. 1809; 49 U.S.C. 1405g); section 11 (49 Stat. 1809; 48 U.S.C. 1405j); section 12 (49 Stat. 1809; 48 U.S.C. 1405k); section 13 (49 Stat. 1810; 48 U.S.C. 1405l); section 14 (49 Stat. 1810; 48 U.S.C. 1405m); Section 15 (49 Stat. 1810; 48 U.S.C. 1405n); section 16 (49 Stat. 1810; 48 U.S.C. 1405o); section 17 (49 Stat. 1811; 48 U.S.C. 1405p); section 19 (49 Stat. 1811; 48 U.S.C. 1405r); section 22 (49 Stat. 1812; 48 U.S.C. 1405u); section 23 (49 Stat. 1813; 48 U.S.C. 1405v); section 24 (49 Stat. 1813; 48 U.S.C. 1405w); section 25 (49 Stat. 1813; 48 U.S.C. 1405x); section 27 (49 Stat. 1813; 48 U.S.C. 1405z); section 28 (49 Stat., 1814; 48 U.S.C. 1406); section 29 (49 Stat. 1814; 48 U.S.C. 1406a); section 30 (49 Stat. 1814; 48 U.S.C. 1406b); section 31 (49 Stat. 1814; 48 U.S.C. 1406c); section 32 (49 Stat. 1814; 48 U.S.C. 1406d); section 33 (49 Stat. 1815; 48 U.S.C. 1406e); section 34 (49 Stat. 1815; 48 U.S.C. 1406g); section 39 (49 Stat. 1817; 48 U.S.C. 1406k).

SEC. 309. The following statutes are repealed:

(a) Section 4 of the Act of March 3, 1917, as amended (39 Stat. 1133; 48 U.S.C. 1395).

(b) That portion of section 1 of the Naval Service Appropriations Act, 1922, of July 12, 1921 (42 Stat. 123; 48 U.S.C. 1393), which reads: "That no person owing allegiance to any country other than the United States of America shall be able to hold office as a member of the colonial councils of the Virgin Islands of the United States nor to hold any public office under the government of said islands: Provided further,".

(c) Section 8 of the Act of July 3, 1930 (46 Stat. 948), as amended, by section 1 of the Act of July 1, 1932 (47 Stat. 565; 48 U.S.C. 1399).

(d) The Act of May 20, 1932 (47 Stat. 160; 48 U.S.C. 1400).

(e) Section 2 of the Act of July 1, 1932 (47 Stat. 565; 48 U.S.C. 1392b).

(f) The Act of December 20, 1944, as amended (58 Stat. 827; 48 U.S.C. 1409 to 1409j).

(g) The Act of June 30, 1949, as amended (63 Stat. 350; 48 U.S.C. 1407 to 1407i); *Provided*, That nothing in this subsection shall affect the pension rights of former employees of the Virgin Islands Corporation.

(h) The Act of October 29, 1951 (65 Stat. 661; 48 U.S.C. 1409m through 1409o).

(i) Section 30 of the Revised Organic Act of the Virgin Islands (68 Stat. 509; 48 U.S.C. 1544).

(j) Section 4 of the Act of August 19, 1976 (90 Stat. 1195; 48 U.S.C. 1574d).

SEC. 310. The Revised Organic Act of the Virgin Islands (68 Stat. 497), as amended, is further amended—

(a) by amending the fourth paragraph of section 11 (68 Stat. 503), as amended (82 Stat. 837, 838), to read: "The Governor shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred and twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council on Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report. He shall have the power to issue executive orders and regulations not in conflict with any applicable law. He may recommend bills to the legislature and give expression to his views on any matter before that body."; and

(b) by deleting section 17 (68 Stat. 505), as amended (72 Stat. 1094; 76 Stat. 43; 82 Stat. 840; 91 Stat. 1162), in its entirety, and inserting in lieu thereof the following new section 17:

"SEC. 17. (a) The following functions, powers, and duties heretofore vested in the government comptroller for the Virgin Islands are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the govenment of the Virgin Islands:

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of the Virgin Islands, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

"(2) The authority to report to the Secretary of the Interior and the Governor of the Virgin Islands all failures to collect amounts due the government, and expenditures of funds or uses of property which are irregular or not pursuant to law.

"(b) The authority granted in paragraph (a) shall extend to all activities of the government of the Virgin Islands, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(c) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for the Virgin Islands related to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.".

TITLE IV—AMERICAN SAMOA

SEC. 401. Effective January 1, 1983, section 5 of Public Law 95-556 (92 Stat. 2078) is amended by striking out the colon and all that follows and inserting a period in lieu thereof.

SEC. 402. Section 501 of Public Law 96-205 (94 Stat. 90) is hereby deleted in its entirety, and inserted in lieu thereof is the following new section 501.

"SEC. 501. (a) The Governor of American Samoa shall prepare, publish, and submit to the Congress and the Secretary of the Interior a comprehensive annual financial report in conformance with the standards of the National Council on Governmental Accounting within one hundred twenty days after the close of the fiscal year. The comprehensive annual financial report shall include statistical data as set forth in the standards of the National Council of Governmental Accounting relating to the physical, economic, social, and political characteristics of the government, and any other information required by the Congress. The Governor shall transmit the comprehensive annual financial report to the Inspector General of the Department of the Interior who shall audit it and report his findings to the Congress. The Governor shall also make such other reports at such other times as may be required by the Congress or under applicable Federal law. He shall also submit to the Congress, the Secretary of the Interior, and the cognizant Federal auditors a written statement of actions taken or contemplated on Federal audit recommendations within sixty days after the issuance date of the audit report.

"(b) The following functions, powers, and duties heretofore vested in the government comptroller for American Samoa are hereby transferred to the Inspector General, Department of the Interior, for the purpose of establishing an organization which will maintain a satisfactory level of independent audit oversight of the government of American Samoa.

"(1) The authority to audit all accounts pertaining to the revenue and receipts of the government of American Samoa, and of funds derived from bond issues, and the authority to audit, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of American Samoa including those pertaining to trust funds held by the government of American Samoa.

"(2) The authority to report to the Secretary of the Interior and the Governor of American Samoa all failures to collect amounts due the government, and expenditures of funds or uses or property which are irregular or not pursuant to law.

"(c) The authority granted in paragraph (b) shall extend to all activities of the government of American Samoa, and shall be in addition to the authority conferred upon the Inspector General by the Inspector General Act of 1978 (92 Stat. 1101), as amended.

"(d) In order to carry out the provisions of this section, the personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available or to be made available, of the office of the government comptroller for American Samoa relating to its audit function are hereby transferred to the Office of Inspector General, Department of the Interior.".

TITLE V—PUERTO RICO

SEC. 501. Section 202 of the Federal Water Pollution Control Act (P.L. 97-117) is amended by adding at the end thereof the following new subsection:

"(c) Notwithstanding any other provision of this Act, the amount of any grant for treatment works in Puerto Rico made under this Act shall be 95 per centum of the cost of construction thereof (as approved by the Administrator) in the case of a grant from funds authorized for the fiscal year ending September 30, 1982, 90 per centum of the cost of construction thereof (as approved by the Administrator) in the case of a grant from funds authorized for the fiscal year ending September 30, 1982, 90 per centum of the cost of construction thereof (as approved by the Administrator) in the case of a grant from funds authorized for the fiscal year ending September 30, 1983, 85 per centum of the cost of construction thereof

(as approved by the Administrator) in the case of a grant from funds authorized for the fiscal year ending September 30, 1984, and 75 per centum of the cost of construction thereof (as approved by the Administrator) in the case of a grant from funds authorized for the fiscal year ending September 30, 1985.".

TITLE VI—MISCELLANEOUS

SEC. 601. Section 607 of Public Law 96-597 (94 Stat. 3477, 3483) is amended by deleting subsections (b), (c), and (d) and inserting in lieu thereof the following:

"(b) The Governors of Guam and the Virgin Islands shall, as a condition for a grant pursuant to subsection (a) of this section, submit a plan which is designed to eliminate the respective territory's general fund deficit by the beginning of fiscal year 1987 to the Secretary of the Interior. Within sixty days after he has received such a plan, the Secretary of the Interior shall transmit the plan, together with his comments and recommendations to the Congress.

The plan shall provide for—

"(1) implementation of an effective budgetary and accounting system:

"(2) realistic revenue and expenditure projections which will progressively reduce current year general fund deficits and result in a balanced general fund budget no later than the beginning of fiscal year 1987;

"(3) financing of accumulated general fund deficits; and

"(4) quarterly goals and timetables for implementing the plan. The plan shall also indicate that the Governor has the necessary authority to implement the plan.

"(c) Not later than thirty days after the close of each quarter which occurs after the plan has been transmitted to the Congress, the respective Governor shall submit a report to the Secretary of the Interior and the Congress describing in detail the success or failure of such territory in meeting the goals and timetables described in such plan.".

Mr. WON PAT (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the House amendment to the Senate amendment be dispensed with, and that it be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Guam?

Mr. LAGOMARSINO. Mr. Speaker, reserving the right to object, will the gentleman explain what is involved for the benefit of the Members of the House?

Mr. WON PAT. Mr. Speaker, if the gentleman will yield, let me say that I take great pride in the amendment in the nature of a substitute which is being offered to the Senate's amendment of H.R. 5139 today.

Our substitute is a good faith compromise with the administration on this omnibus measure for the insular areas of our Nation. It was produced by my Subcommittee on Insular Affairs after extensive hearings and other work. This included consultation with the insular areas themselves, the administration, and our counterparts on the other side of the Capitol who are responsible for the amendment to our original bill for which we offer a substitute today.

The Senate amendment picked up all provisions of H.R. 5139 as it passed the House on December 11, 1981, with the exception of one no longer needed, and added other worthwhile provisions.

Our substitute incorporates all aspects of the Senate amendment but one. And, I am greatly disappointed that the opposition of the administration compels us to delete that provision.

Section 401 of the Senate amendment would have reimbursed Guam and the Virgin Islands for the unintentional—but still devastating—impacts of the administration's income tax rate reductions, enacted last year.

Because Federal law mandates that the tax codes of these territories "mirror" the Federal Code, their treasuries are losing an enormous amount of local revenues—our primary Federal support of them—as a result of the tax cut. The Congressional Budget Office estimates this loss at $254 million between fiscal years 1983 through 1985.

Despite the administration's promise to correct this situation, there has been no effort to do so. And the territories, of course, are powerless to rectify it themselves.

The Senate's section 401 of this bill would have authorized the partial compensation of the territorial treasuries to the extent of a total of about $90 million in fiscal years 1983 through 1985. Such assistance is needed because the staggering revenue loss imposed over our objections is contributing to crippling deficits and an inability to locally provide for essential infrastructure.

However, the inclusion of this budgetary assistance in the Senate amendment resulted in the threat of an administration veto of this entire, imperative omnibus legislation. I believe this threat is unwise and callous; but we have accepted the reality of it.

As a consequence, we have reluctantly concluded that it is necessary to delete this needed provision from H.R. 5139, as passed by the Senate, to enable the enactment of other provisions which are, for the most part, supported by the administration.

The provisions that we urge be added are described in a statement of explanation which I request be included in the RECORD at the conclusion of this statement. Most have no cost associated with them. They do include, though, some contribution to the most vital of the infrastructure needs which the federally imposed revenue loss makes impossible for Guam and the Virgin Islands to finance, including projects supported by the administration.

The result is that this amendment represents a dramatic savings over the Senate amendment. Whereas the Congressional Budget Office set the budget impact of the Senate amendment at $95.15 million, we have reduced that amount to $19.2 million.

As I have indicated, we have proposed eliminating most of the cost of the Senate amendment as an effort to facilitate approval of what we hope will be this Congress major contribution to territorial law. We have acceded to the administration's wishes in restraining authorizations not requested in the President's budget, to arrive at an omnibus measure that should be acceptable to the administration.

Mr. Speaker, I therefore recommend passage by this House, acceptance of our substitute by the Senate, and approval by the President.

EXPLANATION OF AMENDMENTS TO H.R. 5139

The amendment of section 102 to increase the $5 million authorization for capital projects on Guam by $1,052,000 is necessary to fully fund the Apra Harbor improvements supported by the administration. Delegate WON PAT, who has sponsored this project, has convinced us that useful development of the island's only commercial port requires this. It would complete the moving of an existing roadway, the first phase of which is funded in this year's budget.

The new section 103 would simply redefine an existing authorization for improvement of Guam medical facilities to conform it to the work as actually planned, taking account of the fact that the Medical Center of the Marianas has become the Guam Memorial Hospital. It would also specify that a portion of the funds are to be used to provide a much-needed clinic for the northern part of the island, now remote from any health care.

The new section 104 was suggested, with minor modifications, by recommendations contained in a General Accounting Office report on Federal auditing in the insular areas. They have the support of virtually all concerned, including the administration. The amendment would transfer the audit authority and staff of the U.S. Government Comptroller for Guam to the Inspector General of the Interior Department, retaining technical assistance resources in the Office of Territorial and International Affairs. It would also require the local government to prepare an annual comprehensive financial report and to report on actions taken pursuant to Federal audit recommendations.

The new section 202 provides income tax exemption for the trust funds established by the U.S. Government for the victims of nuclear testing on Bikini and Enewetak Atolls in the Marshall Islands. Because the establishment of these funds neglected to exempt their proceeds from Federal taxation, it has not been possible to

invest them to produce the optimum assistance for the beneficiaries.

Since the U.S. Government Comptroller for Guam also serves the Trust Territory of the Pacific Islands and the Northern Mariana Islands, the new section 203 extends the fiscal accountability procedure improvements which would be made by the new section 104 to those four Micronesian governments.

The new section 204 clarifies the applicability of the Federal Tort Claims Act to the Northern Mariana Islands. It was recommended by the Northern Marianas Federal Laws Commission and is supported by the Commonwealth.

The new section 205 would require the National Park Service to inventory and study the outstanding natural, historical, cultural, and recreational resources of the Trust Territory of the Pacific Islands. The amendment would have the findings transmitted to Congress within 2 years of enactment. The survey would follow current historic evaluation work in the islands.

The new section 303 would address a situation long of concern to the Committee on Interior and Insular Affairs. The deficiencies in water and power infrastructure in the Virgin Islands impede economic self-sufficiency and impair the quality of life to a degree that should be unthinkable in modern-day America. The amendment would authorize funding of the first phase of a comprehensive, 4-year improvements plan, consistent with the administration program of providing similar assistance through the Caribbean Basin Initiative to the foreign neighbors of these American islands.

The new section 304 would make a proper Federal contribution to the serious Virgin Islands crime problem. Because of a lack of facilities, the juveniles suspected of committing a substantial majority of the offenses must now be released to the streets when apprehended. The authorization would construct juvenile pretrial detention centers on St. Croix and St. Thomas.

The new section 305 is also a component on the administration's Caribbean Basin Initiative. It would permit the Governor to exempt rum refining in the Virgin Islands from certain effluent discharge requirements contained in the Federal Water Pollution Control Act in specified circumstances. This is to enable the Virgin Islands industry to compete with that of its regional competitors, which would be assisted by other portions of the President's proposal.

The new section 306 would repeal two provisions of the Revised Organic Act of the Virgin Islands, the purposes of which have already been accomplished. The amendment was drafted by the Department of Justice.

The new section 307 was also drafted by Justice. It updates references to the Legislature of the Virgin Islands in the continuing provisions of the 1936 Organic Act.

The new section 308 would repeal obsolete provisions of the 1936 Organic Act. It was drafted by Justice.

The new section 309 would repeal other obsolete provisions of law pertaining to the Virgin Islands. It was also drafted by Justice.

The new section 310 is a counterpart to the new sections 104 and 203. It would improve Federal auditing and local financial accountability in the Virgin Islands.

The amendment of section 401 would delete a Senate-added amendment, strongly opposed by the administration, and substitute a minor clerical amendment instead. The Senate provision would have compensated Guam and the Virgin Islands for a portion of the local revenue losses directly—but unintentionally—attributable to the administration's 1981 tax rate reduction because of the so-called mirror system. According to the Congressional Budget Office, it would have authorized an estimated $90 million of the total $254 million in territorial losses between fiscal year 1983 and 1985. Such assistance would seem the minimum fairness would dictate in light of the staggering burden upon these territorial governments. We very reluctantly move to delete the Senate provision only because of the threat of a veto of this imperative omnibus measure.

Section 402 would be redesignated as section 601 for purposes of order. The new section 402, which would substitute, is a counterpart to the new sections 104, 203, and 307. It would improve Federal auditing and local financial accountability in American Samoa.

The new section 501 would alter the cost-sharing formula for waste water treatment plant construction in Puerto Rico in fiscal years 1982 through 1985 under the Water Pollution Control Act. According to the Congressional Budget Office, the amendment would not, however, result in any additional cost to the Federal Government. Instead, Puerto Rico would be enabled to use the same total funding for a lesser number of projects. This flexibility is imperative because Puerto Rico has already started construction of seven regional sewage treatment plants under the EPA Clean Water Act, and unless the island can assure the EPA that matching funds will be found in the near future, an estimated $48 million in Federal grants already given to Puerto Rico's Aqueducts and Sewer Authority may be deobligated or lost. Precedent for this includes the exemption from cost sharing already accorded other territories.

Finally, at the request of the administration, we note that section 302 of the bill, a Senate amendment, is silent on the question of reimbursement of the Customs Service by the Virgin Islands for costs directly associated with the Federal collection of territorial revenues. Presumably, reimbursement would continue until the need for it is obviated by the appropriations process. The purpose of the amendment, as we understand it, is simply to require that the collection assistance be provided so long as the local government wishes it to be.

Mr. LAGOMARSINO. Mr. Speaker, I rise in support of H.R. 5139, the territorial omnibus bill, which initially passed the House on December 11, 1981, and was subsequently amended by the other body on May 10, 1982. Since that time additional issues have arisen in America's insular areas, necessitating legislative action. In response, the Subcommittee on Insular Affairs held additional hearings on August 19, 1982; and many of today's amendments are reflections, stemming from the findings of those hearings.

For example, at the administration's request, sections 104, 203, 310, and 402 transfers the audit authority and staff of the Comptroller for the Virgin Islands, Guam, American Samoa, the Northern Marianas, and the Trust Territory of the Pacific Islands to the Inspector General, U.S. Department of the Interior, and requires the local governments to prepare an annual, comprehensive financial report, thereby strengthening the financial accountability of the territorial governments. Also in response to the administration, obsolete material has been deleted from—while clarifying provisions have been added to—the Organic Act of the Virgin Islands.

Our committee amendments also drastically reduce the amount of territorial authorizations passed by the other body, resulting in a total of about $19 million rather than $95 million. Only those projects essential to the maintenance of adequate healthcare and sanitation, as well as protection of the public's safety and economic stimulation, have been retained.

Specifically, I would like to call your attention to two amendments of great merit—although of little expense—relative to the Trust Territory of the Pacific Islands. In recognition of the hardships imposed upon the peoples of the Bikini and Enewetak atolls as a result of U.S. nuclear testing in the Pacific, the Congress awarded ex gratia payments to them in the form of trust funds. These trust funds were to be invested with the interest derived therefrom distributed to all those eligible. Inadvertently, however, the Congress failed to exempt from Federal taxation proceeds from these investments. Consequently, the funds

have been invested in foreign accounts. Clearly, the Congress had no intent to tax these funds, which were granted on humanitarian grounds; and even more clearly, it was not the intent to bar domestic investment. Accordingly, section 202 of this legislation corrects this deficiency.

Last January, a committee oversight inspection was conducted in the Trust Territory of the Pacific Islands. As many of you may know, negotiations are currently underway to determine the future political status of the Micronesian governments which presently make up the Trust Territory; that is, the Marshall Islands, Palau, and the Federated States of Micronesia. At present, it appears that all three governments will opt for free association with the United States, which in general equates to the granting of Federal subsidies and technical assistance in exchange for a guarantee of U.S. national security interests in Micronesia.

We, who made that long journey, were greatly impressed wherever we went with the scenic beauty of Micronesia along with its historical World War II significance. We found, however, that the Micronesians had few experts in park management and, in fact, were unaware of all the potential tourist attractions at their disposal. Currently under section 6, Public Law 95-348, the National Park Service has been directed to conduct a survey of World War II battle sites in Micronesia and to submit its recommendations to the Congress. Section 205 of this bill would merely extend the scope of that study—if so requested by the affected regional governments—to include natural, cultural, and recreational resources as well. Not only is such a provision in keeping with our current U.N. trust responsibilities; it also coincides with the extension of Federal technical assistance in the post-trusteeship period. Through its application, it would serve not only as a means to preserve some of the world's most pristime oceanic areas, but also a measure to develop the Micronesian economies through the enhancement of tourism.

Mr. Speaker, this is prudent legislation. Although it recognizes the unique characteristics of America's insular areas, it is also in line with today's fiscal responsibility. I, therefore, urge my colleagues to support unanimously H.R. 5139 as amended.

Mr. DE LUGO. Mr. Speaker, I ask this House to endorse the package of amendments to H.R. 5139 submitted by my colleague, Mr. WON PAT. These amendments are very important to the people of the territories and their passage would once more illustrate this Congress understanding of, and concern for, its responsibilities toward the territories.

As there are a number of amendments, I will only address those which touch the U.S. Virgin Islands.

The amendment providing $10 million in water and power assistance is critical to the safety, health, and economic future of the Virgin Islands. The supply of water and power has been an ongoing battle, with the demands on local facilities clearly overpowering their capabilities. The population in the territory doubled from 1960 to 1970, and doubled again between 1970 and 1980. This rapid growth, while producing the highest standards of living in the Caribbean, also had the effect of creating havoc with the infrastructure responsibilities of the local government.

As a result of our successful experience with desalination plants, we are just emerging from years of relying upon the exhorbitant and wasteful process of barging water from Puerto Rico. Water supply, however, is still below demand. The water distribution system, meanwhile, has eroded through the years. Erosion coupled with increased pressure on the small pipes due to rising demand has lead to breakages, resulting in a 30-percent water loss.

Electric outages are frequent, with damaging consequences throughout the territory: Normal activities are periodically disrupted, businesses are forced to shut down, consumer goods are ruined, and business and public institutions must be power self-sufficient or have standby capabilities if they are to operate without interruption. The inadequacies of the system have seriously hampered the quality of life and forestalled further economic development.

The problems faced by the Virgin Islands water and power facilities have been carefully studied so as to provide a reasoned solution to our problem. The savings to the Virgin Islands government through the resulting efficiency in the system would provide much of the revenues needed to proceed with the long-term plans to bring local facilities up to reliable operating capacity.

The amendment providing $3 million for the construction of juvenile detention centers is clearly needed due to the serious criminal activity in the Virgin Islands which has increased at an alarming rate. There have been many negative consequences. Most importantly, residents have suffered as victims or from fear of becoming victims. The islands' largest industry, tourism, has suffered substantially from adverse publicity.

Much of the crime is said to be attributable to young, repeat offenders. Local law enforcement has been frustrated by the lack of facilities in which to hold young criminals prior to trial when apprehended. The result has been that many are returned to the streets where they commit additional crimes while pending trial.

These facilities will go a long way to curbing a situation which has compounded criminal activity in the islands.

Both of these amendments, I might add, have been provided for in the Interior Committee budget for fiscal year 1983.

I also ask your support for an amendment having no revenue impact, but which is of extreme importance to the economic future of the Virgin Islands. Approximately one-sixth of the revenues of the territorial government derive from the collection of excise taxes on rum produced in the Virgin Islands and sold in the United States. The rum industry employs some 3 percent of the territory's manufacturing work force. In light of the importance of the rum industry to our economy, an economy much more fragile than those of the 50 States, it is necessary that the people of the Virgin Islands have a more direct voice in the balancing of costs and benefits to determine the environmental standard to which that industry will be held.

The amendment would permit the Governor of the Virgin Islands to exempt the nontoxic ocean outfall discharges of existing rum distilleries in the territory from certain provisions of the Clean Water Act if he determined that the continuance of such discharges would not adversely affect water quality, a balanced population of aquatic life, or human health. This amendment has been reviewed and endorsed by the respective chairmen and ranking minority members of the Committee on Public Works and Transportation and that committee's Subcommittee on Water Resources, which has jurisdiction over Clean Water Act matters. The administration has also indicated its support for this amendment in the context of the Caribbean Basin legislation which now may pass out of Congress this year. The amendment also has the support of all segments of the Virgin Islands government and people, from the Chamber of Commerce to the League of Women Voters. I hope that my colleagues will support this important amendment.

Another amendment having no revenue impact, but important to the Virgin Islands, amends obsolete sections of the Organic Acts applicable to the territory. This is essentially a housecleaning amendment.

The other amendment takes the step, recommended by the General Accounting Office report on the territorial audit function issued in March of this year, of transferring the audit authority and staff of the territorial comptrollers, currently under the Department of the Interior's Office of Territorial and International Affairs, to its Inspector General's Office. This amendment is supported by the ad-

ministration and should provide for a more equitable assessment of territorial finances since the audit responsibility will be removed from the office which administers the audited funds to territorial governments.

I urge my colleagues to vote in favor of these amendments. Thank you.

Mr. LAGOMARSINO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentleman from Guam?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Guam?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WON PAT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Guam?

There was no objection.

ADJOURNMENT TO MONDAY, SEPTEMBER 13, 1982

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. STENHOLM. Mr. Speaker, I ask unanimous consent to dispense with the business in order under the Calendar Wednesday rule on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so to make the point that we have several pieces of legislation that are now being bottled up, including the regulatory reform bill and several other important pieces of legislation. It seems to me that the only way we may be able to get at some of these bills is to not allow the Calendar Wednesday request to go through, and begin going through the roll of the committees so that we can begin the process of bringing some of those bills out of the Rules Committee and other places where they have been bottled up. In particular, today we had a motion on the floor which allowed a discharged day to be put aside for a very good reason, but nevertheless we are not going to be able to have a discharge day if we should get 218 signatures on the balanced budget amendment, and so at this point I shall not object, but I am basically putting the House on warning that from now on in that may be a tactic that will be used, to object to the Calendar Wednesday being dispensed with so that we can begin to get at some of this legislation off the bottling up process.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROCESSED COMMODITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

● Mr. FINDLEY. Mr. Speaker, since 1979, the volume of protein-fortified products shipped under title II of Public Law 480 has fallen from 43 percent to an estimated 20 percent this year and next. The volume of processed foods has fallen from 61 percent to 55 percent.

As we all know, the purpose of title II is to meet the nutritional needs of people less fortunate than ourselves. Through the years, the United States has donated millions of tons of food to people in developing countries.

In this time of tight budgets, it is important that we schedule shipments in such a way as to get the most "bang for the buck," but we cannot afford to ignore the nutritional needs of the recipients. The only way we can be sure that the recipients are receiving adequate nutrition is to send nutritionally balanced products: processed products.

Today, I am introducing a bill to require that the Department of Agriculture and the Agency for International Development increase the percentage of processed and protein-fortified products shipped under title II of Public Law 480.

This will not only assure that recipients receive proper diets, it also will provide substantial benefits to our troubled economy.

Increasing processed, or added-value products will benefit farmers by expanding the demand for raw commodities. It will benefit processors by creating a large export market for their products. And it will benefit the Nation's workers by increasing the number of jobs available in the processing and transportation industries.

A 1981 Department of Agriculture study investigated the effects of increasing exports of selected added-value products in terms of gross output, gross employment, and personal income. The products studied were wheat flour, corn-dressed poultry, wet corn milling products, soybean oil products, and cottonseed mill products. The study found that for 1980:

The U.S. exported 6.4 billion dollars' worth of wheat, but only 211 million dollars' worth of flour. If an additional 10 percent of the wheat had been exported as flour, the United States could have gained an estimated 5.635 billion dollars' worth of business activity, 122,400 additional jobs, and 1.217 billion dollars' worth of increased personal income.

If an additional 10 percent of the 8.6 billion dollars' worth of corn which was exported in 1980 had been processed into wet milling products for export, there could have been as much as 7.645 billion dollars' worth of business activity generated, up to 163,400 jobs created, and a $1.695 billion increase in personal income.

Soybean exports were valued at $5.9 billion. A 10-percent increase in processed soybean products would have expanded business activity by $1.646 billion, created 28,320 jobs, and increased personal income by as much as $253.7 million.

In addition to these economic benefits, increased exports of added-value products would reduce excess domestic supplies, strengthen commodity prices, and reduce the cost of Government price support programs.

Mr. Speaker, this bill is needed to help this Nation meet its humanitarian commitments, while helping to restore prosperity to the Nation's economy. I urge my colleagues to support its passage.

Thank you.●

□ 1730

THE CONGRESSIONAL FRANKING PRIVILEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. FORD) is recognized for 5 minutes.

● Mr. FORD of Michigan. Mr. Speaker, I take this time on behalf of the Committee on Post Office and Civil Service and the Commission on Congressional Mailing Standards to inform the House that a decision has been rendered in the lawsuit brought by common cause contesting the constitutionality of the congressional franking privilege. We are pleased to report that our position has been sustained and that the Common Cause complaint has been dismissed.

On September 7, a three-judge panel for the U.S. District Court (D.C.) issued a unanimous opinion rejecting all of Common Cause's claims, granting our motion for summary judgment, and dismissing the complaint.

Basically, the decision—which is appealable to the U.S. Supreme Court—

holds that Congress is doing a reasonable job of regulating its use of the frank and that there is no basis at present for the court to become involved in Congress internal affairs.

Common Cause's fundamental contention was that the congressional franking statute gives incumbents an advantage so substantial as to violate the constitutional rights of challengers and potential challengers. The court concedes that the franking privilege does have an impact on the electoral process and is of value to incumbents. But the impact is not demonstrably great enough to violate the constitutional rights of challengers, according to the court. The frank serves legitimate public policy purposes, and the creation of some inherent electoral advantage is unavoidable when Members use the frank for these purposes. The court finds that Congress, since 1973, has been doing well enough in attempting to minimize this electoral advantage to avoid constitutional challenge. The court indicates that the House's 1977 tightening of franking rules and the 1981 enactment of the franking statute amendments are examples of Congress good-faith, self-policing efforts. The court concludes on the following cautionary note, however:

We do not suggest that the franking privilege may never be shown to create such an imbalance in the campaign process as to constitute a cognizable interference with important rights. We hold only that the level of impact has not been shown to be sufficient in this case for us to assume the responsibility of redrafting a statute or promulgating regulations to govern the congressional use of the frank.

Although the court has ratified the effectiveness of our self-policing efforts to date, we believe it is essential that the House continue to improve upon these efforts. In this regard, the Commission will shortly be conducting a review of its existing franking regulations with the goal of making any necessary refinements in time for the beginning of the 98th Congress.

For the reference of Members, the complete text of the court's decision follows:

[U.S. District Court for the District of Columbia, Civil Action No. 1887-73]

COMMON CAUSE, ET AL., PLAINTIFFS, *v.* WILLIAM F. BOLGER, ET AL., DEFENDANTS, AND HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS, INTERVENING DEFENDANT

MEMORANDUM OPINION

Statement of the case

By an amended complaint filed March 12, 1974, plaintiffs seek a declaratory judgment that 39 U.S.C. § 3210, granting to Members of Congress the privilege of sending mail through the United States Postal Service as franked mail, is unconstitutional. Plaintiffs claim, in essense, that the franking privilege afforded by the statue provides an unconstitutional "subsidy" to incumbent candidates for Congress because franked mail inevitably has the effect of aiding Members' reelection efforts. Plaintiffs reason that because they are not afforded similar campaign advantages, section 3210 abridges their First Amendment rights to associate freely for the advancement of political beliefs, as well as deprives them of equal protection under the due process clause of the Fifth Amendment. In addition, plaintiffs seek a judgment that section 3210 permits an unlawful use of public funds for a non-public purpose in violation of the General Welfare Clause of Article I, Section 8, of the Constitution.

The Postmaster General[1] and the Secretary of the Treasury were the original named defendants in this case. Subsequently, on September 8, 1976, the House Commission on Congressional Mailing Standards was permitted to intervene as a defendant and the United States Senate, through its Select Committee on Ethics, formerly the Select Committee on Standards and Conduct of the United States Senate, was allowed to participate as *amicus curiae.*

It is the position of all defendants and the amicus that the franking statute and the congressional rules enacted thereunder facilitate the necessary and constitutionally protected communication between Members of Congress and their constituents and draw a proper line between legitimate and illegitimate uses of the frank, i.e., between communications on official business and communications for personal political advantage. They deny that the franking statute violates any of plaintiffs' First or Fifth Amendment rights. The case therefore presents a classic example of the tension which sometimes arises between conflicting claims of right.

Prior proceedings

On July 1, 1974, after denying defendants' motion to dismiss, the court granted plaintiffs' motion to convene a statutory court of three judges pursuant to 28 U.S.C. § 2284.[2] This court, in turn, considered and denied defendants' renewed motion to dismiss on February 10, 1975. Both motions to dismiss were predicated in part on plaintiffs' alleged lack of standing to bring this action, and were denied. Thereafter, all parties engaged in discovery through interrogatories, documentary requests, depositions and requests for admissions. Because of the nature of much of the material, a protective order was issued on March 1, 1976 and various coding systems were established to protect the confidentiality of Members of Congress and other witnesses. Without detailing the precise nature and volume of the discovery pursued by both sides, it is fair to say that the discovery concluded on April 22, 1981 has been thorough and complete. Many of the basic facts are not in dispute; what is sharply contested are the inferences to be drawn therefrom.

Present posture

Pursuant to the Court's timetable, plaintiffs, defendants and the intervening defendant filed motions for summary judgment on May 22, 1981. Oppositions were filed by the parties on June 12, 1981, as well as a memorandum of the United States Senate in support of the motions of defendants and intervening defendant and in opposition to plaintiffs' motion for summary judgment. The matter was argued at length on September 30, 1981.

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[1] Footnotes at end of article.

Statutory basis for the franking privilege

1. The History of the Frank

The origin of the franking privilege can be traced to 17th Century England, when the privilege was granted to Members of the House of Commons concurrent with the establishment of the first public postal service in that country. The clear purpose then, as it is today, was to facilitate the carrying on of official business.

In 1775, the Continental Congress authorized the use of the frank by its own members and by those on active duty in the Continental Army. The First Congress, when it acted to establish a postal system in 1789, retained the privilege for official correspondence and documents. In 1873, after the Civil War, the privilege was temporarily abolished by Congress, but was restored in proprio vigore in 1985. 28 Stat. 593, 622 (Sec. 85).

Until the comprehensive revision of 1973, the Act of 1895 authorized Members of Congress to use the frank for correspondence on "official business." The responsibility to interpret the meaning of the term "official business" was exercised by the Post Office Department, which, upon request of anyone, including members of the public, provided official guidance in the form of advisory opinions as to whether a mailing or contemplated mailing could be franked.

This procedure was changed in 1968 when, in recognition of the practical as well as possible constitutional problems of its advisory position, the Department decided to give up its practice of issuing opinions to members of the public. It did, however, continue to give advisory opinions to Members of Congress until 1971, when, with the establishment of the new Postal Service, the Post Office Department relinquished any remaining responsibility in this area.

This confused state of affairs led to a spate of lawsuits in the federal courts of four different circuits by candidates running against incumbent members. At least two of these challenges, focused on the propriety of certain franked mailings by particular members,[3] were an acute embarrassment to Congress. Other more flagrant abuses surfaced, among them the reported event of a member mailing his lawn furniture to Bimini in the Bahamas, under a frank with the tag reading "Official Business." The combination of these factors plus the threat of further lawsuits led to Arizona Congressman Morris Udall's introduction of H.R. 3180 in Early 1973. Similar proposals were introduced in the Senate, and after the differences between the two bodies were accommodated in conference, the Franking Act of 1973, Public Law No. 93-191, was signed by the President and became law on December 18, 1973.

2. The 1973 Statute

The statute is set forth primarily in 39 U.S.C. §§ 3201, 3210-19. In this litigation, our attention is focused on section 3210.

In its opening declaration of policy, the statute states that the privilege of sending mail under the frank is "to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States." 39 U.S.C. § 3210(a)(1). "official business" is defined to "cover all matters which directly or indirectly pertain to the legislative process or to any congressional representative functions generally or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to, the con-

veying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of these functions." 39 U.S.C. § 3210(a)(2).

There follows a list of what the Congress considered to be frankable mail matter. The list includes, but is not limited to:

(a) Mailings to any person or any government official regarding programs, decisions and other matters of public concern. § 3210(a)(3)(A);

(b) The "usual and customary congressional newsletter or press release." § 3210(a)(3)(B);

(c) The "usual and customary congressional questionnaire." § 3210(a)(3)(C);

(d) Mail expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction. § 3210(a)(3)(F);

(e) Mass mailings of federal documents and publications and publications containing items of general information. § 3210(a)(3)(G);

(f) Mail consisting of voter registration or election information or assistance. § 3210(a)(3)(H);

(g) Mail including a biography or autobiography of a member or family members which is part of a federal publication or in response to a specific request and not included for publicity purposes in a newsletter or other mass mailing. § 3210(a)(3)(I);

(h) Mail containing a picture, sketch or other likeness of a Member which is part of a federal publication or in response to a specific request, or, when contained in a newsletter or other mass mailing, is not of such size or does not occur with such frequency as to lend to the conclusion that the purpose is to advertise the Member, rather than illustrate the accompanying text. § 3210(a)(3)(J);

By way of contrast, the unauthorized uses of the frank are specified to cover the following: purely personal mailings unrelated to official business, § 3210(a)(4); mailings "laudatory and complimentary" of a member "on a purely personal or political basis," § 3210(a)(5)(A); "greetings" from the spouse or other members of the member's family, § 3210(a)(5)(b)(i); reports on how and when the member or his spouse or family spends time other than in connection with legislative, representative, and "other official functions," § 3210(a)(5)(B)(ii); mail "which specifically solicits political support," § 3210(a)(5)(C); and "any mass mailing . . . less than 28 days immediately before the date of any primary or general election . . ., § 3210(a)(5)(D).

The statute therefore permits franked mass mailings (defined to mean newsletters and similar mailings of more than 500 pieces) when they are made at least 28 days prior to a primary or general election. 39 U.S.C. § 3210(a)(5)(D). The statute also allows a member of the House to use the frank on postal patron mass mailings addressed not only into the area of his congressional district, but also into an area which he does not presently represent, but in which he will be a candidate in the next election because of redistricting. 39 U.S.C. § 3210 (d) (1)(A) and (B). Accordingly, material may be mass mailed under the frank to points outside the district of a Representative or outside the state of a Senator, subject only to the 28-day restriction.[4] Materials such as newsletters and press releases printed with campaign contributions are specifically permitted to be mailed under the frank. 39 U.S.C. § 3210(e).

It is clear from the legislative history, as well as from the text of the statute, that the 1973 Act was designed to give explicit approval to the traditional uses of the frank. As Congressman Udall, the leading supporter of the legislation, stated more than once, the approved uses were intended to be a summary of present practices. He emphasized that "we are simply confirming the sound, solid, responsible use of the frank which the vast majority of Members of Congress have always followed."[5] The entire legislative history confirms the position expressed by Congressman Udall.

3. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate (now Select Committee on Ethics)

The 1973 statute also established for the House of Representatives a special commission composed of members and know as the "House Commission on Congressional Mailing Standards," (hereinafter House Commission) and for the Senate, the Select Committee on Standards and Conduct of the Senate (hereinafter Senate Committee). 2 U.S.C. § § 501, 502. Both groups are required to "provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail" under the 1973 Act. 2 U.S.C. §§ 501(d), 502(a).

The Act also specifically provides for an administrative procedure for the receipt, investigation and hearing of complaints concerning alleged violations of the franking statute and limits the jurisdiction of the federal courts hearing such complaints.[6] Both the House Commission and the Senate Committee are required to "prescribe regulations governing the proper use of the franking privilege." 2 U.S.C. §§ 501(d), 502(a).

Each House of Congress, in response to the statute, has enacted formal rules which set further limits on the kind of material which may be franked. House Rule XLVI;[7] Senate Rule XLVIII, renumbered as 48(3).[8] While varying in certain respects, the Rules of both branches of Congress reflect concern as to the adequacy of the 1973 Act in two important respects:

(a) They extend the prohibition on mass mailings before a primary or general election in which the Member is a candidate from the 28 days permitted under the statute to 60 days.

(b) They require that the costs of mass mailings be defrayed exclusively from appropriated funds, although the statute permits the franked mailing of such material when paid for out of campaign funds.

4. Public Law No. 97-69

Most recently, Public Law No. 97-69, enacted on October 26, 1981, has further amended the 1973 statute by embodying the above two provisions of the House and Senate Rules as well as the prohibition barring mass mailings outside a member's district, when he is a candidate for another public office. The new law also extends the postal patron mailing privilege to the Senate and directs the Senate Committee on Rules and Administration to establish limits on such mailings.[9] Furthermore, the statutory authorization for letters of condolence and congratulations for personal distinction is eliminated and letters of congratulation can be sent only for "some public distinction."

To summarize, since this action was originally brought, the Congress has tightened considerably the respective features of the 1973 Act, particularly by incorporating into law the two important limitations embodied in the House and Senate Rules and implementing regulations and by eliminating authorization for the franking of all letters of condolence and certain letters of congratulations. The plaintiffs nevertheless remain firm in their challenge.

The issues

It is in the context of the foregoing statutory scheme governing the use of the franking privilege that two paramount issues are presented:

1. Whether the statute, as written and implemented, deprives the plaintiffs of their right to a fair political process, in violation of their constitutional rights under the First and Fifth Amendments.

2. Whether the statute recognizes and protects the constitutional right and duty of Members of Congress to communicate with their constituents and at the same time limits any incidental adverse effects on the political process.

The factual record

We are convinced, after careful review of the evidentiary record[10] amassed over the length of discovery in this case, that the basic facts underlying plaintiff's challenge are not in dispute. We, therefore, set out our findings of fact in this case for the principal purpose of providing a clear context for our discussion and decision on the differing legal and constitutional arguments made. We preface these findings with two general assumptions, neither of which is genuinely disputed.

First, it stands to reason that incumbency alone is a valuable asset to the public official who seeks reelection. An incumbent Member of Congress enjoys a certain "visibility" among his constituents that a challenger may find difficult or impossible to match. It is also beyond argument that any communication with constituents, whether through local meetings or through the mail or mass media, contributes to such visibility and thus may have a direct effect (however slight) in influencing the outcome of an election. To the extent that the effect is positive from the incumbent's standpoint, it is undoubtedly detrimental to his challenger's position. This is so whether the communication is part of an overt campaign effort or made simply in the normal course of a member's representative function.

Second, there is little doubt that the franking privilege is a valuable tool in facilitating the performance by individual Members of Congress of their constitutional duty to communicate with and inform their constituents on public matters. As noted earlier, it is this particular duty which has justified the frank through its history.

Plaintiffs do not argue with the necessity of or public value in some kind of Congressional franking privilege. Their challenge before this court is based only on assertions that section 3210, as it stood in 1973 and, notwithstanding increased restrictions embodied in the Rules of both Houses and in subsequent amendments, even as it stands now, is drafted to enable more than the justifiable uses—that it permits Members of Congress to use the frank to make campaign-related mailings, particularly mass mailings.[11]

On the basis of the convincing evidentiary base offered by plaintiffs to support their

argument, we make the following findings and offer a sampling of supporting evidence:

1. Members of Congress and their staff have received advice from many sources to take full advantage of the franking privilege in their campaign efforts. The publication of "The Job of the Congressman," co-authored by Congressman MORRIS UDALL, Chairman of the House Commission on Congressional Mailing Standards and sponsor of the bill which became the Franking Act of 1973, advises Members of the benefits of such use. Campaign committees from both the Republican and Democratic parties have held seminars for congressional staff members concerning the effective use of newsletters, questionnaires and other franked mailings. The Republican Senatorial Committee employed a direct mail consultant to give advice concerning effective campaign use of mass mailings—including franked mailings. A 1974 Democratic Campaign Committee manual entitled "Maximum Campaign Budget" called for integration of targeted franked mass mailings into overall campaign strategy. It is apparent that at least some members and their staffs believed that the use of franked mailings can be politically beneficial and should be employed.

2. At least some Members of Congress used direct mail consultants during the 1972, 1974 and 1976 campaigns to build mailing lists and to help integrate franked mailings into the overall campaign strategy.

3. Several Senators and Representatives have targeted franked mass mailings in ways that frequently have no relationship to official business and which are closely connected to reelection plans and strategy. Such targeted mailings, which are identified and documented, make use of voter registration lists and may be designed to convey views on an issue to a select group which is likely to be receptive to those views. Mailings may be made to voters on the basis of demography (race, religion, sex, age), geography, political affiliation or membership in special interest groups. The importance of special interest group mailings and of targeted mass mailings is demonstrated by the fact that, during the period from 1973–75, less than two percent of franked mass mailings by Senators were general newsletters.

4. The "usual and customary congressional questionnaires," frankable under section 3210(a)(3)(C), are often used for purposes other than merely determining constituents' views on particular issues. They may be used to obtain demographic and other information helpful to identifying recipients for targeted mailings, thus facilitating the member's political "responsiveness" to various groups and interests.

5. Members often include self-laudatory material in franked mailings, including favorable editorials, reports of awards, compliments of others concerning the member's performance of his duties, pressure group ratings, and the like. They also use franked mails to compliment and honor constituents to generate good will which, according to plaintiffs, improves the members' chances of reelection.

6. The House Commission on Congressional Mailing Standards has specifically approved the uses of the franking privilege described above. Mailings referred to in these findings and made by Senators were registered with the Secretary of the Senate.

7. The volume and timing of franked mass mailings, revealed by data stipulated by the parties to be reasonably accurate, indicate widespread use to promote incumbents' reelection efforts. The volume of franked mass mailings is significantly higher in the year preceding House or Senate elections than in the year following elections. The volume builds to a peak just before the preelection cutoff and drops sharply. The volume of non-mass franked mailings stays relatively constant from year to year in both the House and the Senate. It is an undeniable conclusion that the fluctuations in the volume of franked mass mailings are caused by the electoral cycle, rather than by fluctuations in legislative activity.

8. Measured in financial terms, the franking privilege confers a substantial advantage to incumbent Congressional candidates over their challengers. We find that Congress recognized the potential financial benefits conferred by section 3210 on campaigning incumbents at the time it passed the Act.

9. We make no specific finding concerning the extent to which use of the franking privilege has contributed to the electoral victories of any incumbent Members of Congress. We are inclined by the lack of evidence on this point to conclude only that there is no statistical relationship between the use of the frank and the outcome of an election and that proof of the decisive impact of the privilege in any particular election is elusive, whatever the potential financial benefit of the frank.

Analysis

It is the plaintiffs' basic position that the First Amendment and the equal protection component of the Fifth Amendment mandate that the government remain neutral in electoral matters and avoid any action which unfairly benefits some participants in the political process to the detriment of others. They claim that by affording what amounts to a postage subsidy which may be used to send materials which promote an incumbent's efforts toward reelection, the franking statute violates this constitutional principle of fairness.

Defendants on the other hand vigorously deny that the franking statute is consitutionally unsound, asserting that the bounds of the franking privilege have been drawn to facilitate the constitutional duty of Members of Congress to communicate with their constituents, and at the same time to limit as much as possible any adverse effects on the political process. It is to the constitutional issues underlying these opposing positions that we now turn our discussion.[12]

The first amendment aspects of plaintiffs' claims

The "Freedom of Speech" clause of the First Amendment, according to plaintiffs, protects several aspects of the political process with which the frank, by providing a subsidy to incumbents, interferes and harms. These include, under plaintiffs' analysis, the ability of candidates to win elective office, to attract financial support, to communicate with citizens, to educate the public and to influence the political discourse of a campaign. While we do not agree with plaintiffs that there is a First Amendment-based right to win elective office, we agree that important aspects of the political process do fall within the general rubric of speech under the First Amendment. As the Supreme Court stated in *Monitor Patriot Co.* v. *Roy*, 401 U.S. 265, 272 (1971), the constitutional standard that a person's speech remain unfettered and unabridged by governmental action "has its fullest and most urgent application precisely to the conduct of campaigns for political office."

While plaintiffs do not claim that their right to speak, to vote and to associate for political ends have been *directly* restrained by the franking statute, this absence of direct restraint does not render the First Amendment protections inapplicable. It is well-established that "the Constitution's protection is not limited to direct inference with fundamental rights." *Healy* v. *James*, 408 U.S. 169, 183 (1972). Claims of First Amendment violations demand heightened judicial sensitivity, "[e]ven where a challenged regulation restricts freedom of expression only incidentally." *Schad* v. *Borough of Mount Ephraim*, 452 U.S. 61, 69 n. 7 (1981). *See also Buckley* v. *Valeo*, 424 U.S. 1, 21 (1976).

The essential element of plaintiffs' argument is that, to the extent that it enables Members of Congress to use franked mail to promote their own campaign efforts, the franking statute works an effective restriction on challengers' access to the political process, thereby violating rights of expression and association. It is argued that the postal subsidy effectively created by the franking statute violates the rule under the combined First and Fifth Amendments requiring that the government neither impose unequal burdens nor grant unequal benefits upon participants' exercise of their rights to speech and association in the political process. Although we endorse the principle that protection of the fundamental fairness of the political process is necessary to ensure the uninhibited competition of candidates and in ideas which "is at the core of our electoral process," *Williams* v. *Rhodes*, 393 U.S. 23, 32 (1968), and accept that granting financial benefits to some interests may be under some circumstances the same as restricting the First Amendment rights of others, *see Taxation with Representation of Washington* v. *Rogers*, 676 F.2d 715, 744 (D.C. Cir. 1982), we do not accept plaintiffs' contention that the facts of this case require strict judicial scrutiny of the statute at issue.

It is clear from our reading of Supreme Court cases involving governmental restrictions on the exercise of free speech that the standard of strict scrutiny, which requires that the government justify a particular regulation by demonstrating that it "is necessary to serve a compelling interest and that it is narrowly drawn to achieve that end," *Widmar* v. *Vincent*, 102 S. Ct. 269, 274 (1981), is reserved for those instances where the restriction impacts *directly* on the *content* of the restricted communication. *See, e.g., Widmar* v. *Vincent, supra; Metromedia, Inc.* v. *City of San Diego*, 453 U.S. 490 (1981); *Central Hudson Gas & Electric Co.* v. *Public Service Commission*, 447 U.S. 557 (1980); *Consolidated Edison Co.* v. *Public Service Commission*, 447 U.S. 530 (1980); *Carey* v. *Brown*, 447 U.S. 455 (1980); *Police Dep't of the City of Chicago* v. *Mosley*, 408 U.S. 92 (1972). We do not believe that this is such a case, and is distinguishable in important respects from the decision in *Greenberg* v. *Bolger*, 497 F. Supp. 756 (E.D.N.Y. 1980), upon which plaintiffs principally rely.

In *Greenberg*, a First Amendment challenge was raised against a statutory scheme granting the two major political parties special reduced mailing rates while denying similar rates to minor parties. Plaintiffs argued in that case that by denying them the same discounted postal rates enjoyed by the major parties Congress had restricted their access to the mails and thereby had violated their First Amendment rights of expression and association. The court correctly observed that regulation of First Amendment rights of expression must be

"content neutral," noting that "[t]he Supreme Court has often explained that '. . . above all else, the first amendment means that the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.'" *Id.*, at 774, quoting *Police Department of the City of Chicago* v. *Mosley, supra* at 95-96. The court then determined that the statute challenged in that case was not content neutral. It reasoned that by drawing a line between major and minor parties, Congress had granted a postal subsidy for the expression of the most "popular" political ideas while refusing similar advantages to those who held political positions substantially different from those of the major parties. It concluded that "[b]y subsidizing the mailings of the Republicans and Democrats, the government has chosen to benefit those with popular views and burden those with unpopular views. To handicap the mailing of campaign literature because a political party has not achieved a required level of acceptance is not different from censoring speech because of its substance." *Greenberg*, 497 F. Supp. at 776.

The principal difference between this case and *Greenberg* is in the nature of the restrictions worked by the statute. In *Greenberg* the restrictions were direct and drawn along party lines. They therefore effectively limited the expression of particular political *ideas.* Although this case involves issues of access to the political process similar to those raised in *Greenberg*, the impact here is not upon defined political positions. The lines drawn by the franking statute distinguish *individuals*, not ideas. And because the individuals affected—non-incumbent congressional candidates—must be presumed to represent the full spectrum of political ideology, we cannot hold that the franking privilege creates any discrimination or restriction which is content related. This case does not fall within the rationale for strict First Amendment scrutiny adopted in *Greenberg.*

In fact, beyond acknowledging that the franking statute has some limited impact upon speech-related rights, the First Amendment finds little place in our analysis. Although the language of the First Amendment ensures that one's own speech be free, unfettered, and unabridged, it does not alone require that each individual be entitled to this particular privilege of incumbency that certain others may enjoy.[13] For this reason, questions of the constitutionality of governmental-created imbalances are much better suited to analysis under the principle of equal protection than under freedom of speech. It is thus to the Fifth Amendment that we now turn.

The fifth amendment claims

The plaintiffs' equal protection argument is direct and straightforward: by permitting the franking of materials which may be sent for no purpose other than to advance incumbency, the franking statute affords campaign advantages to incumbents, seriously imbalancing the political process to the detriment of any challengers. Plaintiffs argue that because of its impact on rights to free speech under the First Amendment the discrimination worked by the franking statute may be justified only by demonstrating a compelling interest.

The cases offered by plaintiffs to support their argument that the government may not discriminate among candidates by unequally imposing handicaps on some or granting benefits to others deal almost exclusively with the same sort of content-based discrimination discussed briefly above—drawing lines of distinction by party affiliation or ideology. We find little discussion in case law relating to the advantages which incumbents may enjoy simply by virtue of their incumbency over any challengers who seek this in public office.

In *Elrod* v. *Burns*, 427 U.S. 347 (1976), for example, the Supreme Court held that patronage dismissals violated the First and Fourteenth Amendments. The basis of the holding, however, was not necessarily that an incumbent might use the system to tip the electoral balance unfairly against any challenger, but that the threat of dismissal severely restricted the political beliefs and associations of the employees affected. The Court held that the requirement that employees pledge political allegiance to one party or another, work for the election of other candidates of the incumbent party, contribute a portion of their wages to the party, or obtain the sponsorship of a member of the party, all in order to maintain their jobs imposed an unconstitutional condition on the right to continued employment. There is no similar condition in this case. The franking statute imposes no direct condition upon the right of any person to challenge an incumbent, to support one or another party in a particular election, or to use the mails. Its impact upon political speech and association is at most indirect, and then ony to the extent that it may make campaign-related communication through the mails more expensive for a non-incumbent candidate than for the incumbent who seeks reelection and uses franked mail to promote that end.

We cannot overlook the fact that, despite their broadside objections to the franking statute, plaintiffs concede that the frank serves an essential public purpose in facilitating communication with constituents and that some sort of franking privilege is necessary in the performance of official congressional business. They concede that the problem is merely one of drawing lines—striking a proper balance between legitimate and illegitimate uses of the frank.

The franking statute effectively draws two lines of demarcation. The first is drawn by the granting of the franking privilege to Members of Congress only. In general, this distinguishes Congress from the general public, and also has the effect of drawing the line between incumbent and non-incumbent congressional candidates. Plaintiffs do not argue that non-incumbents should also be afforded the franking privilege. They seek only to limit its use by Members of Congress. The second line drawn by Congress draws a distinction between official and unofficial use of the frank. Our sole concern is with this second line of demarcation and to this we direct our attention.

Under present practice a mailing is considered to be "official" if, on its face, it falls within the permitted types (or at least outside of the prohibited types) of materials listed under section 3210. The statutory test does not look to motives, but only to "the type and content of the mail." § 3210(e). Plaintiffs argue that attention to content only, without considering the motives for sending a particular mailing, enables Members to use the frank for the *unofficial* purposes of promoting reelection. Plaintiffs thus fault the present franking statute and congressional practice for failing to subject franked mailings to a test of official versus unofficial *motivation.* Absent standards based on underlying motives, plaintiffs urge that the franking statute be modified to eliminate categories of mailings which have been prone to abuse in the past. We cannot accept plaintiffs' suggested cause of action.

Were the frank shown to be available and widely used for reelection purposes and had plaintiffs demonstrated that such use has a substantial detrimental impact on opposing candidates or members of the voting public seeking to educate themselves on the candidates and the issues, plaintiffs' claims, particularly those based on the First Amendment, would have considerable merit. But such level of interference with the electoral process has not been shown in this case. We are hesitant to apply a standard under the guise of strict judicial scrutiny to a situation where there has been no demonstration of significant harm to the plaintiffs' constitutional rights. The conceded and undisputed legitmate interests promoted by the franking statute are sufficient to justify the limited impacts on the rights of the plaintiff class and to satisfy the invocation of the rational basis test, which we apply in this case. We cannot hold the franking statute unconstitutional simply because it sets forth a standard to determine "official" uses of the frank different from that proposed by plaintiffs.

It is important to view the franking activities of Members of Congress from an overall perspective. It seems undeniable that all mailings, franked and unfranked, from any particular Member of Congress may be grouped into three types. The first type is composed of "official" mailings, those related directly to the legislative and representative functions of Congress. This is the type of communication which Members of Congress arguably are under a duty to provide and to which the frank has been extended over the past 200 years. At the other extreme are mailings which are on their face political or private and therefore "unofficial" in nature. Congress itself has recognized the dangers, constitutional as well as practical, of extending the franking privilege to these types of mailings and has excluded them or expressly prohibited them under the statute and rules in both Houses. Between these two extremes lies a class of mailings whose purposes are less easily discernible. For example, it is undeniable that Senator X, acting in his elected capacity, should have a right to make mailings within this middle area related to his official duties. It is equally obvious that this same individual acting as candidate for the Senate has an interest in mailing the same material to prospective voters to promote his campaign efforts. Thus the motivations, even behind a particular mailing, may be mixed. Plaintiffs' complaints here can only be about the actions and purposes of the candidate, however, and not the senator.

Congress drafted the franking statute expressly to include many of the types of mailings which unquestionably fall within this middle area. This of itself does not require that we invalidate the scheme as unconstitutional. The question before us is not whether the particular line which Congress has drawn between "official" and "unofficial" uses of the frank necessarily has the least possible potential, in comparison with other methods of drawing the line, for adversely affecting challengers' effective access to the mails. The question is only whether the line is a reasonable one.

A statutory scheme need not be drafted or even administered so as to eliminate completely all possible abuses before it is constitutionally acceptable. We can be concerned only with whether the standard adopted

bears a rational relation to the twin goals at hand: one, to facilitate (even encourage) official communication and two, to discourage or eliminate unofficial communication. It is clear from the record that Congress has recognized the basic principle that government funds should not be spent to help incumbents gain reelection. The details of the franking scheme, including its distinction between official and unofficial mailings, appear to be rationally designed to work for that end. (It is relevant in this regard that the record in this case consists principally of *abuses* rather than routine uses of the franking privilege). It would be most inappropriate for the judiciary to step in and demand that Congress restructure this scheme under the circumstances of this case.

To state the obvious, it simply is impossible to draw and enforce a perfect line between the official and political business of Members of Congress. The franking privilege is only one of many perquisites afforded to them which may be turned one way or another into a campaign advantage over any challenger. We have already accepted as an assumption and stressed the fact that an incumbent is, by virtue of his incumbency alone, much more visible to the voting public than is a would-be challenger. He has greater access to the media, both local and national; he usually has one or more offices in his home district, in addition to his Washington office; he has a staff paid out of public funds; he has a WATS line for telephone calls which he may use to communicate with his constituents.

Plaintiffs do not suggest that the incumbents' use of these tools of office be strictly limited to purposes which cannot possibly contribute to efforts at reelection. This would be a most difficult standard to administer in any case, for each and every act of an elected representative may, in a political context, be seen as an effort to demonstrate that the voters' choice was a good one. It is impossible, without probing into the deepest thoughts and motives of an individual Member of Congress, to determine exactly why he votes as he does on a particular issue, why he casts a letter to a constituent in the terms in which it is cast, why he communicates with other Members of Congress as he does, why he assigns particular staff functions as he does, or why he does any of the myriad of things that a Member does in his day-to-day routine. It is no less difficult to apply and administer a subjective standard in the use of the frank. Moreover, we cannot require that such a standard be substituted for what we accept as an already reasonable objective standard adopted under section 3210.

For similar reasons, we cannot hold that the particular types of mailings to which plaintiffs object are so prone to abuse that they should not be permitted. Just as plaintiffs have identified the suitability of mass mailings (targeted or general), newsletters, questionnaires and other materials for campaign purposes, there is not a type of mailing challenged which is not also suitable for legitimate "official" purposes. Targeted mailings, for example, may be a means of directing discussion or information on particular issues to those groups in a particular Member's constituency which might be most affected, at the same time saving the cost of preparing and mailing information to individuals who are less likely to be interested. And notwithholding allegations that questionnaires are most often used to obtain demographic information beneficial to a candidacy, it goes without saying that any method of obtaining constituents' views and impressions on particular issues may be invaluable to a Member of Congress who truly considers himself responsible to the people.[14] It does little, therefore, for the plaintiffs to emphasize the potential in these types of mailings for abuse, without also acknowledging the legitimate ends to which they are put. We are not convinced by any of plaintiffs' arguments that there exists no rational and legitimate basis for Congress' decision to retain these particular "middle area" uses of the frank within the stated category of "official use," and we defer to the judgment embodied in the statute.

Prudential considerations

Our deference to Congress is guided also by important prudential considerations. We must give weight to the fact, mentioned earlier, that section 3210 was originally enacted in an attempt to curb widespread abuses of the franking privilege. It has since been refined by detailed regulations in each house to meet the more obvious of objections which arise even under its amended language. The House and Senate have also established machinery to monitor, review, and receive complaints concerning uses of the frank.[15] The plaintiffs seek to have the Congress, through judicial compulsion, "redraw the line" and strike a different balance. This we decline to do for at least two compelling reasons. First, the distinction between "official" and "unofficial" cannot be sharply defined or delineated and for the court to assume this burden would be an impossible task. Second, to grant the relief which plaintiffs seek would in effect require us to issue rules of behavior superseding those that Congress, a coordinate branch of government, has responsibly set for itself. It is not this Court's function to examine the policing efforts of committees created by Congress to deal with the particular types of concerns raised by plaintiffs in this case with an eye to compel even more refined standards and closer examination. The United States Court of Appeals for the District of Columbia recently manifested a reluctance "to develop rules of behavior for the Legislative Branch," or "to monitor every action taken by a senator and his aide in an effort to determine whether it is sufficiently 'official' or too 'political,'" *United States ex rel. Joseph* v. *Cannon*, 642 F.2d 1373, 1384, 1385 (D.C. Cir. 1981). We follow course in this case.

Conclusion

We do not suggest that the franking privilege may never be shown to create such an imbalance in the campaign process as to constitute a cognizable interference with important rights. We hold only that the level of impact has not been shown to be sufficient in this case for us to assume the responsibility of redrafting a statute or promulgating regulations to govern the congressional use of the frank. Our rationale for rejecting plaintiffs' claims under the First and Fifth Amendments holds as well for the challenge raised under the General Welfare Clause of Article I, Section 8. We find no constitutional violation.

For the foregoing reasons we grant judgment to the defendants and defendant-intervenor and dismiss the complaint.

An order consistent with the foregoing has been issued this day.

MALCOLM RICHARD WILKEY,
U.S. Circuit Judge.

GEORGE L. HART, JR.,
U.S. District Judge.

J. H. PRATT,
U.S. District Judge.

September 2nd, 1982.

FOOTNOTES

[1] Now the Director, United States Postal Service.

[2] Pub. L. No. 94-381, enacted August 12, 1976, which repealed §§ 2281 and 2282 and amended § 2284, does not apply to any actions filed before the date of enactment.

[3] *Schiaffo v. Helstoski*, 492 F.2d 413, 430, n.89 (3d Cir. 1974); *Hoellen v. Annunzio*, 468 F.2d 522, 526 (7th Cir. 1972) (permitting the use of extrinsic evidence in addition to content, *i.e.*, timing and other characteristics of franked mailings, as relevant to the sender's motive and the question whether the mailings were made to further an incumbent's election rather than the conduct of his official responsibilities as a legislator).

[4] In providing that the frankability of mail matter shall be determined "by the type and content of mail sent, or to be sent," this section also overturned the effect of *Hoellen, supra*, in which Judge (now Justice) Stevens stated that "we should not close our eyes in the face of extrinsic evidence which reveals that an appearance of official business is nothing more than a mask for a private purpose." *Hoellen, supra*, at 526.

[5] *See, e.g.*, 119 Cong. Rec. H 2600 (Apr. 11, 1973); *see also Congressional Perquisites and Fair Ethics: the Case of the Franking Privilege*, 83 Yale L.J. 1055, 1062-74.

[6] 2 U.S.C. §§ 501(e), 502(b), 502(c). In the case of complaints concerning House members, judicial review is on the basis of the administrative record before the House Commission § 501(e). In the case of the Senate, judicial review, while apparently *de novo*, cannot take place until after the filing of the complaint and decision thereon by the Senate Committee. § 502(c).

[7] Adopted March 2, 1977 in H.R. 287. In addition, the House Commission on Congressional Mailing Standards, pursuant to its Rule XLVI, has issued extensive regulations governing the use of the frank and rules of practice in proceedings before the Commission. *Regulations on the Use of the Congressional Frank by Members of the House of Representatives* (February, 1979).

[8] Adopted April 1, 1977 in Senate Resolution 110. The Senate Select Committee on Ethics has similarly implemented its Rule XLVIII through the issuance of regulations. The latest of these are *Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate* (June 26, 1979).

[9] Present House Rules limit such mailings to six per year.

[10] Contained in plaintiffs' voluminous Statement of Material Facts Not in Dispute incorporating plaintiffs' Request for Admissions (570 requests) and defendants' responses thereto. The extensive response of defendant intervenor alone to plaintiffs' Request for Admissions comprises 622 pages.

[11] Plaintiffs object specifically to several types of mass mailings explicitly or implicitly permitted by the provisions of section 3210; mailings including self-laudatory material; reports concerning visits to Washington by constituents; solicitation of political support (falling short of the specific requests barred by the statute); congratulatory messages; and questionnaires.

[12] The additional issue of plaintiffs' standing to bring this action has been raised at numerous times during this litigation. Defendant-intervenor argues that, despite all the evidence offered by plaintiffs, there is little showing that the "injuries" suffered by members of the plaintiff group who have run against and lost to congressional incumbents were caused by operation of the frank. Our attention is then drawn to several cases, including *Winpisinger* v. *Watson*, 628 F. 2d 133 (D.C. Cir. 1980), for the principle that standing cannot be based on speculative and tenuous theories of causation and injury.

We do not regard the issue of standing as a frivolous one and acknowledge that there may be a legitimate concern over whether plaintiffs' limited showings are sufficient to establish standing. We also recognize that the type and cause of injuries claimed in this case are not easily subjected to proof. Rather than to resolve the complexities of this issue, we prefer to confine our holding to plaintiffs' constitutional claims.

[13] We cannot ignore the fact that the plaintiffs' arguments against this particular advantage of incumbency can also be directed against others, i.e., greater access to the media, local and national, one or more local district offices, staff paid out of public funds, WATS line for telephone calls to and from constituents, etc.

[14] While we need not agree with defendant-intervenor's sanguine appraisal that the typical member follows the advice of Edmund Burke to the voters of Bristol in 1774 and votes his own conscience rather than following the expressed wishes of his constituents, it is nonetheless true that members, to be successful representatives, must at least learn at the outset the views of those who put them in office. Thereafter, they must keep themselves informed.

[15] For example, each house has its own method for policing mass mailings, which, as must be apparent, are the greatest single source of plaintiffs' claims of abuse. In the House, before sending a mass mailing a Member must first submit the same to the Franking Commission for an advisory opinion. In the Senate all mass mailings must be registered with the Secretary of the Senate and are available for public inspection.●

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 5 minutes.

● Mr. PEPPER. Mr. Speaker, in the past 24 hours there has been a great deal of confusion about the administration's position on continued funding for the senior community service employment program as authorized under title V of the Older Americans Act. Since this program is a key part of the supplemental appropriations bill now under consideration it is important that we have the facts before voting.

The most important fact is that the administration's position on continuation of the title V program has been clear and consistent: The President is opposed to it; his fiscal year 1983 budget proposal zeroed out the program, and he has repeatedly stated his opposition to the program in correspondence with the Congress. I believe that the supplemental appropriations bill was vetoed in part because it contains funding for title V.

The question we are now faced with is what happens if this supplemental appropriations bill is not enacted. This is where the confusion arises.

As you know, the fiscal year 1982 appropriation in the continuing resolution provides only enough money to operate the title V program from July 1, 1982 through September 30, 1982. This level was based on a Senate Appropriations Committee decision to discontinue the past practice of forward funding the older worker program. We know that this was not done to terminate or in any way harm the title V program, and that the intention was to use fiscal year 1983 appropriations to support the program during the regular fiscal year from October 1, 1982 through September 30, 1983.

However, that level was decided upon before enactment of the Older Americans Act Amendments of 1981 (Public Law 97-115), in which Congress agreed that title V should continue to be forward funded. Section 508(b) of the new OAA states that money appropriated "for any fiscal year shall be used during the annual period which begins on July 1 of the calendar year immediately following the beginning of such fiscal year and which ends on June 30 of the following fiscal year." This language prohibits the Department of Labor from using fiscal year 1983 appropriations for the older worker jobs program during the 9-month period between October 1, 1982 and June 30, 1983. Thus, the jobs of thousands of needy elderly men and women will be terminated in October, regardless of the amounts provided for the fiscal year 1983 appropriations bill or continuing resolution.

The best way to avoid throwing older workers off their jobs is to pass the supplemental appropriations bill. This would provide $211 million to sustain the title V program until June 30, 1983. At that time the fiscal year 1983 appropriations will take over and continue funding for the program through the end of the fiscal year.

Part of the confusion over the necessity of including title V moneys in the supplemental appropriations was created by a letter from David Stockman to the distinguished minority leader. That letter claims that the President's veto of the supplemental would have no effect on continuation of this program. The letter goes on to say that the first budget resolution provides for continued funding at fiscal year 1982 levels. Thus, according to Mr. Stockman's logic, if Congress passes a continuing resolution for fiscal year 1983 the title V program would be saved.

There are several problems with Mr. Stockman's logic. First, as I mentioned earlier the authorization for title V prevents the use of fiscal year 1983 funds before July 1, 1983. Any continuing resolution or appropriations bill, therefore, would have to include an amendment to the Older Americans Act to allow funds for title V to be spent prior to July 1983. Amending authorizing legislation through appropriations bills is an inappropriate way to legislate.

Second, notices have already been sent to title V workers informing them that the program will come to an end on September 30. Thus, thousands of workers are now in a state of panic and are threatened with losing their jobs unless a continuing resolution for fiscal year 1983, with an amendment to the Older Americans Act, is enacted before September 30. It is unlikely that the continuing resolution would be passed in time, which means this valuable program must be dismantled.

The disruption caused by these funding problems points up the need to continue forward funding of the title V program. The 54,200 older workers employed by this program are low income and elderly. They cannot afford the loss of their jobs for even a few days. This administration is taking a callous attitude toward these needy Americans by contributing to the confusion over funding of this program. If the administration really cared about title V they would support funding it through the supplemental appropriations. The smokescreen created by Mr. Stockman's letter was, in my opinion, an attempt to confuse the issue and thereby jeopardize the title V program.

I strongly urge you to vote for overriding the veto of H.R. 6863.●

HALLMARKS OF A KENTUCKY GENTLEMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 10 minutes.

●Mr. ADDABBO. Mr. Speaker, I would like to take this opportunity to share an article with my colleagues—an article that provides a rare glimpse into our dear friend and colleague, BILL NATCHER.

We all know BILL as an outstanding legislator and the powerful chairman of the Labor-Health and Human Services Subcommittee of the Appropriations Committee. But this refreshing piece by Martin Tolchin gives us a further insight into BILL NATCHER, the man. I know my colleagues will enjoy this fitting tribute:

The article follows:

HALLMARKS OF A KENTUCKY GENTLEMAN

(By Martin Tolchin)

WASHINGTON, Sept. nber 6.—The Congressional negotiators on a key spending bill were bogged down. The House conferees blamed the Senators for failing to consult them in drafting the bill. The Senate conferees countered that the House members had gone off on early summer vacations.

It was Representative William H. Natcher, a Kentucky Democrat, who got them back on track. The House conferees had sought $63 million for summer youth jobs. "Mr. chairman," said Mr. Natcher, "instead of the $63 million, how do you feel about $50 million, and instead of $57.6 million for the Work Incentives Program, how about $31 million?" When the Senate conferees still resisted, Mr. Natcher proposed the winning combination: $45 million for youth jobs and $35 for work incentives.

The compromise was agreeable to President Reagan, who had vetoed two previous spending bills, and he signed the agreement into law.

Last week, however, the President vetoed another spending bill, and Mr. Natcher is expected to play a key role in formulating House strategy to override that veto when Congress goes back to work on Wednesday.

"A REALLY DECENT GUY"

Mr. Natcher, a courtly, sharp-featured 72-year-old, has been breaking Congressional deadlocks almost since he arrived here in

1954. His meticulous attire and no-nonsense demeanor have earned him almost universal respect in the chamber, and the leadership often has given him the gavel when difficult legislation is on the floor.

"Bill Natcher runs the House as a parliamentarian better than anyone I've ever seen," said Speaker Thomas P. O'Neill, Jr.

Mr. Natcher has a unique way of conducting his Congressional life. He has no press secretary, administrative assistant or legislative assistant. Instead of the 22 aides to which he is entitled, he has eight, six in Washington and two in his district in West Central Kentucky. All are women.

More remarkably, in his 28 years in the House, he has never missed either a roll-call vote or a quorum call. He long ago set the House record, and at last count had answered 12,659 consecutive roll-calls and quorum calls.

Nor has Mr. Natcher ever taken a campaign contribution. He finances his campaigns out of his Congressional salary. This year, with two primary opponents, he plans to spend about $8,000.

"I made up my mind before I got here that there were certain things I'd never do," Mr. Natcher said. "I'd never take a campaign contribution, and I'd stand up and be counted on every roll-call vote."

"I don't have an A.A., an L.A.," he said, referring to administrative assistant and legislative assistant "or a press secretary, because that's what they sent me up here to do," he said.

The Congressman lives by some of the old-fashioned traditions of the chamber. "His word is as good as gold, but he never forgets those who cross him," said one colleague.

Mr. Natcher's power base is his chairmanship of the Labor-Health and Human Services subcommittee on the Appropriations Committee, which oversees $307 billion of this year's $769 billion budget. He is the third-ranking Democrat on the Appropriations Committee, a position that has enabled him to funnel millions in appropriations into this Congressional district.

Previously, Mr. Natcher headed the subcommittee on the District of Columbia, and earned the enmity of some black leaders by listing his two major objectives as reducing the city's crime rate and illegitimate births. He said that the district "should not be turned into a haven for those who roost on welfare payments."

But although he voted against most of the early civil rights bills, he supported the Voting Rights Act of 1965 and most of the antipoverty and housing programs of the Johnson Administration. He says that he is proudest of his votes for the Manpower Training Bill, the Clean Air Act, the Elementary and Secondary Education Act and the New York City fiscal aid bill.

In 1974 Mr. Natcher presided twice over House deliberations on the New York City bill. "I took the position that we can't permit one of the greatest cities in the world to go under," he said.

He has witnessed the decline of the system of strong committee chairmen. "When I came here we had men like Sam Rayburn, Dan Reed, Clarence Cannon—strong, able men," Mr. Natcher recalled. "You had faith in them, you believed in them."

He also has seen the decline of the Appropriations Committee, whose subcommittee chairmen were once referred to as "the College of Cardinals." But now much of their power has been taken by the Budget Committee.

Mr. Natcher is a devoted diarist. He has recorded the events of his era in 42 bound volumes, and is now working on the 43d. His impressions also are recorded in more than 1,600 letters he has written his six grandsons.

Mr. Natcher is the product and now leader of his district's Democratic organization. Born and reared on a farm, he became a lawyer and district prosecutor, handling 13 murder cases. He had to wait until his seniors in the Democratic organization gave him the nod to run for Congress.

"I wanted to come to Congress 12 years before I got here," Mr. Natcher said. "They were 12 long years. I had to mark time for three old men."

Mr. Natcher played by the rules, and has been doing so ever since. The experience only underscored what his colleagues have long since discovered.

"I have a lot of patience," Mr. Natcher said "I've had it all my life."

REPRESENTATIVE WILLIAM H. NATCHER, DEMOCRAT OF KENTUCKY

WASHINGTON, September 6.—Representative Natcher corresponds regularly with six grandsons. In a recent letter, he described the turning point in the Presidential nomination of Woodrow Wilson, on the 85th ballot of the 1912 Democratic National Convention in Baltimore. Mr. Wilson bested Champ Clark, who was born in the district Mr. Natcher now represents. Excerpts follow:

"To this day, historians have never been able to account for the sudden switch in the Texas delegation, but my former Chairman of the Appropriations Committee, Clarence Cannon, told me why the switch took place. At that time he was Champ Clark's administrative assistant.

"Champ Clark called Clarence Cannon and told him to go to the office and get the Texas delegation file and bring it to Mr. Clark's home. Mr. Cannon got the file, which contained the names of all of the delegates, the members of their families and debtors, if any, and considerable confidential information about each delegate which could be used in talking to that particular delegate for his or her vote, along with certain other very confidential information.

"Mr. Cannon then proceeded to get on a streetcar in front of the Old House Office Building and upon reaching a certain point downtown, had to change streetcars. Inadvertently, he left the file on the seat.

"He immediately got off the streetcar and reported it to the police and to the transit company. After waiting for some time and after receiving a report from the transit company that no file was discovered on the streetcar, he then called Mr. Clark and advised him as to what had happened.

"The next morning Mr. Clark and his A.A., Clarence Cannon, returned to the Democratic national convention. Shortly after starting the first or second ballot on that day, with Mr. Clark still in the lead, the Texas delegation suddenly switched and voted for Woodrow Wilson. Several other states followed and this was the end of the road for Champ Clark.

"Mr. Cannon on more than one occasion told me this story, and each time he would hold his hands together at the end of the story, saying that he had let the Presidency of the United States slip between his fingers. He always believed that someone found the file and turned it over to the Texas delegation. This delegation, then becoming incensed at some of the contents of the file, switched."●

FRED RICHMOND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, during the recess, our colleague from New York, Frederick W. Richmond, resigned from the House. Since his multifarious troubles has brought severe discredit, not only upon himself, but upon the House as an institution, it is clear to me that Fred did the right thing.

I have no firsthand knowledge of Fred Richmond's misdeeds but, from the various published reports and from the nature of his guilty plea, these misdeeds appear to have been criminal in nature and cannot be condoned. Mr. Richmond will now have to pay the penalty for what he described as "foolish" and "mistakes."

My purpose in taking the floor at this time is not, however, to castigate Mr. Richmond. Rather it is to put on the record briefly my own experience with Fred Richmond as a person and as a Member of Congress.

Before he came to the Congress I knew Fred as a public-spirited citizen of New York who was always responsive to appeals to his generosity, whether it was a public cause or a campaign by someone with whose views he sympathized.

The same thing was true after he was elected to Congress. For example, when I was approached to help raise funds for a major monument to the late Ralph Bunche opposite the U.N., I turned to Fred for help and he responded immediately by arranging for and hosting a fundraiser.

As a Congressman, he was a useful member of the Committee on Agriculture, having chosen that assignment as one where he could effectively represent the interests of consumers on a farmer-oriented committee. I frequently turned to Fred for advice on how to vote on an agricultural bill, especially one affecting the food stamp program.

When Ed Koch left the House, Fred became Secretary of the New York delegation. As such, he performed efficiently and cheerfully a host of mundane tasks, such as arranging for the delegation's meals together, sending out minutes, and so forth.

Perhaps Fred's greatest contribution as a Member of the House was as founder and first chairman of the Arts Caucus, an organization of which I was happy to be a rank-and-file member and which arranged for numerous constructive events and programs, most recently a nationwide high school arts contest, which has culminated in an exhibition of paintings by students from all over the country, now on display in the tunnel between the Capitol and the Cannon

Building. I was particularly impressed by this because I had had the same idea some years ago, had talked to a few people about it, but had not had the drive and determination to bring it to fruition.

Fred's leaving represents a loss to the work of the House.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BUTLER (at the request of Mr. MICHEL), for the week of September 13, on account of official business.

Mr. MCCLORY (at the request of Mr. MICHEL), for the week of September 13, on account of official business.

Mr. YATES, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, special orders for Monday, Tuesday, Wednesday, September 13, 14, and 15, for 60 minutes each.

(The following Members (at the request of Mr. PETRI) to revise and extend their remarks and include extraneous material:)

Mr. ROBERTS of Kansas, for 60 minutes, on September 15.

Mr. WINN, for 60 minutes, on September 15.

Ms. FIEDLER, for 60 minutes, on September 15.

Mr. FINDLEY, for 10 minutes, on September 15.

Mr. COURTER, for 60 minutes, on October 6.

Mr. FINDLEY, for 5 minutes, today.

(The following Members (at the request of Mr. STENHOLM) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. ADDABBO, for 10 minutes, today.

Mr. BINGHAM, for 10 minutes, today.

Mr. PHILLIP BURTON, for 5 minutes, today.

Mr. JACOBS, for 60 minutes, on September 15, 1982.

Mr. EVANS of Indiana, for 60 minutes, on September 15, 1982.

Mr. HARKIN, for 60 minutes, on September 30, 1982.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. DE LUGO, to revise and extend his remarks today on H.R. 5139.

(The following Members (at the request of Mr. PETRI) and to include extraneous matter:)

Mr. MCKINNEY.

Mr. BAILEY of Missouri.

Mr. MOLINARI in two instances.

Mr. NELLIGAN.

Mr. FISH.

Mr. BROOMFIELD in two instances.

Mr. GILMAN in two instances.

Mr. LEE.

Mr. MITCHELL of New York.

Mrs. HECKLER.

Mr. RINALDO.

Mr. DAUB in two instances.

Mr. WORTLEY.

Mr. HARTNETT.

Mr. WEBER of Minnesota.

Mr. ROUSSELOT in five instances.

Mr. FIELDS in three instances.

Mr. FINDLEY.

Mr. PORTER.

Mr. LEWIS.

(The following Members (at the request of Mr. STENHOLM) and to include extraneous matter:)

Mr. ROE in two instances.

Mrs. COLLINS of Illinois.

Mr. DE LUGO.

Mr. LOWRY of Washington.

Mr. NOWAK.

Mr. FOUNTAIN.

Mr. COELHO.

Mr. CLAY.

Mr. SKELTON in two instances.

Mr. BONKER.

Mr. RODINO in five instances.

Mr. GAYDOS.

Mr. SOLARZ.

Mr. GEPHARDT.

Mr. LEHMAN.

Mr. CORRADA.

Mr. OBERSTAR in two instances.

Mr. WRIGHT.

Mr. RUSSO.

Mr. AKAKA.

Mr. MOTTL.

Mr. SIMON in two instances.

Mr. STARK in two instances.

Mr. FROST.

Mr. HUBBARD.

Mr. DYSON in five instances.

Mr. DICKS.

Mr. PEPPER.

BILL PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on September 8, 1982, present to the President, for his approval, a bill of the House of the following title:

H.R. 3663. An Act to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of passengers.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until Monday, September 13, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4697. A letter from the Comptroller General of the United States, transmitting a report on the major improvements that are needed in the Bureau of Indian Affairs' accounting system (AFMD-82-71, September 8, 1982); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

4698. A letter from the Director, Office of Management and Budget, transmitting a watershed plan and environmental impact statement for the Hoyle Creek Watershed, Okla., pursuant to sections 104 and 204 of Public Law 89-80; to the Committee on Agriculture.

4699. A letter from the Acting General Counsel, General Accounting Office, transmitting a report on the status of budget authority that was proposed for rescission, but for which Congress failed to pass a rescission bill; to the Committee on Appropriations.

4700. A letter from the Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), transmitting a draft of proposed legislation to amend title 10, United States Code, to clarify the authority of the Armed Forces to conduct safety investigations of accidents involving aircraft of the Armed Forces and to protect from public disclosure certain parts of reports of such investigations; to the Committee on Armed Services.

4701. A letter from the Acting Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting a notice of the decision to convert to contractor performance the motor vehicle operations activity at Fort Riley, Kans., pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4702. A letter from the Assistant Secretary of the Army (Installations, Logistics and Financial Management), transmitting notice of the Army's intention to initiate the disposal of chemical munitions at Lexington-Blue Grass Depot Activity, Ky., pursuant to section 409(b)(4) of Public Law 91-121; to the Committee on Armed Services.

4703. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a notice of the decision to convert to contractor performance the Servmart function at the Naval Supply Center, Pearl Harbor, Hawaii pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4704. A communication from the President of the United States, transmitting notice of the determination that the United States, through the exchange stabilization fund of the Department of the Treasury, is prepared to provide credit to the Bank of Mexico for a term greater than 6 months but not to exceed 1 year, pursuant to 31 U.S.C. 822a; to the Committee on Banking, Finance and Urban Affairs.

4705. A letter from the Secretary of Health and Human Services, transmitting a report to Congress on the fiscal year 1981 low-income energy assistance program, pursuant to section 2610(b) of Public Law 97-

35; to the Committee on Energy and Commerce.

4706. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the fifth annual survey of the Nation's proved reserves of crude oil, natural gas, and natural gas liquids, covering calendar year 1981, pursuant to section 657(2) of Public Law 95-91; to the Committee on Energy and Commerce.

4707. A letter from the General Counsel, Department of Energy, transmitting notice of a meeting relating to the international energy program to be held on September 23 and 24, 1982, in Ottawa, Canada; to the Committee on Energy and Commerce.

4708. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting notice to permit assistance to Yugoslavia under the international military education and training program during fiscal year 1983, pursuant to section 614(a)(1) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

4709. A communication from the President of the United States, transmitting the seventh annual report on implementation of the Privacy Act of 1974, covering calendar year 1981, pursuant to 5 U.S.C. 552(p); to the Committee on Government Operations.

4710. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4711. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the person involved, pursuant to section 244(c) of the act; to the Committee on the Judiciary.

4712. A letter from the Acting Special Counsel, U.S. Merit Systems Protection Board, transmitting a report in response to a complaint filed with the Director of the Defense Logistics Agency, pursuant to 5 U.S.C. 1206(b)(5); to the Committee on Post Office and Civil Service.

4713. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a Corps of Engineers report regarding studies for flood control on the Kansas River in the vicinity of Kansas City, Kans., and on the Missouri River in the vicinity of Nearman Bottoms, in response to a resolution by the Committee on Public Works and Transportation adopted October 19, 1967, and July 10, 1968; to the Committee on Public Works and Transportation.

4714. A letter from the Secretary of the Department of Health and Human Services, transmitting the fiscal year 1981 report on children in foster care under voluntary placement agreements, pursuant to section 102(e) of Public Law 96-272; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. PRICE: Committee on Armed Services. Report on allocation of budget totals to subcommittees under the first concurrent resolution for fiscal year 1983 (Rept. No. 97-797). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 5658. A bill to provide Federal grants to assist elementary and secondary schools to carry on programs to teach the principles of citizenship; with amendments (Rept. No. 97-798). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 6794. A bill to amend title 38, United States Code, to improve job training and job placement programs and educational assistance programs for veterans; with amendments (Rept. No. 97-799). Referred to the Committee of the Whole House on the State of the Union.

Mr. WHITTEN: Committee on Appropriations. H.R. 7072. A bill making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-800). Referred to the Committee of the Whole House on the State of the Union.

Mr. FAZIO: Committee on Appropriations. H.R. 7073. A bill making appropriations for the Legislative branch for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-801). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SAM B. HALL, JR.: Committee on the Judiciary. H.R. 5858. A bill for the relief of Mocatta & Goldsmid, Ltd., Sharps, Pixley & Co., Ltd., and Primary Metal & Mineral Corp.; with an amendment (Rept. No. 97-796). Referred to the Committee of the Whole House.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

H.R. 3809: Referred to the Committees on the Judiciary and on Merchant Marine and Fisheries for a period ending not later than September 15, 1982, for consideration of such portions of the bill and amendment as fall within their jurisdiction under clauses 1(m) and 1(n), rule X, respectively.

H.R. 6598: Referred to the Committees on the Judiciary and on Merchant Marine and Fisheries for a period ending not later than September 15, 1982, for consideration of such portions of the bill and amendment as fall within their jurisdiction under clauses 1(m) and 1(n), rule X, respectively.

H.R. 5016: Referred to the Committees on the Judiciary and on Merchant Marine and Fisheries for a period ending not later than September 15, 1982, for consideration of such portions of the bill as fall within their jurisdiction under clauses 1(m) and 1(n), rule X, respectively.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WHITTEN:

H.R. 7072. A bill making appropriations for agriculture, rural development, and related agencies programs for the fiscal year ending September 30, 1983, and for other purposes.

By Mr. FAZIO:

H.R. 7073. A bill making appropriations for the legislative branch for the fiscal year ending September 30, 1983, and for other purposes.

By Mr. BAILEY of Pennsylvania:

H.R. 7074. A bill to amend section 151 of the Internal Revenue Code of 1954 to provide an additional exemption for disabled individuals who need assistance in the form of attendant care services or medical devices in order to be employed or whose disabilities are so severe that such assistance would not enable such individuals to be employed; to the Committee on Ways and Means.

H.R. 7075. A bill to amend the Internal Revenue Code of 1954 to provide a one-time exclusion of gain from the sale of a principal residence by a taxpayer who engages in such sale because he or a member of his family has become disabled, and for other purposes; to the Committee on Ways and Means.

By Mr. BREAUX (for himself, Mr. FORSYTHE, and Mr. HUBBARD):

H.R. 7076. A bill to amend title II of the Outer Continental Shelf Lands Act Amendments of 1978.; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. BREAUX (for himself, Mr. FORSYTHE, Mr. YOUNG of Alaska, Mr. TAUZIN, Mr. FIELDS, and Mr. HUBBARD):

H.R. 7077. A bill to establish a fund for the sharing of revenues from Outer Continental Shelf oil and gas development with coastal States and units of local coastal governments; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. PHILLIP BURTON:

H.R. 7078. A bill to amend the Service Contract Act to prohibit discrimination against employees of predecessor employers under such Act, and for other purposes; to the Committee on Education and Labor.

By Mr. FINDLEY:

H.R. 7079. A bill to amend the Agricultural Act of 1970 to prohibit restrictions on the export of certain agricultural commodities; to the Committee on Foreign Affairs.

H.R. 7080. A bill to amend the Agricultural Trade Development and Assistance Act of 1954; to the Committee on Foreign Affairs.

By Mr. FLORIO:

H.R. 7081. A bill to amend the Tax Equity and Fiscal Responsibility Act of 1982 to repeal the section allowing deductions for payments which are illegal under Federal law to foreign government officials or employees; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 7082. A bill to strengthen the law enforcement in the areas of violent crime and drug trafficking, and for other purposes; to the Committee on the Judiciary.

H.R. 7083. A bill to authorize the President to impose a tariff surcharge on the

products of certain countries in order to offset the expense of providing U.S. defense assistance to such countries; to the Committee on Ways and Means.

By Mr. KOGOVSEK:

H.R. 7084. A bill to provide for the establishment of a national strategic materials and minerals coordination program, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Armed Services.

By Mr. MINISH:

H.R. 7085. A bill to repeal the withholding on interest, dividends, and patronage dividends enacted by the Tax Equity and Fiscal Responsibility Act of 1982; to the Committee on Ways and Means.

By Mr. NELLIGAN:

H.R. 7086. A bill to establish the Northeast-Midwest States Hydropower Financing Authority; jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Interior and Insular Affairs.

By Mr. QUILLEN:

H.R. 7087. A bill to amend the Internal Revenue Code of 1954 to provide a refundable tax credit for taxpayers who maintain households which include elderly persons who are determined by a physician to be disabled; to the Committee on Ways and Means.

By Mr. ROBERTS of South Dakota:

H.R. 7088. A bill to amend the National Labor Relations Act to prohibit conditioning the obtaining or retaining of employment upon a person's being referred, approved, or recommended by a labor organization; to the Committee on Education and Labor.

By Mr. SKELTON:

H.R. 7089. A bill to authorize the Secretary of Agriculture to authenticate and perform tests to certify that livestock and poultry semen for export satisfies the requirements of the foreign country to which such semen is to be exported; to the Committee on Agriculture.

By Mr. LONG of Maryland (for himself, Mr. PRITCHARD, Mr. LOWRY of Washington, Mr. YATES, Mr. HAMILTON, and Mr. SIMON):

H.J. Res. 589. Joint resolution to provide for the designation of the week beginning October 1, 1982, as "National Sudden Infant Death Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of New York:

H.J. Res. 590. Joint resolution to authorize and request the President to proclaim March 21, 1983, as "National Taste and Smell Disease Awareness Day"; to the Committee on Post Office and Civil Service.

By Mr. WHITEHURST (for himself, Mr. GREGG, Mr. LOTT, Mr. MONTGOMERY, and Mr. DOWDY):

H.J. Res. 591. Joint resolution to authorize the President to issue a proclamation designating the week beginning on March 13, 1983, as "National Surveyors Week"; to the Committee on Post Office and Civil Service.

By Mr. FUQUA (for himself, Mr. BAFALIS, Mr. BENNETT, Mr. GIBBONS, Mr. PEPPER, Mr. CHAPPELL, Mr. IRELAND, Mr. SHAW, Mr. FASCELL, Mr. YOUNG of Florida, Mr. LEHMAN, Mr. HUTTO, Mr. MCCOLLUM, Mr. MICA, and Mr. NELSON):

H. Con. Res. 403. Concurrent resolution commending the sheriffs and citizenry of the State of Florida, the people of the United States, and the Florida Sheriffs Youth Fund for the establishment in 1957 and maintenance of the Florida Sheriffs Boys Ranch for 25 years; to the Committee on Post Office and Civil Service.

By Mr. PERKINS (for himself and Mr. GOODLING):

H. Con. Res. 404. Concurrent resolution commending the efforts of the Nation's schools to increase their effectiveness and encouraging further improvement in the quality of education; to the Committee on Education and Labor.

MEMORIALS

Under clause 4 of rule XXII:

464. The SPEAKER presented a memorial of the Legislature of the State of California, relative to veterans' health benefits; to the Committee on Veterans' Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 374: Mr. HEFTEL and Mr. AKAKA.
H.R. 385: Mr. MCDADE.
H.R. 1918: Mr. RALPH M. HALL.
H.R. 1937: Mr. LOWERY of California.
H.R. 2298: Ms. OAKAR.
H.R. 3795: Mr. SMITH of New Jersey.
H.R. 3883: Mrs. HECKLER.
H.R. 4362: Mr. FRANK, Mr. PEYSER, and Mrs. HECKLER.
H.R. 4617: Mr. DOWNEY.
H.R. 4786: Mr. O'BRIEN.
H.R. 4863: Mr. LIVINGSTON.
H.R. 5471: Mr. PORTER.
H.R. 5555: Mr. RATCHFORD.
H.R. 5711: Mr. LUNDINE.
H.R. 5976: Mr. GOODLING.
H.R. 6077: Mr. EDGAR and Mr. ANDERSON.
H.R. 6131: Mr. GOODLING.
H.R. 6135: Mr. BEREUTER, Mr. GUNDERSON, and Mr. COATS.
H.R. 6344: Mr. YOUNG of Alaska and Mr. BROWN of Colorado.
H.R. 6348: Mr. O'BRIEN, Mr. LAGOMARSINO, Mr. WHITE, Mr. BARNES, Mr. STUDDS, Mr. ERDAHL, Mr. FIELDS, Mr. MCCURDY, Mr. WILSON, Mr. ATKINSON, Mr. VANDER JAGT, Mr. BIAGGI, Mr. BENNETT, Mr. SANTINI, Mr. MCDADE, Mr. DYSON, Mr. GRAMM, and Mr. BROOKS.
H.R. 6497: Mr. BADHAM, Mr. CORRADA, and Mr. RITTER.
H.R. 6526: Mr. RALPH M. HALL, Mr. LEE, Mr. FORSYTHE, Mr. DONNELLY, Mr. SMITH of New Jersey, Mr. SUNIA, Mr. ADDABBO, Mr. MINETA, Mr. DENARDIS, Mr. TRIBLE, Mr. MOAKLEY, Mr. MITCHELL of New York, Mr. D'AMOURS, Mrs. HOLT, Mr. ROE, Mr. BOWEN, and Mr. MCCURDY.
H.R. 6562: Mr. DICKS, Mr. WYDEN, Mr. ERDAHL, Mr. CONTE, Mr. AUCOIN, Mrs. BOUQUARD, Mr. PATTERSON, Mr. FAZIO, Mr. PRITCHARD, and Mr. SWIFT.
H.R. 6589: Mr. ZABLOCKI.
H.R. 6591: Mr. WALGREN.
H.R. 6660: Mr. DYMALLY and Mr. WOLF.
H.R. 6690: Mr. WEISS.
H.R. 6731: Mr. SHAMANSKY.
H.R. 6764: Mr. OBERSTAR.
H.R. 6794: Mr. CORRADA.
H.R. 6837: Mr. FOGLIETTA, Mr. EMERY, Mr. DUNN, Mr. HUGHES, Mr. SOLARZ, and Mr. MITCHELL of Maryland.
H.R. 6850: Mr. CONYERS.
H.R. 6932: Mr. LONG of Maryland, Mr. DE LA GARZA, Mr. D'AMOURS, Mr. DASCHLE, Mr. SMITH of New Jersey, Mr. ADDABBO, Mr. PANETTA, Mr. PEPPER, Mr. DINGELL, Mr. MOLINARI, Mr. ROSENTHAL, Mr. ANNUNZIO, Mr. DWYER, Mr. OTTINGER, Mr. FRANK, Mr. SCHUMER, Mr. ROE, Mr. O'BRIEN, Mr. CARNEY, Mr. WILLIAMS of Ohio, Mr. ROBERTS of South Dakota, Mr. RATCHFORD, Mr. ZEFERETTI, Mr. FRENZEL, Ms. MIKULSKI, Mr. MONTGOMERY, Mrs. KENNELLY, Mr. FLORIO, Mr. FOLEY, Mr. EDGAR, Mr. LEBOUTILLIER, Mr. GAYDOS, and Mr. WAXMAN.
H.R. 6983: Mr. MOAKLEY.
H.R. 6985: Mr. SANTINI, Mr. FRANK, Mr. BIAGGI, Mr. BINGHAM, Ms. MIKULSKI, Mr. FORD of Tennessee, Mr. ROSENTHAL, Mrs. KENNELLY, Mr. LANTOS, Mr. FISH, Mr. HUGHES, Mr. WON PAT, Mr. SYNAR, Mr. SIMON, and Mr. WAXMAN.
H.R. 6986: Mr. BEREUTER and Mr. GINGRICH.
H.R. 7041: Mr. LAGOMARSINO, Mr. RINALDO, Mrs. HECKLER, Mr. HOLLENBECK, Mr. FRANK, Mr. ASPIN, Mr. CHAPPELL, Mr. CONTE, Mr. NAPIER, Mr. KINDNESS, Mrs. HOLT, and Mr. SMITH of Oregon.
H.R. 7058: Mr. WYDEN.
H.J. Res. 487: Mr. KOGOVSEK, Mr. KRAMER, Mr. DOUGHERTY, Mr. ANTHONY, Mr. COELHO, Mr. DIXON, Mr. PATTERSON, Mr. PURSELL, Mr. SILJANDER, Mr. WEBER of Minnesota, Mr. STANTON of Ohio, Mr. SMITH of Oregon, Mr. NELLIGAN, Mr. CAMPBELL, Mrs. BOUQUARD, Mr. HANCE, Mr. STATON of West Virginia, Mr. GOLDWATER, Mr. MITCHELL of Maryland, Mr. HOPKINS, Mr. BARNES, Mr. HALL of Ohio, Mr. GIBBONS, Mr. IRELAND, Mr. FASCELL, Mr. HATCHER, Mr. FOWLER, Mr. JENKINS, Mrs. BOGGS, Mr. ROEMER, Mr. LONG of Louisiana, Mr. SCHULZE, Mr. FIELDS, Mr. PICKLE, Mr. HIGHTOWER, Mr. WHITE, Mr. STENHOLM, Mr. WATKINS, Mr. MCCURDY, Mr. ARCHER, Mr. MITCHELL of New York, Mr. LUKEN, Mr. APPLEGATE, Ms. OAKAR, Mr. ECKART, Mr. HARTNETT, Mr. MCCLORY, Mr. STANGELAND, and Mr. BADHAM.
H.J. Res. 523: Mr. KOGOVSEK, Mr. HANSEN of Idaho, Mr. BADHAM, Mr. MCCLOSKEY, Mr. SEIBERLING, Mr. JEFFRIES, Mr. SILJANDER, Mr. VENTO, Mr. ENGLISH, Mr. JOHN L. BURTON, Mr. PHILIP M. CRANE, Mr. DYSON, Mr. SIMON, and Mr. MINISH.
H.J. Res. 539: Mr. BEVILL, Mr. HUGHES, Mr. D'AMOURS, Mr. WYDEN, Mr. CRAIG, Mr. PETRI, Mr. GUNDERSON, Mr. JEFFORDS, and Mr. DAVIS.
H.J. Res. 558: Mr. JACOBS, Mr. BEDELL, Mr. ANTHONY, Mr. CLAY, Mr. FORD of Tennessee, Mr. HEFNER, Mr. HATCHER, Mr. EVANS of Iowa, Mr. MICHEL, Mr. MARTIN of North Carolina, and Mr. LAGOMARSINO.
H.J. Res. 571: Mr. VENTO and Mr. SWIFT.
H. Con. Res. 214: Mr. ZABLOCKI.
H. Con. Res. 334: Mrs. ASHBROOK and Mr. HENDON.
H. Res. 485: Mr. PATTERSON.
H. Res. 558: Mrs. SCHNEIDER, Mr. FRANK, Mr. LEACH of Iowa, Mr. BOLAND, Mr. PATTERSON, Mr. NOWAK, Mr. ROSENTHAL, Mr. JOHN L. BURTON, Mr. GARCIA, Mr. STUDDS, Mr. VENTO, Mr. LONG of Maryland, Mr. D'AMOURS, Mr. FAUNTROY, Mr. SOLOMON, Mr. LEE, Mr. HEFTEL, Mr. FOLEY, Mr. CONYERS, Mr. EDWARDS of California, Mr. BAILEY of Pennsylvania, Mr. OBERSTAR, Mr. MOLLOHAN, Mr. YOUNG of Missouri, Mrs. HECKLER, Mr. MINISH, and Mr. CROCKETT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

582. By the SPEAKER: Petition of Office of the Comptroller, city of New York, N.Y., relative to surplus dairy products; to the Committee on Agriculture.

583. Also, petition of Town Board of Webster, N.Y., relative to nuclear weapons freeze; to the Committee on Foreign Affairs.

584. Also, petition of Democratic Governors' Conference, Office of the Governor, Frankport, Ky., relative to a balanced budget; to the Committee on Government Operations.

585. Also, petition of Sons of Union Veterans of the Civil War, Gettysburg, Pa., relative to the 100th annual national encampment, Sons of Union Veterans of the Civil War; to the Committee on the Judiciary.

586. Also, petition of the National Association of Attorneys General, Nevada, relative to funding for States for coastal impacts and aid in support of oil and gas production; to the Committee on Merchant Marine and Fisheries.

587. Also, petition of City Council, Philadelphia, Pa., relative to Federal funds for airport construction projects; to the Committee on Public Works and Transportation.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 4374

By Mr. JONES of North Carolina:

—Strike out all after the enacting clause of the bill as reported, and insert in lieu thereof the following:

That this Act may be cited as the "Shipping Act of 1982".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof, but does not include a maritime labor agreement;

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto;

(3) "assessment agreement" means an agreement or any provision of an agreement, whether part of a collective-bargaining agreement or negotiated separately, that provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized;

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count;

(5) "Commission", except in section 18, means the Federal Maritime Commission;

(6) "common carrier" includes both ocean common carriers and nonvessel-operating common carriers;

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff, but does not include a joint service, consortium, pooling, or transshipment arrangement;

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier;

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of his shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;

(11) "forest products" means forest products in an unfinished or semifinished state that are of a size too large for the largest commercially available container or that are offered for carriage by the shipper as noncontainerized cargo in lot sizes having a volume greater than two thousand five hundred and sixty cubic feet or that are transported in shipload lot sizes;

(12) "inland division" means the amount paid by an ocean common carrier to any inland carriers with respect to performance of the inland portion of through transportation offered to the public by the ocean common carrier;

(13) "inland portion" means the charge to the public by an ocean common carrier with respect to the non-ocean portion of through transportation;

(14) "joint venture" means a consortium, joint service agreement or other agreement that will result in the establishment of a new and separate line or service to be operated for the benefit of the agreeing ocean common carriers and eliminates all, or virtually all, competition among the parties to the agreement in the affected trade;

(15) "loyalty contract" means a contract with an ocean common carrier or conference by which a contract shipper or consignee obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference;

(16) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier;

(17) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement;

(18) "net profit or loss pool" means a pooling or apportionment of net profits or net losses, or any similar arrangement that results in the participants sharing all or virtually all of their costs of operation, but shall not be deemed to include a pooling or apportionment of revenues, even if such a pooling provides for certain adjustments to revenue or expense or results in the sharing of certain costs, provided that each participant continues to bear a substantial portion of his own costs;

(19) "nonvessel-operating common carrier" means a common carrier engaged in the transportation by water of cargo between the United States and a foreign country, whether in the import or export trade, that does not operate the vessels by which the ocean transportation service is provided, and is a shipper in his relationship with an ocean common carrier;

(20) "ocean common carrier" means a vessel operating common carrier engaged in the transportation by water of passengers or cargo between the United States and a foreign country, whether in the import or export trade; but does not include one engaged in ocean transportation by ferry boat or ocean tramp;

(21) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country;

(22) "rates" means rates, services, classification rules, or regulations;

(23) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of either party;

(24) "shipment" means all of the cargo carried under the terms of a single bill of lading;

(25) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made;

(26) "shippers' council" means an association of shippers or their agents, other than ocean freight forwarders and non-vessel-operating common carriers;

(27) "through rate" means the single amount charged by a common carrier in connection with through transportation;

(28) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port; and

(29) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 3. AGREEMENTS WITHIN SCOPE OF ACT.

(a) This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, and regulate rates, including through rates, cargo space accommodations, and other conditions of services;

(2) pool or apportion traffic, revenues, net losses, or net profits;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or non-vessel-operating common carrier; and

(6) enter into other agreements to control, regulate, or prevent competition among themselves.

(b) This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

SEC. 4. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 3 shall be filed with the Commission, except agreements related to transportation to be performed within or between foreign countries. In the case of an oral agreement, complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which agreements shall be filed.

(b) COMMISSION ACTION.—The Commission shall within thirty days after filing reject any agreement that on its face fails to comply with this section. Unless an agreement has been rejected, the Commission shall, within thirty days of the filing of the agreement, transmit a notice of its filing to the Federal Register for publication.

(c) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) provide for the admission to conference membership of any carrier operating vessels willing to serve the particular trade or route;

(2) permit any member to withdraw from conference membership upon reasonable notice without penalty; and

(3) provide for retaining the services of an independent neutral body to police fully the obligations of the conference and its members.

(d) CONFERENCES UTILIZING LOYALTY CONTRACTS.—

(1) Each conference agreement must provide that, if the conference has in effect a loyalty contract with one or more shippers, each member of the conference may take independent action on any rate or service item required to be filed under section 8 whenever—

(A) a member requests the conference to amend a rate or service item and announces its intention to take independent action if the conference does not agree to the amendment;

(B) the conference fails to make the proposed amendment within thirty days after the first consideration of the amendment in a conference meeting; and

(C) the member seeking the amendment requests the conference to include in the conference tariff a separate entry for its account as proposed in the amendment.

(2) The agreement must further provide that, if the requirements of paragraph (1) are met, the conference shall include the proposed amendment in its tariff for use by any member of the conference and that the amendment shall become effective on publication and filing, but no later than forty-five days after the initial request.

(e) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences serving different trades that would otherwise be naturally competitive must provide the right of independent action for each conference.

(f) ASSESSMENT AGREEMENTS.—

(1) Assessment agreements shall be filed with the Commission and shall be deemed approved upon filing. The Commission shall thereafter, upon complaint filed within two years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within one year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. To the extent that any provision of this paragraph conflicts with the language of any other section of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, the provisions of this paragraph shall control.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements. This section does not exempt from the provisions of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are required to be set forth in a tariff, whether or not such rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 5. ACTION ON AGREEMENTS.

(a) EFFECTIVE DATE.—Except with respect to assessment agreements, each agreement entered into with respect to an activity described in section 3 shall become effective forty-five days after filing unless the Commission rejects the agreement under section 4(b), or suspends the effective date of the agreement under subsection (i).

(b) STANDARD.—The Commission shall by order disapprove or modify any agreement that it finds will operate in violation of this Act; but in the case of any agreement filed under section 4(a) that is a renewal of an agreement previously in effect under this section or section 20(d), there shall be a presumption that the conduct contemplated under the agreement so filed will not be in violation of section 10(a).

(c) INVESTIGATION.—The Commission may, at any time after an agreement has been filed, institute an investigation and conduct a hearing under section 11 to determine if the agreement complies with this Act and, if not, whether the agreement should be disapproved, canceled, or modified. Each agreement that is in effect at the time it is the subject of an investigation and hearing shall remain in effect during the investigation and hearing.

(d) FINAL DECISION TIME.—The Commission shall issue a final decision in each hearing under subsection (c) within one hundred and eighty days of ordering the hearing.

(e) DELAY.—If, within the time period specified in subsection (d), the Commission determines that it is unable to issue a final order because of undue delays, the Commission may make a decision in the proceeding adverse to the delaying party on the basis of the delay, or in the case of undue delay caused by a proponent of an agreement, alternatively, toll the period specified in subsection (d) for the period of delay.

(f) BURDEN OF PROOF.—The burden of proof in any proceeding under this section or under section 4(f)(1) is on the party opposing the agreement, including the Commission.

(g) DURATION OF EFFECTIVENESS.—Each agreement, once in effect, shall remain in effect until withdrawn or until disapproved, canceled, or modified by the Commission. The Commission may not limit the effectiveness of an agreement to a fixed term.

(h) COMPLIANCE WITH SUBPENA OR DISCOVERY.—In any proceeding under this section, the Commission may disapprove an agreement for failure of a proponent of the agreement to comply with a subpena or discovery order lawfully issued by the Commission.

(i) SUSPENSION.—At any time before the expiration of the forty-five-day period referred to in subsection (a), the Commission, upon complaint of a common carrier, shipper, or marine terminal operator, or upon its own motion, may upon notice suspend the effective date of an agreement pending the outcome of a proceeding under section 11, if the Commission, after preliminary investigation, believes that there are unresolved issues of fact, which, if determined adversely to the party or parties filing the agreement, will result in a finding that the agreement is in violation of this Act, and either

(1) there is a reasonable probability that upon further investigation the Commission would find that the agreement will operate in violation of this Act; or

(2) a shipper, common carrier, or marine terminal operator is likely to be substantially injured if the agreement is allowed to go into effect before a final decision on the merits.

The effective date of an agreement may not be suspended under this subsection for a period exceeding ninety days unless the Commission, before the expiration of that period, believes that an extension of such period by not more than ninety additional days is required to resolve the outstanding issues.

SEC. 6. LOYALTY CONTRACTS.

(a) CONTRACT REQUIREMENTS.—Ocean common carriers and conferences engaged in foreign commerce may utilize loyalty contracts, if—

(1) the contract is available to all shippers on equal terms and conditions;

(2) the contract shipper is permitted prompt release from the contract with respect to any shipment or shipments for which the contracting carrier or conference cannot provide space as requested on reasonable notice by the shipper;

(3) the contract covers only those goods of the contract shipper as to the shipment of which it has the legal right at the time of shipment to select the carrier;

(4) the contract shipper, carrier, and conference are permitted on ninety days' notice to terminate, without penalty, the contract

rate system in whole or with respect to any commodity;

(5) the contract excludes bulk cargo (except liquid bulk cargoes, other than chemicals, in less than full shipload lots) and forest products;

(6) the contract provides that whenever a rate for the carriage of goods under the contract becomes effective insofar as it is under the control of the carrier or conference, the rate—

(A) may not be increased on less than ninety days' notice, except upon the agreement of the applicable shipper; and

(B) may be increased on not less than thirty days' notice if the increase is to a level no higher than that from which the particular rate was reduced within one hundred eighty days immediately preceding the filing of the increase; and

(7) the contract shipper is not denied the right to utilize competing services that involve loading to or from a vessel at a port or ports located beyond a carrier's or conference's geographic scope as defined in the contract; and

(8) the contract provides for a spread or series of spreads between tariff rates and rates charged contract shippers that shall not exceed an aggregate of 15 percent.

(b) INTERMODAL LOYALTY CONTRACT.—Each conference that offers an intermodal loyalty contract must offer an alternative all-ocean carrier loyalty contract. A shipper may not be penalized nor shall an action for breach of contract lie if a shipper elects one of the alternative loyalty agreements for the other for any shipment moving through the exit or entry ports that are the subject of the contract.

(c) TREATMENT OF CONTRACT NOT IN CONFORMITY.—The utilization of a loyalty contract that does not conform with each of the requirements of this section is a violation of this Act.

SEC. 7. EXEMPTION FROM ANTITRUST LAWS.

(a) The antitrust laws do not apply to—

(1) any agreement that has been filed under section 4 and has become effective under section 4(f) or section 5, or is exempt under section 16 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act undertaken or entered into in the reasonable belief that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 16 from any filing requirement of this Act;

(3) any loyalty contract or any activity pursuant to a loyalty contract;

(4) any agreement or activity that relates to transportation services within or between foreign countries, whether or not via the United States;

(5) any agreement or activity with a shipper's council organized under the laws of a foreign country and operating exclusively outside the United States, including an agreement or activity that affects cargo transported in a United States import or export trade;

(6) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; and

(7) subject to section 19(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14(b) thereof, and any duly filed and published tariff rate, fare, or charge, or classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.

(b) This Act does not extend antitrust immunity to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States; or to any discussion or agreement among common carriers that are subject to this Act fixing the inland divisions as opposed to the inland portions of through rates within the United States.

(c)(1) Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act, or obtain injunctive relief under section 16 of the Clayton Act, for conduct which is prohibited by this Act.

(d) Any shippers' council organized under the laws of the United States may apply to the Attorney General for certification that the conduct of the council in bargaining with ocean common carriers on the terms and conditions of service is not likely to result in a violation of the antitrust laws. The Attorney General shall grant the application for certification under the same conditions and limitations applicable to an application for antitrust certification of solely export conduct; except that the activities of the shippers' council in bargaining with ocean common carriers on the terms and conditions of service regarding cargo in import trade shall be eligible for the protection of such certification on the same terms and conditions that are made available for similar activities for service on cargo in export trade.

SEC. 8. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports or its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall plainly indicate the places between which cargo will be carried; list each classification of cargo in use; set forth the level of freight forwarder compensation, if any, by a carrier or conference; state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for copies provided by the Commission.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for non-performance, if any.

The exclusive remedy for a breach of contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rates or change in existing rates, which result in an increased cost to the shipper may become effective earlier than thirty days after filing with the Commission. The Commission, for good cause, may allow such new or initial rates and such changes to become effective in less than thirty days. Any change in the rates that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to the filing of an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within one hundred and eighty days from the date of shipment.

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject any tariff filed that is not in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void, and its use is unlawful.

SEC. 9. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section shall maintain rates or charges in its tariffs filed

with the Commission that are below a level that is just and reasonable, nor shall any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in such tariffs. An unjust or unreasonable classification, rule, or regulation means one which results or is likely to result in the carriage or handling of cargo at rates or charges which are below a level which is just and reasonable. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations which the controlled carrier has failed to demonstrate to be just and reasonable. In any proceeding under this subsection, the burden of proof shall be on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding the provisions of section 9(b), the rates, charges, classifications, rules, or regulations of controlled carriers shall not, without special permission of the Commission, become effective sooner than the thirtieth day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within twenty days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why such rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend such rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend such rates, charges, classifications, rules, or regulations on not less than sixty days' notice to the controlled carrier. No period of suspension under this subsection may be greater than one hundred and eighty days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject such new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President any order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within ten days after the receipt or the effective date of such Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that such stay is required for reasons of national defense or foreign policy which reasons shall be specified in the report. Notwithstanding any other provisions of law, the Commission shall immediately grant such request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—The provisions of this section shall not apply to—

(1) any controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) any controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of any controlled carrier in any particular trade which are covered by an agreement effective under section 4, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States;

(5) a trade served exclusively by controlled carriers; or

(6) any controlled carrier registered in a state which, on the effective date of this Act, is among those designated a beneficiary developing country for purposes of the generalized system of preferences, provided for in title V of the Trade Act of 1974 (88 Stat. 2066; 19 U.S.C 2461 et seq.), and set forth in general headnote 3(c) of the Tariff Schedules of the United States, and which has vessels registered within its jurisdiction that are privately owned and not operated by a controlled carrier.

SEC. 10. PROHIBITED ACTS.

(a)(1) Subject to paragraphs (2) and (3), no common carrier, directly or indirectly, may form a joint venture with other common carriers operating in the same trade if such conduct substantially reduces competition in such trade considered as a whole.

(2) Paragraph (1) shall not apply if such conduct—

(A) results in gains in efficiency or services that outweigh any diminution in competition;

(B) is required by an express provision of a government-to-government agreement; or

(C) is in furtherance of foreign policy interests of the United States which outweigh the interests of the United States in preventing the substantial reduction in competition.

(D) permits U.S.-flag carriers to carry cargo of the importing or exporting foreign state which would otherwise be unavailable to such carrier, or available only on unequal terms by reason of the cargo reservation laws or trading practices (governmental or otherwise) of such state, provided that such agreement is not unjustly discriminatory among U.S.-flag carriers.

(3) With respect to conduct by a common carrier that was undertaken in the reasonable belief that the conduct was consistent with an agreement that was in effect under section 5 or 20(d) at the time the conduct occurred—

(A) there shall be a presumption that such conduct is not in violation of this subsection; and

(B) the common carrier, if the Commission determines that such conduct is in violation of this subsection, shall not be liable for reparations under section 11(f), or for penalties under section 13(a) to the extent that such conduct was so undertaken.

(b) No common carrier, including a joint service or consortium operating as a single entity, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) demand, charge, or collect any rate or charge which is unjustly discriminatory between shippers or ports;

(10) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(11) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transactions to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (11) shall be construed to prevent providing such information, in response to any legal process, to the United States, or to any independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier which is a party to a conference agreement approved pursuant to this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by such carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act shall be prohibited.

(c) No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges which would otherwise be applicable;

(2) operate under an agreement described in section 3 that has not become effective under section 5, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement described in section 3 except in accordance with any modifications made by the Commission to the agreement.

(d) No conference or group of two or more common carriers, other than a joint venture operating as a single entity, may—

(1) boycott or take any other concerted action resulting in a refusal to deal;

(2) utilize a device or means that sets conditions or otherwise restricts the ability of a shipper to select an ocean common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(3) restrict the employment of intermodalism or other technological innovations by member carriers;

(4) permit any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of an ocean common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(5) negotiate with any nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by such nonocean carriers: *Provided*, That this prohibition shall not prohibit the setting and publishing of a joint through rate by a conference, joint service, or an association of ocean common carriers authorized to file tariffs;

(6) concertedly deny in the export foreign commerce of the United States compensation to an ocean freight forwarder or limit the amount thereof to less than one and one-fourth per centum of the freight charges;

(7) except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract, allocate shippers among specific carriers that are parties to that agreement or prohibit any carrier that is a party to the agreement from soliciting cargo from any particular shipper; or

(8) pool or apportion net losses or net profits with other common carriers operating in the same trade.

SEC. 11. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to section (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in such manner and by such means and make such order as it deems proper.

(c) COMMISSION INVESTIGATIONS.—The Commission upon its own motion may, in like manner and with the same powers, investigate any conduct which it believes may be in violation of this Act.

(d) SPECIAL INVESTIGATIONS OF CONDUCT PURSUANT TO POOLING AGREEMENTS.—(1) The Commission, upon its own motion or at the request of the Attorney General or the Federal Trade Commission, may initiate an investigation under this section of conduct pursuant to an agreement to pool or apportion traffic or revenues, or charter space with other common carriers operating in the same trade if it believes that conduct pursuant to the agreement substantially reduces competition in such trade.

(2) The Commission shall reject, modify, or terminate any agreement subject to investigation pursuant to paragraph (1) if it determines that conduct pursuant to the agreement substantially reduces competition in the trade concerned unless the agreement—

(A) results in gains in efficiency or services that outweigh any diminution in competition;

(B) is required by an express provision of a government-to-government agreement; or

(C) is in furtherance of foreign policy interests of the United States which outweigh the interests of the United States in preventing the substantial reduction in competition.

(D) permits U.S.-flag carriers to carry cargo of the importing or exporting foreign state which would otherwise be unavailable to such carrier, or available only on unequal terms by reason of the cargo reservation laws or trading practices (governmental or otherwise) of such state, provided that such agreement is not unjustly discriminatory among U.S.-flag carriers.

(3) The sole remedy under the Act for conduct found to violate paragraph (2) shall be rejection, termination, or modification of the agreement.

(e) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held, which states its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and such authorized publication shall be competent evidence of those reports in all courts of the United States.

(f) REPARATIONS.—For any complaint filed within four years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest from the date of injury) caused by a violation of this Act. Upon a showing that the injury was caused by activity that is prohibited by section 10(b) (5) or (7) or section 10(d) (1) or (4), or that violates section 10(c) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 10(b)(6) (A) or (B), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(g) INJUNCTION.—

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that the Commission has reasonable cause to believe that a violation of this Act has or is about to take place, and that the enjoining of that conduct is in the interest of the public, and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant person, partnership, or corporation resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction

for a period not to exceed ten days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant person, partnership, or corporation has been sued by the Commission under paragraph (1); or, if no suit has been filed, in any district in which the defendant person, partnership, or corporation resides or transacts business.

SEC. 12. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 13. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, or any regulation issued thereunder, or Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense.

(b) TARIFF SUSPENSION.—

(1) For any violation of section 10(b)(1), (2), (3), (4), or (8), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed twelve months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 12, the Commission may, after notice and opportunity for hearing, suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) Any common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended shall be subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) Before any tariff suspension ordered under this subsection becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURE.—Every civil penalty provided for in this Act may be assessed by the Commission after notice and an opportunity for hearing. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree or culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to assessment under this section.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this Act may obtain review thereof under chapter 158 of title 28, United States Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Commission shall seek to recover the amount assessed in any appropriate district court of the United States. In such action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) LIMITATIONS.—

(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any proceeding to assess a civil penalty under this section shall be commenced within five years from the date the violation occurred.

SEC. 14. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made only after opportunity for hearing and upon sworn complaint or on its own motion. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall, except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Commission, or any party injured by such violation, or the Attorney General may seek enforcement by any United States district court having jurisdiction over the parties. If after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom such award was made may seek enforcement of such order in any United States district court having jurisdiction of the parties.

(2) In any United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—Any action seeking enforcement of a Commission order shall be filed within four years after the date of the violation of the order.

(f) REPRESENTATION IN COURT.—Attorneys employed by the Commission shall, if the Commission so directs, appear for and represent the Commission in any case before a court of the United States or a State of the United States.

SEC. 15. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of every common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 16. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any specified activity or class of agreements subject to this Act from any requirement of this Act, if it finds that the exemption will not substantially impair effective regulation by the Commission and is not likely to result in any significant lessening of competition in any trade

serving the United States in which ocean common carriers operate. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons who, for purposes of this section, include the departments and agencies of the United States.

SEC. 17. REGULATIONS.

The Commission may promulgate rules and regulations as necessary to carry out the provisions of this Act.

SEC. 18. COMMISSION ON THE DEREGULATION OF INTERNATIONAL OCEAN SHIPPING.

(a) ESTABLISHMENT AND COMPOSITION.—(1) There is established the Commission on the Deregulation of International Ocean Shipping (hereinafter referred to in this section as the "Commission").

(2) The Commission shall be composed of twenty-two members as follows:

(A) The President or a person designated by him.

(B) The Secretary of State, the Attorney General, the Secretary of Transportation, the Chairman of the Federal Trade Commission, and the Chairman of the Federal Maritime Commission, or a person designated by each official.

(C) Four members from the United States Senate appointed by the President, two from the membership of the Committee on Commerce, Science, and Transportation and two from the membership of the Committee on the Judiciary.

(D) Four members from the United States House of Representatives appointed by the President, two from the membership of the Committee on Merchant Marine and Fisheries and two from the membership of the Committee on the Judiciary.

(E) Eight members from the private sector appointed by the President, including representatives of ocean common carriers, shippers, maritime labor organizations, and ports.

(3) The President or his designee shall be the chairman of the Commission.

(4) The majority leader of the Senate and the Speaker of the House shall make recommendations for the appointments of their respective members to be made pursuant to paragraph (2) (C) and (D) within thirty days after the date of the enactment of this Act.

(5) The President shall make all of the appointments in accordance with paragraph (2) after receiving the recommendations set forth in paragraph (a)(4), but such appointments shall be made no later than sixty days after such date of enactment. The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by deregulation of international shipping.

(6) The first meeting of the Commission shall be called by the President no later than thirty days after the beginning of the first fiscal year occurring after the date of the enactment of this Act.

(7) The term of office for members shall be for the term of the Commission.

(8) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(9) Twelve members of the Commission shall constitute a quorum (but a lesser number may hold hearings).

(10) The Commission shall select a vice chairman from among its members.

(b) COMPENSATION OF MEMBERS OF THE COMMISSION.—(1) Officials of the United States Government and Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the performance of duties vested in the Commission, plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them notwithstanding the limitations contained in sections 5701 through 5733 of title 5 of the United States Code in the performance of such duties.

(3) Members of the Commission appointed from the private sector shall not be subject to Title II of the Ethics in Government Act of 1978, Public Law 95-521, as amended, or to the provisions of section 208 of title 18 of the United States Code. Prior to commencing service, such members shall file with the Commission a statement disclosing their financial interests and business and other relationships involving or relating to ocean transportation. Such statements shall be available for public inspection at the Commission's offices.

(c) COMMISSION FUNCTIONS.—The Commission shall conduct a comprehensive study of, and make recommendations concerning, the deregulation of international ocean shipping by common carriers. Such comprehensive study shall specifically address—

(1) various options for deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a future deregulated industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics.

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of the "rules of competition" being considered by our trading partners and their relationship to the trend in the developing world towards structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each of the deregulation options may produce; and

(8) the future structure and role of the Federal Maritime Commission in a deregulated industry.

(d) POWERS OF THE COMMISSION.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman or vice chairman, or any duly designated member, and may be served by any person designated by the chairman, the vice chairman, or such member. In the case of the failure of any witness to comply with any subpena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply to the Commission to the same extent as such provisions apply to Congress.

(2) For purposes of sections 552, 552a and 552b of title 5, United States Code, the Commission shall not be considered to be an "agency", as such term is defined in sections 551(1) and 552(e) of such title 5. The Commission shall not be subject to the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended.

(3) Each department, agency, and instrumentality of the executive branch of the Government, incuding independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(4) Subject to such rules and regulations as may be adopted by the Commission, the chairman shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(B) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code.

(5) Persons in the employ of the Commission pursuant to subsection (4) shall be considered to be Federal employees for all purposes, including—

(1) the Civil Service Retirement Act, as amended (5 U.S.C. 2251-2267),

(2) the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091-2103),

(3) annual and sick leave, and

(4) the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842).

(6) The Chairman may rent office space for the Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), may accept, hold and administer gifts from non-governmental sources and transfers of funds from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research or surveys in furtherance of the work of the Commission.

(e) FINAL REPORT.—The Commission shall submit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission resulting from the study undertaken pursuant to subsection (c), including its recommendations for such administrative, judicial, and legislative action which it deems advisable. Any formal recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission present and voting.

(f) EXPIRATION OF THE COMMISSION.—The Commission shall cease to exist 60 days after the submission to Congress of the final report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Commission.

SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed.

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608(c)	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definition "controlled carrier";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act,";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 29, 30, and 31, after the words "any order of the board", by adding "under this Act,";

(13) in section 32(c), after the words "or functions,", by adding "under this Act,";

(14) in section 44, by striking all and substituting:

"(a) LICENSE.—No person may engage in carrying on the business of forwarding unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person who—

"(1) the Commission determines to be qualified by experience and character to render forwarding services; and

"(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the United States Department of the Treasury.

"(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the independent ocean freight forwarder is not qualified to render forwarding services, or for willful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the Commission.

"(c) EXCEPTION.—A person whose business is the sale of merchandise may forward shipments of that merchandise for his own account without a license.

"(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

"(1) A common carrier may compensate an independent ocean freight forwarder in connection with any cargo shipment dispatched on behalf of others only when the independent ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

"(A) engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space; and

"(B) prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the cargo.

"(2) A common carrier may not pay compensation for services described in paragraph (1) more than once on the same cargo shipment.

"(3) No compensation may be paid to an independent ocean freight forwarder except in accordance with the tariff requirements of this Act.

"(4) No independent ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on such shipment.".

(c) TECHNICAL AMENDMENTS.—Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under the provisions of this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under the provisions of this Act.

(e) SAVINGS PROVISIONS.—

(1) Notwithstanding subsection 8(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment may remain in full force and effect and need not comply with the requirements of that subsection until January 1, 1984.

(2) This Act and the amendments made by it shall not affect any suit at law filed before April 1, 1982.

SEC. 20. EFFECTIVE DATE.

This Act shall become effective one hundred and eighty days after the date of its enactment, except that sections 17, 18, and 19 shall become effective upon enactment.

H.R. 5543

By Mr. Snyder:

—(1) On page 2, line 12, strike the comma after the word "sound," and all that follows down through and including the word "Samoa" in line 17.

—(2) On page 3, line 7, strike "commerce" and insert in lieu thereof "Treasury".

—(3) On page 3, line 8, strike all of paragraph (4) through line 14 on page 4.

—(4) On page 3, line 8, strike paragraph (4) and insert in lieu thereof the following:

"(4) The term 'unit of local coastal government' means—

"(i) the government of any county, parish, burrough, municipality, town, or township in which a unit of general government below the state (determined on the basis of the same principles as are used by the Bureau of the Census of the Department of Commerce for general statistical purposes) and which governs a geographical area located entirely in a coastal state and located on or adjacent to a coastline as determined by the Secretary; and"

"(ii) the Matlakatler Indian Community and the recognized governing body of any Indian tribe in any coastal state except Alaska which performs substantial government functions and which governs the geographical area located entirely in a coastal state and located on or adjacent to a coastline as determined by the Secretary."

—(5) On page 4, after line 14, insert the following new paragraph:

"(5) The term "coastal related energy facilities" means any equipment or facility which is or will be used primarily in the exploration for, or the development of, production, conversion, storage, transfer processing or transportation of oil, gas, sulfur, geopressured methane, or other minerals from the Outer Continental Shelf."

—(6) On page 5, line 10, strike "1982" and insert in lieu thereof "1983".

—(7) On page 5, line 14, strike subsection "(c)(1)" and all that follows through the end of line 3 on page 6.

—(8) On page 5, line 14, strike all after "(c)(1)" through line 18 and insert in lieu

thereof the following: "As authorized by Congress, the Secretary may use for any fiscal year, an amount equal to not more than 10 percentum of".

—(9) On page 5, strike lines 23 trhough 25, and lines 1 through 3 on page 6, and insert in lieu thereof the following: "(2) as authorized, the Secretary shall use the total amount of any sum paid into the fund during each fiscal year which are not used to carry out the provisions of (c)(1) of this Section, to supplement funding for SSI in coastal states,"

—(10) On page 4, strike line 15, and all that follows down to and including line 3 on page 6.

—(11) On page 6, strike line 4 and all that follows down to and including line 12 on page 9.

—(12) On page 4, after line 14, add the following definition:

"(5) The terms bonus, and royalties, has the meaning given those terms in section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a) and (b)."

—(13) On page 5, line 10, strike "1982" and insert in lieu thereof "1983".

—(14) On page 5, strike lines 14 through 22, and insert in lieu thereof the following:

"(c)(1) As provided in advance by appropriation acts, the Secretary shall disperse directly to units of local coastal government, funds for Fiscal Year 1984 and for each subsequent fiscal year in amounts equal to not less to 25 percentum and not more than 50 percentum of the total amount appropriated from the fund for the purpose of enhancing, to the maximum extent practicable, access to coastal recreational areas for the handicapped, and for the elderly."

—(15) On page 6, strike lines 1 through 3 and insert in lieu thereof the following "which are not used to carry out provisions of subsection (c)(1), to provide block grants pursuant to section (4)."

—(16) On page 6, strike line 4, and all that follows down through and including line 12 on page 9, and insert in lieu thereof the following:

"NATIONAL COASTAL DEVELOPMENT GRANTS

"SEC. 4. For fiscal year 1984 and for each subsequent fiscal year as determined by appropriations, the Secretary shall provide to each coastal state a grant from sums paid into the fund during the prior fiscal year pursuant to section 3(b). Fifty percent of such funds paid to a coastal state shall be immediately passed through by the governor to the units of local coastal government.

"(b) The governor of a coastal state may utilize such funds for the purpose of carrying out his obligations and responsibilities under the Outer Continental Shelf Lands Act.

"(c) Units of local coastal government shall utilize such grant funds received under subsection 4(a), for coastal projects such units of government determine is in their best interest, and is not funded by any other Federal program.

"(d) The amount of grant provided under a subsection for a fiscal year to a coastal state shall be determined by the Secretary under a formula established by the Secretary which gives equal consideration to each of the following criteria:

"(1) For each coastal state the equal combination of the amount of actual leasing with respect to oil, gas, sulfur, geopressured methane and other minerals which is carried out under the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) during the previous fiscal year which occurs within the Outer Continental Shelf planning area to which such coastal state is adjacent.

"(2) For each coastal state the volume of oil or gas produced from Outer Continental Shelf acreage leased by the Federal government within the planning area to which the state is adjacent in the previous fiscal year.

"(3) For each coastal state, the volume of oil and gas produced from the outer continental shelf acreage leased by the Federal government which is first landed in such coastal state during the previous fiscal year.

"(4) For each coastal state any proposed oil and gas lease sale which is specified by the Outer Continental Shelf Leasing Program prepared pursuant to section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) and which are scheduled to occur within the Outer Continental Shelf planning area to which coastal state is adjacent in the current fiscal year."

—(17) On page 9, strike line 13 and all that follows down through and including line 16 on page 11, and renumber accordingly.

—(18) On page 10, strike line 3 and all that follows down through line 17, and redesignate accordingly.

—(19) On page 10, strike lines 18, 19 and 20, and insert in lieu thereof the following: "Each coastal state governor shall provide at least 50 percent of the financial assistance provided to the state under this title to units of coastal local government."

—(20) On page 10, strike lines 21 down through line 25; on page 11, strike lines 1 through 5; and insert in lieu thereof the following:

"(d) any coastal state which the Secretary determines uses any funds provided by a block grant under section 4(a) for an activity not consistent with this act, shall repay such funds to the Federal Treasury. If a coastal state does not repay funds required to be repaid under this subsection, the Secretary may reduce the amount of any future grants provided under this Act by the amount of such required repayment, and an equitable penalty as determined by the Secretary".

—(21) On page 11, strike line 6 and all that follows down through and including line 16.

—(22) On page 11, strike line 6 and all that follows down through and including line 16, and insert the following:

"(e) Funds under this section shall be paid to the state by the Secretary."

—(23) On page 4, strike lines 15 through 24; on page 5, strike lines 1 through 25; on page 6, strike lines 1 through 3; and insert in lieu thereof the following: "Section 3(a) the Secretary may earmark up to three percent of all revenues deposited in the miscellaneous accounts of the Treasury from bonuses and royalties on production begun after the passage of this Act, for the purpose of providing grants to coastal states, and to units of local coastal government.

"(b)(1) As provided in advance by appropriations acts, the Secretary shall use for Fiscal Year 1984 and for each subsequent fiscal year an amount equal to not less than 25 percentum and not more than 50 percentum of the total amount of earmarked funds appropriated under this section to assist coastal states in providing assistance to the elderly, handicapped, and unemployed, in pursuing the states' responsibilities under the Outer Continental Shelf Lands Act, or in adjusting to any negative or positive impact that may result from OCS oil and gas activities.

"(2) As provided in advance by appropriation acts, the Secretary shall use the total amount of any sums earmarked for each fiscal year under this section which are not used to carry out the provision of (b)(1) to provide additional grants pursuant to section (4).

—(24) On page 9, strike lines 17 through 25, and lines 1 through 17 on page 10, and insert in lieu thereof the following:

"(1) Activities to enhance industrial development of coastal communities.

"(2) Activities to preserve 'wetlands'.

"(3) Activities to enhance employment and recreational atmosphere in coastal communities for the elderly and the handicapped."

—(25) On page 11, after line 16, add the following new subparagraph:

"(f) Funds utilized by the state, or by a coastal unit of local government, may not be utilized for projects or programs for which Federal funding is being received through another program."

—(26) On page 9, line 15, strike "the following" and all that follows down through and including line 16 and insert in lieu thereof the following: "activities directly related to Outer Continental Shelf lease sales, drilling activities, and direct impacts on coastal areas resulting from such activities including:".

—(27) On page 5, strike lines 17 and 18.

On page 5, at lines 21 and 22, strike the words "National Sea Grant College Program Act (33 U.S.C. 1121-1131)." and insert in lieu thereof the words "Construction Differential Subsidy program under the Merchant Marine Act of 1936 (46 U.S.C. 1151-1161)."

Strike the remainder of the bill.

—(28) On page 3, line 7, strike "Commerce; and" and insert in lieu thereof, "Treasury."

On page 3, strike lines 8 through 25 and, on page 4, strike lines 1 through 14.

On page 5, strike lines 14 through 22 and insert in lieu thereof the following:

"(c)(1) As provided in advance by appropriation Acts, the Secretary shall transfer to the Secretary of Commerce for fiscal year 1984, and for each subsequent fiscal year, an amount equal to not less than 10 per centum and not more than 20 per centum of the total amount appropriated from the Fund for the purposes of this Act to carry out the National Sea Grant College Program Act (33 U.S.C. 1121-1131)."

On page 6, line 3, strike the word "block".

Beginning on page 6, strike line 4 and all that follows through line 15 on page 12, and insert in lieu thereof the following:

COASTAL STATES MARITIME SEARCH AND RESCUE GRANTS

SEC. 4. (a) There is hereby established the Coastal State Maritime Search and Rescue Grant Program, to be funded from sums paid into the Fund during the prior fiscal year and available for obligation pursuant to subsection 3(c)(2), for the purposes of promoting, establishing and maintaining coastal state and local government maritime search and rescue program operations. Such grants as are provided to the coastal states pursuant to subsection (b) of this section shall be utilized to:

(1) develop and implement maritime search and rescue operations;

(2) purchase all equipment necessary to sustain maritime search and rescue capability;

(3) hire, train, and compensate personnel; and

(4) provide financial assistance to local units of government for the purpose of paragraphs (1), (2) and (3).

(b) Subject to subsection (c)(1), for fiscal year 1984 and for each subsequent fiscal

year, the Secretary shall provide to each coastal state a maritime search and rescue grant (hereafter in this Act referred to as a "grant"). From those sums available for obligation, the Secretary shall determine the amount of the grant to each eligible coastal state based upon the following formula:

(1) one-third to be allocated among the coastal states according to each coastal state's proportionate share of the total of numbered undocumented vessels in the coastal states;

(2) one-third to be allocated among the coastal states according to each coastal state's proportionate share of the coastal shoreline mileage of all coastal states; and

(3) one-third to be allocated among the coastal states according to each coastal state's proportionate share of the total number of search and rescue cases arising in all coastal states during the most recent fiscal year for which a statistical summary of Coast Guard search and rescue operations is available.

(c)(1) The Secretary, in consultation with the Secretary of Transportation, acting through the Commandant of the Coast Guard, shall prescribe rules and regulations for the development and approval of coastal state maritime search and rescue programs in order to determine the grant eligibility of a coastal state.

(2) The Secretary shall prescribe all other rules and regulations necessary for the administration of the Coastal States Maritime Search and Rescue Grant Program."

SENATE—*Thursday, September 9, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

The PRESIDENT pro tempore. Our prayer this morning will be offered by the Reverend Thomas W. Evans, Minister, St. John's United Methodist Church, Springfield, Va. He is sponsored by the distinguished Senator from Virginia, Senator JOHN WARNER.

PRAYER

The Reverend Thomas W. Evans, Th. D., offered the following prayer:

Please pray with me.

Almighty God, our Father, Creator of all the Earth. We thank You for this new day of life. We ask Your blessings upon the President, his Cabinet, the Senate and the House. May each person have an open honest mind, pure intentions, and sound speech. Help us to rise above self-seeking and party zeal to the deeper concerns and needs of the people.

May we hear Your word again (II Chronicle 7: 14), "If My people who are called by My name, humble themselves and pray, and seek My face, and turn from their wicked ways, then I will * * * forgive their sins and heal their land." Help us to know (Psalm 127), "Unless You build * * * our labor is in vain. Unless You watch over the city (and nation) we watch in vain. It is in vain that we rise up early and go to rest late, eating the bread of anxious toil."

O God, we know that You are the Supreme Ruler over all nations, and only through You can we find peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

COMMENDATION OF THE GUEST CHAPLAIN

Mr. BAKER. Mr. President, I commend the guest Chaplain, and the distinguished Senator from Virginia for bringing him to us today, especially on the thought and content of his morning prayer.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

WISHES FOR A SPEEDY RECOVERY FOR BABY GARN

Mr. BAKER. Mr. President, our colleagues might wish to know that last evening in an unfortunate accident, the young 3-month-old baby of Senator and Mrs. Jake Garn fell and suffered a fractured skull.

The baby is expected to be all right, but I am sure all Members will join with me in wishing Senator and Mrs. Garn a speedy and complete recovery for their young child.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the time allocated to the two leaders under the standing order there will be a period for the transaction of routine morning business which, as previously ordered, will extend not past the hour of 12 noon, in which Senators may speak for not more than 5 minutes each.

At 12 noon the Senate will stand in recess until 1:50 p.m. in order to accommodate the requirement of Members to attend to duties off the floor of the Senate in the nature of caucus activity.

Mr. President, at 1:50 p.m. the Senate will reconvene and will resume consideration of House Joint Resolution 520, the debt limit bill, at which time the Senator from Oregon (Mr. PACKWOOD) will be recognized under the previous order.

At 2 p.m. the vote on cloture against further debate on the Helms second-degree amendment will occur under the provisions of rule XXII. The mandatory quorum call under that rule has been waived.

Mr. President, it is anticipated that the Senate will continue in session until the usual and regular hour of recess today, which means perhaps 6 p.m.

Mr. President, I shall have a further announcement to make about the schedule of the Senate sometime early this afternoon, particularly in respect to further debate on the measure at hand, that is to say the debt limit bill and the several amendments thereto.

The schedule, of course, will depend in large measure on whether cloture succeeds or fails in the 2 p.m. vote today.

Mr. President, I have no further need for my time. I am prepared to yield any time I have remaining under the standing order to any Senator but first let me offer it to the minority leader, if I may.

Mr. ROBERT C. BYRD. Mr. President, I am glad to accept the time offered by the majority leader.

Mr. BAKER. I thank the minority leader.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. (Mr. NICKLES). The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I yield to Mr. JACKSON such time as he may wish.

DEPUTY SECRETARY OF ENERGY RECEIVES ENGINEERING AWARD

Mr. JACKSON. Mr. President, it is important that we be able to attract to and keep people of outstanding qualifications in the highest positions in executive branch agencies. Our ability to manage the difficult problems which our Nation confronts in many areas is only as good as the people who make the policy decisions.

In that regard, I believe that we have as the Deputy Secretary of Energy a man who brings extraordinary management and engineering skill to the job. I have personally known W. Kenneth Davis for many years and can attest to his professional abilities. He also is a man of admirable character.

Mr. Davis was selected in August by the American Association of Engineering Societies (AAES) as the recipient of its National Engineering Award. The award will be presented on September 15. The AAES is an affilitation of virtually all of the national engineering organizations with a membership totalling nearly 1 million men and women from engineering professions. Thus, the AAES recognition of Mr. Davis with this prestigious award provides great recognition of his preeminence in the field of engineering.

If this were the only award that Ken Davis had ever received, it would still be noteworthy. However, he has received many other national awards from engineering and technical associations and has been elected to both the National Academy of Sciences and the National Academy of Engineering. His activities as an engineer and manager have served the Nation exceed-

ingly well. I, therefore, take great pleasure in calling to my colleagues' attention this high honor bestowed upon Ken Davis by the AAES.

I thank the distinguished minority leader.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator is welcome.

Does Mr. PROXMIRE or Mr. STENNIS wish to have me yield some time to them?

Mr. STENNIS. Mr. President, may I ask the leader to repeat his inquiry?

Mr. ROBERT C. BYRD. Does the Senator wish me to yield some of my time to him?

Mr. STENNIS. Yes. I appreciate that, and I wish to have 10 minutes, frankly, at a convenient time.

Mr. ROBERT C. BYRD. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. ROBERT C. BYRD. I thank the Chair.

I yield 10 minutes to Mr. STENNIS.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I certainly thank the minority leader.

MILITARY SUPERIORITY

Mr. STENNIS. Mr. President, we will be taking up the military appropriations bill in time. I do not know just when. But it is of the utmost importance.

I am not today pushing for any particular action at any particular time. But I do notice repeated statements in the press and by the columnists, made in good faith I am sure, about the expenditure of too much money with reference to our military budget.

There are also statements that tend to downgrade our military preparedness, and, by comparison, rate us as second best to the Soviets. As a background I want to challenge this morning suggestions that tend too far in that direction.

Mr. President, on the eve of beginning consideration of the fiscal year 1983 defense appropriations bill, I rise to disagree with those who would make America a second-rate military power. Out in the country there are those who would charge that America has frittered away its military superiority, thrown away its prowess and now stands naked and afraid before a giant Russian bear. This is dangerous nonsense. It undermines the confidence of the American people and weakens their support for the defense budget. Furthermore it denigrates those who wear the uniform and are responsible for fielding the effective military forces that protect our country and our interests worldwide. What we need instead of this rhetoric aimed at creating fear and even panic, is a day-to-day, year-to-year dedication to keeping our military strength modern, lean, well disciplined, and at the ready.

In this time of tight budgets and competing demands for funds, we must reexamine our military posture and rededicate ourselves to military preparedness. There are no loose dollars to be thrown away now, but we must continue to maintain a strong but frugal military preparedness even in the face of economic difficulties. A few years ago, in better economic times, there were those who called for more money for defense. Now, when the going gets tougher, some of those same people are calling for large cuts in defense spending. Some reductions have already been made and agreed to by the President. We are already within a few percentage points of the defense spending outlined in the last budget submitted by President Carter. But the country needs to maintain its military strength through thick and thin. That means we must maintain the consensus for defense spending that was achieved just a few years ago. For my part, I will bend my efforts to this purpose.

Now the President has said that the Russians have caught up with us in one important, but limited field—strategic nuclear weapons. It may be that in this nuclear field no country can achieve military superiority again the way the United States had clear superiority when we had nuclear weapons and the Russians did not. Through no fault of ours, we no longer have the luxury of sole possession of these weapons. That does not mean the United States cannot carry out its missions and deter the Russians in this field. What it means is that we must take the steps needed to make sure that we modernize and keep our guard up in that field. That is why I have long supported the MX intercontinental missile, the B-1 and other manned bombers, the Trident submarines and missiles and the whole new families of cruise missile and Stealth technology.

But to extend this nuclear problem to a statement of general American military weakness—as some have tried—is misleading and false. America is not a weak and threatened second-rate power and statements to that effect are damaging.

Let me point out with emphasis, Mr. President, that should those statements of our inferiority, our being second rate, be true then they should become the basis for immediate action by the Government—a call up of the National Guard and Reserve, immediate induction of young people under a fair Selective Service System, immediate halt in the retirement or sale of ships, aircraft, nuclear missiles and bombers that still have useful life in them, increased alert of our bomber, submarine and missile forces, putting more of the fleet to sea, vastly stepped-up maneuvers, training and readiness in general, return of the 350,000 women and children dependents of military personnel overseas, mobilization of industrial production and emergency supplemental increases in the military budget.

No military leader has recommended these actions; no responsible civilian official has recommended these actions; President Reagan has not recommended these actions. In fact, in June of 1982, the President endorsed some reductions in the military budget as part of a program to help the economy.

But if the statements about U.S. military inferiority are false, they should be denounced as harmful and dangerous political rhetoric. These statements encourage enemies such as the Russians and could lead to miscalculation by them. Russian miscalculations could cost thousands or even millions of lives if they mistakenly sought a war. Such statements also discourage our allies and make them less willing to follow our lead. Finally, such statements, which prey on fear, discourage and confuse the American people, and in the end weaken the consensus for a strong defense by making it appear hopeless.

There is no doubt in the Russian mind that U.S. military power is not to be trifled with. They have not moved against it and we must insure that they do not try. This is called deterrence, and it is a strong military posture that makes it effective.

Now, Mr. President, a great deal of the money I have supported, some of which I have taken a lead in over the years, is for weaponry that I look upon as purely for deterrence, and I think it has been effective that way. If we did not have it we would be faced with a much more dangerous situation and could have been the subject of attack. So this word "deterrence" is not something to be pitched around. I believe the President of the United States, as he seeks these agreements that can be enforced and checked on, must have this arsenal at his command to use as an effective deterrent as he approaches—and God help him proceed—a satisfactory settlement of some kind which will at least be a beginning in this field.

There is no doubt in the minds of all our top military leaders who have testified that they would not for one instant trade U.S. military forces today for those of the Russians—or anybody else.

There is no doubt in the mind of our Air Force Chief of Staff when he said on May 19, 1982,

> I have been associated with the air forces of other nations; there are none better, believe me, than the U.S. Air Force.

That is the man responsible for all our nuclear ICBM's and bombers as

well as our fighter and attack aircraft who is speaking.

There was no doubt in the mind of our Chief of Naval Operations on May 19, 1982, when he testified about the American "blue chips of superiority." To the question, "What are the Russians afraid of?" he answered,

> Our superior tactical air at sea is number one * * *. Our superior SSN submarines are better—probably 5 to 8 years in technology * * *. We have a superior cruise missile which the Soviets cannot emulate * * *. We have an amphibious force that they cannot match * * *. Weapons systems individually in my judgment, are superior to the individual weapons systems in Soviet combatants.

There could have been no doubt in the minds of the Israel crews of American-made aircraft, missiles and guns in Lebanon as to their ability to knock out Russian-made aircraft, missiles and tanks. In air-to-air battles, 88 Russian-made aircraft reportedly went down while 1 American-made aircraft was lost. Twenty Russian-made missile batteries were claimed with no American-made aircraft lost. Some 400 Russian-made tanks reportedly were destroyed by American-made guns. These are remarkable statistics on military performance using U.S.-made equipment used in actual combat within the last 4 or 5 months.

These are matters that our military have claimed a superiority in, that they have great faith in, that they, the engineers, and the taxpayers backed by paying the bill, and it paid off in such a magnificent way so far as a test for the weaponry was concerned, an overwhelming victory, and the physical demonstration there that could not be had otherwise.

I can relate here, Mr. President, the great number of new weapons that we have. I am not trying to portray a show here. I am not trying to frighten anyone on the other side, so to speak. I am not trying to push around anybody on this floor who may oppose some elements of these appropriation items that are coming up in due time in this bill. But I do want to say that I know we are up against a practical matter here with regard to military weaponry until we find our way along a better road, a better route, with reference to arms limitation agreements. Until we find solid agreements that can be given surveillance and can be checked on, then we must not be guessing, we must not be second-best, we must not take chances.

There is no doubt in my mind that militarily the United States can do today what we need to do to protect our people and safeguard our interests. This fact is no accident and comes from the groundwork laid in past years. It must be kept that way and actions are already underway for that purpose.

Whole families of new long-range, high-accurate cruise missiles are now coming off the production lines.

New powerful Trident submarines and Trident I missiles are being deployed as fast as they can be built.

Two brandnew ballistic missiles—the MX and Trident II—are being developed as rapidly as practical.

Two new strategic bombers—the B–1 and highly classified Stealth bombers are being developed as rapidly as prudence allows.

A whole new family of the best tactical fighter aircraft in the world—F–14's, F–15's, F–16's, F–18's, A–10's—have been and still are rolling off the production lines into the air squadrons.

A whole new generation of Army and Marine Corps ground equipment—tanks, helicopters, cannon, fighting vehicles, trucks, missiles, radios, and all the rest—have been and are coming off the production lines into troop units.

Brandnew, larger and more capable fighting ships—Aegis cruisers, attack submarines, fast frigates, aircraft carriers, and amphibious ships, over 93 ships altogether—have been funded in previous years and are in various stages of completion with new deliveries coming all the time. More new ships are funded in this year's budget.

These results do not come from naive expectations, sweeping rhetoric or scare tactics. What is needed is a steadiness of purpose to field a strong military. Neither alarmism nor complacency serve that purpose.

For years, my watchwords for fielding a military program that is second to none have been the same: Preparedenss; deterrence; discipline; frugality. These watchwords, combined with plain hard work, have successfully shepherded the laws and the money needed for a strong American defense through the entire legislative process, authorization bills, appropriations bills, and joint conference with the House.

This bill does look large. It has not been but a few years though where we had to start rebuilding from the ground up following that most unfortunate of all conflicts in Vietnam. With the advancement of science in many fields, new and additional weaponry of the most expensive kind had to be supplied and many times on quick order.

I can say this, Mr. President, that with all our experiences in weaponry there are many cases of research and development where that process itself proves not to be an inferior weapons system but it proves the insufficiency of certain concepts where many millions of dollars are spent and the process is laid aside and is not proceeded with further.

This is a field now where weaponry is so expensive, so very greatly increased in costs that mount by leaps and bounds that no nation can keep on paying the bill if we proceed in a reckless way, if we recklessly buy items that are not needed, that are not worthy and are not necessary.

I very rigidly apply every rule I know of savings and frugality and its proper accent.

There were and will be many difficult times with challenges coming from many sides against key elements of the defense program. The B–1 bomber, aircraft carriers, Army tanks, troops in NATO, selective service, and many other items have all been subject to sharp challenge and debate. For the B–1 bomber alone, I voted at least 12 times on the Senate floor in favor of this bomber. Many of these debates have been a red-hot test of legislative skill, experience and stamina—some lasting for 7 weeks on the Senate floor and others going around the clock. In May 1982, the Defense authorization bill alone required 2 weeks of debate, including a final 21-hour around the-clock session.

It takes a steady purpose and resolve to provide for the common defense. The list of legislative battles is longmarked mostly by success. Between 1969 and 1981, over 50 new major weapons systems were first authorized or delivered to the combat forces—ships, tanks, aircraft and missiles—and many provoked controversy. During the same period, many major and controversial military policy questions arose. These included selective service, overseas troop deployments, the War Powers Act, military unionization, National Guard and Reserve support, draft registration, military justice and discipline, recruit quality, special pay for specially trained personnel, and limits on the number of generals and admirals.

One small illustration of how steadiness of purpose and resolve paid off for preparedness is the case of the nuclear-powered aircraft carrier. In 1978, after extensive hearings and testimony by the Navy, I proposed an amendment in committee that added funds for another large *Nimitz*-class aircraft carrier. This ship was not in the budget request, but the committee agreed it was needed by the Navy and recommended it to the Senate. After vigorous debate, the Senate adopted the amendment. Despite opposition by the executive branch, the ship was also approved by the joint House-Senate conference committee and sent to the President. President Carter chose to veto the bill and sent it back unsigned to Congress. The Armed Service Committee mobilized to try to override the veto in the Senate, but the House had to act first and it failed to override the veto. When this occurred, there was nothing else to do but move ahead the other parts of the military preparedness program. However, within 6 months of this debate, the administration budget request in-

cluded a medium sized aircraft carrier. The Senate Armed Services Committee again recommended a large carrier and in 1979 Congress authorized and appropriated funds for a new nuclear powered *Nimitz*-class carrier. The keel for this ship was laid in October 1981. Construction is now 27 percent complete. It has been named the U.S.S. *Theodore Roosevelt* and will be launched in 1984 and delivered to the fleet in 1986. This illustrates how a real fleet is built. It is steady purpose and hard work that pays off—not sweeping rhetoric that plays on fear.

Another illustration is the magnificant work done a few years ago by Gen. Louis Wilson, previous Commandant of the Marine Corps, in restoring the firm discipline and high quality needed for a first rate combat force. It took day to day steadiness of purpose and determined effort to weed out the troublemakers, instill discipline and restore the morale and esprit that so typified the U.S. Marine Corps today all over the world, including in the troubled city of Beirut.

In conclusion, war and the military preparedness to deter it are not child's play. Experience, judgment and steady purpose through thick and thin is what is needed to see a strong military program through the legislative process. The watchwords of preparedness, deterrence, discipline, and frugality have served this country well in the past and are even more necessary in the difficult years ahead.

But let us be thankful, Mr. President, that we have the ability, we have the wherewithal, and we so far are able, within sound financing, to pay the bill. We are not going to be caught napping. This is our insurance. And within the lines of this protection, I believe, in time we will be going into a great new era of expanded production, expanded wealth, you might call it, and an expanded economy of the soundest kind and the best system of government in the world.

Mr. President, I thank the Chair and I yield the floor.

Mr. PROXMIRE addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, are we in morning business at the present time?

The PRESIDING OFFICER. There are 4 minutes of the Democratic leader's time remaining.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the leader's time be set aside so that we can move into morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 o'clock noon with statements therein limited to 5 minutes each.

HOW TO MAKE THE REALITY OF NUCLEAR WAR EVIDENT TO THE HAND THAT CAN PUSH THE BUTTON

Mr. PROXMIRE. Mr. President, all of us are now aware of the terrible possibility that sometime in the next 20 or 25 years, maybe at noon today, maybe at 3 o'clock tomorrow morning, maybe 20 years from now, a nuclear war might start and involve the superpowers. Either a President of the Soviet Union or a President of the United States could launch such a catastrophe.

This nightmare haunts all of us. When a single human being possesses this awesome power to virtually destroy our world, what could set him off? What could provoke an American or Soviet President to push the button? More important, what could restrain him, give him second thoughts, stop him from making such a devastating reaction? Some of the top experts on human behavior and international affairs have recently discussed how we might require a President to have long seconds thoughts before he precipitated the nightmare that haunts all of us.

The New York Times on Tuesday reported on all of this and included a shocking suggestion by Roger Fisher, professor of law at Harvard University, that would bring the President of either country to a dramatic realization of what his simple push of that button would do in exterminating hundreds of millions of people. Here is what Professor Fisher suggests:

He would put the codes needed to fire nuclear weapons in a little capsule and implant the capsule next to the heart of a volunteer, who would carry a big butcher knife as he followed the President everywhere. If the President ever wanted to fire a nuclear weapon, he would first have to kill, with his own hands, that human being. "He has to look at someone and realize what death is—what an innocent death is. It's reality brought home," says Professor Fisher.

Mr. President, the psychological forces that might drive the hand that controls the nuclear button have been examined and discussed by the leaders of the American Psychological Society. The New York Times ably reports their conclusion. I think they make a contribution to our understanding of this human and very real aspect of nuclear war and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOCIAL SCIENTISTS BELIEVE LEADERS LACK A SENSE OF WAR'S REALITY

(By Philip M. Boffey)

WASHINGTON.—One expert on international affairs has an unorthodox proposal to slow the hand of any President who might be tempted to unleash a nuclear attack. It has long been feared that a President could be making his fateful decision while at a "psychological distance" from the victims of a nuclear barrage; that he would be in a clean, air-conditioned room, surrounded by well-scrubbed aides, all talking in abstract terms about appropriate military responses in an international crisis, and that he might well push to the back of his mind the realization that hundreds of millions of people would be exterminated.

So Roger Fisher, professor of law at Harvard University, offers a simple suggestion to make the stakes more real. He would put the codes needed to fire nuclear weapons in a little capsule, and implant the capsule next to the heart of a volunteer, who would carry a big butcher knife as he accompanied the President everywhere. If the President ever wanted to fire nuclear weapons, he would first have to kill, with his own hands, that human being.

"He has to look at someone and realize what death is—what an innocent death is. It's reality brought home," says Professor Fisher.

Although Professor Fisher's proposal has not gained adherents among decisionmakers in the nation's capital, it would go far toward answering a need voiced by many political psychologists. In his recent presidential address to the International Society for Political Psychology, for example, Morton Deutsch of Columbia University suggested that nuclear weapons were "psychologically seductive," largely because they provide "a tremendous emotional kick for those with strong power drives." The kick comes, he said, because the stakes high, decisions have to be made quickly, and use of the weapons is inherently aggressive. Dr. Deutsch also thinks the tidy, abstract character of nuclear war scenarios "appeals to the talented, imaginative gamesmen" who are the leading strategic analysts in the United States and Soviet Union. Meanwhile, he lamented, "the real horrors of a nuclear war are not faced," and some way must be found to make them "psychologically real."

Whatever the merits of this analysis, it illustrates the potentially important role played by psychological factors in momentous issues of war and peace. Ever since Albert Einstein, in a famous letter written 50 years ago, urged Sigmund Freud to analyze the "strong psychological factors" blocking peace in the troubled world of the 1930's, a parade of behavioral scientists has speculated on the psychological factors that may cause or prevent wars, or at least mitigate their consequences.

There is little agreement among those scientists, no central core of accepted research findings, little evidence that they have had much influence on political leaders, and no real indication that the field is growing. But there is continuing evidence that the small band of professionals who grapple with these issues is alive and well and still scratching to bring its insights to bear on the most profound questions of human survival.

At the annual meeting of the American Psychological Association two weeks ago, several social, political, military and behavioral psychologists presented papers or led

discussions on the psychology of war and peace. A month earlier, similar discussions dominated the meeting here of the five-year-old International Society for Political Psychology. And in a recent issue of the journal Foreign Policy, a psychiatrist and a Foreign Service officer argued that political-psychological analysis "can help illuminate human barriers to the resolution of political problems."

On a less theoretical level, the American Psychiatric Association and the tiny Institute for Psychiatry and Foreign Affairs held major conferences in 1980 and 1981 with Egyptian and Israeli delegations, composed of psychiatrists, military officers and other policymakers, in an effort to lay the psychological groundwork for peace and coexistence.

Psychologists and psychiatrists believe their professions may be able to provide guidance on a host of political-military issues. Among them are the factors that influence decision-making in a crisis, the perceptions that rival societies have of each other, the shaping of public opinion and national goals, the conduct of successful negotiations, the value of weapons as deterrents or bargaining chips, and the effects of such psychological phenomena as denial, habituation and psychic numbing on arms control efforts.

But it has proved difficult, in many cases, to transfer findings from one level of psychological analysis—say the behavior of individuals—to a wholly different level, such as international conflict. Freud himself, in his response to Einstein, was dubious about the relevance of psychiatry to international conflict.

The diagnoses and prescriptions offered by psycologists and other behavioral scientists vary widely. Some see the nature and behavior of man—his aggressiveness and greed and fear of strangers, for example—as perhaps the most important underlying cause of war; others believe wars result primarily from dispute, over territory and natural resources or other concrete differences, with psychological factors as important secondary causes. Some believe that wars often result from misperceptions and misunderstandings; others suggest they result from an all-too-perfect understanding of another nation's hostile intentions. There are almost as many different analyses as there are psychologists and wars.

Here is a sampling of the thinking presented in recent papers and conferences:

Dr. Deutsch told the political psychologists' convention that sane, decent, intelligent leaders of the two superpowers have allowed themselves to become enmeshed in a "crazy" and "malignant" social process in which the actions they take to enhance their national security end by making both sides feel less secure, much as married couples or parents and adolescents sometimes get trapped in vicious process that lead to hostility and violence. He suggested that military actions should be taken only if they plainly increase the security of both sides.

B. F. Skinner, the dean of American behavioral psychologists, presented a pessimistic analysis to the American Psychological Association in an address called "Why Are We Not Acting to Save the World?" He argued that "something in the very nature of human behavior" makes it difficult for people to respond to advice on how to avoid future disasters that they have not yet experienced.

Herbert C. Kelman, a Harvard social psychologist who has had extensive contact with government leaders and scholars in the Middle East, presented an optimistic analysis of the thinking of Yasir Arafat, head of the Palestine Liberation Organization. After two extensive conversations with Mr. Arafat in 1980 and 1981, Dr. Kelman concluded that his language, images, thought processes and past actions indicated that he had the capacity and will to come to an agreement with Israel, if he was offered the necessary incentives and reassurances. The hypothesis, Dr. Kelman said, is "well worth putting to the empirical test."

Ralph K. White, professor emeritus at George Washington University and formerly a leading psychologist with the United States Information Agency, argued that a policy of tension-reduction is needed far more urgenty than a policy of deterrence.

Although some behavioral scientists in the past have offered sweeping guidelines that they suggested would produce world peace, the mood among those working on international conflict today seems far more modest and restrained. Most would probably agree with Irving L. Janis, professor of psychology at Yale, who believes that "a psychological analysis is essential for understanding outbreaks of war" but that current knowledge is "grossly incomplete." Dr. Janis said he would oppose any effort by a committee of psychologists to give "definitive advice" to decisionmakers because of the "tentative nature" of current psychological knowledge.

DO NOT TEACH HATRED TO THE CHILDREN

Mr. PROXMIRE. Mr. President, there is probably no more odious act than the teaching of hatred to little children. Parents often teach their children hatred rather unthinkingly. Wanting to prepare their children for the harsh realities of life, they will point out that certain groups or nationalities are "bad people" or are "the enemy." In such a way, conflicts are often perpetuated through the prejudice which is passed on to children.

In a recent issue of Life magazine August 1982, the passing on of hatred to children was captured in two startling photographs. The first photograph shows a little girl of 2½ years of age. She is wearing white shoes and a bright yellow dress with short, puffed up sleeves and red lace trim. She is standing on a gravel-covered sidewalk. She is staring into the camera, her large brown eyes shaded by her father's military cap on her head. Clasped between her tiny hands is her father's 9 millimeter pistol. In a second photograph, a boy of approximately 10 years of age is shown mocking death lying face down in a freshly dug grave. These two photographs are encaptioned with an old Middle Eastern dictum which reads: "Learn who the enemy is, never forget, and carry on the struggle through your children's children's children." Whether this is a formula for eventual victory in a protracted armed struggle is not certain. But it certainly is a formula for countless numbers of senseless deaths, vast destruction, and a future of little hope for the children.

The tragedy of the dictum is that when carried to its logical, though extreme, conclusion, it is in effect a statement sanctioning genocide. For in a fight to the death, the end result would be the destruction of an entire people.

These photographs must not be, as the inscription reads, a call to continue the struggle, but rather a call to end it; not a call to perpetuate hatred, based on ethnic, racial, religious, or national origin, but to eradicate it. The memories of a bitter past should not be used to poison the minds of our children and their children, but rather to enlighten them.

Hatred is already so abundant, Mr. President, that it hardly needs to be taught. The seemingly endless circle of perpetuated conflict will only be broken when we and our children and our children's children learn the true lessons of that violence.

As I have said time and time again on the Senate floor, we need to learn the lessons of history. We do not accomplish that by forgetting past conflicts, but rather by drawing on these as a spur to do everything humanly possible, no matter how small any step may be, to insure that such tragedy will not be repeated.

The Genocide Convention establishes punishment for those responsible for genocide. But our attempts to prevent genocide should not stop there. The hatred and prejudice that drives people to commit heinous crimes against an ethnic or national group must be stopped. Fighting hatred is the first line of defense against genocide and senseless conflicts because it seeks to stop genocide before it occurs. But inevitably, or so it seems, the battle against hatred breaks down and that is when the Genocide Convention is needed as a second line of defense against the most abominable of crimes: the destruction of an ethnic, religious, or racial group. When the battle against hatred breaks down, it would be reassuring to know that in the most extreme case of purposeful violence, genocide, there is an international basis for nations to stand together and punish the perpetrators. I would hope that all my colleagues would join me in my endeavor to ratify the Genocide Convention.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

Mr. CHILES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HABEAS CORPUS REFORM

Mr. CHILES. Mr. President, since May Senator NUNN and I have been coming to the floor of the Senate every day to speak out on the urgent need for the Senate to pass legislation to fight crime and to reform our criminal justice system. For the last 2 months, we have spoken out on a particular aspect of our legal system, the Federal habeas corpus statute for State prisoners. It is our belief that today's habeas corpus system and the way it operates runs far afield of what the purposes of the writ of habeas corpus should be. Rather than a shield to protect the exceptional case involving a miscarriage of justice, today's habeas statutes have created an entirely new system of appeals which a convict can use, time and time again, to challenge issues which had been resolved years earlier. Indeed, as one Supreme Court Justice said, under today's habeas system, the State trial and appeal is no more than a try out on the road. You do not get to Broadway with your case until you start filing habeas petitions.

Several weeks ago, Hon. Frank J. Kelley, the attorney general of the State of Michigan, wrote in support of efforts to modify the current habeas corpus statutes. He singled out one habeas reform proposal in particular, the need to put some sort of time limit on the ability of convicts to file habeas petitions. In doing so, he referred to the case of Nealy Buchanon against Charles E. Anderson as an illustration of the need for some sort of finality in the habeas corpus system.

The story begins back in 1956, when Buchanon pleaded guilty to two counts of first degree murder and was convicted and sentenced. Twenty-three years later, in 1979, Buchanon filed a habeas corpus petition in the Federal court, alleging in part that his guilty plea, since it had been made without counsel, violated the sixth amendment. Mr. President, I do not quarrel with Buchanon's underlying appeal concerning the need for a lawyer. But that principle had been announced back in the early 1960's, and Buchanon had waited some 15 years after it had been announced, and over 20 years after his original conviction, to raise his claim.

The State of Michigan, in investigating Buchanon's claim, found that every relevant witness, except the trial judge, had either died or had no independent recollection of the events in question. In addition, during the 23-year lapse, much of the documentation and the evidence in the case had disappeared. The State of Michigan therefore asked the court to dismiss the case, asserting that the delay in the filing had prejudiced the State's ability to respond to the allegations made.

The Federal district court refused to grant the State of Michigan's request for dismissal. Instead, it appointed a lawyer for Buchanon and held a lengthy evidentiary hearing. At that hearing, the court determined that Buchanon in fact had voluntarily waived his right to counsel back in 1956. So the State ultimately prevailed. Nonetheless, as Attorney General Kelley correctly pointed out, the decades-long delay resulted in an unnecessary duplication of effort and unnecessary expenditure for State and Federal funds. The Buchanon case is yet another example of the pitfalls in today's habeas corpus laws, and yet another example of the need to establish some sort of limit on when a prisoner can file a habeas corpus petition.

There are presently two habeas reform proposals on the Senate calendar. Each one is ready to be considered and passed by the Senate. The first, title 4 of S. 2543, is identical in substance to a habeas reform proposal that Senator THURMOND and I introduced last year. It sets up a time limit on filing habeas corpus petitions, to assure that habeas cases are heard while relevant evidence is still relatively fresh. The second, S. 2838, was introduced by Senator THURMOND and is cosponsored by Senator NUNN and I. It is similar in substance to the administration's habeas corpus reform proposals.

Both measures contain time limits, which require persons filing habeas petitions to file them at some point soon after their convictions have become final or after they have exhausted their State remedies. Whether you set that time limit at 1 year or at 3 years is not critical. What is essential, however, is the principle contained in both measures, and that principle is that, at some point in time, there must be an end to the numbers of appeals that a convicted criminal can file. Each bill also provides that, in special circumstances, where a new constitutional principle is announced and is made retroactive, a person could file a habeas petition on those specific grounds during a specified time period.

In this case, under either habeas reform proposal, Buchanon would have had an opportunity to raise the issue of not having an attorney in the early 1960's, immediately after the courts announced their interpretation of the right to counsel under the Constitution. However, Buchanon would not have been able to delay for an additional 15 years before raising a claim.

Mr. President, it is imperative that the Senate act promptly to heed the calls for reform raised by Attorney General Kelley and by so many others, and act on habeas corpus reform legislation. Time is running short. We are now in the last lap of this Congress, with as few as 16 days remaining in this session. It would be tragic if the Senate did not act, especially since we have this unique opportunity to make these necessary reforms.

TRIBUTE TO FORMER UNIVERSITY OF SOUTH CAROLINA TRUSTEE JAMES W. COTHRAN, SR.

Mr. THURMOND. Mr. President, it is with sadness that I rise today to pay tribute to my good friend, James W. Cothran, Sr., of Bishopville, S.C., who passed away on August 3, 1982. To his devoted wife, Dorothy, his three loving children, and other family, I extend my deepest sympathy.

Though Jimmy Cothran was a man of numerous abilities and interests, he will perhaps best be remembered for his undying partiotism, his commitment to quality education, and his zeal for justice in law.

Jimmy Cothran's military career began when he volunteered for service in the Navy in 1943. During World War II, he saw action in the Aleutians and in the South Pacific. Upon completing his service in the Navy, Jimmy returned to Bishopville where he continued his patriotic duties with the Veterans of Foreign Wars. Holding numerous important positions with VFW, Jimmy served ably as their commander-in-chief from 1952 to 1953, the only South Carolinian to hold this national office.

His love for America never wavered. Jimmy had a profound respect for American tradition and for its institutions which provide opportunity for anyone bold enough to pursue their own dreams. Such a belief was the basis for his lifetime of continuous dedication to education.

For Jimmy Cothran, the University of South Carolina was more than his alma mater which presented him with an undergraduate and law degree. It was an institution that held a special place in his heart. As an expression of gratitude and loyalty to the University of South Carolina, Jimmy sought to give of his time and talents in a way that would greatly benefit the university.

He fulfilled this desire through his valuable leadership on its board of trustees, where he served from 1953 to 1981. His 28 years in this capacity helped make USC one of the foremost universities in the country in areas of academics, athletics, and numerous other activities.

His work as a trustee was an extension of his genuine desire to help young people attain the best education possible. I know that his fellow trustees would attest to the fact that Jimmy's efforts were not in vain. He enjoyed close interaction with the students, faculty, and staff, who provided

him with the necessary input to better understand the needs of today's college students. This unique relationship granted Jimmy the keen insight to see which direction the university should be going to meet those needs.

University of South Carolina President James B. Holderman said of Jimmy Cothran, "The University community will cherish his memory for his wise and enthusiastic leadership. . . ." It is that enthusiasm which served as a common bond between Jimmy and the students.

Yet, his enthusiasm was felt in every other area of his life as well. He was enthusiastic about helping people in his law profession, and served his clients well for 35 years, insuring that they received the attention and skillful advice they deserved.

Though he was heavily involved in many organizations, he managed to devote 100 percent of himself to each cause. To Jimmy, every activity was important, and for this reason he gave his best.

Mr. President, James W. Cothran, Sr., was a soldier whose victories brought peace; a leader whose abilities brought positive results; and a man whose unshakable faith in God gave him the inner strength to overcome any external obstacle. His life served as an example for all.

Mr. President, I ask unanimous consent that a recent article from The (Columbia) State newspaper and a tribute by VFW Commander-in-Chief Arthur J. Fellwock about this courageous American, James W. Cothran, Sr., be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the State, Aug. 4, 1982]

JAMES W. COTHRAN, SR., FORMER USC TRUSTEE

BISHOPVILLE.—James W. Cothran Sr., 67, former member of the University of South Carolina board of trustees, died Tuesday after a long illness.

Born in Florence County, he was a son of the late Malcolm C. and Sophia Frierson Cothran.

Mr. Cothran was a graduate of the University of South Carolina and the USC Law School. He was a member of Bishopville Presbyterian Church.

Mr. Cothran practiced law in Bishopville for over 35 years and was a member of the American, South Carolina and Lee County bar associations and the South Carolina Trial Lawyers Association. He was active locally in the V.F.W., the American Legion, the Kiwanis Club and Elks Club.

Mr. Cothran volunteered for military service in January 1943 and served in the Navy during World War II in the Aleutians and South Pacific Theaters until the end of the war. He attained the rank of lieutenant.

He devoted much of his talent and energy to further patriotic and educational causes. He was the only South Carolinian to serve as National Commander-in-Chief of the Veterans of Foreign Wars and was active in V.F.W. affairs until his death. He served on many V.F.W. committees, including the finance committee and the National Council V.F.W. for many years. He was a director of Freedom's Foundation at Valley Forge from 1952 until his death, serving as a local and national judge of the Voice of Democracy Contest.

Mr. Cothran was a member of the University of South Carolina Board of Trustees from 1953 to 1981 and served as its vice chairman from 1960 to 1978. He also served on many committees of the board, including the Executive Committee and the Building and Grounds Committee. He actively assisted many local young people further their education.

University of South Carolina President James B. Holderman said of Mr. Cothran, "His death means that the university has lost one of its most dedicated supporters. As an active member of the board of trustees for 28 years, Mr. Cothran shared generously of his time and great expertise to improve his alma mater and higher education in South Carolina.

"The university community will cherish his memory for his wise and enthusiastic leadership in higher education and for his outstanding, lifelong service to the university. We have lost a true friend," Holderman said.

Surviving are his widow, Mrs. Dorothy Parke Cothran; a daughter, Mrs. C. M. (Julia) Williamson of Florence; two sons, James W. Jr. and Thomas P. Cothran of Bishopville; two sisters, Dorothy I. Cothran of Florence and Mrs. Terry P. (Virginia) McCarrell of Charlotte; a brother, H. Lawton Cothran of Florence; and a number of grandchildren, nieces and nephews.

Services will be held at 2 p.m. Thursday at Bishopville Presbyterian Church.

The family suggests that those who wish may make memorials to the University of South Carolina Educational Foundation.

Hancock Funeral Home is in charge.

A TRIBUTE TO JAMES W. COTHRAN—1981-82 MEMORIAL SERVICE

(By Arthur J. Fellwock, Commander-in-Chief, The Veterans of Foreign Wars)

The Veterans of Foreign Wars of the United States has a special place in its heart for Los Angeles, for it was in this city in 1952 that James W. Cothran was elected as its Commander-in-Chief at the 53rd National Convention.

To the thousands and thousands of members of the VFW and its Ladies Auxiliary who knew Jimmy Cothran during his long years of service to our organization, he was a very special person.

He was never too busy to pause and chat with them, to encourage them or by the warmth of his smile to make their day a little easier. And everyone who heard him speak was moved by the power of his oratorical gifts.

Jimmy Cothran was born Jan. 6, 1915, in Cartersville, S.C., and was educated in the schools of nearby Timmonsville. In 1937 he earned his bachelor's degree from the University of South Carolina and his law degree from his alma mater's Law School two years later, when he began practicing law in Bishopville, where he made his home for his remaining years.

During his three years' service in the United States Navy, he spent 22 months aboard the USS Charles J. Badger as communications officer. He saw action at Matsuwa, Kurabu Zaki, Paramushire and Kurile islands as well as the invasions of Leyte, Luzon, and Okinawa.

No sooner had he joined Post 3096 in Bishopville in 1946, than he was elected Junior Vice Commander of the Department of South Carolina. He was elected Department Commander for 1949-50. South Carolina's success in membership under him led to his election as Junior Vice Commander-in-Chief in 1950 at the National Convention that year in Chicago.

Jimmy Cothran, a dedicated husband and father, married the former Dorothy Parke, a Columbia, S.C., girl, who presented him with two sons, James W., Jr. and Thomas Parke, and a daughter, Julia Lea.

Although he devoted much of his time to his family, the VFW and his law practice, Jimmy Cothran was never too busy to do anything that would better his community and his state. He was a member of the Board of Trustees of the University of South Carolina, long active in the Lee County Fair Association and the Lee County Christmas Fund and a member of the Bishopville Presbyterian Church.

He was a Mason, a Kiwanian, an Elk, a Kappa Sigma and a member of the American Legion and the Military Order of the World Wars. He also served on the Freedoms Foundation Board of Directors.

Underlying his achievements always was a sense of humility, exemplified by his remarks after his election as Commander-in-Chief:

". . . I pray that God will give me the ability, sound judgment and the strength that it takes to make a wise and competent Commander-in-Chief for the Veterans of Foreign Wars—one whose willingness to work hard for the organization will encourage countless thousands of our members to do the same thing."

His prayers were answered and the VFW grew and its influence spread through his inspiration.

"My help cometh of God, who preserveth them that are true of heart."—Psalm 8.

Few men who have been privileged to wear the Cross of Malta Emblem have earned the affection, admiration and acclaim of so many members of the Veterans of Foreign Wars of the United States as Past Commander-in-Chief James W. Cothran.

Known to all of us as "Jimmy," he always shouldered his share of the burden when called upon and often volunteered to do so without being asked.

His ready wit and charm, befitting a gentleman whose roots were solidly and deeply grounded in a more gracious, more serene era, won the hearts of all who met him.

It was a rare person, indeed, in the VFW or outside, who did not become a better person for meeting, if only for a fleeting moment, Jimmy Cothran. He imparted to all his firm religious conviction that all men are created in the image and likeness of God.

He served the VFW and America's veterans as Commander-in-Chief in 1952-53. For our country, this was a period of severe strain. The Korean War had been grinding on. Major alarm over internal subversion gripped the American people. Under the strong and wise leadership of Jimmy Cothran, however, the VFW kept to a steady course, ever mindful of the veterans' loyalty to the United States, the innate patriotism of the American people and the needs of the veterans who were coming home from Korea.

In his service to the VFW after his year of leadership, Jimmy Cothran worked constantly for the betterment of our Order. He

served on numerous sensitive committees as chairman, always contributing his wealth of knowledge, experience and common sense.

Although it has been nearly 30 years since Jimmy Cothran was Commander-in-Chief, the lives of all of us in the Veterans of Foreign Wars of the United States and its Ladies Auxiliary have been made richer, fuller, because he walked among us.

CONSTITUTIONALITY OF FRANKING STATUTE UPHELD

Mr. BAKER. Mr. President, on September 7, 1982, a three-judge panel for the U.S. District Court for the District of Columbia dismissed a lawsuit which had been pending since 1973 and which challenged the constitutionality of title 39, United States Code, section 3210. That statute grants to Members of Congress the privilege of sending official mail through the U.S. Postal Service as franked mail. Pursuant to Senate Resolution 476, 96th Congress, 2d session, the Senate appeared as amicus curiae in support of the statute. In order that all Members of the Senate may be promptly informed of the court's decision, I ask unanimous consent that the full text of the order and memorandum opinion be placed in the RECORD.

There being no objection, the material was order to be printed in the RECORD as follows:

[U.S. District Court for the District of Columbia, Civil Action No. 1887-73]

COMMON CAUSE, ET AL., PLAINTIFFS, *v.* WILLIAM F. BOLGER, ET AL., DEFENDANTS, AND HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS, INTERVENING DEFENDANT

MEMORANDUM OPINION

Statement of the case

By an amended complaint filed March 12, 1974, plaintiffs seek a declaratory judgment that 39 U.S.C. § 3210, granting to Members of Congress the privilege of sending mail through the United States Postal Service as franked mail, is unconstitutional. Plaintiffs claim, in essense, that the franking privilege afforded by the statue provides an unconstitutional "subsidy" to incumbent candidates for Congress because franked mail inevitably has the effect of aiding Members' reelection efforts. Plaintiffs reason that because they are not afforded similar campaign advantages, section 3210 abridges their First Amendment rights to associate freely for the advancement of political beliefs, as well as deprives them of equal protection under the due process clause of the Fifth Amendment. In addition, plaintiffs seek a judgment that section 3210 permits an unlawful use of public funds for a non-public purpose in violation of the General Welfare Clause of Article I, Section 8, of the Constitution.

The Postmaster General[1] and the Secretary of the Treasury were the original named defendants in this case. Subsequently, on September 8, 1976, the House Commission on Congressional Mailing Standards was permitted to intervene as a defendant and the United States Senate, through its Select Committee on Ethics, formerly the Select Committee on Standards and Conduct of the United States Senate, was allowed to participate as *amicus curiae.*

It is the position of all defendants and the amicus that the franking statute and the congressional rules enacted thereunder facilitate the necessary and constitutionally protected communication between Members of Congress and their constituents and draw a proper line between legitimate and illegitimate uses of the frank, i.e., between communications on official business and communications for personal political advantage. They deny that the franking statute violates any of plaintiffs' First or Fifth Amendment rights. The case therefore presents a classic example of the tension which sometimes arises between conflicting claims of right.

Prior proceedings

On July 1, 1974, after denying defendants' motion to dismiss, the court granted plaintiffs' motion to convene a statutory court of three judges pursuant to 28 U.S.C. § 2284.[2] This court, in turn, considered and denied defendants' renewed motion to dismiss on February 10, 1975. Both motions to dismiss were predicated in part on plaintiffs' alleged lack of standing to bring this action, and were denied. Thereafter, all parties engaged in discovery through interrogatories, documentary requests, depositions and requests for admissions. Because of the nature of much of the material, a protective order was issued on March 1, 1976 and various coding systems were established to protect the confidentiality of Members of Congress and other witnesses. Without detailing the precise nature and volume of the discovery pursued by both sides, it is fair to say that the discovery concluded on April 22, 1981 has been thorough and complete. Many of the basic facts are not in dispute; what is sharply contested are the inferences to be drawn therefrom.

Present posture

Pursuant to the Court's timetable, plaintiffs, defendants and the intervening defendant filed motions for summary judgment on May 22, 1981. Oppositions were filed by the parties on June 12, 1981, as well as a memorandum of the United States Senate in support of the motions of defendants and intervening defendant and in opposition to plaintiffs' motion for summary judgment. The matter was argued at length on September 30, 1981.

Statutory basis for the franking privilege

1. The History of the Frank

The origin of the franking privilege can be traced to 17th Century England, when the privilege was granted to Members of the House of Commons concurrent with the establishment of the first public postal service in that country. The clear purpose then, as it is today, was to facilitate the carrying on of official business.

In 1775, the Continental Congress authorized the use of the frank by its own members and by those on active duty in the Continental Army. The First Congress, when it acted to establish a postal system in 1789, retained the privilege for official correspondence and documents. In 1873, after the Civil War, the privilege was temporarily abolished by Congress, but was restored in proprio vigore in 1985. 28 Stat. 593, 622 (Sec. 85).

Until the comprehensive revision of 1973, the Act of 1895 authorized Members of Congress to use the frank for correspondence on "official business." The responsibility to interpret the meaning of the term "official business" was exercised by the Post Office Department, which, upon request of anyone, including members of the public, provided official guidance in the form of advisory opinions as to whether a mailing or contemplated mailing could be franked.

This procedure was changed in 1968 when, in recognition of the practical as well as possible constitutional problems of its advisory position, the Department decided to give up its practice of issuing opinions to members of the public. It did, however, continue to give advisory opinions to Members of Congress until 1971, when, with the establishment of the new Postal Service, the Post Office Department relinquished any remaining responsibility in this area.

This confused state of affairs led to a spate of lawsuits in the federal courts of four different circuits by candidates running against incumbent members. At least two of these challenges, focused on the propriety of certain franked mailings by particular members,[3] were an acute embarrassment to Congress. Other more flagrant abuses surfaced, among them the reported event of a member mailing his lawn furniture to Bimini in the Bahamas, under a frank with the tag reading "Official Business." The combination of these factors plus the threat of further lawsuits led to Arizona Congressman Morris Udall's introduction of H.R. 3180 in Early 1973. Similar proposals were introduced in the Senate, and after the differences between the two bodies were accommodated in conference, the Franking Act of 1973, Pub. L. No. 93-191, was signed by the President and became law on December 18, 1973.

2. The 1973 Statute

The statute is set forth primarily in 39 U.S.C. §§ 3201, 3210-19. In this litigation, our attention is focused on section 3210.

In its opening declaration of policy, the statute states that the privilege of sending mail under the frank is "to assist and expedite the conduct of the official business, activities, and duties of the Congress of the United States." 39 U.S.C. § 3210(a)(1). "official business" is defined to "cover all matters which directly or indirectly pertain to the legislative process or to any congressinal representative functions generally or to the functioning, working, or operating of the Congress and the performance of official duties in connection therewith, and shall include, but not be limited to; the conveying of information to the public, and the requesting of the views of the public, or the views and information of other authority of government, as a guide or a means of assistance in the performance of these functions." 39 U.S.C. § 3210(a)(2).

There follows a list of what the Congress considered to be frankable mail matter. The list includes, but is not limited to:

(a) Mailings to any person or any government official regarding programs, decisions and other matters of public concern. § 3210(a)(3)(A);

(b) The "usual and customary congressional newsletter or press release." § 3210(a)(3)(B);

(c) The "usual and customary congressional questionnaire." § 3210(a)(3)(C);

(d) Mail expressing condolences to a person who has suffered a loss or congratulations to a person who has achieved some personal or public distinction. § 3210(a)(3)(F);

(e) Mass mailings of federal documents and publications and publications containing items of general information. § 3210(a)(3)(G);

Footnotes at end of article.

(f) Mail consisting of voter registration or election information or assistance. § 3210(a)(3)(H);

(g) Mail including a biography or autobiography of a member or family members which is part of a federal publication or in response to a specific request and not included for publicity puprposes in a newsletter or other mass mailing. § 3210(a)(3)(I);

(h) Mail containing a picture, sketch or other likeness of a Member which is part of a federal publication or in response to a specific request, or, when contained in a newsletter or other mass mailing, is not of such size or does not occur with such frequency as to lend to the conclusion that the purpose is to advertise the Member, rather than illustrate the accompanying text. § 3210(a)(3)(J);

By way of contrast, the unauthorized uses of the frank are specified to cover the following: purely personal mailings unrelated to official business, § 3210(a)(4); mailings "laudatory and complimentary" of a member "on a purely personal or political basis," § 3210(a)(5)(A); "greetings" from the spouse or other members of the member's family, § 3210(a)(5)(b)(i); reports on how and when the member or his spouse or family spends time other than in connection with legislative, representative, and "other official functions," § 3210(a)(5)(B)(ii); mail "which specifically solicits political support," § 3210(a)(5)(C); and "any mass mailing . . . less than 28 days immediately before the date of any primary or general election . . ., § 3210(a)(5)(D).

The statute therefore permits franked mass mailings (defined to mean newsletters and similar mailings of more than 500 pieces) when they are made at least 28 days prior to a primary or general election. 39 U.S.C. § 3210(a)(5)(D). The statute also allows a member of the House to use the frank on postal patron mass mailings addressed not only into the area of his congressional district, but also into an area which he does not presently represent, but in which he will be a candidate in the next election because of redistricting. 39 U.S.C. § 3210 (d) (1)(A) and (B). Accordingly, material may be mass mailed under the frank to points outside the district of a Representative or outside the state of a Senator, subject only to the 28-day restriction.[4] Materials such as newsletters and press releases printed with campaign contributions are specifically permitted to be mailed under the frank. 39 U.S.C. § 3210(e).

It is clear from the legislative history, as well as from the text of the statute, that the 1973 Act was designed to give explicit approval to the traditional uses of the frank. As Congressman Udall, the leading supporter of the legislation, stated more than once, the approved uses were intended to be a summary of present practices. He emphasized that "we are simply confirming the sound, solid, responsible use of the frank which the vast majority of Members of Congress have always followed."[5] The entire legislative history confirms the position expressed by Congressman Udall.

3. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate (now Select Committee on Ethics)

The 1973 statute also established for the House of Representatives a special commission composed of members and know as the "House Commission on Congressional Mailing Standards," (hereinafter House Commission) and for the Senate, the Select Committee on Standards and Conduct of the Senate (hereinafter Senate Committee). 2 U.S.C. § § 501, 502. Both groups are required to "provide guidance, assistance, advice, and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail" under the 1973 Act. 2 U.S.C. § § 501(d), 502(a).

The Act also specifically provides for an administrative procedure for the receipt, investigation and hearing of complaints concerning alleged violations of the franking statute and limits the jurisdiction of the federal courts hearing such complaints.[6] Both the House Commission and the Senate Committee are required to "prescribe regulations governing the proper use of the franking privilege." 2 U.S.C. §§ 501(d), 502(a).

Each House of Congress, in response to the statute, has enacted formal rules which set further limits on the kind of material which may be franked. House Rule XLVI;[7] Senate Rule XLVIII, renumbered as 48(3).[8] While varying in certain respects, the Rules of both branches of Congress reflect concern as to the adequacy of the 1973 Act in two important respects:

(a) They extend the prohibition on mass mailings before a primary or general election in which the Member is a candidate from the 28 days permitted under the statute to 60 days.

(b) They require that the costs of mass mailings be defrayed exclusively from appropriated funds, although the statute permits the franked mailing of such material when paid for out of campaign funds.

4. Public Law No. 97-69

Most recently, Public Law No. 97-69, enacted on October 26, 1981, has further amended the 1973 statute by embodying the above two provisions of the House and Senate Rules as well as the prohibition barring mass mailings outside a member's district, when he is a candidate for another public office. The new law also extends the postal patron mailing privilege to the Senate and directs the Senate Committee on Rules and Administration to establish limits on such mailings.[9] Furthermore, the statutory authorization for letters of condolence and congratulations for personal distinction is eliminated and letters of congratulation can be sent only for "some public distinction."

To summarize, since this action was originally brought, the Congress has tightened considerably the respective features of the 1973 Act, particularly by incorporating into law the two important limitations embodied in the House and Senate Rules and implementing regulations and by eliminating authorization for the franking of all letters of condolence and certain letters of congratulations. The plaintiffs nevertheless remain firm in their challenge.

The issues

It is in the context of the foregoing statutory scheme governing the use of the franking privilege that two paramount issues are presented:

1. Whether the statute, as written and implemented, deprives the plaintiffs of their right to a fair political process, in violation of their constitutional rights under the First and Fifth Amendments.

2. Whether the statute recognizes and protects the constitutional right and duty of Members of Congress to communicate with their constituents and at the same time limits any incidental adverse effects on the political process.

The factual record

We are convinced, after careful review of the evidentiary record[10] amassed over the length of discovery in this case, that the basic facts underlying plaintiff's challenge are not in dispute. We, therefore, set out our findings of fact in this case for the principal purpose of providing a clear context for our discussion and decision on the differing legal and constitutional arguments made. We preface these findings with two general assumptions, neither of which is genuinely disputed.

First, it stands to reason that incumbency alone is a valuable asset to the public official who seeks reelection. An incumbent Member of Congress enjoys a certain "visibility" among his constituents that a challenger may find difficult or impossible to match. It is also beyond argument that any communication with constituents, whether through local meetings or through the mail or mass media, contributes to such visibility and thus may have a direct effect (however slight) in influencing the outcome of an election. To the extent that the effect is positive from the incumbent's standpoint, it is undoubtedly detrimental to his challenger's position. This is so whether the communication is part of an overt campaign effort or made simply in the normal course of a member's representative function.

Second, there is little doubt that the franking privilege is a valuable tool in facilitating the performance by individual Members of Congress of their constitutional duty to communicate with and inform their constituents on public matters. As noted earlier, it is this particular duty which has justified the frank through its history.

Plaintiffs do not argue with the necessity of or public value in some kind of Congressional franking privilege. Their challenge before this court is based only on assertions that section 3210, as it stood in 1973 and, notwithstanding increased restrictions embodied in the Rules of both Houses and in subsequent amendments, even as it stands now, is drafted to enable more than the justifiable uses—that it permits Members of Congress to use the frank to make campaign-related mailings, particularly mass mailings.[11]

On the basis of the convincing evidentiary base offered by plaintiffs to support their argument, we make the following findings and offer a sampling of supporting evidence:

1. Members of Congress and their staff have received advice from many sources to take full advantage of the franking privilege in their campaign efforts. The publication of "The Job of the Congressman," co-authored by Congressman MORRIS UDALL, Chairman of the House Commission on Congressional Mailing Standards and sponsor of the bill which became the Franking Act of 1973, advises Members of the benefits of such use. Campaign committees from both the Republican and Democratic parties have held seminars for congressional staff members concerning the effective use of newsletters, questionnaires and other franked mailings. The Republican Senatorial Committee employed a direct mail consultant to give advice concerning effective campaign use of mass mailings—including franked mailings. A 1974 Democratic Campaign Committee manual entitled "Maximum Campaign Budget" called for integration of targeted franked mass mailings into overall campaign strategy. It is apparent that at least some members and their staffs believed that the use of franked mailings

can be politically beneficial and should be employed.

2. At least some Members of Congress used direct mail consultants during the 1972, 1974 and 1976 campaigns to build mailing lists and to help integrate franked mailings into the overall campaign strategy.

3. Several Senators and Representatives have targeted franked mass mailings in ways that frequently have no relationship to official business and which are closely connected to reelection plans and strategy. Such targeted mailings, which are identified and documented, make use of voter registration lists and may be designed to convey views on an issue to a select group which is likely to be receptive to those views. Mailings may be made to voters on the basis of demography (race, religion, sex, age), geography, political affiliation or membership in special interest groups. The importance of special interest group mailings and of targeted mass mailings is demonstrated by the fact that, during the period from 1973–75, less than two percent of franked mass mailings by Senators were general newsletters.

4. The "usual and customary congressional questionnaires," frankable under section 3210(a)(3)(C), are often used for purposes other than merely determining constituents' views on particular issues. They may be used to obtain demographic and other information helpful to identifying recipients for targeted mailings, thus facilitating the member's political "responsiveness" to various groups and interests.

5. Members often include self-laudatory material in franked mailings, including favorable editorials, reports of awards, compliments of others concerning the member's performance of his duties, pressure group ratings, and the like. They also use franked mails to compliment and honor constituents to generate good will which, according to plaintiffs, improves the members' chances of reelection.

6. The House Commission on Congressional Mailing Standards has specifically approved the uses of the franking privilege described above. Mailings referred to in these findings and made by Senators were registered with the Secretary of the Senate.

7. The volume and timing of franked mass mailings, revealed by data stipulated by the parties to be reasonably accurate, indicate widespread use to promote incumbents' reelection efforts. The volume of franked mass mailings is significantly higher in the year preceding House or Senate elections than in the year following elections. The volume builds to a peak just before the preelection cutoff and drops sharply. The volume of non-mass franked mailings stays relatively constant from year to year in both the House and the Senate. It is an undeniable conclusion that the fluctuations in the volume of franked mass mailings are caused by the electoral cycle, rather than by fluctuations in legislative activity.

8. Measured in financial terms, the franking privilege confers a substantial advantage to incumbent Congressional candidates over their challengers. We find that Congress recognized the potential financial benefits conferred by section 3210 on campaigning incumbents at the time it passed the Act.

9. We make no specific finding concerning the extent to which use of the franking privilege has contributed to the electoral victories of any incumbent Members of Congress. We are inclined by the lack of evidence on this point to conclude only that there is no statistical relationship between the use of the frank and the outcome of an election and that proof of the decisive impact of the privilege in any particular election is elusive, whatever the potential financial benefit of the frank.

Analysis

It is the plaintiffs' basic position that the First Amendment and the equal protection component of the Fifth Amendment mandate that the government remain neutral in electoral matters and avoid any action which unfairly benefits some participants in the political process to the detriment of others. They claim that by affording what amounts to a postage subsidy which may be used to send materials which promote an incumbent's efforts toward reelection, the franking statute violates this constitutional principle of fairness.

Defendants on the other hand vigorously deny that the franking statute is consitutionally unsound, asserting that the bounds of the franking privilege have been drawn to facilitate the constitutional duty of Members of Congress to communicate with their constituents, and at the same time to limit as much as possible any adverse effects on the political process. It is to the constitutional issues underlying these opposing positions that we now turn our discussion.[12]

The first amendment aspects of plaintiffs' claims

The "Freedom of Speech" clause of the First Amendment, according to plaintiffs, protects several aspects of the political process with which the frank, by providing a subsidy to incumbents, interferes and harms. These include, under plaintiffs' analysis, the ability of candidates to win elective office, to attract financial support, to communicate with citizens, to educate the public and to influence the political discourse of a campaign. While we do not agree with plaintiffs that there is a First Amendment-based right to win elective office, we agree that important aspects of the political process do fall within the general rubric of speech under the First Amendment. As the Supreme Court stated in *Monitor Patriot Co.* v. *Roy*, 401 U.S. 265, 272 (1971), the constitutional standard that a person's speech remain unfettered and unabridged by governmental action "has its fullest and most urgent application precisely to the conduct of campaigns for political office."

While plaintiffs do not claim that their right to speak, to vote and to associate for political ends have been *directly* restrained by the franking statute, this absence of direct restraint does not render the First Amendment protections inapplicable. It is well-established that "the Constitution's protection is not limited to direct inference with fundamental rights." *Healy* v. *James*, 408 U.S. 169, 183 (1972). Claims of First Amendment violations demand heightened judicial sensitivity, "[e]ven where a challenged regulation restricts freedom of expression only incidentally." *Schad* v. *Borough of Mount Ephraim*, 452 U.S. 61, 69 n. 7 (1981). *See also Buckley* v. *Valeo*, 424 U.S. 1, 21 (1976).

The essential element of plaintiffs' argument is that, to the extent that it enables Members of Congress to use franked mail to promote their own campaign efforts, the franking statute works an effective restriction on challengers' access to the political process, thereby violating rights of expression and association. It is argued that the postal subsidy effectively created by the franking statute violates the rule under the combined First and Fifth Amendments requiring that the government neither impose unequal burdens nor grant unequal benefits upon participants' exercise of their rights to speech and association in the political process. Although we endorse the principle that protection of the fundamental fairness of the political process is necessary to ensure the uninhibited competition of candidates and in ideas which "is at the core of our electoral process," *Williams* v. *Rhodes*, 393 U.S. 23, 32 (1968), and accept that granting financial benefits to some interests may be under some circumstances the same as restricting the First Amendment rights of others, *see Taxation with Representation of Washington* v. *Rogers*, 676 F.2d 715, 744 (D.C. Cir. 1982), we do not accept plaintiffs' contention that the facts of this case require strict judicial scrutiny of the statute at issue.

It is clear from our reading of Supreme Court cases involving governmental restrictions on the exercise of free speech that the standard of strict scrutiny, which requires that the government justify a particular regulation by demonstrating that it "is necessary to serve a compelling interest and that it is narrowly drawn to achieve that end," *Widmar* v. *Vincent*, 102 S. Ct. 269, 274 (1981), is reserved for those instances where the restriction impacts *directly* on the *content* of the restricted communication. *See, e.g., Widmar* v. *Vincent, supra; Metromedia, Inc.* v. *City of San Diego*, 453 U.S. 490 (1981); *Central Hudson Gas & Electric Co.* v. *Public Service Commission*, 447 U.S. 557 (1980); *Consolidated Edison Co.* v. *Public Service Commission*, 447 U.S. 530 (1980); *Carey* v. *Brown*, 447 U.S. 455 (1980); *Police Dep't of the City of Chicago* v. *Mosley*, 408 U.S. 92 (1972). We do not believe that this is such a case, and is distinguishable in important respects from the decision in *Greenberg* v. *Bolger*, 497 F. Supp. 756 (E.D.N.Y. 1980), upon which plaintiffs principally rely.

In *Greenberg*, a First Amendment challenge was raised against a statutory scheme granting the two major political parties special reduced mailing rates while denying similar rates to minor parties. Plaintiffs argued in that case that by denying them the same discounted postal rates enjoyed by the major parties Congress had restricted their access to the mails and thereby had violated their First Amendment rights of expression and association. The court correctly observed that regulation of First Amendment rights of expression must be "content neutral," noting that "[t]he Supreme Court has often explained that ' . . . above all else, the first amendment means that the government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.' " *Id.*, at 774, quoting *Police Department of the City of Chicago* v. *Mosley, supra* at 95–96. The court then determined that the statute challenged in that case was not content neutral. It reasoned that by drawing a line between major and minor parties, Congress had granted a postal subsidy for the expression of the most "popular" political ideas while refusing similar advantages to those who held political positions substantially different from those of the major parties. It concluded that "[b]y subsidizing the mailings of the Republicans and Democrats, the government has chosen to benefit those with popular views and burden those with unpopular views. To handicap the mailing of campaign literature because a political party has not achieved a required level of acceptance is not different from censoring speech because of its substance." *Greenberg*, 497 F. Supp. at 776.

The principal difference between this case and *Greenberg* is in the nature of the restrictions worked by the statute. In *Greenberg* the restrictions were direct and drawn along party lines. They therefore effectively limited the expression of particular political *ideas.* Although this case involves issues of access to the political process similar to those raised in *Greenberg,* the impact here is not upon defined political positions. The lines drawn by the franking statute distinguish *individuals,* not ideas. And because the individuals affected—non-incumbent congressional candidates—must be presumed to represent the full spectrum of political ideology, we cannot hold that the franking privilege creates any discrimination or restriction which is content related. This case does not fall within the rationale for strict First Amendment scrutiny adopted in *Greenberg.*

In fact, beyond acknowledging that the franking statute has some limited impact upon speech-related rights, the First Amendment finds little place in our analysis. Although the language of the First Amendment ensures that one's own speech be free, unfettered, and unabridged, it does not alone require that each individual be entitled to this particular privilege of incumbency that certain others may enjoy.[13] For this reason, questions of the constitutionality of governmental-created imbalances are much better suited to analysis under the principle of equal protection than under freedom of speech. It is thus to the Fifth Amendment that we now turn.

The fifth amendment claims

The plaintiffs' equal protection argument is direct and straightforward: by permitting the franking of materials which may be sent for no purpose other than to advance incumbency, the franking statute affords campaign advantages to incumbents, seriously imbalancing the political process to the detriment of any challengers. Plaintiffs argue that because of its impact on rights to free speech under the First Amendment the discrimination worked by the franking statute may be justified only by demonstrating a compelling interest.

The cases offered by plaintiffs to support their argument that the government may not discriminate among candidates by unequally imposing handicaps on some or granting benefits to others deal almost exclusively with the same sort of content-based discrimination discussed briefly above—drawing lines of distinction by party affiliation or ideology. We find little discussion in case law relating to the advantages which incumbents may enjoy simply by virtue of their incumbency over any challengers who seek this in public office.

In *Elrod* v. *Burns,* 427 U.S. 347 (1976), for example, the Supreme Court held that patronage dismissals violated the First and Fourteenth Amendments. The basis of the holding, however, was not necessarily that an incumbent might use the system to tip the electoral balance unfairly against any challenger, but that the threat of dismissal severely restricted the political beliefs and associations of the employees affected. The Court held that the requirement that employees pledge political allegiance to one party or another, work for the election of other candidates of the incumbent party, contribute a portion of their wages to the party, or obtain the sponsorship of a member of the party, all in order to maintain their jobs imposed an unconstitutional condition on the right to continued employment. There is no similar condition in this case. The franking statute imposes no direct condition upon the right of any person to challenge an incumbent, to support one or another party in a particular election, or to use the mails. Its impact upon political speech and association is at most indirect, and then only to the extent that it may make campaign-related communication through the mails more expensive for a non-incumbent candidate than for the incumbent who seeks reelection and uses franked mail to promote that end.

We cannot overlook the fact that, despite their broadside objections to the franking statute, plaintiffs concede that the frank serves an essential public purpose in facilitating communication with constituents and that some sort of franking privilege is necessary in the performance of official congressional business. They concede that the problem is merely one of drawing lines—striking a proper balance between legitimate and illegitimate uses of the frank.

The franking statute effectively draws two lines of demarcation. The first is drawn by the granting of the franking privilege to Members of Congress only. In general, this distinguishes Congress from the general public, and also has the effect of drawing the line between incumbent and non-incumbent congressional candidates. Plaintiffs do not argue that non-incumbents should also be afforded the franking privilege. They seek only to limit its use by Members of Congress. The second line drawn by Congress draws a distinction between official and unofficial use of the frank. Our sole concern is with this second line of demarcation and to this we direct our attention.

Under present practice a mailing is considered to be "official" if, on its face, it falls within the permitted types (or at least outside of the prohibited types) of materials listed under section 3210. The statutory test does not look to motives, but only to "the type and content of the mail." § 3210(e). Plaintiffs argue that attention to content only, without considering the motives for sending a particular mailing, enables Members to use the frank for the *unofficial* purposes of promoting reelection. Plaintiffs thus fault the present franking statute and congressional practice for failing to subject franked mailings to a test of official versus unofficial *motivation.* Absent standards based on underlying motives, plaintiffs urge that the franking statute be modified to eliminate categories of mailings which have been prone to abuse in the past. We cannot accept plaintiffs' suggested cause of action.

Were the frank shown to be available and widely used for reelection purposes and had plaintiffs demonstrated that such use has a substantial detrimental impact on opposing candidates or members of the voting public seeking to educate themselves on the candidates and the issues, plaintiffs' claims, particularly those based on the First Amendment, would have considerable merit. But such level of interference with the electoral process has not been shown in this case. We are hesitant to apply a standard under the guise of strict judicial scrutiny to a situation where there has been no demonstration of significant harm to the plaintiffs' constitutional rights. The conceded and undisputed legitmate interests promoted by the franking statute are sufficient to justify the limited impacts on the rights of the plaintiff class and to satisfy the invocation of the rational basis test, which we apply in this case. We cannot hold the franking statute unconstitutional simply because it sets forth a standard to determine "official" uses of the frank different from that proposed by plaintiffs.

It is important to view the franking activities of Members of Congress from an overall perspective. It seems undeniable that all mailings, franked and unfranked, from any particular Member of Congress may be grouped into three types. The first type is composed of "official" mailings, those related directly to the legislative and representative functions of Congress. This is the type of communication which Members of Congress arguably are under a duty to provide and to which the frank has been extended over the past 200 years. At the other extreme are mailings which are on their face political or private and therefore "unofficial" in nature. Congress itself has recognized the dangers, constitutional as well as practical, of extending the franking privilege to these types of mailings and has excluded them or expressly prohibited them under the statute and rules in both Houses. Between these two extremes lies a class of mailings whose purposes are less easily discernible. For example, it is undeniable that Senator X, acting in his elected capacity, should have a right to make mailings within this middle area related to his official duties. It is equally obvious that this same individual acting as candidate for the Senate has an interest in mailing the same material to prospective voters to promote his campaign efforts. Thus the motivations, even behind a particular mailing, may be mixed. Plaintiffs' complaints here can only be about the actions and purposes of the candidate, however, and not the senator.

Congress drafted the franking statute expressly to include many of the types of mailings which unquestionably fall within this middle area. This of itself does not require that we invalidate the scheme as unconstitutional. The question before us is not whether the particular line which Congress has drawn between "official" and "unofficial" uses of the frank necessarily has the least possible potential, in comparison with other methods of drawing the line, for adversely affecting challengers' effective access to the mails. The question is only whether the line is a reasonable one.

A statutory scheme need not be drafted or even administered so as to eliminate completely all possible abuses before it is constitutionally acceptable. We can be concerned only with whether the standard adopted bears a rational relation to the twin goals at hand: one, to facilitate (even encourage) official communication and two, to discourage or eliminate unofficial communication. It is clear from the record that Congress has recognized the basic principle that government funds should not be spent to help incumbents gain reelection. The details of the franking scheme, including its distinction between official and unofficial mailings, appear to be rationally designed to work for that end. (It is relevant in this regard that the record in this case consists principally of *abuses* rather than routine uses of the franking privilege). It would be most inappropriate for the judiciary to step in and demand that Congress restructure this scheme under the circumstances of this case.

To state the obvious, it simply is impossible to draw and enforce a perfect line between the official and political business of Members of Congress. The franking privilege is only one of many perquisites afforded to them which may be turned one way or another into a campaign advantage over any challenger. We have already accepted as an

assumption and stressed the fact that an incumbent is, by virtue of his incumbency alone, much more visible to the voting public than is a would-be challenger. He has greater access to the media, both local and national; he usually has one or more offices in his home district, in addition to his Washington office; he has a staff paid out of public funds; he has a WATS line for telephone calls which he may use to communicate with his constituents.

Plaintiffs do not suggest that the incumbents' use of these tools of office be strictly limited to purposes which cannot possibly contribute to efforts at reelection. This would be a most difficult standard to administer in any case, for each and every act of an elected representative may, in a political context, be seen as an effort to demonstrate that the voters' choice was a good one. It is impossible, without probing into the deepest thoughts and motives of an individual Member of Congress, to determine exactly why he votes as he does on a particular issue, why he casts a letter to a constituent in the terms in which it is cast, why he communicates with other Members of Congress as he does, why he assigns particular staff functions as he does, or why he does any of the myriad of things that a Member does in his day-to-day routine. It is no less difficult to apply and administer a subjective standard in the use of the frank. Moreover, we cannot require that such a standard be substituted for what we accept as an already reasonable objective standard adopted under section 3210.

For similar reasons, we cannot hold that the particular types of mailings to which plaintiffs object are so prone to abuse that they should not be permitted. Just as plaintiffs have identified the suitability of mass mailings (targeted or general), newsletters, questionnaires and other materials for campaign purposes, there is not a type of mailing challenged which is not also suitable for legitimate "official" purposes. Targeted mailings, for example, may be a means of directing discussion or information on particular issues to those groups in a particular Member's constituency which might be most affected, at the same time saving the cost of preparing and mailing information to individuals who are less likely to be interested. And notwithholding allegations that questionnaires are most often used to obtain demographic information beneficial to a candidacy, it goes without saying that any method of obtaining constituents' views and impressions on particular issues may be invaluable to a Member of Congress who truly considers himself responsible to the people.[14] It does little, therefore, for the plaintiffs to emphasize the potential in these types of mailings for abuse, without also acknowledging the legitimate ends to which they are put. We are not convinced by any of plaintiffs' arguments that there exists no rational and legitimate basis for Congress' decision to retain these particular "middle area" uses of the frank within the stated category of "official use," and we defer to the judgment embodied in the statute.

Prudential considerations

Our deference to Congress is guided also by important prudential considerations. We must give weight to the fact, mentioned earlier, that section 3210 was originally enacted in an attempt to curb widespread abuses of the franking privilege. It has since been refined by detailed regulations in each house to meet the more obvious of objections which arise even under its amended language. The House and Senate have also established machinery to monitor, review, and receive complaints concerning uses of the frank.[15] The plaintiffs seek to have the Congress, through judicial compulsion, "redraw the line" and strike a different balance. This we decline to do for at least two compelling reasons. First, the distinction between "official" and "unofficial" cannot be sharply defined or delineated and for the court to assume this burden would be an impossible task. Second, to grant the relief which plaintiffs seek would in effect require us to issue rules of behavior superseding those that Congress, a coordinate branch of government, has responsibly set for itself. It is not this Court's function to examine the policing efforts of committees created by Congress to deal with the particular types of concerns raised by plaintiffs in this case with an eye to compel even more refined standards and closer examination. The United States Court of Appeals for the District of Columbia recently manifested a reluctance "to develop rules of behavior for the Legislative Branch," or "to monitor every action taken by a senator and his aide in an effort to determine whether it is sufficiently 'official' or too 'political,'" *United States ex rel. Joseph* v. *Cannon*, 642 F.2d 1373, 1384, 1385 (D.C. Cir. 1981). We follow course in this case.

Conclusion

We do not suggest that the franking privilege may never be shown to create such an imbalance in the campaign process as to constitute a cognizable interference with important rights. We hold only that the level of impact has not been shown to be sufficient in this case for us to assume the responsibility of redrafting a statute or promulgating regulations to govern the congressional use of the frank. Our rationale for rejecting plaintiffs' claims under the First and Fifth Amendments holds as well for the challenge raised under the General Welfare Clause of Article I, Section 8. We find no constitutional violation.

For the foregoing reasons we grant judgment to the defendants and defendant-intervenor and dismiss the complaint.

An order consistent with the foregoing has been issued this day.

MALCOLM RICHARD WILKEY,
U.S. Circuit Judge.
GEORGE L. HART, JR.,
U.S. District Judge.
J. H. PRATT,
U.S. District Judge.

September 2nd, 1982.

FOOTNOTES

[1] Now the Director, United States Postal Service.

[2] Pub. L. No. 94-381, enacted August 12, 1976, which repealed §§ 2281 and 2282 and amended § 2284, does not apply to any actions filed before the date of enactment.

[3] *Schiaffo v. Helstoski*, 492 F.2d 413, 430, n.89 (3d Cir. 1974); *Hoellen v. Annunzio*, 468 F.2d 522, 526 (7th Cir. 1972) (permitting the use of extrinsic evidence in addition to content, *i.e.*, timing and other characteristics of franked mailings, as relevant to the sender's motive and the question whether the mailings were made to further an incumbent's election rather than the conduct of his official responsibilities as a legislator).

[4] In providing that the frankability of mail matter shall be determined "by the type and content of mail sent, or to be sent," this section also overturned the effect of *Hoellen, supra*, in which Judge (now Justice) Stevens stated that "we should not close our eyes in the face of extrinsic evidence which reveals that an appearance of official business is nothing more than a mask for a private purpose." *Hoellen, supra*, at 526.

[5] *See, e.g.*, 119 Cong. Rec. H 2600 (Apr. 11, 1973); *see also Congressional Perquisites and Fair Ethics: the Case of the Franking Privilege*, 83 Yale L.J. 1055, 1062-74.

[6] 2 U.S.C. §§ 501(e), 502(b), 502(c). In the case of complaints concerning House members, judicial review is on the basis of the administrative record before the House Commission § 501(e). In the case of the Senate, judicial review, while apparently *de novo*, cannot take place until after the filing of the complaint and decision thereon by the Senate Committee. § 502(c).

[7] Adopted March 2, 1977 in H.R. 287. In addition, the House Commission on Congressional Mailing Standards, pursuant to its Rule XLVI, has issued extensive regulations governing the use of the frank and rules of practice in proceedings before the Commission. *Regulations on the Use of the Congressional Frank by Members of the House of Representatives* (February, 1979).

[8] Adopted April 1, 1977 in S.R. 110. The Senate Select Committee on Ethics has similarly implemented its Rule XLVIII through the issuance of regulations. The latest of these are *Regulations Governing the Use of the Mailing Frank by Members and Officers of the United States Senate* (June 26, 1979).

[9] Present House Rules limit such mailings to six per year.

[10] Contained in plaintiffs' voluminous Statement of Material Facts Not in Dispute incorporating plaintiffs' Request for Admissions (570 requests) and defendants' responses thereto. The extensive response of defendant intervenor alone to plaintiffs' Request for Admissions comprises 622 pages.

[11] Plaintiffs object specifically to several types of mass mailings explicitly or implicitly permitted by the provisions of section 3210; mailings including self-laudatory material; reports concerning visits to Washington by constituents; solicitation of political support (falling short of the specific requests barred by the statute); congratulatory messages; and questionnaires.

[12] The additional issue of plaintiffs' standing to bring this action has been raised at numerous times during this litigation. Defendant-intervenor argues that, despite all the evidence offered by plaintiffs, there is little showing that the "injuries" suffered by members of the plaintiff group who have run against and lost to congressional incumbents were caused by operation of the frank. Our attention is then drawn to several cases, including *Winpisinger* v. *Watson*, 628 F. 2d 133 (D.C. Cir. 1980), for the principle that standing cannot be based on speculative and tenuous theories of causation and injury.

We do not regard the issue of standing as a frivolous one and acknowledge that there may be a legitimate concern over whether plaintiffs' limited showings are sufficient to establish standing. We also recognize that the type and cause of injuries claimed in this case are not easily subjected to proof. Rather than to resolve the complexities of this issue, we prefer to confine our holding to plaintiffs' constitutional claims.

[13] We cannot ignore the fact that the plaintiffs' arguments against this particular advantage of incumbency can also be directed against others, *i.e.*, greater access to the media, local and national, one or more local district offices, staff paid out of public funds, WATS line for telephone calls to and from constituents, etc.

[14] While we need not agree with defendant-intervenor's sanguine appraisal that the typical member follows the advice of Edmund Burke to the voters of Bristol in 1774 and votes his own conscience rather than following the expressed wishes of his constituents, it is nonetheless true that members, to be successful representatives, must at least learn at the outset the views of those who put them in office. Thereafter, they must keep themselves informed.

[15] For example, each house has its own method for policing mass mailings, which, as must be apparent, are the greatest single source of plaintiffs' claims of abuse. In the House, before sending a mass mailing a Member must first submit the same to the Franking Commission for an advisory opinion. In the Senate all mass mailings must be registered with the Secretary of the Senate and are available for public inspection.

[U.S. District Court for the District of Columbia, Civil Action No. 1887-73]

COMMON CAUSE, ET AL., PLAINTIFFS, *v.* WILLIAM F. BOLGER, ET AL., DEFENDANTS, AND HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS, INTERVENING DEFENDANT

ORDER

Upon consideration of plaintiffs' motion for summary judgment, defendants' and intervenor-defendant's motions for summary judgment, the oppositions of the respective parties thereto, the motion of the United States Senate, amicus curiae, in support of the motions of defendants and intervening defendant and in opposition to plaintiff's motion for summary judgment, and the entire record and after argument, it is by the Court this 2nd day of September, 1982,

Ordered that:

(1) plaintiffs' motion for summary judgment be and the same is hereby denied;

(2) The motions of defendants and the intervening defendant for summary judgment be and the same hereby are granted;

(3) The above-entitled action shall stand dismissed.

MALCOLM RICHARD WILKEY,
U.S. Circuit Judge.
GEORGE L. HART, JR.,
U.S. District Judge.
J. H. PRATT,
U.S. District Judge.

RECIPROCAL TRADE AND INVESTMENT ACT OF 1982

Mr. CRANSTON. Mr. President, I am pleased to join today as a cosponsor of S. 2094, the Reciprocal Trade and Investment Act of 1982. I believe this is an important measure which offers prudent remedies to many of the problems confronting our vital service and high technology industries.

As an original cosponsor, along with Senator HEINZ and Senator HART, of S. 2356, the High Technology Trade Act of 1982, I am delighted that the Senate Finance Committee has acted on S. 2094, which incorporates many of the provisions and furthers the aims of S. 2356.

As reported by the Senate Finance Committee, S. 2094 offers a careful balance of proposals designed to enhance the stability of two industries which must remain at the forefront of American industrial expansion in the decades ahead—the frontiers of high technology and the efficiency of American service industries.

I am a firm believer in the principles of free trade. The growth and maintenance of an open world economy for trade and investment is a common interest of all nations. But it is essential that this trade and investment go forward with a reasonable measure of equity. As we stated in the congressional findings section of the High Technology Trade Act, however:

International competition in high technology products is increasingly characterized by a high degree of government intervention through central planning, joint establishment of industrial objectives, subsidization, anticompetitive practices tolerated or fostered by government policy, non-tariff and tariff barriers, investment performance requirements, access to preferential financing, and sponsorship of limited-access joint research projects.

I do not believe the adoption of blatantly protectionist measures is the appropriate response to this situation. But I also do not believe that the U.S. Government should adopt a laissez faire attitude in the face of unfair foreign competition. I think it is particularly important for the Federal Government to take affirmative, remedial action when industries at the vanguard of American economic growth are threatened.

S. 2094 offers a carefully crafted series of proposals which establish negotiating objectives, insure that executive branch research and recommendations on trade barriers will be coordinated, and provide negotiating authority and access to "fast track" legislative remedies where needed. It would be simplistic to shy away from these reasonable proposals as protectionist. For this legislation is, in its essence, an agenda setter. Its passage would set forth for our trade competitors, for the American business community and for Federal policymakers a clear set of concerns and objectives to pursue and the authority to do so. This statement of congressional concern can only be constructive to each of the parties involved in the process of improving our international trade relationships.

I, therefore, welcome the Finance Committee report on S. 2094 and pledge my support for timely action here in the Senate to see the legislation enacted.

ANDREW CAVACOS RECEIVES OUTSTANDING CITIZEN AWARD

Mr. SARBANES. Mr. President, the Lord Baltimore Chapter of the American Hellenic Educational and Progressive Association (AHEPA) will honor Andrew Cavacos, a distinguished Baltimore citizen, with their annual Outstanding Citizen Award on Saturday, September 11, 1982.

Andrew Cavacos, a Baltimore native and pharmacist is proprietor of the Cavacos Drug Co., an historic landmark in the Baltimore neighborhood of Hampden, established by his father, Theodore, upon his arrival in this country from the Greek Ionian island of Kythera.

The Cavacos family has long been identified with public service and Andrew Cavacos' involvement in a wide range of community affairs reflects his family's tradition of service. He played a major role in the acquisition of the church located at the corner of Preston Street and Maryland Avenue in Baltimore, which now serves as the Greek Orthodox Cathedral of the Annunciation and has also been a steady contributor to the Greek-American press.

Andrew Cavacos was involved in establishing the first little league for baseball in the United States. He also founded and conducted the all nations exhibit and was one of the original planners of the "I am an American Day" parade held in Baltimore City. Additionally, during World War II, he operated a USO post in his Baltimore home.

Andrew Cavacos was among the first Greek-American gubernatorial appointments in Maryland history serving four terms as police magistrate and has always been active in civic affairs both in promoting his own community and the State of Maryland during his many trips around the world.

I want to congratulate the Lord Baltimore Chapter of the AHEPA, of which I am a member, for honoring this outstanding American and public spirited citizen for his many productive years of service to church, community and Nation. I want to join with his family and friends in commending him for this most deserved honor.

SOUTH DAKOTA HAS ANOTHER WINNER

Mr. PRESSLER. Mr. President, several weeks ago I gave a speech here in the Senate commenting on the fact that South Dakota is the home of five young women who have won national competitions and are reigning national queens. Since that time a sixth young South Dakotan has won a national title and I want to congratulate her and her family for this outstanding achievement.

Miss Nancy Hoar of Rapid City, S. Dak., was recently named the Little Britches Rodeo Queen in the national competition in Colorado Springs. Nancy, the daughter of Mr. and Mrs. Darrell Hoar, is a senior at Stevens High School in Rapid City and has been an active and successful participant in South Dakota's 4-H program. In fact, last year Nancy was South Dakota's 4-H Rodeo Queen.

These competitions are an excellent test of young people's abilities and talents. For instance, Nancy had to successfully compete in a number of rodeo events to demonstrate her skill and expertise. She was also judged on her speaking ability and personality. I had the opportunity to meet Nancy when I was in Rapid City recently and was very impressed with her poise and intelligence. We are all very proud of this young lady. Nancy exemplifies the dedication and self-discipline characteristic of our home State. I'm sure my colleagues here in the U.S. Senate join me in wishing Nancy the very best in her future endeavors.

END THE REPRESSION IN POLAND

Mr. KENNEDY. Mr. President, over the past 10 days the people of Poland and the people of the United States have courageously reaffirmed their strong commitment to Solidarity and basic human rights. Labor Day, this past Monday in the United States, was an opportunity to recall both the achievements of American workers and the challenges they still face. But in Poland, August 31 was a more difficult day, the second anniversary of the historic Gdansk agreement which led to the free and independent Solidarity trade union. Unlike the first anniversary, it also marked 8 months of cruel repression of that movement, and of freedom in Poland, by the Polish martial law regime under the shadow of Soviet bayonets.

In the demonstrations over this second anniversary, five Poles were killed, and many more were wounded and arrested, in protests against continuation of martial law. But the Polish struggle for liberty goes on. Despite martial law, the faith and aspirations of the Polish people have not abated. The Polish spirit is not broken, but it is frustrated and discouraged in the face of continued military repression.

America and the West would be false to our own past and principles if we stood silent in the harsh circumstances of the present repression in Poland. For the United States and our allies, it is both right and sensible to take a clear stand—and to take measured and meaningful actions that will give substance to our words and warnings. We must continue to do all we can to bring an end to martial law in Poland. We must insist on the reinstatement of Solidarity and the release of Lech Walesa and all other political prisoners. We must make clear our continued commitment to free and constructive dialog among the Catholic Church, Solidarity, and the Polish authorities.

And we and our allies must restore our own unity not only in pursuing these goals but in the means we adopt to carry them out. We must resolve our current disputes over the Soviet gas pipeline to Europe, and over future East-West trade and credits, so that we can concentrate our attention once again where it belongs: on the cause of freedom and security in Europe, not a growing rift in the Western Alliance.

In the end, the ruthless practice of repression cannot endure in Poland, in Eastern Europe, or elsewhere in the world. The Polish generals and their partners in the Kremlin have made a critical error in their plan. They have forgotten the Polish spirit. They have underestimated the Polish people. They do not understand the power of the idea of freedom in Poland and in all history. It is an idea whose time will come again and again, springing up from a well of faith and hope, just as the flower crosses continue to appear and reappear across the length and breadth of Warsaw.

The correspondent of the New York Times in Poland, John Darnton, has written numerous thoughtful accounts of the political, social, and economic forces that have shaped the Polish existence since the birth of Solidarity in the summer of 1980. I ask unanimous consent that his articles of August 22 and September 1 appear in the RECORD, so that we may be reminded of the great goals and the great promise of Solidarity, and the hope it represents for the Polish people.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 22, 1982]

POLAND STILL DEFIANT—AN AMERICAN CORRESPONDENT IN WARSAW RELIVES THE DAYS WHEN THE WORKERS AROSE TO CHALLENGE THE COMMUNIST PARTY AND WERE BEATEN BACK BY FORCE

(By John Darnton)

Dusk, with a steady, bone-chilling drizzle. An abandoned concrete watchtower sits at one end of the bridge. The car slowly dodges the potholes.

The span over the Oder is ugly and dilapidated. Neither the East Germans on one side nor the Poles on the other would dream of repairing it, a sign of their mutual disdain. The river below is a thin brown stream, disappointing, considering the bloody course it has wended through history.

The East German guardhouse squats on the other side, technically on Polish ground. Eric Ambler would love it here. The reek of black tobacco, the hard stares at the passport held under the gooseneck lamp, the inquisitions, the rubber stamp pounded down with an executioner's swing.

But the waiting is nerve-racking, hours and hours behind the drome of windshield wipers. The East Germans are being relentless. Car panels torn out; body searches. The guards hold up each piece of paper and read it, sometimes upside down. This is strange, for it is February 1982 and Poland, plunged into martial law, is supposedly once again a reliable "fraternal" nation. The Poles returning from visits abroad look nervous. They are bringing in coffee, soap, meat wrapped in plastic bags that bleed on the wet pavement. Many, you are sure, are smuggling in gold, clothes to sell, zlotys purchased in West Berlin at one-tenth the official rate. There are guns everywhere; officials moving with abrupt darting motions; a pervasive sense of fear.

And then, incredibly, it is over. The road beyond is deserted and dips around a bend into a forest. It is dark.

Half a mile ahead, five men in Polish Army uniforms step out of the bushes. Their bayonets gleam in the headlights. The commander flags you down ferociously. He leans against the roof, demands to know your nationality, where you are coming from.

Then he reaches into his pocket. He thrusts something through the window. It is an old, crumpled French note, 100 francs. "I was wondering," he says, "if you would be good enough to exchange this for dollars. I'll give you a good rate."

You have left behind the Oder, the efficiency, the stares, and you are back in Poland, the same old inscrutable, confused, troublemaking, muddling-through Poland, martial law or no martial law.

It is also the third Poland I have seen in my nearly three years here. First, there was the Poland of Edward Gierek, the former party chairman, with his ambitious development schemes who is now in disgrace. That was a time of cynicism, apathy and pretense—and of prosperity disappearing before everyone's eyes like milk down a drain. Then there was the Poland of Solidarity and Lech Walesa. It was a time when horizons suddenly opened up, the blinkers came off, and there was hope of creating a livable, productive, nonschizophrenic society within the Soviet bloc. And now the Poland of Gen. Wojciech Jaruzelski, a Poland of tanks and underground leaflets, where the structures of control are in place, but just barely—a crumbling facade with a scaffold around it. In this new Poland, the fear and the dream commingle and everyone waits for something to happen—something . . . .

AUGUST 1979

Confusing—this moonscape. On our first day in Poland, my wife Nina, and I dine at Bazyliszek, the one luxury restaurant in the Old Town section of Warsaw. An atmosphere of faded Viennese elegance, with crystal chandeliers, brass samovars, wild boar on the menu and a string quartet in the corner playing Mozart. Outside, on the cobblestones of Market Square, sits a young woman with straight blond hair, a gold star pasted under one eye and a guitar. She sings an old Dave Van Ronk song in strangely accented English. The words rise up, distinct between the spaces in the Mozart: "Baby, you been away too-o-o long."

The Old Town is, for my money, the most magnificent nub of any city in the world. In Nuremberg, Cracow and Prague, the medieval buildings totter and list with authentic age. Here they are as neat as picket-fence slats, instant Gothic, dating from the 1950's, when the Government decided to rebuild the heaping ruins of the Nazi-occupation era brick by brick. Crafts that had died out over a century ago were revived; old Canaleto paintings were copied to re-create the archways, gutters and gargoyles.

Later, I drive by the sprawling housing developments on the outskirts of Warsaw. Huge concrete slabs are scattered about like giant cinder blocks, monotonous in design and appalling in their cheap regard for living space. The priorities sink in the sense of a golden, royal past, a desperate attempt to climb backward in time, and a gray future that crawls ahead without a vision of what shall be or should be. I have been here three weeks and I have yet to meet a self-professed Communist.

But, house-hunting, I discover the money-eyed operators. In the exclusive Mokotow section, I come up against the same landlord four times. It is illegal in Poland to own more than one house. He feels compelled to explain. One house belongs to his wife; another, to his sister; a third, to his son. His son, I learn later, is in primary school.

The landlord shows me an upstairs bedroom. Its window has been bricked down to the size of an envelope. Regulations, he explains: This way, it's only a storage room. In the living room, metal rods hang down from the ceiling, so low that we have to stoop.

Technically, he has reduced the room's dimensions so that it's not a room at all. Don't worry, he assures me; the rods will come down as soon as the inspectors come and go.

The rent for the house, officially set at 9,000 zlotys ($300) a month, will be paid to the State, but he wants five times that sum for himself, in dollars, under the table. Also, to reduce the Government's take, he proposes that we say we are sharing the house. He begins to pace off "his" half of the kitchen. I protest. The deal falls through. I hear him mutter, "Idiot. Doesn't know what country he's in."

An official guide is showing me around. He seems a bit defensive about my interest in the 500,000 Jews who lived in Warsaw before the Holocaust. He shows me where the tracks were of the trains that took them off to Treblinka. The raised foundations of earth under the high-rise apartments of the former ghetto still contain human bones. The monument to the heroes of the ghetto uprising is built with the very same granite that Hitler had planned to use to commemorate the liquidation of Poland's Jews. The monument is impressive. But it is the only one in Warsaw without flowers.

The guide then takes me to a church. He guides me stealthily down an aisle to plaques on the wall in memory of the war dead. Lists and lists of names, towns, dates. Finally one name leaps out: "Katyn."

"The date, the date, look at the date," whispers the guide.

I see the year 1940. I realize he is telling me the church believes that the Katyn Forest massacres of an estimated 15,000 Polish prisoners of war took place at a time when the area was in Soviet hands—that it was Stalin's work, not Hitler's, as Moscow claims. And the deeper meaning that this is the agony of Eastern Europe, where Germans kill Jews and Russians kill Poles, where the flagstones are steeped in blood, and where thousands can slip into graves unnoticed by history.

The next day, I go into a furniture store to buy a chair.

"Nie ma" ("There are none"), says the saleswoman, barely looking up from her newspaper.

But how about all those chairs in the window?

"Dekoracja" ("Decoration"), she says, mumbling something to herself. I think I hear that word again: "Idiot."

NOVEMBER 1979

The town of Czechowice-Dziedzice, in the mining region of Silesia. A flat landscape of blackened smokestacks, dirty red-brick buildings and concrete high-rises, with an occasional clump of sad, scraggly pines. There has been an explosion at a mine. Two men are dead and 20 are trapped in a tunnel 600 feet underground, where a methane-gas fire is still raging.

It is the third mine disaster in the past month; in all, some 43 lives have been lost. The accidents coincide with a new brigade system that keeps the mines going 24 hours a day, seven days a week. The Government is desperate for foreign exchange; it is squeezing the miners for more and more of its "black gold."

Appointments with officials at the mine are made for me at the Mining Ministry office in Katowice, 32 miles away; they send me off with handshakes. I arrive at Czechowice-Dziedzice and something has gone wrong. The official has been called away, the gate is locked. I bounce back and forth for two days. A local party secretary finally loses patience and tells me to get the hell out of town. My car is followed by a Polonez, the favored model of the U.B., the secret police.

My translator and I find a small bar named Barborka, after St. Barbara, the patron saint of miners. We enter a smoky cavern smelling of beer and sweat, and the bawl of conversation stops. Hostile eyes rimmed with coal dust turn to the stranger in a necktie. No one moves to ease our path to the bar.

Two beers later, my translator explains to the nearest table that I am an American journalist who has read about the mine disaster and has come to see what happened. A miner lurches up; his face is three inches from my own.

"First thing," he says, "you've got to realize that all the papers in this country are crap—crap and lies."

"They're scared of the truth and they're scared of us," says his companion. "And, by Christ, the Government better do something and do it fast, or we'll do something ourselves."

There follows, over the next hour, an unremitting stream of complaints, threats and curses, despite the presence of a shadow who creeps in and sits down nearby. Rarely have I encountered such burning anger, a pure, white-hot, we're-going-to-get-the-bastards anger. And these are the miners, the elite of the Polish work force, coddled with special meat shops and goods unavailable to others. These are the men who refused to join in the anti-Government upheavals of 1956, 1970 and 1976.

We toast cousins in Chicago. Leaving, I see the Polonez sitting empty down the street.

The next morning, I return to the mine. The party secretary tells me I got his workers drunk to elicit the kind of information spies are interested in.

And the fire in the mine? "None of your business," he says. "And don't you worry. Everything here is under control."

Three days later, they bring up the dead bodies.

AUGUST 1980

When the revolt comes, it is deeper and more disciplined than anyone expected. At the Lenin shipyard in Gdansk, the strikers' faces are dirt-streaked but radiant, solemn and lighthearted at the same time. The workers lounge about on the grass, listening to their leaders on loudspeakers, and, on transistor radios, to the BBC, Voice of America and Radio Free Europe. They marvel at the speed of news when it flows freely; they can take a vote and hear it come back over the little box within the hour.

The hall swarms with delegates from other factories joining the strike. A life-size plaster staute of Lenin gazes reflectively into the distance. To my surprise, I am given a seat on the raised stage of the strike committee. The delegates sit at long tables, as at a banquet—dockworkers, shipbuilders, tool-die machinists, assembly-line workers, bus drivers. Some write the names of their factories on placards as if they were attending a Rotarian convention.

More strikes are announced. Somewhere in the list, after an electrical factory in Elblag, I hear: "The New York Times." A cheer goes up. With everyone expecting an attack by armed troops, the foreign press seems to offer a glimmer of protection. At least, the world will know.

Food is brought to the locked gate by well-wishers. Overhead, a plane drops leaflets proclaiming the strike is over.

Lech Walesa is rushing around, bobbing his head in hurried conferences, giving orders, grabbing the microphone to calm the workers with joking patter. Only a month ago, he was an unknown, unemployed activist for the minuscule Baltic Coast Free Trade Union. I talk to Anna Walentynowicz, the 50-year-old crane operator whose dismissal sparked the strike. She describes the agony of 1970, when workers were shot down. She got into trouble later for passing a hat to buy flowers to their memory. This time, it will be different, she says. No more marching through the streets; stay close to the machines and wait. I ask her for her political views. "I'm a democrat," she says. "But mostly, I believe in God."

AUGUST 26, 1980

The strikes are still on. Stefan Cardinal Wyszynski, the Primate of Poland, delivers a sermon that is actually broadcast over state television. A group of workers in the Gdynia shipyard are huddled in a room, hanging on his every word. He is their spiritual monarch, for 30 years the only authority they have respected.[1]

Cardinal Wyszynski calls for peace, calm, reason, respect. True, he criticizes the Government, but he warns that strikes could pose a threat to the nation; he pleads for workers to be patient and postpone some of their demands. He refers to the partitions of Poland: "Let us remember with what difficulty we regained our freedom after 125 years." All this mixed in with religious metaphors honed to perfection from his decades of slipping elliptical meanings past the Communist authorities.

The speech is of critical importance. The church, in so many words, has told the workers to stop. What effect will it have?

The room is silent. A strike leader strides to the front and flips off the television. "Friends," he says, "as we have just heard, the Primate supports us right down the line."

A roar of applause and cheers. I learn, at that moment, a fundamental truth about the Roman Catholic Church in Poland. It resides so deeply in the people's hearts, in those recesses of nationalism and legend, that it can never be uprooted. When it words come into conflict with its own image, they are not ignored, they are magically transposed. The image is stronger; it is, in a sense, the real church.

Five days later, Solidarity is born.

OCTOBER 1980

The country is opening up—a headlong tide. New groups are forming. Liberals, reformers, even radicals, are taking over institutions, such as the journalists' union, that have been instruments of party control. Yet all this is unfolding peacefully, methodically, even democratically. It all seems part of what Jecek Kuron, the brilliant, barrel-chested long-time dissident, calls a "self-limiting revolution." The idea is to turn the authorities upside down without overthrowing them; to transform Poland without disturbing the geopolitical balance and bringing in the Russians. It is a tricky business.

Newspapers, incredibly, are printing news. I am having tea at the house of a friend, a former Polish ambassador, when a political activist arrives. Breathlessly, he pulls a typewritten document from his coat lining and says conspiratorially, "Have you seen the latest demands?"

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[1] Cardinal Wyszynski died in May 1981.

My host answers graciously, "Thank you, I have. They're in today's newspapers."

Even the security apparatus seems a bit more human. Janusz Onyszkewicz, Solidarity's national spokesman, is on the telephone talking to a friend in London about whether a Polish exile should return. "Tell him it's safe," Onyszkiewicz says.

"I don't know," says the friend.

"Tell him everything's changed now," says Onyszkiewicz.

"I'm not sure."

A third voice cuts into the line. "For God's sake, tell him we say it's O.K."

NOVEMBER 1980

I go to a political cabaret. There is a curious mix in the audience, dissident intellectuals seated across the room from party and Government officials. But one central table up front is empty until the final moment. When it fills, there is a stir; eyes turn, waiters rush to push in chairs; people drift by, hoping for a nod of recognition. The latecomers are steel-mill workers and Solidarity activists. They are the new celebrities.

Something of a social revolution is under way. It is consummate paradox to feel the winds of class warfare in a Communist state. It is as if all those statues of "worker heroes" had suddenly come alive.

The party is widely seen as the agent of exploitation. People are leaving it in droves. Across the country, workers strike to back up demands that hospitals, clinics, rest homes and vacation spas reserved for the police and party elite be given to "the people." Fancy cars left on the streets overnight are likely to have their windshields smashed.

At the Ursus tractor factory outside Warsaw, thousands gather in the movie hall to prepare for a strike. The issue is the "Narozniak affair," the arrest of a Solidarity volunteer for disseminating a classified state document. Tempers are rising. A lanky political dissident gives advice on how to stand up under police interrogation. Another reads a poem about the glory of dying for Poland; it sends shudders of excitement through the hall. One young man grips the mike earnestly and begins with a gaffe—"Comrades," he calls out. Twitters and chuckles. He blushes deeply and recovers, but two minutes later he slips again—"Another thing we should remember, comrades . . . ." This time there are howls of laughter. Flustered and red-faced, he can only sit down. Party membership has become a scarlet letter.

DECEMBER 1980

Things are moving fast. Films previously banned by the censor are playing on television. Universities are preparing to choose their own rectors by democratic elections. Parliament is becoming fractious. There is a kind of national euphoria; the whole country resembles a university coffeehouse plunged into frenetic discussions about unions, socialism, society. It seems that no meeting can adjourn before 3 in the morning.

Passports for travel abroad are available almost for the asking. It's as if the world has suddenly opened up. No matter that the neighboring "fraternal" countries have sealed their borders: Who wants to go there? Poles are coming back from the West to sniff the breezes—writers and scholars who left in official disgrace in 1968, émigrés who had vowed never to set foot in the country again.

New Year's Eve is a frenzied round of parties. The toasts become more and more outrageous, the champagne spills onto the floor. Men kiss each other on the cheek, women hug each other and exchange wishes in intimate tones. Jan, my sardonic friend, raises his glass and says: "And to you, as a journalist, I wish a Soviet invasion." Our friends laugh. It is too unthinkable.

Walking home in the middle of the street, we meet other groups of revelers. Beautiful Ania, who had looked so drawn and sad in the picture taken years before for a passport that never came, sighs and breathes deeply of the dank air. She opens her arms, as though to the night, and says: "All my life I've wanted to live in a free country. And now, just to think, my own country is becoming free."

JANUARY 1981

Breakfast with Lech Walesa at the Solec Hotel, a sort of rundown Polish version of a Holiday Inn. Two busloads of Soviet tourists pull up. They enter—bulky, chattering, the big-bosomed women, the men in their crinkly suits. How will they react when they see Walesa, the devil incarnate, the man threatening to bring down their empire?

They sit down. They order breakfast as if they own the place. They eat. Nothing happens. Of course they know the name, but not the face: He is so dangerous that they've never been shown a picture of him.

I look at Walesa and I realize that I know the face but not the man. How many times have I interviewed him? Maybe 10 or 15. How many times have I seen him sitting in his office, presiding at meetings, speaking to crowds? Maybe 30 or 40. And yet he remains elusive.

He has become such an international superstar there seems to be little left over. The legend of Walesa as dyed-in-the-wool worker, churchgoer, folk hero is beginning to overshadow the man. He is, without doubt, a gifted-leader—courageous, instinctive, articulate. But there is a darker side to his nature—his dictatorial tendencies, his pettiness, his intolerance. These traits have been coming to the fore, affecting his leadership. Some of his top lieutenants are becoming disenchanted; the movement is in danger of splitting.

Walesa repeatedly says that it is unity—millions of unarmed workers standing shoulder to shoulder against the state—that has made Solidarity into what it is. If that goes, the union is lost.

FEBRUARY 1981

The Tomb of the Unknown Soldier in Warsaw's Victory Square. The tomb, containing the ashes of a Polish soldier who died in the fighting that repelled a Soviet invasion in 1920, has become a rallying point for all kinds of demonstrations. It is guarded at all times by four Polish soldiers standing erect and immobile. Every few hours, they are replaced by four others, who goose-step from a garrison across the square. On this day, Rural Solidarity, the new independent farmers' union, has been refused legal status by the courts. The farmers, large men with calloused hands, whose Sunday suits are rumpled from all-night bus trips, are confused and angry. They march to the tomb.

The crowd grows; there are thousands. Speeches start up. Tough, defiant words are shouted. Suddenly, from across the square, come the guards. They march straight for the tomb, right toward the crowd—they have no choice. They get closer, 10 feet away, five feet.

Suddenly, the crowd parts, an aisle opens up, and, as the soldiers march through, a chant rises: "Long live the Polish Army!" "God bless the army!"

The soldiers take their places. I look at one of them. He is ramrod stiff and expressionless. But tears flow down his cheeks.

MARCH 1981

The lines in front of the stores seem endless. They practically merge into each other. The huddled, shivering figures conjure up visions of revolution and turmoil. In reality, the country is remarkably quiet, even subdued. The shortages are so bad that conspiracy theories develop. The Government, it is rumored, is intentionally holding goods off the market to blacken Solidarity. One writer tells his tablemates he has it on good authority that the goods are being stored in a secret tunnel constructed by the Nazis during the occupation. It's hard to tell if he's joking.

The strikes continue sporadically. They sound worse when they are read about outside the country, making it seem that the whole place is swirling in a vortex. But many of the strikes are local affairs, undertaken to oust a local administrator, or to get a police building converted to a clinic, or just to test muscle. I suspect they're not as detrimental to the economy as the Government makes out. I'm at one factory when a one-hour strike ends. The workers move dutifully over to the assembly line, but the conveyor belt doesn't move. "We don't have any parts, anyway," one worker explains.

But the economy, strapped for foreign exchange because of Gierek's live-now, pay-later borrowing policy, is in a state of collapse. A group of farmers from the south persuade the Solidarity chapter at the Ursus factory to build tractors for them on weekends. They go to another chapter and borrow the money, which is to be repaid with potatoes and cabbage. It's the only way to get anything done: Bypass the state altogether.

Mismanagement and inefficiency are rife. Goods are shipped to the wrong places, essential parts are missing, things are ordered and don't arrive. Cigarettes almost run out because there is no glue. Writers, who are guaranteed an allotment of paper, are composing novels on the backs of rejected manuscripts. I hear of a chocolate factory where no chocolates are being produced because there is no paper to wrap them in. But everyone goes to work, punching the time clock in and out.

DECEMBER 1981

Back in August 1980, our maid, Kasia Trzcinska, suggested matter-of-factly that I should meet her son, Jurek. I put her off. A few weeks later, she raised the subject again. I explained that I would love to meet her son and her whole family, but that I was up to my neck trying to write about Solidarity and all the changes shaking Poland.

Not long after that, her son telephoned. "I'm coming to Warsaw tomorrow," he announced.

"Good," I said, not very enthusiastically.

"I'll be driving down with some other people," he said. "Lech Walesa, Bogdan Lis, a few others. You see, we have this new union we're trying to get registered."

Jurek Trzcinski, it turned out, was a top Solidarity leader. A large man with a rakish mustache, he had a bemused expression that he put on to parry my queries about Soviet intervention. From Jurek I derived my respect for the integrity, courage and basic level-headedness of the Polish working class. Night after night, he explained the goals—not to drag Poland out of the

Warsaw Pact, not to overthrow the state, but to set things right. "We just want a decent country," he would say.

Jurek often visited us with Bogdan Lis, Walesa's right-hand man. One day, they came from a meeting with striking farmers. Lis pinned a new button, a green Solidarity badge, on the lapel of my youngest daughter, 7-year-old Liza. She stood straight, eyes wide and solemn.

"Do you know about Solidarity?" Lis asked her.

"Yes," she replied.

"And what is it?" he prodded.

"Solidarity wants to make the Polish people free."

With a whoop of pleasure, he hugged her and spun her into the air.

For some reason, that scene flashed through my mind when my phone and telex went dead at 11:10 on the night of Dec. 12, 1981, and I drove through the streets to file a story and encountered police vans closing off both ends of the block where Solidarity's Warsaw headquarters is located.

DECEMBER 13, 1981

Martial law came down like a sledgehammer. It caught everyone off guard. Solidarity's leaders, who had arrived at Gdansk for a general meeting, were brought meekly down the stairwells of their hotels, their hands behind their backs. Many of our friends were dragged out of bed, some not even given time to put on their shoes. When Walesa was seized at his Gdansk apartment in the early hours of Dec. 13 and flown to Warsaw, he was convinced, reliable sources told me later, that he was going to be thrown out of the plane.

Jurek evaded arrest and went into hiding. But shortly afterward, four policemen with a dog came to his apartment for his wife. She shouted at them: "Criminals, bandits! I will not go with you—you'll have to shoot me right here." Her 8-year-old daughter screamed, "Mama!" and her 87-year-old mother threw herself at a policemen's feet, begging them to leave her daughter alone. But they arrested Jurek's wife and dragged her away.

One reason the military takeover came as such a surprise sounds a bit ludicrous in retrospect. There was no provision in the Polish Constitution for a state of emergency; a bill that would allow for one was being prepared for Parliament. Until the bill passed, the thinking ran, a military crackdown couldn't happen. So great was the illusion that democracy had already taken root that it was difficult to imagine the authorities acting illegally.

The key to the operation was isolation. The whole nation was cut off from the rest of the world and plunged into a blackout. All communications were severed, all travel banned, all meetings prohibited. Every household was isolated from every other, every factory, every division within a factory. The power of the union lay in numbers and concerted action, which depended on communication, openness and visibility. Once these were blotted out with curfews, roadblocks, dead telephones and jammed radio broadcasts, the power dissipated.

The generals did more than arrest 6,000 Solidarity leaders and supporters. Figuratively, they placed the entire population under arrest.

DECEMBER 27, 1981

I climb the stairs to the third-floor apartment of an old friend, a journalist and writer who loved to exchange theories and gossip over the kitchen table. He opens the door a crack, peers out and steps onto the landing.

"I can't see you," he says. "They just hauled me in. I was warned not to talk to any foreigners."

His eyes are dark circles. I have never seen them like that before.

The first week of martial law, it snowed heavily. The snow is a metaphor for the stillness and deadness that have descended upon the land. There are strikes, but they are broken up brutally by army tanks and the ZOMO, the dreaded paramilitary police in their camouflage uniforms. At two mines in Silesia, miners stay underground for weeks, convinced that the entire country is on strike. Only when their wives tell them this is not true do they give up and come to the surface, defeated and bitter.

I go to the Huta Warszawa steel mill the morning after a strike there has been broken. About 100 workers cluster about the front gate. They describe how their factory was surrounded by tanks, how the strike leaders were isolated in one part of the plant and the women started crying and fear set in. "We gave up without a struggle," says one man, still disbelieving.

As we are talking, a man in a cloth overcoat comes over and loudly demands to see my identification. The crowd turns on him. "Let's lynch the bastard," someone shouts.

Another man, in a fine imported suede coat, sidles up and politely but firmly orders me to leave.

JANUARY 1982

For Western journalists, accustomed to freedoms of news coverage unthinkable in the rest of the Soviet bloc, it is as if a tight net has been drawn around the country overnight. Borders are sealed to all but a departing trickle of foreigners. Telexes and telephones are dead. Within days, heavy-handed censorship is instituted.

We are followed and at times harassed. My Volvo begins getting flat tires from nails, screws and sharpened belt buckles. A television series called "Who Is Who?" centers on three American diplomats who are called spies; the aim is to cut contacts between Poles and foreigners. The police spread the word that anyone passing petitions or information to Western journalists is liable to be charged with treason and could draw a 15-year prison sentence.

Remarkably, none of my contacts—those who are still at liberty—drop away. But our meetings are fraught with cloak-and-dagger intrigue. We arrange to bump into each other at public locations, in front of a certain picture at the National Museum or in front of a certain post-office box. They slip me notes and underground bulletins. A hiding place is arranged for further written communication.

Every two days, I meet with an especially valuable source, a young man I'll call Karol. We set up an elaborate system of rendezvous points, mostly coffeehouses in the Old Town; if he is not at one, I am to go on to another. I notice that he is almost always a few minutes late. Before he comes, a young woman enters, surveys the room inconspicuously and leaves, barely glancing in my direction.

During one of our talks, I mention the risk he is running and ask him why he is doing it. "Must have been all those movies I saw in my youth about the resistance," he jokes. Like him, I feel as if I'm in a movie most of my waking hours.

The journalists' major preoccupation is getting the story out. There is a single secret channel available once a day. We use it for a pooled dispatch, which goes to every newspaper and radio station in the United States that asks for it. Slipping other stories past border guards strains ingenuity, especially since the authorities begin strip-searching suspicious-looking passengers at the airport. Somehow, one young man walks through with stories stuffed into both of his boots.

One of my stories gets out on a ferry to Sweden. Another is slipped under a cushion in a railroad car that goes through East Germany. A third is stuffed into the bottom of a Marlboro cigarette pack that is then resealed. There is no way of knowing which of them, if any, reaches New York.

Finally, I hit upon a sure-fire system. Because there are no facilities in Poland for developing color film, the Poles permit some photograhers to send their film out undeveloped. The photographers are closely watched anyway, so the film is deemed safe. One of them photographs three of my stories; the undeveloped roll is passed by the censor and ends up in Bonn, where a lab technician, in developing the film, finds a message to pass the copy on to New York.

MARCH 1982

Poles were proud of the alliance between intellectuals and workers in Solidarity, although differences between them remained. The differences are there under martial law, too. A friend, who is a writer and critic, was detained, and in his jail cell he met another detainee, a bus driver. They talked.

"Do you have any children?" asked the bus driver.

"Yes," the writer replied, "two small children."

"So do I. Were yours awake when they came for you?"

"Thank God, they were asleep."

"Yeah," said the bus driver. "Mine were sleeping too. But I woke them up. I wanted them to remember all their lives how those bastards came and took away their father."

The incident set the writer to thinking. Intellectuals, he concluded, were not "fierce" enough. "We think too much. Workers really know how to hate and how to pass that hatred on."

APRIL 1982

Martial law has solved nothing, because the Government has done nothing. So far, it has moved neither to create a "national accord" nor to outlaw Solidarity outright. A Polish journalist compares the situation to "a patient slowly waking up after a powerful anesthetic and finding that no operation has taken place.

Others compare it to the Nazi occupation, even though it is clearly far from that. They seem to do this for effect, to indicate the depth of the anger and alienation from the regime. They talk of "the war" as shorthand for "state of war," the martial-law provision. It's a curious turn of phrase, lending a kind of melodrama to what was, when all is said and done, a military operation accomplished with little bloodshed. I wonder if it isn't a psychological crutch of sorts, a way of covering what some concede is their shame over the fact that there wasn't more resistance.

Curiously, regard for the army is still high. The hatred is heaped upon the ZOMO. With their reliability open to question, the conscripted army troops were given only backup tasks during strike-breaking and were quickly withdrawn whenever they fraternized with civilian workers. This does not augur well for a regime whose power now rests upon military might. The army's

loyalty has not been tested fully, and how it would respond if things got worse and orders were given to fire upon strikers or demonstrators is open to question. Government officials bristle when the word "junta" is used, but the military is dominant in the power structure and the party shows no signs of reviving.

Officials parrot the line that Poland was on the verge of civil war, that anarchy was threatening to suck it under, and that martial law was a last, desperate chance to save the nation. But they have difficulty mustering evidence to support these claims. Certainly there was no "anarchy" in the streets, in the sense of disorders, nor was there any sign of an opposition ready to take up arms. There was, on the other hand, widespread realization that the political situation was veering out of control and that Solidarity was again preparing to mount a challenge to the party.

This has led to the notion among some observers in the West that Solidarity brought on martial law by going "too far" in its demands. But it could also be argued that the party went back on the power-sharing arrangement struck in Gdansk in August 1980. Most of the 21 original demands of the Lenin shipyard strikers remained unfulfilled.

Faced with the party's intransigence, Solidarity's leadership adopted more radical stances and did battle over once-untouchable issues. But the extremists in the union never really gained control. And the union's actions had a way of ending up more moderate than its rhetoric.

At the end, the union tried—naivley, it turned out—to bypass the Polish party altogether and address itself directly to Moscow. This was the significance of Solidarity's call, at its final meeting on Dec. 12, 1981, for a national referendum on membership in the Warsaw Pact. The union counted on a vote for continued membership; the idea was to convince Moscow that the military guarantee the Russians needed could be provided not just by the Polish party but by Polish society as a whole. The meeting was seized upon as the pretext for the crackdown, although Western military experts believe the move must have been planned much earlier, if only for logistical reasons.

All along, the great unknown was how much latitude the Soviet Union would allow. Clearly conscious of the costs of intervention, Moscow displayed a tolerance that surpassed the expectations of many in the West. What Moscow could not tolerate was any tampering with the Polish party's sacred "leading role." In the Kremlin's view, the party was the one and only reliable instrument of control; without it, both "socialism" and Soviet domination fell apart.

The inherent contradictions were insurmountable. A Communist Party with minority support was trying to pull an entire country away from the direction it wanted to go in. It was struggling with a new, popular rival. Anything that Moscow did to bolster or bully it only reinforced the conviction that it was the agent of alien rule. The "leading role" was a fiction whose time had come.

In retrospect, the critical turning point came in March 1981, when the union voted a nationwide general strike to protest police beatings in Bydgoszcz. That was a do-or-die moment, when the union's strength was at a peak, the resolve of the authorities shaky and Moscow's intentions unclear. A general strike, if won, might have forced the authorities into honest cooperation.

Instead, Walesa and a few other negotiators bypassed the union's democratic decision-making procedures to negotiate a last-minute settlement. This opened up fissures in the movement and strengthened hardliners in the party. Union negotiators said afterward that the authorities had informed them that the Russians would invade if they did not give way. History may never know if that was true or not.

JUNE 1982

Jurek, I learn, has been arrested. He has gone on trial in Gdynia with eight other defendants. They are charged with distributing antistate leaflets and fomenting a strike at a naval academy. The strike, such as it was, occurred at a time when classes were suspended, and it was quickly called off.

The trial is brief. Even relatives of the accused find it hard to get into the courtroom. Key defense witnesses are not allowed to speak. In his summation, the judge passes quickly over the charges and emphasizes that some of the accused were known Solidarity activists. The sentences are preordained and severe. Jurek is given nine years.

In prison, his head is shaved clean, his mustache is shaved off. His face swells up, apparently from poor diet. His mother weeps often, especially on warm sunny days, when she looks out the window and imagines her son in a dank cell.

Everyone is slumped in a moral depression. Journalists are being fired left and right. Universities are being purged. People direct their energies toward schemes to get out of the country. No one seems to be doing any work.

A campaign is under way to boycott the regime. Intellectuals and professionals withhold their services. One actor I know works as a waiter in a coffeehouse. A well-known singer is pumping gas. A woman television broadcaster in Wroclaw is selling ice cream at a small stand in the market square.

There is an occupation-regime atmosphere about everyday events. A soccer game between a Soviet team and a Polish one is held under tight security; ZOMO troops with automatic weapons ring the stadium; the stands are divided into quadrants by uniformed police. On flights of the Polish airline, a ZOMO with his hand on his AK-47 stands at the back of the cabin, on the lookout for hijackers.

On the other hand, there is a laxity and inconsistency to the crackdown that seems in keeping with the Polish character. One man I know who is in hiding comes up from time to time for a meal at his favorite restaurant. Another public figure in hiding, the former head of the journalists' association, is said to have received heart medication, through an intermediary, from an official in the Ministry of the Interior.

In Victory Square there is a huge cross, made entirely of flowers, lying on the flagstones. Twice the police have removed it, and each time it has been reconstituted, bigger than before. Near the cross is a small shrine to nine miners shot by the police at Wujek in December. One day, someone brought a marble plaque with the nine names engraved on it. The police removed it. The next day, there were nine lumps of coal. They, too, were removed. The next day, there were nine crucifixes. And so it goes.

Last month, a British diplomat was walking across the square when he chanced to see a young man picked up by two ZOMO while kneeling beside the cross. The man did not resist as he was led away into a police van. Once inside, he was beaten savagely with nightsticks. the diplomat, peering through a window, counted 26 blows to the head and stomach before he was spotted and ordered to move on. He felt certain that the young man must have died.

Official thuggery is on the rise. On May 3, during pro-Solidarity demonstrations, policemen bashed heads all over the place. Clouds of tear gas billowed from one end of town to the other. Late in the evening, I went to meet someone at the train station. At an underground track, where there is a television set fixed to the wall a crowd had gathered for the evening news. Four ZOMO were standing in the center, their nightsticks still bent and scuffed. Around them were young men, obviously demonstrators. Everyone was watching the clashes on the news—in effect, watching themselves.

That is the image of Poland I carry away with me—oppressor and oppressed standing side by side, watching the theater of their country's disintegration. I do not know what will happen here; no one does. What everyone knows is that the conflict and the anguish are far from over. Perhaps next time the explosion will be violent. There is not really much to tell Jurek's mother to comfort her, except that there's a chance he will not serve his full nine years, that something will happen before then.

THOUSANDS OF POLES CLASH WITH RIOT POLICE IN THE STREETS OF GDANSK

(By John Darnton)

GDANSK, POLAND, Aug. 31—Polish riot policemen used tear gas, water cannons, flares and concussion grenades today to beat back thousands of anti-Government demonstrators in this port city where the Solidarity union was signed into existence after a victorious strike two years ago.

For over four hours, the narrow cobblestoned streets of the Old City, the broad boulevards downtown and the side streets near the Lenin Shipyard resounded with the sounds of clashes.

The trouble began when riot policemen moved in on thousands of demonstrators in front of the Lenin Shipyard. At least 300 of them retreated into the yard, by breaking down a metal gate.

Shortly before midnight, the northern section of the city was a vast no man's land, with demonstrators armed with gasoline bombs controlling blocks of Grunwaldska Avenue, sectioned off by flaming barricades. Several riot police vans, gutted by fire, lay in the middle of the road.

SOLDIER FLASHES A 'V' SIGN

Young men and women clustered around the barricades, which were made of benches, paving stones, chairs, tables and other material. At one point a convoy of seven army trucks filled with soldiers and accompanied by a bulldozer drew up. As it stopped at one of the barricades, the crowd yelled: "The military with us! The military with us!" After five minutes, the trucks inexplicably turned around, leaving the barricade untouched. A soldier on one of the trucks flashed a "V" sign and the crowd broke into a singing of the national anthem.

Fifteen minutes later, a huge contingent of riot policemen arrived and, firing off tear gas volleys and concussion bombs, cleared the avenue.

Reliable medical sources indicated that at least 11 people were hurt, including one young man apparently struck in the temple by a tear gas cannister.

For at least an hour in the afternoon, groups of young demonstrators dodged

flares and cannisters fired by 40 riot policemen in front of the red-brick railroad station near Gorky Square. At one point the youths constructed a barricade of wooden benches and metal trash receptacles, crouching behind it and then jumping up to toss rocks at the policemen 30 yards away.

3,000 TO 4,000 DEMONSTRATORS

Other youths, some wearing kerchiefs over their mouths like wild west bandits, taunted the police by running around the side of the train station, picking up smoking cannisters and tossing them back.

The stench of tear gas hung over the city.

A young man who wandered too close was picked up by the police, removed to the doorway of the station and disappeared inside amid a rain of blows from riot sticks. A woman wearing a red blouse was knocked to the sidewalk by the police and clubbed several times before she managed to scramble up and run away.

The disorders began at 3:20 P.M. when the police converged upon a crowd of between 3,000 and 4,000 assembled around the 120-foot tall monument of three crosses and anchors outside the main gate of the Lenin yard. The monument, whose realization was one of the first demands of the strikers of August 1980, was built to commemorate workers shot by security forces during anti-Government demonstrations in 1970.

Shipyard workers began streaming out of the gate after the 2 P.M. shift and gathering around the sloping flagstones of the monument, covered with votive candles, photographs of Lech Walesa and Pope John Paul II, and flowers arranged in the shape of a giant cross above a "V-for-victory" symbol.

Some of the workers said they had been warned over the public address system in the shipyard earlier in the day not to join in demonstrations, but they came anyway. Delegations from various departments brought flowers to put at the cross, laying them down solemnly while the throng applauded.

"As you see," said a young shipyard worker in a brown jacket with a mustache that resembled Mr. Walesa's, "we are celebrating this anniversary peacefully, without bloodshed." The hope, he said, was to exert pressure to bring the martial law authorities to the negotiating table.

YOU ARE NOT ALONE

A young woman with long dark hair spoke out, saying that she wanted the shipyard workers to know that "you are not alone." The police, she said, had surrounded the area so that supporters from other parts of the city could not come. Tonight's state-controlled television news, she predicted, would describe them all as "irresponsible extremists."

A man with a beard said: "All I want is a contented, prosperous fatherland, and this is denied. I hope nobody is killed or wounded today. I wish the police would go back to being a force that is supposed to protect us."

"There's nothing I want more than for Lech to be with us today," he said. Mr. Walesa is interned in southeastern Poland.

Then, a military helicopter appeared overhead, circling a dozen times, and the crowd thrust up "V" signs defiantly and began chanting slogans—"We want Lech!" "Democracy!" "Free the internees!" "Divorce from Moscow!" and "Put the junta on trial!"

The crowd was begining to thin, as the police moved in from three directions, with columns of armored personnel carriers, water cannons, vans and jeeps fitted out with tear gas cannister launchers. They were met with whistles, jeers and shouts of "Gestapo!"

BEATEN WITH NIGHTSTICKS

For several hours afterward, knots of demonstrators roamed through the streets, with riot police chasing them. Two young men were seen being carried by police on a footbridge over the railroad tracks near Academic Park. The men were beaten with nightsticks before being loaded into a van.

At least three riot policemen, called ZOMO, were also said to have been injured.

By nighttime, demonstrators were battling the police in three separate areas. One group, which overturned and set a tractor-trailer truck ablaze, was holed up inside the Novotel, fending off police assaults. Another was taking on the riot police on the northern road to Gydnia, and a third had fanned out into a forest in nearby Oliwa, which the police were reluctant to enter.

STRATEGIC DOCTRINE: DETERRENCE OR WARFIGHTING?

Mr. KENNEDY. Mr. President, I would like to call the attention of my colleagues to disturbing reports that the Reagan administration is planning to develop the capability to fight and prevail in a protracted nuclear war. It is perhaps difficult to imagine that the existing nuclear balance of terror could be made even more perilous, but that would in fact be the result of such a program. By shifting the emphasis of U.S. nuclear strategy from deterrence to warfighting, the administration would render the already fragile nuclear standoff even more precarious; the nuclear threshold would be lowered considerably and the world would be brought one large step closer to nuclear holocaust and oblivion.

In a provocative article in the Los Angeles Times of August 15, Robert Scheer discusses the contents of the Pentagon's new defense guidance statement and a strategic master plan now being drawn up. Every sane American knows that there can be no winner in a nuclear war. Presumably administration officials know this too; yet in the new plans they use the terminology of "prevailing" in a "protracted nuclear war" and the termination of hostilities on terms favorable to the United States." In a letter to 70 newspapers around the globe, Secretary of Defense Caspar Weinberger downplays the significance of this shift in strategy, arguing that the Reagan administration is simply doing what is necessary to maintain deterrence.

Clearly, the issues raised by Mr. Scheer's article and Secretary Weinberger's letter are cause for concern. Not only is the notion of prevailing in a protracted nuclear war inherently contradictory; it is extremely dangerous as well. Such a strategy would lower the nuclear threshold, encouraging Soviet commanders to use nuclear weapons in a crisis to preempt a U.S. nuclear strike. This could precipitate an exchange with great risks of escalation toward annihilation. We are presented with a grim spectre indeed—a vision of United States and Soviet authorities buried away in bunkers, playing a horrible game of tit for tat, trading missile for missile, city for city, while the peoples and civilizations of both countries vanish into radioactive oblivion. I cannot imagine how such a holocaust could be ended "on terms favorable to the United States."

The argument is offered by Secretary Weinberger that the Soviet Union, for its part, is building forces to wage a protracted nuclear war. If so, the answer is not to blindly follow the Soviets' lead, that the world might be doubly imperiled, but rather to prevent such a destabilizing development before it occurs—to freeze it in its tracks.

The prospect of nuclear warfighting programs heightens the need for an immediate, mutual and verifiable freeze on the testing, production and futher deployment of nuclear weapons. The people and Government of the United States must act together to establish a defense policy that truly protects, rather than imperils, ourselves and our children, all that we have created and all that we hold dear.

I ask unamimous consent that the full text of Robert Scheer's article and the letter from Secretary Weinberger be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 15, 1982]

PENTAGON PLAN AIMS AT VICTORY IN NUCLEAR WAR

(By Robert Scheer)

WASHINGTON.—On the orders of the Reagan Administration, the Pentagon last week completed a strategic master plan to give the United States the capability of winning a protracted nuclear war with the Soviet Union, The Times has learned.

The document was delivered to the National Security Council and is awaiting final presidential approval.

The Pentagon plan was drawn up in response to a presidential directive, which represents the first reported time the U.S. government has declared that nulcear war with the Soviets can be won.

The directive is part of a top secret national security decision document that was drawn up in the fall of 1981 to supersede Presidential Directive 59, which was approved in the last six months of the Carter Administration.

IDEAL IS CONTROVERSIAL

Sources familiar with both highly classified documents report that President Reagan's strategic doctrine goes further toward a nuclear war fighting stance than former President Jimmy Carter's in that it specifically states the goal of winning a protracted nuclear war.

According to one member of the Reagan Administration, the plan would contemplate

nuclear warfare that went on for as long as six months. One consequence of this planning has been a commitment of $18 billion to provide a communications systems that could endure such protracted nuclear warfare.

The idea that nuclear war between the superpowers can be kept limited or stretched out over several months—let alone won—is controversial in both military and political circles.

Air Force Gen. David C. Jones, who was chairman of the Joint Chiefs of Staff under both Carter and Reagan, has warned that preparations for fighting a limited or protracted nuclear war would be throwing money into a "bottomless pit." In his parting statement on retiring in June, Jones said, "I don't see much of a chance of nuclear war being limited or protracted." He added, "I see great difficulty in keeping any kind of nuclear exchange between the Soviet Union and the U.S. from escalating."

During the 1980 presidential primary campaign, Carter's Presidential Directive 59 was criticized by Sen. Edward M. Kennedy (D-Mass.) and others for assuming that nuclear wars can be fought and survived in a manner akin to conventional wars of the past.

Carter's secretary of defense, Harold Brown, asserted that Presidential Directive 59 was intended to deter any expectations that the Soviets might have of winning a nuclear war but did not endorse the idea that nuclear war could be kept limited or that meaningful victory was possible.

Carter's directive did not contain any specific means of implementation. But Reagan's directive, the sources said, specifically requires the Pentagon to draw up a plan for turning the policy declaration into military reality.

The Pentagon's strategic master plan was to have been sent to the National Security Council for approval in June. However, it was delayed because of the public disclosure of another secret Defense Department document, the annual defense guidance statement.

Parts of that statement, which the Pentagon draws up each year to project its needs for the next five years, were leaked to the New York Times and caused considerable embarrassment for the Administration.

The newspaper reported that the annual guidance plan assumed that "protracted nuclear war is possible" and that "American nuclear forces must prevail and be able to force the Soviet Union to seek earliest termination of hostilities on terms favorable to the United States."

The annual guidance statement contained a general policy of confrontation with the Soviets ranging from conventional wars to battles in space, with the nuclear component being only one part.

CONTAINS MORE DETAILS

Administration insiders report that the new strategic master plan is more detailed and more controversial in its advocacy of nuclear warfare than the annual Defense Department guideline. More significantly, it would carry the imprimatur of the President and his National Security Council, while the annual guidance plan is an internal Pentagon document.

The new strategic master plan concentrates exclusively on the possibilities of strategic nuclear war and reportedly aims at providing more of a "how-to" treatment of the subject. For example, the new plan devotes considerable space to the matter of destroying enemy political centers and command centers while preserving similar U.S. centers.

The Reagan Administration has budgeted $18 billion for the purpose of securing U.S. military command, control and communication, or C3, as it is known to planners. C3 refers to the ability of a nation's leaders to maintain communication with the troops in control of the nuclear arsenal.

The implications of the shift in strategic thinking about nuclear war were spelled out by Gen. James W. Stansberry, commander of the Air Force Electronics Systems Division, who told an Air Force conference:

"In previous years the concept for C3 was that it only had to be able to get off a launch of U.S. strategic weapons in response to a first strike before damage was unacceptable. The idea that there was no way to win a nuclear war exchange sort of invalidated the need for anything survivable. There is a shift now in nuclear weapons planning, and a proper element in nuclear deterrence is that we be able to keep on fighting."

LINKS ARE VULNERABLE

But critics of nuclear war-fighting strategies remain skeptical that C3 can be protected, because the antennas, telephone lines, satellites and other links in the communication system between a nation's leaders and the nuclear arsenal remain far more vulnerable than any other components of the defense system.

One observer on the Reagan staff said sarcastically, "We've been working on this C3 problem for five years now and can report that the system might survive 15 minutes of nuclear war."

But the Pentagon's master plan aims at finding means of hardening U.S. communications to the point that they could survive longer—"as much as six months," one Administration member noted.

The notion that nuclear wars can be fought on a limited and survivable basis toward other than cataclysmic ends has had growing support in the last decade. Increasingly accurate missile technology and sophisticated means of communications have produced the confidence in some quarters that nuclear war need not be fought as one spasmodic episode with little but radioactive rubble to show for the effort.

The result has been a push for rejecting a nuclear strategy based on the idea of a nuclear war as one spasmodic event, requiring as a deterrent only enough power on each side to assure the destruction of the other. This past policy has been challenged by strategies that require even more plentiful and advanced nuclear arsenals and systems of defense ranging from anti-missile systems to civil defense.

In the nuclear war-fighters' view, which Reagan's National Security Council appears to accept, a nuclear war might be fought over a period of several months with selective strikes at primarily military targets. At the end, they believe, one side could emerge victorious, with enough of its resources and populaton intact to begin over.

One leading advocate of this viewpoint, Colin Gray, has recently been appointed by Reagan to the advisory board for the Arms Control and Disarmament Agency and as an adviser to the State Department.

In a 1980 article in the magazine Foreign Affairs, Gray and co-author Keith Payne complained that "many commentators and senior U.S. government officials consider it (nuclear war) a non-survival event."

Instead, Gray and Payne argued, "the United States should plan to defeat the Soviet Union and to do so at a cost that would not prohibit U.S. recovery. Washington should identify war aims that in the last resort would contemplate the destruction of Soviet political authority and the emergence of a postwar world order compatible with Western values."

They specified that 20 million U.S. fatalities would represent an acceptable cost.

Others may have a less optimistic view of the likely casualties but still believe it is possible to emerge on top in an all-out nuclear war. Last week, Energy Secretary James B. Edwards defended the Reagan Administration's commitment to testing and building more and better nuclear weapons. He said:

"I hope we never have to get into another war; if we do, I want to come out No. 1, not 2."

On the other hand, there is former Secretary of State Cyrus R. Vance, who left the Carter Administration before it formulated Presidential Directive 59. Vance, in an interview with The Times, stated:

"I happen to be one of those who believe it is madness to talk about trying to fight a continuing nuclear war as though it were like fighting a conventional war situation, and that one could control the outcome with the kinds of precision that is sometimes possible in a conventional war situation.

"It is a totally different world, a world that is hard for any of us to conceive, because none of us knows what a nuclear war is like. But, by extrapolation, we can have some idea of the incredible devastation that would come from it and the almost unimaginable consequences that would flow from it."

[From the Los Angeles Times, Aug. 25, 1982]

WEINBERGER VIEW ON NUCLEAR WAR

I am increasingly concerned with news accounts that portray this Administration as planning to wage protracted nuclear war, or seeking to acquire a nuclear "war-fighting" capability. This is completely inaccurate, and these stories misrepresent the Administration's policies to the American public and to our allies and adversaries abroad.

It is the first and foremost goal of this Administration to take every step to ensure that nuclear weapons are never used again, for we do not believe there could be any "winners" in a nuclear war. Our entire strategy aims to deter war of all kinds, but most particularly to deter nuclear war. To accomplish this objective, our forces must be able to respond in a measured and prudent manner to the threat posed by the Soviet Union. That will require the improvements in our strategic forces that the President has proposed. But it does not mean that we endorse the concept of protracted nuclear war, or nuclear "war-fighting." It is the Soviet Union that appears to be building forces for a "protracted" conflict.

The policy of deterrence is difficult for some to grasp because it is based on a paradox. But this is quite simple: to make the cost of nuclear war much higher than any possible benefit. If the Soviets know in advance that a nuclear attack on the United States would bring swift nuclear retaliation, they would never attack in the first place.

They would be "deterred" from ever beginning a nuclear war.

There is nothing new about our policy. Since the awful age of nuclear weapons began, the United States has sought to prevent nuclear war through a policy of deterrence. This policy has been approved, through the political processes of the democractic nations it protects, since at least 1950. More important, it works. It has worked in the face of major international tensions involving the great powers, and it has worked in the face of war itself.

But, for deterrence to continue to be successful in the future, we must take steps to offset the Soviet military buildup. If we do not modernize our arsenal now, as the Soviets have been doing for more than 20 years, we will, within a few years, no longer have the ability to retaliate. The Soviet Union would then be in a position to threaten or actually to attack us with the knowledge that we would be incapable of responding. We have seen in Poland, in Afghanistan, in Eastern Europe and elsewhere that the Soviet Union does not hesitate to take advantage of a weaker adversary. We cannot allow the Soviet Union to think it could begin a nuclear war with us and win.

This is not just idle speculation. The Soviet Union has engaged in a frenzied military buildup, in spite of their economic difficulties. They have continued to build greater numbers of nuclear weapons far beyond those necessary for deterrence. They now have over 5,000 nuclear warheads on ICBMs, compared to about 2,000 only five years ago. They have modified the design of these weapons and their launchers so that many of their land-based missiles are now more accurate, more survivable and more powerful than our own. They have also developed a refiring capability that will allow them to reload their delivery systems several times. They have elaborate plans for civil defense and air defense against any retaliation we might attempt. And, finally, their writings and military doctrine emphasize a nuclear warfighting scenario. Whatever they claim their intentions to be, the fact remains that they are designing their weapons in such a way and in sufficient numbers to indicate to us that they think they could begin, and win, a nuclear war.

In the face of all this, it is my responsibility and duty as secretary of defense to make every effort to modernize our nuclear forces in such a way that the United States retains the capability to deter the Soviet Union from ever beginning a nuclear war. We must take the steps necessary to match the Soviet Union's greatly improved nuclear capability.

That is exactly why we must have a capability for a survivable and enduring response—to demonstrate that our strategic forces could survive Soviet strikes over an extended period. Thus we believe we could deter any attack. Otherwise we would be tempting them to employ nuclear weapons or try to blackmail us. In short, we cannot afford to place ourselves in the position where the survivability of our deterrent would force the President to choose between using our strategic forces before they were destroyed or surrendering.

Those who object to a policy that would strengthen our deterrent, then, would force us into a more dangerous, hair-triggered posture. Forces that must be used in the very first instant of an enemy attack are not the tools of a prudent strategy. A posture that encourages Soviet nuclear adventurism is not the basis of an effective deterrent. Our entire strategic program, including the development of a response capability that has been so maligned in the press recently, has been developed with the express intention of assuring that nuclear war will never be fought.

I know that this doctrine of deterrence is a difficult paradox to understand. It is an uncomfortable way to keep the peace. We understand deterrence and accept the fact that we must do much more in order to continue to keep the peace. It is my fervent hope that all can understand and accept this so that we can avoid the sort of sensationalist treatment of every mention of the word "nuclear" that only serves to distort our policy and to frighten people all over the world. Our policy is peace, and we deeply believe that the best and surest road to peace is to secure and maintain an effective and credible deterrent.

The purpose of U.S. policy remains to prevent aggression through an effective policy of deterrence—the very goal which prompted the formation of the North Atlantic Alliance, an alliance which is as vital today as it was the day it was formed.

CASPAR W. WEINBERGER,
Secretary of Defense.

THE SUPPLEMENTAL APPROPRIATIONS BILL—COMPENSATORY EDUCATION FOR DISADVANTAGED STUDENTS

Mr. KENNEDY. Mr. President, H.R. 6863, the supplemental appropriations bill for fiscal year 1982, includes $148 million for compensatory education for disadvantaged students—the title I program. This additional amount will compensate local education agencies to insure that no State or county loses funding if either the 1970 or 1980 census data forms the basis for making allocations under this program for the 1982-83 school year.

I would like every Senator to know how much each State will gain under this bill. The following table provides this information.

ESTIMATED CHAPTER 1 ALLOCATIONS FOR FISCAL YEAR 1983 USING 1970 AND 1980 CENSUS DATA

This table shows two estimates of fiscal year 1983 chapter 1 local education agency basic grant allocations, one using 1970 census data for the number of children in poor families and the other 1980 census data for such children. Which set of data the Department of Education will actually use to make allocations is presently the subject of a Federal court case, Ambach v. Bell.

The third column shows the higher allocation under the two simulations; that is, what counties would get if they were given allocations based on either the 1970 or the 1980 census data, whichever were larger. The last column shows the additional cost of providing funds for column 3, assuming that such sums would directly supplement allocations made using 1970 census data (column 1).

Allocations in columns 1 and 2 are estimated at a total chapter 1 appropriation of $2,885,969,000, as provided under Public Law 97-161. The estimated total amount for LEA basic grants is $2,386,322,000 ($2,357,663,000 under the base formula and $28,658,000 under the SIE formula). In addition, funds are to be provided for State agency grants, State administration grants, basic grants to territories and to the Secretary of the Interior, and for evaluation and studies grants. No funds would be provided for concentration grants.

1970 CENSUS ALLOCATION VERSION—U.S. SUMMARY

[Includes columns showing the higher allocation under the 2 simulations and the additional cost of funding it]

	Fiscal year 1983 LEA basic grants		Higher of col. 1 and col. 2	Additional cost of col. 3
	1970 census	1980 census		
Alabama	$65,374,000	$56,479,000	$65,382,000	$7,000
Alaska	4,620,000	4,667,000	5,031,000	412,000
Arizona	22,275,000	23,332,000	23,731,000	1,455,000
Arkansas	37,282,000	32,752,000	37,517,000	234,000
California	206,707,000	223,716,000	227,226,000	20,519,000
Colorado	24,194,000	23,173,000	24,892,000	698,000
Connecticut	20,097,000	23,259,000	23,561,000	3,464,000
Delaware	6,437,000	6,549,000	6,687,000	249,000
District of Columbia	13,670,000	11,798,000	13,670,000	0
Florida	76,186,000	78,472,000	82,321,000	6,135,000
Georgia	70,798,000	66,078,000	72,698,000	1,899,000
Hawaii	6,724,000	7,180,000	7,186,000	462,000
Idaho	5,779,000	6,789,000	7,010,000	1,231,000
Illinois	106,514,000	117,762,000	120,732,000	14,217,000
Indiana	32,540,000	34,268,000	35,209,000	2,670,000
Iowa	23,115,000	22,239,000	23,958,000	843,000
Kansas	19,093,000	17,491,000	19,287,000	193,000
Kentucky	50,536,000	45,209,000	50,883,000	347,000
Louisiana	74,231,000	65,145,000	74,380,000	149,000
Maine	9,032,000	9,182,000	9,573,000	541,000
Maryland	41,666,000	38,467,000	41,836,000	170,000
Massachusetts	46,017,000	53,506,000	53,511,000	7,493,000
Michigan	93,653,000	103,004,000	103,752,000	10,099,000

1970 CENSUS ALLOCATION VERSION—U.S. SUMMARY—Continued

[Includes columns showing the higher allocation under the 2 simulations and the additional cost of funding it]

	Fiscal year 1983 LEA basic grants		Higher of col. 1 and col. 2	Additional cost of col. 3
	1970 census	1980 census		
Minnesota	34,482,000	31,594,000	35,091,000	609,000
Mississippi	62,467,000	54,429,000	62,604,000	137,000
Missouri	46,458,000	41,900,000	47,155,000	697,000
Montana	8,344,000	7,890,000	8,671,000	327,000
Nebraska	13,585,000	13,070,000	13,903,000	318,000
Nevada	3,241,000	4,185,000	4,243,000	1,001,000
New Hampshire	3,861,000	4,504,000	4,528,000	666,000
New Jersey	58,790,000	73,954,000	74,063,000	15,274,000
New Mexico	21,562,000	19,266,000	21,625,000	63,000
New York	213,436,000	244,734,000	245,392,000	31,956,000
North Carolina	75,199,000	65,591,000	75,219,000	21,000
North Dakota	6,953,000	6,350,000	6,973,000	20,000
Ohio	77,892,000	78,443,000	82,716,000	4,825,000
Oklahoma	31,423,000	27,735,000	31,498,000	75,000
Oregon	19,916,000	20,436,000	21,611,000	1,696,000
Pennsylvania	106,704,000	108,903,000	113,241,000	6,537,000
Puerto Rico	93,227,000	91,885,000	93,227,000	0
Rhode Island	8,709,000	8,639,000	8,857,000	148,000
South Carolina	49,713,000	43,064,000	49,713,000	0
South Dakota	8,541,000	7,886,000	8,855,000	314,000
Tennessee	59,466,000	52,375,000	59,642,000	176,000
Texas	160,434,000	152,984,000	164,632,000	4,197,000
Utah	7,681,000	8,298,000	8,447,000	766,000
Vermont	3,739,000	3,980,000	4,072,000	333,000
Virginia	55,786,000	48,434,000	56,514,000	728,000
Washington	30,160,000	31,455,000	32,787,000	2,627,000
West Virginia	26,885,000	23,875,000	27,039,000	153,000
Wisconsin	37,676,000	36,837,000	38,758,000	1,083,000
Wyoming	3,452,000	3,110,000	3,540,000	88,000
U.S. summary	2,386,322,000	2,386,322,000	2,534,646,000	148,324,000

1980 CENSUS ALLOCATION VERSION—U.S. SUMMARY

[Includes columns showing the higher allocation under the 2 simulations and the additional cost of funding it]

	Fiscal year 1983 LEA basic grants		Higher of col. 1 and col. 2	Additional cost of col. 3
	1970 census	1980 census		
Alabama	$65,374,000	$56,479,000	$65,382,000	$8,903,000
Alaska	4,620,000	4,667,000	5,031,000	365,000
Arizona	22,275,000	23,332,000	23,731,000	398,000
Arkansas	37,282,000	32,752,000	37,517,000	4,765,000
California	206,707,000	223,716,000	227,226,000	3,510,000
Colorado	24,194,000	23,173,000	24,892,000	1,719,000
Connecticut	20,097,000	23,259,000	23,561,000	301,000
Delaware	6,437,000	6,549,000	6,687,000	138,000
District of Columbia	13,670,000	11,798,000	13,670,000	1,872,000
Florida	76,186,000	78,472,000	82,321,000	3,849,000
Georgia	70,798,000	66,078,000	72,698,000	6,620,000
Hawaii	6,724,000	7,180,000	7,186,000	6,000
Idaho	5,779,000	6,789,000	7,010,000	221,000
Illinois	106,514,000	117,762,000	120,732,000	2,970,000
Indiana	32,540,000	34,268,000	35,209,000	942,000
Iowa	23,115,000	22,239,000	23,958,000	1,720,000
Kansas	19,093,000	17,491,000	19,287,000	1,796,000
Kentucky	50,536,000	45,209,000	50,883,000	5,673,000
Louisiana	74,231,000	65,145,000	74,380,000	9,234,000
Maine	9,032,000	9,182,000	9,573,000	391,000
Maryland	41,666,000	38,467,000	41,836,000	3,369,000
Massachusetts	46,017,000	53,506,000	53,511,000	5,000
Michigan	93,653,000	103,004,000	103,752,000	748,000
Minnesota	34,482,000	31,594,000	35,091,000	3,497,000
Mississippi	62,467,000	54,429,000	62,604,000	8,175,000
Missouri	46,458,000	41,900,000	47,155,000	5,255,000
Montana	8,344,000	7,890,000	8,671,000	781,000
Nebraska	13,585,000	13,070,000	13,903,000	833,000
Nevada	3,241,000	4,185,000	4,243,000	58,000
New Hampshire	3,861,000	4,504,000	4,528,000	24,000
New Jersey	58,790,000	73,954,000	74,063,000	109,000
New Mexico	21,562,000	19,266,000	21,625,000	2,359,000
New York	213,436,000	244,734,000	245,392,000	657,000
North Carolina	75,199,000	65,591,000	75,219,000	9,629,000
North Dakota	6,953,000	6,350,000	6,973,000	624,000
Ohio	77,892,000	78,443,000	82,716,000	4,273,000
Oklahoma	31,423,000	27,735,000	31,498,000	3,763,000
Oregon	19,916,000	20,436,000	21,611,000	1,176,000
Pennsylvania	106,704,000	108,903,000	113,241,000	4,337,000
Puerto Rico	93,227,000	91,885,000	93,227,000	1,342,000
Rhode Island	8,709,000	8,639,000	8,857,000	219,000
South Carolina	49,713,000	43,064,000	49,713,000	6,649,000
South Dakota	8,541,000	7,886,000	8,855,000	968,000
Tennessee	59,466,000	52,375,000	59,642,000	7,267,000
Texas	160,434,000	152,984,000	164,632,000	11,647,000
Utah	7,681,000	8,298,000	8,447,000	149,000
Vermont	3,739,000	3,980,000	4,072,000	92,000
Virginia	55,786,000	48,434,000	56,514,000	8,080,000
Washington	30,160,000	31,455,000	32,787,000	1,331,000
West Virginia	26,885,000	23,875,000	27,039,000	3,164,000
Wisconsin	37,676,000	36,837,000	38,758,000	1,922,000
Wyoming	3,452,000	3,110,000	3,540,000	430,000
U.S. summary	2,386,322,000	2,386,322,000	2,534,646,000	148,324,000

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:06 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 3517) to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes.

At 12:18 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

The message also announced that the House disagrees to the amendment of the Senate to the amendment of the House to the bill (S. 1409) to authorize the Secretary of the Interior to construct, operate, and maintain modifications of the existing Buffalo Bill Dam and Reservoir, Shoshone project, Pick-Sloan Missouri Basin program, Wyoming, and for other purposes; agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. UDALL, Mr. KAZEN, Mr. PHILLIP BURTON, Mr. SEIBERLING, Mr. MILLER of California, Mr. COELHO, Mr. LUJAN, Mr. CLAUSEN, and Mr. PASHAYAN as managers of the conference on the part of the House.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4125. A communication from the Acting Comptroller General of the United States transmitting, pursuant to law, a report on two rescissions and a revision to one deferral previously reported; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Labor and Human Resources.

EC-4126. A communication from the Acting Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a proposed foreign military sale by the American Institute in Taiwan to the Coordination Council for North American Affairs; to the Committee on Armed Services.

EC-4127. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision to study the conversion to contractor performance of various functions to different installations; to the Committee on Armed Services.

EC-4128. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Guard Service function at the Naval Construction Battalion Center, Davisville R.I., to performance under contract; to the Committee on Armed Services.

EC-4129. A communication from the Acting Deputy Assistant Secretary of the Air Force for Logistics and Communications transmitting, pursuant to law, a report on a decision made to convert the food service mess attendants function at Port Austin Air Force Station, Mich., to performance under contract; to the Committee on Armed Services.

EC-4130. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Administrative Telephone Service function at the Navy Experimental Diving Unit, Panama City, Fla., to performance under contract; to the Committee on Armed Services.

EC-4131. A communication from the Secretary of the Treasury transmitting, pursuant to law, the fiscal year 1981 annual report of the Exchange Stabilization Fund; to the Committee on Banking, Housing, and Urban Affairs.

EC-4132. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Bank Merger Process Should be Modernized and Simplified"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4133. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on the level of airline safety; to the Committee on Commerce, Science, and Transportation.

EC-4134. A communication from the Secretary of the Interior transmitting, pursuant to law, the 11th annual report on the operation of the Colorado River; to the Committee on Energy and Natural Resources.

EC-4135. A communication from the Director of the Minerals Management Service of the Department of the Interior transmitting, pursuant to law, a report on a refund of an excess royalty payment to Cities Service Co.; to the Committee on Energy and Natural Resources.

EC-4136. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payment to Amoco Production Co.; to the Committee on Energy and Natural Resources.

EC-4137. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of excess royalty payment to Mobil Oil Co.; to the Committee on Energy and Natural Resources.

EC-4138. A communication from the Director of the Minerals Management Service of the Department of the Interior, transmitting, pursuant to law, a report on a refund of an excess royalty payment to Scurlock Oil Co.; to the Committee on Energy and Natural Resources.

EC-4139. A communication from the Secretary of Energy transmitting, pursuant to law, the second quarterly report for 1982 on the Strategic Petroleum Reserve; to the Committee on Energy and Natural Resources.

EC-4140. A communication from the Vice President and General Counsel of the Overseas Private Investment Corporation transmitting, pursuant to law, the report of the Corporation relative to issuance of civil strife insurance coverage; to the Committee on Foreign Relations.

EC-4141. A communication from the Acting Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties, entered into by the United States within the previous 60 days; to the Committee on Foreign Relations.

EC-4142. A communication from the Acting Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, a justification for an increase in the funding level of the proposed assistance program in Burundi; to the Committee on Foreign Relations.

EC-4143. A communication from the Acting Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, a justification for an increase in the funding level of assistance for Rwanda; to the Committee on Foreign Relations.

EC-4144. A communication from the Fiscal Assistant Secretary of the Treasury transmitting, pursuant to law, a report on Inventory of Nonpurchased Foreign Currencies, March 31, 1982; to the Committee on Foreign Relations.

EC-4145. A communication from the Acting Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, a justification for an increase in the funding level of assistance for Cameroon; to the Committee on Foreign Relations.

EC-4146. A communication from the Acting Director of the Office of Legislative Affairs of the Agency for International Development transmitting, pursuant to law, a justification for an increase in the funding

level of assistance for Swaziland; to the Committee on Foreign Relations.

EC-4147. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report listing reports issued by the General Accounting Office in July 1982; to the Committee on Governmental Affairs.

EC-4148. A communication from the Inspector General of the Department of Health and Human Services transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4149. A communication from the Chairman of the District of Columbia Armory Board transmitting, pursuant to law, the annual report for 1980 on the operations of the District of Columbia National Guard Armory and the Robert F. Kennedy Memorial Stadium; to the Committee on Governmental Affairs.

EC-4150. A communication from the Deputy Chief of Staff for Installations and Logistics, Headquarters U.S. Marine Corps, Department of the Navy, transmitting, pursuant to law, the annual report for the year ending December 31, 1981 on the Retirement Plan for Civilian Employees of the U.S. Marine Corps Exchanges, Recreation Funds, Clubs, Messes, and the Marine Corps Exchange Service; to the Committee on Governmental Affairs.

EC-4151. A communication from the Chairman of the District of Columbia Law Revision Commission transmitting, pursuant to law, the District of Columbia Administrative Procedure Manual; to the Committee on Governmental Affairs.

EC-4152. A communication from the Mayor of the District of Columbia transmitting, pursuant to law, a report in response to a General Accounting Office report entitled "Uncollected Rent Continues to Reduce Revenue for the District of Columbia"; to the Committee on Governmental Affairs.

EC-4153. A communication from the Comptroller General of the United States transmitting, pursuant to law, the 1981 GAO Annual Report; to the Committee on Governmental Affairs.

EC-4154. A communication from the Acting Assistant Secretary of the Interior for Indian Affairs transmitting, pursuant to law, a proposed plan for the use and distribution of certain Indian Claims Judgment Funds; to the Select Committee on Indian Affairs.

EC-4155. A communication from the Legislative Affairs Officer of the Administrative Office of the U.S. Courts transmitting certain materials submitted to the Committee on the Judiciary in late 1981 for inclusion in a hearing record and subsequently inadvertently omitted from that record; to the Committee on the Judiciary.

EC-4156. A communication from the Executive Director of the President's Commission on Executive Exchange transmitting a draft of proposed legislation to permit private companies to continue salary payments to participants in the Executive Exchange Program during their period of Federal service; to the Committee on the Judiciary.

EC-4157. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report and recommendation concerning the claim of the Florida Times-Union and the Jacksonville Journal for advertising provided for the Army Division, Fort Stewart, Ga.; to the Committee on the Judiciary.

EC-4158. A communication from the Secretary of Education transmitting, pursuant to law, a final regulation relating to final priorities for the National Institute of Handicapped Research Program; to the Committee on Labor and Human Resources.

EC-4159. A communication from the Secretary of Education transmitting, pursuant to law, a report on the condition of bilingual education in the Nation; to the Committee on Labor and Human Resources.

EC-4160. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Disclaimer of Opinion on the Financial Statements of the Pension Benefit Guaranty Corporation for the Fiscal Year Ended September 30, 1980"; to the Committee on Labor and Human Resources.

EC-4161. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on the Expanded Food and Nutrition Education Program of the Cooperative Extension System; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4162. A communication from the Secretary of the Air Force, transmitting, pursuant to law, notice that the AGM-65D Maverick missile would exceed baseline unit cost by more than 25 percent; to the Committee on Armed Services.

EC-4163. A communication from the Acting Deputy Assistant Secretary of the Air Force (Logistics and Communications), transmitting, pursuant to law, a report on converting the transient aircraft services function at Robins Air Force Base, Ga., to contractor performance; to the Committee on Armed Services.

EC-4164. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), a report on converting the Servmart function at the Naval Supply Center, Puget Sound, Wash., to contractor performance; to the Committee on Armed Services.

EC-4165. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the grounds maintenance function at Roosevelt Roads, Puerto Rico, to contractor performance; to the Committee on Armed Services.

EC-4166. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the air terminal operations function at the Naval Air Station, Jacksonville, Fla., to contractor performance; to the Committee on Armed Services.

EC-4167. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the air-conditioning maintenance function at the Naval Training Center, Orlando, Fla., to contractor performance; to the Committee on Armed Services.

EC-4168. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the keypunch function at the Naval Air Station, Cecil Field, Fla., to contractor performance; to the Committee on Armed Services.

EC-4169. A communication from the Vice President for Government Affairs of the National Railroad Passenger Corp., transmitting, pursuant to law, a report on the average number of persons on board and on-time performance of each train operated by the Corporation for June 1982; to the Committee on Commerce, Science, and Transportation.

EC-4170. A communication from the Deputy Director of the Office of Congressional Relations, Consumer Product Safety Commission, transmitting, pursuant to law, the safety standard for Omnidirectional Citizens Band Base Station Antennas; to the Committee on Commerce, Science, and Transportation.

EC-4171. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Department of Energy covering calendar year 1981; to the Committee on Energy and Natural Resources.

EC-4172. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a request for a refund of an excess royalty payment by Phillips Petroleum Co.; to the Committee on Energy and Natural Resources.

EC-4173. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a request for a refund of an excess royalty payment by Cities Service Co.; to the Committee on Energy and Natural Resources.

EC-4174. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, the final report on the National Program of Inspection of Non-Federal Dams; to the Committee on Environment and Public Works.

EC-4175. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the number of children placed in foster care pursuant to voluntary placement agreements for fiscal year 1981; to the Committee on Finance.

EC-4176. A communication from the Secretary of State, transmitting, pursuant to law, the semiannual reports on voluntary contributions made by the U.S. Government to international organizations for the periods October 1980-March 1981, April 1981-September 1981, and October 1981-March 1982; to the Committee on Foreign Relations.

EC-4177. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the annual report on the records disposition activities of the Federal Government for fiscal year 1981; to the Committee on Governmental Affairs.

EC-4178. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Millions Can Be Saved Through Better Energy Management in Federal Hospitals"; to the Committee on Governmental Affairs.

EC-4179. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the quarterly report on the activities of the Office of Inspector General, Department of Health and Human Services for the period April 1 to June 30, 1982; to the Committee on Government Affairs.

EC-4180. A communication from the Chief Judge of the U.S. Tax Court, transmitting, pursuant to law, the actuarial reports for the U.S. Tax Court Judges' Retirement and Survivor Annuity Plans for calendar year 1981; to the Committee on Governmental Affairs.

EC-4181. A communication from the Chairman of the Administrative Conference of the United States, transmitting, pursuant to law, a recommendation proposing certain

amendments to the Freedom of Information Act; to the Committee on the Judiciary.

EC-4182. A communication from the Assistant Secretary of the Army (Installations, Logistics, and Financial Management), transmitting, pursuant to law, a notice that the Army intends to initiate the disposal of certain chemical munitions and Lexington-Blue Grass Depot Activity, Kentucky; to the Committee on Armed Services.

EC-4183. A communication from the Secretary of Commerce, transmitting, pursuant to law, the annual report on the implementation of the Magnuson Fishery Conservation and Management Act for calendar year 1981; to the Committee on Commerce, Science, and Transportation.

EC-4184. A communication from the Administrator of the Energy Information Administration, Department of Energy, transmitting, pursuant to law, the 1981 annual report on U.S. crude oil, natural gas, and natural gas liquids reserves; to the Committee on Energy and Natural Resources.

EC-4185. A communication from the Secretary of Energy, transmitting, pursuant to law, the annual report of the Secretary of Energy, dated August 1982; to the Committee on Energy and Natural Resources.

EC-4186. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, a report on abnormal occurrences at licensed nuclear facilities for the first calendar quarter of 1982; to the Committee on Environment and Public Works.

EC-4187. A communication from the Chairperson of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1981; to the Committee on Environment and Public Works.

EC-4188. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Early Observations on Block Grant Implementation"; to the Committee on Governmental Affairs.

EC-4189. A communication from the Deputy Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the annual report of the Service on administration of the Freedom of Information Act for calendar year 1981; to the Committee on the Judiciary.

EC-4190. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of an order suspending the deportation of a certain alien under section 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4191. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders suspending the deportation of certain aliens under section 244(a)(1) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-4192. A communication from the Secretary of Labor, transmitting a draft of proposed legislation to provide for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor and for other purposes; to the Committee on Labor and Human Resources.

EC-4193. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the fiscal year 1981 Low Income Energy Assistance Program; to the Committee on Labor and Human Resources.

EC-4194. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a copy of the fiscal year 1984 budget request of the Commission; to the Committee on Rules and Administration.

EC-4195. A communication from the Principal Deputy Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on converting the base operating services function at the Naval Air Station, Whiting Field, Milton, Fla., to contractor performance; to the Committee on Armed Services.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1145. A resolution adopted by the Lawrence, N.J., Township Council, urging the President and Congress to immediately initiate and enter into a mutual nuclear weapons freeze with the Soviet Union, and urging that all funds appropriated for the testing, production, and deployment of nuclear weapons and their deployment systems be applied to human needs and tax reduction; to the Committee on Appropriations.

POM-1146. A joint resolution adopted by the Legislature of the State of California; to the Committee on Banking, Housing, and Urban Affairs:

"ASSEMBLY JOINT RESOLUTION NO. 60

"Whereas, The Discount rate policies of the Federal Reserve Board over the past 18 months together with the recent preemption of state usury law limitations on interest rates by federal statutes have created economic stagnation and accelerated rather than retarded inflationary pressures in the nation's economy for the foreseeable future; and

"Whereas, The impact of high discount rates and unregulated interest rates will, if unchecked, lead inevitably to economic disaster with attendant tragic social consequences; and

"Whereas, It is the opinion of the Members of Legislature of the State of California, that immediate federal action is necessary to forestall a nationwide economic disaster; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to immediately enact legislation placing a maximum chargeable interest rate of 2 percent above the level at the time of lending of an index selected by Congress and the President for its accuracy as a measure of the average cost of funds; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

POM-1147. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America urging that the Olympic games be held permanently in Greece where they may be conducted in a manner and in an atmosphere conducive to the true and ancient ideals of the Olympic games; to the Committee on Commerce, Science, and Transportation.

POM-1148. A resolution adopted by the board of trustees of the Atlanta, Ga., public library opposing the passage of "The Cable Telecommunications Act of 1982" (S. 2172) by the U.S. Senate; to the Committee on Commerce, Science, and Transportation.

POM-1149. A joint resolution adopted by the Legislature of the State of California; to the Committee on Energy and Natural Resources:

"ASSEMBLY JOINT RESOLUTION NO. 87

"Whereas, Utility rates throughout the State of California have risen dramatically over the last year; and

"Whereas, The price of natural gas is a major factor in rising utility bills; and

"Whereas, California is particularly dependent upon natural gas; and

"Whereas, The Federal Energy Regulatory Commission has already begun to administratively decontrol the price of natural gas transported in interstate commerce, which will result in higher costs to California consumers; and

"Whereas, The Federal Energy Regulatory Commission has indicated that it plans to administratively decontrol "old" natural gas; and

"Whereas, "Old" natural gas represents approximately 40 percent of all natural gas consumed in California; and

"Whereas, It has been estimated that administrative decontrol of "old" natural gas could cost California consumers over one billion dollars a year; and

"Whereas, Decontrol of natural gas would have a severe impact upon the already burdened ratepayers, particularly the poor and the elderly; and

"Whereas, Decontrol of natural gas would also have an adverse impact on major portions of California's economy, including agriculture, public services, and small businesses and would result in the loss of thousands of jobs; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California hereby respectfully memorializes the President and Congress to require the Federal Energy Regulatory Commission to take no further action to accelerate the administrative decontrol of natural gas prices; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Federal Energy Regulatory Commission."

POM-1150. A joint resolution adopted by the legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 52

"Whereas, Agriculture is the number one industry in California, which is the leading agricultural state in the country; and

"Whereas, Although California's 33.4 million acres of cultivated land account for only 3 percent of the country's entire supply of farmland, the state produced nearly 10 percent of the 1980 farm cash receipts in the United States; and

"Whereas, Agriculture accounted for approximately 18 percent of the state's gross product during 1980, which amounted to $54.8 billion, using the multiplier factor; and

"Whereas, California leads the nation in the production of 49 different crops and livestock products; and

"Whereas, The diversity of the state's agriculture is truly impressive, for over 250 different commodities are grown here; and

"Whereas, Twelve percent of the nation's agricultural exports were shipped from California last year, which provided numerous jobs and revenue for our three customs districts of Los Angeles, San Francisco, and San Diego; and

"Whereas, The product of approximately one out of every four acres of California cropland is now sold in foreign markets and thus the state's agricultural economy is dependent upon international trade; and

"Whereas, Expansion of markets for agricultural products abroad is needed to supply outlets for growing production of many California crops and to balance declines in domestic consumption of certain important products; and

"Whereas, The trade policies often adopted by many of our important overseas trading partners are clearly discriminatory or otherwise violative of the General Agreement on Tariffs and Trade and are unfairly eroding export markets for California farm commodities; and

Whereas, A group of California food marketers have petitioned the United States Trade Representative to take their case against the European Economic Community before an international court, the General Agreement on Tariffs and Trade; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That agriculture is California's basic industry, and its well-being is vital to the economic health of the state; and be it further

"Resolved, That it is in the best interest of the state, and of the United States as a whole, that there be the closest and most vigorous possible cooperation between the Office of the Trade Representative and the United States Department of Agriculture in seeking to improve the nation's trade balance by negotiating the reduction or elimination of tariff and nontariff barriers, as well as other policies and programs, which encourage unfair competition in markets which the United States has historically served, which disrupt international trade patterns, and which block access to foreign markets for California agricultural products; and be it further

"Resolved, That the Congress of the United States and its appropriate committees join with the executive agencies involved and urge their active participation in seeking the most effective remedies to the problems of protectionism and subsidized competition which so seriously affect the movement of United States', and particularly California's, agricultural products into international trade; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Trade Representative, to the Secretary of Agriculture, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Department of State and the Department of Commerce, and to the chairmen of committees in Congress which have jurisdiction over foreign trade."

POM-1151. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America urging Congress to support and enact the President's tuition tax credit proposal; to the Committee on Finance.

POM-1152. A resolution adopted by the City Council of the City of Houston, Tex., opposing those portions of H.R. 4961 that would impose a corporate minimum tax on bank deductions of interest on loans to carry or purchase municipal bonds, and urging Congress to delete all portions of H.R. 4961 that would impose such a minimum corporate tax; to the Committee on Finance.

POM-1153. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America condemning the invasion, continued occupation, and colonization of the Republic of Cyprus by Turkey and urging Congress to take all steps within its power to bring about a peaceful solution of the question of Cyprus on the basis of the relevant United Nations Charter; to the Committee on Foreign Relations.

POM-1154. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America urging Congress to exert its influence with the unjustifiable and devastating restraints, restrictions, and harassments imposed by the Turkish Government upon the Ecumenical Patriarchate of Constantinople and the Greek Orthodox minority; to the Committee on Foreign Relations.

POM-1155. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America urging the Governments of the Soviet Union and the United States of America to reach agreement with respect to nuclear arms limitations and reductions that are both meaningful and verifiable and that will lead to the eventual elimination of nuclear arms from the arsenal of all nations of this world; to the Committee on Foreign Relations.

POM-1156. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America calling upon all nations and religious bodies to accept and affirm, for the sake of world unity and peace, the undeniable right of the individual and members of religious minorities, to believe, worship and observe the practice and teachings of their respective religions, in the hope that by so doing the spiritual and moral conditions of humanity will be free to aspire to new and greater heights; to the Committee on Foreign Relations.

POM-1157. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America condemning the denial of human rights and liberties, and the subjugation of individual dignity by military, oppressive, and totalitarian governments, and calling upon all governments to comply with the principles enunciated in the Charter of the United Nations and the Helsinki Final Act; to the Committee on Foreign Relations.

POM-1158. A resolution adopted by the Board of Commissioners of the County of Stokes, N.C., urging the Congress to freeze Federal salaries and pensions; to the Committee on Governmental Affairs.

POM-1159. A resolution adopted by the Board of Commissioners of the County of Yadkin, N.C., urging the Congress to freeze Federal salaries and pensions; to the Committee on Governmental Affairs.

POM-1160. A resolution adopted by the Clergy-Laity Congress of the Greek Orthodox Archdiocese of North and South America supporting the adoption of the Constitutional Amendment to permit voluntary prayer in public schools and institutions; to the Committee on the Judiciary.

POM-1161. A resolution adopted by the House of Representatives of the Commonwealth of Puerto Rico; to the Committee on the Judiciary:

"RESOLUTION

"Whereas: The House of Representatives, through House Resolution 533 which was approved on May 24, 1982, directed the Committee on the Judiciary (Penal) to perform an investigation of the agreement existing between the Executive Power of the Commonwealth and the Executive Power of the Federal Government regarding the Haitian refugees in Fort Allen, and on the Present status of the compliance with said agreement by the Federal Government.

"Whereas: The Committee on the Judiciary (Penal) carried out said investigation, conducting, among other things, public hearings which were initiated on the first (1st) of June and which concluded on the seventeenth (17th) of June of 1982.

"Whereas: Twenty-five (25) persons, representing various sectors of the Puerto Rican community, appeared to give testimony in said Public Hearings. Outstanding among said persons were the representatives of the Religious and Civic Community: Cardinal Aponte Martínez, Monseigneur Francisco Reus Froilán of the Episcopal Church and the Reverend Alredo Santiago. Members of the medical profession, psychologists, and personnel that worked in Fort Allen, and representatives of entities for the defense of the rights of the Haitian refugees, also gave testimony.

"Among the latter were Dr. Pedro A. Miró of Dr. Pila Clinic in Ponce; Arturo Geigel Bunker, former Administrative Assistant of the Clinic at Fort Allen, Miguel Arroyo Camacho, former policeman at Fort Allen; Dr. Alba Nydia Rivera, psychologist; André Rheaume, former interpreter at Fort Allen and Dr. Gerald Jean Jusste, Director of the Haitian Refugee Center in Miami, Dr. Anselme Remy, Professor of Anthropology of the University of Columbia, Dr. Paul Latortué, Speaker for the Puerto Rican Foundation for the Liberation of the Haitians, and Dr. Jean Claude Bajeaux, Coordinator of the Inter-Regional Council for Haitian Refugees. The following public officials also gave testimony, to wit: the Mayor of Juana Diaz, the Honorable Angel León Martínez: the Secretary of Justice, the Honorable Héctor Reichard; the Secretary of State, the Honorable Carlos S. Quirós; and Dr. Yamil Kouri, Assistant Secretary of Health, and Official Representative of the Department of Health of Puerto Rico to supervise the compliance with the contract between the Executive Power of Puerto Rico and the Federal Government.

"Whereas: A communication was received from Dr. Adolfo Pérez Esquivel, Nobel Peace Prize Winner, in which he expresses his solidarity with the investigative action of this House of Representatives "for the benefit of human rights in Puerto Rico".

"Whereas: The Committee received ample information on the living conditions of the Haitians refugees in Fort Allen; on the general treatment given to these persons by the Federal authorities as to their mental and physical health; on the aspects of entertainment and cultural expressions; and on the

total living conditions in general, of the refugees as members of the community of human beings.

"Whereas: The Committee investigated all pertinent areas of the task assigned by the House except establishing direct contact with the Haitians themselves, and hearing their position, which could not be done due to the refusal of the authorities in Fort Allen to let the Committee hold public hearings and make a visual inspection of the Fort. In view of said refusal, the Committee proposed that a number of refugees be taken to the Town Hall of the Municipality of Juana Diaz so that they could testify before the Committee, but, to this moment there has been no reply from the Fort Allen authorities.

"Whereas: The Committee on the Judiciary (Penal), after a careful evaluation of the evidence obtained in the course of the investigation, has reached the following findings of facts:

"(a) The first condition of the agreement between the Executive Power of the Commonwealth and the Federal Executive Power which says, "The Federal Government shall do everything that is necessary to keep Fort Allen in adequate humane and sanitary conditions" has been violated.

"The elements which justify the Committee's findings are summarized hereinbelow:

"(1) The abundance of mosquitoes is humanly unbearable.

"(2) The degree of heat resulting from the structures they live in makes their life miserable. During the day, the alternatives the refugees have is to remain inside the huts, and suffer the effects of the heat, or to go outside and face the effects of the blazing sun, because there is no cover or protection against the sun.

"(3) The sun has harmed the refugee's eyes, and, in fact, it is alleged that there are three (3) cases of total blindness that have not been treated by an ophthalmologist.

"(4) There is a case of food poisoning on the record which affected forty (40) employees and two (2) refugees in Fort Allen. Worms were found in the food.

"(5) Several cases of a disease known as "gynecomastia" have been found. It consists of the abnormal inflamation of the mammary glands in men. The pertinent medical authorities could not explain the causes of this phenomenon.

"(6) Many cases of pathological alterations in the menstrual cycle of the women refugees have been discovered, consisting of the disappearance or increase of menstrual flow.

"(7) Men and women are kept separate and incommunicated; even those that constitute a family.

"(8) The sanitary facilities are kept open in such a way that the person's biological needs are done practically in public, in clear violation of the cultural habits of the Haitian refugees.

"(9) Evidence was presented that the Haitian refugees are terrified of mosquitoes and that this terror increases when heavy rains create many puddles. The evidence was in the sense that the Fort Allen Authorities have not taken any steps to fill or eliminate these puddles.

"(10) The only furniture in the huts is the cot where they sleep; there are no chairs or benches inside or outside the huts where they can sit, so their options are to sit on the floor or to remain standing.

"(11) The refugees are not allowed to practice their autochthonous religious ceremonies, typical of their culture, thus causing them great spiritual disturbances and a sense of terrible emotional loss.

"(b) There has been a violation of the fourth provision of the agreement between the Executive of Puerto Rico and the Federal Executive which says 'no refugees that have physical or mental disabilities shall be sent to Fort Allen nor shall those identified as 'delinquents'; and to the provisions of the Fifth clause of the agreement, which states that those 'refugees that have contracted Malaria, 'Dengue Fever' or any other contagious disease shall not be sent to Puerto Rico'. There is evidence of the existence of two cases of Tuberculosis which is a highly contagious disease.

"(c) The eighth clause of the above stated agreement which provides "that the refugees located in Fort Allen shall have adequate recreational facilities" has been violated. The evidence was overwhelming in the sense that the refugees are not offered any type of recreational or cultural activities which would allow them to preserve their mental sanity, in a situation of forced detention such as theirs. The refugees are awakened at 4:00 a.m. with an exhortation to return voluntarily to Haiti. Said exhortation is repeated several times during the day through powerful loudspeakers. No explanation was given as to why the refugees are awakened at 4:00 a.m., when they are not provided with any activities to fill their hours of frustrating idleness.

"(d) The Fifth Clause of the agreement which provides "that all refugees sent to Puerto Rico shall undergo a medical evaluation during an observation period of fourteen (14) days prior to their transfer to Puerto Rico", has been violated. The evidence was in the sense that the so-called medical evaluation consisted of stripping the refugees, spreading a white substance over their bodies, and afterwards washing the substance off. A Committee of Federal Executive Government representatives and representatives of the Puerto Rican Executive Power was appointed to supervise the medical evaluation during an observation period of "fourteen days prior to their transfer to Puerto Rico". The two delegates of the Puerto Rican Executive Power were Dr. Yamil Kouri and Mr. Angel R. Aponte, Undersecretary of State. It was clearly established that said persons were present only one day of the fourteen (14) days at the Processing Center.

"Whereas: In addition to the concrete evidence on the living conditions in Fort Allen, which have been summarized in the preceding Whereas: the Committee on the Judiciary (penal) received reactions, opinions, and evaluations from distinguished members of the Puerto Rican Community and from representatives of the religious, civic and cultural sectors, who unanimously agree that the situation of the Haitain Refugees at Fort Allen is one that violates the human rights recognized by the civilized world, and by the most elementary principles of Christianity.

"Therefore: Be it resolved by the House of Representatives of Puerto Rico:

"Section 1.—To express the feelings of the House of Representatives with respect to the situation of the Haitian refugees at Fort Allen, which is repugnant to the sense of justice, benevolence and of human brotherhood which is characteristic of the Puerto Rican People; and that said situation is a transgression against the civil and human rights recognized by the Constitution of the Commonwealth of Puerto Rico, the Constitution of the United States, the United Nations Bill of Rights, the Universal Declaration of Human Rights, and the Universal Declaration of the Rights of Man, approved in December, 1948, by the General Assembly of the U.N.O.

"Section 2.—To express the feelings of the House of Representatives, that the agreement between the Federal Executive and the Executive of Puerto Rico on the transfer of Haitian refugees to Puerto Rico, not be renewed by the Executive Power of Puerto Rico in the coming month of August when said agreement draws to an end.

"Section 3.—A copy of this Resolution shall be sent to the Governor of Puerto Rico, to the President of the United States, to the President of the Senate of the United States, to the Speaker of the House of Representatives of the United States, to the United Nations Organization and to the Organization of American States."

POM-1162. A joint resolution adopted by the Legislature of the State of California; to the Committee on Veterans' Affairs:

"Whereas, There are approximately 250,000 veterans in the United States, of whom approximately 25,000 reside in California, who were exposed to atomic radiation during the occupation of Japan and in conjunction with at least 235 atmospheric nuclear weapons tests conducted in the 1940's and 1950's and up to as recently as 1962; and

"Whereas, These veterans are now suffering myriad health problems, including cancer, degenerative bone and nerve diseases, intestinal disorders, blood and respiratory diseases, emotional problems, and birth defects in children and grandchildren; and

"Whereas, Recent medical evidence indicates that all these ailments are associated with exposure to atomic radiation; and

"Whereas, These veterans have typically been hesitant to come forward for fear of prosecution under secrecy statutes and possible loss of employee medical benefits and diminished employment potential; and

"Whereas, Regulators published by the United States Veterans' Administration on December 2, 1981, pertaining to the provision of health care to veterans exposed to atomic radiation do not address health symptoms other than cancer; and

Whereas, Current Veterans' Administration regulations have been used to deny 98 percent of the claims by veterans for health care and compensation; and

Whereas, Under these regulations, it is incumbent upon the veteran to prove his or her exposure to atomic radiation through his or her own initiative in securing records that often are incomplete or missing entirely; now, therefore, be it

Resolved by the Senate and Assembly of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and Congress of the United States to direct the Administrator of Veterans' Affairs to revise the current regulations of the Veterans' Administration regarding the provision of health care to veterans exposed to atomic radiation to fully recognize the body of medical evidence associating exposure to atomic radiation with a wide range of health effects; and be it further

Resolved, That the Legislature of the State of California further respectfully requests that other appropriate agencies and resources of the United States be brought to bear in an investigation of the health and genetic complaints of veterans exposed to

atomic radiation and of the apparent loss of records and documentation pertaining to exposure of individuals and military units; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Administrator of Veterans' Affairs."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 4476. An act to amend the Administrative Conference Act, by authorizing appropriations therefor.

By Mr. GARN, from the Committee on Appropriations, without amendment:

S. 2880. An original bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes (Rept. No. 97-537).

By Mr. STAFFORD, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 2852. A bill to amend section 439 of the Higher Education Act of 1965 to make a technical amendment relating to priority of indebtedness, to provide for the family contribution schedule for student financial assistance for academic years 1983-1984, and 1984-1985, and for other purposes (Rept. No. 97-538).

By Mr. DOMENICI (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 2405. A bill to further amend the boundary of the Cibola National Forest to allow an exchange of lands with the city of Albuquerque, New Mexico (Rept. No. 97-539).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GARN, from the Committee on Appropriations:

S. 2880. A bill making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes; placed on the calendar.

By Mr. SPECTER (for himself and Mr. HEFLIN):

S. 2881. A bill to amend the copyright law respecting the limitations on exclusive rights to secondary transmissions; to the Committee on the Judiciary.

By Mr. MOYNIHAN:

S. 2882. A bill to make a technical correction in the provision of the Economic Recovery Tax Act related to the election to have certain life interests qualify for the marital deduction; to the Committee on Finance.

S. 2883. A bill to broaden the exemption for common carriers and communications companies from the telephone excise tax; to the Committee on Finance.

By Mr. GRASSLEY:

S. 2884. A bill to lower the rate on sulfathiazole until the close of business December 31, 1985; to the Committee on Finance.

S. 2885. A bill to suspend the duty on sulfapyridine until the close of December 31, 1985; to the Committee on Finance.

By Mr. HEINZ:

S. 2886. A bill to apply duty-free treatment to Fourdrinier wires suitable for use in capacitor papermaking machines; to the Committee on Finance.

By Mr. MITCHELL:

S. 2887. A bill to amend the Internal Revenue Code of 1954 to reform and simplify the individual income tax; to the Committee on Finance.

By Mr. BAKER (for Mr. MCCLURE):

S. 2888. A bill directing the President to prepare and submit an annual report on the state of the insular areas to Congress, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BOSCHWITZ:

S. 2889. A bill to continue until the close of September 30, 1985, the existing suspension of duties on color couplers and coupler intermediates used in the manufacture of photographic sensitized material; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. HARRY F. BYRD, JR., Mr. HUDDLESTON, Mr. BUMPERS, Mr. LUGAR, Mr. STAFFORD, Mr. MOYNIHAN, Mr. CANNON, Mr. HOLLINGS, Mr. HELMS, Mr. EAST, Mr. BOREN, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. PROXMIRE, Mr. INOUYE, Mr. EXON, Mr. BENTSEN, Mr. LAXALT, Mr. TSONGAS, Mr. SARBANES, Mr. PRYOR, Mr. D'AMATO, Mr. FORD, Mr. DOLE, and Mr. RANDOLPH):

S.J. Res. 239. Joint resolution designating October 16, 1982, as "National Newspaper Carrier Appreciation Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated.

By Mr. JACKSON (for himself, Mr. BENTSEN, Mr. BRADLEY, Mr. COCHRAN, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. GARN, Mr. GORTON, Mr. HEINZ, Mr. INOUYE, Mr. JOHNSTON, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MOYNIHAN, Mr. PERCY, Mr. RIEGLE, Mr. RUDMAN, Mr. SARBANES, and Mr. WEICKER):

S. Res. 458. Resolution to express the sense of the Senate that the Export-Import Bank of the United States shall be given sufficient authority and shall provide competitive financing for American exports; to the Committee on Banking, Housing, and Urban Affairs.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER (for himself and Mr. HEFLIN):

S. 2881. A bill to amend the copyright law respecting the limitations on exclusive rights to secondary transmissions; to the Committee on the Judiciary.

RETRANSMISSION CARRIER COPYRIGHT STATUS

Mr. SPECTER. Mr. President, I am today introducing a bill to bring needed precision to our copyright laws by clarifying the status of retransmission carriers, companies that utilize satellites or terrestrial microwave repeater stations to retransmit television signals to cable operators.

Although the Copyright Act Amendments of 1976 included an exemption from copyright liability for passive carriers, companies that provide the link to secondary transmissions by cable systems, recent court decisions have placed this congressional policy in doubt.

In March 1982, the U.S. District Court for the Northern District of New York held that Eastern Microwave's retransmission of broadcast signals was not entitled to the exemption from copyright liability for retransmission carriers established by the 1976 Copyright Act amendments (17 U.S.C. sec. 111(a)(3)). An appeal from this ruling is currently pending before the U.S. Court of Appeals for the Second Circuit. This ruling has created substantial confusion in the cable industry; confusion and uncertainty that can best be eliminated by congressional action to clarify the reach of the law.

Virtually every cable system in the country uses one or more of the so-called distant signals to supplement local television services. There are more than 50 companies delivering such signals nationwide with three firms utilizing satellite for nationwide distribution. This activity has been greatly facilitated by the compromise embodied in the 1976 Copyright Reform Act and by the Federal Communications Commission rules being relaxed to encourage cable systems to utilize distant signals.

In 1976 Congress adopted the compulsory license with royalty fee approach to the use of distant signals. Critical to that mechanism is the role of retransmission carriers who facilitate the opportunities of cable systems to receive and utilize distant signals. Almost one-quarter of the American public receives its television programing via cable. Almost 400 cable systems operate in Pennsylvania. Without the services of retransmission carriers to relay television signals over great distances the variety of viewing opportunities for cable subscribers will be severely limited.

In recognition of this passive and facilitating role, retransmission carriers were granted an exemption from copyright royalties. The cable systems that are the intermediate recipients of the secondary transmission and beneficiaries of the relay are not covered by this statutory exemption. Thus, copyright owners are not left uncompensated, but recover according to the

compulsory license and royalty compromise embodied in the law. Indeed, without proper recognition of the exemption of retransmission carriers, the 1976 compromise can be significantly undermined.

While I am anxious to pursue our inquiry into the continuing viability of the 1976 compulsory license and royalty compromise, until we decide to adopt an alternative solution to the distant signal problem I think the current law must be allowed to govern. The amendment I offer today is intended to clarify that law and uphold the working compromise agreed upon in 1976.

The language I offer today is included in the Cable Television Copyright Act Amendments, H.R. 5949, recently reported favorably by the House Committee on the Judiciary. In its report, the House committee explained the need for this amendment:

It is the intent of the Committee that this subsection clarify the copyright law regarding the intent of 17 U.S.C. 111(a)(3) which provides an exemption of copyright liability for common carriers.

In the course of Committee deliberations on this legislation, a decision was issued in a case involving an interpretation of Section 111(a)(3) *Eastern Microwave, Inc.* v. *Doubleday Sports, Inc.*, 81-CV-303 (N.D., N.Y., March 12, 1982), which leaves the cable industry in a state of turmoil. The holding of that case was that the carrier, Eastern Microwave, Inc., failed to qualify for the Section 111(a)(3) exemption. In the Committee's view, the decision incorrectly construed the carrier exemption. If the decision is applied to other parties, all satellite resale carriers could be held liable for copyright infringement when they deliver distant signals to cable systems. Further, terrestrial microwave carriers could also be in danger of losing their exemption. These carriers are the primary means whereby cable systems receive distant signals for retransmission to cable subscribers; rather than face copyright liability, they may suspend broadcast retransmission. As a result, the signal carriage standards of the FCC could be undone, and the entire compulsory licensing scheme undercut, which would be antiethical to the intent of this committee and the public interest.

There has never been any doubt by this Committee that carriers are exempt from copyright liability when retransmitting television signals to cable systems via terrestrial microwave or satellite facilities. Although the *Eastern Microwave* case is presently on appeal, in view of the significance of the ruling and the chaotic state in which it leaves the 1976 cable legislation, the committee believes it is useful to clarify the existing language of Section 111(a)(3) by certain technical amendments, thereby restating its intent that the exemption apply to all such carriers. With these changes, qualifying carriers may engage in business promotion and marketing of their services and retransmit one or more television signal via statellite to cable systems pursuant to their FCC tariff without fear of loss of the exemption.

The bill I am introducing, parallels the language adopted by the House Committee on the Judiciary. It would make three technical changes in the current language of section 111(a)(3) of title 17, United States Code, and thereby clarify congressional intent with respect to the limited exemption from copyright liability for retransmission carriers.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2881

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111(a)(3) of title 17, United States Code is amended to read as follows:

"(3) the secondary transmission is made by any carrier who has no direct or indirect control over the content of the primary transmission or over the ultimate recipients of the secondary transmission, and whose activities with respect to the secondary transmission consist primarily of providing wires, cables, or other communications channels for the use of others: *Provided,* That the provisions of this clause extend only to the activities of said carrier or like entity with respect to secondary transmissions and do not exempt from liability the activities of others with respect to their own primary or secondary transmissions.".

By Mr. MOYNIHAN:

S. 2882. A bill to make a technical correction in the provision of the Economic Recovery Tax Act related to the election to have certain life interests qualify for the marital deduction; to the Committee on Finance.

ESTATE AND GIFT TAXES

● Mr. MOYNIHAN. Mr. President, the bill I am introducing today makes a technical correction in the estate and gift tax portion of the Economic Recovery Tax Act.

The Economic Recovery Tax Act made a number of changes in the rules for estate and gift taxes. Two are of concern here. First, the act provided an unlimited marital deduction. Previously, an individual was able to leave up to half of his belongings or $250,000, whichever was greater, to his spouse, free of estate taxes. There was a similar deduction for gifts that an individual makes to his spouse while he is alive.

Last summer, Congress decided that it made little sense to tax transfers between spouses. Such taxes seem especially unfair when one spouse has just died. The bereaved spouse has enough worries without having to figure out how to pay the estate taxes on the couple's belongings. Better to levy the tax when the surviving spouse has also died. Hence, an unlimited marital deduction was provided. Estate and gift taxes are no longer collected on property an individual wills or gives to his spouse.

Second, the tax laws were amended so that the marital deduction covers some terminable interests. A terminable interest is a property interest that is less than full ownership. For example, an individual can have a life estate in a building, meaning he has the right to all the income from the building while he is alive, but at death, the building automatically is transferred to another party. Black's Law Dictionary defines terminable property as "property of such a nature that its duration is not perpetual or indefinite, but is limited or liable to terminate upon the happening of an event or the expiration of a fixed term."

In the past, terminable interests did not qualify for the marital deduction and were taxed upon the death of the first spouse. Thus, if a man left the family house to his wife for life and to his children after her death, estate taxes would be due on the house when the man died. He could avoid estate taxes by transferring the house outright to his wife. Or he could direct who would get it after her death. But not both. Congress decided that tax considerations should not influence how an individual disposes of his property. Consequently, the law was changed.

Today, two kinds of terminable interests qualify for the marital deduction. Qualified terminable interest property. Section 2056(b)(7) defines this as property that passes from the decedent and from which the surviving spouse is "entitled to all of the income." The other kind of terminable interest that qualifies as a charitable remainder trust. An individual can place his property in trust with directions to the trustee to pay over a fixed sum to his spouse periodically during her lifetime and to donate the corpus to charity after her death. The sole requirement—in section 2056(b)(8)—is that the surviving spouse must be the only noncharitable beneficiary of the trust.

A problem has arisen concerning pooled income funds. A pooled income fund is an investment fund established by a college, church, hospital, charity, or other tax-exempt organization. Individuals who die can leave their money to the organization, which places it in the fund, invests it, and pays out the income to the surviving spouse as long as she lives. After the spouse dies, the investments become the property of the college or other tax-exempt organization.

A pooled income fund is not a charitable remainder trust. The staff of the Joint Committee on Taxation says it is covered by the marital deduction because it is qualified terminable interest property. However, in March, the IRS issued a private letter ruling in which it said it could not rule on whether a pooled income fund qualifies for the marital deduction because the issue is one "that cannot be reasonably resolved before regulations

are issued." Hence, there is cause for concern.

The IRS has a long history of being highly technical in these matters. In order to be qualified terminable interest property, the surviving spouse must be entitled to all of the income "from the property." Technically, income received from a pooled income fund is a proportionate share of income earned from many, commingled investments. It is arguably not income from the specific property transferred. Another problem is that legacies to pooled income funds sometimes split the income while the widow is alive between the widow and a charity. There is no policy reason to discourage this. It is allowed for charitable remainder trusts. However, there is a fear that the IRS will take too literally the requirement in section 2056(b)(7) that "all" of the income go to the surviving spouse. There are at least two other reasons why the IRS could decide pooled income funds fail to qualify for the marital deduction if the IRS is so inclined.

My bill eliminates any ambiguity. It is a technical amendment, as I do not believe there is any doubt that Congress intended the marital deduction to cover pooled income funds. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2882

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) Paragraph (8) of section 2056(b) of the Internal Revenue Code (relating to the limitation in the case of life estate or other terminable interest) is amended by changing the heading to read as follows:

"(8) Special rule for pooled income funds and charitable remainder trusts.—".

(b) Subparagraph (A) of section 2056(b)(8) of such Code (relating to the special rule for pooled income funds and charitable remainder trusts) is amended by inserting the words "pooled income fund or" after "the only non-charitable beneficiary of a".

(c) Subparagraph (B) of such section is amended by making clause (ii) into clause (iii) and by inserting a new clause (ii) as follows:

"(ii) Pooled income fund.—The term 'pooled income fund' means a trust described in section 642(c)(5).".

(d) The amendments made by this Act shall take effect as if they had been included in section 403(d) of the Economic Recovery Tax Act (Public Law 97-34).●

By Mr. MOYNIHAN:

S. 2883. A bill to broaden the exemption for common carriers and communications companies from the telephone excise tax; to the Committee on Finance.

LONG-DISTANCE TELEPHONE CALL EXCISE TAX

● Mr. MOYNIHAN. Mr. President, common carriers, telephone and telegraph companies, radio stations and radio networks are exempted from the telephone excise tax on calls made on WATS lines. My bill would exempt them from the tax on all long-distance calls.

There is no reason to distinguish between the two calls in the tax laws. The only difference between a WATS call and an ordinary long-distance call is that they are billed differently by the telephone company. WATS stands for "wide area telecommunications service." There are two kinds of WATS lines: a so-called inward WATS, which is a toll-free 800 number, and an outward WATS, which is what each of us is the Senate has on his telephone. A WATS subscriber pays a flat fee per month, plus a variable amount based on the amount of time he spends on the phone. This gives him the privilege of making an unlimited number of long-distance calls.

WATS lines can be rented to cover the entire country or a smaller area. A WATS call travels to a WATS central office, where a computer screens it to insure the subscriber has paid for service to the particular area, and it is then dumped into the regular long-distance network. The routing priority is the same as for other long-distance calls. The telephone wires are the same as used by regular subscribers. The switching mechanism is the same. In 1978, the Federal Communications Commission ruled that WATS and ordinary long-distance are essentially identical and ordered the American Telephone and Telegraph Co. to explain the reason for its rate discrimination in favor of WATS. The Federal Communications Act says that it is illegal for a telephone company "to make any unjust or unreasonable discrimination in charges * * * in connection with like communication service * * * "[Instead of explaining, A.T. & T. took the Government to court. On June 11, 1982, the U.S. Court of Appeals for the D.C. circuit decided that the FCC had not done as detailed an analysis as it should have before issuing the "like service" ruling. The court vacated the ruling and remanded it "for such further proceedings, consistent with this opinion, as the Commission may wish to pursue."]

The Government has collected a telephone excise tax since 1917. Common carriers and communications companies have been exempted from the tax for some uses of the telephone since 1918. From 1918 to 1939, the exemption covered "leased wires and talking circuit special services." During that time, the Government collected two telephone taxes: a tax of 5 cents or 10 cents per call on calls costing more than a fixed amount. The minimum charge before a call was taxed was 15 cents at first, but was increased to 31 cents in 1932. Common carriers and communications companies were not exempted from it.

The other tax, from which they were exempted, was a tax of 10 percent—5 percent after 1932—on "leased wires and talking circuit special services." A leased wire was a private line rented between two points. The people at the telephone company do not remember exactly what a talking circuit special service was. They believe it was a special line on which a voice would be transmitted much more clearly than a regular telephone line: the sort of line a radio network might use to feed its programs to member stations. Hence, the designation special "talking" circuit. The House and Senate committee reports for the Revenue Act of 1918 give no reason for the exemption.

From 1939 to 1958, common carriers and communications companies were exempted from tax on leased wires, teletypewriters, talking circuit special services, and "wire and equipment service[s]." In the last category were stock market tickers and comparable devices. However, there was confusion because the telephone tax was completely remodeled under the 1939 code. Taxes were levied on "local telephone service," long distance calls costing more than 24 cents, "telegraph service," "leased wire, teletypewriter or talking circuit special service," and "wire and equipment service." The Government took the position that a common carrier or communications company had to pay a tax on a leased wire used entirely within a local telephone area because the wire constituted a "local telephone service."

From 1959 to 1965, the exemption for common carriers and communications companies covered all leased wires that went outside the local telephone area, "wire and equipment service," and "wire mileage service." The House committee report defined wire mileage service as "generally that communication service which cannot be connected, directly or indirectly, to an exchange operated" by the telephone company. A report the following year on a technical corrections bill added that the 1958 act had changed the definitions of "taxable types of services."

One of the former taxable categories was "leased wire, teletypewriter, or talking circuit special service." Part of this category was separated out into what is now known as teletypewriter exchange service. Most of the remainder of the old category is now in what is called wire mileage service.

From 1965 until present, common carriers and communications companies have been exempted from the telephone tax on WATS telephone calls. They are also exempted on what used to be known as leased wires and talking circuit special services, but since the Government stopped taxing these in 1965, this is no longer techni-

cally an exemption. The Government also no longer taxes what used to be known as "wire and equipment services."

The legislative history of the 1939, 1958, and 1965 acts is unenlightening. Nowhere does it say why an exemption was provided—or altered.

A problem with exempting radio stations from taxes on WAT's telephone calls, but not ordinary long distance calls, is that this discriminates against smaller stations and smaller networks. The Black Radio Network, the Mutual Black Network, and the National Black Network cannot afford WATS lines. Their more well-heeled competitors like CBS, NBC, and ABC can. Long distance telephone calls by small black radio networks are taxed; their competitors' calls are not. This is a discrimination that I do not think we ought to allow.

My bill amends section 4253(f) of the tax code and would extend the exemption for common carriers and communications companies to all "toll telephone" calls.

Mr. President, I ask unanimous consent for the text of the bill to be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, (a) Subsection (f) of section 4253 of the Internal Revenue Code (relating to an exemption for common carriers and communications companies) is amended by deleting "(2)" in the phrase "section 4252(b)(2)".

(b) This amendment shall take effect on the date of enactment.●

By Mr. GRASSLEY:

S. 2884. A bill to lower the rate of duty on sulfathiazole until the close of December 31, 1985; to the Committee on Finance.

S. 2885. A bill to suspend the duty on sulfapyridine until the close of December 31, 1985; to the Committee on Finance.

DUTIES ON CERTAIN SULFA DRUGS

● Mr. GRASSLEY. Mr. President, on July 21 I introduced S. 1979, a bill to suspend duties on certain sulfa drugs. Today, I am introducing two bills involving the same subject matter. I have every reason to believe that the controversial aspects of the previous legislation have been resolved.

This legislation addresses the need to reduce the cost of sulfanamides, which include the three compounds mentioned in these bills. These drugs are used in a high percentage of all hogs produced in the United States either for therapeutic purposes or in the feed supply. In closing it must be stressed that there is no U.S. manufacturer of sulfathiozole or sulfapyridine. Thus, lowering the duty will be a positive development for consumers and pork producers alike.

By Mr. MITCHELL:

S. 2887, A bill to amend the Internal Revenue Code of 1954 to reform and simplify the individual income tax; to the Committee on Finance.

PERSONAL INCOME TAX REFORM ACT OF 1982

Mr. MITCHELL. Mr. President, public dissatisfaction with the structure of the Federal income tax has reached a level unmatched in recent history. Today, I am introducing legislation to reform and simplify the Tax Code.

We face a major challenge in reforming Federal tax laws. Recent public opinion polls reveal a distributing trend: More and more people now feel that the income tax is the "most unfair" tax that they must pay. Such a finding is of great concern because the Federal Government relies on the personal income tax for almost half of the revenues it collects. This attitude no doubt contributes to the high level of dissatisfaction with the performance of the Federal Government, since the tax system is the means through which many people most frequently come into contact with the Government.

Reforming the income tax can also play a major role in addressing the serious problems now besetting our economy. Economists have long recognized that excessively high tax rates can discourage work effort and distort saving and investment decisions. Last year's tax bill acknowledged these problems but did not address them. This year's tax bill contained some reform provisions, but it was basically a tax increase bill. The fundamental problems of the current tax system remain.

The Congress last year focused on across-the-board rate reductions and ignored the distributional aspects of those reductions. Moreover, it overlooked the available opportunities to broaden the tax base. By eliminating or modifying many tax preferences, my bill will allow a much greater reduction in tax rates.

Senator BRADLEY has offered the most comprehensive tax reform proposal to date. I commend him for the hard work he has performed in drafting his innovative proposal. My legislation is very similar to his in the changes in deductions, exclusions, and credits, but it differs in the schedule of tax rates proposed.

A basic tax rate of 12 percent would apply to all taxpayers. Above $40,000 in annual income for married couples ($25,000 for single taxpayers), a progressive surtax would apply. The net result would be a 20-percent rate applied to income between $40,000 and $50,000 ($25,000 to $30,000 on single returns), 30 percent on income between $50,000 and $60,000 ($30,000 to $37,000 on single returns), and 36 percent on income above $60,000 (above $37,000 on single returns). In effect, the number of tax brackets would be reduced from 13 to 4.

The proposed range of the tax rates of 12 to 36 percent compares to 12 to 50 percent under current law.

Furthermore, the zero bracket amount (below which no tax is paid) for joint returns would be increased to $4,600 from $3,400. The personal exemption would be raised to $1,500 from $1,000.

Complementing these tax reductions would be the elimination or modification of most exclusions, deductions, and credits. This assures that the simplified tax system would produce the same amount of revenues that the current system is expected to produce.

I do not believe that all deductions and exclusions should be eliminated. Because one of the central purposes of this proposal is to restore confidence in the tax system, it would be counterproductive to repeal these tax provisions that enjoy wide public support and serve valid purposes. Thus, my bill would retain the deduction for charitable contributions, which plays an important role in enhancing the voluntary spirit in our society. The bill would also continue the home mortgage interest deduction, which has helped produce one of the highest rates of private homeownership in the world.

Other provisions that my bill would continue include the deduction for State and local taxes, the exclusion for social security and veterans benefits, and the exemption of interest on general obligation bonds.

I feel very strongly that any new system should continue to be based on the ability to pay. That is, differences in tax liabilities should reflect differences in taxpayers' ability to pay their taxes. The share of a family's income that must be devoted to necessities declines as income rises. On that basis our tax system has historically levied higher taxes on those most able to pay them, and lower taxes on those with lower income.

My belief in this approach explains why my bill is not a pure "flat tax" proposal. If adopted a pure flat rate has the potential of even further undermining confidence in government by eliminating all progressivity from the tax system. The very wealthy would have their taxes slashed, while the low- and middle-income taxpayers would end up paying more. That result would defeat the purpose of enacting comprehensive income tax reform.

Once the principle of ability to pay is accepted, the task is to determine what the tax rate schedule will be. In constructing this schedule, I believe that we should not overlook the effect

of last year's tax cut on the distribution of the income tax.

Last year, administration officials argued that their proposed across-the-board rate reductions were fair because all tax rates were reduced by the same percentage. In the absence of inflation and higher social security taxes, that argument might have been true. But both inflation and the scheduled social security tax increases raise the tax liabilities of low- and moderate-income individuals disproportionately. Thus, the net effect of the tax cut once those factors are considered, is to provide greater tax relief for the wealthy. By 1984, taxpayers earning more than $50,000 who in the aggregate contribute about one-third of all income taxes, will receive about two-thirds of the net tax cut.

I believe that this result is unfair. Any tax reform that Congress enacts should achieve a more progressive distribution of taxes than current law will provide. My bill attempts to do that.

The benefits of my bill are obvious once the defects of the current system are examined. These defects are largely attributable to the pattern of tax legislation over the last few decades. Special preferences were carved out of the tax base one at a time, either as a result of sincere efforts to accomplish some specific policy objective, or as a result of lobbying by special interests to secure privileged treatment. Consequently, the tax base has shrunk relative to personal income. In 1982, for example, taxable income is expected to be only 60 percent of personal income.

To meet the Government's revenue needs, tax rates have had to remain high.

One result of this system is that middle-income workers are now subject to high marginal tax rates, as inflation has pushed these taxpayers into higher and higher brackets. In contrast, many upper income taxpayers have been able to shield themselves from the high statutory rates by taking advantage of tax shelters. Also, since most special tax breaks relate to investment income, wage earners have not been able to take advantage of the increasing number of tax preferences. Thus, working Americans by and large pay rates very close to the maximum rates set forth for them in the Tax Code, while wealthy Americans do not. Furthermore, these high rates discourage work effort and savings by middle-income workers.

A second problem with the current system is the complexity of determining one's tax liability. It is estimated that 40 percent of all taxpayers rely on professional help to fill out their tax returns. The confusion and costly compliance resulting from the existing individual income tax are far too great.

The current system erodes public confidence in basic government functions and directs too many resources to complying with the tax system that could be devoted to productive users.

Third, the tax system is widely perceived to be unfair. Most preferences are in the form of deductions or exclusions from income. Thus, the value of these preferences to each individual depends on his or her tax bracket. The higher one's income, the more valuable the tax preference. As tax breaks proliferate, progressivity declines and the perceived inequity of the Tax Code increases. Also, two taxpayers with identical incomes may pay very different amounts in taxes, depending on their sources of income or how they spend it. A fairer tax would strive to have all taxpayers with the same income paying the same amount in taxes.

Finally, tax evasion is encouraged by all these factors—a desire to avoid high tax rates, an increasingly complex tax code, and a perception by many taxpayers that they are paying more than their fair share. The IRS estimates that as much as $65 billion in revenues may be lost to tax cheating.

The appropriate response to these problems is a broader tax base accompanied by substantially lower tax rates. This simplified tax system would lower tax rates for the majority of middle-income Americans, encourage economic growth, reduce the cost of complying with the Tax Code, make the tax system more equitable, and reduce the incentives to evade taxes.

This approach differs markedly from past tax reform efforts which have been piecemeal, hastily prepared and usually offered for other purposes. A recent glaring example was the attempt to modify the deduction for business meals, the so-called "three-martini-lunch" proposal. This measure was first proposed in the Senate at about 4 a.m. during the Senate's marathon session on the 1982 tax increase legislation. No debate was permitted on the proposal. The purpose of the amendment was to raise revenue, not to achieve tax reform. Since full repeal of the deduction would have raised more revenue than was necessary at the time, the proposal before the Senate was to preserve the deduction in full for business lunches which occur away from the taxpayer's place of residence and to reduce the deduction to 50 percent of the cost of these business lunches which occur in the locality of the taxpayer's residence.

I voted against this amendment because it was obviously an effort to raise revenue, not to accomplish tax reform. Also, passage of this "modification" could create the impression of reform, making real reform more difficult, even though the "modification" essentially preserves the deduction. If the real objective were to reform the Tax Code, no deduction at all would be allowed for business meals, regardless of whether the meals occurred at home or on a business trip. The vast majority of working Americans eat lunches during the business day for which they are entitled to no deductions. A provision that allows a few taxpayers to force other taxpayers to share the expense of their lunches is exactly the type of provision that undermines public confidence in the tax system. This deduction should be repealed entirely, which my bill would do.

A second example of past tax reform efforts that have fallen short is the minimum tax on individuals. Proposals to impose a stronger minimum tax have a worthwhile objective—assuring that each individual pays a minimum amount of taxes each year—and I have supported such proposals. In the context of our current Tax Code, with all of its exclusions and deductions, there is really no choice other than to oppose a minimum tax on those taxpayers who, by using many of these preferences, reduce their taxes to negligible amounts.

Unfortunately, the minimum tax simply papers over the more fundamental problem of the Tax Code. The fact that the minimum tax has been overhauled twice in the last 4 years is an indication that we are not satisfied with the effectiveness of this approach in producing an equitable tax system. Rather than simply imposing a special tax on the current system, with all of its loopholes, we should directly attack those provisions that allow high-income taxpayers to escape paying their fair share.

Attempts to deal with the marriage penalty also illustrate the advantage of my simplified approach. The marriage penalty, which is the extra tax that two single people must pay if they get married, results from the high tax rates that are applied to the second spouse's income.

Last year's tax bill reduced the marriage penalty by introducing a new deduction for part of the earnings of the low-earning spouse. While this was a step in the right direction, this measure did not eliminate the marriage penalty, and it involves yet another complex calculation in determining a family's tax liability.

My bill would eliminate this new deduction, but it would also virtually eliminate the marriage penalty for most couples with total income under $40,000. Those making more than $40,000 would still have a reduction in the marriage penalty. This is possible because my bill applies a flat rate on incomes up to $40,000 on joint tax returns.

In summary, legislation that would broaden the tax base and reduce tax rates offers the most satisfactory approach to achieving the goal of tax reform. My bill will encourage economic growth and restore respect for the Tax Code while still recognizing the need to distribute the tax burden fairly.

By Mr. WARNER (for himself, Mr. HARRY F. BYRD, JR., Mr. HUDDLESTON, Mr. BUMPERS, Mr. LUGAR, Mr. STAFFORD, Mr. MOYNIHAN, Mr. CANNON, Mr. HOLLINGS, Mr. HELMS, Mr. EAST, Mr. BOREN, Mr. ANDREWS, Mr. BOSCHWITZ, Mr. PROXMIRE, Mr. INOUYE, Mr. EXON, Mr. BENTSEN, Mr. LAXALT, Mr. TSONGAS, Mr. SARBANES, Mr. PRYOR, Mr. D'AMATO, Mr. FORD, and Mr. DOLE):

S.J. Res. 239. Joint resolution designating October 16, 1982 as "National Newspaper Carrier Appreciation Day"; to the Committee on the Judiciary.

NATIONAL NEWSPAPER CARRIER APPRECIATION DAY

Mr. WARNER. Mr. President, I rise today to introduce a joint resolution proclaiming October 16, 1982, as "National Newspaper Carriers Appreciation Day."

One of the cornerstones of our democracy is a free and open press, as affirmed by the freedom-of-the-press clause of the first amendment to the U.S. Constitution.

Every day, more than 107 million Americans read one or more of the 9,396 daily, weekly, or other newspapers published in the United States. Approximately 1 million newspaper carriers deliver 83 percent of these papers.

The Department of Labor ranks newspaper employment as the Nation's largest manufacturing employer with 432,000 employees. Of the newspaper carriers included in this figure, an overwhelming 90 percent of them are 18 years of age or under. Having once been a newspaper carrier myself, I know that newspaper carriers are often subject to inclement weather, and occasionally their hard work goes unappreciated.

For these reasons, I am pleased to introduce this joint resolution, and ask that it be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 239

Whereas newspapers and their availability to the citizens comprise a cornerstone of a free society and of our democracy, as affirmed under the freedom of the press clause of the First Amendment to the United States Constitution;

Whereas every day more than 107 million Americans read one or more of the 9,396 daily, weekly, or other newspapers published in the United States;

Whereas 83 percent of the daily newspapers printed in the United States are delivered to the homes of readers;

Whereas newspaper carriers have always played an important and vital role in the distribution of newspapers;

Whereas there are approximately one million newspaper carriers in the United States;

Whereas 90 percent of such newspaper carriers are 18 years of age or under; and

Whereas it is appropriate to acknowledge the too often unappreciated contribution of newspaper carriers to freedom, and to recognize their devoted efforts in delivering the paper regardless of inclement weather: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1982, be designated as "National Newspaper Carriers Appreciation Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate celebrations and activities.

● Mr. MOYNIHAN. Mr. President, I rise today in support of the joint resolution offered by my distinguished colleague from Virginia designating October 16, 1982, as "National Newspaper Carriers Appreciation Day."

Newspapers have always been and continue to be one of our primary sources of news, information, and entertainment. And the overwhelming majority of our newspapers are delivered, everyday and often through adverse weather conditions, by approximately 1 million newspaper carriers. These individuals, many of whom are 18 years old or younger, deserve our recognition, indeed our thanks, for their hard work and sense of responsibility. So it is entirely fitting that we should set aside October 16 to honor our Nation's newspaper carriers.●

ADDITIONAL COSPONSORS

S. 894

At the request of Mr. CANNON, the name of the Senator from Minnesota (Mr. DURENBERGER) was added as a cosponsor of S. 894, a bill to exempt rural electrical cooperatives from fees under the Federal Land Policy and Management Act of 1976.

S. 1018

At the request of Mr. CHAFEE, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 2094

At the request of Mr. CRANSTON, his name was added as a cosponsor of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

S. 2174

At the request of Mr. THURMOND, the name of the Senator from Alabama (Mr. DENTON) was added as a cosponsor of S. 2174, a bill to recognize the organization known as American Ex-Prisoners of War.

S. 2420

At the request of Mr. HEINZ, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2420, a bill to protect victims of crime.

S. 2572

At the request of Mr. THURMOND, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of S. 2572, a bill to strengthen law enforcement in the areas of violent crime and drug trafficking, and for other purposes.

S. 2585

At the request of Mr. CRANSTON, the names of the Senator from New Jersey (Mr. BRADLEY), the Senator from New York (Mr. MOYNIHAN), the Senator from Ohio (Mr. METZENBAUM), and the Senator from Arkansas (Mr. BUMPERS) were added as cosponsors of S. 2585, a bill to provide that the Armed Forces shall pay benefits to surviving spouses and dependent children of certain members of the Armed Forces who die from service-connected disabilities in the amounts that would have been provided under the Social Security Act for amendments made by the Omnibus Budget Reconciliation Act of 1981.

S. 2631

At the request of Mr. KASTEN, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2631, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 2663

At the request of Mr. HART, the name of the Senator from North Dakota (Mr. BURDICK) was added as a cosponsor of S. 2663, a bill to authorize a national program of improving the quality of education.

S. 2670

At the request of Mr. MOYNIHAN, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 2670, a bill to prohibit all U.S. economic and military assistance and exports (except food and medicine) to, and all imports from, any country whose government has failed to take adequate measures to prevent opium and its illicit derivatives from being produced or refined for export to the United States.

S. 2726

At the request of Mr. SASSER, the name of the Senator from Kentucky (Mr. HUDDLESTON) was added as a cosponsor of S. 2726, a bill to provide for an increase in monetary aggregates and the maintenance of stable interest rates, to provide for the voluntary establishment of dual prime-rate policies by the Board of Governors of the Federal Reserve System, and for other purposes.

S. 2801

At the request of Mr. JACKSON, the names of the Senator from South Dakota (Mr. PRESSLER) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2801, a bill to withdraw certain lands from mineral leasing, and for other purposes.

S. 2829

At the request of Mr. GORTON, the name of the Senator from Hawaii (Mr. MATSUNAGA) was added as a cosponsor of S. 2829, a bill granting the consent of Congress to the Northwest Interstate Compact on low-level radioactive waste management.

SENATE JOINT RESOLUTION 174

At the request of Mr. HEINZ, the names of the Senator from New Hampshire (Mr. HUMPHREY), the Senator from North Dakota (Mr. ANDREWS), and the Senator from Alaska (Mr. STEVENS) were added as cosponsors of Senate Joint Resolution 174, a joint resolution to authorize and request the President to designate October 16, 1982, as "World Food Day."

SENATE JOINT RESOLUTION 203

At the request of Mr. WEICKER, the names of the Senator from Rhode Island (Mr. PELL), the Senator from Nevada (Mr. CANNON), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of Senate Joint Resolution 203, a joint resolution to authorize and request the President to designate the week of November 30, 1982, through December 5, 1982, as "National Preventive Dentistry for the Elderly Week."

SENATE JOINT RESOLUTION 205

At the request of Mr. EAST, the names of the Senator from Nevada (Mr. CANNON) and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Joint Resolution 205, a joint resolution to designate September 1982 as "National Sewing Month."

SENATE JOINT RESOLUTION 238

At the request of Mr. THURMOND, the name of the Senator from Rhode Island (Mr. PELL) was added as a cosponsor of Senate Joint Resolution 238, a joint resolution to designate October 9, 1982, as "National Running and Fitness Day."

SENATE CONCURRENT RESOLUTION 118

At the request of Mr. DOLE, the names of the Senator from South Carolina (Mr. THURMOND), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Senate Concurrent Resolution 118, a concurrent resolution expressing the sense of the Congress commending the achievements of U.S. Special Negotiator Philip C. Habib.

SENATE RESOLUTION 393

At the request of Mr. PRESSLER, the name of the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of Senate Resolution 393, a resolution expressing the sense of the Senate that the Secretary of Agriculture should promptly call for a section 22 study on honey imports.

SENATE RESOLUTION 449

At the request of Mr. ARMSTRONG, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of Senate Resolution 449, a resolution expressing the sense of the Senate with respect to human rights violations in connection with the construction of the trans-Siberian pipeline.

SENATE RESOLUTION 451

At the request of Mr. HAYAKAWA, the name of the Senator from Iowa (Mr. JEPSEN) was added as a cosponsor of Senate Resolution 451, a resolution regarding asylum for Hu Na.

SENATE RESOLUTION 458—RESOLUTION RELATING TO THE EXPORT-IMPORT BANK

Mr. JACKSON (for himself, Mr. BENTSEN, Mr. BRADLEY, Mr. COCHRAN, Mr. CHAFEE, Mr. CHILES, Mr. CRANSTON, Mr. DANFORTH, Mr. DECONCINI, Mr. DIXON, Mr. DODD, Mr. DURENBERGER, Mr. GARN, Mr. GORTON, Mr. HEINZ, Mr. INOUYE, Mr. JOHNSTON, Mr. LEAHY, Mr. LUGAR, Mr. MATHIAS, Mr. MOYNIHAN, Mr. PERCY, Mr. RIEGLE, Mr. RUDMAN, Mr. SARBANES, and Mr. WEICKER) submitted the following resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. RES. 458

Whereas export of American products are vitally important to our nation's economy and support one of every seven jobs in this country;

Whereas unemployment is a serious concern of all Americans and statistics show that each $1,000,000,000 in exports supports over 30,000 jobs;

Whereas growth in our exports will improve our balance of trade deficit and promote economic growth;

Whereas inadequate budget authority for fiscal year 1983 for the Export-Import Bank direct loan authority limits our competitive position with other industrialized nations for export business; and

Whereas the Export-Import Bank requires only commitment authority and not direct appropriations:

Resolved, That it is the sense of the Senate that—

(1) The Committee on Banking, Housing and Urban Affairs of the Senate shall investigate ways to strengthen the Export-Import Bank with the aim of ensuring that United States exports are competitive with respect to financing with other exports in world markets;

(2) The Committee on Appropriations of the Senate shall provide sufficient authority for Export-Import Bank so as to enable United States exporters to compete in world markets;

(3) The Export-Import Bank shall meet its charter obligation by providing United States exporters with competitive financial support and, accordingly, the Secretary of the Senate shall transmit a copy of this resolution to the Export-Import Bank of the United States.

Mr. JACKSON. Mr. President, I am submitting today a bipartisan resolution whose aim is to express the sense of the Senate that the Export-Import Bank of the United States should be strengthened.

The Export-Import Bank was created by the Congress. It is supported by the Congress. And it is directed by the Congress to provide competitive financing terms to buyers of U.S. exports. So Congress should speak up regarding the Bank's needs.

Permit me briefly to summarize what the resolution says and why.

First, the resolution calls upon the Senate Banking Committee to investigate ways to strengthen the Export-Import Bank.

The economic realities of the world marketplace must be recognized. These realities involve an interdependent world. The free enterprise system is facing worldwide market competition.

The competition have their roots in a set of national priorities established by their government. The United States has no such commitment. And our lack of resolve shows up in national statistics—statistics on trade deficits, unemployment, business failures, idle capacity, and loss of product superiority.

This Nation needs a strong commitment to exports.

My colleague, Senator HEINZ, has introduced Senate bill 2600. This legislation, I believe, provides an excellent working paper from which we can explore the ills of the Bank and establish our Nation's commitment to exports. And, as a cosponsor, I am hopeful that the Senate Banking Committee will move quickly on this measure.

Second, the resolution calls upon the Senate Appropriations Committee to provide sufficient authority for the Export-Import Bank.

Sharp reductions in the lending authority of the Bank have been recommended. The Bank is currently being funded at a level of $4.4 billion for direct loans and $9.2 billion for loan guarantees. The administration has requested $3.8 billion for direct loans and $8 billion for loan guarantees for fiscal year 1983. These figures reflect a 13-percent reduction in funding.

I am concerned about these reductions in the Bank's authority.

Why reduce a program that increases exports when the national deficit reached almost $40 billion last year?

Why reduce a program that produces jobs when the unemployment rate is 9.8 percent?

And, why reduce a program that provides money for the Treasury when the projected deficit for fiscal year 1983 is over $100 billion?

Third, the resolution asks the Export-Import Bank to provide U.S.

exporters with competitive financial support.

The Export-Import Bank is not fulfilling the mandate laid down by Congress in the Export-Import Bank Act of 1945. The statute explicitly states that "competitive terms" means "terms and conditions which are competitive with the government-sponsored rates and terms and other conditions available for the financing of exports from the principal countries whose exports compete with U.S. exporters."

I want to emphasize competitive financing. Competitive financing means reliable financing. It means financing available to foreign buyers based on a consistent set of guidelines. These guidelines must support the sale of products in world markets. This is necessary for export financing to be competitive, and the U.S. industry does not have it.

So Congress must send a message to our competitor nations and the world marketplace of buyers. Each should know of the resolve of this Congress to support the competitive force of the Export-Import Bank as charterec..

● Mr. GORTON. Mr. President, I am pleased to join today in cosponsoring the resolution offered by the senior Senator from the State of Washington. The resolution affirms the Senate's belief that the Export-Import Bank has a vital role to play in insuring that U.S. exports are competitive with respect to financing with other exports in world markets. It is important for us to recognize that the unreasonable and predatory official export credit practices used by our trade competitors unfairly to compete with American exporters pose a serious threat to our Nation's exporting community. If we do not act to meet this threat, it is not only our exporting community which will suffer, but also any hope we have for economic recovery.

We can no longer allow to continue unchecked the anticompetitive export financing practices of our foreign competitors. Attempts to negotiate an international agreement to end these practices have proven fruitless. The adoption of this resolution, therefore, will serve notice that we will not allow our Nation's exporting sector to be unfairly disadvantaged in its ability to compete in the world marketplace.●

● Mr. HEINZ. Mr. President, I am pleased to be joining today with Senator JACKSON and more than 20 of my colleagues in introducing a resolution expressing the sense of the Senate in support of the Export-Import Bank. I am not sure that such support was ever more needed than it is today. The Bank is under attack from many sides, while the need for its export support of facilities has never been more acute. Our trade competition are continuing their efforts to export their unemployment to our shores by providing their businesses with highly subsidized export credits. This puts our own producers at a disadvantage, since they are unable to match the predatory credit terms due to a lack of resources at the Eximbank and an unwillingness to use aggressively the resources that are available.

Mr. President, this fiscal year the Export-Import Bank will likely fall hundreds of millions of dollars short of using the program authority that the Congress gave it. This will not happen because there is no need for Eximbank support. That need has only increased over the past months as sale after sale has been lost to foreign exporters using aggressive financing. It will fall short because the Bank has over the past year pursued policies that have made Eximbank terms so unattractive that American producers have despaired of obtaining competitive financing from the institution that is chartered to provide it.

The dangers of an underfunded and unaggressive Eximbank are becoming clear to us, Mr. President, as our trade competitors, sensing a lack of willingness to defend our export markets, are now increasing their efforts to win sales in our domestic market by means of highly subsidized export credits. Mr. President, the time to have stopped this credit war was long ago; now it is coming home. Just last week the Subcommittee on International Finance and Monetary Policy, which I chair, held a hearing on the sale of subway cars to New York City's Metropolitan Transit Authority, a sale which was won by a Canadian producer armed with a 9.7-percent export package provided by the Canadian Government. America's last producer of subway cars was the loser in that deal. But we are all losers when a sale is lost due to uncompetitive financing: Jobs are lost, tax revenues are lost, foreign exchange is lost, and the free market is undermined because the sale is awarded to the less efficient producer. This loss spreads to our national security when it is one of our strategic industries that is victimized. I am referring to our aerospace, machine tool, and electronics industries, which have suffered particularly severely in an export credit war that we did not begin and which we have been unwilling to fight. Our unilateral disarmament is daily translating into clear defeat.

It is true, Mr. President, that there have been some improvments in our negotiations over export credits within the Organization for Economic Cooperation and Development. That progress, however, has been insufficient, little more than regulating the export credit war, but not ending it. In fact, Mr. President, steps that would lead to an end of this competition have thus far been resolutely resisted by the French and other countries that think they are benefiting from the subsidized export credits. What little progress that has been achieved has come in direct relation to the perception abroad that the United States is beginning to take action to defend its interests. That perception has been promoted in large measure by action in the Congress, such as the Competitive Export Financing Act that I and several of my colleagues introduced last year and which was reported by the Banking Committee early in the fall. Timely adoption of that measure alone would do a great deal to bring an end to this senseless subsidizing.

The Export-Import Bank is our defense against predatory export financing. Now is the time to press hard our determination to make subsidized financing unprofitable for our trade competitors by denying them any advantage from it. Strong support for the Export-Import Bank at this point will bring about the conclusion of negotiations leading to the end of official export credits as a factor in international trade, and that is the goal which I am confident we all share.

I congratulate Senator JACKSON and my fellow cosponsors of this resolution—it is timely. It is important that the sense of the Senate be dramatized on this issue.

Mr. President, I ask unanimous consent that a recent editorial appearing in U.S. News & World Report, entitled "Give U.S. Business a Break," be included in the RECORD at this point. The article clearly shows that the time for action, such as that which is urged in the resolution being introduced today, has arrived.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Aug. 2, 1982]

GIVE U.S. BUSINESS A BREAK

(By Marvin Stone)

It should be instructive to this administration to comprehend fully the vehemence with which our allies are reacting to President Reagan's effort to block the building of a Soviet gas pipleline to Western Europe.

Details of that story are on pages 25 and 26.

The pipleline, after all, is the largest East-West business venture ever undertaken. It means tens of thousands of jobs in Western Europe. Protecting their export industries, thus protecting jobs, is a high priority with those governments. In this case, our allies are saying: Jobs are important—far more important than good relations with Mr. Reagan.

What should be instructive in all this is that in most countries of the world govenment and business are partners. Not here. The U.S. government remains virtually the only major industrial power that hampers, rather than helps, its exporting industries.

Take the Export-Import Bank, a federal agency whose function is to help U.S. companies sell more abroad by easing credit terms to purchasers. For two years the

Office of Management and Budget has been reducing the agency's lending power—although, so far, Eximbank has never cost the taxpayers a cent.

Moreover, the Eximbank Board of Directors has set rates so high that competitor countries consistently beat those rates.

When other nations offer cheaper credit, they capture the trade. Last year this country exported 27.3 billion dollars less of merchandise than it imported.

How much does that matter? Senator John Heinz says that "if we had just broken even in the merchandise trade balance last year almost 1 million more Americans would have had jobs . . . and the budget deficit would have been cut by a third." That would have looked pretty good at a time when 10 million Americans are trying to eat without paychecks and the budget deficit hangs above 100 billion.

Now the U.S. and European nations have made a new agreement closing some, but not all, of the gaps between their export credit rates and ours. That helps in competing abroad, but nobody thinks it is going to balance trade anytime soon. The word from Heinz's camp, which is pushing a bill to provide competitive rates along the line, is, "We don't think it's a very significant change."

There has been a widespread impression that most Eximbank help goes to big, rich companies—Boeing, for instance. That is not wholly accurate. Big companies do indeed get a major share of Eximbank assistance. But, as Caterpillar Tractor's chairman, Lee Morgan, has pointed out: "Eximbank was used directly by more than 2,600 U.S. firms" in 1981.

As for Boeing, its U.S. companies employ more than 95,000 persons and use the services of 4,000 subcontractors with uncounted thousands of workers. Boeing officials have predicted that, if Eximbank credit is not revised to match foreign subsidies, the U.S. aircraft industry could be reduced to one manufacturer and 300,000 jobs could be lost.

Boeing's own recent experience offers a dramatic example of what happens when the U.S. does not compete effectively. French offers of cheap credit gobbled up the rich Mideast market for aircraft. The orders went to Europe's Airbus, diminishing the future for Boeing's forthcoming new models. Jobs and the trade balance hang on such an episode.

This year, for the first time, an operating deficit is forecast for Eximbank—but it has built up a reserve of 2 billion dollars. Heinz wants to vote it a kitty of a billion and tell it to go out and meet the foreign competition.

Whether or not the precise terms of Heinz's legislation are the best, there assuredly is an urgent need for action. A coalition of union and industry officials and state governors is calling for steps to bolster the U.S. export effort by some means or other. We cannot survive by what Senator Heinz calls "unilateral economic disarmament."●

AMENDMENTS SUBMITTED FOR PRINTING

CLAYTON ACT AMENDMENTS

AMENDMENT NOS. 2740 THROUGH 2905

(Ordered to be printed and to lie on the table.)

Mr. BAUCUS submitted 166 amendments intended to be proposed by him to the bill (S. 995) to provide for contribution of damages attributable to an agreement by two or more persons to fix, maintain, or stabilize prices under section 4, 4A, or 4C of the Clayton Act.

TEMPORARY EXTENSION OF PUBLIC DEBT LIMIT

AMENDMENT NOS. 2906 THROUGH 2921

(Ordered to be printed and to lie on the table.)

Mr. BAUCUS submitted 16 amendments intended to be proposed by him to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

AMENDMENT NOS. 2922 THROUGH 2970

(Ordered to be printed and to lie on the table.)

Mr. WEICKER submitted 49 amendments intended to be proposed by him to the joint resolution House Joint Resolution 520, supra.

AMENDMENT NOS. 2971 THROUGH 3264

(Ordered to be printed and to lie on the table.)

Mr. PACKWOOD submitted 294 amendments intended to be proposed by him to the joint resolution House Joint Resolution 520, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURAL RESEARCH AND GENERAL LEGISLATION

Mr. LUGAR. Mr. President, as chairman of the Senate Agriculture Subcommittee on Agricultural Research and General Legislation, I wish to announce that a hearing on S. 2291 has been scheduled on Tuesday, September 14. S. 2291 would require the Secretary of Agriculture to disseminate farm income estimates on a monthly basis.

The hearing will begin at 9:30 a.m. in room 324 Russell Senate Building.

Anyone wishing to testify should contact Denise Alexander at 224-2035.

SUBCOMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the Subcommittee on Energy and Mineral Resources hearing regarding America's role in the world coal export market previously scheduled for Tuesday, September 14 at 9:30 a.m. has been postponed until Thursday, September 23 at 9:30 a.m. in room 3110 of the Dirksen Senate Office Building.

For further information regarding this hearing you may wish to contact Mr. Roger Sindelar of the subcommittee staff at 224-4236.

AUTHORITY FOR COMMITTEES TO MEET

Mr. BAKER. Mr. President, I have two routine requests that have been cleared with the minority leader—I should like the record to show that—and I will state them now for the consideration of Senators.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 10, at 10 a.m., to hold an open hearing on an overview on the Middle East.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy of the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 9, at 1:30 p.m., to hold an oversight hearing to discuss plutonium use policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE ALL-AMERICAN DRUNK

● Mr. QUAYLE. Mr. President, we must engage in war. A war to end the slaughter of 70 Americans a day, 26,000 Americans a year. Americans who are innocent victims, many of them children, who die horrible deaths by fire and force. Victims who leave behind bereft families whose grief is worsened because they have to watch as the killers go free—free to kill and maim again.

Mr. President, I am speaking about the war we must wage against the Nation's drunk drivers. If there were a plane crash every day in the United States, caused by a pilot who was flying under the influence of alcohol, that resulted in the death of 70 people, you better believe that this country would be up in arms clamoring for something to be done about the problem. Well, every day 70 Americans do die in crashes, but they are in automobiles. The deaths are the result of an impaired pilot, the driver who is drunk.

Airline safety is a subject that is not taken lightly in our Nation. Great concern, caution, and care is exercised to prevent deaths and injuries that result from a plane crash. If a crash occurs, the press convenes on the scene, along with the Aeronautics Safety Board, and the country joins in the ensuing moratorium until the cause of the crash is uncovered and we are assured it will not happen again.

This is not the case in our response to auto crashes. Despite the fact that drunk driving is the most common form of violent death in the Nation, no moratorium is convened. In fact, I believe that drunk driving has become an accepted part of American life. We read the horror stories, and they have

an all-American ring. We watch as the winner of the first Academy Award for best actress, Janet Gaynor, struggles for life after a taxi she was riding in is struck broadside by the drunken driver of a van and smashed into a tree. The other injured rider in the taxi is none other than Peter Pan; that is, the musical star Mary Martin, whose friend and manager, Ben Washer, was killed in the crash. The drunken driver? Well, like Peter Pan, he must have somehow learned to fly; within a few hours he was released from jail and is free. We barely pause long enough to let the news sink in before we are off in our own cars to possibly face the same fate.

We make excuses—perhaps we recall the time we ourselves were behind the wheel and should not have been. We think how easily it could have happened to us, but we were lucky. So we look the other way, thinking "There but for the Grace of God go I."

We do not want to embarrass our neighbors with the stigma—the label of alcoholic—which is socially unacceptable. I believe there is no stigma associated with being a drunk driver in this country today. Rather, I think it has the blessing and protection of the large majority of our citizens, the very same citizens who would no more stand for 70 plane fatalities a day than they would for an epidemic that killed 26,000 people a year—which is what drunk driving does. We do not tolerate plane crashes or killer epidemics, but we look the other way when it comes to getting the drunken driver off our highways.

Yes, I know it is a complex problem. If three people sit down together to discuss the issue, you have one person talking about highway safety; another addressing the subjects of police and the courts and enforcement; and the third will be talking about addiction and alcoholism and health. But complexity is no excuse for inaction. It does not explain or justify our disinterest and avoidance of the problem.

This is why I was especially pleased to see President Reagan sign the Executive order that created the Presidential Commission on Drunk Driving a few months ago. It is my hope that this act will trigger responses in every level of our society.

In my home State of Indiana, our Governor announced the creation of a drunk driving commission last month. I think that every State needs to look closely at what it is doing to address the problem, just as every American citizen needs to look carefully at the role they play in perpetuating this menace.

Mr. President, I submit for the RECORD an article that recently appeared in Newsweek magazine discussing this issue.

The article follows:

THE WAR AGAINST DRUNK DRIVERS

The horror of those seconds will forever haunt Cindy Ferguson. She was driving her three sons—the identical twins Tommy and Tony and her baby, Lee—to a party, when suddenly her Vega was smashed from behind. A tremendous explosion hurled her, Tony and Lee onto the street. Cindy raced back to the car and pulled Tommy's burning body from the wreck, throwing herself on him to smother the flames. A friend, Steve Willoughby, remained trapped inside, screaming, a halo of fire encircling his face. As Cindy lay there on top of her son, the other driver approached her. But when she pleaded for help, he staggered away. Willoughby, 20 and Lee Ferguson, two, died on that Memphis street. Tommy, five, was in critical condition for six months with burns over 65 percent of his body. He has lost almost all use of his kidneys and most of his hearing. He has had 100 operations already and faces 14 years of reconstructive surgery.

The other driver suffered a broken nose. Despite at least seven drunk-driving arrests in four years, he had never spent a day in jail. His 5- to 10-year sentence for second-degree murder provided little solace for Mrs. Ferguson. But her nightmare was primarily responsible for Tennessee passing one of the toughest drunk-driving laws in the nation—despite concerns that it would overcrowd the courts and prisons. "I was more concerned," said state Sen. Curtis Person, its sponsor, "about the overcrowding of hospitals, morgues and cemeteries."

Drunk driving is a national epidemic, what one reformer calls America's "socially accepted form of murder" (chart, page 37). More Americans have died at the hands of drunk drivers during the past two years than were killed in Vietnam; on average, about three Americans are killed and 80 are injured by drunk drivers every hour of every day. The drunken slaughter over the past decade is a staggering one-quarter of a million Americans—the entire population of Rochester, N.Y. Safety experts say that one out of two Americans will be victimized by a drunk driver in his lifetime is hardly surprising when the National Highway Traffic Safety Administration (NHTSA) contends that up to 10 percent of all drivers on weekend nights are legally intoxicated.

But finally, outraged Americans are trying to put an end to the carnage. In a major break with past public policy, which concentrated on highway-safety conditions and protective devices such as air bags, a coast-to-coast crusade aims at getting drunk drivers themselves off the roads. A recent Gallup poll indicated that fully 77 percent of all Americans support mandatory prison sentences even for first-time offenders. President Reagan has declared the campaign a national priority, and Congress is considering bills that would award money to states that crack down.

FAILED EXPERIMENT

Already 27 state legislatures this year have passed their own versions of the toughest drunk-driving bill in the nation, and more legislation is pending in others. Twenty states have boosted the legal drinking age, reversing a Vietnam-era trend toward lower drinking ages that made alcohol-related crashes by far the single biggest killer of Americans between the ages of 16 and 24. In New Jersey the average number of persons killed annually by 18- to 20-year-old drivers climbed by 176 percent after the state lowered its drinking age to 18. "Statistics have shown us that kids can't handle alcohol," says New Jersey state Sen. C. Louis Bassano, sponsor of a bill to raise the drinking age to 21. "It's an experiment that has failed."

Liquor is so integrated into the nation's social and economic fabric that until recently, drinking and driving was an almost untouchable political issue. But the drunk driver who kills isn't usually the social drinker who has had one beer too many (box, page 36). The NHTSA reports that the average blood alcohol concentration of a drinking driver killed in a crash is .20—twice the rate for legal intoxication in most states. Still, judges, juries, prosecutors and legislators, most of whom drink socially, have tended to view the drunk driver with "there but for the grace of God, go I" sympathy (page 38). The result: loopholed laws that have been cumbersome to enforce, wholesale plea bargaining (California charged only 5,000 people with reckless driving in 1978, but permitted 80,000 drivers to plead guilty to it) and judgments of the lecture-and-slap-on-the-wrist variety (Idaho arrested 1,800 persons for drunk driving last year, convicted one-third of them and jailed just two). Explains NHTSA administrator Raymond Peck, "The well-scrubbed father of four standing before the judge doesn't look anything like the falling-down drunk that was pulled out of the wreck."

TIME BOMBS

America's tacit acceptance of drinking and driving has the effect of loosing time bombs on the nation's highways. An example was a Georgia man who, after his 13th conviction for driving while drunk, was sentenced to just one year in prison. Thus, he was drunk and on the road again 20 months later when he crashed and killed himself. Or consider the case of William Rowan. Rowan was once sentenced to 45 days in jail, a mild penance for a California driving record that carried six convictions for drunk or reckless driving, two for hit and run. Last March, after leaving a downtown Santa Ana bar, Rowan drove onto a sidewalk, killing four-year-old David Gunderman, who was waiting for the ice-cream man. After hitting the child, Rowan slumped in his seat and lit a cigar. Police measured his blood alcohol content at .27.

Campaigns against drunk driving have always had sobering truths on their side; what they lacked was a real constituency. All that may have changed one spring afternoon in 1980, when 13-year-old Cari Lightner of Fair Oaks, Calif., was struck from behind and killed by a hit-and-run driver as she walked to a church carnival. Cari's mother was stunned to learn that the driver, a 47-year-old man who had two previous drunk-driving convictions and was out on bail on a third arrest, had spent only two days in jail previously and was unlikely to wind up there for killing Cari. Candy Lightner quit her real-estate job and launched Mothers Against Drunk Drivers (MADD), giving the public outcry against dunk driving the constituency it has always needed—the victims.

In the past, says Edward Kunec, a NASA official who joined MADD in Virginia after his 20-year-old son was killed by a drunk driver last summer, "people who had these tragedies closeted themselves and said it was fate or the will of the Lord. Now people are coming out of the closet—and they are angry." In just two years, MADD has grown to 83 chapters in 29 states. Remove Intoxicated Drivers-USA (RID), founded in New York under similarly tragic circumstances, went national last year and now boasts 55

chapters in 29 states. The anger that is the movement's glue has made these organizations aggressively self-righteous and militant. "You can't be too strident," explains RID national coordinator Doris Aiken. "I don't know how you can tell someone nicely that they are incompetent to drive." Aiken warns those who view this campaign as a fad that will soon fade: "The pendulum will not swing back. There is an endless supply of victims."

The legal system often transforms the victims' grief into outrage. Paul Lawler, 15, died five days after a van barreled off a Massachusetts highway and into a restaurant entrance, pinning him against the restaurant wall. The drunk at the wheel was on probation for his third drunk-driving conviction. He was sentenced to four and a half years in prison—including the then maximum of two and a half years for vehicular homicide—and is eligible for parole next July, just two years after the accident. "I was under the impression anyone arrested for this kind of thing would have the book thrown at him," says Paul's mother, Carol Lawler, who now heads the Greater Boston chapter of MADD. "I didn't know vehicular homicide was a misdemeanor."

Mark and Bonnie Schuett turned the death of their four-year-old daughter, Kelly, who was killed as she walked near her home in quiet Ixonia, Wis., into a statewide cause célèbre. The driver, a 29-year-old man with a prior drunk-driving arrest, pleaded no contest to driving while intoxicated and was given a suspended five-day jail sentence and fined $284. His license was revoked for a year—but was actually restored after 90 days because he took treatment at an alcohol-abuse center. "This man got away with hitting and killing my child," says Mrs. Schuett. "Her life means more than a $284 fine." As a result of the Schuetts' lobbying effort, a new Wisconsin law went into effect last May that permits the state to suspend the license of anyone arrested for an alcohol-related driving offense—even before a trial. "Maybe we've saved somebody else's life," says Mrs. Schuett. "But I'm still angry."

GUILT

If anger fuels the movement, guilt is its motor oil. Thomas and Dorothy Sexton recall going to court to witness the trial of the man whose blood alcohol content was .26 when he killed the Sextons' 15-year-old son, Tom. They saw a car thief sentenced to two years in jail, while their son's killer—who pleaded guilty to homicide by a motor vehicle—was sentenced to two year's probation and fined $200. "We painfully relate our experience and say, 'If you don't want that to happen to you, let's do something'," says Sexton, a U.S. Department of Agriculture scientist who is now active in Maryland's MADD chapter. "I'm convinced if I had been involved in something like this five years ago, Tom would be alive today."

The movement's approach to the drunk-driving problem is essentially punitive. While legislation varies from state to state, it usually makes driving with .10 blood alcohol content (three beers or glasses of wine or shots of whisky consumed by a 150-pound man in two hours) a crime. In addition, many of the new laws make prision mandatory, if not for the first offense, certainly for the second. They often increase penalties for drivers who refuse the blood alcohol test and require that all convictions—regardless of the court disposition—be listed on a driver's record.

Many states are delighted by the preliminary results of the new laws. In Maryland, drunk-driving arrests by state police have gone up 45 percent and highway fatalities down almost 20 percent since its law went into effect. Maine, which last year began mandatory jail sentences for first-time offenders, has experienced a 47 percent reduction in alcohol-related fatalities. Oregon has had the most experience—its crackdown began in 1971—and the most success. During the '70s, highway fatalities dropped 6 percent and Oregon's fatality rate declined 35 percent despite the presence of 46 percent more drivers and 62 percent more vehicles on the road.

Success may be due to more than tough laws. Oregon has coupled its legal effort with a media campaign that urges Oregonians to report drunk drivers to a special telephone hot line. One hot-line spokesman is Donny Durrant, a former logger who had lost his license four times for drunk driving before he drove off the road at 85 mph and broke his neck. Durrant, now a quadriplegic, says in a TV message: "I wish someone had gotten me off the road before I had the accident which drastically changed my life."

Other states are backing their legislation with a variety of programs. South Dakota places highway signs reading, "X marks the spot . . . THINK!" at the almost 600 locations where drivers have lost their lives since 1979. Some states have considered efforts to stigmatize the drunk driver publicly. One Pennsylvania legislator proposed a special red license plate for all drivers convicted of driving while intoxicated—a modern-day scarlet letter. Local police in both Maryland and Massachusetts have gone so far as to use roadblocks, called "sobriety checkpoints," to deter and detect drunk drivers, though the Massachusetts effort has been ruled unconstitutional by a state court. Many states, however, complain that the new laws overtax their increasingly limited resources. Maine was the only state to include in its crackdown legislative package a new tax on liquor, which is expected to produce $2 million to $3 million annually that will be earmarked for treatment and prevention of alcohol problems.

COURT WATCH

The anti-drunk-driving campaigners are pressuring the courts as well as the legislators. One such group keeps constant watch in North Carolina's Forsyth County District Traffic Court. "People walk up to us and tell us things have changed," says Sandra Nicastro, one of the group's court fixtures. "Lawyers have told their clients, 'I don't think I can get you off this time because that lady's sitting there listening'." Some judges need little encouragement to get tough. Maine judges have meted out an average jail sentence of eight days to drunk drivers under the state's new laws—four times the permitted minimum. And a Mecklenburg County, N.C., judge may have set a new standard when he sentenced a drunk driver, who had eight prior arrests but had caused no injuries, to three years in jail.

Many safety experts insist crusaders should be focusing on automobiles and highways, not on drivers. H. Laurence Ross, a sociology professor at State University of New York at Buffalo, who has studied crackdowns on drunk driving, says deterrence only works for the short term when the problem is treated as a moral one rather than a safety question. In a new book, he writes: "A vehicle and highway that are safe for an alcohol-influenced driver are also safe for a driver who has a heart attack, who dozes off, who drops a lighted cigarette on his lap, who fails to see a stop sign. . . ."

Others are convinced that the lock-'em-up approach is meaningless unless it's combined with therapy. "I don't think the tougher laws will stop the hard-core alcoholics," says Col. Tom Anderson, director of the state police in Alaska, which has had a mandatory prison law since 1978. "It's a mess," agrees Arthur Snowden II, director of the state's court system. "We're just putting people in high-priced jails . . . just taking them off the street is not going to solve the problem." But Maryland district court Judge David Bates thinks he knows the solution. Bates gives drunk drivers the maximum permissible sentence, then waives it if they are willing to enter an appropriate education or treatment program. While it is hard to measure the success of Bates's approach because probationary sentences weren't included on drivers' records until last year, Bates says only 149 of the 5,697 drivers referred to the program dropped out or had their probation revoked.

But putting drunks behind bars does take them off the road in a way revoking their licenses never did. Many of those convicted in the past simply drove without a license. Others easily obtained licenses in other states: a Federal Highway Administration study reported that Ohio in 1977 had issued 1.3 million more licenses than there were driving-age Ohioans. Clarence Busch, who inadvertently launched MADD when he killed Cari Lightner, moved to Wisconsin last fall and obtained a license within a few days. The National Driver Register, a computerized roster of drivers whose licenses have been suspended, revoked or denied, was established in 1960 to remedy such problems. But states can communicate with it only by mail, and with 84,000 inquiries coming in daily, the system is cumbersome and slow.

NO QUESTIONS ASKED

Still, there are signs of reform that just a few years ago would have been unimaginable. One is Students Against Drunk Drivers (SADD), which began as a high-school project in suburban Wayland, Mass., and has been replicated already by students in 150 other schools. In Wayland, 900 students signed SADD contracts with their parents, promising to call home at any hour when a sober ride home is not available. In return, parents pledge "to come and get you at any hour, any place, no questions asked and no argument at that time. . ." Montgomery County, Md., had a surprise for students heading to senior year-end festivities. The boys found a note tucked in their rented tuxedos counseling, "Friends don't let friends drive drunk," and providing a hot-line number that provided free rides home. And in rural Truman, Minn., the high school spent $79 for a breath-testing device for its prom after rowdy drunks disrupted last year's festivities. The machine is now kept in the school vault for use during school hours.

Anti-drunk-driving crusaders hope that breath-testing devices will become as much a fixture on the social scene as the shaker and stirrer, and a number of bars and restaurants have installed them. Anthony Ravosa, a defense attorney who has defended many clients against drunk-driving charges, offers a breath test to customers in his South Hadley, Mass., Riverboat Restaurant and provides courtesy rides home to those who flunk it.

Ravosa's gesture may ultimately prove to be more than simply humanitarian. The Massachusetts Supreme Judicial Court says an establishment can be liable for serving too much booze to a customer, and earlier this year it upheld a $50,000 verdict against a Milford tavern that served "six or more" white russians to a customer who was "obviously intoxicated." That customer later drove off the road killing nine year-old John Cimino.

DRIVING WHILE INTOXICATED

(Many social drinkers think their driving remains unimpaired after a couple of cocktails. Newsweek's Ron Givens tested that thesis under the supervision of New York State police. His report:)

There was something absurd about drinking on an abandoned Schenectady airport runway while surrounded by police, but I wanted to find out how alcohol affected my driving skills. So I drank my gin and tonic next to an unmarked trooper car. As my bartender, Sgt. Henry Michelin, put it: "Just like the neighborhood bar—someplace to lean and drink."

An average male guinea pig—5 feet 10, 170 pounds—I had arranged to take on a difficult state-police driving course both sober and drunk. I supplied the gin and tonic, the state police provided a car. The course requires precise maneuvering around hard rubber cones—forward and backward. Scoring combines the time taken to complete the course with a five-second penalty for each mistake—such as flattening a cone. And a passing tally for troopers is 2 minutes 17 seconds. My blood alcohol level was measured by a preliminary-breath-test (PBT) device the size of a cigarette pack.

After eight practice runs through the course, I had whittled my time down from 3 minutes 10 seconds to a passing score, and it was time to begin drinking. My first gin and tonic—containing three ounces of 80-proof booze—placed my blood alcohol level 45 minutes later at .07 (70 milligrams of alcohol per decaliter of blood), high enough in New York to be charged with driving while impaired by alcohol. At this point I was slightly lightheaded, but I didn't feel uncoordinated. My driving score told a different story. Not only did I add 1 minute 12 seconds to my previous, sober record, but my score was 19 seconds over my very first attempt.

WRETCHED

During my first post-drink attempt, I unconsciously tried to compensate for my condition through caution—a tactic that experts say is common among drunk drivers. In my case it didn't work: it took me longer and I made many more mistakes. This drop-off in performance was intensified by two more drinks, each containing one ounce of gin, which put my blood alcohol level at .11, or enough to be charged with driving with a blood alcohol level of .10 or more. Now I could easily tell that I was uncoordinated. I stumbled slightly when I walked and I flunked the touch-your-nose-with-your-finger test. My driving ability plummeted from poor to wretched. My score—4 minutes 26 seconds—was almost double my final sober result. "You have no business being in an automobile out on the road," said Sergeant Michelin.

While impairment due to alcohol varies from person to person and even, depending on circumstances, for the same individual, experts say that driving skills are significantly diminished at a blood alcohol level of .10. That's why many states have adopted .10 as the limit for determining when someone has been driving while intoxicated. However, Robert Pandina, acting director of the Center of Alcohol Studies at New Jersey's Rutgers University, argues that there is impairment at lower levels as well. Pandina explains that the .10 standard is "a kind of compromise that recognizes that this is a drinking society."

WIDE AWAKE

Contrary to old wives and drinking buddies, nothing will temper the effects of alcohol except the passage of time—about two hours for every ounce consumed. Food slows the release of alcohol into the bloodstream without blunting its effect, and exercise and coffee will only produce a "wide-awake drunk"—someone alert enough to spot trouble but unable to do anything about it. That was clear enough to me as I rode with Sergeant Michelin back to town; my slow-motion brain couldn't keep up with the rush-hour traffic on the highway. I couldn't help remembering the times when I had been this drunk and driven, and the thought scared the hell out of me.

HOW DRUNKS GET OFF

Defense attorney Randy Taylor parades around the courtroom, his arms pinned behind him by handcuffs. After several minutes of histrionic discomfort he compels the cop on the witness stand to remove the cuffs and place them on the defendant, a man charged with driving while intoxicated (DWI). Then Taylor seizes his client and bullies him about. Wasn't that how the police acted when they arrested him? he asks the witness. Finally, the Dallas lawyer shoves his client into a chair and barrels up to the cop: "Isn't it true you said, 'Shut up, you s.o.b.!' and kicked him in the leg?" And Taylor wins an acquittal.

"That's the way you get your client off," Taylor says. "The single most important factor in the typical DWI case is trying to make the jury put themselves in the place of the defendant." Taylor knows few restraints. On one occasion, after pleading his woman client guilty of DWI, he implored the jury, "The government wolves are really howling for blood tonight, waiting to put this poor little girl in jail for 30 days, taking her away from her husband." Then he put the cuffs on her, and she broke down and wept, attesting to the humiliation she had suffered. Despite a prior DWI conviction just 30 days before this arrest, she was sentenced to only three days in jail. Another time Taylor concluded his summation by stage-whispering to his client's four children, "Kids, I've done everything I can for your daddy." Pointing to the jury, he said, "Now it's up to these folks here." The defendant, who Taylor admits was probably guilty, was acquitted in 15 minutes.

The concept of "there but for the grace of God go I" has been the cornerstone of DWI legal defense ever since drunks started stepping on the gas. While the appeal is emotional, its foundation is solidly statistical: a recent Gallup poll reveals that four out of 10 Americans admit to having driven after drinking. But the extraordinary public campaign against drunk driving is having its impact even on jurors who may understand—from personal experience—the drunk driver's plight. The Texas Criminal Defense Lawyers Project recently has sponsored two special programs on DWI defense. Its program notes read: "The public has come to view DWI as a pernicious force in their communities and are demanding stiffer penalties . . . this institute is designed to teach you how to effectively represent your client . . ." Among the tactics garnered from the program and talks with top defense attorneys:

CHALLENGE THE EVIDENCE

Breath-analysis tests should not be accepted as gospel. Force the prosecution to prove that the testing machine was in good working order, that its chemicals had been tested and that its operator had proper qualifications. The tests aren't foolproof. Some people such as diabetics, who have certain chemicals in their breath, or denture wearers, who trap alcohol fumes along their gums, trigger false positive readings. If a blood sample was taken, make sure to request it; if it no longer exists, claim that it was purposely destroyed.

TRACK DOWN WITNESSES

Find people who were with the defendant before he got behind the wheel and get them to testify about how sober he was. Attorney F. Lee Bailey's acquittal on DWI charges in California stemmed partly from testimony about his sober behavior on the evening of his arrest by people who were at the restaurant where Bailey dined.

GET THE INSURANCE COMPANY INVOLVED

Insurers tend to see cases as business problems, not moral issues, and are often anxious to settle damage matters expeditiously. Don't assume that the victim's families want vengeance; often they just want the case to go away too.

VISIT THE SCENE OF THE ARREST

Since it can take up to six months between the arrest and the trial, the arresting officers can often be tripped up on details about the location. "If they [make mistakes]," says Taylor, "I can argue, 'Well, if you can't remember this, why can you remember anything else better?'"

TRY TO TALK WITH THE POLICE—AND HOPE YOU FAIL

When the police won't cooperate, argue that the witness is hostile, biased and has an ax to grind.

CAREFULLY CONSIDER THE CHOICE BETWEEN JUDGE AND JURY

Taylor opts for a jury 95 percent of the time. He says, "I can manipulate the jury's minds more than I can a trial judge who's been on the bench 15 years and seen all my tricks." But cases that revolve around complex points of law may best be left to a judge.

The courtrooms are the ultimate battleground in the war on drunk driving. And to win the war, reformers must find ways to force jurors and judges to sympathize with the victims of drunk drivers, instead of the defendants.●

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS RECOMMENDS WATER PROJECT STARTS

● Mr. STAFFORD. Mr. President, the administration has recommended that construction begin in fiscal year 1983 on nine U.S. Army Corps of Engineers water resources projects, with cost-sharing levels that would reflect more realistically on the local benefits of the projects and Federal budget constraints.

While the decision to initiate these authorized projects rests with the Committee on Appropriations, our committee considers that such a decision necessarily will have significant benefit on our responsibility for the corps activities.

Therefore, the new starts, cost-sharing issue was discussed in our Subcommittee on Water Resources, under its able chairman, Senator ABDNOR, and subsequently in full committee.

Following debate, the Committee on Environment and Public Works agreed to recommend to the Committee on Appropriations that the administration's proposal for new starts be approved.

Mr. President, I ask that a copy of the letter Senator RANDOLPH and I have sent to Chairman HATFIELD be printed in the RECORD.

The letter follows:

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, D.C. August 12, 1982.

Hon. MARK O. HATFIELD,
Chairman, Committee on Appropriations, Washington, D.C.

DEAR MR. CHAIRMAN: The Senate Committee on Environment and Public Works met on August 11, 1982, to discuss the Army Corps of Engineers construction starts proposed by the Administration for the fiscal year 1983 budget. By a roll call vote of 7-2, our Committee supports the inclusion of these projects in the Corps' 1983 appropriations, as recommended by the Administration.

The Committee does not view our recommendation as setting a precedent for future action. We remain uncertain whether the precise levels of cost-sharing requested by the Administration are the most appropriate. We are also uncertain as to whether these projects should be considered the highest priority among those in the Corps' backlog of authorized projects.

Nevertheless, we believe the Administration's proposal represents an important step forward in the development of our nation's water resources, and we commend Assistant Secretary of the Army Gianelli for developing a package of projects that has received strong support from local project sponsors.

We, therefore, urge the Committee on Appropriations to include these projects, as recommended by the Administration, in the fiscal year 1983 Energy and Water Development Appropriations bill.

Inasmuch as the local project sponsors of the Ellicott Creek, New York, project have agreed to pay more than 35 percent of the flood control costs as they are now required to do under current law, we also recommend that the appropriations bill include first year construction funding for this project.

Sincerely yours,

JENNINGS RANDOLPH,
Ranking Minority Member.
ROBERT T. STAFFORD,
Chairman.●

COAL PORT DEVELOPMENT WOULD AID ECONOMY

● Mr. DOMENICI. Mr. President, a recent editorial that appeared in the Rapid City (S. Dak.) Journal has come to my attention. This editorial rightly praises the leadership and work of our colleague, Senator JIM ABDNOR, for developing legislation that would encourage rapid coal-port development. As the editorial states:

By paving the way for expanded coal exports, the bill would help this nation's economic recovery, and furnish other nations with a reliable alternative to Mideast oil.

This legislation, S. 1692, is now on the Senate Calendar. I support that bill enthusiastically. I would urge the Senate to act soon to consider and pass S. 1692.

Mr. President, because of the importance of this issue, I ask that the editorial be printed at this point in the RECORD.

The editorial follows:

[From the Rapid City Journal, Aug. 19, 1982]

COAL PORT DEVELOPMENT WOULD AID ECONOMY

Improving the ability of the United States to compete in the worldwide coal market is the objective of legislation sponsored by South Dakota Sen. James Abdnor.

This country has abundant quantities of coal which other nations could use to meet their energy needs. Exporting this coal would be a shot in the arm for the coal and transportation industries and would improve our balance of trade.

However, nations like South Africa and Australia are outdoing us in global coal trade because they have deep-draft "superports" from which to ship coal more efficiently in large ships.

As chairman of the Senate Subcommittee on Water Resources, Abdnor has been concerned about finding a remedy for this trade deficiency. Last year, he introduced the National Harbors Improvement and Maintenance Act. It is aimed at the major stumbling blocks hindering port and harbor development in the United States—a lack of federal dollars and Washington red tape.

The bill received a favorable vote in committee, but Senate floor action is being held up until concerns of senators from states which have smaller ports are dealt with.

Enlarging and deepening a port to increase its shipping capacity is not inexpensive. As Abdnor points out, it would be difficult, if not wholly contradictory, to begin to involve the federal government in the dredging of deep-draft harbors at a time when it is essential to cut taxes and trim government spending. The federal budget cannot, and will not afford that luxury.

For that reason, the legislation Abdnor proposed will continue the federal government's role in maintaining existing harbors, but shift the responsibility for new projects to local port authorities and the shipping companies.

Local authorities would be responsible for new developments and would pass the cost on to shippers through vessel user fees.

Placing port development under the free market system would bypass the traditional political spoils system in which states with more political clout in Congress reap the lion's share of benefits. Shippers would direct their user fee dollars to the most usable and viable projects.

The government would still maintain a role in the maintenance of existing ports through the authorization of $250 million a year for continued dredging. Local authorities would pick up a portion of the costs with a cap on costs to protect smaller ports.

Because it substitutes private sector initiative for government subsidies, the Abdnor-sponsored legislation is in line with the administration's goal of reducing the federal government's annual expenditure of $500 million for ports and harbors.

By paving the way for expanded coal exports, the bill would help this nation's economic recovery, and furnish other nations with a reliable alternative to Mideast oil.●

LOS ANGELES COUNTY EPILEPSY SOCIETY'S 25TH ANNIVERSARY

● Mr. HAYAKAWA. Mr. President, 25 years ago in southern California, the Los Angeles County Epilepsy Society, Inc., was founded. Over the past 25 years of countywide service, this organization has been dedicated to helping those persons afflicted by the neurological disorder of epilepsy.

Epilepsy affects 1 in 100 children and 1 in 50 adults, or over 100,000 persons in Los Angeles County alone. This disorder affects people of all races, nationalities, and creeds, regardless of age or sex. Epileptic seizures can be controlled for the majority of epileptic children and adults with proper diagnostic, medical, and social treatment so they can lead normal, productive lives.

The Los Angeles County Epilepsy Society is the only countywide organization in Los Angeles specifically dedicated to serving epileptic children and adults. It supports research and offers counseling, educational, advocacy, referral, group, community, and employment services, and has effectively provided such services in the Los Angeles County area for the past 25 years.

I highly commend the Los Angeles County Epilepsy Society for its outstanding achievement on the occasion of the society's 25th anniversary. I am sure Los Angeles County can expect 25 more years of selflessness and dedication from the people of this organization who work with the community to combat epilepsy.●

CLEAN AIR ACT

● Mr. STAFFORD. Mr. President, the Committee on Environment and Public Works recently voted 15 to 1 to report to the Senate legislation that would amend and reauthorize the Clean Air Act.

The bill reported by the committee would continue to protect the public health and the environment and would strengthen the current law in several respects.

When our proposed amendments come to the floor of the Senate, I and others will present arguments to our colleagues on the need to retain a strong Clean Air Act and to strengthen it in some regards.

Until then, I commend to my colleagues an article that appeared in

today's edition of the Christian Science Monitor.

The article, authored by ecologist George Woodwell, makes the case that air pollution is a major threat to our Nation's farms and forests, as well as to people, and he argues that the Clean Air Act should be strengthened.

Mr. President, I ask that the article by Mr. Woodwell be printed in the RECORD.

The article follows:

[From the Christian Science Monitor, Sept. 9, 1982]

NEEDED: A CLEAN AIR ACT STRONG ENOUGH TO PROTECT PLANTS

(By George M. Woodwell)

How clean must we keep the air?

The answer has been made complicated; it need not be. It is determined by the requirements for life—by the physical, chemical, and biotic conditions that are required to support living systems. These include not only man himself but those other organisms upon which man depends. It is not determined by partial cost-benefit analyses, or by compromise among competing polluters.

Standards for air quality are derived from two sources: (1) effects on man and (2) effects on other living systems. Criteria based on effects on man are less stringent than those based on effects on plants. This is because plants are more sensitive than people to low-level air pollution. This relationship is true in virtually every circumstance except for ionizing radiation, where standards for protection of man are adequate to protect all other organisms.

It is not surprising that those who may profit from pollution call for relaxed standards on the grounds that hazards to human health are small. Such arguments are largely irrelevant. The most important and demanding criteria are those derived from populations of plants and the factors that affect them. If plants are protected, people will be free of both direct and indirect effects of air pollution.

The costs to industry may be high, but the costs of failure to protect people and plants are far higher. The most immediate issue is the strengthening of the Clean Air Act, now up for renewal in the US Congress, and the governmental apparatus required to carry it.

Consider the Northeastern United States. There has been an increase over the last three decades in both the acidity of rain over North America and the area affected by the acidification. Effects are concentrated in the Northeast. All the acidity is not deposited in rain. A substantial fraction—one-third to one-half—apparently arrives as sulfur dioxide on small particles. It is removed from the air on to surfaces, including leaves, where it is converted to acid.

Other changes include increases in exposure of plants to a variety of contaminants such as ozone and heavy metals. All are produced as a result of the heavy use of fossil fuels in industrialized areas to the west and south. New England bears the brunt of the effects because the storm tracks commonly pass through it.

Effects of this atmospheric chemistry are sufficiently complicated and difficult to measure to provide ample basis for discussion among scientists and equivocation by others. The most clearly defined effect of acid rain is the acidification of lakes and streams in areas where the bedrock contains little limestone. Such areas have granitic rocks, their metamorphic equivalents, or sedimentary rocks that have a low alkalinity and therefore little capacity for neutralizing acids.

Most of New England falls in this category. Its lakes, streams, and ground water are turning acid. The effect is the loss of freshwater fisheries in lakes and streams, the virtual sterilization of the water bodies. High acidity in wells mobilizes aluminum and other metals containing lead from minerals in the ground and in pipes. Aluminum is toxic to plants and certain animals, including fish. Lead and other heavy metals are toxic to people as well.

In certain instances, the additions of the nitrogen and sulfur associated with the acidification have caused increases in growth of trees. There is, however, substantially no basis for assuming that the acid-leaching of forests or agricultural crops by the more acid rains will produce any effect in the longer term apart from impoverishment in essential nutrients, reduction in rates of growth, reductions in agricultural yields, and the loss of species and yields from forests. These effects are in part directly due to the acidification and in part due to increased incidence of diseases favored by any generalized stress.

The effects of ozone and other components of photochemical smog compound the problem. The national standard for ozone was set in 1971 as 0.08 p.p.m. The EPA reported that, in 1977, all but one of the 34 monitoring stations in New England reported violations of the standard. The standard was increased in 1979 to 0.12 p.p.m. The probability was 95 percent or more that ozone concentrations exceeded the new standards in 1977 and 1980 over extensive areas in the United States, including the Eastern US from south of Washington to Portland, Maine. Many plant species are sensitive to photooxidant damage at concentrations below the current standard.

Evidence for the effects of air pollution on forests is accumulating rapidly. Damage has been shown in stands of white pine along the Blue Ridge Parkway in western Virginia. An average reduction in growth of 40 percent was measured for the period 1955-1977. A similar reduction in the growth of pitch pine has been reported in New Jersey over approximately the same period. Other trees showing severe declines in vigor, even widespread mortality, over extensive areas in New England include the beech, the red spruce, the white ash, and the white and yellow birches. Insect and disease organisms are known to increase under air pollution, and it would be surprising to discover that the problems observed in forests in the Northeast are not caused by the combination of air pollutants now present.

The pattern of change to be expected in the terrestrial vegetation under this series of stresses is well known. These transitions are under way: losses of forest productivity, shifts in species, losses of tree species, all accompanied by losses of freshwater fisheries and the acidification of ground water, with toxic consequences for man.

The evidence is that agricultural yields in the Ohio River Basin are being reduced significantly and that photosynthesis by forests over large areas is also being reduced. A measure of this is seen in the magnitude of reductions in solar energy captured by plants and made available by both agriculture and forests. These range upward to as much as 40 percent in certain circumstances. A general 20 percent reduction in the magnitude of these resources would not be surprising.

If the reduction applies to all of New England's forests, it would, in energy terms, amount to the output of between fifteen and thirty 1,000-megawatt power plants, or 135 to 270 billion kilowatts a year. Valued as electricity, it would be worth $7 billion to $14 billion. This is a substantial subsidy for the New England states to be paying from their forests and pastures and cultivated fields in the interests of industrialization elsewhere.

These statements may appear as mere assertions by an overly sensitive scientist. Each statement, however, can be documented in detail from the extensive literature now available on air pollution and on biotic effects. While none of these statements are beyond argument, the weight of evidence is that our regulatory system, as it stood before it was cut by the present administration, was inadequate to protect the public's vital interests. The proposals to weaken the Clean Air Act further promise still greater erosion of the capacity of the nation to support people.

How clean must we keep the air? Clean enough for green plants.●

TAIWAN

● Mr. EAST. Mr. President, I am not the only Member of this body to be alarmed at recent policy decisions by the Reagan administration concerning our relations with Taiwan. The State Department is apparently convinced that if we do not shove our Taiwanese friends toward unification with the mainland, the Chinese Communists in Peking will patch up their 20-year-old quarrel with their Soviet neighbors and the West will once more be confronted with a Red monolith.

I am extremely skeptical of this proposition. In this connection, I would like to quote Anthony Harrigan, president of the United States Industrial Council. Speaking at John Carroll College in Cleveland, Mr. Harrigan, who is one of the most forthright and farseeing champions of American national interests presently in print or on the lecture platform, declared as follows:

It is ironical that Peking has threatened to downgrade relations with the United States if it doesn't halt arms shipments to the free Chinese in Taiwan. How much in the way of arms for Taiwan is in our national interest depends on very precise calculations. But we should not be taken in by Peking's arrogant posturing. Peking needs us, not the other way around.

Mr. Harrigan is absolutely on target here. The Red Chinese do need us more than we need them. The notion that the Chinese, who have bitterly contested Russian encroachments on their borders for centuries, could come to a genuine long-term understanding with Moscow is difficult to believe. It is far more likely that they will continue to seek their security in maintaining relations with the United States or, as Mr. Harrigan suggests, turning to Japan.

I ask that the whole of Mr. Harrigan's address be printed in the RECORD.

The address follows:

THE CRISES OF THE FUTURE: PEACE WITH FREEDOM, INDEPENDENCE AND SECURITY

(By Anthony Harrigan)

We should look beyond current issues to the final years of this century. We can be very sure that the world of the 1990s will be markedly different from the world of the early 1980s. Economies will undergo profound change. Power balances will alter. National and ideological concerns will shift. Only man, with his age-old capacity for good and evil, will remain unchanged in nature.

For all our contemporary interest in futurology, we seem to have a dim awareness of how much change will take place and how it will affect us in this country. The changes that inevitably will take place as we move towards the 21st century will result from the growth of populations, technological transformation, new organizational methods, religious and ideological movements, increases or losses in the capacity to produce food and valuable goods and services, access to energy and natural resources, and the very human factors of will and imagination.

It is unreasonable to suppose that any part of the world will remain an island in time, unaffected by change. The Soviet empire will be changed. Western Europe will be profoundly affected. The Islamic world will either come to terms with modern civilization or revert to a fiery fundamentalism. The Third World—Africa, and parts of Asia and Latin America—will undergo some of the most striking change (and one possibility is that some of the so-called underdeveloped countries will simply sink under the weight of poverty and associated problems). Finally, the United States and its great neighbor, Canada, will move to a new stage of historical development.

The set of changes likely to take place in the free world and the unfree world, in the developed, underdeveloped and quasideveloped nations, will produce a wholly new global pattern, as different as the global pattern of the 1980s is from the global pattern of the 1940s.

A special concern is the future of the Soviet empire. The changes that take place in the policies and structures of the USSR undoubtedly will be the most significant global changes for us, apart from the changes within our own country, for the Soviet Union, for all its internal weakness, possesses the armed might that has the potential of inflicting the most colossal damage on our country and civilization.

Even the layman can discern the potential for enormous change inside the Soviet Union. As we know, the Soviet world is unlike the United States, France or Japan because it is an empire, not a country. It isn't a great unit of power that has arisen out of natural national unity but out of military conquest, ideological warfare, and internal repression. Chief among the captive peoples are the peoples of the Soviet Union, who are controlled and dominated by an alien ideology and by the Russian elite. While one can make too much of historical analogies, one cannot help but find a significant analogy in the Roman Empire and its problems and breakdown on the periphery and the emergence of controlling elements outside of the old ruling elite. Indeed, the Soviets have been far less successful than the Romans in integrating the peoples on the periphery. Rome successfully suppressed many of the peripheral nationalisms, whereas the Soviet Union has not persuaded the peoples of Poland and other captive nations to accept the identity of the new Soviet man.

Moreover, the Soviet ideology is in decline everywhere. The traditional communist parties don't command true allegiance at home or abroad. At home, the regime is increasingly viewed as a privileged class of bureaucrats who have a good thing going for them. Fear of the Soviet regime and its organs continues to operate inside and outside the borders of the USSR, and the active dissident elements are brutally controlled as in Stalin's time. Abroad, the Soviet Union depends on militarized client states, such as Cuba, which also fail their peoples in every respect, and on radicalized, disaffected elements in the West who hate their own countries and civilization—the result of nihilistic feelings deeply embedded in the anti-Christian atmosphere of the modern Western world.

I don't think we should expect that major change in the Soviet empire will come from dissidents or even from popular unrest such as we witness in Poland today. The real change—and I suspect it will be a breakdown—is likely to result from economic failure, which, in turn, results from organizational failure.

As Wolfgang Leonhard has said (*Encounter*), "the bureaucraticised, centralized economic system in the Soviet empire makes rapid economic development quite impossible." The Soviet empire is frustrated by its own ideology; it is in an economic straitjacket of central state planning which fetters the productive process. Dr. Leonhard, who teaches at Yale University, has noted that "there are some 55 economic ministerial empires for each industrial branch, with every factory director receiving 11 detailed plans for the year, accompanied by some 3,000 detailed directives from above."

This system blocks the introduction of new technology. True, the Soviets have been able to import new technology from the West—the very rope that Lenin said the capitalists would supply—but the long range incorporation of such technology in the Soviet economic system seems unlikely. It's true that the Soviets have been able to score very impressive military-industrial achievements, by concentrating brainpower and resources on a few military objectives, but the rest of the system has suffered cruelly as a result. The future of developed socialism that the Soviets profess to aim for is incompatible with the nature of modern technological systems. The Soviets like the idea of automation, for, as Richard Vidmer has written, it "rekindles the hope that the Soviet economy can, in fact, be managed from a single administrative center." There is no real hope for the Soviets, however, because the new computer revolution, which we see at work in our own country, is a system based on de-centralization. The party control system in the Soviet Union is incompatible with the enormous technological changes afforded by the computer revolution. Richard Vidmer adds that most Soviet management theorists "simply ignore questions that point to fundamental reform and, instead, concentrate on practical issues that have no bearing on the party's ascendancy in the Soviet establishment."

It is risky to say that constructive change is impossible in any country or any system. Nevertheless, one can't ignore the fact that modern decentralized management and enterprise, whether industrial or agricultrual, seems unlikely in the Soviet Union so long as it subscribes to its archaic ideology. Vast new productivity within the terms of the collectivization in place in the Soviet Union really seems out of the question. The socialist experiment in the USSR is a failure. As Leonhard has said, the opposition to modernization of the economic system is formidable, "for, if they were to go on, then something like 100,000 apparatchiks, all proud of their promotions and titles and colored ribbons and emblems, would suddenly become completely superfluous." No doubt there are what has been called "half-reformers" in the Soviet Union, but they aren't likely to get their way. Efficiency and functionalism run head on into party centralized control.

I suspect, therefore, that the post-Brezhnev leadership will be no more successful than Brezhnev in increasing productivity or solving the country's horrendous food problem. The Soviet Union is locked into its past—even though few believe in communism the way they did decades ago.

As a result, the Soviet Union seems likely to try more of the same—more regulation, more coercion, more total control—and with the same hurtful results.

For all that there is change in the world, countries, like individuals, find it difficult to escape their past. The gap separating Russia from the West is not a 20th century phenomenon. Pytor Chaadaev, writing in 1829, said of his country: "We are one of those nations which do not appear to be an integral part of the human race, but exist only in order to teach some great lesson to the world. Who knows when we shall rejoin the rest of mankind, and how much misery we must suffer before accomplishing our destiny?"

I suspect that the Soviet world won't rejoin the human race in the remaining years of this century. While it will remain very strongly militarily—the fruit of autocracy—and it will continue to cause much mischief around the globe, its people will continue to suffer and its standard of living will be substantially below that of other industrial and technologically oriented countries. This means we must not make the mistake of helping the Soviet regime overcome its technological and managerial handicaps.

The problems facing the Peoples Republic of China are of the same nature, only much, much worse. The Chinese experience, especially with respect to the Cultural Revolution of 1966-76, has been devastating beyond anything the Soviets have suffered in six decades of brutal and misdirected internal policies. The Cultural Revolution went very far to extinguish the very roots of Chinese life and tradition. The revolutionaries all but extinguished an ancient civilization. I commend to you an article by James Kenneson in the April issue of Harper's Magazine, a grim account of his year in the capital of Henan Province in North China. Mr. Kenneson is no conservative or cold warrior, as the liberals like to say, and he wanted to be sympathetic to the new Chinese world. But he was appalled by the realities, appalled even after living in poverty-stricken Egypt, a land much poorer than China in natural resources and arable land.

The system now in place in China ensures that the tremendous abilities and energy of the Chinese people, such as are manifested in Hong Kong and elsewhere in overseas Chinese communities, won't be harnessed

on the mainland, no matter how much equipment is purchased abroad. As Mr. Kenneson notes, the work unit is the basic organizational building block of Chinese society today. Assignment to a work unit is for life. Getting a transfer is almost impossible, no matter what an individual wants to do or is equipped to do. The work unit makes the choices that Westerners make for themselves. In his essay, Mr. Kenneson describes the maze of bureaucracy at every level in China. Leaders of hospitals, factories, and bureaucratic divisions, he says, "are appointed on the basis of service to the party, not expertise." There is a vast hierarchy of officials, each afraid to take problems to a higher level for being criticized for not solving them themselves. With this unwieldy and grossly inefficient structure at every level of Chinese communist society, there seems little chance that China, unaided, will reach even the current Soviet level by the end of this century.

To be sure, this is not the picture of China to which we have been treated in the press since President Nixon's first visit to Peking. Indeed for some years after that visit, when the first American journalists were admitted, we read endless articles about the spotless communes and the spirit of cooperation. Will we never learn that in communist countries travelers are only allowed to visit Potemkin villages? Foreigners travel on conducted tours and visit only a few cities which are open to foreigners. Resident journalists and diplomats are required to reside in foreigners-only compounds. Only the occasional foreigner sees the real face of the static, backward China that is engulfed in 1984 type controls over every phase of normal activity. We should always be aware that vast areas of China are totally closed to foreign visitors, as is the case with the Soviet Union.

No one should underestimate the resourcefulness of the great Chinese people. In time, they may break out of the iron ring devised by Mao Tse-tung, his associates, and followers. I believe that the evidence strongly suggests that Communist China will be bogged down in domestic difficulties for more years than there are remaining in this century. I also believe that it won't be feasible for the Chinese to turn to the Soviet Union because the Soviets have no desire to rescue them from their difficulties and produce an even greater menace on their border. The United States, for its part—if it is concerned about possible threats in the 21st century, won't rush to help the Chinese modernize, as so many American businessmen have so foolishly desired to do. Happily, Peking has discovered that it can't begin to absorb or pay for the modern items that have been offered by the West.

It is ironical that Peking has threatened to downgrade relations with the United States if it doesn't halt arms shipments to the free Chinese on Taiwan. How much in the way of arms for Taiwan is in our national interest depends on very precise calculations. But we should not be taken in by Peking's arrogant posturing. Peking needs us, not the other way around.

We need to bear in mind the history of foreign intercourse with China. There are valuable lessons to be found in that history. Before the end of the last century, Dr. Arthur H. Smith wrote in his book "Chinese Characteristics" that foreign intercourse with China for the century preceding 1860 was "one long illustration of the Chinese talent for misunderstanding. The history of foreign diplomacy with China is largely a history of attempted explanations of matters which have been deliberately misunderstood." This is an observation we should bear in mind in connection with the Taiwan relationship affair.

The danger with China, in my view, is the possibility of a Japanese connection. To many observers that may seem a farfetched notion. Yet Japan offers the only real opportunity for China to modernize very rapidly. China, in turn, provides an opportunity for a tremendous market for Japanese goods.

Consider the realities of the Chinese economic situation. David M. Lampton, writing in Foreign Policy points out that the rate of increase in the gross value of industrial and agricultural output in China has been declining steadily: from 12.3 percent in 1978 to 8.5 percent in 1979 to 7.2 percent in 1980. If it wanted to do so, however, Japan could transform China.

Japan, in my view, is the great question mark in the history of the world at this time. Its course of action in the years ahead is uncertain.

Though devoid of material resources, Japan has arisen from the ashes of military defeat in World War II to become an enormous economic power. Its high quality goods have displaced a wide range of products which were the foundation of American prosperity, notably in the automobile industry. Japan aims high, seeking not only to widen its market share in the United States and Western Europe in both heavy and light manufacturing products but also in high technology where the United States has been the world leader. The United States has contributed to its own decline as against Japanese competition by subsidizing Japan's defense to the tune of scores of billions—protecting its sea lanes from the Middle East, for example, by allowing the Japanese to dump their goods in the U.S. market while permitting them to maintain non-tariff barriers to American goods on their home market. In short, the United States has been the victim of virtual economic warfare directed by Japan, albeit this warfare is accomplished with a smile, polite expressions, and bland talk about opening domestic markets, which simply isn't done. We are fools to let the Japanese get away with these economic offensives—the product of a unique, homogeneous and strongly guided and directed society. We have only to blame ourselves. Nevertheless, I am convinced that much of the current recession in the United States is "made in Japan."

One can't blame the Japanese for being aggressive in the economic sphere. And, certainly, this is preferable to the military aggression of the 1930s, which led Japan into China and which, ultimately, produced war in the Pacific. I suspect, however, that we don't pay enough attention to Japan's future. We speak of the Japanese as allies and partners. This alliance is a one-way street, however. The U.S. is committed to the defense of Japan; the Japanese have no such obligation to render aid to the United States, and don't do so except in the most passive way. As former Undersecretary of State U. Alexis Johnson has said, Japan has an insurance policy with unusually low premiums. For example, they don't pay a cent for the Rapid Deployment Force which was designed to protect the Indian Ocean Oil route, which is essential to keeping the lights burning in Japan. Again, we don't insist on Japanese contributions. We think of the Japanese as they were in 1950, not as they are today.

I am not at all persuaded that Japan will remain in a passive role in the future, especially if the power of the United States diminishes in the 1980s and 1990s. Power abhors a vacuum, and Japan has enormous latent power. It can be argued that, in the long run, Japan will want to do more in the world than sell Toyotas and Mazdas, and that this ambition may be a central fact in the world situation by the end of this century, if not sooner. The Japanese, certainly, must be giving much thought to the future of their relationship with China and how to control that relationship to their own end—a very understandable and proper objective if one is Japanese. China, in a sense, is as much a hinterland for Japan as Africa was for Europe in years past. Japan's already heavy investments in Australia's raw material development also will make that country a continuing object of Japanese interest and ambition, as it was 40 years ago. Whither Australia?—is a good question.

Time does not permit extensive consideration of the place of Africa in the global constellation at the end of the century. Again, I suspect that it will remain a largely passive region, with growing rather than diminishing economic difficulties. The record of the new African countries since the early 1950s is not one as to suggest that the nations of the continent will be able to produce the food, let alone the goods and services, that are needed for a comfortable, progressive future. In short, I believe that Africa will remain a largely dependent and troubled region, in which the outside world is interested because of its mineral resources.

The future of the nations of Europe is of vital concern to us because of our ancestral ties to that region. Half of Christendom is under thrall in the Soviet Empire in Eastern Europe. And real danger exists that the Iron Curtain may be extended to the Atlantic. Ironically, the flame of independence, of national courage, seems much brighter in Poland than it is in Germany, the heart of the NATO alliance. The politics of fear in the 1980s could lead to a gradual transformation of Western Europe into a version of Eastern Europe. the deteriorating world economy, which has many roots—chiefly the hemorrhage of Western funds to the Middle East oil producers since 1974—may accelerate this process. While Eastern Europe, at least Poland, awakes to the hope of regaining lost freedom, much of the Western alliance reflects a willingness to accept the role of passive subjects of the Soviets. "Better red than dead" to use the familiar capsule expression. At least, many West Europeans are reluctant to stand up to the Soviet empire that seeks to extingish freedom. Obviously, the Soviets would like to attach the productive capacity of Western Europe to their empire. The Finlandization of Western Europe, sought by the socialist internationale, would give the USSR a valuable extension of its frontiers. The gas pipeline linking Siberia and Western Europe has tremendous significance, for it is an important step in advancing the energy dependence of France, Germany and Italy on the Soviet Union. Whether this dependence will come to pass one cannot predict at this time. Western Europe doesn't lack for wealth or technological capability. Its real lack is will. A failure of will is the great Western danger in the late 20th century, and this failure is most acute in Western Europe. We can only hope that West Europeans will be strengthened inwardly in the years ahead. In short, Western Europe's

crisis is a moral or spiritual crisis, a derivative of shocks received in World Wars I and II and the nihilistic aftermath.

The Soviets, for all that their ideology has broken down and isn't intellectually convincing even to their own people, are likely to retain the capacity to disinform Westerners so that they fail to grasp the real survival issues. The parallel political structures of the Left, such as the Institute For Policy Studies in the United States, are likely to continue to do better work for the Soviets than any formal communist organizations could do. These parallel structures will assist Moscow by promoting the military, economic and moral disarmament of the West, by promoting whatever is weakening, by inculcating guilt in the West, and by endeavoring to weaken the will of the nations.

I am reminded of the statement by Dr. Brzezinski (in Encounter) that "That real Soviet preference is for men who lie down and accept every Soviet action. An ideal American foreign policy from the Soviet view, would be one in which we recognized Vietnamese predominance in Southeast Asia, rushed headlong into an embrace of Angola while abandoning Unita, lifted the embargo against Castro, and acquiesced in Soviet expansionism in the Indian Ocean—a foreign policy which some people (you may recognize them) have favored over the last few years."

Now I come to the United States. What the world will be like at the end of this century depends very much on what we will be like as a nation at that time. Critics of a stronger U.S. foreign policy—the Tom Wickers and Anthony Lewises of the media establishment—keep telling us that we cannot shape the world. True, we cannot control all the varied events of history or the destiny of nations. But ours is still an enormous influence by virtue of our size, wealth, technological power, precept and example. We have the most advanced and complex society in our modern world, the greatest potential for good and for wise action. Undoubtedly, much of the world will continue to look to us for leadership throughout this century. We can shape world events to some considerable degree, albeit not completely. We may not want to do this. Certainly, we are not the new Romans, as Vietnam demonstrated conclusively. But even if we do nothing, especially if we do nothing, we will have a powerful impact on life on this planet—one way or the other.

I begin any consideration of the future of our country in the remaining years of this century with an immense confidence in its potential. I begin with confidence in the capacity of the American people. For all our problems in this country, including crime, moral disorder, deficient education of the right type, and vulnerability to hurtful notions of various kinds, we have a population which, with its varied strains, has deep roots in the civilization and faith of the West. Our people have a tremendous love of country and its institutions, as evidenced in the great emotional outpouring at the time of the return of the hostages from Iran. Our people also will support bold measures for freedom, providing they understand what is at stake and have sound, articulate leadership. We have a level of skill and knowledge in this country which should assure us technological leadership into the 21st century—again, if our people understand what's at stake. One of our greatest national strengths is our ability to produce food in abundance, not only for our own people but for many peoples. This is a resource or capability that our adversaries do not possess and will not possess in this century.

We all have reason to be profoundly concerned, however, about our weaknesses in several areas, weaknesses brought on by our own folly. I have already spoken about our failure to protect our national economic interests against the Japanese. We must do something about that if we are not to become hewers of wood and drawers of water for Japan—a resource base for a more ambitious and better organized country.

At the same time, we must address the problem of declining productivity. We must work much harder and compensation must be on the basis of competition. One reason our auto industry is in trouble is that pay in American auto plants is twice that in Japanese plants. This is the situation in other industries as well. We pay ourselves too well. We have many absurd situations. Some senior executives receive too much compensation from companies that aren't performing well. At the same time, many plant employees also receive too much for the work they do. I know of a major industrial plant where the people who sweep the metal fragments off the floor receive $21,000 a year. In that same plant and numerous other plants, robots, automated machines, are bitterly resisted. Ironically, American companies developed robots, but the Japanese are installing them in the greatest number. We cannot afford make-work or no-work for high pay. Yet, in plant after plant, there are cases where people receive eight hours pay for 2 or 3 hours actual work. If these things aren't changed, our industrial civilization will decline as Britain's has declined, with appalling consequences for the living standards of our people and our nation's strength. Japan will become the No. 1 industrial power in the world, a cruel irony as Japan has less than half our population and none of our natural resources. Industrial revitalization is, therefore, essential for our renewal.

The emphasis in our country for many years has been on the political redistribution of wealth. In my judgment, however, the future well-being of the American people, their national security and prosperity, depends on new wealth creation. It has been alleged that the United States and its Western friends and allies are materialist democracies, and there *is* a measure of truth in that. Wealth can be misused; it can become an end in itself. I don't believe, however, that that is the record of the American republic. We have combined a development of our natural wealth with a concern for idealistic factors in life. It is fashionable in some quarters to dismiss wealth creation, but the lack of it produces suffering and denial of opportunities for the development of talents. Americans are the children or grandchildren or great-grandchildren of people who had generations of bitter experience with poverty, and our people don't want to go back to that condition.

Unfortunately, the world in the past 20 years has allowed expectations to exceed wealth creation. And the current global recession is evidence of a difficult but unavoidable retrenchment. Beginning in the 1960s, many people around the world, certainly in our own country, thought that they had an automatic right to a very comfortable life. They took out of society more than they put in. They imagined that government had simply to transfer wealth, for everyone to live on a very high standard. Government-decreed benefits were increased, but investment in productive facilities decreased. Now we are adjusting to reality, returning to a somewhat lower standard of living—a lower standard of expectations—and it is a rough experience—for individuals, families, institutions such as universities, and for the nation. We will have to start anew on a new and less elevated base. This is our central task in the years ahead. Without internal renewals, economic as well as in other ways, we will not be positioned by the end of the century to constrain the ambitions of the Soviet Union and other countries which are eager for us to have a diminished role in the world, countries which want our civilization and its values to recede and give way to other systems and other values.

We need to get through the period ahead and into the 21st century, with our liberties intact and the material base of our civilization strong enough to survive a variety of assaults, military, economic, and ideological. We want peace with freedom and preservation of our independence and security. To be sure, we won't be able to wrap up our problems by the end of the century; our aim is simply to deal with them effectively. Short of Armageddon, history doesn't come to a halt. History is an on-going process, with winners and losers, with values in flux and always under challenge. Every nation, every system of government, has its own dynamic. I have touched on a few, a very few, of the elements of national dynamics in the free world and the unfree world. We need to be very aware of the dynamics in the systems and countries that oppose our country and system. This awareness should help protect our values, our heritage, and our independence. If we aren't aware, if we aren't alert, if we fail to use our human and material resources intelligently, we will die as a country and a civilization. Looking ahead, beyond the headlines of the day, is imperative, therefore. Without vision we will perish, certainly in the turbulent 20th century where the clash of ideas, systems and countries is so furious.●

A RAY OF HOPE FOR THE DISABLED

● Mr. SASSER. Mr. President, the social security disability program has come under intense scrutiny recently and for good reason. Since the administration decided to accelereate the number of disability reviews some 18 months ago, the level of desperation and despair experienced by individuals who have had their disability benefits erroneously terminated has increased dramatically and in some cases reached intolerable limits.

In June, I introduced legislation which was aimed at redressing the gross inequities which have arisen through the administration of continuing disability investigations. A number of my colleagues have also introduced legislation dealing with this problem, and while the proposals differed somewhat in their approach to the problem the fact that the problem does exist remains.

I do not rise today to argue the merits of the various proposals. I do rise, however, to bring the seriousness of the problem to the attention of my colleagues and to ask that some form

of relief be enacted before the situation deteriorates further.

A major provision of my bill (S. 2659) would allow for much needed human interaction early in the appeal process. By introducing this human touch into the appeals process at an earlier date it is hoped that blatantly erroneous terminations will be avoided. I have recently learned that the administration has made a procedural adjustment to allow for a face-to-face interview in the initial phase of the review process beginning October 1. While I am pleased to see the administration finally taking some action on this matter, I sincerely hope that efforts to correct other inequities in the administration of these reviews continue.

While it is certainly a move in the right direction, it by no means should be considered a cure-all for the ills confronting the disability review system. The severe trauma experienced by individuals erroneously terminated from the disability rolls makes it imperative that we move in an expeditious manner to effectuate needed changes in the review system. Indeed, the administration's acknowledgement of the problem is an important development, it does provide a ray of hope for over 4.6 million disabled beneficiaries across the Nation. However, it is our responsibility to illuminate this ray of light so that hope for fairness and equity in our social security disability system prevails. I ask my colleagues to join me in this request.

At this time I submit for the RECORD a copy of my written testimony before the Finance Committee hearings on disability on August 18 as well as a copy of an article in the September 1982 edition of Sergeants magazine dealing with this problem.

The material follows:

STATEMENT OF SENATOR JIM SASSER BEFORE THE SENATE FINANCE COMMITTEE HEARING ON SOCIAL SECURITY DISABILITY REFORM

Mr. Chairman, I would first of all like to thank you and Members of the Senate Finance Committee for allowing me to present this written testimony today.

As you sit here today, the social security disability program is itself severely disabled and in need of major repair. Both the variety and number of legislative approaches which have been offered to deal with the problem attest to its seriousness and the urgency with which it must be dealt. It is my sincere hope that Members of this committee will act quickly to remedy the current injustices in the disability program.

I became acutely aware of this problem in January of this year. In addition to letters from constituents recounting numerous incidents of erroneous terminations from the disability rolls, I received allegations of the existence of a quota system that was being used to systematically reduce the disability rolls. In March I brought this problem to the attention of the Secretary of the Department of Health and Human Services, Mr. Schweiker. In April I instructed the General Accounting Office to conduct an investigation of the Memphis Social Security Administration District office to determine whether quotas were being used to terminate the benefits of Disability Insurance recipients.

The final GAO report was released in June and proved inconclusive with respect to these allegations. However, it did reveal criticisms of the disability determination system which paralleled those heard in other states. The report concluded that the problems in Tennessee are not unlike those found in Ohio, New York, Pennsylvania, and California, suggesting that deficiencies in the Continuing Disability Investigations (CDI's) process are widespread and not the result of isolated instances or unique to any geographical region of the country.

The criticisms included: complaints directed at the quality of consultative examinations being performed at the request of the State disability determination system; complaints that the consultative examinations were too short, were not comprehensive, and did not adequately cover the claimants' impairments, and complaints that some consultative physicians are rude, prejudiced, and unprofessional. The employees also believed the Tennessee disability determination system (DDS) is experiencing organizational and workload problems because of the current continuing disability investigation (CDI) program. They also revealed there was a high case backlog and some pressure to reduce it.

It is little wonder that the social security disability program is currently experiencing such a deluge of complaints which has prompted the close scrutiny of several Members of Congress.

In 1980, the Congress adopted the Disability Amendments in response to the dramatic growth of the program during the early and mid 70's. A major provision of these amendments required the Social Security Administration, beginning in January 1982, to review the cases of disabled workers on the disability rolls at least once every three years, except where the disability was considered to be permanent.

However, in March 1981, the Reagan Administration, in an attempt to realize savings, decided to accelerate these reviews some nine months ahead of the January 1982 implementation date. This was done despite the lack of appropriate resources with which to handle the large increases in State agency caseloads. To a great extent this has contributed to the inequitable treatment and erroneous termination of a substantial percentage of the disabled population.

In Tennessee alone, the disability determination system in Nashville is scheduled to review approximately 11,179 cases. Next year this caseload will increase to 19,747, and in 1984 there are 30,896 cases scheduled for review.

Now, the original purpose of the 1980 disability amendments was to weed out those individuals who were no longer eligible for disability benefits. I strongly support any and all efforts to rid Government programs of waste, fraud, and abuse. In many cases there may be sufficient justification and cause for removing individuals from the disability rolls. If they do not belong on the rolls, then they should be removed.

However, it is apparent that the rights of disability beneficiaries are being callously disregarded and abused through the hasty and inefficient administration of unfair and unjust policies. In far too many cases, what we are seeing is that truly deserving beneficiaries are being systematically knocked off the rolls in an effort to reduce costs. Substantial evidence indicates that gross inequities are occurring not only in Tennessee, but across the Nation. Many beneficiaries are being indiscriminately terminated without so much as the benefit of a medical examination.

The legislation I have introduced would provide for a face-to-face evidentiary hearing at the reconsideration level of appeal in the hope that personal contact will reduce the high percentage of erroneous terminations at this level. Under my bill the disabled beneficiary would continue to receive benefits until this time and should be necessary to carry the appeal to the Administrative Law Judge level, the individual would continue to be eligible for medicare benefits.

The importance of protecting disability beneficiaries from erroneous terminations cannot be understated. Examples where desperation and despair follow termination of these benefits are plentiful. A recent article in the Memphis Commercial Appeal detailed several cases where adverse impacts upon disability recipients were felt. In one case, an East Tennessee lawyer told of one of his clients—a man who suffered from paranoid schizophrenia—who committed suicide because his benefits were terminated. The lawyer said the man left a note saying that was the reason he took his life.

Another woman, 51 years of age, suffers from multiple sclerosis, lupus, two ulcers, cystitis, a tumor, and a deteriorating spine, yet her benefits were terminated last October.

Two weeks ago I received a letter from an Attorney's office in Oak Ridge, Tennessee. In the letter the attorney, Ms. Dorothy Stulberg, outlined ten specific cases in which disability benefits were terminated. These cases are merely illustrative of what is happening across the country. Ms. Stulberg writes that "there is almost no way to express in words the hardship and the pain needlessly caused by the actions of the Social Security Administration" with respect to disability terminations.

Case No. 1—Male, 48 years of age, this man is on nine kinds of medicine. He has had two heart attacks while on social security disability. He has urinary problems, bleeding bowel, stomach problems, headaches, ankles swell, bad nerves, chest pains, and back pains. He became so desperate because of no income that he tried to work and broke his arm.

Case No. 2—Female, 34 years of age, this woman suffers from arthritis, headaches, seizures, psychological problems, frequent kidney infections, constant pain from a serious automobile accident. This lady is so upset about being terminated that she has overdosed. All doctors statements indicate that she is unable to work. She has absolutely no funds.

Case No. 3—Female, age 57, this woman worked for thirty years and was forced to take a medical discharge because of her physical condition. She voluntarily tried to return to work but was unable to do so. She also suffers from lupus, one leg is shorter than the other, must use a walker for support, has stiff fingers, suffers from hallucinations, sleep paralysis, on many medications and has organic brain disease. After contributing to social security for thirty years and being unable to work, she is now being denied social security disability benefits.

Case No. 4—Male, age 46, this man looks 65. He was terminated from disability and

for one solid year he and his family had no income at all. Benefits were resumed in March 1982 without even a hearing. The medicals were so extreme that the Administrative Law Judge determined that it was necessary to have a hearing. It was so obvious that this man had psychological and physical problems. During the entire year he was not able to get the medication that was necessary to treat his illnesses. Our office borrowed and begged money from local churches in order that his family could survive.

Case No. 5—Male, 44 years old, this man suffers from bronchial emphysema, a bad back, and eye trouble. He has been without any funds at all for about seven months. He needs medication in order to ease his breathing problems. He has no funds to purchase medication. He has called our office begging for us to help him find some money so he can at least breathe. He has children. He has gone to the local health department and they have told him that they have money only for his high blood pressure which was extremely high. He weighs only 138 pounds and is 6 feet 3 inches tall.

Mr. Chairman, I could go on and on with examples of needless hardship. I think that these five examples, however, more than make the point. The issue is crystal clear and we must implement corrective legislation quickly to stem these gross injustices which are occurring every day.

On June 22, I introduced S. 2659 to address these inequities. The major provisions of my bill are as follows:

The bill provides for an adjustment period not to exceed six months wherein disability benefits will be continued until the reconsideration hearing.

The bill provides that a face-to-face evidentiary hearing be conducted at the reconsideration hearing.

The bill allows for the extension of medicare eligibility until such time as a decision is reached by an Administrative Law Judge.

The bill requires the Secretary of Health and Human Services to report to the Congress on a quarterly basis information which will better facilitate an accurate evaluation of the actual continuing disability investigations process.

The difference between this bill and other proposals primarily lies in the length of time where payment of benefits are paid. The legislation I have offered provides that benefits be paid until the reconsideration hearing as opposed to paying the benefits until the Administrative Law Judge hearing.

I believe that this approach is preferable from the standpoint of cost-effectiveness. According to the Congressional Budget Office, payment of benefits through the Administrative Law Judge level will cost approximately $120 million in 1983, $80 million in 1984, and $85 million in 1985. These figures include repayment of overpayments. In comparison, payment of benefits through reconsideration including a face-to-face hearing at the reconsideration level will cost $40 million in 1983, $45 million in 1984, and $30 million in 1985. Thus my bill would save approximately $170 million over the next three years. Furthermore, according to Social Security Administration actuaries, only about 50 percent of these overpayments are recoverable.

In order to compensate for those individuals who are erroneously terminated, my bill provides for the extension of medicare eligibility until the ALJ hearing. In most cases, eligibility for medicare is just as if not more important than the disability benefits themselves. According to the Congressional Budget Office, this provision would cost approximately $45 million in 1983, $50 million in 1984, and $55 million in 1985. This provision is important because it is extremely difficult for individuals who have been on the disability rolls to procure hospitalization insurance once they have been terminated from the disability rolls. Insurance carriers are reluctant to carry these individuals and even if they do the insurance premiums are very high.

As I have already mentioned, providing for a face-to-face hearing at the reconsideration hearing will hopefully reduce the inexcusably high percentage of erroneous terminations at this level. The individual facing termination of disability benefits should be afforded an opportunity to face those deciding the appeal as well as produce evidence which might have a bearing on the outcome of the appeal at the earliest possible time.

Finally, it is currently very difficult to accurately gage the exact depth and scope of the problem simply because no individual or agency is charged with collecting data relevant to the number of continuing disability reviews, the number of initial benefit termination decisions resulting from these reviews, the number of such termination decisions with respect to which reconsideration is requested or a hearing is requested or both, and the number of such termination decisions which are overturned at the reconsideration or hearing level.

Under my bill, the Secretary of the Department of Health and Human Services would be responsible for reporting this specific information to Congress on a quarterly basis. These reports will enable both Congress and the Secretary to better measure the disability review process and make changes as they are necessary.

It is my sincere hope that this committee will carefully consider the legislation I have offered here today and will move quickly to adopt what is intended to be a temporary solution to a most crucial problem. While a comprehensive disability package is needed, I do not believe such a comprehensive package could be adopted before the end of this year. It is therefore incumbent upon us to address this problem in an effective and expeditious manner.

Once again, I would like to express my thanks and appreciation to the Chairman and the Members of this committee for allowing me to offer this testimony today.

[From Sergeants magazine, September 1982]

Pay Picture for 1983

Unless unforeseen circumstances should change the pay picture for fiscal year 1983, which begins on Oct. 1, 1982, the cost-of-living pay adjustments for the active duty and the military retirees will be as follows:

For the active duty, a 4 percent pay increase effective Oct. 1, 1982. Targeting the raise to career personnel may also be applied again this year.

For the military and civil service retirees, a 4 percent pay adjustment, to be effective March 1, 1983, regardless of what the consumer price index may be. The increase will show up in the April 1, 1983 paycheck.

While these adjustments are far from what tney should be for the active duty as well as the retiree, it essentially places a cap on such adjustments. It took considerable lobbying to even obtain the 4 percent adjustments.

If the Senate proposal had prevailed in the conference committee between the House and Senate, all retired pay and even the active duty pay would have been frozen at the 1982 level.

SOCIAL SECURITY DISABILITY PAYMENTS

A program, conducted by the Social Security Administration, to review all those people with nonpermanent disabilities, is financially penalizing many of our disabled members.

The review program, directed by Congress in 1980, instructed the SSA to start the review process in February 1982. However, without taking time to develop sound procedures, or to hire and train qualified people to conduct the reviews competently, SSA began the review process in March 1981.

Unfortunately, many of those being targeted for reviews are the mentally ill, the severely handicapped and the very young who have not understood the communication received from the Social Security representative. The notice simply says their files are being reviewed to determine if they should be continued on disability rolls. Many of those who were placed on disability based on information already in their files did not realize this was a change, so they paid little heed to the notice.

What they did not realize is that the SSA redefined, or made the definition of disability more stringent under its regulations. Individuals have to requalify under the new rules, and old medical evidence is not being considered.

This is unfair because the contract doctor for the SSA ignores statements from two, or even three, doctors who have treated the individual for several years. If the contract doctor sees the individual at all, and in some cases he doesn't, a cursory examination is made, and the disability pay stopped based on the revised regulations. This comes as a severe shock to those disabled and has created a nightmare for many.

There are appeal procedures which, unfortunately like all such appeals, take considerable time. During this time disability payments are stopped.

AFSA is appalled at such a heartless program being conducted by the SSA. It is not enough that the individuals must cope daily with their disability, but to suddenly lose their disability payments only increases their anguish.

AFSA asks the oversight committee of Congress to place the burden of proof on the SSA. A complete review of an individual's medical history should be done before determining that the individual's condition has improved or that a disability no longer exists. Furthermore, there should be no cut-off of disability payments during the review process.

It is interesting to note that over 60 percent of the cases that have been appealed have resulted in restoring disability pay. That should say something about the poor administration of this congressionally directed review program.

VA HEALTH CARE

To meet the stiff competition with the private sector for nurses, Congress has passed legislation to improve the Veterans Administration health care system. They authorized the VA to pay their nurses a full week's salary for 24 hours of work on weekends. Even though the administration opposed the legislation, there was overwhelming support for the measure in Congress.●

AMNESTY LURES ALIENS

● Mr. EAST. Mr. President, the Dallas Morning News, on August 29, 1982, carried a story headlined, "Amnesty plan luring aliens, U.S. agents say." I ask that this article be printed in the RECORD.

The story follows:

[From the Dallas Morning News, Aug. 29, 1982]

AMNESTY PLAN LURING ALIENS, U.S. AGENTS SAY

(By John Gonzalez)

EL PASO.—U.S. Border Patrol officials say the allure of potential amnesty is partly to blame for the latest influx of illegal aliens.

The officials challenge the assumption that the U.S. harvest season and the recent peso devaluation are mostly responsible for the record numbers of Mexicans who crossed the swift, muddy Rio Grande last week in search of work.

The patrol officials said that after a slow first half of 1982, traffic along the Texas and New Mexico portions of the border picked up in early July, a month before the Mexican currency was devalued for the second time this year.

While no one questions that the Mexican economic crisis is the underlying cause of the alien traffic, several border agents said the Senate-approved immigration law, awaiting House action that will begin in mid-September, is exacerbating the situation.

"We've got to remember that not only was there a peso devaluation, but there was also that immigration bill passed by the Senate, which received widespread publicity in Mexico," Laredo sector chief William Selser said.

"A lot of the aliens being encountered now are induced to come here by the thought that if they can get into the U.S. now, they won't have to leave," he said.

McAllen sector chief Larry Richardson agreed.

"I don't like the alarmist thing where this increase is blamed on the peso alone," he said. "We started our increase a couple of weeks in front of the devaluation (Aug. 5.) The immigration bill may be involved, too."

His brother, Del Rio sector chief Jack Richardson, said informants report counterfeiters are prepared to produce documents that illegal aliens could try to use to prove residency prior to Jan. 1, 1980.

The immigration bill, which would make the first changes in the law in 17 years, includes an amnesty provision that would allow aliens who have lived in the United States since before Jan. 1, 1980, to stay.

Rent receipts and U.S. W-2 forms would be considered proof of residency, and border patrol intelligence officers have been told the receipts and W-2s are among items that will be counterfeited.

"I don't have a built-in dislike for amnesty," Jack Richardson said. "I do have some concern about rewarding persons who have violated the law at the expense of those who have waited to try to lawfully immigrate."

"There are indications that vendors on both sides of the border are gearing up to supply counterfeit documents, but we haven't intercepted any yet."

El Paso sector chief Alan Eliason was more cautious.

"I am hearing speculation that the amnesty proposal is going tyo bring people in and that through acquisition of various documents, they would be able to sustain a claim that they've already been here two years. It could be, but I'm really not seeing it yet," he said.

Eliason said he has noticed an increase in aliens from big cities in southern Mexico where unemployment and inflation rates are staggering.

While border agents wait for the House to take action on the immigration law, they will rely more than ever on high-technology tools for detecting aliens as they illegally enter the United States.

Alien traffic is heaviest in El Paso, where 1-day apprehension records were set twice last week. Eliason said the record of 989 apprehensions in El Paso and southern New Mexico, set Tuesday, was eclipsed the following day, when 1,205 illegal aliens were caught. Most of them were found in downtown El Paso. The pace slowed as the weekend approached—down to 847 arrests Thursday.

At Laredo, the next-busiest area for crossing the river, the border agents were catching less than 150 aliens a day, but Selser said the rate is higher rate than a year ago.

Selser and other patrolmen said that the U.S. harvest season accounts partially for increasing influx of aliens. But the aliens often enter without realizing that there are few farm jobs available this season in the storm-damaged High Plains, they said. The job market for farm workers is considered saturated in several regions of the U.S.—from the pecan groves of southern New Mexico to the sugarbeet fields of Michigan. Mexicans questioned about their attempts to cross illegally into the United States invariably cite the need for work as their motivation for crossing.

The Rio Grande this time of year poses a danger to aliens attempting to cross, and drownings are a frequent occurence in El Paso where the river has been channeled into a flat but slippery concrete trough. At Del Rio, the river widens and forms a natural barrier. Horses, inner tubes or small boats are necessary to make the crossing. Further downstream at McAllen, aliens prefer to use inner tubes or bridges to ford the swift river.

Those whom elude detection at the riverbanks often are picked up by sensors, upon which the patrol relies heavily. Aliens who evade the sensors face detection at the many road checkpoints coordinated by border agents. Illegal aliens who clear those checks then need to worry about inland patrols by agents, who visited worksites from Odessa, to Oklahoma last week.●

U.S. GOVERNMENT STATEMENT AT OECD STEEL COMMITTEE

● Mr. HEINZ. Mr. President, our Government recently delivered an excellent analysis of the world steel situation at the OECD Steel Committee meeting on July 21.

This statement is not only a defense and explanation of Commerce Department actions, it is a thorough refutation of the various self-serving arguments raised by the European Community in an effort to avoid the assumption of their legal responsibilities. It makes clear that our law is not only fair and deliberate, it is GATT-consistent, tests which the EC itself has not always met. It also points out the irony of EC complaints that the quantity of their shipments to the United States is too low to be injurious in view of the Community's more drastic action in the face of proportionally less import penetration.

Mr. President, it is plain that when it comes to sell, the EC does not want to accept its obligations under the GATT and instead seeks to place the entire burden of adjustment on the American industry. This statement makes that clear and therefore is worthy of close attention by Senators. I ask that it appear at this point in the RECORD.

The statement referred to follows:

STATEMENT OF UNITED STATES AT OECD STEEL COMMITTEE—JULY 21, 1982

As you know, the Commerce Department made an historic decision last month. It found, to the surprise of few, that some European Community steel producers appear to be heavily subsidized, that others seem to be less heavily subsidized, and that some apparently receive no significant subsidies. We have spent much time, effort, and money to document with precision what we have known in general terms for a long time. The process itself is important, however. We did not presume the existence of subsidies; we did not accept uncritically the allegations of the U.S. industry to the individual steel makers under investigation; we did not rush to judgment. Instead, we conducted an exhaustive—and exhausting—and eminently transparent investigation. That search for the facts will continue right up to the time of the final determination, due August 24. Yet we published the preliminary results, in voluminous detail, for the entire world to examine critically. We spelled out the reasons why certain programs appear to be countervailable subsidies and why others do not. We have quite obviously managed to please no one entirely, which is perhaps the surest sign of our fairness.

Lest we forget—these are not the only cases under investigation. In addition to the complaints filed January 11 against seven members of the European Community, another 50 or so antidumping and countervailing duty investigations of steel imports into the U.S. are underway involving Spain, Japan, Canada, Korea, Argentina, Romania, Brazil, and South Africa. While these cases are still under investigation, it would be inappropriate to comment on specific issues involved in individual cases.

Nevertheless, we must respond to several charges that have been made against our conduct of these cases in order to clarify the objectives of United States policy and our support, which has been clear and consistent since the establishment of this committee, for effective adjustment to changing competitive conditions in the world steel industry.

First, we are accused of having unilaterally interpreted the GATT subsidies code. Part 1 of the code, which many of us have implemented through a national countervailing duty law, does not contain very explicit guidance on how to define and calculate subsidies. Therefore, when confronting novel situations, we, like any signatory of the code, will of course have to make choices on methodology which some consider a "unilateral" interpretation of the code. Our procedures are designed to ensure that these decisions are made on the basis of the best information available and on a careful

analysis of what the code requires. We have—and we will up to the moment of the final determination—encourage all parties to express their views on all issues. Thereafter, we are subject to review by United States courts and in the GATT. We do not shrink from this scrutiny; we welcome it. For our aim is to build up a set of international rules that will provide a framework for free and undistorted international trade flows in steel—and all products. Like a muscle, this system can be strengthened only by regular use. If we are afraid to exercise the system, it will atrophy.

A second argument we have encountered is that restructuring subsidies are not prohibited by the subsidies code. That is absolutely correct—except where they cause material injury or otherwise prejudice the rights of a code signatory. The code does not prohibit domestic subsidies, but recognizes that they have legitimate policy uses. However, each code signatory is under the obligation to seek to avoid causing injury through the use of domestic subsidies. He is also obliged to weigh the world market context of his decision, including overcapacity and depressed prices, two factors that are quite familiar to us in this committee. In other words, a code signatory agrees not to shift the burden of adjustment, through the use of domestic subsidies, on to other producers. Before any subsidy can be authorized, its impact on others must be weighed. In a world of excess capacity, domestic subsidies that have the effect of maintaining inefficient production facilities are not only economic folly, but can be contrary to the GATT as well.

Another argument we sometimes hear is that European imports are too insignificant to be causing injury since they account for "only" 6.2 percent of the U.S. market. It is true that the EC's 6.4 million net tons of shipments to our market accounted for 6.2 percent of our apparent supply last year. As we have already noted in this committee, that was the highest market share for the EC since 1978. Moreover, thus far in 1982 (through May), EC shipments account for 7.0 percent of apparent supply, a 12 percent jump over 1981.

Then, too, we must all recognize that this sort of number is not terribly relevant to the question of injury to producers of any particular product. That is a judgment that can only be made after a careful assessment of the impact of the volume and price of imports on the sales, profits, and employment of individual industries.

We do not have detailed, product-by-product injury information with us. On the basis of its preliminary investigation, the United States International Trade Commission (ITC) published two volumes of data on a product-by-product basis. However, the committee should not forget that: (a) about one-third of the U.S. steel work force is on layoff and another 6 percent is working short weeks; (b) U.S. capacity utilization during the first 5 months of 1982 was 57.4 percent and in recent weeks has fallen close to 40 percent; (c) order books are empty, indicating no significant increase in demand is imminent; and (d) imports have been at record or near-record levels for months, creating a sizable inventory overhang that further depresses prices and will further delay the recovery, but for a moment, assume the 6.2 to 7.0 percent figure were relevant. How would we apply it to the situation of the community itself? What foreign supplier can claim anything like 6 or 7 percent of EC consumption? In fact, all suppliers taken together last year accounted for only 7.0 percent of the EC market. Yet the import threat was perceived to be so severe that the community felt compelled to maintain and to extend for another year a system of price and quantity restraints on imports. At the same time, we seem to be hearing the argument that import penetration in the U.S., which has been 2-3 times as high as in the community, is not sufficient reason for our producers to exercise their rights under U.S. law and the GATT to nullify the injurious effects of dumping and subsidization. That is curious logic, indeed.

A related charge is that our actions threaten to disrupt "traditional patterns of trade." This an old controversy and we are surprised by its staying power. We never agreed in this committee or anywhere else that traditional patterns of trade should be maintained. Let us review the history of our agreements since 1977:

At the third meeting of the ad hoc group, we concluded that: "No nation can be expected to absorb for sustained periods large quantities of imports at unjustifiably low prices"—that is, dumped or subsidized—"to the detriment of domestic production and employment"—that is, injury—"But any measure designed to deal with such imports"—read the trigger price mechanism—"Should take into account customary patterns of trade."

In view of the controversy that arose, we agreed to a clearer statement in the mandate of this committee to "take into account the concerns of trading partners that traditional trade flows established under normal conditions of competition"—that is, without dumping or subsidization—"Not be severely disrupted"—hardly the same as "maintained."

Let me repeat part of our statement at the last meeting. Not only did we not agree to maintain traditional trade flows, but we could not have done so within the legal framework of our fair trade laws. Nor would we want to do so. The constant purpose of our policy has been to neutralize the injurious effects of dumping and subsidization, which distort normal conditions of competition, not to arrange the shares of our market at any level, "traditional" or "nontraditional." Ours is a rapidly changing market; how are we supposed, and why would we wish to try, to maintain imports from individual foreign suppliers at any "traditional" level?

While we made no such commitment to maintain traditional levels of imports, it is worth noting that U.S. imports in every year since 1977 have been above 1976, a total of 93 million tons, while EC imports since 1977 have been consistently below 1976, and amount to less than half of U.S. total.

We also must reject the claim that these cases will shift the burden of adjustment to EC producers. This is not a variation of the theme of beggar thy neighbor. We all share the responsibility for promoting prompt, adequate, regular adjustment within our own borders.

Not to do so is to shift the burden of adjustment on to others, and that is something we have all pledged to avoid. Indeed, it is hard to imagine any happy end to our steel crisis that does not rest on continuous, effective adjustment not just in one or two OECD countries, but throughout the entire OECD area.

This brings me to a final argument—that the U.S. industry is failing to modernize and that the U.S. Government has no industry policy for steel. Well, the industry has been modernizing for almost two decades:

Production capacity has been reduced by about 6 million metric tons since 1977. In fact, since there has been some new effective capacity installed, the reduction in obsolescent capacity has been even greater.

Employment peaked in 1965 and has been steadily trending downward as labor saving investments are made.

The industry in 1980-1981 elaborated on an ambitious set of modernization plans. But to implement them will cost money, lots of it, and it all must be generated through private funds.

The U.S. industry also pays for its mistakes. A failure to keep competitive, to improve quality and service, to control costs—any of these can be devastating to a free market producer.

Those who cannot generate such funds will have to retrench, eliminating marginal facilities, including entire plants. These decisions have been made literally hundreds of times in the 1970s. They will continue to be made, without fanfare, in most cases. This is a constant, and hardly painless, but very real adjustment process.

That brings us to our supposed lack of an industry policy. We do have one. It is simpler than the policies some of you have adopted. It requires no major public expenditure, no planning, and no direction by government. The key decisions are left to those closest to the market—the firms themselves. But our policy, which relies on the free play of market forces to ensure that structural change and adaptation take place regularly, is a true industry policy. And it is just as legitimate an industry policy as the more interventionist approaches others have adopted.

Now part and parcel of that policy is a reliance on GATT rules of fair international trade. If we are going to force our producers to face foreign competition without government financial assistance and to succeed or fail on their own resources, we owe it to them to ensure that imports compete for our market on an equal footing. Our aim is to eliminate, in so far as we are able to, distortive effects of government interference in the market. If we concerned ourselves only with the effects of U.S. Government policies on our market, we would be naive indeed. Such a course could undermine the objectives of economic efficiency that we seek and in effect would let others who are more interventionist dictate industry policy to us, merely because we seek to keep our markets open to the beneficial effects of international competition.

Compliance with antidumping and subsidy countervail laws are the price of admission to an open market. We did not invent this idea. It is the concept of equity which underlies the GATT itself. We will not prescribe adjustment measures for anyone else, but by the same token we cannot accept that others shift the burden of adjustment onto our producers and our workers.

In conclusion, let me recall how it was that we came to establish this committee. We sensed in 1977 that we were facing more than just another cyclical downturn in steel and that something fundamental had changed in world supply and demand. We concluded that our collective policy response therefore had to give "sustained priority attention . . . to the long-term need of restructuring and modernization, where necessary, to promote a rational allocation of productive resources with an aim of achieving fully competitive enterprises." In 1978,

after a much more thorough debate, we agreed that this committee would have as one of its objectives to "facilitate needed structural adaptations that will diminish pressures for trade actions and promote rational allocation of productive resources with the aim of achieving fully competitive enterprises."

In October 1980, on the heels of another episode of trade confrontation, we agreed that the restructuring process needed to be accelerated if we were to meet these objectives. Throughout the history of this committee and it predecessor we have stressed the goal of cooperation, the need to recognize the interrelatedness of our problems and the value of regular consultations on incipient problems.

We tried our best from the spring of 1981 on to warn, in this committee and bilaterally, that the actions of some exporters were placing us on a collision course. We take no pleasure in having been proved correct in that forecast. We now see only one way to avoid repeated episodes of sharp conflict over this issue. We have got to start confronting, not each other, but the problem itself, in all its aspects. It is for that reason that we established this committee and, from all appearances, we need it today more than ever.●

A REPLY TO FRANK DONNER

● Mr. EAST. Mr. President, in the August 7-14, 1982, issue of The Nation, a left-leaning periodical, there appeared an attack on the Subcommittee on Security and Terrorism, on its chairman and myself, and on one of my staff aides, Dr. Samuel T. Francis. The article in which these attacks appeared was entitled "Rounding Up the Usual Suspects" and was written by Frank Donner, himself a long standing member of the anti-intelligence lobby that has so crippled our intelligence and internal security agencies in recent years.

Dr. Francis drafted a lengthy response to the Donner article and sent it to the editor of The Nation, in the hope that that magazine would have the fairness to publish both sides of the question. After 3 weeks of waiting for a reply from the editor, he has asked that I place his response in the CONGRESSIONAL RECORD. I am happy to do so, in order that the errors and fallacious reasoning of Frank Donner be exposed publicly, and I request that Dr. Francis' response be printed.

The response follows:

A REPLY TO FRANK DONNER

(By Samuel T. Francis)

It would appear that in the last two years I have become something of an obsession to the contributors of The Nation. In January, 1981, this magazine published an attack on the Heritage Foundation's Mandate for Leadership and specifically on the section dealing with internal security, which I authored, in the chapter on the intelligence community. Earlier this summer, The Nation published a hostile review of a recent collection, The New Right Papers, to which I was a contributor. The review dwelled on my essay in that collection and made an absurd attempt to link it with Nazi and Fascist ideology. Now The Nation has published an even more absurd article by Frank Donner ("Rounding Up the Usual Suspects") in its issue of August 7-14, 1982. It is curious that an obscure staff aide on Capitol Hill should attract this much attention, and even curiouser that the attention should be as hostile as it has been.

I have deliberately refrained from responding to these attacks, partly because my work has not permitted me time to reply and partly because I simply do not have the inclination to chase the contributors to The Nation around the political cabbage patch. Although friends and colleagues urged me to reply—indeed, in one case to consider legal action—not until the most recent barrage did I decide that a response was in order.

Unlike the earlier attacks, Frank Donner's article is directed not only at me personally but also at a serious issue of national policy, the projected revision of the Attorney General's guidelines for domestic security investigations (the Levi guidelines) by the FBI. For good or ill, my name has been publicly associated with the controversy over the guidelines, and it is important that Donner not be allowed to boast, as is his habit, that he has "refuted" or "discredited" my position in this controversy by an article that is replete with logical fallacies, factual errors, debaters' artifices, and the most vituperative insults.

Although Donner is ostensibly writing about the hearings held by the Subcommittee on Security and Terrorism on the Levi guidelines on June 24 and 25, 1982, the bulk of his article does not deal with the hearings, and none of it deals with the actual testimony of the witnesses. Nearly three-fourths of Donner's article focuses on a lecture I delivered in Boston at Emerson College in April of this year on the subject of the guidelines, my criticism of them, and my suggestions for revising them. Prior to his effort to refute my presentation in Boston point-by-point, however, Donner devotes a paragraph to my own academic background and to the Mandate for Leadership report of the Heritage Foundation.

It is not clear to me why Donner chooses to dwell on the subject of my doctoral dissertation, unless it is to suggest that I have no academic expertise in a subject on which I have repeatedly been asked to write and speak. If this is his suggestion, one can only marvel at his pedantry, since it is commonplace for academics to develop expertise in a second field. In any case, Donner follows his references to my dissertation topic with a gratuitous and unexplained insult to my monograph, The Soviet Strategy of Terror, "an unintentional parody of the genre." What "genre" he is talking about and why it is a "parody" he does not bother to explain. Incidentally, Donner's first factual error occurs at this point: I did not begin work at Heritage after earning my doctorate, as he states. I received my doctorate in 1979, two years after coming to Heritage. The point is of little importance, but it reveals the sloppiness of Donner's research and the cavalier manner in which he treats factual precision.

More importantly, I did not advocate in the Mandate for Leadership that the Levi guidelines be "scrapped." Nor did I advocate this in my speech at Boston, as Donner states. In everything that I have ever written or said on the subject, I have urged the revision of the existing guidelines and the need for some guidelines for domestic security investigations. This vitally important distinction between reform and revision, on the one hand, and outright abolition on the other is ignored by Donner.

He then reiterates the stale, hysterical, and inaccurate criticism of the Mandate for Leadership section on internal security that has been floating around on the American Left for two years. This criticism was effectively refuted, the out-of-context quotations and inaccurately compressed paraphrases corrected, in a letter from Phil N. Truluck, Executive Vice-President of the Heritage Foundation, to Congressman Thomas J. Downey, published in the CONGRESSIONAL RECORD, December 16, 1980, p. E5447; Congressman Downey's criticism of this section was published in the RECORD on November 19, 1980, p. E5005. I refer the reader to these citations, but to repeat the substance of Mr. Truluck's corrections once more:

(1) I did not advocate that the FBI "monitor [whatever that means] a broad selection of targets ranging from 'radical and New Left groups' to 'anti-defense' and 'anti-nuclear lobbies,'" I did mention a range of extremist or foreign connected groups (including right-wing extremists) as actual or potential internal security threats. I do believe that the FBI should be allowed to investigate at least some of the groups I mentioned, but it is impossible to specify which techniques or levels of investigation would be appropriate. Among the groups I mentioned that I considered then (and consider now) to be internal security threats are the foreign-linked Communist Parties and the active terrorist groups (e.g., FALN) and their supporters. There is no doubt in my mind that these groups should be under investigation at an intense level.

(2) It is not true that I stated, and I do not believe, that, in Donner's words, "the nation's security requires the surveillance of 'clergymen, businessmen,'" etc. The quotation from the Mandate concerning clergymen et al. is torn out of context. That context is a discussion of the nature of subversion and of how innocent parties can be unwittingly deceived, exploited, and manipulated for ulterior ends. The passage has nothing to do with "surveillance."

(3) Donner is also wrong when he states that the Mandate for Leadership section says "the K.G.B. has penetrated all levels of government and operates a vast network of proxies and spies." The KGB, as well as other foreign intelligence services, are indeed active in the United States—probably more so now than at any time in the past—as a number of recent espionage cases, Congressional testimony, the statements of defectors, and responsible investigative reporting have shown. The Mandate did comment on this fact, but this is quite different from claiming that the KGB has penetrated "all levels" of government, a claim I have never made and have no reason to believe. Once again, Donner's exaggerations deceive the reader.

It is doubtful to me that Donner has ever bothered to read the actual text of the Mandate for Leadership section on internal security. It is more probable that he has simply relied on the news accounts and editorials that were written about it. This is indicated by the fact that he has produced no quotations from the Mandate that did not appear earlier in these secondary sources and by his inaccurate reference to "the Heritage Foundation's report 'The Intelligence Community.'" There is no such report; there is a chapter of that title in the Mandate for Leadership. I was the editor of that chapter and the author of a section within it on internal security. If Donner had ever actually seen the Mandate for Leadership volume,

he would not have made this elementary error.

I might suggest that Donner submit himself to the pursuit of an academic discipline for a few years, even to so esoteric a subject as the foreign policy of the Earl of Clarendon. There, in the "cloistered contemplation" of his subject, he will find that one cannot easily complete an acceptable dissertation in any field unless he carefully corroborates his facts, actually reads the texts on which he is commenting, is precise in his logic, makes some effort to substantiate his assertions, and avoids importing his own ideology and prejudices into his analysis. Judging from his article, I suspect that Donner would not last long in any acceptable graduate school.

The incoherence of Donner's mind is evident in his main assault on my remarks in Boston. He begins this part of his article with several vague and unexplained hit-and-run assertions: my "systematic rejection of constitutional objections to intrusive surveillance practices," my "unsupported argument that the executive branch has elastic, inherent powers in the domestic security realm," my "unjustified complaint about the impact of the Levi guidelines on the F.B.I.'s intelligence caseload," etc. It is difficult to guess what Donner is talking about, since he does not bother to quote my exact statements in these matters. As far as I can tell, the first assertion refers to my citation of several recent court cases that uphold the propriety of domestic security investigations. The second perhaps refers to my statement that one authority for domestic security investigations by the FBI that has been cited in the past, and with which I agree, is the requirement of the U.S. Constitution (Article II, section 3) that the President take care that the laws be faithfully executed and (Article IV, section 4) that the federal government protect the states from domestic violence. These are not "elastic" powers and my claim was not "unsupported." My "unjustified complaint" about the effect of the Levi guidelines refers, I suppose, to the statistics I cited in my remarks that in 1974 (before the guidelines) the FBI had 157 organizations under investigation, and in 1978 there were only 15 organizations and 42 individuals under investigation. Donner, in other words, is wrong on all three charges, although the reader has no way of knowing what I actually said. If Donner's charges refer to other statements that I made, he should have specified them.

Donner's purpose, of course, was not to refute what I said but simply to get the reader in the mood for the main assault, a painstaking but entirely erroneous criticism of my remarks in Boston. Essentially, Donner's criticism boils down to three charges:

(1) Terrorism is not now a serious threat in the United States; therefore, we do not need to take precautionary or preventive measures against it. I will say no more about this argument than to point out that it makes as much sense, and is as illogical, as the argument that I should not carry health insurance because I have never been seriously ill. I will not try to prove that terrorism is a serious problem in the United States today. I will rest content with what I hope is the incontestable statement that since the mid 1960s terrorism has been a worldwide problem, that the United States (and its citizens and institutions abroad) have been attacked and threatened by terrorists outside the country as well as inside, and that the terrorist threat continues to concern all civilized nations. Global terrorism has important and long term sociological and ideological causes as well as a significant conspiratorial dimension, and it is only common sense to believe that the United States is a logical target of some terrorist groups. Terrorism in the United States is not a particularly important problem right now, but our vulnerability to terrorism is a very important problem today. We all hope that the global wave of violence is on the decline, but as long as it exists, the leaders and the citizens of the United States have cause to take adequate security measures against it.

(2) Investigation (or "monitoring," "surveillance," "penetration," or "infiltration"—Donner uses these undefined terms interchangeably, although they generally have different meanings) of terrorist or terrorist support groups is unconstitutional and a threat to democratic freedoms. Donner repeats this point several times, yet at no time does he cite a single provision of the Constitution, a single court decision, or a single statute to support his insinuation that domestic security investigations are beyond the pale of the Constitution. There are indeed legal restrictions on the methods of intelligence collection in the Foreign Intelligence Surveillance Act of 1978, the Keith decision of 1972, and other laws and decisions. The Freedom of Information and Privacy Acts have also had indirect restrictive effects on the conduct of domestic security investigations, but there is no constitutional or legal bar to domestic security investigations or to the authority of the FBI or other law enforcement agencies to conduct them. In my remarks in Boston, as I stated above, I cited several court cases to support this statement; Donner either missed this part of the speech or deliberately chose to ignore it.

Moreover, there is no reason to believe that duly authorized and properly conducted domestic security investigations threaten a free society. The FBI was most active in this area between the administrations of Presidents Franklin Roosevelt and Lyndon Johnson—perhaps the most liberal stretch of American history and the era in which domocracy and civil liberties were most widely extended. Intensive domestic security investigations did not, in other word, retard political freedom but rather accompanied its expansion and were often authorized by those in government most responsible for the expansion of freedom.

It is important to understand that mere investigation, no matter at what level, of a group or individual for domestic security purposes does not mean that the subject of investigation is being prosecuted, punished, disrupted, intimidated, threatened, or interfered with. A group or individual may advocate the most extreme violence, all sorts of nonsensical and dangerous ideas, and the most oppressive or anarchic forms of government. Authorizing investigation of such advocacy merely means that the government (specifically, the FBI) is allowed to know about the groups or individuals, their associates, or those influenced by them and how seriously they intend their rhetoric. The justification for such investigations (which may mean merely collecting and reading the literature of such groups) is simply that some extremists are serious when they call for violence and do have the capability to carry out their threats. By knowing about such groups in advance, the authorities are aided in preventing violence. The negative is also useful: if a group is not serious in its advocacy of violence or does not have the ability to carry it out, the authorities need to know this too in order to redirect their resources more effectively. There has been substantial testimony in the Subcommittee on Security and Terrorism to this effect as well as in other committees in previous Congresses, but Donner either is ignorant of this evidence or choses to disregard it.

This brings us to Donner's third charge, namely, (3) Investigation of terrorists and their support apparatuses is not useful for the prevention of terrorist violence. In arguing for the contrary of this proposition, I cited several instances from recent history in which the absence or withdrawal of proactive investigation was followed by the perpetration of violence by the group from which investigation had been withdrawn or was lacking.

It is impossible to prove a negative, so no one can say with absolute certainty that investigation would have prevented the violence. Yet, given the circumstances, it is only common sense that at least some of it would have been prevented. This is not merely my subjective guess. It is based on discussions with professional intelligence and law enforcement officers, some of whom were directly concerned with some of the incidents I described or with similar incidents. Every intelligence officer or investigator with whom I have talked and who was involved in counter-terrorist work prior to the guidelines has described to me cases in which proactive investigation has prevented violence and has saved lives—the kind of investigation that is not allowed or is minimized under the guidelines in their present form.

Donner is at great pains to demonstrate that every one of the instances I discussed is invalid. It is in this section of his article that the profundity of his ignorance, his inability to think clearly, and indeed his artful and deceptive style become most evident. I will not try to reply to every one of his embarrassing bloopers here, since it would require almost a line-by-line analysis. Instead I will dwell on the most absurd of his errors in order to display his incompetence to write on this subject.

(1) The Brinks Robbery: One of the suspects arrested fleeing from the scene of the armed robbery and triple murders in Nyack, New York last October was a member of a group known as the "May 19th Communist Organization" (MCO), and a vehicle used in the escape attempt was traced to another member of the same group. Judge Webster has confirmed in public testimony that the FBI did not have the MCO under investigation prior to the Brinks robbery, although the group is clearly linked to the Weather Underground Organization support group, the Prairie Fire Organizing Committee, and has published manifestoes advocating terrorism and armed robbery ("expropriations"). My point was that police or FBI informants in the May 19th Communist Organization could have learned of the impending robbery, previous robberies allegedly committed by the same parties, or the whereabouts of wanted Weather Underground fugitives, since the MCO has been supportive of and apparently has had contacts with these fugitives and their activities. Perhaps informants could not have learned these things, but without them, the authorities are reduced to luck and the weaknesses of the terrorist groups themselves to counter them.

Judge Webster has stated that the Levi guidelines did not prevent the MCO from

being investigated. I must disagree with him. If he is correct, then why was it not being investigated? Since the Levi guidelines do not permit the use of informants, mail covers, or electronic surveillance unless there is reason to believe a group or individual is or soon will be engaged in violence and the violation of federal law for certain purposes, and since there was no reason to believe this of the MCO prior to the Brinks robbery (other than its rhetoric), I do not see how the guidelines could have permitted the investigation of the May 19th Communist Organization.

Donner's response to this example is the following:

The fact is that two of the May 19 Organization's [sic] units, the Weather Underground and the Black Liberation Army, and several individual members as well were under intensive surveillance. Indeed, a number of the participants in the crime were fugitives and therefore targets of serious tracking efforts.

First, it is not true that the Weather Underground and the BLA were under active investigation (nor is it true that they are "units" of the MCO). The FBI closed its investigations of both groups in the late 1970's, and in December, 1981, Judge Webster stated in a press conference that the Weather Underground was no longer a functioning organization.

Secondly, Donner, in his whole discussion of the nature and purpose of investigations, reveals a woeful ignorance of both the nature of modern terrorism and of counter-terrorist intelligence. In his discussion of FALN Donner states, correctly: The experience of law-enforcement agencies is that most terrorist groups are virtually impenetrable by informants or by wiretaps and other techniques because security precautions are second nature to them.

Precisely so. The "hit teams" or "action cadres" of a terrorist group—those that actually perpetrate the violence—are generally underground or completely anonymous. In order to function, however, they must have contacts with or support from an above-ground apparatus (the "support group"), which also generally tries to publicize and legitimize the terrorists' "propaganda of the deed." The most accessible target of counter-terrorist intelligence therefore is the above-ground support structure, not the underground hit team, and through investigation of the support structure and surveillance of the contacts between it and the underground, the authorities may be led to the apprehension of the actual terrorists.

Moreover, because the support groups themselves seldom commit violence or illegal acts, they are generally not subject to investigation (at least intensive or long-term investigation) under the Levi guidelines. But because they advocate violence through their propaganda, revision of the Levi guidelines to allow for investigation of advocacy of violence would enable the FBI to investigate the support groups. In my remarks in Boston, I explained this problem and its solution very carefully, and I quoted General Schlomo Gazit, the former Director of Israeli Military Intelligence, and several other authorities to support my case. Donner was physically present during the whole of my remarks, but apparently was nodding off. He completely missed the point I was making: Investigation of the underground component of a terrorist group is often not very useful, since its whereabouts are unknown and its structure is difficult to penetrate; the proper and more accessible target of surveillance is the more public but less violent support structure. This is one reason why FBI surveillance and investigation of FALN, the Weather Underground, the BLA, and other underground terrorists have often not been very productive. The guidelines prevent the FBI from focusing on the proper target. (Even if the underground apparatus can be located, the proper response at that point is not to investigate it but simply to arrest its members).

(2) The Hanafi Muslims and FALN: Donner claims that surveillance of FALN and the Hanafis prior to the Levi guidelines did not prevent violence; therefore, he concludes, the guidelines and other restrictions on intelligence gathering are not responsible for failing to prevent violence since they went into effect. All this proves, however, is that successful surveillance and investigation are not easy. In the case of FALN (on the investigation of which I did not dwell in Boston) a Puerto Rican terrorist group active since 1974, the only breaks in the case have occurred through unsolicited tips. The FALN underground structure is highly secretive, and even surveillance of the above-ground support structure did not prove effective. This is no reason to give it up, however, since even low levels of investigation can reveal targeting, adherents, financing, ideology, and other important facts about a group (and did reveal such information in the FALN case).

With respect to the Hanafis, the point is that the withdrawal of informants from this group by the Washington Metropolitan Police during the near elimination of local police intelligence in the early 1970's obviated and made impossible any preventive action. "But if there is one thing about which we can be 'almost certain'," writes Donner, "it is that the smaller the group, the tighter the security and the more difficult the access." This remark is simply meaningless. Security is a function of the procedures and discipline of a group and has nothing to do with size. Some large organized crime families, for example, have far tighter security than all but the most sophisticated terrorist groups. Moreover, Donner's point is irrelevant, since there had been an informant in the Hanafis who had been withdrawn or dropped. I have spoken with officers actually involved in this case, and without exception they feel that retention of the informant would have prevented the Hanafi seizure in Washington in 1977, in which one person was killed. An informant in the group would almost certainly have known of the storage of arms, training and planning meetings, Hanafi surveillance of the targeted buildings, etc., and could have warned local police. Although the Hanafi case is not directly relevant to the Levi guidelines, its point is to show that the absence of surveillance enables the perpetrators of ideological violence to carry out their plans.

Similarly, the restrictions of the San Francisco police, while not federal regulations, did impede investigation and apprehension of the "Zebra" murderers. The suspect Black Muslim temple was eventually placed under mild photographic surveillance by state (not local) authorities in order to identify suspect members (some of them former convicts with records of violence), but this was only two months before a defector from the group told police what he knew of the planned murders and the case was wrapped up. Had even this amount of surveillance been permitted earlier, photographs of suspects might well have been identified by witnesses and surviving victims, and lives could have been saved.

(3) Jonestown: A Department of Justice spokesman admitted shortly after the massacre that Congressman Ryan had asked DOJ to investigate the People's Temple, but the Department "ruled out investigation into alleged brainwashing and physical abuse in religious cults because of fears such inquiries would violate constitutional guarantees of freedom of religion." (Washington Post, November 25, 1978, page A5). Apparently, then, we have come to a state where brainwashing and torture are guaranteed by the Constitution! Donner, either ignorant of or reluctant to acknowledge this admission by the Department, fantasizes that Jones's paranoia was "fed by his delusion of being spied on by the FBI and CIA." Perhaps, for that matter, it was the kind of paranoid drivel trumpeted by Donner and Jones's cohort Mark Lane about the intelligence community that instructed Jones.

(4) The Maryland KKK: More directly relevant to the guidelines themselves is the instance of the Maryland KKK, in which the FBI withdrew its informant (i.e., ceased to receive reports from him) while the Maryland State Police kept theirs in the Klan and were able to prevent serious violence shortly afterwards. The Bureau dropped its informant because of the Levi guidelines' time limits on the use of informants. Donner's attempt to refute this example is a foolish non sequitur. He points out that the FBI and State Police informant were the same individual. This fact, of course, has nothing to do with FBI loss of contact with him. The point is that because of the guidelines the FBI could not prevent an act of terrorist violence. Fortunately, the Maryland authorities, not bound by the federal guidelines, did do so. If, as many "civil libertarians" advocate, the provisions of the guidelines were extended to state and local agencies (and this has actually happened in some cases), this act of prevention could not have occurred.

(5) Finally, there is the Hinckley case. It may or may not be probable that Hinckley's violent proclivities and trip to Washington to shoot the President would have been detected. In my mind there remains a large degree of probability that he would have been detected if the Nazis had been under investigation and if Hinckley had been tracked as a potentially violent individual. However, the main point is that the Nazis themselves—a group with violent proclivities, attractive to extremists and eccentrics, and advocating totalitarian dictatorship—are not under investigation because of the guidelines. This was admitted by FBI spokesman Ed Gooderman to the editor of the conservative newsweekly, Human Events, shortly after the assassination attempt. If our religious life is to be elevated by brainwashing and torture, therefore, our political culture is to be enriched by vicious harangues in favor of genocide and totalitarianism with no chance for federal authorities to keep track of these nuts or prevent or warn of their provocative or violent activities.

Donner's general ignorance of the nature of contemporary terrorism and political violence reveals itself again, and in a major way, in his remark that Francis wants us to believe that a continuum running from dissent to violence exists in American political life and that penetration of dissenting groups is necessary to prevent the violence. He ignores what students of political violence have long known—that violence-prone

or terrorist groups have for almost a century and a half conflicted ideologically with non-violent groups, even when they share the same goals.

Although I quoted or cited several authorities on terrorism, conflict and political violence in my remarks—none of whom Donner mentions—he does not mention any to support this assertion, and we cannot know what his authorities are. Obviously there is a disagreement over tactics between violent and non-violent groups. But in the history of terrorism, the latter often develop or fragment into violent groups. Such was the case with the SDS, for example, which moved from generally peaceful demonstrations through violent confrontations before fracturing into the Weathermen. The Black Liberation Army, an explicitly terrorist group, also developed from a faction within the militant but less violent Black Panther Party. There is also very often a fringe element that, while it does not fully endorse violence, exhibits some sympathy or fascination with it and has some association with a terrorist or violent group. This is not to say that all those who sympathize with the stated goals of a terrorist or violent group are involved with, have endorsed, or sympathize with violent methods, but the connections or "continuum" are sufficiently real for law enforcement authorities to be aware of them and make use of them for investigative and preventive ends.

Earlier in his article Donner makes another meaningless distinction between "isolated" terrorist acts, such as he claims predominate in the United States, and the "ideologically motivated terrorism prevalent in Europe today." I see no necessary difference between "isolated" terrorism and "ideological" terrorism. Indeed, in most definitions of terrorism, ideological or political motivation is a key element. The 42 terrorist incidents in the United States listed by the FBI for 1981 (not all of them "bombing incidents" as Donner inaccurately claims the FBI calls them) were all, as far as we know from available evidence, committed in the name of some aberrant ideology. It is true that some of the groups said to be involved are small, unsophisticated, and only occasionally a serious threat. Others—such as the Puerto Rican and Armenian terrorists—have presented fairly serious problems for some time and promise to cause more trouble. Others still—such as the Communist Workers Party and some Iranian groups—may become serious threats. Donner appears to have no knowledge of these groups or their tendencies, and in his determination to refute everything I say, he minimizes the terrorist problem to an unrealistic degree.

In short, Donner has no understanding or knowledge of what he is talking about, and there is nothing in his article that effectively refutes or challenges anything I or other critics of the Levi guidelines have said. (Other critics include the chief of the U.S. Park Police, the past and present Directors of the Secret Service, the General Counsel of the Treasury Department, a host of local and state law enforcement intelligence authorities, and another host of former FBI agents). Even when, as is not always the case, Donner is factually correct in his challenges, his facts are usually irrelevant to the point or argument. Donner was physically present at the session in Boston, but he remained silent during the discussion that followed. I wondered then why he did not participate, but it is now clear to me that he prudently did not choose to make a fool of himself when I was present to respond to him. Instead, he wrote an article about my presentation that would be read by an audience that was not present and could not know what I had said. Unable to refute my case, he resorts to insults to me, to Senator Denton ("a bumbling primitive") and Senator East (the "master of the paranoid style," a "tiger," a "fervent ideologue eager for the limelight").

Apart from the polemical weakness and intellectual poverty that Donner's tactic displays, this kind of vituperation is really a bit too thick coming from him. In the 1950s Donner was identified as having been a Communist in the 1940s. When afforded an opportunity to refute the sworn allegations, he declined and refused to answer the question (though he later denied that he was a Communist at the time he was questioned). It is not for me to say whether Donner is, was, or ever has been a supporter of Joseph Stalin, but until he has at least clarified these allegations, the rest of us—particularly Senator Denton, who has served his country heroically—should not have to suffer his foul mouth.

I would have thought that Donner's colleagues in the ACLU, so zealous themselves for the protection of civil liberties, even for Nazis to march through Jewish neighborhoods, would have sought some public clarification from him. Was he a Communist or not, and if he was, how did he make the transition from Stalinist to a stout defender of civil liberties? In his lifelong quest to ridicule and insult anti-communists, when has he ever turned his bile on the internal terror and foreign crimes and aggression of the KGB and its grim sister services?

Indeed, it matters little to me whether Frank Donner ever was a Stalinist or not. On the evening before my remarks in Boston, Donner insisted on making a speech himself, though, I was told, he had not been invited to do so. He treated us to an incoherent, rambling, and delusive diatribe on the alleged conspiracies of the CIA, the FBI, the "McCarthy period," the "New Right," and all the other bugaboos of the Old Left. Refusing to sit down and allow the scheduled program to proceed, he was finally led away by the chairman of the conference, to the snickers of the audience, revealed for what he is, an aging phony, a relic of irrelevance, an incomparable bore.●

JOHN KENNETH GALBRAITH ON THE NUCLEAR FREEZE

● Mr. KENNEDY. Mr. President, I call the attention of my colleagues to an extremely thoughtful article by John Kenneth Galbraith in support of the nuclear weapons freeze.

Professor Galbraith demonstrates lucidly and convincingly how the Reagan administration's loose rhetoric about fighting and winning a nuclear war has galvanized the American people behind the movement for a nuclear weapons freeze. He describes how the American people have become removed from decisionmaking in the realm of military strategy, a matter which concerns the very survival of our Republic. In the finest tradition of American democracy, the nuclear freeze movement represents a grassroot initiative by Americans determined to take their future into their own hands.

I commend Professor Galbraith's article to the Senate and request that it be printed in full at this point in the RECORD.

The article follows:

[From the Washington Post, Sept. 5, 1982]

FRIEND OF THE FREEZE

(By John Kenneth Galbraith)

Like others in these last years, I've been deeply concerned over the dynamics of the nuclear arms race and the somber promise that it holds for mankind. Feeling so, I have tried to do whatever might be possible as a private citizen to arouse interest in arms control and concern for the exceedingly probable disaster if it does not succeed. I was a member of Americans for SALT; I have had a role in the Council for a Livable World and been a cochairman of the American Committee on East-West Accord; I persuaded the BBC, in the course of a television series on the issues of our time, to do a sequence in Death Valley to show how the landscape between Hartford and Philadelphia would look after a modest nuclear exchange; I have made speeches for Physicians for Social Responsibility, our most effective organization in advising people as to the consequences of nuclear war.

At the Democratic National Convention in 1980, I joined Adm. Gene La Rocque of the Center for Defense Information and Frank Askin, a lawyer from New Jersey, to speak in favor of a resolution calling for a bilateral nuclear weapons freeze. The freeze, a straightforward and wholly practical first step, seemed by far the best way of getting the issue away from the nuclear theologians who have made weapons policy, including arms control, their exceptionally private preserve.

The convention experience was especially instructive. Harold Brown, then in his residual days as secretary of defense—no men descend so rapidly into such well-earned obscurity as former secretaries of defense—reproached me with extreme solemnity for appearing on so frivolous a mission. He was there to lobby for the MX missile.

Charles Robb, now governor of Virginia, was designated by the Pentagon to refute the freeze heresy; he read his speech very well, despite not previously having encountered it. My own words, like those of my colleagues, were greeted with great waves of apathy. We were resoundingly defeated.

I cite these efforts not to suggest any seniority in the present discussion but to establish my credentials for affirming that, despite much efforts, we weren't getting anywhere at all until Ronald Reagan and his people came along to bail us out.

Concern for the danger of nuclear confrontation and war was, I am persuaded, just below the surface. But like the prospect of death, with which it is so largely identical, it was subject to psychological denial. Better and certainly happier not to think about it.

Needed was a major shock or series of shocks to bring the alarm into the open. This we could not provide. And this the Reagan administration, in a superbly orchestrated effort, has provided. That it was not intended does not subtract at all from the achievement.

The stage was set by the big increase in military spending, which was linked, in turn, to the assault on social expenditures. The first made the second necessary. Many

in the past had sought to show military expenditures are at the expense of other public needs. The administration made the choice clear, vivid and unmistakable, a major exercise in popular education.

Then came the renewed commitment to the MX missile and the extended debate over its basing. This was admirably designed to arouse important and articulate people, and particularly western Republicans and the Mormon church. There is wholly nonpartisan aversion to having the MX as a neighbor and target.

Next came the well-publicized decision to proceed with the neutron bomb with its thought-provoking emphasis on the destruction of people as opposed to property.

This highly substantive action was combined with more theoretical talk of a limited nuclear war, which emerged as a quite probable prospect, tolerable except to the Europeans immediately involved. The latter promptly raised their voices, which, not surprisingly, had resonance across the Atlantic, including with those who wondered in their inconvenient way if a limited war could ever be limited.

Next came the renewed emphasis on civil defense. The educational value of this is simply immense. Nothing so aroused my Cambridge, Mass., neighbors as a civil defense advisory saying that, in the event of a nuclear attack, we should all go in an orderly manner to Greenfield out near the Berkshires—those of us who had cars. As an especially telling note, we were cautioned to take our credit cards with us.

In quick response, the Cambridge City Council took time off from its normal preoccupation with potholes, garbage collection and general fiscal astringency to publish a pamphlet condemning the whole insane business and urging preventions as the only hope.

The effort to arouse the public and keep it aroused continued. Early this summer, we had word of the plans for a five-year nuclear war from which we would emerge victorious if not quite happy and glorious. Following some criticism, Defense Secretary Caspar Weinberger reiterated his commitment, adding only the thought that while we might not win, we wouldn't lose.

Meanwhile, from the National Security Council came the news that it was national policy "to prevail" over the Soviets, this being one of those inspired ambiguities that is especially designed to give scope to the imagination. A NSC staff member, Prof. Richard Pipes, had earlier been quoted as saying that there could be no peace with the Soviets until, in a generous way, they abandoned their economic and social system. In other words, a state of permanent war with the Soviets.

In July came word that the administration would no longer have negotiations on the comprehensive test ban; there were doubts about verification. Better the risk from the weapons. In August, Energy Secretary James Edwards went out to Yucca Flats to celebrate the anniversary of the bombing of Hiroshima by being present at a nuclear test. He proclaimed it "exciting" and promised more. Prof. Eugene Rostow, in charge of arms control negotiations, had earlier recurred to Hiroshima and Nagasaki. Asked if he did not fear a nuclear war, he responded that Japan had survived a nuclear attack and flourished. How better could one have guided thoughts to the unfortunates who were in the two cities on those summer days and who neither survived nor flourished?

Thus the contribution of the administration. Can anyone doubt its effectiveness compared with the feeble voices previously raised? In consequence, the freeze has become a national crusade; there has been nothing comparable since the Vietnam War, as all know, it came within two votes of success in the House of Representatives. Considering the risks we had been accepting, including that of the blind delegation of power to those who make nuclear game theory and the resulting mega-deaths their monopoly, can anyone be sorry? One must marvel, in a certain way, at the political courage (or insouciance) that was involved. Not previously had anyone imagined that massive and enduring death was a salable proposition for the average American voter.●

MR. HELMS PLAYS DODGEM

● Mr. EAST. Mr. President, I have been disturbed, but not surprised, by the confusion which has attended the press coverage of our recent proceedings concerning abortion and prayer in schools. Granted, Senate procedure is no easy subject to master. Nevertheless, I believe, some of the coverage to have been inaccurate beyond the bounds of simple ignorance.

In the interests of assisting my colleagues in appreciating this fact, I draw their attention to an editorial which appeared in the August 20 New York Times and a response from Senator HELMS which appeared in that same newspaper on August 25.

Mr. President, I ask that the editorial and Senator HELM'S reply be printed in the RECORD at the conclusion of my remarks.

The material follows:

MR. HELMS PLAYS DODGEM

"People want to know where we stand on the issues," said Senator Arlen Specter of Pennsylvania during this week's Congressional battle on abortion. People should address their complaints to Senator Jesse Helms. Thanks to him, Americans who'd been promised an orderly discussion of his Human Life Statute and Senator Hatch's constitutional amendment permitting the states and Congress to prohibit abortion were treated to the spectacle of a Senator turning debate into dodgem.

First Senator Helms reneged on his previous agreement to a schedule of time limits for debate on the abortion issue. He announced that he wanted to withdraw his statute and Senator Hatch's amendment in favor of a new measure. But he waited until Wednesday to disclose just what it was.

It turned out to proclaim that "scientific evidence demonstrates" that life begins at conception and that the Supreme Court had "erred" in 1973 when it permitted abortion. His proposal also severely restricted women's access to the procedure. It was coupled with a ban on court review of state laws sanctioning prayer in public schools. The whole business was linked to the debt-ceiling bill.

Senator Helms seriously overestimated his ability to steer. To introduce his measure, he managed to break a filibuster by Senator Packwood, the Senate's foremost supporter of abortion rights. But he was promptly bumped back by Senators Weicker and Baucus, who offered amendments designed to move the debate off the substance of abortion and school prayer and onto the constitutionality of what Senator Helms was trying to do.

Senator Helms tried to table Senator Weicker's amendment but was outvoted by colleagues who were by now thoroughly miffed at the way he was flouting accepting procedure; the Baucus amendment has yet to be acted on.

So for now, gridlock reigns. Senators Packwood and Helms cannot even agree on how to limit debate. The Senate needs to get on to other matters; senators who might support the new Helms abortion proposal do not necessarily endorse his school prayer proposal; and besides, everybody wants to go home for the Labor Day recess.

It is probably just as well that no action seems likely until September, when another long filibuster looms. But Senator Helms' effort to turn the Senate into bumper cars can hardly reassure voters on any side of the issue.

HELMS ON PRAYER AND ABORTION: "I AM READY TO TAKE MY CHANCES"

To the Editor: You spelled my name correctly in your Aug. 20 editorial "Mr. Helms Plays Dodgem." But I found scarcely anything else in it to be accurate. The Times was playing dodgem with the truth.

Contrary to your statement, the record will show that I have been ready to vote on both the voluntary school prayer amendment and the abortion amendment (they are separate amendments), now before the Senate, in the orderly fashion prescribed by parliamentary procedure. If you doubt it, inquire of Senate Majority Leader Baker.

Senators Packwood, Weicker, *et al.*, have resisted letting the Senate vote. That's why Senator Baker filed a cloture petition against their filibuster. They appear to be afraid to put their views to the test of a Senate vote.

You are dead wrong in your assertion that I have "reneged" on any previous agreement to schedule a time limitation on debate. Majority Leader Baker has refuted your assertion on the Senate floor.

You are incorrect in saying that I "wanted to withdraw" my statute. I have had several proposals available, but no specific statute was ever put forward for Senate debate until I sent my amendment to the desk. Senators Packwood and Weicker were livid because they were unsuccessful in their efforts to restrict me to an antiabortion proposal, which they thought least likely to be approved by the Senate.

I cannot imagine what prompted you to concoct the fantasy that I have ever "announced"—or even suggested—that I wanted to withdraw Senator Hatch's amendment in favor of mine. I respect Senator Hatch's right to include his proposal in any unanimous consent request.

You state that my right-to-life measure is "coupled with a ban on court review of state laws sanctioning prayer in public schools." The proposals are in fact separate proposals, which in the normal course of Senate procedure would be voted on separately; they are coupled only by the Senate rules which state the order of voting. Incidentally, the voluntary school prayer measure is the identical measure that has already passed the Senate twice.

As to the findings, which you treat with such incredulity, they are based upon the most extensive hearings on the subject ever conducted by a legislative body, in which all

points of view were thoroughly aired by legal and scientific experts and which are now available in 1,038 printed pages of testimony. Thus there need be no surprise at what the findings are.

You do me too much credit when you say I managed to break a filibuster by Senator Packwood. In fact Senator Packwood lost the floor under the rules when he sought to make a motion to restrict my rights, after telling me informally that he would make no such motion.

You say that my tabling motion was voted down by colleagues thoroughly miffed by my flouting accepted procedure. The Times evidently is more skilled at mental telepathy than I, but I have not flouted any accepted procedure to my knowledge—and, indeed, Senator Baker has stated so on the Senate floor.

If there is gridlock, it is someone else who is jamming the system. I am ready to vote at any time, I have been ready to vote on the basis of any time agreement, and I have repeatedly stated so on the record. I admit that the voting may be close, but I am ready to take my chances. Why isn't the other side?

Better luck next time.

JESSE HELMS,
U.S. Senator from North Carolina.

SUPPORT GROWS FOR SENATE EXPORT TRADING COMPANY LEGISLATION

● Mr. HEINZ. Mr. President, I recently received a letter from Michael Monroney, vice president for Government relations of TRW, Inc., detailing his company's support for the export trading company legislation (S. 734) and particularly the Senate language on the antitrust provisions.

Mr. Monroney's letter is a cogent defense of the Senate approach to the antitrust certification process. He points out that the House version fails to provide an adequate immunity and places the certification process in an agency unaccustomed to the administrative burden and disinclined to use the process to promote exports.

It is clear from Mr. Monroney's letter that the Senate version of the bill is the one best able to make ETC's viable entities. I hope the conferees will share that view.

Mr. President, I ask that the text of the letter appear at this point in the RECORD.

The letter follows:

TRW,
Arlington, Va., August 9, 1982.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: I am writing to express TRW's support for the export trading company legislation, S. 734, which, I understand, you will soon be considering in conference. This legislation will encourage more aggressive and effective export activity by a broad range of U.S. companies and strengthen the competitiveness of U.S. firms.

There are two areas in the antitrust provisions of the legislation where, I think, the Senate version is better suited to promote the purposes of the bill, and I would urge you to support them in the conference. These are as follows:

1. The Senate version would protect firms which join together to form export trading companies or associations from uncertainty regarding the legality of their actions under the antitrust laws by giving the Commerce Department the principal role in certifying them as exempt from antitrust action. The House version, on the other hand, would give this role to the Justice Department. Since the principal purpose of this legislation is to promote export activity of U.S. firms, we think the Commerce Department should have the lead role as provided in the Senate version. Justice Department responsibility for enforcing the antitrust laws appears to be adequately protected under this version by the provisions for prior consultation with the Justice Department and for court action wherein the Justice Department can contest the certification.

2. In the Senate bill, the certification protects against all civil and criminal antitrust liability so long as the companies involved abide by the terms of the certificate, while the House bill protects against only criminal and civil treble-damage liability; civil single-damage and injunctive liability remain. Since the purpose of the whole certification process is to provide protection from antitrust action for specified export activities, it would not be desirable to take back some of this protection, as the House bill would do.

We would be grateful for your support during conference on these two antitrust provisions in the Senate bill, and we hope that you will support prompt conference action on this legislation.

Sincerely,

MICHAEL MONRONEY.●

AMERICAN EAGLE GOLD COIN ACT OF 1982

● Mr. EAST. Mr. President, I wish to commend my colleague, Senator SCHMITT, for his introduction of S. 2330, the American Eagle Gold Coin Act of 1982. I am proud to be a cosponsor of this legislation.

S. 2330 implements the recommendations made last February by the U.S. Gold Commission, which included such distinguished members as Treasury Secretary Regan and Murray Weidenbaum, then Chairman of the President's Council of Econmic Advisers. The bill provides for the minting of a series of American gold coins, to be known as American Eagles, which would be comparable to the gold coins currently minted by other nations. These coins would not be legal tender, but could be used for the payment of private debts.

Whatever one's position may be on the gold standard—and I realize that there is a great deal to be said on both sides of that issue—it is difficult to see how anyone could oppose something as sensible as the measure offered by my good friend from New Mexico. We presently import 3 million Krugerrands a year from South Africa, to the detriment of our international balance of payments. Since the purchase or sale of American Eagles would not be taxable, there would be no reason for Americans to buy gold coins from foreign sources.

Earlier this year, the Treasury Department estimated that Americans would buy 20 million ounces worth of these coins during the first year of issue, simultaneously reducing the 1983 budget deficit by $7.5 billion and improving America's balance of payments by as much as $5 billion. This estimate was made when the price of gold was $375 an ounce. As we know, the yellow metal has since hit the $500 mark, so these figures would likely be even higher if S. 2330 soon becomes law.

Mr. President, the right to purchase gold allows a people to cast a daily vote of confidence for or against the fiscal integrity of their government. As such, it is a moral check on inflationary spending policies even where there is no official gold standard.

The American people recovered their right to own gold in 1973 after a suspension of 39 years. This right will not be easily wrested from them again. The Federal Government, which has vast gold reserves, can use them to reduce the deficit and improve our balance of payments, or it can perversely sit back while our people send billions of dollars abroad to buy the gold coins of other lands. I sincerely hope that we will choose the wise and obvious course. I urge prompt passage of S. 2330.●

QUORUM CALL

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 1:50 P.M.

Mr. BAKER. Mr. President, I observe that the clock has reached the hour of 12 noon, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 1:50 p.m. today.

Thereupon, at 12 noon, the Senate recessed until 1:50 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ANDREWS).

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate resumed consideration of the joint resolution (H.J. Res. 520).

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. PACKWOOD) is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator

from Oregon may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. BAKER. Mr. President, it is now 1:50 p.m., and under the order previously entered, as the Chair correctly pointed out, the Senator from Oregon is recognized.

At 2 p.m. we will have a cloture vote pursuant to the provisions of rule XXII on the limitation of further debate on the Helms second degree amendment.

It is expected that the Senate will be in session on that matter through the remainder of the afternoon looking to an adjournment time or recess time of 5 or 6 p.m.

Mr. President, If this cloture vote does not prevail, and I make no prediction one way or another in that respect, Members should be on notice that another cloture motion will be filed and there will be another vote as soon as it is eligible under the provisions of the rule.

Mr. PACKWOOD. Mr. President, is it the intention of the leader to file a motion today or tomorrow?

Mr. BAKER. Yes. It will be filed today. It is my intention to do that.

Mr. PACKWOOD. And vote on it then on Monday?

Mr. BAKER. On Monday.

I may also say, since I see the Senator from North Carolina is in the Chamber, that if we can arrange it after this cloture vote, whether cloture succeeds or fails, I wish to take a brief moment to consult with the Senator from Oregon, the Senator from North Carolina, the Senator from Connecticut and perhaps others who are principally involved in this debate so we can try to make an orderly arrangement for the procedure to follow.

Mr. President, I thank the Senator for yielding, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 2040

Mr. PACKWOOD. Mr. President, as the Senate is aware, we are at the moment discussing the Baucus amendment relating to court jurisdiction, although at 2 p.m., we will vote on the motion of cloture to terminate debate on the so-called Helms second-degree amendment which relates to abortion and that amendment is, of course, an effort to reverse by statute rather than by constitutional amendment the Supreme Court decision in the case of Roe against Wade which was the decision that allowed a woman to make a decision for herself as to whether or not she wanted an abortion.

Roe against Wade is a decision of the Supreme Court which says that women have a constitutional right to make a decision for themselves whether or not they want to have an abortion. They do not have to have one. But the Court says that the Government may not take away from them the right to make a decision as to whether or not they want to choose to have one. And that is an important distinction.

We are trying to leave the choice to the woman, not to the Government, as to whether or not she wants to have an abortion.

The ramifications, however, of the amendment of the Senator from North Carolina, my distinguished friend, Senator HELMS, go much beyond the subject of abortion, per se, because what this amendment endeavors to do and the amendment to which it is attached, the school prayer amendment, is to take away from the Supreme Court the right to make constitutional decisions by simply reversing them by statute.

Heaven knows, the Supreme Court has, in its history, made decisions at one time or another that probably every Member of this Senate disagrees with—not all of us disagreeing with the same decisions—but there are many decisions we do not agree with. And in our history, the Supreme Court has made on occasion decisions that so aggrieved the public, Congress, and the States that constitutional amendments were passed to overturn the Supreme Court decisions.

We did it with the 11th amendment, which resulted out of the case of Chisolm against Georgia. Chisolm was a citizen of another State. Chisolm sued the State of Georgia alleging that Georgia owed him some money. This so offended the Congress of that day and the States of that day that they offered the 11th amendment which would prohibit a citizen of one State from suing another State, and that amendment was adopted.

Then we adopted the Civil War amendments—the 13th, 14th, and 15th amendments—all of which in one way or another were designed to overturn the Dred Scott decision which said that blacks were not citizens of the United States with all of the concomitant rights thereto.

It is interesting to note that even in the passion of the Civil War and the sentiment of the Civil War, which was probably the most divisive moment in this Nation's history, even at that time, we did not try to overturn the Supreme Court's decisions on the Constitution with a statute. We went the route of a constitutional amendment.

We did it again with the 16th amendment. Congress had passed a law levying an income tax. The Supreme Court held that that law was unconstitutional, that under the Constitution, as then written, Congress did not have the power to levy an income tax, and, consequently, the 16th amendment was passed, which allowed Congress to levy an income tax. And it is interesting to note that while there were several statements and thoughts after the Supreme Court decision about trying to reverse the Supreme Court by statute, the effort was not made, and we did it with a constitutional amendment.

We did it most recently with the 18-year-old vote. Congress passed a law saying that 18-year-olds could vote in Federal and State elections. The Supreme Court held that, while Congress had the power to direct 18-year-olds to vote in Federal elections, we did not have that power as far as State elections were concerned. So the 26th amendment was offered and passed, extending the 18-year-old vote in all elections.

In each of those four cases, a constitutional amendment, which is the proper route, was used to overturn a constitutional decision of the Supreme Court.

At a future time in this Congress, the majority leader has assured us that we will have a chance to consider the Hatch amendment to the Constitution. The Hatch amendment is a constitutional amendment to reverse the Supreme Court decision allowing women to have the right to choose.

I do not agree with his amendment, and indeed I will fight it and argue against it, but at least he is pursuing the proper method, and when we get to that debate, we will be debating the substance and the issue of whether or not a woman should have a right to choose, or whether we should take that away by a constitutional amendment and send it out to the States.

But none of that are we debating today. Today, we are debating whether or not we are going to overturn almost 200 years of American history, and certainly overturn all of the history since Marbury against Madison, in 1803, that said that the final arbiter of what the Constitution says is the U.S. Supreme Court.

We do not have to like it. We do not have to agree with it. But short of revolution in the present form of Government we have, someone has to be the final arbiter of what the Constitution means, and that final arbiter is the U.S. Supreme Court, unless it is reversed by a constitutional amendment in accordance with the Constitution.

To undertake the avenue the Senator from North Carolina suggests is to say that henceforth, Congress, not the Supreme Court, will be the final arbiter of what the Constitution says, and if we, in Congress, do not like what the Court says about the Constitution, by a majority vote in each House, 51 votes here in the Senate and 218 votes in the House of Representatives, we can overturn that.

I do not have to warn Members of this body what that portends for our form of Government.

Robert Bork, now on the court of appeals but before appointment to the court a well-known constitutional scholar, a conservative constitutional scholar, one who is opposed to the Supreme Court decision in Roe against Wade, testified before the Judiciary Committee that even though he thought Roe against Wade was not only wrong but he thought it was unconstitutional——

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 2 p.m. having arrived under the previous order the clerk will state the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

Howard Baker, Jesse Helms, Rogers Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, Nancy Landon Kassebaum, John P. East, Steven Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, Robert Dole.

Mr. BIDEN. Mr. President, I am now taking this occasion to rise and announce that I will vote to invoke cloture on the Helms amendment, but that I cannot support the substance of the amendment itself and, when the Senate moves to final passage, will cast my vote against the amendment.

I have chosen to follow this course for a number of reasons:

As I said during Judiciary Committee consideration of the proposed Hatch amendment, I believe we should have a debate on this issue on the Senate floor and we should vote on it—up or down.

None of us enjoys being put in this position. As the chairman of the Judiciary Committee has said on a number of occasions, we need a modern day King Solomon to resolve the issue for us. Unfortunately, no such person exists and popular dissatisfaction with the Supreme Court decision has forced this issue upon us. It will not go away if we choose to ignore it.

So I will vote to invoke cloture, giving the Senate the opportunity to work its will on this issue so that we can then get back to the many urgent legislative matters at hand which require our prompt attention.

I will, however, vote against the Helms amendment on final passage. While I still oppose the use of Federal funds to pay for abortions and will continue to vote for the so-called Hyde amendment in the future, I believe the measure before us goes well beyond the scope of Hyde.

First of all, I am troubled by the section prohibiting the use of Federal funds for research and training in abortion techniques. While I have no formal medical training, I am aware that a number of techniques, such as curretage, used in abortions are also essential to the treatment of other problems not directly related to abortions. My worry is further extended because, while the measure allows federally funded abortions to save the life of the mother, these provisions would severely limit the availability of trained and skilled surgeons in such life threatening instances.

This is to say nothing of the effect these provisions could possibly have on various forms of research that have given us greater insight into the miracle of fetal development.

I am further concerned about the prohibition on the use of Federal funds for abortion referrals. Senator HATFIELD recognized this problem in his own abortion funding measure after discovering that recent Federal court decisions in Arizona and North Dakota call into question the constitutionality of restrictions on such referrals. According to these decisions, if the prohibition of "referral" is interpreted as interfering with the counseling relationship of doctor and patient, the statute may be an infringement of first amendment rights.

Although I have not studied the effect of Senator HATFIELD's solution of changing the word "refer" to "promote," I cannot support a prohibition on referrals as embodied in the pending amendment.

I am also concerned about the section prohibiting health plans serving Federal employees from offering abortion coverage. I am not certain we should be in the business of making that kind of decision.

Most important, however, is the finding declaring that "scientific evidence demonstrates the life of each human being begins at conception." Regardless of my personal views on the matter, I cannot agree that the evidence is quite that clear and that we should make such a declaration.

The hearings on the so-called human life bill" demonstrated that no such consensus exists. I do not believe the Congress should sit back and pick a particular theory and declare it transformed automatically into reality. We are not competent to make that determination.

Now I do realize that this language appears in the "findings" section, not in the actual body of the measure, and therefore does not have legal weight. Findings do, however, form part of the legislative history through which a particular bill is enacted and could quite possibly be used in a court of law as clear evidence of congressional intent. This language, therefore, could have greater legal consequence than might be apparent at the present time.

I do not take these positions lightly. I realize that people on both sides of this issue will be disappointed in my stand. But I have given the matter a great deal of thought. Let us move to a final vote, let each Senator cast his or her ballot, and let us move on to the other important issues facing us on our legislative agenda.

● Mr. ROTH. Mr. President, I am voting to invoke cloture.

This issue has been debated at length, both on this bill and in other forms. Senators clearly know the arguments, pro and con. We have 3 weeks left in this congressional session, and it is simply irresponsible to tie up the Senate on this matter any further.

I do, however, have serious problems with the Helms amendment. I have, and remain, opposed to Federal funding of abortions. But I cannot support some of the restrictions in this amendment. For instance, when the life of a mother is in jeopardy, I believe medical personnel must have the ability to perform a life-saving operation. The Helms amendment would not allow this.

Mr. President, I also must add that I remain committed to school prayer legislation. I have been a long-term supporter of these measures, and I hope the Congress can enact legislation to permit voluntary, nondenominational school prayer as soon as possible.●

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the Helms amendment numbered 2038 shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Utah (Mr. HATCH), the Senator from Oregon (Mr. HATFIELD), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. MCCLURE), the Senator from New Mexico (Mr. SCHMITT), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) and the Senator from Kansas (Mrs. KASSEBAUM) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from Montana (Mr. MELCHER) are necessarily absent.

I further announce that, if present and voting, the Senator from Hawaii (Mr. MATSUNAGA) would vote "nay."

The PRESIDING OFFICER (Mr. BRADY). Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 41, nays 47, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—41

Abdnor	Exon	Murkowski
Armstrong	Ford	Nickles
Baker	Garn	Nunn
Biden	Grassley	Pell
Boschwitz	Hawkins	Pressler
Cochran	Heflin	Proxmire
D'Amato	Helms	Quayle
Danforth	Huddleston	Randolph
DeConcini	Humphrey	Roth
Denton	Jepsen	Sasser
Domenici	Johnston	Symms
Durenberger	Kasten	Thurmond
Eagleton	Lugar	Zorinsky
East	Mattingly	

NAYS—47

Andrews	Dodd	Moynihan
Baucus	Glenn	Packwood
Bentsen	Gorton	Percy
Boren	Hart	Pryor
Bradley	Hayakawa	Riegle
Brady	Heinz	Rudman
Bumpers	Hollings	Sarbanes
Burdick	Inouye	Simpson
Byrd, Harry F., Jr.	Jackson	Specter
	Kennedy	Stafford
Byrd, Robert C.	Leahy	Stennis
Chafee	Levin	Stevens
Chiles	Long	Tower
Cohen	Mathias	Tsongas
Cranston	Metzenbaum	Warner
Dixon	Mitchell	Weicker

NOT VOTING—12

Cannon	Hatfield	McClure
Dole	Kassebaum	Melcher
Goldwater	Laxalt	Schmitt
Hatch	Matsunaga	Wallop

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment. I have cleared this request with the principals involved in this debate. It is agreeable. I hope there will not be an objection to it.

In a moment, I intend to suggest the absence of a quorum to gain a little time so that the principals on each side of this controversy can gather together and we can see where we are and where we are going next.

But, in the meantime, I ask unanimous consent that, when I yield the floor, the Senator from Oregon may be recognized after the calling off or completion of the quorum, which I am about to suggest, for the purpose of continuing the debate on this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, let me say that it is my intention today to file another cloture motion. I will consult with the minority leader on that before I make any further requests as to the time for a vote. I would expect that we will continue to debate this measure today.

I may say, for the benefit of the Senate, I do not now know what the prospects are for the Senate dealing with the veto message. The House of Representatives will vote on the President's veto message, I am told, between 3 and 4 o'clock this afternoon. If it is sustained, then, presumably, there will be a new supplemental appropriations bill that we must deal with. If it is not sustained, then, of course, we must deal with the veto message.

So Senators should not assume that tomorrow will be a voteless day. It very well may be a busy day, either on debate on this matter or perhaps on the supplemental appropriations veto message or another supplemental appropriations bill.

Mr. BUMPERS. Will the majority leader yield?

Mr. BAKER. I yield, without losing my right to the floor, to the Senator from Arkansas.

Mr. BUMPERS. Is it the majority leader's intention to have another cloture vote at sometime Monday?

Mr. BAKER. Yes, that is my present intention.

Mr. BUMPERS. Could the majority leader give us any idea as to between what hours?

Mr. BAKER. No. I have talked in a preliminary way to the minority leader about that. I am trying to adjust that time so it meets the convenience of most Senators on both sides, but I will have an announcement to make about that at a little later time.

Mr. BUMPERS. I thank the Senator.

Mr. BAKER. If no other Senator seeks recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair, in his capacity as a Senator from New Jersey, objects to rescinding the quorum call. The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MATTINGLY). Without objection, it is so ordered.

The Senator from Oregon is recognized.

Mr. PACKWOOD. Mr. President, I yield to the Senator from Illinois without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROPOSAL TO AMEND ADMINISTRATION'S ENERGY REORGANIZATION LEGISLATION

Mr. PERCY. Mr. President, I wish to introduce today an amendment to be offered by Senator COHEN and myself during the Governmental Affairs Committee consideration of the Federal Energy Reorganization Act of 1982 (S. 2562). We believe this amendment will provide greater balance in the proposed reorganization between nuclear and all other energy resources, including conservation, while underlining the continued importance of energy to national affairs.

There are some clear advantages to the merger of energy functions with business and trade functions as proposed by the administration. However, this merger must not abandon the national consensus for a balanced energy policy and a strong commitment to energy R. & D. As currently proposed, the organization places too much emphasis on developing nuclear power at the expense of other energy sources such as coal, oil, gas, solar, biomass, and conservation.

Although my own State of Illinois has been in the forefront of nuclear development, it would be foolish to tie our future to just one energy source, whether it be nuclear energy or anything else. Illinois vast coal resources must be developed in an environmentally sound manner. Our State's rising alcohol fuel industry has increasing potential to contribute to our fuel transportation needs. Conservation is also very important to our State. A shift to more efficient facilities and equipment can help Illinois energy intensive industries compete on world markets, while weatherization can help Illinois homeowners cope with rising fuel costs. Similar opportunities exist to take advantage of indigenous resources and conservation across the country. For example, in Senator COHEN's State of Maine, there has been a dramatic shift to the use of wood over the last few years, as well as a strong emphasis on weatherizing homes.

Yet, under the current bill, there would be four Assistant Secretaries with primarily nuclear-related functions, but only one catch-all Assistant Secretary for all other resources, including conservation. In essence, almost all nuclear functions have been

enhanced from their organizational status, while conservation, solar, coal, oil, and gas have been reduced in status.

Our amendment would correct this imbalance by establishing a separate Assistant Secretary for Conservation and Renewable Energy and a separate Assistant Secretary for Fossil Energy, as there is currently at the Department of Energy. In addition, instead of raising the present Office of Basic Research to an Assistant Secretary level, we would merge this position with the proposed Assistant Secretary for Nuclear Energy, keeping the total number of Assistant Secretaries the same.

This structure will more accurately reflect the budget priorities for energy spelled out in the budget resolutions adopted by Congress in the past 2 years, and I am hopeful that Congress will once again reaffirm its commitment to a balanced energy future during this year's appropriations process.

The need for a diversified energy future becomes even more essential in light of growing concern about the spread of nuclear weapons to countries that do not already have them. The epidemic spread of nuclear technology, equipment, and fuel to unfriendly countries or terrorists who may use them against us is one of the greatest security threats facing our Nation. The security aspects of nonproliferation must therefore be reflected in any new energy organization. Our amendment would clearly assign this responsibility to an Assistant Secretary for Non-Proliferation and Security Affairs, labeled the Assistant Secretary for Security Affairs in the current administration proposal under the Deputy Secretary for Defense. This would upgrade the status of nuclear nonproliferation. It would also avoid the possible conflict of interest inherent in having the Deputy Secretary for Energy take on this responsibility while simultaneously being responsible for the entire domestic nuclear energy budget.

Our amendment would also change the title of the reorganized agency to the Department of Energy and Commerce. This would underline that the transfer of energy functions, as the administration has repeatedly stated, is not a "dismantlement" but a "merger" and would demonstrate the increased stature of the merged Department. This change in title would guarantee that energy issues are still given the Cabinet-level attention they deserve, while assuring our friends abroad that we would not be abandoning our international energy responsibilities. In addition, this title more accurately reflects funding levels for energy functions which remain significantly higher than commerce-related function.

Finally the amendment would provide for a more smooth transition of specific energy functions. One of the primary problems which has plagued the Department of Energy since its creation has been repeated internal reorganizations. This has been particularly striking in the conservation and renewable area. A recent GAO report has shown the severe damage inflicted on the conservation and renewable programs from an internal reorganization last fall. Our amendment would tighten the proposed legislative language to minimize program disruptions during the transition period.

On September 15, I shall chair a hearing of the Governmental Affairs Committee on the energy reorganization bill, during which the committee will take a more indepth look at how we can amend the current bill to make it a better balanced and more acceptable proposal.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the proposed amendment.

There being no objection, the text of the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT TO S. 2562, COMMITTEE PRINT

(Purpose: To provide greater balance in the proposed reorganization between nuclear energy and all other energy resources, including conservation)

On page 1, in the table of contents, strike out the item relating to section 203 and redesignate the item relating to section 204 as the item relating to section 203.

On page 1, in the table of contents, insert after the item relating to section 302 the following new item: Sec. 303. Establishment of offices.

On page 9, between lines 13 and 14, insert the following:

(52) subtitle A of the Biomass Energy and Alcohol Fuels Act of 1980 (42 U.S.C. 8811-8821);

(53) section 221 of the Energy Tax Act of 1978 (26 U.S.C. 4041 note);

On page 9, line 14, strike out "(52)" and insert "(54)".

On page 9, line 17, strike out "(53)" and insert "(55)".

On page 10, between lines 21 and 22, insert the following:

(e) The Office of the Assistant Secretary for Conservation and Renewable Energy is transferred to the Department of Commerce. Such Office shall be headed by the Assistant Secretary for Conservation and Renewable Energy appointed pursuant to section 302 (c)(4).

On page 12, strike out lines 20 through 30.

On page 12, line 32, strike out "SEC. 204." and insert "SEC. 203.".

On page 15, strike out lines 3 and 4.

On page 15, line 5, strike out "(4)" and insert "(3)".

On page 15, line 10, strike out "(5)" and insert "(4)".

On page 15, line 13, strike out "(4)" and insert "(3)".

On page 16, lines 29 and 30, strike out "Energy Research" and insert "Nuclear Energy and Basic Research".

On page 16, line 32, strike out "and" the first place it appears.

On page 16, line 34, insert before the period a comma and "and managing the Federal program of research on and development of the technology for nuclear power production, including research on and development of breeder reaction systems, naval nuclear propulsion, and disposal of nondefense generated nuclear waste".

On page 17, strike out lines 1 through 14 and insert the following:

(4) One of the Assistant Secretaries appointed pursuant to paragraph (1) shall be the Assistant Secretary for Conservation and Renewable Energy, who shall (A) perform the functions of the Secretary of Commerce relating to energy conservation and the development of technologies for renewable energy sources, (B) perform the functions of the Secretary of Commerce relating to the management of research, development, and demonstration projects and financial and technical assistance programs, including grants to State and local governments, regulatory programs, and information programs promoting the more efficient use of energy in buildings, industry, and transportation and the use of renewable energy technologies, (C) advise the Secretary of Commerce on the development of regulatory and fiscal policies that may effect the promotion of efficient energy use or the use of renewable resources, and (D) perform the functions transferred to the Secretary of Commerce by paragraphs (52) and (53) of section 201(a).

(5) One of the Assistant Secretaries appointed pursuant to paragraph (1) shall be the Assistant Secretary for Fossil Energy, who shall perform the functions of the Secretary of Commerce relating to the development of technologies for fossil energy.

On page 17, beginning with "Notwithstanding" in line 25, strike out through the period in line 29.

On page 17, beginning with line 30, strike out through line 6 on page 18 and insert the following:

(d) There shall be in the Department of Commerce an Assistant Secretary for Nonproliferation and Security Affairs, who shall be appointed by the President and who shall receive compensation at the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Assistant Secretary for Nonproliferation and Security Affairs shall (1) advise the Secretary of Commerce with regard to the development and implementation of United States nuclear nonproliferation policies and programs and intelligence and security issues; (2) represent the Secretary of Commerce in interagency committees and groups dealing with nuclear nonproliferation, intelligence, or security issues; (3) advise the Secretary of Commerce regarding the relationship of United States nonproliferation policy to domestic energy policy, including uranium enrichment, breeder reactor, and nuclear research and demonstration programs; (4) gather and evaluate intelligence related to nuclear nonproliferation, international energy, national security, and related matters. The Assistant Secretary for Nonproliferation and Security Affairs shall report to the Secretary of Commerce through the Deputy Secretary for Defense Programs and shall perform such additional functions as the Secretary of Commerce or the Deputy Secretary for Defense Programs may prescribe.

On page 18, between lines 6 and 7, insert the following:

ESTABLISHMENT OF OFFICES

SEC. 303. (a) There shall be in the Department of Commerce an office of Fossil

Energy, which shall be headed by the Assistant Secretary for Fossil Energy appointed pursuant to section 302(c)(5).

(b) There shall be in the Department of Commerce an Office of Nonproliferation and Security Affairs, which shall be headed by the Assistant Secretary for Nonproliferation and Security Affairs appointed under section 302(d).

On page 33, line 24, strike out "or".

On page 33, line 26, insert before the period a comma and "or the Office of the Assistant Secretary for Conservation and Renewable Energy transferred to such Department by section 201(e)".

On page 40, line 4, insert after the period the following: "Unexpended funds transferred pursuant to this subsection or section 703 shall be used only for the purposes for which the funds were originally authorized and appropriated.".

On page 40, line 32, strike out "(a)".

On page 41, strike out lines 9 through 14.

On page 50, between lines 1 and 2, insert the following:

REDESIGNATION

SEC. 713. (a) The Department of Commerce is redesignated the Department of Energy and Commerce, and the Secretary of Commerce or any other official of the Department of Commerce is redesignated the Secretary or official, as appropriate, of Energy and Commerce.

(b) Any reference to the Department of Commerce, the Secretary of Commerce, or any other official of the Department of Commerce in any law, rule, regulation, certificate, directive, instruction, or other official paper in force on the effective date of the Act shall be deemed to refer and apply to the Department of Energy and Commerce or the Secretary of Energy and Commerce, respectively.

● Mr. COHEN. Mr. President, I rise today to join my distinguished colleague from Illinois, Senator PERCY, in offering an amendment to S. 2562, the Federal Energy Reorganization Act of 1982, which was introduced at the request of the President.

When the President announced his plans to reorganize Federal energy functions, I had some skepticism. Still, I was careful to keep an open mind until the legislative proposal had been submitted to Congress and I had an opportunity to fully review it.

Now that I have studied S. 2562, and participated in the Senate Governmental Affairs Committee's first two hearings on the bill, I must say that many of my original concerns remain. The amendment Senator PERCY and I are introducing today addresses many of these concerns.

At the outset, I would like to point out that despite the current oil glut, our Nation's energy crisis has not come to an end. The glut we are experiencing has been caused by a prolonged international recession, increased conservation efforts, depletion of larger than normal reserves, and OPEC production levels exceeding the organization's approach targets. This oil surplus could end at any time because of supply disruptions, inventory buildup, or an expanding world economy.

One year ago, President Reagan announced in a national address on economic policy that he would soon propose the dismantling of the Department of Energy. He would do so, he said, because "we do not need an Energy Department to solve our basic energy problem. As long as we let the forces of the marketplace work without undue interference, the ingenuity of consumers, business, producers, and inventors will do that for us."

I agree with the administration that the private sector will prove much more efficient in distributing energy supplies throughout the country and in determining which energy technologies are worthy of investment. However, I have two major objections to the way in which the administration's free market energy policy is being carried out.

First, the administration is proposing that we abandon many federally supported technologies which are unable to compete in today's market, but which could prove to be valuable contributors to our Nation's energy mix in the years ahead. Second, the administration has drawn an exception for the nuclear industry by arguing that "the marketplace will encourage people to use solar energy on their own, but the nuclear industry is weak and requires a Government presence to put it on a stronger footing."

These policies are reflected in the administration budget request for fiscal year 1983, which proposes major spending reductions in all nonnuclear energy resources. It is also made clear in the reorganization proposal, which establishes one Assistant Secretary for all nonnuclear energy resources, while creating three Assistant Secretary positions and one Director for all nuclear-related functions.

This stands in sharp contrast to the present structure of the Department of Energy. The Department today has a separate Assistant Secretary for each of the following resources: nuclear, fossil fuels, and conservation and renewables. Without a balanced energy policy encourages the development of a variety of energy technologies, we will be seriously limiting the number of alternatives available to us in the future.

The amendment Senator PERCY and I are introducing today would correct this imbalance by establishing a separate Assistant Secretary for Conservation and Renewable Energy and a separate Assistant Secretary for Fossil Fuels. In addition, rather than raising the present Office of Basic Research to an Assistant Secretary level, as proposed in the legislation, our amendment would merge this position with the Assistant Secretary for Nuclear Energy. Restoring balance to the organizational structure of Federal energy programs will more accurately reflect the will of Congress, which has consistently supported alternative energy resources, including conservation.

Our amendment would also change the name of the reorganized agency to the Department of Energy and Commerce. This would alleviate the concerns of those who fear that abolition of the Department of Energy means the abandoning of a national energy policy.

By including "Energy" in the title of the newly organized Department, we are sending a signal both home and abroad that we remain committed to resolving our Nation's energy problems and that we will continue to meet our International Energy Agency obligations. Since the proposed reorganization calls for transferring the majority of Federal energy programs to Commerce, rather than eliminating them, the title change more accurately reflects the activities of the new Department.

The reorganization proposal places all Federal nuclear programs—civilian and military research and development, as well as promotion of nuclear exports—in the Department of Commerce. There is a potential conflict of interest in the Department between its responsibility for promoting nuclear sales abroad and its responsibility for controlling the spread of nuclear weapons. Yet, the reorganization proposal fails to assign a top-level person within the Department to be in charge of nuclear nonproliferation policy.

Our amendment would assign this responsibility to the proposed Assistant Secretary of Security Affairs. It would also change the title of this position to the Assistant Secretary for Nuclear Nonproliferation and Security Affairs. Upgrading this to an Assistant Secretary position will make clear to our partners in the International Atomic Energy Agency that we attach great importance to the problem of nuclear proliferation.

Since its establishment in 1977, the Department of Energy has undergone several internal reorganizations. These culminated in several reductions in force (RIF's) when the new administration took office in 1981. The General Accounting Office (GAO) has just completed a study of the reductions in force for the Office of the Assistant Secretary for Conservation and Renewable Energy, and its findings are quite disturbing.

In particular, the GAO has concluded that the Office will face great difficulty in carrying out mandated programs. Another GAO report on the reorganization proposal said that the administration has not performed the necessary planning to provide for a smooth transition of energy programs. Our amendment includes provisions that, we believe, are necessary for that orderly transition.

The Senate Governmental Affairs Committee will be holding its third hearing on S. 2565, the Energy Reorganization Act of 1982, on Wednesday, September 15. The focus of the hearing will be on the need for a balanced Federal energy policy.

I firmly believe that a strong Federal role is needed to assert long-term leadership and direction toward development of a variety of energy resources since that effort is not forthcoming from the private sector. I look forward to discussing this further in Wednesday's hearing, and I urge my colleagues to consider these amendments and other possible changes to S. 2562 that will make it more acceptable.●

Mr. PACKWOOD. Mr. President, I ask unanimous consent that when we again ask for a quorum call, when the quorum call is terminated, I again be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

APPOINTMENTS ON BEHALF OF THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 84-689, appoints the following Senators as delegates to the North Atlantic Assembly meeting to be held in London, United Kingdom, November 14-19, 1982: the Senator from Maryland (Mr. MATHIAS), chairman; the Senator from Texas (Mr. TOWER); the Senator from Illinois (Mr. PERCY); the Senator from Alaska (Mr. STEVENS); the Senator from Delaware (Mr. ROTH); the Senator from Idaho (Mr. MCCLURE); the Senator from North Dakota (Mr. ANDREWS); the Senator from Georgia (Mr. MATTINGLY); the Senator from Alaska (Mr. MURKOWSKI); the Senator from Pennsylvania (Mr. SPECTER); the Senator from Rhode Island (Mr. PELL), vice chairman; the Senator from Washington (Mr. JACKSON); the Senator from South Carolina (Mr. HOLLINGS); the Senator from Missouri (Mr. EAGLETON); the Senator from Georgia (Mr. NUNN); and the Senator from Delaware (Mr. BIDEN).

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. BAKER. Mr. President, I ask unanimous consent that the Senator may yield to me without losing his right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the interruption in his presentation not be counted as an additional speech for the purposes of rule XXII.

The PRESIDING OFFICER. The Senator means rule XIX?

Mr. BAKER. Rule XIX.

The PRESIDING OFFICER. Without objection, it is so ordered.

INCREASE IN THE PUBLIC DEBT LIMIT

Mr. BAKER. Mr. President, I report to my colleagues that we have just concluded a meeting between the principals involved in this debate looking to the possibility of an arrangement to dispose of the issues before the Senate. I regret to report that we have not reached an agreement on how that could be done, although I also report that the parties at that meeting, which included the Senator from Oklahoma (Mr. NICKLES), the Senator from Alabama (Mr. DENTON), the Senator from North Carolina (Mr. HELMS), the Senator from Connecticut (Mr. WEICKER), the Senator from Oregon (Mr. PACKWOOD) discussed the matter freely and fully and I believe in good faith.

Notwithstanding, Mr. President, I think certainly some progress was made. For instance, the principals involved will agree, and shortly I will propound a unanimous-consent request to this effect, that for the remainder of today and tomorrow and Monday no tabling motion would be in order against this measure or any amendment to this measure, this measure being the debt limit bill, or any amendments to it. The pending amendment is the Baucus amendment.

The reason for that, Mr. President—I do not now propound the request—is so that we may facilitate real and meaningful debate on these issues and not simply the utilization of time available to Senators and a feeling on the part of some of the parties that they must maintain control of the floor in order to avoid such a tabling motion.

I believe it would be wise to enter into that agreement, and I hope Senators will not object to it. It may be that everybody said everything they wanted to say on this subject, but Mr. President, I am on record for more than a year and a half saying at a time mutually agreeable to the parties and on a suitable vehicle we will have a full and fair and freestanding debate on abortion, on busing, and on other matters of a similar and sensitive nature. I believe that the quality of that debate will be substantially improved if we remove the danger of a tabling motion and parties could yield and interact more freely and more in the nature of worthwhile debate.

I will shortly file a cloture motion against the Helms second degree amendment identical in form to the cloture motion filed previously which would produce a vote on Monday under the provisions of rule XXII.

Shortly I will ask unanimous consent that the mandatory quorum under rule XXII be dispensed with, that the vote under rule XXII be dispensed with, and that the vote under the provisions of that rule occur at 5 p.m. on Monday.

Mr. President, I do not now make that request, but I will do so shortly.

Now, it is my hope that in the course of the debate on the floor during the remainder of this day and tomorrow and prior to the cloture vote on Monday we can arrive at a satisfactory arrangement for the final disposition of the amendment now pending, other amendments, and hopefully of the bill itself.

However, as I indicated to the principals in conference in my office, at some point we have to conclude this matter. I am not going to rush it. I want every Senator to have a full opportunity to discuss it.

But the debt limit bill is an essential piece of legislation and it must be passed. If we are to adjourn sine die or to even recess on October 2 or thereabouts, then we only have a few days left in which to do that, and there are other important matters, not the least of which is the entire appropriation sequence, that must be dealt with in that period of time.

So, Mr. President, having outlined that proposal and now to reiterate as briefly as I can, in a moment I am going to suggest the absence of a quorum so that our cloakroom can initiate a hotline notification to Republican Members to see if there is any objection to that request, and I hope that the minority leader might be willing to consider it during that period.

To summarize, Mr. President, when the quorum is called off, I will ask unanimous consent that no tabling motion shall be in order to this bill or any amendment thereto during the remainder of this day or during the session today, on Friday or Monday. I will further ask unanimous consent that the vote on the cloture motion, which I will file shortly, occur at 5 p.m. on Monday next without the requirement for a mandatory quorum under the provisions of rule XXII.

Mr. President, I ask unanimous consent, if there is an objection to this request, that after the entering of that objection the Chair then recognize

once more the Senator from Oregon (Mr. PACKWOOD).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDNG OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the remainder of the request I made prior to the suggestion of the previous call for the quorum apply with full effect after the transaction of the business to be proposed by the Senator from Florida—that is to say, if there is an objection to the unanimous-consent request I will present shortly, the Senator from Oregon be recognized at that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE RED SHIELD OF DAVID OF THE MAGEN DAVID ADOM

Mr. BAKER. Mr. President, there is a measure that I believe has been cleared on both sides of the aisle for action by unanimous consent. It is Calendar No. 768, Senate Resolution 367, to be offered by Senator HAWKINS.

I inquire of the minority leader if he is prepared now to consider that matter.

Mr. ROBERT C. BYRD. Mr. President, that matter has been cleared on this side.

Mr. BAKER. I thank the minority leader.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 768, Senate Resolution 367, for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 367) expressing the sense of the Senate with respect to recognition of the Red Shield of David of the Magen David Adom by the International Committee of the Red Cross.

The Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations, with an amendment to strike out all after the resolving clause, and insert the following:

That it is the sense of the Senate that—

(1) the International Committee of the Red Cross, together with the League of Red Cross Societies, should take steps to support the recognition of the Red Shield of David of the Magen David Adom Society of Israel; and

(2) the League of Red Cross Societies should formally recognize the Red Shield of David of the Magen David Adom Society of Israel so that Magen David Adom may become a member in good standing of the League.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the International Committee of the Red Cross and to the Secretary General of the League of Red Cross Societies.

Mrs. HAWKINS. Mr. President, I rise to speak in support of a resolution I submitted on April 20, 1982, concerning international recognition of the Magen David Adom Society of Israel, which is the Israel equivalent of the American Red Cross.

Mr. President, the Magen David Adom Society of Israel has honored Senator DODD and me by conferring on both of us the position of cochairman of the U.S. Committee To Secure Recognition of the Red Shield of David by the League of Red Cross Societies. The problem of international recognition of Magen David Adom has existed since its foundation in 1948. The issue is the inclusion of the Red Shield of David among those emblems currently in use and sactioned by governments under the Geneva Convention. This is an extremely important issue. This would extend the same protection to Israeli doctors, corps people, and nurses who are attending battle casualties as is currently afforded to people working under the sign of the red cross or the red crescent. Magen David Adom, however, has been denied recognition because it does not fulfill one of the 10 requirements for recognition. This single requirement is that the society use the "title and emblem of the Red Cross (Red Crescent, Red Lion and Sun) in conformity with the Geneva Conventions."

The official emblem of the Magen David Adom Society of Israel is the Red Shield of David. The League of Red Cross Societies and the International Committee of the Red Cross, however, do not sanction this emblem—and action that has prevented Magen David Adom from obtaining the international recognition that it clearly deserves. There is no universal emblem for recognition under the rules governing emblems. Moslem countries are allowed to use the Red Crescent emblem, and Iran previously used the emblem of the Red Lion and Sun, although the Iranian national society has since dropped the use of this emblem.

The Magen David Adom Society of Israel does not desire recognition because of political considerations but out of a wish for the means to continue its humanitarian work in times of international conflict. Currently, all signatories to the Geneva Convention have agreed, in times of conflict, to recognize as protective symbols those emblems mentioned under the applicable rule. Since the Red Shield of David is not recognized, it is not afforded proper protection as are recognized societies.

The American Red Cross has been extremely vocal and visible in its support of Magen David Adom's efforts to secure recognition by the League of Red Cross Societies. On November 17, 1981, at a meeting of the General Assembly of the League of Red Cross Societies held in Manila, the American Red Cross expressed deep disappointment about a decision to discontinue the work of a group investigating the problems surrounding recognized emblems. The following is an excerpt from the statement on the American Red Cross delegation present at the Manila conference:

The American Red Cross is deeply disappointed at this decision. It reiterates its conviction that the Magen David Adom is an exceptionally strong society fully qualified in every way for full recognition and equal status with Red Cross and Red Crescent Societies. It deplores the fact that the technical matter of the emblem denies Magen David Adom such recognition and status and that studies on possibilities of resolving emblem issues are not to be continued.

This statement by the American Red Cross delegation at the conference in Manila is a tribute to the humanitarian work performed by Magen David Adom. The society's dedication to humanitarian care is exemplary. During the recent conflict in Lebanon, Magen David Adom has been in southern Lebanon providing medical care, clothing, blankets, and other assistance to Lebanese civilians caught up in this conflict. I believe it is a tragedy that the Magen David Adom Society of Israel does not receive the recognition it deserves for its humanitarian efforts.

My resolution, as modified by the Senate Foreign Relations Committee, calls on the International Committee of the Red Cross to take steps to support the recognition of the Red Shield of David. It calls on the League of Red Cross Societies to recognize formally the Red Shield of David. I believe expressing that it is the sense of the Senate that the Magen David Adom Society of Israel deserves full recognition will encourage these institutions to resolve this problem favorably. I strongly urge my colleagues to support this measure so that steps may be taken to afford the Magen David Adom Society of Israel the recognition it deserves for its contribution to the cause of humanitarianism.

Finally, Mr. President, I should like to express my gratitude to the chairman of the Senate Foreign Relations Committee, Senator PERCY, and the fine staff of the committee for the contributions they have made to this effort. The committee amended some of the language in the original resolution to strengthen and clarify its intent without changing the spirit of the appeal. The resolution before us today is a better resolution thanks to the diligence and ability of Senator

PERCY and his committee, and I thank him.

Mr. President, I move the adoption of this resolution.

Mr. PERCY. Mr. President, I urge my colleagues to join Senators HAWKINS and DODD, the chief sponsors of Senate Resolution 367, in supporting this sense-of-the-Senate resolution. It is far past time that the League of Red Cross Societies recognize the Red Shield of David of the Israeli Magen David Adom and grant it full recognition as a member in good standing of the league.

The Israeli Magen David Adom has been excluded because its symbol—the Red Shield of David—is not included among the three symbols formally recognized by the XVIIth International Red Cross Conference of 1948. This exclusion is arbitrary and unwarranted. Therefore, this resolution, as amended, urges the League of Red Cross Societies to formally recognize the Israeli society and urges the International Committee of the Red Cross to use its considerable respect and influence to correct this unfortunate situation.

The Magen David Adom is Israel's major emergency medical service, providing assistance regardless of race, religion or ethnic background. It also provides disaster service, blood services, ambulance services, and other hunamitarian assistance. It is greatly respected by its counterpart medical service in the United States, the American Red Cross. The American Red Cross has given its strong support to the drive for formal recognition of the Magen David Adom.

The point of the resolution is this: In times of conflict, those national societies which are formally recognized by the League of Red Cross Societies gain additional legal protection. Parties to the Geneva Conventions are obliged not to interfere in the work of these emergency medical service organizations. Therefore, formal recognition of the Magen David Adom by the League of Red Cross Societies would provide added protection to the brave and dedicated people who work for Magen David Adom. They deserve that protection.

I am proud to be a cosponsor of this resolution, and I urge my colleagues to support it.

Mr. DODD. Mr. President, with several major armed conflicts being fought on the globe at any given time, and savage terrorist acts shocking us every other day, one wonders what is left of what we so proudly call our civilized age. What is still beyond the reach of savagery?

One institution that we would hope can transcend nationalistic, ethnic, religious hatred is the International Red Cross system. It is recognized in the East and the West, the North and the South, in the global sense, as being a genuine humanitarian institution with no stain of political, religious or any other bias.

This noble and pure character of the International Red Cross system, which is its very essence and moral capital would be endangered by the refusal to recognize the Magen David Adom with its symbol, the Red Shield of David as part of the International Red Cross system.

Since its foundation, Magen David Adom functions in the noblest tradition of the Red Cross system, providing energency medical, ambulance and disaster services regardless of the nationality or race of the victims.

However one assesses the origins and outcome of the recent Lebanon conflict, there can be no doubt that Magen David Adom's performance measured up to the highest standards of the Red Cross movement.

The Red Cross is a religious symbol of Christianity in its origin. When the first Moslem countries joined the Red Cross system, it justifiably allowed them to use an alternate symbol, the red crescent, in accordance with their own religious tradition.

There can be no other reason but political or religious bias to deny the same recognition from another alternate symbol, that of the Jewish faith. Denial of recognition would seriously erode the International Red Cross' moral foundation which is its most precious asset.

I strongly urge my colleagues to approve this resolution.

Mr. PELL. Mr. President, I rise in support of Senate Resolution 367. Senate Resolution 367 calls upon the League of Red Cross Societies to accord international recognition to the Red Shield of David which is the emblem of the Magen David Adom. Recognition of the Red Shield of David would allow the Magen David Adom to qualify for membership in the League of Red Cross Societies.

The Magen David Adom is the major emergency medical, disaster and humanitarian service organization in Israel. It is exceptionally strong and meets all but one requirement for membership in the League of Red Cross Societies. The one requirement the Magen David Adom does not meet is that it use either the red cross, the red crescent, or the now discontinued imperial Iranian red lion and sun as its emblem. This resolution urges the League of Red Cross Societies to include the Red Shield of David among the approved emblems.

Recognition of the Red Shield of David is a matter of considerable importance as recognized emblems are accorded protection in time of conflict under the Geneva Conventions. Given the tragic cycle of conflict in the Middle East it is vitally important that the emblem of the Magen David Adom have such international protection.

Passage of this resolution will put the Senate on record on a vital humanitarian issue.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The resolution, as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The title was amended so as to read:

A resolution expressing the sense of the Senate with respect to the recognition of the Red Shield of David of the Magen David Adom Society of Israel by the League of Red Cross Societies.

The resolution, with its preamble, reads as follows:

Whereas Magen David Adom is the major emergency, medical, blood, ambulance, disaster, and humanitarian service in Israel;

Whereas Magen David Adom performs services equivalent to those performed by other national Red Cross societies currently recognized as members in good standing of the League of Red Cross Societies;

Whereas Magen David Adom has been formally recognized by the American Red Cross as an exceptionally strong humanitarian organization fully qualified for formal recognition and equal status with other members of the League of Red Cross Societies;

Whereas Magen David Adom fulfills nine out of ten formal requirements for recognition under the terms of the XVII Internation Red Cross Conference held in Stockholm, Sweden, in 1948;

Whereas the one requirement that Magen David Adom does not fulfill is the rule that only Red Cross societies using the "title and emblem of the Red Cross (Red Crescent, Red Lion and Sun) in conformity with the Geneva Conventions," may be afforded full recognition;

Whereas Magen David Adom uses the Red Shield of David as its emblem and distinctive sign of the medical services of Israel's armed forces;

Whereas the Red Crescent is the recognized emblem of Red Cross societies in Moslem countries;

Whereas Magen David Adom wishes to claim the same formal recognition for its emblem as is afforded other Red Cross societies not using the Red Cross emblem as long as there is no uniform emblem agreed upon by the League of Red Cross Societies;

Whereas recognition of the Red Shield of David is vital so that parties to the Geneva Convention will recognize the Red Shield of David as a protective symbol in times of conflict;

Whereas the International Committee of the Red Cross enjoys considerable respect as a humanitarian organization of long standing and, from October 1977 until November 1981, constituted a working group with the League of Red Cross Societies to study all questions relating to emblems;

Whereas the International Committee of the Red Cross could have considerable influence on the granting of formal recognition to the Magen David Adom by the League of Red Cross Societies; and

Whereas the General Assembly of the League of Red Cross Societies took an im-

portant step toward recognition of Magen David Adom by granting Magen David Adom observer status at the meeting of the Assembly held in Manila, the Philippines, in November 1981 and on other occasions: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the International Committee of the Red Cross, together with the League of Red Cross Societies, should take steps to support the recognition of the Red Shield of David of the Magen David Adom Society of Israel; and

(2) the League of Red Cross Societies should formally recognize the Red Shield of David of the Magen David Adom Society of Israel so that Magen David Adom may become a member in good standing of the League.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the International Committee of the Red Cross and to the Secretary General of the League of Red Cross Societies.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mrs. HAWKINS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Is there objection? Hearing no objection, it is so ordered.

The majority leader may proceed.

CLOTURE MOTION

Mr. BAKER. Mr. President, the request I am about to put has been discussed extensively on both sides and I believe has been the subject of hot lines perhaps on both sides. I know it has on this side. It embraces a provision for dealing with the veto message as well as a cloture vote if the request is granted in response to the petition I am about to file.

Mr. President, I ask unanimous consent that pursuant to a cloture motion I am about to file, which would mature under the provisions of rule XXII for a vote on Monday next, that that vote occur at 4 p.m. without the requirement for a mandatory quorum under the provisions of the rule and that the rollcall vote thereon be 30 minutes in length.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I shall not object. I merely wish to point out for the record that if an objection is interposed the cloture vote would occur in accordance with rule XXII, which would mean that it would occur 1 hour after the Senate convenes following a mandatory live quorum, so we have our choice. We can either vote in 1 hour following a mandatory live quorum on Monday or we can set the hour, which the majority leader is trying to do, and therefore there is no objection.

Mr. BAKER. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitue to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

Jesse Helms, Roger W. Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, Howard Baker, John P. East, Steve Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, and Bob Dole.

SENATE SCHEDULE

CONSIDERATION OF SUPPLEMENTAL APPROPRIATIONS BILL ON FRIDAY

Mr. BAKER. Now, Mr. President, as Members are no doubt aware, the House of Representatives by the requisite constitutional majority has just passed the supplemental appropriations bill, objections of the President to the contrary notwithstanding. It is anticipated that the messenger from the House of Representatives will be seeking admission to this Chamber sometime in the morning. Senators should be on notice then that sometime tomorrow morning we will proceed to the consideration of the veto message.

Mr. President, I had hoped earlier to be able to make a unanimous-consent request that we limit the time for debate on this measure to 1 hour equally divided and provide that that debate will begin at 11 o'clock and conclude at 12 o'clock. For a variety of reasons, that does not appear to be a wise course of action at this time.

Let me say for the benefit of Senators, however, that I anticipate that the messenger will arrive in the Chamber about 11 o'clock barring unforeseen circumstances, and it is my hope that tomorrow, sometime shortly after or even prior to the time the messenger arrives from the House, we can negotiate a time limitation for debate on that measure. As I indicated earlier, it does not appear desirable to make that request at this time. Therefore, I will not, and say instead, that I anticipate the messenger from the House will arrive in the Senate Chamber tomorrow at approximately 11 a.m.

Mr. HARRY F. BYRD, JR. Will the Senator from Tennessee yield?

Mr. BAKER. Yes, I yield.

Mr. HARRY F. BYRD, JR. When the majority leader propounds the unanimous-consent request for a time limitation, will he arrange for 20 minutes for the Senator from Virginia?

Mr. BAKER. Mr. President, I will be glad to consult with the minority leader on that point. I personally have no objection to that. Tomorrow when we address that issue I will certainly keep that in mind.

Mr. HARRY F. BYRD, JR. If the Senator wants an hour's limitation, if he will make it an hour and 20 minutes, that will take care of the Senator from Virginia.

Mr. BAKER. Mr. President, I thank the Senator. I am sure some arrangement can be worked out. As I say, it does not appear desirable to make that unanimous-consent request at this time.

Mr. ROBERT C. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. Yes; I yield to the minority leader.

The PRESIDING OFFICER. The minority leader.

Mr. ROBERT C. BYRD. Mr. President, the majority leader has the floor. I merely ask the majority leader if in his judgment the vote will occur at around 12 to 12:30 p.m. tomorrow?

Mr. BAKER. Mr. President, indeed it will. I had hoped we could put down an order to vote on the veto message at 12 o'clock. It is still my anticipation that we will have that vote at 12 noon. There are certain circumstances that might intervene, but I think that is unlikely. In answer to the minority leader, the odds are heavily in favor of a vote at or very close to 12 noon tomorrow.

PROSPECTIVE CLOTURE MOTION

Mr. ROBERT C. BYRD. May I ask a further request of the majority leader? Does the majority leader foresee another cloture vote on the amendment by Mr. HELMS if the vote on the cloture motion fails on Monday?

Mr. BAKER. Yes, Mr. President, I do. Whether or not that motion is filed tomorrow or is filed on Monday is a matter I have not yet addressed.

Mr. ROBERT C. BYRD. I hope the majority leader will indulge me one further question, and I do not mean to be attempting to press him, but at some point in time, in view of the fact that we hope to go out October 2, I believe, the Senate is going to have to complete action on this debt limit bill, and the appropriation bills or a continuing resolution. What other measures are must measures before the Senate goes out on October 2?

MUST LEGISLATION PRIOR TO ADJOURNMENT

Mr. BAKER. Mr. President, I thank the Senator. In addition to the debt

limit, which is a must item that we have to deal with one way or the other, I anticipate that the entire appropriations series must be dealt with in some way. As the minority leader has pointed out and as I have pointed out from time to time, we are now in the middle of September and we do not yet have a single regular appropriation bill. I must assume the House will send us something, and I therefore would include first on that list, after the debt limit, disposition of any appropriation bills that are available and a continuing resolution or resolutions as they may be necessary to cover the operations of the Government that are not covered by regular appropriation bills.

In addition to that, Mr. President, I anticipate that S. 995, the antitrust bill, will be called up by the leadership on this side as will the so-called crime package.

There are a number of other items, Mr. President, but those are the major items that occur to me at this moment.

Mr. ROBERT C. BYRD. The distinguished majority leader hopes to have some action on the constitutional amendment?

Mr. BAKER. Yes. I thank the Senator for reminding me of that.

Not only must we finish the debt limit bill, which carries the Helms abortion debate, among other things, but also, I am committed to reiterate my determination to have a debate on the Hatch constitutional amendment relating to abortion.

Mr. ROBERT C. BYRD. Does the distinguished majority leader agree with me in saying that at some point, if cloture motions on the amendment by Mr. HELMS fail to get the required number of votes, a cloture motion will in all likelihood be entered on the bill itself, so as to expedite action on the bill?

Mr. BAKER. Mr. President, that is a real possibility, among other possibilities. It might be possible, of course, to proceed in other ways to exit from this debate if it proves futile—that is, if it cannot be concluded by a vote on an amendment or on amendments. But it is my hope we can do that. It is my hope that we can dispose of the Helms amendment on its merits, as well as the Weicker and Baucus amendments and others.

To specifically answer the minority leader as to whether I would consider at some point filing a cloture motion on the bill itself, I think I would. I have not yet concluded that I will do that. I have discussed it with Mr. HELMS and Mr. PACKWOOD and others, so they are aware that that is a real possibility.

At some point, the Senate must discharge its responsibility by passing the debt limit bill. I am on record and firmly committed to a full and thorough debate on this measure—that is, on the measures involved in the abortion debate—and I do not intend to foreshorten that unduly and I do not intend to deprive other Senators from offering amendments to the debt limit bill which may be germane, within limits. At some point, we have to finish the measure.

Mr. President, I believe there is one other unanimous-consent request that has been cleared on this side which I hope might be agreeable to the minority leader and other Senators.

TABLING MOTION RESTRICTIONS

In order to expedite the debate on the Helms amendment and other issues—that is, abortion, prayer, and other sensitive matters—I ask unanimous consent that no tabling motion to the debt limit bill or any amendment thereto be in order for the remainder of this day, Friday, or Monday, prior to the conclusion of the cloture vote on Monday next.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, the request of the majority leader is that no tabling motion be in order with respect to the measure itself or to any amendments thereto on today or tomorrow or Monday, prior to the cloture vote. Am I correct?

Mr. BAKER. That is correct.

Mr. ROBERT C. BYRD. I have no objection.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. Mr. President, it is 5 o'clock, and this is a little earlier than I had planned to recess the Senate. But in view of the action of the House of Representatives in passing the supplemental appropriations bill over the President's veto, to be absolutely honest with my colleagues, I need a little time to figure out where we go next.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, if there is no further matter to be dealt with urgently on this debate at this moment, I am going to ask unanimous consent for a time for the transaction of routine morning business.

Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 5:15 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BAKER. Mr. President, tomorrow morning, it may be that the leadership will attempt to create a period for the transaction of routine morning business by unanimous consent. Because a number of other factors may intervene that will make time very tight in the morning if we are to finish consideration of the veto message by noon, I will not do that at this time. If there is an urgent need for morning business tomorrow, if Members will communicate that to me or to the minority leader, in the case of Senators on the other side of the aisle, I will be glad to take account of their requirements.

Tomorrow the Senate will convene at 10 a.m.

After the recognition of the two leaders under the standing order, it is anticipated that there will perhaps be a period for the transaction of routine morning business.

I further anticipate that the messenger from the House of Representatives carrying the action on the President's veto will arrive in the Chamber at or around 11 a.m. tomorrow. It is a matter of such privilege that it is automatically laid before the Senate when it is received and displaces the pending business. So we will be on that measure as soon as the messenger is admitted. I hope we can finish action on the veto message by noon tomorrow.

After the disposition of the veto message, we will resume consideration of the debt limit bill, at which time the Baucus amendment will be the pending question.

I remind Senators that there is now an order against a tabling motion against the bill or any amendment to the bill. Therefore, I assume that the proponents will want to relinquish the floor and engage in worthwhile debate. As I have said, everything has been said on this subject that can be said.

In any event, we will proceed tomorrow to the supplemental appropriation veto message, and after that, we will be back on the debt limit bill and the Baucus amendment.

ORDER FOR RECOGNITION OF SENATORS DIXON AND NUNN ON TOMORROW

Mr. President, I am advised that two Senators have requests for special orders tomorrow. I ask unanimous consent that after the recognition of the two leaders under the the standing order, the Senator from Georgia (Mr. NUNN) and the Senator from Illinois (Mr. DIXON) be recognized on special orders for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M. TOMORROW

Mr. BAKER. Mr. President, I see no other Senator seeking recognition.

I move, in accordance with the order previously entered, that the Senate now stand in recess until 10 a.m. tomorrow.

The motion was agreed to; and at 5:07 p.m. the Senate recessed until tomorrow, Friday, September 10, 1982, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate, September 9, 1982:

THE JUDICIARY

Raymond L. Acosta, of Puerto Rico, to be U.S. district judge for the district of Puerto Rico, vice Jose V. Toledo, deceased.

EXPORT-IMPORT BANK OF THE UNITED STATES

Rita M. Rodriguez, of Massachusetts, to be a Member of the Board of Directors of the Export-Import Bank of the United States, vice Donald Eugene Stingel, resigned.

DEPARTMENT OF JUSTICE

Arthur F. Van Court, of California, to be U.S. Marshal for the eastern district of California for the term of 4 years, vice Robert P. La Roche, term expired.

IN THE AIR FORCE

Lt. Gen. Charles C. Blanton, U.S. Air Force, age 52, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370.

To be admiral

Adm. Harry D. Train II, [redacted]/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, and to be senior Navy member of the Military Staff Committee of the United Nations in accordance with title 10, United States Code, section 711:

To be vice admiral

Rear Adm. Arthur S. Moreau, Jr., [redacted]/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be reassigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Vice Adm. Edward S. Briggs, [redacted]/1110, U.S. Navy.

EXTENSIONS OF REMARKS

PORTS BACK MARITIME REGULATORY REFORM

HON. MIKE LOWRY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. LOWRY of Washington. Mr. Speaker, various ports of America, large and small, speaking through their trade organization, the Association of American Port Authorities, are strongly supporting H.R. 4374, the maritime regulatory reform bill, which this House will consider next week.

Recently a paper was circulated which claimed that port cities would be damaged by the legislation. The Association of American Port Authorities has written an important response to that paper, and I have enclosed for the record that letter to provide the Members the opportunity of that input before the vote next week. The letter is addressed to the distinguished chairman of the Merchant Marine and Fisheries Committee, who has been instrumental in bringing this important legislation to the floor.

AMERICAN ASSOCIATION
OF PORT AUTHORITIES,
Washington, D.C., September 8, 1982.

Hon. WALTER B. JONES,
Chairman, House Merchant and Fisheries Committee, Longworth House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to share with you our analysis and reactions to the essay of the "Shipping Act of 1981 on American Port Cities," submitted recently to your committee by the National Institute of Economics and Law (NIEL).

As you know, Mr. Chairman, this Association, founded in 1912, represents virtually all the public port authorities of the United States. During consideration of H.R. 4374 and S. 1593, we have actively communicated with appropriate members of Congress relating the positions and concerns of the U.S. port industry on key points of the proposed legislation.

In responding to the NIEL position summary, I want to state at the outset that we are completely unfamiliar with any mandate by NIEL to define and project the views of the U.S. port industry. We know of none of our ports that asked the Institute to act on their behalf, nor do we know of any ports that have been contacted by NIEL. While we would appreciate the efforts of any appropriate and qualified organization to assist us in developing research analysis and in projecting port industry positions on key issues, we find the NIEL statement to be generally an ill-prepared, ill-based summary of the portent of H.R. 4374 and S. 1593 on the interests of U.S. ports and the communities in which they operate. The input of this Association to these two bills is in large measure reflected in the markups, and whereas NIEL may find reason to project ominous impacts on our industry, we believe the proposed legislation is basically a reasonable response to the necessities of regulatory reforms.

Our response to the NIEL essay has been prepared on the basis of review conducted by port authority attorneys and port directors from the four coasts, an effort coordinated by the Association's Law Review Committee. During this review, we concluded that the proposed legislation could be refined with a series of technical amendments which would serve to clarify the appropriate status of U.S. ports as fully-recognized parties within the structure of regulations covering the maritime transportation industry. These proposed technical amendments are attached and we respectfully request your consideration.

In a letter to Senator Gorton dated February 8, 1982, AAPA outlined the major concerns of all U.S. ports regarding reform of U.S. maritime regulatory laws. At that time, we said:

". . .[I]t is vital to the success of any maritime regulatory reform plan that ports continue to be a principal element of federal ocean regulatory law. The primary inclusion of ports in the Shipping Act of 1982 is imperative to assure the continued economic success of functions associated with the flow of U.S. waterborne commerce.

"Under current law and regulatory procedures administered by the Federal Maritime Commission, ports hold a very unique place. Congress and the FMC have formulated through the years certain "rights" and "requirements" that recognize ports as essential transportation links in the movement of waterborne commerce.

"Statutory rights of ports contained in Sections 16 and 17 of the Shipping Act of 1916 provide port entities legal standing to protect themselves against undue preference or rate discrimination. Section 8 of the Merchant Marine Act of 1920 protects ports against unreasonable cargo diversion. Section 205 of the 1936 Act sets a standard for conferences in order to prevent port services discrimination."

In the months since, AAPA has closely monitored all developments relating to H.R. 4374 and S. 1593. We are satisfied that these bills, as amended, preserve the existing statutory safeguards afforded ports.

During hearings before the House Judiciary Subcommittee on Monopolies and Commercial Law on May 6, 1982, NIEL opposed H.R. 4374 on grounds it would unwisely expand antitrust immunity in the maritime industry. NIEL is now suggesting that American ports should rally in opposition to the bill, arguing this time, that it does not provide them with antitrust protection adequate to match those afforded to ocean carriers. It appears that NIEL has reversed its concerns on antitrust immunity in just a few months time.

Following is a series of summary observations on a number of specific allegations raised in the NIEL paper:

1. *NIEL charge* (page 1): H.R. 4374 and S. 1593 contain "several procedural and substantive changes to existing law" which allow common carriers/conferences to "allot ports or otherwise regulate the number and character of sailings between ports, and to engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operator . . ."

AAPA response: NIEL ignores the fact that these supposedly port debilitating powers are *already* permitted under the Shipping Act of 1916 (46 USC 814). This statute has generally performed satisfactorily in allowing ports to protect themselves. Over the years, ports have challenged various agreements and routing arrangements under the powers authorized by Sections 15 and 16 of the 1916 Act as well as other "port protection" statutes contained in Section 8 of the Merchant Marine Act of 1920 and Section 205 of the 1936 Act.

Neither bill would alter these statutory protections.

2. *NIEL charge* (page 2): "The Federal Maritime Commission strictly scrutinizes any agreement that diverts traffic from a port that would be the natural routing for the goods" and will ". . . generally find any carrier rate agreement that attracts cargo from an area 'naturally tributary' to a port to some other port to be unjustly discriminatory."

AAPA response: NIEL's analysis misstates the current status of cargo diversion law and the FMC agreement-approval process. Its arguments are not based on recent practice, but on cases no more recent than 12 years ago, some dating as far back as 1957. Those early precedents have since been bypassed by time, technological change and current FMC views of cargo diversion as embodied in the famous "minibridge" case *(Council of North Atlantic Shipping Association, et al. vs. American Mail Lines, Ltd.,* FMC 73-38 (1977)) and a subsequent alteration contained in *N.C. State Ports Authority, et al vs. Port Containerline Ltd.,* FMC 77-50 (1980). Moreover, NIEL was unable to cite a single instance where an agreement has been rejected by the commission on the grounds of cargo diversion. The reasons are obvious: (1) nearly every major agreement approved by the commission involving minibridge, microbridge, or landbridge has in effect, sanctioned cargo diversion practices; (2) the carriers involved have negotiated and compromised in order to meet the concerns of affected ports.

U.S. ports are well aware of their right to challenge those agreements. Enactment of the proposed legislation would not change current patterns of cargo diversion. As might be expected with any change in law and the regular turnover in FMC membership, port diversion cases will be interpreted and reinterpreted in the light of circumstances, transportation technology and economic fairness for shippers. The specter of cargo diversion fears raised by NIEL is hardly a revelation to ports, all of which recognize that competition for cargo is a constant fact of business life.

3. *NIEL charge* (page 3): "[A]n agreement diverting traffic from its natural port now comes to the Commission with a strong presumption of invalidity."

AAPA response: This statement is not substantiated by NIEL or by the record of the FMC affecting conference agreements. U.S. ports are well aware that many conference agreements receive routine FMC approval.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Few ports, however, follow these actions on a daily basis. Of greater concern to most ports are the post-agreement activities of carriers, including publication of rates. These are the actions that have drawn port protests over the years (see *Far East Conference Tariff Rule Regarding Assessment of Wharfage*, FMC 75-21 (1978), *In the Matter of Furnishing Container Chassis*, FMC 80-28 (1980), or *Petition Regarding Terminal Handling Charges of Various North Atlantic Conferences*, FMC (1981)). Once again, the ability of ports to protest post-agreement practices are unaffected by either bill.

4. *NIEL charge* (page 3): "Section 14(b) [1916 Act] presently prohibits the use of any dual-rate contract that requires a contract shipper to divert goods from their 'natural routing'." NIEL goes on to state that proposed reform legislation will act to dilute the protections now available under this Section.

AAPA response: That particular provision was adopted 20 years ago. At no time since has a single case involving "natural routing" under Section 14(b) come before the FMC.

Cargo affected by conference loyalty contracts moves as dictated by economic necessity as ports and shippers are well aware. The proposed reform amendments to Section 14(b) would not change this practice.

5. *NIEL charge* (page 6): Ports will not be exempt under agreements with carriers under H.R. 4374 and as a result "would be liable for acts of immunized carriers potentially subject to criminal prosecution and treble damages."

AAPA response: This charge is without merit. The Judiciary Committee report (97-611, part 2, page 33) clearly states that the carriers' antitrust immunity extends to their dealings with marine terminal operators. In any case, an agreement between two parties should be viewed by the FMC and the courts as a single transaction, thus immunizing both. In the interest of clarity, however, a minor technical amendment to Section 3 of H.R. 4374 (which is similar to the language contained in Section 4(b) of S. 1593) would better serve the committee's intent and end once and for all such academic speculation. (The amendment is listed as number one on the attached list of proposed technical amendments.)

6. *NIEL charge* (page 6): "Port authorities have sought to have the proposed legislation protect the right of all conference members to act independently" and neither H.R. 4374 nor S. 1593 provides the right of independent action.

AAPA response: It is true that AAPA has requested the right of independent action. While neither bill offers independent action procedures to the extent requested, we feel nevertheless the matter was adequately addressed in the Merchant Marine and Fisheries Committee report where it states: ". . . while desirable as a competitive tool [it] could in fact be used to compete unfairly against independent non-conference carriers . . ." (97-611, part 1, P.25). Accordingly, AAPA is satisfied with the compromise position found in H.R. 4374 allowing conference carriers to exercise the right of independent action on a 45-day maximum notice. This will give ports and shippers sufficient time to amend conference tariffs as circumstances warrant.

7. *NIEL charge* (page 7): Conferences will be able "to exact substantial concessions from all ports and smaller ports could be precluded from any meaningful participation in conference controlled traffic."

AAPA response: We find that this comment tends to misstate existing law and practice. Naturally, differences exist between conference agreements in the various port ranges. AAPA is well aware of the concerns that ports of various sizes have regarding existing conference service. However, neither bill would change the existing practice that allows conferences to decide which ports are served. Those decisions would continue to be based on cargo flows and the capacity of facilities at individual ports to handle them.

In conclusion, I wish to acknowledge the understanding and sensitivity shown by your committee and its staff to the concerns of our industry. We pledge our continued cooperation as the 97th Congress continues its consideration of maritime regulatory reform legislation.

Sincerely,

J. RON BRINSON,
President.●

HOSPICE CARE GETS LONG-OVERDUE RECOGNITION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BIAGGI. Mr. Speaker, It is a national tragedy that our terminally ill citizens have been for far too long reduced to living out their days in health care facilities, alone and without the comfort of friends and loved ones. I commend the authors of the recently passed Tax Equity and Fiscal Responsibility Act—an act which I supported—for allowing hospice care to be paid for under medicare. This provision would allow for care of the dying in the home instead of a hospital.

The hospice movement has grown in size and strength in recent years, largely in response to the growing cost of maintaining the terminally ill in hospitals. In 1978, there were 59 organizations offering hospice care; by mid-1981 this number had grown to 440. Hospice care is directed at chiefly providing relief from pain, often in facilities that are separate from hospitals, offering competent care in a fashion that allows the terminally ill dignity and compassion in the last stages of their illness.

Begun in England, the movement has grown in this country where the Congressional Budget Office has estimated that hospices are now serving about 50,000 nationwide—or 10 percent of potential users. This new medicare provision will hopefully increase participation by 109,000 at less cost to the medicare program—saving $48 million by 1986 when the provision expires. In 1983, each hospice user would spend $1,100 less than in a hospital. The benefit would also cover some items which medicare cannot pay for, such as outpatient drugs, family counseling, medical supplies for the patient's comfort, as well as respite service and home health care.

As an original member of the Select Committee on Aging, I maintain a special interest in the health care needs of medicare recipients. I believe this provision is a long-overdue step in recognizing cost-effective alternatives which will be better tailored to the needs of our elderly who are ill. However, this provision must be the first—and not the only—step we take in seeking ways in which to preserve medicare services to the elderly through the support of health care programs which offer viable alternatives to more costly institutionalization. For the benefit of my colleagues, I wish to insert an editorial from the New York Times which endorses the hospice concept and commend it to their attention.

TO EASE THE PAIN OF DEATH

For too many, the end of life is a nightmare of lonely hospital rooms and sterile combat against unstoppable disease. But there is an alternative: hospice care, an inspiring concept imported from Britain. The idea is to let the terminally ill remain at home for as long as possible so that friends and family can provide care under the supervision of a physician. Both the patient and the family receive help in coping with death.

Thanks to a provision of the omnibus tax reform bill now awaiting President Reagan's signature, hospice care will become an eligible expense under Medicare. The provision may add as many as 100,000 patients to the 50,000 now served by some 400 organizations nationwide. It also demonstrates that Reaganomics need not eclipse new ideas for social programs.

Although final approval of the hospice measure came amid the jumble of Congress's race toward adjournment, the consideration process was prudent. No one opposed the principle of offering more Americans a dignified way to die, but some objected to the cost.

Supporters of the measure knew that at a time when social programs are being cut to the quick, it would have been neither wise nor fair to create a major new program of public health expenditures. But they were able to point to a study by the Congressional Budget Office that found that the program would ultimately pay for itself.

To obtain covered hospice care, a patient would have to forgo treatment and drugs that might prolong life. Thus the program would substitute more humane but less expensive care for the high-priced services now given the terminally ill in hospitals at Government expense. By fiscal 1986, the Budget Office predicted, annual net savings for the taxpayer will approach $50 million.

Yet the coverage, available for up to 210 days, will be broad: home care for the dying patient, counseling for patient and family, pain-relieving drugs and medical supplies. "Respite care" will also be available to ease the strain placed on family members by the need for constant attendance.

The hospice idea is an encouraging new area of social service. Congress deserves high marks for pursuing it to fruition in an era dominated by austerity budget politics.●

HAPPY BIRTHDAY CLAUDE

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FUQUA. Mr. Speaker, today is an auspicious occasion. It marks the 82d birthday of my good friend and colleague, CLAUDE PEPPER. Although CLAUDE and I began our service in the House of Representatives together in 1963, his illustrious career of public service began in 1928 with his election to the Florida State House of Representatives from Taylor County which is located in the Second Congressional District I am privileged to serve.

From that time he has been a dedicated public servant. He served honorably and well in the U.S. Senate from 1937 until 1951 and has never left the public eye. We all know of his tremendous contributions to the well-being of older Americans through his service as chairman of the Select Committee on Aging and the prime example he serves for senior citizens everywhere.

I hope all my colleagues will join me in wishing CLAUDE a very happy 82d birthday and many more to come.●

CAREY CRONAN—A MAN WE WILL MISS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. McKINNEY. Mr. Speaker, Congress seems a little emptier this fall, and in fact, it is. A very special person—Carey Cronan—has passed away. Carey was a member of the Washington press corps for 33 years, still a very active member producing a weekly column and daily stories until he died at age 73. His greatest fear was that the Bridgeport Post-Telegram editors might decide he should retire. Carey did not even want anyone to know he went to the hospital for those last few days because his bosses might learn of it. But everyone knew Carey would never be too old to do what he loved the best—report the news. He came to Washington in the days of Roosevelt when the small press corps spent the morning on Capitol Hill, then shared a ride over to the White House for the afternoon story. Everyone who knew him has a favorite story about Carey Cronan, who was himself the inveterate storyteller. However, I felt the following piece, written by one of the Bridgeport reporters Carey included on his long list of trainees over the years, is probably the most appropriate tribute to a man we all loved, respected, and will miss.

CAREY CRONAN LOVED BEING A REPORTER

(By John Gilmore)

There is an old story about newspaper people who don't like to be called journalists . . . they prefer to be called reporters. A journalist, the story goes, is a pompous old fool with a pencil who carries a cane.

This could have been the philosophy of Carey Cronan. He loved being a reporter. His life was built around the profession and he never considered it simply a job. It was his life.

For 33 years Carey was the Washington correspondent for the Post Publishing Company. He watched the comings and goings of Connecticut representatives and senators. He knew them all.

Bridgeport mayors traveling to the nation's capital always stopped in to say hello to the veteran reporter. They felt it necessary, although he may have wondered why.

He was a fixture on the Washington scene, a legend in Connecticut.

And he never carried a cane as part of his wardrobe. Carey was a reporter. Carey passed away last month and left a void in the Connecticut press corps, both here and in Washington. He won't be replaced easily. He will long be missed.

His style was simple: get the basics, who, what, where, when, why and how.

It was almost impossible to get Carey to speculate or offer an opinion in a news story, a long-time friend and associate said. He just wouldn't do it. He didn't practice the new journalism.

But he did have opinions about things that happened around him. One of his strongest opinions was that former U.S. Sen. Thomas Dodd, who was censured in 1967 for misuse of campaign funds, was railroaded.

Carey felt the Senator was betrayed by a disloyal staffer.

Carey's career stretched back to 1928, when he took his first newspaper job in Bridgeport. He dabbled in radio reporting for a while, and was even considered by some as a pioneer in electronic journalism. But he returned to newspapers, his first and true journalistic love. There was something magical and permanent about words being preserved on paper.

Carey loved watching the interaction among the nation's elected representatives in Washington and truly believed the basic system of government was sound. He believed scandals were the product of a few bad apples in government and not the system. But he had seen the government grow and acknowledged the complexities of the nation's government as it approached the 21st century.

He would sit back sometimes and remember the days when presidential press conferences amounted to bringing the press corps into the Oval Office for a drink and simply talking about things that were happening. But that was in the days before the Eisenhower administration.

That was also before the television explosion into journalism, the explosion that brought instant analysis, live remote coverage and videotape. It was a time when a reporter's equipment consisted of simply a pad of paper and a pencil.

Things have changed over the years in American journalism, and Carey generally accepted those changes. He maintained an ability to survive. He survived because he had the basic talents necessary to be a reporter.

And he was a storyteller. Cronan was a storyteller of the first order. He could tell stories about people and, most importantly, himself.

Carey was at home with his work, his friends and a good cigar . . . a good Topstone cigar.

The cigar became his trademark to friends. When he was first married, he was fond of saying, he told his new wife Mary that he smoked cigars and there would be no discussion of the issue. She accepted his terms, Carey would say with a grin.

As a member of the National Press Club, Carey had the respect of his peers. All the media stars of Washington knew him and, more importantly, respected him.

Carey Cronan was a reporter. And you honored him by calling him a reporter.●

DENOUNCEMENT OF SOVIET UNION ON BEHALF OF THE SALOMON FINKELSTEIN FAMILY

HON. WENDELL BAILEY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BAILEY of Missouri. Mr. Speaker, I rise today to bring to the attention of my colleagues the plight of the Jews in the Soviet Union.

We all know that the U.S.S.R. has a blatant disregard for human rights. It is no wonder that so many have tried to escape to Israel where they can be reunited with loved ones and worship in peace. However, the Soviets have slowed Jewish emigration to a trickle and with it doused many hopes for religious freedom.

One who has repeatedly tried to leave the Soviet Union is Salomon Finkelstein. He along with his wife Frida, and son Artur long to be reunited with Salomon's parents who emigrated to Israel several years ago. The family first asked permission to leave Russia in March 1972. Their application was refused in June of that year. No reason was given but the Finkelstein's believe it is because of Salomon's previous army service from 1968–70.

Today is Salomon Finkelstein's 33d birthday. Although I do not have the power to give him what he wants most in life, I can speak on his behalf to strongly denounce the Soviet Union's Jewish emigration policy. As part of the 97th Congressional Class on Soviet Jewry, I urge my colleagues to do the same. We must continue to fight for Salomon Finklestein and those like him who only want the freedom that we in this country so often take for granted.●

WOMEN'S EQUALITY DAY—AUGUST 26, 1982

HON. HAMILTON FISH, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FISH. Mr. Speaker, I would like to express my unwavering support to commemorate August 26, the anniversary of the ratification of the women's suffrage amendment, as "Women's Equality Day."

Although the first efforts to secure voting rights date back as early as 1648 when the suffrage petition was placed before the house of delegates in the colony of Maryland, women did not win this indispensable right until 1920. Throughout those long years, committed women fought continuously and relentlessly to secure equal legal rights. Ratification of the 19th amendment marked a milestone in the quest for women's equality. Susan B. Anthony, Elizabeth Cady Stanton, and Lucy Stone are all familiar names to us, but there were many more who devoted their lives to this noble cause.

Yet, to simply praise their efforts and to celebrate the anniversary of the women's suffrage would denigrate their fight. Needless to say, equality for women is not confined to voting rights. It extends to equal legal rights in every sphere, to equitable educational and employment opportunities.

Although Congress has continually voted to obliterate inequities in the law, women must still hurdle discriminatory laws and practices. For instance, women comprise well over 48 percent of our total work force, but earn 59 cents of each dollar a man earns. Such inequities hurt not only individual women and their families, but also the prosperity and well-being of the Nation as a whole. We need to fight for the full participation of women in all facets of society.

Hence, as we celebrate this festive occasion, let us reaffirm our commitment to the equal rights amendment. Although opponents of the ERA have effectively halted its momentum, the ERA, in fact, is alive and kicking. Just as it took more than three centuries for women to win the vote, the campaign to ratify the ERA will also be long and arduous. I look forward to the day when we can add the ERA to our roster on Women's Equality Day.●

CONGRESSIONAL SALUTE TO HON. SOL STETIN OF PATERSON, N.J., OUTSTANDING CITIZEN, ESTEEMED NATIONAL LABOR LEADER, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROE. Mr. Speaker, on Friday, September 10, the residents of my congressional district and State of New Jersey will join together with a prominent group of concerned citizens from labor, business, civic and community organizations in support of the establishment of our Nation's first labor museum—the Botto House American Labor Museum—in a commemorative salute to the development and achievements of working people. It is indeed fitting and appropriate that the honored guest of this testimonial will be a highly distinguished citizen, national labor leader and good friend—Hon. Sol Stetin of Paterson, N.J.—whose lifetime of dedication and personal commitment in ever seeking the highest standards of excellence in his quest for economic and social justice for all of our citizens has truly enriched the historical, educational, and cultural heritage of our community, State, and Nation.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our deepest of appreciation to Sol Stetin and share the pride of his good wife, Frieda; their two daughters and sons-in-law, Sandra and Ira Gash, and Myra and Robert Levine; and their grandchildren, Lauren and Amy Gash; Lisa, Michael, and Scott Levine upon this milestone of achievement in their family endeavors.

Mr. Speaker, Sol Stetin has been in the vanguard of a concerted effort to establish the first labor museum in the United States and the founding of the Botto House American Labor Museum, Inc., a private, nonprofit organization dedicated to the acquisition, restoration, and preservation of the Pietro Botto House of Haledon, N.J., as a State and National historic site and national historic landmark, and is president of the board of trustees of this most prestigious historic preservation organization.

Sol retired 2 months ago as senior executive vice president of the Amalgamated Clothing & Textile Workers Union, AFL-CIO, after serving a half century of fruitful and fulfilling years in the American labor movement. He formerly served as president of the Textile Workers Union of America and as a vice president and member of the AFL-CIO executive council. The Botto House American Labor Museum is a project he cherishes: it will depict the contributions and heritage of working people in New Jersey and the entire Nation.

Mr. Speaker, there is much that can be said of Sol Stetin and his lifetime of achievements in service to people and with your permission I would like to insert at this point in our historic journal of Congress a brief outline of his good works and affiliations that will be particularly cited by his colleagues and friends on September 10, as follows:

SUMMARY OF ACHIEVEMENTS AND AFFILIATIONS OF SOL STETIN

Sol Stetin, born in Poland, a resident of Paterson, New Jersey for 61 years, recently retired as Senior Executive Vice President of the Amalgamated Clothing and Textile Workers Union, after a distinguished career of nearly fifty years in the American labor movement. Active in the early organizing drives of the CIO, Stetin rose to the presidency of the Textile Workers Union of America, before merging his union with the Amalgamated Clothing Workers in 1976.

For about a half-century, Sol Stetin has spoken out on the major issues of the day: peace, social justice, education and opportunity for all citizens, and fair treatment for workers and their families. His voice has never wavered from a passionate, consistent commitment to justice and dignity for all.

From the day he started to work, the life story of Sol Stetin and the history of modern textile trade unionism became one and the same. In 1933, as a charter member of Dyers Local 1733 in Paterson, he was active in the formation of the old Federation of Dyers, Finishers, Printers and Bleachers of America. He signed his first union card on September 27, 1933 in the old United Textile Workers Union. In 1935, after the formation of the Committee for Industrial Organization—which became the Congress of Industrial Organization—he knew instinctively that he had a role to play in history's greatest organizing drive. And he did.

Sol Stetin is a former Trustee of William Paterson College, Wayne, New Jersey, where he received an Honorary Degree. He has been active in the Institute of Management and Labor Relations at Rutgers the State University since its inception in 1947 where he also received an Honorary Degree of Doctor of Humane Letters. A wing at the Rutgers Labor Education Center in New Brunswick, N.J. has been named in his honor. He served on the AFL-CIO Executive Council. He is now an AFL-CIO Vice President Emeritus.

Upon retirement, Stetin has taken on a new project with characteristic zeal and energy: establishing one of America's first labor museum at the Botto House National Historic Site In Haledon, New Jersey. Stetin has always been a strong advocate of education for the working class and was instrumental in beginning the labor education program at Rutgers University. His advocacy of education, along with his love for the Paterson area has led him naturally to the Botto House in Haledon.

During the epic 1913 Paterson Silk Strike, the home of Pietro Botto, an immigrant textile worker, became the focal point of a dramatic effort by silk and dye workers to secure better working conditions. John Reed, Upton Sinclair, IWW's Bill Haywood, Elizabeth Gurley Flynn and Carlo Tresca

all came to Paterson and planned strike strategy at the Botto House. When Paterson barred the strikers from assembling there, Pietro Botto invited the workers to use his property for mass meetings. Although the strike failed, historians generally agree that it paved the way for the successful organization of textile workers in the 1930's.

Sol Stetin serves as President of the American Labor Museum/Botto House National Historic Site's Board of Trustees. The American Labor Museum seeks to convert the Botto House into an institution which will both interpret the past and suggest possibilities for the future well-being of American workers. His career as a labor leader and public citizen has been concerned with the advancement and development of all people. The establishment of the American Labor Museum/Botto House National Historic Site and the testimonial dinner in Sol Stetin's honor deserve full support.

Mr. Speaker, Sol Stetin has served our people and our country with honor and distinction. He is an outstanding individual whose richness of wisdom and quality of leadership in his daily pursuits, particularly on behalf of the working men and women and their families have touched the lives of many, many people in my congressional district and throughout our Nation. I appreciate the opportunity to publicly acclaim all of his good works and share the pride of his family and many, many friends in his professional expertise in educational civic and charitable endeavors which have made a vast contribution to the quality of life and way of life for all of our people. We do indeed salute an outstanding citizen and great American, Hon. Sol Stetin of New Jersey.●

"COP KILLER BULLETS" OUTLAWED IN BROOKHAVEN, N.Y.

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BIAGGI. Mr. Speaker, I am pleased to report that the town of Brookhaven, N.Y., has adopted a local law that restricts the possession and distribution of armor-piercing handgun bullets, which can rip through the bulletproof vests worn by police officers.

As one who has authored similar legislation at the Federal level (H.R. 5437), I am greatly encouraged by this very significant development.

It should be noted that Brookhaven has been joined by a number of other localities and States—including Minnesota, Kansas, Rhode Island, Alabama, Oklahoma, and Illinois—in enacting similar laws against these so-called cop killer bullets.

Each time a State or locality acts to outlaw this high-powered ammunition—which is not used for legitimate purposes but has been used to kill police officers—we are reminded of the severity of this problem. Already, H.R. 5437 has received the bipartisan cosponsorship of over 80 of my colleagues; identical legislation has been authored in the Senate (S. 2128); and the House Subcommittee on Crime has conducted hearings. I am confident that enactment of a Federal law to address this national problem is only a matter of time.

Simply put, our Nation's 528,000 law enforcement officers need and deserve whatever added protection we can provide them. The town of Brookhaven—and particularly Councilman Stephen Burke, who authored the local law—are responsible for giving them that protection. I am committed to doing the same on a nationwide basis.

At this time, Mr. Speaker, I wish to insert the text of the Brookhaven law:

HANDGUN BULLETS

29A-1. INTENT

It is the intent of the Town Board to restrict the possession, disposition and use of certain handgun bullets that are designed primarily for the purpose of armor penetration so as to give law enforcement personnel a reasonable degree of protection from penetration of body armor. This local law is not intended to restrict the availability of ammunition for personal defense, sporting, or hunting purposes.

29A-2. DEFINITIONS

For the purposes of this local law, the following terms shall be given the following meanings:

Body armor—commercially available, soft, bullet-resistant apparel with a penetration resistance equal to or greater than body armor classified as Threat Level Class II that complies with New York State Industrial Code Rule 55 or National Institute of Law Enforcement and Criminal Justice Standard 0101.01 dated May 1978.

Dealer—any person engaged in the business of selling ammunition at wholesale or retail who is licensed under Chapter 44 of Title 18, United States Code.

Dispose of—dispose of, give, give away, loan, offer for sale, sell, transfer, and otherwise dispose of.

Handgun—a firearm originally designed to be fired by the use of a single hand with a barrel five (5) inches or less in length.

Person—natural person, firm, partnership, corporation, or company.

Restricted handgun bullet—a handgun bullet that is designed specifically to penetrate armor, including body armor as defined herein, and which is comprised of any hard metal or hard metal alloy, or soft metal jacket with a hardened core comprised of any hard metal or hard metal alloy, including Teflon coated handgun bullets, which purposely reduces the normal expansion or mushrooming of the bullet's shape upon impact.

29A-3. PROHIBITED ACTS

(a) No person shall with intent to commit an unlawful act dispose of, possess, or use any restricted handgun bullet or bullets in the Town of Brookhaven.

(b) No dealer shall dispose of any restricted handgun bullet or bullets in the Town of Brookhaven.

29A-4. PENALITES

Any person convicted of violating this local law shall be deemed guilty of a misdemeanor punishable by a fine not exceeding One Thousand ($1,000.00) Dollars or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment, provided, however, that any person who uses or possesses a restricted handgun bullet during the commission of another crime may be punished by such fine and imprisonment for not more than six (6) months which sentence shall run consecutively to any sentence imposed for conviction of such other crime.

Section 2. This local law shall take effect ninety (90) days from the date of filing in the office of the Secretary of State.●

ARTICLE ON THE TOBACCO PROGRAM FOR THE CONGRESSIONAL RECORD

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FOUNTAIN. Mr. Speaker, I would like to place the following editorial from the Des Moines Register in the CONGRESSIONAL RECORD so that all Members of the Congress may have the opportunity to read it.

We North Carolinians have always known that the tobacco program is a boon, not a bust, for the American farmer and for the American economy, and this editorial speaks to that issue. It is encouraging to see that citizens from nontobacco areas are realizing the crucial importance of the tobacco program—a program which helps to maintain millions of jobs and which generates billions of dollars annually in our Nation's economy.

I salute the editors of the Des Moines Register and highly commend this editorial to each and every Member of the Congress.

A BETTER TOBACCO PROGRAM

Congress last week gave final approval to a bill that will make welcome changes in the federal government's tobacco program.

The program is frequently attacked by anti-smokers who argue that the federal government has no business supporting a crop that causes cancer. The primary aim of the program, however, is not to promote tobacco production, but to protect the welfare of the small farmers who make their living growing tobacco. Agriculture Department experts argue that if the program were abolished, many of the small producers would be forced to get out of farming, and that tobacco would be produced by fewer, larger farms. Such a change would do nothing to reduce tobacco production or to convince Americans to quit smoking.

Unless the country is prepared to ban smoking, a tobacco program can be useful. The bill passed by Congress improves the tobacco program in three ways:

It eliminates taxpayer support, except for administrative expenses. The program costs were already minimal. According to the Senate Agriculture Committee, the tobacco program cost taxpayers less than $40 million over the past decade. The USDA expects to recover eventually 98.8 percent of what it had invested in the tobacco loan program.

Now even these costs will be eliminated. From now on, tobacco growers will be required to make contributions to a special fund that will be used to cover losses suffered by the tobacco program.

To grow tobacco, a farmer must own or lease a tobacco allotment. Many people who own tobacco allotments don't actually produce the crop; they lease their allotments to active farmers. The new legislation makes modest moves toward getting the allotments back into the hands of actual farmers.

The bill gives the secretary of agriculture authority to lower the price-support level on tobacco. This should help ensure that U.S. tobacco will be more competitive in world markets and help limit the buildup of surplus tobacco stocks.

The measure gives the program the distinction of being the only major farm-commodity program that farmers pay for themselves. That's a good reason for the tobacco program to deserve a better image.●

PERSONAL EXPLANATION

HON. GARY A. LEE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. LEE. Mr. Speaker, due to official business, I was unable to be present in the House Chamber yesterday, September 8. Had I been here, however, I would have voted in the following manner on H.R. 6307, the Resource Conservation and Recovery Act.

Rollcall No. 308: I would have voted "aye" on this amendment seeking to strike provisions which apply RCRA regulations to small quantity generators and to require the EPA to study and report to Congress on the advisability of applying regulations to operations generating less than 1,000 kilograms a month.

Rollcall No. 310: I would have voted "no" on the amendment seeking to strike language preserving the rights on litigants under any statute of common law; and on

Rollcall No. 311: I would have voted "yea" on final passage of the RCRA reauthorization bill, H.R. 6307.●

TRIBUTE TO COL. VICTOR M. ROBERTSON, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. SKELTON. Mr. Speaker, I take this opportunity to say a few words about a soldier's soldier who recently retired from the U.S. Army, Col. Victor M. Robertson, Jr.

Colonel Robertson has had a long and impressive Army career. Much of his service was with the infantry combat units where he served as company commander in the 5th Regimental Combat Team in Korea, the 71st Infantry Division at Fort Lewis, and combat support company and Company D, 325th Airborne Infantry Regiment, 82d Airborne Division. In addition to commanding the 74th Aviation Company in Vietnam in 1965-66, he commanded the 1st Battalion, 14th Infantry, 4th Infantry Division in Vietnam in 1969. He served as Division Chief of Staff with the 25th Infantry Division from 1972-75, and commanded the 2d Brigade.

His other high level staff assignments included: Aide-de-camp to the commanding general, 1st U.S. Army from 1963 to 1964; staff officer in war plans division, and Army Secretary for Joint Actions, Office of the Deputy Chief of Staff for Operations and Plans from 1966 to 1969; executive officer to the Chief of Staff, U.S. Army Vietnam in 1970; branch chief, Office of the Deputy Chief of Staff for Individual Training, Continental Army Command in 1970-71; and Chief of Staff, U.S. Army Military District of Washington from 1978 to 1981. He was assigned to the military district of Washington in 1978.

Colonel Robertson's outstanding military career is highlighted by the military decorations he has received. These include: the Silver Star, Legion of Merit with Oak Leaf Cluster, Distinguished Flying Cross, Bronze Star with "V" Device and two Oak Leaf Clusters, Meritorious Service Medal, seven awards of the Air Medal, and the Army Commendation Medal. He was also awarded the Combat Infantry Badge, Senior Parachutist Badge, Senior Aviator Badge, the Army General Staff Identification Badge, and the Vietnamese Parachutist Badge.

His many contributions to our Army would not have been possible without the support of his lovely wife, Lois. They will be greatly missed by all who had the pleasure of their association. I join the Army in congratulating Colonel Robertson on a most successful career and I wish him, and his wife, Lois, the best of luck in their future endeavors.●

LEGISLATION TO PROMOTE HYDROPOWER IN THE NORTHEAST-MIDWEST REGION

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. NELLIGAN. Mr. Speaker, I am introducing legislation which is designed to promote the development of our many hydropower resources in the Northeast-Midwest region of our country.

In 1979, according to Army Corps of Engineers figures, the capacity of 1,251 existing hyropower facilities nationwide was 64,000 megawatts of electricity. This represented approximately 13 percent of the Nation's total generating capacity.

There is tremendous potential for growth in the hydropower industry. According to the corps' "National Hydropower Resources Study," development of hydro potental at sites with existing dams could increase total capacity by 250 percent. Further development of nearly 4,500 potentially feasible, but undeveloped sites could increase total capacity by up to 500 percent.

Clearly, we can no longer afford to neglect our hydropower resources, and the vast potential they afford for reducing our dependence on oil imports. And yet, major obstacles remain to thwart hydropower development.

One of the main obstacles is the lack of finance capital. Once constructed, hydro facilities are relatively inexpensive to operate. However, startup costs, which include the costs of complying with necessary Federal environmental regulations, can be substantial.

To help meet the costs of feasibility studies, which can take between 3 and 4 years to complete, the Department of Energy administered a low-interest loan program between 1977 and 1980. Discontinuation of this program in 1981 has made financing more difficult, especially for municipalities and smaller utility firms.

The problem is especially acute in the Northeast and Midwest, which are the only regions of the country which lack access to Federal support for hydro projects via one of the five Federal power marketing authorities.

To correct this inequity, I am introducing legislation to create the Northeast-Midwest States Federal Hydropower Financing Authority. Under this legislation, midwestern and northeastern States would have the option of joining this regional power marketing authority, thereby becoming eligible to apply for lower cost loans and loan guarantees to cover up to 70 percent of the costs of hydropower development.

Interest rates on loans would reflect the Government's cost of borrowing. State and municipal power authorities, rural electric cooperatives, interstate river commissions, and consumer and stockholder held utilities in member States would be eligible for financing.

According to corps studies, the northeastern and midwestern States contain half the feasible hydro sites, and 20 percent of the potential generating capacity nationwide. I urge Members from these regions to investigate the hydro potential within their own districts. Such information is available simply by contacting the Army Corps of Engineers.

If you feel that hydroelectricity has the potential to aid your district,

States, or region in meeting its long-term energy needs, and if you feel that it is unfair that the Northeast and Midwest are the only regions without access to the financial resources of Federal power marketing authorites, I would urge you to consponsor my legislation.●

RECLAIM AMERICA

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mrs. COLLINS of Illinois. Mr. Speaker, today, our Nation is in the midst of the deepest recession since the Great Depression of the 1930's. Economic policies dictated almost totally by the Reagan administration have produced the highest deficits this country has ever experienced and all economic indicators signify the gross failure of supply-side economics and rigid monetarism. Over 10 million people are out of work and the prospects for a strong healthy economy are gloomy at best.

For these reasons, towns and cities across the Nation are rallying to impress Congress, the President, and corporations that the American people cannot continue to accept policies that penalize the poor, the elderly, and working class in order to finance tax cuts that favor the wealthy and military enhancement programs too large and rapid for cost effectiveness and efficiency.

This movement, appropriately named Reclaim America, is sponsored by the National People's Action, a Chicago-based coalition of neighborhood organizations nationwide. The National People's Action is working in concert with unions, churches, peace groups, and all people's organizations to reorder the priorities of the current administration and corporate America.

Rallies, meetings, and other activities have been scheduled by NPA's Reclaim America in cities across the country for September 6-9. September 10 has been designated as the first joint Reclaim America action in Chicago and after stops in Cleveland and Philadelphia, the movement will bring its agenda to the Capital on Monday, September 13. NPA will end Reclaim America Week on Wall Street, New York City, on September 14.

I support this movement and commend the efforts of the National People's Action to bring together all people for the purpose of preserving democratic principles which form the foundation of our Republic.●

MARITIME REGULATORY REFORM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BIAGGI. Mr. Speaker, during the recent past, there have been several uninformed and misleading newspaper editorials attacking H.R. 4374—a bill to improve the international ocean commerce transportation system of the United States. The major premise of this maritime regulatory reform legislation is that the United States needs a healthy merchant marine for its national defense and its economic security. To be healthy, our merchant marine must be able to compete on an equal basis with foreign ocean carriers. H.R. 4374 would remove many of the constraints in our laws that now prevent it from doing that. Its enactment would, I am convinced, be in the best interests of all Americans.

H.R. 4374 has been carefully developed by the two committees that have reported it out. It is the product of extensive hearings, input from all facets of the industry and its customers, and a great deal of research and study—both in the Congress and in the executive branch. It is a complex bill that addresses the serious problems of a major industry.

I, therefore, would like to call attention to an editorial published by the Journal of Commerce whose staff has carefully followed this legislation during this and prior Congresses. It represents a much more informed and knowledgeable view of H.R. 4374 and the realities of the international ocean shipping business than was evident in the editorials in other national newspapers.

[From the Journal of Commerce, July 27, 1982]

SPECIOUS REASONING

Within the span of a few days recently the Washington Post, the New York Times and the Wall Street Journal all came out for defeat of the Biaggi and Gorton Bills for maritime regulatory reform. The vehemence of their attacks contrasts with the general indifference they have shown over the years toward the worsening plight of the American-flag merchant marine and the recurring crises which have afflicted ocean shipping of all flags in the commerce of the United States.

The danger is that the very considerable element in Congress whose interest in the shipping industry can most charitably be described as minimal will simply accept the editorial opinion of these three prestigious newspapers as acceptable truths. Such an attitude could mean that the pending legislation on this critical subject, the product of years of discussion and countless hours of testimony, would in effect be jettisoned.

A couple of common threads run through the three editorials: First, that shippers would benefit if only the ocean conferences—the "price-fixing cartels"—were shouldered aside in favor of good old American-style competition on the high seas; and second, that the American-flag merchant marine isn't as badly off as its "lugubrious" owners like to pretend.

In these days of government-owned and politically motivated cargo fleets—not to mention some privately owned predators of the sea—holding the American merchant marine to concepts of free market competition is simple foolishness. It would mean its immediate and virtually total destruction.

The Wall Street Journal's specious reasoning is illustrative: "We don't give antitrust immunity to oil tankers, tramp steamers and grain boats, which account for most of the shipping tonnage in and out of U.S. ports. There is absolutely no reason to make an exception of cargo liners."

What sort of comparison is that? Tankers, trampers and grain boats go when and where the cargo is provided; otherwise the owners send them into lay-up. Conferences are for liners that operate on fixed, regular schedules, cutting available space only when trade suffers a severe recession.

Would American shippers prefer to depend on fluctuating and uncertain tramp ship schedules to get their products into overseas markets? Would American importers like the goods they count on from abroad for seasonal sales to arrive only if the ocean carrier can book a full ship?

Taking most of its Ammunition from a recent report of the General Accounting Office, The New York Times declares that "existing regulations stifle competition and stop carriers from quickly adjusting their rates and services to market conditions"—a charge the industry itself has been making for many years. It then concludes: "The Biaggi-Gorton aproach would only make matters worse. America's shipping industry needs freedom to compete, not protection to charge whatever the traffic will bear."

The Times' notion of just how much freedom of competition is left on the sealanes today is sadly out of date. The bills of Rep. Mario Biaggi, D-N.Y., and of Sen. Slade Gorton, R-Wash., still differ in some points, including the important one of whether to permit closed conferences, so it is a bit premature to refer to the "Biaggi-Gorton approach," but no matter.

Commenting on the original draft of the GAO report the Federal Maritime Commission observed: "There is no question that in the short run, removal of the antitrust exemption would result in increased price competition. However, the nature of the liner shipping industry is such that nationalistic interests manifested by extensive government subsidization and control of their merchant fleets may result in prices, over the long run, being higher than would be the case under the present system.

The FMC went on: "Given the cost structure of the industry (i.e., a high proportion of constant to total costs, with declining average costs per unit of output), elimination of the antitrust immunity would most likely result in rate wars in the short run as carriers cut rates to attract as much cargo as possible to fill their vessels. With nationalistic interests exerting a strong influence, the result of the rate war would probably not be the survival of the most efficient liner operators, as economic theory would posit, but rather, the surviving carriers would more likely be those with the strongest backing of their national governments."

The result, thus, might well be that the more efficient carriers would exit a given trade. And, over the long run, the combination of inefficient operations and barriers to

entry created by government-supported merchant fleets could well result in prices higher than they would have been in the absence of shortrun price competition.

This, we submit, is a far more realistic scenario of what would really happen than the bland notions of "free competition" put forward by the New York Times and Wall Street Journal.

There is a third option, the FMC suggests, apart from approving closed conferences or revoking all antitrust immunity—encouragement of rationalization among steamship lines through such devices as space charters, pooling and joint service agreements.

Consortia and pools could help American cargo lines meet the problem of rapidly increasing costs of new ships. What puts U.S.-flag carriers at a competitive disadvantage is not the Shipping Act of 1916 but the substantially higher costs of shipbuilding, maintenance, repairs and crews. We certainly don't oppose American-flag consortia, but with so few surviving lines—including two in acknowledged financial difficulty—we think they could have only limited benefit. Nor do we find in the GAO report any real hint of how the U.S.-flag lines are going to overcome their problems, in the near future—especially if they are deprived of the security of conference rates.●

DAIRY PRICE SUPPORT PROGRAM HAS REACHED SCANDAL STAGE

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. PORTER. Mr. Speaker, the dairy price supports program in this country seems to unfairly provide protection to farmers while other businesses are continually subjected to the whims of the market. By artificially stimulating demand, the Government has created a situation whereby farmers are producing far more milk and dairy products than the Nation wishes to buy, the consumers are paying more at the stores, and to add insult to injury—those same consumers must buy and store the Government-owned surplus with their tax dollars while getting little in return. In order to keep prices on the market up, most of this surplus must remain in Government hands, and the volume is increasing each day.

As a recent Chicago Tribune editorial so insightfully explained, it is about time we modify our price supports program. Particularly, the proposal in the Senate to cut the milk support level would be a step in the right direction.

The editorial follows:

[From the Chicago Tribune, July 31, 1982]

DAIRY PRICE SUPPORTS MUST END

Every hour of every day U.S. taxpayers are paying a quarter of a million dollars to buy cheese, butter and milk powder that nobody is going to eat. Next year, we'll be paying even more—unless something is done fast to change a dairy price support program that has gone crazy.

The program was set up during World War II to stabilize prices and to help ensure a steady and adequate supply of milk. It is the most costly of several support programs for agricultural products.

Under the dairy program, the government sets a minimum support price and then buys enough milk and milk products to bring the market price—the amount paid by suppliers to supermarkets and food manufacturers—up to about the support price. The government is, in effect, another big competitor in the milk market, bidding prices upward.

For the taxpayer and consumer, the results are twofold: we pay more for dairy products than we otherwise would, and $2 billion a year of our tax dollars are being spent on buying and storing the products and running the program.

The first result is distasteful enough. In other parts of the world, notably the European Common Market, the government does not buy the milk but pays the farmer a premium over the price he receives in the marketplace. Consumers end up paying a fairly low price rather than a high price because of the government subsidy.

In the United States, though, farmers are subsidized at the expense of consumers. And while farmers may deserve sympathetic treatment in tough times, many consumers are living through even tougher times. The European system is an obstacle to free trade, but at least the people are charged for it only once—as taxpayers—and don't have to pay for it in higher prices as well.

Our price support system moves from the unfair to the rediculous when we consider its $2 billion cost to the taxpayers and what little we get for that money—at a time when we're facing cuts in other government programs and increases in taxes.

For every family in the nation, Uncle Sam now owns four pounds of dried milk, three pounds of cheese and two pounds of butter. If we were given that food, or even if it were sold at reduced prices, we'd feel a lot better about the whole situation.

The trouble is, if the government made a massive handout we wouldn't need to buy as much milk, cheese and butter through normal market channels. There would be a glut and prices would fall, forcing the government to step in and buy still more of the food in an attempt to push prices back up again.

To avoid this vicious circle, the government has given the food only to needy families, and its handouts have not kept pace with its purchases. The surplus keeps growing; its storage alone now costs close to $50 million a year.

Another possible solution, selling the products overseas, has been ruled out by State Department officials who fear such selling would disrupt overseas markets and that some of the food might be resold to the Soviet Union.

The administration has talked of increasing demand for dairy products by encouraging bakeries and others to use them more, and the American Farm Bureau Federation wants to increase demand by putting quotas on imports of imitation dairy products.

A more sensible and workable solution, though, would be to stop farmers from producing about 10 percent more milk than the nation wants to buy. And the best way to do that seems to be to gradually phase out the price support program.

The Reagan administration has made a start in that direction, eliminating an April, 1981, price support increase and freezing supports through next October at their October, 1980, level. But bolder moves are clearly needed. A proposal before the Senate to cut the support level from $13.10 to $12 a hundredweight by next Jan. 1 would be a good next step.

Critics say that in the short run that would lead to increased—not reduced—milk output as farmers try to make up for the cut in their income. But there's only so much milk you can get from a cow, and it's hard to imagine farmers investing in many more cows when milk prices are dropping.

In the longer run, the critics say, some farmers would go out of business. While few would like to see that, it's hard to understand why farmers should be protected from bankruptcy while other businesses are not. We may want to be sure we can feed our own people, but we don't need billions of pounds more food than the people want to eat.

Some farm leaders have accused the administration of not trying hard enough to stop the dairy surplus buildup. The food is being held hostage to force Congress to take action, they say. Even if that is true, it is not to be condemned. If holding food hostage is what it takes to convince congressmen to end or at least modify the dairy price support program, so be it.●

A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT

HON. CLINT ROBERTS

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROBERTS of South Dakota. Mr. Speaker, today, I am introducing legislation to amend the National Labor Relations Act, to prevent the practice of "closed shop" hiring, by outlawing the exclusive hiring hall.

On the contemporary labor-management scene, the exclusive hiring hall is a familiar phenomenon. Such a hiring hall comes into being when an employer and a union, as the "exclusive representative" of an identified group of employees, agree that the employer shall hire only those persons who have first been referred for employment by a union-operated hiring hall. Under current Federal law, such a hiring hall must be nondiscriminatory, without special preferences to union members.

In practical matters, though, it is many times operated as an exclusive hiring hall, and it has long been a common practice for unions to use the hiring hall as a device for imposing compulsory unionism on working people. A person comes cap-in-hand to a hiring hall hoping to be referred to a job; he knows that his chances of success improve if he pleases the union officials. The best way to accomplish this is to be a union member, so having no real choice, the person joins the union in order to obtain employment.

My legislation will alleviate this problem by repealing section 8(f) of the act outright, the key provision that presently allows this mischief, and by including a terse declaration

that the exclusive hiring hall is prohibited.

Mr. Speaker, I am hopeful that the Congress will address this situation soon, and will consider this legislation as one solution. The United States has been built upon a free laborer with a right to work, without undue influences on his freedom.●

ROLLS ROYCE OF TRUCKSTOPS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. SKELTON. Mr. Speaker, during these times of economic hardship, it gives me pleasure to bring to the attention of this body an American free enterprise success story. It takes place in the town of Oak Grove, Mo., and is a shining example of what hard work and self-initiative can still accomplish in this country.

Oak Grove is a small town east of Kansas City, Mo. While many of my colleagues have probably never been there, Oak Grove achieved considerable fame nationwide among truckdrivers for a truckstop there which has been referred to as the "Rolls Royce of Truckstops." The Kansas City East Union 76 Auto/Truckstop, home away from home for truckdrivers, has been voted by nearly 30,000 long-haul drivers the No. 1 truckstop in America. This is the second year in a row that this business, owned and operated by Mr. Bill Conklin, has been afforded this honor. They have ranked among the top 10 since the contest, sponsored by the trucker quarterly magazine, Road King, was begun 4 years ago.

The success of this full service truckstop has been attributed to the commitment of the people who work there. The employees at the Kansas City East Union 76 Truckstop genuinely care about providing good service to their customers. They realize that a service station such as this becomes a second home during a trucker's long journey across the country and they work hard to insure that their stay is as pleasant and comfortable as possible.

I congratulate Bill Conklin and his employees on receiving this well-deserved award. This success story serves as an inspiration to all small businessmen and I wish them the best of luck in all future endeavors.●

CRESTA BLANCA WINERY'S 100TH ANNIVERSARY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. COELHO. Mr. Speaker, it is with great pleasure that I rise today to bring to my colleagues' attention the fact that the Cresta Blanca Winery, one of the most distinguished and respected names in the American wine industry, is celebrating its centennial this year. Located in Ukiah, Mendocino County, Calif., the Cresta Blanca Winery produces a variety of wines of unsurpassed quality which have helped to make the State of California one of the greatest wine producing areas of the world.

Cresta Blanca was founded by Charles A. Wetmore, a celebrated California grape and wine industry pioneer. He was a perfectionist in his methods and 1889 Cresta Blanca competed against 17,000 other wines at the Paris Exposition. it won the coveted Grand Prix, thus proving that American wines could compete with the finest in the world. During the ensuing years this tradition of excellence has been zealously maintained and, as a result, Cresta Blanca has won top honors in many competitions.

I know my colleagues will join with me in expressing their commendation of the Cresta Blanca Winery for its many contributions to the viticultural and enological interests of the United States and to congratulate the winery on its 100th anniversary.●

OCEAN LINER SHIPPING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BIAGGI. Mr. Speaker, soon we will be considering H.R. 4374—a bill to improve the regulation of ocean liner shipping. A primary purpose of this bill is to remove those constraints, uncertainties, and administrative burdens that our present shipping laws impose on American ocean carriers and that put them at a competitive disadvantage in relation to foreign carriers. The net result of enactment of this legislation should be a more healthy, competitive, and efficient American ocean liner fleet with lower costs to American consumers.

What has been bothering me is the overall impression given by a number of uninformed editorials in major newspapers that this legislation is proposing something entirely new; namely, cartelization of shipping. These editorials imply that the antitrust exemption of the ocean line industry is new and bizarre. This is simply not true. It is not bizarre, nor is it new.

H.R. 4374 is basically a reaffirmation of the antitrust immunity provided that industry over half a century ago. Ocean shipping has utilized conferences—or cartels—for over a hundred years. They have been recognized, allowed, and regulated in the United States since the Shipping Act of 1916. Unfortunately, in the intervening years, both the enforcement of that act and its judicial interpretation have undergone substantial change. As a result, ocean carriers operating in our trades are unable to predict with any certainty the extent of the antitrust exemption originally enacted in 1916. It is the purpose of H.R. 4374 to eliminate those uncertainties and to reaffirm the principles established in the 1916 act.

An extensive study by the present administration also reached the conclusion that our shipping laws need to be overhauled and that collective activities by ocean carriers should be "clearly immune from the antitrust laws." If these conclusions by the Congress and the administration are bizarre, they are shared by all facets of the maritime industry and by most knowledgeable observers of international ocean shipping.

I, therefore, would like to share with you two informed rebuttals to the editorials that attacked H.R. 4374. These rebuttals effectively correct some of the uninformed statements made in those editorials.

[From the Wall Street Journal, July 27, 1982]

PUTTING U.S. SHIPPING ON AN EVEN KEEL

Your July 15 editorial "Torpedo the Maritime Bills" identified many of the ills suffered by the ocean liner shipping industry but misconstrued the cures. You enumerated uncompetitive operating and capital costs, an inefficient and possibly counterproductive subsidy system and overcapacity as problems. We have said the same ourselves.

What we have also said is that the United States is dependent upon world trade for its economic health and that its economic and defense needs are best served by a strong and efficient merchant marine.

We are proud of the accomplishments of Sea-Land Service, Inc., the largest and most successful U.S.-flag liner operator, without having taken government subsidy. We believe that other companies can, given the correct operating environment, serve the public effectively and make a reasonable profit without subsidy. However, we also recognize that five of Sea-Land's eight major American competitors completed 1980 in the red prior to receiving federal operating subsidies and that they may have extreme difficulty in replacing aging ships.

Reform is needed both in the subsidy programs that relate to carriers' costs and in the regulatory/antitrust environment which will accompany whatever comparative cost environment exists. However, they are separate issues requiring separate legislation. The need for regulatory/antitrust reform is

most urgent. Carriers and shippers alike, including Sea-Land, strongly support the Gorton and Biaggi bills, which do not involve subsidy.

Overcapacity is a critical problem. In most world markets shipowners reduce the impact by sharing capacity. American owners have not been able to accomplish this under present law, although competing foreign owners have been permitted to do so in U.S. trade. The Gorton and Biaggi bills would permit such cost reduction.

Overcapacity could also be reduced, if the bills are not torpedoed, by carrier agreements to limit the numbers of vessels to those actually needed for current and anticipated cargo volumes in the liner trade.

The basic issue raised in the editorial was whether liner conferences ought be permitted at all. Both bills contain explicit prohibitions against abuse of conference power and provide penalties for violation that are far more severe than the fines imposed under the antitrust laws. Unlike tankers, tramp steamers and grain ships, which seek cargoes of opportunity in the trades most lucrative at the moment, liners are common carriers serving fixed ports and routes on fixed and regular time schedules. They use highly expensive terminals and vessels which must operate on schedule even if insufficient cargo is available. The uncertainties of cargo availability for committed assets create the need for price stability that conferences provide. Importers and exporters also support freight rate stability so that they can predict their costs.

The Gorton and Biaggi bills strive to achieve reasonable balance among shipper and carrier needs. They do not entirely eliminate the antitrust laws but make the rules more efficient and certain.

C. I. HILTZHEIMER,
Chairman, Sea-Land Industries, Inc.

[From the New York Times, July 21, 1982]

THERE'S NO FREE MARKET IN SHIPPING

To the EDITOR:

The Times editorial titled "Beware the Cargo Ship Cartel" (July 14) is devoid of the facts on which reasonable people could decide issues of maritime policy.

The logical result of the position set forth in that editorial would be to deny the United States virtually all opportunities to participate in its own foreign commerce much less the world's commerce.

The rules of ocean transportation are set by the leading maritime nations of the world, an attribute not enjoyed by the United States. Shipping cartels (or shipping conferences as they are known) already exist in most developed trades of the world and are not, as The Times would suggest, some new device that would be created by Senator Gorton's and Representative Biaggi's legislation.

Those conferences, which would continue to exist with or without the blessings of the United States, were evolved to serve a critical purpose: they provide the only workable means of preventing cut-throats and pirates from harmfully destabilizing the world's shipping services—a market where genteel participants are at the mercy of determined national governments.

Your rationalization that the United States merchant marine may not need attention because of its reputed good health is grossly at odds with the facts.

In 1950 the U.S. fleet carried 42 percent of U.S. foreign trade. That share has steadily dwindled to the point where today the fleet carries less than 4 percent of that trade. Where 15 years ago there were 25 shipping companies in the U.S. liner trades, today there are nine, and likely soon to be fewer.

The major premise lurking in your editorial, namely, that the free market offers the optimun solution for ocean shipping, is also seriously out of touch with reality. There is no free market in ocean transportation. It is a structure dominated by national governments set on building and maintaining merchant fleets under their national flags regardless of cost and in defiance of any U.S. attempts to alter the world unilaterally.

We wonder whether The Times is so vehemently in favor of free market forces as to advocate raising newspaper postal rates from their heavily subsidized levels up to the rates that the rest of American citizens have to pay when we send mail.

HERBERT BRAND,
PETER J. LUCIANO.

(The writers are, respectively, chairman and executive director of the Transportation Institute.)●

SAMUEL I. NEWHOUSE

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. MOLINARI. Mr. Speaker, today, September 9, 1982, a new boat will be christened to serve on the world famous Staten Island ferry. It is particularly fitting that the vessel will bear the name of *Samuel I. Newhouse.*

The first born of a struggling immigrant, whose father arrived a short distance away at Ellis Island not long before, Samuel Newhouse became the epitome of the American way of life. He was an office boy at 12, a publisher by the time he was 16, a lawyer at 21, and by the time of his death in 1979 at the age of 84, he had put up more than $500 million, most of it his own money, to acquire 31 newspapers, 7 magazines, 6 television stations, 5 radio stations, and 20 cable TV systems.

His remarkable career in journalism had its first beginnings when, virtually on his own, he rebuilt the failing Bayonne (N.J.) Times. At the age of 16, he was so successful, that he was earning the extraordinary income of $30,000 a year in 1916.

In the year 1922, he made his first move to Staten Island, and made the purchase that was to be the foundation of all he would accomplish in the many years ahead. S. I. purchased the Staten Island Advance, which was to become the principal voice of that island in New York City.

The rest is history. Over the years, S. I. Newhouse acquired the Newark Star Ledger; the Syracuse Herald Journal; the Syracuse Post Standard; the Jersey Journal; the Harrisburg (Pa.) Patriot; the Harrisburg News; the Portland Oregonian; the St. Louis Globe-Democrat; the Birmingham News; the Huntsville (Ala.) Times; the Huntsville News; the Springfield (Mass.) Union; the Springfield News; the Portland Oregon Journal; the New Orleans Time Picayune; the New Orleans States Item; the Mobile Press; the Mobile Register; the Mississippi Press; the Cleveland Plain Dealer; eight Booth papers in Michigan; the Ann Arbor News; the Bay City Times; the Flint Journal; the Grand Rapids Press; the Jackson Citizen Patriot; the Kalamazoo Gazette; the Muskegon Chronicle; and the Saginaw News.

Magazines: Parade supplement; Vogue; Glamor; House and Garden; Mademoiselle; Self; Gentleman Quarterly; Brides; British Vogue; British Brides; British House and Garden; French Vogue; Maison et Jardin; Italian Vogue; Australian Vogue.

Plus six televisions stations and five radio stations.

Over three quarters of a century, S. I. Newhouse developed, expanded, and nurtured all of these elements of the free press, and maintained the individual editorial integrity of each outlet, allowing each one its own personality and direction, while insisting on total journalistic responsibility.

All of these are remarkable achievements, but then of course, S. I. Newhouse was a remarkable man.

From painfully poor surroundings he rose, provided a living for thousands upon thousands as he did so. His was the American dream, and it brought blessings to many.

As the *Samuel I. Newhouse* ferry journeys the waters of the New York Harbor, it will serve as a reminder in later years, to a generation yet unborn, of the contribution of its namesake.

With great pleasure, I submit to my fellow Members of this body the name and the memory of Samuel I. Newhouse, a child of America, and an example to all that this country still holds the promise of the future.●

NATIONAL TASTE AND SMELL DISEASE AWARENESS DAY

HON. DONALD J. MITCHELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. MITCHELL of New York. Mr. Speaker, today, I have introduced a joint resolution, a measure authorizing the President to proclaim March 21, 1983 as "National Taste and Smell Disease Awareness Day."

According to a 1981 survey, it is estimated that the lives of 16 million Americans are affected by the loss or dysfunction of two of their five senses, the senses of taste and smell.

Taste and smell dysfunctions present hidden handicaps. There are no outward signs of these problems, but for the affected individuals, danger, anxiety and fears for personal safety

are often present. Accidental poisoning from spoiled food, or the inability to detect gas fumes in home or car can result in personal harm or even death. For the victim of taste or smell disorders, the smell of smoke as a sign of fire is nonexistent. Unable to taste or smell, a person is robbed of vital protective senses. A distorted sense of taste or smell can make even the most precious rose or the most delectable food become repugnant and repulsive. Taste and smell dysfunctions can also be symptoms of underlying diseases and they can occur as side effects of taking even common drugs.

Despite the magnitude of these medical and personal problems, there remains a widespread lack of understanding and knowledge about these diseases. Precious few resources—facilities, trained medical personnel or scientific knowledge—exist to cope with taste and smell disease. There are no textbooks on the subject. No courses are taught in medical schools. Physicians are frequently unable to care for taste and smell disease patients since most are unfamiliar with the disorders and, therefore, have no understanding or their diagnosis or treatment.

The epidemiology of these disorders is also not clearly understood. However, a recent national survey indicated a disproportionate number of people with these diseases living in California, New York, Florida, and Pennsylvania.

The causes of loss or dysfuntion are complex, cutting across various medical disciplines. According to Dr. Robert I. Henkin of the Georgetown University Medical Center, a pioneer in the field of taste and smell diseases:

They occur frequently following influenza, head trauma, radiation therapy to the oral cavity and with allergic rhinitis (inflammation of mucous membranes). They also occur for reasons that are not known. There are also underlying conditions such as metabolic diseases, nutritional disorders, reaction to therapeutic drugs and exposure to various chemicals and toxic vapors. Symtoms may appear as early warning signs of cancer, diabetes, hypothyroidism or deficiencies of vitamins and minerals. And there are unknown or congenital reasons why an individual loses these senses.

The Taste and Smell Foundation, a nonprofit, tax-exempt organization, established by a group of individuals suffering from these diseases, is supporting the operation of the Nation's first taste and smell clinic, at the Georgetown University Medical Center, where on a regular basis, patients suffering the loss or dysfunction of these senses can receive medical treatment on an intensive, interdisciplinary research basis. The foundation is committed to the growth and expansion of scientific, medical, and public attention to human taste and smell dysfunctions.

Although the foundation has taken a step in the right direction, the road to better awareness of taste and smell disease remains a long one. Research is needed to learn more about the anatomy, physiology, biochemistry, and pathology of these disorders. Improved access to diagnostic and therapeutic services is essential. An educational program for the medical and lay publics should be established to provide the latest and best possible information to meet the needs of both a growing patient and medical practitioner population.

Toward the goal of improved awareness of these disorders, I offer this resolution calling for March 21, 1983, to be proclaimed, "National Taste and Smell Disease Awareness Day."

The text of the resolution follows:

H.J. RES. 590

To authorize and request the President to proclaim March 21, 1983, as "National Taste and Smell Disease Awareness Day"

Whereas the lives of an estimated 16 million Americans are affected by the loss or dysfunction of their senses of taste and smell;

Whereas taste and smell dysfunctions are often hidden handicaps which present no outward sign of disease but present danger, anxiety, and fear of personal safety for those affected;

Whereas there is a widespread lack of understanding or knowledge about taste and smell diseases in spite of the magnitude of the problem;

Whereas medical science is on the threshold of breakthroughs in the field of taste and smell diseases through the pioneering work of medical professionals such as Dr. Robert I. Henkin of the Taste and Smell Foundation at Georgetown University Medical Center; and

Whereas a national public awareness program needs to be launched to enhance public knowledge of these serious disorders and offer those afflicted an awareness of the availability of medical care and comfort: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating March 21, 1983, as "National Taste and Smell Disease Awareness Day", and inviting the Governors and chief officials of State and local governments of the United States to issue similar proclamations. The President is further requested to include in such proclamation an invitation calling upon the press, radio, television, and other communications media, the health care professions, and all other agencies and individuals concerned with diseases affecting the senses of taste and smell, to observe that day with public activities in order to impress upon the people of the United States the importance of improved research on, and treatment of, taste and smell diseases, and in order to urge the people of the United States to support programs to improve services to those afflicted with such diseases.●

DOD AUTHORIZATION COMMENTARY

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BONKER. Mr. Speaker, when all is said and done, historians will record that the Reagan administration did not reduce Federal spending or balance the budget—it merely transferred huge expenditures from the domestic to the military side of the ledger.

Recently, the House of Representatives had the opportunity to examine carefully the administration's proposed Department of Defense authorization for fiscal year 1983. Instead of giving some direction to a Reagan rearmament plan that lacks coherence, the House decided essentially to rubberstamp what was placed before it. Few spending cuts were made and the most destabilizing, security endangering weapons systems were left in place. The House had the opportunity to make spending reductions which would have helped both to revitalize the economy and to enhance our national security. Regrettably, that opportunity was ignored.

The economic consequences of this massive buildup will be great. Contrary to popular myth, military spending is not good for the economy. A dollar spent on arms generates far less economic growth than a dollar spent on civilian programs. For example, $1 billion spent on the MX missile would generate an estimated 14,000 jobs; spending the same amount to promote retail trade or education would generate over 60,000 jobs. We must not forget that the strongest defense America has is a vigorous and expanding economy.

When one excludes the social security trust fund and interest on the national debt, the Reagan administration proposes to spend fully 50 percent of the Federal budget on its massive military buildup. Defense experts are rightly concerned that such a huge amount cannot be spent wisely and efficiently in such a short period of time. The increase in Pentagon spending reminds one of what conservatives accused liberals of doing in the 1960's—throwing money at the problem.

The funding of two programs—the B-1B bomber and the C-5 military transport plane—seemed particularly incredible to me. Both are clearly inefficient and wasteful.

Congress authorized the $4.8 billion that the administration requested for funding for the B-1B bomber. The Nation is now committed to building 100 of these bombers of dubious military value at the greatly inflated cost

of $400 million a piece. President Carter and Congress wisely canceled the bomber in 1977 because of its exorbitant cost and uncertain capability for penetration improved Soviet air defenses. Instead, the decision was made to equip our existing B-52's with cruise missiles, at far lower cost, which could be safely launched well outside the Soviet reach.

Now, these warplanes will be acquired even though they will soon be rendered useless by advances in Soviet air defenses and by the upcoming production of the improved Stealth bomber. I am disappointed that the House rejected the opportunity to dump this expensive, soon to be obsolete, bomber.

The House also turned back an amendment to eliminate funding for the defect-plagued, overpriced C-5 military airlift and to replace it with funding for the acquisition of commercially available cargo planes, principally the Boeing 747. Even though the 747 alternative offered life-cycle savings of $7.9 billion over the Lockheed C-5 for essentially the same airlfit capability, the House, under extreme pressure from the President, the Pentagon, and Lockheed lobbyists, voted to fund the C-5. Another opportunity to save the taxpayer's dollars was thus wasted.

What concerns me as much or more as the money wasted are the consequences of procuring some of these new weapons for the real security of our Nation. Several highly destabilizing weapons systems, systems which would actually reduce our security and increase the chances of war if deployed, were proposed by the administration and, regrettably, approved by the House of Representatives. Two that I voted against as not in the Nation's best interest were procurement of the MX and Trident II missiles.

The MX, if deployed, would actually undermine strategic stability, because the Soviet Union would likely view it as an offensive weapon, providing the U.S. with a first strike capability. The MX will only increase Soviet fears, driving them toward a dangerous launch-on-warning policy or even toward consideration of a preemptive strike.

Moreover, the administration is planning to spend $2.6 billion just this year on the MX missile even though no final decision has been made on its basing mode. The President does not know where he wants to put this dangerous, destabilizing weapons system, but he does know that he wants to spend billions of taxpayers' dollars on it.

Production of the Trident II missile will also undermine American security. The Trident II, because of its low trajectory and tremendous accuracy would likely force the Soviet Union to adopt a launch-on-warning policy. It would arrive at the Soviet targets so quickly that the potential for an accidental confrontation, perhaps because of computer error, would be greatly increased. It is in our best interest that the Soviet Union have an adequate warning time. the Trident II missile would deprive them and us of that crucial buffer.

Furthermore, money planned to be spent on the destabilizing Trident II missile could alone finance the production of 14 additional Trident submarines equipped with the more stabilizing Trident I missiles. Certainly that shift in funding would be a safer and more cost-effective deterrent to nuclear war.

In sum, the massive arms buildup proposed by the Reagan administration and largely approved by the Congress will have two principle effects. First, it will threaten the vitality of our already struggling economy. Money spent on the military rather than in other sectors of the economy will help to exacerbate already unacceptable unemployment. Second, funds diverted to the highly destabilizing weapons for which the President seems to have a special affinity, will have, ironically, the effect of reducing our national security. By forcing the Soviet Union to adopt a launch-on-warning policy by producing and deploying these new and dangerous weapons systems, we are only bringing ourselves closer to the abyss of nuclear war.

I urge the House not to squander our next opportunity, to examine critically, and to improve the military budget.

Mr. Speaker, I have had printed below a recent editorial from the Seattle Post-Intelligencer which echos my thoughts on this subject. I recommend it to my colleagues.

DEFENSE BUDGET POSES A DANGER

Congress appears about to pass a 1983 defense authorization bill in excess of $175 billion—some $45 billion higher than the amount being spent in the current year. For a couple of reasons, we have grave reservations.

The first reason is the impact on the economy. The recession continues in large part because of high interest rates, and interest rates stay high in large part because of marketplace expectations of continued huge federal deficits—perhaps $140 billion to $160 billion a year for the next several years. The deficit, of course, is the gap between tax revenues and government spending. Taxes have been cut to spark a recovery that never came, but the only spending cuts were in nonmilitary areas. Military spending will be going up by 35 percent.

The second reason is waste. Conservatives are fond of accusing liberals of "throwing money at problems." The defense authorization covering the year starting Oct. 1 seems to offer a number of examples of doing just that.

Take the MX missile system. The budget contains $3.7 billion for this system of land-based intercontinental ballistic missiles to replace the current Minuteman system, which is supposedly vulnerable to a Soviet first strike. But there isn't even a plan for basing the MX. What is the justification for earmarking money when they don't even know how to use it?

The bill also contains $4 billion for the highly questionable B-1 bomber, headed for early obsolescence. Compared to these huge sums, the $252 million to be wasted on the mindless civil defense plan to shuffle people in places like Seattle off to places like Yakima, while the Russians presumably brood about whether they will attack, is a tiny amount. Yet it is still waste.

The Senate and House have passed somewhat different versions of the defense authorization bill. The Senate version totals $177.9 billion and the House version $175 billion. They also have yet to reach agreement on a number of important issues, such as whether the Air Force will buy Boeing 747s or Lockheed C-5s. Nevertheless the fact that the two bills are so close suggests that the final tally will be $175 billion or more.

There is one possibility, suggested the other day by Alice Rivlin, director of the Congressional Budget Office. She said Congress could go back and take a whole new look at the budget, including military spending, in light of continued gloomy economic news. The idea is sound.

This nation, unfortunately, needs a strong defense. But it needs a strong economy as well. Simply ballooning the defense budget does not guarantee the first goal, and it may seriously jeopardize the second.●

IN MEMORY OF FRANK CHELF

SPEECH OF

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. RODINO. Mr. Speaker, I want to express my sympathies to the family of our former colleague, Frank Chelf, who died on September 1. Frank was a warm and dear friend to me as we served together on the Judiciary Committee. An Army Air Corps veteran of World War II, Frank Chelf entered politics in Kentucky after the war because of his deep commitment to serve his country. He was a man of principle who was willing to work very hard for causes he believed were right. As a member of the Judiciary Committee's Immigration Subcommittee, Frank made a lasting contribution to our immigration laws, working to bring greater fairness to the way immigrants are allowed into the country. Frank had been an orphan, and he worked hard to permit those children orphaned in World War II to find a home in the United States. His compassion and fairness were well known and respected by his colleagues in the House, and we were sorry to see him retire in 1967 after 22 years of distinguished service.

Frank Chelf loved his home State of Kentucky and he loved his country. His service as a veteran and statesman

reflected his great love, and I am proud to have been his friend.●

A TRIBUTE TO SGT. ELEANOR JEFFERSON HALL

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. CLAY. Mr. Speaker, it is with great pride that I pay a special tribute to Sgt. Eleanor Jefferson Hall who recently retired from the St. Louis Metropolitan Police Department. Sergeant Hall's remarkable contribution of service is deserving of public recognition for her career with the department was a highly distinguished and noteworthy one.

On Friday, August 6, 1982, Sergeant Hall terminated a love affair with the St. Louis Metropolitan Police Department. It was truly a love affair which began October 15, 1956, when Sergeant Hall raised her hand and took the oath of office to protect the life and property of all of the citizens of the city of St. Louis. From the very beginning, Sergeant Hall possessed the necessary qualities to become a productive and outstanding police officer because she cared about people.

Eleanor Helen Jefferson was born in Clarksdale, Miss., and, later with her parents, relocated in St. Louis, Mo., where she was educated in the St. Louis public schools. Upon completion of high school, Eleanor enrolled in the School of Charm and Modeling for she had and has always exhibited and practiced self-improvement. This is a quality which she brought with her to the police department and still possesses. She was a radiant and inspirational beacon for both young people as well as older adults during the entire period of her 26 years of service.

Sergeant Hall became a probationary patrolman on October 15, 1956, and upon graduating from the academy, she was assigned to the juvenile division where she immediately became a refreshing asset. She not only explained the pitfalls of self-destruction by living outside of the law but insisted upon self-pride and improvement to all individuals whom she encountered.

Her professonal manner and commitment to high standards resulted in her becoming the second female to ever achieve the rank of sergeant in the St. Louis Metropolitan Police Department. She, too, served meritoriously in a number of demanding assignments in various divisions throughout the department including the juvenile, narcotic, morality, gambling, public affairs, and uniform line divisions. In each of these assignments, she performed in a highly credible and outstanding manner and sought to enhance her background through study at local universities.

Sergeant Hall's achievements extend beyond the St. Louis Metropolitan Police Department and she has received numerous citations and letters of commendation for superior work.

Sergeant Hall is married to Mr. Lee F. Hall and they are the proud parents of three lovely daughters: Erma Jean, Adria, and Geraldine. Their children constitute the centerpiece of their lives.

Mr. Speaker, I believe in Sgt. Eleanor Jefferson Hall we have a lady for "all seasons" who has demonstrated the power of love, wisdom of the ages, the beauty of family solidarity, the love of children, and above all a guardian of the law and social justice and an abiding faith and love for her native land.

I am pleased to cite her as an unusual American who cares profoundly about people and human possibilities. All of us are enriched and inspired by the extraordinary example of Sgt. Eleanor Jefferson Hall. I am sure that all Members of the Congress join me in congratulating Sergeant Hall on her retirement and her remarkable contribution of service.

To Sergeant Hall, I extend my warmest best wishes, Godspeed, good health, and personal fulfillment as she undertakes other interests of her choosing.●

A NEW SCHOOL YEAR—CHALLENGES AHEAD FOR HANDICAPPED EDUCATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BIAGGI. Mr. Speaker, the week after Labor Day signifies the beginning of the new school year across the Nation. It is a time when schoolchildren can look forward to a new year of learning and challenges. However, for the 4 million handicapped children served under Public Law 94-142, the Education of the Handicapped Act, this new school year threatens to be fraught with attempts to take away their right to attend classes along with their nonhandicapped peers.

On August 4, the Department of Education issued proposed rules revising programs under Public Law 94-142, landmark legislation which has brought handicapped children into the mainstream of the classroom and has no longer relegated them to learn in separate facilities away from their nonhandicapped peers. As one of the original authors of this legislation, I can attest to the kinds of conditions that these children were once forced into and the progress they have made since this program has been in effect since 1977.

It is this kind of progress in education that prompted me to introduce House Resolution 558, legislation which urges that these rules, in their proposed form, be rejected. Clearly, at a time when appropriations for Public Law 94-142 have not grown consistent with the original intent of the law, coupled with drastic cuts in other Federal education programs, relief is needed by local school districts. In my own city of New York, it costs nearly $10,000 a year to educate a handicapped child. Of this cost, less than $250 is provided by Federal funds—the remainder is provided through State and local tax levy tax dollars. Relief can and must be provided to local jurisdictions in the absence of dollars. However, this relief cannot fly in the face of the intent of the law and the rights of handicapped children—and their parents—must be preserved.

For the benefit of my colleagues, I am including the text of House Resolution 558 as well as the list of Members who have added their names as cosponsors and urge others to join us as well.

H. RES. 558

Resolution expressing the sense of the House of Representatives that regulations recently proposed by the Secretary of Education under the Education of the Handicapped Act should not be permitted to take effect

Whereas the amendments to the Education of the Handicapped Act made by the Education for All Handicapped Children Act of 1975 (Public Law 94-142) have been the cornerstone of educational rights for more than 4,000,000 handicapped children; and

Whereas the intent of the Congress to provide a free, appropriate public education to all handicapped children must be preserved; and

Whereas this education has been secured since 1977 when regulations under the Education of the Handicapped Act were prescribed; and

Whereas regulations proposed by the Secretary of Education in a notice of proposed rulemaking published on August 4, 1982, seek to alter essential related services to children served by the Education of the Handicapped Act, limit the access of handicapped children to regular classroom instruction with nonhandicapped children, and alter the role of parents in assisting in the development of educational programs for their handicapped children, as well as limit the role of States and local schools in providing services to handicapped children under such Act; and

Whereas any changes in current regulations must be made only after a thorough examination by the Congress and the public: Now, therefore be it

Resolved, That it is the sense of the House of Representatives that—

(1) regulations relating to assistance to States for the education of handicapped children, proposed by the Secretary of Education in a notice of proposed rulemaking published on August 4, 1982 (47 Federal Register 33835 et seq.), should be rejected in their present form and should not be per-

mitted to take effect during any period in which the Congress is in recess; and

(2) the provisions of section 431 of the General Education Provisions Act, which provide a procedure for congressional disapproval of all education regulations, apply in this instance, and the Congress should use this procedure for disapproval if final regulations proposed by the Secretary of Education seek to dilute congressional intent in administering the Education of the Handicapped Act.

LIST OF COSPONSORS

Mr. Biaggi, Mr. Richmond, Mr. Weiss, Mr. Brodhead, Mr. Fithian, Mr. Pepper, Mr. McGrath, Mr. Markey, Mr. Horton, Mr. Bedell, Mr. Smith of New Jersey, Mr. Santini, Mr. Moakley, Mr. Won Pat, Mr. Hoyer, Mr. Ford of Tennessee, Mr. Stark, Mr. Rodino, Mr. Downey, Mr. Bingham, Mrs. Chisholm, Mr. Addabbo, Mr. Gejdenson, Mr. Hopkins, Mr. Ratchford, Mr. Wolpe, Mr. Edgar, Mr. Gilman, Mr. Gore, Mr. Miller of California, Mr. Roe, Mr. Peyser, Mr. Foglietta, Mr. Boner of Tennessee, Mr. Martinez, Mr. Wortley, Mrs. Schneider, Mr. Frank, Mr. Leach, Mr. Boland, Mr. Patterson, Mr. Nowak, Mr. Rosenthal, Mr. John L. Burton, Mr. Garcia, Mr. Studds, Mr. Vento, Mr. Long of Maryland, Mr. D'Amours, Mr. Fauntroy, Mr. Solomon, Mr. Lee, Mr. Heftel, Mr. Foley, Mr. Conyers, Mr. Edwards of California, Mr. Bailey of Pennsylvania, Mr. Oberstar, Mr. Markey, Mr. Mollohan, Mr. Young of Missouri, Mrs. Heckler, Mr. Minish, and Mr. Crockett.

STATEN ISLAND MID-ISLAND GIRL'S SOFTBALL TEAM

HON. GUY V. MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. MOLINARI. Mr. Speaker, I rise to honor a group of my constituents, whose fortitude and team spirit should be a lesson to us all. The Staten Island Mid-Island Little League girl's team, composed of 10–12-year-olds, entered the 1982 Little League Softball World Series, rising above 15,000 other teams to enter the celebrated event. On August 20, needing only one game to win, they were defeated by 1 to 0 by a Glendale, Calif., team. On the following day they lost once again by the narrow margin of 2 to 1.

The two games, played in Kalamazoo, Mich., ended their hopes of being the world champions.

For many months, the girls had held the dream of being the best in the country—their hard fought climb to the top established several records. They are the first team ever, in New York State or New York City, to reach the finals, and to lose after going so far was a crushing blow to these young ladies from Staten Island, but they are the children of several generations of Staten Islanders who have fought the good fight, and they won their share of battles, sometimes against what seemed to be overwhelming odds. As the sting of defeat wore off, these fine youngsters rallied, realizing that reaching the finals is an honor that very few can share.

In many ways, these girls personify this great country of ours, their spirit that took them to the top, and despite what I consider to be a minor setback, have returned to Staten Island fired with enthusiasm for that not too distant game when they will win. I am proud of their tremendous effort, their indomitable courage and their sense of fair play.

Mr. Speaker, I would like to enter their names in the RECORD, so that all may know of their achievement: Ellie Traino; Renee Annucci; Laurie Falcone; Florence Inciardi; Denise Lorelli; Jodi Kulak; Regina Diel; Dawn Roloph; Dawn McCann; Ann Marie Giamundo; Julie Fleschner; Carolyn Anarumo; Keri Ann Dugan; and Susan Pepe.

And, of course, Coach Jack Hurley, Manager Sandy Gonchar and the team's families, who fired the spirit that took them to such great heights. Speaking for all Staten Islanders, let me say that we do not consider the Middle Island Little League girl's team as losers, but as winners in every sense of the word. We all share the same deep pride in their outstanding accomplishments.●

A RETURN TO AMERICAN IDEALS "ONE MAN'S CHARLESTON"

HON. THOMAS F. HARTNETT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. HARTNETT. Mr. Speaker, few people recognize major shifts in policy as we plod through a life of inperceptable change. I recently received a very thought-provoking article by Tom Hamrick printed in the Charleston News and Courier on August 8, 1982. I want to share it with my colleagues in the hope that the commonsense views of this pundit might provide to be enlightening and serve as a mutual reference point of where to begin, as we consider the need for new and meaningful legislation.

ONE MAN'S CHARLESTON

(By Tom Hamrick)

I don't know about you, but I am frightened that the U.S. as it once existed is no more, and that our toboggan ride into the pit may now be so quickened that we can't stop an inevitable disaster. I am terribly concerned that time is running out and tomorrow's skolars may compare a short-lived America to a Roman Empire which also bought its way into oblivion with bread and circuses.

I am sickened that I live in "one nation under God" where a simple prayer has been banned in our skules by a Supreme Court I've long quit trusting to always act in the best interests of the Silent Majority. I do not feel these prayers should be secular . . . they shouldn't . . . but Gentile or Jew, surely we all owe a debt of gratitude which could at least be expressed in silent thanks in the classroom. (And was there ever anything more un-American than taking the traditional Christmas pageant out of skule?)

I am tired of turning on my teleset and hearing a mournful local commentator spill tears over some mama (wed or unwed) who tells the tube she can "hardly feed seven head" of children on her welfare aid, and then report her eighth production is due soon. Why should responsible citizens pinch pennies in planned parenthod, and then be forced to also pick up a piece of the tab for uncaring femmes who turn their bodies into welfare slot machines?

I am disgusted with a runaway fed budget soaring out of kilter . . . while so many of the people we send to Congress lack the gutz to put our house in order.

I am frightened that crime is out of control . . . when the cause is ridiculously simple: the handcuffs are on the cop instead of the crud. And I couldn't care less if Public Defender Mark Archer doesn't have all the funds he needs to keep the garbage out of the can. I am tired of delayed trials and the technical loopholes which are craftily exploited by unconscionable attorneys to free the guilty. If we lack cells, let's put our thugs in tents. If soldiers can live under canvas, so can the scum.

I am totally turned off with college athletix, when we hire semi-literate jocks and ease them thru skule with crip courses in basket-weaving and hopscotch. It is past time that college sports return to amateur status, with competing athletes made eligible only on basis of respectable grade averages in a standard curriculum. Let's stop turning classroom clods into Saturday's gods.

I am appalled by our skyrocketing gimmecracy . . . which has created an army of shiftless Americans which feels that other people who toil should guarantee them daily survival which doesn't require the lift of a finger . . . except to autograf a welfare check . . . Before the Great Giveaway came along, there were a lot of 14-y-o kids like me peddling newspapers on streetcorners, reared by divorcee mothers who refused alimony and welfare, and who proudly worked as sales clerks to keep gritz on the table of a walk-up flat. And that was the real American Way, before pols began passing out the freebies which destroy initiative and responsibility.

And I grow ill when I hear about foodstamps being spent for Pepsis, Oreos and select steaks, or gambled away, and realize that a lot of us eat less meat (or no meat at all) to finance the frivolities of others. And then there are also those millions of $$$s we scatter (and often waste) on skule and summer feeding programs because Congress feels today's youths can't survive on the same peanut butter sandwiches which kindled yesterday's student bodies.

I am tired of hearing that we lack the gelt to replace a bridge or hwy . . . and yet we have mountains of moolah to dump into El Salvador, or Shana, or Israel, or Togoland, and other pieces of geography big and small, in an effort to buy friendships which often end in one-way streets when the chips are down.

I suffer the doldroms when I pay my income taxes in full, while others avoid detection by accepting cash under the counter. Really, now, shouldn't we consider replacing our hit-and-miss income tax with state/fed sales taxes, to insure that each of us . . . individually or industrially . . .

shares the burden whenever we buy a loaf of bread or a pint of Pabst or import a ton of steel?

I am depressed that half of America's teen-age blax are unemployed, and yet there is total silence from so-called black leadership in pressuring D/C to lift a $3.35 hrly wage barrier which is denying them a foot on the ladder, particularly in the ranks of dropouts who face a career on the increasingly crushing dole.

I am dismayed by gigantic campaigns to enroll the illiteri as voters, and I have large doubts that our foredads ever intended that sheep be taxied to the polls to mindlessly ditto a "recommended slate" of candidates they know little or nothing about, except they've been endorsed by some wardheeler. I also worry much that we are all losing, B&W, as our local two-party system is increasingly split into two opposing racial camps, white against black.

I am disheartened that so many of our deserving aged are forced into circumstances of embarrassed poverty, while we always have taxbux for bigger and costlier givvecrat programs designed to help those who will not help themselves.

I am ashamed that we impose so little control over multi-million-$$$ spending for black-oriented medicine that we allow costly health programs to be converted into black job centers managed by hi-salaried but unqualified big shots, at the expense of the aged and ailing for whom taxland appropriated the funds. And I wonder if some of the people we appoint to supervise these operations as board mbrs are paying attention . . . or even care.

I am not proud of today's unionism, which has put pay ahead of production and cost us our world mkts, which enables our teachers to escape accountability in the classroom, and which argues that misfits in union ranks must be protected forever, so long as they tally their wkly dues.

And I cannot understand why Congress discourages thrift by imposing tall taxes on nest eggs, thereby denying banks a prime resource for the lower-cost loans needed to revive the economy.

Sure, thousands of you agree. But, meantime, honey, us Good Guys are getting the hell beat out of us because we're all waiting for the Other Guy to scream first . . . Sad, ain't it?●

A VICTIM OF CURRENT POLICY SPEAKS OUT

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. SIMON. Mr. Speaker, recently Michael P. Smith of Marion, Ill., visited me. He is a cerebral palsy victim, 30 years old, trying to get by on extremely limited SSI and food stamp assistance.

I am inserting into the CONGRESSIONAL RECORD a letter which he sent to me which illustrates how the least fortunate in our society are being hurt by our present policies. This is not fair and does not make sense.

I hope my colleagues in the House and Senate will read this and I hope some people in the administration will read it also. What we are doing is we are saving money in too many instances at the expense of the people who can least afford it.

MARION, ILL.
June 25, 1982.

DEAR SIR: I'm writing to draw your attention to a situation of vital importance to me: Living.

Please allow me to take a few minutes of your time to explain what I mean. I am handicapped, I have Cerebral Palsy. I am thirty years old, divorced, and live alone. I receive Supplemental Security Income (S.S.I.), Food Stamps, Medicaid Benefits, and I live in a Federal Housing Project. I am unemployed, although I would like to work if I could find someone who would hire me and pay me enough to make a living. I am a bookkeeper.

I now receive $264.70 per month S.S.I., $32 per month Food Stamps, and I pay $60.00 per month for rent.

Beginning July 1, 1982, I will receive $284.30 per month S.S.I., $27 per month Food Stamps, and my rent will still be $60 per month.

The increase in S.S.I., of $19.60 or 7.4% is due to an increase in the cost of living. The reduction in Food Stamps of $5.00 or 15.5% is due to an increase in income. What this all boils down to is this: My total resources (S.S.I. and Food Stamps) before any expenses are now $296.70 per month. After July 1, 1982, my total resources will be $311.30 per month, or an increase of $14.60 per month or 4.9%.

What I want to know is this: What happened to the 7.4% cost of living increase? Why can't there be a coinciding increase in Food Stamps? An increase of $2.00 or 6.2% in my Food Stamps would increase my total resources $21.60 per month or 7.2%. That seems more fair than 4.9%, doesn't it?

I hope you can see what I've been trying to explain. Please help introduce and pass legislation to raise Food Stamp apportionments at the same rate and time as the cost of living increases on government checks.

I am quite sure that, if you stop to consider all the billions of dollars in Foreign Aid and refugee relief that this country gives away, this is not too much to ask of you for a fellow American.

Thank you for your time and consideration.

Sincerely,

MICHAEL P. SMITH.●

ASSURING THAT HELP IS ONLY A BEEP AWAY

HON. MARGARET M. HECKLER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mrs. HECKLER. Mr. Speaker, as the primary sponsor of H.R. 3921, legislation to provide coverage under medicare for personal emergency response services, I would like to share with my colleagues an article which underlines the need for such authorization. This article, "When Life's at Your Fingertips," appeared in the August 22 issue of Parade.

Written by Lawrence Galton, the article demonstrates, by case histories, how the lives of the impaired elderly are enhanced, and even saved, by having medical assistance "only a beep away." Following is the text of the article:

[From Parade, Aug. 22, 1982]

WHEN LIFE'S AT YOUR FINGERTIPS

(By Lawrence Galton)

Mary Calkins, 57 years old, was home alone when she fell out of her wheelchair a few months ago. Unable to move, she would have been left helpless—except for a little wireless transmitter device in her pocket.

By pressing a button, Mrs. Calkins set in motion a system that immediately signaled an emergency center in Cincinnati's Bethesda Hospital. Within five minutes, a neighbor—alerted by the hospital—was there to help.

That system, called Lifeline, is being used by more than 12,000 people across the country. It has been shown to improve the health and quality of life of the elderly and disabled of all ages as well as to cut medical costs. People who would otherwise have to be institutionalized can now remain independent, says Sue Campbell, the Lifeline coordinator at Bethesda Hospital, where the system is hooked up to the homes of 150 people.

Lifeline is more than a lifesaver, says Dr. Carlos Castellon, director of the department of emergency medicine at Lee Hospital in Johnstown, Pa. "It's a companion, a source of psychological comfort."

Here's how Lifeline works: A wireless transmitter, carried in a pocket or attached to clothing, sends messages to a communicator in a home phone, which then automatically calls the hospital or other community agency where monitored equipment has been set up. The emergency response center has an information card for each Lifeline user listing medical condition and people to be called in an emergency. These are backed up by community service providers such as an ambulance service and police.

In addition, the telephone communicator incorporates an automatic timer. If no phone calls are made or received within a 12- or 24-hour period and the timer has not been reset manually, a "time-out" call is made to the hospital.

Lifeline was designed by Dr. Andrew S. Dibner, a geronotology specialist. In 1972, he got the idea for a timer that would call for help automatically and developed it with the aid of engineers. Before it was widely offered, a federally financed three-year study found that Lifeline users were less anxious, slept better and were more satisfied with their lives than nonusers. They also saved money. Lifeline users averaged one day a year of nursing home care, compared to 13 days for nonusers. The annual savings in institutional care costs averaged $1400 per user.

Since completion of the study in 1979, more than 400 Lifeline programs have been started in 46 states. Typically, they are operated by hospitals. Volunteers usually install the equipment in homes and instruct users, who may number up to 250 at one time. Hospital auxiliaries often finance the system. The charge to clients—$10 a month—may be scaled down to meet their financial abilities. And legislation has been introduced to provide medicare coverage for the service.

A recent survey of programs across the country shows that the average Lifeline client is 75 and that 75 percent are women. Most live alone and have mobility problems. Falls, frequently in the bathtub, are the

most common emergency, with heart attacks next. "Time-out" emergencies—when the system automatically calls for help—occur about 5 percent of the time.

Lifeline has been useful in many kinds of situations. In Boston, for example, a young woman with severe brittle diabetes has been saved from five coma-induced emergencies in the last three years. And at St. Joseph's Memorial Hospital in Kokomo, Ind., Lifeline is part of a monitoring system for infants judged susceptible to crib death. If the monitor signals an interruption of breathing, parents immediately press a button, and a medical team is dispatched from the hospital.

The beep-beep sound made by the transmitter button has even discouraged would-be intruders.

Says Kass Bolshaw, Lifeline coordinator at the Marian Health Center in Sioux City, Iowa: "I know one thing. If my own parents were in a position where they might need Lifeline, I would certainly install it."

For further information about Lifeline, including specific programs, write: Lifeline Systems Inc., 400 Main St., Dept. P. Waltham, Mass. 02254.●

AFFIRMATIVE ACTION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. RINALDO. Mr. Speaker, the effort of private industry to voluntarily institute affirmative action programs is taking place thoughout our Nation without much fanfare. I am proud of the fact that a major corporation in my district of New Jersey, Merck & Co. of Rahway, has initiated one of the Nation's most extensive affirmative action communications programs to demonstrate how equal opportunity can create a better work environment for everyone and lead to progress for the company as well.

Merck, one of the Nation's largest health products firms, has made day-long forums the cornerstone of an extensive affirmative action training program called phase III. It is believed to be the first such program to include the entire work force of a major corporation. In Merck's case, this amounts to 16,000 people at 61 plants, administrative, and sales locations throughout the United States. Earlier phases of the company's affirmative action awareness program reached down only to the supervisory level.

Explained John J. Horan, chairman and chief executive officer.

> We want to communicate Merck's affirmative action commitment to every single employee and to demonstrate how our equal opportunity policy and practices create benefits for all employees. It is our belief that this program will help Merck people create a more open work environment—one in which each employee will be more effective because his or her individual worth is recognized and respected.

Merck hopes its new program will actually impact on the day-to-day work environment of its people. The company established an office of equal employment affairs 14 years ago and conducted two previous communications programs relating to affirmative action. The first, in 1977, involved all executives and managers and the second, in 1979, involved supervisors, shop stewards and union officials.

"Phase III's debate without fear of censure gives our employees a unique learning experience," explained Walter R. Trosin, Merck's vice president for human resources. "They now have a vehicle to examine, discover and dispel misconceptions and prejudices that cloud affirmative action and its benefits.

"If we can remove barriers to a more supportive work environment, each employee becomes more capable of reaching his or her full potential. The individual progresses, and the company does as well."

The phase III program is still underway, though more than three-quarters of Merck's U.S. employees have participated in the no-holds-barred discussions on sensitive subjects of race and sex bias. The company believes its pioneering human relations project is a success. According to Stephen M. Darien, Merck's executive director of U.S. personnel relations:

> It has led to greater understanding of our affirmative action program and to better communication between people at all levels of the company. I think it encourages respect for the rights and feelings of coworkers and fosters a more cooperative and productive atmosphere.

Nine of every 10 participants to date not only rate the program as good to excellent, but report they have a clearer view of Merck's goals and polices, a questionnaire survey shows.

The program has another novel aspect. Instead of using professional trainers, the company has recruited and trained 1,000 of its line managers to act as discussion leaders. They preside over small group sessions limited to 10 to 15 persons.

The openness of the sessions has greatly enhanced communications and understanding among employees and supervisors. So much so, said B. Lawrence Branch, director of corporate equal employment affairs, that even people thought by their coworkers to be aloof are drawn into telling of work-related problems.

Merck reports that 69 percent of phase III participants said they felt more positive about the company's equal employment and affirmative action program as a result of the training. While 3 percent said their feelings about affirmative action were more negative than before, some 28 percent felt the same as before training, many noting that their attitudes had been positive. "The change in attitude expressed by more than two-thirds of the people undergoing the training shows that voluntary action programs of this kind can be dramatically effective," Mr. Darien said.●

THOUGHTS OF NUCLEAR EXTINCTION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. MARKEY. Mr. Speaker, unfortunately, over the years we have learned to live with the bomb simply by not thinking about it. In debating nuclear weapons, we can easily forget the horrible devastation they would bring to this planet.

Fortunately, the nuclear freeze movement across this country is waking up the American public to the dangers of nuclear war and to the fact that the Reagan administration's nuclear arms buildup leads us closer to the threat of nuclear war.

I would like to commend to my colleagues an article written by Mary Janes Hayes in the June 7, 1982, issue of the Patriot Ledger of Massachusetts. It provides a very personal and valuable account of what nuclear extinction would mean to one person:

[From the Patriot Ledger, June 7, 1982]

LET US RETREAT FROM THRUST TOWARD EXTINCTION

(By Mary Jane Hayes)

When I consider what I read in the papers—that costs for many social programs will be held down or cut, while defense spending on tanks and bombers and missiles, and many another means of destroying our fellow humans will rise from $183 billion in 1982 to $216 in 1983; that the Reagan administration will ask Congress to more than double military aid for El Salvador next year in addition to hinting that U.S. troops might be employed; that the president told Congress Feb. 8 that production of new lethal nerve gas weapons "is essential to the national interest," thus clearing the way for an end to a nearly 13-year-old moratorium on their manufacture; above all, that notwithstanding the United States and the Soviet Union between them have 16,000 nuclear warheads, enough to pulverize the earth and yet Strategic Arms Reduction Talks have not begun—when I consider all this preoccupation with death—this emphasis on confrontation instead of communication—this bearing of us inexorably and against our will toward extinction—I pause to reflect on the sweetness of my life.

I think of my family and friends, of the obligations and relations that give direction to my days. I think of my father, who was a thoughtful and articulate gentleman who set to the end of his life an example of personal integrity. I think of my mother, who is a home-making artist to her finger-tips, and who combines with her talents, pluck and staying power. I think of how that pair together succored and sheltered their young, despite the ravages of the Depression.

I think of the brother who taught me to draw and of the twin sister with whom

could (and can) be shared every phase of maturing. I think of the husband who has constantly challenged me to become a fuller person than I otherwise might have been, not through words, but being the considerate man of action that he is.

I think of the two children, now young adults, it has been my privilege and charge, my anguish and joy to nurture. I think of inlaws and relatives of whom I am truly fond. Of the comrades I grew up with and with whom were enjoyed long years of croquet and Camp Fire Girls. I think of all the other people I've encountered along the way, from the noblest to the most pitiful, and especially of that handful that have made a real difference to my way of thinking or seeing or feeling. Were I never to meet another soul I could cry with a full heart: What men I've known! What women!

I think of the nature with whom I've become as intimate as if I were an Indian. I think of early rambles with my father through a local beechwood, my hand in his, his tall form moving along beside my smaller one, shafts of sunlight falling across logs and roots and clumps of mosses. From that day to this I have never ceased to love and wonder at the marvels of the physical world. Day by day, week in and week out, year after year I've walked it until nature and I have become so deeply bonded that she holds few negatives for me. I think of my appreciation of the fact that each part of her cycle is necessary and beautiful.

I think of winter with its icy light and the purity of its piercing cold; of the miracle of spring and particularly the magic of May which swells into the crescendo of summer, of autumn when trees are no longer clothed in leaves but crowned with jewels. I think of the birds in my backyard, of the blue jays so unconsciously graceful as they beat up or plummet down, of the chickadees under the protectorate of everyone's tenderness, and of the squirrels who outwit every baffle my brain can devise.

I think of my garden and yard and the therapy and esthetic gratification they provide, from the picking up of twigs in March to the covering over of the border in November for its annual slumber. I think how mine is not a sentimental love; for I have been tossed viciously about in skies in the days when I was an airline stewardess, and often on the high seas, now that I am a sailor. I understand perfectly well what Camus meant by the indifference of nature, but I love her not a whit the less because of it.

I think of the books that have guided, inspired, entertained and cheered me beyond the describing—from the folk and fairy tales of my youth to the volumes that have become part of my bones and blood as an adult. I think of the impassioned letters of Vincent van Gogh to his brother, Theo; of the novels of George Eliot and Thomas Hardy; of the essays of Emerson; of poems of Emily Dickson and William Wordworth.

I think how charmed I am by youngsters, by the sons and daughters of my neighbors who move me constantly to affection and delight.

I think of the dogs I've adored, from our first pet, named "Shep," (as disreputable a mutt as ever toured a neighborhood knocking over garbage cans and plaguing cats); through our two beagles "Rinky" and "Salty," to the 56 canines in my immediate vicinity, each of whom is a beloved acquaintance.

I think of my pleasure in great music: in Rachmaninoff, Tchaikovsky, Chopin, Brahms, and in favorite songs like "Greensleeves" and "Eidelweiss."

I think of the nine years I waited on table for a local caterer, through which I gained the satisfaction of hard physical work and the pride of serving a worthy master. (The woman who was our boss in those years had standards and the force of character to see to it that her help lived up to them.) I think of the excitements of stewardessing in the days when flying was still something of an adventure, and of the enrichments provided by travel and a viewing of the earth from an entirely new perspective. I think of several years of teaching with its confirmation that nothing mattered more than the cherishing of children. I think of the throes and agony of creative writing and the almost terrible gladness that accompanies achievement.

I think of the griefs that have granted me whatever grace of soul I possess. I think how loss, anxiety, humiliation, how uncertainty and guilt are the raw materials of compassion; how whatever fellowship in feeling I am able to extend has been forged in the dark crucible of sorrow. I think, too, of the happiness that has sprung up in me like daisies; of the golden familiar; of the blessedness of routine.

When I consider these things tears rise into my eyes from the depths of my being. It has been—it is—so inexpressibly precious. One life, mine, multiplied by millions worldwide—each unique, each precious, each endangered. And not only these, but all of those to come. Snuffed out, possibly, without their ever having had a chance to experience in all its manifestations.

We stand just at the edge of the abyss. It's not too late to retreat to the green fields of life.●

ANNOUNCING THE DEATH OF CHIEF JUDGE HERNÁN PESQUERA OF PUERTO RICO

HON. BALTASAR CORRADA

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. CORRADA. Mr. Speaker, it is with great sadness and grief that I communicate to the House the untimely death of the chief judge of the U.S. district court for the District of Puerto Rico, Hon. Hernán Pesquera, who died last night in Puerto Rico.

Judge Pesquera was 58 years old and was appointed to the Federal bench by President Nixon on August 21, 1972. He served with great distinction during the last 10 years devoting all his energy and exceptional talents to impart justice to those coming before the court. Judge Pesquera served as chief judge for 2 years with administrative skills. During his tenure, he saw the court grow from two to seven Federal judges in Puerto Rico. Together with the late Judge José V. Toledo, Judge Pesquera was instrumental in supporting my own efforts and those of others in 1978 to increase the number of U.S. district court judges in Puerto Rico from three to seven when Congress enacted a law to that effect.

The great ability and hard work of Judge Pesquera will be missed by the court, the bar, and the legal community. As a personal friend, I am grieved by his death.

I extend my deepest condolences to his widow, Sonia Marty de Pespuera, their children Sonia, Maria Margarita, Hernán, and Isabel Cristina, as well as all the members of the family.●

OAKLAND RED CROSS HONORS INDIVIDUALS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. STARK. Mr. Speaker, on August 26, 1982, the Oakland Branch of the American Red Cross honored individuals who have volunteered their services to the community through the American Red Cross. These citizens have given freely of their time and effort to help wherever and whenever needed. Without the volunteer services of these individuals, the American Red Cross could not have provided the public service and the general benefits to the communities the American Red Cross serves. I salute the following volunteers who were honored:

Dennis Mataresse, Dan Mielke, Tom Preston, Ralph Roberts, Peggy Schmidt, Francis Shoemaker, Louis Steele, John Tessandori, Robert Valcalda, Marie Whidden, Ann Blasius, Joanne Sumara, Marton Watton, Walter Wilson, Charles Groce, Robert L. Elkins, Renita Evans, Betty Finger, Helen Fleck, Cleveia Goodall, Phil H. Grant, Robert L. Gregg, Boris Gregory, Charles Harrington, Lillian Harrison, Maida Henderson, Agnes Hojio, Ingeborg Wells, Marjorie Wright, Patsy Sheaff, Carol Scheidel, Muriel Simpson, Shirley C. Smith, Francis J. Stevenson, Bernadine H. Swadley, Florence Swanburg, Mary Tarrant, Eugene Tarrant, Morris Turner, Glen Wardaugh, Flora E. Wasson, Venius Winn, and Joseph White.●

SEVENTY-FIVE YEARS OF SOLIDARITY

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. STARK. Mr. Speaker, on August 28, 1982, the members of the International Brotherhood of Electrical Workers, Local 595, celebrated their 75th anniversary in Oakland, Calif.

Since it was founded in 1907, local 595 has flourished and expanded as it protected the interests of working people in the community. Today it has 1,400 members.

In these troubled economic times, the importance of unions, serving as the voice for working people, cannot be overemphasized. I would like to

congratulate Thomas J. Sweeney, business manager/financial secretary of local 595, and all the members on their fine achievements, and I wish them many more years of success.●

SENIOR CITIZEN JOBS

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. LEHMAN. Mr. Speaker, because of a schedule conflict this morning, I was unable to deliver a prepared 1-minute speech regarding the title V program and the President's veto of the supplemental appropriations bill. I would like to include these remarks in the RECORD to indicate my strong support for the jobs program and my intention to vote to override the President's veto of H.R. 6863.

My statement follows:

Mr. Speaker, when word first got out that President Reagan wanted to eliminate Title V jobs for senior citizens, I met with a group of these workers in my congressional district. They were outraged that this administration would take away their opportunity to earn some money and to serve the needs of our community. I gave them my promise that I would fight the attempts of the Reagan administration to take away their jobs.

Eliminating Title V jobs will hurt people. It will hurt the senior citizens who hold these jobs. Many of them will be left with very minimal means of support. Many of them will also be hurt emotionally and psychologically, as the administration is in effect telling them that our country has no need of their talents and willingness to work.

The people who are now being served by Title V workers will also be hurt. They will have to go without certain services as it is unlikely that State or local governments will step in to fill the gap.

Mr. Speaker, if we are serious about keeping people employed, and if we are serious about trimming the budget without hurting the elderly, it is imperative that we vote to override the President's veto of the Supplemental Appropriations bill.●

PENSION FUND INVESTMENT IN THE RESIDENTIAL HOUSING MARKET

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. GEPHARDT. Mr. Speaker, recently the Subcommittee on Labor-Management Relations of the House Education Committee held field hearings on the issue of pension fund investment in the housing industry. I would like to commend the chairman of the subcommittee, PHILLIP BURTON, and the other members of the subcommittee for holding these hearings into this most important issue.

Congressman RON WYDEN prepared testimony for these hearings on his bill, H.R. 6781, the Residential Mortgage Investment Act of 1982. This legislation is designed to remove the impediments to pension fund investment in residential mortgages, one of the major issues discussed at these field hearings. This legislation has already been cosponsored by 245 Members of the House from both sides of the aisle.

I commend to my colleagues Congressman WYDEN's testimony which provides an insightful view on this issue.

CONGRESSMAN WYDEN'S TESTIMONY

Mr. Chairman, I would first like to express my sincere appreciation to you for your kind invitation to participate in this hearing.

The economic vitality of the American housing industry is of the utmost importance to me and to my constituents in the state of Oregon. The health of the Oregon economy is in large part dependent on the health of the timber, lumber, housing, and real estate industries.

Because of the longest and most severe slump in housing in more than 40 years, Oregon is experiencing its longest and most severe economic slump in more than 40 years. In many Oregon communities, the effects of the recession have been devastating, with unemployment rates running close to the worst levels experienced in the Great Depression of the 1930's.

The diagnosis of the housing industry's malaise is clear: a severe shortage of affordable mortgage capital that has driven mortgage interest rates up to unprecedented levels and priced all but a miniscule percentage of the American people out of the homebuying market.

The cure is also clear: find new sources of mortgage capital. And pension funds, both public and private, represent the largest potential new source of mortgage capital—more than $600 billion.

At the present time, only about 3 percent of this vast pool of funds is invested in housing and real estate. There is no reason why that percentage should not and can not be higher—without endangering the prudent investment of pension funds.

Mortgages and mortgage-backed securities are sound, safe and profitable investments. A recent Salomon Brothers survey showed that, over a 10 year period, mortgage securities outperformed investments such as corporate bonds and long-term U.S. Treasury notes.

Mr. Chairman, I commend you for calling this hearing to explore the various options available to those pension funds interested in diversifying their portfolios with housing investment instruments. I am convinced that your involvement and leadership in this clearly worthwhile endeavor will prove to be a real benefit to pension funds, the housing industry and the homebuying public alike.

It is fitting to hold this hearing in your home state of California, Mr. Chairman. In recent months, the State of California has developed one of the most innovative programs in the nation to encourage public pension fund investment in housing. More than $100 million has been invested in mortgage instruments so far and the results are impressive: 6,746 jobs created, $144 million in personal income and $20-million in tax revenue generated. Both candidates for governor of California this year have endorsed this program and are calling for an expansion of this type of investment.

There is no reason why a similar surge of investment by private pension funds in housing should not occur and should not have similarly impressive results in stimulating new housing construction, creating new jobs and generating new revenue.

One reason why there has not been greater private pension fund investment in housing is because the United States Department of Labor, in interpreting the Employment and Retirement Income Security Act, has seen fit to draft restrictive regulations that apply only to pension fund investment in housing and, in my view, have discouraged pension fund managers from considering mortgage investments.

Although the Department of Labor did issue several exemptions for pension plan investment in residential mortgages earlier this year, the exemptions still do not reflect the realities of the mortgage marketplace and ERISA regulations continue to restrict unnecessarily mortgage investment and continue to treat housing as a second class investment.

As you know, Mr. Chairman, Congressman Dick Gephardt, Congressman Barber Conable and I introduced a bill last month—the Residential Mortgage Investment Act—that would remove these additional arbitrary regulatory impediments and permit mortgages to compete for the attention of private pension fund managers on an equal footing with other types of investment.

This legislation (HR 6781), now pending in the Labor-Management Relations Subcommittee, has quickly attracted widespread bipartisan support in the House and now has 235 cosponsors.

Mr. Chairman, the final action taken by the Labor Department, while making some significant improvements, nevertheless continues to impose numerous additional time-consuming and costly burdens on investments in mortgage securities.

Let me take this opportunity to list what I consider to be some of the major shortcomings in the Department of Labor's position on this issue:

The exemptions limit pension fund investments to "recognized mortgage loans," but define that to mean only loans that qualify under Fannie Mae, Ginny Mae or Freddie Mac—roughly 60 per cent of the residential mortgage market. There is no reason why other conventional mortgage securities packaged by private mortgage investment bankers should be excluded. Salomon Brothers alone has handled $71 billion in conventional mortgage securities in just the past 18 months.

The Department chose not to extend the exemptions to multi-family housing, even though requested to do so.

Plans are still forbidden to participate directly in the mortgage investment marketplace. Investments must be made through an "established mortgage lender", approved by HUD or some other government housing finance agency.

Pension fund managers are arbitrarily prohibited from purchasing more than a specified and limited percentage of any particular issue of mortgage backed security certificates.

If an employee benefit plan does not follow the conditions included in the Department's "class exemption"—or if a fund manager is uncertain whether a particular mortgage transaction qualifies under the exemption—the plan must request an opinion

or seek an individual exemption from the Labor Department.

This procedure in itself is costly and burdensome. It is unlikely that a Labor Department response could be expected in less than 90 days. In this interim period, many profitable investment opportunities could be lost.

Most important; pension fund managers are still not allowed to make mortgage security investment decisions on their own. The manager instead must delegate this decision to an independent fiduciary or "qualified real estate management." This requirement—which applies exclusively to mortgage investments—creates a psychological barrier, adds additional costs and erodes whatever competitive edge the investment might have on its own merits.

Mr. Chairman, Congressman Gephardt, Congressman Conable and I introduced H.R. 6781 because we think this list of special restrictions on pension fund investment in housing includes real and substantial barriers and is not supported by sound economic reasoning.

Under the ERISA statute, pension plan trustees are given the responsibility and authority to direct and control the investment of pension plan assets. We believe the Department of Labor, in restricting mortgage investment capabilities, has usurped this responsibility and authority to an unreasonable degree, a degree that is not only economically unsound, but also fails to reflect the intent of Congress.

We introduced this bill because we believe that, by removing these arbitrary regulatory impediments—while retaining the basic prudency, diversity and arms length transaction standards—pension funds will have a new incentive to invest in housing.

We believe that a significant new infusion of mortgage capital will quickly flow from private pension funds to the housing marketplace and that this new source of capital is bound to have a downward impact on mortgage interest rates.

California's Public Investment Strategy program has already plowed the ground and has proven how a prudent investment of a reasonable percentage of public pension fund reserves can serve as a real stimulus to a state's housing and construction industries.

There is no reason why a similar surge in housing construction cannot happen all over the country if mortgage securities are allowed to compete on a level playing field with other private pension fund investment opportunities.

Mr. Chairman, once again, I thank you for the opportunity to participate in this hearing. I hope I can convince the Subcommittee that a legislative revision of the ERISA regulations on mortgage investment is a reasonable and sound method of encouraging new pension fund investment in residential housing.

My colleagues and I stand ready to work with the Subcommittee on any technical suggestions you might have on this bill. Thank you.●

AMNESTY TO ALIENS COSTLY TO STATES

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. DAUB. Mr. Speaker, yesterday, I introduced a bill, H.R. 7060, to amend the Immigration and Nationality Act, by updating the Registry Date provision. I have taken this action to allow my colleagues in alternative to the "amnesty" provisions currently contained in H.R. 6514, the Immigration Reform and Control Act, to be considered by the Judiciary Committee on Tuesday, September 14.

To stress the need for modification of H.R. 6514, I offer the following article reprinted from the Sacramento Bee on September 2, 1982, for my colleagues' benefit.

[From the Sacramento Bee, Sept. 2, 1982]

IMMIGRATION BILL MAY INCREASE STATE WELFARE TAB $1 BILLION

(By Leo Rennert)

WASHINGTON.—California would be saddled with up to $1.3 billion a year in additional state and local welfare outlays for illegal aliens eligible for legal resident status under a pending immigration bill, state officials warned Wednesday.

Under instructions from State Senate President Pro Tem David Roberti, Washington lobbyists for the Legislature have launched an all-out drive to persuade Congress to make major changes or kill the measure altogether.

Led by California, a coalition of states that would feel the impact of the bill, including Florida, Texas, New York and New Jersey, will meet today to draft a set of financial safeguards for submission to the House after the Labor Day recess.

When the Senate passed its version Aug. 17, the Reagan administration succeeded in attaching an amendment that would deny federal welfare assistance for three to six years to illegal aliens whose stay in the United States would be legitimized by the bill.

California and other states argue this would require them to pick up full welfare costs for hundreds of thousands of aliens as they begin the transition from undocumented status toward full citizenship.

At issue are such welfare programs as Aid to Families with Dependent Children (AFDC), Medicaid (known in California as Medi-Cal), food stamps and Supplemental Security Income. Normally, costs for these programs are split between Washington and the states.

While estimates about the number of illegal aliens vary widely, federal authorities tend to place the total at 3 million to 6 million. California alone may account for more than 1 million, according to new state projections.

State officials say they were slow to grasp the immigration bill's full impact on their strained treasuries during Senate consideration. But now that initial estimates are beginning to emerge, they are aghast at how much of an extra tab they may have to pick up.

As new battle lines form for the post-Labor Day session, California and other major states are likely to insist that the federal government pick up all initial welfare costs for undocumented aliens eligible for legal status.

President Reagan is certain to reject such demands. Administration officials estimate full federal financing would cost $6 billion to $10 billion over the next four years and there's no room for such outlays in the president's budget-slashing plans.

The House thus may be caught in a squeeze play between the White House, which wants an immigration bill only if it entails a minimal increase in the federal budget, and the states, which are beginning to insist that they won't accept the bill if they get stuck with most of the extra costs.

With Congress due to adjourn in a few weeks for the November election campaigns, that kind of impasse could doom the bill's chances this year.

In a letter to Rep. Don Edwards, D-San Jose, Roberti said he is "most disturbed" by additional financial burdens that would be imposed on the states under both the Senate-passed bill and a House version awaiting action in the Judiciary Committee in a couple of weeks.

Edwards is the senior Californian on Judiciary and chairman of the state's Democratic congressional delegation.

California officials estimate the annual extra tab for the state's strained treasury under the Senate bill would be $1.2 billion, plus another $130 million in locally funded general assistance programs.

The administration has agreed to channel up to $300 million a year to affected states in bloc grants to ease the impact. But state officials argue this would be totally inadequate. California, which is believed to account for 30 percent of illegal aliens and up to 50 percent of the potential welfare load, would get only about $100 million a year—less than 10 percent of its estimated extra costs.

The House bill would extend current federal-state matching formulas to aliens eligible for legal resident status. But state officials contend this still would saddle them with about $600 million in extra annual expenses as their share of new welfare services.

As long as immigration remains basically a federal question, they maintain Washington should underwrite the full cost of any major change in the status of illegal aliens.

California lobbyists hope that Edwards will offer an amendment to shift the financial burden completely to the federal government.

Roberti, who's about to become chairman of an immigration and refugee task force of the National Conference of State Legislatures, said California theoretically could take its cue from the Reagan administration and try to deny state benefits to former illegals.

"But I would find such action to be not only constitutionally questionable but morally reprehensible," Roberti remarked.

"The federal government may choose to tax these newly acknowledged residents of our nation while denying them basic public assistance. I believe Californians in good conscience would not.

"Furthermore, to do so would only push the costs onto local goverment, and in no way remove the fiscal consequences of federal action from the shoulders of California taxpayers.

"Reimbursement of costs that state and local governments would have to bear as the result of any federal decision to legalize un-

documented aliens is essential. Without such a provision, I believe legalization should be actively opposed."

Legalization of undocumented aliens is a key feature of the bill, which also seeks to limit the number of legal immigrants while curbing the flow of illegal border crossings.

Under the Senate version, illegal aliens who arrived in the U.S. before 1977 would be granted permanent resident status. Those who arrived between 1978 and 1980 would get a temporary designation and become eligible for permanent status within three years. Federal welfare payments would be denied to both groups during these transitional periods.

"For the states, this is becoming the big sleeper issue," said David Vienna, whose Washington lobbying firm represents the California Legislature.

Leigh Snell, an immigration specialist in the Vienna firm, said the immigration bill went from "bad" in the House version to "horrendous" in the final Senate draft.

The Brown administration, while letting Roberti take the lead on this issue, also has been studying the likely state fiscal impact.●

THE PEOPLE'S PARADISE

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FIELDS. Mr. Speaker, I submit for the RECORD an article from the National Review which discusses religious and press freedoms in the People's Paradise of Nicaragua. Again, reality clashes with the lies of collectivist propaganda and philosophy.

The article follows:

[From the National Review, Sept. 17, 1982]

ON THIS ROCK I WILL BREAK MY CHURCH

The Marxist Catholics of Latin America have been so diligent in publicizing themselves that it is possible to forget that there are still traditional (that is, Catholic) Catholics in that part of the world. Yet so there are, and in Nicaragua they have been taking a beating from the Sandinistas.

The latest clash began last month when Archbishop Obando y Bravo returned to Nicaragua from a trip to Rome carrying a letter from Pope John Paul II criticizing the "People's Church"—essentially a Marxist end-run around episcopal authority—as "absurd and dangerous." The government forbade La Prensa, the lone independent newspaper, to run it. The editors countered by electing not to go to press at all. Whereupon the Sandinistas agreed to let the Pope's letter run, provided it was not given page-one treatment. Shortly thereafter, however, the government struck back. Sandinista thugs jumped the archbishop's spokesman, Father Bismarck Carballo, at lunch, forced him to strip, and drove him through the streets. The state-controlled media claimed he had been surprised in a tryst with a parishioner. La Prensa refused once more to publish, rather than run the government's fabrication. There followed demonstrations in half a dozen Catholic high schools.

Meanwhile, Nicaragua's tiny Protestant minority has also fallen on bad times, as missionaries are expelled and churches taken over. The Sandinista interior minister, in a press conference straight out of Animal Farm, accused the Seventh Day Adventists of plotting to blow up high-tension wires, and warned that their "days in Nicaragua are coming to an end."

Central American anti-clericalism runs deep. The Mexican revolution, which preceded the Russian by seven years, ferociously persecuted Catholics. Mexican presidents (nominally the heirs of that revolution) ostentatiously avoided churchgoing.

In Nicaragua, Marxism sharpens the local impulse. How could it be otherwise? How can you tolerate an organization that believes in rendering unto Caesar only what is Caesar's, when you believe that everything is Caesar's? Jailers of the world, unite; you have nothing to lose but your prayers.●

TRIBUTE TO FRANK CHELF

HON. GENE SNYDER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 8, 1982

● Mr. SNYDER. Mr. Speaker, I rise to pay tribute to a former colleague and friend, Frank Chelf, who passed away this past week.

One of the major challenges I have always faced since being elected to represent the Fourth Congressional District of Kentucky, was the challenge of trying to live up to the record of accomplishment, achievement, and statesmanship set by Frank Chelf during the 22 years he so ably represented the Fourth District. His has been a difficult act to follow.

Indeed, Frank Chelf represented the Fourth District of Kentucky longer than any other person has to date and throughout those 22 years, he served his district extraordinarily well.

In my freshman year, here in the House of Representatives, when I represented the old Third District, I had the honor and the pleasure to get to know and work with Frank, who, at the time was the dean of the Kentucky delegation. He was a man easy to respect because of his keen wit, his diligence, his oratorical skill, his humanitarianism and his dedication to his constituents. You could always count on Frank to put things in proper perspective and bring the proceedings down to earth with one of his off-the-cuff floor speeches for which he was so well known.

Frank Chelf was also a man easy to like because of his good nature and his remarkable sense of humor. Watching him in action those first 2 years, gave me as a freshman Congressman, quite a lesson in both the art of effective representation and gentlemanly conduct.

Congress lost a great legislator when Frank decided to retire to the life of a gentleman lawyer in 1966 and both Kentucky and the U.S. House of Representatives have lost a great friend with his passing now.●

IN MEMORY OF JAMES WALTER KEYS

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. RODINO. Mr. Speaker, the city of Newark's antipoverty agency will name its headquarters for one of the most dedicated humanitarians to ever serve the people of Newark, James Walter Keys.

Jim Keys, who died earlier this year, was truly an activist in the battle against poverty and despair in our city. He was one of the first employees of the United Community Corporation (UCC) over 20 years ago, and he worked tirelessly to build this agency into a force for relieving the misery of the poor, the disadvantaged, the elderly, and the handicapped people in Newark. His dedication infused others with a spirit of community involvement, and in the process earned him the nickname "Mr. UCC." Jim brought together many different churches, social clubs, civil rights groups, volunteer agencies, and other self-help organizations to work for the common goal of helping people in need. He had a gift for communication, working effectively to develop cooperation among many different people, which continues even after Jim has left us.

Jim Keys was a friend of mine, and indirectly a friend of every citizen of Newark who cared about the quality of life in our city. The United Community Corporation's Executive Director, Dave Edwards, as well as UCC's director of senior services, Kitty Taylor, remembered the human qualities of Jim Keys in a recent article in the Star-Ledger. I ask that the article be reprinted in the RECORD.

The dedication of the UCC headquarters in Newark is more than a fitting tribute to a good man; it will serve as a constant reminder of the ongoing need for community service.

[From the Star-Ledger, Sept. 6, 1982]

UCC TO NAME BUILDING FOR LONG-TIME EMPLOYEE

(By Julia Katrina Graham)

In memory of James Walter Keys Sr., the United Community Corp. (UCC) will name its headquarters building, 31 Fulton St., for him during interdenominational services Sept. 15.

"Jim was always a man on the go and a great humanitarian, always involved in the community and with people of all ages. There was no race, color, or age line—he loved all people," said Kitty Taylor, director of senior services, and a friend of Keys for 15 years.

"He was an activist. Whenever anyone called him, he was always ready to come—he never said no. Whenever he saw there was a need for assistance, he always volunteered without being asked," she said.

James Walter Keys was born on May 2, 1916 in Mayfield, Ky. Although he was a

Baptist, he "respected all religious faiths, and attended churches of all denominations," according to friends. He died early this year.

He came to Newark 41 years later where he attended classes at Rutgers University and Essex County college. For a number of years he was employed as a musician with the Picadilly Pipers.

"Because of our love for music, we really hit it off," said Rick McInerheny. "I knew him very well; he was a special guy."

Keys was among the first employees of the UCC, serving the city's anti-poverty agency for more than 20 years, earning him the nickname "Mr. UCC."

"Jim was always helping people who were poor and needed food and clothing. The last project he worked on was getting cheese for those who needed it. Even when he was in the hospital he was still helping me and others," said John McGee, senior service outreach employe and long-time friend.

According to his friends, Keys was an inspiration to youth and a friend to the elderly.

Ella Lovelace, a senior service volunteer said, "Whenever we went on bus trips, Jim made sure we were comfortable."

His friends said Keys not only had good rapport with the community, but also with business and other professional organizations.

"It was because of Jim and his efforts that we received contributions from businesses for trips for senior citizens and gifts for children. Because of his rapport with the media he was responsible for having two busloads of children go see the 'Midday Live' show," said Norman Gaskins, executive director of the UCC.

Not only was Keys a member of the UCC, but he was an active member of Lions International Inc., Roseville's Lions Club, Kiwanis Club, NAACP, the National, N.J. and Newark Senior Citizens Coordinating Council, Peoples Association to the Memory of Dr. Martin Luther King, Jr., Project Volunteer, Emanuel Senior Citizens Day Care Advisory Board, COED, one of the founders of the Resource for Renaissance Project, and was on the Red Cross and Salvation Army Advisory Boards.

Dave Edwards, executive director of the UCC said, "It took me three minutes to trust him explicitly. When I first started working here in October, instead of me telling Jim what needed to be done, he would take the initiative and do what needed to be done. Jim lived and breathed UCC."

The interdenominational memorial service, which is open to the public is scheduled for Sept. 15 from 11 a.m. to 3 p.m. and will take place outdoors.

Persons who worked closely with Keys throughout his life will have two minutes to recall their memories. Musical selections will be performed, including a song called "Love," which Keys wrote.

BUILD UP MICHIGAN CAMPAIGN

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BROOMFIELD. Mr. Speaker, a recent front page article in the Washington Post clearly discussed the economic problems in Michigan. It is no exaggeration to describe the economic situation in my home State as a depression.

But the situation discussed in the Post article only presented one aspect of the mosaic that comprises Michigan.

Another aspect is the work of the people and of the organizations in Michigan who have not fallen into a mental slump because of the economy and who are sticking with Michigan and actively working to rebuild it.

One such group is the Builders Exchange of Detroit and Michigan.

The Builders Exchange is Michigan's oldest and largest construction association with over 2,400 member companies. This organization has mobilized its vast resources to initiate a "Build Up, Michigan!" campaign to help in the recovery of the State and its construction industry.

The Builders Exchange recognizes the economic problems that exist, but believes these problems are overshadowed by Michigan's possibilities for future growth and greatness.

The Builders Exchange promotes the idea that it is time to start talking about Michigan and its construction industry's many good, strong points. Instead of being negatively reactive, the Builders Exchange wants all of us to be proactive when it comes to discussing the future of Michigan.

The "Build Up, Michigan!" program is designed to be an ongoing campaign and not just a loud, one-time effort. Month by month, the program will continue to grow, touching more and more people throughout Michigan and the surrounding States.

It will carry forth a positive message that, even though Michigan has its economic problems now, the long run will show that Michigan is still a great place for people and businesses to settle, to stay, and to build.

Mr. Speaker, when times are tough, it is easy to give up and walk away. But nothing concrete ever gets done that way.

The positive approach encompassed in the "Build Up, Michigan!" campaign of the Builders Exchange of Detroit and Michigan will do much to help in the recovery of that great State. I wish to commend the Builders Exchange for their deep concern and their initiative in helping in Michigan's recovery.●

COASTAL REVENUE SHARING ACT OF 1982

HON. CARROLL HUBBARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. HUBBARD. Mr. Speaker, I want to take this opportunity to briefly address by distinguished colleagues regarding the bill entitled "The Coastal Revenue Sharing act of 1982," just introduced by my friend from Louisiana, Congressman JOHN BREAUX. Although the Commonwealth of Kentucky is certainly not a coastal State, I, as Chairman of the Subcommittee on Panama Canal/Outer Continental Shelf, am concerned about coastal areas with large-scale OCS oil and gas leasing activity. I, therefore, am a cosponsor of this bill. I believe the concept of OCS revenue sharing is a fundamentally sound one. However, I am concerned about the possible overly rigid earmarking of funds generated by revenue sharing. Funding to those most concerned with OCS development should be provided in a manner that will permit them to choose the best method for mitigating against or planning for the potential impacts of OCS leasing. Coastal governments affected should be free to choose how to best react to this program, and the amounts generated should be directly related to the amount of leasing activity off a coastal State and such activity's proximity to the coastline.

I believe that the approach to OCS revenue sharing presented in Mr. BREAUX's bill will be most acceptable to the administration and to State and local government officials involved in OCS development. I urge my colleagues' favorable consideration of this measure.●

OCS REVENUE SHARING

HON. JOHN B. BREAUX

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BREAUX. Mr. Speaker, today, I and several of my colleagues have introduced legislation to establish a fund for the sharing of revenues from Outer Continental Shelf (OCS) oil and gas development with coastal States and units of local coastal governments. As the Members are all aware, the Department of the Interior has recently announced a much needed program for accelerated OCS oil and gas leasing. It is with an eye to facilitating this program and providing assistance to coastal States and local governmental units impacted by this program that we introduce this bill.

The major elements of the legislation:

First, provide for the accruing of a small percentage of Federal bonus and royalty revenues from OCS lease tracts and production derived during fiscal year 1984 and thereafter for distribution in fiscal year 1985 and thereafter;

Second, mandate a 50-percent pass-through of the funds which would accrue to each coastal State to units of each local coastal government; and

Third, stipulate that not less than 25 percent of the amount received by coastal States during any fiscal year be used to assist local communities impacted by OCS activities in their natural resource management and development efforts.

In the true spirit of revenue sharing, similar to the approach which has been adopted for the sharing of mineral development revenues with inland States, no other conditions or "strings" are attached to this pass-through of funds. This approach has been taken due to our belief that the governmental units most directly affected by OCS activities should be free to choose how to best react to this extremely important national program.

In addition, the bill reflects our belief that amounts generated for sharing with these governmental units should be directly related to the amount of leasing activities off their coast and such activities proximity to the coastline.

Finally, the bill contains a floor which will insure a minimum funding for all coastal States and local communities where OCS planning activities are occurring and a ceiling to further protect the future revenue position of the Federal Treasury.

This legislation is straightforward. It is not designed to provide back door financing for any existing programs of the Federal Government, but is rather intended to replace a number of categorical grant programs that this administration, and many of us in the Congress, have found wanting.

I believe that the approach encompassed in this bill will prove to be most attractive to the State and local officials who are involved in day-to-day planning for OCS exploration and development activities.●

ARMS TO TAIWAN

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FIELDS. Mr. Speaker, today I am inserting for the benefit of my colleagues, for articles which articulate the deep concerns held by many conservatives regarding U.S. policy toward Taiwan vis-a-vis our policy toward Communist China.

I believe it is extremely important that members of this House become aware of the serious foreign policy implications we will face if the United States does not continue to be a strong ally to Taiwan.

It is completely unrealistic to expect mainland China to negotiate in good faith with the Taiwanese. This Communist government has no intention of allowing Taiwan to exist as a free democracy. For this reason, it is imperative that the United States maintain a strong friendship with Taiwan and continue to supply this country with quality arms support.

I commend my colleagues attention to these excellent articles describing the important foreign policy responsibilities we have toward Taiwan.

[From the New York Times, Aug. 3, 1982]

PEKING TURNS ITS BACK

The news from China is disturbing. A lurch back to dogmatism, propelled by economic troubles and an approaching Communist Party Congress, is straining what was at best a difficult relationship with the United States. President Reagan wasted a year straightening out his attitudes toward Perkin. Now the Chinese seem eager to rebuff him.

Mr. Reagan has gone about as far as he should in placating Peking on arm sales to Taiwan. He has abandoned his unwise campaign talk about upgrading relations with the Nationalists. He is ready formally to endorse the idea of "one China," a concept on which Communists and Nationalists are agreed. He is prepared to put limits on selling advanced weapons to Taiwan. And he would give his blessing to Pekin's idea for a peaceful fusion of mainland and Taiwan—which is further than three previous American Presidents cared or dared to go.

Yet for all the dismay these American approaches caused in Taiwan, Peking's recent responses have been stony.

The Communists refuse to accept the sincerity of Mr. Reagan's intentions; his offer of American technology in return for an understanding on Taiwan was rebuffed as a crude bribe. The resignation of Secretary of State Haig, whom the Chinese knew to be a defender of strategic partnership, seems to have made it even harder for anyone in Pekin to champion the American connection. Policy toward the United States may be a factor in Peking's power struggles; an accord on Taiwan may be impossible at this point.

Americans emphatically believe they have a moral obligation to provide Taiwan with defensive arms, as provided in the Taiwan Relations Act and as understood by Peking when a normalization deal was struck with Jimmy Carter. With military sales to Taiwan drastically reduced, the United States at a minimum ought to authorize renewal of the co-production of F-5E jet fighters. But Pekin demands an end to all weapons sales, in language so strident as to suggest it prefers the grievance to an accommodation.

The outcry over foreign devils in China has a depressing resonance. So does the call to doctrinal purity, part of an orchestrated attack on capitalist "decadence." Rational diplomacy with China may be an early victim of its next revolution.

[From the Washington Post, July 30, 1982]

(By Rowland Evans and Robert Novak)

ABANDONING TAIWAN . . .

President Reagan is on the brink of approving a joint U.S.-Communist Chinese communique that friends of an independent Taiwan regard as a prolonged death sentence for the island regime and the conservative movement will resent as the president's worst betrayal yet.

From Taiwan's standpoint, all that can be said for the new communique is that it does not end U.S. arms sales on a certain date, as Peking demanded. It does, however, make clear that the weapons supply cannot go on indefinitely and will not be upgraded.

This reinforces the 1971 Shanghai Communique's recognition of "one China," pointing to eventual control over Taiwan by the mainland communists. Since the phase-out of U.S. arms is not linked by the new communique to reduce tensions between the two Chinas, the long-term prognosis for Taiwan is bleak.

To conservatives who have tried to overlook the drift toward moderate Republicanism by the Reagan administration, the betrayal of Taiwan is the last straw. Reagan, who championed Taiwan throughout his political career, has not consciously abandoned his principles. Rather, on this as on other questions he has insensibly followed the lead of the permanent government bureaucracy.

Although pro-Taiwan conservatives in Congress are pressuring the president to reject the communique, it is hard to imagine throwing aside what has been hammered out secretly in Peking negotiations this summer, especially when the communist regime accepted less than anybody ever expected.

This represents a victory from the political grave for Alexander Haig, who as secretary of state battled for the paramountcy of the Washington-Peking link over the future of Taiwan. Haig's obduracy on the China question was one of the least publicized and most important causes for his fall.

Haig insisted that good relations with Peking required nothing less than a communique setting a date certain for ending arms shipments to Taiwan. A few days after Haig was sacked, Reagan rejected his communique and instead approved a fuzzier version and shipped it off to Peking. Friends of Taiwan breathed easier, not because they liked the softer version but because they thought China's Deng Xiaoping would reject it out of hand.

Deng disappointed them. The Chinese would accept no linkage of terminating aid to Taiwan with reducing tension between the communist and nationalist regimes, but agreed to a promise that present weaponry would not exceed past quality and quantity and would not continue indefinitely.

The 32-year emotional legacy since Chiang Kai-shek fled the mainland makes this accommodation unforgivable for the president's conservative constituency.

From the Washington Times, Aug. 4, 1982]

OUR CHINA POLICY MAY DRIVE TAIWAN TO SOVIETS

(By Smith Hempstone)

In what would amount to violating the spirit if not the letter of the law of the land, the Reagan administration apparently is trying to formulate a policy acceptable to Communist China that would have the effect of eventually shutting off the present modest flow of American arms to Taiwan.

The Taiwan Relations Act of 1979 asserts that "the United States will make available in Taiwan such defensive articles and defensive services in such quantities as may be necessary to enable Taiwan to maintain a self-defense capability." The act further provides that "the President and Congress shall determine the nature and quantity of such defensive articles based solely upon their judgment of the needs of Taiwan."

The Reagan administration, according to Sen. Barry Goldwater (in an interview with *The New York Times),* plans to circumvent its clearly stated responsibility to ensure the

defense of Taiwan by proposing to Peking a plan under which Taiwan in the future would not receive any more or better arms of any type than it now does.

While this falls short of Peking's demand for a complete cessation of arms sales to the Nationalist Chinese, it would ensure the ultimate obsolescence of the arms made available to Taiwan by the United States. Further, inflation in the end would price Taiwan out of the American arms market.

In January, President Reagan announced his decision to supply Taiwan with additional F-5E jet fighters, rather than the more advanced FX aircraft the Nationalists were seeking. Mainland China's F-8 fighter, a copy of the Soviet MiG-21, is in some ways equal or superior to the F-5E. The F-12, which boasts elements of western technology, will be even better when it is developed in 1985.

Yet in an apparent attempt to kowtow to Peking, the White House, which had set July 29 as an informal target date for ending formal notification of the decision to allow continued co-production of F-5Es in Taiwan, has allowed this date to slip by. Quick action on this modest upgrading of the Nationalist air force is necessary to avoid a break in the Northrup production line.

What the administration is hoping is that Peking will agree that Washington's decision to allow inflation to erode the worth of American arms sales to Taiwan meets the Communist requirement that the U.S. halt significant transfers of military hardware, which Communist China regards as an infringement of its claim of sovereignty over the island republic. The White House has little room for maneuver because it unwisely agreed last winter that no further arms deals with Taiwan would be consummated while negotiations continue in Peking, thus giving the Communists every reason to string out the talks.

Peking ducks such as National Security Council staffer Don Gregg, soon to become Vice President George Bush's principal foreign policy adviser, have yet to suggest publicly what the United States has gotten out of playing its vaunted "China card."

The Communist Chinese have yet to criticize the Soviets for the repression in Poland. They have not renounced the use of force to resolve their conflict with Taiwan. They have not stopped denouncing the presence of American troops in South Korea.

The jobs and profits that were supposed to flow from the re-establishment of the China trade have proved illusory. Little Taiwan, with a population of only 17 million, is America's sixth-largest trading partner, with two-way trade exceeding $13 billion. Our trade with Mainland China, which boasts a population of nearly 1 billion, amounts to only about a third of that.

The ultimate effect of the administration's craven China policy will neither promote the cause of human rights on Taiwan nor lead to the peaceful reunification of the two Chinas. If anything, this policy could well drive Taiwan into the arms of the Soviet Union in its quest for a guarantor of its security.

Such a flip-flop may seem far-fetched, but it is no more so than the one that has seen the United States abandon an old friend for an uncertain dalliance with Peking. The Soviets, an Asian power in their own right, have cordial relations with India and a firm foothold in Vietnam. Moscow has played footsy with the Koumintang before, and would do again if it served its interests.

[From the Washington Times, Aug. 4, 1982]

RIGHT WING FEARS DESERTION OF TAIWAN

(By Ron Cordray)

Despite assurances from President Reagan that he remains committed to the defense of Taiwan, conservatives see growing dangers of U.S. abandonment of that nation.

The latest signal that has raised the concern of conservatives is the pending appointment of a moderate Republican to a key National Security Council position on China relations.

Sources say three conservatives were passed over for the position which will be given to David Lux, formerly on the China desk of the Commerce Department. The sources said Lux was backed by Donald Gregg who held the position prior to becoming Vice President George Bush's security adviser.

Conservatives view continued arms sales to Taiwan as the key to this administration's Taiwan commitment.

Gary Jarman, national director of the American Council for a Free Asia, said the "fundamental value of selling arms to Taiwan is not just to have weapons to repel an attack, it's a deterrent. It automatically brings us into the equation. The commitment to sell arms is the real deterrent."

"The pro-Peking faction realizes that a halt of arms sales to Taiwan would force Taiwan into unification negotiations with the Peoples Republic of China," one congressional source commented.

President Reagan met with about two dozen congressmen last week to discuss Taiwan, namely the contunued sale of arms to that nation and the joint communique to be issued by the United States and China.

Relative to the U.S. position on Taiwan, Sen. Barry Goldwater, R-Ariz, told the president that "someone in the State Department is doing you a disservice" by saying one thing "while you're saying another."

In response, Reagan said, "I can assure you I have my people in charge who are going to do what I represent."

The administration told congressmen it would send to Congress this month notification of a continued co-production agreement with Taiwan of the F-5E fighter and the sale of spare parts to Taiwan.

It was stated that the congressional notification and release of the joint communique with Peking would not be linked.

Reagan told congressmen the administration is attempting to arrive at language in the communique which will give Peking the "form" and yet give Taiwan the "substance."

Congressional sources said the president was confronted with the concern that an improperly worded communique would jeopardize Taiwan politically and militarily. In response, Secretary of State George Shultz said, "You're absolutely right."

Reagan said the statement on arms sales to Taiwan speaks in terms of quantity and quality only as it relates to the present situation. He said if China changes its position, the U.S. arms position also would change.

It was implied that the specific issues of quantity and quality of arms sales would not be in the communique, at least not spelled out explicitly. Reagan said it was his intention to be vague to allow flexibility.

Apparently to alleviate conservatives' concerns, Reagan told of a meeting he had with ex-president Richard M. Nixon following the normalization fo relations with China. At that meeting, Reagan asked Nixon what he would do in response to an attack on Taiwan. Nixon told him his response would be to respond with everything we have. Reagan then told Nixon, "I would also do that."

Conservatives remain concerned, however. They point to pro-Peking attitudes in the State Department and the views of Vice President George Bush who, according to sources, told Peking the Taiwan Relations Act is basically a nuisance.

They claim Bush fears a downgrading of relations with China and this could be a yoke around his neck in a 1984 or 1988 presidential bid.

Just as conservatives are concerned in other areas, they view the Taiwan debate as another example of moderate Republican views superseding the conservative views they expect President Reagan to represent.

With the United States and China reportedly close to agreement on the joint communique, conservatives may not have to wait long to determine if the pattern is continuing.●

PEACE IN THE MIDDLE EAST

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BROOMFIELD. Mr. Speaker, I want to take this occasion to extend my personal congratulations to Special Envoy Philip C. Habib for his historic contributions in the Middle East peace initiative. In recognition of his commendable diplomatic efforts and tireless service to his country, President Reagan presented Mr. Habib with the Nation's highest civilian award, the Medal of Freedom. As you know, the Medal of Freedom is bestowed by American Presidents on people who have made exceptionally meritorious contributions to the security or national interest of the United States, to world peace, or to cultural or other significant public, or private endeavors.

During the past 3 months, Envoy Habib was engaged in a marathon negotiating effort to bring to an end the tragic bloodshed and chaos in Lebanon. In the midst of the vicious fighting, he traveled to war-torn Beirut and deftly worked with many concerned groups to put an end to the fighting. He displayed not only personal courage, but incredible stamina in pursuing the drawn out negotiating efforts. His courageous efforts were demanding of both his energies and his considerable expertise in negotiating. He successfully brought about the cease-fire in Lebanon and the resolution of the crisis in West Beirut.

Those of us who have known Phil Habib over the years appreciate that he has served his country in many difficult diplomatic assignments overseas; we know firsthand of his exceptional contributions to our country and to world peace. Tuesday, President Reagan described Mr. Habib's recent

negotiating efforts as "one of the unique feats of diplomacy in modern times."

I also want to strongly applaud the President and Secretary Shultz for their dedication, determination and vision in committing the many resources of our country to the pursuit of the elusive goal of bringing peace to this troubled land. Without their full support, Mr. Habib's long-term efforts would not have been possible.

I fervently hope that the cease-fire and recent developments in Lebanon will be the first step along the road to peace. Although much remains to be done, I am hopeful that this initial effort will ultimately lead to a just and lasting settlement for all of the concerned parties in that part of the world; they have indeed borne far too much suffering, grief, and bloodshed in recent years, and will, I am sure, welcome a new dawn of peace.●

CONGRESSIONAL SALUTE TO ANTHONY REED, DISTINGUISHED CITIZEN, ESTEEMED UNION REPRESENTATIVE, AND GREAT AMERICAN

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROE. Mr. Speaker, on Saturday, September 11, the residents of my congressional district and State of New Jersey will join with local 669 UAW retirees of Paterson, N.J., in testimony to an esteemed union representative, outstanding citizen, community leader, and good friend, the Honorable Anthony Reed of Paterson, Wayne, and Toms River, N.J., who has announced his retirement as International Representative of the most prestigious UAW organization of United Automobile, Aerospace, and Agricultural Implement Workers of America.

Mr. Speaker, I know that you and our colleagues here in the Congress will want to join with me in extending our deepest appreciation to Tony Reed for all of his good works and share great pride in the success of his achievements with his good wife, Jean Leslie, and their family: son Robert and wife Vicky of San Diego, Calif.; son Anthony, wife Robin, and daughter Katie of West Milford, N.J.; daughter Kathleen, husband Robert Sherger, and children Erika, Reed, and Sara of Lincoln Park, N.J.; daughter Diane, and husband Joseph Telford of San Diego, Calif.

Mr. Speaker, as Tony Reed retires from his highly respected office of representation on behalf of the United Automobile, Aerospace, and Agricultural Implement Workers of our Nation, I am pleased to participate with his many friends and colleagues in seeking national recognition of his untiring and compassionate efforts on behalf of his fellow man.

We are all familiar with the goals and objectives of the UAW in their constant vigil to enhance conditions in the workingplace and protect our working people and their hopes for better tomorrows. Tony Reed has, by his representation and lifetime of dedication to these same true American ideals of everything we hold dear—the laborers in the vineyard of our industrial complex, their families, homes, jobs, pensions, security, and opportunities to advance—has truly enriched our community, State, and Nation.

Mr. Speaker, we are proud to boast that Tony Reed is a native-born citizen of Paterson, N.J., the first industrial city of our Nation. He was born August 3, 1920, and is one of 11 children of William and Jennie Reed. He is a lifetime resident of our great sovereign State of New Jersey, residing in Paterson and Wayne until moving to Toms River in 1977.

As a young man of 19 years, Tony joined the employment roster of the Curtiss-Wright Corp., of Wood-Ridge, N.J., a manufacturer of national and international renown and a major employer in the State of New Jersey, and particularly for the people in Passaic and Bergen Counties in my congressional district. For close to four decades he worked on the production lines of Curtiss-Wright as a laborer and machine operator until his retirement in 1977.

During the course of his career pursuits, Tony earned the highest respect and esteem of his fellow workers at the Curtiss-Wright Corp. He was elected union steward in 1951, financial secretary in 1963, and in 1965 was elected president of UAW Local 669 at Curtiss-Wright. On November 1977 he was appointed to UAW Region No. 9 as international representative.

Mr. Speaker, there is much that can be said of Tony Reed and his lifetime of achievements in service to people. His leadership and highest standards of excellence in ever seeking to improve the quality of life and way of life for our people throughout his lifetime have endeared him to all of us.

In civic affairs, Tony has extended the richness of his wisdom and expertise—always giving willingly and unselfishly of his time—in helping others. We are especially proud of his compassion, dedication, and untiring efforts on behalf of his fellow workers. His personal commitment to them and to the economic, social and cultural enhancement of the community has been a way of life for him.

Tony's professional expertise in the American labor movement has enabled him to achieve State and national acclaim for his union representation of the employees of Curtiss-Wright Corp.

Mr. Speaker, it is indeed appropriate that we reflect on the deeds and achievements of our people who have contributed to the quality of life here in America. There is so much that can be said of the friendship and good will that Tony has so willingly and abundantly given over these many years that mean so much to the lives of all of us. I appreciate the opportunity to seek this national recognition of all of his good works.

As we gather together on September 11 in tribute to his leadership endeavors and sincerity of purpose dedicated to service to people, we do indeed salute a distinguished citizen, outstanding community leader, and great American—the Honorable Anthony Reed of New Jersey.●

"HUMANISM" BACKGROUND EXPLAINED BY THEOLOGIAN

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. SIMON. Mr. Speaker, one of the words that is being tossed about in the political arena these days is the word "humanism."

The first time I heard the phrase "secular humanism" was on the floor of this House.

And I have felt uneasy about the misuse of this word.

The other day in The Lutheran Standard I read an article by Michael Rogness, pastor of The First Lutheran Church in Duluth, Minn., titled "Speak a Good Word for Humanism."

Before we clutter the political lexicon with a misuse of that word, it would be good for everyone to read this Lutheran minister's analysis.

I urge my colleagues in the House and Senate to do so.

SPEAK A GOOD WORD FOR HUMANISM

(By Michael Rogness)

"You're a humanist!" is a stinging criticism for millions of people today. By contrast, the same statement would have been considered a glowing compliment until a few years ago.

What has changed?

The word "humanism" now has many meanings. Some are far different from what it originally meant.

RISE OF HUMANISM

It started out as a splendid word, very much at home in the Christian church.

In medieval society, scholars were interested mainly in other worldly topics such as the nature of God, revelation, and the heavenly spheres. The various natural and social sciences were either nonexistent or in their infancy. Literature, music, and art dealt almost wholly with Christian themes and ceremonies.

Then, in the 14th and 15th centuries, scholars, artists, and writers began to turn their attention to this world."Let's see what human beings are like" was the theme of

their inquiry. This marked the birth of humanism—a movement that grew within the church.

These scholars were Christian. They saw humanity as the peak of God's creation. Humanists believed human beings were exalted because they were created in God's image and given the breath of life. A favorite text of the humanists was in Psalm 8: "What is man that thou art mindful of him . . . ? Yet thou hast made him little less than God, and dost crown him with glory and honor."

The classic visual example of this humanism is Michelangelo's portrayal of the handsome Adam on the ceiling of the Sistine Chapel in Rome, with his finger outstretched to receive the divine spark transmitted from the Creator's own finger reaching to him.

This high regard for human beings caused humanism's influence to spill out in several directions. Humanists took a renewed interest in common people. The democratic impulse can be traced to humanism; to inevitably developed from the conviction that each human being should be considered God's creature. Kings, princes, and bishops were important in the order of creation, but serfs and workers also were children of God.

Humanism prepared the way for the Reformation through its interest in all people and by its encouragement of scholarship for learning the biblical languages. This, in turn, led to the renewal of the gospel's proclamation of God's love and grace for *all* people, from king to slave!

"Humanism" was indeed a splendid word!

CHANGING DEFINITIONS

Since then the meaning of the word has wandered in many directions. My advice is never to discuss humanism without first defining what is meant by it.

1. Humanism as "humanitarianism" is a general term to describe active concern for the welfare and well-being of people. Every Christian should be humanitarian and a humanist in this sense, if we take Jesus' parable of the good Samaritan seriously and follow his command to "love your neighbor."

2. Humanism as "the study of the humanities" refers to the whole range of subjects that examine human nature, society, and culture: literature, history, art, economics, sociology, psychology, social studies, and so on. Nowadays they are set apart from the "natural sciences," although many of the natural sciences also were given a boost by early humanists. Surely we want our very best young Christian scholars to enter all these fields of study.

3. "Christian humanism," as described above, expresses the conviction that every human being is precious because we are created by God.

4. "Secular humanism" is the term that draws fire today. It also has thrown the word humanism into disrepute. Secular humanism is humanism without God.

GOD NOT IN THE PICTURE

Webster's New World Dictionary defines humanism as "thought or action concerned with the interests and ideals of people." A secular humanist would share that concern, but God is not in the picture. One problem of secular humanism is that it is humanism without humanism's moorings. The anchor for a Christian humanist is the conviction that the world is God's creation and that each person is created in God's image, is loved by God, and therefore is of great value as a child of God. Secular humanists lack this foundation and therefore give human beings value only as they choose. A secular humanist might affirm the worth of a human being, yet conclude that certain nationalities, retarded persons, or elderly people are not as valuable as the rest of us.

A Christian humanist derives ethics from God; a secular humanist derives convictions of right and wrong from whatever opinions or sources he or she chooses. One secular humanist may or may not agree with another secular humanist. It is therefore impossible to consider secular humanists as any kind of solid bloc of opinion or strategy.

WHEN WAS TERM USED?

When was the term secular humanist first used? Who knows? It was listed as a religion without a belief in God in a footnote to a 1961 Supreme Court opinion. Ultraconservatives have interpreted this as some sort of legal recognition of secular humanism as the de facto religion of the land, although the footnote actually does not such thing. (The late Justice Hugo Black, who wrote the opinion, would be astounded by that interpretation.)

Those who see secular humanism as the menacing threat to Christianity point to the "Humanist Manifesto," signed in 1933 by 34 intellectuals. These 34 individuals called for a new "religious humanism" to replace traditional creeds. They also urged people to reject "acquisitive and profit-motivated society" in favor of a "socialized and cooperative economic order [with] the equitable distribution of the means of life."

IN STEADY DECLINE

Their manifesto was more a socialist than a religious document. But it gave birth to the American Humanist Association, whose membership, now about 3000, recently has been in steady decline.

In 1973 Paul Kurtz, a philosophy professor at New York University in Buffalo, drafted the "Humanist Manifesto II," which was signed by 61 persons. This document was candidly antireligious, rejecting God, enshrining "self-actualization" as the goal of life, insisting that ethics is "autonomous and situational," and affirming the right to birth control, abortion, sexual permissiveness, euthanasia, and suicide.

Both manifestos received only scant attention from the news media or anybody else. They would have faded into obscurity if it were not for their opponents, who have blown their influence way out of proportion!

Unfortunately many Christians have chosen to abbreviate the term "secular humanism" They have focused not on "secularism," which is a real danger to the faith, but on "humanism"—thus ruining an otherwise good word! I recently read two examples of this distorted view of humanism: "Humanism is the worship or recognition of man's claim to sovereignty and lordship." "Basically, humanism is a rejection of the ultimacy of God's throne and its replacement by the thrones of men. . . . Humanists within the church place sovereignty or lordship in man." Those are definitions not of humanism, but of secularism. But the damage has been done, and one hardly dares to say "I am a humanist" anymore.

FOSTERING PARANOIA

We are being hustled into a paranoid panic by those who have convinced themselves that "275,000 humanists have infiltrated [our country] until every department is controlled by the humanists." This dark "conspiracy theory," promoted by San Diego Baptist minister Tim LaHaye, is a blind shot with no foundation except the fears and suspicions of those who want to believe it. Also wildly inaccurate is the shrill charge of the Rev. Leo Wine of Ashland, Oregon, that "humanists' obsessions [are] sex, pornography, marijuana, drugs, self-indulgence, [and] rights without responsibility."

Religious-media hucksters play on the fear of their audiences. This is easy enough, because Christians are concerned about signs of decline in various aspects of our national life.

But such paranoid accusations and distorted statements, lumping thousands into a vast plot, only make Christians look ridiculous to fairminded people and convince the public that Christians are irresponsible in their accusations.

We Christians are deeply concerned about many trends in our society. We need to face these not with panic or paranoia, but with reasoned analysis and compassion.

For instance, it is true that there is an antireligious bias on many university campuses and in the news media. The valid impact of religion in our national life is largely ignored or often belittled. Christians are depicted one-sidedly, either as bigots or doddering fools.

It's also true that crime has increased, moral standards have loosened, and TV and movies now portray behavior as acceptable today that would not have been shown at all 20 years ago.

We are concerned about these trends, and we should speak out and make our convictions known.

Yet we should be clear on this point: What we really oppose as Christians is not humanism, but secularism and nonhumanism.

We oppose secularism because we believe that God is creator and Lord of this world and that we are his stewards.

We oppose nonhumanism because, as the opposite of humanism, it has little regard for persons as individuals of value. A university, hospital, office, or agency that regards people impersonally as numbers is "nonhumanist." We Christians should attempt to treat people as persons of worth, even in the midst of bigness. Some employers treat workers impersonally; that is nonhumanism. Some people talk about nuclear war callously, not realizing the ghastly and unthinkable suffering it would cause. That is nonhumanism, and we Christians must oppose it. Some people regard the gross national product as more important than the needs of the poor, the minorities, and those with disadvantages. That is nonhumanism, and we oppose it.

EXAMPLES OF NONHUMANISM

We are appalled at the nonhumanism that consider Jews inferior to others and killed millions of them, or the nonhumanism that led to Stalin's liquidation of 20 million peasants in the Soviet Union and the murder of millions in China in the 1950s. We are dismayed when the world's refugees, the starving, or the "boat people" are spoken of only as statistics. Those are all dramatic examples of nonhumanism, but there are countless examples on a smaller scale around us.

We Christians should welcome help from humanists of any stripe in our concern for people. We might not agree with secular humanists, but we welcome them if they work for civil and minority rights, job equality, peace, and other true humanist concerns.

I wish we could rescue the word "humanism," although it has been so badly battered that rescue might be impossible. But we should and do stand up for "humanitarian-

ism," the "humanities," and the grand tradition of Christian humanism.

All in all, I should still like to be counted a humanist!●

ON BEHALF OF THE REFUSENIKS OF THE U.S.S.R.

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FIELDS. Mr. Speaker, today I am speaking on behalf of a family that cannot speak—a family that resides in the Soviet Union. Veniamin and Bella Lifshitz have tried to leave the Soviet Union and join their children and grandchildren in Israel since 1971. Repeatedly, they have been denied permission to emigrate because of Veniamin's alleged access to sensitive military information obtained when he served as a colonel in the Soviet Army more than 30 years ago.

In 1948, at the age of 40, Veniamin retired from the army as a semi-invalid with permanent heart damage. During the next 12 years, he was employed at a light industrial plant, not connected with any secret or sensitive work, until failing health forced him to resign. Since 1960, Veniamin has suffered from severe chest pains and recurring migraine headaches, sometimes confining him to bed for months at a time. It is indeed tragic, Mr. Speaker, that this 74-year-old man and his 69-year-old wife, are forced to remain in the U.S.S.R.

Mr. Speaker, I am pleading their case to the House of Representatives and to the Government of the Soviet Union hoping that their emigration applications will be approved in the near future.

I commend my colleagues' attention and participation in this worthwhile effort—an effort to help innocent refuseniks to leave the Soviet Union and be united with their loved ones in Israel.●

A TRIBUTE TO MR. RALPH LIEBERMAN

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROUSSELOT. Mr. Speaker, I would like to take this opportunity to honor an outstanding citizen, Mr. Ralph Lieberman of Commerce, Calif., who has been selected to receive the "Man of the Year" award by the Kiwanis Club of his hometown.

Mr. Lieberman will be feted at the Kiwanis' annual barbeque luncheon on October 1. Later in November, he will be the recipient of the Industry Statesmen Award at a special meeting held in Washington, D.C.

These awards come at the culmination of Ralph Lieberman's 50-year career with Sinclair Paint Co.

Ralph Lieberman has grown along side of Sinclair Paint Co. When he began working, there were only three employees. Sinclair now boasts almost 1,000 employees, a headquarters, and 2 other locations. But one thing has stayed the same under Ralph Lieberman's direction: the quality of the paint. Although he retired this year, he still keeps a hand in the business, talking with the staff almost every day.

He is also a past president of the industrial council and continues to work with that organization as chairman of the nominating committee and as a member of the board of directors.

Besides being one of Commerce's outstanding business people, Ralph Lieberman is being recognized as "Humanitarian of the Year." Somehow, on top of his business duties, Ralph has found the time to work for area charities. His two favorite charities, the United Jewish Welfare Federation and the cardiovascular unit of Cedars of Sinai Hospital, have him working for them on nearly a full-time basis. He began working for the federation in the 1960's and served for 2 years as division chairman.

The Commerce Kiwanis could not have made a better choice for "Man of the Year." Ralph Lieberman has made outstanding contributions in business and charity work alike. I would like to congratulate Ralph Lieberman on his latest achievement.●

FIFTY WAYS TO PROMOTE INDUSTRIAL INNOVATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BROWN of California. Mr. Speaker, it is frequently said that there is nothing Government can do to promote industrial innovation except get out of the way. Others, less skeptical of the role of Government, have still been cynical, and have asserted that there are no good ideas on how Government could help achieve this important national goal.

Personally, I have rejected both points of view and have instead advocated a variety of constructive initiatives. For several years, primarily through the Committee on Science and Technology, I have helped draft and in several cases enact legislation designed to encourage industrial innovation and productivity. During the Carter administration some modest progress, which I criticized as being inadequate, was made in implementing these programs. Surprisingly, given the oft-stated goals of the Reagan administration, most of the constructive initiatives in place when President Reagan entered office have been curtailed or eliminated.

Fortunately, not all initiatives originate in Washington, D.C. A few days ago the Governor's office in California issued an important report entitled, "Winning Technologies: A New Industrial Strategy for California and the Nation." This report, which was prepared by a 17-member Commission on Industrial Innovation appointed by California Gov. Edmund G. Brown, Jr., is useful to those of us who work on this issue in Washington as it is to the original recipients in California.

Mr. Speaker, rather than attempt to summarize this report and extract what elements I felt were most important, I would like to share the summary of recommendations, along with the list of commission members. I commend the following material to my colleagues:

WINNING TECHNOLOGIES—A NEW INDUSTRIAL STRATEGY FOR CALIFORNIA AND THE NATION

TABLE OF RECOMMENDATIONS

Industrial strategies for innovation

1. The California Commission on Industrial Innovation calls for the United States and California to develop national and state industrial strategies, aimed at accelerating the invention and utilization of winning technologies.

Investment for innovation

2. The United States Congress should pass the Reciprocal Trade and Investment Act of 1982.

3. The President should aggressively negotiate lower trade barriers for high-technology products through the General Agreement on Tariffs and Trade (GATT).

4. The United States should expand the incremental research and development tax credit.

5. The United States should enact an antitrust exemption for joint research by high-technology companies.

6. California should establish antitrust exemptions for research and development cooperative ventures.

7. The United States should restore budget cuts in research in such critical areas as the National Institutes of Health, the National Science Foundation, and the national laboratories of the Department of Energy and NASA.

8. The United States should move toward the complete elimination of taxation of long-term capital gains. As a first step, the government should eliminate capital gains tax on investments in new companies, while taxing gains from investment in nonproductive investment as ordinary income, as has been legislated in California.

9. The United States should allow corporations, at their option, to write off equipment at the rate at which it becomes obsolete if this would result in faster depreciation than current schedules permit.

10. The United States should create financial free trade zones to attract foreign investment.

11. California should bring its treatment of incentive stock options and employee stock ownership plans into conformity with recent federal changes.

12. The United States should redirect policies and increase support for the Export-Import Bank to assist U.S. businesses in effectively meeting unfair foreign competition.

13. States should enact pension fund flexibility to invest in innovation, as called for in Proposition 6 on the November 1982 ballot in California.

14. The United States should encourage investment in existing U.S.-based growth technologies targeted by government policies of our major industrialized trading partners.

Education and job training for innovation

15. The United States should mobilize national resources to support math, science, computer, engineering and high-technology vocational education, as was done through the National Defense Education Act in the 1950s.

16. University and community college governing boards should raise entrance requirements in math, science and computer studies.

17. School boards should raise standards required for graduation from high school to at least three years of math and two years of science, including at least one semester of computer studies.

18. Private industry should extend support for summer study by students in math, science and computer studies.

19. California should include science and computer studies in statewide or local standard elementary and secondary school achievement tests.

20. State universities should train guidance counsellors to encourage students to take math, science and computer courses, especially women and minorities.

21. California should reorient existing math and science achievement tests to stress problem-solving and not rote computation.

22. The United States and California should match funds with private industry to develop new curricula using new technologies like videos and computers.

23. Post-secondary education should expand the number of course offerings in math, science and computers available to secondary school students.

24. The U.S. Congress should pass legislation offering the same tax benefits for donations of computers to elementary and high schools as now exist for donations to universities.

25. California should promote the development of new computer software to expand computer education for interactive learning.

26. Until computers become more common, California should expose students to computers through mobile vans such as those sponsored by the Industry Education Council of California.

27. California should encourage school districts to form regional high-tech high schools which pool trained teachers, equipment and curricula.

28. School boards should offer teacher income supplements to math, science and computer teachers, based on what such skills are worth in the private sector.

29. Private industry should introduce recognition incentives for superior teachers. Universities should also recognize outstanding teachers.

30. The private sector should offer the use of employees as part-time teachers.

31. Private industry should provide employees to train teachers in math, science, and computer studies, and provide industry sites for hands-on computer training.

32. Universities and State Colleges should increase their commitment to math, science, and computer education.

33. State and federal governments could fund incentives in the form of teacher education scholarships to attract teachers into math, science and computer studies.

34. Private industry could also hire high school math and science teachers during the summer session, as a way to supplement their income and to gain upgrade training in new technologies.

35. School Boards should provide opportunities for all existing teachers to take training supplements in computer-aided education.

36. The State and federal governments should jointly fund inservice retraining for teachers in math and science, especially those with emergency credentials, through math/science computer institutes.

37. The United States and California should increase financial support to Schools of Engineering, Computer Science and related fields, so as to expand their capacity to produce qualified graduates.

38. The United States should not use the immigration laws to restrict the ability of foreign nations to work as engineers for U.S. companies or to serve as engineering faculty.

39. California should encourage the formation of university/industry research parks and expand other joint research efforts like MICRO, already established here, as a means of attracting new scientists and professors to the State.

40. California should encourage universities to revise patent policies to enhance industry cooperation.

41. The United States and state governments should encourage vocational programs to involve as much on-the-job training and employer participation as possible.

42. California should place a high priority on the development of vocational training programs in new and emerging technologies.

43. The private sector should establish Business/Labor councils to review existing programs, develop new ones, and take other actions to promote effective job-training.

44. The private sector should offer industry sites, equipment and employees to serve as faculty to the community colleges for job-training programs.

45. California should make a comprehensive effort to retrain existing teachers for the new skills of the 1980s.

46. The U.S. and California should make special efforts to develop effective job-training programs for displaced workers.

Employee-management productivity for innovation

48. California should establish Tripartite Boards to promote increased worker participation and productivity.

49. California should set up a clearinghouse to provide technical assistance and information to public and private sector efforts to increase workplace productivity.

50. California should encourage the development of employee stock ownership plans, and incentive stock option proposals for both workers and managers.

CALIFORNIA COMMISSION ON INDUSTRIAL INNOVATION

Gov. Edmund G. Brown, Jr., Chairman.

Richard C. Atkinson, Chancellor, University of California, San Diego.

David Commons, Consultant.

William C. Demers, International Vice President, Communication Workers of America.

Don Gevirtz, Chairman and CEO, the Foothill Group.

Ira Michael Heyman, Chancellor, University of California, Berkeley.

Ruth Jernigan, International Representative, United Auto Workers.

Steven Jobs, Chairman of the Board, Apple Computer Inc.

Robert P. Marr, Director of Public Relations, Operating Engineers Local No. 3.

Regis McKenna (Ex official), Chairman, Regis McKenna, Inc.

Rene McPherson, Dean, Stanford Business School.

David Packard, Chairman of the Board, Hewlett-Packard Co.

Leland Prussia, Chairman of the Board, Bank of America.

James L. Quillin, Secretary/Treasurer, California Conference of Machinists.

G. Rip Ridley, President, WAMS, Inc.

Lynn A. Schenk, Secretary, Business, Transportation and Housing Agency.

Charles Sporck, President, National Semiconductor Corp.

Don Vial, Director, Department of Industrial Relations.

Jerry Whipple, Regional Director, United Auto Workers, Region 6.●

TRIBUTE TO CAPT. DONALD C. POE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. LEWIS. Mr. Speaker, on September 24, 1982, friends and colleagues will pay tribute to an outstanding law enforcement officer and community leader, Mr. Donald C. Poe. I would like to take this opportunity to join with those honoring Mr. Poe and commend him to the House of Representatives today.

A lifelong resident of the Inland Empire, Donald C. Poe was born in Loma Linda, Calif. and attended Redlands schools. Upon graduation from Redlands High School, Donald furthered his education at San Bernardino Valley College until joining the U.S. Navy in August 1948.

In February 1953, Mr. Poe was hired as a patrolman for the Redlands Police Department by Chief of Police W. E. Slaughter. He was promoted to sergeant in September 1955 and assigned to the traffic bureau until January 1959. Following a promotion to lieutenant, he was given the responsibility of assisting the architect who designed the present Redlands Police Department building.

Donald Poe was promoted to captain in January 1963. His assignments as captain have been in both the operations and administration divisions where he was responsible for budget, planning, organizational development, investigations, and patrol operations. Since joining the Redlands Police Department, he has worked for five chiefs of police and three acting chiefs

and currently works for Chief Robert E. Brickley.

An active participant in community endeavors, Donald Poe is a member of the Redlands Host Lions Club, Redlands Elks Lodge No. 583, American Legion Post 106, the YMCA, and the Redlands Lawn Bowling Club. He has served as president and deputy district director of the Lions Club and is past exalted ruler of the Elks Club where he also served as secretary. His law enforcement organization affiliations have been as president of the Southern California Warrant Officers Association, president of the San Bernardino County Peace Officers Association, and the Redlands Police Benevolent Association. He holds a teaching credential in police science at the community college level.

An active sportsman, Donald's favorite pastimes include bowling, golf, softball, racquetball, and surf fishing. The highlight of his golfing career is a verified hole in one at the Redlands Country Club on July 2, 1963, on the fifth hole.

Mr. Poe and his lovely wife, Cathy, are the parents of 8 children and the grandparents of 13. Mr. and Mrs. Poe reside in the city of Redlands.

Mr. Speaker, it is truly an honor to recognize Mr. Donald Poe for his unswerving dedication to the law enforcement profession. His all-too-often thankless job has provided the security and safety for the residents of Redlands. Mr. Poe will certainly be missed but not forgotten by all those fortunate enough to have worked with him. With great respect I commend Mr. Donald Poe to the House of Representatives.●

SOVIET TARGET: SOUTH AFRICA

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FIELDS. Mr. Speaker, presented here are two articles written about the Soviet designs for taking over the African Continent by subverting current states and replacing them with Soviet puppets. These articles are based on the testimony of defectors from the Marxist-dominated Southwest African People's Organization and the African National Congress, organizations of terrorists and murderers posturing as political entities.

This testimony, given before the Senate Subcommittee on Security and Terrorism, provides concrete reasoning for the United States not pushing for a negotiated settlement for the sake of a settlement in Namibia, but the United States should take the time necessary to insure a settlement directed toward real self-determination in that area. The world has enough Cubas and Nicaraguas already.

[From the Washington Times, Sept. 9, 1982]

SOUTH AFRICA: SOVIET'S CHIEF TARGET

(By Daniel James)

The Soviet Union's effort to capture Namibia through the South West African Peoples Organization (SWAPO) is basically a step toward attaining its central goal in southern Africa: the subversion of the Republic of South Africa.

Its chosen instrument for doing so is the African National Congress, like SWAPO a former nationalist group now Communist-dominated, according to ANC defectors testifying before the Senate Subcommittee on Security and Terrorism.

One defector, Bartholomew Hlapane, was simultaneously a member of the ANC's National Executive Committee while secretly serving on the Central Committee of the South African Communist Party—a role that gave him a rare insight into Soviet machinations in southern Africa.

Hlapane, who had joined the African National Congress in 1948 believing in its goal of achieving racial equality through peaceful, democratic means, was recruited by the South African Communist Party seven years later, persuaded that the SACP would speed up the process.

By 1964, however, he became convinced that the SACP was using the ANC as merely "the first step [toward establishing] a socialist state" in South Africa, and as a means of igniting a violent revolution which betrayed "what we told the people of South Africa," and resigned from both groups.

Today, the ANC is thoroughly Communist-dominated, with seven of its 22 National Executive Committee members, including the deputy secretary general, belonging to the South African Communist Party, Hlapane revealed to the Subcommittee. ANC's president, Oliver Tambo, though not formally a Communist, has embraced "scientific socialism" and gladly accepts Soviet support, both military and other.

"During the period I served in the ANC and S.A. Communist Party," Hlapane further testified, "no major decision could be taken by the ANC without the concurrence and approval of the Central Committee of the S.A. Communist Party. Most major developments were in fact initiated by the Central Committee."

Probably the most significant "development" was the SACP's decision, in 1961, to organize the ANC's military arm, *Umkonto We Sizwe*—"Spear of the Nation"—with Hlapane's recruiter and veteran Communist, Hoe Slove, assigned to the task. The UWS, Hlapane stated categorically, "received all their funds from the Communist Party of South Africa."

Those funds, in turn, come largely from the Soviet Union, he further testified.

The assistant secretary of state for African affairs, Chester A. Crocker, estimated during subcommittee hearings that the ANC "receives comparable percentages of its military and other support from Communist and other [i.e., Soviet-bloc] sources" to those received by SWAPO: 90 percent military and 60 percent "other" support.

Umkonto We Sizwe troops are trained, according to witnesses who served in them, by Soviet and Cuban instructors. One of them, Ephraim Mfalapitsa, 28, was trained in Angola and East Germany in the use of such Soviet weapons as the AK47, the Makarov, and F1 hand grenades, as well as in "politics including Leninism and Marxism."

A highly pertinent portion of Mfalapitsa's testimony documents the charge that Moscow is behind much of the terrorism in the world. He related that Soviet, Cuban and East German experts trained him in "laying mines on farm roads; attacking farmhouses; ambushing lonely vehicles; and attacking small police stations."

Another ex-member of ANC's military arm, Jeffrey Mtutuzele Bosigo, 23, testified before the Security and Terrorism Subcommittee that he had been picked up by its recruiters while eluding the South African police after having participated in a riot, and promised an opportunity to continue his schooling.

But he was sent instead to an "engineering camp"—a euphemism for a base where sabotage and terrorism are taught—in Angola. Then he was sent to another base, Nova Cantenque, where he and other South African blacks received instruction principally from Cubans.

The South African Communist Party has also acquired considerable influence over ANC "sister organizations"—in the phrase of Sen. Jeremiah Denton, chairman of the subcommittee—such as the South African Indian Congress and the South African Congress of Trade Unions.

Thus the Soviet attempt to subvert South Africa is a many-pronged one, including not only black groups but Asians and labor unions, and not only South Africans but also Namibians, Angolans, Cubans and Marxist elements in Zimbabwe and other African states.

[From the Washington Times, Sept. 9, 1982]

SOVIET INTRUSION IN SOUTHERN AFRICA

(By Daniel James)

(This is the last of a three part series based on an advance copy of testimony from five hearings held by the Senate Subcommittee on Security and Terrorism from March 22 to March 31 of this year. The subcommittee took testimony from 11 witnesses, six of them defectors from the Marxist-dominated Southwest African People's Organization and African National Congress.)

The growing Soviet intrusion in southern Africa extends beyond Angola, Namibia and even (through the African National Congress) South Africa, to other countries in the region, according to witnesses who have testified before the Senate Subcommittee on Security and Terrorism. It extends, in fact, to the whole African continent.

Lt. Adriano Francisco Bomba, a fighter-bomber pilot, defected on July 8, 1981, from his native Mozambique because the ruling Marxist-Leninist party, Frelimo, was running his country into the ground. This was an example, he testified, with an eye to Namibia and southern Africa in general, of "the end result [of] the transformation of a genuine nationalist movement into surrogates of the U.S.S.R. in Africa once such movements come to power."

In 1977, on the verge of completing high school, Bomba and 74 other Mozambican youths "were handed over to the Ministry of Defense" and put on an Aeroflot plane to Moscow. He had been studying to be an engineer, but "they decided that I would become a fighter-bomber pilot to defend the power of [Frelimo]."

Returning to Mozambique some two years later, he found this "deplorable situation": Frelimo had become "a Marxist-Leninist party," had "strangled" the private sector, and had mismanaged the economy into "producing much less than before." In general, "before the independence in Mozambique, the conditions of life were better."

By June of 1981, "it suddenly occurred to me that even though this system was [designed] to bring Mozambique down, I was in fact defending it." Accordingly, "I decided to desert."

While in the Soviet Union, Lt. Bomba saw military trainees from all over Africa. They reflected the growing Soviet military buildup on the continent, particularly in the southern portion, whose exact ramifications are unknown but considered by experts to be vast. The buildup results in extending or consolidating Soviet political influence.

"In Angola and Mozambique," the U.S. Department of State's chief Africa expert, Chester A. Crocker, told the subcommittee, "the number and range of activities of Soviet, Cuban and other foreign Communist advisers and technicians, in the civilian and military domains, has increased, implying concomitant political and economic influence."

A University of Arkansas Africa expert, Peter Vanneman, testified that the Soviet's "basic strength" in SWAPO and the ANC lies within their military wings, "so any instability [in the area] . . . enhances the value of the military wing to these organizations, and therefore strengthens Soviet influence."

Nearly all the independent black states in southeren Africa, as well as the Soviet-dominated independence movements not yet in power, are increasingly dependent on Soviet military aid and equipment, according to Dr. Vanneman. The following chart supplies the latest (but necessarily complete) figures for six of those states:

The number of Soviet-bloc military elements in southern Africa has increased commensurately with the rising supply of military equipment, but exact totals are not known. In the last year for which reasonably accurate figures are available, 1978, the State Dept. has reported at least 41,000 "Communist military personnel" in sub-Saharan Africa, besides 37,000 "Communist country civilian technical experts" throughout the continent. But today, in Angola alone, intelligence officials calculate there are about 29,000 troops and "advisers" just from Cuba; in addition, the East Germans have a relatively substantial presence there.

Moscow has also increased the number and caliber of its diplomats in the region. Thus its embassy staff in Botswana, on South Africa's northern border, has mushroomed to 50 from a handful, while those in Angola and Mozambique total more than 100 each. An example of the quality of Soviet envoys, as well as of the importance Moscow is giving to southern Africa, is Vasily Solodovnikov, ambassador to Zambia until last year, who is recognized as its top Africanist.

The Soviets are generally "improving and developing their policy apparatus" in the region, Vanneman told the subcommittee. Today they boast a "very sophisticated group of people dealing with Africa, and they have a considerable number of organizations staffed with African specialists." Whereas in the 1960s there were almost no Africanists, now they have more than 300.

Typical of the mounting Soviet interest in Africa is the fact that Soviet foreign Minister Andrei Gromyko's son, Anatoly, has been made head of the U.S.S.R. Academy of Sciences' Africa Institute. Upon taking over the Institute, young Gromyko added six policy specialists to its staff, "transforming it from a predominantly development-oriented think tank to one more concerned with strategic policy."

The Soviets have correspondingly upgraded their intelligence operations in Africa. Thus in the KGB, Crocker told the subcommittee, "one of the largest propaganda sections deals with southern Africa. I think that is extremely significant."

The Soviet's overall coordinator of Africa policy is Boris Ponomarev, head of the Soviet Communist Party's International Department. "He is in frequent contact with the ANC and SWAPO people," Crocker further testified.

What is the Soviet's basic policy, or strategy, in southern Africa,

Although "the Soviet Union does not have a grand design for southern Africa . . . it is, in fact, taking advantage of targets of opportunitity . . . to act counter to Western interests," according to Crocker. "The Soviet Union . . . has a vested interest in keeping the region in turmoil."

Vanneman told the subcommittee that he believes the Soviets are "primarily concerned to enhance their influence in the Indian Ocean," to put pressure on the United States particularly in the Middle East. Thus during the Ethiopian conflict, Cuban troops were flown all the way from Angola across Mozambique to Ethiopia. "So, in other words, what is happening in southern Africa is intimately related to what is happening in the Middle East, and in the oil regions."

Interruptions of our oil and non-fuel strategic mineral supplies from the Middle East and southern Africa has been a basic Soviet objective for many years. As Sen. Jeremiah Denton, the subcommittee chairman, pointed out, nothing less than "The survival of the free world" is thus involved because of our overwhelming dependence upon strategic minerals imports from the region. In his statement opening the subcommittee's five hearings on southern Africa, he quoted Leonid Brezhnev as having summed up Soviet policy in a 1973 Prague, Czechoslovakia speech in these words:

"Our aim is to gain control of the two great treasure houses on which the West depends . . . the energy treasury house of the Persian Gulf and the mineral treasure house of central and southern Africa."

The Soviet military, political and economic intrusion in southern Africa is, in other words, aimed ultimately at the stability of the West—meaning, in the first instance, of the United States.

THE PARABLE OF ENTERPRISE

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. GOODLING. Mr. Speaker, while reading yesterday's Christian Science Monitor I came across an article by William Echikson entitled "The Crisis of France's Breakfast: Morning Croissants or Socialism?" A more universal title for that article would have been "The Parable of Private Enterprise." In any case, this article very aptly demonstrates the virtues of private enterprise as opposed to the evils of government regulation. While this particular case deals with what is happening in France, the underlying principle applies to all governments that seek to regulate private enterprise. Rather than applying a maximum number of work hours per week, apply a minimum, or better yet, make no regulations on the matter at all: Keep private enterprise a private matter. For the interest of my colleagues, I would like to insert this article.

[From the Christian Science Monitor, Sept. 8, 1982]

THE CRISIS OF FRANCE'S BREAKFAST: MORNING CROISSANTS OR SOCIALISM?

(By William Echikson)

It is 5:30 a.m. at the bakery on Rue de Babylone in the center of Paris.

Claude Bilnet, the owner, pulls out a rack of golden soft and flaky croissants, ready for the breakfast plate. Despite the early hour and the prospect of 12 more hours on the job, Mr. Bilnet smiles with pride as he looks over the savory rolls.

But turn the subject to France's Socialist President, Francois Mitterrand, and the smile disappears.

"If Mitterrand makes me do that, I won't be able to stay in business," he says.

No more fresh croissants? "No more."

His reaction is typical of France's many artisans, who are angry at Mr. Mitterrand's program of cutting work hours. In February the government decreed that workers are supposed to toil only 39 hours, down from 40. And if things go as planned, they will labor only 35 hours a week in 1985. The idea is to improve the worker's lot and open up new jobs.

But for bakers and other artisans such as chefs and hair stylists, the 39-hour workweek provoked a crisis.

In these fields workweeks traditionally last around 50 hours, and to cut working hours so drastically would cause a wave of bankruptcies in these small businesses, the artisans argued. The baking craft, for example, calls for both boss and worker to put in long days, beginning in the wee hours of the morning. Otherwise there would be no fresh bread for breakfast.

And since most of France's 40,000 "boulangeries" are family-run operations with three to five employees, they are unable to afford additional workers to compensate for the shorter workweek. A study for the National Bakers' Association claimed that if the 39-hour law was applied to bakers, half of the country's "boulangeries" would be forced to close.

As a result, the bakers' workweek became a test of how far Mitterrand was aiming to change France. Could the country do without its morning croissants?

Apparently not. Bosses and workers recently agreed on a 47-hour workweek in bakeries, down from last year's 49-hour maximum. And Mr. Mitterrand appears ready to accept this contract, even though it violates the 39-hour principle.

"There is no other choice," a Labor Ministry spokesman said. "This is the old system of work in France."

So France's artisans will continue to work long weeks—with union agreement. Up to 500,000 workers are affected, according to the Labor Ministry.

For such artisans working overtime is considered necessary to achieve excellence. Cooking gourmet meals in three-star restaurants or styling hair in the modes of fashions simply takes more than 39 hours a week. But is it just pride that makes these artisans willing to forgo the benefits of socialism?

"No, bakers are willing to work so hard because they know they can rise to become an owner," says Francois Guillermer, secretary general of the Paris Bakers' Association. "Individual enterprise is rewarded."

The baker Bilnet, for example, started out as an apprentice baker in Lyon 17 years ago. Now he owns his own bakery in the heart of Paris. He works much more than his employees, up to 80 hours a week, beginning early in the morning.

"If I didn't work so much. I would only make the minimum wage," he says. "But I am the boss and that is a terrific feeling."

He puts the batch of steaming croissants in the counter and opens the bakery for business. For the first hour until his salesgirl arrives, he will tend the register.

An older man enters. "Deux croissants, s'il vous plait," he says.

"Oui, monsieur," Bilnet responds, handing him two delicious-looking rolls. Both men smile.●

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROUSSELOT. Mr. Speaker, today I rise to recognize the historic achievement of the Cabinet Committee on Opportunities for Spanish Speaking People, created by Congress in December 1969.

This Cabinet Committee, composed of several members of the President's Cabinet and other high-ranking officials of our Government, opened the door of opportunity to our Spanish-speaking citizens in much the same way archeologists opened the secret passageways in the pyramids in order to gain access to the knowledge of the past.

Spanish-speaking citizens suddenly found some of their own in high-ranking Government positions and with access to a number of Government-run programs ranging from housing and health benefits to economic development.

We are indeed fortunate to have had this committee chaired by two very distinguished Spanish-speaking leaders, both of whom, I might add, are from California—Martin Castillo of Monterey Park, a fighter pilot in World War II; and Henry Ramirez of Pomona, a migrant grape picker. These gentlemen devoted themselves to a task never undertaken in Government before—finding ways of bringing Spanish-speaking people into positions in the Government and participating in the many programs available to all citizens. And, today, the programs they formulated are part of U.S. Government policy.

Although funded by only $1 million annually, the rewards many times exceed the investment, not only in terms of actual benefits, but in terms of pride and accomplishment.

During its 5-year charter, the Cabinet Committee on Opportunities for Spanish Speaking People provided the initial momentum that brought a heretofore excluded minority, whose cultural heritage has so enriched our great Nation, into the mainstream of American life.

To Marty, Henry, and all of you who participated in the Cabinet Committee on Opportunities for Spanish-Speaking People—today we salute you.●

DOWN'S SYDROME

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. SOLARZ. Mr. Speaker, I would like to call to my colleagues' attention the following article on Down's Syndrome which recently appeared in the New York Times.

This article is significant for two important reasons. First, it notes the tremendous advances that have occurred in the treatment of Down's Syndrome. And second, that despite this progress, there is still a stigma associated with those who are affected by Down's Syndrome.

It seems to me that it is wrong and unfair for society to treat Down's Syndrome individuals prejudicially when a growing number of these individuals are able to read, write, and function at near-normal levels.

Because studies have shown that one of the most beneficial outcomes of national commissions is to heighten public awareness of an issue and that increased public awareness is the most effective approach to removing the stigma associated with a handicapping condition, such as Down's Syndrome, I have introduced legislation, H.R. 4657, to establish a National Commission on Down's Syndrome.

I urge my colleagues to join with me and 63 other Members of the House of Representatives who have cosigned this legislation, in this effort to improve the quality of life for the 250,000 individuals and their families who are affected by Down's Syndrome.

[From the New York Times, Aug. 31, 1982]

DOWN'S SYNDROME MASKED BY SURGERY

(By Maya Pines)

No matter how well they act, how much they have learned or how close they come to having normal intelligence, children with Down's syndrome always stand out in a crowd because of their recognizable features, which label them "retarded."

Now, a leading Israeli psychologist, Dr. Reuven Feuerstein, advocates a series of relatively minor plastic operations that can make these children less conspicuously different and "more socially acceptable."

Children with Down's syndrome used to be regarded as nearly hopeless by most educators and physicians. But in the last decade, intensive infant stimulation and other training programs have enabled growing numbers of them to read, write and function at nearly normal levels, while more aggressive medical care has prevented some physical problems.

"Many of these youngsters can work up to high levels of functioning," said Dr. Feuerstein, who runs a children's home in Jerusalem as part of the Hadassah-Wizo Canada Research Institute. "Yet they are not accepted by society because of their appearance."

The operations he recommends were begun by two German plasitc surgeons in 1977 after they heard the testimony of a German couple whose daughter had had the first experimental operation nine years earlier, performed by another surgeon, Dr. H. Hoehller.

The parents were so pleased with this operation that they began a national campaing to urge other doctors to do such surgery. Because of the operation, they said, their daughter had been freed from the stigma of Down's syndrome, had been treated normally by other children and adults and had made enormous strides in social development.

The two plastic surgeons, Drs. Gottfried Lemperle and Dorin Radu, have now operated on more than 250 Down's syndrome children between the ages of 3 and 24 at Frankfurt's St. Markus Hospital.

The doctors have generally reduced the size of each child's protruding tongue (both for cosmetic reasons and because this made it easier to speak), brought the ears closer to the head, raised hanging lower lips, altered the axis of the eyelids, raised cheekbones with small implants of silicone, raised the bridge of the nose and, in some cases, put implants into severely receding chins.

Some of the children needed only a few of these operations. Even when all the procedures were required, however, they could be done within an hour and a half, in a single session.

Dr. Feuerstein says the operations leave no visible scars and are no more serious than the plastic operations commonly done to correct other congenital defects, such as cleft palate.

When he saw the German work, he said: "I became convinced. There is practically no risk. It's very cheap. There is no significant trauma. And it gives the children an opportunity to be seen as individuals, rather than just members of a strange and inferior group."

At Dr. Feuerstein's invitation, Dr. Lemperle demonstrated his technique in Israel. Last February, as a pilot study, 11 Israeli children were operated on at the Hadassah Medical Center. They were videotaped extensively before, during and after the operations.

"We want to learn exactly what the operation means to these children and their parents," Dr. Feuerstein said. "We were afraid the children would look in the mirror after the surgery and not recognize themselves. But it didn't happen. Afterward, they have been very happy."

One young man who used to spend his time clowning, as a defense against stigma, rapidly improved his behavior after seeing his new appearance.

Although the surgery cannot make the children look completely normal, Dr. Feuerstein has been so encouraged by the results of the first Israeli operations that he recent-

ly visited the United States to spread the word.●

TRIBUTE TO BISHOP PAUL ANDERSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. OBERSTAR. Mr. Speaker, during the August recess, I had the very enjoyable privilege of visiting with Bishop Paul Anderson of the Roman Catholic Diocese of Duluth which covers much of my district in northeastern Minnesota. The occasion was not an entirely happy one in that Bishop Anderson is leaving Duluth after 14 years to serve in a new capacity in South Dakota.

Bishop Anderson is a marvelous, compassionate priest who has been an articulate voice for social justice and for ecumenicism.

In April 1981, nearly 18 months ago, Bishop Anderson and I appeared at a public rally to call for an end of U.S. involvement in El Salvador. The bishop responded with deep feeling to the spirit of Archbishop Romero of San Salvador who had urged the United States to stop supplying the arms which were responsible for the deaths of thousands of Salvadorans.

Bishop Anderson spoke as a religious man, a servant of God's people, a man deeply disturbed by the violence and suffering in El Salvador.

The same humanitarian concern which moved him to speak against outrages in El Salvador has also prompted his very principled, and public, position in support of an end to the nuclear arms race, as well as a most eloquent and moving appeal for passage of the equal rights amendment, expressed in his homily of last Sunday.

As a Congressman, and as one of the bishop's flock in the diocese, it has been a great comfort to me to know that I stand with my bishop in opposition to military aid to El Salvador and in support of the nuclear arms freeze.

Bishop Anderson has not championed these causes as political issues; rather, he has spoken as a man of profound religious convictions who is committed to working to end conflict and social injustice in the world.●

MONTHLY LIST OF GAO REPORTS

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BROOKS. Mr. Speaker, the monthly list of GAO reports includes summaries of reports which were prepared by the staff of the General Accounting Office. The July 1982 list includes:

NATIONAL DEFENSE

Aircraft Thrust/Power Management Can Save Defense Fuel, Reduce Engine Maintenance Costs, and Improve Readiness. GAO/PLRD-82-74, July 29.

The Air Force Needs to Exercise More Control Over Equipment Authorizations. GAO/PLRD-82-100, July 27.

Navy's Transfer of Power System to Financially Troubled Guam Power Authority Has Been Delayed. Acc. No. 118863, GAO-ID-82-28, July 2.

Applicability of Certain U.S. Laws that Pertain to U.S. Military Involvement in El Salvador. GAO/ID-82-53, July 27.

U.S. Security and Military Assistance: Programs and Related Activities. Acc. No. 118830, GAO/ID-82-40, June 1.

Corps of Engineers' Procedures for Acquiring and Altering Leased Space Need Revision. Acc. No. 118849, GAO/PLRD-82-86, July 1.

LETTER REPORTS

Deferral of $216,520,000 in budget authority provided for the Coast Guard's acquisition, construction, and improvement account which should have been, but was not, reported to Congress by the executive branch. GAO/OGC-82-18, July 6.

Allegations of wasteful spending at the Naval Air Station, Lemoore, California. Acc. No. 118881, GAO/PLRD-82-99, July 9.

Concerns remain on variations in the military services' contingency hospital programs. GAO/HRD-82-101, July 15.

GAO observations on Defense initiatives to link funding to readiness. GAO/PLRD-82-96, July 19.

INTERNATIONAL AFFAIRS

Allegations Concerning Eximbank's Claim Payments and First-Class Air Travel. GAO/ID-82-49, July 20.

Inter-American Foundation: Alternative to Traditionally Foreign Assistance. Acc. No. 118930, GAO/ID-82-16, July 13.

New U.S. Valuation System for Imported Products is Better and Easier to Administer. GAO/GGD-82-80, July 26.

LETTER REPORTS

Funding of international election observers for El Salvador elections were properly available. GAO/ID-82-44, June 25.

SCIENCE, SPACE AND TECHNOLOGY

NSF's Award of Two Research Vessels Met Requirements. Acc. No. 118862, GAO/PAD-82-14, June 28.

ENERGY

Loss of Experienced Staff Affects Conservation and Renewable Energy Programs. GAO/EMD-82-100, July 19.

Progress in Filling the Strategic Petroleum Reserve Continues, but Capacity Concerns Remain. GAO/EMD-82-112, July 15.

The Liquid Metal Fast Breeder Reactor-Options for Deciding Future Pace and Direction. Acc. No. 118932, GAO/EMD-82-79, July 12.

DOE Funds New Energy Technologies without Estimating Potential Net Energy Yields. GAO/IPE-82-1, July 26.

GSA Could Do More to Improve Energy Conservation in New Federal Buildings. Acc. No. 118925, GAO/PLRD-82-90, July 12.

LETTER REPORTS

Financial impacts which could result from default of legal challenge by participants in Washington Public Power Supply System Nuclear Projects 4 and 5. GAO/EMD-82-106, July 2.

Views on selected Department of Energy conservation and renewable programs and their program mandates. EMD-82-92, June 22.

NATURAL RESOURCES AND ENVIRONMENT

Fresh Look is Needed at Proposed South Florida Jetport. Acc. No. 118675, GAO/CED-82-54, July 15.

Better Planning Can Reduce Size of Wastewater Treatment Facilities, Saving Millions in Construction Costs. Acc. No. 118923, GAO/CED-82-82, July 8.

Cleaning up the Environment: Progress Achieved But Major Unresolved Issues Remain. GAO/CED-82-72, July 21.

Improved Administration of Federal Public Disaster Assistance Can Reduce Costs and Increase Effectiveness. GAO/CED-82-98, July 23.

Need to Strengthen Coordination of Ocean Pollution Research. GAO/CED-82-108, July 14.

Weaknesses Found in Timber Sale Practices on the Plumas National Forest. Acc. No. 118845, GAO/CED-82-88, June 23.

LETTER REPORTS

Procedures are needed to make sure that irrigation operation and maintenance costs are recovered at a jointly managed facility. GAO/CED-82-107, July 1.

Followup to GAO report on the claims processing procedures of the National Flood Insurance Program. GAO/AFMD-82-56S, July 22.

COMMERCE AND HOUSING CREDIT

The Voice of America Should Address Existing Problems to Ensure High Performance. GAO/ID-82-37, July 29.

Changes in Federal Maritime Regulation Can Increase Efficiency and Reduce Costs in the Ocean Liner Shipping Industry. GAO/PAD-82-11, July 2.

Commodity Futures Regulation—Current Status and Unresolved Problems. GAO/CED-82-100, July 15.

Review of the Federal Home Loan Mortgage Corporation's Financial Statements for the Year Ended December 31, 1981. GAO/AFMD-82-92, July 30.

LETTER REPORTS

Postal Service regulations on forwarding mail to boxholders. Acc. No. 119003, GAO/GGD-82-84, July 9.

Postal Service should be liberal in granting exemptions from the new forwarding regulations. Acc. No. 118931, GAO/GGD-82-74, July 9.

TRANSPORTATION

Federal and Contractor Employee Travel and Relocation Cost Reimbursements Differ. GAO/FPCD-82-35, July 20.

LETTER REPORTS

Review of the Federal Aviation Administration's response to Congressman Jack Brooks' letter on the National Airspace System Plan. Acc. No. 118868, GAO/AFMD-82-91, June 4.

Analysis of Amtrak's acquisition of office copying equipment. CED-82-111, July 12.

Several weaknesses exist in the administration of the highway right-of-way program by Wisconsin and Michigan and the Federal Highway Administration. GAO/CED-82-110, July 13.

COMMUNITY AND REGIONAL DEVELOPMENT

Housing and Community Development: National Problems. Acc. No. 118846, GAO/CED-82-96, June 28.

SOCIAL SERVICES

Revitalizing Distressed Areas Through Enterprise Zones: Many Uncertainties Exist. GAO/CED-82-78, July 15.

Concerns Regarding Impact of Employee Charges Against Employers for Unfair Labor Practices. GAO/HRD-82-80, June 21.

An Overview of the Win Program: Its Objectives, Accomplishments, and Problems. Acc. No. 118870, GAO/HRD-82-55, June 21.

Indian Health Service Not Yet Distributing Funds Equitably Among Tribes. Acc. No. 118864, GAO/HRD-82-54, July 2.

Adverse Opinion of the Financial Statements of the Student Loan Insurance Fund for the Fiscal Year Ended September 30, 1980. Acc. No. 118876, GAO/AFMD-82-52, July 8.

LETTER REPORTS

The small and disadvantaged business subcontracting program could be improved. Acc. No. 118871, PLRD-82-95, June 30.

HUD's reassessment procedures for multifamily housing projects during the approval process and construction phase. GAO/CED-82-109, June 30.

State drawdowns and use of low-income home energy assistance program funds. GAO/HRD-82-100, July 12.

In Fiscal 1983, spending and credit programs primarily benefiting business will be reduced substantially from fiscal 1982 levels; tax expenditures will be increased. GAO/PAD-82-40, July 21.

Preliminary Findings on Patient Characteristics and State Medicaid Expenditures for Nursing Home Care. GAO/IPE-82-4, July 15.

Medicare Payments for Durable Medical Equipment are Higher than Necessary. GAO/HRD-82-61, July 23.

Federal Oversight of State Medicaid Management Information Systems Could be Further Improved. GAO/HRD-82-99, July 30.

LETTER REPORTS

Stronger VA and DOD actions needed to recover costs of medical services provided to persons with work-related injuries or illnesses. Acc. No. 118866, GAO/HRD-82-49, June 4.

States need additional information on compliance with the law for waivers to limit freedom of choice of Medicaid recipients. GAO/HRD-82-90, July 20.

INCOME SECURITY

LETTER REPORTS

Allegations concerning quotas used by the Social Security Administration to terminate disability insurance benefits in Memphis are groundless. Acc. No. 118869, GAO/HRD-82-88, June 3.

Problems found in data from a retirement history survey among the elderly. Acc. No. 118861, GAO/IPE-82-5, July 8.

Terminating benefits to economically recovered disability retirees should be more timely. Acc. No. 118924, GAO/FPCD-82-46, July 9.

Social Security Administration should take action to reexamine the continuing eligibility of disabled persons. GAO/HRD-82-91, July 14.

ADMINISTRATION OF JUSTICE

Prisoners Receiving Social Security and Other Federal Retirement, Disability, and Education Benefits. GAO/HRD-82-43, July 22.

Community-Based Correctional Programs Could be Used More Extensively within the Federal Criminal Justice System. Acc. No. 118877, GAO/GGD-82-69, July 2.

The Department of Justice Needs to Address the Problem of Two Personnel Investigations Being Conducted on all Bureau of Prisons Employees. Acc. No. 118879, GAO/GGD-82-56, July 8.

GENERAL GOVERNMENT

Uniform Guidelines on Employee Selection Procedures Should Be Reviewed and Revised. GOA/FPCD-82-26, July 30.

Comparison of Collectively Bargained and Administratively Set Pay Rates for Federal Employees. Acc. No. 118922, GAO/FPCD-82-49, July 2.

Changes to Appeals Process Could Improve Settlements and Increase Taxpayers' Satisfaction. GAO/GGD-82-54, July 28.

Further Research into Noncompliance is Needed to Reduce Growing Tax Losses. GAO/GGD-82-34, July 23.

Compilation of GAO's Work on Tax Administration Activities During 1981. GAO/GGD-82-82, July 22.

Key Issues Affecting State Taxation of Multijurisdictional Corporate Income Need Resolving. Acc. No. 118844, GAO/GGD-82-38, July 1.

Assessment of Federal Agency Compliance with the Service Contract Act. GAO/HRD-82-59, July 21.

Better Information Management Could Alleviate Oversight Problems with GSA's Construction Program. Acc. No. 118980, GAO/PLRD-82-87, July 9.

Review of the Federal Home Loan Mortgage Corporation's Financial Statements for the Year Ended December 31, 1981. GAO/AFMD-82-92, July 30.

Audit of the House of Representatives Restaurant Revolving Fund for the Fiscal Year Ended October 3, 1981. Acc. No. 118786, GAO/AFMD-82-59, June 23.

Audit of the United States Senate Restaurants Revolving Fund Fiscal Year Ended September 26, 1981. Acc. No. 118809, GAO/AFMD-82-60, June 25.

LETTER REPORTS

Assessing the feasibility of converting commercial vehicle fleets to use methanol as an offset in urban areas. Acc. No. 118921, PAD-82-39, June 11.

The Office of Management and Budget is influential in redesigning the Interior Department's offshore leasing and development program. Acc. No. 118831, EMD-82-93, June 11.

The Office of Management and Budget's efforts to develop and augment the Federal Information Locator System have not met congressional expectations. GAO/GGD-82-76, June 17.

President's special message proposing seven new deferrals totalling $14.5 million and revisions to two deferrals previously reported increasing the amount deferred by $140.5 million. GAO/OGC-82-17, June 30.

Better guidance is needed for determining when examining authority should be delegated to Federal agencies. Acc. No. 118848, GAO/FPCD-82-41, July 1.

Paperwork Reduction Act has not adversely affected IRS' ability to administer the tax laws. Acc. No. 118926, GAO/GGD-82-90, July 6.

Improvements are needed in the accounting for personal property in the Department of the Interior. GAO/AFMD-82-84, July 12.

Summary of recent GAO reports on managing intergovernmental assistance programs GAO/GGD-82-91, July 13.

Limitations on fiscal year 1981 fourth quarter obligations in certain agencies. GAO/PAD-82-43, July 16.

Comments on Jack Anderson's column concerning the cost effectiveness of several Government Printing Office actions. GAO/PLRD-82-101, July 16.

President's proposal of one rescission of budget authority totalling $8 million and one deferral totalling $3,613,000. GAO/OGC-82-19, July 19.

Improvements are need in GSA's role in the real property utilization survey program. GAO/PLRD-82-93, July 20.

Veterans Administration underestimated costs and overestimated savings associated with proposed move of its Florida Loan Guaranty Division from Jacksonville to St. Peterburg. GAO/HRD-82-85, July 21.

Findings of the Defense Science Board's task force on embedded computer resources acquisition and management cannot be relied on as an independent assessment. GAO/FPCD-82-55, July 22.

Statements of the House Recording Studio Revolving Fund present fairly its financial position for calendar 1981. GAO/AFMD-82-75, July 22.

Statements of the House Beauty Shop Revolving Funds present fairly its financial position as of December 31, 1981 and 1980. GAO/AFMD-82-82, July 23.

Transfer of offices of the Government Printing Office from Virginia to Laurel, Maryland. GAO/PLRD-82-106, July 30.

(The Monthly List of GAO Reports and/or copies of the full texts are available from the U.S. General Accounting Office, Distribution Section, Room 1518, 441 G Street, N.W., Washington, D.C. 20548. Phone (202) 275-6241.)●

PERSONAL EXPLANATION

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. PEPPER. Mr. Speaker, due to the hearing that my Select Committee on Aging was holding yesterday, Wednesday, September 8, I was not able to make all the votes on the floor. Specifically:

Rollcall No. 310; an amendment that sought to strike language preserving the rights of litigants under any statute of common law. I would have voted nay.

Rollcall No. 311; final passage of H.R. 6307, Resource Conservation and Recovery Act. I would have voted yea.●

VOLUNTEER FIRE DEPARTMENTS

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. WEBER of Minnesota. Mr. Speaker, volunteer fire departments have been saving property and lives in our Nation for decades. These departments serve as fine examples of what can be accomplished through community spirit and volunteerism. Almost a year ago, our President appealed to us to rediscover that spirit of volunteer-

ism that helped make our Nation great. Today I would like to share with my colleagues an example of that spirit flourishing in southwestern Minnesota.

A dinner was held on August 31 in Windom, Minn., a small city with a population of 4,666. The gathering honored four retiring volunteer firemen, who have spent two nights a month for the entire length of their service in order to be prepared for disaster. The department not only provides protection for the city, but also a small village and 10 surrounding townships.

I would like to share with my colleagues the tribute to these men as given by Marion Uhlhorn, a member of the city council. It would be difficult for small communities in rural America to survive, were it not for people who place community service as one of their priorities in life. The city of Windom, Minn., hereby acknowledges that they have been fortunate, indeed, for a total of 114 years service by John S. Paulson, fire chief, 33 years; John Galle, Sr., assistant fire chief, 28 years; Waldine Moede, second assistant fire chief, 32 years; Raymond Sartorius, third assistant fire chief, 21 years; as volunteer firemen.

Not only have they contributed to the city of Windom as firemen, but many of them have served on the junior chamber of commerce, board of chambers of commerce and industrial development, church boards, and as members of a host of various civic organizations that make a small community progressive.

City officials recognize their contribution to the city of Windom as they have always worked closely with the city council. Windom has always had a fire department to be proud of, and this is evidenced by significant improvements over recent years, such as new quarters for firefighting equipment, modern up-to-date firefighting apparatus and trucks, and township fire contracts. No, this was not a 1- or 2-year project. Proper planning and budgeting over approximately 10 years produced the necessary results and at the same time placed no hardship on the taxpayers in the community.

As citizens of Windom, we salute all firemen, past and present, for their resourcefulness, abilities, high regard for life and property, dedication to the job, and unselfishly giving of their time for such a very important community service.●

CITY LIFE AT ITS BEST

HON. NORMAN D. DICKS
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. DICKS. Mr. Speaker, the July 19 issue of Sports Illustrated contains an article entitled "Seattle: City Life at Its Best." This article describes the tremendous changes that have taken place in Seattle over the past 25 years—changes that have made that great city not only the capital of the Pacific Northwest, but, in the article's words, "a paragon and an inspiration." Seattle, like so many of our Nation's urban centers, has experienced substantial population and economic growth throughout the postwar era. The city's ability, through its forward thrust development program, to preserve its beautiful surroundings and cultural heritage while simultaneously coping with that growth is both a striking contrast to many of America's cities and a living tribute to the foresight and dedication of Seattle's citizens and its leaders.

As part of this growth and change, Mr. Speaker, Seattle has also become a major league community. Of all the projects that were undertaken as part of the forward thrust program, we are most proud of the Kingdome, the home of Seattle's professional sports franchises.

The citizens of Seattle committed nearly $70 million to build the Kingdome as a home for Seattle's professional sports franchises. And the citizens of Seattle could not have made that commitment without substantial and reliable assurances that those professional sports teams, if well supported in the Kingdome, would continue to play there. We needed to know that our investments would not be in vain, and that our trust would not be misplaced.

Following the Kingdome's opening in 1976, major league sports flocked to Seattle. Nearly 14 million people have come to the Kingdome to see our Seahawks of the NFL, our Mariners of baseball's American League, our SuperSonics of the NBA, and our Sounders of the NASL. These teams and their stadium have brought tourism and investment to Seattle, have provided our community with tremendous entertainment throughout the year, and have brought us the world championship of basketball, and solid, contending teams in each of the other sports as well. Moreover, despite the dire predictions that the Kingdome would be an economic failure, it has proven to be a highly profitable and well managed facility. Because of Seattle's success at attracting and maintaining professional sports teams, the special taxes levied to pay for the facility have been repealed, and the outlook for the future is excellent.

Because all communities that have professional sports teams—not just Seattle—are entitled to similar assurances, I have cosponsored H.R. 6467, the Major League Sports Community Protection Act of 1982. This bill, introduced by Congressmen DON EDWARDS, HENRY HYDE, and PETE STARK, now has some 150 cosponsors in the House. A companion bill, S. 2784, has broad cosponsorship in the Senate. Both bills will provide sports fans and communities with significant and much-needed protection of the financial and emotional investments they make on behalf of their local teams.

This legislation protects the ability of sports leagues such as the NFL to continue policies that have made NFL expansion to cities like Seattle possible. The bill authorizes leagues to keep teams in communities where the league determines the team can operate successfully. In the context of expansion, this provision will permit the NFL and other sports leagues to determine that expansion teams should operate on a long-term basis in the expansion communities selected by the league. The legislation also protects revenue sharing among the teams of a league, and such revenue sharing in the NFL—for example, the equal division of all network television revenues among the 28 NFL teams—makes it possible for new communities, such as Seattle and its partner expansion team, Tampa Bay, to participate in the NFL on an equal footing with the established teams. In short, if the NFL policies protected by this legislation cannot continue to be pursued by the league, one would have to question whether a community such as Seattle would ever have been chosen as an NFL franchise city—and one will have to question whether future NFL expansion to other cities of similar size can take place.

The need for this legislation is also dramatically illustrated by the events that have taken place over the past 2 years in Oakland, Calif. As in Seattle, the citizens of Oakland turned that community into a major league city by constructing a new multipurpose sports complex and filling it with winning professional sports teams and tens of thousands of loyal fans. No team, including our Seahawks, has ever been as well supported as were the Oakland Raiders. No team has ever been as successful on the field as were the Oakland Raiders. And yet, despite that record of success and support, the Raiders have announced their intention to transfer to Los Angeles over the unanimous opposition of the other clubs in the NFL. That transfer shows a callous disregard for the loyalty of their fans and for the taxpayers who will now have to assume the financial burden of amortizing and maintaining the stadium that they built for the Raiders such a short time ago.

Mr. Speaker, I do not think that is fair to the fans, to the taxpayers, or to the sports league that has tried to uphold its commitments to Congress and to the community of Oakland. And most of all, I do not want to see

similar episodes repeated in Seattle or other communities throughout our Nation. H.R. 6467 would insure that we would not again have to witness the shameless spectacle that has taken place in northern California.

As its sponsors have stressed, H.R. 6467 and S. 2784 are narrow and carefully drafted pieces of legislation. They will in no way affect the interests of players or player unions, and they confer no new broad antitrust immunity on any sports league. They will not affect current television broadcasting practices and will not entitle sports leagues to engage in predatory or discriminatory conduct against competing leagues. H.R. 6467 deserves prompt and favorable consideration by every Member of this Congress, and I look forward to its swift enactment.●

MEXICAN INDEPENDENCE DAY

HON. JOHN H. ROUSSELOT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. ROUSSELOT. Mr. Speaker, on the eve of Mexican Independence Day when we join our friend and sister nation to the south in celebration of her hard-won freedom, the largest concentration of Spanish-speaking people in this country prepare for its own celebration out in Los Angeles.

I would like to congratulate the organizing body behind the festivities—Comite Mexicano Civico and Patriotica—for its 51st anniversary from the Comite's founding by Don Rafael de la Celina and for its present activity under the leadership of President Horatio Molina. Because of this committee the rich Mexican heritage and achievements of her heroes have not only been preserved for future generations, but shared with all of Los Angeles.

The Comite's most outstanding accomplishment is the East Los Angeles Patriotic Parade, which over the years has grown from a local affair into an international production—televised in Mexico and South America and attended by over 150,000 Californians. A special committee within the Comite Mexicano Civico and Patriotica, Comisiones Desfile De La Independencia, put this spectacular event together.

I would like to extend the sincerest thanks and gratitude on behalf of the U.S. House of Representatives to Mr. Sal B. Lopez, the director of the committee, for his and the committee's tireless efforts in bringing America the East Los Angeles Patriotic Parade, a beautiful and time-honored tradition. For 22 years, Mr. Lopez has organized the parade, and each year he has witnessed the growth and increased participation which has made it one of the top three parades in southern California. To Mr. Lopez, Mr. Molina, the Comite Mexicano Civico and Patriotica, the nation of Mexico, and all Americans of Mexican descent—viva Mexico.●

PERSONAL EXPLANATION

HON. DANIEL K. AKAKA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. AKAKA. Mr. Speaker, yesterday I introduced H.R. 7058, to grant the consent of Congress to the Northwest Interstate Compact on Low-Level Radioactive Waste Management. I inadvertently left out the name of the gentleman from Oregon, Mr. WYDEN, as an original cosponsor of the legislation and will add his name to the bill today.●

DISTINGUISHED PUBLIC SERVANT HONORED

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. MOTTL. Mr. Speaker, at this time I would like to recognize an individual from the city of Parma, in Ohio's 23d Congressional District, for his devotion and service to his community. He is retiring Fire Chief Leonard R. Ott. Chief Ott has served Parma's Fire Department for over 29 years and has been chief of the department since September 1967.

In addition to his duties as a public servant, Chief Ott has also been quite active with both the Ohio Fire Chiefs Association and the Northeast Ohio Fire Chiefs Association, being elected to various offices, including president for the 1978–79 term.

Chief Ott is also a U.S. veteran, serving our country in the Army/Air Force for 37 months of active duty.

His immediate plans are to spend more time with his wife of 38 years, Betty, his two children, Patricia Ann and Richard, and his two grandchildren.

His retirement becomes effective October 28, 1982.

I ask my colleagues in the House of Representatives to join with me in wishing a most prosperous retirement to this dedicated public servant.●

ANDREW RICE HONORED BY SOCIETY FOR INTERNATIONAL DEVELOPMENT

HON. HENRY S. REUSS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. REUSS. Mr. Speaker, at the Society for International Development's 25th anniversary World Conference in Baltimore this summer, my friend, Dr. Andrew Rice, received the society's first award for service, for his "consistent dedication to creating an international organization of individuals committed to bettering the lives of all people." The citation from the society (SID) noted that "as creator and editor of numerous development publications, as founder of chapters and membership services, and through his outstanding integrity and loyalty to SID, Andrew Rice is a continuing exemplar of international service." I want to tell my colleagues more about this remarkable man.

Andy has spent the last 20 years in devoted service to SID, a worldwide association of individuals and institutions engaged in international development. The goal of SID, in Andy's own words, is "to create a more humane world," through bringing together agencies and individuals of all nationalities to create a world society that is "open, participatory, solidly based in the community yet global in outlook, aware of complexity yet convinced that there exists the intellectual capacity and persuasive power to cope with it."

Andy was born in Madison, Wis., in 1922, and attended Harvard College, where he received a bachelor's degree with honors in Government in January 1943. He then entered the U.S. Army and achieved the rank of first lieutenant. Upon his return to civilian life in 1946, he enrolled in the China regional studies program at the Harvard Graduate School of Arts and Sciences, and received a masters degree in 1948.

Andy came to Washington in 1948, beginning a career in Government service as economics secretary of the Far Eastern Commission in the Department of State, and later as the international housing adviser in the Housing and Home Finance Agency. From 1950 to 1953, he worked on the staff of the Americans for Democratic Action, and then as the executive director of the American Veterans Committee until 1955.

The next few years he spent on Capitol Hill, as my own administrative assistant in 1956, and later as executive assistant to Senator WILLIAM PROXMIRE. In 1958, Andy began studying for his doctorate in political science while teaching courses at the Maxwell

School of Citizenship at Syracuse University. At the same time he served as executive assistant to the dean of the Maxwell School, Harlan Cleveland.

Andy returned from Syracuse to Washington in 1960 as a visiting fellow at the Brookings Institution, while finishing his doctoral dissertation on "building a constituency for the U.S. foreign aid program during the Eisenhower years." He also undertook a special assignment for the Colorado State University Research Foundation as the coauthor of a feasibility study on the Peace Corps, which was published under the title, "New Frontiers for American Youth." It was during this period that Senator Hubert Humphrey and I developed the original legislation establishing the Peace Corps, and Andy's work was enormously helpful in guiding that legislation to enactment under President Kennedy.

From 1961 to 1962, Andy was Special Assistant to Under Secretary of State Chester Bowles, and continued in that position when Under Secretary Bowles was appointed as Special Adviser to the President on African, Asian, and Latin American Affairs. In 1963, he was awarded his doctorate by the Maxwell School.

In addition to Andy's work at SID during the years of 1962 to 1977, he was a member of the Board of the Overseas Development Council and Worldwatch, further demonstrating his commitment to the "emerging global village." On the local level, he was elected president of the Citizens' Association of Cabin John, Md., the community in which he resides.

Upon the occasion of Andy Rice's 20th anniversary with the Society of International Development, and the society's own 25th anniversary, I commend them for their long and tireless efforts toward an international community, and convey my best wishes for success in this most worthy effort.●

CONTRACT SANCTITY

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. FINDLEY. Mr. Speaker, today I am introducing a bill to guarantee the sanctity of farm product export contracts. Today, many of the world's grain firms are reluctant to enter into contracts with the Soviet Union because they have no assurance that the U.S. Government will allow them to deliver products in excess of the 8 million tons guaranteed by the United States-Soviet grains agreement.

At a time when this Nation is flooded with surplus grain, we simply cannot afford an ambiguous trade policy. Either we are going to do business with the Soviets, or we are not. The fact is that, economically, we have no choice. The Soviets know it.

Farm groups are aware of it, too. In the latest issue of the U.S. Wheat Associates newsletter, Tim Oviatt writes:

The fact remains that the U.S. now relies on the U.S.S.R. more than ever to trim the bulging grain stocks, even though U.S. export grain customers number over 100 countries.

And, in the August 30 edition of Farm Week, the Illinois Farm Bureau newspaper, an emergency program to raise farm income is outlined. Among the proposals listed is one calling on the Government to restore our credibility and reliability as a supplier. According to the Illinois Farm Bureau, we must:

First, establish a new attitude on the part of the administration that there will be no more embargoes or sanctions whether it be of corn or pipeline equipment. There is every evidence to suggest that in every case of an embargo or sanction our Government has inflicted greater loss on U.S. producers that it has on the nation to which the embargo or sanction is directed.

Second, pass legislation to guarantee the sanctity of contracts.

Third, pass legislation to limit the use of an embargo to those cases involving declared war or where both Houses of Congress have authorized such drastic action.

Mr. Speaker, I feel that passage of this legislation is essential to the well-being of the American people. We can no longer afford to let the foreign policy elitists at the White House put decent men and women out of work so that we can maintain the illusion that we are doing something about problems over which we have no control.

Thank you.●

MOUNT OLIVE CHURCH CELEBRATES 75TH ANNIVERSARY

HON. ROY DYSON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. DYSON. Mr. Speaker, the Mount Olive United Methodist Church near Prince Frederick, Md., is celebrating its 75th anniversary and homecoming this week. The church, built on land purchased from Calvert County in 1906, has already outgrown two buildings and is filling up a third.

Mount Olive has a long, proud history, and is built on a foundation of good people, starting with the seven trustees who bought the land on which the church now stands—Charles Stewart, Louis Morsell, Arthur Sewell, John Scales, Frank Parran, Hezekiah Mason, and Rufus Brooks.

Others, like Benjamin Parran, who served as a local preacher in the absence of an ordained minister, provided spiritual leadership for the church until his death in 1977 at the age of 89.

Mount Olive has produced other success stories, like Dorothy Turner, who is now an ordained minister in the Baptist Church in Baltimore, and who still makes regular trips back to Mount Olive to conduct services.

The church's current pastor, Rev. Andrew Johnson, has been conducting services at Mount Olive for almost 20 years and said the congregation is still growing. Not all of the traditions of the past 75 years have survived. The time-honored outdoor camp meeting, a service held under a large outdoor tent which attracted worshipers from all over the county, is a thing of the past. But new traditions have developed to meet the needs of a changing society. The church now offers adult education programs and helps its members find answers to modern day problems.

One of the Mount Olive members can still remember the early history of the church. She is Florence Estelle Stewart King, who was born on June 12, 1896, and still comes to every service. Florence only misses a service when she is not feeling well or cannot find anyone to take her, and Reverend Johnson tells me that is not very often.

The church's anniversary celebration will be filled with gospel singing and nightly and Sunday services with visiting ministers and their choirs. The final day of celebration, Sunday, will feature a banquet with Rev. Cornelius Carter of the Canaan Baptist Church as the guest speaker.

Other ministers who will speak during the anniversary celebration will be Rev. Joseph Collins, pastor of the Brooks United Methodist Church; Rev. James Brooks of Brandywine; Rev. Howard Kent, pastor of Cooper's/Peter's Charge: Rev. Jeffrey Smith, pastor of Hope Church, and Rev. Carl Hickerson III and members of the St. Mary's larger parish.

Reverend Johnson, who came to Mount Olive from my own St. Mary's County, said Mount Olive was founded to meet the needs of a growing congregation who up to that time had been meeting at the Carroll Methodist Church and at the home of James Sewell for Sunday school.

The present church, finished in 1977 and located off Dares Beach Road, has a seating capacity of about 200 people.

Mr. Speaker, this country was built on leadership inspired by a faith in God. Mount Olive, and churches like it, are a constant reminder of our Nation's heritage. It is only fitting that we pay tribute to the important role the Mount Olive church has played in its community for the past 75 years.●

THE WAR AGAINST DRUNK DRIVING

HON. JOHN EDWARD PORTER
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. PORTER. Mr. Speaker, I would like to bring to the attention of my colleagues hundreds of Americans that are MADD—Mothers Against Drunk Drivers—and SADD—Students Against Drunk Drivers. These Americans, members of MADD and SADD have joined together for the fight against drunk drivers, the killer of over 26,000 Americans a year. Drunk drivers are the cause of more deaths in the past 2 years than the number of Americans killed in Vietman. On the average, 3 Americans are killed and 80 are injured every hour of every day. Over the past decade one quarter of a million Americans were killed by drunk drivers—a number equal to the entire population of Rochester, N.Y. and one-half the population of my district. These statistics are frightening, especially when so many of the defendants receive minor sentences.

I would like to take this opportunity to share with my colleagues an article from Newsweek magazine outlining the war against drunk drivers and expressing the need for the American people to take a harder attitude toward offenders:

America's tacit acceptance of drinking and driving has the effect of tossing time bombs on the nation's highways. An example was a Georgia man who, after his 13th conviction for driving while drunk, was sentenced to just one year in prison. Thus, he was drunk and on the road again 20 months later when he crashed and killed himself. Or consider the case of William Rowan. Rowan was once sentenced to 45 days in jail, a mild penance for a California driving record that carried six convictions for drunk or reckless driving, two for hit and run. Last March, after leaving a downtown Santa Ana bar, Rowan drove onto a sidewalk, killing four-year-old David Gunderman, who was waiting for the ice-cream man. After hitting the child, Rowan slumped in his seat and lit a cigar. Police measured his blood alcohol content at .27.

Campaigns against drunk driving have always had sobering truths on their side; what they lacked was a real constituency. All that may have changed one spring afternoon in 1980, when 13-year-old Cari Lightner of Fair Oaks, Calif., was struck from behind and killed by a hit-and-run driver as she walked to a church carnival. Cari's mother was stunned to learn that the driver, a 47-year-old man who had two previous drunk-driving convictions and was out on bail on a third arrest, had spent only two days in jail previously and was unlikely to wind up there for killing Cari. Candy Lightner quit her real-estate job and launched Mothers Against Drunk Drivers (MADD), giving the public outcry against drunk driving the constituency it has always needed—the victims.

In the past, says Edward Kunec, a NASA official who joined MADD in Virginia after his 20-year-old son was killed by a drunk driver last summer, "people who had these tragedies closeted themselves and said it was fate or the will of the Lord. Now people are coming out of the closet—and they are angry." In just two years, MADD has grown to 83 chapters in 29 states. Remove Intoxicated Drivers-USA (RID), founded in New York under similarly tragic circumstances, went national last year and now boasts 55 chapters in 29 states. The anger that is the movement's glue has made these organizations aggressively self-righteous and militant. "You can't be too strident," explains RID national coordinator Doris Aiken. "I don't know how you can tell someone nicely that they are incompetent to drive." Aiken warns those who view this campaign as a fad that will soon fade: "The pendulum will not swing back. There is an endless supply of victims."

The legal system often transforms the victims' grief into outrage. Paul Lawler, 15, died five days after a van barreled off a Massachusets highway and into a restaurant entrance, pinning him against the restaurant wall. The drunk at the wheel was on probation for his third drunk-driving conviction. He was sentenced to four and a half years in prison—including the then maximum of two and a half years for vehicular homicide—and is eligible for parole next July, just two years after the accident. "I was under the impression anyone arrested for this kind of thing would have the book thrown at him," says Paul's mother, Carol Lawler, who now heads the Greater Boston Chapter of MADD. "I didn't know vehicular homicide was a misdemeanor."

Mark and Bonnie Schuett turned the death of their four-year-old daughter, Kelly, who was killed as she walked near her home in quiet Ixonia, Wis., into a statewide *cause celebre.* The driver, a 29-year-old man with a prior drunk-driving arrest, pleaded no contest to driving while intoxicated and was given a suspended five-day jail sentence and fined $284. His license was revoked for a year—but was actually restored after 90 days because he took treatment at an alcohol-abuse center. "This man got away with hitting and killing my child," says Mrs. Schuett. "Her life means more than a $284 fine." As a result of the Schuetts' lobbying effort, a new Wisconsin law went into effect last May that permits the state to suspend the license of anyone arrested for an alcohol-related driving offense—even before a trial. "Maybe we've saved somebody else's life," says Mrs. Schuett. "But I'm still angry."

Guilt: If anger fuels the movement, guilt is its motor oil. Thomas and Dorothy Sexton recall going to court to witness the trial of the man whose blood alcohol content was .26 when he killed the Sextons' 15-year-old son, Tom. They saw a car thief sentenced to two years in jail, while their son's killer—who pleaded guilty to homicide by a motor vehicle—was sentenced to two years' probation and fined $200. "We painfully relate our experience and say, 'If you don't want that to happen to you, let's do something'," says Sexton, a U.S. Department of Agriculture scientist who is now active in Maryland's MADD chapter. "I'm convinced if I had been involved in something like this five years ago, Tom would be alive today."

The movement's approach to the drunk-driving problem is essentially punitive. While legislation varies from state to state, it usually makes driving with .10 blood alcohol content (three beers or glasses of wine or shots of whisky consumed by a 150-pound man in two hours) a crime. In addition, many of the new laws make prison mandatory, if not for the first offense, certainly for the second. They often increase penalties for drivers who refuse the blood alcohol test and require that all convictions—regardless of the court disposition—be listed on a driver's record.

Many states are delighted by the preliminary results of the new laws. In Maryland, drunk-driving arrests by state police have gone up 45 percent and highway fatalities down almost 20 percent since its law went into effect. Maine, which last year began mandatory jail sentences for first-time offenders, has experienced a 47-percent reduction in alcohol-related fatalities. Oregon has had the most experience—its crackdown began in 1971—and the most success. During the '70s, highway fatalities dropped —— percent and Oregon's fatality rate declined 35 percent despite the presence of 46 percent more drivers and 62 percent more vehicles on the road.

Success may be due to more than tough laws. Oregon has coupled its legal effort with a media campaign that urges Oregonians to report drunk drivers to a special telephone hot line. One hot-line spokesman is Donn Durrant, a former logger who had lost his license four times for drunk driving before he drove off the road at 85 mph and broke his neck. Durrant, now a quadriplegic, says in a TV message: "I wish someone had gotten me off the road before I had the accident which drastically changed my life."

Other states are backing their legislation with a variety of programs. South Dakota places highway signs reading, "X marks the spot . . . THINK!" at the almost 600 locations where drivers have lost their lives since 1979. Some states have considered efforts to stigmatize the drunk driver publicly. One Pennsylvania legislator proposed a special red license plate for all drivers convicted of driving while intoxicated—a modern-day scarlet letter. Local police in both Maryland and Massachusetts have gone so far as to use roadblocks, called "sobriety checkpoints," to deter and detect drunk drivers, though the Massachusetts effort has been ruled unconstitutional by a state court. Many states, however, complain that the new laws overtax their increasingly limited resources. Maine was the only state to include in its crackdown legislative package a new tax on liquor, which is expected to produce $2 million to $3 million annually that will be earmarked for treatment and prevention to alcohol problems.

Court Watch: The anti-drunk-driving campaigners are pressuring the courts as well as the legislators. One such group keeps constant watch in North Carolina's Forsyth County District Traffic Court. "People walk up to us and tell us things have changed," says Sandra Nicastro, one of the group's court fixtures. "Lawyers have told their clients, 'I don't think I can get you of this time because that lady's sitting there listening'." Some judges need little ecouragement to get tough. Maine judges have meted out an average jail sentence of eight days to drunk drivers under the state's new laws—four times the permitted minimum. And a Mecklenburg County, N.C., judge may have set a new standard when he sentenced a drunk driver, who had eight prior arrests but had caused no injuries, to three years in jail.

Many safety experts insist crusaders should be focusing on automobiles and highways, not on drivers. H. Laurence Ross, a sociology professor at State University of New York at Buffalo, who has studied

crackdowns on drunk driving, says deterrence only works for the short term when the problem is treated as a moral one rather than a safety question. In a new book, he writes: "A vehicle and highway that are safe for an alcohol-influenced driver are also safe for a driver who has a heart attack, who dozes off, who drops a lighted cigarette on his lap, who fails to see a stop sign. . . ."

Others are convinced that the lock-'em-up approach is meaningless unless it's combined with therapy. "I don't think the tougher laws will stop the hard-core alcoholics," says Col. Tom Anderson, director of the state police in Alaska, which has had a mandatory prison law since 1978. "It's a mess," agrees Arthur Snowden II, director of the state's court system. "We're just putting people in high-priced jails . . . just taking them off the street is not going to solve the problem." But Maryland district court Judge David Bates thinks he knows the solution. Bates gives drunk drivers the maximum permissible sentence, then waives it if they are willing to enter an appropriate education or treatment program. While it is hard to measure the success of Bates's approach because probationary sentences weren't included on drivers' records until last year, Bates says only 149 of the 5,697 drivers referred to the program dropped out or had their probation revoked.

But putting drunks behind bars does take them off the road in a way revoking their licenses never did. Many of those convicted in the past simply drove without a license. Others easily obtained licenses in other states: a Federal Highway Administration study reported that Ohio in 1977 had issued 1.3 million more licenses than there were driving-age Ohioans. Clarence Busch, who inadvertently launched MADD when he killed Cari Lightner, moved to Wisconsin last fall and obtained a license within a few days. The National Driver Register, a computerized roster of drivers whose licenses have been suspended, revoked or denied, was established in 1960 to remedy such problems. But states can communicate with it only by mail, and with 84,000 inquiries coming in daily, the system is cumbersome and slow.

'No Questions Asked': Still, there are signs of reform that just a few years ago would have been unimaginable. One is Students Against Drunk Drivers (SADD), which began as a high-school project in suburban Wayland, Mass., and has been replicated already by students in 150 other schools. In Wayland, 900 students signed SADD contracts with their parents, promising to call home at any hour when a sober ride home is not available. In return, parents pledge "to come and get you at any hour, any place, no questions asked and no argument at that time * * *." Montgomery County, Md., had a surprise for students heading to senior year-end festivities. The boys found a note tucked in their rented tuxedos counseling, "Friends don't let friends drive drunk," and providing a hot-line number that provided free rides home. And in rural Truman, Minn., the high school spent $79 for a breath-testing device for its prom after rowdy drunks disrupted last year's festivities. The machine is now kept in the school vault for use during school hours.

Anti-drunk-driving crusaders hope that breath-testing devices will become as much a fixture on the social scene as the shaker and stirrer, and a number of bars and restaurants have installed them. Anthony Ravosa, a defense attorney who has defended many clients against drunk-driving charges, offers a breath test to customers in his South Hadley, Mass., Riverboat Restaurant and provides courtesy rides home to those who flunk it.

Ravosa's gesture may ultimately prove to be more than simply humanitarian. The Massachusetts Supreme Judicial Court says an establishment can be liable for serving too much booze to a customer, and earlier this year it upheld a $50,000 verdict against a Milford tavern that served "six or more" white russians to a customer who was "obviously intoxicated." That customer later drove off the road killing nine-year-old John Cimino.●

RICE FARMERS NEED HELP NOW

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. BROOKS. Mr. Speaker, we are all well aware of the depressed state of the agricultural sector of our economy. I wish to call special attention to the plight of the rice farmer, which has reached emergency proportions.

Rice farms across the Nation, and especially those in my district located in southeast Texas, are facing problems which they have not been forced to contend with since the great depression. Overproduction in some States and high production costs, coupled with low market prices, diminishing collateral, and increased international competition, have forced rice farmers of several generations to abandon their profession. High interest rates and a stagnant economy have only served to exacerbate the already grim situation. Forty percent of rice farmers will not be able to plant next year, and 50 percent are behind on their loans.

The farm bill, approved by Congress last year, provided the Secretary of Agriculture with discretionary authority to implement base acreage reductions, in the event it should prove necessary. When it became clear that such reductions were to be implemented, I wrote to Secretary Block to urge that he select the most effective and equitable reduction. Unfortunately, the Secretary ignored my strong admonitions and chose to base the reduction on that planted in the previous year, instead of selecting the average acreage of the 1980 and 1981 crops. This decision penalized Texas rice farmers who had reduced their production and instead benefited those States primarily responsible for the current surplus of rice in the market. In the United States the 1981 acreage was some 492,000 acres—17 percent—greater than the 1980 acreage. However, 357,000 acres of that increase may be directly traced to Arkansas—20-percent increase—and Mississippi—40-percent increase—with Texas showing a reduction.

The implication of Secretary Block's actions extend not only to the Texas rice farmer but to the entire support infrastructure that has been built up over the years for handling and shipping the rice produced.

Given the seriousness of the situation, I am today writing to the Farm Credit Association to urge that it encourage the Production Credit Associations (PCA's) chiefly responsible for the financing of the rice farmer to adopt a more realistic approach. Rice farmers currently find their collateral to have diminished by more than 50 percent as a result of declining farm equipment sales, forcing many farmers to carry "uncovered loans." Local PCA's must actively consider the reinstitution of long-term capital expenditures over the realistic life of the equipment, 3 to 5 years, instead of annual depreciation schedules. The rice farmer desperately needs the opportunity to invest in long-term capital expenditures such as combines, tractors, land, and buildings.

I also call on the Congress to explore possible Federal grants, or long-term low interest loans to cover the accumulated carryover deficits from prior operations. We cannot ignore the rice farmer and those involved in agribusinesses such as agricultural chemicals, farm equipment, and agricultural air services.

In conclusion, I intend to again urge the Secretary of Agriculture to exercise his authority to prevent the collapse of rice farming in this country.●

SENATE—*Friday, September 10, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Lord God Almighty, God of Abraham, Isaac, Ishmael, and Israel, Sovereign Lord of history, all nations, and all peoples, release Thy power in the Senate—power that convicts of sin, of selfishness, of greed, of pride, of deceitfulness and dishonesty, of the lust for power, and the abuse of power.

Release Thy grace Lord—grace that forgives and cleanses from all sin, grace that regenerates and renews and recreates, grace that transforms sinners into righteous servants of the Living God.

Release Thy love, Lord—love that dissolves enmity and fear and division, love that warms and illumines and heals, love that unites and strengthens and turns adversaries into brothers and sisters.

Release Thy wisdom, Lord—wisdom that leads to truth and justice and righteousness.

Lord, God Almighty, save us and our Nation from corruption, decay, and disintegration. We pray in the name of the Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that after the time for the recognition of the two leaders under the standing order and the execution of two special orders there be a period for the transaction of routine morning business to extend not past the hour of 11 a.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, this morning, after the recognition of the two leaders, the special orders, and the transaction of routine morning business, it is anticipated that some time this morning we will admit a messenger from the House of Representatives carrying the President's veto message.

There is no agreement to limit debate on that measure, but it will be my hope that we could conclude debate and have a vote on that measure some time at or shortly after noon today. That, of course, must abide circumstances at the moment since there is no limitation on the time for debate.

But I urge Senators who wish to speak on that measure to do so early rather than late.

Mr. President, the Senate will not be in session tomorrow absent extraordinary circumstances that might develop today, and I do not anticipate that.

ORDER FOR RECESS UNTIL MONDAY, SEPTEMBER 13, 1982

Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 12 noon on Monday next.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE VOTES NEXT WEEK

Mr. BAKER. Mr. President, I remind Senators that on Monday at 4 p.m. there will be a vote on cloture, as previously ordered and pursuant to a motion filed on yesterday. It is my intention to file another cloture motion today which will produce a vote on Tuesday, and I will negotiate with the distinguished minority leader and others on arranging a convenient time for Senators on that vote.

Mr. President, I believe there is nothing further I need say at this point. I am prepared to yield to the minority leader and to yield the control of my remaining time to him if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader. I will accept the time that is unused.

SUPPLEMENTAL APPROPRIATIONS, 1982—VOTE ON VETO OVERRIDE

Mr. ROBERT C. BYRD. Mr. President, about what time does the majority leader anticipate the vote on the override of the Presidential veto? Is he in a position to say?

Mr. BAKER. I had thought yesterday that it would be at 12 noon. I still hope for that, but since we do not have a time limitation, and apparently will not get one, it could run a little over that, but I urge Senators who wish to speak on this to come to the Chamber and do so soon rather than late.

The way we have arranged the matter this morning, morning business will end at 11 a.m., and I anticipate the message will come in at 11 a.m.

Mr. ROBERT C. BYRD. I am prepared on this side to have no more than an hour on the debate with 5 minutes of our time going to Mr. HARRY F. BYRD, JR., of Virginia, if the other side will yield 5 minutes to him from their time.

Mr. BAKER. All right.

Mr. President, let me explore that on my side. At this particular moment I am not in a position to agree to that, but I will try.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Does the Senator from Virginia wish me to yield him my time now?

Mr. HARRY F. BYRD, JR. I think not.

I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I yield back my time.

Mr. BAKER. Mr. President, we have two Senators on special orders here now.

The order I believe now is for the recognition of the Senator from Georgia (Mr. NUNN) on special order. Is that correct?

The PRESIDENT pro tempore. The Senator is correct.

Mr. BAKER. Mr. President, I do not see the Senator from Georgia in the Chamber presently, and it is probably a little earlier than he or the Senator from Illinois had anticipated.

Mr. ROBERT C. BYRD. The Senator from Illinois is ready.

Mr. BAKER. Mr. President, will the Senator from Illinois be prepared to proceed now with his special order?

Mr. DIXON. Yes.

ORDER REVERSING SEQUENCE OF SPECIAL ORDERS TODAY

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the special orders be reversed in sequence.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. I thank the Chair.

RECOGNITION OF SENATOR DIXON

The PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DIXON. Thank you, Mr. President.

(Mr. ABDNOR assumed the chair.)

S. 2890—THE SEVERANCE TAX EQUITY ACT

Mr. DIXON. Mr. President, I am today introducing the Severance Tax Equity Act—legislation that effectively prohibits the States from imposing excessively high severance taxes on coal, oil, or natural gas.

Over the past decade, the United States has seen the price of energy rise dramatically. Energy prices are an increasing burden on American business, and on the average working men and women of this country. High energy prices are especially burdensome during this time of severe economic recession. Increasing numbers of Americans have to worry whether they can afford the gas to commute to work, to look for jobs, or even to heat their homes this winter.

The recession has also had a significant impact on most State and local governments. They are caught in a squeeze between revenue sources that rise slowly, if at all, and ever-increasing needs. The result is an increasing inability to continue providing necessary governmental services.

In my own State of Illinois, for example, the recession has meant that the State's infrastructure continues to deteriorate. Illinois needs over $1 billion more annually than it is now able to raise just to maintain its investment in highways and transit systems. Education needs and social services are increasingly jeopardized.

The revenue sources of eight States, however, seem to be relatively unaffected by current economic conditions. In 1981, Alaska's tax revenue rose by 51.3 percent; New Mexico's by 30.3 percent; Oklahoma's by 24.2 percent; North Dakota's by 21.9 percent; New Jersey's by 21.6 percent; Wyoming's by 19.2 percent; Texas' by 17.9 percent; and Louisiana's by 17.5 percent. Except for New Jersey, which has rapidly growing tax revenues from Atlantic City casinos, these are all States with significant severance tax revenues.

In 1981, State severance tax revenues rose by an astonishing 53 percent.

Think of it. With a revenue resource that rose by 53 percent annually even as the economy was sliding into the depths of a recession, Congress would have no difficulty at all in balancing the budget. The severe budgetary problems that generated the support for a constitutional amendment to balance the budget would disappear.

Severance tax revenues, however, currently accrue solely to the States. Unfortunately, this resource is not available to all States. In fact, over 85 percent of severance tax revenues go to only 8 of the 50 States. For these lucky few, severance tax revenues are a major component of State finances. Fifty one percent of Alaska's revenue comes from severance taxes, while seven other States: Louisiana, Montana, New Mexico, North Dakota, Oklahoma, Texas, and Wyoming derive more than 20 percent of their revenues from this source.

There has been much discussion about whether or how much the burden of severance taxes is shifted to the citizens of States that buy, rather than produce, energy. Economists do not agree on the answer.

Now, I am not an economist, Mr. President. But it seems to me this question of the economic burden that might or might not be created by severance taxes is not exactly the most important one we ought to address.

The most important question before us it whether we are going to treat our natural energy resources as truly national resources, or whether we are going to let them be controlled—and make no mistake about it, the power to tax is the power to control—by States which, through an accident of geography, are the sites of our energy supplies.

I say those natural resources are national resources, and it is clear we are not now treating them that way—not when one State can raise 95 percent of its revenues by various energy taxes, and when nearly all of that energy is consumed in other States; not when citizens of many States pay large annual State income taxes, while those in some severance tax States pay none.

No, the time has come for a national approach to this most vital issue.

Illinois is a major coal producing State. It has no severance tax at the moment. However, evolving market conditions could soon make it very attractive for my State to impose a severance tax on coal.

And coal is not the only resource on which a severance tax can be imposed. Governors in the Great Lakes States have been seriously discussing imposing a severance tax on Great Lakes water that could, in the future, be piped to water-starved western and southwestern parts of our country. I have seen newspaper accounts indicating that the Midwest could be the future "OPEC of water."

I find that idea disturbing, Mr. President. The United States is much more than a collection of 50 States. It is a nation. It cannot and should not let control over what are truly national—not just natural—resources, be decided principally by the individual States.

I believe that States are entitled to tax economic activity within their borders. Our Constitution makes it clear that they have that right. I have no quarrel with the desire of States to impose limited severance taxes to compensate for the impact of energy production activities on the State. However, I do not believe States should be able to impose severance taxes that raise revenues far in excess of the amounts needed to recover those costs.

The bill I am introducing today, therefore, prohibits States from imposing severance taxes on coal, oil, or natural gas except to recover the public costs directly attributable to the energy extraction activities. This legislation does not prohibit States from taxing energy activities in other ways. States would continue to be free to impose income taxes, sales taxes, and other taxes that other businesses pay. Further, this legislation does not affect in any way the State's right to collect royalty income in appropriate situations. However, it will effectively prevent use of the severance tax mechanism to raise revenues for General Government and other unrelated activities.

The bill does not impose a numerical test; it does not attempt to dictate that severance taxes above a particular level are, per se, excessively high. It does establish a standard, a standard that is both flexible and reasonable. It permits States to impose severance taxes to raise amounts sufficient to recover the direct public costs attributable to the energy extraction activity. For example, States would be able to impose severance taxes to recover the costs of necessary highway upgrading or of new sewer lines needed to service the energy extraction facilities.

The amount necessary to recover associated public costs will vary from State to State and make a single national standard inappropriate. The test in the Severance Tax Equity Act will permit States to respond to their own unique circumstances, while insuring that energy activities are not singled out to bear a disproportionate share of the necessary costs of Government and that energy activities are taxed in a nondiscriminatory way.

The "related to public costs" test is not without problems. An inventive State could try to contend that many activities that most reasonable people would believe were unrelated to the energy activity were somehow distantly related and therefore should be covered by the severance tax. Years of litigation could result, as clever States tried to stretch the standard to its limits—and beyond.

Therefore, the bill establishes a presumption that State severance taxes above its own 1978 level, or the 1978 national average, whichever is higher, are not related to the energy activity. A State would have to bear the burden of demonstrating that revenues above the 1978 level, adjusted for inflation, were necessary to cover directly attributable costs; 1978 was chosen because it reflects the level of taxation States felt was necessary before decontrol of oil prices began in 1979.

In my own view, it is possible, and perhaps even likely, that even the 1978 levels could be too high. However, for taxes below the 1978 level, the Federal Government or the party paying the tax would have to prove that the tax was excessive.

I believe, Mr. President, that energy severance taxes in some States have risen to a level that constitutes a burden on interstate commerce. My bill will eliminate that burden, insuring State severance taxes are related to the public costs directly attributable to energy activities.

This legislation addresses the core of the severance tax issue, but does not attempt to address the numerous related issues. For example, it does not impose a Federal severance tax or create or increase any other Federal energy tax.

I believe a strong case can be made for a new Federal energy tax. However, resolution of that important issue can proceed separately from the State severance tax preemption issue. Further, a new Federal tax is likely to be extremely controversial, and could impede action on the State severance tax limitation question.

Mr. President, I realize this proposal is controversial and that there are many that will oppose it, even though it does not call for a new Federal tax. I think it is worth remembering, however, that one of the major reasons the Thirteen Colonies came together to form the United States after the Revolutionary War was to form a customs union, to insure the free and unfettered flow of trade between and among the States-to-be. I think that objective was a sound one, and that it remains sound today.

Unrestricted severance taxes by the States have the potential to undermine the free flow of trade among the States, and to incite regional strife. Uncapped, these taxes work contrary to the interests of the union. We do not have to look very far to see the unfortunate consequences caused by placing State or regional interests above the national interest.

I think it is imperative, therefore, to enact this legislation, and enact it quickly. Our energy resources are part of our national treasure, and their benefits should be shared by the entire Nation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2890

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Severance Tax Equity Act of 1982".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds—

(1) the Federal decision to allow the price of domestic crude oil to rise to the world price has unintentionally contributed to fiscal disparities between States, as a few energy-producing States seek to gain the greatest possible economic advantage from their positions as net energy exporters, at the expense of the other States;

(2) severance tax revenues in some States greatly exceed the amount necessary to recover the public costs attributable to the economic activity being taxed; and

(3) excessively high severance taxes constitute a burden on interstate commerce.

(b) PURPOSE.—The purpose of this Act is to impose an effective and reasonable limit on state energy severance taxes on certain minerals.

SEC. 3. LIMITATION ON CERTAIN STATE SEVERANCE TAXES.

(a) IN GENERAL.—Notwithstanding any other provision of State or Federal law, the aggregate revenues from State severance taxes imposed by any State (and any political subdivision thereof) with respect to crude oil, natural gas, or coal transported outside such State in any State fiscal year shall not exceed the costs incurred by the State (and any political subdivision thereof) during such fiscal year which are directly attributable to the production within the State of crude oil, natural gas, or goal, as the case may be.

(b) ENFORCEMENT.—

(1) IN GENERAL.—

(A) ACTION BY ATTORNEY GENERAL.—The Attorney General may bring a civil action against any State (or any political subdivision thereof) which is in violation of subsection (a) in any appropriate district court of the United States.

(B) ACTION BY TAXPAYER.—Any person who has paid a State severance tax which is imposed by a State (or any political subdivision thereof) in violation of subsection (a) may bring a civil action against such State (or political subdivision) in any appropriate district court of the United States.

(2) RELIEF.—The district court of the United States shall have jurisdiction to grant such relief (including injunctive relief) as may be appropriate in any action brought under paragraph (1).

(3) BURDEN OF PROOF.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the burden of proof in any action brought under paragraph (1) shall be upon the petitioner to prove that the aggregate revenue from the State severance tax imposed by the defendant during the State fiscal year exceeds the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(B) RATES IN EXCESS OF 1978 LEVELS.—Upon introduction of evidence in any action brought under paragraph (1) that the rate of the severance tax imposed by the defendant during the State fiscal year exceeds the higher of—

(i) the adjusted 1978 State tax rate for such State for such fiscal year, or

(ii) the adjusted 1978 national average tax rate for such fiscal year,

the burden of proof in such action shall be upon the defendant to prove that the aggregate revenue from such severance tax for such fiscal year does not exceed the costs incurred by the defendant during such fiscal year which are directly attributable to the production of crude oil, natural gas, or coal, as the case may be.

(c) ADJUSTED 1978 STATE TAX RATE; ADJUSTED 1978 NATIONAL AVERAGE TAX RATE.—For purposes of this section—

(1) IN GENERAL.—The terms "adjusted 1978 State tax rate" and "adjusted 1978 national average tax rate" mean the 1978 State tax rate, or the 1978 national average tax rate, as the case may be, plus an amount equal to—

(A) such tax rate, multiplied by

(B) the inflation adjustment for the State fiscal year involved.

The amount determined under the preceding sentence shall be rounded to the nearest cent.

(2) 1978 NATIONAL AVERAGE TAX RATES.—The term "1978 national average tax rate" means, with respect to crude oil, natural gas, or coal—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by all States (and all political subdivisions thereof) during State fiscal years ending with, or within, calendar year 1978, divided by

(B) the aggregate quantity of such natural resource determined under paragraph (5) to have been produced from within all States during such fiscal years.

(3) 1978 STATE TAX RATES.—The term "1978 State tax rate" means, with respect to crude oil, natural gas, or coal produced from a State—

(A) the aggregate amount of revenue from State severance taxes imposed on such natural resource determined under paragraph (5) to have been collected by such State (and any political subdivision thereof) for the State fiscal year ending with, or within, calendar year 1978, divided by

(b) the quantity of such natural resource determined under paragraph (5) to have been produced from within such State during such fiscal year.

(4) INFLATION ADJUSTMENT.—The inflation adjustment for any fiscal year is the percentage by which—

(A) the first revision of the implicit price deflator for the gross national product for the third calendar quarter of the calendar year ending with, or within, the State fiscal year preceding such fiscal year, exceeds

(B) such deflator for the calendar quarter ending December 30, 1979.

(5) SECRETARY OF ENERGY DETERMINATIONS.—

(A) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Energy shall determine (and publish in the Federal Register) with respect to crude oil, natural gas, and coal—

(i) the amount of State severance taxes collected by each State (and all political subdivisions thereof) during the State fiscal year ending with, or within, calendar year 1978 for each such natural resource, and

(ii) the quantity of each such natural resource produced from within such State during such fiscal year.

(B) CENSUS DATA.—The Secretary of Energy shall base the determinations under this subsection on data which the Director of the Bureau of the Census shall provide, unless the Secretary finds that more appropriate information is available from an agency hearing described in subparagraph (C).

(C) PROCEDURES FOR DETERMINATIONS.—The Secretary of Energy shall make the determinations under this paragraph on the record after an opportunity for an agency hearing under section 554 of title 5, United States Code.

(D) JUDICIAL REVIEW.—

(i) FILING OF PETITION.—At any time before the 60th day after the date on which any determination is published under subparagraph (A), any person may file a petition with the United States Court of Appeals for the circuit in which such person resides, or has his principal place of business, for judicial review of such determination. A copy of the petition shall be transmitted by the clerk of the court to the Secretary of Energy. The Secretary of Energy thereupon shall file in the court the written submissions to, and transcript of, the written or oral proceedings on which the determination was based as provided in section 2112 of title 28, United States Code.

(ii) JURISDICTION.—Upon the filing of the petition referred to in clause (i), the United States Court of Appeals shall have jurisdiction to review the determination in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

(iii) APPEALS.—The judgment of the United States Court of Appeals affirming or setting aside, in whole or in part, any such determination shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(iv) LIMITATION.—Any determination of the Secretary of Energy under this paragraph shall be subject to judicial review only in accordance with the provisions of this subparagraph.

(6) UNITS OF MEASURE.—The 1978 State tax rate and the 1978 national average tax rate determined under this subsection shall be—

(A) per barrel, in the case of crude oil;

(B) per Mcf, in the case of natural gas; and

(C) per ton, in the case of coal.

(d) DEFINITIONS.—For purposes of this section—

(1) STATE SEVERANCE TAXES.—The term "State severance tax" means any tax or fee established by any State (or any political subdivision of a State) and levied on, measured by, or otherwise imposed with respect to crude oil, natural gas, or coal produced in such State. Such term does not include any income, sales, property, or any other similar tax or fee if such tax or fee—

(A) applies with respect to a broad range of business activities or types of property, and

(B) does not result in a significantly higher rate of tax or fee than is generally applicable to the other activities or property with respect to which it is imposed.

(2) STATE.—The term "State" includes the District of Columbia.

(3) CRUDE OIL.—The term "crude oil" includes a natural gas liquid recovered from a natural gas well in lease separators or field facilities.

(4) NATURAL GAS.—The term "natural gas" means any product (other than crude oil) or natural gas well; except that such term shall not include any geothermal energy.

(5) COAL.—The term "coal" includes lignite.

(6) BARREL.—The term "barrel" means 42 United States gallons.

(7) MCF.—The term "Mcf" refers to 1,000 cubic feet of natural gas measured at a pressure of 14.73 pounds per square inch (absolute) and a temperature of 60 degrees Fahrenheit.

(8) TON.—The term "ton" means 2,000 pounds.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the limitation provided by subsection (a) shall take effect 1 year after the date of enactment of this Act.

(2) 2-year period for States in excess of limitation.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of any State (or any political subdivision thereof) in which any State severance tax on crude oil natural gas, or coal would otherwise exceed the limit under subsection (a), such limit shall not be applicable with respect to such tax at any time during the 2-year period beginning on the date of the enactment of this Act.

(B) EXCEPTION IF TAX IS MODIFIED DURING 2-YEAR PERIOD.—Subparagraph (A) shall cease to apply to any State severance tax if the rate at which the tax is imposed on the date of enactment of this Act is revised by the State or political subdivision involved.

RECOGNITION OF SENATOR NUNN

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Georgia (Mr. NUNN).

Mr. NUNN. I thank the Chair.

THE CRIME CONTROL ACT OF 1982, TITLE IV—HABEAS CORPUS REFORM

Mr. NUNN. Mr. President, Senator CHILES and I continue to remind our colleagues of the critical need for reform in the area of habeas corpus proceedings. Judges as well as prosecutors have echoed our concerns, urging rapid and effective change in those laws now governing habeas corpus relief. By virtue of calculated habeas corpus abuse, career criminals secure for themselves years and years of freedom from punishment for their crimes. As a responsible Congress, we must act now to curtail this abuse. We must close those legal loopholes which have been routinely and needlessly available to criminals for far too many years.

Clearly the American concept of criminal justice is violated when a wrongdoer freely and openly admits his guilt to a series of violent crimes yet is allowed to remain unpunished via an endless stream of appeals and habeas corpus petitions. I point out the case of Albert Logan. In 1971, Logan was prosecuted on charges of aggravated assault, armed robbery, and three counts of rape. One of the rape victims was a 76-year-old woman. Upon conviction, he received a life sentence in Fulton Superior Court, Atlanta, Ga. Like hundreds of other criminals, Logan admitted his guilt to a spree of violent crimes. Nevertheless, like hundreds of other criminals, Logan persisted in overburdening the criminal justice system with numerous repetitive petitions for habeas corpus. And finally, like hundreds of other criminals, one of Logan's petitions for habeas corpus relief was eventually granted despite his many admissions of guilt. Logan's petition was granted some 7 years after his conviction, on the grounds that he had not been adequately assisted by counsel when he pled guilty to the charges.

Ironically, Logan's admissions and guilty plea, which he attacked via habeas corpus, were not the government's only evidence against him. His guilt was clearly established, even aside from his own admissions, by the evidence of his own fingerprints which the government secured in two of the rape cases. Moreover, according to the prosecutor, Logan had voluntarily and purposefully pled guilty from the start as a good will gesture, in order to avoid the death penalty. "He was begging to plead guilty to avoid the electric chair," said the prosecutor. Despite the strong independent evidence against him and numerous previous decisions affirming the conviction, Logan eventually obtained habeas corpus relief on the basis of an issue that did not and could not erase the substantial evidence of his guilt in a string of serious and violent crimes.

Few will disagree that crime is a problem which daily threatens the safety and security of the American people. Unfortunately, our criminal laws do not always reflect that consensus of opinion on the problem. We cannot and should not sit idly by while violent criminals like Logan are allowed to continually flaunt our system of criminal justice by the use of legal technicalities. This Congress needs to act promptly and decisively on strong anticrime legislation.

S. 2543, the Crime Control Act of 1982, which has now been awaiting action on the Senate Calendar since May 25, 1982, is one such piece of legislation. In introducing that bill, Senator CHILES and I specifically dealt with

the problem of habeas corpus abuse by criminals like Logan. By including a 3-year statute of limitations for habeas relief and assigning greater weight to previous State court determinations of fact, the bill provides a strong first step to restoring some meaningful sense of finality and certainly to our criminal justice system. It presents a needed, well-reasoned, and responsible vehicle for habeas corpus reform. Again, I urge the Senate to act now to consider and pass the anticrime proposals set forth in S. 2543.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business that will not extend past 11 a.m., during which Senators may speak for 3 minutes each.

Mr. NUNN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HART. Mr. President, I seek recognition in my own right.

The PRESIDING OFFICER. We are still in morning business. Each Member has 3 minutes.

Mr. HART. I thank the Chair.

THE PROBLEMS WITH THE DENSE PACK PLAN

Mr. HART. Mr. President, the Reagan administration seems poised to commit this country to an expensive, elaborate, destabilizing and probably unworkable basing scheme for the troubled MX missile—the so-called dense pack plan—that would almost certainly fail to achieve its stated purpose: To provide the United States with a modernized ICBM force able to survive a surprise Soviet missile attack and to respond to such an attack in a timely, proportionate and disciplined manner.

Dense pack, or the closely spaced basing plan as the Air Force prefers to call it, would require an initial deployment of 100 MX missiles, based perhaps 2,000 feet apart, arrayed in rows along an east-west axis. The missile deployments would create a 10- to 12-square mile trapezoid with the smaller of the two planes along the trapezoid's southern periphery. According to administration spokesmen, the detonation of the first few Soviet warheads targeted against the southern-most MX missiles would disable all succeeding warheads through the effects of fratricide—or the heat, blast, and radiation triggered by the first explosions. Before the next wave of Soviet warheads could arrive and explode on target, it is alleged, the surviving MX missiles could be launched against the Soviet Union in retaliation. As the Soviet Union began to develop the capacity to lay down a precisely timed attack and thereby overcome the effects of fratricide, the United States could deploy a ballistic missile defense system adjacent to the MX deployments or build additional decoy silos to complicate Soviet targeting plans, thus further enhancing the survivability of the new ICBM force.

As with so many once-considered but now-discarded plans for MX basing, however, this latest scheme offers no long-term solution to the problem of ICBM vulnerability and suffers from a number of critical shortcomings, both technical and political.

The fratricide effect, which the advocates of dense pack claim would protect the MX from attack, could also be used to insure the destruction of the missiles. For example, the Soviets could set off a series of low-yield warheads at an altitude of 120 miles every 60 seconds for as long as several hours. Any U.S. missile attempting to pass through the distrubed atmosphere above the silos would be destroyed. This initial high altitude attack would, therefore, have the capacity either to disable MX or to prevent our missiles from being launched in the first place. Under this protective shield, the Soviets could detonate, in careful sequence, a number of accurate and very high-yield warheads within several hundred feet of the silos, enabling the phased destruction of all 100 MX missiles within a relatively short period of time.

Even if the technical requirements for launching such an attack now exceed current Soviet capabilities, such may not be the case by the early 1990's. Air Force spokesmen admit that the life expectancy for dense pack could be as short as 5 to 7 years, without the development of a ballistic missile defense system to protect MX or the construction of additional silos, either to deceive the attacker or to complicate this attack plans. With cost extimates for dense pack ranging as high as $25 billion, the administration would be asking the people of this country to pay for what amounts to a short-term or temporary basing scheme for the MX at an annual cost of almost $5 billion.

Should the administration succeed in obtaining congressional authorization for dense pack, pressures will inevitably increase to enhance the long-term survivability of the system through the deployment of a ballistic missile defense network, requiring either the renegotiation or the abrogation of the 1972 ABM Treaty. Should the Soviets construct their own BMD system in response, the way would be opened for a new and extremely destabilizing round in the superpower arms race. The ABM Treaty—perhaps the most important United States-Soviet arms control agreement ever concluded—should not be sacrificed to make room for an MX basing plan of questionable utility. In addition, a Soviet BMD deployment, even if limited in scope, would effectively neutralize the modest strategic offensive forces of the three other nuclear weapons states, all of which are either allied to the United States or supportive of this country's defense policies.

Finally, construction of the 100 new silos for defense pack would probably constitute a violation of both the SALT I and SALT II accords, which explicitly prohibit the building of any additional fixed ICBM launchers, or silos. Administration efforts to portray the encapsulated MX missiles as mobile systems in order to circumvent this prohibition are unlikely to be sanctioned by the Soviets without compensatory U.S. concessions, which may not be in this country's best interests especially if the Soviets chose to mimic U.S. actions. The problem would only be compounded by any U.S. effort to build more than 100 silos, either for more missiles or for purposes of deception.

Since 1976, more than 30 proposals for basing the MX have been thoroughly examined by two administrations. All have been discarded for a variety of technical, political and environmental reasons. No plan has yet been devised which, if implemented, would insure the long-term survivability of the U.S. ICBM force. Despite the claims of its supporters, dense pack looks no more promising. Rather than commit this country to an ill-considered and, by most accounts, unworkable plan for basing the MX on land, this administration should have the political courage to admit that no quick, simple and affordable solution to the problem of ICBM vulnerability currently exists nor is one likely to appear.

This administration must begin active consideration of other ways to guarantee the effectiveness of U.S. strategic forces. One way to advance this objective would be to reduce the importance of land-based missiles in our strategic nuclear posture by shifting a greater proportion of the U.S. nuclear deterrent to our most survivable nuclear weapons platforms, including ballistic missile submarines and standoff bombers equipped with cruise missiles. We may well discover that land-based nuclear systems have outlived their utility and are no longer necessary to safeguard deterrence. A second and equally important way to preserve the deterrent relationship and to reduce the likelihood of nuclear war is to redouble our efforts to nego-

tiate an equitable, comprehensive and verifiable nuclear arms control agreement with the Soviet Union.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COHEN). Without objection, it is so ordered.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the chairman of the Appropriations Committee is on his way to the Chamber from the airport. As I indicated on yesterday, I am loath to begin consideration of the veto message until he is here on the floor.

I understand that perhaps two Senators have matters with which they would like to deal as in morning business. I ask unanimous consent that the time for the transaction of routine morning business be extended until not past 11:15 a.m., under the same terms and conditions.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. STAFFORD. Mr. President, I urge my colleagues to vote to override the President's veto of the conference report on the supplemental appropriations bill.

This bill contains funding that is vital to programs dealing with education and with employment programs for older Americans. I urge my colleagues to support these programs today, just as they did 3 weeks ago. The need for this funding is just as urgent today as it was then.

Allow me to list the education program funding contained in this supplemental appropriations bill:

Title I of the Elementary and Secondary Education Act, that portion of the law that attempts to provide additional aid for the economically disadvantaged children of this Nation—$148 million.

Impact aid—$200,000.

Education for the handicapped—$26.5 million.

Vocational education—$2.5 million.

Pell grants for higher education—$140 million.

Supplemental educational opportunity grants—$77 million.

Title III—$4.8 million.

All of these programs have come under the close scrutiny of members of the Subcommittee on Education, on which I serve as chairman, over the last 18 months. Each of these programs has been determined to be a worthy investment in our Nation's future.

The additional funds contained in the supplemental appropriations bill increases the funding to a level that is more realistic than the levels contained in the continuing resolution for fiscal year 1982, but still below the levels of fiscal year 1981.

In my own State of Vermont, this bill provides additional funds for needy college students; $850,000 in additional SEOG funding for an additional 1,400 students, and $600,000 in additional money for Pell grants for an additional 600 students.

The supplemental appropriations bill also contains an additional $210 million for title V of the Older Americans Act, the senior community services program, which provides job opportunities for older citizens. In my own State of Vermont, the additional funds will provide continuing jobs for 311 older Vermonters. If the veto is sustained, these 311 Vermonters—and thousands of senior citizens across the Nation—will lose their current jobs.

This bill does not bust the budget.

This bill places spending priorities where this Senate thought they should be placed just 3 weeks ago.

This bill is as urgently needed today as it was 3 weeks ago.

I urge my colleagues to override the veto to assure continued necessary funding for these, and other, important programs.

CONDITIONS IN EAST TIMOR REMIND OF NEED FOR PASSAGE OF GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Mr. DURENBURGER, my good friend and colleague from Minnesota, sent me an article which describes the numerous violations of human rights which have taken place in East Timor since Indonesia annexed the region in 1976. The article was written by the journalist Rod Nordland and published in the Philadelphia Inquirer.

Mr. President, a clear understanding of life in the area has been difficult to obtain, and therefore, this article is especially important because the journalist had the unusual opportunity to visit 8 of 13 districts in East Timor. In that tortured province, he personally witnessed the suffering of many Timorese.

Following Indonesia's takeover in 1976, Timorese opposition to Indonesian rule did not cease. The author reports that Indonesian anti-insurgency policies have resulted in widespread hunger and the loss of civilian lives. Indonesian policies also have disrupted food supplies and uprooted families from their homes. No person may leave his village or the country without official permission. At the time the article was written, the Indonesian Government openly acknowledged its intent to detain thousands of Timorese related to resistance fighters until total and complete surrender by the guerrillas.

According to the journalist, day-to-day survival is difficult for the Timorese. Due to shortages, staple foods, when available, cost twice as much in East Timor as in other parts of Indonesia. The sale of coffee is an important source of income for the Timorese, yet, Indonesian officials impoverish the native people by requiring them to sell their product at very low prices to one company only. They are not even permitted to trade their coffee for other goods in the marketplace.

The Catholic authorities in East Timor estimate that the population now numbers 425,000. According to census figures in 1974, the year Portugal withdrew from East Timor, the population was 650,000. Hunger is prevalent and the sight of a malnourished child is not unusual, however, Indonesia has turned away offers of relief. The journalist quotes one Timorese as saying, "In the heart of the people there will always be resistance. That's why I think the Indonesians are happy to see famine. The Timorese people will always be a problem so, they figure, just eliminate the problem."

According to this account, the Timorese are suffering numerous violations of the civil and human rights. Their terrible plight serves to remind us that the basis and precious right to exist belongs to all racial, religious, and ethnic groups. We know from history that the potential for genocide occurs when fundamental human rights are ignored. Sadly, the potential for genocide still exists in the world today.

Mr. President, since 1967 I have urged the Senate to ratify the Genocide Convention. Today, once again, I should like to press upon my colleagues the need for the United States to join with other nations in officially condemning genocide. Only by ratifying the treaty can the United States feel totally secure in its position as a leader in the area of international human rights.

Mr. President, I ask unanimous consent that Mr. Nordland's article from the Philadelphia Inquirer be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Philadelphia Inquirer, May 28, 1982]

UNDER INDONESIA, TIMOR REMAINS A LAND OF MISERY

(By Rod Nordland)

DILI, EAST TIMOR—East Timor, the former Portuguese colony that was forcibly annexed by Indonesia in 1976, is a land beset by widespread malnutrition and hunger. This year's grain harvest was a dismal failure; now, even as many Timorese suffer through longstanding food shortages, they face a new wave of famine, the second in five years.

Adding to the misery of East Timor, the incidence of disease is essentially unchallenged by the province's inadequate medical care; a six-year guerrilla war continues to disrupt the populace, and anti-insurgency measures imposed by a military government have stripped Timorese of their civil rights.

Thousands of people are political prisoners—most of them simply because they are related, often distantly, to a fighter with the guerrilla group known as Fretilin—the Revolutionary Front for Independent East Timor. Hundreds of thousands have been relocated in a policy to depopulate the countryside and deprive the guerrillas of civilian support.

These are some of the conclusions reached during an 11-day tour of the province of East Timor, the first visit by an American journalist in two years and one of the few allowed to an independent outside observer in the six years of Indonesian rule. They are conclusions that are supported by a member of clergymen, civilian officials and aid organizations.

Nevertheless, Indonesian officials hotly contest them all. According to these officials, there was no poor harvest this year, only isolated food shortages; there is no famine, only isolated cases of malnutrition; there are no political prisoners, just a rehabilitation center where the relatives of guerrillas are kept for their own good, the countryside has not been depopulated, it has been "resettled."

"We have nothing to hide in East Timor," Adm. Sudomo of Indonesia's Command for the Restoration of Peace and Order said recently when he issued the invitation to visit the province, which has been a source of international concern since the mid-1970's.

Year after year, the United Nations has condemned as illegal Indonesia's forcible takeover of East Timor and has demanded that it withdraw its troops and allow for self-determination. Portugal itself has refused to acknowledge the annexation, insisting that Fretilin is the appropriate governing power of a free East Timor.

The recent visit included tours by helicopter and jeep of 15 towns and villages in eight of the province's 13 districts. Despite almost perpetual close monitoring by Indonesian military and civilian officials, it was still possible to see obvious signs of large-scale malnutrition and disease, as well as overt oppression.

It also was sometimes possible to meet independently with Timorese in and out of government, with clergy of the Roman Catholic Church in the mostly Catholic province and with average Timorese from many walks of life.

While many of the scores of Timorese interviewed were frankly fearful about talking, dozens did so nonetheless, saying, as one did, "Please tell the world so they can help the Timorese people." At least six of those interviewed, it was learned, were summoned afterward to military intelligence headquarters and interrogated about what they had said, often for many hours.

The picture that emerged was one of a population that widely regards the Indonesians as a foreign occupying force. Even many leaders who once favored annexation by Indonesia have become disenchanted—in some cases openly—with Indonesian rule, or at least with the military officials that represent it here.

The behavior of those military authorities "can only be described as being the behavior of conquerors toward a conquered people," said a petition signed by a pro-Indonesian member of the provincial assembly, Joao Pedro Soares, and sent last year to the central government in Jakarta, Indonesia's capital, appealing for relief. A short time later, Soares and three other East Timorese members of parliament whose names appeared on the petition disappeared, reemerging after a month to swear that it was a fake.

The Indonesian rule has been characterized by fear and marred by accusations of torture and widespread abuse of civilians by soldiers. There are virtually no civil liberties. Peasants are told to whom they must sell their coffee and at what price. No one may leave his village or hometown without permission. Telephone calls and telegrams to places outside East Timor are forbidden. No one may leave the province without special—and rarely granted—permission. That applies as well to the more than 4,000 citizens of other countries who live in the province. According to military police statistics, there are 916 Portuguese nationals and 3,158 Taiwanese nationals on East Timor; many of them have requested and been refused permission to return to their own countries.

The Timorese have already suffered a great deal since the 1974 revolution in Portugal brought to power leftists who initiated a precipitous decolonization of Portuguese holdings around the world. One of those holdings was the eastern half of the island of Timor. (West Timor had been a Dutch colony until joining Indonesia when that country won independence from the Dutch on Dec. 27, 1949.)

In East Timor, the initial struggle for power after decolonization ended when the leftist, pro-independence Fretilin wrested control from two other parties, UDT, or Unity, which wanted to remain a colony of Portugal, and Apodite, a small minority party that favored integration with Indonesia.

Fretilin declared the short-lived Democratic Republic of East Timor on Nov. 28, 1975. A week later, Indonesian paratroopers and marines invaded Dili, and with a few months they had taken over most of East Timor. In July 1976, it was proclaimed Indonesia's 27th province.

But serious fighting with the Fretilin guerrillas did not end, and the years-long disruption interfered with planting. The ultimate result was a major famine that devastated the province between 1978 and 1980, with a great loss of life.

Word of conditions in East Timor leaked out and, although Indonesia initially denied reports of the famine, in 1980 and 1981 the International Committee of the Red Cross and the Catholic Relief Services of the United States were allowed to begin a relief program in the province. It was terminated last year by the Indonesian government which said it was no longer necessary.

How many people died in the fighting and famine before the relief program began may never be known for sure, but based on Indonesia's census figures, there were only 550,000 persons in East Timor in 1980; in 1974, the Portuguese authorities had counted 650,000.

The conclusion that may be drawn from these figures is not as obvious as it appears, because the Portuguese census was a voluntary one. People were asked to go to their local administrative centers to be counted, but many lived far in the mountains and did not make the trip. Under the Indonesian regime, on the other hand, people have been concentrated in towns and resettlement centers, and the 1980 census was a thorough, door-to-door affair.

Nevertheless, Catholic authorities doubt the Indonesian results, and the church's own census puts the current population at 425,000, a loss of 225,000 people from the Portuguese figure.

While still recovering from the terrible famine of the late 1970s, Timorese agriculture was dealt another blow last year, when, just as the planting season was beginning and only a few months after the government had ordered the relief program ended, the Indonesian army launched Operation Security.

Every male in the province age 13 or older was ordered into the mountains to help the army to conduct a giant sweep designed to finish the Fretilin once and for all. The civilians, mostly armed with sticks and farm implements, formed human chains and encircled the rugged mountain fastnesses where the guerrillas were believed to be hiding. Army troops moved ahead of them, theoretically to beat their quarry into this human net.

Many of those caught in the net, however, were civilians who themselves had resisted government attempts to make them leave their homes in the mountains—the traditional dwelling place for Timorese—and move to resettlement centers.

According to the top church authority here, apostolic administrator Msgr. Martinho da Costa Lopes, who is widely known as "the bishop," at least 1,000 civilians perished in the operation, which lasted from two to four months between June and September 1981. In one action alone, he said, 500 civilians were killed at Laclut in Viqueque District.

"Many Timorese were killed including . . . innocent children, pregnant women and defenseless people without any crimes except their willingness to be independent from all oppression," Msgr. da Costa Lopes said in a recent interview here.

The Indonesian government says, officially, that Operation Security was a success and that it reduced the ranks of Fretilin to 300 men, sharing 120 weapons. Privately, however, several officials say there are still as many as 1,200 armed guerrillas at large.

The greatest casualty of Operation Security, in fact, was the 1981-82 corn and rice crop, much of which was not planted before the rainy season began in September because the men of East Timor were with the army in the mountains.

That crop was to have been harvested in March, but it was a disaster, according to Msgr. da Costa Lopes, clergy elsewhere in the province and other independent sources. The international Committee of the Red Cross, which still has one representative on East Timor, stated in a report in March that, according to official figures, the anticipated crop of 40,000 to 60,000 tons of maize and 30,000 to 40,000 tons of rice would not be harvested in 1982 because of bad weather, attacks by rodents and "movement of

populations in the second half of 1981 which made planting in some areas, specially in the south insufficient."

According to clergy here, the result has been a famine of near-famine in many parts of the province, particularly in Baucau and Viqueque districts in the east where the continuing fighting between government troops and Fretilin guerrillas has been most severe.

Msgr. da Costa Lopes hestiates to use the term "famine"; he prefers to say that more than half of the population in those districts, where more than 100,000 people live, has "insufficient food to maintain life." In addition, he said, hunger and malnutrition are endemic throughout the country.

"In Viqueque, they begin to eat the *sagu* [boiled palm pulp], and this is a sign for Timorese that famine is coming," he said.

Other clergymen stated the case more strongly. "If you quote me as saying this, I'll be killed," said one, who was recently in the eastern part of the province. "Famine is always a relative term, and there is hunger and malutrition all over the country, but it's truly a famine in this region" of Baucau and Viqueque.

One of the worst-hit towns in Viqueque, according to Msgr. da costa Lopes, is Uatolari, a mountainside town close to the scene of the heaviest fighting. Not so, said East Timor's vice governor, Franciso Xavier Lopes da Cruz.

"The bishop, you know, he just stays here in Dili, he does't go very often to the mountains," Lopes da Cruz said. "Uatolari, they have a surplus, plenty of corn. The military commander told me he bought 26 million rupiahs [about $41,000] of corn, so how could they be starving in Uatolari?

"The truth is," he added, "no famine here in East Timor—you can see one or two people who don't have enough food, but not a famine."

A prominent Timorese viewed the issue of famine politically. Like many, he was clearly sympathetic to the guerrilla movement: "The Fretilin is a symbol of resistance" to Indonesia, he said. "In the heart of the people there will always be resistance. That's why I think the Indonesians are happy to see famine. The Timorese people will always be a problem so, they figure, just eliminate the problem."

When a party of officials and a reporter descended on Uatolari by helicopter, the grassy public square immediately was crowded with scores of children, standing just at the edge of the rotor wash. Many of them appeared to be severely malnourished, with the classic distended bellies and stick-like limbs that denote long-term, serious hunger.

Or so the reporter thought. Hans Meier-Eybers, the project director for a Catholic Relief Services agricultural recovery program in East Timor, a $5 million, U.S. government-funded program, thought otherwise. Meier-Eybers, a Swiss, surveyed the children critically and said. "They look like healthy kids to me. Sure, they're a little dirty, but that is all."

An Indonesian doctor, S. C. Kurniati, approached and was asked if he thought the children appeared to be malnourished. "You can see for yourself," he said, seeming a bit taken aback by the question: "These children are all malnourished."

In another mountainside town in Viqueque District, Uato Carabao, which was also visited by helicopter, the picture of apparent starvation was the same. Tucked onto a narrow, cloud-covered shelf on the mountain's edge, Uato Carabao also is close to the fighting and, as a result, the town's residents are forbidden to go up the mountain slopes to tend their fields. As the helicopter touched down briefly, people emerged wraithlike from the mist and stared without smiling while the helicopter picked up visiting medical personnel and swooped off again.

Although visits were permitted to the districts of Los Palos and Baucau, reportedly the past and present sites of the heaviest fighting with Fretilin, they were confined to the district capitals. No visits at all were permitted to places like Lufa in Los Palos, and Batumacella, Beguia, Quelicai and Laga in Baucau—where clergymen say widespread starvation exists.

In Baucau, district administrative staff member Sinago, an Indonesian, introduced Sister Osario Saurez, a Timorese nun who is principal of the Catholic primary school there.

She listened as Sinago described what a success Operation Security had been. "Every time we go to a village now," he said, "they are happy to see us."

"Because of the political situation," Sister Saurez said quietly, "because the people had to help the military for the Operation Security, they were not able to plant the fields."

"There is plenty of food here," Sinago said insistently, and a little nervously.

The nun continued to contradict him with a soft-spoken resolve that clearly astonished some of the officials present. "We are very short of food, namely in Baguia, Quelicai and Laga. But even here the food is not sufficient, the health care is not sufficient. Last year it is better, this year it is worse because of Operation Security."

The problem has been complicated, she explained, because much of the population has been resettled in the lowlands, far from the mountainside fields. In Baucau District, for instance, 61,000 of the 74,000 people in the district now live clustered around the town of Baucau proper.

"They can grow enough food there," said Sinago.

"More than 50 percent of the people are short of food," Sister Saurez said.

Evidence of serious food shortages can be found all over the country, not just in the hard-hit areas in the eastern districts. On a trip to Aileu, a mountain district just 30 miles south of the capital of Dili by rough jeep road, malnourished people were a frequent sight along the way.

At a resettlement village called Saburia, just outside the district seat of Aileu, the party, which included half a dozen military and civilian officials as well as a journalist, stopped to see the corrugated tin houses the Indonesian government had built for people resettled there from the mountains.

Saburia lies in a deep mountain valley. The village chief is a Timorese, but his "assistant" is an Indonesian; they and a military intelligence major named Marsidik accompanied the journalist as he interviewed residents.

Bernardo, 56, who lives with his wife and 10-year-old son, sat on the bare dirt floor of his house, which was devoid of possessions of any kind; there was also no sign of food in the house. Asked how the harvest had been, he surveyed the circle of officials and, after a long pause, said, "There is not enough to eat."

The next house was identical, except that nine persons lived in it and that it contained a piece of furniture, a table. Under the table—the coolest place at midday in the tin house—lay a boy sweating and shaking in what his family said was a three-day-old malarial fever. Other children in the household had bloated bellies and emaciated limbs. Thomas Ferreria, the family spokesman, was asked through an interpreter about his family's condition.

"Tell him," Maj. Marsidik warned Ferreria in Indonesian, "that it's OK here."

Ferreria did as he was told.

"So even though the crops are bad, you have enough food for the whole family?" he was asked, in English.

"Tell him you have enough until the next rainy season," said Marsidik in Indonesian.

"We have enough until the next rainy season," Ferreria said.

At the Betora parish church, on the outskirts of Dili, Sister Josephine Bordallo, a Spanish Carmelite nun who has worked here since 1979, single-handedly runs a clinic in which she sees 160 seriously ill people a day, including "many, many cases of malnutrition," she said. Most of the patients come to her clinic because the government-run facilities often have no medicine and no medical personnel.

"Tuberculosis is the most common disease, but hunger is the biggest problem," she said. "They come here and I give them medicine for TB, but then they go home and they have no food in their houses, so how can they get better?"

In the Lahane neighborhood of Dili, where hundreds of families have been forced to live in temporary huts along the steep banks of a mountain stream, severe malnutrition is widespread and apparent. Most of Lahane's residents were moved to Dili from their farms in the surrounding mountains in Dili they have no job skills and little work.

Of 22 Lahane children under the age of 12, whose body weights and measurements were taken on May 9, 18 were proved to be chronically malnourished, according to standards adopted by the World Health Organization.

"If the situation is this bad in Dili," said Msgr. da Costa Lopes, "you can imagine what it's like in Baucau or Los Palos. I've been there—to Laga, Baguia, Los Palos last October. Even at that time there was hunger, and now it is far worse."

East Timor's de facto ruler is an army colonel named A. P. Kalangie. A non-Timorese who holds enormous power despite his modest title as East Timor provincial secretary, he noted in a recent interview that Indonesia had refused an Australian donation of 1,000 tons of corn because Australia had continued to criticize conditions in East Timor, which is only 350 miles off its north coast.

In place of the Australian grain, Col. Kalangie said the Indonesian government is itself sending 1,000 tons of grain to East Timor. "But we won't just give it away," he added. "If you give people something for nothing, they get lazy."

"Yes," agreed Catholic Relief Service's Meier-Eybers, "and soon you have an island of beggars."

"That's what they are always telling me," said a priest in Dili. "We have to stop bringing in food so the people will make it for themselves," but these people are working hard and still they are hungry.

"What I cannot understand is the reluctance of the Indonesian government to allow one independent team to visit East Timor to see the real situation and assess its normality for themselves," said Michael Whiteley of Australian Catholic Relief,

which in the past has been active in raising aid money for the Timorese.

"East Timor has enough foreigners who are refereeing us," Col. Kalangie said testily. There are two. Meier-Eybers is one of them, and agreed heartily with Kalangie. The representative of the International Committee of the Red Cross, Cedric Neukomm, is the second. He declined to be interviewed.

"The Red Cross doesn't want to say the truth," said Msgr. da Costa Lopes, "because they are afraid the Indonesian government will throw them out, and they want to stay to provide some help."

"When we were kids," said a man from a Portuguese-Timorese family, "our mothers used to say to us, 'Don't eat so fast, the Indonesians aren't coming.'" It was something the East Timorese long feared.

In December 1975, when the Indonesians finally did come, Col. Kalangie was one of the commanders of the invasion.

He recently contrasted Indonesia's takeover with the current dispute over the Falkland Islands: "The British generals are bad. You don't give a little bit, a little bit, you go all at once. Like what we did here, is all at once—*bok!*—and then explain to the rest of the world that we are here. That is how to do it, like the Russians in Afghanistan."

Now he is enthusiastic about the government's far-reaching resettlement policy. Since "integration," 150 new resettlement centers have been built and 50 more are planned by the end of this year, he said. To make it easier to control the population and to provide food and medical aid, education and other amenities, people have been moved from the mountains to these resettlement villages, usually in the lowlands, he explained.

"It is the new Indonesian civilization we are bringing," Kalangie said. "And it is not easy to civilize the backward peoples."

While the resettlement scheme may be effective in denying support to the guerrillas, critics say it has serious flaws. There was a good historical reason for the Timorese aversion to the lowlands: Malaria there is virtually epidemic, water supplies are poor and irregular, and the climate is far hotter than that of the highlands.

Still, under Indonesian rule the province's road system is being vastly improved; color television—as Kalangie is fond of pointing out—was introduced here even before it came to Portugal; there are new public works in virtually every large town, public buses now travel the highways and dozens of government schools have been opened.

"In many things, the Indonesians have done very well, far better than the Portuguese," a Timorese who is generally pro-Indonesian said in an interview. "Only in social justice and health have they fallen down." Later he was seized by military intelligence and interrogated for hours about the interview, according to well-informed sources.

"A referendum now would go in favor of Indonesia," said Lucio Engenio da Encarnacao, 55, manager of the Dili Hotel and a Portuguese citizen who has been trying unsuccessfully to get Indonesian government permission to leave "I have to admit that in transportation, education, many areas, the Indonesians did in five years what Portugal didn't do in hundreds of years.

"As for freedom," he concluded, "We never had it under Portugal so we don't miss it now."

"Sure, in Portuguese times, many things were bad," said a former colonial government employee. "But it's not a comparison between Indonesia and Portgual, but between Indonesia and the indpendence we could have had."

"This whole island is just a big prison," said a part-Timorese man who holds Portuguese citizenship and said he wanted to join his family in Australia. According to reliable sources, he is one of 700 Portuguese who have been registered with the Red Cross as would-be emigres. "We are being held hostage here until Portugal recognizes Indonesia's takeover of East Timor." he said.

The people on Atauro Island are hostages of a different sort. Thousands of Timorese are being held on the island, 15 miles north of Dili, and Indonesian authorities have announced their intention of keeping the internees there until every last known Fretilin guerrilla surrenders. Authorities freely acknowledge that the only reason they are being held there is that they are related to known or suspected guerrillas.

Between June and September last year, 3,785 such people—entire families, including young children—were moved to Atauro and left there with no food supplies, according to church sources. Quiet pressure by the International Committee of the Red Cross persuaded the Indonesians to allow the Red Cross to begin an emergency feeding and medical-care program in February.

But by then, according to Indonesian government figures, 176 internees had died in an outbreak of contagious disease. Some think it was cholera; others say it was gastroenteritis. Both are conditions that could have been aggravated by the crowded conditions in what the government calls the "rehabilitation camp."

It consists of 55 plywood and corrugated-tin barracks, each measuring 20 by 60 feet and housing an average of 65 people. For privacy, the inhabitants hang plastic sheets as room dividers.

"It is for their own good, and they like to be here," Col. Kalangie contended during a guided tour of the camp. He said many of the internees had been harassed by guerrilla relatives, or forced to provide them with food, and he asked, "Does this look like a concentration camp to you?"

In Barracks B-2, many of the more than 50 inhabitants were there because they were related to a single Fretilin member, Onrato da Costa; some were only cousins or distant in-laws. Da Costa's sister, Amelia da Costa Fernandes, was asked through an official interpreter how she felt about being imprisoned.

The interpreter repeated the question and Miss da Costa Fernandes, with bowed head and frightened expression, mumbled one or two words.

"She said they are grateful to the government who take care of them so they don't feel they are prisoners, but like others they can live as they want," the interpreter translated.

He was asked to inquire how long she thought her brother would stay in the mountains.

"God knows," she replied, her head still bowed.

Kalangie acknowledged that at least some residents of the camp were not pleased to be there. "You know, east or west, home is best," he said. "But maybe some of those who are in the mountains will feel their family is unhappy so they will come down. It is a positive system."

And if they don't come down, he said, the prisoners of Atauro Island will stay where they are.

The most serious civil-liberties challenge raised in East Timor came last year in the petition of the four assemblymen, who stressed the lack of legal recourse under military authorities.

"Although five years of integration have passed although security has been restored by stages and in a variety of ways although the masses of people have constantly made endless sacrifices," it said, "it is not yet possible to experience the implementation of law and discipline in this young province of East Timor."

The petition cited numerous instances of murder, torture and sexual assault by soldiers and officials against civilians. "These people or groups commit murders without due process or the laws concerning investigation. Feelings of fear are widespread among the people . . . ."

All four of the men who signed the petition now repudiate it as a forgery and say they had nothing to do with it. Msgr. da Costa Lopes said he felt sorry for the men, who he maintained were forced to recant after having been held in solitary confinement on the island of Bali for a month.

The author of the petition is believed to have been Joao Pedro Soares. According to Mulya Lubis, Jakaria, director of the Legal Aid Society, Soares visited the society's offices to seek protection after the petition was filed.

Soares, during a tense interview at his home here, first denied ever having visited Lubis. Then, when a reporter mentioned having seen a photograph Lubis had taken of him during the visit, Soares said, "I might have been in their offices, but I didn't take part in this."

One of the central charges in the petition was confirmed by Manuel Carascalao, a prominent coffee planter. Timor produces some of the world's best coffee, much of it grown on small, individually owned plots that provide a source of cash income for peasant families who otherwise make a subsistence living growing corn, rice or cassava.

After integration with Indonesia, Carascalao said, the military authorities granted a coffee monopoly to a Java-based company, P.T. Denok Hernandez International, and all growers, small and large, were ordered to sell their coffee to Denok, which became the only authorized exporter.

The Denok firm is widely believed to be owned by Maj. Gen. Leonardus "Benny" Murdani, Indonesia's chief of military intelligence and the man in ultimate command of East Timor.

The prices Denok set for the purchase of coffee were absurdly low; currently they are about 25 cents a pound for arabica coffee and 18 cents for robusta, less than half what buyers pay growers in Java and in other places in Indonesia.

Meanwhile, because of food shortages, the price of rice and other staple foods here is twice what it is elsewhere in Indonesia. The result is that a peasant grower cannot purchase a 50-cent pound of rice with the proceeds from a pound of his coffee.

"During the coffee harvest" in June and July, a knowledgeable Timorese said, "there are searches at all the military checkpoints—but they're not looking for guns. They're looking for coffee."

The soldiers make sure the coffee is sold to Denok, and growers are even prohibited from trading or bartering their coffee for basic necessities in local markets.

One evening, a young Timorese man fell quickly into step beside a reporter on Dili's Rua Antonio de Carvalho. "We are not al-

lowed to speak to foreigners," he said. "But I just want to tell you. Before, we had Portuguese colonialism. Now, we have Indonesian colonialism."

When Indonesians began consolidating control in the province, they told everyone that the East Timorese people would be sama sama, which in Indonesian means roughly, "everyone equal." The slogan was less than successful, however, since in Tetum, the chief Timorese dialect, sama sama means "trample, trample."

WEINBERGER VIEW ON NUCLEAR WAR

Mr. PROXMIRE. Mr. President, in mid-August, Secretary of Defense Caspar W. Weinberger sent a letter to various newspapers and television stations across the country. The nature of this letter was to spell out the basis for U.S. retaliatory policy and to address what Mr. Weinberger viewed as completely inaccurate and misrepresentative stories about U.S. war-fighting strategies.

For the last 3 months, I have been speaking daily on the floor of the Senate to call the attention of the Senate to the great importance of our acting to support a verifiable negotiated agreement with the Soviet Union to limit the nuclear arms race. Most of the material I have put in the record in that connection has been critical of our foreign policy, and I stand by it. I think that is right. I believe we should and can aggressively pursue a negotiated nuclear arms agreement, and we must do it. I cannot think of any more important action this Government can take.

In view of my series of remarks on defense issues, I thought it is only fair and appropriate that the Secretary's remarks be given broad attention—even though I may not agree with some of them.

Secretary Weinberger forcefully argues that the United States does not endorse the concept of protracted nuclear war, or nuclear "war-fighting." It is the Soviet Union, he says, that is building forces for that purpose.

He explains that the large Soviet buildup of strategic forces requires the United States to have a survivable and enduring response that would "demonstrate that our strategic forces could survive Soviet strikes over an extended period."

The purpose of acquiring a survivable and enduring retaliatory capability is to deter attack. In the absence of such a capability, there might be a temptation for the Soviet Union to use nuclear weapons against the United States or to place ourselves "in the position where the survivability of our deterrent would force the President to choose between using our strategic forces before they were destroyed or surrendering."

Mr. Weinberger notes that this is "an uncomfortable" way to keep the peace. But peace is our policy.

Backing up the Secretary's analysis is a vast amount of information about improvements in the Soviet war-fighting capabilities—their growth in warheads, improvements in accuracy, refiring capability, and various defensive advances.

Mr. President, I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Aug. 25, 1982]

WEINBERGER VIEW ON NUCLEAR WAR

I am increasingly concerned with news accounts that portray this Administration as planning to wage protracted nuclear war, or seeking to acquire a nuclear "war-fighting" capability. This is completely inaccurate, and these stories misrepresent the Administration's policies to the American public and to our allies and adversaries abroad.

It is the first and foremost goal of this Administration to take every step to ensure that nuclear weapons are never used again, for we do not believe there could be any "winners" in a nuclear war. Our entire strategy aims to deter war of all kinds, but most particularly to deter nuclear war. To accomplish this objective, our forces must be able to respond in a measured and prudent manner to the threat posed by the Soviet Union. That will require the improvements in our strategic forces that the President has proposed. But it does not mean that we endorse the concept of protracted nuclear war, or nuclear "war-fighting." It is the Soviet Union that appears to be building forces for a "protracted" conflict.

The policy of deterrence is difficult for some to grasp because it is based on a paradox. But this is quite simple: to make the cost of nuclear war much higher than any possible benefit. If the Soviets know in advance that a nuclear attack on the United States would bring swift nuclear retaliation, they would never attack in the first place. They would be "deterred" from ever beginning a nuclear war.

There is nothing new about our policy. Since the awful age of nuclear weapons began, the United States has sought to prevent nuclear war through a policy of deterrence. This policy has been approved, through the political processes of the democratic nations it protects, since at least 1950. More important, it works. It has worked in the face of major international tensions involving the great powers, and it has worked in the face of war itself.

But, for deterrence to continue to be successful in the future, we must take steps to offset the Soviet military buildup. If we do not modernize our arsenal now, as the Soviets have been doing for more than 20 years, we will, within a few years, no longer have the ability to retaliate. The Soviet Union would then be in a position to threaten or actually to attack us with the knowledge that we would be incapable of responding. We have seen in Poland, in Afghanistan, in Eastern Europe and elsewhere that the Soviet Union does not hesitate to take advantage of a weaker adversary. We cannot allow the Soviet Union to think it could begin a nuclear war with us and win.

This is not just idle speculation. The Soviet Union has engaged in a frenzied military buildup, in spite of their economic difficulties. They have continued to build greater numbers of nuclear weapons far beyond those necessary for deterrence. They now have over 5,000 nuclear warheads on ICBMs, compared to about 2,000 only five years ago. They have modified the design of these weapons and their launchers so that many of their land-based missiles are now more accurate, more survivable and more powerful than our own. They have also developed a refiring capability that will allow them to reload their delivery systems several times. They have elaborate plans for civil defense and air defense against any retaliation we might attempt. And finally, their writings and military doctrine emphasize a nuclear war-fighting scenario. Whatever they claim their intentions to be, the fact remains that they are designing their weapons in such a way and in sufficient numbers to indicate to us that they think they could begin, and win, a nuclear war.

In the face of all this, it is my responsibility and duty as secretary of defense to make every effort to modernize our nuclear forces in such a way that the United States retains the capability to deter the Soviet Union from ever beginning a nuclear war. We must take the steps necessary to match the Soviet Union's greatly improved nuclear capability.

That is exactly why we must have a *capability* for a survivable and enduring response—to demonstrate that our strategic forces *could* survive Soviet strikes over an extended period. Thus we believe we could deter any attack. Otherwise we would be tempting them to employ nuclear weapons or try to blackmail us. In short, we cannot afford to place ourselves in the position where the survivability of our deterrent would force the President to choose between using our strategic forces before they were destroyed or surrendering.

Those who object to a policy that would strengthen our deterrent, then, would force us into a more dangerous, hair-triggered posture. Forces that must be used in the very first instant of an enemy attack are not the tools of a prudent strategy. A posture that encourages Soviet nuclear adventurism is not the basis of an effective deterrent. Our entire strategic program, including the development of a response capability that has been so maligned in the press recently, has been developed with the express intention of assuring that nuclear war will never be fought.

I know that this doctrine of deterrence is a difficult paradox to understand. It is an uncomfortable way to keep the peace. We understand deterrence and accept the fact that we must do much more in order to continue to keep the peace. It is my fervent hope that all can understand and accept this so that we can avoid the sort of sensationalist treatment of every mention of the word "nuclear" that only serves to distort our policy and to frighten people all over the world. Our policy is peace, and we deeply believe that the best and surest road to peace is to secure and maintain an effective and credible deterrent.

The purpose of U.S. policy remains to prevent aggression through an effective policy of deterrence—the very goal which prompted the formation of the North Atlantic Alliance, an alliance which is as vital today as it was the day it was formed.

Mr. ZORINSKY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

Mr. BAKER. Mr. President, I see a messenger from the House of Representatives seeking admission to the Chamber, and I yield for that purpose.

The PRESIDING OFFICER. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

The following message from the House of Representatives was communicated to the Senate by Mr. Berry, one of its reading clerks:

The House of Representatives having proceeded to reconsider the bill (H.R. 6863) entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Mr. BAKER. Mr. President, this, of course, is the veto message. There is no time limitation on debate. However, it is hoped that debate will be prompt and that the Senate can vote on this measure sometime within the next hour.

Mr. President, I will have a statement to make a little later on the subject, but for the moment I yield the floor.

SUPPLEMENTAL APPROPRIATIONS, 1982—VETO

The PRESIDING OFFICER. The Chair lays before the Senate the President's veto message on H.R. 6863, which the clerk will read, and it will be spread in full upon the Journal. Pursuant to article I, section 7 of the Constitution, the Senate will proceed to its immediate consideration.

The legislative clerk read as follows:

Veto message on H.R. 6863, entitled "An Act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes."

The Senate proceeded to reconsider the bill.

The PRESIDING OFFICER. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I rise today with ambivalence of emotion and purpose. This is the first time since my party has assumed control of the U.S. Senate and I have acted on this floor as the chairman of the Appropriations Committee that I have had to take the floor in opposition to my President. But, Mr. President, this is a matter of conscience that one cannot avoid. I would much rather be here in the role that I have been in the past to support my President even at times when I found it very difficult to do so because of my own priorities of appropriation resources being applied to various and sundry programs that are incorporated in appropriations bills.

Mr. President, I have swallowed hard many times. I have literally held my nose on occasion in order to be a part of the majority party and to be a responsible majority and to demonstrate the capability of the majority to govern.

I know this is not unique to myself, and probably most of my colleagues have had similar experiences at times in their political lives. But again I reiterate, Mr. President, there comes a time in a person's life where conscience and principal transcend all of the affections and loyalties of party and to one's President, and one has to take a step which separates from that kind of relationship and team effort that has been so prevalent on this floor in the short period of time that this party has been in control.

I do not attempt this morning to speak on behalf of any member of the Appropriations Committee. Each person will speak on his own behalf. I do not attempt here this morning to say that this, what I say, is a consensus of the Appropriations Committee. I speak only as an individual who cannot avoid the role of leadership that I have as chairman of the committee.

Mr. President, I do though rise to strongly urge the Senate to override the veto of the supplemental appropriation bill. This measure provides a total of $14.5 billion in budget authority. That is $1.7 billion less that the President requested for the programs and activities covered by this measure. Let me repeat that: This bill provides spending in an amount of $1.7 billion, almost $2 billion, less than the President requested.

By no account, no responsible account, can this bill be considered a budget buster, as it has been characterized by the bean counters at OMB. I can only believe that the President acted on very poor, unsound advice when he vetoed this measure since it is so obviously in accord with our joint effort to reduce spending and narrow the deficits.

This measure is also well within the budget ceilings for fiscal year 1982 established by Congress in its action on the budget resolution. With the enactment of this bill we will still be below those ceilings by $8.1 billion in budget authority and $1.1 billion in budget outlays below the ceilings. I emphasize below the ceilings. I believe that is one reason why my good friend and colleague, the chairman of the Budget Committee, Senator DOMENICI, has indicated his sympathy and his understanding on this position that I take this morning, for we all know that, as chairman of the Budget Committee, Senator DOMINICI well knows that this is not a budget-busting bill or he would be in opposition to it if it were.

So by no yardstick could this be considered a budget-busting bill. Mr. President, this is simply not true. Nor is there any truth to the charge that his bill somehow deprives the Defense Department of necessary funds. The President requested $7.7 billion for defense, and Congress appropriated in this measure $5.7 billion, and that in addition to $204.6 billion already enacted into law this year.

So the amount denied in this supplemental appropriation request represents only 1 percent of the total appropriated this year for defense.

Congress denied these defense funds request for good and sufficient reasons. Most of the money requested was for procurement and operations, programs which are more properly considered in conjunction with the fiscal year 1983 defense bill, and the reductions do not have any impact on defense readiness. I am quite sure Senator STEVENS, who is the subcommittee chairman handling the defense appropriation bill, would not have recommended we make these reductions if he had thought or any member of his committee had thought they would have detrimentally affected our national defense.

In the same regard it is certainly worth noting that Defense Secretary Weinberger recommended to the President that the supplemental appropriation be signed, Secretary Weinberger recommending this to the President. So if this measure does not bust the budget, the President's or the Congress' budget, and if it does not short-change defense what is all the furor about? Congress decided to add some $900 million above the President's request for certain programs. Congress provided funding for older Americans, compensatory education for the disadvantaged, education for the handicapped, student financial aid, child immunization, mental health research, and special assistance to developing institutions, among others.

In other domestic programs Congress cut $140 million below the President's request. So the net addition in

these areas is $760 million in budget authority.

In outlays, the increases for domestic programs will amount to no more than $92 million, which is merely an asterisk in the context of a $115 billion deficit.

Mr. President, it is incredible that, as we now clearly identify the true issues surrounding this vote, we find that the questions are not what they used to be. The President himself recently stated that he did not realize that this bill contained funds for jobs for older Americans. He said it was an oversight and that he supports this program. It is becoming apparent that the whole foundation for the President's veto was an oversight.

Mr. President, the question is not budget busting. Obviously, the President's request would not bust the budget and the bill is nearly $2 billion below his request. The question is an institutional one. The President's advisers seek to eliminate certain programs and they will recommend he veto any bill that contains those programs, even if the bill in total is substantially below the President's budget request, as it is.

The President may later claim an oversight, but we cannot, and should not, use this as an excuse. The question is simple and straightforward: Will the Congress, which passed this measure by substantial majorities, kowtow to David Stockman in his singleminded desire to eliminate programs of great value and importance to the people of this Nation, or will the Congress assert its own priorities and prerogatives and responsibilities? I hope for our sakes and for the good of the Nation that each Member here will examine his conscience and her conscience and will vote to override this veto.

In no way, in my own mind and heart, does this have any impact on my continued admiration, respect, support, and commitment to work with the President to see his economic program succeed and to help him in every way possible in every issue that he sends up here, as I have in the past. But I close by saying, again, in conscience I cannot support the President of the United States on this veto. And I believe that in review and I believe that in retrospect the President himself must have some serious question about the propriety of that veto when he acknowledged the oversight of the older Americans.

Mr. PROXMIRE. Mr. President, I congratulate my good friend, the chairman of the Appropriations Committee and the manager of the bill, on the statement he just made. I concur wholeheartedly in what he has said.

I think the first issue that we have to meet on this bill is that it is not a budget buster—not a budget buster in any way, shape, or form. It cuts either $2 billion or $1.4 billion, depending on whether you take the revision that the administration proposed, below, underneath, less than what the President requested.

Talk about George Orwell. Calling this a budget buster, I suppose, if we presented a $10 billion or $5 billion bill, instead of a $14.6 billion bill, they would have considered that an even worse budget buster. It is ridiculous. Ridiculous. How in the world can you have something that can be called a budget buster or big spending bill when it is less than what the President requests?

Now, I have the greatest respect for the Washington Post. I think it is a fine newpaper; one of the finest in the country. But, at the same time, they had a headline—I suppose it is hard when you are a headline writer and have to write it. It was in this morning's Post. I do not have the headline with me at the moment. But it was something like: "The House Overrides President's Veto of $14 Billion Spending Bill."

I am sure that most people reading the paper got the impression that the President was trying to hold down spending. Not at all. There is no way, if we fail to override, that we are going to come in with a bill below that unless we refuse to give the President what he requests, with more emphasis.

Mr. President, I think we set exactly the right priorities here. We have a modest cut in guns and a modest increase in butter. But let me point out what the modest cut in guns amounts to.

As my good friend from Oregon has pointed out, the Secretary of Defense, Caspar Weinberger—and nobody can call Caspar Weinberger weak on defense or a dove or somebody who puts a low priority on defense spending—wrote to Mr. Stockman on the 16th of August. I have a copy of the letter, which I will put in the RECORD but let me just read the first paragraph. He said:

I am soliciting your support for expeditious signature by the President of the FY 1982 Pay Supplemental Bill, following completed congressional action.

Mr. President, I ask unanimous consent that Secretary Weinberger's letter to Mr. Stockman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, August 16, 1982.

Hon. DAVID A. STOCKMAN,
Director, Office of Management and Budget, Washington, D.C.

DEAR DAVE: I am soliciting your support for expeditious signature by the President of the FY 1982 Pay Supplemental Bill, following completed Cogressional action.

The Department of Defense will legally exhaust all appropriated funds for a military payroll approximately Wednesday, August 18. The amounts required for pay increases have been apportioned on a deficiency basis since October 1, 1981. By law, we can neither obligate nor expend additional funds in the absence of the signed Supplemental Bill. The Department simply will not be able to meet the military payroll after August 18, and our military personnel will experience a payless payday on August 30, while the Congress is in recess.

While the Supplemental Bill includes language agreed to by both the House and Senate that would retroactively authorize obligations for military pay in anticipation of its enactment, the provision is inoperative until it becomes law.

The Constitution prohibits expenditure of funds that have not been appropriated by the Congress, and the Antideficiency Act, Section 3679 of the Revised Statutes, prohibits obligations in excess of those amounts appropriated. Neither my General Counsel nor I know of any further flexibilities at this time that would enable the Department to meet the military payroll requirements.

Every possible action should be taken to avoid hardships of this type to our uniformed personnel. I urge you to support expeditious signature of the FY 1982 Supplemental Bill.

Sincerely,

CASPAR WEINBERGER.

Mr. PROXMIRE. Mr. President, when the Secretary of Defense, who is our expert on defense, says to go ahead and sign the bill, it seems to me it does not make much sense for us to argue that it does not provide enough for defense. He is the expert. If it did not provide enough for defense, obviously he would have urged a veto instead of urging the President to sign the bill.

Mr. President, I would also like to point out that the Congress fulfilled its role as a separate but coequal branch of the Federal Government by recasting the President's priorities and cutting his proposed budget in the process.

Both Houses supported this congressional initiative overwhelmingly. The House approved the conference report on the supplemental bill by a vote of 348 to 67. I recall very well when we acted on this bill. There was no rollcall vote, but we had a hotline out in which we asked every Democratic Senator whether he wanted a rollcall, whether he had any reason to object. And nobody spoke up. I understand the same kind of opportunity was given to Republican Senators and at that time nobody indicated any opposition.

Mr. President, I think all of us have respect for the President of the United States. He has a very difficult job. He has done some things extremely well. But, in this particular case, Mr. President, that veto does seem to be a serious mistake and it seems to this Senator that we should certainly override it.

Let me just spend a minute or two more indicating what is at stake here. Mr. President, we do cut the defense

budget by $2.141 billion below the request of the administration, we cut foreign aid by $110 million, and we cut the pay raise by $109 million, for a total cut of about $2.358 billion.

Now, we add on certain domestic programs here. Community service for older Americans—that is one in which the President has relented somewhat. That will provide 55,000 jobs in this country, and the jobs are at a very, very low wage, for older Americans—Green Thumb, for example—jobs that older Americans, who are otherwise on welfare, will have an opportunity to have the dignity of a job at low pay doing constructive work. And these programs have been enthusiastically supported by everybody who has had any opportunity to see them in action.

Compensatory education for the disadvantaged, $148 million. Again, a very modest, mild reduction from the reduction that the President put in. In other words, we would not reduce it as much.

Student financial assistance, $217 million. In that case, Mr. President, the Office of Management and Budget recommended a substantial cut, a cut of 17 percent. We simply ameliorated that cut in 1981 and make a cut of 10 percent. Of course, if you allow for inflation, it could be closer to 15 or 20 percent. We still make a cut, but we restore a modest part of that student financial assistance mainly in the Pell grant program.

The other part of the program I would call attention to is handicapped education, $26 million. I think all of us realize that, regardless of whether we have a Republican administration or a Democratic administration, whether it is conservative or liberal, almost every American realizes we have an obligation to our handicapped citizens. There is no way that they can take care of themselves.

I do not know how anybody who has someone come into his office or goes out in his State and talks to people who are handicapped can turn his back on them. Other programs, I think, you could make a strong case that we have to cut them strongly. But a restoration of $26 million for handicapped children, it seems to me, simply shows that we do not have, as the distinguished Speaker of the House of Representatives said yesterday, a heart of stone. $26 million for handicapped children, it seems to me that represents the kind of thing that we are trying to do here in a very limited, modest way.

As the chairman of the Appropriations Committee has said so well, this is not, not, not a budget buster. It is below the President; less than.

I hope we keep that in mind.

An economy vote is a vote to override in this case. It is hard to grasp that because usually that is not the case, particularly with the reputation the President has made. But in this case it is. I hope somehow we can get that across to the rest of the Members of this body so that we can act expeditiously on this measure.

Mr. President, I yield the floor.

Mr. HARRY F. BYRD, JR., addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to support President Reagan's veto of the $14 billion supplemental appropriation bill.

I think it is important that we understand just what the President proposes. The President proposes that the total will be reduced by $900 million. He does not advocate an increase in defense expenditures. I say again, he does not advocate an increase in defense expenditures. He seeks to reduce the total by $900 million.

In a statement yesterday from Utah, I suppose, or maybe Kansas, President Reagan in commenting on the House action yesterday in overriding the veto said the big spenders won.

Frankly, I am not surprised that a Democratic-dominated House of Representatives voted to override the President's veto of an appropriation bill. But I would be astonished and indeed alarmed if the Republican-dominated Senate were to vote to override the President's veto of a bill which adds tremendously to the spending of Government.

It has been correctly pointed out by the Appropriations Committee that the total figure in this bill is less than the President originally recommended. That does not mean it is not a budget-busting bill. The President has seen the light. He is not asking for these additions in defense that he asked for previously. He wants the defense totals left as they are in this bill, but he wants the total of the bill reduced by $900 million. I think that is reasonable. We have too much spending.

Much is made of the fact that the bill now before the Senate is below the recently adopted congressional budget ceiling.

Well, that does not impress me one bit. The figure adopted by the Senate and the House of Representatives in the budget resolution is, in my judgment, an irresponsible figure. I did not vote for that resolution for that reason. So the fact that it is below the budget ceiling is totally meaningless when one considers whether or not there is too much spending.

The President is trying to get spending under control, and the President is one of the few who is making a determined effort to get spending under control. That being the case, I want to support that endeavor.

It is not pleasant to vote against some of the appropriations that are in this proposal, but I think in looking at it on balance the appropriate vote on this measure is to vote to sustain the President's position. Congress then can bring in a new bill, $900 million less than the present bill, and the President would presumably sign such legislation.

I want to applaud the President for this veto, and express the hope that he will continue to veto money bills coming out of the Congress. Congress has proved itself irresponsible in the past. The Congress has adopted a budget resolution this year which provides for spending which will mean that for 3 consecutive years, and maybe longer, budget deficits will exceed $100 billion.

The Congressional Budget Office last week submitted figures showing that for the upcoming fiscal year, 1983, the deficit will be $155 billion.

Can this Nation sustain itself with 3 years of budget deficits exceeding $100 billion?

I recognize, and I have been in public life for several years, that it is much easier to vote for spending than it is to vote to reduce spending.

I recognize the political pressures being exerted by pressure groups to include these items and other items, various different items, in these appropriations bills.

But somewhere along the way this Government, this Congress, the Members of the House and the Members of the Senate, have to be willing to say, "No."

President Reagan has shown courage, I think, in vetoing the supplemental appropriation bill. The supplemental appropriation is just what the name implies. It is an additional appropriation for the fiscal year which will end 20 days from today. We have already passed appropriations bills and this is on top of all of those.

I would just be astonished and disappointed if this Republican-dominated Senate is unwilling to sustain President Reagan's veto of a money bill of this magnitude. What he seeks is, I say again, not an increase in defense spending, as has been alleged on the floor of the Senate. He seeks to reduce the total by $900 million. He does not seek to add any additional funds for defense.

I shall support his veto. I think it is justified. I think he was correct in his assertion yesterday that in the House of Representatives the big spenders won. I hope the big spenders will not win today.

Mr. HART. Mr. President, the issue before the U.S. Senate is one of priorities. As much as the President of the United States would like to talk about spending, that is not the issue before the Senate. The objection that the President has is that Congress does not necessarily share his priorities.

We have a constitutional right, we have a constitutional authority, we

have a constitutional responsibility to establish, as elected officials and representatives of constituencies, the same constituencies as the President of the United States, in our collective judgment what we believe the priorities of this country ought to be.

What this bill represents is a set of priorities which the President does not agree with. That is the issue. That is what the vote is about.

The President essentially wants to suggest, in 1982, as he did in 1981, that the only one, the only individual in this Government who has the right or the authority or the responsibility to set the priorities of this country is the President of the United States. If you agree with "patriotism" and if you agree with his view of the world, all the good things that he suggests that represents, then you have no choice but to support his priorities.

It is absolutely false to say, as he did yesterday, that the big spenders won. That is not the issue. He knows it is not the issue. This is not what this bill is all about. The distinguished floor managers have stated what this bill is about. It is about what the priorities of this country ought to be.

The Senator from Virginia is absolutely right to talk about the budget deficits and the problems this country faces. He is absolutely right when he points them out to be the single most serious problem our economy faces. But these deficits are the result of the economic program that was passed last year, pure and simple, not congressional spending, not a Democratically controlled House. They are the result of the passage of a set of priorities that include the biggest defense buildup in the history of this country.

How the President of the United States or his supporters can talk about Government spending and exclude the Department of Defense, I do not know. The President avowedly seeks to take a proportion of the budget that represented 24 percent of the Federal spending when he took office and drive it to 40 percent of Federal spending in 5 years and exclude it when he talks about Government spending. That is one of the reasons we have the deficits we have.

We shall never be able to get and keep interest rates down so long as we have that irresponsible Government spending that goes exclusively across the river to the Pentagon.

That is what this bill is about, Mr. President. It is not about spending, it is about priorities.

I think it is not accidental that the House overrode that veto on a bipartisan basis. That was not a partisan vote. We can talk about a democratically controlled House as long as we want to, but I quote the House Republican leader, Mr. MICHEL, who said the following thing:

> The principal reason we lost was that you cannot make a good argument that Congress was busting the budget. You couldn't make a good agrument on the numbers. Maybe for the long haul, the administration could learn something from this.

That is not TIP O'NEILL, that is Mr. ROBERT MICHEL, the House minority leader.

Mr. President, I think it is incumbent on all of us and I think it is incumbent on the American people to understand that this is not an issue of who the big spenders are. Nobody is more concerned about spending than the distinguished Senator from Wisconsin. He has spoken out on that issue as much as the Senator from Virginia or anyone else in this Chamber. He is here today stating his position as a fiscal conservative and a responsible Member of this body that this is not a budget-busting bill.

The President can adjust weekly what he thinks ought to be the budget numbers. He seems more inclined to do that all the time. But this is not a bill that busts the budget that was accepted by this Congress and, to my knowledge, approved by the administration.

I think what the Senate ought to do is send a message to the President that we are way beyond waste, fraud, and abuse. The phrase that dominated the political lexicon for 2 years or more in this country—waste, fraud, and abuse—is no longer heard anymore. Even this President does not talk about waste, fraud, and abuse except when his administration sets up a special unit to monitor defense contractors. I think that is one of the smartest things this administration has done.

If we are going to see waste, fraud, and abuse in the 1980's, it is going to happen in the Department of Defense. So we had better get ready for it.

I hope the Senate will send a message to the President and reaffirm to the American people that there is another set of priorities in this country than just those that flow from the oval office. I think that is what this issue is all about and I hope my colleagues will vote to override the veto.

Mr. ANDREWS. Mr. President, I think that a lot of things have been said on the floor in the debate that is underway now and by people in the executive branch and by individuals after the vote in the House. Much has been said that the vote yesterday in the House was a bipartisan vote. Let me point out to my colleagues, Mr. President, that the decision coming out of the White House was a split decision. Many of the more prominent members of the President's own Cabinet, according to press reports, urged the President to sign this bill. Those individuals are not budget busters, any more than the chairman of our committee, the Senator from Oregon, or the ranking Democratic member, the Senator from Wisconsin, or the Senator from North Dakota are budget busters. This was a close call in the President's own family.

He called me last night and we talked for some time on the telephone. I said, "Mr. President, I totally agree with what you are trying to do, cut down Government deficits. But," I said, "I think you have been given horrible advice when you were advised to veto this bill."

I think we ought to point out again and again and yet again the fact that this bill does not exceed the President's budget. It does reorder some priorities, but after all, under the Constitution as I studied it some years ago in school, is that not what Congress is supposed to be, a coequal branch, to take a look at priorities and set those priorities for the Nation?

A remark was made a moment ago that one of our colleagues hoped the President would continue to veto money bills. That might be good politics, but it is lousy government. The subcommittee I am responsible for of the Appropriations Committee happens to fund a number of different agencies. One of them is the Coast Guard. It is not a parochial issue with me. There is no Coast Guard search and rescue station in the whole State of North Dakota, which I am privileged to represent. I think that is obvious to everybody. But there are a number of Coast Guard stations that are extremely important to this Nation's defense and its people's safety.

The Commandant of the Coast Guard was in my office yesterday afternoon about 4 o'clock. He said that he is going to have to start laying off employees of the Coast Guard within a week if this bill is not successfully preserved by a vote to override on the floor of the Senate this afternoon.

Anybody who believes that we can go back to the House of Representatives and quickly get a replacement through for this supplemental so that these layoffs, at tremendous cost to the Government, at tremendous cost to the services extended to the people of this country, anyone who belives we can pass a successor to the supplemental that patches everything up and leaves off just a few of the articles the President objects to has to believe in the tooth fairy. It is not going to be done.

(Mr. EAST assumed the chair.)

Mr. HATFIELD. Will the Senator yield at that point?

Mr. ANDREWS. I am glad to yield to my distinguished chairman.

Mr. HATFIELD. I am glad that the distinguished Senator, the chairman of our Transportation Subcommittee, has brought this point forward, because the House does not plan to do any business until next Wednesday. Therefore, we are facing not only gen-

eral overall Government furloughs by Wednesday, but we are facing, more particularly, military furloughs—no pay for the military.

Mr. ANDREWS. That is absolutely right.

Mr. HATFIELD. Therefore, those who are of the opinion that, somehow, we should sustain the veto at this moment and then send us back to the drafting board within the timeframe that we have to operate—should know—it is simply not possible. A vote to support the veto at this point means layoffs.

We might as well face up to that issue right this morning. There is no other way to avoid it, because a redraft of the supplemental will have to originate in the House of Representatives. They are not in session today because of Representative Benjamin's funeral. My understanding is that their business calendar will begin on Wednesday. That, as the Senator from North Dakota has pointed out, is not possible for the appropriations process to bring forth a revision of a supplemental bill.

It is more than a matter of priorities. It is more than a matter of supporting or not supporting the President at this point. It is now a question of how the general functions of Government will be impacted by next Wednesday. I thank the Senator.

Mr. ANDREWS. Mr. President, I appreciate the comments from my distinguished chairman. I totally agree with him. I would like to point out some other things in this bill that are important, programs that need to have continuity. I have had calls from people in my State, as the Senator has had calls from people in his State, and from friends in other States about ongoing programs. If this veto is not overriden this afternoon, individuals in a whole host of different agencies will begin laying off personnel. As the chairman of the committee pointed out, we are not going to come to the rescue. There is no Paul Revere that is going to run through this Chamber later on this evening and pass some substitute that can keep those programs going.

I remember almost a year ago when we had a continuing resolution, hour after hour after hour of negotiations with our colleagues from the other body. We agreed upon a figure in that continuing resolution. The President's people were in that room. They signed off on it, we thought. The next morning we had a veto because Mr. Stockman looked in his mirror and saw the other side of it and came up with a whole host of new figures. Frankly, I am getting darned sick and tired of Stockman and his mirror act. He is not serving the President well. He is not serving the Congress well. He is not serving the Nation well.

Mr. President, a moment ago the chairman of the Appropriations Committee pointed out that this is an institutional question. It is an institutional question, but it is more than that. It is a question of orderly process. When we watched the charade of the veto of the continuing resolution almost a year ago, over $400 or $500 million, we witnessed a cost to the taxpayers of this country in lost time of Federal employees discharged, and then brought back and paid for not working, that far outbalanced the purported savings in the action of the veto and the waiting for the reenactment of the continuing resolution.

All the figures that I have access to in the subcommittee over which I have jurisdiction, and other figures from other subcommittees in the Appropriations Committee, indicate that the cost would be far higher, if the President were to get another supplemental appropriations bill that did in fact whittle out the $700 million he is objecting to. We would find an even greater cost in lost employment, lost time, and lost service to the Government. This simply does not make sense from a fiscal standpoint.

We also ought to point out, Mr. President, that in this bill we have a number of items that are time-sensitive. In addition to Coast Guard and FAA operations we have interstate transfer funds which are necessary in a number of States to build badly needed highways. We have $112.5 million in this bill for these interstate transfer projects that I understand the administration objects to.

I have in my hand a request from the President of the United States to put $150 million into our regular bill, which is to be marked up next week, for the very same function. If we wait another several months, given the weather in the various States, it is going to cost more money in getting these projects under contract, more money that is going to impact on the pocketbooks of the taxpayers.

So let me once again, Mr. President, urge my colleagues to recognize the true facts of this issue: One, this was not a unanimous call even in the President's own family, his Cabinet. Two, there are a number of programs that will be in jeopardy if this veto is not overridden. Three, the loss of time through this political charade will have more cost impact on the taxpayers than any savings we can possible recognize from it. Finally, Mr. President, let me point out again that if we are going to have an orderly appropriations process, the only way we are going to move some of our separate appropriations bills is to override this veto so we do in fact have time to pass the regular bills in such fields as defense, transportation, and hopefully in health and human services. We do not want to go the continuing resolution road once again.

That is the best way to save money, Mr. President. That is the best way to serve the people of this country. I hope that my colleagues will join me in voting to override this veto because they are interested in saving Federal funds, because they are interested in a balanced government, and because they are interested in an orderly process in Government.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. SYMMS. Mr. President, I intend to vote to sustain the veto on the supplemental appropriations bill that is being considered today.

My primary reason for supporting the President's veto is because first, the President is correct. This bill is overbudgeted, and the problem with our budget and the economy is that the Government is spending too much money.

Second, the Congress has unfortunately increased the use of its habit to spend more of the taxpayers' money by funding programs under the supplemental appropriations bills. Originally, supplemental appropriations bills were used to finance emergency spending measures that could not have otherwise been planned for in the normal appropriations process. Now these bills are used to get around the budget process, and quite logically, hold up the Congress near the end of every year.

These bills are now a fixture in the appropriations process. These expenditures could have been funded within the normal appropriations process if we wanted to make an attempt to put an end to the shell game that currently exists in the budget process.

Third, funding for title I educational programs is included in this bill. The funding levels for the various States should logically be determined by the legislated formula based in the latest census data. Unfortunately logic has not prevailed on the process of allocating funds. Funding for title I education programs is being determined by a formula based in the 1970 census data—not the 1980 census data which is the most current and accurate data available. As a result of this action, 13 States in the Union, one of which is Idaho, are going to receive fewer funds than they rightfully deserve. For example Idaho will be $1,010,000 short in funds that they rightfully deserve under title I funding.

Why did we go to the trouble of taking the census if we are not going to use the data? The census indicated that my State is poorer now than in 1970 and it is a State whose population has more greatly expanded than others States in the Union. Conse-

quently according to the formulas that we have approved here, my State should receive a proportionate share of the funds, relative to its needs.

This has not happened. My State along with 12 others is being shortchanged. We will be sending money to States whose populations have decreased and are more affluent. We will be sending money to States to fund educational programs to students who are no longer there. I am hopeful that this matter can be corrected either here in Congress or, if not, by the judicial process.

I hope, Mr. President, that the Senate will not approve this measure. We are spending too much money, and we are spending that money, for the most part, on programs that contribute absolutely nothing to the economic health of our economy.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly urge my colleagues to join the House of Representatives in overriding the President's veto of the supplemental appropriations bill.

There are solid grounds for the Senate to override this veto. But one of the most important reasons is that the President's action was more of a public relations veto than a substantive veto, and was used by the administration as a diversionary tactic to draw attention away from their support last month of the large tax increase bill.

But those are not valid reasons for the many Senators and Representatives who supported this bill a month ago to switch their positions and oppose it now.

The Senate and the House worked hard on this legislation to fashion a compromise acceptable to both Congress and the administration. At the time, we felt that we succeeded; we brought the bill in at a level nearly $2 billion below the President's request, and it was passed by Congress with overwhelming bipartisan support.

Many of the major provisions in this legislation are needed to continue vital programs:

The bill contains essential funds for the older Americans community service employment program—widely recognized as one of the most effective Federal programs for elderly citizens. That program, which provides funds for 54,000 senior aides, will be in jeopardy if we fail to override the veto.

The bill contains appropriations for Pell grants for college aid to low-income students, to assure that money is available for the full $1,800 grant per student. In Massachusetts, 40,000 students will have their aid cut if these funds are denied.

The bill contains aid for hard-pressed local schools to educate the disadvantaged and the handicapped.

It also provides $10 million to help pregnant adolescents and their families.

Finally, it contains funds to avoid the needless and wasteful disruption of the Government which is likely to result if this veto is sustained.

The President characterizes these provisions as "wasteful and unnecessary spending." I call them essential to meeting our obligation to the elderly, the young, the handicapped, and the disadvantaged.

The President's justification for vetoing this bill is transparently false. He calls it a budget buster, yet the total spending in the bill is 11 percent less than the $16 billion requested by the President. The plain truth is that the President does not want to provide adequate funds for the elderly, for the handicapped, and for education, yet he has no such qualms about billions more for defense and for military aid.

The issues before us today are the same issues that have occupied us for nearly 2 years—the fundamental issues of fairness and priorities.

The President has persistently opposed bill after bill to fund vital human service programs for millions of our citizens. Yet he has consistently refused to moderate the massive increases in his defense budget—which will double to nearly $370 billion over the next 5 years. Just last month the President repudiated his previous acceptance of the carefully crafted compromise in the congressional budget resolution that would reduce the defense increase by a modest 3 percent—from 15 percent to 12 percent.

Of course we must have adequate funds for defense. At the same time, we must carefully scrutinize all defense spending, just as we have examined each domestic program. Much of the defense funding the President seeks is for new, nonurgent programs. Some is for activities that have not even been authorized by Congress. A supplemental appropriations bill is no place to make such important decisions.

In sum, there is growing acceptance by Congress of the need to trim military spending if we are to succeed in balancing the budget and restore economic prosperity. This bill is by no means perfect, but it is a fair and reasonable effort by Congress to recognize the realities of the Federal budget, and it deserves to be enacted into law.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, the President of the United States has the right to exercise vetoes, and certainly that is a part of his duties under the Constitution.

I should like to try to raise the level of debate on matters of this importance in the Congress of the United States.

I was quite amazed to sit here for the last hour or hour and a half and hear some of the arguments that were advanced for overriding the Presidential veto, most of which I agree with, and some of the most amazing reasons why we should sustain the Presidential veto.

Most of those arguments, so far as the latter action was concerned, had to do with "if you vote for this, you are a big spender." The record of this Senator from Nebraska is such that no one could challenge me as being a big spender.

It seems to me, Mr. President, that when we continue to endorse, without thinking, the statements that are made by the President of the United States, if we continue to jump through the hoop every time the President of the United States calls "wolf!" as if he expects all his Little Red Riding Hoods to jump through the hoop once again, then we are not discharging our duties.

The level of debate and the reasons for our action here must be more important than simply mimicking or mouthing the words of the President of the United States when he says that the big spenders won in the House of Representatives yesterday.

I heard a statement on the floor this morning, by one of my colleagues for whom I have the highest respect, that the big spenders in the Democratic House prevailed yesterday, when we all know that was a true bipartisan effort.

There are many reasons why we should override the Presidential veto. I am going to mention only one.

The farmers of the United States today are in dire distress. Time and time again, we hear from this administration that we are going to work our way out of the depression—the depression, Mr. President—that we are seeing in grain sales today by promoting overseas sales of grain. I simply point out that in this bill that the President veto is $500 million which is specifically designed to enhance the sales of American grain overseas.

We must not continue to be misled by a myth. We should vote our conscience on this issue. So far as I can ascertain, no reason has been advanced on the floor of the U.S. Senate today to support the President in this matter, other than supporting the President in this matter. In the opinion of this Senator, that is not a valid argument.

I urge my colleagues to override the Presidential veto.

Mr. GORTON. Mr. President, I speak this afternoon primarily to commend the thoughtfulness and the character of the distinguished Senator from Oregon, the chairman of the Ap-

propriations Committee. No individual during the course of this Congress has worked with more diligence or more effect to cause a better, a more conservative, and a more reasonable fiscal policy to be the reality of the United States.

When the Senator from Oregon led off debate on this subject, he pointed out that this proposal which is before us today does not bust the budget; that, in fact, it is more than $1 billion less than the request from the President for the subjects contained within it. The Senator from Oregon is entirely correct.

The Senator from Oregon also pointed out that this proposal is below the authority contained in the budget resolution for fiscal year 1982. He is correct in that respect as well.

The Senator from Oregon said with some regret that the President and the White House, in dealing with this proposal on the basis of its being irresponsible spending, were not treating with this in an appropriate fashion.

The issue here is not the total amount of spending contained in this bill. The issue here is the set of priorities for distribution of the various spending programs within the supplemental appropriations bill.

In fact, of course, the distribution which Congress has wrought in this bill is far closer to the views not only of the minority but also of the majority party in the Budget Committee and in the Appropriations Committee than is the alternative proposal which is made by the administration.

It is because this bill is consistent with the budget resolution for fiscal 1982, it is because this resolution is consistent with the priorities for spending which Congress, itself, in its wisdom, has determined, and it is because this is both a conservative and a responsible supplemental budget that I join the chairman of the Appropriations Committee—and, I believe, the chairman of the Budget Committee as well—in believing that the veto should be overridden.

Mr. HATFIELD. Mr. President, I thank the Senator for his kind remarks, and I appreciate his support on this issue.

Mr. JEPSEN. Mr. President, I wish to point out my reasons for voting to override the President's veto on the supplemental appropriations.

Let me begin by expressing my respect for the President's arguments in vetoing this legislation. This country is blessed with a leader who is finally turning around the total deterioration that our military has suffered over the last 10 years. I recognize his concern that we continue the momentum of our overall defense improvements.

However, a large portion of the administration's request for supplemental defense appropriations went far beyond any justifiable request for extra last-minute funding. What we in Congress approved were additional funds associated with uncontrollable cost increases, such as underfunded pay entitlements, inflation adjustments, et cetera. The requests for new start funding and funding to expand existing programs remain beyond the scope of this legislation and should not even be included in this bill.

The funding levels provided in the supplemental are more than adequate to keep our defense programs on track and our military people fully paid. In fact, Secretary Weinberger urged the President not to veto the bill.

If we do not succeed in overriding this veto, the impact on the military of the President's veto being sustained could be exactly the opposite of that intended by the administration. There is some question about the legality of using withholding accounts to pay the September 15 paychecks of our military and civilian personnel. If this fallback method cannot be implemented, there will be widespread morale problems in the services. The gradual improvement in recruiting and retention rates that we have struggled to reach will be dealt a serious blow if payments on September 15 are delayed.

I lay the blame for the present supplemental funding crisis squarely in the laps of those defense advisers who recommended bypassing congressional oversight in attempting to start new programs and expand others. There seems to be a disturbing trend of arrogance cropping up in the dealings of some members of the Department of Defense with Congress and its budget and oversight process. We have provided for vast increases in many defense programs and much of what we receive in return are requests for more funding to cover further cost growth.

It is time we sent a signal to the Department of Defense and the defense industry in this country that those of us who are 100 percent supporters of a strong defense are also 100 percent supporters of a strong economy. Congress has the responsibility for national security but it also has the economic obligation to use prudent man financial practices in appropriating funds. We have procedures for budgeting programs and these procedures must and will be respected.

This supplemental appropriations is nearly $2 billion less than the administration's budget request. I support a congressional override of the President's veto.

Mr. MOYNIHAN. Mr. President, I shall be brief in what I have to say and it can be compressed within a very short compass.

I wish to make two points:

First is that a great deal of attention has been drawn to the social programs which are provided for to very limited extent in this bill.

Might it be clear, and I was very pleased to hear the statement just made by my good friend, Senator JEPSEN, that $5 billion in this program is for the Commodity Credit Corporation? Anyone in this Chamber who represents a State which looks to agricultural support programs has an elemental interest to support the bill that the Senate passed and the override which the distinguished chairman has proposed. Certainly they do if they expect continued support of such programs from those of us who have little direct interest in them.

I emphasize that. The $5 billion is for farmers, and we are prepared to vote for it regardless of the number farmers in our State. But are we to do so with the expectation that those who benefit will not join us? Or that those who do not approve will somehow suggest the expenditures, the outlays, and authority were directed to our own interests and not more generally to those of the Nation?

Mr. President, there is in addition some money in this measure for established programs to help the aged, the handicapped, and those in college, not large sums, relatively small, given our budget, but very much in order.

One of the items to which a fair amount of attention has been called is the $211 million for title V of the Older Americans Act. Title V is a well understood, well performing program that hires older persons to do work for older persons. It is an established, proven, sensible program.

The President vetoed this bill, which includes this measure. In his veto message he said, "I do not take this step lightly."

He would have had us think he was fully cognizant of all the bill's provisions as well as arguments which led him to reject the views of the Secretary of State, the Secretary of Defense, and such other views as were presented in favor of the bill.

No. He said the bill is not acceptable and there was much talk about big spenders.

Yet this morning we learned something that verges on the astounding. Judy Woodruff of NBC news interviewed the President and she described the exchange.

She said, "Despite this tough talk from the President he acknowledged that he had agreed at the last minute to restore funding for jobs for the elderly poor, a program he professed not to know had been affected by his veto."

Then Miss Woodruff quotes the President as saying, "This one slipped by me. I happen to believe in that program, and I have, and I gave them my word that I was." And then with that well-known clarity, that direct and forthright concision of statement and

precision of view he drifted off into another subject.

"This one slipped by me."

It is not a very long or complicated bill.

The social programs about which the President expressed such dismay and concern are three: Title V. of the Older Americans Act; the Education of The Handicapped Act; and the Higher Education Act. There are only three. They slipped by him and now he wishes he had not done it.

So I say support the President and override the veto.

Thank you, Mr. President.

Mr. BRADLEY. Mr. President, this administration never ceases to amaze. President Reagan's veto of the supplemental appropriations bill is shortsighted, self-contradictory, and wrong. The House and Senate sent him a supplemental appropriations bill that was almost $2 billion under the President's request. This bill clearly does not bust the budget; let me repeat—this bill clearly does not bust the budget. Since it provides funds for his cherished Caribbean Basin Initiative, Secretary of State Schultz recommended that the President sign it. Since it provides money to pay the Armed Forces of the United States and omits nothing urgently needed by the Defense Department, Secretary of Defense Weinberger recommended that he sign it. The majority leader of the Senate, the chairman of the Budget Committee, the chairman of the Appropriations Committee all urged the President to sign it.

You would think that, with all this high-powered, Repulican advice the President would either sign the bill or have extraordinary good reasons not to. What are his reasons? The President of the United States vetoed this bill because it had too much money for the poor, the children and the aged and too little for defense. Let me repeat: This bill, $2 billion under his request, was vetoed because it contained too much money for the poor, the children and the aged, and too little for defense.

Now what programs for the poor and aged did the President object to? They were student grants for the poor, $217 million; community service jobs for the elderly, $211 million; and educational help for poor children, $148 million.

People who live in New Jersey like Americans in every other State need the funds included in this bill. Let me read to you a letter I received from Oxford, N.J., which highlights the plight of many families who are striving to give their children a better life by sending them to college. The father, who is on social security disability, writes that although his two college age children qualify for student assistance, there is currently no money in the programs to help them. He writes:

DEAR SENATOR BRADLEY: Again I am writing to you in concern of my sons, who will be attending East Stroudsburg State College again this fall.

They were eligible for SEOG and National Direct Student Loan which the Federal government gives to the Colleges, but there was no money to be given out to them. To me, this is discriminating. Why wasn't East Stroudsburg State given enough money for SEO Grant and ND student loans. Who needs it more than my two boys? They can't even buy clothing, or anything with their social security checks, because they have to use 100% for college. Are they to live off of my social security check? . . .

The President stinks in my estimation, he only cares for the rich.

My sons will be forever paying back under guaranteed student loan at 9 percent or whatever. Are they to give up college, one is a sophomore and the other a senior?

I can only say my family and I don't have to worry about hell, we are in it right now. I only want to know why they were eligible for SEO Grant and NDS Loan and there is no money. I am very bitter and so are my two sons. I can only say no wonder the young go wrong. How can they survive if no one cares? . . .

The supplemental budget bill which we passed and the President vetoed would allow students such as these to complete their education. Young people in New Jersey would receive $4.2 million in Pell grants and $2.3 million in SEOG funds. In addition, our elementary and secondary school students would receive $17 million in educational assistance. They deserve that chance.

That is not all. The President also denies an important chance to thousands of older Americans who are contributing valuable service to their communities. Fifty-four thousand people are facing the loss of dignified work and income needed for basic survival as a result of this veto. One individual from Newark, N.J. makes the point very succinctly. She writes:

Dear Senator: I have been a widow for 7 years. I am a senior citizen. I am employed by the Senior Aid Employment program to give home care for the less fortunate senior citizens of America. Without this program I do not know if I can make it. Also the older Americans who depend on this program for their home care and Medical attention. Please try to help me.

Another writes from Long Branch:

Dear Sir: I am not worried about losing my job. I am worried about my clients. They really depend on me. Most of them are shut-ins. Most of them have no family, nobody they can depend upon. They have no car, and everybody today is so involved in their own personal life that they can't be bothered helping other people.

Some of the things I do for them are running errands, grocery-shopping, buying clothes for them, cooking, writing letters—doing whatever is needed. I don't stand on ceremony. If they are sick, I stay with them. When they go to the hospital, I visit them. I try to encourage them. Sometimes they haven't got the will to live. Having somebody that they know to come by helps them. They look forward to it. Sometimes I pick up prescriptions for them. I even pick-up foodstamps for my clients. Whenever I am told to go, I go and find out what's needed.

I hope that program won't be cut because these are all poor people and they cannot afford to have outside help to help them. They just have their monthly checks and every penny is rationed—they haven't even enough money to see them through. They can't afford to pay for outside help.

I am asking you to do all you can to save the Title V Employment Program for Senior Citizens. The people I work for need all the help they can get.

This supplemental budget would also provide funding for the Federal supplemental benefits program providing 6 to 10 weeks of benefits for unemployed workers.

Let us compare the urgency of these programs that the President did not want with funds the President is upset that he did not get. Congress chose to deny Defense Department funds for housekeeping items and the initial payment for new weapons systems planned for next year. There is absolutely no reason why these items could not be funded next year. Clearly they are not worth disrupting Government services. And I do not think a credible case can be made that they are more urgent than the thousands of students who cannot go to college next week because programs are not adequately funded. Nor are those defense funds more urgently needed than the money to keep thousands of older Americans from being thrown out of work.

What is left to say? There was no reason to veto this bill: it does not bust the budget; it provides funds needed by the children, the aged, the poor, and the unemployed; the funds omitted from the defense portion are neither urgent nor controversial. Mr. President, we all want a strong defense. We can have a strong defense without cutting educational opportunities for our children or employment opportunities for the elderly. This veto is shortsighted, self-contradictory, and wrong. This bill should become law. The veto should be overridden.

Mr. DOMENICI addressed the Chair.

The VICE PRESIDENT. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I rise today in support of H.R. 6863, the supplemental appropriations bill for fiscal year 1982.

It is not easy for me to make this statement, but I think the most important matter is that when we are finished today, the American people understand what has transpired.

I regret that there are some who would like to make this a major issue in terms of fiscal austerity. There are some who would want to be self-fulfilling prophets and indicate that if this bill becomes law we have in some way shattered the restraint we have shown

around here, and in some way fractured the discipline we have shown toward reduced deficits.

It bothers me that some think that is the case. If I was not concerned about it I probably would not even speak. But I am convinced that there are many who do understand, those who recognize our drive for fiscal responsibility. I am convinced they understand this measure for what it is.

This bill has little relevancy to austerity or to meeting budgets or to bringing the deficit trend lines down. The problem is that our President—and this Senator has the utmost respect for him, and I have been on his team on almost every issue, and together we have worked out many difficult problems—has been led to believe that this bill is a budget buster, that somehow this will send a signal that we will not support him when he really needs our support, when it is important for the country.

So I want to make the point right up front. If the budget is busted by the upcoming continuing resolution, if individual appropriation bills that come down for fiscal 1983 do not meet that budget, this Senator will be here voting "no" for the President, and I will be here voting against overriding a veto if he vetoes them.

So I want to make that clear right up front. And I want to say for those who look at our budget for fiscal 1983 and note the progress we have made thus far with a tax bill, and with real restraint on entitlements: You do not have to have any fear that this Senator and, I believe, this institution, are going to indeed follow those actions with similar restraint on appropriations. I do not think that is the issue at all today. That has nothing whatsoever to do with the issue before us today on this bill.

This bill, H.R. 6863, provides $9.2 billion in budget authority and $7.5 billion in outlays for supplemental appropriations in fiscal 1982. The President in his request asked for new spending of $10.7 billion in budget authority and $8.9 billion in outlays. In short, this bill will reduce the deficit that may have occurred under the President's request by $1.4 billion. I think this is a critical point. This is a bill which, in fact, will produce a smaller deficit than the budget requested by the President.

Mr. President, this bill can be enacted and Federal spending for fiscal 1982 will still be below the ceilings of the congressional budget resolution by $8.1 billion in budget authority and $1.1 billion in outlays. So this is well within the limits Congress has set for itself.

I also would like to remind my colleagues that the vast bulk of the spending provided for in this bill fulfills the congressional commitment for pay raises granted last October to military and civilian public servants. This is a commitment Congress has made and should keep. In the bill before us, $6.1 billion in budget authority and $5.9 billion in outlays will be used for these commitments. Much of the rest will be used to keep vital agencies of Government functioning.

I ask unanimous consent that a summary chart setting forth these calculations be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

H.R. 6863, FISCAL YEAR 1982 SUPPLEMENTAL

[In billions of dollars]

	Budget authority	Outlays
Revised budget resolution	777.7	734.1
Current Level	766.9	732.1
CBO technical adjustment to current level	−.1	−.1
Action underway (H.R. 4961)	.4	.2
Amount remaining	10.3	1.9
H.R. 6863, conference report [1]	9.2	7.5
Less items already in current level	−6.7	−6.4
Less offsetting receipts affected by appropriations action	−.3	−.3
Net impact of H.R. 6863	2.2	.8
Amount remaining	8.1	1.1
President's request [1]	10.7	8.9
House passed [1]	8.8	7.3
Senate passed [1]	9.0	7.5

[1] Reflects Senate Budget Committee scoring of CCC borrowing authority.
Note: Details may not add to totals due to rounding.

Mr. DOMENICI. In the final analysis, the controversy over this measure is not a controversy over fiscal austerity. As I said before, this bill will yield smaller deficits than if Congress had merely approved the President's request. This controversy involves rather the relationship between the executive branch and the legislative on policy matters. Who shall have the final say on what I would call fine tuning of priorities among Federal programs?

My judgment is that such a question should not be answered, and will not be answered, on this measure. It is claimed by many that the question is whether we should add another $1.8 billion for defense in this measure and remove a little more than $585 million in certain domestic programs. To me the choice is not really that simple at all. Most of the defense money the President requested and that Congress did not include would not have spent out in fiscal 1982. Most of the money added for domestic programs will not spend out in fiscal 1982. The final level of spending in defense and nondefense for the next year has yet to be decided. It is not being decided here. It will be decided in subsequent fiscal 1983 appropriation bills or in a continuing resolution. This 1982 supplemental bill is not going to determine those levels.

As I said in my opening remarks, I intend to support the spending policies for fiscal 1983 that the first budget resolution calls for and which were endorsed by the President. These policies are clearly set out in the first budget resolution, and we will all understand, both the White House and Congress, when we exceed them.

Approval of the bill before us today in no way prejudices our ability to increase defense spending and hold down domestic spending in later years.

Some of the objections to the $585 million increase above the President for some programs may be justified. However, I believe we do need to maintain funding for the working elderly, which is about $211 million of the $585 million, and we should be sure of our ground before we excise funds for the handicapped and students, which are also part of this measure.

I would again repeat the final word on funding levels for these programs will be made later in the fiscal 1983 appropriation process. This measure will not, and I repeat will not, make these final decisions.

In conclusion, to clear away all the deadwood in this debate, I say simply that I cannot object to this measure on the levels of spending it contains. It is clearly within the targets we have set. It will produce a smaller deficit than the President's request would produce. And it is not the final word on defense or nondefense spending priorities.

In the final analysis I cannot justify disrupting vital operations of Government or failing to keep commitments we made to our military and civilian personnel because of a narrow dispute over a relatively small amount of money for several domestic programs, some of which even the President has conceded need to be funded.

Therefore, Mr. President, I will support the override.

Mr. MOYNIHAN addressed the Chair.

The VICE PRESIDENT. The Senator from New York.

Mr. MOYNIHAN. Mr. President, in the briefest comment I would like to congratulate my friend, the distinguished chairman of the Budget Committee, the Senator from New Mexico, for the courage he summoned to make what cannot have been an easy statement, given his exceptional and central record of support for the President's programs in this Chamber.

Mr. DOMENICI. May I thank the Senator from New York, Mr. President?

Mr. MOYNIHAN. I appreciate that.

I would like to make one comment about the final observation the chairman made about the treatment of military personnel.

Mr. President, I would dare to suggest that from time immemorial the first principle of prudent government is to pay the army, and there is something unseemly about our present circumstances. We are paying the Armed

Forces from the moneys we withheld from their pay for income tax purposes or social security. I have written the Comptroller General to ask what the authority for that is and to inquire about interest payments being lost by the social security trust funds because social security tax payments from the Defense Department are not arriving in the Treasury, where these moneys are put into Government securities and bear interest.

But much more important, Mr. President, there is a question of seemly and orderly government. Congress provided the funds to pay the armed services, and with almost casual indifference the President vetoes and says, "Pay it out of the money we have taken out of their paychecks."

What happens if we do not pass another bill? Why should we not simply go forward, as we had, with the business of government? If the administration does not understand it, surely we do. And a vote to override would allow us immediately to turn to serious matters which the chairman of the Appropriations Committee wants to bring to this floor. Thirteen appropriations bills, the last month of the year and not one passed.

SEVERAL SENATORS. Vote!

The VICE PRESIDENT. Who seeks time?

Mr. RUDMAN. Mr. President, I wish to associate myself with the remarks of the Senator from New Mexico, the chairman of the Budget Committee.

Mr. President, it is no great secret that I have been a consistent supporter of President Reagan's economic goals, helping him achieve both tax and budget cuts. I have, however, disagreed on occasion with the specifics of his program and the emphasis of where the budget ax must fall. It is for this reason I will vote to override the President's veto of an urgent supplemental appropriations bill that is, in fact, less than his original request.

I simply cannot agree with those who characterize this bill as a "budget buster" because it is $1.5 billion less than the President wanted. Of the total $14.2 billion appropriation called for in this bill, 85 percent is mandatory costs such as military pay and health and retirement benefits. This money simply must be appropriated to insure that the Federal Government meets its obligations.

Debate has centered around whether all of the remaining 15 percent should be funneled into new weapon systems and foreign aid or whether some portion should be allocated to social programs that have already experienced sharp budget cuts. As a member of the Senate Appropriations Committee I am very familiar with both sides of this debate. Frankly, I do not believe that we can further reduce the funds targeted for worthwhile senior citizen and education programs without causing tremendous hardship on those who are less fortunate. If this veto is sustained, many elderly citizens in New Hampshire will find themselves without jobs come October. The elderly jobs program allows many of our senior citizens to continue a productive and independent lifestyle while enhancing the services available in our communities. I do not believe it fair to reward them for their dedication and many contributions by taking away their jobs.

Similarly, I do not believe it fair to restrict programs for the handicapped which enable the disadvantaged children to live normal and productive lives and save taxpayers millions of dollars in future welfare costs. In addition, we have already tightened the eligibility and drastically reduced the student aid programs. Additional reductions will prevent many bright and deserving young people from continuing their education.

On the other hand, we have, over the past 2 years, embarked upon a sustained modernization of our Armed Forces and significantly increased defense spending to respond to a growing number of threats to our national security. I have supported funding for programs which I believe improve our Nation's defense posture at acceptable cost. I am not certain, however, that the Defense Department can efficiently absorb additional funding and embark on new projects without creating an environment for undue waste and mismanagement.

Finally, I would warn against interpreting this vote as an indication of the President's support in Congress. Given the fact that this bill is less than the President's original request and falls within the framework of his recovery program it will not inhibit our ability to reach his economic goals. Those of us who vote to override his veto do so simply because we happen to disagree with the administration's decision to further cut education and jobs programs in favor of sending more money to the Defense Department. I continue to be a strong backer of the President and he will be able to count on my future support.

Mr. DOLE. Mr. President, I will just take a minute or two. I wish to first commend the distinguished Senator from New Mexico and the others, particularly the Senator from Oregon, Senator HATFIELD. I think I found myself in agreement with the distinguished Senator from Oregon on nearly every occasion this year.

I do not suggest that we are busting the budget, but I do not want to bust the President, either. The President was in the State of Kansas yesterday. We were flying in a helicopter between Manhattan and Topeka. I do not suggest the door was open or anything like that, but the President wanted to know if I wanted to help him on this bill. [Laughter.] And I thought about it and I figured I would.

So I wanted to make that statement because I really believe, and I say this having been there and having witnessed the outstanding or tremendous ovation the President received from about 15,000 or 16,000 college students and others in the State of Kansas from both parties when he talked about leadership and when he discussed the need to curtail Federal spending, when he discussed the need to curtail the growth of government, when he discussed the need of such things as school prayer and other things. I must confess, I was maybe not surprised but certainly encouraged by the support the President had.

I cannot quarrel with the chairman of the Budget Committee or the chairman of the Appropriations Committee because I am not an expert in these matters. It may not bust the budget. It may, in fact, be below the budget. But it does, I think, put, again, the question of who is providing the leadership.

I do not suggest the President ought to dictate to the Congress, dictate to any committee, or dictate to any Senator. But right now we are on the verge, I believe, of coming out of a recession. We are on the threshold of recovery. And, whether we like it or not, perception means a great deal. And there is a perception in this land right now that things are getting better. There is a perception in this land right now that we have a real strong, firm leader in the White House. And I think I can say for the thousands of young men and women who were in the audience yesterday at Kansas State University that they believe that this President is providing that leadership.

I suggest that we will boil it down however we want. I know there are strong feelings and I know that those who toiled with this effort may disagree. But President Reagan has a great reservoir of strength in America. In my view, this would not seriously undercut that leadership by it would at least cause a pause and people might wonder if, in fact, the President had been weakened.

Having seen what the perception does in certain areas and having been with the President yesterday and having heard him make very strong statements about the economy, I can only say to my colleagues on both sides of the aisle: Do not underestimate the strength of President Reagan. The strength is there. It is with Democrats, with Republicans, with Independents, with young people, with college students, and with people all across this land. He has indicated that we should sustain the veto and that is what I hope we can do.

Mr. BURDICK. Mr. President, I will cast my vote today to override the President's veto of the supplemental appropriations bill. I do so because it contains essential and necessary elements for the well-being of this country. In agreement with me is Governor Allen I. Olson, Governor of the State of North Dakota. I ask unanimous consent that a telegram I received from him today be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

TELEGRAM FROM HON. ALLEN I. OLSON, GOVERNOR OF THE STATE OF NORTH DAKOTA, TO HON. QUENTIN N. BURDICK, U.S. SENATOR FROM NORTH DAKOTA

As you know, I strongly support President Reagan's efforts to balance the budget and reduce federal spending. However, the supplemental appropriations act contains funding for a number of items which are extremely important to North Dakota including employment of older Americans, low-income student loans, mineral leasing audits, funding for general and recreational roads and bridges in North Dakota.

While I support the concept of fiscal restraint embodied in the President's veto, I urge that you vote to sustain the legislation and override the veto as being in the best interest of North Dakota under the circumstances.

I believe the situation we find ourselves in with this budget and the President's veto underscores the need for serious consideration of giving line item veto power to the President. Neither you nor the President should be faced with the "all or nothing" decisions on vital budget issues.

Sincerely,

ALLEN I. OLSON,
Governor of North Dakota.

Mr. LEVIN. Mr. President, I want to urge my colleagues to vote to override the President's veto of the supplemental appropriation bill for fiscal year 1982.

The President has called this bill a budget buster. This is a catchy phrase which the President has used repeatedly over the past 18 months to characterize legislation which he finds objectionable. The problem in this case, however, is that the phrase just does not match up with the facts.

Let us take a minute to look at the actual numbers. The President proposed $16.3 billion in new spending for fiscal year 1982. The Congress approved $14.6 billion. In other words, Congress voted to spend $1.7 billion less than the President requested. It is true that we are only 2 years away from 1984, but that is not enough of a reason for the administration to engage in blatant doublespeak that less is more. Alliteration may be fine for slogans, but it is not an adequate replacement for the plain and simple facts.

The controversy about this supplemental appropriation bill is not really, then, about busting the budget. It is about priorities. It is about spending $210 million more for community service employment for older Americans when the administration asked to spend nothing more. It is about spending $217 million more for financial assistance to college students when the administration sought to spend nothing more. It is about adding $6 million for child immunization to make up for earlier Federal cuts and a 12-percent increase in the cost of some vaccines when the administration is willing to risk having the immunization program's effectiveness reduced. It is about spending $26.5 million more for education for the handicapped when the administration sought to spend nothing more.

And it is about spending $1.9 billion less than the administration requested for military spending. In reviewing the President's military spending requests, the Appropriations Committee found that they were a departure from normal practices involving new starts and program shifts that did not meet the criteria for supplemental funding.

In vetoing the bill, the President has, thus, put the wish list of the Pentagon ahead of the needs of average Americans. It is just another example of the administration's blind side when it comes to reviewing what the Pentagon wants to spend. The least we can ask from an administration which is so determined to choose guns over butter is that the President take a moment to look for military fat. Last year, David Stockman testified that "There is so much waste in the Defense Department it has taken us longer to figure out." Well, we are still waiting. The President's insistence that the supplemental appropriation bill is a budget buster and his refusal to recognize the budgetary impact of the military spending cuts suggest that unless he is sent a message, we will be waiting for a long time to come. I believe that it is essential for the Congress to override his veto as one way of sending that message.

Mr. MITCHELL. Mr. President, the supplemental appropriations bill that is before us today is a responsible piece of legislation that should have been signed into law. Members of Congress from both parties recognized this when the bill passed the House by a 5-to-1 margin and passed the Senate with no dissenting votes.

Why would the President veto a bill that received substantial support in the Congress? In his veto message, the President explained that the veto was necessary to keep the deficits down. Yet, a comparison of the President's initial request and the supplemental passed by the Congress shows that the Congress was more fiscally responsible than the President. This bill appropriates $1.4 billion less than the President requested for fiscal year 1982. Furthermore, according to the Congressional Budget Office, the bill is $3.2 billion under the spending ceiling set by the Congress last spring.

The President's misleading description of this bill does nothing to enhance the public's understanding of the issues involved. His attempt to gain political advantage by criticizing a bill that comes in under both his and the Congress budgets only undermines efforts to forge a bipartisan consensus to deal with economic problems.

The real reason for the President's veto is not the overall level of spending but the mix of spending on domestic and defense spending. The supplemental bill reduced the President's defense request by nearly $2 billion and increased funds for domestic programs by $600 million. Even this increase in domestic spending does not do damage to the fiscal year 1982 budget deficit, because the outlays resulting from these appropriations are actually lower than the President requested for domestic programs.

This tradeoff, slightly more for domestic programs and a smaller increase in defense, is very reasonable. The $2 billion reduction from the President's request still leaves us with a $30 billion increase over 1981. This reduction in the rate of increase in defense spending is a modest one, particularly in view of the higher domestic funding that it allows.

I am particularly disappointed with the President's opposition to the $210 million contained in the bill for the senior community service employment program. This funding would continue the 54,200 part-time jobs currently in effect for low-income persons aged 55 and over. Of this total, some 340 positions are in my State of Maine. The jobs under this program not only result in the delivery of direct services to other senior citizens, but they provide an opportunity for the elderly to have meaningful work and most importantly, a source of income. If that income is denied, many of these senior workers will be forced to go on welfare, a result which is surely as undesirable as it is unfair.

Just 2 days ago, I met in Lewiston, Maine, with a group of senior citizens who will be severely affected if this veto is not overridden. One of them is an example of human fortitude. Rita Roy is 59. She is blind and partially disabled, but she is intelligent and alert. She does not qualify for social security, and was ineligible or otherwise unable to get funding from other assistance programs. She did not want to go on welfare. The senior community service employment program gave her a job in April 1980. Her only income is the $67 a week she earns from working 20 hours a week, at the minimum wage, from that job. Although the pay is not high, it has given her a sense of fulfillment, pride and dignity in earning her own way.

and she gets by on her $67 a week income. Now that job is in jeopardy. If it is abolished she will have no alternative but to apply for welfare. There will be no savings of public funds, and our society, as well as Rita Roy, will be the losers as a result.

The supplemental appropriations bill also contains funding for several important education programs. First, it has $148 million for disadvantaged students. This amount would be awarded to local school districts as supplemental grants under chapter I of the Education Consolidation and Improvement Act of 1981 in order to prevent them from a partial loss of their allocation close to the start of the school year. There is also $26.5 million for three categorical programs aiding in the education of handicapped children. Finally, there is additional money for the Pell grant program and the supplemental educational opportunity grant program, two worthwhile programs providing financial aid to college students. The spending in the education category can make the difference for needy students who cannot meet the full cost of attending college and for the disadvantaged and handicapped who need a helping hand in obtaining a proper education.

The legislation further includes $112 million for grants to the States for medicaid payments. It is essential to point out that this amount is substantally below the administration's initial request of $552 million, a figure later reduced to $342 million.

The purpose of this extra funding is to pay outstanding medicaid claims for prior years. While the Appropriations Committees will deal with the issue again in connection with the 1982 appropriations bill, this additional amount will nonetheless make a contribution to elimination of the backlog of claims which currently exist under the medicaid program.

The supplemental appropriations bill also contains funds vitally needed by our Coast Guard. Without the $114 million which the vetoed bill contained for the service, there is the real possibility that the Coast Guard's 5,000 civilian employees may have to be furloughed later this month and that military personnel may be forced to work without pay.

There will be other serious ramifications for the Coast Guard. Day to day operations will have to be curtailed. Operations relating to law enforcement, military readiness, and aids to navigation will have to be reduced. In addition, there is likely to be a delay in signing important and necessary procurement contracts.

The bill retains $150 million in loan guarantees under the Economic Development Administration, to carry out the intent of Congress that the program be fully implemented. The administration sought to limit EDA's loan guarantee program to $45 million this year, despite a $150 million authorization by Congress and worsening economic conditions that make the need for the program even greater.

The confrontation sought by the President on this bill reflects a rigid adherence to budget priorities that are not in the best interests of the nation.

This, combined with the misleading characterization of the supplemental bill, will only create more difficulties in constructing bipartisan solutions to our budget problems. I urge my colleagues to vote to override the Presidents' veto of this worthwhile bill.

Mr. DURENBERGER. Mr. President, when I received word that the President had vetoed the supplemental appropriations bill, I took a copy of that bill and went back over it, line by line. That kind of review is the surest way to dispel any suggestion that this bill is a budget buster. It is a fair and reasonable bill, and I intend to vote to override the veto this afternoon.

I have cast some tough votes over the past 2 years to sustain the President's vetoes when Congress approved legislation that did violate budget ceilings. But we are not dealing with that kind of legislation today. This bill is well within the budget. In fact, it is a whopping $1.8 billion below the President's own spending request. Equally important, the Senate was able to achieve these savings and still provide supplemental funding to some very important programs. It accomplished that feat by making a fair trade-off between demands for higher defense spending and the legitimate needs of other programs that have a more immediate impact on human needs.

The bill provides $2.1 billion less than the President requested for defense—less than a 1-percent reduction in military spending. At the same time, it provides approximately $900 million more than he requested for a variety of social programs, including education for the handicapped, the Older Americans Act, and student financial assistance. The net savings—in the order of $1.8 billion—will go to lower the Federal deficit, and put more downward pressure on interest rates.

It cannot be fairly argued that this fails to meet legitimate defense needs. Even with these minimal reductions, the 1982 defense budget will be the highest in peacetime history. Providing the kind of additional funding sought by the President through a 1982 supplemental appropriation would require the Senate to exceed budget limits for defense, something we simply cannot do. If necessary, many of these same defense programs can receive additional funding under the fiscal year 1983 continuing resolution, which will be before the Senate in just a few weeks. This short delay is a small price to pay for maintaining the integrity of the congressional budget process.

If, on the other hand, the Senate sustains the President's veto, some very important programs are likely to lose some or all of their supplemental funding. For example:

The community service employment program in the Older Americans Act stands to lose up to $211 million. This could mean the loss of more than 1,000 jobs in Minnesota alone through elimination of successful programs like Green Thumb.

Student financial assistance programs (Pell grants and SEOG's) stand to lose $217 million.

In education funding, $26 million for the handicapped will be subject to elimination.

In funding for interstate highways, $112.5 million would also be threatened; a sum that includes more than $10 million in funding for long-delayed highway projects in Minneapolis, St. Paul, and Duluth, Minn.

There are, of course, many more examples.

I would be the first Senator to take the floor in defense of the President's position if this bill did exceed budget ceilings. But the simple fact is that it does not. It represents a rare opportunity to save about $1.8 billion above and beyond the President's original request. The real issue here is not whether we should exceed budget limits, but whether we should force the defense budget to bear a fair share of the burden necessary to cut back a Federal deficit well in excess of $100 billion. And as strongly as I support the President's effort to improve the quality of our defense capability, I think we all need to recognize the reality that we will never be able to gain control of Federal spending until all aspects of the budget, including military spending, carry a fair share of the burden.

The trade-off made in the bill between dollars for defense and dollars for human needs is a sound trade-off. And whether we approve or disapprove of that trade-off is the real issue posed by the override vote.

This is the first time I have ever broken with the administration on a veto involving spending legislation. But I believe there are compelling reasons to override this veto, and I urge all of my colleagues to join in that effort.

Mr. D'AMATO. Mr. President, I rise in support of an override of the President's veto of H.R. 6863, the fiscal year 1982 supplemental appropriations bill. It was my sincerest hope that the President would heed the advice of those in Congress and those within his inner circle of advisers who urged him to sign this appropriations measure; however, such was not the case.

I do not take this position in support of an override lightly, but rather, my stand results from a thorough review of the facts of the situation. As one committed to the President's program of reducing Federal deficits and lowering interest rates, I firmly believe that this bill represents a sound balance of prudent fiscal management with the true needs of the people in this Nation.

The fact is that the President had requested $15.6 billion in spending in this supplemental appropriations bill. I and my colleagues on the Senate and House Appropriations Committees worked many hours in an effort to develop a bill. The result was a measure which contains $14.2 billion in spending. Consequently, this bill is not a budget buster, but rather comes under that level requested by the President by some $1.4 billion. It is therefore precisely because I am committed to the President's program of fiscal economy that I am supporting the override of this veto.

More importantly, however, this bill recognizes that it is the province of the Congress to set the priorities within the given budget ceilings. This supplemental appropriations bill contains funding for programs which are essential to the students, older Americans, and handicapped of this Nation as well as necessary moneys which will improve the badly deteriorating infrastructure of this country. The Congress simply cannot allow these people programs to suffer because of this veto.

All across the Nation, students are returning to the classrooms this week. The action we take today could very well make the difference for thousands of students who hope to attend both independent and public colleges and universities. In my own State of New York, 130,000 students depend upon Pell grants, and more than 44,000 students receive supplemental educational opportunity grant aid. This bill contains $217 for these two programs which assist families in meeting the rising costs of tuition.

Just this week, the University of Wisconsin concluded in a study that Federal aid is indeed directed at needy students, and that without such aid students would not be able to attend school. Moreover, an editorial in yesterday's New York Times reports a disturbing fact; that is, the percentage of students from poor and middle-class families is falling at private independent colleges and universities. The funds in this measure will help prevent the exacerbation of this caste system in education.

In the area of elementary education, we have provided $148 million for title I of the Education Consolidation and Improvement Act. Many States, including New York State, have been shortchanged because of the Secretary of Education's use of the 1970 rather than the 1980 census in distributing title I funds. As any colleagues know, title I is a program which assists local school districts educate the economically disadvantaged. It is a program which has proven to work. My own State of New York has experienced a 22-percent increase in the number of poverty-level children from 1970 to 1980 and therefore stands to loose $31 million from the use of the 1970 census. The funding which we have placed in the supplemental will help restore to States the title I funding which they truly need and deserve.

The supplemental appropriations bill contains $210.6 million for title V of the Older American Act. Over 54,000 older Americans are gainfully employed by this program which has been reauthorized by the Congress for an additional 3 years and which has the overwhelming support of this body. The many State offices for the aging and national contractor organizations which operate the title V programs have already begun to send closedown notices to individuals employed under this program, and quite frankly, these older Americans are frightened. They are frightened that they will lose their productive employment and be forced onto the welfare rolls. We in the Congress cannot allow this to happen.

There are other important programs which are included in this bill such as funding for the handicapped. In addition to over $26 million for programs under the Education for All Handicapped Children Act, some $9 million is included for the special institutions which serve the deaf, hearing impaired, and the blind. As an advisory board member of the National Technical Institute for the Deaf in Rochester, N.Y., I can unequivocally state that the funds in this measure for NTID and the other special institutions are dollars well spent. Our economy realizes a return of $11 for every $1 spent in the rehabilitation of the average graduate from NTID. Upon retirement the average graduate will have repaid the Federal Government over 400 percent of the cost of his education and will have saved the Government over 300 percent more by not being on welfare. These funds are crucial if these institutions are to meet the challenges of the future.

Mr. President, for all of these reasons, I will vote to override the veto and urge my colleagues to do the same.

Mr. MATTINGLY. Mr. President, last month, I supported the conference report on H.R. 6863. As I said at that time, I believe we are making progress at holding down spending and for that reason I supported the bill. It was the best we could do at that time and get passage in both Houses of Congress.

Now that the bill has been vetoed, I feel we have an opportunity to further restrain spending. By voting to sustain the President's veto we can come forth with another bill saving the taxpayers of this country several more hundreds of millions of dollars.

This is consistent with my philosophy that we should never pass up an opportunity to cut the growth in Government or to lift the burden of taxation from out citizens. The President's veto gives us that fresh opportunity. I believe with a little more work we can come up with an even better piece of legislation.

Certainly there are many fine programs with money at stake in this bill. It is unfortunate that they are hostages to the fate of this bill. I support many of these programs and will work to see that they continue to receive funding in the appropriations bill that will be drafted after we sustain the President's veto.

Mr. DIXON. Mr. President, the issue before the Senate today is whether or not to override the President's veto of H.R. 6863, the supplemental appropriations bill. It is clear what the President wants us to do. I watched him comment on the House override of his veto on one of the network television news shows. The essence of his comment was that "the big spenders won."

I have an enormous amount of respect for the President, but I have to confess that his comment leaves me somewhat confused. I can only conclude that his definition of big spender is somewhat different than mine.

Congress passed a bill that is $1.8 billion below what the President requested. I voted for that bill. I continue to support it. I do not understand, however, how voting for less spending than the President requests makes me and the rest of the Senators and Representatives that support the bill "big spenders."

The bill is clearly not a budget buster. Even using OMB figures, the bill is at least $1.4 billion below the President's request, and it is within the guidelines of the budget resolution that Congress approved last year.

As I see it, the issue is not "big spending." Rather, it is what programs should funds be spent for, and who should decide how they are spent.

The President wants to spend about $2.1 billion more for defense than provided in this bill, and he wants to spend about $900 million less for domestic programs than Congress included. The President also wants to spend more for foreign aid and certain other programs than is in the supplemental appropriations bill.

Let me make it clear at the outset that I support a strong national defense. I have voted for increases in military spending. I believe that in-

creases are necessary. However, the extra money the President wants is mostly for housekeeping items, and for beginning early spending on weapons programs planned for next year.

But, let us look at some nondefense programs. Without the funds included in this bill, over 55,000 jobs for the elderly will be lost—elderly people in this country who would otherwise probably be on welfare. Without the funds provided in this bill, several hundred thousand young Americans will not be able to begin college this year. Without the funds provided in this bill, education for the handicapped and unemployment programs will be hurt.

Mr. President, I believe we must reduce Federal spending if we are ever to begin to control the deficits that are crippling our economy. I have supported, and will continue to support, appropriate measures to reduce spending on domestic programs. I believe the necessary sacrifices must be shared, however.

The current deep recession has left the social safety net in shreds, and I am very disappointed to see the President resisting the very modest efforts of the Congress to try to repair some of the damage.

Sound programs are funded in this bill without busting the budget. Providing funds for these few domestic programs will not hurt the Defense budget. National security will not be jeopardized. Not one plane, not one tank, will be lost.

I regret that the President's veto had to come to us in this form. Because the President's only choice was to either veto the entire bill or to sign it, payrolls at the Defense Department and a number of other agencies have been jeopardized. Programs not in controversy have had their funding interrupted. This situation again points out the need for a Presidential item veto power. It has worked in the States and will work at the Federal level. I have introduced a constitutional amendment to give the President item veto authority, and the veto battles we have fought this year eloquently attest to the need for the amendment.

Mr. President, I want to conclude by noting that Congress has given the President almost everything he has asked for. Our Constitution, however, gives the power of the purse to the Congress. Senators and Representatives are elected to exercise their judgment, not merely to rubberstamp every Presidential proposal.

I urge my colleagues, therefore, to exercise that judgment. This bill was strongly supported when it was first considered on the Senate floor and deserves continued support. It is not a budget buster; it is $1.8 billion below the President's request. I hope the Senate, therefore, will join the House and override the veto.

● Mr. BIDEN. Mr. President, it is time that we recognize that the President's position on this supplemental appropriations bill is, at best, misguided. This bill is not a budget buster, as the President calls it. This is a disagreement about priorities between the President and the Congress. The President wants more spending for defense, and he wants to cut other Federal activities to pay for it. This bill cuts defense spending about $1 billion below the President's request, and I believe that this is the reason for his veto.

That must be the reason because, as I said, this bill is not a budget buster. It is below the President's own requested appropriation level. It is well within our own congressional budget. It is not a bill to fund new or unnecessary Federal programs. It is a responsible bill to continue the vital functions of government. Its passage is necessary just to meet our payroll.

Let us look at some numbers for a minute.

If this bill is passed, there will still be $1.3 billion in spending authority left under the congressional budget. And this is the tightest Federal budget this country has ever seen.

This bill actually cuts the President's requested spending by $1.4 billion. He asked for spending totaling $8.9 billion—but in this bill Congress would provide only $7.5 billion.

The President often talks about the need to cut domestic spending—and this bill cuts domestic spending by $400 million below the President's request. And it does so without harm to services for older Americans or the disadvantaged and handicapped.

Mr. President, in this bill the Congress has cut the President's request for spending for domestic programs by $400 million. It has cut his request for defense and foreign affairs by almost $1.1 billion. Yet the President calls this a budget buster.

I intend to vote to override this veto in order to keep essential Government functions operating, as well as to save money.●

● Mr. WEICKER. Mr. President, I rise to urge our colleagues to join the distinguished chairman of the Appropriations Committee, Senator HATFIELD, in voting to override the President's veto of the Supplemental Appropriations Act of 1982.

The President vetoed this bill because the mix between social and defense programs was unacceptable. That he called it a "budget buster" is an insult to the intelligence of the American people. This bill is $1.7 billion "below" the budget request. It is well within the budget resolutions. It is "not" a "budget buster."

It is the aged, the disadvantaged youth, the handicapped, and the college students who will benefit from the excess which the President has accused us of exercising.

The President exercised his constitutional authority in returning the bill to Congress without his signature. Let us now cast a vote for the weak and underprivileged. Let us stand up and exercise our constitutional prerogative and vote to override that veto.●

Mr. SASSER. Mr. President, I rise today to support the veto override of H.R. 6863, the 1982 supplemental appropriations bill.

I commend the House of Representatives for their veto override yesterday, and I hope that my colleagues will follow suit here today.

If we do not override the veto of H.R. 6863, we will be turning our backs on the elderly, the students, the handicapped, the farmers, and the men and women or our country who serve in our Armed Forces.

If H.R. 6863 does not pass, 54,000 elderly Americans will no longer be able to participate in the title V senior employment program. Eleven hundred Tennesseans now participating in this program will be denied their minimum wage jobs in helping out with home health, day care, meals on wheels, and other community service programs.

And the human impact of these funding reductions will be incalculable.

Take the case of Jamie Roberts, for example, in Covington, Tenn.

Jamie Roberts makes $250 a month, her only income, by driving a community van for the title V program so that the elderly of Tipton County can get into town to buy their groceries and medicine. She also helps deliver daily meals to the elderly confined at home.

Now what is going to happen in Tipton County if funding for the title V program is discontinued?

Well, first of all Jamie Roberts will be thrown out of a productive job. She will be denied the opportunity to help out the the elderly of Tipton County. She will be thrown on the unemployment lines and at age 60 she is unlikely to get another job. And she will suffer an income loss of $63 a month.

Just imagine that. The Federal Government cannot afford $63 a month to have Jamie Roberts help her fellow citizens in Tipton County live a better life.

And do you know what else will happen? Well, many of the elderly people that Jamie Roberts serves in her title V van will have to be institutionalized. They will not be able to live in the security and comfort of their own homes, knowing that Jamie Roberts can help bring them meals or help them get into town to get their prescriptions. And when these elderly individuals are institutionalized, Tipton County taxes are going to go up by one-half million dollars.

Now that is a false economy if I have ever seen one.

And when Jamie Roberts loses her title V job, she will not be the only one. Eleven hundred other Tennesseans will also lose their jobs. The quality of life all over Tennessee will suffer when these good and caring individuals are thrown on to the State's already growing unemployment lines.

But the elderly are not the only ones who will suffer if we do not override the veto of H.R. 6863.

Without the $217 million contained in this supplemental appropriations bill, more than 1 million students will have their Pell grants reduced, and 128,000 students nationwide will be unable to receive supplemental educational opportunity grants.

In Tennessee, this means that about 30,000 young Tennesseans will suffer immediate reductions in their Pell grants. And 2,100 Tennesseans would lose the opportunity to receive supplemental educational opportunity grants.

At a time when we need good education for our younger generation to help rebuild America, we see an administration saying that we can not afford the investment. Another false economy, my friends.

And many, many others in Tennessee and the Nation will be severely hurt if the veto of H.R. 6863 is not overriden.

Farmers are going to wonder when we are going to get around to appropriating the $5 billion for the Commodity Credit Corporation in order to fund much-needed farm price supports.

Our military personnel will wonder when we are going to fund the 14 percent pay raise that the Congress authorized last year. Without timely enactment of H.R. 6863, our military personnel will see the value of their service to this country diminished by the administration's political stance on this measure.

And finally I would point out that a vote to override the veto of H.R. 6863 will, indeed, be a vote for fiscal austerity since the administration's original supplemental funding request was about $2 billion more than the funds now appropriated by H.R. 6863.

These are all good and sufficient reasons to vote to override the veto of H.R. 6863.

Mr. MATSUNAGA. Mr. President, I rise to urge my colleagues to vote to pass the supplemental appropriations bill, over the veto of the President.

Mr. President, not long ago, we voted by a substantial majority to approve the same bill now under consideration, believing that it is a fair and balanced piece of legislation which appropriates money for essential domestic and military programs. It is still a fair and balanced compromised bill which should clearly be enacted into law.

The President vetoed the bill claiming that it was a budget-buster. The fact-of-the-matter is that the bill appropriates $1.9 billion less than was requested by the President. It appears that the President vetoed the bill because it appropriates $2 billion less for defense, and $918 million more for education and social programs than was requested by him.

In essence, the President is defying the clear wishes of Congress and demanding that Congress defer to his spending priorities, which continually seek massive increases in defense spending at the expense of education and social programs.

Mr. President, the vetoed supplemental appropriations bill includes funding for worthy domestic programs which merit the support not only of the Congress but of the President himself. The bill appropriates $211 million for community service employment for older Americans, $217 million for financial aid to low-income college students, $148 million for grants to local schools to help educate disadvantaged students, and approximately $20 million for advances to the unemployment trust fund to provide funds for unemployment compensation benefits recently authorized by Congress in the tax bill.

Mr. President, let us here in this august body follow the lead of the House, and notify President Reagan that we will not put up with a politically motivated veto when the orderly operation of the Federal Government is at stake and when critical domestic programs are being sacrificed. We must send a clear message to the White House that we do not intend to relinquish our constitutional responsibility with respect to the formulation of national policies which will affect the direction of the economy and the lives of millions of Americans.

I am voting to override the President's veto, and urge my colleagues, on both sides of the aisle to do likewise, and thus reaffirm the integrity of Congress as an independent branch of our Government.

Mr. RIEGLE. Mr. President, today I am joining many of my colleagues in voting to override the President's veto of this supplemental appropriations bill.

I, like others in this Chamber, feel it is ridiculous to call this bill a "budget-buster" when this bill is actually almost $2 billion below the supplemental request made by the President. The President's problem with this bill is that it provides more funds for domestic programs than the President requested.

Mr. President, it is clear that the President, with this veto, attempts to continue his efforts to shift our national spending priorities away from vital domestic programs into a massive and unprecedented peacetime military buildup. This important measure contains needed funds for community services employment for older Americans, funding for the medicaid programs which provides essential health care for low-income Americans, vital funding for education programs including money for disadvantaged and handicapped students as well as low-income college students. In addition, this bill contains funds for States to administer the Federal supplemental benefit (FSB) program providing additional unemployment compensation for individuals unable to find work which is so critical to my State of Michigan.

I urge all of my colleagues to join me in voting to override the President's veto.

●Mr. GRASSLEY. Mr. President, I support the override of the veto of this supplemental spending bill for a variety of reasons. First, I must point out that although the President vetoed this supplemental bill, he realizes the importance of passage of supplemental legislation. In fact, it became increasingly clear over the last couple of weeks that there was broad agreement in the House, the Senate, and the White House that certain programs had to be funded in order to maintain continuity and to avoid unnecessary hardship and management crisis.

I, of course, remain concerned about the need for stringent budgetary restrictions. The economy demands it. And in reflecting upon those concerns, I weighed the consequences of sustaining the veto and the possible impact it might have on the Nation and the State of Iowa. It was my judgment that the nature of the supplemental bill gave little justification to placing these spending measures in jeopardy, particularly when the total amount was $1.4 billion below what the President himself requested, and since the total was well within the budget targets set in the first budget resolution. Furthermore, the House will not be back in session until next Wednesday which would leave an insufficient amount of time for the Congress to act in time to avoid unnecessary confusion.

Mr. President, there is a more fundamental reason why I support this supplemental bill at this time. I have long been concerned about sending the right signals to the public that we in Congress are embarked on a steady and consistent course. It has become evident within the past few weeks that this Congress, with the support of the White House, has taken the necessary steps to get budget deficits under control. The Congress and the White House came to an agreement on a budget resolution and a tax bill which set the economy in a direction of recovery. That budget resolution con-

tained supplemental funding in excess of the amount in this bill.

I cannot, then, see what good would come from holding up this bill when the resulting confusion would cause precisely the opposite of what we are trying to accomplish here. On the basis of minute differences on this bill, we would be in danger of once again sending the wrong signals to the Nation's markets, that Congress and the White House cannot act in concert. What the markets need to know right now is that a unified Federal Government in Washington is moving in a constant, determined direction. Without that assurance, markets will simply mirror our lack of determination, and economic recovery will be delayed.●

SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM

Mr. CRANSTON. Mr. President, there are many reasons to override the President's veto of this supplemental appropriations measure. I want to stress just one of the many. Failure to override would mean the termination of the older Americans' senior community service employment program—a result which will be disastrous for millions of older Americans for whom this program means the difference between self-sufficiency and destitution.

The President's veto means that 55,000 low-income elderly workers will lose their jobs and many of them will be thrown onto the welfare rolls. The impact of this veto, however, goes far beyond those who hold these part-time jobs. Over half of the senior aides participating in the program are providing services to less-able-bodied elderly individuals. These senior workers provide the backbone of programs providing nutrition, health, and other services to home-bound elderly individuals. Without these services, many of older Americans would be forced to leave their homes and their communities and move into institutional care.

Mr. President, terminating this program is absolutely senseless. It is far better to provide work opportunities that allow low-income older Americans to remain self-sufficient and contributing members of their communities, rather than force them into welfare dependency. This is an effective, cost-savings program.

EDUCATIONAL PROGRAMS

The educational programs contained in the supplemental appropriations bill are equally critical.

The Congress worked long and hard, Mr. President, to maintain its faith with the vast majority of Americans who want sound educational programs, elementary through postsecondary. This bill provides, I believe, the absolute minimum required to keep disadvantaged and handicapped education programs, and Pell grant college assistance programs from deteriorating further.

Mr. President, the educational future of well over 1 million Americans as well as the well-being of millions of older Americans rides on what the Senate does here today.

Let us not break faith with the young and the old.

● Mr. DODD. Mr. President, I will vote to override the President's veto of H.R. 6863, the supplemental appropriations bill, and I urge my colleagues to do likewise.

H.R. 6863 is a fiscally responsible effort to adjust funding for vital Government functions.

In fact, it is $1.8 billion less than the President requested. In this legislation Congress has reduced supplemental spending by more than 10 percent below the administration's request.

The issue does not center on the amount of Government spending or "budget busting." To say that it does works violence on the facts. It is rather a question of priorities.

As the chairman of the House Appropriations Committee said yesterday: The question is not "how much." It is "what for." The issue is do we need more for military hardware and foreign aid or more for the needs of the American people. Congress has made it clear that it believes the latter. I concur.

The fact is that almost every Member of Congress who has supported this bill has done so in the spirit of compromise. There are items in this bill that each of us would prefer be left out. There are items in this bill that each of us would prefer be expanded. But the legislation before us best approaches our reasonable collective judgment on the country's immediate needs.

The veto message says that the bill provides an unacceptable total of $918 million in domestic spending and yet falls more than $2 billion short of that required for defense supplementals.

Let us put that in context. We have already appropriated $200 billion for defense this year and the Department of Defense will have an estimated unexpended balance of $142 billion at the end of this year. Reducing the President's request by $2 billion for defense will merely reduce that unexpended balance by less than 2 percent. Even the President's own budgetary champion, OMB Director David Stockman, concedes that there is 10 times that much waste lurking in the corridors of the Pentagon.

In contrast, the domestic programs included in this bill are those that have suffered deep cuts. Supplemental funding will not reinstate full funding but it will allow these programs to continue to assist individual Americans and their families for the remainder of the year.

A vote to override will, for example, preserve funding for community service employment for older Americans. Authorized under title V of the Older Americans Act, this program has singlehandedly improved the lives and economic welfare of thousands of senior citizens throughout the country by providing them with part-time community service jobs. Such jobs range from assisting the teachers of handicapped youngsters to counseling fellow senior citizens on tax matters. As a result of title V, social, health, welfare, and educational services in communities across the Nation have been dramatically upgraded.

In addition to being one of our most successful programs, title V has proven itself to be one of our most efficient. Very little money is spent on administrative costs. Moreover, title V employees have earned the reputation of being some of the most conscientious and productive workers around. Employers have nothing but the highest praise for their title V employees.

In short, Mr. President, this country cannot afford to lose this superb program. Appropriating the funding for title V is a vote for the needs of senior employees and the communities they so well serve.

It is also essential that we assure the $10 million appropriation for mental health research contained in this bill. That money will preserve long-term studies to help us find new ways to detect and treat millions of Americans suffering from mental illnesses. Some of this money will be spent on studies of specific areas of the brain which do not function properly in cases of mental illness, in the hopes of correcting such malfunctions some day. Studies of ways to combine treatments which take both environmental and biological factors into account will also be funded by this appropriation. Furthermore, studies of mental health problems affecting children will likewise be continued under this bill. Such research is too important to neglect.

A vote to override will also make the difference for almost 3 million college students who want to obtain the skills and training they and their communities need.

The bill contains $217 million for student financial assistance. That amount, which the President objects to, is less that 2 percent of the bill as a whole. And yet almost 3 million of America's neediest college students will receive the awards they have been anticipating and need to further their education.

The $140 million for Pell grants in this bill will go overwhelmingly to students from disadvantaged families, 47 percent of those students receiving Pell awards are from families whose incomes are below $12,000 per year. Because the Pell program was cut this year, those with greatest eligibility are being affected.

The reason is that the Department of Education uses a two-stage process when forced to reduce Pell awards. In the first step, they "hold harmless" the poorest students and cut those somewhat better off. In the second stage, they cut all Pell awards. Without the funding in this supplemental, stage two of the cuts will take effect. The very neediest students are those who will suffer.

The remaining funds for student financial assistance will go to the supplemental educational opportunity grants program. Those funds were included by an amendment I introduced on the Senate floor and which the Senate adopted without dissent. That amendment also provides aid for the very neediest students. This year the SEOG program was cut 25 percent. Students at schools with large numbers of disadvantaged classmates are suffering greater cuts because a 25 percent loss means a loss of "fair-share" money those students received in the past. The program holds harmless the 1979 allotments for each school and then distributes additional funds to schools and students where the need is greatest. Again, the hold-harmless level was not met and schools did not receive even the minimum they had believed they could expect. Poorer schools lost that guarantee and the extra boost we had given them in the past. Some of these schools, with many disadvantaged young people, sustained cuts of 60 percent, or even 70 percent.

The funding in the bill for these students does not restore that fair-share money, nor reinstate last year's funding levels. But it does allow the statutory guarantee to be met. It allows students to receive what they were promised by law 2 years ago and an estimated 150,000 will be able to stay in school as a result of the $77 million for this item.

In addition, the veto message objects to $148 million for chapter I of the Education Consolidation and Improvement Act, formerly title I of the Elementary and Secondary Education Act. That $148 million is a one-time appropriation to allow school districts to have some idea what funds will be available for compensatory education for disadvantaged children.

A dispute over the estimated number of poor children in each district has tied up services for those children. The Department of Education and several States are locked in a court fight over whether to use 1970 or 1980 census data in allocating title I funds. The $148 million in this bill would allow the program to continue on its course without waiting for a final outcome of this dispute. The $148 million—0.1 percent of a $14.6 billion bill—would allow optimal census data to be used on a county basis, school districts to plan services for the year, and children to receive those services uninterrupted and unabated by Federal district court battles.

These programs are not wasteful. They are investments in the strength, knowledge, and future of our young people. They mean improving the skills and knowledge of those children and students whose skills and knowledge we shall all need in the coming years. To place these programs at jeopardy because of the small percentage of funding they represent, and yet chastise us for including only half a billion for defense, is a gross distortion of reality and national priorities.

In summary, Mr. President, Congress has acted reasonably and responsibly in fashioning this supplemental appropriations legislation. We have managed to reduce spending vis-a-vis the President's request without sacrificing vital services that are essential to the well-being of this Nation. Overriding this veto in not a partisan move. It is a requirement of the national interest.●

Mr. SARBANES. Mr. President, I rise to urge my colleagues to vote in favor of overriding the President's veto of this appropriations bill. It has already been pointed out that, contrary to what the President has stated, this bill does not bust the budget. It is, in fact $1.4 billion below the amount requested by the President for supplemental appropriations. I emphasize again that the total amount of this bill is well below the total amount sought by the President. It is therefore clear that when the rhetoric is stripped away, the President's disagreement with this bill must relate to program priorities rather than the overall level of spending.

The failure to pass this measure will result in great hardship for a number of Federal agencies and many important domestic programs, either forcing them to sharply reduce services or, in some cases, shut down altogether. The President's veto of this bill has confronted our Nation with the prospect of massive and unwarranted Federal employee furloughs and the interruption or termination of important services such as title V, the senior community service employment program.

The Internal Revenue Service has already gone through one disruptive and expensive shutdown exercise. Emergency meetings were held to develop detailed shutdown procedures. Notices of furlough were prepared and delivered to 19,000 Internal Revenue employees. Normally dedicated and efficient employees, who bring in $20 of revenue to each $1 expended in salaries and other costs, were faced with imminent layoffs. In the end, furloughs were averted by last minute congressional approval of a reprograming request. Another 19,000 mailgrams were sent, at great expense, to cancel the already scheduled shutdown. Although the immediate crisis was defused, the atmosphere of uncertainty and misinformation has seriously affected the morale and productivity of one of the Government's most cost effective operations.

If a supplemental is not enacted this week, the pointless, wasteful and demoralizing exercise that the IRS has just gone through is set to be repeated on a much larger scale at agencies throughout the Government. The IRS itself anticipates laying off 90,000 employees on Monday, September 13. If no supplemental is enacted by Wednesday furlough notices will go out to 22,000 NASA employees, 100,000 workers at HHS, and 5,000 employees at the GAO.

It is impossible to calculate either the immediate cost or the long-lasting effect of such massive confusion and disruption in these important agencies. It is clear, however, that these recurring episodes are interfering with the ability of agencies to carry out their missions and to provide important services. I can also report that Federal employees are tired of being the political football in disputes over appropriations bills. The strain upon family financies of having their paychecks held hostage time and time again, in addition to the continuous assault on them in other areas, is severely eroding the motivation of Federal employees. For decent and fair treatment of these employers and for the responsible and orderly conduct of government that they vote to override the veto.

This supplemental bill that the President vetoed contains nearly $211 million in funding for the title V senior community service employment program in order to keep in operating through the current program year, which ends on June 30, 1983. The senior aides program provides part-time employment nationwide for 54,200 older men and women to use their skills, experience, and energies to provide needed services to the citizens of their communities; 1,100 jobs are currently provided in my own State of Maryland through the National Council of Senior Citizens, Green Thumb, and the Maryland State Office on Aging to older Americans who have an annual income of under $4,000. The State stands to lose $4 million in funding for these jobs at a time when unemployment and poverty among older Americans is reaching record-breaking levels. Unemployment for persons age 55 or older reached 797,000 in July, the second highest mark ever recorded for older Americans. Over 1 million elderly Americans have been thrown into poverty over the past 3 years. The wages earned by senior aides—which average only $3.50 an hour—have helped to keep some older Americans

financially independent and off of public assistance.

The title V program also provides significant benefits to the communities in which senior aides work. Thousands of homebound elderly being served by title V workers would otherwise be unnecessarily institutionalized at a much higher cost to the Government. Similarly, senior aides in child and adult day care centers enable family members to get off public assistance and return to gainful employment. Senior aides are also involved in transportation for senior citizens and escorts for the blind, and also help at understaffed Federal agencies, such as the Internal Revenue Service where they assist in providing tax information for older Americans. A layoff of senior aides would result in serious problems for these and many other programs for older Americans, which rely on the valuable manpower that the title V program provides.

The senior aides program has worked extraordinarily well for our Nation, older Americans, and the communities they serve. Its administrative expenses have been kept at rock bottom, with practically every dollar expended going directly to benefit older workers. This is a proven and cost-effective program and I therefore urge my colleague to join in overriding the President's veto of the supplemental appropriation so that this effective program can continue.

● Mr. ZORINSKY. Mr. President, I rise in support of this vote to override the President's veto of this important supplemental appropriations bill for 1982.

I have long supported the goal of employment of all those Americans who are physically able to work. In this respect, I have consistently supported the senior community service employment program for the low-income elderly of our Nation who are physically able and quite willing to work. I know that I am not alone in my wholehearted support for this senior jobs program.

Successful passage of Senate Resolution 340, in July of this year, clearly put the Senate on record, by a vote of 89 to 6, in full support of title V of the Older Americans Act, the senior jobs program. Title V provides low-income elderly the opportunity to work and preserve a sense of self-worth and self-dignity. The senior community service employment program has been very successful in placing seniors in jobs throughout the rural areas of my State of Nebraska.

The supplemental appropriations bill contains funding for education programs which I strongly support such as education for the handicapped, compensatory education for disadvantaged children, and vocational education, as well as financial assistance for needy students and certain higher education programs.

This bill provides $5 billion for additional borrowing authority for the Commodity Credit Corporation. These additional funds are essential to meet price support commitments of the agency and to make deficiency payments which may be needed to compensate producers who participate in reserve and acreage diversion programs up to established target prices for wheat, corn, and other feed grains and cotton.

This bill also earmarks $500 million for export credit loans. Increasing our exports, especially of grain, is of top priority as we harvest another record crop of wheat and corn.

Denial of these additional capital funds would seriously disrupt the operations of the CCC and would stop programs to help farmers through the most serious economic crisis since the 1930's.

Also included in the funding measure are necessary funds for the North Omaha Freeway project, which I have supported since I was the mayor of Omaha. The North Omaha Freeway project has been in the works since 1955, and has the support of every mayor of Omaha since that year. This Congress saw fit to appropriate $2 million to begin the project last year and this bill provides an additional $4 million to continue the North Omaha Freeway.

While this supplemental appropriations bill for 1982 contains $14.2 billion, it is $1.9 billion under the President's overall spending request. For these reasons and my strong convictions for adequate funding of social programs, I am voting today to override the veto of the President on the supplemental appropriations bill.●

SEVERAL SENATORS. Vote!

Mr. ROBERT C. BYRD addressed the Chair.

The VICE PRESIDENT. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I will be very brief. I will be followed by the majority leader and I hope that we can then vote.

The distinguished Senator from Kansas has rightly said that the President has a great reservoir of strength. But, Mr. President, there is a greater reservoir of strength that lies with the American people who are going to be directly affected by this vote.

Mr. President, this bill is not a "budget buster" as the President has called it. It is $1.9 billion under the administration's budget request and it spends $110 million less for foreign aid than was requested by the administration. It does adjust the priorities. And the Senate, as an independent branch of Government, along with the House, has not only the right but the duty and the responsibility to take such action and to readjust priorities.

This legislation provided help for the elderly in the community services jobs program. It provides help for the handicapped. It provides help for the disadvantaged. It provides help for those students in middle- and low-income families who need money with which to go to college.

Mr. President, I hope that the Senate will assert its independence of the White House. The other house has done so on yesterday. This legislation was put together in a bipartisan fashion. It has been supported on both sides of the aisle in both houses.

We have heard the distinguished Senator, who is chairman of the Appropriations Committee, Mr. HATFIELD, and we have heard the distinguished Senator, who is chairman of the Budget Committee, Mr. DOMENICI, who have spoken out in support of the bill and in support of an override of the President's veto.

So, Mr. President, I hope that the Senate will take a stand today for the elderly, for the disadvantaged, for the handicapped, and do not forget that there is money in this bill to pay for the administration of the unemployment compensation program. It is my hope that the Senate will take a stand, assert its independence, use its own good conscience, use its own mind and heart and vote to override the President's veto, vote to save $1.9 billion, vote for spending less money for foreign aid and more money at home.

Mr. President, this supplemental appropriations bill provides necessary funds for many programs and projects which are important to the people of the Nation and West Virginia in particular. This bill includes language which would assure that the administration continue work on the Tug Fork flood control project in the manner and at the pace intended by Congress. This bill also provides funds for jobs for older Americans, for education for the handicapped, and for student loans. Funds are also included for reclamation of abandoned mine lands and for a program to demonstrate technology which may permit the controlled burnout of coal mine fires. The supplemental appropriations bill also includes language which would stop the administration from eliminating certain programs including coal research and development in the Department of Energy, and other language which would require the Department of Defense to burn American coal at U.S. bases in Europe. Mr. President, I am pleased to have sponsored these amendments to this supplemental appropriations bill, and I urge my colleagues to join the 301 Members of the House of Representatives who voted yesterday to support this bill.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Mr. President, I will not be long because I do not think it takes very long to identify the prime reason why we should sustain the judgment of the President of the United States on this measure.

Other speakers have referred to the independence of the Senate, the legislative prerogative, the prerogatives of the Appropriations Committee or the Budget Committee or other committees of the Congress. I respect those things.

But, Mr. President, I would like to speak of the partnership that exists between the Congress of the United States, two great political parties, and the President of the United States. And that is really what is at issue.

Will we continue that partnership? Will we go forward together in a sustained and historic effort to recapture control of our fiscal and economic destiny, or will we end that at the first opportunity on the first money bill that occurs after our victories on the budget resolution, on the tax bill, and on so many other successes, that that partnership between the President and the bipartisan Congress has produced these past 2 years?

Mr. President, this is not the time to end that partnership. And that is the real crux of the problem. I have sat here, Mr. President, during the continuation of this debate and I have heard learned and scholarly and appropriate remarks about the internal mechanisms of this bill and how it does or does not break the budget, how it does or does not fit within the budget resolution.

I am reminded of a statement by a great 19th century painter and photographer who once said that photography describes everything but it explains nothing.

Mr. President, it is that way so often in this Chamber. So often we are beguiled by the cloistered and protected atmosphere in this Chamber that we forget the true perspective of the national understanding of the image that we protect.

The country will not understand nor care for very long about whether a particular item was vetoed in a previous appropriation bill or included within a budget resolution.

The country will respond to the preception of what we do here, of how the press reports, that we continued and sustained the partnership, going forward together in this effort, this historic effort, to reestablish fiscal integrity in the governmental affairs of the United States, or whether we took the first opportunity to end it.

I can just see our friends now, Mr. President, in the money markets around the world, in New York, San Francisco, in Texas, and California. I can just see them now. If we override this veto, I can see what they are going to say. "We were persuaded for a while that you were going to do that, that you really meant it, that you were going to get your affairs in order and your budget under control. We believed you. And the interest rates have tumbled and the stock market has prospered."

But do you know what they are going to say if we override this veto? They are going to say, "Well, really, we knew they did not mean it. They only had to wait until they got the first appropriation bill to show that they were only trying to fool us one more time."

Mr. President, let us not do that. Let us not fool them at all. Let us sustain the veto of the President of the United States.

SEVERAL SENATORS. Vote. Vote.

The VICE PRESIDENT. The question is, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding? The yeas and nays are mandatory under the Constitution. The clerk will call the roll.

Mr. ROBERT C. BYRD. Mr. President, I would urge that the clerk repeat the names as the votes are cast so that everyone can hear.

The VICE PRESIDENT. The clerk will do that.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Mississippi (Mr. COCHRAN), the Senator from Indiana (Mr. LUGAR), the Senator from Idaho (Mr. MCCLURE), the Senator from Indiana (Mr. QUAYLE), the Senator from New Mexico (Mr. SCHMITT), the Senator from Pennsylvania (Mr. SPECTER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from New Mexico (Mr. SCHMITT) and the Senator from Mississippi (Mr. STENNIS).

If present and voting, the Senator from Texas would vote "nay" and the Senator from New Mexico would vote "yea," and the Senator from Mississippi would vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), and the Senator from South Carolina (Mr. HOLLINGS), the Senator from Mississippi (Mr. STENNIS) are necessarily absent.

I further announce that, if present and voting, the Senator from South Carolina (Mr. HOLLINGS) would vote "yea."

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 60, nays 30, as follows:

[Rollcall Vote No. 341 Leg.]

YEAS—60

Abdnor	Baucus	Boren
Andrews	Biden	Bradley
Bumpers	Glenn	Mitchell
Burdick	Gorton	Moynihan
Byrd, Robert C.	Grassley	Nunn
Cannon	Hart	Packwood
Chafee	Hatfield	Pell
Chiles	Hawkins	Pressler
Cohen	Heinz	Proxmire
Cranston	Huddleston	Pryor
D'Amato	Inouye	Randolph
Danforth	Jackson	Riegle
DeConcini	Jepsen	Roth
Dixon	Kennedy	Rudman
Dodd	Leahy	Sarbanes
Domenici	Levin	Sasser
Durenberger	Mathias	Stafford
Eagleton	Matsunaga	Tsongas
Exon	Melcher	Weicker
Ford	Metzenbaum	Zorinsky

NAYS—30

Armstrong	Hatch	Murkowski
Baker	Hayakawa	Nickles
Boschwitz	Heflin	Percy
Brady	Helms	Simpson
Byrd, Harry F., Jr.	Humphrey	Stevens
	Johnston	Symms
Denton	Kassebaum	Thurmond
Dole	Kasten	Wallop
East	Laxalt	Warner
Garn	Long	
Goldwater	Mattingly	

NOT VOTING—10

Bentsen	McClure	Stennis
Cochran	Quayle	Tower
Hollings	Schmitt	
Lugar	Specter	

The VICE PRESIDENT. On this vote, the yeas are 60, the nays are 30. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. ROBERT C. BYRD. Mr. President, may we have order? May we have order in the Senate and in the galleries?

The VICE PRESIDENT. The visitors in the galleries are here as guests of the Senate. They will be in order.

The Sergeant at Arms will restore order.

Who seeks recognition?

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, if we could have order in the Senate, I ask the Chair to state the pending business.

The VICE PRESIDENT. Will the Senator suspend?

The Senate will be in order. The visitors in the galleries are asked to be in order as well.

The majority leader is recognized.

Mr. BAKER. Mr. President, will the Chair please state for the benefit of the Senate now the pending business?

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The VICE PRESIDENT. The clerk will state the unfinished business.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, I call the attention of the Senate to the fact that we do not have many days left in this session and that we have an order down which prohibits the offering of a motion to table against the bill or any amendment to this bill, which ought to provide an opportunity for free debate.

Mr. ROBERT C. BYRD. Mr. President, the majority leader is entitled to be heard. There is entirely too much confusion in the Chamber.

The PRESIDING OFFICER (Mr. SYMMS). The minority leader is correct.

The Senate will be in order. Will all Senators please retire to the cloakrooms to carry on conversations and the remaining Senators please take their seats so the distinguished majority leader may be heard?

The majority leader.

Mr. BAKER. I thank the Chair.

Mr. President, I was about to say that there can be no tabling motion today or Monday prior to the cloture vote on Monday. Therefore, I urge Members who have debate they wish to contribute to the record on the pending amendment, which I believe is the Baucus amendment, or any of the other amendments that are in the tree of amendments now before the Senate, to do so now because at some point we are going to have to finish this bill. There will be another cloture vote at 4 p.m. on Monday against the Helms second degree amendment. It is my intention to proceed with other cloture votes from time to time as that may appear desirable and as it may appear promising of a final result in this matter.

Mr. President, while I have promised for more than 1½ years that we were going to have a free-standing debate on the social issues, I have not promised that it would go on forever; at some point we are going to have to end this, and we are going to have to take up the debt limit. I encourage Senators to come to the floor and engage in a full and fair and perhaps even a spirited debate on these very important issues.

Mr. President, I expect the Senate to be in for a while yet today. I will now yield the floor.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CITIZEN CRIME PREVENTION WORKS

Mr. BIDEN. Mr. President, today I should like to recognize and pay tribute to an innovative and unique organization. The National Association to Town Watch (NATW) is a nonprofit nationwide network of citizen crime watch groups and local law enforcement agencies. Its founder and executive director, Mr. Matt A. Peskin of Wynnewood, Pa., established the organization early in 1981 in an effort to unite the thousands of citizen volunteers who are assisting their local police in organized crime watch-type programs. Mr. Peskin saw the need for a nationwide association through which local groups could share valuable crime prevention information and programs. By March of last year, the National Association of Town Watch had become a reality. Today, the organization has grown to include member groups in 22 States across the country and has even attracted membership from Provinces in Canada.

There are several important characteristics I should like to relate about the organization. First, its members are only those who are affiliated with and working in cooperation with their local police. They are not vigilante groups. Rather, they are concerned citizens who have taken time to be trained and to work with the law enforcement agency in their particular community. Second, and perhaps most important, the organization has come a long way without a major source of funding. Through hard work, membership fees and small contributions NATW has been able to grow.

Mr. President, I believe it is important that limited Federal support be available to local crime prevention programs, which have proven to be effective and worthwhile. It is my belief that the volunteer anticrime spirit can be enhanced if limited Federal resources and technical assistance are available. It is for this reason that Senator SPECTER and I introduced our Justice Assistance Act of 1982 (S. 2411), so that successful crime fighting programs can be continued.

The National Association of Town Watch just recently introduced and implemented a new dimension to the crime watch campaign that I strongly endorse. The program is called letter carrier watch and incorporates the voluntary services of local letter carriers to serve as additional eyes and ears while on their daily routes. The program is targeted at helping police combat the steadily growing number of daytime burglaries. Letter carriers are a valuable addition to an area's crime watch team for the following reasons: They know the neighborhoods quite well, their hours coincide with the time most day burglaries are committed, and many carriers are already adept at spotting suspicious activity. The suburban Philadelphia area, and five other pilot areas across the country, kicked off programs in their areas in May. Carriers attended awareness sessions conducted by crime prevention officers and the various components of the letter carrier watch were discussed. One of the major items outlined was safety. Carriers were instructed never to get physically involved in any suspicious circumstances—only to telephone the local police.

The program certainly has generated a great deal of public support. The program also makes a great deal of sense. There is no real cost involved and at the very least, it will serve as a deterrent to potential daytime criminals.

The carriers, the police, the community, and the media strongly support this program and I believe this to be an excellent crime prevention proposal. I urge every Member of the Senate to lend their support for expansion of the letter carrier watch program nationally.

I take my hat off to the National Association of Town Watch and to Mr. Peskin for showing us that the spirit is alive and well in communities across America. These citizens' groups and law enforcement agencies are fighting to keep their homes, their families, and their neighborhoods safe. Their efforts are paying off because they are working together.

Mr. President, I ask unanimous consent that an article about this fine group that appeared in the New York Times on August 30, 1982, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 30, 1982]

ANTICRIME PATROLS GROW IN NUMBER AND EFFECT

(By William Robbins)

ARDMORE, PA., August 29.—Citizens' crime-watching groups, scattered and isolated 10 years ago, have now enlisted more than five million members and are gaining recognition from the police and other experts as a highly effective force against crime.

Often operating with direct channels to police departments, the groups patrol their neighborhoods in radio-equipped cars, walk their blocks and scan their apartment complexes, reporting what they see and hear but rarely confronting criminals. Increasingly they are organized on a national basis.

"They give us more eyes and ears—that's the big thing," said George W. Rush, a patrolman who responded to a citizen-patrol call here in Lower Merion Township, a section of the Philadelphia area's Main Line.

"Wherever the watches do a good job, you find that they cut crime quite a bit," said Ferris Lucas, executive director of the National Sheriffs Association, which began organizing groups nationwide about 10 years ago. The units it sponsors are called Neighborhood Watches.

Some groups note, however, that their vigilance has diverted crime to neighboring areas.

Across the nation, the movement has brought together people like Annette Pough, 75 years old, who takes her turn for "a terribly boring three hours," calling regularly from her car to "Blue Knight Base," a volunteer stationed at Lower Merion's police headquarters, and Matt Peskin, a 28-year-old real estate broker, who last year started a new national association as an outgrowth of his patrols here.

No nationwide totals are available to prove that the neighborhood groups have reduced crime, but a check of several cities and neighborhoods with citizen patrols produced sometimes dramatic figures, ranging from 50 percent reductions in burglaries in some blocks of Manhattan's Lenox Hill section to a 34 percent reduction here in Lower Merion Township.

RESIDENTS SAY THEY FEEL SAFER

Just as important, some say, is a new sense of security brought to neighborhoods once gripped by fear.

"One thing that makes it worthwhile is that the people in the community feel safer," said Capt. Louis Sbrocchi of the New York City Police Department's Office of Community Affairs.

"The program has given the residents in my area a new sense of self-reliance and determination," said Kathy Hoard, a member of Detroit's Neighborhood Watch, an organization with groups on 4,000 of the city's 12,000 residential blocks. "Neighborhood Watch has helped us stabilize and feel more secure. Without it, we would consider moving."

"The fears were spreading all over the country," said Curtis Langley, director of Norfolk State University's National Center for Community Anti-Crime Programs. "People were afraid to stay home and afraid to leave, and many of them have simply got tired of it. People are getting involved because they know the problem is not going to go away, and it's never going to be completely solved by the police alone."

The community groups apparently have a long way to go to wipe out widespread fears of crime. According to a recent Gallup Poll, 48 percent of Americans are afraid to walk alone at night in some areas in their immediate neighborhoods, although 17 percent say their communities have some kind of organized volunteer anticrime program.

The organizations are almost as varied as their names. In New York City, with one of the largest efforts operating under the Police Department's Civilian Participation Program, about 150,000 members take in groups ranging from various types of motor patrols to its most numerous segment, the Blockwatchers.

The Blockwatchers, about 70,000 strong, are trained at precinct houses to watch, listen and report accurately. As with other civilian crime patrols, they are advised never to try to detain a suspect.

MOTOR PATROLS MORE ACTIVE

But the advice is not always followed by some of the mobile patrols, which include groups called civilian observation patrols, civilian radio motor patrols, and civilian amateur radio patrols, the last a network of ham radio operators. Those involved range from drivers of buses, taxis and trucks to motorists patrolling in their own cars.

"We tell them to try not to get directly involved, but some of these guys get so fed up they get carried away," said James Gillen Jr., president of Minute Men, a New York taxi company that is one of the program's most active participants.

When one of his drivers, Jimmy Martin of Brooklyn, saw a woman being abducted last year, he radioed the police and then drove the abductor's car off the road just as the police arrived. Another driver, John Espada of Queens, tackled and held a suspect for the police after seeing a woman attacked.

New York's citizen crime watches are in addition to the uniformed Guardian Angels, widely known for their subway patrols, and the Auxiliary Police, numbering about 7,300, who wear police uniforms but are not authorized to make arrests.

EFFECT SEEN IN BROOKLYN

New York officials offer no overall figures on the crime watch programs' effectiveness, but scattered reports are available. After a program began in the Midwood section of Brooklyn, for example, reports showed a 17 percent decline in crime over all, while burglaries dropped 34 percent.

In other areas across the country, claims of program effectiveness include a 12 percent drop in major crimes for Detroit since its Neighborhood Watch was started in 1976, a 15 percent drop in the crime rate of Park Ridge, Ill., a 40 percent decline in burglaries in Morton Grove, Ill., 20 percent fewer burglaries in Winter Park, Fla., and 30 percent fewer in Gloucester City, N.J.

In Cherry Hill, N.J., the burglary rate fell by 33 percent after citizens organized a crime watch, but neighboring areas felt the sting of the diverted criminals. In self-defense, Haddonfield started its own crime watch program.

In Chicago, where block watchers are known as Beat Representatives, Deputy Superintendent Ira Harris of the Police Department's Bureau of Community Services, said that "2,715 arrests in 1981 were directly attributable" to the group's program.

PATROLS IN MIAMI AREA SCHOOLS

And in Dade County, Fla., whose 175,000-members Citizens Crime Watch has extended its operations into the schools, Janet Gemmill, the anticrime patrol's president, said there had been a 50 percent drop in drug sales at the North Miami Senior High School.

Lieut. Joseph Daly of Lower Merion said the publicity about the recent murders of Courtlandt S. Gross, retired chairman of the Lockheed Aircraft Corporation, his wife and their housekeeper have tended to mask a continuing drop in the township's crime rate. He cited figures showing a 43 percent decline in burglaries in the last five months.

In some instances, however, patrols and neighborhood watches have led to unforeseen results. In Park Ridge, for example, one patrol reported "suspicious characters" in a car near a service station. When the police arrived they flushed out Federal agents in a stakeout.

Scattered crime watch organizations have been in existence for many years but the first nationwide organizational effort began a decade ago when the National Sheriffs Association began promoting Neighborhood Watch groups and, aided by funds from the now-defunct Law Enforcement Assistance Administration, began circulating literature to community groups.

Neighborhood Watches sponsored by the sheriffs now operate in about 2,500 communities.

NEW GROUP BEGAN LAST YEAR

One of the latest national organizational effort was started a little over a year ago by Mr. Peskin shortly after he joined Lower Merion's Community Watch. His National Association of Town Watch now has 450 member groups in 23 states.

Mr. Peskin, who said he started his association with savings of $5,000 and is seeking foundation funds to keep going, estimates that "between five and 10 million" members now belong to crime watch groups in about 20,000 communities.

In most areas, Mr. Peskin said, one of the biggest problems is boredom, which often reduces participation by patrollers on summer weekends, when they are needed most.

Mrs. Pough, his fellow patroller, agreed that "it's terribly boring," but recalled a policeman's response when she complained after a patrol that "nothing happened."

"You just don't know what you might have prevented from happening," he said.

DALLA CHIESA ASSASSINATION

Mr. BIDEN. Mr. President, I know that all of us read with shock the weekend news stories of the assassination of Gen. Carlos Alberto Dalla Chiesa in Sicily.

Most Americans, probably paid little attention to these events—one more murder, one more act of terrorism in a far-off land. But this murder will have significant reverberations here in the United States. First, Americans should not forget that General Dalla Chiesa was the Italian general who had directed the successful effort to control terrorism in that country and was responsible for the daring rescue of our own General Dozier. Second, and of even more significance to us here in the United States, the government had assigned to General Dalla Chiesa a new chore, in part at the behest of people like myself and other American officials, an attack on the Sicilian Mafia and in particular its role as primary financier and organizing force for Southwest Asian heroin directed at the United States.

As I pointed out in a report to the Senate in 1980 after the majority leader and I led a delegation to the Mediterannean, the problem was bound to worsen, and indeed now has worsened, because of our inability to control the Sicilian Mafia. Indeed, it is now safe to say that the increase in robberies and burglaries we are now witnessing in the United States, especially on the east coast, is a direct result of our failure to control the importation of Southwest Asian heroin into the United States.

The reason I say that is that these heroin addicts need a lot of money and they get the money by robbing us on the street and burglarizing us in the home. There is a direct correlation between the inflow of that heroin and the increase in those two crimes.

Certainly the most alarming aspect of the Dalla Chiesa assassination is the profound discouragement it has engendered among the Italian people in their effort to control the Mafia.

They recognize that the general and his immediate predecessors were undertaking the first serious effort to control the Mafia since World War II. I say "immediate predecessors," because since late 1979 there have been almost 200 gangland slayings in Sicily including judges, prosecutors, and other law enforcement officers pursuing the Mafia. In fact, General Dalla Chiesa was undertaking a new strategy that we have been attempting here in this country against organized crime; that is, the seizure of the financial assets of the organization. Reportedly General Dalla Chiesa was beginning to make real progress in that effort. Perhaps this cost the general and his young wife their lives. Unfortunately, commentators in Italy are now expressing the view that you "can't beat the Mafia."

I hope that this discouragement does not become debilitating because I firmly believe that a national commitment on the part of their Government with unswerving commitment in terms of manpower and resources from the United States can control the lawlessness in Sicily which has a direct impact upon the United States. The swift action in appointing the general's successor and granting him broad powers is encouraging. I might point out, however, that the lawlessness that the Italian Government faces in Sicily is really no different other than in degree than the lawlessness that the Turkish Government faces with the Kurds on the Iran border, or the Pakistani Government with the Pathans on the northwest provinces of Pakistan or the various insurgent groups, like the Shan United Army in the hinterlands of the Golden Triangle of Southeast Asia. All are beyond the control of central governments, all depend on the revenues from illicit heroin trafficking for their sustenance and in every case that heroin trafficking is directed at the United States where it results in pain and suffering for the addicts and the victims of crime committed by those addicts to support their habits.

Yet this administration, indeed I must say even the past administrations of Presidents Carter and Ford, has no meaningful international diplomatic strategy for tackling this problem. Indeed, notwithstanding the urgency, there is no one official in this or any earlier administration with authority to forge and then implement such a strategy. Still this administration has not been willing to duplicate elsewhere in the United States what it has done in south Florida. We are still cutting resources in the Federal law enforcement agencies and narcotics treatment programs that cope with this scourge every day.

Mr. President, we are in serious trouble in this country in terms of the extent to which organized crime and international drug trafficking is affecting even legitimate institutions, and unless we have at the highest level, the Cabinet level, someone responsible for first setting out a strategy and then implementing the strategy to deal with international drug trafficking, we are going to continue the way we are now.

In some instances the CIA does not speak to the FBI, the FBI does not speak to the DEA, the Drug Enforcement Agency, and the Internal Revenue Services likes to keep their hands off even though there is a need to get them involved in dealing with the assets of these criminal organizations.

All in all, we have an $80 billion business in America, making it the 10th largest American corporation, exceeding the sales, for example, of the IBM Corp., and it happens to be called drug trafficking. That is how much money is generated every year just in the United States of America.

We are yet to develop a strategy. We are still having difficulty convincing this administration as we did the last Democratic administration that there is a need to make this a priority as high as our defense priority, as high as any other priority in this country.

There is much more to say, but I will not take the time of my colleagues and the Chair at this point other than to say this is not a problem that is going to go away. It is not a problem we can address without spending time and money and until we equip the police agencies in America with the same degree of financial assistance and technical infrastructure that the crime organizations have we cannot expect them to be able to do their job.

We do not have to change the Constitution, the fourth, the fifth, and the eighth amendments, in order to make a dent in organized crime. We have to target resources and be willing to do it.

We spend in the United States of America on the Federal level less than $3 billion a year for every aspect of our law enforcement process, and we spend over $255 billion a year on defense.

I think we need to spend a great deal of money on defense, but I am not sure that I make a distinction between whether or not my mother is shot and killed in a parking lot while she is shopping and whether or not she is killed as a consequence of a Cuban invasion or a Russian invasion. She is still dead, and the fact of the matter is a lot of people are dying, a lot of people are being murdered, a lot of people are being victimized, and it is having an effect on the very way in which we conduct our lives.

We have a whole new multibillion dollar industry in America. It is called locks, bars, gates, guard dogs, and private security fences. It has been spawned as a consequence of inability of Government to deal adequately with the problem of crime, and until we begin to do it, until we begin to allocate the resources for it, we are not going to make a change.

Those who suggest the easy answers, whether it be capital punishment or the Miranda rule or the fourth amendment of search and seizure, that is not going to get the job done. We have to make the commitment, spend the time and the money. We are not doing it.

I thank the Chair for its consideration. As the Senate knows, Senators have heard a lot about this subject from me over the past 5 years. I am here for at least 2 additional years, and the Senate is going to hear a lot more. We must make some progress on this issue.

Hopefully the Dalla Chiesa assassination will refocus attention on the need for a more meaningful response by our Government to this problem.

Mr. President, in that hope, I ask unanimous consent to have printed in the RECORD a number of newspaper articles on the assassination and excerpts from my trip report to the Mediterranean in 1980.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Sept. 3, 1982]

GUNMEN IN SICILY KILL HIGH ITALIAN POLICE

(By Henry Kamm)

ROME, September 3.—Gen. Carlos Alberto Dalla Chiesa, one of Italy's highest ranking police officials, was assassinated by gunmen tonight in the center of Palermo, Sicily. His wife and a police escort were also slain.

General Dalla Chiesa of the Carabinieri, the national police force under military command, had been named to the political post of prefect of Palermo only last May 1. His assignment was to take charge of the fight against the Sicilian Mafia, which has turned Palermo into a major center of the herion trade with Europe and the United States.

General Chiesa was killed as he used his body to try to shield his wife, who was at the wheel of their car. Mrs. Dalla Chiesa died in a hospital immediately after the assault.

The gunmen, using two cars and a motorcycle, escaped. Their vehicles were found soon after the assassination in a side street less than a mile from the scene of the crime. They had been set on fire.

Before moving to Sicily, General Dalla Chiesa was Deputy National Commander of the Carabinieri, an appointment that he earned for his leading part in the struggle against political terrorists.

"General Dalla Chiesa was sent to Palermo as representative of the Government of the republic, to respond to the mortal challenge flung by the Mafia against the democratic state," Prime Minister Giovanni Spadolini said in a statement tonight.

He paid tribute to the "highest contribution" that the general had made in the antiterrorist struggle and said that he died at a moment at which, "with intelligence and courage," he was putting into action "a battle plan against Mafia terrorism." President Sandro Pertini announced from an

Alpine resort that he would cut short his vacation on Saturday to return to Rome.

Police sources at the scene of the crime told ANSA, the Italian news agency, that the gunman had first fired on Mrs. Dalla Chiesa, and then, as her husband leaned over her, killed him. Their car, out of control, crashed into a wall. The killers also fired on a car carrying security police accompanying the general, mortally wounding a 32-year-old plainclothesman, Domenico Russo.

The general and Emanuela Setti Carraro, a 32-year-old Red Cross volunteer nurse, were married only last July. They had just left police headquarters for the prefect's residence.

The police have issued no statements suggesting whether the killers were Mafia members or political terrorists. A policeman on the scene said the fatal bullets had been fired from Soviet-made AK-47 assault rifles, which in the past have been used by terrorists and crime syndicates.

An unidentified man phoned a newspaper in the Sicilian city of Messina soon after the assassination, taking responsibility for the crime on behalf of "the guerrilla party," which is not a known terrorist group.

General Dalla Chiesa, whose family has a long military tradition, was named head of the antiterrorist campaign in 1978, after the kidnapping and murder of former Prime Minister Aldo Moro. The next year he was appointed head of the Carabinieri in northern Italy until his nomination late last year as Deputy Commander of the National Police. He served as an infantry officer in World War II until 1943, when he joined an anti-Fascist Partisan unit.

[From the New York Times, Sept. 5, 1982]

ITALY'S ANGER RISES AT GENERAL'S MURDER

(By Henry Kamm)

ROME, Sept. 4.—A funeral was held today for Gen. Carlo Alberto Dalla Chiesa, the high-ranking police official assassinated by gunmen Friday night in the center of Palermo in Sicily, and it provided an occasion for expressions of anger and frustration over the Government's seeming inability to provide law and order.

The 62-year-old general's wife, Emanuela, 32, was also slain. A bodyguard who had been reported slain was said today by hospital officials to be in an irreversible coma.

The murders, which officials suspect were carried out by organized crime, have aroused more emotion in Italy than any event since the 1978 kidnapping and murder by left-wing terrorists of former Prime Minister Aldo Moro.

Preaching the funeral sermon, Salvatore Cardinal Pappalardo, in the presence of President Sandro Pertini and Prime Minister Giovanni Spadolini, criticized "the actions and decisions, slow and uncertain, of those who should provide for the security of simple citizens, Government servants and authorities of state."

"The slower and more uncertain are the actions of the state, the more opportune, decisive and violent are the actions of those who have the mind, the will and the might to strike," the Archbishop of Palermo continued in the televised ceremony, and the people in San Domenico Church applauded.

The Cardinal's tough homily was punctuated by outcries of rage and anguish from the tightly packed crowd in the Baroque church. Shouts for the resignation of the Government, many of whose ministers were present, rose, and so did demands for the introduction of the death penalty.

The couple will be flown to Milan for burial. They were struck down Friday night in their car with Mrs. Dalla Chiesa at the wheel. The murderers escaped in two cars and on a motorcycle, which were later found set afire and abandoned.

General Dalla Chiesa had a nationwide reputation, cutting across party lines, for efficiency and probity in the struggle against banditry after World War II and against political terrorism and syndicated crime. He was sent to Palermo in May as a prefect, an unusual appointment for a military man, with the mission to put the Mafia out of business after the murder, also in Palermo in his car, of Pio La Torre, a regional Communist leader and outspoken opponent of the Mafia.

The assassinations of Mr. La Torre and General Dalla Chiesa, the two public figures who have become national symbols of the struggle against the criminal "families," are viewed by the average Italian as acts of arrogant disdain by the Mafia, for which the Government has been unable to find a response.

The demonstrations today, as well as announcements of widespread protest work stoppages throughout Sicily, in Rome and in other regions are viewed here as indications of the serious challenge posed to Mr. Spadolini's Government over its ability to protect Italy's citizens. By coincidence, Parliament today completed its assent to Mr. Spadolini's second Cabinet, which is identical to the one that resigned last month.

[From the Baltimore Sun, Sept. 5, 1982]

MAFIA FIGHTER'S DEATH MARKS END OF LEGEND

(By Kay Withers)

ROME.—A few weeks ago Gen. Carlo Alberto Dalla Chiesa delivered the eulogy at the funeral of a police colleague gunned down by Sicily's crime bosses.

"There is a name that some would prefer not to repeat," he said in ringing tones. "And that name is Mafia! The Mafia, who knew he was unprotected and who, with its taste for cowardice, murdered him in front of his family as he went home to rest."

Apart from the speech's courage and directness in an island where omerta—the law of silence—reigns, it was tragically prophetic. General Dalla Chiesa himself and his 32-year-old bride of six weeks, Emanuela, fell in a hail of bullets Friday night, as presumed Mafiosi ambushed their unprotected car in a Palermo Street.

It was the end of an already tarnished Mafia reputation for chivalry in sparing women, a sign of the increased brutality of the times.

And it was the end of a legend.

General Dalla Chiesa was perhaps the only police officer whose name was a household word in Italy. The newspapers wrote constantly of "General Dalla Chiesa's Carabinieri" during the four years in which he led the country's battle against terrorism.

General Dalla Chiesa caught Renato Curcio, founder of the Red Brigades, and he wrested a crucial confession from former brigade member Patricio Peci and largely broke the terrorist gang. In short, General Dalla Chiesa was a hero in a country that has few of them.

As the speaker of the Chamber of Deputies, Nilde Jotti, put it, General Dalla Chiesa "represented the state's success against terrorism."

This symbol of hope was sent to Palermo in May, to pit his acknowledged wits against what Rome's Il Messaggero called "the eternal strength of the Mafia."

On the eve of his arrival, the island's organized crime leaders greeted him with the murder of Pio la Torre, the regional Communist Party secretary and an opponent of the Mafia. A stream of other killings followed.

General Dalla Chiesa believed the luck that never left him in four years of anti-terrorist activity and his penchant for breaking up his routine and moving without notice would protect his life. But in the end, an unexpected romantic streak betrayed him—his young, pregnant wife picked him up Friday in an unarmored car. Now they are both dead.

According to his friend and colleague, Gen. Umberto Cappuzzo, his successor as Carabinieri chief, the military, somewhat portly General Dalla Chiesa "liked to introduce a human dimension" to his life as Italy's tough top policeman.

"Each of us makes a decision in life," the general once said. "I chose to serve the state to the bitter end."

The impact of his death is enormous here, in some ways greater than that of the murder of former Prime Minister Aldo Moro in 1978.

"More than Moro, General Dalla Chiesa conveyed the impression of invulnerability," commented sociologist Franco Ferrarotti. "He was a Carabiniere, a general. If he couldn't be protected, who could? From the point of view of the state's effectiveness, his death reinforces the feeling that you can't beat the Mafia."

The president of the Sicilian region, Mario Dacquisto, yesterday described an "air of resignation" in the island capital, the feeling that "nothing can be done."

Nevertheless, General Dalla Chiesa's death is more an indication that something can be done and that he was doing it. His effectiveness was what killed him.

General Dalla Chiesa possessed the gift of collating apparently isolated details into a total design. And he had started an examination of the financial status of suspected Mafiosi and crime bosses, a technique long advocated by anti-Mafia activists, who believe millions of dollars in profits from the lucrative heroin trade in the United States are flowing into Sicilian pockets.

"He touched the sensitive nerve of vested interests," Mr. Ferrarotti said. "The Mafia doesn't care about ringing denunciations. But if you take, say, 3,000 names and start looking into how their estates were acquired, then you're dead."

The presumed efficacy of General Dalla Chiesa's methods was underlined the day after his death when Alberto Chiari, head of Sicily's finance and customs police and evidently a man of rare courage, gave orders to continue the investigation.

The murder undoubtedly will stimulate debate here over how to deal with the Mafia and whether to give prefects and police sweeping powers.

So far in Italian history, the man who has met with the greatest success in dealing with the Mafia was Benito Mussolini. The Fascist dictator sent the notorious Prefect Mori to Palermo and allowed him to combat omerta by jailing whole villages until someone talked. Fighting the Mafia with the Mafia's own methods, you might call it.

General Dalla Chiesa had in fact asked the government for special powers, which had been refused. As Interior Minister Virginio Rognoni stood in silence before the two closed coffins in Palermo yesterday, rel-

atives of Domenico lo Russo, the dying policeman shot with the Dalla Chiesas, screamed at him, "Get out!"

Scuffles with police erupted outside Palermo's San Domenico church, where a state funeral was held yesterday.

One Rome commentator suggested using "a very effective and somewhat brutal police force." Politicians have dragged their feet, in permitting repressive tactics, no matter what the cost. "The state will win in the end," said Mr. Dacquisto. "But there will be other victims, perhaps many, before the end."

None, though, so illustrious. Carlo Alberto Dalla Chiesa was thought to be the ace up Italy's sleeve. One should never underestimate this country's amazing resilience, but the strong initial impression here in the wake of Friday's assassinations is that Italy has played its best card against the Mafia and lost.

[From the New York Times, Sept. 6, 1982]

HEAD OF ITALIAN POLICE GROUP NAMED TO CRIME POST

(By Henry Kamm)

ROME, September 5.—The Government of Prime Minister Giovanni Spadolini today created a post of high commissioner for the fight against organized crime.

Meeting in emergency session, the Cabinet named to the position the head of a secret police agency attached to the Prime Minister's office. The official, Emanuele de Francesco, was simultaneously appointed successor to Gen. Carlo Alberto Dalla Chiesa as prefect, or regional governor, of Palermo.

General Dalla Chiesa and his wife were murdered in the center of Palermo Friday night. Two cars and a racing motorcycle ambushed the small private car that Mrs. Dalla Chiesa was driving and opened a barrage of automatic fire. Mr. Spadolini had sent the general, who had gained a considerable reputation for his success in leading the battle against political terrorism, to Palermo last May with the special mission of combating the Mafia.

SPADOLINI ATTENDS FUNERAL

The announcement of the creation of the new office, which will have coordinating power over all organs of Government in the fight against the crime syndicates, was made by Mr. Spadolini to a special session of the Senate.

The session was ordered Saturday, when the Senate met to confirm Mr. Spadolini's newly formed Government, and allowed him to leave for Palermo to attend the victims' funeral without replying to questions on the killings.

The funeral service became the scene of strong criticism against the Government's inability to affirm its power against the Mafia.

The tone was set by a daughter of the 62-year-old general's first marriage and by the father and sister of the general's 32-year-old wife.

While the relatives accused the Government of inability to protect the general and his wife, the Archbishop of Palermo, Salvatore Cardinal Pappalardo, made his charges—of indecision and weakness, in fighting the Mafia—the principal theme of his oration. Then, evidently emphasizing his criticism, he stepped from the pulpit to greet President Sandro Pertini and pointedly ignored the Prime Minister and other Cabinet members.

HUNT FOR KILLERS GOES ON

The 85-year-old President is considered above politics and has not been criticized. The critical attitude toward Mr. Spadolini and his ministers was shared by the large crowd in the church and on the square in front of it. Government members were insulted and some members of the crowd threw coins at them while the coffins of the victims were applauded.

Today's national newspapers gave prominence to the expressions of rage, heightening, political sources said, the Government's sense of urgency to calm the national mood. While the rapid naming of General Dalla Chiesa's successor and the granting of exceptional status to him was a step in that direction, Mr. Spadolini was unable to report any success in the principal task, the hunt for the murderers.

According to police sources, eight hours after the crime, which took place within view of several apartment houses, no witnesses had come forward. This is viewed here as a measure of the terror that the Mafia exercises over the citizens of Palermo and other regions of Sicily. About 100 murders have been committed in the Sicilian capital this year; most are assumed to have been settlements of gangster accounts and remain unsolved.

PROMINENT OFFICIALS KILLED

In the last three years, the following prominent officials have been murdered in Palermo and surrounding regions: the provincial secretary of the Christian Democratic Party; the deputy police commissioner of Palermo; a judge; the chief public prossecutor; two officers of the carabinieri, the national police force under military command of which General Dalla Chiesa had been deputy national commander; the president of the region of Sicily; the mayor of Castelvetrano, and the regional chairman of the Communist Party.

All the murders remain unsolved.

Political commentators in the major newspapers speculated that General Dalla Chiesa was assassinated not only because of his prominence and aggressive stand against the Mafia but also because his methods of proceeding against organized crime were showing signs of becoming effective.

Adopting the American method of fighting against organized crime through the use of tax-evasion prosecutions, General Dalla Chiesa had enlisted all branches of local and national Government to compile information on the holdings and business interests of suspected crime-syndicate members. He had also sought to explore the links between political power and organized crime by seeking information on the letting of public contracts in Sicily.

Before the Senate tonight, Mr. Spadolini affirmed that the Government would continue the fiscal work begun by General Dalla Chiesa.

[From the New York Times, Sept. 7, 1982]

ITALY GIVES WIDE POWERS TO ANTI-MAFIA CHIEF

(By Henry Kamm)

ROME, September 6.—The official charged with leading the fight against the Mafia was given sweeping new powers today as he took over from his slain predecessor.

Acting with unusual speed, the Government of Prime Minister Giovanni Spadolini today prepared, and President Sandro Pertini signed into law, a decree conferring the extraordinary powers on the new prefect of Palermo, Sicily. The prefect, Emanuele de Francesco, has also been appointed to the newly created post of high commissioner for the fight against organized crime.

Before the decree was even signed, the official, Mr. De Francesco, arrived in the Sicilian capital, where his predecessor as regional governor was murdered Friday night.

Heavily guarded, in contrast with the custom of Gen. Carlo Alberto Dalla Chiesa, the slain prefect, Mr. De Francesco was driven from the airport to his offices and began a round of conferences with security officials conducting the search for the murderers of the general and his wife.

Mr. De Francesco arrived in a city whose life was muted not only by the shock of the assassination, which has jolted Italy more than any event since the kidnapping and murder by left-wing terrorists of former Prime Minister Aldo Moro in 1978, but also by a four-hour general strike called in protest against Mafia violence. Similar but briefer work stoppages took place in Rome and in many other cities.

As a further measure of the determination of Italy's political system to rise to what the President, the Prime Minister and other political leaders have called a challenge to the state by the Mafia, parliamentary leaders of both Government and opposition parties pledged to approve with record speed an anti-Mafia law that has been under examination for many months.

One of the main movers of the bill, Pio la Torre, the Communist Party leader in Sicily, was murdered in Palermo in April. The murder brought the appointment of General Dalla Chiesa with the express mission of stamping out Mafia power.

MAFIA GROWS RICH ON DRUGS

The law is expected to duplicate some of the provisions that today's decree gave to the high commissioner. They reflect the big increase in wealth acquired by the crime syndicates with the growing involvement in the last two years of Sicily, and in particular the Palermo region, with the production and trafficking of heroin to the rest of Western Europe and the United States.

In an attempt to identify and prosecute the major members of crime "families," bank-secrecy regulations were set aside to allow the high commissioner to obtain information on the holding of suspected gangsters.

The commissioner was also authorized to obtain full disclosure of the ownership of shares of companies bidding for public-works contracts. Much of the "laundered" proceeds from the narcotics trade, arms smuggling and other Mafia activities are widely believed to be going into prosperous Sicilian construction companies.

The commissioner was given the right also to intercept the telephone calls of suspects and was given access to all relevant reports of a secret service organization in the Prime Minister's office. Before being appointed high commissioner Sunday, Mr. De Francesco headed that organization. There are suggestions that he will continue to do so while also serving as prefect of Palermo.

Some of the powers given to Mr. De Francesco were among those reportedly requested by General Dalla Chiesa and denied by the Government because of opposition by the Interior Minister, Virginio Rognoni. Mr. Rognoni has become a main target for criticism for supposedly failing to provide General Dalla Chiesa, an officer widely respected across party lines, with the means to conduct his fight against the Mafia and protect himself.

EXCERPTS FROM THE SICILIAN CONNECTION: SOUTHWEST ASIAN HEROIN EN ROUTE TO THE UNITED STATES

(Report by Senator JOSEPH R. BIDEN, Jr.)

VI. ITALY AND THE SICILIAN CONNECTION

"It would seem that the Italian laboratory activity is directed at the United States." (Peter Bensinger, Director, DEA, April, 1980.)

The next stop on the Southwest Asian trail is Italy. Historically, Italy has played a significant role in the transhipment of Middle Eastern herion to the United States. Organized crime families based in Sicily have frequently been involved in the transhipment of this heroin, with family members in America conducting the marketing. Indeed, in the late 1940's and early 1950's, the Italian Police, working with the U.S. Federal Bureau of Narcotics, managed to eliminate an important Sicilian heroin importation connection. Of course, traditional organized crime families in the United States and Italy, in particular the one formerly headed by the late "Lucky" Luciano, who was deported from the United States to Italy, continue to maintain close relationships up to the present day.

Italy is again emerging as an important source of heroin destined for the United States. DEA believes that Itlay is the principal source of Southwest Asian heroin headed for the East Coast of the United States.

DEA and Italian police have already closed down several major, very sophisticated laboratories in Itlay. The first important seizure was in San Remo which is located near the French border, on November 27, 1979. Five individuals were arrested, including a former French Connection chemist. Twenty-two kilograms of morphine base and one kilogram of heroin were seized. This seizure was the first in Southern Europe since a French seizure near Marseilles in February, 1978. Prior to that, there had been no seizure of a significant lab in this part of the world since 1972.

In April 1980, DEA Director Peter Bensinger stated that the San Remo seizure indicated that, as in the French Connection days, the big-time organized crime traffickers are having no trouble obtaining all of the morphine base they want. According to Bensinger, the investment in sophisticated laboratory equipment for the conversion of morphine base to heroin and the presence of a significant amount of morphine base at the San Remo laboratory suggest an attempt to export large amounts of heroin to the United States.

Bensinger said that all of the heroin produced at the San Remo laboratory was intended for U.S. consumption. According to DEA's calculations, the laboratory was capable of producing between 10 and 50 kilograms of heroin a week. That would be sufficient to supply indefinitely between 6,000 and 30,000 of the estimated 400,000 heroin addicts in the United States.

On June 4, 1980, the Guardia di Finanza, the primary domestic police agency in Italy, working with DEA, seized two laboratories outside Milan that were potentially capable of even larger production than the one at San Remo. Seventeen individuals, including four French chemists, were arrested. More than 60 kilograms of morphine base and three kilograms of finished heroin were seized at the labs. The laboratory records indicated that they produced about 4 kilograms of heroin a day or approximately 20 kilograms a week. One informant said that the plan was to convert one ton of morphine base to heroin, all destined for the United States.

Both of those recent seizures in Milan and the seizure at San Remo involved Italian and French Corsican traffickers with ties to the United States directly or through Canada. Despite the presence of these laboratories in central and northern Italy and the heavy involvement of French chemists in their operation, DEA is convinced that it is traditional Sicilian organized crime that poses the most serious threat to the United States. DEA suspects Sicilian families of reconnecting with their American branches to merchandise heroin produced in the laboratories that were recently seized or in three equally sophisticated labs that DEA believes may be operating in Sicily.

Penetrating the Sicilian families will be much more difficult and dangerous, though DEA has had some success. From November, 1978, through September, 1979, DEA participated in a major intelligence operation in cooperation with the Italian police in Sicily. The purpose of this effort was to locate heroin processing laboratories in Sicily and to identify major traffickers operating between Sicily and the United States. As a result of this operation, approximately $500,000 in U.S. cash, presumably intended to pay for shipments to the United States, was seized at the Palermo Airport in June 1979. In the next month, Italian officials arrested two important organized crime figures with four kilograms of Southwest Asian heroin in their possession.

Dr. Giorgio Borris Giuliano, the deputy police chief of Palermo, had taken an active interest in the prosecution of this case, and was murdered, gangland style, in July 1979. A leading judge in Sicily, who had expressed strong anti-organized crime sentiments, was also murdered there. These killings have understandably placed quite a pall on anti-narcotics operations in Sicily. There were other political assassinations committed last year by individuals associated with organized crime and altogether, some 70 gangland slayings occurred in Sicily in 1979.

The killings illustrate just a small part of the complex Sicilian-U.S. operation involved in the processing and transhipment of Southwest Asian heroin to the United States. Between December, 1977, and January, 1980, more than 50 kilograms of heroin from Palermo were seized at JFK airport alone. Twenty-four of the 50 kilograms were seized on January 16, 1980, in a case involving two members of a well-known organized crime family in the New York area. One DEA study discusses a $3.5 million transaction between New Jersey and Sicilian organized crime families. DEA and Justice Department intelligence efforts have identified direct links between four Sicilian families and the trafficking of Southwest Asian heroin into the United States, as well as direct links between those families and the two political assassinations described above.

In a meeting with the Italian Minister of Interior, it was clear that the Italian government is very aware of these "links." He is very concerned about Italy's growing role in the international transhipment of Southwest Asian heroin to the United States and the contribution that this illegal trade makes to the general lawlessness among Sicilian organized crime families. In addition, he is alarmed that Southwest Asian heroin has fomented a serious heroin epidemic in Italy itself—which now ranks second only to West Germany in per capita heroin addiction.

One U.S. Government study group that went to Italy to assist the Italians in coping with the epidemic stated that the evidence of the seriousness of the problem is manifest. "Physical evidence of possible heroin use, such as needles and syringes," the group reported, "can easily be found in the streets of Rome, Florence and other large cities." Indeed, one DEA agent told a harrowing story of one of his children playing on a beach in Italy and coming to him with a needle sticking out of his leg that the boy had picked up on the beach.

IX. INITIATIVES

Will the International Drug Trade ever be completely wiped out? . . . "not in my lifetime." (Mathea Falco, Assistant Secretary of State for International Narcotics Matters, responding to a reporter's question in *U.S. News & World Report*, December 25, 1979.)

This report documents the existence of a substantial new threat to the United States, if not the entire West. This country is about to face a massive influx of Southwest Asian heroin, which, if unchecked, will feed a large heroin addict population and cause a concomitant rise in street crime and related social disarray. Indeed, it is arguable that if we do not disrupt the new Sicilian Connection, we may face a heroin epidemic and a crime wave reminiscent of what this country experienced in the early 1970's.

While recognizing the severity of this potential threat, this report also makes a strong case for candor and caution in suggesting policies and initiatives to cope with the international traffic in heroin. Assistant secretary of State Mathea Falco's conclusions, grim as they are, are thoroughly consistent with the findings of this report. There simply are not any short-term, politically realistic solutions to the problem of heroin addiction in this country. The major disruptions in international trafficking which have occurred in the last decade have been largely influenced by fortuitous events; a drought in Asia, the Soviet invasion of Afghanistan, a drought in Mexico.

That observation is not meant to suggest that carefully considered international initiatives involving cooperating governments like Mexico and Turkey cannot successfully take advantage of fortuitous events. However, it is absolutely essential that the American people understand that the growing of opium, whether by the Pathans in Pakistan or the Turks in the Afyon Province of Turkey, and the trafficking and processing of the heroin in parts of Turkey, by the Kurds in Iran or by the Sicilians and Corsicans in the Mediterranean, often reflect deep-seated problems of poverty, political insurgency and political instability. These are not problems which our foreign policy can solve in a single year, a single decade or perhaps even in this century.

Indeed, quasi-official complicity in the heroin trade that hinders resolution of the international problem (e.g., as is alleged about the Bulgarian agency, KINTEX) may not be subject to unilateral action at all. We must develop an international strategy to "manage" this problem, exploiting as best we can the political and environmental conditions in a particular growing or transhipment area. In the long run, we should seek a system of multilateral initiatives—a world strategy—which will permit us to exploit fortuitous events when and where they occur. When a drought occurs in Southwest Asia, the U.N. can move in adequate income substitution programs to encourage farmers to give up opium cultivation. The mass emigration of the Pathan poppy farmers caused

by the Afghan war creates an opportunity for income substitution. Of course, bilateral arrangements with the various producing and transhipping countries can strengthen whatever multilateral initiatives we develop.

The recommendations that follow are necessarily tentative. They are intended to serve more as an agenda for further discussion—in the context of investigative hearings in the Criminal Justice Subcommittee planned for the late summer—and not as a final set of policies. The recommendations fall into five basic categories: (a) dampening U.S. demand for heroin; (b) developing a more coherent federal strategy; (c) strengthening the Justice Department's response to organized crime; (d) developing a more coherent long-term international strategy, and; (e) adopting a set of bilateral initiatives aimed at stopping Southwest Asian heroin at production and transhipment points.

A. Dampening U.S. demand for heroin

The American people must understand that the best way to disrupt the international trade in illegal drugs is to reduce the illegal demand for heroin in the United States. It is hard to disagree with the Turkish officials who argued that, "so long as illicit demand continues, illicit production will definitely be carried on . . ." It is this powerful, insatiable demand that makes the same heroin worth a few thousand dollars in Southwest Asia worth a quarter of a million dollars on the streets of New York. Such staggering profits make international trafficking worth almost any risk and render it practically invulnerable to law enforcement. As long as all the heroin needed by America's addict population can be supplied from a hundred square miles of land beyond any government's control, we must recognize that, inevitably, we will waste much rhetoric, foreign aid and political prestige demanding action of governments that they simply cannot deliver. Therefore, the first two recommendations pertain to reducing demand:

Recommendation I: The Congress should resist efforts to reduce the amount of Federal money now available to State and local governments for treating heroin addicts.

The recent budget-cutting fever in the Congress has threatened the 90,000 treatment slots provided by the Department of Health and Human Services to State and local governments. Cutting back funding for treatment slots at a time when we are faced with a major new heroin threat risks smoothing the way for the wave of Southwest Asian heroin.

Recommendation II: The abolition of the Law Enforcement Assistance Administration, although unavoidable within the context of the current effort to balance the budget, should not be carried out in such a manner as to undercut effective criminal justice programs designed to treat addicts who commit street crimes.

The Treatment Alternatives to Street Crime (TASC) program, developed by LEAA in 1972, has proven itself effective at identifying and then treating criminals with heroin addiction problems. Other results of the TASC program are a direct reduction in the incidence of street crime committed by heroin addicts as well as a substantial reduction in the demand for heroin in those cities where TASC has been implemented.

B. Developing a more coherent federal strategy

The next recommendation concerns the central role of the Federal Government in coordinating a national and international strategy for combatting international trafficking.

In 1972, Congress mandated the development of an annual strategy statement by the Executive Branch concerning drug abuse. The Strategy Council on Drug Abuse at the White House is charged with the development of that strategy, and the National Narcotics Intelligence Consumers' Committee is an interagency unit established to digest the intelligence upon which the strategy is based. The role of these two interagency bodies must be seriously reexamined. Although each has provided significant information and advice, overall performance and impact have been somewhat uneven.

For example, although both played an important role in identifying the threat of Southwest Asian heroin, neither has provided particularly forceful leadership in developing a specific Federal strategy for responding to that threat. There is strong evidence to support the contention made by two members of the Council that it is not particularly well-respected in the Federal Government as a forum for developing a coordinated strategy. The strategy itself is so general and vague that it is probably not a meaningful guide to agencies. A similar criticism might be leveled about the National Narcotics Intelligence Consumers' Committee, especially that the intelligence information it disseminates is not taken seriously by high-level decision makers. Certain administration officials argue that the rigor of the analysis performed by the Committee is not always adequate to result in useable information.

Recommendation III. Congress should consider establishing a legislative charter for an interagency narcotics coordinating body with a director appointed by the President subject to advice and consent of the Senate. The Director should have authority to review the budget of, set the priorities for, and resolve conflicts between the agencies involved in narcotics prevention and control. The Director should have the authority, after consulting with the Director of the Central Intelligence Agency, to levy collection requirements on the intelligence community. The Director should be required to issue an annual strategy statement that is both public and classified that provides specific direction to the relevant agencies.

C. Strengthening the Justice Department's response to organized crime

The Sicilian Connection will be as sophisticated as any of the major trafficking networks we have confronted in the past. As a recent GAO report pointed out, we are dealing with merchandising systems of immense size and complexity. The National Narcotics Intelligence Consumers' Committee estimates that annual illicit drug sales exceed $45 billion, which, for illustration, is six times the gross revenue of the whole A&P grocery chain. A recent Treasury Department report explained that A&P requires 3,000 stores, 100,000 employees and $200 million in working capital. Clearly, heroin trafficking networks moving billions of dollars worth of Southwest Asian heroin are likely to be large and complex. Recent DEA intelligence suggests that Sicilian systems for merchandising heroin in the U.S. may involve dozens, if not hundreds, of individuals and transactions measured in the hundreds of thousands of dollars.

Although DEA produces the best intelligence on organized crime and its involvement in narcotics trafficking, recent Criminal Justice Subcommittee ovesight hearings indicate that the agency and its parent, the Department of Justice, are not well prepared to meet the threat of a sophisticated new Sicilian Connection. A recent report by GAO correctly concluded that the Federal program directed at major drug trafficking networks is "not effectively carried out." GAO blamed "lack of expertise, little overall direction, shifting priorities, and legal obstacles."

As suggested earlier in this report, DEA and the Justice Department generally have achieved, as one Justice official admitted, a "dismal record" in attacking the financial empires and the merchandising networks of the illegal drug trade. That is a primary reason why major violators can preserve their networks and resources and, in some cases, continue to operate them from prison. The Subcommittee on Criminal Justice will conduct further hearings on the subject of financial investigations in the summer of 1980.

Recommendation IV: It is absolutely essential that the Federal government give immediate attention to more effective investigation of financial assets and more effective use of the tools Congress has given the Executive Branch in the Criminal and Civil Forfeiture Statutes.

Recommendation V: The General Accounting Office's recent recommendation concerning DEA's use of intelligence in operational law enforcement, especially as it pertains to the Central Tactical (CENTAC) program, should be given very serious consideration by both DEA and the Congress. It is absolutely essential that DEA develop a more effective strategy for using its resources and its intelligence against major organized crime networks.

By its very nature, traditional organized crime is highly centralized and very difficult to penetrate. And, as the GAO recently pointed out, DEA is not proficient in conspiracy investigations. As recent Criminal Justice Subcommittee hearings have indicated, DEA delegates to local office management of its major investigations, even those with complex interstate and international components. Rarely are investigations managed at headquarters, which ought to have a broader range of information available on any particular conspiracy. DEA should be developing highly sophisticated centralized strategies at its Washington headquarters, directing the best talent available at this new Sicilian Connection.

DEA personnel abroad are generally very competent and effective government officials. While centralization of investigative management is, as mentioned above, a worthy goal, one questions the wisdom of reductions in DEA presence in Europe as recently mandated by OMB. This seems especially contradictory at a time when the United States is asking West Germany, England, France and Italy to increase their international narcotics control efforts.

Recommendation VI: DEA presence in Europe should not be reduced but rather increased, and to the extent possible, working conditions and salaries of DEA personnel abroad should be at least made competitive with other foreign service personnel of equal rank and stature.

D. Developing A More Coherent Long-Term International Strategy

In terms of international initiatives, the United States must invest its energies primarily in developing a multilateral program

which will create the realistic hope of ending illicit opium production. That multilateral program must begin with some modest initial measures such as those proposed at the NATO meeting last fall and incorporated in the following three recommendations.

Recommendation VII: A serious effort should be undertaken to develop a better international data base on the exact dimensions of narcotics abuse in all countries in the world, especially in the industrialized West. A determined effort should be made to get all NATO allies to join the United States in its initiative to the Organization for Economic Cooperation and Development to create an internationally respected base of data on the magnitude of the drug problem facing each country.

The United States must recognize that economic development in the under-developed regions of the world, especially in politically troubled areas like the Northwest Provinces of Pakistan, the Kurdish areas of Iran, and parts of Eastern Turkey, probably provides the ultimate solution to the illicit growth of opium. However, we must be exceedingly careful that economic development not exacerbate the problems we are trying to resolve (e.g., irrigation projects are extremely important, but not if newly arable land is used for opium cultivation).

Recommendation VIII: The American foreign policy establishment should make a more serious effect to pursue our government's proposal to the Development Assistance Committee of the Organization for Economic Cooperation and Development to include narcotics control as a factor in bilateral and multilateral assistance programs. The United States has proposed that such assistance programs should deliberately exclude opium production from irrigation projects and other agricultural programs they sponsor.

The centerpiece of any truly international effort must be the United Nations. The most important United Nations instrument in this area is the Fund for Drug Abuse Control (UNFDAC). Its, nonpolitical nature has been especially useful in formerly nonaligned Afghanistan, as well as in traditional law enforcement, crop substitution and research in South Asia and other opium-producing areas of the world. A recent study conducted by the Bureau of International Narcotics Matters at the State Department concluded that, besides West Germany and the United States, contributions for narcotics control assistance are "modest". With respect to such effort and assistance in Southwest Asia, they are non-existent.

Recommendation IX: The United States should be more aggressive in asking other Western countries to increase contributions to the Fund, and encouraging the World Bank and other multilateral development banks to support narcotics control-related development assistance.

The State Department's Bureau of International Narcotics Matters had done exceedingly well in its limited budget. However, we agree with the tenor of recent GAO criticism of that offices's failure to develop a general stratgey on international initiatives.

Recommendation X: The Bureau of International Narcotics Matters should develop a comprehensive stategy paper on all matters described above, but in particular, on how other Western allies might join together in an international war against illegal drugs.

The General Accounting Office suggests the convening of a conference of high-level representatives from victim countries, primarily NATO countries. The French have been particularly leery about participating in such NATO-based initiatives and still prefer the European program proposed by former President Georges Pompidou. The so-called Pompidou group excludes the United States and has not been particularly effective in curbing the recent European heroin epidemic. However, discussions with Italian and German officials indicate that interior ministers from those two countries and other European countries are meeting regularly. European cooperation is evidently not only possible but becoming a fact.

Recommendation XI: The United States should take advantage of the present environment of cooperation in Europe, and if possible, attempt to join in a Western European conference on the subject. There should be at least four items on the agenda of such a conference:

1. Identification of source and transshipment countries with which individual participants might develop bilateral arrangements to curb illicit activity. For example, the French or the Swedes might be able to accomplish more with the Iranians than we could.

2. Development of initiatives which would curb heroin laboratory and transshipment activity in European countries, especially Italy and France.

3. Assessment of the drug treatment and data collection needs of Western European countries and pooling information on these subjects.

4. Exploration of joint initiatives which might be undertaken to freeze assets held by international traffickers or to halt sizable international cash transactions by the traffickers.

E. Bilateral initiatives in countries where Southwest Asian heroin is produced or transshipped

Pakistan is a primary source country for Southwest Asian heroin. Bilateral assistance from the United States or any other victim country or multilateral assistance by the U.N. or any other agency, would be useful in facilitating enforcement of President Zia's recent opium-growing ban. U.S. relations with the government of Pakistan and use of goverment A.I.D. money to assist in enforcing the ban had been complicated until recently by the $400 million military aid package for Pakistan proposed by the United States in response to fear of Soviet invasion of Pakistan. Since that arrangement stalled, the Pakistanis have actually been more interested in talking with the U.S. government about bilateral aid arrangements in the narcotics field.

At present there is a general prohibition on using A.I.D. money in Pakistan for most purposes because of the so-called Symington Amendment, which prohibits sending funds to countries developing nuclear weapons. However, there has always been an exception to that rule for narcotics control. Therefore, the Senate Foreign Relations Committee and the State Department have been working on amendments to the Foreign Assistance Act that would provide additional funds for rural development and narcotics control on the assumption that such money might be used in the Northwest Frontier Province where most of the opium is grown.

Fear of disrupting the proposed military aid package with the Pakistanis and an attitude of general fiscal restraint led the Administration to propose no additional expenditures of A.I.D. monies in Pakistan for this fiscal year. This occurred despite Assistant Secretary of State Mathea Falco's testimony before the Foreign Relations Committee on March 14, 1980, that control of Southwest Asian heroin at its source is a number one priority.

However, the investigation underlying this report revealed an accumulation of a considerable amount of American A.I.D. counterpart funds in Pakistani bank accounts. Under the Symington Amendment, those funds cannot be spent for any purpose other than narcotics control. In the recent markup of the Foreign Assistance Act, the Senate Foreign Relations Committee authorized the expenditure of up to $10 million of the accumulated funds for rural development in Pakistan to provide substitute income for opium-growing Pathan farmers. The money could be used for rural development projects such as road building—a sorely needed improvement in the Northwest Province areas of Pakistan. In simple terms, Pathan farmers who otherwise would be growing opium for income would build roads instead.

Apparently, the Pakistani government has expressed interest in using the funds for that purpose. Of course, this would only be a short-term solution to the general problem of finding substitute sources of income for members of the Pathan tribal groups who otherwise have no ready source of cash income. A permanent solution will obviously require great patience and commitment from the United States over a number of years to resolve the underlying economic and social problems—but a new U.S. heroin epidemic is imminent, and short-term measures are crucial to combatting it.

Recommendation XII: The Congress should enact the amendment to the Foreign Assistance Act authorizing expenditure of $10 million in counterpart funds in Pakistan. The State Department should move swiftly to develop a plan with the Pakistanis to implement an income substitution program in the Northwest Provinces.

Turkey is the first non-source victim country in the Southwest Asian heroin trail. We are satisfied that a sophisticated law enforcement and diplomatic program by our government and the government of Turkey might have a substantial impact.

I agree with DEA agents in Turkey who state that the primary goal of DEA's operation in Turkey and its liaison with the Turkish National Police should be to identify major traffickers as they leave for Western Europe. Furthermore, there is clear consensus that some effort should be made with Turkish customs to gain more effective control over the exports leaving from Istanbul airports, seaports, trainyards and across the other major land arteries through Istanbul.

Recommendation XIII: DEA should continue to work vigorously with Turkish National Police to fill the large intelligence gaps concerning trafficking in the rural areas we have identified in this report and with Turkish customs to increase its effectiveness in Istanbul.

The local militia force in Turkey primarily responsible for security in rural areas, known as the Jandarma, is potentially an important part of efforts to halt trafficking in the Turkish countryside—particularly if DEA and the Turkish government make greater efforts to sensitize them to the narcotics problem.

Recommendation XIV: I agree with DEA and Turkish officials that there should be greater emphasis on developing the Jandar-

ma's narcotics control capability. Also, the ability of the Jandarma—especially its airwing—to monitor leakage from legal opium production into illegal use as well as the extent of illicit opium cultivation should be upgraded.

The Balkan Countries and Greece may be the most important transshipment points for Southwest Asian heroin to both Western Europe and the United States. The role of the customs agencies in Bulgaria, Yugoslavia and Greece is of critical importance. The Yugoslavs have been doing an outstanding job—with the largest seizures of Southwest Asian heroin by any European country. However, the allegations concerning the possibly sinister role of the Bulgarian KINTEX organization are indeed disturbing. The effectiveness of Greek customs at the Yugoslav, Bulgarian and Turkish borders and at the Volos ferry from Syria is also a matter of deep concern.

Recommendation XV: The Senate Intelligence Committee and the Foreign Relations Committee should query the intelligence community and the State Department on the most recent information on the role of the KINTEX in gun and drug smuggling with the KURDS and elsewhere in the Middle East. If there is substance to the allegation, an intensive diplomatic initiative ought to be undertaken to thwart that activity. One possibility might involve the Turks who are developing bilateral narcotics initiatives with the Bulgarians and have alleged in international forums that there is a traffic in trading guns for heroin among insurgent groups in Turkey.

Recommendation XVI: If a solidly documented DEA report establishes the role of Greece as a transit point for Southwest Asian heroin en route to the clandestine laboratories in Italy and France, a permanent DEA presence should be established in Athens to help the Greeks improve their customs operation.

Italy has assumed increasing importance in the connection between the poppy fields of Southwest Asia and the streets of American cities and towns. As in Ankara, the DEA office in Rome is of extremely high professional competence and has an excellent relationship with the host government. Indeed, the DEA office in Rome may enjoy a closer working relationship with the Interior Ministry than does our diplomatic corps. In fact, the State Department narcotics coordinator for Rome does not seem to take an interest in his responsibilities and he did not even meet with Congressional staff during the recent visit. This matter should receive the immediate attention of Ambassador Gardiner and the Bureau of International Narcotics Matters.

The effectiveness of the Rome DEA office was evidenced recently by the very large laboratory seizures in San Remo and Milan. Discussions with DEA, State Department and Italian officials clearly indicate that the Italians are taking this problem seriously. They are committing substantial resources to reorganizing their narcotics treatment capabilities. They are also seriously considering suggestions made by our government and outside experts that their law enforcement operations be reorganized along the lines of the U.S. government's DEA in order to more effectively combat the illicit narcotics trade—especially the Sicilian organized crime link to the United States.

Such a reorganization would assist DEA in filling some of the obvious intelligence gaps acknowledged by DEA officials. For example, we still do not know exactly how Southwest Asian morphine base is getting to Sicily, the location of the major heroin laboratories in Sicily, or the modus operandi of the trafficking to the United States.

Recommendation XVII: The Italian government should again be approached about sending a high-level delegation to the United States to see how DEA is organized and how we might help them reorganize their drug enforcement operations. In the course of those discussions and through our DEA office in Rome, we should continue trying to fill the three intelligence gaps described above.

Mr. BIDEN. Thank you very much, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, as much as I hate to confess it publicly, I must say that I am about to decide that no one wants to speak about abortion today. If that is the case, I intend to go on to some other considerations.

Mr. PACKWOOD. Mr. President, I do not intend to delay the majority leader in taking us out. I had hoped we would have what the leader has called a spirited debate this afternoon, but I would be prepared to go ahead on Monday with a spirited debate.

Mr. BAKER. I thank the Senator.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond the hour of 2:05 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS—VETO

Mr. PERCY. Mr. President, I reluctantly voted to sustain President Reagan's veto of H.R. 6863, the supplemental appropriations bill. I say reluctantly because my vote is not an endorsement of the administration's budget priorities as outlined in the President's veto message. I do not, for example, think we need all of the military spending originally requested by the President. Rather, my vote against the supplemental appropriations bill is a vote against a Federal budget and Federal spending which will be in the red by close to $112 billion this 1982 fiscal year.

Within 15 minutes of the Senates vote the stock and futures markets have reacted negatively. Overriding the President sent the wrong signals to the financial markets that determine interest rates, long-term corporate investment, and ultimately the future of our economy.

We can hardly be serious about the constitutional amendment to balance the Federal budget when we continue to enact spending bills far in excess of our Federal income.

HISTORIC BEAUFORT, S.C.

Mr. THURMOND. Mr. President, history books abound with information about early settlements in the New World like Jamestown, Va., and Plymouth, Mass. Often, however, little is said about the historic coastal city of Beaufort, S.C., which, in 1520, became the site of the second landing of Europeans in North America.

The history of Beaufort is a story of the struggle of people against nature, and of the harsh realities of settling a wilderness. The odds against these early settlers were only matched by their courage and willingness to succeed.

The residents of Beaufort established a prosperous life, only to see it vanish during the adversity of the War Between the States. The area remained economically distressed until the middle of the 20th century.

Little did the good citizens of Beaufort know that the same natural beauty that attracted the Spanish, French, and English settlements in this beautiful coastal area would later attract throngs of tourists and retirees. Located on the coast between Charleston, S.C., and Savannah, Ga., its location also provides a strategic location for military bases.

The community of Beaufort, which at one time was impoverished and seemed to have little hope of survival, is today flourishing and enjoying prosperity, thanks to its agriculture and the bounty of its surrounding Atlantic Ocean waters. Shrimp, crabs, oysters, and other sea life teem in the waters around Beaufort and have made the area attractive to industry and business, as well as to tourists.

Beaufort can boast of a remarkable history. It was the location of the first attempted North American settlement by the French in 1562, and of other early settlements by the Spanish and French.

Mr. President, the people of Beaufort can take great pride in the history of this fine port city. Researchers from the Institute of Archeology and Anthropology at the University of South Carolina have given the citizens of Beaufort County even more reason to be proud of this historic area. Three years ago, these researchers began an excavation project to uncover the lost city of Santa Elena.

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Santa Elena was established by the Spanish in 1566 to help convert the local Indians to Christianity, and it served as protection for Spanish treasure fleets on their voyages from Mexico to Europe during the era of great competition between the French and the Spanish for control of the New World.

It is interesting to note that the settlement of Santa Elena is over half a century older than the Pilgrim settlement in Plymouth, Mass., and 40 years older than Jamestown in Virginia.

Two forts were built on the settlement to protect the Spanish, who had colonized that area, from enemy attack. The first, San Felipe, built in 1570, was attacked and captured by Indians in 1576. The second fort, San Marcos, was built in 1577 and abandoned in 1587. It appears that the Spanish were disturbed at the news that Sir Francis Drake had attacked and burned St. Augustine in Florida. Fearing he might make his way up the coast to San Marcos, the Spanish fled from the settlement. Thus, the occupation of this area came to an end.

Today, the land where Santa Elena stood is owned by the U.S. Marine Corps, and is part of their training center called Parris Island. Researchers continue to work diligently to find the entire settlement. They have made great strides so far, and are to be commended for their outstanding work. I look forward to hearing more about their findings and am excited about the prospects of their search.

Certainly, Beaufort and its surrounding islands have witnessed a history of conflict that contrasts vividly with the natural serenity of the area. From the time the Spaniards first sailed into the harbor of Port Royal, more than 450 years ago, up to the present day, the people have experienced war, hurricanes, fires, epidemics and the vicissitudes of economic fortune, in their struggle to save their environment and the land that they loved.

Mr. President, the people of Beaufort are proud and strong. They enjoy a rich heritage and have not forgotten the struggles their forefathers encountered during their fight to make Beaufort a strong city. Surely, they can take pride in their past and they can look forward to a prosperous future.

This beautiful city, shaded peacefully by moss-laden oaks and overlooking broad expanses of winding rivers, is truly an historian's paradise. I feel it is important that more Americans become aware of the significant part the area of Beaufort County played in the history of our great country.

Mr. President, in order to share more of the history of Beaufort County with my colleagues, I ask unanimous consent that a brochure printed by Dr. John J. Duffy, professor of history at the University of South Carolina, be included in the RECORD.

There being no objection, the brochure was ordered to be printed in the RECORD, as follows:

A BRIEF HISTORY OF BEAUFORT

(By John J. Duffy)

The history of Beaufort is a story of the struggle of men against nature, Indians, Spaniards, Frenchmen, and fellow countrymen. Beaufortonians established prosperity in the face of adversity, only to see it dissolve in the Civil War. Many false dawns of hope followed defeat in the Civil War, but, in the main, the area remained in economic distress until the middle of the twentieth century. The same natural beauty which attracted first the Spanish and then the French and English to its shores would in the twentieth-century attract tourists and retirees. The strategic location, which over the years had made it vulnerable to enemies, would make it a suitable location for military bases. The present prosperity of the area is based upon these factors as well as agriculture and the products of the surrounding waters.

The first European to visit the area, Francisco Cordillo, landed in 1520 on what is now Port Royal Island and named the cape Santa Elena. Recognizing the strategic importance of the area, the Spanish in 1557 attempted to develop a fort at Santa Elena, but the project failed. The French Admiral Gaspar DeColigny dispatched Jean Ribaut and a group of volunteer Huguenot settlers to Port Royal in 1562. They settled on a small island lying between two rivers which is now called Parris Island. There, Ribaut built Charlesfort on the northern bank of Ballast Creek. Ribaut left the settlers and returned to France which was then in the throes of a religious war. Hostilities kept Ribaut from returning to the aid of the thirty Frenchmen left at Charlesfort. In spite of the aid given them by the Indians who were subjects of one King Audusta, the tiny garrison of Frenchmen ran short on food and despaired of Ribaut's return. They built a small ship and set sail for France. When found by a passing vessel, the men had run out of food and were desperate. Thus ended in tragedy the second attempt to colonize the area which is now Beaufort.

After the collapse of the French expedition, the Spanish returned to the area in April of 1566 under Menendez and built Fort San Felipe on the southeastern point of Parris Island. They left a garrison of 110 men. In accordance with Spanish custom, priests were dispatched to the area in 1569 to Christianize Indian inhabitants of the area. The Pardo expedition, one of the most significant expeditions in North America, explored the interior as far as what is now Alabama in 1567. The Spanish remained in the area until an Indian rebellion in 1576 drove them back to St. Augustine. With the burning of St. Augustine by Sir Francis Drake in 1586, Spain withdrew from Port Royal. The missionaries continued work in the area well into the seventeenth-century.

After the restoration of King Charles II in 1660, English interest in establishing colonies on the Northern American continent was rekindled. William Hilton was dispatched in 1663 from the Barbados to explore the continent. Hilton, after whom Hilton Head Island was named, landed in the Port Royal area and his report was highly complimentary, praising the fertility of the soil, the healthful environment, the abundance of fish and game. As had Ribaut a hundred years before, he described the Port Royal area as the finest location for settlement on the Carolina coast. According to Hilton, "The Ayr is clear and sweet, the countrey very pleasant and delightful; and we would wish, that all they that want a happy settlement of our English Nation, were well transported thither." In 1666, the Barbadian official Robert Sanford sailed along the coast to Port Royal and arrived at the same conclusion.

In the spring of 1679 the colonizing expedition from Barbados under the command of Governor Sayle landed in the Port Royal area. Here the first government of South Carolina was actually elected. The freemen chose five council members to work with the five deputies of the Proprietors. Beaufort might well have become the site of the first colony if it had not been for the guile of the Cacique of Kiawah. This Indian leader extolled the advantages of the land to the north on the banks of the Ashley. The Indian's advice, as well as fear of possible Spanish attack, led the expedition to proceed north where the colony was established at Charleston.

In 1648 a group of Scots established a settlement at Stuarttown on Port Royal Island. The area was still being bitterly contested between Spain and England and in 1686 the Spaniards destroyed the Scottish settlement. The activities of the Spanish and their Indian allies in the area frustrated any attempts of English colonization in the Port Royal area in the next generation. This fighting in the area between the Spanish and the English was only part of a great world struggle for supremacy. The success of Colonel James Moore's expeditions against the Spanish in northern Florida in 1704 relieved some of the pressure on the English in the Port Royal area, and in 1712 the legislature laid out plans for a town to be known as Beaufort. As early as 1711 a settler in the Beaufort area established a name for himself in the colonies in the intermittent Indian wars. Colonel John Barnwell commanded a small body of troops and with the help of Colonel James Moore, the younger, destroyed the Tuscarora Indians around New Bern. Colonel Barnwell was thereafter know as "Tuscarora Jack."

The town of Beaufort was three years old when a new and terrible threat appeared. In April of 1717 the Yemassees, who had initially been friendly to English colonists, rose in rebellion against them and attacked the Port Royal settlement. They massacred every person they could find. The Indians were permanently subdued in 1717 but the continuing threat of the Spanish to the area caused the settlement to develop slowly. As late as 1721 there were only 30 whites and 40 black inhabitants in St. Helena Parish.

St. Helena's Church was built in 1724–1725 in Beaufort. The numerous creeks and rivers separating Beaufort from the rest of the settlement led to the establishment of Prince William's Parish in 1745. The church serving this area was built at Sheldon. In 1747, St. Peter's Parish was separated from St. Helena's and a church built in Purrysburg. The last of the parishes carved from St. Helena's was St. Luke's Parish in May of 1767 which served the area between the New River and Port Royal Sound, including Hilton Head. Although the area was not separated from St. Helena's Parish, in 1748 a "Chapel of Ease" was erected on St. Helena Island to serve its inhabitants who found it difficult to travel to Beaufort.

Rice culture proved unsuited to the Sea Islands is this period. After 1740 the devel-

opment of indigo provided a money crop which was perfectly adapted to the geography of the area. The evidence of growing prosperity in the region after 1740 is great. In this period, however, one should not imagine the development of great plantations. Rather, the Beaufort planters of the eighteenth-century lived on a relatively small number of acres. A study made of the local militia rolls showed that only sixteen Beaufortontians were listed as owning more than 1000 acres and only one with more than 2000 acres. Most planters owned between 5 and 15 slaves. Several of them owned herds of cattle and other livestock. Important landholding families of the period were the Barnwells, the Middletons, the Heywards, the Deveauxs, the Wiggs, and the Bulls.

With the triumph of the British cause over the French and Spanish in 1763, the Port Royal area prospered, greatly aided by the bounty paid to indigo growers within the empire. Thus, when the Revolution broke out, the citizens of the Beaufort area proved uninterested in the revolutionary cause or actually hostile to it. Shipbuilding was extremely important in Beaufort in the eighteenth-century and the industry centered around Port Royal. In 1743 William Bull described Port Royal to the lords of trade as the "most commodious harbour in the province."

The conservatism of the Beaufort district in the Revolution can be explained in terms of its prosperity, the importance of the indigo bounty, and the strong influence of the relatives of Lieutenant Governor William Bull, Jr. and of the recently arrived Scottish merchants within the colony. With the evacuation of Port Royal Island by the Americans in February, 1779, the British moved into the area and secured control. What enthusiasm that had existed for the Revolutionary cause now completely evaporated. Although the records of the patriots from the Beaufort area in the Revolution is somewhat unclear, Beaufort produced one of the outstanding leaders of the Tories in the person of Colonel John Deveaux. Deveaux at the end of the Revolution captured the entire Spanish garrison in a bold attack on the Spanish in the Barbados, thus assuring that those islands remained a part of the British Empire. The war left the Beaufort area in wreckage.

With the development of Sea Island cotton after 1790 Beaufortonians recovered and by 1800 were entering into a phase of their history which has been characterized by one historian as the "Periclean age of Beaufort." This lasted from 1800 to 1860. It was the Beaufort of this period which the historian Edward McCrady described as the "wealthiest, most aristocratic, most cultivated town of its size in America." The great plantations which characterized the period in South Carolina appeared in the Beaufort area at this time.

The English scientist Charles Lyell, who visited the area in 1845, described the passage of his ship through "the winding mazes of a most intricate channel called the Beaufort River." The low sand islands and mainland covered with oaks, long-leaf pines and palmettos were inhabited by cattle, game and wild ducks. He noted the bounteous supply of oysters. To his eye this constituted a "novel and curious scene."

Lyell left an idyllic portrait of the town of Beaufort where the planters had established their summer homes to escape the heat of the interior. Each villa, he noted, was "shaded by a verandah, surrounded by beautiful live oaks and orange trees laden with fruit."

Among the buildings which so charmed the Englishman in 1845 would have been the Old Barnwell House dating from 1733, the Beaufort Arsenal (1795), the home built by Chancellor DeSaussure in 1795, St. Helena's Church, the Classical Revival building which housed the Baptists, built in 1844, the La Fayette Building, the De Treville House, the Anchorage, Tabby Manse, and other equally imposing structures.

In the 1850's the wealthy planters refurbished many of the other structures and added others equally imposing. Among the great homes dating from this period are the Tidalholm, the Greek Revival Waterhouse Home, the Porter-Danner House, Paul Hamilton's Home, the Oaks, and the Crofut House.

The imposing Beaufort College Building dates from 1852. The Beaufort College provided preparatory training for the young men of the area from 1795 until the beginning of the Civil War. The President of the College Board. Dr. Thomas Fuller, one of the wealthiest men of the area, owning over 360 slaves on three plantations, also served as the Commissioner of Free Schools.

Large libraries were recorded to have existed in the area including one owned by Thomas Aston Coffin at "Coffin's Point." An even larger collection of books was owned by Edgar Fripp at Seaside Plantation on St. Helena Island. Similarly, the records of the Union forces indicate that there was a very fine library containing books and old papers dating back to 1812 at the Pope Plantation on Hilton Head Island. The largest library in the area probably belonged to Robert W. Barnwell, who served as a U.S. Congressman and U.S. Confederate Senator as well as the president of South Carolina College. Unfortunately, most of these libraries were destroyed.

Beaufort planters ardently supported the secessionist cause. In fact, the most prominent Beaufortonian of the period, Robert Barnwell Rhett, former Congressman and Senator, has been called by his chief biographer, the "Father of Secession." Rhett, a fiery orator, was considered too implusive and too fanatic by the leaders of the new Confederacy, which he had done so much to establish, and his last years were ones of bitter resentment. Political figures who came from the Beaufort area in this period included William J. Grayson, a U.S. Congressman, and Henry DeSaussure, the director of the United States Mint.

Several months after the Civil War began in November of 1861, the Federal fleet under the command of Commodore S. F. Dupont landed 12,000 soldiers under General Thomas Sherman and entered Port Royal after reducing Forts Walker on Hilton Head and Beauregard at Bay Point. At approximately the same time, General Robert E. Lee took command of the Department of South Carolina and Georgia and determined that he would be unable to hold the numerous entrances and islands on the Carolina coast. He abandoned all the positions except for those essential to the defense of Charleston. Shortly thereafter, the land of the great planters was seized by the Union forces as "abandoned lands" and distributed to the black inhabitants and soldiers or bought by the government at low prices. In November 1862, the first slave troops mustered into the federal service enrolled in Beaufort under the command of Thomas Wentworth Higgins, an abolitionist from Massachusetts and colonel of the "first regiment of South Carolina Volunteers." According to the South Carolina historian, D. D. Wallace, the black soldiers led by white commissioned officers did some "splendid fighting with heavy losses against fortified positions along the coast." The Port Royal area remained in Union hands for the rest of the war. In fact, the right wing of Sherman's army entered South Carolina through Beaufort, then marched inland and from there joined the left wing in its movement to Columbia.

Reconstruction had actually begun in the Beaufort area long before the rest of South Carolina. It is not surprising that some of the more remarkable leaders of the Reconstruction period came from Beaufort. The most famous of these black leaders was Robert Smalls, and escaped slave, who actually took over the Confederate ship, *The Planter,* and surrendered it to the Union forces. Smalls earned a commission in the Union navy and piloted several Union gun boats in seventeen battles. Elected to the Constitutional Convention of 1867, he played an important role in it. He was instrumental in South Carolina's ratification of the Fourteenth Amendment. Elected to Congress in 1876, he served until 1886 and was, in fact, the last black Congressman from South Carolina. The "king of Beaufort County," Smalls played a leading role in the black community in South Carolina in this critical period. He was also a man of great humanity, known for his kindness to his former master's family for whose son he secured an appointment to Annapolis. Smalls was also instrumental in securing a naval station for the Port Royal area.

Cotton production recovered gradually and the crop of 1879 was the largest ever grown. However, economic hard times returned in the 90's and the Sea Island growers sought tariff protection.

The Beaufort area also suffered a devastating blow from nature in the Hurricane of 1893. Winds of a hundred miles and hour combined with high tides covered the islands with ten to twelve feet of water. Estimated loss of life was as high as 14,000. The ensuing suffering was vividly described by Joel Chandler Harris, creator of "Uncle Remus," in Scribners Magazine. A large ship was actually left aground in the middle of a ruined Bay Street.

Beaufort produced a remarkable state senator with wide influence in the person of Senator Neils Christensen. In 1905, the twenty-nine year old Christensen, who was also the editor of the Beaufort Gazette, began a crusade against the state dispensary, which by that time was riddled by graft and had become extremely unpopular in the state. Christensen's opposition to the dispensary brought him into conflict with one of the most powerful politicians in South Carolina, Coleman Livingston Blease. In spite of threats against his life and vindictive personal charges by Blease that his father had commanded Negro troops, Christensen persisted in his efforts and the dispensary was ultimately abolished.

The establishment of the Marine Corps Recruit Depot at Parris Island during World War I brought a brief flurry of prosperity to the Beaufort area. The introduction of truck farming to replace the disappearing Sea Island cotton also contributed to the revival of prosperity. Agricultural depression, the boll weevil, and the disappearance of Sea Island cotton brought economic depression to South Carolina and Beaufort county long before 1929.

In 1947, Port Royal was transferred from the jurisdiction of the Savannah United States Engineers office to the Charleston United States District Engineer. The newly created South Carolina State Ports Authority attempted to secure federal funds for improving the harbor. The state legislature established the Port Royal Authority in 1954. The local authority jointly with the state authority, congressional representatives, state leaders and local interest secured an appropriation of $500,000 from Congress in 1955 for the dredging of the Port Royal area. In 1958 State Pier 21 was opened at Port Royal by the Authority. Beaufort further profited from the establishment of the Marine Air Station as an auxiliary and later as a major military base. Improved roads and the building of crucial bridges in the lower part of the county opened up the surrounding Sea Island for development. The influx of retired persons into the area further enhanced the economy. Beaufort enjoyed the highest rate of growth of any county in the state in the period 1950-60. The county has no heavy industry and its present prosperity is based upon the military presence, service industries, retirees, tourism, truck farming, and fishing.

It is heartening to note that much of Beaufort's wealth in the third quarter of the twentieth-century has been used to restore the grandeur of old homes and buildings dating from its "Periclean Age." As a result Beaufort is one of the most attractive towns on the Atlantic coast.

Beaufort, South Carolina, pronounced bew-fort, and Beaufort, North Carolina, pronounced bo-fort, were named in honor of the Duke of Beaufort, pronounced bo-fort. Beaufort, North Carolina retained its original pronunciation while the South Carolina town's name was anglicized in the same way that the "beau" in beautiful was. Several explanations for this exist. One is that the 18th century pronunciation was bew-fort but historians maintain that this is not so and that the pronunciation of the name of the English noble was the same then as now. Another explanation was that sea captains pronounced the two differently to avoid confusion but this cannot be accepted since Beaufort, South Carolina as a port of destination would have been designated Port Royal. Until a better explanation is forthcoming, we simply have to attribute the anglicization of the name of Beaufort, South Carolina to common usage by the inhabitants. The change has been totally accepted and the unwary newcomer or tourist who pronounces Beaufort, bo-fort will find himself courteously corrected by the residents.

CONGRESSMAN KEITH SEBELIUS—FAREWELL TO A FRIEND

Mr. DOLE. Mr. President, the Senator from Kansas has just returned from a trip home, a visit which brought contrasting emotions. There was joy on Thursday, when President Reagan was the guest speaker at the Alf Landon lecture at Kansas State University. But just the day before, there was sadness, as I traveled to Norton, Kans., to say farewell to our former colleague and beloved friend Keith Sebelius. To his loving wife and countless friends, the Senator from Kansas offers his deepest sympathies.

A DEDICATED MAN

If you wanted to find a model Congressman, Keith Sebelius was your man. He was everything that a Congressman is supposed to be. He was a spirited and effective spokesman for his constitutents, never losing sight of his task in Washington: To serve the people of his district. He never forgot where he was from. In fact, he never really left. To Keith, Washington was only where he worked—his home would always be Norton, and he spent as much time in his district as was professionally possible. For more than a decade, Keith Sebelius was the proud Representative of "The Big First," a huge congressional district that takes up half the State. But the dimensions of the job did not bother Keith—he knew he could handle it. Voters agreed, electing him to six consecutive terms in the House of Representatives. Once he reached Washington, his constituents quickly realized they could not have found a more tireless and dedicated friend. Whether at home in Norton, on the road in the Big First, or at the office in Washington, Keith was accessible, understanding, and willing to work. He listened, he understood, he acted. And when Keith Sebelius was ready to speak, his colleagues on the House Agriculture Committee listened. In Congress, it does not take long to figure out which Members truly understand the issues, and there is no question Keith Sebelius understood the needs and concerns of the American farmer. Certainly, farmers have never had a better friend. The Congressman was not interested in making headlines. He simply wanted to do his work with quiet efficiency, knowing that the needs of the people always came first. If there was ambition, it was only to see that the Big First prosper.

COMPETITION BRINGS FRIENDSHIP

The Senator from Kansas is proud to say that Keith Sebelius was his Congressman, from 1969 until 1981. When this Senator first ran for Congress in 1960, his opponent in the Republican primary was Keith Sebelius. In many ways, the competition of political foes is no different from the competition waged by members of any other field of endeavor. To match a competitor, you must learn what makes them run, and you must understand their very nature. Sometimes the competition is fierce. But through such challenges you are forced to reach inside yourself and ultimately become the best that you can be. And that is a debt I owe to Keith Sebelius. This Senator won that race, but happily, from this competition, came a friendship that endured and a partnership that flourished. Later, it was Keith Sebelius who followed this Senator to Washington in 1969. I was a freshman Senator and Keith was the new man from "The Big First." Thus began a distinguished 12 years of service by the dedicated man from Norton. Oh, some might say he did not make legislative history and I guess there will be no Federal buildings bearing his name. But in the Big First he will always be a hero. Ask the farmer on the combine, ask the shopkeeper on Main Street, ask the mayor of any western Kansas town. Just ask the people. They will tell you.

HE WILL BE REMEMBERED

When we said goodby to Keith this week in his beloved Kansas hometown, one had only to look around to witness the respect accorded this good man. There was the entire Kansas congressional delegation, the Governor and many State legislators—Republicans and Democrats, alike. But above all, there were the people, always the people. They crowded into the church to say goodby to their friend. And in Topeka the flags at the Capitol hung at half staff.

Just west of Keith's hometown is a gentle lake that already bears his name. This Senator truly believes that when Kansans gaze at the peaceful waters of Keith Sebelius Lake, they will remember this good friend, and they will know he was there, and that he did make a difference. Kansas will miss him.

TOURO SYNAGOGUE COMMEMORATIVE STAMP

Mr. PELL. Mr. President, I had the great good fortune to attend the ceremonies on the occasion of the issuance of the Touro Synagogue commemorative stamp. This stamp was unique in that it honored Touro Synagogue, the oldest synagogue in our Nation. It and its congregation have occupied an honored place in Newport, and an honored spot in the hearts of Newporters since the very day of its founding. I know I am particularly proud to be a director of the Society of Friends of Touro Synagogue.

We were honored by having Postmaster General William Bolger come personally to speak and issue the stamp. Aaron Slom, president of the Society of Friends of Touro Synagogue, did an excellent job in organizing and presiding over the day. My good friend and colleague, Senator CHARLES PERCY, was there. But I was particularly struck by the marvelous and deep-feeling words of Rabbi Theodore Lewis when he developed the point that not only should government give "to bigotry no sanction, to persecution no assistance," but that the people must be likewise motivated.

In this regard, I ask unanimous consent that the truly eloquent words of Rabbi Lewis be inserted in the CONGRESSIONAL RECORD at this point together with the sensitive, fine speech given by Postmaster General Bolger.

There being no objection, the invocation and remarks were ordered to be printed in the RECORD, as follows:

RABBI LEWIS INVOCATION

We beseech Thee, oh God, to give of Thy blessings to those who have assembled in this sacred, and historic edifice this morning. Above all, do we ask that Thou bestow Thy divine Grace on the Honorable William F. Bolger, Postmaster General of the United States. He has come here as a representative of the United States Government to inaugurate the issuance of a Touro Synagogue Commemorative Stamp. For over 25 years the Society of Friends of Touro Synagogue has importuned the Postal Service of the United States that a stamp be issued honoring this, the oldest Synagogue in the United States and the only one that has been designated as a National Historic Site.

It was to this Congregation that George Washington wrote his famous letter in which he used the immoral words "for happily the Government of the United States which gives to bigotry no sanction, to persecution no assistance" words which have become the classical expression of religious liberty in America.

Our hearts are filled with joy as we join in the dedicatory exercises commemorating the issuance of the Touro Synagogue Commemorative Stamp.

By issuing this stamp, the United States Postal Service is not only honoring this venerable House of God, but is also paying tribute to the part that Jews have played in the development of this blessed land that we love. In every field of human endeavor, in art, in industry, in economics, in medicine and in law, Jews have made significant and lasting contributions to the welfare and well being of America.

Whereas Washington's eloquent words "for happily the Government of the United States which gives to bigotry no sanction, to persecution no assistance" were adequate and forward looking in the 18th century, these words will not suffice for the end of the 20th century. In this modern era, if we are to overcome the divisiveness that separates the people of this land, there must be a new slogan—"for happily the Government and the people of these United States which give to bigotry no sanction, to persecution no assistance." It is not enough if only the Government gives to bigotry no sanction, to persecution no assistance, the people must be likewise motivated.

Let us, then, move on towards the realization of this ideal in our society. Thus, will we show by our attitudes and by our way of life, that the words of George Washington continue to inspire us and have become an integral part of our lives. Thus, will we give meaning and substance to this ceremony in which we participate this day.

REMARKS OF WILLIAM F. BOLGER, POSTMASTER GENERAL

(First Day of Issue Ceremony, the Touro Synagogue Stamp, the Touro Synagogue, Newport, R.I., August 22, 1982)

Thank you, and good morning, ladies and gentlemen. I am delighted to be able to share this occasion with you.

To the members of The Society of The Friends of Touro Synagogue, I commend you for your dedication to the maintenance of the oldest synagogue in North America and to the promotion of awareness of its important role in American religious liberty. I also wish you success with the Patriot's Park project.

I know how long members and friends of the Touro Synagogue have campaigned for this stamp. And I know how much it must mean to people like Rabbi Lewis, Ben Helfner, and the family of Dr. Martin Greenfield to see this come to fruition.

We of the Postal Service understand this kind of dedication because we share it.

Through our commemorative stamp and stationery programs, we have created a unique honor roll to recognize and pay tribute to the men and women who over the years have made significant contributions to this country and, indeed, to all humanity.

A good portion of our postal honor roll has honored those individuals whose valiant efforts contributed to the growth and independence of this Nation.

I think we all recognize that the birth of our Nation was brought about not by the work of one particular group of people, but rather was achieved through the courage, perseverance and dedication of individuals representing diverse ethnic and economic groups. They were individuals who—while different in many ways—shared the dream of a new Nation and confidence in its future; individuals who—while different in many ways—were united in purpose.

It was that unity of purpose that gave impetus to the Nation's independence.

In 1975, we issued four stamps in a set entitled, "Contributors to the Cause," focusing on this diversity in unity. The series commemorated the accomplishments during the Revolutionary War of four individuals of different backgrounds who were "united in a common cause." Their names were less well known than George Washington, Benjamin Franklin, John Adams and other Revolutionary heroes.

There was Sybil Ludington, a young girl barely into her teens, who rode her horse through the New York countryside rallying the militia to repel the British at Danbury, Connecticut.

There was Salem Poor, a black foot soldier who earned a citation for his courage and bravery at the Battle of Bunker Hill.

There was Peter Francisco, a Portuguese-French immigrant who served with distinction in no less than seven major battles, including the one which resulted in the British surrender at Yorktown.

And, there was the Polish-born Jewish financier, Haym Salomon, whose genius helped to finance the revolution and later helped to sustain our fledging Nation.

The four stamps called worldwide attention to the role each played so heroically during the struggle for independence.

Even more importantly, the stamps pointed out that the history of our Nation belongs to all Americans . . . that victory was achieved not merely because of individual efforts, but because of united ones, the sum total of the efforts of all who contributed to the cause.

I do not mean to imply that in unity the colonists lost their individuality. Quite the contrary is true. The varying cultures of the early colonists provided America with a rich and rewarding legacy, strengthening our Nation's economic, social, and spiritual life.

The Touro Synagogue . . . and what it stands for . . . is a graphic representation of a central part of that legacy . . . that of religious liberty. And the stamp we dedicate this morning—so handsomely designed by Donald Moss—will travel around the world speaking in the universal language of postage stamps of this precious American right and tradition.

While the size of a single stamp is not great, its sphere of influence is. This is because millions and millions of people around the world see and use and collect postage stamps. They have very nearly universal visibility.

Depiction of a subject on a United States postage stamp is an honor. In a sense, it is a living tribute because stamps have purpose and value. And we know that portrayal on a stamp encourages many people to learn more about the subject that is highlighted. And that is precisely what I hope happens in this instance.

When we issued the Haym Salomon commemorative stamp, there were people who expressed surprise at learning that there were Jewish people here in colonial times.

As a matter of fact, there were several active Jewish communities in places like Charleston, South Carolina, Baltimore, Philadelphia, Norfolk, Richmond and Savannah, as well as New York and here in Newport.

A small group of Jewish people, descendants of Sephardic Jews from Spain and Portugal, had come to Newport as early as 1658, from the West Indies island of Curacao (Cur-a-sow).

They had heard about Rhode Island and Roger Williams and his belief in freedom of worship and liberty of conscience. And, with the same kind of courage that marked other pioneers who came to this land to build new lives for themselves and their children, they came to Newport to establish new roots. They formed a congregation and met in each other's homes to pray together.

One hundred and five years after the original group arrived—in 1763—Touro Synagogue was constructed by descendants of the earlier settlers, together with newer arrivals from a variety of countries.

That the congregants could build such a structure, that they could openly attend services there, tells us that they felt comfortable enough in the community to publicly follow the dictates of their faith. This was a marvelous portent for the future of America.

And there is a physical feature to this structure that to this day speaks of the congregation's hopes for, and confidence in, the new land.

Even though there were some who expressed concern that it might lessen the architectural beauty of the structure, a wing for a school was included as part of the Synagogue.

The congregation intended the building to be not only a house of worship for the adults, but a place of learning for their children as well.

Surely, this is proof of their trust in their fellow Americans. The people who built Touro Synagogue trusted the community to enable them not only to live and work in peace, but to be able to assemble for prayer and gather their children together to learn of their heritage—openly—and without fear.

These words—"openly"—and "without fear" are vitally important

To practice one's faith in fear is to *live* in fear. And, thank God, we live in a land where people feel free to worship where and when they please . . . where most people even take religious liberty for granted—rarely thinking about how glorious this is.

The Jewish people who founded Touro Synagogue did not take religious liberty lightly or for granted. They cherished it. And because they did, they not only included a wing for a school—indicative of their faith in the future—they built a trap door to the underground—as a reminder of the past.

Does this sound contradictory?

The Jewish community of Newport had existed for more than 100 years when Touro Synagogue was built.

They had lived in peace, and they did not build the trap door because they feared for the future. Rather, the builders of the Synagogue, who had not been alive during the time of the Spanish Inquisition, had been taught by their forefathers the importance of remembering . . . of remembering times of pain even during times of joy . . . a theme that is fundamental to the Jewish observance of Passover and is even part of the traditional Jewish wedding ceremony.

The builders of Touro Synagogue constructed the door to the underground to remind their children and their children's children of the time in Spain when such trap doors were not symbolic, but were very real and necessary instruments for survival.

They certainly did not take their religious liberty lightly or for granted. And they did not want their succeeding generations to do so either.

This, to me, is what the Touro Synagogue stamp is all about.

While it was built by a specific group of people, the visions, the hope, and the confidence in America that made this Synagogue a reality are part of the heritage bequeathed not to the Jewish people alone, but to all Americans by all the stalwart colonists who struggled to establish and build this great land of ours.

And it is my hope that this stamp will not only help memorialize those colonists and their courageous spirit, but will help also emphasize the unity of purpose that enabled them to build this citadel of religious freedom—the unity embodied in the United States of America.

I pray their vision, hope and confidence—their faith—will inspire us all anew.

Thank you.

Now it is my pleasure to present several albums containing the Touro Synagogue stamp to the following distinguished persons:

The first, by tradition, goes to the President of the United States, and Mr. Reagan's will be delivered to the White House.

DEFENDERS' DAY

Mr. MATHIAS. Mr. President, on September 12, Marylanders will celebrate Defenders' Day. On this day in 1814, the fierce 2-day Battle of Baltimore began. It was a turning point in the War of 1812 and Marylanders annually look back to that day with great and justifiable pride.

Gen. Samuel Smith, a Baltimore merchant, Revolutionary War hero, and U.S. Senator, had spent the previous year training the local militia. On September 12, he sent 3,200 members of the militia to meet the 4,000 British regulars who landed at North Point less than 3 weeks after easily sacking the Nation's Capital. In two costly engagements, the citizens of Baltimore gallantly stood and fought and drove back the invaders.

Meanwhile, beginning the morning of the 13th, 50 British ships bombarded Fort McHenry at the mouth of the Port of Baltimore. The attack continued all that day and night. But when Francis Scott Key looked out "by the dawn's early light" from a flag-of-truce ship further down the Patapsco River, the star-spangled banner still flew over the fort. The British had been driven off.

The star-spangled banner still waves over Fort McHenry. The National Park Service has done a beautiful job of restoring and preserving the fort. They offer a fine film inside and a nice park outside with a view of the bustling port.

A visit to Fort McHenry is always a source of pleasure and inspiration. But, a visit on Defenders' Day is particularly rewarding, and I urge my colleagues to undertake that brief journey this Sunday. They will be amply rewarded. From 6:30 to 8:30 on Sunday evening, September 12, the Battle of Fort McHenry will be reenacted with a mock bombardment by a Navy destroyer and a defense of the fort by the Maryland Army National Guard artillery unit. Fireworks, a fireboat, and patriotic music and drill will add to the festivities.

To begin the day properly, I suggest attending the fifth annual Defenders' Day civic service of Christ's Church at 1110 St. Paul Street in Baltimore. It begins at 11 a.m.

Christ's Church has been intimately involved in the history of Baltimore throughout the years since that first Defenders' Day. The same bronze bell which pealed the alarm in 1814 rings out today; it was an organist of Christ's Church who suggested the tune for the national anthem to Francis Scott Key; and the rector of that time wrote a prayer which they use today.

This year, members of the Fort McHenry Guard will be participating in the service, as soldiers in Baltimore did in 1814.

A visit to the Inner Harbor, after the ceremonies at the fort, would be a pleasant climax for the day. The Inner Harbor which the fort defended has more to offer than ever: Harborplace with its shops and restaurants, paddle boats, a marina, the National Aquarium, an outdoor concert pavilion, and much more.

Before or after the "battle," stop by the Sam Smith Market in Harborplace and salute the gentleman for whom it is named, who, 168 years ago, returned home from his work here in the Senate to lead a brave defense of a very great city.

DAVIS-BACON

Mr. NICKLES. Mr. President, the 97th Congress has yet to deal with one of the costliest "sacred cows" ever legislated. I am speaking of the Davis-Bacon Act—a public law that has long outlived its usefulness—and frequently reaches an effect precisely the opposite of what its authors had in mind; that is, protecting local construction craftsmen and contractors from fly-by-night operations.

This ironic effect of the present administration of the Davis-Bacon Act has not gone unnoticed by one group that is often left holding the bag when "prevailing wages" prescribed by Washington are required in their construction contracts. In case my colleagues missed it, the National Association of Counties in July passed the following resolution:

Whereas the Davis-Bacon Act was originally passed in 1931 to protect area workers from unfair competition from outside workers in federal construction contracts, and the principle behind the Act still applies;

Whereas numerous government and objective reports have documented inequities in the wage determination process which have led to inappropriate overprotections of area wages and significantly inflated costs of federally assisted construction;

Whereas county government construction costs under Davis-Bacon Act provisions have proven to be significantly higher than similar projects not covered by the Act;

Therefore be it resolved that the National Association of Counties supports the Administration's position to maintain the Davis-Bacon Act to regulate the payment of wages and benefits in federally assisted construction projects;

Be it finally resolved that NACo endorses initiatives to reform the Davis-Bacon Act as follows to make it more equitable and less costly;

1. Provide for the continued exemption of regular county workers from Davis-Bacon coverage except where specifically mandated by statute.

2. Eliminate the "thirty percent rule" and use a "fifty percent rule" or majority rule of those in a job classification to determine the prevailing wage.

3. Allow for the reasonable use of helper categories of workers in ratios commonly used in non Davis-Bacon Act construction.

4. Provide that the county boundaries generally be used as the local wage determination area, and prohibit the use of urban wage data in rural areas and vice versa;

5. Raise the $2,000 threshold which has been used since the implementation of Davis-Bacon in the 1930's to a more reasonable level not to exceed $50,000 and index this threshold in future years to fairly reflect inflation in the construction industry.

The resolution was passed by the National Association of Counties full voting membership at its annual meeting in Baltimore, Md., July 13, 1982.

Unfortunately, the Reagan administration's attempts to reform the Davis-Bacon Act along similar guidelines have been thwarted by a lawsuit filed by the very principals who benefits the most from the application of predetermined prevailing wages. I need not take this time to acquaint my colleagues with case studies on wage determinations. I suspect that every Senator receives frequent complaints from his or her State and local government officials concerning wage determinations issued by the Department of Labor: Wage determinations that are frequently based on inadequate sur-

veys and/or the application of the notorious 30-percent rule.

In this day of cost consciousness the Congress has a duty to deal constructively with the Davis-Bacon Act. County administrators are on the cutting edge of our attempts to balance the budget. We cannot turn our backs on them as they try to bring publicly financed construction costs into line with private construction costs.

BUFFALO BILL DAM AND RESERVOIR ACT AND THE RECLAMATION REFORM ACT OF 1982

Mr. DECONCINI. Mr. President, an unprinted amendment was offered to the House-passed bill, S. 1409, by the majority leader on behalf of the Senate Energy and Natural Resources Committee late Friday afternoon, August 20, 1982, and passed by unanimous consent. The amendment included three separate bills as companion titles to the House bill.

Two of the titles, consisting of the Buffalo Bill Dam and Reservoir Act, and the Reclamation Reform Act of 1982, are identical to bills previously passed by the Senate. However, title III of the amendment is substantively different from any legislation previously passed by either House. In large part it is similar to H.R. 5118 as passed by the Senate, but it includes language changes which alter considerably, and critically, the provisions of that bill.

H.R. 5118 is the Southern Arizona Water Rights Settlement Act which I introduced in the Senate as S. 2114. The bill passed the Senate unanimously on May 11, 1982, was accepted by the House but was subsequently vetoed by the President.

Mr. President, I am indeed surprised and disappointed that neither my staff nor I was consulted or even notified prior to this action. Both title III the Water Rights Settlement Act, and title II, the Reclamation Reform Act, are matters of great importance to the people of Arizona. I am sure the majority leader and the chairman of the Energy Committee, Senator MCCLURE, must have believed that I approved of the amendment. I am sure it was simply a misunderstanding. However, I did not approve of the amendment and do not now.

I was informed on Friday afternoon that there would be no more rollcall votes and there was no indication the Water Rights Act would be considered before this week.

The chairman, in his submitted statement for the RECORD, states:

> Title III of the pending amendment is the text of the agreement on the Papago Water matter negotiated between the House Interior Committee, the Senate Delegation from Arizona and the Secretary of the Interior.

That is incorrect. I was not a party to the negotiations on the reported agreement, was not present when the agreement was made, and do not support the amendment as it is written and included in S. 1409. Because I was not a party to the agreement, I do not know fully the circumstances or conditions under which it was made, not the totality of the understandings which may have been expressed at the time. I have been told there were discussions concerning judicial recourse, which were, inadvertently, not adequately reflected in the bill language. If that is the case, then it should be relatively easy to make additional changes to more accurately represent the agreement. We can then review all of the changes to assess whether they meet the original purposes of the Senate bill.

Mr. President, I am also quite concerned with getting the Reclamation Reform Act, title II of S. 1409, passed through the Congress this year. I know this is one of the highest priorities of the Senate Energy and Natural Resources Committee and I certainly support the chairman, Senator MCCLURE, in his attempts to expedite and complete work on this package. Again, let me say that I am sure the distinguished chairman of the Energy Committee understood I approved of the legislation—as he so indicated his understanding in his floor statement. However, it is regrettable we were not able to carefully consider the proposed amendment before it was passed.

It has certainly been my intention and sincere belief, that we could pass legislation that would give some real assurance of the delivery of needed water to the people of Tucson and Pima County—both Indian and non-Indian alike.

The legislation the Senate passed unanimously, S. 2114, did just that. I believe the veto was unwarranted. I have been hopeful, and remain so, that we can still draft legislation which would be acceptable to the administration and offer sufficient assurance to the people of the Tucson area.

ADM. THOMAS MALONE RETIRES—ENDING A DISTINGUISHED CAREER OF NAVAL SERVICE

Mr. SASSER. Mr. President, on September 11 a change of command ceremony will occur at the Memphis Naval Air Station. This ceremony will mark the retirement on October 1 of Adm. Thomas Malone as Chief of Naval Technical Training at the Memphis Naval Air Station at Millington, Tenn.

Admiral Malone has held the post of Chief of Naval Technical Training since August 1978. During that time he directed the Navy's technical training program for the more than 500,000 officers and enlisted students in naval vocational training in schools throughout the Nation. The preparedness of our Navy fighting men and women can, in large measure, be attributed to Admiral Malone's superb efforts as Chief of Naval Technical Training.

Admiral Malone has had a distinguished naval career which includes more than 20 years of active submarine duty on Polaris and attack submarines. He has served with distinction in the Pacific and the Mediterranean and he was a crewmember of the U.S.S. *Seadragon* on her east-west transit of the northwest passage and the Arctic Ocean.

Admiral Malone has served his country with distinction since his graduation from the Naval Academy in 1953. And in his service at the Memphis Naval Air Station, he has been a good citizen as well. He has helped pioneer a good neighbor policy between the naval air station and the Shelby County community. During his tenure at the Memphis Naval Air Station, Admiral Malone has supervised completion of the Sergeant Walter K. Singleton Parkway and many other essential public works projects which are important links between the naval air station and Shelby County.

He has also served the local community in numerous other ways, reflected by his chairmanship of the combined Federal Military and Civilian Campaign, his support of the Tennessee Special Olympics, and his assistance in the renovation of the St. Peters Home for Children.

Admiral Malone and his wife, Marguerite, plan to reside in Memphis after his retirement on October 1. I join with the citizens of Shelby County in wishing Admiral Malone a successful retirement and congratulations on his long and distinguished career.

MESSAGES FROM THE HOUSE

At 11:20 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House, having proceeded to reconsider the bill (H.R. 6863) making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was resolved that the said bill pass, two-thirds of the House of Representatives having agreed to pass the same.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4196. A communication from the Acting General Counsel of the General Accounting Office transmitting, pursuant to

law, a report on the status of budget authority proposed for rescission but for which Congress failed to pass a rescission bill; jointly, pursuant to the order of January 30, 1975, to the Committee on Appropriations, the Committee on the Budget, and the Committee on Energy and Natural Resources.

EC-4197. A communication from the Assistant Secretary of the Air Force for Manpower, Reserve Affairs, and Installations transmitting a draft of proposed legislation relative to authority of armed forces to conduct safety investigations and protect aspects of such investigations from public disclosure; to the Committee on Armed Services.

EC-4198. A communication from the Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Servmart function at the Naval Supply Center, Pearl Harbor, HI to performance under contract; to the Committee on Armed Services.

EC-4199. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the keypunch function at the Aviation Supply Office, Philadelphia to performance under contract; to the Committee on Armed Services.

EC-4200. A communication from the President of the United States transmitting, pursuant to law, a report on a determination made by him to provide, through the Exchange Stabilization Fund, credit to Mexico in the amount of $600 million; to the Committee on Banking, Housing, and Urban Affairs.

EC-4201. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on a decision made to permit Margate Shipping Company, an operator receiving an operating-differential subsidy to retrofit three vessels in a foreign shipyard; to the Committee on Commerce, Science, and Transportation.

EC-4202. A communication from the General Counsel of the Department of Energy transmitting, pursuant to law, notice of a meeting related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-4203. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of an excess royalty payment by the Superior Oil Company; to the Committee on Energy and Natural Resources.

EC-4204. A communication from the Director of the Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on a refund of an excess royalty payment to Amoco Production Company; to the Committee on Energy and Natural Resources.

EC-4205. A communication from the Assistant Secretary of the Army for Civil Works transmitting, pursuant to law, a final report on the Shoreline Erosion Control Demonstration Program (Corps of Engineers); to the Committee on Environment and Public Works.

EC-4206. A communication from the Acting Director of the Office of Legislative Affairs, Agency for International Development, transmitting, pursuant to law, a justification of an increase in the funding level of the proposed fiscal year 1982 program in Guatemala; to the Committee on Foreign Relations.

EC-4207. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to August 31, 1982; to the Committee on Foreign Relations.

EC-4208. A communication from the Director of the General Government Division of the General Accounting Office, transmitting, pursuant to law, a report on saving money on large Postal Service procurement; to the Committee on Governmental Affairs.

EC-4209. A communication from the Acting Secretary of the Postal rate Commission, transmitting, pursuant to law, notice of the Postal Service's filing of a request for a recommended decision eliminating the aggregate letter rule; to the Committee on Governmental Affairs.

EC-4210. A communication from the President of the United States, transmitting, pursuant to law, the seventh annual report on the Federal agencies' implementation of the Privacy Act of 1974; to the Committee on Governmental Affairs.

EC-4211. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the third annual report on the financial status of the U.S. Service Retirement System; to the Committee on Governmental Affairs.

EC-4212. A communication from the Deputy Director of the Office of Congressional Relations, Consumer Product Safety Commission, transmitting, pursuant to law, a report on a new Privacy Act System of records; to the Committee on Governmental Affairs.

EC-4213. A communication from the Bureau of Health Personnel Development, and Service, Health Services, Administration, Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, notification of academic year 1982-83 allotments to schools participating in the Scholarship Program for First-Year Students of Exceptional Financial Need; to the Committee on Labor and Human resources.

EC-4214. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a plan for the Hoyle Creek Watershed, Oklahoma; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-1163. A resolution adopted by the Legislature of the State of California; to the Committee on Finance:

"SENATE JOINT RESOLUTION NO. 52

"Whereas, Agriculture is the number one industry in California, which is the leading agricultural state in the country; and

"Whereas, Although California's 33.4 million acres of cultivated land account for only 3 percent of the country's entire supply of farmland, the state produced nearly 10 percent of the 1980 farm cash receipts in the United States; and

"Whereas, Agriculture accounted for approximately 18 percent of the state's gross product during 1980, which amounted to $54.8 billion, using the multiplier factor; and

"Whereas, California leads the nation in the production of 49 different crops and livestock products; and

"Whereas, The diversity of the state's agriculture is truly impressive, for over 250 different commodities are grown here; and

"Whereas, Twelve percent of the nation's agricultural exports were shipped from California last year, which provided numerous jobs and revenue for our three customs districts of Los Angeles, San Francisco, and San Diego; and

"Whereas, The product of approximately one out of every four acres of California cropland is now sold in foreign markets and thus the state's agricultural economy is dependent upon international trade; and

"Whereas, Expansion of markets for agricultural products abroad is needed to supply outlets for growing production of many California crops and to balance declines in domestic consumption of certain important products; and

"Whereas, The trade policies often adopted by many of our important overseas trading partners are clearly discriminatory or otherwise violative of the General Agreement on Tariffs and Trade and are unfairly eroding export markets for California farm commodities; and

"Whereas, A group of California food marketers have petitioned the United States Trade Representative to take their case against the European Economic Community before an international court, the General Agreement on Tariffs and Trade; now, therefore, be it

"Resolved by the Senate and Assembly of the State of California, jointly, That agriculture is California's basic industry, and its well-being is vital to the economic health of the state; and be it further

"Resolved, That it is in the best interest of the state, and of the United States as a whole, that there be the closest and most vigorous possible cooperation between the Office of the Trade Representative and the United States Department of Agriculture in seeking to improve the nation's trade balance by negotiating the reduction or elimination of tariff and nontariff barriers, as well as other policies and programs, which encourage unfair competition in markets which the United States has historically served, which disrupt international trade patterns, and which block access to foreign markets for California agricultural products; and be it further

"Resolved, That the Congress of the United States and its appropriate committees join with the executive agencies involved and urge their active participation in seeking the most effective remedies to the problems of protectionism and subsidized competition which so seriously affect the movement of United States', and particularly California's, agricultural products into international trade; and be it further

"Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the Trade Representative, to the Secretary of Agriculture, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, to the Department of State and the Department of Commerce, and to the chairman of committees in Congress which have jurisdiction over foreign trade."

POM-1164. A resolution adopted by the National Council of the Steuben Society of America urging our Government to suspend

all financial, economic, and military aid to aggressor nations and condemning the actions of the U.S.S.R. and the State of Israel which are detrimental to the cause of "Peace on Earth—Good Will Toward Men"; to the Committee on Foreign Relations.

POM-1165. A resolution adopted by the National Conference of Republican County Officials urging its members to be involved whenever and wherever meetings or gatherings occur that will ultimately have a bearing on the manner in which county officials conduct their business, and that this recommendation be implemented as part of an ongoing and dependable system; to the Committee on Governmental Affairs.

POM-1166. A resolution adopted by the National Council of the Steuben Society of America urging Congress to take appropriate action to effectuate the recommendations of President Reagan for a return to the States of the powers, functions, and responsibilities now assumed by the Federal Government and implemented and discharged by them through "block grants" and used in such amounts and according to such priorities as they deem proper; to the Committee on Governmental Affairs.

POM-1167. A resolution adopted by the National Council of the Steuben Society of America urging the passage of the proposed constitutional amendment on a balanced budget; to the Committee on the Judiciary.

POM-1168. A resolution adopted by the National Conference of Republican County Officials endorsing the Republican National Committee's "talking points" and "First Monday" and NCRCO's own "County Constituent" as the only periodicals necessary to carry out their national work program; Ordered to lie on the table.

POM-1169. A resolution adopted by the National Conference of Republican County Officials agreeing it can make a substantive contribution and will actively participate in political campaigns on behalf of their own party's candidates; Ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. 2899. An original bill to authorize assistance to promote economic revitalization in the Caribbean and Central America (Rept. No. 97-541).

By Mr. WARNER (for Mr. McCLURE), from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 1999. A bill to amend the act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Va., and for other purposes (Rept. No. 97-542).

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

H.R. 1029. A bill to amend section 1 of the Act of June 5, 1920, as amended, to authorize the Secretary of Commerce to settle claims for damages of less than $2,500 arising by reason of acts for which the National Oceanic and Atmospheric Administration shall be found to be responsible.

H.R. 3835. A bill for the relief of Rutherford K. Clarke and his wife Ida T. Clarke.

By Mr. WARNER (for Mr. McCLURE), from the Committee on Energy and Natural Resources, without amendment:

S. Res. 459. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1999; referred to the Committee on the Budget.

By Mr. STAFFORD, from the Committee on Environment and Public Works:

Special Report on Budget Allocations of the Committee on Environment and Public Works (Rept. No. 97-540).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DIXON:

S. 2890. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severence taxes imposed by States on oil, natural gas, and coal; to the Committee on Finance.

By Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. BOREN, and Mr. EXON):

S. 2891. A bill to amend the Commodity Credit Corporation Charter Act to require the Commodity Credit Corporation to pay rates for the storage of grain on farms which is no less than the rates the Corporation pays for storage of grain in commercial storage facilities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JEPSEN:

S. 2892. A bill to clarify the definition of abuse in the Natural Gas Policy Act; to the Committee on Energy and Natural Resources.

By Mr. CHILES (for himself and Mrs. HAWKINS):

S. 2893. A bill to settle Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

By Mr. ROTH (for himself and Mr. BIDEN):

S. 2894. A bill to authorize and direct the Secretary of the Army acting through the Corps of Engineers to relocate the Christina River Dredge Spoil Disposal Site; to the Committee on Environment and Public Works.

By Mr. BRADLEY (for himself and Mr. GRASSLEY):

S. 2895. A bill to reduce temporarily the duty on caffeine; to the Committee on Finance.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2896. A bill to permit the Secretary of the Army to authorize the delivery of water from the District of Columbia water system to water systems in the Metropolitan Washington area in Maryland, and the purchase of water for the District of Columbia water system from certain systems; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 2897. A bill to require the Assistant Secretary of Labor for Veterans' Employment to establish an experimental program of job search training for unemployed veterans; to the Committee on Veterans' Affairs.

By Mr. CANNON:

S. 2898. A bill entitled the "Critical Materials Act of 1982."; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PERCY, from the Committee on Foreign Relations:

S. 2899. An original bill to authorize assistance to promote economic revitalization in the Caribbean and Central America; placed on the calendar.

By Mr. BOREN:

S.J. Res. 240. Joint resolution to authorize and request the President to designate the week of January 16, 1983, through January 22, 1983, as "National Jaycee Week."; to the Committee on the Judiciary.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. PELL, Mr. DOLE, Mr. HATCH, Mr. DECONCINI, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. RUDMAN, Mr. GLENN, Mr. MURKOWSKI, Mr. LUGAR, Mr. HUDDLESTON, Mr. CANNON, Mr. DURENBERGER, Mr. PRESSLER, Mr. JACKSON, Mr. MOYNIHAN, Mr. HELMS, Mr. STENNIS, Mr. STAFFORD, Mr. BUMPERS, Mr. BURDICK, Mr. D'AMATO, Mrs. HAWKINS, Mr. DENTON, Mr. CRANSTON, and Mr. HAYAKAWA):

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982 through December 18, 1982 as "National Drunk and Drugged Driving Awareness Week."; to the Committee on the Judiciary.

By Mr. JEPSEN (for himself and Mr. EAGLETON):

S.J. Res. 242. Joint resolution designating September 22, 1982, as "American Businesswomen's Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for Mr. McCLURE) from the Committee on Energy and Natural Resources:

S. Res. 459. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1999; to the Committee on the Budget.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DIXON:

S. 2890. A bill to amend the Internal Revenue Code of 1954 to limit the amount of severance taxes imposed by States on oil, natural gas, and coal; to the Committee on Finance.

(The remarks of Mr. DIXON on this legislation appear earlier in today's RECORD.)

By Mr. ZORINSKY (for himself, Mr. ANDREWS, Mr. BOREN, and Mr. EXON):

S. 2891. A bill to amend the Commodity Credit Corporation Act to require the Commodity Credit Corporation to pay rates for the storage of grain on farms which is no less than the rates the Corporation pays for storage of grain in commercial storage facilities; to the Committee on Agriculture, Nutrition, and Forestry.

UNIFORM GRAIN STORAGE RATES

Mr. ZORINSKY. Mr. President, I have received a letter from Nebraska State senator, Hon. Loran Schmit, who is chairman of the Nebraska State Legislature's Agricultural Committee, concerning the differential be-

tween grain storage rates paid to farmers by the Commodity Credit Corporation and the rates paid to commercial grain storage facilities by the Corporation.

Inasmuch as Senator Schmit's letter explains the discrepancy between farm and commercial storage rates, I am including it in this part of my remarks. The letter follows:

DEAR SENATOR ZORINSKY: I am once again writing to you to ask your help to correct what I believe is a serious injustice to Nebraska farmers. At the present time any Nebraska farmer who stores grain in his facilities on his farm receives a storage payment of 26.5 cents per bushel. The same grain stored in a commercial facility in David City receives a storage payment of 29.1 cents per bushel and beginning July 1st will be paid at the rate of 32.4 cents.

The difference in the on farm storage rate versus the commercial storage rate represents a loss of millions of dollars to an already financially strapped agricultural economy. I do not believe the elevators should be paid any less for storage services but that farmers should be paid an equal amount. I believe that at a time when the federal government is writing three year guarantee storage construction contracts that farmers would be willing to build additional grain storage even without government loans or a three year guarantee as in the commercial program.

I would appreciate it very much if you would use your considerable influence with the Department of Agriculture to raise the storage rate for on farm storage to the equivalent of commercial storage."

With every best wish.

Sincerely,

LORAN SCHMIT,
State Senator.

Mr. President, I have written to Secretary of Agriculture, John Block, and raised the question as to the fairness and equity in the rate differential. I asked the specific question as to the justification for a difference of 5.9 cents per bushel on stored grain between the farm and commercial facilities and whether there was some problem with agricultural statutes that should be corrected. I indicated that if there is need for correction I would like to have his recommendations.

The Secretary's response confirmed the fact that a discrepancy does exist and that in some instances the rate paid per bushel may be as high as 50 cents depending on the type of grain stored and the elevator location. His response also indicated that farmer-owned grain stored in a commercial facility is only entitled to the 26.5 cent per bushel rate even though the rate paid on CCC-owned grain is higher. This means that during the time farmers are required to pay storage on grain under loan to CCC, that the farmer has to make up the difference.

I believe that Senator SCHMITT has good cause to ask for equal rates for farm-stored grain and commercially stored grain.

The farmer is accountable for keeping stored grain under loan to CCC in condition as is the commercial facility accountable for keeping grain in condition. I can ascertain no good reason for the differential. Therefore, Mr. President, not having received a satisfactory response from Secretary of Agriculture John Block I am introducing today a bill that would amend the Commodity Credit Corporation Charter Act to require that the grain storage rate paid by CCC be the same in the area where the grain is stored whether farm or commercially stored.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third proviso of the second sentence of section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)) is amended by inserting before the colon at the end thereof the following: ", except that the rate the Corporation pays for the storage of grain on farms in any area may not be less than the rate the Corporation pays for the storage of grain in commercial storage facilities in such area".

By Mr. JEPSEN:

S. 2892. A bill to clarify the definition of abuse in the Natural Gas Policy Act; to the Committee on Energy and Natural Resources.

CLARIFICATION OF DEFINITION OF ABUSE IN NATURAL GAS PRICING SYSTEM

● Mr. JEPSEN. Mr. President, I am introducing legislation today that will give new direction to our current natural gas pricing system. Not only will these changes make our current pricing system more fair and equitable, but it also will help hold down the spiraling costs of natural gas for consumers.

Iowans and others across America have been hit hard in recent years by the ever-increasing costs of natural gas. As many of my colleagues have surely heard from their own States, some people are even pressed to make a choice between food and fuel. With winter approaching and our economic atmosphere as it is, this situation will soon become intolerable.

My legislation is designed to keep fuel costs at a manageable level. It would, in essence, allow the Federal Energy Regulatory Commission to beef up its review of contracts between gas producers and pipeline companies.

These changes are especially important for Iowa, because FERC regulates nearly 90 percent of Iowan's gas bills. Iowa has progressive conservation and energy assistance programs, but they do not go far enough to keep up with spiraling price increases.

There are three basic areas in gas contracting where we can focus upon. They are: Take-or-pay provisions; indefinite price-escalator clauses; and market-out clauses.

First, my measure would expand the Commission's authority to regulate take-or-pay contract clauses. These clauses force pipeline companies to buy all or a large portion of gas contracted for, regardless of changing market demand.

Second, the legislation would also expand the Commission's authority to regulate indefinite price escalator clauses. These clauses, especially those not tied to economic indicators, guarantee rapid, unqualified price hikes for natural gas users.

Finally, the bill will require market-out clauses to be included in contracts with gas producers. This would insure that pipeline companies would not be forced to continue buying high-priced gas under contract when market prices and demand decreases.

Mr. President, these changes are both vital and necessary if we are to begin the process of lifting the ever-increasing cost burden of natural gas off of the backs of consumers. In Iowa, for example, we have seen gas prices increase by nearly 100 percent in just the last 3 years. For the average Iowa homeowner, this translated into a $71 January 1979 heating bill to a $130 bill in 1982.

Relief is needed for these people, and it is needed now.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Natural Gas Policy Act (15 U.S.C. 3301) is amended by adding at the end thereof the following:

"(38) ABUSE.—The term 'abuse' is not limited to misrepresentation but also includes imprudence on the part of the pipeline company and any pipeline company-producer contract which materially prevents the pipeline from responding to changes in customer demand or other market forces. A rebuttable presumption arises that a contract materially prevents a pipeline from responding to changes in customer demand or other market forces if the following contract clauses are found in a producer-pipeline contract:

"(A) Take-or-pay clause which commits the purchaser to pay for a minimum daily contract quantity of gas greater than 70 percent of daily contract quantity on an annual basis whether or not such gas is taken.

"(B) Indefinite price escalator or redetermination clause which is not tied to a recognized and approved economic indicator.

"(C) Most favored nation clause where the purchase price paid by any pipeline to a producer is set by the highest price in a particular production area.

Such a rebuttable presumption also arises if a contract does not include a market-out clause which allows the buyer to escape the

contract or to nominate a new lower price if the gas is not marketable at the contract price.".●

By Mr. CHILES (for himself and Mrs. HAWKINS):

S. 2893. A bill to settle certain Indian land claims within the State of Florida, and for other purposes; to the Select Committee on Indian Affairs.

FLORIDA INDIAN LAND CLAIMS SETTLEMENT ACT OF 1982

● Mr. CHILES. Mr. President, today Senator HAWKINS and I are introducing legislation to resolve a long-standing dispute between the Miccosukee Tribe of Indians of Florida and the State of Florida. The State and the tribe have worked together to reach a settlement which has been approved by the U.S. District Court for the Southern District of Florida in which a suit by the tribe (Case No. 79-153-CIV-JWK) is pending. Federal action is now necessary to approve this settlement. The attorney general of the State of Florida and the Miccosukee Tribe have requested Senator HAWKINS and I to introduce the legislation to accomplish this, and we are pleased to do so.

The Florida Indian Land Claims Settlement Act authorizes no Federal expenditure in settlement of the tribe's claims. The monetary compensation to be paid to the tribe under the terms of the settlement will be paid entirely by the State. Nevertheless, Federal approval of the settlement as provided in the bill is necessary for three reasons:

First, in the settlement agreement the Miccosukee Tribe waives all its existing claims against the State. In view of the existing Federal legislation which prohibits conveyances of land by Indian tribes without Federal approval (25 U.S.C. 177), the State has wisely insisted that the tribe's waiver of claims should be confirmed by the Congress.

Second, the Miccosukee Tribe requested as a condition to the settlement that an existing Miccosukee State Indian Reservation be conveyed by the State to the Federal Government to be held in trust for the benefit of the Miccosukees. The Florida cabinet has approved this conveyance and the bill provides for the acceptance of these lands by the Secretary of the Interior as a Federal Indian reservation.

Third, finally, the settlement agreement provides to the tribe approximately 189,000 acres of Everglades land under a perpetual lease. These lands and waters will be preserved in their natural state and will be available for public recreational use but the Miccosukee Indians will be guaranteed permanent rights to live, hunt, and fish in the area, which has been their traditional homeland for more than a century. While the legal title to the leased area will be held by the State, the State has agreed that the area may be treated for certain purposes as a Federal Indian reservation. The bill implements this agreement of the parties.

I congratulate the State and the tribe for the successful culmination of their joint efforts to resolve this dispute without acrimony or lengthy litigation and without an added burden on the Federal budget.

The historical roots of this controversy lie in the 18th century prior to the creation of the United States or the acquisition of Florida in 1819. The Miccosukee Tribe are descendants of the Seminole Nation which occupied all of Florida when the United States acquired it from Spain. Their rights had been recognized by Spain and by Great Britain. The United States entered into treaty relations with the nation in 1823. Later, the Miccosukee band of the Seminole Nation was driven from its lands in northern and central Florida by the Armed Forces of the United States and forced to take refuge in the sparsely populated Everglades country of south Florida which they had previously used as hunting grounds and where they continue to live today.

Until the 20th century they were left undisturbed in the unsettled Everglades and preserved their language, religion, and way of life almost entirely unaffected by the white man. The State of Florida set aside a portion of the Everglades as a reservation for them in 1917.

However, their right to their lands was jeopardized in the 1930's by the establishment of the Everglades National Park. The State reservation was abolished in 1935—another State reservation was provided but it was far to the north of their traditional homeland—and the Indians were told they would have to leave the park. However, in 1964 the National Park Service agreed to let them live in a strip 500-feet wide at the northern edge of the park, and the State agreed that they could continue to reside temporarily on State-owned lands north of the park. These State lands are the lands involved in the present settlement.

Since before 1960 the tribe has negotiated with the State for a permanent guarantee of their right to occupy these State lands. This bill represents the culmination of two decades of negotiations. The Florida attorney general recommended in 1975 that the State negotiate a new arrangement for Indian rights in the Everglades. In 1978—following a public hearing—a new agreement acceptable to the tribe and the State was reached. However, the Governor requested that the tribe waive any legal claims it might have against Florida as a condition of State approval. The Indians, who had no prior plans to sue the State, then investigated their rights and discovered two significant claims, a claim based on the State's flooding of more than half of the State Miccosukee Reservation which I have mentioned, and a claim based on the establishment by Presidents Tyler and Polk of a 5 million acre "executive order" Indian reservation in southwestern Florida, including the cities of Naples and Fort Myers. The tribe set forth these claims in a suit filed in the Federal court in January 1979.

In the settlement negotiations which have taken place since the filing of the tribe's complaint, the Indians have made clear their willingness to waive these claims, as well as any other claims they may have to lands in Florida, provided acceptable guarantees of their permanent rights in this 189,000-acre tract be provided. The Governor and cabinet of the State of Florida approved the settlement agreement on October 6, 1981, the Miccosukee Tribe approved it on March 8, 1982, and the district judge tentatively approved it on July 2, 1982. Approval by the Congres is the only remaining step needed to resolve this matter. The settlement agreement provides that the agreement will terminate unless congressional approval is given by December 31, 1982.

For this reason I hope the Senate will act favorably and expeditiously on this legislation.●

● Mrs. HAWKINS. Mr President, I rise today and join Senator CHILES in introducing the Florida Indian Land Claims Settlement Act. This measure is the culmination of over 25 years of negotiations between the State of Florida and the Miccosukee Tribe of Indians of Florida. These negotiations have fortunately led the permanent resolution of a controversy whose roots go back as far as the 18th century. The clear and careful process of negotiation that has led to this agreement makes me and all the participants very proud. A significant and lasting agreement has been achieved without acrimony, lengthy litigation, or added burdens on the Federal budget.

Specifically, this bill provides for the establishment of a Federal Indian reservation in the State of Florida—to be held in trust by the Secretary of the Interior. In addition, this settlement agreement provides approximately 189,000 acres of Everglades land to the Miccosukee Tribe under a perpetual lease. While legal title to this leased area will be held by Florida, the State has agreed that the area may be considered, in certain circumstances, as a Federal Indian reservation. In exchange for these guarantees of land as well as hunting and fishing rights, the Miccosukee Tribe of Indians has agreed to waive any other claims to land in Florida. Because it is prohibited for tribes to convey land to States without approval of the Federal Gov-

ernment, the State and the tribe have requested congressional approval of the settlement agreement.

The settlement is acceptable to the Miccosukee Tribe and to the attorney general of the State of Florida. It has been approved by the U.S. District Court of the Southern District of Florida and has been supported by public recreational and conservation groups in open hearings. I support this bill because it brings about final resolution of the long dispute between the State and the tribe, provides a permanent home to a small but proud tribe of American Indians, and, most important, brings to the situation a measure of justice where none previously existed.

Passage of this bill will be a victory for a very important group of Americans. The history of the Miccosukee Tribe and its relations with the U.S. Government is not without a certain pathos and grimness. Before the United States was even a nation, both Spain and Great Britain recognized the tribe's rights in the area that is now Florida. In 1823, after the United States had already acquired Florida, we negotiated a treaty with the Miccosukee Nation. Later, though, the U.S. Government sent Armed Forces to drive the Miccosukee from their own territory deep into the Everglades—where they are to this day.

The Miccosukee's rights to their own land have gradually been taken away. A portion of the Everglades that was given them as a reservation in 1917 was taken away in the 1930's, when Everglades National Park was established. In 1964 the National Park Service let the Miccosukee settle on land in the north of the park. This piece of land is a small strip 5-miles long but only 500-feet wide.

The situation as it exists now is sad and ironic—the descendants of the natives who once inhabited the entire State of Florida must now rely on permission from the National Park Service to build their homes and feed their families on a tiny piece of swampland. In fact, they do not even have a permanent guarantee for their right to occupy this land.

The Miccosukee Tribe has continued to negotiate with the State of Florida. This bill, which I fully support, is the happy result of two decades of negotiation.

In 1978 an agreement acceptable to the Miccosukee Tribe was reached. As a condition of the State's approval, however, the Governor requested that the tribe waive any legal claims it might have against the State of Florida. Two claims were then discovered, which the Miccosukee rightly set forth in a suit filed in January 1979. The first claim is based upon the State's flooding of more than half of the Miccosukee State Indian Reservation, and the second is based on President Tyler's and President Polk's establishment of a 5-million acre Indian reservation in southwestern Florida, including the cities of Naples and Fort Myers.

The Miccosukee Tribe has agreed to waive these claims if the terms proposed in the bill are met—that is, if they receive a permanent right to a 189,000-acre tract of land and have the Miccosukee State Indian Reservation taken into trust by the United States. The Governor and cabinet of the State of Florida approved the settlement agreement on October 6, 1981. The Miccosukee Tribe approved it on March 8, 1982. The district judge tentatively approved it on July 2, 1982. Last but not least, our approval will resolve this very serious issue. The settlement agreement will terminate unless congressional approval is given by December 31, 1982.

Because of my deep concern that a sadder chapter in American history be closed and a new chapter—one that tells a happier tale of increased opportunity, greater independence, and more self-determination for the Miccosukee Tribe of Indians of Florida—be opened, I urge my colleagues to support prompt passage of this measure.●

By Mr. BOREN:

S.J. Res. 240. Joint resolution to authorize and request the President to designate the week of January 16, 1983, through January 22, 1983, as "National Jaycee Week"; to the Committee on the Judiciary.

NATIONAL JAYCEE WEEK

● Mr. BOREN. Mr. President, I am introducing today a Senate joint resolution that will, if passed, authorize the President to designate January 16, 1983, through January 22, 1983, as "National Jaycee Week".

The U.S. Jaycees, headquarters in Tulsa, Okla., will be celebrating 63 years of service to communities across America in January.

The Jaycee movement began in St. Louis, Mo., on October 13, 1915, and quickly spread to a national organization, formally created by 29 chapters at the first convention in St. Louis on January 21, 1920.

Through the years, the Jaycees have been involved in a variety of projects. In the early days, Jaycees were at the forefront in such diverse areas as aviation (Charles Lindbergh was the most prominent Jaycee in that field), development of U.S. Air Mail Service, and creation of the National Wildlife Federation. Just prior to U.S. involvement in World War II, the organization voted at its national convention to support the formation of the Selective Service System. Congressional debate had been stalemated on the issue until the Jaycees—all between the ages of 21 and 36 and very draft-prone—voted their support for the draft. Some 85 percent of the membership served in the war.

The organization has been involved—always on a nonpartisan basis—with other government issues and programs over the years. The Jaycees campaigned in support of political freedom for civil servants, were instrumental in formation of the ACTION agency and lobbied in favor of statehood for Alaska. More recently, the Jaycees have concentrated their government efforts on matters of economy, having called repeatedly for a balanced Federal budget. In 1981, the Jaycees enacted its "Enough Is Enough" campaign in support of recommended cuts in Federal spending—again, on a nonpartisan basis.

Some of the Jaycees' major projects in recent years have included public education on alcohol and other drugs, energy awareness, CPR training, shooting safety, and muscular dystrophy fundraising.

The Jaycees have been active in the corrections field by maintaining over 400 prison chapters with a membership of nearly 17,000. The program is now in its 20th year, and cooperates with a job placement service for newly-released inmates.

Jaycees now number some 300,000 members in approximately 7,500 local chapters in communities across America. As a service organization, the Jaycees have done much to enhance the communities in which they serve, by following closely the creed that "Service to Humanity is the Best Work of Life."

By supporting this resolution, we will be honoring an organization that has given much toward the health and vitality of our communities. This will be a small expression of America's gratitude for the many significant contributions of the U.S. Jaycees.

I urge my colleagues to join me in cosponsoring this joint resolution.●

By Mr. BRADLEY (for himself and Mr. GRASSLEY):

S. 2895. A bill to reduce temporarily the duty on caffeine; to the Committee on Finance.

CAFFEINE DUTY REDUCTION

Mr. BRADLEY. Mr. President, I am introducing, along with the Senator from Iowa, Senator GRASSLEY, a bill to reduce the duty on caffeine for 1 year from 8.5 percent ad valorem to 6 percent ad valorem. This legislation represents a compromise on a House bill, H.R. 5811, which would reduce the tariff permanently to 5.1 percent. I understand that the administration and affected domestic interests have agreed to the compromise version, and the Trade Subcommittee of the House Ways and Means Committee has reported this version as part of an omnibus tariff bill, H.R. 6867.

The lesser, temporary duty reduction is proposed in order to give the European Community time to legislate a permanent reduction in its own ad valorem duty on caffeine. The temporary reduction should provide them with an incentive to bring their own rate down soon. It they do not, our rate will revert to its current level after 1 year. If they do cut their tariff on caffeine, the Congress may consider a reciprocal permanent reduction on the U.S. duty.

The current U.S. duty for caffeine is derived from a formula that converted the specific rate of duty under the valuation procedures which existed prior to our implementation of the Multilateral Trade Agreement, to their "ad valorem" equivalent, as provided for in these agreements. There is reason to believe that the conversion calculations failed to produce a true "equivalent" and resulted in a substantially higher duty that should have been the case. Since U.S. consumers of caffeine are dependent upon imports for at least one-half of their supply, the result of an inaccurate duty conversion may have been to increase caffeine prices for U.S. consumers.

Mr. President, this legislation represents a compromise accepted by all interested parties, to my knowledge, including the domestic producers of caffeine, and the administration. It is designed to open markets for U.S.-made caffeine, as well as afford U.S. consumers the benefits of competition. There is a good chance that enactment of this bill will elicit a timely duty reduction by the European Community, and the mutual reduction of barriers will benefit us all.

Mr. GRASSLEY. Mr. President, I am pleased today to offer with my distinguished colleague from New Jersey, Senator BRADLEY, a bill to reduce the tariff on caffeine.

By the Trade Agreement Act of 1979 (Public Law 96-39), a mandate was given to the International Trade Commission to develop ad valorem rates that would produce revenues substantially equivalent to the former specific rates of 25 cents per pound.

However, the result was an imposition of a duty equivalent to 42 to 43 cents per pound, or an increase of 68 percent over the previous rate of 25 cents per pound.

This legislation proposes to restore the duty intended under Public Law 96-39, the Trade Agreement Act of 1979.

Importation of significant quantities of caffeine is necessary due to the fact that domestically produced caffeine is at the present time insufficient to meet our Nation's needs. Since the intent of the duty rate was never intended to double the cost of caffeine, passage of this legislation should see a price decline for consumers of soft drinks and pharmaceutical products.

Thank you, Mr. President, for allowing me this time and I ask that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2895

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 to the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"907.18	Caffeine (provided for in item 437.02, part 3B, schedule 4).	6 percent ad val.	No change.	On or before 12/31/83".

SEC. 2. The amendment made by section 1 shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.

By Mr. MATHIAS (for himself and Mr. SARBANES):

S. 2896. A bill to permit the Secretary of the Army to authorize the delivery of water from the District of Columbia water system to water systems in the Washington metropolitan area, in Maryland, and the purchase of water for the District of Columbia water system from certain systems; to the Committee on Environment and Public Works.

WASHINGTON METROPOLITAN AREA WATER SUPPLY

● Mr. MATHIAS. Mr. President, the bill I am introducing provides the congressional authorization necessary to enable the Washington Suburban Sanitary Commission (WSSC) to purchase water from the U.S. Army Corps of Engineers Water Aqueduct (WAD) in Washington, D.C. The Commission needs the additional water to provide for the rapidly expanding needs of a growing Washington metropolitan area.

The proposed plan entails the construction of an interconnect between the WSSC and WAD. It has received the endorsement of both local jurisdictions, Prince Georges and Montgomery Counties. The plan would not affect the water supply system of the District of Columbia but would insure an adequate supply to the Maryland suburbs in the event of an accident or water shortage.

The only viable alternative to this plan would be for the WSSC to substantially increase its water capacity at the Potomac plant in Montgomery County. The price tag for expanding the Potomac plant is $60 million—double the amount needed by the corps water aqueduct to provide the WSSC with its extra capacity.

The legislation I am introducing would involve no Federal funds. The total cost of the project would be defrayed by the local users' fees.

Hearings, conducted before the Senate Governmental Affairs Subcommittee on Governmental Efficiency and the District of Columbia in October of 1979 showed that water shortages in the Washington metropolitan area pose threats for the future. Due to a growing population, total water demands are rising while the average flow of the Potomac remains unchanged. Lack of storage facilities and currently limited interarea exchanges of water supplies will only serve to exacerbate this growing problem.

It is necessary to insure that there is an efficient use of the available water supply in the Washington metropolitan area. The provision of interconnections between the water supplies and the encouragement of interbasin transfers of water are ways that this can be practically achieved.

A CRS study completed in 1981 predicted that by the year 2020 water supply demands for the Washington metropolitan area would reach 1,095 mgd (million gallons daily), while the population is expected to increase to 8 million. If such trends materialize, the problems of water supply may become serious. Enabling the WAD to sell water to the WSSC would help ameliorate the growing problem of water supply in the Washington metropolitan area and insure the efficient use of the water resources of the Potomac River.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Army, on the recommendation of the Chief of Engineers, United States Army, is hereby authorized in his discretion, upon request of any competent State or local authority in the Washington metropolitan area in Maryland, to permit the delivery of water from the District of Columbia water system at the Dalecarlia Filtration Plant, or at other points on such water system, to any such competent State or local authority. All of the expense of installing such connection or connections, and appurtenances, and any subsequent changes therein shall be paid by the requesting entity, which shall also pay those charges for the use of such water as may be determined from time to time, in advance, by the Secretary of the Army. Payments will be made at such time and under such regulations as the Secretary of the Army may prescribe. The Secretary of the Army may revoke at any time any permit for the use of water which may have been granted.

SEC. 2. The Secretary of the Army, acting through the Chief of Engineers, is authorized to purchase water from any competent State or local authority in the Washington metropolitan area in Maryland which has completed a connection with the District of Columbia water system. The Chief of Engineers is authorized to pay those charges for the use of such water as may be agreed upon in advance by the Secretary of the Army.●

By Mr. LEVIN:

S. 2897. A bill to require the Assistant Secretary of Labor for Veterans' Employment to establish an experimental program of job search training for unemployed veterans; to the Committee on Veterans' Affairs.

UNEMPLOYED VETERANS' JOB SEARCH TRAINING EXPERIMENTAL PROGRAM ACT OF 1982

Mr. LEVIN. Mr. President, I rise today to submit an inexpensive and cost-effective proposal. This proposal is aimed at enabling veterans to make the optimum use of their skills and training. Veterans have given much in the defense of this Nation, and it is my sincere hope that through this legislation many unemployed veterans will be better able to take their rightful place in society.

The armed services have invested much time and money advertising the job skills and training that a tour of military duty brings. My legislation, the Unemployed Veterans Job Search Training Experimental Program Act of 1982, establishes a career transition pilot program to teach unemployed veterans to represent themselves, their skills, and their experiences successfully in today's uncertain job market. My proposal will enable veterans to better achieve independence and job security while reducing the number of unemployed veterans that depend on the Government for support.

This pilot project consists of a 5-day program of workshops and individual counseling at Veterans' Administration facilities by a group of traveling career guidance professionals. Instruction and workshops will explore resume writing, job targeting, interview techniques, and salary negotiation. Veterans' Administration representatives will be present at all sessions. Together with participating veterans, they will be encouraged to establish ongoing local career guidance programs.

During this period of economic uncertainty, we must make the best possible use of this Nation's abundant human resources. The unemployed veteran constitutes an unfortunately underused human resource—a resource that this Nation can no longer afford to waste.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2897

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Unemployed Veterans' Job Search Training Experimental Program Act of 1982".

SEC. 2. For the purpose of this Act—

(1) the term "Assistant Secretary" means the Assistant Secretary of Labor for Veterans' Employment;

(2) the term "Administrator" means the Administrator of Veterans' Affairs; and

(3) the term "veteran" has the same meaning as provided in section 101(2) of title 38, United States Code.

SEC. 3. (a) Not later than 180 days after the day on which funds are appropriated pursuant to section 5, the Assistant Secretary, in consultation with the Administrator, shall establish and carry out an experimental program of job search training designed to improve the job search abilities of unemployed veterans. The experimental program shall be of such duration as the Assistant Secretary determines is necessary to conduct the program efficiently and to evaluate the program effectively.

(b) The experimental program established under subsection (a) shall consist of training seminars conducted at several facilities of the Veterans' Administration in various regions of the United States as specified by the Administrator. Each seminar shall include—

(1) instruction on—

(A) identifying the types of jobs for which the veteran is qualified by reason of education, training, or experience;

(B) identifying the employers who provide the types of jobs for which the veteran is qualified and the locations of concentrations of such types of jobs;

(C) preparing resumes;

(D) developing and improving oral and written communications skills, interviewing techniques, and salary negotiation techniques; and

(E) managing a search for jobs; and

(2) an individual counseling session with each veteran, including a critique of the resume prepared by the veteran.

(c) The Assistant Secretary, after consulting with the Administrator, shall enter into a contract or contracts with experienced professional employment counselors or any organization of experienced professional employment counselors to conduct the seminars referred to in subsection (b).

(d) A representative of the Veterans' Administration shall participate in the administration and presentation of each seminar.

SEC. 4. (a) The Assistant Secretary shall evaluate the effectiveness of the experimental program established under section 3 based on the number of unemployed veterans who receive instruction under the program, critiques by such unemployed veterans on the usefulness of the instruction received, the number of unemployed veterans who obtain full time employment after receiving the instruction, and such other criteria as the Assistant Secretary, after consulting with the Administrator, considers appropriate.

(b) Not later than 180 days after the termination of the experimental program established under section 3, the Assistant Secretary, after consulting with the Administrator, shall prepare and transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the operation of the experimental program, together with the evaluation prepared under subsection (a). The Assistant Secretary shall include in the report such recommendations for additional legislation as the Assistant Secretary, after consulting with the Administrator, considers appropriate.

SEC. 5. There are authorized to be appropriated such sums as may be necessary to carry the provisions of this Act.

By Mr. HUMPHREY (for himself, Mr. DANFORTH, Mr. PELL, Mr. DOLE, Mr. HATCH, Mr. DECONCINI, Mr. QUAYLE, Mr. RANDOLPH, Mr. RIEGLE, Mr. RUDMAN, Mr. GLENN, Mr. MURKOWSKI, Mr. LUGAR, Mr. HUDDLESTON, Mr. CANNON, Mr. DURENBERGER, Mr. PRESSLER, Mr. JACKSON, Mr. MOYNIHAN, Mr. HELMS, Mr. STENNIS, Mr. STAFFORD, Mr. BUMPERS, Mr. BURDICK, Mr. D'AMATO, Mrs. HAWKINS, Mr. DENTON, Mr. CRANSTON, and Mr. HAYAKAWA):

S.J. Res. 241. Joint resolution to provide for the designation of the week of December 12, 1982 through December 18, 1982 as "National Drunk and Drugged Driving Awareness Week"; to the Committee on the Judiciary.

NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Mr. HUMPHREY. Mr. President, I am today introducing for myself and 28 other Senators a joint resolution to designate the week of December 12 through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

Traffic accidents are the No. 1 cause of violent deaths in this country. In 1980, over 50,000 Americans were killed and many more suffered serious injuries due to traffic accidents. The National Highway Traffic Safety Administration estimates that between 40–55 percent of fatal accidents involve an intoxicated driver, and this figure reaches 55–65 percent in single vehicle crashes.

These statistics translate into a shocking one-quarter of a million Americans killed within the past decade because of alcohol-related crashes. Even this past weekend the Nation's awareness was once again raised as two prominent entertainers suffered injuries allegedly due to a drunk driver. In addition, the economic costs to society are immense, estimated at anywhere from $5 to $25 billion a year. Even the most conservative figure is far more than this society can afford and does not include the needless pain and suffering caused by drinking and driving.

A new problem of drugged driving is emerging from the unfortunate rise in drug use in our society, particularly among our youth. At a recent hearing of the Subcommittee on Alcoholism and Drug Abuse, experts testified about the increasing incidence of driving after drug use, particularly marihuana, and described the problems inherent in testing drivers for drug use and studying the effects of drug use on driving ability.

Of increasing concern is the combination of drugs and alcohol and its impact on the incidence of traffic accidents. Surveys of our young people show that drinking and driving often accompany marihuana use. We have

also been made aware that driving after the use of therapeutic drugs, either alone or in combination with alcohol, counter to the advice of physician, pharmacist, or manufacturer, may also create safety hazards on the roads. More research is needed to determine the effects of drugs on the incidence of traffic accidents, both alone and in combination with alcohol, and we need to alert the public to the risks of combining alcohol and drugs with driving.

It is clear that the public is now demanding changes in our approach to the problem of drunk driving, in large part due to the volunteer efforts of citizens groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxiated Drivers (RID). These groups have most effectively drawn attention to the magnitude of the problem and the ineffectiveness of existing legislation and its enforcement.

In response to this public demand, the Senate recently unanimously approved legislation to assist State and local efforts against drunk driving. President Reagan has appointed a Presidential Commission on Drunk Driving which is working to heighten awareness of the problem and stimulate the pursuit of solutions. Many States and localities have appointed task forces to study the problem in their area and to develop a more comprehensive approach to the development of new solutions. Most States have examined their drunk driving statues this year and passed, or have pending, new legislation to increase penalties and strengthen enforcement of drunk driving laws.

It is important that we press forward in these efforts to develop new and creative approaches by combining the expertise of government, community groups, and voluntary organizations and bringing the unique talents of each to bear on this devastating national problem.

I believe that we should set aside 1 week annually as a "National Drunk and Drugged Driving Awareness Week." It is my hope that this week would provide a time when we could focus attention on the seriousness of the problem of drunk and drugged driving, examine the effectiveness of the various approaches developed at State and local levels, and make recommendations for needed changes in approach to the problem. This week would guarantee a forum to keep public attention focused on the deaths and injuries caused by drunk and drugged driving, and insure a means to continue to apply pressure for solutions.

Because there is a high incidence of traffic accidents during the Christmas and New Year's holiday period and it is a time of increased socializing which often includes excessive drinking, a most appropriate time for this awareness week would be the week beginning December 12, 1982. It is my hope that this week will be marked by radio and TV programs, articles in the print media, and local initiatives such as dial-a-ride or roadblocks, all aimed at raising the public awareness of the risks of drunk and drugged driving. Perhaps such a concentration of efforts by Federal, State and local government, community groups, and voluntary organizations will help reduce the toll from drunk and drugged driving at one of the most dangerous times of the year, and facilitate communication and cooperation between all of us in attacking this critical national problem.

I urge my colleagues to join me in sponsoring this joint resolution. I ask unanimous consent that the text of this joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD as follows:

S.J. RES. 241

Whereas traffic accidents cause more violent deaths in the United States than any other cause, over 50,000 in 1980;

Whereas traffic accidents also play a substantial role in serious injuries in this country;

Whereas between 40-55 percent of drivers who are fatally injured have alcohol concentrations in their blood above the legal limit and this figure rises to 55-65 percent in single vehicle crashes;

Whereas the total societal cost of drunk driving has been estimated anywhere from $5-$25 billion a year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marijuana or other illegal drugs;

Whereas more research is needed on the effects of drugs on driving ability and their impact on the incidence of traffic accidents, either alone or in combination with alcohol;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increased research on the effects of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), is demanding a solution to the problem of drunk driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions;

Whereas many states have appointed task forces to examine the existing drunk driving program and make recommendations for a renewed, comprehensive approach;

Whereas an increase in the national awareness of the problem of drunk and drugged driving may help to sustain current efforts to develop comprehensive solutions at the state and local levels; and

Whereas the Christmas and New Year's holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem; Now, therefore, be it

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, that the week of December 12, 1982 through December 18, 1982, is designated as "National Drunk and Drugged Driving Awareness Week," and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

By Mr. JEPSEN (for himself and Mr. EAGLETON):

S.J. Res. 242. Joint resolution designating September 22, 1982, as "American Businesswomen's Day"; to the Committee on the Judiciary.

AMERICAN BUSINESSWOMEN'S DAY

● Mr. JEPSEN. Mr. President, on behalf of the American Businesswomen's Association, I join my distinguished colleague from Missouri, Mr. EAGLETON, in sponsoring a joint resolution which would designate September 22, 1982, as "American Businesswomen's Day." This day would be dedicated to recognizing America's businesswomen for their achievements and advancements in helping to shape America.

The American Businesswomen's Association (ABWA) represents businesswomen in all 50 States and Puerto Rico with a membership of over 105,000 individuals. For more than 32 years, the ABWA has helped prepare women for leadership roles in business. This association is dedicated to the professional, educational, cultural, and social advancement of businesswomen.

Last year, the combined chapters of ABWA awarded more than $1,600,000 in scholarships to women. Many of the students were entering colleges or vocational schools for the first time. Some needed specialized courses in order to advance in their chosen career fields, and others were women seeking to update their skills in order to reenter the market after taking time out to raise families.

In addition, their national scholarship fund has provided a cumulative total of over $2,000,000 for educational scholarships.

Mr. President, I would especially like to commend Nancy Bruner, a resident of the great State of Iowa, for the important leadership that she has provided as president of the ABWA.

Women provide essential contributions in every phase of our society—in business, education, government, and other diverse fields, as well as in the home and church.

Therefore, Mr. President, the efforts of today's dynamic businesswomen deserve special recognition. I would therefore like to ask my colleagues to join me in supporting this legislation which proclaims September 22, 1982, as National Businesswomen's Day.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 242

Whereas there are forty-three million working women integrally involved in determining the direction of both the private and public sectors of our Nation;

Whereas American businesswomen hold active, responsible, decisionmaking roles at all levels of business, and thus influence the direction of our Nation; and

Whereas the Congress recognizes the important contributions of American businesswomen to our Nation's continuing vitality: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That September 22, 1982, is designated "American Businesswomen's Day". The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 1399

At the request of Mr. DODD, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 1399, a bill to encourage equitable contracts between sales representatives and their principals.

S. 2050

At the request of Mr. CHILES, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2050, a bill to amend section 104 of the River and Harbor Act of 1958, Public Law 85-500 as amended, to increase the annual funding authority for the aquatic plant control program.

S. 2094

At the request of Mr. DANFORTH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2094, a bill to amend the Trade Act of 1974 to insure reciprocal trade opportunities, and for other purposes.

S. 2624

At the request of Mr. DECONCINI, the name of the Senator from Louisiana (Mr. JOHNSTON) was added as a cosponsor of S. 2624, a bill to amend section 1407(h) of title 28, United States Code, to permit the consolidation of civil antitrust actions for trial.

S. 2679

At the request of Mr. DURENBERGER, the name of the Senator from Missouri (Mr. DANFORTH) was added as a cosponsor of S. 2679, a bill to add representatives of town officials to the membership of the Advisory Commission on Intergovernmental Relations.

S. 2784

At the request of Mr. DECONCINI, the names of the Senator from Oklahoma (Mr. BOREN) and the Senator from Pennsylvania (Mr. HEINZ) were added as cosponsors of S. 2784, a bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes.

S. 2822

At the request of Mr. NICKLES, the names of the Senator from New Hampshire (Mr. RUDMAN) and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 2822, a bill to amend title IV of the Higher Education Act of 1965 to provide standards for students for maintaining satisfactory progress as a condition for assistance under that title.

SENATE JOINT RESOLUTION 178

At the request of Mr. HATCH, the name of the Senator from Kansas (Mrs. KASSEBAUM) was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week."

SENATE JOINT RESOLUTION 188

At the request of Mr. INOUYE, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 188, a joint resolution to authorize and request the President to designate March 1, 1983, as "National Recovery Room Nurses Day."

SENATE JOINT RESOLUTION

At the request of Mr. EAGLETON; the names of the Senator from Arizona (Mr. GOLDWATER), the Senator from Hawaii (Mr. INOUYE), the Senator from Nevada (Mr. LAXALT), the Senator from Nevada (Mr. CANNON), the Senator from Alabama (Mr. HEFLIN), the Senator from Oklahoma (Mr. NICKLES), the Senator from New York (Mr. MOYNIHAN), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Vermont (Mr. STAFFORD), the Senator from Nebraska (Mr. EXON), the Senator from Missouri (Mr. DANFORTH), the Senator from California (Mr. CRANSTON), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Florida (Mr. CHILES), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Vermont (Mr. LEAHY), the Senator from Iowa (Mr. JEPSEN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Montana (Mr. BAUCUS), the Senator from Iowa (Mr. GRASSLEY), the Senator from Wisconsin (Mr. KASTEN), the Senator from Idaho (Mr. SYMMS), the Senator from Michigan (Mr. RIEGLE), the Senator from Indiana (Mr. LUGAR), the Senator from Kentucky (Mr. FORD), the Senator from Connecticut (Mr. WEICKER), the Senator from Illinois (Mr. DIXON) were added as cosponsors of Senate Joint Resolution 225, a joint resolution to provide for the designation of the week beginning on November 21, 1982, as "National Alzheimer's Disease Week."

SENATE JOINT RESOLUTION 228

At the request of Mr. NUNN, the names of the Senator from Wisconsin (Mr. KASTEN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Nebraska (Mr. ZORINSKY), the Senator from Ohio (Mr. METZENBAUM), and the Senator from South Carolina (Mr. HOLLINGS), were added as cosponsors of Senate Joint Resolution 228, a joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Tourette Syndrome Awareness Week."

SENATE RESOLUTION 453

At the request of Mr. NUNN, the names of the Senator from Nevada (Mr. LAXALT), the Senator from Idaho (Mr. SYMMS), the Senator from Texas (Mr. BENTSEN), the Senator from Illinois (Mr. PERCY), the Senator from Alabama (Mr. HEFLIN), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Arizona (Mr. DECONCINI), were added as cosponsors of Senate Resolution 453, a resolution designating the week of October 3 through October 9, 1982 as "National Productivity Improvement Week."

AMENDMENT NO. 1906

At the request of Mr. CRANSTON, the names of the Senator from West Virginia (Mr. ROBERT C. BYRD), and the Senator from West Virginia (Mr. RANDOLPH), were added as cosponsors of Amendment No. 1906 intended to be proposed to S. 2607, an original bill to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes.

SENATE RESOLUTION 459—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. WARNER (for Mr. MCCLURE), from the Committee on Energy and Natural Resources, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 459

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1999. Such waiver is necessary because S. 1999, as reported, authorizes the enactment of new budget authority which would first become available upon the date of enactment.

The waiver of section 402(a) of such Act is necessary to permit Congressional consideration of S. 1999, a bill to provide financial assistance to the Wolf Trap Foundation for the Performing Arts for reconstruction of the Filene Center in Wolf Trap Farm Park. Such bill was not reported on or before May 15, 1981, in the case of fiscal year 1982, or

May 15, 1982, in the case of fiscal year 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The likelihood that the Committee on Energy and Natural Resources would report S. 1999 was reflected in its March 8, 1982 report to the Committee on the Budget pursuant to section 301(c) of the Congressional Budget and Impoundment Control Act of 1974. However, at that time it was anticipated that passage of this bill would have little, if any, budgetary impact. Subsequently on April 4, 1982, the Filene Center was destroyed by fire. Therefore, the reconstruction activities for which an authorization of financial assistance is provided by S. 1999 were not anticipated at the time of the bill's introduction.

Enactment of this legislation is in accordance with the program of the President as set forth by letter of July 1, 1982, from Under Secretary of the Interior Donald Paul Hodel. Moreover, the conference agreement on H.R. 6863 (a bill making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes) provides, subject to authorization, initial budget authority for the activities provided for by S. 1999. The Senate thus has had adequate notice of this bill; its enactment is not expected to interfere with or delay the legislative process of the Senate.

Failure to enact S. 1999 would preclude expeditious reconstruction of the Filene Center so as to maintain continuity of service; it is in the public interest that such continuity of service be maintained.

AMENDMENTS SUBMITTED FOR PRINTING

DEFENSE PRODUCTION ACT AMENDMENTS

AMENDMENT NO. 3265

(Ordered to be printed and to lie on the table.)

Mr. CANNON submitted an amendment intended to be proposed by him to the bill (S. 2375) to extend by 5 years the expiration date of the Defense Production Act of 1950.

COUNCIL ON CRITICAL MATERIALS

Mr. CANNON. Mr. President, I am filing today an amendment to S. 2375, the Defense Production Act Reauthorization that would establish a Council on Critical Materials in the White House.

This amendment is based on a variety of bills introduced in the past to help the U.S. Government deal more effectively, and take action to reduce, our import dependency for a wide range of minerals and materials. Specifically, this amendment is drawn from H.R. 4281, the Critical Materials Act of 1982, which was recently reported by the House Science and Technology Committee.

As House Report 97-761 notes, the legislation "represents the next logical step in the policy and administration processes provided by Public Law 96-479, the National Materials and Minerals Policy, Research and Development Act of 1980." Both the House Science and Technology Committee and the Senate Committee on Commerce, Science, and Transportation have held oversight hearings on the implementation of Public Law 97-479. While some constructive steps have been taken by the administration, we need to organize more effectively our Federal efforts, particularly this administration's inconsistent stockpile policies.

Presently, interagency coordination and leadership in the critical minerals and materials area is assigned to the Cabinet Council on Natural Resources and Environment. The Cabinet Council arrangement, while it may be effective in dealing with issues on an ad hoc basis, does not represent an effective ongoing mechanism. Nor does it provide for public, industrial, and congressional access and input.

In a recent Congressional Research Service analysis of the Materials Policy Act and the President's plan to implement the Act, CRS states:

The largest gap between the Act and the report is unquestionably one not of omission but of commission: the Administration's insistence that "national materials policy will be coordinated through the Cabinet Council on Natural Resources and Environment" (page 7), rather than through the Executive Office of the President, as consistently specified in the Act. The question of the central focus for such policymaking within the Executive Branch is perhaps the key question at issue, and it seems clear that the Administration and the Congress continue to differ on this vital point.

Furthermore, the House report concludes that:

In addition to those areas cited in the CRS analysis, the President's plan fails on a number of specific policy related issues:

(1) An emphasis on minerals and public land policy while ignoring other materials concerns in the final product or use cycle. This, it would appear, is a consequence, despite the Administration's disclaimer, of the fact that the Council on Natural Resources and Environment is operated essentially at a sub-Cabinet level through the Office of the Secretary of the Interior.

(2) The absence of specific proposals or programs on critical or strategic materials research and development, particularly programs for substitution, recycling, conservation, and new materials development.

(3) No permanent organization structure for coordination of materials and minerals policies or programs was presented as required by the law.

(4) No specific programs in the Department of Defense, Interior or Commerce were recommended as a result of their 18-month analysis.

Thus, Mr. President, I believe it is time to join with our House colleagues and take steps to buttress our Government's capability to anticipate and deal with critical minerals and materials issues. This is why I intend to offer this as an amendment to S. 2375, the Defense Production Act Reauthorization, and I urge my colleagues to support this amendment.

In addition, I am today introducing this proposal as a separate bill, S. 2898, in order to facilitate its consideration by the Senate should it not be adopted as an amendment to the Defense Production Act legislation as currently contemplated in the House.

I ask unanimous consent that an excerpt of House Report 97-761, which includes a section-by-section analysis of the bill, be included in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Critical Materials Act of 1982".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) the availability of adequate supplies of strategic and critical industrial materials continues to be essential for national security, economic well-being, and industrial production;

(2) research, development, and technological innovation are important factors which contribute to and affect the availability and use of materials;

(3) there exists no single Federal entity with the authority and responsibility for establishing critical materials policy and for coordinating and implementing that policy; and

(4) the importance of materials to national policies requires an organizational means for the coordination, within and at a suitably high level of the Executive Office of the President, of existing policies within the Federal Government.

(b) It is the purpose of this Act to establish a Council on critical Materials under and reporting to the Executive Office of the President—

(1) to provide for necessary coordination of critical materials policies, including research and development, among the various agencies and departments of the Federal Government, and for the implementation of such policies;

(2) to bring to the attention of the President, the Congress, and the general public such materials issues and concerns, including research and development, as are deemed critical to the economic and strategic health of the Nation; and

(3) to insure adequate and continuing consultation with the private sector concerning critical materials, materials research and development, Federal materials policies, and related matters.

ESTABLISHMENT OF THE COUNCIL ON CRITICAL MATERIALS

SEC. 3. There is hereby established a Council on Critical Materials (hereinafter referred to as the "Council") under and reporting to the Executive Office of the President. The Council shall be composed of three members who shall be appointed by the President and who shall serve at the pleasure of the President. Members so appointed who are not already Senate confirmed officers of the Government shall be appointed by and with the advice and consent of the Senate. The President shall designate one of the members to serve as chairman. Each member shall be a person who, as a result of training, experience, and achievement, is qualified to carry out the duties and functions of the Council, with particular emphasis placed on fields relating to materials policy or materials science and engineering. In addition, at least one of the members shall have a background in and

understanding of environmentally related issues.

RESPONSIBILITIES AND AUTHORITIES OF THE COUNCIL

SEC. 4. (a) It shall be the primary responsibility of the Council—

(1) to assist and advise the President in establishing a coherent national materials policy consistent with other Federal policies, and in carrying out activities necessary to implement such a policy;

(2) to coordinate Federal materials-related policies, programs, and research and development activities, including those related to critical materials;

(3) to review and appraise the various programs and activities of the Federal Government in accordance with the policy and directions given in the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601), and to determine the extent to which such programs and activities are contributing to the achievement of such policy and directions;

(4) to formulate and recommend to the President national policies designed to improve conditions affecting the mineral and materials needs and resources of the Nation, and to meet the social, economic, and national security goals of the Nation;

(5) to advise the President of mineral and material trends, both domestic and foreign, the implications thereof to the United States and world economies and to national security, and the probable effects of such trends on domestic industries; and

(6) to make or furnish such studies, analyses, reports, and recommendations with respect to matters of materials-related policy and legislation as the President may request.

(b) In carrying out its responsibilities under this section the Council shall have the authority—

(1) to establish such special advisory panels as it considers necessary, with each such panel consisting of representatives of industry and other members of the private sector, not to exceed ten members, and being limited in scope of subject and duration; and

(2) to establish and convene such Federal interagency committees as it considers necessary in carrying out the intent of this Act.

(c) In seeking to achieve the goals of this and related Acts, the Council and other Federal departments and agencies with responsibilities or jurisdiction related to materials or materials policy, including the National Security Council, the Council on Environmental Quality, the Office of Management and Budget, and the Office of Science and Technology Policy, shall work collaboratively and in close cooperation.

RESEARCH AND DEVELOPMENT POLICY

SEC. 5. In addition to the responsibilities described in section 104, the Council shall have specific responsibility for overseeing and collaborating with appropriate agencies and departments of the Federal Government relative to Federal materials research and development policies and programs. Such policies and programs shall be consistent with the policies and goals described in the National Materials and Minerals Policy, Research and Development Act of 1980. In carrying out this responsibility the Council shall—

(1) review annually the materials research and development authorization requests and budgets of all Federal agencies and departments; and in this activity the Council shall, in cooperation with the Office of Science and Technology Policy, the Office of Management and Budget, and all other Federal office and agencies deemed appropriate, ensure close coordination of the goals and directions of such programs with the policies as determined by the Council; and

(2) assist the Office of Science and Technology Policy in the preparation of such long range materials assessments and reports as may be required by the National Materials and Minerals Policy, Research and Development Act of 1980, and assist other Federal entities in the preparation of analyses and reporting related to critical materials.

COMPENSATION OF MEMBERS AND REIMBURSEMENTS

SEC. 6. (a) Members of the Council who serve full time and the chairman of the Council, if not otherwise paid officers or employees of the Government, shall be paid at the rate of basic pay provided for level II of the Executive Schedule. The other members of the Council shall be paid at a rate per diem comparable to the rate of basic pay provided for level III of the Executive Schedule.

(b) The Council may accept reimbursement from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, or from any State or local government, for reasonable travel expenses incurred by any member or employee of the Council in connection with such member's or employee's attendance at any conference, seminar, or similar meeting.

POSITION OF EXECUTIVE DIRECTOR

SEC. 7. (a) There shall be within the Council an Executive Director (hereinafter referred to as the "Director"), who shall be chief administrator of the Council. The Director shall be appointed by the Council and shall be paid, if not otherwise a paid officer or employee of the Government, at the rate of basic pay provided for level IV of the Executive Schedule.

(b) The Director is authorized—

(1) to employ such personnel as may be necessary for the Council to carry out its duties and functions under this Act, but not to exceed twelve compensated employees;

(2) to obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code; and

(3) to develop rules and regulations necessary to carry out the purposes of this Act.

(c) Notwithstanding section 367(b) of the Revised Statutes (31 U.S.C. 665 (b)), the Council may utilize voluntary and uncompensated labor and services in carrying out its duties and functions.

RESPONSIBILITIES AND DUTIES OF THE DIRECTOR

SEC. 8. (a) In carrying out his functions the Director shall assist and advise the Council on policies and programs of the Federal Government affecting critical materials by—

(1) providing the professional and administrative staff and support for the Council;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, including research and development, which affect critical materials availability and needs;

(3) cataloging, as fully as possible, research and development activities of the Government, private industry, and public and private institutions;

(4) monitoring and evaluating the critical materials needs of basic industry and the Government, including the critical materials research and development needs of the private and public sectors;

(5) initiating Government and private studies and analyses, including those to be conducted by or under the auspices of the Council, designed to advance knowledge of critical materials issues and develop alternatives, including research and development, to resolve national critical materials problems;

(6) issuing a biennial report providing a domestic inventory of critical resources with projections on the prospective needs of government and industry for these resources, including a long range assessment, prepared in conjunction with the Office of Science and Technology Policy in accordance with the National Materials and Minerals Policy, Research and Development Act of 1980 and in conjunction with such other Government departments or agencies as may be considered necessary, of the prospective major critical materials problems which the United States is likely to confront in the immediate years ahead and providing advice as to how these problems may best be addressed, with the first such report being due on April 1, 1984; and

(7) recommending to the Congress such changes in the current policies, activities, and regulations of the Federal Government, and such legislation, as may be considered necessary to carry out the intent of this Act and the "National Materials and Minerals Policy, Research and Development Act of 1980".

(b) In exercising his responsibilities and duties under this Act, the Director—

(1) may consult with representatives of science, industry, labor, State and local governments, and other groups; and

(2) shall utilize to the fullest extent possible the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals.

AUTHORITY

SEC. 9. The Council is authorized—

(1) to prescribe such rules and regulations as may be necessary for its operation;

(2) to enter into contracts and acquire property necessary for its operation to such extent or in such amounts as are provided for in appropriation Acts;

(3) to publish or arrange to publish critical materials information that it deems to be useful to the public and private industry to the extent that such publication is consistent with the national defense and economic interest;

(4) to request available information from private and public sources which it considers necessary in the discharge of its duties if—

(A) in the case of a request for information from a private source, the furnishing of such information will not create an undue burden or hardship on such sources; or

(B) in the case of a request for information from a public source, the furnishing of such information is permitted by law; and

(5) to exercise such authorities as may be necessary and incidental to carrying out its responsibilities and duties under this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 10. There is hereby authorized to be appropriated to carry out the provisions of this Act a sum not to exceed $1,000,000 for the fiscal year ending on September 30, 1984, and such sums as may be necessary thereafter.

DEFINITION

SEC. 11. As used in this Act, the term "materials" has the meaning given it by section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980.

Amend title of the bill to read:

A bill to provide for a Council on Critical Materials, for development of a continuing and comprehensive national materials policy, and for programs necessary to carry out that policy.

PURPOSE OF THE BILL

The "Critical Materials Act of 1981", H.R. 4281, represents the next logical step in the policy and administration processes provided by Public Law 96-479, the "National Materials and Minerals Policy, Research and Development Act of 1980". H.R. 4281 establishes a Council on Critical Materials under and reporting to the Executive Office of the President for the purpose of developing and coordinating national materials policy and program plans within the Federal Government. Further, the Council will focus attention for the private and public sectors on materials-related issues considered critical to the Nation's economic and strategic well-being. Special attention is given to establishing materials research and development policies and programs consistent with the policies and goals of Public Law 96-479.

I. INTRODUCTION AND ISSUES

The availability of materials suitable for application is frequently a limiting factor in both the implementation of contemporary technologies and the development of more advanced technologies. For example, alloys of aluminum, chromium, cobalt, niobium, nickel, tantalum, and titanium are critical to the manufacture of modern jet engines. Only in the case of titanium is our import dependency less than 50 percent; for five others, more than 90 percent of our domestic consumption is met by imports—often from countries with divergent national interests to those of the United States. Similarly, high strength, corrosion resistant (hence, chromium-containing) materials are required for the production of natural gas from the hostile environment of deep, highly corrosive gas wells. In such other areas as power generation and transmission, energy conversion and storage, transportation, chemical processing, biomaterials for surgical implants, national defense, and, in short, in virtually every major industrial activity the availability of suitable engineering materials is crucial.

As a consequence, much discussion has taken place in the Congress regarding means of treating the Nation's non-fuel materials needs through domestic and foreign strategies. Discussion has also focused on using research, development and technological innovation to resolve many of these materials-related problems, hence reducing our vulnerability to interruptions in supply of critical and strategic materials. There is considerable research and development activity throughout the Nation and the world in the processing and properties of metallic, ceramic, polymeric, electronic and other materials. This activity encompasses such applications including, as well as the above, light-weight, fuel-efficient automobiles; the storage of nuclear wastes and hazardous chemicals; first-wall fusion reactor materials; high-temperature gas turbines; and microelectronics to name just a few. In the U.S., the Federal Government spends an estimated $1 billion annually on such research with $4.0 billion being spent by the private sector.

Thus, there is good reason to believe that the resolution of our materials import vulnerability could be reduced with proper development, coordination and implementation of a national critical materials policy, including a suitable research and development strategy. Within this general framework, there are areas of particular national concern:

(1) Defense

Our national defense and economic well-being depends strategically on more than twenty non-fuel minerals of which seven are imported at levels of 90 percent or more and the rest at levels of 50 percent or more of our annual needs. Included among the former are sources of manganese, cobalt, chromium, an the platinum-group metals of which the world's reserves lie largely in Southern Africa and the Soviet Union. Given the complex politics of importation, the Nation is particularly vulnerable in an economic and strategic sense to interruption in the supply of several of these elements. For instance, in the case of chromium, while there are potential metallurgical substitutes for chromium, there are no known elements which play the chemical role of chromium in corrosion resistant stainless steels, which are the backbone of our chemical processing industry, or in oxidation resistant alloys used in jet engines and high-temperature gas turbines.

(2) Domestic production

Our domestic minerals processing and metals producing industries are no longer as competitive in the world marketplace. For example, U.S. ferroalloy production, on which steelmaking is dependent, has decreased from 85 percent of domestic consumption in the 1960's to about 50 percent in 1980. In this instance, the Nation is now importing materials which our domestic industry was once capable of supplying. Without a domestic ferroalloy processing capacity, the availability of raw materials in the world marketplace takes on a different character in terms of the health of a vigorous steelmaking industry. This is particularly true in a nation in which steel-intensive technologies (the automotive industry, tubulars for oil and gas production and distribution, steel applications in the production of alternate fuels, etc.) abound. There is widespread concern about the long-term vitality of the domestic metals producing industry in general, emphasized by the steel industry's movement away from metals production activities into other more diverse areas. Similar concerns exist regarding processing and production in the titanium, aluminum and copper industries. The materials processing and producing capabilities of the Nation should be among the issues treated in providing a national materials policy, with specific consideration given to research and development, tax incentives, regulation, and import controls.

(3) Stockpiling

The bulk of the materials contained in the strategic stockpile was assembled more than twenty years ago. For 20 of the 61 families of materials included in the stockpile, the quantity available is at least 50 percent or more short of the goals established by the Federal Emergency Management Agency. Alternatives to stockpiling include, on the one hand, substitution, conservation, recycling, advanced technology related to high performance materials, and surface modification for corrosion or wear resistance; and, on the other hand, incentives such as exist in the Defense Production Act of 1950 (50 U.S.C. App. 2091 et. seq.). Obviously, further coordination at a comprehensive policy level would allow for more efficient and effective means of handling our present policies and programs regarding the stockpiling of critical materials.

(4) Corrosion

It has been estimated that about 4 percent of our GNP is lost annually due to metallic corrosion and that roughly 20 percent of this cost could be saved by making proper use of existing technology. In addition to the need for effective technology transfer in this area, we need to evaluate the impact of new technologies on our materials needs. For example, some metallic alloys produced by rapid solidification processing have unique mechanical, magnetic, electrical and chemical properties and may find application in areas ranging from chemical processing to national defense. The content of chromium required in alloys producted by rapid quenching to induce corrosion resistance is substantially lower than in alloys produced by traditional methods.

(5) Materials cycle

In addition to the mining of raw materials and minerals processing and refining, other stages of the total materials cycle must be considered in the development of national materials policy. At a time when our vulnerability to interruption in the supply of chromium and other materials is clear, it is imprudent to allow unlimited export of recyclable stainless steel scrap, each ton of which contains roughly 400 pounds of chromium. This emphasizes the need for a national materials policy in which coordination between government and industry is continually exercised. Similarly, research on materials processing should be stimulated, particularly innovative processing techniques such as rapid quenching, and advanced semi-conductor crystal growth techniques that would result in major improvements in manufacturing rather than incremental development of existing technology. Our Nation's vanishing lead in micro-electronics to Japan is in part a consequence of contrasting policies of our governments and Japanese industry's willingness to adapt and implement new technologies.

Finally, the Nation's materials, energy and environmental concerns are not unrelated. The large increases in energy costs have made the production of most materials more expensive. By the same token, advanced energy technology such as coal conversion, production of natural gas from deep wells, breeder and fusion reactors, solar electric energy, hydrogen energy systems, and fuel cells are all materials limited. Development of new domestic sources of minerals, particularly within public lands, must be weighted against long-term, multiple use of such lands and the critical (or lack of critical) nature of the minerals involved. The need for careful attention to the long-term balance between the production of critical materials, energy consumption and a clean environment continues to be persistent. Development and integration of materials policy and policy related to the Nation's energy and environmental concerns requires coordination which goes beyond the factional interests of individual agencies or missions.

II. PURPOSE

During the closing days of the 96th Congress, Public Law 96-479, the "National Ma-

terials and Minerals Policy, Research and Development Act of 1980" was signed into law. Public Law 96-479 represented the first major statement on materials policy that had been developed in over three decades, and required the President to take a number of steps in addressing materials problems. These included among others the establishment of an organizational structure providing the following elements: Policy analysis and decision determination within the Executive Office of the President; continuing long-range analysis of materials used to meet national security, economic, industrial and social needs, the adequacy and stability of materials supplies, and the industrial and economic implications of supply shortages or disruptions; continuing private sector consultation in Federal materials programs; and interagency coordination at the level of the President's Cabinet. In addition, the Act called for a balancing of environmental, energy and materials polices and defined several initiatives on the part of the Secretaries of Commerce, Defense and the Interior and the Director of the Office of Science and Technology Policy to consider the resolution of a variety of materials related problems.

It appears clear, as described in Section III of this report, that the current Administration's response to Public Law 96-479 does not address major concerns of the National Materials and Minerals Policy, Research and Development Act of 1980. In short, the Administration appears to place heavy emphasis on minerals and public lands policy and little or no emphasis on other materials concerns in the product or user end.

The purpose of H.R. 4281, the "Critical Materials Act of 1981", a supplement to Public Law 96-479, is to reemphasize policy directives of the original legislation and to focus further on organizational concerns. In particular, the bill establishes a Council on Critical Materials under and reporting to the Executive Office of the President. Policy directions are determined as much or more so by organizational placement as any other feature of a policy-making body. It is no accident that the Council on Natural Resources and Environment, headed by the Secretary of the Interior, placed primary emphasis on minerals, mining and related public land policies with almost no attention to basic materials processing, conservation, substitution, recycling or new materials development. Such imbalances in the focus of materials policy can be expected regardless of which agency has responsibility and/or authority. It was for this reason that Public Law 96-479 called for, among other things, "policy analysis and decision determination within the Executive Office of the President". Such a level of policy determination would transcend the normal interagency competitiveness and provide the necessary balance in materials policy considerations. The Committee intends that the Council should be part of the operations of the Executive Office of the President, but flexibility regarding the organizational location of the Council is provided by the bill. In event the policy decision making shall remain at an executive level above any given individual Federal department or agency as specified in P.L. 96-479. It is not intended that the Council be restricted in any policy making role because of any possible identification with an individual Federal Department or agency.

The Council on Critical Materials, as proposed, would (1) provide for necessary, coordination of critical materials policies, including research and development, among the various agencies and departments of the Federal Government, and for the implementation of such policies; (2) bring to the attention of the President, the Congress and the general public such materials issues and concerns, including research and development, as are deemed critical to the economic and strategic health of the Nation; (3) insure adequate and continuing consultation with the private sector concerning critical materials, materials research and development, Federal materials policies, and related matters. The Council on Critical Materials would oversee the multitude of Federal materials programs—in materials research alone, there are over 14 agencies and departments involved with over $1 billion in programs—and act as the Federal government's focal point to analyze and evaluate materials policy as it would concern our energy, environmental, minerals, defense and foreign policies, among others. It would also provide to those groups important information and data concerning materials needs, problems and projections. Moreover, H.R. 4281 would focus attention on coordination and implementation of research and development activities aimed at stimulating industrial innovation and productivity and at developing new materials, substitution, conservation and recycling technologies to reduce the demand on critical and strategic materials.

III. ANALYSIS OF THE ADMINISTRATION'S RESPONSE TO PUBLIC LAW 96-479: NATIONAL MATERIALS AND MINERALS PROGRAM PLAN AND REPORT TO CONGRESS

In response to Public Law 96-479, the President released his "National Materials and Minerals Program Plan and Report to Congress on April 5, 1982. The plan, which was transmitted almost six months after its due date focuses on four major policy elements:

(1) Land availability

The plan proposes to open public lands to appropriate minerals exploration and development; in short, to determine the potential of the public lands with respect to minerals availability. Emphasis is placed on wilderness lands and withdrawal of other public lands in relation to minerals development and national needs given the "vast unknown and untapped mineral wealth" of the Nation. There is little evidence, however, to substantiate the existence of large amounts of critical or strategic minerals on public lands.

(2) Minerals and materials data collection

The plan emphasizes that minerals and materials information and analysis is critical in guiding policymaking affecting national defense, land use, taxation, trade, research and development, environmental protection and various aspects of both domestic and foreign policy. The proposed initiatives would strengthen the Department of the Interior's International Regional Resource Officer program as well as review domestic data collection but falls short of the requirements of P.L. 96-479 calling for long-term assessment of international minerals supplies.

(3) Materials research and development

The plan states that the National Economic Recovery and Tax Act of 1981 provides sufficient tax incentives to stimulate private sector research and development. Thus, all government funded research and development activities, except for mission specific Department of Defense programs, are stated to concentrate on long-term, high-risk, high-potential payoff projects with the best chance of wide generic application to materials problems and increased productivity. In short, government assistance is considered appropriate only where market forces are incapable of achieving clearly defined national objectives. The interagency Committee on Materials (COMAT) is reaffirmed as the federal research and development coordinating body, while policy resolution of materials research and development questions will be provided through the Cabinet Council on Natural Resources and Environment. The latter is at odds with the specifications of P.L. 96-479 which suggests that policy analysis and decisionmaking be accomplished within the Executive Office of the President and materials research and development analysis be conducted by the Office of Science and Technology Policy.

(4) Strategic and critical materials stockpile

The President's plan calls for a "major interdepartmental effort to improve the nation's preparedness for national mobilization" through the Emergency Mobilization Preparedness Board. Further emphasis is placed on Titles I and III of the Defense Production Act and on the Strategic and Critical Materials Stockpiling Act, the latter to include a comprehensive review of current materials being stockpiled. Title III funding authorization was not treated.

While the President's plan has been widely cited as "the first major statement by any President in thirty years addressing the nation's mineral dependency problems", there is considerable concern as to whether the proposed plan represents the necessary framework for the coherent national materials and minerals policy as required by P. L. 96-479. Analysis of the Congressional Research Service (CRS) of the President's report made the following point:

"Several policy areas appear to have been given major attention in the President's report: mineral development on federal lands, deregulation, Cabinet Council policymaking and coordination, and Administration economic policy. Yet these areas were given relatively little attention in the guidelines offered by the Act: land policy, Section 3(7) and 5(e)(3); deregulation, Section 4(8); and Cabinet Council coordination, Section 5(a)(1)(D). Thus, the report may be seen to some extent as a vehicle for promoting these current Administration policy issues, rather than as a complete response to the requirements of the Act. This view may be supported by the number of areas of concern that were raised by the Act but essentially ignored in the report: scientific and technical engineering manpower needs, especially for research and development in critical materials areas; the need for long-range assessments of minerals and materials needs and requirements, preferably for 5-10-25 years; the need for increased mining and metallurgical research capabilities by the U.S. Bureau of Mines; the need for greater attention to resource recovery, recycling, and waste materials disposal; and the need for an early warning system for materials supply and availability problems.

"However, the largest gap between the Act and the report is unquestionably one not of omission but of commission: the Administration's insistence that 'national materials policy will be coordinated through the Cabinet Council on Natural Resources and Environment' (page 7), rather than

through the Executive Office of the President, as consistently specified in the Act. The question of the central focus for such policymaking within the Executive Branch is perhaps the key question at issue, and it seems clear that the Administration and the Congress continue to differ on this vital point."

In addition to those areas cited in the CRS analysis, the plan fails on a number of specific policy related issues:

(1) An emphasis on minerals and public land policy while ignoring other materials concerns in the final product or use cycle. This, it would appear, is a consequence, despite the Administration's disclaimer, of the fact that the Council on Natural Resources and Environment is operated essentially at a sub-Cabinet level through the Office of the Secretary of the Interior.

(2) The absence of specific proposals or programs on critical or strategic materials research and development, particularly programs for substitution, recycling, conservation, and new materials development.

(3) No permanent organizational structure for coordination of materials and minerals policies or programs was presented as required by the law.

(4) No specific programs in the Department of Defense, Interior or Commerce were recommended as a result of their 18-month analysis.

IV. SUMMARY OF TESTIMONY AND ADMINISTRATION POSITION ON THE BILL

Testimony was heard on H.R. 4281 before a joint hearing of the Subcommittees on Science, Research and Technology, and Transportation, Aviation and Materials of the Committee on Science and Technology on April 20 and 22, 1982. H.R. 4281 proposes the establishment of a Council on Critical Materials in the Executive Office of the President to advise the President on materials matters and to coordinate Federal interagency programs. While the location of this advisory body within the Executive Office of the President was supported in all nongovernment testimony by a variety of representatives from industry and academia and has been consistently recommended for over 30 years in preceding studies, the Administration opposed this approach in general and specifically the legislative approach of H.R. 4281. Although endorsing the need for effective materials and minerals policy coordination, the Administration felt that the Council required by this bill would bureaucratically impede materials and minerals policy coordination whereas the Cabinet Council, already in place, would assure that all interested departments and agencies were represented. The Administration would, therefore, prefer that policymaking reside with the Cabinet Council on Natural Resources and Environment which is chaired by the Secretary of the Interior. Other witnesses argued that the latter approach is considered inadequate in the sense that the Cabinet Council structure lacks the permanency crucial to maintaining continuity from one Administration to the next. Moreover, given the organization and political character of the Cabinet Councils, concern was expressed that the Council on Natural Resources and Environment would be unable to provide the objective analysis and decisionmaking required to treat the Nation's materials and minerals needs. Additionally, testimony expressed the concern that the revitalization of the Committee on Materials (COMAT), as proposed in the President's plan, would not be effective in providing the desired coordination of materials research and development activities on a Federal level. The need for central Executive Office coordinating and policymaking is underscored by the Administration's late response to Public Law 96-479 and lack of implementation as required by the Act. Finally, consultative ties with the private sector are minimal or nonexistent. Industry does not know how the Council on Natural Resources and Environment functions or how materials an minerals issues of importance might be brought to its attention by industry.

V. SUMMARY OF THE BILL

The importance of materials-related matters in national domestic and foreign policy requires an effective organizational means at the level of the Executive Office of the President with the authority and responsibility for establishing, coordinating and implementing critical materials policy. Thus, the bill establishes a three-man Council on Critical Materials under and reporting to the Executive Office of the President as that organizational entity.

The Council has the responsibility (1) to assist and advise the President in establishing and implementing a coherent national materials policy consistent with other Federal policies; (2) coordinate Federal materials-related policies, programs and research and development activities; (3) review and appraise the programs and activities of the Federal Government in accordance with the policy and directions given in the National Materials and Minerals Policy, Research and Development Act of 1980 (Public Law 96-479); (4) formulate and recommend to the President national policies designed to improve conditions affecting the mineral and materials needs and resources of the Nation; (5) advise the President on domestic and foreign minerals and materials trends and their effects; and (6) provide for such studies, analysis, reports and recommendations with respect to questions of materials-related policy and legislation as the President may request.

The bill places special emphasis on the importance of materials research and development. The bill stipulates that the Council shall have specific responsibility for overseeing and collaborating with the appropriate agencies and departments of the Federal Government with respect to Federal materials research and development policies and programs. To this end, the Council will (1) annually review the materials research and development authorization requests and budgets of all Federal agencies and departments and, in cooperation with the Office of Science and Technology Policy (OSTP), the Office of Management and Budget, and other appropriate Federal agencies; and (2) assist OSTP with the preparation of long-range materials assessments and reports as required by law, and assist other Federal entities in the preparation of analysis and reports related to critical materials.

The Council, if appropriate, will appoint an Executive Director who will provide professional and administrative staff and support for the Council and to carry out the mandates of the Act, including a biennial report providing a domestic inventory of critical resources. The report will also provide an assessment of the prospective major critical materials problems which the Nation is likely to have, and advice as to their resolution.

VI. SECTIONAL ANALYSIS OF THE BILL

Sec. 1. Gives the short title, as amended, as the "Critical Materials Act of 1982."

Sec. 2. Provides findings and purposes of the Act, including the establishment of a Council on Critical Materials under the Executive Office of the President.

Sec. 3. This section establishes and defines the Council on Critical Materials: The Council consists of three members appointed by the President and confirmed by the Senate when appropriate. Each will have training, experience or background in materials policy and/or materials science and engineering.

Sec. 4. Defines the responsibilities and authorities of the Council.

Sec. 5. Places emphasis on materials research and development as oversight responsibility of the Council.

Sec. 6. Provides compensation of members of the Council.

Sec. 7. Provides for an Executive Director as chief administrator of the Council.

Sec. 8. Defines responsibilities and duties of the director.

Sec. 9. Defines further authorities of the Council.

Sec. 10. Authorizes up to $1,000,000 for the first year of operation.

Sec. 11. Defines the term "Materials."

VII. ANALYSIS OF THE BILL AND COMMITTEE VIEWS

This Act, which may be cited as the Critical Materials Act of 1982, provides for the organization of a Council on Critical Materials under the Executive Office of the President for the purpose of establishing, coordinating, and implementing national critical materials policy. Particular emphasis is placed on research, development and technological innovation as a means of reducing the Nation's materials import vulnerability while at the same time recognizing the importance of integrating materials policy related to the Nation's energy, environmental and other concerns.

A. Findings and purposes

Section 2(a) establishes that the availability of supplies of materials vital to national defense (strategic) and important to the Nation's industrial economy (critical) continue to be essential. Many materials and minerals may be appropriately placed in both categories. Research, development and technological innovation throughout the entire materials cycle (discovery, extraction, production, processing, use, recycling and disposal) represent opportunities to reduce our materials import vulnerability. There exists at present no single Federal entity responsible for establishing critical materials policy or for coordinating and implementing that policy. The Committee believes that the policymaking entity should be organized under and report to the Executive Office of the President in order to integrate such policy with that of environmental, energy, security or other pertinent national policy considerations. As noted in Section III of this report the Committee intends that the Council should be part of the operations of the Executive Office of the President, but flexibility regarding the organizational location of the Council is provided by the bill. In any event, the policy decision making shall remain at an executive level above any given individual Federal department or agency as specified in P.L. 96-479. The Committee does not intend that this Council be restricted in any policy making role because of any possible identification with an individual Federal department or agency. The Committee further does not intend that the activities of the council be duplicative of any related activities now underway in the Exec-

utive branch. Rather such activities should be subsumed under the Council's responsibilities.

Section 2(b) provides for and the Committee agrees with the establishing of a Council on Critical Materials under the Executive Office of the President (EOP). H.R. 4281 requires the establishment of a permanent Council on Critical Materials in order to transcend the normal interagency competitiveness and to provide for the necessary balance in materials policy decisionmaking. Section 2(b) specified that the Council on Critical Materials will: (1) provide for necessary coordination of critical materials policies including research and development, among the various Federal agencies and departments and for the implementation of such policies; (2) bring to the attention of the President, the Congress and the general public such materials issues and concerns as are considered critical to the social, economic and strategic health of the Nation; and (3) insure adequate and continuing consultation with the private sector concerning materials, materials research and development, Federal materials policies and related matters.

B. Establishment of the Council on Critical Materials

Section 3 specifies that the Council on Critical Materials, established under and reporting to the Executive Office of the President, shall be composed of three members, one of whom shall be designated chairman. The members shall be appointed by the President with the consent, as appropriate, of the Senate. It is the Committee's view that the members shall be duly qualified to carry out the purposes of the Council given their training, experience and achievement in fields relating to materials policy and or materials science and engineering. In addition, to provide greater balance with such policies as they concern environmental needs, the Committee directs that at least one member shall have a background and understanding in environmentally related matters. The Committee has reported language which gives the President the flexibility to appoint one or more members who might already be confirmed members of his Administration. In light of the possibility that more than one member may not have full time status, the Committee feels that the Executive Director should be a full time employee.

C. Responsibilities and authorities of the council

Section 4 describes the primary responsibilities of the Council, as follows:

(1) to assist and advise the President in establishing a coherent national materials policy consistent with other Federal policies, and in carrying out activities necessary to implement such a policy. It is the Committee's intent that, for example, policy related to the Nation's materials, energy and environmental needs should be considered and evaluated in integrated form. Likewise, given the complicated politics and questions of importation, materials, policies should be duly considered in foreign policy and national security questions;

(2) to coordinate materials-related policies, programs, and research and development activities, including those related to critical materials, within the Federal Government;

(3) to review and appraise the various programs and activities of the Federal Government in accordance with the policy and directions given the National Materials and Minerals Policy, Research and Development Act of 1980 (Public Law 96-479), and to determine the extent to which such programs and activities contribute to the achievement of such policy and directions;

(4) to formulate and recommend to the President national policies designed to improve conditions affecting the mineral and materials needs and resources of the Nation, and to meet the social, economic and national security goals of the Nation. By social goals, it is the Committee's intent that the Nation's materials needs must be balanced with other national needs such as environment or energy. Such policies should consider, as well, measures for economic analysis and such financial, tax and regulatory incentives as may be necessary to stimulate industrial innovation and productivity in materials technologies but not to the detriment of environmental or energy needs;

(5) to advise the President of mineral and material trends, both domestic and foreign, of the implications to the economy of the United States and the world and to national security. The probable effects of such trends on domestic industries should also be considered. Given the Nation's import vulnerability—particularly with respect to critical and strategic materials such as chromium, cobalt, manganese, and the platinum-group metals—it is important that conditions in southern Africa, for example, where most of the world's reserves of materials are located, be carefully appraised; and

(6) to make or furnish such studies, analyses, reports and recommendations with respect to materials or materials-related policy and legislation as the President may request.

Section 4(b) authorizes the Council to establish such special advisory panels as it considers necessary in carrying out its responsibilities. Each such panel should consist of representatives from industry, academia, and other members of the private sector, not to exceed ten members, and is intended to be limited in scope and duration. The Committee feels strongly that such outside consultative ties be established in the conduct of the Council's business. In addition, the Committee feels strongly that nonprofit, private interest groups have an adequate opportunity to participate in the overall formulation of such policy. Similarly, the Council shall establish and convene such Federal interagency committees as it considers necessary in carrying out the intent of this Act.

Section 4(c) calls attention to the need for collaboration and cooperation between the Council and other Federal departments and agencies with responsibilities or jurisdiction related to materials or materials policy. The latter may include among others the National Security Council, the Council on Environmental Quality, the Office of Management and Budget, and the Office of Science and Technology Policy.

D. Research and development policy

In addition to the responsibilities described in Section 4, the Committee concurs that the Council shall have specific responsibility for overseeing and collaborating with appropriate agencies and departments of the Federal Government relative to Federal materials research and development policies and programs. In this context, Section 5 again emphasizes the need that such policies and goals are described in the National Materials and Minerals Policy, Research and Development Act of 1980, including providing a balance between materials, environmental and energy policies. In carrying out this responsibility, the Council shall: (1) annually review the materials research and development authorization and budgets of all Federal agencies and departments. In addition, in this context, the Council shall, and the Committee agrees, in cooperation with the Office of Science and Technology Policy, the Office of Management and Budget, and other Federal offices and agencies as deemed appropriate, ensure close coordination of the goals and directions of such programs with the policies as determined by the Council. Such a review process would ascertain any duplication, deficiencies in programs, opportunities for industrial innovation, and others; and (2) assist OSTP in the preparation of such long-range materials assessments and reports as may be required by the National Materials and Minerals Policy, Research and Development Act of 1980, as well as providing assistance to other Federal entities in the preparation of analyses and reports related to critical materials.

E. Compensation of members and reimbursements

Section 6(a) stipulates that members of the Council shall serve full time if appropriate. Such members shall be paid at the rate of basic pay provided for level III of the Executive Schedule while the chairman shall be paid at the rate provided for level II. Reimbursement from any private nonprofit organization or from department, agency, or instrumentality of the Federal Government for reasonable travel expenses incurred by any member or employee of the Council in connection with such member's or employee's attendance at any conference, seminar or similar meeting is also provided for in Section 6(b).

F. Position of the executive director

This section deals with the appointment by the Council of an Executive Director, who shall be the chief administrator for the Council. The Director shall be paid at the rate of basic pay provided for level IV of the Executive Schedule and is given the authority described in Section 7(b); namely, (1) to employ such personnel as may be necessary for the Council to perform its duties and functions under this Act, but not to exceed twelve compensated employees; (2) to obtain the services of experts and consultants in accordance with the provisions of Section 3109 of title 5, United States Code; and (3) to develop such rules and regulations as are necessary to carry out the purposes of this Act. Section 7(c) allows for the possibility notwithstanding Section 367(b) of the Revised Statutes (31 U.S.C. 665(b)), that the Council may utilize voluntary and uncompensated labor and services in carrying out its duties and functions.

G. Responsibilities and duties of the director

The Director shall assist and advise the Council on policies and programs of the Federal Government affecting critical materials by the following means, identified in Section 8(a):

(1) providing for professional and administrative staff and support for the Council;

(2) assisting the Federal agencies and departments in appraising the effectiveness of existing and proposed facilities, programs, policies, and activities of the Federal Government, including research and development, which affect critical materials availability and needs;

(3) cataloging, as fully as possible, research and development activities of the

Government, private industry, and public and private institutions;

(4) monitoring and evaluating the critical materials needs of basic industry and the Government, including the critical materials research and development needs of the private and public sectors;

(5) initiating Government and private studies and analyses, including those to be conducted by or under the auspices of the Council, designed to advance knowledge of critical materials issues and develop alternatives, including research and development, to resolve national critical materials problems;

(6) issuing a biennial report providing a domestic inventory of critical resources with projections on the prospective needs of government and industry for these resources, including a long-range assessment, prepared in conjunction with the Office of Science and Technology Policy in accordance with the National Materials and Minerals Policy, Research and Development Act of 1980 and in conjunction with such other Government departments or agencies as may be considered necessary, of the prospective major critical materials problems which the United States is likely to confront in the immediate years ahead and providing advice as to how these problems may best be addressed; and

(7) recommending to the Congress such changes in the current policies, activities, and regulations of the Federal Government, and such legislation, as may be considered necessary to carry out the intent of this Act and the "National Materials and Minerals Policy, Research and Development Act of 1980".

Section 8(b) allows that the Director, in exercising his responsibilities and duties under this Act, (1) may consult with representatives of science, industry, labor, State and local governments, and other groups; and (2) shall utilize to the fullest extent possible the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals.

H. Authority

Section 9 authorizes the Council:

(1) to prescribe such rules and regulations as may be necessary for its operation;

(2) to enter into contracts and acquire property necessary for its operation to such extent or in such amounts as are provided for in appropriation Acts;

(3) to publish or arrange critical materials information that it deems to be useful to the public and private industry to the extent that such publication is consistent with the national defense and economic interest;

(4) to request available information from private and public sources which it considers necessary in the discharge of its duties if—

(A) in the case of a request for information from a private source, the furnishing of such information will not create an undue burden or hardship on such sources; or

(B) in the case of a request for information for a public source, the furnishing of such information is permitted by law; and

(5) to exercise such authorities as may be necessary and incidental to carrying out its responsibilities and duties under the Act.

I. Authorization of appropriations

Section 10 authorizes appropriations to carry out the provisions of the Act in the sum of up to $1,000,000 for the first fiscal year and such sums as may be necessary thereafter.

J. Definition

Section 11. As used in this Act, the term "materials" has the meaning given it by section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980.

VIII. LEGISLATIVE HISTORY OF THE BILL

H.R. 4281, Critical Materials Act of 1981, was introduced by Mr. Fuqua for himself and Mr. Glickman, Mr. Walgren, Mr. Brown of California, Mr. Santini, Mr. Roe, Mrs. Bouquard, Mr. Flippo, Mr. Young of Missouri, Mr. McCurdy, Mr. Dymally, Mr. Bedell, Mr. Bennett, Mr. Breaux, Mr. Daniel, Mr. Rahall, Mr. Hollenbeck, Mr. Forsythe, Mr. Ritter, Mr. Young of Alaska, Mr. Lujan, Mr. Bevill, Mr. Rudd, Mr. Skeen, and Mr. Lehman, on July 27, 1981. The bill was referred to the Committee on Science and Technology and subsequently to the Subcommittee on Transportation, Aviation and Materials.

Testimony associated with the implementation of P.L. 96-479, "The National Materials and Minerals Policy, Research and Development Act of 1980," was heard before the Committee on Science and Technology on July 28, 1981. The purpose of this hearing was to review the progress of the Executive Branch in preparing the response called for in P.L. 96-479 as well as to consider related legislation, H.R. 4281 in particular, which was introduced prior to the hearings. Oversight hearings on P.L. 96-479 and H.R. 4281 were held on April 20 and 22, 1982, before the Subcommittee on Transportation, Aviation and Materials and the Subcommittee on Science, Research and Technology. Witnesses from the President's Office of Science and Technology Policy, the Departments of Commerce, Defense and the Interior, and the Office of Technology Assessment. Representatives of national materials professional societies and industry were also heard during these sessions.

On July 29, 1982 the Subcommittee on Transportation, Aviation and Materials met for the purpose of marking up the bill. The bill, as amended, was passed by voice vote and ordered reported to the full Committee for further action.

On August 11, 1982, the Committee met for the purpose of marking up the bill. After further amendment, the bill was ordered reported as amended by a roll call vote of 37 yeas and 1 nay.

The following is a list of witnesses who testified at the above hearings:

July 28, 1981:

Dr. William O. Baker, Chairman of the Board (retired) Bell Laboratories.

Dr. Simon D. Strauss, consultant to ASARCO, Inc., and Chairman of the Minerals Availability Commission, American Mining Congress.

Mr. Joseph R. Wright, Deputy Secretary of Commerce, Department of Commerce.

Mr. William P. Pendley, Deputy Assistant Secretary for Energy and Minerals, Department of the Interior.

Mr. Robert Trimble, Acting Deputy Undersecretary for Research and Engineering, Department of Defense.

Mr. John M. Marcum, Assistant for Energy and Natural Resources, Office of Science and Technology Policy.

April 20, 1982:

Mr. John M. Marcum, Assistant for Energy and Natural Resources, Office of Science and Technology Policy.

Mr. Robert D. Wilson, Director, Office of Strategic Resources, Department of Commerce.

Mr. Richard Donnelly, Director of Industrial Resources, Office of the Deputy Undersecretary for Research and Engineering, Department of Defense.

Mr. William P. Pendley, Deputy Assistant Secretary for Energy and Minerals, Department of the Interior.

Mr. Stanley V. Margolin, Immediate Past President, Federation of Materials Societies.

Ms. Hope M. Babcock, Deputy Counsel, National Audubon Society.

April 22, 1982:

Dr. Joel S. Hirschorn, Project Director, Office of Technology Assessment.

Mr. Richard C. Mulready, Vice President, Technology, Pratt and Whitney Group, United Technologies.

Mr. E. F. Andrews, Vice President, Materials and Services, Allegheny International.

Dr. George Lubin, representing The Society of the Plastics Industry.

Dr. James I. Mueller, President, American Ceramics Society.

IX. COST AND BUDGET DATA

The bill authorizes to be appropriated up to $1,000,000 to carry out the provisions of the Act for the fiscal year ending September 30, 1984, and such sums as may be necessary thereafter.

X. EFFECT OF LEGISLATION ON INFLATION

In accordance with Clause 2(l)(4), Rule XI of the Rules of the House of Representatives, this legislation is assessed to have no inflationary effect on prices and costs in the operation of the national economy.

XI. CONGRESSIONAL BUDGET ACT INFORMATION

The bill provides for new authorization rather than new budget authority and consequently the provisions of section 308(a) of the Congressional Budget Act are not applicable.

Under a separate section of this report, a five-year current programs estimate is provided in response to the requirement of section 403 of the Congressional Budget Act of 1974.

XII. CONGRESSIONAL BUDGET OFFICE COST ESTIMATES

The Committee has received the following communication regarding the cost of H.R. 4281 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., August 11, 1982.

Hon. DON FUQUA,
Chairman, Committee on Science and Technology, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 4281, the Critical Materials Act of 1982.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

Congressional Budget Office—Cost estimate

1. Bill number: H.R. 4281.

2. Bill title: Critical Materials Act of 1982.

3. Bill status: As ordered reported by the House Committee on Science and Technology, August 11, 1982.

4. Bill purpose: The bill establishes a three-member council on critical materials under the Executive Office of the President to coordinate and implement critical materi-

als policies, including research and development, among the various federal agencies and departments, and to ensure adequate and continuing consultation with the private sector concerning critical materials, material research and development, federal materials policies and related matters. The council will appoint an executive director to assist the council. The director will be assisted by a staff of up to 12 persons and may obtain the services of experts and consultants.

5. Cost estimate:

Estimated authorization level:

Fiscal year:	*Millions*
1983	
1984	$1.0
1985	1.1
1986	1.1
1987	1.2

Estimated outlays:

Fiscal year:	
1983	
1984	.9
1985	1.0
1986	1.1
1987	1.2

The costs of this bill fall within budget function 800.

6. Basis of estimate: For the purpose of this estimate, it is assumed that this bill will be enacted in fiscal year 1982, and that the full amounts authorized will be appropriated prior to the start of each fiscal year.

The bill authorizes up to $1 million for fiscal year 1984 and such sums as necessary thereafter. The 1985-87 costs shown above reflect the 1984 authorization adjusted for inflation. Based on historical experience of similar councils, it has been estimated that 90 percent of each year's appropriation would be spent in the first year with the remainder spent in the following year.

7. Estimate comparison: None.

8. Previous CBO estimate: None.

9. Estimate prepared by: Walter Raheb.

10. Estimate approved by:

C. G. NUCKOLS
(For James L. Blum, Assistant Director for Budget Analysis).

XIII. OVERSIGHT FINDINGS AND RECOMMENDATIONS, COMMITTEE ON GOVERNMENT OPERATIONS

Pursuant to Clause 2(b)(2), Rule X, and Clause 2(1)(3), Rule XI of the Rules of the House of Representatives, no findings or recommendations have been submitted by the Committee on Government Operations for inclusion in this report.

XIV. OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to Clause (1)(3), Rule XI of the Rules of the House of Representatives, under the authority of Clause 2(b)(1) and Clause 3(f), Rule X, the Committee's oversight findings and conclusions are reflected in the recommendations found in the present bill and report.

XV. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with Clause 3 of Rule XIII of the Rules of the House of Representatives, it is hereby stated that no changes to existing law result from H.R. 4281.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on S. 2562, Federal Energy Reorganization Act of 1982 on Wednesday, September 15, at 10 a.m. in room 3302 of the Dirksen Senate Office Building. For further information, please contact Mike Mitchell at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on the General Services Administration on Thursday, September 16, at 10 a.m. in room 3302 of the Dirksen Senate Office Building. For further information, please contact Link Hoewing at 224-4751.

ADDITIONAL STATEMENTS

FRAUD HOTLINE UPDATE

● Mr. SASSER. Mr. President, in the bleak terrain that is the Federal budget picture, there are few bright spots that are cause for cheer. The Washington Post wrote about one of them today, however, when it featured an article on the General Accounting Office (GAO) and its nationwide, toll-free fraud hotline. Operated by GAO's fraud task force, the hotline has been responsible for saving millions of American taxpayer dollars each year, and in doing so, clearly justifying the one-half of a million dollars annually it cost to maintain the operation.

The purpose of the hotline is clear. Instances of waste, fraud, and abuse in the Federal Government can be corrected, prevented, or punished more readily if citizens can report such suspected instances as quickly and easily as possible. This kind of reporting can best be done through a nationwide, toll-free hotline telephone number which guarantees anonymity to the caller if he or she wishes. In the case of the GAO hotline the nationwide number is 800-424-5454; for the Washington, D.C., metropolitan area, the number is 633-6987.

Almost 4 years ago, as chairman of the Senate Appropriations Subcommittee on the Legislative Branch, I proposed the establishment of such a hotline. Along with the support of my former colleague on the subcommittee, now Health and Human Services Secretary Richard Schweiker, and the cooperation of then-Comptroller General Elmer Staats, the hotline was launched in January 1979.

Now, 44 months and 41,000 calls later, the hotline has not only proven its efficacy, but, as the Washington Post article notes, this legislative initiative has prompted the establishment of similar operations within a number of Federal agencies.

Ideally, there should be no need for such hotlines, for, ideally, there should be no waste, fraud, or abuse in the conduct of our Federal Government. It is present, however. And now, when nearly every sector of American society is suffering through the worst economic conditions in generations, it is more important than ever to save every Federal budget dollar where possible, and to prevent every penny of waste where practical.

GAO's nationwide, toll-free fraud hotline is doing just this. I am glad that the Post has taken notice of the hotline and its worth to our Government and its citizenry.

I should point out, too, that such efficiency is not an accident. The fraud task force which oversees the hotline is especially dedicated to its task and maintains good records on its operation. The trends and totals in the hotline calls have been useful guides in the development of other legislation designed to promote efficiency and prevent waste, fraud, and abuse in Federal agencies.

Comptroller General Charles Bowsher, who succeeded Elmer Staats in the post last year, has provided the hotline and the fraud task force with the same firm support as his predecessor. With such support from the top and with such dedicated personnel in the operation itself, I am sure we can look forward to continued good results from the hotline.

Mr. President, I ask that the Washington Post article, complete with its listing of various Federal agency hotline numbers, be printed in the RECORD.

The article follows:

THEY LET THEIR FINGERS DO THE SQUAWKING

(By Pete Earley)

The first call came six minutes after Les Krings began his two-hour shift answering the General Accounting Office's national fraud hotline.

The caller, a woman in the Midwest, said a relative should be arrested for collecting Social Security disability benefits while holding a full-time job.

"She decided to call because she was tired of hearing her brother-in-law brag about how much jewelry he could buy his wife with the benefit checks," said Krings, a GS12 who takes a break once a month from other auditing assignments to answer the hotline telephone.

During the next hour he received three more calls. Two callers wanted to know what the GAO had done with information they had already phoned in. The third, an Ohio man, complained that he had had to discuss "extremely personal matters" in a crowded room when he had applied for free legal aid recently.

"Sometimes," Krings said, "we play the role of a psychiatrist."

Since Jan. 18, 1979, GAO employes have received more than 41,000 tips from the public on their phone line. Some of the calls, particularly those left overnight on the agency's three answering machines, can cause them to shudder—such as the caller who left a 90-minute diatribe against the government, complete with expletives.

But there have been some gems, according to Gary Carbone, the GS-14 who oversees the project. Based on GAO hotline tips:

The General Services Administration discovered that it had wasted $330,000 by renting 18,000 feet of office space in New York

City that went unused for nearly two years. It canceled the lease.

Two University of Wisconsin professors were convicted of misusing $160,000 in federal grant money and extorting an undisclosed sum from their students. Both recently were sentenced to three years in prison.

A New Jersey prison superintendent and key aides were forced to resign after they were linked to a parole-selling scheme.

The hotline was the brainchild of Sen. Jim Sasser, a member of the Senate Appropriations subcommittee that oversees the GAO. The project, budgeted at $500,000 for fiscal 1982, has the equivalent of four full-time employes of its own and draws on another 32 employes from the fraud prevention and audit oversight section at GAO to answer the phones.

Seventeen other federal agencies also have started hotlines. Most of their callers are government employes reporting waste, fraud and mismanagement.

At the GAO, however, 70 percent of the tips come from the public. That means it gets more calls than does any other agency, averaging 70 per day. But many of the tips cannot be followed up, Carbone said, because tipsters often are not sure which federal agency they are talking about—or even if federal funds are involved.

A common tip, Carbone said, is what hotline staffers call the "woodchopper"—a complaint that a neighbor, co-worker, friend or relative is receiving disability payments yet is strong enough to mow the lawn or chop wood. Such tips are hard to check out unless the caller knows what kind of federal benefit the person is receiving. Often there is a valid explanation for what the tipster saw, Carbone said, but some of the tips have led to convictions.

Carbone said his office has never done a complete statistical survey of its hotline calls. "They come in so fast we just haven't had time," he said. But earlier this year Carbone examined the 41,000 calls the agency has received during office hours since the hotline began.

The most common tip (1,259 of those tallied) involved Social Security benefits, followed by allegations of tax cheating and welfare and food stamp fraud.

Carbone said 11,676 tips had enough information and appeared serious enough to investigate. After additional screening, the GAO pared those to 7,481 tips—706 alleging "mismanagment" and 5,775 intentional wrongdoing.

The tips were forwarded to the inspector general at the appropriate agency, but Carbone said the GAO has never done a study of what happened to them after that. The GAO asks the IGs to respond within 60 days, but usually the IG simply says the complaint is still being investigated.

It now takes the GAO 90 days to review a tip and then forward it to a federal agency, Carbone said, unless the accusation involves a high-ranking official or a contract that is about to be signed. Then the time is cut to a week.

In rare instances a tipster will try to misuse the hotline, Carbone said. A caller will accuse a federal employe of wrongdoing, then call his boss or a local reporter and tell them the employe is being "investigated by the GAO."

Krings said his favorite hotline story is about a woman who tried to turn in her daughter for collecting more food stamps than she deserved.

The woman, Krings said, said the daughter had stopped giving her a percentage of the stamps. Before she hung up, she asked if she would get a reward.

WHERE TO CALL ABOUT WASTE AND FRAUD

Here are the telephone numbers for reporting waste and fraud to various federal agencies, according to the General Accounting Office. Some of the numbers are hotlines, others are the office of the agency's inspector general. The first number listed is the local number, the second, a nationwide toll-free number.

Agriculture, 472-1338/800-424-9121.
Commerce, 724-3519/800-424-5197.
Defense, 693-5080/800-424-9098.
Education, 755-2770/none.
Energy, 252-4073/none.
Environmental Protection Agency, 382-4977/800-424-4000.
General Accounting Office, 633-6988/800-424-5454.
General Services Administration, 566-1780/800-424-5210.
Health and Human Services, 472-4222/800-368-5779.
Housing and Urban Development, 472-4200/none.
Interior, 343-2424/800-424-5081.
Labor, 357-0227/800-424-5409.
NASA, 755-3402/800-424-9183.
Social Security Administration, 301-594-5000/800-367-5779.
Small Business Administration, 653-7557/none.
Transportation, 755-1855/800-424-9071.
Treasury, 566-6900/none.
Veterans Administration, 389-5394/none.●

THE OMNIBUS VICTIM/WITNESS PROTECTION ACT

● Mr. HEINZ. Mr. President, I submit for the RECORD a letter from Alice Rivlin, Director of the Congressional Budget Office dated September 10, 1982. When Report 97-532 on S. 2420, the Omnibus Victim/Witness Protection Act was filed, the necessary budget analysis was not yet available. I have consulted with Senator THURMOND, who has given me his permission to have the CBO letter for Report 97-532 made part of the record.

The letter follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 10, 1982.

Senator STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2420, The Omnibus Victims Protection Act of 1982, as reported by the Senate Committee on the Judiciary, August 19, 1982. For the purpose of this estimate, it is assumed that this bill will be enacted by October 1982.

Title I requires that presentence reports prepared for federal district judges contain a victim impact statement, assessing the financial, social, psychological, and medical impact of the offense on identifiable victims. Based on information from the Administrative Office of the U.S. Courts, and assuming that about 20 percent of presentence reports would require such statements in 1983, CBO estimates that the cost of this program would be about $300,000 in 1983, increasing to $500,000 by 1987.

Section 201 of the bill provides criminal penalties for the intimidation of or retaliation against witnesses and victims. CBO has no basis for estimating the amount of fines the government might receive as a result of these provisions.

Section 202 broadens the authority of the Attorney General to provide witness protection, authorizes the Attorney General to seek reimbursement of witness protection expenses from state or local governments, and permits certain civil actions to prevent or restrain intimidation of a victim or witness. The extension of protection to the new categories of witnesses is at the discretion of the Attorney General, and would necessitate either a reduction in expenditures for protection of other types of witnesses, an increase in funding for witness protection, or additional reimbursment from a state or local government, when appropriate. Thus, the extent to which the broadened authority will be used, and whether any additional costs will be incurred, cannot be determined at this time.

Title IV authorizes individuals to sue the federal government for injuries or death caused by persons who escape or are released from federal custody where the government has been grossly negligent. Data are not available on the number of individuals victimized by federal escapees or released federal prisoners. Because it is not possible to predict the number of escapees or judicial findings of gross negligence associated with such victimization, CBO has no basis for estimating the costs to the government of enactment of this provision.

Title V requires the Attorney General to develop and implement Department of Justice guidelines for fair treatment of crime victims and witnesses. Based on information from the Department of Justice, CBO estimates that developing the guidelines would require approximately 3 staff-years, at a cost of $125,000 in fiscal year 1983. Because the guidelines have not as yet been promulgated, CBO has no clear basis for estimating their implementation costs. The Committee has stated its intent that the guidelines should not require the creation of new services beyond the various departments' budgetary capacity. However, the bill specifies a minimum of 9 objectives for the guidelines, and some costs could be incurred in order to meet these objectives, subject to appropriation action. For example, if the 95 U.S. Attorneys' offices were to devote an average of only one additional paralegal each to implement the guidelines, the cost would be approximately $3 million annually.

The other titles of the bill are expected to result in no significant cost to the federal government.

Should the Committee so desire, we would be pleased to offer further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*●

CANADIAN PUGWASH SUPPORTS NUCLEAR WEAPONS FREEZE

● Mr. KENNEDY. Mr. President, I should like to call the attention of my colleagues to the declaration made recently by the Canadian Pugwash Group, part of the worldwide Pugwash movement, which is composed of some 2,000 scientists. This movement grew out of a conference of scientists held at Pugwash, Canada, 25 years ago,

which was inspired by the manifesto of Bertrand Russell and Albert Einstein to address the perils of the cold war and the nuclear arms race. Then, as now, the Pugwash movement represented concerned scientists determined to insure that the technological fruit of scientific progress not be made into the instrument of human extinction. In the words of these experts, expressed 25 years ago and reaffirmed with urgency this summer:

Mankind is confronted with a choice: We must halt the arms race and proceed to disarmament, or face annihilation.

At their recent meeting, the Canadian Pugwash Group concluded that:

The only sure way of halting the arms race is by freezing the testing, production, and deployment of nuclear weapons and their delivery vehicles by the two superpowers.

I welcome this unequivocal and authoritative endorsement of a nuclear weapons freeze. It underscores the need to respond to the overwhelming challenge of the present peril by pursuing an immediate, mutual, and verifiable freeze over nuclear weapons.

I commend this statement to my colleage, and request that it be printed in full at this point in the RECORD.

The statement follows:

DECLARATION BY THE CANADIAN PUGWASH GROUP ON THE 25th ANNIVERSARY OF THE HOLDING OF THE FIRST PUGWASH CONFERENCE AT PUGWASH, CANADA, IN JULY 1957

A quarter of a century ago a small group of 22 distinguished scientists from 10 East-West countries, assembled in Pugwash, Nova Scotia, on the invitation of Mr. Cyrus Eaton, to seek ways of ending the Cold War, preventing a hot war and avoiding a nuclear holocaust. They were inspired by the Russell-Einstein Manifesto pointing to the dangers of a nuclear war that could put an end to the human race.

That meeting gave its name to the Pugwash Movement which has spread around the world and now encompasses some 2000 scientists from 75 countries.

Today, on the invitation of Canadian Pugwash, another small group of scientists, including signers of the Russell-Einstein Manifesto and participants in the first Pugwash Conference, have gathered in Pugwash to commemorate the 25th Anniversary of that first meeting. There follows the statement adopted by the Canadian Pugwash Group.

During the intervening years the nuclear peril facing the nations and the peoples of the world has escalated and is now much greater than it was 25 years ago. Nine multilateral treaties and thirteen bilateral American-Soviet treaties and agreements on arms limitation have failed to halt the arms race which continues to escalate. The arms race, and in particular the nuclear arms race, is proceeding in a more dangerous way than ever before. The threat it poses to human survival knows no parallel in all history.

Increasing numbers of scientists and the public realize that peace and security cannot be found in the vast and continuing accumulation of weapons of destruction or in the current concepts of deterrence. Unfortunately, however, others, including some in position of authority, speak of fighting, surviving and even winning a limited nuclear war, a protracted nuclear war or an all-out nuclear war. We believe that these illusions verge on insanity and can only lead to a mad race to oblivion.

We agree with and fully support the declaration of 1978 of the United Nations General Assembly's First Special Session on Disarmament: "Removing the threat of world war—a nuclear war—is the most acute and urgent task of the present day. Mankind is confronted with a choice: we must halt the arms race and proceed to disarmament or face annihilation."

There now exist some 50,000 nuclear weapons whose destructive power is more than one million times greater than the bomb that destroyed Hiroshima. Not only is the number of weapons increasing but, what is worse, the nuclear arms race is now mainly a qualitative race rather than a quantitative one. The rapid pace of technological innovation and the development of new, more accurate and more devastating weapon systems so far exceeds the slow pace of arms control and disarmament negotiations as to make a mockery of the efforts to halt and reverse the arms race. The threat of nuclear annihilation, either by design or as a result of accident, desperation, miscalculation, or panic, grows greater year by year.

In these circumstances, the only sure way of halting the nuclear arms race is by freezing the testing, production and deployment of all nuclear weapons and their delivery vehicles by the two superpowers. Such a freeze is a necessary first step to major reductions in the stock piles of these weapons and toward the goal of their eventual elimination. Indeed, a reduction in the number of nuclear weapons and their delivery systems, without a freeze, could be meaningless. The modernization of older weapon systems and the development of even more horrible and threatening new ones could completely negate the effect of any reduction in numbers. A technological freeze is as necessary as numerical reductions, and even more urgent. Moreover, if small nuclear delivery vehicles, such as cruise missiles, are produced and deployed in large numbers, it will be extremely difficult, if not impossible, to verify their limitation and reduction. Thus, time is indeed running out on efforts to halt and reverse the nuclear arms race.

Recently there have been several hopeful developments as people all over the world have become alerted to the dangers of the nuclear arms race. Millions have rallied to demand a stop to the arms race, and a great human cry for a nuclear freeze is surging around the world.

Another hopeful development is the growing demand that additional Governments pledge[1] not to be the first to use nuclear weapons. Declarations of no-first-use by all the nuclear weapon powers would be tantamount to declarations never to use these weapons. We believe that any imbalance in conventional forces is not of such dimensions as to prevent the making of no-first-use pledges; the making of such pledges, however, could be more readily agreed to if there were agreement on mutual balanced conventional forces in Europe.

It is also encouraging that several scientific inventors of some of the most sophisticated nuclear weapon systems ever conceived by the mind of man now oppose their use and urge their abolition.

[1] Such pledges were made by China in 1964 and by the U.S.S.R. during the Second U.N. Special Session on Disarmament in 1982.

In the light of these developments, we believe that the scientists of the world—and particularly those who are members of the Pugwash Movement—have a duty to help inform and educate the governments and peoples of the world about the dangers of the nuclear arms race and to explore ways of improving international security in order to avoid a nuclear war.

The members of the Canadian Pugwash Movement and the distinguished guests invited to join them at this 25th Anniversary Commemorative Meeting at Pugwash, Canada, call on the Pugwash Movement and the scientists of the world to intensify their efforts and to rededicate their energies and activities to the abolition of the threat of nuclear war and to the establishment of a just and secure world order.●

THE MOSCOW HELSINKI GROUP IS PRESSURED TO END ITS WORK

● Mr. D'AMATO. Mr. President, I recently received the gloomy news that the Moscow Helsinki Monitoring Group has halted its activities. Elena Bonner, wife of renowned Soviet dissident Andrei Sakharov, issued a statement to journalists saying that the cruel persecution of the human rights group forced a halt to its activities. The group had been formed in May 1976 by a group of Soviet citizens dedicated to promoting compliance by their Government with the Helsinki Final Act. Collecting and disseminating information on violations of the human rights provisions of the Final Act, these courageous individuals selflessly risked persecution. The threat of arrest and imprisonment did not deter them from their noble pursuit. Other Helsinki Monitoring Groups were also formed in Ukraine, Lithuania, Georgia, and Armenia. The members of these groups were soon harassed. arrested, sentenced to labor camps, put in special psychiatric hospitals, and otherwise persecuted for their activities. Of the 17 individuals who comprised the Moscow group, 10 are imprisoned, 4 have either been allowed or forced to emigrate, and only 3 remain in Moscow. On Monday, one of the last three members of the group still at liberty, Sofya Kalistratova, was threatened with the charge of anti-Soviet activity. In these difficult circumstances, the group was forced to abandon its work.

I wish to draw my colleagues' attention to the fate of Malva Landa, an imprisoned member of the Moscow Helsinki Group. For 20 years, Landa worked as a geologist and for 10 years as editor of various geological publications. Because of her political activities, she was forced to do manual labor for several years preceding her retirement.

Landa's parents were Jewish, and her father perished in Stalin's camps. Landa's own activism can be dated back to 1971 when she became in-

volved in the human rights movement in Moscow. After Ginzburg's arrest in February 1977, she assumed trusteeship of Solzhenitsyn's Russian Public Fund for the Aid of the Families of Political Prisoners.

On May 31, 1977, Landa was sentenced to 2 years of internal exile under articles 99 and 150 of the RSFSR Crininal Code, "Negligent destruction or damaging of State property and personal property." These charges related to a fire, probably set by the police, that occurred in her apartment in December 1976. After serving 8 months of her term, she was amnestied in commemoration of the 60th anniversary of the October revolution.

She has been the organizer of numerous protests against arrests on political charges and is very active in circulating samizdat materials and information on camp conditions. Landa had been subjected to numerous interrogations, house searches, and detentions during her visits to Moscow. On March 26, 1980, she was sentenced to 5 years of internal exile for anti-Soviet slander.

Mr. President, we cannot forget Malva Landa and the other brave human rights activists. As a member of the U.S. Commission on Security and Cooperation in Europe, which monitors compliance with the Helsinki accords, I can assure you that I will continue to speak out on behalf of those imprisoned for holding dear the human rights ideals in the Helsinki Final Act. The Soviet Government, which is flagrantly violating both the letter and spirit of the Helsinki accords, must not be allowed to think that the dissolution of the Moscow group will distract our attention from further violations of the rights of the Soviet peoples. The Soviets must understand that the idea of human rights is one that will continue to flourish despite their repressive actions.●

THE ABORTION CONTROVERSY

● Mr. JEPSEN. Mr. President, all too frequently, because of the controversy surrounding an issue, many pertinent facts are glazed over or misstated. Columnist William F. Buckley, Jr., recently wrote a column addressing some misinformation relating to the abortion controversy.

I ask that the column which appeared in the Washington Post on August 25 be printed in the RECORD.

The article follows:

PRO-ABORTION BLATHER

(By William F. Buckley, Jr.)

The Planned Parenthood people have been featuring a full-page ad of a bed, with three people under the covers sitting upright, unsmiling. On the left the young woman, in her nightie. On the right, the young man in his pajamas. Between them, dressed in a business suit, a grim-faced middle-aged man. The headline: "The Decision to Have a Baby Could Soon Be Between You, Your Husband and Your Senator."

The brief textual message warned about a bill in the U.S. Senate that "could deprive you of your most fundamental personal rights: the right to have the number of children you want. When you want them. Or to have none at all." And it continues: "Sponsoring the bills are Jesse Helms, Orrin Hatch and other right-wing U.S. senators who will stop at nothing to impose their particular religious and personal beliefs on you."

Now, we live in an age when people will publicly swear to it that to be refreshed you need only a glass of Coca-Cola or to be nourished a cup full of Wheaties; and we smile at our own commercial exuberance. But along the way a lobby crystallized that began to insist on certain restrictions. They tend to crowd under the generic heading of truth-in-selling. What galls is that the very same people who are mobilizing to resist outrageous hyperbole by cornflakes vendors sponsor, and tolerate, the kind of disingenuous, hypocritical blather for which Planned Parenthood should be driven out of business.

To reason from the disapproval of abortion an aggressive desire to regulate the size of a family is as reasonable as to charge that any senator who opposes infanticide aggresses against the sovereign right of the parents to decide on how large a family to have.

And then the sly business about senators who "will stop at nothing to impose their particular religious and personal beliefs on you." What is that supposed to mean? What beliefs is a legislator supposed to act upon? Elvis Presley's? If a legislator believes that it is religiously wrong, let us say, to kill one's aged grandparent, is he exercising sectarian aggression in acting on that belief by voting against euthanasia? Are we supposed to ask: what is the religion of the Planned Parenthood people? And are the "acting" on that religion in insisting that the newly discovered (1973) right to terminate the life of an unborn child be guaranteed by the federal government?

What gets you about the pro-abortion people, when all is said and done, is their persistent refusal to face up to the only serious question involved in this heated controversy. It is as if, 150 years ago, slaveowners had taken out full-page ads asking whether you wanted Congress to decide whether you could own property. No, no, no, the abolitionists said. It isn't a question of whether the people should be permitted to own property. It is a question of whether black people can qualify as property. Well, the right-to-life people are saying no, no, no, the question isn't how large a family the parents desire. The question is whether the implementation of that right should include the right to kill a substance that is more accurately described as human life than as animal life.●

PORT DEVELOPMENT

● Mr. ABDNOR. Mr. President, I would like to discuss the issue of port development, as it relates to our trade obligations with our allies.

I, along with my colleague from New York, Senator DANIEL PATRICK MOYNIHAN, sponsored S. 1692, the National Harbor Development and Maintenance Act. Other Senators have also introduced legislation which deals with ports development and maintenance. Mr. President, each of these bills would result in the establishment of some user fee or tax. Any legislation should be designed so that such fees or taxes are consistent with the General Agreement on Trade and Tariffs (GATT). The GATT is a carefully negotiated international agreement which defines the limits to fees and taxes imposed on international commerce. Its major purpose is to prevent the signatories from taking any action which would provide hidden or indirect protection to domestic production.

In order to assure ourselves that S. 1692 was consistent with GATT, Senator MOYNIHAN and I wrote to the Honorable William Brock, U.S. Special Trade Representative. We asked Ambassador Brock to define the articles of the GATT which would affect port user fees or taxes. We also asked how a variety of changes in proposed legislation would affect GATT.

Ambassador Brock's response is very detailed and I would like to share it with my colleagues in its entirety. However, I believe it would also be useful to summarize the major points covered by the response to our letter.

The following is a brief description of the two articles of the GATT which relate most directly to port development and maintenance.

Article III imposes restrictions on taxes. It requires that any tax structure not discriminate against imported products. Revenues raised from a tax covered by article III would have to be deposited into general tax revenues, not a trust fund. Taxes which could cause GATT problems are:

First, taxes which directly discriminate against imports. These include:

Taxes only on imports; or

Higher taxes on imported products than on exported products or domestic trade.

Second, taxes which indirectly discriminate against imports. These include:

Tax structures which impose higher tax rates for products which are generally imported (such as TV's) than for products which are generally exported (such as grain).

Ad valorem taxes, which will most likely result in higher taxes for imported, high value commodities, as compared to lower value, export commodities, such as grain or coal.

Article VIII relates to fees; that is, assessments to pay for a specific service, such as dredging. If revenues are to be deposited into a trust fund, it is highly likely that, from the perspective of GATT, such assessments will be considered fees. Article VIII requires that fees be related to the cost of service provided.

Fees which could result in GATT problems are:

First, ad valorem fees or differentiated fees for various products. This is because the value of a product is not related to the need for dredging.

Second, fees at a specific port which are not directly related to the cost of dredging that port.

I must point out to my colleagues that the higher a fee is, the more intense the potential GATT problem will be. For example, if a fee were based only on current maintenance costs, the fee would average 18 cents per ton of commercial traffic. It is likely that another country would not go to the trouble of objecting to such a relatively small fee, even if it is contrary to the provisions of GATT.

On the other hand, if fees were to be based on construction, they would be considerably higher. The possibility of a protest or retaliatory action will substantially increase. It is also important to note that the criteria established for imposition of fees or taxes apply not only to the Federal Government, but also local or State entities.

I am pleased that enactment of S. 1962 would not appear to conflict with major provisions of the GATT. That is not true of other legislation or legislative proposals. Ambassador Brock's letter more clearly defines these conflicts. At this point, I ask unanimous consent that Ambassador Brock's letter be printed in the RECORD.

The letter follows:

THE U.S. TRADE REPRESENTATIVE,
Washington, D.C., June 17, 1982.

Hon. JAMES ABDNOR,
U.S. Senate, Committee on Environment and Public Works, Washington, D.C.

DEAR JIM: Thank you for your letter of March 15, 1982. We appreciate your desire that any dredging legislation not adversely affect our compliance with the General Agreement on Tariffs and Trade (GATT).

A basic purpose of GATT is to prevent the imposition of new measures which provide hidden or indirect protection to domestic production. Two of the most important GATT provisions which accomplish this purpose are Articles III and VIII. Article III applies to the nondiscriminatory application of taxes and other regulations which relate to matters generally applicable to both imported and domestic products. Article VIII limits charges affecting foreign trade, other than duties and other than taxes covered by Article III, to the cost of services rendered to such trade by the bodies applying the charges.

Because of the exception in Article VIII for taxes covered by Article III, both Article III and Article VIII would probably not be applicable to the same fee. However, either one or the other of these two Articles would be relevant to any fee relating to imports. Whether a particular fee would be considered a tax under Article III, or a charge under Article VIII, will be considered in the attached memorandum relating to particular legislative proposals. Article VIII also applies to exports as well as imports, but Article III applies only to imports.

The basis for a user fee for dredging that would be most defensible under GATT would appear to be a port-specific fee based on the gross tonnage or draw of the vessels using the port where the dredging is done. The least defensible would be any fee based only on imported cargo. Other bases likely to raise serious GATT problems would be fees applied to all cargo on an ad valorem basis or on a specific basis but at different rates for different products. Furthermore, it is believed that it would be more difficult to defend under GATT a fee imposed at all ports to cover the cost of dredging at particular ports, than it would be to defend a fee imposed only at the port where the dredging is done.

Because of the complexity of the problems relating to the application of GATT provisions to various types of user fees, it would be desirable to set forth in section 5 of S. 1692 somewhat more specific rules for the imposition of such fees by non-Federal interests. Moreover, it might also be advisable to provide for review of, and concurrence in, the proposed fees by a Federal authority, as the Trade Representative.

The more general aspects of the relevant GATT Articles will be outlined first in the attached memorandum, and then the various provisions, or potential provisions, in dredging bills set forth in the memorandum attached to your letter will be considered in light of such GATT provisions.

Very truly yours,

WILLIAM E. BROCK.

IMPLICATION OF DREDGING USER FEES IN RELATION TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE (GATT)

GENERAL ANALYSIS OF RELEVANT GATT PROVISIONS

Two provisions of GATT designed to prevent hidden barriers to foreign trade which are most likely to apply to user fees for dredging are Article III and Article VIII.

Article III opens with the following basic principle:

"1. The contracting parties recognize that internal taxes and other internal charges, and laws, regulations and requirements affecting the internal sale, offering for sale, purchase, transportation, distribution or use of products, and internal quantitative regulations requiring the mixture, processing or use of products in specified amounts or proportions, should not be applied to imported or domestic products so as to afford protection to domestic production."

Paragraph 2 of the Article deals with taxes and provides that the broad non-protective principle of the first paragraph shall apply to all taxes which affect imports:

"2. The products of the territory of any contracting party imported into the territory of any other contracting party shall not be subject, directly or indirectly, to internal taxes or other internal charges of any kind in excess of those applied directly or indirectly to like domestic products. Moreover, no contracting party shall otherwise apply internal taxes or other internal charges to imported or domestic products in a manner contrary to the principles set forth in paragraph 1."

Several commercial treaties of the United States contain national treatment provisions comparable to the first sentence of paragraph 2.

Article VIII opens as follows:

"1. (a) All fees and charges of whatever character (other than import and export duties and other than taxes within the purview of Article III) imposed by contracting parties on or in connection with importation or exportation shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection to domestic products or a taxation of imports or exports for fiscal purposes.

"(b) The contracting parties recognize the need for reducing the number and diversity of fees and charges referred to in sub-paragraph (a).

(c) The contracting parties also recognize the need for minimizing the incidence and complexity of import and export formalities and for decreasing and simplifying import and export documentation requirements."

The first subparagraph contains an important general rule which would apply to any user fee which relates in any way to importation or exportation (unless Article III were found to apply to it). The other two subparagraphs contain principles which, although not legal rules, could well be relied on to interpret or apply legal rules.

Article II of GATT applies to the importation of products on which tariff concessions have been granted. This Article contains a comparable rule against any new "duties or charges of any kind" on the importation of such products (par. 1(b)), except "fees or other charges commensurate with the cost of services rendered" (par. 2(c)). This Article II rule, which is quite comparable to that in Article VIII, applies to most United States imports.

Article XXIII of the GATT permits a contracting party to press a complaint against another contracting party with respect to any action which it considers has "nullified or impaired" "a benefit accruing to it directly or indirectly" under GATT, whether or not "such action conflicts with the provisions of the Agreement" (par. 1(b)). This gives the opportunity for an investigation, a panel finding, recommendations for modification of the action which is the subject of the complaint, and possibly (although almost never formally utilized) the authorization of retaliation against such action. These could all apply even though no legal rule had been violated. However, in such a complaint procedure a complaint might to some extent rely on the general principles (such as those in the latter part of Article VIII:1).

Another GATT provision that is relevant to charges which may be imposed by non-Federal authorities is Article XXIV:12, which provides:

"12. Each contracting party shall take such reasonable measures as may be available to it to ensure observance of the provisions of this Agreement by the regional and local governments and authorities within its territory."

Since any non-Federal authority would be acting pursuant to Federal authorization, this provision appears to require that such authorization be limited to the collection of fees which are consistent with GATT.

From the perspective of GATT, fees should not place a greater burden on imports than on like or competitive domestic products (Art. III). Consequently, user fees should not burden either imports or exports more than the approximate cost of channel maintenance or construction services for which the fees are charged, taking into account all vessels and cargo which utilize the services. This problem of not exceeding the cost of services rendered is likely to be greater if fees collected at one port are used to finance dredging at another port (Art. VIII).

Dredging user fees most likely to be consistent with GATT would appear to be fees based on gross tonnage or draw of vessels,

which are imposed, without differentiation between types of cargo, at the port where the dredging was done. Whether Article III or VIII applies, the type of fee most likely to be inconsistent with GATT would be a fee imposed only on imports or exports, (except that Article III does not apply to exports). A uniform specific fee on all cargo loaded and unloaded at the port (or also in transit through it) without any differentiation between types of cargo, would be somewhat more defensible than an ad valorem fee. If Article VIII applies, an ad valorem fee would often have much less relationship to dredging services than a fee based on weight or volume. There might be considerable opportunity for complaints from other contracting parties that any variations in the rate of a fee (either ad valorem or specific) according to products involved would have a protective effect (in the sense of Article III) or would result in some products bearing more than the cost of services rendered (in the sense of Article VIII).

S. 1692 would authorize non-Federal agencies to impose fees. under Article XXIV the authorization should limit the agency's discretion in order to prevent it from imposing a fee inconsistent with GATT. You might want to amend S. 1692 to set the general standards of non-discrimination against cargo in foreign trade, and to require that fees be related to the cost of services rendered, with a provision for Federal Government review of the proposed non-Federal regulations. Finally, port specific user fees are less likely to be contrary to Article VIII of GATT than uniform fees applicable to all ports. This is because shippers which use the ports imposing the fees are paying for the benefits which they have received from the dredging at such ports.

It is not clear whether certain types of fees would be treated under GATT as a tax under Article III or a user fee under Article VIII. The decison would likely be based more on the incidence of the charge and the use of the proceeds than on the language of the law establishing it. For example, if a charge is collected at all ports but the proceeds are paid into a trust fund which will be used to pay the costs of particular dredging projects, use of the proceeds for such a specific purpose might well result in the charge being viewed as a fee to which Article VIII applies.

REPLIES TO SPECIFIC QUESTIONS RAISED REGARDING APPLICATION OF GATT TO PARTICULAR LEGISLATIVE PROVISIONS

Port specific user fees (S. 1692) and effect on GATT

I. Operation and Maintenance Dredging User fees collected by appropriate non-Federal interest to recover a specified percentage of the costs of dredging a deep draft channel or harbor (14 feet or deeper) including associated administrative expenditures; up-front financing and contract management by the U.S. Army Corps of Engineers; annual lump sum payment by non-Federal interest to the Secretary of the Army. Fees established by non-Federal interest, pursuant to state law, with general authority granted by Congress. (S. 1692 does not specify type of fee.) [S. 1692:I]

Port specific user fees would be more defensible under GATT than those imposed at all ports for dredging at only certain ports. However, it would be desirable for the legislation to contain standards which the non-Federal authority would apply so that the fees would be consistent with GATT. There should probably also be requirements for some Federal review of non-Federal proposals for the same purpose.

Including the proposed standards in the legislation authorizing the fees would have some limiting effect. If there is no provision for Federal review, further limitations in the legislation might be desirable, such as precluding fees only on cargo in foreign trade loaded or unloaded, and perhaps also precluding ad valorem fees or different fees on different types of cargo.

It is assumed that, for purposes of A to C below, the fees would apply alike to foreign and domestic trade.

Options not specified by S. 1692:

A. Tonnage-based fees on cargo [S. 1692:I:A].

From the standpoint of both Article III and Article VIII, a tonnage-based fee, uniform on all types of cargo (whether loaded or unloaded, or remaining on a vessel in transit through the port), would appear the best way to assess the fee, if it is to be on the cargo rather than on the vessel.

B. Value-based fees on cargo [S. 1692:I:B].

As indicated above, an ad valorem fee on cargo would probably not be defensible under Article VIII, because it would put an unjustifiably heavy burden on imports of high value products (as jewelry) compared with low value (as grain). From the standpoint of Article III, if the high value products were not generally transported domestically by ship, such a fee could have a protective effect contrary to Article III.

C. Fees on vessels based on registered tonnage or draw [S. 1692:I:C].

Fees based on draw of the vessels would appear to be the most defensible under GATT. The deeper the draw, the more the vessel benefits from the dredging and therefore it would be paying for the services rendered to it. To a somewhat lesser extent the same general approach would apply to fees based on gross tonnage. If one could prove that most vessels with large gross tonnage or draw were engaged in foreign rather than domestic trade, it might be argued under Article III that the fee had a protective effect. However, it is likely such a fee on vessels would come under the provisions of Article VIII (cost of services rendered) rather than Article III (nondiscrimination against imports).

D. Fees on import and export cargo or vessels [S. 1692:I:D].

Placing the user fee only on foreign trade would clearly be inconsistent with the GATT, whether the fees were found to conflict with Article III or Article VIII. It would directly discriminate against imports in favor of domestic commerce, and would require imports and exports to pay the entire cost of benefits which were also used by domestic trade.

To the extent that all or most of the burden of the fee is on imported cargo the fee would probably be considered to be a tax under Article III. This is because there would also be domestic products brought into the port on which the fee might similarly have been applied. Imposing fees on cargo in foreign trade alone would be in violation of that Article because it would not be similarly imposed on cargo in domestic trade. If it were to be considered a fee under Article VIII, it would clearly be contrary to that Article, since imports would be paying the full costs of dredging, which would benefit domestic trade, and exports, as well. To the extent that all or most of the fee is on vessels which principally carry imports or exports, other countries could also argue, under both Articles III and VIII, that this constituted an indirect discrimination against imports and had a protective effect on domestic production. It is also possible that an argument could be made that, under Article VIII, imports or exports were bearing a disproportionate share of the cost of dredging. However, whichever Article was applicable, the argument against the fee would be weaker than if the fee were only on the cargo in foreign trade.

What has been said with respect to imports under Article VIII would also apply to a fee only on exports. Since Article III does not apply to exports, and there is no comparable export provision in GATT, there might well be no GATT problem if such a fee was not found to come under Article VIII.

II. New construction dredging.—User fees collected by appropriate non-federal interest to recover costs of dredging improvement project including associated administrative expenditures. [S. 1692:II:1st par.]

The discussion of fees covering operation and mantenance costs would generally apply to new construction. However, since new construction costs would be considerably greater than those for maintenance, any fees which placed a disproportionate burden on foreign trade might be more likely to result in a GATT complaint and a finding of inconsistency with a provision of the Agreement.

All project costs incurred by non-federal interest; revenue would remain with the non-Federal interest; fees set, pursuant to state law; general authority granted by Congress. [S. 1692:II:2d par.]

In relation to recovery of the cost of new construction, the agency is likely to be providing for higher fees, it is probably more important to include standards in legislation which would limit the discretion of the non-Federal authority to set fees, and to give a Federal agency authority to review the regulations.

A. Fees to reflect the service and benefits provided to each commercial vessel or cargo laden therein; all vessels eligible (S. 1692) [S. 1692:II:A].

As indicated under S. 1692:I:C above; port specific fees on vessels based on their gross tonnage or draw would be the most defensible user fees under GATT. As stated under [S. 1692:I:A, a port specific fee uniformly applicable to all cargo in vessels using the port, whether loaded, unloaded, or in transit, would be unlikely to cause a GATT legal problem. However, if the fee were ad valorem, or specific at different rates for different types of cargo, it might accord indirect protection to certain domestic products (see above under S. 1692:I:B).

B. Fee system left to discretion non-Federal interest without "service and benefits" limitation (not in S. 1692): [S.1692:II:B].

As explained under S.1692:I, delegation of authority to a non-Federal body, without any limitations on the discretion of the body, could lead to GATT problems under Article XXIV. Moreover, problems are probably more likely because of larger dredging costs, and consequently larger fees, for construction.

1. Tonnage-Based Fees on Cargo [S.1692:II:B:1]:

As indicated under S.1692:I:A, this would be the best way to assess the fee if it is to be on the cargo rather than the vessel.

2. Value-Based Fees on Cargo [S.1692:II:B:2]:

As indicated under S.1692:I:B, the ad valorem basis for the fee would probably be the least defensible basis, except for a system which would openly discriminate against foreign trade. Moreover, there would probably be more likelihood of a complaint in the event of a larger fee for new construction than for maintenance.

3. Fees on Vessels Based on Registered Tonnage or Draw [S.1692:II:B:3]:

Gross tonnage or draw, as a basis for the fee, would be the best basis, as explained under S.1692:I:C.

National uniform fees (S. 2217)

Operation, Maintenance and New Construction Dredging at Deep-Draft Ports.

A. Uniform Federal tax on each type of cargo unloaded from any vessel at all deep draft ports (14 feet or deeper), which may vary according to the type of commodity, to be paid by vessel owner; rates promulgated as regulations by Secretary of Treasury; discretion left to Secretary on effect of tax rate on international trade; tax only on cargo unloaded from any vessel [S.2217:A].

The bill calls the fee a tax. However, because of its use to cover the cost of dredging at particular ports, it might well be considered a fee under Article VIII. If such a fee were applicable to all ports, countries exporting large quantities of goods to ports where minimal dredging, for which the fee was imposed, was done would be likely to complain that such imports were paying the cost of services rendered to other ports where the major dredging was done.

Moreover, if the rate of the fee varies according to the type of cargo unloaded, a strong case could be made that the cargo subject to the higher fee was paying, in addition to the cost of services rendered to it, part of the cost of services rendered to the cargo subject to the lower rate. Moreover, since the justification for dredging is related to the size of the vessels using the port, a charge based on the value of the cargo would have little or no relation to the cost of the services rendered to such cargo.

If the charge were considered to be a tax, imposed uniformly only on all cargo unloaded at any deep draft ports, it might not be questionable under Article II if it applied equally to both domestic and imported cargo.

However, if the fee were imposed on a specific basis with differentiation between types of products, it might well be challenged as resulting in indirect protection of domestic production. Such a differentiation could possibly place an excessive burden on types of imported products which are highly competitive with domestic production, thereby resulting in indirect protection to domestic production. Applying the fee to cargo unloaded at all ports would presumably reduce the level of the fee at ports where major dredging is being done, and consequently might somewhat diminish the likelihood that a complaint would be brought.

Other options not specified by S.2217:

1. Tax only on imports [S.2217:A:1].

As discussed under S.1692:I:D, if the fee were applied only to imports would raise the most serious problem of clear inconsistency with both Articles III and VIII.

2. Tax only on exports [S.2217:A:2].

Although Article III does not apply to exports, Article VIII does. Placing the cost of new dredging operations only on exports would clearly exceed the cost of service rendered to exports under the provisions of the latter Article.

3. Tax on all cargo from any vessel [S.2217:A:3].

The GATT implications of applying a fee to all cargo unloaded, whether imports or domestic trade, has been discussed under S.2217:A.

4. Dedicated percentage of customs revenue [S.2217:A:4].

The imposition of no new fee, but the use of a proportion of revenue collected from customs duties applied consistent with GATT, would raise no legal problem under the Agreement. It might possibly make the United States more reluctant to negotiate new or further tariff reductions in the future.

B. Aggregate revenue from all ports collected in a Federal Trust Fund; Fund, subject to appropriations, shall pay for all operation and maintenance costs at deep-draft ports beyond that required to maintain depth of greater than 14 feet; and 90 percent of Congressionally authorized improvement project costs at specific ports up to depths of 45 feet. [S.2217:B].

The comments under S.2217:A discuss the apparent inconsistency with the cost of service limitation in GATT of collecting fees, even though referred to as taxes, at all ports to pay for maintenance and improvement at only certain ports. The payment of the charges into a trust fund to be used for dredging at particular ports appears to indicate that the charges would be user fees under Article VIII.

C. State port user tax imposed on all items loaded onto any vessel at a port in such state and unloaded from such vessel at foreign port (export only); tax on vessel owner and at uniform rate suggested by Secretary of the Treasury; revenue paid to General Fund of Treasury. [S.2217:C].

The GATT problems with non-Federal taxes on exports only have been noted at the end of the discussion under 1692:I:D. There would also be the problems of uniform fees imposed at all ports to pay for services at only some, the desirability of criteria for the suggestion by the Secretary of the Treasury.●

REMARKS OF GOV. WILLIAM JANKLOW CONCERNING WATER FOR ENERGY DEVELOPMENT AND GROWTH

● Mr. ABDNOR. Mr. President, on June 8, 1982, South Dakota's Gov. William Janklow addressed a forum at the University of Colorado School of Law in Boulder, Colo., concerning the issue of water for energy development and growth. The Governor's remarks are indicative of the realistic and progressive position of the State of South Dakota on this important issue. His oral remarks were accompanied by an impressive display of charts and graphs which cannot be reprinted in the RECORD, but my staff will be pleased to reproduce them for anyone who would like copies.

I ask that the Governor's statement be printed in the RECORD.

The statement follows:

REMARKS OF WILLIAM J. JANKLOW, GOVERNOR, STATE OF SOUTH DAKOTA, PRESENTED TO NEW SOURCES OF WATER FOR ENERGY DEVELOPMENT AND GROWTH, INTERBASIN TRANSFERS, AT UNIVERSITY OF COLORADO SCHOOL OF LAW, BOULDER, COLO., JUNE 8, 1982

SOUTH DAKOTA AND THE ETSI EXPERIENCE

Introduction

In this paper I would like to take the opportunity to remove from the emotional arena South Dakota's experience with ETSI Pipeline Project and its coal slurry pipeline proposal and to explain to fellow practioners of the legal profession, in the context of a rational examination, what it is South Dakota and ETSI have done. In doing so, I am confident that the attendees of this conference, as fellow professionals, will agree that South Dakota was placed in a position that a decision had to be made and action had to be taken. I am also confident you will agree that the decision South Dakota made was the correct one under the circumstances. In presenting these remarks here today, I would like to discuss South Dakota's impression of why coal slurry pipelines are becoming a force in the coal transportation market, why the Missouri River is an attractive water source from the standpoint of both ETSI and South Dakota, why South Dakota was drawn into this relationship with ETSI, what the basic contract between South Dakota and ETSI provides, what it is the downstream states are complaining about, and what the law of the 1944 Flood Control Act and Federal law respecting inter-basin transfers really is.

Why coal slurry?

In an address to the American Public Power Association delivered on May 7, 1980 Mayor Lyla Cockrell of San Antonio related her city's experiences in its attempts to convert from natural gas to coal in its municipal electric utility. Mayor Cockrell indicated that things went very smoothly in designing the equipment to convert to coal and in obtaining long-term coal contracts from Sun Oil Company at its Cordero Mine near Gillette, Wyoming. With respect to the transportation of that coal from Wyoming to Texas, however, the Mayor related an entirely different story.

"Unfortunately, this story is not the same for the railroad freight rate. When we were looking for coal leases . . ., the railroad at point of origin, quoted us a price of $7.90 a ton for hauling the coal 1630 miles from Wyoming to Texas by unit train, with [San Antonio] furnishing some $30 million dollars of coal cars. Subsequently, when the commitment was made to the Cordero mine, [the railroad] withdrew its offer and began quoting prices of as high as $16 a ton. When no agreement could be reached we were ready to stockpile coal. We petitioned the Interstate Commerce Commission to set a rate, and they did so in October, 1976, at $10.93 a ton. In the next two years, several freight rate increases were granted until the rate reached $12.42 a ton. It became apparent that railroad lobbyists were hard at work. Then, on December 1, 1978, the ICC granted a rate increase to $16.12 per ton. Eight additional rate increases since that time have driven the freight rate to $20.25 per ton. There have been five increases since October 1 of last year!"

These remarks by the Mayor of San Antonio are sufficient argument to explain why some people feel there is a need for competition in the coal transportation market.

ETSI believes that it has a competitive advantage over railroad transportation because of the capital intensive nature of coal slurry pipelines. Chart I is a graph taken from a presentation by Frank Odasz, of ETSI given to the Interstate Oil Compact Commission in 1981. It represents the claim by ETSI that 70% of a coal slurry pipeline's operating costs go to debt service and are fixed. Only 30% of slurry pipeline operating costs are variable and, therefore, are subject to inflation. Railroads on the other hand currently have only 15% of their operating costs fixed and 85% of their operating costs are variable and are subject to inflation. As Chart I shows, during an inflationary period the mode of transportation with the highest percentage of fixed cost gains a considerable competitive advantage. Under ETSI's calculations, at a 5% rate of inflation as is represented by the 1979 GNPD, the cumulative savings in operating costs over a 30 year period represents $32 billion.

From our perspective, we are receiving arguments from both sides. The railroads claim that slurry lines are so expensive that they will never get off the ground and, in fact, the first coal slurry line ever constructed, they claim, was put out of business by railroad competition. ETSI on the other hand claims that the first slurry line located in Ohio did, in fact, compete with railroad transportation but stopped its operation for other unrelated reasons. Our only conclusion is that the first coal slurry line resulted in the railroads' initiating unit train transportation for coal and consequently lowering rates for coal customers.

Why Missouri River water?

Chart II is an outline map of the Missouri River Basin. It covers all of Nebraska and portions of nine other states. The basin covers ⅛ of the total land area of the United States and also extends into Canada. On an average annual basis and based upon 1970 estimated levels of depletion, the annual flow of the Missouri River at Sioux City, which is the traditional dividing line between the upper and lower basin, is 21 million acre-feet of water per year. The River is a gaining river and by the time it empties into the Mississippi River just upstream from St. Louis, the average annual flow is approximately 54 million acre feet of water per year. The net gain, therefore, averages 33 million acre feet of water per year between Sioux City and the river's mouth.

This is a substantial amount of water in comparison to amounts projected to be necessary for energy development. The natural flows of the Missouri River, however, have been enhanced by the construction of 6 reservoirs on the mainstem of the river itself. Four of those reservoirs are located in South Dakota, 1 in North Dakota and 1 in Montana. The total storage capacity of those reservoirs is approximately 74 million acre feet of water. Chart III shows the actual level of storage in those reservoirs during 1981 and the projected storage levels during the remainder of 1982. On the right hand side of the chart, the bottom line represents a storage forecast if precipitation for the remainder of the year is in the lower 10% of the historical experience. The next to the bottom line represents the storage forecast if precipitation for the remainder of the year is in the lower quartile, the middle line represents the storage forecast for median precipitation, the next to the top line is the forecast for upper quartile precipitation, and the top line is the forecast for precipitation in the top 10% of the historical experience. As the Chart shows at the beginning of March in 1982, there were still approximately 52 million acre feet of water in storage in the main stem system on the Missouri River. This represents more than 2 years' average flow of the Missouri held in storage in South Dakota, North Dakota and Montana.

The purposes of these dams is navigation, flood control, irrigation and hydropower development. Chart IV shows a comparison in year 1975 of the actual flows of the Missouri River at Sioux City, Iowa, with the flows that would have naturally occurred in the absence of the mainstem reservoirs. Flood stage at Sioux City is approximately 90 thousand cubic feet per second. As you will note, for most of the months of May, June, and July the Missouri River at Sioux City would have been at or above flood stage. Because of the dams, however, this water was held back and at no time did the actual flow ever exceed flood level. Furthermore, the natural flows during the last portion of the navigation season in September, October, and November would have fallen below those flows necessary to maintain navigation on the Missouri River. Actual releases from the dams, however, maintained flows at a level very close to 65,000 cubic feet per second and a full service navigation season was provided up until the end of November. A similar chart for 1980 and 1981 is presented in Chart V. Chart VI shows the power generated by the Missouri River mainstem system. The receipts from this power are used to repay the federal government for its investment in the power and irrigation portions of the mainstem reservoirs.

Chart VII shows the flood damages prevented by the mainstem reservoirs. As of 1981, the cumulative savings in flood damages estimated by the United States Army Corps of Engineers is 1.537 billion dollars. This total exceeds the money invested by the United States Government in the mainstem dams for flood control purposes. These benefits are received almost entirely by the downstream states. Note that 1978 represented a savings of $450 million of flood damages that never occurred. In exchange for this flood protection downstream, the State of South Dakota gave up approximately 530,000 acres of prime farm land that is now under water and is contributing little or nothing to the South Dakota economy.

Chart VIII shows the navigation on the Missouri River through 1982. The top protion of the bar represents navigation tonnage moving in an upstream direction. The remainder of the bar represents navigation tonnage moving in a downstream direction. As is evident from the fact that little or no navigation occurred in the years prior to 1954 when the first dams were closed, this navigation would not be taking place without the construction of those dams.

The question arises from South Dakota's standpoint: Who is benefiting from the construction of these reservoirs? They were all authorized in the Flood Control Act of 1944. In addition to the flood control and navigation benefits downstream which have been realized, the 1944 Act also provided and authorized the irrigation of 806,000 acres of land in South Dakota, 1 million acres of land in North Dakota and a similar amount in Montana. Those irrigation developments have, to the largest extent, never been achieved. Not one gallon of Missouri River water is being used for irrigation in South Dakota under a facility authorized by the 1944 Flood Control Act. In exchange for this, the overwhelming majority of the power generated in South Dakota on these dams is exported out of state. Chart IX shows the distribution of power from South Dakota dams during federal fiscal year 1980. This allocation changes slightly from year to year but its basic point that other states receive more power benefits from the dams constructed in South Dakota than does South Dakota continues to be true year after year after year.

While the loss of 530,000 acres of land in South Dakota is providing substantial navigation, flood control and power benefits for our neighboring states, South Dakota itself is receiving little or no benefit in a substantial economic sense from the construction of those reservoirs. Chart X is a representation of water used in the member states of the Western Governor's Policy Office. As will be noted, no state in that organization uses less water than South Dakota. In fact, our sister State of Nebraska who is complaining loudly about South Dakota's relationship with ETSI is one of the larger water users among the western states. This chart shows in a graphical manner why at the time South Dakota was confronted with a need to make a decision on ETSI, it was felt that the State should do those things which will enable it to gain benefits from the development under the 1944 Flood Control Act that other states downstream from us have been receiving for the last 20 years.

One thing that was reserved to the State of South Dakota was the right of the upper basin states to allocate water pursuant to their state laws. In fact, the 1944 Flood Control Act is notable as an expression by Congress of State's rights in the allocation of waters during an era when TVA and the Boulder Canyon Project Act represented substantial steps in the opposite direction—total federal control of the allocation and use of water resources. Chart XI shows the language of Section 1(b) of the 1944 Flood Control Act. That section was enacted into law at the insistence of the western states and is commonly known as the O'Mahoney-Milliken amendment. Its plain language is that states lying wholly or partially west of the 98th meridian (South Dakota and the upper basin states) have the right to allocate the waters in their states for beneficial consumptive uses even if such allocation represents an impairment in navigation uses of the river.

Mr. ABDNOR. Mr. President, I ask that the text of the O'Mahoney-Milliken amendment be printed at this point in the Governor's statement.

The text of the amendment follows:

FLOOD CONTROL ACT OF 1944

SECTION 1. (b) The use for navigation, in connection with the operation and maintenance of such works herein authorized for construction, of waters arising in States lying wholly or partly west of the ninety-eighth meridian shall be only such use as does not conflict with any beneficial consumptive use, present or future, in States lying wholly or partly west of the ninety-eighth meridian, of such waters for domestic, municipal, stock water, irrigation, mining, or industrial purposes.

Mr. ABDNOR. I ask that the remainder of the Governor's statement be printed in the RECORD.

The Governor's statement continues:

It is interesting to note that there was no doubt in the mind of Congress when this

provision was enacted that this is exactly what Congress intended. In fact, Senator Milliken stated during the hearings on the 1944 Flood Control Act:

"As I pointed out the other day, you take navigation here. The people are figuring on a 9 foot channel or a 12 foot channel and, assuming, Congressman, that that reflects a conflict of water use—I don't know whether it will or not; the figures are so conflicting here that I cannot reach a decision. But assume that it would. In the meantime they have built their barges, they have built their docks, they have established their track sidings. They have built their wharves, they have built all their accessories, and then they would be claiming to be a vested interest recognized by Congress. Now these are the things that we got to guard against." (Hearings on H.R. 4485, Senate Commerce Committee, 78th Congress, 2d Sess., at 605.)

In addition, remarks from other Congressmen indicated clearly that they understood the meaning of this provision. Representative Lemke of North Dakota simply stated, "We are not going to take water from the people in the states where it originated so that some fellow may float a yacht down the lower Mississippi Valley, while the people and their cattle in the upper regions go hungry on account of the lack of food and water." (Cong. Rec., 78th Cong., Second Sess., page 4213) Representative Dirksen from Illinois stated, "Now come the folks from this area, where water is a priceless commodity, and say that before we take away all their water for navigation purposes to sustain a barge or a vessel that may haul commodities, we believe preference should be given to beneficial consumptive." Id. at 4215. Senator O'Mahoney himself stated that "the purpose has been at all times to protect the historic and traditional rights of the people of the west to use the waters rising in the west in a manner that has been recognized by law and by court decision for almost 100 years." Id. 8420. There can be little doubt that the meaning of the O'Mahoney-Milliken amendments was to guarantee to the states the right to allocate waters within their boundaries without regard to the impact of such allocation on navigation.

Why ETSI and South Dakota?

In 1974 the Wyoming State Legislature authorized the Wyoming State Engineer to issue groundwater permits from the Madison formation to ETSI. Those permits, as eventually issued, entitled ETSI to withdraw an average of 15,000 acre feet of water a year from the Madison formation. Individual yearly withdrawals could go up to 20,000 acre feet per year as long as the long term average was not violated. Chart XII is taken from the Bureau of Land Management Environmental Impact Statement on the ETSI Coal Slurry Pipeline. It shows the relative location of ETSI's proposed well field in Niobrara County. The well field is located immediately adjacent to the South Dakota-Wyoming border. The concentric lines on the chart indicate the number of feet in drawdown that would be experienced by the potentiometric head in the lifetime of the ETSI project. It will be noted from the chart the City of Edgemont's water level would drop approximately 275 feet. This would necessitate the drilling of new wells not only for Edgemont but for numerous ranchers and other communities in the area. In addition, flow in the Fall River which runs through the municipality of Hot Springs would be reduced to such an extent that Hot Springs wastewater treatment costs would increase by approximately $100,000 per year. Finally, the flow reductions would also affect environmental and esthetic values in streams in the Black Hills of South Dakota. The Black Hills are located within and around the Madison outcrop in Custer, Pennington, Lawrence and Meade Counties in South Dakota. This potential use of groundwater in Wyoming presents an unacceptable threat to existing uses of water in the State of South Dakota. In order to prevent this potential damage, the State found itself facing long and protracted litigation that may have preserved the status quo but would not have presented any net gain to either South Dakota, Wyoming or ETSI.

In addition to the need to eliminate ETSI's threat to South Dakota's Madison Aquifer water supplies, there exists in that area of South Dakota between the Oahe Reservoir and the Black Hills a very real need for good quality drinking water for both livestock and humans. In fact, some communities and ranches in this area have naturally occurring contents in their water supplies that are 3 to 30 times the EPA primary drinking water standard. It has long been the dream of western South Dakota residents to bring Missouri River water westward to cure these and other deficiences in their water supplies but physical and, ultimately, economic barriers prevented this from happening. It soon became apparent to the western residents of our State that the only practical means of achieving their dream was through a massive subsidy either from the Federal government or from the emerging energy industry in Wyoming.

Finally, as is apparent from the preceeding section of these remarks and the accompanying charts, South Dakota has received little that was authorized under the Pick-Sloan Plan that has provided so much benefit in navigation, flood control, and hydropower to the downstream states. While Nebraska which gave up virtually no land to the Missouri River Reservoirs has received 222,800 acres of Pick-Sloan irrigation projects, not one acre of South Dakota land is irrigated from the Missouri River by a Pick-Sloan diversion. With cost sharing rapidly becoming the word of the day in Federal water development, it was apparent that South Dakota's chances of obtaining Pick-Sloan irrigation development were going to get slimmer unless she developed a revenue source comparable to that provided by Nebraska's irrigated economy and Wyoming's, Montana's and North Dakota's coal, oil and gas reserves.

South Dakota's relationship with ETSI prior to 1981 had a long and stormy history. As far back as 1974, ETSI and South Dakota have been cussing and discussing the potential for an arrangement that would avoid a showdown over the Madison Formation. In 1977, the South Dakota Legislature passed a bill authorizing the grant of a water right for Oahe Reservoir water to ETSI that ETSI could have used merely as a backup for its Madison Aquifer source. That bill was vetoed and an attempt to override it failed in the State Senate by one vote.

It was not until May of 1981 when ETSI's South Dakota Counsel happened to run into me in the Capitol cafeteria one day that I mentioned an interest in avoiding what seemed to be inevitable litigation. The resulting conversation grew into more formal negotiations, and it was not until this process began that it became apparent that ETSI was willing to look to the Oahe Reservoir as a primary source of water instead of a backup and hold its Madison Formation water rights in reserve to be used only if Missouri River water were physically or legally available. In our negotiations we attempted to pursuade ETSI to give up its Madison Formation water rights, but it soon became apparent that no deal containing that condition could be struck.

Once ETSI's willingness to use Missouri River water as a primary source became apparent, the other main provisions of the contract to provide water to western South Dakota communities along the pipeline and money to the State's Water Facilities Construction Fund were hammered into place after long and arduous negotiations, a special session of the South Dakota Legislature, and longer and more arduous negotiations to actually draft the technical agreement. Once this agreement began to take shape and it appeared that our goals with respect to preserving the Madison Formation, providing water to western South Dakota communities, and obtaining money for water development were actually achievable, it became impossible for South Dakota to reject this virtual bird in the hand in favor of protracted and uncertain litigation that might possibly accomplish only one of our goals.

The deal

Charts XIII, XIV, XV, XVI and XVII outline the basic agreement between the South Dakota Conservancy District, which is the contracting entity for the State of South Dakota, and ETSI. The basic $9 million payments which begin with construction of the coal slurry pipeline proper are indexed to the GNPD (gross national product deflator). Our calculations show that if the GNPD behaves over the next 50 years exactly as it did during the last 50 years, the indexed payments could total approximately $1.4 billion over the life of the contract.

Negotiating this contract and structuring the arrangement presented several unique and stickly legal problems. The first was the provision of the South Dakota State Constitution which prohibits the legislature from granting to any private concern any special privilege, franchise, grant, or immunity whatsoever and prohibits the legislature from enacting any special legislation where the same purpose can be accomplished through a law of general applicability. We have preserved the legality of this transaction in this regard by enacting a statute of general applicability which allows the South Dakota Conservancy District to apply for and to obtain water rights for the purpose of transferring them for consideration to third persons for ultimate use in energy development both in and out of South Dakota. The general provisions of the agreement as presented here in Charts XIII through XVII were, in fact, presented to the legislature. In reality, however, the legislation made no specific mention of ETSI and the South Dakota Conservancy District could, in fact, have applied for and transferred the water rights to energy users other than ETSI. Nothing in the legislation mentioned ETSI, and nothing except our desire to prevent the legislation from being repealed in the January, 1982, Legislative Session required us as a matter of law to consummate the proposed arrangement with ETSI.

In addition, the application by the South Dakota Conservancy District for a water right passed through the same legal and administrative procedures as any other water right application in South Dakota. The ap-

proving body, the South Dakota Water Management Board, held over 40 hours of administrative hearings on this permit application alone. The application was submitted to the same rigorous tests and scrutiny that this Board administers to all other permit applications, and the Board, as a result, voted unanimously to approve the permit noting that ETSI as ultimate recipient of the permit had the present intent to appropriate the water, that the project was feasible, that unappropriated water was available, and that the proposed project was clearly in the public interest of the citizens of South Dakota.

The other major theoretical problem involved the basic ability of the State to convert its interest in water held for ultimate use by individual members of the public into other assets, namely cash. Our legal analysis is that, among other things, the arrangement described above whereby the Conservancy District obtains the water right and the consideration for its transfer is placed in a trust fund for water development administered by the Conservancy District preserves this transaction in this regard. Water rights, after all, are sold every day in many of the western states. If private individuals that can do this with property acquired from the State, an independent authority created by the State for water development purposes should be able to do the same.

In addition, a great deal of attention was paid to the legal rights of the states downstream from South Dakota. After analysis of the pertinent provisions of the Flood Control Act of 1944 discussed above and a review of some of the facts pointed out in the next section, it was determined that South Dakota's allocation of Missouri River water to a coal slurry pipeline originating in Wyoming stood on firm legal ground vis-a-vis downstream states.

What are the other States complaining about?

On a substantive basis, the downstream states claim ETSI and, even more so, additional diversions of this type will impair their claimed rights to Missouri River water for navigation, municipal, domestic, irrigation, pollution assimilation, fish and wildlife, recreational, and esthetic purposes. On a legal basis, their complaints apparently center around their claim that ETSI is an inter-basin transfer and also around Section 6 of the Flood Control Act of 1944 which authorizes the Army Corps of Engineers to enter into contracts for surplus water for municipal and industrial purposes.

Chart XVIII compares the average ETSI withdrawal at the rate of 50,000 acre feet per year with the discharge of the Missouri River at the Oahe Dam near Pierre, South Dakota. As you will note, ETSI's withdrawal represents only 0.28% of the average annual 1981 discharge of the Oahe Dam. In contrast to this, most measuring devices have an inherent error of 5%. The result is that it would take more than 17 ETSI's at 50,000 acre feet per year each to create a withdrawal from the Oahe Reservoir large enough to be measured at Pierre, South Dakota. Because of contributions to the Missouri River downstream from Pierre, the effect of 17 ETSI's still could not be measured with any certainty when the river passes through Sioux City, Iowa.

As a further comparison, it should be noted that each year at the end of the navigation season releases from the Gavins Point Dam, which is furthest downstream on the Missouri, are cut from approximately 32,000 cfs to about 15,000 cfs for the purpose of conserving water in storage and concurrently to maintain stream flows for municipal, domestic, and other uses including water quality downstream. Whether such large releases during the off season are necessary for downstream purposes is problematic. The Corps of Engineers, however, has determined that releases of this magnitude can be made without impairing other requirements and purposes of the reservoirs. This cut-back in flow lasts for approximately 4 months until the beginning of the next ensuing navigation season and represents a reduction in Missouri River flow of approximately 53%. We are unaware of any inability of the Missouri River to meet downstream desires other than navigation during this period when its flow above Sioux City is cut to 47% of navigation season releases. The Missouri River, after all, is a gaining stream and picks up, on an average, 33 million acre feet of water every year below Sioux City in addition to an average contribution of 21 million acre feet of water from the watershed above Sioux City.

Another interesting figure comes from a report written by the Missouri River Basin Commission, a joint federal-state entity governed by Federal agency representatives and representatives appointed by the governors of all 10 Missouri River Basin states, and published in December, 1978 at the request of the now nearly defunct Water Resources Council. That report, entitled "Upper Missouri River Basin Water Availability Assessment for Coal Technology Requirements," addressed the water necessary, and its availability, for probable energy development in the States of Wyoming, Montana and North Dakota. In its baseline assessment, the Missouri River Basin Commission projected that, by 1985, 150,706 acre feet of water per year would be necessary to meet coal development requirements in these States. 30,488 acre feet of this total would be used for coal slurry pipelines. By the year 2000, the Commission projected that 237,481 acre feet per year with 78,056 acre feet per year going to coal slurry pipelines would be necessary for energy development. These figures are interesting not because they represent relatively large amounts of water, but because the total amount projected for the year 2000 even if it were all diverted from the Oahe Reservoir could still not be accurately detected by a gauge in the stream below the Oahe Dam. The projected 2000 demand is less than one-half of the annual evaporation from the Oahe Reservoir and should certainly be no cause for alarm in light of the 53% reduction in stream flow that occurs every fall at the close of the navigation season.

With respect to the inter-basin transfer issue, the legal questions here are easily resolved. The United States Supreme Court has on three separate occasions declared a diversion's status as an inter-basin transfer to be irrelevant from a legal perspective. *New Jersey v. New York*, 283 U.S. 336 (1931); *Connecticut v. Massachusetts*, 282 U.S. 660 (1931); *Wyoming v. Colorado*, 259 U.S. 419 (1922). I am sure these cases will be examined in great detail during this conference, and I need not repeat that exercise here. I do, however, draw your attention to Justice Holmes' opinion in *New Jersey*. In that case the State of New York proposed the diversion of 600 million gallons of water a day from the Delaware River into the Hudson River Basin. New Jersey's complaint against this proposed diversion resembles nothing more than a script for the cries currently being made by downstream states against South Dakota's proposed diversion for ETSI. It was in *New Jersey* that Oliver Wendell Holmes wrote his famous line, "A river is more than an amenity, it is a treasure." 283 U.S. 342. Shortly thereafter, Justice Holmes made it abundantly clear that the issue of an inter-basin transfer is truly irrelevant and serves only as a make-weight argument. Justice Holmes said, "the removal of water to a different watershed obviously must be allowed at times unless States are to be deprived of the most beneficial use on formal grounds. In fact, it has been allowed repeatedly and has been practiced by the States concerned." 283 U.S. 343. Justice Holmes then went on to allow a diversion from the Delaware River basin in the amount of 440 million gallons daily. According to the best information available to us, this amounts to 6% of the average flow of the Delaware River. As was discussed earlier, nothing approaching that high percentage of Missouri River flows is currently being contemplated for diversion to energy industry use.

In addition, it is a bit difficult to understand how the States of Nebraska and Missouri, for instance, can, in all honesty, complain about inter-basin transfer. Nebraska, while engaging in no inter-basin transfers itself, is downstream on the Platte River and is the direct of indirect beneficiary of at least 3 inter-basin transfers from the Colorado River Basin into the Platte River Basin. The largest of this amounts to 505,000 acre feet of water yearly in the Denver, Colorado area. If these inter-basin transfers were not being made it is difficult to predict how much worse the water disputes between Nebraska and its upstream neighbors on the Platte would be.

Missouri takes this process one step further and actually exports water out of the Missouri River Basin at the town of Springfield. This diversion consists of a water supply intake within the City of Springfield and within the Missouri River Basin and a wastewater outfall within the City of Springfield lying outside the Missouri River Basin. South Dakota acknowledges that Springfield's diversion of water out of the Missouri River Basin may be necessary in order to distribute water from one side of the City to the other. It does not appear to us, however, that Missouri's necessity is any less than South Dakota's need to use industrial water development to subsidize delivery of Missouri River water to western South Dakota towns where the radium concentrations exceed the EPA limits by a factor of 30. The inter-basin transfer at Springfield amounted to 16,800 acre feet in 1978, a diversion of the same order of magnitude as that proposed by ETSI. A similar inter-basin transfer of water is conducted by the City of Butte, Montana in its municipal water supply. All in all the Missouri Basin States Association has identified four inter-basin transfers importing water into the Missouri River and two inter-basin transfers exporting water from the Missouri River Basin. (Chart XIX) The net result is that the Missouri River Basin is a net gainer of approximately 644,000 acre feet of water yearly. It is difficult to undestand how Missouri River Basin States can be complaining about inter-basin transfers when all of the basin states and particularly those riparian to and downstream from the Platte River, have been the beneficiaries of such actions for a long period of time.

Finally, with respect to the inter-basin transfers, I submit that ETSI is not an inter-basin transfer in the traditional sense

of that word. Water is not being used to develop resources located outside of the Missouri River Basin. It is Missouri River water that is used to develop a Missouri River Basin resource-Wyoming Coal. Water is consumed and the beneficial use is initiated within the Missouri River Basin near Gillette, Wyoming.

Logic dictates that there is little difference between this use of Missouri River water to develop in-basin coal and the use of water by an Omaha brewery which may ship its products into eastern Iowa or the actual export of raw water out of the basin to the extent of 54 million acre feet per year at the mouth of the river above St. Louis. With respect to this last figure, the additional water released from Gavins Point Dam during the navigation season during 1980 amounted to approximately 8,100,000 acre feet of additional water released for navigation purposes. Navigation tonnage during 1980 totaled 3,009,612 tons. The cargo carrying efficiency of this navigation water was, therefore, 0.37 tons per acre foot of additional water released. ETSI on the other hand will deliver in its first pipeline 37,500,000 tons of coal with only 20,000 acre feet of water. The carrying capacity of water to be used by ETSI is 1,875 tons per acre foot. The water use efficiency of ETSI's first coal slurry pipeline, will, therefore, be nearly 507,000 percent greater than that of the increased water released for navigation during the 1981 season. This comparison, it should be noted, includes only the increased flows released from the upper basin at Gavins Point Dam and does not include any of the 33 million acre feet of contributions occurring below that point.

Finally, with respect to the argument that Section 6 of the 1944 Flood Control Act requires water service contracts out of the mainstem reservoir to be executed by the Corps of Engineers, it can only be said that those who are making this claim ought to review their legislative history and the very nature of the Pick-Sloan program. Section 6 states:

"That the Secretary of War is authorized to make contracts with States, municipalities, private concerns, or individuals at such prices and on such terms as he may deem reasonable for domestic and industrial uses for surplus water that may be available at any reservior under the control of the War Department: *Provided*, That no contracts for such water shall adversely affect than existing lawful uses for such water."

A reading of this Section begs two questions: What is surplus water? And is the authority granted the Army Corps of Engineers under Section 6 exclusive? With respect to the first question the Army Corps of Engineers have a regulation which states "The term surplus water means water trapped or stored in a reservoir project which is not utilized to fulfill an authorized project purpose." ER 1105-2-20 (28 Jan. 1982). If that is the Army's definition of surplus water, it is clear from the legislative history that the water to be used by ETSI is not surplus to any project purposes.

The Oahe Reservoir, which is the source of water for the ETSI project was originally authorized by the Flood Control Act of 1944. Section 9(a) of that Act authorized the construction of the Oahe Reservoir as described in Senate document No. 191, 78th Congress, 2nd Session (April 1944). At pages 115-116 of that document, the Oahe Reservoir is described as containing storage to irrigate an area of 750,000 acres along the James River in South Dakota. Page 117 of the document lists additional smaller pumping units which could also be served out of the Oahe Reservoir and other reservoirs in South Dakota. The dam, therefore, was authorized and constructed with an irrigation function for service to at least 750,000 acres of irrigation. At the present time, diversions to serve only approximately 190,000 acres of the full potential capacity have been subsequently authorized by Congress. This leaves a surplus reclamation capacity in the Oahe Reservoir capable of serving somewhere in the neighborhood of 560,000 acres. It is unlikely that this reclamation capacity nearly all of which is still carried as a function of the Pick-Sloan project will be used for irrigation until further specific diversions are funded by Congress. Under Section 9(c) of the Reclamation Project Act of 1939, the Secretary of Interior is authorized to make interim use of reclamation projects if he determines that such use will not interfere with the irrigation function of the project. It is clear in this case that where in excess of 500,000 acres of irrigation capacity awaits further Congressional action in order to be utilized, the amount allocated to ETSI will not present any interference with irrigation development in South Dakota over the next 40 to 50 years.

The bottom line is that ETSI's water is not surplus to the reclamation function of the Pick-Sloan Plan but is being utilized as an intergral part of that function. In fact Section 9(c) of the 1944 Flood Control Act specifically requires the Secretary of the interior to operate the reclamation portions of the Pick-Sloan development under Federal Reclamation Law, and the Reclamation Project Act of 1939 is a portion of the general body of Federal Reclamation Law.

In answering the first question in this matter it is easy to see that the second question is also answered. The Army Engineers' authority to contract surplus water is inapplicable in this case and, therefore, is not exclusive in its application.

Conclusion

In this paper I have presented a basic outline of the nature, history, and extent of South Dakota's Involvement with ETSI Pipeline Project and its proposal to develop a coal slurry line from Wyoming to Arkansas and Louisiana. It is South Dakota's position that the actions taken were not only reasonable under the circumstances but were also perfectly legal and within the envisioned purposes of the Pick-Sloan program when it was originally authorized in 1944.

I do not rest, however, on our own analysis of the reasonableness of South Dakota's actions. The downstream states have received practically all of the benefits that they bargained for in the passage of the 1944 Flood Control Act. South Dakota and her upstream sisters on the other hand, have received practically none of those benefits. An Iowa economist funded by the Iowa General Assembly to analyze the impact on Iowa of Missouri River diversions, essentially concluded the same thing. It is apparent from his remarks included in the last two charts of this presentation that when South Dakota's action is subjected to rigorous analysis even her opponents must agree with what South Dakota did in establishing her relationship with ETSI. The Iowa report written by David Osterberg concludes with a final word on ETSI.

"A FINAL WORD ON ETSI

"The ETSI slurry pipeline, the subject of many recent newspaper articles, has come as a warning shot to Iowa. Coming in a low water year when navigation has been reduced, talk of decreasing the flow made citizens and policy-makers aware of all plans to make the Missouri into a smaller river.

"Governor Janklow of South Dakota has claimed that the new pipeline will remove water equal to one-tenth the annual evaporation on Lake Oahe and that downstream users should "quit being selfish" about the Missouri (UMC 1981, p. 8,9). There is merit on both counts: (1) if 50,000 fewer acres flowed past Sioux City in a year, river gauges would have trouble measuring the loss; (2) South Dakota has a claim on water from the River. Iowa has gained the benefits of flood control, farmland creation, navigation and cheap hydropower. Iowa has also suffered the destruction of thousands of acres of wildlife habitat and recreation areas and has a continuing serious problem with degradation. However, Iowa has received the benefits promised. South Dakota has not.

"South Dakota receives power from the Missouri River dams and enjoys four "Great Lakes" which are reputed to have the best walleye fishing south of Canada. However, South Dakota has not received the irrigated acres it was promised to make up for the 500,000 now under the four Corp-built lakes.

"All Basin states would like to see the Missouri used within the Basin. This remains true even after the ETSI deal. South Dakota agreed to the ETSI pipeline first because it prevented ETSI from taking groundwater from the Madison formation and drawing down the potable water sources of South Dakota towns bordering the ETSI pump field in Wyoming. Second, the pipeline will carry water to western South Dakota towns along its path. South Dakota is protecting its water resources."●

THE KGB FORCES A HALT TO THE WORK OF THE MOSCOW HELSINKI GROUP

● Mr. HATCH. Mr. President, 2 days ago, the world learned that the repressive tactics of the Soviet Government have brought another casualty to the international human rights movement: Elena Bonner, wife of banished Andrei Sakharov, announced that the Moscow Helsinki Group was halting its operations due to "cruel persecution" by the Soviets. Since this remarkable citizens' group began its work in May 1976—despite arrests and other harassment—it has produced over 200 reports based on information from Soviet citizens in various parts of the U.S.S.R., which document the Soviet human rights situation. Therefore, although the Moscow Helsinki Group has been forced to end its work, it has left a rich legacy of information which has broadened Western understanding of the Soviet Union.

Apparently, it was the threat of criminal prosecution of 75-year-old retired lawyer, Sofya Kalistratova, which was the immediate cause for the demise of the Moscow Helsinki Group. Kalistratova, a distinguished defense lawyer, who during her career defended such leading human rights activists as Gen. Pyotr Griogorenko

and Vladimir Bukovsky, suffers from a weak heart and could not survive a term of imprisonment. The Moscow Helsinki Group has suffered 10 arrests and 4 forced emigrations; only 3 elderly members of the Group remained at liberty; Elena Bonner, Naum Meiman—who has been trying in vain to emigrate to Israel for many years—and Sofya Kalistratova.

I would like to take this occasion to call my colleagues' attention to the fate of one of the imprisoned members of the Moscow Helsinki Group, Anatoly Marchenko. Marchenko, a worker and self-educated writer, has long been active in an important cause: the need to improve working people's rights in the Soviet Union. Too long has their voice been silent. It was partially due to the writings and activities of Anatoly Marchenko that their problems have begun to be heard.

Born the son of illiterate parents in 1938, Anatoly Marchenko served his first prison sentence from 1960 to 1966 for trying to flee across the Soviet border into Iran. After his release, he wrote "My Testimony," the first documentation of political camps and prisons in post-Stalinist times, which was translated into 18 languages. In 1968, he was sentenced to 2 years in camp for alleged passport violations and "anti-Soviet slander" after he wrote letters defending the Czechoslovak liberalization campaign in 1968.

On March 31, 1975, Marchenko was sentenced to 4 years of internal exile for alleged violation of the rules of administrative surveillance imposed following his release from prison. A member of the Moscow Group from its inception, Marchenko followed its activities from his place of exile in Irkutsk oblast—and, despite a local procurator's attempts to concoct a criminal case against him to prevent his return to the Moscow area—Marchenko was released from internal exile in September 1978. Marchenko's 11 years in camps, prisons, and exile have left him in very poor health. He is partially deaf, lame, and has had two operations for a chronic bleeding stomach ulcer. In 1980, Marchenko published "From Tarusa to Chuna," a description of his period of internal exile.

During Marchenko's Siberian exile, AFL-CIO leader George Meany invited him in December 1977 to attend an AFL-CIO convention in Los Angeles. In response, Marchenko sent the AFL-CIO an open letter, "On the Life of Soviet Workers." Excerpts follow:

The principle of paying wages for work has been distorted into paying rewards for service to the state according to governmental rank. This principle is taken to ridiculous extremes, since there are permanent shortages of basic goods and services . . . This principle of hierarchical distribution of goods extends to everything: from whether or not a worker "deserves" a sheet for his dormitory bed, to whether or not a cottage is supplied with toilet paper . . .

Such conditions for the workers of our huge country are possible only because Soviet citizens are without any rights. In the USSR, government, labor unions and police are all links in the chain which fetters our people. All organizations, including the church, are subordinate to, and controlled by, a small ruling group. Let sixty years of Soviet experience serve as a warning to other nations.

Arrested again on March 17, 1981, Anatoly Marchenko was sentenced on September 4, 1981, to 10 years of special regimen camp plus 5 years of internal exile for "anti-Soviet agitation and propaganda." Since then—in flagrant violation of Soviet law—his wife, Larisa Bogoraz, has been forbidden to visit or receive any news from her husband. Even the Soviets should recognize that Marchenko's family has the right to be in contact with him. Instead, the Soviet authorities have decided to try to isolate Anatoly Marchenko from the outside world, trying in vain to make him become merely a cipher among the estimated 5 million Soviet citizens engaged in forces labor.

At a time of increased international concern about the issue of forced labor in the Soviet Union—and the question of how forced labor is being used to build the gas pipeline to Europe—I think the Soviets are showing how much they fear the voices of people such as Anatoly Marchenko and the other members of the Moscow Helsinki Group and their counterparts throughout the Soviet Union, including Helsinki monitors in Ukraine, Lithuania, Armenia, and Georgia. We in the West, particularly as members of the Commission on Security and Cooperation in Europe will continue to speak out for these voices of justice in the Soviet Union.

At this time, Mr. President, I think we should all pause and give thought to the freedoms we enjoy and observe the heroic efforts of the freedom-striving Helsinki group members of the Soviet Union. In addition to those mentioned, let me now list those who have suffered a worse fate.

IMPRISONED MEMBERS OF THE HELSINKI MONITORING GROUPS IN THE U.S.S.R. AND LITHUANIA

MOSCOW HELSINKI GROUP—SENTENCED

1. Ivan Kovalev—sentenced on April 2, 1982 to five years of strict regimen camp plus five years internal exile for "anti-Soviet agitation and propaganda."

2. Malva Landa—sentenced on March 26, 1980, to five years of internal exile for "anti-Soviet slander."

3. Anatoly Marchenko—sentenced on September 4, 1981, to ten years of special regimen camp plus five years of internal exile for "anti-Soviet agitation and propaganda."

4. Viktor Nekipelov—sentenced on June 13, 1980, to seven years in labor camp and five years of internal exile for "anti-Soviet agitation and propaganda."

5. Yuri Orlov—sentenced on May 18, 1978, to seven years in strict regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda."

6. Tatiana Osipova—sentenced on April 2, 1981 to five years general regimen camp and five years of internal exile for "anti-Soviet agitation and propaganda." (Article 70, RSFSR Criminal Code)

7. Feliks Serebrov—sentenced on July 21, 1981, to four years strict regimen camp plus five years exile for "anti-Soviet agitation and propaganda." (Also a member of the Psychiatric Working Group.)

8. Anatoly Shcharansky—sentenced on July 14, 1978, to three years in prison and 10 years in strict regimen camp for "anti-Soviet agitation and propaganda" and "treason." (Article 64-a, RSFSR Code) (Sentenced in October, 1981 to return to prison for three years.)

9. Vladimir Slepak—sentenced on June 21, 1978, to five years of internal exile for "malicious hooliganism." (Article 206, RSFSR Code)

10. Leonard Ternovsky—sentenced on December 30, 1980, to three years in general regimen camp for "anti-Soviet slander." (Also a member of the Psychiatric Working Group.)●

IT DIDN'T READ OR SOUND LIKE WHAT I SAW AND HEARD

● Mr. JEPSEN. Mr. President, Melvin Stukenberg, executive vice president of the Iowa-Nebraska Farm Equipment Association, recently wrote a very perceptive column in the August issue of the Retailer.

Mr. Stukenberg, who is editor of the magazine, addressed the reporting on President Reagan's recent visit to Iowa to talk to the National Corn Growers Association. The headline over his column sums it up pretty well: "It Didn't Read or Sound Like What I Saw and Heard."

I ask that the editorial be printed in the RECORD.

The editorial referred to follows:

IT DIDN'T READ OR SOUND LIKE WHAT I SAW AND HEARD

The National Corn Growers Association was very kind and sent to me an invitation to visit their recent annual convention. Since the featured speaker on the first day of their meeting was the President of the United States, I took advantage of their hospitality and attended the afternoon session.

The corn growers from across the United States as well as guests such as myself filled nearly every seat in the Veterans Auditorium, and we were not disappointed as the President had a very fine message for the entire agricultural sector of our economy. He received frequent and vigorous rounds of applause throughout his message from this group of farmers who is having some very tough times due to the economy of the entire country.

The President did not offer any easy solutions to the present plight of the nation's agriculture, but he did dwell on the export situation and the importance of it in getting prices back to a profitable level. He called attention to the continual decrease in the rate of inflation, and the fact that interest rates are declining and are already far below the 20% rate that we knew several months ago.

That evening when I returned home and read the paper and listened to the report of the President's speech on the six o'clock news, I was beginning to wonder if the reporters attended the same meeting that I had. They were reporting that the farmers gave the President a luke warm reception, while my observation was that the reception was so loud and long that it was hard for him to start his presentation. The reporters said that the farmers were certainly disappointed that the President did not offer some new and fantastic program to solve all problems overnight. My observation was that nearly every statement he made was applauded with vigor.

The reporters interviewed several farmers, and after they were unable to find a negative remark there, they went outside to interview the protesters who were there. The protesters were less than fifty in number but the amount of news coverage they received made it appear that they nearly outnumbered the fourteen or fifteen thousand people who were very supportive of the President.

This incident reminded me of the many times that I have listened to the President or some other leader, and then listened to the commentators afterward tell me what they think I should have heard. I feel that I have a fair knowledge of the English language, and I can usually understand what I have heard. I am getting more than a little tired of people trying to manage the news, and trying to get us to believe as they do.●

REALISM ON CUBA

● Mr. KENNEDY. Mr. President, for more than two decades our relations with Cuba—a nation only 90 miles from our shores—have resembled relations with some distant and unknown land. They have been filled with mutual ignorance, hostility and distrust.

Yet Cuba is a "known quantity. It is a country we have had to deal with over the past 20 years, if only because of a wide range of serious differences and problems between us. For 5 years American diplomats have been stationed in Havana and Cuban diplomats have been stationed in Washington, despite the freeze in our diplomatic relations.

Obviously, very important and extraordinarily difficult issues continue to divide our two governments—and the road to normalization under the best of circumstances will be difficult. What is puzzling, however, is the Reagan administration's policy, which is making those circumstances even more difficult. This administration has turned its back on up to 2,000 political prisoners the United States had previously promised to process for entry; it has violated requirements of U.S. law for the reunification of divided families; it has underminded diplomatic openings which could have led to the return to Cuba of the criminals and other excludable persons who came illegally to Florida during the Mariel boat crisis. Cuba was willing to talk last year, but we were not.

Authoritative documentation of these facts is contained in a series of thoughtful and compelling articles by Mr. Wayne Smith, who served as Chief of the U.S. Interests Section in Havana from 1979 until his retirement last month. As the New York Times pointed out in an editorial on September 8, the key policy question raised by Mr. Smith is why the United States should not apply to Cuba the same cautions but realistic approach called for in dealing with the Soviet Union or any other adversary. The Reagan administration has failed to demonstrate why it is in our national interest to reject diplomatic means to resolve at least some of the issues between the United States and Cuba—even while it pursues a diplomatic dialog with the Soviet Union and other states that pose serious threats to our interests.

I would like to share with my colleagues some of the recent writings of Mr. Smith, one of our foremost authorities on United States-Cuban relations—as well as the New York Times editorial praising his work. I ask that they be printed at this point in the RECORD.

[From the New York Times, Sept. 8, 1982]

THINKING THE UNTHINKABLE ON CUBA

It is Wayne Smith's angle of vision that makes so devastating his understated critique of American policy toward Cuba. It is not every day that a career diplomat risks criticism by spilling the beans, including in this case some black Cuban ones suggesting that the Reagan Administration ignored openings for serious negotiations.

Mr. Smith was director of the State Department's Office of Cuban Affairs from 1977 to 1979 and chief of the U.S. interests section in Havana from 1979 until his resignation last month. He can't be convincingly shushed with the usual if-you-knew-what-we-know litany.

From his perspective, the supposedly rock-hard evidence of massive Cuban arms shipments to El Salvador isn't very solid. "If the guerrillas had received all the arms reported by U.S. intelligence, the Salvadoran Army would be outgunned 20 to 1," he observes in a Foreign Policy article. It will take a lot of white papers to plug the holes that sentence punches in the official rationale for dramatic increases in U.S. arms aid to El Salvador.

But Mr. Smith finds nothing uniquely foolish in the Reagan Administration's Cuba policy. Instead he finds it hackneyed in its stridency, its knee-jerk deference to domestic politics and its resistance to genuine negotiations. Successive Presidents have been unwilling to concede that the Castro regime can't be gotten rid of, short of war. "No incantations will make it disappear," Mr. Smith writes. "To reduce it by fire and sword would cost far more in blood, treasure, and world opprobrium than the problem warrants."

Yet successive Presidents continue to believe that somehow a great power should be able to deal expeditiously with a tiny island ruled by a Marxist zealot. They have resorted to embargoes and bluster, or worse. The best that can be said for the latest sterile gimmick—the proposed Radio Marti—is that it's better than another Bay of Pigs.

Mr. Smith argues that Washington should apply to Cuba the same cautious but realistic approach it applies to the Soviet Union. He maintains with some authority that the much-publicized Reagan Administration soundings in Havana weren't serious, and that three chances for real negotiations, beginning in early 1981, were passed up.

Only rarely do career diplomats go public with this kind of argument, and Wayne Smith won't be thanked by Mr. Reagan for speaking plainly. But the rest of us are in his debt; he has opened a revealing window in Foggy Bottom's stuffiest room.

[From the New York Times, Sept. 5, 1982]

IT IS NOT IMPOSSIBLE TO DEAL WITH CASTRO—REALISM IS REQUIRED

(By Wayne S. Smith)

WASHINGTON.—Cuba continues to have much the same effect on United States Administrations that the full moon reputedly had on werewolves. Perhaps there is no sprouting of hair, but a certain frothing at the mouth and loss of rationality are notable. Indeed, Cuba is such an emotional issue that clear and objective analysis is extremely rare. The Reagan Administration follows the pattern.

Certainly there is nothing new in its approach to Cuba. On the contrary, it seems determined to make past mistakes all over again, and again and again. It came to office striking fierce postures and warning that no option was excluded, not even blockade or invasion. In expecting Fidel Castro to be cowed, the Administration displayed an abysmal insensitivity to history.

For 20 years, Mr. Castro has successfully defied United States-sponsored invasion, assassination attempts, clandestine Central Intelligence Agency radio stations and efforts at destabilization. The Administration's posturing simply implies more of the same. There is no reason to believe such tactics will work any better now than in the past.

To be sure, as the Administration came to office, it faced serious problems in Central America that involved the Cubans. Firm but careful admonitions aimed at pointing the Cubans, the Sandinistas and others in the direction of real negotiations and peaceful solutions would have made good sense. Demonstrably, however, that was not the Administration's purpose. Having blown the situation out of all proportion by describing it as a major East-West test of wills, it was determined to demonstrate in no uncertain terms that it could "stop Communism in its tracks." It wanted confrontation, not negotiations.

In early 1981, the Administration acknowledged that Nicaraguan support for the guerrillas in El Salvador had been drastically reduced. Clearly, Nicaraguans' accommodation of the United States' concerns meant that they valued a continuing relationship with us, thus giving us useful negotiating leverage. Rather than using such leverage to good advantage, we threw it away. The Sandinistas had acceded to our demands, at least in part, but we cut off economic assistance anyway. We abandoned diplomacy in favor of confrontation and clandestine destabilization programs. The democratic opposition in Nicaragua—the very people we should have wished to help—told us this would simply make matters worse. It did.

We also rebuffed Cuban overtures. The Administration was not even willing to sit down to discuss an issue of such keen interest to us as the return of criminals and others ineligible for entry dumped on us

during the Mariel sea-lift. The Cubans suggested discussions. We turned them down.

Our only tentative nod in the direction of dialogue came with Alexander M. Haig, Jr.'s meeting with Carlos Raphael Rodriguez, Vice President of Cuba, in Mexico last December, and Mr. Castro's meeting with Gen. Vernon Walters in Havana last March. But these were only preliminary contacts made for the purpose of reiterating Washington's position—and, apparently, of turning aside pressures for serious negotiations. Neither meeting changed the equation in the slightest. By late spring, it was clear that there was to be no follow-up. The Administration was intent upon increasing pressures against, not negotiating with, the Castro regime.

Having thus turned our back on diplomacy, and with very little in the way of leverage to exert against Havana—little, that is, that we have not already tried—we are left in the same blind alley we have been in for the past 20 years.

If future United States policies are to have more success than those of the past, we must overcome emotionalism. Our policy must be geared to clear, realistic objectives and must result from careful thought, not kneejerk reactions. For example, a principal objective should be to reduce Soviet influence in Cuba. Yet, confrontation works directly against that goal. Mr. Castro cannot loosen his relationship with Moscow so long as he is threatened by Washington.

Our best hope of moderating Cuban foreign policy is in demonstrating over a period of time that compromise is in Havana's interest. In the final analysis, serious negotiations and a process of gradual engagement are the only sensible options open to both countries. Neither the historical record nor an objective analysis of the existing situation suggests that this is impractical. Indeed, gradual engagement is the one approach that has never been given a fair chance.

We cannot, however, expect miracles. No quick fix is possible. Mr. Castro is a convinced revolutionary and many of his objectives are antithetical to our own. Relations are likely to remain adversarial for a long time to come. But the areas of conflict could be reduced and a more satisfactory relationship gradually worked out. It is not impossible to deal with Mr. Castro. Sooner or later, Washington must do so, not because we like him but in order to advance our goals and interests.

The United States should apply to Cuba the same cautious yet realistic approach used toward the Soviet Union and other adversaries. As Secretary of State, Mr. Haig observed recently that while Americans could not expect any rapid reconciliation of United States and Soviet interests, the United States had to work toward that objective. Why not adopt the same attitude toward Cuba? The process would be slow and full reconciliation probably beyond grasp. But if we were at least moving in the right direction, that would be a vast improvement over the pass.

[From the Miami Herald, August 22, 1982]

TURNING A DEAF EAR TO THE CUBANS

(By Wayne S. Smith)

Shortly after the inauguration, the Reagan Administration indicated it would place less emphasis on human rights. In the case of Cuba, it has more than kept its word; it has given them no attention at all.

The Carter Administration had its weaknesses. Its objectives were often confused and its efforts at implementation incoherent. This was certainly true of its approach to the Cuban problem. Still, despite its faults, it scored undeniable gains in the field of human rights. It brought about the release of all American and of thousands of Cuban prisoners. Families were reunited through the issuance of preference immigrant visas. Husbands and wives, parents and children, who had not seen one another in years, were brought together.

By contrast, the Reagan Administration's record is zero. It has done nothing. Not a single political prisoner has been released as the result of anything the administration has said or done. On the contrary, it has callously, and in my view shamefully, turned its back on the some 1,500–2,000 ex-political prisoners the United States had previously committed itself to process for entry.

Many of these ex-prisoners were in front of the Interests Section in Havana on May 2, 1980, having come back to ask how much longer it might be before we could begin processing them. I went outside that morning to inform them that we had just received the necessary information and would begin processing that very same day. A few minutes later, they were attacked by a pro-Castro crowd. In the ensuing melee, some 400 people sought refuge inside our building. There they remained until September. With the Interests Section thus virtually closed, the processing of ex-political prisoners had to be postponed, but we had fully expected that once our 400 houseguests were gone (virtually all found their way safely to the United States) and we could reopen our doors, our first priority would be these ex-prisoners. We reckoned without the Reagan Administration. It refused to honor the May 2 commitment. The ex-prisoners have been left in limbo. As one of them said in a letter to me last year, "The U.S. has not only abandoned us, it has dishonored its word." He was right.

Grudgingly, the administration recently agreed to accept a handful of released Cuban political prisoners who had managed to get to Costa Rica. Fine. But what about all those still suffering in Cuba?

And what about the divided families? These are people who are eligible for preference immigrant visas. Their documents are in order and the Interests Section could have begun processing them over a year ago. But, as in the case of the political prisoners, the Reagan Administration has said no. There is no jurisdictional basis for this refusal. It is likely to stand up only until some of the families take it to court. The State Department has not even been able to explain the rationale on which the refusal is based—either to the Interests Section or to key senators whose right to know is unchallenged. For example, in a letter last January, Senator Edward Kennedy (D. Mass.), pointed out that the State Department had no authority under law to halt the processing of preference visas in Havana; he therefore demanded an explanation. To date, he has received no reply.

On an off-the-record basis, various officials have suggested that the refusal to authorize preference visas is based on 1) a reduction in the Interests Section staff, and/or 2) the need to hold such visas as a bargaining chip until the Cubans agree to take back the some 2,000 excludables dumped on us during Mariel. Both assertions are specious. The interests Section staff was reduced by one consular officer *subsequent to and as a result of* the decision against authorization, not the other way around. Further, while the Castro regime has offered several times since January 1981 to discuss the return of the excludables, the Reagan Administration has refused. It hardly makes sense to preserve a bargaining chip for negotiations in which one refuses to participate.

The Reagan Administration's Cuba policy, looked at in its broadest terms, is a failure. It has neither intimidated Castro nor otherwise moderated his behavior. If anything it has made matters word. That much might have been predicted. That the administration has turned its back on Cuban citizens it had an opportunity to help, however, is more difficult to understand. The numbers involved are limited and these are people to whom we have a clear obligation. The administration's refusal to honor that obligation opens it to charges of talking out of both sides of its mouth, or worse.

[From Foreign Policy, Fall 1982]

DATELINE HAVANA: MYOPIC DIPLOMACY

(By Wayne S. Smith)*

There are encouraging signs that Ronald Reagan's administration may follow a more sensible policy toward the Soviet Union than indicated by his campaign rhetoric. Unfortunately no such realism is evident with respect to Cuba; rather the administration seems determined to make past mistakes all over again. Its approach to the Cuban problem is as hackneyed as it has been unsuccessful and evokes a painful sense of déjà vu.

No American administration has devised an effective policy toward Fidel Castro's Cuba. Initial U.S. attitudes, formed in the atmosphere of intense hostility of the early 1960s, have changed little. When it comes to Cuba, the United States seems locked in a time warp. As a result U.S. policies have frequently worked against what their objectives should have been. Reduction of Soviet influence, for example, must be a principal goal; yet U.S. policies have had exactly the opposite effect.

At least in part, this intellectual sclerosis results from three idiosyncrasies that distort U.S. perceptions of the Cuban problem. First, many Americans believe in a quick fix where in fact none exists. This belief may be a holdover from the 1960–1961 period when Americans considered the Castro regime an aberration to be quickly disposed of, much as they had disposed of the regime of left-leaning President Jacobo Arbenz in Guatemala. In part, too, it may reflect a residual disdain for so-called banana republics and a concomitant belief that the United States, as a great power, should be able to resolve quickly any problem posed by little countries to the south. Each administration has persisted in the search for a panacea overlooked by its predecessors. The search is based on a delusion. The Castro regime is there to stay. No incantations will make it disappear. To reduce it by fire and sword would cost far more in blood, treasure, and world opprobrium than the problem warrants.

Second, successive administrations have taken a procrustean approach to the problem of defining Cuban intentions and policies. Cuba is frequently viewed through the lens of Washington's own policy miscalculations and domestic political needs.

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Former President Carter's handling of the discovery in August 1979 of the Soviet brigade in Cuba exemplifies the process of self-victimization through false images that often results. The brigade had been in Cuba for a long time and posed no real threat to the United States. But for domestic political reasons administration officials portrayed it as new evidence of Soviet-Cuban aggressiveness so threatening that a U.S. failure to react would be extremely dangerous. Moscow and Havana were testing the United States, the argument ran; accordingly, the administration demanded the brigade's withdrawal. The Soviets and Cubans, of course, had no intention of removing it at Washington's command.

Virtually out of thin air the Carter administration had spun a public relations problem with which it then had to live. The status quo later became acceptable after all, but not before the administration had done tremendous harm to its own credibility and to important American priorities. The SALT II treaty was shelved and détente dealt a mortal blow. The Soviets and Cubans were not, in fact, testing the United States at all. The administration simply chose to portray the situation in those terms and was then hoist with its own petard.

Third, Cuba arouses peculiarly strong emotions in the United States. In part, these emotions are due to Cuba's geographic proximity. Certainly they are also fueled by the personality of Castro. Many Americans grind their teeth in rage at the sight of him on their TV screens. Congressmen who can discuss in rational terms future diplomatic relations with Albania or Vietnam angrily exclude that possibility for Cuba. By contrast, a small but equally committed minority idolize Castro as the antiestablishment figure par excellence. Dispassionate analysis between these extremes is extraordinarily rare.

If future U.S. policies toward Cuba are to be more successful than those of the past, they must flow from long-range strategies geared to clear, realistic objectives; they must result from careful thought, not knee-jerk reactions; and they must deal with concrete issues. So far, the Reagan administration has shown no inclination toward such clarity of purpose.

REAGAN'S RIGID POSTURE

In his resignation statement on June 25, 1982, former Secretary of State Alexander Haig, Jr. complained that the administration had moved away from the "careful course" laid out earlier. No such course was ever apparent with respect to Cuba. On the basis of its own statements, the Reagan team remains confused as to whether it even has a Cuba policy. For almost a year after taking office, Haig sidestepped questions about the new U.S. posture toward Cuba. A full policy review was in process, he explained, and he did not wish to make any statements that might prejudice its conclusions. On January 27, 1982, a State Department spokesman admitted he had no idea when the study might be completed. More recently references to it have virtually disappeared.

Nor have the goals and assessments been clear. The administration began by excluding normalization of relations even as a distant objective. But in May 1982 Haig reversed course, saying that the United States would welcome normalization if the Cubans would cease intervening in other countries. President Reagan, however, speaking on April 30, took still another position: The United States would normalize relations only if Cuba severed its ties with the Soviet Union. Two weeks later the State Department's director of Cuban affairs stated that Cuba would never loosen the relationship it has with the Soviet Union.

Despite this public confusion over policy and objectives, the administration's posture toward Cuba is evident. Stated succinctly, its initial position was that the United States would not even talk to the Cubans until they ceased all interventionist activities in Latin America and withdrew their troops from Africa. If they refused to do so, Washington would exclude no option, including a U.S. blockade or invasion of Cuba. Meanwhile, the administration adopted measures to signal its displeasure and to underline that there could be no business as usual. Thus it refused visas to Cuban officials, did not invite the head of the Cuban interests section in Washington to diplomatic functions in violation of a specific bilateral agreement, and tried to stop a congressional delegation from attending a meeting of the Inter-Parliamentary Union in Havana. The administration refused to talk to Cuban officials even about a matter as intensely interesting to the United States as the return of criminals and other excludable persons dumped on U.S. shores during the 1980 Mariel sea-lift. Havana offered several times to discuss the matter. Washington would not even respond, although Haig sought to give the impression that Cuba was refusing to negotiate.

The prospects for success of an approach that precludes all compromise are ordinarily questionable. But at least initially, a strong argument could be made that the new administration's tough stance made some sense. Washington faced an urgent problem in Central America. As the Reagan administration came to office, the guerrillas had launched an all-out offensive against the ruling junta in El Salvador. This offensive was unsuccessful, but it was not immediately clear whether Cuba and Nicaragua, which had supported the insurgents, would press for a new offensive or diminish their efforts. Menacing statements from the new U.S. administration were therefore cogent and sensible. But Washington's purpose should have been to convince Havana and Managua that their continued efforts carried high risks, and that it made more sense to trim their objectives and negotiate.

In fact, both Cuba and Nicaragua were already moving in that direction. At first, convinced of the guerrillas' broad popular support in El Salvador and of the need to present the new Reagan administration with a fiat accompli, the Cubans had stepped up their assistance in November 1980, anticipating the January 1981 offensive. When the offensive failed, however, the Cubans and Nicaraguans re-evaluated their positions. Very shortly after Reagan's inauguration, arms shipments declined. Moreover, the Cubans signalled a desire for improved relations and a disposition to exchange views on the situation in El Salvador. While restraint there would have to be mutual, they said, they favored a political settlement.

The U.S. interests section in Havana reported these démarches to Washington, and I urged in several cables that we respond to Cuban overtures, if only to emphasize the strength of U.S. feelings. The Department of State never responded in any way.

The Nicaraguans, dishearted by the guerrillas' failure and concerned about losing U.S. economic assistance, also drastically reduced support to the guerrillas and signalled a desire for improved relations with the United States. But diplomatic initiatives were not in the new administration's game plan. It had come to office vowing to get tough; and the risks to the United States of a policy of confrontation seemed minimal to officials in the new administration. The junta in El Salvador had just defeated the guerrillas without U.S. military assistance. Those new to power in Washington expected that with U.S. aid the Salvadoran government could score a complete victory relatively quickly. Some also expected that threats alone would intimidate Castro and the Nicaraguans. Against this background, the United States opted for military victory in El Salvador and ignored the Cuban and Nicaraguan overtures. Washington acknowledged that arms shipments from Nicaragua had declined but cut off economic assistance anyway.

Shortly after the inauguration Haig defined the violence in Central America as a case of external aggression: U.S. actions in El Salvador were aimed at drawing a line against Soviet-Cuban expansionism. A Department of State white paper released in February 1981 claimed to demonstrate that "the insurgency in El Salvador [had] been progressively transformed into a textbook case of indirect armed aggression by Communist powers through Cuba."

The white paper, however, became a source of acute embarrassment to the administration, primarily revealing shoddy research and fierce determination to advocate the new policy, whether or not the evidence sustained it. Some of the supporting documents turned out to be forgeries. Others were of such vague origin as to be worthless. None of the documents linked the USSR to the supply of guerrilla forces in El Salvador or demonstrated that the violence there was a case of external aggression rather than an internal conflict.

Although concern over Cuban involvement in any turmoil so near the southern border of the United States is justified, U.S. policy would have been more effective had it addressed the turmoil in in its proper context. Treating the situation as a major East-West test of wills, however gratifying to the administration's confrontational instincts, did not and still does not contribute to a sensible solution.

ATTEMPTS AT INTIMIDATION

A promising opportunity to negotiate from a position of strength in the late winter and early spring of 1981 was lost. Had the clear-cut political and military victory Washington sought really been as firmly within its grasp as it seemed to believe, the administration would have deserved support. Warnings at the time suggested and subsequent events have demonstrated, however, that no such victory was in sight. Now, over a year later, the United States is caught in an open-ended spiral of escalating tensions and continuing violence.

Neither the record nor prudent diplomacy suggests that Reagan should have taken Castro's word at face value. Washington has as much reason to distrust Havana as the latter does Washington. But Castro did indicate a willingness to seek accommodation, and the United States had little to lose by seriously exploring the possibilities with him.

The late spring of 1981 brought another opportunity to negotiate. The Nicaraguans, the Hondurans, and the Costa Ricans met to discuss reduction of tensions and border guarantees. The Cubans, also concerned

over rising regional tensions, stated they would favor mutual security guarantees and would be willing to play a positive role in bringing them about. The U.S. embassy in Managua and I strongly recommended to the State Department that the United States pursue this opening. I also urged engaging Mexico in the process. During a visit to Washington a short time later, I was told there was no interest in such a negotiating process.

Having rejected the thesis that it might get further by talking to Castro, the United States continued to escalate pressure against Cuba and to create uncertainty in Havana about American intentions. The pressures consisted principally of tightening the embargo against Cuba and establishing Radio Mart, but the administration recognized these as long-term measures. It expected immediate impact from the increased uncertainty fostered by U.S. policy. The administration continued to believe that it could intimidate Castro. Accordingly the United States stimulated speculation that it might take military measures. It also allowed Cuban exiles in Florida to resume paramilitary training. Whether the training had the support of the CIA is not clear. It was certainly at odds with the administration's emphasis on controlling terrorism and may have been illegal. Nevertheless, the administration condoned this training, seeing it as a useful adjunct to the war of nerves against Castro.

Why Washington expected Cuba to crumble under tough talk is difficult to understand. A senior policy maker explained in July 1981 that the new administration was convinced its predecessors had not fully explored the possibilities of exerting pressure on Castro. It was determined that all options should be tried. My reply to this, in a letter dated that same month, was that Castro had seen it all before. Neither harsh words nor harsh measures has ever succeeded. Hence unless the United States was prepared to carry its threats to their logical dénouement, it had best not issue them at all. Bluffs would not work, for Castro was certain to call them.

That is precisely what happened. Between January and November 1981, Washington strongly threatened military measures; the Cubans said they were willing to open discussions but would never knuckle under to intimidation. To emphasize the point, Castro organized a People's Militia, which he claimed would put 500,000 Cubans under arms. He tightened military ties with Moscow—the last thing the United States should have wished to bring about—and brought in large quantities of arms. On July 30 Haig cited these shipments as new proof of Cuban aggressiveness and claimed Washington had solid evidence that some of these weapons were being transshipped to Central America. The administration never produced any such solid evidence. As for the size of the shipments, surely the United States could not expect the Cubans to disarm in the face of U.S. threats.

In late October the situation took on a new dimension. Several developments occurred that the Cubans believed were related. First, on October 19 syndicated columnists Rowland Evans and Robert Novak claimed without supportable evidence that a 500-600 man Cuban special force was infiltrating El Salvador from Nicaragua. The column alone would not have concerned Havana, but a senior State Department official raised the matter with the Soviets as something Washington took most seriously, implying that it might feel forced to respond. Second, U.S. naval maneuvers were to be held near Cuban waters. Third, and most important, on October 29 Haig said the review of U.S. policy options regarding Cuban was almost ready to be sent to the president. Claiming the review contained evidence of Cuban intervention in Central America, he said the United States planned to take action.

The Cubans took Haig at his word, concluding an invastion was imminent. Castro mobilized Cubans to defend their island to the last man and defied the United States to do its worst. Policy makers in Washington were surprised. Although they themselves had rattled the sabers, they did not understand why the Cubans were mobilizing. Still at first they did not consider the development a bad sign. One U.S. official said: "The Cubans are genuinely nervous—and that's not all bad."

As tensions increased, however, Washington quickly sheathed its own sword. During his November 10 news conference, Reagan responded to a question concerning U.S. intentions toward Cuba by saying, "We have no plans for putting Americans in combat any place in the world." As the full implications of Castro's mobilization sank in, reaction in Washington became more somber. Clearly if Castro was willing to defy what he had seen as an immiment invasion, then the U.S. campaign of escalating threats was doomed to failure. Castro had carried the game to its last move and refused to back down. He had called Washington's bluff. On November 15 Castro claimed the Yankees had again retreated in the face of Cuba's determined resistance. Cuba began to demobilize. From that point on, the administration downplayed threats and gave more emphasis to long-term pressures, particularly Radio Marti. Washington increasingly took the position that since Castro refused to accede to its demands, the United States would take measures to raise the cost to him.

Meanwhile, the episode ending with Cuban mobilization began to cause concern among many Americans. Some, including a few congressmen, wondered if the administration had indeed been planning military action. Few Americans really wanted to go that far; nor did they favor military involvement in El Salvador. A congressional resolution on March 2, 1982, calling for negotiations in El Salvador, clearly reflected that outlook.

CONFLICTING SIGNALS

The invasion scare also made the Mexican government nervous. In early November Mexico privately urged the United States to try talking to the Cubans. On February 21 President José López Portillo publicly called for efforts to reduce tensions throughout the area and for direct talks between the United States and Cuba on the one hand and between the United States and Nicaragua on the other.

Apparently to neutralize pressures from these various directions, the administration agreed to a Mexican proposal that Haig speak with cuban Vice President Carlos Rafael Rodriguez. The two met secretly in Mexico City on November 23, 1981. Nothing concrete came of the encounter. They simply restated well-known positions. Still, the meeting was taken as a possible icebreaker. Speculation was further stimulated four months later when Catro's meeting in Havana with U.S. Ambassador at Large Vernon Walters became known.

But not all the signals from Washington were positive. Indeed, most of the rhetoric remained as tough as ever. Shortly after his secret meeting in November with the Cuban vice president, for example, Haig charged again that Cuba threatened world peace and stability. On December 14 Assistant Secretary of State Thomas Enders presented to the Senate Subcommittee on Western Hemisphere Affairs a white paper charging that Castro had returned to the export-of-revolution policies of the 1960s. The paper implied that only tough measures would deter Castro's aggression. It did not mention Cuban offers to negotiate or reductions in arms shipments to El Salvador.

The conflicting signals puzzled the Cubans, but they temporarily persuaded themselves that the Haig-Rodriguez and Walters-Castro encounters might presage a more forthcoming American attitude. The Cubans informed the United States in December that they had ceased shipping arms to Nicaragua, perhaps reflecting a softening of their own position in order to improve the atmosphere for negotiations. Since April 1981 the Cubans had denied shipping weapons to El Salvador. My response to them had always been that while that might be true, some of the arms they sent Nicaragua were reaching El Salvador. Their assertion that the Havana-Managua pipeline had also been turned off therefore seemed a major breakthrough. The Cubans indicated no change in their principles and reserved the right to provide anything Nicaragua needed to defend itself. The Nicaraguan armed forces were well stocked, however, and now had supply arrangements with third countries such as France. The Cuban assertion was duly reported to Washington, which ignored it.

The Cubans actively publicized their readiness to negotiate seriously. In early April 1982 a senior Cuban official told a group of U.S. scholars and journalists in Havana that Cuba wished to play a positive role in bringing about a comprehensive settlement in Central America, provided the United States would also show restraint and work toward mutually satisfactory solutions. The offer's package was as noteworthy as its substance. There were no preconditions of any kind; rather the Cubans were ready to sit down at the bargaining table immediately. Also important, they would discuss all issues, multilateral and bilateral.

A few days after this proposal, a cuban official confirmed to me Cuba's seriousness of purpose: "We want a peaceful solution in Central America. We understand your security concerns and are willing to address them. If you are willing to meet us halfway and to deal with us on the basis of mutual respect, there is no reason we cannot at long last begin to put aside this unproductive animosity between us. We are as weary of it as you are."

Again, it was not a matter of accepting anything on faith, but a question of seriously exploring the possibilities at no risk to the United States. But steps taken by the administration in mid-April dealt prospects for negotiations a sharp blow. First, the United States informed the Cubans that the 1977 fishing agreement would be allowed to lapse. The material impact of the measure was slight, since Cuban fishing in U.S. waters was insignificant. The agreement, however, was produced by the first American-Cuban negotiations in 1977 and in a symbolic sense was closely associated with the idea of détente between the two. Its cancellation was therefore taken as a clear

signal that the United States had no further interest in better relations.

Second, American citizens would no longer be allowed to make any financial transactions related to tourism in Cuba. Few Americans vacationed in Cuba to begin with, and the Cubans would simply increase the number of exiles permitted to return every month to visit families to make up the loss of hard-currency earnings. Hence the only concrete result of the measure was to infringe upon the rights of U.S. citizens to travel abroad.

From the administration's own narrow interests, there were strong arguments against negotiations with Cuba. Talks with Cuba would further erode the conservative base at home weakened by the opening of arms talks with the Soviets. Moreover, the administration had worked itself into a blind alley in Central America. The electoral solution in El Salvador had solved nothing, as it produced a right-wing government that immediately closed off any possibility of negotiations with the rebels and began actions certain to lose popular support. So long as fighting continued in El Salvador, Washington would be in no position to begin serious talks with Nicaragua or Cuba. Having insisted that the violence in El Salvador resulted from Soviet-Cuban expansionism, the United States could not be perceived as negotiating with what it considered the source while the expansionism continued.

The rationale put forward by the administration to explain its reluctance to negotiate, however, remains quite different from that outlined above. Washington articulated, separately and in tandem, three objections to negotiations, each of which is flawed.

First, it said that Cuban aggressiveness remains unabated and Cuban arms shipments to Central America have not been reduced. But U.S. evidence of arms shipments—especially during the period of Cuban peace overtures—has never been solid. While some arms have been sent from Cuba to El Salvador, the quantities are almost certainly far less than alleged. If the guerrillas had received all the arms reported by U.S. intelligence, the Salvadoran army would be outgunned 20 to 1.

The question in any event was not so much whether some Cuban equipment was still in the pipeline as how the United States could best go about halting the flow and defusing the situation. Discussions might have offered a productive alternative where confrontation failed. With the door closed to negotiations, the situation has continued to deteriorate.

Second, the administration said that it had tried to talk to the Cubans but had found them so uncompromising that further discussions were clearly futile. This claim was deliberately misleading. Neither the Haig-Rodriguez nor the Walters-Castro meetings were serious probes. At the first, Haig simply stated U.S. views and Rodriguez stated Cuba's. At the second, Walters outlined a number of issues of concern and asked whether the Cubans would be disposed to discuss them. They answered affirmatively. They were not, in other words, unresponsive. Yet, the United States spread the word that it had found the Cubans rigid in their positions. However, it also pointed to the meeting as proof of U.S. willingness to talk.

Thus the talks were, from the administration's perspective, simply a way to parry domestic and foreign criticism. The possibility of future encounters cannot be excluded, especially if public pressures mount. But unless there is some basic change in the U.S. attitude and approach, future meetings are likely to be as sterile as earlier ones.

Third, Washington's efforts to question the utility of negotiations from a historical point of view make such a change unlikely. Enders, for example, insisted to a House Subcommittee on March 25, 1982, that while the United States did not reject talks in principle, "the record is daunting." He elaborated:

"In 1977 we started talking seriously to the Cubans, saying we wanted to create conditions in which the legacy of the past—the embargo and the political tension—could be overcome. We suggested a gradual withdrawal of the more than 20,000 Cuban troops from Angola. . . . While we talked, Cuba went into Ethiopia."

This statement reflects a misreading of history for the sake of expediency. True, this administration's two immediate predecessors claimed an unappreciative Cuba ignored conciliatory gestures and stabbed them in the back. But a closer examination of the record does not bear out such partisan charges.

President Ford's administration did make overtures to Cuba in the first part of 1975. And in November, with the arrival of large numbers of Cuban troops in Angola to assist the Popular Movement for the Liberation of Angola (MPLA), then Secretary of State Henry Kissinger announced the termination of conciliatory gestures toward Havana. In an outburst on February 28, 1976, Ford described Cuba's decision as a flagrant act of aggression and Castro as an international outlaw.

The fact is, however, that the United States had done more to provoke the fighting in Angola than the Cubans. Washington encouraged Holden Roberto and the National Front for the Liberation of Angola (FNLA) to ignore the agreement to share power with Agostinho Neto's MPLA and Jonas Savimbi's National Union for the Total Independence of Angola signed in Portugal in January 1975. In March 1975 the FNLA and 1,200 regular Zairean troops entered Angola, where CIA advisers and West European mercenaries later joined them in a drive against Luanda. Havana, in response, sent advisers to assist the MPLA.

In August and October South African troops invaded Angola with full U.S. knowledge. No Cuban troops were in Angola prior to this intervention. In November, responding to the MPLA's appeals, Havana began airlifting troops to Angola. The United States immediately protested and called Castro an outlaw.

U.S. officials were myopic to have expected the Soviets and Cubans to permit a cheap U.S. victory in Angola. But that Castro did not turn his back on the MPLA did not signify his lack of interest in improving relations with the United States. Were that true, U.S. encouragement of Zairean and South African incursions would also have meant that U.S. overtures to Castro were cynical in purpose. He may have thought so but, pragmatically, was willing to keep the two issues separate and to pursue rapprochement even though the United States backed forces in Angola opposed to Cuba's friends.

The point is not that the United States should have ignored Cuban troops in Africa but that those troops might never have been deployed to Angola had the United States pursued a more intelligent course to begin with. The Angolan situation does not prove that talking to the Cubans is unproductive. On the contrary, the United States would have fared better had it discussed Angola with the Cubans and other interested parties with a view to upholding the 1975 agreement.

CUBAN CONFUSION

The Carter administration's approach to Cuba ultimately differed little from those of its predecessors. There were some early talks on fishing rights and maritime boundaries. Travel opportunities improved and interests sections in Havana and Washington were opened. The end of rapprochement began, however, not with Ethiopia or Mariel but much earlier. On November 17, 1977, a high ranking U.S. official claimed a new study revealed a recent, dramatic build-up of Cuban forces in Angola. In fact, no such build-up had taken place. True, an ongoing reduction of Cuban troops had stopped and some had returned to Angola in the spring of 1977 because of tensions with Zaire and an abortive coup in May. The United States had known about and understood the reasons for this development and had nevertheless opened its Havana interests section in the fall. The Cubans were therefore baffled by the administration's statement; when no explanation was forthcoming, they concluded the episode served an immediate domestic purpose: The Carter administration was striking a tough posture toward Cuba to facilitate passage of the Panama Canal treaties through the Senate.

The Cubans had dealt with the United States in good faith until that point but from the November 17 statement forward, rapprochement went sour. In January 1978 the Cubans went into Ethiopia in force. The conviction that U.S. professions of concern over Angola were hollow probably encouraged the Cubans to underestimate American reaction to the intervention. But in the final analysis, a more substantive error led to their action in Ethiopia. In July 1977 the United States had agreed to supply Somalia with arms. This decision was sensible, for Somalia was breaking away from its Soviet and Cuban patrons. The administration's mistake was in not making absolutely clear to the Somalis that the arms were for defensive purposes only and that the United States would not help them pursue their claim to the Ogaden region of Ethiopia. The Somalis interpreted the arms agreement as support for their irredentist ambitions and shortly thereafter invaded Ethiopia. As in Angola, the Soviets and Cubans were not disposed to permit the United States a cheap victory. They had already lost Somalia through defection; they were determined not to see their Ethiopian ally fall in the wake of a Somali invasion. Hence they decided to commit Cuban troops and Soviet equipment to Ethiopia's defense. The Somali surge was turned back.

The arrival and continued presence of Cuban troops in Ethiopia are counter to U.S. interests, but to call their deployment aggression is to take the situation out of context. Had the United States taken greater care, the Somali invasion and the subsequent Cuban intervention might never have taken place. American policy makers must consider more carefully the consequences of their moves before they make them.

The Carter administration's whole approach to Cuba was confused. Its experiences hardly provide a good test of what serious dialogue might produce. Even so, the brief relaxation under Carter produced more positive results than have any previ-

ous or subsequent policies. Most Cuban political prisoners and all Americans in Cuban jails were released. Cuban exiles were allowed to return to visit their families. Havana offered to cooperate with the United States in efforts to stop the drug traffic. It also expressed a willingness, which the United Stated did not have the wit to exploit, to help defuse certain international crises. The increasingly strained relations bottomed out in the spring of 1980 with the Mariel exodus, which the Carter administration helped bring about through its inertia and then handled ineptly.

Neither the historical record nor an objective analysis of the existing situation suggests that a policy of relaxing tensions with Cuba is impractical. Indeed, it is the one approach that has never been given a fair chance. What the United States has tried and what the Reagan administration is attempting all over again—threats, pressures, and philippics—has not worked. It is time to turn to a policy of gradual engagement. Such a change will not be easy. The administration had an opportunity in 1981 to negotiate from strength and in a more congenial atmosphere. It threw that opportunity away. The U.S. position in Central America has deteriorated, especially in the wake of the Falklands crisis. The Cubans, having been rebuffed, are now in a temper. Nevertheless serious negotiations are the only sensible path open to the two sides. Americans should not expect miracles. Castro is a convinced revolutionary and many of his objectives are antithetical to U.S. goals. U.S.-Cuban relations are most likely to remain unfriendly for a long time to come. But the areas of conflict could be reduced and a more satisfactory relationship gradually worked out. It is not impossible to deal with Castro. Indeed, sooner or later Washington must do so, not because Americans like him or because they wish to be perceived as nice fellows, but in order to advance U.S. interests.

Principal U.S. objectives in Cuba should be to reduce Soviet influence; to moderate Cuban actions abroad; and to encourage a liberalization process in Cuba itself. Yet, clearly, confrontation works directly against the first and third goals. Castro can neither loosen his relationship with the Soviet Union nor relax discipline at home as long as he must fear the appearance of Marine divisions on his beaches. It is unrealistic to expect that Cuba could or would wish to sever ties with Moscow. A reduction in Soviet dominance, however, is no less in Cuba's interest than in America's. In the final analysis, a reduced Soviet presence in Cuba is also in Moscow's interest. And Washington's best hope of moderating Cuban foreign policy is in demonstrating over time that compromise is in Havana's interests.

Having defined U.S. goals, American officials must devise a policy of gradual engagement to achieve them. In order to improve the atmosphere and build confidence in one another's good faith, negotiations should begin with free travel, cultural exchanges, and discussion of some of the more routine problems between the two countries. The process must be carefully orchestrated, and it must be clear to the Cubans that if they want the United States to address their concerns they must address U.S. concerns as well. Successful dialogue will be firmly based on the principle of reciprocity. Cuba will only stop supporting subversive groups in Central America if the United States also ceases to do so. CIA backing for the armed groups operating against Nicaragua from Honduras must cease, as should the training in Florida of exiles bent on attacking Cuba. As a senior Cuban official stated to me recently: "We are perfectly willing to agree to rules of the game, but they must apply to you as well as to us."

The United States should apply to Cuba the same cautious yet realistic approach it employs toward the USSR and other adversaries. Haig noted recently that while Americans could not expect any rapid reconciliation of U.S. and Soviet interests, the United States had to work toward that objective. Why should the United States not apply this attitude to Cuba as well? The process may be slow, but at least moving in the right direction would be a vast improvement over the past.●

GAO'S "EARLY OBSERVATIONS ON BLOCK GRANT IMPLEMENTATION"

● Mr. RIEGLE. Mr. President, recently, the General Accounting Office released a report entitled, "Early Observations on Block Grant Implementation," No. GGD-82-79, August 24, 1982. This excellent report illustrates some of the potential difficulties that may arise in the implementation of the administration's New Federalism proposals.

The first phase of the new block grant programs was incorporated into the Omnibus Reconciliation Act of 1981. Nine block grants were created which consolidated numerous separate categorical programs. These nine block grants gave the States substantially more authority over the use, distribution, and fiscal control of Federal funds. Along with the new responsibility, however, substantial reductions in funding occurred compared with what the programs would have received at the previous year's levels.

The comprehensive GAO study, which encompassed 13 States, concluded that reasonable progress was being made in the early stages of the block grant transition. This is apparently due to the States' own energetic and successful efforts, because, as the report mentions, "Federal agencies have been adhering to a policy of minimal involvement in block grant administration."

GAO reported that early implementation efforts in the States that were visited, largely centered around coping with Federal funding reductions. Of the block grants that were operating at the time of the review, only the social services program had undergone major revisions by the States, and it appears that budgetary constraints necessitated these changes. In contrast, few changes were made in the health block grants and community services programs, because ongoing categorical outlays—"pipeline moneys"—from prior project grant awards provided States with a financial cushion in these areas. This cushion served to mitigate the adverse effects of these funding reductions.

We should approach the block grant issue with a great deal of caution, since GAO predicts that more wide-ranging modifications will occur next year, and I believe that these will be reflected in major service reductions; especially if funding remains at these drastically reduced rates.

Proponents of the block grants noted that reduced Federal requirements and increased programmatic flexibility would allow States to maintain services with less resources. The GAO report notes that it was too early to draw any definitive conclusions on this theory, but noted that some State officials offered their early impressions that any savings produced by block grants would not compensate for the budget reductions. Moreover, State officials said that the assumption of greater responsibilities not previously administered by States would actually lead to increased costs.

Mr. President, I commend this report to my colleagues, and welcome its addition to the continuing debate on the wisdom and structure of New Federalism. GAO will be continuing their work in this area, and this will be invaluable to the Congress and enable us to fully assess the risks and benefits involved in the delegation of authority to the States. I ask that the digest of the GAO report be printed in the RECORD at this point.

The report follows:

[Comptroller General's Report to the Congress]

EARLY OBSERVATIONS ON BLOCK GRANT IMPLEMENTATION

DIGEST

The 13 States GAO visited were making reasonable progress in the transition to block grant administration. Involvement with the predecessor programs helped States accommodate the shift even though there was little time before implementation and the uncertainty of block grant appropriations complicated planning. Budget reductions accompanying the block grants also prompted concerns and adjustments. Ongoing outlays from prior categorical awards, certain legislative restrictions and other factors, however, initially limited the number of major changes from most previous programs. States can be expected to institute more programmatic and administrative changes as the transition continues to unfold.

Block grant oversight and accountability mechanisms were evolving at the time of GAO's study. State legislatures were moving to become more involved in block grant decisions, and States were establishing procedures to obtain public participation and to audit block grant expenditures. Concurrently, Federal agencies have been adhering to a policy of minimal involvement in block grant administration. Certain questions, however, have arisen concerning matters such as the amount of information that would be available on State block grant activities and the applicability of Federal laws in addition to the block grant legislation.

PRIOR STATE INVOLVEMENT HELPED EASE TRANSITION

The Omnibus Budget Reconciliation Act of 1981 assigned States primary administrative responsibility for nine block grants. Six became effective on October 1, 1981: Social Services; Low-Income Home Energy Assistance; Maternal and Child Health Services; Preventive Health and Health Services; Alcohol, Drug Abuse, and Mental Health Services; and Community Services. The Education, Primary Care, and Small Cities block grants were not operating at the time of GAO's review, and States were using the added time to assess the merits of State administration or to plan for implementation. Almost all of the 13 States were administering the operating block grants, with the exception of the Community Services program which 5 had deferred.

The transition to most of the operating block grants was eased considerably by States' previous experience. States already received the vast majority of funds under the predecessor programs and had various ties with program recipients. Consequently, the need to make major administrative adjustments immediately was reduced for most block grant programs. Because States' prior involvement in the Community Services program was not as extensive, in general more decisions were required. (See pp. 9 to 13.)

While States' experience helped ease the transition, officials in most States believed that the process could have been enhanced by more timely and reliable data. Recognizing the short time available, in a number of cases State officials were generally satisfied with the information they received and cited certain Federal actions as particularly helpful. In several instances, however, officials stated that the lack of adequate information about funding and other matters complicated planning, particularly in cases where funds previously had gone to non-State entities. (See pp. 15 to 19.)

SEVERAL FACTORS INFLUENCED THE NUMBER OF EARLY PROGRAM CHANGES

During early implementation, a major concern was coping with budget reductions. For the three operating health block grants and the Community Services program, however, several factors fostered stability and limited the number of major changes made immediately. Most notably, ongoing Federal outlays from 1981 awards under the predecessor categorical programs provided additional time and resources for adjusting to the reduced funding levels. Almost all of these programs were project grants, or had a project grant component, funded for at least a 12-month period. Because they became effective at various times in the Federal fiscal year, many in the last quarter, these projects already were funded well into fiscal year 1982. (See pp. 21 to 23.)

The limited scope of early adjustments under the health and community services block grants also was influenced by statutory requirements for continued funding of certain grantees and services, and the short time frame preceding implementation. Moreover, States rarely had transferred funds from one of these block grants to another block grant as allowed by the legislation. Generally, States retained priorities established under the categorical programs; when reductions were necessary, officials most often reported making them on a proportional basis.

In contrast, more changes were made immediately in two block grants which had fewer legislative restrictions and no ongoing categorical outlays. To cope with funding reductions in the Social Services block grant, 10 of the States altered previously established funding patterns. Also, seven States had transferred Low-Income Home Energy Assistance funds into Social Services. In the Low-Income Home Energy Assistance program States used their new flexibility to fund weatherization—an activity not authorized previously. (See pp. 25 to 27.)

While initially concentrating on budgetary decisions, certain States reported, or contemplated, management changes to take advantage of reduced Federal application and reporting requirements. Officials believed, however, it was too early to make any definitive judgments on administrative costs or efficiencies emanating from block grants. (See pp. 27 to 29.)

STATE BLOCK GRANT OVERSIGHT MECHANISMS ARE EVOLVING

Although limited by the short time frame preceding implementation, States were moving to establish block grant oversight procedures. For example, in 10 States GAO visited, State legislatures had enacted measures influencing early block grant implementation and enhancing their role in appropriating funds and reviewing block grant plans. As a result of these actions and the overall trend greater State oversight of Federal funds, State legislatures are expected to become increasingly involved in block grant decisions. (See pp. 30 to 32.)

During early implementation, States obtained public comments by holding hearings, circulating block grant plans, and establishing advisory groups. State methods for obtaining future public participation, however, had not been finalized at the time GAO completed its work. Thus, a more complete picture should be available next year. (See pp. 32 to 35.)

One oversight vehicle contemplated by the legislation is State audits of block grant funds. Audit strategies were being developed and the States were considering questions that had arisen concerning such factors as the approach and funding of block grant audits. The Office of Management and Budget has requested States to submit their audit plans so an early dialogue can begin. (See pp. 35 to 37.)

OTHER BLOCK GRANT DEVELOPMENTS

Traditional Federal oversight activities, such as detailed application review, have been curtailed and little additional guidance has been issued beyond that contained in the statutes. Federal compliance and enforcement efforts on such matters as nondiscrimination are being developed. (See pp. 39 to 41 and p. 43.)

Although States are required to submit annual reports, Federal agencies have stated they will not specify the form and content of these reports. Concerns that the lack of standard program data could make national assessments difficult have prompted certain States for some block grants to work together to maintain or develop reporting systems. A key issue is whether this voluntary approach will produce sufficient information for national policymaking.

Another question raised during early implementation was whether national crosscutting requirements, such as fair labor standards and political activities constraints, apply to the block grants. Crosscutting requirements are statutes or administrative requirements which apply by their terms to all or several Federal assistance programs. Aside from certain civil rights laws, the Reconciliation Act and agency regulations by and large are silent on the subject. The Small Cities block grant regulations are an exception to this pattern.

As opposed to making an explicit determination of the applicability of crosscutting requirements to the block grants, Federal agencies at this time are addressing the issue selectively, but they are continuing to consider alternative ways of approaching the subject. Given the short time available preceding implementation, most States were considering the applicability of these requirements and believed that Federal advice would be desirable. (See pp. 42 to 44.)

GAO believes it would be helpful, in minimizing potential problems, if the Office of Management and Budget in coordination with the responsible Federal agencies assessed whether or not the crosscutting requirements apply to the block grant programs. This would provide a basis for sound advice to the States and for seeking remedial legislation if that were deemed appropriate. In response to this report, the Office of Management and Budget stated that it has begun a process to work with the Federal agencies and others to consider general guidance on the crosscutting requirements.

AGENCY COMMENTS

Federal agencies commented that this report was a useful and objective summary of block grant implementation. They also stated that it was accurate and provided new insights on States' experiences. Written comments received from the Office of Management and Budget and the Department of Education along with GAO's response are included in appendixes III and IV. Oral comments were received from the Departments of Health and Human Services (HHS) and Housing and Urban Development (HUD). HHS officials said that the report was a cogent and helpful description of block grant implementation, and they offered some technical comments which were considered in preparing this report. HUD officials said that the report accurately described the Department's block grant program.●

SO, WHAT'S WRONG WITH A SERVICE ECONOMY

●Mr. INOUYE. Mr. President, recently Forbes magazine published an interview with Mr. Ron Shelp, vice president of the American International Group, concerning the dominance of the service sector in the U.S. economy.

Some policymakers are making a belated discovery about the transformation of the U.S. economy from a manufacturing to a service economy even though this transition has actually been proceeding since the 1920's.

What is important about this phenomenon is not that the United States has become a service economy but rather that it is becoming increasingly information-oriented, with value added coming principally from technically trained individuals who have specialized training in data handling and with information skills.

In his interview, Mr. Shelp dispels some myths about the service economy, such as the allegation that a service economy will result in lower living

standards. Moreover, he notes that productivity in services may be much higher than claimed although we currently have no means to measure accurately the increase in service productivity.

Finally, he makes the crucial point that services are closely linked to products. Clearly, for example, computer software is intimately related to computer hardware, and both are crucial to operations.

This Forbes interview is noteworthy because it moves the discussion about services toward services as part of a national industrial economic strategy. Services must be seen as a part of economic policy, and this interview makes a worthy contribution to this policy debate. I ask that it be printed in the RECORD.

The interview follows:

SO, WHAT'S WRONG WITH A SERVICE ECONOMY?

(By James Cook)

As the recession has deepened and more and more of the U.S. traditional manufacturing economy has shut down, much of it permanently, it has become clear that the U.S. is going to have to depend more and more on the service industries for jobs and for economic growth. To most people, the services seem like a feeble reed for a great nation to cling to—low paying, economically unproductive, incapable of generating the kind of growth and affluence the U.S. is accustomed to. That's the conventional wisdom. Last year Ronald K. Shelp, a vice president with New York's American International insurance group, challenged this conventional wisdom in a book, "Beyond Industrialization: Ascendancy of the Global Service Economy" (Praeger, $29.95). In it Shelp argues that the shift to a service economy, while painful, is good for us in the long run. He tells Forbes why.

SHELP: In terms of the way economists define it, in terms of jobs, the U.S. has been a service economy since about 1945, when over half of Americans were employed in services. Since then the proportion has grown dramatically. By 1980-81, 72 percent were employed in services. [In dollars] services are now over half the GNP—about 65%. We're making policy as if we are an industrial country, and not dealing with the fact that we aren't.

Look at our leading economic indicators. They come out every month, and what do they measure? Inventories, job creation, manufacturing confidence, housing starts and so on. In my opinion they don't really measure the U.S. economy because very few of them have anything to do with the service sector.

Having said that, it is a very tough thing to start measuring. Yet we make a series of conclusions about how well or how poorly the U.S. economy is faring based on judgments of how an industrial economy should be faring. Which, again, we haven't been doing for 40 years.

As we become a service economy our standard of living will decline—maybe I should say continue to decline.

SHELP: Well, it may or may not. People have never come to grips with the problem of productivity in services. Because nobody knows how to measure it. A lot of people blame services for our declining productivity because services are supposed to be so unproductive. They contribute more to inflation than big, labor-intensive industries, and it takes five service workers to do what one manufacturing worker can do. I doubt that is true, but when we deal with the problem of national productivity, we don't address how you measure and improve productivity in services but productivity in manufacturing. So we are not really addressing the problem.

The assumption is that it is very hard to improve productivity in nonmachinery, labor-intensive businesses; if you issue loans or insurance policies, you just have to have people to turn out these policies, and the more policies, the more people. But if you look at word processors and all the other technological changes going on in service companies, I suspect the potential for improvement in services is a lot better than we think it is. People have this built-in bias against services. I don't know if you saw that piece in the *New York Times* the other day—"Big Mac versus Big Steel." What bothered me was not the either/or but equating the service economy with Big Mac.

Jobs in the service sector often are lower paying than those in manufacturing.

SHELP: When people think of services, they first think of government and then of menial services. And the wages in those kinds of services are lower. But services also include the high-technology services, the professions, accounting, construction companies, telecommunications companies, banks, insurance companies, advertising. Look at the wage level there. You're in a different ball game. Henry Kissinger once said that a great nation cannot be a nation that depends on hamburger franchises. I agree with him absolutely. The trouble is, I don't think that's what the U.S. service economy is about.

You know, the only thing that Marx and Adam Smith probably agreed on is that services are parasitic. They both say that: The services aren't productive, they don't really contribute anything to the gross national product or to growth. There are a whole series of assumptions about services. They're always said to be labor-intensive as well as low paying—some are, some aren't, some are even capital-intensive. They are associated with low technology, low skill. There is a propensity for services to employ women, minorities, part-time workers. And these traditional assumptions are definitely true—for some service industries.

But they are parasitic, aren't they? They really do feed off everything else that goes on in the economy.

SHELP: The real point for me is that they're integrated. It's not services or manufacturing. They complement each other. Look at the socialist countries, where they have made a concerted effort to allocate their resources to industry, big industry. But, as we know, their industry doesn't work very well. There is no effective distribution system, no effective transportation system, communications system, marketing and so forth. That's one of the big problems for the Soviet Union and quite a few other socialist countries, and countries such as Hungary and Rumania are beginning to think about it.

A novel thought: Socialist industry is inefficient because it is excessively industrial. So you're suggesting service industries really provide a sort of infrastructure for industrial development.

SHELP: That's right. The lines are beginning to blur. Industrial companies are already selling services, a lot of them both domestically and internationally, and one day you'll find services acquiring manufacturing. Take the oil companies. They're being forced into the service business overseas by nationalism—Aramco in Saudi Arabia, some of the companies in Libya. They are no longer equity holders of oil companies. They are supplying their expertise, management and consulting services to government or to the new owners. Eventually, they will start exploiting these skills and services everywhere.

Or take construction and engineering services. The Bechtels and the Fluors and all these great companies aren't just selling services, design and construction, they are also selling goods, selling an incredible amount of goods, and the likelihood is, when they get an international contract they will choose the engineering, design and equipment from those they know—that is, the U.S. producers.

The point is that services and manufacturing are linked, integrally. The development of the service sector can and should encourage the growth in manufacturing. The great pity is, a lot of people equate the rise in the service economy with the decline in our traditional manufacturing industry. They assume that nothing is going to be manufactured and produced in this country anymore. If you read economic theory, you know some economists say that societies go through three stages—agricultural, industrial, post-industrial—and the third phase is supposed to be the most advanced stage, the stage where we have really arrived as an economy, where we are a truly sophisticated, advanced technological society.

Not much help to me if I lose my job.

SHELP: You ask, where are the people in these declining industries going to work? The obvious conclusion is they are going to work in the service sector and hopefully at something other than franchising or at low wage levels. There is a good bit of data showing that that's what has been happening since the turn of the century—when people left the agricultural sector, the majority of the jobs weren't filled in the industrial sector. Even as we were becoming an industrial nation, they were filled in the service sector. That's been true in the U.S. through-out the 20th century. The U.S. service sector has done quite well in producing jobs in bad times, and not just jobs in McDonald's either. Between 1977 and 1980, in fact, employment in eating and drinking establishments rose 18%, but employment in business services increased 32%, with computer and data processing up 64%. Job gains of more than 25% occurred in legal services, engineering and architectural services, and accounting, auditing and bookkeeping.

And, of course, government remains one of the dominant forces in the U.S. service economy.

SHELP. That's true and not true. There's a tendency to think of the growth in government as being primarily responsible for creating jobs in the service sector, and you can't minimize it. But in recent years government employment has dropped at the federal level. It has not leveled off much at the state and local level [and] this New Federalism, if that works, should probably encourage more growth there. I don't want to minimize the role of government, but I don't think that's where all the action is. In terms of employment, the U.S. would be a service economy without government. Barely. But so, I think, would quite a few

other countries, including some developing ones.

What shocked me, when I started looking into this, is how many developing countries are service economies already. They haven't gone through the other stages. Maybe they don't have to. Maybe imitating industrial countries like the U.S. is not necessarily the pattern that everybody has to follow. I initially thought the data would show they were all shining shoes and selling pencils, but there are a surprising number in commerce, retail trade, transportation, things you wouldn't expect. And when you get to developing countries that have really fostered the service industries, such as Singapore and Hong Kong, they are in the same kind of service industries that the highly skilled service workers are in this country.

Of course, in a lot of these countries, government service is used as a means of solving the unemployment problem, much as we used the Post Office here right after WWII.

SHELP: Government is one of the main reasons some developing countries have service economies. Not just as a means of solving the unemployment problem, but because governments have accepted the responsibilities for accelerated economic development and growth, as well as welfare, leisure-time activities, good health and educational facilities—responsibilities that, when we were developing, our government didn't assume.

What you're suggesting is that if we go on trying to find solutions to problems in the economy by focusing on the industrial sector, we're going to be pursuing the wrong solutions to the wrong problems.

SHELP. The problem of adjustment is a very difficult one. I have no doubt that certain companies in certain traditional industries are probably finished. Particular steel companies may have had it, but that doesn't necessarily convince me the U.S. steel industry is finished. I think part of our traditional industry will come back. The tough part is determining when to let the weak ones fail in the struggle and when to provide government assistance. I don't think the U.S. is very good at that. Everybody says the industries to foster are services and high technology. But how then do you determine which high technology you want—which are the good ones, which aren't, which services are good and which aren't, and finally which traditional industries you'll save?

Proponents of reindustrialization wouldn't agree with you. They dream of restoring the good old days.

SHELP: Reindustrialization is probably a misguided policy. We should really concentrate on cultivating our services, our technology and the traditional companies and industries that can and should survive. Obviously we have to factor in things like national security in making those decisions.

Scant comfort to the permanently laid-off autoworkers. Robots taking their jobs.

SHELP: Robotics is scary, especially the type the Japanese have moved in on. But I suspect robotics will create new business opportunities, new industries, new technologies. They are hard to fix in advance. That has always happened before in technological change: New technologies inevitably create new jobs themselves. Intuitively I think that's true. There obviously will be unemployment and job changes, but the problem to my mind is providing the incentive for retaining and relocating people in new areas. There is something to be said for certain kinds of planned adjustment. It's nice to think about the invisible hand taking care of everything, retraining and relocating people, but I think other countries are a lot more creative about it than we are.●

NEWBERRY, MICH., CELEBRATES ITS CENTENNIAL

● Mr. LEVIN. Mr. President, this year Newberry, Mich. will mark its centennial. Under the general slogan of "Looking Back—Moving Ahead," Newberry has developed an extensive program of celebration. And they have a great deal to celebrate.

Even though I was born and raised in a city, I know that our national roots pull all of us to towns like Newberry—towns where you know your neighbors, share their concerns, cooperate with them in improving the quality of life in your community. In fact, many of our efforts in this Nation are directed to creating that kind of communal spirit in our own lives; lives which are too often impoverished by the impersonal nature of our dealings with others.

I am glad that a town like Newberry understands that the basis of its strength rests in its sense of self. Its ability to survive and flourish is nurtured by the fact that for a century it has been a physical and spiritual home to generations of families who know that their own essence has been shaped by a common experience. Newberry celebrates that sense of community as it fondly allows itself to "look back." But Newberry also recognizes that renewal comes from more than a knowledge of the past; it also comes from an experience of the future. And that is why Newberry takes the opportunity afforded by its centennial to think about "moving ahead." After all, roots do more than anchor a tree to a spot in the soil; they also provide the nourishment which allows the branches of that tree to grow and search for new paths to the sky.

In many ways, I wish I had been born in Newberry. But, in many ways, I am a part—we are all a part—of its history and future. Mr. President, I extend my congratulations to the town and the people of Newberry, Mich., and I send them my thanks for what they have been and my best wishes for what they will be.●

NATIONAL ALZHEIMER'S DISEASE WEEK

● Mr. DURENBERGER. Mr. President, today I am asking support for a joint resolution to encourage the designation of the week of November 21, 1982, as National Alzheimer's Disease Week. I am pleased to join with my distinguished colleagues, Senators EAGLETON and LEVIN as well as Members of Congress in making Americans more aware and more concerned about the devastating effects of Alzheimer's disease.

The disease is now believed to be the most common cause of severe impairment in older individuals. With 1.5 million victims, Alzheimer's disease is one of the most common causes of death in the United States.

There is no known cure for Alzheimer's disease and there are no known methods for preventing it. What is known is that it produces intellectual disability—senile dementia—in 15 percent of Americans aged 65 and over. We know that this disease accounts for more than 50 percent of all nursing home admissions in the United States. And we know that it is costing billions of dollars each year to provide health care for these afflicted individuals.

We are beginning to understand more about the causes of Alzheimer's disease. For example, we know that changes in proteins in the brain lead to mental and neurological symptoms. The victim of this disease is likely to experience losses in memory, confusion, irritability, and problems in judgments. This is intensely frustrating for both those afflicted and for their loved ones since the individual with Alzheimer's disease appears healthy physically but is rendered mentally crippled and thus becomes incapable of functioning normally.

Clearly, we need to know more about the causes of Alzheimer's disease. Certainly we need to investigate into the possible hereditary links of this heartbreaking disease. We need to study Alzheimer's disease more thoroughly with the hope of better treatment, a possible cure, and an eventual method of prevention.

It is my hope that passage of this joint resolution declaring a National Alzheimer's Disease Week will spur more interest, a greater concern, and an outpouring of research into this important area of health. I invite my distinguished colleagues to join me in this endeavor.●

LEROY COX: A FOUNDING FATHER OF RAYTOWN

● Mr. EAGLETON. Mr. President, on September 22, 1982, the Raytown Area Chamber of Commerce will be honoring Raytown's leading citizen for many years, Leroy Cox.

Few Americans can claim the title of being a "founding father" of their community, but Leroy Cox is just that. He was one of the citizens who convinced the Jackson County Court that Raytown should be incorporated and in 1950, Mr. Cox was appointed the first Mayor of the new community. He served as Mayor for 9 years, from 1950 through 1957 and from 1959 through 1960. As Mayor, Mr. Cox gave life to Raytown, spearheading the establishment of city boundaries through annexation, sewer development, street

lights, traffic lights, street maintenance, city parks, the police department, and the purchase of the first City Hall.

After leaving the Mayor's office in 1960, Mr. Cox continued serving his community. He has been a member of the Jackson County Planning Commission Board of Zoning Adjustment since 1973 and has been active in numerous civic organizations.

Leroy Cox has also been highly successful at his avocation, the exhibition of American saddlebred horses at major national horse shows since 1946. In addition, he has served as sponsor of the Raytown Piperettes Women's A.A.U. basketball team, which ranked in the top 5 teams nationally for 15 or more years and whose players earned 40 first-team All-America awards.

The list of Leroy Cox's honors and achievements goes on and on. His has been a life of dedication and service to his community, his State, and his Nation. I join the Raytown Area Chamber of Commerce, of which Mr. Cox is a past president, in saluting him. His achievements are a testament to his commitment to his friends and neighbors. Leroy Cox has worked tirelessly to improve his community and I am confident that his work will go on in the future. Raytown owes a great debt of gratitude to Leroy. I join the Chamber of Commerce and all of Raytown in extending my heartfelt thanks to him for his many years of service.●

HOME RECORDING

● Mr. MATHIAS. Mr. President, on August 1, 1982, the Philadelphia Inquirer endorsed the approach that I have proposed to resolve the home-taping issue now before the Senate Judiciary Committee. As you know, my amendment to S. 1758 would exempt home video and audio taping from liability for copyright infringement. It would also require the manufacturers and importers of recording devices and blank tapes to pay a small royalty to compensate copyright owners. The Inquirer's editorial is a thoughtful statement of the need to find a reasonable solution that protects both the right of copyright owners to be compensated for the use of their creative property, as well as the interests of citizens who wish to tape in the privacy of their homes.

I ask that this editorial be included in the RECORD.

The editorial follows:

[From the Philadelphia Inquirer, Aug. 1, 1982]

HOME RECORDING, YES, BUT PROTECT COPYRIGHTS

U.S. copyright law, authorized in a constitutional provision giving the Congress power to secure for authors "the exclusive right to their respective writings" for limited times, was enacted in 1790 by the First Congress and has been revised a number of times. It well could be described as the nation's initial and most fundamental consumer legislation. Without copyright protection there would be no financial incentive to write books, songs, plays and other creative works that could easily be copied and sold with no compensation to the authors.

It is in that context that the Congress should consider carefully pending bills dealing with video and audio taping of copyrighted material for home use. Generally referred to as the Betamax bills, in reference to the trade name of a device on the market used to record television programs for future viewing, the measures would apply to all types of videocassette recorders (VCRs) and also to audio taping devices used to reproduce copyrighted records and albums.

Last October the U.S. Court of Appeals for the Ninth Circuit ruled that reproduction of copyrighted video material for home use constituted copyright infringement and that manufacturers and distributers of the recording devices may be held liable in damage suits. The U.S. Supreme Court has agreed to hear an appeal, but a decision is not expected before next year.

Meanwhile, the first congressional action on the issue is likely to be in the Senate, where Betamax bills are on the agenda of the Judiciary Committee and could come up for consideration at any time, possibly this week. Members of the committee include Arlen Specter (R., Pa.) and Joseph R. Biden, Jr. (D., Del.), both of whom have devoted much study to the bills and have kept their options open. Their committee votes could be crucial.

One proposal before the committee simply would nullify the Ninth Circuit Court decision by exempting taping for home use from copyright liability with no compensation to copyright owners. That would be not only unfair but an opening wedge to potentially devastating erosion of copyright protection at a time of rapid advance in technology for reproducing copyrighted work at low cost.

A more reasonable approach is taken in an amendment sponsored by Sen. Charles Mathias (R., Md.) that, while allowing taping for home use to continue, would provide for compensation to copyright owners. Funds for the compensation would come from fees assessed on retail sales of recorders and tapes.

An existing federal agency, the Copyright Royalty Tribunal, would set the fees and divide the proceeds among copyright owners in much the same way it does now relative to music played in coin-operated "jukeboxes" and by other means in public places. Since it would be impractical, if not impossible, to tabulate precisely the number of times each musical selection is played, the tribunal allocates royalties to copyright holders based on available data, with arbitration procedures in case of disputes.

The complexity of detail is enormous, and the Congress migl:t be well advised to avoid spelling out every intricate rule of implementation. At root is the need to give fair treatment to owners of copyrighted material without impeding unreasonably the use of recording devices that provide convenience and enjoyment for increasing numbers of people.

It has been argued superficially that no copyright compensation for home recording is justified because much of the money probably would go to producers of motion pictures and television shows already making large profits. That shouldn't be necessarily so, but legislation could take that into account with provisions assuring fair allocation to individual creative artists and performers and noncorporate copyright owners.

Home recording devices commonly allow for deletion of commercials, which has led to the "time-switching" phenomenon whereby movies, shows and other events on TV are routinely recorded for later viewing because they can be seen in significantly less time without commercials. Sponsor support for TV programming presumably would diminish if growing proportions of audiences deleted commercials. Relationships between copyright compensation and future program quality deserve Congress' attention.

In a relatively short time print-copying technology may permit books to be reproduced at less cost than conventional printing. Although this is not an immediate issue before the Congress, precedents set in copyrights for visual and audio material may affect later decisions on a broader spectrum of copyrighted material.

Copyright protection is the essence of the issue before the Senate Judiciary Committee. Advancing technology requires more, not less, vigilance in preserving and strengthening that protection.●

WILDLIFE MANAGEMENT

● Mr. GOLDWATER. Mr. President, I recently had an opportunity to read in Exxon USA an excellent question and answer article featuring Bob Jantzen, the Director of the U.S. Fish and Wildlife Service, who came to his present post from the State of Arizona. It deals honestly and effectively with the difficult wildlife management issues of today and points out how it is the intent of the Reagan administration to deal with these issues with sound resource management practices.

Since most of us are being questioned by constituents on wildlife policies, I urge everyone in the Senate to take time to read this meaningful article. I believe it will provide a greater understanding of the issues and of the man who is in charge of our Nation's wildlife.

I ask that the article be printed in the RECORD.

The article follows:

[From Exxon USA, First Quarter 1982]

THINKING LIKE A MOUNTAIN

(By Don Dedera)

He is 53 years of age. That span of time roughly coincides with the evolution of a truly national—even international—policy of scientific and sensitive management of the fish and wildlife resources of the United States.

Robert A. Jantzen by name, he is the newly appointed director of the Interior Department's Fish and Wildlife Service. He fills a post served in the past by a succession of distinguished naturalists and biologists. As federal caretaker of the creatures of America's land, air, and waters, he personifies an ethic now deeply ingrained in the American spirit.

It wasn't always so.

The Nation's blackest environmental chapters chronicle abuse and waste of our living natural resources. Many dark deeds of egg gatherers, plume seekers, fish dynamiters, and commercial gunners can never be

undone. Millions of bison no longer roam the plains, and more millions of passenger pigeons have vanished forever from the flyways.

Yet nature early attracted its defenders and champions—Emerson, Walton, Thoreau, Marsh, Burroughs, Merriam, Mather, Muir. Massachusetts closed its season on deer in 1694; in 1872, America set aside the world's first national park: Yellowstone. The country heeded Gifford Pinchot: "There are just two things on this material earth: people and natural resources. A constant and sufficient supply of natural resources is the basic human problem." Novelists of the stature of DeVoto and Steinbeck gave voice to that truth, and Ellen Glasgow could trace her social issues to "The soil, impoverished by the war and the tenant system which followed the war. . . ."

Nearly a century ago conservationists founded the Boone & Crockett Club. In 1902 the National Association of Audubon Societies emerged. The next year, the first federal wildlife refuge was proclaimed at Pelican Island, Florida.

The aesthetic, cultural, and scientific values of nature's life forms earned the support of more legions of admiring Americans called ecologists, among them, Aldo Starker Leopold. Although his later writings, such as "Thinking Like a Mountain" and "Sand County Almanac" won public acclaim, it was his classic "Wildlife Management," first published in 1933, that fired the imaginations of a new generation of biologists.

"When I first read Leopold's book as a boy, it set the direction of my life," says Bob Jantzen today. Growing up in a small rural central Arizona town, he clerked in a sporting goods store, managed a fish hatchery, and absorbed outdoor knowledge and lore. Following a hitch in the Marines, he took a degree in wildlife management at the University of Arizona and rose through the ranks to become director of his state's game and fish department, a post he held for 13 years. He was named director of the federal service in autumn, 1981. In his Senate confirmation hearing, much was revealed in a brief exchange between Jantzen and an interrogating senator.

"Do you fish, Mr. Jantzen?"

"Yes, Senator, I do."

"Do you fish for trout?"

"Yes."

"With dry flies?"

"Yes, sir."

"Okay. You'll do."

Exxon USA magazine crossed trails with Director Jantzen in Portland, Oregon, where he was inspecting one of the service's seven regional offices.

Exxon USA: Do you hope to visit all the units of the Fish and Wildlife Service?

Jantzen: I wish that were possible. But the national wildlife refuge system has grown to 410 units totaling 87 million acres. If I did nothing else for the next several years. I couldn't do justice to them all. They extend from the Aleutian Islands to the Virgin Islands, from Moosehorn, Maine to Hawaii.

Exxon USA: Anything else you might wish for, in taking on this enormous responsibility?

Jantzen: Well, like most wildlife biologists, many a time over the past 30 years, I've wished I could have been more successful in implementing the concepts advanced by Dr. Charles Vorheis. He was a most influential pioneer in wildlife management at my university. He considered himself an "economic zoologist," sort of a family physician in land health. His belief was that sick nature, like sick people, likely would require treatment. Couldn't just be left alone to cure itself.

Exxon USA: And that philosophy guides you still?

Jantzen: It had better. Beneficial management has become the ideal of all the state fish and wildlife agencies. It's the heart and soul of our endangered species and migratory bird program. Much of our research is toward perpetuation of healthy natural populations.

Exxon USA: Was there a sharp turning in America toward professional scientific management of fisheries and wild birds and animals?

Jantzen: The first in a series of laws enacted during my lifetime was the Pittman-Robertson Act of 1937, in which the federal government collected excise taxes on firearms and ammunition and made the money available to the states to further modern wildlife management. At first, trained wildlife professionals were held in suspicion by some of the old-time, field-trained game warden types. But in the end, scientific management was accepted. For example, some of my most satisfying work was in systematic study of mule deer and wild turkey. In concert with studies by others across the nation, that sort of work led to better management of these species.

Exxon USA: Some critics indict hunters and fishers as the ultimate enemies of wildlife. . . .

Jantzen: Not true! They were among the first to raise alarms and demand measures of protection, such as closed seasons and bag limits. Hunters are outdoor recreationists and are the staunchest supporters of our first guideline in the Fish and Wildlife Service: preserve the resource.

Exxon USA: You're an outspoken advocate of the rights of states to manage their resident wildlife. Now that you're a Washington bureaucrat, has this view changed?

Jantzen: If anything, I believe more fervently that the States should lead in care of resident species. We seek a stronger partnership between the federal service and the state agencies, built on trust and respect. For our own part in the federal service, we face a tremendous task in correcting deficiencies in our national wildlife refuges and ranges managed by the service. Lord knows, there's enough work to go around.

Exxon USA: What's wrong with "benign neglect?"

Jantzen: Look—for a long, long time so much of this country has been influenced by human presence that there is no way we can leave management to Mother Nature. Complete protection of a species in some cases may be a proper procedure. But there's no stopping the world for the protection of everything. The more sensible goal is a balance between utilization of these fish and wildlife resources and conservation of this precious heritage for future generations.

Exxon USA: "Management" seems to be battered by biologists into a fuzzy buzzword. Does it have any real meaning?

Jantzen: Sure it does. It means maintaining and restoring habitat. That's where life begins. It means keeping good data on populations. It means keeping watch for disease and other impacts upon fish and wildlife. It means identification and control of pollutants. It means removing certain species when necessary and restocking if required. It means harvesting of surpluses. It means listening to the constructive advice of all user groups.

Exxon USA: You're a native of a western state which abruptly shifted in human population from rural to urban. Do city folks know enough about the natural world?

Jantzen: They do, and they don't. An environmental jargon has come into vogue. Consider the word, "ecosystem." But whether an ecosystem is a bucket of water or a whole ocean, in nature, it is dynamic, shifting, changing. The ever-changing forces of nature have been endangering species millions of years before the influence of humans. And what of the human race? People are a part of this world, too, with legitimate needs and a well-deserved biological niche.

Exxon USA: At times you have fought for expansion of wilderness, and at other times you've opposed more wilderness. Is there a conflict?

Jantzen: America needs an adequate wilderness system. But I don't agree with those who say we can't have too much wilderness. There are at least two serious flaws in that attitude. First, most wilderness simply cannot care for itself. Second, locking up vast tracts as wilderness effectively removes nature from the use and enjoyment of perhaps a majority of Americans. For example, some 35 million Americans—one citizen in six—are handicapped. Millions of others don't have the money to finance an expensive wilderness vacation. I do understand that for many Americans the very idea of wilderness has value, and it does for me, too. But we can never return to the days of Lewis and Clark.

Exxon USA: That statement may win you no friends among wilderness lovers.

Jantzen: I wouldn't want to make enemies, but America's wrenching change cannot be ignored. Where once we were a nation of farmers and ranchers and woodsmen and drovers and outdoorsmen, those roles have diminished in relative numbers. When Americans mostly sprang from rural origins, they were tuned to the cycles of life forms, and witnessed the calculated cruelities of nature herself; they knew a great deal of the relationships of the waters and woods. Abstraction from reality may present us with our greatest challenge—how can we make, as a democracy, good political/biologial decisions if we think eggs come from a styrofoam nest and milk comes from a waxpaper udder? I wonder if one American in 50 today has observed the birth of a calf, let alone watched a coyote kill a fawn.

Exxon USA: Back home, you got your share of criticism. An old-time rancher, Fred Fritz, sometimes disagreed with you rather vociferously.

Jantzen: That is correct, and I prized every comment that fine gentleman made. He was a man of the land. For example, he understood that no matter what he did, 85 percent of the quail propulation was going to perish by natural means every year, and that the average rabbit has a life expectancy of 30 days. Fred appreciated his current resource base. He could be sentimental, but he was a realist toward nature. Fred's father was killed by a grizzly bear.

Exxon USA: Some Americans down through the years have been so wealthy and altruistic as to give the nation entire national parks—Acadia, Great Smokey Mountain, Grand Tetons, Guadalupe Mountains. What can we of lesser means contribute?

Jantzen: Sound citizenship. In several states recently, programs to curtail poaching have gained wide citizen support. Peer pressure encourages people to obey the game and fish laws. And that said, I'll bet

the hunting and fishing regulations are better obeyed than traffic laws in this country.

Exxon USA: There seems to be a trend toward barbless fishing, photographic hunting, and no-trace camping. Approve?

Jantzen: Hook-and-release fishing is gaining in popularity, and I enjoy it myself. That's a preference. But I'll always want to fish for my table, too. That's the culmination of multiple-use management—a choice of use.

Exxon USA: As the most visible federal wildlife conservator, you must count on help from conservation organizations?

Jantzen: We'd probably not succeed without them. There are dozens of organizations. Ducks Unlimited is one of the world's most effective wildlife conservation groups. Privately financed, it invests 80 percent of its donations annually in breeding grounds in Canada. Not just waterfowl but 300 species of birds and mammals benefit. Also, the Nature Conservancy owns and protects more than 700 sanctuaries in 47 states. Other groups add to this living national treasure. I'd say that Ducks Unlimited has made a major contribution in increasing waterfowl populations over the last half-century.

Exxon USA: Is industry involvement worthwhile? In Exxon's case, in recent years, the company has contributed substantially to projects devoted to perpetuation of the bald eagle, the bluebird, the peregrine falcon, and a regular zoo of creatures within Sabal Palm Grove Sanctuary in Texas. The company has funded a bird hospital in Florida and contributed to a computer inventory of natural areas. Multiplied throughout industry, do these activities amount to much?

Jantzen: In managing the wildlife agency in a growth state, I learned that industries and individuals impacting a resource usually want to be reasonable and responsive to the need for protecting fish and wildlife. It's their world, too, and in recent years it has been my experience that when developers realize there is potential for harm, most are willing to modify plans to avoid it. That's the point of view I'm taking into this job, anyway.

Exxon USA: And what of the role of the public sector?

Jantzen: For the U.S. Fish and Wildlife Service, to mention just a few of my goals, I'd like to sustain and improve the professionalism of the organization . . . make sure we're getting good biological facts . . . pass on recommendations to the decision-makers based on solid scientific data. Maybe this sounds trite, but managing people is an important aspect of wildlife management. I'd like the members of our service to become better listeners to a diversity of ideas and, while protecting the resource, become more efficient problem-solvers.

Exxon USA: In the broad sense, has America's environmental record been so atrocious?

Jantzen: The case can be made to the contrary, that in the world community, we're the leaders in responsible concern for nature. We can list the Wilderness Act, the Clean Water Act, the Endangered Species Act, the world's largest national park and wildlife refuge system, the Land and Water Conservation Fund that has assisted thousands of outdoor projects, the Wild and Scenic Rivers Act, and the lands set aside under the Alaska Native Claims Act, and many others. I've served on numerous national and international committees, and I happen to know that our environmental performance as a nation is the standard of the world.

Exxon USA: Of which Americans can take pride?

Jantzen: No king passed down these edicts. They flowed up from the people. The laws of the land reflect the public's desire and judgment that natural resources compose a public treasure. The American recognition of these unique values ennobles us all. If this were not true, the office I hold would be powerless. More likely, it would not exist.

Exxon USA: Could you take a decade-long look at what the future holds for the natural resources under your care?

Jantzen: There unquestionably will be accelerated demands upon the basics: the wild lands and the sea. And how we control these demands will be crucial in their effect upon shellfish, finfish, sea mammals, birds, and land animals. Frankly, I'm optimistic. We add to our knowledge every day, and we know how to safeguard the natural world. I detect some very positive cooperative attitudes maturing in our neighbors to the south, and such a trend will bode well for the migratory life which knows no political boundaries. Also, given the energy requirements of this nation, every element of society must help devise strategies for energy development without permanent damage to our marine and land resources.

Exxon USA: Is that truly possible?

Jantzen: It's been said that humans are the planet's smartest and deftest predators. But I know of no other vertebrate that can manage its environment so well and change its own habits. People can and do modify their behavior, and I find hope in that.

Exxon USA: Then what of a longer look, say, to the year 2000?

Jantzen: That's only 18 years away. I know some of my fellow citizens believe in doomsday, and they refer to a familiar data base called history. I suppose in hindsight we might have done better, but we've changed our ways, too, and in the next couple of decades if we insure that we combine our love for nature with pragmatic science, those dire forecasts need not come to pass. I take heart and direction from the founder of modern game management, he who thought like a mountain. He said it best with the words:

"In the long run we shall learn there is no such thing as forestry, no such thing as game management. The only reality is an intelligent respect for, and adjustment to, the inherent tendency of the land to produce life."●

ELECTION OF DANIEL E. LAMBERT

● Mr. COHEN. Mr. President, veterans in the State of Maine have, for some time, taken great pride in the leadership of Daniel E. Lambert, who is State adjutant of the American Legion.

Dan's service record is a distinguished one, and he has been in the forefront of efforts to draw attention to the needs of those who have served on their Nation's behalf. He has been a strong spokesman for veterans in Maine and the Nation.

Recently, Dan received the recognition of his peers, when he was elected president of the National American Legion Press Association. In that role, he will, I know, be an effective advocate of veterans and programs of benefit to them.

The American Legion, in an August 31 news release, noted Dan's new position. I ask that the release be printed in the RECORD.

The news release follows:

CHICAGO, ILL.—Daniel E. Lambert, Orrington, Maine, was elected President of the National American Legion Press Association at the annual meeting of the Legion press group held in conjunction with the 64th National Convention of the American Legion in Chicago.

Lambert, a four times wounded veteran of the famed "Darby's Rangers" of World War II, presently is serving as State Adjutant of the Maine American Legion and is the Editor-Publisher of the Maine Legionnaire, the official publication of the Maine American Legion.

The National American Legion Press Association is made up of over 900 publications and a nationwide membership of press and public relations staffers serving the American Legion.

Lambert is a past State commander of the Maine American Legion and serves as State Secretary of the Maine Veterans Coordinating Committee and is active in the American Legion, VFW, DAV, and AMVETS and is legislative counsel to the Maine WWI Veterans.

A writer and lecturer, the new NALPA national president is expected to push a program to promote the image of the American Legion in the nation and to seek to create additional publications for the veterans organization.

He was cited for outstanding service to the veterans, widows and orphans of Maine and the nation by the Legion when he was presented with the Humanitarian Award for service by the Maine group.

Other officers elected included: Area I Vice President, Ely Bar, New York, Area I Executive Board, Robert C. Godfrey, Delaware; Area II Vice President, Robert W. Sowerby, Florida, Area II Executive Board, Mrs. Mary Ada Heitz, Kentucky; Area III Vice President, Bill McGrew, Arkansas, Area III Executive Board, Ocie Sims, Kansas; Area IV Vice President, Austin McElfish, Texas, Area IV Executive Board, Helen F. Benth, Wyoming;

National President Lambert made the following appointments: Secretary-Treasurer, George W. Hooten, Georgia; Chaplain, Willard K. Maxon, Wyoming; Historian, Mrs. Mary B. Howard, Georgia; Sergeant-at-Arms, Richard J. Wilde, Panama; Counselors to Department Publications, Lillian Cleveland, Florida; Emerson O. Mann, Kentucky; Lincoln Cox, West Virginia; Dorothy Rowe, Florida; and Robert B. Craig, Nebraska. Judge Advocate, William Chester, Kentucky; Photographer, George Gagnon, Maine.●

PATRIOTISM AND SERVICE—A GRANDFATHER'S ADVICE

● Mr. COHEN. Mr. President, as we read reports today of young men refusing to register with the Selective Service System, as required by law, we often tend to forget those Americans who volunteer to enter our Armed

Forces, dedicating a portion of their lives to the service of their country.

One of these young men recently received a letter from his grandfather, a constituent of mine from Winterport, Maine. I was so impressed with the feeling expressed in the letter—stressing patriotism, honor, and devotion to duty—that I wanted to bring it to the attention of my colleagues.

Gordon W. Wildes, a retired Air Force colonel, wrote the following letter to his grandson, Michael Redgate of Woodbridge, Va., on the occasion of Michael's acceptance into the U.S. Marine Corps:

MAY 27, 1982.

DEAR MIKE: Congratulations on passing your physical yesterday, and more importantly, on being sworn into the Marine Corps by your father, Colonel John Redgate, USMC. It was an important day for you and I am very proud of you.

You have just taken a big step and I think it is the right one. You are now on your own and your destiny and future will be largely shaped by you. You can either be your best friend or your worst enemy. I am confident that you have good common sense and the character to realize this.

Over the years I have had the opportunity and the pleasure of talking to young recruits like yourself, including my own son, David, when he entered the U.S. Military Academy. I have always pointed out that they—and now you—are now a part of the military chain of command that starts with the President of the United States and goes down to the lowest ranking man in the ranks whose duty it is to carry out the orders of the Commander-in-Chief and defend our great country. Unfortunately, this simple statement of fact is frequently forgotten by some citizens who regard such an honor as something to be dodged rather than experienced.

Another thing I have always pointed out to recruits is this: Becoming a member of the regular armed forces puts one in a very different category than, say, a member of a high school class, or a college class, or an employee of some civilian firm. I say this because yesterday, on taking the oath, you have started a file on yourself, that will, for good or ill, follow you all your life. It is a federal record, an official government document. A lot of young recruits don't realize that not showing up for work a day or two at a Sears Roebuck warehouse is a vastly different matter than not showing up for duty in a military unit and getting an AWOL citation on your record.

In your case, having been raised in a military family, you realize this and you therefore have a considerable advantage.

You have some other advantages:

You have had a fine home all your life. Some of your fellow Marines haven't had this advantage.

You have "been around." Born in North Carolina, lived in Virginia, Connecticut, California, Hawaii, and fortunately, in Maine. You will find that some of your fellow Marines will be leaving their home towns for the first time.

You have been in college one year. I would guess that most of your fellow Marines have not even considered college.

You are probably a year or two older than your fellow Marine recruits. You, therefore, have had more experience in life and can be of help to your fellow Marines who are younger and less experienced than you.

So, my advice is—take advantage of these advantages!

I realize, and I am sure you do also, that the next thirteen or fourteen weeks are not going to be a bed of roses. But as they say in the Marine Corps, "We didn't promise you a rose garden!" They do promise, however, to give you the opportunity to make a better man of yourself while in the service of your country.

And so, Mike, good luck to you. I wish we were riding around the battlefield at Bull Run and could be talking instead of writing.

All of this with affectionate best wishes from your grandfather.

Love,

GORDON W. WILDES.●

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, there is an order for the Senate to convene at 12 noon on Monday, is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, I have no further business to transact. I have a number of routine matters that could be taken care of. I am prepared to do them now.

INTELLIGENCE ACTIVITIES AUTHORIZATION 1983—CONFERENCE REPORT

Mr. BAKER. Mr. President, I believe that a conference report on H.R. 6068 is here and available for action. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, could I inquire of the minority leader if he is in a position to consider that matter at this time?

Mr. ROBERT C. BYRD. Mr. President, I am.

Mr. BAKER. I thank the Senator.

Mr. President, I submit a report of the committee of conference on H.R. 6068 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6068) to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and disability System, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the United States Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of August 19, 1982.)

● Mr. WALLOP. Mr. President, it is a privilege to submit the intelligence authorization conference report authorizing appropriations for U.S. intelligence activities for fiscal year 1983.

The Senate Select Committee on Intelligence views the annual budget authorization process as one of the principal means for strengthening the U.S. intelligence system. The committee has devoted a great amount of time and effort during the past 6 years examining how well the intelligence community meets its responsibilities, and we have identified a number of important areas where the system needed improvement. The progress the committee has made through budget authorization will enable the intelligence community to better perform against the diverse and complex concerns our Nation will face in the years ahead.

The fiscal year 1983 intelligence authorization bill continues the committee's goal to revitalize our intelligence system. Not only does the bill provide improvement to a number of key areas but it also insures new capabilities will be available to effectively deal with emerging policymaking problems. However, the committee's work is by no means complete—better processing systems are needed to promote analytical quality and investments must continue so that the intelligence system remains sufficiently flexible to respond to multiple crises without diverting resources from other high-priority missions.

I would like to take this opportunity to commend the members of the Senate Select Committee on Intelligence and our colleagues in the House for their diligence and strong support for the goals we have set. There is unanimous agreement between the two committees that our intelligence service must be first rate. After all, intelligence is the country's first line of defense.

Mr. President, I strongly urge my colleagues in the Senate to support this important legislation.●

The PRESIDING OFFICER. Without objection, the conference report is considered and agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE CALENDAR

Mr. BAKER. Mr. President, there are some items on today's Executive Calendar that are available for action

by unanimous consent on this side. I will inquire of the minority leader if he is in a position to consider those items appearing under National Science Foundation and National Corporation for Housing Partnerships.

Mr. ROBERT C. BYRD. Mr. President, those nominations have been cleared on this side of the aisle.

Mr. BAKER. I thank the Senator.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now go into executive session for the purpose of considering the nominations just identified.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the nominations so identified, being numbered 934, 935, and 936, be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations are considered and confirmed en bloc.

The nominations considered and confirmed en bloc are as follows:

NATIONAL SCIENCE FOUNDATION

Edward A. Knapp, of New Mexico, to be an Assistant Director of the National Science Foundation.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Frank J. Donatelli, of Virginia, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

Edward Sulzberger, of New York, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

STATEMENT ON THE CONFIRMATION OF EDWARD A. KNAPP, OF NEW MEXICO, TO BE AN ASSISTANT DIRECTOR OF THE NATIONAL SCIENCE FOUNDATION

● Mr. DOMENICI. Mr. President, I am very pleased that a person of outstanding qualifications such as Dr. Edward A. Knapp was chosen for this influential and prestigious position as Assistant Director of the National Science Foundation for Mathematics and Physical Science. His strong educational background in physics and his firsthand experience in modern applications of science through his work as division leader for accelerator technology at LANL make him an ideal person for the post and I expect the Senate to confirm him as soon as possible.

An employee at LANL since 1958, Dr. Knapp is the division leader for accelerator technology at Los Alamos National Laboratories, a position he has held since 1978.

Dr. Knapp holds a doctorate in high energy physics from the University of California at Berkeley. A scientist who has worked in international circles, he was a visiting scientist in Geneva, Switzerland, a delegate to the Joint United States-Japanese Accelerator Seminar in 1973 and a guest scientist in exchange programs between the United States, Japan, and the Soviet Union.●

Mr. BAKER. Mr. President, I move to reconsider the vote by which the nominees were confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask that the President be immediately notified that the Senate has given its consent to these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON MONDAY, SEPTEMBER 13, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on Monday, after the recognition of the two leaders under the standing order, the distinguished Senator from Maryland (Mr. MATHIAS) be recognized on a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I also ask unanimous consent that, in addition to the special order granted in favor of Senator MATHIAS, the distinguished Senator from Georgia (Mr. NUNN) be recognized in sequence on Monday as well on a special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TUESDAY, SEPTEMBER 14, 1982

Mr. BAKER. Mr. President, I ask unanimous consent that on Tuesday, after the recognition of the two leaders under the standing order, the distinguished Senators from South Carolina and Pennsylvania (Mr. THURMOND and Mr. SPECTER) be recognized on special orders for not to exceed 15 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL MONDAY, SEPTEMBER 13, 1982

Mr. BAKER. Mr. President, I inquire of the minority leader if he has any further business to transact.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for his courtesy. I have nothing further.

Mr. BAKER. I thank the minority leader.

Mr. President, I see no Senators seeking recognition. In view of the statement by the minority leader, I now move, in accordance with the order previously entered, that the Senate stand in recess until 12 noon on Monday next.

The motion was agreed to, and the Senate, at 2:05 p.m., recessed until Monday, September 13, 1982, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate September 10, 1982:

NATIONAL SCIENCE FOUNDATION

Edward A. Knapp, of New Mexico, to be an Assistant Director of the National Science Foundation.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS

Frank J. Donatelli, of Virginia, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for a term expiring October 27, 1984.

Edward Sulzberger, of New York, to be a Member of the Board of Directors of the National Corporation for Housing Partnerships for the term expiring October 27, 1983.

SENATE—*Monday, September 13, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 12 noon, on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

"Our Father Who art in Heaven," help us to acknowledge Thy Fatherhood and trust Thee as Father. "Hallowed be Thy name." Help us to take seriously the glory of Thy name. "Thy kingdom come, Thy will be done on Earth as it is in Heaven." Help us to do Thy will and desire Thy Kingdom.

"Give us this day our daily bread." Help us in humility to acknowledge that Thou art the Giver of every good and perfect gift. "Forgive us our trespasses as we forgive those who trespass against us." Help us to be as forgiving to those who oppose us as Thou art in forgiving us.

"Lead us not into temptation, but deliver us from evil." Help us to abhor evil and cleave to righteousness.

"For Thine is the Kingdom and the power and the glory forever." Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, two Senators will be recognized on special orders; that is to say, the distinguished Senators from Maryland (Mr. MATHIAS) and Georgia (Mr. NUNN).

I ask unanimous consent that after the execution of the special orders there be a brief period for the transaction of routine morning business in which Senators may speak for not more than 5 minutes each and to extend not past 1 p.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

VITIATION OF SPECIAL ORDER FOR SENATOR NUNN

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from Georgia no longer requires the time allocated to him under the special order. I ask unanimous consent that it be vitiated.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the execution of the special orders and morning business is provided, the Senate will resume consideration of House Joint Resolution 520. Pending at that time will be the Baucus amendment No. 2040 to the Weicker amendment No. 2039.

Senators will recall, I am sure, that there has been an order entered that no tabling motion will be in order the remainder of this day prior to the cloture vote which will occur at 4 p.m. The reason for that was to encourage Members to engage freely in debate on the issues involved without running the risk of losing the floor or gaining some parliamentary advantage.

I hope that Members who have things they wish to say about the pending amendment or about the general subject matter of abortion or prayer in schools will come to the floor and make those statements and engage in that debate during the remainder of this day.

I do not anticipate that there will be another opportunity like this one when no tabling motion will be in order and that, indeed, this is a special opportunity for Members to make their contribution to this debate.

So far the debate has not been very compelling; it has been fairly extensive but with very little give and take. One Member of the freshman class on our side observed to me that on occasion he was tempted to think that the debate had not been substantive. I think that is perhaps an understatement of the situation.

However, Mr. President, I urge Members to consider that today is a special opportunity for them to engage in debate without fear of parliamentary advantage or disadvantage because of the order which prohibits tabling motions prior to the cloture vote which is scheduled to occur at 4 p.m. today.

As I have indicated, Mr. President, there will be a cloture vote today against the Helms amendment. This is the second cloture vote against that amendment. It is my intention, after the Senate proceeds to the consideration of the unfinished business, to file a cloture motion which will produce a vote on Wednesday. I will consult with Senators and with the minority leader in particular and see if it is possible to arrange a time certain for that vote on Wednesday, assuming that cloture is not invoked today. If cloture is invoked today, then, of course, we will continue to debate the pending amendment under the provisions of rule XXII applying to debate after cloture is invoked.

Mr. President, I expect this to be a busy week. The debt limit bill has to be disposed of. I hope that we can do that this week. Senators should be on notice of the possiblity of a late session, especially on Thursday of this week, which is our regularly scheduled late session.

THOSE MEN, SO POWERFUL

Mr. BAKER. Mr. President, this morning, I am most pleased to share with my colleagues the words of Stanislaw Baranczak, who at the age of 36, is a leading Polish poet, and who, for the last 14 years has been at the forefront of Polish opposition and the Solidarity movement. Mr. Baranczak is presently an associate professor of Polish literature at Harvard.

I ask unanimous consent that his poem "Those Men, So Powerful," be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

THOSE MEN, SO POWERFUL

(CI MEZCZYZNI, TAK POTEZNI)

(By Stanislaw Baranczak)

Those men, so powerful, always shown
somewhat from below by crouching cameramen, who lift
a heavy foot to crush me, no, to climb
the steps of a plane, who raise a hand
to strike me, no, to greet the crowds
obediently waving little flags, those who sign
my death sentence, no, just a trade
agreement which is promptly dried by a servile blotter,
those men so brave, with such upturned brows
standing in an open car, who
with such courage visit the battle-line of the harvest, who
set their foot in a furrow as though entering a trench,

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

those men with a hard hand capable of
banging on the lectern
of the rostrum and slapping on the shoulder
people bent in obeisance who just a moment
ago were pinned
to their black suits with a medal.
always
you were so afraid of them
you were so small
compared to them, who always stood above
you, on steps, rostrums, platforms,
and yet it is enough for just one second to
stop
being afraid, let's say:
to start being afraid a little less,
to become convinced that they are the ones,
that they are the ones who are most afraid.

Mr. BAKER. Mr. President, there is a Senate joint resolution to be offered on behalf of the Senator from Arkansas (Mr. BUMPERS), the leadership, and other Senators, which I believe is in the hand of the minority leader, and I wonder if he cares to present that at this time.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

NATIONAL POETRY DAY

Mr. ROBERT C. BYRD. Mr. President, on behalf of Mr. BUMPERS, Mr. BAKER, and other Senators—and I add my own name because this resolution provides for the designation of October 15 as National Poetry Day—I send to the desk a joint resolution and ask that it be stated by the clerk.

The PRESIDENT pro tempore. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 243) authorizing and requesting the President to designate October 15, 1982, as National Poetry Day.

Mr. ROBERT C. BYRD. Mr. President, I ask for the immediate consideration of the resolution.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration, and, without objection, the joint resolution will be considered to have been read the second time at length.

The cosponsors of the Bumpers-Baker joint resolution, Senate Joint Resolution No. 243, are Senators, ROBERT C. BYRD, HOLLINGS, LUGAR, EAST, DIXON, INOUYE, BURDICK, CANNON, STEVENS, DOMENICI, D'AMATO, DECONCINI, RIEGLE, HATCH, LAXALT, LEVIN, RANDOLPH, TSONGAS, PELL, STENNIS, PRYOR, SYMMS, COCHRAN, BRADLEY, MATSUNAGA, WEICKER, CRANSTON, HEINZ, CHILES, THURMOND.

(By request of Mr. ROBERT C. BYRD the following statement was ordered to be printed in the RECORD:)

● Mr. BUMPERS. Mr. President, I am introducing today along with Senator BAKER and 28 other cosponsors a resolution designating October 15, 1982, as "National Poetry Day."

Mr. President, through the years various States and foreign countries have set aside days to honor poetry. October 15 is now celebrated as Poetry Day in all 50 States and in over 40 countries. Each year Governors issue Poetry Day proclamations in their respective States, and schools, poets, and poetry organizations across the country observe Poetry Day.

In the 20th century world in which we live—a world full of technological marvels and seemingly impossible scientific feats—it is fitting to take time, as the majority leader does each Monday morning, to spend time with poetry. Poetry delights us all, and is a source of inspiration, insight, and pleasure. Poetry has known no social barriers. It has been enjoyed equally by the rich and the poor, the young and the old, and by people of all nations. Poetry in this country has provided us with unique documentation of events, culture, and traditions. It is a component of our literary arts which warrants special recognition.

Mr. President, Mrs. Peggy Vining, president of the Poets' Roundtable of Arkansas, wrote me last October and asked me to initiate this Poetry Day resolution. At about the same time, Verna Lee Hinegardner, national chancellor, National Federation of State Poetry Societies, Inc., wrote President Reagan asking for such declaration. I ask that these two letters, and the White House response, be printed in the RECORD at this point. I also ask that a history of Poetry Day prepared by the National Poetry Day Committee, Inc., be inserted in the RECORD.

The letters are as follows:

LITTLE ROCK, ARK.,
October 1, 1981.

Senator DALE BUMPERS,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SIR: In 1948 Arkansas was the eleventh state to begin observing National Poetry Day. Each year (just as the President proclaims Thanksgiving) so does the Governor proclaim National Poetry Day in Arkansas.

We celebrate October 15th, National Poetry Day with readings, workshops, contests, Illustrated Poetry exhibits and promote poetry in various ways in the public school.

We recommend that a resolution be offered: We ask October 15th be set aside as Poetry Day, and therefore be placed on the National Calendar.

Shelley said, "Poets are the unacknowledged legislators of the world." Poets have helped to preserve historic facts, as well as, provide all races with uplifting lines for guiding their lives.

Poetry will continue, as long as men feel, to give impetus and strength to the lives of coming generations.

May Arkansas poets have your attention in this matter?

Sincerely,

PEGGY VINING,
President,
Poets' Roundtable of Arkansas.

NATIONAL FEDERATION OF STATE
POETRY SOCIETIES, INC.,
HOT SPRINGS, ARK.,
October 29, 1981.

President RONALD REAGAN,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: In the name of poetry and poets—past, present and future—I seek recognition of Poetry Day on calendars in our country.

My Hallmark Calendar lists Secretaries Day, April 22; Grandparent's Day, September 13 (all of which should have been honored on Mother's Day or Father's Day); Bosses Day, October 16; Sweetest Day (whatever that is) October 17; and Mother-in-law's Day, October 25 (all of which should have been honored on Mother's Day). Yet Poetry Day, October 15, remains unlisted. Are we so card-and-gift oriented that we must have days designated for commercial purposes only?

October 15 is celebrated in all 50 United States of America and in over 40 foreign countries. October 15 is listed in Almanacs as Poetry Day. Scientific Research has proven beyond a doubt that there was a Poetry Day for centuries. Before 1508, the day was October 5th—then with the change of calendars and the loss of ten days—reckoning brought Poetry Day to October 15. There it remains.

Each year our governors issue Poetry Day Proclamations (as regularly as Thanksgiving Day Proclamations) in their respective states. Schools, Poets and Poetry Organizations across the country observe Poetry Day. Our Senators and Congressmen have been bombarded with letters requesting that Poetry Day be honored on calendars.

Brigit was the Celtic God of Poetry; Pegasus was the classic winged horse of Apollo and the muses; while the Greeks honored Muses, the Goddesses of Arts and Sciences—three of which are Calliope, poetic inspiration and eloquence; Erato, Erotic poetry; and Euterpe, Music and Lyric poetry. We American poets, who have produced and continue to produce world famous poets, request no god or goddess, we request only a special day on the calendar. Will you, please in the name of poetry, in the name of poets such as Longfellow, Frost and Dickinson, in the name of living poets recording the story of our times in concentrated lyrical language, do whatever it takes to get October 15 named as Poetry Day on our calendars?

My father always said, "If you want something done, start at the top." In respect to my farmer-father, I knock at your White House door.

Sincerely,

VERNA LEE HINEGARDNER,
National Chancellor.

THE WHITE HOUSE,
Washington, November 23, 1981.

Miss VERNA LEE HINEGARDNER,
Hot Springs, Ark.

DEAR MISS HINEGARDNER: On behalf of President Reagan, I want to acknowledge your message and to thank you for your suggestion. Traditionally, the President issues proclamations designating periods for special observance only when a Congressional resolution authorizes him to do so. You may, therefore, wish to contract those who represent you in the Congress regarding your idea.

With the President's best wishes,

Sincerely,

ANNE HIGGINS,
Director of Correspondence.

HISTORY OF POETRY DAY AND NATIONAL POETRY DAY COMMITTEE, INC.

It all started in 1936—though it had been a dream all of Tessa Sweazy Webb's life—to find a way to honor poets—and she talked this over with everyone who would listen.

Finally, she was introduced to Ohio Senator Williams and through this contact she was able to get a joint resolution—S.J.R. No. 39—called the Grubbs-Myers-Marshall Resolution introduced and passed in January, 1938, by Ohio's—92nd General Assembly—naming the third Friday of October of each year: Ohio Poetry Day.

The day was to be set aside to honor poets of Ohio! To give special programs and observances in the schools and public places . . . in such manner as prescribed by the superintendent of public instruction.

Other states followed Ohio slowly but no concerted effort was made to make this a national day—or National Poetry Day in all states until Lucia Trent of Texas spearheaded the movement and called this movement the National Poetry Day Committee. (It was not incorporated until Dr. Frances Clark Handler took over the National Directorship and incorporated the name for its protection in 1966.)

Lucia Trent enlisted the aid of Will Strong, in California, who was at that time Vice-President of Poets of the Pacific. An organization that covered ten states in the west and far west.

Instead of the third Friday in October, which was being used by Ohio and still is as well as October 15th for Poetry Day . . . Lucia Trent selected October 15th, for the National Poetry Day to honor Poet Ralph Cheney—who died on that day in 1941. (This was now 1947.)

It is strange to note that both women—Tessa Sweazy Webb in Ohio and Lucia Trent in Texas both selected an October day for Poetry Day. Scientific research has proven without a doubt that there has been a Poetry Day for centuries. Before 1508 the date was October 5th—then with the change of calendars and the loss of ten days—with the new reckoning it brought Poetry Day to October 15th—and that is where it remains until this day. There are some groups for convenience sake who name another day for Poetry Day—and even weeks and months as Poetry weeks and months . . . but the official day remains October 15th—annually!

This day is celebrated in 50 United States of America and 40 Foreign Countries. October 15 is listed in all almanacs as Poetry Day. The National Poetry Day Committee, Inc., is listed on the roster of the Encyclopedia of Associations and is known all over the World.

Since the first Texas proclamation in 1947—issued by the then Governor of that state Beauford Jester—49 other states have come in the fold. 38 States have Legislation naming October 15 Poetry Day and the one state that does not celebrate October 15th does celebrate another day as Poetry Day on its own.

Even though there is legislation in so many states naming October 15th Poetry Day, it is still necessary to get the Governor's Proclamation every year, for like all holidays and days of special note and days that are legal holidays they would be forgotten if the proclamations were not forthcoming—reminding the public that this is indeed Poetry Day and give states an opportunity to eulogize their own poets in these proclamations. Most States have long lists of accredited poets that should not be forgotten.

In 1949—Dr. Etta Josephean Murfey was named national director of the National Poetry Day Committee, Inc., and this position she held until her death April 1, 1966.

All 50 states of the United States have a State chairman and most of them are the same ones who served since National Poetry Day Committee, Inc., has been in existence. A small percentage have resigned due to health or age and when this happens, the Chairmanship is readily filled from a long list of accredited poets waiting in the wings.

Dr. Etta Josephean Murfey had appointed Dr. Frances Clark Handler her Cochairman—first for Florida then later for National (or the United States), enacting the promise from Dr. Handler that when Dr. Etta's time came Dr. Handler would carry on this work—"no matter what the cost!"

Needless to say this work has gone on uninterrupted since Dr. Frances Clark Handler took over the National Director's Chair April 1, 1966. (Passed and approved by Executive Board—entered in Minutes of the Meeting, May 1, 1966.)

National Poetry Day Committee, Inc., was then incorporated as a non-profit organization for the name's protection.

Legislation has been introduced in the 89-90-91-92-93 Congresses by Congressman Claude Pepper and Congressman Dante Fascell of Florida and by Congressman Gonzales of Texas . . . the bills call for a mandatory signing of a Poetry Day proclamation by the President of the United States annually.

There is every indication that this will pass eventually. We all know that war and peace is the first thing on the President's agenda but our President and our Vice-President know all about our aims as did the President and Vice-president before them and many statesmen have placques hanging in their offices that were awarded them from both the National Poetry Day Committee, Inc., and the Florida State Poetry Society, Inc., for their work in the arts.

When the day comes that other pressing matters are resolved then I am sure that the Presidential proclamation for a National Poetry Day will be forthcoming annually.

When the National Poetry Day Committee, Inc., achieves this goal for poets they will have reached a summit never before attained.

Respect and Honor only . . . have come to this Committee's endeavors in all cultural circles and we feel that this will eventually be extended to the Presidential proclamation.

We give thanks to all the dedicated people that are with us in this worthy endeavor and to the Governors who have joined hands with us every year sending us the Poetry Day proclamations from their states, so that this committee can make all the people of the United States culturally and poetically aware.

Respectfuly submitted by:

Dr. FRANCES CLARK HANDLER,
National Director,
National Poetry Day Committee, Inc.

Mr. BUMPERS. Finally, Mr. President, I asked an old and dear friend of mine, Miss Lily Peter, to write a special poem commemorating National Poetry Day. Miss Lily is a lifelong resident of Phillips County, Ark., who has been the poet laureate of Arkansas, and has given generously of her time, talent, and money to music and the arts in Arkansas. I echo Miss Lily's sentiments expressed in "A Day for Poetry" that "Poetry opens windows on the universe that prose can never find," and I ask that this beautiful poem be printed in the RECORD.

A DAY FOR POETRY

Poetry came before prose in the world's history,
and the earliest writings of man are in the metres
and rhythms of poetry to delight his senses
with joy in the world's magic and mystery.
Poetry opens windows on the Universe
that prose can never find, and if we spend
our days altogether with prose, we shall miss forever
the beauty and wisdom the metaphor can rehearse.
We shall miss the music of the inner grace
that is poetry's provenance and its breathing-space.
Then is it not well for us to set aside
one day in the year's cycle to take pride
in the wash and wonder
of poetry that can cleave asunder
the tension and trivia of our daily striving,
give us a share in the glory of creation,
and through this moment of the spirit's adoration
bring us refreshment of new joy in living!

—LILY PETER.●

(By request of Mr. ROBERT C. BYRD, the following statement was ordered to be printed in the RECORD:)

● Mr. CHILES. Mr. President, I am pleased to be a cosponsor of the Senate joint resolution requesting and authorizing the President to designate October 15, 1982, as "National Poetry Day." Not only do I join my colleagues in the Senate in support of this resolution but I also join with 50 State Governors and 40 foreign nations in recognizing the inestimable contribution poetry has made to the lives of people all over the world. Bob Graham, the Governor of my State of Florida, proclaimed October 15 as "Poetry Day" in Florida. His proclamation illustrates the attention everyone in this country and in countries around the globe should give to this art form. I ask that a copy of the proclamation be printed in the RECORD.

The proclamation is as follows:

PROCLAMATION: STATE OF FLORIDA, EXECUTIVE DEPARTMENT, TALLAHASSEE

Whereas the art of poetry is a vital part of our culture; and

Whereas many of our citizens enjoy this form of literature, and many also are talented and write poetry; and

Whereas this form of expression is taught in our schools and used in many special activities in our lives; and

Whereas poetry has been honored as an art and as an important part of our society's culture;

Now, therefore, I, Bob Graham, by virtue of the authority vested in me as Governor of the State of Florida, do hereby proclaim October 15, 1982 as Poetry Day in Florida and urge all citizens to join in saluting the contributions of poetry and poets to our everyday lives and our culture.

Mr. CHILES. Mr. President, poetry deserves our commendation. Poetry speaks to men, women, and children from all walks of life and from all cul-

tures. Not only does it cross a cultural barrier but it crosses the barrier of history. Today we still read the poetry of the ancient Greeks and Romans; we read the Rubáiyát as well as old and middle English poetry and find they have relevance to our lives. We have all written a poem for school, for ourselves or for others. We write poetry because it draws on the human experience and allows us to understand ourselves as well as others. It is one of the few mediums that lends itself to the easy expression of human emotions and ideas. People have and will continue to express their pain, desires, grief, and happiness through poetry.

Mr. President, I urge President Reagan to proclaim October 15 as "National Poetry Day."●

The joint resolution (S.J. Res. 243) was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 243

Whereas the tendency of thinking in our era is decidedly in the direction of analytical techniques; and

Whereas modern civilization, influenced by the control of the physical world made possible by the tremendous advances of science, forgets at times the importance of cultivating an imaginative grasp of human culture, attitudes and feelings through the literary arts; and

Whereas people of all ages have universally turned to poetry as one of the basic ways of understanding experiences, of helping to grasp ideas and events from unexpected angles, and of assisting to express the thoughts and hopes of generations; and

Whereas the timeless themes and great continuities of poetry have become strands of unity in our history, across nations, across religious and political differences, and across centuries; and

Whereas much of American poetry has come to us in the 20th century as a cultural heritage of inestimable value, passed down from our folklore, patriotism, and religions, giving tone and character to the American culture of today; and

Whereas the culture of this generation as conveyed through its poetry will give similar impetus and strength to the lives of coming generations of Americans; and

Whereas many of the States of the Union have adopted and set aside October 15th of every year as "Poetry Day"; and

Whereas in recognition of the contribution of poetry to the cultural development of this nation, it is fitting that a day should be set apart to enjoy and appreciate poetry and to honor poets of the past and present who enrich the lives of all persons: Now, therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 15, 1982, be designated as "National Poetry Day" and that the President of the United States is authorized and requested to issue a proclamation calling upon Federal, State, and local government agencies, interest groups and organizations, and the people of the United States to observe that day by engaging in appropriate activities and programs, thereby showing their support of poetry.

Mr. BAKER. Mr. President, is the minority leader agreeable that the resolution stay at the desk for the remainder of this session today for other cosponsors?

Mr. ROBERT C. BYRD. Yes, I am.

Mr. BAKER. Mr. President, I make that request.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I have no further need for my time under the standing order, and I am prepared to yield it now to any Senator or offer it to the minority leader if he wishes.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader.

ACID PRECIPITATION AND CANADA

Mr. ROBERT C. BYRD. Mr. President, as the Clean Air Act has moved through the reauthorization process, I have advocated a cautious approach in dealing with the phenomenon of acid precipitation. Others have called for massive control programs—which would cost jobs and increase electric utility rates in my State of West Virginia and the Appalachian, Midwestern, and Southern regions of our country—and which may prove to be totally ineffective. The scientific community has by no means reached a consensus with regard to acid precipitation.

As this debate has intensified over the last 2 years, the Canadian Government has been an active participant—and has urged that controls be placed on coal-burning facilities in the United States as a necessary action to address the perceived threat to Canada's lakes and streams. Our Canadian friends recently had an opportunity to hear from the president of the National Coal Association, Mr. Carl Bagge, on this issue. Mr. Bagge spoke before the Canadian Bar Association's 64th annual meeting on August 30, 1982.

Mr. Bagge's remarks are timely, hard hitting, and deserve attention. I ask unanimous consent that his remarks to the Canadian Bar Association be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

ACID RAIN—RIGHTS AND REMEDIES: THE AMERICAN COAL INDUSTRY VIEW

(Remarks Prepared by Carl E. Bagge)

Honorable ladies and gentlemen of the Canadian Bench and Bar: It's a special privilege for a member of the American Bar Association to join you at your annual meeting in Toronto. I should like to thank Chairman Poch and the members of the Board of Directors for inviting me to share the dais with so many distinguished Canadian political leaders and lawyers.

Looking over the list of other speakers on this important occasion and considering what they might say, my thoughts drifted back to Daniel.

Let the record show, Mr. Chairman, that I walked into this den of lions of my own free will, and I hope to leave it—as Daniel—in one piece.

I've just returned from a recent successful fishing trip to your magnificent outdoors—lured from Washington by a provincial government advertisement in the U.S. that caught my eye because it was headlined, "Great Lakes."

The ad promised "Water, water everywhere . . . over 400,000 crystal clear lakes . . . unspoiled wilderness . . . natural delights . . ."

Let the record show, Mr. Chairman, that your tourism and acid rain ministers need to get their act together in the U.S.

"Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

John Kennedy's words to the Canadian Parliament in 1961 ring true today. For we cannot repeal our unique partnership, our friendship, and our economic kinship.

Rowland Frazee, Chairman of the Royal Bank of Canada, recently put it this way: "We cannot change Canada's close and intricate relationship with our major trading partner, the United States. Our recession and our recovery are tied to theirs . . . In most major ways," he added, "events here depend on events there."

That's why the acid rain issue cannot be separated from economics—from the most far-reaching air quality program proposed in American history. And that's why the effects of this proposal on both our economies is part of my message today.

For it's the recognition of these effects that leads directly to the still unanswered scientific questions so closely tied to the acid rain issue. They are not a "smokescreen" as we hear so often from Ottawa. Scientific understanding—not wishful thinking, not political slogans—is the foundation for sound solutions to both human and environmental problems. And it's answers to these scientific questions that have to steer the acid rain course of our two great nations.

There are at least three plausible explanations of acid rain.

One, the "local-source" theory, holds that emissions don't regularly travel long distances before falling as dry particles or wet precipitation. Instead, acid rainfall is caused principally by sulfur and nitrogen oxides from local sources.

Also, many scientists believe that these pollutants serve as raw materials, which are converted into acid compounds by other oxidizing chemicals. Under this "catalytic theory," it's not the amount of sulfur and nitrogen oxides in the atmosphere, but the oxidants which make possible the acid content of rainfall.

Two weeks ago, the Battelle Institute announced that its scientists believe a vital chemical link to acid rain has been found—a catalyst that's common in urban smog. Battelle says that this potential breakthrough opens up an entirely new area of research.

Yet, it's the "coal plant-long transport" theory which is touted as the single cause. It's accepted by some politicians on both sides of the border, and often reported as

fact by the media in Canada and the United States.

As this theory goes, acid rain is caused when sulfur dioxide from Midwestern coal-fired plants mixes with nitrogen oxides. These effluents are sent on the winds hundreds of miles where they fall as acid rain on parts of the Northeastern United States and Canada. Emissions from coal plants allegedly are directly involved in lake acidification and fish kills, harming vegetation, and linked to some human health and problems.

Three theories, three possible answers, but we believe the jury is still out. I ask you to consider some of the reasons:

Scientists haven't found any sound evidence of acid rain damage to vegetation in the natural environment, and no direct link between acid rain and human health problems has been confirmed. Clearly, the most important scientific question at issue is whether there's a direct cause and effect relationship among sulfur dioxide from coal plants, acid rain, and ecosystem damage.

The recent National Academy of Sciences study, called Atmosphere-Biosphere Interactions, is the most widely-quoted in support of this theory—basing its findings on "overwhelming circumstantial evidence."

One reason is the statement found on page 182: "Acid rain, due to further oxidation of sulfur and nitrogen oxides . . . from anthropogenic (man-made) sources," the author wrote, . . . "is causing widespread damage to ecosystems . . ." But here's what the same author wrote on page 142: ". . . direct cause and effect linkages between sources of acids and effects on ecosystems will not be possible for the foreseeable future."

Not even the most skillful form of press agentry can reconcile internal conflicts like these. Based on the second statement, it's impossible to draw a direct cause and effect relationship beween coal plants and acid rain.

The mystery doesn't end there. Central to the "long-transport" theory is the hypothesis that effluents are travelling hundreds of miles where they are falling as acid rain in Canada and the United States.

But as it turns out, American and Canadian scientists can track emissions from a particular source only about 30 miles, not hundreds of miles. Since this is so, scientists from both nations are using computer models to help track effluents much longer distances.

The problem is, there's insufficient long-term rainfall monitoring data of reliable quality. What's more, scientists are having difficulty modeling the complexities of atmospheric phenomena, which are known to affect effluent movements. This means that the statements pinpointing how much acid rain is coming from the United States, and how much pollution is of local or distant origin, are purely hypothetical and theoretical.

Last year, in a Los Angeles Times story, an official of the Ontario Ministry of Environment admitted that computer modeling is only a "useful guideline" to help find out what's happening in the atmosphere over one year. Computer guidelines are useful. But they aren't a scientifically-proved method. And there's no justification for using these guidelines, however useful, as the basis for a multi-billion dollar regulatory program, regardless of what you've been led to believe.

One acid rain theory—as you'll recall—holds that local sources are possibly to blame for acid rain. But acid rain theorists on both sides of the border seem to get an advanced case of myopia when local sources are suggested as a possible cause of lake acidification. A case in point in the INCO smelter.

The INCO smelter is the world's largest. It's sending nearly one million tons of sulfur dioxide into the air each year from a "superstack" taller than the Sears Tower. That's one to three percent of all sulfur dioxide in the Western Hemisphere.

Yet, we read and hear that thousands of Canadian lakes are increasingly "sensitive" to acid rain from the United States. Press reports claim that by century's end 50,000 lakes "may" be dead.

Let's look at what's actually happening, rather than what might happen. A "sensitive" lake isn't an affected lake. The Canadian lakes so far identified as dead are a tiny fraction of the half-million lakes, in this vast country. What's more, many of these dead lakes are found in the Sudbury area-the INCO smelter's backyard.

Canadians aren't the only ones who are looking past local pollution sources. The same myopia persists among "long-transport" theorists in the United States. The acid rain bill reported out of the Senate Environment Committee, for example, essentially ignores sulfur dioxide from oil burning plants, and for all intents and purposes controls only coal-burning plants in 31 states on or east of the Mississippi River.

Kentucky and New York have roughly the same overall sulfur dioxide emissions. Yet, Kentucky—a large coal-burning state—would have to cut its emissions four times as much as New York—an oil-burning state.

The American coal industry isn't making light of acid rain. Acidified lakes are real, not imagined. And we are keenly aware of the economic implications of damage to Canada's environment. But inflammatory rhetoiric can't replace unvarnished facts. Above all, let's get our facts straight.

There's no doubt that a large percentage of sulfur dioxide in the United States is produced from man-made sources. But if the "coal plant-long-distance transport" theory is to hold water, as sulfur dioxide levels go down, so should acid rain.

Yet, scientists aren't even sure if acid rain is increasing or decreasing. In the longest-running survey of rainfall in the United States, the United States Geological Survey found virtually no change in rainfall acidity in New York State over 13 years beginning in 1965. This is significant, because New York is one of the most often-mentioned targets of acid rain damage.

Also, EPA is reporting a 40 percent drop in sulfur dioxide concentrations over the past ten years, and a 15 percent drop in sulfur dioxide emissions in the Ohio river Basin—the alleged source of Canada's acid rain.

These cuts are all the more impressive, for as sulfur dioxide levels were falling, electric generation in the United States was rising from 888 billion kilowatt-hours to 1.4 trillion kilowatthours—a 56 percent jump. During that same time, coal burning by America's electric utilities shot up 65 percent.

In light of these trends, we are dismayed at Ottawa's charge that the United States isn't doing its fair share to curb air pollution. Over the past ten years, American industry—and ultimatley consumers—spent nearly $160 billion on air pollution control. We are doing an outstanding job removing pollutants from our plants and our automobiles.

This doesn't imply that the coal industry has supported every tenet of America's clean air laws, any more than the Canadian Provinces welcome every pronouncement by the Ottawa Government.

It means that American people are paying willingly but dearly for clean air—some $14 billion each year to keep the Clean Air Act in force. And it's simply wrong-headed for Ottawa to suggest that our industry and our government are "footdragging" on cleaning the air, or that our government's actions aren't reflecting the wishes of the American public.

We find these allegations even harder to take, given the Ottawa Government's continued heralding of its pollution-control efforts. Again, let's look at the record.

One good example are pollution controls at the INCO smelter. These controls are offered by Canada's environment Minister, John Roberts, and others as evidence of Canada's good faith to meet its obligations on what's called a "two way street."

In a recent interview, Mr. Roberts said that the smelter's emissions have been cut from 3,500 tons per day to 2,500 tons. "This is a significant step," he said. I agree, but how were these reductions made? Mr. Roberts gave the answer: "It was done successfully at the sacrifice of potential production at the world's largest smelter."

Isn't this a perverse kind of progress? I doubt the Canadian people—particularly in the Sudbury area where unemployment is reported at 40 percent—relish more pollution controls at the expense of this nation's already-flagging industrial performance.

The coal industry and the American people will never support clean air progress through economic stagnation. We aren't "backing away" from clean air goals. But we are also supporting greater economic growth—more jobs, and better paychecks for the working people of our country. And it's this tandem goal that's at the heart of our efforts to streamline the Clean Air Act.

And, we should remember that the United States Clean Air Act is still the world's most effective. Unlike Canada, our federally-mandated clean air laws are enforced vigorously with civil penalties and the cutoff of federal funds.

Just as important, the Clean Air Act continues to benefit both our countries. New Source Performance Standards are in force. So, as new coal plants go into service, replacing older, less efficient ones, the air will get progressively cleaner—even in the face of quickened economic growth.

On the other hand, the proponents of tighter sulfur dioxide controls got a lot of mileage out of Ontario Hydro's decision to build two scrubbers. According to press reports, an Ontario Hydro official said the building of scrubbers would likely have a "multiplier effect." In short, if Ontario Hydro "bit the bullet," perhaps utilities in the United States would jump on the bandwagon.

I'm not sure what the gentleman means. For there are already 87 scrubbers in the United States at a cost of $4 billion, plus an annual cost of $1.7 billion to keep them operating. Thirty-five more scrubbers are under construction. And EPA is reporting that half of all America's coal-burning units will be outfitted with scrubbers in less than 20 years. Canada, I am quick to add, has yet to build a single utility scrubber.

I've also heard talk that Ottawa's much touted acid rain program is a ploy to increase electric power exports to the United

States, which last year brought in several million dollars.

Mr. George Rejohn of the Canadian Embassy in Washington recently said, "Such silly inventions and distortions do not merit serious nor thoughtful attention."

I agree. We don't accept these conspiracy theories. But can you blame people for wondering, when Ontario Hydro cancels its first two scrubbers, and admits the decision came after the loss of potential power sales to General Public Utilities?

When you step back and take a long, hard look at all the evidence, it comes down to this: The causes and effects of acid rain are unknown. America has the best clean air record in the world. We've spent billions of dollars on clean air, and billions more are committed. Yet, despite all this—despite the sacrifices—the acid rain theorists, including the Ottawa Government, say it's not enough.

We are asked to embrace the potentially most burdensome regulatory program in American history, and are expected to have guilt feelings if we resist.

Mr. Roberts summed up the Canadian Government's view this way: American calls for more acid rain research are like saying: "We need to know which mosquitoes are carrying malaria before we clean up the swamp."

I would only remind the honorable gentleman of Lord George's famous warning. He said: "It is very dangerous to leap a chasm in two bounds."

Can the coal industry—and the American people—possibly look past the chasm of scientific doubt and make a leap of faith to accept what in reality is a 12-million ton cut in sulfur dioxide over the next 12 years? How can we when the Department of Energy is predicting costs to industry and consumers of as much as $300 billion—over and above the present Clean Air Act—in the next 30 years? Shouldn't we be angry when electric rates in some parts of the United States are expected to rise 100 percent, placing an awesome burden on consumers, who already are strapped by the high cost-of-living?

Why shouldn't we fight this legislation? According to the United Mine Workers of America, the jobs of 89,000 mining industry employees and 225,000 jobs in related industries would be affected. Total income loss would be $6.6 billion per year. These job losses would hit in Northern Appalachia and the Midwest areas where unemployment is at 10 percent or more.

The coal industry will stand fast in opposition to this bill and let me make the reason crystal clear: Even with the billions of dollars spent, the jobs lost, and the crushing effects on our economy, there's not the slightest assurance that the acidity of rain will be affected.

Yet, when the coal industry and the U.S. Government through its State Department point to the lack of acid rain evidence, the enormous costs and job losses, we are accused by your acid rain Minister in Ottawa of engaging in "informational haze." What's more, the Ottawa Government is expressing "outrage" at our attitude, and predicts a worsening of relations between our two countries unless we come to our senses. Frankly, I believe the "outrage" is misplaced, and it's not just the weakness of the case for acid rain controls.

Your Government is openly proud of the millions of dollars spent in lobbying our Congress to enact acid rain controls. The Ottawa Government apparently believes that these tactics are successful. For after the acid rain bill was reported out of the Senate Public Works and Environment Committee, it was followed by speeches in the Canadian Parliament calling the action a "great breakthrough."

But let's not let our wishes become the father of our thoughts. As reasonable men and women, do you actually believe that a majority of Congressmen and Senators from the 31 affected states will support a bill that imposes such massive electric rate increases on their consumers with no assurance of benefit?

Is there likely to be much support for a bill that would have such devastating human dimensions, and such crucial implications for the revitalization of America's industrial and commercial heartland?

Acid rain is based on the theory of gravitation—that what goes up must come down. But don't forget Newton's Law, which says: For every action there's an equal and opposite reaction. And we are reacting.

Calling to mind what Rowland Frazee said about the close and intricate relationship of our two economies; let there be no doubt; If this legislation becomes a part of the Clean Air Act, the higher energy costs, the job losses and severe overall economic effects will also affect this side of the border.

What's more, if this bill is part of the Clean Air Act, the chances are good that there will be no change in the law. This means, very frankly, that the efforts to streamline this Act—while preserving both economic growth and clean air goals—will be lost, also to the detriment of both our nations.

There is a reasonable course, and I urge you to consider it. The American coal industry believes deeply that acid rain research must be accelerated, and we are in good company.

Two weeks ago, a federal task force set up under the Acid Preciptation Act of 1980, called for more research to fill the "major gaps" of information about the causes and effects of acid rain.

Several bills are pending in Congress which would build a strong acid rain research foundation.

One bill of considerable merit, which would step up research, is sponsored by Senator Robert C. Byrd, the Senate Democratic Leader. In the House of Representatives a similar legislative approach is sponsored by Congressman Edward Madigan. His bill was approved by the House Energy and Commerce Committee by an overwhelming 27-5 margin. And, I might add, it is the only acid rain legislation approved by the House.

These bills call for more acid rain research beyond the three-year $64-million commitment of the Reagan Administration, and would augment the $32 million already spent or earmarked by the American Utility Industry.

A key element of the House bill is to restore existing acidified lakes with liming, and other methods known to be effective.

Acid rain may well be a serious problem for our two countries. But we must be certain that the cures that are prescribed actually works, that it doesn't have the side-effects of greater economic adversity and a worsening of relations between our two great nations.

How can we allow the acid rain issue to undermine the trust and cooperation between Canada and the United States, which has flourished for nearly 200 years? I urge the thoughtful members of the Canadian bench and bar through this organization to send a message to your public officials. Good common sense must replace strident rhetoric.

I'm no diplomat. But it doesn't take a statesman to see the need for voices to be lowered, and for thoughtful consideration to begin. We need to get this issue out of politics and public relations and into the laboratory where it belongs!

Let me close with these thoughts.

Churchill once said, "The farther backward you can look, the farther forward you can see." His admonition applies to the United States of America.

For many years, our domestic policy was fueled with a spirit of action, despite the financial costs. We sent men to the moon and brought them safely back to earth. We opened our hearts and our treasury to help create a better life for millions of our people. And we are still waging a war to protect the health and safety of our citizens, and to preserve a legacy of environmental quality.

We've had a large measure of success, but we've also learned some lessons from experience. For far more could have been accomplished, at far less cost, if we had tempered our burning desire to act with a proper understanding of what we were trying to get done.

Armed with the lessons of history, we are optimistic about the future—about finding solutions to both our human and environmental problems—and with good reason.

America has no lack of scientific genius. We have some of the worlds's best minds. America doesn't lack political will. Our record in building one of the greatest societies on earth is beyond question. And we suffer from no lack of spirit. The flame of desire to forge a better life for our children and grandchildren still burns brightly.

Yet, the acid rain debate brings into sharper focus an overriding challenge facing America. We must find a way to face the future with a relatively diminishing amount of financial resources. Like it or not, these hard choices must be made in the years to come.

This doesn't imply that the United States is ready to set aside any of its national goals. Far from it. But it means that we must meet all our goals with the resources at our command without sacrificing any one of them.

Clean air is one of America's goals. But it isn't the only one. We must also produce more energy at reasonable cost-energy needed to build economic growth and development which serves all our people. We can do it only by tackling our many goals in an efficient, and a cost-effective way, and with a full understanding that greater use of coal is essential to our success.

That's why our government—and your government—must understand the full dimensions of acid rain, before creating more bureaucracy, more costs, and an uncertain economic future for our people.

But it isn't just economic uncertainty that's at stake for our two nations. For I remind you again of what John Kennedy said to the Canadian Parliament nearly two decades ago: "Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

Then the President added this thought: "What nature hath so joined, let no man put asunder."

I hope, and I pray God we don't forget it.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Wisconsin such time as he may require, from the time under my control.

Mr. PROXMIRE. I thank the minority leader.

WHO IS AHEAD?

I

Mr. PROXMIRE. Mr. President, the President of the United States, in an unprecedented and controversial statement, has concluded that the Soviet Union is strategically superior to the United States. Since making that sweeping observation, however, other top officials of the administration have begun to chip away at the real meaning of that quote. The Secretary of Defense has said that we have superiority in some areas while the Soviets excel in others.

Gen. John Vessey has said in response to the question from Senator LEVIN—

Would you swap U.S. military capability overall . . . for that of the Soviets? That he would "take some of the things that the Soviets have for their forces in terms of numbers and give them to our forces, but overall would you trade with Marshall Ogarkov? Not on your life. . . ."

Secretary Weinberger has said:

I would not for a moment exchange anything, because we have an immense edge in technology.

So where does that leave the statement of the President? Was he simply in error? Did he overstate his case by drawing a simplistic conclusion? Or does he sincerely believe that the Russians have strategic superiority over the United States.

Beginning today, Mr. President, and continuing for 3 days, I will introduce material in the RECORD from the Center for Defense Information which deals with this question of "Who Is Ahead" in the race for nuclear superiority.

The first excerpt from the Defense Monitor, a publication of the Center for Defense Information, will concentrate on strategic comparisons. The second will look at NATO and Warsaw Pact comparisons, while the third will examine other elements of competition, such as weapons exports, political and economic influence, and trends for the future.

Mr. President, I ask unanimous consent that part I of the Defense Monitor be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Defense Monitor]

U.S.-SOVIET MILITARY FACTS

TOTAL NUCLEAR WEAPONS

The United States can explode over 12,000 nuclear weapons on the Soviet Union; the Soviets can explode almost 8,000 nuclear weapons on the United States.

Of the over 12,000 U.S. nuclear weapons capable of striking the Soviet Union, over 2,600 are on F-111's, F-4's, A-6's, A-7's and other "tactical" aircraft which could fly to the Soviet Union from Europe, Asia, or from aircraft carriers; over 9,500 are "strategic" nuclear weapons.

Of the Soviets' 8,000, almost 150 are on Backfire bombers, which can only hit the U.S. if they fly at airliner speeds, on one-way missions. The remaining 7,800 are "strategic" nuclear weapons.

Of the more than 9,500 U.S. "strategic" nuclear weapons, half are on submarines which are invulnerable, hidden beneath the ocean. Four hundred more strategic weapons will be added in 1982, bringing the total to over 9,900 U.S. strategic nuclear weapons.

In addition to strategic nuclear weapons capable of hitting each other's homelands, both the U.S. and the U.S.S.R. have thousands of "tactical" nuclear weapons for use against ship convoys, tank formations, and other targets. As a general estimate, the U.S. and its allies have a total of about 31,000 nuclear weapons and the Soviets have about 20,000. (About 26,000 U.S. nuclear weapons are in the active inventory and 4,000 more in inactive storage.)

Soviet strategic nuclear weapons carry about 8,000 megatons of explosive power compared to 4,000 for the U.S. As the Soviets begin to catch up with the U.S. in producing smaller, more accurate and efficient weapons, they, too, are reducing their megatonnage.

LAND-BASED MISSILES

The number of Soviet intercontinental ballistic missiles (ICBMs) is declining. They have 1,398 now whereas seven years ago they had 1,600.

The Soviets have larger missiles, with greater throw weight than U.S. missiles.

U.S. weapons are smaller because they have miniaturized, computerized guidance packages, more efficient rocket engines, thinner but more effective heat shields, greater accuracy, and more compact, efficient hydrogen weapons.

Ninety-five percent of Soviet missiles are old-fashioned, liquid-propelled ICBMs; they carry large nuclear weapons to compensate for inaccuracy.

Soviet ICBMs are less reliable and less accurate than U.S. ICBMs.

The Soviets are shifting gradually to more modern ICBMs, with smaller yield warheads—following the U.S. lead.

The U.S. has maintained a level of 1,054 ICBMs but has modernized the missiles by introducing new types from Minuteman (MM) I to MM II to MM III and added 1,100 weapons by MIRVing the Minuteman III.

The U.S. has completed hardening of Minuteman silos and installation of an improved guidance system which doubles accuracy.

The U.S. has MIRVed 550 of its 1,000 MM ICBMs and will soon complete retrofitting 300 of these (900 nuclear weapons) with the MK12A warhead, doubling each weapon's explosive power and increasing lethality.

The U.S. will soon replace 50 MM IIs with MIRVed MM IIIs, adding a net increase of 100 highly accurate weapons to the total ICBM force.

U.S. solid fuel-propelled MM ICBMs can be launched against the Soviet Union well within the 30 minute time of flight of Soviet missiles. Therefore, Soviet ICBMs launched against U.S. ICBMs might find only empty holes on arrival in the U.S. ICBMs constantly maintain a 98% alert rate. It is believed that the alert rate of Soviet ICBMs is much lower.

It will soon be possible to launch U.S. ICBMs by airborne command posts should ground command centers be destroyed.

STRATEGIC BOMBERS

The Soviet strategic bomber force of 145 planes still includes 100 old, slow, propeller aircraft.

All 376 operational U.S. strategic bombers are modern high speed jet aircraft. The U.S. also has over 40 long-range bombers in active reserve, and over 200 in storage.

Over 100 U.S. bombers would be airborne prior to Soviet missile attack against the U.S.

In addition to strategic bombers, the U.S. has over 400 strike aircraft which are equipped with nuclear weapons aboard its aircraft carriers.

The U.S. will add 4,350 nuclear-tipped air-launched cruise missiles over the next several years to enhance the capability of its strategic bomber forces.

One of the greatest advantages the U.S. has over the Soviet Union is its air refueling capability. The U.S. has over 600 KC-135 tankers to extend the range of its long-range bombers and other aircraft. The Soviets have 30 long-range tankers.

The U.S. will soon add to its strategic mobility and air refueling capacity by buying new KC-10 tankers and re-engining 300 KC-135s.

STRATEGIC SUBMARINES

The 62 Soviet ballistic missile submarines carry 950 nuclear missiles (almost 2,000 nuclear weapons) for war against the U.S., Western Europe and China.

The Soviets maintain day and night about 300 nuclear weapons at sea targeted against the U.S.

The Soviets maintain a much smaller percentage of their strategic subs at sea than the U.S.

The U.S. maintains at least 55 percent of its 32 ballistic missile subs at sea at all times (18–20 subs). This will soon be increased.

The U.S. keeps 3,000 nuclear weapons in position to attack targets in the Soviet Union at all times.

U.S. subs could wage a protracted nuclear attack on Russia for over 3 months.

"Just one of our relatively invulnerable Poseidon submarines—less than 2 percent of our total nuclear force submarines, aircraft, and land-based missiles—carries enough warheads to destroy every large and medium-sized city in the Soviet Union. Our deterrent is overwhelming."—President Jimmy Carter, January 23, 1979.

The U.S. will soon complete the retrofitting of Trident I missiles on 12 of 31 Poseidon subs. The weapons on these new missiles have 60 percent longer range, are 2½ times more powerful, and are more accurate than the weapons on the Poseidon missiles they are replacing. The number of weapons on our 304 remaining Poseidon missiles is being selectively increased.

Trident I missiles to go on 12 Poseidon and 9 Trident subs will provide 3,000 new nuclear weapons for our strategic arsenal in the 1980's.

Each Trident submarine, the first of which will go on active patrol in October 1982, can carry enough weapons to target every Soviet city of over 100,000 people. The President's five-year plan calls for 15 Trident subs; the Navy wants 20–26.

A LESSON ON GENOCIDE FROM ANCIENT GREECE

Mr. PROXMIRE. Mr. President, the Athenian Senate was a predecessor of the U.S. Senate. Consider how they confronted a small ancient city-state called Mitylene. In 427 B.C., the people of Mitylene broke its alliance with Athens and joined the Peloponnesians in their war against the Athenian empire. For the Mitylenians the war was a short one since it only took a few months for the Athenian navy to successfully lay seige to Lesbos and occupy their city. The Athenian Senate then began debate on the fate of their treacherous former allies. The vast majority of the Athenian Senate, led by the demogog Cleon, was filled with anger and resentment at what they saw as Mitylene's unprovoked hostility and their unspeakable crime of associating with the Peloponnesian fleet during their insurrection. In this heated atmosphere of hurt and vengeance, the Athenian Senate sentenced every man, woman, and child of Mitylene to death.

It was not long after the boat carrying the execution order had been dispatched when some of the Athenian legislators began to reflect on the genocidal sentence they had issued and the next day a faction in the Senate, led by the famous orator Diodotus, was able to win a reversal of the original decision. Thus, a second boat was sent with the reprieve which, according to legend, arrived just as the Athenian field commander was about to put the populace to the sword.

Mr. President, the Mitylene story is notable not in the actual physical carnage or political callousness involved—there are, unfortunately, far greater examples of these in contemporary politics—but in the realization that even a nation with the philosophical and ethical foundations of Athens, when put under the right amount of stress, can experience sporadic outbursts of wanton, purposeless violence.

This was not a fanatical regime led by pathological tyrants but a nation similiar to our own; populated by such great men as Socrates, Plato, and Thucydides. Nor was the Mitylene decision preceded by dramatic Nuremburg parades or enormous show trials that would have prepared civilization for the coming slaughter. The Mitylene debacle teaches us that the environment needed for acceptance of the mass extermination of a people can be created in a relatively short period of time and within the most seemingly civilized of nations. The question we must ask ourselves is whether our Nation has led the fight against genocidal murder and worked with fellow nations to avoid future "close calls" like that of Mitylene. I wish I could answer this question with an unqualified yes, but this would be dishonest. While it was largely due to our influence that the Genocide Convention was initially written and passed in the General Assembly in 1948, the United States today stands essentially alone in its rejection of the Genocide Convention by failing to ratify it.

In 427 B.C. the Athenians came face to face with the horrific dimensions of genocide. They discovered that no great legislative body can afford the luxury of anger unchecked by reason and justice untempered by mercy. The decision for the genocidal slaughter of their neighbors was a comparatively easy, almost self-perpetuating, one and had it not been for the voices of a few courageous Athenian leaders, the culture and history of Mitylene would have been entirely eradicated. We, like Diodotus, must be ever vigilant in watching for the early signs of genocidal crimes. Through ratification of the Genocide Convention, we can lead the world in preventing these terrible deeds which blot the pages of history.

HOW DOBOY HELPED NEW RICHMOND, WIS., AND THEIR EMPLOYEES AT THE SAME TIME

Mr. PROXMIRE. Mr. President, I call to the attention of the Senate the initiative of a Wisconsin firm that resulted in a compassionate boost for their labor force and a fine contribution to their community.

New Richmond, Wis., is a town of about 4,300 people in western Wisconsin near the Minnesota border. The Doboy Packaging Machinery Co. was faced this spring with a dropoff in their business and the necessity of laying off some of their employees.

Recently, the Wall Street Journal carried a short item about how Doboy helped both their employees and their city. It is a fine example of a company's thoughtfulness and generosity at work. I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMMUNITY SERVICE: ONE COMPANY EASES OUT LAID-OFF WORKERS SLOWLY

Doboy Packaging Machinery Co., New Richmond, Wis., didn't want to abruptly lay off 25 workers when it cut its payroll last spring. So it paid workers an entry-level wage for three months while they did community service jobs. They worked 35 hours weekly on projects at hospitals and schools that needed maintenance work but couldn't afford it. The company didn't save much money, but it did help ease the workers transition to joblessness.

At Holy Family Hospital, five Doboy workers did painting, plastering, built a roof and installed a helicopter pad, "things we never would have done this year," says a hospital official. The labor was worth about $5,000. The company also gave the workers time off for job search and provided some outplacement training.

Mr. ROBERT C. BYRD. Mr. President, I yield back the remainder of my time.

Mr. BAKER. I yield back the remainder of my time.

RECOGNITION OF SENATOR MATHIAS

The PRESIDING OFFICER (Mr. MATTINGLY). Under the previous order, the Senator from Maryland (Mr. MATHIAS) is recognized for not to exceed 15 minutes.

CONGRESSIONAL MASS MAILINGS

Mr. MATHIAS. Mr. President, when Woodrow Wilson wrote his now famous work, "Congressional Government," 98 years ago, he said:

> The informing function of Congress should preferred even to its legislative function. Unless (Congress informs) the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

I think that this observation of Woodrow Wilson expresses in a practical way the fundamental philosophical point which James Madison made more than two centuries ago:

> A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.

Clearly, a well-informed citizenry is the bedrock of a democracy, and for this reason I have always advocated improving the ways in which Senators and Representatives communicate with and inform their constituents.

I have consistently supported using modern communications technology, such as television, to enable Congress to be more effective in carrying out its informing function. Today, however, instead of addressing new and improved methods of communication, it is my duty to call the attention of Senators to a serious communications problem.

I am glad to see the Senator from Wisconsin in the Chamber, because he has an outstanding interest in economy in Government and economy in Congress.

The problem to which I refer is the mounting costs of Senators' mass mailings. Because Senators have the privilege of mailing with the frank, we are not as aware of the costs of what we mail as we would be if we had to buy stamps and lick them and stick them on one by one, on each letter. But because we are not aware of our postage costs does not mean that there are none. Mail is not free. It is very expensive.

In fact, the Postal Service recently estimated that the postage costs for Congress as a whole will be $102 million this year. It will be $102 million, I say to the Senator from Wisconsin.

Senators' mass mailings—not those individual letters in which they respond to questions from constituents, not those letters that are directed to finding out information that a Senator may need to have, but the mass mailings, the self-generated mailings—account for approximately $31 million of that total, almost one-third of the total congressional postal bill.

At current rates, Senators will send out 245 million pieces of mass mailings in 1982. About three-fourths will be what we call newsletters. The other mass mailings are small group mailings, press releases, and town meeting announcements.

What I want to make clear is that we are not talking about answering those millions of letters to which I referred; answers to questions or requests which our constituents send us every year. At current rates, our mail response to the incoming mail, responding to our constituents, which we have a duty to do, will total this year about 11 million pieces. But the mass mailings, those things we generate ourselves, with our pictures in them, our names prominently displayed, will total 245 million pieces of mail this year—11 million in which we are responding to constituents; 245 million that we are casting out to the winds.

That, Mr. President, is in a country, I point out, that has only 83 million mailboxes.

This figure reflects an alarming rate of growth. This year's total is 73 percent higher than last year's. How is that for inflation? Seventy percent more this year than last year. Last year was 20 percent higher than 1980. The 1980 total was 27 percent higher than the 1979 total. In 1979, Senators were sending out 93 million mass mailings, and now, just 3 years later, we are sending 2½ times that many. Theoretically, mass mailings are limited by the paper allotment, but, obviously, the paper allotment is a limitation that does not work.

Mass mailings are expensive. I have already mentioned the postage cost for 1982, which is estimated to be $31 million. While that is the largest single cost, it is by no means the total cost. Paper, printing, and mailing lists add another $6 million, for a total of $37 million. Approximately 70 employees of the Sergeant at Arms are involved in supporting this activity. And that still does not include the cost of staff in Senators' offices who write material and update the mailing lists.

While I am on the subject I should mention one element of cost that is especially disturbing: mass mailings, chiefly newsletters, that are undeliverable. A significant percentage of every mailing is returned because the addressee has moved or because the address is simply incorrect. Such returns are a significant expense, approximately $2.5 million this year alone.

The volume of the returns—the rejected, the undelivered mail—is now so heavy that many offices are unable to keep up with removing the incorrect addresses from their mail files. Consequently, some undeliverable newsletters are repeatedly sent to the same addresses.

Mr. President, compared to some costs of government, $31 million might not sound like very much. But, to paraphrase the distinguished majority leader's father-in-law, the late Everett McKinley Dirksen: "A million here. A million there. And pretty soon you're talking about real money." So let me compare that $31 million to some other things that we have been discussing in this Chamber recently.

A few days ago, there was a great deal of weeping and wailing and gnashing of teeth over the cost of the Hart Building. What an extravagance the Hart Building was! What a terrible thing to think that it might have a gym or a restaurant in it! What an extravagance! Well, at the current rate, we could build a new Hart Building, with a gym, with a restaurant, every 4 years, with the money we spend on Senators' mass mailings alone. I doubt that there would be much question of which would have the more enduring value.

As a second comparison, we are spending almost as much on mass mailings as we are on the entire Senate committee system.

This is an election period. We are all in touch with our constituents, and our constituents are in touch with us. I raise this question now because I think it is useful to get a sense of whether the country thinks this mass mailing makes good sense.

Compare it with the committee system, because it costs just about as much. All the work that is done by congressional committees is comparable in its cost to the country to the mass mailings emitted on a daily basis from Capitol Hill.

A third comparison would be the one-time installation cost to televise Senate floor proceedings, which would be one-tenth of the annual cost of mass mailing. The annual operating cost of television would be about 1 percent of the cost of mass mailing.

Just think of it, Mr. President. Think of it in long-range terms. We could televise the proceedings of the U.S. Senate for the next 100 years, for a century, with the money that we spend in a single year for Senators' mass mailings.

Of course, there are a lot of differences among Senators in their use of mass mailings. Some send hardly any; some send information notices on specific issues, press releases, and town meeting notices, but no newsletters; and some other inundate their constitutents with newsletters. Last year, more than half of the Senators sent fewer pieces of mass mail than there are mailboxes in their States, but some Senators sent more than one piece per mailbox. Some sent a lot more and in such cases the high volumes are usually newsletters.

For example, last year, the combined mailings of both Senators from one State amounted to more than 12 pieces per mailbox. That was the leader. Another State with 1.7 million mailboxes received over 6 million pieces of mass mail last year from only one Senator. One Senator has four times as many names on his mailing list as there are mailboxes in his State.

If those figures are not impressive enough for you, just consider the volume involved. Last year one Senator sent 13 million pieces of mass mail, while in the first 6 months of this year alone, another Senator had already sent 8 million. Just to keep up with the demand for printing, the Senate recently had to buy another press which, all by itself, can print over 3 million newsletters a week. And the truly disturbing thing about these fantastic volumes is that the majority of Senators now annually send fewer than one piece of mass mail per mailbox. If these Senators were to become high-volume senders, the overall volume would really skyrocket.

As chairman of the Committee on Rules and Administration, I receive letters from all over the country about Senators' newsletters. One man sent me six copies he received of a single newsletter. One copy was addressed to his wife, and five were addressed to him, each to a different spelling of his last name.

I cannot even get away from this problem when I go home. Not long ago, a neighbor of mine complained to me about receiving newsletters from a Senator in a different and somewhat remote State, a Senator to whom he had not written and with whom he had not communicated in any way. He wanted an explanation. Constituents know newsletters are not free, and they suspect the truth, that they are in fact, very expensive. They also know who foots the bill, and they no doubt wonder what the cost must be if very many Senators are sending unsolicited mass mailings to people outside their States. I have no explanation to give them other than to say that no Senate rule is being violated, no law is being violated. But they must wonder further, and I wonder myself, whether or not we need some new rules in this area.

I think this is a good time to ask the whole Senate the question.

Mr. President, I raise this issue now in anticipation of holding hearings in the Committee on Rules and Administration on this problem. I urge all my colleagues to reflect on this problem and consider ways we might improve our effectiveness in communicating with our constituents while at the same time reducing costs. In the meantime, I urge all my colleagues to keep a close watch on their mass mailings and to remember that every mailing of 1 million newsletters costs the American taxpayers $150,000.

Mr. President, the dramatic nature of the increase in mass mail volume is illustrated by a chart that I have in my hand, which shows the steep rise in the growth of mass mailings, and by a graph, which shows the volume of newsletters as a percentage of all Senate mail in the years 1981 and 1982. If it is technologically possible for the Government Printing Office to do so, I ask unanimous consent that these graphs be printed as part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE MASS-MAIL VOLUME, 1979 TO 1982

Year	Millions of pieces of mass-mail	Percentage increase over previous year
1979	93	(1)
1980	118	27
1981	142	20
1982	[2] 245	73

[1] Not available.
[2] 1982 estimate is based on first 6 months of 1982.

Senators' newsletters as a percentage of all Senate mail (1981-82)

	Percentage of total
1. Mass mailings:	
a. Newsletters	69
b. Information notices, press releases, and town meeting announcements	23
2. Other than mass-mailings:	
a. Correspondence prepared with the Senate Correspondence Management System	4
b. Other mail	4
Total	100

Mr. MATHIAS. Mr. President, I yield back my time.

Let me withhold that and yield to the distinguished Senator from North Carolina.

Mr. HELMS. I thank the Senator from Maryland.

Mr. President, I commend him for his statement. I did not hear all of it, but I shall read all of it in the RECORD tomorrow. As the Senator knows, I have addressed this newsletter matter on occasion in the Senate. On one occasion, I recall offering an amendment to require Senators to state the number of copies of a newsletter that they were mailing and also the estimated cost.

Mr. President, I recall stopping by the Senate printshop, which is adjacent to the parking area, shortly after I came to the Senate. I went in and I saw several high-speed offset presses going lickety-split. One of the employees of the printshop was happily showing me the latest technology. I recall that a newsletter from a very prominent Senator was rolling off one of those presses. I asked, "How many copies of that newsletter will you print?"

He said, "950,000."

Then I inquired of the GAO as to the estimated cost per newsletter. The estimate that I got back at that time, assuming first-class postage, was about 26 or 27 cents per copy. That led me to offer the amendments that I did offer, which were defeated by the Senate.

I thank the Senator for looking into this, because in this time of great strain on the Government's finances, I think we owe it to the taxpayers to take a look at it. I thank the Senator.

Mr. MATHIAS. Mr. President, I thank the Senator from North Carolina for his comments. He is a member of the Committee on Rules and Administration. I hope that when we hold this hearing, it will be possible for him to attend and participate.

Mr. HELMS. I shall be there and I shall participate.

Mr. MATHIAS. This is an example of where we are going around making various petty economies as we are trying to stop the leaking spigot and we are letting it run out at the bung. It is a case of a major expenditure. When you think that you could build a Hart Building every 4 years with what is being spent on Senators' mass mailing, it would give you some concept of how much money is indeed being utilized in an activity that needs to be analyzed in terms of its public benefit in improving the public knowledge.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. All the Senator's time has expired.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for routine morning business to last not past 1 p.m., during which Senators may speak for 5 minutes each.

AGRICULTURE SECRETARY JOHN BLOCK

Mr. HELMS. Mr. President, not until this past week did I see a story published by the Washington Post more than 2 months ago—on July 5, to be exact. Congress was in recess at the time and I was in North Carolina. Thus, I was not aware of the newspaper piece about Secretary John R. Block.

Apparently few, if any, other Members of the Senate read the article. None has even mentioned it to me, and a casual inquiry among Senators failed to produce even one who was aware of it.

Nonetheless, Mr. President, I feel obliged to come to the defense of Jack Block against some of the anonymous and mean-spirited spokesmen who purportedly made insulting comments about a fine, dedicated American who is doing a splendid job as Secretary of Agriculture under the most difficult of circumstances.

As one who has spent most of my adult life in the news business, I am growing increasingly concerned about the constantly increasing tendency among the major media to allow unidentified spokesmen to demean the character and dedication of people in public office. These days, everybody from the President on down is defenseless against such cowardly and intellectually dishonest attacks.

Mr. President, I do not mind criticism, and nobody else should—if it is fair criticism. But a reporter, under existing practices, can sit down and dream up all manner of quotes to be used against someone the reporter does not like, or with whom the reporter or his editors happen to disagree. President Reagan, Jack Block and all the rest of us ought to be entitled to face our accusers—if the accusers exist.

The piece in the July 5 Washington Post stated flatly that "lightweight" is the word "heard most frequently to describe Block." Other reporters, unidentified, were quoted as referring to Secretary Block as "Blockhead."

That, Mr. President, is a cheap shot, unworthy of a responsible newspaper. Incidentally, I have never heard a reporter who knows anything about agriculture refer to Secretary Block in such a derogatory manner.

The truth is, Jack Block is a capable and effective Secretary of Agriculture. True enough, he is presiding over the Department of Agriculture at its most difficult time in history. There are no easy answers, no instant solutions to the problems of American agriculture. Whereas previous Agriculture Secretaries could come to Congress and obtain funding for expensive and often ineffectual farm programs, the well has run dry insofar as unlimited Federal funds are concerned.

Secretary Block is providing responsible leadership. As a farmer himself, he not only understands the difficulties that farmers face, he has faced them himself and successfully overcome those challenges. In my opinion, there has never been a Secretary of Agriculture with a better working knowledge of the problems confronting full-time farmers today.

Commercial farmers, including Jack Block, know how ineffective and inefficient Government actions can be. Farmers tell me that they want lower interest rates and less Government. Despite rocky economic times, farmers know that Secretary Block is one of them and that he is working hard for them.

Mr. President, Jack Block is a genuine, "hands on" farmer with a world perspective. He knows the industry literally from the ground up. As Illinois director of agriculture, he was traveling around the world seeking new markets for farm products even before he became Secretary.

Mr. Block has been a very successful farmer, not by inheritance but by achievement. As did many others, he returned to the family farm after service in the Army. He built the original 300 acres into a progressive 3,000-acre enterprise. He and his lovely wife, Sue, know firsthand the problems facing farmers.

For this reason, I believe farmers generally trust the Secretary, and they have good reason to do so. The Secretary is well aware of this responsibility.

I can vouch for the fact that the Secretary has consistently and forcefully argued for farmers in the highest councils of Government. Those who contend otherwise simply have not been party to the decisions.

President Reagan himself has said,

I believe that our Administration is lucky to have an Illinois farmer named Jack Block, who never lets me or any member of our cabinet forget our farmers.

Mr. President, the Washington Post article accuses Secretary Block of having a firm belief in the President's program. This charge is one to which Secretary Block proudly pleads guilty. In fact, it is high time we had a Secretary of Agriculture who was committed to real economic growth in the marketplace, rather than artificial Government quick-fixes.

This is not blind faith in a free-market ideology. Rather, it is a conviction borne of experience.

As a businessman, Jack Block knows the true impact of Government regulations and taxation. As a former director of a State agency, he knows the vital role that State and local officials can play.

Our confirmation hearings showed that Mr. Block was extremely successful in directing his State agency. As chairman of the committee responsible for the oversight of USDA, I firmly believe he is an active and astute administrator here. He is well equipped and capably performing.

I encourage my colleagues to take a look at the record.

The Carter grain embargo, which precipitated the current economic distress on the farm, was lifted at Secretary Block's urging.

The Secretary is strongly committed to exporting more farm products and strengthening prices in the marketplace. He has led or sent trade teams to every continent, placed a high priority on market development, and maintained funding for export credit guarantees at the highest level in history.

He was instrumental in the development of a farm bill in 1981 that was both sound farm policy and responsible budget policy. He was constructively and effectively involved in the process of producing this legislation.

If in fact, this farm bill which was criticized as being inadequate will provide net outlays for 1982 price supports that are over 2½ times the outlays in the previous fiscal year. Under the farm bill, the Reagan administration will provide nearly $11 billion of assistance to farmers this year.

Mr. President, such assistance is proof that the safety net features of the 1981 farm bill are working.

Of course, this is due to low farm prices caused by excess supplies and a sluggish world economy. The Secretary is attempting to remedy our oversupply problems with the tools provided in the farm bill.

The Secretary announced a voluntary acreage reduction program for 1982 and made an aggressive effort to encourage participation in it. Farmers responded with a signup of acreage in the program that reached unprecedented levels.

There was also the case of the infamous Medfly. An outbreak of this destructive pest occurred in the fertile fields and orchards of California, which, as Senator HAYAKAWA is wont to remind us, produces a large share of the food found on American dinner tables each day.

The vital food supply of our largest agricultural State was endangered by the Medfly, but the Governor of that State merely took misguided, half-hearted actions which were not effective in stopping the nefarious pest.

Secretary Block's response was firm and decisive. At his insistence, the State of California finally took the actions necessary to stop the pest and protect our food supply.

There is a panoply of other issues before the Secretary of Agriculture, not even including the input he has in policy matters across the board as a Cabinet member. Suffice it to say that the Secretary is constantly seeking to reduce Federal spending and overregulation, emphasizing the role of the marketplace in improving the conditions we face. He approaches this task with a forthright and upbeat manner. If the naysayers of the newspapers do not approve of the Secretary's optimism, so be it. Their negativism is certainly not the answer.

The important thing is to get the job done for America's farmers, consumers, and taxpayers.

Mr. President, I commend Secretary Block for the excellent job he is doing.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

"WIC" DOVE

Mr. WARNER. Mr. President, the birth of our Nation was made possible because intrepid men and women had the courage, fortitude, and daring to fight for the lives and liberty of their countrymen.

Two hundred years later, these same qualities are still evident amongst us. William "Wic" Dove is one young man whose actions have exemplified many of those virtues which Americans still hold dear.

During the year of our Nation's bicentennial, Wic heroically rescued a drowning mother and her 9-month-old son. There can be no question but that he saved their lives.

Himself suffering from a recent injury, and in need of surgery, Wic did not hesitate to risk his own life for those two strangers. After pulling both unconscious victims from the water, Wic was able to successfully apply lifesaving techniques and revive both.

Louis Adamic once observed that, "There is a certain blend of courage, integrity, character, and principle which has no satisfactory dictionary name, but has been called different things at different times in different countries. Our American name for it is 'guts'." He could have been writing of Wic Dove.

The valor and courage that Wic displayed that long ago summer day is something I will not soon forget, nor will those whose lives he touched—and saved.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry

nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PROPOSED LEGISLATION ON WILD AND SCENIC RIVERS—MESSAGE FROM THE PRESIDENT—PM 173

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Energy and Natural Resources:

To the Congress of the United States:

One of the greatest challenges facing our Nation is to make careful and wise use of our natural resources. At the same time, we must protect other national treasures—wild, free-flowing rivers and wilderness areas—for this and future generations to enjoy in their natural, undeveloped state.

To further this effort and pursuant to the Wild and Scenic Rivers Act of 1968 and the Wilderness Act of 1964, I am today proposing, at the recommendation of the Secretary of Agriculture and the Secretary of the Interior, eight additions to the National Wild and Scenic Rivers System and three additions to the National Wilderness Preservation System. These additions total some 245 miles of rivers and over 21,000 acres of wilderness.

Briefly described, the proposed additions to the Rivers System are:

(1) The Clarks Fork of the Yellowstone River, Wyoming—21.5 miles of the river in the Shoshone National Forest.

(2) The Elk River, Colorado—29 miles of the river in the Routt National Forest.

(3) The Conejos River, Colorado—36.8 miles of the river in the Rio Grande National Forest.

(4) The Los Pinos River, Colorado—54 miles of the river in the Weminuche Wilderness, San Juan National Forest.

(5) The Verde River, Arizona—39.5 miles of the river in the Prescott, Coconino, and Tonto National Forests.

(6) The Au Sable River, Michigan—23 miles of the river in the Huron Manistee National Forest.

(7) The Snake River, Wyoming—13 miles of the river in the Bridger-Teton National Forest.

(8) The Piedra River, Colorado—28.4 miles of the river in the San Juan National Forest.

The comprehensive bill that I am transmitting today to add these rivers to the System will also make changes to the Wild and Scenic Rivers Act to enhance our ability to manage such rivers efficiently and effectively.

In addition, I am transmitting three legislative proposals to designate the following areas as additions to the Wilderness System:

(1) The Spruce Creek addition to the Hunter-Fryingpan Wilderness, Colorado—the 8,000-acre Spruce Creek Wilderness Study Area, to be added to this Wilderness in the White River National Forest. The area offers outstanding opportunities for solitude and backcountry recreation.

(2) The Paddy Creek area, Missouri—6,728 acres in the Mark Twain National Forest. This area of the Ozarks contains an unusual assortment of rock formations, including caves, crevasses, and fissures.

(3) The Aravaipa Canyon Primitive Area, Arizona—6,670 acres in Graham and Pinal Counties. Aravaipa Creek provides the canyon, which is bordered by high mesa-like cliffs, with lush vegetation and a variety of wildlife that is seldom seen in the surrounding Sonoran Desert.

After reviewing the suitability of three other rivers for possible designation, the Secretary of Agriculture has found them not to be suitable for inclusion in the National Wild and Scenic Rivers System. These include portions of the San Francisco River in Arizona, the Moyie River in Idaho, and the Salt River in Arizona. Finally, after reviewing the Elkhorn Wilderness Study Area in Montana, the Secretary of Agriculture has determined that this area is not suitable for inclusion in the National Wilderness Preservation System.

I am also transmitting to the Congress today letters and reports from the Secretaries of the Interior and Agriculture regarding all of these rivers and wilderness proposals. I concur in all of these recommendations, and urge the Congress to act expeditiously and favorably on the proposed legislation, so that the natural resources of these areas may be protected and preserved.

RONALD REAGAN.

THE WHITE HOUSE, *September 13, 1982.*

PROPOSED LEGISLATION TO REFORM THE CRIMINAL JUSTICE SYSTEM—MESSAGE FROM THE PRESIDENT—PM 174

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on the Judiciary:

To the Congress of the United States:

I am herewith transmitting proposed legislation entitled the Criminal Justice Reform Act of 1982. This Act—plus other proposals now pending in Congress—would strengthen society's defenses against the continuing and pervasive menace of crime.

Crime is clearly one of the most serious problems we face today. Crime—and the fear of crime—affect the lives of most Americans. Government's inability to deal effectively with crime diminishes the public's confidence in our system of government as a whole. Last year alone, one out of every three households in the country fell victim to some form of serious crime. By 1981, according to one survey, nearly eight of ten Americans did not believe that our system of law enforcement discouraged people from committing crimes—a fifty percent increase in just the last fifteen years.

As the threat of crime has become clearer to all Americans, so too has the need for improving our defenses against crime. As my Attorney General said only a few weeks ago: "In recent years, through actions by the courts and inaction by Congress, an imbalance has arisen in the scales of justice. The criminal justice system has tilted too decidedly in favor of the rights of the criminal and against the rights of society." It is time to restore the balance—and to make the law work to protect decent, law-abiding citizens.

To protect the rights of law-abiding citizens, the Administration has previously announced its strong support for a comprehensive law enforcement measure, the Violent Crime and Drug Enforcement Improvements Act of 1982, introduced in the Congress as S. 2572 and H.R. 6497. That important legislative initiative addresses many of our most pressing needs: bail reform, victim-witness protection, strengthened drug penalties, protection of federal officials, sentencing reform, expanded criminal forfeiture, donation of surplus federal property to State and local governments for needed correctional facilities, and a series of miscellaneous improvements in federal criminal laws.

The attached legislative proposal that I am now submitting would reform three additional areas of federal law affecting the criminal justice system. First, it would limit the insanity defense so that only those who did not have the mental state which is an element of their crime would escape responsibility for their acts. Second, the proposal would reform the exclusionary rule to prevent the suppression of evidence seized by an officer acting in the reasonable, good faith belief that his actions complied with law. Although the argument for retaining the exclusionary rule in any form is, at best, tenuous, this proposal eliminates application of the rule in those cases in which it most clearly has no deterrent effect. Finally, the bill would reform federal habeas corpus review of State adjudications to ensure greater deference to full and fair State judicial proceedings and to

limit the time within which habeas corpus preceedings may be initiated. Habeas corpus reform would conserve scarce federal and State judicial and prosecutorial resources.

This new proposal and the Violent Crime and Drug Enforcement Improvements Act of 1982 represent a legislative program to protect all our citizens. These are not partisan initiatives. They are far too important to the Nation's well-being. In my view, they provide the basis for a renewed effort against the menace of crime. They will help restore the balance between the forces of law and the forces of lawlessness. I join with all Americans in urging the Congress to give both these legislative proposals its immediate attention and to begin the process of reclaiming our communities from criminals.

RONALD, REAGAN.
THE WHITE HOUSE, *September 13, 1982.*

MESSAGE FROM THE HOUSE

At 2:51 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendment of the Senate numbered 1 to the bill (H.R. 2475) to modify a withdrawal of certain lands in Mono County, Calif., to facilitate an exchange for certain other lands in Mono County, Calif., and for other purposes; and that the House disagrees to the amendments of the Senate numbered 2 to 7, inclusive, to the said bill.

The message also announced that the House has passed the following bill and joint resolution, without amendment:

S. 2582. An act to amend the act to establish a permanent committee for the Oliver Wendell Holmes Devise, and for other purposes; and

S.J. Res. 194. Joint resolution to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6307. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes; and

H.R. 6666. An act to amend the joint resolution of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 6666. An act to amend the joint resolution of October 19, 1965, to provide additional authorization for the Library of Congress James Madison Memorial Building; to the Committee on Environment and Public Works.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent and placed on the calendar:

H.R. 6307. An act to amend the Solid Waste Disposal Act to authorize appropriations for the fiscal years 1983 and 1984, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOLE, from the Committee on Finance:

Special report entitled "Budget Allocations of the Committee on Finance" (Rept. No. 97-543).

● Mr. DOLE. Mr. President, the first concurrent resolution on the budget makes an allocation of total budget outlays and budget authority among the various committees in the Congress. Section 302(b) of the Congressional Budget Act requires each committee to further subdivide its allocation among subcommittees or programs under its jurisdiction and report the results to its respective House. This report has the proposed allocations among our program categories for outlays and budget authority for fiscal years 1982 and 1983. As required by the Budget Act, the amounts are further subdivided between controllable amounts and all other spending. Our established practice is to show as "controllable" those amounts which would result from new legislation and "all other" those amounts which would result from current law or which were assumed to result from legislative changes not within Finance Committee jurisdiction. Section 8 of the first concurrent resolution provides that it shall not be in order to consider any bill providing new budget or spending authority for fiscal year 1983 until the allocations required by section 302(b) of the Budget Act are made.●

By Mr. PERCY, from the Committee on Foreign Relations, without amendment:

S. Res. 460. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2899; referred to the Committee on the Budget.

By Mr. BAKER (for Mr. MURKOWSKI), from the Committee on Governmental Affairs, without amendment:

S. Res. 461. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1562; referred to the Committee on the Budget.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with understandings:

Treaty Doc. 97-19. Constitution of the United Nations Industrial Development Organization (UNIDO), which was signed for the United States at New York, on January 17, 1980 (Ex. Rept. No. 97-59).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BOSCHWITZ:

S. 2900. A bill to amend the Arms Export Control Act to provide for the reimbursement of the United States Government for the sale of defense training based on the additional costs of such training; to the Committee on Foreign Relations.

By Mr. DOLE (for himself, Mr. SARBANES, Mr. SASSER, Mr. LEVIN, and Mr. RIEGLE):

S. 2901. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Labor and Human Resources.

By Mr. ROBERT C. BYRD (for Mr. BUMPERS) (for himself, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. HOLLINGS, Mr. LUGAR, Mr. EAST, Mr. DIXON, Mr. INOUYE, Mr. BURDICK, Mr. CANNON, Mr. STEVENS, Mr. DOMENICI, Mr. D'AMATO, Mr. DECONCINI, Mr. RIEGLE, Mr. HATCH, Mr. LAXALT, Mr. LEVIN, Mr. RANDOLPH, Mr. TSONGAS, Mr. PELL, Mr. STENNIS, Mr. PRYOR, Mr. SYMMS, Mr. COCHRAN, Mr. BRADLEY, Mr. MATSUNAGA, Mr. WEICKER, Mr. CRANSTON, Mr. HEINZ, Mr. CHILES, and Mr. THURMOND):

S.J. Res. 243. Joint resolution authorizing and requesting the President to designate October 15, 1982, as "National Poetry Day"; considered and passed.

By Mr. WARNER (for himself, Mr. STEVENS, Mr. MATHIAS, Mr. SARBANES, and Mr. PRYOR):

S.J. Res. 244. Joint resolution designating January 17, 1983, as "Public Employees' Appreciation Day"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PERCY, from the Committee on Foreign Relations:

S. Res. 460. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2899; to the Committee on the Budget.

By Mr. BAKER (for Mr. MURKOWSKI), from the Committee on Governmental Affairs:

S. Res. 461. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1562; to the Committee on the Budget.

By Mr. HOLLINGS (for himself and Mr. STAFFORD):

S. Con. Res. 119. Concurrent resolution commending the efforts of the nation's schools to increase their effectiveness and encouraging further improvement in the quality of education; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOSCHWITZ:

S. 2900. A bill to amend the Arms Export Control Act to provide for the reimbursement of the U.S. Government for the sale of defense training based on the additional costs of such training; to the Committee on Foreign Relations.

REIMBURSEMENT OF THE COST OF CERTAIN DEFENSE TRAINING

● Mr. BOSCHWITZ. Mr. President, today I am introducing legislation that will greatly improve one very important aspect of the U.S. foreign military sales (FMS) program—our training of foreign military students. My bill pertains to the manner in which the tuition of these foreign students is priced.

Under current law, countries receiving grant assistance under the international military education and training (IMET) program are charged on an incremental basis for the training they purchase, that is, they reimburse the United State for the additional cost we incur by having them at our training facilities. Other countries, such as Japan, Australia, New Zealand, the NATO countries, the Persian Gulf nations, and several states in Africa and South America, are required to pay on the full-cost principle, which means they pay the additional costs noted previously plus a proportionate share of the administrative and overhead costs we would incur whether we had them at our facilities or not.

Needless to say, the countries paying full cost view the system as highly discriminatory. The two types of cost accounting also cause the procedure to be more bureaucratic than need be and adds administrative headaches.

Therefore, Mr. President, I propose in my bill to amend the Arms Export Control Act to make the additional cost principle standard throughout the FMS program. In this way, all countries whose military students receive U.S. training would reimburse us for just what it costs us to train them.

Training of military students from abroad is very important to our foreign policy. Not only does it impart military knowledge and skills to countries whose armed forces are equipped at least in part with U.S. equipment, but perhaps more importantly it gives our military personnel an opportunity to get to know individuals who will some day occupy key posts in the defense and foreign affairs ministries in their governments.

Mr. President, I think my bill will make foreign military training programs run more smoothly and effectively. I urge its adoption by the Senate.●

By Mr. DOLE (for himself, Mr. SARBANES, Mr. SASSER, Mr. LEVIN, and Mr. RIEGLE):

S. 2901. A bill to establish a National Commission on Neurofibromatosis; to the Committee on Labor and Human Resources.

NATIONAL COMMISSION ON NEUROFIBROMATOSIS ACT

● Mr. DOLE. Mr. President, today Senators SARBANES, SASSER, LEVIN, and I are introducing legislation to establish a National Commission on Neurofibromatosis.

NEUROFIBROMATOSIS

Neurofibromatosis (NF) is the most common neurological genetic disorder, affecting an estimated 100,000 people in the United States. It is estimated that one in 3,000 people have this progressive genetic disorder which results in abnormal development of neural tumors. The disease usually appears in childhood, although it can appear as late as age 50, with the following progressive symptoms: Small and large pressure sensitive tumors just under the skin, severe curvature of the spine, enlargement and deformation of bones, tumors on the auditory nerves resulting in deafness, tumors on the optic nerve resulting in loss of sight, and tumors of the brain and spinal cord, frequently resulting in epilepsy, retardation, and death. In approximately 5 percent of the cases, the tumors become cancerous.

Research has determined that NF is inherited from one parent in about 50 percent of the cases. The other half, however, are caused by a sporadic mutation of the genes. To date almost nothing is known about the causes of this mutation, and there is no effective treatment for NF other than surgical intervention in the growth of the tumors, which may grow back.

NATIONAL COMMISSION

Despite the prevalence of the disease, NF is perhaps the most overlooked serious disorder of our time. Recently, attention has been focused on NF as a result of the theatrical and motion picture productions of "The Elephant Man," the true story of John Merrick's struggle with the most severe case of NF ever recorded. That attention, however, will not replace the needed coordination and focus of our research efforts provided by a national commission.

Mr. President, the legislation we are introducing today would establish an independent commission of 20 members, organized, operating, and reporting within an 18-month period, with an authorization of $1.25 million. The Commission is to prepare a comprehensive plan for research and education on NF and the needed services for people with NF and their families. There is currently research going on within the National Institutes of Health and at other institutions across the country. But the coordination and funding for this research is severely lacking. A commission is needed to coordinate the work done so far and to plan for needed future research. As we have done with other major diseases, we need to formulate a national policy for dealing with NF.

We believe a national commission is a necessary step in our battle against NF. A recent report prepared by the Congressional Research Service found that commissions have effectively served to target limited resources, promote patient education and professional awareness, and provide a diverse perspective on prevention and treatment of diseases. Those are the objectives we seek with this legislation, and I encourage my colleagues to support it.●

● Mr. SASSER. Mr. President, I rise in support of the National Commission on Neurofibromatosis Act, S. 2901.

Neurofibromatosis (NF) is a genetic disorder which is either inherited from a parent or is the result of a genetic mutation.

At least 100,000 Americans are afflicted with neurofibromatosis. It occurs equally in both sexes and is found in all racial, ethnic, and social class groups.

There is a shortage of specialized programs and trained professionals for neurofibromatosis research, treatment, care, education, and rehabilitation. Presently, there is no cure for neurofibromatosis. Treatment is aimed at correct diagnosis, surgical intervention, psychotherapy, and genetic counseling. Research is being directed toward locating the gene that causes neurofibromatosis and determining a prenatal test for identifying its presence, trying to understand the variability of neurofibromatosis, and evaluating the role of the various growth and hormonal factors in the body in relation to neurofibromatosis.

The purpose of S. 2901 is to establish a National Commission on neurofibromatosis to prepare a comprehensive report to the Congress which would include a long-range plan to expand and coordinate the national treatment and research effort against neurofibromatosis, to advance educational activities and opportunities, to improve the quality of life of individuals with neurofibromatosis, and to increase public awareness of neurofibromatosis.

Because neurofibromatosis is one of the most common serious neurological genetic disorders, affecting 1 of every 3,000 births, I urge my colleagues to support the establishment of a National Commission on neurofibromatosis.●

By Mr. WARNER (for himself, Mr. STEVENS, Mr. MATHIAS, and Mr. SARBANES):

Senate Joint Resolution 244. Joint resolution designating January 17, 1983, as "Public Employees Appreciation Day"; to the Committee on the Judiciary.

PUBLIC EMPLOYEES APPRECIATION DAY

Mr. WARNER. Mr. President, everyone who works, whether for themselves or for someone else, recognizes the need and value of praise and appreciation for their services. Public employees are no exception.

Very often, I witness Federal career employees being made the brunt of undue criticism. While we all know there is need for improvement in some areas, most Government employees are dedicated individuals who are doing their best to carry out policy directives, providing for an improved quality of life for all Americans.

My observation is based on over 10 years of personal service in the executive branch—at the Justice Department, the Pentagon, and as head of the Nation's Bicentennial.

For these reasons, I am pleased to introduce, with Senators STEVENS, MATHIAS, and SARBANES as cosponsors, a Senate Joint Resolution designating January 17, 1983, as "Public Employees Appreciaton Day."

It is fitting to recognize the contributions of millions of our citizens who have served and are serving this Nation in local, State, and Federal service in conjunction with the 100th anniversary of the Civil Service Act next January, and ask that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 244

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That January 17, 1983, is designated "Public Employees' Appreciation Day". The President is authorized and requested to issue a proclamation inviting the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that day with appropriate ceremonies and activities.

Mr. WARNER. Mr. President, I ask unanimous consent that the statements made throughout the day by other Members of the Senate be located in the RECORD at this one place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, I yield to my distinguished colleague from Maryland.

Mr. MATHIAS. Mr. President, I thank the distinguished Senator from Virginia for yielding to me.

I wish to not only tell him and other Senators that I am a cosponsor with the Senator from Virginia of this resolution but also that I will work for its adoption and beyond merely the adoption of the resolution will work for a greater recognition of the contribution that civil servants make to the Government of the United States and to the people of the United States.

The quality of their work is extraordinary. Not only the level of performance but the level of excellence of their performance is outstanding.

All too often they are made the scapegoats for the problems that have been created by other forces and other people in our society.

I think the civil service is one of the great institutions of the United States. We should be proud of it. We should protect it. We should preserve it. And we should pay it.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Maryland and I join him in his observations.

Indeed, he is recognized in this Chamber as being one of the leaders and great protectors of the institution of civil service.

I myself admit with great humility that it is unlikely that I would be in the Senate had it not been for an excess of 10 years of service in a variety of capacities as a Federal employee, starting out as a mail carrier during World War II and eventually having the privilege to serve as Secretary of the U.S. Navy.

So I shall join with my distinguished colleagues from Maryland and other Members of this body to see what we can do to bring the proper credit and appreciation of the Nation on the Federal civil service.

Indeed, all too often they are regarded as responsible for some of the problems of Government, but if we analyze it, indeed it is the leadership who is responsible, as opposed to these loyal people who have dedicated their lives in the service of their country.

I thank you, Mr. President, and I yield the floor.

ADDITIONAL COSPONSORS

S. 473

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 473, a bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a motor vehicle will be determined in the same manner Government employees determine reimbursement for the use of their vehicles on Government business.

S. 585

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EAST) was added as a cosponsor of S. 585, a bill to provide a special defense to the liability of political subdivisions of States under section 1979 of the Revised Statutes (42 U.S.C. 1983) relating to civil actions for the deprivation of rights.

S. 1698

At the request of Mr. DENTON, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1698, a bill to amend the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of U.S. Armed Forces personnel.

S. 2436

At the request of Mr. WARNER, the names of the Senator from Maryland (Mr. SARBANES), the Senator from Tennessee (Mr. SASSER), and the Senator from Nevada (Mr. CANNON) were added as cosponsors of S. 2436, a bill to designate the Mary McLeod Bethune "Council House" in Washington, D.C., as a national historic site and for other purposes.

S. 2734

At the request of Mr. HUMPHREY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2734, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide the Food and Drug Administration with power to enjoin the distribution of forged or counterfeit drugs.

S. 2735

At the request of Mr. HUMPHREY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2735, a bill to amend title 39 of the United States Code to provide that drug abuse oriented advertisements and shipments of drugs in response to drug abuse oriented advertisements shall be nonmailable matter.

S. 2736

At the request of Mr. HUMPHREY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2736, a bill to make it unlawful to manufacture, distribute, or possess with intent to distribute, a drug which is an imitation of a controlled substance or a drug which purports to act like a controlled substance.

S. 2784

At the request of Mr. DECONCINI, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 2784, a bill to clarify the application of the antitrust laws to professional team sports leagues, to protect the public interest in maintaining the stability of professional team sports leagues, and for other purposes.

SENATE JOINT RESOLUTION 235

At the request of Mr. HELMS, the names of the Senator from Arizona (Mr. DECONCINI) and the Senator from Illinois (Mr. PERCY) were added as cosponsors of Senate Joint Resolution 235, joint resolution to proclaim March 21, 1983, as "National Agriculture Day."

SENATE JOINT RESOLUTION 239

At the request of Mr. WARNER, the names of the Senator from Wisconsin (Mr. KASTEN), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. DIXON), the Senator from Washington (Mr. GORTON), the Senator from California (Mr. HAYAKAWA), the Senator from South Dakota (Mr.

ABDNOR), the Senator from South Dakota (Mr. PRESSLER), the Senator from Texas (Mr. TOWER), and the Senator from Alabama (Mr. DENTON) were added as cosponsors of Senate Joint Resolution 239, joint resolution designating October 16, 1982, as "National Newspaper Carrier Appreciation Day."

SENATE JOINT RESOLUTION 241

At the request of Mr. HUMPHREY, the names of the Senator from Oregon (Mr. HATFIELD), the Senator from Texas (Mr. TOWER), the Senator from Maine (Mr. MITCHELL), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of Senate Joint Resolution 241, joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

SENATE CONCURRENT RESOLUTION 119—COMMENDING OUR NATION'S SCHOOLS

Mr. HOLLINGS (for himself and Mr. STAFFORD) submitted the following concurrent resolution, which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 119

Whereas an educated citizenry, able to make critical decisions is the cornerstone of democracy;

Whereas education is one of the best tools for people to raise themselves from poverty;

Whereas the national defense demands soldiers capable of operating high technology equipment;

Whereas the growth of high technology industries as the mainstay of the nation's economy requires a well-educated workforce;

Whereas the international nature of economic competition demands that U.S. workers be highly productive as well as skillful;

Whereas the schools within the last several years have placed a greater emphasis on strict academic standards and these efforts are showing results in terms of higher achievement gains: Therefore be it

Resolved, That the Congress applauds the efforts of the schools to increase their effectiveness and provide a quality education for all students. Congress recognizes that improving education is a joint effort involving private industry, local schools, States and the Federal government and resolves to show that "Congress Cares" by continuing to work with industry, local schools and States to improve the nation's schools.

Mr. HOLLINGS. Mr. President, I am submitting a concurrent resolution calling attention to the efforts of the Nation's schools to increase their effectiveness and encouraging the further improvement in the quality of education. Joining me in cosponsoring this resolution is the senior Senator from Vermont, Senator STAFFORD.

The challenge ahead, Mr. President, if we are going to return America to a strong footing of competitiveness in the world marketplace is the realization that our schools will provide the quality necessary in our people to get the job done. We must seek to improve our schools and promote quality if we are to accomplish our goal. This resolution will, Mr. President, lend support to our efforts in this direction.

SENATE RESOLUTION 460—BUDGET WAIVER

Mr. PERCY, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on the Budget:

S. RES. 460

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 2899. Such waiver is necessary because S. 2899 authorizes the enactment of new budget authority which would first become available in fiscal year 1982, and such bill was not reported on or before May 15, 1981, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of statutory authority to provide supplemental emergency economic assistance to countries of the Caribbean Basin in fiscal year 1982.

S. 2899 provides an authorization for fiscal year 1982 of $350,000,000 for emergency economic assistance to Caribbean and Central American countries in support of the Caribbean Basin Initiative, a program to promote economic revitalization and to facilitate expansion of economic opportunity in the Caribbean Basin region. The effect of not considering this bill would be to deny policy guidance for these aid programs and to deny the use of counterpart funds for development programs.

The specified sum is included in the fiscal year 1982 supplemental appropriations act (P.L. 97-257). The Appropriations Committees of the Senate and the House of Representatives have had adequate notice of this authorization, and Congressional consideration of this authorization will in no way interfere with or delay the appropriations process.

SENATE RESOLUTION 461—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. BAKER (for Mr. MURKOWSKI), from the Committee on Governmental Affairs, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 461

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1562. Such waiver is necessary because S. 1562 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of a bill to provide a comprehensive national science policy with respect to the Arctic.

S. 1562 authorizes an appropriation of $25,000,000.00 per year to support the activities of the Arctic Science Policy Council and the Arctic Research Commission.

The Appropriations Committees of the Senate and House have not yet considered legislation which would include appropriations for the Arctic Policy Act, and will therefore have adequate notice of this authorization. Thus, congressional consideration of this authorization will in no way interfere or delay the appropriations process.

AMENDMENTS SUBMITTED FOR PRINTING

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

AMENDMENTS NOS. 3266 THROUGH 3269

(Ordered to be printed and to lie on the table.)

Mr. HATFIELD submitted four amendments intended to be proposed by him to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

REFUGEE ASSISTANCE

AMENDMENT NO. 3270

(Ordered to be printed and be referred to the Committee on the Judiciary.)

Mrs. HAWKINS submitted an amendment intended to be proposed by her to the bill (H.R. 5879) to amend chapter 2 of title IV of the Immigration and Nationality Act to extend for 1 year the authorization of appropriations for refugee assistance, and for other purposes.

REIMBURSING STATES AND LOCALITIES IN THE EVENT OF AN IMMIGRATION EMERGENCY

● Mrs. HAWKINS. Mr. President, today I am offering an amendment to the House-passed version of the reauthorization of the Refugee Act of 1980, H.R. 5879. The Refugee Act of 1980 is the legislation authorizing a range of benefits provided to refugees who are allowed to settle in this country. It must be reauthorized this year. The House has already finished consideration of its reauthorization bill, and the Senate is expected to finish prior to our adjournment in October.

My amendment is designed to redress serious shortcomings in current law. Currently, our State and local governments cannot depend on reimbursement for their tremendous expenses—should they again be surprised by a massive influx of undocumented aliens. In 1980, Florida was inundated with 125,000 Cubans over a period of only 6 months. The total cost of accepting these homeless people amounts to over $1 billion, to date. Out of that Florida paid $150 million. Obviously, 15 percent of a $1 billion tab is a tremendous burden on Floridians—a burden that, ironically, they were powerless to prevent. For-

eign policy and immigration policy fall under the jurisdiction of the Federal Government. Hence, State and local governments could not say no to the influx of undocumented aliens. However, they must say yes to the cost of paying for the food, housing, and education of these aliens.

For example, 1 out of every 12 children in a Dade County school is now a refugee or a Cuban or Haitian entrant. Florida State and local governments have paid for 75 percent of the cost of educating these children. The issue is not merely money, though. Consider the harassment and shock caused by the massive injection of undocumented aliens to these Florida communities.

Another tremendous price that Floridians pay—in money and in psychic damage—is in the area of criminal justice. Normally the crime rate increases in proportion to increases in population. Because of the Cuban arrivals in Florida, however, increases in the crime rate have far outstripped population increases. Cuban entrants comprise 4.6 percent of the unincorporated of Dade County; yet, at one point they made up a staggering 14.8 percent of jail population. In the year following the massive influx of Cubans to Dade County, serious crimes increased by 23.1 percent. Of course, the people of Dade County are expected to pay the bill for over 75 percent of the cost of this crime epidemic—as well as endure an excessively high crime rate in their formerly safe and solid community. I believe that this is blatantly unfair, and my amendment seeks to correct this situation in the event of any future immigration emergencies.

This amendment provides a range of benefits to aliens who arrive in the United States as a result of the policy of a foreign government to encourage emigration to the United States in violation of U.S. immigration laws. In other words, these aliens are here as a result of a failure of U.S. foreign policy. The benefits in the amendment are designed primarily to help an alien adjust smoothly and quickly to American society so that they can contribute to the local economy and social environment. The amendment is also designed to place the responsibility for financing benefits fully in the hands of the Federal Government. Foreign policy is a Federal responsibility. It is only equitable, then that spectacular failures of foreign policy be funded by the Federal Government. That is New Federalism in its purest and most equitable form.

Under this amendment, State and local governments will be reimbursed by the Secretary of the Treasury after consulting with appropriate Federal departments. Before being reimbursed, however, a State must submit to the Secretary of the Treasury an application that describes the services furnished, specifies the amount claimed for reimbursement, and provides proof that the services were furnished to an eligible alien both quickly and economically.

The kinds of services provided under this amendment range from cash assistance for a 36-month period, to health care for a 60-month period, to education services for a 120-month period, and so forth. These services are necessary to prevent aliens from becoming a burden on their community and will help them assume a productive role in our society. This amendment will assure State and local governments that from now on the Federal Government will live up to its obligations in the area of immigration. I urge the Senate to adopt this amendment.●

ARCTIC RESEARCH AND POLICY ACT OF 1981

AMENDMENT NO. 3271

(Ordered to be printed and referred to the Committee on Governmental Affairs.)

Mr. BAKER (for Mr. MURKOWSKI) (for himself and Mr. STEVENS) submitted an amendment intended to be proposed by them to the bill (S. 1562) to provide comprehensive national policy dealing with national needs and objectives in the Arctic.

NOTICES OF HEARINGS

SUBCOMMITTEE ON FOREIGN AGRICULTURAL POLICY

Mr. BOSCHWITZ. Mr. President, I wish to announce that the Senate Agriculture Subcommittee on Foreign Agricultural Policy will hold a hearing on Tuesday, September 21, on U.S. agricultural exports of processed and value-added products. The hearing will focus on the history of these exports as well as potential benefits of increased export volume.

The hearing will begin at 9:30 a.m. in room 324, Russell Senate Office Building.

Anyone wishing further information should contact Denise Alexander of the committee staff at 224-0014.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, September 15, in order to receive testimony concerning S. 2428, the Trademark Counterfeiting Act of 1982, and for the purposes of considering the following nominations:

David Dowd, of Ohio, to be U.S. district judge for the northern district of Ohio; and

Edward Rafeedie, of California, to be U.S. district judge for the central district of California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, September 14, in order to consider and act on the attached schedule of committee business.

TENTATIVE AGENDA

(1) BILLS

S. 2411—Justice Assistance Act of 1982 (Subcommittees on Criminal Law and Juvenile Justice).

S. 675—Federal Review and Revision Commission (Subcommittee on Separation of Powers).

(2) NOMINATIONS

UNITED STATES MARSHALS

Mr. Herbert M. Rutherford III, of New Jersey, to be U.S. Marshal for the eastern district of Virginia.

Mr. Max E. Wilson, of North Carolina, to be U.S. Marshal for the western district of North Carolina.

Mr. Edward M. Camacho, of Guam, to be U.S. Marshal for the District of Guam.

OTHER

Mr. Edward W. Ray, of California, to be a Commissioner of the Copyright Royalty Tribunal (reappointment).

Prof. Robert A. Destro, of Wisconsin, to be a member of the Commission on Civil Rights.

Dr. Guadalupe Quintanilla, of Texas, to be a member of the Commission on Civil Rights.

Rev. Constantine N. Dombalis, of Virginia, to be a member of the Commission on Civil Rights.

(3) COMMEMORATIVES

S.J. Res. 97—To designate the second full week in October as "National Legal Secretaries' Court Observance Week."—(Introduced by Senator Mitchell.)

S.J. Res. 174—To authorize and request the President to designate October 16, 1982 as "World Food Day."—(Introduced by Senator Leahy).

S.J. Res. 234—To designate the week commencing with the third Monday in February, 1983 as "National Patriotism Week."—(Introduced by Senator Goldwater.)

S.J. Res. 235—To proclaim March 21, 1983, as "National Agriculture Day."—(Introduced by Senator Helms.)

S.J. Res. 238—To designate October 9, 1982 as "National Running and Fitness Day."—(Introduced by Senator Thurmond.)

S.J. Res. 239—To designate October 16, 1982 as "National Newspaper Carrier Appreciation Day."—(Introduced by Senator Warner.)

S.J. Res. 241—To designate December 12 through 18, 1982 as "National Drunk and Drugged Driving Awareness Week."—(Introduced by Senator Humphrey.)

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, September 16, in order to receive testimony concerning the following legislation:

S. 2784—Major League Sports Community Protection Act of 1982; and

S.J. Res. 199—A proposed amendment to the Constitution relating to voluntary school prayer.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, September 14, to hold an oversight hearing on U.S. trade relations with Japan.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON RESEARCH AND GENERAL LEGISLATION

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Research and General Legislation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, September 14, at 9:30 a.m., to hold a hearing on S. 2219, a bill to require the Secretary of Agriculture to publish monthly farm income estimates.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SINAI SUPPORT AND FIELD MISSIONS

● Mr. TOWER. Mr. President, President Reagan has recently sent a letter of commendation to the individuals who served in the Sinai Support and Field Missions. I shall take a moment to add my congratulations and thanks for the fine job done by the people involved in this peace-keeping mission in the Middle East.

One of Texas' own companies, E-Systems of Dallas, was the prime Government contractor in this important effort in the Sinai. The company was responsible for establishing a tactical early warning system guarding the approaches to the Giddi and Milta Passes. In a 1977 GAO report, it was noted that E-Systems was "chosen to perform the Sinai project based on its experience and quick-reaction capability."

The GAO publication reported that:

The establishment and operation of the early warning system demonstrated a successful blending of government and private enterprise to achieve desired results under difficult circumstances. Noteworthy was the speed with which the early warning system became operational between the signing of the joint resolution on October 13, 1975, and the redeployment of forces in the Sinai on February 22, 1976.

Sinai Support Missions Director Frank E. Mestrone's reports to the President also contained praise for the rapid and efficient manner in which the contractor met the challenges of the mission's work over the 6 years of operation.

The experience and capability of E-Systems and its staff were important to the successful completion of the mission. The company was able to fulfill its contract in a cost-efficient manner and well within the time allowed.

America has followed a policy in the Middle East aimed at bringing a just and lasting peace to this trouble region. The success of special envoy Philip Habib is the most recent example of the United States stabilizing influence in this area of the world.

A less well known—but no less important—example of U.S. concern in the Middle East is the Sinai Support Mission's peace-keeping role. Perhaps in the future, other positive demonstrations of U.S. interest in serving the goal of peace and prosperity in the Middle East can come through similar joint private and Government operations in this corner of the globe.

The men of women of the mission are to be commended for their time and energy in this important job.

I submit for the RECORD President Reagan's letter.

THE WHITE HOUSE,
Washington, D.C., July 14, 1982.

A unique American peacekeeping operation in the harsh and isolated desert environment of the Sinai Peninsula ended on April 25, 1982, when Israel completed its withdrawal from the Sinai in accordance with the terms of the 1979 Egyptian-Israeli Peace Treaty. On that day, the Sinai Support Mission and its overseas arm, the Sinai Field Mission, concluded six years of keeping the peace between Egypt and Israel. As the Sinai Support Mission closes out this operation, I want to pay tribute to the many dedicated men and women who, during this critical period, served with distinction either with SSM here in Washington or with SFM in the Sinai.

"The orange men and women," as the Sinai Field Mission staff were called because of the international orange color of their clothing and their helicopters, played a crucial role in maintaining the peace in that area, first under the Second Sinai Disengagement Agreement of 1975 and then under the 1979 Peace Treaty. Initially, they operated an electronic early warning system guarding the approaches to the strategic Giddi and Mitla Passes. When the Israeli troops withdrew further east of these passes under the terms of the Peace Treaty, SFM was assigned a new role, the verification of Egyptian and Israeli compliance with the force and armament limitations specified in the Treaty for controlled areas in the western Sinai. The verifications involved onsite inspections of units and facilities scattered over a 15,000 square mile area of the Sinai. During this period, SFM personnel earned the respect and confidence of both the Egyptians and the Israelis because of their expertise, professionalism, and impartiality.

In additional to these most important contributions to keeping the peace, the Sinai Support Mission rendered noteworthy assistance in the creation of its successor organization, the Multinational Force and Observers, which assumed Sinai peacekeeping responsibilities on April 25, 1982. The speed with which the MFO was created and made operational would have been hard to achieve without the expertise and cooperation of the Sinai Support Mission.

To all those who served in the Sinai Support and Field Missions, let me say, congratulations for a job well done. You have set a high standard for peacekeeping operations and made an important contribution on behalf of the United States to the cause of peace in the Middle East.

RONALD REAGAN.●

TREASURY DEPARTMENT REAFFIRMS LEGALITY OF DISC

● Mr. HEINZ. Mr. President, several months ago I had occasion to write Secretary of the Treasury Regan with respect to an article by a Treasury Department employee asserting that the Domestic International Sales Corporation (DISC) was a subsidy under the Rules of the General Agreement on Tariffs and Trade (GATT). I pointed out that this was not the position of the U.S. Government and that such a statement by a Government employee, even though qualified as an expression of his own views, was bound to damage our case on this contentious issue in the GATT.

Thus I was pleased to receive a recent letter from Assistant Secretary Dennis Thomas affirming the Government's longstanding position that DISC is consistent with GATT rules. There is no question in my mind that that is the case, and it is helpful to have similar statements from all concerned departments to reconfirm our Government's unanimity on the point.

Mr. President, I ask that both my letter and Mr. Thomas' response be printed in the RECORD.

The letters follow:

DEPARTMENT OF THE TREASURY,
Washington, D.C., July 21, 1982.

Hon. JOHN HEINZ,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HEINZ: Thank you for bringing to our attention the unfortunate statement about DISC in Mr. Schott's Challenge article. We have brought your letter to Mr. Schott's attention, even though he is on leave from the Treasury Department.

Your letter also gives me the opportunity to reaffirm that the Treasury Department does not consider DISC provisions of the Internal Revenue Code to be contrary to United States obligations under GATT regarding export subsidies.

Sincerely,

W. DENNIS THOMAS,
Assistant Secretary,
(Legislative Affairs).●

COMMODORE JOHN BARRY DAY

● Mr. MATHIAS. Mr. President, last year I introduced a Senate joint resolution to authorize and request the President to designate September 13 as "Commodore John Barry Day," in tribute to the Father of the American Navy.

I am pleased that this resolution passed the Senate and the House in time for the President to sign the

proclamation on his first visit to a U.S. aircraft carrier, the U.S.S. *Constitution.*

Commodore Barry has long been a source of pride to Irish Americans, particularly the Ancient Order of Hibernians in America. The A.O.H. had its roots in the 16th century in Ireland, and the founding of the A.O.H. in America in 1836 makes it the oldest fraternal organization in this country.

The new President of the Ancient Order of Hibernians is a Marylander, Joseph A. Roche of Baldwin, Md. For over 130 years, the Ancient Order of Hibernians in America has assisted Irish immigrants and sought to recognize the accomplishments, talents, and patriotism that the Irish have brought to this country.

I can think of no better way to fulfill this effort than to pay tribute, once again, to the Father of the American Navy, Commodore John Barry.

I ask that the President's comments on board the U.S.S. *Constitution* be printed in the RECORD.

The comments follow:

EXCERPTS FROM REMARKS BY PRESIDENT RONALD REAGAN ABOARD THE U.S.S CONSTITUTION, ON THE OCCASION OF THE SIGNING OF S.J. RES. 87 AND HIS PROCLAMATION

You know, today you ship's motto, "The Spirit is Old; The Pride is New," fits this Nation as well as the vessel. And I have a little chore that I'm going over here for just a second to do, and then I'll just finish with a few remarks.

There was a Commodore John Barry in the United States Navy in the days of the Revolution, and he has been called by many the Father of the United States Navy. So, I'm going to go over here and tell you a little bit of what it is that I'm signing, and then I'll finsh telling you something, a story that I think you might like to hear.

I'll just go to the table.

This is a proclamation [resolution]. It was passed by the 97th Congress of the United States authorizing and requesting me to designate September 13th, 1981, as Commodore John Barry Day. He was a hero of the American Revolution holder of the first commission in the United States Navy. He was born in 1745 in County Wexford, Ireland. He was commissioned to command the brig *Lexington,* equipped for the Revolution, and became a national hero with the capture of a British man-of-war, the *Prince Edward,* April 1776.

Following the Revolution, when the sovereignty of this new nation was threatened by pirates, Commodore Barry was placed in command of the first ships authorized under the new Constitution and was named Senior Captain of the United States, Navy in 1794. As I said, he's considered by many as the Father of the United States Navy. He was honored in 1906 when the Congress had a statue of him erected in Lafayette Square in Washington, D.C., and since then a statue has also been erected by our Government in County Wexford, Ireland.

"So, now, therefore, be it resolved that the President is authorized and requested to designate September 13th as Commodore John Barry Day as a tribute to the Father of the United States Navy and to call upon Federal, State, and local government agencies and the people of the United States to observe such day with appropriate ceremonies and activities." It is signed by Congressman Thomas O'Neill, the Speaker of the House, and by George Bush, the Vice President of the United States and President of the Senate.

I'm going to use about four pens. I could have signed this at the hotel, but I just thought with this chance, I had to sign it right out here where the Navy is.●

EXPORT TRADING COMPANY LEGISLATION WILL CREATE JOBS

● Mr. HEINZ. Mr. President, a recent statement and letter by the U.S. Conference of Mayors affirms the job creating potential of the export trading company legislation (S. 734) now in conference. As the letter makes clear, the several studies that have been done on this subject project the creation of between 300,000 and 600,000 jobs by 1985, as the legislation makes the United States increasingly export oriented.

Clearly, Mr. President, this is major legislation and I hope it will move promptly through conference. I ask that the letter and resolution of the Conference of Mayors appear at this point in the RECORD.

The letter and resolution follow:

UNITED STATES
CONFERENCE OF MAYORS,
Washington, D.C., August 9, 1982.

DEAR CONFEREE: As you know, you will soon be meeting to put the final touches on the Export Trading Company legislation (S. 734). The U.S. Conference of Mayors supports this legislation, believing it to be vital to the economic vitality of the small business community, important in reducing our trade deficit, and potentially of significant benefit to cities in their business development efforts. Consequently, we urge prompt approval of this legislation by the conference committee and by the Congress.

The Conference of Mayors at our annual meeting in June, adopted policy specifically endorsing Export Trading Company, (ETC) legislation. I am enclosing a copy of that resolution.

The Export Trading Company legislation would permit banks to take limited ownership interests in an ETC and allow ETC's to apply for an antitrust certification preclearance, giving greater assurance their activities would not make them liable to antitrust action. In addition, the legislation directs the Department of Commerce to promote the formation of export trading companies.

We are optimistic that this legislation will encourage many small and medium sized firms to enter the export market. This in turn will create jobs here in the United States. Most analyses indicate the increase would be at least 300,000 jobs, and possibly twice as much by 1985.

We thank you for your past support of this important legislation and we urge you to expedite its enactment.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

EXPORT TRADING COMPANIES

Whereas, export development and foreign investment can aid in promoting economic activity and expanding jobs in cities; and

Whereas, there are new and expanding opportunities for export sales and foreign investment in cities especially involving small and medium sized businesses; and

Whereas, export trading companies can be an important means for overcoming information, technical, and economic barriers to international trade and finance by making it easier for small and medium sized businesses to pool their resources and, when appropriate, to link their activities with larger business and financial institutions involved in the international trade network; and

Whereas, the Congress is currently considering an Export Trading Company Act which is generally supported by the Administration, now, therefore, be it

Resolved, That the Conference of Mayors supports the legislation currently before the Congress which would permit establishment of export trading companies and urges its prompt enactment into law; and be it further

Resolved, That the legislation should contain the simplest possible procedures and requirements for participation and involvement of small business and the creation of smaller trading companies; and be it further

Resolved, That the Conference supports the proposal to give the Department of Commerce authority to certify export trading companies in view of the other international trade approvals, authorities, and programs which are already their responsibility.●

U.S. POPULATION

● Mr. PACKWOOD. Mr. President, I wish to report that according to the latest U.S. Census Bureau approximations, the total population of the United States on September 1, 1982, was 231,871,800. This represents an increase of 218,178 since August 1, 1982. Since this time last year, our population has grown by an additional 2,205,449.

In 1 short month we have added enough people to our population to more than fill the city of Corpus Christi, Tex. Over the past year, our population has increased enough to fill the city of Pittsburgh, Pa., more than five times.●

PLIGHT OF THE WESTERN TIMBER INDUSTRY

● Mr. HATFIELD. Mr. President, I recently introduced legislation that alleviates a most serious problem that exists in the Western wood-products industry. As you know, high interest rates and the slowdown in homebuilding has dealt a crushing blow to the industry that supplies the materials to build our homes. Housing starts have plummeted from over 2 million per year in 1979 to less than 1 million in 1981. My State of Oregon and many other Western timber-producing States are suffering economic malaise only likened to the Depression years of the 1930's. In my State alone, 73 lumber mills are either closed or working at reduced shifts. Since 1979, 22,000 of the 90,000 direct jobs in Or-

egon's wood-products industry have been lost. Since 1979, 10 wood-products firms have taken bankruptcy. Unfortunately, the situation of this beleaguered industry only points to even worse times ahead.

In the West, many timber companies are almost totally reliant on Federal timber for their raw materials. Timber is purchased under contracts dictated by the Federal Government which in many instances has a monopoly position as supplier of the raw product. Typically, these companies purchase Government timber on a schedule that provides them with a timber supply for several years, so that these companies can plan properly.

Mr. President, during the decade of the 1970's we had Federal housing policies which fostered homebuildings. With the shift in the Federal economics program, and through a combination of tight money, high interest rates, and deregulation of financial institutions, capital has been channeled away from housing.

This situation has put the companies who bid competitively for Government timber in a terrible bind. Prices for lumber and plywood are much lower than the Government prices they have under contract. In Oregon and Washington, as much as 90 percent of the 20 billion board feet of timber under contract cannot be harvested in today's market. The only alternative many of these companies holding these contracts have is to default. Defaulting Government timber contracts, with severe penalties resulting, will drive many of them out of business, thus exacerbating an already unacceptable situation.

Mr. President, when two parties are involved in a contractual agreement, and drastically changed conditions disable one of those parties to the point whereby the contract cannot be fulfilled, the only alternative available is to default on the contract or to modify it. This is exactly the situation we face today.

During the week of August 16, the Public Lands and Reserved Water Subcommittee of the Energy and Natural Resources Committee heard from many interested parties on this very problem. The hearings were called to address legislation introduced both by Senator McCLURE and me that authorized the Secretaries of Interior and Agriculture to modify Federal timber sales contracts. It became painfully obviously that this serious situation warrants immediate action, or the small, independent segment of the lumber industry would be lost, leaving only a handful of large, integrated companies as the suppliers of wood products.

Mr. President, witness after witness spoke in favor of granting some type of relief to these troubled companies. The administration did not recognize that the problem with unharvestable timber contracts warranted immediate action. Instead it took the position that the Federal Government took no part, or shared no blame in this problem. I feel that attitude is one of the greedy liquidators, ready to pounce at the first sign of default. I am dismayed and disturbed by this attitude.

A recent Congressional Research Service study on Federal timber contracts claims that companies who will be able to turn back timber contracts to the Government will receive some kind of benefit and that the Federal Government will lose revenues. This statement could not be further from the truth. There is no possibility that billions and billions of board feet of Federal timber will never be harvested. As I stated earlier, the only alternative is defaulting on or modification of these contracts. To speak of benefits, knowing that this situation exists, is ridiculous. The only benefits that will occur will be to the attorneys who must litigate the endless amounts of suits and countersuits that will result. That is of no benefit to either the Government or to the counties, mill owners, States, and private citizens who depend on this industry for their livelihood.

Mr. President, I submit for the RECORD an article that recently appeared in the Oregonian newspaper that expands on my comments:

[From the Oregonian, Sept. 5, 1982]

ADMINISTRATION TELLS TIMBERMEN: PAY AND BE DAMNED

(By Dick Johnston)

WASHINGTON.—Key segments of the timber industry are near accord on a potential congressional solution to Western Oregon's looming crisis over high-priced government administration's ideological opposition as the chief obstacle to resolving a problem many Oregon mill owners believe could drive them into bankruptcy.

Agreement among the politically potent timbermen and, to a lesser extent, the environmentalists is vital to any scheme for relieving Oregon mills of contracts signed in the late 1970s and early '80s before lumber markets plummeted, when firms promised to pay the highest prices in history for Forest Service and Bureau of Land Management stumpage.

Now, while there is not unanimity within the timber industry or between the two groups, their differences do not seem fatal to efforts by Sens. Mark O. Hatfield, R-Ore., and James A. McClure, R-Idaho, to write a compromise plan when Congress returns from its Labor Day recess this week.

And an important Department of Agriculture natural resources official has recommended—unseccessfully—that the administration embrace a termination policy that many in the industry and on Capitol Hill consider essential for any workable relief program.

The Reagan administration's insistence on doing nothing to avert contract defaults beyond time extensions was a defeat for its assistant secretary of agriculture for natural resource, John B. Crowell Jr., the longtime general counsel for Louisiana-Pacific Corp.

Although Crowell remains mum on what he recommended, leaky Washington keeps few secrets: His recommendation included allowing termination of up to 40 percent of the high-priced contracts, by volume.

His recommendation gives weight to the Oregon industry's pleas.

As the industry plight worsened, Crowell refused to turn to termination, saying he would wait until there was no alternative. Now he has turned, but his superiors regard such relief as a "bailout" and contrary to their free-market philosophy.

The two Republican senators leading the relief search, Oregon's moderate Hatfield and Idaho's conservative McClure, are far more pragmatic, willing to seek compromises they can sell rather than schemes rooted in politics or idelogy.

But even if the senators sell a relief scheme to Congress, they can expect trouble at the White House, which has all but nailed "no soliciting" signs on the gates.

President Reagan made it clear this summer that his determination against giving special aid to any industry included wood products: He vetoed the fiscal 1982 urgent supplemental appropriations bill, in part because it included a home mortgage interest payment subsidy plan the president derided as a "bailout." He made the veto stick, too.

What is not in doubt is that Hatfield and McClure and their staffs still are talking about a proposal similar to that develop by an ad hoc committee of Western Oregon and Idaho timbermen assembled by the senators.

When they write their final proposal, these are the probable central elements:

Contract terminations, perhaps as high as 50 percent by timber volume.

Longer contract extensions than the administration has granted.

Transfer from national forest to national forest, probably within the same Forest Service region, of the timber payment offset credits the Forest Service grants purchasers for building access roads.

Penalties, at least enough to cover the government's resale expenses, can be expected with terminations. Sentiment is strongly against "rewards" for speculators, although buyers who turn back contracts are unlikely to be barred from rebidding on the same timber at today's prices, now close to half the tariff on the original pacts.

The Idaho-Oregon panel agreed to limited termination, and the Southern Forest Products Association reversed its opposition and endorsed the concept in June. For now, SFPA wants terminations limited to 40 percent of the volume covered by the contracts, and the Southeastern Lumber Manufacturers Association, a group of 396 small mills, favors 25 percent. Some Western Oregon lumbermen want 60 percent or more and there have been calls for blanket termination, most notably by Rep. Jim Weaver, the Oregon Democrat who heads the House Agriculture forests subcommittee.

SFPA, representing three-quarters of the Southern pine production in a dozen states, also wants to block resale of terminated Douglas fir contracts on top of today's regular sales in national forests and on BLM holdings.

It favors capping the Forest Service's Northwest Region 6 sales at 4.1 billion board feet a year in fiscal 1983 and '84. That would be 1.3 billion feet less than the administration's 1983 request and 1.7 billion feet less than the fiscal '84 ceiling.

SFPA is worried about the accumulation of sold but unharvested timber in the Northwest's national forests, now more than 16 billion board feet. Its resale at today's lower prices after sales contract default or termination could glut the market unless total sales are limited, it complains.

Congress may resolve the issue differently. There are rumbles from Capitol Hill that the administration's fiscal 1983 request of 12.3 billion board feet of national forest sales is excessive; 11 billion board feet has been mentioned as a target.

If the Forest Service sales allocation pattern held, that would cut Region 6 sales by some 600 million feet, the major portion of it in Oregon.

Proposals for price rollbacks, greeted with no enthusiasm except in Western Oregon where the state reduced prices in its forests, seem to be dead because pine operators fear their markets would soon be inundated by Northwest lumber and plywood at ruinous prices.

The support of Southern and Idaho pine operators for Western Oregon relief clearly hinges on maintaining existing market patterns.

Southerners are acutely sensitive to Northwest timber prices that spell potential competition in the South and East Central states where Canadian lumber has also become a potent challenger.

But SFPA supports extending contract deadlines for harvest of Northwest timber.

The administration extended deadlines twice to allow up to three years extra on some contracts before holders must harvest the timber and pay the government—or default. Now the favorite among timbermen and on Capitol Hill appears to be a five-year extension for contracts signed before Jan. 1. Congress is likely to seek interest, some type of periodic payment and other responses, such as roadbuilding, for carrying the contracts.

Western Oregon timbermen remain nervous about the contracts, though, despite extensions. A slow recovery is predicted, and contract expiration dates loom in the distance like a brick wall across an expressway.

Additionally, the contracts are on their books as tens of millions of dollars in liabilities.

Liabilities concern Idaho timbermen as well. Thus their demand, resisted by environmentalists and Southerners, to be able to transfer ineffective purchaser credits from one national forest to another.

A bit of history: Congress does not finance roadbuilding in timber sales areas, so the government depends on buyers. But recognizing the value of roads for purposes other than logging, the Forest Service compensates builders by crediting road costs against timber payments.

Normally, the timber value exceeds road costs, but in difficult terrain and sparse timber, such as the Idaho mountains, the Forest Service sometimes owes more for roads than it gets from the timber.

It is forbidden, however, to pay the difference. Instead, the purchaser is allowed to carry over excess credit to future sales in the forest where the road was built.

If a purchaser doesn't buy again in that forest or continues to buy and build up credits, they are considered ineffective.

Idaho timbermen have hungered for transfers to other national forests, but they were first thwarted by the counties containing the forests and now face the wrath of environmentalists and the doubts of the South.

Counties resisted when their quarter share of forest revenues came from the Forest Service's net proceeds within their borders, but the law has changed and roadbuilding costs are not deducted.

Environmentalists associate ineffective credits with sales that produce less revenue than the cost of the roadbuilding required, and they abdhor such sales as bringing logging and roads to fragile lands.

Southerners, fearing Northwest credits might show up in a carpetbag down in Dixie, favor confining transfers to the Forest Service region where credits are earned.

Whatever the outcome of relief efforts, Congress is unlikely to complete a solution until next year.

The 97th Congress has 16 legislative days before its scheduled adjournment. And if the 98th is like most new congresses, it will concern itself more with office swapping and committee assignments than with legislating until the President issues his fiscal 1983 budget in late February.

And whatever happens, Congress won't swallow what Hatfield and Weaver earlier put before the House and Senate, nor will it go for the leftovers the administration tried to disguise with a new-policy sauce.

Hatfield and Weaver sought to authorize—not compel—the secretaries of agriculture and interior to terminate or extend U.S. Forest Service and BLM timber sale contracts bid before Jan. 1, 1982, or to roll back prices to current values for unextended contracts. Beneficiaries would have to show "economic hardship."

Pine timbermen fretted about the proposal and the administration flatly condemned it.

Although the administration would have a free hand in deciding if any relief would be granted, officials envisioned competing loggers brawling on the doorsteps of Agriculture Secretary John Block and Interior Secretary James Watt.

Besides, the bill is contrary to the administration's opposition to government intervention in the marketplace and its stated belief that a contract is a contract. The administration also seems reluctant to give up the billions of dollars the timbermen agreed to pay for the government's trees, despite arguments that bankrupting mills will cost the Treasury a fortune in unemployment benefits and will yield little, if anything, for the government at a distress sale.

But in its position statement on the Hatfield-Weaver bill, the administration refused to consider any contract adjustment except its own extension policy. Beyond that, it said, if buyers can't perform, let them default and pay the piper on the installment plan.

Using almost identical words, Hatfield and Weaver condemned the policy as one of unemployment and bankruptcy.

The penalty on a defaulted contract is the difference between the original bid and the resale price, plus the expense of resale.

In Western Oregon, it is common for a small timber operator to hold 60 million or even 100 million board feet of government timber under contracts signed when Douglas fir sawtimber was going for as high as $440 per thousand board feet, about twice today's price. If the differential amounted to $200 per thousand, each million feet a timberman defaulted would leave him $200,000 in debt to the government.

Many penalties would exceed a defaulting mill's worth. Aaron U. Jones, president of Seneca Sawmill Co. in Eugene, told a recent congressional hearing: "The magnitude of the financial crisis facing these firms can be seen in the fact that at prices bid in 1979 the average cost of only a four-month supply of timber is equal to the average purchaser's present net worth."

Most mills, he added, hold a two-year supply under contract.

But the administration's attitude wasn't all "let 'em eat cake." If defaults come, it proposed to keep the defaulters out of bankruptcy court by arranging an easy payoff plan that would amount to an unsecured liability to the government. While the proposal was not described as new, anyone unfamiliar with government debt collection practices might think it was.

The Justice Department knows all about debt collection, though, since that's one of its jobs. And a spokesman there says its Civil Division lawyers routinely negotiate repayment arrangements that avoid ruining the debtor. Moreover, a Forest Service spokesman noted, it is common for a Justice lawyer to decide that the government will never be able to collect all it is owed and settle for whatever he feels he can get—again, without taking the collection into court.

What Hatfield and Weaver fear is that Oregon's surviving mills whose owners have somehow managed to stay afloat in the worst wood-products market since the Great Depression, will finally give up and go bankrupt rather than take on yet another financial burden.

HIGH TIMBER CONTRACTS PLAGUE INDUSTRY

WASHINGTON.—No businessman can buy at $550, sell at $162, and stay in business long.

That explains the deep concern many Western Oregon timbermen have with the unprecedented prices they agreed to pay for government stumpage in the late 1970s and early into the '80s.

Contracts for that timber did not cause the virtual collapse of the wood products industry; high mortgage interest rates did, driving housing starts from more than 2 million in 1979 to fewer than 1 million this year.

But even if the housing industry begins recovering, reviving lumber markets with it, many a mill owner wonders if he can make it because of those contracts, which won't simply go away with renewed prosperity.

Many say they can't foresee future market conditions in which they will break even, let alone turn a profit, with the high-priced timber, even by blending it with new purchases at today's lower prices.

The Reagan administration averted an immediate crisis with the contracts last year by granting extensions of up to three years on the deadline for harvesting and paying for the timber, which normally occurs three to five years after the agreements are signed. Without the extensions, the Department of Agriculture announced last fall that by April 1, 1983, it expected contract defaults on 958 U.S. Forest Service sales, totaling more than 2.7 billion board feet of timber.

"Bankruptcies are a very real threat," warned John B. Crowell Jr., assistant secretary of agriculture for natural resources.

Despite the grace periods, the contracts will come due in the mid-1980s unless the government terminates them.

Without termination of a miraculous revival of housing starts, many Western Oregon lumbermen will be forced to choose between logging or contract default, a

choice some believe is no choice at all because either decision may lead to bankruptcy court.

Harvesting requires awesome outlays for the timber, and for its cutting and processing.

Default, so far the only escape from the contracts, leaves the buyer indebted to the government for the difference between the original bid and the resale price, plus government paperwork expenses. Assume the debt is $200 per thousand board feet on a 5 million-foot contract: The original buyer would owe $1 million—for nothing.

But harvesting may be out of the question.

That's what frightens Fred Sohn, whose Sun Studs mill at Roseburg produces lumber and veneer. Sohn noted at a recent congressional hearing: "The massive asset depletion our company would undergo if we were forced to operate the sales we have under contract would quickly make us insolvent. Our example is not unique."

Sohn, who predicts a loss of $7 million in 1982, said it would climb to $16.4 million in 1986 if he harvests the federal timber he has under contract, chewing up $15.8 million in capital and leaving him $32.4 million in the hole.

E. P. "Bud" Johnson is in the same boat. "I had 60 million board feet under contract on Jan. 1, and I could not operate any of those sales on today's market without staggering losses," the managing partner of C&D Lumber Co. at Riddle told congressmen.

Sohn and Johnson are among Western Oregon lumbermen who, though often reluctantly, joined the frenzied bidding for government stumpage to assure a future supply of timber for their mills.

Bids for national forest and Bureau of Land Management timber had sky-rocketed before, but in the last years of the '70s and the first year and a half of this decade, prices went into orbit.

The average price for national forest Douglas fir saw timber between 1950 and the last quarter of 1979 soar from $16.4 per thousand board feet to $446.10 (both in 1980 dollars). By the last three months of 1979, timber buyers were agreeing to pay nearly twice what they had in 1977. In 1977, the Forest Service reports, the annual average was $225.90 per thousand.

The buyer's problem with what they agreed to do in housing's boom years is easily illustrated, although precise comparisons are a problem because of the difficulty of converting from the 140-year-old Scribner scale the Forest Service uses to measure logs and the actual yield from the logs in a sawmill.

Scribner tends to understate the yield, particularly from a modern, computerized mill, which can get at least 25 percent to 30 percent more lumber from large old-growth logs than Scribner predicts and, at times, more than 100 percent from smaller second-growth logs.

The Forest Service bills timber buyers according to its Scribner tally; mills charge so much for a given size, grade and species of lumber and also have byproducts such as bark, chips and hog fuel that Scribner does not anticipate.

That said, take 1979's average for Douglas fir saw timber on the stump, $446.10 per thousand, measured in Scribner scale.

Add logging and production expenses, using a Forest Service rule of thumb of $250 to $300 per thousand board feet of lumber and higher for veneer. Those are fixed costs.

Still, it is clear that an efficient mill with $446.10 timber still is investing at least $550 in each thousand feet of lumber it produces, assuming a 50 percent overrun, which means 1,500 feet of lumber from each thousand feet of stumpage by Scribner, and a conservative $250 per thousand in logging and production costs.

Blend the old contract timber equally with the new and use the same assumptions: The investment is in the neighborhood of $480 per thousand.

During the week of Aug. 22, the average mill realization dropped to $162 per thousand for the composite of softwood framing lumber that Random Lengths, the Eugene-based wood products report, uses to measure the market.

That is why the federal contracts give timbermen fits.●

KGB FORCES MOSCOW HELSINKI GROUP TO DISCONTINUE ITS ACTIVITY

● Mr. HEINZ. Mr. President, reports from Moscow yesterday indicate that the KGB has managed to halt the activity of the Moscow Helsinki Monitoring Group, which for more than 6 years, under the most arduous conditions, had been monitoring Soviet compliance with the human rights provisions of the 1975 Helsinki accords. At a press conference in Moscow, Elena Bonner, wife of banished Academician Andrei Sakharov, announced that the Moscow Helsinki Group was being disbanded due to repressive Government actions.

The immediate cause for the group's demise is that group member, Sofya Kalistratrova, 75, who suffers from a heart ailment, is threatened with criminal prosecution for "anti-Soviet slander." Kalistratrova and Bonner, along with Dr. Naum Meiman, were the last three members of the Moscow Helsinki Monitoring Group still enjoying tenuous liberty. Of the 17 original Moscow Group members, 10 are now in prison or internal exile, and 4 were forced to emigrate from their homeland. Nevertheless, this brave group has managed to publish over 200 documents on human rights abuses in the Soviet Union and calling upon the Soviet Government to observe its Helsinki pledges.

The Moscow Helsinki Monitoring Group was founded in May 1976 by Dr. Yuri Orlov, an internationally respected physicist and advocate of human rights. A veteran of World War II and a graduate in physics from Moscow State University, Orlov was a member of the Communist Party of the Soviet Union and worked at the prestigious Institute of Theoretical and Experimental Physics of the U.S.S.R. Academy of Sciences until 1956. He was then expelled from the party and dismissed from his job for speaking out at a party meeting. He moved to Armenia and there obtained his doctoral degree in physics, becoming a corresponding member of the Armenian Academy of Sciences in 1968. Orlov returned to Moscow and was once again dismissed from his job in 1972. Following a 1973 letter in defense of Academician A. D. Sakharov, Orlov lost his post at the Institute of Theoretical and Experimental Physics in 1974 and did not work in his profession again.

From 1974 to 1976, Orlov was active in the defense of political prisoners in the U.S.S.R., signing the "Moscow Appeal" on behalf of Alexandr Solzhenitsyn, participating in the first Unofficial International Scientific Seminar—organized by Jewish refusenik scientists—and campaigning vigorously for the release of Leonid Plyusch, the Ukrainian cyberneticist imprisoned in a psychiatric hospital. In September 1974, Orlov became a founding member of the Moscow chapter of Amnesty International. Besides working to free fellow Amnesty members, Sergei Kovalev and Andrei Tverdokhlebov, after their arrests, Orlov also devoted much time to the prisoners of conscience and torture victims in Spain, Sri Lanka, Yugoslavia, and Uruguay.

Orlov announced the formation of the Moscow Helsinki Group in May 1976 and assumed its chairmanship. After a search and numerous interrogations in early 1977 and a vituperative campaign against him in the Soviet press, Orlov was arrested on February 10, 1977. While he was awaiting trial, the Norwegian Parliament nominated him for the 1978 Nobel Peace Prize. Orlov's case finally came to court in May 1978. On May 18, 1978, Orlov received the maximum penalty under article 70, "anti-Soviet agitation and propaganda," 7 years in a strict regimen camp followed by 5 years of internal exile.

When he arrived in labor camp, Yuri Orlov announced to camp authorities that he considered himself to be the camp representative of the Moscow Helsinki Group. In response, Orlov has been told by wardens that he will never leave camp alive. Indeed, it seems that the camp authorities are following instructions to do everything possible to ruin Orlov's health and to try to undermine his spirit: He is isolated in a special section of camp in which he is the only political prisoner. He has been placed in solitary confinement five times and in the camp prison three times for extensive periods of time. Orlov's wife, Irina Valitova, has been denied the visits permitted to her under Soviet law, but has learned that her husband suffers from a virulent form of tuberculosis. Thus, the Soviet Government wreaks vengeance on the pioneering human rights work of a leading physicist: Professor Yuri Orlov. We in the West will continue to speak out in Professor Orlov's defense.

Mr. President, not only did the Moscow Helsinki Group contribute greatly to Western understanding of the Soviet human rights situation, but its example led to the founding of similar Helsinki monitoring groups in Ukraine, Lithuania, Armenia, and Georgia. Although the Kremlin has also managed to suppress temporarily the public activities of these groups, the struggle continues. The English publicist John Morley wrote that "you have not converted a man because you have silenced him."●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. WALLOP. Mr. President, it is required by paragraph 4 of rule XXXV that I place in the CONGRESSIONAL RECORD this notice of a Senate employee who proposes to participate in a program, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The Select Committee on Ethics has received a request for a determination under rule XXXV which would permit Mr. Stuart Sweet of the staff of Senator PAULA HAWKINS, to participate in a program sponsored by a foreign educational organization, Soochow University, in Taipei, Taiwan, from August 24 to September 3, 1982.

The committee has determined that participation by Mr. Sweet in the program in Taiwan, at the expense of Soochow University, to discuss trade and policy issues at the university, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule XXXV which would permit Dr. James K. Galbraith, a Senate employee on the staff of the House Joint Economic Committee, to participate in a program sponsored by a foreign educational organization, the Friedrich-Naumann-Stiftung (Foundation) of Bonn, West Germany, in the Azore Islands from September 2-5, 1982.

The committee has determined that participation by Dr. Galbraith in the program in the Azore Islands, at the expense of the Friedrich-Naumann-Stiftung (Foundation) to discuss "Liberalism in Europe and North America—Challenges in the 1980's," is in the interest of the Senate and the United States.

The Select Committee on Ethics has received requests for determinations under rule XXXV which would permit Mr. Arthur Briskman of the staff of Senator HOWELL HEFLIN, Mr. Warren W. Kane of the Committee on Appropriations staff, Mr. Auggie Tantillo of the staff of Senator STROM THURMOND, and Mr. Bruce Barlett of the Joint Economic Committee staff, to participate in a program sponsored by a foreign educational organization, Tunghai University, in the Republic of China from August 27 to September 5, 1982.

The committee has determined that participation by the above-named individuals in the program in the Republic of China, at the expense of Tunghai University, to discuss trade and policy issues, is in the interests of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule XXXV which would permit Mr. R. Stephen Browning of the staff of Senator MAX BAUCUS, to participate in a program sponsored by a foreign educational organization, Soochow University, in the Republic of China from August 25 to September 4, 1982.

The committee has determined that participation by Mr. Browning in the program in Taiwan, at the expense of Soochow University, to discuss the political and legislative system of the United States and the future relationship between the United States and Taiwan, is in the interest of the Senate and the United States.

The Select Committee on Ethics has received a request for a determination under rule XXXV which would permit Ms. Mary Ann Bond of the staff of Senator MARK ANDREWS, to participate in a program sponsored by a foreign educational organization, Soochow University in Taipei, Taiwan (Republic of China), from August 25 to September 3, 1982.

The committee has determined that participation by Ms. Bond in the program in Taiwan, at the expense of Soochow University, to discuss trade and foreign policy issues, is in the interest of the Senate and the United States.●

SECRETARY OF STATE SHULTZ' SPEECH ON THE MIDDLE EAST

● Mr. MATHIAS. Mr. President, last night Secretary of State George P. Shultz gave his first major address since taking office in July. He spoke on the Middle East before the national leadership of the United Jewish Appeal. It came at a unique juncture in history, when events have altered the landscape of Middle East politics. It was therefore appropriate for the Secretary of State to reaffirm vigorously the United States' commitment to peace in this troubled region—peace for both Arabs and Jews. Moreover, he advocated compromise among all parties, and observed wisely that "the path of rejection has achieved nothing but tragedy."

Mr. Shultz speaks of the many challenges confronting Israel and the Arabs—challenges which must be met lest peace continue to elude them. The Secretary of State has clearly accepted the challenge of peace—it is now incumbent upon others to follow.

Mr. President, I commend the Secretary of State's thoughtful remarks to my colleagues, and I ask that they be printed in the RECORD.

The speech follows:

EXCERPTS FROM SECRETARY OF STATE'S SPEECH ON THE MIDDLE EAST

My friends and fellow Americans:

No theme is more appropriate for my first speech as Secretary of State than the theme of peace. No objective we share is more worthy or more elusive: to attain it requires realism, strength, the capacity to run risks and the ability to gather trust. It takes sustained good will to build up that trust. And it takes serious, fair and direct bargaining at the negotiating table to hammer out workable and durable agreements.

International institutions and resolutions for peace need practical efforts to give them life. Mankind has made astonishing technological and material leaps in the last 40 years. But we must make equally dramatic gains in the political realm if we are to bequeath a safe and secure world of peace to our children.

I believe we can make those gains. Strength of arms and of will are essential, but no more so than the ability to find that winning mixture of courage and realism. No matter what the obstacles, we must persevere, for there are no more noble nor important goals than peace, freedom and security.

PRESIDENT'S PEACE INITIATIVE

These principles apply fully to that set of goals foremost in our thoughts today—peace in the Middle East, and security and success for Israel and her Arab neighbors. No one who has walked the streets of Jerusalem and Tel Aviv and who has talked at length with as many Israeli people as I have can doubt that they want peace and security, and I am dedicated to helping them achieve both.

Against the backdrop of confrontation, despair and fear that have characterized the search for peace in the Middle East, three key documents spell out how peace might be made a reality:

The first is U.N. Security Council Resolution 242, which established the basis for a negotiating process founded on the idea of an exchange of territory for real peace.

The second is the Camp David Accords, which, in the Egypt-Israel peace treaty, led directly to the realization of such an exchange of territory for peace. Camp David calls for a "just, comprehensive and durable" Middle East peace based on Resolution 242, but builds on it as well by calling for a solution that recognizes "the legitimate rights of the Palestinian people and their just requirements" and a "resolution of the Palestinian problem in all its aspects."

APPROACH TO PEACE

And third, there is the President's speech of Sept. 1. This historic address builds on the earlier documents by stating categorically that our approach to peace will continue to be based on Resolution 242, with its concept of an exchange of territory for peace, and the Camp David accords, which provide for Palestinian self-government with full guarantees for Israel's security.

While I cannot summarize for you the totality of a rich and complex speech, I would like to review four important points made by the President:

First, there should be full safeguards for Israeli security, both internal and external, throughout the transitional period and beyond. The President has made this forcefully clear.

Second, as stated in Camp David, there should be a transitional period of five years during which the Palestinians of the West Bank and Gaza should be permitted to exercise full autonomy.

Third, the U.S. believes that peace cannot be achieved on the basis of Israeli sovereignty over the West Bank and Gaza, but must be based on Resolution 242's formula of an exchange of territory for peace. Our preference is for self-government by the Palestinians in association with Jordan, with the extent of withdrawal determined by the quality of peace offered in return.

Fourth, the United States also believes that peace cannot be achieved by the creation of an independent Palestinian state on the West Bank and Gaza. The President has stated clearly and unequivocally that we will not support an independent Palestinian state in the territories.

A strong, secure Israel is in our interests and the interests of peace. There will be no peace without Israeli security, but Israel will never be secure without peace. Our vision of the future on the West Bank is one guided by a vision of a secure Israel living with defensible borders and by our abiding belief that it is not in Israel's long-term interests to try to rule over the more than one million Palestinians living in the West Bank and Gaza.

Israel has demonstrated once again, at tragic cost, that it will not be defeated militarily. If Israel's adversaries want peace and justice they must recognize, clearly and explicitly, the right of the State of Israel to exist, and they must enter, as President Reagan said, "direct, hard and fair" negotiations with Israel.

For the moderate Arabs, there is the opportunity to demonstrate that the course of negotiations can produce results and serve their vital interests. For Lebanon, there is now a second chance: the chance once again to be free, prosperous and democratic, posing no threat to its neighbors and serving as a stable bridge between the West and the Arab world.

The Palestinians now confront a great decision: whether to continue down the self-destructive road of armed struggle, which has only produced tragedy for the Palestinian people, or to seize the opportunity to affect their destiny by way of the peace process. The Camp David framework upholds the importance of self-government for the Palestinians of the West Bank and Gaza. And it provides Palestinian representatives the right to participate in the determination if their future at every step in the process.

THE CHALLENGE TO ISRAEL

The challenge that the President had offered to Israel is to extend its hand to welcome wider participation in the peace process. Israel had demonstrated once more its military strength and bravery. But we all recognize that while true peace requires military strength, strength alone is not enough; true peace can only be achieved through lasting negotiated agreements leading ultimately to friendly cooperation between Israel and her neighbors.

The evacuation of the P.L.O. from Beirut and the forceful demonstration of Israeli capability make this an altogether unique moment, a moment of opportunity to end this cycle. Triumphs of statecraft are decisions which join opportunity with action. If this opportunity is allowed to pass it may never come again.

The challenge Israel faces now is to combine diplomacy with power to build an enduring political settlement. There is nothing that says that Palestinian self-government in association with Jordan must lead inevitably to a Palestinian state. The President has said that we will not support such an outcome. It is not beyond the reach of diplomacy to create, not Israeli military power to ensure, that agreed arrangements for the West Bank will not erode over time. U.S. determination that concrete, iron-clad arrangement for the security of Israel accompany the ultimate resolution of the Palestinian question is heightened, not diminished, by the fact that we have views on a desirable direction for the negotiations.

LONG-TERM SECURITY

The crucial point is that when it comes to safeguarding the long-term security of Israel, the friendship and resolve of the United States are second in importance only to Israel's own resolution and strength. And, in the final analysis, that friendship and resolve deserve, in return, to be reciprocated by a willingness to listen with an open mind to the views of others. But let me be clear: we have a right to be heard, but we have no intention of using our support for Israel's security as a way of imposing our views.

We must not underestimate the dilemmas and risks that Israel faces in opting for negotiations, but they are dwarfed by those created by a continuation of the status quo. The United States recognizes its obligations, as the principal supporter of Israel's security, to be understanding of Israel's specific circumstances in the negotiating process. The President has urged consideration of his proposals in the context of negotiations, to be undertaken without preconditions and with no thought of imposed solutions.

That is why the United States particularly asked that the parties themselves not preclude possible outcomes by concrete and perhaps irreversible actions undertaken before the process of negotiation is completed. While we support the right of Jews to live in peace on the West Bank and Gaza under the duly constituted governmental authority there—just as Arabs live in Israel—we regard the continuation of settlement activity prior to the conclusion of negotiations as detrimental to the peace process.

The President has offered a fundamental challenge to the Arabs as well. It is time for the Arab world to recognize the opportunity provided by Camp David. The path of rejection has achieved nothing but tragedy, particularly for the Palestinians. Surely, the pattern of agonies of this capable and courageous people must not be repeated. Alternatively, the Camp David process and the President's fresh start offers a promise of resolution with honor and justice to those with the wisdom to join the peace process. But it also implies a corollary: those who fail to join will miss a precious opportunity, an opportunity for peace that may not come again soon.

There will be, as I have said, no imposed solutions: any point agreed by Israel and its Arab neighbors will not be opposed by us. But at the same time, the United States is now obligated, by reality and morality alike, to make known its views on what we believe is needed to reach a fair, workable and lasting solution.●

SOMETIMES PEOPLE ARE AHEAD OF THEIR LEADERS

● Mr. HOLLINGS. Mr. President, many times in history the people are ahead of their leaders in perceiving problems. One of those times is, I believe, right now, and the issue has to do with foreign trade. For 35 years now, our people have watched as the country exported jobs, dollars, and technology overseas. As a result of this generation-long subordination of foreign trade to foreign aid, America finds itself in grave economic peril. We are failing to produce adequate wealth as an industrial society, and we are failing to demand fair and equitable treatment from our trading partners. Mr. President, we could balance our Federal budget tomorrow and we could bring interest rates down, and much as those two actions would accomplish, they would not solve these even more fundamental problems of the production of wealth and its trade.

I bring this subject up today not to discuss it at great length with my colleagues, but to call attention to how keenly Americans feel what unfair trade is doing to us as a nation. Recently, Dr. Kitty Dickerson, a highly respected professor in the College of Home Economics at the University of Missouri-Columbia, conducted a study of consumer attitudes toward imports in one specific area—apparel. The results of this impartial and scientifically done study speak for themselves. Suffice it to say that consumers are cognizant of where their apparel is produced; they do prefer American-made products; and they believe it is bad national policy to run trade deficits such as those we have been having for so many years. The unmistakable majority opinion of those interviewed in this survey is that tougher laws are needed to control apparel imports.

It is time for American policymakers to wake up to what is going on. Other countries have stacked the deck against America, and we refuse to respond, even to recognize the problem. Those who wish to continue making American policy ought to recall the words of Gandhi, "There go my people. I must catch them for I am their leader."

Mr. President, I ask that Dr. Dickerson's survey results be printed in today's edition of the CONGRESSIONAL RECORD.

The survey follows:

THE AMERICAN CONSUMER LOOKS AT LABELS

Survey results showed that American consumers are concerned about the country of origin of the apparel they buy and rate domestic apparel superior to foreign merchandise.

	Percent
1. When you buy clothing for yourself or members of your household, do you notice whether you are buying items produced in the U.S. or another country?[1]	
Do not notice	34.3
Sometimes notice	29.1
Notice carefully	36.1
No response	0.4
2. Is it important to you that an item of clothing (which you are going to buy) was produced in the U.S.?	
Very important	32.4
Somewhat important	26.1
Of little importance	15.3
Not important at all	24.4
Undecided, no opinion	1.6
No response	0.3
3. In terms of quality, how would you compare imported clothing items to those produced in the U.S.?	
Imports are better	5.9
Imports are equal to domestic	23.9
Imports are not as good	47.3
Undecided, no opinion	22.0
No response	1.0
4. How often do you buy clothing items that were made in other countries when you are shopping for yourself or other adult members of the household? For children age 12 and under?	
Always, almost always:	
Adults	1.2
Children	2.6
Quite often:	
Adults	5.8
Children	6.0
Fairly often:	
Adults	9.3
Children	17.8
Occasionally:	
Adults	34.2
Children	23.9
Seldom:	
Adults	38.9
Children	29.1
Never:	
Adults	10.6
Children	20.5

THE AMERICAN CONSUMER IS CONCERNED ABOUT IMPORTS

Nine questions addressed the American consumers' concern that clothing imports, which they perceive exceed U.S. apparel exports, were injuring the domestic industry and costing American jobs. In addition, a majority of consumers said they believe retailers make more profit from the sale of imported clothing than from the sale of American-made clothing.

5. Which of the following statements do you feel is more accurate:	
a. Our country brings more clothing into our country to sell than it ships out	62.7
b. Our country ships out more clothing to other countries than it brings in	19.8
Undecided	11.4
No opinion	1.5
No response	4.6
6. Would it disturb you if you thought more clothing items were being shipped from other countries to sell in the U.S. than were being made here to ship to other countries?	
Yes	63.1
No	29.8
Undecided, no opinion	6.6
No response	0.5
7. Clothing manufacturers in this country say that imported clothing is driving them out of business. Do you think this is true?	
Yes	63.5
No	22.7
Undecided, no opinion	13.4
No response	1.7
8. Do you think we should be concerned about their claims that this is the case?	
Yes	82.5
No	9.1
Undecided, no opinion	6.7
No response	1.7
9. Do you think that bringing in clothing made in other countries will cut down on jobs for people who live in the U.S.?	
Yes	72.7
No	17.8
Undecided, no opinion	6.9
No response	2.7
10. Does that influence you as to whether or not you will buy clothing made in other countries?	
Yes	56.5
No	20.6
Undecided, no opinion	7.3
No response	15.6
11. How do you feel that the wages for workers in the apparel industry in other countries compare to the wages of workers in the U.S. apparel industry?	
Much higher in U.S.	52.1
Some higher in U.S.	19.2
About the same	4.4
Some higher in other countries	2.1
Much higher in other countries	0.5
Uncertain	19.6
No response	2.0
12. Do you think that there is any difference in the amount of profit which stores make on imported clothing items compared to clothing items made in the U.S.?	
Yes	59.6
No	18.2
Undecided, no opinion	14.0
No response	8.2
13. If you believe there is a difference, how do you feel profits compare?	
Much more profit on imports	38.7
Some more profit on imports	14.9
No difference	2.8
Some more profit on U.S. products.	3.0
Much more profit on U.S. products	1.7
Undecided	8.0
No response	[2] 31.0

THE AMERICAN CONSUMER THINKS THERE IS A NEED FOR TOUGHER FEDERAL LAWS LIMITING IMPORTS

One question sought consumers' views on stronger federal regulations to limit imported clothing.

14. Do you think our federal government should pass stronger laws that would limit the amount of clothing that could be shipped into the U.S. from other countries?	
Yes	55.3
No	31.2
Undecided, no opinion	12.7
No response	0.9

[1] Interviewers asked the questions in the form presented. Response alternatives shown were not read to the respondents. The researcher felt that giving consumers options for answers would tend to bias their answers.

[2] Consumers who answered "no" to the previous question are included in this percentage.

Other questions provided data on demographic characteristics and purchasing practices. Responses to each item were cross-tabulated with those from other items and analyzed statistically for patterns in consumers' views and for profiles according to demographic characteristics and purchasing patterns. These cross-tabulations indicated that consumers most concerned about the imported clothing issue were middle-aged and middle-income. Women were more concerned than men. Those least concerned were the youngest and oldest, and the highest and lowest income groups.

The study was conducted by Dr. Kitty Dickerson at Virginia Polytechnic Institute and State University and the University of Missouri-Columbia and was funded entirely by grants from the U.S.D.A.'s Agriculture Research Service and the Virginia Tech Experiment Station.

HOW THE STUDY WAS DONE

Trained interviewers telephoned 1,350 consumers in major cities, small towns and rural areas in 32 states. The consumers represented a cross section of the population from lower, middle, and upper economic classes.

The study was conducted by Dr. Kitty Dickerson and was begun in 1980 and completed in 1981. It was funded with grants from the U.S. Department of Agriculture, Agricultural Research Service and the Virginia Polytechnic Institute and State University Experiment Station at Blacksburg, Virginia.●

SENATOR HELMS CAPTURES LIBERAL HIGH GROUND

● Mr. DENTON. Mr. President, columnist Mary Meehan has provided a great service by examining Senator JESSE HELMS' latest "human life bill." She correctly points out that this abortion initiative has captured the liberal high ground on the human rights issue by affirming the right to life of unborn children.

I also note that the advocates of the "right" to abortion are filibustering this eminently humane piece of legislation, apparently with the idea in mind that, if the Senate is not permitted to act on this bill, the abortion issue will simply disappear. They are wrong. The death of millions of unborn children is not that easily ignored. I hope that some of my pro-choice friends will permit the Senate to choose whether or not public policy will encourage or discourage this cruel and inhumane practice.

Mr. President, I ask that the article by Mary Meehan from the September 7, 1982, issue of the Washington Times be printed in the RECORD.

The article follows:

[From the Washington Times, Sept. 7, 1982]

SEN. HELMS CAPTURES LIBERAL HIGH GROUND

(By Mary Meehan)

Sen. Jesse Helms of North Carolina has placed Senate liberals in a difficult position by offering his latest "human life bill" as an amendment to the debt ceiling bill. So difficult that some of them may develop the Senate version of diplomatic flu before the roll is called on ending the filibuster led by Sen. Robert Packwood of Oregon.

Most liberals assume that anything Helms is for, they should be against. But this time they may find that crafty Ol' Jesse has captured their high ground. And they will be surrounded, not so much by the Helms troops as by their own past statements on human rights.

The Helms bill cites several international documents, including a 1959 United Nations declaration which "affirmed that every child needs appropriate legal protection before as well as after birth." It cites our Declaration of Independence, with its affirmation of the right to life; widespread state restrictions on abortion prior to the 1973 Supreme Court decision; and the fact that U.S. agencies "protect human life before birth from working place hazards, the effects of dangerous pharmaceuticals, and other hazardous substances." It also says that "scientific evidence demonstrates the life of each human being begins at conception."

Liberals are unlikely to attack the international community, the Declaration of Independence, or efforts to protect the unborn from dangerous drugs and chemicals. They will find other objections to the Helms bill.

First, they will say that when human life begins is not a scientific question. Yet scientists keep writing about it, and their consensus—conclusively proved by the "test tube babies"—is that each human life begins at conception.

Some pro-choice people say their religions teach that a soul is infused only at viability or at birth. They contend that scientific evidence about conception is irrelevant. They may also believe that the earth is flat, but we cannot base public policy on their beliefs. The law cannot deal with arguments about souls; the law has no competence in theology.

The second point of opposition to the Helms bill will be its finding that the Supreme Court, in the 1973 Roe v. Wade abortion case, "erred in not recognizing the humanity of the unborn child and the compeling interest of the several states in protecting the life of each person before birth." Yet the court was wrong on Dred Scott v. Sandford and Plessy v. Ferguson, and many who have studied law and history believe it was mistaken in the abortion case.

Some liberals insist that a constitutional amendment is the only proper way to correct error by the Supreme Court. This is what Sen. Daniel Patrick Moynihan D-N.Y., said when he testified against an early version of the Helms bill. But a different view appeared in an essay called "When the Supreme Court is Wrong" in Moynihan's 1980 book, Counting Our Blessings. Contending that the court was wrong on a major press case and on aid to parochial schools, he suggested that Congress should keep passing legislation based on its own constitutional point of view.

Liberals' opposition to the human life bill was also undermined by their recent votes in favor of the Voting Rights Act amendments, which contradicted the 1980 Supreme Court decision in *City of Mobile v. Bolden.*

Sen. Helms knows that Congress cannot "overturn" the court on abortion by passing his bill. The best Congress can do is to pressure the court to re-examine its 1973 abortion decision. In view of the millions of lives at stake another look at that decision is not very much to ask.

The third point of opposition to the Helms bill will be its comprehensive ban on federal funding of abortion and "training in the techniques for performing abortions." This will put liberals in the uncomfortable position of defending techniques that include dismemberment, salt poisoning, and delivering the child so early that her lungs cannot breath the air. Abortion has become the liberals' Vietnam.

Attacks on Jesse Helms are likely to be the forth point of opposition to his bill. Yet no one who has watched him closely can doubt his sincerity on the abortion issue. His position is at best a mixed blessing in his home state—one of the few that still funds Medicaid abortions.

Last year Helms remarked that he wished there were "some way my conscience could let me walk away from this issue. My life would be a great deal more comfortable. But neither Sen. Packwood nor any other senator has ever answered my repeated questions about the deliberate termination of innocent human life." He also said. "I have never questioned the good faith of anyone who disagrees with me . . . . I reflect on no one's sense of morality. But I am saying that this issue is the most fundamental of all."

Liberals can keep their reputation as protectors of the poor and the helpless by standing with Helms in defense of the unborn. Those who cannot should at least try to answer his questions.●

JAPAN MAY END QUOTAS, SEND MORE CARS TO UNITED STATES

● Mr. LEVIN. Mr. President, this morning's Detroit Free Press carried a story indicating that Japan is giving serious consideration to waiving the third year of the voluntary import restraint agreement on autos because the American auto industry is "doing so well."

Their perception of the state of the industry is untrue and their thinking is unacceptable.

As we begin a new model year, sales for 1982 hit record lows and unemployment soared to new highs. Where profits were achieved, they came through real and painful reductions in costs and not through increased sales. The "recovery" noted by the Japanese was a miracle, a Lazarus-like reprieve from the grave. But the industry, like the raised Lazarus, is not at all a pretty sight to see even though we welcome the opportunity to see it again.

For the Japanese to conclude that since the American auto industry is now able to lift its head again, it is now time to put on the gloves and go a few rounds is the height of absurdity and insensitivity.

Additionally, the Free Press article suggests that one of the factors causing Japan to consider waiving the third year may well be congressional consideration of the local content bill. The article quotes a Mr. Nao, deputy director of the auto division of the Japanese Ministry of International Trade and Industry, as saying that local content is "a slap in the face" of Japanese industry, and goes on to suggest that "we are angry because we have tried to help the U.S. auto industry by restraining our exports, but you in the U.S. keep pointing fingers at us."

Well, Mr. President, I find that kind of statement to be offensive, an intrusion into our internal affairs and downright objectionable coming, as it does, from a representative of a nation we helped rebuild after World War II and whom we now spend billions to defend while they refuse to spend the resources they promised to commit to improving their national defense.

Mr. President, this latest statement by the Japanese may be, as the Free Press pointed out, a "negotiating posture," but it is a dangerous one. I trust that my colleagues will agree that it illustrates the problems associated with allowing Japan to determine when the American industry was healthy enough to allow for a return to "unrestrained trade." In addition, I trust it also demonstrates to my colleagues why we need to adopt local content legislation so that foreign firms could produce autos here and better understand the state of our market.●

HONORING DR. LEON FILL

● Mr. LEVIN. Mr. President, on September 29, Dr. Leon Fill of Huntington Woods, Mich., will be the guest of honor at a dinner sponsored by the Bar-Ilan University. Dr. Fill is being recognized for his philanthropic and leadership efforts on behalf of Bar-Ilan University.

Certainly that award is justified; but it does not do justice to all that Leon Fill has done. His efforts on behalf of Bar-Ilan have been extensive, but they have just been a part of his good works.

Leon Fill has been involved in a host of activities and been a member of a variety of different charitable organizations. As a member of the medical community, Leon Fill has been active in various professional organizations. His involvement generalized into a concern about the education process and, as a result, he served as the President of the State Board of Education in Michigan. His involvement goes far beyond his profession. As an active citizen of his community, Leon Fill has been deeply involved in the political process. Fortunately, most of the time he has supported Democrats, but on occasion he has been known to stray into less happy fields. The fact that I

can forgive him for that error in judgment should be ample evidence of the regard I have for him and for his work.

Finally, I think it is fitting to point to Leon Fill's efforts on behalf of both the Jewish community and the entire community of Detroit. Leon Fill's contributions to the Jewish community in Detroit are more than monetary; his willingness to offer his counsel and support have made him a respected leader whose advice is solicited and followed. And as a resident of Detroit, Leon Fill has done more than his share in supporting the culture of our community from A to Z—beginning at the art institute and ending at the zoo.

There is a tendency, I fear, to view tributes of the kind that Leon Fill will receive later this month as the capstone of a career. Instead, I would commend the words of Dag Hammarskjöld who said that "you have not done enough, you have never done enough so long as it is still possible that you have something to contribute." And, Mr. President, Leon Fill still has a great deal to contribute.●

ACCESSIBILITY FOR THE PHYSICALLY DISABLED

● Mr. DURENBERGER. Mr. President, one issue of primary importance to most of the members of my State is equal access to opportunity and services to all citizens. In my opinion, one of the major roles of the Federal Government is to insure equity to all our people.

Specifically, today I would like to talk about section 504 regulations. Since 1973, this country has modified its perception of physically disabled people. In the Rehabilitation Act of 1973, Congress mandated that disabled people can come out of the closet and be part of the American dream and lifestyle. Each person has worth and can contribute to this Nation. Government policies should not stand in the way of individuals striving to reach their potential.

Presently the section 504 regs are being reexamined. I am very much in favor of reviewing regulations and eliminating cumbersome, intrusive, and cost-ineffective regulations. In the case of section 504 regulations, I am very concerned the proposed changes are detrimental. I have written Attorney General Smith regarding my concerns. I also wrote to Mike McConnell of OMB on this issue. I ask that the text of my letter to Mr. McConnell be printed following my remarks.

I think it is essential that each Senator review these changes and communicate with OMB. We must represent all citizens of our States and treat people with individual respect and dignity. Reducing accessibility for the physically disabled robs our society of valuable resources and denies basic right to large numbers of our citizens.

The letter referred to is as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, D.C., August 25, 1982.

MIKE MCCONNELL,
Office of Information and Regulatory Affairs, OMB, Old Executive Building, Washington, D.C.

DEAR MR. MCCONNELL: I am concerned with the proposed changes in the draft section on the 1978 HEW Section Guidelines of the Rehabilitation Act of 1973.

As you know, Section 504 of the Rehabilitation Act of 1973 provides that "No otherwise qualified individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subject to, discrimination under any program or activity receiving Federal financial assistance." Clearly, the intent of Congress is to provide equal access to programs for handicapped individuals, The language of the current regulations is explicit in defining implementation of equal access and opportunity to education.

My main concern is that the definitions in the regulations remain explicit and precise, yet allow flexible implementation on the local level. I am confident that states intend to provide suitable services for individuals with disability. However, in these times of budget difficulties, it is possible that some state legislatures may opt to find loop holes in broad definitions to limit handicapped special services.

For example, the deletion of the word "appropriate" in "appropriate educational services must be provided" is vital. Without this one word the door is open for local school districts to decide to eliminate special services for students with handicaps. Secondly, there is a tremendous difference between providing "equal opportunities" as the regulations now state and "substantially equal opportunities." I do not believe that the intent of Congress was to provide "substantially" equal opportunities, which infers less than equal opportunities. Rather, it was to provide fully equal opportunities.

I am also concerned with the OMB's position on the comment period and regional hearings for Section 504. I am aware that the OMB has supported a 60-day comment period which would involve no regional hearings. I would encourage a reevaluation of these decisions. The DREDF (Disabled Rights and Education Defense Fund) has issued a challenge to each state to send to the administration a minimum of 1,000 letters calling for 10 regional hearings and a 120-day comment period in which the public may comment on the proposed changes. I am in favor of the hearings and extended comment period. Both would allow for more discussion and public input on this important issue effecting a significant portion of the population. Through the exchange I feel we can more readily move towards the Congressional mandate of equal access for all persons under federal programs.

I would appreciate your further examination of these two aspects. I am confident that we are both working towards the same goals of equal opportunity and so will support whatever means will best achieve this end.

Sincerely,

DAVE DURENBURGER,
U.S. Senator.●

THE KGB FORCES THE END OF THE MOSCOW HELSINKI GROUP

● Mr. PELL. Mr. President, Elena Bonner, wife of banished Soviet human rights activist, academician Andrei Sakharov, held a press conference on September 8, in Moscow to announce the dissolution of the Moscow Helsinki Monitoring Group. According to Bonner, "the increasingly difficult situation" and "pressure from the authorities" had forced the last three members of the Moscow Helsinki Group to cease their activities. One of these three members, attorney Sofya Kalistratova, is threatened by the authorities with prosecution and a prison term. Kalistratova is 75 years old and suffers from a heart ailment. For her, a jail sentence would be tantamount to a death sentence.

The Moscow Helsinki Monitoring Group was established in May 1976 to monitor Soviet compliance with the human rights provisions of the Helsinki Final Act. Following the example of the Moscow Group, other Soviet Helsinki groups were founded in Ukraine, Georgia, Lithuania, and Armenia. By publicizing Soviet violations of human rights and calling upon their Government to observe the principles to which it had agreed at Helsinki, the Helsinki monitors were soon themselves harassed, imprisoned, exiled, or forced to emigrate from their homeland.

One of the most blatant cases of Soviet repression against the Moscow Helsinki monitors concerns that of Vladimir Slepak, a 54-year-old engineer. Slepak was the leading Jewish activist—the "dean of Jewish refuseniks"—before his arrest. He was initially denied permission to emigrate in April 1970 on the grounds that his previous work had been classified. But even after the 5-year period in which secrecy restrictions are applicable had elapsed, he was refused an exit visa. He worked in a television equipment factory until 1957 and, thereafter, as chief of research laboratory on TV and impulse apparatus until he was dismissed because he filed an application to emigrate. Slepak joined the Moscow Helsinki Group on June 17, 1976.

The Slepak family has long been the target of systematic harassment by the authorities. Vladimir has been fired from numerous jobs, tailed, searched, beaten, had his telephone disconnected and apartment bugged, and has been imprisoned about 25 times for periods of 10 to 15 days. A March 1977 article in Izvestiya accused Slepak of treason against the U.S.S.R. The elder son, Aleksandr, was allowed to emigrate to Israel on October 27, 1977. On that same day, the younger son, Leonid, who has been expelled from the institute where he was studying, received a draft notice. Induction

into the army might have delayed Leonid's emigration due to secrecy restrictions. Leonid emigrated in April 1979.

On June 1, 1978, Vladimir and his wife, Maria, were arrested for displaying a protest banner which read, "Let us go to our son in Israel," from the balcony of their Moscow apartment. Mrs. Slepak was released from custody the following evening, but on June 21, 1978, Vladimir was sentenced to 5 years of internal exile for "malicious hooliganism"—article 206 of the RSFSR Criminal Code.

Mr. President, the dissolution of the Moscow Helsinki Monitoring Group, or more specifically, the KGB pressure that brought about this dissolution, is a most ominous development, not only for the Soviet people, but for the entire cause of security and cooperation in Europe. The deliberations at the upcoming CSCE Review Conference in Madrid will certainly be complicated by the knowledge of this latest example of the Soviet Government's repression against its citizens who simply ask that their Government live up to agreements to which its representatives have affixed their signatures.●

NEW PUBLIC MARKETS FOR THE PRIVATE SECTOR

● Mr. DURENBERGER. Mr. President, we are beginning to see important changes in the delivery of public services in this country. In response to the cry for more efficient and responsive services, combined with the realization that Government has overstepped its service capabilities and responsibilities, we have begun to reevaluate our entire public service delivery system. Questions are being asked: Which services are being provided? How are they produced? Who produces them? Who benefits from them? And who makes the decisions?

Part of the solution to our overspent and undereffective public service system is the business sector, rich with resources and based upon efficiency and innovation. President Reagan has predicted "a torrent of private initiatives that will astound the advocates of big government." Although it is not yet a torrent, it is considerably more than a trickle.

The private sector is now actively exploring ways in which it can benefit by providing for the needs of the employee and the community, contributing in a direct way by producing public services—alone, in cooperation with Government and other organizations, competitively, for-profit, not-for-profit. Many businesses already are engaged in such projects; many others are in the planning stages.

At the same time, businesses are understandably skeptical about this concept of entering public service markets formerly monopolized by Government. In most firms, community service traditionally has been confined to direct dollar donations. With few exceptions, community action has not been considered a vital component of corporate planning and administration, nor has it involved a broad range of business resources. However, this traditional tunnel-vision view of corporate community involvement is beginning to change.

Among the commentaries I have read concerning this shift in private sector perception, I am particularly impressed by an article in the July issue of Enterprise magazine, published by the National Association of Manufacturers. The article, "New Public Markets for the Private Sector," was written by Peter C. Brown, a Minneapolis consultant specializing in alternative service delivery.

Mr. Brown's article outlines strategies for companies to effectively enter public service markets. Among his major points: A business should specifically identify the services and resources it has to offer; it should search out specific needs in the community and fit the firm's skills to the proper project; and whether or not the project is profit-based, the company should take a business approach to its administration, with an eye on expenditures, revenues and results.

The article by Peter Brown is an excellent basic guide for companies seeking to enter the public service market. His view—and mine as well—is that the private sector can move into this emerging market to the long-term benefit of both company and the community. I ask that Mr. Brown's article be printed in the RECORD.

The article follows:

[From the Enterprise, July 1982]

NEW PUBLIC MARKETS FOR THE PRIVATE SECTOR

(By Peter C. Brown)

In a "single bold stroke," President Reagan has cut away $47 billion in federal programs and challenged private enterprise to take the lead in addressing the tough social problems of our country.

But in most companies, the experience curve for addressing social problems ends with grants and loaned executives. If you are in this group, the idea of doing more may be the "right" thing to do but not the prudent thing.

Yes, public services need overhauling to incorporate market forces and business principles. But how do you justify jumping into an arena that is fragmented, highly politicized and run by career bureaucrats who have everything to lose from change? Problems with public services are deep-seated and long-standing. What chance does a company like yours have against such inertia? And in these hard times?

The doubts are appropriate. But they can be overcome.

Public services are just now emerging as a potential market. Many opportunities are undiscovered as are the strategies for benefiting from participation in an arena previously monopolized by government. Following are strategies for creating public service ventures, for-profit, as well as not-for-profit, through which you can move into this emerging market to the long-term benefit of both your company and the community.

Identify what you have to offer. Many business leaders embrace the idea of private initiative in public services but simply don't see the pertinent skills in their own companies. What is a circuit-board manufacturer good at besides making circuit boards? Probably many things.

Most successful corporations have a host of finely tuned overhead and administrative resources often lacking in small public service agencies: accounting, purchasing, asset management, insurance, personnel management, benefits administration, facilities management, etc. Big companies have large-scale management skills and the ability to carry out complex development projects against negotiated budgets and timetables. They have geographic access and economies of scale not available to local government and nonprofit agencies.

Corporate managers understand risk analysis, market analysis and experimentation. They understand how to forge partnerships and joint ventures with other producers who bring components or technologies essential to achieve a market advantage, or shared production capacity to achieve economies of scale for enhancing profitability. These qualities translate to rich resources for meeting community needs.

When you try to determine what your company does well, look at how it meets its own needs in addition to how it serves its market. A company that has a commuter van-pooling service for its employees might contract with government-funded social service agencies in its vicinity. The idea is to transport social service recipients during daytime hours when the vans are idle, thus eliminating the need for each agency to have its own vehicle. A consumer company or utility with an efficient billing and collections system may be able to replace sluggish procedures for processing and depositing local tax revenues.

Look at the corporation as a problem-solving institution, not a loose collection of people, equipment, facilities and capital. Lending an employee with technical expertise to a government agency may help the agency solve a technical problem. Contributing used desks and vacant office space may help cut costs. Subsidizing a non-profit agency's operating costs may help it stay in business or serve more clients. These contributions help the community but do not tap the greatest resources of the company: its ability to identify market needs and develop and carry out solutions to meet them.

Get close to the problem. Few corporate managers get close enough to any particular community need or public service to envision a better solution, or find the fit with their company's skills and resources. Doing volunteer work or contributing funds and equipment isn't the same as taking a close, critical look at how a problem is being addressed and considering a feasible alternative. But getting a leg up in a private market requires finding a smarter solution. The same principle applies in the public service arena. And to find a smarter solution, you must know the territory.

One starting point is to decide what community problem represents your target of opportunity. Look around at what others have identified as critical community needs. A good choice is a need that has a strong constituency in the community, is not encumbered with great controversy and is of

direct concern to your company. Maybe the problem affects the firm's operations (such as a poorly qualified labor supply), or maybe you have already invested heavily in it (such as subsidizing housing rehabilitation around your headquarters), or maybe it costs you money (e.g., supporting disabled employees). Pick a problem important to the CEO; pick one you have an idea about solving, one you have a hunch fits your company's knowhow. Try to build on self-interests wherever you can find them.

Don't undercut your chances of success by tackling too many community problems or initating multiple ventures on a hit-or-miss basis. Pick a target and become sufficiently knowledgeable about it to be confident in your approach. When you've handled it successfully, you can broaden your reach or take on another problem.

Designate a skilled person to identify the underlying issues and determine how the company might address them. Choose someone who understands your biases and interests and is a broad, creative thinker. A common tactic is to pick a professional in the field being studied. But unless you find a professional who is cut from a different cloth than his or her colleagues, you'll probably find yourself with recommendations to do what everyone else in the field has tried but found didn't work.

If you want to find a market niche where none is currently perceived, you must look at the problem in a different way. Let's say you're looking at a public service that is losing government funding. Why does the service need to be subsidized? Why isn't it provided by the private market? Is it an overlooked opportunity? Some services fell from the private market into government subsidization because the potential for profit didn't compete with other opportunities for private investment, and government moved in aggressively. Vocational education is an example.

Other services originated in the public sector as extensions of related public activities. Providing technical assistance to small businesses, for instance, has been an outgrowth of huge public expenditures in economic development. But which is better equipped to foster entrepreneurism: government or business? There is value in asking whether demand and market conditions may have caught up to these and other services so they could be delivered on a breakeven or profitable basis.

Maybe the business opportunity lies in redesigning the service itself, or the way in which it is delivered. Perhaps the introduction of technology, or larger geographic scale, or better management, or use of paraprofessional personnel could turn this service into a profitable venture. Or maybe a joint venture that brings a better mix of skills or spreads the risks makes it feasible as a private initiative.

Brainstorm alternative services. Is the current approach a "treatment" that must be subsidized, such as housing rehab? Could a "prevention" strategy be substituted as a private service—such as creating a mix of maintenance, financing, warrantee, and do-it-yourself counseling services sold to homeowners (to help them keep up their homes through private contractors and their own efforts)?

Look for parallels in business. Some corporations subsidize low-yield operations with revenues from high-yield operations. AT&T's rates for long-distance calling are an example, where higher profits from high-traffic lines offset lower profits from lower-traffic lines. Nonprofit social service agencies are largely dependent on grants to fund services for poor and disadvantaged clients. Yet demand for social services in corporations and among middle- and upper-income families is growing. Can the agencies be helped to penetrate profitable new markets that can offset some of the costs of serving their low-income clientele? Can your company help them reach those markets?

Another parallel in business is the development of economies of scale through aggregation and collaboration. Administration and facilities managements are a bugaboo to many nonprofit agency executives who are trained as social service specialists. We have spent years trying to train agency directors to perform tasks better contracted out. Each agency suffers from the high cost of providing services on such a small scale, not to mention the incompatibility in skills and interests. Isn't your corporation already solving such problems for its own operating divisions through service standardization and centralized delivery? Couldn't private sector franchise and holding company arrangements be adapted to standardize and aggregate overhead functions in the human services sector?

Businesses that provide contracted facilities management and administration in the health-care industry could be helped to reach new markets. How about child care, community corrections, nursing homes and mental retardation facilities? Can economies in overhead functions be gained without interfering in the client/practitioner relationship or constraining the service ingenuity of the individual service agency? Can your company collaborate with an established, small contract-management firm to reach these markets?

When you look at the problem you want to tackle, think broadly. Talk to professionals in the field, to consumers and to people in business. Rethink what the problem is, what the service is, who the buyer is, who the consumer is. Look for ways to work the margins to your benefit through technology, management skills, scale and lower-cost personnel. Think about selling prevention in place of treatment. Look for parallels in private business.

Find the fit. Probably the hardest step in developing a public service venture is finding the appropriate fit with your company's skills. Many opportunities for intervention can be identified and a range of skills found inside the company. But, if the two don't fit, you don't have a feasible business opportunity.

In some cases, a new venture idea may have enough potential to be worth pursuing even if you don't have all the needed skills. In that case, you must develop the missing skills in-house or find them outside. The latter course may involve hiring someone with special knowhow or finding a joint venture partner. It may mean acquiring an innovative small company or nonprofit agency that has developed the skills you need but lacks the capital, management skills and geographic access to penetrate the market significantly.

Finding the right fit also involves internal considerations beyond the immediate skills and resources of the company. Each company has its own style, tolerance for risk and ability to innovate. Each has its own markets and marketing networks, technologies and business development objectives. Finding the fit between community problems and your corporation's skills and resources will build on the strengths and account for the gaps.

Take a business approach. Many successful leaders seem to lose their bearings when they become involved with public service. They don't ask the important questions, such as what are we trying to achieve and how will we know when we have made progress? Result-oriented management practices are especially needed—and hard to find—in the "soft" services. Measures of results achieved, costs incurred and revenues earned apply whether the task is job training, health care or commuter transit. Sometimes, the salient financial measure is profits. Often, it is costs saved (commuter transit), subsidies reduced (getting disabled employees back to work) or tax revenues generated (creating new jobs).

The corporation may come to the venture through any of three avenues. It may be a profit-based initiative that represents a logical next step in the company's new business development activities, and that justifies a substantial capital investment and management commitment on the merits of its potential ultimate financial return.

It may be a not-for-profit initiative that represents an extension of the company's charitable and social responsibility activities, and that justifies investment and commitment on its potential to achieve an important public affairs objective.

It may be a limited-profit venture tied to philanthropy, which operates like a profit-oriented business venture but offers less than a normal return, the cost of which is charged off against the company's philanthropic budget. Under this hybrid strategy, a relatively small philanthropic contribution leverages a substantial capital investment in the new venture, which commands the best technology and management resources of the corporation in its execution. It serves a public affairs objective but may also provide a footing from which a profit-based initiative ensues.

Consider the value of approaching the venture on a partnership basis. Much of what needs doing in the community requires skills or resources that exceed the capacities of individual organizations. Nonprofit agencies and small firms have market sensitivity, public service expertise, commitment and community organizing skills. But they lack capital and scale, market access and sophisticated management skills. Corporations have the management skills, technology, market analysis skills, scale and capital, but they lack social service expertise, public service experience and, often, neighborhood trust.

Feasible ventures can be designed around partnerships between corporations and nonprofit agencies or small businesses. This kind of partnership is not common in the public service sector, but it has been forged from time to time in the private market. Innovation, the sine qua non of small firms, is exceedingly expensive in large companies. Consequently, many corporations have diversified and gained a market edge by acquiring or collaborating with innovative small businesses. The same principle applied to public service suggests many opportunities. For example, an enterprising corporation that already has experience with a nonprofit agency—such as buying services from the agency for the firm's employee assistance program—may be able to utilize a franchise or hold company structure in partnership with the nonprofit to market those services to employers across the country.

If you can, build the venture into your line operations. Many community initiatives are carried out by corporate staff separately

from the firm's main business activities. But if you are drawing on the skills of the business as an institution rather than a collection of resources, you'll be most effective if you can merge the implementation milestones into line managers' performance objectives.

If you've found a close fit with current capabilities, you'll have a reasonable feel for how quickly the venture should come up to speed. If the fit is less natural and the territory unfamiliar, allow for experimentation and greater development expense. Make outside experts available. Treat the learning curve as a research and development cost. Help your people be energized and refreshed by the new effort, not saddled with unrealistic goals. But be sure they know your eye is on the results.

Measure the benefits and build on success. The public services sector is assuming many characteristics of a viable market: heightened competition for limited service funds, new interest among government administrators in measuring results and improving productivity, a turn to user fees and consumer choice, increased contracting out and use of vouchers, and a growing demand for social services in corporations and middle- and upper-income families. The current delivery system serving this emerging market is fragmented and inefficient without the mechanisms even for measuring costs and results achieved. Many of the technologies, management tools and collaborative arrangements developed to gain market advantage in the private sector have been overlooked entirely for application to enhance public service productivity.

For corporations with an eye to the service market over the long term, public service ventures can establish an early market position for profitable future growth.

In the near term, public service ventures can help the community restructure the ways in which it meets its needs. They can also help the corporation achieve difficult public affairs objectives such as strengthening the local economy and the community's self-reliance, reducing the grant-dependency of local service agencies, and providing new avenues for employee growth and satisfaction.

How you measure success depends on what your objectives are going into the venture. Make a profit? Reduce a cost of business? Generate tax revenues? Create jobs? Put people back to work? Increase the serviceable lifetime of a neighborhood's housing stock? Enhance the corporate image? You must decide what combinations of potential benefits and risks justify your initiative.

Be sure to take full measure of the results you achieve. Only then can you satisfy yourself and your stockholders that the return justifies the investment, and only by understanding your successes can you build on them. Building on the successes may enable you to improve your results and achieve them in more communities, or go deeper into the problem to tackle related issues: figuring out how to build on a successful internal van pool service by marketing to clusters of smaller employers (none of which is large enough to create his own); establishing other transportation-related services (such as shuttling social service recipients to service agencies); or helping form a private fleet management firm to meet local government transportation needs. If you can gain a toehold, understand your success, then build on it—you've done a lasting service to your company and community alike.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate will resume consideration of the pending business, which the clerk will state.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

AMENDMENT NO. 2040

The PRESIDING OFFICER. The pending question is the Baucus amendment No. 2040.

The amendment is as follows:

At the end of amendment numbered 2039 add the following: "It is the sense of the Congress that the Federal courts must remain open to litigants whose claims arise out of the Federal Constitution. Furthermore, it is emphatically the province and duty of the judicial department to say what the law is and article 5 of the Constitution specifically provides a mechanism to respond to the constitutional decisions of the Supreme Court.".

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am about to send to the desk a cloture motion against further debate on the Helms second-degree amendment.

Before I do so, for those listening about the Senate, I wish to report that I have advised the minority leader that I intend to file this motion, and I have advised the Senator from North Carolina and the Senator from Oregon. I believe all parties who are principal to this debate are aware of the fact that I intend to file this motion that will produce a vote on Wednesday.

Mr. President, it is my hope that later in the day we can clear on both sides a unanimous-consent agreement that the vote on this motion will occur at 5 p.m. on Wednesday. But I will not now put that request.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk and ask the clerk to state it.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

Jesse Helms, Roger W. Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Don Nickles, Bob Kasten, Howard H. Baker, Jr., John P. East, Steven D. Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, and Robert Dole.

Mr. BAKER. Now, Mr. President, as I say, at a later time I intend to confer with the minority leader and with the two principal adversaries in this debate, that is to say, Senator HELMS and Senator PACKWOOD, as well as Senator WEICKER and others, in an attempt to get a time certain other than that time provided for in rule XXII for this vote to occur on Wednesday next.

Mr. President, I may also say that at some point it is my intention to try to reach the Hatch amendment to the Constitution, and I will consult further with the Senator from North Carolina, the Senator from Oregon, and the minority leader about that. But Senators should be aware of the fact that at some point it is my present intention to attempt to move to consideration of the Hatch amendment during some day this week.

Mr. President, I now suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HAYAKAWA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RUDMAN). Without objection, it is so ordered.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of House Joint Resolution 520.

Mr. HAYAKAWA. Mr. President, last Thursday, I voted against cloture because I support my friend from Oregon who is for allowing women the freedom to choose safe, legal abortions and is against overturning the Supreme Court's decision in Roe against Wade. While I have the highest respect for the views of those who oppose the freedom to choose abortions, I will again oppose cloture for

the same reasons I voted against it last Thursday.

The controversy over abortion is not going to go away—not today, not tomorrow, not next year. The two sides now facing each other are so diametrically opposed on the subject that it will not be resolved, regardless of what this Congress should decide to do. If the prochoice forces should prevail this time around, that will not deter the prolife forces from mounting future legislative attempts to work their will in the Congress. By the same token, if the prolife forces were to prevail—if this amendment should pass and be made law—the opposition would not rest until it had reversed its loss.

Like two great wrestlers, these determined adversaries will continue to struggle, neither side allowing itself to be pinned down and only increasing its efforts when the other appears to be prevailing. The only hope is that, in the future, Congress will not allow this issue to so bind it that it cannot carry out its constitutional responsibilities. Indeed, I hope that we will not allow any single issue, however important, to prevent us from passing a budget, increasing the debt limit, providing for the national defense, or carrying out the other duties we were elected to perform.

I can appreciate the strong feelings on both sides of the issue, as my own convictions are strong. As a conservative who supports the Constitution, I am compelled to support the freedom of women to choose abortions.

The Constitution of the United States is, in a sense, a negative document. This is especially true of the Bill of Rights. It recognizes that Government is necessary to secure the rights and freedoms of the citizenry and then goes about carefully defining what Government is and what it can and cannot do. Where the rights of the people are concerned, it is liberal, but where it defines the powers of Government, it is extremely conservative.

The Bill of Rights says that the Government shall not establish a religion. The Government shall not order troops into your house without your permission. All sorts of inhibitions are placed upon the Government. From the point of view of the Bill of Rights, the attitude toward government is conservative. Its authors had just fought a war against a Big Brother type of government and were determined that such a government not exist here.

In creating Congress, the authors of the Constitution allowed the legislative body the powers necessary to allow an efficient, unified nation, but kept from it the power to intrude in the personal lives of its citizens. Article I, section 8 spells out what Congress can do. It can collect taxes, borrow money, regulate commerce, and so on. But, like the other branches of Government, Congress is not granted the authority to regulate the lives of individual citizens.

It is interesting to note that the Bill of Rights begins with the words "Congress shall make no law * * *" and ends with the granting of all undelegated powers to the States and the people.

As time has passed a number of attempts have been made to expand the scope of the Constitution to allow the Government to intrude in the lives of individual citizens, for example, the prohibition amendment. I view the efforts to outlaw abortions as such attempts. It is not the place of government, particularly an overwhelmingly male Congress, to tell American women what they can and cannot do with their bodies, and it is not the place of Congress to make religious or philosophical determinations such as when life begins.

While I realize that there are those who disagree with my views, I know that everyone in this body agrees with me when I say that no one here wants any woman to have an abortion. None of us want any person to go through the mental anguish and physical pain of having an abortion. All of us want every child to be born into families that want and love them. If they were, we would not be wrestling with a flood of crime and social problems.

So even if we cannot reach a consensus on the issue, we can at least agree that the need for abortions should be reduced. I would suggest that by improving the education of our people about human reproduction and increasing the research of safe, effective contraceptives we can do just that.

Mr. President, Judy Mann had an article in last Friday's Washington Post that referred to the issues that the Congress should be deliberating. I found it excellent reading, and I ask that it be printed in the RECORD following my remarks.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

[See exhibit 1.]

Mr. HAYAKAWA. Mr. President, some of us would like to think that our statements on this issue are profound and that they will be forever remembered. They are wrong. This controversy will go on and on and our arguments will be repeated over and over by others. I only hope that this issue will never be allowed to frustrate the ability of Congress to do its job.

Thank you, Mr. President.

EXHIBIT 1

JUDY MANN: ABORTION

The antiabortion bill that the Senate is now considering—and which President Reagan suddenly has started pushing—is a splendid illustration of how the right wing uses abortion as an organizing issue yet misses the point on ways to reduce abortions.

While permanently banning the use of federal funds for most abortions, the Helms "Human Life" bill asserts that the Supreme Court erred in its 1973 decision legalizing abortion, and declares that life begins at the moment of conception. . . .

Abortions didn't suddenly come into being with the 1973 Supreme Court decision, and most even now are not paid for with federal funds. There were 600,000 legal abortions in 1972, when women could get them for reasons of mental and physical wellbeing. There were between 1.2 million and 1.3 million legal abortions in 1981. Where was the outraged right-wing in 1972?

Abortion is a private matter that ought to be left between a woman and her physician. It is not the president's business and it is not the business of the overwhelmingly male Congress to legislate guilt trips onto American women.

Having said that, it is important to note that Americans are ambivalent about abortion, and if Congress and the president were genuinely concerned about reducing the widespread use of it—instead of playing politics with it—they would probably find a good deal of support. According to the Gallup polls, only 25 percent of the public supports legalized abortion under all circumstances; 53 percent believe it should be legal only under certain circumstances. A Yankelovich survey found that while 70 percent of the women support abortion on demand, 56 percent of them believe abortion to be morally wrong. But surveys have found little support for the legislative sledgehammers Congress has been considering.

Its approach has been wrong. The same Congress and the same administration that are so concerned about abortion allocated the grand sum of $16 million in 1981 for federal research on contraceptive development. It spent a paltry $7.3 million for evaluation of the safety and efficacy of contraceptives. It spent $79.1 million on research into the reproductive processes. The total federal support for population research in 1981 was $151.4 million. That is roughly $50 million less than the cost of one B-1 bomber.

Money is just part of the problem, says Dr. Gabriel Bialy, head of research for the Center for Population Research. "Rather than investing our resources into fighting changes in abortion laws, maybe it's incumbent on our part to do a better job of selling the contraceptive methods now available.

"One could liken abortion to chemotherapy: necessary but drastic. Currently what people working in the cancer area are focusing on is not just the development of drugs that will inhibit tumor growth but they are looking at those factors that may contribute to the growth of cancer."

A similar approach ought to be used to reduce the need for abortions. Money ought to be spent on the development of improved contraceptives and Americans ought to be better education on contraceptive use. The average failure rate for the condom and the diaphragm is 10 to 12 percent, Bialy says, but it was brought down to two percent in a program for underprivileged teen-agers when clinic employees took the time to carefully instruct them.

Bialy also believes there is a need for fundamental changes in Americans' attitudes toward contraceptives. "People are dissatisfied with what's available and when they are dissatisfied they use that as a rationalization for not using it. You talk to men and

they give you a litany of reasons why they don't use the condom. In other elements of our lives we recognize we cannot have exactly what we want . . . That should be no excuse for not using what's currently available."

One-third of all abortions are performed on teen-agers. "If you can get the kids to think about the fact that fast foods don't provide them with good nutrition," he says, "isn't it possible that we could succeed in getting the idea across that junk sex is just as bad for them?"

Congress has spent far too much time debating such questions as when human life begins. No one, * * * knows the answer to that. But we do have some understanding of when the need for abortion begins: it begins with ignorance, with contraceptive failure, with poor attitudes about reproduction. We have found that public education has changed attitudes about smoking. It can also change attitudes about sex.

● Mr. JEPSEN. Mr. President, since the beginning of the 97th Congress, almost 2 years ago, this body has been actively debating and considering legislation which deals with our economy, our defense, our foreign policy, and our domestic policy. During this time, when Americans have asked the Congress to turn its attention to many of the pressing social issues which were the focal point of the 1980 elections, the immediacy of the economic problems has caused a diversion from these issues.

After almost 2 years of delaying action on social issues, the Senate is currently debating legislation that is of great interest to Americans of all political, religious, and social backgrounds—the issue of abortion.

Mr. President, I am on record in support of Senator HELMS' efforts to restrict abortion on demand. I firmly believe that life in the womb is just that, life, and that if that life does not meet natural disaster or deliberate attack, it will become a young child. I believe that the 1973 Roe against Wade decision which legalized abortion has perpetrated an even more tragic effect than the snuffing out of lives in the womb. It has legitimatized the ethic of human disposability. That is—life which is inconvenient has no right to exist.

Mr. President, the current attempt by several of my colleagues to stall further debate on the pressing issue of abortion is not only consuming the time of this body—it is distracting attention from an issue that is of great importance to all Americans—no matter what opinion one might have. This body is doing a great disservice to the constituents we serve by not forcing an up or down vote on this issue; 1.5 million lives are being terminated every year. The people of America are watching.●

● Mr. WARNER. Mr. President, today I will vote for cloture, having voted against cloture on the first attempt in keeping with my practice respecting the freedom of debate under Senate traditions.

My vote is cast in the belief that the opportunity for debate on the measure has been adequate. Today, for example, very little has been said and the Senate on other important matters is virtually at a standstill.

My vote for cloture does not indicate how I will vote on the pending measure. I firmly believe, however, the importance of the issues merits a vote, or votes, expressly on the issues of abortion and school prayer. My preference would be separate votes.●

The PRESIDING OFFICER. The Senator from California should be reminded that under the previous order at 4 p.m. the clerk will state the motion to invoke cloture.

Mr. BAKER. Mr. President, before that happens, I cleared this on our side. I ask unanimous consent that after the cloture vote the Senator from Oregon (Mr. PACKWOOD) be recognized once more.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate under the unanimous-consent agreement having expired, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

Jesse Helms, Roger W. Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, Howard Baker, John P. East, Steve Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, and Bob Dole.

VOTE

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived. The question is, Is it the sense of the Senate that debate on the Helms amendment No. 2038 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, I have a live pair with the senior Senator from Massachusetts (Mr. KENNEDY). If he were here and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." I, therefore, withhold my vote.

Mr. STEVENS. I announce that the Senator from Missouri (Mr. DANFORTH), the Senator from Arizona (Mr. GOLDWATER), the Senator from Pennsylvania (Mr. HEINZ), the Senator from Illinois (Mr. PERCY), the Senator from New Mexico (Mr. SCHMITT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Wyoming (Mr. WALLOP) are necessarily absent.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Nevada (Mr. CANNON), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MELCHER), the Senator from Arkansas (Mr. PRYOR), the Senator from Michigan (Mr. RIEGLE), and the Senator from New Jersey (Mr. BRADLEY) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The yeas and nays resulted—yeas 45, nays 35, as follows:

[Rollcall Vote No. 342 Leg.]

YEAS—45

Abdnor	Garn	Mattingly
Armstrong	Grassley	McClure
Baker	Hatch	Murkowski
Boschwitz	Hatfield	Nickles
Cochran	Hawkins	Nunn
D'Amato	Heflin	Pressler
DeConcini	Helms	Proxmire
Denton	Huddleston	Quayle
Dole	Humphrey	Randolph
Domenici	Jepsen	Roth
Durenberger	Johnston	Sasser
Eagleton	Kassebaum	Symms
East	Kasten	Thurmond
Exon	Laxalt	Warner
Ford	Lugar	Zorinsky

NAYS—35

Andrews	Glenn	Mitchell
Baucus	Gorton	Moynihan
Boren	Hart	Packwood
Brady	Hayakawa	Rudman
Burdick	Hollings	Sarbanes
Byrd, Harry F., Jr.	Jackson	Simpson
	Leahy	Specter
Byrd, Robert C.	Levin	Stennis
Chafee	Long	Stevens
Cohen	Mathias	Tower
Dixon	Matsunaga	Tsongas
Dodd	Metzenbaum	Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—19

Bentsen	Danforth	Pryor
Biden	Goldwater	Riegle
Bradley	Heinz	Schmitt
Bumpers	Inouye	Stafford
Cannon	Kennedy	Wallop
Chiles	Melcher	
Cranston	Percy	

The PRESIDING OFFICER. On this vote, there are 45 yeas and 35 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader is recognized.

Mr. BAKER. Mr. President, I ask unanimous consent that notwithstanding the order for the Senator from Oregon to be recognized next, that I be recognized for 1 minute in advance of that time, without his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr President, all Senators may not be aware, but a cloture motion has been filed today against further debate on the Helms amendment. I would like to set a time certain for a vote on that cloture motion on Wednesday when it will mature. I would suggest 5 p.m.

I will inquire of the minority leader if he is in a position to agree to that at this time.

Mr. ROBERT C. BYRD. Not at this moment, but very shortly I am sure I will be.

Mr. BAKER. Very well. Mr. President, I will discuss this matter further with the minority leader. It is my hope that we can, as we have recently in the case of most cloture motions, establish a time certain for this vote.

A little later I would hope that we can get unanimous consent that without the rule XXII quorum a vote will occur at 5 p.m. on Wednesday next on the cloture motion which has been filed today.

Now, Mr. President, I yield the floor.

Mr. PACKWOOD. Mr. President, will the majority leader answer a question? Does the majority leader know what he plans to do during tomorrow?

Mr. BAKER. Mr. President, it would be my hope that during the day tomorrow, perhaps as soon as we conclude morning business in the morning, that we could proceed to the consideration of the Hatch amendment. It would be my hope, as I indicated earlier, that we would have a full day of debate on the Hatch amendment, perhaps even part of Wednesday, depending on the preference of Senators. But I have outstanding a representation that I will ask the Senate to proceed to the consideration of the Hatch amendment to the Constitution at some point. I despair of gaining unanimous consent to do that, but it is my present intention to ask the Senate to proceed to the consideration of that matter tomorrow.

It is also my intention, Mr. President, to return to the consideration of the Helms amendment, which, of course, we must do under rule XXII at some time during the day on Wednesday.

At this time, I would expect that we would turn to the Helms amendment and continue debate on the Helms amendment either in preparation for another cloture vote, if that is required, or pursuant to the provisions of rule XXII postcloture, if that is appropriate.

Mr. President, answering the question of the Senator from Oregon, I would hope that tomorrow the Senate would agree to the consideration of the Hatch amendment for the remainder of the day and perhaps a part of Wednesday.

Mr. WEICKER. Mr. President, will the distinguished majority leader yield for a question?

Mr. BAKER. I yield.

Mr. WEICKER. If I am not mistaken, making the motion to proceed is the prerogative of the majority leader but is the motion to proceed debatable?

Mr. BAKER. Yes, it is.

Mr. President, I yield to the Senator from North Carolina.

Mr. HELMS. Mr. President, I believe the Senator from Oregon has the floor.

Mr. BAKER. Will the Senator from Oregon yield?

Mr. PACKWOOD. Yes, without losing my right to the floor.

Mr. HELMS. Mr. President, I understand that procedurally it is necessary to return to the "debate" on the Helms amendment. But beyond that, I see no point in consuming the time of the Senate. I will say again what I have said for the last 3 or 4 weeks, that I am ready to vote and put an end to all these cloture votes. I hope we will have enough votes on Wednesday, but I am not certain of it. I do thank the majority leader for his patience.

Mr. BAKER. I thank the Senator from Oregon and the Senator from North Carolina.

Mr. President, it would be my intention tomorrow, after we resume consideration of the unfinished business, to move to proceed to the consideration of the Hatch amendment which, of course, would have the effect of displacing the debt limit, but to return to the debt limit after perhaps a day of debate on the Hatch amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think the majority leader announced earlier there would be no more votes today.

Mr. BAKER. Mr. President, I had not announced that, but I will now announce that. There will be no more record votes tonight.

Mr. President, I have consulted with the principals involved and earlier today with the minority leader. For the remainder of this day, I ask unanimous consent that no tabling motion be in order to the bill or any amendment thereto.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. BAKER. I thank the Chair.

The PRESIDING OFFICER. Before the Senator from Oregon proceeds, may we have order in the Chamber?

The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I think the time has come—I had hoped we might have had what the majority leader called a spirited debate, but I do not think we are going to have a spirited debate. So let me touch a bit on the subject of abortion itself, realizing that what we are actually debating and what we are rejecting cloture on is not so much the subject of abortion as to whether or not we should invoke cloture on the Helms amendment, which I contend is an effort to reverse the Supreme Court by legislation on a constitutional issue rather than a constitutional amendment. Be that as it may, I think it is appropriate to talk a bit about abortion and about the decision as to whether or not a woman should be able to make the choice for herself as to whether or not she wants to have an abortion. I emphasize "make the choice." Nobody is forcing her to have it. Neither should anyone prohibit her from having it.

Because of the efforts of the Moral Majority and others to paint this as a moral issue, and clearly they see it as the morality on the one side and those who favor a woman's right to choose as being on the other side, I should like to read a list of organizations who support a woman's right to choose whether or not she wants an abortion. To put it another way, they support the present Supreme Court decision on this subject, and the present Supreme Court decision is that a woman can make that choice if she wants. That is a constitutional right, and that right cannot be taken away properly without amending the Constitution. These are religious organizations which hold prochoice positions on abortion rights:

RELIGIOUS ORGANIZATIONS WHICH HOLD PRO-CHOICE POSITIONS ON ABORTION RIGHTS

American Baptist Churches, 1968 (reaffirmed 1981);

American Ethical Union, 1973 (reaffirmed 1977);

American Jewish Congress, 1972 (reaffirmed 1982);

American Humanist Association, 1972 (reaffirmed 1977);

B'Nai B'rith Women, 1970 (reaffirmed 1978);

Catholics for a Free Choice;

Christian Church (Disciples of Christ) 1975;

Episcopalian Church, 1967 (reaffirmed 1976, 1979);

Federation of Reconstructionist Congregations and Havurot, 1982;

Episcopal Urban Caucus, 1982;

Episcopal Women's Caucus, 1982;

Hawaii Council of Churches, 1981;

Lutheran Church in America, 1970 (reaffirmed 1978);

Massachusetts Council of Churches, 1976;

Moravian Church in America, Northern Province, 1970 (reaffirmed 1974);

Northern California Ecumenical Council and the Southern California Council of Churches, 1981;

National Council of Jewish Women, 1969 (reaffirmed 1979);

National Federation of Temple Sisterhoods, 1965 (reaffirmed 1975);
New York State Council of Churches, 1982;
Pennsylvania Council of Churches, 1980;
Presbyterian Church in the U.S., 1980;
Reconstructionist Rabbinical Association, 1981;
Union of American Hebrew Congregations, 1981;
North American Federation of Temple Youth, 1982;
Unitarian Universalist Association, 1977 (reaffirmed 1978);
United Church of Christ, 1981;
United Methodist Church, 1976 (reaffirmed 1980);
United Presbyterian Church, USA, 1970 (reaffirmed 1979);
United Synagogue of America, 1975;
Women's Caucus of the Church of the Brethen, 1982;
Women's League for Conservative Judaism, 1972 (reaffirmed 1974); and the
Young Women's Christian Association, 1973 (reaffirmed 1979).

Mr. President, there may be other religious organizations that have endorsed choice. I hesitate to mention them unless I am sure they are on that side. If by chance I have offended anyone by leaving out a religious organization that has adopted a resolution in favor of supporting the Supreme Court's decision on choice, I would like to have its name and I shall add it to the list. I would simply rather err on the side of caution in mentioning the names rather than on the undue side of carelessness and, by chance, wrongly naming an organization.

Next I would like to name medical associations which hold pro choice positions on abortion rights:

American Academy of Child Psychiatry, 1977;
American Academy of Pediatrics, 1977;
American College Health Association, 1982;
American College of Obstetricians & Gynecologists, 1974;
American College of Osteopathic Obstetricians & Gynecologists, 1982;
American Medical Association, 1981;
American Medical Students Association, 1982;
American Medical Women's Association, 1982;
American Protestant Hospital Association, 1977;
American Psychiatric Association, 1981;
American Public Health Association, 1979;
Association, of Planned Parenthood Physicians, 1981;
Group for the Advancement of Psychiatry, 1969;
National Family Planning and Reproductive Health Association, 1982;
National Medical Association, 1982;
National Student Nurses Association, 1982; and the
Physicians Forum, 1982.

Again, Mr. President, there may be other medical organizations that have endorsed a women's right to choose. If I do not know them, I would like to have their names to add to the list. I do know as far as medical organizations are concerned, the overwhelming bulk of those who have any position at all, including the American Medical Association, which is the dean of medical associations in this country, have taken a position on the side of the right of a woman to choose.

Mr. President, I should now like to read a list of other organizations. These are not medical, not religious, but they represent a great cross-section of American society that also supports a woman's right to make a choice as to whether or not she wishes to have an abortion:

American Association of University Women, 1982;
American Civil Liberties Union, 1973;
American Federation of Teachers, 1981;
American Home Economics Association, 1971;
American Psychoanalytic Association, 1970;
American Psychological Association, 1982;
American Veterans Committee, 1982;
Americans for Democratic Action, 1981;
Center for Population Options, 1981;
Center for Women Policy Studies, 1982;
Coalition of Labor Union Women, 1982;
Committee for Abortion Rights and Against Sterilization Abuse, 1981;
Committee To Defend Reproductive Rights of the Coalition for the Medical Rights of Women, 1982;
Community Service Society, 1974;
Federation of Organizations for Professional Women, 1981;
Federation of Protestant Welfare Agencies, Inc., 1976;
Friends of Family Planning, 1982;
International Ladies Garment Workers Union, 1980;
Mexican-American Women's Association, 1981;
Ms. Foundation for Women, Inc., 1981;
National Abortion Federation, 1982;
National Abortion Rights Action League, 1982;
National Association for the Advancement of Colored People, 1982;
National Association of Social Workers, 1975;
National Capital TAY-SACHS Foundation, 1982;
National Council of Family Relations, 1971;
National Education Association, 1982;
National Emergency Civil Liberties Committee, 1982;
National Organization for Women, Inc., 1982;
National Women's Health Network, 1978;
National Women's Political Caucus, 1982;
Newspaper Guild, 1981;
Planned Parenthood Federation of America, 1976;
Population Association of America, 1982;
Reproductive Rights National Network, 1982;
Sierra Club, 1969;
United States' Women's Health Coalition, 1982;
Voters for Choice, 1979;
Women Against Pornography, 1982;
Women & Health Roundtable, 1982;
Women's Equity Action League, 1981;
Women's International League for Peace and Freedom, 1981;
Women's Legal Defense Fund, 1982;
Women's National Democratic Club, 1980; and
Zero Population Growth, 1982.

Mr. President, if you count the religious, the medical, and the other organizations, it is an extraordinary array of a very valid cross section of American life. What it, indeed, proves is that this issue is one upon which Americans vehemently and strongly disagree, an issue that is a very private, personal one.

Let me emphasize that this is not a monetary issue in bulk. Whether or not a woman chooses to have an abortion is not a Federal expense. It is not going to make any difference to the President's budget. If the Helms amendment passes, it is not going to save any extraordinary amount of money. I personally think that the Federal Government under its medicaid program should be willing to fund abortions for poor women who cannot otherwise afford them. We fund most of their other medical costs because we say that they should not be without proper medical treatment, but we do not fund their abortions. That is a battle that has been fought in this Senate before and my side has lost.

What we are talking about now is a more fundamental issue. This is not, are we going to increase the President's budget by $1 billion or $500 million or are we going to save money. We are now going to the very heart of the situation, which is, are we going to reverse the Supreme Court on a constitutional matter, the right of a woman to make a choice as to whether or not she wants an abortion, to reverse it by a statute and impose upon everyone in this country, or at least attempt to impose upon them, a particular moral view with which the bulk of the country does not agree. I say attempt because we are all well aware that it will not work.

Prior to the Roe against Wade decision in 1973, abortion was illegal in most of the States of this country and yet illegal abortion was rampant. We tried a similar experiment with prohibition 60 years ago, an it did not work then either.

So when people talk about imposing morality on America, all they are simply saying is that if we have our way it will make our consciences feel better if we can change the Supreme Court's decision and tell a woman in America that if she has an abortion a stigma will attach to it that she has done something illegal and immoral. It will not change her mind to have it; we know that from our experience before abortion was legalized, but we will have imposed a morality, an attempted morality on this country that will not work.

The danger that I find in the approach of the Senator from North Carolina (Mr. HELMS) is the danger of attempting to reverse the Supreme Court with a statute. Tomorrow, apparently, we will debate the amendment of the Senator from Utah (Mr. HATCH). His is a constitutional amend-

ment to reverse the Supreme Court decision on abortion. I do not agree with his amendment, but he has at least followed the process that our Founding Fathers intended when they drafted the Constitution. That process is that if you do not like a constitutional decision of the Supreme Court, you attempt to change it with a constitutional amendment. We have done it numerous times in the history of this country. We did it with the 11th amendment in which we prohibited a citizen of one State from suing another State. That constitutional amendment grew out of Chisholm against Georgia. Chisholm was a citizen of one State and sued the State of Georgia and the States did not like it. Congress proposed a constitutional amendment to prohibit it, and it was adopted.

We did it with the Civil War amendments, the 13th, 14th, and 15th amendments to overturn the Dred Scott decision. The Dred Scott decision was a U.S. Supreme Court decision in the mid-1850's that said blacks were not citizens. It did not matter that they were free blacks in Northern States. They still were not citizens. So those amendments overturned the Dred Scott decision and said that blacks were citizens.

It is interesting to note that we went the constitutional amendment route even when we were passionately involved in the Civil War. Despite Vietnam, despite any other activity of this country, the American Civil War remains in our history the single most divisive thing that ever happened in this country. At the height of northern victory and at the height of the hate and passion that that war engendered, Abraham Lincoln and Andrew Johnson did not attempt to amend the Constitution by statute. They clearly would have had the votes to do it; the South in essence had been purged of the Congress. Any statute would have passed overwhelmingly. But those men very carefully grasped the significance of what they would be doing and they went the proper route of the constitutional amendment.

We did it with the 16th amendment. The 16th amendment reversed a Supreme Court decision that said that the Congress could not levy an income tax. Congress had tried to. The Supreme Court found that it violated the Constitution as then written. There were discussions about the Court was wrong and the Court should not have ruled that way and we should try to reverse the Court by statute, but no one seriously tried it. Finally, the 16th amendment was sent out by the Congress for ratification and the States ratified it allowing the imposition of an income tax.

And, of course, we did it recently with the 26th amendment which was the 18-year-old vote in State elections. Congress had passed a law saying that 18-year-olds could vote in Federal and State elections. The U.S. Supreme Court held that while the Congress had the power to do that for Federal elections, it did not have the power to do it for State elections. So the 26th amendment was offered by the Congress and ratified by the States which said that 18-year-olds could vote in State as well as Federal elections.

That is the proper way to amend the Constitution, if you do not like a constitutional decision of the Supreme Court. Our founders did not intend the Constitution to be easily amended. The recent battle for the equal rights amendment truly proves how hard it is. Ten years of effort at ratification of the equal rights amendment and it was not ratified. It will one day, I hope, be ratified, but again those who wanted the equal rights amendment followed the avenue that our founders intended, which was a constitutional amendment.

In the amendment of the Senator from North Carolina (Mr. HELMS) there are a series of findings. The argument may be made that these findings are not binding on the Court, but indeed the Court has given deferance to findings of Congress in the past, much more so than the findings of State legislatures.

Time and again in cases, the Supreme Court—first the Federal district courts and then the Supreme Court—has said Congress has found such and such, and far be it from the Court to overturn the findings of fact of Congress, because the Supreme Court is not involved in factfinding. They are involved in reviewing decisions to see if they are constitutional. But they do not have witnesses. They do not have lawyers come in and cross-examine defendants and plaintiffs. They review a record that comes from a court below, and one of the things that can come from the court below is that Congress made the following findings of fact. One of the findings is that "scientific evidence demonstrates the life of each human being begins at conception."

I will read that again, because these three taken together are critical.

> Scientific evidence demonstrates the life of each human being begins at conception.

When we had hearings before the Senate Judiciary Committee on the so-called human life bill which Senator HELMS introduced, this particular point, that "scientific evidence demonstrates the life of each human being begins at conception," was debated extensively.

I will read one quotation from the National Academy of Sciences, which is probably our most prestigious scientific organization:

> It is the view of the National Academy of Sciences that the statement in Chapter 101, Section 1, of U.S. Senate Bill S158, 1981, cannot stand up to the scrutiny of science. This section reads "The Congress finds that present day scientific evidence indicates a significant likelihood that actual human life exists from conception." This statement purports to derive its conclusions from science, but it deals with a question to which science can provide no answer.

Indeed, life exists in all of us all the time. It is ongoing. But if by this sentence you mean that life and personhood exist from conception and that, from that moment on, if the Court were to accept that finding of fact, you can reverse a Supreme Court decision, that is exactly what is the intent of the Senator from North Carolina, because his two subsequent findings read as follows:

> The Supreme Court of the United States in the case of Roe against Wade erred in not recognizing the humanity of the unborn child and the compelling interest of the several States in protecting the life of each person before birth; and
>
> The Supreme Court of the United States in the case of Roe against Wade erred in excluding unborn children from the safeguards afforded by the equal protection and due process provisions of the Constitution of the United States.

The amendment of the Senator from North Carolina has many other findings, most of which are wrong in part—not in total, but in part—but those three are the critical ones.

It is said that the scientific evidence is that life begins at conception, which even the National Academy of Science has said is beyond the speculation of science; and with the two findings that the Supreme Court erred in the Supreme Court decision in Roe against Wade, it is hoped that, by putting those three together, a basis for a finding of fact will have been laid that by the simple passage of a bill, in this Congress, we will overturn a constitutional decision.

The reason why those on my side feel so passionately about this issue is not just the issue of abortion. It is not just the issue of abortion, because that issue has been clouded by the fact that the abortion amendment is attached to another amendment, and that amendment is equally pernicious in terms of the procedures it intends to invoke. It reads as follows:

> Notwithstanding the provisions of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, or any part thereof, or arising out of any act interpreting, applying, or enforcing a State statute, ordinance, rule, or regulation, which relates to voluntary prayers in public schools and public buildings.

It goes on further to say that any of the inferior Federal courts cannot have jurisdiction of any case the Supreme Court cannot hear. That is a clear effort to overturn the constitutional decision of the Supreme Court on prayer, by simply taking away the

jurisdiction of the Court. With 51 votes in this body and 218 in the House of Representatives, you do not have to go the route of getting two-thirds here and two-thirds in the House for a constitutional amendment and getting three-fourths of the States to ratify it. All you need is two-thirds of Congress being swept off its feet in a passionate moment, and you can take away anybody's rights by saying they cannot get into court.

My predecessor in this body, Wayne Morse, said time and time again, "Give me control of the procedures of democracy, and I will control the substance of democracy."

All you have to do is change the wording of that amendment very slightly. Instead of saying that the Supreme Court cannot review any decision involving school prayer, change it to read, "The Supreme Court cannot review any decision involving abridgement of freedom of speech or of the press or unlawful search and seizure."

How many times have all of us in this body had complaints about some of the actions of the Internal Revenue Service in swooping down upon a small business, demanding to see books, harassing the owner of the business, frightening the owner to death? Think how much that power can be magnified if you have no right to go to court to protest the searching of your premises or the seizing of your documents.

Or, picture a situation—and I can imagine this easily, in which we would be swept off our feet—a Lindberg kind of kidnaping, in which a suspect is caught. On the way to the police station, he says a few words to the police officers and then the trial comes. The defendant chooses not to take the stand. The statements to the police officers are admitted in evidence. The defendant is convicted and is sentenced to be executed.

The case goes to the U.S. Supreme Court. The Supreme Court overturns it, saying that the statements given to the police officers were illegally admitted and violated the defendant's rights against self-incrimination. The country is in an uproar, because the baby of a famous couple has been kidnaped and murdered, and the country wants vengeance on somebody. Retribution would make us feel better, and I understand that.

In that moment of passion, I could picture a Congress passing a law that says that henceforth, the Supreme Court cannot review any cases involving self-incrimination. Then there would be no limit to the protection of the traditional civil liberties of this country. We would have overturned 200 years of history—certainly, 180 years of constitutional history since Marbury against Madison in 1803.

What we will have said is that, henceforth, it will be Congress that will decide what the Constitution means, not the Supreme Court.

That is certainly a topic worthy of debate. I would hope that in rational discussion and rational debate this Congress would not come to that conclusion, but it should not be decided in the heat of passion over abortion or prayer.

If we are going to change what our founders intended, and they clearly knew what they were doing, our civil liberties, our Bill of Rights reads very much as the traditional civil liberties in England. Most of them came from England. Many of them word for word came from England. But all of the English protections are simply acts of Parliament, and they can be reversed by a majority at any time. It has been a strong sense of English tradition that they do not reverse them.

Our founders understood that, if we gave those civil liberties in this country no more protection than they had in England, if we simply made them statutes of Congress, any subsequent Congress could reverse them. If that is what they had intended, that is what they would have done. They were fully well aware of the process because that was the process in Great Britain, where there was nothing more than the protection of the Parliament. They went way beyond that. They took those liberties that English men and women had fought, bled, and died for, been imprisoned for and forfeited properties for, for over 500 years from Magna Carta to their Bill of Rights in 1789 and wrote them in our Constitution and said, "We are giving them a higher elevation than Britain. We are giving them a greater protection, and we are saying that those rights cannot be taken away by an act of Congress the way they can be taken away in Great Britain."

If we pass the amendment of the Senator from North Carolina we are reversing what the Founding Fathers intended without following the process that they intended.

I pray we will not come to that because if we do I fear it will be the day that we will see a declining light over protections that have made this country extraordinarily free, historically, traditionally the freest in the world. Many of the liberties, as far as they involve establishment of religion, the press, the right to assemble, are greater than those in Great Britain. If we decide that henceforth the Supreme Court may review only those things that Congress chooses, that is the day that we take those liberties out of the hands of those whom our founders intended to review them and put them in the hands of a transitory Congress easily subject to passion.

Mr. President, I suggest the absence of a quorum and ask unanimous consent that when the quorum is called off I might again have the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business to extend not past 5:30 p.m. in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL REPORT OF THE SPECIAL PROSECUTOR IN THE RAYMOND DONOVAN INVESTIGATION

Mr. THURMOND. Mr. President, I wish to inform my Senate colleagues that I have today received a copy of the "Supplemental Report of the Special Prosecutor" in the investigation of Secretary of Labor Raymond J. Donovan.

Special Prosecutor Leon Silverman has reported that he has investigated all additional allegations of wrongdoing by Mr. Donovan which surfaced since his first report and has concluded that there is insufficient credible evidence of any violation of the law by Secretary Donovan. In his letter of transmittal to the U.S. Court of Appeals for the District of Columbia, Mr. Silverman also pointed out that the source of 17 of the previously investigated allegations has since admitted having deliberately lied about all of his allegations and that a subsequent polygraph examination of the source confirmed that the source was now telling the truth in reporting the fabrication of all his previous allegations.

Mr. President, this supplemental report of the Special Prosecutor is further good news for Secretary of Labor Raymond Donovan. Its conclusion is the same as the earlier voluminous report by Prosecutor Silverman; that is, no credible evidence of wrongdoing. It is my hope that the filing of this additional report, in what has obviously been a very thorough investigation by the Special Prosecutor, will finally and definitively put an end to these accusations about Secretary Donovan.

Our Secretary of Labor is an able, knowledgeable leader whose integrity has been upheld in every respect by this lengthy, detailed investigation conducted pursuant to the Ethics in Government Act. I am pleased for him and his family that this burden has been lifted and express the hope that

he will now be permitted to pursue the responsibilities of his important Cabinet post without any further harassment or distraction with respect to these baseless charges.

Mr. President, I ask unanimous consent to have printed in the RECORD following these remarks copies of Special Prosecutor Silverman's letter to me as Chairman of the Senate Judiciary Committee, his letter to Judges Robb, Lumbard, and Morgan of the D.C. Circuit Court of Appeals, and the introduction from his supplemental report.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. GOVERNMENT SPECIAL PROSECUTOR,
New York, N.Y., September 13, 1982.

Hon. STROM THURMOND,
Chairman, Judiciary Committee of the U.S. Senate, Russell Senate Office Building, Washington, D.C.

(Attention of Duke Short).

DEAR SENATOR THURMOND: On September 11, 1982 I filed with the Division for the Purpose of Appointing Special Prosecutors of the United States Court of Appeals of the District of Columbia, a supplement to my report of the investigation of Secretary of Labor Raymond J. Donovan pursuant to 28 U.S.C. 595(b)(2). I have today submitted to the Speaker of the House of Representatives and the Vice President of the United States copies of the supplemental public report pursuant to Section 595(a) and the Order of the Court filed September 11, 1982. Since I know that you have a continuing interest in this matter, I am furnishing a copy of this supplemental public report to you as Chairman of the Judiciary Committee of the United States Senate.

Respectfully,

LEON SILVERMAN,
Special Prosecutor.

INTRODUCTION

Subsequent to the preparation of the four volume Report of the Special Prosecutor filed with the Court on June 26, 1982, a series of allegations concerning Secretary Donovan was received by the Special Prosecutor. Pursuant to decretal paragraph 3 of the December 29 Order, the Special Prosecutor investigated all of the allegations, some of which were in part duplicative of, or strongly resembled, allegations set forth in the Report. In each instance, the Special Prosecutor concluded that there was insufficient credible evidence to support a prosecution of Secretary Donovan for any of the alleged wrongdoing or for his statements concerning such allegations. The allegations and the attendant investigation are described in this Supplemental Report.

U.S. GOVERNMENT SPECIAL PROSECUTOR,
New York, N.Y., September 11, 1982.

Hon. ROGER ROBB,
Senior Circuit Court Judge, U.S. Court of Appeals for the District of Columbia, U.S. Courthouse, Washington, D.C.

Hon. J. EDWARD LUMBARD,
Senior Circuit Court Judge, U.S. Court of Appeals for the Second Circuit, New York, N.Y.

HON. LEWIS R. MORGAN,
Senior Circuit Court Judge, U.S. Court of Appeals for the Eleventh Circuit, Newman, Ga.

DEAR JUDGES ROBB, LUMBARD, AND MORGAN: Your Honors will recall that when my report was filed with the Court on June 26, 1982, I informed the Court that I believed it timely to give the notification to the Attorney General provided for in 28 U.S.C. 596(b)(1) thereby terminating the Office of Special Prosecutor. It was suggested that I should delay notification to the Attorney General until all of the administrative details associated with the winding up of my office had been completed which it was anticipated would take between three and four weeks.

During the winding up period I received additional allegations which, I believe, required me to reopen the investigation under the mandate contained in the Court's Order dated December 29, 1981. I informed the Court of that decision and immediately began this additional investigation.

I submit herewith a report of the investigation which, together with my report filed on June 26, 1982, will constitute my final report under 28 U.S.C. 595(b) (1) and (2). I shall, on Monday, September 13, 1982, submit to the Attorney General my notification pursuant to 28 U.S.C. 596(b)(1) that the investigation of all matters within my prosecutorial jurisdiction has been completed and that I have filed a report with the Court in full compliance with 28 U.S.C. 595(b). The office which I have occupied since December 29, 1981, will thereupon be terminated.

The Court will be aware that in connection with the murder of Nathan Masselli I requested the Federal Bureau of Investigation to conduct a full investigation into any possible federal criminal offense arising out of the murder. To date there has been developed no evidence of any relationship between Secretary Donovan and the murder of Nathan Masselli. I have therefore directed the FBI to report the results of this ongoing investigation to the Attorney General. If any evidence is subsequently developed indicating such a relationship and if the Attorney General shall apply to the Court for the appointment of a Special Prosecutor pursuant to 28 U.S.C. 592, and if the Court requests that I resume the Office of Special Prosecutor under those circumstances, I will be willing to accept such an appointment.

The Court should also be aware that, after my report was filed on June 26, the source of seventeen (17) of the allegations that I previously had investigated was interviewed and submitted to a polygraph examination. In the interview, the source admitted having deliberately lied about all of the allegations and stated that none of them was true. During the polygraph examination, the source stated that the source had deliberately fabricated the allegations and was now telling the truth in stating that the allegations had all been lies. In the opinion of the polygraph examiner, the source was truthful in so stating.

I cannot end my services without expressing to the Court my gratitude for the signal honor which you conferred on me by appointing me Special Prosecutor with respect to the matter concerning Secretary of Labor Raymond J. Donovan. This post was one of the most interesting and challenging experiences that I have had in the practice of law. I have learned much. It is given to few lawyers to perform public service in the way that has been permitted me and I am grateful for the opportunity.

Sincerely,

LEON SILVERMAN,
Special Prosecutor.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I hope shortly to be able to take care of certain closing details.

There is one matter that I believe can be passed by unanimous consent on our Calendar of General Orders for tonight, and I would especially like to deal with it, if possible.

Is the minority leader in position to consider Calendar Order 780, H.R. 3835, a bill for the relief of Rutherford K. Clarke and Ida T. Clarke?

Mr. ROBERT C. BYRD. Mr. President, there is no objection to proceeding to its consideration.

Mr. BAKER. I thank the Senator.

RELIEF OF RUTHERFORD K. CLARKE AND IDA T. CLARKE

The bill (H.R. 3835) for the relief of Rutherford K. Clarke and his wife Ida T. Clarke, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECOGNITION OF SENATOR CHILES

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order there are special orders for the recognition of Senators THURMOND and SPECTER. I ask unanimous consent that the Senator from Florida (Mr. CHILES) be recognized on special order to follow after the distinguished President pro tempore, the Senator from South Carolina (Mr. THURMOND) for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that, after the recognition of the two leaders and the execution of the special orders, there be a period for the transaction of routine morning business to extend not past 11:30 a.m. in which Senators may speak for not more than 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, the minority leader and I have consulted and, as is usually the case on Tuesday, Senators on both sides of the aisle will be involved in caucuses off the Senate floor at midday.

Therefore, I ask unanimous consent that the Senate stand in recess tomorrow between the hours of 12 noon and 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CLOTURE VOTE ON HELMS AMENDMENT NO. 2038 AT 5 P.M. ON WEDNESDAY, SEPTEMBER 15

Mr. BAKER. Mr. President, I indicated earlier that I hoped to establish a time certain to vote under rule XXII. Let me propound a unanimous-consent request now which, I believe, has been cleared by the minority leader, and I will state it for his consideration and for the consideration of other Senators.

I ask unanimous consent that notwithstanding rule XXII of the Standing Rules of the Senate, the rollcall vote occur on the cloture motion on the Helms amendment No. 2038 (to Helms modified amendment No. 2031) to the debt limit bill at 5 p.m. on Wednesday, September 15, and that the automatic quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BAKER. I thank the minority leader.

PROGRAM

Mr. BAKER. Mr. President, on tomorrow, after the expiration of the time just provided for the transaction of routine morning business, it is anticipated that the Senate will be asked to proceed to the consideration of Senate Joint Resolution 110, the Hatch amendment dealing with abortion, and that the Senate will debate that measure tomorrow and perhaps part of the day on Wednesday. A cloture vote will occur on the Helms amendment No. 2038 on Wednesday at 5 p.m., and the automatic quorum call will be waived.

Now, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I have no further business to transact, and I see no Senator seeking recognition. Therefore, I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 10:30 a.m., tomorrow.

The motion was agreed to; and at 5:25 p.m., the Senate recessed until Tuesday, September 14, 1982, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 1982:

DEPARTMENT OF STATE

Robert Bigger Oakley, of Louisiana, a Career Member of the Senior Foreign Service, class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Somali Democratic Republic.

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Richard V. Backley, of Virginia, to be a Member of the Federal Mine Safety and Health Review Commission for a term of 6 years expiring August 30, 1988, reappointment, to which position he was appointed during the last recess of the Senate.

NATIONAL SCIENCE FOUNDATION

The following-named persons to be Members of the National Science Board, National Science Foundation, for terms expiring May 10, 1988:

Charles E. Hess, of California, vice William F. Hueg, Jr., term expired.

John H. Moore, of California, vice Raymond L. Bisphlinghoff, term expired.

Norman C. Rasmussen, of Massachusetts, vice Alexander Rich, term expired.

Roland W. Schmitt, of New York, vice Lloyd Miller Cooke, term expired.

FOREIGN SERVICE

The following-named persons in the Department of State for appointment as Career Members of the Senior Foreign Service to the classes stated, and also for any other appointments indicated:

For appointment as Career Members of the Senior Foreign Service, class of Minister-Counselor, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Michael Hayden Armacost, of Maryland.
Reginald Bartholomew, of Virginia.
Charles E. Brodine, M.D., of Maryland.
Lawrence E. Finch, of Virginia.
John C. Fry, of Maryland.
Jerome H. Kahan, of Virginia.
Francis J. Seidner, of the District of Columbia.

For appointment as a Career Member of the Senior Foreign Service of the United States of America, class of Counselor:

Frank A. Sieverts, of Wisconsin.

For appointment as Career Members of the Senior Foreign Service, class of Counselor, Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

John A. Burroughs, Jr., of Maryland.
Morris Dempson Busby, of Virginia.
Bruce Wormley Clark, of Iowa.
Paul F. Eggertsen, M.D., of Washington.
Anthony M. Kern, of Maryland.
Roy T. Pearson, M.D., of Washington.
Elmore Francis Rigamer, M.D., of Louisiana.
Gerald Sylvin Rose, of California.
George F. Sherman, Jr., of Maryland.

The following-named persons for appointment in the Foreign Service as Foreign Service Officers or Foreign Service Information Officers of the classes stated, and also for the other appointments indicated herewith:

For appointment as a Foreign Service Information Officer of class 1, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

James T. L. Dandridge II, of Alabama.

For appointment as Foreign Service Officers of class 3, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Marietta N. Barbier, of Maryland.
Lincoln Benedicto, of Florida.
Barbara Jean Bowie, of New York.
Jean Davis Bradford, of Texas.
Kathleen M. Cayer, of Massachusetts.
John Daniel Fernandez, of California.
Walter Greenfield, of the District of Columbia.
Leonard J. Lange, of Maryland.
Maria Luisa Otero, of Puerto Rico.
Celio Francisco Sandate, of Kansas.
Maria Alexandra G. Sundquist, of New York.
Nancy G. Vancon, of Virginia.

For appointment as a Foreign Service Information Officer of class 3, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America:

Morris E. Jacobs, of Colorado.

For appointment as Foreign Service Officers of class 4, Consular Officers, and Secretaries in the Diplomatic Service of the United States of America:

Naim Ahmed, of Maryland.
Edward M. Alford, of Virginia.
James Joseph Barnes, of Alabama.
Elizabeth Barnett, of Connecticut.
John K. Bauman, of Virginia.
Scott D. Bellard, of Indiana.
Shelley Elise Berlin, of Georgia.
Donald Edgar Braum, of California.
Linda M. Brown, of Pennsylvania.
Marvin S. Brown, of Georgia.
Peter C. Bruce, of the District of Columbia.
Jay L. Bruns III, of Colorado.
Cynthia R. Bunton, of Illinois.
Jill Farrelly Byrnes, of California.
Dennis Franklin Carter, of Pennsylvania.
Guyle E. Cavin, of Texas.
Judy W. Cohen, of Florida.
Donald J. Cooke, of Ohio.
Philip Stanhope Sheffield Covington, of Nevada.
William Holmer Crane, Jr., of Flordia.
Clark H. Crook-Castan, of New Hampshire.
Frances R. Culpepper, of Virginia.
David S. DeCrane, of Virginia.
Kenneth James Dillon, of Virginia.
Robert Emmett Downey, of New Jersey.
Kenneth Alan Duncan, of Connecticut.
William A. Eaton, of Virginia.
Mark T. Fitzpatrick, of Virginia.
Michael Paul Fleischer, of New York.
Zandra I. Flemister, of Connecticut.
Robert C. Friel, of Pennsylvania.
Laura K. Greulich, of California.
Ronald Allan Harms, of California.
James Thomas Heg, of Washington.
Colin S. Helmer, of Virginia.
Douglas C. Hengel, of New York.
John E. Herbst, of New York.
Leslie Robert Hickman, of New York.
William Holway Hill II, of Virginia.

Emily Hodges, of California.
J. Anthony Holmes, of California.
Eric Kurt James, of California.
Cassius Clay Johnson, of California.
Richard Garon Johnson, of Connecticut.
Alan Robert Kellogg, of Hawaii.
Alexander T. Kirkpatrick, of Michigan.
Thomas Charles Krajeski, of Massachusetts.
Alan Bryan Cedrick Latimer, of Georgia.
Steven Mark Lauterbach, of Ohio.
Jerry W. Leach, of Virginia.
Richard Burdette LeBaron, of Virginia.
Elliot R. Lief, of Florida.
Patricia L. McArdle-Fendrick, of California.
C. Steven McGann, of New York.
William J. McGlynn, Jr., of Virginia.
Michael Andrew Meigs, of Texas.
Louis Steven Menyhert, of Texas.
Joseph J. Merante, of New York.
Lawrence S. Mondschein, of Connecticut.
Olga Murphy, of Texas.
Alan David Oslick, of Pennsylvania.
James A. Paige, of Ohio.
Sarah See Pitts, of California.
Jon R. Purnell, of New Hampshire.
Evans Joseph Robert Revere, of Virginia.
John Robert Riddle, of Texas.
David M. Shapiro, of Florida.
Charles Bronson Skinner, of Florida.
Sandra Ruth Smith, of Missouri.
Carolyn Smith Spillane, of Texas.
Gregory Brian Sprow, of Virginia.
J. Bradley Swanson, of Connecticut.
Ann Sanborn Syrett, of Washington.
Teddy B. Taylor, of Florida.
David J. Thacher, of California.
Bruce Edwin Thomas, of California.
Mary Jane Thomas, of South Dakota.
Eugene P. Tuttle, of New York.
Steven J. Valdez, of California.
Frederick John Vogel, of Maryland.
Stephen Gerald Wesche, of Oregon.
Royal Michael Wharton, of New York.
James L. Williams, of Maryland.
Langdon Phillips Williams, Jr., of New York.
Nicholas M. Williams, of New York.
Stephen Bryan Williams, of Arkansas.
James G. Williard, of Florida.
Ross Lee Wilson, of Minnesota.
Thomas Stephen Windmuller, of New York.

The following-named Members of the Foreign Service of the Departments of State and Commerce to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Donald D. Arabian, of Virginia.
Abelardo A. Arias, of the District of Columbia.
Timothy A. Arnts, of Virginia.
George W. Baker, of Virginia.
Brant G. Bassett, of Virginia.
Eric D. Benjaminson, of Virginia.
John D. Bennett, of Massachusetts.
Kathleen K. Benson, of Virginia.
Desiree Camille Blackwell, of the District of Columbia.
Franz W. Boenig, of Virginia.
Rudolph Frederick Boone, of Maryland.
William G. Bosch, of Virginia.
Donald E. Bowman, of the District of Columbia.
Miriam F. Bratton, of Virginia.
David D. Campbell, of Virginia.
Marc Daly Carlisle, of North Dakota.
Robert D. Culver, of Virginia.
Linda Derparseghian, of Virginia.
Thomas F. Farr, of Georgia.
Karen B. Foley, of Maryland.
Gary Dale Garcia, of Pennsylvania.
James G. Gillespie, of Virginia.
David A. Gutschmit, of the District of Columbia.
Bradford E. Hanson, of California.
Wayne F. Haynes, of Virginia.
Michael D. Hebert, of Virginia.
Carolyn Huggins, of Florida.
Elizabeth A. Jervis, of Virginia.
Nancy E. Johnson, of the District of Columbia.
Rodney J. Johnson, of the District of Columbia.
Edward S. Jones, of Maryland.
Christopher Kauth, of Wisconsin.
David J. Keegan, of Florida.
Thomas P. Keogh, of Virginia.
Katharine Elsue Koch, of Ohio.
Robert E. Kragie, Jr., of Virginia.
Janet L. Lasko, of Ohio.
David Lonnquest, of Virginia.
William J. Lynch, of Virginia.
Michael P. Macary, of Virginia.
John L. Mack, of Texas.
Gerald M. Marks, of Illinois.
Robert Barry Murphy, of New Hampshire.
Atim Eneida Ogunba, of New Jersey.
Richard Gustave Olson, Jr., of Minnesota.
Rosemary D. O'Neill, of Massachusetts.
Edmee Hawkes Pastore, of California.
Michael S. Paulson, Jr., of Virginia.
Kenneth John Pitterle, of Pennsylvania.
C. Paul Plumb, Jr., of Virginia.
Charles Aaron Ray, of Texas.
Theorphilus James Rose, of Florida.
Carol S. Ross, of Maryland.
Carol L. Rudman, of New Hampshire.
John M. Salazar, of New Mexico.
Richard E. Santos, of Virginia.
David Bruce Shear, of New York.
Ernest M. Troth, of Virginia.
Jay D. Wakamatsu, of Virginia.
Michael F. Walker, of Virginia.
Mary Ellen Waller, of New Jersey.
Paul G. Wickberg, of Oklahoma.
Terrence L. Williams, of Virginia.
Robert Cantrell Wood, of South Carolina.
Teresa C. Wyman, of Ohio.
Joseph Dean Yap, of Tennessee.
Thomas Michael Young, of Virginia.

Consular Officers of the United States of America:

William E. Belk, of Washington.
Jeanette Porpora, of New York.

Secretaries in the Diplomatic Service of the United States of America:

John Phillips Boright, of Maryland.
Michael P. W. Stone, of California.
E. William Tatge, of Maryland.

IN THE ARMY

The following-named officers for permanent promotion in the U.S. Army, and appointment into the Regular Army as appropriate, in accordance with the appropriate provisions of title 10, United States Code:

ARMY

To be lieutenant colonel

Rollison, Rembert G., xxx-xx-xxxx
Spencer, James W., Jr., xxx-xx-xxxx
Thompson, Richard E., xxx-xx-xxxx
Wilder, Thomas F., xxx-xx-xxxx
Wirtz, David W., xxx-xx-xxxx
Wright, Lucius, xxx-xx-xxxx

DENTAL CORPS

To be major

Adrian, Elise C., xxx-xx-xxxx
Adrian, Eric D., xxx-xx-xxxx
Alling, Rocklin D., xxx-xx-xxxx
Asher, Marshall L., xxx-xx-xxxx
Beaty, John C., xxx-xx-xxxx
Bloodworth, Kenneth E., xxx-xx-xxxx
Burke, Mary H., xxx-xx-xxxx
Creamer, Timothy J., xxx-xx-xxxx
Davis, Lawrence H., xxx-xx-xxxx
Decastro, Edward M., xxx-xx-xxxx
Dornsife, Roy F., II, xxx-xx-xxxx
Fletcher, Edward E., xxx-xx-xxxx
Fondak, Jeffrey T., xxx-xx-xxxx
Frazier, John M., xxx-xx-xxxx
Glaser, Carl G., xxx-xx-xxxx
Graugnard, Gary F., xxx-xx-xxxx
Greene, Henry A., xxx-xx-xxxx
Haley, William B., II, xxx-xx-xxxx
Hollmann, Albert H., xxx-xx-xxxx
Johnson, William C., xxx-xx-xxxx
Jones, Herschel L., xxx-xx-xxxx
Koditek, Edward A., xxx-xx-xxxx
Lee, Stephen R., xxx-xx-xxxx
Marquez, Ramon, xxx-xx-xxxx
Marshall, Daniel W., xxx-xx-xxxx
McCann, John T., xxx-xx-xxxx
McGary, Larry T., xxx-xx-xxxx
McGuire, James R., xxx-xx-xxxx
Netti, Charles A., xxx-xx-xxxx
Oliver, John F., xxx-xx-xxxx
Pfau, Thomas J., xxx-xx-xxxx
Pollard, Bryan K., xxx-xx-xxxx
Raymond, John W., Jr., xxx-xx-xxxx
Read, James D., xxx-xx-xxxx
Rose, William F., Jr., xxx-xx-xxxx
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Prather, Carl B., xxx-xx-xxxx
Randol, Doyle E., xxx-xx-xxxx
Rankin, Robert J., xxx-xx-xxxx
Rogers, Francis J., xxx-xx-xxxx
Romeo, William D., xxx-xx-xxxx
Royer, David L., xxx-xx-xxxx
Schmidt, Robert M., xxx-xx-xxxx
Sexton, Rodger R., xxx-xx-xxxx
Shields, Glenn A., xxx-xx-xxxx
Sigman, Michael E., xxx-xx-xxxx
Singler, John E., xxx-xx-xxxx
Smith, David W., xxx-xx-xxxx
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Speights, Stephen R., xxx-xx-xxxx
Sturgis, Anne K., xxx-xx-xxxx
Sullivan, Robert G., xxx-xx-xxxx
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Thomason, Roy S., xxx-xx-xxxx
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Tribble, Curtis, xxx-xx-xxxx
Troutman, Carrick T., xxx-xx-xxxx
Walton, Ira F., III, xxx-xx-xxxx
Wannemacher, Bruce M., xxx-xx-xxxx
Wanzer, Christopher R., xxx-xx-xxxx
Welter, Richard F., xxx-xx-xxxx
Werner, Braynard H., xxx-xx-xxxx
Wilde, Graham L., xxx-xx-xxxx
Williams, David L., xxx-xx-xxxx
Williams, John B., II, xxx-xx-xxxx
Wolfe, Hershell E., xxx-xx-xxxx
Wood, Robert L., Jr., xxx-xx-xxxx
Yearta, William J., xxx-xx-xxxx

MEDICAL SPECIALIST CORPS

To be major

Ball, Karen R., xxx-xx-xxxx
Dennis, Robert W., xxx-xx-xxxx
Handley, Carol A., xxx-xx-xxxx
Leggett, Dee C., xxx-xx-xxxx
Maguire, Molly S., xxx-xx-xxxx
Mayfield, Gail E., xxx-xx-xxxx
McPhee, Scott D., xxx-xx-xxxx
Meier, Edward C., xxx-xx-xxxx
Neville, Robert E., xxx-xx-xxxx
OGrady, William H., xxx-xx-xxxx
Rotert, Denise A., xxx-xx-xxxx
Stoehr, David R., xxx-xx-xxxx
Swain, James H., xxx-xx-xxxx
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VETERINARY CORPS

To be major

Barnett, William M., xxx-xx-xxxx
Daise, Richard L., xxx-xx-xxxx
Donovan, John C., xxx-xx-xxxx
Donovan, John C., xxx-xx-xxxx
Eckstein, Jon M., xxx-xx-xxxx
Fournier, John S., xxx-xx-xxxx
Grate, Stephen J., xxx-xx-xxxx
Green, David E., xxx-xx-xxxx
Hopson, David E., xxx-xx-xxxx
McKinney, Luann, xxx-xx-xxxx
Mobley, Ray, xxx-xx-xxxx
Solana, Richard P., xxx-xx-xxxx
Yancey, Anthony L., xxx-xx-xxxx

ARMY NURSE CORPS

To be major

Ackerman, Candace P., xxx-xx-xxxx
Acuff, Robert C., xxx-xx-xxxx
Ahlgren, Denise M., xxx-xx-xxxx
Alden, Sharon L., xxx-xx-xxxx

Allison, Dennis C., xxx-xx-xxxx
Alspach, Robyn L., xxx-xx-xxxx
Altena, Janet L., xxx-xx-xxxx
Andresen, James A., xxx-xx-xxxx
Angelo, Rita L., xxx-xx-xxxx
Armant, Joyce R., xxx-xx-xxxx
Baker, Kizzle A., xxx-xx-xxxx
Baldy, Mary A., xxx-xx-xxxx
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Bass, James H., Jr., xxx-xx-xxxx
Beard, Joy E., xxx-xx-xxxx
Berlin, Marlene J., xxx-xx-xxxx
Bester, William T., xxx-xx-xxxx
Bickford, Nancy J., xxx-xx-xxxx
Blakemore, Bonnie B., xxx-xx-xxxx
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Borup, Patricia A., xxx-xx-xxxx
Bothwell, Frances A., xxx-xx-xxxx
Bottoms, Ann D., xxx-xx-xxxx
Boyes, John G., xxx-xx-xxxx
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Clinch, Richard L., xxx-xx-xxxx
Cody, Nancy E., xxx-xx-xxxx
Collins, Janice L., xxx-xx-xxxx
Collins, Shirley J., xxx-xx-xxxx
Colvin, Christine A., xxx-xx-xxxx
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Cooke, Curtis V., III, xxx-xx-xxxx
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Cormier, Leslie A., xxx-xx-xxxx
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Cox, Mary R., xxx-xx-xxxx
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Miller, Arnold D., xxx-xx-xxxx
Moran, William F., xxx-xx-xxxx
Mucha, Joseph M., Jr., xxx-xx-xxxx
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Naimo, Rose M., xxx-xx-xxxx
Neal, Emma J., xxx-xx-xxxx
Nelson, Margaret A., xxx-xx-xxxx
Nemetsky, Cheryl., xxx-xx-xxxx
Opio, Melissa N., xxx-xx-xxxx
Opulski, Frank R., xxx-xx-xxxx
Patrick, Marcia R., xxx-xx-xxxx
Pauley, John M., xxx-xx-xxxx
Pereira, Darla F., xxx-xx-xxxx
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Price, Nanci A., xxx-xx-xxxx
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Reed, Catherine O., xxx-xx-xxxx
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Richling, William A., xxx-xx-xxxx
Ridge, Susan L., xxx-xx-xxxx
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Roesler, David E., xxx-xx-xxxx
Romano, Mary J., xxx-xx-xxxx
Rompre, Rubin M., xxx-xx-xxxx
Rouse, Kathleen A., xxx-xx-xxxx
Rutt, Wade T., xxx-xx-xxxx
Sassi, Mary E., xxx-xx-xxxx
Satterwhite, Janet L., xxx-xx-xxxx
Savinske, Debra L., xxx-xx-xxxx
Saye, Jackie W., xxx-xx-xxxx
Schaeberle, Donald C., xxx-xx-xxxx
Scheele, Harriet L., xxx-xx-xxxx
Schoch, Roger E., Jr., xxx-xx-xxxx
Schofer, Glen A., xxx-xx-xxxx
Scrogham, Jefferson H., xxx-xx-xxxx
Selden, Tim C., xxx-xx-xxxx
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Shinners, Katherine C., xxx-xx-xxxx
Simmons, Idella L., xxx-xx-xxxx
Simon, Stella, xxx-xx-xxxx
Simpson, Nancy M., xxx-xx-xxxx
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Smith, Anthony G., xxx-xx-xxxx
Soelle, David M., xxx-xx-xxxx
Sowder, Patrica K., xxx-xx-xxxx
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Splichal, Clifford T., xxx-xx-xxxx
Spring, William B., Jr., xxx-xx-xxxx
Staggers, Nancy L., xxx-xx-xxxx
Stanfield, Jerry M., xxx-xx-xxxx
Steenbock, Mark G., xxx-xx-xxxx
Stipetich, Patricia A., xxx-xx-xxxx
Suiter, Robert L., xxx-xx-xxxx
Taylor, Russell W., xxx-xx-xxxx
Terry, Judy C., xxx-xx-xxxx
Thomas, Linda S., xxx-xx-xxxx
Thomas, Steven C., xxx-xx-xxxx
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Todd, Nancy S., xxx-xx-xxxx
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Tominey, Theresa M., xxx-xx-xxxx
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Torstrick, Virginia M., xxx-xx-xxxx
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Varner, Willie H., Jr., xxx-xx-xxxx
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Voelmeck, Wayne F., xxx-xx-xxxx
Waechter, Michele M., xxx-xx-xxxx
Waller, Joyce M., xxx-xx-xxxx
Weathington, Elizabeth A., xxx-xx-xxxx
Webster, Diana M., xxx-xx-xxxx
Whitlatch, Claudia M., xxx-xx-xxxx
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Williams, Julia B., xxx-xx-xxxx
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Zimmerman, Janet F., xxx-xx-xxxx

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States, in their active duty grades, under the provisions of title 10, United States Code, sections 531, 532, and 533:

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Rodgers, Thomas A., xxx-xx-xxxx

To be captain

Adams, Michael R., xxx-xx-xxxx
Allison, Avery V., Jr., xxx-xx-xxxx
Anderson, Carl, xxx-xx-xxxx
Anderson, John D., xxx-xx-xxxx
Arnold, Joyce, xxx-xx-xxxx
Atwood, Henry J., Jr., xxx-xx-xxxx
Augustine, Daniel A., xxx-xx-xxxx
Babb, Charles M., xxx-xx-xxxx
Bailie, John A., xxx-xx-xxxx
Barron, Charles R., xxx-xx-xxxx
Bell, James, xxx-xx-xxxx
Benito, Robert P., xxx-xx-xxxx
Betteker, James M., xxx-xx-xxxx
Blackmon, Hunter L., xxx-xx-xxxx
Boatman, Randy L., xxx-xx-xxxx
Brame, Freda R., xxx-xx-xxxx
Bridewell, George D., xxx-xx-xxxx
Bromm, Alfred J., xxx-xx-xxxx
Bruce, Robert H., xxx-xx-xxxx
Bush, Frank P., Jr., xxx-xx-xxxx
Caine, James T., Jr., xxx-xx-xxxx
Carroll, John P., xxx-xx-xxxx
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Conkling, Martin E., xxx-xx-xxxx
Craig, James P., xxx-xx-xxxx
Daniel, Timothy M., xxx-xx-xxxx
Davis, Robert M., xxx-xx-xxxx
Defebo, James J., xxx-xx-xxxx
Derrick, Duane G., Jr., xxx-xx-xxxx
Deuger, Mark S., xxx-xx-xxxx
Dodgen, Larry J., xxx-xx-xxxx
Donaway, Wayne I., xxx-xx-xxxx
Dunable, Kerry B., xxx-xx-xxxx
Dunkley, Michael L., xxx-xx-xxxx
Etchieson, Marcene, xxx-xx-xxxx
Evans, Henry C., III, xxx-xx-xxxx
Everett, Michael W., xxx-xx-xxxx
Faulker, Rosa M., xxx-xx-xxxx
Faure, Patrick R., xxx-xx-xxxx
Finney, Derry L., xxx-xx-xxxx
Forrester, Billy W., xxx-xx-xxxx
Foster, Jessie L., xxx-xx-xxxx
Franken, Dennis J., xxx-xx-xxxx
Gallagher, Kevin F., xxx-xx-xxxx
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Garrison, Robert K., Jr., xxx-xx-xxxx
Gendrolis, Paul S., xxx-xx-xxxx
Gerhard, James P., xxx-xx-xxxx
Gollan, Richard G., xxx-xx-xxxx
Goodale, Edwin S., xxx-xx-xxxx
Grant, Edward L., xxx-xx-xxxx
Gregor, Lawrence J., xxx-xx-xxxx
Grigsby, Thomas W., xxx-xx-xxxx
Hampton, Mark A., xxx-xx-xxxx
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Harry, William, xxx-xx-xxxx
Heer, Gary L., xxx-xx-xxxx
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Heuer, Dennis W., xxx-xx-xxxx
Holder, Patrick M., xxx-xx-xxxx
Hosler, James M., xxx-xx-xxxx
Hunsaker, Charles R., xxx-xx-xxxx
Hunter, Ronald L., xxx-xx-xxxx
Hybridge, John, xxx-xx-xxxx
Isaacson, John E., xxx-xx-xxxx
Jackson, Claude D., xxx-xx-xxxx
Jackson, Kevin F., xxx-xx-xxxx
Jackson, Russel K., xxx-xx-xxxx
Jacobs, William M., xxx-xx-xxxx
Jarrell, James H., xxx-xx-xxxx
Jervis, Walter T., xxx-xx-xxxx
Jones, Michael E., xxx-xx-xxxx
Jones, Thomas L., xxx-xx-xxxx
Juneau, Michael J., xxx-xx-xxxx
Junghans, Lloyd D., xxx-xx-xxxx
Kemp, Gerald R., xxx-xx-xxxx
Kilgore, Michael C., xxx-xx-xxxx
Kirsch, Robert A., II, xxx-xx-xxxx
Kirstein, Dennis K., xxx-xx-xxxx
Krueger, Robert J., xxx-xx-xxxx
Langford, Alan V., xxx-xx-xxxx
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Lombardo, Samuel R., xxx-xx-xxxx
Longanecker, James C., xxx-xx-xxxx
Lucas, Richard L., xxx-xx-xxxx
Mach, John M., xxx-xx-xxxx
Majo, Robert M., xxx-xx-xxxx
Mappes, John S., xxx-xx-xxxx
Maronski, Francis G., xxx-xx-xxxx
Matthews, Thomas E., xxx-xx-xxxx
Maust, Robert A., xxx-xx-xxxx
Maxwell, James M., xxx-xx-xxxx
McAllister, Frank S., xxx-xx-xxxx
McCullough, Michael A., xxx-xx-xxxx
McDaniel, James C., xxx-xx-xxxx
McKenzie, Carol E., xxx-xx-xxxx
Minadeo, Dominic F., xxx-xx-xxxx
Moore, Timmy D., xxx-xx-xxxx
Moorhead, Janet L., xxx-xx-xxxx
Morgan, Herbert O., xxx-xx-xxxx
Nerdahl, Cameron B., xxx-xx-xxxx
O'Brien, Raymond F., xxx-xx-xxxx
Oxford, Donald G., xxx-xx-xxxx
Page, Scott W., xxx-xx-xxxx
Park, Claudia D., xxx-xx-xxxx
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Petersen, Kim P., xxx-xx-xxxx
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Randall, Willie C., xxx-xx-xxxx
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Sales, Jimmy M., xxx-xx-xxxx
Saner, Ralph E., Jr., xxx-xx-xxxx
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Sincere, Clyde J., xxx-xx-xxxx
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Smith, Frank B., Jr., xxx-xx-xxxx
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Adkins, Donald M., xxx-xx-xxxx
Alter, Richard J., xxx-xx-xxxx
Anderson, Oscar R., xxx-xx-xxxx
Ball, William C., xxx-xx-xxxx
Barnhart, Denny, xxx-xx-xxxx
Berry, Harry L., Jr., xxx-xx-xxxx
Bland, Pamela M., xxx-xx-xxxx
Blue, Thomas G., xxx-xx-xxxx
Bray, Arnold N., xxx-xx-xxxx
Brennaman, Charles S., xxx-xx-xxxx
Browning, Tommy L., xxx-xx-xxxx
Burns, James R., xxx-xx-xxxx
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Hamilton, John A., Jr., xxx-xx-xxxx
Hankins, Jarvis L., xxx-xx-xxxx
Hanscom, Richard G., xxx-xx-xxxx
Hart, Steven M., xxx-xx-xxxx
Harvey, Terrence C., xxx-xx-xxxx
Hosselrode, Randy W., xxx-xx-xxxx
Howell, Reggie, xxx-xx-xxxx
Jenkinson, Kristen, xxx-xx-xxxx
Johnson, Bruce P., xxx-xx-xxxx
Johnson, Michael E., xxx-xx-xxxx
Jones, Jesse G., xxx-xx-xxxx
Largent, Regina M., xxx-xx-xxxx
Largo, Carmine, xxx-xx-xxxx
Lester, Frank G., III, xxx-xx-xxxx
Madden, Patrick M., xxx-xx-xxxx
Mahon, Francis G., xxx-xx-xxxx
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McMillen, William N., Jr., xxx-xx-xxxx
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Merza, William S., Jr., xxx-xx-xxxx
Messinger, Edwin J., xxx-xx-xxxx
Michelson, Patrick J., xxx-xx-xxxx
Miles, Stephen J., xxx-xx-xxxx
Miller, David A., xxx-xx-xxxx
Mokrycki, Michael T., xxx-xx-xxxx
Moorer, Tyrone M., xxx-xx-xxxx
Nuanes, Jim S., xxx-xx-xxxx
O'Rourke, Paul D., xxx-xx-xxxx
Organ, Charles L., xxx-xx-xxxx
Pelosky, John M., xxx-xx-xxxx
Perez, Miguel A., xxx-xx-xxxx
Perkins, Roger L., xxx-xx-xxxx
Peterson, Christian M., xxx-xx-xxxx
Plate, Thomas M., xxx-xx-xxxx
Plemmons, Paul R., xxx-xx-xxxx
Pollard, Gary L., xxx-xx-xxxx
Powers, William D., xxx-xx-xxxx
Ramirez, Samuel, xxx-xx-xxxx
Roberts, Jerome A., xxx-xx-xxxx
Robertson, Timothy F., xxx-xx-xxxx
Rockwell, James W., xxx-xx-xxxx
Salazar, Victor M., xxx-xx-xxxx
Sandridge, Michael C., xxx-xx-xxxx
Shalak, Michael A., xxx-xx-xxxx
Spencer, Rainier H., xxx-xx-xxxx
Spiewak, Daryl L., xxx-xx-xxxx
Stafford, William S., xxx-xx-xxxx
Stapleton, Mark L., xxx-xx-xxxx
Stewart, Richard W., xxx-xx-xxxx
Sutey, William K., xxx-xx-xxxx
Suthard, Robert L., xxx-xx-xxxx

Takemoto, Glenn H., xxx-xx-xxxx
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Terry, Robert F., xxx-xx-xxxx
Todd, Alan D., xxx-xx-xxxx
Treon, Kim M., xxx-xx-xxxx
Turnbow, Gerry B., xxx-xx-xxxx
Turnmeyer, Robert G., xxx-xx-xxxx
Tweten, Tracy E., xxx-xx-xxxx
Vance, Charles D., xxx-xx-xxxx
Versage, David J., xxx-xx-xxxx
Visbal, Robert M., xxx-xx-xxxx
Warthan, Nelson B., xxx-xx-xxxx
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Winfrey, Michael L., xxx-xx-xxxx
Wood, Stephen C., xxx-xx-xxxx
Ylinen, John A., xxx-xx-xxxx
Young, Jimmy D., xxx-xx-xxxx

The following-named temporary captains of the U.S. Navy and Naval Reserve for permanent promotion to the grade of captain in the staff corps, as indicated, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Connor, Thomas M.
Drake, Anthony M.
Gabel, Ronald E.
Goschbarker, Dell J.
Heffner, Dennis K.
Johannes, James D.
Kavanaugh, Frederick L.
Kennedy, Harry G., Jr.
Luiken, George A.
MacDonald, Gordon R., Jr.
Miller, John S., Jr.
Pryor, Charles A., Jr.
Reinert, Charles M.
Romano, C. Victor
Welch, William C.

The following-named temporary commander of the U.S. Navy Reserve for permanent promotion to the grade of commander in the staff corps, as indicated, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Carlisle, John L.

The following-named temporary lieutenant commanders of the U.S. Navy and Naval Reserve for permanent promotion to the grade of lieutenant commander in the various staff corps, as indicated, subject to qualifications therefor as provided by law:

MEDICAL CORPS

Bowen, Gerald J.
Buck, Richard L.
Calebaugh, Donald L.
Clement, Patrick A.
Datu, Jesus A.
Desrosiers, Paul M.
Feldman, Bruce D.
Hart, Franklin E.
Jones, Bluett E.
Kantor, Seth M.
Opoliner, Lawrence H.
Posner, Moss D.
Six, Eric G.
Sobel, Douglas O.
Vensel, Lee H.

SUPPLY CORPS

Haller, Brian O.
Monkowski, David B.
Rossley, Thomas W.
Tutunjian, Stephen J.
Vasquez, Fidencio

CHAPLAIN CORPS

Pace, Roger W.
Pucciarelli, George

CIVIL ENGINEER CORPS

Hobbs, Roy E.
Kaleba, Frank

JUDGE ADVOCATE GENERAL'S CORPS

Durbin, David S.
McKee, William M.
Woodley, Seaton M.

DENTAL CORPS

Golden, Bruce E.
Hunter, Alvin J.

NURSE CORPS

Beard, Margaret L.
Butcher, Carol M.
Orr, Katherine E.

The following-named officer of the line of the U.S. Navy, for appointment in the Civil Engineer Corps, as permanent lieutenant (junior grade), subject to qualifications therefor as provided by law:

Martinez, Dana C.

DEPARTMENT OF EDUCATION

Wendy Hawley Borcherdt, of California, to be Deputy Under Secretary for Intergovernmental and Interagency Affairs, Department of Education, vice John H. Rodriquez, resigned.

IN THE AIR FORCE

The following officers for appointment in the Regular Air Force under the provisions of section 531, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated, and with grades and dates of rank to be determined by the Secretary of the Air Force in accordance with section 533, title 10, United States Code.

MEDICAL CORPS

Fishburn, Frederick B., xxx-xx-xxxx

DENTAL CORPS

Crielly, William J., Jr., xxx-xx-xxxx

HOUSE OF REPRESENTATIVES—*Monday, September 13, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
September 10, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Monday, September 13, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, send Your wisdom upon this assembly and upon all Your people, that we may be the people You would have us be. May our hearts be open to Your spirit and our souls touched with love, forgiveness, and peace. Grant us Your grace this day, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate having proceeded to reconsider the bill (H.R. 6863) entitled "An act making supplemental appropriations for the fiscal year ending September 30, 1982, and for other purposes," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, and passed by the House of Representatives on reconsideration of the same, it was resolved, that the said bill pass, two-thirds of the Senators present having voted in the affirmative.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6068) entitled "An act to authorize appropriations for fiscal year 1983 for intelligence-related activities of the U.S. Government, for the intelligence community staff, for the Central Intelligence Agency retirement and disability system, to authorize supplemental appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

The message also announced that the Vice President, pursuant to Public Law 84-689, appointed the following Senators as delegates to the North Atlantic Assembly meeting to be held in London, United Kingdom, November 14-19, 1982: Mr. MATHIAS (chairman), Mr. TOWER, Mr. PERCY, Mr. STEVENS, Mr. ROTH, Mr. MCCLURE, Mr. ANDREWS, Mr. MATTINGLY, Mr. MURKOWSKI, Mr. SPECTER, Mr. PELL (vice chairman), Mr. JACKSON, Mr. HOLLINGS, Mr. EAGLETON, Mr. NUNN, and Mr. BIDEN.

CONGRATULATIONS MISS DEBRA SUE MAFFETT—MISS AMERICA, 1982

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, it is my pleasant privilege this morning to congratulate Miss Debra Sue Maffett of Anaheim, Calif., who was crowned Miss America this weekend.

America, California, and the city of Anaheim are beautifully represented in her title. I applaud the evolution of the pageant into a program of beauty and talent. Miss Maffett's singing talent is certainly an exhibition of a God-given gift. Miss Maffett should also be honored for persistence. It is reported that she won her California title after another State failed to select her twice for its title.

For my Texas friends who may be here this morning, let me make this observation that Texas failure to recognize and honor the beauty of this young lady has now benefited California because she moved to California and was there crowned Miss America.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding and I commend him. The State of California does now have a Miss America.

Of course, as the gentleman knows, Mississippi has three Miss Americas and in this contest the Miss Mississippi was second to the charming young lady from California, a second alternate.

Mr. DANNEMEYER. I can only say that at least the people of Mississippi have the good judgment and discretion to honor their own whereas I say Texas loss is California's gain.

I know my colleagues join with me in congratulating Miss Debra Sue Maffett, this year's Miss America.

UNION OF COUNCILS FOR SOVIET JEWRY ACCLAIMED

(Mr. FRENZEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRENZEL. Mr. Speaker, today I had the pleasure of meeting Mr. Naum Tselescin, formerly of Leningrad, U.S.S.R., who has now emigrated to the United States. Mr. Tselescin waited 4½ years to be allowed to leave the U.S.S.R.

He is in Washington today as the guest of the Union of Councils for Soviet Jewry, a group well known to most Members for its tireless work on behalf of Jews who wish to emigrate from Russia.

The Union of Councils, and the various regional committees identify, communicate with, and organize local, national, and international support for, refuseniks like Naum Tselescin.

The presence of Naum Tselescin in Washington today is a heart-warming tribute to the thousands of people throughout the United States and the world who work persistently and effectively for rights the rest of us take for granted. Their work is frustrating, because the Soviet Government allows so few people to emigrate, but, without them, there would be no hope for the otherwise nameless and faceless refuseniks.

Today, however, they, and we, see the tangible rewards of their noble efforts. To the volunteers of the Minnesota-Dakota Committee for Soviet Jewry, who took a deep interest in Naum Tselescin and his family, I give my special thanks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 15, 1982.

DIRECTING THE SECRETARY OF AGRICULTURE TO RELEASE CERTAIN CONNECTICUT LAND

Mr. WEAVER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6422) to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut, as amended.

The Clerk read as follows:

H.R. 6422

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a)(1) Subject to subsection (b), the Secretary of Agriculture shall release on behalf of the United States, with respect to the land—

(A) described in section 2 of this Act, and

(B) conveyed, along with certain other parcels of land situated within the town of Sterling, county of Windham, State of Connecticut, to the State of Connecticut by a quitclaim deed dated November 18, 1954,

the condition in such deed which requires that such lands be used for public purposes, and if not so used, that the lands revert to and revest in the United States: *Provided,* That such release shall in no way affect the interests of the United States in coal, oil, gas, and other minerals (not outstanding or reserved in third parties) reserved by the United States in the described lands: *Provided further,* That such release shall be applicable so long as the described lands are used exclusively for cemetery purposes.

(2) Section 32(c) of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011(c)) shall not apply to the release authorized in paragraph (1) of this subsection.

(b) The Secretary of Agriculture shall not execute the release authorized in subsection (a)(1) until the State of Connecticut, in consideration of such release, enters into an agreement satisfactory to the Secretary of Agriculture which provides that the State will not sell, lease, exchange, or otherwise dispose of the lands to which the release applies—

(1) except to the Ekonk Cemetery, Incorporated, of Sterling, Connecticut, exclusively for the expansion of its existing cemetery; and

(2) unless the proceeds from such disposal are—

(A) deposited and held in an account open to inspection by the Secretary of Agriculture, and

(B) used, if withdrawn from such account, exclusively for public purposes.

SEC. 2. The land referred to in section 1(a)(1) is the certain parcel of land formerly vested in the United States (a portion of the land designated as the J. E. Tanner tract 6b) and situated in the town of Sterling, county of Windham, State of Connecticut, containing 0.93 acres of land, more or less, bounded and described as follows:

Beginning at a stonewall corner located in the southerly line of the Cedar Swamp Road, so-called, being the northeast corner of the herein described premises and the northwest corner of the existing Ekonk Cemetery, Incorporated; thence south 14 degrees, 49 minutes east, 152.1 feet, more or less, along a stonewall to a wall corner; thence north 64 degrees, 50 minutes east, 145.7 feet, more or less, along a stonewall to a wall corner, the last two courses bounding easterly and northerly on the aforesaid Ekonk Cemetery, Incorporated; thence south 14 degrees, 53 minutes east, 50 feet, more or less, to an iron pin; thence south 64 degrees, 50 minutes west, 308 feet, more or less, to an iron pin; thence north 14 degrees, 49 minutes west, 204 feet, more or less, to an iron pin set in the southerly line of the aforesaid Cedar Swamp Road, the last three courses bounding easterly, southerly, and westerly on remaining land of the State of Connecticut; thence north 66 degrees, 26 minutes east, 162.9 feet, more or less, to a wall corner the place of beginning, bounding northerly on the said Cedar Swamp Road.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Oregon (Mr. WEAVER) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. FRENZEL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WEAVER).

Mr. WEAVER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6422, as amended, involves less than 1 acre of land, and no cost to the Federal Government. But it is a significant matter to the Ekonk Cemetery of Sterling, Conn., which needs about 1 acre of land to expand the cemetery.

The 0.93 of an acre in question is part of a larger parcel conveyed to the State of Connecticut by the United States in 1954 and which is now the Pachuag State Forest. The lands were granted to the State under authority of section 32(c) of the Bankhead-Jones Farm Tenant Act of 1937. That section provides that lands acquired by the Federal Government under the act may be conveyed to public authorities and agencies, but with the condition that they be used for public purposes, and that if they are not so used, they revert to the United States. The 1954 deed contains this "public purpose reversionary clause" and this prevents the State from conveying any of the land in question to the cemetery corporation. The bill releases this clause for the tract of 0.93 of an acre but retains to the United States the mineral interests reserved in the original conveyance.

Our committee ordered the bill reported by a recorded vote of 25 ayes to 0 nays. Adoption of H.R. 6422, as amended, by the House will remove a rather technical obstacle and permit the Ekonk Cemetery to make a much-needed expansion.

Mr. FRENZEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. FRENZEL. Mr. Speaker, my understanding is there is no objection to this bill on our side.

GENERAL LEAVE

Mr. FRENZEL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently being considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

● Mr. GEJDENSON. Mr. Speaker, I am pleased to present for consideration by the House of Representatives H.R. 6422, a bill directing the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain lands previously conveyed to the State of Connecticut. The release of this 1 acre of land is contingent upon an agreement between the State of Connecticut and the Secretary of Agriculture in which the State would agree to dispose of the lands to which the release applies to the Ekonk Cemetery, Inc., of Sterling, Conn.

The Ekonk Cemetery is a nonprofit organization incorporated in 1926 under the laws of the State of Connecticut. For approximately 20 years, the Ekonk Cemetery, Inc., has been seeking an additional acre of land from the adjacent Pachuag State Forest for use as additional cemetery space. However, most of the Pachuag State Forest were lands acquired under the Federal Bankhead-Jones Farm Tenant Act of 1935 and conveyed to the State of Connecticut in 1954. Section 32 of title III of the act requires that any deed of conveyance be conditioned on the land being used solely for public purposes. The deed effecting the 1954 transfer of land to the State of Connecticut contained a provision establishing the right to reversion of ownership to the United States if the land ever ceased being used for public purposes. Therefore, this legislation is necessary to enable the Secretary of Agriculture to release the State of Connecticut from the deed's reversionary condition for this parcel of land.

The trustees of the Ekonk Cemetery brought this problem to my attention many months ago. Apparently, the cemetery had run out of burying ground and the trustees were seeking help in obtaining additional acreage.

The trustees of the Ekonk Cemetery had previously contacted the State of Connecticut concerning this conveyance of property, but the State's attorney general ruled that the "public pur-

pose" clause contained in the deed would make such a transfer impossible. Furthermore, the State of Connecticut Park and Forest Commission is favorably disposed to transfer the acre of land to the Ekonk Cemetery, Inc. I am pleased that we have been able to work out a solution for the Ekonk Cemetery, Inc.

The Department of Agriculture has no objection to the enactment of H.R. 6422 as amended. I note that the Congress has, in several instances in recent years, granted similar relief to that provided by H.R. 6422.

I would like to thank the chairman of House Agriculture Committee, the Honorable E DE LA GARZA for his timely assistance in considering this legislation. Furthermore, I extend my appreciation to the Honorable JAMES WEAVER for presenting this bill today for the House of Representatives consideration. Last, I would like to thank the staff of the Agriculture Committee for their professional work in preparing the report on H.R. 6422.

Mr. Speaker, I encourage your support for this legislation and extend the appreciation of myself and the trustees of the Ekonk Cemetery for your assistance in the resolution of this matter.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WEAVER) that the House suspend the rules and pass the bill, H.R. 6422, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MODIFYING WITHDRAWAL OF CERTAIN LANDS IN MONO COUNTY, CALIF.

Mr. SEIBERLING. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2475), to modify a withdrawal of certain lands in Mono County, Calif., to facilitate an exchange for certain other lands in Mono County, Calif., and for other purposes; with Senate amendments thereto, concur in the Senate amendment numbered 1 and disagree to the Senate amendments numbered 2 through 7.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, strike out "laws:" and insert "laws, including the mining laws:".

Page 2, line 3, strike out "2" and insert "102".

Page 2, line 11, strike out "3" and insert "103".

Page 2, line 13, strike out "3" and insert "103".

Page 2, line 15, strike out "2" and insert "102".

Page 2, line 16, strike out "1" and insert "101".

Page 2, after line 20, insert:

TITLE II

SEC. 201. That the Secretary of the Interior be, and he hereby is, authorized and directed to convey by patent to the city of Miles City, a municipal corporation organized and existed under the laws of the State of Montana, to wit: Lots 9, 17, and 21 (all presently encumbered by the Miles City public water system); lots 28, 31, and 32, all in section 32; lots 16 and 17 in section 33, township 8 north, range 47 east, Principal meridian, Montana, and tract Q and tract S, townships 7 and 8 north, range 47 east, Principal meridian, Montana.

SEC. 202. The Secretary of the Interior is authorized and directed to convey to the city of Miles City, Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented or conveyed by Act of Congress, to wit: Patent numbered 1021511, tracts A and B; patent numbered 1122295, tracts E and F; patent numbered 1173770, tract G; patent numbered 1173768, tract K; patent numbered 1173769, tract L; patent numbered 1178764, tract M; patent numbered 1219817, tract P, all located in townships 7 and 8 north, range 47 east; and tract D located in township 8 north, range 47 east, Principal meridian, Montana.

SEC. 203. The Secretary of the Interior is further authorized and directed to convey to county of Custer, State of Montana, such evidence as is necessary to remove the reversionary provisions for public lands previously patented, to wit: Patent numbered 1023689, tract C; patent numbered 25-76-0099, tract T, located in townships 7 and 8 north, range 47 east, Principal meridian, Montana, and patent numbered 25-76-0100, lot 20, located in section 33, township 8 north, range 47 east, Principal meridian, Montana.

SEC. 204. The patents and documents issued pursuant to sections 201, 202 and 203 of this title shall contain a reservation to the United States of all gas, oil, coal, and other mineral deposits as may be found in such lands and the right to the use of the lands for extracting and removing same.

SEC. 205. No conveyance shall be made pursuant to this title until payment has been made for the fair market value of the interest being conveyed. Where initial conveyance of these lands was conditioned upon payment of a reasonable consideration on the basis of use, the Secretary is directed to determine the basis for the payment made at the time of the original conveyance. If such payment reflected fair market value without any reduction in that price because of the reverter, no additional payments shall be required.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I wonder if the gentleman could withhold this until minority representatives get here?

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Let me say that this bill as passed by the House was totally noncontroversial and, in fact, is still, even with the Senate amendments.

But the Senate tacked on an entirely extraneous bill on which the House Subcommittee on Public Lands has since had hearings and is prepared to move. We are simply trying to disintangle two completely unrelated issues, send back the Shumway bill, the one that was originally passed by the House in its original form, plus a technical amendment the Senate added and we agree with.

Let me elaborate. H.R. 2475 was passed by the House on December 15, 1981, after earlier being reported favorably by the Committee on Interior and Insular Affairs. The bill, which was introduced by the gentleman from California (Mr. SHUMWAY), would authorize the Department of the Interior to transfer certain Federal lands in California to a private party in exchange for lands which would become part of the Owens Valley Native Fish Sanctuary, an ecological reserve which protects the sole remaining habitat of the endangered Owens pupfish. The bill is strongly supported by the administration, by the State of California, the University of California, the city of Los Angeles, and a number of scientific and environmental groups. Its passage in the House was by unanimous consent.

When the Committee on Energy and Natural Resources of the other body considered this House-passed bill, they adopted an amendment dealing with a totally unrelated matter; namely, the transfer of certain Federal lands to a city in Montana. As so amended, the bill has now come back to us from the other body.

Since the Senate action, the Subcommittee on Public Lands and National Parks has held a hearing on the Montana proposals, and I anticipate that our committee will be in a position to act on them separately fairly soon. Meanwhile, however, I believe that it is essential that the House act to disentangle the California and Montana proposals, which are completely unrelated, and which could not have been joined in this way if the rules of the House were applicable in the other body.

Therefore, I am seeking the removal of the Montana land provisions from the California bill, and the return of the bill to the Senate for what I hope will be prompt action on a meritorious proposal.

I have already talked to the gentleman from Montana (Mr. MARLENEE), the author of a bill dealing with the subject matter of the bill attached by the Senate to the original bill. We intend, in the Interior Committee, to deal with that as a separate piece of legislation. He has no objection to that.

Mr. FRENZEL. Further reserving the right to object, does the gentleman assure me that the gentleman from Montana (Mr. MARLENEE) has no objection to this procedure?

Mr. SEIBERLING. I have talked to him this morning.

Mr. FRENZEL. And to the manner in which you are going to handle this?

Mr SEIBERLING. I talked with him this morning and told him what I was going to do and he has no objection.

Mr. FRENZEL. And the gentleman's committee is going to move forward with the other bill?

Mr. SEIBERLING. We are.

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

APPOINTMENT OF CITIZEN REGENT OF THE SMITHSONIAN INSTITUTION

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate joint resolution (S.J. Res. 194) to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I would like to yield to the gentleman from California (Mr. HAWKINS) to explain the purpose of this resolution.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Speaker, Senate Joint Resolution 194 provides for the appointment of Miss Nancy Hanks of the District of Columbia to fill a vacancy on the Board of Regents of the Smithsonian Institution.

Senate Joint Resolution 194 passed the Senate June 9, 1982, and was referred to the Committee on House Administration. On August 4, 1982, the committee favorably reported the joint resolution by unanimous voice vote. House Report 97-753 has been filed to accompany Senate Joint Resolution 194.

The purpose of the joint resolution is to fill the vacancy created on the Smithsonian's Board of Regents by the expiration of the term of James E. Webb of the District of Columbia on June 21, 1982.

The Smithsonian Board of Regents is made up of 17 members, 9 of whom are so-called citizen regents. The citizen regents are noncongressional persons who have been nominated by the regents and are elected to the Board of Regents by passage of a joint resolution of Congress. Of the nine, two regents are designated to be residents of the District of Columbia. The citizen regents serve statutory 6-year terms and their service is gratuitous, except for necessary traveling and other expenses in attending meetings of the Board.

The Smithsonian Board of Regents has unanimously nominated Miss Nancy Hanks as citizen regent from the District of Columbia. Miss Hanks is a well-known champion of the arts whose outstanding record of public service spans 30 years. Most of us know Miss Hanks as the distinguished chairman of the National Endowment for the Arts from 1969–77. Miss Hanks serves on numerous educational, foundation, and corporate boards where she is active in social responsibility and public interest work.

Miss Hanks' combined experience in Government, in the arts, and in the private and corporate sectors should complement and provide added dimension to the Board of Regents of the Smithsonian Institution.

I urge favorable consideration of this nomination.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I thank the distinguished chairman for his presentation, with which the minority concurs wholeheartedly. We know of nobody better qualified for that trusteeship than Nancy Hanks.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 194

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of James E. Webb of the District of Columbia on June 21, 1982, is filled by the appointment of Nancy Hanks of the District of Columbia for the statutory term of six years.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

OLIVER WENDELL HOLMES DEVISE FUND INTEREST

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the Senate bill (S. 2582) to amend the act to establish a permanent committee for the Oliver Wendell Holmes devise, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, I would yield to the gentleman from California to describe the bill.

Mr. HAWKINS. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the gentleman from California.

Mr. HAWKINS. Mr. Speaker, S. 2582 is a bill providing for the adjustment of the statutory rate of interest paid on the funds of the Permanent Committee for the Oliver Wendell Holmes devise on deposit with the U.S. Treasury. The bill also clarifies the intent of the original act which established the Holmes devise by authorizing the Holmes devise fund to receive royalties from publications authorized in the original statute.

Mr. Justice Holmes died in 1935 and left a large portion of his estate to the U.S. Government. The Permanent Committee for the Oliver Wendell Holmes devise was established by law in 1955 to devote the income and as necessary the principal of the fund to prepare a comprehensive history of the U.S. Supreme Court, to finance an annual lecture or series of lectures, and to prepare a memorial volume of Justice Holmes' writings. The 1955 law provided for the payment of interest to the Holmes devise fund at a rate of 3.5 percent per annum, which was a preferential rate of interest on long-term securities at that time.

Three and a half percent no longer reflects current market conditions. S. 2582 would amend the law to allow the Holmes devise to earn a rate of interest determined by the prevailing market interest rates on marketable Government securities. The change assures that the Holmes devise receives a rate of return that is approximately equal to the rate paid by the Treasury on its marketable borrowings of comparable maturities. It authorizes the Secretary of the Treasury to invest the Oliver Wendell Holmes devise funds in public debt securities with maturities and amounts to be selected by the permanent committee.

There is presently $88,000 in the Holmes devise, which is administered by the Library of Congress. S. 2582

would provide appropriate investment flexibility and an equitable increase in the rate of return earned on the Holmes devise. The Congressional Budget Office estimates that under this bill, the adjusted interest rate would increase payments to the Holmes devise from the Treasury by about $7,000 to $9,000 annually. The Treasury Department has no objection to this adjustment.

The original act provides for the acceptance of gifts to the Holmes devise, but it does not address the receipt of royalties or other income. The bill would allow the Holmes devise to receive such income. At present, royalties have begun to accrue on the publication of the history of the Supreme Court.

The Senate passed S. 2582 on June 9, 1982. The Committee on House Administration reported S. 2582 by unanimous voice vote on August 4, 1982, and filed House Report No. 97-752 to accompany the bill.

I urge passage of this legislation.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I thank the distinguished chairman for his description, with which I concur.

There is no objection to this bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2582

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a)(1) the first section of the Act entitled "An Act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes", approved August 5, 1955 (69 Stat. 533), is amended in the second sentence thereof by striking out "(3)" and all that follow up to (but not including) the period, and inserting in lieu of the matter stricken the following: "(3) amounts equal to the interest earned on moneys in the fund which are invested in public debt securities pursuant to the succeeding sentence".

(2) The first section of such Act is further amended by adding at the end thereof the following new sentence: "Moneys in the fund shall be invested by the Secretary of the Treasury in public debt securities in accordance with specifications, as to maturity of security and amount to be invested, prescribed by the Permanent Committee for the Oliver Wendell Homes Devise.".

(b) Section 5 of such Act is amended by inserting immediately after the first sentence thereof the following new sentence: "The Committee is further authorized to receive royalties or other income that is generated by the sale of its publications or which otherwise becomes payable to the fund.".

SEC. 2. The amendments made by subsection (a) of the first section of this Act shall be effective in the case of fiscal years beginning after September 30, 1982.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1215

RESERVE REQUIREMENTS REFORM ACT OF 1982

Mr. FAUNTROY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6222) to amend the Federal Reserve Act to exempt from reserve requirements a certain amount of the deposits and accounts of depository institutions.

The Clerk read as follows:

H.R. 6222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Reserve Requirements Reform Act of 1982".

SEC. 2. (a) Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the thereof the following:

"(11) ADDITIONAL EXEMPTIONS.—(A)(i) Not withstanding the reserve requirement ratios established under paragraphs (2) and (5) of this subsection, a reserve ratio of zero per centum shall apply to any combination of reservable liabilities, which do not exceed $2,000,000 (as adjusted under subparagraph (B)), of each depository institution.

"(ii) Each depository institution may designate in accordance with such rules and regulations as the Board shall prescribe, the types and amounts of reservable liabilities to which the reserve ratio of zero per centum shall apply, except that transaction accounts which are designated to be subject to a reserve ratio of zero per centum shall be accounts which would otherwise be subject to a reserve ratio of 3 per centum under paragraph (2).

"(iii) The Board shall minimize the reporting necessary to determine whether depository institutions have total reservable liabilities of less than $2,000,000 (as adjusted under subparagraph (B)). Consistent with the Board's responsibility to monitor and control monetary and credit aggregates, depository institutions which have reserve requirements under this subsection equal to zero per centum shall be subject to less overall reporting requirements than depository institutions which have a reserve requirement under this subsection that exceeds zero per centum.

"(B)(i) Beginning in 1982, not later than December 31 of each year, the Board shall issue a regulation increasing for the next succeeding calendar year the dollar amount specified in subparagraph (A), as previously adjusted under this subparagraph, by an amount obtained by multiplying such dollar amount by 80 per centum of the percentage increase in the total reservable liabilities of all depository institutions.

"(ii) The increase in total reservable liabilities shall be determined by subtracting the amount of total reservable liabilities on June 30 of the preceding calendar year from the amount of total reservable liabilities on June 30 of the calendar year involved. In the case of any such twelve-month period in which there has been a decrease in the total reservable liabilities of all depository institutions, no adjustment shall be made. A decrease in total reservable liabilities shall be determined by subtracting the amount of total reservable liabilities on June 30 of the calendar year involved from the amount of total reservable liabilities on June 30 of the previous calendar year.".

(b) Section 19(b)(4)(A)(iv) of the Federal Reserve Act (12 U.S.C. 461(b)(4)(A)(iv)) is amended by inserting "except as provided in paragraph (11)," after "requirement is imposed,".

(c) Section 19(b)(1) of the Federal Reserve Act (12 U.S.C. 461(b)(1)) is amended by redesignating subparagraph (E) as subparagraph (F) and by inserting after subparagraph (D) the following:

"(E) The term 'reservable liabilities' means transaction accounts, nonpersonal time deposits, and all net balances, loans, assets, and obligations which are, or may be, subject to reserve requirements under paragraph (5).".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from the District of Columbia (Mr. FAUNTROY) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. STANTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from the District of Columbia (Mr. FAUNTROY).

Mr. FAUNTROY. Mr. Speaker, I yield myself such time as a I may consume.

Mr. Speaker, I am pleased to rise in support of H.R. 6222, the Reserve Requirements Reform Act of 1982. This is a bill to amend the Federal Reserve Act to exempt from reserve requirements a certain amount of the deposits and accounts of depository institutions, which was unanimously adopted by the committee.

This is legislation which will provide realistic and meaningful relief to 23,831 or 59 percent of all depository institutions in our Nation. As you know, the Monetary Control Act of 1980 requires all depository institutions to maintain non-interest-bearing reserves with the Federal Reserve. Since the implementation of the act, the Federal Reserve has, by temporary administrative action, exempted some 17,755 depository institutions with less than $2 million in assets—that is 44 percent of all depository institutions—from reserve requirements. This exemption, however, expires on December 31, 1982, and the Federal Reserve has said that it cannot extend it without specific authorizing legislation. This exemption was established during the early stages of the implementation of the act because of the concern by the Fed that subjecting a large number of institutions, many of them

small, to these new reporting and reserve requirements could cause significant operational difficulties. As a part of its continued oversight, the committee has concluded, however, that no adverse effects would occur if this temporary exemption were made permanent.

If this legislation is not adopted, institutions now exempted would then have to maintain non-interest-bearing sterile reserves pursuant to the schedule established in the Monetary Control Act, submit reports, and otherwise incur expenses; 17,755 depository institutions, or approximately 44 percent of all such institutions, would be immediately affected by this scheduled expansion of reserve requirements.

H.R. 6222 would replace the administrative exemption provided by the Federal Reserve with legislative authority for a somewhat broader and fairer exemption that exempts from reserve requirements the first $2 million of reservable deposits of all depository institutions. In practice, this would exempt almost all depository institutions with total deposits of approximately $5 million or less from requirements to maintain reserves. The number of institutions which would benefit from this bill by not having to either maintain reserves or submit as many reports is estimated to be 23,831 or 59 percent of all depository institutions.

This approach was selected because it was determined that an exemption formula based on levels of reservable liabilities and applicable to all institutions was the most equitable of the several alternatives. Those alternatives which would have been based on asset size were rejected because of concern that institutions just passing over the threshold of the exempt level would confront a very high marginal reserve requirement while institutions just below the cutoff would be completely exempt from any reserve requirement.

Provisions affecting certain reporting requirements are specifically stated in the bill, thereby making explicit the intention of the Committee that the burden of submitting reports is also removed or substantially diminished along with the removal of the burden of maintaining reserves. Consistent with the Federal Reserve System's responsibility to monitor and control money and credit aggregates institutions which have a zero reserve requirement shall be subject to less overall reporting requirements than other institutions. This provision does not eliminate the ability of the Federal Reserve to require periodic or special reports designed to assure compliance with the Monetary Control Act and to obtain information to monitor and control the monetary and credit aggregates. It should be noted that while most institutions with $2 million or less of reservable liabilities will have total deposits of approximately $5 million, it is possible for a much larger institution to have only $2 million or less in reservable liabilities. The reporting requirements for such an institution would have to be more stringent.

These provisions take effect upon enactment of the legislation. The importance of accurate measurement of required reserves for monetary control dictates, however, that the Federal Reserve System and its Board of Governors be given a reasonable period of transition to effect and implement this exemption. It is assumed that such a period need not exceed 60 days. If more time is required, it is expected that the Board will so advise the committee and give its reasons. In any event, the committee does not believe that a delay in implementation by the Federal Reserve would be the basis of any claims for payment to a depository institution by the Federal Reserve for any lost opportunities, direct, or consequential costs.

The bill is not expected to have any impact on the ability of the Federal Reserve to control monetary policy. The Federal Reserve has, however, indicated in testimony before the Subcommittee on Domestic Monetary Policy that any increase in the exemption level above that provided in the bill would have a detrimental impact on their ability to control the money supply.

Additionally, while there is no direct budgetary impact, the income earned by the Federal Reserve and turned over to the Treasury from bank reserves will be slightly diminished by this legislation. The lost income is expected to be $24 million in 1982 and $66 million in 1988 when the reserve schedule is fully phased in. Some of this, of course, will be offset by taxes collected on the income earned from the reinvestment of these funds.

Mr. Speaker, I yield back the balance of my time.

Mr. STANTON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Reserve Requirements Reform Act of 1982—H.R. 6222. Both Chairman ST GERMAIN of the full Banking Committee and Chairman FAUNTROY of the Domestic Monetary Policy Subcommittee are to be commended for bringing this worthwhile legislation to the floor today. This amendment to the Federal Reserve Act provides at least some partial relief from the burdens which reserve requirements impose on all depository institutions for the sake of implementing monetary policy.

This bill has the salutary effect of reducing both the reserve and the paperwork burden for particularly smaller institutions such as credit unions without having a measurable impact on total reserve levels. More than 50 percent of all depository institutions would be completely relieved of the burden of posting reserves, and yet the Federal Reserve would retain control over 99 percent of total deposits.

Mr. Speaker, Federal Reserve Chairman Paul Volcker wrote to me on April 28, 1982, to state that the Federal Reserve would not extend its exemption for nonmember institutions with deposits of less than $2 million beyond December 31, 1982. The legislation before us today incorporates the Federal Reserve's solution by exempting the first $2 million in reservable liabilities at all depository institutions, large or small.

This bill is supported by the Independent Bankers Association of America, the U.S. League of Savings Associations, the National Association of Mutual Savings Banks, the National Association of Federal Credit Unions, and the Credit Union National Association. It will have the effect of exempting nearly 24,000 institutions from reserve requirements, including 99 percent of the Nation's credit unions.

H.R. 6222 was reported from the Committee on Banking, Finance and Urban Affairs by a vote of 43 yeas to 0 nays. A companion proposal is contained in S. 2879, the Depository Institutions Amendments of 1982, now pending before the Senate. Mr. Speaker, I encourage all of my colleagues to support this bipartisan effort to grant much needed regulatory relief to our country's depository institutions. I hope we can see it enacted before the 97th Congress adjourns.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from the District of Columbia (Mr. FAUNTROY) that the House suspend the rules and pass the bill, H.R. 6222, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

SHIPPING ACT OF 1982

Mr. JONES of North Carolina. Mr. Speaker, I move to suspend the rules

and pass the bill (H.R. 4374) to improve the international ocean commerce transportation system of the United States, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Shipping Act of 1982".

SEC. 2. DEFINITIONS.

As used in this Act—

(1) "agreement" means an understanding, arrangement, or association (written or oral) and any modification or cancellation thereof, but does not include a maritime labor agreement;

(2) "antitrust laws" means the Act of July 2, 1890 (ch. 647, 26 Stat. 209), as amended; the Act of October 15, 1914 (ch. 323, 38 Stat. 730), as amended; the Federal Trade Commission Act (38 Stat. 717), as amended; sections 73 and 74 of the Act of August 27, 1894 (28 Stat. 570), as amended; the Act of June 19, 1936 (ch. 592, 49 Stat. 1526), as amended; the Antitrust Civil Process Act (76 Stat. 548), as amended; and amendments and Acts supplementary thereto;

(3) "assessment agreement" means an agreement or any provision of an agreement, whether part of a collective-bargaining agreement or negotiated separately, that provides for the funding of collectively bargained fringe benefit obligations on other than a uniform man-hour basis, regardless of the cargo handled or type of vessel or equipment utilized;

(4) "bulk cargo" means cargo that is loaded and carried in bulk without mark or count;

(5) "Commission", except in section 18, means the Federal Maritime Commission;

(6) "common carrier" includes both ocean common carriers and nonvessel-operating common carriers;

(7) "conference" means an association of ocean common carriers permitted, pursuant to an approved or effective agreement, to engage in concerted activity and to utilize a common tariff, but does not include a joint service, consortium, pooling, or transshipment arrangement;

(8) "controlled carrier" means an ocean common carrier that is, or whose operating assets are, directly or indirectly, owned or controlled by the government under whose registry the vessels of the carrier operate; ownership or control by a government shall be deemed to exist with respect to any carrier if—

(A) a majority portion of the interest in the carrier is owned or controlled in any manner by that government, by any agency thereof, or by any public or private person controlled by that government; or

(B) that government has the right to appoint or disapprove the appointment of a majority of the directors, the chief operating officer, or the chief executive officer of the carrier;

(9) "deferred rebate" means a return by a common carrier of any portion of the freight money to a shipper as a consideration for that shipper giving all, or any portion, of his shipments to that or any other common carrier, or for any other purpose, the payment of which is deferred beyond the completion of the service for which it is paid, and is made only if, during both the period for which computed and the period of deferment, the shipper has complied with the terms of the rebate agreement or arrangement;

(10) "fighting ship" means a vessel used in a particular trade by an ocean common carrier or group of such carriers for the purpose of excluding, preventing, or reducing competition by driving another ocean common carrier out of that trade;

(11) "forest products" means forest products in an unfinished or semifinished state that are of a size too large for the largest commercially available container or that are offered for carriage by the shipper as noncontainerized cargo in lot sizes having a volume greater than two thousand five hundred and sixty cubic feet or that are transported in shipload lot sizes;

(12) "inland division" means the amount paid by an ocean common carrier to any inland carriers with respect to performance of the inland portion of through transportation offered to the public by the ocean common carrier;

(13) "inland portion" means the charge to the public by an ocean common carrier with respect to the non-ocean portion of through transportation;

(14) "joint venture" means a consortium, joint service agreement or other agreement that will result in the establishment of a new and separate line or service to be operated for the benefit of the agreeing ocean common carriers and eliminates all, or virtually all, competition among the parties to the agreement in the affected trade.

(15) "loyalty contract" means a contract with an ocean common carrier or conference by which a contract shipper or consignee obtains lower rates by committing all or a fixed portion of its cargo to that carrier or conference;

(16) "marine terminal operator" means a person engaged in the United States in the business of furnishing wharfage, dock, warehouse, or other terminal facilities in connection with a common carrier;

(17) "maritime labor agreement" means a collective-bargaining agreement between an employer subject to this Act, or group of such employers, and a labor organization representing employees in the maritime or stevedoring industry, or an agreement preparatory to such a collective-bargaining agreement among members of a multiemployer bargaining group, or an agreement specifically implementing provisions of such a collective-bargaining agreement or providing for the formation, financing, or administration of a multiemployer bargaining group; but the term does not include an assessment agreement;

(18) "net profit or loss pool" means a pooling or apportionment of net profits or net losses, or any similar arrangement that results in the participants sharing all or virtually all of their costs of operation, but shall not be deemed to include a pooling or apportionment of revenues, even if such a pooling provides for certain adjustments to revenue or expense or results in the sharing of certain costs, provided that each participant continues to bear a substantial portion of his own costs.

(19) "nonvessel-operating common carrier" means a common carrier engaged in the transportation by water of cargo between the United States and a foreign country, whether in the import or export trade, that does not operate the vessels by which the ocean transportation service is provided, and is a shipper in his relationship with an ocean common carrier;

(20) "ocean common carrier" means a vessel operating common carrier engaged in the transportation by water of passengers or cargo between the United States and a foreign country, whether in the import or export trade; but does not include one engaged in ocean transportation by ferry boat or ocean tramp;

(21) "person" includes individuals, corporations, partnerships, and associations existing under or authorized by the laws of the United States or of a foreign country;

(22) "rates" means rates, services, classification rules, or regulations;

(23) "service contract" means a contract between a shipper and an ocean common carrier or conference in which the shipper makes a commitment to provide a certain minimum quantity of cargo over a fixed time period, and the ocean common carrier or conference commits to a certain rate or rate schedule as well as a defined service level—such as, assured space, transit time, port rotation, or similar service features. The contract may also specify provisions in the event of nonperformance on the part of either party;

(24) "shipment" means all of the cargo carried under the terms of a single bill of lading;

(25) "shipper" means an owner or person for whose account the ocean transportation of cargo is provided or the person to whom delivery is to be made;

(26) "shippers' council" means an association of shippers or their agents, other than ocean freight forwarders and non-vessel-operating common carriers;

(27) "through rate" means the single amount charged by a common carrier in connection with through transportation;

(28) "through transportation" means continuous transportation between origin and destination for which a through rate is assessed and which is offered or performed by one or more carriers, at least one of which is a common carrier, between a United States point or port and a foreign point or port; and

(29) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas, and all other United States territories and possessions.

SEC. 3. AGREEMENTS WITHIN SCOPE OF ACT.

(a) This Act applies to agreements by or among ocean common carriers to—

(1) discuss, fix, and regulate rates, including through rates, cargo space accommodations, and other conditions of services;

(2) pool or apportion traffic, revenues, net losses, or net profits;

(3) allot ports or restrict or otherwise regulate the number and character of sailings between ports;

(4) limit or regulate the volume or character of cargo or passenger traffic to be carried;

(5) engage in exclusive, preferential, or cooperative working arrangements among themselves or with one or more marine terminal operators or non-vessel-operating common carrier; and

(6) enter into other agreements to control, regulate, or prevent competition among themselves.

(b) This Act does not apply to an acquisition by any person, directly or indirectly, of any voting security or assets of any other person.

SEC. 4. AGREEMENTS.

(a) FILING REQUIREMENTS.—A true copy of every agreement entered into with respect to an activity described in section 3 shall be filed with the Commission, except agreements related to transportation to be per-

formed within or between foreign countries. In the case of an oral agreement, complete memorandum specifying in detail the substance of the agreement shall be filed. The Commission may by regulation prescribe the form and manner in which agreements shall be filed.

(b) COMMISSION ACTION.—The Commission shall within thirty days after filing reject any agreement that on its face fails to comply with this section. Unless an agreement has been rejected, the Commission shall, within thirty days of the filing of the agreement, transmit a notice of its filing to the Federal Register for publication.

(c) CONFERENCE AGREEMENTS.—Each conference agreement must—

(1) provide for the admission to conference membership of any carrier operating vessels willing to serve the particular trade or route;

(2) permit any member to withdraw from conference membership upon reasonable notice without penalty; and

(3) provide for retaining the services of an independent neutral body to police fully the obligations of the conference and its members.

(d) CONFERENCES UTILIZING LOYALTY CONTRACTS.—

(1) Each conference agreement must provide that, if the conference has in effect a loyalty contract with one or more shippers, each member of the conference may take independent action on any rate or service item contained within a tariff required to be filed under section 8 whenever—

(A) a member requests the conference to amend a rate or service item and announces its intention to take independent action if the conference does not agree to the amendment;

(B) the conference fails to make the proposed amendment within thirty days after the first consideration of the amendment in a conference meeting; and

(C) the member seeking the amendment requests the conference to include in the conference tariff a separate entry for its account as proposed in the amendment.

(2) The agreement must further provide that, if the requirements of paragraph (1) are met, the conference shall include the proposed amendment in its tariff for use by any member of the conference and that the amendment shall become effective on publication and filing, but no later than forty-five days after the initial request.

(3) This subsection does not change the effectiveness of section 8(d).

(e) INTERCONFERENCE AGREEMENTS.—Each agreement between carriers not members of the same conference must provide the right of independent action for each carrier. Each agreement between conferences serving different trades that would otherwise be naturally competitive must provide the right of independent action for each conference.

(f) ASSESSMENT AGREEMENTS.—

(1) Assessment agreements shall be filed with the Commission and shall be deemed approved upon filing. The Commission shall thereafter, upon complaint filed within two years of the date of filing of the agreement, disapprove, cancel, or modify any such agreement, or charge or assessment pursuant thereto, that it finds, after notice and hearing, to be unjustly discriminatory or unfair as between carriers, shippers, or ports. The Commission shall issue its final decision in any such proceeding within one year of the date of filing of the complaint. To the extent that an assessment or charge is found in the proceeding to be unjustly discriminatory or unfair as between carriers, shippers, or ports, the Commission shall remedy the unjust discrimination or unfairness for the period of time between the filing of the complaint and the final decision by means of assessment adjustments. These adjustments shall be implemented by prospective credits or debits to future assessments or charges, except in the case of a complainant who has ceased activities subject to the assessment or charge, in which case reparation may be awarded. To the extent that any provision of this paragraph conflicts with the language of any other section of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, the provisions of this paragraph shall control.

(2) This Act, the Shipping Act, 1916, and the Intercoastal Shipping Act, 1933, do not apply to maritime labor agreements. This section does not exempt from the provisions of this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933, any rates, charges, regulations, or practices of a common carrier that are required to be set forth in a tariff, whether or not such rates, charges, regulations, or practices arise out of, or are otherwise related to, a maritime labor agreement.

SEC. 5. ACTION ON AGREEMENTS.

(a) EFFECTIVE DATE.—Except with respect to assessment agreements, each agreement entered into with respect to an activity described in section 3 shall become effective forty-five days after filing unless the Commission rejects the agreement under section 4(b), or suspends the effective date of the agreement under subsection (i).

(b) STANDARD.—The Commission shall by order disapprove or modify any agreement that it finds will operate in violation of this Act; but in the case of any agreement filed under section 4(a) that is a renewal of an agreement previously in effect under this section or section 20(d), there shall be a presumption that the conduct contemplated under the agreement so filed will not be in violation of section 10(a).

(c) INVESTIGATION.—The Commission may, at any time after an agreement has been filed, institute an investigation and conduct a hearing under section 11 to determine if the agreement complies with this Act and, if not, whether the agreement should be disapproved, canceled, or modified. Each agreement that is in effect at the time it is the subject of an investigation and hearing shall remain in effect during the investigation and hearing.

(d) FINAL DECISION TIME.—The Commission shall issue a final decision in each hearing under subsection (c) within one hundred and eighty days of ordering the hearing.

(e) DELAY.—If, within the time period specified in subsection (d), the Commission determines that it is unable to issue a final order because of undue delays, the Commission may make a decision in the proceeding adverse to the delaying party on the basis of the delay, or in the case of undue delay caused by a proponent of an agreement, alternatively, toll the period specified in subsection (d) for the period of delay.

(f) BURDEN OF PROOF.—The burden of proof in any proceeding under this section or under section 4(f)(1) is on the party opposing the agreement, including the Commission.

(g) DURATION OF EFFECTIVENESS.—Each agreement, once in effect, shall remain in effect until withdrawn or until disapproved, canceled, or modified by the Commission. The Commission may not limit the effectiveness of an agreement to a fixed term.

(h) COMPLIANCE WITH SUBPENA OR DISCOVERY.—In any proceeding under this section, the Commission may disapprove an agreement for failure of a proponent of the agreement to comply with a subpena or discovery order lawfully issued by the Commission.

(i) SUSPENSION.—At any time before the expiration of the forty-five-day period referred to in subsection (a), the Commission, upon complaint of a common carrier, shipper, or marine terminal operator, or upon its own motion, may upon notice suspend the effective date of an agreement pending the outcome of a proceeding under section 11, if the Commission, after preliminary investigation, believes that there are unresolved issues of fact, which, if determined adversely to the party or parties filing the agreement, will result in a finding that the agreement is in violation of this Act, and either

(1) there is a reasonable probability that upon further investigation the Commission would find that the agreement will operate in violation of this Act; or

(2) a shipper, common carrier, or marine terminal operator is likely to be substantially injured if the agreement is allowed to go into effect before a final decision on the merits.

The effective date of an agreement may not be suspended under this subsection for a period exceeding ninety days unless the Commission, before the expiration of that period, believes that an extension of such period by not more than ninety additional days is required to resolve the outstanding issues.

SEC. 6. LOYALTY CONTRACTS.

(a) CONTRACT REQUIREMENTS.—Ocean common carriers and conferences engaged in foreign commerce may utilize loyalty contracts, if—

(1) the contract is available to all shippers on equal terms and conditions;

(2) the contract shipper is permitted prompt release from the contract with respect to any shipment or shipments for which the contracting carrier or conference cannot provide space as requested on reasonable notice by the shipper;

(3) the contract covers only those goods of the contract shipper as to the shipment of which it has the legal right at the time of shipment to select the carrier;

(4) the contract shipper, carrier, and conference are permitted on ninety days' notice to terminate, without penalty, the contract rate system in whole or with respect to any commodity;

(5) the contract excludes bulk cargo (except liquid bulk cargoes, other than chemicals, in less than full shipload lots) and forest products;

(6) the contract provides that whenever a rate for the carriage of goods under the contract becomes effective insofar as it is under the control of the carrier or conference, the rate—

(A) may not be increased on less than ninety days' notice, except upon the agreement of the applicable shipper; and

(B) may be increased on not less than thirty days' notice if the increase is to a level no higher than that from which the particular rate was reduced within one hundred eighty days immediately preceding the filing of the increase; and

(7) the contract shipper is not denied the right to utilize competing services that involve loading to or from a vessel at a port or ports located beyond a carrier's or confer-

ence's geographic scope as defined in the contract; and

(8) the contract provides for a spread or series of spreads between tariff rates and rates charged contract shippers that shall not exceed an aggregate of 15 percent.

(b) INTERMODAL LOYALTY CONTRACT.—Each conference that offers an intermodal loyalty contract must offer an alternative all-ocean carrier loyalty contract. A shipper may not be penalized nor shall an action for breach of contract lie if a shipper elects one of the alternative loyalty agreements for the other for any shipment moving through the exit or entry ports that are the subject of the contract.

(c) TREATMENT OF CONTRACT NOT IN CONFORMITY.—The utilization of a loyalty contract that does not conform with each of the requirements of this section is a violation of this Act.

SEC. 7. EXEMPTION FROM ANTITRUST LAWS.

(a) The antitrust laws do not apply to—

(1) any agreement that has been filed under section 4 and has become effective under section 4(f) or section 5, or is exempt under section 16 from any requirement of this Act;

(2) any activity or agreement within the scope of this Act, whether permitted under or prohibited by this Act undertaken or entered into in the reasonable belief that (A) it is pursuant to an agreement on file with the Commission and in effect when the activity took place, or (B) it is exempt under section 16 from any filing requirement of this Act;

(3) any loyalty contract or any activity pursuant to a loyalty contract;

(4) any agreement or activity that relates to transportation services within or between foreign countries, whether or not via the United States;

(5) any agreement or activity with a shipper's council organized under the laws of a foreign country and operating exclusively outside the United States, including an agreement or activity that affects cargo transported in a United States import or export trade;

(6) any agreement or activity to provide or furnish wharfage, dock, warehouse, or other terminal facilities outside the United States; and

(7) subject to section 19(e)(2), any agreement, modification, or cancellation approved by the Commission before the effective date of this Act under section 15 of the Shipping Act, 1916, or permitted under section 14(b) thereof, and any duly filed and published tariff rate, fare, or charge, or classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.

(b) This Act does not extend antitrust immunity to any agreement with or among air carriers, rail carriers, motor carriers, or common carriers by water not subject to this Act with respect to transportation within the United States; or to any discussion or agreement among common carriers that are subject to this Act fixing the inland divisions as opposed to the inland portions, of through rates within the United States.

(c)(1) Any determination by any agency or court that results in the denial or removal of the immunity to the antitrust laws set forth in subsection (a) shall not remove or alter the antitrust immunity for the period before the determination.

(2) No person may recover damages under section 4 of the Clayton Act, or obtain injunctive relief under section 16 of the Clayton Act, for conduct which is prohibited by this Act.

(d) Any shippers' council organized under the laws of the United States may apply to the Attorney General for certification that the conduct of the council in bargaining with ocean common carriers on the terms and conditions of service is not likely to result in a violation of the antitrust laws. The Attorney General shall grant the application for certification under the same conditions and limitations applicable to an application for antitrust certification of solely export conduct; except that the activities of the shippers' council in bargaining with ocean common carriers on the terms and conditions of service regarding cargo in import trade shall be eligible for the protection of such certification on the same terms and conditions that are made available for similar activities for service on cargo in export trade.

SEC. 8. TARIFFS.

(a) IN GENERAL.—

(1) Except with regard to bulk cargo and forest products, each common carrier and conference shall file with the Commission, and keep open to public inspection, tariffs showing all its rates, charges, classifications, rules, and practices between all points or ports or its own route and on any through transportation route that has been established. However, common carriers shall not be required to state separately or otherwise reveal in tariff filings the inland divisions of a through rate. Tariffs shall plainly indicate the places between which cargo will be carried; list each classification of cargo in use; set forth the level of freight forwarder compensation, if any, by a carrier or conference; state separately each terminal or other charge, privilege, or facility under the control of the carrier or conference and any rules or regulations that in any way change, affect, or determine any part or the aggregate of the rates or charges; and include sample copies of any loyalty contract, bill of lading, contract of affreightment, or other document evidencing the transportation agreement.

(2) Copies of tariffs shall be made available to any person, and a reasonable charge may be assessed for copies provided by the Commission.

(b) TIME-VOLUME RATES.—Rates quoted in tariffs may vary with the volume of cargo offered over a specified period of time.

(c) SERVICE CONTRACTS.—An ocean common carrier or conference may enter into a service contract with a shipper to provide specified services under specified rates and conditions, subject to the requirements of this Act. Each contract entered into under this subsection shall be filed confidentially with the Commission, and a concise statement of its essential terms shall be filed with the Commission and made available to the general public in tariff format, and such essential terms shall be available to all shippers similarly situated. The essential terms shall include—

(1) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

(2) the commodity or commodities involved;

(3) the minimum volume;

(4) the line-haul rate;

(5) the duration;

(6) service commitments; and

(7) the liquidated damages for non-performance, if any.

The exclusive remedy for a breach of contract entered into under this subsection shall be an action in an appropriate court, unless the parties otherwise agree.

(d) RATES.—No new or initial rates or change in existing rates, which result in an increased cost to the shipper may become effective earlier than thirty days after filing with the Commission. The Commission, for good cause, may allow such new or initial rates and such changes to become effective in less than thirty days. Any change in the rates that results in a decreased cost to the shipper may become effective upon publication and filing with the Commission.

(e) REFUNDS.—The Commission may, upon application of a carrier or shipper, permit a common carrier or conference to refund a portion of freight charges collected from a shipper or to waive the collection of a portion of the charges from a shipper if—

(1) there is an error in a tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff and the refund will not result in discrimination among shippers, ports, or carriers;

(2) the common carrier or conference has, prior to the filing of an application for authority to make a refund, filed a new tariff with the Commission that sets forth the rate on which the refund or waiver would be based;

(3) the common carrier or conference agrees that if permission is granted by the Commission, an appropriate notice will be published in the tariff, or such other steps taken as the Commission may require, which gives notice of the rate on which the refund or waiver would be based, and additional refunds or waivers as appropriate shall be made with respect to other shipments in the manner prescribed by the Commission in its order approving the application; and

(4) the application for refund or waiver is filed with the Commission within one hundred and eighty days from the date of shipment.

(f) FORM.—The Commission may by regulation prescribe the form and manner in which the tariffs required by this section shall be published and filed. The Commission may reject any tariff filed that is not in conformity with this section and its regulations. Upon rejection by the Commission, the tariff is void, and its use is unlawful.

SEC. 9. CONTROLLED CARRIERS.

(a) CONTROLLED CARRIER RATES.—No controlled carrier subject to this section shall maintain rates or charges in its tariffs filed with the Commission that are below a level that is just and reasonable, nor shall any such carrier establish or maintain unjust or unreasonable classifications, rules, or regulations in such tariffs. An unjust or unreasonable classification, rule, or regulation means one which results or is likely to result in the carriage or handling of cargo at rates or charges which are below a level which is just and reasonable. The Commission may, at any time after notice and hearing, disapprove any rates, charges, classifications, rules, or regulations which the controlled carrier has failed to demonstrate to be just and reasonable. In any proceeding under this subsection, the burden of proof shall be on the controlled carrier to demonstrate that its rates, charges, classifications, rules, or regulations are just and reasonable. Rates, charges, classifications, rules, or regulations filed by a controlled carrier that have been rejected, suspended, or disapproved by the Commission are void, and their use is unlawful.

(b) RATE STANDARDS.—For the purpose of this section, in determining whether rates, charges, classifications, rules, or regulations by a controlled carrier are just and reasonable, the Commission may take into account appropriate factors including, but not limited to, whether—

(1) the rates or charges which have been filed or which would result from the pertinent classifications, rules, or regulations are below a level which is fully compensatory to the controlled carrier based upon that carrier's actual costs or upon its constructive costs, which are hereby defined as the costs of another carrier, other than a controlled carrier, operating similar vessels and equipment in the same or a similar trade;

(2) the rates, charges, classifications, rules, or regulations are the same as or similar to those filed or assessed by other carriers in the same trade;

(3) the rates, charges, classifications, rules, or regulations are required to assure movement of particular cargo in the trade; or

(4) the rates, charges, classifications, rules, or regulations are required to maintain acceptable continuity, level, or quality of common carrier service to or from affected ports.

(c) EFFECTIVE DATE OF RATES.—Notwithstanding the provisions of section 9(b), the rates, charges, classifications, rules, or regulations of controlled carriers shall not, without special permission of the Commission, become effective sooner than the thirtieth day after the date of filing with the Commission. Each controlled carrier shall, upon the request of the Commission, file, within twenty days of request (with respect to its existing or proposed rates, charges, classifications, rules, or regulations), a statement of justification that sufficiently details the controlled carrier's need and purpose for such rates, charges, classifications, rules, or regulations upon which the Commission may reasonably base its determination of the lawfulness thereof.

(d) DISAPPROVAL OF RATES.—Whenever the Commission is of the opinion that the rates, charges, classifications, rules, or regulations filed by a controlled carrier may be unjust and unreasonable, the Commission may issue an order to the controlled carrier to show cause why such rates, charges, classifications, rules, or regulations should not be disapproved. Pending a determination as to their lawfulness in such a proceeding, the Commission may suspend such rates, charges, classifications, rules, or regulations at any time before their effective date. In the case of rates, charges, classifications, rules, or regulations that have already become effective, the Commission may, upon the issuance of an order to show cause, suspend such rates, charges, classifications, rules, or regulations on not less than sixty days' notice to the controlled carrier. No period of suspension under this subsection may be greater than one hundred and eighty days. Whenever the Commission has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may file new rates, charges, classifications, rules, or regulations to take effect immediately during the suspension period in lieu of the suspended rates, charges, classifications, rules, or regulations—except that the Commission may reject such new rates, charges, classifications, rules, or regulations if it is of the opinion that they are unjust and unreasonable.

(e) PRESIDENTIAL REVIEW.—Concurrently with the publication thereof, the Commission shall transmit to the President any order of suspension or final order of disapproval of rates, charges, classifications, rules, or regulations of a controlled carrier subject to this section. Within ten days after the receipt or the effective date of such Commission order, the President may request the Commission in writing to stay the effect of the Commission's order if he finds that such stay is required for reasons of national defense or foreign policy which reasons shall be specified in the report. Notwithstanding any other provisions of law, the Commission shall immediately grant such request by the issuance of an order in which the President's request shall be described. During any such stay, the President shall, whenever practicable, attempt to resolve the matter in controversy by negotiation with representatives of the applicable foreign governments.

(f) EXCEPTIONS.—The provisions of this section shall not apply to—

(1) any controlled carrier of a state whose vessels are entitled by a treaty of the United States to receive national or most-favored-nation treatment;

(2) any controlled carrier of a state which, on the effective date of this section, has subscribed to the statement of shipping policy contained in note 1 to annex A of the Code of Liberalization of Current Invisible Operations, adopted by the Council of the Organization for Economic Cooperation and Development;

(3) rates, charges, classifications, rules, or regulations of any controlled carrier in any particular trade which are covered by an agreement effective under section 4, other than an agreement in which all of the members are controlled carriers not otherwise excluded from the provisions of this subsection;

(4) rates, charges, classifications, rules, or regulations governing the transportation of cargo by a controlled carrier between the country by whose government it is owned or controlled, as defined herein and the United States;

(5) a trade served exclusively by controlled carriers; or

(6) any controlled carrier registered in a state which, on the effective date of this Act, is among those designated a beneficiary developing country for purposes of the generalized system of preferences, provided for in title V of the Trade Act of 1974 (88 Stat. 2066; 19 U.S.C 2461 et seq.), and set forth in general headnote 3(c) of the Tariff Schedules of the United States, and which has vessels registered within its jurisdiction that are privately owned and not operated by a controlled carrier.

SEC. 10. PROHIBITED ACTS.

(a)(1) Subject to paragraphs (2) and (3), no common carrier, directly or indirectly, may form a joint venture with other common carriers operating in the same trade if such conduct substantially reduces competition in such trade considered as a whole.

(2) Paragraph (1) shall not apply if such conduct—

(A) results in gains in efficiency or services that outweigh any diminution in competition;

(B) is required by an express provision of a government-to-government agreement; or

(C) is in furtherance of foreign policy interests of the United States which outweigh the interests of the United States in preventing the substantial reduction in competition.

(D) permits U.S.-flag carriers to carry cargo of the importing or exporting foreign state which would otherwise be unavailable to such carrier, or available only on unequal terms by reason of the cargo reservation laws or trading practices (governmental or otherwise) of such state, provided that such agreement is not unjustly discriminatory among U.S.-flag carriers.

(3) With respect to conduct by a common carrier that was undertaken in the reasonable belief that the conduct was consistent with an agreement that was in effect under section 5 or 20(d) at the time the conduct occurred—

(A) there shall be a presumption that such conduct is not in violation of this subsection; and

(B) the common carrier, if the Commission determines that such conduct is in violation of this subsection, shall not be liable for reparations under section 11(f), or for penalties under section 13(a) to the extent that such conduct was so undertaken.

(b) No common carrier, including a joint service or consortium operating as a single entity, either alone or in conjunction with any other person, directly or indirectly, may—

(1) charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges which are specified in its tariffs;

(2) rebate, refund, or remit in any manner, or by any device, any portion of its rates except in accordance with its tariffs;

(3) extend or deny to any person any privilege, concession, equipment, or facility except in accordance with its tariffs;

(4) allow any person to obtain transportation for property at less than the rates or charges established by the carrier in its tariff by means of false billing, false classification, false weighing, false measurement, or by any other unjust or unfair device or means;

(5) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier, or has filed a complaint, or for any other reason;

(6) engage in any unfair or unjustly discriminatory practice in the matter of—

(A) rates;

(B) cargo classifications;

(C) cargo space accommodations or other facilities, due regard being had for the proper loading of the vessel and the available tonnage;

(D) the loading and landing of freight in proper condition; or

(E) the adjustment and settlement of claims;

(7) employ any fighting ship;

(8) offer or pay any deferred rebates;

(9) demand, charge, or collect any rate or charge which is unjustly discriminatory between shippers or ports;

(10) make or give any undue or unreasonable preference or advantage to any particular person, locality, or description of traffic in any respect whatsoever, or subject any particular person, locality, or description of traffic to an unreasonable refusal to deal or any undue or unreasonable prejudice or disadvantage in any respect whatsoever; or

(11) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the

consent of the shipper or consignee if that information—

(A) may be used to the detriment or prejudice of the shipper or consignee;

(B) may improperly disclose its business transactions to a competitor; or

(C) may be used to the detriment or prejudice of any common carrier.

Nothing in paragraph (11) shall be construed to prevent providing such information, in response to any legal process, to the United States, or to any independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier which is a party to a conference agreement approved pursuant to this Act, or any receiver, trustee, lessee, agent, or employee of such carrier or person, or any other person authorized by such carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference, or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with the conference or its member lines or for the purpose of determining whether a member of the conference has breached the conference agreement, or for the purpose of compiling statistics of cargo movement, but the use of such information for any other purpose prohibited by this Act or any other Act shall be prohibited.

(c) No person may—

(1) knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means obtain or attempt to obtain ocean transportation for property at less than the rates or charges which would otherwise be applicable;

(2) operate under an agreement described in section 3 that has not become effective under section 5, or that has been rejected, disapproved, or canceled; or

(3) operate under an agreement described in section 3 except in accordance with any modifications made by the Commission to the agreement.

(d) No conference or group of two or more common carriers, other than a joint venture operating as a single entity, may—

(1) boycott or take any other concerted action resulting in a refusal to deal;

(2) utilize a device or means that sets conditions or otherwise restricts the ability of a shipper to select an ocean common carrier in a competing trade, an ocean tramp, or a bulk carrier;

(3) restrict the employment of intermodalism or other technological innovations by member carriers;

(4) permit any predatory practice designed to eliminate the participation, or deny the entry, in a particular trade of an ocean common carrier not a member of the conference, a group of common carriers, an ocean tramp, or a bulk carrier;

(5) negotiate with any nonocean carrier or group of nonocean carriers (for example, truck, rail, or air operators) on any matter relating to rates or services provided to ocean common carriers within the United States by such nonocean carriers: *Provided*, That this prohibition shall not prohibit the setting and publishing of a joint through rate by a conference, joint service, or an association of ocean common carriers authorized to file tariffs;

(6) concertedly deny in the export foreign commerce of the United States compensation to an ocean freight forwarder or limit the amount thereof to less than one and one-fourth per centum of the freight charges;

(7) except as otherwise required by the law of the United States or the importing or exporting country, or as agreed to by a shipper in a service contract, allocate shippers among specific carriers that are parties to that agreement or prohibit any carrier that is a party to the agreement from soliciting cargo from any particular shipper; or

(8) pool or apportion net losses or net profits with other common carriers operating in the same trade.

SEC. 11. COMPLAINTS, INVESTIGATIONS, REPORTS, AND REPARATIONS.

(a) FILING OF COMPLAINTS.—Any person may file with the Commission a sworn complaint alleging a violation of this Act and may seek reparation for any injury caused to the complainant by that violation.

(b) SATISFACTION OR INVESTIGATION OF COMPLAINTS.—The Commission shall furnish a copy of a complaint filed pursuant to section (a) of this section to the person named therein who shall, within a reasonable time specified by the Commission, satisfy the complaint or answer it in writing. If the complaint is not satisfied, the Commission shall investigate it in such manner and by such means and make such order as it deems proper.

(c) COMMISSION INVESTIGATIONS.—The Commission upon its own motion may, in like manner and with the same powers, investigate any conduct which it believes may be in violation of this Act.

(d) SPECIAL INVESTIGATIONS OF CONDUCT PURSUANT TO POOLING AGREEMENTS.—(1) The Commission, upon its own motion or at the request of the Attorney General or the Federal Trade Commission, may initiate an investigation under this section of conduct pursuant to an agreement to pool or apportion traffic or revenues, or charter space with other common carriers operating in the same trade if it believes that conduct pursuant to the agreement substantially reduces competition in such trade.

(2) The Commission shall reject, modify, or terminate any agreement subject to investigation pursuant to paragraph (1) if it determines that conduct pursuant to the agreement substantially reduces competition in the trade concerned unless the agreement—

(A) results in gains in efficiency or services that outweigh any diminution in competition;

(B) is required by an express provision of a government-to-government agreement; or

(C) is in furtherance of foreign policy interests of the United States which outweigh the interests of the United States in preventing the substantial reduction in competition.

(D) permits U.S.-flag carriers to carry cargo of the importing or exporting foreign state which would otherwise be unavailable to such carrier, or available only on unequal terms by reason of the cargo reservation laws or trading practices (governmental or otherwise) of such state, provided that such agreement is not unjustly discriminatory among U.S.-flag carriers.

(3) The sole remedy under the Act for conduct found to violate paragraph (2) shall be rejection, termination, or modification of the agreement.

(e) REPORTS.—The Commission shall make a written report of every investigation made under this Act in which a hearing was held, which states its conclusions, decisions, findings of fact, and order. A copy of this report shall be furnished to all parties. The Commission shall publish each report for public information, and such authorized publication shall be competent evidence of those reports in all courts of the United States.

(f) REPARATIONS.—For any complaint filed within four years after the cause of action accrued, the Commission shall, upon petition of the complainant and after notice and hearing, direct payment of reparations to the complainant for actual injury (which, for purposes of this subsection, also includes the loss of interest from the date of injury) caused by a violation of this Act. Upon a showing that the injury was caused by activity that is prohibited by section 10(b) (5) or (7) or section 10(d) (1) or (4), or that violates section 10(c) (2) or (3), the Commission may direct the payment of additional amounts; but the total recovery of a complainant may not exceed twice the amount of the actual injury. In the case of injury caused by an activity that is prohibited by section 10(b)(6) (A) or (B), the amount of the injury shall be the difference between the rate paid by the injured shipper and the most favorable rate paid by another shipper.

(g) INJUNCTION.—

(1) In connection with any investigation conducted under this section, the Commission may bring suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that the Commission has reasonable cause to believe that a violation of this Act has or is about to take place, and that the enjoining of that conduct is in the interest of the public, and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the issues under investigation. Any such suit shall be brought in the district in which the defendant person, partnership, or corporation resides or transacts business.

(2) After filing a complaint with the Commission under subsection (a), the complainant may file suit in a district court of the United States to enjoin conduct in violation of this Act. Upon a showing that standards for granting injunctive relief by courts of equity are met and after notice to the defendant, the court may grant a temporary restraining order or preliminary injunction for a period not to exceed ten days after the Commission has issued an order disposing of the complaint. Any such suit shall be brought in the district in which the defendant person, partnership, or corporation has been sued by the Commission under paragraph (1); or, if no suit has been filed, in any district in which the defendant person, partnership, or corporation resides or transacts business.

SEC. 12. SUBPENAS AND DISCOVERY.

(a) IN GENERAL.—In investigations and adjudicatory proceedings under this Act—

(1) depositions, written interrogatories, and discovery procedures may be utilized by any party under rules and regulations issued by the Commission which rules and regulations, to the extent practicable, shall be in conformity with the rules applicable in civil proceedings in the district courts of the United States; and

(2) the Commission may by subpena compel the attendance of witnesses and the

production of books, papers, documents, and other evidence.

(b) WITNESS FEES.—Witnesses shall, unless otherwise prohibited by law, be entitled to the same fees and mileage as in the courts of the United States.

SEC. 13. PENALTIES.

(a) ASSESSMENT OF PENALTY.—Whoever violates any provision of this Act, or any regulation issued thereunder, or Commission order is liable to the United States for a civil penalty. The amount of the civil penalty, unless otherwise provided in this Act, may not exceed $5,000 for each violation unless the violation was willfully and knowingly committed, in which case the amount of the civil penalty may not exceed $25,000 for each violation. Each day of a continuing violation shall constitute a separate offense.

(b) TARIFF SUSPENSION.—

(1) For any violation of section 10(b)(1), (2), (3), (4), or (8), the Commission may suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member, for a period not to exceed twelve months.

(2) For failure to supply information ordered to be produced or compelled by subpena under section 12, the Commission may, after notice and opportunity for hearing, suspend any or all tariffs of any common carrier, or that common carrier's right to use any or all tariffs of conferences of which it is a member.

(3) Any common carrier who accepts or handles cargo for carriage under a tariff that has been suspended or after its right to utilize that tariff has been suspended shall be subject to a civil penalty of not more than $50,000 for each shipment.

(4) If, in defense of its failure to comply with a subpena or discovery order, a common carrier alleges that documents or information located in a foreign country cannot be produced because of the laws of that country, the Commission shall immediately notify the Secretary of State of the failure to comply and of the allegation relating to foreign laws. Upon receiving the notification, the Secretary of State shall promptly consult with the government of the nation within which the documents or information are alleged to be located for the purpose of assisting the Commission in obtaining the documents or information sought.

(5) Before any tariff suspension ordered under this subsection becomes effective, it shall be immediately submitted to the President who may, within ten days after receiving it, disapprove the order if he finds that disapproval is required for reasons of the national defense or the foreign policy of the United States.

(c) ASSESSMENT PROCEDURE.—Every civil penalty provided for in this Act may be assessed by the Commission after notice and an opportunity for hearing. In determining the amount of the penalty, the Commission shall take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree or culpability, history of prior offenses, ability to pay, and such other matters as justice may require. The Commission may compromise, modify, or remit, with or without conditions, any civil penalty which is subject to assessment under this section.

(d) REVIEW OF CIVIL PENALTY.—Any person against whom a civil penalty is assessed under this Act may obtain review thereof under chapter 158 of title 28, United States Code.

(e) FAILURE TO PAY ASSESSMENT.—If any person fails to pay an assessment of a civil penalty after it has become final or after the appropriate court has entered final judgment in favor of the Commission, the Commission shall seek to recover the amount assessed in any appropriate district court of the United States. In such action, the court shall enforce the Commission's order unless it finds that the order was not regularly made or duly issued.

(f) LIMITATIONS.—

(1) No fine or other punishment may be imposed for criminal conspiracy to violate any provision of this Act, or to defraud the Commission by concealment of any such violation.

(2) Any proceeding to assess a civil penalty under this section shall be commenced within five years from the date the violation occurred.

SEC. 14. COMMISSION ORDERS.

(a) IN GENERAL.—Orders of the Commission relating to any violation of this Act or any regulation issued thereunder shall be made only after opportunity for hearing and upon sworn complaint or on its own motion. Each order of the Commission shall continue in force for the period of time specified in the order or until suspended, modified, or set aside by the Commission or a court of competent jurisdiction.

(b) REVERSAL OR SUSPENSION OF ORDERS.—The Commission may reverse, suspend, or modify any order made by it, and upon application of any party to a proceeding may grant a rehearing of the same or any matter determined therein. No rehearing shall, except by special order of the Commission, operate as a stay of such order.

(c) ENFORCEMENT OF NONREPARATION ORDERS.—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Commission, or any party injured by such violation, or the Attorney General may seek enforcement by any United States district court having jurisdiction over the parties. If after hearing, the court determines that the order was properly made and duly issued, it shall enforce the order by an appropriate injunction or other process, mandatory or otherwise.

(d) ENFORCEMENT OF REPARATION ORDER.—(1) In case of violation of any order of the Commission for the payment of reparation, the person to whom such award was made may seek enforcement of such order in any United States district court having jurisdiction of the parties.

(2) In any United States district court the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and the petitioner shall not be liable for costs, nor for the costs of any subsequent stage of the proceedings, unless they accrue upon his appeal. A petitioner in a United States district court who prevails shall be allowed a reasonable attorney's fee to be assessed and collected as part of the costs of the suit.

(3) All parties in whose favor the Commission has made an award of reparation by a single order may be joined as plaintiffs, and all other parties in such order may be joined as defendants, in a single suit in any district in which any one such plaintiff could maintain a suit against any one such defendant. Service of process against such defendant not found in that district may be made in any district in which is located any office of, or point of call on a regular route operated by, such defendant. Judgment may be entered in favor of any plaintiff against the defendant liable to that plaintiff.

(e) STATUTE OF LIMITATIONS.—Any action seeking enforcement of a Commission order shall be filed within four years after the date of the violation of the order.

(f) REPRESENTATION IN COURT.—Attorneys employed by the Commission shall, if the Commission so directs, appear for and represent the Commission in any case before a court of the United States or a State of the United States.

SEC. 15. REPORTS AND CERTIFICATES.

(a) REPORTS.—The Commission may require any common carrier, or any officer, receiver, trustee, lessee, agent, or employee thereof, to file with it any periodical or special report or any account, record, rate, or charge, or memorandum of any facts and transactions appertaining to the business of that common carrier. The report, account, record, rate, charge, or memorandum shall be made under oath whenever the Commission so requires, and shall be furnished in the form and within the time prescribed by the Commission. Conference minutes required to be filed with the Commission under this section shall not be released to third parties or published by the Commission.

(b) CERTIFICATION.—The Commission shall require the chief executive officer of every common carrier and, to the extent it deems feasible, may require any shipper, consignor, consignee, or broker to file a periodic written certification made under oath with the Commission attesting to—

(1) a policy prohibiting the payment, solicitation, or receipt of any rebate that is unlawful under the provisions of this Act;

(2) the fact that this policy has been promulgated recently to each owner, officer, employee, and agent thereof;

(3) the details of the efforts made within the company or otherwise to prevent or correct illegal rebating; and

(4) a policy of full cooperation with the Commission in its efforts to end those illegal practices.

Failure to file a certification shall result in a civil penalty of not more than $5,000 for each day the violation continues.

SEC. 16. EXEMPTIONS.

The Commission, upon application or on its own motion, may by order or rule exempt for the future any specified activity or class of agreements subject to this Act from any requirement of this Act, if it finds that the exemption will not substantially impair effective regulation by the Commission and is not likely to result in any significant lessening of competition in any trade serving the United States in which ocean common carriers operate. The Commission may attach conditions to any exemption and may, by order, revoke any exemption. No order or rule of exemption or revocation of exemption may be issued unless opportunity for hearing has been afforded interested persons who, for purposes of this section, include the departments and agencies of the United States.

SEC. 17. REGULATIONS.

The Commission may promulgate rules and regulations as necessary to carry out the provisions of this Act.

SEC. 18. COMMISSION ON THE DEREGULATION OF INTERNATIONAL OCEAN SHIPPING.

(a) ESTABLISHMENT AND COMPOSITION.—(1) There is established the Commission on the Deregulation of International Ocean Shipping (hereinafter referred to in this section as the "Commission").

(2) The Commission shall be composed of twenty-two members as follows:

(A) The President or a person designated by him.

(B) The Secretary of State, the Attorney General, the Secretary of Transportation, the Chairman of the Federal Trade Commission, and the Chairman of the Federal Maritime Commission, or a person designated by each official.

(C) Four members from the United States Senate appointed by the President, two from the membership of the Committee on Commerce, Science, and Transportation and two from the membership of the Committee on the Judiciary.

(D) Four members from the United States House of Representatives appointed by the President, two from the membership of the Committee on Merchant Marine and Fisheries and two from the membership of the Committee on the Judiciary.

(E) Eight members from the private sector appointed by the President, including representatives of ocean common carriers, shippers, maritime labor organizations, and ports.

(3) The President or his designee shall be the chairman of the Commission.

(4) The majority leader of the Senate and the Speaker of the House shall make recommendations for the appointments of their respective members to be made pursuant to paragraph (2) (C) and (D) within thirty days after the date of the enactment of this Act.

(5) The President shall make all of the appointments in accordance with paragraph (2) after receiving the recommendations set forth in paragraph (a)(4), but such appointments shall be made no later than sixty days after such date of enactment. The membership of the Commission shall be selected in such a manner as to be broadly representative of the various interests, needs, and concerns which may be affected by deregulation of international shipping.

(6) The first meeting of the Commission shall be called by the President no later than thirty days after the beginning of the first fiscal year occurring after the date of the enactment of this Act.

(7) The term of office for members shall be for the term of the Commission.

(8) A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner in which the original appointment was made.

(9) Twelve members of the Commission shall constitute a quorum (but a lesser number may hold hearings).

(10) The Commission shall select a vice chairman from among its members.

(b) COMPENSATION OF MEMBERS OF THE COMMISSION.—(1) Officials of the United States Government and Members of Congress who are members of the Commission shall serve without compensation in addition to that received for their services as officials and Members, but they shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(2) Members of the Commission appointed from the private sector shall each receive compensation not exceeding the maximum per diem rate of pay for grade 18 of the General Schedule under section 5332 of title 5 of the United States Code when engaged in the performance of duties vested in the Commission, plus reimbursement for actual travel, subsistence, and other necessary expenses incurred by them notwithstanding the limitations contained in sections 5701 through 5733 of title 5 of the United States Code in the performance of such duties.

(3) Members of the Commission appointed from the private sector shall not be subject to Title II of the Ethics in Government Act of 1978, Public Law 95-521, as amended, or to the provisions of section 208 of title 18 of the United States Code. Prior to commencing service, such members shall file with the Commission a statement disclosing their financial interests and business and other relationships involving or relating to ocean transportation. Such statements shall be available for public inspection at the Commission's offices.

(c) COMMISSION FUNCTIONS.—The Commission shall conduct a comprehensive study of, and make recommendations concerning, the deregulation of international ocean shipping by common carriers. Such comprehensive study shall specifically address—

(1) various options for deregulation of the international ocean shipping industry, with reference to their ability to promote an efficient, stable, and competitive United States common carrier fleet;

(2) the opportunities for harmonizing United States policy toward international ocean shipping with the policies of our major trading partners;

(3) the system for determining tariffs based on the classification of goods and its role in a future deregulated industry; including the most effective method for eliminating unnecessary cargo classifications as a basis for establishing tariffs and the feasibility of establishing a single tariff by each conference or common carrier for all cargoes shipped in units of comparable size, weight, and handling characteristics.

(4) the role of the antitrust laws in the international shipping industry and their impact upon our relations with foreign nations;

(5) the impact of the "rules of competition" being considered by our trading partners and their relationship to the trend in the developing world towards structured cartelization;

(6) the impact deregulation may have on the growth of State-owned or State-controlled merchant fleets;

(7) the size of the United States liner fleet, by number and cargo capacity, which each of the deregulation options may produce; and

(8) the future structure and role of the Federal Maritime Commission in a deregulated industry.

(d) POWERS OF THE COMMISSION.—The Commission or, on the authorization of the Commission, any subcommittee thereof, may, for the purpose of carrying out its functions, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses, and the production of such books, records, correspondence, memorandums, papers, and documents as the Commission or such subcommittee may deem advisable. Subpenas may be issued to any person within the jurisdiction of the United States courts, under the signature of the chairman or vice chairman, or any duly designated member, and may be served by any person designated by the chairman, the vice chairman, or such member. In the case of the failure of any witness to comply with any subpena or to testify when summoned under authority of this section, the provisions of sections 102 through 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply to the Commission to the same extent as such provisions apply to Congress.

(2) For purposes of sections 552, 552a and 552b of title 5, United States Code, the Commission shall not be considered to be an "agency", as such term is defined in sections 551(1) and 552(e) of such title 5. The Commission shall not be subject to the provisions of the Federal Advisory Committee Act, Public Law 92-463, as amended.

(3) Each department, agency, and instrumentality of the executive branch of the Government, incuding independent agencies, is authorized and directed to furnish to the Commission, upon request made by the chairman or vice chairman, such information as the Commission deems necessary to carry out its functions under this section.

(4) Subject to such rules and regulations as may be adopted by the Commission, the chairman shall have the power to—

(A) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(B) procure temporary and intermittent services in accordance with the provisions of section 3109 of title 5, United States Code.

(5) Persons in the employ of the Commission pursuant to subsection (4) shall be considered to be Federal employees for all purposes, including—

(1) the Civil Service Retirement Act, as amended (5 U.S.C. 2251-2267),

(2) the Federal Employees' Group Life Insurance Act of 1954, as amended (5 U.S.C. 2091-2103),

(3) annual and sick leave, and

(4) the Travel Expense Act of 1949, as amended (5 U.S.C. 835-842).

(6) The Chairman may rent office space for the Commission, may utilize the services and facilities of other Federal agencies with or without reimbursement, may accept voluntary services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), may accept, hold and administer gifts from non-governmental sources and transfers of funds from other Federal agencies, and may enter into contracts with any public or private person or entity for reports, research or surveys in furtherance of the work of the Commission.

(e) FINAL REPORT.—The Commission shall submit to the President and to the Congress not later than one year after the first meeting of the Commission, a final report containing a detailed statement of the findings and conclusions of the Commission resulting from the study undertaken pursuant to subsection (c), including its recommendations for such administrative, judicial, and legislative action which it deems advisable. Any formal recommendation made by the Commission to the President and to the Congress must have the majority vote of the Commission present and voting.

(f) EXPIRATION OF THE COMMISSION.—The Commission shall cease to exist 60 days after the submission to Congress of the final report under subsection (e).

(g) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated

such sums as may be necessary to carry out the activities of the Commission.

SEC. 19. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The laws specified in the following table are repealed.

Shipping Act, 1916:	
Sec. 13	36 Stat. 117
Sec. 14a	46 U.S.C. 813
Sec. 14b	46 U.S.C. 813a
Sec. 18(b)	46 U.S.C. 817(b)
Sec. 18(c)	46 U.S.C. 817(c)
Sec. 26	46 U.S.C. 825
Merchant Marine Act, 1920:	
Sec. 20	41 Stat. 996
Merchant Marine Act, 1936:	
Sec. 212(e)	46 U.S.C. 1122(e)
Sec. 214	46 U.S.C. 1124
Omnibus Budget Reconciliation Act of 1981:	
Sec. 1608(c)	95 Stat. 752

(b) CONFORMING AMENDMENTS.—The Shipping Act, 1916 (39 Stat. 728), as amended (46 U.S.C. 801 et seq.), is amended as follows:

(1) in section 1 by striking the definition "controlled carrier";

(2) in sections 14, 15, 16, 20, 21(a), 22, and 45 by striking "common carrier by water" wherever it appears in those sections and substituting "common carrier by water in interstate commerce";

(3) in section 14, first paragraph, by striking "or a port of a foreign country";

(4) in section 14, last paragraph, by striking all after the words "for each offense" and substituting a period;

(5) in section 15, fourth paragraph, by striking "(including changes in special rates and charges covered by section 14b of this Act which do not involve a change in the spread between such rates and charges and the rates and charges applicable to noncontract shippers)" and also "with the publication and filing requirements of section 18(b) hereof and";

(6) in section 15, sixth paragraph, by striking ", or permitted under section 14b," and in the seventh paragraph, by striking "or of section 14b";

(7) in section 16, in the paragraph designated "First", by striking all after "disadvantage in any respect" and substituting "whatsoever.";

(8) in section 17 by striking the first paragraph, and in the second paragraph, by striking "such carrier and every";

(9) in section 21(b) by striking "The Commission shall require the chief executive officer of every vessel operating common carrier by water in foreign commerce and to the extent it deems feasible, may require any shipper, consignor, consignee, forwarder, broker, other carrier or other person subject to this Act," and substituting "The Commission may, to the extent it deems feasible, require any shipper, consignor, consignee, forwarder, broker, or other person subject to this Act,";

(10) in section 22 by striking subsection (c);

(11) in section 25, at the end of the first sentence, by adding "under this Act";

(12) in sections 29, 30, and 31, after the words "any order of the board", by adding "under this Act,";

(13) in section 32(c), after the words "or functions,", by adding "under this Act,";

(14) in section 44, by striking all and substituting:

"(a) LICENSE.—No person may engage in carrying on the business of forwarding unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person who—

"(1) the Commission determines to be qualified by experience and character to render forwarding services; and

"(2) furnishes a bond in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the United States Department of the Treasury.

"(b) SUSPENSION OR REVOCATION.—The Commission shall, after notice and hearing, suspend or revoke any license if it finds that the independent ocean freight forwarder is not qualified to render forwarding services, or for willful failure to comply with any provision of this Act, or with any lawful order, rule, or regulation of the Commission.

"(c) EXCEPTION.—A person whose business is the sale of merchandise may forward shipments of that merchandise for his own account without a license.

"(d) COMPENSATION OF FORWARDERS BY CARRIERS.—

(1) A common carrier may compensate an independent ocean freight forwarder in connection with any cargo shipment dispatched on behalf of others only when the independent ocean freight forwarder has certified in writing that it holds a valid license and has performed the following services:

"(A) engaged, booked, secured, reserved, or contracted directly with the carrier or its agent for space aboard a vessel or confirmed the availability of that space; and

"(B) prepared and processed the ocean bill of lading, dock receipt, or other similar document with respect to the cargo.

"(2) A common carrier may not pay compensation for services described in paragraph (1) more than once on the same cargo shipment.

"(3) No compensation may be paid to an independent ocean freight forwarder except in accordance with the tariff requirements of this Act.

"(4) No independent ocean freight forwarder may receive compensation from a common carrier with respect to any shipment in which the forwarder has a direct or indirect beneficial interest nor shall a common carrier knowingly pay compensation on such shipment.".

(c) TECHNICAL AMENDMENTS.— Section 212 of the Merchant Marine Act, 1936 (46 U.S.C. 1122) is amended by—

(1) striking after subsection (d) the following undesignated paragraph:

"The Federal Maritime Commission is authorized and directed—";

and

(2) striking after subsection (e) the following undesignated paragraph:

"The Secretary of Transportation is authorized and directed—".

(d) EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.—All agreements, contracts, modifications, and exemptions previously approved or licenses previously issued by the Commission shall continue in force and effect as if approved or issued under the provisions of this Act; and all new agreements, contracts, and modifications to existing, pending, or new contracts or agreements shall be considered under the provisions of this Act.

(e) SAVINGS PROVISIONS.—

(1) Notwithstanding subsection 8(c), each service contract entered into by a shipper and an ocean common carrier or conference before the date of enactment may remain in full force and effect and need not comply with the requirements of that subsection until January 1, 1984.

(2) This Act and the amendments made by it shall not affect any suit at law filed before April 1, 1982.

SEC. 20. EFFECTIVE DATE.

This Act shall become effective one hundred and eighty days after the date of its enactment, except that sections 17, 18, and 19 shall become effective upon enactment.

The SPEAKER pro tempore. Is a second demanded?

Mr. McCLOSKEY. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will be recognized for 20 minutes, and the gentleman from California (Mr. McCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4384, a bill designed to improve international ocean commerce as it affects the United States. As this bill proceeded through both the Committee on Merchant Marine and Fisheries and the Committee on the Judiciary, it was subjected to intensive scrutiny and far-ranging debate.

The legislation is a refinement of many years of hard work by Members of this body. We have benefited from the advice and contributions by members of the ocean transportation industry, organized labor, and particularly the consumers of regulated ocean shipping services—these American importers and exporters whose very existence is dependent upon a competitive, rational, and reliable ocean transportation system.

H.R. 4374 was reported by the Committee on Merchant Marine and Fisheries on June 16, following which the Committee on the Judiciary held hearings and marked up a bill which was ordered reported on the 30th of July. The bill before us today is, with minor exceptions, the bill reported out of the Committee on the Judiciary. I congratulate that committee and its chairman on the way they approached this most vital measure. They helped to devise the necessary balance to assure that competition remains a hallmark of ocean shipping and that the maximum safeguards be provided to those who must depend on liner shipping.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO), the able

chairman of the Committee on the Judiciary.

Mr. RODINO. Mr. Speaker, I am pleased to join my distinguished colleague from North Carolina, the chairman of the Committee on Merchant Marine and Fisheries, in urging the adoption of H.R. 4374, the Shipping Act of 1982.

The legislation before us today is the outcome of the deliberations of both the Merchant Marine and the Judiciary Committees. It represents a careful balancing of the interests of the ocean carriers, the shippers who pay for their services, and the ultimate consumers.

The bill will achieve a number of meritorious objectives. By clarifying the substantive law and expediting the procedures before the Federal Maritime commission, we can acheive greater certainty and substantially lessen the cost of regulation. Less regulation can benefit not only the industry, but also the consumers who ultimately pay the cost of shipping services.

The bill removes the vague and sometimes unworkable "public interest" standard for approval of agreements among carriers, and substitutes a complete list of prohibited practices, intended to insure the protection of user interests. And while the bill allows the ocean carrier cartels to continue operations, it provides for the formation of a Presidential Study commission to make recommendations within 1 year for a more complete deregulation and restoration of competitive principles in the industry.

Critics of the ocean carriers have suggested for years that the cartel arrangements among carriers should no longer be tolerated. Deregulation of this industry, however, is complex—it involves not only the ships and ports of our Nation, but the ships and port facilities of every other maritime nation as well. And deregulation must be undertaken with a sensitivity for the interests and values of these other nations. The Study Commission will afford us an opportunity to move with a moderate, sensitive, but firm gait toward the ultimate deregulation we seek.

The bill that is offered today is largely in the form reported by the Judiciary Committee on July 30 of this year. Since that date, Chairman JONES and I have agreed on a few additional changes to resolve areas of difference between the two committees. None of these additional changes significantly affects the antitrust protections built into the Judiciary amendment. Indeed, in a number of cases, the additional language we have added should clarify and strengthen competitive principles. For example, a newly added definition of joint ventures will spell out more clearly the types of corporate combinations that fall within the restrictions of section 10(a) of the bill. Additional language has also been added to make sure that unreasonable refusals to deal by common carriers are prohibited.

I am also satisfied that this legislation will have no significant negative impact on port authorities or marine terminal operators. For the most part, this bill is concerned with the conduct of ocean carriers. Nothing in the legislation will alter the current law permitting marine terminal operators to enter into agreements among themselves and with ocean carriers. If those agreements are approved by the Federal Maritime Commission, they are granted limited antitrust immunity.

Under this legislation, agreements between marine terminal operators and carriers will be subject to the procedures set forth in section 5 of the bill. Other agreements will remain subject to the Shipping Act of 1916. Thus, ports would not be treated any differently under the antitrut laws than they are now if this legislation is enacted. Whether agreements are filed pursuant to the Shipping Act of 1982, or under the Shipping Act of 1916, we would expect that the Commission would process them with the same dispatch.

During consideration of this legislation by the Committee on the Judiciary, concern was expressed that the Maritime Commission would have no authority to restrict pooling arrangements that have severely anticompetitive effects and no countervailing benefits. To resolve this problem, the committee added section 11(d) to the bill, which allows the Commission to investigate such pooling arrangements and modify or terminate the underlying agreements. Because many such pooling arrangements may promote efficiency or have other public policy benefits, section 11(d) does not authorize advance or preclearance disapproval by the Commission—the Commission may act only when the agreement is in effect and it believes that conduct pursuant to the agreement substantially reduces competition.

After the committee filed its report, concern was expressed that the language of section 11(d) could unfairly call into question existing revenue pooling involving the northbound and southbound east and gulf coast Brazil and Argentina trades. U.S.-flag carriers have a legitimate interest in preserving their business in trades which, as the result of restrictive and protective laws passed by other nations, could jeopardize their continued participation. Accordingly, I have agreed with Chairman JONES to add a new subparagraph 11(d)(2)(D) providing that such pooling agreements will be allowed when they permit U.S.-flag carriers to continue operating in trades subject to cargo reservation laws or trading practices that operate unequally or unfairly with respect to the U.S.-flag carrier. Such agreements may, of course, be allowed under sections 11(d)(2)(a)-(c), as well.

A number of distinguished members of both committees have played a vital role in bringing this legislation to the floor. I want to acknowledge in particular the work of the gentleman from New York (Mr. BIAGGI) and the gentleman from New Jersey (Mr. HUGHES). Finally, I want to thank the distinguished chairman of the Merchant Marine Committee for the consideration he has shown to our committee in bringing an acceptable bill to the floor.

I urge my colleagues to support this legislation.

Mr. JONES of North Carolina. Mr. Speaker, I yield myself such time as I may consume.

□ 1230

Mr. Speaker, I would like to emphasize the provisions of H.R. 4374 which were added to protect the consumers of shipping services, to provide them with the competitive environment so necessary if the foreign trade of the United States is to prosper. These protections, which serve to weaken conference powers, include:

First, independent action; second, defined standards for loyalty contracts; third, service contracts; fourth, open conferences; and fifth, shippers' councils.

Shipping conference strength is traditionally bolstered by loyalty agreements, in which a shipper can be required to ship all his goods with the conference, in order to get a favorable rate. To offset this element of conference power, H.R. 4374 mandates that such conferences allow their members to offer prices independent of (and presumably lower than) the conference tariff. This is called "independent action." It allows a shipper the chance to convince a single member of the conference to offer better rates and insures that such a rate cannot be stifled by the majority of conference members. Of course, conferences can always choose to offer even more flexible types of independent action.

Loyalty contracts also let a shipper get a lower rate by committing to ship a specified part of his cargoes with the conference. The bill allows the parties to broadly define the scope of loyalty contracts. The commodities and services which may be included in the contract may be determined on the basis of each party's commodity and geographic needs and capabilities; but the shipper is free to drop all or any portion of the loyalty arrangements.

Also, we have added a shipper-requested provision limiting the spread between tariff rate and contract rate to no more than 15 percent.

The bill also allows shippers and carriers to enter into service contracts. Service contracts are a device where an individual shipper can negotiate his own deal with the carrier, independent of the conference. It is another part of the bill which weakens conference powers. The inclusion of legislative standards for service contracts is designed to make this competitive device a tool for innovation available to conferences. Some independents have successfully employed service contracts to tailor service to the mutual needs and benefits of the parties. H.R. 4374 makes clear that such commercial innovation may legally be employed by conferences while making certain that their common carrier responsibility is not abandoned. These changes add a competitive spur within a shipping environment designed to provide efficient and reliable transportation services to our importers and exporters.

I would like to point out briefly the few changes which have been agreed to by the Merchant Marine and Fisheries and the Judiciary Committees, changes which, I repeat, are from the version of the bill reported by the Judiciary Committee.

Several definitional changes were made to clarify the coverage of this legislation and to eliminate any confusion which may have existed. Significant among these are definitions dealing with inland division, a definition made necessary by inclusion in the bill of a requirement that conferences of ocean common carriers may not, as a group, negotiate with inland carriers the inland portion of a through rate. This inclusion is consistent with the deregulatory action the Congress has pursued for domestic carriers, and there is no provision in this bill which frustates the competitive impact of the domestic transportation deregulatory actions we have taken over the past several years. Having introduced and restricted joint venture activity, it became necessary to define what a joint venture is and the technical changes incorporate such a definition; likewise, the prohibition against the formation of net profit or loss pools which was added by the Judiciary Committee required a definition not so broadly drawn so as to eliminate beneficial activity necessary to guarantee efficiency in the ocean transportation field.

The suspension of any agreement and activity which can be ordered by the Federal Maritime Commission under this bill is further clarified in this amendment by applying a fairly standard test that the Commission is likely to find that the agreement will violate the legislation or that some other party may be substantially injured if the agreement is not suspended.

To protect importers and exporters, as well as nonconference carriers, from undue pressure by operators of common carriers working together, we have added restrictions on the kinds of tieing or loyalty agreements which conferences may offer; the amendment restricts loyalty agreement discounts to a maximum of 15 percent.

As reported by the Judiciary Committee, this bill would have prohibited any common carrier to attempt to monopolize a trade. It was agreed that the retention of this provision was inconsistent with the purposes of this legislation, which are to encourage efficiency, competitiveness, and fairness within the context of a system which recognizes concerted activity by groups of ocean common carriers. Since everything in this bill is geared toward protecting the public, while recognizing the validity of these liner conferences, a provision to make illegal the very activity we are regulating was viewed as inappropriate. Therefore, that provision is deleted.

I would like to digress from further explanation of the amendments before us to remind my colleagues that these groups of ocean carriers who are being regulated by this legislation operate as unregulated conferences everywhere in the world. A significant majority of the carriers who would be regulated by this legislation will continue to be foreign carriers operating under the laws of countries which either recognize the existence of this narrow transportation cartel or operate under the laws of a nation which, while restricting anticompetitive devices, provides broad exemptions based upon demonstrable evidence that these cartels work a beneficial effect upon world trade by increasing efficiency and reducing operating costs.

Throughout the world, we have learned that conference pricing truly reflects the cost of doing business. It reflects the competition which is inserted into trade by conference outsiders, and it does not produce the type of monopoly price fixing which many uninformed critics of this system allege is the logical outcome. Consumers of these services throughout the world point to the conference liner system as the most appropriate way of providing regular service at reasonable rates with the maximum of innovation. To this, H.R. 4374 has added the checks against discrimination and other safeguards in the form of enumerated prohibitions which will improve the regulatory scheme in the United States immeasurably.

It is important that my colleagues know, and that the record clearly demonstrate that the regulatory procedures contained within H.R. 4374 apply only to those carriers who operate as liners, that is, carriers of general cargo over regular routes, whose service is freely available to all shippers without discrimination. At no time was this legislation ever intended to permit the formation of conferences or to extend this regulatory scheme to tanker or bulk cargo operators, even if those tanker operators carry chemical parcels in less than full shipload lots.

Among the sanctions and prohibitions in H.R. 4374 which replace the vague and almost impossible-to-apply restrictions in the 66-year-old Shipping Act, are a few which I think should be highlighted. The formation of joint ventures—not conferences—which reduce competition—and cannot be justified by the limited factors specified in the bill—is prohibited. While agreements which conform to statutory requirements go into effect within a time certain, any threatened harm to a competitor, customer, or other person, will subject the agreement to suspension by the Federal Maritime Commission. By the same token, suspension by the Federal Maritime Commission is available if the implementation of the agreement is likely to result in a violation of the law.

Every conceivable technique which may be employed to prevent a competitor from entering a trade, is expressly forbidden. Also, any device which may be employed to discriminate against any shipper, port, another carrier, or any other person, has, for the first time, been expressly identified and prohibited. When combined with new injunctive remedies and civil penalties which can add up to $25,000 a day, H.R. 4374 is not only an improvement over the 1916 Shipping Act; H.R. 4374 protects the public better than the old Shipping Act, even when combined with the sometimes used antitrust sanctions.

To return to the amendments before us, the restrictions against the formation of joint ventures are mitigated to some extent by an amendment which requires that actions by other countries may have the effect of eliminating competition and making it difficult for U.S. interests to exercise their rights to engage freely in world trade; where such situations exist, it may indeed by appropriate to permit the formation of certain limited joint ventures to overcome restrictions which are imposed by others.

A group of amendments were recommended by the Administrative Conference of the United States which affect only the Commission on the Deregulation of International Ocean Shipping which is created by this legislation.

As you can see, the good bill which was reported by the Judiciary Committee remains a good bill and the changes made by amendments between July 30 and today, under agreement between our two committees, has only improved this most necessary legislation.

There is not a single segment of governmental, business, labor, or con-

sumer activity which has not voiced its opinion about H.R. 4374. What appears before us today is a synthesis of multiple efforts and opinions, and reflects in the finest sense that type of compromise of which good legislation is born. To repeat, ocean carriers (foreign and domestic), labor unions, the consumers of the service itself (both importers and exporters) have overwhelmingly attested to the necessity for this legislation and have overwhelmingly asked for our support in approving this legislation

The 1916 Shipping Act, under which we have been operating, granted antitrust immunity to activities engaged in by these ocean conferences. H.R. 4374 creates no new grant of antitrust immunity—H.R. 4374 does not permit cartel price fixing to any extent not currently permitted. H.R. 4374 makes more certain the procedures which must be followed to retain immunity and provides sure and certain sanctions for those who would violate the law. H.R. 4374 minimizes Government intervention, but does not eliminate it. Instead, H.R. 4374 recognizes that competition and efficiency are functions of commercial reality, and that the Government's role is to guarantee that efficiency not be used as the basis for predatory conduct which would eliminate competitors or discriminatory activity which would harm consumers and others. And finally, H.R. 4374 squarely faces the reality that ocean shipping is an international activity and that it is absolutely essential that our practices be in harmony with those of our trading partners.

I ask for, and I am certain you will provide, your support for this important piece of legislation.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) has 8 minutes remaining.

Mr. JONES of North Carolina. Mr. Speaker, I yield such time as he may consume to the subcommittee chairman, the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I am pleased to join the distinguished chairman of the committee and Mr. RODINO, the chairman of the Committee on the Judiciary, in urging enactment of H.R. 4374. Since I introduced this bill in August of last year, we have been working together in a coordinated effort to produce a bill that would address the serious problems facing our merchant marine. We have been joined in that effort by the Members on the other side of the aisle.

H.R. 4374 was developed by the Subcommittee on Merchant Marine, which I chair. We held 4 days of hearings and heard over 30 witnesses. At the conclusion of the hearings, my subcommittee produced a comprehensive redraft of the original bill. Our work product was eventually ratified by the full committee under the fine leadership of the gentleman from North Carolina.

Thus, the bill we are presenting today is the result of our joint efforts and those of the Judiciary Committee—the administration—the Federal Maritime Commission—the maritime industry—shippers—ports—and maritime labor. It is a consensus bill reflecting the interests of each of those groups. Each of them assisted in resolving the many complex issues inherent in this legislation and contributed significantly to the development of the bill.

The bill arises out of several fundamental propositions that are, in my opinion, not subject to challenge. They are:

First, the United States—as the world's greatest trading nation—needs a healthy merchant marine for its economic security and national defense.

Second, we do not have such a merchant marine, and its health is declining rather than improving.

Third, the present poor condition of our merchant marine is, to a great extent, self-inflicted.

Fourth, one of the ways by which we have hampered the health of our merchant marine is through the laws that govern it and their interpretation.

Fifth, it is now time to change those laws.

H.R. 4374 would make some of the changes in law that are necessary. It would remove those constraints in the law that prevent or impede our ocean carriers from engaging in those cooperative activities that would improve their efficiency and enable them to compete on a more equal basis with foreign carriers.

If our ocean carriers are enabled by this legislation to better compete with foreign carriers, the eventual result should be more American ships carrying our trade. That means more American crews and more jobs for Americans. In these days of unacceptably high unemployment, any bill that offers the opportunity for more American jobs is worthy of strong support.

H.R. 4374 would also change the law by simplifying and speeding Government procedures that have made it difficult for our carriers to quickly respond to changing conditions and shipper requirements. These changes should enable them to operate more efficiently and reduce their administrative costs. They should also enable our operators to compete for cargoes with foreign carriers on a more equal basis.

This bill has been attacked by some as being "special interest" legislation. It is—it is in the special interest of the American people. It is aimed at producing a larger, more healthy, and more efficient American merchant marine. And, clearly, that objective is in the best interests of the American people.

The long and diverse list of organizations, corporations, unions, and other interests that have expressed support for this bill confirm that conclusion.

Anyone who looks at the experience of Great Britain in the recent Falkland Islands war cannot fail to be impressed with the important—if not vital—contribution her merchant marine made to Britain's ultimate success. During that conflict, Great Britain used over 50 merchant ships to support its naval task force.

In a similar situation, we in the United States would find it almost impossible to muster comparable resources from our U.S.-flag merchant marine. This bill will, of course, not provide those resources. But it is an important—if not vital—part of the process of revitalizing the American merchant marine so that if we ever have a similar need for merchant ships, we will have them.

In the past 10 years, this greatest trading Nation in the world has seen 10 U.S.-flag steamship companies go bankrupt—an average of one a year. At the present time, there are two more U.S.-flag carriers that are in a poor financial situation.

We are increasingly dependent on foreign-flag vessels for the export of our products to the marketplaces of the world and the importation of our consumer goods. A look around the harbors of New York, Baltimore, and any other U.S. port will confirm our dependence on foreign-flag shipping.

These are the facts. The reasons for the decay and what can be done to reverse this decline are the difficult questions that we have been trying to resolve. H.R. 4374 is but one of our responses to this problem.

H.R. 4374 is an important bill. Its importance is well-stated in a recent letter from the Labor-Management Committee. That letter said:

> For the American merchant marine, H.R. 4374 is an absolute necessity as a building block in fighting its way back to a position of competitive equality with its foreign counterparts. The legislation redresses problems that have led to the diminution of the liner sector of this industry.
>
> A vote for this bill is a vote for American shipping, American consumers, American labor, and American security.

I concur with that statement and urge the support of all Members for H.R. 4374.

The basic purpose of H.R. 4374 is to improve the international ocean commerce transportation system of the United States. It does this by rewriting that portion of the 1916 Shipping Act, that regulates common carriers by water in foreign commerce. That act was aimed at eliminating cutthroat competition in ocean shipping and to bring a measure of stability to that business so that American exporters would not be a disadvantage as compared to their foreign competitors.

The 1916 act accomplished its purpose by granting ocean common carriers and conferences of those carriers immunity from the antitrust laws of the United States. That enabled American carriers to engage in the type of cooperative activities that were engaged in by their counterparts overseas and that led to increased efficiency in usage of their vessels.

Unfortunately, since 1916, the original purpose of the act has become distorted. In the intervening years, both the enforcement and judicial interpretation of the act have undergone substantial change. As a result, ocean carriers operating in our foreign trades today are unable to predict with any certainty the extent of the antitrust exemption granted in 1916. One aim of H.R. 4374 is to eliminate those uncertainties and reaffirm the act's principles.

A second problem the bill addresses is the procedural delays that are common in enforcement of the 1916 act. It often takes many many months or years for a carrier to receive approval for a proposed cooperative arrangement. This greatly reduces their ability to quickly respond to changed economic and trade conditions. H.R. 4374 addresses this problem by modernizing and simplifying the procedures before the Federal Maritime Commission—the agency that administers our maritime regulatory law.

In the 1916 Shipping Act, Congress concluded that the ocean carriers serving our foreign commerce must be immune from the antitrust laws. After extensive hearings, study, and input from numerous sources, I—and the subcommittee I chair—reached the same conclusion. We recognized, as did the 1916 Congress, that we are dealing with an international, not a domestic, industry. The antitrust laws that apply domestically cannot work when applied to an industry to which the rest of the world does not apply such concepts.

Only the United States has followed a philosophy that limits the activities of conferences and carriers through a combination of regulatory and antitrust oversight of rates and practices. The result has been insecurity, delays in regulatory approvals for, or rejection of, practices standard elsewhere, excessive and unpredictable Government intervention, and the anomalies and irritations that inevitably arise from the attempt to impose our laws on foreign parties whom our laws can only imperfectly control. Our foreign counterparts feel imposed upon in the name of a policy they do not embrace, and our own operators are the victims of an ever-changing regime that is only partially effective when applied to their foreign competitors.

While H.R. 4374 retains and strengthens the basic antitrust immunity for the ocean liner industry, it also provides numerous protections to insure that they do not abuse their monopoly powers. The bill contains a long list of prohibited acts with meaningful penalties that are, in some cases, heavier than those in the 1916 act.

A feature of the bill that is worthy of note is its recognition of the intermodal movement of cargo as a common form of ocean transportation service. H.R. 4374 recognizes this fact and allows conferences to set a single through rate for an intermodal movement. They do not need to show the division of that rate between the water and the inland portion of the transport. The long-standing position of the Justice Department—which is to prohibit conferences from reaching agreement with inland transportation cartels—remains intact. In furtherance of the competitive intent of this position, the negotiation of rates with inland carriers must be undertaken by individual ocean carriers.

Despite the administration's recommendation to the contrary, the bill retains the present requirement that tariffs be filed with the Federal Maritime Commission. This was a subject of considerable controversy, but I remain convinced that tariff filing is essential for enforcement of the common carrier concepts inherent in the bill and for the prevention of discriminatory practices. Neither carriers nor shippers supported the administration's proposal to end the tariff filing requirement. Even though tariff filing is retained in the bill, I understand that the administration fully supports H.R. 4374 in its present form.

I would like to briefly address the impact this legislation will have on a vital component of our national maritime industry—port authorities or marine terminal operators. For the most part, this bill is concerned with the conduct of ocean carriers and does not deal directly with the activities of port authorities. However, the Judiciary and Merchant Marine Committees were aware that, under current law, marine terminal operators can and do enter into agreements among themselves and with ocean carriers; and, if those agreements are approved by the Federal Maritime Commission, they are granted limited antitrust immunity.

Nothing in the Shipping Act of 1982 alters that. Agreements between marine terminal operators and carriers will be subject to the procedures set forth in section 5 of the bill. Other agreements will remain subject to the Shipping Act of 1916. Thus, ports would not be treated any differently under the antitrust laws than they are now if this legislation is enacted.

A key component of this legislation is that it provides for the Federal Maritime Commission to expedite its review of agreements which must be filed with it for approval, and to process those agreements under clear and precise standards. This, of course, would be applicable to those terminal agreements which must be filed pursuant to the Shipping Act of 1982—and, while no procedural changes have been made in the Shipping Act of 1916, we would expect that the Commission would process terminal agreements which must be filed pursuant to the 1916 act with the same dispatch.

In summary, H.R. 4374 recognizes the need to amend the present law and provide a modern and realistic regulatory scheme that will allow U.S. carriers and shippers to conduct international ocean commerce in a stable, efficient, and competitive manner within a fair trade environment.

It attempts to provide clearcut rules and procedures applicable to both foreign-flag and U.S.-flag operators within an equitable and competitive commercial environment. While advancing the commercial interests of the carrier as well as the shipper, it also attempts to prevent U.S.-flag vessels from being driven from the liner trades by a regulatory scheme that previously has weighed disproportionately heavily on U.S. operators.

I believe that this legislation is the first step in the process of revitalizing our merchant marine. Its enactment is essential if our country is to have the strong merchant marine it needs for its economic and military security.

IN SUPPORT OF H.R. 4374

Administration (September 8, 1982 letter).
Council of American-Flag Ship Operators (representing U.S.-flag liner operators).
Council of European & Japanese National Shipowners Assn. (CENSA) (representing major foreign-flag operations).
Labor-Management Maritime Committee (representing labor as well as management in the marine industry).
America Farm Bureau.
North Atlantic Ports Association.
Transportation Association of America.
Motor Vehicle Manufacturers Association.
U.S. Council for International Business.
National Customs Brokers and Forwarders Association.
National Industrial Traffic League (representing 1,800 shippers, shipper associations, boards of trade, chambers of commerce, et al).
National Association of Recycling Industries.
American Association of Port Authorities.
Navy League of the United States.
National Council of Farmers Cooperatives.
Warner-Lambert.
Lubrizol.
Julius Wile & Sons.
Union Carbide.
ARCO Chemical Co.
Dupont.
Ford Motor Co.
FMC.
Rohm & Haas.
Sea-Land Services.
National Maritime Council.
Joint Maritime Congress.
Transportation Institute.
AFL-CIO Maritime Committee.

All seafaring unions.

IN OPPOSITION TO H.R. 4374

Hiram Walker & Sons, Inc.
Consumer Federation of America.
All Brands Importers.
National Association of Beverage Importers.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Speaker, I thank the chairman of the Committee on Merchant Marine and Fisheries.

Mr. Speaker, it is with some dismay that I rise to oppose the motion to suspend the rules and pass H.R. 4374, the proposed Shipping Act of 1982. I feel strongly that this bill should not be considered in any manner that precludes proper debate and the offering of appropriate amendments. The leadership decision to allow the bill to be brought to the floor today has been objected to by me and other members of the Judiciary Committee including the ranking minority member, Representative ROBERT MCCLORY. At least three members of the Judiciary Committee have amendments they would like to offer. As a result, the procedure being followed today has the effect of attempting to gag us. In addition, the Members should be aware that the version of the bill being presented today differs from the reported versions, has not been reviewed by any committee, and was not even made available to us until Friday—much too late for us to analyze it or receive public comment.

Mr. Speaker, my objections to the motion to suspend the rules are also based on the extremely adverse effect of H.R. 4374 on the national economy. If enacted, this bill would give international shipping cartels the unbridled power to control the ocean liner trades of the United States. Under the bill such cartels—comprised mostly of foreign corporations—are specifically authorized to fix shipping prices as well as to allot ports and allocate cargoes. The effects of the bill would be to reduce services and, according to estimates that I consider reliable, to increase the costs of ocean liner transportation by some 20 percent.

The purpose of the act, according to the very first sentence of the Merchant Marine and Fisheries Committee report is "to exempt from the antitrust laws those agreements and activities subject to regulation by the Federal Maritime Commission;" further, "FMC is provided exclusive jurisdiction in administering all the (relevant) provisions of the Shipping Act * * *" Yet the House Judiciary has had inadequate time to review this regulation.

The bill is complex, and, in many instances, what appear to be protections against abuse of conference monopoly power in one portion of the bill are modified into insignificance in other portions. In brief outline, the bill works by granting antitrust exemption to ocean liner companies and their cartels—the "conferences"—for a long list of important actions. It makes legal a large and indeterminate number of acts that, under existing legislation, are illegal. These explicit increases in the cartels' legal actions are reinforced by making it more difficult to prove illegality and by minimizing the scope and severity of penalties and recoverable damages.

Six authorized activities are, in brief: To fix rates—the essence of anticompetitive cartel action; to pool traffic and revenues; allot ports or restrict or regulate the number of sailings; limit the volume of cargo to be carried; engage in exclusive, preferential, or cooperative working arrangements, and enter into other agreements to control, regulate or prevent competition among themselves. Section 7(a) provides that the antitrust laws do not, with minor exceptions, apply to any of these activities. In addition loyalty contracts, the ocean liner conferences' classic tool of economic discrimination are preserved, but with effective regulation eliminated.

Further, in a frightening example of newspeak, provision is made for what is euphemistically called independent action. There is, in fact, no genuine right of independent action mandated in the bill. Instead, conferences are required to permit independent action only if they already have loyalty contracts in effect and if the proponent of the independent rate submits its proposal to all the other members of the cartel. Since conferences normally operate under a unanimity rule, the gains from any unpopular, independent action would have to be weighed against the costs of alienating other members of the conference—any one of which could veto some future proposal. Consequently, truly independent action is most unlikely. What is much more likely is action to cut rates even below the cartels' loyalty contract rates in order to exclude potential independent competition or some small shipper at the behest of a powerful customer. Thus, although fighting ships would be illegal under the act, fighting rates are authorized. The fact that dual rates, independent action and service contracts can be instituted only through the conferences eliminates the theoretical possibility that discounts could reduce the monopolistic power of conferences.

The bill also weakens the present protections against anticompetitive actions:

First, although the authorized agreements and actions are strongly anticompetitive, the burden of proof is shifted from the parties to the agreement, where it lies under present law, to anyone challenging an agreement.

Second, the Commission can no longer reject any conference agreement on the grounds that it is contrary to the public interest or that it would adversely affect American commerce, or because rates are too high or too low. Further, there is no prohibition against a conference's monopolizing a trade.

Third, by exempting all actions within the scope of the act, it precludes injured parties from being awarded treble damages. Section 11 does provide that FMC may award double damages in specified instances of anticompetitive actions but not any actions by consortia or single carriers (section 10(d)), or conference actions such as monopolizing (section 10(a)), discrimination and rebating (10(b)(6)), and offering deferred rebates 10(b)(8).

Fourth, section 13(f)(1) provides "No fine or punishment may be imposed for criminal conspiracy to violate any provisions of this Act, * * *."

Finally, through requiring the Federal Maritime Commission (FMC) to enforce cartel tariffs in effect, the bill not only delegates congressional legislative power to the international cartels, but also provides them with Federal enforcement power. This raises a constitutional issue. It is the type of unbridled delegation of governmental power to private bodies that the Supreme Court long ago rejected in the days of the New Deal.

The bill's proponents frequently assert that the bill really does not do much, that it is essentially just a rewrite of the 1916 act. In my view this is misrepresentation since, in fact, under the bill at least five major protections against abuse of power would be removed by the proposed act. At present, the FMC can prohibit carriers in foreign commerce from operating under a tariff containing unreasonably high or low rates (Section 18(b)(5)). The Commission must, under present law, also prevent carriers from raising unreasonably low rates if the reason for doing so is that a competitor has been successfully eliminated. The requirement that dual-rate—loyalty—contracts be approved in advance by the FMC is removed. Finally, as I have already mentioned, two flexible standards for disapproval of anticompetitive agreements are removed: First, detriment to the commerce of the United States; or second, conflict with the public interest.

Few industries are less deserving of antitrust exemption. The history of this industry is replete with every form of anticompetitive action. Unlike the tankers and bulk carriers, the liner companies have for more than a hundred years practiced cartelization with monopolistic rates, predatory practices, discrimination and retaliation against both shippers and independent liner companies who have failed to ac-

quiesce in the cartels' control of various trades.

The consequences of the bill are predictable. Rates will rise and service will decline. Both the facts and the logic are conclusive. Not only in the distant past, but currently, conferences raise rates when they succeed in suppressing competition from independent liner companies. For example, last week the conferences serving the Canada-Europe trades raised rates 24 percent, after the major independent liner company joined the conference; after Sea-land joined two Pacific conferences, they raised rates $5 to $7 per ton and planned additional increases, despite declining traffic. The president of Trans Freight Lines, Inc., the largest independent in the United States-Europe trades, is quoted as saying that if the Biaggi bill is passed TFL will join the conferences and disappear as an independent carrier (American Shipper, September 1982, p. 14).

No adequate analysis of the impacts of the bill on ocean freight rates or on prices paid by consumers or prices received by farmers and other exporters has been undertaken. However, Dr. Allen R. Ferguson, chairman of the National Institute of Economics and Law and author of one of the standard works on maritime policy, has stated that a rate increase of some 20 percent is reasonable to expect. The reasonableness of this figure is indicated by the 24 percent increase in Canadian rates and by a Journal of Commerce report that, despite past severe competition in the Pacific trades, "as in other trades, independent (that is, competitive) rates range from 10 to 20 percent below conference prices." (July 19, 1982, 1A).

If the conferences are, in fact, enabled by this legislation to increase rates by as little as 20 percent, on the average, the shipping costs of American liner imports and exports would rise by some $3 billion per year—year after year.

Such an increase would raise prices to American consumers of television sets, automobiles, automobile repair parts, coffee, tea alcoholic beverages, and clothing, for example. Also, the delivered prices abroad of important American liner exports, such as cereals and other farm products, industrial machinery, chemicals and textiles, will all rise. The result: a worse competitive position for American farmers and workers in world trade. At the time of the worst recession since the 1930's, the last thing we need is a policy to reduce American jobs and farm incomes and to add to inflationary pressures.

Among shippers, the greatest disadvantage could be expected to fall on small- and medium-sized shippers. The conferences and their members would have far greater motive for providing loyalty contracts and the volume and other discounts allowed under the bill to large-volume shippers. When such discounts are part of a monopolistic price-setting institution, they impose the maximum burdens on those shippers with the least leverage, typically the smaller ones.

Port cities will also be hurt. The reason is simple and logical, although there have been recent efforts to obscure the issue. The basic economic claim of the proponents is that the bill will facilitate rationalizing ocean liner operations. Rationalization merely means reducing excess capacity and, thereby, increasing load factors. At present, liner companies in the American trades do not curtail schedules and raise their vessel utilization for one simple reason: If they did, they would lose traffic to their rivals. Thus, the power to rationalize requires the power to keep independents out of the trade.

Rationalization to reduce excess capacity is, essentially, reducing frequency of service, calls per port and ports served—all specifically allowed in the Biaggi bill. Whatever the reductions in cost, the reduction in schedules and in ports served would exert downward pressure on the employment of and wages of longshoremen, pilots and tug crews, as well as on port revenues and economic activity in port cities. There is, incidentally, no reason to expect that the associated savings would be passed on to consumers.

The question of how large these reductions would be is uncertain and complex. However, the central fact is that the bill would either do nothing or it would lead to these negative pressures.

Montreal has recently gained traffic at the expense of New York and other American ports. According to American Shipper (September 1982, pp. 8 and 9) this is a consequence of difference in costs of operating through the ports. Under the Biaggi bill, if it were to the conferences' advantage to do so, they could set rates more favorable to moving through Montreal than through Boston, New York, or New Jersey ports. The requisite terms and conditions could, presumably, be defined to avoid blatant legal discrimination, and the burden of proof would be placed on the injured port to show that the particular rates—or other conditions of service were unjustly discriminatory under the act.

According to testimony of Mr. Lidinsky, director of traffic of the Port of Baltimore, before the Senate Judiciary Committee, the only remedy would be to provide unrestricted right of independent action to liner companies. That is not provided in the Biaggi bill. Port lobbyists in the past 2 weeks have sought a counterfoil to the increased power of the ocean liner cartels, in further extension of their own antitrust exemption. No provision has been made for that.

A particularly bizarre characteristic of this special-interest legislation is that it imposes costs on the American economy primarily for the benefit of foreign corporations. According to the Maritime Administration, 72 percent of American liner traffic was carried in foreign ships in 1982. Consequently, for every additional dollar in liner profits, 75 cents goes to foreign corporations. In some conferences, for example that controlling trade between the west coast and Australia, there are no American members.

The bill has been justified by its proponents in large measure on the grounds that the American-flag liner industry is in dire straits. In fact, at the request of the Merchant Marine and Fisheries Committee, the General Accounting Office prepared a major study which showed that the American-flag share of liner tonnages and value of cargo carried was higher in both absolute and relative terms in the period 1976-78 than in either 1966-70 or 1971-75. After requesting the report, the Merchant Marine and Fisheries Committee proceeded to report the bill without seeing the final GAO report or hearing testimony from the Comptroller General or his staff.

In addition, American liner companies who are seeking this concealed government bail out include:

Lykes Brothers Steamship Co. of New Orleans, a subsidiary of LTV, Inc. LTV is a $7-billion company that made after-tax profits of $96-million dollars in 1982, and in 1981 made after-tax profits of $365 million.

Sea-land, a subsidiary of R. J. Reynolds. Reynolds earned a net profit of $736 million in 1981 and is expected to earn some $900 million in 1982, total revenues amounted to $13.8 billion in 1981.

United States Lines, which has ordered 14 gigantic container ships from a Korean shipyard, estimated to cost $760 million. Obviously, U.S. Lines does not expect the American liner industry to collapse.

American President lines which is owned by Natomas, the energy conglomerate.

Delta Steamship Lines which is owned by Holiday Inns.

Another stock argument in support of the antitrust immunity is that antitrust laws have been differentially enforced to the disadvantage of American-flag carriers. The GAO staff examined this issue also, and reported:

GAO's analysis of 58 malpractice cases initiated by the FMC failed to show any evidence of an enforcement pattern biased against U.S. flag carriers.

A third common argument in support of this legislation is that it is needed to provide military logistics

support. The United States does, in fact, need cargo ships as a military reserve. However, if this bill were in fact to increase the pool of vessels available in time of emergency, it would do so in the most inefficient way imaginable. Three quarters of the hidden subsidy would go not to American-flag companies, but to foreign operators, providing their governments—including Russia and Poland—with three quarters of whatever defense capability this strange legislation would produce. Further, if the bill really did work, as its advocates claim, to reduce excess capacity of the American ocean liner companies, it would, tautologically, reduce the capacity that would be available in time of emergency. The military argument is both convoluted and erroneous.

One of the worst consequences of enacting this legislation is the precedents it would set. The act would both permit monopolization and remove effective regulation. How could Congress deny any distressed American industry the privilege of cartelzation, once it has granted a foreign-dominated industry with a history of anticompetitive practices that privilege?

Under the circumstances it is not surprising that H.R. 4374 has been strongly opposed by recent editorials in the Wall Street Journal, the New York Times, and the Washington Post, as well as by such consumer and farm groups as the American Association of Retired Persons, the Association of Older Americans, Congress Watch, the Consumer Federation of America, the Consumers for World Trade, the Consumers Union, the League of Older Voters, the National Farmers Organization, the National Farmers Union, the National Institute of Economics and Law, and the Transportation Consumer Action Project.

It is a source of still further concern and dismay that the bill is being considered under suspension of the rules even though the need for the legislation has been challenged by the General Accounting Office, as well as the House Republican Research Committee, and has been opposed by the Federal Trade Commission and a number of outstanding economists.

Mr. Speaker, in conclusion, the arguments in favor of the bill are false. Further, the bill provides a bailout for an inefficient American industry—a bailout through a kind of offbudget financing by imposing the burden of monopolistic prices on American consumers and exporters. The bill will help the big—big companies and especially big shippers—at the expense of the small—small shippers, independent liner companies, and the smaller ports. The bill deprives the public of the protections of antitrust laws and weakens the penalties for violating the lax protections it does retain.

Mr. Speaker, in my judgment, such a bill should be defeated on the merits. I am also convinced that it will reflect poorly on the integrity of this body for such a controversial and complex measure to be adopted without full debate and the opportunity for amendment.

Therefore, I once again, urge the Members to vote no on the motion to suspend the rules.

I include the following documents in the RECORD:

NATIONAL INSTITUTE OF ECONOMICS AND LAW,
Washington, D.C., September 9, 1982.

DEAR MEMBER: On behalf of the National Institute of Economics and Law, we urge you to oppose the Biaggi Bill, H.R. 4374, known as the "Shipping Act of 1982." A new version of the bill, worked out by staff and never reviewed by any committee, may be brought to the floor under suspension of the rules on September 13.

Under the bill, international shipping cartels, dominated by foreign carriers, would be granted control of the American ocean liner trades. With insignificant exceptions, the bill gives the shipping cartels total immunity from the antitrust laws. Further, it reduces both the penalties for violations of the greatly weakened law and the civil damages recoverable from the liner companies.

The consequences are predictable. Prices charged in ocean liner services will rise—conservatively estimated—by 20 percent. One of the announced purposes of the bill is to permit the carriers to "rationalize" operations to increase vessel utilization. In plain English, this means reducing voyage frequencies and the ports served. The increase in the cost of transport will hurt consumers, farmers, other exporters and workers in export industries. "Rationalization," whatever its efficiency effects, will reduce port utilization and, hence, dockside jobs and port revenues.

We attach a statement signed by several prominent economists expressing their opposition to the bill. The bill is also opposed by farmer and consumer groups, such as Consumer Federation of America, Consumers for World Trade, Consumers Union, National Farmers Union and National Farmers Organization.

Sincerely,

ALLEN R. FERGUSON.
JEROME M. ZEIFMAN.

STATEMENT IN OPPOSITION TO H.R. 4374 AND S. 1593 THE PROPOSED SHIPPING ACT OF 1982

We, the undersigned economists strongly oppose H.R. 4374 and S. 1593. In our view, this special interest legislation would promote a wasteful use of our resources and worsen our terms of trade. Their purpose is to strengthen the ocean liner cartels (the "conferences") and to annul the current limited regulation of American liner trades by the Federal Maritime Commission (FMC).

The bills would impose on American consumers, importers, workers, farmers and other exporters a burden of subsidizing foreign liner companies. Three-quarters of the liner traffic is carried in foreign-flag ships; consequently, three out of every four dollars paid in excess rates would go to foreign companies and only one-quarter to American operators.

The bills provide a bail-out for an inefficient American industry—a bail-out that is provided through a kind of off-budget financing by imposing the burden of monopolistic prices on American consumers and exporters, rather than on the same individuals as taxpayers. They would tend to retard innovation and the growth of productivity, particularly in ocean shipping and indirectly in the American economy as a whole. Further, according to a recent General Accounting Office report, the U.S. flag liner fleet is not in a serious decline as alleged by the proponents of this act.

We object to the general thrust of this legislation. The bills grant to ocean liner companies and their cartels, in the words of the Senate version, "complete immunity from the antitrust laws," as well as immunity from any effective regulation by the Federal Maritime Commission. They would, thus, create legal, unregulated monopolies in an essential service that handles import and export shipments that amounted to $148 billion in 1981.

We oppose specific measures in the bills designed to implement these broad, anticompetitive purposes. The bills grant automatic antitrust exemptions for setting rates, pooling earnings and traffic, engaging in "exclusive, preferential, or cooperative working arrangements . . . to control, regulate, or prevent competition among themselves, and repeal a statutory preapproval requirement which has governed these arrangements for over 66 years." Three mechanisms are provided for granting discount rates to large shippers; at least one of these has no economic justification whatever, namely, loyalty contracts. The bills permit conferences to engage in predatory practices against operators of unscheduled ships. The option of triple damages under the antitrust laws is precluded and "No . . . punishment may be imposed for criminal conspiracy to violate . . . this Act. Further, even violators of the proposed law itself are to be free of antitrust prosecution. The bills would also permit cartelization of terminal operators in cooperation with conferences. Finally, they shift the burden of proof away from those proposing restrictive market practices to those seeking competitive markets.

We are also deeply concerned about the precedents set by H.R. 4374 and S. 1593. These Acts would both permit monopolization and remove effective regulation. This is unique at the federal level and leaves the economy in the worst of both worlds. These Acts are inconsistent with greater reliance on competitive markets; therefore, they are also imcompatible with the logic underlying the current wave of deregulation. How could Congress deny any distressed American industry the privilege of cartelzation, once it has granted a foreign-dominated industry with a history of anti-competitive practices that privilege? According to a recent GAO report the U.S. flag liner fleet is not in a serious state of decline.

Kenneth J. Arrow, Stanford Unversity; William Baumol, New York University and Princeton University; William M. Capron Boston University; Paul H. Davidson, Rutgers University; Robert Eisner, Northwestern University; A. Myrick Freeman, III, Bowdoin College; Walter W. Heller, University of Minnesota; Charles C. Holt, Professor of Management, University of Texas at Austin; John Tepper Marlin, President, Council on Municipal Performance (for indentification only); Leonard Rapping, University of Massachusetts, Ronald G. Ridker, Advisor, Public Interest Economics; David Starrett, Stanford University; Robert M.

Solow, Massachusetts Institute of Technology.

NATIONAL ASSOCIATION
OF BEVERAGE IMPORTERS, INC.,
September 3, 1982.

Re H.R. 4374—omnibus shipping bill.

DEAR CONGRESSMAN: On Monday, September 13 the captioned bill will come before the House of Representatives on a Motion to Suspend the Rules. I am addressing you on behalf of importers as well as American consumers to ask you to vote against the suspension of the rules on this bill. If the suspension motion carries, you should vote against the bill itself. A balanced view of this situation has already been outlined to you in a "Dear Colleague" letter of August 10 from Don Edwards. NABI supports his view.

Your further attention is directed to the "Dear Colleague" letter of August 12 by Mr. Biaggi in response to Don Edwards' position. Mr. Biaggi's letter is incomplete in apprising you of the true nature of this bill. The conclusion contains the observation that "H.R. 4374 would remove many of the restraints in our laws and its enactment would be in the best interests of all Americans."

Actually, passage of this bill would be in the best interests of shipping companies. This bill ignores the interests the average American who would have to pay the costs of higher freight rates which the bill would encourage.

The third paragraph of Mr. Biaggi's letter deals with the expanded antitrust exemption. It glosses this point in stating "the bill redraws the demarcation between the antitrust laws and regulation by the Federal Maritime Commission. The result is to clarify the law and make its application more certain and consistent."

In reality the bill extends the exemption for the carriers under the antitrust laws. It removes the Justice Department from surveillance over the carriers, and sets up the Federal Maritime Commission as the enforcement agency. The paltry record of the FMC speaks for itself, but even the new FMC enforcement authority would be sterilized. The net effect of Sections 7(a) and 10(a)(3) of the bill is to provide blanket immunity for the carriers from prosecution by the FMC and blanket immunity from private treble damage suits. Sec. 7(a)(2) provides that the antitrust laws do not apply to any activity that is undertaken by the carriers in the "reasonable belief" that it is pursuant to an agreement. To the same extent, Sec. 10(a)(3) states that any conduct that was undertaken by a common carrier in the "reasonable belief" that it was consistent with an agreement shall preclude assessment of damages under Section 4 of the Clayton Act.

Perhaps the most shocking part of this bill is that it would remove any public interest standard from the shipping laws. Public Law 87-346 wisely added a public interest standard which has been judicially construed and approved by the Supreme Court of the United States in *FMC* v. *Svenska Amerika Linen* (390 U.S. 238—1968).

Passage of H.R. 4374 would remove consideration of the public interest as a factor in judging the conduct of the shipping lines.

This bill deserves full floor debate, as it is highly controversial. We urge that you do not approve the suspension of the rules procedure. Should the motion carry, we ask that you vote against this bill.

REX D. DAVIS,
President.

WINE AND SPIRITS
WHOLESALERS OF AMERICA, INC.,
Washington, D.C., August 18, 1982.

Hon. DON EDWARDS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: WSWA, representing over 800 importing and wholesaling establishments throughout the United States, strongly opposes, in principle, H.R. 4374, the Shipping Act of 1982.

We import over 80 percent of the wines and spirits sold in this country. Our products are a significant factor in international commerce. For example, wines and spirits account for the largest volume category and most highly tariffed product on the westbound North Atlantic trade route.

The primary beneficiary of H.R. 4374 would be foreign, not domestic, ocean carriers. It would expand, not reduce, the scope of antitrust immunity now enjoyed at the expense of importers, exporters and the American consumer. The bill would remove, not expand, Department of Justice surveillance of these cartels. Criminal and civil antitrust suits recently have been successfully concluded aginst many of these carriers. The bill, moreover, runs contrary to the objectives of the Carter and Reagan Administrations to deregulate the transportation industries.

We appreciate your steadfast opposition to this legislation and efforts to protect American importers, exporters and consumers against rate-gouging by the shipping cartels.

Sincerely,

DOUG METZ.

NATIONAL FARMERS UNION,
Washington, D.C., August 12, 1982.

Re The Shipping Act of 1982, H.R. 4374.

Memorandum to: All Members of the House of Representatives.

From: Paul R. Sacia, Legislative Assistant.

DEAR MEMBER: On behalf of the National Farmers Union, we urge you to oppose H.R. 4374, the Shipping Act of 1982. This measure would increase the cost to American farmers of exporting cereals, fruits, vegetables, feed, fertilizer and other agricultural products by 20 percent, under conservative estimates.

As pointed out in the Journal of Commerce on July 13, 1982, only this year some maritime conferences have been so successful in reducing competition that they have raised their rates from $5 to $7 per ton. H.R. 4374 would serve to exacerbate the monopoly control over international shipping cartels and impose even greater shipping costs on American farmers.

It is also particularly distressing to us that $3 out of every $4 in increased shipping profits would go to the benefit of foreign carriers under H.R. 4374.

In our view, the proponents of this legislation have grossly misstated both the need for, and the affects of, this legislation. The recently released report by the General Accounting Office makes it clear that H.R. 4374 is special interest legislation which adversely affects both the American farmer and the American consumer.

Once again, we urge you to oppose this legislation and to oppose it being brought up on the floor of the House of Representatives. Thank you for your consideration.

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., August 11, 1982.

DEAR REPRESENTATIVE: On behalf of its over 200 organizations and their 35 million members, Consumer Federation of America urges you to oppose H.R. 4374. The title of this legislation, "A Bill to Improve the International Ocean Commerce Transportation System of the U.S.," could not be more misleading. In fact, H.R. 4374 is an industry and Administration attack on the antitrust laws that flies in the face of current efforts to end wasteful economic regulation. If successful, this antitrust exemption for the ocean liner industry would force American consumers, workers and farmers to subsidize not only the U.S. Merchant Marine but foreign shipping companies as well.

Aside from its deleterious impact on consumer prices and the demand for American farm products and industrial exports, H.R. 4374 would set a dangerous precedent by exempting an entire industry from the antitrust laws. Such an action would surely lead other industries to seek their own special waiver to act as cartelized monopolies. That would be a disaster for consumers and for the entire American economy. Accordingly, we request your strong opposition to H.R. 4374.

Sincerely,

STEPHEN BROBECK,
Executive Director.

CONSUMERS FOR WORLD TRADE,
Washington, D.C., September 7, 1982.

Re H.R. 4374, Omnibus Shipping Bill.

DEAR CONGRESSMAN: Consumers for World Trade (CWT), a national, nonprofit organization representing the consumer interest in international trade, urges you to vote against suspension of the rules on H.R. 4374. Passage of this bill would have a serious impact on American consumers and should not be rushed through without the benefit of full House debate.

H.R. 4374 would impose on American consumers the burden of subsidizing the U.S. merchant marine and foreign liner companies. The conference report of the Judiciary Committee indicates the net effect of the legislation would be to make consumers pay about 20% more in terms of freight or imported cargo. Furthermore, H.R. 4374 would jeopardize consumer protection from cartel pricing.

Should the motion to suspend the rules be approved, CWT urges you to vote against H.R. 4374.

DOREEN L. BROWN,
President.

AMERICAN WHOLESALE BEVERAGE CO.,
INC.,
Winston-Salem, N.C., August 30, 1982.

Hon. DON EDWARDS,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN EDWARDS: WSWA, representing over 800 importing and wholesaling establishments throughout the United States, strongly opposes, in principle, H.R. 4374, the Shipping Act of 1982.

We import over 80 percent of the wines and spirits sold in this country. Our products are a significant factor in international commerce. For example, wines and spirits account for the largest volume category and most highly tariffed product on the westbound North Atlantic trade route.

The primary beneficiary of H.R. 4374 would be foreign, not domestic, ocean carriers. It would expand, not reduce, the scope of antitrust immunity now enjoyed at the expanse of importers, exporters and the American consumer. The bill would remove, not expand, Department of Justice surveil-

lance of these cartels. Criminal and civil antitrust suits recently have been successfully concluded against many of these carriers. The bill, moreover, runs contrary to the objectives of the Carter and Reagan Administrations to deregulate the transportation industries.

We appreciate your steadfast opposition to this legislation and efforts to protect American importers, exporters and consumers against rate-gouging by the shipping cartels.

Sincerely,

JIM TASIOS.

[From the New York Times, Sept. 13, 1982]

BIG SHIPPING TRIES AN END RUN

The $15 billion cargo liner industry is hardpressed to explain why it needs exemption from the antitrust laws. So rather than risk an embarrassing debate, the industry is trying to slip through legislation when no one is looking. It will be up to House members who believe in competition to stop this end run.

Ocean-going cargo liners operate in a twilight zone between regulated cartel and open competition. Carriers using American ports are permitted to join "conferences" that fix rates, subject to oversight by the Federal Maritime Commission. But unlike those operating outside United States jurisdiction, these conferences must be open to all comers, making it difficult to fix rates above competitive levels.

The system doesn't work very well, partly because the Maritime Commission is notoriously inefficient. The industry complains of excessive paperwork and bureaucratic delays. Customers complain about inconsistent enforcement, which on occasion results in higher-then-competitive rates. Thanks, though, to the threat of antitrust prosecution, the system has not proved a total disaster.

The Carter Administration's economists talked hopefully of making it better; by eliminating the conference system, abolishing the commission and letting competition determine rates.

Not surprisingly, that is precisely the opposite of what the industry wants. It would like freedom from Justice Department scrutiny and more help from the Maritime Commission is enforcing its cartel agreements. With the aid of its chief promoter, Representative Mario Biaggi of New York, it has pushed an antitrust exemption bill through the House Merchant Marine and Judiciary Committees.

A number of Judiciary members, however—Republicans and Democrats—are crying foul. And in an ordinary floor debate, there would be a good chance to weaken the bill or destroy it altogether by amendment.

But key opponents of the suspension are out of the country or preoccupied with primary elections. If the bill's sponsors can suspend the House rules, prohibit amendments and limit debate to force a vote this week, they may succeed. But that requires a two-thirds majority. Good sense can prevail if a substantial minority of House members present object to this perverted free enterprise.

[From the Wall Street Journal, July 15, 1982]

TORPEDO THE MARITIME BILLS!

Legislation steaming through Congress would grant antitrust immunity to ocean freight lines participating in "conferences" that divide up cargo and trade routes, and pool revenues. There are three simple reasons why the bills, sponsored by Sen. Slade Gorton and Rep. Mario Biaggi, should be torpedoed.

The first is that cartels are bad. Our laws don't allow microchip makers or lumber distributors or pizza parlor operators to fix prices or divvy up markets. We don't give antitrust immunity to oil tankers, tramp steamers and grain boats, which account for most of the shipping tonnage in and out of U.S. ports. There is absolutely no reason to make an exception of cargo liners. Liner conferences, if they work, only raise freight prices.

The second is that the legislation is a diversion from the real problems afflicting most U.S.-flag operators; uncompetitive capital and operating costs, which result from the perverse incentives of a long history of government subsidies and regulations. U.S.-flag ships must hire American crews, and be subject to the featherbedding rules of U.S. maritime unions, leading to labor costs that are twice international levels.

What is more, the government has historically given operating subsidies to U.S.-flag operators who purchased ships from American yards, where construction costs are typically two to three times higher than abroad. It is no accident that the U.S. coastal trade, which has been reserved by law to U.S.-flag ships, has lost traffic to trucks and railroads.

The third is that antitrust immunity probably won't make much of a difference in today's shipping market. The world shipping industry has been clobbered by overcapacity during the last seven or eight years, thanks to the spendthrift subsidizing of shipbuilding and export-finance by governments from Sweden to South Korea.

As a result, conferences in the Pacific, North Atlantic and Europe-Far East routes have been powerless to keep their prices above market level for long—lest they be undercut by scrappy independent fleets out of Hong Kong and Singapore; by companies such as the U.S.-based Sea-Land Service, which has alternately participated in and broken away from the Pacific conference; and by bulk carriers, which have topped off their cargo with a little business that normally goes to freighters. Ironically, one of the biggest trust-busters has been the Soviet merchant marine, whose history of price-shading has provided Moscow with one of its few sources of foreign exchange.

If Congress really wants to help the shipping industry, it will phase out the subsidies and regulations that have discouraged many U.S.-flag fleets from reducing their costs to international levels.

[From the New York Times, July 14, 1982]

BEWARE THE CARGO SHIP CARTEL

It is the bizarre proposition of ocean shipping companies that they can increase their efficiency by further reducing their competition. With the support of President Reagan, they ask Congress to exempt them from the antitrust laws. Only by freeing ocean shippers to form cartels, they insist, can America build an effective merchant marine.

This would be reform in the wrong direction. The American merchant fleet is actually quite healthy. It would be healthier still if it relied less on Government aid and protection, and more on competitive markets.

Since the Great Depression, the Federal Government has spent about $10 billion in direct subsidies to keep the American merchant marine above water. Indirect aid has been worth billions more: a legal monopoly on coastal service, Federal rules requiring Government contractors to ship in American vessels, plus assorted loan guarantees and tax breaks.

Yet the industry keeps crying for more help. It says the number of cargo liners flying the American flag has been cut in half since 1970. Without extreme measures, the carriers insist, there will soon be no American oceangoing fleet.

Price-fixing of sorts already is permitted. Under current regulations, international "conferences" of shipping companies are allowed to set rates jointly, subject to the approval of the Federal Maritime Commission. Bills now offered by Mario Biaggi in the House and Slade Gorton in the Senate would remove this procedure from Government oversight and let the companies enforce the agreements by limiting their shipping capacity.

The Reagan Administration agrees to this cartelization because it hopes that higher prices to the private economy will relieve its budget of the annual subsidy of about $400 million.

It is not at all clear the American maritime industry needs this extraordinary protection. "Rather than indicating distress," reports the General Accounting Office, "the decline in the number of U.S. flag vessels . . . reflects significant changes in the type of ships used." New technology, notably containerization, has allowed a smaller fleet to carry as much cargo as before.

However unhealthy the industry may be, cartelization is a strange cure. If it allowed shipping companies to raise their rates by only 20 percent—a reasonable guess, according to the maritime economist Allen Ferguson—America's cargo shipping bill would increase by $3 billion a year. And since foreign flag carriers would share in the spoils, perhaps $2 billion of this total would end up in foreign hands.

Congress should certainly reexamine its maritime policy. The existing regulations stifle competition and stop carriers from quickly adjusting their rates and services to market conditions. The operating subsidies clearly destroy incentives to hold down wages; an American ship's master earns more than $200,000 a year, twice as much as Swedish or West German masters.

The Biaggi-Gorton approach would only make matters worse. America's shipping industry needs freedom to compete, not protection to charge whatever the traffic will bear.

[From the Washington Post, July 12, 1982]

THE HEALTHY FLEET

One of the premises of those who support continuation and extension of our system of maritime subsidies is that the U.S. maritime fleet is in great distress. We hear over and over again that ship owners register their vessels under flags of convenience, like those of Liberia and Panama, and that the number of U.S. flag veessels is declining. Now comes a report from the General Accounting Office, a preliminary draft of which has been obtained by The Post, which suggests that the maritime industry is in much better shape than it would like us to think.

The GAO analysts do not dispute the figures which show, for example, that the number of U.S. flag vessels has declined from 523 in 1970 to 256 in 1980. But they also direct our attention to the critical question of what kind of vessels these are. The

1970s saw a vast increase of "containerization," the process that permits cargo to be loaded in one vast package rather than item by item. As a result, a given amount of cargo can be loaded and shipped more rapidly by containerized ships than by the kind of methods used in 1970. So it takes fewer vessels to transport the same amount of cargo. The GAO concludes that the shipping capacity of the U.S. merchant fleet has not therefore declined as the figures on the number of ships would suggest.

The GAO report undercuts the arguments made by shipping interests that their industry needs special federal help, notably the exemption from the antitrust laws that recently passed the Senate and seems about to pass the House. On the contrary, the report indicates that the U.S. flag merchant fleet is profitable, well-equipped and able to compete with carriers operating under other flags. The best argument the industry can extract from the report, in our view, is of the if-it-ain't-broke-don't-fix-it variety; with the current complex system of subsidies, the U.S. merchant fleet is doing fairly well, so the system, however offensive to free-market purists, should be left alone.

We take another view. American consumers should not have to pay the cost of subsidies that provide vast benefits to a few and then pass along heavy costs to the rest of us. Some plans the Reagan administration is considering to reduce subsidies are good; others, such as the antitrust exemption, that would increase costs to consumers, are not. It is still not clear whether the main purpose of the administration's plans is to reduce subsidies or just to shift the burden of subsidization from the federal budget to consumers' budgets. In the meantime, the GAO report serves the useful purpose of discrediting the lugubrious reports of the maritime industry's demise and directing the debate toward the twin questions of what, if anything, should be subsidized and by whom.

[From the Washington Post, June 30, 1982]

GAO: No Need for Major Shipping Law Revisions

(By Thomas W. Lippman)

With Congress about to act on bills to give sweeping antitrust immunity and regulatory relief to the U.S. maritime industry, the General Accounting Office has concluded that the economic condition of much of the merchant fleet is far better than generally believed and "does not justify a major revision" of existing shipping law.

The GAO's finding that the U.S.-flag liner fleet is not in the state of decline ascribed to it runs counter to a long series of SOS signals about the fleet issued by the industry, congressional committees and independent researchers in recent years, and is likely to be disputed vigorously by industry lobbyists.

The GAO report is apparently an abbreviated version of a study initiated four years ago and circulated for comment to interested groups in January but never made public. Congressional sources said the new study is to be released soon.

It says that the U.S.-flag liner fleet—the vessels carrying manufactured goods and general cargo on scheduled international routes—is generally profitable, well-equipped and capable of competing with foreign shipping lines.

The sharp decline in the number of American-flag vessels in this service in the past decade is the result not of "general chronic distress" but of modernization and the acquisition of big container ships that carry more cargo in less time at lower cost, the report says. Although "valid reasons exist" for changing shipping law to favor the carriers, "The GAO does not believe the current condition of the general-cargo-loner segment of the U.S. merchant marine is among them," the report says.

It also says that the decline in the number of ship operating companies from 19 to nine was caused not by overall erosion of the industry or by flaws in maritime law but by competitive forces and the demands of capital investment in containerized equipment, which are invigorating to the industry.

These conclusions appear to support the claims of consumer groups who argue that the proposed grant of blanket antitrust immunity and authorizaton for the carriers to enter cartels would require consumers and exporters to subsidize the liner fleet unnecessarily. But it is not clear whether they will have any impact on legislation that has been making its way through Congress since last summer, with the backing of the administration.

One congressional source said yesterday that the main conclusions of the GAO's analysis have been known on Capitol Hill for some time and are unlikely now to undercut legislation that has bipartisan support. But another said it would "cast doubt on some of the arguments for the legislation . . ."

A Senate version of the bill awaiting floor action would confer antitrust immunity on the carriers, authorize them to join international groups of shipping companies to control rates and schedules and lift some regulation of rates and schedules. A similar bill cleared the House Merchant Marine and Fisheries Committee and is undergoing review in the Judiciary Committee.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I concur in what the gentleman from California said. Let me just add that this bill would legitimize actions which otherwise would be criminal violations of the antitrust laws, that would subject companies to large fines up to a million dollars and prison sentences for the executives who engaged in them. Yet this bill would legitimize these.

The Judiciary Committee did the best job they could under the circumstances to remove some of the worst features that were in the original bill.

Nevertheless, it is highly controversial. It should not be brought up under suspension. In my opinion it is an abuse of the right to bring up bills under suspension.

For these reasons, I intend to vote against it.

● Mrs. SCHNEIDER. Mr. Speaker, I rise today in opposition to consideration of H.R. 4374, a bill to exempt the merchant marine industry from antitrust laws, under suspension.

I supported this bill in committee because I believe it deserves debate on the floor. However, I think passing it under suspension, without discussion and possibility of amendment, is inappropriate.

My concerns are that H.R. 4374 would expressly allow the merchant marine industry to "discuss, fix, and regulate or prevent competition among themselves" and where antitrust exemptions are deemed necessary, we must follow regular order. In addition, the benefits of this bill may go largely to the foreign carriers, since more than 70 percent of American import and export liner traffic is carried by foreign carriers.

I urge my colleagues, therefore, to vote against this legislation under suspension.●

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that each side be granted an additional 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. McCLOSKEY. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, I rise in support of this legislation. I want to commend the committee. This legislation is, in fact, designed to correct many of the shortcomings in existing law and to reaffirm some of the antitrust immunity provisions regarding ocean common carriers which many feel have been eroded since the enactment of the 1916 Shipping Act.

I thank the gentleman very much for yielding to me and commend the committee for their action.

□ 1245

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before yielding to other Republicans who wish to speak, I would like to address a challenge to my friends on the Judiciary Committee who have opposed this legislation because it expands somewhat the antitrust exemption granted the shipping industry.

I would remind those advocates of antitrust enforcement that back in 1914, the Alexander Committee of Congress made a recommendation when we were faced with choosing between antitrust immunity for shipping conferences and so-called free competition or the obliteration of conferences. That recommendation in 1914, and the decision of Congress in 1916

was to grant immunity from the antitrust law to shipping conferences provided that they were appropriately regulated by what has now become the Federal Maritime Commission.

Now, that decision, right or wrong, has been made by every trading country in the world. The United States, when we created our conferences in the 1916 act, created open conferences so that people who wanted to join the conferences had the right to do so. In the rest of the world, the shipping conferences, between the Far East and Europe, between Europe and Africa, are so-called closed conferences, giving much stronger antitrust immunity to the foreign shipping companies than is given to the companies of the United States under U.S. law.

Now, what led to this bill today, which is the product not just of this Congress, but of two prior Congresses, and studies made in those Congresses about the penalties that were befalling U.S. shippers and U.S. consumers because of our open conference system? The key facts that I want to challenge those who advocate strong antitrust enforcement to meet are these. I want to quote two simple statements from a study of ocean rate disparities made by Booz, Allen & Hamilton, in June of 1978. That study and the two conclusions I will quote furnished the primary basis for this legislation.

Conclusion No. 1. Ocean liner freight rates are 32-percent higher for outbound commodities than for similar inbound commodities on the same trade route.

This means that American exporters who are shipping goods overseas are paying 32 percent more under our current law to ship those goods than are the people that are shipping the same imports into this country.

Now, conclusion No. 2 under existing law:

Ocean freight rates paid by U.S. exporters are over 100 percent greater than those paid by exporters from an alternative source country to a third market.

Now, note what that means. That means that if American manufacturers shipping refrigerators to the West Coast of Africa are competing with German manufacturers of refrigerators to the west coast of Africa, the American shippers, with our open conference system, will be paying twice as much, a hundred percent greater freight rates.

Now, those two conclusions, that we pay higher rates going out of this country than for goods shipped in, and the fact that we are paying twice as much as our German and Japanese competitors, who have closed conferences, led the Merchant Marine Committee after literally 6 years of study to come up with this bill which would try to change some of the imbalance that is now enjoyed by our European competitors.

Now, those facts, if those of you who feel that it is wrong to slightly increase the antitrust exemption for the shipping industry from what it is today, I would ask you to defend why you want to keep the status quo if, indeed, we are having to pay twice as much as our competitors in the European community and in Japan at a time when increasing U.S. exports is a primary goal of U.S. trade policy.

Mr. Speaker, I am glad to yield 10 minutes to the gentleman who I understand is my chief protagonist, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I oppose H.R. 4374 on substantive grounds because it greatly expands the limited antitrust exemption accorded the maritime industry, because it significantly reduces the remedies available for wrongdoing, because it would allow the complete elimination of competition by the creation of monopolies, because it would hurt consumers who buy imported goods, because it would hurt farmers, manufacturers, and workers who wish to export, because it would reduce calls made on American ports resulting in revenue and employment losses, because it would create an inefficient subsidy for our carriers that would be realized in the main by foreign carriers, including those of Communist countries, and because it would repeal the requirement that conferences act in the public interest. Indeed, this bill is not in the public interest. it not only tramples on the charter of economic liberties, as the Supreme Court has called our antitrust laws, it tramples on the Constitution itself, as the chairman of the Subcommittee on Civil and Constitutional Rights noted in his dissenting views. It is no mere coincidence that the chairman of that subcommittee and its ranking Republican member both oppose this legislation.

Mr. Speaker, I also oppose H.R. 4374 on procedural grounds. As Mr. MCCLORY, the ranking Republican member of the Judiciary Committee, explained in a letter to you, Mr. Speaker, this bill should not be brought up under suspension for five reasons.

First, you do not put bills on suspension in order to close off important amendments. But that is what is being done here. The Republicans on the Judiciary Committee were committed to an amendment offered by Mr. MCCLORY which the Justice Department considered critical to the legislation—an amendment to get the Federal Maritime Commission out of the business of enforcing the price-fixing agreements of the cartels. It is bad enough that we authorize price fixing in this industry, but we do not have to spend our tax dollars on hiring Federal employees to make certain that the price-fixing agreement is not violated. But the cartels want the free help; they are afraid that the amendment might pass; that is why we are gagged.

Second, a majority of the Democratic members on the Judiciary Committee voted against this legislation in committee. Normally, the leadership does not treat the majority party's position so lightly.

Third, this bill is extremely complicated. It is highly controversial, drawing fire from our Nation's most respected newspapers and from Nobel Prize winning economists. It is condemned by an excellent analysis of the House Republican Research Committee. And it hardly measures up to the thorough analysis of the General Accounting Office, which was somewhat ironically requested by the bill's proponents. Moreover, the bill is poorly drafted. It is full of contradictions. For example, provisions authorizing price discrimination abound yet are weighed against a provision prohibiting discrimination. Provisions authorizing pooling of revenues and costs are posed against a lone provision affirming antitrust merger policy. This legislation, therefore, deserves more than a cursory discussion for a maximum of 40 minutes on a day before the Speaker's primary. In fact, 11 States and the District of Columbia have primaries tomorrow.

Fourth, the bill is burdened by an unconstitutional provision which under the suspension procedure cannot be corrected. Under the bill, the ocean carriers are permitted to fix the rates. While they may do so under current law, the important difference is that today the FMC may under section 18(b)(5) veto any rate which is so high or so low as to be injurious to U.S. commerce. The bill before us repeals the FMC's authority to protect U.S. commerce from injurious rates but nevertheless continues the FMC's responsibility to see that no one deviates from these rates, even if they be injurious to our commerce. In other words, the carriers alone set the policy but the Government enforces it. This is exactly the kind of delegation of congressional authority which the Supreme Court condemned as unconstitutional in the famous cases of *Schechter Poultry Corp.* v. *United States*, 295 U.S. 495 (1935), and *Carter* v. *Carter Coal Co.*, 298 U.S. 238 (1936).

This unconstitutionality can be remedied by reinstating section 81(b)(5) or by eliminating FMC enforcement of private rates. But since that is not possible under the suspension procedure, Mr. Speaker, the only recourse for those who take seriously their oath to uphold the Constitution will be to vote against the pending motion.

Fifth, until the last minute, the House has been kept in the dark on

this bill. The bill before us is not the bill reported by the Merchant Marine Committee. The bill before us is not the bill reported by the Judiciary Committee. No; the bill before us does not come from any committee but rather was drawn up by a couple of staffers who, I might add, were not elected by anyone. While a privileged few know its contents, the House has not had a reasonable opportunity to study and analyze. Thus the only safe vote is a "no" vote.

Proponents suggest that this bill is another in a long line of popular regulatory reform bills. But that slogan ill suits this bill. Whereas prior regulatory reform bills were procompetitive, this bill is anticompetitive. While prior bills achieved deregulation, this bill merely effectuates weaker regulation. This bill is no reform. It is special interest legislation.

Why is that? First, it basically removes the Justice Department from the maritime scene. The Antitrust Division, you see, has become a real nuisance, defending competitive principles and consumer interests. Instead, the bill leaves the FMC in charge, with reduced authority and little will to exercise it.

Second, the bill basically eliminates criminal penalties; they exist only for those foolish enough not to file their agreements and wait the requisite time for the agreement to go into effect. But once an agreement has gone into effect, criminal penalties are eliminated.

Third, the bill eliminates the treble damage remedy now available to private injured parties. Whereas today an injured party may go to court to collect treble damages under the antitrust laws, under this legislation that party may not be entitled to anything unless he can convince the FMC that one of the internally inconsistent prohibitions has been violated, in which case he may collect single damages or in certain rare instances, up to double damages. But in summary not only is the amount of damages reduced, the forum is made less favorable to plaintiffs, and the situations in which any recovery is authorized are substantially curtailed.

Fourth, the bill eliminates the requirement of present law that carriers act in the public interest. This hardly inadvertant; it may, in fact, be the main reason for the bill. The justification of this incredible provision is that it takes too much time to decide if proposed conduct is in the public interest. I think we should nip this kind of rationalization in the bud, lest we hear pleas to legalize murder because of cases where trial, appeal, habeas corpus, and retrial have taken too long. Courts have said that the public interest standard embodies our national commitment to principles of competition. Thus, today, common carriers may carry on activities authorized under the Shipping Act but must do so in the least anticompetitive way. Under this legislation, carriers will be free to operate contrary to the public interest and in the most anticompetitive way. And as if this were not enough, the burden of proof is placed on the public interest. Today, the proponent of an anticompetitive agreement has the burden of proving that it fulfills an important transportation need or Shipping Act policy. In contrast, this bill shifts the burden to the opponent who must overcome the presumption of validity accorded to all agreements to demonstrate that the agreement in question violates one or more of the specific prohibitions. In such a proceeding it will be irrelevant that the agreement is repugnant to the public interest, grossly anticompetitive, contrary to our transportation needs, or injurious to U.S. commerce. For such values often engender discussion, and discussion takes time, and the purpose of this bill is to eliminate such delay. Thus we are asked to lay aside such considerations.

Perhaps the following example will make my point clear. Imagine the classic situation of six common carriers in a conference being given fierce competition by an independent. Under the bill the conference carriers could direct an ongoing joint venture or consortium formed out of some of them to engage in predatory practices to drive the independent out of the trade. While the bill may in limited instances prohibit the formation of joint ventures for such a purpose, it is totally permissive with respect to the operation of an ongoing concern. The House clearly has distinguished between the formation and the operation of joint ventures as recently as last month, when it passed H.R. 5235, the Foreign Trade Improvements Act of 1982. What is more, this bill would permit even the formation of joint ventures to engage in predatory practices if it resulted in gains in efficiency or services which offset the loss of the competitor. And, remember, the burden of proof would always be on the good guy, the party attempting to vindicate our national policy of free and open competition.

What my example illustrates is the point made by the Federal Trade Commission in testifying before the Judiciary Committee: that it is not possible to list every possible antitrust violation in the form of specific, concrete prohibitions. Such a list merely invites creative lawyers to alter a factor for their clients to create licenses to violate the antitrust laws.

Fifth, to show that one need not labor too hard to find how outrageous this bill is, the bill now before us would permit the creation of monopolies. Ironically, the bill reported by the Judiciary Committee would have expressly prohibited monopolization. But the nameless, unelected authors of this bill decided to take it out. So, it would appear that the legislative history is clear. There is nothing to stop all the carriers in a given trade from combining into one giant conference and then charging any rate they wish. Why else would this bill have stricken the express prohibition against monopolization and the express authority of the FMC to veto excessive rates? The best that proponents can say is that this is unlikely to happen. But monopolization is attempted even when it is prohibited. Why should we risk the possibility of monopolization by so clearly inviting it?

When all factors are considered, the reason for this legislation is not regulatory reform of the FMC but rather a greatly expanded antitrust exemption for ocean common carriers. The desire to enact this legislation, as bad as it is, is prompted by the declining popularity and feasibility of subsidies for the maritime industry. With reduced subsidies in their future, the carriers grew restless. And what was once an on-budget subsidy was transformed by this legislation into an off-budget subsidy of congressionally approved monopoly overcharges. The problem is that there is no controlling this off-budget subsidy. We will never get to vote yes or no, or to set the level of monopoly profits. Nonetheless, American manufacturers and American consumers will be paying the subsidy. And what makes this transformation such a bad bargain is that U.S. carriers serve only 30 percent of our trade. Thus 70 percent of all the monopoly overcharges generated by this legislation would flow into foreign hands.

But who cares about this off-budget subsidy? Not the carriers who will enjoy larger profits. Not the Seafarers Union who hope to gain even better wages for American crewmen, who already enjoy pay schedules twice as high as those of any other country. Not the big shippers who you may see on Capitol Hill lobbying for this legislation because they are basically exempt from the evils of this legislation. They will be able to protect themselves with service contracts, time-volume rates, tailormade tarriffs, and other devices to gain discounts at the expense of other shippers—those who are not big enough to lobby here. So who cares?

The American people care. These are the people for whom the antitrust laws were written. These are the people who benefit from competition in prices and services. These are the people for whom the public interest standard was written into the Shipping Act. These are the people who will pay the off-budget subsidy, which sloppily will benefit foreign carriers more than our own. These are the

people I will be thinking of when I cast my vote on this bill.

So I urge the Members of this House to follow the advice of Nobel Prize winning economists, our leading newspapers, the GAO report, and the House Republican Research Committee to vote for the American people and against this special-interest legislation.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding. I would like to associate myself with the gentleman's remarks in opposition to the measure.

I would ask this question in relation to the challenge that was presented to justify the opposition to the bill in relation to shipping costs.

Is it not correct that the personnel costs on U.S.-fleet ships are almost twice the personnel costs of the foreign shippers that are shipping minus these provisions?

Mr. SENSENBRENNER. The gentleman is correct.

Mr. McCLOSKEY. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, the gentleman made two points. One was that Congress enacted the 1916 act which gave exemption from the antitrust laws to the conferences; but of course, Congress did so under the theory that the Federal Maritime Commission was going to regulate this industry and make sure that unreasonable and excessive rates were not granted.

Now, I agree that it eventually became a captive agency and, in effect, was not doing the job that it should have; but nevertheless, that was the theory of the 1916 act.

Now we are scrapping that regulatory authority. It is true the bill expressly prohibits some aspects of cartel practices; but, of course, it retains the open cartel for American carriers; so I do not see what the gentleman's point was about opening the cartel.

□ 1300

Mr. McCLOSKEY. Let me try to make the point: The gentleman objects to the FMC having jurisdiction and the gentleman would like to have the Antitrust Division have the jurisdiction. The problem with that is that we are not dealing with domestic intercourse or domestic competition; we are dealing with international conferences.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume, and I will yield to the gentleman from Ohio to reply to this point.

The U.S. Government is dealing with a shipping conference which may have seven foreign company members and one U.S. liner company as a member and is, thus, looking to the Antitrust Division to enforce against all eight companies the antitrust laws of the United States extraterritorially.

The other seven countries may be Great Britain, the Netherlands, France, our trading partners, our allies in NATO. Those countries, however, have almost universally enacted blocking statutes to prevent our antitrust enforcers and U.S. law enforcement agencies from getting the records of the foreign companies.

The result is that it is much easier to enforce the antitrust laws of the United States against the U.S. company than it is against the foreign companies in the same conference with whom we are competing.

This has led, in the committee's view, to the general degradation and diminution of the strength of the U.S. merchant marine.

We have in other laws the responsibility to provide for a strong U.S. merchant marine. Yet, the strong antitrust enforcement which is effective against U.S. companies is not as effective against their competitors and we are thus seeking a balance here between very valid principles which the gentleman from Ohio (Mr. SEIBERLING) espouses, the antitrust law which I also espouse, and yet which recognizes the realities of world trade, which is that the closed conferences used by our competitors in other countries is beyond our reach entirely, and in the United States conferences which are partially within our reach this kind of enforcement penalizes U.S. shipping in competition with its foreign competitors.

Now, in this search for balance, I think it is clear we have to accept some antitrust immunity. The question is how much and to what extent?

It is one thing for a committee that has spent 15 years studying this issue and come up with legislation to try to reach that balance, and another for a group of idealists on another committee who understandably do not want to see the antitrust laws diminished in their scope, but who are making its arguments without reference to the real trading world in which U.S. shipping is faced with competition every day.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to me?

Mr. McCLOSKEY. I would be glad to yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I do not think we are as powerless as the gentleman suggests. There is a very simple device that the United States can use to obtain compliance with the antitrust laws with respect to any carrier, foreign or domestic; namely as a condition of doing trade with the United States, require that the carriers comply with the antitrust laws.

That would take care of the whole thing.

Mr. McCLOSKEY. I wish the gentleman had sat with me in a series of conferences that, through the auspices of our State Department, have been held with our allies, Great Britain, Norway, the Netherlands, West Germany, and others, urging that the United States should not exercise that right to urge extraterritorial enforcement of our antitrust laws on our trading partners and our allies.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further to me?

Mr. McCLOSKEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding further to me.

Mr. Speaker, we do have the right to require businesses to respect our laws as a condition of doing business in or with the United States.

Mr. McCLOSKEY. We may have the right to enforce U.S. law on the high seas but we would be using it to penalize conduct which under foreign law is perfectly proper and legal.

Now, if the gentleman were to urge that foreign law is upping freight rates, that would be one thing. But under foreign law, the freight rates of exporters from Europe to Africa are half what they are in the United States. That fact is what led the committee to reach the conclusion that it is best that we broaden the antitrust exemption of U.S. shipping companies so we could attain a greater proportion of the export trade and contribute to our export trade imbalances.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield further?

Mr. McCLOSKEY. I yield to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I must say that the gentleman loses me. If we had the antitrust laws in full force and effect with respect to all ocean shipping entering and leaving U.S. ports, we would not have the situation that freight rates to and from the United States are higher. Competition would take care of that.

Mr. McCLOSKEY. I understand that completely. But does the United States have the right to be the new imperialist and say that all of our laws are going to apply to all of the foreign trade in the world?

We do not have that right. We do not have that privilege any longer.

Mr. SEIBERLING. We have that right to the extent that they enter our ports.

Mr. McCLOSKEY. We may have that right, but we lose our allies and our trading partners in the process.

That is the search for balance that the committee is seeking.

Mr. RODINO. Mr. Speaker, will the gentleman yield to me?

Mr. McCLOSKEY. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yeilding.

Mr. Speaker, the mere fact that we are having this dialog shows how difficult it is, and it has been, for the committees to resolve this question. Now I, as one who has been a strong advocate of antitrust enforcement, recognize that there was some merit on the side of those who were arguing for exemption and expansion. However many difficult and complex issues remain and it is for this reason that we have written into the bill the provisions requiring that a Presidential study commission review this total subject. I think that is the answer to it.

Mr. McCLOSKEY. I have to concede that, Mr. Chairman.

Mr. Speaker, it seems to me that when we enacted the law in 1916 and have seen literally 66 years of experience under the law, that none of us can be quite sure about what kind of abuses may develop and the Presidential study commission is a very proper addition to this act.

It may be 2 or 4 years from now that we will find there are changes we want to make in this provision. But it is clear after 66 years of experience that the current status quo is destroying the U.S. merchant marine, making U.S. exporters pay higher rates and hurting U.S. manufacturers.

For all of those reasons, it seems to me this law ought to pass.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield to me?

Mr. McCLOSKEY. I yield one-half minute to the gentleman from Pennsylvania.

Mr. COUGHLIN. Mr. Speaker, I want to associate myself with the remarks of my colleague, the gentleman from California, and I rise in support of the bill.

Mr. Speaker, I think it is important to say the bill does not expand the kind of activities eligible for immunity; it just simply redefines those.

Mr. Speaker, one of the significant elements of this comprehensive legislation concerns the antitrust exemption. As there has been some misunderstanding about this, I would point out to the House that this element of this bill is intended to clarify the original antitrust immunity which has been in force since passage of the Shipping Act in 1916. The bill does not expand the kinds of activities eligible for such immunity. The legislation will correct the procedures presently followed in order to reinstate certainty and predictability in the regulation of liner shipping in our foreign commerce.

Additionally, H.R. 4374 is not intended to favor any particular flag operator. In this regard, it is flag blind.

The bill gives recognition to the need for international comity in liner shipping. As the House is aware, the extraterritorial enforcement of U.S. antitrust laws to ocean liner services has created unnecessary friction with our trading partners.

In closing, Mr. Speaker, permit me to observe that the proposed legislation will adequately protect shippers and carriers as well as provide a more efficient and certain procedure for reparations for violations of the Shipping Act.

I strongly urge my colleagues to support this landmark ocean regulatory legislation.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield to me for 30 seconds?

Mr. McCLOSKEY. Mr. Speaker, I yield 30 seconds to the gentleman from Ohio.

Mr. SEIBERLING. I thank the gentleman for yielding this time to me.

Mr. McCLORY offered a very important amendment in the Committee on the Judiciary; I offered two important amendments. They received considerable support, though not enough to pass. We should have the opportunity to offer them on the House floor. This is an important bill. It should be fully and thoroughly explored on the floor.

We do not need a study commission. We have a lot of experts here. What we need is to have a full debate on this bill.

Mr. McCLOSKEY. Mr. Speaker, I wish that we could have the time. My understanding is that the legislative calendar is so backed up that the only chance to get this important legislation passed this year was on the suspension calendar, and that is the reason it is here.

I hope we can resolve in conference some of the difficulties. I particularly want to commend the Committee on the Judiciary for adding the provision relating to shippers' councils because as we give greater power to the shipping conferences, it seems to me we should balance that economic power with the power of the shippers' councils.

Mr. Speaker, I was delighted when the Committee on the Judiciary added that provision. I hope that the Department of Justice's known antipathy to shippers' councils can be avoided. I gather it has been, because shippers' councils seem to me to be a necessary counterbalance to the strength that we will be giving the shipping conferences under this bill.

Mr. RODINO. Mr. Speaker, will the gentleman yield to me?

Mr. McCLOSKEY. I yield to the gentleman from New Jersey.

Mr. RODINO. I thank the gentleman for yielding.

Mr. Speaker, This morning I received a letter from the Department of Justice objecting to provisions in the bill that would remove the Department's authority to litigate in court cases involving the Federal Maritime Commission. The Judiciary Committee has always sought to protect the Department's authority to litigate all cases involving the Government. I have been a strong advocate of this position since I believe it is the responsibility of the Attorney General to be the litigator for the Government.

Unfortunately, this matter was not called to my attention until a few minutes ago. While we are not in a position to correct this problem now, I will do what I can to correct this problem in any conference we may have with the Senate. I understand that Chairman JONES is prepared to work with us in making this correction.

The letter reads as follows:

ASSISTANT ATTORNEY GENERAL,
LEGISLATIVE AFFAIRS,
Washington, D.C., September 13, 1982.

Hon. PETER W. RODINO, Jr.
Chairman, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: As you are aware, on September 13, 1982, the House of Representatives is scheduled to consider H.R. 4374, a bill "to improve the international ocean commerce transportation system of the United States." Sections 14(e), 14(f), and 13(c) of the bill, as reported by the Committees on the Judiciary and Merchant Marine and Fisheries would divest the Attorney General of some of his authority to conduct the litigation of the United States. Enclosed is a copy of the Department's report, as cleared by the Office of Management and Budget, which sets forth our position on similar provisions in S. 1593, the Senate counterpart to H.R. 4374.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

U.S. DEPARTMENT OF JUSTICE
Washington, D.C., April 28, 1982.

Hon. BOB PACKWOOD,
Chairman, Committee on Commerce, Science and Transportation, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This presents the views of the Department of Justice on sections 15 and 16 of S. 1593, a bill, "To revise regulation of international liner shipping operating in the United States foreign commerce."

Section 15 would authorize the Federal Maritime Commission (the "FMC") to assess civil penalties for violations, and provides for review, enforcement action, and compromise by the FMC. Section 16 authorizes attorneys of the Federal Maritime Commission to institute legal action in the courts of the United States, independent of the Attorney General, for the enforcement of orders of the FMC. The granting of this authority to the Federal Maritime Commission is in conflict with present law governing the authority and responsibility of the Attorney General of the United States. The Department of Justice opposes the enactment of these sections.

Historically, the Attorney General has exercised plenary responsibility over the conduct of the legal affairs of the United States. Act of September 24, 1789, 1 Stat. 73. See also *United States* v. *San Jacinto Tin Co.*, 125 U.S. 273, 279 (1888); *Confiscation Cases*, 7 Wall. (74 U.S.) 457-58 (1868). The responsibility to conduct the litigation of the United States was first given greater statutory recognition in the act which created the Department of Justice, Act of June 22, 1870, 16 Stat. 162, and is now primarily codified at sections 516 and 519 of Title 28, which reserve the conduct of litigation involving the United States to the Attorney General and the Department of Justice "[e]xcept as otherwise authorized by law.[1]

This statutory assignment of plenary litigating authority to the Attorney General centralizes the conduct of litigation on behalf of the United States and thereby furthers a number of important policy goals. It allows the presentation of uniform positions on important legal issues, ensures that government lawyers will be able to select test cases which present the government's position in the best possible light, and gives the Attorney General authority over lower court proceedings so that government litigation will be better handled on appeal and before the Supreme Court. It provides for greater objectivity in the filing and handling of cases by attorneys who are not themselves affected litigants.

Legislation, such as sections 15(c), 15(d) and 16(e) of S. 1503, seeks to bestow independent litigating authority on other federal agencies and departments, and therefore amend, in effect 28 U.S.C. §§ 516. This is inconsistent with the salutary function of the Attorney General and would permit each such agency to make its position the government's position of the day. As the Fifth Circuit has indicated in *I.C.C.* v. *Southern Railway Co.*, 543 F.2d 534, 535 (5th Cir. 1976), such a result is not in the interest of the government, nor would it be well received in the courts.

The kinds of orders and civil penalty assessments which the Federal Maritime Commission will issue in enforcing S. 1593 if it should become enacted are not essentially different from the kinds of orders and assessments which other regulatory commissions and agencies issue in enforcing their statutes. When it becomes necessary to enforce agency orders and assessments in judicial proceedings, the Department of Justice has generally been responsible for the management of the litigation on behalf of the government. This is but part of the Attorney General's overall responsibility for the supervision and conduct of the government's litigation in the courts of the United States.[2]

In summary, the Department of Justice objects to sections 15 and 16 of S. 1593 in that they grant independent litigating authority to the Federal Maritime Commission and undermines the authority of the Attorney General to conduct litigation to recover civil penalty assessments of the FMC. We are aware of no reason that would call for a departure from the authority and control of the Attorney General set forth in present law. We recommend that section 16(f) be deleted and that the following sections be amended to read as follows:

"15(d) ACTION UPON FAILURE TO PAY ASSESSMENT—If any person fails to pay an assessment of a civil penalty after it has become final and an unappealable order, or after the appropriate court has entered final judgment in favor of the Commission, the Commission shall refer the matter to the Attorney General of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"15(e) LITIGATION—All litigation arising under this Act shall be conducted by the Attorney General of the United States pursuant to section 516 of Title 28, United States Code.

"16(c) ENFORCEMENT OF NONREPARATION ORDERS—In case of violation of any order of the Commission, or for failure to comply with a Commission subpena, the Commission, through the Attorney General, pursuant to 28 U.S.C. 516, or any party injured by such violation, may seek enforcement by any United States district court having jurisdiction over the parties. If after hearing, the court determines that the order was properly made and duly ordered, it shall enforce the order by an appropriate information or other process, mandatory, or otherwise."

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

I would like to ask the gentleman from California whether or not he agrees with me that if this matter is developed in conference, that we do whatever is possible to assure that this is the case.

I have always been an advocate of this position. I think it is important and I would like to say that the Committee on the Judiciary has not been derelict, unfortunately, because the letter was addressed to me only today, it has just come to my attention.

Mr. McCLOSKEY. I am in the same situation. I just saw the letter a few minutes ago.

If the point is valid, I think we should try to iron it out in conference.

Mr. Speaker, I thank the gentleman.

Mr. JONES of North Carolina. Mr. Speaker, I yield 2½ minutes to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. I thank the gentleman from North Carolina for yielding this time to me.

Mr. Speaker, I am pleased to join the distinguished chairman of the Committee on the Judiciary and the chairman of the Committee on Merchant Marine and Fisheries in support of this legislation.

As one of the two Members of the House who is fortunate to serve on both committees, I am most gratified that the two committees have been able to work together to produce what I think is a reasonably balanced piece of legislation.

Mr. Speaker, I share many of the concerns expressed by my colleague from Ohio and I wish we lived in the ideal world where we could apply antitrust legislation extraterritorially, but we have to take the facts as they are. There are two objectives to this bill which I think we can all agree on: The first is the need to speed up and simplify the regulatory process of the Federal Maritime Commission.

Unfortunately, this agency has not been known for its dispatch in dealing with regulatory matters. The bill we consider today contains a provision that requires the Federal Maritime Commission to make a decision on all agreements within 45 days of the date they are filed, with a right to suspend this decision no more than 180 additional days.

A second and equally important objective of this bill is the effort to create greater certainty as to the types of activities which the carriers can or cannot engage in. It substitutes for the much maligned "public interest" test a more specific list of prohibited acts which will guide the Maritime Commission in regulating concerted activities.

The bill before us today does not accord the total antitrust immunity many in the industry would like to have. It does, however, draw a clearer line of demarcation between antitrust and shipping regulation. It eliminates most private treble-damage suits but installs in their place a sure and effective reparations remedy under the Shipping Act. An injured person can recover the amount of actual injury, interest from the date of the injury, and a reasonable attorney's fee.

The changes in existing law represent immediate improvements that I believe will simpify the law and benefit both the industry and the customers it serves.

The legislation also contains an important provision creating a Presiden-

[1] 28 U.S.C. section 516 provides: "Except as otherwise authorized by law, the conduct of litigation in which the United States, an agency, or officer thereof is a party, or is interested, and securing evidence therefor, is reserved to officers of the Department of Justice, under the direction of the Attorney General."

28 U.S.C. section 519 provides: "Except as otherwise authorized by law, the Attorney General shall supervise all litigation to which the United States, an agency, or officer thereof is a party, and shall direct all United States attorneys, assistant United States attorneys, and special attorneys appointed under section 543 of this title in the discharge of their respective duties."

See also 5 U.S.C. § 3106, which provides in pertinent part: "Except as otherwise authorized by law, the head of an Executive department or military department may not employ an attorney or counsel for the conduct of litigation in which the United States, an agency, or employee thereof is a party, or is interested, or for the securing of evidence therefor, but shall refer the matter to the Department of Justice."

[2] We note that section 15(f)(2) provides that penalty assessment proceedings are barred unless begun within five years from the date of violation. However no mention is made of any limitation on enforcement litigation. We recommend that S. 1593 be amended so as to clarify either that enforcement actions are subject to no time bar, or that enforcement actions shall begin within a certain period after the FMC action is complete.

tial study commission to make recommendations for the long-term deregulation of the maritime industry. The study commission, with the participation of the executive branch, the Congress, the industry, the unions, the ports and other interested persons, will have an opportunity to make a valuable contribution toward reshaping this industry in a manner that will best serve this Nation for years to come.

In conclusion, I hope the House will act favorably on the amended bill reported by the Committee on the Judiciary.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. BENNETT).

Mr. BENNETT. Mr. Speaker, I urge your support for H.R. 4374, which will modernize the regulation of international shipping. This bill is crucial if we are to arrest the decline of the U.S.-flag merchant marine.

A strong economically healthy merchant marine is essential to our national security, to provide the sealift required by our defense plans. This bill will increase the opportunity for a more numerous merchant marine fleet. Joint Chiefs of Staff have repeatedly made the point that there are no plans for military operations overseas which do not clearly depend upon sealift. The Navy estimates that about 350 dry cargo ships alone would be required to support the deployment of the Rapid Deployment Force to the Persian Gulf area of the Indian Ocean, a contingency plan receiving "increased emphasis" according to the Secretary of Defense. Most of those ships would have to come from the U.S. merchant marine.

Today, our privately owned dry cargo fleet could just barely satisfy this requirement, and then only by virtually abandoning our overseas trade routes to foreign competition. It is in the interest of our national defense needs that this bill be enacted absent any better suggestion for meeting unmet requirements.

The downward trend in U.S.-flag shipping must be reversed and H.R. 4374 is expected to be an important part of that process. It will help our U.S.-flag carriers by expediting the procedures under which they are regulated and helping to equalize the unfair regulatory burden that now exists between U.S.-flag and foreign-flag carriers. These benefits come without cost to the Government or danger to American consumers.

Among the supporters of this bill are the administration, the Merchant Marine and Fisheries and Judiciary Committees, and the National Industrial Traffic League representing the overwhelming majority of users of ocean shipping. I know of no opposition to H.R. 4374 within the entire maritime industry.

With your help and support we can take a long step forward in correcting a serious deficiency in the essential maritime needs of our Nation.

Mr. JONES of North Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. AUCOIN).

Mr. AUCOIN. I thank the gentleman for yielding this time to me.

Mr. Speaker, I can find nothing in this legislation which would support that contention or give rise to that fear that this bill hurts the consumer. Everything in this bill—from the requirement that conference membership not be restricted * * * to the requirements for independent action and nondiscriminatory practices—effectively policed by a Federal regulatory body—demonstrates that the committee has taken an archaic, 66-year-old piece of legislation which produced nothing but high transportation costs and modernized it so that these shipping companies can fully utilize technical and commercial innovation, reduce the costs of transportation, and improve our ability to meet foreign competition.

The overwhelming endorsement of this bill by practically every importer and exporter who uses ocean transportation services is loud testimony that H.R. 4374 will generate reliable services at reasonable rates. The businessmen who make up the export/import industry—the first line consumers of shipping services—know that the differences between making a sale and not realizing the sale is the cost of the transportation component of the landing cost of a product. Only if legislation is perceived as insuring competitive rates for reasonable service will this group of businessmen endorse a bill such as this.

Is it in the consumer's interest to have a strong merchant marine? The answer is yes. Is it this country's national interest to wake up foreign competition? The answer is yes.

Is this bill necessary? The answer is yes.

□ 1315

Mr. JONES of North Carolina. Mr. Speaker, I yield myself the balance of my time, and I would like to conclude by reading from a letter dated September 8, 1982, signed by a fine gentleman downtown, "Drew," being Secretary Drew Lewis of the Department of Transportation:

THE SECRETARY OF TRANSPORTATION,
Washington D.C., September 8, 1982.

Hon. WALTER B. JONES,
House of Representatives,
Washington, D.C.

DEAR WALTER: I am writing to express the Administration's commitment to the regulatory reform of the maritime industry and to ask that you work with us to see that H.R. 4374, a bill "To improve the international ocean commerce transportation system of the United States," is considered and passed by the House in a timely manner.

I am sure you are aware that there have been extensive and lengthy hearings, discussions and negotiations among representatives of ocean carriers, shippers (who are the consumers of ocean transportation services), Congressional committees, and the Administration on the proposed legislation. A general consensus has emerged with regard to the nature of the regulatory reforms that are necessary to make U.S. maritime policy consistent with international shipping practices and to clarify the present procedures which have made U.S. regulation of the liner industry unwieldy and unpredictable. That consensus is reflected in the broad-based support for H.R. 4374.

This legislation will correct procedures presently followed in order to reinstate certainty and predictability in the regulation of liner shipping in our foreign commerce, while adequately protecting all parties—shippers, carriers and ultimately the American consumer. It is not intended to favor any particular flag operator, and gives recognition to the need for international comity in liner shipping. The legislation defines with greater precision the scope of antitrust immunity which has been in force since passage of the Shipping Act of 1916. A more precise definition will provide greater clarity and certainty for operators and users of shipping services. At the same time, the legislation will eliminate many of the problems that have arisen in connection with extraterritorial application of our laws to ocean liner services, which has produced friction with our trading partners.

As this session draws to a close, I recognize there are numerous bills vying for floor action. H.R. 4374, which is scheduled to be considered under suspension of the rules on September 13th, represents a bipartisan effort to address the problems of the maritime liner industry and to reform the procedures under which the federal government unnecessarily regulates the industry. On behalf of the Administration, which is committed to this regulatory reform effort, I join with the Congressional sponsors of this legislation to urge your support and passage of H.R. 4374.

Sincerely,

DREW.

● Mr. SYNDER. Mr. Speaker, I speak in strong support of H.R. 4374. As a member of the Merchant Marine and Fisheries Committee for over 12 years, I have had the opportunity to observe the antiquated system under which the United States requires its ocean common carriers to operate. Indeed, the United States is almost unique in the world in its regulation of ocean-borne foreign commerce. Under existing law, the United States requires conferences operating in the U.S. trades to maintain open membership while the rest of the world permits closed conferences. Presently in the United States, shippers' councils are not permitted to act as a counterbalance to a conference's power, whereas shippers' councils are permitted throughout the rest of the world.

Agreements implementing the conference members' agreed-upon activity are now required to be approved by the Federal Maritime Commission (FMC) prior to coming into effect. This is more often than not, a lengthy

process which results in many agreements becoming commercially obsolete by the time they are approved. In addition, the antitrust immunity which Congress clearly intended to apply to ocean shipping when it enacted the Shipping Act of 1916, has been substantially eroded. As a result, there is no longer a clear antitrust standard for the carriers to operate under, or for the FMC to administer with any certainty of staying within the parameters of permissible activities and without the prospect of prosecution by the Justice Department. Usually, U.S.-flag carriers will feel the brunt of a Justice Department decision to assert an antitrust violation has occurred, since U.S.-flag interests are more easily accessible to our domestic legal process and pose no foreign policy considerations.

H.R. 4374 is a bipartisan legislative effort designed to correct many of these shortcomings in existing law. I am not in complete agreement with the bill and would have preferred to have seen some changes in the bill; particularly I am not satisfied with the bill's provision which retains the requirement that tariffs must be filed and enforced by the FMC. Nonetheless, I think that the bill before us makes some significant improvements in other areas of concern and provides the basis for enacting legislation in the next Congress to further improve our ocean transportation system.

Mr. Speaker, I would like to compliment the Secretary of Transportation, Drew Lewis, for his outstanding efforts, as well as those of the other members of the Department of Transportation team, on behalf of this bill. The Secretary spent a great amount of his personal effort to get this bill where it is today. He successfully argued the industry's case before the Cabinet Council and overcame the significant opposition of other departments to this legislation, a feat which no one else had been able to accomplish, especially during the previous administration. He also kept close watch on congressional action, and worked quietly behind the scenes to keep the bill moving.

The industry owes Secretary Lewis a debt of gratitude, in my opinion. This administration is living up to its commitment to help the maritime community.

Mr. Speaker, I urge my colleagues to support H.R. 4374 with a yes vote.●

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 4374, the Ocean Shipping Act of 1982, which is designed to improve the efficiency of our ocean-liner carriers while maintaining the needed protections for consumers and for those engaged in the maritime trades of the United States.

This constructive regulatory reform legislation modernizes the regulation of ocean shipping in line with today's commerical needs. The Ocean Shipping Act of 1982 was envisioned to give an opportunity to U.S. importers and exporters of goods to compete effectively for their share of world markets. Time is long overdue for us to revise the present regulatory framework which falls short from providing the U.S. shipping industry with the tools it needs to respond to changes in market conditions. Many years of technological advances have gone by and we need a Federal law which reflects this progress.

It is painful to see that U.S. ships no longer carry the bulk of U.S. goods moving in foreign commerce at a time when our Nation suffers an economic crisis. There is a compelling need for us to lend a hand in trying to create a move effective and less costly ocean-carrier service which could successfully compete with foreign-flag carriers. We no longer can afford to allow that 75 percent of U.S. producers shipping costs be diverted from our own shipping industry.

I trust this regulatory reform will bring about a healthier and more productive U.S.-liner industry. I urge my colleagues to vote in favor of this legislation.●

● Mr. PRITCHARD. Mr. Speaker, I rise in support of H.R. 4374, a bill "to improve the international ocean commerce transportation system of the United States."

There have been extensive and lengthy hearings, discussions, and negotiations among representatives of ocean carriers, shippers who are consumers of ocean transportation services such as the forest products industry, congressional committees, and the administration on the proposed legislation. A general consensus has emerged with regard to the nature of the regulatory reforms that are necessary to make U.S. maritime policy consistent with international shipping practices and to clarify the present procedures which have made U.S. regulation of the liner industry unwieldy and unpredictable. That consensus is reflected in the broad-based support for H.R. 4374.

I particularly want to focus on section 2 of this bill that contains the definition for "forest products." This definition is designed to include those products that are noncontainerized cargo in lot sizes having a volume greater than 2,560 cubic feet. This definition exempts forest products from the requirements of filing a tariff and being subject to conference loyalty agreements, thus tracing a similar exception which already has been provided in this bill for bulk cargoes. This proposal is designed to replace the exemption for "softwood lumber" which was contained in the Shipping Act of 1916.

The forest products industry is in dire straits. This is of particular concern to those of us in the Pacific Northwest. Since the collapse of the housing market, many of the business opportunities for the forest products manufacturers have closed. In fact, in several cases the only business opportunity that exists which is keeping the industry afloat until the revival of the housing market is the export market. That is why it is so essential that regulatory relief is provided for such an economically depressed industry.

This legislation represents the bipartisan effort to address the problems of the maritime industry and to reform the procedures under which the Federal Government unnecessarily regulates the industry. I think it behooves us to act expeditiously in order to bring the necessary regulatory relief. This bill will correct procedures presently followed in order to reinstate certainty and predictability in the regulation of liner shipping in our foreign commerce, while adequately protecting all parties—shippers, carriers, and ultimately the American consumer. I would urge my colleagues to support the passage of H.R. 4374.●

● Mr. LENT. Mr. Speaker, I rise in support of the Shipping Act of 1982, H.R. 4374.

This legislation has been a long time in coming. Maritime regulatory reform has been the subject of hearings in both the House and Senate during the 96th and 97th Congresses.

The bill before us today is designed to clarify procedures which have in the past made U.S. regulation of the liner industry uncertain and unwieldy, and more closely conform our ocean shipping practices with those of our trading partners. As such, it represents an important step in our efforts to revitalize our merchant marine, improve the competitive stance of our international ocean shipping industry, and enhance our national defense capabilities.

Furthermore, H.R. 4374 is an example of what the legislative process of give-and-take can produce; this marvel of accommodation is supported by the leadership of the Merchant Marine and Fisheries and Judiciary Committees, the administration, U.S.-flag-liner shipping companies, port authorities, labor, and importers and exporters.

A vote for H.R. 4374 is a vote for a more efficient and effective merchant marine. I urge my colleagues to vote for its passage today.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 4374, as amended.

The question was taken.

Mr. EDWARDS of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members who wish to do so may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on the bill H.R. 4374, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PATENT TERM RESTORATION ACT OF 1982

Mr. KASTENMEIER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6444), to amend the patent law to restore the term of the patent grant for the period of time that nonpatent regulatory requirements prevent the marketing of a patented product, as amended.

The Clerk read as follows:

H.R. 6444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Patent Term Restoration Act of 1982".

SEC. 2. (a) Title 35 of the United States Code is amended by adding the following new section immediately after section 154:

"§ 155. Restoration of patent term

"(a)(1) Except as provided in paragraphs (3) and (4), the term of a patent which encompasses within its scope a product subject to a regulatory review, or a method for using such a product or a method for producing such a product, shall be extended from the original expiration date of the patent if—

"(A) the product sponsor gives notice to the Commissioner in compliance with the provisions of subsection (b)(1);

"(B) the product has been subjected to a regulatory review pursuant to statute before its commercial marketing or use;

"(C) the patent to be extended has not expired prior to notice to the Commissioner under subsection (b)(1); and

"(D) the patent to be extended was issued on or subsequent to the date of enactment of the Patent Term Restoration Act of 1982.

"(2) The rights derived from any claim of any patent extended under paragraph (1) shall be limited.

"(A) in the case of any patent, to the scope of such claim which relates to the product subject to regulatory review, and

"(B) in the case of patent which encompasses within its scope a product—

"(i) which is subject to regulatory review under the Federal Food, Drug, and Cosmetic Act, to the uses of the product which may be regulated by the chapter of such Act under which the regulatory review occurred, or

"(ii) which is subject to regulatory review under any other statute, to the uses of the product which may be regulated by the statute under which the regulatory review occurred.

"(3)(A) Subject to subparagraph (B), the term of the patent shall be extended by the time equal to the regulatory review period for such product for the period up to ten years after the date of filing of the earliest application for the patent and the time equal to one-half the regulatory review period for the period between ten and twenty years from the filing date of the earliest patent application.

"(B) In no event shall the term of any patent be extended for more than seven years. No term of any extended patent may exceed twenty-seven years from the date of filing of the earliest patent application for the patent. If the term that the patent would be extended is less than one year, no extension shall be granted.

"(C) In no event shall more than one patent be extended for the same regulatory review period for the product.

(4) The term of a patent which encompasses within its scope a method for producing a product may not be extended under this section if—

"(A) the owner of record of such patent is also the owner of record of another patent which encompasses within its scope the same product; and

"(B) such patent on such product has been extended under this section.

"(b)(1) To obtain an extension of the term of a patent under subsection (a), the product sponsor shall notify the Commissioner under oath, within ninety days after the termination of the regulatory review period for the product to which the patent relates, that the regulatory review period has ended. If the product sponsor is not the owner of record of the patent, the notification shall include the written consent of the owner of record of the patent to the extension. Such notification shall be writing and shall—

"(A) identify the Federal statute under which regulatory review occurred or, if the regulatory review occurred under the Federal Food, Drug, and Cosmetic Act, the chapter of the Act under which the review occurred;

"(B) state the dates on which the regulatory review period commenced and ended;

"(C) identify the product for which regulatory review was required;

"(D) state that the requirements of the statute under which the regulatory review referred to in subsection (a)(1)(B) occurred have been satisfied and commercial marketing or use of the product is not prohibited; and

"(E) identify the patent and any claim thereof to which the extension is applicable; the date of filing of the earliest application for the patent; and the length of time of the regulatory review period for which the term of such patent is to be extended; and state that no other patent has been extended for the regulatory review period for the product.

"(2) Upon receipt of the notice required by paragraph (1), the Commissioner shall promptly publish in the Official Gazette of the Patent and Trademark Office the information contained in such notice. Unless the requirements of this section have not been met, the Commissioner shall issue to the owner of the record of the patent a certificate of extension, under seal, stating the fact and length of the extension and identifying the product and the statute under which regulatory review occurred and specifying any claim to which such extension is applicable. Such certificate shall be recorded in the official file of the patent so extended and shall be considered as part of the original patent.

"(c) As used in this section:

"(1) The term 'product' means any machine, manufacture, or composition of matter for which a patent may be obtained and includes the following:

"(A) Any new drug, antibiotic drug, new animal drug, device, food additive, or color additive subject to regulation under the Federal Food, Drug, and Cosmetic Act.

"(B) Any Human or veterinary biological product subject to regulation under section 351 of the Public Health Service Act or under the virus, serum, toxin, and analogous products provisions of the Act of March 4, 1913 (21 U.S.C. 151-158).

"(C) Any pesticide subject to regulation under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(D) Any chemical substance or mixture subject to regulation under the Toxic Substances Control Act.

"(2) The term 'major health or environmental effects text' means an experiment to determine or evaluate health or environmental effects which requires at least six months to conduct, not including any period for analysis or conclusions.

"(3) The term 'earliest application for the patent' means the patent application providing the earliest benefit of filing date to the patent and includes patent applications under sections 119 and 120.

"(4) The term 'product sponsor' means any person who initiates testing or investigations, claims an exemption, or submits an application, petition, protocol, request, or notice described in paragraph (5) of this subsection.

"(5) The term 'regulatory review period' means—

"(A) with respect to a product which is a drug, antibiotic drug, or human biological product, a period commencing on the earliest of the date the first product sponsor (i) initiates a clinical investigation on humans, or (ii) submits an application or petition with respect to such product the Federal Food, Drug, and Cosmetic Act, Public Health Service Act, or the Act of March 4, 1913, and ending on the date such application or petition with respect to such product is approved or the product is licensed under such statutes or, if objections are filed to such approval or license, ending on the date such objections are resolved and commercial marketing is permitted or, if commercial marketing is initially permitted and later revoked pending further proceedings as a result of such objections, ending on the date such proceedings are finally resolved and commercial marketing is permitted;

"(B) with respect to a product which is a food additive or color additive, a period commencing on the earliest of the date the first product sponsor (i) initiates a major health or environmental effects test on the product, but only if the data from such test is submitted in a petition referred to in clause (iii) of this subparagraph, (ii) claims an exemption for an investigation with respect to such product, or (iii) submits a petition with respect to the product under the Federal Food, Drug, and Cosmetic Act requesting issuance of a regulation for use of the product, and ending on the date such regulation becomes effective or, if objections are filed to such regulation, ending on the date such objections are resolved and commercial mar-

keting is permitted or, if commercial marketing is initially permitted and later revoked pending further proceedings as a result of such objections, ending on the date such proceedings are finally resolved and commercial marketing is permitted;

"(C) with respect to a product which is an animal drug or veterinary biological product, a period commencing on the earliest of the date the first product sponsor (i) claims an exemption for investigation of the product or requests authority to prepare an experimental product under the Federal Food, Drug, and Cosmetic Act, the Public Health Service Act, or the Act of March 4, 1913, or (ii) submits an application or petition with respect to the product under such statutes, and ending on the date such application or petition with respect to the product is approved or the product is licensed under such statutes or, if objections are filed to such approval or license, ending on the date such objections are resolved and commercial marketing is permitted or, if commercial marketing is initially permitted and later revoked pending further proceedings as a result of such objections, ending on the date such proceedings are finally resolved and commercial marketing is permitted;

"(D) with respect to a product which is a device, a period commencing on the earlier of the date the first product sponsor (i) submitted a proposed product development protocol with respect to the product under the Federal Food, Drug, and Cosmetic Act, (ii) initiates a clinical investigation on humans, or (iii) submitted an application with respect to the product under such statute, and ending on the date such application with respect to the product is approved under such statute;

"(E) with respect to a product which is a pesticide, a period commencing on the earliest of the date the first product sponsor (i) initiates a major health or environmental effects test on such pesticide, but only if the data from such test is submitted in a request for registration of such pesticide under section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, (ii) requests the grant of an experimental use permit for the pesticide under section 5 of such Act, or (iii) submits an application for registration of such pesticide pursuant to section 3 of such Act, and ending on the date such pesticide is first registered, either conditionally or fully; and

"(F) with respect to a product which is a chemical substance or mixture for which notification is required under section 5(a) of the Toxic Substances Control Act—

"(i) which is subject to a rule requiring testing under section 4(a) of such Act, a period commencing on the date the first product sponsor has initiated the testing required in such rule and ending on the expiration of the premanufacture notification period for such chemical substance or mixture, of if an order or injunction is issued under section 5(e) or 5(f) of such Act, the date on which such order or injunction is dissolved or set aside;

"(ii) which is not subject to a testing rule under section 4 of such Act, a period commencing on the earlier of the date the first product sponsor—

"(I) submit a premanufacture notice, or

"(II) initiates a major health or environmental effects test on such chemical substance or mixture, but only if the data from such test is included in the premanufacture notice for such substance or mixture,

and ending on the expiration of the premanufacture notification period for such substance or mixture or if an order or injunction is issued under section 5(e) or 5(f) of such Act, the date on which such order or such injunction is dissolved or set aside;

except that the regulatory review period shall not be deemed to have commenced until a patent has been granted for the product which is subject to regulatory review, for the method for using such product, or for the method for producing such product.

"(d)(1) Notwithstanding subsection (a)(1)(D), in the event the regulatory review period has commenced prior to the date of enactment of this section, then the period of patent extension for such product or a method of using such product shall be measured from the date of enactment of this section. In the event that prior to the date of enactment of this section a new drug product was approved on a date more than seven years after the commencement of the regulatory review period and during such regulatory review period the patentee was notified that such product's application was not approvable under section 505(b)(1) of the Federal Food, Drug, and Cosmetic Act and as a result of which the patentee caused a major health or environmental effects test to be conducted to evaluate carcinogenic potential, then the period of patent extension for such product or the method of use of such product shall be seven years, if the filing required by subsection (b)(1) of this Act is made within ninety days of the date of enactment of this section.

"(2) Notwithstanding subsection (a)(1)(D), in the case of products approved and for which a stay of regulation granting approval pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act was in effect as of January 1, 1981, the period of such patent extensions shall be measured from the date such stay was imposed until such proceedings are finally resolved and commercial marketing permitted, if the filing required by subsection (b)(1) is made within ninety days of the termination of the regulatory review period or of the date of enactment of this section, whichever is later.".

(b) The analysis for chapter 14 of title 35, United States Code, is amended by adding at the end the following:

"155. Restoration of patent term.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Wisconsin (Mr. KASTENMEIER) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. RAILSBACK) will be recognized for 20 minutes.

PARLIAMENTARY INQUIRY

Mr. SHAW. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SHAW. Mr. Speaker, is the gentleman from Illinois opposed to the bill?

Mr. RAILSBACK. I am not. I favor the bill, Mr. Speaker.

Mr. SHAW. Mr. Speaker, I do oppose the bill, and I make demand for the time on this side of the aisle.

The SPEAKER pro tempore. The gentleman from Florida (Mr. SHAW) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Speaker, I yield myself 10 minutes.

Mr. Speaker, H.R. 6444 is the product of over 4 years of study of ways in which Government patent policy can be changed to stimulate industrial innovation in the United States. The genesis of the legislation was a call by President Jimmy Carter in May 1978 for a domestic policy review of industrial innovation. President Carter's directive lead to the creation of an Advisory Committee on Industrial Innovation composed of more than 150 senior representatives from the industrial, public interest, labor, scientific, and academic communities. This committee made several recommendations for changes in Federal law with the goal of an improved patent system. Several of these changes were enacted by the 96th and 97th Congress, but a key recommendation of the Advisory Committee which remains to be implemented is that calling for "an adequate extension of the patent term * * * when commercialization of patented inventions is delayed due to Federal regulations." It is this recommendation which is embodied in H.R. 6444.

In view of the economic crisis our country is now experiencing and the obvious need for constructive ways to deal with it, we on the Judiciary Committee took the recommendation for patent term restoration very seriously and commissioned a more detailed analysis of the issue by the congressional Office of Technology Assessment which, after a year of independent study, presented the Congress with a 74-page report on the issue focusing on the pharmaceutical industry as an example.

The OTA report found that—

The drug develpment process is time consuming and is characterized by a high probability of failure. A decade or more may elapse between the time a chemical having promising biological activity is identified and the time it is marketed as a new drug. The odds against developing a marketable pharmaceutical are great . . . only one out of 7,000 to 10,000 newly synthesized chemicals will be found to have promising biological acitivity. Only one out of 10 promising chemicals will survive to marketing.

The report estimates that direct costs, in 1976 dollars, of developing a new pharmaceutical average $33 million. In addition to finding that the new drug-development process is extraordinarily costly and lengthy, the Office of Technology Assessement also found that the average effective patent term for drugs approved in 1979 was less than 10 years.

It is the extraordinarily long development time required by the testing needed to meet regulatory requirements which causes significant loss of effective patent term and underlies the need for H.R. 6444.

The testimony before the subcommittee and the information contained

in the report of the Office of Technology Assessment confirms the link between effective commercial patent term and innovation and supports the recommendation of President Carter's Advisory Committee for remedial legislation.

It is important to keep in mind that the issue involved is not simply the growth of the economy, it is encouraging future investment of large sums of private capital in the high-risk area of breakthrough pharmaceutical and chemical technology. Such investments pay off not only in economic growth, but even more importantly in improvements to the health and well being of our people, especially those most likely to need new medical technology such as senior citizens. And, frequently, new pharmaceutical technology can be more cost effective than preexisting therapies which involve often costly hospitalization. I believe firmly that the generic pharmaceutical industry should be encouraged. But it is important to keep in mind that generic companies, by definition, do not develop new and better drugs—they simply copy existing therapies. We must look to the research intensive, patent dependent companies for new cures for disease. The goal of H.R. 6444 is simply to encourage these companies to produce more and better therapies.

Although the general thrust of the testimony presented to my subcommittee was supportive of the concept of patent term restoration, important criticisms were made. The committee was sensitive to those criticisms and adopted a number of amendments to the original proposal which were designed to respond to them. The modifications were so significant that an entirely new bill was drafted and approved by my subcommittee and the full Judiciary Committee. This new bill, H.R. 6444, is vastly different from the original House bill H.R. 1937, or the Senate passed bill, S.255.

The most important amendment restricts the bill to patents issued after the date of enactment. Therefore, generic companies will not experience any delay in access to patented technology until the year 2000. By the time the first patent is extended by the bill, the advantages of the new products induced by it will far outweigh any delay in generic reproductions coming to the market.

Further, the amendments deny any benefit under the legislation to companies which procrastinate in obtaining their patents and greatly limit any extension of patent to companies which fail to expedite the testing and regulatory approval process. Further, the bill applies to only one patent on any product to avoid pyramiding of patent protection.

H.R. 6444, as reported by the Judiciary Committee, is a balanced bill which will assure more rapid technological innovation in the pharmaceutical and chemical industries, resulting in a stronger economy and the development of less costly and more competitive new therapies and chemicals. At the same time, the interests of consumers have been protected.

The bill is sponsored by over 100 Members. S. 255, a Senate counterpart, passed the Senate last year by a unanimous voice vote.

Mr. Speaker, I urge Members to vote for H.R. 6444.

Mr. Speaker, with my remarks I include a letter received by me Today from the gentleman from Tennessee (Mr. FORD) as follows:

WASHINGTON, D.C.,
September 13, 1982.

Re H.R. 6444—Patent Restoration Act.

Mr. ROBERT W. KASTENMEIER,
Chairman, Subcommittee on Courts, Civil Liberties and Administration of Justice, Committee on the Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I write to support the Patent Term Restoration Act (H.R. 6444) from my perspective as a member of the Subcommittee on Health of the Committee on Ways and Means.

We regard soaring health care costs as a major problem which, to date, has eluded any pervasive legislative or marketplace solution. Health care costs have increased sixfold over the past twenty years, and skyrocketing hospitalization and surgical costs have accounted for a substantial portion of the increase. Health care costs as a percentage of our GNP continues to increase at an alarming rate. Many families have been wiped out because of illnesses that have required protracted and costly hospitalization, and the Medicare and Medicaid programs—which are esssential to the elderly and the poor—have become prime targets for the Administration's budget cutters.

One component of our health care system—medicines—has provided an efficient, effective and humanitarian counterweight to an otherwise bleak health care picture. Prescription drug prices have increased only 34% over the past 20 years. Perhaps even more importantly, however, new drugs have alleviated human suffering and saved billions of dollars by providing effective alternatives to costly surgical procedures and hospitalization. The past two years alone has witnessed the introduction of new or improved drugs to treat or prevent ulcers, glaucoma, pneumococcal pneumonia, second heart attacks, epilepsy, hepatitis, arthritis and hypertension, to name some of our more common and costly illnesses.

New medicines, Mr. Chairman, represent the most compassionate and cost effective means of preventing and treating disease. It is in our national interest, and particularly in the interest of the poor and the elderly, to assure adequate incentives to encourage the introduction of new and better medicines. The stakes are too big to be penny wise and pound foolish.

An average 6.8 year patent term for drugs is grossly unfair and inequitable when better mousetraps receive 17 years of exclusivity. Continuation of this inequity is bound to reduce the flow of funds into R&D for new medicines and the number of new medicines that will be forthcoming in the 1990's.

H.R. 6444 both redresses this inequity and protects consumers and generic manufacturers by excluding products already marketed and patents already issued. It should be supported by all who are prepared to critically examine the importance of new medicines to the poor, the elderly and to our health care delivery system. Feel free to use this letter during floor debate on the bill if it will help secure its passage.

With best regards.

Sincerely,

HAROLD FORD,
Member of Congress.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. Mr. Speaker, I think that the point that the gentleman makes is very, very important, and I would only add to that that one recent amendment that was adopted made it very clear that we did not want any pyramiding or we did not want extensions for one patent that may be discovered to have a new product or a new nature. We really limit it to one extension, and even that extension is limited to a period of 7 years, which may not cover the regulatory review period.

Mr. KASTENMEIER. The gentleman from Illinois is correct, and I thank him for that comment and would like to take this time to thank the subcommittee—the gentleman from Illinois (Mr. RAILSBACK), the gentleman from Michigan (Mr. SAWYER), as well as other members of the subcommittee, including the gentleman from Massachusetts (Mr. FRANK), although he disagrees with this bill. Nonetheless, I think he was of enormous help in the dialog attendant to producing what we have on the floor.

Mr. SEIBERLING. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, the gentleman from Wisconsin has done his usual scholarly and lawyer-like job of exploring this subject, and it is a very important one. He has made a very careful and thoughtful presentation. The only thing that concerns me is that we have here a bill that is controversial. There were some amendments offered in the committee which were not adopted. I supported some of them. I did not support others. It does seem to me that it ought to be taken up under a rule so that we can debate those amendments and decide what we want to do instead of doing it under suspension of the rules.

I just wonder if the gentleman can comment on that.

Mr. KASTENMEIER. I am afraid that I have more or less the same answer for the gentleman as was given during the last bill.

□ 1330

The SPEAKER pro tempore. The time of the gentleman from Wisconsin (Mr. KASTENMEIER) has expired.

Mr. KASTENMEIER. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, in view of the period of time that we have remaining in this Congress, in view of what appeared to be overwhelming support for this bill—and I do exclude the gentleman from Tennessee (Mr. GORE), the gentleman from California (Mr. WAXMAN), and the gentleman from Massachusetts (Mr. FRANK) who are in opposition to the bill—and considering what appears to be the numbers in support of this bill, it seemed to be the wisest, most prudent course of action to try to pass this under suspension.

Now, of course, we can go to the Committee on Rules and try to get a rule and open this bill up, but I would think that those who are interested in finding a plausible solution to the problem would think that we would like to test this bill, and I believe this body will approve it by a two-thirds margin or more.

Mr. MOORHEAD. Mr. Speaker, will the gentleman yield?

Mr. KASTENMEIER. I yield to the gentleman from California.

Mr. MOORHEAD. Mr. Speaker, I rise in support of H.R. 6444. This bill would amend the patent law by restoring that portion of the patent term during which the marketing or use of a patented invention was prevented due to Federal regulatory review. I am a cosponsor and strong supporter of this legislation.

For far too many years American industrial innovation has not kept pace with our foreign competitors. Analysis of our economic problems reveals that America's preeminence in the creation, possession, and use of advanced high technology has all but gone. Today, there is scarcely an American industrial sector which does not face stiff foreign competition in the sale of high technology products. The Europeans and Japanese are challenging and surpassing us in electronics, communications, and aviation, where in the past we had no peers.

The rate of new drug development is declining and will continue to decline unless there are adequate R. & D. incentives.

In 1960, 50 chemical new drugs came onto the market. In 1979, only 12 such drugs were introduced.

Other data submitted before the Subcommittee on Courts, Civil Liberties and the Administration of Justice support the conclusion that there is a real decline in U.S. pharmaceutical innovation. Studies conducted at the University of Rochester show that there has been a decline in the number of new drug compounds being studied in humans by U.S. companies. These studies show that after an initial rise to a high of 34 new drugs in 1964, the number dropped to a plateau of around 50 for the decade between 1965–1974. However, there was a 40–45 percent decline in new drugs in 1975 to 1976. A preliminary update of this data presented at the March 1980 meeting of the American Society of Clinical Pharmacology and Therapeutics indicates that this low level of new drug productivity has not changed.

There are other indications that R. & D. by U.S. pharmaceutical companies is declining. In 1964, U.S. firms asked FDA for permission to do research on 70 chemicals developed by their own research. In 1976, only 20 such applications were filed with FDA. Moreover, U.S. firms are becoming increasingly dependent upon licenses from foreign companies to provide them with research candidates. Testimony before the subcommittee projected that of the new drugs anticipated to be approved in the period 1981–1985, about 50 percent will have originated outside the United States.

A bill similar to H.R. 6444, S. 255 has already passed the other body and is also pending before our committee. This legislation is very important and will benefit all Americans, particularly the sick and the elderly by encouraging the development of important new medicines—and I urge the Members to vote favorably for the enactment of H.R. 6444.

Mr. SHAW. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I think that what we have to look at here when we are discussing this bill is exactly what it does. It extends the potential that a company is protected from any competition whatsoever in the field to 24 years. That is exactly what the bill does.

This means that we are simply guaranteeing, with the elimination of competition, a continuation of the high price of drugs which has now lasted for 17 years. We would now extend that for 24 years, and the people who are bitten are the consumers. Twenty-five percent of the drugs that are consumed today are consumed by the elderly, those people who can no longer support themselves and have limited means in which to do so. I think this is the important thing that we must consider and that we must keep in mind during this discussion.

Exactly what we are trying to do today is not to kill the bill but to open it up for the amendment process so that we can offer some technical amendments in this particular area, some amendments that are very important to the consumers at this time, particularly to the elderly population.

We are looking now at two time periods that basically extend the life of a patent. One is the time period during which the Government is doing its work. This is the time period over which the company has no control. I have no problem in extending that time in addition to the time the patent would last.

However, the other period of time we are talking about is the time that the companies themselves are controlling. This is the period of time between applying for the patent and the time they finish their experiments and what not with the drug. This can go on to extend to the full 7 years, together with the time consumed by the Government.

Mr. Speaker, I reserve the balance of my time.

Mr. KASTENMEIER. Mr. Speaker, I yield 2 minutes to the distinguished chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Speaker, I thank the chairman of the subcommittee for yielding this time to me.

Mr. Speaker, I am pleased to rise in support of this important compromise legislation, the Patent Term Restoration Act, which provides a limited patent term extension for pharmaceutical and chemical inventions, the primary class of inventions which loses commercial patent life due to regulatory testing and paperwork requirements.

I compliment the gentleman from Wisconsin and his able subcommittee, who have studied this issue for over 4 years, with the expert assistance of the Office of Technology Assessment and the Patent and Trademark Office.

Mr. Speaker, I would like to use my time to carefully respond to some of the criticism which has been leveled against this bill.

First, it has been suggested that H.R. 6444 will simply enrich already prosperous drug companies. In response, I would only say that the purpose of H.R. 6444 is not to enhance profits of anyone. Rather, the purpose of the bill is to channel existing profits into further research by insuring adequate patent term to amortize investments in research. Since 1966, effective patent life has declined from 14.6 years to 6.8 years. Unless a remedy such as this legislation is passed, pharmaceutical companies may not continue to invest in research, a situation which will not be in the public interest.

Further, it has been claimed that decline in patent term will have no effect on the level of investments in research. The committee record shows to the contrary, that pharmaceutical research as a percentage of sales fell almost 35 percent from 1966 to 1980. During the same period, average effective patent term declined from 14.6 years to 7.4 years—46 percent. In 1981, it declined further to 6.8 years.

Also, it has been claimed that patent owners can already extend patent life

by obtaining more than one patent on a product, so-called patent pyramiding.

This is the most erroneous charge against this bill, because these subsequent patents are virtually always "process patents" which simply protect a new method of manufacture, they do not extend the patent on the invention itself. They in no way limit generic companies from using an off-patent chemical formula and manufacturing the product.

It is recognized by many that the issue involved is not simply the growth of the economy, it is encouraging future investment of large sums of private capital in the high risk area of breakthrough pharmaceutical technology. Such investments pay off not only in economic growth but even more importantly in improvements to the health and well being of our people, especially those most likely to need new medical technology, such as senior citizens.

That is why such nonprofit groups as the National Alliance of Senior Citizens, the American Cancer Society, the American Heart Association, the American Medical Association, the American Bar Association and dozens of research hospitals and universities support the legislation.

The committee has reported a measure that neither side is totally happy about. That is a mark of its fairness. It will, I believe, provide some impetus for development of the myriad drugs necessary to the continued health needs of our Nation.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the ranking minority member of the subcommittee, the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Speaker, I rise in support of H.R. 6444. This legislation would amend the patent law by restoring that portion of a patent term during which the marketing or use of a patented invention was prevented due to Federal regulatory review.

Large and small businesses must be encouraged to channel a larger share of profits, manpower, and investment capital into research and the development of commercial products; the pharmaceutical and agricultural chemical industries are research-intensive and risky. They are particularly dependent on the patent system and they face stiff foreign competition. Ironically, these industries, while especially needing the patent system, do not receive its full benefits. The effective term of pharmaceutical patents as a consequence of regulatory review, dropped from 16 years in 1960 to 13 years in 1970, to about 9.5 years in 1979, to 6.8 years today. The agricultural chemical industry today can expect an effective patent term of only about 12 years. This is just unacceptable!

Given the fact that today, upward of 10 years of patent life out of a total of 17 years, can be (and often is) lost because of Government-required testing. The drug company has less than 7 years of patent life to try and recover its initial investment. This bill would provide that if a company did lose a number of years of its patent life because of Government-mandated review, then it could recover a maximum of 7 years. This would give that company more years to recover its investment, and this should mean cheaper prices to the consumer. I also believe this legislation could mean more and better medications, resulting in better and earlier therapy. This point was well made by a Chicago Tribune Editorial of May 1, 1981, which said:

Some objections have been raised to the proposed legislation because it would lengthen the time until a drug could be copied by the developer's competitors and marketed as a generic product, presumably at a lower price. But in the long run, we all stand to benefit much more from the discovery and availability of new medications. It is far less expensive to treat patients with drugs than with surgery or long hospitalization, which may be the only alternatives. And one of the most effective ways to cut health care costs is to develop new medications. Enormous savings, for example, could be made if we had more effective durgs for heart disease, cancer, genetic disorders, respiratory diseases, and a long list of other ailments for which better treatment is urgently needed.

In addition to the support of the Chicago Tribune, this bill enjoys the editorial support of over 25 newspapers from around the country. It is also cosponsored by 103 Members of this body.

Although the National Council of Senior Citizens has sent you a letter in opposition, I would like to point out that the National Retired Teachers Association and the American Association of Retired Persons have decided not to take a position on this legislation. It also has the support of the American Medical Association, the National Alliance of Senior Citizens, the Johns Hopkins University, the Association of American Medical Colleges, the Health Industry Manufacturers Association, to mention just a few of the 38 letters of endorsement we have received from health, medical organizations, and universities around the country.

Mr. Speaker, at this time I would like to further clarify, for the purpose of legislative history, the amendments I offer and which were adopted by the Judiciary Committee.

Under section 155(a)(2), the rights derived from restoration of a patent term are limited to the scope of the claims which cover the product undergoing regulatory review. Because a single patent can also encompass a product with several uses subject to different regulatory review requirements, or subject to no regulatory review requirements at all, a patent extension for a product approved, that is, as a human drug, covers all human drug uses but not pesticidal, photographic, or other uses.

Under section 155(a)(3), any patent extension must be calculated from the original expiration date of the patent. Thus, if it would happen that two regulatory review periods for two different products under the same patent occurred, the resultant extensions would run concurrently, both dated from the original patent expiration date and not consecutively.

Under section 155(c)(2), acute and subchronic toxicity testing is ordinarily completed in less than 6 months. In that case, it would not be included within the definition of a "major health and environmental effects test." However, if acute and subchronic toxicity testing took longer than 6 months, it would be included within such definition.

Section 155(c)(4) defines product sponsor in a way to assure that any person or persons responsible for any part of the regulatory review process for a product qualifies as a product sponsor to obtain the restoration benefits provided under the bill. The term "first product sponsor" is used throughout section 155(c)(5) and is intended to assure that if there is more than one product sponsor (as is usually the case when a university or other inventor licenses a product), the period of patent extension includes the combined regulatory review period of the first and subsequent product sponsors even if the extension is obtained by a subsequent sponsor.

The clinical investigation referred to in section 155(c)(5)(A) is intended to permit the calculation of the period of patent extension for a drug or human biological product to commence with the first safety testing of the drug in humans. Normally, this testing will occur at the beginning of phase 1 of the IND phase of FDA review.

Mr. Speaker, in conclusion, I would like to mention that during our subcommittee hearings and markup, a hardship case was brought to our attention by Senator GRASSLEY which this bill presently omits, and the case involved a company, Impro Products, Inc., an animal health products firm. I am advised that a district court, on September 2, 1982, issued a permanent injunction against the agency involved preventing them from further distribution of the false test results as the company wages a larger antitrust suit. If appropriate, this case may be considered when we meet with the other body in conference.

I urge the Members to vote in favor of H.R. 6444.

Mr. KINDNESS. Mr. Speaker, will the gentleman yield?

Mr. RAILSBACK. I am happy to yield to the gentleman from Ohio.

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding, and I wish to associate myself with his remarks in strong support of the bill.

Mr. Speaker, in recent years, the average patent life for new drugs introduced into the marketplace has declined significantly. It has been shown that our stringent regulatory requirements take 7 to 10 years to complete, almost half of the 17-year period that Congress has specified for exclusive patent protection on other products. No one wants to return to allowing the sale of any concoction off of the back of a wagon, without the public having any idea whether it is safe to take, or effective as a medicine. But, if the agencies of Government are going to demand costly and extensive development and testing procedures before any product can be marketed, it is only fair that the time required to obtain that approval is not taken off the patent life.

The average cost of marketing a new medicine is now about 470 million, and the number of such new medicines has declined dramatically in the last 20 years, at the same time that the regulatory approval process has been demanding increased resources of time and money.

This bill would simply restore part of the patent life not available, because the Federal Government delays marketing until appropriate clinical and animal tests have satisfied the Food and Drug Administration scientists that a drug is safe and effective. No patent would be extended unless such regulatory delay had actually occurred, and in no case could the term be extended more than 7 years.

Opposition to this idea has come from some who complain that restoring this part of the patent protection will result in higher prices for drugs, a particular concern of the elderly. They overlook the fact that research and development of new products are essential as an alternative to more costly forms of therapy, such as hospitalization or surgery. Besides being less costly, drug therapy is safer for elderly patients. They have certainly benefited from our superior technology in the past. In fact, out of every dollar spent on health care in the United States, only about 8 cents is paid for medicine. While the Consumer Price Index has risen 178 percent, and health care costs have increased 629 percent, the cost of prescription drugs has increased only 34 percent in the past 20 years.

Patent restoration will provide more incentive for research and development of new products, as well as promoting price competition between old and new medicines. Drug manufacturers who do not do research and development are very shortsighted to oppose this incentive, because if the basic research is not done and the testing and approval process not completed, there will be substantially fewer products brought to the market, and both they and the public will be the losers.

This extension of the patent term to compensate for time required by our regulatory procedures is a matter of equity, and will not affect the patent life of any drug or chemical currently being marketed. I urge the passage of this legislation.

Mr. KASTENMEIER. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I rise in support of H.R. 6444, the Patent Term Restoration Act, and urge my colleagues to adopt this important bill which provides for an extension of the patent term lost due to Federal agency review periods.

As a cosponsor of H.R. 6444, and as a member of the Judiciary Committee which favorably reported the patent term restoration bill in early August, I believe that enactment of this legislation will go a long way in stimulating industrial innovation and would reduce the inequities resulting from delays in bringing patented products to market due to Federal regulations and agency reviews.

Despite the fact that enactment of the patent term extension bill promises to improve the quality of health care by bringing more—and much improved—pharmaceutical products to the marketplace, some concern has been raised by those who fear that the extended patent term will result in slowing the process by which generic drugs come to the marketplace. The Judiciary Committee, however, mindful of the important role that generics play, limited the application of the legislation to patents issued after the date of enactment. The legislation also provides that no patent can be extended under the bill for more than 7 years.

I believe that the patent term bill is a fair and equitable approach to assure that American companies remain competitive while at the same time encouraging the developing of new products to meet our health needs. As Congressmen RODINO and KASTENMEIER have clearly indicated, this legislation will encourage the investment of the large sums of private capital needed to achieve new breakthroughs in the high-risk fields of pharmaceutical innovation and technology.

I urge you to join with us in supporting this important and well-balanced legislative proposal.

Mr. KASTENMEIER. Mr. Speaker, I yield 7 minutes to a member of the subcommittee, the gentleman from Massachusetts (Mr. FRANK), in the belief that he will yield to those colleagues who support his point of view.

Mr. FRANK. Mr. Speaker, I thank the chairman of my subcommittee for yielding to me.

Mr. Speaker, I want to acknowledge the significant work that the gentleman did to improve this bill, but I think in part that is one of the reasons why we ought not to be doing this on suspension.

There are two levels of discussion on this bill. One is whether or not any relief is needed for this industry, and Members differ about that. But there is another level which is even more important for those who agree that some relief would be required, and that is how best to structure it in a fairly difficult area.

In committee there were several amendments which were debated at some length and defeated. Allusion was made to the fact that opponents to the bill in its present bill were overwhelmed. Mr. Speaker, we were "whelmed," but I am not sure that we were overwhelmed. We got better than a third of the committee that supported some fairly substantial amendments, and we lost by votes of 16 to 10 and 16 to 9. That seems to me to justify a chance to deal with the bill in a form that allows amendment. This really is not the kind of legislation for which the suspension calendar was intended, since there is a substantial bipartisan section of the committee which seeks amendments and since there are subcommittees and chairmen having related jurisdiction which support amendments.

Mr. Speaker, the fundamental amendments are two in number. First, the question is, if some patent term as this is necessary, when should it begin? In its current form the patent term is extended for that period during which experimentation is being done on the drug. That is not in my judgment the requirement that the Federal Government imposes on the companies. It is something that common sense and common decency and a respect for human life imposes on the companies. I do not think they ought to be compensated in extra time for the time they use in testing this drug for efficacy and for safety.

Moreover, the FDA itself has no control over what happens during that period. That is in the control of the companies themselves.

One amendment proposed by the gentleman from Florida (Mr. SHAW), and supported by many of us in the subcommittee would have begun adding on to the patent process at that moment at which the Food and Drug Administration was given a completed application. It is at that point that the jurisdiction of the regulatory

agency is engaged. It is during that period that any bureaucratic delay would occur.

Many of us were prepared to support an amendment that would say that the day the companies hand in a completed application to the FDA, from that moment forward they would get extra time.

Another amendment we wanted to have is related, because as the bill now stands, there is no mechanism for deciding who was at fault for the delay. Under the current bill a company which suffers delay because of its own ineptitude or its own shortcutting in not properly testing this drug would be rewarded with an extension of its patent term. I would like the opportunity to offer an amendment, supported by a substantial partisan minority of the subcommittee, to allow someone to intervene in that process and say, "wait, this is not the problem of bureaucratic delay."

□ 1345

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

I wanted to point out that there is, as the gentleman knows, a great deal of testing before it actually goes into the chemical testing stage, before they ever even apply for a patent. There are all kinds of testing before it ever reaches that stage.

Mr. FRANK. I thank the gentleman. I am glad there is. But I do not regard that as a favor at any point that the companies are doing for us. I regard that as an integral part of the process by which one determines the fitness of the drugs to go forward.

Let me say further I agree with the gentleman that this is a fit subject for debate. What we are asking for today is not defeat of the whole bill but defeat of the suspension process so that the gentleman from Illinois and I could in fact conduct this debate for the benefit of the Members in a somewhat more open fashion, not constrained as we are by the time.

I do not think, given the kinds of issues the gentleman from Illinois would like further to discuss, that the suspension process adequately contains this.

The cost of this is that generic drugs, a means of saving money for consumers and for the Government, a means of effective cost control that does not sacrifice the quality of care, will be put further out of the reach of consumers. I think that would be a mistake.

Mr. Speaker, I yield such time as I have remaining to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. I want to thank by colleague and pay my respects to the chairman of the subcommittee and the full committee.

I respectfully oppose this bill as strongly as I possibly can as an unnecessary giveaway for which nothing will be given in return. It proceeds from false premises and I want to outline them one by one.

No. 1, the impression is given that this industry is in distress. That is false. This industry is the third most profitable industry in the United States. This fact comes not from the debate of the chairman of the subcommittee this morning, but in the arguments and the general presentation of the industry. The profits of this industry are going up and up and up.

No. 2, that there is some problem with R. &. D. expenditure. Research and development spending has been skyrocketing and it has been going up in real terms, deflated dollars year after year after year. Let me read you a recent quote from Fortune magazine within the past year.

Merck is pouring a colossal $280 million into R&D this year, nearly four times more than ten years ago, while Eli Lilly's $210 million for 1980 was three times more than in 1971. Pfizer's research expenditure, which quintupled from 1970 to 1980, will grow by nearly 16% this year, to around $180 million, while Squibb has boosted spending 84% in the last five years to $91 million.

Where is the problem with incentive for research and development? And as if there was a problem, we already gave them just this past year a new 25-percent tax credit to stimulate them even more. How much encouragement do they need?

The second false premise is that innovation has been declining, it is said. Innovation has not been declining.

The statement has been made that there are half as many drugs approved this year as in 1960. That is misleading because 1962 was the year the modern era of drug regulation began. There were fewer new drugs approved in 1962 than there were this year.

The third false premise, that there is a problem with the effective patent life. Let us look at the effective patent life for not just the ones that the drug industry averages in but let us look at the top selling drugs for this year.

An average number of years of patent monopoly protection after FDA approval is not 17 years but 18½ years, more than the 17 years.

How could that be? It is because they use the patent system, they pyramid patents, and they evergreen patents. Even after the patent period expires they still control the market.

Take the example of librium.

I urge my colleagues to vote no when the occasion arises.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. GLICKMAN).

Mr. GLICKMAN. Mr. Speaker, I cosponsored this legislation and I still believe that there are many more changes in the law that need to be made.

But I would urge my colleagues, as a cosponsor, to vote against this bill on the Suspension Calendar.

This is a very serious piece of legislation. One of the amendments that was offered in committee, the Shaw-Frank amendment, would have provided that the extension period for patents be counted as to the various products covered from the time of the application to the Federal agency until it is approved. That is a critical amendment. The length of the patent term as it is to be extended under this bill would be modified significantly by a very important amendment that should have the opportunity to be offered.

While it is true many of the things that have been said about the nature of this industry and the need for innovation, I think the length of the time of the patent extension is one that demands the attention of this House under a separate floor vote and, therefore, I would urge a no vote under suspension of the rules.

Mr. SHAW. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SAWYER).

Mr. SAWYER. Mr. Speaker, I rise in support of this legislation.

Right at the outset I want to make a correction or two in some of the statements made by the gentleman from Tennessee; namely, if you adjust for inflation the pharmaceutical research as a percentage of sales fell by almost 35 percent from 1966 to 1980.

During the same period of time the effective patent term declined from 14.6 years to 7.4 years. Then in 1981 the effective patent term declined to 6.8 years.

I would also suggest that the gentleman from Tennessee published an article not too long ago wherein he attributed this bill to the Reagan administration. This bill actually, if the gentleman had done his homework, had its genesis in the Carter administration. President Carter appointed a blue ribbon panel to get into this subject, to find out why innovation and patent applications were declining in the United States and in particular in this industry; namely, the pharmaceutical and chemical industries where they had declined by over 50 percent since 1960.

This panel came up with some four major recommendations. One was that we computerize and data process the Patent Office to make it more efficient. Second, that we get a review and restudy process and increase the patent examiners. Third, that we set up a new Patent Court of Appeals called the Court of Federal Circuit. Fourth, that we do something to correct this intrusion on the patent term that this process of Federal examina-

tion and licensing before it could be marketed that applied in both the pharmaceutical and chemical industries.

The first three of those have been accomplished by the Congress, and this is the fourth one that is being implemented to try and get some life back in our innovation and our patent applicatons and in our progress.

This bill has been endorsed by approximately 50 of the major newspapers in the country, including the New York Times and the Washington Post, which are certainly liberal and consumer-oriented newspapers.

Not only has it been endorsed by these major newspapers on the basis of fairness, but by every one of the major medical and health care organizations, including the American Medical Association, the American Bar Association, the Patent Division, and the American Association of University and American Association of Medical Schools, the Heart Association, the Cancer Association, who are all behind this legislation.

May I say that when we have a patent term for 17 years for the inventor of a toy, to say that the inventor of an important pharmaceutical can only have 6.8 years of patent protection is just a question of plain fairness. All of them had 17 years historically as indicated by the Constitution. Then in 1962 we started this Federal process of a patent, but before marketing, that has gradually chewed up that patent life as to pharmaceuticals and pesticides and certain chemicals.

In just plain fairness it is merely giving back that time or a portion of it.

Also, the pyramiding and evergreening has been alluded to and would be prevented by this bill which wipes that out.

So it is just in plain fairness to this industry and to reencourage the investment of research and development money.

Incidentally, we are getting very little for it. There is no effect on the patent life for almost 20-years down the pike from today if we do adopt the bill. Nothing will change except the encouragement of R. & D. money going into the development of pharmaceuticals and drugs.

Mr. RAILSBACK. Mr. Speaker, will the gentleman yield?

Mr. SAWYER. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I thank the gentleman for yielding.

I wanted to make one point, which is that the New York Times and the Washington Post I think have now come out with a subsequent editorial that calls for an amendment.

But the gentleman is absolutely right, originally they were very strong for the bill.

I think the gentleman has made some excellent points. I think the gentleman from Texas (Mr. BROOKS) is also for the bill.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Speaker, I rise in support of H.R. 6444, the Patent Term Restoration Act of 1982. This bill would allow the extension of the term of a patent for products which are subject to review by Federal agencies when the owners of those patents are prevented from marketing their inventions during the agency approval process.

Mr. Speaker, this bill has the important purpose of encouraging innovation by restoring full value to patents on inventions subject to agency review. It would grant patent owners an extension of their rights for up to 7 years beyond the traditional 17-year patent term. The knowledge that the regulatory review and approval process will not diminish the value of their patents is certain to encourage research and development in these regulated fields.

Mr. Speaker, under the able leadership of my friend, Chairman BOB KASTENMEIER, the Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice has made several changes to the original patent term bill, H.R. 1937. These amendments insure that the original purpose of the legislation will be carried out and that there will be minimum negative impact from the bill on the generic drug industry and on consumers.

I urge support of H.R. 6444.

Mr. SHAW. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, there is one proposition that I think both the proponents and opponents of this bill would agree upon that is the fact that when we give an extension of the patent interest period it is going to lead to a longer period of time in which there will be higher prices for drugs. That is logical, because a patent means you have a monopoly over the production and sale of a drug.

That monopoly means that there cannot be a competitor who can produce the same drug and sell it at a cheaper price.

What this bill will do will be to insist on the highest price for drugs to be paid by those people who need to buy drugs.

Who are the people who need to buy drugs? Primarily the elderly and certainly the sick. Eighty-four percent of drug purchases in this Nation are paid for out of the pockets of the people who must buy medications.

This bill will add a shift and it will add to the cost of drugs billions which will mean a shift out of the pockets of the elderly primarily into the pockets of the pharmaceutical manufacturers. We are told that we ought to support this shift of billions of dollars from those who are on limited, fixed incomes to those who are some of the wealthiest corporations in this Nation because it is going to be fair and it is going to bring about innovation.

But if we look at those claims, they just do not hold up because what we see with the pharmaceutical industry was, according to the Wall Street Journal, a 25-percent increase in profits in 1981. For 1982, a 20-percent increase in profits. And at a time when everyone else in this Nation is suffering from recession.

What we have seen in expenditures for research and development is a continuous increase year after year.

When the drug manufacturers manufacture drugs they get their investment back and they get a tremendous profit. I do not begrudge them that but what I do begrudge them is to come to Congress a year after we passed the tax break for them for research and development of 25 percent, and to ask us to help them out by giving them a longer period of time over which they are going to ask the elderly of this Nation to pay higher prices for drugs.

I do not think that is fair and a number of my colleagues agree that it is not fair who originally thought this idea of this bill seemed right.

□ 1400

A number of my colleagues joined in even coauthoring the bill, who accepted that superficial argument that is advanced for it; and then later, when they looked at the legislation more carefully, they decided to oppose it.

Two of the leading newpapers in this Nation originally supported the bill when they heard from the pharmaceutical industry. But when they looked at it a little more carefully, they backed away from it. The New York Times and the Washington Post both told us to support this legislation, and then later came out with editorials asking us to either oppose it or to severely curtail it.

Now, this legislation is different from that which the other body has proposed, and it is still not legislation that the drug industry will support because the drug industry wants the bill passed by the other body—because that is a much more generous bill for them. And this compromise which we are being urged to vote for is a compromise which they still do not accept.

I urge that on this suspension vote we defeat this bill, that we defeat it because as it stands today before us we have only one choice to vote up or down, and I say let us vote down this bill. I urge my colleagues to join me in doing so.

Mr. SHAW. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. I thank my colleague for his courtesy.

Mr. Speaker, just to correct the record once and for all, the Post changed its position, the New York Times changed its position, too, and the Times did not just ask for amendments. I say to my colleagues; it came out flat, foursquare against the whole thing. Let me read to my colleagues what they said:

The pharmaceutical industry is efficient, profitable and healthy. It has no demonstrable need for any special break. The patent system as a whole may need reform, but that is a different issue. Monopoly rights should not be doled out to anyone with a hard-luck story, as Congress seems to believe. The proposed extension is unjustified, unsuited to the stated purpose of increasing research and offensive to the basic principle of a free economy.

To sum up, research and development spending is increasing. Profits are increasing. Innovation is stable. The industry does not need this bill. The only thing it will accomplish is to raise the price of medicine by an estimated $3 billion to $5 billion each year.

Mr. Speaker, I urge my colleauges to vote "no."

Mr. SHAW. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 1 minute.

Mr. SHAW. Mr. Speaker, I think in our desire to finish up the legislative business of this Congress, we are probably going to be doing a lot of things and voting on a lot of things that we have no business doing. In looking around this hall today, we see that most of the Members are apparently not here. I think that if we would check, we would find that they were not in their offices, that they are in their home districts doing important business. But this is important business. What we must do is to vote this bill down under suspension, get it here on the floor, with an open rule, so that we can present amendments to take the bad part out of this bill and pass it in a preferred form.

What we are talking about is the pocketbooks of the elderly. And for us to go running out of this hall so that we can get home to campaign and tripping over the limited earnings of the elderly in doing so, I think it would be a tragedy. We must take out of the bill the portion that would allow the extention of the patent, the period of time the prices are set without competition, to take out that portion which the company has complete control of, and come up with a good bill that all of us can support.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 6444, the Patent Term Restoration Act, which would restore the period of useful life of patents lost hurdling over Federal regulations. Currently, manufacturers of such products as drugs, medical devices, and chemicals, use more than half of the 17 years of their patents exclusivity period complying with FDA's premarketing requirements.

It is only fair play that we correct this inequity in the law. It is ironic that medical breakthroughs be penalized for having to meet Federal regulatory requirements directed to protect the public health.

With this kind of disincentive, it comes as no surprise that in the past 20 years there has been a dramatic decline in the number of new medicines introduced in the United States. Our research intensive industries feel betrayed when Congress incentives are diminished by subsequent regulations and nothing is done about it.

The future well-being of our citizens and the economic situation of our Nation demands the drafting of incentives for economic investment in high-risk areas that could bring about economic growth and new lifesaving products. This bill provides a simple, equitable, and uncostly way of stimulating this capital investment in areas that could lead us to a new era of economic stability and a healthier life for our people.

I urge my colleagues to vote for the passage of this legislation.●

● Mr. PEYSER. Mr. Speaker, while I am very sympathetic with the problems confronting pharmaceutical companies in the loss of patent protection time due to the delays in final approvals by the FDA, I think that this bill, in its present form where it cannot be amended, is not in the best interest of the public and particularly the elderly.

I would be willing to support an amendment to this legislation, such as the Frank amendment which would limit the extension time to the time elapsed between the actual filing for drug approval and final approval by the FDA. Drug research is obviously of great importance, and companies should not be penalized by needless loss of protection under their patent by delays over which they have no control.

It is certainly my intention to support this legislation with the type of amendment I have spoken of when it comes to the floor in the next Congress. In the meantime, it is certainly my hope that pharmaceutical companies, both for their good and for the good of the American public, will continue their active research work that has done so much good in improving the health of all Americans.●

● Mr. HOLLENBECK. Mr. Speaker, I rise in support of H.R. 6444, the Patent Term Restoration Act of 1982.

Mr. Speaker H.R. 6444 is a balanced bill which will assure more rapid technological innovation in the pharmaceutical and chemical industries resulting in a stronger economy and the development of less costly and more competitive new therapies and chemicals. At the same time, the interests of consumers have been adequately protected under the legislation.

The purpose of the Patent Term Restoration Act is to prevent the regulatory practices of the Federal Government from damaging the flow of new prescription drugs to the American people. The bill will allow manufacturers of pharmaceuticals requiring Federal regulatory approval prior to release, to reclaim patent protection for the period of time required for mandated testing and processing up to a maximum of 7 years.

Under present law, a research intensive pharmaceutical firm which submits a new drug to the Food and Drug Administration (FDA) for approval faces the prospect of losing much of the useful life of its patent protection while the drug undergoes the approval process. As the complexity and length of the approval process at FDA has increased over time, the average useful life of a standard 17-year patent has declined from about 14 years in 1966 to 7.4 years in 1980. At the same time, the cost of developing drugs has risen from an average of about $6 million in 1960 to a staggering $70 million today. This is not a good situation, especially when the drug industry is on the brink of major new medical breakthroughs.

The intent of this legislation is to place pharmaceutical firms on an equal footing with the rest of American industry, who face no regulatory hurdles before they can introduce new products. Drug manufacturers have come up with a number of effective pain relievers over the years. Now it is the Congress turn to deliver a pain reliever to them, in the form of long needed changes in the patent laws. I urge the bill's adoption.●

● Mrs. SCHNEIDER. Mr. Speaker, I rise today in support of H.R. 6444, the Patent Restoration Act. There are benefits and detriments to this legislation, but the primary question is—Do we want to forego the benefits of drug research?

Because of Federal regulatory requirements, it now takes 7 to 10 years to develop, test and obtain FDA approval for new medicines before they can be marketed. As a result, the average patent life left for new drugs approved for marketing in recent years has been less than half the 17 year period of patent protection that Congress has specified for all products.

This decline in effective patent life, coupled with an average cost of about $70 million per new medicine that enters the market, has been accompanied by a dramatic reduction in the number of new medicines introduced during the past 20 years. In 1960 the

pharmaceutical industry produced 50 new medicines. Recently, the number of new medicines approved annually has amounted to only about one-half to one-quarter of that figure.

The patent has traditionally provided a major incentive for costly, risky research and development. Without it, many important advancements in medical, agriculture and other fields would not have occurred or been economically feasible. The sick will be the real victims of lost patent life.

Drugs have improved health care while in many instances reducing the need for surgery, but much work remains to be done. Research into incurable diseases, such as hypertension, glaucoma, herpes simplex, and mental illness, among many others, must be accelerated.

I ask my colleagues to reflect on the importance of health to the American people and the need to conquer disease. I am confident that with passage of this bill we will see a renewed effort in drug research. If, as some opponents maintain, research does not ensue and the public is not served, then I will work to change the situation so that it does. In the meantime, this is the best available vehicle for progress, and we ought to take it.●

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 6444, as amended.

The question was taken.

Mr. FRANK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings of this motion will be postponed.

GENERAL LEAVE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that all Members may have 3 legislative days in which to revise and extend their remarks on the bill, H.R. 6444, just considered.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Wisconsin?

There was no objection.

EXTENSION OF TITLE XVII OF PUBLIC HEALTH SERVICE ACT

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6384) to extend title XVII of the Public Health Service Act.

The Clerk read as follows:

H.R. 6384

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1701(b) of the Public Health Service Act (42 U.S.C. 300u(b)) is amended by striking out "and" after "1981," and by inserting before the period a comma and the following: "$8,000,000 for the fiscal year ending September 30, 1983, and $9,000,000 for the fiscal year ending September 30, 1984".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reauthorizes the health information and health promotion programs carried out by the Department of Health and Human Services. These programs, working closely with State and local government—as well as with such local private groups as the American Red Cross and the YMCA, are among our best hopes for containing the human and monetary costs of disease.

Whatever the setting, individuals who are better informed about health and healthy lifestyles are more likely to make responsible choices about their own health care and health habits. Through this authority the Surgeon General published his original report on health promotion and disease prevention, entitled "Healthy People."

Through this reauthorization, the Department of Health and Human Services will be able to continue and expand the efforts to implement the recommendations of "Healthy People" and will provide the public, educators, and professionals with information that will allow them to understand and use the principles of public health.

The public health problems of the 1980's will more and more include those chronic problems and conditions for which health information, promotion, and education are important—and sometimes the only—types of prevention activities available to society. This bill provides the Secretary of HHS with a specific vehicle in the basic Public Health Service Act to foster more effective strategies and methods for use by the many public and private sector groups that sponsor health promotion progams.

Mr. Speaker, under this authority the Secretary will be able to work through the Centers for Disease Control and the Office of Health Promotion to return—dozens of times over—savings in illness averted and disease prevented.

The Commerce Committee reported this bill without amendment by voice vote. I urge its adoption.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to urge the support of my colleagues for H.R. 6384, a bill which provides for a simple extension of title 17 of the Public Health Service Act through fiscal year 1984.

This is the legislative authority under which the Department of Health and Human Services conducts its health promotion and health information program. These education, information, and promotion activities form the cornerstone of the Department's prevention initiative.

The Committee on Energy and Commerce supports the continued efforts of the Department of HHS to educate the public, encouraging individuals to make more informed decisions about their activities which may lead to better health habits.

H.R. 6384 is a noncontroversial bill that was reported by voice vote without amendment by the Committee on Energy and Commerce. Authorization levels contained in the bill are for $8 million in fiscal year 1983 and $9 million in fiscal year 1984. Although no agency views were filed, it is my understanding that the administration supports this bill. I support H.R. 6384 and urge my colleagues to do likewise.

● Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 6384, extending the health information and health promotion programs authorized under title XVII of the Public Health Service Act and increasing the funding level from $1.5 million currently for 1982 to $8 million in fiscal year 1983 and $9 million in fiscal year 1984.

The health information and health promotion programs were created in 1976 under Public Law 94-317 to provide "new and expanded authority for programs in health information and health promotion." These programs provide among others for the creation of an Office of Health Information and Health Prevention which "coordinates all activities within the Department of Health and Human Services related to health information and health promotion; coordinates its activities with similar activities of organizations in the private sector; and establishes a national information clearinghouse to facilitate the exchange of information and health promotion."

Also under this legislation, the National Health Promotion Training Network was created. This network has been carrying out extensive and effective work with local agencies, such as the American Red Cross, the YMCA, and the National Urban League.

This legislation provided for an essential part of the national prevention strategy: The Center for Disease Control. This Center has done important research, and has provided technical assistance to States, so the programs adopt and use available health promotion and education approaches.

The importance of available information for the Nation, including Puerto Rico on health issues and prevention is manifest. The Committee on Energy and Commerce anticipates that with the reauthorization of these programs, the Department of Health and Human Services will be able to expand its effort to implement recommendations to provide important information to the public, and to foster continued effective strategies and methods for use by the public and private sector groups sponsoring health promotion programs. Furthermore, the committee asserts that with the reauthorization of this bill no inflation impact will be felt.

Thus, I urge my colleagues to vote in support of H.R. 6384 to continue and increase the effectiveness of this Nation's health information and health promotion programs.●

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MADIGAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 6384.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

PROPOSED LEGISLATION ENTITLED "THE CRIMINAL JUSTICE REFORM ACT OF 1982"—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-234)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on the Judiciary and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, September 13, 1982.)

□ 1410

ADDITIONS TO NATIONAL WILD AND SCENIC RIVERS SYSTEM AND NATIONAL WILDERNESS PRESERVATION SYSTEM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 97-235)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Interior and Insular Affairs and ordered to be printed:

(For message, see proceedings of the Senate of today, Monday, September 13, 1982.)

□ 1420

ABANDONMENT OF U.S. HUMAN RIGHTS POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 10 minutes.

● Mr. BINGHAM. Mr. Speaker, I rise to express my horror and outrage that the Reagan administration last week abandoned this country's policy on human rights by approving a commercial sale of 500 electric shock batons to the Republic of South Korea. Shock batons are devices which may be used for interrogation and torture, as well as crowd control.

Leg irons, handcuffs, mace, fingerprint equipment, shotguns, thumbscrews, shock batons, and other "police-type" equipment are on the U.S. list of "crime control and detection equipment." U.S. Government approval is required under the Export Administration Act of 1979 to export these items to any country other than the NATO nations, Japan, Australia, and New Zealand.

Refusing to supply such equipment to regimes which have little regard for their citizens' human rights is essential to deterring human rights violations, and to distancing the United States from such regimes.

The State Department, which vigorously opposed this sale, stated in the most recent report on human rights practices in South Korea, "There were numerous allegations of torture * * *." And the Japan Emergency Christian Conference on Korean Problems recently stated:

> The use of torture today is, if anything, more systematic and brutal than at any previous time in modern Korean history.

The Commerce Department's OK of this sale, over the State Department's objection, signals all peoples of the world that pursuit of the almighty dollar includes providing oppressive regimes with instruments of torture. The decision is an embarrassment to President Reagan, who declared on Human Rights Day, December 10, 1981:

> We will continue to strive to respect these rights fully in our own country and to promote their observance abroad.

The sale of shock batons to South Korea promotes disregard, not observance, of human rights. If the President indeed intends to promote observance of human rights, he should dismiss the Commerce Department officials responsible for ignoring the State Department's recommendation that this export be denied.●

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

[Mr. STARK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PEPPER (at the request of Mr. WRIGHT), for this week, on account of leading the House delegation to the meeting of the Inter-Parliamentary Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WAXMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. BINGHAM, for 10 minutes, today.
Mr. STARK, for 5 minutes, today.
Mr. SIMON, for 60 minutes, on September 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KASTENMEIER, and to include extraneous matter, on H.R. 6444.

(The following Members (at the request of Mr. MADIGAN) and to include extraneous matter:)

Mr. SMITH of Alabama.
Mr. GREEN.
Mr. MCCLOSKEY.
Mr. LEWIS.

(The following Members (at the request of Mr. WAXMAN) and to include extraneous matter:)

Mrs. KENNELLY in two instances.
Mr. MCHUGH.
Mr. YATRON.
Mr. SHANNON.
Mr. DE LA GARZA in 10 instances.
Mr. PEPPER.
Mr. MARKEY in two instances.
Mr. BENNETT.
Mr. CLAY.
Mr. MAZZOLI.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in five instances.
Mr. DICKS.
Mr. CORRADA.
Mr. HOWARD.
Mr. YATES.
Mr. BOLAND.

ADJOURNMENT

Mr. WAXMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.) the House adjourned until tomorrow, Tuesday, September 14, 1982, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4715. A letter from the Secretary of State, transmitting the determination that it is in the national interest of the United States to make monthly payments under loan guarantees or credit assurances extended to the Polish People's Republic, pursuant to section 205 of Public Law 97-216; to the Committee on Appropriations.

4716. A letter from the Director, Office on Management and Budget, transmitting a cumulative report on rescissions and deferrals of budget authority as of September 1, 1982, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 97-236); to the Committee on Appropriations and ordered to be printed.

4717. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the proposed sale by the Air Force of defense articles to Korea (Transmittal No. 82-78), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4718. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the proposed sale by the Navy of defense articles to Egypt (Transmittal No. 82-83), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4719. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the proposed sale by the Navy of defense articles to France (Transmittal No. 82-76), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4720. A letter from the Principal Deputy, Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting a notice of the decision to convert to contractor performance the inactive ship maintenance function at the Naval Inactive Ship Detachment, Pearl Harbor, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4721. A letter from the Chairman, Federal Financial Institutions Examination Council, transmitting a report, "Section 340 Fair Housing Lending Study," pursuant to section 340(e) of Public Law 96-399; to the Committee on Banking, Finance and Urban Affairs.

4722. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination that it is in the national interest for the Eximbank to extend credit and guarantee loans to the People's Republic of China, pursuant to section 2(b)(2) of the Export-Import Bank Act of 1945, as amended; to the Committee on Banking, Finance and Urban Affairs.

4723. A letter from the Chairperson, National Advisory Council on Indian Education, transmitting the eighth annual report of the Council, pursuant to section 442(b)(6) of Public Law 92-318; to the Committee on Education and Labor.

4724. A letter from the Secretary of Health and Human Services, transmitting the 1981 annual report on the National Health Service Corps, pursuant to section 366A of the Public Health Service Act, as amended; to the Committee on Energy and Commerce.

4725. A letter from the Secretary of Transportation and the President of the National Railroad Passenger Corporation, transmitting the annual report of the Railroad Revitalization and Regulatory Reform Act with respect to the completion of the Northeast corridor improvement project, pursuant to Public Law 94-210; to the Committee on Energy and Commerce.

4726. A letter from the Chairman, National Digestive Diseases Advisory Board, transmitting the Board's first annual report of its activities, pursuant to section 437(j) of the Public Health Service Act; to the Committee on Energy and Commerce.

4727. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Egypt (Transmittal No. 82-83), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4728. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to Brazil (Transmittal No. 82-79), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4729. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense articles and services to France (Transmittal No. 82-76), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4730. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to Korea (Transmittal No. 82-78), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4731. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice that it is in the national interest to grant assistance to private sector organizations within the country of Tanzania, pursuant to section 620(q) of the Foreign Assistance Act; to the Committee on Foreign Affairs.

4732. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of political contributions of Ambassador-designate Peter D. Constable, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4733. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of political contributions by Ambassador-designate Henry Allen Holmes, and members of his family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4734. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report of political contributions by Ambassador-designate Rozanne L. Ridgeway, and members of her family, pursuant to section 304(b)(2) of Public Law 96-465; to the Committee on Foreign Affairs.

4735. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

4736. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4737. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4738. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4739. A letter from the Director, Office of Personnel Management, transmitting the third annual report on the financial status of the civil service retirement system for the fiscal year ending September 30, 1981, pursuant to section 121(a) of Public Law 95-595; to the Committee on Government Operations.

4740. A letter from the Secretary of the Interior, transmitting notice of the leasing systems to be used in oil and gas lease sale No. 71, Diapir Field, to be held on October 13, 1982, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

4741. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund totaling $78,906 to Conoco Inc., Diamond Shamrock Corp., Oxy Petroleum Inc., and Union Texas Petroleum for an excess royalty payment, purusant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4742. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $1,109.67 to the Amoco Production Co. for an excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4743. A letter from the Chief Justice of the Supreme Court of the United States, transmitting notice that this Court will open the October 1982 term on October 4, 1982, at 10 a.m., and will continue, pursuant to our present calendar, until all matters before the Court, ready for argument, have been disposed of or decided; to the Committee on the Judiciary.

4744. A letter from the Special Prosecutor, Department of Justice, transmitting a supplemental report pursuant to the order of the Special Prosecutors Division of the U.S. Court of Appeals for the District of Columbia Circuit dated September 11, 1982, pursuant to 28 U.S.C. 595(a); to the Committee on the Judiciary.

4745. A letter from the Secretary of Transportation, transmitting a report on an application by the Margate Shipping Co. to retrofit three tankers in a foreign shipyard and its effect on the shipyard mobilization base, pursuant to Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

4746. A letter from the Chairperson, Architectural and Transportation Barriers Compliance Board, transmitting the annual report of the Board for fiscal year 1981, pursuant to section 502(g) of Public Law 93-112; jointly, to the Committees on Education and Labor and Public Works and Transportation.

4747. A letter from the Acting Comptroller General of the United States, transmitting a report on Outer Continental Shelf production ratesetting functions (EMD-82-97, September 10, 1982); jointly, to the Committees on Government Operations and Interior and Insular Affairs.

4748. A letter from the Comptroller General of the United States, transmitting a report on moneys that can be saved through better energy management in Federal hospitals (GAO/HRD-82-77, September 1, 1982); jointly, to the Committees on Government Operations, Armed Services, Interior and Insular Affairs, Energy and Commerce, and Veterans' Affairs.

4749. A letter from the Secretary of Transportation, transmitting a report on the status of the public ports of the United States, pursuant to section 2 of Public Law 96-371; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on September 9, 1982, the following report was filed on September 10, 1982]

Mr. HUGHES: Committee on the Judiciary. H.R. 6946. A bill to amend title 18 of the United States Code to provide penalties for certain false identification related crimes; with an amendment (Rept. No. 97-802). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CHAPPELL (for himself and Mr. RUSSO):

H.R. 7090. A bill to repeal the provisions of the Omnibus Budget Reconciliation Act of 1982 which, for fiscal years 1983, 1984, and 1985, reduce and delay cost-of-living increases in annuities and retired or retainer pay based on Government service and reduce, in relation to the amount of such increases, the pay of members and former members of the uniformed services for their service in Federal civilian positions; to the Committee on Post Office and Civil Service.

By Mr. HEFTEL:

H.R. 7091. A bill to amend the Congressional Budget Act of 1974 to make first concurrent resolutions on the budget binding, to eliminate second concurrent resolutions on the budget, and for other purposes; to the Committee on Rules.

By Mr. PARRIS:

H.J. Res. 592. Joint resolution designating January 17, 1983, as "Public Employees' Appreciation Day"; to the Committee on Post Office and Civil Service.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

465. By the SPEAKER. Memorial of the Legislature of the State of Washington, relative to H.R. 3663, the Bus Regulatory Reform Act of 1982; to the Committee on Public Works and Transportation.

466. Also, memorial of the Legislature of the State of California, relative to gas and electric utility rates; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 750: Mr. BROWN of Ohio, Ms. MIKULSKI, Mrs. SMITH of Nebraska, and Mr. ERDAHL.

H.R. 865: Mr. SOLOMON.

H.R. 2034: Mr. ANDREWS, Mr. KINDNESS, Mr. ROSE, Mr. SWIFT, and Mr. WILLIAMS of Montana.

H.R. 2347: Mr. SOLOMON.

H.R. 5362: Mr. HANSEN of Idaho.

H.R. 5995: Mr. FITHIAN.

H.R. 6170: Mrs. FENWICK.

H.R. 6306: Mr. HARTNETT, Mr. SPENCE, Mr. NAPIER, and Mr. CAMPBELL.

H.R. 6364: Mr. BAILEY of Pennsylvania.

H.R. 6573: Mr. LAGOMARSINO.

H.R. 6591: Mr. YOUNG of Missouri.

H.R. 6596: Mr. COELHO, Mr. WAXMAN, Mr. MARTINEZ, Mr. EDGAR, Mrs. KENNELLY, Mr. BEREUTER, Mr. DWYER, and Mrs. HECKLER.

H.R. 6970: Mr. PATMAN, Mr. LANTOS, Mr. MATTOX, Mr. RAHALL, Mr. HUCKABY, Mr. WON PAT, Mr. MINISH, Mr. KINDNESS, Mr. ANDREWS, Mr. HUGHES, Mrs. SCHROEDER, Mr. YATRON, Mr. BEARD, Mr. SANTINI, Mr. RATCHFORD, Mr. MOTTL, Mr. BAFALIS, Mr. FROST, Mr. FAZIO, and Mr. ROE.

H.J. Res. 144: Mr. MOLLOHAN, Mr. LEE, and Mr. ROSE.

H.J. Res. 531: Mr. ADDABBO, Mr. AKAKA, Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANDREWS, Mr. ANNUNZIO, Mr. BAFALIS, Mr. BAILEY of Pennsylvania, Mr. BARNES, Mr. BEILENSON, Mr. BEVILL, Mr. BIAGGI, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. BOUQUARD, Mr. BOWEN, Mr. BRINKLEY, Mr. BRODHEAD, Mr. BURGENER, Mr. JOHN L. BURTON, Mr. CAMPBELL, Mr. CHAPPELL, Mr. CHAPPIE, Mrs. CHISHOLM, Mr. CLAUSEN, Mr. CLAY, Mr. COATS, Mr. COELHO, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CONYERS, Mr. CORRADA, Mr. DASCHLE, Mr. DAUB, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DONNELLY, Mr. DORNAN of California, Mr. DOUGHERTY, Mr. DOWDY, Mr. DREIER, Mr. DWYER, Mr. DYMALLY, Mr. EARLY, Mr. EDGAR, Mr. EDWARDS of California, Mr. EVANS of Georgia, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FITHIAN, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. GAYDOS, Mr. GINN, Mr. GONZALEZ, Mr. GREEN, Mr. GRISHAM, Mr. GUARINI, Mr. HALL of Ohio, Mr. HATCHER, Mrs. HECKLER, Mr. HEFNER, Mr. HOLLAND, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. HUTTO, Mr. IRELAND, Mr. JACOBS, Mr. JONES of Tennessee, Mrs. KENNELLY, Mr. KILDEE, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Mr. LEBOUTILLIER, Mr. LEHMAN, Mr. LENT, Mr. LONG of Louisiana, Mr. LUNGREN, Mr. MCCOLLUM, Mr. MARKEY, Mr. MARRIOTT, Mr. MATSUI, Mr. MATTOX, Mr. MAVROULES, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOLINARI, Mr. MURPHY, Mr. NAPIER, Ms. OAKAR, Mr. OBERSTAR, Mr. PATTERSON, Mr. PEYSER, Mr. PORTER, Mr. PRICE, Mr. PRITCHARD, Mr. RAHALL, Mr. RANGEL, Mr. RATCHFORD, Mr. REUSS, Mr. ROBINSON, Mr. ROE, Mr. ROSENTHAL, Mr. SABO, Mr. SANTINI, Mr. SCHEUER, Mr. SKELTON, Mr. SMITH of Pennsylvania, Mr. SOLARZ, Mr. STOKES, Mr. SUNIA, Mr. SWIFT, Mr. TAUZIN, Mr. TRAXLER, Mr. UDALL, Mr. VENTO, Mr. WASHINGTON, Mr. WAXMAN, Mr. WEISS, Mr. WINN, Mr. WON PAT, Mr. WYDEN, Mr. YATES, Mr. YATRON, Mr. YOUNG of Missouri, Mr. WIRTH, and Mr. ZEFERETTI.

H.J. Res. 587: Mr. COELHO.

H. Con. Res. 336: Mr. PHILLIP BURTON, Mr. MCCOLLUM, Mr. GEJDENSON, Mr. DYMALLY, Mr. DENARDIS, Mr. WOLPE, Mr. BROWN of Colorado, Mr. WIRTH, Mrs. ROUKEMA, Mr. DANNEMEYER, Ms. MIKULSKI, Mr. MAVROULES, Mr. PEPPER, Mr. RODINO, Mr. COURTER, Mr. KEMP, Mr. KILDEE, Mr. YATES, Mr. GRADISON, Mr. DORNAN of California, Mr. MOLINARI, and Mr. GRAY.

H. Con. Res. 377: Mr. HOYER.

H. Con. Res. 391: Mr. LEACH, Mr. FAZIO, and Mr. REGULA.

H. Res. 421: Mr. FARY, Mr. HAGEDORN, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MCCLORY, Mr. MOLINARI, Mr. QUILLEN, Mr. RUSSO, Mr. SPENCE, Mr. SWIFT, Mr. WALGREN, Mr. GINN, Mr. RAILSBACK, and Mr. WHITTEN.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

588. By the SPEAKER: Petition of the International Typographical Union, Colorado Springs, Colo., relative to the President's veto of the extension of the manufacturing clause of the U.S. copyright laws; to the Committee on the Judiciary.

589. Also, petition of the American Bar Association, Chicago, Ill., relative to certain amendments to an appropriations bill being subject to a point of order; to the Committee on Rules.

590. Also, petition of the Centre County Board of Commissioners, Bellefonte, Pa., relative to a nuclear arms freeze; jointly, to the Committees on Armed Services and Foreign Affairs.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6956

By Mr. FLIPPO:

—On page 20, line 13, strike out "$5,542,800,000" and insert in lieu thereof "$5,402,800,000", and

On page 20, line 17, insert immediately before the period the following: ": *Provided further,* That none of the funds appropriated under this heading shall be obligated or otherwise made available for the sole-source procurement of the design, development, or production of liquid-hydrogen, liquid-oxygen (Centaur) upper stages".

By Mr. WALGREN:

—Page 42, immediately after line 18, insert the following new section:

"SEC. 416. None of the funds appropriated by this Act may be obligated or expended to promulgate, issue, prescribe, implement, administer, make or enforce any finding, rule, order, or sanction under the Clean Air Act on any State or political subdivision thereof for failure to adopt, implement, conduct, or enforce a vehicle emission control inspection and maintenance program. Nothing in this section shall be construed to preclude the use of funds for the purpose of providing technical assistance under such Act to any State or political subdivision thereof.".

EXTENSIONS OF REMARKS

THE JOURNAL OF COMMUNITY ACTION

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 9, 1982

● Mr. CONYERS. Mr. Speaker, the Journal of Community Action is one of the most promising and innovative channels of communication I have come across in the areas of community development, local-State-Federal relations, and neighborhood economic development. Edited by two veteran community organizer-analysts, Nelson Rosenbaum and Milton Kotler, the bimonthly journal offers in each issue very thorough coverage of public policy, reviews of literature, current research, and practical organizing. Of particular value is a regular feature, "Notes From the Field," which provides highly useful information on community projects across the country that have proved successful and are models for replication. Published by the Center for Responsive Governance in Washington, D.C., Community Action is bound to become a leading journal, and I wish its editors every success.

An article by Lawrence Bailis, "Community-Based Organizations and CETA," that appeared in the January-February 1982 issue, reflects the high-quality journalism that is typical of Community Action. I recommend the article, that follows, to my colleagues.

COMMUNITY-BASED ORGANIZATIONS AND CETA

(By Lawrence N. Bailis)

As is almost always the case, federally funded employment and training programs are now at a critical crossroads. During the past fifteen years, supporters of these programs have seen expenditures for the Comprehensive Employment and Training Act (CETA) and its predecessors grow from less than a billion dollars a year to more than $10 billion, only to see them reduced sharply to less than one-third that size, with further cuts likely.

The growth of these programs has been accompanied by the rise of non-profit organizations that claim to serve all or portions of the client community, groups known as "community based organizations" (CBOs) in the CETA parlance. Many nationwide as well as local unaffiliated community groups were created largely in response to the availability of funding for what were then known as manpower programs (and are now known as employment and training programs since the term "manpower" is currently considered a sexist word). Other community groups had been in existence long before the creation of manpower programs but used the CETA program and its predecessors as an opportunity to widen the range of services that they were providing to the community.

During the past decade, the destinies of the employment and training programs and the CBOs that have provided services in them have become increasingly intertwined. Aided in part by federal regulations that encourage utilization of community groups, CBOs have received as much as one-fifth of the monies allocated to training adults, and the bulk of the monies for certain youth employment and training programs.

The importance of community based organizations to CETA has outweighed their share of total funding dollars. The documented successes of certain community groups in reaching, training, and employing disadvantaged Americans—and the political support enjoyed by many of these organizations—helped to promote the sustained growth in CETA funding. The equally well documented shortcomings in CBO management practices have, on the other hand, hurt the overall image of the problem, and thereby contributed to the atmosphere that has helped to promote the recent and ongoing cutbacks.

While many CBOs have developed a broad base of public and private sector funding sources, CETA has become the primary source of funding for many others. Federal grants have helped to sustain many organizations which have become spokesmen for the disadvantaged in areas that go far beyond preparation for the world of work. The cutbacks in CETA and other federal funding sources are thus jeopardizing the viability of many community groups, and forcing almost all of them to step up their efforts to provide alternative sources of funding.

Most of the discussion about the future of federally funded employment and training programs has focused on structural issues such as whether or not the current Prime Sponsor system should be preserved, or on the roles to be played by state government, local government, and the business community. However, for the reasons outlined above, analysis of the potential roles to be played by community groups should play an important part in ongoing efforts to enact a new federally funded employment and training system to replace CETA.

FRAMEWORK FOR DECISIONMAKING

Decisions about the future role of CBOs in employment and training systems should be made on the basis of two kinds of considerations: (a) the future shape of these systems and their objectives, and (b) assessments about the ability of community-based organizations to promote achievement of these objectives as evidenced by their previous track record.

At first glance, neither of these considerations can provide clear guidance. First, while a large number of different legislative proposals have been considered, no one can be sure what federal employment and training program of the future will look like. Second, nearly a decade of CETA research and evaluation studies has failed to provide definitive conclusions about the strengths and weaknesses of CBOs as service deliverers, or even more general information about what factors contribute to making an organization an effective provider of training services.

However, prudent planners cannot wait until the future is totally clear and predictable, and those who seek to affect the future do not have the luxury of waiting until all of the relevant data has been collected and analyzed. If they do wait, they will find that others have already made key decisions without ever consulting them. Therefore, now is an opportune time to review the role of CBOs in the past and reach conclusions about the role that they can play in the future.

WHITHER CETA?

Before attempting to prescribe the proper role for community based organizations in future federally funded employment and training systems, one must first address two sets of issues:

Is there likely to be any federal funding for such programs beyond the next year or two, and

If so, what are the program goals and structure likely to look like?

While it is always hazardous to make predictions on topics such as this (and doubly hazardous to put one's predictions into print where they can be so easily retrieved and reviewed), several conclusions appear justified by the contents of the legislative proposals offered by Senators Quayle and Kennedy and Representatives Hawkins and Jeffords.

First, major changes in the structure and functioning of employment and training programs seem inevitable. Even those who are happiest with the current CETA system admit that severe cutbacks are raising questions about such previously fundamental aspects of the CETA system as reliance upon local general-purpose governments representing 100,000 or more citizens as the basic planning and operational unit ("Prime Sponsor") under the system, and the importance of providing training allowances to permit low-income disadvantaged men and women to participate in training programs at all.

Beyond this, a general consensus appears to have emerged from recent Congressional hearings on CETA that the goals of the reauthorized or redesigned program should stress provision of training opportunities rather than Public Service Employment to the disadvantaged, and in particular to disadvantaged youth.

Despite these changes, the goals of future employment and training efforts are likely to resemble many of the current ones. It also seems reasonable to expect important continuities in the overall structure in which planning and service delivery take place. Some have called for retaining the current Prime Sponsor system in which cities and counties with a population of 100,000 or more are responsible for employment and training, with the state governors responsible for portions of states that do not meet the 100,000 cut off. Others have called for raising the population cutoff, and/or increasing the role of the governor as overseer or operator of the entire system within a state. Almost everyone seems to be calling for an increased role by the business community in planning and operating future programs. But, whichever of these or

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● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

other alternatives is finally chosen, it is clear that some organization will be given responsibility for providing training and related services in a given jurisdiction. That organization will have to decide (a) whether it wishes to provide these services directly or to subcontract for at least some of them, and (b) if they are subcontracted, whom to subcontract them to.

In short, it seems increasingly likely that there will be either government bodies or consortia including government that will be deciding what role—if any—CBOs should be playing in the planning and administration of skills training programs for disadvantaged Americans. While politics will inevitably play a role in making these decisions, empirically based evaluations of the potential and limitations of community groups can also be expected to be influential. The remainder of this article seeks to provide information that will further such planning at both the federal and local levels.

LESSONS FROM THE PAST

During the first eight fiscal years of CETA, community-based organizations have played virtually every conceivable role in the planning and delivering of employment and training services. Many Prime Sponsors, especially the larger ones, have permitted CBOs to function as comprehensive service deliverers, i.e., to perform all needed services from outreach and recruitment of trainees through provision of training and supportive services to eventual placement of clients and followup on their progress on-the-job. Other Prime Sponsors have divided responsibility for client services among a number of organizations, but have given CBOs a number of important functions to carry out.

A recent survey of utilization of CBOs among twenty Prime Sponsors revealed the extent to which CBOs provide training services in adult programs. (Urban Systems, 1979). In cases where community outreach was subcontracted, it was done exclusively by community based organizations. Nearly 80 percent of the subcontractors with responsibility for provision of counseling and related supportive services were CBOs, and more than half of the agencies that provided specialized job development and/or placement were community groups. In addition to this, nearly half of the combined outreach, intake, assessment, and classroom training responsibilities that were subcontracted were assigned to CBOs as well. CBOs were also the leading choice of Prime Sponsors to deliver so-called work experience (on-the-job programs in which the primary benefit is developing work habits rather than skill acquisition) and represented more than 40 percent of the sub-grantees with responsibility for on-the-job training.

If there were universally accepted standards of performance for community-based service deliveries and adequate data to assess their performance, one could review this past experience and decide what CBOs did best, under what circumstances, and so forth. Unfortunately, neither the standards nor the data exist, and so the lessons from the past are more dependent upon judgement than mathematical manipulation of performance data. While there are disputes about all parts of the CBO record to date, it is possible to make relatively conclusive assessments of the role of CBOs as advocates for the client community, as links between that community and the more mainstream training institutions, and as direct deliverers of classroom training services.

THE ADVOCACY ROLE

While statistics about impact of training on earnings of trainees are sometimes hard to come by, there is broad recognition of the fact that community based organizations have been playing a client advocacy role since their initial involvement in employment and training programs. While all agencies that provide CETA services have felt pressures to "cream," i.e., to serve those who are most likely to succeed within the overall eligible group, many CBOs have apparently been relatively successful in resisting these pressures. While the employer community has incentives, to press for serving those who are most likely to become model employees, CBOs have competing incentives to remind government agencies and employers alike that one cannot measure the effectiveness of programs in terms of overall placement rates and cost per placement.

The creative tension between the drive to demonstrate cost-effectiveness and the need to serve those most in need is likely to persist into the foreseeable future. While government agencies serving as Prime Sponsors or overseers of employment and training programs might try to resist pressures to cream, a review of the CETA record to date does not give one total confidence that this can be expected to occur throughout all of the decentralized components of employment and training programs across the Nation.

Given this situation, it would seem reasonable to maintain the current statutory role for CBOs in planning employment and training programs—and to consider expanding it. Care must be taken, of course, to insure that advocacy of client needs does not become distorted into advocacy for providing money for CBOs regardless of their merits. The experience with CETA to date, however, suggests that there is little reason to be concerned that CBOs will become overly influential in a planning process that is shared among government officials, business leaders, and other key actors.

LINKAGES TO THE COMMUNITY

Community based deliverers of employment and training service have been funded, in large part, to remedy the perceived failures of so-called mainstream service deliverers (such as public schools, community colleges, and proprietary schools) to serve minorities and other disadvantaged clients. While CBOs have sometimes been seen as competitors to these mainstream groups, they have also often served as the "glue" that has linked the mainstream employment and training system together with the minority and disadvantaged client community.

The history of employment and training programs is replete with examples in which community groups have successfully promoted linkages between mainstream agencies and their disadvantaged clientele through the conduct of such activities as:

Outreach to the client community that is promoted by formal and informal ties between CBO staff and potential client groups,

Intake that is promoted by the location of many CBOs directly in the neighborhoods where clients line,

Assessment of client needs that is promoted by the rapport that can be developed between CBO staff and clients, and

Direct placement of minority groups to further affirmative action goals of major employers that is promoted by all of the other three above-listed factors.

With the increased emphasis on economic development within the employment and training systems, community-based organizations have the potential to provide new forms of linkages. Perhaps the most promising of these is promoting ties between minority small businesses and larger Chambers of Commerce or Private Industry Councils.

In recent years, there has been a trend towards centralization of the functions of outreach, intake, assessment and placement, with Prime Sponsors directly carrying out these activities rather than subcontracting them to CBOs and other groups. It is widely believed that these centralized efforts are most desirable in smaller Prime Sponsors where geographic compactness and the relatively small numbers of clients permit centralized facilities to be accessible to those from outlying neighborhoods and where it is administratively feasible to carry them out in a single location. If, as seems likely, the service delivery areas of the future will be larger than the current prime sponsorships, the desirability of centralized outreach, intake, assessment, and placement will decline, and the relative attractiveness of delegating these tasks to community groups with a strong base in the neighborhoods where clients are drawn from will increase.

The above discussion provides logical arguments in favor of utilizing community groups to deliver services that link the mainstream organizations that are delivering employment and training services with the members of and organizations within the client community. But even if the logic is convincing to supporters of community groups, it is doubtful whether it will be enough to convince those with operational responsibility for future employment and training systems. Therefore, the burden of proof is likely to fall on community groups themselves to demonstrate that (a) such linkages are necessary if the overall system is to function as intended and (b) the community groups are better equipped to provide these linkage services than other organizational alternatives.

Doing so will not be easy. The CETA evaluation literature does not provide definitive conclusions on the relative advantages and disadvantages of utilizing community groups for outreach, intake and placement, as opposed to centralizing them within a single government agency. But the difficulty of the task does not diminish the need to proceed with it.

PROVISION OF TRAINING

The rhetoric of CBOs proclaims that community groups are more sensitive to the special needs of disadvantaged Americans than others and are therefore in a better position to provide meaningful training opportunities. The rhetoric of those who oppose CBO involvement in training stresses the importance of having up-to-date training methods and equipment, high standards, and close ties to the employer community, and notes that CBOs are often weak in these regards.

There is logic behind both sets of claims. Therefore, while strong cases can be made that CBOs deserve consideration as advocates and links to the client community, there are no obvious conclusions to be drawn about utilizing CBOs to deliver classroom training, or other skills acquisition opportunities such as on-the-job training.

CBOs have provided a substantial proportion of the total CETA classroom training services in the past. However, much of the

CBO training has been pre-vocational (e.g. orientation to work routines and English as a Second Language) as opposed to skills training. But no study that we are aware of has provided definitive conclusions about the strengths and weaknesses of CBOs as providers of either pre-vocational or skills training service deliverers.

In the absence of any hard data one way or the other, it seems prudent to avoid drawing any overall conclusions about the desirability of utilizing CBOs to deliver either pre-vocational or vocational skills training. Instead, agencies that are responsible for selecting service deliverers in the future—be they Prime Sponsors or Private Industry Councils—would be well advised to require that those who would provide such services provide them in a demonstrably effective way, i.e., to build an evaluative capacity into their programs so that those funding them can see for themselves what they are getting for their money, and can compare these results with other service deliverers in the same jurisdiction or in similar jurisdictions.

Although methodologies for assessing the performance of individual training agencies across Prime Sponsors have yet to be developed, it would be desirable that they take into account CBO claims that they are serving clients who are more disadvantaged than are the clients of other institutions, and that CBO and non-CBO service deliverers be involved in their development.

THE QUESTION OF ACCOUNTABILITY

Any effort to assess the performance of CBOs in the past and prescribe a role for them in the future must address the issue of the management performance of community groups and the widespread beliefs that such groups cannot be relied upon to carry out their employment and training responsibilities in a "businesslike" way, i.e. with adequate record keeping and accounting safeguards.

Even the most enthusiastic supporters of community groups admit that there have been instances of inadequate record keeping by CBOs that have delivered services in the employment and training systems of the past. Some of them argue that if the staff of CBOs spent more time bringing record keeping systems up to date, it would mean spending less time with clients. But regardless of the reasons, those choosing to eliminate CBOs from CETA service delivery systems have done so on the grounds of management shortcomings far more often than on the grounds of inadequate performance.

Whatever justification such excuses may have had in the past, they clearly have no place in the employment and training systems of the future in which funding will be reduced, and in which pressures to demonstrate effectiveness will become stronger and stronger. If community groups cannot meet the record-keeping and procedural requirements of those who pass out employment and training monies, they will not have much opportunity to provide any excuses in the future.

SUMMARY AND CONCLUSIONS

The employment and training programs of the future are likely to resemble those of the past in many important ways. The experience of nearly two decades of community based organization involvement in these programs appears to justify involvement of such organizations in the planning for such programs in the role of client advocates.

Although logical arguments can be advanced to explain why community groups bring special advantages to the jobs of outreach to the community, intake and assessment, and the provision of skills training and supportive services, logic alone will no longer be sufficient to guarantee roles for community groups in such functions. The CBO record seems to justify giving community groups a chance to show that they can serve the client groups of future programs as cost-effectively as anyone else. But the only way to insure future involvement of community groups in the operation of employment and training programs will be to marshall evidence that funding community groups can help to achieve the objectives of whoever is running the system. CETA Prime Sponsors, state Governors, or Private Industry Councils will be under increasing pressure to show that they are providing cost-effective services to the disadvantaged. CBOs will be under increasing pressure to help them do this.

In the past, efforts to evaluate the effectiveness of community groups have generally been left to CETA Prime Sponsors and the academic research community. But the need for demonstration of effectiveness is likely to become so great in the future that community groups would be well-advised to develop a capacity to carry out such evaluation activities on their own, so as to avoid dependence upon others.

If community groups can demonstrate the need for their services and their effectiveness in providing them, neither rhetoric nor federal regulations mandating a role for community groups will be necessary. To the extent that they can not demonstrate their effectiveness, they may be left with little more than rhetoric and nostalgic reveries for the "good old days."●

PERSPECTIVES ON THE MIDDLE EAST

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. McCLOSKEY. Mr. Speaker, during the summer recess, I was privileged to address the Commonwealth Club of San Francisco on the day after the President proposed his new Mideast peace initiative.

A copy of that speech follows:

PERSPECTIVES ON THE MIDDLE EAST

Ladies and Gentlemen: Thank you very much. If it is with some disjointedness that I address you today, it is in part because I had to rewrite my speech last night after listening to President Reagan give about four-fifths of what I was going to say to you today as to what should happen in the Mideast. Secondly, I've interrupted my honeymoon of ten days duration, the first five days on the River of No Return, the Middle Fork of the Salmon River; we go backpacking this evening, and those thoughts are much on my mind.

But with respect to the Middle East, you have seen the same papers I have: "McCloskey has become obsessed with the problem. Even his friends say he has gone too far." Let me try to lay out my perspective of the Mideast and of its importance to you, to me, to our children and to their children.

Thirty-seven years ago in this city we founded the United Nations in the hope that we could create, as we had in this country, a world forum for negotiation and dispute settlement under law, recognizing that the only methods of settling disputes peacefully were by the ballot box, the judicial decision or by negotiation, and that the only alternative was war. And in that same year, and indeed in this same San Francisco Bay Area where the United Nations was founded 37 years ago, the United States introduced to the world a weapon that was conceived largely here in the San Francisco Bay Area. And as you look across this Bay today at the Campanile and recognize that the Berkeley Laboratory and the Los Alamos Laboratory in effect developed atomic weapons, it seems fitting and proper 37 years later that we look at the problems of this world in perspectives with respect to the United Nations and to our success in controlling atomic warfare. And I would concede to you that I have been obsessed to some extent in the attempt to try to prevent nuclear war.

In the past few years it has been growing increasingly apparent that the greatest danger of nuclear war stems not from our confrontation with the Russians and their leadership which, like ours, recognized that a major nuclear war between the United States and the Soviets would destroy their civilization, our civilization and most of what the world has built up over the past 4,000 years of recorded history, but the greatest danger of nuclear war could come out of a creation of the United Nations itself—the confrontation in the Mideast, in what was once formerly known as Palestine, when the United Nations, two years after its founding, enacted a resolution creating—it thought—a Jewish state and an Arab state side by side in what had formerly been Palestine. And the creation of that Jewish state and that Arab state was under Resolution 181 of the United Nations adopted in November 1947, looking ahead to that day in 1948 when the British mandate over Palestine would be withdrawn. And I submit to you that all of us today, in the effort to avoid nuclear war, should fully understand and study the history of the conflict that has evolved in the Mideast between the Arabs and the Israelis, and particularly the incredible step forward that I think President Reagan made in his speech of yesterday and the position that he has taken.

In my judgment, we face the danger of nuclear war within the next decade between the Arabs and the Israelis unless a homeland is found for the Palestinian people; and that young Palestinians are going to fight and die until that homeland is achieved. And there is no ethnic group in this country that should understand the willingness to fight and die if necessary to achieve a homeland so much as the Jewish community throughout the world which for nearly 15 hundred years has been seeking such a homeland and has fought and paid so dearly to create and to preserve the state of Israel.

Now if you go back to 1947 and the creation of Isreal with the withdrawal of the British on May 14th, 1948, the Israelis have fought three bitter wars—1948, 1956 and 1967—because in that first 20 years following the action of the United Nations, no Arab state and no Arab individual conceded that Israel had the right to exist. The view of the Arab world and of Arabs throughout the world was that the creation of Israel was illegal; that it was a usurpation of the promises that the British and the French had made to the Arabs back in World World I when, in order to overthrow the Turks and Turkish control of that region, and Byzantine control before that, not only had the

British Balfour Declaration, in 1917, espoused Britain's view that there should be a Jewish homeland in the Mideast. At the same time the allies in World War I were promising the Arabs that if they would join in our fight against the Turks under the leadership of Lawrence of Arabia and others that there would be an Arab sovereignty in that area, something that had not existed since the days of Mohammad.

Those promises that were made in 1917 came into fruition in 1948. But for those first 20 years the Arabs did not accept Israel's right to exist. It was not until finally in 1967, when the Israelis defeated soundly the massed armies of the Arab world martialed against them, that Israel earned its right to exist. During that victory, they occupied four areas—the Golan Heights, the Gaza, the Sinai, the West Bank, known as Judea and Samaria, and East Jerusalem. Again the United Nations looked at the problem and, in 1967, adopted Resolution 242. Resolution 242 to which the President referred to in his speech last night, should be understood by every American for what it means. I want to quote to you the specific language adopted in 1967 by the United Nations, again bearing in mind that if this dispute is to be settled by law, by negotiation, by ballot box, by vote, that through the United Nations the hope exists to solve the problem other than through conflict.

There are two parts, basically, to Resolution 242. It affirms that the fulfillment of the chartered principles of the United Nations requires the establishment of a just and lasting peace in the Mideast, and should include the application of both the following principles: the withdrawal of Israeli armed forces from territories occupied in the recent conflict—the West Bank and Gaza being those relevant today; and the respect for and the acknowledgement of the sovereignty territorial integrity and political independence of every state in the area, the right to live in peace within secure and recognized boundaries, free from threats or acts of force.

Now clearly the resolution envisoned two things: First, that Israel be recognized as having a right to exist; and, second, when they would be free from force or threats of force, that Israel would withdraw from the occupied territories.

There was yet to be another war in 1973, and finally, in 1978, with Sadat's famous mission to Jerusalem. The Egyptians and the Israelis, brought together by President Carter, entered into the Camp David agreement. And, again, Camp David should be understood for specifically what it is in this step towards hopefully the building of international rules to go by.

Camp David, specifically, in its opening preamble referred to the agreement . . . UN Resolution 242, that basis, and I quote: "For a peaceful settlement of the conflict between Israel and its neighbors is United Nations Security Council Resolution 242 in all of its parts." The Israelis signed that agreement; the Egyptians signed that agreement—witnessed by the United States. Resolution 242 in all of its parts clearly envisions the ultimate autonomy and self rule over the West Bank and Gaza by the Arabs who live there—some 700,000 on the West Bank; some 400,000 on the Gaza Strip. Bear in mind that, with the 500,000 Arabs living in current Israel, if Israel were to annex the West Bank and Gaza it would have nearly as many Arabs, and more by the end of this century at their existing birth rate, than there are Israelis living in that part of the world.

Israel, thus in 1978, agreed to ultimately abandon the West Bank and Gaza in return for the guarantees of secure borders and an end to the threat of force. Getting the Egyptians off their southern flank was a tremendous achievement. The Israelis tend to say that they gave up a good deal. But look what they got: They removed a nation of 40 million people with a major armed force in the region as a threat on their southern flank with a demilitarized Sinai. Camp David left Jordan, Syria and Lebanon as potential enemies, but the armed forces of Jordan had never been significant; the Lebanese armed forces are practically nonexistent. Note what has happened in the last two months, in Syria. The Israelis destroyed over one-fourth of the Syrian Air Force and tanks with scarcely any losses at all. So during the current invasion of Lebanon, the Israelis have removed in the military threat of Syria; they removed the threat of Egypt when they signed the Camp David accords. But now, in 1982, the position of Israel has materially changed. And it changed with the election of Prime Minister Begin a year ago last June when he said on June 30 that his election was a mandate for the creation of "Yretz Israel," the historic Israel, the Israel that included Gaza and the West Bank, Judea and Samaria.

In the recent visit that a number of us made in the Mideast, we met with the heads of states of six nations, missing only King Hussein of Jordan. We met with Crown Prince Hassan of Jordan, however, and met with the defense ministers and the foreign ministers or their deputies in each country. The most significant instruction and lesson that we got, however, was in Jerusalem from an Israeli taxi cab driver who said the problem with our democracy is that we are not a rule of the majority in a democracy, our country Israel, we are the captives of a small minority, the religious parties who believe that we own the West Bank and Gaza and who believe that the historic Israel includes Judea, Samaria and Gaza. For Israel to reach its ultimate Zionist goal is to have that land a part of Israel—Ramallah, Bethlehem, Jerusalem, Nazareth and Jericho. And because of the very slender majority for Prime Minister Begin today, his government depends for its power upon the five representatives of the five percent of the Israeli people who believe that they own the West Bank, Samaria, Judea and Gaza. And to stay in power the Begin government must take the position that Begin has taken in his outright opposition to what the President said yesterday.

This creates a new problem for the United States because, until recently, the entire Jewish community and most Americans, and I included, believed that what was good for Israel was in the best interest of the United States as well. As President Reagan said when he was a candidate, you may recall, Israel is the only democracy in the Mideast; the only ally that we can rely upon. It is true that there isn't one of the 22 Arab governments that this nation can be sure is going to be governed by the same people or the same religious sect a year from today. Israel is by far the most stable of the nations in that area. But if Israel is to be our ally, and Israel does the wrong thing, and the United States backs Israel right or wrong, then we create enemies amongst the Arab nations who are irrevocably opposed to the expansion of Israel and, not only irrevocably opposed to the expansion of Israel, but with the dispersion of 4 million Palestinians throughout the 22 countries of that region, there isn't an Arab government in the Mideast that is not threatened by a Palestinian revolt or insurgency within their own country because the leadership of that country has not joined in what all Arabs agree: that there must be a restoration of a Arab participation in the holiest of all cities, Jerusalem, the temple of the Islamic faith, as well as of the Christian and the Jewish faiths.

So we are in a difficult position today, with Israel taking the position it has for the past year that it will annex the West Bank and Gaza. As Mr. Begin said in our presence: "How can we annex what is already ours?, pointing to the West Bank on the historic maps of Israel. As Mr. Sharon said a few months ago: "Shamit (in the Sinai) is the last territorial concession that we will make." You recall when they gave up the Sinai there was the conflict with their religious settlers who had settled in those areas and who resisted to the point of fire works. So here we have a situation where Israel says in 1982: "we are no longer going to accept Resolution 242 with its requirement that we give up the West Bank and Gaza." We were shown a map when we were in Jerusalem prepared by the Israelis and it showed 50% of the West Bank assigned for agricultural purposes; 40% assigned to Israeli settlements, new or planned, and only 10% to the 700,000 Arabs who live there. And in the last several years, Begin has moved to rapidly expand those settlements, to appropriate the land ownership rights, in many ways illegally, and to achieve absolute control over what is imperative to survival on the West Bank, and that is water. No Arab can drill a well. The Israelis control all new uses of water and are taking Arab water. And the circumstances are clear, I think, to any observer of that area, and have been clear to our State Department for some months, that Israel is rapidly moving to annex the West Bank and Gaza, as they have already annexed East Jerusalem and the Sinai. Which puts the United States then with the problem: Do we back Israel as we have for 32 years or do we back United Nations Resolution 242 which this country has put so much behind?

The irony of our visit in Jerusalem was that when the five of us in the Congress who met with Yasir Arafat said to him—in fact our purpose for talking with these leaders was to try to see if we could move them towards peace—"can't you accept U.N. Resolution 242?" can't you accept Israel's right to exist? Those are absolutely necessary if we are to move towards peace. "Arafat's response to us was that I can't accept 242 standing alone because 242 provides for the protection of Israel but it doesn't have any provision at all for the Palestinians. I can accept 242 if you take it in context with the other United Nations Resolutions, including 181 which creates an Arab state as well as a Jewish state. And I said, well, what do you mean? Put it in your language. He said I can accept all U.N. resolutions pertaining to the Palestinian problem if they are taken in context all together. I can accept in effect 242 with its protection and guarantees for an Israeli state, if the rest of the world will accept our right to a Palestinian state. That statement by Arafat was a very significant breakthrough. We weren't duped and we weren't misled. He made no secret of what he said. I can accept them all; I can't accept 242 standing alone. The problem that occurred was that the next day, his representatives in three different capitols, particularly Mr. Terzi, the Ambassador to the United

Nations, said he did not intend that. He didn't really intend to include 242. He couldn't have. Three days later Mr. Terzi reversed himself, went before the United Nations and said yes, Chairman Arafat and the Palestinian Liberation Organization does accept 242 as part of all of the U.N. resolutions. But by that time the press had picked up the initial denials, and the credibility of both our statements and Mr. Arafat's were destroyed perhaps for a rather extended period of time.

But not the irony of the situation today. Ask yourself this question: Why has the United States been the only government in the world in the last 60 days to try to preserve the Palestinian Liberation Organization leadership? Why? What do we have at stake? What we have at stake is (1) the oil in the Mideast which furnishes 25% of our fundamental basic economy in this country, and (2) that if the Palestinians, 4 million of them now dispersed throughout the Arab world, continue to fight for a homeland and overthrow Arab governments in that area, the very reason for our interest in the Mideast, the solidarity of that area as a barrier to Soviet expansion, is destroyed.

You recall in 1978 when President Carter said very explicity: We will repel with military force, if necessary, any intrusion of a foreign power into the Persian Gulf. why? Because on a very narrow stretch of land along the Red Sea, Persian Gulf, Kuwait, Qatar, the Emirates, Bahrain, Saudi Arabia, 25% of the oil on which the U.S. economy depends and 50% of the oil of Europe is produced. The three countries that stand between the Persian Gulf and the Soviets are Pakistan, Iran and Turkey, not one of them what you could call a stable government upon which we could rely. So the stability of that area, the continued flow of oil to the United States, upon which our economy depends, the countries like Saudi Arabia and Kuwait, which if they had an interruption of production such as we saw in Iran or following the 1973 war, could result in economic impact in this country. Those problems have been sufficient to cause an American President, Jimmy Carter, not a hawk but a dove, to say that we will repel with military force, if necessay, a foreign intrusion into the Gulf.

So we have a great deal at stake in maintaining that stability. We have a tremendous stake in seeing that the Palestinian aspirations for a homeland are met and the one barrier to both United Nations policy and U.S. policy today as announced by the President is the intransigence of a country for whom we have learned a tremendous affection and respect over the last 36 years.

The battle for peace in the Mideast will be won in the public opinion in the United States as to whether the American people and the Congress will not permit the President to stand up to Prime Minister Begin of Israel. There is no indication at this point that Begin does not mean what he says that they intend to continue the settlements and to proceed with the annexation. Or that Defense Minister Sharon, who is probably his heir-apparent, is not absolutely convinced that the last territorial concession has been made and that the historic Israel of Judea, Sumaria, all of Jerusalem and the Gaza Strip must be part of a secure Israel.

So the task in front of the United States now is a shift in policy direction of the very kind that Secretary Shultz and the President have crafted. Note that in this search for peace, and when you look at the responsibilities and privileges that we all share in the Bay Area, not that of the four men leading this policy, three of them come from the Bay Area—Secretary Shultz, Cap Weinberger, Phil Habib—and the President who comes from Southern California is advised by Ed Meese who once went through the Alameda County District Attorney's Office as some of the people in this room have done. So if there is any community which ought to play a part in the debate, the discussion, the reasonable dialogue, the formation of public opinion, in my judgment it is the San Francisco Bay Area out of which came the potential for a rule of law rather than a rule of combat in the United Nations, and where the atomic bomb which, if we go to war could destroy our civilization, was created.

Shimon Peres, who is the former Defense Minister of Israel said to us that he felt that they had a maximum of 10 years before the Arabs acquire the atomic weapon. If an Israel which is willing to destroy the city of Beirut, a town of 600,000 people, mostly Lebanese, to get at 6,000 PLO soldiers; an Israel which is willing to use cluster bombs in a city of that kind . . . and I found cluster bombs in hospitals and schools in West Beirut . . . if that kind of Israel is to be supported right or wrong, it seems to me clear that an Arab leader with all of the humiliation suffered by the Arabs throughout the last 1,000 years, that if there is not a Palestinian homeland when all of those billions of dollars that go to Saudi Arabia and Kuwait, and by them are funneled to the PLO and other Arab states, that some of those dollars are going to be used to acquire atomic weapons. And if atomic weapons are acquired by Arabs I think unhesitatingly they will be used against Israel, as I am sure that Begin and the Israeli leaders today would use them against Syria and Iraq if they felt that they were in a confrontation that meant their very survival.

So there is a tremendous amount at stake in this part of the world. And as I said the issue will not be decided by President Reagan. It will be decided by whether the people of the United States permit the Members of Congress who represent them to say for the first time we are prepared to cut foreign aid, we are prepared to cut military assistance, we are prepared to treat Israel as a sovereign nation, but no more than that. And if the interests of peace in that part of the world require that we demand of Israel that it ultimately give up the West Bank and Gaza, we should be prepared to do that. If we are not, if we do not have the political will to give our President that freedom to negotiate in foreign policy, I am very much afraid we will see an atomic war in that part of the world within this decade. And if you once have such an exchange of missiles and if the United States and the Soviets go on the kind of hair trigger alert that would then occur, I think we could see the war that would ultimately destroy mankind. And if I am obsessed with trying to prevent that, I plead guilty.

Thank you.●

A CENTENNIAL YEAR TRIBUTE TO FIORELLO LA GUARDIA

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. GREEN. Mr. Speaker, it is fitting that we take the occasion of the San Gennaro Street Festival in New York City to pay tribute to a man of Italian decent who left behind a legacy of dedication and hard work for the people of the city Fiorello H. LaGuardia.

The 56th annual San Gennaro festival has been dedicated to Mr. LaGuardia, in connection with the celebration of his 100th anniversary. The 99th mayor of the city of New York is recognized by historians and New Yorkers as the most effective and innovative chief executive. Known by many as the cosmopolite of this most cosmopolitan city LaGardia chose to work toward his goal of making our world a better place in which to live through politics.

To his enemies, he was egotistical, strutting and power hungry, a demagog and a radical. To his more numerous admirers, he was colorful, dynamic, contagiously self-confident, progressive and the deadliest Tammany killer of his day.

LaGuardia, often called an irregular Republican but a Republican all the same, won 11 out of 14 campaigns in a habitually Democratic city. He rose to national prominence in national politics before entering city hall and in 1916, became the first Republican since the Civil War to be elected to Congress from the Lower East Side—the area which I represent now in Congress.

He entered city hall as mayor of New York in 1934 and quickly earned the title of "Maverick." For the next 12 years, over the city's radio stations, before the legislature at Albany, at the board of estimate, and elsewhere, he identified good government in New York City with his name.

He believed in government with a heart and dedicated himself to projects that would benefit the needy. He brought the New York City Housing Authority into being and through this established 13 public housing units by 1942.

Some of us may remember hearing his tenor-alto voice over the radio as he read the Sunday comics or may recall stories of him racing his own firemen to a fire. LaGuardia's notoriously demanding work habits were contagious among his staff of first rate administrators. Rarely concerned with following the partisan path, he liked to say: "There isn't a Democratic or Republican way of collecting garbage."

In addition to his mayoral and congressional service, LaGuardia was the Director General of the United Nations Relief and Rehabilitation Administration, a World War I aviator in Italy and, as a young man, a member of the U.S. Foreign Service. He left city hall in 1945.

During his last public appearnace, a commencement address to a boys

school in 1947, he said: "My generation has failed miserably * * * It now requires more courage to keep the peace than to go to war." Characteristically, LaGuardia remained hopeful throughout his career that, somehow, a rising generation would learn how to make things in this world better and could pick up where he would eventually have to leave off.

I would like to join Governor Carey in proclaiming 1982 as the LaGuardia centennial year and urge all citizens to take up Fiorello LaGuardia's goal of peace and world improvement at every level.●

MOSCOW HELSINKI GROUP FORCED TO DISBAND

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. YATES. Mr. Speaker, as a Commissioner of the U.S. Commission on Security and Cooperation in Europe, the Government body charged with monitoring compliance with the Helsinki Accords of 1975, I was especially dismayed to learn that the Moscow Helsinki Monitoring Group has been forced by KGB pressure to announce the cessation of its activities.

The Moscow Helsinki Monitoring Group was founded in May 1976 by Dr. Yuri Orlov to monitor compliance by the Soviet Government with the human rights provisions of the Helsinki accords. From its inception, the group was subjected to KGB harassment and reprisals. Of the original 17 members of the Moscow Helsinki Group, 10 people were sent to prison or exile; 4 others were forced to emigrate from their homeland; and only 3 were still at liberty.

One of these last three in Sofya Kalistratova, 75-year-old attorney widely respected in Soviet human rights circles for her valiant defense of Soviet dissidents. Since December 1981, Mrs. Kalistratova has been threatened with arrest and trial. It is unlikely that Mrs. Kalistratova, who suffers from a heart ailment, could survive any prison sentence or exile. In her statement on the dissolution of the Moscow Helsinki Group, Elena Bonner, wife of Academician Andrei Sakharov, said that threats against Mrs. Kalistratova were the last straw.

At this point, I would also like to mention the fate of another Moscow Helsinki Monitor, 33-year-old Anatoly Shcharansky, a mathematician and computer scientist. He graduated from the Moscow Institute of Applied Physics in 1972. A year later, in April 1973, he was refused permission to emigrate, ostensibly on the grounds that he had access to state secrets. On July 4, 1974, just 1 day after marrying him, his wife Avital, left the U.S.S.R. for Israel without her husband, expecting him to follow in the near future. Instead, Shcharansky was barred from leaving.

He became a founding member of the Moscow Helsinki Group and soon emerged as one of the leaders and spokesmen for the Jewish emigration movement.

Shcharansky was arrested on March 15, 1977, and eventually charged with "anti-Soviet agitation and propaganda" (Article 70 of the RSFSR Criminal Code) and treason (Article 64-a). At his trial over a year later, Shcharansky was accused of working with the CIA, a charge President Carter specifically denied. After a trial that coincided with the trials of Ginzburg in Tarusa and Petkus in Lithuania, Shcharansky was sentenced on July 14, 1978 to 3 years in prison and 10 years in strict regimen camp. Even by Soviet standards, Shcharansky's treatment in prison has been abysmal, and he is now incarcerated in the notorious Chistopol Prison where he is scheduled to remain until December 1984.

Mr. Speaker, the announcement that the Moscow Helsinki Monitoring Group has been forced to cease its activities is only the latest in a series of negative developments in the Soviet Union. I note that the fledgling independent peace movement in Moscow has been suppressed by the KGB, and in the past month the Kremlin has severely curtailed telephone communications between the Soviet Union and the Free World. It is against this backdrop that the next session of the CSCE Review Conference is slated to begin in Madrid in November of this year. At this moment, I see little in Soviet behavior to suggest that they are seriously interested in finding a genuine solution to the questions of security and cooperation in Europe.●

ON BEHALF OF SOVIET REFUSENIKS

HON. ALBERT LEE SMITH, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. SMITH of Alabama. Mr. Speaker, I wish to thank all my colleagues who recently signed my letter to the Honorable Andrei Gromyko and His Excellency Anatoly Dobrynin on behalf of the Ghinis family who are refuseniks for whose emigration I have worked for the past 2 years. Most particularly, I am grateful for the support of the distinguished chairman of the House Committee on Foreign Affairs, Mr. ZABLOCKI, whose signature added much weight to this effort.

The current decline in emigration from the Soviet Union is tragic. But Soviet repression of individual freedom certainly is not new. For example, take the case of the Kazanevich family which is of great concern to me and my constituents. Mr. Kazanevich is a longtime refusenik. He and his family have been denied exit visas for 10 years on the excuse of "state secrets." During that time, the family has been constantly harassed by the KGB including threats, interrogations and smashing at the doors of his home at 5 a.m. Still, Mr. Kazanevich courageously continues his struggle to obtain an exit visa for himself and his family, and helps others as well.

This family's situation, and that of the Ghinises, is just one more reminder of what we can expect from the Soviet Union in terms of respect for the treaties which it agrees to. I urge you to keep these violations firmly in mind as you consider your support for any new agreements with the Soviet Union.●

BRIAN A. BELL: "OUTSTANDING AIRMAN OF THE YEAR"

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mrs. KENNELLY. Mr. Speaker, there are many truly outstanding volunteers in our military forces today, yet too often the accomplishments of these young men and women enlistees go unnoticed and unrecognized. Consequently, I am especially proud to bring to your attention today the record of one such individual, Air Force S. Sgt. Brian A. Bell, a 22-year-old native of Hartford, Conn.

Staff Sergeant Bell's record of achievement and excellence, compiled during 4 years of Air Force service, recently earned him recognition as an "Outstanding Airman of the Year." For the record, I would like to highlight these achievements.

Staff Sergeant Bell enlisted in the Air Force in 1978 after graduating from Hartford's South Catholic High School. He completed basic training at Lackland Air Force Base, Tex.

After basic training, Staff Sergeant Bell was assigned to Sheppard Air Force Base, Tex., for technical training as a telecommunications operations specialist. He graduated in the top 5 percent of his class.

Staff Sergeant Bell then joined the 2163d Communications Squadron at Peterson Air Force Base, Colo., where he began upgrade training. In March 1979, he completed that training to the five skill level and scored an impressive 96 percent on his end-of-course exam.

For more than 2 years, Staff Sergeant Bell was assigned to the communications security accounting section of the 2163d Communications Squad-

ron. He was responsible for managing thousands of classified documents and codes and, again, he earned an outstanding rating for his performance.

Staff Sergeant Bell's decorations include the Air Force Good Conduct Medal, the Outstanding Airman of the Year Ribbon with star and one oak leaf cluster, and the Air Force Longevity Service Award Ribbon. He was recognized as Air Force Communications Command Airman of the Year and Colorado Springs Chamber of Commerce Outstanding Enlisted Military Representative.

While compiling a record of excellence as an Air Force enlistee, Brian Bell also found time to be active in fundraising for the Muscular Dystrophy Association and served as a volunteer at a muscular dystrophy camp in Colorado.

This outstanding individual presently serves as a Reserve liaison noncommissioned officer with the 1816th Reserve Advisory Squadron at Westchester County Municipal Airport in New York.

Mr. Speaker, Brian A. Bell is 1 of 12 outstanding airmen of 1982 who will be honored tonight at an Air Force Association banquet. It is with pleasure that I bring his achievements to the attention of this body and commend him for his excellent record of service to our country.●

COMMODORE JOHN BARRY

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. BOLAND. Mr. Speaker, today marks the 237th anniversary of the birth of Commodore John Barry.

As my colleagues know, Commodore Barry is considered to be the Father of the U.S. Navy. He held the first commission in our Navy, commanded the first ship purchased and equipped to fight in the American Revolution, and captured the first enemy ship actually taken in battle.

Although his exploits at sea are best known, he also served with distinction as Washington's aide at Valley Forge and in combat at the battles of Trenton and Princeton. After American independence had been secured, John Barry fought to preserve it in actions against the French, and as commander of the first ships authorized under our Constitution.

Mr. Speaker, John Barry is an authentic American hero, but he holds a special place in the hearts of Irish Americans. Born in County Wexford, Barry came to America as a merchant seaman and, like so many of his countrymen who would follow, enriched his new home with the special qualities of courage, loyalty, and pride that characterize the Irish people. His life is an example of the things that can be achieved by those who believe in their cause and in themselves. It is fitting that we pause today to honor the memory of a man who contributed so much to the country we love.●

POSTAL REVENUE FOREGONE SUBSIDY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. CLAY. Mr. Speaker, last month the Subcommittee on Treasury—Postal Service—General Government of the Committee on Appropriations wisely recommended an appropriation of $708 million for the postal revenue foregone subsidy during fiscal year 1983. Thus, members of the Committee on Appropriations as well as the full House will soon have an opportunity to stand up and be counted in support of our Nation's sick, aged, disadvantaged, and minorities when the subcommittee's recommendation is considered later this month.

On August 15, 1982, the Los Angeles Times published an informative article which dramatized the impact of reductions in the postal revenue foregone subsidy upon those voluntary charitable organizations which would meet the safety net necessitated by withdrawal of public support of social programs. The article merits the attention of each Member of Congress and is printed below.

HIGHER POSTAGE PUTS SQUEEZE ON CHARITIES: FUND-RAISERS REACH FEWER DONORS AND SUFFER THE CONSEQUENCES

WASHINGTON.—Even as federal officials look to private charities to take up more of the nation's social burden, fund-raising by those groups has suffered a sharp blow because of higher postage costs.

Budget cuts have reduced government payments to the postal service, and that resulted Jan. 10 in rate hikes that affected subsidized second-, third- and fourth-class mail.

"It's killing us," said Joan Holmes, executive director of the San Francisco-based Hunger Project.

The higher rates have killed Sign magazine, a Roman Catholic monthly that folded after 61 years of publication.

And officials of the American Kidney Fund say the higher rates may have been associated with the death of a Virginia woman because every dollar paid in additional nonprofit postage is taken from those waiting for financial help to obtain treatment.

ABRUPT AND STAGGERING

"The relationship between nonprofit postal rates and deaths from kidney disease is direct and real. In January, after the abrupt and staggering increase in postal rates, a woman on our waiting list died," Ellen Kay Hatch, executive director of the fund told a House subcommittee.

Although she did not name the patient involved, Hatch said her organization raises 99% of its funds via mail, and the rate increase meant that in January it had $16,000 less to spend assisting individuals.

The woman, she said, had died that month while awaiting assistance from the foundation. It was the first fatality on the group's waiting list, which grew to about 500 people last fall, Hatch said.

Subsidies holding down the rates for certain classes of mail had been scheduled to be phased out gradually by 1987, but the Reagan Administration convinced Congress to end the subsidized rate early.

Known as "revenue foregone," the subsidy for 1983 was proposed at $500 million by the Administration. However, the House postal operations subcommittee has recommended a subsidy of $913.2 million, which would roll back the rates to the original schedule. The question is now before the House Budget Committee.

27 CENTS A POUND

Under the Administration cuts, nonprofit organizations soliciting money now have to pay 27 cents a pound for bulk mail, up from 15.8 cents. And those using second-class mail to distribute publications that contain little advertising saw the per-item charge jump from 0.9 cents to 4.5 cents.

The rates for first-class mail and most profit-making magazines and newspapers were not affected, having gone up last November. The January hike did involve an increase for some newspapers, those circulated within one county. That rate went from 3.4 cents to 3.9 cents per pound, or 1.3 cents to 1.9 cents per item.

"People are going to have to cut back on the amount of mail they send out. That's going to affect their returns," said Clyde Shorey of the March of Dimes.

A 2.1-cent increase means an extra cost of $2.5 million in mailing 120 million solicitations, he said.

Charles E. Taylor, president of Wilberforce University in Dayton, Ohio, said the rate hikes will mean less income for the United Negro College Fund, and, thus, less money for assisting students at his and other schools.

"Without any doubt, fewer young American will be able to break the cycle of poverty as a direct result of the sudden and steep increase in nonprofit third-class postal rates," he said.

Jane Biral of United Nergo College Fund told a congressional subcommittee that the January rate hike forced her organization to cut back mailing by 60%, resulting in a decline in income of $500,000.

That, said Taylor, results in an average of $12,000 less for each member college, and "assuming institutional aid of $500 per student, it would mean that Wilberforce's freshman class next year would be at least 5% smaller than the freshman class on our campus today."

Carolyn A. Emigh of the Nonprofit Mailers Federation said the subsidy cuts come at the same time the government wants private groups or charities to take over more of the nation's social service needs.

Her concern was echoed by the Rev. Gerald Orlando of the Passionist Fathers, publishers of Sign.

"We're asked as a religious group to pick up the slack because of the social programs that are being dropped by the Administration and we say 'OK, we'll do the best we can,'" Orlando said. "But then we're clobbered on the other side by higher postal rates. It just doesn't make any sense to us."

The family-oriented magazine, founded in 1921, was closed down with its May issue, despite a circulation of about 100,000.

"I think the postal rates were sort of the death blow of the magazine," Orlando said, "you could probably come up with less expensive paper in the magazine, less expensive color and things, but you can't do anything about the postal rates."●

THE PRESIDENT'S MIDDLE EAST PEACE INITIATIVE

HON. MATTHEW F. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. McHUGH. Mr. Speaker, I would like to briefly comment on the Middle East peace initiative recently put forward by President Reagan. In my judgment, the President's statement was significant and timely. The parties in the Middle East have a golden opportunity to use this moment to broaden the peace process, and the President is right to press them to do so.

As the President said, the two key unresolved issues are the permanent recognition and security of Israel, and the legitimate concerns of the Palestinians to have some control over their own affairs. Unless these two issues are resolved, there is no chance for a permanent peace in the Middle East. Yet, if they are to be resolved, there must be broader participation in the peace negotiations, particularly by Jordan and the moderate Palestinians themselves. It is now time for them to join the Camp David process.

The President made these points forcefully and well. However, there is one key point on which I would disagree with the President. The Camp David agreement contemplated that no outside party would prejudge or impose the terms of a final settlement. Those terms were to be determined by the negotiating parties themselves.

This is a critical point. Thus, the United States should not attempt to dictate what specifically is required to assure Israeli security or Palestinian rights. For the President to suggest that a final settlement should involve Israeli withdrawal in exchange for Palestinian federation with Jordan is to prejudge the final settlement. The Israelis and Arabs themselves must work out their own arrangements. We can be an important catalyst and mediator, but not the final arbiter.

Finally, I would agree with the President that if negotiations are to have a hope of success, it will be important for the Arabs to forsake their demand for a new Palestinian state, a demand which is completely unacceptable to Israel, and, for its part, Israel should refrain from establishing new settlements on the West Bank, a process which is wholly unacceptable to the Palestinians. Unless there is mutual restraint on these two points, the negotiations will not get to first base.●

TRIBUTE TO COMMODORE JOHN BARRY

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. MARKEY. Mr. Speaker, I rise today to pay tribute to one of America's first and finest heroes, Commodore John Barry. Last year, President Reagan proclaimed September 13, 1981, as "Commodore John Barry Day." Today, I rise to honor this Revolutionary War hero, the father of the U.S. Navy, and one of our Nation's most famous Irish-Americans.

As a Revolutionary War hero, Commodore John Barry was commissioned to command the brig *Lexington*, the first ship bought and equipped for the Revolution. He became a national hero with the first capture of an enemy warship in actual battle. As father of the Navy, he commanded the first ships authorized under the new Constitution. In 1794, George Washington named him Senior Captain of the U.S. Navy. Today, his memory lives on in our Nation's Capital and in his home country. He was honored in 1906, when the Congress erected a statue of him in Lafayette Park in Washington, D.C., and in 1956, when our Government erected a statue at his birthplace, County Wexford, Ireland. Beyond this, the memory of Commodore John Barry serves to inspire many U.S. citizens with Irish-American ancestry, and in particular, the Ancient Order of Hibernians, this Nation's oldest and largest Irish-American organization. Navy personnel, and all who courageously defend our country, revere this man, as do all Americans who recall our proud past and seek to strive for an even greater future.●

LEONARD LURIA: RECIPIENT OF B'NAI B'RITH GOLD MEDALLION AWARD

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. PEPPER. Mr. Speaker, it gives me great pleasure to call to the attention of this House a man who has distinguished himself in business and in civic service to the Miami community. Mr. Leonard Luria has served our city with distinction for many years with the Miami Jewish Federation, the Hillel Foundation at the University of Miami, the Israel Bond Advisory Committee of Greater Miami, and as the president of the American Friends of the Hebrew University for Southeast Florida. Mr. Luria's unequaled dedication is an inspiration to all of us and a remarkable example of self-sacrifice for the well-being of others.

Mr. Luria graduated from the University of Pennsylvania's Wharton School of Business in 1947. Since 1960, he has been the president of L. Luria & Son, Inc., and remains a respected member of the Miami business community.

We recognize Mr. Luria at this time because he has been singled out by the B'nai B'rith Foundation of the United States and on the 23d of October a dinner-ball will be held in his honor at which time he will be presented with B'nai B'rith's Gold Medallion Award for Communal Service. B'nai B'rith is well known throughout our country for its many civic, charitable, and social welfare activities which benefit all of our citizens but most notably those in need. As an outgrowth of this tradition of sharing and service, the Gold Medallion Award carries with it great meaning, and Leonard Luria is a most worthy recipient of this great honor.

Mr. Speaker, as the B'nai B'rith Foundation honors Mr. Luria for his service and commitment, it is indeed appropriate that we also recognize his accomplishments. Our commemoration of his patriotism goes along with our gratitude for his many contributions and our pride in his giving spirit.●

COMMODORE JOHN BARRY DAY

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mrs. KENNELLY. Mr. Speaker, I am delighted to join today in commemorating Commodore John Barry, a Revolutionary War hero and an American patriot of Irish descent.

John Barry was born 237 years ago today in County Wexford, Ireland. He is widely recognized as the father of the U.S. Navy and his contribution to the birth of this Nation is not only a source of special pride to those of us of Irish ancestry, but to all Americans, regardless of heritage.

John Barry, historians say, delivered one of the first comprehensive intelligence reports on English intentions as the Continental Congress deliberated in Philadelphia over the merits of independence.

After the Colonies declared themselves free and independent, John Barry was named commander of the *Lexington*, the first ship bought and equipped by the United States during the Revolution.

Commodore Barry was the first American commander to capture an enemy ship in battle.

And, after the Revolution was over, when the sovereignty of the United States was threatened by pirates, Commodore Barry was placed in charge of the *United States*, one of the first ships acquired under the new Constitution. At the same time, he was named senior captain in the U.S. Navy.

President George Washington, in granting Commodore Barry his commission as senior captain in 1794, extolled him as a man of "patriotism, valor, fidelity and abilities."

These are qualities we all take pride in as we honor Commodore John Barry and remember his contribution to the American Revolution and the creation of the U.S. Navy.

It is fitting that today, the 237th anniversary of his birth, be designated "Commodore John Barry Day." Commodore John Barry was one of the first and greatest American patriots of Irish descent.●

EDUCATION FOR ALL HANDICAPPED CHILDREN—PUBLIC LAW 94-142

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. MARKEY. Mr. Speaker, I would like to express my concern and outrage over proposed regulatory changes by the Reagan administration which will cripple the Education for All Handicapped Children Act, Public Law 94-142.

Just when real progress could be discerned in this area, the Department of Education, via the Reagan administration, is turning its back on this important issue. I do not understand this move; what can be more important than our children? How can anyone possibly rationalize an escalating defense budget, which supposedly is meant to protect us, while at the same time ignore the needs of our children, our future.

This law, Public Law 94-142, is working. The goal is simple and forthright: to provide a free and appropriate public education to all handicapped children. Proof of the fact that this goal is being met is the millions of handicapped children across the country who are doing well, and making previously unheard of strides, in our public schools. We must continue to go forward, not retreat, as these regulations would insure.

The importance of Public Law 94-142 cannot be understated or undermined. This act represents the opportunity for all handicapped children to reach their maximum potential. It means a chance for achievement and for acceptance—a chance to make a contribution to society.

The administration has repeatedly tried to destroy Public Law 94-142, first by placing it in a block grant, which Congress rejected; then by attempting to cut its funding; and now by changing its regulations. The Congress must, and will, continue in its efforts to block the administration's attempts at crippling this law which serves to protect and nurture our country's 4 million handicapped children. The regulations, if not withdrawn, must be rejected.●

OUR HEALTHY FLEET

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. BIAGGI. Mr. Speaker, during the recent past, there have been several replies by knowledgeable persons in the field of international ocean shipping in response to a Washington Post editorial that claimed that our U.S.-flag maritime fleet is doing fairly well and is in much better shape than we have been led to believe. I would like to reprint these rebuttals for the information and assistance they can provide us. However, before I do so, I would like to make a few observations of my own.

Today, our Nation is the greatest consuming and producing nation in the world, and the importation and exportation of goods has helped our economy and our prosperity grow so as to provide us with the best living standard in the world. However, the present market share of U.S.-flag shipping, which is engaged in the transport of these goods, is hovering around 3.6 percent.

In the past 10 years, this greatest trading Nation in the world has seen 10 U.S.-flag steamship companies go bankrupt—an average of 1 a year. At the present time, there are two more U.S.-flag carriers that are in a poor financial situation. We are increasingly dependent on foreign-flag vessels for the export of our products to the marketplaces of the world and the importation of our consumer goods. A look around the harbors of Baltimore, New York, and any other U.S. port will confirm our dependence on foreign-flag shipping. These are the facts. The reasons for the decay and what can be done to reverse this decline are the difficult questions that we have been trying to resolve.

What I want to see and what the Congress has been trying to do is to provide the incentive and climate so that U.S.-flag vessels will carry a fair share of our trade, in a competitive manner, so as to benefit all of us who depend on international trade. The key element that we must always consider is internationalism. Our fleet must compete with foreign fleets and operate within international regulations, rules, and policies. Ocean shipping is not like domestic trucking where the rules are the same and are enforced in an equal and equitable manner.

Simply stated, the problems of a healthy U.S.-flag merchant marine go far beyond the simple statements in uninformed editorials. The following informed responses to the Washington Post editorial are proof of the complicated nature of the issue of a healthy U.S.-flag merchant fleet.

[From the Washington Post, July 27, 1982]

"The Healthy Fleet" contained serious errors in fact. The exemption from U.S. antitrust laws granted to the international shipping industry is not a new one—it has been in effect for over 65 years. Amended some 33 times and the subject of numerous decisions of the court, the 1916 Shipping Act has become severely distorted over the years. The primary thrust of the legislation currently under consideration by both houses of the Congress is to spare the shipping public from the unnecessary delay and expense of an inappropriate and burdensome regulatory process, one that has evolved from these distortions. Relief from the burden of regulation will allow commercial entities to better respond to an extremely dynamic marketplace, thus further promoting competition in this industry.

Regardless of our quarrels over the health of the U.S.-flag merchant marine and the level and type of government support it requires, the desirability of effecting regulatory reform and retaining the antitrust exemption is not dependent on the conclusions of the GAO report.

ALAN GREEN, Jr.,
Chairman, Federal Maritime Commission.

Unfortunately, the health of our merchant marine is far from sound, as evidenced by shrinking employment, lower profits, and recent bankruptcies.

Under present law, ocean carriers are permitted to act collectively, but sometimes are in danger of having violated the antitrust laws. During the last 15 years, the federal courts have severely eroded the antiturst exemption provided by the 1916 Shipping Act. Because of this uncertainty, and the administrative delay in obtaining exemptions, ocean carriers have been constrained from making otherwise sensible commercial decisions. This has greatly impeded the effectiveness of the conference system in our trades, and outraged our trading partners. Although our foreign trade is also the trade of our partners, we now find ourselves not only out of step with the rest of the world, but also attempting to apply our antitrust laws extraterritorially.

Legislation (S. 1593, the "Gorton Bill" and H.R. 4374, the "Biaggi Bill") before Congress today is designed to eliminate regulatory burdens hampering all operations in U.S. trades. At the same time, it would protect independent carriers and shippers by prohibiting specified anti-competitive practices.

The reforms the administration supports would make it easier for companies and conferences not only to enter into agreements among themselves for more efficient service,

but also to bring our unique regulatory policies more in line with the rest of the world.

H. E. SHEAR,
Maritime Administrator,
U.S. Department of Transportation.●

JOHN BARRY

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. SHANNON. Mr. Speaker, 1 year ago today, September 13, 1981, was proclaimed by our President as "Commodore John Barry Day." It was an appropriate way for our Government to honor an early, great Irish-American. And it is appropriate again this year that we pause to honor the man who has often been described as the "Father of the United States Navy."

John Barry was born on this day in 1745, in County Wexford, Ireland. Like millions of other immigrants since, he crossed an ocean with the desire to make his way in this new land. In fact, John Barry was to become one of those great patriots who fought for the creation of the United States of America. During the Revolutionary War he commanded the brig *Lexington,* which was the first ship bought and equipped for the War of Independence. He became a national hero when he led the first capture of an enemy warship during battle.

Our first President relied on Barry during those difficult days at Valley Forge. Later, Barry returned to the sea where he continued to serve his country with effectiveness and with honor.

Today, let us honor the memory of the man who represents part of the great tradition of Irish-Americans. Commodore Barry demonstrated that a single individual can make significant contributions to the welfare of his nation. We acknowledge him as a great Irish-American patriot.●

LEGISLATION TO REPEAL MILITARY RETIREMENT COLA OFFSET

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. DICKS. Mr. Speaker, today I introduced legislation to repeal the provision of the Omnibus Reconciliation Act which reduces civil service pay for military retirees working for the Federal Government by the amount of the military retirement cost-of-living adjustment they receive.

This action is blatantly unfair to military retirees and will have devastating impact on the civil service, particularly at defense industrial facilities.

We have established a program of veterans' preference for those seeking to work for the Federal Government. The intent of this program is to recognize the sacrifice made by those who have served honorably in the military service and who have often developed important skills applicable to the Federal Government's needs. By this action to offset retirment cost-of-living adjustments the Congress is undermining the very fiber of the veterans' preference concept.

Certainly the offset will significantly lower the incentives for military retirees to join the Federal service. He or she will receive no penalty if they seek employment in the private sector. Let me give you an example of what this will mean. For the last few years at facilities such as Puget Sound Naval Shipyard it has been virtually impossible to recruit quality nuclear engineers out of schools or from the private sector. The reason is that because of repeated pay caps on civil service employment, the Federal sector is now running 18 percent behind comparability with the private sector overall and substantially further behind in high skill professions such as engineering.

We have been able to meet requirements thus far, at least to some degree, by recruiting nuclear trained personnel who are military retirees. Now, that option will be much more difficult, and the critical work on our nucelar warships will be jeopardized.

In addition, the offset will create a second class of civil service worker. Employees working side by side at the same job will be receiving different pay if one is a military retiree and the other is not. This wage differental will be magnified when a person's civil service retirement is calculated and will follow him or her throughout their entire life.

By adopting the bill I introduced we can eliminate this inequity and avoid serious problems in maintaining an effective civil service. This provision was not included in either the House or Senate bill. It was pulled out of the hat as part of an overall deal in conference. In my judgment it was not well thought out and deserves to be reconsidered. If there are those who believe that we are overly generous with military retirement, let them address the issue directly and see if the Congress concurs in their judgment. Do not unfairly punish one group of military retirees through a last minute action.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 of the Omnibus Budget Reconciliation Act of 1982 (H.R. 6955, Ninety-seventh Congress) is amended by striking out subsection (d).

SEC. 2. The amendment made by the first section of this Act shall take effect as of the date of the enactment of the Omnibus Budget Reconciliation Act of 1982.●

CONCERN ABOUT H.R. 6046

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. EDWARDS of California. Mr. Speaker, I rise to express my concern about H.R. 6046, the Extradition Act of 1982.

This bill as reported not only fails to correct the current deficiencies in the extradition process but rather dangerously narrows the scope of judicial review. It would create the risk that the foreign dictatorships such as the Philippines, Taiwan, El Salvador, or South Africa could in collaboration with the executive branch, deprive Americans and foreigners alike of rights that the Constitution entitles them to.

This bill is far too important and complex to rush through the House in the next month. I hope that it will not be scheduled for debate. If it is, I intend to insist that it be debated fully and that we give careful consideration to a series of amendments that will cure the deficits in the legislation.

Under the bill as reported, a foreign government with the cooperation of the Justice Department, can have an American or a foreigner held without bail for at least 10 days without even presenting any evidence of a crime.

The definition of a political offense for which extradition would not be permitted would be drastically narrowed and courts would be precluded from inquiring into allegations that a request for extradition was a subterfuge for an effort to punish someone for their political views or that the individual would be denied due process.

Mr. Speaker, the problems with this bill are well laid out in a letter from the ACLU and an op-ed piece by Christopher Pyle. I ask unanimous consent that they be printed in the RECORD at the conclusion of my remarks.

[From the New York Times, Aug. 11, 1982]

RUINING EXTRADITION

(By Christopher H. Pyle)

SOUTH HADLEY, MASS.—For more than two centuries, the United States has provided a refuge to which opponents of authoritarian regimes could flee without fear that they would be returned to stand trial for political offenses. That policy may be about to end.

Under either of the extradition bills now cleared for debate in Congress, persons charged with political crimes would be stripped of their legal defense and United States courts would be turned into the long arms of foreign persecution.

The purpose of the bills—to facilitate the return of terrorists—is manifestly worthwhile. However, both bills are so badly written that they would endanger the very persons that American law governing extradition has always shielded: critics of foreign regimes, former freedom fighters against authoritarian rule, former officials of re-

gimes that the United States once supported.

For example, both bills provide for the arrest of an accused person without any proof that he is guilty of a crime. A mere allegation by a foreign dictatorship, coupled with a promise to produce evidence sometime in the future, would be sufficient to cause the United States Government to jail the accused for months. No United States prosecutor has this power of arbitary detention, but under these bills, Albania, Rumania, South Africa, El Salvador and about 90 more countries with which we have extradition agreements would have it, and could use it to bring about the imprisonment of their critics within the United States.

Under current law, no American court will allow a person to be extradicted if it can be shown that he or she is really being sought for "an offense of a political character." Each bill would, in its own way, destroy this defense.

The Senate bill, which the Administration favors, would do so by stripping the courts of jurisdiction over the political crimes defense. Instead, the accused would have to raise his claim with the State Department, which could then decide whether protecting him from persecution is worth the risk of alienating the foreign government involved.

The State Department's motive for supporting this bill is clear. It wants to be able to swap alleged criminals with foreign countries the same way that children trade baseball cards: "We'll give you one terrorist if you give us three embezzlers."

The House bill seems more protective of political refugees than the Senate bill because it would keep in the courts the power to decide the political crimes defense. However, the appearance is deceptive, because the House bill would forbid the courts to regard as political, and hence not extraditable, any offense involving bodily violence or a conspiracy to commit bodily violence. There is a tiny exception for crimes committed under "extraordinary circumstances," but the bill does not say what they might be. All that is clear is the political message: Protecting foreign revolutionaries from return to authoritarian regimes should be a rare, not common occurrence.

As if to emphasize a preference for authoritarian regimes, both bills would forbid the courts to question whether a request for extradition was really a subterfuge for persecution. Nor would the courts be allowed to hear evidence that the charges against the accused resulted from torture or to deny extradition on the ground that the requesting regime is notorious for brutal interrogations, unjust trials or cruel punishment. Judgments of this sort would be left to the State Department, which currently pretends that El Salvador protects human rights.

The Administration claims that the courts should be denied the power to look into foreign injustice in order to assure the neutrality of the United States in foreign political conflicts. However, there can be no doubt where the Justice Department's sympathies would lie; both bills would require its lawyers to represent all foreign governments in their extradition requests. The United States would be neutral—on the side of whoever happens to be in power.

In anticipation of this legislation and a treaty to implement it, the Marcos dictatorship is requesting the extradition of more than a dozen of its opponents now living in the United States. One of those charged with plotting in the United States to support bombings in the Philippines is Benigno Aquino Jr., an associate at Harvard University's School of International Affairs who ran against President Ferdinand E. Marcos in the last free election. The only "evidence" against Mr. Aquino comes from the confession of an alleged coconspirator who later recanted, claiming he had been tortured. However, if either bill now before Congress passes, that evidence will be sufficient to send this democratic politican back into the hands of the dictator he opposed.

AMERICAN CIVIL LIBERTIES UNION,
WASHINGTON OFFICE,
September 8, 1982.

DEAR REPRESENTATIVE: I write to express the strong opposition of the American Civil Liberties Union to H.R. 6046, the Extradition Reform Act of 1982, as reported.

The ACLU supports efforts to modernize and reform extradition procedures which would protect civil liberties while facilitating the extradition of those charged with serious crimes. We are, however, adamantly opposed to the current bill because it would prohibit the courts from reviewing extradition demands by foreign governments to insure that no demand is part of a foreign effort to suppress political dissent. The bill would also permit individuals—U.S. citizens and foreigners alike—to be held without bail upon the mere allegation by a foreign government that an extraditable crime has been committed.

For more than two centuries the United States has provided a refuge to which opponents of authoritarian regimes could flee without fear that they would be returned to stand trial for political offenses. Although the stated purpose of the bill is to facilitate the return of terrorists, it is drafted so broadly that it would endanger the very persons that American law governing extradition has always shielded: critics of authoritarian regimes, whether they are U.S. citizens or foreigners.

If H.R. 6046 is brought to the floor of the House, we urge you to support amendments which would alter provisions in the legislation that now:

Require the court to hold an individual for at least 10 days based upon a mere request of a foreign government with no supporting evidence, unless the person can affirmatively demonstrate that he or she should be released;

Define the long-standing political crime exception to extradition so narrowly as to exclude in almost all circumstances crimes which in any way include violent conduct; and

Prohibit a court from inquiring into allegations that a state is seeking extradition of a person for the purpose of prosecuting such person because of his or her political opinions, race, religion, or nationality.

Consider just a few situations in which the courts would have no choice but to act:

A foreign government's mere, unsubstantiated allegation that an American citizen had, on a visit to that country, conspired to commit a violent act, coupled with a promise to produce evidence at a later date, would compel that the person be held without bail for at least 10 and perhaps for more than 60 days.

A leading critic of a foreign dictatorship could be extradited based on allegations that he engaged in violent acts, without having the opportunity to demonstrate that the charges were a mere subterfuge to punish him for his political views or that he would be subjected to arbitrary detention or torture if extradited.

An individual who used violence to escape from a foreign prison where he was being tortured or who used force directed at military units as part of an uprising against a repressive regime would be unable to claim the political exception to extradition which has traditionally been the hallmark of American extradition law.

It is not sufficient that the Executive branch could decline to file a complaint or to extradite in a particular case of manifest injustice. Every administration is under enormous pressure from its allies to extradite political opponents of the regime and to ignore evidence of torture or lack of due process. The recent decision by the Reagan Administration to certify that the government of El Salvador is not violating international human rights standards is but one recent manifestation of this continuing phenomenon.

The concerns that we have about this bill are anything but hypothetical. If it is passed, the government of the Philippines has served notice that it will seek extradition of Benigro Aquiro, Jr., who ran against President Marcos in the last free election and is now an associate at the Harvard University Center for International Affairs. Aquiro is an internationally prominent advocate of peaceful opposition to the Marcos regime who has been charged with planting bombs in the Philippines.

Since the Senate has enacted a similar bill, action in the House is necessary to prevent a serious erosion of civil liberties. When H.R. 6046 comes to the floor, we urge you to support amendments to deal with these problems. If such amendments are not passed, we ask you to vote against passage of the bill.

Yours sincerely,

JOHN SHATTUCK
Director.●

PRIMARY CAUSE OF FALKLANDS WAR

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. BENNETT. Mr. Speaker, I include at this point in the RECORD an article written by Gen. J. D. Hittle, U.S. Marine Corps, retired, recently in the Navy Times. It is a thought-provoking and issue-raising article which all people interested in the defense of our country and of Great Britain should give consideration to. The purpose of General Hittle and others who raise questions like this is not to cast criticism but to point out the things that need to be done in the future if we are to maintain the naval strength in the free world that is so greatly needed.

COST CUTTING AT ROYAL NAVY'S EXPENSE WAS PRIMARY CAUSE OF FALKLANDS WAR

(By J. D. Hittle, Brig. Gen., USMC (Ret.))

The British may be understandably pleased over their victory in the distant misty realm of sheepherding. Nevertheless, they want to know how they got into the Falklands war—so costly in lives, ships and money—in the first place. The result is that Prime Minister Margaret Thatcher has re-

sponded to the public and Parliamentary demands by creating a six-man panel to investigate why the Falklands war happened.

There are some intriguing things about this investigation. For one thing, it wasn't necessary. A primary reason there was a crisis that developed into a war was a simple and obvious one: The Thatcher government decided not to provide the Falkland Islands, whose sovereignty was in intense dispute with Argentina, with the naval protection of even a single combat surface ship. There was not even as sea sentry to make a visible show of British resolve to protect and retain the Falklands.

The disinclination or inability to provide even symbolic Royal Navy surface protection for the Falklands was an invitation to the anxious Argentines and, thus, a root reason for their miscalculation that led to seizure and war.

It's pretty well recognized that a key reason the Royal Navy had no surface ships in Falklands waters was that the Royal Navy was in the process of having its surface ships, naval aviation and amphibious capabilities drastically reduced.

This astounding anti-naval policy was the direct result of a plan by Mrs. Thatcher and her defense minister, John Nott, to scuttle a large part of the Royal Navy's conventional warfare strength. The reason, if it can be so termed, was to help get the money to procure four Trident missile submarines. This would put the Thatcher government into the international "nuclear club." That it would reduce the kind of conventional naval forces needed for protection of NATO Atlantic sea lanes—or protection of England's overseas colonies—didn't seem to matter.

It is now a matter of sad record that Mrs. Thatcher and Nott disregarded warnings, among which was the informed protest of the civilian head of the navy, Keith Speed. His reward for trying to prevent the anti-naval policy was to be fired by Mrs. Thatcher. Thus, another paradox of the Falklands tragedy and its causes was that Speed was sacked for being right, and Defense Minister Nott, who pushed the scuttling of so much of the navy, is, as of this writing, still defense minister.

Mrs. Thatcher said that the panel should not restrict itself to the policies of her government, but should also look at policies of previous governments.

Understandably, Mrs. Thatcher didn't want her policies to be the only target of investigation of the origins and handling of the Falklands war. Apparently she believes there is plenty of blame to go around. If Mrs. Thatcher is thinking in terms of overall reduction in defense forces, including the Royal Navy, she is correct. The trend in British naval strength has been generally downward since the Suez debacle in 1956. Soon afterward, the decision was made to withdraw from east of Suez and focus on defense of the home islands and NATO.

Yet it will be difficult for the investigators to avoid putting the finger on the Thatcher-Nott responsibility for an immediate cause of the Falklands crisis.

What they did was a hatchet job on conventional naval power. Naval aviation and amphibious forces were special targets. The Royal Navy task force that sailed for the Falklands was a valiant but handicapped one. It did not have a single large carrier, such as the U.S. Navy has, to project power against land targets and to provide far-out protection of the fleet from enemy air and sub attacks. Both of the Royal Navy carriers were small and specialized for antisub protection of NATO sea lanes.

Of these two carriers, one, the HMS Invincible, had already been sold to Australia! The Royal Marines, the amphibious specialists, were available for the Falklands as the result of some fortunate happenings. British sources say that part of the Thatcher-Nott plan for cutting back conventional naval power called for the disbandment of the Royal Marines. They were spared such a fate because, these sources say, civilian navy boss Keith Speed's protests helped expose the scheme before it became an accomplished fact.

So it is precisely in the targeting of naval aviation and Royal Marines where, if the investigators go back far enough, they will find precedent for the Thatcher-Nott anti-naval plans that helped set the Falklands stage.

Mrs. Thatcher may feel some satisfaction in the recognition that her plan for downgrading naval aviation and amphibious capabilities was not her invention. That satisfaction may be dulled a bit when the precedents for her plan are recognized.

Here's why: The historical origins of the Thatcher-Nott plans for drastic reduction of naval aviation and amphibious power go back to the period soon after World War I.

Two key features of that era of dismal and disjointed British defense policy were the virtual dissolution of naval aviation and the failure to develop an effective amphibious capability. England's navy emerged from World War I with its own Royal Naval Air Service. The echo of the war's final shot had hardly faded before the British government decided the navy didn't need its own air arm. The result was that naval aviation was snatched away from the Royal Navy and merged into the Royal Air Force.

Thus, the development of England's naval aviation was placed under the bomber-minded, single air force advocates. In such a predicament, the art of naval air war intellectually and physically withered. This sorry situation continued for 21 years. It was not until 1939, when the menacing clouds of war swirled low on the horizon, that naval air was reconstituted as an integral part of the Royal Navy. But, as events were to demonstrate, the remedial action was late. As World War II proved, England's dereliction of carrier war development could not be quickly rectified by recognition of the error on the eve of global war.

The late James Forrestal, our first Secretary of Defense, who understood the value of the U.S. concept of balanced naval power, summed up that early British anti-naval air policy: "The consequence of this neglect was that the British went into war with a totally inadequate naval air force."

Just as the Thatcher-Nott cutback in naval aviation contributed to unnecessary losses in the Falklands, the pre-World War II hobbling of naval aviation set the stage for the loss of HMS Prince of Wales and HMS Repulse to Japanese air attacks off Malaya and the sinking of HMS Glorious off Norway—all largely due to the lack of adequate naval aviation.

Similarly, in the period between World War I and World War II, British defense policy had as little regard for amphibious warfare as it did for naval aviation. Yet, while British defense officials let amphibious matters languish in neglect, the U.S. Navy and Marine Corps proceeded to develop the amphibious doctrine equipment and specialized forces that became a key to victory in that global war.

The perceptive James Forrestal also saw the British dereliction of amphibious matters and understood its cost. Commenting on the British defeat in Norway, our first Secretary of Defense said: "That disaster, which profoundly affected the course of the entire war, was more than a failure of 16,000 men, it was a failure in the exercise of seapower on the part of the then largest navy in the world, and it was due entirely to the lack of a small, specially trained amphibious force such as we have in the form of the U.S. Marines, to supplement ashore the action of the fleet at sea."

It is worth noting that British naval aviation, after release from captivity in the Royal Air Force and largely due to policies of enlightened defense thinkers such as Winston Churchill and Mountbatten, eventually forged an effective carrier warfare capability. So also, the Royal Marines, under favorable defense policies and by close liaison with U.S. Marines, achieved a highly professional amphibious effectiveness. Strangely, it was these laboriously attained naval air and amphibious capabilities that were selected as targets of the Thatcher-Nott anti-naval plan.

As the historical record so clearly shows, such governmental attitude didn't begin with Prime Minister Thatcher's tenure in office. It had precedent and a long period of acceptance during the period between World War I and World War II.

The irony is that it was the era dominated by the drastic defense cutbacks of Labor Prime Minister Ramsay MacDonald, the strategic timidity of the Baldwin government, and the disastrous bumbling of the archappeaser Neville Chamberlain.

It will be interesting to see if the investigating panel looks far enough back to find these naval air and amphibious policy blunders that are precedents for the same kind of mistakes that contributed so heavily to the Falklands war and the cost of winning it.

It would be even more interesting to see how the present conservative Tory government explains why it backtracked to the weak-kneed era of isolationism and appeasement and embraced two of that period's most disastrous defense mistakes.●

ANNUAL LEGISLATIVE POLL RESULTS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. YATRON. Mr. Speaker, I would like to take this opportunity to provide my colleagues with the findings of my annual legislative questionnaire. The response to my poll was tremendous and I am deeply gratified by this demonstration of interest in current issues.

Since I was first elected to Congress, I have been conducting an annual survey because I believe that a democracy functions best when there is an open line of communication between the people and their elected representatives. The questionnaire provides a unique opportunity for me to better understand the thoughts and concerns of the people of the Sixth Congressional District. It also enables con-

stituents to play an active role in the legislative process by making their views known.

Mr. Speaker, I believe my colleagues will find the results of my poll interesting and useful, which is why I am making it available to them through the CONGRESSIONAL RECORD:

THE ECONOMY

1. Do you feel the Administration is moving in the proper direction with its economic policies? Yes, 43%; no, 46%; undecided, 11%.

2. Congress is debating a number of methods to reduce unnecessary and costly government regulations. Do you favor legislation requiring federal agencies to perform cost-benefit analyses before issuing major rules and regulations? Yes, 79%; no, 11%; undecided, 10%.

3. Do you support legislation to amend the United States Constitution to require a balanced federal budget except in times of national emergency? Yes, 69%; no, 20%; undecided, 11%.

4. Do you support the Administration's "New Federalism" proposal to transfer many existing federal functions to the states and local governments? Yes, 44%; no, 48%; undecided, 8%.

5. Many economists feel high interest rates will retard economic recovery. The Chairman of the Federal Reserve Board, Paul Volcker, believes that a tight monetary policy is necessary to keep inflation down. Do you feel the Federal Reserve Board should relax its present monetary policy? Yes, 46%; no, 38%; undecided, 16%.

6. The U.S. trade deficit is approximately $40 billion, and the high level of imports is aggravating our economic problems. What do you think our policy should be with respect to trade and imports?

a. We should adhere to the principles of free trade and take no action to curb imports: 9.8%.

b. We should take action only against those countries which erect barriers against our goods, or subsidize goods sold in the U.S.: 30.1%.

c. We should impose import quotas on certain products to assist depressed industries: 20.9%.

7. What actions do you favor to create more jobs?

a. Lower interest rates: 26.9%.

b. Restrictions on imports: 15.1%.

c. Public work programs: 16%.

d. Tax and regulatory incentives to business: 16%.

e. None of the above: 1.3%.

FOREIGN AFFAIRS

8. Do you agree with the Administration's position in support of Great Britain in the Falkland crisis? Yes, 66%; no, 22.3%; undecided, 12.1%.

9. In light of the Falkland crisis, what do you think United States policy should be regarding Argentina?

a. Restore a close working relationship with Argentina, involving economic and military aid: 24.2%.

b. Make improved relations with Argentina dependent upon the development of democratic institutions in that country: 52.3%.

c. Keep relationships with Argentina at a bare minimum for some time to come: 23.2%.

10. Do you think the United States should continue to extend military assistance to El Salvador? Yes, 29.9%; no, 53.6%; undecided, 16.5%.

11. The Polish government continues to suppress its people under a strict martial law policy. How do you feel the United States should respond to this situation?

a. Continue economic sanctions on the Polish government until it lifts martial law: 26.6%.

b. Ease sanctions to induce the Polish government to allow more freedom: 11.3%.

c. Pursue a harsher policy toward the Polish government: 7.9%.

d. Focus our policy on the Soviet Union, increasing pressure on that country to improve conditions in Poland: 29.4%.

e. Maintain a "Hands-off" policy: 20.7%

EDUCATION

12. The Congress is considering whether or not to give tax credits as one form of relief to families who are paying tuition for children enrolled in private educational institutions. Do you think Congress should allow tuition tax credits for:

a. Private elementary and secondary schools: Yes, 42.6%; no, 42.5%; undecided, 14.9%.

b. Colleges and universities: Yes, 49.2%, no, 39.5%; undecided, 11.3%.

THE ENVIRONMENT

13. This year the Congress will reauthorize the Clean Air Act. Some feel the act should be relaxed to stimulate our economy. Others believe that maintaining strong clean air standards is essential to prevent catastrophic deterioration of our environment. What do you think the Congress should do with respect to the Clean Air Act?

a. Make it stricter: 35%.

b. Keep it about the same: 35%.

c. Relax some of the standards: 24.2%

d. Undecided: 5.8%.

DEFENSE

14. There are currently several proposals in the Congress calling on the United States and the Soviet Union to immediately freeze their nuclear arsenals because both sides have more than enough weapons to defend themselves. Opponents of this strategy argue that a freeze is inflexible and reduces the incentive for the Soviets to negotiate substantial reductions in their nuclear arsenal. Do you support legislation calling on the U.S. to immediately freeze the development of nuclear weapons? Yes, 32.1%; no, 54.5%; undecided, 13.4%.

15. The Congress is debating the level of funding for the Defense Department. In general, do you feel that defense spending should be:

a. Somewhat increased: 29.8%.

b. Kept at current levels: 36.2%

c. Somewhat reduced: 34%.

ENERGY

16. Despite the unresolved risk inherent in the potential of nuclear power, do you feel we should continue our research in developing this energy source? Yes, 68.1%; no, 23.8%; undecided, 9.6%.●

COMMODORE JOHN BARRY DAY

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. DOUGHERTY. Mr. Speaker, September 13 marks the commemoration of Commodore John Barry Day, for it was 237 years ago today that John Barry, known as "the Father of the American Navy," was born in County Wexford, Ireland. Commodore Barry became a hero of the American Revolution when the ship he commanded captured an enemy ship in battle. After the Revolution, he bravely defended our new Nation against the pirates who attacked American ships on the high seas.

I am particularly proud of Commodore Barry's accomplishments for two reasons. First, as a member of the congressional Friends or Ireland, and a grandson of Irish immigrants, I can certainly appreciate the efforts John Barry took in coming from that grand country across the ocean to live in America. Second, as a member of the Seapower Subcommittee on the House Armed Services Committee, I respect the commodore for his leadership role in developing our country's Navy, which has proven so vital for a nation surrounded by water.

For these reasons, I join my colleagues today in saluting Commodore John Barry, the "Father of the United States Navy."●

ITALIAN TERRORISM MUST BE WIPED OUT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, September 13, 1982

● Mr. BIAGGI. Mr. Speaker, the shocking September 3 murder of Gen. Carlo Alberto Dalla Chiesa has once again focused world attention on Italy and her vulnerability to terrorism.

Gen. Dalla Chiesa was one of Italy's most outspoken, respected, and effective figures in law enforcement. On September 3 the general and his wife were in their car riding down a street in Palermo, Sicily when they were ambushed and murdered by a group of terrorist gunmen.

The general had been assigned by the Italian Government to Palermo in May to investigate still another terrorism murder, that of Mr. Pio La Torre, a regional Communist Party leader and another outspoken critic of organized crime in Italy.

Gen. Dalla Chiesa's murder evoked a strong and emotional reaction throughout Italy and Sicily. His death marked the end of a career which spanned more than 30 years in the fight against crime. The general fought against banditry after World War II and in the years up until his death, concentrated his energies on Italy's two main criminal elements—organized crime and political terrorists.

Gen. Dalla Chiesa was a fearless man—always willing and able to rise to the occasion in the fight against crime. In the eyes of many Italians

Gen. Dalla Chiesa died as the hero which millions considered him to be.

The anger and frustration of the Italian people about the murder of the general was evident at his funeral service. In his eulogy, the Archbishop of Palermo—Salvadore Cardinal Pappalordo attacked the perpetrators of the crime and was also critical of the reaction of those in government. He said:

> The slower and more uncertain are the actions of the state, the more opportune, decisive and violent are the actions of those who have the mind, the will and the might to strike.

I find tremendous significance in his words. It is absolutely essential that government and law enforcement agencies fight the scourge of terrorism as they would any enemy which poses such a threat to the internal security of her people. Not since the 1978 kidnap and murder of former Prime Minister Aldo Moro have the people of Italy reacted in such a united fashion against the terrorist elements in their nation. It is now time and it would be the most appropriate and meaningful tribute to the memory of General Dalla Chiesa for the Government of Italy to declare war against crime and terrorism. The fact that the government clearly has the people behind them should aid them immeasurably in this campaign.

A nation of laws must never yield to the forces of lawlessness. Italy must work to rid itself of terrorism and the United States should lend all necessary support to this important endeavor.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, September 14, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

9:30 a.m.

Judiciary

To hold hearings on S. 2428, proposed Trademark Counterfeiting Act.

2228 Dirksen Building

Labor and Human Resources

Business meeting, to resume consideration of proposed legislation establishing a program to increase the availability of information to the American public on the health consequences of smoking and thereby improve informed choice, and to consider the nomination of Gary L. Jones, of Virginia, to be Under Secretary of Education.

4232 Dirksen Building

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.

324 Russell Building

Energy and Natural Resources

Business meeting, to consider pending calendar business.

3110 Dirksen Building

Finance

Business meeting, to resume markup of S. 2673, providing a Federal income tax credit for tuition to lower- and middle-income families, and to consider miscellaneous tariff measures.

2221 Dirksen Building

Foreign Relations

Arms Control, Oceans, International Operations, and Environment Subcommittee

To hold hearings on "Law of the Sea."

4221 Dirksen Building

Governmental Affairs

To resume hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.

3302 Dirksen Building

1:30 p.m.

Conferees

On S. 2036, providing for State and local employment and training assistance.

Room to be announced

2:00 p.m.

Agriculture, Nutrition, and Forestry

Business meeting, to continue to mark up S. 2245 and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.

324 Russell Building

Foreign Relations

To hold hearings on the nominations of Richard R. Burt, of the District of Columbia, to be Assistant Secretary of State for European Affairs; Rozanne L. Ridgway, of the District of Columbia, to be Ambassador to the German Democratic Republic; and Henry Allen Holmes, of the District of Columbia, to be Ambassador to Portugal.

4221 Dirksen Building

Judiciary

To hold hearings on pending nominations.

2228 Dirksen Building

3:00 p.m.

Conferees

On H.R. 4717, amending the effective date provisions of section 402(b)(3) of the Windfall Profit Tax Act of 1980 (Public Law 96-223) to further defer the effective date of certain provisions providing for the recognition as income of LIFO inventory amounts.

H-208, Capitol

SEPTEMBER 16

9:30 a.m.

Banking, Housing, and Urban Affairs

International Finance and Monetary Policy Subcommittee

To resume oversight hearings on the activities of the Export-Import Bank of the United States.

5302 Dirksen Building

Budget

To resume hearings on proposals reforming the Congressional Budget Act of 1974, including S. 13, S. 59, S. 581, S. 582, S. 193, S. 265, S. 384, S. 938, S. 2629, S. 1683, S. 2008, S. 2864, S. 2069, and S. 2454.

6202 Dirksen Building

Commerce, Science, and Transportation

* Surface Transportation Subcommittee

To hold hearings on the effects of coal slurry pipelines on the overall national transportation system.

235 Russell Building

Energy and Natural Resources

Energy and Mineral Resources Subcommittee

To resume oversight hearings on America's role in the world coal export market.

3110 Dirksen Building

Finance

Health Subcommittee

To hold hearings on hospital reimbursement systems used by private third party payors.

2221 Dirksen Building

Foreign Relations

To hold hearings on the nominations of Kenneth W. Dam, of Illinois, to be a Deputy Secretary of State, and W. Allen Wallis, of New York, to be Under Secretary of State for Economic Affairs.

4221 Dirksen Building

Select on Indian Affairs

To hold hearings on the statute of limitations relating to Indian claims.

Room to be announced

10:00 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to continue to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.

324 Russell Building

Governmental Affairs

To hold oversight hearings on certain activities of the General Services Administration.

3302 Dirksen Building

Small Business
To hold hearings on S. 2446, to increase small business participation in the Federal procurement process, and other related proposals.
424 Russell Building

Select on Intelligence
Closed briefing on intelligence matters.
S-407, Capitol

10:30 a.m.
Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
2228 Dirksen Building

2:00 p.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue to mark up S. 2245, and S. 2620, authorizing funds for fiscal years 1983 and 1984 for programs of the Federal Insecticide, Fungicide, and Rodenticide Act, and extending the scientific advisory panel to September 30, 1984, and S. 2621, setting standards for State regulation of pesticide products.
324 Russell Building

Judiciary
To resume hearings on S.J. Res. 199, proposing a constitutional amendment providing for voluntary prayer in public schools and certain institutions.
2228 Dirksen Building

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To continue oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of William R. Graham, of California, to be a Member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.
4221 Dirksen Building

Judiciary
Separation of Powers Subcommittee
To hold hearings on the Joint China Communique, Taiwan Relations Act and documentation of separations of powers.
5110 Dirksen Building

SEPTEMBER 20

10:00 a.m.
Judiciary
To resume oversight hearings on government merger enforcement policy, focusing on the legal and economic basis for horizontal merger policy.
2228 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Governmental Affairs
To hold hearings on reorganization issues relating to Department of Energy laboratories.
3302 Dirksen Building

*Select on Indian Affairs
To hold hearings on S. 2847, proposed Indian Housing Act.
6226 Dirksen Building

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol consumption during pregnancy.
4232 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending treaties and nominations.
4221 Dirksen Building

SEPTEMBER 22

10:00 a.m.
Governmental Affairs
To hold hearings to review proposals providing benefits to former Presidents and their families.
3302 Dirksen Building

Judiciary
To resume hearings on the impact of the Boulder, Colorado decision, relating to potential antitrust liabilities for local governments.
2228 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2061, providing for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and H.R. 4861, establishing the American Conservation Corps.
3110 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 23

9:00 a.m.
Office of Technology Assessment
Board meeting, to discuss pending business matters.
EF-100, Capitol

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 1747, relating to the purchase of prison-made products by Federal departments, to allow in certain cases, the purchases of similar products from small businesses.
2228 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the alleged use of false identification to penetrate Federal programs.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold hearings on S. 2863, to extend Federal employees compensation benefits to all Federal jurors, to provide the awarding of attorney fees for court appointed attorneys, and to expand the method of serving jury summons.
6226 Dirksen Building

1:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on refugee consultation.
Room to be announced

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board.
3302 Dirksen Building

Judiciary
*Security and Terrorism Subcommittee
To hold hearings on S. 2255, proposed Antiterrorism and Foreign Mercenary Act.
3110 Dirksen Building

SEPTEMBER 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline labor protection relating to mergers, acquisitions, and intercarrier transactions.
235 Russell Building

10:00 a.m.
Judiciary
*Courts Subcommittee
To resume hearings on S. 1529, and S. 2035, bills establishing the National Court of Appeals, and to begin hearings on S. 1403 and S. 1874, bills to reform and improve the annuity program for survivors of Federal Justices and judges.
2228 Dirksen Building

SEPTEMBER 27

9:30 a.m.
Finance
To hold hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To hold hearings on S. 1626, to reform and improve the regulation of oil pipelines.
235 Russell Building

SEPTEMBER 28

9:30 a.m.
Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Government Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on Local 28, Oakland, Calif., Local 19, San Jose, Calif.,

Local 86, Reno, Nev., and Local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building

SEPTEMBER 29

9:30 a.m.
Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on local 28, Oakland, Calif., local 19, San Jose, Calif., local 86, Reno, Nev., and local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
2228 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed assistance to State and local law enforcements to reduce criminal case backloads.
5110 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on local 28, Oakland, Calif., local 19, San Jose, Calif., local 86, Reno, Nev., and local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2655, providing an alternative source of financial assistance for social security student benefit recipients.
4232 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To holds hearings on Presidential immigration emergency powers.
2228 Dirksen Building

OCTOBER 6

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the accessibility of the judicial system.
2228 Dirksen Building

CANCELLATIONS

SEPTEMBER 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the use of computer matching in certain Federal agencies.
3302 Dirksen Building

SENATE—*Tuesday, September 14, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Father in Heaven, this morning we pray for all the men and women whose tireless, dedicated labors support the Senate in its leadership. We thank Thee for those who serve faithfully at routine tasks without glamour or recognition. Help us never to presume upon their quiet, hidden ministeries. Help us to show love and appreciation at every opportunity.

We commend to Thy gracious care and blessing those who maintain buildings and grounds, who repair and clean, who prepare, serve and manage food services. We are grateful for the police on the grounds and in the buildings, for those who provide security at the doors and on the floor. In gratitude we recognize those who work in the document room and library; for the efficient, dependable staffs in Senators' and committee offices. We thank Thee for those in the offices of the Sergeant at Arms, the Secretary of the Senate, those so busily occupied in the cloakrooms, for the Official Reporters of Debates, and those in the CONGRESSIONAL RECORD office who process so accurately the thousands of words of Senate business daily, and we thank Thee for the members of the Senate Press Corps.

Grant to us all a sense of the importance of each and our need for each other as part of this huge Senate family. In appreciation for each member of the team, may we respect, serve and love each other. In the name of the Servant of servants. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE CHAPLAIN'S PRAYER

Mr. BAKER. Mr. President, I commend the Chaplain on his inclusive prayer today. I do not believe he left out anybody. Of course, all of us wish the Lord's blessings on every employee. But I must confess, as I listened to the prayer, I must acknowledge that I thank the Deity for the presence of the press most days, but not every day.

Mr. ROBERT C. BYRD. May I say to the distinguished majority leader that our good friend the Chaplain included everybody but himself. We thank the Deity for him.

Mr. BAKER. As the saying goes in the Senate, I associate myself with the remarks of the minority leader.

(Mr. HUMPHREY assumed the chair.)

ORDER OF PROCEDURE

SENATE JOINT RESOLUTION 110

Mr. BAKER. Mr. President, I have a change in the schedule. As I indicated on yesterday, sometime during the day today, presumably early today, I would ask the Senate to proceed to the consideration of Senate Joint Resolution 110, the Hatch constitutional amendment dealing with abortion. Last evening I received a telephone call at my home from Senator HATCH indicating that he had been called away on urgent business, specifically—and I believe I am correct in saying this—that the State convention assembles today in Utah, and he found that it was absolutely essential that he be there.

In view of the fact that Senator HATCH is the principal sponsor and has long been the staunchest advocate of a constitutional amendment on the subject, I feel it would be unfair to him and to the Senate to try to motion up that measure in his absence. Therefore, I will not make the motion to proceed to Senate Joint Resolution 110 today. I do intend to ask the Senate to proceed to the consideration of that resolution, however, before we complete this debate.

In view of that circumstance, Mr. President, the Baucus amendment No. 2040 to the Weicker amendment No. 2039 to Senate Joint Resolution 520, the temporary increase in the public debt limit, is the unfinished business and will have the attention of the Senate today.

CLOTURE VOTE AT 5 P.M. WEDNESDAY

Mr. President, a cloture motion has been filed. By unanimous consent, a vote has been set for 5 p.m. on Wednesday. There will be no quorum call prior to that vote. The vote will occur promptly at 5 p.m.

Mr. President, if cloture is invoked, then, of course, under the provisions of the rule, the Senate will proceed with the debate on that measure until it is completed. If cloture is not invoked, it is possible that the Senate will be asked to vote on cloture again on Thursday. But that is a matter I will discuss with the minority leader and principles on both sides.

HOUSE JOINT RESOLUTION 520

I would remind Senators again that we are dealing with the debt limit. We have been on it now about 3 weeks, almost 3 weeks. At some point, we have to pass the bill itself.

Members should know that by the end of this week it is my intention to try to deal with the underlying bill, the debt limit bill. It may not be possible to do that, but that is my wish.

Mr. President, I encourage Members to come to the floor and debate the abortion issue, debate the prayer in school issue, debate other issues which may be offered to the debt limit bill, with the knowledge that the leadership on this side wishes to finish this measure by the end of this week. The Senate will be in session on Friday and, if necessary to do so, we will be on the debt limit. If we finish the debt limit by Friday, it would be my intention to ask the Senate to proceed to the consideration of S. 995, the contribution antitrust bill.

Mr. President, there are a number of routine matters that can be dealt with. Is the minority leader prepared to do those now or would he prefer to do them during the time for the transaction of routine morning business?

Mr. ROBERT C. BYRD. Mr. President, I would be happy to proceed as the majority leader wishes, but before we do so I wish to make an inquiry.

SENATE SCHEDULE

Mr. ROBERT C. BYRD. Mr. President, I should like to ask the majority leader the schedule, as he sees it, for the next week and the week ending October 2. Early on, it was announced by both leaders that the Senate would probably try to adjourn by October 2.

Mr. BAKER. Yes, Mr. President. I say to my friend, the minority leader, that it is still my intention to ask the Senate to go out on October 2. I must say, however, that I have read in the newspapers that the Speaker of the House of Representatives indicated October 8 as the probable adjournment time for the House of Representatives.

After I read that in the newspapers, I called the Speaker, and we are supposed to get together on Wednesday to discuss the calendar. I believe today is

the only day of the primary election in Massachusetts and it was not possible to have that meeting in advance of the two caucuses today.

As soon as I meet with the Speaker and find out what he has in mind, I will have an announcement. I still plan on October 2, but I want to hear what the Speaker has in mind.

The reason for this, other than simple comity and courtesy, is the principal business yet to be disposed of, mainly the entire body of the appropriations process of which it is highly doubtful and undesirable for the Senate to originate such legislation.

If we are to finish the appropriations bills, we must receive them from the House. If we must deal with a continuing resolution or continuing resolutions, I suppose they have to come from the House as well. Our ability to deal with the appropriations process after the House has acted is the final and ultimate determiner of whether we can get out on the 2d of October or even the 8th.

Mr. President, I still believe we can do all of this by the 2d of October, and I intend to urge that we arrange our affairs and schedules in both Houses so that we can accomplish it.

Members should be on notice that there is a possibility, at least, that it will be extended a little past the 2d. If that is so, it will be against my better judgment and against my personal wishes.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished majority leader yield further?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. The House will return after the election, as they have been doing in recent years, for organizational purposes. I hope that the Senate will go out on the 2d of October and, inasmuch as the House is going to come back in any event, I would also expect to talk with the Speaker and the majority leader of the House and at least those over there to try to pursue adjournment on the 2d. If the House is coming back after the election in any event, I do not see why the House should proceed until October 8 and hold us here until October 8—if they are coming back, anyhow. Perhaps we should come back for organizational purposes and if there is any cleanup work to be done, do it at that time. I would not suggest that we ought to attempt to do a lot of work following the election, but I would want to underscore the hope that has been expressed by the majority leader and the intention that has been expressed by him to try to complete the work here by October 2.

I agree with him that we are, to a considerable degree, dependent upon the House acting first on appropriations matters and the continuing resolutions, but I join with him in urging the House leadership to try to complete action by October 2. I have a number of Senators on this side of the aisle who have scheduled engagements back in their respective States beginning October 2, as a matter of fact. If there is going to be any change from October 2, I would personally hope that it would be possible for us to go out on October 2 and come back after the election and do whatever cleanup work has to be done.

Mr. BAKER. Mr. President, I agree with that. The minority leader and I have discussed this at length on a number of occasions, as Members must surmise. I have told my own caucus that it is my firm intention to go out on the 2d, even if we have to come back after the elections. That, of course, depends on whether we can complete the appropriations process or make provisions for operation of Government past October 2, which is also the beginning of our fiscal year.

I shall discuss these matters with the Speaker, and I am sure the minority leader will discuss them with the Speaker, and perhaps he and I can sit down, as we so often do, to compare notes.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, I thank the minority leader.

BOWIE K. KUHN, COMMISSIONER OF BASEBALL

Mr. BAKER. Mr. President, like millions of Americans I enjoy our "national pastime," the sport of baseball. It is a sport native to the United States, and has over decades secured a unique place in our heritage.

Unlike most Americans, Mr. President, I have had the special privilege of coming to know, to respect, and to admire the current commissioner of baseball, Bowie K. Kuhn. As the chief ambassador of baseball, Mr. Kuhn is a welcome visitor to the Capitol corridors. As the primary defender of the game, he is an able advocate in advancing the interests of baseball in Washington.

For these reasons I was interested in a column about Commissioner Kuhn that appeared in the Washington Post last month, and because the article should also be of interest to other baseball fans—of which there are many in the Congress—I ask unanimous consent to include that article in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 17, 1982]

WITH KUHN'S ENEMIES, WHO NEEDS FRIENDS?

By Thomas Boswell

SAN DIEGO, August 16.—One of the ways to judge a man is by his enemies.

By that standard alone, Bowie Kuhn ought to be reelected here on Wednesday as commissioner of baseball. The small group of foes now lined up against Kuhn is tantamount to a testimonial for the commissioner.

If Kuhn had picked the least credible possible group of palace plotters, he'd probably have come up with the same coalition of National League owners who will arrive here Tuesday to politic for his firing.

And if Kuhn had tried to align the best minds and the most respected organizations in baseball to back him—or at least agree to tolerate his continuance in office—he'd have come up with just such supporters as he has.

Let's look at the forest, not the trees. When vindictive old Augie Busch and selfish, capricious Ted Turner line up against stable Peter O'Malley and imaginative Roy Eisenhardt, it's not hard to figure out which side has the general state of baseball at heart and which just has private axes to grind.

"Right now, it looks like there are three firm votes against Kuhn in the National League and two others wavering," said Eisenhardt, president of the Oakland A's and cochairman of baseball's Restructuring Committee. "What it looks like is what you have is three 'nos' in search of the fourth 'no' that's necessary to block the rehiring of the commissioner.

"Of course, if they get a solid fourth 'no,' then you might see a fifth and a sixth 'no' vote, too," continued Eisenhardt, who is pro-Kuhn. "But I'd say getting No. 4 is going to be tough for them.

"Whatever happens, doesn't it make you wonder about baseball's structure when four owners can thwart the will of 22 others? And that's exactly what it could come down to."

It's possible to find only seven owners—five in the National League and two in the American—who smile when the phrase "Dump Bowie" is mentioned.

Taken as a group, they're quite a cast: Busch of St. Louis, Turner of Atlanta, John McMullen of Houston, the Williams brothers of Cincinnati (who get one vote), Nelson Doubleday of the Mets, George Steinbrenner of the Yankees and Eddie Chiles of Texas.

Busch's middle name is bile.

To Turner, baseball is just another situation comedy. He'll vote his cable-TV wallet and everybody else be damned.

McMullen, whose eye is on baseball and hockey pay-TV millions, is another who is voting his bank account, not his conscience. He and Turner are afraid Kuhn will use his influence to keep baseball from being damaged, as boxing was, by overexposure, this could cost these two an extra Swiss villa somewhere along the line, so they're ready to fire Kuhn.

The Williams brothers—emblematic of the anachronistic, nearly demolished Reds—just can't force themselves to believe that times have changed: the players have been emancipated, but they don't want to believe it.

Doubleday has sniffed the wind and smells the future: the revenue sharing of pay-TV dollars. Kuhn's basically for it. So, Doubleday is voting according to his own New York megamarket wallet rather than voting in the best interest of the game his ancestor may have invented. He's bringing shame to the name. Maybe Alexander Cartwright dreamed up the sport after all.

Since the AL is locked up for Kuhn, Chiles and Steinbrenner don't count, but

they make interesting allies. Both are meddlesome millionaires in the process of devaluing their clubs by trying to manage and general manage their teams, instead of letting pros do it. Naturally, they figure to be on the wrong side of this issue, too.

For the past year, ever since baseball took its $25 million strike bath, the game has, for the first time in memory, been looking seriously at its two basic problems of the '80s: labor relations and revenue sharing. In other words, how the loot should be split between the owners and the players, and how the owners should split their part of the pot among themselves.

"No real progress can be made in these areas until the issue of the commissioner is settled," says Eisenhardt. "If Kuhn is fired, it won't do any real damage to the work of the Restructuring Committee, but it will certainly delay the game's ability to act on these important matters."

That may be putting the issue too mildly. In the 12 months since the strike, baseball has made progress in reaching a significant consensus among owners in several areas. The Restructuring Committee's extremely important proposals—especially on joint league voting on major issues, as well as placing both league presidents and the Player Relations Committee under the commissioner—are emblematic of this:

No matter what anybody says up front, the committee has operated on the assumption that a new, more powerful Kuhn—given a mandate, among other things, to bring PRC strike general Ray Grebey sharply to heel—would be the next commissioner.

While gaining some powers, Kuhn is perfectly willing, perhaps even glad, to welcome a newly created power figure—a sort of chief executive officer for baseball. This CEO would have a business background and focus on revenue sharing and cable TV. The Restructuring Committee is on record as endorsing such a move. But, as Kuhn backer John McHale of Montreal says, "If you carve out new areas for such a 'business' executive, it's essential that he must report to the commissioner. He can't be tunneling under him."

This growing common-sense consensus is possible in large part because, in the past three years, so many teams have come under new ownerships. "All the bad blood that's historically been in the game has apparently decreased," says Eisenhardt. "That's why we've made progress."

That is, until now.

"Maybe this is the last hurrah for the old-school way of doing baseball's business," said Eisenhardt. "And then maybe we can get on with our business and do something right for a change."

If men like O'Malley, Eisenhardt, Kuhn, McHale and Edward Bennett Williams in Baltimore can't pull baseball's wagon out of the ditch, then it's just going to have to stay stuck.

However, if a tiny gang of short-sighted self-servers stands in their way here this week, then more, much more's the pity.

Mr. BAKER. Mr. President, I now yield briefly to the distinguished Senator from Iowa.

AN EXHIBIT OF WESTERN PAINTINGS

Mr. GRASSLEY. Mr. President, for the next week, an exhibit of the work representative of the finest contemporary western artists in 18 States will grace the rotunda of the Russell Senate Office Building. Recalling the style of Frederick Remington and Charles Russell, these paintings display western cattle ranching in the 1980's instead of the 1880's

This collection is the property of one dedicated man, James "Gene" Rush of Sioux City, Iowa, who commissioned artists following the recommendations of professionals and academics from each State selected.

I thank those 26 Senators who, with me, have cosponsored this exhibit and ask all of my colleagues to take some time to enjoy this interesting and representative display depicting the life of the contemporary cowboy and cattle ranch.

Mr. BAKER. Mr. President, I yield the remainder of my time to the minority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

RISING UTILITY BILLS

Mr. ROBERT C. BYRD. Mr. President, last weekend the Washington Post published an article entitled, "Rising Utility Bills Stir Revolt." The article reported that—

Consumers, angry over rising utility bills, have forced utility issues onto the ballot in November in an unprecedented number of States, alarming the industry and producing heated campaigns that have seeped into other races.

In other words, the Post article indicates that rising utility bills are becoming a political issue in many States.

I was interested in this report, because the Committee on Environment and Public Works recently completed their revision of the Clean Air Act which included a very controversial acid precipitation proposal. The committees proposal is to impose a new regulatory program on a 31-State region to achieve a reduction of 8 million tons of sulfur dioxide emissions by 1995. If passed, one of the major effects of such a program would be to increase the electric utility bills for thousands of consumers in the Midwest and Appalachia. One analysis has estimated the change in electric utility rates that would be required in the first year that the 8-million-ton reduction is achieved. These would be rate increases required in order for utilities to recover capital costs associated with an acid precipitation control program. According to that analysis, several States in the Midwest would have utility rate increases of over 10 percent. These same States are also currently facing high unemployment rates. In my own State of West Virginia, where unemployment is about 10.9 percent, first year electric utility rate increases would be about 6.3 percent. In Ohio, where unemployment is about 11 percent, electric utility customers would see their rates increase by 19 percent. In Kentucky, where unemployment is about 9.8 percent, customers would see their rates increase by 10.9 percent. In other words, people who have already been hit hard by the economic recession could also look forward to the prospect of significantly higher electric rates.

Mr. President, I know there are many other Senators who are very concerned by the Environment Committee's acid precipitation proposal and its impact on utility rates. I ask unanimous consent to have printed in the RECORD this article

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 11, 1982]

RISING UTILITY BILLS STIR REVOLT—CONSUMERS ALARM INDUSTRY BY PLACING ISSUES ON NOVEMBER BALLOT

(By Martha M. Hamilton)

Consumers, angry over rising utility bills, have forced utility issues onto the ballot in November in an unprecedented number of states, alarming the industry and producing heated campaigns that have seeped into other races.

In eight states from coast to coast, groups have used the initiative process to put utility-related proposals on the ballot. One has already been knocked off on a technicality, and most of the rest have provoked massive counterefforts by utilities and the business community to defeat them.

In Maine and Massachusetts voters will decide whether to eliminate or limit the use of nuclear power plants, while in five other states ballot issues proposed changes ranging from the election of state public utility commissions and the creation of agencies to act as advocates for consumers in utility cases to the prohibition of automatic pass-throughs of increased fuel costs. In Idaho, voters will be asked to vote to support nuclear power.

"Unlike the last spate of consumer revolt, when anger was directed at the Public Utility Commissions . . . consumers seem to have gotten more savvy in their approach," a recent Dean Witter Reynolds utility industry analysis noted.

One of the initiatives that has caused the greatest concern is in Maine—"because of the precedent it might set," said Fran Valluzzo, manager of the Edison Electric Institute's state and local government relations office.

The Maine initiative would shut down nuclear power generation in the state by 1987, closing the Maine Yankee power plant, which provides approximately a third of Maine's power.

A similar initiative failed in 1980. That proposal would have shut down the plant immediately.

"The accident at Three Mile Island was the original reason for the first referendum," said Jo Ann Mooney, director of the referendum campaign. In February the

state approved placing the issue on the ballot a second time.

In July, opponents of the issue began advertising heavily on radio and television. Mooney claims the advertising helped her group's cause. "Then it became real to people. The phones haven't stopped ringing since," she said.

The Committee to Save Maine Yankee, which successfully opposed the earlier ballot proposal, is also leading the opposition this year. The group includes some 40,000 citizens and is supported by but not run by utility companies such as Central Maine Power, according to that company's spokesman.

Opponents of the measure argue that it would force the state's utility companies to replace generating capacity by buying expensive oil. To do so would increase residential electricity bills dramatically—perhaps by as much as 21 percent, according to one state study—and drive industry from the state, they argue.

An Arkansas initiative has already been stricken from the ballot by the state Supreme Court. It called for an elected utility commission, a consumer advocate agency and elimination of fuel cost pass-through. The court ruled that the ballot's summary—some 800 words long—was confusing.

Proponents asked for a rehearing but concede that their chances are slim. "Fundamentally the court decided that the voters are too dumb to vote on this issue—that it's too complicated for the voters," said Zach Polett, of Arkansas Community Organizations for Reform Now (ACORN).

ACORN, the state labor federation and other groups collected signatures in favor of the initiative, spurred by a $102 million increase granted in May, 1982, to Arkansas Power and Light Co. Nearly three weeks ago, the state certified that the group had enough signatures for the initiative to appear on the ballot

Then came the court challenge to the proposal on the basis that the ballot description was too complicated. "It did work to the benefit of the utilities that the proponents had put so much into it that it sort of collapsed of its own weight," said Jerol Garrison, a spokesman for Arkansas Power and Light.

The utility company itself was neutral on the issue, although the company's president said he personally opposed the initiative.

In Massachusetts, voters will decide whether to restrict construction of new nuclear power plants. In Michigan and Ohio, ballots will include proposals for elected utility commissions. "Governors generally appoint political hacks," said lawyer Henry W. Eckhart, former chairman of Ohio's utility commission and a supporter of the measure.

In Missouri, whether or not a proposal for a citizen's utility board appears on the ballot depends on a court hearing. Supporters failed to get the issue on the ballot after opponents got petition signers to withdraw their names. Although supporters of the measure later produced affidavits from people saying they were misled and wanted their names reinstated, it was too late. The court will review a challenge to the law that permits signatures to be withdrawn, said Dean DeHart of Missourians for a Citizens Utility Board.

Nevada's ballot includes a proposal for a utility consumer advocacy agency.

In Idaho, Citizens for Energy and the Environment, which includes a large number of John Birch Society members, got a pro-nuclear power proposal on the ballot. "We think it's just historic," said Don Fotheringham, an organizer of the group.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Wisconsin (Mr. PROXMIRE).

Mr. PROXMIRE. I thank the minority leader.

NATO-WARSAW PACT COMPARISONS—PART II

Mr. PROXMIRE. Mr. President, yesterday, in part I of the three-part series from the Defense Monitor, I talked about the various static comparisons of strategic capability—the number of nuclear warheads, missiles, submarines, bombers, and the qualitative aspects of these force levels.

Today, the Monitor materials explore the relationship between the military forces of the Warsaw Pact nations and NATO. All to often we see comparisons between the U.S.S.R. and the United States without the contribution that would be made in any all-out war by their respective alliance partners. With a population of 626 million in NATO compared to 380 million for the Warsaw Pact, considering that NATO has more than a 2-to-1 lead in GNP and a $54 billion advantage in military spending, it can easily be seen that the NATO partners contribute much more to the relative defense of their military alliance than do the nations of the Eastern Bloc. Even considering Soviet border troops, internal security personnel, and construction units, the military manpower levels of the PACT and NATO are about equal.

The Warsaw Pact does have a commanding lead in tanks, armored vehicles, and submarines and this cannot go overlooked. The United States and our NATO allies must find production plants that allow higher production levels at lower unit costs if these relative disadvantages are to be redressed.

Most interesting is the fact that NATO has always outspent the Warsaw Pact in defense costs and that gap appears to be widening in the projections for 1980-86.

Mr. President, I ask unanimous consent that part II of the Defense Monitor be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEFENSE MONITOR—PART II

THEATER NUCLEAR FORCES

The U.S. has about 6,000 nuclear weapons in Europe, excluding those on ships and submarines.

The U.S. has over 400 fighter bombers in Europe which can strike all Warsaw Pact nations with nuclear weapons.

France and Great Britain have over 500 nuclear weapons of their own that can be exploded on the Soviet Union.

2,600 of the NATO and U.S. nuclear weapons in Europe can be exploded on the Soviet Union.

The Soviet Union has been deploying SS-20 intermediate range missiles since 1977. It now has about 300 SS-20s with 3 warheads each (900 weapons) deployed. One-third of these face China.

The Soviet Union also has 300 SS-4 and SS-5 medium and intermediate range missiles for a total of 600 MRBMs and IRBMs. This is the same number of these types of missiles they had 10 years ago, though because the SS-20 is MIRVed they now carry more weapons.

The Soviet MRBM/IRBM force has ⅓ *less* total megatonnage than it had in 1970.

The U.S. has 180 medium-range Pershing 1a missiles based in West Germany. France has 18 intermediate-range missiles of its own.

The U.S., the U.S.S.R., France, and Britain all have a substantial number of nuclear weapons for combat in Europe. It is estimated that over 15,000 weapons are allocated directly on both sides for nuclear war in Europe.

AT A GLANCE: MILITARY RESOURCES OF NATO [1] WARSAW PACT, AND PEOPLE'S REPUBLIC OF CHINA

	NATO	Warsaw Pact	China
Population	[2] 626	[2] 380	[2] 1
GNP	[3] $5,975	[3] $2,020	[3] $552
Military spending	[3] $256	[3] $202	[3] $57
Military manpower	[2] 5.8	[2] [4] 4.8	[2] 4.8
Strategic Nuclear weapons	10,000	7,800	([5])
Total Nuclear weapons	31,000	20,000	([5])
Tanks	29,000	63,000	11,600
Anti-tank weapons	400,000	([6])	([6])
Other Armored vehicles	54,000	83,000	4,000
Heavy artillery	17,000	24,000	18,000
Combat aircraft	12,000	12,000	6,100
Helicopters	12,400	4,500	350
Major Surface warships	428	281	32
Attack Submarines	232	298	104

[1] NATO totals include France and Spain.
Sources: NATO, IISS, DOD, CIA, CDI. Chart by Center for Defense information.
[2] Million.
[3] Billion.
[4] Excludes some 560,000 Soviet border guard, internal security, railroad, and construction troops.
[5] Several hundred.
[6] Data not available.

VERIFICATION CAPABILITIES

Both the U.S. and U.S.S.R. use a vast array of sophisticated and powerful intelligence gathering systems to survey each other regularly, thoroughly and accurately. These systems include photo-reconnaissance satellites, radars and other devices in space, on land, sea, and in the air, which monitor all aspects of weapon testing and deployments. U.S. satellites reportedly can photograph objects 6 inches or less in diameter. U.S. satellites also use infra-red scanning to monitor Soviet missiles.

The Soviet Union is surrounded by U.S. monitoring stations.

The U.S. does not depend only on the technical limits of satellite cameras. Electronic and computer techniques are also used to enhance the quality of pictures.

Both civilian and military officials have repeatedly testified that the U.S. has the capbility to adequately verify existing arms control trends.

The Soviet Union, the U.S., and Britain have agreed in principle on arrangements for on-site inspection of a comprehensive nuclear test ban.

NATO/WARSAW PACT COMPARISONS

"In the Central Region of Europe, a rough numerical balance exists between the immediately available non-nuclear forces of NATO (including France) and those of the

Warsaw Pact."—Defense Secretary Harold Brown, January 1980.

The Warsaw Pact has 253 active divisions and NATO has the equivalent of 143 divisions when independent brigades are included. NATO divisions are, in general, larger than Warsaw Pact divisions. U.S. divisions average about 18,300 soldiers. Soviet divisions 11,000.

NATO leads the Warsaw Pact in total manpower in uniform, total ground forces, and total ground forces in Europe.

The Warsaw Pact has more than a 2-1 edge over NATO in the total number of tanks. The Warsaw Pact has only a 1.54-1 advantage in main battle tanks in Europe.

NATO has invested heavily in anti-tank weapons and leads the Warsaw Pact in both the quantity and quality of such weapons, NATO deploys over 50 types of anti-tank weapons and a total of almost half a million.

NATO and the Warsaw Pact have approximately the same number of total combat aircraft.

The quality of NATO weapons including combat aircraft, artillery, anti-tank weapons, military helicopters, and air launched missiles, exceeds that of the Soviets.

"What are called static measures of assessment, in which for example, Soviet and American missile or tank inventories are compared in isolation, are rarely illuminating about the expected outcome of a battle or instructive as to the defense posture we should adopt."—Defense Secretary Harold Brown, January 1980.

"NATO forces are well trained and, given the full range of capabilities at their disposal, are capable of presenting a credible defense of Alliance territory."—1982 NATO Report.

NAVAL COMPARISONS

U.S. and other NATO navies have twice the naval tonnage and several times the firepower of the Soviet and other Warsaw Pact navies.

The Soviet Navy, which started far behind us, has also been declining in size recently, not increasing. In certain types of Soviet naval vessels, the decline over the years has been significant. The Soviets have 100 less submarines of all categories today than they had ten years ago.

NATO has 428 major surface combatants. The Warsaw Pact has 281. NATO has deployed more than twice as many as the Soviet Navy since the early 1960's and will continue to outproduce the Soviets in the future.

The U.S. has 13 heavy aircraft carriers, the Soviets none. The Soviets have two Kiev ships which are equipped with less capable aircraft and are comparable in both size and capability to the five U.S. Tarawa-class amphibious assault ships.

The U.S. continues to hold superiority over the Soviet Navy in performance of critical missions such as strike warfare, amphibious warfare, and anti-submarine warfare as well as in readiness.

The U.S. Navy has 553,000 personnel compared to 433,000 for the Soviet Navy.

The U.S. has 193,000 marines; the Soviets only 12,000.

The U.S. has major naval bases around the world. The Soviet Union has no naval bases outside of the Soviet Union and Eastern Europe.

"The Soviet Union must divide its large naval forces between four separate and widely dispersed fleets. It would be extremely difficult for the Soviet Union to utilize ships from one fleet in another theater in the event of hostilities, since these ships must pass through geographical barriers and bottlenecks which are subject to closure by U.S./NATO naval operations."—Department of Defense, 1980.

MILITARY SPENDING

The Administration proposes spending 1.9 Trillion dollars over the next six years on the military. This means we will spend *$36 million every hour* for the next six years. It will cost a total of more than $20,000 for every taxpayer in America.

Seventy-eight percent of all discretionary spending in the federal budget goes to pay for the military.

The cost of new and often unnecessary weapons continues to escalate. The estimated cost for 44 major weapons sytems jumped $114.5 Billion in the last three months of 1981.

The U.S. and its NATO allies have outspent the Soviet/Warsaw Pact military forces for many years—$256 Billion to $202 Billion in 1980 alone.

The Administration's claim that the Soviets outspend the U.S. on military forces ignores the contribution of our military allies.

Official estimates which compare U.S. and Soviet military spending use a C.I.A. methodology based on costing out the Soviet military at U.S. prices. For example, the Soviets pay their soldiers less than 5 rubles (about $8) per month. The U.S. pays its recruits more than $500 per month. Yet, Soviet manpower costs are calculated at U.S. wages.

Because the Soviets have twice as many soldiers as we do (the Soviets face twice as many NATO and Chinese troops as they have in their own forces), every one million dollars we put into pay increases for our troops shows up as a $2 million increase in the Soviet budget.

The C.I.A. acknowledges this problem, stating that its dollar cost calculations "overstate Soviet programs relative to the U.S."

RESTRAINT ON FREEDOM OF SPEECH: INVALID OBJECTION TO THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, America was instrumental in drafting the Genocide Convention in 1946, a measure intended to prevent human nightmares such as the Holocaust perpetrated by the Nazis. But, as we are painfully aware, the Senate has not yet ratified this important treaty.

Why is this treaty so important? Because it guarantees to all groups, no matter what their race, religion, or creed, the right to live free of the specter of systematic annihilation. We were not only the leader of the human rights fight for the Genocide Convention, we were the author of it. The United States was the principal proponent. The United States should have been the first nation to ratify the Genocide Convention. Instead, we have stood passively by while 82 other nations have ratified the treaty. Mr. President, 82 other countries, large and small, rich and poor, east and west, every other developed country in the world except us. In this instance, we did not even join, much less lead, the march toward an international human rights code.

Why, then, has not the Senate acted to correct this embarrassing flaw in our record? One long-standing objection to the convention is that the clause which forbids "direct and public incitement to commit genocide" violates the freedom-of-speech amendment to our constitution. Anyone who has done his legal homework, Mr. President, knows this objection has no basis in fact.

According to a 1969 Supreme Court ruling on the first amendment, freedom of speech and the incitement to commit lawless actions are not the same thing. One is legal, and the other is not. A person can declare that he is in favor of genocide, or murder, or incest, or any lawless action. But he is forbidden to incite others to commit a criminal act.

There is nothing in the Genocide Convention that prevents someone from saying he is in favor of genocide. The only constraint it places on an individual's speech is that he refrain from inciting others to commit genocide—and that is in perfect accord with our Constitution.

For the record, then, Assistant Attorney General William Rehnquist, speaking on behalf of the Nixon administration, testified before the Senate Foreign Relations Committee on the relation between our Constitution and the Genocide Convention. I quote the following testimony:

Senator CHURCH. In other words, you are satisfied that such constitutional protection, as presently exists in the field of free speech, would not be adversely affected in any way by the terms of this Convention?

Mr. REHNQUIST. I am satisfied, first, that they would not be, and, second, that they could not be.

Clearly, the argument that this Convention infringes on our constitutional right to freedom of speech, like so many other objections to the treaty, does not stand up to close scrutiny. Mr. President, I ask that the Senate ratify the Genocide Convention.

I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time until the special orders have been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR THURMOND

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for not to exceed 15 minutes.

Mr. THURMOND. I thank the Chair.

S. 2902—A BILL TO DEFINE THE AFFIRMATIVE DEFENSE OF INSANITY AND ESTABLISH PROCEDURES FOR THE COMMITMENT OF MENTALLY ILL OFFENDERS

(Introduced by Mr. THURMOND, for himself, Mr. BIDEN, Mr. SPECTER, Mr. COCHRAN, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. LAXALT, Mr. LONG, Mr. NUNN, Mr. PRESSLER, Mr. QUAYLE, Mr. SIMPSON, Mr. SYMMS, Mr. ZORINSKY, Mr. ROBERT C. BYRD, Mr. CHILES, Mr. HELMS, Mr. WARNER, Mr. BAKER, Mr. HOLLINGS, Mr. HUMPHREY, and Mr. HUDDLESTON.)

Mr. THURMOND. Mr. President, today, I am introducing a bill to define the affirmative defense of insanity and to establish uniform and comprehensive procedures for the civil commitment of Federal offenders suffering from a mental disease or defect.

In sponsoring this measure, I am joined by Senator BIDEN, the ranking minority member of the Committee on the Judiciary. Senator SPECTER, a distinguished former prosecutor and chairman of the Subcommittee on Juvenile Justice, is also cosponsoring this bill. Further, Senator HEFLIN, the former chief justice of the Alabama Supreme Court and a man whose legal opinion I value highly, is joining me in introducing this legislation.

Mr. President, among the distinguished Members of this body cosponsoring this measure are 10 members of the Committee on the Judiciary.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield?

Mr. THURMOND. Yes.

Mr. ROBERT C. BYRD. Is my name among those names?

Mr. THURMOND. No, Mr. President, it is not.

Mr. ROBERT C. BYRD. I should be very happy if the distinguished Senator would add my name.

Mr. THURMOND. I am very pleased to do that.

Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) be added as cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. THURMOND. Moreover, Mr. President, Senators COCHRAN, HATCH, PRESSLER, NUNN, QUAYLE, SYMMS, and ZORINSKY, all of whom have previously introduced legislation on this subject, are joining me in cosponsoring this bill. Clearly, this proposal has strong bipartisan support.

The issue of the insanity defense is one that cries out for legislative reform. Unfortunate as the verdict was in the attempted assassination of the President of the United States, it did serve to focus the attention of the Nation and this Congress on the serious shortcomings of the insanity test presently applied by the Federal courts. People throughout this country, from every walk of life and of every political persuasion, have called for a change in the law. I am sure that my colleagues have been overwhelmed by calls, letters, and telegrams from their constituents demanding that we address this issue so that the law will no longer allow the criminals of this world to escape responsibility for deliberate, violent, vicious acts.

We in the Senate would be shirking our duty to protect law-abiding citizens if we fail to take the time of this Congress to reform the insanity defense. The bill that I and my colleagues are introducing today would provide this needed reform and restore public confidence in our criminal justice system.

Congress has never enacted legislation defining the test to be used for insanity in Federal criminal cases, or spelling out procedures to be applied once the defense is raised. The development of the insanity defense has therefore been left to the Federal courts of appeal.

The foundation for the insanity defense was laid over a century ago by the British courts seeking to deal with mentally deranged defendants in a legally rational manner. The first articulated rule for defining insanity in the context of a criminal prosecution was established in England in the case of Daniel M'Naghten in 1843:

> Every man is to be presumed to be sane . . . To establish a defense on the ground of insanity, it must be clearly proved that, at the time of the committing the act, the party accused was labouring under such defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or if he did know it, that he did not know he was doing what was wrong.

This rule became the dominant test of the insanity defense used in the United States for many years.

However, the M'Naghten rule, or right-wrong test as it is often called, has been gradually but steadily broadened by the American courts. In 1897, the notion of "irresistible impulse" was added to the M'Naghten rule to excuse criminal behavior by defendants even if they could discern right from wrong, as long as they were unable to control their actions because of some form of mental illness.

In 1954, the Durham rule was established which extended the insanity defense even further to forgive unlawful acts which were the "product" of a mental disease or defect. After wrestling with the vague Durham rule "products test" for almost 20 years, the Federal courts adopted the governing standard used in the Hinckley case, and which the American Law Institute sets forth in the Model Penal Code.

This formulation, commonly referred to as the ALI test, includes both cognitive and control criteria in framing the insanity defense. The test provides:

> A person is not responsible for criminal conduct if at the time of such conduct as a result of mental disease or defect he lacks substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law.

The drafters of this provision, therefore, expanded the defense to cover not only the inability of a person to distinguish right from wrong with respect to his acts, but to accord independent significance to the inability to control behavior, thus adopting the irresistible impulse notion. In addition, by its "substantial capacity" formulation, the American Law Institute recommended explicit recognition of a vague and blurred line between the sane and the insane.

A survey recently conducted by the Congressional Research Service shows that 23 States apply some version of the M'Naghten test, although 6 of those States have supplemented the test with the "irresistible impulse" concept. Twenty-five States and the District of Columbia have adopted a formulation of the ALI test, which is also the basic test applied in the Federal courts. Two States have utilized what is commonly referred to as a mens rea approach and seven States have created an alternative verdict of "guilty, but mentally ill."

A factor equally important as the test used to legally define insanity is the assignment of the burden of proof. In a criminal trial, the prosecution has the burden of proving all the essential elements of the crime charged. The burden of proof is composed of two parts: The burden of production and the burden of persuasion. The burden of production only requires that evidence be introduced to place a fact at issue in a trial, while the burden of persuasion requires that enough evidence be introduced to persuade the judge or jury of the actual existence of that fact.

The prosecution's burden of proof does not automatically extend to the sanity of the defendant. Instead, the defendant is presumed to be sane at the time he committed the acts constituting the offense. However, this presumption of sanity can be rebutted by the defendant by introducing evidence at trial to place his sanity, or mental condition, at issue.

Once the defendant's mental condition becomes an issue, the burden of persuasion becomes important. There are two views as to who must carry this burden: Some jurisdictions shift the burden of persuasion to the prosecution so that the defendant's sanity

must be proved beyond a reasonable doubt, while other jurisdictions label it an affirmative defense, requiring the defendant to carry the burden of proving his insanity.

The States are evenly split between the two views of the burden of proof allocation. In 25 States and in the Federal courts, the prosecution bears the burden of disproving the elements of the insanity defense—that is proving sanity—beyond a reasonable doubt. Twenty-five States and the District of Columbia place the burden of proof on the defendant. Nineteen States require the level of proof to be "by a preponderance of the evidence," while three States require "beyond a reasonable doubt." Four other States have proof levels ranging from "to the satisfaction of the jury" to "by a reasonable certainty."

Mr. President, I have outlined the confused history of the modern insanity defense and provided background information on the sharply different practices used in the allocation of the burden of proof to provide a context and framework for examining the issues raised by the insanity defense. Primarily these are defining the test to be used to determine insanity, the burden of persuasion as to mental condition, and the proper disposition of offenders shown to be suffering from a mental disease or defect.

The legislation that I am proposing today has evolved from the hearings held by the Subcommittee on Criminal Law and by the full Judiciary Committee over the summer months. Senator SPECTER provided great leadership during that period, always being available to chair the hearings during my absence and participating in examining the many witnesses who appeared before the committee. I express my sincere appreciation to Senator SPECTER for all of his hard work on this issue. In addition, Senator HEFLIN was actively involved in the hearings and helped to focus the issues by drawing upon his extensive and impressive legal background and experience, and I thank him for his participation. Moreover, Senator GRASSLEY and Senator HATCH were equally helpful in chairing the hearings, and I commend them for their efforts and interest in this most important matter.

The hearings held by the Committee on the Judiciary were, in part, a response to the public outcry over the verdict in the Hinckley trial, but, more importantly, served to examine the various legislative proposals pending before the committee. By the conclusion of the hearings, nine bills had been introduced and referred to the Judiciary Committee. I should like to take this opportunity to briefly describe these bills.

S. 818.—This bill was introduced by Senator HATCH and adopts what has been termed the mens rea test. Under this approach, the insanity defense is focused upon the defendant's intent at the time of the commission of the acts constituting the offense. Senator HATCH has also introduced S. 1558, which uses the same mens rea approach but also provides for civil commitment procedures similar to the ones contained in the bill which I am introducing today.

S. 1106.—This measure was introduced by Senator ZORINSKY and establishes a plea of "guilty but insane." The bill also contains civil commitment procedures such as those contained in my bill.

S. 2658.—Senator SPECTER sponsored this bill which utilizes a M'Naghten test, shifts the burden of proof to the defendant by clear and convincing evidence, and limits psychiatric testimony as to the ultimate legal issues raised by the defense.

S. 2672.—This bill, which was introduced by Senator QUAYLE, defines the insanity defense under a mens rea test and establishes a special verdict of "guilty but mentally ill."

S. 2678.—Senator NUNN introduced this proposal which uses the same definition of insanity as used in my bill, makes it an affirmative defense, and provides for a verdict of guilty but mentally ill. The bill also establishes comprehensive civil commitment procedures.

S. 2745.—This legislation, which was sponsored by Senator SYMMS, is modeled on the law adopted by his own State of Idaho. It abandons the concept of mental condition as a defense to a criminal prosecution, yet it does allow the admission of expert testimony regarding a defendant's state of mind or mens rea.

S. 2780.—Senator COCHRAN introduced this proposal, which utilizes a M'Naghten test, shifts the burden of persuasion to the defendant, and limits psychiatric testimony. It further provides for a special verdict of guilty but mentally ill and establishes civil commitment procedures.

Seven hearings were held by the Committee on the Judiciary relative to the insanity defense. Three hearings were held by the Subcommittee on Criminal Law, and four were held by the full committee. A total of 42 witnesses appeared at these hearings. The committee heard testimony from some of the jurors who participated in the trial of John Hinckley. At that hearing, it was made poignantly clear that the jurors did not feel that they could properly assess the defendant's criminal responsibility under the ALI formulation of the insanity defense used by the Federal courts. The jurors expressed their frustration with the control test—or volitional prong of the ALI rule—which exculpates the defendant if he cannot "conform his conduct to the requirements of the law." Further, the jurors disclosed their dismay with the requirement of the law that the prosecution, once the insanity defense has been raised, be required to prove the defendant's sanity beyond a resonable doubt. It was suggested at that hearing and in subsequent hearings that the prosecution should not have to bear the burden of proving the defendant's sanity.

Throughout the hearings, the committee received testimony from a wide array of witnesses with a particular expertise or interest in this issue. The committee heard from psychiatrists and psychologists who expressed a broad divergence of opinion regarding the efficacy of psychiatric testimony and the need for an insanity defense. The committee also heard from legal scholars whose testimony ranged from advocating the abolishment of the defense to retaining current law.

The Attorney General appeared before the committee and testified in support of the mens rea approach. While I feel that approach certainly has merit, I share the concerns that my colleague Senator HEFLIN has often expressed regarding the mens rea test. I have spoken with the Attorney General on subsequent occasions, and I have shown him the bill that I am introducing today. He acknowledges that this proposal is a great improvement over current law.

The committee also heard from practicing lawyers from both the prosecution and defense sides of the issue. Attorneys litigating in States using alternative forms of the insanity defense, such as guilty but mentally ill, appeared and shared their experiences and insights with the Committee. Further, representatives from the Judicial Conference and mental health organizations testified and made recommendations to the committee. Mr. President, I am very satisfied that the committee thoroughly explored all of the issues relative to the insanity defense through the course of the seven hearings held on this matter.

The bill that I and my colleagues are introducing today does, I believe, represent a consensus view among those Senators on the committee, as well as those Senators who have introduced their own legislative proposals. This bill narrows the insanity defense to the degree that only those individuals who have no comprehension of what they are doing or have no understanding of the consequences of their acts, will be able to successfully assert the defense. Further, the bill addresses an important, yet overlooked, area of the law—the civil commitment of mentally ill persons in need of medical care and treatment. Today, there is no means by which the Federal Government can institutionalize insane and dangerous persons who have committed violent and criminal acts. The Government has had to rely on the benevolence of

the States to commit dangerously ill persons. This bill will remedy that obvious defect in our laws.

Section 1(a) of the bill establishes that insanity is an affirmative defense, thus placing the burden of persuasion on the defendant asserting the defense. The test of insanity is as follows:

It shall be an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of mental disease or defect, lacked entirely—

(1) the ability to understand the nature and quality of his acts or

(2) the ability to distinguish right from wrong with respect to his acts.

This would be the sole and exclusive test of insanity. The bill specifically states that mental disease or defect does not otherwise constitute a defense.

This particular formulation of the insanity defense focuses on the defendant's cognitive ability to perceive what he is doing and to know that his actions are wrong. The bill rejects any notion that a defendant should be excused from criminal liability because he could not conform his conduct to the requirements of the law or because he had an irresistible impulse to commit the act.

This is a point that cannot be overemphasized. A person's volitional ability to control his behavior or resist impulses is simply not contemplated under this insanity defense. It is, I submit, impossible to distinguish between offenders who were undeterrable and those who were merely undeterred, or between the impulse that was irresistible and the impulse resisted. Therefore, this formulation of the insanity defense does not recognize a volitional or control test.

Another important aspect of this test which deserves comment is the defendant's ability to distinguish right from wrong with respect to his acts. This test is meant to be an objective inquiry into the individual's cognitive ability to know whether he was doing right or wrong. The motivations for the criminal acts are irrelevant. For instance, religious or political reasons given for criminal behavior will not excuse the conduct even though the defendant may have felt that his actions were somehow justified.

Section 1(b) of the bill addresses the burden of proof issue, which is clearly a crucial factor in any criminal prosecution. The bill provides that the defendant has the burden of proving the defense of insanity by clear and convincing evidence. As a result, the prosecution no longer has to show that the defendant is sane once he has asserted the defense of insanity. The use of the clear and convincing standard requires that the defendant prove his insanity by evidence greater than a preponderance but less than beyond a reasonable doubt.

Section 2 of the bill makes technical changes in the notice provisions of the criminal code so that the defendant is required to notify the prosecution when he intends to introduce expert testimony relative to his mental condition at the time of the offense.

Section 3 establishes seven new sections under chapter 313 of title 18 of the United States Code establishing civil commitment procedures for an individual who suffers from a mental disease or defect and, as a result, presents a danger to the person or property of himself or another. These procedures provide uniform, clear, consistent treatment of an individual at every stage of the criminal justice process from the pretrial stage through conviction and release. The foundation for these procedures lies in the notion that the court should retain jurisdiction over Federal offenders suffering from mental diseases and that disposition of such offenders, whether it be institutionalization, release, or probation, should be ordered by the court following a hearing. As a result, the public is protected from insane and dangerous persons, and those criminal offenders in need of mental health care will receive proper and humane treatment.

There are two important aspects contained in section 3 which, I feel, deserve special comment. In section 4242, the bill provides for a special verdict of "not guilty only by reason of insanity." This additional verdict requires that the trier of fact specifically find that the "not guilty" verdict is founded upon a successful defense of insanity.

Another important provision is found in section 4243, which sets out the disposition of an individual acquitted by reason of insanity. This section requires the insanity acquittee to bear the burden of proving that he is no longer insane—that is, that he is presently sane—and no longer dangerous before he can be released to the community. This differs from present law in which the prosecution, which previously argued that the defendant was sane, must turn around after an acquittal and assert that the defendant is presently insane.

Other than these two changes, the commitment procedures contained in this bill are those which have been considered by the Committee on the Judiciary for several years. Also, these same procedures were passed by the Senate by unanimous consent in the 95th Congress.

Mr. President, in closing, let me remind my colleagues that the first duty of a government is to protect innocent and law-abiding persons from the bullies and predators of the world. We must insure that criminals who deliberately plan and carry out brutal acts of violence with full knowledge of the nature and wrongfulness of their conduct will be morally condemned by the community and held appropriately accountable for their acts.

The citizens of this Nation are watching the Congress to see whether we respond to their demands for a change in the laws governing the insanity defense. This bill meets those demands. I sincerely hope that my fellow Senators will respond to their constituents by supporting this measure, and I urge prompt consideration of this bill.

Mr. President, I ask unanimous consent to have printed in the RECORD a copy of the bill and a section-by-section analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2902

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Chapter 1 of title 18, United States Code is amended by adding at the end thereof the following new section:

"§ 16. Insanity Defense.

"(a) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a prosecution under any Federal statute that, at the time of the commission of the acts constituting the offense, the defendant, as a result of mental disease or defect, lacked entirely—

"(1) the ability to understand the nature and quality of his acts; or

"(2) the ability to distinguish right from wrong with respect to his acts.

Mental disease or defect does not otherwise constitute a defense.

"(b) BURDEN OF PROOF.—The defendant has the burden of proving the defense of insanity by clear and convincing evidence."

SEC. 2. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by amending the title of the rule to read "Rule 12.2 Notice of Insanity Defense or Expert Testimony of Defendant's Mental Condition";

(b) by amending subdividion (b) to read as follows:

"(b) EXPERT TESTIMONY OF DEFENDANT'S MENTAL CONDITION.—If a defendant intends to introduce expert testimony relating to a mental disease or defect or any other mental condition bearing upon the issue of guilt, he shall, within the time provided for the filing of pretrial motions or at such later time as the court may direct, notify the attorney for the government in writing of such intention and file a copy of such notice with the clerk. The court may for cause shown allow late filing of the notice or grant additional time to the parties to prepare for trial or make such other order as may be appropriate."; and

(c) by deleting "by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "pursuant to 18 U.S.C. 4242".

SEC. 3. Chapter 313 of title 18, United States Code, is amended to read as follows:

"Chapter 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"Sec.

"4241. Determination of mental competency to stand trial.

"4242. Determination of the existence of insanity at the time of the offense.
"4243. Hospitalization of a person found not guilty only by reason of insanity.
"4244. Hospitalization of a convicted person suffering from mental disease or defect.
"4245. Hospitalization of an imprisoned person suffering from mental disease or defect.
"4246. Hospitalization of a person due for release but suffering from mental disease or defect.
"4247. General provisions for chapter 313.

"§ 4241. Determination of mental competency to stand trial.

"(a) MOTION TO DETERMINE COMPETENCY OF DEFENDANT.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychologial report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable mental hospital, or in another facility designated by the court as suitable—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capability to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certicate to the defendant's counsel and to the attorney for the government. The court shall hold a hearing, conducted pursuant to the provisions of section 4247 (d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trail for the offense charged.

"§ 4242. Determination of the existence of insanity at the time of the offense.

"(a) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, the court, upon motion of the attorney for the government, may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(b) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find the defendant—

"(1) guilty;

"(2) not guilty; or

"(3) not guilty only by reason of insanity."

"§ 4243. Hospitalization of a person found not guilty only by reason of insanity.

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (e).

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) BURDEN OF PROOF.—In a hearing pursuant to subsection (c) of this section, a person found not guilty only by reason of insanity of an offense involving bodily injury to, or serious damage to the property of, another person, or involving a substantial risk of such injury or damage, has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to, or serious damage to the property of, another person due to a present mental disease or defect. With respect to any other offense, the person has the burden of such proof by a preponderance of the evidence.

"(e) DETERMINATION AND DISPOSITION.—If, after a hearing, the court fails to find by the standard specified in subsection (d) of this section that the person's release would not create a substantial risk of bodily injury to, or serious damage to the property of, another person due to a present mental disease or defect, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment."

"(f) DISCHARGE.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (e) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by the standard specified in subsection (d) that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him,

that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an exlicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(g) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (f) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"§ 4244. Hospitalization of a convicted person suffering from mental disease or defect.

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. "(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives available under chapter 227 of this title that could best accord the defendant the kind of treatment he does need.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment shall be treated for administrative purposes as a provisional sentence of imprisonment for the maximum term authorized for the offense committed.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentence the defendant in accordance with the sentencing alternatives and procedures available under chapter 227.

"§ 4245. Hospitalization of an imprisoned person suffering from mental disease or defect.

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF IMPRISONED DEFENDANT.—If a defendant serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suitable facility for care or treatment, an attorney for the government, at the request of the director of the facility in which the defendant is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the defendant. The court shall grant the motion if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the release of the defendant pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247 (d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility until he is no longer in need of such custody for care or treatment or until the expiration of his sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the defendant has not expired, the court shall order that the defendant be reimprisoned until the date of his release.

"§ 4246. Hospitalization of a person due for release but suffering from mental disease or defect.

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person's counsel, and to the attorney for the government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247 (d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwith-

standing such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247 (d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"(g) RELEASE TO STATE OF CERTAIN PERSONS.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.

"§ 4247. General provisions for chapter 313.

"(a) DEFINITION.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this chapter shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be—

"(1) designated by the court if the examination is ordered under section 4241, 4242, 4243, or 4244; or

"(2) designated by the court, and upon the request of the defendant, an additional examiner may be selected by the defendant, if the examination is ordered under section 4245 or 4246.

For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The Director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defeat rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether, at the time of the commission of the acts constituting the offense, the person, as a result of mental disease or defect, lacked entirely the ability to understand the nature and quality of his acts or the ability to distinguish right from wrong with respect to his acts;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) section 4243, 4244, 4245, or 4246 shall prepare annual reports; concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to section 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may

order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) ADMISSIBILITY OF A DEFENDANT'S STATEMENT AT TRIAL.—A statement made by the defendant during the course of a psychiatric or psychological examination pursuant to section 4241 or 4242 is not admissible as evidence against the accused on the issue of guilt or punishment in any criminal proceeding, unless the defendant waived his privilege against self-incrimination, but is admissible on the issue whether the defendant suffers from a mental disease or defect.

"(h) HABEAS CORPUS UNIMPAIRED.—Nothing contained in section 4243 or 4246 precludes a person who is committed under either or such sections for establishing by writ of habeas corpus the illegality of his detention.

"(i) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of section 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the government.

"(j) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a political subdivision, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(k) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice."

(b) The item relating to chapter 313 in the chapter analysis of Part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect."

SECTION-BY-SECTION ANALYSIS

I. INTRODUCTION

The bill amends various provisions of title 18, United States Code, and of the Federal Rules of Criminal Procedure, relating to the procedures to be followed in Federal courts with respect to offenders who are or have been suffering from a mental disease or defect. Among the matters provided for by these amendments are the determination of mental competency to stand trial, the determination of the existence of insanity at the time of the offense, to limit the scope of a separate insanity defense, and the post-trial hospitalization of defendants suffering from a mental disease or defect.

II. SECTION-BY-SECTION ANALYSIS

Section 1 states the affirmative defense of insanity under Federal statute in subsection (a) ". . . the defendant, as a result of mental disease or defect, lacked entirely—(1) the ability to understand the nature and quality of his acts; or (2) the ability to distinguish right from wrong with respect to his acts". The bill further states that this is the sole and exclusive test for insanity by providing, "mental disease or defect does not otherwise constitute a defense. In section (b) the bill establishes that the defendant has the burden of proving the insanity defense by "clear and convincing" evidence. This standard is greater than a preponderance of the evidence but less than beyond a reasonable doubt.

Section 2 of the bill amends Rule 12.2 of the Federal Rules of Criminal Procedure to conform with chapter 313 of title 18 as amended by this bill.

Section 3 provides a comprehensive amendment of current chapter 313 of chapter 18, United States Code. Proposed 18 U.S.C. 4241 deals with the determination of mental competency to stand trial; 18 U.S.C. 4242 relates to the determination of the existence of insanity at the time of the offense; 18 U.S.C. 4243 provides for the hospitalization of a person found not guilty only by reason of insanity; 18 U.S.C. 4244 deals with the hospitalization of a convicted person who is suffering from a mental disease or defect; 18 U.S.C. 4245 covers the hospitalization of an imprisoned person who suffers from a mental disease or defect; 18 U.S.C. 4246 deals with the situation of such a person who is scheduled to be released; and 18 U.S.C. 4247 contains general provisions for chapter 313. These sections are discussed below:

18 U.S.C. 4241, Determination of Mental Competency to Stand Trial, contains six subsections which deal exclusively with the determination of the mental competency of the defendant to stand trial or to enter a plea. Subsection (a) permits either the defendant or the government to move for a hearing to determine the defendant's mental competency, and requires the court to order a hearing if there is resonable cause to believe that a mental disease or defect renders the defendant unable to understand the proceedings or to assist in his defense. Subsection (b) permits the court to order a psychiatric or psychological examination of the defendant prior to hearing. Subsection (c) requires that the hearing be conducted pursuant to the provisions of section 4247(d). Subsection (d) provides that a defendant found by a preponderance of the evidence to be mentally incompetent shall be hospitalized for treatment in a suitable facility for a reasonable period of time to determine whether there is a substantial probability that he will attain the capacity to permit the trail to proceed. If the defendant appears unlikely to improve sufficiently, he is to be treated in accordance with the provisions of section 4246. Subsection (e) provides for the discharge from the hospital of a defendant who has recovered sufficiently to stand trial. Subsection (f) specifies that a court finding of competency to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the crime charged and shall not be admissible as evidence at trial. (See S. Rept. No. 97-307, pp. 1191-1197.)

18 U.S.C. 4242, Determination of the Existence of Insanity at the Time of the Offense, provides for an examination of a defendant who intends to rely on such a defense and sets forth the types of verdict to be rendered in such cases.

Subsection (a) provides for the psychiatric or psychological examination of a defendant who files a notice of intent to rely on the defense set forth in Section 1 of the bill. Subsection (b) specifies that in a case involving such a defense the trier of fact is to return a verdict of guilty, or not guilty only by reason of insanity.

18 U.S.C. 4243, Hospitalization of a Person Found not Guilty Only by Reason of Insanity, sets out the procedure to be followed when a person is found not guilty only by reason of insanity at the time of the offense. Subsection (a) requires that such a person be committed to a suitable facility until he is eligible for release pursuant to subsection (e). Subsection (b) requires that the person undergo a psychiatric of psychological study, while subsection (c) mandates a hearing on his present mental condition within 40 days following the verdict. Subsection (d) provides that in such hearing, the person found not guilty only by reason of insanity has the burden of proving by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage to property of another. Subsection (e) provides that if, after hearing, the person fails to prove that his release would not create a substantial risk of bodily injury to another person or serious damage to the property of another person due to present mental disease or defect, he shall be committed to the custody of the Attorney General for treatment, preferably in a State facility. Subsection (f) provides for the absolute or conditional release of such a person pursuant to a medical certification and a court finding that such release will no longer create a substantial risk to the person or property of others. Subsection (g) permits revocation of a conditional release order if such a risk is created anew by the person's failure to comply with the conditions of release.

18 U.S.C. 4244, Hospitalization of a Convicted Person Suffering from Mental Disease or Defect, sets forth procedures to be followed when there is reasonable cause to believe that a recently-convicted defendant may be suffering from a mental disease or defect and in need of care or treatment in a suitable facility. Subsection (a) permits the court, shortly after a guilty verdict and before sentencing, on motion of the defendant or the government or on its own motion, to order a hearing on the defendant's present mental condition if there is reasonable cause to believe he is suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. Under subsection (b), the court may order a psychiatric or psychological examination of the defendant. If, after a hearing provided for by subsection (c), the court determines by a preponderance of the evidence pursuant to subsection (d) that the standard set forth in subsection (a) has been met, the defendant is to be committed to the custody of the Attorney General for hospitalization in a suitable facility in lieu of being imprisoned. Subsection (e) permits the discharge and

final sentencing of a hospitalized defendant when the director of the facility certifies that the defendant is no longer in need of custody for care and treatment. (See S. Rept. No. 97-307, pp. 1204-1206.)

18 U.S.C. 4245, Hospitalization of an Imprisoned Person Suffering from Mental Disease or Defect, deals with the hospitalization of an imprisoned person who is suffering from a mental disease or defect for which he is in need of custody for care and treatment, if the person objects to being hospitalized. Unlike current Federal law, subsection (a) provides that, when a defendant who is imprisoned objects to being transferred to a suitable facility for care and treatment of a mental disease or defect, the court shall, on the government's motion, order a hearing on the defendant's present mental condition if there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect for the treatment of which he is in need of custody for care and treatment in a suitable facility. Subsections (b) and (c), respectively, provide for the psychiatric or psychological examination of the defendant, and for the conduct of the hearing. Subsection (d) provides that a defendant who is found to be suffering from a mental disease or defect and in need of custody for care and treatment shall be hospitalized in a suitable facility until he is no longer in such need, or until his prison sentence expires. Subsection (e) provides for the defendant's discharge from the hospital and return to prison upon the certification by the director of the facility that he is no longer in need of custody for care and treatment. (See S. Rept. No. 97-307, pp. 1206-1208.)

18 U.S.C. 4246, Hospitalization of a Person Due for Release but Suffering from Mental Disease or Defect, covers those circumstances where State authorities will not institute civil commitment proceedings against a hospitalized defendant whose Federal sentence is about to expire, who is mentally incompetent to stand trial, or against whom all criminal charges have been dropped solely for reasons related to his mental condition, and who is presently mentally ill. Subsection (a) requires the court to order a hearing if the director of the facility in which the person is hospitalized certifies that he is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available. Subsections (b) and (c), respectively, provide for the psychiatric or psychological examination of the person and for the conduct of the hearing. Subsection (d) provides that if the facts certified are found by the court by a preponderance of the evidence, the person is to be committed to the custody of the Attorney General for treatment, preferably in a State facility. Subsection (e) provides for the absolute or conditional release of such a person pursuant to a medical certification and a court finding that such release will no longer create a substantial risk to the person or property of others. Subsection (f) permits revocation of a conditional release order if such a risk is created anew by the person's failure to comply with the conditions of release. Subsection (g) deals with mentally ill persons who have been hospitalized and against whom all charges have been dismissed for reasons not related to their mental condition. If the director of the hospital certifies that the release of such a person would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General is required to release the person to appropriate State officials for the institution of State civil commitment proceedings. If the appropriate State will not assume responsibility, and so informs the Attorney General, the person must be released. (See S. Rept. No. 97-307, pp. 1209-1212.)

18 U.S.C. 4247, General Provisions for Chapter 313, contains a definition of terms used in chapter 313, as well as other provisions generally applicable to sections 4241-4246. Subsection (a) defines the terms "rehabilitation program" and "suitable facility." Subsections (b) and (c), respectively, set forth requirements for court-ordered psychiatric or psychological examinations and reports. Subsection (d) enumerates the rights a person has at a hearing to determine his mental condition. Subsection (e) pertains to reports by mental facilities, and contains a requirement that a hospitalized person be informed of the availability of rehabilitation programs. Subsection (f) permits the court to order and examine a videotape record of a defendant's testimony or interview which forms a basis of a periodic report of his mental condition. Subsection (g) concerns the admissibility in evidence of statements made by a defendant during the course of a psychiatric or psychological examination. Subsections (h) and (i), respectively, preserve the availability of the writ of habeas corpus, and permit a hospitalized person to move for a hearing to determine whether he should be released. Subsection (j) sets forth the authority and responsibility of the Attorney General under chapter 313. Subsection (k) provides that chapter 313 does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice. (See S. Rept. No. 97-307, pp. 1212-1213.)

Mr. SPECTER. Mr. President, the bill we introduce today to delimit the insanity defense in Federal criminal cases merits prompt attention. Although late in the session, this Congress can, by acting expeditiously to enact this legislation, not only improve the Federal criminal justice system but can do much to restore the public's respect for law and our system of government.

I commend the distinguished chairman of the Committee on the Judiciary for his leadership on this issue. On June 22, 1982, the morning after John W. Hinckley, Jr., was acquitted, the Senator from South Carolina (Mr. THURMOND) focused our attention on the challenge presented by that verdict and the public outrage it engendered. I joined with him on the Senate floor to speak out against current Federal law which allows potential for such abuse in the Federal criminal justice system, and I introduced legislation on that day to define the proper boundaries of the insanity defense and to place upon a Federal defendant seeking to avoid criminal responsibility for his actions the burden of proving by clear and convincing evidence the affirmative defense of insanity.

The chairman of the Committee on the Judiciary was urging prompt hearings on proposals to reform the law of insanity and I was honored to have chaired a series of expedited hearings before the Subcommittee on Criminal Law, with the cooperation and support of the Senator from Maryland (Mr. MATHIAS). Thereafter I was pleased to participate in an additional set of hearings on these issues before the Committee on the Judiciary itself. Throughout the 12 weeks that have intervened, the distinguished chairman of the Committee on the Judiciary and I have consulted and met with our colleagues, and others, in a conserted effort to fashion a legislative response to the problems we had noted in the Federal criminal justice system's treatment of the defense of insanity.

I am gratified to be able to lend my assistance to this effort and that our final product incorporates my sense that the fundamental change we must enact is to shift to the defendant the burden of proof. I do disagree with the statement of the defense included in the bill, however. After numerous hearings, much thought and discussion, I suggest we modify the prevailing test with part of a suggestion made by Prof. Alan Stone of the Harvard Law School. I urge that the law should require that the defendant be required to prove that at the time of the conduct charged "as a result of severe mental disease or defect he lacked substantive capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law." In this way, we can tighten down the test of the American Law Institute's Model Penal Code.

After another controversial acquittal almost 140 years ago in the famous case of Daniel M'Naghten, Lord Chief Justice Tindal responded to the questions propounded by the House of Lords by suggesting:

> (J)urors ought to be told in all cases that every man is to be presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that to establish a defence on the ground of insanity, It must be clearly proved that, at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.

Daniel M'Naghten's case, 8 Eng. Rep. 718, 722 (1834) (emphasis added).

By establishing insanity as an affirmative defense excusing the defendant of criminal responsibility, we can constitutionally place upon the defendant the burden not only of going forward but of persuasion. Although the federal courts have since the 1895 decision of Justice Harlan in *Davis* v.

United States, 160 U.S. 469 (1895), imposed upon the Government the burden of proof once the issue of the defendant's sanity is raised, they have done so not as a matter of constitutional law, but as a supervisory rule applicable only in the Federal courts. This is apparent from two subsequent Supreme Court decisions upholding State law from constitutional attack.

In 1952, the Supreme Court upheld an Oregon statute that not only placed the burden of proving his insanity defense on the defendant but required the defendant to provide his insanity beyond a reasonable doubt, a much more exacting standard than the one we propose. *Leland* v. *Oregon*, 343 U.S. 790 (1952). Notwithstanding the doubts entertained by commentators, this case has never been overruled. Cf. *Rivera* v. *Delaware*, 429 U.S. 877 (1979) (dismissal of case in which appeallant challenged continuing validity of Leland against Oregon for not raising substantial Federal question).

More recently, in 1977 the Supreme Court held in *Patterson* v. *New York*, 432 U.S. 197 (1977), that New York laws placing the burden on the defendant to establish the analogous affirmative defense of extreme emotional disturbance in order to reduce a crime from murder to manslaughter did not offend the Constitution's guarantee of due process. Justice White, writing for the majority, expressly declined to adopt "as a constitutional imperative, operative countrywide, that a State must disprove beyond a reasonable doubt every fact constituting any and all affirmative defenses related to the culpability of an accused." 432 U.S. at 210.

I suggest that the time has come for Congress to change Federal law and legislatively allocate the burden of proof on the insanity defense to the defendant. The Oregon and New York cases to which I referred lend support to this approach as do the statutes of approximately half the States. See Note, Constitutional Limitations on Allocating the Burden of Proof of Insanity to the Defendant in Murder Cases, 56 B.U.L. Rev. 499, 503-505 (1976).

This legislation goes on to require the defendant to establish his affirmative defense of insanity by clear and convincing evidence. I submit that the prosecution in a criminal case is entitled to proceed as if the traditional rules governing the inference of intent from conduct and the inference that a person ordinarily intends the natural and probable consequences of his actions apply. As Chief Justice Burger observed:

> The function of the standard of proof, as that concept is embodied in the Due Process Clause and in the realm of factfinding, is to "instruct the fact finder concerning the degree of confidence our society thinks he should have in the correctness of factual conclusions for a particular type of adjudication." In re Winship, 397 U.S. 358, 370 (1970) (Harlan, J., concurring). The standard serves to allocate the risk of error between the litigants and to indicate the relative importance attached to the ultimate decision.

Addington v. *Texas*, slip op. 4 (U.S. April 30, 1979). We believe it is appropriate to require the defendant to prove in an after-the-fact presentation of such an abstract and obtuse defense as insanity that a high probability exists that he was insane at the time of his conduct in order for him to escape responsibility for his crime. Accordingly, we would place on the defendant the burden of meeting a standard of proof by "clear and convincing evidence." This standard is the middle ground between the traditional standard of proof "by a preponderance" used in civil cases and the more exacting standard of proof "beyond a reasonable doubt," which the prosecution must meet in criminal cases.

In the course of our hearings we also focused on the need for Federal authority to fulfill the Federal Government's responsibility to the public in the wake of an acquittal by reason of insanity. The current absence of Federal commitment authority makes it possible for a Federal defendant acquitted of a violent crime on account of insanity to walk out of the courtroom and threaten the public safety, again. The Department of Justice informs me that this is more than a theoretical possibility and that in 1981 a Federal defendant acquitted of murder by reason of insanity escaped not only criminal punishment but civil commitment, as well. By providing Federal commitment authority we remedy a serious failing of our Federal criminal justice system.

Our chief concern in this regard is that we insure a long-term continuation of court jurisdiction over the Federal defendant acquitted by reason of insanity in order to insure his treatment, incapacitation while a threat to society beyond the reach of the criminal laws, and his carefully monitored and staged reintegration into society under the necessary medical care and treatment.

I suggest that post-acquittal authority is most readily justifiable constitutionally when the jury returns a special verdict of not guilty by reason of insanity after trial in which defendant bore the burden of proof on this issue. Such a finding can then serve post-trial to justify the inference that the defendant continues to suffer from a mental disability requiring care and, most importantly, following acquittal for a violent crime, when he may continue to present a threat to the safety of others beyond the reach of the criminal law. In this setting the Federal defendant excused from criminal responsibility on the basis of insanity can be required to submit to examination and conditions designed to control his violent behavior.

The legislation we propose today includes a new section 4243 that will protect the public from dangerous Federal defendants acquitted only by reason of insanity by establishing procedures to insure their commitment to care and treatment so long as they continue to create a substantial risk to the community.

Finally, I wish to emphasize a final point of concern to me—the influence of the psychiatric testimony that has come to dominate insanity cases. The reallocation of the burden of proof and exacting standard of proof we recommend will go a long way toward remedying the current problem in Federal law governing the insanity defense because a defendant will no longer be able to escape just punishment by creating confusion or concocting a conflict between teams of expert witnesses. It is precisely because the question of legal insanity is not a scientific or a clinical conclusion that it is propounded to the jury. For this reason, it must be more clearly enunciated as an issue for the jury and reserved to the jury.

I encourage our Federal judges to make full use of Federal Rules of Evidence 701 and 702 to confine both expert and other opinion testimony to matters helpful to the jury and to utilize Federal Rule of Evidence 403 to exclude evidence that is confusing, cummulative or a source of undue delay. The role of expert and opinion testimony at trial must be better controlled.

To a great extent, the various modern reformulations of the insanity defense are each attempts to confine medical testimony while preserving to the jury its province as final arbiter. From Durham to McDonald to Washington to Brawner to Hinckley even in this, one of the leading Federal circuits, the courts have not been successful in restraining the influence of psychiatric speculation. I am hopeful that our statutory definition of insanity, the first in our 200-year history, will go a long way toward limiting the role of the batteries of expert witnesses that have come to dominate insanity trials and have led to the perception that it is a rich man's defense.

This legislation presents us with a challenge to correct several current failings of our criminal laws. It is most unfortunate that it takes the wounding of a President and the acquittal of his attacker in a verdict that the overwhelming majority of Americans viewed as unjust, to present this opportunity for action. We should not accentuate the tragedy by failing to seize this historic moment.

I was honored to appear before the House Committee on Criminal Justice on July 21 as it began its hearings on

these matters. Those hearings were concluded last week and their distinguished chairman (Mr. CONYERS) has scheduled a markup on insanity defense legislation for next week. I am encouraged to note that the subcommittee chairman has himself introduced a bill, H.R. 6783, that includes each of the components of the joint legislation we introduce this morning. I, therefore, have every confidence that prompt Senate action will be mirrored in the other body and suggest that this is a matter on which good faith, bipartisan legislative efforts can succeed in the enactment of much needed changes in the Federal criminal justice system. The public deserves no less than our conscientious attention to this important legislation.

Mr. THURMOND. Mr. President, I also ask unanimous consent that the record remain open for the purpose of adding further original cosponsors until the close of business today.

The PRESIDING OFFICER (Mr. WARNER). Without objection, it is so ordered.

Mr. CHILES. Mr. President, will the distinguished Senator from South Carolina add me as a cosponsor to the bill he is introducing this morning?

Mr. THURMOND. Mr. President, I ask unanimous consent to add the distinguished Senator from Florida as a cosponsor of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I send a bill to the desk and ask unanimous consent that it be read twice after which I shall object to the further consideration of the bill and ask that it be placed directly on the calendar.

Mr. ROBERT C. BYRD addressed the Chair.

The PRESIDING OFFICER. The unanimous-consent request is pending.

The minority leader is recognized.

Mr. ROBERT C. BYRD. Mr. President, I call attention to the fact that bills are not supposed to be introduced until the period for morning business.

So for that reason I could object to the introduction of the bill at this point or even during this calendar day. I will not do that.

I will not object to the first and second readings of the measure if I may have the same privilege accorded on behalf of two bills which I want to introduce on behalf of two other Senators, one by Mr. KENNEDY which deals with funding for public works infrastructure employment, and one which is by Mr. METZENBAUM which deals with extended supplemental unemployment benefits.

So, if we can work out an arrangement whereby both the measure which Mr. THURMOND and the measures which I have referred to can be given first and second readings and objected to and go on the calendar on the next legislative date or if he wishes to ask unanimous consent that the measures be put directly on the calendar, I would have no objection with that provided the same courtesy could be shown in regard to the measures I have referred to.

Could we work the thing out along that line?

Mr. THURMOND. Mr. President, I understand the majority leader wanted to be present and maybe we should have a quick quorum to give him time to get here.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. The pending request will be withheld until such time as we resolve the matter, and I believe the majority leader will be here momentarily.

Mr. THURMOND. Mr. President, I will be pleased to withhold that request until after this matter is settled then.

Mr. President, I shall suggest the absence of a quorum to give the majority leader time to get here.

Mr. SPECTER. Mr. President, I wonder if the distinguished Senator from South Carolina would defer on his request for the suggestion of the absence of a quorum also so that we might proceed while we await the majority leader's arrival.

The PRESIDING OFFICER. The parliamentary situation is as follows:

There are pending unanimous-consent requests to ask that those not be passed upon until such time as the majority leader arrives. Also under the previous order there is a 15-minute allocation of time to the Senator from Florida. The Chair understands that the Senator from Florida has deferred the order of priority to the Senator from Pennsylvania.

RECOGNITION OF SENATOR SPECTER

The PRESIDING OFFICER. Unless there is objection, the Senator from Pennsylvania may proceed with his special order until such time as the arrival of the majority leader.

Mr. SPECTER. I thank you, Mr. President.

THE MIDDLE EAST

Mr. SPECTER. Mr. President, observations and discussions during a 3-day visit to Lebanon and Israel on behalf of the Foreign Operations Subcommittee of the Appropriations Committee suggest that prospects are good for peace in the Middle East and U.S. political leadership is more important than financial assistance.

Some conclusions, although they are preliminary, on some key issues are:

First, President Reagan and Prime Minister Begin should meet at the earliest practical moment—in any event no later than November when Mr. Begin has plans to be in Los Angeles—to reestablish their personal diplomacy which could bridge some apparent but unreal differences and set the stage for further negotiations on the positive aspects of Mr. Reagan's proposals and some valid issues raised by Mr. Begin's objections.

Second, there is significant support for President Reagan's proposal in Israel, but additional attention must be given by the United States to legitimate Israeli security concerns, and appropriate assurances must be given that Jerusalem will not be divided and that there will not be a new, separate Palestinian State.

Third, the United States should not appropriate further aid for Lebanon until a comprehensive plan is formulated, and we see the precise participation by others in the financial community including the Arab nations, the European Community and, most importantly, what the Lebanese Government plans to do for itself.

Fourth, the United States should assist Lebanon's President-elect Bashir Gemayel in achieving national unity in Lebanon between the Christian and Moslem factions including our closely monitoring the discussions on an Israeli-Lebanese peace treaty to strike the proper balance between leaving Mr. Gemayel sufficient time for unifying Lebanon and not losing the opportunity for that important treaty.

Mr. James Bond, staff director of the Foreign Operations Subcommittee of the Senate Appropriations Committee, Paul Michel, Esq., of my staff and I arrived in Beirut in the afternoon on Friday, September 10, on the last helicopter flight provided from Cyprus a few hours after the last of the U.S. Marines had left Lebanon. Before our flight from Ben Gurion Airport on Monday, September 13, we had visited Beirut—both East and West—driven down the coastal highway to Tel Aviv with brief stops in Damur, Sidon, and Tyre and met with:

In Lebanon: President-elect Bashir Gemayel; President Ilyas Sarkis; Foreign Minister Fouad Butros; and Dr. Muhammad Atallah, President, Council of Development and Reconstruction.

In Israel: Prime Minister Menachem Begin; Labor Party leader Shimon Peres; Yehuda Ben-Meir, Deputy Foreign Minister; and Hanon Baron, Deputy Director General, Ministry of Foreign Affairs.

Prior to these meetings we were briefed and received excellent assistance from Ambassadors and staff:

Lebanon Embassy briefings by: Chargé d'Affaires Robert Barrett; Deputy Chief of Mission Robert Pugh; Political Section Chief Ryan Crocker; Defense Attaché Col. Winchell Craig; Habib Mission Representative Jock Covey; Control Officer Douglas

Greene; AID Director William McIntyre; and Economic/Commercial Section Chief Hunt Janin.

In Cyprus, Ambassador Dillon.

Israel Embassy briefings by: Ambassador Samuel Lewis.

On the day before yesterday, I had the opportunity to meet with Prime Minister Begin for more than an hour. After observing the intensity of Mr. Begin's feelings and noting the escalating rhetoric in the international media, I believe President Reagan and Prime Minister Begin should meet face-to-face. Like the nations they lead, these men have been allies and good friends. There is merit in some of the President's proposal; there is merit in some of the Prime Minister's objections. But if the public argument continues at long distance, the alliance may continue to deteriorate.

The new issue of Time magazine pictures a stern Menachem Begin with a caption "Begin Digs In—A Defiant No To Reagan's Peace Plan". It describes the Prime Minister as being in a rage. Sitting with Mr. Begin for more than an hour on Sunday evening, I found him to be reasoned and calm, but quite firm. His attitude reflected the special kind of hurt, rather than anger, which arises from a relationship between friends.

While it is clear that Mr. Begin intends to stand by his principles, it was obvious to me that he has been deeply saddened by the controversy with his good friend, Ronald Reagan. It is well known that these men are on a first name basis with the President calling Mr. Begin "Menachem" and insisting that the Prime Minister call him "Ron." An unusual, special and friendly relationship has developed between these leaders, as between the nations they lead.

It is no secret that Mr. Begin was offended by Mr. Reagan's reference to the Israeli action in Lebanon as a holocaust. The word holocaust has an historic meaning for Mr. Begin. During the middle of our conversation, Mr. Begin left the room to bring in a newly acquired book with pictures of the real Holocaust. For several minutes he turned page after page pointing to the faces of children, women and the elderly who were led to the gas chambers by the Nazis.

It is also no secret that Mr. Begin deeply resented the advance notice given to King Hussein of Jordan. He was also offended by the President's refusal to delay his September 1 speech which came only 1 day after Mr. Begin was notified.

In our conversation, Mr. Begin's major point of emphasis, and there were many points of emphasis, was that Israel would not yield to threats or intimidation. I responded that I was sure that President Reagan has not intended to threaten or intimidate, but had outlined a position to guide negotiations.

As I see it, there are major misunderstandings which could be resolved or, at least, clarified by personal diplomacy between these two men of good will. When the President calls for the Arabs in Jerusalem to vote in a West Bank election, Prime Minister Begin draws an inference of a divided Jerusalem. Similarly, Mr. Begin expressed grave concern abut the implications of Arab control over internal security on the West Bank. The Prime Minister dwelt on the President's assertion that there should not be a single new settlement on the West Bank, which Mr. Begin viewed as an extraordinary restriction.

If a face-to-face meeting does not occur reasonably soon, personal relations are likely to sour. Efforts to apply public pressure by the Reagan administration may prove counterproductive. While Secretary of State Shultz has every right to seek support at the high-level UJA dinner 2 days ago, such action may intensify resistance in Israel.

By the same token, a face-to-face meeting between the President and the Prime Minister would be most useful before the debate within Israel proceeds. Public opinion polls are interpreted to say that a majority of Israelis favor giving up West Bank territories for negotiated guarantees of peace and security. The President's proposal has taken key aspects of the Israel Labor Party's plan. It is likely that there would be greater flexibility with a meeting between President Reagan and Prime Minister Begin at an early date before the debate hardens positions within Israel itself.

When I asked Mr. Begin when he next planned to be in the United States, he stated that he would be in Los Angeles in November for a bond dinner. While he said that he thought it inappropriate to invite himself to the White House, it was clear that the Prime Minister would welcome such an invitation.

It is true that Mr. Begin has said that he would not discuss President Reagan's proposal. However, if the two men sit down to talk it would be inevitable that the discussion would include all aspects and differences of opinion.

Much of President Reagan's proposal would be of great benefit to the State of Israel. Recognition of Israel by the Arab States is long overdue. Mr. Begin has raised legitimate concerns on security issues, and the future of Jerusalem. Little should be lost by a face-to-face meeting, but much could be gained.

The most encouraging aspect of our meeting was Prime Minister Begin's statement that he anticipated a long period of peace in the Middle East. As he did on a number of matters, Mr. Begin spoke in biblical terms of 40 years of peace, adding that it could be as long as 60 years or as short as 10 years. His optimism arose from the demonstrated superiority of Israeli military power, the crushing of the PLO, the solidity of the peace treaty with Egypt and the absence of any other formidable military power in the Arab world. And, he expressly discounted the likelihood of any Soviet military initiative in the area. Succinctly stated, Mr. Begin said Israel would attack no one, and no one would attack Israel.

Mr. Begin restated Israel's intention to leave Lebanon as soon as Syria withdrew its military forces. Discounting Syrian goodwill, Mr. Begin stated that Syria would leave without provoking further fighting because it was well known that Damascus lay within range of Israeli artillery embankments in the mountains of Lebanon overlooking that city.

Mr. Begin reviewed the troubled history of Lebanon, detailing the rival religious factions. He expressed hope and confidence that President-elect Bashir Gemayel would be able to unify the country. When I told him of Mr. Bashir Gemayel's statement to me on the previous day concerning his deep concern that pressure from Israel for an immediate peace treaty with Lebanon would undermine Gemayel's ability to achieve national unity between Christians and Moslems, Mr. Begin said he would like the peace treaty concluded, but would put no pressure on Lebanon. Mr. Begin repeated this statement at a news interview immediately following our meeting.

On the subject of President Reagan's initiative on the Palestinian issue, Prime Minister Begin raised four contentions that Mr. Reagan's proposals were outside the Camp David Accord:

First, there had been no mention of Jerusalem, whereas Mr. Reagan's proposal called for the Arabs in Jerusalem to vote in the West Bank elections which implied a partition of Jerusalem;

Second, internal and external security were lumped together in the Camp David Accord whereas Mr. Reagan's plan gave the Arabs increasing control over internal security;

Third, the Camp David Accord did not ban new settlements on the West Bank after a 3-month moratorium, whereas Mr. Reagan called for not a single new settlement; and

Fourth, the Camp David Accord did not stipulate a final disposition of the West Bank whereas Mr. Reagan called for some jurisdiction in Jordan.

Although not mentioned by Mr. Begin, others commented that Mr. Begin probably reacted angrily to Mr. Reagan's initiative because it came vir-

tually simultaneously with Israel's success in ousting the PLO, leaving Mr. Begin no opportunity to savor the victory or enjoy a brief respite before facing a new crisis.

During our discussion, Mr. Begin stressed the danger to Israeli security if the Arabs controlled any of the West Bank. When I asked Mr. Begin about the issue of aid to Israel which was pending before the Foreign Operations Subcommittee, Mr. Begin responded that this was not the time for Israel to make requests and that the subcommittee knew the details of Israel's needs.

Later on Sunday evening, we met with Mr. Shimon Peres, leader of the Labor Party, who forcefully disagreed with Mr. Begin on the security issue. Mr. Peres insisted that there could be a demilitarized zone on the West Bank just as there was under the agreement with Egypt on the Sinai. Pointing out that Mr. Reagan's proposals were fashioned largely from the Labor Party's earlier proposals, Mr. Peres noted that public opinion polls showed that a majority of Israelis favored territorial concessions as a means of solving the West Bank controversy.

Our meeting with President-elect Bashir Gemayel took place at the Presidential residence in Beirut, Lebanon, on a hilltop overlooking East and West Beirut where earlier in the morning we had met with outgoing Lebanese President Ilyas Sarkis. With inauguration on September 24, Mr. Gemayel's attention was concentrated almost exclusively on the vital task of integrating the Moslem factions with his own Christian factions and ending the 8 years of civil war between them. We met Mr. Gemayel only moments before his first and fateful official meeting with Saheb Salem, the most prominent Moslem leader. A young man of only 34 years of age, Mr. Gemayel appeared apprehensive, although very determined and acutely aware of the overriding importance of his being President of all the Lebanese. Trained as a lawyer and educated partly in the United States, he spoke with clarity, directness and candor.

My very first question was what financial assistance he felt he needed to succeed. He brushed aside the issue, saying he was much more concerned with the political assistance from the United States to gain time. He asserted that the Israeli Government was pressuring him for an immediate peace treaty between the two countries even while Israeli forces occupied the southern part of Lebanon and Israeli, Syrian and PLO forces faced each other in the central part. He said signing a peace treaty now would undermine his credibility as an independent leader and his efforts to form a national coalition with Moslem factions. I promised to convey his plea to United States and Israeli officials which I did.

Mr. Gemayel stressed that next to time to build Lebanese unity, he needed U.S. assistance to secure the withdrawal of all foreign forces. Northern Lebanon is effectively under the control of PLO forces in many areas. In central Lebanon and the Bekaa Valley which lies between mountain ranges near the border with Syria, large concentrations of PLO forces are behind Syrian lines which face Israeli lines. In the south, the Israeli Army is in complete control. Mr. Gemayel suggested that while the parties seemed to accept the principle of essentially simultaneous withdrawal, each seemed to expect the other to go first. Agreement on phased withdrawal of portions of each force seeded logical, but was not forthcoming. U.S. diplomatic efforts were needed, he indicated, to advance and assure this process. Ambassador Morris Draper with whom I met before leaving Washington was due the next day in Lebanon to continue the Habib mission and specifically to negotiate simultaneous withdrawal.

Mr. Gemayel did not cite physical damage or destruction as a critical problem. He was concerned with strengthening and upgrading the 23,000-man Lebanese Army to enable it to assume control of parts of Lebanon as foreign forces withdraw. Some U.S. advice or technical assistance might be needed. He did, however, note that general economic assistance to rebuild the country would also be welcome. He said that in addition to the destruction from the fighting this summer, much damage remained unrepaired from the 1975–76 civil war and sporadic fighting since then. Moreover, because no maintenance of the infrastructure had been carried out, equipment was deteriorating, broken or missing. But this need was secondary to the need for political unity. Mr. Gemayel said that "if the Government of Lebanon fails now to reunify and reunite the country," economic progress will not suffice. Without a national consensus among all Lebanese, "everything will be destroyed."

As to economic needs, Mr. Gemayel reported he expected most of the necessary financing from abroad to be provided by Saudi Arabia and Kuwait. But a premature or forced peace treaty with Israel would preclude this assistance.

Eighteen hours after concluding the meeting with Mr. Gemayel and after traveling southward on the coastal highway viewing war damage, we met in Jerusalem with Prime Minister Begin. I conveyed my impressions of Mr. Gemayel and his fear of a treaty ending any chance for national reconciliation. Initially, Mr. Begin indicated irritation that an immediate peace treaty was not forthcoming. The issue was discussed extensively as Mr. Begin and I exchanged views and impressions on Mr. Gemayel and the difficulty of the task he and Lebanon faced. Mr. Begin acknowledged the toll of years of fighting, saying "people are tired in Lebanon; Lebanon is tired of civil war." Mr. Begin saw some hope of Lebanese unification and agreed on its importance to Israel as well as Lebanon.

Mr. Begin, however, stressed that "a peace treaty was very important to Israel now". He said he wondered if the Gemayel was just using Moslem objections as an excuse. But finally Mr. Begin said, regarding the peace treaty, "we are not going to press him on that."

In Lebanon, we also met with outgoing President Sarkis in the large ornate marble-floored office that Mr. Gemayel will soon use. President Sarkis seemed exhausted by the years of fighting and foreign occupation and despondent about the war damage in Beirut and throughout Lebanon. He talked very slowly and softly. He stressed the suffering because of the "dead end in which Lebanon had found itself for the last 8 years." He said "the country had been destroyed materially, physically, and morally." In his view, "no other country has ever been so destroyed."

As to a peace treaty with Israel, he said there should be no treaty now and no separate peace. "There must be an overall peace settlement", he said. A separate peace between Israel and Lebanon would "only push neighboring countries to extremism" and lead to the isolation of Labanon from the Arab world.

President Sarkis called the presence of Palestinian refugees in Lebanon not satisfactory. He said, "we received them not happily." A home for them must be found somewhere else if Lebanon with its multiplicity of Moslem and Christian factions is to achieve political equilibrium. On a more hopeful note, he thought Lebanon could rid itself of foreign forces and revive its economy if the major powers, especially the United States, provided leadership and assistance.

We also went to the Foreign Ministry to meet Minister Fouad Butrus. He stressed the view at Fez that for a normalization of relations between Israel and its neighbors, Soviet involvement in the peace process was essential; otherwise, Syria and such nations as South Yemen, Algeria, and the PLO would not cooperate. When I advised him that this involvement would never come to pass and inquired as to why he thought it was so important to Arab States, he alluded to the power of the Soviet Union to veto resolutions in the U.N. Security Council as well as to dissuade certain Arab States from cooperating. Only a joint effort could

succeed in establishing a general and durable peace. As to the possibilities of bilateral peace treaties he predicted that neither Jordan nor Lebanon would feel free to proceed alone.

In Beirut we also met at length with Muhammad Atallah, President, Council of Development and Reconstruction. He estimated the total need to finance full reconstruction of public facilities damaged in the past 8 years at $12 billion. Another $12 billion would be needed for privately owned facilities, he thought. He noted that following earlier fighting, the Arab nations in 1979 had pledged $2 billion although only about $300 million has been transferred to date. But all estimates on needs beyond emergency relief were highly speculative, as he acknowledged. He stressed that relief needs had already been met by and large. No projection of any further relief could be made until comprehensive surveys not yet begun had been completed. Even the use to which prior U.S. assistance had been put could neither be fully documented nor determined. He did say that the United States had given $15 million of a total of $90 million in relief funds.

The primary need from the United States, he said, was not money, but technical advice and managerial capability. The necessary financing could be obtained, he thought, from private sources in Lebanon and around the world, from the European Economic Community, from international institutions such as the World Bank and especially from major Arab oil states.

During several automobile tours of areas in West and East Beirut where fighting took place, we observed localized areas of severe destruction where PLO forces had been encamped. A number of PLO refugee camps had been reduced to ruble. Heavy damage was also in apartment buildings used by PLO. Yet from the more distant view from the American Ambassador's residence above the city, Beirut appeared to be an enormous city with thousands of medium-sized buildings, the overwhelming number of which were not heavily damaged or damaged at all. The visual impression was supported by casualty figures from Lebanese sources for civilians indicating that between 750 and 800 were killed although earlier accounts in the press included figures up to 10,000.

Along the coastal highway leading south from the city, we also saw certain areas of severe destruction, including parts of Sidon, Tyre and numerous small villages along the roadway which was the route taken by Israeli forces as they advanced northward. The hillside city of Damour, which had once had a population of 30,000 people, was totally unpopulated. It had been the scene of PLO-Christian fighting and recently Israeli bombing. Not a single building in this town seemed to have escaped major damage rendering it unusable.

Along much of the highway, small shopkeepers in cities and rural areas seemed to be doing business briskly in well supplied stores. While the roadbed itself was damaged in a number of areas, it was perfectly usable and had been reopened quickly after the fighting ended with rubble, debris and many burned-out vehicles plowed over to the side. The general sense was that at least for most people, normalization was returning rapidly. On the coastal highway, and even more so in Beirut, traffic was so heavy as to indicate substantial economic activity.

I acknowlege my thanks to the distinguished Senator from Florida (Mr. CHILES) for agreeing that I might precede him on this special order. I thank the Chair and I yield the floor.

RECOGNITION OF SENATOR CHILES

The PRESIDING OFFICER. Under the previous order, the Chair now recognizes the Senator from Florida for a period not to exceed 15 minutes.

THE CRIME CONTROL ACT OF 1982

Mr. CHILES. Mr. President, for nearly 4 months now, Senator NUNN and I have been coming to the floor of the Senate to speak out about crime. There are several bills that would help fight crime currently pending on the Senate calendar. All we need to do is to take those bills off the calendar, pass them, and work with the House to get them passed into law. There is little time left in this session, but it is hard to imagine any single issue that is more worthy of the Senate's attention than the need to fight crime and to reform our criminal justice system.

Over the past several weeks, I have talked about the many organizations—both those representing law enforcement officials and those representing persons who are concerned about the alarming crime rate—who have come out in support of the anticrime bills now pending on the Senate Calendar. Just this weekend, another voice was added to those who have been speaking out about the need to pass crime fighting legislation. That voice was a particularly important one. It was the voice of the President of the United States. On Saturday, President Reagan made a nationwide address devoted entirely to the need for action on crime. Those of us who have been pushing for action on crime are rightfully encouraged and delighted with what the President has to say. He reaffirmed his support for the bipartisan crime package, S. 2572, which is now pending on the Senate Calendar. And he went on to propose three other changes in our criminal justice system, changes which are strikingly similar to reforms already pending before the Congress. First, he proposed a modification to the so-called exclusionary rule, which would bring the operation of the rule more in line with the purposes the rule is designed to promote. The exclusionary rule was designed to deter illegal police searches and seizures by preventing any evidence seized during an illegal search from being used against someone at trial. In operation however, the rule has been used mechanically, without regard to its underlying purpose. As a result, crucial evidence is often excluded from trial due to a purely technical violation of the search and seizure rules by the police. The President's proposal would specify that good faith searches conducted by the police which nevertheless violated the search and seizure rules would not be subject to the exclusionary rule.

The second of the President's proposals is a reform of the insanity defense. The verdict in the Hinckly trial emphasized once again the need for a fresh look at the insanity defense. The President's proposal focuses on the mental state needed for a specific crime, and specifies that the insanity defense would apply only if the defendant's mental disease prevented him from having the mental state needed to commit the crime. This is, I believe, a good approach. There are other good approaches before the Congress as well. Senator NUNN and I have introduced an insanity defense reform bill, S. 2678, which also limits the reach of the insanity defense. In addition, Senator THURMOND and other members of the Senate Judiciary Committee have come forward with an insanity reform bill that would also tighten the defense. All of these proposals are good ones, and they all underscore the need for prompt congressional action to reform the insanity defense.

The third reform proposed by the President was one which is particularly pleasing to me. It would limit the Federal habeas corpus statute for State prisoners, thereby creating a greater sense of finality for State court criminal judgments. His proposals appear to be similar to those in title 4 of S. 2543, and to those in S. 2838. Both of these habeas reform bills are presently pending on the Senate Calendar. I introduced one of the proposals, and am a cosponsor of the other one. Needless to say, I welcome the President's proposals, and agree with him that they merit prompt action.

Mr. President, in the final analysis, what is really important about the President's speech is that he believes that the issue of crime merits national attention, and prompt congressional action. He has added his voice and his

support to our efforts to fight crime and to make our towns and cities safe once again.

Mr. President. I had the opportunity well over a year ago—almost a year and a half ago—along with 13 other Senators to visit the President of the United States to tell him of what we thought was the pressing need for stringent legislation to fight crime and to seek his support. I am glad that he has heeded that urging that we made and that we now see the President speaking out nationally against this issue.

I urge my colleagues to listen to the President's words, and to act promptly on crime legislation. Time is running short, but there is still time enough to act.

I would now like to discuss for a few moments one of the areas where the President has called for reforms: The Federal habeas corpus laws for State prisoners. Today's habeas laws have created an entirely new system of appeals, appeals which do not even begin until after a person has been convicted and has lost every one of this appeals. There are no time limits on filing habeas petitions, and a person is free to file as many petitions as he wishes to file.

Moreover, there is no real requirement that the person who files a habeas petition allege that he is innocent, or that his original trial was patently unfair. Supreme Court Justice Lewis Powell, in a speech last month to the American Bar Association, brought up an example of one individual who had some 30 separate habeas claims pending before the Supreme Court last year.

Today's system, with its uncontrolled availability of habeas corpus petitions to prisoners, has many bad effects upon the criminal justice system. The single most serious effect, in the eyes of many observers, is the burden habeas petitions places on the system. In 1979, the Justice Department made a statistical study of the use of Federal habeas corpus petitions by State prisoners. One part of that study looked into the resources used in connection with habeas petitions. It concluded that Federal habeas review of State court judgments uses enough resources to make its duplicative and inefficient character a matter of concern.

The study outlined some of the costs to the courts. Each habeas petition, and there are about 7,000 filed each year, must be considered and disposed of by the Federal court. Federal magistrates had to write reports and recommendations for some 45 percent of all petitions filed, and had to draft opinions for the Federal court in over 16 percent of all habeas claims. The courts ended up holding a hearing of some kind in 6 percent of all cases, and had to write a memorandum or an opinion in almost 39 percent of all cases. More than 25 percent of all the Federal district court habeas decisions ended up being appealed, and those appeals added to the already overcrowded dockets of the Federal appeals courts. On the appeals court level, the courts had to write opinions in 42 percent of the cases, and heard legal arguments in 25 percent of the cases. The study went on to observe that the State had to bear significant expenses in a large number of habeas cases. In 53 percent of all cases, the State had to put together a set of records concerning the case. In 61 percent of the cases it had to respond to the factual claims raised in the habeas petitions, and 55 percent of the cases, it had to file a brief in response to the habeas petition. In over 8 percent of the cases, the State or Federal Government also picked up the cost of an appointed lawyer for the habeas petitioner.

Mr. President, these numbers add up to a tremendous drain on our judicial system, especilly when you realize that only 3 percent of the petitions filed are ever successful. Judges, magistrates, State attorneys, defense attorneys, and court personnel end up spending countless hours each year going around and around working on these petitions. And all of that time, and all of that money, is taken away from current cases. Judge Henry Friendly commented on the burden the current habeas corpus system places on our court system. He said:

> Indeed, the most serious single evil with today's proliferation of collateral attack is its drain upon the resources of the community—judges, prosecutors, and attorneys appointed to aid the accused, and even of that often overlooked necessity, courtrooms. Today of all times we should be conscious of the falsity of the bland assumption that these are in endless supply. Everyone concerned with the criminal process, whether his interest is with the prosecution, with the defense, or with neither, agrees that our greatest single problem is the long delay in bringing accused persons to trial. The time of judges, prosecutors, and lawyers now devoted to collateral attacks, most of them frivolous, would be much better spent in trying cases. To say we must provide fully for both has a virtuous sound but ignores the finite amount of funds available in the face of competing demands.

The Senate has a chance to do something about the shortcomings in today's habeas corpus system, to streamline the system, and to make sure that our limited judicial resources are put to their best use. We can do that acting on either one of two habeas corpus reform bills now on the Senate Calendar. The first, title 4 of S. 2543, is similar to a proposal Senator THURMOND and I introduced last year. The second, S. 2838, was introduced by Senator THURMOND and is cosponsored by both Senator NUNN and myself. It is similar to the habeas corpus reforms offered by the administration earlier this year. Either bill would go a long way toward reducing the burdens the current habeas corpus system places on our court system. Furthermore, either bill could be called up at any time. But the opportunity to call up either bill is slipping away. With as few as 14 days left in this session, we still have some time to act, but very little. If we fail to act, the Senate will be letting down all of the people from across the country, including the President, who have called for reform of this part of our judicial system. Mr. President, I urge my colleagues not to stumble at this opportunity, and to move forward on this important reform.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO TABLING MOTION ON HOUSE JOINT RESOLUTION 520, OR AMENDMENTS THERETO IN ORDER TODAY

Mr. BAKER. Mr. President, not on the matter at hand but on a separate matter, as we have in the past, in order to facilitate debate on the abortion and prayer issues, I hope, I would like to provide that no tabling motion would be in order against the bill or any amendments to the bill today. I make that request at this time.

Mr. President, I ask unanimous consent that no tabling motion be in order to the bill House Joint Resolution 520 or to any amendment thereto during the remainder of this calendar day.

The PRESIDING OFFICER. Is there objection? Without objection it is so ordered.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER PLACING CERTAIN MEASURES ON THE CALENDAR

Mr. BAKER. Mr. President, the distinguished President pro tempore, the Senator from South Carolina (Mr. THURMOND), has two items that he wishes to try to take to the calendar under the provisions of rule XIV. The

distinguished minority leader, I believe, has two bills on other subjects that he may wish to do the same thing to.

In order to facilitate that and to avoid the necessity of tracking the provisions of rule XIV in respect to objections to proceeding to the next stage of their legislative development and the requirement for an intervening legislative day, I am agreeable to putting these four items directly on the calendar.

Mr. President, I am agreeable to putting these four items directly on the calendar as if they had been taken through various stages provided by rule XIV, if the minority leader wishes to proceed in that manner.

Mr. ROBERT C. BYRD. Mr. President, for the record, so that my colleagues on this side will clearly understand, there is no way—no way—that anybody on my side of the aisle can prevent the placing of the President's crime package and the bill which Mr. THURMOND introduced on insanity, from going on the calendar. I can object at this point to their being introduced on this legislative day, but the majority leader has the votes and he can adjourn for a half minute and that cures the first objection. Then the offering of the two measures could be made, the request could also be made that there be a first and second reading, and there could be an objection to the second reading, which would mean that the bill could not be placed on the calendar until the Senate adjourned again.

The majority leader would have used his adjournment weapon once on this legislative day. It could not be used again until tomorrow, but he could use it again tomorrow, after which rule XIV could be used as a mechanism to automatically force the two bills on the calendar.

I hope my colleagues understand that about the only thing we can accomplish is to delay, by a couple of days at most, those bills going on the calendar.

I have been a majority leader and I know how the rules work here. I know what the majority leader can do. He has the votes to adjourn. That is not a debatable motion. If he wants to adjourn this Senate, all he has to do is to have the votes and make a motion. A quorum call can occur before then, but that is all. Then there will be a vote on adjournment.

For any who might wonder why I give unanimous consent to the request of the majority leader, there it is in the record. If any Senators want to check with the Parliamentarian to see if I am correct, they can do so.

I have used this procedure many times and I know whereof I speak. Therefore, I have no objection to the placing of the two bills on the calendar that the majority leader has made reference to, provided the same clearance may likewise be given to a bill by Mr. KENNEDY which deals with funding for public works infrastructure employment, and one by Mr. METZENBAUM dealing with extended supplemental unemployment benefits, so that all four bills would go on the calendar.

Mr. BAKER. Mr. President, I thank the minority leader. As usual, his statement of the procedural situation is absolutely correct. I observed with great interest his efforts to proceed in a similar way during his tenure as majority leader. I must confess what little I know about the rules of the Senate I learned from him. I appreciate his statement, and, in fact, I concur in it. I hope there will not be an objection.

Now, Mr. President, I will make the request as to those two bills to be offered by the Senator from South Carolina, but I will condition it on no objection occurring to the request which I believe will be made by the minority leader.

Mr. President, I ask unanimous consent that two bills to be offered by the Senator from South Carolina (Mr. THURMOND), to wit, S. 2902 and S. 2903, one being the insanity defense and the other being the President's crime package, be placed on the calendar; provided further that such action occur if there is no objection to the request about to be made by the minority leader in respect to the two measures to be offered by him on behalf of other Senators.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished majority leader for his customary courtesy.

I ask unanimous consent that a joint resolution by Mr. KENNEDY, dealing with funding for public works infrastructure employment, and a bill by Mr. METZENBAUM and others dealing with extended and supplemental unemployment benefits, go on the calendar on the same day.

The PRESIDING OFFICER. Is there objection to the joint unanimous-consent request by the majority and minority leaders?

Without objection, it is so ordered.

Mr. BAKER. Mr. President, I thank the distinguished President pro tempore, I thank the minority leader, and I thank all others for their cooperation.

The PRESIDING OFFICER. If the Chair might interject, the distinguished President pro tempore had three unanimous-consent requests pending at the time we suspended awaiting the arrival of the majority leader. It is my understanding that one has now been covered and there are two others which I presume the President pro tempore wishes to restate.

Mr. THURMOND. Mr. President, as I understand the situation now, the bill (S. 2902) I introduced on the insanity defense a few moments ago has now been ordered placed on the calendar?

The PRESIDING OFFICER. That is correct.

Mr. THURMOND. And the crime package of three bills has also been placed on the calendar?

The PRESIDING OFFICER. That is correct.

Mr. THURMOND. I ask unanimous consent that the distinguished Senator from Florida (Mr. CHILES) be added as a cosponsor of the insanity bill which I have just introduced and which has been ordered put on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, the other request I had was that a copy of the insanity bill that was just introduced and a section-by-section analysis be printed in the CONGRESSIONAL RECORD following my remarks.

The PRESIDING OFFICER. That has been acted upon.

Mr. THURMOND. Mr. President, I ask unanimous consent that the record remain open for the purpose of adding further original cosponsors until the close of business today.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, I have no objection, but I might make the same request with respect to the bills introduced on behalf of Mr. KENNEDY and Mr. METZENBAUM.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. THURMOND. Mr. President, does anybody else on the floor want to be added as a cosponsor?

The distinguished Senator from North Carolina (Mr. HELMS) wishes to be added as a cosponsor and the distinguished Senator from Virginia (Mr. WARNER) desires to be added as a cosponsor to the bill.

Mr. BAKER. Will the Senator add me as a cosponsor, please?

Mr. THURMOND. Mr. President, I ask unanimous consent that these Senators, including the distinguished majority leader (Mr. BAKER), be added as original cosponsors to the insanity defense bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, may I ask has the Senator concluded his business?

Mr. THURMOND. That concludes it, Mr. President, and I want to express my deep appreciation to our able majority leader, and I also thank the able minority leader for his cooperation.

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator from South Carolina.

Will the majority leader allow me to make a parliamentary inquiry, Mr. President?

Mr. BAKER. Yes, Mr. President.

Mr. ROBERT C. BYRD. Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. Mr. President, just for the record, is it not true that bills and resolutions may be introduced only during the period for routine morning business if there is an objection?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

(The measures placed on the calendar are: S. 2902, S. 2903, S. 2904, and S.J. Res. 245. The text of S. 2902 is printed heretofore in today's RECORD. The text of the remaining three measures follow:)

S. 2903—CRIMINAL JUSTICE REFORM ACT OF 1982

(Introduced by Mr. THURMOND, by request.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Criminal Justice Reform Act of 1982."

TITLE I—OFFENDERS WITH MENTAL DISEASE OR DEFECT

SEC. 101. This title may be cited as the "Insanity Defense Reform Act of 1982."

SEC. 102. (a) Chapter 313 of title 18, United States Code, is amended to read as follows:

"CHAPTER 313—OFFENDERS WITH MENTAL DISEASE OR DEFECT

"Sec.
"4241. Determination of Mental Competency to Stand Trial.
"4242. Determination of the Existence of Insanity at the Time of the Offense.
"4243. Hospitalization of a Person Acquitted by Reason of Insanity.
"4244. Hospitalization of a Convicted Person Suffering from Mental Disease or Defect.
"4245. Hospitalization of an Imprisoned Person Suffering from Mental Disease or Defect.
"4246. Hospitalization of a Person Due for Release but Suffering from Mental Disease or Defect.
"4247. General Provisions for Chapter.

"4241. Determination of Mental Competency to Stand Trial

"(a) MOTION TO DETERMINE COMPETENCY OF DEFENDANT.—At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, the defendant or the attorney for the government may file a motion for a hearing to determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist in his defense.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility—

"(1) for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed; and

"(2) for an additional reasonable period of time until—

"(A) his mental condition is so improved that trial may proceed, if the court finds that there is a substantial probability that within such additional period of time he will attain the capacity to permit the trial to proceed; or

"(B) the pending charges against him are disposed of according to law;

whichever is earlier.

If, at the end of the time period specified, it is determined that the defendant's mental condition has not so improved as to permit the trial to proceed, the defendant is subject to the provisions of section 4246.

"(e) DISCHARGE.—When the director of the facility in which a defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. The court shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine the competency of the defendant. If, after the hearing, the court finds by a preponderance of the evidence that the defendant has recovered to such an extent that he is able to understand the nature and consequences of the proceedings against him and to assist properly in his defense, the court shall order his immediate discharge from the facility in which he is hospitalized and shall set the date for trial. Upon discharge, the defendant is subject to the provisions of chapter 207.

"(f) ADMISSIBILITY OF FINDING OF COMPETENCY.—A finding by the court that the defendant is mentally competent to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the offense charged, and shall not be admissible as evidence in a trial for the offense charged. "4242. Determination of the Existence of Insanity at the Time of the Offense.

"(a) INSANITY DEFENSE.—It is a defense to a prosecution under any Federal statute that the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged. Mental disease or defect does not otherwise constitute a defense.

"(b) MOTION FOR PRETRIAL PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—Upon the filing of a notice, as provided in Rule 12.2 of the Federal Rules of Criminal Procedure, that the defendant intends to rely on the defense set forth in subsection (a), the court, upon motion of the attorney for the government, may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) SPECIAL VERDICT.—If the issue of insanity is raised by notice as provided in Rule 12.2 of the Federal Rules of Criminal Procedure on motion of the defendant or of the attorney for the government, or on the court's own motion, the jury shall be instructed to find, or, in the event of a nonjury trial, the court shall find, the defendant—

"(1) guilty;

"(2) not guilty;

"(3) not guilty only by reason of insanity.

"4243. Hospitalization of a Person Acquitted by Reason of Insanity

"(a) DETERMINATION OF PRESENT MENTAL CONDITION OF ACQUITTED PERSON.—If a person is found not guilty only by reason of insanity at the time of the offense charged, he shall be committed to a suitable facility until such time as he is eligible for release pursuant to subsection (d).

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, pursuant to subsection (c), the court shall order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—A hearing shall be conducted pursuant to the provisions of section 4247(d) and shall take place not later than forty days following the special verdict.

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the acquitted person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The existence of clear and convincing evidence that a person's release would create a substantial risk of bodily injury to another person or serious damage to property of another shall be presumed, subject to rebuttal by the acquitted person, where the person has been found not guilty only by reason of insanity of an offense involving bodily injury or serious damage to property of another, or a substantial risk of such injury or damage. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibility. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which an acquitted person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment, would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court shall order the discharge of the acquitted person or, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from this mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as an explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on an acquitted person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"4244. Hospitalization of a Convicted Person Suffering From Mental Disease or Defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF CONVICTED DEFENDANT.—A defendant found guilty of an offense, or the attorney for the government, may, within ten days after the defendant is found guilty, and prior to the time the defendant is sentenced, file a motion for a hearing on the present mental condition of the defendant if the motion is supported by substantial information indicating that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. The court shall grant the motion, or at any time prior to the sentencing of the defendant shall order such a hearing on its own motion, if it is of the opinion that there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c). In addition to the information required to be included in the psychiatric or psychological report pursuant to the provisions of section 4247(c), if the report includes an opinion by the examiners that the defendant is presently suffering from a mental disease or defect but that it is not such as to require his custody for care or treatment in a suitable facility, the report shall also include an opinion by the examiner concerning the sentencing alternatives that could best accord the defendant the kind of treatment he does need.

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect and that he should, in lieu of being sentenced to imprisonment, be committed to a suitable facility for care or treatment, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for care or treatment in a suitable facility. Such a commitment constitutes a provisional sentence of imprisonment to the maximum term authorized by law for the offense for which the defendant was found guilty.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the provisional sentence imposed pursuant to subsection (d) has not expired, the court shall proceed finally to sentencing and may modify the provisional sentence.

"4245. Hospitalization of an Imprisoned Person Suffering from Mental Disease or Defect

"(a) MOTION TO DETERMINE PRESENT MENTAL CONDITION OF IMPRISONED DEFENDANT.—If a defendant serving a sentence of imprisonment objects either in writing or through his attorney to being transferred to a suitable facility for care or treatment, an attorney for the government, at the request of the director of the facility in which the defendant is imprisoned, may file a motion with the court for the district in which the facility is located for a hearing on the present mental condition of the defendant. The court shall grant the motion if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. A motion filed under this subsection shall stay the release of the defendant pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant may be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by a preponderance of the evidence that the defendant is presently suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility, the court shall commit the defendant to the custody of the Attorney General. The Attorney General shall hospitalize the defendant for treatment in a suitable facility until he is no longer in need of such custody for care of treatment or until the expiration of his sentence of imprisonment, whichever occurs earlier.

"(e) DISCHARGE.—When the director of the facility in which the defendant is hospitalized pursuant to subsection (d) determines that the defendant has recovered from his mental disease or defect to such an extent that he is no longer in need of custody for care or treatment in such a facility, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the defendant's counsel and to the attorney for the government. If, at the time of the filing of the certificate, the term of imprisonment imposed upon the defendant has not expired, the court shall order that the defendant be reimprisoned until the expiration of this sentence of imprisonment.

"4246. Hospitalization of a person due for release but suffering from mental disease or defect

"(a) INSTITUTION OF PROCEEDING.—If the director of a facility in which a person is hospitalized certifies that a person whose sentence is about to expire, or who has been committed to the custody of the Attorney General pursuant to section 4241(d), or against whom all criminal charges have been dismissed solely for reasons related to the mental condition of the person, is pres-

ently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available, he shall transmit the certificate to the clerk of the court for the district in which the person is confined. The clerk shall send a copy of the certificate to the person, and to the attorney for the government, and, if the person was committed pursuant to section 4241(d), to the clerk of the court that ordered the commitment. The court shall order a hearing to determine whether the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another. A certificate filed under this subsection shall stay the release of the person pending completion of procedures contained in this section.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247 (b) and (c).

"(c) HEARING.—The hearing shall be conducted pursuant to the provisions of section 4247(d).

"(d) DETERMINATION AND DISPOSITION.—If, after the hearing, the court finds by clear and convincing evidence that the person is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall commit the person to the custody of the Attorney General. The Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried if such State will assume responsibility for his custody, care, and treatment. The Attorney General shall make all reasonable efforts to cause such a State to assume such responsibilty. If, notwithstanding such efforts, neither such State will assume such responsibility, the Attorney General shall hospitalize the person for treatment in a suitable facility, until—

"(1) such a State will assume such responsibility; or

"(2) the person's mental condition is such that his release, or his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would not create a substantial risk of bodily injury to another person or serious damage to property of another;

whichever is earlier. The Attorney General shall continue periodically to exert all reasonable efforts to cause such a State to assume such responsibility for the person's custody, care, and treatment.

"(e) DISCHARGE.—When the director of the facility in which a person is hospitalized pursuant to subsection (d) determines that the person has recovered from his mental disease or defect to such an extent that his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, he shall promptly file a certificate to that effect with the clerk of the court that ordered the commitment. The clerk shall send a copy of the certificate to the person's counsel and to the attorney for the government. The court shall order the discharge of the person or, on the motion of the attorney for the government or on its own motion, shall hold a hearing, conducted pursuant to the provisions of section 4247(d), to determine whether he should be released. If, after the hearing, the court finds by a preponderance of the evidence that the person has recovered from his mental disease or defect to such an extent that—

"(1) his release would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall order that he be immediately discharged; or

"(2) his conditional release under a prescribed regimen of medical, psychiatric, or psychological care or treatment would no longer create a substantial risk of bodily injury to another person or serious damage to property of another, the court shall—

"(A) order that he be conditionally discharged under a prescribed regimen of medical, psychiatric, or psychological care or treatment that has been prepared for him, that has been certified to the court as appropriate by the director of the facility in which he is committed, and that has been found by the court to be appropriate; and

"(B) order, as a explicit condition of release, that he comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment.

The court at any time may, after a hearing employing the same criteria, modify or eliminate the regimen of medical, psychiatric, or psychological care or treatment.

"(f) REVOCATION OF CONDITIONAL DISCHARGE.—The director of a medical facility responsible for administering a regimen imposed on a person conditionally discharged under subsection (e) shall notify the Attorney General and the court having jurisdiction over the person of any failure of the person to comply with the regimen. Upon such notice, or upon other probable cause to believe that the person has failed to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, the person may be arrested, and, upon arrest, shall be taken without unnecessary delay before the court having jurisdiction over him. The court shall, after a hearing, determine whether the person should be remanded to a suitable facility on the ground that, in light of his failure to comply with the prescribed regimen of medical, psychiatric, or psychological care or treatment, his continued release would create a substantial risk of bodily injury to another person or serious damage to property of another.

"(g) RELEASE TO STATE OF CERTAIN OTHER PERSONS.—If the director of a facility in which a person is hospitalized pursuant to this subchapter certifies to the Attorney General that a person, against whom all charges have been dismissed for reasons not related to the mental condition of the person, is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General shall release the person to the appropriate official of the State in which the person is domiciled or was tried for the purpose of institution of State proceedings for civil commitment. If neither such State will assume such responsibility, the Attorney General shall release the person upon receipt of notice from the State that it will not assume such responsibility, but not later than 10 days after certification by the director of the facility.

"4247. General Provisions for Chapter—

"(a) DEFINITIONS.—As used in this chapter—

"(1) 'rehabilitation program' includes—

"(A) basic educational training that will assist the individual in understanding the society to which he will return and that will assist him in understanding the magnitude of his offense and its impact on society;

"(B) vocational training that will assist the individual in contributing to, and in participating in, the society to which he will return;

"(C) drug, alcohol, and other treatment programs that will assist the individual in overcoming his psychological or physical dependence; and

"(D) organized physical sports and recreation programs; and

"(2) 'suitable facility' means a facility that is suitable to provide care or treatment given the nature of the offense and the characteristics of the defendant.

"(b) PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION.—A psychiatric or psychological examination ordered pursuant to this title shall be conducted by a licensed or certified psychiatrist or clinical psychologist, or, if the court finds it appropriate, by more than one such examiner. Each examiner shall be designated by the court, except that if the examination is ordered under section 4245 or 4246, upon the request of the defendant an additional examiner may be selected by the defendant. For the purposes of an examination pursuant to an order under section 4241, 4244, or 4245, the court may commit the person to be examined for a reasonable period, but not to exceed thirty days, and under section 4242, 4243, or 4246, for a reasonable period, but not to exceed forty-five days, to the custody of the Attorney General for placement in a suitable facility. Unless impracticable, the psychiatric or psychological examination shall be conducted in the suitable facility closest to the court. The director of the facility may apply for a reasonable extension, but not to exceed fifteen days under section 4241, 4244, or 4245, and not to exceed thirty days under section 4242, 4243, or 4246, upon a showing of good cause that the additional time is necessary to observe and evaluate the defendant.

"(c) PSYCHIATRIC OR PSYCHOLOGICAL REPORTS.—A psychiatric or psychological report ordered pursuant to this chapter shall be prepared by the examiner designated to conduct the psychiatric or psychological examination, shall be filed with the court with copies provided to the counsel for the person examined and to the attorney for the government, and shall include—

"(1) the person's history and present symptoms;

"(2) a description of the psychiatric, psychological, and medical tests that were employed and their results;

"(3) the examiner's findings; and

"(4) the examiner's opinions as to diagnosis, prognosis, and—

"(A) if the examination is ordered under section 4241, whether the person is suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense;

"(B) if the examination is ordered under section 4242, whether the person was insane at the time of the offense charged;

"(C) if the examination is ordered under section 4243 or 4246, whether the person is

suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another;

"(D) if the examination is ordered under section 4244 or 4245, whether the person is suffering from a mental disease or defect as a result of which he is in need of custody for care or treatment in a suitable facility; or

"(E) if the examination is ordered as a part of a presentence investigation, any recommendation the examiner may have as to how the mental condition of the defendant should affect the sentence.

"(d) HEARING.—At a hearing ordered pursuant to this chapter the person whose mental condition is the subject of the hearing shall be represented by counsel and, if he is financially unable to obtain adequate representation, counsel shall be appointed for him pursuant to section 3006A. The person shall be afforded an opportunity to testify, to present evidence, to subpoena witnesses on his behalf, and to confront and cross-examine witnesses who appear at the hearing.

"(e) PERIODIC REPORT AND INFORMATION REQUIREMENTS.—(1) The director of the facility in which a person is hospitalized pursuant to—

"(A) section 4241 shall prepare semiannual reports; or

"(B) sections 4243, 4244, 4245, or 4246 shall prepare annual reports; concerning the mental condition of the person and containing recommendations concerning the need for his continued hospitalization. The reports shall be submitted to the court that ordered the person's commitment to the facility and copies of the reports shall be submitted to such other persons as the court may direct.

"(2) The director of the facility in which a person is hospitalized pursuant to sections 4241, 4243, 4244, 4245, or 4246 shall inform such person of any rehabilitation programs that are available for persons hospitalized in that facility.

"(f) VIDEOTAPE RECORD.—Upon written request of defense counsel, the court may order a videotape record made of the defendant's testimony or interview upon which the periodic report is based pursuant to subsection (e). Such videotape record shall be submitted to the court along with the periodic report.

"(g) ADMISSIBILITY OF A DEFENDANT'S STATEMENT AT TRIAL.—A statement made by the defendant during the course of a psychiatric or phychological examination pursuant to sections 4241 or 4242 is not admissible as evidence against the accused on the issue of guilt or punishment in any criminal proceeding, unless the defendant waived his privilege against self incrimination, but is admissible on the issue whether the defendant suffers from a mental disease or defect.

"(h) HABEAS CORPUS UNIMPAIRED.—Nothing contained in sections 4243 or 4246 precludes a person who is committed under either of such sections from establishing by writ of habeas corpus the illegality of his detention.

"(i) DISCHARGE.—Regardless of whether the director of the facility in which a person is hospitalized has filed a certificate pursuant to the provisions of subsection (e) of sections 4241, 4243, 4244, 4245, or 4246, counsel for the person or his legal guardian may, at any time during such person's hospitalization, file with the court that ordered the commitment a motion for a hearing to determine whether the person should be discharged from such facility, but no such motion may be filed within one hundred and eighty days of a court determination that the person should continue to be hospitalized. A copy of the motion shall be sent to the director of the facility in which the person is hospitalized and to the attorney for the government.

"(j) AUTHORITY AND RESPONSIBILITY OF THE ATTORNEY GENERAL.—The Attorney General—

"(A) may contract with a State, a locality, or a private agency for the confinement, hospitalization, care, or treatment of, or the provision of services to, a person committed to his custody pursuant to this chapter;

"(B) may apply for the civil commitment, pursuant to State law, of a person committed to his custody pursuant to section 4243 or 4246;

"(C) shall, before placing a person in a facility pursuant to the provisions of section 4241, 4243, 4244, 4245, or 4246, consider the suitability of the facility's rehabilitation programs in meeting the needs of the person; and

"(D) shall consult with the Secretary of the Department of Health and Human Services in the general implementation of the provisions of this chapter and in the establishment of standards for facilities used in the implementation of this chapter.

"(k) This chapter does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.".

(b) The item relating to chapter 313 in the chapter analysis of Part III of title 18, United States Code, is amended to read as follows:

"313. Offenders with mental disease or defect.".

SEC. 103. Rule 12.2 of the Federal Rules of Criminal Procedure is amended—

(a) by deleting "crime" in subdivision (a) and inserting in lieu thereof "offense";

(b) by deleting "mental state" in subdivision (b) and inserting in lieu thereof "state of mind";

(c) by deleting "by a psychiatrist designated for this purpose in the order of the court" in subdivision (c) and inserting in lieu thereof "pursuant to 18 U.S.C. 4242"; and

(b) by deleting "mental state" in subdivision (d) and inserting in lieu thereof "state of mind";

SEC. 104. Section 3006A of title 18, United States Code, is amended—

(a) in subsection (a), by deleting "or, (4)" and substituting "(4) whose mental condition is the subject of a hearing pursuant to chapter 313 of this title, or (5)"; and

(b) in subsection (g), by deleting "or section 4245 of title 18".

TITLE II—APPLICATION OF THE EXCLUSIONARY RULE

SEC. 201. This title may be cited as the "Exclusionary Rule Application Act of 1982."

SEC. 202. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"3505. Application of the Fourth Amendment Exclusionary Rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the Fourth Amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of such chapter is amended by adding at the end thereof the following item:

"3505. Application of the Fourth Amendment Exclusionary Rule.".

TITLE III—FEDERAL INTERVENTION IN STATE CRIMINAL PROCEEDINGS

SEC. 301. This title may be cited as the "Federal Intervention Reform Act of 1982."

SEC. 302. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules or procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SEC. 303. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the validity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 304. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"Rule 22.

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to 28 U.S.C. § 2255, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 305. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)" respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings."; and

(c) by redesignating subsection "(d)" as subsection "(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence.".

SEC. 306. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States;

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the rights asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

SECTION-BY-SECTION ANALYSIS

TITLE I—INSANITY DEFENSE REFORM

Title I of the bill amends various provisions of title 18, United States Code, and of the Federal Rules of Criminal Procedure, relating to the procedure to be followed in Federal courts with respect to offenders who are or have been suffering from a mental disease or defect. Among the matters provided for by these amendments are the determination of mental competency to stand trial, the determination of the existence of insanity at the time of the offense, a limitation of the scope of a separate insanity defense, and the post-trial hospitalization of defendants suffering from a mental disease or defect.

Section 102 of the bill provides a comprehensive amendment of current chapter 313 of title 18, United States Code. Proposed section 4241 deals with the determination of mental competency to stand trial. Section 4242 relates to the determination of the existence of insanity at the time of an offense, and limits the separate insanity defense to a "mens rea" test of criminal responsibility. Section 4243 provides for the hospitalization of a person acquitted by reason of insanity. Section 4244 deals with the hospitalization of a convicted person who is suffering from a mental disease or defect. Section 4245 covers the hospitalization of an imprisoned person who suffers from a mental disease or defect. Section 4246 deals with the situation of such a person who is scheduled to be released. Section 4247 contains general provisions for chapter 313.

Section 4241, Determination of Mental Competency to Stand Trial, contains five subsections which deal exclusively with the determination of the mental competency of the defendant to stand trial or to enter a plea. Subsection (a) permits either the defendant or the government to move for a hearing to determine the defendant's mental competency, and requires the court to order a hearing if there is reasonable cause to believe that a mental disease or defect renders the defendant unable to understand the proceedings or to assist in his defense. Subsection (b) permits the court to order a psychiatric or psychological examination of the defendant prior to the hearing. Subsection (c) requires that the hearing be conducted pursuant to the provisions of section 4247 (i.e., the defendant shall be represented by counsel, afforded an opportunity to testify, etc.). Subsection (d) provides that a defendant found by a preponderance of the evidence to be mentally incompetent shall be hospitalized for treatment in a suitable facility for a reasonable period of time to determine whether there is a substantial probability that he will attain the capacity to permit the trial to proceed. If the defendant appears unlikely to improve sufficiently, he is to be treated in accordance with the provisions of section 4246. Subsection (e) provides for the discharge from the hospital of a defendant who has recovered sufficiently to stand trial. Subsection (f) specifies that a court finding of competency to stand trial shall not prejudice the defendant in raising the issue of his insanity as a defense to the crime charged, and shall not be admissible as evidence at trial.

Section 4242, Determination of the Existence of Insanity at the Time of the Offense, specifies the extent to which a defendant's mental disease or defect constitutes a defense to prosecution, provides for an examination of a defendant who intends to rely on such a defense, and sets forth the types of verdicts to be rendered in such cases.

Subsection (a) states that it is a defense to prosecution under any federal statute that the defendant, as a result of mental disease or defect, lacked the state of mind required as an element of the offense charged, and specifies that mental disease or defect does not otherwise constitute a defense. By limiting the separate, judicially-developed, insanity defense, this statutory approach to the issue of the criminal responsibility of a person suffering from a mental disease or defect focuses on two critical questions: did the defendant act with the state of mind required for the offense charged and, if he did so act but was suffering from a mental disease or defect, should he be imprisoned, hospitalized, or otherwise treated.

Subsection (b) provides for the psychiatric or psychological examination of a defendant who files a notice of intent to rely on the defense set forth in subsection (a). Subsection (c) specifies that in a case involving such a defense the trier of fact is to return a verdict of guilty, not guilty, or not guilty only by reason of insanity.

Section 4243, Hospitalization of a Person Acquitted by Reason of Insanity, sets out the procedure to be followed when a person is found not guilty solely by reason of insanity at the time of the offense. Subsection (a) requires that such a person be committed to a suitable facility until he is eligible for release pursuant to subsection (d). Subsection (b) requires that the person undergo a psychiatric or psychological study, while sub-

section (c) mandates a hearing on his present mental condition within forty days following the verdict. Subsection (d) provides that if, after the hearing, the person is found by clear and convincing evidence to be then suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, he shall be committed to the custody of the Attorney General for treatment, preferably in a state facility. The fact that the person was found not guilty only by reason of insanity of an offense involving bodily injury or serious damage to property, or an offense involving substantial risk of such injury or damage, is to give rise to a rebuttable presumption that the dangerousness element of subsection (d)'s test for commitment is met. If the person is able to rebut or neutralize this presumption, the government will be required to come forward with other facts to meet its burden of clear and convincing evidence of the person's present dangerousness resulting from a mental disease or defect. Subsection (e) provides for the absolute or conditional release of such a person pursuant to a medical certification and a court finding that such release will no longer create a substantial risk to the person or property of others. Subsection (f) permits revocation of a conditional release order if such a risk is created anew by the person's failure to comply with the conditions of release.

Section 4244, Hospitalization of a Convicted Person Suffering From Mental Disease or Defect, sets forth procedures new to Federal law, to be followed when there is reasonable cause to believe that a recently convicted defendant may be suffering from a mental disease or defect and in need of care or treatment in a suitable facility. Subsection (a) permits the court, shortly after a guilty verdict and before sentencing, on motion of the defendant or the government or on its own motion, to order a hearing on the defendant's present mental condition if there is reasonable cause to believe he is suffering from a mental disease or defect for the treatment of which he is in need of custody for care or treatment in a suitable facility. Under subsection (b), the court may order a psychiatric or psychological examination of the defendant. If, after a hearing provided for by subsection (c), the court determines by a preponderance of the evidence pursuant to subsection (d) that the standard set forth in subsection (a) has been met, the defendant is to be committed to the custody of the Attorney General for hospitalization in a suitable facility, in lieu of being imprisoned. Subsection (e) permits the discharge and final sentencing of a hospitalized defendant when the director of the facility certifies that he is no longer in need of custody for care and treatment.

Section 4245, Hospitalization of an Imprisoned Person Suffering from Mental Disease or Defect, deals with the hospitalization of an imprisoned person who is suffering from a mental disease or defect for which he is in need of custody for care or treatment, if the person objects to being hospitalized. Unlike current federal law, subsection (a) provides that, when a defendant who is imprisoned objects to being transferred to a suitable facility for care and treatment of a mental disease or defect, the court shall, on the government's motion, order a hearing on the defendant's present mental condition if there is reasonable cause to believe that the defendant may be suffering from a mental disease or defect for the treatment of which he is in need of custody or care for treatment in a suitable facility. Subsections (b) and (c), respectively, provide for the psychiatric or psychological examination of the defendant, and for the conduct of the hearing. Subsection (d) provides that a defendant who is found by a preponderance of the evidence to be suffering from a mental disease or defect and in need of custody for care and treatment shall be hospitalized in a suitable facility until he is no longer in need of such care or treatment, or until his prison sentence expires. Subsection (e) provides for the defendant's discharge from the hospital and return to prison upon the certification of the director of the facility that he is no longer in need of custody for care and treatment.

Section 4246, Hospitalization of a Person Due for Release but Suffering From Mental Disease or Defect, covers those circumstances where State authorities will not institute civil commitment proceedings against a hospitalized defendant whose federal sentence is about to expire, who is mentally incompetent to stand trial, or against whom all criminal charges have been dropped solely for reasons related to his mental condition, and who is presently mentally ill. Subsection (a) requires the court to order a hearing if the director of the facility in which the person is hospitalized certifies that he is presently suffering from a mental disease or defect as a result of which his release would create a substantial risk of bodily injury to another person or serious damage to property of another, and that suitable arrangements for State custody and care of the person are not available. Subsections (b) and (c), respectively, provide for the psychiatric or psychological examination of the person and for the conduct of the hearing. Subsection (d) provides that if the facts certified are found by the court by clear and convincing evidence, the person is to be committed to the custody of the Attorney General for treatment, preferably in a State facility. Subsection (e) provides for the absolute or conditional release of such a person pursuant to a medical certification and a court finding that such release will no longer create a substantial risk to the person or property of others. Subsection (f) permits revocation of a conditional release order if such a risk is created anew by the person's failure to comply with the conditions of release. Subsection (g) deals with mentally ill persons who have been hospitalized and against whom all charges have been dismissed for reasons not related to their mental condition. If the director of the hospital certifies that the release of such a person would create a substantial risk of bodily injury to another person or serious damage to property of another, the Attorney General is required to release the person to appropriate State officials for the institution of State civil commitment proceedings. If the appropriate State will not assume responsibility, and so informs the Attorney General, the person must be released.

Section 4247, General Provisions for Chapter 313 contains a definition of terms used in chapter 313, as well as other provisions generally applicable to sections 4241-4246. Subsection (a) defines the terms "rehabilitation program" and "suitable facility". Subsections (b) and (c), respectively, set forth requirements for court ordered psychiatric or psychological examinations and reports. Subsection (d) enumerates the rights a person has at a hearing to determine his mental condition. Subsection (e) pertains to reports by mental facilities, and contains a requirement that a hospitalized person be informed of the availability of rehabilitation programs. Subsection (f) permits the court to order and examine a videotape record of a defendant's testimony or interview which forms a basis of a periodic report of his mental condition. Subsection (g) concerns the admissibility in evidence of statements made by a defendant during the course of a psychiatric or psychological examination. Subsections (h) and (i), respectively, preserve the availability of the writ of habeas corpus, and permit a hospitalized person to move for a hearing to determine whether he should be released. Subsection (j) sets forth the authority and responsibility of the Attorney General under chapter 313. Subsection (k) provides that chapter 313 does not apply to a prosecution under an Act of Congress applicable exclusively to the District of Columbia or the Uniform Code of Military Justice.

Section 103 of the bill amends Rule 12.2 of the Federal Rules of Criminal Procedure to conform with chapter 313 of title 18 as amended by section 102.

Section 104 of the bill amends section 3006A of title 18, United States Code, to conform with chapter 313 of title 18 as amended by section 102.

TITLE II—EXCLUSIONARY RULE REFORM

Title II of the bill would add a new section 3505 to title 18 of the United States Code governing the Fourth Amendment exclusionary rule. It would provide that except as specifically provided by statute, evidence obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a federal court if the search or seizure was undertaken in a reasonable and good faith belief that it was in conformity with the Fourth Amendment. It would also provide that a showing that the evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief unless the warrant was obtained through intentional and material misrepresentation.

Initially, although the Fourth Amendment secures the right of persons to be free of "unreasonable" searches or seizures it should be noted that there are no constitutional or statutory provisions which specifically set limits on what is meant by an "unreasonable" search or seizure. Instead, the law in this area is an amalgam of cases dealing with a vast range of issues relating to the undertaking of searches and seizures. The crux of the present problem which would be overcome by the new section 3505 is that as courts have continued to develop the law of search and seizure they have continued to apply the exclusionary rule in situations where it could not possibly deter unlawful police conduct, the foremost rationale for the rule.

The new section 3505 deals with this situation by providing that evidence obtained as a result of a search undertaken in reasonable good faith as to its lawfulness shall not be excluded since actions undertaken in reasonable good faith are not susceptable of being deterred. The often highly probative evidence found during a search undertaken by the officers in reasonable good faith would be admitted and the attention of the court in a criminal case would remain focused on the question of the defendant's guilt or innocence, not diverted to a consideration of possible police error in applying the ever evolving law of search and seisure.

Section 3505 would still allow consideration of police conduct but the issue would be whether the actions of the law enforcement officers were undertaken in a reasonable and good faith belief that they were lawful.

Such good faith is clearly shown when an officer makes an arrest in reliance on a statute that is later found to be unconstitutional or relies on a duly authorized search warrant, a judicial mandate to search which he has a sworn duty to carry out. Hence, the section specifically provides that a showing that evidence was obtained pursuant to and in the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief. However, a search pursuant to a warrant would not constitute such evidence if the warrant were obtained through intentional and material misrepresentation. This standard is derived from *Franks* v. *Delaware*, 438 U.S. 154 (1978) where the Court emphasized the presumption of validity with respect to an affidavit offered in support of a warrant but held that "where the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment requires that a hearing be held at the defendant's request." 438 U.S. at 155–156. If at the hearing the defendant establishes that perjury or reckless disregard for the truth was present, and with the affidavit's false material set aside the remaining material is insufficient to establish probable cause for the warrant's issuance, it must be voided and the fruits of the search excluded.

The section is not, however, limited to searches executed pursuant to a warrant. An officer may in good faith make a reasonable interpretation of a statute which a court determines to be inconsistent with the legislative intent, or may reasonably and in good faith conclude that a particular set of facts and circumstances gives rise to probable cause to conduct one of the types of judicially sanctioned warrantless searches, or that a warrant is not required. The proposed legislation would cover such situations as well.

Although intended primarily to apply in criminal proceedings brought in federal court, the proposal is drafted so that the same reasonable good faith test would apply to the obtaining of evidence offered in all types of proceedings in federal courts such as applications for federal habeas corpus petitions filed by State prisoners and federal civil cases. Indeed these are the types of cases where the deterrent effect of the rule has already been found to be minimal at best and greatly outweighed by the societal cost of excluding the evidence. In *Stone* v. *Powell*, 428 U.S. 465 (1976), the Supreme Court held that where a State has provided a full and fair opportunity for litigation of Fourth Amendment claims, a State prisoner may not be granted federal habeas corpus relief on the grounds that evidence obtained by an unlawful search and seizure was introduced at trial.

In *United States* v. *Janis*, 428 U.S. 433 (1976), the Court held that the exclusionary rule should not be applied to forbid the use in federal civil proceedings of evidence seized by State officers in good faith reliance on a search warrant that proved to be defective. While the *Janis* holding (the scope of which would not be affected by section 3505) related specifically to the use in the courts of one sovereign of evidence obtained by law enforcement agents of another sovereign, the lack of any deterrent effect of applying the rule would be analogous in the case of a search by federal officers who were acting in good faith.

Under section 3505 law enforcement officers would still be required to keep abreast of the complex law of search and seizure because the conduct of an officer will have to be informed to be reasonable. The section would not reward ignorance on the part of the police. It simply restrains the rule to its proper boundaries where it will remain as a "judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect . . ." *United States* v. *Calandra*, 414 U.S. 338, 348 (1974). Thus the proposal would not eliminate the exclusionary rule but rather will eliminate the disrespect for the law that its application often engenders in the minds of the police and the public alike. Moreover, when the rule is applied in the case of a trivial violation or mistake by the police as to whether the requirements of the law have been complied with, and results in the acquittal of a criminal guilty of a serious crime or alters the result in a significant civil proceeding, the lack of proportionality of the sanction applied to the officer's mistake is so great that the confidence of the public in our system of justice cannot help but be eroded. In cases of this nature, where the police have reasonably tried to apply the complex law of search and seizure, the rule has a grossly distorting effect on our system of justice where the central purpose is to search for the truth and, in criminal cases, ensure that the guilty are convicted and the innocent are acquitted.

A suggestion that Congress should act to restrict the scope of the exclusionary rule was made over ten years ago by the Chief Justice in his dissent in *Bivens* v. *Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388, 422–424 (1971). Since section 3505 is grounded primarily on the cases decided since that time in which the Supreme Court has emphasized the deterrence of unlawful conduct as the sole or primary purpose of the rule, the section's modification of the rule is constitutionally permissible. Moreover, the substance of section 3505 is very similar to that already adopted by the Fifth Circuit *en banc* in *United States* v. *Williams*, 622 F. 2d 830 (1980), *cert. denied*, 449 U.S. 1127 (1981) in a decision based on a thorough analysis of relevant Supreme Court cases, and it basically follows the recommendation of the Attorney General's Task Force on Violent Crime which conducted hearings on the issue around the country and received the opinions of distinguished citizens and jurists of all points of view.

TITLE III—FEDERAL INTERVENTION IN STATE CRIMINAL PROCEEDINGS

Title III of the bill would amend various provisions of title 28, United States Code, and a related Rule of Appellate Procedure, concerning the availability of collateral relief in the federal courts of State and federal prisoners. Among the matters addressed by these amendments are the standard of review in habeas corpus proceedings, the effect of procedural defaults on the subsequent availability of collateral relief, the time within which collateral relief may be sought, the requirement of exhaustion of state remedies, and the procedure on appeal in collateral proceedings.

Section 302 of the bill would add two new subsections to section 2244 of title 28, United States Code. Proposed section 2244(d) relates to the effect of a State prisoner's failure to raise a claim properly in State proceedings on the subsequent availability of federal habeas corpus. Proposed subsection (d)(1) of section 2244 sets out a general standard under which such a procedural default would bar access to federal habeas corpus unless it was the result of State action in violation of federal law. The main practical significance of this standard is that attorney error or misjudgement in failing to raise a claim properly would excuse a procedural default if it amounted to constitutionally ineffective assistance of counsel, since in such a case the default would be the result of the State's failure, in violation of the Sixth Amendment, to afford the defendant effective assistance of counsel, *See Cuyler* v. *Sullivan*, 446 U.S. 335, 342–45 (1980). But lesser degrees of attorney error or misjudgement would not excuse a default. This would adopt as the uniform rule the approach of the Second Circuit Court of Appeals in the case of *Indiviglio* v. *United States*, 612 F.2d 624, 631 (1979), eliminating the great uncertainties that currently exist in this area. Proposed section 2244(d)(2)–(3) further provides for excuse of a procedural default where a claim raised in a habeas corpus proceeding asserts a new, retroactive right subsequently recognized by the Supreme Court, or where the factual predicate of the claim could not have been discovered prior to the default through the exercise of reasonable diligence.

Proposed new section 2244(e) in section 302 of the bill would establish a one year time limit on application for federal habeas corpus, normally commencing at the time State remedies are exhausted. This would provide State defendants with ample time to seek federal review following the conclusion of State proceedings, but would avoid the acute difficulties of proof that currently arise when federal habeas corpus is sought by a prisoner years or decades after the State trial. The proposed limitation rule may be compared to various existing time limits on seeking reveiw or re-opening of criminal judgments in the federal courts, such as the normal ten day limit on appeal by federal defendants under Fed. R. App. P. (4(b); the normal ninety day limit on a State defendant's application for direct review in the Supreme Court under Sup. Ct. R. 11, 22; and the two year limit on motions for new trials based on newly discovered evidence under Fed. R. Crim. P. 33. Proposed section 2244(e) further provides for deferral of the start of the limitation period in appropriate cases, such as assertion of newly recognized rights or newly discovered claims.

Section 303 of the bill would amend section 2253 of title 28, United States Code, so as to vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. It would also create an identical certificate requirement for appeals by federal prisoners in collateral relief proceedings pursuant of section 2255 of title 28, United States Code. This would implement recommendations of Judge Henry Friendly of the Second Circuit Court of Appeals. *See* Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 38 U. Chi. L. Rev. 142, 144 n.9 (1970). The reform would correct inefficiencies of the current system under which an appellate court is obliged to hear an appeal on a district court's cerification, though it may believe that the certificate was improvidently granted, and under which a prisoner is afforded duplicative opportunities to persuade first a district judge

and then an appellate judge that an appeal is warranted. Section 304 of the bill would amend Fed. R. App. P. 22 to conform it to the amendments of section 303.

Section 305 of the bill would make various changes in section 2254 of title 28, United States Code. Section 305(a) would amend current section 2254(b) to clarify that a habeas corpus petition can be denied on the merits notwithstanding the petitioner's failure to exhaust State remedies. This would implement a recommendation of Professor David Shapiro. *See* Shapiro, *Federal Habeas Corpus: A Study in Massachusetts*, 87 Harv. L. Rev. 321, 358-59 (1973). It would avoid the waste of State and federal resources that presently results when a prisoner presenting a hopeless petition is sent back to the State courts to exhaust State remedies.

Section 305(b) of the bill would add a new subsection (d) to section 2254, United States Code. Proposed subjection (d) would accord deference to the result of *full and fair* State adjudications. This would establish a standard similar to that stated by the Supreme Court in the case of *Ex Parte Hawk*, 321 U.S. 114, 118 (1944), prior to the unexplained substitution of the current rules of mandatory re-adjudication by the decision in *Brown* v. *Allen*, 344 U.S. 443 (1953). To be full and fair in the intended sense the State court determination must be reasonable, and must be arrived at by procedures consistent with applicable federal law, including the constitutional requirement of due process. In addition, re-adjudication by the federal habeas court would be allowed in cases in which new evidence of substantial importance came to light or a retroactive change of law of substantial importance occurred after the State proceedings. The general sense of the proposed reform is that reversal of a State conviction after a lapse of years and affirmance by the appellate courts of the State should rest on a finding by the habeas court of a significant error or deficiency in the State proceedings. A mere reasonable difference of opinion in a case in which the proper disposition is unclear should not be grounds for disturbing a State judgment in a habeas corpus proceeding.

Section 305(c) of the bill would simplify current section 2254(d), which is verbose, confusing, and obscure, redesignate it as section 2254(e), and bring its formulation into conformity with that of proposed new section 2254(d). This provision would be of minor practical significance, coming into play only when the general standard governing deference to State determinations in proposed new section 2254(d) was found by the habeas court to be unsatisfied.

Section 306 of the bill would amend section 2255, 28 United States Code. It would carry out reforms in the collateral remedy for federal prisoners comparable to the rules proposed in section 302 of the bill governing excuse of procedural defaults and time limitation in habeas corpus proceedings.

S. 2904—A BILL TO MAKE MORE EQUITABLE CERTAIN PROVISIONS RELATING TO UNEMPLOYMENT COMPENSATION

(Introduced by Mr. ROBERT C. BYRD for Mr. METZENBAUM, for himself, and Mr. ROBERT C. BYRD, Mr. DIXON, Mr. HEINZ, Mr. KENNEDY, Mr. MATHIAS, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. EAGLETON, Mr. SARBANES, Mr. DECONCINI, Mr. CANNON, and Mr. SASSER.)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding any other provision of law, the provisions of subtitle A of title VI of the Tax Equity and Fiscal Responsibility Act of 1982, establishing a Federal supplemental benefits program of unemployment compensation benefits shall remain in effect, and an individual's period of eligibility shall continue, without regard to any provision in such Act relating to termination of such Federal supplemental benefit program, or to the end of such period of eligibility, until the national seasonally adjusted total rate of unemployment is less than 8.7 percent.

(b)(1) Notwithstanding the provisions of section 2402(b) of the Omnibus Budget Reconciliation Act of 1981 the amendments made by subsection (a) of section 2402 of such Act shall not be effective for determining whether there are State "on" or "off" indicators for weeks beginning on or after June 1, 1982, and before the month following the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 8.7 percent.

(2) For purposes of making such determinations described in paragraph (1), the rate of insured unemployment for all weeks shall be calculated in the same manner as it is calculated for the particular week with respect to which the determination of an "on" or "off" indicator is being made.

(c) Section 2403(b) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "September 25, 1982" and inserting in lieu thereof "the national seasonally adjusted total rate of unemployment is less than 8.7 percent for at least one month occurring after September 1982".

(d) For purposes of determining whether there are State "on" or "off" indicators for weeks beginning on or after June 1, 1982, and before the month following the first month thereafter for which the national seasonally adjusted total rate of unemployment is less than 8.7 percent, paragraph (1) of section 203(d) of the Federal-State Extended Unemployment Compensation Act of 1970 shall be applied as if such paragraph did not contain subparagraph (A) thereof.

(e) In the case of any State with respect to which the Secretary of Labor has determined that State legislation is required in order to amend its State unemployment compensation law so as to include any requirements imposed by this section with respect to extended compensation, such State's unemployment compensation law shall not be determined to be out of compliance under section 3304(c) of the Internal Revenue Code by reason of a failure to contain any such requirement for any period prior to the end of the first session of the State legislature which begins after the date of the enactment of this Act, or which began prior to the date of the enactment of this Act and remained in session for at least twenty-five calendar days after such date of enactment. For purposes of the preceding sentence, the term "session" means a regular, special, budget, or other session of a State legislature.

S.J. RES. 245—MAKING AN URGENT SUPPLEMENTAL APPROPRIATION FOR THE DEPARTMENT OF LABOR FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1982

(Introduced by Mr. ROBERT C. BYRD, for Mr. KENNEDY for himself, Mr. ROBERT C. BYRD, Mr. RANDOLPH, Mr. METZENBAUM and Mr. RIEGLE.)

Whereas unemployment has increased to 9.8 per centum on a national basis, varying from a high of 14.3 per centum in the State of Michigan to a low of 4.7 per centum in the State of North Dakota;

Whereas unemployment compensation payments have reached an annual rate of over $20,000,000,000;

Whereas hundreds of thousands of workers have exhausted the period of time for which they are entitled to draw unemployment compensation;

Whereas legislation is now pending to extend that period, which will increase the cost; and

Whereas it is deemed to be to the best interest of the unemployed and the Nation that productive and essential work replace unemployment and the resulting payment of unemployment compensation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in an effort to reduce unemployment cost and the cost of public assistance, to increase the benefit of expenditures, and to put people back to productive work, where the benefits of the efforts will be of value, there is hereby appropriated to the Department of Labor a sum equal to 5 per centum of the latest estimated cost to the Federal Government of unemployment compensation for the current fiscal year, to remain available until December 31, 1982, of which—

(1) 85 per centum shall be available to provide productive jobs for those unemployed in accordance with section 2, and

(2) 15 per centum shall be available for the youth employment and training programs of the Department of Labor (92 Stat. 1982).

SEC. 2. (a) No individual assisted with funds available in accordance with this section—

(1) shall be eligible for unemployment compensation during the period of productive job employment under this section; or

(2) shall be paid except upon certification in writing by the supervising official that such job was performed.

(b) Individuals assisted with funds available in accordance with this section—

(1) shall be certified as unemployed for at least two weeks in accordance with criteria established by the Secretary of Labor, with priority given those individuals who are not currently eligible for unemployment compensation and who have prior work experience;

(2) shall be paid at a rate which shall not be less than the highest of (A) the minimum wage under section 6(a)(1) of the Fair Labor Standards Act of 1968, (B) the minimum wage under the applicable State or local minimum wage law, or (C) the prevailing rates of pay for individuals employed in similar occupations by the same employer, but in no case shall the annual rate of such wage exceed $10,000; and

(3) subject to subsection (a)(1), shall be provided benefits and employment conditions comparable to the benefits and conditions provided to others employed in similar occupations by the same employer.

(c)(1) No currently employed worker shall be displaced by any individual employed with funds under this section, including partial displacement such as a reduction in the hours of nonovertime work, wages, or employment benefits.

(2) Not more than 15 percent of the funds provided to any eligible entity under this section may be used for the cost of administration and not more than 20 percent of such funds may be used for the acquisition of supplies, tools, and equipment.

(d) Funds available in accordance with this section may be used for the purpose of

providing unemployed individuals with temporary employment for not more than six months in repair, maintenance, and rehabilitation of public facilities and the conservation, rehabilitation, and improvement of public lands, such employment to include (but not be limited to) employment in—

(1) road and street repair,

(2) bridge painting and repair,

(3) repair and rehabilitation of public buildings,

(4) repair and rehabilitation of water systems,

(5) erosion, flood, drought, and storm damage assistance and control,

(6) removal of refuse from drainage ditches, illegal dumping sites, and other public areas,

(7) park and playground rehabilitation,

(8) installation and repair of drainage pipes and catch basins in areas subject to flooding,

(9) stream, lake, and waterfront harbor and port improvement and pollution control,

(10) forestry, nursery, and silviculture operations,

(11) fish culture and habitat maintenance and improvement,

(12) rangeland conservation, rehabilitation, and improvement,

(13) installation of graded ramps for the handicapped, and

(14) energy conservation.

(e) Funds available in accordance with this section shall be allocated as follows:

(1)(A) Eighty-three per centum of the funds available in accordance with this section shall be allocated among eligible entities which, during the three months preceding the date of allocation for which satisfactory data are available, had an average rate of unemployment in excess of the national average rate of unemployment for such three months.

(B) In making such allocation, the Secretary shall allocate 50 per centum of the funds under this paragraph on the basis of the relative number of unemployed persons, 25 per centum of such funds on the basis of the relative number of unemployed persons residing in areas of substantial unemployment, and 25 per centum of such funds on the basis of the relative excess number of unemployed persons (in excess of 4.5 per centum of the labor force).

(2) Two per centum of the funds available in accordance with this section shall be allocated among Native American tribes, bands, and groups for use in meeting the need for employment and training and related services of such tribes, bands, and groups.

(3)(A) The remainder of the funds available in accordance with this section shall be allocated, in the manner described in paragraph (1)(B), among eligible entities which are not eligible for an allocation under paragraph (1) for the purpose of serving a locality—

(i) which has had a large scale loss of jobs caused by the closing of a facility, mass layoffs, natural disasters, or similar circumstances, or

(ii) which has experienced a sudden or severe economic dislocation.

(B) In expending funds from such allocation in the case of an eligible entity serving two or more such localities, the eligible entity shall take into consideration the severity of unemployment in each such locality.

(f) (1) For purposes of this section, an eligible entity is—

(A) a unit or consortium of units of general local government with a population of less than one hundred thousand persons which has demonstrated the capacity to operate employment and training programs, or a concentrated employment program grantee (serving a rural area);

(B) a unit of general local government with a population equaling or exceeding one hundred thousand persons or a consortium including such a unit and other units of general local governments; and

(C) a State.

(2) A State shall not qualify as an eligible entity with respect to an area served by another eligible entity. A larger unit of general local government shall not qualify as an eligible entity with respect to an area served by a smaller such unit.

SEC. 3. The Secretary of Labor shall notify recipients within thirty days after the date of enactment of this Act of the allocation of funds appropriated herein.

SEC. 4. The Secretary of Labor shall promulgate such rules and regulations as may be necessary to carry out the provisions and the purposes of this joint resolution not later than thirty days after the date of enactment of this joint resolution.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I was about to inquire, has the Senate yet gone into routine morning business under the order?

The PRESIDING OFFICER. The majority leader is advised that under the previous order, there was a period set, but it has not yet been reached.

Mr. BAKER. There was no objection to the introduction of the bills by the distinguished Senator from South Carolina and I assume that, in any event, the unanimous-consent order already entered into would abrogate any right to object.

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. Mr. President, have the special orders been executed?

The PRESIDING OFFICER. All special orders have been executed, with the exception of item No. 6, that there be a period for the transaction of routine morning business, which has not been reached yet.

Mr. BAKER. There is also an order to recess at 12 noon.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask that the Chair now exercise that portion of the order providing for a time for the transaction of routine morning business.

The PRESIDING OFFICER. The Chair will now read the order and the proposal:

Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 11:30, with statements therein limited to 3 minutes each.

We are now beyond the hour of 11:30.

Mr. BAKER. Mr. President, I ask unanimous consent that that time be extended to 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BAKER. Mr. President, there are two items on the calendar that are available for action at this time. I invite the attention of the minority leader to Calendar Order No. 745, S. 349, and Calendar Order No. 744, H.R. 5228, and ask if he is prepared to consider those items.

Mr. ROBERT C. BYRD. Yes, Mr. President.

VETERANS' ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 745, S. 349.

The PRESIDING OFFICER. The clerk will state it.

The assistant legislative clerk read as follows:

A bill (S. 349) to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of the Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individuals claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs with an amendment to strike out all after the enacting clause, and insert the following:

That (a) this Act may be cited as the "Veterans' Administration Adjudication Procedure and Judicial Review Act".

(b) Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—ADJUDICATION PROCEDURES

SEC. 101. (a) Chapter 51 is amended by adding at the end of subchapter I the following new section:

"§ 3007. Burden of proof; benefit of the doubt

"(a) Except when otherwise provided by the Administrator in accordance with the provisions of this title, a claimant for benefits under laws administered by the Veterans' Administration shall have the burden of submitting evidence sufficient to justify a belief by a fair and impartial individual that the claim is well grounded. The Administrator shall assist a claimant in developing the facts pertinent to his or her claim.

"(b) When, after consideration of all evidence and material of record in any pro-

ceeding before the Veterans' Administration involving a claim for benefits under laws administered by the Veterans' Administration, there is an approximate balance of positive and negative evidence regarding the merits of an issue material to the determination of such claim, the benefit of the doubt in resolving each such issue will be given to the claimant, but nothing in this section shall be construed as shifting from a claimant to the Administrator the burden described in subsection (a) of this section.".

(b)(1) The table of chapters at the beginning of title 38, United States Code, and the table of chapters at the beginning of part IV of such title are each amended by striking out in the item relating to chapter 51 "Applications" and inserting in lieu thereof "Claims".

(2) The heading of such chapter is amended to read as follows:

"CHAPTER 51—CLAIMS, EFFECTIVE DATES, AND PAYMENTS".

(c)(1) The table of sections at the beginning of such chapter is amended by striking out in the item relating to subchapter I "APPLICATIONS" and inserting in lieu thereof "CLAIMS".

(2) The heading of subchapter I of such chapter is amended to read as follows:

"Subchapter I—Claims".

(d) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 3006 the following new item:

"3007. Burden of proof; benefit of the doubt.".

SEC. 102. Section 3311 is amended by adding at the end the following new sentence: "Subpenas authorized under this section shall be served by any individual authorized by the Administrator by (1) delivering a copy thereof to the individual named therein, or (2) mailing by registered or certified mail addressed to such individual at such individual's last dwelling place or principal place of business. A verified return by the individual so serving the subpena setting forth the manner of service, or, in the case of service by registered or certified mail, the return post office receipt therefor signed by the individual so served shall be proof of service.".

SEC. 103. Section 4001 is amended—

(1) by amending subsection (a)—

(A) by striking out "(not more than fifty)" and inserting in lieu thereof "(not more than sixty-five)";

(B) by striking out "associate"; and

(C) by inserting before the period at the end of the second sentence "in a timely manner"; and

(2) by adding at the end the following new subsection:

"(c) The Chairman shall submit a report to the appropriate committees of the Congress, not later than October 1, 1983, and annually thereafter, on the experience of the Board during the prior fiscal year together with projections for the fiscal year in which the report is submitted and the subsequent fiscal year. Such report shall contain, as a minimum, information specifying the number of cases appealed to the Board during the prior fiscal year, the number of cases pending before the Board at the beginning and end of such fiscal year, the number of such cases which were filed during each of the twenty-four months preceding the prior fiscal year and the then current fiscal year, respectively, the average length of time a case was before the Board between the time of the filing of an appeal and the disposition during the prior fiscal year, and the number of members and other professional, administrative, clerical, stenographic, and other personnel employed by the Board at the end of the prior fiscal year. The projections for the current fiscal year and subsequent fiscal year shall include, for each such year, estimates of the number of cases to be appealed to the Board and an evaluation of the Board's ability, based on existing and projected personnel levels, to ensure timely disposition of such appeals as provided for by subsection (a) of this section.".

SEC. 104. Section 4002 is amended by striking out "associate" wherever it appears.

SEC. 105. Subsections (a) and (b) of section 4003 are amended by inserting a comma and "after notice to the claimant of such additional information together with an opportunity to be heard in connection with such information," after "concerned" both places it appears.

SEC. 106. Section 4004 is amended—

(1) by amending subsection (a)—

(A) by striking out "involving" and inserting in lieu thereof "for"; and

(B) by inserting before the period at the end of the second sentence "after affording the claimant an opportunity for a hearing and shall be based exclusively on evidence and material of record in the proceeding and on applicable provision of law";

(2) by amending subsection (b) to read as follows:

"(b)(1) Except as provided in paragraph (2) of this subsection, when a claim is disallowed by the Board, it may not thereafter be reopened and allowed and no claim based upon the same factual basis shall be considered.

"(2) Following such a disallowance, the Board (directly or through the agency of original jurisdiction, as described in section 4005(b)(1) of this title)—

"(A) when new and material evidence is secured, shall, and

"(B) for good cause shown, may authorize the reopening of a claim and review of the Board's former decision.

"(3) A judicial decision under subchapter II of chapter 71 of this title, upholding, in whole or in part, the disallowance of a claim shall not diminish the Board's authorities set forth in paragraph (2) of this subsection to authorize the reopening of a claim and review of the former decision."; and

(3) by amending subsection (d) to read as follows:

"(d) After reaching a decision in each case, the Board shall promptly mail notice of its decision to the claimant and the claimant's authorized representatives, if any, at the last known address of the claimant and at the last known address of the claimant's authorized representative, if any. Each decision of the Board shall include—

"(1) a written statement of the Board's findings and conclusions, and reasons or bases therefor, on all material issues of fact, law, and matters of discretion presented on the record; and

"(2) an order granting appropriate relief or denying relief.".

SEC. 107. Section 4005(d)(5) is amended by striking out "will base its decision on the entire record and".

SEC. 108. Section 4009 is amended by adding after subsection (b) the following new subsection:

"(c) Whenever there exists in the evidence of record in an appeal case a substantial disagreement between the substantial findings or opinions of two physicians with respect to an issue material to the outcome of the case, the Board shall, upon the request of the claimant and, after taking appropriate action to attempt to resolve the disagreement, arrange for an advisory medical opinion in accordance with the procedure prescribed in subsection (b) of this section. If the Board denies the request of such claimant for such an opinion, the Board shall prepare and provide to the claimant and the claimant's authorized representative, if any, a statement setting forth the basis for its determination. Actions of the Board under this subsection, including any such denial, shall be final and conclusive, and no other official or any court of the United States shall have the power or jurisdiction to review any aspect of any such decision by an action in the nature of mandamus or otherwise, subchapter II of chapter 71 of this title to the contrary notwithstanding.".

SEC. 109. (a) Chapter 71 is further amended by adding at the end the following new sections:

"§ 4010. Adjudication procedures

"(a) For purposes of conducting any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, the Administrator may administer oaths and affirmations, examine witnesses, and receive evidence.

"(b) Any oral, documentary, or other evidence, even though inadmissible under the rules of evidence applicable to judicial proceedings, may be admitted in a hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, but the Administrator, under regulations which the Administrator shall prescribe, may provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

"(c)(1) In the course of any proceeding before the Board, any party to such proceeding or such party's authorized representative shall be afforded opportunity—

"(A) at a reasonable time prior thereto as well as during such proceeding, to examine and, on payment of a fee prescribed pursuant to section 3302(b) of this title (not to exceed the direct cost of duplication), obtain copies of the contents of the case files and all documents and records to be used by the Veterans' Administration at such proceeding;

"(B) to present witnesses and evidence, subject only to such restrictions as may be set forth in regulations which the Administrator shall prescribe, pursuant to subsection (b) of this section, as to materiality, relevance, and undue repetition;

"(C) to make oral argument and submit written contentions, in the form of a brief or similar document, on substantive and procedural issues;

"(D) to submit rebuttal evidence;

"(E) to present medical opinions and request an independent advisory medical opinion pursuant to section 4009(c) of this title; and

"(F) to serve written interrogatories on any person, including any employee of the Veterans' Administration, which interrogatories shall be answered separately and fully in writing and under oath unless written objection thereto, in whole or in part, is filed with the Administrator by the person to whom the interrogatories are directed or such person's representative.

"(2) The fee provided for in paragraph (1)(A) of this subsection may be waived by the Administrator, pursuant to regulations

which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(3) In the event of any objection filed under paragraph (1)(F) of this subsection, the Administrator shall, pursuant to regulations which the Administrator shall prescribe establishing standards consistent with standards for protective orders applicable in the United States District Courts, evaluate such objection and issue an order (A) directing that, within such period as the Administrator shall specify, the interrogatory or interogatories objected to be answered as served or answered after modification, or (B) indicating that the interrogatory or interrogatories are no longer required to be answered.

"(4) If any person upon whom interogatories are served under paragraph (1)(F) of this section fails to answer or fails to provide responsive answers to any such interrogatories within thirty days after service or such additional time as the Administrator may allow, the Administrator shall, upon a statement or showing by the party who served such interrogatories of general relevance and reasonable scope of the evidence sought, issue a subpena under section 3311 of this title (with enforcement of such subpena to be available under section 3313 of this title) for such person's appearance and testimony on such interrogatories at a deposition on written questions, at a location within one hundred miles of where such person resides, is employed, or transacts business.

"(d) In the course of any hearing, investigation, or other proceeding in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration, an employee of the Veterans' Administration may at any time disqualify himself or herself, on the basis of personal bias or other cause, from adjudicating the claim. On the filing by a party in good faith of a timely and sufficient affidavit averring personal bias or other cause for disqualification on the part of such an employee, the Administrator shall determine the matter as a part of the record and decision in the case.

"(e) The transcript or recording of testimony and the exhibits, together with all papers and requests filed in the proceeding, and the decision of the Board (1) shall constitute the exclusive record for decision in accordance with section 4004(a) of this title, (2) shall be available for inspection by any party to such proceeding, or such party's authorized representative, at reasonable times and places, and (3) on the payment of a fee prescribed under section 3302(b) of this title (not to exceed the direct cost of duplication), shall be copied for the claimant or such claimant's authorized representative within a reasonable time. Such fee may be waived by the Administrator, pursuant to regulations which the Administrator shall prescribe, on the basis of the party's inability to pay or for other good cause shown.

"(f) Notwithstanding section 4004(a) of this title, section 554(a) of title 5, or any other provision of law, adjudication and hearing procedures prescribed in this title and in regulations prescribed by the Administrator under this title for the purpose of administering veterans' benefits shall be exclusive with respect to hearings, investigations, and other proceedings in connection with the consideration of a claim for benefits under laws administered by the Veterans' Administration.

"§ 4011. Notice of procedural rights

"In the case of any disallowance, in whole or in part, of a claim for benefits under laws administered by the Veterans' Administration, the Administrator shall, at each procedural stage relating to the disposition of such a claim, beginning with disallowance after an initial review or determination, and including the furnishing of a statement of the case and the making of a final determination by the Board, provide to the claimant and such claimant's authorized representative, if any, written notice of the procedural rights of the claimant. Such notice shall be on such forms as the Administrator shall prescribe by regulation and shall include, in easily understandable language, with respect to proceedings before the Veterans' Administration, (1) descriptions of all subsequent procedural stages provided for by statute, regulations, or Veterans' Administration policy, (2) descriptions of all rights of the claimant expressly provided for in or pursuant to this chapter, of the claimant's rights to a hearing, to reconsideration, to appeal, and to representation, and of any specific procedures necessary to obtain the various forms of review available for consideration of the claim, and (3) such other information as the Administrator, as a matter of discretion, determines would be useful and practical to assist the claimant in obtaining full consideration of the claim.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4009 the following new items:

"4010. Adjudication procedures.
"4011. Notice of procedural rights.".

SEC. 110. (a) In order to evaluate the feasibility and desirability of alternative methods of (1) assuring the resolution of claims before the Administrator of Veterans' Affairs for benefits under laws administered by the Veterans' Administration as promptly and efficiently as feasible following the filing of a notice of disagreement pursuant to section 4005 (as amended by section 107 of this Act) or 4005A of title 38, United States Code, and (2) affording claimants the opportunity for a hearing before or review by a disinterested authority at a location as convenient and on as timely basis as possible for each claimant, the Administrator is authorized to conduct a study, commencing not more than one year after the date of the enactment of this Act, for a period of twenty-four months, involving either or both of the alternative methods described in subsection (b) of this section for resolution of claims.

(b)(1) In not more than three geographic areas, the Administrator is authorized to provide an intermediate-level adjudication process whereby each claimant may, within the time afforded such claimant under paragraph (3) of such section 4005(d) or 4005A(b) to file an appeal, request a de novo hearing at the agency of original jurisdiction (as decribed in section 4005(b)(1) of such title 38) before a panel of three Veterans' Administration employees, each of whose primary responsibilities include adjudicative functions but none of whom shall have previously considered the merits of the claim at issue. Following such hearing, such panel shall render a decision and prepare a new statement of the case in accordance with the requirements of paragraphs (1) and (2) of such section 4005(d). Such new statement of the case shall, for all purposes relating to appeals under chapter 71 of such title 38, be considered to be a statement of the case as required by paragraph (1) of such section 4005(d).

(2) In not more than three other geographic areas, the Administrator is authorized to provide for an enhanced schedule of visits, on at least a quarterly basis each year, by a panel or panels, of the Board of Veterans' Appeals to conduct formal recorded hearings pursuant to such section 4002 in such areas.

(c) Not later than six months after the completion of such study, the Administrator shall report to the Congress on the results thereof, including an evaluation of the cost factors associated with each alternative studied and with any appropriate further implementation thereof, the impact on the workload of each regional office involved in such study, and the impact on the annual caseload of the Board of Veterans' Appeals resulting from each alternative studied, together with any recommendations for administrative or legislative action, or both, as may be indicated by such results.

TITLE II—VETERANS' ADMINISTRATION RULEMAKING

SEC. 201. (a) Subchapter II of chapter 3 is amended by adding at the end the following new section:

"§221. Rulemaking

"Notwithstanding the provisions of subsection (a)(2) of section 553 of title 5, the promulgation of rules and regulations by the Administrator shall be subject to the requirements of section 553 of title 5.".

(b) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 220 the following new item:

"221. Rulemaking.".

TITLE III—JUDICIAL REVIEW

SEC. 301. Section 211(a) is amended by striking out "sections 775, 784" and inserting in lieu thereof "sections 775 and 784 and subchapter II of chapter 71 of this title".

SEC. 302. (a) Chapter 71 is further amended by adding at the end the following new subchapter:

"Subchapter II—Judicial Review

"§ 4025. Right of review; commencement of action.

"(a) For the purposes of this chapter and section 3404 of this title—

"(1) 'final decision of the Administrator' means—

"(A) a final determination of the Board of Veterans' Appeals pursuant to section 4004 (a) or (b) of this title; or

"(B) a dismissal of an appeal by the Board of Veterans' Appeals purusant to section 4005 or 4008 of this title; and

"(2) 'Claim for benefits' means—

"(A) an initial claim filed under section 3001 of this title;

"(B) a challenge to a decision of the Administrator reducing, suspending or terminating benefits; or

"(C) any request by or on behalf of the claimant for reopening, reconsideration, or further consideration in a matter described in clause (A) or (B) of this paragraph.

"(b) Except as provided in subsection (f) of this section, after any final decision of the Administrator adverse to a claimant in a matter involving a claim for benfits under any law administered by the Veterans' Administration, such claimant may obtain a review of such decision in a civil action commenced within 180 days after the mailing to the claimant of notice of such decision pursuant to section 4004 of this title. Such

action shall be brought against the Administrator in the district court of the United States for the judicial district in which the plaintiff resides or the plaintiff's principal place of business is located, or in the district court of the United States for the judicial district where the principal offices of the Board of Veterans' Appeals (established under section 4001 of this title) are located.

"(c) The complaint initiating an action under subsection (a) of this section shall contain sufficient information to permit the Administrator to identify and locate the plaintiff's records in the custody or control of the Veterans' Administration.

"(d) The Administrator shall file, together with the answer to a complaint filed pursuant to subsection (a) of this section, a certified copy of the records upon which the decision complained of is based or, if the Administrator determines that the cost of filing copies of all such records is unduly expensive, the Administrator shall file a complete index of all documents, transcripts, or other materials comprising such records. After such index is filed and after considering requests from all parties, the court shall require the Administrator to file certified copies of such indexed items as the court deems relevant to its consideration of the case.

"(e) In an action brought pursuant to subsection (b) of this section, the court shall have the power, upon the pleadings and the records specified in subsection (d) of this section, to enter judgment in accordance with section 4026 of this title or remand the cause in accordance with section 4026 or 4027 of this title.

"(f) No action may be brought under this section—

"(1) where the initial claim for benefits is filed pursuant to section 3001 of this title after the last day of the fifth fiscal year beginning after the effective date of this section; or

"(2) with respect to matters arising under chapters 19 and 37 of this title.

"§ 4026. Scope of review

"(a) In any action brought under section 4025 of this title, the court to the extent necessary to its decision and when presented, shall—

"(1) decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an action of the Administrator;

"(2) compel action of the Administrator unlawfully withheld;

"(3) hold unlawful and set aside decisions, findings (other than those described in clause (4) of this subsection), and conclusions of the Administrator found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

"(B) contrary to constitutional right, power, privilege, or immunity;

"(C) in excess of statutory jurisdiction, authority, or limitations, or in violation of a statutory right; or

"(D) without observance of procedure required by law; and

"(4) in the case of a finding of material fact made in reaching a decision on a claim for benefits under laws administered by the Veterans' Administration, hold unlawful and set aside such finding when it is so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result if such finding were not set aside. Before setting aside under this clause any finding of fact, the court shall specify the deficiencies in the record upon which the court would set aside such finding, and shall remand the case one time to the Administrator for further action not inconsistent with the order of the court in remanding the case. In so remanding a case, the court shall specify a reasonable period of time within which the Administrator shall complete the ordered action. If the Administrator does not complete action on the case within the specified period of time, the case shall be returned to the court for its further action.

"(b) In making the determinations under subsection (a) of this section, the whole record before the court pursuant to section 4025(d) of this title shall be subject to review, and the court shall review those parts of such record cited by a party, and due account shall be taken of the rule of prejudicial error.

"In no event shall findings of fact made by the Administrator be subject to trial de novo by the court.

"(d) When a final decision of the Administrator is adverse to a party and the sole stated basis for such decision is the failure of such party to comply with any applicable regulation of the Veterans' Administration, the court shall review only questions raised as to compliance with and the validity of the regulation.

"§ 4027. Remands

"(a)(1) In any action brought under section 4025 of this title, the court shall, on motion of the Administrator made before the expiration of the time specified for the filing of an answer to a complaint filed pursuant to subsection (b) of such section, allow a single remand of a case to the Administrator for further review by the Administrator. If such review is not completed within ninety days after the date of such remand, the matter shall be returned to the court for its action.

"(2)(A) At any time after the Administrator files an answer, the court may, in the exercise of its discretion, remand the case to the Administrator for further action by the Administrator.

"(B) If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there is good cause for granting such leave, the court shall remand the case to the Administrator and order such additional evidence to be taken by the Administrator.

"(C) In the case of a remand under subparagraph (A) or (B) of this paragraph, the court may specify a reasonable period of time within which the Administrator shall complete the required action.

"(b) After a case is remanded to the Administrator under subsection (a) of this section, and after further action by the Administrator, including consideration of any additional evidence, the Administrator shall modify, supplement, affirm, or reverse the findings of fact or decision, or both, and shall file with the court any such modification, supplementation, affirmation, or reversal of the findings of fact or decision or both, as the case may be, and certified copies of any additional records and evidence upon which such modification, supplementation, affirmation, or reversal was based. Any such modification, supplementation, affirmation, or reversal of the findings of fact or decision shall be reviewable by the court only to the extent provided in section 4026 of this title.

"§ 4028. Survival of actions

"Any action brought under section 4025 of this title shall survive, notwithstanding any change in the person occupying the office of Administrator or any vacancy in such office.

"§ 4029. Appellate review

"The decisions of a district court pursuant to this chapter shall be subject to appellate review by the courts of appeals and the Supreme Court of the United States in the same manner as judgments in other civil actions.".

(b) The table of sections at the beginning of such chapter is amended—

(1) by inserting before the item relating to section 4001 the following new item:

"SUBCHAPTER I—GENERAL";

and

(2) by adding after the item (added by section 109(b) of this Act) relating to section 4011 the following new items:

"SUBCHAPTER II—JUDICIAL REVIEW

"Sec.
"4025. Right of review; commencement of action.
"4026. Scope of review.
"4027. Remands.
"4028. Survival of actions.
"4029. Appellate review.".

SEC. 303. Section 1346(d) of title 28, United States Code, is amended by inserting before the period at the end thereof "except as provided for in subchapter II of chapter 71 of title 38".

TITLE IV—ATTORNEYS' FEES

SEC. 401. Section 3404 is amended—

(1) by amending subsection (c) to read as follows:

"(c) The Administrator shall approve reasonable attorneys' fees to be paid by the claimant, to attorneys recognized under this section, for representation before the Veterans' Administration in connection with a claim for benefits under laws administered by the Veterans' Administration, but in no event shall such attorneys' fees exceed—

"(1) for any claim resolved prior to or at the time that a final decision of the Administrator is first rendered, $10; or

"(2) for any claim resolved after such time, an amount in excess of—

"(A) if the claimant and an attorney have entered into an agreement under which no fee is payable to such attorney unless the claim is resolved in a manner favorable to the claimant, 25 per centum of the total amount of any past-due benefits awarded on the basis of the claim; or

"(B) if the claimant and an attorney have not entered into such an agreement, the lesser of—

"(i) the fee agreed upon by the claimant and the attorney; or

"(ii) $500, or such greater amount as may be specified from time to time in regulations which the Administrator shall prescribe based on changed national economic conditions subsequent to the date of enactment of this subsection, except that the Administrator may, in the Administrator's discretion, determine and approve a fee in excess of $500, or such greater amount if so specified, in an individual case involving extraordinary circumstances warranting a higher fee."; and

(2) by adding at the end of such section the following new subsections:

"(d)(1) If, in an action brought under section 4025 of this title, the matter is resolved in a manner favorable to a claimant who was represented by an attorney, the court

shall determine and allow a reasonable fee for such representation to be paid to the attorney by the claimant. When the claimant and an attorney have entered into an agreement under which the amount of the fee payable to such attorney is to be paid from any past-due benefits awarded on the basis of the claim and the amount of the fee is contingent on whether or not the matter is resolved in a manner favorable to the claimant, the fee so determined and allowed shall not exceed 25 per centum of the total amount of any past-due benefits awarded on the basis of the claim.

"(2) If, in an action brought under section 4025 of this title, the matter is not resolved in a manner favorable to the claimant, the court, taking into consideration the likelihood at the time such action was field that the claimant would prevail, may determine and allow a reasonable fee not in excess of $750 to be paid to the attorney by the claimant for the representation of such claimant.

"(e) To the extent that past-due benefits are awarded in proceedings before the Administrator or a court, the Administrator shall direct that payment of any attorneys' fee that has been determined and allowed under this section be made out of such past-due benefits, but in no event shall the Administrator withhold for the purpose of such payment any portion of benefits payable for a period subsequent to the date of the decision of the Administrator or court making such award.

"(f) The provisions of this section shall apply only to cases involving claims for benefits under the laws administered by the Veterans' Administration, and such provisions shall not apply in cases in which the Veterans' Administration is the plaintiff or in which other attorneys' fee statutes are applicable.

"(g) For the purposes of subsections (c) and (d) of this section, claims shall be considered as resolved in a manner favorable to the claimant when all or any part of the relief sought is granted.

"(h) In an action brought under section 4025 of this title, the court may award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs where the court finds that the position of the Administrator was not substantially justified or that special circumstances make an award just.".

SEC. 402. Section 3405 is amended—

(1) by striking out "or" after "title,"; and

(2) by striking out "him" and inserting in lieu thereof "such claimant or beneficiary, or (3) with intent to defraud, in any manner willfully and knowingly deceives, misleads, or threatens a claimant or beneficiary or prospective claimant or beneficiary under this title with reference to any matter covered by this title".

TITLE V—MERIT PAY SYSTEM EXCLUSION FOR BOARD OF VETERANS' APPEALS MEMBERS

SEC. 501. Section 4001(b) is amended by adding at the end the following new sentence: "The provisions of section 5402 of title 5 shall not be applied to any member of the Board.".

TITLE VI—EFFECTIVE DATES

SEC. 601. The provisions of this Act shall become effective on the first day of the first month beginning 180 days after the date of the enactment of this Act.

SEC. 602. A civil action authorized in subchapter II of chapter 71 of title 38, United States Code (as added by section 302(a) of this Act) may be instituted to review decisions of the Board of Veterans' Appeals rendered on or after April 1, 1982.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. SIMPSON. Mr. President, it is my pleasure to present to the Senate for its approval S. 349, the proposed "Veterans' Administration Adjudication Procedure and Judicial Review Act." This legislation is designed to improve the adjudicative rights of individuals pursuing claims for Veterans' Administration benefits in order to make them more nearly comparable to the rights of claimants for other Federal benefits.

The improvements made by this bill would take the following forms: most importantly, the bill would lift the present near-total preclusion of judicial review of VA claims, to permit—for the first time—persons whose claims for benefits are denied at the agency level to appeal that denial in the Federal courts. It would codify certain adjudication procedures which are presently in use in the VA and which are generally favorable to claimants. It would authorize the VA to test two alternative methods of improving the appeals process within the VA. It would subject the VA to the formal rulemaking requirements of the Administrative Procedure Act. It would lift the present $10 limitation on the amount of fees that may be paid by a claimant for attorney representation in connection with a claim for VA benefits, to permit the payment of reasonable fees, not only at the Federal court level, but also in the final stage of the agency adjudication. And finally, it would exempt members of the Board of Veterans Appeals from certain performance review requirements generally applicable to other administrative personnel, in order to safeguard the quasi-judicial autonomy of the BVA.

Mr. President, the need for this legislation is clear. Under present law as set forth in section 211(a) of title 38 of the United States Code, all VA benefits decisions are final and not subject to judicial review. Although, as discussed more fully in the Veterans' Affairs Committee report, Federal courts have held that section 211(a) does not preclude judicial review of constitutional questions, certain procedural matters, and challenges to the Administrator's authority to issue particular regulations, the vast majority of VA benefits determinations remains unappealable to any court. Present law also provides, as set forth in section 3404(c)(2), that no attorney representing a claimant for VA benefits may be paid more than $10 for that representation—a provision which effectively precludes all but pro bono representation. Both of these limitations are at odds with the adjudicative rights afforded, primarily by virtue of the Administrative Procedure Act, to claimants for other Federal benefits.

In most other respects, however, the VA claims adjudication process has grown to serve VA claimants quite well. It contains a number of unique and valuable features which are worth preserving: most notably, the use of informal rules for the admission of evidence, the practice of giving the claimant the benefit of the doubt on disputed factual matters, reliance on free representation before the VA by skilled representatives of the national veterans' organizations, and the impressive and well-established expertise of the Board of Veterans' Appeals in deciding the specific military and medical-related factual issues that arise in the context of claims for VA benefits.

Our task, then, in formulating this legislation was to preserve these positive aspects of the present system, and to enhance them through the addition of other important adjudicative rights and safeguards. Our purpose was to insure that veterans and other claimants before the VA receive all benefits to which they are entitled. And we trust that the expansion of these important and almost universal rights of judicial review and meaningful attorney representation will appreciably further that goal.

HISTORY OF S. 349

Mr. President, legislation concerning judicial review of VA benefits determinations has been before Congress in one form or another for many years. The issues contained in present legislation were first addressed in a measure which was introduced in the 94th Congress—S. 3392—by the distinguished Senator from my neighboring State of Colorado (Mr. HART), and which was reintroduced as S. 364 in the 95th Congress. On the basis of extensive hearings held on S. 364, the bill was reintroduced in significantly modified form as S. 330, in the 96th Congress, and was passed in the Senate by voice vote on September 17, 1979. The bill before us today, S. 349, was identical, when introduced on January 30, 1981, to the Senate-passed version of S. 330. On July 15, 1981, the Senate Veterans' Affairs Committee held a hearing to consider S. 349 and related issues, and on June 8, 1982, S. 349 was reported favorably by a unanimous vote of the committee. Subsequently, the bill was referred to the Judiciary Committee, under the original referral order, for a period of 45 days, at the expiration of which, the committee having taken no action, the bill was discharged from the committee and placed on the Senate Calendar.

A total of eight hearings have been held on this legislation: Five during the 95th Congress, two during the

96th Congress, and one in the present Congress. The present form of the bill reflects what I feel to be a painstaking and conscientious effort to gather together the many points of view and recommendations that were presented at these hearings by the many interested witnesses. Truly, this legislation is a group effort, arrived at in an excellent spirit of bipartisan cooperation and consensus.

The notion of judicial review has received strong support from the major veterans' organizations. The VFW, at its national convention in 1979, adopted a resolution specifically endorsing the substance of S. 349, and general support for the need for judicial review has been voiced by representatives of the Disabled American Veterans, AMVETS, Paralyzed Veterans of America, COMVETS, and most energetically and outspokenly, by the National Veterans' Law Center. The American Legion has expressed opposition to the bill, and the VA this year abandoned its previous position of support for the legislation—the basic rationale in both instances being that the present system is adequate and needs no revision.

DISCUSSION OF JUDICIAL REVIEW PROVISIONS

This legislation is not centrally based on a belief that the current system of VA claims adjudication is unjust; to the contrary, there is no evidence that most claimants are not satisfied with the resolution of their claims for VA benefits. Rather this legislation reflects the view that the primary original rationale behind the statutory preclusion of judicial review contained in section 211(a) is now obsolete. The preclusion first appeared in the Economy Act of 1933, Public Law 73-2, and reflected the view that vererans' benefits are mere gratuities and that veterans have no intrerest in or right to such benefits so compelling as to warrant the protection afforded by access to court review. Clearly, this position is untenable and offensive, especially in light of the significant case law that has emerged in the last decade concerning the legal status of Federal entitlements, beginning with the seminal case of Goldberg against Kelly in 1970, in which the Supreme Court held that welfare benefits are more in the nature of a right than a privilege for purposes of due process protections.

This legislation also reflects the view that, inasmuch as administrative determinations concerning virtually all other Federal benefits are subject to judicial review (the only significant exception being determinations concerning benefits under the Federal Employees Compensation Act), it is both unjustifiable and fundamentally unfair to deny to veteran claimants such a common and highly valued right. In addition, although there is cause to have great confidence in the competence and good faith of the individual adjudicators and adjudicative bodies within the VA, there is and will inevitable continue to be some proportion of cases, however small, that are wrongly decided by the Board of Veterans' Appeals, where the only hope of correcting the resulting injustice then lies in judicial review. In this sense, this legislation reflects a faith in the system of checks and balances embodied in Federal court review, a system which can only enhance the likelihood that the truth will be found and a correct and just decision reached. It might also help overcome the perception, in some claimants' minds, that the combination of no judicial review and the $10 limit on attorneys' fees is responsible for a system which is unfair in denying veterans their "day in court." To continue to inform claimants before the VA that benefits to which they are entitled by law could be wrongfully denied, and that there is no remedy for such a wrongful denial, no longer seems to be an acceptable position. Although the VA has a unique and vital mission of providing service to our Nation's veterans and their survivors, it is, at the same moment, a large and complex Federal agency, responsible for dispensing some $14 billion in benefits each year—so the passage of legislation which would involve the judiciary as a "check" on VA action should prove beneficial to claimants before the VA.

Mr. President, although this legislation will permit judicial review of questions of fact as well as questions of law, it is important to note that the factual review provisions have been framed very narrowly. A VA finding of fact may be set aside by a reviewing court only when it is "so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result if it were not set aside."

This provision is intended to permit a reviewing court to reject an agency factual finding only when the court is certain that the finding was wrong. It is intended to be a substantially narrower standard than the "substantial evidence" test used in social security cases—a test which has often been criticized as being too broad, and under which reviewing courts have felt too free to substitute their judgment for that of the administrative tribunal, without having seen or heard the witnesses and without the expertise of the administrative decisionmakers. It is intended to afford the maximum possible deference to the BVA's expertise as an arbiter of the specialized types of factual issues that arise in the context of claims for VA benefits—and to minimize the burden imposed on the Federal courts), while still recognizing and providing for the possibility of error in BVA factual determinations, and the need, however seldom it may arise, for some avenue of redress against the most glaring errors. But despite the various considerations that counsel in favor of restricting the scope of factual review, there can be no doubt that some form of meaningful factual review is essential; obviously, any scheme of judicial review which would guarantee that a manifest and grievous injustice, resulting from a factual finding that is utterly lacking in a rational basis in the evidence could go unremedied would be absurd indeed.

Mr. President, I note that on August 17—some 8 days after S. 349 had been discharged from the Committee on the Judiciary—the Department of Justice submitted to that committee its views on S. 349 as reported by the Veterans' Affairs Committee. Concern was expressed that the new standard of factual review contained in proposed section 4026 might present significant problems of judicial construction, by requiring reviewing courts to engage in what the Department of Justice perceives to be a complicated three-part test. As they put it:

> A court will be required to determine what degree of evidence constitutes a "rational basis" for a finding, how far removed from a "rational basis" a finding may be before it is deemed to cause "a manifest and grievous injustice," and what degree of hardship must be present before a finding causes "a manifest and grievous injustice."

The end result of this process, it was stated, could in effect approximate a substantial evidence standard. The Justice Department views concludes with a recommendation that factual review be limited to cases where there is no evidence in the record to support the finding in question. I ask unanimous consent that the document referred to be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SIMPSON. This expression of concern disregards several of the points that the Veterans' Affairs Committee took great pains to clearly state in discussing the new standard of factual review in its report on S. 349. Please recall that the judicial review provisions of S. 349 were specifically designed to provide for a far more restrictive scope of review than is available under the "substantial evidence" test—in order to preclude reviewing courts from simply substituting their judgment for that of the agency—and to do so by means of a standard so strongly worded as to leave no question as to the intent of the Congress. This standard should be viewed as a unit, not dissected into three or more disparate parts. If the committee had intended that a reviewing court make separate findings as to whether there is a "rational basis" and whether "a manifest and grievous injustice would

result," we would certainly have been artful enough to craft separate clauses for each such element. As it is, however, the language used is intended to represent a straightforward, one-step inquiry into whether the reviewing court is absolutely certain that the agency was wrong. To the extent that the reviewing court has any uncertainty as to the meaning of this standard, it is expected that clarification will be sought from the legislative history first and foremost, rather than through independent judicial construction.

As for the suggested "no evidence" standard, it is clear that such a standard would preclude any meaningful factual review, by precluding all review of findings supported by the merest scintilla of evidence, no matter how patently insubstantial or uncompelling. In practical effect, only questions of law would be reviewable, thus making crucial the distinction between questions of law and questions of fact. The problems associated with this approach are discussed in the committee's report on S. 349, numbered 97-466, in the section dealing with the scope of review provisions of the committee bill.

Essentially, the problem is that most claims determinations before the VA devolve about mixed questions of law and fact, which are often extremely difficult to separate. Indeed, it is quite possible that a specialized veterans' bar could spring up, whose members would have developed great skill and artifice in sorting out the elements of each issue and presenting every question as a legal one, thus creating a likely spate of work for attorneys and the courts—contrary to the Justice Department's central desire to minimize the burden on the courts—but without providing any greater benefit for the veteran community or the broader interests of justice than is provided under the present version of the bill.

One additional point made in the Justice Department views, however, is well taken. The Department recommends a clarification of the language relating to punitive awards of attorney's fees against the United States, in order to reflect more accurately the committee's express intention of track the relevant provisions of the Equal Access to Justice Act. I do very much appreciate these recommendations and will be pleased to give them my full and careful attention at the next appropriate stage in the consideration of this legislation.

It should be noted that this legislation does not repeal the judicial review prohibition contained in section 211(a). Rather, it is retained in substantially modified form, in order that there will be no ambiguity as to whether judicial review of VA benefits determinations is governed by the Administrative Procedure Act or by the provisions of this legislation (the Administrative Procedure Act does not apply, by virtue of section 701 thereof, where there is a statute precluding judicial review).

DISCUSSION OF ATTORNEY'S FEES PROVISIONS

The limitation on attorney's fees dates back to the post-Civil-War period and was established at its present $10 level in 1924. It was grounded in a desire to protect helpless pensioners from unscrupulous lawyers fabricating claims and harassing veterans. It does not appear to have been considered in relation to any potential right of court review, but seems to have been directed only at attorney participation in the uncomplicated initial claims filing process. But no matter how well grounded may have been the concerns expressed in Congress in 1918 about lawyers and claims agents as "mercenary leeches sapping the blood" of financial benefits for veterans, it is clear that such a view of today's organized bar, particularly in light of the widespread network of local bar associations that now generally monitor attorney behavior, is no longer tenable.

Although this $10 limitation is not directly linked to preclusion of judicial review, it seems that the bar to judicial review may have contributed to nonparticipation of attorneys in VA claims matters. In recent years, only approximately 2 percent of all claimants before the Board of Veterans' Appeals were represented by attorneys, a phenomenon that is undoubtedly heavily attibutable to the limit on the fee that an attorney may receive. Thus, the newly created right to judicial review proposed in this legislation would be a hollow right indeed without some easing of the limitation on attorneys' fees. Without the assistance of an attorney, a claimant would effectively be precluded from filing a proper appeal of an adverse VA decision in Federal court and, without amending the $10 limitation, there would continue to be little or no attorney representation in VA claims cases.

Yet extreme care must be taken in making any change in the attorneys' fees limitation so that we do not induce unnecessary retention of attorneys by VA claimants and not disrupt unnecessarily the very effective network of nonattorney resources that has evolved in the absence of significant attorney involvement in VA claims matters. The mainstays of that network are veterans' service officers, usually employees of the national veterans' service organizations, who provide representation without charge to veterans and other claimants before the VA, without regard to whether the individual claimant is a member of the service officer's organization.

The attorneys' fees provision in this legislation are designed to balance these important, competing considerations. The basic purpose is to authorize attorney involvement in the judicial review process, while preserving the present system of low-cost, generally nonattorney representation before the VA as much as is possible. The $10 limit would be retained throughout the proceedings before the agency, except that it would be lifted where an attorney who has been retained to appeal a case to district court determines that the existing administrative record is inadequate and in need of further development or supplementation for appeal purposes. This reopened-case provision should be regarded as incidental to the provisions relating to attorneys' fees for representation in court, and is designed not to interfere with present agency adjudication practice, but to insure that no attorney who accepts a case for court appeal shall be saddled with an administrative record which is inadequate and which he or she had no opportunity to develop.

SUMMARY OF PROVISIONS

Mr. President, I should like to share with my colleagues a brief review of the various provisions of this legislation. The bill's six titles cover the following subjects: Adjudication procedures, Veterans' Administration rulemaking, judicial review, attorneys' fees, merit pay system exclusion for Board of Veterans' Appeals members, and effective dates, as follows:

Title I: Adjudication procedures.—This title would codify and establish various internal procedures of the VA applicable in adjudications of claims for benefits under laws administered by the VA. Included in title I of the Committee bill are provisions that would:

Codify the burden of proof and reasonable doubt standards in VA claims adjudication proceedings, currently provided for by regulation (38 CFR 3.102 and 3.103), in order to assure that the VA's present practices of providing claimants all reasonable assistance in the development of claims and construing the evidence liberally in favor of the claimant are not lost in reaction to the provision, in title III of the Committee bill, authorizing judicial review of final decisions denying claims.

Specify procedures for the service of subpenas authorized under section 3311 of title 38, United States Code, including procedures for personal service or service by mail.

Increase the statutory limitation on the size of the BVA from 50 to 65 in order both to ease existing strains on the BVA's docket and to enhance the Board's ability to deal with workload increases that may be generated by judicial review of VA decisions.

Encourage the BVA to dispose of appeals before it in a timely manner.

Require the Chairman to report to the appropriate committees of the Congress annually on the Board's current and future workload and its ability, based on then current and projected staffing, to dispose of appeals in a timely manner.

Require the BVA to provide a claimant with notice and an opportunity for a hearing before making a decision based on addi-

tional official information received after the BVA had previously decided the case.

Codify a claimant's right to an opportunity for a hearing before the BVA.

Require expressly that BVA decisions must be exclusively on evidence and material of record and on applicable provisions of law.

Make a technical correction in the description of the BVA's authority to reopen a claim by deleting (as inconsistent with present practice) the present requirement that new and material evidence sufficient to reopen a claim be in the form of official reports from the proper service department.

Specify that a court decision upholding denial of a claim under title III of the Committee bill, shall not diminish the Board's discretionary authority to reopen a claim.

Require the BVA to mail a detailed statement of its decision to the claimant and the claimant's authorized representative, if any, at the last known address of the claimant and such representative.

Expand the present requirement that BVA decisions be in writing and contain findings of fact and conclusions of law separately stated, to require that such decisions include findings and conclusions and reasons and bases therefor, on all material issues of fact, law, and matters of discretion, as well as an order granting or denying relief.

Expressly provide a claimant before the BVA with the right, upon request, to have the Board acquire an independent medical opinion when there is a substantial disagreement between the substantiated findings or opinions of two physicians on an issue material to the outcome of the case. Any Board decision to deny such a request, and the basis for such denial, would have to be provided to the claimant but such decision would not be subject to judicial review.

Authorize the Administrator to administer oaths and affirmations, examine witnesses and receive evidence in VA claims adjudication proceedings.

Provide for the admission, even if inadmissible under the rules of evidence applicable in court, of all evidence submitted in VA claims adjudication proceedings subject only to such provisions as the Administrator may impose through regulations for the exclusion of irrelevant, immaterial, or unduly repetitious evidence.

Provide that, in the course of hearings on a claim for VA benefits following initial denial of the claim, the claimant (or other party) shall have the right to review and, on the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of inability to pay or for other good cause shown) limited to the costs of duplication, to obtain copies of the case files and all materials to be used by the VA at the hearing, to present witnesses and evidence including medical opinions and rebuttal evidence, to make argument and to submit written contentions, and to submit to any person written interrogatories which must be answered unless written objections thereto are filed. If the person served with interrogatories files an objection thereto, the Administrator must, pursuant to regulations that the Administrator must prescribe, evaluate the objection and issue an order directing that answers be given or stating that they need not be given. If the person served with interrogatories fails to comply with such an order or, in the absence of an objection, to answer the interrogatories, the party who served the interrogatories would have the right, upon a statement or showing of good cause, to have the Administrator issue a subpena (enforceable in Federal district court) for the witness' attendance at a deposition at which the unanswered interrogatories would be asked.

Allow, in the course of any claims proceeding, any VA employee to disqualify himself or herself on the basis of personal bias or other cause and a party to challenge such an employee on such basis.

Specify the materials that must be included in the record of VA claims adjudication proceedings and provide that the record shall be available for the claimant's inspection and shall be copied for the claimant upon the payment of a fee (waivable, pursuant to regulations that the Administrator must prescribe, on the basis of claimant's inability to pay or for other good cause shown) limited to the costs of duplication.

Specify that the adjudication rights contained in title 38 and prescribed thereunder by the Administrator are exclusive.

Require the Administrator, at each stage of claims adjudication proceedings before the VA, to provide the claimant with detailed notice, in easily understandable language, of the claimant's procedural rights.

Authorize a VA study of alternative methods of ensuring the prompt and efficient resolution of claims and affording claimants the opportunity for a timely and convenient hearing or review by a disinterested authority. Under this provision, the Administrator could study the following two alternative methods of speeding claims resolution at locations convenient to claimants: (A) intermediate review panels which would conduct de novo reviews at VA regional offices prior to appeal to the BVA, and (B) an enhanced schedule of BVA traveling board visits (at least four per year). The report on the study, including the Administrator's recommendations for administrative or legislative actions, or both, would be due to be submitted to the Congress within 6 months after completion of the study.

Title II: Veterans' Administration rule making.—This title would require application of the Administrative Procedure Act (APA) provisions applicable to rule making, including requirements of notice to the public of proposed regulations and opportunity for comment on such proposed regulations notwithstanding the exclusion from such provisions in section 553(a)(2) of title 5, United States Code, of matters involving loans, grants, benefits, or contracts.

Title III: Judicial review.—This title would permit access to the United States Federal court system for review of decisions of the Administrator on claims for benefits. Included in title III of the Committee bill are provisions that would:

Expand the present category of exceptions to the general preclusion of judicial review contained in present section 211(a) of title 38, United States Code.

Authorize review of a final decision of the Administrator adverse to a VA benefits claimant in Federal district court (in either the plaintiff's home district or the judicial district where the Board of Veterans' Appeals is located, presently the District of Columbia) instituted by a civil action brought within 180 days of the mailing by the VA of notice of such decision.

Define a "final decision of the Administration", which may be appealed to Federal court, to include a Board of Veterans' Appeals (BVA) final decision on the merits, refused to reopen a claim, and dismissal of an appeal.

Define "claim for benefits" to include not just initial claims, but also subsequent action taken on a claim such as reduction or termination of benefits.

Require that a complaint instituting a civil action for court review of a decision relating to a claim for benefits include sufficient information to permit the VA to identify and locate the plaintiff's VA records.

Require the VA to file, together with its answer to a complaint, a certified copy of all of the materials that constitute the record or, if the cost of filing all such materials would be unduly expensive, a complete index of all of the materials. In the latter case, the court would, after considering the requests of the parties, order the Administrator to file certified copies of such indexed items as it deemed relevant to its consideration of the case.

Authorize a court, in an action for review of a VA denial of a claim for benefits, to enter a judgment on the pleadings and the records.

Preclude judicial review, under the provisions added by this title of the Committee bill, which the initial claim is filed with the Administrator on or after the last day of the fifth fiscal year beginning after the effective date of such provisions, and with respect to matters arising under chapters 19 (insurance) and 37 (home, condominium, and mobile home loans) of title 38, United States Code.

Authorize the reviewing court to decide all relevant questions of law; to interpret constitutional, and statutory provisions as well as other actions of the Administrator, compel action of the Administrator unlawfully withheld; and to hold unlawful and set aside decisions, finding, and conclusions of the Administrator found to be (A) arbitrary, capricious, an abuse of discretion, or not in accordance with law, (B) contrary to constitutional right, power, privilege, or immunity, (C) in excess of statutory, jurisdiction, authority, or limitation, or in violation of a statutory right, or (D) without observance of procedure required by law, or (E) in the case of a finding of material fact, so utterly lacking in a rational evidentiary basis that a manifest and grievous injustice would result if the finding were not set aside.

Require a reviewing court, before reversing an Administrator's decision on the basis of the court's finding that a factual determination of the Administrator is utterly lacking in a rational evidentiary basis, to specify where it finds the record deficient and remand the matter a single time to the Administrator for further action within a reasonable, specified period of time.

Require a court, in making determinations, to review those parts of the administrator record cited by a party and to take due account of the rule of prejudicial error.

Preclude a reviewing court from conducting a trial de novo on the Administrator's findings of fact.

Provide that, in a matter resolved by the VA solely on the basis of a party's failure to comply with a VA regulation, the reviewing court may consider only issues raised as to the validity of or a party's compliance with the regulation.

Authorize three different types of remands from the reviewing court to the Administrator: First, a single remand for not more than 90 days, at the Administrator's request before the Administrator files an answer, for the Administrator to reconsider the case; second, a remand in the court's descretion after the Administrator has filed an answer; and third, a remand if either party applies for leave to adduce further evidence

and the moving party shows "good cause" for the requested remand.

Provide that any actions brought under the judicial review provisions added by this title of the Committee bill will survive the tenure of any individual as Administrator.

Provide that decisions of the district court pursuant to the judicial review provisions added by this title shall be subject to review in higher Federal courts in the same manner as judgments in other civil actions.

Specify that the current-law limitation on the jurisdiction of Federal district courts in matters involving pensions shall not apply to VA pension matters.

Title IV: Attorneys' fees.—This title would revise the present title 38 limitation of $10 for claimants' attorneys' fees by authorizing reasonable attorneys' fees, within certain limits, for representation of individuals before the VA and for representation in a case appealed to court under the judicial review provisions added to title 38 by this title of the Committee bill, with a specified limitation in cases in which the matter is resolved in a manner unfavorable to the claimant. Included in title IV are provisions that would:

Retain the $10 limitation on the amount an attorney may receive for services rendered prior to a final BVA decision.

Permit the Administrator to approve a reasonable attorneys' fee for representation within the VA after a final BVA decision (where, for example, a case remains before the VA for reconsideration or for reopening on the basis of "new and material evidence" offered under section 4004(b) of title 38, United States Code, as amended by title I of the Committee bill), up to a maximum of $500 or, if the claimant and attorney have entered into a contingency-fee agreement, no more than 25 percent of any past-due benefits awarded the claimant.

Authorize the Administrator to increase the $500 maximum limitation in future years to reflect changed economic conditions.

Authorize the Administrator to disregard the $500 limitation in an individual case involving extraordinary circumstances warranting a higher fee.

Allow a reviewing court, in a case appealed from the VA, to approve a reasonable attorneys' fee. For cases not resolved in a manner favorable to a claimant, the maximum a court could approve would be $750. For cases resolved in a manner favorable to a claimant, the only limitation on the amount of the fee that a court could approve would be that it must be reasonable, or that, if a claimant and an attorney had entered into a contingent-fee agreement, the fee approved by the court could not exceed 25 percent of the total amount of past-due benefits.

Authorize the VA to make payment to an attorney from past-due benefits, but preclude the VA from making payments from benefits received subsequent to the date of the decision entitling the veteran to benefits.

Limit the applicability of the attorneys' fee provisions to cases involving claims of benefits.

Define, for the purpose of attorneys' fees provisions, a claim as being "resolved in a manner favorable to the claimant" when any or all of the relief sought is granted.

Authorize a court to award to a prevailing party, other than the Administrator, reasonable attorneys' fees and costs where the court finds that the position of the Administrator was not substantially justified or that special circumstances make an award unjust.

Provide criminal penalties for willfully and intentionally defrauding a VA claimant.

Title V: Merit pay system exclusion for Board of Veterans' Appeals members.—This title would exempt members of the BVA other than the Chairman and the Vice Chairman from the merit pay provisions of the Civil Service Reform Act of 1978.

Title VI: Effective dates.—This title provides for an effective date and authorizes the institution of civil actions, under the judicial review provisions added by title III of the Committee bill, for the review of certain Board of Veterans' Appeals (BVA) decisions prior to such effective date. Included in this title are provisions that would:

Provide that the provisions added by the Committee bill would become effective 180 days after the date of enactment.

Allow for court review of a BVA decision rendered on or after April 1, 1982.

Mr. President, in conclusion, I do wish to take this opportunity to express my great appreciation for the efforts and contributions of my good friend from California (Mr. CRANSTON), the ranking minority member of the Veterans' Affairs Committee. He has indeed been a tireless champion of this legislation, and I applaud his deep and heartfelt concern for the quality of justice that is afforded to veterans and their dependents. I also wish to thank the distinguished Senator from Colorado (Mr. HART), who has been an original sponsor of this legislation since its inception, for his continued interest and involvement. In addition, Senator STROM THURMOND has given outstanding service in resolving this matter—as a member of the Veterans Affairs Committee and as chairman of the Judiciary Committee. I richly commend him and sincerely thank that extraordinary gentleman.

The bill that is before you today is the product, as I have already indicated, of years of effort and careful weighing of equities by the Veterans' Affairs Committee staff. As far as the excellent modifications reflected in the committee amendment to S. 349 are concerned, I wish to acknowledge the fine work of committee staffers Scott Wallace, Tom Harvey and Harold Carter, ably assisted by Kay Eckhardt, Laurie Altemose, and Jim MacRae. My thanks also to minority staffers Bill Brew and Jon Steinberg, as well as to Joe Buzhardt with Senator THURMOND, and Bill Holen of Senator HART's staff. I also wish to extend my thanks for valuable technical assistance to Ed Lukey and Don Zeglin of the VA's Office of the General Counsel, to Jän Donsback, special assistant to the Chairman of the Board of Veterans Appeals, and to Ron Simon and Lewis Milford of the National Veterans' Law Center.

Mr. President, I believe that this legislation is fully responsive to all of the many and varied concerns that have been brought to the attention of the committee with regard to improving the VA claims adjudication process. It is now time to grant to claimants before the VA adjudicative rights that are comparable to those afforded to claimants for virtually all other Federal benefits. I urge my colleagues to support this important legislation.

EXHIBIT 1

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, D.C., August 17, 1982.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This responds to your request for the views of the Department of Justice on S. 349, a bill to amend title 38 of the United States Code to establish procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration. The Department of Justice previously provided in-depth comments on S. 349 to the Committee on Veterans' Affairs (reprinted in S. Rep. No. 97-466, 97th Cong., 2d Sess. 141 (1982)) and we will not belabor your Committee with a repetition of those comments. However, S. 349 was amended in part subsequent to the submission of our comments and we welcome this opportunity to express the views of the Department of Justice on the amendments.

Most of our comments are unaffected by the amendments to S. 349. For example, we expressed our view that the enactment of S. 349 would greatly increase the volume of litigation handled by the Department of Justice. We pointed out that this increase is a natural consequence of a bill which provides access to the courts to a large class of claims not previously subject to judicial review. None of the changes to S. 349 effected by the amendments alters our position. We remain of the view that this legislation will represent a departure from existing practice with concomitant substantial costs to the Government. However, we defer to the Veterans' Administration as to whether such changes should be effected at this time.

We do wish to supplement our comments concerning the attorney's fees provisions of S. 349. We originally expressed concern that the provisions did not clearly indicate the situations in which a court is empowered to award attorney's fees against the United States. The amendments to S. 349 address this concern and provide a clear indication of the standards for the award of attorney's fees. Nonetheless, we remain concerned about the language used to amend that portion of Section 401 dealing with the punitive award of attorney's fees against the United States. As amended, this section permits the award of attorney's fees to a prevailing party "where the court finds that the position of the Administrator was not substantially justified or that special circumstances make an award just." 38 U.S.C. § 3404(h) (proposed language). The Report of the Committee on Veterans' Affairs indicates that this language was intended to provide an attorney's fees standard similar to that contained in the Equal Access to Justice Act, Public Law 96-481. S. Rep. No. 97-466, 97th Cong., 2d Sess. 79 (1982).

The amended language appears to provide an attorney's fee standard that is broader than the standard set forth in the Equal Access to Justice Act. The difference in standards is found in two cases. First, unlike the standard contained in the Equal Access to Justice Act, which permits the denial of

an attorney's fee award where "special circumstances make an award unjust" (28 U.S.C. § 2412 (d)(1)(A)), the standard contained in S. 349 would arguably limit a court's power to deny the award of attorney's fees where special circumstances make an award of attorney's fees unjust to situations where the court also finds that the position of the Administrator is justified. Even where the position the Administrator is unjustified, however, the court may feel that the conduct of the prevailing party in the course of litigation, such as abusing discovery procedures, unduly prolonging litigation to generate increased attorney's fees, or generally acting in bad faith, justifies the denial of an attorney's fees award.

Second, the standard in S. 349 would permit a Court to award attorney's fees, even if the position of the administrator is substantially justified, where special circumstances make an award just. However, the Equal Access to Justice Act precludes an award in any case where "the court finds that the position of the Untied States was substantially justified." 28 U.S.C. § 2412(d)-(1)(A). Thus, S. 349 once again goes further than the Equal Access to Justice Act in exposing the United States to liability for attorney's fees.

To insure that S. 349 more closely follows the Equal Access to Justice Act in providing for the award of attorney's fees, we suggest that the language of Section 401 be amended to provide:

(h) In an action brought under section 4025 of this title, the court may award to a prevailing party other than the administrator, reasonable attorney's fees and costs where the court finds that the position of the administrator was not substantially justified and special circumstances do not make an award unjust.

We also wish to supplement our views concerning the scope of review for factual determinations made by the Administrator in Board of Veterans' Appeals proceedings. We expressed concern that extensive review of such factual determinations would greatly exacerbate the significant caseload problems which will naturally result from judicial review of a new class of claims. The Committee on Veterans' Affairs responded to these concerns by amending section 4026 to allow a court to overturn the Administrator's factual findings only where a finding "is so utterly lacking in a rational basis in the evidence that a manifest and grievous injustice would result if such finding was not set aside." 38 U.S.C. § 4026 (proposed language). While this language is a good first step in limiting the scope of judicial review of factual determinations, we feel that it might still permit extensive review of factual determinations. The proposed language provides a new standard which likely will require extensive judicial construction prior to application. A court will be required to determine what degree of evidence constitutes a "rational basis" for a finding, how far removed from a "rational basis" a finding may be before it is deemed to cause "a manifest and grievous injustice", and what degree of hardship must be present before a finding causes "a manifest and grievous injustice." If a court construes these terms broadly, it is possible that the standard of review could in effect approximate an "arbitrary and capricious" or even "substantial evidence" standard. The standard offers little guarantee against a recurrence of the enormous problems attendant to the factual review in Social Security cases which we discussed in our comments to the Committee on Veterans' Affairs.

The best approach to this problem is to provide review only of the legal basis for the Administrator's decision while reposing sole responsibility for factual determinations with the Boards of Veterans' Appeals, which have the expertise necessary to weigh and interpret properly complex medical evidence. Experience dictates that many litigants advance any available arguments, even if the chances of success of the arguments are restricted. Therefore, a mere tightening of the standard of factual review is likely to reduce only the number of cases that successfully raise factual challenges, not the absolute number of factual challenges. A preclusion of factual review will protect the integrity of the Administrator's factual findings and assure control over the caseload resulting from S. 349. However, should the Committee wish to retain some degree of factual review, we suggest that section 4026 be amended to provide in pertinent part:

(a) In any action brought under section 4025 of this title, the reviewing court to the extent necessary to its decision and when presented, shall—

(4) in the case of a finding of material fact made in reaching a decision for a claim for benefits under laws administered by the Veterans' Administration, hold unlawful and set aside such finding where there is no evidence in the record to support it.

This standard should decrease the likelihood of a judicial expansion of factual review.

The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General.

Mr. THURMOND. Mr. President, I would like to take this opportunity to raise an important issue with respect to this legislation. As the distinguished chairman of the Senate Veterans' Affairs Committee knows, my major concern about this legislation, as chairman of the Judiciary Committee, is that section 4026(A)(4) of the bill, which permits limited judicial review of factual findings of the Administrator, might impose an unnecessarily heavy burden on the Federal court system, both in terms of added case load and lack of judicial familiarity with the particular types of factual questions involved in VA claims determinations. This concern could be addressed by limiting the scope of judicial review available under this bill to questions of law only. This is an issue which I raised in the 96th Congress, by offering an amendment to that effect at the committee markup of S. 330, the predecessor of S. 349. I again raised the scope of review issue in our markup this year, although I did not offer an amendment at that time. I would appreciate any comments which the Senator from Wyoming would care to make on this important issue, particularly with regard to the scope of review provision presently found in S. 349.

Mr. SIMPSON. I am well aware of the concerns of the distinguished chairman of the Judiciary Committee on this issue. Indeed, I find his concerns compelling, and I would agree that it is appropriate to phrase the scope-of-review provisions as restrictively as is practicable. As the Senator knows, the factual review provisions in this legislation have been made increasingly restrictive over the years. In S. 364—this bill's predecessor in the 95th Congress—the "substantial evidence" test was used. This was narrowed in S. 330—the bill that passed the Senate in the 96th Congress—to an "arbitrary and capricious" test. In the present bill, the standard has been further refined to provide that a factual finding of the VA may be reversed by a reviewing court only when it is "so utterly lacking in a rational basis in the evidence that a manifest and grievious injustice would result if such finding were not set aside." As is stated in the committee's report, and as I have emphasized in my opening remarks today, this standard is intended to be substantially narrower than the "substantial evidence" test. A reviewing court may not conduct a trial de novo of the facts, and every effort has been made in framing the legislation to insure that the court will not simply substitute its judgment for that of the administrative tribunal, as is so often the case in the area of social security matters. I believe that the Board of Veterans' Appeals has, over the years, demonstrated great competence as an expert adjudicator of the particular types of factual issues that arise in connection with claims for VA benefits, and that we should defer to that expertise. Nevertheless, after a painstakingly thorough examination of considerations such as these, the committee found that the fact/law distinction was likely to prove unworkable in the VA context. Accordingly, the committee settled upon the very restrictive standard of factual review now contained in the bill, in an attempt to satisfactorily address these same considerations—easing the burden on the Federal courts, and deferring to the expertise of the BVA—that led to the recommendation of a "law-only" scope of review.

Mr. THURMOND. I appreciate the chairman's understanding of this problem and his substantial efforts to structure a very narrow review provision. I recognize that it is difficult to say with any certainty what effect the limited factual review of VA determinations will have on the caseload of the Federal court system. Thus, in light of that uncertainty and of the Senator's very helpful explanation of the factual review provision found in S. 349, I shall defer for now to the present language of the bill, which refects the chairman's sincere and very conscientious effort to address these

concerns constructively. I suggest, however, that both the Veterans' Affairs Committee and the Judiciary Committee carefully monitor experience under this legislation and that, after expiration of the 5-year sunset provision contained in section 4025(f)(1) of the bill, we conduct a thorough analysis of the results of judicial review of VA determinations. Of particular importance will be the impact of the factual review provision, through means such as an examination of the percentage of appeals on factual grounds that ultimately prove unsuccessful, on matters such as Federal court caseload and the decisionmaking role of the BVA.

Mr. SIMPSON. I think that the distinguished Senator's suggestion is an excellent one. Without a doubt, the scope-of-review issue has been the most difficult one to resolve in the context of this bill, and I would certainly expect it to be the most significant subject of study in considering whether this legislation ought to be extended beyond the original 5-year authorization. As a member of the Judiciary Committee myself, I wish to express my great appreciation for the chairman's sensitivity to issues concerning the ability of the Federal courts to continue to handle their ever-increasing caseloads effectively and responsibly, without any diminution in the quality of justice available to litigants in all Federal cases.

Mr. THURMOND. I thank the Senator for his assurances and his cooperation on this important issue.

Mr. CRANSTON. Mr. President, as the ranking minority member on the Veterans' Affairs Committee, I am delighted to join with my good friend from Wyoming, the committee chairman (Mr. SIMPSON), in urging our colleagues to give their wholehearted, unanimous approval to S. 349, the proposed Veterans' Administration Adjudication Procedure and Judicial Review Act. If the Senate acts as we urge, this will be the second time—the first coming during the last Congress on September 17, 1979, when a predecessor measure, S. 330, was passed—that the Senate has gone on record in support of legislation to eliminate provisions in current law that accord veterans a second-class citizenship in the very fundamental area of their relationship with the Federal Government regarding questions related to statutorily provided benefits and services. I am convinced that the Senate's position on this issue is correct, and I hope that our colleagues in the other body will take notice of our actions and, once this measure reaches that body, will given it the full and favorable consideration it deserves.

Mr. President, the basic purpose of S. 349, which the Veterans' Affairs Committee reported on June 8, 1982, is to insure that veterans and other claimants before the VA receive all benefits to which they are entitled under law by providing them with the opportunity for judicial review of final decisions of the Administrator of Veterans' Affairs denying claims for benefits, by codifying certain internal procedures of the VA relating to the adjudication of benefit claims, by requiring that VA rulemaking processes comply with provisions of the Administrative Procedure Act relating to notice and comment, and by allowing claimants to pay attorneys reasonable fees for representation before the VA after a decision by the Board of Veterans' Appeals and for representation in judicial proceedings.

BACKGROUND

Mr. President, in January of last year, at the time Senators HART, DECONCINI, and I introduced S. 349—which was identical to S. 330 as passed by the Senate during the 96th Congress—I made an extended statement in which I discussed the history of consideration of judicial review legislation in the Senate over the prior three Congresses and the reasons supporting the bill we were then introducing. I refer my colleagues and others with an interest in this background to my remarks at the time of introduction which begin on page 1354 of the RECORD for January 30, 1981.

It is sufficient to note at this point that the measure as it comes before the Senate has been through an extended period of development which began in the 94th Congress. During this period, the Committee on Veterans' Affairs has held eight hearings on judicial review legislation, and the Judiciary Committee has held one such hearing. Judicial review legislation has been before both the Veterans' Affairs Committee and the Judiciary Committee, with the Veterans' Affairs Committee twice voting to report such legislation, and the Judiciary Committee twice, after referral of the reported bill for a period of time, taking no action to amend the reported measures before being discharged from their consideration.

Finally, as I just noted, the Senate, during the last Congress, passed legislation quite similar to the pending measure.

In short, it is clear that the Senate has given a great deal of consideration to the issue of providing for judicial review of VA decisions and has indicated its support for providing an opportunity for a veteran aggrieved by a VA decision on a claim for benefits to obtain a carefully limited review of such a decision. I have every expectation that the Senate will go on record again today in support of such a result, and I strongly urge that action.

Mr. President, because, as I noted earlier, I have previously described in some detail the background of this legislation and the general reasons for my support for it, I will limit my remarks today to a brief discussion of the more significant changes made by the Veterans' Affairs Committee to the measure as introduced. In addition, I will mention some current activity that further reinforces my support for this legislation.

COMMITTEE AMENDMENTS

Mr. President, the committee made a number of changes to S. 349 as introduced. The two principal changes were to the provisions relating to a court's scope of review and to the provisions relating to the fee a VA claimant can pay an attorney.

On the scope-of-review issue, S. 349 as introduced—and S. 330 as passed by the Senate during the last Congress—included an "arbitrary and capricious" test for a court to use in evaluating a VA decision on a question of fact. As was described in the committee report on S. 330 (S. Rept. No. 96-178) it was the committee's intent in adopting this standard in that legislation that a reviewing court would have less latitude to review, and thus possibly reverse, a VA decision on a question of fact than a court utilizing the "substantial evidence" test which is generally used by courts under the Administrative Procedure Act in conjunction with the review of factual decisions made by other Federal agencies.

In S. 349 as reported and now pending before the Senate, the "arbitrary and capricious" standard has been replaced by an even more restrictive scope-of-review standard—a court can set aside a VA finding on a material fact only when the VA finding "is so utterly lacking in a rational basis in the evidence that a manifest and grievious injustice would result if such finding were not set aside." Thus, a veteran seeking court review of a VA decision on a factual issue would have to show, first, that the factual issue was "material" to the claim; second, that the VA's finding was "utterly lacking in a rational basis"; and finally, that "a manifest and grievious injustice" would result if the VA decision were allowed to stand. This is a very narrow scope-of-review provision which clearly demonstrates the committee's view that the Board of Veterans' Appeals is and should remain the expert arbiter of factual issues in VA claims matters and that a reviewing court's role in examining decisions of the Board on factual matters should be sharply circumscribed. I believe that this standard strikes the appropriate balance of allowing some opportunity for court review of VA decisions on factual issues, so as to avoid the result of allowing plainly incorrect decisions to go uncorrected, while sharply limiting that review so that courts are prevented from second guessing the VA decisionmakers on factual issues.

Mr. President, as is discussed in the committee report accompanying S. 349 (S. Rept. No. 97-466) the committee considered various formulations for the scope-of-review provisions including, as suggested by the VA, allowing court review only of questions of law and precluding review of questions of fact. This latter formulation was considered during the development of S. 330 during the last Congress and, both on that occasion and in our committee's deliberation on S. 349 this year, our committee decided against establishing such a fact/law dichotomy. Instead, on each occasion the committee adopted scope-of-review provisions permitting specific, limited review of factual questions.

Two major reasons support the committee's decision not to preclude court review of factual issues in VA claims cases. First, denying claimants before the VA any opportunity to have a court review issues of fact would continue to relegate these claimants to second-class citizenship before the courts. I cannot think of any adequate way to explain to a veteran or other claimant before the VA that his or her benefit could be denied on the basis of a clear factual error.

Second, a law/fact dichotomy in the scope-of-review provisions would be extremely difficult to apply, and, ironically, could actually increase the amount of judicial time and energy expended on the review of VA cases. Few questions that come before the VA are pure fact or pure law questions. Rather, they are usually a mix of fact and law. If a court were permitted to review only questions of law, it might apply the law/fact distinction in a very strict fashion and refuse to hear many cases in which there is a significant legal question. Or, a court might stretch the concept of a "legal" question almost to the breaking point so as to assume jurisdiction over cases with compelling factual issues. In any event, it is not clear that the spirit of the law/fact distinction would be respected, and it seems likely that there would be a wide divergence in various courts' handling of VA cases.

Further, if a law/fact distinction were enacted, attorneys appealing VA decisions to court would find it necessary, in order to fulfill their responsibilities to their clients, to do their utmost to characterize each issue in their cases as involving a question of law. This would mean that reviewing courts frequently would be called upon first to address difficult threshold questions as to which of the issues presented, if any, it may consider. Where the court decided not to consider a case or issue on the grounds that it involved only questions of fact, those decisions could often be appealed to a higher court. Thus, a law/fact distinction could result in a very substantial, wasteful demand on judicial resources for the resolution of issues unrelated to a review of the merits of the VA claims being appealed. There is a reasonable likelihood that such expenditure of judicial resources on deciding jurisdictional questions could exceed the utilization of those resources needed to decide certain factual issues under the strict, very limited scope-of-review provision in the committee bill.

For these reasons, Mr. President, I believe that the specific but limited opportunity provided for in the bill for court review of factual decisions in VA claims decisions is the most appropriate course to take.

With reference to the change to the provisions relating to attorneys' fees, S. 349 as introduced would have amended current law, which precludes an attorney from receiving more than $10 for representing a veteran or other claimant before the VA, so as to allow a veteran to hire an attorney and pay more than $10 when the claim was at the regional office level and the veteran had received a "statement of the case"—the document provided to a veteran following the initial rejection of a claim and before the first substantive appeal. Under S. 349 as reported by the committee, the lifting of the $10 limitation is delayed until after the Board of Veterans' Appeals has rendered a decision on a claim. The committee made this change to demonstrate more clearly its view that a veteran claimant's first choice for representation before the VA should generally be a veterans' service officer. These service officers—generally employees of veterans' organizations—do a fine job representing veteran claimants, without charge, before the VA. There is a real need for them to continue to serve veterans in this way. At the same time, there is a need to provide a basis for some attorney participation in the context of providing access to judicial review.

So that an attorney entering a case after a decision by the Board could have the opportunity to have an impact on the administrative record before seeking court review and also to create the greatest likelihood that claims will be resolved before the VA rather than in court, S. 349 as it is before the Senate would further amend current law in two ways: First, it would mandate by law that a claim before the VA be reopened upon the presentation of new and material evidence following a Board decision, rather than leaving it discretionary as it is under current law; and second, it would add a new discretionary basis—"for good cause shown"—for the Board to reopen a claim. Thus, an attorney entering a case after a Board decision would be able, upon the presentation of new evidence, to have the case reopened by the VA and could, for good cause shown, petition the VA to reopen such a case.

Mr. President, as I noted earlier, there are a number of other changes that the committee made to S. 349. These changes are fully described in the committee report, so I will not go into them at this time. It is enough to note that I believe that these changes which were developed in committee should enhance the likelihood that the bill will achieve the committee's goal of providing specific limited access to court for review of individual benefit decisions and of causing the least disruption possible to the current claims adjudication system and to the Federal judiciary.

CONTINUING NEED FOR LEGISLATION

Mr. President, in the statement that I made in January 1981 when S. 349 was introduced which I referred to earlier, I discussed in detail the reasons that I believe that judicial review legislation is needed. I continue to believe in this need, because of the reasons I mentioned then as well because of events since then.

As I noted in my earlier statement, one compelling reason for providing for judicial review is to attempt to insure fairness to individual claimants before the VA. In saying this, I do not mean to indicate a belief that the Board of Veterans' Appeals in any way intends to deny such fairness or that, despite the Board's best efforts, there is a routine denial of fairness. To the contrary, I believe that the members of the Board are fairminded, conscientious individuals who make a concerted effort to carry out their adjudicatory responsibilities in an evenhanded fashion and that, by and large, most claimants before the VA are treated fairly. However, I have long been concerned that the tremendous volume of claims handled by the Board provides a significant opportunity for some injustices to occur. On the basis of current trends, the number of claims handled by the Board will continue to increase, thereby increasing the possibility of some unintended injustices. At an oversight hearing on the Board's activities before a House Veterans' Affairs Subcommittee earlier this year, the Board Chairman, Kenneth Eaton, in testimony prepared for the hearing, stated:

> For the past 5 or 6 years the number of appeals has outstripped our ability to handle them. At this time we see no letup in new appeals. In fiscal year 1981 veterans and other claimants filed a record number—68,183—notices of disagreement. For the first half of fiscal year 1982, NOD's came in at a rate more than 3-percent greater than a year earlier.

It seems difficult to believe that with this great volume of claims and the pressure to reach decisions on them in a timely fashion, injustices will not occur that could be remedied by judicial review.

Mr. President, the other principal support for judicial review legislation

is the need to establish a basis for the review of questionable agency actions restricting, withholding, or withdrawing VA benefits, actions that can only increase as there is greater pressure within the executive branch to realize cost savings in current programs. There are many examples of such actions, such as efforts by the VA to collect for the cost of health care provided to veterans who happen to be VA employees; attempts by the agency, at the direction of the Office of Management and Budget, to restrict beneficiary travel reimbursement for eligible veterans; allegations that some VA stations are applying very stringent standards in cases in which Vietnam veterans are seeking to be granted service connection for post-traumatic stress disorder; and the VA's drawing overly restrictive regulations to implement the targeted GI bill delimiting-date extension enacted in Public Law 97-72.

In each of these cases and in other similar cases, the lack of access to court review has serious implications. If the veterans affected by the various VA actions had access to court to challenge the particular actions, the individuals most directly affected by these actions would be able to be heard by an entity outside of the VA. In a similar way, the VA's handling of claims based on exposure to agent orange or to radiation from the detonation of a nuclear weapon would benefit from outside review by allowing those who believe they have been harmed to have their claims tested in an independent forum.

Mr. President, in making this point, I do not want to be understood as suggesting that the VA is wrong on all or any of these issues. Rather, I am suggesting that outside review by the independent branch of Government established in our constitutional framework to carry out the role of determining whether action is legal would benefit all parties involved. The VA would have its processes subjected to appropriate scrutiny and, to the extent the agency's actions were upheld, would be vindicated. Likewise, to the extent the agency's actions were struck down, steps could be taken to improve the process so as to insure that the agency is fulfilling its mission to serve veterans in the best possible fashion. I am concerned that agency action that does not have the benefit of outside scrutiny may fail to address fully the legitimate needs of those the agency exists to serve, and I believe that providing for judicial review would correct this shortcoming.

A final need for judicial review legislation is to help clarify the state of the law on the scope of the current law provision that bars judicial review, section 211(a) of title 38. At present, there are some important differences between the various U.S. Courts of Appeals regarding the sweep of this prohibition, and I am concerned that the VA contributes to this confusion by raising the 211(a) bar in cases in which it is not appropriate. Thus, the place where a veteran seeks to bring an action may well determine the outcome of the case, a result that should be avoided.

Some courts have held, correctly I believe, that the 211(a) bar applies only to claims for benefits by individual veterans. The VA has not accepted this view. Hence, on the issue of the VA's raising section 211(a) in cases involving other than individual benefit decisions, earlier this year I wrote the VA Administrator regarding my concerns about what I saw as an inappropriate reliance on 211(a) in the context of a case—Gott against Nimmo, presently pending in the U.S. Court of Appeals for the District of Columbia Circuit—involving a challenge to the way in which various guidelines were issued relating to the VA's handling of claims for benefits based on exposure to nuclear-detonation radiation. It is clear that no individual claims for benefits are involved in this case, and yet attorneys representing the VA have raised the bar of 211(a) in both the trial court—unsuccessfully—and presently in the court of appeals. The most appropriate way to clarify the situation, in my view, is to remove the 211(a) bar and thereby provide specified, limited access to court for veterans and others with claims before the VA.

Mr. President, I ask that my letter to Administrator Nimmo that I mentioned dated March 10, 1982, and his reply, dated March 24, 1982, be printed in the RECORD at this point.

The letters referred to follow:

U.S. SENATE,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, D.C., March 10, 1982.

Hon. ROBERT P. NIMMO,
Administrator of Veterans' Affairs,
Washington, D.C.

DEAR BOB, I have been following the case of *Gott* v. *Nimmo* (formerly, *Gott* v. *Cleland*) in which the Veterans' Administration's use of certain documents in the resolution of claims for benefits based on exposure to nuclear radiation is challenged. Most recently, I reviewed the District Court's Supplemental Memorandum Opinion of February 17, 1982, and I am writing to request an update on the agency's plans in response to that opinion. Specifically, I am interested in knowing whether the agency plans to comply with Judge Green's order that, within ninety days, the VA (and, in the case of the VA/Defense Nuclear Agency Memorandum of Understanding, the VA and the DNA) publish notice of proposed rulemaking to replace the documents invalidated by the Court's September 30, 1981, order. Aside from the legalities involved, I believe that taking the action directed would reflect good public policy, and I would urge full and timely compliance with the Court's order.

There can be little question that the agency should have a uniform, written policy to deal with claims based on exposure to radiation, and inviting public participation in the development of that policy can help both to ensure that the policy is as well-informed as possible and to create a greater sense of public confidence in whatever policy is ultimately developed and adopted.

Regarding the Memorandum of Understanding, clearly the VA has a genuine need for the type of information provided by DNA, and I believe that public participation in the development of a new memorandum of understanding between VA and DNA should help reduce some of the current mistrust that is felt by veterans who were exposed to radiation and by the survivors of veterans who were exposed, who are seeking redress from the Government.

Should you disagree with my views on this matter and ask the Justice Department to appeal Judge Green's ruling, I strongly urge that you insist that section 211(a) of title 38 not be raised as a bar to the consideration of the merits of this litigation because this case clearly does not involve individual claims for benefits. In testimony that the VA submitted in conjunction with the Committee's July 15, 1981, hearing on judicial review, it was noted that the agency continues "to believe that there should be access to the courts for challenges to the constitutionality of veterans' benefits legislation, regulations, and procedures" and that the agency was "cognizant of an emerging trend . . . toward permitting judicial review of allegations that a regulation was promulgated in excess of the Administrator's authority or is otherwise contrary to law." As to the latter point, the VA's testimony was that "[t]his growing body of case law would seem to provide a sufficient basis for review of substantive agency actions of broad, binding application. . ." and that only "judicial review of individual benefit decisions" should continue to be precluded. You made this same point in your written response to a question I asked at your confirmation hearing when you stated:

"Basically, I agree that the regulations of the VA, which constitute the Agency's interpretation and implementation of laws enacted by Congress, should be reviewable by a court for consistency with the statutory mandate, on the same basis as other Federal agencies. This is in fact occurring now."

Further, in a follow-up written response to a question I asked at the Committee's July 15 hearing on this issue, Robert Coy, then Acting General Counsel, responded

"I have asked that the section [211(a)] not be raised in response to a clear allegation that a statute, regulation, or procedure is unconstitutional, or that a regulation or procedure exceeds the statutory authority of the Administrator."

Given what I thought, therefore, was agency policy on raising section 211(a) as a bar to court review, I was surprised to note in the Supplemental Memorandum Opinion that attorneys appearing representing the VA apparently were still seeking to raise that bar to judicial review in this case, and I would hope that, should this case be appealed, no further attempt to raise it will be made.

I look forward to your providing me with your views on this matter at your earliest convenience. Thank you for your continuing cooperation.

With warm regards,
Cordially,

ALAN CRANSTON,
Ranking Minority Member.

VETERANS' ADMINISTRATION,
Washington, D.C., March 24, 1982.

Hon. ALAN CRANSTON,
Ranking Minority Member,
Committee on Veterans' Affairs,
U.S. Senate, Washington, D.C.

DEAR SENATOR CRANSTON: I am pleased to respond to your letter of March 10, 1982, in which you requested an update on, and offered several recommendations regarding, the Veterans Administration's position in *Gott* v. *Nimmo*, No. 80-0906 (D.D.C., Supplemental Memorandum Opinion and Order, February 17, 1982).

Initially, I would advise you that our counsel at the Department of Justice filed a protective notice of appeal on February 16, 1982, and that we plan to pursue further consideration of this case before the Court of Appeals. Also, in response to the district court's February 17 Order, to which you referred in your letter, the Government filed a motion on March 4 seeking, in the alternative, clarification of the order or a stay pending appeal. Finally, with regard to the non-reviewability statute at 38 U.S.C. § 211(a), the General Counsel advises me that its use in defending this lawsuit is appropriate and is consistent with Agency policy as expressed to the Committee on Veterans' Affairs last year. A brief explanation of these positions follows.

Reduced to its bare essentials, this case began as a challenge to the validity of three Government documents. They are a Memorandum of Understanding by which the Department of Veterans Benefits (DVB) and the Defense Nuclear Agency (DNA) agreed on exchanges of information in development of ionizing radiation exposure data for veterans claiming disability resulting from participation in nuclear weapon tests; a section of DVB Program Guide 21-1 which contains information relating to such claims; and a section of DVB Manual 21-1 which sets forth internal VA procedures for development of information from claimants as to any possible in-service exposure to radiation from nuclear weapon detonations. Counsel alleged, on behalf of several plaintiffs, that the three documents constitute rules or regulations and therefore should have been promulgated via the notice-and-comment rulemaking procedures by which other VA regulations are issued, in accordance with the provisions of the Administrative Procedure Act at 5 U.S.C. § 553, as implemented by VA at 38 C.F.R. § 1.12. An additional contention was that two of the three documents were issued in violation of the Freedom of Information Act, 5 U.S.C. § 552, since they were not published for public information in the Federal Register (the program guide provision was so published). The court, however, has not reached that issue in the litigation.

Our defense of this litigation has been based on two major points. First, we believe the challenged documents are not rules or regulations, and contain no criteria which affect the substantive rights of individual claimants. Second, section 211(a) precludes the court from reviewing the merits of VA's handling of radiation cases because such a review would involve intervention of the court in the adjudication of individual claims.

These positions were not formulated without careful analysis, nor have we been unmindful of the Committee's concerns about the scope of section 211(a), particularly in the context of your current consideration of judicial review legislation. I continue to believe, as I stated in a written response to your question at my confirmation hearing, that VA regulations should be, and are, reviewable in the Federal courts. This principle was further explained by the Acting General Counsel last summer, when he indicated to the Committee that "legislation, regulations, and procedures" are judicially reviewable, as are "substantive Agency actions of broad, binding application."

Section 211(a) has been properly limited by the courts so that it does not protect every decision, policy, or action of the VA from judicial scrutiny. Those Agency rules and procedures of broad and binding application which affect the rights of a number of claimants to VA benefits are not protected by section 211(a). The way the VA processes and decides an individual benefit claim is clearly beyond the reach of the Federal courts, however. Because the three written provisions challenged in *Gott* do not, in our opinion, provide criteria for decision-making, and are merely procedural and instructional, they do not dictate the substantive decision in any individual case. In other words, while they tell the VA adjudicative employee what to do before he decides a claim, and give him some background about the state of the scientific knowledge of effects of ionizing radiation, they clearly do not tell him how to decide the claim. Similarly, they do not provide set criteria against which the adjudicator must judge the merits of the claim, nor do they impose additional duties on claimants. Since no VA regulatory criteria are involved, the conclusions of the VA as to the casual connection between radiation and any given disability are embodied only in its individual claim decisions, and review of those individual claims decisions is precluded by section 211(a).

The General Counsel has not changed the Agency's position on the use of section 211(a) as articulated to the Committee last summer. Section 211(a) will not be raised by the Veterans Administration, nor by Department of Justice at our recommendation, when there is either a clear challenge to the constitutionality of a statute, regulation or procedure or an allegation that a regulation or procedure is inconsistent with law. This is the general policy you cite in your letter, which was enunciated by the Acting General Counsel in his written response following the hearing of July 15, 1981, on S. 349. However, that response goes on to acknowledge that there are many cases where the allegations are not so clear. We stated that there existed "gray areas" of VA administrative issuances not clearly identifiable as binding regulations or procedures and that cases challenging these materials might be defended on the basis of section 211(a). We also cited the case of *Carter* v. *Cleland*, 643 F.2d 1 (D.C. Cir. 1980), as an example of this type of case.

The *Carter* case is significant because it recognizes that section 211(a) prohibits court review of administrative guidelines issued under the authority of the Administrator of Veterans Affairs, where such guidelines do not have binding effect on claimants for benefits. The Court of Appeals held that such matters are within the Administrator's discretion in handling individual benefit decisions, particularly where, as is true in *Gott*, the guidelines are not binding on the BVA. That rationale is clearly applicable to the *Gott* case, in which the documents in issue are DVB issuances not binding on BVA, are concerned merely with the develoment, exchange, and dissemination of information related to radiation claims, and do not establish criteria for entitlement to benefits.

I enclose copies of the challenged documents, for your ready reference. They were initially shared with the Committee at the time of their issuance. See Veterans Claims for Disabilities from Nuclear Weapons Testing: Hearing before the Comm. on Veterans' Affairs, U.S. Senate, 96th Cong., 1st Sess. 160-168, 183-187, 188-189 (1979). As we have endeavored to demonstrate to the court, none establishes binding standards for claim adjudication.

When the district court held the challenged documents invalid for failure to have been promulgated under APA procedure (Memorandum Opinion and Order, September 30, 1981), VA complied by rescinding the program guide and manual provisions, which had been distributed to the regional offices, and by ceasing use of the procedures set forth in the memorandum of understanding, in cooperation with DNA. We did not, however, cease carrying out our responsibility to render decisions on claims, based upon all available evidence. The court's ultimate response was the February 17 Order, requiring VA and/or DNA to promulgate rules on "methodologies and standards to calculate radiation exposure and harm." As noted above, we have asked the court to clarify exactly what we should do to be in compliance. If conducting rulemaking on the three challenged documents would suffice, we would do so, pending appeal, even though we believe the court is mistaken. However, if the court is ordering VA to publish hard standards for radiation-claim adjudication, such as set levels of radiation exposure which would be required to establish entitlement to disability benefits, we believe it is exceeding its authority in this case. Not only do we believe the scientific uncertainties as to what levels of radiation attribute to particular adverse health effects preclude such rulemaking at this time, but we also believe an order, without a statutory basis, to issue regulations violates the discretion delegated by the Congress to the Administrator, in 38 U.S.C. § 210(c), to determine what regulations are necessary or appropriate.

As the litigation has progressed, it has become apparent that plaintiffs' counsel is primarily seeking court review of the methodology by which DNA researches or reconstructs radiation exposure data on individuals when VA requests it. Both agencies involved and the Justice Department agree that any such methodologies are beyond the scope of this litigation. Contrary to plaintiffs' and the court's impression, the VA-DNA memorandum did not establish or introduce methodologies for calculation of radiation exposure. It merely mentioned that they existed and would be used, modified, or replaced as necessary to accomplish the goals of DNA's research. See Memorandum of Understanding, paragraphs 2, 5b(2), 7b. Because the memorandum contained no such substantive matter, public participation was not sought in its development.

My principal concern in this matter is that veterans and their survivors receive the fairest and most sympathetic consideration of their claims for VA disability benefits. The purpose of the documents at issue in *Gott* was to increase the efficiency of our efforts to secure from DNA the most accurate radiation exposure data possible, for consideration along with all other evidence on file in each individual case. With or without the documents, VA decision-making on claims can proceed, under the statutory and regu-

latory criteria governing claims for "service connection," at 38 U.S.C. chapters 11 and 71, 38 C.F.R. parts 3 and 19.

At such time as the scientific community may reach a consensus as to the health effects of ionizing radiation at certain levels of exposure, I would consider it wise to promulgate uniform standards based upon those biomedical principles. At present, I believe the discretion of VA adjudication personnel should not be hampered by strict numerical considerations. For example, several claims have been allowed with no hard evidence of a particular level of radiation exposure, because the decision-making personnel believed that the record as a whole, considered in light of the doctrine of reasonable doubt, warranted allowance. I am concerned that attempts to introduce any dose/response tables into VA regulations at present could well lead to the denial of claims which our decision makers, within the broader discretion they now possess, might allow.

I appreciate your interest in this litigation, and am committed to resolving the many questions remaining in the area of ionizing radiation's health effects on veterans.

Sincerely,

ROBERT P. NIMMO,
Administrator.

CONCLUSION

Mr. CRANSTON. Mr. President, approval of S. 349 by the Senate today will, I believe, mark this as an important day for all our Nation's veterans. This legislation promises to those who served their country the same right of independent review of the fairness with which their Government treats them that is available to virtually all other citizens.

In closing, I want to express my gratitude to my good friend from Wyoming (Mr. SIMPSON) for moving forward on this legislation of such fundamental importance. He and his staff—especially associate counsel H. Scott Wallace, chief counsel Tom Harvey, and legislative director Julie Susman—have been fair, thorough, and most constructive in approaching S. 349. The chairman is owed a great vote of thanks by all veterans for his leadership on the legislation before the Senate today.

In addition, I want to thank the chairman of the Judiciary Committee, our colleague from South Carolina (Mr. THURMOND), for his cooperation in making it possible for this bill to come before the Senate today.

Mr. President, I also congratulate my good friend from Colorado, Senator GARY HART, for his long commitment to the cause of judicial review. He has been well and ably assisted on this issue by Bill Holen, a member of his staff who has taken a strong interest in this legislation. I also want to express my gratitude to my colleagues on the Veterans' Affairs Committee who are cosponsors of the measure, Senator DECONCINI, an original cosponsor, and Senators SIMPSON, RANDOLPH, MATSUNAGA, MITCHELL, STAFFORD, KASTEN, DENTON, MURKOWSKI, and SPECTER, as well as Senators BURDICK, RIEGLE, and COHEN who are also cosponsors.

I also note the very hard work on this legislation by members of the minority staff on the committee, including Bill Brew, who has been the principal committee resource on this legislation for the last 4 years, as well as Ed Scott, Jon Steinberg, Ingrid Post, and Charlotte Hughes.

Mr. President, S. 349 as it comes before the Senate today is a measure worthy of my colleagues' support, and I urge that they give it their unanimous backing.

Mr. HART. Mr. President, today Senator SIMPSON, chairman of the Senate Veterans' Affairs Committee, has brought to the floor a measure which will grant veterans the earned right of judicial review of final Veterans' Administration determinations and will significantly reform the administrative procedures of that agency.

The Veterans' Administration Adjudication Procedure and Judicial Review Act, S. 349, as amended by the Veterans Affairs' Committee, reflects several years of hard work by individuals and organizations which are interested in the rights of the American veteran. I first introduced legislation to open the Veterans' Administration to the scrutiny of the Federal court in May of 1976. Since then I have persisted in my efforts to insure that veterans be afforded all their constitutional rights to due process of law in dealings with the Veterans' Administration. Joining me in that effort has been Senator CRANSTON, whose leadership in the 96th Congress led to the successful consideration by this body of S. 330, a bill similar to the amended measure we are considering today.

Mr. President, the purpose of S. 349, which Senator CRANSTON and I introduced on Juanuary 30, 1981, as amended by the committee, is to provide Veterans' Administration claimants the right to judicial review of final decisions of the Administrator of Veterans' Affairs claims for benefits, the codification of certain VA adjudication procedures, to apply certain provisions of the Administrative Procedures Act to the rulemaking procedures of the VA, and to provide for payment of reasonable fees to attorneys for rendering legal services for representing claimants before the VA after a final denial of the claim by the Board of Veterans' Appeals and representing claimants in judicial proceedings.

Mr. President, since I first introduced legislation to reform the administrative procedures within the Veterans' Administration nearly 6 years ago, the Senate Veterans' Affairs Committee under the leadership of Senator CRANSTON and Senator SIMPSON have held eight hearings on the concept of judicial review of VA decisions. Legal scholars, veteran organizations, the Veterans' Administration, the Department of Justice and individual veterans have all provided a wealth of substantive evidence to support the compelling need for the enactment of S. 349.

When I first introduced legislation to provide for judicial review of final VA determinations in the 94th Congress, it was at the urging of Colorado veterans who felt that the denial of that right relegates veterans to the status of second-class citizens. The veterans of Colorado could not understand why they were denied the right to court review of their claims, if denied by the VA, when almost every other Federal bureaucratic action affecting any corporation, welfare recipient, social security recipient and prisoner is afforded judicial review by the Federal courts.

Mr. President, the central issue in the debate on this bill is whether we are going to afford the American veteran the same constitutional rights we grant other citizens in this country. Judicial review is important in granting the veteran adequate protection of his rights as a citizen, and it will provide improved oversight of VA procedures and activities by an independent body.

American veterans have been denied for too long their fundamental right to simple justice in the adjudications of Veterans' Administration claims. Under the current VA procedures veterans have no right to appeal outside the agency, are effectively denied access to an attorney, and cannot question in Federal court validity of the VA rule and regulations promulgated by the VA. S. 349 will correct these deficiencies and finally restore the full constitutional rights of the American veteran.

In conclusion, Mr. President, I want to express my appreciation to Senator SIMPSON, distinguished chairman of the Veterans' Affairs Committee and Senator CRANSTON, the ranking minority member, for their work and strong support of this important measure. I would also like to recognize the excellent work of the Veterans' Affairs Committee staff, particularly Mr. Scott Wallace of the committee staff and Mr. Bill Brew and Mr. Tom Harvey of the minority staff, for the many hours of diligent work to bring this measure to the floor for consideration.

Mr. President, I believe this legislation is essential in insuring this Nation protects the rights of its veterans. There is no logical reason for Congress to deny the men and women who have honorably served their country in times of war and peace the right to simple justice. I urge my colleagues to support this bill.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. BAKER. I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CONVENTION ON THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL IMPLEMENTATION ACT OF 1982

Mr. BAKER. Mr. President, I ask the distinguished minority leader once more if he is in a position to consider calendar item No. 744, which is H.R. 5228.

Mr. ROBERT C. BYRD. That has been cleared on our side, Mr. President.

Mr. BAKER. Mr. President, I ask that the Senate consider calendar order No. 744, H.R. 5228.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 5228) to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes.

The Senate proceeded to consider the bill.

UP AMENDMENT 1261

Mr. BAKER. I send to the desk a corrected amendment proposed by the distinguished Senator from South Carolina (Mr. THURMOND).

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) for the Senator from South Carolina (Mr. THURMOND) proposes an unprinted amendment numbered 1261:

On page 2, line 13, after the word "thereby" insert the word "knowingly".

On page 3, line 18, insert the word "or" at the end of the line; beginning with line 24 on page 3, strike out all through line 9 on page 4; and in line 10, page 4, before the word "shall" insert "or attempts or conspires to do so,".

On page 4, strike out lines 11 through 19 and insert in lieu thereof the following:

"(b) The punishment for an offense under this section is—

"(1) a fine of not more than $250,000; and

"(2) imprisonment for any term of years or for life if the offender while committing an offense under subsection (a)—

"(A) knowingly causes the death of any person; or

"(B) under circumstances manifesting";

and on page 4, line 24, strike out "(ii)" and insert in lieu thereof "(C)".

On page 4, line 25, strike out "case; and" and insert in lieu thereof "case."; and on page 5 strike out lines 1 through 3.

Mr. THURMOND. Mr. President, this amendment to H.R. 5228 would accomplish a number of related goals.

First, the offense defined in section (a)(1)(A) for causing death, serious bodily injury, or substantial property damage in the course of unlawfully acquiring, using or disposing of nuclear material would be amended to require a "knowing" rather than an "intentional" state of mind with respect to the "result" elements of the offense. As amended, rather than requiring a "conscious objective" to cause the harm, the actor would be guilty if he engaged in the prohibited conduct with an "awareness of or a firm belief in the substantial certainty of causing" the death, the bodily injury, or the property damage. The culpability proposed by the amendment is a standard often used in modern homicide statutes for murder. See section 1601, Final Report of the National Commission on Reform of Federal Criminal Laws (1971). In the context of this extremely dangerous conduct involving nuclear material the "knowing" standard is by far the preferable one.

Second, the penalty subsection is amended to add "knowingly causes the death of any person" to the other aggravating factors justifying a possible life term of imprisonment. This is the only appropriate maximum penalty for such an offense. The penalty provisions are also amended to apply this higher penalty to every offense defined in the act when the specified aggravating factors are present. H.R. 5228 as it passed the House would permit a life term under specified aggravating circumstances only for the offenses in subsections (a)(1) and (a)(3) dealing with homicide, assault, and robbery. While these probably are the crimes most likely to leave an aftermath of death and serious bodily injury, who can say that the unauthorized transfer of a nuclear weapon to a terrorist group under subsection (a)(2)(B) that is used to kill or injure was not done under circumstances manifesting an extreme indifference to human life. Similarly, with respect to extortion under subsection (a)(4), a life term is clearly appropriate for the offender who systematically kills hostages in order to obtain delivery of a nuclear bomb to a foreign power. Even the so-called "threat" offenses in subsections (a)(5) and (a)(6) in the nuclear context contain the seeds of panic and potential death and serious bodily injury under the specified aggravating factors. No one knows what would happen if some known irresponsible group threatened to set off a nuclear bomb in New York City. It is almost impossible to predict the various circumstances under which these offenses may occur. In deciding an appropriate penalty, the existence of the aggravating factors justifying a higher penalty for one offense should apply to all offenses.

Third, this amendment alters the bill to clearly retain without change the current case law on attempt and conspiracy. It accomplishes this result by simply deleting the definitions in the bill and inserting in lieu thereof the phrase "or attempts or conspires to do so." No other Federal statute proposes to define these terms. The exact and appropriate definitions have long been in dispute between the House and Senate in the context of the criminal code bills. The House formulation of both attempt and conspiracy in this act have potential serious problems. For example, both of these offenses are framed in terms of a "specific intent" to commit another offense where it is strongly arguable that the appropriate mental state is the mental state required by the crime attempted or that is the object of the conspiracy. The implications of this issue cut across the whole criminal code. This legislation is not the place to try to resolve it. Accordingly, the amendment simply keeps current case law relating to the definition of attempt and conspiracy.

In addition, the amendment concerning attempt and conspiracy is drafted to apply these concepts to all offenses in this bill, including the "treat" offenses in subsections (a)(5) and (a)(6). The House excluded this coverage on a theory that first amendment rights were somehow involved because the offenses involve making threats. Current conspiracy law does not make such a distinction as to "threat" crimes and there does not appear any good reason why, under this act, a person should not be chargeable for conspiracy to threaten to blow up New York City with an atomic bomb. An unsuccessful attempt to make such a threat is probably a rare possibility in the real world but there is no sound policy reason not to cover it. It clearly does not violate the first amendment.

Finally, the amendment proposed would change the penalty provisions so as to grade conspiracy the same as the completed offense rather than the 5-year penalty applicable under the general conspiracy provisions of 18 U.S.C. 371. This conforms to the modern practice for grading offenses. See, for example, congressional assassination and kidnaping (18 U.S.C. 351) and Presidential assassination and kidnaping (18 U.S.C. 1751).

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time. The bill was read the third time and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I ask unanimous consent that Calendar No. 743, S. 1446, the Senate companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 2 P.M.

Mr. BAKER. Mr. President, I observe that the hour of 12 o'clock has arrived, if I observe correctly.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until 2 p.m.

Thereupon, at 12:01 p.m., the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. MATTINGLY).

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Georgia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, what is the unfinished business?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate will resume consideration of the pending business which the clerk will state.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, in a moment I am going to send a cloture motion to the desk against further debate on the Helms amendment to the Helms amendment.

Mr. President, later in the day I hope to be able to conclude an agreement that will provide by unanimous consent for a time certain for this vote to occur on Thursday if indeed cloture is not invoked tomorrow. If cloture is invoked tomorrow, then under the provisions of the rule no further action will be required.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit:

Jesse Helms, Roger W. Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, John P. East, Steve Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, Bob Dole, and Howard Baker.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate continued with the consideration of House Joint Resolution 520.

Mr. BAKER. Mr. President, an order has been entered that no tabling motion be in order today. I had hoped that would avoid any conflict over the question of who has possession of the floor. I do not see many people on the floor. I see the Senator from North Carolina here, and one or two of my diligent and dedicated staff. But until we have somebody else here I do not know anything else to do except to suggest the absence of a quorum, which I will do shortly.

But, Mr. President, once again I do not want to preach but at some point we have to move on with this matter, and I would urge Senators to come to the floor and make whatever presentation they wish on this subject.

Mr. HELMS. Mr. President, will the Senator yield?

Mr. BAKER. I yield the floor, Mr. President.

Mr. HELMS. Mr. President, I think I am now moving into the 35th second of my participation in this filibuster. I have not chosen to consume the time of the Senate because everything has been said time and time again that can be said or perhaps should be said on the subject.

Furthermore, for the past 3 or 4 weeks I have been willing, in fact anxious, to have a vote on my two amendments, and that is why I have not elected to participate in the extended debate which is being conducted by my good friends and colleagues who are opposed to my amendments. Variously they say that my amendments are going to be defeated. They say that, on the one hand, and, on the other hand, they say, "No, we will not allow a vote to occur."

I find it passing strange that if they have enough votes to defeat one or both of my amendments why do they not proceed and let the Senate vote them down so that the distinguished majority leader will have one less problem to deal with, and he does have a plate full of problems trying to put together the legislative schedule of the Senate for the remainder of this session.

I know that both of these issues are emotional issues. Both are emotional insofar as I am concerned. It gives me no pleasure to be in the eye of the hurricane on the abortion issue because I can see the frustrations on both sides, and it is not without regard for the opinions of others that I have felt obliged to represent the way I feel on this issue.

You would have to be callous not to understand the feelings of those who favor abortion on demand. But, on the other hand, we are dealing with the ultimate right of all, we are dealing with the question of whether we, as a Nation and as individuals, do not become a part of what we condone. We live in a time when 1.5 million babies die, have their lives terminated deliberately, each year in this country.

I remember, Mr. President, 2 or 3 years ago I attended a fundraising function in Durham, N.C. for the intensive care facility of the children's ward of Duke University Medical Center. Arnold Palmer was there, Perry Como was there, as were others. All of us went there to raise money for this facility, which had saved the lives of countless thousands of babies who could lie in my hand, premature children, prematurely born children.

Later that day I went over to the intensive care division, and the physician who heads that fine facility took me on a tour of it. I was dressed in the appropriate clothes, and we went around and we saw these little lives being preserved by the latest technology and by the most dedicated men and women who were scurrying about making sure that the temperature was just right, and the blood pressure was just right.

Then the physician took me across the hall to the waiting room, and there must have been 8 or 10 young couples there, the mothers and fathers of those little ones, and they were down on their knees praying that their child in each case across the hall would survive.

That was Sunday, Mr. President. I flew into Washington that evening, came to the Senate floor the next day

at noon, and the first order of business was the question of whether the taxpayers' money should be used for the purpose of deliberately terminating the lives of innocent unborn children.

I remember engaging in the debate that afternoon and thinking about the contradiction between what I had seen the day before and what I was hearing on this Senate floor that afternoon.

Still in all, Mr. President, I recognize that this is an emotional issue, a polarizing issue, a difficult political issue for some Senators, but I say again that, in my judgment, we have become a part of what we condone.

Many of my friends in North Carolina tell me this abortion issue and my stand on it will cost me my seat in the Senate. If that be the case, so be it. My conscience will not allow me to walk away from this issue.

I have noted with some interest the extended remarks of Senators who are opposed to my amendment with reference to abortion, the pending amendment, and over and over again they have lectured the Senate about the Constitution.

They have deplored what they have described as being an assault on the Constitution and on the Federal judiciary.

I have heard those comments with interest, and some amusement, because clearly they have not read the amendment.

Would you believe, Mr. President, that the amendment about which these Senators complain would strip the courts of jurisdiction does not strip the courts of jurisdiction? In fact, it urges and provides for expedited consideration by the Supreme Court of State abortion laws. Because there are many of us, Mr. President, who feel that Roe against Wade was a serious and tragic error by the Supreme Court and that the Court ought to have the opportunity—and in fact has the duty—to reconsider Roe against Wade.

Now, having said that, Mr. President, on this other subject of limiting the jurisdiction of the courts over cases involving voluntary school prayer, I have heard quotations from any number of liberal legal spokesmen to the effect that it would be an awesome thing for the Congress to get in the business of limiting the jurisdiction of the Federal courts.

I was talking to a former distinguished Member of this Senate from North Carolina, the Honorable Sam J. Ervin, Jr., who is one of the leading constitutional scholars in this country and is justifiably acknowledged as such. If I remember correctly, he said that he had counted 57 times—57 times—when the Senate had voted to limit the jurisdiction of the courts. And I do not recall seeing the pillars of justice come tumbling down as a result of any one of those 57.

As a matter of fact, the same Senators who are rather piously describing themselves as defenders of the Constitution and of the Federal courts voted just a few weeks ago for the so-called Voting Rights Act extension which clearly limits the jurisdiction of the Federal courts. So what they are saying, Mr. President, by any fair interpretation, is that it is all right to limit the jurisdiction of the courts when they want to do it, but it is not all right when somebody else thinks the courts have overstepped their bounds.

And I have been amazed at the cavalier manner in which the opponents of my amendment have glossed over article III, sections 1 and 2 of the Constitution, which clearly sets forth the right—and I think the duty—of Congress to limit the jurisdiction of the courts when the courts have gone too far.

The Supreme Court went too far when it banned prayer from the schools of this country. The Court went too far when it got into the school busing business, resulting in hundreds of thousands of little children being hauled across cities and counties just to satisfy the whim and caprice of some Federal judge or Federal bureaucrat or combination of the two. And the Court, in the judgment of this Senator, erred badly in the instance of Roe against Wade.

But, Mr. President, aside from the arguments, pro and con, on either of my amendments, what happened to the oft-proclaimed declaration that the Senate should be allowed to work its will?

Now, I readily confess that that late, great, distinguished Senator from Alabama, Jim Allen, and I conducted a few extended debates ourselves. So I know what a filibuster is. I have been on the other side.

But every time Jim Allen and JESSE HELMS tried to say to this Senate, "Whoa, here, take another look," immediately the press rose up as one and said, "They should stop; they should allow the Senate to work its will." And I hear all of the pious declarations that Senator Allen and Senator HELMS were engaging in some sort of dark conspiracy to thwart the will of the Senate. Well, I cannot recall, Mr. President, one instance—one instance—in which Senator Allen and I did not reach an accommodation with the leadership of the Senate.

Now, Senator Allen is dead and gone, and I miss him. He was one of the greatest Senators ever to sit in this body. But I do not recall one time when, after the point was made, he was unwilling, or I was unwilling, to let the Senate vote.

But here we have the spectacle of Senators, who say, "Oh, no. This thing has gone on for 3 or 4 weeks and we are not going to let the Senate vote." And then out of the other side of their mouths they say, "Oh, we have got the votes." Well, if they have the votes, why do they not let the Senate vote?

And, by the way, Mr. President, what has happened to all my liberal editor friends—the Washington Post and the New York Times and others—who have been so quick in the past to condemn those of us who engaged in extended debate? Have they now been struck dumb and blind? Do they not have one word to encourage Senator WEICKER and Senator PACKWOOD and others to let the Senate work its will? Is it just a one-way street with the Washington Post and the New York Times? I think it is. I think it is.

Now, I have been asked by just about every newsperson in this town in the last 24 hours whether we will have enough votes to impose cloture tomorrow. My answer is, I do not know. I do not even know whether we have enough votes to pass either of my amendments, if Senator WEICKER and Senator PACKWOOD would ever let us get to a vote.

I am willing to take my chances, but they are not willing to take their chances. They have tied this Senate up for week after week, day after day, because, apparently, they are afraid to let the Senate work its will.

Now, the distinguished majority leader has stated that the debt ceiling bill must pass. And I know he feels obliged to do whatever he can in that direction. But I would say to the majority leader that his problems will not be over, in terms of consumption of time, if, as, and when a motion to recommit with instructions is made. And certainly the Senate will not be saying goodby to either of these issues if we are denied a vote on my amendments.

If we are denied a vote, then I must exercise my right as a Senator to continue to bring these matters to the attention of the Senate and encourage the Senate to vote on them. There will be appropriations bills, there will be authorization bills, there will be all types of legislation, as long as there is a U.S. Senate. If I should be removed from the picture, there are other Senators who will pick up this torch. There are other Senators who believe in the sanctity of innocent human life. Life will go on.

But I have made an agreement which I shall keep with the majority leader that if I am accorded a vote on these issues, I will not bring them up again this year, whether we are in the postelection session or not.

I want him to understand, and I am sure he does understand, that if I do not get a vote on my two proposals all bets are off.

So it is a matter of what the Senate wants to do. To vote cloture tomorrow does not necessarily mean that a Sena-

tor will vote one way or another on the amendment itself. It will simply be a vote to let the Senate work its will.

Mr. President, I do not know how long I have spoken. Let me ask the Chair, how long have I been speaking? Does the Chair know?

The PRESIDING OFFICER. Approximately 20 minutes.

Mr. HELMS. Approximately 20 minutes, the Chair says. This is the longest I have spoken since these amendments became the pending business. I do not intend to consume any more of the Senate's time, but let me say again so it will be clear, that I have been willing from the very beginning to take my chances. I have been asking for the Senate to express its will. I think the waste of the Senate's time should be concluded.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAVID AND DOROTHY NEWHALL HOST THE COUNTY FIELD DAYS

Mr. LEAHY. Mr. President, one of the most enjoyable parts of being a Senator is the chance to get back home. For my wife and me, home usually means going to Middlesex, Vt., to our former farm, situated in the mountains in central Vermont. It is a lovely area, with a view unmatched anywhere in the country, and the most restful place I have ever been.

I think we enjoy Middlesex so much because of the people who live there. Nothing that the Leahy family has done, or could do, could begin to match all of the special things the residents of this lovely town have accomplished.

Two of the very special people in Middlesex are David and Dorothy Newhall. They have been involved in every aspect of Middlesex life, and most residents feel that the town would not be the same without them. Recently, the Times-Argus in Vermont wrote about the Newhalls and one aspect of their life—the County Field Days. I know how enjoyable these field days are as I have never missed them, but they are especially enjoyable because of Dave's and Dot's work.

I ask unanimous consent that the entire article from the Times-Argus be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times-Argus, Aug. 4, 1982]

NEWHALLS HOST COUNTY FIELD DAYS

(By Derek L. Kinner)

MIDDLESEX.—For the past five years, Newhall Field here has been the site of the well-attended Washington County Field Days. The hosts, David ("Buffalo") and Dorothy ("Dot") Newhall, find preparation and coordination of the event exhausting but would not have it any other way. To them, it is a labor of love.

"You have to really enjoy people to want to work so hard on a show this large," Dot says. "David begins his two-week vacation one week before the Field Days to mow the field and prepare the cooking shed. The week afterwards he cleans up."

David Newhall is employed as a maintenance mechanic in the state Buildings Division. Besides working full-time for the state, David is also Middlesex fire chief, the town's civil defense director and an inspector for the Capital Fire Mutual Aid System. He also does a lot of work around his home and in his garden.

Being very community-oriented, the Newhalls gladly accepted when they were approached five years ago and asked to host the Washington County Field Days.

"Everything ran smoothly," he says, "and we've held it here ever since. Of course, we've made improvements over the years."

The first Washington County Field Days celebration was held 15 years ago on Upper Terrace Street, Montpelier, at Eugene Joslin's farm. At the time it was mainly a cattle show.

Later it was moved to Kneeland Flats, but the owner of that property died and it was moved to Newhall Field, where it has been since. Today, Washington County Field Days not only offers a 4-H cattle show but several other exhibits, such as an open horse show, a small animal display, garden displays and musical entertainment.

"We'll have a parachute jump for the first time this year," Dot says. Hawk Leno, an experienced jumper, came to the Newhalls and offered his skills. He will fall from the sky into the tractor rodeo ring.

Washington County Field Days Inc., a nonprofit corporation, sponsors the event to help 4-H clubs show their animals. Money earned is cycled back into future fairs. The event also receives a stipend from the state.

"Without the stipend, it would be nearly impossible to hold the Field Days," David says, "It takes a large amount of money to buy the food and refreshments."

The Newhalls say they have met a lot of "fantastic" people and formed several lasting friendships with participants in the show. The cooperation of most people involved is very warming, they say. Of course, the Newhalls add their own touches of hospitality.

Three years ago, Dot Newhall made a breakfast for overnight campers who had no transportation. It was such a hit that she has made it an annual practice. Many visitors show up in the morning both days just to enjoy the eggs, bacon and toast breakfast.

Along with the preparation, the Newhalls' grounds must pass a health inspection. The state Board of Health inspects the grounds before and during the Washington County Field Days. However, the Newhalls say they have had no problems with sanitation.

"Last year," David says, "we got 95 points out of a possible 100."

All of the animals to be exhibited must be inspected. The rules are strict and the state Department of Agriculture regulates the inspection.

Dot says, "The kids are really good with their animals. You wouldn't even recognize the animals after they are cleaned up and brushed down."

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

OMNIBUS VICTIMS PROTECTION ACT OF 1982

Mr. BAKER. Mr. President, as in morning business, there is an item that is cleared on this side for action at this time. I refer to Calendar Order No. 769, S. 2420. I inquire of the minority leader if he is in position to consider that act at this time.

Mr. ROBERT C. BYRD. Mr. President, that item is cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

Mr. President, in view of that I ask the Chair to lay before the Senate S. 2420, Calendar Order No. 769.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 2420) to protect victims of crime.

The Senate proceeded to consider the bill which was reported from the Committee on the Judiciary with an amendment to strike out all after the enacting clause, and insert the following:

That this Act may be cited as the "Omnibus Victims Protection Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that:

(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, have an important leadership role to assume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

(4) Under the current law, law enforcement agencies must have cooperation from

victims of crime and yet neither the agencies nor the legal system can offer protection or assistance when such victim as a result of such cooperation, is threatened or intimidated.

(5) While the defendant is provided with counsel who can explain to him both the criminal justice process and his rights, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes the appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

(b) The Congress declares that the purposes of this Act are—

(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

(2) to ensure that the Federal Government does all that is possible within the limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

(3) to provide a victim/witness model for State and local law enforcement officials.

TITLE I—VICTIM'S IMPACT STATEMENT

SEC. 101. Subsection (c)(2) of rule 32 of the Federal Rules of Criminal Procedure is amended by striking ", and such other information as may be required by the court" and inserting in lieu thereof: "The report shall also contain verified information stated in a nonargumentative style assessing the financial, social, psychological, and medical impact upon and cost to any person who was the victim of the offense committed by the defendant. The report shall also include a statement of any need of the victim for restitution and any such other information as may be required by the court.".

TITLE II—PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 201. (a) Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§1512. Tampering with a witness, victim, or an informant

"(a) Whoever—

"(1) knowingly uses or attempts to use physical force, threat, intimidation, or fraud with intent to—

"(A) influence the testimony of another person in an official proceeding;

"(B) cause or induce another person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) alter, destroy, multilate, or conceal an object with intent to impair such object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning him to appear as a witness, or to produce a record, document, or other object in an official proceeding; or

"(iv) absent himself from an official proceeding to which he has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer of information relating to an offense or a possible offense;

"(2) knowingly and maliciously hinders, delays, prevents, or dissuades or attempts to hinder, delay, prevent, or dissuade—

"(A) a witness or a victim from attending or testifying in an official proceeding; or

"(B) a witness, victim, or a person acting on behalf of a victim from—

"(i) making a report of an offense or a possible offense to a judge, a law enforcement officer, a probation or parole officer, or an officer of a correctional facility;

"(ii) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted or assisting in such prosecution or proceeding; or

"(iii) arresting, or causing or seeking the arrest of, a person in connection with an offense; or

"(3) with intent corruptly, or by threats of force, or by any threatening letter or communication, influences, obstructs, impedes, or attempts to corruptly, or by threats of force, or by threatening letter or communication, influences, obstructs, impedes the—

"(A) enforcement and prosecution of federal law;

"(B) administration of a law under which an official proceeding is being or may be conducted; or

"(C) exercise or a Federal legislative power of inquiry,

shall be punished as provided in subsection (b).

"(b) Whoever is guilty of an offense set forth in subsection (a)(1) shall be fined not more than $100,000, or imprisoned not more than ten years, or both. Whoever is guilty of an offense set forth in subsection (a)(2) or (a)(3) shall be fined not more than $25,000 or imprisoned not more than five years, or both. Whoever is convicted for a second or subsequent offense under this section shall be sentenced to a term of imprisonment, or fine or both up to twice that authorized for such offense.

"(c) In a prosecution for an offense under subsection (a)(1) of this section, it is an affirmative defense, as to which the defendant has the burden of proving the defense by a preponderance of the evidence, that the conduct engaged in consisted solely of lawful conduct and that the defendant's sole intention was to encourage or cause the other person to testify truthfully.

"(d) It is not a defense to a prosecution under this section that—

"(1) an official proceeding was not pending or about to be instituted;

"(2) the testimony, or the record, document, or other object, would have been legally privileged or would have been inadmissible in evidence; or

"(3) no person was injured physically, or, in fact, intimidated.

"(e) There is Federal jurisdiction over an offense described in this section if—

"(1) the official proceeding, offense, or prosecution is or would be a Federal official proceeding, offense, or prosecution;

"(2) the officer is a Federal public servant and the information or report relates to a Federal offense or a possible Federal offense;

"(3) the administration of justice, administration of a law, or exercise of a legislative power of inquiry relates to a Federal Government function;

"(4) the United States mail or a facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section, or in the distribution of the proceeds of such crime punishable in this section;

"(5) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section.

"§ 1513. Retaliating against a witness or an informant

"(a) Whoever—

"(1) knowingly engages in conduct by which he causes bodily injury to another person or damages the property of another person because of—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given, or any record, document, or other object produced, by a witness in an official proceeding; or

"(B) any information relating to an offense or a possible offense given by a person to a law enforcement officer; or

"(2) threatens to cause bodily injury to another person or to damage the property of another person or otherwise endeavor to intimidate another person because of any matter described in subparagraph (A) or (B) of paragraph (1);

"(3) unlawfully subjects a Federal public servant to economic loss or injury to his business or profession because of any matter described in subparagraph (A) or (B) of paragraph (1),

shall be punished as provided in subsection (b).

"(b) Whoever is guilty of an offense in subsection (a)(1) shall be fined not more than $100,000 or imprisoned not more than ten years, or both. Whoever is guilty of an offense in subsection (a)(2) shall be fined not more than $10,000 or imprisoned for not more than two years, or both. Whoever is guilty of an offense in any other case under this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(c) There is Federal jurisdiction over an offense described in this section if—

"(1) the official proceeding is a Federal official proceeding;

"(2) the law enforcement officer is a Federal public servant and the information relates to a Federal offense or a possible Federal offense;

"(3) the United States mail or facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section; or

"(4) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section."

"§ 1514. Definitions for certain provisions

"As used in sections 1512 and 1513 of this title the term—

"(1) 'law enforcement officer' means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant (including an elected official, judge, or juror)—

"(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

"(B) serving as a parole or probation officer under this title;

"(2) 'maliciously' means for the purpose of (A) intimidating, harassing, harming, injuring in any other way another person or (B) interfering with the orderly administration of justice;

"(3) 'official proceeding' means—

"(A) a proceeding before a judge or court of the United States, a United States magistrate, a bankruptcy judge, or a Federal grand jury, a parole or probation officer;

"(B) a proceeding before the Congress; or

"(C) a proceeding before a Federal Government agency which is authorized by law;

"(4) 'physical force' means physical action against another, and includes confinement;

"(5) 'victim' means an individual against whom an offense has been or is being committed, or was attempted to be committed;

"(6) 'witness' means an individual—

"(A) having knowledge of the existence or nonexistence of facts relating to an offense;

"(B) whose declaration under oath is received in evidence for any purpose;

"(C) who has reported an offense to a judge, a law enforcement officer, or probation officer, or an officer of a correctional facility; or

"(D) who has been served with a subpoena, including a grand jury subpoena, issued under the authority of a court of the United States.

"§ 1515. Penalty for an offense committed while on release pending judicial proceedings

"Any term of imprisonment imposed under sections 1503, 1512, or 1513 which is committed while such person is released under chapter 207 of this title shall be consecutive to any sentence of imprisonment for the offense with respect to which release was ordered.".

(b) The analysis for chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1512. Tampering with a witness, victim, or an informant.
"1513. Retaliating against a witness or an informant.
"1514. Definitions for Certain Provisions.
"1515. Penalty for an offense committed while on release pending judicial proceeding.".

(c) Subsection (a) of section 3146 of chapter 207 of title 18, United States Code, is amended by—

(1) inserting between "officer," and "unless" the following: "subject to the condition that such person not commit an offense under chapter 73 of this title,"; and

(2) inserting between "impose" and "the" the following: "a condition of release that such person not commit an offense under chapter 73 of this title and impose"; and

(3) by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, the pretrial release of any person pursuant to this section or section 3148 shall be deemed to include a condition that the defendant not commit or cause to be committed any act proscribed by sections 1503, 1512, and 1513 of this title".

SEC. 202. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witnesses relocation and protection.
"3522. Reimbursement of expenses.
"3523. Civil action to restrain witness or victim intimidation.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) The Attorney General may provide for the relocation or protection of a government witness or a potential government witness in an official proceeding if the Attorney General determines that an offense described in section 1503, 1512, or 1513 of this title, or a State or local offense that is similar in nature or that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered.

"(b) In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax-free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure.

"(c) Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall determine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the government to liability in any action based upon the consequences thereof.

"§ 3522. Reimbursement of expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3523 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Civil action to restrain witness or victim intimidation

"(a) The Attorney General may initiate a civil proceeding to prevent and restrain an offense involving a witness or a victim under sections 1503, 1512 or 1513 of this title. After a hearing and upon a finding, which may be based upon hearsay or the representation of the attorney for the government or the counsel for the defendant, that an offense under sections 1503, 1512 or 1513 of this title involving a witness or a victim has occurred or is reasonably likely to occur, the court may order that a defendant, a witness or other person connected with the case, or any individual in the courtroom to—

"(1) refrain from engaging in conduct in violation of section 1503, 1512, or 1513 of this title;

"(2) maintain a prescribed distance from a specified victim or witness; and

"(3) refrain from communicating with a specified victim or witness except under such conditions as the court may impose.

"(b) A district court of the United States in which a proceeding is initiated under this section has jurisdiction to hear and determine the matter so presented, and to prevent and restrain an offense referred to in subsection (a). In a proceeding initiated under this section, the court shall proceed as soon as practicable to a hearing and determination.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the Federal Government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses..... 3521".

TITLE III—RESTITUTION

SEC. 301. (a) Chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"§ 3579. Order of restitution

"(a) The court, in imposing a sentence on a defendant for any offense under this title, except an offense described in subsection (d), may order the defendant to make appropriate restitution. The order of restitution shall require that the defendant—

"(1) in the case of an offense causing injury or death, make restitution to the victim of the offense or estate of the victim in an amount that does not exceed income lost because of the victim's incapacitation or death, necessary medical expenses including ones associated with physical, psychological

or vocational rehabilitation and, if applicable, the expenses for the funeral and burial of the victim; and

"(2) in the case of an offense resulting in loss, damage, or destruction of property—

"(A) restore the property to the victim of the offense; or

"(B) make restitution to the victim of the offense in an amount that does not exceed the value of the property; or

"(3) make restitution in money or, when the victim agrees, in services to the victim or to a person or organization designated by the victim.

If the court does not order restitution, the court must state for the record the reasons. The court shall make the order of restitution as fair as possible to the victim without unduly complicating or prolonging the sentencing process.

"(b)(1) The court shall not order restitution as to any victim who is bound by an earlier judgment in, or a settlement of a civil proceeding involving the underlying offense.

"(2) Any amount paid to a person pursuant to an order of restitution shall be set off against an amount later recovered as compensatory damages by such person in any civil proceeding.

"(3) A conviction of a defendant by a Federal court of an offense involving the act giving rise to restitution under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the victim.

"(4) If appropriate the court may consider ordering restitution to any party who has compensated the victim for expenses or losses directly related to the crime.

"(5) An order of restitution may be enforced by the victim or the United States in same manner as a judgment in a civil action and notwithstanding any other provision of law, an order of restitution shall be satisfied by the defendant before any Federal lien.

"(c) If a defendant is placed on probation or paroled pursuant to this title any restitution ordered under this section shall be a condition of such parole or probation. Failure to comply with an order of restitution shall be grounds for the revocation of parole or probation. In determining whether failure to comply with an order of restitution shall be grounds for the revocation of parole or probation, the Court shall consider the defendant's employment status, earning ability, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.".

(b) The analysis for chapter 227 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3579. Order of restitution.".

(c) Within six months after the date of enactment of this title, the Attorney General shall report to Congress concerning any laws necessary to ensure that all victims of crime are justly compensated in those cases where restitution is not possible. The Attorney General shall consider funding methods such as imposing additional fines on all individuals convicted of Federal crimes.

(d) The court may not order restitution in any offense described in:

(1) section 24 of the Securities Act of 1933 (15 U.S.C. 77x) (relating to the registration of securities);

(2) section 325 of the Trust Indenture Act of 1939, as added by the Act of August 3, 1939, and amended (15 U.S.C. 77yyy) (relating to the public offering of notes, bonds, debentures, evidences of indebtedness, and certificates of interest or participation therein);

(3) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a)) (relating to regulation of transactions in securities exchanges and over-the-counter markets);

(4) section 29 of the Public Utility Holding Company Act (15 U.S.C. 79z-3) (relating to regulation of public utility holding companies and their subsidiary companies);

(5) section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a-48) (relating to regulation of investment companies and securities issued by them);

(6) section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-17) (relating to registration of investment advisers);

(7) section 11911 of subtitle IV of title 49, United States Code (relating to securities of carriers subject to the jurisdiction of the Interstate Commerce Commission);

(8) section 127 of chapter 2 of title I of the Act of October 26, 1970 (12 U.S.C. 1957) (relating to records and reports by uninsured banks and institutions, banks insured by the Federal Deposit Insurance Corporation, and institutions insured by the Federal Savings and Loan Insurance Corporation);

(9) section 210 of the Currency and Foreign Transaction Reporting Act (31 U.S.C. 1059) (relating to records and reports concerning domestic currency transactions, exports and imports of monetary instruments, and foreign monetary transactions);

(10) section 9(b) of the Commodity Exchange Act (7 U.S.C. 13(b) (relating to price manipulation and other illegal practices involving transactions in commodities in interstate commerce), and section 9 (d) and (e) of that Act (7 U.S.C. 13 (d) and (e)) (relating to transactions in commodity futures by commissioners, employees, or agents of the Commodity Futures Trading Commission);

(11) the eleventh paragraph of section 25(a) of the Act of December 23, 1913, as added by the Act of December 24, 1919 (12 U.S.C. 617) (relating to the prohibition on the use of corporate funds to manipulate the price of a commodity by an agent of a corporation organized to do foreign banking); and

(12) sections 1, 2, and 3 of the Sherman Act (15 U.S.C. 1, 2, and 3) (relating to agreements in restraint of trade and monopolizing trade).

TITLE IV—FEDERAL ACCOUNTABILITY FOR ESCAPE OR RELEASE OF FEDERAL PRISONER

SEC. 401. (a) Section 1346(b) of title 28, United States Code, is amended by inserting "(1)" immediately after "(b)."

(b) Section 1346(b) of title 28, United States Code, is amended by adding at the end thereof the following:

"(2)(A) Subject to the provisions of chapter 171 of this title and subparagraph (B) of this paragraph, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of any civil action on a claim against the United States for damages, accruing on and after the date of enactment of this paragraph, for personal injury or death directly caused by any dangerous offender charged with or convicted of a Federal offense who is released from, or who escapes from, lawful custody of an employee of, or any person acting as the lawful agent of, the United States as a result of the gross negligence of such employee or person.

"(B) For the purposes of this paragraph 'dangerous offender' means a person charged with or convicted of a crime involving the use, attempted use, or threatened use of violence against the person or property of another.

SEC. 402. Subsection (a) of section 2680 of title 28 of the United States Code is amended by adding at the end thereof the following: "This subsection shall not apply to actions constituting gross negligence for purposes of section 1346(b)(2) of this title.".

TITLE V—FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

SEC. 501. (a) Within six months after the date of enactment of this title, the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act. The Attorney General shall assign responsibilities for the implementation of each of the guidelines. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

(A) availability of crime victim compensation (where applicable);

(B) community-based victim treatment programs;

(C) their role in the criminal justice process, including what they can expect from them;

(D) key points in the criminal justice process at which they might want to request information as to the status of their particular case and suggestions on how best to request this information; and

(E) ability of law enforcement officers to protect victims and witnesses from intimidation.

(2) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have an "on call" or "telephone-alert" system available.

(3) PROMPT NOTIFICATION TO VICTIMS OF MAJOR SERIOUS CRIMES.—The opportunity to request advance notification of important criminal justice proceedings shall be given to victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims. Those same individuals, who provide the appropriate official with a current address and telephone number should receive prompt advance, if possible, notification of judicial proceedings relating to their case, including—

(A) arrest or initial appearance before a judicial officer of the accused;

(B) initial bond decision of the accused; and

(C) disposition of the case (including trial, sentencing, and eventual release of accused).

"(4) CONSULTATION WITH VICTIM.—The prosecution should obtain the non-binding views of victims of serious crimes, or in the case of a minor child or homicide, the victim's family, prior to making a recommendation to the court, when the victim has provided a current address and telephone number. The key points for consultation include—

(A) pretrial release hearings (if feasible);
(B) pretrial diversion program;
(C) dismissal; and
(D) plea negotiations;

(5) SEPARATE WAITING AREA.—Victims and other prosecutor witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

(6) PROPERTY RETURN.—Law enforcement agencies and prosecutors should promptly return victim's property held for evidentiary purposes unless there are compelling law enforcement reason for retaining it.

(7) NOTIFICATION TO EMPLOYER.—A victim or witness should be asked if he would like his employer to be notified of need for the victim/witness to cooperate and, therefore, be absent from work. If the victim or witness has to take time off from work to assist in the investigation or prosecution of the case, employers should be encouraged to continue to pay the victim or witness as if he had actually worked. In situations where as a direct result of a crime or cooperation with law enforcement officials, the victim or witness is subjected to serious financial strain, a law enforcement official should offer to contact creditors to explain the circumstances.

(8) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—The Attorney General and Secretary of the Treasury should instruct the directors of the Federal training facilities to ensure that victim assistance training be offered to law enforcement personnel so that victims are properly assisted immediately following the commission of crime and throughout the duration of the criminal justice proceedings; and to ensure that criminal justice personnel are familiar with these guidelines.

(9) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that when feasible other important means of assisting victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court, are provided.

(b) Nothing in this title shall be construed as creating a cause of action against the United States.

SEC. 502. All Federal law enforcement agencies, outside of the Department of Justice, shall adopt guidelines consistent with section 501.

TITLE VI—PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

SEC. 601. Within one year after the date of enactment of this title, the Attorney General shall report to Congress regarding any laws that are necessary to ensure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until any victim of the offense receives restitution.

UP AMENDMENT NO. 1262

(Purpose: To provide technical and clarifying amendments to S. 2420)

Mr. HEINZ. Mr. President, on behalf of Senator LAXALT and myself, I send to the desk and ask for the immediate consideration of an amendment to the substitute.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Pennsylvania (Mr. HEINZ), for himself and Mr. LAXALT, proposes an unprinted amendment numbered 1262.

Mr. HEINZ. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 27, line 4, strike "multilate" and replace in lieu thereof "mutilate".

On page 27, line 12, insert ")" after "(iv.

On page 28, strike out lines 12 through 16 and insert in lieu thereof the following:

"(3) corruptly, by threats of force, or by any threatening letter of communication, intentionally influences, obstructs, or impedes or attempts to influence, obstruct, or impede the—

On page 28, line 22, strike "or" and insert in lieu thereof "of".

On page 34, line 17, insert "which is" after "imprisonment".

On page 34, line 18, strike "which is" and insert in lieu thereof "when the offense is".

On page 35, in the material immediately following line 20, strike "Witnesses relocation" and insert in lieu thereof "Witness relocation".

On page 38, line 21, strike "3523" and replace in lieu thereof "3521".

On page 39, line 11, strike "that".

On page 46, line 11, strike "or property".

On page 46, line 11, insert "." after "another".

Mr. HEINZ. Mr. President, I will say for the benefit of my colleagues these are technical amendments. My understanding is they have been cleared on the other side of the aisle as well.

Mr. President, I believe the technical amendments are before us for consideration.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment (UP No. 1262) was agreed to.

Mr. HEINZ. Mr. President, I know of no further amendments.

Mr. President, I rise to urge swift approval of S. 2420, the Omnibus Victims Protection Act of 1982. As chairman of the Special Committee on Aging, I have long advocated measures to improve our criminal justice system to better protect those older Americans who are especially vulnerable to violent crime. The committee has found, however, that one of the greatest needs after the crime has been committed is for the police, prosecutors, and courts to take into account the needs and interests of the victim. After all, victims are supposed to be the very individuals the criminal justice system was set up to protect. It is this need that the Omnibus Victims Protection Act, S. 2420, was developed to fulfill.

S. 2420 will not take away the grief nor erase the memory of those already victimized by crime. But the bill would be a first step toward insuring more humane, respectful treatment of victims by a system that is supposed to help them. S. 2420 would:

Make it less likely that dangerous offenders would continue to be able to prey on society;

Make sure that the sentencing judge is aware of the impact of the crime on the victim;

Make sure that victims and witnesses who cooperate with law enforcement officials are given better protection against intimidation and retaliation;

Make sure the Attorney General develops guidelines which will provide for the fair treatment of crime victims and witnesses.

I recognize that S. 2420 is not the final answer to all the problems victims face after the crime. However, I do see this legislation as the most important step the Federal Government can take to begin the process of rebalancing the scales of justice. We must insure that victims are given at least the rights now afforded routinely to the accused.

It is inexcusable that victims routinely show up at court only to find out that once again the court date has been changed; or to be forced to wait in the same room with the person they have identified as having committed a violent crime.

It is inexcusable for prosecutors to drop or plea bargain them to lesser charges without even picking up the phone to talk to the victim.

It is inexcusable for parole boards to release from prison a dangerous person without the greatest attention being given to the details involved in the decision to release.

It is inexcusable that criminals who receive funds as a result of their crimes can spend those funds without the victim ever having a chance to receive restitution for their losses.

The time has come for action. I urge my colleagues to swiftly approve this legislation. Every day we delay, thousands of new victims are being added to the rolls; every day we wait, new victims are being ignored and mistreated.

Hundreds of individuals and organizations devoted countless hours to the drafting and perfecting of the omnibus victims protection bill of 1982. While it is impossible to thank them all individually, I did want to thank my good friend, the distinguished Senator from Nevada, Senator LAXALT, for the work he has done on behalf of this legislation. Senator LAXALT for years has been a leading advocate for greater victims' rights. And many of the provisions in this bill are based on work he and his able staff member, Jock Nash, have done. In addition, I want to thank Senator THURMOND, chairman of the Judiciary Committee, and Senator BIDEN, minority chairman. Both were original cosponsors of the legislation and helped guide it through the Judiciary Committee in an expeditious manner. In addition to the other members on Judiciary, I also want to especially thank Senator MA-

THIAS, who, as chairman of the Subcommittee on Criminal Law, prepared the hearings and moved the legislation through the subcommittee. I also want to thank the staff of the subcommittee, Mike Klipper and Maura Whelan, and many other staff members on Judiciary who helped immeasurably with the legislation.

I especially appreciate the assistance of the citizens who came forward to testify at the hearings on this bill. It was difficult for these individuals to share with us the painful experiences they endured as victims. I will never forget the testimony of Virginia Montgomery, who after being mugged just a few blocks from the Capitol, had to pay $11,000 in doctors' bills, only to be treated shabbily by the criminal justice system. Nor will I forget the testimony of Geraldine, who was kidnapped, raped, and robbed at gunpoint and said that her treatment by the courts and prosecutors was so bad that she would never recommend to any rape victim that she go through a trial. Nor will I forget Douglas Payton, who brought with him photographs of his deceased wife and testified to the pointlessness and brutality of her murder—which could have been prevented had the Federal Government not been grossly negligent.

The President's task force on victims also assisted in reviewing the bill and offered constructive suggestions for amendments—those of Chairman Lois Harrington and staff director Terry Russell—were especially valuable.

Dozens of private organizations helped with the bill at every stage. The American Bar Association as represented by Laurie Robinson and Susan Hillenbrand of the criminal justice section's victim witness assistance project; the National Organization for Victim Assistance as represented by Marlene Young and John Stein; the Coalition Against Sexual Assault as represented by Mary Ann Largen; the Crime Victims Legal Advocacy Institute as represented by Frank Carrington, the American Civil Liberties Union as represented by John Shattuck, David Landau, and Martin Michaelson; the Washington Legal Foundation as represented by Nick Calio and Paul Kamenar; the Victim Service Agency as represented by Lucy Friedman; and Paul Hudson of the New York Compensation Board. I am also grateful for the many individuals inside the Justice Department who offered their advice and assistance. In particular, Ron Ganier, Roger Pauli, Gerald Shur, and Cary Copland.

Many assistant U.S. attorneys spent long hours reviewing drafts of the legislation and helping us to locate potential witnesses for the hearings. In particular, I want to thank Ava Abramowitz, of the U.S. Attorney's Office in the District of Columbia and Justin Williams of the Alexandria office.

Finally, I especially would like to thank Catherine Milton of the staff of the Special Committee on Aging, without whose skillful direction this legislation would not have been developed, John Rother, staff director of the committee, for his guidance, and Kate Clarke and Linda Goldman for their assistance.

S. 2420 does not call for new Federal funds, it simply requires a redirection of priorities and appropriated resources. In fact, in a letter from Alice M. Rivlin, Director of the Congressional Budget Office, it is estimated that there would be some minimal costs associated with implementation of S. 2420, the omnibus victims protection bill. According to the estimates provided by the Congressional Budget Office, preparation of victim impact statements, would cost about $300,000 by 1987. The only other provision to which CBO attached cost estimates is title V, the requirement that the Attorney General issue guidelines for victims. Based on information provided by the Department of Justice, CBO estimates that developing the guidelines would require approximately 3 staff years, at a cost of $125,000 in fiscal year 1983. Because the guidelines have not as yet been promulgated, CBO states it has "no clear basis for estimating their implementation costs."

The Senate Judiciary Committee intends that these costs be absorbed into the annual budget of the agencies affected. The committee does not intend for these costs to increase the appropriated requests for fiscal year 1983.

I urge my colleagues to approve S. 2420 so that the Federal criminal justice system will no longer impose further injury upon those it was designed to protect and assist.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Alice M. Rivlin, Director of the Congressional Budget Office.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., September 10, 1982.

Senator STROM THURMOND,
Chairman, Committee on the Judiciary,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 2420, the Omnibus Victims Protection Act of 1982, as reported by the Senate Committee on the Judiciary, August 19, 1982. For the purpose of this estimate, it is assumed that this bill will be enacted by October 1982.

Title I requires that presentence reports prepared for federal district judges contain a victim impact statement, assessing the financial, social, psychological, and medical impact of the offense on identifiable victims. Based on information from the Administrative Office of the U.S. Courts, and assuming that about 20 percent of presentence reports would require such statements in 1983, CBO estimates that the cost of this program would be about $300,000 in 1983, increasing to $500,000 by 1987.

Section 201 of the bill provides criminal penalties for the intimidation of or retaliation against witnesses and victims. CBO has no basis for estimating the amount of fines the government might receive as a result of these provisions.

Section 202 broadens the authority of the Attorney General to provide witness protection, authorizes the Attorney General to seek reimbursement of witness protection expenses from state or local governments, and permits certain civil actions to prevent or restrain intimidation of a victim or witness. The extension of protection to the new categories of witnesses is at the discretion of the Attorney General, and would necessitate either a reduction in expenditures for protection of other types of witnesses, an increase in funding for witness protection, or additional reimbursement from a state or local government, when appropriate. Thus, the extent to which the broadened authority will be used, and whether any additional costs will be incurred, cannot be determined at this time.

Title IV authorizes individuals to sue the federal government for injuries or death caused by persons who escape or are released from federal custody where the government has been grossly negligent. Data are not available on the number of individuals victimized by federal escapees or released federal prisoners. Because it is not possible to predict the number of escapees or judicial findings of gross negligence associated with such victimization, CBO has no basis for estimating the costs to the government of enactment of this provision.

Title V requires the Attorney General to develop and implement Department of Justice guidelines for fair treatment of crime victims and witnesses. Based on information from the Department of Justice, CBO estimates that developing the guidelines would require approximately 3 staff-years, at a cost of $125,000 in fiscal year 1983. Because the guidelines have not as yet been promulgated, CBO has no clear basis for estimating their implementation costs. The Committee has stated its intent that the guidelines should not require the creation of new services beyond the various departments' budgetary capacity. However, the bill specifies a minimum of 9 objectives for the guidelines, and some costs could be incurred in order to meet these objectives, subject to appropriation action. For example, if the 95 U.S. Attorneys' offices were to devote an average of only one additional paralegal each to implement the guidelines, the cost would be approximately $3 million annually.

The other titles of the bill are expected to result in no significant cost to the federal government.

Should the Committee so desire, we would be pleased to offer further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

● Mr. LAXALT. Mr. President, the Senate is considering today what I believe to be an issue of great importance. Namely, how can our criminal justice system be made more responsive to the needs of crime victims? For

too long, victims have been the "forgotten persons" in our system of justice. Indeed, they are not only forgotten, they are neglected by the very system which totally depends on them. Were it not for victims coming forward to sign complaints, identify the accused and to testify for the prosecution, our system of justice as we know it, would come to an end. The time has come to enhance the role of the victim in the criminal justice process.

The Omnibus Victims Protection Act is a bill which represents the end product of what has been clearly a bipartisan effort to redress clear inequities that have affected victims of crime. In a system which seeks justice through the adversarial process, the victim must be made a part of the proceedings, and be assured that his just claims to information, notification, protection and restitution be seriously considered and honored. S. 2420 is an important first step which will do much to restore the faith of the American public in our system of justice.

In this bipartisan effort, a number of people deserve particular recognition. First, Senator HEINZ and his capable staff of Catherine Milton and Joseph Lydon labored extensively in bringing this bill to where it is today. My distinguished colleague from Pennsylvania, as chairman of the Special Committee on Aging, has been very involved in victims' issues, especially since a large proportion of all victims happen to be the elderly. Senator HEINZ is to be commended in this regard and for his contribution to this bill.

Second, I would like to especially thank Senator THURMOND and Senator BIDEN. As chairman and ranking minority member respectively of the Senate Committee on the Judiciary, they played an indispensable role in seeing that S. 2420 was reported out of committee before this Congress adjourned. There is a large backlog of legislation in the committee and without their assistance and cooperation, this bill would not have been considered today on the floor of the Senate.

Third, Senator MATHIAS, as chairman of the Judiciary Subcommittee on Criminal Law also played an important role in expediting the processing of this bill. Maura Whelan, a legislative assistant on his staff, provided invaluable assistance in drafting the bill's report as well as making the necessary technical changes that were required. Senator MATHIAS and his subcommittee staff have my personal gratitude for the help they provided.

Finally, two organizations whose expertise and draftsmanship provided much of the language of S. 2420 must be recognized. They are the American Bar Association and the National Organization for Victim Assistance. The ABA's model statute on victim-witness intimidation was the base on which the rest of this bill was fashioned. During the course of Senate consideration of this bill they have made themselves available to the judiciary staff to help reconcile the many legal and substantive questions that arose. In addition, the National Organization for Victim Assistance, has been working for years at the grassroots level to change State statutes in this area. Their knowledge of victim's issues and their solutions, plus their help in generating a grassroots lobbying effort to push this bill, played a vital role in drafting this bill as well as seeing it through the Senate. NOVA continues to play a preeminent role as advocates for victims of crime. This legislation is as much a result of their efforts as any other organization or person.

Mr. President, I will not go on further. My views in this area are a matter of record. I support this bill without reservation.●

● Mr. MATHIAS. Mr. President, I am pleased to join my distinguished colleagues, Senators HEINZ and LAXALT, in urging final Senate passage of S. 2420, the Omnibus Victim/Witness Protection Act. This legislation has strong bipartisan support, and its nearly 60 cosponsors represent every point on the ideological spectrum. Shortly after the bill's introduction last spring, the Subcommittee on Criminal Law, of which I am chairman, held a hearing where S. 2420 received supporting testimony from the Department of Justice, the American Bar Association, a number of victims' rights organizations, and three victims of violent crime. The subcommittee sent S. 2420 to the full Judiciary Committee with a unanimous favorable recommendation; and, shortly thereafter, the committee agreed to report it favorably to the Senate floor. I am confident that today we will vote overwhelmingly to send S. 2420 to the House of Representatives, where the Judiciary Committee is already preparing a bipartisan bill similar to S. 2420.

In the preamble to the U.S. Constitution, the framers wrote that one of the principal tasks of the new government would be to "insure domestic tranquility." However, we need only look at the steady increase in violent crime in this Nation to recognize that this is one area in which, if we have not failed outright, we are sadly far from success. There has been much discussion in the 97th Congress about what we, in the Federal Government, can do to address the problem of violent crime. S. 2420 is a comprehensive piece of legislation designed to deal with the most tragic effect of violent crime—its impact on the victim. The interest and support S. 2420 has generated indicates that there is increased public awareness of the need to sensitize the criminal justice system to the problems faced by victims of crime. A number of victims' advocacy groups have been formed in recent years, such as Frank Carrington's Victims' Assistance Legal Organization (VALOR), and the National Organization for Victim Assistance (NOVA), both of which were represented at the May 27 hearing. These groups have been in the forefront of the movement for victims' rights, and have made valuable contributions to the progress of S. 2420. The American Bar Association has also been a leader in this area. Since 1976, the ABA's criminal justice section's Victims Committee has been studying the role and treatment of victims in the criminal justice system. In fact, a large part of the legislation now before us is a direct outgrowth of the many hearings and publications of the Victims Committee over the last 6 years.

S. 2420 consists of six sections which recognize the important role played by victims and witnesses of crime in our criminal justice system, and the difficulties they often face as they cooperate with the system. This legislation, if enacted, will provide victims and witnesses with a wide range of protections generally unavailable to them now, and it does so in a manner fully consistent with the constitutional rights of criminal defendants. Basically, S. 2420 would:

Require a "victim impact statement" to be included in the report given to the sentencing judge;

Make it a Federal offense to intimidate or retaliate against victims of Federal crimes;

Permit, for the first time, a Federal judge to order restitution as part of the sentence for crimes involving loss of property or personal injury;

Require the Attorney General to develop guidelines for the fair treatment of crime victims and withesses;

Make the Federal Government civilly liable for bodily injury caused by a "dangerous person" who has either escaped or been prematurely released from Federal custody due to the gross negligence of the Federal Government; and

Require the Attorney General to recommend legislation restricting the ability of a Federal felon to reap financial gain from the publication of his memoirs, for example, or in any other way capitalizing on the notoriety of his crime.

For the most part, the changes envisioned by the authors of S. 2420 are not dramatic, but simple and straightforward alterations in current law that are consistent with out Nation's basic values and principles.

The Victim Impact Statement, for example, is a logical addition to our criminal justice system which will make it more responsive to the needs of victims. This statement—a nonargu-

mentative assessment of the psychological, financial, and medical impact of the crime on the victim which is filed with the sentencing judge—has, I am pleased to say, been employed by the Federal district court of Maryland in Baltimore since 1979. At the May 27 hearing, Judge Edward S. Northrop, chief judge of the Federal district court of Maryland, and Paul Falconer, the chief U.S. Probation Officer there, both testified on the district court's experience with the Victim Impact Statement. Mr. Falconer stated:

> The victim of an offense has no standing in the court beyond the status a mere witness—he has no right of allocution and is often overlooked in the process of plea negotiation. Our position is that we should not prosecute, try and sentence any defendant without at least listening to the victim and giving some consideration to the victim's offense-related needs. It is essential that the Victim Impact Statement be factual and confirmed; it must be non-inflammatory and non-argumentative. We never want to be guilty of waving the bloody shirt; neither are we to bury the bloody shirt with the victim still in it.

The "Guidelines for the Fair Treatment of Victims and Witnesses" are straightforward, commonsense recommendations that will surely create a more humane and effective criminal justice system. Among its recommendations, the guidelines, if implemented, would: require that victims and witnesses be notified of scheduling changes, such as postponements in trial dates; require that they be consulted before the case in which they are involved is plea bargained or otherwise disposed of; assure separate waiting chambers for the victim and the accused; and require that the Government return, within a reasonable period of time, any property to the victim that was used as evidence in the prosecution of a case.

Far from complicating the prosecutorial process, the implementation of these guidelines will improve the operation of the criminal justice system while it shows more sensitivity to the victim. Faith in the integrity and responsiveness of the criminal justice system will increase the likelihood that those who have been victimized will report these crimes to law enforcement authorities, and work with those authorities in seeing that justice is served. There are many people now who are so fearful of reprisals from the assailant or his associates that they believe it is better and safer to remain quiet. Others feel that the justice system does not provide relief, but, instead, creates a further agony—a second victimization. At the May 27 hearing, Geraldine X, a librarian from Maryland, who had been raped and kidnapped, described this "second victimization":

> My sense of disillusionment with our court system is so great that the year following the crime was much more painful than those three hours I described to you. My disillusionment is so great that I cannot in good conscience urge anyone to prosecute. • • • The greatest insult is being overlooked. Your humanity is overlooked. • • • I would never shame a person into going into the court system. I could not.

The testimony of Geraldine X eloquently demonstrates that the criminal justice system, in hurting the victim, threatens itself, by discouraging crime victims who believe they will not get justice from coming forward.

In urging the enactment of S. 2420, the sponsors recognize that the majority of violent crimes are prosecuted on the State and local level. It is our hope that in passing S. 2420, the Federal Government will be providing the States with a comprehensive and effective model statute. Once again, I urge my colleagues to support this important legislation.●

● Mr. PRYOR. Mr. President, today the Senate will consider S. 2420, the Omnibus Victims Protection Act of 1982. I rise in enthusiastic support of this measure.

Mr. President, through the years our judicial system has paid close attention to assuring that the individual accused of crime be given fair treatment throughout criminal proceedings. But little attention has been given to assuring that the victim of a crime be awarded the best possible treatment. I believe that S. 2420 ably addresses some of the more troublesome aspects of victimization, and I am proud to be an original cosponsor of this measure.

While enactment of this legislation would make a considerable difference in some of the long-term effects of victimization on all victims, one of the most positive aspects is the hope it will give to our Nation's older Americans who are so often devastated by crime. It has been found that the odds are better than 10 to 1 that an older person will become the victim of crime. The elderly are also more inclined to suffer broken bones and greater financial setbacks as the result of crime. And several public opinion polls have shown that elderly persons often rank fear of crime as the most serious problem they face. In some communities, 80 percent of the elderly say they live in constant apprehension.

Earlier this year the Special Committee on Aging, of which I am a member, held a hearing to examine the issue of crime and the elderly. One theme kept recurring throughout the panel's questioning of victims, police officers, social workers, and the like. This was the fact that in many cases what occurs in the victim's life as a result of the crime can be worse than the crime itself.

The victim of crime is often forced to recover from physical injuries, recoup economic losses, fight the fear of future crime, and work with an often cumbersome judicial system in apprehending and prosecuting the criminal. It appears that, in many cases, the trouble caused by legal red-tape leaves the victim "victimized" twice—once by the criminal and again by the system. Often the victim or witness is called to appear in court, and arrives there, only to find that the case has been pulled off the docket or delayed. Many times, when the suspect has not been apprehended or is released on bail, the victim may be subjected to harassment or intimidation. There are many examples of a person being convicted of theft, swindle or other crimes for profit, yet no move is made to reimburse the victim. In these cases the criminal actually comes out better financially than the victim.

It is my firm belief that S. 2420, which has been introduced by my distinguished colleague from Pennsylvania (Mr. HEINZ), will go a long way toward easing some of these unfortunate effects of crime. I urge that my colleagues give this measure their full support.●

● Mr. KASTEN. Mr. President, crime in this country is out of control. Whether it be in New York City, here in our Nation's Capital, or in the towns and cities of my home State of Wisconsin, everyone is concerned. When people cannot walk the streets without fearing for their lives; when a family is afraid to leave their home for fear it will be looted in their absence, then the people of this country are hostage to crime and the fear of crime.

People want laws passed that will protect them from becoming victims of crime. They also want laws passed to insure that when they are victims, they will be treated fairly and not be subject to further hardship. The bill now before us, Omnibus Victims Protection Act of 1982, will help assure that the victim of a crime will be treated with dignity and fairness.

When a person is robbed, or mugged, or otherwise made a victim of crime, there is often great psychological stress. The threat to personal safety, and the loss of valuable property, can leave lasting scars. Older people, who often lead a fragile existence, are particularly susceptible to the trauma associated with crime.

Mr. President, it is the victims of crime who need protection. Our system of justice presently looks to protect the accused. In so doing, we often inflict upon the innocent victim unnecessary physical, financial, and psychological hardship. It is unfair to ask victims to cooperate in prosecuting an accused criminal, and then not protect the victims from that criminal, and from the unnecessary burdens such cooperation now places upon the victim.

The bill before us today protects the innocent victim of crime in many

ways. When a crime is committed, the court proceedings will include an impact statement to provide information on the psychological, financial, and medical impact of the crime on the victim. Rules against threatening a witness, victim or informant are strengthened, as are rules for retaliating against a witness or an informant. New rules are provided for witness relocation and protection. In addition, the bill provides for reimbursement of expenses and restitution of amounts lost as a result of criminal activity.

Mr. President, these provisions, and the others that make up this bill, are an important beginning toward treating the innocent victims of crime with the dignity and respect they deserve. Passage of this bill will bring us one step closer to the day when Americans can live without the fear of crime.

Mr. President, I support this legislation and urge my fellow colleagues to join me in voting for it. I believe this is the least we can do.●

● Mr. MURKOWSKI. Mr. President, there is common agreement that crime in America is a matter of grave concern, one of the most pressing issues on our legislative and social agendas. I support the efforts of the Congress and of our community leaders to strengthen existing legal deterrents to crime and to creatively attack the procedural impediments that too often prevent the criminal from being brought to justice. For these reasons, I have cosponsored legislation designed to simplify and strengthen the Federal criminal code and drug enforcement regulations, guarantee swift and certain punishment of offenders identified as "careers criminals," and assure that the law-abiding citizen's constitutional right to possess a firearm is not unnecessarily burdened.

Yet, in our effort to focus on the reduction of crime, we tend to overlook those most immediately affected by the rising crime rate: the victims of crime themselves. While it should be obvious that our current system of criminal justice quite literally could not function without the cooperation of the victim, our system tends to treat these persons like lifeless cogs in the machinery. We cannot expect to improve our criminal justice system unless the victim of crime can reliably expect to be treated as a person, with emotions and a personal interest in the outcome.

The sad fact is that the end of the criminal episode may mark only the beginning of the victim's ordeal. The victim who cooperates with authorities and appears as a witness may be exposed to forms of stress and embarrassment comparable to or even greater than that suffered by the criminal defendant. Having been once victimized during the perpetration of a crime, an individual should not be victimized a second time by legal institutions interested in the victim only as a tool to identify and punish criminal offenders. The final indignity may come when a too lenient, overburdened criminal justice system permits the acknowledged criminal to walk away unpunished while the victim of crime pays an unrecognized financial, psychological, and social price.

S. 2420, the victim protection bill, is designed to remedy these injustices. This legislation, when implemented at the Federal trial court level, would assure that the victim's side of the story receives a crucial airing within the context of the sentencing proceeding itself, where it can do the most good. Before sentencing a convicted criminal, the court would be compelled to consider the financial, psychological, and medical impacts of the crime on the victim. The victim would be protected from retaliation by a criminal defendant, and might even have the right to collect money from the convicted criminal to reimburse the victim's loss.

Mr. President, my colleagues from Pennsylvania and Nevada are to be commended for introducing this legislation. It is a key building block in an improved, comprehensive criminal justice system, and I urge its passage.●

● Mrs. HAWKINS. Mr. President, as an original cosponsor of S. 2420, the Omnibus Victim and Witness Protection Act, I commend Senators HEINZ and LAXALT for their successful efforts in putting together this omnibus bill. It provides much needed reforms to our criminal justice system.

This bill is the result of extensive hearings held by the Special Committee on Aging and the Senate Judiciary Subcommittee on Criminal Law. The hearings established the need for legislative action to assist victims and witnesses as they come in contact with the criminal justice system. Unfortunately, our criminal justice system gives more priority and attention to criminal defendants than it gives to victims and witnesses of criminal acts. For example, defendants are provided with legal counsel who can explain to them the criminal judicial process and their rights, while victims or witnesses have no such counterparts. Victims are the "forgotten people" in our criminal justice system.

The purpose of this bill is threefold: To enhance and protect the necessary role of crime victims and witnesses in the criminal justice process; to insure that the Federal Government does all that is possible within the limits of available resources to assist victims and witnesses of crime without infringing on the rights of defendants; and to provide a victim/witness model for State and local law enforcement officials. This bill addresses the insensitivity and lack of concern for the victims and witnesses by strengthening their legal protections.

There are six major provisions in S. 2420. First, require that the presentence report prepared for Federal judges includes a "victim impact statement," informing judges of the financial, social psychological, and medical impact upon victims of the crime. Second, require restitution for crimes involving loss of property or personal injury. Third, request the Attorney General to recommend legislation providing restitution to victims before a Federal felon may profit from his crime's notoriety. Fourth, hold the Federal Government civilly liable for bodily injury caused by a "dangerous person" who escaped or has been released from Federal custody when the Government is found "grossly negligent." Fifth, require the Attorney General to prepare guidelines for the fair treatment of Federal crimes, similar to a "victim's bill of rights." Finally, this bill provides added protections for victims and witnesses, including criminal penalties intimidating witnesses or victims.

It is sad that victims and witnesses are oftentimes hurt more by our criminal justice system than by the crime itself. Indeed, one witness testifying before the Subcommittee on Criminal Law said, "My life has been permanently changed, I will never forget being raped, kidnaped, and robbed at gunpoint. However, my sense of disillusionment with the criminal justice system is many times more painful. I could not, in good faith, urge anyone to participate in this hellish process." Victims are often the last to hear about changes in the time of the court proceeding so they are required to not only wait in the courtroom with the accused, but lose wages for worktime lost. Oftentimes they are not informed of financial assistance or other social services available as a result of being a witness or victim. It is our duty to support legislative action which improves our criminal justice system. Mr. President, this bill, S. 2420, will do just that by improving the treatment of victims and witnesses. I urge prompt passage of this legislation.●

Mr. HEINZ. Mr. President, are there any further statements by Senators?

● Mr. DODD. Mr. President, I am pleased to cosponsor S. 2420, the Omnibus Victims Protection Act of 1982.

Violent crime in this country has increased dramatically and tragically. From 1976 to 1980, reported violent crime increased 33 percent and in 1981 criminal violence was committed every 24 seconds. In 1981, over a million citizens were victimized, with tragic consequences for them and their families.

A secondary consequence of criminal violence is that citizens against whom there is no allegation of wrongdoing enter our criminal justice system. Hundreds of thousands of victims are subpenaed to appear in court, an often

stressful experience. Michael McCann, chairman of the American Bar Association's Victims Committee testified compellingly on their behalf when he appeared before the Senate Committee on the Judiciary.

No prosecutor with any degree of sensitivity can long remain ignorant of the truly onerous and often frightening part such victims and witnesses play as the crime tragedy progresses from the stage of offense, through apprehension, identification, pretrial proceedings, and trial. The woes of victims and witnesses are legion. To the weak, the infirm, and the elderly, the potential of offender retribution for aiding the prosecution is real, palpable, and, on occasion, terrifying.

Mr. President, we must insure that those who have suffered as victims of crime do not suffer further at the hands of our criminal justice system—that they do not fear retribution for testifying against those who have harmed them already.

Although only a small fraction of violent crime and crimes against property are under Federal jurisdiction, I believe that the Federal Government should play a leadership role in recognizing the needs of victims, in helping them cope, and in protecting them against retaliation. This bill is an important first step toward that goal.

S. 2420 requires that the judge be presented with an assessment of injury to the victim as part of the sentencing report. Too often, at present, the judge is unaware of the severity of the attack, or even, at times, of whether the victim survived wounds caused during an attack. Further, the bill protects both victims and witnesses from intimidation or retaliation at the hands of an offender, enabling the Attorney General to initiate civil proceedings to restrain intimidation, or harassment. The bill further provides for restitution by the offender. Such restitution would cover the victim's expenses, property losses, uninsured medical costs, and funeral costs, if necessary.

Additionally, S. 2420 mandates that the Attorney General develop and implement guidelines for the fair treatment of victims and witnesses, addressing the need for consultation and information exchange with the prosecutor. Federal immunity is waived in cases where gross negligence in releasing a prisoner causes further injury to citizens. Finally, profit by a criminal as a result of his notoriety is curtailed. The last provision was earlier recommended by the House Select Committee on Assasinations, of which I was a member, and I applaud its inclusion here. We should restrict the extent to which violent criminal acts are ultimately profitable to those who commit them.

These provisions move us toward a model in which crime victims will be treated fairly in our criminal justice system. But this is not a perfect bill nor should it be a final effort.

The bill does not provide for direct aid to victims either through services to help them cope with their experience or through monetary compensation. Many States, including Connecticut, have more extensive programs than that proposed here, which are financed through fines and court fees. The Federal Government does not have ready access to many of these same mechanisms. Thus the fiscal constraints we are operating under make a more complete program difficult at this time.

Protection of its citizens is a fundamental function of government. The provisions of this bill were designed to further that purpose. It would be wrong to apply too broadly the third-party accountability implied by a waiver of Federal immunity in cases of gross negligence. Further, flexibility in restitution provisions should be maintained and, as the bill states, restitution should be "as fair as possible without unduly complicating or prolonging the sentencing process."

Overall, this legislation takes an important first step in establishing the rights of victims in Federal court. The first responsibility of law enforcement is to secure the safety of law-abiding citizens. Safety can be secured without jeopardizing the rights of the accused. It is those principles which this bill seeks to maintain. I applaud the efforts of its sponsors in bringing it before us today.●

● Mr. GRASSLEY. Mr. President, I am pleased to lend my support to this landmark in criminal legislation.

So often we find ourselves in the position of legislating rights for the accused—we are scrupulously aware of the accused's constitutional rights—and yet we overlook the rights of the victim. We are quick to see that the accused is informed of his rights, quick to see that he is provided with an attorney to protect those rights, quick to see that all of his medical needs are taken care of, and all of his physical needs are provided for. The victim however is on his own. The victim was hurt? Well, let's hope that he has insurance.

Added to the unfairness of this system is that on the Federal level, we are forced to simply shake our heads when the convict sells his accounting of his crime for profit. Jack Henry Abbott, for example, a long-time convict collected a $12,500 advance for his book, "In the Belly of the Beast," a document about the nightmare of prison life. He is expected to earn as much as $250,000 in royalties from the book, and the notoriety he has so unabashedly earned from his latest murder is expected to contribute to that sum.

Now I ask you: Should society be rewarding a man who has taken two lives? Jack Abbott has hired an attorney to keep that money from the family of his victims. Jack Abbott admitted he killed Richard Adan, a waiter and aspiring playwright, but he blames society for spawning his alleged paranoia that "forced him to kill" a man who was trying to help him. Think for a moment how Adan's family feels, how Adan's fiancé feels upon learning that a loved one's murderer is profiting from the notoriety surrounding his murder.

This legislation goes a long way toward sensitizing the criminal justice system to those who are the victims of crime. Aside from insuring that no Federal felon will profit as a result of his notoriety, the legislation requires that a victim's impact statement be included in the sentencing report given to the judge. This legislation underscores the capability of the court to prevent intimidation of a witness or victim and importantly makes the Federal Government civilly liable for bodily injury caused by a "dangerous person who has either escaped or been prematurely released from Federal custody due to the gross negligence of the Federal Government."

I commend Senators THURMOND, HEINZ, LAXALT, and, of course, the majority leader for their hard work in getting this legislation passed. I hope that the House acts quickly in enacting this legislation to respond to a system that victimizes those who have already suffered at the hands of an assailant.●

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendments to be proposed, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Omnibus Victims Protection Act of 1982".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that:

(1) Without the cooperation of victims and witnesses, the criminal justice system would cease to function; yet with few exceptions these individuals are either ignored by the criminal justice system or simply used as tools to identify and punish offenders.

(2) All too often the victim of a serious crime is forced to suffer physical, psychological, or financial hardship first as a result of the criminal act and then as a result of contact with a criminal justice system unresponsive to the real needs of such victim.

(3) Although the majority of serious crimes falls under the jurisdiction of State and local law enforcement agencies, the Federal Government, and in particular the Attorney General, have an important leadership role to assume in ensuring that victims of crime, whether at the Federal, State, or local level, are given proper treatment by agencies administering the criminal justice system.

(4) Under the current law, law enforcement agencies must have cooperation from victims of crime and yet neither the agencies nor the legal system can offer protection or assistance when such victim as a result of such cooperation, is threatened or intimidated.

(5) While the defendant is provided with counsel who can explain to him both the criminal justice process and his rights, the victim or witness has no counterpart and is usually not even notified when the defendant is released on bail, the case is dismissed, a plea to a lesser charge is accepted, or a court date is changed.

(6) The victim and witness who cooperate with the prosecutor often find that the transportation, parking facilities, and child care services at the court are unsatisfactory and they must often share the pretrial waiting room with the defendant or his family and friends.

(7) The victim may lose valuable property to a criminal only to lose it again for long periods of time to Federal law enforcement officials, until the trial and sometimes the appeals are over; many times that property is damaged or lost, which is particularly stressful for the elderly or poor.

(b) The Congress declares that the purposes of this Act are—

(1) to enhance and protect the necessary role of crime victims and witnesses in the criminal justice process;

(2) to ensure that the Federal Government does all that is possible within the limits of available resources to assist victims and witnesses of crime without infringing on the constitutional rights of the defendant; and

(3) to provide a victim/witness model for State and local law enforcement officials.

TITLE I—VICTIM'S IMPACT STATEMENT

SEC. 101. Subsection (c)(2) of rule 32 of the Federal Rules of Criminal Procedure is amended by striking ", and such other information as may be required by the court" and inserting in lieu thereof: "The report shall also contain verified information stated in a nonargumentative style assessing the financial, social, psychological, and medical impact upon and cost to any person who was the victim of the offense committed by the defendant. The report shall also include a statement of any need of the victim for restitution and any such other information as may be required by the court.".

TITLE II—PROTECTION OF VICTIMS AND WITNESSES FROM INTIMIDATION

SEC. 201. (a) Chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new sections:

"§ 1512. Tampering with a witness, victim, or an informant

"(a) Whoever—

"(1) knowingly uses or attempts to use physical force, threat, intimidation, or fraud with intent to—

"(A) influence the testimony of another person in an official proceeding;

"(B) cause or induce another person to—

"(i) withhold testimony, or withhold a record, document, or other object, from an official proceeding;

"(ii) alter, destroy, mutilate, or conceal an object with intent to impair such object's integrity or availability for use in an official proceeding;

"(iii) evade legal process summoning him to appear as a witness, or to produce a record, document, or other object in an official proceeding; or

"(iv) absent himself from an official proceeding to which he has been summoned by legal process; or

"(C) hinder, delay, or prevent the communication to a law enforcement officer of information relating to an offense or a possible offense;

"(2) knowingly and maliciously hinders, delays, prevents, or dissuades or attempts to hinder, delay, prevent, or dissuade—

"(A) a witness or a victim from attending or testifying in an official proceeding; or

"(B) a witness, victim, or a person acting on behalf of a victim from—

"(i) making a report of an offense or a possible offense to a judge, a law enforcement officer, a probation or parole officer, or an officer of a correctional facility;

"(ii) causing a criminal prosecution, or a parole or probation revocation proceeding, to be sought or instituted or assisting in such prosecution or proceeding; or

"(iii) arresting, or causing or seeking the arrest of, a person in connection with an offense; or

"(3) corruptly, by threats of force, or by any threatening letter of communication, intentionally influences, obstructs, or impedes or attempts to influence, obstruct, or impede the—

"(A) enforcement and prosecution of federal law;

"(B) administration of a law under which an official proceeding is being or may be conducted; or

"(C) exercise of a Federal legislative power of inquiry,

shall be punished as provided in subsection (b).

"(b) Whoever is guilty of an offense set forth in subsection (a)(1) shall be fined not more than $100,000, or imprisoned not more than ten years, or both. Whoever is guilty of an offense set forth in subsection (a)(2) or (a)(3) shall be fined not more than $25,000 or imprisoned not more than five years, or both. Whoever is convicted for a second or subsequent offense under this section shall be sentenced to a term of imprisonment, or fine or both up to twice that authorized for such offense.

"(c) In a prosecution for an offense under subsection (a)(1) of this section, it is an affirmative defense, as to which the defendant has the burden of proving the defense by a preponderance of the evidence, that the conduct engaged in consisted solely of lawful conduct and that the defendant's sole intention was to encourage or cause the other person to testify truthfully.

"(d) It is not a defense to a prosecution under this section that—

"(1) an official proceeding was not pending or about to be instituted;

"(2) the testimony, or the record, document, or other object, would have been legally privileged or would have been inadmissible in evidence; or

"(3) no person was injured physically, or, in fact, intimidated.

"(e) There is Federal jurisdiction over an offense described in this section if—

"(1) the official proceeding, offense, or prosecution is or would be a Federal official proceeding, offense, or prosecution;

"(2) the officer is a Federal public servant and the information or report relates to a Federal offense or a possible Federal offense;

"(3) the administration of justice, administration of a law, or exercise of a legislative power of inquiry relates to a Federal Government function;

"(4) the United States mail or a facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section, or in the distribution of the proceeds of such crime punishable in this section;

"(5) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section.

"§ 1513. Retaliating against a witness or an informant

"(a) Whoever—

"(1) knowingly engages in conduct by which he causes bodily injury to another person or damages the property of another person because of—

"(A) the attendance of a witness or party at an official proceeding, or any testimony given, or any record, document, or other object produced, by a witness in an official proceeding; or

"(B) any information relating to an offense or a possible offense given by a person to a law enforcement officer; or

"(2) threatens to cause bodily injury to another person or to damage the property of another person or otherwise endeavor to intimidate another person because of any matter described in subparagraph (A) or (B) of paragraph (1);

"(3) unlawfully subjects a Federal public servant to economic loss or injury to his business or profession because of any matter described in subparagraph (A) or (B) of paragraph (1),

shall be punished as provided in subsection (b).

"(b) Whoever is guilty of an offense set forth in subsection (a)(1) shall be fined not more than $100,000 or imprisoned not more than ten years, or both. Whoever is guilty of an offense in subsection (a)(2) shall be fined not more than $10,000 or imprisoned for not more than two years, or both. Whoever is guilty of an offense in any other case under this section shall be fined not more than $5,000 or imprisoned for not more than one year, or both.

"(c) There is Federal jurisdiction over an offense described in this section if—

"(1) the official proceeding is a Federal official proceeding;

"(2) the law enforcement officer is a Federal public servant and the information relates to a Federal offense or a possible Federal offense;

"(3) the United States mail or facility in interstate or foreign commerce is used in the planning, promotion, management, execution, consummation, or concealment of such crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section; or

"(4) movement of a person across a State or United States boundary occurs in the planning, promotion, management, execution, consummation, or concealment of such

crime punishable in this section or in the distribution of the proceeds of such crime punishable in this section."

"§ 1514. Definitions for certain provisions

"As used in sections 1512 and 1513 of this title the term—

"(1) 'law enforcement officer' means an officer or employee of the Federal Government, or a person authorized to act for or on behalf of the Federal Government or serving the Federal Government as an adviser or consultant (including an elected official, judge, or juror)—

"(A) authorized under law to engage in or supervise the prevention, detection, investigation, or prosecution of an offense; or

"(B) serving as a parole or probation officer under this title;

"(2) 'maliciously' means for the purpose of (A) intimidating, harassing, harming, injuring in any other way another person or (B) interfering with the orderly administration of justice;

"(3) 'official proceeding' means—

"(A) a proceeding before a judge or court of the United States, a United States magistrate, a bankruptcy judge, or a Federal grand jury, a parole or probation officer;

"(B) a proceeding before the Congress; or

"(C) a proceeding before a Federal Government agency which is authorized by law;

"(4) 'physical force' means physical action against another, and includes confinement;

"(5) 'victim' means an individual against whom an offense has been or is being committed, or was attempted to be committed;

"(6) 'witness' means an individual—

"(A) having knowledge of the existence or nonexistence of facts relating to an offense;

"(B) whose declaration under oath is received in evidence for any purpose;

"(C) who has reported an offense to a judge, a law enforcement officer, or probation officer, or an officer of a correctional facility; or

"(D) who has been served with a subpoena, including a grand jury subpoena, issued under the authority of a court of the United States.

"§ 1515. Penalty for an offense committed while on release pending judicial proceedings

"Any term of imprisonment which is imposed under sections 1503, 1512, or 1513 when the offense is committed while such person is released under chapter 207 of this title shall be consecutive to any sentence of imprisonment for the offense with respect to which release was ordered.".

(b) The analysis for chapter 73 of title 18, United States Code, is amended by adding at the end thereof the following new items:

"1512. Tampering with a witness, victim, or an informant.
"1513. Retaliating against a witness or an informant.
"1514. Definitions for certain provisions.
"1515. Penalty for an offense committed while on release pending judicial proceeding.".

(c) Subsection (a) of section 3146 of chapter 207 of title 18, United States Code, is amended by—

(1) inserting between "officer," and "unless" the following: "subject to the condition that such person not commit an offense under chapter 73 of this title,"; and

(2) inserting between "impose" and "the" the following: "a condition of release that such person not commit an offense under chapter 73 of this title and impose"; and

(3) by adding at the end thereof the following: "Notwithstanding any other provision of this subsection, the pretrial release of any person pursuant to this section or section 3148 shall be deemed to include a condition that the defendant not commit or cause to be committed any act proscribed by sections 1503, 1512, and 1513 of this title".

SEC. 202. (a) Title 18 of the United States Code is amended by adding after chapter 223 the following new chapter:

"CHAPTER 224—PROTECTION OF WITNESSES

"Sec.
"3521. Witness relocation and protection.
"3522. Reimbursement of expenses.
"3523. Civil action to restrain witness or victim intimidation.
"3524. Definition for chapter.

"§ 3521. Witness relocation and protection

"(a) The Attorney General may provide for the relocation or protection of a government witness or a potential government witness in an official proceeding if the Attorney General determines that an offense described in section 1503, 1512, or 1513 of this title, or a State or local offense that is similar in nature or that involves a crime of violence directed at a witness, is likely to be committed. The Attorney General may also provide for the relocation or protection of the immediate family of, or a person otherwise closely associated with, such witness or potential witness if the family or person may also be endangered.

"(b) In connection with the relocation or protection of a witness, a potential witness, or an immediate family member or close associate of a witness or potential witness, the Attorney General may take any action he determines to be necessary to protect such person from bodily injury, and otherwise to assure his health, safety, and welfare, for as long as, in the judgment of the Attorney General, such danger exists. The Attorney General may—

"(1) provide suitable official documents to enable a person relocated to establish a new identity;

"(2) provide housing for the person relocated or protected;

"(3) provide for the transportation of household furniture and other personal property to the new residence of the person relocated;

"(4) provide a tax-free subsistence payment, in a sum established in regulations issued by the Attorney General, for such times as the Attorney General determines to be warranted;

"(5) assist the person relocated in obtaining employment; and

"(6) refuse to disclose the identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing the danger such a disclosure would pose to the person, the detriment it would cause to the general effectiveness of the program, and the benefit it would afford to the public or to the person seeking the disclosure.

"(c) Notwithstanding the provisions of subsection (b)(6), if a person relocated under this section is named as a defendant in a civil cause of action, arising prior to the person's relocation, for damages resulting from bodily injury, property damage, or injury to business, process in the civil proceeding may be served upon the Attorney General. The Attorney General shall make reasonable efforts to serve a copy of the process upon the person relocated at his last known address. If a judgment in such an action is entered against the person relocated, the Attorney General shall detemine whether the person has made reasonable efforts to comply with the provisions of that judgment. The Attorney General shall take affirmative steps to urge the person relocated to comply with any judgment rendered. If the Attorney General determines that the person has not made reasonable efforts to comply with the provisions of the judgment, he may, in his discretion, after weighing the danger to the person relocated, disclose the identity and location of that person to the plaintiff entitled to recovery pursuant to the judgment. Any such disclosure shall be made upon the express condition that further disclosure by the plaintiff of such identity or location may be made only if essential to the plaintiff's efforts to recover under the judgment, and only to such additional persons as is necessary to effect the recovery. Any such disclosure or nondisclosure by the Attorney General shall not subject the government to liability in any action based upon the consequences thereof.

"§ 3522. Reimbursement of expenses

"The provision of transportation, housing, subsistence, or other assistance to a person under section 3521 may be conditioned by the Attorney General upon reimbursement of expenses in whole or in part to the United States by a State or local government.

"§ 3523. Civil action to restrain witness or victim intimidation

"(a) The Attorney General may initiate a civil proceeding to prevent and restrain an offense involving a witness or a victim under sections 1503, 1512 or 1513 of this title. After a hearing and upon a finding, which may be based upon hearsay or the representation of the attorney for the government or the counsel for the defendant, that an offense under sections 1503, 1512 or 1513 of this title involving a witness or a victim has occurred or is reasonably likely to occur, the court may order a defendant, a witness or other person connected with the case, or any individual in the courtroom to—

"(1) refrain from engaging in conduct in violation of section 1503, 1512, or 1513 of this title;

"(2) maintain a prescribed distance from a specified victim or witness; and

"(3) refrain from communicating with a specified victim or witness except under such conditions as the court may impose.

"(b) A district court of the United States in which a proceeding is initiated under this section has jurisdiction to hear and determine the matter so presented, and to prevent and restrain an offense referred to in subsection (a). In a proceeding initiated under this section, the court shall proceed as soon as practicable to a hearing and determination.

"§ 3524. Definition for chapter

"As used in this subchapter 'government' includes the Federal Government and a State or local government.".

(b) The table of chapters for part II of title 18, United States Code, is amended by adding after the item for chapter 223 the following new item:

"224. Protection of witnesses..... 3521".

TITLE III—RESTITUTION

SEC. 301. (a) Chapter 227 of title 18, United States Code, is amended by adding at the end the following:

"§ 3579. Order of restitution

"(a) The court, in imposing a sentence on a defendant for any offense under this title, except an offense described in subsection (d), may order the defendant to make appropriate restitution. The order of restitution shall require that the defendant—

"(1) in the case of an offense causing injury or death, make restitution to the victim of the offense or estate of the victim in an amount that does not exceed income lost because of the victim's incapacitation or death, necessary medical expenses including ones associated with physical, psychological or vocational rehabilitation and, if applicable, the expenses for the funeral and burial of the victim; and

"(2) in the case of an offense resulting in loss, damage, or destruction of property—

"(A) restore the property to the victim of the offense; or

"(B) make restitution to the victim of the offense in an amount that does not exceed the value of the property; or

"(3) make restitution in money or, when the victim agrees, in services to the victim or to a person or organization designated by the victim.

If the court does not order restitution, the court must state for the record the reasons. The court shall make the order of restitution as fair as possible to the victim without unduly complicating or prolonging the sentencing process.

"(b)(1) The court shall not order restitution as to any victim who is bound by an earlier judgment in, or a settlement of a civil proceeding involving the underlying offense.

"(2) Any amount paid to a person pursuant to an order of restitution shall be set off against an amount later recovered as compensatory damages by such person in any civil proceeding.

"(3) A conviction of a defendant by a Federal court of an offense involving the act giving rise to restitution under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the victim.

"(4) If appropriate the court may consider ordering restitution to any party who has compensated the victim for expenses or losses directly related to the crime.

"(5) An order of restitution may be enforced by the victim or the United States in same manner as a judgment in a civil action and notwithstanding any other provision of law, an order of restitution shall be satisfied by the defendant before any Federal lien.

"(c) If a defendant is placed on probation or paroled pursuant to this title any restitution ordered under this section shall be a condition of such parole or probation. Failure to comply with an order of restitution shall be grounds for the revocation of parole or probation. In determining whether failure to comply with an order of restitution shall be grounds for the revocation of parole or probation, the Court shall consider the defendant's employment status, earning ability, the willfulness of the defendant's failure to pay, and any other special circumstances that may have a bearing on the defendant's ability to pay.".

(b) The analysis for chapter 227 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"3579. Order of restitution.".

(c) Within six months after the date of enactment of this title, the Attorney General shall report to Congress concerning any laws necessary to ensure that all victims of crime are justly compensated in those cases where restitution is not possible. The Attorney General shall consider funding methods such as imposing additional fines on all individuals convicted of Federal crimes.

(d) The court may not order restitution in any offense described in:

(1) section 24 of the Securities Act of 1933 (15 U.S.C. 77x) (relating to the registration of securities);

(2) section 325 of the Trust Indenture Act of 1939, as added by the Act of August 3, 1939, and amended (15 U.S.C. 77yyy) (relating to the public offering of notes, bonds, debentures, evidences of indebtedness, and certificates of interest or participation therein);

(3) section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a)) (relating to regulation of transactions in securities exchanges and over-the-counter markets);

(4) section 29 of the Public Utility Holding Company Act (15 U.S.C. 79z-3) (relating to regulation of public utility holding companies and their subsidiary companies);

(5) section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a-48) (relating to regulation of investment companies and securities issued by them);

(6) section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-17) (relating to registration of investment advisers);

(7) section 11911 of subtitle IV of title 49, United States Code (relating to securities of carriers subject to the jurisdiction of the Interstate Commerce Commission);

(8) section 127 of chapter 2 of title I of the Act of October 26, 1970 (12 U.S.C. 1957) (relating to records and reports by uninsured banks and institutions, banks insured by the Federal Deposit Insurance Corporation, and institutions insured by the Federal Savings and Loan Insurance Corporation);

(9) section 210 of the Currency and Foreign Transaction Reporting Act (31 U.S.C. 1059) (relating to records and reports concerning domestic currency transactions, exports and imports of monetary instruments, and foreign monetary transactions);

(10) section 9(b) of the Commodity Exchange Act (7 U.S.C. 13(b) (relating to price manipulation and other illegal practices involving transactions in commodities in interstate commerce), and section 9 (d) and (e) of that Act (7 U.S.C. 13 (d) and (e)) (relating to transactions in commodity futures by commissioners, employees, or agents of the Commodity Futures Trading Commission);

(11) the eleventh paragraph of section 25(a) of the Act of December 23, 1913, as added by the Act of December 24, 1919 (12 U.S.C. 617) (relating to the prohibition on the use of corporate funds to manipulate the price of a commodity by an agent of a corporation organized to do foreign banking); and

(12) sections 1, 2, and 3 of the Sherman Act (15 U.S.C. 1, 2, and 3) (relating to agreements in restraint of trade and monopolizing trade).

TITLE IV—FEDERAL ACCOUNTABILITY FOR ESCAPE OR RELEASE OF FEDERAL PRISONER

SEC. 401. (a) Section 1346(b) of title 28, United States Code, is amended by inserting "(1)" immediately after "(b)."

(b) Section 1346(b) of title 28, United States Code, is amended by adding at the end thereof the following:

"(2)(A) Subject to the provisions of chapter 171 of this title and subparagraph (B) of this paragraph, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of any civil action on a claim against the United States for damages, accruing on and after the date of enactment of this paragraph, for personal injury or death directly caused by any dangerous offender charged with or convicted of a Federal offense who is released from, or who escapes from, lawful custody of an employee of, or any person acting as the lawful agent of, the United States as a result of the gross negligence of such employee or person.

"(B) For the purposes of this paragraph 'dangerous offender' means a person charged with or convicted of a crime involving the use, attempted use, or threatened use of violence against the person of another.".

SEC. 402. Subsection (a) of section 2680 of title 28 of the United States Code is amended by adding at the end thereof the following: "This subsection shall not apply to actions constituting gross negligence for purposes of section 1346(b)(2) of this title.".

TITLE V—FEDERAL GUIDELINES FOR FAIR TREATMENT OF CRIME VICTIMS AND WITNESSES IN THE CRIMINAL JUSTICE SYSTEM

SEC. 501. (a) Within six months after the date of enactment of this title, the Attorney General shall develop and implement guidelines for the Department of Justice consistent with the purposes of this Act. The Attorney General shall assign responsibilities for the implementation of each of the guidelines. In preparing the guidelines the Attorney General shall consider the following objectives:

(1) SERVICES TO VICTIMS OF CRIME.—Law enforcement personnel should ensure that victims routinely receive emergency social and medical services as soon as possible and are given information on the following—

(A) availability of crime victim compensation (where applicable):

(B) community-based victim treatment programs;

(C) their role in the criminal justice process, including what they can expect from them;

(D) key points in the criminal justice process at which they might want to request information as to the status of their particular case and suggestions on how best to request this information; and

(E) ability of law enforcement officers to protect victims and witnesses from intimidation.

(2) SCHEDULING CHANGES.—All victims and witnesses who have been scheduled to attend criminal justice proceedings should either be notified as soon as possible of any scheduling changes which will affect their appearances or have an "on call" or "telephone-alert" system available.

(3) PROMPT NOTIFICATION TO VICTIMS OF MAJOR SERIOUS CRIMES.—The opportunity to request advance notification of important criminal justice proceedings shall be given to victims, witnesses, relatives of those victims and witnesses who are minors, and relatives of homicide victims. Those same individuals, who provide the appropriate official with a current address and telephone number should receive prompt advance, if possible, notification of judicial proceedings relating to their case, including—

(A) arrest or initial appearance before a judicial officer of the accused;

(B) initial bond decision of the accused; and

(C) disposition of the case (including trial, sentencing, and eventual release of accused).

"(4) CONSULTATION WITH VICTIM.—The prosecution should obtain the non-binding views of victims of serious crimes, or in the case of a minor child or homicide, the victim's family, prior to making a recommendation to the court, when the victim has provided a current address and telephone number. The key points for consultation include—

(A) pretrial release hearings (if feasible);

(B) pretrial diversion program;

(C) dismissal; and

(D) plea negotiations;

(5) SEPARATE WAITING AREA.—Victims and other prosecutor witnesses should be provided prior to court appearance a waiting area that is separate from all other witnesses.

(6) PROPERTY RETURN.—Law enforcement agencies and prosecutors should promptly return victim's property held for evidentiary purposes unless there are compelling law enforcement reason for retaining it.

(7) NOTIFICATION TO EMPLOYER.—A victim or witness should be asked if he would like his employer to be notified of need for the victim/witness to cooperate and, therefore, be absent from work. If the victim or witness has to take time off from work to assist in the investigation or prosecution of the case, employers should be encouraged to continue to pay the victim or witness as if he had actually worked. In situations where as a direct result of a crime or cooperation with law enforcement officials, the victim or witness is subjected to serious financial strain, a law enforcement official should offer to contact creditors to explain the circumstances.

(8) TRAINING BY FEDERAL LAW ENFORCEMENT TRAINING FACILITIES.—The Attorney General and Secretary of the Treasury should instruct the directors of the Federal training facilities to ensure that victim assistance training be offered to law enforcement personnel so that victims are properly assisted immediately following the commission of crime and throughout the duration of the criminal justice proceedings; and to ensure that criminal justice personnel are familiar with these guidelines.

(9) GENERAL VICTIM ASSISTANCE.—The guidelines should also ensure that when feasible other important means of assisting victims and witnesses, such as the adoption of transportation, parking, and translator services for victims in court, are provided.

(b) Nothing in this title shall be construed as creating a cause of action against the United States.

SEC. 502. All Federal law enforcement agencies, outside of the Department of Justice, shall adopt guidelines consistent with section 501.

TITLE VI—PROFIT BY A CRIMINAL FROM SALE OF HIS STORY

SEC. 601. Within one year after the date of enactment of this title, the Attorney General shall report to Congress regarding any laws that are necessary to ensure that no Federal felon derives any profit from the sale of the recollections, thoughts, and feelings of such felon with regards to the offense committed by the felon until any victim of the offense receives restitution.

Mr. HEINZ. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HEINZ. Mr. President, I simply wish to thank all Senators.

I thank, first of all, Senator THURMOND, the chairman of the Judiciary Committee, who expedited not only the hearings but the consideration of this measure on the Victims Assistance Act.

I thank, of course, my principal cosponsor, Senator LAXALT, with whom it has been such a great privilege to work and without whose diligence in the efforts in the committee I do not think we would have developed such a fine work product.

I am deeply indebted to Senator BIDEN, who cooperated with us in every way. Most of this legislation is a part of the omnibus bill that he has been working on. It is through his efforts today that we were able to clear this bill for consideration.

Finally, Mr. President, I observe that, as we meet here at this hour, the President's Commission on Victims, which the President appointed some weeks ago, ably chaired by Lois Harrington, is deliberating at this very moment down at the courthouse on the issue of what we should have in the way of a national policy, not just a Federal Government policy, but a national policy on victims and witnesses.

The passage of this bill by the Senate I think underscores the sensitivity of this body and all its Members to seeing to it that we do something at long last to balance the scale of justice now more in favor of the victims and the witnesses and end a situation where some people have said we often give more attention to the rights of the criminals than we do to the rights of victims and witnesses.

I thank all my colleagues, and especially Senator BAKER and Senator ROBERT C. BYRD for their cooperation in this matter.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, also as in morning business I am prepared to take up H.R. 1710, Calendar Order No. 748, if that is cleared on the minority leader's calendar.

Mr. ROBERT C. BYRD. Mr. President, that is cleared.

USE OF THE FRANK BY THE LAW REVISION COUNSEL

The bill (H.R. 1710) to authorize the use of the frank for official mail sent by the Law Revision Counsel of the House of Representatives, was considered, ordered to a third reading, read the third time, and passed.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER DISCHARGING THE COMMITTEE ON THE JUDICIARY FROM FURTHER CONSIDERATION OF SENATE JOINT RESOLUTION 205

Mr. BAKER. Mr. President, I believe this has been cleared as well. I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 205.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

NATIONAL SEWING MONTH

Mr. BAKER. Mr. President, I ask the Chair to lay before the Senate, Senate Joint Resolution 205, the item just discharged from the Committee on the Judiciary.

The PRESIDING OFFICER. The clerk will state the resolution by title.

The legislative clerk read as follows:

A resolution (S.J. Res. 205) to designate September 1982 as "National Sewing Month".

The Senate proceeded to consider the joint resolution.

● Mr. EAST. Mr. President, I recently introduced a resolution to designate September as "National Sewing Month." This resolution, Senate Joint Resolution 205, parallels a resolution introduced in the House by Representative BILL BONER of Tennessee.

This resolution is of particular interest to the people of my State, since North Carolina is one of the Nation's leaders in textile manufacturing. Many of our people work in textile mills, fabric centers, sewing shops, or otherwise participate in the day-to-day buying and selling of sewing items.

Yet home sewing is very much a national avocation. More than 90 million Americans sew at home: 50 million citizens have the basic skills to do small-item or mend-type sewing at home, and 40 million citizens sew at least part of their wardrobe—with many of them making home furnishing items as well. Home sewers also make sport accessories, arts/crafts handiwork, and energy-saving items.

National Sewing Month is being actively promoted by the American Home Sewing Association, which represents over 500 corporations and retail outlets in the textile, fabric, pattern, and fiber sectors. The industry is being joined in its efforts by a wide variety of educational, social, and service groups including home economics teachers, 4-H clubs, the Girl Scouts of America, American Sewing Guilds, Future Homemakers of America, and others.

Mr. President, I urge that the Senate support this sewing awareness effort by passing Senate Joint Resolution 205. I also ask that an excellent article on home sewing from the current issue of Forbes magazine be inserted in the RECORD.

The article follows:

A STITCH IN TIME

(By Thomas Jaffe)

Listen closely and you may be able to hear it: the distant, fitful hum of sewing machines. Up until recently only about 20 percent of American women used their Singers twice a month or more. But with the sorry state of the economy and changing lifestyles those machines are coming out of the closet more often these days. Just look at the earnings of manufacturers supplying the home sewing market: Wm. E. Wright, a $61 million (sales) purveyor of everything from ribbons to zippers, reported a 65 percent increase in profits, to $3.7 million, in its June fiscal year. Wright's 6 percent margins are the best in a decade. Earnings projections for retail fabric companies like Fabri-Centers of America and House of Fabrics call for a 30 percent to 40 percent increase this year.

Nor has this sudden burst of activity been lost on investors. Since last September the Price of House of Fabrics common has nearly tripled, to a recent 18. Wright, traded over the counter, has doubled, to 12¼. And Fabri-Centers of America has almost doubled, to 17¾.

Why the suddenly rekindled interest in needle and thread? Simple economics. Today over half of American women work. They want something to wear on the job with enough style that it will look good for at least a couple of years, not just one season. In the midst of a recession with unemployment at its highest level since the Depression, if you can make your own dress for as little as 30 percent of what it would cost you to buy it in a store you start thinking about your sewing machine.

This time the patternmakers are ready. "We're aiming at the customer who wants to make something simple and fast," says Arthur Joinnides, vice president of American Can's Butterick Fashion Marketing Co. and the publisher of Vogue Patterns. Yesterday's enormous catalogs, with patterns for 700 styles or more and frighteningly complex instructions showing as many as five views of the finished dress, frightened off a lot of potential home sewers, and patternmakers seem to have learned their lesson.

In 1980, for instance, Butterick introduced its See & Sew line—only 96 styles on their own display stand. There are fewer pattern pieces. There's only one view to consult and instructions that mercifully allow for a graded fit. "After all," laughs Joinnides," who's a perfect 8 or 10?" Best of all, their price is only $1.19 each, vs. the $2.75 pattern average. (The total U.S. market is an estimated $2.75 million.) After just three years See & Sew accounts for some 7 percent of more than 100 million patterns sold annually.

There have been other changes in the market since Wilbur Peters, chairman of $122 million (sales) Minnesota Fabrics Inc., started in fabric retailing 23 years ago. "We had loads of stuff piled high and priced cheap," he remembers. "We specialized in offgoods, overruns and discontinued patterns. If we tried that approach today, we'd be sunk." Last year many women went to MF's 92 stores to buy fabric for patterns designed by the likes of Calvin Klein, Yves St. Laurent and Ralph Lauren.

"We're in the fashion business, pure and simple," says Michael Feuer, vice president of $173 million (sales) Fabri-Centers of America, Inc. "We just happen to market it by the yard rather than by the size." To do this successfully, however, Feuer says you also must offer full customer service. Minnesota has added 50 home economists to its sales staff to help beginners get in the home sewing habit. Feuer thinks the reason some of the giant retailers like K Mart couldn't make it in the business is that their operations were basically self-service.

After all, many of the big retail chains scrambled into fabrics in the first place to cash in on the double knit craze. "Double knits were so easy to sew that women just bought patterns and a bunch of material and waltzed out of the store," says Wes Phillips, senior fabric buyer for $2 billion (sales) TG&Y Stores of Oklahoma City. "It was so easy from the retailer's point of view that once the double knit days were over, plenty of guys sat there asking themselves, 'Where did all our quick sales go?' and never got around to building a true organization for their fabric departments."

Other discounters like Wal-Mart, Zarye and TG&Y made the adjustment and survived. Says Malcolm Sherman, general manager of Zayre Stores: "If you try to sell to home sewers the way you market health and beauty aids or ketchup, you're bound to lay an egg."

Nobody is predicting a long-term boom in home sewing. And the recession that has encouraged this do-it-yourself economizing won't last throughout the Eighties. But there is no question that home sewing has a new lease on life. "If we could get just one-tenth of the customers for ready-to-wear clothes to start sewing more," says Art Joinnides of Vogue Patterns, "the size of the industry would double."●

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and to be read a third time. The joint resolution was read the third time and passed.

The preamble was agreed to.

The joint resolution (S.J. Res. 205) together with its preamble is as follows:

S.J. RES. 205

Whereas the American Home Sewing Association is sponsoring a first industrywide promotion effort to increase consumer sewing education and family sewing participation; and

Whereas over fifty million consumers sew at home and over forty million citizens sew at least part of their wardrobe; and

Whereas the home sewing industry generates over $3,500,000,000 in sales annually for the United States economy; and

Whereas unnumbered careers in fashion, retail merchandising, fashion design, interior design, patternmaking, and textile design and parts of the garment industry have had their genesis in a seventh or eighth grade home economics sewing class: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of September 1982 is designated "National Sewing Month", and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the resolution was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

S. 1814 INDEFINITELY POSTPONED

Mr. BAKER. Mr. President, I move to indefinitely postpone Calendar Order 716, S. 1814.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF TIME FOR BUDGET COMMITTEE TO FILE REPORT ON SENATE RESOLUTION 447

Mr. BAKER. Mr. President, I ask unanimous consent that the Budget Committee have until the close of business tomorrow, the 15th of September, to report Senate Resolution 447.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

Mr. BAKER. Now, Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. House Joint Resolution 520 is the pending business. The pending question is the Baucus amendment.

Mr. BAKER. Yes, Mr. President.

I would point out to my colleagues this has been pending now for more than 2 weeks, and while there will be a cloture vote tomorrow at 5 p.m. under the provisions of rule XXII and pursuant to unanimous consent previously agreed to setting that time, there is also an order that provides that no tabling motion will be in order for the remainder of this calendar day, which was designed originally to encourage Members to debate freely and to discuss these issues without fear of parliamentary complications.

I think we failed in that because I do not find many takers. But, Mr. President, it is only 3:25 in the afternoon, and I do not plan to go out at this hour. So I would once again urge Senators to come to the floor and make their contribution to this debate and to say whatever they may wish pro or con.

Mr. President, earlier today I filed a cloture motion with respect to further debate against the Helms amendment which will mature, under the provisions of the rule, on Thursday 1 hour after the Senate convenes and after a

quorum call is provided for under the rule. That, of course, would occur only if cloture is not invoked on Wednesday at 5 p.m.

If cloture is invoked on Wednesday that would be a nullity. But in the event we must have the vote on Thursday, may I inquire of the minority leader and the distinguished Senator from Oregon (Mr. PACKWOOD) if they might be in position to explore the possibility of a time certain for that vote on Thursday, as we have under other circumstances?

Mr. ROBERT C. BYRD. Mr. President, I have asked the staff to explore the possibility of agreeing to a request to vote at 2 p.m. on Thursday.

Mr. BAKER. I thank the Senator. If he could let me know when he is in position to do so I would like to put a request that we establish that as a time certain to vote.

Mr. PACKWOOD. That is fine with me.

Mr. BAKER. Mr. President, I will not put the request at this time, but we will check with our cloakroom, as the minority leader has indicated he is checking with his. It would be my hope that no Senator will object to the request to set the time at 2 o'clock on Thursday if that vote is required and without the requirement for a mandatory quorum under the provisions of rule XXII.

Mr. President, we are now on the debt limit bill. I thank all Senators, including the minority leader, for permitting me to transact this business as in morning business. I yield the floor.

Mr. ROBERT C. BYRD. Mr. President, does the distinguished majority leader intend to renew the request by him for no tabling motion for tomorrow?

Mr. BAKER. Perhaps, Mr. President. But may I say to my friend, the minority leader, that I would like to consider that a little further before I make the request, and I would not propose to do it at this time.

Mr. ROBERT C. BYRD. I thank the majority leader.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HAYAKAWA). Without objection, it is so ordered.

TIME TO VOTE

Mr. HARRY F. BYRD, JR. Mr. President, the abortion issue is an important one and one which I feel should be addressed by Congress. The issue has been fully debated. So I shall vote tomorrow to bring debate to a close on the Helms proposal. I think the Senate should vote one way or the other on the issue.

In regard to the Helms amendment, I have studied the Helms proposal and shall vote against it as I feel it goes too far.

THE GOVERNMENT'S FINANCIAL SITUATION

Mr. HARRY F. BYRD, JR. Mr. President, I wish to comment briefly on the Government's financial situation.

The total deficit for the current fiscal year through July 31, 1982—and this is the latest date for which figures are available—on that date the deficit was $106 billion. Yes, $106 billion deficit for the first 10 months of the current fiscal year.

Now let us equate that to what the Senate told the American people last year the deficit would be. On May 18, 1981, not much more than a year ago. Congress passed a budget resolution which stated that the deficit would be $37 billion. Last July, a little more than a year later, the deficit was $106 billion and still climbing.

The Budget Committee and the budget resolutions passed by the Senate have consistently underestimated spending. For the fiscal year 1980, the Budget Committee and the budget resolution underestimated spending by $144 billion. For the fiscal year 1981, the Budget Committee and the budget resolution underestimated spending by $44 billion. And for this year, fiscal 1982, which ends in 2 weeks and 2 days, the Budget Committee and the budget resolution underestimates spending by $36 billion.

This is a horrendous record, a terrible record. I think it is just irresponsible the way Congress is handling the tax funds of the American people.

This fiscal year will end with the largest deficit in history, the largest deficit in history, well over $100 billion.

Is it any wonder, Mr. President, that the American economy is in the shape it is? Is there any wonder why interest rates are so high?

Interest rates are devastating. They have brought the housing industry to a halt; they have had a major adverse impact on the automobile industry. Indeed, interest rates have had an adverse impact on virtually every business and every individual who has to go to the banks, to the money markets, to borrow funds either for business or for daily living.

When anyone tells you, the American public, that the Federal Government is getting spending under control, you ask them to show you figures. The figures do not justify any claim that Federal spending is being brought under control. It is spending as usual.

One of these days this Congress will be forced by circumstances to face up to this issue of spending; up to this point it has not done so.

The much-heralded change in budget procedures of some 7, or 8 years ago was supposed to bring a discipline to Congress. No discipline has been brought to Congress.

When it comes to spending there is no discipline in the Congress of the United States. Every record shows that. All one needs to do is look at the figures. Spending is totally out of control.

As a politician I know it is much easier to vote to spend than it is to vote to safeguard the tax funds of the American people. All the pressure is to spend. There is no pressure on the other side.

For many years now, Congress has been buying the people's votes with the people's own money. There is no place that Congress can get money, there is no place the Federal Government can get money, except out of the pockets of the people who work.

Yes, the deficit for fiscal year 1982, which ends in 2 weeks and 2 days, as of July 1 of this year was $106 billion. That is $69 billion more that authorized by the budget resolution passed May 18, 1981.

Last Friday was a dramatic day in the Senate. The President of the United States had vetoed a $14 billion supplemental appropriation bill which he said was excessive spending. And let me emphasize that a supplemental spending bill is what the name implies; it is additional spending far and above the regular appropriation bills.

After the measure was vetoed, it went to the House of Representatives, which overrode his veto. The Senator from Virginia is not surprised that the Democratic-controlled House of Representatives would vote to override the veto on a spending bill.

But then it comes to the Republican dominated Senate. The Republican dominated Senate could not even get one-third of its membership to support the President on his veto of an excessive money spending bill.

I think that was a highly symbolic vote. To me it says that the Congress is continuing business as usual when it comes to uncontrolled spending of American tax funds. It suggests, too, that it does not make too much difference when the Congress is Republican or Democratic, the spending goes on as usual.

How long can this country continue to tolerate deficits of the magnitude of $106 billion? And it will be greater by the time the fiscal year is over. The deficit projected for the upcoming fiscal year is $155 billion, and for the year after that it will be more than $100 billion. So it will be 3 years in a row, and maybe 4, with deficits exceeding $100 billion. To the Senator from Virginia, that is a very alarming, dan-

gerous prospect for the people of the United States. The more the Government goes into debt, the more the Government has to borrow, the more that forces up interest rates.

If we do not get interest rates down, how can the young people buy a home? How can the working people buy automobiles? How can we get a sustained economic recovery going unless we bring interest rates down to a point where the average working man and woman can make the purchases that are necessary both to them and to develop a strong economic recovery?

Yes, Mr. President, I am greatly concerned about the Government's financial situation. I think it is the major problem facing the United States today. This country could experience a real sustained economic recovery if we could get the Government's finances straightened out, if we could control Government spending.

To give one other example before I close of what the Congress has done, Congress this year passed a budget resolution which puts into motion spending policies and programs that, in the period of 3 years and 5 months ending September 30, 1985—3 years from the end of this month—will increase the national debt by 44 percent—yes, 44 percent. Last April the debt was $1.069 trillion; the budget resolution projects a debt of $1.468 trillion; on September 30, 1985.

Incidentally, speaking of the national debt, many say, "Well, what difference does it make, we are not going to pay it anyway, so why worry about it?"

Of course, that is foolish; there are many reasons to worry about it. One reason is that the interest charges on the national debt—the interest cost of the national debt paid by the taxpayers—is $115 billion at the present time. Yes, $115 billion just to pay the interest costs on the national debt.

If one wants to put it another way, of every personal and corporate income tax dollar paid into the Federal Treasury, 36 cents of that dollar goes to pay the interest costs on the debt.

And yet the Congress this year, the Senate this year, has passed a budget resolution which will increase the national debt by 44 percent, $400 billion; during the period which will end 3 years from now; namely, September 30, 1985.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The Senate resumed consideration of H.J. Res. 520.

Mr. PACKWOOD. Mr. President, I would like to respond, if I might, just momentarily to my good friend from Virginia about whether or not we have had full debate on the pending Helms amendment. I very much appreciate his support today against cloture. I heard his statement that he will vote for it tomorrow. I do appreciate the fact that if we have to vote on the Helms amendment that he will vote against it.

But if he means if we have had full, open debate, Senator HELMS and I confronting each other or trying to debate what his current amendment means, we have not.

In deference to the majority leader, he has endeavored to get that kind of debate. That is the reason we have been operating under a unanimous consent that no motions to table are in order so nobody has to worry about who has the floor.

Up until a few weeks ago, we assumed that we would be debating the so-called human life bill that had been introduced by Senator HELMS and held at the desk. And that human life bill was an attempt not even obliquely to almost directly overturn the Supreme Court decision in Roe against Wade, which was the Supreme Court decision that legalized a woman's right to choose whether or not she wanted an abortion.

In the human life bill, the Senator from North Carolina (Mr. HELMS) had language that reads as follows:

The Congress finds that present day scientific evidence indicates a significant likelihood that actual human life exists from conception.

The Congress further finds that the fourteenth amendment to the Constitution of the United States was intended to protect all human beings.

Upon the basis of these findings, and in the exercise of the powers of the Congress, including its power under section 5 of the fourteenth amendment to the Constitution of the United States, the Congress hereby declares that for the purpose of enforcing the obligation of the States under the fourteenth amendment not to deprive persons of life without due process of law, human life shall be deemed to exist from conception, without regard to race, sex, age, health, defect, or condition of dependency; and for this purpose "person" shall include all human life as defined herein.

The 14th amendment reads as follows, and section 1 is critical:

All persons—

And I emphasize "persons"—

born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Now, that is section 1 of the 14th amendment.

It is clear that the amendment, over and over, refers to persons and starts out "All persons born or naturalized." It is clear that the drafters of that amendment understood what they meant by the term "persons."

The Supreme Court, in its decision of Roe against Wade, which legalized abortion, said that they did not have to decide, for the purposes of that decision, when life started. They freely admitted that philosophers, theologians, and jurists have dealt with that point for some time but, for the purposes of their decision, they did not have to decide it because the fetus, especially in the early months of pregnancy, was not a person within the definition of the 14th amendment.

Then they laid down their decision as to when a woman might make a choice as to whether or not she wanted an abortion.

Senator HELMS, in order to overturn that decision, and I emphasize this, overturn it by statute—there was a constitutional decision. The Supreme Court vested the woman's right to make that decision for herself in the Constitution. The normal method of overturning constitutional decisions of the Court, if you do not like them, is by a constitutional amendment. And we have done that a number of times in our history.

Senator HELMS preferred to attempt to overturn it by a statute, which, of course, requires only a majority vote in the House and Senate, rather than a constitutional amendment, which requires a two-thirds vote and then ratification by three-quarters of the States, which is a very difficult process. Hence, the human life bill was introduced.

There were hearings on it in the Senate Judiciary Committee and the bill was roundly attacked even by people who did not like the Supreme Court's decision on Roe against Wade, as being a back-door effort to reverse the Supreme Court by a statute. Senator HELMS took a vote count, as best he could, on his amendment on this bill. I took a vote count. It was clear that if this particular amendment came to a vote, it would have lost by a fairly wide majority. He knew that; I knew that. Consequently, he has changed his tactic and now has a slightly different approach.

He now says, and these are the three qualifications:

Scientific evidence demonstrates the life of each human being begins at conception.

The Supreme Court of the United States in the case of Roe against Wade erred in not recognizing the humanity of the unborn child and the compelling interest of the sev-

eral States in protecting the life of each person before birth; and

The Supreme Court of the United States in the case of Roe against Wade erred in excluding unborn children from the safeguards afforded by the equal protection and due process provisions of the Constitution of the United States.

Now, my fellow Senators, I do not know what that means. It is clear that is a change from his earlier human life bill where he attempted, by a bootstrap argument, to define life as beginning at conception and that all life was a person within the meaning of the 14th amendment and, therefore, entitled to the protection of the 14th amendment.

Does this new amendment, does this new bill of his mean the same thing? I think it does. And, indeed, the Senator from North Carolina, on one occasion, made a statement that he intended to accomplish the same thing with this new amendment.

But we have not had any debate on it. No chance to put and respond to questions because for 3 days—for 3 days—the Senator from North Carolina has indicated that he is prepared to vote on his amendment. But no one has had a chance to say, "Senator, is it different than the previous amendment, where the previous one was an effort to restrain the court or overturn by statute but this is an effort to expedite appeal from the Supreme Court, or are they one and the same thing in different language?"

Apparently, we are going to have no debate.

So we may be undertaking the reversal of the Supreme Court. We may be. I think we are, with this amendment, without ever having had a hearing on it, without a single person knowing for sure what it means, without any constitutional scholar ever coming and saying, "That is a dangerous way to go about overturning the Supreme Court."

I would like to have a debate. I am ready for a debate. I am here for a debate. But we have had none.

For those who want to terminate further discussion on this, who say that we have had an adequate debate and who will now vote for cloture to end debate, they may choose to do that, but they should not do it if they think we have had a meaningful debate on what the pending amendment means.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, this week, my colleagues are being called upon to cast many of the most important votes in the history of this body. The Senate must delay no longer in addressing the grievious situation created by the Supreme Court's Roe against Wade decision which has permitted the abortion of millions of unborn children over the years. Each moment that we delay results in the needless and unjustified deaths of countless innocent children. I submit that should the Senate choose not to act expeditiously to rectify this egregious situation, each of us is responsible for this unprecedented loss of human life.

I have searched my soul and decided that this issue will determine, as several others, what we are as a people. I do not consider it a religious issue. I consider it a human issue, perhaps one of the greatest civil rights issues of all time. The right to life deals with the most defenseless, voiceless, and vulnerable of all human beings—the unborn. The dimensions and significance of this issue are great. We have tolerated over 1 million abortions every year in this country. This is a staggering waste of human life.

It is time that we reflect on the significance of a legal system that permits the deaths of thousands each week. What kind of "justice" is this? As legislators, how can we stand idly by and witness such a tragic perversion of the most basic principles of human life—the right to life, liberty, and the pursuit of happiness? Mr. President, I simply ask that my colleagues responsibily weigh the grave consequences of their decisions and search their consciences for guidance.

I congratulate Senator HELMS for his diligence in pressing for Senate consideration of this all-too-important issue. His dedication is to be commended.

Mr. President, there is virtually nothing in the Helms proposal that is either objectionable or controversial. While its purpose is twofold, its thrust is very basic and straightforward.

The proposed amendment incorporates the significant findings of numerous treaties, historical documents, international declarations, and Senate hearings regarding unborn children and the right to life. These findings are unanimous in that they affirm the fact that life begins at conception.

In accordance with these findings, the measure would get the Federal Government completely out of the business of abortion. Briefly, the proposal codifies the Hyde amendment restrictions on Federal funding of abortions, thereby eliminating the necessity of renewing these prohibitions annually through appropriations riders. Nearly all of these regulations and restrictions have been approved by the Congress in one form or another.

I hope that cloture can be invoked this week, so that we may move to the speedy adoption of the Helms amendment to this bill.

But to be quite frank, the measure before us is not my first choice as a vehicle for correcting the present situation nor is it my second choice. Unfortunately, this proposal will not sufficiently rectify the injustice created by the Supreme Court's Roe against Wade decision. My strong personal preference remains with the human life amendment approach, such as is embodied in my own amendment, Senate Joint Resolution 18; or the very similar amendment by Senator GARN which I have cosponsored, Senate Joint Resolution 17. Therefore, I must make clear that any statutory action which the Senate shall take on this matter shall not distract from my efforts to secure the constitutional guarantee of the right to life.

I hope that at some time during the consideration of this issue, the Senate could turn its attention to Senate Joint Resolution 110, the human life federalism amendment offered by my colleague from Utah, Senator HATCH. While Senate Joint Resolution 110 is not ideal, it could allow even greater protection of the right to life than the measure proposed by Senator HELMS. On March 10, the Senate Judiciary Committee approved the human life federalism amendment by a vote of 10 to 7. I believe that the Members of this body should at least offer their constituents an indication of their support for this proposal by subjecting it to a straight up or down vote.

I yield the floor.

Mr. PACKWOOD. Mr. President, will the Senator from Iowa yield for a question?

Mr. GRASSLEY. I yield the floor, but I regret that I do not have time to yield for a question.

Mr. PACKWOOD. All right.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have a number of unanimous-consent requests. Unless the Senator from Oregon, or another Senator, seeks recognition on the bill at this time, I am prepared to put us into a brief period for the transaction of routine morning business.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a brief period for the transaction of routine morning business, not to extend beyond the hour of 5 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

NCA, DOE BLAST PROPOSED ACID RAIN CONTROLS

Mr. FORD. Mr. President, as the Senate nears the possibility of debate on amendments to the Clean Air Act, I would like to point out that part of the bill, as reported by the Committee on Environment and Public Works, is based on inconclusive scientific evidence. As shown by testimony presented before a hearing recently held by the Committee on Energy and Natural Resources, the facts are just not all in on the phenomenon of acid precipitation.

The entire transcript of the August 22 hearing will be available to my colleagues by the end of this week so that they may see for themselves how disparate are the opinions of the scientific community and how premature it would be to impose an acid rain control strategy at this point. As a prelude to this, however, I ask unanimous consent to have printed in the RECORD two articles that highlight the scientific disagreement on the cause and effects of acid rain.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the National Coal Association News, Aug. 30, 1982]

NCA, DOE BLAST PROPOSED ACID RAIN CONTROLS

Jan W. Mares, the Energy Department's acting undersecretary, told the Senate Energy Committee August 22 that legislation pending before the Senate to reduce sulfur emissions from coal-fired power plants could cost consumers between $5 billion and $7 billion annually.

Mares said proposed acid rain controls are "especially disconcerting in light of the fact that major scientific uncertainties abound, and we have little understanding of the benefits, if any, that would result."

The plan, adopted by the Senate Environment Committee, would require utilities and industries in a 31-state region to reduce the amount of sulfur dioxide emitted from their smokestacks by 8 million tons annually by 1995.

According to Kaiser Aluminum & Chemical Corp., the impact of such an acid rain plan would have devastating economic impacts upon the aluminum industry, increasing the cost of aluminum from the company's Ravenswood plant by more than five cents per pound.

"Over the past several years Kaiser and the entire U.S. aluminum industry have been severely impacted by increasing energy costs," the company said in a statement. "Already there are serious questions about the viability of many aluminum smelters as they face increased competition from others with lower energy and labor costs. Five cents a pound clearly represents a competitive problem. It is more than 10 percent of the current selling price of aluminum ingot."

In other testimony, Professor Alan Gertler of the University of Nevada's Atmospheric Sciences Center and Richard Semonin of the Illinois State Water Survey said additional research is needed to develop the most efficient abatement strategies for combatting acid rain.

[From the Western Kentucky Coal Association News, September 1982]

COAL INDUSTRY UNITED IN OPPOSITION TO SENATE ACID RAIN CONTROL PLAN

The nation's coal industry-miners and mining companies—told members of the Senate last month that it "stands united in the strongest possible opposition" to the acid rain control program approved July 22 by the Senate Environment and Public Works Committee.

In a joint letter signed by the presidents of the United Mine Workers of America, the National Coal Association and the Mining and Reclamation Council of America, the industry spokesmen charged the measure would cost far more than the $3.9 billion annual cost projected by the Environment and Public Works Committee and may reach $8.5 billion per year when fully implemented.

Sam Church, Jr., president of the United Mine Workers of America, Carl E. Bagge, president of the National Coal Association, and Daniel R. Gerkin, president of the Mining and Reclamation Council of America, signed the joint letter.

The group charged that even at the committee's lower cost estimate, consumer electric bills in some areas of 31 midwestern and eastern states that fall under the new program would increase by 50 percent or more. The industry leaders also said nearly 90,000 coal mining jobs could be dislocated or lost along with an additional 225,000 associated jobs and $6.6 billion in annual wages.

The Environment Committee measure calls for a reduction of 50 percent in emissions from existing utility power plants by 1995. However, the coal industry letter says the committee failed to recognize the effects of its requirements that new power plants "offset" new emissions with further reductions at existing plants.

One coal company analysis found this requirement would increase the 8 million ton annual reduction projected by the committee to 12 million tons. Such a requirement would raise the total cost of the measure to $8.5 billion per year, the letter said.

While the "high economic and social costs" of the committee proposal are certain, the coal industry leaders said, there is "uncertainty that additional, new controls would bring about a change in the acidity of rainfall."

Also, they said, there is "astounding inequity" in the proposal. As an example, the industry leaders cited a comparison of the effects of the proposed program on two states—Kentucky and New York—which have nearly identical levels of total manmade sulfur dioxide emissions. Although New York is supposed to be the state suffering the greatest environmental effects from rainfall, it would only be required to reduce its sulfur dioxide emissions one fourth as much as Kentucky, they said.

This inequity exists because the impact of the committee's proposal falls predominantly on midwestern coal-fired power plants and not on other sources of sulfur dioxide emissions. Some scientists believe that local sources of emissions in New York and other Northeastern states play a far greater role in potential rainfall effects than do more distant emissions.

The committee's action was based on the false assumption that rainfall is rapidly becoming more acidic and that environmental damage is increasing and spreading, the industry leaders said.

"New reports from the U.S. Geological Survey and New York State's Department of Environmental Conservation call into question the premise that immediate action is required," the group said. "In the longest continuous monitoring program of rainfall quality, the U.S.G.S. found that rainfall in New York State has remained virtually unchanged since it began its studies in 1965. Also analysis of new data from New York State's lake monitoring program shows that in the last few years lakes have not become more acidic and in fact may be improving.

"Responsible researchers suggest that not enough is understood about this phenomenon and man's role in its formation to embark on yet another costly regulatory program with results far from certain," the group said. They urged the Senate to reject "costly and premature proposals" to control acid rain and instead approve legislation to accelerate the existing federal acid rain research effort and establish a program to mitigate environmental effects in lakes and waters found to be more acid than normal.

Meanwhile, at the Kentucky Coal Conference in Lexington two weeks ago, Brad Cates, Director of the Intergovernmental Liaison Office of the Environmental Protection Agency, said "EPA must first determine if there is an acid deposition problem", and "The current effort by Congress to deal with the acid rain question is an excessive and premature response to a problem we know little about, although current studies should tell us much in a few years".

David Drake, Deputy Secretary of the Kentucky Department of Energy told the attendees at the conference that, "if the acid rain legislation passes in its current form, we will see a drastic increase in the use of Western coal, east of the Mississippi and a halt to the conversion of oil fired facilities to coal."

The legislation directs the Governors of the 31 states within the "acid deposition impact region" to negotiate their respective shares of the mandated 10 million ton reduction in sulfur dioxide emissions. If the Governors of three fourths of the 31 states reach agreement on how to allocate sulfur dioxide emission reductions, the agreement becomes binding and enforceable upon all 31 states. (Thus, the Governors of 24 states could agree that their states should affect the entire 8 million tons of reductions.) If the Governors fail to reach agreement within 18 months of the date of enactment a statutory formula is established to define each state's share of the 10 million ton reduction goal. The formula ranks the states by the extent to which all the actual utility emissions in a given state exceed 1.5 pounds of sulfur dioxide per million BTU heat input. (Under this formula, states with the highest sulfur dioxide emission rates have the greatest reduction burden; Indiana would have to reduce sulfur dioxide emissions by more than 70 percent, while Massachusetts would have to reduce sulfur dioxide emission by less than 10 percent.)

The 31 states are given 3½ years from the date of enactment to submit a plan to USEPA for achieving each state's respective share of the 10 million ton reduction requirement. If a state does not submit a plan within the time provided, or if the plan submitted has not been approved by USEPA within 6 months after its submission, then all major stationary source power plants in that state (except those subject to new source performance standards) must meet an emission limitation of 1.2 pounds of sulfur dioxide per million BTU heat input.

The sulfur dioxide emission reductions required by the amendment must be achieved

"at the earliest practicable date," but not later than January 1, 1993, unless the control strategy consists of "an innovative system of continuous emission reduction or the replacement of existing facilities with new facilities of substantially lower emissions," in which event the deadline is January 1, 1995.

WKCA President Steve Jones has conveyed the concerns for this legislation and the result to the Western Kentucky Coal industry to U.S. Senators Ford and Huddleston, calling such a possibility, "the darkest day in the history of the Western Kentucky Coal industry". He questions ability of any legislative body to "legislate Western Kentucky out of the electric utility market", pointing out that the electric utility industry is the largest user of domestic coal.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations and treaty received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT—MESSAGE FROM THE PRESIDENT—PM 175

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

I transmit herewith the Eleventh Annual Report on the Administration of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) as required by the Act. This report was prepared in accordance with Section 211 of the Act and covers calendar year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *September 14, 1982.*

ANNUAL REPORT OF THE FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 176

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Governmental Affairs:

To the Congress of the United States:

In accordance with Section 7104(e) of Title 5, United States Code, I hereby transmit the Third Annual Report of the Federal Labor Relations Authority which covers Fiscal Year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *September 14, 1982.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT—PM 177

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I transmit herewith the Annual Report of the National Endowment for the Arts and the National Council on the Arts for the Fiscal Year 1981.

RONALD REAGAN.

THE WHITE HOUSE, *September 14, 1982.*

ANNUAL REPORTS ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION—MESSAGE FROM THE PRESIDENT—PM 178

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying reports; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of P.L. 94-317, the "National Consumer Health Information and Health Promotion Act of 1976," I hereby transmit the Fourth and Fifth Annual Reports on the Status of Health Information and Health Promotion. The fourth report is based on the period of June 1980 through June 1981 and reviews activities that occurred primarily before I took office, and the fifth report is based on activities during the period of June 1981 through June 1982.

RONALD REAGAN.

THE WHITE HOUSE, *September 14, 1982.*

MESSAGES FROM THE HOUSE

At 11:26 a.m., a message from the House of Representatives, delivered by Mr. Gregory, one its reading clerks, announced that the House has agreed to the amendment of the Senate to the following bill, with an amendment, in which it requests the concurrence of the Senate:

H.R. 5139. An act to authorize appropriations for certain insular areas of the United States, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5831. An act to amend the Consolidated Farm and Rural Development Act to provide lending limits for fiscal years 1983, 1984, and 1985.

At 3:19 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House agrees to the amendments of the Senate to the following bill:

H.R. 3620. An act transferring certain Federal property to the city of Hoboken, N.J.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6222. An act to amend the Federal Reserve Act to exempt from reserve requirements a certain amount of the deposits and accounts of depository institutions;

H.R. 6384. An act to extend title XVII of the Public Health Service Act; and

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 405. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3517.

HOUSE BILLS REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 6222. An act to amend the Federal Reserve Act to exempt from reserve requirements a certain amount of the deposits and accounts of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 6384. An act to extend title XVII of the Public Health Service Act; to the Committee on Labor and Human Resources.

H.R. 6422. An act to direct the Secretary of Agriculture to release on behalf of the United States a reversionary interest in certain land previously conveyed to the State of Connecticut; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE BILL PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5831. An act to amend the Consolidated Farm and Rural Development Act to provide lending limits for fiscal years 1983, 1984, and 1985.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4215. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, a report on a decision made to convert the Inactive Ship Maintenance function at the Naval Inactive Ship Detachment, Pearl Harbor, Hawaii to performance under contract; to the Committee on Armed Services.

EC-4216. A communication from the Principal Deputy Assistant Secretary of the Navy for Shipbuilding and Logistics transmitting, pursuant to law, notice of a decision made to convert the Motor Vehicle Operations and Maintenance function at the Pacific Missile Test Center, Point Mugu, Calif., to performance under contract; to the Committee on Armed Services.

EC-4217. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of a decision made to convert the refuse collection and disposal function at Fort Sheridan, Ill., to performance under contract; to the Committee on Armed Services.

EC-4218. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of a decision made to convert the motor vehicles operations function at Fort Riley, Kans., to performance under contract; to the Committee on Armed Services.

EC-4219. A communication from the Acting Assistant Secretary of the Army for Installations, Logistics, and Financial Management transmitting, pursuant to law, notice of a decision made to convert the maintenance function of the Directorate of Industrial Operations at Fort Riley, Kans., to performance under contract; to the Committee on Armed Services.

EC-4220. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Egypt; to the Committee on Armed Services.

EC-4221. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to Korea; to the Committee on Armed Services.

EC-4222. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military assistance sale to France; to the Committee on Armed Services.

EC-4223. A communication from the Assistant Secretary of State for Congressional Relations transmitting, pursuant to law, a report on an extension and guarantee of credit by the Export-Import Bank to the People's Republic of China in connection with its purchase of steelmaking equipment and related services; to the Committee on Banking, Housing, and Urban Affairs.

EC-4224. A communication from the Chairman of the Federal Financial Institutions Examination Council transmitting, pursuant to law, a report entitled "Section 340 Fair Housing Lending Study"; to the Committee on Banking, Housing, and Urban Affairs.

EC-4225. A communication from the Assistant Secretary of State for Congressional Relations transmitting a draft of proposed legislation to implement the Convention for the Conservation of Salmon in the North Atlantic Ocean; to the Committee on Commerce, Science, and Transportation.

EC-4226. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the status of the public ports of the United States; to the Committee on Commerce, Science, and Transportation.

EC-4227. A communication from the Secretary of Energy transmitting, pursuant to law, the 1982 third quarter report on biomass energy and alcohol fuels; to the Committee on Energy and Natural Resources.

EC-4228. A communication form the Secretary of the Interior transmitting, pursuant to law, notice of an oil and gas leasing sale, Diapir Field, Outer Continental Shelf; to the Committee on Energy and Natural Resources.

EC-4229. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Repeal of Unneeded Outer Continental Shelf Production Rate-Setting Functions Would Cut Costs"; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S.J. Res. 97: A joint resolution to designate the second full week in October as "National Legal Secretaries' Court Observance Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 174: A joint resolution to authorize and request the President to designate October 16, 1982, as "World Food Day."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S.J. Res. 234: A joint resolution to provide for the designation of the week commencing with the third Monday in February 1983 as "National Patriotism Week."

By Mr. THURMOND, from the Committee on the Judiciary, without amendment and with a preamble:

S.J. Res. 235: A joint resolution to proclaim March 21, 1983, as "National Agriculture Day."

S.J. Res. 238: A joint resolution to designate October 9, 1982, as "National Running and Fitness Day."

S.J. Res. 239: A joint resolution designating October 16, 1982, as "National Newspaper Carrier Appreciation Day."

S.J. Res. 241: A joint resolution to provide for the designation of the week of December 12, 1982 through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary:

Edward R. Camacho, of Guam, to be U.S. marshal for the district of Guam for a term of 4 years;

Max E. Wilson, of North Carolina, to be U.S. marshal for the western district of North Carolina for the term of 4 years; and

Herbert M. Rutherford III, of New Jersey, to be U.S. marshal for the eastern district of Virginia for the term of 4 years.

By Mr. TOWER, from the Committee on Armed Services:

Andrew E. Gibson, of New Jersey, to be a member of the Board of the Panama Canal Commission; and

William W. Watkin, Jr., of New Jersey, to be a member of the Board of the Panama Canal Commission.

Mr. TOWER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Maj. Gen. William E. Brown, Jr., U.S. Air Force, to be lieutenant general, and Col. Diann A. Hale and Col. Arthur J. Sachsel, U.S. Air Force, to be brigadier general. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TOWER. Mr. President, in addition, in the Air Force there are 472 appointments to the grades and dates of rank to be determined by the Secretary of the Air Force—list begins with James E. Albin—in the Air Force there are 8 appointments to the grades and dates of rank to be determined by the Secretary of the Air Force—list begins with David S. Bowles—in the Air Force there are 21 permanent promotions to the grade of lieutenant colonel and below—list begins with David S. Bowles—in the Air Force there are 3,829 permanent promotions to the grade of major—list begins with Gregory J. Aaron—and in the Marine Corps Reserve there are 199 permanent appointments to the grade of lieutenant colonel—list begins with James C. Adamson. Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk appeared in the RECORD of September 8, 1982, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. SPECTER, Mr. COCHRAN, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. LAXALT, Mr. LONG, Mr. NUNN, Mr. PRESSLER, Mr. QUAYLE, Mr. SIMPSON, Mr. SYMMS, Mr. ZORIN-

SKY, Mr. ROBERT C. BYRD, Mr. CHILES, Mr. HELMS, Mr. WARNER, Mr. BAKER, Mr. HOLLINGS, Mr. HUMPHREY, AND Mr. HUDDLESTON):

S. 2902. A bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes; read twice and ordered placed on the calendar.

By Mr. THURMOND (by request):

S. 2903. A bill to reform the use of the insanity defense in federal criminal cases, to ensure the admissibility of evidence when obtained by law enforcement authorities acting in good faith, and to define circumstances justifying federal intervention in State criminal proceedings; read twice and ordered placed on the calendar.

By Mr. ROBERT C. BYRD (for Mr. METZENBAUM (for himself, Mr. ROBERT C. BYRD, Mr. DIXON, Mr. HEINZ, Mr. KENNEDY, Mr. MATHIAS, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. EAGLETON, Mr. SARBANES, Mr. DECONCINI, Mr. CANNON, and Mr. SASSER)):

S. 2904. A bill to make more equitable certain provisions relating to unemployment compensation; read twice and ordered placed on the calendar.

By Mr. STEVENS:

S. 2905. A bill to amend title 5, United States Code, to establish a new retirement and disability system for Federal employees and Members of Congress while protecting the right of participants in the retirement and disability system under subchapter III of chapter 83 of such title to receive benefits under such subchapter, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HUMPHREY:

S. 2906. A bill to amend the Strategic and Critical Materials Stock Piling Act to provide that the National Defense Stockpile Transaction Fund shall be an off-budget activity, and for other purposes; to the Committee on Armed Services.

By Mr. HAYAKAWA:

S. 2907. A bill for the relief of Hisato Diozake; to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. KENNEDY (for himself, Mr. ROBERT C. BYRD, Mr. RANDOLPH, Mr. METZENBAUM, and Mr. RIEGEL)):

S.J. Res. 245. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; read twice and ordered placed on the calendar.

By Mr. LONG (for himself, Mr. JOHNSTON and Mr. MOYNIHAN):

S.J. Res. 246. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week."; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENTSEN (for himself and Mr. DANFORTH):

S. Res. 462. Resolution to express the sense of the Senate concerning consultations with the Government of Japan on exports of agricultural products from the United States to Japan; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THURMOND (for himself, Mr. BIDEN, Mr. BAKER, Mr. ROBERT C. BYRD, Mr. SPECTER, Mr. COCHRAN, Mr. DECONCINI, Mr. DOLE, Mr. EAST, Mr. GRASSLEY, Mr. HATCH, Mr. HEFLIN, Mr. LAXALT, Mr. LONG, Mr. NUNN, Mr. PRESSLER, Mr. QUAYLE, Mr. SIMPSON, Mr. SYMMS, Mr. ZORINSKY, Mr. CHILES, Mr. HELMS, Mr. HOLLINGS, Mr. HUMPHREY, and Mr. HUDDLESTON):

S. 2902. A bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes; read twice and placed on the calendar by unanimous consent.

(The remarks of Mr. THURMOND on this legislation and the text of the legislation appear earlier in today's RECORD.)

By Mr. THURMOND (by request):

S. 2903. A bill to reform the use of the insanity defense in Federal criminal cases, to insure the admissibility of evidence when obtained by law enforcement authorities acting in good faith, and to define circumstances justifying Federal intervention in State criminal proceedings; read twice and placed on the calendar by unanimous consent.

(The text of the legislation appears earlier in today's RECORD.)

By Mr. ROBERT C. BYRD (for Mr. METZENBAUM) (for himself, Mr. ROBERT C. BYRD, Mr. DIXON, Mr. HEINZ, Mr. KENNEDY, Mr. MATHIAS, Mr. RIEGLE, Mr. DURENBERGER, Mr. LEVIN, Mr. EAGLETON, Mr. SARBANES, Mr. DECONCINI, Mr. CANNON, and Mr. SASSER):

S. 2904. A bill to make more equitable certain provisions relating to unemployment compensation; read twice and placed on the calendar by unanimous consent.

● Mr. LEVIN. Mr. President, I would like to express my support for the legislation which Senator METZENBAUM has introduced today with respect to unemployment compensation. This legislation is urgently needed.

First, it will suspend until the national unemployment rate goes below 8.7 percent the illogical change which was made in last year's reconciliation bill with respect to the calculation of the insured unemployment rate (IUR). The insured unemployment rate is different from the nominal unemployment rate, which is the number normally cited in the press, and has traditionally been about 3 percent lower than the nominal rate. The IUR is the percentage of workers covered by a State's unemployment compensation program who are currently receiving State benefits. The IUR is used in determining whether a State is eligible for the extended benefits program for weeks 27 through 39, which is funded half by the State and half by the Federal Government.

As part of last year's reconciliation bill, the formula by which the IUR is determined was changed so that people who are receiving extended benefits are no longer included in the IUR. In other words, people who have received unemployment benefits for more than 26 weeks are no longer considered unemployed individuals. I object to this formula and agree that it should be suspended for three reasons.

First, it is illogical to me to have two individuals—one unemployed for 24 weeks and the other unemployed for 30 weeks—and to treat one as unemployed for the purpose of the IUR calculation and the other one as if he were employed. Both are without jobs. Both should be included in the insured unemployment rate. This illogic is compounded by the fact that the person who has been unemployed longer is probably more in need of assistance. What last year's reconciliation bill seemed to be saying was that if a State has been in a severe recession for a long period of time, and if a large percentage of the unemployed still cannot find work after 26 weeks, then the State's economic situation is improving as indicated by its falling IUR. This is spite of the fact that the State's nominal unemployment rate may continue to stay at record high levels.

Second, I have seen firsthand the practical effect of this illogic. As a result of this change, Michigan was knocked off of extended benefits last November and did not become eligible again until March of this year. All during that time, Michigan had the highest unemployment rate in the Nation.

Third, excluding the extended benefits recipients from the IUR calculation has made Swiss cheese out of the validity of the IUR as an accurate barometer of unemployment. For example, in my State of Michigan the nominal unemployment rate has hovered in the 14- to 15-percent range for the past few months, but the insured unemployment has dropped by 3 percentage points. The unemployment figures in Michigan for August add to the discredit of the IUR calculation because unemployment increased from 14.4 to 15.2 percent at the same time the IUR continued to drop.

The second part of the legislation which Senator METZENBAUM has introduced today will suspend the change in the level at which a State triggers

on the extended benefits, thereby keeping it at a 5-percent IUR. This change to 6 percent was also part of last year's reconciliation bill, but is not scheduled to take effect until weeks beginning after September 25 of this year. Although having the IUR calculation revert back to the way it was prior to last year's reconciliation bill would be sufficient for Michigan to qualify for extended benefits after this September, other States which are currently experiencing high levels of unemployment would require keeping the IUR trigger at 5 percent as well in order to qualify for extended benefits. The result of not suspending last year's reconciliation changes with respect to both the IUR calculation and the trigger level would be to leave some States with historically high unemployment rates, but being ineligible for extended benefits.

The third part of this legislation would be to link the duration of the recently passed Federal supplemental benefits program to a specified rate of unemployment instead of the date of March 31. There has been more than a little speculation that the March 31 date was chosen as the time to end the FSB program because it was far enough beyond the election to avoid the most obvious appearances of its being politically motivated. However, it makes much more sense to key it to a rate of unemployment. The Metzenbaum legislation would terminate the FSB program when unemployment went below 8.7 percent.

By historical standards, this is a high threshold for an FSB program. In the 1970's a similar program was instituted twice, in 1971 and in 1974. In 1971, the unemployment rate was 5.5 percent, in 1974, it was 7.2 percent, now it is 9.8 percent. However, in the interest of "going the extra mile," as the President is fond of saying, this bill sets an 8.7-percent trigger, which is what the administration is projecting the unemployment rate to be by March 31 of next year. If the administration's forecast is correct, the FSB program would trigger off on schedule. If the administration's forecast is overly optimistic, then the need for the FSB program would still exist and the program should continue.

A final point. The three aspects of this bill should be considered as an integral package. If the changes are not made with respect to the IUR and the trigger level for extended benefits, then the FSB program will be a pale shadow of its predecessors. In that event, it will not provide unemployment compensation coverage on top of the 39 week State and extended benefits programs but rather for most States only add coverage on top of the first 26 weeks because so few States will be eligible for weeks 27 through 39 under the normal extended benefits program.

I am, therefore, pleased to be a cosponsor of this legislation and will work for its passage.●

Mr. DIXON. Mr. President, today, I join my colleagues in cosponsoring what I hope will be the answer to the unemployment compensation difficulties that we still face.

On August 5, Senator METZENBAUM and I, along with many other Senators, offered a sense of the Senate resolution which passed the Senate by an overwhelming vote of 84 to 13. That measure instructed the conferees on the tax bill to take action on two issues.

First, to establish a Federal supplemental benefits program of not less than 10 weeks or more than 13 weeks which would be available to workers who have exhausted their rights to any extended unemployment compensation benefits.

Second, to assure the continued eligibility of States who are currently eligible, or who were eligible for the extended benefits program on June 1, 1982.

The conferees, in fact, have addressed only a portion of that instruction, and have failed to address the most substantive part of our resolution, that being the extended benefits program.

The FSB program was never meant to supercede the extended benefits program, but rather to augment it. We had a strong majority in this body who, by their votes on August 5, agreed that this should be the case. And yet, I respectfully point out that the conferees failed to address these issues.

I appreciate the conscientious manner in which the distinguished chairman of the Finance Committee tried to address this issue. However, because the conferees failed to meet this challenge, the bill we offer today is still necessary.

This bill is a constructive approach to the basic problem that many States are facing—that being the changes in the calculation of the insured unemployment rate, or IUR, which qualifies a State for the extended benefits program.

Until last year, those individuals who were receiving extended benefits as well as those who were receiving the first 26 weeks of regular benefits, were counted in the calculation of the insured unemployment rate. Changes made in last year's omnibus budget reconciliation eliminate those on extended benefits in that calculation.

As a result, States with high total unemployment rates, such as Illinois with 11.8 percent, and who have had long periods of unemployment, are in a position where the insured rate is falling while the total unemployment rate is rising. The reason for this incongruity is that many who have exhausted benefits and are no longer included in the system, as well as those who are still on extended benefits, are not being counted.

It makes absolutely no sense whatsoever for a State that has the third highest level of unemployment among this Nation's 10 largest States, to be ineligible for the maximum benefits allowable.

Our bill would include those receiving extended benefits in the calculation of the insured unemployment rate until such time as the national unemployment rate falls below 8.7 percent. That percentage is the administration's projection for March 31, 1982.

Another change which was made in reconciliation last year was to increase the trigger rates by 1 percent on September 26. Understanding the calculation change that was made, this further exacerbates the problem.

In addition to the August 5 amendment, on August 3 I joined Senator HEINZ and many others on a letter to the distinguished chairman of the Finance Committee, BOB DOLE, urging the conferees to change the trigger mechanism. On August 12, Senator HEINZ and I sent another letter explaining the problem, and again urging the conferees to address it.

Mr. President, our bill does address the root of this problem by temporarily repealing the increased trigger provisions until the national unemployment rate falls below 8.7 percent.

The third provision of our bill would enact the conference committee language with respect to the FSB program, changing it only in terms of the period in which it would be in effect. The conferees made the effective dates from September 12 through March 31. We would change that to end when the national level of unemployment falls below 8.7 percent—the administration's own figure for March 31, 1983.

It must be understood that each of these provisions is an integral part of the unemployment compensation system.

If only one part of these provisions is enacted, namely, the FSB program, it is quite possible that individuals would receive fewer weeks of benefits than they do now.

In any event, if we do not further address the extended benefits question, what is likely to happen in the States that soon trigger off the program is simple:

Individuals now on extended benefits will receive 10 more weeks of benefits. That is all. If we do not address the extended benefits questions, all benefits for those currently in the system will run out November 20.

As the FSB program was first conceived, it would add to the first 26 weeks of regular benefits and the additional 13 weeks of extended benefits,

making a total program maximum of 52 weeks. In those States who have no extended benefits program, or who will trigger off, the maximum would be 36 weeks under the conference report language.

I urge my colleagues to support this bill. The Congressional Budget Office indicates that the costs associated with it are $529 million—a cost we must endure if we are to meet the needs of people who depend on this temporary assistance for their very survival.

This is responsible, responsive legislation. We cannot justify doing anything less.

By Mr. STEVENS:

S. 2905. A bill to amend title 5, United States Code, to establish a new retirement and disability system for Federal employees and Members of Congress while protecting the right of participants in the retirement and disability system under subchapter III of chapter 83 of such title to receive benefits under such subchapter, and for other purposes; to the Committee on Governmental Affairs.

CIVIL SERVICE PENSION REFORM ACT OF 1982

Mr. STEVENS. Mr. President, I am introducing the Civil Service Pension Reform Act of 1982, today, in order to circulate it to all parties. I plan to reintroduce it next year for more serious consideration, but I want my friends in the Federal work force to have it now to review. I hope they will think seriously about this proposal. Its structure would protect participants from further attacks. This bill is just a starting point, but we must start now before it is too late.

Retirement spells drastic changes for individuals and families. Prior to retirement, an employee makes a variety of decisions affecting his future. The most important questions are what will he do; when will he retire; and how much income will be needed to meet the needs of himself and his family.

Unlike 25 years ago, today an employer must offer a retirement plan to attract quality employees. A good retirement plan offers to resolve in part the questions of a reasonable retirement age and a sufficient income level. To determine these and other specifics, an employer must consider a number of factors, such as:

First, what can be profitably offered?

Second, what benefits are competitive with counterpart businessess?

Third, how much employee turnover is desirable?

Fourth, what age range is necessary or desirable for the type of work involved?

Fifth, what requirements must be met under the Employee Retirement Income Security Act of 1974?

The Federal Government as an employer, however, is faced with a different set of circumstances. The Government's provision of a secure retirement for its employees is counterbalanced by its responsiveness to the taxpayers. While employee benefits in a business are constrained by the profit margin, similar benefits in Government employment are constrained by the public's willingness to pay. The Government has a responsibility to both groups to provide a good yet affordable retirement plan. The current civil service retirement system (CSRS) is clearly lacking in both respects. It is an expensive plan which rewards a few at the expense of many.

The Congressional Budget Office reports that annual outlays of CSRS are $17.3 billion and will rise to $30.1 billion in 1986. Total retirement costs constitute 36.5 percent of payroll, of which 29.5 percent are Government costs. This is to be compared to typical private sector plan costs of 22.7 percent. Yet, these high costs reflect benefit payments to a relatively small group of people. Studies show that approximately 25 percent of new Federal hires remain in the Government until retirement. The remaining 75 percent either withdraw their contributions upon resignation with no interest accrual or they remain vested in the system to receive a marginally smaller retirement benefit upon reaching retirement age. Hence, the exorbitant costs of the current system result from the relatively few who take advantage of it.

I am convinced that the cost of the system can be significantly reduced while redistributing the benefits to profit the most. In order to do this in the most equitable manner, I am introducing a bill to establish a new retirement system to mandatorily cover all Federal employees hired after the date of enactment of this legislation with the option to current Federal employees to elect coverage under this new system. This legislation, the Civil Service Pension Reform Act of 1982, will dramatically change the pension system for Federal workers.

It includes social security coverage for all new Federal workers. Social security will be the foundation for the rest of the system. It will make the system comparable to pension plans in the private sector. The public will no longer have reason to single out Federal workers as ones insulated from their concerns. All will be treated equally here. Yet, even to the Federal worker, the benefits of social security coverage far outweigh the liabilities.

The basic pension plan will be a defined contribution plan, requiring Government contributions only, eventually to be invested in the private sector. One's retirement will depend upon the accumulations of his contributions plus its investment earnings. Private investment provides a variety of heretofore unavailable options. Individual employees will now participate in investment decisions. When an employee feels his account is sufficiently large to support him, he can leave at any time.

Most Federal workers will actually benefit from this new system. Actuarial estimates reveal that employees at all income levels who work a full career—age 65 with 40 years of service—will receive greater net replacement of their income—after taxes—than under the current system. The new system will provide employees with portability between the Federal and private sector, nonexistent now. An employee may leave after 5 years, taking with him his accumulated earnings and his social security credit. This option heralds a new flexibility for Federal employees. Retirement benefits will no longer direct the decisions for midcareer Federal employees who are considering other career alternatives. The retirement plan will continue to reward full career Federal employees while freeing part-career employees to move in and out of the non-Federal sector.

In addition, unfunded liabilities and spiraling Government costs will be problems of the past. The system will be fully funded. The Government's costs will be fixed. This system also achieves substantial cost savings over the current system. The new system reduces the cost of Federal retirement to the Government and thus to the taxpayer by 20 percent. These savings are achieved primarily from two places. First, coverage by social security precludes the generation of windfall benefits to those who work in covered employment for short spans. Second, those who take advantage of the current system by retiring with minimum age and service eligibility will no longer receive benefits commensurate with the current arrangement.

Admittedly, the concepts contained in the legislation are somewhat revolutionary vis-a-vis the current system. However, such retirement plans are fairly common in the private sector. The structure, the costs, and the benefits are comparable to many good private sector retirement plans. The following describes the bill's general provisions:

First, the proposal mandatorily covers all Federal and postal employees hired after the date of enactment.

Second, there is an option for current workers to elect coverage in the new system.

Third, the Government will buy an employee's current retirement credit for the employee who elects coverage in the new system. The new amount will be placed in the employee's account in the new system. The employee will have two options:

Option one, the worker's current retirement contributions will be

matched by the Government with the total increased by a 5-percent interest factor compounded for the number of years of service, or

Option two, the worker will be entitled to the present value of his accumulated benefits adjusted by a 6-percent inflation factor.

The following table illustrates the amounts involved for an employee who entered Government service at age 25 with a starting salary of $10,000 and received annual pay increases of 6-percent. Option A is based on a 5-percent interest rate. Option B is based on a 6-percent discount rate and an assumed 6-percent inflation rate.

At age	Option A	Option B
30	$9,104	$4,421
35	23,806	17,219
40	46,692	50,135
45	81,424	125,279

Fourth, the first tier of the new system will be social security. Federal employees will pay the same social security taxes as covered employees and will receive the same benefits. The Government will pay the employer tax and pay its portion into the social security trust fund.

Fifth, the second tier will be a defined contribution plan. The Government will contribute to an employee's account 9 percent of the first $20,000 (adjusted annually) and 16 percent of every dollar thereafter. This is a Government contribution plan only.

Sixth, the third tier will be a voluntary thrift plan. The employee may contribute any amount he wishes. The Government will match 100 percent of the employee's contribution up to 3 percent of salary. In other words, if the employee contributes 6 percent, the Government will contribute 3 percent; if the employee contributes 2 percent, the Government will contribute 2 percent.

Seventh, an employee will vest in the new system after 5 years of participation. This includes newly-hired employees and current employees who transfer to the new system. After 5 years of participation, an employee may leave Government with the entire amount in his retirement account. This includes Government contributions plus interest. Alternatively, he can draw an actuarily-adjusted annuity or he may defer drawing on the account until later in life. In such a case, the account would continue to accrue interest. Survivors will receive a social security benefit supplemented by the accumulated earnings in the employee's or annuitant's account.

Eighth, the new system will contain a new pension fund. All Government contributions to an employee's account in the fund will be invested in special issues of the Treasury for the employee's first 5 years of participation. The employee's contributions to the thrift plan will be available for private sector investment beginning the second year. After an employee's 5th year of participation, all new Government contributions will be available for private investment. During the first several years of the new system, however, Government contributions to an employee's account after the 5th year of participation will be phased into private investment.

Ninth, there is established an 11-person Federal Pension Board composed of the Secretaries of Treasury, Commerce, and Labor, the Chairman of the Federal Reserve Board, six appointments by the President (nominated to him by employee organizations), and an executive director appointed by the President with the advice and consent of the Senate. All board members will be subject to the fiduciary responsibilities spelled out in ERISA. The Board will generally oversee investments of the fund. The Board will also establish a variety of investment options to which employees may direct their investments. Employees shall receive annual statements showing their current accounts and providing them with an opportunity to choose investments. The presiding member of the Board, one of the President's appointments, will be the Executive Director. The Director will implement the investments, contract with private investment firms, and perform general administrative functions.

Tenth, a new sick leave and disability system is established. Each employee will be granted seven days of nonaccumulating annual sick leave. Illnesses or injuries necessitating longer leave will trigger short-term accident and illness insurance. Such insurance will be preceded by a short waiting period and application for such payment must be accompanied by medical documentation. Depending upon one's length of service and the duration of his absence, an employee will receive 100 percent, 80 percent, and 60 percent of his gross pay.

If the absence will extend beyond 6 months, the employee may apply for long-term disability. If he qualifies for disability under social security, he will be guaranteed 60 percent of his gross pay until restoration or death. If he does not qualify for social security, he will remain covered for 20 years. After 2 years, he must take a fitness for duty examination or be dropped from the rolls. If he is considered capable of performing any Federal job, he must be appointed to a position. If he refuses the position, all disability payments cease. If he is not able to perform any Federal job but is still not eligible for social security, he will receive 40 percent of his gross pay until restoration or death.

Eleven, the unfunded liability of the current system is amortized over a 40-year period by payments from the General Treasury. All agencies will pay the full cost of the employees remaining in the current system.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2905

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Service Pension Reform Act of 1982".

PURPOSES

SEC. 2. The purposes of this Act are—

(1) to provide Federal employees with a retirement benefits plan which is comparable to good private sector retirement benefits plans;

(2) to promote financial stability and flexibility for the future of each Federal employee;

(3) to ensure a fully funded and financially sound Federal Government retirement benefits plan;

(4) to guarantee the right of each Federal employee participating in the Federal employees' retirement system established before the date of enactment of this Act to receive the retirement benefits that are available to such employees under such system on the date of enactment of this Act;

(5) to establish a new Federal employees' retirement system that guarantees the right of each Federal employee to receive the cash value of property purchased for the benefit of the employee;

(6) to enhance portability of retirement assets between Federal jobs and jobs outside the Federal Government;

(7) to increase the options of each Federal employee with respect to retirement benefits plans;

(8) to encourage Federal employees to increase personal savings;

(9) to include Federal employees in the investment decisionmaking process with respect to the assets of the Federal employees' retirement system; and

(10) to extend financial protection from disability to additional Federal employees and to increase such protection for eligible Federal employees.

TITLE I—CIVIL SERVICE PENSION SYSTEM

ESTABLISHMENT

SEC. 101. (a) Title 5, United States Code, is amended by inserting after chapter 83 the following new chapter:

"CHAPTER 84—CIVIL SERVICE PENSION SYSTEM

"SUBCHAPTER I—DEFINITIONS

"Sec.
"8401. Definitions.

"SUBCHAPTER II—CIVIL SERVICE PENSION SYSTEM

"8411. Civil Service Pension System; participation.
"8412. Defined contribution plan.
"8413. Thrift savings plan.
"8414. Annuity: vesting; payment method; amount.
"8415. Deferred retirement; withdrawal in lieu of annuity.
"8416. Death benefits.
"8417. Civil Service Pension Fund.
"8418. Investment of the Fund.

"8419. Administrative provisions.
"8420. Transition provisions.
"8421. Payment of benefits; commencement, termination, and waiver of annuity.
"8422. Audit.
"SUBCHAPTER III—ILLNESS AND ACCIDENT INSURANCE BENEFITS: DISABILITY COMPENSATION
"8451. Definitions.
"8452. Illness and accident insurance benefits.
"8453. Short term disability compensation.
"8454. Long term disability compensation.
"8455. General provisions.
"SUBCHAPTER IV—CIVIL SERVICE PENSION BOARD
"8491. Establishment of Civil Service Pension Board.
"8492. Functions.
"8493. Powers and administrative provisions.
"8494. Fiduciary responsibilities.

"SUBCHAPTER I—DEFINITIONS

"§ 8401. Definitions

"For the purposes of this chapter—

"(1) the term 'employee' has the same meaning as provided by section 8331(1) of this title;

"(2) the term 'Member' has the same meaning as provided by section 2106 of this title;

"(3) the term 'participant' means an employee or Member for the benefit of whom contributions are made under section 8412 of this title;

"(4) the term 'basic pay', when used with respect to an employee or a participant—

"(A) means the lesser of—

"(i) the basic pay of the employee or participant established pursuant to law; or

"(ii) the rate of basic pay payable for level I of the Executive Schedule,

without regard to any provision of law limiting the amount of pay actually payable in any fiscal year, including any provision of law restricting the use of appropriated funds; and

"(B) includes the items described in section 8331(3) of this title;

"(5) the term 'System' means the Civil Service Pension System described in section 8411 of this title;

"(6) the term 'Fund' means the Civil Service Pension Fund established by section 8417 of this title;

"(7) the term 'account' means an account established and maintained under section 8419(a) of this title;

"(8) the term 'Office' means the Office of Personnel Management;

"(9) the term 'Director' means the Director of the Office of Personnel Management;

"(10) the term 'Board' means the Civil Service Pension Board established by section 8491 of this title;

"(11) the term 'Executive Director' means the Executive Director of the Board;

"(12) the term 'Civil Service Retirement and Disability Fund' means the Civil Service Retirement and Disability Fund described in section 8348 of this title;

"(13) the term 'Government' has the same meaning as provided by section 8331(7) of this title;

"(14) the term 'lump-sum credit' has the same meaning as provided by section 8331(8) of this title;

"(15) the term 'annuitant' means a former participant who is entitled to an annuity under this chapter and who has applied to the Board to begin the payment of the annuity;

"(16) the term 'price index' has the same meaning as provided by section 8331(15) of this title;

"(17) the term 'normal cost' has the same meaning as provided by section 8331(17) of this title;

"(18) the term 'public investment' means any asset acquired by the investment of sums in the Fund under section 8418(a)(1) of this title;

"(19) the term 'private investment' means any asset acquired by the investment of sums in the Fund under section 8418(a)(2);

"(20) the term 'earning' means the amount of the gain realized or yield received from the investment of sums in the Fund;

"(21) the term 'loss' means the amount of the loss realized from the investment of sums in the Fund;

"(22) the term 'net earnings' means the excess of earnings over losses;

"(23) the term 'net losses' means the excess of losses over earnings; and

"(24) the term 'labor organization' has the same meaning as provided by section 7103(a)(4) of this title.

"SUBCHAPTER II—CIVIL SERVICE PENSION SYSTEM

"§ 8411. Civil Service Pension System; participation

"(a) The provisions of this chapter comprise the Civil Service Pension System.

"(b)(1) Except as provided in paragraph (2) of this subsection, each employee commencing employment or reemployment by the Government on or after the effective date of this subchapter, and each Member taking office on or after such date for the first time or after a break in service, shall be a participant in the System.

"(2) Paragraph (1) of this subsection shall not apply to any employee by reason of a break in service if the employee—

"(A) is involuntarily separated from employment by the Government while subject to the provisions of subchapter III of chapter 83 of this title; and

"(B) is reemployed by the Government not later than three years after the date on which the employee was involuntarily separated from such employment.

"(c) Except as otherwise provided in this subchapter, the benefits payable under the System are in addition to the benefits payable under the Social Security Act.

"§ 8412. Defined contribution plan

"(a)(1) The employing agency of a participant shall deposit to the Fund for the benefit of the participant at the end of each pay period of the participant a portion of the annual contribution calculated under paragraph (2). The amount of the contribution deposited under this paragraph at the end of any pay period shall be equal to the product of such annual contribution and the fraction the numerator of which is the gross pay payable to the participant for such pay period and the denominator of which is the annual rate of basic pay of the participant.

"(2)(A) The annual contribution for the benefit of a participant in any fiscal year is the amount that is equal to the sum of—

"(i) 9 percent of the annual rate of basic pay of the participant not exceeding the reference amount; and

"(ii) 16 percent of the excess of the annual rate of basic pay of the participant over the reference amount.

"(B) For the purpose of subparagraph (A) of this paragraph, the reference amount is $20,000 as increased pursuant to this subparagraph. Each time, after the effective date of this chapter, that the rates of pay under the General Schedule are increased under section 5305 of this title, the reference amount shall be deemed to be increased by an amount (rounded to the nearest multiple of $100 or, if the amount is $50 less than a multiple of $100, to the next higher multiple of $100) determined by multiplying the overall average percentage increase in such rates of pay by the reference amount before the increase. Any increase in the reference amount shall take effect at the beginning of the first applicable pay period commencing on or after the first day of the month in which the increase in such rates of pay takes effect.

"(b)(1) In the case of any participant who served on active duty as a member of the uniformed services and who is commencing employment by the Government or taking office for the first time, each Secretary of a military department in which the participant served as a member of the uniformed services and each Secretary of an executive department (other than the Department of Defense) in which the participant served as a member of the uniformed services shall, on the date the participant becomes a participant, deposit in the Fund for the benefit of such participant an amount for each year and fraction of a year of such participant's service on active duty in the department of such Secretary as a member of the uniformed services. The amount deposited under this paragraph for any year or fraction of a year shall be calculated as provided in subsection (a)(2)(A) of this section, except as provided in paragraph (2) of this subsection, based on the annual rate of basic pay payable to such participant in such year and the reference amount in effect in such year under paragraph (2) of this subsection.

"(2) For the purposes of the second sentence of paragraph (1) of this subsection, the reference amount applicable with respect to any period of service in the uniformed services before the effective date of this chapter is $20,000, and the reference amount applicable with respect to any period of service in the uniformed services after the effective date of this chapter is $20,000 as increased pursuant to the second sentence of this paragraph. Each time, after the effective date of this chapter, that the rates of basic pay of members of the uniformed services are increased under section 1009 of title 37, the reference amount shall be deemed to be increased by an amount (rounded to the nearest multiple of $100 or, if the amount is $50 less than a multiple of $100, to the next higher multiple of $100) determined by multiplying the overall average percentage increase in such rates of basic pay by the reference amount before such increase. Any increase in the reference amount shall be considered to have taken effect at the beginning of the first applicable pay period commencing on or after the first day of the month in which the increase in such rates of pay took effect.

"(3) Paragraph (1) of this subsection shall not apply in the case of any participant who is awarded retired pay by reason of service in the uniformed services unless the retired pay is awarded—

"(A) by reason of a service-connected disability—

"(i) incurred in combat with an enemy of the United States; or

"(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war; or

"(B) under chapter 67 of title 10.

"(c)(1) The sums required to be contributed by an employing agency under subsection (a) of this section for the benefit of a participant shall be paid from the appropriations or funds available to such agency to pay the basic pay of the participant or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the office or establishment. In the case of a participant in the legislative branch who is paid by the Clerk of the House of Representatives, contributions for the benefit of such participant shall be paid from the contingent fund of the House of Representatives.

"(2) The sums required to be contributed by the Secretary of an executive department or the Secretary of a military department under subsection (b) of this section shall be paid from the appropriations or funds available to such Secretary to pay the basic pay of members of the uniformed services under such Secretary.

"(d) For the purposes of this section—

"(1) the term 'uniformed services' shall have the same meaning as provided in section 101(3) of title 37;

"(2) the term 'military department' means any of the military departments as defined in section 101(7) of title 10;

"(3) the term 'service-connected' shall have the same meaning as provided in section 101(16) of title 38; and

"(4) the term 'period of war' shall have the same meaning as provided in section 301(2) of title 38.

"§ 8413. Thrift savings plan

"(a) Each participant may contribute to the Fund in any fiscal year any amount not exceeding 16 percent of the participant's annual rate of basic pay. Any contribution under this subsection shall be pursuant to a program of regular contributions to be made at the end of each pay period of the participant under such regulations as the Board shall prescribe.

"(b) Subject to the third sentence of this subsection, the employing agency of a participant who contributes to the Fund under subsection (a) of this section in any fiscal year shall contribute to the Fund in such fiscal year for the benefit of such participant an amount equal to the amount of the contribution of the participant under subsection (a) of this section. The contribution by the agency shall be made at the same time as contributions are made by the participant under subsection (a) of this section. The total amount of the contributions made by an employing agency for the benefit of any participant in any fiscal year shall not exceed the lesser of—

"(1) the amount contributed by such participant during such fiscal year; or

"(2) 3 percent of such participant's annual rate of basic pay.

"(c) The sums required to be contributed by an employing agency under subsection (b) of this section for the benefit of a participant shall be paid from the appropriations or funds described in section 8412(c)(1) of this title.

"(d)(1) Subject to such restrictions, limitations, and conditions as the Board may prescribe, the Board shall pay to any participant who separates from employment by the Government before the date on which the participant becomes entitled to an annuity under section 8414(a) of this section an amount equal to—

"(A) the total of the contributions made under subsection (a) of this section; and

"(B) the applicable percentage of the amounts contributed for the benefit of the participant under subsection (b) of this section.

"(2)(A) For the purpose of paragraph (1) of this subsection, the applicable percentage for a participant separating from employment by the Government after having been a participant in the System for a period set forth under column I of the table below is, except as provided in subparagraph (B) of this paragraph, the percentage set forth under column II of the table below opposite the description of such period.

"Column I Period for which the participant has been a participant in the System:	Column II Applicable percentage:
More than 1 year and not more than 2 years	20
More than 2 years and not more than 3 years	40
More than 3 years and not more than 4 years	60
More than 4 years and not more than 5 years	80
More than 5 years	100.

"(B) For the purposes of paragraph (1) of this subsection, the percentage applicable in the case of any participant who dies while employed by the Government or separates from employment by the Government under section 8455(e)(1) of this title shall be 100 percent.

"§ 8414. Annuity: vesting; payment method; amount

"(a) An individual who is a participant for not less than 5 years is entitled to an annuity under this subchapter payable beginning on the day after the participant separates from employment by the Government or on such date as the participant specifies under section 8415 of this title. The annuity shall be payable pursuant to the method of payment elected under subsection (c) of this section.

"(b)(1) The Board shall prescribe methods of payment of annuities under this subchapter.

"(2) The Board shall include among the methods of payment prescribed under paragraph (1) of this subsection—

"(A) a method providing for the payment of a monthly annuity for the joint lives of the annuitant and the spouse of the annuitant and the life of the one of them who survives the other of them; and

"(B) methods that include provisions for periodic increases in the amount of the annuity payable under each such method to offset, in whole or in part, any increase in the cost of living.

"(c) Under such regulations as the Board shall prescribe, each annuitant—

"(1) shall elect one of the methods of payment prescribed by the Board under subsection (b)(1) of this section; and

"(2) may change, at any time, any election made under clause (1) of this subsection.

"(d)(1) The amount of the annuity payable to an annuitant pursuant to the method elected under subsection (c) of this section shall be determined, as of the date on which the payment of the annuity under the elected method commences, in accordance with generally accepted actuarial principles and standards based on the balance credited to the annuitant's account.

"(2) The amount of the annuity payable to the surviving spouse of an annuitant who elected, on or before the date payment of an annuity under this subchapter commenced, to be paid by the method described in subsection (b)(2) of this section and has been paid pursuant to such method continuously until the date of the annuitant's death shall be equal, subject to subsection (e) of this section, to 55 percent of the amount of the monthly annuity payable to the annuitant on the day before the date of the annuitant's death.

"(e)(1) At the end of each fiscal year the amount of each annuity payable under this subchapter shall be redetermined in accordance with generally accepted actuarial principles and standards based on the information applicable to the annuitant receiving the annuity and available as of the date of the redetermination.

"(2) If the amount of the annuity as redetermined at the end of any fiscal year under paragraph (1) of this subsection exceeds the amount of the annuity payable during such fiscal year, the amount of the annuity payable in the succeeding fiscal year shall be equal to the redetermined amount.

"(f) Notwithstanding any other provision of this section, no election or change of an election shall be effective under subsection (c) of this section if the election or change of an election would result in a violation of the terms of an applicable court decree of divorce, annulment, or legal separation, or the terms of any court order or court-approved property settlement agreement incident to a court decree of divorce, annulment, or legal separation, as determined by the Executive Director.

"§ 8415. Deferred retirement; withdrawal in lieu of annuity

"(a)(1) Any participant who separates from employment by the Government entitled to an annuity under section 8414(a) of this title may, in lieu of receiving the annuity beginning on the day after the date on which the participant separates, elect to—

"(A) defer the commencement of the payment of the annuity until such date as the participant specifies; or

"(B) withdraw, in one payment, the amount of the balance credited to the participant's account as of such date.

"(2) The Board shall make payments in accordance with any election of a participant under paragraph (1) of this subsection.

"(b) Any election under subsection (a) of this section shall be in writing and shall be filed in accordance with such rules as the Board may prescribe.

"(c)(1) Subject to paragraph (2) of this subsection, any former participant, after making an election under subsection (a)(1) of this section, may modify the date specified in the election.

"(2) Any modification under paragraph (1) of this subsection—

"(A) shall be—

"(i) in writing; and

"(ii) filed with the Board in accordance with such rules as the Board may prescribe; and

"(B) may not specify a date for the commencement of annuity payments earlier than 31 days after such modification is filed with the Board.

"(d) Any former participant who is reemployed by the Federal Government after receiving payment of the balance credited to his account pursuant to an election under subsection (a)(1)(B) of this section may deposit the amount withdrawn or any portion thereof in the Fund. Such amount shall be credited to the account established for the

participant upon the reemployment of the participant and shall be invested.

"§ 8416. Death benefits

"(a) In any case in which a participant dies before the date on which the payment of an annuity under section 8414(a) of this title commences, the balance credited to the account of the deceased participant shall be payable in the following order:

"(1) to the beneficiary or beneficiaries designated, before death, by the participant in accordance with such rules as the Board may prescribe; or

"(2) if there is no beneficiary designated as described in clause (1) of this subsection, to—

"(A) the deceased participant's surviving spouse;

"(B) each surviving child of the deceased participant, in equal shares; or

"(C) the estate of the deceased participant.

"(b)(1) Except as provided in paragraph (2) of this subsection, any beneficiary entitled to receive benefits under subsection (a) of this section shall receive such benefits in one payment.

"(2)(A) Any individual entitled to receive benefits under subsection (a) of this section may elect, in accordance with such rules as the Board may prescribe, to receive such benefits as an annuity payable monthly for life. The Board shall pay an annuity in accordance with an election under this subparagraph.

"(B) The monthly amount of any annuity payable under subparagraph (A) of this paragraph shall be determined as of the date on which the payment of the annuity commences in accordance with generally accepted actuarial principles and standards based on the applicable share of the balance credited to the deceased participant's account.

"(C) The monthly amount of each annuity payable under this section shall be redetermined at the end of each fiscal year as provided in section 8414(e) of this section.

"(c) For the purposes of this section the term 'child' includes a natural child, adopted child, a stepchild (but only if the stepchild lived with the deceased participant in a parent-child relationship), and a child who lived with and for whom a petition of adoption was filed by the deceased participant and who is adopted by the surviving spouse of the deceased participant after the death of the participant.

"§ 8417. Civil Service Pension Fund

"(a) There is established in the Treasury a Civil Service Pension Fund.

"(b) The Fund consists of the sum of all contributions under sections 8412 and 8413 of this title increased by the total net earnings from investments of the Fund or reduced by the total net losses from investments of the Fund.

"(c)(1) Except as provided in paragraph (2) of this subsection, the sums in the Fund are appropriated and shall remain available without fiscal year limitation—

"(A) to invest under section 8418 of this title;

"(B) to pay benefits under this subchapter; and

"(C) to loan to participants as provided in subsection (d) of this section.

"(2)(A) The total net earnings from the investment of sums in the Fund are appropriated and shall remain available without fiscal year limitation for—

"(i) the payment of expenses incurred in the administration of the System, subject to subparagraph (B) of this paragraph;

"(ii) investment under section 8418 of this title; and

"(iii) the payment of benefits under this subchapter.

"(B) The Board shall allocate not more than 4 percent of the earnings realized in any fiscal year from the investment of sums in the Fund for the payment of the expenses incurred in the administration of the System in such fiscal year before allocating the remainder of the earnings to credit the account of any participant under section 8419(b) of this title.

"(d) The sums in the Fund attributable to contributions made by a participant under section 8413(a) of this title may be loaned to such participant subject to such terms and conditions as the Board may prescribe.

"(e)(1) Subject to paragraph (2) of this subsection, sums in the Fund are not subject to execution, levy, attachment, garnishment, or other legal process.

"(2) Moneys due or payable from the Fund to any individual shall be subject to legal process for the enforcement of the individual's legal obligations to provide child support or make alimony payments as provided in section 459 of the Social Security Act (42 U.S.C. 659).

"(f) Except as provided in section 8455(d)(2)(A) of this title, the sums in the Fund shall not be appropriated and may not be used for any purpose other than the purposes specified in this section.

"§ 8418. Investment of the Fund

"(a)(1)(A) The Board shall invest a portion of the available sums in the Fund, as provided in this section, in interest bearing securities of the United States Government.

"(B) Any sums of the Fund which are required by subsection (c)(1)(A), (c)(2)(A), (c)(2)(B)(ii), or (d) of this section to be invested in public investments shall be invested in such interest bearing securities of the United States as will ensure an annual rate of return of not less than 2 percent in excess of the increase in the price index during the term of the investment.

"(2) The Board shall invest a portion of the available sums in the Fund, as provided in this section, in—

"(A) interest bearing or equity securities of private business concerns; and

"(B) such other assets, including interest bearing securities of any State or political subdivision thereof, as the Board considers appropriate.

"(b)(1) Each participant may elect the general type or types of private investments, as designated by the Board under section 8492(a)(2) of this title, into which the Board shall invest sums in the Fund credited to the account of such participant.

"(2) An election under paragraph (1) of this subsection shall be made in accordance with rules prescribed by the Board.

"(c)(1)(A)(i) At the end of the calendar month during which the participant begins to participate in the System, the contributions made for the benefit of such participant under section 8412 of this title during such month shall be invested in public investments.

"(ii) The contributions made for the benefit of such participant under section 8412 during the sixty calendar months after the month described in clause (i) of this subparagraph shall be invested in public investments.

"(B) Except as provided in subsection (d) of this section, the contributions made for the benefit of such participant after the last calendar month described in subparagraph (A)(ii) of this paragraph may be invested in public or private investments as determined by the Board.

"(2)(A)(i) At the end of the calendar month during which the participant first makes a contribution under subsection (a) of section 8413 of this title, all such contributions and the contributions made for the benefit of such employee under subsection (b) of such section shall be invested in public investments.

"(ii) The contributions made by and for the benefit of the participant under section 8413 of this title during the twelve calendar months after the month described in clause (i) of this subparagraph shall be invested in public investments.

"(B)(i) The contributions made by a participant under subsection (a) of section 8413 of this title during the 48 calendar months after the last calendar month described in subparagraph (A)(ii) of this paragraph may be invested in public or private investments as determined by the Board.

"(ii) The contributions made for the benefit of such participant under subsection (b) of such section during such period of 48 calendar months shall be invested in public investments.

"(C) The contributions made by or for the benefit of a participant under section 8413 of this title after the last calendar month described in clause (i) or (ii) of subparagraph (B) of this paragraph may be invested in public or private investments as determined by the Board.

"(d) Except as otherwise provided in subsection (c)(1)(A) of this section, at the end of each calendar month described under column I of the table below all contributions made into the Fund under section 8412 of this title for the benefit of each participant who begins to participate in the System during a calendar month specified in column I of such table shall be invested as set forth in columns II and III of such table opposite the applicable number of the month:

"Column I	Column II	Column III
Number of the month after the effective date of this section	Percent of the contributions for the benefit of each participant for the month to be invested in public investments	Percent of the contributions for the benefit of each participant for the month to be invested in public or private investments
1 through 120	100	0
121 through 132	90	10
133 through 144	80	20
145 through 156	70	30
157 through 168	60	40
169 through 180	50	50
181 through 192	40	60
193 through 204	30	70
205 through 216	20	80
217 through 228	10	90
229 and after	0	100.

"(e) In investing sums of the Fund in equity securities of private businesses the Board shall not acquire such an extensive

ownership interest in any private business that the Board, without the concurrence of other owners of the private business, can elect any officer of the private business or require the adoption of any policy for the management of the private business.

"§ 8419. Administrative provisions

"(a)(1) The Board shall establish and maintain an account with respect to each participant in the System. The balance in such account at any time is the sum of all contributions made by or for the benefit of such participant under section 8412 or 8413 of this title, the amounts transferred with respect to such participant under section 8420(c) of this title, and the total net earnings allocable to such participant, reduced by the total net losses allocable to such participant and the amounts paid with respect to such participant under sections 8414 and 8416 of this title.

"(2) The Board shall allocate to the credit of the account of each participant, pursuant to rules prescribed by the Board, a pro rata share of the net earnings and net losses, determined after the allocation under section 8417(c)(2)(B) of this title, from each investment based on the sums from the Fund invested in such investment and attributable to such participant.

"(b) Each employing agency shall report to the Board at the end of each month all amounts contributed by or for the benefit of each participant during such month under section 8412 or 8413 of this title.

"(c) The Board shall provide each participant an annual statement of the balance in the participant's account.

"§ 8420. Transition provisions

"(a)(1) Any employee or Member who—

"(A) is subject to the provisions of subchapter III of chapter 83 of this title, and is employed by the Government on the day before the effective date of this subchapter, or

"(B) is not required by section 8411(b) of this title to be a participant in the System, may elect to become a participant in the System.

"(2) Any election under paragraph (1) of this subsection shall be—

"(A) in writing; and

"(B) filed with the Board and the Director of the Office of Personnel Management not later than two years after the effective date of this subchapter or reemployment, as the case may be.

"(b)(1) Any employee or Member who is described in subsection (a)(1)(A) of this section and is reemployed by the Government, or becomes a Member, after a break in service beginning on or after the effective date of this subchapter, and, on the date such employee is reemployed by the Government, has a lump-sum credit in the Civil Service Retirement and Disability Fund, shall elect—

"(A) that the transfer described in subsection (c)(2) of this section be made for the benefit of such employee or Member; or

"(B) that section 8338 of this title continue to apply with respect to such employee or Member to the extent of the lump-sum credit.

"(2) Any election under paragraph (1) of this subsection shall be—

"(A) in writing; and

"(B) filed with the Board and the Director of the Office of Personnel Management not later than 30 days after the effective date of the reemployment of the employee by the Government or commencement of membership in the Congress after a break in service.

"(c)(1) There shall be transferred, with respect to any participant electing under subsection (a) of this section to participate in the System, from the Civil Service Retirement and Disability Fund to the Civil Service Pension Fund the larger of—

"(A) an amount equal to the sum of—

"(i) the amount of the unrefunded deductions withheld from the basic pay of such participant and the contributions made for the benefit of such participant under section 8334(a)(1) of this title;

"(ii) the amount of the voluntary contributions made by such participant under section 8343 of this title;

"(iii) annual interest on the balance of the amounts described in subclauses (i) and (ii) of this clause in the Civil Service Retirement and Disability Fund on the anniversary of the date on which withholding of deductions under section 8334(a) of this title commenced, computed at 5 percent and compounded annually until the date of the transfer; and

"(iv) an amount equal to 14 percent of the participant's daily rate of basic pay for each day of accumulated sick leave under section 6307(b) of this title; or

"(B) an amount equal to the present value of the benefits payable to such participant under the provisions of subchapter III of chapter 83 of this title, as actuarially determined, based on the length of service (including credit for accumulated sick leave under section 6307(b) of this title) and average pay of such participant on the effective date of the election under subsection (a) of this section, the amount of the voluntary contributions made by such participant under section 8343 of this title, an annual interest rate of 6 percent, and an assumed average annual increase in the price index of 6 percent.

"(2) There shall be transferred, with respect to any participant making the election described in subsection (b)(1)(A) of this subsection, from the Civil Service Retirement and Disability Fund to the Civil Service Pension Fund the larger of—

"(A) the amount described in paragraph (1)(A) of this subsection; or

"(B) an amount equal to the present value of the benefits payable to such participant under the provisions of subchapter III of chapter 83 of this title, as actuarially determined, based on the length of service (including any credit for accumulated sick leave under section 6307(b) of this title) and average pay of such participant on the date the participant last separated from employment by the Government, the amount of the voluntary contributions made by such participant under section 8343 of this title, an annual interest rate of 6 percent, and an assumed average annual increase in the price index of 6 percent.

"(d)(1)(A) Any participant with respect to whom a transfer is made under subsection (c) of this section and who separates from employment by the Government before the date on which the participant becomes entitled to an annuity under section 8414(a) of this title may elect—

"(i) to receive payment under paragraph (2) of this subsection; or

"(ii) to be subject to the provisions of subchapter III of chapter 83 of this title.

"(B) Any election under subparagraph (A) of this paragraph shall be—

"(i) in writing; and

"(ii) filed with the Board and the Director of the Office of Personnel Management not later than 30 days after the date on which the participant separates from employment by the Government.

"(2)(A) The Board shall pay to any participant making an election under paragraph (1)(A)(i) of this subsection an amount equal to the sum of—

"(i) the amounts described in subclauses (i) and (ii) of subsection (c)(1)(A) and the earnings in the Fund attributable to such amounts;

"(ii) any amounts contributed to the Fund by the participant under section 8413(a) of this title and the earnings in the Fund attributable to such amounts; and

"(iii) the applicable percentage, as determined under subparagraph (B) of this paragraph, of the amounts contributed for the benefit of the participant under section 8413(b) of this title and of the earnings in the Fund attributable to such amounts.

"(B) For the purposes of subparagraph (A)(iii) of this paragraph, the term 'applicable percentage' means the applicable percentage determined under section 8413(d)(2) of this title.

"(3) The balance in the account established and maintained with respect to any participant who makes an election described in paragraph (1)(A)(ii) of this subsection shall be transferred from the Civil Service Pension Fund to the Civil Service Retirement and Disability Fund.

"(e)(1) No employee may be subjected to adverse action or discrimination for the purpose of coercing the employee to elect to become a participant in the System.

"(2) Any activity prohibited by paragraph (1) of this subsection is a prohibited personnel practice for the purposes of section 1206 of this title.

"§ 8421. Payment of benefits; commencement, termination, national policy.and waiver of annuity

"(a) Each annuity is stated as an annual amount, 1/12 of which, fixed at the nearest dollar, constitutes the monthly rate payable on the date 30 days after the month for which it has accrued.

"(b) Except as otherwise provided, the annuity of an annuitant commences on the day after he separates from employment by the Government, on the date specified in a notice filed with the Board under section 8415 of this title, or on the day after he is separated from employment by the Government under section 8455(e)(1) of this title.

"(c) The annuity of an annuitant terminates on the date of death or other terminating event provided by law. The annuity of a survivor terminates on the date of the survivor's death or other terminating event provided by law.

"(d) An individual entitled to an annuity from the Fund may decline to accept all or any part of the annuity by a waiver signed and filed with the Board. The waiver may be revoked in writing at any time. Payment of the annuity waived may not be made for the period during which the waiver was in effect.

"(e) Payment payable under the provisions of this subchapter to a minor, or an individual mentally incompetent or under other legal disability, may be made to the person who is designated the guardian or other fiduciary by the law of the State of residence of the claimant or is otherwise legally vested with the care of the claimant or his estate. If a guardian or other fiduciary of the individual under legal disability has not been appointed under the law of the State of residence of the claimant, payment may be made to any person who, in the judgment of the Board, is responsible for

the care of the claimant, and the payment bars recovery by any other person.

"(f) The Board shall prescribe regulations to provide that the amount of any monthly annuity payable under this section accruing for any one month period and which is computed with regard to service that includes any service referred to in section 8332(b)(6) of this title performed by an individual before January 1, 1969, shall be reduced by the portion of any benefits under any State retirement system to which such individual is entitled (or on proper application would be entitled) for such month which is attributable to such service performed by such individual before such date.

"(g) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from his annuity for such purposes as the Board considers appropriate.

"(h)(1) No payment shall be made from the Fund unless an application for benefits based on the service of a former participant is received by the Board before the one hundred and fifteenth anniversary of his birth.

"(2) Notwithstanding paragraph (1) of this subsection, after the death of a participant or annuitant, no benefit based on his service shall be paid from the Fund unless an application therefor is received by the Board within 30 years after the death or other event which gives rise to title to the benefit.

"(i)(1) Payments under this subchapter which would otherwise be made to an annuitant based upon the service of the annuitant shall be paid (in whole or in part) by the Board to another person if and to the extent expressly provided for in the terms of any court decree of divorce, annulment, or legal separation, or the terms of any court order or court approved property settlement agreement incident to any court decree of divorce, annulment, or legal separation. Any payment under this paragraph to a person bars recovery by any other person.

"(2) Paragraph (1) shall apply only to payments made by the Board under this subchapter after the date of receipt by the Board of written notice of such decree, order, or agreement, and such additional information and documentation as the Board may prescribe.

"(3) As used in this subsection, 'court' means any court of any State or any court of the District of Columbia.

"§ 8422. Audit

"The Comptroller General of the United States shall, not less frequently than every two years, conduct such audits of the financial condition and administration of the Civil Service Pension Fund as he considers appropriate.

"SUBCHAPTER III—ILLNESS AND ACCIDENT INSURANCE BENEFITS; DISABILITY COMPENSATION

"§ 8451. Definitions

"(a) For the purposes of this subchapter—

"(1) a participant shall be considered disabled for Federal service if the participant—

"(A) is unable, because of disease or injury, to render useful and efficient service in the participant's position, and

"(B) except in the case of a Member, is not qualified for reassignment, under procedures prescribed by the Office of Personnel Management, to a vacant position which is in the employing agency at the same grade or level and in which the participant would be able to render useful and efficient service;

"(2) the term 'employing agency' means the agency in which the participant was employed on the day before the effective date of the participant's entitlement to illness and accident insurance benefits under section 8452 of this title; and

"(3) the term 'creditable service' means creditable service as provided in section 8332 of this title.

"(b) For the purposes of subsection (a)(1)(B) of this section, an employee of the United States Postal Service shall be considered not qualified for reassignment as provided in such clause if the reassignment is to a position in a different craft or is inconsistent with the terms of a collective bargaining agreement applicable to such employee.

"§ 8452. Illness and accident insurance benefits

"(a) Any participant whose total period of participation in the System and accumulated creditable service is not less than one year is entitled to receive illness and accident insurance benefits, as provided in subsection (c) of this section, each time the participant is temporarily incapacitated, by disease or injury, to perform the duties of his position.

"(b)(1) The entitlement to benefits under subsection (a) of this section shall be effective as of the day after the date on which the participant has been absent from his position for seven workdays because of one disease, injury, or combination of diseases or injuries.

"(2) Except as provided in paragraph (3) of this subsection, the entitlement to benefits under subsection (a) of this section shall terminate upon—

"(A) the restoration of the capacity of the participant to perform the duties of his position;

"(B) the expiration of the applicable recovery period provided in the schedule of impairments prescribed pursuant to section 8455(f) of this title;

"(C) the expiration of the period which the prognosis, determined under section 8455(a) of this title, indicates is required for the restoration of the participant's capacity to perform the duties of his position;

"(D) the expiration of a period of 26 weeks after the effective date of the entitlement; or

"(E) the date on which the participant entitled to such benefits begins to receive disability insurance benefits under section 223 of the Social Security Act or benefits under section 202 of such Act by reason of being under a disability,

whichever occurs first.

"(3) Except in the case of a termination of the entitlement to benefits under paragraph (2)(A) or (2)(E) of this subsection, the Office may extend the payment of benefits under subsection (a) of this section in the case of any participant who, as determined by the Office based on a diagnosis and prognosis reported to the Board under section 8455(a) of this title—

"(A) has not, by the date on which the entitlement to such benefits terminates under paragraph (2) of this subsection, sufficiently recovered from the disease or injury to perform the duties of his position; and

"(B) is expected, within such short period as the Office prescribes, to recover sufficiently to perform such duties.

"(c) A participant who is entitled to receive illness and accident insurance benefits under subsection (a) of this section and whose total period of participation in the System and accumulated creditable service, as of the effective date of the entitlement to such benefits, is described under column I of the table below, shall be paid the percentage of the weekly rate of such participant's basic pay applicable as of such effective date, as such percentage is set forth in the headings of columns II, III, and IV of the table, during the weeks described under each such column opposite the applicable description of the period of participation in the System or the accumulated creditable service, until the date such entitlement terminates under paragraph (2) or (3) of subsection (b) of this section.

"Column I	Column II	Column III	Column IV
For a participant whose total period of participation in the System and accumulated creditable service is not less than—	Pay 100 percent of participant's weekly rate of basic pay for each of the first—	Pay 80 percent of participant's weekly rate of basic pay for each of—	Pay 60 percent of participant's weekly rate of basic pay for each week after the first—
1 year, but less than 2 years	1 week	5 weeks after the first week	6 weeks.
2 years, but less than 3 years	2 weeks	6 weeks after the first 2 week	8 weeks.
3 years, but less than 4 years	3 weeks	7 weeks after the first 3 weeks	10 weeks.
4 years, but less than 5 years	4 weeks	8 weeks after the first 4 weeks	12 weeks.
5 years	5 weeks	9 weeks after the first 5 weeks	14 weeks.

"§ 8453. Short term disability compensation

"(a) A participant who receives illness and injury insurance benefits under section 8452 of this title for not less than 26 weeks and who, on the date the payment of such benefits terminates—

"(1) is disabled for Federal service as determined by the Office based on the examination required by section 8455(a) of this title; and

"(2) has applied for disability insurance benefits under section 223 of the Social Security Act or for benefits under section 202 of such Act by reason of being under a disability and is not receiving such benefits, is entitled to receive short term disability compensation for a period of not more than 18 months.

"(b)(1) The entitlement to short term disability compensation under subsection (a) of

this section shall be effective on the date on which the payment of illness and injury insurance benefits under section 8452 of this title terminates.

"(2) The entitlement to compensation under subsection (a) of this section shall terminate upon—

"(A) the restoration of the participant to a condition in which he is no longer disabled for Federal service;

"(B) the expiration of the period which the prognosis, determined under section 8455(a) of this title, indicates is required to restore the participant to a condition in which he is no longer disabled for Federal service;

"(C) the date on which the participant entitled to such benefits begins to receive disability insurance benefits under section 223 of the Social Security Act or benefits under section 202 of such Act by reason of being under a disability; or

"(D) the expiration of a period of 18 months after the effective date of the entitlement,

whichever occurs first.

"(c) A participant who is entitled to short term disability compensation under subsection (a) of this section shall be paid monthly an amount equal to 60 percent of the monthly rate of the participant's basic pay applicable on the effective date of the entitlement to such compensation.

"§ 8454. Long term disability compensation

"(a) Subject to section 8455(b) of this title, a participant who—

"(1)(A) receives short term disability compensation under section 8453 of this title for a period of 18 months; and

"(B) at the end of such period—

"(i) is disabled for Federal service as determined by the Board based on the examination required by section 8455(a) of this title; and

"(ii) has applied for disability insurance benefits under section 223 of the Social Security Act or for benefits under section 202 of such Act by reason of being under a disability; or

"(2) has been determined to be under a disability for the purposes of title II of the Social Security Act,

is entitled to long term disability compensation.

"(b) The entitlement to long term disability compensation under subsection (a) of this section shall—

"(1) be effective on the earlier of—

"(A) the day after the expiration of the maximum period during which short term disability compensation is paid under section 8453(a) of this title; or

"(B) the date on which the participant begins to receive disability insurance benefits under section 223 of the Social Security Act or benefits under section 202 of such Act by reason of being under a disability; and

"(2) terminate when the participant is no longer disabled for Federal service.

"(c)(1) Subject to paragraphs (2) and (3) of this subsection and section 8455(b) of this title, a participant who is entitled to long term disability compensation under subsection (a) of this section shall be paid monthly an amount equal to 60 percent of the monthly rate of the participant's basic pay applicable on the effective date of the entitlement to such compensation. The amount of the long term disability compensation payable to a participant under the first sentence of this paragraph shall be increased by the overall average increase in the rates of pay under the General Schedule each time, after the effective date of the entitlement to such compensation, that such rates of pay are increased under section 5305 of this title (rounded to the nearest multiple of $100, or, if the amount is $50 less than a multiple of $100, to the next higher multiple of $100).

"(2) Subject to section 8455(b) of this title, a participant who—

"(A) is entitled to long term disability compensation under subsection (a)(1) of this section, and

"(B) has been determined not to be under a disability for the purposes of title II of the Social Security Act,

shall be paid monthly 40 percent of the monthly rate of the participant's basic pay applicable on the effective date of the entitlement to such long term disability compensation increased as described in the second sentence of paragraph (1) of this subsection.

"(3) Any participant who—

"(A) is paid monthly long term disability compensation in an amount determined under paragraph (1) of this subsection, and

"(B) after the commencement of the payment of such long term disability compensation, is determined not to be under a disability for the purposes of title II of the Social Security Act,

shall be paid monthly long term disability compensation in an amount determined under paragraph (2) of this subsection in lieu of the amount determined under paragraph (1) of this subsection effective on the date of the determination described in clause (B) of this paragraph.

"§ 8455. General provisions

"(a)(1)(A) Subject to subparagraph (B) of this paragraph, any participant who is receiving payments of—

"(i) illness and injury insurance benefits under section 8452 of this title;

"(ii) short term disability compensation under section 8453 of this title; or

"(iii) long term disability compensation under section 8454 of this title,

shall be examined by a physician under the direction of the Office (in the case of any participant receiving payments referred to in clause (i) or (ii) of this subparagraph) or the Board (in the case of any participant receiving payments referred to in clause (iii) of this subparagraph) at such times as the Office or the Board, as the case may be, may require.

"(B) Subparagraph (A) of this paragraph shall not apply in the case of any participant who—

"(i) is receiving payments described in clause (ii) or (iii) of such subparagraph; and

"(ii) is determined to be under a disability for the purposes of title II of the Social Security Act.

"(C) Notwithstanding any other provision of this subchapter, any participant who fails to submit to the examination required under subparagraph (A) of this paragraph shall not be entitled to the benefits or compensation referred to in such subparagraph.

"(2) A physician examining a participant under paragraph (1) of this subsection shall report to the Office or the Board, as the case may be, the diagnosis and prognosis with respect to such participant.

"(b)(1) Any participant described in section 8454(a) of this title who is determined on the basis of the examination conducted under subsection (a) of this section to be able to perform the work required in any position in the employing agency located within a reasonable commuting distance from the last place the participant worked in the employing agency, as determined by the Director, shall be appointed to such position. If there is no such position in the employing agency, the participant shall be appointed to any position in the Government, located within such reasonable commuting distance, in which the participant is able to perform the work required, as determined by the Director based on such examination.

"(2) Any participant who elects not to accept an appointment under paragraph (1) of this subsection shall not be entitled to compensation under section 8454 of this title.

"(3) Any participant who is appointed to a position under paragraph (1) of this subsection is entitled to appeal to the Merit Systems Protection Board under section 7701 of this title any determination that the participant is able to perform the work required of such position.

"(4) Any participant who is appointed to a position under paragraph (1) of this subsection is entitled to the higher of—

"(A) the maximum rate of basic pay payable with respect to the grade of the position to which the participant is appointed; or

"(B) the rate of basic pay determined pursuant to section 5363(d) of this title.

"(c) Notwithstanding section 8454 of this title, the amount of monthly compensation payable to a participant under such section shall be reduced (but not below $50) by the amount of disability insurance benefits to which the participant is entitled under section 223 of the Social Security Act and the amount of any benefits to which the participant is entitled under section 202 of such Act by reason of being under a disability.

"(d)(1) Illness and accident insurance benefits payable to a participant under section 8452 of this title and short term disability compensation payable to a participant under section 8453 of this title shall be paid by the employing agency from the appropriation or fund used to pay the participant, including, in the case of an employee of the Congress who is paid by the Clerk of the House of Representatives, the contingent fund of the House of Representatives.

"(2)(A) Long term disability compensation payable to a participant under section 8454 of this title shall be paid by the Board from sums appropriated to the Fund for such purpose and from sums reimbursed to the Fund under subparagraph (B) of this paragraph.

"(B) The employing agency of any participant receiving long term disability compensation under section 8454 of this title shall reimburse the Fund, from the applicable appropriation or fund described in paragraph (1) of this subsection, in the amount of the disability compensation paid by the Board to such participant under subparagraph (A) of this paragraph.

"(e)(1) A participant who is entitled to disability compensation under section 8453 or 8454 of this title shall be separated from employment by the Government in any case in which—

"(A) the Board determines, based on the prognosis with respect to such participant, that the participant will continue to be disabled for Federal service indefinitely; or

"(B) no specific prognosis with respect to such participant is available to the Board.

"(2) The amount of disability compensation payable under section 8453 or 8454 of this title to a participant who is separated under paragraph (1) of this subsection is reduced (but not below zero dollars) by the amount of any annuity to which such em-

ployee is entitled under section 8414 of this title.

"(f) The Office shall prescribe a schedule of impairments. The schedule shall include a list of diseases and injuries and the typical period required for the recovery from each such disease or injury based on such factors as the Office considers appropriate. The Office may adopt, to the extent that the Office considers appropriate in the administration of this subchapter, any schedule of impairments used by any other agency of the Government in the administration of worker compensation laws.

"SUBCHAPTER IV—CIVIL SERVICE PENSION BOARD

"§ 8491. Establishment of Civil Service Pension Board

"(a) There is established as an independent agency in the executive branch of the Federal Government a Civil Service Pension Board.

"(b) The Board shall be composed of—

"(1) the Secretary of Commerce;

"(2) the Secretary of Labor;

"(3) the Secretary of the Treasury;

"(4) the Chairman of the Federal Reserve Board;

"(5) the Executive Director appointed by the President under subsection (c) of this section; and

"(6) six other members appointed by the President.

"(c) The President shall appoint, by and with the advice and consent of the Senate, an Executive Director of the Board. The Executive Director shall have substantial experience, training, or expertise in the management of financial investments.

"(d)(1) The President shall appoint the six members of the Board other than the Executive Director from a list of recommended individuals submitted under paragraph (2) of this subsection.

"(2) Whenever there is a vacancy on the Board to be filled by appointment by the President under subsection (b)(6) of this section, each organization of managers of Government agencies or other instrumentalities, as the President considers appropriate, and each labor organization may submit to the President the name of one individual whom the organization recommends to be appointed to fill such vacancy.

"(e)(1)(A) Except as provided in subparagraph (B) of this paragraph the term of office of each member of the Board appointed under subsection (b)(6) of this section shall be four years.

"(B) Of the members of the Board first appointed under subsection (b)(6) of this section, three members shall each be appointed for a term of two years.

"(2) Any member appointed under subsection (b)(6) of this section to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

"(f) The Executive Director shall serve for seven years after the date of appointment unless removed earlier by the Board under section 8493(a)(1)(C)(iii) of this title.

"(g)(1) The Board shall meet—

"(A) not less than four times during each fiscal year at such times as the Board shall establish; and

"(B) at additional times at the call of the Executive Director.

"(2)(A) Except as provided in section 8493(a)(1)(C) of this title, the Board shall perform the functions and exercise the powers of the Board on a majority vote of a quorum of the Board.

"(B) A vacancy on the Board shall not impair the authority of a quorum of the Board to perform the functions and exercise the powers of the Board.

"(h) Six members of the Board shall constitute a quorum for the transaction of business.

"(i) Each member of the Board who is not a Federal employee shall be compensated at the daily rate of basic pay applicable to a position described in section 5315 of this title for each day or part thereof during which such member is engaged in performing a function of the Board.

"(j) The accrued annual leave of any employee who is a member of the Board shall not be charged for any time used in performing service for the Board during any work period.

"§ 8492. Functions

"(a) In addition to performing such functions, duties, and responsibilities as are required under subchapter II of this chapter, the Board shall—

"(1) establish policy and prescribe rules for the management of the Civil Service Pension Fund;

"(2) designate the general types of investments which a participant may elect, under section 8418(b) of this title, for the investment of sums in the Fund attributable to such participant;

"(3) review the performance of investments made for the Fund;

"(4) supervise the Executive Director of the Board; and

"(5) review and approve the budget of the Board.

"(b) The Executive Director shall—

"(1) be the executive officer of the Board;

"(2) preside at the meetings of the Board;

"(3) manage the Fund;

"(4) administer the provisions of this chapter; and

"(5) take such other actions as may be necessary to carry out the provisions of this chapter.

"§ 8493. Powers and administrative provisions

"(a)(1) The Board may—

"(A) adopt, alter, and use a seal;

"(B) adopt, amend, and repeal rules to carry out the provisions of this chapter;

"(C) upon the concurring votes of seven members—

"(i) disapprove any action of the Executive Director under subsection (b) of this section;

"(ii) except as provided in paragraph (2) of this subsection, direct the Executive Director to take such action as the Board considers appropriate to carry out the provisions of this chapter and the policies of the Board; and

"(iii) remove the Executive Director from office for good cause shown; and

"(D) take such other action as may be necessary to carry out the provisions of this chapter.

"(2) The Board may not direct the Executive Director—

"(A) to invest or to cause to be invested any sums of the Fund in a specific asset; or

"(B) to enter into a contract under subsection (b)(1)(C) of this subsection with a specific private business concern.

"(b)(1) The Executive Director, subject to subsection (a) of this section, may—

"(A) call meetings of the Board;

"(B) subject to civil service and classification laws, appoint, employ, and fix the compensation of such personnel as may be necessary to carry out the provisions of this Act;

"(C) subject to paragraph (2) of this subsection, and subject to the approval of the Board, negotiate, without regard to the provisions of title III of the Federal Properties and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), contracts with private business concerns to invest sums of the Fund and to manage such investments;

"(D) enter into such other contracts or other arrangements or modifications thereof, as may be necessary to carry out the provisions of this chapter and the policies of the Board;

"(E) obtain from any Federal agency, including any independent establishment or instrumentality of the United States, advice, information, estimates, statistics, and such other assistance as the Executive Director considers necessary to carry out the provisions of this chapter and the policies of the Board;

"(F) make such expenditures from the Fund as the Executive Director determines are necessary to carry out the provisions of this chapter and the policies of the Board;

"(G) pay the compensation, per diem, and travel expenses of personnel from the Fund;

"(H) accept and utilize the services of individuals employed intermittently in the Government service and reimburse such individuals for travel expenses, as authorized by section 5703 of title 5, United States Code, including per diem as authorized by section 5702 of such title;

"(I) except as otherwise expressly prohibited by law or the policies of the Board, delegate any of his functions to such officers and employees under the Board as he may designate and authorize such successive redelegations of such functions to such officers and employees under the Board as he may consider to be necessary or appropriate; and

"(J) take such other action as may be necessary to carry out the provisions of this chapter.

"(2) Each contract entered into under paragraph (1)(C) of this subsection by the Executive Director shall—

"(A) specify that the private business concern managing investments for the Fund under such contract shall make, consistent with prudent criteria for financial investment, such investments as, in the judgment of such private business concern, will maximize the return on such investments; and

"(B) provide for the payment of fees to such business concern in an amount not exceeding the amount equal to one-quarter of 1 percent of the sums of the Fund invested by such business concern under the contract.

"§ 8494. Fiduciary responsibilities

"(a) For the purposes of this section—

"(1) the term 'fiduciary' means—

"(A) with respect to the Fund, each member of the Board; and

"(B) with respect to sums from the Fund invested and managed by a private business concern under a contract entered into under section 8493(b)(1)(C) of this title—

"(i) such private business concern; and

"(ii) each owner, director, officer, and employee of such private business concern;

"(2) the term 'party in interest' includes—

"(A) any fiduciary;

"(B) any counsel to a fiduciary;

"(C) any person providing services to the Board;

"(D) a labor organization;

"(E) a spouse, ancestor, lineal descendant, or spouse of a lineal descendant of a person

described in subclause (A), (B), or (C) of this clause; and

"(F) a corporation, partnership, or trust or estate of which, or in which, 50 percent or more of—

"(i) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation;

"(ii) the capital interest or profits interest of such partnership; or

"(iii) the beneficial interest of such trust or estate,

is owned directly or indirectly, or held by a person described in subclause (A), (B), (C), or (E) of this clause; and

"(3) the term 'person' means an individual, partnership, joint venture, corporation, mutual company, joint-stock company, trust, estate, unincorporated organization, association, or labor organization.

"(b)(1) A fiduciary shall discharge his responsibilities with respect to the Fund or applicable portion thereof solely in the interest of the participants and beneficiaries and—

"(A) for the exclusive purpose of—

"(i) providing benefits to participants and their beneficiaries; and

"(ii) defraying reasonable expenses of administering the Fund or applicable portions thereof;

"(B) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like objectives; and

"(C) to the extent permitted by the provisions of subchapter II of this chapter, by diversifying the investments of the Fund or applicable portions thereof so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so.

"(2) No fiduciary may maintain the indicia of ownership of any assets of the Fund outside the jurisdiction of the district courts of the United States.

"(c)(1) A fiduciary shall not cause the Fund or any portion thereof to engage in a transaction, if he knows or should know that such transaction constitutes a direct or indirect—

"(A) sale or exchange, or leasing, of any property between the Fund and a party in interest;

"(B) lending of money or other extension of credit between the Fund and a party in interest;

"(C) furnishing of goods, services, or facilities between the Fund and a party in interest; or

"(D) transfer to, or use by or for the benefit of, a party in interest, of any assets of the Fund.

"(2) A fiduciary shall not—

"(A) deal with any assets of the Fund in his own interest or for his own account;

"(B) act, in his individual or any other capacity, in any transaction involving the Fund for the benefit of a party (or represent a party) whose interests are adverse to the interests of the Fund or the interests of its participants or beneficiaries; or

"(C) receive any consideration for his own personal account from any party dealing with such Fund in connection with a transaction involving assets of the Fund.

"(3) For the purposes of this subsection, a transfer of real or personal property by a party in interest to a plan shall be treated as a sale or exchange if the property is subject to a mortgage or similar lien which the plan assumes or if it is subject to a mortgage or similar lien which a party-in-interest placed on the property within the 10-year period ending on the date of the transfer.".

(b) The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 83 the following new item:

"84. Civil Service Pension System 8401".

COMPENSATION OF EXECUTIVE DIRECTOR

SEC. 102. Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following new item:

"Executive Director, Civil Service Pension Board.".

TITLE II—MISCELLANEOUS AND CONFORMING AMENDMENTS

PAY RETENTION FOR CERTAIN DISABLED EMPLOYEES

SEC. 201. Section 5363 of title 5, United States Code, is amended—

(1) in subsection (c) by striking out "preceding"; and

(2) by adding at the end thereof the following new subsection:

"(d) Any employee who is appointed to a position under section 8455(b)(1) of this title by reason of a disability is entitled to basic pay at a rate not less than the higher of—

"(1) the rate of basic pay payable to the employee in the last position the employee formerly held, plus 50 percent of the amount of each increase, after the date of the appointment, in the maximum rate of basic pay payable with respect to the position to which the employee is appointed; or

"(2) 60 percent of the maximum rate of basic pay payable, on the date of the appointment, with respect to the last position that the employee held at the time of the onset of the disability, plus the amount of each increase, after the date of the appointment, in such maximum rate of basic pay.".

SICK LEAVE

SEC. 202. Section 6307 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding subsection (a) of this section, an employee who is participating in the Civil Service Pension System under subchapter II of chapter 84 of this title accrues seven days of sick leave on the effective date of the employment of such employee for use during the fiscal year in which such employment commences and on the first day of each ensuing fiscal year.

"(2) Notwithstanding subsection (b) of this section, sick leave which accrues under paragraph (1) of this subsection and is not used during the fiscal year in which the sick leave accrues does not accumulate for use in succeeding fiscal years.

"(3) Notwithstanding subsection (c) of this section, sick leave with pay may not be advanced to an employee described in paragraph (1) of this subsection.".

MISCELLANEOUS AMENDMENTS TO CHAPTER 83 OF TITLE 5

SEC. 203. (a)(1) Clause (17) of section 8331 of title 5, United States Code, is amended to read as follows:

"(17) 'normal cost' means the entry-age normal cost computed by the Office of Personnel Management in accordance with generally accepted actuarial practice (using dynamic assumptions), and expressed as a level percentage of basic pay;".

(2) Clause (19) of such section is amended to read as follows:

"(19) 'unfunded liability' means the estimated excess of—

"(A) the present value of all benefits payable from the Fund to employees, Members, former employees, and former Members subject to this subchapter, and to their survivors, computed in accordance with generally accepted actuarial practice (using dynamic assumptions), over

"(B) the sum of—

"(i) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made on their behalf; plus

"(ii) the Fund balance as of the date the unfunded liability is determined;".

(3) Clause (21) of such section is amended by striking out "and" at the end thereof.

(4) Clause (22) of such section is amended by striking out the period and inserting in lieu thereof a semicolon and "and".

(5) Such section is further amended by adding at the end thereof the following new clause:

"(23) 'dynamic assumptions' means economic assumptions used in determining actuarial costs and liabilities of a retirement system which anticipate the effects of long-term future—

"(A) investment yields,

"(B) increases in rates of basic pay, and

"(C) rates of inflation.".

(b) Section 8332 of such title is amended by adding at the end thereof the following new subsection:

"(n) Any employee electing under section 8420(d)(1)(A)(ii) of this title to be subject to the provisions of this subchapter shall be credited with the service performed while subject to the provisions of chapter 84 of this title.".

(c) Section 8334(a)(1) of such title is amended by striking out the second sentence and inserting in lieu thereof the following new sentences: "Except as provided in the third sentence of this paragraph, the employing agency shall contribute for each employee or Member an amount equal to that percentage of the employee's or Member's basic pay which is equal to the excess of—

"(A) the normal cost applicable to such employee or Member, over

"(B) the percentage applicable to such employee or Member under the preceding sentence.

The United States Postal Service shall contribute for each employee of the United States Postal Service an amount equal to such employee's basic pay multiplied by two-thirds of the normal cost applicable to such employee's basic pay. The contributions under this paragraph shall be made from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment.".

(d) Section 8338 of such title is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c)(1) Subject to paragraph (2) of this subsection, an annuity or reduced annuity authorized by this section is computed under section 8339 of this title.

"(2) An annuity or reduced annuity authorized under this section and payable to an employee or Member making the election described in section 8420(b)(1)(B) of this title shall be based on the years of service and average pay of such employee as of the date of the latest separation of such em-

ployee from the service before the effective date of chapter 84 of this title. Eligibility for such annuity shall be determined under the applicable provisions of this subchapter considering the participant's total creditable service before, on, and after the effective date of such chapter.

"(d) This section shall not apply to an employee who makes the election described in section 8420(b)(1)(A) of this title.".

(e) Section 8348 of such title is amended—

(1) by striking out subsections (f), (g), and (h) and inserting in lieu thereof the following:

"(f)(1) The Office of Personnel Management shall determine the amount of the unfunded liability of the Fund as of the close of each fiscal year beginning after September 30, 1982, and before October 1, 2022.

"(2)(A) The amount of any unfunded liability determined under paragraph (1) for any fiscal year shall be amortized, in annual installments, over the number of fiscal years between such fiscal year and fiscal year 2022.

"(B) The amount of the first annual installment under subparagraph (A) shall be equal to that percentage of aggregate basic pay which the Office of Personnel Management determines is necessary, when increased and compounded annually by 6 percent, to finance (with interest at the rate used in the most recent valuation) such unfunded liability over the number of years determined under such subparagraph. Each annual installment after the first annual installment shall be increased by an amount equal to 6 percent of the amount of the preceding annual installment.

"(3) At the end of each fiscal year, the Office of Personnel Management shall notify the Secretary of the Treasury of the amount of the annual installment computed under paragraph (2)(B) for such fiscal year. Before closing the accounts for each fiscal year, the Secretary shall credit that amount to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated."; and

(2) by redesignating subsection (i) as subsection (g).

(f)(1) Chapter 83 of such title is amended by adding at the end thereof the following new sections:

"§ 8349. Annual statement

"At the end of each fiscal year, the Office of Personnel Management or the employing agency shall provide each employee and Member who is subject to the provisions of this subchapter an annual statement of the present value of the future benefits payable to such employee or Member under this subchapter. For the purpose of such statement the present value of the future benefits shall be actuarially determined based on the creditable service and average pay of the employee or Member on the last day of such fiscal year.

"§ 8350. Applicability

"Except as otherwise specifically provided in this subchapter or chapter 84 of this title, the provisions of this subchapter shall not apply with respect to an employee, Member, or survivor of an employee or Member who is subject to the provisions of chapter 84 of this title.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following new items:

"8349. Annual statement.
"8350. Applicability.".

COURT-ORDERED SURVIVOR ANNUITY UNDER CHAPTER 83 OF TITLE 5, UNITED STATES CODE

SEC. 204. (a) Section 8339 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(o)(1) If a decree, order, or agreement described in section 8341(j) of this title requires the payment of a survivor annuity based on the service of an employee or Member who is a party to such decree, order, or agreement and the annuity of such retired employee or Member, as computed under any of subsections (a)-(i) and (n) of this section, is not reduced under subsection (j) or (k) of this section, the annuity of such retired employee or Member shall be reduced by the percentages specified in the first sentence of subsection (j)(1) of this section without regard to any notification authorized by such sentence. Any reduction in the annuity under the first sentence of this subsection shall terminate on the first day of the month after the date of any court decree, court order, or court-approved agreement revoking the requirement under a previous decree, order, or agreement to pay a survivor annuity.".

(b)(1) Subsection (b)(1) of section 8341 of title 5, United States Code, is amended—

(A) by striking out "(o)" and inserting "(n)"; and

(B) by inserting "reduced by the amounts, if any, payable under subsection (j) of this section" after "with respect to the annuitant".

(2) The first sentence of subsection (c) of such section is amended by inserting "reduced by the amounts, if any, payable under subsection (j) of this section" after "Member".

(3) The first sentence of subsection (d) is amended—

(A) by striking out "(o)" and inserting in lieu thereof "(n)"; and

(B) by striking out "Member, except" and inserting "Member reduced by the amounts, if any, payable under subsection (j) of this section, except".

(4) Such section is amended by adding at the end thereof the following new subsection:

"(j)(1) Subject to paragraph (2) of this subsection, if a retired employee or retired Member dies after having retired under this subchapter or an employee or Member dies after having completed at least 18 months of civilian service and the retired employee, retired Member, employee, or Member is survived by a spouse or former spouse who is a party to a court decree of divorce, annulment, or legal separation, or a court order incident to or court-approved property settlement agreement incident to any court action for or decree of divorce, annulment, or legal separation, to which the retired employee, retired Member, employee, or Member was a party before death, a survivor annuity shall be payable to such spouse or former spouse in accordance with the terms of such decree, order, or agreement. The survivor annuity payable to any spouse or former spouse under the first sentence of this subsection shall commence on the day after the retired employee, retired Member, employee, or Member, as the case may be, dies and shall terminate on the earlier of—

"(A) the date on which the survivor annuity terminates in accordance with the terms of the decree, order, or agreement; or

"(B) the last day of the month before the spouse or former spouse dies.

"(2)(A) Survivor annuities shall be payable under paragraph (1) of this subsection in the order in which the decree, order, or agreement is received by the Office of Personnel Management.

"(B) The total amount of survivor annuities payable under paragraph (1) of this subsection shall not exceed the amount of the survivor annuity that is payable to a widow or widower under—

"(i) subsection (b) of this section in the case of a retired employee or retired Member who dies after retiring under this subchapter; or

"(ii) subsection (d) of this section in the case of an employee or Member who dies after having completed at least 18 months of civilian service.".

AMENDMENTS TO CHAPTER 89 OF TITLE 5

SEC. 205. Chapter 89 of title 5, United States Code, is amended—

(1) in section 8903—

(A) by inserting "not less than" after "offering" in paragraph (1); and

(B) by inserting "not less than" after "offering" in paragraph (2); and

(2) in the last sentence of section 8904 by striking out "All plans" and inserting in lieu thereof "Not less than two levels of benefits under each plan".

CONFORMING PROVISIONS FOR OTHER RETIREMENT SYSTEMS

SEC. 206. (a) The fourth sentence of section 309(d)(2) of the National Housing Act (12 U.S.C. 1723a(d)(2)) is amended to read as follows: "The corporation shall contribute to the Civil Service and Retirement Disability Fund the amount determined under section 8334(a)(1) of title 5, United States Code.".

(b) The first sentence of section 5.6(b)(2) of the Farm Credit Act of 1971 (12 U.S.C. 2227(b)(2)) is amended to read as follows: "Each bank shall contribute to the Civil Service Retirement and Disability Fund the amount determined under section 8334(a)(1) of title 5, United States Code.".

(c) Section 1005(d) of title 39, United States Code, is amended to read as follows:

"(d) Officers and employees of the Postal Service (other than the Governors) shall be covered by chapters 83 and 84 of title 5 according to the provisions of such chapters. The Postal Service shall withhold from pay and shall pay into the Civil Service Retirement and Disability Fund the amounts specified in or determined under such chapter 83. The Postal Service shall pay into the Civil Service Pension Fund the amounts specified in or determined under such chapter 84.".

TITLE III—SOCIAL SECURITY AMENDMENTS

SOCIAL SECURITY COVERAGE FOR NEW FEDERAL EMPLOYEES

SEC. 301. (a)(1) Section 210(a) of the Social Security Act is amended—

(A) in paragraph (5) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "United States";

(B) in paragraph (6)(A) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "instrumentality of the United States";

(C) in paragraph (6)(B) by inserting ", if such individual was most recently hired or

rehired to perform such service prior to January 1, 1983, and is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "December 31, 1950";

(D) in paragraph (6)(C) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "instrumentality of the United States"; and

(E) in paragraph (7)(D) by inserting before the first semicolon the following: ", or service performed in the employ of the District of Columbia (or any instrumentality which is wholly owned thereby) by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)".

(2) Section 210(a)(6) of the Social Security Act is further amended by adding "and" at the end of subparagraph (C) and by adding at the end thereof the following new subparagraph:

"(D) Service performed in the employ of the United States or the District of Columbia, or in the employ of any instrumentality of the United States or the District of Columbia, if such service is performed by an individual who is not included as an 'employee' for purposes of section 8331 of title 5, United States Code;".

(b)(1) Section 3121(b) of the Internal Revenue Code of 1954 is amended—

(A) in paragraph (5) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "United States";

(B) in paragraph (6)(A) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "instrumentality of the United States";

(C) in paragraph (6)(B) by inserting ", if such individual was most recently hired or rehired to perform such service prior to January 1, 1983, and is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "December 31, 1950";

(D) in paragraph (6)(C) by inserting "by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)" after "instrumentality of the United States"; and

(E) in paragraph (7)(C) by inserting before the first semicolon the following: ", or service performed in the employ of the District of Columbia (or any instrumentality which is wholly owned thereby) by an individual who was most recently hired or rehired to perform such service prior to January 1, 1983, and who is not a 'participant' under the Civil Service Pension System (as defined in section 8401(3) of title 5, United States Code)".

(2) Section 3121(b)(6) of the Internal Revenue Code of 1954 is further amended by adding "and" at the end of subparagraph (C) and by adding at the end thereof the following new subparagraph:

"(D) service performed in the employ of the United States or the District of Columbia, or in the employ of any instrumentality of the United States or the District of Columbia, if such service is performed by an individual who is not included as an 'employee' for purposes of section 8331 of title 5, United States Code;".

(c) Section 210 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"DETERMINATION OF MOST RECENT HIRING FOR FEDERAL EMPLOYEES

"(p) For purposes of this section and section 3121(b) of the Internal Revenue Code of 1954, an employee of the United States, the District of Columbia, or any instrumentality of either, shall be considered to be hired or rehired on any date on which such employee first performs services for remuneration for such entity following a period of at least days during which such individual did not perform services for remuneration for such entity.".

(d) The amendments made by this section shall apply to services performed after December 31, 1982.

TITLE IV—AUTHORIZATION AND EFFECTIVE DATE

FIRST YEAR EXPENSES OF THE SYSTEM

SEC. 401. (a) Notwithstanding section 8417(c)(2) of title 5, United States Code (as added by section 101 of this Act), the expenses incurred in the administration of the Civil Service Pension System described in section 8411(a) of such title (as added by section 101 of this Act) during fiscal year 1983 shall be paid from appropriations.

(b) There are authorized to be appropriated to the Civil Service Pension Fund established by section 8417 of title 5, United States Code (as added by section 101 of this Act), for fiscal year 1983 such sums as may be necessary to pay the expenses incurred in the administration of the Civil Service Pension System during such fiscal year.

EFFECTIVE DATE

SEC. 402. Titles I and II of this Act and the amendments made by such titles shall take effect January 1, 1983.

By Mr. HUMPHREY:

S. 2906. A bill to amend the Strategic and Critical Materials Stockpiling Act to provide that the National Defense Stockpile Transaction Fund shall be an off-budget activity, and for other purposes; to the Committee on Armed Services.

NATIONAL DEFENSE STOCKPILE TRANSACTION FUND REORGANIZATION ACT OF 1982

● Mr. HUMPHREY. Mr. President, I am seriously concerned over repeated reports of problems with the national defense stockpile. To determine the extent of these problems, the Subcommittee on Preparedness held a series of hearings this summer on the status of the stockpile.

These hearings revealed that serious problems exist with the national defense stockpile. Instead of providing a ready and adequate supply of raw materials for a national emergency, the stockpile has been used, or rather abused, for political and economic reasons, Additionally, witnesses at these hearings revealed that the stockpile is being mismanaged and alleged that materials in the stockpile necessary for defense purposes have deteriorated.

Here are some examples of defense stockpile abuse. This summer, a proposal was introduced mandating that revenues accrued from the sale of excess stockpile materials be used to purchase copper, a priority three commodity, in spite of the fact that nearly half of the 10 billion dollars' worth of critical materials needed to meet stockpile requirements are priority one or two commodities.

Perhaps the most disturbing revelation at the hearings is that the revenues accrued in the stockpile transaction fund are used to offset the Federal budget deficit, resulting in serious shortfalls in materials inventories. This appears to be a clear violation of the Strategic and Critical Materials Stockpiling Act, which states: "The purpose of the stockpile is to serve the iterest of national defense only and is not to be used for economic or budgetary purposes."

Two separate Federal agencies manage the defense stockpile. The Federal Management Agency (FEMA) consolidates stockpile requirements established by other Federal departments and agencies, while the General Services Administration (GSA) oversees the stockpile commodities, transactions, and budget. Differing perspectives and cumbersome coordination between the two agencies result in awkward and inefficient management of this integral part of our national defense preparedness structure.

After completing hearings this summer, I notified President Reagan of the findings. The administration subsequently completed an emergency mobilization preparedness review of the defense stockpile that recommends the National Security Council as the final authority of the National Defense Stockpile. This recommendation, when implemented, should streamline the currently convoluted dual stockpile management system. As such, I fully endorse this recommendation.

To insure good physical condition of stockpile commodities, I am preparing legislation to require regular and thorough administration reports to the Congress on the physical status of the stockpiled materials.

In addition, I am now introducing legislation that will establish the stockpile transaction fund as a true revolving fund, independent from the budget process and of efforts to use the fund to offset the Federal deficit.

Mr. President, much time and effort on the part of the President, his national security advisers, and the Congress have been expended in the interest of restoring our national defense. At the very foundation of these efforts is the presumption that in a national

emergency materials would be available to support a combined mobilization of military and defense-related industries. This has been shown to not be the case, and I believe that it is time that a national resolve is established to clear up the problems uncovered in the hearings this summer. I am encouraged by the administration's attention and efforts in this direction and hope that my colleagues will respond in a similar fashion.

Mr. President, I ask unanimous consent that my proposed bill, S. 2906, to establish the stockpile transaction fund as a true revolving fund, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2906

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Defense Stockpile Transaction Fund Reorganization Act of 1982".

SEC. 2. Section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) is amended by striking out subsections (b) and (c) and inserting in lieu thereof the following:

"(b)(1) All moneys received from the sale of materials in the stockpile under paragraph (4), (5), or (6) of section 6(a) shall be covered into the fund and shall remain in the fund until expended.

"(2) Moneys covered into the fund under paragraph (1) shall be available only for the acquisition of strategic and critical materials, including replacement materials for materials rotated under section 6(a)(4) or disposed of under section 7(a), and for the expenses of transportation, processing, refining, storage, security, maintenance, rotation, and disposal of materials contained in or acquired for the stockpile.

"(c)(1) Notwithstanding any other provision of law, the appropriate level of total budget authority and total budget outlays and the recommended level of Federal revenues contained in any concurrent resolution on the budget adopted under title III of the Congressional Budget Act of 1974 shall not include the budget authority, outlays, revenues, and receipts for the fund.

"(2) Notwithstanding any other provision of law, the President shall not include in the Budget submitted under section 201(a) of the Budget and Accounting Act, 1921, proposed budget authority and estimates of outlays, revenues, and receipts for the fund.

"(3) Budget authority and budget outlays for the fund shall not be subject to any general limitation imposed by statute on expenditures of the United States.

SEC. 3. (a) The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98 et seq.) is further amended—

(1) by striking out section 3(c);

(2) in section 5—

(A) by striking out subsections (a) and (b); and

(B) by striking out "(c)" in subsection (c);

(3) in section 6—

(A) by striking out "subject to the notification required by subsection (d)(2)," in subsection (a)(5);

(B) by striking out subsection (a)(6) and inserting in lieu thereof the following:

"(6) dispose of such materials or quantities of materials in the stockpile as the President determines not to be necessary to continue to maintain in the stockpile in carrying out this Act.";

(C) by striking out "is authorized by law and" in subsection (c)(1);

(D) by striking out the first comma and "the disposition of which is authorized by law," in subsection (c)(2); and

(E) by striking out subsection (d) and inserting in lieu thereof the following:

"(d) The President may waive the applicability of any provision of subsection (b) to any acquisition of material for, or disposal of, material from the stockpile.";

(4) in section 7—

(A) by striking out "(a)" in subsection (a); and

(B) by striking out subsection (b); and

(5) in section 11—

(A) by striking out "(a)" in subsection (a);

(B) by striking out "by barter, as provided for in section 6(c) of this Act," in subsection (a)(2);

(C) by striking out "appropriations" in subsection (a)(3) and inserting in lieu thereof "expenditures"; and

(D) by striking out subsection (b).●

By Mr. ROBERT C. BYRD (for Mr. KENNEDY for himself, Mr. ROBERT C. BYRD, Mr. RANDOLPH, Mr. METZENBAUM, and Mr. RIEGLE)

S.J. Res. 245. Joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982; read twice and placed on the calendar by unanimous consent.

(The text of the joint resolution appears earlier in today's RECORD.)

EMERGENCY JOBS INITIATIVE

● Mr. KENNEDY. Mr. President, there is no more urgent or important business facing the Congress and the country than putting Americans back to work. It has been over a year since the President's economic recovery program became law. In that time 3 million Americans have lost their jobs. The program that was designed to produce "jobs, jobs, jobs," has instead brought about the highest unemployment in over 40 years.

The American people have waited patiently for the President to deliver on his promises. They have waited patiently for the recovery to begin. They have waited patiently for pay checks to replace pink slips. But their patience has been rewarded with record business failures, lengthening unemployment lines and the knowledge that one of every three Americans will be without work sometime during this year.

The American people have been patient for too long, it is time for us to act.

The program I am introducing offers new hope and opportunity to 200,000 workers who have exhausted their unemployment benefits. These men and women know what it is to work hard. Most have worked their entire lives.

I believe we owe these workers who are jobless through no fault of their own the chance to put their skills and talents to work rebuilding their communities.

In cities and towns across this country, our public buildings are in disrepair. Our roads and bridges are deteriorating, our water systems need fixing. Our schools and hospitals and public housing need repairs. The jobs are there.

The challenge is to put the skills and talents of the unemployed to work rebuilding their communities.

My bill is targeted. It provides help to those communities with the highest unemployment. It provides jobs to those that have been without work the longest. No job would last longer than 6 months. No one could earn more than $10,000. It is an emergency measure designed to respond to the national unemployment crisis now facing the country.

There is still time if we act now. I urge my colleagues to join in sponsoring this important measure.

Mr. President, I ask unanimous consent that a more detailed description of the bill be printed in the RECORD.

There being no objection, the detailed description was ordered to be printed in the RECORD, as follows:

DEMOCRATS EMERGENCY JOBS INITIATIVE

THE NEED

Unemployment stands at 9.8, a 40 year high.

10.8 million Americans can't find work.

$20 billion will be paid out this year alone in U.I. checks.

140,000 workers each month are exhausting these benefits.

1 in 6 unemployed workers are not even receiving U.I.

These idled men and women can be put to work rebuilding the deteriorating public facilities in their communities.

THE PROGRAM

Resources—5 percent ($1 billion) of the fiscal year 1982 expenditure for Unemployment Insurance would be appropriated in an urgent one time supplemental for the Department of Labor.[1]

Jobs—200,000 unemployed workers would be hired to repair and maintain public facilities and improve public lands in such jobs as: bridge and street repair; rehabilitation of public buildings; repair of water systems; flood and erosion control; harbor and port improvement; forestry and rangeland conservation; and energy conservation;

Eligible Areas—83 percent of funds go out by formula to State and local communities with unemployment in excess of the national average for 3 consecutive months. 2 percent to Native American tribes. 15 percent by formula to local areas suffering high unemployment as a result of plant closings, natural disasters or other severe economic dislocations.

Eligible Individuals—85 percent of funds go to workers unemployed at least two weeks with priority for long term unemployment and those who've exhausted U.I.

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[1] CBO estimates that 20 percent of cost ($200 million) would be recouped through reduced transfer payments, increased revenues and other budgetary "feedback" effects.

15 percent of funds are earmarked to employ 16-19 year olds in community improvement projects.

Duration—jobs would be temporary, not to exceed 6 months for any individual.

Wages—prevailing wages, not to exceed $10,000 a year.●

By Mr. LONG (for himself, Mr. JOHNSTON, and Mr. MOYNIHAN):

S.J. Res. 246. Joint resolution to authorize and request the President of the United States to issue a proclamation designating the first week in October for the calendar years 1982, 1983, and 1984 as "National Port Week"; to the Committee on the Judiciary.

NATIONAL PORT WEEK

Mr. LONG. Mr. President, today, I am joining with Senator JOHNSTON and Senator MOYNIHAN in introducing a joint resolution authorizing President Reagan to proclaim the first week in October in calendar years 1982 through 1984 as "National Port Week." I am happy to say that the Congress has payed tribute to our Nation's ports by designating this week as "National Port Week" since 1978.

From the early days of our Nation, attempts were made to convert our waterways into tools of civilization, and, since that time, ports have played a central role in our development. Our Nation's economics, commerce, and industry depend heavily on our network of waterways which links the industrial centers of our country. Commerical ports annually contribute more than $66 billion in national income and $12 billion in Federal, State, and local taxes to our presently unstable economy in addition to helping create over 1 million jobs nationwide.

Just as our forefathers met the challenge of building flourishing ports, we must continue to expand them. The total amount of goods carried by water in the State of Louisiana alone will more than double by the year 2000. We must stand behind our ports and encourage them to grow as waterborne transportation is the most fuel-efficient mode of shipping in our Nation's domestic and international commerce. We, as a nation, must utilize the energy options which are available to us.

Since there must be a port of origin as well as a port of destination, the ports throughout our Nation have long realized the vested interest which they have in each other. It is this spirit of cooperation that has made this Nation the great maritime trade center that it is. Just look around at any port site. You will see goods from many distant points of origin—grain from Iowa, steel from Pittsburgh, sugar from Louisiana—not to mention imports and exports from other parts of the world.

U.S. international trade has grown to over $300 billion annually, contributed to by deep-draft commercial ports, inland river ports, and over 25,000 miles of navigable waterways. One out of every six jobs in agriculture, manufacturing, and services in America is dependent upon international sea-born trade.

Mr. President, each one of us reaps the benefits or our Nation's ports. I think we should all take the time to recognize the important contribution of this industry to our country's well-being and join together to pay tribute to our Nation's ports.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 246

Whereas the past development of the public ports of the United States is the result of a fruitful partnership with the Federal Government constructing and maintaining the navigable waterways and harbors of the United States, and local municipalities assuming major responsibility for land-based port development;

Whereas our Nation's commercial seaports and inland river ports are indispensable to foreign and domestic waterborne commerce and to the economic well-being and national security of the United States;

Whereas the maintenance and development of our national network of commercial ports is vital to expanded international trade and to the attainment of a favorable trade balance;

Whereas commercial ports serving the waterborne commerce of the United States are responsible for the continued employment of more than one million workers and in 1981 generated a total of $70,000,000,000 in direct and indirect benefits to the United States economy;

Whereas there is a continuing need to focus public attention upon the value of a viable and competitive system of commercial ports; and

Whereas the National Port Week observance promotes public recognition of the vital role that our ocean and inland ports have played in the economic growth and national security of the United States: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation in each of calendar years 1982, 1983, and 1984 designating the first week in October as "National Port Week" and to invite the Governors of the several States, the chief officials of local governments, and the people of the United States to observe that week with appropriate ceremonies and activities.

ADDITIONAL COSPONSORS

S. 2247

At the request of Mr. PACKWOOD, the names of the Senator from Mississippi (Mr. STENNIS), the Senator from Indiana (Mr. LUGAR), and the Senator from West Virginia (Mr. RANDOLPH) were added as cosponsors of S. 2247, a bill to amend the Tariff Schedules of the United States to permit the duty-free entry of certain footwear for use in the Special Olympics program.

S. 2485

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 2485, a bill to require the Secretary of Agriculture to establish a network of volunteers to assist in making available information and advice on organic agriculture for family farms and other agricultural enterprises, to establish pilot projects to carry out research and education activities involving organic farming, and to perform certain other functions relating to organic farming, with special emphasis on family farms.

S. 2618

At the request of Mr. ZORINSKY, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2618, a bill to limit the retirement annuity of Members of Congress and former Members of Congress.

S. 2634

At the request of Mr. NICKLES, the name of the Senator from Pennsylvania (Mr. HEINZ) was added as a cosponsor of S. 2634, a bill to amend section 14(c)(3) of the Fair Labor Standards Act of 1938, to permit the employment of handicapped and severely handicapped individuals in common areas, to permit the employment of handicapped individuals in demonstration projects, and for other purposes.

S. 2649

At the request of Mr. D'AMATO, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2649, a bill to authorize the Secretary of the Interior to enter into a cooperative agreement to maintain the gravesite of Samuel "Uncle Sam" Wilson and to erect and maintain tablets or markers at such gravesite in commemoration of the progenitor of the national symbol of the United States.

S. 2702

At the request of Mr. ANDREWS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2702, a bill to amend section 8(a) of the Small Business Act to treat businesses owned by Indian Tribes as socially and economically disadvantaged small business concerns.

S. 2867

At the request of Mr. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2867, a bill to establish a program of grants administered by the Environmental Protection Agency for the purpose of aiding State and local programs of pollution abatement and control.

SENATE JOINT RESOLUTION 97

At the request of Mr. THURMOND, his name was added as a cosponsor of

Senate Joint Resolution 97, a joint resolution to designate the second full week in October as "National Legal Secretaries' Court Observance Week."

SENATE JOINT RESOLUTION 174

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 174, a joint resolution to authorize and request the President to designate October 16, 1982 as "World Food Day."

SENATE JOINT RESOLUTION 235

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 235, a joint resolution to proclaim March 21, 1983, as "National Agriculture Day."

SENATE JOINT RESOLUTION 239

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 239, a joint resolution designating October 16, 1982, as "National Newspaper Carrier Appreciation Day."

At the request of Mr. WARNER, the names of the Senator from Minnesota (Mr. DURENBERGER), the Senator from Washington (Mr. JACKSON), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of Senate Joint Resolution 239, supra.

SENATE JOINT RESOLUTION 241

At the request of Mr. THURMOND, his name was added as a cosponsor of Senate Joint Resolution 241, a joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

AMENDMENT NO. 2035

At the request of Mr. METZENBAUM, the names of the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), the Senator from Maryland (Mr. SARBANES), the Senator from Nevada (Mr. CANNON), the Senator from Arizona (Mr. DECONCINI), the Senator from Illinois (Mr. PERCY), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Nebraska (Mr. EXON), and the Senator from Minnesota (Mr. DURENBERGER) were added as cosponsors of amendment No. 2035 intended to be proposed to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit.

SENATE RESOLUTION 462—RESOLUTION RELATING TO CERTAIN TRADE BARRIERS

Mr. BENTSEN (for himself and Mr. DANFORTH) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 462

Whereas, the U.S. and Japan are among the signatories to the General Agreement on Tariffs and Trade; and

Whereas, the U.S. has worked for an open world trading system within the framework of the GATT and has allowed Japan open access to U.S. markets; and

Whereas, Japan has enjoyed this open access and has achieved a dominant position in many U.S. markets and now has an $18 billion annual trade surplus with the U.S.; and

Whereas, Japan has used a system of import quotas and other tariff and non-tariff trade barriers to restrict imports of 22 categories of agricultural products, including beef and citrus in which the U.S. has a comparative advantage in production; and

Whereas, this system of import restritions has forced Japanese consumers to pay unreasonably high prices for beef, citrus, and other foods produced in the U.S. while denying U.S. farmers and ranchers reasonable access to these markets and denying U.S. farmers and ranchers the opportunity to sell their products at these higher prices; and

Whereas, consultations between the U.S. and Japan on liberalization of trade in beef and citrus are scheduled to begin in Honolulu on October 20; therefore be it

Resolved, That it is the sense of the Senate that the U.S. in such consultations should seek completely open access to the Japanese market for U.S. beef and citrus, including the removal of all trade barriers to the export of such agricultural products to Japan.

SEC. 2. It is further the sense of the Senate that in the event such consultations do not result in open access to the Japanese market for U.S. beef and citrus, then the Government of the United States should evaluate what remedies under United States law and international agreements are appropriate under the circumstances.

JAPANESE AGRICULTURAL TRADE BARRIERS

Mr. BENTSEN. Mr. President, I am today submitting a resolution designed to help open the Japanese market to American agricultural products, particularly beef and citrus. I am pleased to be joined in this effort by my distinguished colleague the Senator from Missouri (Mr. DANFORTH) who is the chairman of the International Trade Subcommittee.

American workers, citrus growers, and cattlemen are being cut off at the knees by unfair Japanese trade practices. These practices are straightforward: Japan has erected insurmountable walls against the free trade of many citrus products and U.S. beef. These Japanese barriers clearly and flagrantly violate international trade agreements and obligations which Japan has under GATT—the General Agreement on Tariffs and Trade. And Japanese officials have dragged their feet repeatedly in response to world pressure to reduce or eliminate those trade walls.

JAPAN'S STEEL CURTAIN AGAINST BEEF IMPORTS

Japan—with only a literal handful of domestic ranchers—has erected a tall three-tiered wall against beef imports which hold U.S. exports to a ridiculously low level. The Japanese combination of a strict quota, a 25-percent tariff, and an additional variable import surcharge has held U.S. imports to only 9 ounces per person per year—about one steak or two hamburgers—and pushed meat prices in Japan sky high. The average price of meat consumed in Japan in 1981, for example, was $6.93 per pound—almost triple the U.S. average of $2.39 per pound. Last November, a chuck roast costing $1.49 per pound here cost $10.15 per pound in Tokyo. And a sirloin steak costing $3.46 per pound here went for $14.35 per pound in Tokyo supermarkets. Transportation costs account for only 50 cents per pound of this wide price difference, with the balance due entirely to the tight lid Japan keeps on U.S. beef imports.

Japanese consumers, U.S. ranchers, and U.S. workers in the meat processing industry are being needlessly penalized by this glaring Japanese violation of GATT. The U.S. Department of Agriculture has projected that U.S. beef sales to Japan in the absence of trade barriers could increase sevenfold to 200,000 metric tons within 5 years—which would roughly triple total U.S. beef sales abroad compared to 1981. Based on last Friday's beef prices these additional exports would boost cattle industry income by $370 million annually.

JAPAN'S FREEZE ON CITRUS IMPORTS

American citrus growers, especially grapefruit growers in Texas, are being victimized by illegal Japanese trade barriers, as well. Only four groups in Japan are permitted to import citrus, and two of the groups are Japanese growers with a strong interest in locking the freezer door on U.S. citrus exports. Their success can be measured by comparing world figures on orange juice consumption. In 1981, U.S. consumption averaged 17 liters per person, followed by 16 liters in Canada, and 15 liters in Sweden. Yet, Japan's trade barriers so successfully suppressed imports that consumption there was a scant 2.5 liters per capita.

It is argued that Japanese citrus quotas do not suppress consumption, but past experience tells us something else. When Japanese barriers against lemon imports were relaxed, for example, U.S. exports soared 30-fold to 246 million pounds in 1981 from only 8.3 million pounds when the quotas existed.

One of the most unreasonable Japanese citrus barriers is against U.S. grapefruit juice, where imports are capped at a paltry 6,000 metric tons, or 13.2 million pounds in 1982. This is in spite of the fact that Japan does not produce grapefruit and does not impose quotas on imports of fresh grapefruit. Experience with lemons show us that Japanese consumers would eagerly import many times the amount of grapefruit juice and other citrus products now permitted by the Japanese quotas if these illegal barriers were removed. But those quotas and the barriers against U.S. agricultural products can only be reduced or

eliminated in government-to-government negotations—which brings me to the need for prompt passage of this resolution.

QUOTA REDUCTIONS ARE NEEDED

The United States maintains the most open and free trade posture of any nation. Our free trade policy has deep roots in our national history because unfair tariffs were a rallying point for our "War of Independence." For generations, we have tried to show by example that free trade benefits every nation. For example, the United States is a leading beef producing nation, yet we import more beef than any other major beef-producing country. The international economic principle of comparative advantage would result in every nation being better off with trade—a principle which especially favors our internationally competitive farmers and ranchers. Yet, our open trade policy has been misunderstood and even called naive. Japan and other foreign governments routinely violate GATT and other agreements without fear of retaliation by Uncle Sam.

Well, it is time we begun to play by the same trade rules that Japan plays by. Every month, billions of dollars worth of Japanese TV's, autos, computers, and toys crowd into our ports and stores as fast as Japanese producers can pile them onto ships. A lot of those ships return empty, however, because we could scarcely fill one small steamer with the beef and grapefruit juice going the other way which Japan permits to squeeze under its trade wall.

Negotiations with Japan in the past on trade issues have not been very productive. For example, the Japanese have increased the U.S. beef import quota only enough, since 1978, to add one hamburger per year to the diet of each Japanese. And that is the result of 3 years of bargaining.

A sizable share of Japan's wealth is tied to the production and export of goods to Americans. It is time that Japan met its obligations, both under GATT and as the free world's second biggest economy, to hold high the principle of open trade. A good opportunity for the United States to pry open Japan's trade doors will occur in October when United States and Japanese officials meet specifically to discuss Japan's beef and citrus trade barriers. It is high time that the State Department began to work for our farmers and ranchers, not vice versa.

I believe it is up to Congress to hold the administration's feet to the fire on agriculture exports to Japan. It must understand and understand clearly that Japan's trade barriers against beef and citrus violate GATT and that Congress wants the playing field of world trade leveled. Congress wants those barriers down and it wants them down now or Japan runs the terrible risk of facing trade barriers on her own exports.

EXPLANATION OF RESOLUTION

Mr. President, these are harsh words, but they need saying. The clock is running down and patience is running very thin in Congress with unfair Japanese agricultural trade practices. I am submitting a resolution today which is designed to make that point clearly and forcefully. The resolution is intended to stiffen the administration's back in these upcoming Japanese trade neogtiations. It is time for the administration to prove its ability and willingness to go to bat and produce results for U.S. farmers and ranchers—to show the rest of the world that they take unfair and illegal trade practices seriously—before any more jobs and paychecks are lost due to unfair foreign trade barriers.

AMENDMENTS SUBMITTED FOR PRINTING

TEMPORARY INCREASE IN PUBLIC DEBT LIMIT

AMENDMENT NO. 3272

(Ordered to be printed and to lie on the table.)

Mr. ROTH submitted an amendment intented to be proposed by him to the joint resolution (H.J. Res. 520) to provide for a temporary increase in the public debt limit.

AMENDMENT NO. 3273

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY submitted an amendment intended to be proposed by him to the joint resolution, House Joint Resolution 520, supra.

AMENDMENTS NOS. 3274 THROUGH 3276

(Ordered to be printed and to lie on the table.)

Mr. ZORINSKY submitted three amendments intended to be proposed by him to the joint resolution, House Joint Resolution 520, supra.

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC LANDS AND RESERVED WATER

Mr. WALLOP. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a public hearing before the Subcommittee on Public Lands and Reserved Water to consider S. 2801 (H.R. 6542), the Wilderness Protection Act of 1982. The hearing will be held on Thursday, September 23, beginning at 9 a.m. in room 3110 of the Dirksen Senate Office Building.

Those wishing to testify or who wish to submit testimony for the hearing record should write to the Subcommittee on Public Lands and Reserved Water, Room 3104, Dirksen Senate Office Building, Washington, D.C. 20510.

Witnesses are requested to provide the subcommittee with 100 copies of their written statements 24 hours in advance of the hearing, as required by the rules of the committee. Witnesses will be arranged in panels and may be limited in number due to the amount of requests to testify which are expected. Witnesses are requested to limit their oral testimony to 5 minutes and to submit their full written statement for the record.

For further information regarding this hearing, please contact Mr. Tony Bevinetto of the subcommittee staff at 224-5161.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. WARNER. Mr. President, I would like to announce for the information of the Senate and the public that the subcommittee hearing scheduled for Thursday, September 23, at 9:30 a.m., on America's role in the world coal export market, will be held in room 5300 instead of room 3110.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to meet during the session of the Senate on Wednesday, September 15, at 10 a.m., to hold a markup on S. 2620, S. 2621, and S. 2245, bills to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 15, at 10 a.m., to hold a hearing on the Law of the Sea.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 15, at 2 p.m., to hold a hearing to consider the nominations of Richard R. Burt to be Assistant Secretary of State for European Affairs; Rozanne L. Ridgway to be an Ambassador to the German Democratic Republic; and Henry Allen Holmes to be Ambassador to Portugal.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, September

15, at 10 a.m., to hold a hearing to consider S. 2562, the Federal Energy Reorganization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Thursday, September 16, at 10 a.m., to hold an oversight hearing on the General Services Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY AND MINERAL RESOURCES

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Mineral Resources, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Thursday, September 16, at 9:30 a.m., to hold an oversight hearing on coal exports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Energy and Mineral Resources, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Friday, September 17, at 9:30 a.m., to hold an oversight hearing on coal exports.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ABOLITION OF TECHNOLOGY TRANSFER GROUP

● Mr. JEPSEN. Mr. President, I find it odd that at a time when President Reagan is stressing the importance of the technology transfer issue, nominees for key policy positions at the Arms Control and Disarmament Agency are abolishing the relevent section at that agency.

I would like to submit for the RECORD a memorandum written by Norman Terrell, Acting Assistant Director, Bureau of Nuclear Weapons Control, abolishing the Technology Transfer Group as of August 30, 1982. I ask that the memorandum be included in the RECORD following my statement.

I hope, Mr. President, that some nominees can be found to fill these positions who are more supportive of the arms control and technology transfer agenda of our President, Ronald Reagan.

The memorandum follows:

ASSISTANT DIRECTOR,
U.S. ARMS CONTROL AND DISARMAMENT AGENCY,
August 26, 1982.

MEMORANDUM

To: NWC Staff
From: NWC—Norman Terrell
Subject: Abolition of Technology Transfer Group

Effective the opening of business, Monday, August 30, 1982, the Technology Transfer Group is abolished. The technology transfer and Commerce Department license review functions of the Group are assigned, together with Mr. William Searle and Dr. Gerhard Mally, to the Arms Transfer Division. Space policy responsibilities, together with Mr. James Chamberlin and Mrs. Esther Jones, are assigned to the Defense Program Analysis Division. Colonel Tim deGavre will be given a new assignment by the Senior Military Advisor.

I want to express my great appreciation to Colonel deGavre for the fine leadership he provided to the Technology Transfer Group, and to the other members of the Group for the important contributions they have made.

cc: Mr. Grey; Mr. Montgomery.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of a proposed sale shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD the notifications which have been received.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 10, 1982.

In reply refer to: I-02939/82ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-76, concerning the Department of the Navy's proposed Letter of Offer to France for defense articles and services estimated to cost $97 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF.

TRANSMITTAL NO. 82-76

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: France.

(ii) Total Estimated Value:

	Millions
Major defense equipment[1]	$25
Other	72
Total	97

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four very low frequency transmitters with spare parts, publications, training, and support.

(iv) Military department: Navy (LCD).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 10 Sep. 1982.

POLICY JUSTIFICATION

FRANCE—VERY LOW FREQUENCY (VLF) TRANSMITTERS

The Government of France (GOF) has requested the purchase of four VLF transmitters with spare parts, publications, training, and support at an estimated cost of $97 million.

This sale will contribute to the foreign policy and security objectives of the United States by improving the defensive capabilities of an ally. Although French forces are not committed to NATO command, France nevertheless bases its defense on cooperation and interoperability with NATO. As a further potential benefit, this sale will contribute to the standardization and interoperability of French and U.S. equipment, as well as demonstrate the seriousness of the U.S. commitment to cooperative programs with alliance partners. France's commitment to this program may well have positive effects on French willingness to participate in other multinational, cooperative arms programs.

The GOF has decided to build a new communications system based upon a hardened network and on relay aircraft which will be able to retransmit the orders of the French President to submerged submarines as well as to other strategic components even in a high interference environment. Acquisition of these VLF transmitters will provide France with communication facilities operable under adverse conditions.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Rockwell International Corporation of Richardson, Texas.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to France until 1987. At that time there will probably be several contractor representatives in France on a year to year basis.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 10, 1982.

In reply refer to: I-02760/82ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-78, concerning the Department of the Air Force's proposed

Letter of Offer to Korea for defense articles and services estimated to cost $60 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF.

TRANSMITTAL No. 82-78

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective Purchaser: Korea

(ii) Total Estimated Value:

	Millions
Major defense equipment [1]	0
Other	60
Total	60

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Cooperative logistics supply support arrangement, requisition case (FMSO II), for follow-on spares and supplies to support aircraft and other systems and subsystems of U.S. origin.

(iv) Military department: Air Force (KBN).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold:

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 10 Sep. 1982.

POLICY JUSTIFICATION

KOREA—AIRCRAFT SPARE PARTS

The Government of Korea has requested the purchase of a cooperative logistics supply support arrangement, requisition case (FMSO II), for follow-on spares and supplies to support aircraft and other systems and subsystems of U.S. origin at an estimated cost of $60 million.

This sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Eastern Asia. This sale will help to ensure that aircraft previously obtained by Korea from the U.S. are maintained in a mission-ready status to the maximum extent practicable.

This cooperative logistics supply support arrangement is necessary to ensure an uninterrupted flow of spare parts to support the C-123K, F-4D/E, F-5A/B/E/F, T-33, and A/T-37 aircraft, and other systems and subsystems of U.S. origin. The Korean Air Force will have no difficulty in absorbing the articles.

The sale of this equipment and support will not affect the basic military balance in the region.

Procurement of these items and services will be from the many contractors providing similar items and services to the U.S. forces.

Implementation of this sale will not require the assignment of any additional U.S. Government or contractor personnel to Korea.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulated that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with the committee's intention to see that such information is immediately available to the full Senate, I ask to have printed in the RECORD the notification which has been received. The classified annex referred to in the covering letter is available to Senators in the office of the Foreign Relations Committee, room 4229 of the Dirksen Building.

The notification follows:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 10, 1982.

In reply refer to I-03029/82ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 82-83 and under separate cover the classified annex thereto. This Transmittal concerns the Department of the Navy's proposed Letter of Offer to Egypt for defense articles and services estimated to cost $689 million. Shortly after this letter is delivered to your office, we plan to notify the news media of the unclassified portion of this Transmittal.

Sincerely,

PHILIP C. GAST,
Director.

TRANSMITTAL No. 82-83

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b) of the Arms Export Control Act

(i) Prospective purchaser: Egypt.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	$227
Other	462
Total	689

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Four E-2C aircraft with spare parts, support equipment, training, and publications.

(iv) Military department: Navy (SAL).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See Annex under separate cover.

(vii) Section 28 report: Case not included in section 38 report.

(viii) Date report delivered to Congress: September 10, 1982.

POLICY JUSTIFICATION

EGYPT—E-2C AIRCRAFT

The Government of Egypt (GOE) has requested the purchase of four E-2C aircraft with spare parts, support equipment, training, and publications at an estimated cost of $689 million.

The proposed sale supports the American foreign policy and national security objectives of assisting the GOE in its program of modernizing its armed forces so that it may provide for its own security and self-defense and contribute to regional security and stability. A strong and independent Egypt will be able to participate in the Middle East peace process and resist incursions of Soviet client states in the region.

The sale of these four aircraft will provide the Egyptian Air Defense Force with extended early warning as well as command and control capabilities. The E-2C aircraft will be used to augment ground radar units.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Grumman Aerospace Corporation of Bethpage, New York.

Implementation of this sale will require the assignment of 21 additional U.S. contractor representatives to Egypt for two years.

There will be no adverse impact on U.S. defense readiness as a result of this sale.●

PRELIMINARY NOTIFICATION OF PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $50 million, or in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such notifications have been received.

Interested Senators may inquire as to the details of these preliminary notifications at the office of the Committee on Foreign Relations, Room 4229, Dirksen Building.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 9, 1982.

In reply refer to: I-03444/82

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Sec-

tion 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Lieutenant General, USAF,
Director.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., September 10, 1982.

In reply refer to: I-02875/82ct

Dr. HANS BINNENDIJK,
Professional Staff Member, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR DR. BINNENDIJK: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a Middle Eastern country tentatively estimated to cost in excess of $50 million.

Sincerely,

PHILIP C. GAST,
Lieutentant General, USAF,
Director.●

SALUTE TO PERCY V. WILLIAMS

● Mr. SARBANES. Mr. President, Marylanders today enjoy substantially better educational opportunities thanks to the pioneering efforts of Percy V. Williams. During his 20 years with the Maryland State Department of Education, Dr. Williams has demonstrated great compassion and initiative as he has assumed the increased responsibilities of advanced leadership.

A native of Perryman, Md., Dr. Williams was educated in the public schools of Harford and Cecil Counties. His decision to pursue a career in education was prompted by an early concern for the poor and disadvantaged, complemented by continued encouragement from his father. He completed Bowie Normal School and began using his outstanding teaching abilities at Havre de Grace Elementary School. His professional qualifications were further enhanced by his attainment in 1938 of a bachelor of science degree from Virginia State College, and 3 years later a master of education degree from Temple University.

Dr. Williams interrupted his career for 3 years to serve his Nation in the Army during World War II. After the war he returned to Harford County, where he was appointed supervisor of black schools, a position he held until 1950, when he became principal of Central Consolidated School in Hickory. His outstanding work at Central formed a sound foundation for further advanced study, culminating in the doctor of education degree he received in 1955 from New York University.

In 1962 Dr. Williams joined the Maryland State Department of Education, where he has served as a supervisor, assistant director, director, and finally assistant State superintendent of compensatory, urban and supplementary programs, a post he held with distinction from 1970 through this year. He has also instructed students at Morgan State University and Coppin State College, and has served as a highly respected consultant to many educational, professional, and governmental organizations. He is a member of the National Education Association, the Maryland State Teachers Association, and the National Alliance of Black Educators, among many other prominent professional groups. He has even succeeded in coordinating his teaching skills with his deep religious convictions through his efforts as a lay teacher and speaker at the teenage church school of Union Methodist Church.

Mr. President, Percy Williams retired from the Maryland State Department of Education on June 1. His many friends have reserved the evening of September 16 to honor him for his long and distinguished record of accomplishments, and I ask my colleagues to join my fellow Marylanders and I in saluting this great educator.

LAUNCHING THE COLUMBIAN DECADE—ADDRESS BY SENATOR MATHIAS

● Mr. DOMENICI. Mr. President, recently, our colleague, Senator MATHIAS, was asked to address the biennial conference of the Italian American Foundation International Relations Workshop regarding the upcoming 500th anniversary of the Christopher Columbus' discovery of America. "Launching the Columbian Decade" is a wonderful historical perspective of why the deeds and accomplishments of Columbus deserve to be retold and honored.

Mr. President, I ask that the speech of the senior Senator from Maryland be printed in the RECORD.

The speech follows:

LAUNCHING THE COLUMBIAN DECADE

(By Senator CHARLES MCC. MATHIAS, Jr.)

It is a great honor to participate in the 1982 Biennial Conference of the National Italian American Foundation and to help you launch the Columbian Decade.

When Ben Palumbo asked me to open this international relations workshop, he graciously offered to let me pick my own subject. I suspect Ben had in mind something that dealt with U.S. foreign policy, so he is not to blame that, instead, I want to talk about "Launching the Columbian Decade."

Actually, my subject is not as far afield as it may appear to be. In fact, when you consider the tremendous challenges that confront the United States right now and those that lie ahead, it seems particularly appropriate to begin this workshop by reflecting a little on Christopher Columbus' achievements.

Today, we live in one of the great transitional periods of human history, just as Columbus did. Very little is certain in our world. But we can be perfectly certain of one thing: If the United States is to grasp the miraculous future that is within its reach, this Nation must summon up the same kind of faith and courage and vision that sustained Christopher Columbus on his extraordinary voyages of discovery.

Columbus' voyages of discovery, taken as a whole, may very well be the greatest event in the history of the secular world. Let your mind search back through the centuries of human endeavor to find another single deed that has had such far-reaching historical significance. What momentous battle or invention can compare with the discovery of a New World?

Columbus paved the way for the greatest migration of peoples this world has ever known. He opened the door on a new ERA which allowed for the steady march of civil and religious liberty.

It does not obscure his achievement that other Europeans may have reached our shores years or even centuries earlier than Columbus, for it was Columbus alone who broke the rigid barriers of ignorance and fear to allow the Old World to meet the New. Columbus not only led the way to new places, he opened the mind to new vistas, to new hopes, to new challenges.

Columbus died without realizing the full significance of his voyages, but he did at least have a hint of the magnitude of his achievement. The journal he kept of his third voyage, the one on which he first spotted the mainland, contains this entry:

"I believe that this is a very great continent, until today unknown . . . and if this be a continent, it is a marvelous thing, and will be so among all the wise. . ."

These are the words of a prophet. And like the proverbial prophet, who is "without honor in his own country," Columbus died discredited and alone.

It took the wry wit of Baltimore's Ogden Nash to sum up the ironies of Coumbus' career. He wrote:

So Columbus said, Somebody show me the sunset and somebody did and he set sail for it.
And he discovered America and they put him in jail for it,
And the fetters gave him welts,
And they named America after somebody else.

October 12, 1992, will mark the 500th anniversary—the quincentenary—of the day land was sighted by one of the ships sailing on Christopher Columbus' maiden voyage to find a westward passage to the Orient. Instead of the Orient, however, Columbus reached a New World—what he called "the other world." His contemporaries neither appreciated nor acknowledged the enormous contribution Columbus had made to the expansion of European civilization, and to the creation of a new one. But we, who are the ultimate beneficiaries of his vision, courage and travail, must see that the memory of Columbus and his achievement does not suffer the same fate in 1992 as it did in his lifetime.

Although the anniversary is still 10 years away, it is not too soon to begin to plan for the observance of such an unprecedented event—the birthday of the New World. The National Italian American Foundation will undoubtedly play a pivotal role in organizing and preparing to make this the greatest celebration the world has ever known. And

you will not be alone. Groups across the Nation are already gearing up to meet the challenge of this celebration.

The Federal Government, too, must do all it can to see that this anniversary is observed appropriately and thoughtfully. To spur that effort, I have introduced legislation in the Senate to establish the Christopher Columbus Quincentenary Jubilee Commission. The Commission would be charged with planning, encouraging, coordinating, and conducting local, national and international observances and activities.

Its 31 members, most of whom would be private citizens, would be responsible for preparing comprehensive programs to commemorate the quincentenary of the voyages Columbus embarked on in 1492. Books, films, lectures, exhibits, ceremonies, and all manner of celebrations would be planned and coordinated by the Commission. Columbus' travels are well documented, and there is much to learn from him about the human spirit and the quest to discover new frontiers. The age of discovery is far from over. The Commission would work in conjunction with State, local, and foreign governments, public agencies, and private organizations to plan the 1992 celebration.

A particularly important aspect of the observance must be to consult and work with our friends and neighbors in other nations of the Western Hemisphere who share with us the Columbian legacy, and whose heritage of culture, scholarship, and creative art can contribute so much to the value and significance of the event. Italy and Spain, too, will surely wish to take a special role in our observance as they plan their own.

A celebration of the dimensions we contemplate dictates that the Federal Government play a role. My bill devises what I think is an appropriate role for Government and I hope you will help me see that it is enacted quickly.

Now, if you wonder why a Marylander of Welsh descent is leading this congressional charge, let me remind you that Baltimore boasts one of the most active, lively and civic-minded Italian-American communities in the entire United States of America. Furthermore, Baltimore is the only city in the country that, in 1792, marked the 300th anniversary of Columbus' landing by erecting a monument in his honor. That monument to Columbus, dating back to the earliest days of the Republic, still stands as a constant reminder to all Marylanders of what we owe to this very great man.

Now, to close on a note that brings us back to the realm of international relations, it is well to remember that essential to Columbus' genius was his ability to absorb the records of the past and give vitality to them in the present. Columbus was propelled and guided by history and he repaid the past by launching the future. The breadth of his knowledge is reflected in what he wrote in 1501:

"Withersoever men have sailed to this day, thither I have also sailed. I have held traffik and converse with the wise and prudent, churchmen and laymen, Latins and Greeks, Jews, and Moors. . . . During this time I have seen and made it my study to see, all writings, cosmography, histories, chronicles, philosophy, and other arts, so that the hand of the Lord plainly opened my understanding to see that it was possible to sail from hence to the Indies, and set on fire my will for the execution thereof."

Clearly, what Columbus undertook and accomplished was no mere accident. He had an indomitable will to achieve the impossible in spite of tremendous opposition and unimaginable odds. His knowledge of the past, and his belief in himself and his mission were enough to change the course of history.

I am confident that we, too, can change the course of history in our time, if we absorb the dreadful lessons of the past and if we determine that in a world haunted by the specter of nuclear war, a passage to a better New World can be discovered.●

EASTON LITTLE LEAGUE ALL STARS

● Mr. SARBANES. Mr. President, baseball has often been called the All-American Sport because its energy and team cooperation capture so much of the American spirit. I am proud to note that a group of young people from the Eastern Shore of my own State of Maryland has demonstrated an abundance of that spirit.

The Easton Little League All Stars is more than a ball team—it is a collection of highly talented young people whose athletic skills have brought enormous pride to their families and to their community.

Under the careful direction of their manager, Bill DelBiondo, and his tournament coach, Paul Gawel, these youngsters have grown in strength and maturity, overwhelming all challengers to become one of the eight top teams in the world and earning them contender status in the coveted Little League World Series. Although they ultimately did not win the series, their sportsmanship remains an inspiration to us all.

Mr. President, I ask that the articles from the Baltimore Evening Sun be printed in the RECORD to recognize these outstanding young citizens.

The articles referred to follow:

[From the Baltimore Evening Sun, Aug. 25, 1982]

EASTON KIDS GO FOR THE SERIES

(By Frank Megargee)

EASTON—It just could be the biggest thing to hit this historic town, this self-styled "Colonial Capital of the Eastern Shore," since powdered wigs and silver-buckled shoes went out.

It has everyone all but dancing in the streets. It's the Easton Little League All Stars, whose string of victories has propelled them into that boyhood dreamland—the Little League World Series at Williamsport, Pa.

Just by getting into the series, the boys become one of the top eight teams in the world.

All of which has turned this town of about 7,800 souls, normally relaxed amid antique charms, into a nearly community-wide fan club cheering on a bunch of 11- and 12-year-olds.

"Easton is bursting at the seams with pride," said Mayor George P. Murphy.

The mayor and Police Chief Edward Blessing were due to lead a motorcade of 11 cars packed with fans early today on the long drive to Williamsport, where the Easton team was scheduled to play a Michigan team today if the rain holds off.

"I expect half the town will be going," the mayor said with pardonable hyperbole.

Actually, there may be quite an exodus. Besides the mayor's motorcade, two charter buses departed this morning for the central Pennsylvania town that is the home of Little League baseball.

Some fans left yeaterday. One businessman, Ron J. Wanner, a vice president of a local manufacturing firm, was flying up with family and friends in the company Cessna.

Expected to ride in the mayor's caravan was County Councilman Richmond W. Hill, grandfather of All Star first baseman, Maury Newman, 12. Granddad had a message to read at the game's opening ceremonies from Gov. Harry R. Hughes, praising the players as "most worthy representatives of our state in this international competition."

Those who are left at home can follow the game's play-by-play on Easton and Cambridge radio stations. At the Talbot County Community Center, bleachers will be set up in the big arena and the radio broadcasts will be amplified over the sound system.

Fans are invited to come and "celebrate together," said Pat Kerns, the center's manager.

If the team makes it to the series finals Saturday, Kerns plans to set up a wide-screen television to take advantage of national network coverage.

Win or lose, the 14 Easton All Stars will be feted as champs when they return Sunday. After all, said one fan, "the worst that can happen is that they wind up the fourth best in the U.S. and eighth in the world."

They are competing against teams from Michigan, Florida and Washington state, as well as teams from Europe, Canada, Venezuela and Taiwan.

When their returning bus approaches town on Sunday they will be met by a police car and escorted to a town park for a brief tribute. "They'll be anxious to get home and we won't keep them long," said Chief Blessing. "Just long enough to show our appreciation."

Later, a bigger celebration will be held, probably Sept. 18, the chief said. There will be a parade and awards, and there is even talk of inviting Little League teams from throughout the state to march in their uniforms.

Lou E. Satchell, an accountant and father of Steve, 12, a left fielder on the All Stars, recalled that he also played left field on the Easton All Stars in the 1956-57 season and almost reached the regional competition.

"But the World Series is the ultimate goal of every little boy who ever played Little League," he said. "It's something they'll remember all their lives."

At Swann's Tire Center here yesterday, where several fans were buying charter bus tickets, two of the mothers talked about sportsmanship.

"The boys show a degree of maturity unusual for youngsters of that age," said Wadella Chase, a high school teacher whose son, Kurt, is a pitcher.

"They're confident, but not cockey," she added. "And they've set fine examples of good sportsmanship wherever they've gone."

Nina Niskey, also a teacher and the mother of Brian, another toprated pitcher, had a good word for the example set by the coaches and managers. "Even when the boys make a mistake," she said, "they

always give them a pat on the back that raises up their heads again."

Norman J. Moore, superintendent of schools, is confident the youngsters will be able to handle all the media attention and the pressure of being instant celebrities. "I know those kids from school, and I've watched the games here. I'm sure they'll settle back in their normal pattern after it's over. Meantime, they deserve all the credit they're getting."

"Sure they're under pressure, but once the game is over they become little boys again," said Margie H. Callahan, president of the Easton Little League.

Callahan said the team was getting considerable financial support from the community. So far, she said, business and individuals have donated about $3,000 to help defray travel and other expenses. Parents were paying their own way.

Two businessmen, Donald J. Swann and W. Wayne Lewis, canvassed local companies for donations for the charter buses so that fans could ride up and back at reduced rates.

Help also came from the Star Democrat, the local newspaper, which was getting out a special supplement saluting the players. Ten percent of the proceeds from that will go to the team.

As might be expected in historic Easton, even the Talbot County Historical Society got into the act by donating miniature Talbot County flags for fans to wave during the games.

"What we are seeing here," explained a spokesman for the society, "is a bit of Talbot history in the making."

A LIFETIME MEMORY IN THE MAKING

(By Dan Rodricks)

WILLIAMSPORT, PA.—Fourteen boys from Maryland's Eastern Shore, bubble gum brothers in baseball since a July victory over Homerun Baker, were scheduled to take a giant step into a dream today. They are playing some kids from up in Michigan and, win or lose, they'll leave this Boys Town of Baseball with sugar plum memories of their 12th summer.

They've been traveling together since early July and winning baseball games along the way. From that first 23-0 parade past Homerun Baker of Oxford, to their regional championship in New York last weekend, to this—the Little League World Series—the boys from Easton have been casting a sterling memory for themselves.

Theirs is one of the eight best Little League teams between Talbot County and Chia-Yi-Hsien, Taiwan. And this, in the mind of every 12-year-old who lived close enough to town to learn the game, is a very big deal.

This is a dream, the kind that doesn't sink in right away, but comes back to comfort the memory way down the line, long after pot bellies and mortgage payments.

But let us cut the philosophy.

Right now, there is this game against Wyoming, Mich. (Pop., 58,000). The first pitch was scheduled for 2 p.m., and only farmers around here are hoping the weather forecast is accurate. Showers could put the game off a day, but no matter. The boys can handle it, it seems, in any climate. They're as cool as the seeds in an Eastern Shore cantaloupe.

Their manager, Bill DelBiondo, says he's never seen such a relaxed, mature and quietly determined group of seventh-graders. No bragging, he says. No swelled heads. When these boys came up for Little League as 9-year-olds, DelBiondo and other sideline adults knew there was something special here.

"It was a cold March day when we had tryouts," DelBiondo recalled yesterday. "And they had snow jackets on. They were special, you could tell right away. They were special athletes. They could throw the ball. They could hit. They could run. They could field. They had no fear of the ball. They were all starters as 9-year olds."

This is the generation that knows DiMaggio as Mr. Coffee. They were born in 1969 or 1970, good years for Bay oysters and Easton baseball players. DelBiondo, who works for Black & Decker, is a happy man these days; he seems privileged to have inherited so much talent from a town of 7,800.

Best of all, he likes being part of the memories. The boys are having a ball. Last night, his left fielder, Tyrone Camper, was chumming it up with a couple of kids from Taiwan.

Taiwan is an occupying force here, having won the World Series each of the last five years and 10 of the last 13. They got off to a fabulous start yesterday, too, beating curly-haired Venezuelans from Maracaibo, 8-2.

Tyrone was asked how he communicates with the Taiwanese players, who are from the small town of Pu-Tzu. "Like when they say something," he explained, "I say the same thing back at them and they laugh." Simple enough. American-Taiwan relations among big people should be so good.

The kids from Easton have had a marvelous summer. No school. Baseball.

There were eight teams of 14 boys in the Easton Little League back in the spring. At the end of the season, DelBiondo and his tournament coach, Paul Gawel, selected an all-star team. The journey to the World Series started with that win over Homerun Baker. Any gang to kids that beats a team called Homerun Baker deserves champagne-flavored bubblegum.

There were fourteen more games, and the Easton gang won them all—beating Federalsburg, Greensboro, East Salisbury, Cambridge, Harundale, St. Mary's, Hagerstown, Morristown, N.J., Seaford, Del., and, finally, Millis, Mass. The last victory was the Eastern Regional Championship.

The numbers on the Easton entry show that their top pitchers, Kurt Chase (8-0) and Brian Niskey (6-0), are also the top hitters, with Chase batting .658 in tournament action and Niskey batting .525. Kelly Hawkins, the lead-off hitter and right fielder, bats .419. Niskey hit six of the team's 18 tournament home runs. Easton averaged nine runs a game to their opponents two. They hit for extra bases 40 percent of the time. Chase pitched a no-hitter in the regional championship.

These are numbers of fleeting importance, but they tell part of a summer story. The other part is that in America, baseball players come from towns like Easton; they are the sons of farmers and teachers and choir directors, accountants and doctors and truck drivers. DelBiondo's son, Mike, is the catcher. Matt Saulsbury plays second, Maury Newman is first baseman, Doug Shaw plays third. Steve Satchell, Ray Anderson and Tyrone Camper; David Derr plays the infield.

They come out of back yards and fields of dry summer grass. Tyrone used to play in a field behind a Methodist church in a place he called "the alley." He played there with his friends, his brother and father. Some of the other boys followed their brothers into Little League.

And the talent here is at times dazzling. A 12-year-old pitcher throws a ball 70 miles an hour. Shortstops scoot across second base, across the infield, making plays to first. Catchers hop and stop bad pitches. Outfielders make long, strong throws; they gaze up at fly balls, gauge them, get under them, clamp them in their gloves. The glove of a pitcher snaps back as he casually takes a return from his catcher. A third baseman attacks a bunt, barehanding it from the grass.

They have learned the game and, in their 12th summer, the game has given them an eternal dream which begets a sugar plum memory, which is all any Little Leaguer should hope for.●

LITERACY VOLUNTEERS OF AMERICA

● Mr. D'AMATO. Mr. President, Literacy Volunteers of America celebrates its 20th birthday in 1982 with 2,300 tutors and students currently working in 26 States and two Canadian Provinces.

In 1962 Ruth Colvin discovered a need for a literacy program in her community of Syracuse, N.Y. As the literacy program developed, new teaching methods, tutor training and materials were designed and published in close cooperation with educator professionals.

In 1967, the State of New York approved Literacy Volunteers as a nonprofit organization. By 1972 Literacy Volunteers had become Literacy Volunteers of America with the stated purpose "to foster literacy in the United States" (and Canada).

Today the national headquarters of LVA remains in Syracuse. A volunteer national board of directors, representing diverse Literacy Volunteer units and occupations, now works in close cooperation with the State organizations and individual units throughout the United States. Recognition and support for training, development, and programs have come from corporations, foundations, individuals, and the Office of Education. As an example, the State of New York assisted in the preparation of Read On, an instructional series, which like all other Literacy Volunteers of America publications are shared with other literacy organizations, schools, and individuals.

In 1974 Literacy Volunteers of America expanded to meet the needs of the foreign born. The "English as a Second Language" course materials were written. As with all basic reading programs, the ESL was and continues to be a 1-to-1, teach-tutor method with trained Literacy Volunteers supplying their expertise at no cost to the student. Literacy Volunteers devote themselves to the teaching of the 23,000 Americans who are functional illiterates.

Only last week in the Washington Post, a news story indicated that four Cambodian children drowned in Flori-

da because they could not interpret the danger signs.

I applaud Literacy Volunteers of America in their efforts to eradicate illiteracy in New York State and throughout the country.

I salute in particular the 40 units in the New York State organization, the extensive New York City program and the pioneering spirit of Ruth Colvin of Syracuse on the 20th birthday of Literacy Volunteers of America.

I join with them and the national organization in their drive to eliminate illiteracy in the State of New York and throughout the Nation.●

STATUS REPORT ON THE BUDGET FOR FISCAL YEAR 1982

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate a status report on the budget for fiscal year 1982 pursuant to section 311 of the Congressional Budget Act. This report reflects completed action on the Tax Equity and Fiscal Responsibility Act (H.R. 4961, Public Law 97-248), the Omnibus Budget Reconciliation Act (H.R. 6955, Public Law 97-253), and the 1982 Supplemental Appropriation Act (H.R. 6863, Public Law 97-257).

REPORT TO THE PRESIDENT OF THE U.S. SENATE FROM THE COMMITTEE ON THE BUDGET

REFLECTING COMPLETED ACTION AS OF SEPTEMBER 10, 1982

[In millions of dollars]

	Budget authority	Outlays	Revenues
Second budget resolution level	777,672	734,100	628,400
Current level	769,462	733,004	628,600
Amount remaining	8,210	1,096	200

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and which exceeds $8,210 million for fiscal year 1982, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and which would result in outlays exceeding $1,096 million for fiscal year 1982, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in revenue loss exceeding $200 million for fiscal year 1982, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.●

JUSTICE ASSISTANCE ACT OF 1982

● Mr. BIDEN. Mr. President, today in the Judiciary Committee we favorably reported the Justice Assistance Act of 1982. This is a bill that I have worked on with Senator SPECTER, the original sponsor of the bill, to move through the Judiciary subcommittee and full committee in hopes that this vitally needed program can be considered by the full Senate this Congress.

I would at this point like to commend Senator SPECTER who has worked very hard on developing this proposal that will help State and local law enforcement. As the ranking member of the Judiciary Committee, I can honestly say that politics have been put aside by Senator SPECTER and myself in a truly bipartisan effort to move this legislation through the Senate.

The Justice Assistance Act of 1982 has been developed with the fullest intention that law enforcement and the operation of criminal justice systems are primarily State and local responsibilities. Ninety-four percent of all violent crime occurs within the local or State criminal law jurisdiction, and the Federal Government should avoid possible infringement on the State and local law enforcement responsibilities. Sheer economic limitations preclude the Federal Government from offering assistance funds that would be used to subsidize local or State criminal justice programs.

Too often in the past, under the old LEAA program, assistance money was used to purchase equipment or pay salaries. Also, the former program resembled a scattershot approach with few dollars being spread so thin that achievement of success was difficult to measure.

Instead, this bill would take into account the lessons learned from the old LEAA program. Using a modest annual investment of $125 million, this program would enable State and local governments to make criminal justice improvements by implementing effective program approaches in criminal justice operations.

PROGRAMS OF PROVEN EFFECTIVENESS

One of the features of this bill, similar to a bill I introduced last June, would be funding programs of proven effectiveness such as: Career criminal prosecution; integrated criminal apprehension program (ICAP); "sting"; treatment alternatives to street crime (TASC); victim-witness assistance; arson prevention and control; prosecutor's management information system (Promis); violent juvenile offenders program (New Pride); and comprehensive crime prevention, et cetera.

We further intend that this program link research and program operations by having the National Institute of Justice be responsible for testing, evaluating, and recommending adjustments in the types of programs to be funded. This will be done with the practitioner's needs in mind. This type of evaluation will be geared to the realities of the day-to-day operations and political constraints that make up the real world of police officers and prosecutors. These reports are to be useful documents, not scientific manuscripts, which often collect dust on bookshelves. It is our intent that this program be streamlined administratively and avoid a return to previous LEAA mistakes, when limited Federal dollars were often spent in an ineffective manner.

TRAINING AND TECHNICAL ASSISTANCE

One provision of this bill calls for the Federal Government to provide grants up to 100 percent of the cost to State and local jurisdiction that request specific training or technical assistance. The intent is to provide the requesting jurisdictions with written material, training workshops, direct on-site technical assistance, so that new concepts and programs of proven effectiveness can be started. It will be the responsibility of the requesting jurisdiction to cover the operating and day-to-day costs of the program.

Training and technical assistance will also be available for management problems or specific concerns that may not necessarily entail the development of one of the concepts listed above.

Another program in the bill will be the emergency assistance funding program. When there occurs a crime problem of such a serious or epidemic proportion such as the Atlanta child murders or the drug-related violence in south Florida, the prompt support by the Federal Government to local and State agencies should be available.

We have carefully written this language to insure that the Federal Government does not needlessly intervene in matters of State and local concern. This program will only be implemented for crime emergencies or extraordinary circumstances and when State and local resources are not geared to expeditiously resolve the problem. In all situations in which these funds are used, primary responsibility for responding to the situation rests with the local or State jurisdiction. These funds are to be used to help coordinate and expediate resolution of the crime problem, following the request for assistance by the local jurisdiction.

This proposal represents a very modest authorization of $125 million a year. It is a far cry from $1 billion a year investment that was going into Federal criminal justice assistance only a few years ago. It is important that assistance funds be made available to States and cities, but in a streamlined and efficient manner. This bill is intended to do just that.

Mr. President, let me urge the Senate leadership to bring this bill before the full Senate as soon as possible. There has been a great deal of rhetoric on the crime issue that has not been followed up by action. I am

tired of statements about the administration's commitment to fight crime and then having to fight budget cuts to Federal law enforcement agencies and assistance to State and local police that OMB proposes each year. The administration has yet to support any criminal justice assistance program or offer an alternative to this or the House-passed version. On the House side, Congressman HUGHES' criminal justice assistance bill was overwhelmingly passed out of the House in February by a vote of 289 to 73. It is very possible that when the Specter/ Biden assistance bill comes to the Senate floor and is passed, a conference on the House version could be worked out in short order.

It is clear that those directly involved working in our local and State criminal justice agencies recognize that the Federal Government can play a role in assisting State and local law enforcement. The President's own Task Force on Violent Crime recommended in August 1981 that funds be available for implementing demonstration programs of proven effectiveness that require a reasonable match of State and local funds. I believe that is precisely what this bill calls for.

Finally, Mr. President, this summer Senator THURMOND and I sent out over 12,000 questionnaires to criminal justice professionals across the country asking for their opinions on pending crime legislation. The response to the questionnaire has been extraordinary, with over 4,000 filled out questionnaires returned so far. Question 3 of the questionnaire reads as follows:

Federal assistance to State and local criminal justice agencies is necessary if we are to find new successful crime fighting and crime prevention techniques?

Eighty-eight percent responded favorably to this question. This further documents that those patrolling our city streets, prosecuting arrested defendents, and working in our jails and prisons realize that technical assistance and training is a means to bettering our criminal justice system.

I ask my colleagues to join with Senator SPECTER and myself in cosponsoring this bill and seeing that it is considered for final passage as soon as possible.●

HUMAN RIGHTS IN THE PHILIPPINES

● Mr. KENNEDY. Mr. President, on September 15, President Ferdinand Marcos of the Philippines will arrive in the United States for a 6 day state visit. President Reagan will receive him at a time when human rights are being seriously violated in the Philippines. Reports of persecution, arbitrary detention, torture and disppearances in that country are all too familiar—including the crackdown of security forces presently underway in order to quell dissent at home while President Marcos is in the United States.

My friends and colleagues, Senators CRANSTON, MOYNIHAN, PELL, and TSONGAS joined me yesterday in writing to President Reagan to express their concern that President Marcos' stay here could be misinterpreted as a sign that the United States condones the violation of human rights in the Philippines. We called on the President to reverse the impression of U.S. indifference to repression in the Philippines created by last year's visits to Manila by Vice President Bush and then Secretary of State Haig, and urged the administration to take advantage of the Marcos visit to demonstrate support for the people of the Philippines in their struggle for true democracy and human rights.

In this connection, I commend to my colleagues the important article by A. Whitney Ellsworth which appeared in the September 13 New York Times. Mr. Ellsworth, who led an official delegation from Amnesty International to the Philippines in November 1981, suggests that the administration at least ask President Marcos why investigations of human rights violations by his security forces so often come to naught.

Mr. President, I ask that the full text or our letter to President Reagan be printed in the RECORD at the conclusion of my remarks, together with articles by Whitney Ellsworth in the New York Times and by William Branigin in the Washington Post.

The material follows:

U.S. SENATE,
Washington, D.C., September 13, 1982.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: We are concerned that your decision to welcome President Marcos of the Philippines for a state visit to the United States will be misinterpreted as a sign that your Administration condones the repression of the Marcos Government in the Philippines and its continuing violations of basic human rights.

We share the warm feelings of friendship by the overwhelming majority of Americans for the Filipino people. Americans and Filipinos fought side-by-side with great courage in World War II, and our shared dedication to freedom and human rights led to full independence and democracy for the Philippines after the war.

Unfortunately, there is convincing evidence, confirmed by the Department of State, that the government of President Marcos has been far from faithful to these ideals. Martial law, imposed ten years ago this month, endured for nearly a decade, only to be replaced in January 1981 with equally repressive national security measures. Throughout this period, the Marcos Government has engaged in persistent persecution of the press, labor, church, students and business leaders. There have been numerous reports of arbitrary detention, torture and disappearances; current instances of these cruel practices are described this week in the U.S. press.

The visit of President Marcos is an opportunity for you and your Administration to demonstrate America's support for the brave citizens of the Philippines in their struggle for true democracy and against the serious violations of human rights by the Marcos Government. We believe that this message is an essential reflection of the fundamental values of our nation—and is necessary to neutralize the unfortunate impression of indifference to repression created by the visits to Manila last year by Vice President Bush and Secretary of State Haig.

We strongly agree that an important element of our national security is the stability of nations that are our allies. But our allies are ultimately the peoples in those countries. It is their pleas we must hear and their rights we must heed when their government becomes their oppressor instead of their protector. The security of the United States does not require our support for the repression of the Filipino people.

We hope, therefore, that you will make the Marcos visit an occasion to enhance the cause of human rights in the Philippines. This visit can be an important signal to all peoples who look to the United States for leadership and hope, but who all too often see only the news reports of American officials embracing and toasting their oppressors.

Sincerely,

CLAIBORNE PELL.
ALAN CRANSTON.
EDWARD M. KENNEDY.
PAUL E. TSONGAS.
DANIEL PATRICK MOYNIHAN.

[From the New York Times, Sept. 13, 1982]

ABUSING FILIPINOS' RIGHTS

(By A. Whitney Ellsworth)

After President Ferdinand E. Marcos arrives in Washington on Wednesday for a state visit, perhaps our Government could stretch the bounds of hospitality and ask him why investigations of human rights violations by Filipino security forces so often come to naught.

There are repeated reports of "disappearances" of political opponents and suspected subversives, of torture and killings. A few investigations of the military for such abuses have led to dismissal, demotion and transfer, but most have not even gone that far despite clear Government policy against such abuses and laws designed to prevent them. Also, there have been reports of massacres, allegedly by paramilitary units, but investigations into them fizzle out.

One massacre occurred a year ago, Sept. 15, 1981, In early morning, 18 armed men entered the village of Sagod, near Las Navas, northern Samar. They rousted inhabitants from their houses and separated them into two groups: men and older children "who could write" in one line, women and younger children in another. Two armed men led the women and younger children across a river. They heard gunfire from the village. The other armed men soon joined the guards. All resumed their march away from the village. While crossing a ditch, three women and two children escaped. The line of march was halted in a forest.

Although some villagers recognized three armed men and their guides as having come from a nearby lumber company, the leader said he was a member of the New People's Army, the Communist Party's armed wing. He asked if the women knew where another New People's Army commander could be found and accused them of supporting the

army. The women denied this but to no avail. The men opened fire, killing almost all the women and children. The few surviving children later found carnage in the village: The men and older children had been gunned down and left in piles. Then they discovered one woman who had survived; she and some children had fled in canoes up river to the next settlement. Overall, 45 men, women and children were murdered.

Hours later, a unit of the 14th Infantry Battalion arrived and burned some of the houses after placing bodies in them. They sealed off the village, declaring it a "no man's land."

The massacre was not reported in the Manila press until nine days later. The next day, Defense Minister Juan Ponce Enrile called for a thorough investigation. The official results have never been made fully public, but the general in charge of the investigation told a provincial council that he had determined that the New People's Army had been responsible and that the matter was closed.

Survivors of Sag-od told human rights groups that they had recognized some of the men as members of the lumber companys security force. On Sept. 29, a news story in Bulletin Today by a reporter in Samar mentioned the allegation about the security force, reported its reputation for viciousness and identified the commander as a lieutenant colonel. The newspaper was taken to the house of Lieut. Col. Carlos Lademora in San Francisco, eastern Mindanao. Colonel Lademora is the leader of a paramilitary group based in Mindanao known as the Lost Command. Many of its 250 members are convicted military and civilian criminals and deserters, although about 15 officers and men, including the lieutenant colonel, are members of the Philppines Constabulary, the largest military service charged with internal security. The Government does not admit that the Lost Command is part of the armed forces, but Colonel Lademora claims that his group is a special unit of the armed forces engaged in counter-insurgency operations.

The Lost Command reportedly runs protection rackets and serves as security guards for agricultural corporations, and numerous complaints about their activities, particularly killings attributed to them, have been made to Mr. Marcos by provincial authorities and church officials but to no avail.

When Colonel Lademora saw the news story, he called a family meeting, put his son in charge and instructed him to assassinate various political leaders in the province if he did not return in seven days, and left for Manila the next day. After two days there, he reportedly disguised himself and went to Samar. When he return to San Francisco, he contacted friends to establish an alibi for himself about his presence in Mindanao on Sept. 15. The Lost Command unit in Samar was ordered to return to Mindanao by the military authorities.

Even if the Lost Command has avoided responsibility for Sag-od, Mr. Marcos should be asked why such a paramilitary group is able to operate with impunity when it could be so easily found and forced to disband. A year after Sag-od is a good time to ask these questions.

[From the Washington Post, Sept. 13, 1982]

MARCOS' VISIT HERE AIMS AT BASES PACT, IMPROVED IMAGE

(By William Branigin)

MANILA, Sept. 12—Philippine President Ferdinand Marcos goes to Washington this week for his first U.S. state visit in 16 years in the wake of a crackdown that has weakened his domestic opponents but given more ammunition to his critics abroad.

While he has played down the visit as little more than a social call on President Reagan, it is clear that Marcos attaches much more importance to it as a major milestone of his 17 years in power. Preparations for the visit have been frenetic and advance teams have been working on it in the United States for four months.

The prime mover behind the visit is the new Philippine ambassador to Washington, Benjamin Romualdez, who is also the president's brother-in-law and governor of a southern province.

When Marcos arrives in Washington for talks Thursday with Reagan, officials here say, his entourage will include at least a dozen Cabinet ministers and several hundred other persons serving in some capacity, private, or official.

Among the subjects Marcos plans to discuss with Reagan are the role of the United States in the Pacific region's security, new agreements governing two major American military bases here and economic and trade matters. But at least as important as these to Marcos will be the image he wants to project back home as leader of a former American colony meeting the American president in Washington on equal terms.

"It's important for him to show that he's a close ally of the United States, but that he's going there as an equal, not like in the past," a Western diplomat said. He recalled Marcos' last state visit to the United States in 1966, when, nervous and inexperienced in his first year in office, he went more or less hat in hand "looking for money and support" from a somewhat patronizing then-president Johnson.

Marcos had been in the United States since then but only on private and ceremonial visits.

In this perspective, the visit goes to the core of the legacy Marcos is trying to build for himself, contributing to the aura of a leadership that has already taken on some of the characteristics of a monarchy.

But while Marcos will be meeting a president considered here to be the best friend he has ever had in the White House, the visit also is fraught with dangers.

Marcos' supporters worry that opponents here and in the United States will embarrass and discredit him with massive demonstrations.

Especially irksome were plans by opposition labor leaders to stage strikes and protests this month, while the Philippine economy is suffering from sharp drops in world commodity prices affecting its leading exports.

In response, Marcos last month ordered the arrests of three leftist labor leaders and scores of antigovernment agitators. They were accused of involvement in a communist plot to carry out strikes, bombings, assassinations and the armed overthrow of the government by 1983.

In a news conference last Monday, Marcos said investigators had found handwritten evidence of such plans and had captured hundreds of firearms and explosives. He said the government's "preemptive action" had thwarted the alleged plot. Nevertheless, security forces have been alerted to guard against disturbances, especially while the president is away on the trip, which is expected to last 10 days.

Saturday, a bomb exploded in front of an overseas employment agency on a busy downtown street, killing three persons and injuring more than 20, police said. But the motive was not immediately clear.

According to Western diplomats and other independent observers, the crackdown so far generally seems to have worked. In addition to the arrests of the labor leaders and antigovernment agitators—42 are now detained and 26 others are being sought—Marcos at the same time created a 1,000-strong force of "secret marshals" empowered to kill suspected common criminals. At least 47 suspects were killed in two weeks last month before the marshals' powers were restricted.

In some ways the tough policies and charges of a plot against the government reminded Filipinos of the days before Marcos declared martial law in 1972, a year ahead of his scheduled departure from office at the end of his second presidential term. Marcos ruled under martial law until January 1981, when he lifted it and secured constitutional changes allowing him to run for a new, six-year term. He won reelection handily in June 1981 in a contest boycotted by most opposition groups.

"Now Marcos is giving a signal to people in the Philippines that he is still in control," a Western diplomat said. Marcos also could be signaling Washington that there is a potential threat to him, he added.

A Marcos aide agreed that the crackdown "served as a reminder to everyone concerned of who is in charge, whether he [Marcos] is in the country or abroad."

Diplomats and other observers said the action appeared to have taken the wind out of an increasingly militant part of the labor movement and had discouraged moderate opponents, who scheduled but then called off several protests.

"I think the real purpose of Mr. Marcos was just to generate a climate of fear so that in his absence people would be too scared to do anything," said former senator Salvador Laurel, the head of a moderate opposition grouping. However, he noted that Marcos opponents among the estimated 750,000 Filipinos living in the United States were using the crackdown as a rallying cry for demonstrations against the state visit.

Laurel said a major test for the moderate opposition would come Tuesday, when a "massive demonstration" is planned in front of the Manila cathedral. He said organizers hope to attract 25,000 to 50,000 people to protest the state visit. The only demonstration against the trip so far has been the gathering of about 70 students in front of the U.S. Embassy here last week.

Besides the domestic opposition, Philippine authorities also are concerned about the activities of opponents in the United States led by former senator Benigno Aquino, who was jailed under martial law for eight years before Marcos freed him to undergo heart treatment in Texas. Aquino later took up a fellowship at Harvard.

Armed forces Chief of Staff Fabian Ver accused Aquino Friday of collaborating with Philippine "criminals" in organizing anti-Marcos demonstrations.

Laurel said that besides their aim to end U.S. support for the Marcos government, opponents here also opposed the state visit because "it's not worth all that expense at a time when we're broke." He claimed it would cost "$20 million at least." Government officials dismissed criticism of the visit's cost, which they refused to estimate.

A Western diplomat said, however, "Whatever the trip costs, they'll get it back in compensation for the bases."

He was referring to what is expected to be a main subject for discussion during the visit: the review of a 1979 agreement on the use of huge American naval and air bases here until 1991.

The talks are not expected to go into great detail, but Marcos has indicated that he wants agreement soon on a date to begin "renegotiating" the accord before its five-year review in 1984. Officials here have said they would like to start the talks by January 1983.

The Philippine side also is expected to raise the issue of U.S. compensation for use of the bases. The current arrangement provides for a $500 million U.S. aid package during the five years, a figure that Philippine authorities consider far too low. No revised figure has been proposed officially, but the numbers mentioned informally have ranged as high as $2 billion, informed sources said.

The higher "rent"—as the Filipinos prefer to call the compensation—undoubtedly would bolster the economy, which is sagging under a $16 billion foreign debt and low prices for the principal exports of coconut, oil, copper, sugar and lumber.

The poor economic conditions in depressed rural areas have fueled the slow but steady growth of the communist New People's Army, which has been conducting an insurgency against the Marcos government.

While the bases agreement is considered the most important issue in Philippines-American relations, Marcos has indicated that he is most interested in assessing during his U.S. trip how the United States envisions its future role in Asia and its commitment to the security of the Philippines.●

MEXICAN TIME BOMB

● Mr. EAST. Mr. President, in a column carried in the Colorado Springs, Colo., Gazette Telegraph on September 5, 1982, Prof. Jeffrey Hart warns that the Mexican economic crisis poses a long-term threat to the very existence of the United States. I ask that this cautionary article be printed in the RECORD.

The article follows:

SITUATION IN MEXICO SERIOUS THREAT TO UNITED STATES

(By Jeffrey Hart)

Mexico, unable to come up with either interest payments or principal on its massive $22 billion debt, nearly went down the drain taking major banks with it. That ought to concentrate the mind.

From Poland to Tanzania, Third World and communist nations have accumulated colossal debts which have little or no chance of being repaid and which have the potential for disaster in the financial structure of the advanced nations.

The Mexican financial disaster indicates a long-term threat to the very existence of the United States as a nation.

We hear a great deal these days about an atomic holocaust, with the United States and the Soviet Union exchanging thousands of the big bombs, and Jonathan Schell in "The Fate of the Earth" has even written a spine-tingling best seller about it.

But there is a much more likely scenario for disaster.

A communist regime exists, of course, in Cuba. Marxists are in control in Nicaragua, and both El Salvador and Guatemala are battling communist insurgencies. Consider the situation if both countries, in fact, fall to the guerrillas.

The next country northward of Guatemala is Mexico.

Mexico's population growth is out of control and in consequence the country has both widespread poverty and heavy unemployment. Despite its revolutionary rhetoric, the Mexican government consists of an utterly corrupt and politically rickety one-party system. The current lame-duck president, Lopez Portillo, has outraged even his political colleagues by the size of the bundle he is taking with him as he leaves office.

Mexico would certainly be ripe for de-stabilization. With communists in control of Guatemala on its southern border, and a communist bastion off its shores in Cuba, Mexico would be an easy target for penetration and a mounting insurgency based in the mountains and the wretched barrios.

Moreover, Mexico's petroleum resources are concentrated in the southern portion of the country, where they would be strategically vulnerable from Guatemala.

Let us indulge in a bit of long-range speculation, despite the fact that it may initially seem far-fetched.

Suppose the de-stabilization of Mexico succeeds and communist guerrillas seize power, installing a Mexican Castro in the presidential palace. We then confront the fact of a communist state on our southern border, a border which we have shown little capacity to seal. The large Hispanic population in the American Sunbelt would be ripe for infiltration, and might well develop its own Marxist component. Demands that portions of the American Southwest and West be returned to Mexico might meet with widespread sympathy.

Terrorists infiltrated from Mexico and Cuba would conduct attacks throughout the Sunbelt. Guerrilla attacks would take place in Los Angeles, San Diego and El Paso. Riots would break out in Miami. With economic breakdown threatening in the United States, the federal government declares martial law, and with the United States crippled by its domestic problems the international situation deteriorates.

Communist China seizes Taiwan and opens negotiations with Japan on economic and defense matters. Castro seizes the Panama Canal. The Soviets turn off the Euro-Siberian gas pipeline, and, at an emergency energy summit conference in Moscow, demands that Germany leave NATO.

It could happen here.

In fact, something very much like it is implicit in the world view of those in this country and Europe who support, for example, the Salvadoran communist insurgents.

The socialization of the world requires that America be defeated, and the most lethal threat to America's survival comes not from Soviet missiles but from the deterioriating economic and political situations south of the Rio Grande.●

UNANIMOUS CONSENT AGREEMENT REGARDING CLOTURE VOTE ON THURSDAY

Mr. BAKER. Mr. President, I ask unanimous consent that notwithstanding the provision of rule XXII of the Standing Rules of the Senate, the roll-call vote occur on the cloture motion on the Helms amendment No. 2038 (to the Helms modified amendment No. 2031) to the debt limit bill at 2 p.m. on Thursday, September 16, and that the automatic quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, the net effect of that is to say that if cloture is not invoked tomorrow at 5 p.m. on the Helms amendment, there will be another vote at 2 p.m. on Thursday to invoke cloture on the Helms amendment.

REMOVAL OF INJUNCTION OF SECRECY—TAX CONVENTION WITH AUSTRALIA, TREATY DOCUMENT NO. 97-28

Mr. BAKER. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the Tax Convention with Australia signed at Sydney on August 6, 1982 (Treaty Document No. 97-28), transmitted to the Senate today by the President of the United States; and ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention between the Government of the United States of America and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income signed at Sydney on August 6, 1982. I also transmit the report of the Department of State on the Convention.

The Convention, based on the OECD and draft United States model income tax conventions, takes into account changes in the income tax laws and tax treaty policies of the two countries. It provides limits on the tax at source with respect to taxes on investment income and provides rules for the taxation of capital gains, business profits, personal service income and other income. It also specifies the method used to avoid double taxation and provides for administratives cooperation between the tax officials of the two countries to avoid double taxation and prevent fiscal evasion.

I recommend that the Senate give early and favorable consideration to the Convention and give advice and consent to its ratification.

RONALD REAGAN.

THE WHITE HOUSE, *September 14, 1982.*

ORDERS FOR WEDNESDAY

RECESS UNTIL 11 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATORS CHILES AND BUMPERS

Mr. BAKER. Mr. President, I ask unanimous consent that after the recognition of the two leaders under the standing order the distinguished Senator from Florida (Mr. CHILES) be recognized under special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I am advised that the distinguished Senator from Arkansas (Mr. BUMPERS) desires time on special order tomorrow and, therefore, I ask unanimous consent that after the recognition of the distinguished Senator from Florida (Mr. CHILES) that the Senator from Arkansas (Mr. BUMPERS) be recognized in sequence on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I further ask unanimous consent, after the recognition of the two leaders under the standing order, and the recognition of the Senators from Florida and Arkansas on special orders, that there be a brief period for the transaction of routine morning business to extend not past the hour of 12 noon in which Senators may speak for not more than 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further business to transact. I inquire of the minority leader if there is anything further he wishes to do during this period for the transaction of routine morning business.

Mr. ROBERT C. BYRD. Mr. President, I have nothing. I hope I am not being repetitious in asking the majority leader, as I understand it, the only remaining "must" legislation is the debt limit, the continuing resolution, and appropriations bills.

Mr. BAKER. Yes, Mr. President, those are the "must" items. There are a number of other things we could take up and would take up given the opportunity, but those are the "must" items. If those are disposed of and assuming that we have those available from the House of Representatives—I am referring now to the appropriations bills—I think I would not insist on the other items that may be on the list.

If we cannot finish, particularly if we come back after the election, there are a whole host of measures that must be dealt with. But the minority leader correctly states the situation as I perceive it.

Mr. ROBERT C. BYRD. I thank the majority leader.

RECESS UNTIL 11 A.M. TOMMORROW

Mr. BAKER. Mr. President, I see no Senator seeking recognition. I move, in accordance with the order previously entered, that the Senate stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to and, at 4:51 p.m., the Senate recessed until tomorrow, Wednesday, September 15, 1982, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 14, 1982:

THE JUDICIARY

James C. Fox, of North Carolina, to be U.S. district judge for the eastern district of North Carolina, vice a new position created by Public Law 95-486, approved October 20, 1978.

EXECUTIVE OFFICE OF THE PRESIDENT

Martin S. Feldstein, of Massachusetts, to be a member of the Council of Economic Advisers, vice Murray L. Weidenbaum, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, September 14, 1982*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
September 10, 1982.

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore on Tuesday, September 14, 1982.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O Lord, God of all creation, as You have created us with Your love and nurtured us in all good ways, we earnestly pray that Your spirit of understanding and reconciliation will mark our lives and be our daily beacon. As You have loved us, so may we express that love in ways that bring joy and blessing and respect one to another. May we experience Your spirit not only in heaven above, but in our associations with those near and dear to us. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Saunders, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3835. An act for the relief of Rutherford K. Clarke and his wife Ida T. Clarke.

EXPORT-IMPORT BANK LOAN TO COMMUNIST CHINA A DISGRACE

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, recently, the administration extended a $68,425,000 credit to the Communist dictator of Red China through the Export-Import Bank.

It is outrageous that the American taxpayers are being forced to subsidize Communist China while domestic programs like social security are in jeopardy. Though the administration claims this loan credit is "in the national interest," commonsense alone tells us that is not true.

Our own economy is in recession. Over 10 million Americans are unemployed. American small businesses are failing in record numbers. The American steel industry is in a depression, and tens of thousands of steelworkers have been laid off. Yet the administration contends that it is in our "national interest" to make a $68 million subsidized loan to help Communist China build steel plants which will then unfairly compete with our own steel industry. This kind of action is an insult to the American people. The Communist Chinese will receive these loans at below-market interest rates and yet our struggling American businesses must pay market rates.

These terrible foreign aid boondoggles should be ended immediately. If we really want to make significant cuts in the Federal budget, here is the ideal place to start.

Communist China is not one of our friends. Their repressive and tyrannical regime is the very opposite of everything America stands for. It is against our best interests, in every way, to use our tax dollars to help prop up Communist dictatorships. This $68 million Export-Import loan guarantee is a tragedy and a disgrace.

SPENDING AND TAXING ADVERSELY AFFECTING ECONOMY STILL

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, in the last 24 hours, there has been a good deal of comment about the fact that consumer spending did as well as was anticipated after taxes were cut. There also has been a lot of talk about the fact that as taxes were dropped, consumers have not seemed to spend the money.

Of course not, Mr. Speaker. At the same time that the tax cuts appeared on the American scene, we were talking about the largest single tax increase in history and naturally the American people were not willing to spend the money when they did not know how much additional tax they would have to pay.

So, in fact, that tax increase has hurt the economy already.

We also have heard some talk recently about the fact that the spending bill that we passed the other day was not going to hurt the economy. The stock market immediately reacted. It fell as a result of that spending increase and that drop was blamed specifically on the fact that Congress was overspending and was increasing the deficit.

So, as we approach the kind of economic buffoonery that is going to be foisted upon this House this week, I think we need to understand that spending and taxing are still adversely affecting the economy, as they have adversely affected the economy in the past.

REDUCTION OF 30-PERCENT WITHHOLDING TAX IN VIRGIN ISLANDS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LUGO. Mr. Speaker, today, I introduce a bill which will reduce the 30-percent withholding tax in the Virgin Islands to 10 percent for U.S. citizens and residents of the United States and for corporations organized in the United States, and allowing the Virgin Islands Legislature to reduce the tax further as it sees fit. This legislation was introduced earlier as H.R. 5113 and then as H.R. 5985. The present bill reflects the changes in the previous bills which the administration suggested. This legislation, therefore, has full administration support.

The bill addresses the need in the U.S. Virgin Islands for direct measures to attract new investment. With the numerous trade agreements the United States has entered into, the Virgin Islands is finding it increasingly difficult to compete for offshore business. Several businesses have declined with Virgin Islands government's efforts to get them to locate in the terri-

tory, citing the 30-percent withholding tax as their sole impediment. Furthermore, the 30-percent withholding tax has not produced resounding tax benefits for the Virgin Islands treasury. The burden of paying the 30-percent tax on interest has stifled business expansion due to reluctance by mainland banks to lose 30 percent of their interest on loans to Virgin Islands taxes. On the other hand, dividends have not been declared by many businesses who chose to avoid the tax by accumulating earned surplus instead of declaring dividends.

To quote the Virgin Islands Commissioner of Commerce:

With the exception of the Virgin Islands' competitors, no one wins under the existing withholding tax. The losers include Virgin Islands workers and entrepreneurs and the strangely enough Virgin Islands treasury itself.

This bill is important for the people of the Virgin Islands. It provides investment incentive that should lead to a better circulation of capital, more available mortgage money, and potential for funding a much needed housing development, but most importantly, it will provide jobs for our people.

For these reasons, I ask for your support of this bill.

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, I am pleased to join my colleagues, Mr. MILLER and Mr. ERLENBORN, in introducing the Migrant and Seasonal Agricultural Worker Protection Act. This bill repeals the Farm Labor Contractor Registration Act and puts in its place compromise legislation that is supported by a consensus of the interested organizations, including the Department of Labor, unions, farmers, migrant worker groups and food processors. I commend the diligent and devoted efforts of the members and staff of the Subcommittee on Labor Standards for developing this piece of legislation that eliminates undue redtape and harassment for farmers and other agricultural employers, while at the same time, provides real protection to migrant agricultural workers.

Mr. Speaker, my interest in the issues confronted by this legislation is longstanding. I introduced legislation in this Congress and in the 96th Congress to correct problems existing in the implementation of FLCRA. The bill we are introducing today addresses those same problems and provides a workable solution that I urge my colleagues to support.

The Farm Labor Contractor Registration Act was enacted in 1963 to protect both farmers and farmworkers from abuse by unscrupulous farm labor contractors and crew leaders. The strict requirements of FLCRA were necessary to deal with the potential problems posed by farm labor contractors who generally move with the harvest and serve as independent labor suppliers to more than one farm operation at a time. Since FLCRA's enactment, however, the Department of Labor has misconstrued the terms of the act and has imposed the act's requirements on farmers and agricultural employers who were never intended to be covered by the act. Because farm labor contractors and crew leaders are often transient and difficult to locate, the Department unfortunately began to enforce the stringent terms of the act against fixed site agricultural employers, such as farmers and processors, who were easily located at their farms or plants. These fixed site employers, however, are already held accountable for the treatment of migrant and seasonal workers under the Fair Labor Standards Act, the Wagner-Peyser Act, the Federal Unemployment Tax Act, the Occupational Health and Safety Act, the Federal Insecticide, Fungicide and Rodenticide Act, as well as several State laws. To impose the additional and unjustified burdens under FLCRA is simply unnecessary and unfair.

The legislation we are introducing today is designed to resolve the issue of who is, and who is not, a farm labor contractor under the law. At the same time, the bill guarantees significant rights and protections to migrant and seasonal agricultural workers. The bill imposes on all agricultural employers, whether or not they are required to register as farm labor contractors, certain duties and standards in their treatment of migrant agricultural employees, including requirements to provide adequate housing and transportation.

I believe this legislation provides a viable solution to the problems of the past, and effectively protects the rights and interests of agricultural employers and migrant and seasonal farm employees. Enactment of this bill is much needed by the agricultural community of this country, and I urge adoption of this bill in the form being introduced today.

TRANSFER OF CERTAIN FEDERAL PROPERTY TO CITY OF HOBOKEN, N.J.

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3620), transferring certain Federal property to the city of Hoboken, N.J., with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, lines 4 and 5, strike out "transfer at a price to be negotiated and which may be less than fair market value," and insert:

Transfer for the fair market value as determined by the General Services Administration under the guidelines set forth in this Act, at a price to be negotiated,

Page 3, after line 6, insert:

SEC. 2. In making its determination of fair market value, the General Services Administration shall recognize that the fair market value of the property is determined by the market in which it shall be sold, with the city of Hoboken being the only potential purchaser. The General Services Administration shall make every effort to expedite the sale and transfer of the property to the city of Hoboken, recognizing the hardship which would result in any undue delay in lengthy negotiations. The General Services Administration shall give full consideration to the right of the Federal Government to be compensated for the property while considering the city of Hoboken's ability to pay for the property. Furthermore, the General Services Administration shall give consideration and recognition to whatever funds and costs the Federal Government has invested in the property. The General Services Administration shall also give consideration to the fact that the city of Hoboken has been deprived of tax revenue from the property since its acquisition by the United States, in 1917, but has been required, despite its loss of tax revenue, to provide municipal services to the property.

Page 3, line 7 strike out "SEC. 2." and insert "SEC. 3."

Mr. BIAGGI (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

Mr. WALKER. Mr. Speaker, reserving the right to object, is the gentleman going to have an opportunity to explain to us what this is?

This was a rather controversial bill as I recall, when it was brought up before. Is the gentleman going to have an opportunity to explain to us what we are now doing to clean up the bill?

Mr. BIAGGI. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman.

Mr. BIAGGI. I did not realize that this was controversial. Clearly it was a subject of discussion when we brought it up before.

This is a question of transferring some land to the city of Hoboken. It is a question of the cost.

The Senate amendment to our bill originally would deal with the question of negotiating for the price at somewhat near fair market value. It was the original intention of the bill to cede the property entirely without

cost to Hoboken for a number of historical reasons.

But we have no objection to the Senate amendment.

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Further reserving the right to object, I will be glad to yield to the gentleman from California.

Mr. McCLOSKEY. I thank the gentleman for yielding.

Essentially the Senate added a Republican-inspired amendment to require when this Federal property goes to the city of Hoboken that it go at the fair market value.

There are other provisions in the bill but, in effect, they protect the Government rather than any other party.

Mr. WALKER. Further reserving the right to object, I understand what we are doing is we are going to allow the city of Hoboken to assume the property, but they will have to pay fair market value for the property under the Senate amendment?

Mr. McCLOSKEY. There are certain conditions about that fair market value negotiation, but essentially that was what the other body required.

When the House passed the bill it merely authorized the transfer of the property to the city of Hoboken. The other body added amendments in effect requiring that if Hoboken gets it that it pay the fair market value.

There are certain conditions about that, but that is essentially the nature of the Senate amendments.

From the Republican side, the gentleman from Kentucky, GENE SNYDER, has asked me to advise that there is no Republican committee opposition to the Senate amendments.

Mr. WALKER. Further reserving the right to object, do I understand, and maybe the gentleman from California can answer, or the distinguished gentleman from New York can answer, will this mean that there now will be no cost to the Government with regard to this ceding of the property.

Mr. McCLOSKEY. It means at least that, as I understand it.

The only reservation I have is whether the U.S. Government will get full market value or full value less something. Whatever it gets will be more than under the House bill.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

● Mr. GUARINI. Mr. Speaker, I am very pleased that Chairman JONES and Chairman BIAGGI and the House leadership have placed on the Consent Calendar a bill of great importance to the economic revitalization of my home county of Hudson and the city of Hoboken. This measure, H.R. 3620, as amended by the Senate, authorizes the transfer of the Hoboken pier terminals to the city of Hoboken by a negotiated sale at fair market value as determined by the General Services Administration.

The Hoboken pier terminals have been in the hands of the Federal Government since 1917. This parcel of property constitutes about 30 percent of the entire shoreline of the city of Hoboken and 50 acres of land and piers in a city that is barely larger than 1 square mile.

H.R. 3620, the bill I sponsored which seeks this negotiated return of the piers, has undergone some important revisions since it was first introduced. This noncontroversial measure was passed by the House of Representatives on March 18 of this year by a better than 7-to-1 margin. On August 19, the Senate passed a slightly amended version of H.R. 3620 by voice vote. The Senate-passed version of the bill before us today should be adopted so that this measure can become law at the soonest possible date.

The return of these piers, which have sat useless and deteriorating since 1978, will be a catalyst in the continued drive by the city of Hoboken to renovate itself. Under the outstanding leadership of Mayor Stephen Cappiello, Hoboken has become engaged in an urban revitalization of recognizable scope. By passing H.R. 3620, and allowing the negotiated transfer of this pier property back to the city of Hoboken for incorporation into the city's development plans, we would be helping a city which is helping itself.

The benefits of H.R. 3620 are many. The Federal Government will be relieving itself of responsibility for piers which are currently useless because of the revolution in the container shipping industry.

The Government would gain revenue through the sale of these piers, free itself of the responsibility to future repairs and liabilities, while at the same time allowing Hoboken the opportunity of restoring its waterfront for nonmaritime use.

There has been a great deal of talk in this Chamber about the need to sell surplus Government property. However, in few cases would the advantage be as great to the two parties involved. Hoboken is ready to find a developer who can shape this area consistent with both the nonmaritime use and the growth of the New Jersey shoreline on the New Jersey side of the Hudson River. Through incorporation of this previously unusable land, the city can continue its great renaissance.

I can assure my colleagues that this measure enjoys the full support of the administration, the Department of Transportation, the General Services Administration, the State of New Jersey, the Port Authority of New York and New Jersey, and the city of Hoboken. And as I have mentioned, H.R. 3620 was passed in the Senate by voice vote.

I ask the Members of this body for their support for this measure today. It means so much to the future development of Hoboken and Hudson County.

I want to thank Chairman JONES and Chairman BIAGGI for their efforts in leading this important legislation through the legislative process. I also want to thank Senator BRADLEY and Governmental Affairs Chairman ROTH for their work in getting this measure through the Senate.●

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BIAGGI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Public Works and Transportation; which was read and, without objection, referred to the Committee on Appropriations:

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,
Washington, D.C., August 23, 1982.

Hon. THOMAS P. O'NEILL,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of the Public Buildings Act of 1959, as amended, the House Committee on Public Works and Transportation approved the following projects on July 27, 1982:

LEASE/CONSTRUCTION

Long Beach, Calif.: 400 Ocean Gate.

Los Angeles, Calif.: Veterans Administration.

The original and one copy of the authorizing resolutions are enclosed.

Every best wish.

Sincerely,

JAMES J. HOWARD,
Chairman.

There was no objection.

COMMUNICATION FROM THE HONORABLE WILLIAM E. DANNEMEYER

The SPEAKER pro tempore laid before the House the following communication from the Honorable WILLIAM E. DANNEMEYER:

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 9, 1982.
Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule L (50) of the Rules of the House of Representatives, I am informing you that I have been served with a subpoena duces tecum from the Superior Court of the State of California for the County of Orange for records maintained in my Congressional office. The date of service was August 27, 1982.

I will make the necessary determinations required under paragraph three (3) and communicate them to you.

Sincerely yours,
WILLIAM E. DANNEMEYER,
Member of Congress.

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

(For message, see proceedings of the Senate of today, Tuesday, September 14, 1982.)

ANNUAL REPORT OF FEDERAL LABOR RELATIONS AUTHORITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Post Office and Civil Service:

(For message, see proceedings of the Senate of today, Tuesday, September 14, 1982.)

FOURTH AND FIFTH ANNUAL REPORTS ON STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Tuesday, September 14, 1982.)

ANNUAL REPORT ON ADMINISTRATION OF THE FEDERAL RAILROAD SAFETY ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Energy and Commerce:

(For message, see proceedings of the Senate of today, Tuesday, September 14, 1982.)

□ 1215

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, September 15, 1982.

SUBSISTENCE ALLOWANCE AND INSTITUTION OF COMMODORE RANK

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6804) to provide subsistence allowances for members of the Coast Guard officer candidate program, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 705 of title 14, United States Code, is amended by adding a new subsection (f) as follows:

"(f) A member of the Coast Guard Reserve not on active duty who is enrolled in an officer candidate program authorized by section 600 of title 10 leading to a commission in the Coast Guard Reserve, and is a full-time student in an accredited college curriculum leading to a bachelor's degree may be paid a subsistence allowance for each month of the member's academic year at the same rate as that prescribed by section 209(a) of title 37.".

SEC. 2. That title 14, United States Code, is amended as follows:

(1) Section 41 is amended by inserting "commodores;" after "rear admirals;".

(2) Subsection (b) of section 42 is amended by striking out "0.75;" and inserting in lieu thereof ".375; commodore .375;".

(3) Subsection (a) and (b) of section 256 are each amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(4) Subsection (b) of section 259 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(5) Section 271 is amended—

(A) by inserting a comma after "may" in subsection (c);

(B) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(C) by adding after subsection (c) the following new subsection;

"(d) When a vacancy in the grade of rear admiral occurs, the senior commodore serving on the active duty promotion list shall be appointed by the President, by and with the advice and consent of the Senate, to fill the vacancy. The appointment shall be effective on the date the vacancy occurred."

(6) Subsection (d) of section 275 is repealed.

(7) Subsection (a) of section 288 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(8) Subsection (a) of section 289 is amended to read as follows:

"(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of commodore or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of commodore. Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.".

(9)(A) Section 290 is amended—

(i) by amending the catch line thereof to read as follows:

"§290. Read admirals and commodores; continuation on active duty; involuntary retirement";

and

(ii) by amending subsection (a) to read as follows:

"(a) The Secretary shall from time to time convene boards to recommend for continuation on active duty the most senior officers on the active duty promotion list serving in the grade of commodore or rear admiral who have not previously been considered for continuation in that grade. Officers serving for the time being or who have served in the grade of vice admiral or in the position of Chief of Staff are not subject to consideration for continuation under this subsection, and as to all other provisions of this section shall be considered as having been continued in the grade of rear admiral. A board shall consist of at least five officers serving in the grade of vice admiral or as rear admirals previously continued. Board shall be convened frequently enough to assure that each officer serving in the grade of commodore or rear admiral is subject to consideration for continuation during a promotion year in which he completes not less than four or more than five years combined service in the grades of commodore and rear admiral.".

(B) The item relating to section 290 in the table of sections at the beginning of chapter 11 is amended to read as follows:

"290. Rear admirals and commodores; continuation on active duty; involuntary retirement.".

(10) Subsection (b) of section 421 is amended by striking out "rear admiral" and inserting in lieu thereof "commodore".

(11) Section 462a is repealed.

(12) Subsection (b) of section 724 is amended—

(A) by striking "rear admiral" in the first sentence and inserting in lieu thereof "commodore"; and

(B) by striking "grade of rear admiral" in the last sentence and inserting in lieu thereof "combined grades of commodore and rear admiral".

(13) Subsection (e) of section 729 is amended—

(A) by striking "the grade of rear admiral" and substituting "the grades of commodore and rear admiral"; and

(B) by inserting "for promotion to the grade of commodore" after "consideration".

(14) Subsection (b) of section 736 is amended to read as follows:

"(b) Notwithstanding any other law, when the running mate of a reserve officer serving in the grade of commodore is promoted to the grade of rear admiral, the reserve officer shall also be promoted to that grade.".

(15) Subsection (a)(2) of section 740 is amended by striking "rear admiral" and substituting "commodore".

(16) Subsection (b) of section 742 is amended by inserting "or commodore" after "rear admiral".

(17)(A) Section 743 is amended to read as follows:

"§ 743. Rear admiral and commodore; maximum service in grade

"Unless retained in or removed from an active status under any other law, a Reserve rear admiral or commodore shall be removed from an active status on the day that officer completes four years combined service in the grades of rear admiral and commodore.".

(B) The item relating to section 743 in the table of sections at the beginning of chapter 21 is amended to read as follows:

"743. Rear admiral and commodore; maximum service in grade.".

SEC. 3. (a) Section 202 of title 37, United States Code, is amended to read as follows:

"§ 202. Pay grades: commodores, retired list

"An officer of the Coast Guard holding a permanent appointment in the grade of commodore on the retired list, and who in time of war or national emergency has served satisfactorily on active duty for two years in that grade or in a higher grade, is entitled when on active duty to the basic pay of a rear admiral.".

(b) the item relating to section 202 in the table of sections at the beginning of chapter 3 of title 37 is amended to read as follows:

"202. Pay grades; commodores, retired list.".

SEC. 4. (a) An officer of the Coast Guard who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the upper half; or

(2) was serving on active duty in the grade of admiral or vice admiral,

shall after that date hold the permanent grade of rear admiral.

(b) An officer who on the day before the effective date of this Act was serving on active duty in the grade of rear admiral and was receiving the basic pay of a rear admiral of the lower half shall after that date hold the permanent grade of commodore, but shall retain the title of rear admiral.

(c) An officer who on the day before the effective date of this Act was on an approved list of officers recommended for promotion to the grade of rear admiral shall, upon promotion, hold the grade of commodore with the title of rear admiral.

(d) An officer who on the day before the effective date of this Act—

(1) was serving on active duty in the grade of rear admiral and was entitled to the basic pay of a rear admiral of the lower half; or

(2) was on an approved list of officers recommended for promotion to the grade of rear admiral,

shall, on and after the effective date of this Act, or in the case of an officer on such a list, upon promotion to the grade of commodore, be entitled to wear the uniform and insignia of a rear admiral.

(e) An officer of the Coast Guard who on the day before the effective date of this Act held the grade of rear admiral on the retired list retains the grade of rear admiral and is entitled after that date to wear the uniform and insignia of a rear admiral. Such an officer, when ordered to active duty—

(1) holds the grade and has the right to wear the uniform and insignia of a rear admiral; and

(2) ranks among commissioned officers of the Armed Forces as and is entitled to the basic pay of—

(A) a commodore, if his retired pay was based on the basic pay of a rear admiral of the lower half on the day before the effective date of this Act; or

(B) a rear admiral, if his retired pay was based on the basic pay of a rear admiral of the upper half on the day before the effective date of this Act.

(f) Unless entitled to a higher grade under another provision of law, an officer who on the day before the effective date of this Act—

(1) was serving on active duty, and

(2) held the grade of rear admiral;

and who retires on or after the effective date of this Act, retires in the grade of rear admiral and is entitled to wear the uniform and insignia of a rear admiral. If such an officer is ordered to active duty after his retirement, he is considered, for the purposes of determining his pay, uniform, insignia, and rank among other commissioned officers, as having held the grade of rear admiral on the retired list on the day before the effective date of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts (Mr. STUDDS) will be recognized for 20 minutes, and the gentleman from California (Mr. MCCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6804 was introduced on July 20 by myself, Mr. JONES of North Carolina, and Mr. YOUNG of Alaska.

Both parts of this legislation were requested by the administration in July and the bill should, I suspect, be utterly without controversy. Its purpose is to create for the Coast Guard a scheme somewhat similar to the Marine Corps platoon leader program, and the ROTC program used by the other armed services. Briefly, it would permit the Coast Guard to enlist candidates in the Coast Guard Reserve between their sophomore and junior years in college, and require them to serve on active duty for 2 months both immediately following enlistment and during the summer between their junior and senior years. While in school, participants would be provided a subsistence allowance of $100 per month, and upon graduation, they would be commissioned and expected to serve at least 3 years active duty.

This program is intended to help the Coast Guard compete with the other services in attracting certain categories of officers with special training in fields such as engineering and computer science, and to recruit officers from minority groups.

Quite obviously given the fact it has been approved by OMB, the cost of this legislation will be miniscule—approximately $100,000 a year.

The other purpose of the bill is to provide for a new grade of commodore in the officer corps of the Coast Guard. This legislation would bring the Coast Guard's officer rank structure into line with that now in use by the U.S. Navy. It would also eliminate the practice of dividing the rear admiral grade into an upper half and a lower half.

As I have said, this legislation was originally proposed by the administration. It is supported by the Coast Guard and was approved unanimously by the Committee on Merchant Marine and Fisheries.

I want particularly to thank the ranking minority member of the subcommittee, Mr. YOUNG of Alaska, the chairman of the full committee, Mr. JONES of North Carolina, and the sponsor of the amendment which added the commodore section to the bill, Mr. SNYDER, for their support of this legislation.

H.R. 6804 is a simple, but necessary bill, and I trust it will be approved today without controversy.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6804 contains two provisions regarding the personnel management and administration within the Coast Guard.

Section 1 authorizes the payment of a subsistance allowance to individuals enrolled in an officer candidate program which would be completed during two summers of training on active duty prior to graduation from college. The subsistance allowance would be paid during the 18 academic months of the junior and senior years for these individuals. This program is similar to a Marine Corps program currently in use in the Department of Defense. The program gives the Coast Guard one more tool in trying to overcome the severe shortage of officers they are experiencing in certain specialities. As such, the Coast Guard will be able to offer an incentive to individuals, particularly with engineering and computer science backgrounds as well

as those in minority groups, to enter the Coast Guard and fill the critical need for these specialties.

One concern that the subcommittee had in reporting out this bill was the administration of the program by the Coast Guard. The announced sanctions that the Coast Guard would use if a person disenrolled from the program seem to be excessive. Two years of active duty is proposed. It is the intent of the committee that should the Coast Guard implement this program, the sanctions for disenrollment from this officer candidate program should be no greater than those for disenrollment from other training programs that provide similar benefits. The report which we filed on this bill gives some guidance in this regard.

The remaining sections of the bill contain amendments to title 14 of the United States Code which would create a new rank of commodore within the Coast Guard's officer corps. These provisions would conform the Coast Guard flag officer rank designations to those used by the U.S. Navy. In time of war, the Coast Guard is to be transferred as a service in that Department. The provisions address the promotion and retention practices regarding these personnel as well as the pay and certain other transitional matters needed to fully achieve the creation of the grade of commodore. Additional questions which arose after the provision was reported by our committee, will be addressed in the other body, if I understand correctly.

Both the officer candidate subsistence allowance provision and the creation of the commodore rank are proposals that have been developed and submitted by the administration. They are noncontroversial in nature and serve to improve the personnel laws of the Coast Guard.

Therefore, Mr. Speaker, I recommend that we enact these provisions in H.R. 6804 today.

Mr. Speaker, I yield back the balance of my time.

● Mr. JONES of North Carolina. Mr. Speaker, this bill, H.R. 6804, will allow the Coast Guard to more effectively compete with the other military services for officer candidates as well as establish a new flag rank of commodore.

This legislation will allow the Coast Guard to offer Reserve enlistment to college juniors and seniors who would participate in officer candidate school during two, 2-month summer programs, and receive a monthly stipend of $100 during the school year. Candidates would have a 3-year active duty commitment upon graduation. While overall officer enlistment is satisfactory at this time, recruitment of minorities as well as those in certain professional areas, is seriously deficient. Implementation of this program will improve this situation and provide a solid basis for future recruitment.

H.R. 6804 also creates a new rank of commodore. Under present promotion procedures, a captain is promoted directly to two star rear admiral, which is divided for pay purposes, into upper and lower halves. This change would not increase the number of flag officers in the Coast Guard or make any substantive difference, but would bring the rank structure into conformity with that now used by the Navy.

The administration has requested this legislation and I urge you to support it.●

● Mr. SNYDER. Mr. Speaker, I rise to speak in support of H.R. 6804, particularly sections 2 through 5 of the bill, which create the Coast Guard commodore rank, replacing the rear admiral (lower half) designation. These changes will conform the Coast Guard's officer grade structure to that of the U.S. Navy.

The commodore provisions were added by amendment to H.R. 6804 at committee markup on August 3. The amendment adopted by the committee was a technically improved version of H.R. 6909 which I introduced, along with the chairman of the committee and the gentleman from New York, on July 29. H.R. 6909 was virtually identical to legislation requested by the administration with minor changes. Those changes have been developed in close consultation with the Coast Guard and Members on both sides of the aisle. I particularly wish to acknowledge and thank the chairman of the committee, the subcommittee chairman, the subcommittee ranking minority member, and the gentleman from New York for the assistance rendered by their staffs in preparing this piece of legislation.

The subcommittee chairman has accurately described this bill's provisions creating the rank of commodore within the Coast Guard and I feel no need to add to this discussion. The bill is straightforward and without any controversy that I am aware of. I am pleased to support this measure and urge its adoption.●

● Mr. YOUNG of Alaska. Mr. Speaker, H.R. 6804 is a bill to provide assistance allowances for members of the Coast Guard officer candidate program and to establish the grade of commodore within the Coast Guard.

This bill provides for a new officer candidate program which permits the payment of $100 a month to junior and senior year college students who enlist in the program. These students would be required to complete officer candidate school during two summers of active duty. The program is designed to attract college students in critical specialties to meet severe shortages in those areas in the officer corps of the Coast Guard.

Mr. Speaker, although this may be a needed program to attract qualified officers to the Coast Guard, the announced 2-year active duty requirement for disenrollment in the administration's letter of transmittal for this program is excessive in view of the benefit received compared to the benefit and sanctions in other officer programs. For example, disenrolled cadets can receive 3 to 4 years of college and $528 per month and have no active duty requirement. We have examined the various officer candidate programs and their sanctions for disenrollment. Only active duty enlisted personnel must complete their enlistment if they drop out of an officer program. Thus, the disenrollment sanction for the program we are considering today seems to be disproportionate and inconsistent. The proposal is designed to attract highly talented and motivated individuals needed by the Coast Guard. Thus, as proposed the announced sanction would be self-defeating because the 2-year active duty requirement would, in fact, be a disincentive. Thus, it is the recommendation of the committee that any sanction for disenrollment from an officer candidate program of the Coast Guard shall be no greater than that for disenrollment from any other officer candidate program of equal benefit to the individual.

The remainder of the bill provides for the grade of commodore in the Coast Guard. This change would conform the Coast Guard's officer structure to the other military services. The bill makes the necessary amendments to title 14, United States Code and includes some transition sections needed to institute this new rank.

During the course of the committee's consideration of this bill, additional questions arose regarding some of the changes to title 14 in the commodore sections of this bill. Attached are the responses I have received to the questions noted above which I submit for the record.

Mr. Speaker, on the basis of the above I urge that we approve this bill today.

The attachments follow:

DEPARTMENT OF TRANSPORTATION,
U.S. COAST GUARD,
Washington, D.C., September 9, 1982.

Hon. DON YOUNG,
House of Representatives
Washington, D.C.

DEAR MR. YOUNG: Enclosed are the responses to the questions forwarded with your letter of August 17, 1982 concerning the amendment to H.R. 6804 which would establish the grade of commodore in the United States Coast Guard.

I will be glad to provide any additional information which would expedite final passage of this legislation.

Sincerely,

J. S. GRASEY,
Admiral, U.S. Coast Guard, Commandant.

QUESTIONS BY MR. YOUNG OF ALASKA

Question 1. Section 2 of H.R. 6804 amends Section 290 of Title 14, United States Code. This section would provide for the consider-

ation of commodores and rear admirals for continuation on active duty. Further, it would provide that officers serving in the position of Chief of Staff are not subject to consideration under this section. This version of Section 290 read with Section 41(a) of Title 14 seems to preclude the assignment of a commodore to the position of Chief of Staff. Section 41(a) provides that the rear admiral designated by the Commandant to the position of Chief of Staff shall be the senior rear admiral for all purposes other than pay.

Is it the intention that Section 290 exclude commodores from assignment to the position of Chief of Staff?

If not, is it intended that commodores who would have served as Chief of Staff would be considered to be continued in the grade of "rear admiral" and not in the grade of commodore as the new provision is currently drafted? If this language remains the same, would it be possible that a commodore who has served in the position Chief of Staff would be considered on a continuation board prior to being promoted to the grade of rear admiral?

The exemption of the position of Chief of Staff from continuation boards in Section 290 and the senior rear admiral designation in Section 41(a) were enacted in Public Law 96-322 to recognize the organizational prominence in terms of military protocol that the position of Chief of Staff holds and to protect junior flag officers from the scrutiny of a continuation board so that they could make decisions in that sensitive position with the degree of autonomy necessary for that position. If the junior flag officers, i.e., commodores, are not intended to be assigned to the position of Chief of Staff, is it necessary to continue these provisions in Title 14?

Answer. Section 41a(b) of Title 14 and Section 290 as contained in H.R. 6804 preclude the appointment of a commodore as Chief of Staff of the Coast Guard. Given the increasingly broad managerial responsibilities of the position, future Chiefs of Staff will be chosen from among those officers serving in the grade of rear admiral. The recognition of the organizational prominence of the position of Chief of Staff in section 41a(b) and the protection from continuation board scrutiny in Section 290 continue to be necessary to aid junior rear admirals who may serve as Chief of Staff. The most junior rear admiral could still be several years junior, by date of rank, to the most senior rear admiral.

Question 2. Section 724 authorizes the number of Coast Guard Reserve officers and prescribes the percentage of that number for each grade of officer except for flag officers. Subsection (a) sets the authorized number of reserve officers at either 5,000 or a greater number determined by the Secretary of Transportation if necessary for planned mobilization requirements. Subsection (b) provides for the number of officers in each grade as a percentage of 5,000 or the greater number set by the Secretary. Flag officers are set at a fixed number of two. Accordingly, the Secretary has the discretion to increase the number of officers in the grades of O-6 and below by increasing the overall number of Reserve officers, but has no discretion with regard to the number of flag officers. Would it not be desirable to vest the Secretary with similar discretionary authority, to increase the authorized number of flag officers for the Reserve if required for mobilization purposes?

Answer. Although the authorized number of two reserve rear admirals in Section 724(b) is adequate at this time, in the context of your question, it is reasonable to vest the Secretary with the discretionary authority to increase the authorized number of flag officers for mobilization purposes. This could be accomplished by revising the last sentence of 14 U.S.C. 724(b) to read as follows (deleted matter is in brackets, new matter is in italic): "The authorized number of Reserve officers in an active status not on active duty in the grade of rear admiral is two[.]*; however, the Secretary may authorize additional officers in the grade of rear admiral as necessary to meet mobilization requirements.*"

Question 3. What was the rationale for settling on the title of "commodore"? Since some flag officers and particularly some district commanders will no longer be referred to as "admiral", do you perceive any public relations problems or decrease in public confidence in the Coast Guard because of this new designation? Will certain flag or district commander billets be designated as junior flag officer billets and thus have only commodores assigned to fill them? If so, which billets are these? Would the Coast Guard have any objection to the use of the term "commodore admiral" or other similar designation to overcome some of these problems?

Answer. The Commandant at the time the DOPMA was under active consideration by the Congress requested the Congress not make the majority of the provisions of the DOPMA applicable to the Coast Guard. In return, he committed the Coast Guard to recommending certain conforming changes to Coast Guard personnel laws. One of those commitments involved a new designation for rear admirals of the lower-half. Under the Defense Officer Personnel Management Act (DOPMA), officers of the U.S. Navy serving in the O-8 paygrade were designated rear admirals, and those in the O-7 paygrade were designated commodore admirals. A subsequent amendment to that Act redesignated commodore admirals as commodores. In accordance with the Commandant's commitment, the proposal currently before the Congress recommends designating future rear admirals of the lower-half of the Coast Guard as commodores, so as to have Coast Guard grade designations match Navy grade designations. It is this desire for uniformity with the Navy that leads us to recommend the designation commodore.

We perceive that no public relations problems or decrease in public confidence will result from the designation commodore. We are not aware of any public relations problems encountered by the Navy in the use of this designation.

We would prefer not to designate the applicable flag billets as being either commodore or rear admiral billets. Assignment decisions will be based on an evaluation of the future requirements of a billet and the individuals qualified to assume that billet, as each vacancy occurs. We may well need to have a given billet filled by a rear admiral at one time and by a commodore at another, and would prefer to retain the management flexibility to allow this type of change.

We prefer the designation commodore to the designation commodore admiral. Should the designation commodore prove to be unacceptable, one solution is to retain the current upper-half/lower-half system and the designation rear admiral, but have rear admirals of the lower-half wear one star, and rank with the one star flag and general officers of the other services, etc.

QUESTIONS BY MR. SNYDER

Question 1. The legislation has no explicit provision regarding effective date, thereby making it effective as of the date of enactment.

a. Does the Coast Guard require a deferred effective date in order to gear up for, and put into effect, the changes brought about?

b. If so, what would you recommend?

Answer. The Coast Guard does not require a deferred effective date for H.R. 6804. The transition provisions of the bill allow immediate implementation without adverse effect.

Question 2. If the commodore legislation is enacted, a certain lack of uniformity will still exist between Coast Guard and Navy continuation board reviews conducted between the grades of captain and rear admiral. Please explain the exact nature of those differences and why they should or should not continue, given the individual needs of the two services.

Answer. The continuation provision for flag officers in the Coast Guard is Section 290 of Title 14. That section as contained in H.R. 6804 provides that each commodore or rear admiral who has not previously undergone continuation board review would be subject to mandatory continuation board review between his fourth and fifth years of service as a flag officer. Under Section 290(b), not less than 50 percent or more than 75 percent of those officers undergoing continuation board scrutiny may be continued in grade.

The continuation provision for flag officers in the Navy is contained in the Defense Officer Personnel Management Act, in Section 638 of Title 10, United States Code. Under that section, officers who have served at least three and one-half years as commodore and whose names are not on a list of officers recommended for promotion to rear admiral may be considered for early retirement by a board convened at the discretion of the Secretary of the Navy.

The primary substantive difference between these continuation provisions is that Coast Guard continuation board review is mandatory, while Navy continuation boards are convened at the discretion of the Secretary of the Navy.

The mandatory continuation board review for Coast Guard flag officers and the percentages of those officers who may be continued on active duty best serve the present personnel management needs of the Coast Guard, by forcing attrition within the junior flag grades. We would prefer to maintain this mandatory system of forced attrition, rather than adopt the non-mandatory Navy system.●

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6804, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was not objection.

FEDERAL BOAT SAFETY ACT AMENDMENTS

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6813) to amend the Federal Boat Safety Act of 1971, as amended.

The Clerk read as follows:

H.R. 6813

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Boat Safety Act of 1971 (Public Law 92-75, 85 Stat. 213) is amended as follows:

(1) By inserting "contract with, and" immediately after "The Secretary may" in the second sentence of section 25(a) (46 U.S.C. 1474(a)) and in section 26(a) (46 U.S.C. 1475(a)) immediately after "promulgate, may".

(2) In section 26 (b) and (c) (46 U.S.C. 1475 (b) and (c)):

(a) by striking "appropriated" and inserting "authorized to be expended"; and

(b) by adding at the end thereof the following: "His action in doing so shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing the program.".

(3) In section 26(d) (46 U.S.C. 1475(d))—

(a) by inserting immediately after the third sentence the following: "Approval of those elements of a combined program shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing State recreational boating safety programs pursuant to this Act."; and

(b) by adding at the end thereof the following: "Approval of those elements of a combined program shall be deemed a contractual obligation of the United States for the payment of the proportional share of the cost of implementing State recreational boating facilities programs pursuant to this Act.".

(4) In section 30 (46 U.S.C. 1479)—

(a) by striking "of Appropriations" in the section heading and inserting "Contract Spending Authority";

(b) by striking "there is authorized to be appropriated" and inserting "The Secretary is authorized to expend" in subsections (a) and (b);

(c) in subsection (a) by striking "such appropriations to remain available until expended." and inserting "subject to such amounts as are provided in appropriations Acts for liquidation of contract authority, to remain available until expended. Any funds released by payment of final voucher or modification of program acceptance shall be credited to the balance of unobligated authorizations and shall be immediately available for expenditure."; and

(d) in subsection (b) by striking "such appropriations to remain available until expended." and inserting "subject to such amounts as are provided in appropriations Acts for liquidation of contract authority to remain available until expended. Any funds released by payment of final voucher or modification of program acceptance shall be credited to the balance of unobligated authorizations and shall be immediately available for expenditure.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts (Mr. STUDDS) will be recognized for 20 minutes, and the gentleman from California (Mr. MCCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 6813 is to facilitate the implementation of recreational boating safety programs in a manner consistent with the public interest and the intent of Federal law. The bill amends the Federal Boat Safety Act of 1971, as amended by the Recreational Boating Safety and Facilities Improvement Act of 1980, to enable the Committee on Appropriations to appropriate funds from the boating trust fund without causing a corresponding reduction in overall Department of Transportation budget authority.

This is accomplished by converting the existing grant authority to contract spending authority effective in fiscal year 1983 (the final year of an existing multiyear authorization), subject to the provision of liquidation of contract authority in subsequent appropriation acts.

Under the language of this legislation, the manner of review and consideration of State boating safety programs by the Committee on Appropriations will conform to those procedures utilized to provide appropriations for similar programs administered by the Federal Aviation Administration and the Federal Highway Administration in the Department of Transportation.

The Federal Boat Safety Act of 1971 represented the first attempt by the Federal Government to adopt a comprehensive approach to the improvement of recreational boating safety. To accomplish this, the act required manufacturers to build recreational boats in accordance with performance standards and provided Federal financial assistance to States to encourage the development of comprehensive State boating safety programs. The program of categorical grants developed under the 1971 statute was designed to encourage States to undertake additional responsibilities in boating safety education and enforcement, including modification of existing vessel numbering reporting systems and expansion of boating education and law enforcement. To insure consistency among the various State boating safety programs developed pursuant to the act, cooperative agreements were entered into between the States and the Federal Government.

Between 1972 and 1980 the grants-to-States program resulted in 51 of the 55 eligible jurisdictions establishing or expanding their boating safety programs in full compliance with the criteria set forth in the 1971 act. During that same time period the boating population increased from 7 million to over 14 million, yet the fatality rate from numbered vessels decreased by more than half. Significant benefits in lives saved and the prevention of property damage resulted from congressional appropriations over the 8-year period of just under $40 million.

The authorization for the 1971 statute was slated to expire at the end of 1979. Because of the tremendous success of the grants-to-States program, the committee reviewed methods to build on these achievements as well as alternative methods of funding. This resulted in what is known as the Recreational Boating Safety and Facilities Improvement Act of 1980. This act replaced the State boating safety grants programs of the 1971 law with a new fund in the Treasury called the national recreational boating safety and facilities improvement fund. The act provided for the diversion of a portion of the Federal marine fuels tax receipts into the fund so that those who benefit from the boat safety and facilities improvements rather than other taxpayers would finance the costs of such programs. A cap of $20 million was placed on the fund.

Unfortunately, no money has yet been made available from the fund for the purposes envisioned by the Congress. The goal of H.R. 6813 is to make sure that the boating safety effort does indeed go forward.

There are two simple points I wish to emphasize with respect to this legislation. First of all, we are talking here about a user fee program. The boating safety fund does not cost the general taxpayer a penny; it is financed entirely by those who benefit from boating safety projects and who pay the Federal tax on motorboat gasoline.

Second, the boating safety program has been a tremendous success. During the decade it has been in place, it has made a major contribution to the prevention of loss of life and property resulting from recreational boating accidents.

This bill was approved unanimously by the Committee on Merchant Marine and Fisheries, and I would particularly like to thank the bill's sponsors, Representatives MARIO BIAGGI and TOM EVANS, for the fine work they have put into this legislation, and into the entire area of recreational boating safety.

This is a good bill, and I hope it will be approved without any problem by the House.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is bipartisan legislation. H.R. 6813, introduced by Representatives BIAGGI, EVANS, STUDDS, and LENT on July 27, amends the Federal Boat Safety Act of 1971 as amended by the Recreational Boating Safety and Facilities Improvement Act of 1980, converts the recreational boating safety and facilities improvement fund from a discretionary spending authority to a direct (contract) spending authority.

The purpose of this change is to enable obligation of Federal moneys derived from the 4-cent-per-gallon motorboat fuel tax to support State boating safety programs—$10 million annually—and State boating facilities improvement programs—$10 million annually. The bill would eliminate having such expenditures scored, for budget purposes, against Department of Transportation appropriations ceilings. In the past a problem has occurred in appropriation actions wherein appropriations for Coast Guard operating expenses would have been reduced to offset the amount appropriated from the boating fund.

For the record, the administration opposes enactment of H.R. 6813 because it would remove expenditures from the national recreational boating safety and facilities improvement fund from the normal budget process. I think the administration is wrong.

Mr. Speaker, I yield 7 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I would like to ask a couple of questions of the subcommittee chairman or the committee chairman with regard to the bill and particularly the reason for the administration's opposition.

When they say that they oppose it because it would remove the expenditures from the normal budget process, does that imply that this is an area where they have achieved some cost savings, in their opinion, in the past year?

Mr. BIAGGI. If the gentleman will yield, if the gentleman will note, the administration objected to the legislation only as a matter of procedure rather than substance. And clearly the bill provides that the $10 million outlay and the $20 million contract authority will not come within the purview of the first budget resolution. So it will not be sent to the President until September 30. Hence, it will go over in the next resolution. But that is the only reason the administration has entered that opposition.

Frankly, the Secretary of Transportation has stated that it is consistent with the President's concept of federalism and, in addition to that, we have a user tax proposition here, which again is consistent with what the President is seeking. That clearly is the only area of opposition.

The gentleman is performing a service in raising the point so that it is clear for everyone to understand. There was no substantive opposition on the part of the administration. Only procedural. I hope my explanation was satisfactory. These expenditures will not take place within the purview of the first budget resolution.

Mr. WALKER. Well, my problem is that the administration does seem to have some concern with the budgeting process. As I say, does that mean that this is an area where they have achieved budget savings in the past and they are afraid that by taking it out from under the normal budget processes they will not be able to achieve those same savings in the future?

Mr. BIAGGI. No; it is not. The money that has been under discussion at this point, one of the questions on this point, really, comes out of the 4 cents a gallon that is charged that is obtained and flows into a fund similar to the highway trust fund and the airport and airway development fund. And these moneys are being used. No additional funding is required. We are just talking about an appropriation process. These moneys already have been collected. Really, they are dedicated funding. The problem has always been a question within the process of appropriations in the House, as to whether it should be subjected to the appropriation process, or should it automatically come out of the funds. We have preferred that it would automatically come out of the fund, but the Ways and Means Committee insisted on it coming through the regular appropriation process, and that is where we find ourselves in this case.

Mr. WALKER. I thank the gentleman. It sounds to me, though, as though this is something similar to what we have in some of the other trust funds.

Mr. BIAGGI. That is right.

Mr. WALKER. Where there has been some controversy about withholding of the money as a way of keeping down budget deficits. So what the gentleman is saying is that by moving this off budget, we would still continue to spend the money, but that the money in the trust fund could not be used as a way of mitigating to some extent the budget deficit.

Mr. BIAGGI. That is right.

Mr. WALKER. And that would be the issue that the administration is raising, that they would hope to be able to hold the money at some point as a way of keeping the budget deficit down. Is that really where the argument lies?

Mr. BIAGGI. Yes, that is true. The administration requested this appropriation process.

Mr. WALKER. I thank the gentleman.

□ 1230

Mr. McCLOSKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Speaker, in the 95th Congress, we passed, and the President signed, the Recreational Boating Safety and Facilities Improvement Act. Public Law 95-451 reaffirmed the intent of the Congress to continue a program which has proved to be a model of Federal-State cooperation resulting in the saving of many lives on our Nation's waterways.

As a result of the original Boating Safety Act of 1971, most States have implemented boating safety programs. While the numbers of boats and boaters have increased dramatically over the last decade, the total number as well as the rate of boating-related fatalities have both declined. The Federal contribution to the States under the Boating Safety Act never exceeded $10 million in any one year, but this was money that was very well spent. I am one who believes an ounce of prevention is worth a pound of cure, and money spent to prevent boating accidents is money we do not have to spend for costly and traumatic search and rescue missions and all the other problems related to accidents.

User fees are much discussed these days, and it is important to note that our boaters presently pay a tax on motorboat fuels. Public Law 95-451, earmarked $20 million from this tax to be used to provide matching grants to the States for safety and facilities programs. This action stemmed in part from the frustration of the boating community that they were being taxed, with little of the money being returned in the way of services to those people actually bearing that tax.

Under current law, expenditures from the recreational boating safety and facilities improvement fund compete against appropriations for other Coast Guard functions.

I might add that the functions of the Coast Guard have greatly expanded, because we in the Congress have mandated additional missions for the Coast Guard that go much beyond the original mission of search and rescue.

So H.R. 6813 would simply grant the Secretary of Transportation contract authority to make expenditures from the fund to assist State boating safety programs. The growth of the Coast Guard's responsibility has far outstripped the growth of its funding, as I have said before.

H.R. 6813 recognizes that this already tight funding for the Coast

Guard's search and rescue and law enforcement activities will not compete with similarly important, and in the long run very cost effective, funding for State boating safety programs.

Let me suggest again that while the number of recreational boats over the last decade or so has increased dramatically, the number of accidents and fatalities has actually gone down, so we are truly spending the taxpayers' dollars, and in this case the user fees from the boat owners' themselves in a cost-effective manner.

Safety on the Nation's waterways is very much a concern of both Federal and State governments. H.R. 6813 will make certain that highly successful State boating safety programs will continue. The money, as I have noted, is to be derived from the existing tax on motorboat fuels, and it would permit the boating public to realize direct benefits from a tax they have been paying for many years.

I urge my colleagues to support this bipartisan and very responsible legislation.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Speaker, I rise in strong support of H.R. 6813—which I authored along with my good friend and colleague from Delaware, Mr. EVANS, and the distinguished chairmen of the Committee on Merchant Marine and Fisheries and the Subcommittee on Coast Guard and Navigation.

The bill amends the Federal Boat Safety Act of 1971. It would substitute contract spending authority for categorical grant authority as the mechanism for providing Federal financial assistance to State recreational boating safety and facilities improvement programs under that act.

These programs are supported by appropriations from the recreational boating safety and facilities improvement fund. This is a user fee supported trust fund—financed with excise taxes paid by recreational boaters in the form of the 4-cent-per-gallon Federal motorboat fuel tax.

This modification to existing law is necessary to preclude appropriations from the trust fund from precipitating corresponding reductions in the Coast Guard operating expense account—further contributing to that agency's chronic fiscal shortfalls. It will insure that funds earmarked for State recreational boating safety and facilities access programs are expended for those programs—subject to authorization and obligational ceilings.

The amendment would result in the outlays of $10 million in fiscal year 1983. This is a small price to pay for preserving intact a unique Federal/State partnership that provides essential marine law enforcement and recreational boating safety education services to the boating public.

In requesting appropriations for this program in fiscal year 1983, the administration specifically endorsed it as consistent with the President's "New Federalism Initiative" in that it results in the shift of existing Federal responsibilities to the States, along with a source of matching funds to facilitate the assumption of those functions.

A decade of experience has demonstrated that federally supported, State-administered boating safety programs have resulted in the saving of thousands of lives and millions of dollars in property damage. This has been achieved at minimal cost through this unique Federal/State partnership arrangement under which the Federal Government—through Coast Guard supervision and direction—has maintained requisite national uniformity, while the States have been responsible for providing education and enforcement services.

This historic leveraging of Federal tax dollars has resulted in a 3-to-1 ratio of State in comparison to Federal expenditures.

The enactment of this legislation in this, the third and final year of a 3-year authorization of this program, is necessary to insure the continuation of this valuable program with tangible results out of all proportion to the magnitude of expenditures invloved. It will effectuate implementation of changes incorporated in 1980 amendments to this act—which I authored—designed to shift the funding responsibility for these programs, benefitting recreational boating from the general taxpayer to the boating public.

Failing enactment of these procedural amendments, in my judgment, Federal financial support for recreational boating safety may terminate. This will inevitably be reflected in higher boating accident and fatality statistics in every State.

I would point out to my colleagues that this amendment is consistent with those funding mechanisms employed in similar transportation safety-related programs financed through the highway trust fund and the airport and airway development fund.

Statutory authority for this shift in funding approach is specifically provided for in the Congressional Budget Act of 1974. Moreover, until late last week, the proponents of this measure operated on the assumption that the administration was not opposed to this shift in approach to program funding. This was based upon earlier comments received from the Secretary of Transportation and from discussions between the Department and the committee.

The administration now lodges a pro forma objection to the legislation, because it removes expenditures from the dedicated trust fund from the operation of the normal budget process, presumably, this procedural objection has no impact upon underlying administration support for the substantive program itself. I would expect then that, following successful implementation of this new funding approach this fiscal year, the committee will recommend its subsequent incorporation on a permanent basis—along with several administration-proposed amendments—as it considers necessary reauthorization of the act next year.

I, therefore, urge the support of my colleagues for this procedural amendment which is necessary to insure funding for a small user fee supported program of vital importance to the 60 million recreational boaters throughout the United States. Absent this program, recreational boating on the 25,000 miles of navigable waterways in our Nation will inevitably become an increasingly hazardous and far less enjoyable experience.

Mr. STUDDS. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding.

I want to commend the chairman of the Subcommittee on the Coast Guard, the chairman of my committee, as well as my good friend and colleague, the gentleman from New York, (MARIO BIAGGI), who has been in the forefront of this fight to provide moneys for the Federal Boat Safety Act.

This is the only act in town. It seems to me it makes sense to provide this independent authority so that we can spend the moneys that are needed for Federal boating safety programs.

Mr. STUDDS. Mr. Speaker, I yield 2 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I rise in support of H.R. 6813, the Federal Boat Safety Act amendments, which is directed to assist financially in the implementation of State recreational boating safety programs.

By shifting the existing grant authority to a contract operating authority, the provisions of the bill would do away with unwarranted competition of this program against various Coast Guard budget categories. As we all know, given the present budget constraints, the Coast Guard's crucial activities, even though inadequately funded, have taken the bulk of the appropriations leaving unfunded this also very important program designed to aid in the proper and safe operation of recreational boats.

Our 50 million recreational boaters have been paying a Federal tax of 4 cents on the gallon of marine fuel since 1980 in the belief it would return to them in the form of boating safety

and facilities improvement grants. Let us not keep our fellow Americans waiting for the funds Congress intended for them 2 years ago and could be the difference between life and death for the millions of Americans who venture into the sea in search of good time and not a calamity.

We must solve the inequity and unfreeze the more than $40 million that have accrued in the national recreational boating safety and facilities improvement fund since its creation during the 96th Congress. The action we take today is of vital importance for continuing our boating safety programs all across the Nation which have been successful in substantially reducing the rate of boating accidents and fatalities.

I urge my colleagues to vote for the passage of this legislation.

Mr. STUDDS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, just so the record will reflect, the committee report notes under departmental reports the following: H.R. 6813 was referred to the Department of Transportation for a report. No report has been returned to the committee.

The administration has not taken a formal position or had not when the committee report was issued.

Let me just observe that this is a good program. It works. It saves lives. It is inexpensive, and not only that, but it is a user fee, a concept being urged upon this committee and this subcommittee in particular practically hourly by this administration. Here is an instance where we are willing to give it a try and I urge Members to do so.

Mr. Speaker, I have no further requests for time.

● Mr. LENT. Mr. Speaker, as a cosponsor, I rise in strong support of H.R. 6813 and urge its prompt passage by this body. In addition, I want to commend my colleague from New York (Mr. BIAGGI) for his support and assistance in bringing this legislation before us today.

This bill gives me a sense of déjà vu. Two years ago, we passed the Recreational Boating Safety and Facilities Improvement Act. We set up a fund in the Treasury into which Federal motorboat fuel taxes were to be transferred with the idea of funding State boating safety programs with those taxes already paid by motorboat fuel users.

Even though the motorboat fuel taxes were earmarked for boating safety programs, the 1980 law has a built-in budgetary stumbling block which prevents the fund from being tapped without triggering cuts in other Department of Transportation spending categories. As a result, our pledge to the Nation's recreational boaters to support State boating safety and facilities improvements has not been fulfilled.

H.R. 6813 will help us keep the promise we made 2 years ago to the millions of Americans who own boats and enjoy the sport of recreational boating. It should be noted that this bill is not a budget buster for it will free up tax money already paid by boaters for boating safety programs. As a matter of fact, recreational boaters paying the 4-cents-per-gallon Federal motorboat fuel tax have paid well in excess of the $20 million fund established for boating safety programs.

Safe boating saves lives. Passage of this bill today will help resolve the "Catch 22" situation we have experienced in the past and make sure tax funds already paid for boating safety and facilities improvement are used as Congress intended. This bill accomplishes that and I urge my colleagues to vote for its passage.●

● Mr. JONES of North Carolina. Mr. Speaker, approval of these amendments to the Federal Boat Safety Act of 1971 as contained in H.R. 6813, will put an end to a situation where an unnecessary competition for limited funds has resulted in the deprivation of recreational boating programs.

The 1979 amendments to the Boat Safety Act, the Recreational Boating Safety and Facilities Improvement Act, established a dedicated trust fund made up of the already collected 4-cents-per-gallon marine fuel taxes, to support State boating safety and facilities improvement projects. The fund was authorized at $20 million per year—which is its current level—for 3 years ending in fiscal year 1983.

Attempts to move forward with the appropriation of moneys from the fund have been unsuccessful as this transaction, for budget purposes, is "scored" against the budget authority of the Department of Transportation and would result in a correspondingly lower appropriation for Coast Guard operating expenses. This legislation, H.R 6813, would correct this situation by changing the existing grant authority of the fund to contract spending authority, subject to the provision of liquidation of contract authority in subsequent appropriations acts. This reflects the procedures used to administer similar programs. Also within the Department of Transportation at the Federal Aviation Administration and the Federal Highway Administration.

Without this change, the 14 million recreational boaters in this country will continue to see their fuel taxes go unused for their stated purpose: the development and enhancement of boating facilities and safety programs. I urge your favorable vote.●

● Mr. YOUNG of Alaska. Mr. Speaker, H.R. 6813 is a bill to amend the Federal Boat Safety Act of 1971 and more specifically the national recreational boating safety and facilities improvement fund contained within that law.

The purpose of this bill is to correct the fiscal distortion in the boating trust fund's administration. It assures funding of safety and facility programs without a reduction in the Coast Guard budget authority which was attempted by the Office of Management and Budget this past year. The important result of this bill is that the funding for the Coast Guard search and rescue and law enforcement programs will not have to suffer because expenditures were made from the boating safety trust fund.

Mr. Speaker, I urge that we enact this bill today.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6813, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill just debated.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

SAILING SCHOOL VESSELS ACT OF 1982

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6580) to reform the regulation of sailing school vessels, as amended.

The Clerk read as follows:

H.R. 6580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sailing School Vessels Act of 1982".

SEC. 2. The Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390 et seq.; 70 Stat. 151), is amended as follows:

(1) Subsection (a) of the section is amended by inserting ", or any guest on board a sailing school vessel," after "purposes" in paragraph (5). Such subsection is further amended by striking out "or" at the end of paragraph (5), by striking out the period at the end of paragraph (6) and inserting in lieu thereof "; or", and by adding at the end thereof the following:

"(7) any sailing school instructor or sailing school student.".

(2) Section 2(a) is amended by striking out "and each freight-carrying vessel," and inserting in lieu thereof ", each freight-carrying vessel, and each sailing school vessel". Section 2(a)(3) is amended by striking out "and the crew" and inserting in lieu thereof ", crew, sailing school students and sailing school instructions".

(3) Section 3 is amended by striking out "and freight-carrying vessels" and inserting in lieu thereof ", freight-carrying vessels, and sailing school vessels". Section 3 is further amended by striking out "and crew," and inserting in lieu thereof ", crew, sailing school students, and sailing school instructors," and by inserting after "number of passengers" the following: ", sailing school students, and sailing school instructors".

(4) Sections 4(a), 4(b), and 5 are each amended by striking out "or freight-carrying vessel" each place it appears and inserting in lieu thereof ", freight-carrying vessel, or sailing school vessel".

(5) The first section is amended by adding at the end thereof the following:

"(f) The term 'sailing instruction' means teaching, research, and practical experience in the operation of vessels propelled primarily by sail and may include any subjects related thereto and to the sea, including but not limited to seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature.

"(g) The term 'sailing school vessel' means a vessel of less than five hundred gross tons which carries six or more individuals who are sailing school students or sailing school instructors and which the Secretary finds is principally equipped for propulsion by sail, whether or not the vessel has any auxiliary means of propulsion, and is owned or demise chartered and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and exempt from tax under section 501(a) of such Code, as now or hereafter amended, or by any State or political subdivision thereof, during such times as the vessel is operated by such organization or State or political subdivision exclusively for the purposes of sailing instruction. For purposes of this subsection, 'auxiliary means of propulsion' means mechanical propulsion equipment, not exceeding four horsepower, or such larger amount as the Secretary, by regulation, may permit, for each displacement ton of the vessel.

"(h) The term 'sailing school instructor' means any person who is aboard a sailing school vessel for the purpose of furnishing sailing instruction. Such term does not include any operator or member of the crew of such a vessel who is among those required to be aboard the vessel to meet requirement establishing under section 3 of this Act.

"(i) The term 'sailing school student' means any person who is aboard a sailing school vessel for the purpose of receiving sailing instruction.".

SEC. 3. Sailing school students and sailing school instructors shall not be considered to by seamen under the provisions of titles 52 and 53 of the Revised Statutes of the United States and any Act amendatory thereof or supplementary thereto, or for the purposes of the maritime law doctrines of maintenance and cure or warranty of seaworthiness.

SEC. 4. Each owner or charterer of a sailing school vessel shall maintain evidence of his or her financial responsibility to meet any liability incurred for death or injury to sailing school students or sailing school instructors on voyages aboard the vessel, in an amount not less than $50,000 for each student or instructor. Such financial responsibility may be evidenced by policies of insurance or other adequate financial resources.

SEC. 5. For purposes of sections 3, 4, and 6 of this Act, the terms "sailing school students", "sailing school instructor", and "sailing school vessel" have the meaning given such terms in the first section of the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956, (46 U.S.C. 390).

SEC. 6. (a) The Secretary of the department in which the Coast Guard is operating shall, after consultation with representatives, of the private sector having experience in the operation of vessels likely to be certified as sailing school vessels, prescribed rules and regulations to carry out this Act and the Act entitled "An Act to require the inspection and certification of certain vessels carrying passengers", enacted May 10, 1956 (46 U.S.C. 390b), as it related to sailing school vessels. Such rules and regulations shall reflect the specialized nature of sailing school vessel operations, and the character, design, and construction of vessels operating as sailing school vessels. Any manning requirement imposed with respect to sailing school vessels shall take into account the participation of sailing school students and sailing school instructors in the operation of such vessels. Such rules and regulations shall be prescribed not later than eighteen months after the date of enactment of this Act.

(b) Subsection (a) of this section shall take effect on the date of enactment of this Act. This Act (other than subsection (a) of this section) and the amendments made by this Act shall take effect eighteen months after the date of enactment of this Act or on the date upon which the rules and regulations referred to in subsection (a) take effect, whichever is earlier; except that if such rules and regulations take effect more than eighteen months after the date of enactment of this Act, the amendment made by section 2(4) of this Act to section 4(a) of the Act of May 10, 1956, shall take effect three months after the effective date of such rules and regulations.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Massachusetts (Mr. STUDDS) will be recognized for 20 minutes, and the gentleman from California (Mr. MCCLOSKEY) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of H.R. 6580 is to require the Coast Guard to develop marine safety regulations which are suitable to the unique nature of sailing school vessels. Sailing school vessels are operated by nonprofit educational institutions for the exclusive purpose of teaching students a variety of maritime-related subjects.

The legislation would amend section 46 U.S.C. 390 to include sailing school ships within a category now limited to small passenger and small freight carrying vessels. At present, sailing school ships are regulated either as if they were oceanographic research or large passenger carrying vessels.

The Coast Guard would be required to issue final regulations within 18 months to provide as necessary for the design, construction, alteration, or repair of sailing school vessels, and for their operation, including manning requirements and crew qualifications. More specific regulations in the areas of vessel stability, compartmentation, and utility systems, where sailing ships may differ significantly from other vessel types, may also be necessary.

Federal inspection regulations currently do not provide for sailing school vessels. Under U.S. law, sailing school ships, if not owned by a Government agency, are considered to be passenger vessels. Although regulations applicable to small passenger vessels are to some extent compatible with the operation of sailing vessels, many sailing school ships are larger than 100 gross tons and hence are governed by regulations applicable to larger passenger vessels. Many of these regulations are not appropriate for sailing school vessels, including both the requirement for vessels over 100 gross tons to be constructed of steel, and stability and compartmentation standards better suited to very large vessels.

Some sailing school ships operate under inspection regulations applicable to oceanographic research vessels, but such vessels are required to be engaged exclusively in oceanographic research or instruction. The Coast Guard has interpreted this as prohibiting formal instruction in navigation and seamanship, two primary courses of education on sailing school vessels. Merchant vessel requirements, as well as nautical school ship regulations, are similarly not appropriate for sailing school ships.

The possibility that students or instructors aboard school vessels may be viewed by the courts as seamen entitled to recover damages for injuries under maritime legal doctrines also hampers school ship operations. Wide-ranging liability for injuries to seamen has historically been justified on the grounds that seamen are in need of special protection because they are at the mercy of the vessel's master, and that the vessel operator who derives a profit from their employment should bear the costs of compensating them for their injuries. These justifications do not support the imposition of such broad liability on the operator of a sailing school ship, which operates to provide an educational opportunity for students.

H.R. 6580 would establish a new class of vessels under maritime statutes to be called sailing school ships. The new classification would remove

the school ships from certain other vessel classifications, and would also remove students and instructors, although not the crew, from classification as seamen.

The committee held a hearing on this legislation on June 17, and reported the bill without controversy on August 3. Every effort was made to accommodate suggestions from the Coast Guard for clarifying and improving the bill, and I am confident that the legislation as reported is both a sound and a necessary proposal.

I hope very much that it will be approved by the House today.

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the chairman of the Coast Guard Committee has adequately and accurately stated the situation; but for the record, it should be noted that the Coast Guard and the administration have indicated their opposition to the bill on two grounds; one, that they see no reason or benefit to be gained from treating sailing vessels or sailing school vessels differently from other passenger vessels. I think that argument has been answered by the comments of the gentleman from Massachusetts.

Second, the bill provides the Coast Guard with no guidance with respect to the regulatory treatment these tall sailing ships are to receive, and that is certainly true, but it does not seem to me again that the Coast Guard is beyond the talent or the capacity to write adequate regulations; but I wanted those matters noted for the record.

□ 1245

Mr. STUDDS. Mr. Speaker, I yield myself 1 minute.

Again, I would like the record to reflect that the administration did not testify in opposition to this bill. Hearings were held, the Coast Guard did testify; there was no great controversy at the hearing.

I would think even the administration would concede we ought not to require sailing vessels to be made of steel.

Mr. Speaker, I urge adoption of the bill.

● Mr. JONES of North Carolina. Mr. Speaker, the Sailing School Vessels Act of 1982, H.R. 6580, is intended to correct inhibitions on existing law which deter the development and operation of sailing schools by requiring vessels used in these educational programs to meet unnecessary Federal regulations.

Currently, sailing school vessels are not specifically addressed in Federal regulations, but are instead covered by either those designed for passenger vessels or ships involved in oceanographic research. Many of these requirements are inappropriate given the unique use of the vessel and incompatible with its teaching purpose.

Specifically, H.R. 6580 would establish a new class of vessels, "sailing school ships," and require the Coast Guard to promulgate new inspection regulations within 18 months of enactment which address the peculiar design, construction, alteration, or repair of sailing school vessels, as well as their operational requirements, including staffing and crew qualifications. The bill would also eliminate students and intructors, although not crew, from classification as seamen.

I urge my colleagues to vote to suspend the rules and approve this bill, helping at least in a small way to carry on the seafaring traditions of our country through the continuation of the nonprofit sailing schools which operate these vessels and train the sailors of tomorrow.●

● Mr. YOUNG of Alaska. Mr. Speaker, I urge support for passage of H.R. 6580, the Sailing School Vessels Act of 1982.

This bill permits the Coast Guard to regulate sailing school vessels used for navigation instruction while taking into account the particular nature of sail-powered vessels. Current statutes provide for regulation of steel-hulled, machine-powered vessels or passenger and ocean research vessels. Vessels propelled primarily by sail do not easily fit into these categories necessitating this change. Specifically, the bill would permit the Coast Guard to address the differences in vessel stability, compartmentation, and utility systems in developing the safety regulations for these vessels. Further, only those who are in the legitimate business of teaching sailing ship navigation would be permitted to operate under this law.

Mr. Speaker, in view of the above, I recommend that we enact H.R. 6580.●

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6580, as amended.

The question was taken.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 6580.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, as amended.

The Clerk read as follows:

H.R. 6946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "False Identification Crime Control Act of 1982".

SEC. 2. Chapter 47 of title 18 of the United States Code is amended by adding at the end the following:

"§ 1028. Fraud and related activity in connection with identification documents.

"(a) Whoever, in a circumstance described in subsection (c) of this section—

"(1) knowingly and without lawful authority produces an identification document or a false identification document;

"(2) knowingly transfers an identification document or a false identification document knowing that such document was stolen or produced without lawful authority;

"(3) knowingly possesses with intent to use unlawfully or transfer unlawfully five or more identification documents (other than those issued lawfully for the use of the possessor) or false identification documents;

"(4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor) or a false identification document, with the intent such document be used to defraud the United States; or

"(5) knowingly produces, transfers, or possesses a document-making implement with the intent such document-making implement will be used in the production of a false identification document or another document-making implement which will be so used;

or attempts to do so, shall be punished as provided in subsection (b) of this section.

"(b) The punishment for an offense under subsection (a) of this section is—

"(1) a fine of not more than $25,000 or imprisonment for not more than five years, or both, if the offense is—

"(A) the production or transfer of an identification document or false identification document that is or appears to be—

"(i) an identification document issued by or under the authority of the United States; or

"(ii) a birth certificate, or a driver's license or personnal identification card;

"(B) the production or transfer of more than five identification documents or false identification documents; or

"(C) an offense under paragraph (5) of such subsection;

"(2) a fine of not more than $15,000 or imprisonment for not more than three years, or both, if the offense is—

"(A) any other production or transfer of an identification document or false identification document; or

"(B) an offense under paragraph (3) of such subsection; and

"(3) a fine of not more than $5,000 or imprisonment for not more than one year, or both, in any other case.

"(c) The circumstance referred to in subsection (a) of this section is that—

"(1) the identification document or false identification document is or appears to be issued by or under the authority of the United States or the document-making implement is designed or suited for making such an identification document or false identification document;

"(2) the offense is an offense under subsection (a)(4) of this section; or

"(3) the production, transfer, or possession prohibited by this section is in or affects interstate or foreign commerce, or the identification document, false identification document, or document-making implement is transported in the mail in the course of the production, transfer, or possession prohibited by this section.

"(d) As used in this section—

"(1) the term 'identification document' means a document made or issued by or under the authority of the United States Government, a State, local or foreign government, or an international governmental or quasi-governmental organization which, when completed with information concerning a particular individual, is of a type commonly accepted for the purpose of identification of individuals;

"(2) the term 'produce' includes alter, authenticate, or assemble;

"(3) the term 'document-making implement' means any implement or impression specially designed or primarily used for making an identification document, a false identification document, or another document-making implement;

"(4) the term 'personal identification card' means an identification document issued by a State or local government solely for the purpose of identification; and

"(5) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other possession or territory of the United States.

"(e) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

SEC. 3. The table of sections at the beginning of chapter 47 of title 18 of the United States Code is amended by adding at the end the following:

"1028. Fraud and related activity in connection with identification documents.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 6946, the False Identification Crime Control Act of 1982 was reported favorably to the House by the Committee on the Judiciary on August 10, 1982, by a voice vote.

False identification, in the last decade, has become a technique widely used by fugitives to avoid apprehension by law enforcement officials. False identification is used by illegal aliens to infiltrate the United States and to take advantage of the opportunities and expensive protection and benefits we provide for our citizens.

The use of assumed identities by criminals is one of the oldest means to avoid detection since criminals began running away from the scene of the crime. In modern society the numerous types of financial transactions and the need for personal security has led to the need to prove one's identity frequently. A person seeking to establish a new identity must therefore obtain the documents that verify that identity or else risk arousing suspicion and apprehension. Hence, there now exists a thriving market in counterfeit and stolen identification documents.

The question of how to deal with the problem has engendered a great deal of thought and study. Six years ago a Federal Commisson on False Identification reported on the need for protection of identification documents.

What has evolved is an ad hoc system that is based on driver's licenses and birth certificates, documents that are issued by the States. We need to protect State-issued documents of identity and it is with that goal that this bill is brought to the House for consideration.

H.R. 6946 creates three new offenses dealing with the counterfeiting and transfer of counterfeit and stolen identification documents and the equipment used to make false identification. It also creates an offense covering the possession of five or more false identification documents, and a prohibition on the possession of false identification documents with the intent to defraud the United States.

These offenses deal only with Government-issued identification and not those used by private organizations. Both State-and local-government-issued identification and foreign governmental or international quasi-governmental identification are also covered.

In the case of State-and local-issue identification, primarily birth certificates and driver's licenses, the bill provides for strong penalties for the production of these documents without lawful authority. That is because driver's licenses and birth certificates are the basic types of identification that are relied upon for the issuance of passports, social security cards and most of the other identification documents that the Nation relies upon.

The bill also carries an important exception for the activities of investigative, protective, and intelligence agencies which often need to produce documents for undercover police officers or to protect Federal witnesses and others.

I want to compliment my good friend from Illinois, HENRY HYDE, for his leadership on this issue. He has worked most diligently for a number of years, almost singlehandedly, to bring this issue to a proper resolution.

Mr. Speaker, I also want to commend my colleague from Michigan, HAL SAWYER, the ranking minority member of the Subcommittee on Crime of the Committee on the Judiciary for his leadership in this area. They have worked most diligently for a number of years to bring this issue to a proper resolution.

Mr. Speaker, this bill is the culmination of more than 8 years of work on the false identification issue by private industry, the Justice Department, many State and local officials, and the Congress.

Mr. Speaker, the administration supports this bill. It is a noncontroversial bill and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join the chairman of the subcommittee in urging my colleagues to vote in favor of H.R. 6946, the False Identification Crime Control Act of 1982. This is another bipartisan effort of the Subcommittee on Crime which has been endorsed by the administration.

Testimony before the subcommittee clearly demonstrated that there is an urgent need for Federal legislation to prevent the manufacturers and distributors of false identification documents from peddling their products with impunity. As the gentleman from Illinois (Mr. HYDE) demonstrated with the exhibits he presented to the subcommittee, these criminals shamelessly advertise in national magazines to provide identification tailored to the needs of the purchaser. If the buyer is a criminal, or course, these documents facilitate a variety of enterprising exploits—illegal immigration, drug smuggling, and terrorism.

Earlier this year, law enforcement officers in the State of Michigan brought to my attention the fact that false identification manufacturers are fueling the teenage drunk driving problem, while they line their own pockets. Their services are heavily advertised around high school and college campuses and in periodicals aimed at a young audience. While it is true here, as it is with the crime problem in general, that the primary responsibility for addressing this problem is at the local level, there is clearly a role for the Federal Government to play. Certainly, its involvement is appropriate where the trafficking involves Federal documents. In addition, there are many instances where the activities of a manufacturer outside of a State can thwart that State's efforts to protect the integrity of its own documents. In Michigan, for instance, the State

police have established a 13-county area crackdown on the use of false identification documents by minors in purchasing liquor. Obviously, Federal obstacles to the influx of false ID's manufactured outside of the State would be of invaluable help.

In response to this problem, I introduced H.R. 6105, which concentrated on manufacturers who send phony ID's to minors. Most of the conduct which would have been proscribed in my bill is contained in H.R. 6946. In addition, H.R. 6946 provides strong penalties for those who produce identification documents without lawful authority or transfer them knowing that they are stolen or unlawfully produced and for those who produce, transfer or possess implements specially designed for producing false identification. The most serious offenses are punishable by a $25,000 fine and/or 5-years imprisonment. Certainly, these penalties will provide a strong disincentive to manufacturers and traffickers in false identification. H.R. 6946, coupled with existing State and Federal laws prohibiting fraud against the Government, will provide an arsenal for the various levels of Government to combat this costly sort of crime.

Let me emphasize to my colleagues that H.R. 6946 covers only major manufacturers and traffickers in false identification documents and hardcore criminals who use multiple documents to create false identities. It would not cover the use of a phony driver's license by a minor to buy liquor. This problem is more appropriately addressed by the State and local governments. However, H.R. 6946 will assist them by detering the manufacture and distribution of false identification documents.

Mr. Speaker, I believe that H.R. 6946 will put an end to the carefree pandering to alcohol abuse and crime by these greedy companies who seem impervious to the suffering that drunk driving and crime generate. I urge my colleagues to vote in favor of H.R. 6946, as it was reported by the Judiciary Committee.

Mr. Speaker, I reserve the balance of my time.

Mr. HUGHES. Mr. Speaker, I have no requests for time, and I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. I thank the gentleman for yielding this time to me.

Mr. Speaker, I am delighted to reach this pinnacle of legislative progress today because it has been at least 5 years since I have been involved with this issue.

It was first brought to my attention by Frances Knight, who was formerly in charge of the Passport Division of our State Department. She presented me with a thick report of an advisory commission, the Federal Advisory Commission on False Identification, which certainly captured my interest because it underscored the dimensions of this very serious problem.

I am pleased to say that with the advent of the gentleman from New Jersey (Mr. HUGHES) as the ranking member of the Subcommittee on Crime of the Committee on the Judiciary, and the gentleman from Michigan, Mr. HAL SAWYER, who is the ranking Republican on that committee, the legislation finally saw the light of day and received the enthusiastic support of the committee, not only the members of the committee, the distinguished chairman, and ranking member, but the staff who contributed many long hours on this matter; Hayden W. Gregory, Eric Sterling of the majority staff, and Deborah K. Owen of the minority staff, who were indispensable in fashioning this legislation into the excellent bill that it is today, with the support of the Department of Justice.

So with many thanks to all who have contributed, I urge adoption of this very important piece of legislation.

Mr. FISH. Mr. Speaker, will the gentleman yield to me?

Mr. HYDE. I would be glad to yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding.

As a member of the Subcommittee on Crime, I recall when the gentleman from Illinois appeared before us and contributed so much to the concept of deterring the use of false ID's and the control of this abuse as one more step in our fight to deter illegal use by criminals.

This was the initiative of the gentleman from Illinois. I want to thank the gentleman for bringing this up, and I compliment the chairman of the committee and the ranking member for bringing this bill to the floor today.

Mr. HYDE. I thank the gentleman.

Mr. Speaker, let me just say that when this CONGRESSIONAL RECORD is printed, I intend to take these remarks and mail them to Frances Knight as a memento that justice is sometimes delayed but never denied.

Mr. Speaker, as the sponsor of H.R. 352, the bill which was considered by the Subcommittee on Crime, and as sponsor of similar measures in past Congresses, I want to commend the chairman of the subcommittee (Mr. HUGHES) and the ranking minority member (Mr. SAWYER) for recognizing the urgent need for Federal legislation prohibiting the criminal misuse of identification documents. This pernicious crime has been able to thrive upon various loopholes in the Federal law and the inability of individual States to control the counterfeiting of their documents beyond their borders. H.R. 6946, as reported by the Judiciary Committee, will finally enable us to address a phenomenon that has gone unchecked for far too long.

My concern in this area began in early 1977, when Frances Knight, then Director of the Passport Office, called my attention to a report which had just been issued by the Federal Advisory Committee on False Identification (FACFI). The report culminated a 2-year study conducted under the auspices of the Justice Department, and concluded that false identification crime was a serious national problem that had been virtually ignored.

Criminals use false credentials as a shield to prevent law enforcement authorities from discovering their activities in drug trafficking, credit card fraud, passport fraud, illegal immigration, welfare fraud, terrorist activities, and other aspects of organized crime. The cost to American taxpayers was estimated at over $16 billion annually in 1976 when the FACFI report was issued. This was a modest estimate then, and testimony before the subcommittee suggests that the problem is even greater now.

Let me cite a few examples of how false identification facilitates a wide variety of crime. Bernard Welch, the convicted murderer of Washington heart specialist Dr. Michael Halberstam, had more than 20 false identities which he apparently used in fencing stolen valuables. Kristina Bersten, a member of the Baader-Meinhof gang of terrorists in West Germany, used an altered Iranian passport to cross the Canadian border before she was caught in Vermont by Federal authorities, and then deported. The well-known terrorist, Carlos "the Jackal," uses all varieties of false identification as he travels from country to country.

Curbing the misuse of identification documents will have a substantial impact in other problem areas, such as illegal immigration. The attorney general of Illinois, Tyrone Fahner, recently said that spot checks during a 2-week period showed that 45 percent of the aliens who applied for jobless benefits were illegal aliens who were not entitled to such benefits. Every-one of those illegal aliens had a counterfeit card that showed him to be in the United States legally. Mr. Fahner has estimated that unless the practice is stopped, illegal aliens in Illinois will be able to collect as much as $66.2 million each year in fraudulent unemployment benefits. Obviously, Federal legislation which would deter the production of these instrumental documents would lessen the burden of illegal immigration on the States.

The FACFI report identified two legislative problems. First, Federal law generally relates to specific documents and is inconsistent in the activities it proscribes. The offenses are multitudinous and there is an urgent need for

an organized and consolidated tool that the prosecutor can use in this area. Second, Federal law does not address interstate trafficking in State documents. This is clearly an area where the States need Federal assistance.

My bill, H.R. 352, was designed to address both of these problems and was specifically endorsed in the FACFI report. The committee's bill, H.R. 6946, clarifies the language of H.R. 352 to bring it more into line with the amendment which I successfully offered to the proposed new Criminal Code 2 years ago. H.R. 6946 also improves the penalties applicable to producers and distributors of phony Federal and State identification documents and the implements used in making them. As reported by the committee, H.R. 6946 will undoubtedly be instrumental in drying up the source of these documents.

Mr. Speaker, 2 years ago, the Judiciary Committee voted to crack down on false identification fraud when it amended the Criminal Code reform bill. Unfortunately, that bill never made it to the floor. Today, in the context of separate legislation, we have another opportunity to close the loopholes in Federal law governing identification documents which give so much aid and comfort to the criminal element in this country. I urge my colleagues to support H.R. 6946.

Mr. HUGHES. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MAZZOLI).

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT DURING 5-MINUTE RULE ON WEDNESDAY AND THURSDAY, SEPTEMBER 15 AND 16, 1982

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on Wednesday and Thursday, September 15 and 16, 1982.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield further to me?

Mr. HUGHES. I would be glad to yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I would like to join in what has been said about my good friend from New Jersey and his leadership on the Subcommittee on Crime of the Committee on the Judiciary, putting forth a bill today with my other good friend from Michigan, Mr. SAWYER. I think it is going to make a very healthy contribution to conquering some of the rampant misuse of documents and, of course, leading to misuse from a crime standpoint. I want to thank him for his leadership.

Mr. HUGHES. I thank the gentleman from Kentucky.

Mr. Speaker, as the gentleman knows, this will dovetail very nicely with the comprehensive immigration bill that the distinguished chairman of the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary has developed and on which our committee is about to begin markup.

I thank the gentleman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the bill, H.R. 6946, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 1300

PENALTIES FOR CRIMES AGAINST CABINET OFFICERS, SUPREME COURT JUSTICES, AND PRESIDENTIAL STAFF MEMBERS

Mr. HUGHES. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 907) to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes, as amended.

The Clerk read as follows:

S. 907

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (a) of section 351 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills any individual who is a Member of Congress or a Member-of-Congress-elect, a member of the executive branch of the Government who is the head, or a person nominated to be head during the pendency of such nomination, of a department listed in section 101 of title 5 or the second ranking official in such department, the Director (or a person nominated to be Director during the pendency of such nomination) or Deputy Director of Central Intelligence, or a Justice of the United States, as defined in section 451 of title 28, or a person nominated to be a Justice of the United States, during the pendency of such nomination, shall be punished as provided by sections 1111 and 1112 of this title.".

(b) Section 351 of title 18 of the United States Code is amended by adding at the end the following:

"(h) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

"(i) There is extraterritorial jurisdiction over the conduct prohibited by this section."

SEC. 2. (a) The section heading of section 351 of title 18 of the United States Code is amended to read as follows:

"§ 351. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties".

(b) In the table of sections at the beginning of chapter 18 of title 18 of the United States Code, the item relating to section 351 is amended to read as follows:

"351. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault; penalties.".

(c) The chapter heading of chapter 18 of title 18 of the United States Code is amended to read as follows:

"Chapter 18—CONGRESSIONAL, CABINET AND SUPREME COURT ASSASSINATION, KIDNAPING, AND ASSAULT".

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 18 reads as follows:

"18. Congressional, Cabinet, and Supreme Court assassination, kidnaping, and assault ..... 351".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by striking out "(violations with respect to congressional" and all that follows through "assault)" and inserting in lieu thereof the following: "(violations with respect to congressional, Cabinet, or Supreme Court assassinations, kidnaping, and assault)".

SEC. 3. (a) Subsection (a) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(a) Whoever kills (1) any individual who is the President of the United States, the President-elect, the Vice President, or, if there is no Vice President, the officer next in the order of succession to the Office of the President of the United States, the Vice President-elect, or any person who is acting as President under the Constitution and laws of the United States, or (2) any person appointed under section 105(a)(2)(A) of title 3 employed in the Executive Office of the President or appointed under section 106(a)(1)(A) of title 3 employed in the Office of the Vice President, shall be punished as provided by sections 1111 and 1112 of this title.".

(b) Subsection (e) of section 1751 of title 18 of the United States Code is amended to read as follows:

"(e) Whoever assaults any person designated in subsection (a)(1) shall be fined not more than $10,000, or imprisoned not more than ten years, or both. Whoever assaults any person designated in subsection (a)(2) shall be fined not more than $5,000, or imprisoned not more than one year, or both; and if personal injury results, shall be fined not more than $10,000, or imprisoned not more than ten years, or both.".

(c) Subsection (g) of section 1751 of title 18 of the United States Code is amended by striking out "this section" and inserting in lieu thereof "subsection (a)(1)".

(d) Section 1751 of title 18 of the United States Code is amended by adding at the end the following:

"(j) In a prosecution for an offense under this section the Government need not prove that the defendant knew that the victim of the offense was an official protected by this section.

"(k) There is extraterritorial jurisdiction over the conduct prohibited by this section."

SEC. 4. (a) The section heading of section 1751 of title 18 of the United States Code is amended to read as follows:

"§ 1751. Presidential and Presidential staff assassination, kidnaping, and assault; penalties".

(b) In the table of sections at the beginning of chapter 84 of title 18 of the United States Code the item relating to section 1751 is amended to read as follows:

"1751. Presidential and Presidential staff assassination, kidnaping, and assault; penalties.".

(c) The heading of chapter 84 of title 18 of the United States Code is amended to read as follows:

"Chapter 84—PRESIDENTIAL AND PRESIDENTIAL STAFF ASSASSINATION, KIDNAPING, AND ASSAULT"

(d) The table of chapters at the beginning of part I of title 18 of the United States Code is amended so that the item relating to chapter 84 reads as follows:

"84. Presidential and Presidential staff assassination, kidnaping, and assault ..... 1751".

(e) Subsection (c) of section 2516 of title 18 of the United States Code is amended by striking out "(Presidential assassinations, kidnaping, and assault)" and inserting in lieu thereof "(Presidential and Presidential staff assassination, kidnaping, and assault)".

The SPEAKER pro tempore. Is a second demanded?

Mr. SAWYER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HUGHES) will be recognized for 20 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be able to bring this important bill to the floor today. S. 907, a Senate bill, as amended, would add certain high-level Federal officials to the protection of existing Federal law by providing criminal penalties for killing, kidnaping, attempting to kill or kidnap, or assaulting these officers.

Section 351 of title 18 currently protects Members of Congress and Members of Congress-elect. S. 907 would amend section 351 to add Cabinet Secretaries and nominees, and second in command in Cabinet departments; the Director and Deputy Director of the CIA and nominees to be CIA Director; Supreme Court Justices and nominees.

Section 1751 of title 18, protecting the President and Vice President, and President-elect and Vice President-elect, someone legally acting as the President; and if no Vice President those in line of succession to the Presidency.

S. 907 would amend section 1751 to add senior staff members in the President's and Vice President's office to its coverage. The reason behind these amendments is obvious. Those who will be added to the protection of the Federal law are high-ranking Federal officers, officers involved in controversial and high visible activities. Unfortunately, along with their high positions they incur risks to their personal safety. Currently, attacks on these Federal officials can generally be prosecuted only by State and local authorities. While the protections of State and local laws may often be adequate, it seems much better to avoid the inconsistencies in the scope of protection and in the punishment meted out to the attackers by making such attacks Federal crimes to be investigated, prosecuted, and punished by Federal authorities.

S. 907 also makes explicit that these statutes apply extraterritorially, so that no matter where an attack might occur the United States can prosecute. The need for this legislation is especially urgent in light of the tragic attack on President Reagan last year that left his press secretary, Jim Brady, permanently disabled, and the very recent attack on Supreme Court Justice Byron White, which fortunately did not cause serious injury to Justice White.

I do not believe that there is any controversy whatsoever about the substance of S. 907. Indeed, the President just this past Saturday in his radio address singled out S. 907 as one of the pieces of legislation requiring immediate attention by the Congress. I am happy to say this morning that the full Judiciary Committee reported out S. 907, and I do not think we could expedite a piece of legislation any more than we have expedited this particular one.

I want to particularly commend again my distinguished ranking minority member, HAL SAWYER of Michigan, without whose cooperation we could not have had this legislation before the House today. I urge the Members to vote to suspend the rules and pass S. 907, as amended. It is a good piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join the chairman of the subcommittee in urging this body to pass S. 907. This bill generated no controversy during our committee's consideration and has been endorsed by the administration.

Recent attacks on well-known public figures, such as President Reagan, Press Secretary Jim Brady, and Supreme Court Justice Byron White, have highlighted the need for this legislation. S. 907 would make it a Federal crime to kill, kidnap, or assault:

Cabinet heads and persons nominated to those positions;

Deputy Cabinet heads;

The Director of Central Intelligence, a person nominated to be Director, and the Deputy Director;

Supreme Court Justices and nominees; and

High-level staff appointed by the President and Vice President.

The subcommittee also made two changes in the bill to clarify certain aspects of these offenses. First, S. 907 will provide for explicit extraterritorial jurisdiction over these offenses. Under current law, for instance, the defendant in the Leo Ryan murder case raised the issue that there was no extraterritorial jurisdiction over that offense. While the Court correctly held, in my view, that there was extraterritorial jurisdiction, there is no guarantee that other courts will make the same decision in the future. S. 907 corrects this deficiency. In addition, it clarifies the fact that the defendant need not be aware of the victim's official status. The Federal interest in protecting these high-level officials is sufficient to warrant excluding such a showing.

As I have frequently pointed out to my colleagues, the Federal Government's role in fighting violent crime is a limited one under our Constitution. S. 907 covers an area where the Federal Government's interest is substantial and the appropriateness of its involvement is unquestionable. I urge my colleagues to vote in favor of S. 907 so that assaults on highly regarded public figures such as Jim Brady will no longer go unpunished under Federal law.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. HUGHES) that the House suspend the rules and pass the Senate bill, S. 907, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

DIRECTING CLERK OF THE HOUSE TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 3517

Mr. MAZZOLI. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 405) directing the Clerk of the House of Representatives to make corrections in the enrollment of H.R. 3517, and I ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. FISH. Mr. Speaker, reserving the right to object, and I shall not object, I make this reservation for the purpose of asking the chairman of the subcommittee to tell us a little more about the concurrent resolution.

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield?

Mr. FISH. I will be glad to yield.

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman very much for yielding. It is well that this be a matter of record.

What the concurrent resolution does is to simply correct two typographical errors in a measure which the gentleman and I passed through the House just last week, dealing with the U.S. Virgin Islands. It amends, in a sense, a typographical error which occurs on page 1, line 5 of the bill, and changes "1981" to "1982."

On page 6 of the bill at line 7, we change "202(b)" to "201(b)."

They are typographical errors. Otherwise, there is no change in the substance of the bill.

Mr. FISH. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 405

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 3517) to authorize the granting of permanent residence status to certain nonimmigrant aliens residing in the Virgin Islands of the United States, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike out "1981" in section 1(a) and insert in lieu thereof "1982".

(2) Strike out "202(b)" in section 2(c)(4) and insert in lieu thereof "201(b)".

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ELEMENTARY AND SECONDARY ASSISTANCE GRANTS TO ASSIST TEACHING OF CITIZENSHIP PRINCIPLES

Mr. CORRADA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 568) to provide Federal grants to assist elementary and secondary schools to carry on programs to teach the principles of citizenship, as amended.

The Clerk read as follows:

H.R. 5658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 582(1) of the Education Consolidation and Improvement Act of 1981 is amended—

(1) by striking out "and" at the end of clause (H);

(2) by inserting "and" at the end of clause (I); and

(3) by inserting after clause (I) the following new clause:

"(J) programs to teach the principles of citizenship;".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Puerto Rico (Mr. CORRADA) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. ERDAHL) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the legislation before us today will focus national attention on a serious problem affecting our Nation's youth without creating a costly, new Federal program.

H.R. 5658 addresses the problem of our young people's lack of knowledge about government and the responsibilities of citizenship. In subcommittee hearings on this bill, we discovered some alarming trends. Teenagers' understanding of government has declined in recent years. Only a small percentage of persons age 18 to 22 exercise the right to vote. Social problems such as crime, vandalism and alcohol and drug abuse suggest that too many young people are not functioning as responsible citizens.

Despite these trends, citizenship and government classes are receiving lower priority in the school curriculum than they did several years ago.

H.R. 5658 responds to these critical needs without any additional cost to the Federal Government. The legislation, as reported by the Committee on Education and Labor, amends an existing program, the education block grant authorized by chapter 2 of the Education Consolidation and Improvement Act, to allow these funds to be used for programs to teach the principles of citizenship. In keeping with the nature of this block grant, State and local educational agencies will have complete discretion over whether to fund citizenship education programs and the content of these programs.

Thus, we are really talking about a simple piece of legislation that will actually increase State and local flexibility to use Federal funds, while drawing attention to an important area. I urge my colleagues to suspend the rules and pass H.R. 5658.

Mr. Speaker, I reserve the balance of my time.

Mr. ERDAHL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend our colleague, the gentleman from Puerto Rico (Mr. CORRADA) for explaining this bill, because it is one that we on the minority join in supporting. I also want to commend the distinguished gentleman from Florida (Mr. BENNETT) not only for his persistence over the years for producing the intent and direction of this bill, but also I think for his flexibility in permitting it to go into law without an appropriation.

On behalf of the minority, I rise in support of H.R. 5658 and want to let the Speaker and Members of the House know that it would be difficult to support a new authorization at a time when many of the more established programs are fighting to hold their own. H.R. 5658, as amended, specifically lists citizenship education among the list of approved activities under the education block grant. This proposal has the virtue of removing any ambiguity regarding the use of chapter II block grant funds for citizenship education, while avoiding the creation of a new separate categorical grant program.

This action would not involve new spending authorization. It would also have the advantage of protecting the duly enacted block grant and of avoiding the precedent of reestablishing categorical grant programs.

This bill was approved unanimously in committee and deserves bipartisan support.

Mr. Speaker, I have no further requests for time on this side of the aisle, and I yield back the balance of my time.

Mr. CORRADA. Mr. Speaker, I yield such time as he may consume to our distinguished colleague, the gentleman from Florida (Mr. BENNETT), who initially introduced this legislation in Congress.

Mr. BENNETT. Mr. Speaker, I rise today in support of my bill, H.R. 5658, which would allow education block grant funds to be used by State educational agencies to assist them in establishing and carrying out programs under which students in elementary and secondary schools will be provided

instruction in citizenship. The legislation leaves up to the States the content and nature of the instruction.

I strongly encourage the House to approve this legislation. It gives an important thrust to meet an important need in education—and leaves the methods and content under the control of local authorities. No massive bureaucracy is either established or encouraged.

We have all heard or read about youth crime in America. The problem is growing and it is not limited to any particular part of the country or to any one economic group. Crimes are being committed by young people from rich neighborhoods as well as poor; from small towns as well as big cities; from rural areas as well as suburbs.

Arrest statistics from the Justice Department indicate that juveniles account for a disproportionate share of police arrests nationally. In 1980, persons under 18 in our country accounted for 36 percent of the arrests for serious crimes, although that age group—not including those under the age of 10—constitutes but 15 percent of the population.

Youth crime has spilled over to the schools where vandalism costs the Nations's public schools hundreds of millions of dollars a year. In addition, there are tens of thousands of assaults on teachers each year. But as serious as these crime statistics are, they are only symptoms of an illness that is afflicting our schools and our society as a whole. This illness is a lack of knowledge and a lack of practice of the principles of good citizenship in our democracy.

I believe that this deterioration is due in part to the failure of our schools to provide an adequate education in the field of good citizenship and in what good citizenship means to our society and to each of us individually. This failure by the schools—at a time when family life is becoming increasingly fragmented—is giving us a new generation of Americans no longer guided by the principles that have made our Nation great.

Our culture, like that of other civilizations, is built upon widely accepted behavioral values. Although values of our culture may vary somewhat from individual to individual, there are certain basic and accepted values of citizenship in America. One of the most critical factors in the survival of any society has always been its ability to transmit effectively its carefully achieved values to each succeeding generation. Therefore, it becomes a responsibility of our American schools to educate our children about our values—an obligation which is shared with the home, church, the community, and its various agencies.

It is vitally important to the future of America that young people know about the hertiage of America in standards, principles, and behavior—and learn to formulate their citizenship values in an open academic atmosphere where free discussion may improve and strengthen our culture and perhaps our chances for survival.

Enactment of my bill would be a major step in providing the background in citizenship principles which I believe our young people should have in order to become effective, responsible, participating members of society. The recent hearings on my bill in the Elementary Education Subcommittee demonstrated that practical curriculums have been worked out in some locations. What is needed now is a positive expression on the part of the Congress that something in this area must be done on a nationwide scale. My bill, I believe, is such an expression. It is a modest start—but some start must be made.

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Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Speaker, I commend the gentleman from Florida (Mr. BENNETT) for his initiative and leadership in bringing this matter to the attention of the Committee on Education and Labor for its consideration. I believe that this is a significant and needed piece of legislation at this time, and I would like to thank the gentleman for his diligence in this matter.

Mr. BENNETT. Mr. Speaker, I thank the gentleman very much.

Mr. CORRADA. Mr. Speaker, I would also commend our distinguished colleague, the gentleman from Minnesota, (Mr. ARLEN ERDAHL), the gentleman from Pennsylvania (Mr. GOODLING), and all the Members of the minority side for their support of this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Puerto Rico, (Mr. CORRADA) that the House suspend the rules and pass the bill, H.R. 5658, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the use of education block grant funds to teach the principles of citizenship."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CORRADA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Puerto Rico?

There was no objection.

REEMPLOYMENT RIGHTS FOR MEMBERS OF THE NATIONAL GUARD AND RESERVE

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6788), to amend title 38, United States Code, to clarify the period for which an employer is required to grant an employee who is a member of the National Guard or Reserve a leave of absence in order to allow the employee to perform required active duty for training.

The Clerk read as follows:

H.R. 6788

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2024(d) of title 38, United States Code, is amended by inserting after the first sentence the following new sentence: "However, an employer is not required to grant such a leave of absence for a total of more than three hundred and sixty-five days (excluding required weekend drills and required annual two-week training periods) within any thirty-six month period.".

The SPEAKER pro tempore (Mr. BENNETT). Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi (Mr. MONTGOMERY) will be recognized for 20 minutes, and the gentleman from South Carolina (Mr. NAPIER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the chairman of the Subcommittee on Education, Training and Employment, the distinguished gentleman from Pennsylvania, (Mr. EDGAR).

Mr. EDGAR. Mr. Speaker, presently the job of a member of the Reserves or National Guard who is absent from civilian employment to perform active duty for training for more than 90 days is not protected under the veterans' reemployment rights program administered by the Department of Labor. These are the tours of training duty other than initial active duty training, weekend drills and 2-week summer encampments, which are clearly protected by existing law.

The great majority of the more than 900,000 members of the National Guard and Reserves do not need active duty training of greater than 90 days duration. However, according to the Department of Defense, there are approximately 6,000 members of the Reserves and National Guard nationwide who are annually required to take training in excess of 90 days, for this

small group, there is no protection under current law as interpreted by the Department of Labor that their jobs will be there when they return to their civilian employment.

H.R. 6788 amends existing law to provide that a member of the National Guard or Reserves who is absent from civilian employment to perform active duty for training for more than 90 days will have reemployment protection for up to 12 months within 3 calendar years.

The Congressional Budget Office advises there would be no cost to the Government with the enactment of this legislation. On July 22, by unanimous voice vote, the committee ordered the bill reported to the House. The administration favors the enactment of H.R. 6788, and there is no objection to the bill. I strongly recommend that the bill be favorably considered and passed.

Mr. NAPIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6788, a bill designed to clarify the rules of reemployment with respect to certain members of the National Guard or Reserve military forces who are required to perform active military duty for training.

Mr. Speaker, this bill provides that the individuals concerned who enter active service duty for training for in excess of 90 days will have reemployment rights so long as the total period of training is not in excess of 12 months within any 36-month period.

Mr. Speaker, H.R. 6788 seeks to provide reemployment protection for a relatively small but important group of about 6,000 reservists and guardsmen. Recent court decisions have limited historic protection to those individuals called to active duty for training for periods not exceeding 90 days in any 3-year period.

Mr. Speaker, this bill balances reservists' and guardsmen's rights with our military needs and with the needs of employers who must grant leave. It is a bill supported by the Department of Defense and the Department of Labor. It results from rather extensive consideration by the Committee on Veterans' Affairs, and particularly our Subcommittee on Education, Training and Employment. In this connection, I congratulate our chairman, the Honorable SONNY MONTGOMERY, our subcommittee chairman, (Mr. EDGAR), the ranking member of the subcommittee, the gentlewoman from Massachusetts (Mrs. HECKLER), and the ranking Republican member of the full committee, the gentleman from Arkansas, (Mr. HAMMERSCHMIDT). H.R. 6788 is a good bill and I urge my colleagues to support it.

Mr. Speaker, I have no further requests for time, and I, therefore, yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.), a distinguished member of our Committee on Veterans' Affairs, for any comments that he would like to make.

Mr. SAM B. HALL, JR. Mr. Speaker, I would like to ask the gentleman from Mississippi (Mr. MONTGOMERY) one question with reference to this bill.

As I understand the matter, an employer is required to grant leave of absence, with job reinstatement rights, to an employee summoned to active or inactive duty for training with the National Guard or Reserves for up to 365 days within a 3-year time span, exclusive of leave time required for weekend drills and annual 2-week training sessions. As I understand it, that is the bottom line of this bill?

Mr. MONTGOMERY. The gentleman is correct. Weekend drills and the 2-week annual encampment, are covered under another provision of law.

Mr. SAM B. HALL, Jr. Mr. Speaker, I thank the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I strongly support H.R. 6788, which clarifies congressional intent in reference to reemployment rights for members of the National Guard and Reserve.

Last year, the Labor Department ruled that members of the Reserve components who are called to active duty or inactive duty for training for periods of more than 90 days, were not entitled to reinstatement of their jobs.

This came as a surprise since, historically, the Department of Labor had taken the position that members of the Reserve and National Guard who were absent from their civilian employment for the purpose of performing active or inactive duty for training were entitled to reinstatement to their jobs under the veterans' reemployment rights program, regardless of the length of such training.

Two recent decisions handed down by the Fifth Judicial Circuit of the U.S. Court of Appeals, are the basis for the new Labor Department policy on the extent of protection for reservists, as provided in the veterans' reemployment rights program. Simply stated, the new policy limits for the first time the protection of reservists of National Guardsmen on active duty for training for 90 calendar days every 3 years. The Department of Defense cannot live with this new policy and supports legislation to correct the problems the new Labor Department policy has created.

Upon learning of this change in policy, I introduced H.R. 5209, a bill similar to H.R. 6788. Hearings were held by the Subcommittee on Education, Training and Employment on H.R. 5209 at which the administration and public witnesses testified.

This new interpretation of the law and its effects on the members of the Reserve and National Guard who attend training for longer than 90 days is of great concern to the committee and the Department of Defense cannot live with it. The Labor Department has misread the ruling of the courts involving two cases pertaining to employment rights for active duty for training purposes and thus we find ourselves having to legislate to provide job security for a few critical members of our total force.

As reported, a member of the Reserve or National Guard who is absent from civilian employment to perform active duty for training for more than 90 days will have reemployment protection for up to 12 months within 3 calendar years.

I want to express my appreciation for the cooperation and assistance of JOHN PAUL HAMMERSCHMIDT, ranking minority member of the committee. In addition, I commend BOB EDGAR, chairman of the Subcommittee on Education, Training and Employment, for his leadership in developing and advancing this legislation, and the cooperation and assistance of MARGARET HECKLER, the ranking minority member of the subcommittee as well as all of the members of the subcommittee.

Mr. Speaker, I urge the adoption of the bill as reported by the committee.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. MONTGOMERY) that the House suspend the rules and pass the bill. H.R. 6788.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

TECHNICAL CORRECTIONS ACT OF 1982

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6056), to make technical corrections related to the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980, as amended.

The Clerk read as follows:

H.R. 6056

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1954 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Technical Corrections Act of 1982".

(b) AMENDMENT OF 1954 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954.

TITLE I—AMENDMENTS RELATED TO ECONOMIC RECOVERY TAX ACT OF 1981

SEC. 101. AMENDMENTS RELATED TO TITLE I OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 101.—

(1) EFFECTIVE DATE FOR AMENDMENT TO SECTION 21.—Paragraph (1) of section 101(f) of the Economic Recovery Tax Act of 1981 (relating to effective dates for rate cuts) is amended by inserting before the period at the end thereof the following: "; except that the amendment made by paragraph (3) of subsection (d) shall apply to taxable years ending after December 31, 1981".

(2) RATE REDUCTION TAX CREDIT.—Section 6428 (relating to 1981 rate reduction tax credit) is amended by adding at the end thereof the following new subsection:

"(d) SPECIAL RULES.—For purposes of this section—

"(1) INDIVIDUALS TO WHOM 50 PERCENT MAXIMUM RATE OR 20 PERCENT CAPITAL GAIN RATE APPLIES.—

"(A) IN GENERAL.—In the case of any individual to whom this paragraph applies, in determining the amount of the credit allowable under subsection (a)—

"(i) the portion of the tax imposed by section 1 determined under section 1348(a)(2) (as in effect before its repeal by the Economic Recovery Tax Act of 1981), and

"(ii) the portion of the tax imposed by section 1 determined under subsection (a)(2)(B) of section 102 of the Economic Recovery Tax Act of 1981,

shall not be taken into account.

"(B) INDIVIDUALS TO WHOM PARAGRAPH APPLIES.—This paragraph applies to any individual if the tax imposed by section 1 for the taxable year is determined under—

"(i) section 1348 (as in effect before its repeal by the Economic Recovery Tax Act of 1981), or

"(ii) section 102(a)(2) of the Economic Recovery Tax Act of 1981.

"(2) SPECIAL RULE FOR TAX IMPOSED BY SECTION 402(e).—The tax imposed by subsection (e) of section 402 shall be treated as a tax imposed by section 1."

(3) ELIMINATION OF 50-CENT ROUNDING ERRORS.—If any figure in any table—

(A) which is set forth in section 1 of the Internal Revenue Code of 1954 (as amended by section 101 of the Economic Recovery Tax Act of 1981), and

(B) which applies to married individuals filing separately or to estates and trusts,

differs by not more than 50 cents from the correct amount under the formula used in constructing such table, such figure is hereby corrected to the correct amount.

(b) AMENDMENT RELATED TO SECTION 104.—Subparagraph (C) of section 402(e)(1) (relating to imposition of separate tax on lump sum distributions) is amended by striking out "$2,300" and inserting in lieu thereof "the zero bracket amount applicable to such an individual for the taxable year".

(c) AMENDMENTS RELATED TO SECTION 111.—

(1) CLARIFICATION OF LIMITATION ON BENEFIT.—Subsection (d) of section 911 (relating to citizens or residents of the United States living abroad) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) AGGREGATE BENEFIT CANNOT EXCEED FOREIGN EARNED INCOME.—The sum of the amount excluded under subsection (a) and the amount deducted under subsection (c)(3)(A) for the taxable year shall not exceed the individual's foreign earned income for such year."

(2) TECHNICAL AMENDMENT.—Clause (ii) of section 911(c)(3)(B) (relating to special rules where housing expenses not provided by employer) is amended by striking out "subsection (a)(1)" and inserting in lieu thereof "subsection (a)".

(d) AMENDMENT RELATED TO SECTION 122.—Subsection (c) of section 122 of the Economic Recovery Tax Act of 1981 (relating to effective date for increase in rollover period for principal residence) is amended by adding at the end thereof the following new sentences:

"Notwithstanding the preceding sentence, the taxpayer may elect to have the amendments made by this section not apply to any old residence sold or exchanged on or before August 13, 1981. Such an election shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall by regulations prescribe."

(e) AMENDMENTS RELATED TO SECTION 124.—

(1) BENEFITS MUST BE NONDISCRIMINATORY.—

(A) Subsection (d) of section 129 (defining dependent care assistance program) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) DISCRIMINATION.—The contributions or benefits provided under the plan shall not discriminate in favor of employees who are officers, owners, or highly compensated, or their dependents."

(B) Paragraph (3) of section 129(d) (as redesignated by subparagraph (A)) is amended by striking out "employees who are officers, owners, or highly compensated, or their dependents" and inserting in lieu thereof "employees described in paragraph (2), or their dependents".

(C) Paragraph (1) of section 129(d) is amended by striking out "paragraphs (2) through (6)" and inserting in lieu thereof "paragraphs (2) through (7)".

(2) CLARIFICATION OF DEDUCTION TO EMPLOYER.—Paragraph (7) of section 129(e) (relating to disallowance of excluded amounts as credit or deduction) is amended—

(A) by striking out "shall be allowed" and inserting in lieu thereof "shall be allowed to the employee", and

(B) by striking out "excluded from income" and inserting in lieu thereof "excluded from the gross income of the employee".

(f) AMENDMENT RELATED TO SECTION 125.—Paragraph (2) of section 222(c) (defining child with special needs) is amended to read as follows:

"(2) CHILD WITH SPECIAL NEEDS.—The term 'child with special needs' means any child determined by the State to be a child described in paragraphs (1) and (2) of section 473(c) of the Social Security Act."

(g) AMENDMENT RELATED TO SECTION 126.—Paragraph (4) of section 483(g) (relating to nonresident alien individuals) is amended by striking out "This section" and inserting in lieu thereof "Paragraph (1)".

SEC. 102. AMENDMENTS RELATED TO TITLE II OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 201.—

(1) APPLICATION OF SHORT TAXABLE YEAR RULE TO 15-YEAR REAL PROPERTY.—Paragraph (5) of section 168(f) (relating to short taxable years) is amended by adding at the end thereof the following new sentence: "In the case of 15-year real property, the first sentence of this paragraph shall not apply to the taxable year in which the property is placed in service or disposed of."

(2) ADJUSTMENTS TO BASIS IN THE CASE OF CERTAIN TRANSFERS.—Subparagraph (B) of section 168(d)(2) (relating to adjustment to basis) is amended by striking out "subsection (f)(7)" and inserting in lieu thereof "paragraph (7) or (10) of subsection (f)".

(3) CHANGES IN USE.—Subsection (f) of section 168 (relating to special rules for application of section) is amended by adding at the end thereof the following new paragraph:

"(12) CHANGES IN USE.—The Secretary shall, by regulation, provide for the method of determining the deduction allowable under subsection (a) with respect to any property for any taxable year (and for succeeding taxable years) during which such property changes status under this section but continues to be held by the same person."

(4) QUALIFIED COAL UTILIZATION PROPERTY.—

(A) Paragraph (4) of section 168(h) (relating to qualified coal utilization property) is amended to read as follows:

"(4) QUALIFIED COAL UTILIZATION PROPERTY.—The term '10-year property' includes qualified coal utilization property which would otherwise be 15-year public utility property."

(B) The heading of subparagraph (A) of section 168(g)(8) is amended to read as follows:

"(A) QUALIFIED COAL UTILIZATION PROPERTY.—".

(C) The heading of subparagraph (B) of section 168(g)(8) is amended to read as follows:

"(B) COAL UTILIZATION PROPERTY.—".

(5) CLARIFICATION OF APPLICABLE PERCENTAGE FOR YEAR REAL PROPERTY PLACED IN SERVICE.—The third sentence of section 168(b)(2)(A) (relating to 15-year real property) is amended by striking out "For purposes of this subparagraph" and inserting in lieu thereof "In the case of 15-year real property".

(6) SECTION 1245 RECOVERY PROPERTY INCLUDED AS UNREALIZED RECEIVABLE.—The second sentence of subsection (c) of section 751 (relating to unrealized receivables and inventory items) is amended by inserting "section 1245 recovery property (as defined in section 1245(a)(5))," after "section 1245(a)(3)),".

(7) CLARIFICATION OF ADDITIONAL DEPRECIATION IN THE CASE OF RECOVERY PROPERTY.—

(A) Subsection (b) of section 1250 (defining additional depreciation) is amended by adding at the end thereof the following new paragraph:

"(5) METHOD OF COMPUTING STRAIGHT LINE ADJUSTMENTS.—For purposes of paragraph (1), the depreciation adjustments which would have resulted for any taxable year under the straight line method shall be determined—

"(A) in the case of recovery property, by determining the adjustments which would have resulted for such year if the taxpayer had elected the straight line method for such year using the recovery period applicable to such property, and

"(B) in the case of any property which is not recovery property, if a useful life (or salvage value) was used in determining the amount allowable as a deduction for any taxable year, by using such life (or value)."

(B) Paragraph (1) of section 1250(b) is amended by striking out the last sentence.

(8) THEME PARKS, ETC.—Paragraph (2) of section 168(c) (defining classes of recovery property) is amended by adding at the end thereof the following new subparagraph:

"(F) SPECIAL RULE FOR THEME PARKS, ETC.—For purposes of subparagraphs (C) and (D), a building (and its structural components) shall not be treated as having a present class life of 12.5 years or less by reason of any use other than the use for which such building was originally placed in service."

(b) AMENDMENTS RELATED TO SECTION 205.—

(1)(A) The next to the last sentence of section 57(a) is amended by striking out "and (12)" and inserting in lieu thereof "and (12)(A)".

(B) The amendment made by subparagraph (A) shall take effect as if included in the amendment made by section 205(b) of the Economic Recovery Tax Act of 1981 but shall not apply to taxable years beginning after December 31, 1982.

(2) Paragraph (2) of section 58(f) is amended by striking out "the item of tax preference set forth in section 57(a)(2)" and inserting in lieu thereof "the items of tax preference set forth in paragraphs (2) and (12)(B) of section 57(a)".

(3) Paragraph (12) of section 57(a) (defining items of tax preference) is amended by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) SUBPARAGRAPHS (A) AND (B) INAPPLICABLE WHERE LONGER RECOVERY PERIODS APPLY.—If, pursuant to section 168(b)(3) or 168(f)(2), the recovery period for any property is longer than the recovery period for such property set forth in subparagraph (A) or (B), subparagraph (A) or (B) (as the case may be) shall not apply to such property."

(4) Subparagraph (A) of section 57(a)(12) is amended by striking out "under section 168(a)" and inserting in lieu thereof "under section 168(a) (or, in the case of property described in section 167(k), under section 167)".

(c) AMENDMENT RELATED TO SECTION 206.—Paragraph (1) of section 1248(c) is amended by striking out "section 312(k)(3)" and inserting in lieu thereof "section 312(k)(4)".

(d) AMENDMENTS RELATED TO SECTION 207.—

(1) Paragraph (1) of section 209(c) of the Economic Recovery Tax Act of 1981 (relating to effective date for carryover provisions) is amended by adding at the end thereof the following new subparagraph:

"(C) If any net operating loss for any taxable year ending on or before December 31, 1975, could be a net operating loss carryover to a taxable year ending in 1981 by reason of subclause (II) of section 172(b)(1)(E)(ii) of the Internal Revenue Code of 1954 (as in effect on the day before the date of the enactment of this Act and as modified by section 1(b) of Public Law 96-595), such net operating loss shall be a net operating loss carryover under section 172 of such Code to each of the 15 taxable years following the taxable year of such loss."

(2) Subsection (c) of section 209 of the Economic Recovery Tax Act of 1981 is amended by adding at the end thereof the following new paragraph:

"(3) CARRYOVER MUST HAVE BEEN ALIVE IN 1981.—The amendments made by subsections (a), (b), and (c) of section 207 shall not apply to any amount which, under the law in effect on the day before the date of the enactment of this Act, could not be carried to a taxable year ending in 1981."

(3) Paragraph (2) of section 207(c) of the Economic Recovery Tax Act of 1981 (relating to new employee credit) is amended by striking out "section 53(c)" and inserting in lieu thereof "section 53(b)".

(e) AMENDMENTS RELATED TO SECTION 211.—

(1) APPLICABLE INVESTMENT TAX CREDIT PERCENTAGE FOR RECOVERY PROPERTY.—Paragraph (7) of section 46(c) (relating to applicable percentage for recovery property) is amended—

(A) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) in the case of property other than 3-year property (within the meaning of section 168(c)), 100 percent, and", and

(B) by striking out "shall be treated as 5-year property" in the last sentence and inserting in lieu thereof "shall be treated as property which is not 3-year property".

(2) PETROLEUM STORAGE FACILITIES.—

(A) Subparagraph (G) of section 48(a)(1) (defining section 38 property) is amended by inserting "(not including a building and its structural components)" after "storage facility".

(B) Subparagraph (F) of section 1245(a)(3) (defining section 1245 property) is amended by inserting "(not including a building or its structural components)" after "storage facility".

(3) CLERICAL AMENDMENT.—

(A) Paragraph (2) of section 47(d) is amended—

(i) by striking out "section 48(c)(8)(D)" and inserting in lieu thereof "section 46(c)(8)(D)", and

(ii) by striking out "section 48(c)(8)(B)" and inserting in lieu thereof "section 46(c)(8)(B)".

(B) Subparagraph (A) of section 47(d)(3) is amended by striking out "section 46(c)(8)(E)" and inserting in lieu thereof "section 46(c)(8)(F)".

(f) AMENDMENTS RELATED TO SECTION 212.—

(1) CLARIFICATION OF TRANSITIONAL RULE.—Subparagraph (B) of section 212(e)(2) of the Economic Recovery Tax Act of 1981 (relating to transitional rule for increase in investment tax credit for qualified rehabilitation expenditures) is amended to read as follows:

"(B) such building does not meet the requirements of paragraph (1) of section 48(g) of the Internal Revenue Code of 1954 (as amended by this Act)."

(2) DETERMINATION OF SUBSTANTIAL REHABILITATION.—Clause (i) of section 48(g)(1)(C) (defining substantially rehabilitated) is amended by striking out "the 24-month period ending on the last day of the taxable year" and inserting in lieu thereof "the 24-month period selected by the taxpayer (at the time and in the manner prescribed by regulations) and ending with or within the taxable year".

(3) CLARIFICATION OF BASIS ADJUSTMENT.—Subparagraph (A) of section 48(g)(5) (relating to adjustments to basis) is amended—

(A) by striking out "a credit is allowed under this section" and inserting in lieu thereof "a credit is determined under section 46(a)(2)", and

(B) by striking our "the credit so allowed" and inserting in lieu thereof "the credit so determined".

(4) EXTENSION OF TIME TO MAKE ELECTION TO USE STRAIGHT LINE DEPRECIATION.—Subparagraph (B) of section 168(f)(4) (relating to election made on return) is amended to read as follows:

"(B) ELECTION MADE ON RETURN.—

"(i) IN GENERAL.—Except as provided in clause (ii), any election under this section shall be made on the taxpayer's return of the tax imposed by this chapter for the taxable year concerned.

"(ii) SPECIAL RULE FOR QUALIFIED REHABILITATED BUILDINGS.—In the case of any qualified rehabilitated building (as defined in section 48(g)(1)), an election under subsection (b)(3) may be made at any time before the date 3 years after the building was placed in service."

(5) CLARIFICATION OF BUILDINGS ELIGIBLE FOR REHABILITATION CREDIT.—

(A) Subclause (II) of section 46(a)(2)(F)(iii) (defining 40-year building) is amended by striking out "any building" and inserting in lieu thereof "a qualified rehabilitated building".

(B) Subclause (III) of section 46(a)(2)(F)(iii) (defining certified historic structure) is amended by striking out "has the meaning given to such term by section 48(g)(3)" and inserting in lieu thereof "means a qualified rehabilitated building which meets the requirements of section 48(g)(3)".

(6) DEFINITION OF SUBSTANTIALLY REHABILITATED.—Clause (i) of section 48(g)(1)(C) (defining substantially rehabilitated) is amended—

(A) by striking out "property" the first 2 places it appears and inserting in lieu thereof "building (and its structural components)", and

(B) by striking out "property" the third place it appears and inserting in lieu thereof "building".

(7) CROSS REFERENCE.—Clause (ii) of section 170(h)(4)(B) (defining certified historic structure) is amended by striking out "section 191(d)(2)" and inserting in lieu thereof "section 48(g)(3)(B)".

(g) AMENDMENT RELATED TO SECTION 213.—Subsection (b) of section 213 of the Economic Recovery Tax Act of 1981 (relating to investment tax credit for used property; increase in dollar limit) is amended by striking out "property placed in service" and inserting in lieu thereof "taxable years beginning".

(h) AMENDMENTS RELATED TO SECTION 221.—

(1) Subparagraph (B) of section 108(b)(2) (relating to certain credit carryovers) is amended by striking out "or" at the end of clause (iii), by striking out the period at the end of clause (iv) and inserting in lieu thereof ", or", and by inserting after clause (iv) the following new clause:

"(v) section 44F (relating to credit for increasing research activities)."

(2) Effective only with respect to amounts paid or incurred after March 31, 1982, subparagraph (A) of section 44F(b)(2) is amend-

ed by adding at the end thereof the following:

"Clause (iii) shall not apply to any amount to the extent that the taxpayer (or any person with whom the taxpayer must aggregate expenditures under subsection (f)(1)) receives or accrues any amount from any other person for the right to use substantially identical personal property."

(3) The paragraph (28) of section 381(c) added by section 221 of the Economic Recovery Tax Act of 1981 is redesignated as paragraph (29).

(i) AMENDMENTS RELATED TO SECTION 234.—

(1) Subparagraph (B) of section 1371(g)(3) (defining qualified subchapter S trust) is amended to read as follows:

"(B) all of the income (within the meaning of section 643(b)) of which is distributed (or required to be distributed) currently to 1 individual who is a citizen or resident of the United States, and".

(2) Section 678 is amended by adding at the end thereof the following new subsection:

"(e) CROSS REFERENCE.—

"For provision under which beneficiary of trust is treated as owner of the portion of the trust which consists of stock in an electing small business corporation, see section 1371(g)."

(j) AMENDMENTS RELATED TO SECTION 251.—

(1) Paragraph (8) of section 422A(b) (defining incentive stock option) is amended by striking out "granted options" and inserting in lieu thereof "granted incentive stock options".

(2) Paragraph (1) of section 422A(c) (relating to exercise of option where price is less than value of stock) is amended—

(A) by adding at the end thereof the following new sentence: "To the extent provided in regulations by the Secretary, a similar rule shall apply for purposes of paragraph (8) of subsection (b) and paragraph (4) of this subsection.", and

(B) by striking out the paragraph heading and inserting in lieu thereof the following:

"(1) GOOD FAITH EFFORTS TO VALUE STOCK.—".

(3) Subparagraph (A) of section 422A(c)(2) (relating to certain disqualified dispositions where amount realized is less than value at exercise) is amended by striking out "the 2-year period" and inserting in lieu thereof "either of the periods".

(4) Clause (ii) of section 422A(c)(4)(A) (relating to carryover of unused limit) is amended by striking out "granted options" and inserting in lieu thereof "granted incentive stock options".

(5) Subsection (j) of section 425 (relating to cross references) is amended by inserting "an incentive stock option," after "qualified stock option,".

(6) Effective only with respect to transfers after March 15, 1982—

(A) subsection (c) of section 425 (defining disposition) is amended by adding at the end thereof the following new paragraph:

"(3) SPECIAL RULE WHERE INCENTIVE STOCK IS ACQUIRED THROUGH USE OF OTHER STATUTORY OPTION STOCK.—

"(A) NONRECOGNITION SECTIONS NOT TO APPLY.—If—

"(i) there is a transfer of statutory option stock in connection with the exercise of any incentive stock option, and

"(ii) the applicable holding period requirements (under section 422(a)(1), 422A(a)(1), 423(a)(1), or 424(a)(1)) are not met before such transfer,

then no section referred to in subparagraph (B) of paragraph (1) shall apply to such transfer.

"(B) STATUTORY OPTION STOCK.—For purpose of subparagraph (A), the term 'statutory option stock' means any stock acquired through the exercise of a qualified stock option, an incentive stock option, an option granted under an employee stock purchase plan, or a restricted stock option.", and

(B) paragraph (1) of section 425(c) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraphs (2) and (3)".

(k) AMENDMENT RELATED TO SECTION 252.—

(1) Paragraph (3) of section 83(c) (relating to sales which may give rise to suit under section 16(b) of the Securities Exchange Act) is amended by striking out "Securities and Exchange Act of 1934" each place it appears and inserting in lieu thereof "Securities Exchange Act of 1934".

(2) Subsection (c) of section 252 of the Economic Recovery Tax Act of 1981 (relating to effective date) is amended by striking out "taxable years ending after December 31, 1981" and inserting in lieu thereof "transfers after December 31, 1981".

(l) AMENDMENTS RELATED TO SECTION 261.—

(1) CLARIFICATION OF DEFINITION OF YOUTH PARTICIPATING IN QUALIFIED COOPERATIVE EDUCATION PROGRAM.—Subparagraph (D) of section 51(d)(8) (defining wages) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clauses (i), (ii), and (iii) of subparagraph (A)".

(2) CLARIFICATION OF EFFECTIVE DATE FOR ELIGIBLE WORK INCENTIVE EMPLOYEES.—Subparagraph (B) of section 261(g)(1) of the Economic Recovery Tax Act of 1981 (relating to eligible work incentive employees) is amended by striking out "subsection (b)(2)(A)" and inserting in lieu thereof "subsection (b)(2)".

(3) DEFINITION OF ELIGIBLE WORK INCENTIVE EMPLOYEES.—Subparagraph (B) of section 51(d)(9) (defining eligible work incentive employees) is amended by striking out "section 432(b)(1)" and inserting in lieu thereof "section 432(b)(1) or 445".

(m) AMENDMENTS RELATED TO SECTION 263.—

(1) Subparagraph (A) of section 809(e)(3) (relating to charitable, etc., contributions and gifts) is amended by striking out "5 percent" and inserting in lieu thereof "10 percent".

(2) Sections 545(b)(2) and 556(b)(2) are each amended by striking out "5-percent" and inserting in lieu thereof "10-percent".

(3) Paragraph (10) of section 512(b) (relating to modifications to unrelated business taxable income) is amended by striking out "5 percent" and inserting in lieu thereof "10 percent".

(n) AMENDMENT RELATED TO SECTION 266.—Subsection (c) of section 266 of the Economic Recovery Tax Act of 1981 (relating to deduction for motor carrier operating authority) is amended by adding at the end thereof the following new paragraph:

"(3) SECTION 381 OF THE INTERNAL REVENUE CODE OF 1954 TO APPLY.—For purposes of section 381 of the Internal Revenue Code of 1954, any item described in this section shall be treated as an item described in subsection (c) of such section 381."

SEC. 103. AMENDMENTS RELATED TO TITLE III OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 301.—

(1) Paragraph (4) of section 128(d) (relating to limitation for credit unions) is amended by adding at the end thereof the following new sentence: "For purposes of this paragraph, the amounts described in subparagraph (A) of paragraph (5) shall include amounts paid into credit union share accounts."

(2) Paragraph (2) of section 584(c) (relating to dividends or interest received) is amended to read as follows:

"(2) DIVIDENDS OR INTEREST RECEIVED.—The proportionate share of each participant in the amount of dividends or interest received by the common trust fund and to which section 116 or 128 applies shall be considered for purposes of such section as having been received by such participant."

(3) Paragraph (7) of section 643(a) (defining distributable net income) is amended to read as follows:

"(7) DIVIDENDS OR INTEREST.—There shall be included the amount of any dividends or interest excluded from gross income pursuant to section 116 (relating to partial exclusion of dividends) or section 128 (relating to certain interest)."

(4) Paragraph (5) of section 702(a) (relating to income and credits of partner) is amended to read as follows:

"(5) dividends or interest with respect to which there is an exclusion under section 116 or 128, or a deduction under part VIII of subchapter B,".

(b) AMENDMENT RELATED TO SECTION 302.—Subsection (c) of section 128 (as amended by section 302(a) of the Economic Recovery Tax Act of 1981) is amended by adding at the end thereof the following new paragraph:

"(3) LIMITATION ON QUALIFIED INTEREST EXPENSES, ETC.—

"(A) LIMITATION.—The amount of the qualified interest expense of any taxpayer for any taxable year shall not exceed such taxpayer's excess itemized deductions (as defined in section 63(c)).

"(B) COORDINATION WITH OTHER PROVISIONS.—For purposes of sections 37, 43, 85, 105(d), 170(b), and 213, adjusted gross income shall be determined without regard to the exclusion provided by this section."

(c) AMENDMENTS RELATED TO SECTION 311.—

(1) LIMITATION ON DEDUCTION FOR SPOUSE.—Subparagraph (B) of section 219(c)(2) (relating to limitation) is amended to read as follows:

"(B) the amount allowable as a deduction under subsection (a) for the taxable year (determined without regard to so much of the employer contributions to a simplified employee pension as is allowable by reason of paragraph (2) of subsection (b))."

(2) CLARIFICATION OF AGE 70½ RULE.—Paragraph (1) of section 219(d) (relating to individuals who have attained age 70½) is amended to read as follows:

"(1) BENEFICIARY MUST BE UNDER AGE 70½.—No deduction shall be allowed under this section with respect to any qualified retirement contribution for the benefit of an individual if such individual has attained age 70½ before the close of such individual's taxable year for which the contribution was made."

(3) DEFINITION OF QUALIFIED EMPLOYER PLAN.—

(A) Paragraph (3) of section 219(e) (defining qualified employer plan) is amended by inserting "and" at the end of subparagraph (C), by striking out subparagraph (D), and by redesignating subparagraph (E) as subparagraph (D).

(B)(i) Paragraph (3) of section 72(p) (defining qualified employer plan, etc.) is

amended by striking out "without regard to subparagraph (D) thereof".

(ii) The amendment made by clause (i) shall take effect as if the matter struck out had never been included in such paragraph.

(4) CLARIFICATION OF DEFINITION OF COMPENSATION.—Paragraph (1) of section 219(f) (defining compensation) is amended to read as follows:

"(1) COMPENSATION.—For purposes of this section, the term 'compensation' includes earned income (as defined in section 401(c)(2)) reduced by any amount allowable as a deduction to the individual in computing adjusted gross income under paragraph (7) of section 62. The term 'compensation' does not include any amount received as a pension or annuity and does not include any amount received as deferred compensation."

(5) TIME WHEN CERTAIN CONTRIBUTIONS DEEMED MADE.—Subparagraph (B) of section 219(f)(3) (relating to time when contributions deemed made) is amended by striking out "the contribution is made" and inserting in lieu thereof "the contribution is made on account of the taxable year which includes such last day and".

(6) CLARIFICATION OF ADDITIONAL TAX WHERE AMOUNTS RECEIVED BEFORE AGE 59½.—Subparagraph (A) of section 72(o)(2) (relating to additional tax if amount received before age 59½) is amended by striking out "to which the employee made one or more deductible employee contributions".

(7) 10-YEAR AVERAGING AND CAPITAL GAINS PROVISIONS.—The last sentence of subparagraph (A) of section 402(e)(4) (defining lump sum distribution) is amended by striking out "this section and section 403" and inserting in lieu thereof "this subsection, subsection (a)(2) of this section, and subsection (a)(2) of section 403".

(8) ROLLOVER OF PARTIAL DISTRIBUTIONS OF DEDUCTIBLE EMPLOYEE CONTRIBUTIONS PERMITTED.—

(A) Subparagraph (D) of section 402(a)(5) (relating to rollover amounts) is amended by adding at the end thereof the following new clause:

"(v) ROLLOVER OF PARTIAL DISTRIBUTIONS OF DEDUCTIBLE EMPLOYEE CONTRIBUTIONS PERMITTED.—In the case of any qualifying rollover distribution described in subclause (III) of clause (i), clause (i) of subparagraph (A) shall be applied by substituting 'any portion of the balance' for 'the balance'."

(B) Subparagraph (C) of section 403(b)(8) (relating to rollover amounts) is amended by striking out "subparagraphs (B), (C)," and inserting in lieu thereof "subparagraphs (B), (C), (D)(v),".

(9) ESTATE TAX EXCLUSION.—

(A) Paragraph (1) of section 2039(f) is amended to read as follows:

"(1) IN GENERAL.—An amount is described in this subsection if—

"(A) it is a lump sum distribution described in section 402(e)(4) (determined without regard to the third sentence of section 402(e)(4)(A)), or

"(B) it is an amount attributable to accumulated deductible employee contributions (as defined in section 72(o)(5)(B)) in any plan taken into account for purposes of determining whether the distribution described in subparagraph (A) qualifies as a lump sum distribution."

(B) Paragraph (2) of section 2039(f) is amended by striking out "A lump sum distribution" and inserting in lieu thereof "An amount".

(10) DEDUCTIBLE EMPLOYEE CONTRIBUTIONS BY OWNER-EMPLOYEES PERMITTED.—

(A) The second sentence of section 401(d)(5) is amended to read as follows: "Subparagraphs (A) and (B) shall not apply to contributions described in subsection (e), and shall not apply to any deductible employee contribution (as defined in section 72(o)(5))."

(B) Paragraph (2) of section 4972(b) (relating to contributions by owner-employees) is amended by adding at the end thereof the following new sentence: "No contribution by an owner-employee which is a deductible employee contribution (as defined in section 72(o)(5)) shall be taken into account under this paragraph."

(11) EFFECTIVE DATE FOR ESTATE AND GIFT TAX PROVISIONS.—Subsection (i) of section 311 of the Economic Recovery Tax Act of 1981 (relating to effective dates) is amended by adding at the end thereof the following new paragraph:

"(5) ESTATE AND GIFT TAX PROVISIONS.—

"(A) ESTATE TAX.—The amendments made by subsections (d)(1) and (h)(4) shall apply to the estates of decedents dying after December 31, 1981.

"(B) GIFT TAX.—The amendments made by subsections (d)(2) and (h)(5) shall apply to transfers after December 31, 1981."

(12) CLERICAL AMENDMENTS.—

(A) Subparagraph (A) of section 219(b)(2) is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1))".

(B) Subparagraph (D) of section 3401(a)(12) is amended by striking out "section 219(a)" and inserting in lieu thereof "section 219".

(C) Subsection (d) of section 6047 is amended by striking out "section 219(a)" and inserting in lieu thereof "section 219".

(D) Paragraph (2) of section 311(c) of the Economic Recovery Tax Act of 1981 is amended to read as follows:

"(2) Subparagraph (J) of section 402(e)(4) (relating to tax on lump sum distribution) is amended by adding at the end thereof the following new sentence: 'This subparagraph shall not apply to distributions of accumulated deductible employee contributions (within the meaning of section 72(o)(5)).'"

(d) AMENDMENTS RELATED TO SECTION 312.—

(1) SIMPLIFIED EMPLOYEE PENSIONS.—

(A) Clause (ii) of section 408(k)(3)(C) (relating to uniform relationships of contributions) is amended by striking out "on behalf of each employee" and inserting in lieu thereof "on behalf of each employee (other than an employee within the meaning of section 401(c)(1))".

(B) Subsection (j) of section 408 is amended by striking out "$15,000" and inserting in lieu thereof "$17,000".

(2) CONFORMING AMENDMENT.—The last sentence of section 401(j)(3) is amended—

(A) by striking out "subsection (j)(2)" and inserting in lieu thereof "paragraph (2)", and

(B) by inserting "with respect only to such change" after "participation".

(3) CLARIFICATION OF EFFECTIVE DATE.—Paragraph (1) of section 312(f) of the Economic Recovery Tax Act of 1981 (relating to effective date) is amended by striking out "plans which include employees within the meaning of section 401(c)(1) with respect to".

(e) AMENDMENTS RELATED TO SECTION 314.—

(1) Paragraph (1) of section 314(b) of the Economic Recovery Tax Act of 1981 is amended by striking out "by redesignating subsection (n) as subsection (o) and by inserting after subsection (m)" and inserting in lieu thereof "by redesignating subsection (m) as subsection (n) and by inserting after subsection (l)".

(2) Section 408 is amended by redesignating the subsection added by section 314(b)(1) of the Economic Recovery Tax Act of 1981 as subsection (m).

(f) AMENDMENTS RELATED TO SECTION 321.—

(1) Subparagraph (A) of section 305(e)(3) (defining qualified public utility) is amended to read as follows:

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified public utility' means, for any taxable year of the corporation, a domestic corporation which, for the 10-year period ending on the day before the beginning of the taxable year, placed in service qualified long-life public utility property having a cost equal to at least 60 percent of the aggregate cost of all tangible property described in subparagraph (A) or (B) of section 1245(a)(3) placed in service by the corporation during such period."

(2) Clause (ii) of section 305(e)(3)(C) is amended to read as follows:

"(ii) QUALIFIED LONG-LIFE PUBLIC UTILITY PROPERTY.—The term 'qualified long-life public utility property' means any tangible property which—

"(I) is described in subparagraph (A) or (B) of section 1245(a)(3),

"(II) has a present class life (as defined in section 168(g)(2)) of more than 18 years, and

"(III) is public utility property (within the meaning of section 167(l)(3)(A))."

(g) AMENDMENTS RELATED TO SECTION 331.—

(1) CERTAIN REGULATED COMPANIES.—Paragraph (3) of section 44G(b) (relating to certain regulated companies) is amended—

(A) by striking out "No credit" and inserting in lieu thereof "No credit attributable to compensation taken into account for the ratemaking purposes involved", and

(B) by adding at the end thereof the following new sentence:

"Under regulations prescribed by the Secretary, rules similar to the rules of paragraphs (4) and (7) of section 46(f) shall apply for purposes of the preceding sentence."

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (21) of section 401(a) is amended by striking out "which would be allowable" and all that follows and inserting in lieu thereof the following:

"which would be allowable—

"(A) under section 46(a) if the employer made the transfer described in section 48(n)(1), or

"(B) under section 44G if the employer made the transfer described in section 44G(c)(1)(B)."

(B) Paragraph (4) of section 331(c) of the Economic Recovery Tax Act of 1981 is amended by striking out "section 6699" and inserting in lieu thereof "section 6699(c)".

(C) Clause (ii) of section 6699(c)(2)(A) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clause (i)".

(D) Clause (ii) of section 6699(c)(2)(B) is amended by striking out "subparagraph (A)" and inserting in lieu thereof "clause (i)".

(E) Paragraph (4) of section 55(c) is amended by striking out "44G(b)(1),".

(F) The paragraph (29) of section 381(c) added by section 331 of the Economic Recovery Tax Act of 1981 is redesignated as paragraph (30).

(h) AMENDMENT RELATED TO SECTION 334.—The last sentence of section 409A(h)(2) is amended by striking out "the requirements

of section 401(a)" and inserting in lieu thereof "the requirements of this subsection or of section 401(a)".

(i) AMENDMENT RELATED TO SECTION 337.—Paragraph (2) of section 409A(d) is amended to read as follows:

"(2) a transfer of a participant to the employment of an acquiring employer from the employment of the selling corporation in the case of a sale to the acquiring corporation of substantially all of the assets used by the selling corporation in a trade or business conducted by the selling corporation, or".

SEC. 104. AMENDMENTS RELATED TO TITLE IV OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 403.—

(1) PROPERTY TREATED AS HAVING PASSED FROM SPOUSE.—

(A) Subsection (b) of section 1014 (relating to basis of property acquired from decedent) is amended by adding at the end thereof the following new paragraph:

"(10) Property includible in the gross estate of the decedent under section 2044 (relating to certain property for which marital deduction was previously allowed). In any such case, the last 3 sentences of paragraph (9) shall apply as if such property were described in the first sentence of paragraph (9)."

(B) Section 2044 (relating to certain property for which marital deduction was previously allowed) is amended by adding at the end thereof the following new subsection:

"(c) PROPERTY TREATED AS HAVING PASSED FROM DECEDENT.—For purposes of this chapter and chapter 13, property includible in the gross estate of the decedent under subsection (a) shall be treated as property passing from the decedent."

(2) DENIAL OF DOUBLE DEDUCTION.—

(A) Subsection (b) of section 2056 (relating to bequests, etc., to surviving spouse) is amended by adding at the end thereof the following new paragraph:

"(9) DENIAL OF DOUBLE DEDUCTION.—Nothing in this section or any other provision of this chapter shall allow the value of any interest in property to be deducted under this chapter more than once with respect to the same decedent."

(B) Section 2523 (relating to gift to spouse) is amended by adding at the end thereof the following new subsection:

"(h) DENIAL OF DOUBLE DEDUCTION.—Nothing in this section or any other provision of this chapter shall allow the value of any interest in property to be deducted under this chapter more than once with respect to the same donor."

(3) DISPOSITIONS OF CERTAIN LIFE ESTATES.—

(A) Subsection (a) of section 2519 (relating to dispositions of certain life estates) is amended to read as follows:

"(a) GENERAL RULE.—For purposes of this chapter and chapter 11, any disposition of all or part of a qualifying income interest for life in any property to which this section applies shall be treated as a transfer of all interests in such property other than the qualifying income interest."

(B) Clauses (i) and (ii) of section 403(d)(3)(B) of the Economic Recovery Tax Act of 1981 are each amended by striking out "chapter 11" and inserting in lieu thereof "chapter 12".

(4) TIME FOR MAKING ELECTION.—Paragraph (4) of section 2523(f) (relating to election with respect to life estate for donee spouse) is amended to read as follows:

"(4) ELECTION.—

"(A) TIME AND MANNER.—An election under this subsection with respect to any property shall be made on or before the first April 15th after the calendar year in which the interest was transferred and shall be made in such manner as the Secretary shall by regulations prescribe.

"(B) ELECTION IRREVOCABLE.—An election under this subsection, once made, shall be irrevocable."

(5) TREATMENT OF CERTAIN INTEREST RETAINED BY DONOR SPOUSE.—Subsection (f) of section 2523 (relating to election with respect to life estate for donee spouse) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF INTEREST RETAINED BY DONOR SPOUSE.—

"(A) IN GENERAL.—In the case of any qualified terminable interest property—

"(i) such property shall not be includible in the gross estate of the donor spouse, and

"(ii) any subsequent transfer by the donor spouse of an interest in such property shall not be treated as a transfer for purposes of this chapter.

"(B) SUBPARAGRAPH (A) NOT TO APPLY AFTER TRANSFER BY DONEE SPOUSE.—Subparagraph (A) shall not apply with respect to any property after the donee spouse is treated as having transferred such property under section 2519, or such property is includible in the donee spouse's gross estate under section 2044."

(6) AMENDMENT OF SECTION 2523(f).—Paragraph (3) of section 2523(f) (relating to certain rules made applicable) is amended by striking out "the rules of" and inserting in lieu thereof "rules similar to the rules of".

(7) CROSS REFERENCE.—Section 2519 is amended by adding at the end thereof the following new subsection:

"(c) CROSS REFERENCE.—

"For right of recovery for gift tax in the case of property treated as transferred under this section, see section 2207A(b)."

(8) ANNUITIES NOT TREATED AS QUALIFYING INCOME INTEREST.—Clause (ii) of section 2056(b)(7)(B) (defining qualifying income interest for life) is amended by adding at the end thereof the following new sentence: "An annuity shall not be treated as a qualifying income interest for life."

(9) CLERICAL AMENDMENT.—Paragraph (2) of section 2035(b) is amended by striking out "section 6019(a)(2)" and inserting in lieu thereof "section 6019(2)".

(b) AMENDMENTS RELATED TO SECTION 421.—

(1) TREATMENT OF CERTAIN SURVIVING SPOUSES.—Paragraph (5) of section 2032A(b) (relating to special rules for surviving spouses) is amended by adding at the end thereof the following new subparagraph:

"(C) COORDINATION WITH PARAGRAPH (4).—In any case in which to do so will enable the requirements of paragraph (1)(C)(ii) to be met with respect to the surviving spouse, this subsection and subsection (c) shall be applied by taking into account any application of paragraph (4)."

(2) EXCHANGES OF QUALIFIED REAL PROPERTY.—

(A) Clause (ii) of section 2032A(i)(1)(B) (relating to exchanges where other property received) is amended by striking out "the other property" and inserting in lieu thereof "the qualified exchange property".

(B) Paragraph (3) of section 2032A(i) is amended by striking out "subparagraph (A), (B), or (C)" and inserting in lieu thereof "subparagraph (A) or (B)".

(3) TRANSFERS OF CERTAIN FARM, ETC., REAL PROPERTY.—

(A) Subsection (a) of section 1040 (relating to transfer of certain farm, etc., real property) is amended by striking out "such exchange" and inserting in lieu thereof "such transfer".

(B) Subsection (c) of section 1040 is amended—

(i) by striking out "an exchange" and inserting in lieu thereof "a transfer",

(ii) by striking out "the exchange" each place it appears and inserting in lieu thereof "the transfer", and

(iii) by striking out "EXCHANGE" in the subsection heading and inserting in lieu thereof "TRANSFER".

(C) Section 1223 (defining holding period of property) is amended by redesignating paragraph (12) as paragraph (13) and by inserting after paragraph (11) the following new paragraph:

"(12) If—

"(A) property is acquired by any person in a transfer to which section 1040 applies,

"(B) such property is sold or otherwise disposed of by such person within 1 year after the decedent's death, and

"(C) such sale or disposition is to a person who is a qualified heir (as defined in section 2032A(e)(1)) with respect to the decedent,

then the person making such sale or other disposition shall be considered to have held such property for more than 1 year."

(4) CLARIFICATION OF EFFECTIVE DATES.—

(A) Subparagraph (A) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out "subsections (b)(1), (c)(2), (j)(1), and (j)(2)" and inserting in lieu thereof "subsections (b)(1), (j)(1), and (j)(2) and the provisions of subparagraph (A) of section 2032A(c)(7) of the Internal Revenue Code of 1954 (as added by subsection (c)(2))".

(B) Subparagraph (B) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out the second sentence and inserting in lieu thereof the following: "If the estate of any decedent would not qualify under section 2032A of the Internal Revenue Code of 1954 but for the amendments described in subparagraph (A) and the time for making an election under section 2032A with respect to such estate would (but for this sentence) expire after July 28, 1980, the time for making such election shall not expire before the close of February 16, 1982."

(C)(i) Subparagraph (C) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended by striking out "within 6 months after the date of the enactment of this Act" and inserting in lieu thereof "at any time before February 17, 1982".

(ii) Subparagraph (D) of section 421(k)(5) of the Economic Recovery Tax Act of 1981 is amended—

(I) by striking out "within 6 months after such date of enactment" and inserting in lieu thereof "before February 17, 1982", and

(II) by striking out "the date 6 months after such date of enactment" and inserting in lieu thereof "February 17, 1982".

(c) AMENDMENTS RELATED TO SECTION 422.—

(1) Paragraph (3) of section 6166(b) (relating to farm houses and certain other structures taken into account) is amended by striking out "65-percent requirement" and inserting in lieu thereof "35-percent requirement".

(2) Clauses (i) and (ii) of the first sentence of section 6166(g)(1)(B) (relating to disposition of interest; withdrawal of funds from business) are amended to read as follows:

"(i) the redemption of such stock, and the withdrawal of money and other property distributed in such redemption, shall not be treated as a distribution or withdrawal for purposes of subparagraph (A), and

"(ii) for purposes of subparagraph (A), the value of the interest in the closely held business shall be considered to be such value reduced by the value of the stock redeemed."

(d) AMENDMENTS RELATED TO SECTION 424.—

(1) COORDINATION WITH SECTION 6166(a)(1).—

(A) IN GENERAL.—Subsection (d) of section 2035 (relating to adjustments for gifts made within 3 years of decedent's death) is amended by adding at the end thereof the following new paragraph:

"(4) COORDINATION OF 3-YEAR RULE WITH SECTION 6166(a)(1).—An estate shall be treated as meeting the 35-percent of adjusted gross estate requirement of section 6166(a)(1) only if the estate meets such requirement both with and without the application of paragraph (1)."

(B) CROSS REFERENCE.—Subsection (j) of section 6166 (relating to extension of time for payment of estate tax where estate consist largely of interest in closely held business) is amended by adding at the end thereof the following new paragraph:

"(5) TRANSFERS WITHIN 3 YEARS OF DEATH.—

"For special rule for qualifying an estate under this section where property has been transferred within 3 years of decedent's death, see section 2035(d)(4)."

(C) CONFORMING AMENDMENT.—Paragraph (3) of section 2035(d) is amended by striking out subparagraph (C), by adding "and" at the end of subparagraph (B), and by redesignating subparagraph (D) as subparagraph (C).

(2) EXCEPTIONS FOR CERTAIN TRANSFERS.—Paragraph (2) of section 2035(d) (relating to exceptions for certain transfers) is amended—

(A) by inserting "of this subsection and paragraph (2) of subsection (b)" after "Paragraph (1)", and

(B) by striking out "2041,".

(3) ELECTION TO HAVE AMENDMENTS NOT APPLY.—

(A) In the case of any decedent—

(i) who dies before August 13, 1984, and

(ii) who made a gift (before August 13, 1981, and during the 3-year period ending on the date of the decedent's death) on which tax imposed by chapter 12 of the Internal Revenue Code of 1954 has been paid before April 16, 1982,

such decedent's executor may make an election to have subtitle B of such Code (relating to estate and gift taxes) applied with respect to such decedent without regard to any of the amendments made by title IV of the Economic Recovery Tax Act of 1981.

(B) An election under subparagraph (A) shall be made at such time and in such manner as the Secretary of the Treasury or his delegate shall prescribe.

(C) An election under subparagraph (A), once made, shall be irrevocable.

(e) AMENDMENT RELATED TO SECTION 426.—Paragraph (3) of section 2518(c) (relating to disclaimers) is amended by striking out "For purposes of subsection (a), a" and inserting in lieu there of "A".

SEC. 105. AMENDMENTS RELATED TO TITLE V OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 501.—

(1) LOSS COMPUTED WITH RESPECT TO UNRECOGNIZED GAIN.—

(A) IN GENERAL.—Subparagraph (A) of section 1092(a)(1) (relating to recognition of loss in case of straddles, etc.) is amended by striking out "unrealized gain" and inserting in lieu thereof "unrecognized gain".

(B) UNRECOGNIZED GAIN DEFINED.—So much of paragraph (3) of section 1092(a) as precedes subparagraph (B) thereof is amended to read as follows:

"(3) UNRECOGNIZED GAIN.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'unrecognized gain' means—

"(i) in the case of any position held by the taxpayer as of the close of the taxable year, the amount of gain which would be taken into account with respect to such position if such position were sold on the last business day of such taxable year at its fair market value, and

"(ii) in the case of any position with respect to which, as of the close of the taxable year, gain has been realized but not recognized, the amount of gain so realized."

(C) REPORTING OF GAIN.—Subclauses (I) and (II) of section 1092(a)(3)(B)(i) (relating to reporting of gain) are amended to read as follows:

"(I) each position (whether or not part of a straddle) with respect to which, as of the close of the taxable year, there is unrecognized gain, and

"(II) the amount of such unrecognized gain."

(D) CLERICAL AMENDMENTS.—

(i) Section 6653 (relating to failure to pay tax) is amended by redesignating subsection (g) as subsection (f).

(ii) The subsection heading of subsection (f) of section 6653 (as redesignated by clause (i)) is amended by striking out "UNREALIZED" and inserting in lieu thereof "UNRECOGNIZED".

(2) CLARIFICATION OF GENERAL RULE LIMITING RECOGNITION OF LOSS.—Subparagraph (A) of section 1092(a)(1) is amended by striking out "which—" and all that follows and inserting in lieu thereof the following: "which were offsetting positions with respect to 1 or more positions from which the loss arose."

(3) COORDINATION WITH SECTION 1256.—Paragraph (4) of section 1092(d) (relating to special rule for regulated futures contracts) is amended to read as follows:

"(4) SPECIAL RULE FOR REGULATED FUTURES CONTRACTS.—In the case of a straddle at least 1 (but not all) of the positions of which are regulated futures contracts, the provisions of this section shall apply to any regulated futures contract and any other position making up such straddle."

(4) CLERICAL AMENDMENT.—Subparagraph (C) of section 1092(c)(2) (relating to offsetting positions) is amended by striking out "subsection (a)(3)(B)" and inserting in lieu thereof "subsection (a)(2)(B)".

(b) AMENDMENTS RELATED TO SECTION 503.—

(1) TRANSFERS OF RIGHTS AND OBLIGATIONS.—Subsection (c) of section 1256 (relating to regulated futures contracts marked to market) is amended to read as follows:

"(c) TERMINATIONS, ETC.—

"(1) IN GENERAL.—The rules of paragraphs (1), (2), and (3) of subsection (a) shall also apply to the termination (or transfer) during the taxable year of the taxpayer's obligation (or rights) with respect to a regulated futures contract by offsetting, by taking or making delivery, or otherwise.

"(2) SPECIAL RULE WHERE TAXPAYER TAKES DELIVERY ON PART OF STRADDLE.—If—

"(A) 2 or more regulated futures contracts are part of a straddle (as defined in section 1092(c)), and

"(B) the taxpayer takes delivery under any of such contracts,

then, for purposes of this section, each of the other such contracts shall be treated as terminated on the day on which the taxpayer took delivery.

"(3) FAIR MARKET VALUE TAKEN INTO ACCOUNT.—For purposes of this subsection, fair market value at the time of the termination (or transfer) shall be taken into account."

(2) IDENTIFICATION OF MIXED STRADDLES.—Subparagraph (B) of section 1256(d)(4) (defining mixed straddles) is amended by striking out "such position" and inserting in lieu thereof "the first regulated futures contract forming part of the straddle".

(3) ACTIVE MANAGEMENT WITH RESPECT TO SYNDICATES.—Clause (v) of section 1256(e)(3)(C) is amended by inserting "(by regulations or otherwise)" after "determines".

(4) HOLDING PERIOD.—Paragraph (8) of section 1223 (relating to holding period of property) is amended by inserting "(other than a commodity futures contract to which section 1256 applies)" after "commodity futures contract" the first place it appears.

(5) FOREIGN CURRENCY AND CASH SETTLEMENT CONTRACTS MARKED TO MARKET.—

(A) IN GENERAL.—Subsection (b) of section 1256 (defining regulated futures contract) is amended—

(i) by striking out paragraph (1) and by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively, and

(ii) by adding at the end thereof the following new sentence:

"Such term includes any foreign currency contract."

(B) FOREIGN CURRENCY CONTRACT DEFINED.—Section 1256 is amended by adding at the end thereof the following new subsection:

"(g) FOREIGN CURRENCY CONTRACTS DEFINED.—

"(1) FOREIGN CURRENCY CONTRACT.—For purposes of this section, the term 'foreign currency contract' means a contract—

"(A) which requires delivery of a foreign currency which is a currency in which positions are also traded through regulated futures contracts, and

"(B) which is traded in the interbank market.

"(2) VALUATION.—For purposes of this section, the fair market value of any foreign currency contract shall be determined under regulations prescribed by the Secretary. Such regulations may disregard any terms in a contract which the Secretary determines preclude readily ascertainable valuations."

(C) EFFECTIVE DATE.—The amendments made by subparagraphs (A)(ii) and (B) shall apply only with respect to contracts entered into after May 11, 1982.

(6) CLARIFICATION OF EXTENSION.—Paragraph (3) of section 509(b) of the Economic Recovery Tax Act of 1981 is amended to read as follows:

"(3) the fair market value on the last business day of the preceding taxable year for each regulated futures contract described in paragraph (2), and".

(7) CLERICAL AMENDMENT.—Subparagraph (A) of section 1212(c)(4) (defining net commodities futures loss) is amended by striking out "and positions to which section 1256 applies".

SEC. 106. AMENDMENTS RELATED TO TITLE VI OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) PRODUCTION FROM TRANSFERRED PROPERTY.—Paragraph (3) of section 6429(d) (relating to production from transferred property) is amended by striking out subparagraph (D).

(2) ALLOCATION OF ROYALTY LIMIT.—Subparagraph (B) of section 4994(f)(3) (relating to allocation of royalty limit) is amended by striking out "subsection (b)(1)" and inserting in lieu thereof "paragraph (2)(A)".

(3) QUALIFIED FAMILY CORPORATION DEFINED.—Subparagraph (B) of section 6429(d)(4) is amended by striking out "other than royalty interests described in paragraph (2)(A)" and inserting in lieu thereof "other than royalty interests from which there is qualified royalty production determined by treating such corporation as a qualified royalty owner".

(b) AMENDMENT RELATED TO SECTION 603.—Paragraph (2) of section 4994(g) (relating to limitations for certain transferred properties) is amended by striking out "owned by a person other than an independent producer" and inserting in lieu thereof "owned by any person (other than the producer) who at such time was not an independent producer".

SEC. 107. AMENDMENTS RELATED TO TITLE VII OF THE ACT.

(a) AMENDMENTS RELATED TO SECTION 722.—

(1) AGGREGATION OF PROPERTIES.—Subsection (d) of section 6659 (relating to underpayment must be at least $1,000) is amended by striking out "the valuation overstatement" and inserting in lieu thereof "valuation overstatements".

(2) CLARIFICATION OF DEFINITION OF VALUATION OVERSTATEMENT.—Paragraph (1) of section 6659(c) (defining valuation overstatement) is amended by striking out "exceeds 150 percent of" and inserting in lieu thereof "is 150 percent or more of".

(3) CLARIFICATION OF INCREASE IN NEGLIGENCE PENALTY.—Subparagraph (B) of section 6653(a)(2) (relating to additional amount for portion attributable to negligence, etc.) is amended by inserting "(or, if earlier, the date of the payment of the tax)" after "assessment of the tax".

(b) AMENDMENTS RELATED TO SECTION 724.—

(1) Subsection (c) of section 5761 (relating to application of section 6659) is amended—

(A) by striking out "section 6659(a)" and inserting in lieu thereof "section 6660(a)", and

(B) by striking out "SECTION 6659" in the heading and inserting in lieu thereof "SECTION 6660".

(2) Subparagraph (B) of section 6656(b)(2) (defining overstated deposit claim) is amended by striking out "the date such return is filed" and inserting in lieu thereof "the due date for filing such return".

(c) AMENDMENT RELATING TO SECTION 725.—

(1) Paragraph (1) of section 6654(f) (relating to exception to penalty for failure to pay estimated tax where tax is small amount) is amended by striking out "is less than" and inserting in lieu thereof ", reduced by the credit allowable under section 31, is less than".

(2) Subsection (a) of section 6015 (relating to requirement of declaration of estimated income tax by individuals) is amended by striking out "entitled under subsection (b)" each place it appears and inserting in lieu thereof "entitled under subsection (c)".

SEC. 108. AMENDMENTS RELATED TO TITLE VIII OF THE ACT.

(a) AMENDMENT RELATED TO SECTION 802.—Subsection (e) of section 120 (relating to termination of exclusion for amounts received under qualified group legal service plans) is amended by striking out "This section" and inserting in lieu thereof "This section and section 501(c)(20)".

(b) AMENDMENT RELATED TO SECTION 823.—Subparagraph (A) of section 4942(j)(3) is amended by striking out "and" at the end of clause (i) and inserting in lieu thereof "or".

SEC. 109. EFFECTIVE DATE.

Except as otherwise provided in this title, any amendment made by this title shall take effect as if it had been included in the provision of the Economic Recovery Tax Act of 1981 to which such amendment relates.

TITLE II—AMENDMENTS RELATED TO CRUDE OIL WINDFALL PROFIT TAX ACT OF 1980

SEC. 201. AMENDMENTS RELATED TO WINDFALL PROFIT TAX.

(a) AMENDMENTS TO SECTION 4988.—

(1) Paragraph (3) of section 4988(b) (defining taxable income from the property) is amended by striking out "purposes of paragraph (2)" and inserting in lieu thereof "purposes of this subsection".

(2) Clause (ii) of section 4988(b)(3)(C) (relating to taxable income reduced by cost depletion) is amended by striking out "all taxable periods" and inserting in lieu thereof "all taxable years".

(b) AMENDMENT TO SECTION 4989.—Paragraph (3) of section 4989(b) (relating to inflation adjustment) is amended—

(1) by striking out "paragraphs (1) and (2)" and inserting in lieu thereof "paragraphs (1)(A) and (2)", and

(2) by adding at the end thereof the following new sentence: "For purposes of applying paragraph (1)(B), the revision of the price deflator which is most consistent with the revision used for purposes of paragraph (1)(A) shall be used."

(c) AMENDMENT TO SECTION 4991.—Subparagraph (B) of section 4991(d)(1) (defining tier 2 oil) is amended by striking out "National Petroleum Reserve" and inserting in lieu thereof "Naval Petroleum Reserve".

(d) AMENDMENTS TO SECTION 4992.—

(1) Subsection (b) of section 4992 (defining independent producer) is amended to read as follows:

"(b) INDEPENDENT PRODUCER DEFINED.—For purposes of this section—

"(1) IN GENERAL.—The term 'independent producer' means, with respect to any quarter in any calendar year, any person other than a person to whom subsection (c) of section 613A does not apply for such calendar year by reason of paragraph (2) (relating to certain retailers) or paragraph (4) (relating to certain refiners) of section 613A(d).

"(2) RULES FOR APPLYING PARAGRAPHS (2) AND (4) OF SECTION 613A(d).—For purposes of paragraph (1), paragraphs (2) and (4) of section 613A(d) shall be applied by substituting 'calendar year' for 'taxable year' each place it appears in such paragraphs."

(2) Paragraph (2) of section 4992(c) (relating to allocation where production exceeds independent producer amount) is amended—

(A) by striking out "such person's production for such quarter of domestic crude oil" and inserting in lieu thereof "such person's qualified production of oil for such quarter",

(B) by striking out "such person's domestic crude oil" and inserting in lieu thereof "such person's qualified production of oil", and

(C) by striking out the last sentence.

(3) Clause (i) of section 4992(d)(3)(B) (relating to small producer transfer exemption) is amended by striking out "has the property" and inserting in lieu thereof "has the interest".

(e) AMENDMENT TO SECTION 4993.—Subparagraph (B) of section 4993(c)(2) (relating to requirements for qualified tertiary recovery project) is amended to read as follows:

"(B) the date on which the injection of liquids, gases, or other matter begins is after May 1979,".

(f) AMENDMENTS TO SECTION 4994.—

(1) Subparagraph (A) of section 4994(c)(2) (relating to refunds for tertiary projects of integrated producers) is amended by striking out "the taxpayer" each place it appears and inserting in lieu thereof "the producer".

(2)(A) Paragraph (1) of section 4994(e) (defining exempt Alaskan oil) is amended to read as follows:

"(1) from a well located north of the Arctic Circle or from a reservoir from which oil has been produced in commercial quantities through such a well, or".

(B) Paragraph (2) of section 4994(e) is amended by striking out "the divide of the Alaskan-Aleutian range" and inserting in lieu thereof "the divides of the Alaska and Aleutian ranges".

(g) AMENDMENTS TO SECTION 4995.—

(1) Subparagraph (A) of section 4995(a)(3) (relating to adjustments for withholding errors) is amended—

(A) by striking out "removed during any calendar year", and

(B) by striking out "removed during the same calendar year".

(2) Paragraph (3) of section 4995(a) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) as subparagraph (C).

(3) Subparagraph (B) of section 4995(a)(4) (relating to time payment deemed made) is amended by striking out "The producer" and inserting in lieu thereof "For purposes of this chapter (and so much of subtitle F as relates to this chapter), the producer".

(h) AMENDMENTS TO SECTION 4996.—

(1)(A) Paragraph (1) of section 4996(a) (defining producer) is amended by redesignating subparagraph (B) as subparagraph (C) and by inserting after subparagraph (A) the following new subparagraph:

"(B) NET PROFITS INTERESTS.—Except to the extent otherwise provided by regulations, in the case of any property, all cost recovery oil covered by a net profits agreement (within the meaning of subsection (h)) shall be treated as produced by the parties to such agreement in proportion to their respective shares (determined after reduction for such cost recovery oil) of the production of the crude oil covered by such agreement."

(B) Subparagraph (A) of such paragraph (1) is amended by striking out "subparagraph (B)" and inserting in lieu thereof "subparagraphs (B) and (C)".

(C) Section 4996 (relating to other definitions and special rules) is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) TERMS USED IN SUBSECTION (a)(1)(B).—For purposes of subsection (a)(1)(B) and this subsection—

"(1) NET PROFITS AGREEMENT.—The term 'net profits agreement' means an agreement entered into (or renewed) after March 31, 1982, and providing for sharing part or all of

the production of crude oil from a property where—

"(A) 1 or more persons are to be reimbursed for qualified costs by the allocation of cost recovery oil, and

"(B) 1 or more persons are to receive a share of any production of crude oil from the property remaining after reduction for the cost recovery oil referred to in subparagraph (A).

"(2) COST RECOVERY OIL DEFINED.—The term 'cost recovery oil' means crude oil produced from the property which is allocated to a person as reimbursement for qualified costs paid or incurred with respect to the property.

"(3) QUALIFIED COSTS.—The term 'qualified costs' means any amount paid or incurred for exploring for, or developing or producing, 1 or more oil or gas wells on the property.

"(4) SCOPE OF AGREEMENT.—A net profits agreement shall be treated as covering only shares of production of crude oil held by persons who hold economic interests in the property (determined without regard to subsection (a)(1)(B))."

(D) Subsection (b) of section 4988 (relating to net income limitation on windfall profit) is amended by adding at the end thereof the following new paragraph:

"(6) COST RECOVERY OIL COVERED BY NET PROFITS AGREEMENT.—For purposes of paragraph (2), if any person is treated under section 4996(a)(1)(B) as the producer of any portion of the cost recovery oil covered by a net profits agreement (within the meaning of section 4996(h))—

"(A) such person (and only such person) shall include in his gross income from the property the gross income from such portion, and

"(B) the qualified costs allocable to such portion shall be treated as paid or incurred by such person (and only by such person)."

(E) If 90 percent or more of the remaining production referred to in subparagraph (B) of section 4996(h)(1) of the Internal Revenue Code of 1954 is to be received by governmental entities, and organizations described in clause (i), (ii), or (iii) of section 4994(b)(1)(A) of such Code, which do not share in the costs referred to in subparagraph (A) of such section 4996(h)(1), then the requirement of paragraph (1) of section 4996(h) of such Code that the agreement be entered into (or renewed) after March 31, 1982, shall not apply.

(2)(A) Paragraph (1) of section 4996(b) (defining crude oil) is amended by adding at the end thereof the following new sentence: "In the case of crude oil which is condensate recovered off the premises by mechanical separation, such crude oil shall be treated as removed from the premises on the date on which it is so recovered."

(B) Paragraph (3) of section 4996(b) (defining domestic) is amended by striking out "an oil well" and inserting in lieu thereof "a well".

(i) AMENDMENTS RELATED TO SECTION 4997.—

(1) IN GENERAL.—Subsection (a) of section 4997 (relating to records and information; regulations) is amended by striking out "such information" and inserting in lieu thereof "such statements and other information".

(2) PENALTY FOR FAILURE TO MAKE A RETURN.—

(A) Subsection (a) of section 6652 (relating to failure to file certain information returns, registration statements, etc.) is amended by striking out "or" at the end of subparagraph (F) of paragraph (1), by adding "or" at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

"(3) to make a return required by section 4997(a) (relating to information with respect to windfall profit tax on crude oil),".

(B) Subsection (a) of section 6652 is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (2) or (3)".

(3) PENALTY FOR FAILURE TO FURNISH CERTAIN STATEMENTS.—Paragraph (3) of section 6678 (relating to failure to furnish certain statements) is amended by redesignating subparagraphs (A) through (D) as subparagraphs (B) through (E), respectively, and by inserting before subparagraph (B) (as so redesignated) the following:

"(A) section 4997(a) (relating to statements with respect to windfall profit tax on crude oil),".

(j) AMENDMENTS TO ESTIMATED TAX PROVISIONS.—

(1) Paragraph (3) of section 6015(d) (defining estimated tax in the case of an individual) is amended to read as follows:

"(3) the amount which the individual estimates as the sum of—

"(A) any credits against tax provided by part IV of subchapter A of chapter 1, and

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986."

(2) Paragraph (2) of section 6154(c) (defining estimated tax in the case of a corporation) is amended to read as follows:

"(2) the amount which the corporation estimates as the sum of—

"(A) any credits against tax provided by part IV of subchapter A of chapter 1, and

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986."

(3) Subparagraph (B) of section 6654(g)(3) (defining tax) is amended to read as follows:

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986 (determined without regard to section 4995(a)(4)(B)),"

(4) Subparagraph (B) of section 6655(e)(2) (defining tax) is amended to read as follows:

"(B) to the extent allowed under regulations prescribed by the Secretary, any overpayment of the tax imposed by section 4986 (determined without regard to section 4995(a)(4)(B)),"

SEC. 202. MISCELLANEOUS PROVISIONS.

(a) AMENDMENT TO SECTION 44D.—Subsection (f) of section 44D (relating to application of section) is amended by striking out "December 3, 1979" each place it appears and inserting in lieu thereof "December 31, 1979".

(b) AMENDMENT TO SECTION 193.—Paragraph (1) of section 193(b) (defining qualified tertiary injectant expenses) is amended by striking out "during the taxable year".

(c) AMENDMENT TO SECTION 223 OF THE ACT.—Paragraph (1) of section 223(a) of the Crude Oil Windfall Profit Tax Act of 1980 (relating to boilers fueled by petroleum coke or petroleum pitch) is amended by striking out "Paragraph (10)" and inserting in lieu thereof "Subparagraph (A) of paragraph (10)".

(d) AMENDMENT TO SECTION 613A.—Subparagraph (E) of section 613A(c)(10) is amended by adding at the end thereof the following new sentence: "For purposes of this subparagraph, the term 'oil or gas property' includes, in the case of any well, necessary production equipment for such well which is in place when the well is transferred."

SEC. 203. EFFECTIVE DATES.

(a) GENERAL RULE.—Except as provided in subsection (b), any amendment made by this title shall take effect as if it had been included in the provision of the Crude Oil Windfall Profit Tax Act of 1980 to which such amendment relates.

(b) EXCEPTIONS.—

(1) DEFINITION OF INDEPENDENT PRODUCER.—The amendment made by section 201(d)(1) shall take effect on January 1, 1983.

(2) PENALTY PROVISION.—The amendments made by section 201(i) shall apply with respect to returns and statements the due dates for which (without regard to extensions) are after the date of the enactment of this Act.

(3) AMENDMENT TO SECTION 613A.—The amendment made by section 202(d) shall apply to transfers in taxable years ending after December 31, 1974, but only for purposes of applying section 613A of the Internal Revenue Code of 1954 to periods after December 31, 1979.

(c) NO INTEREST FOR PAST PERIODS RESULTING FROM AMENDMENTS RELATING TO COST RECOVERY OIL.—No interest shall be paid or credited with respect to the credit or refund of any overpayment of tax imposed by the Internal Revenue Code of 1954, and no interest shall be assessed or collected with respect to any underpayment of tax imposed by such Code, for any period before the date which is 60 days after the date of the enactment of this Act, to the extent that such overpayment or underpayment is attributable to the amendments made by section 201(h)(1).

TITLE III—AMENDMENTS RELATED TO INSTALLMENT SALES REVISION ACT OF 1980, ETC.

SEC. 301. CLARIFICATION OF ATTRIBUTION RULES IN SECTION 1239.

(a) DEFINITION OF RELATED PERSONS.—Subsection (b) of section 1239 (defining related persons) is amended to read as follows:

"(b) RELATED PERSONS.—For purposes of subsection (a), the term 'related persons' means—

"(1) a husband and wife, and

"(2) a person and all entities which are 80-percent owned entities with respect to such person."

(b) 80-PERCENT OWNED ENTITY DEFINED.—Subsection (c) of section 1239 (defining 80-percent owned entity) is amended to read as follows:

"(c) 80-PERCENT OWNED ENTITY DEFINED.—

"(1) GENERAL RULE.—For purposes of this section, the term '80-percent owned entity' means, with respect to any person—

"(A) a corporation 80 percent or more in value of the outstanding stock of which is owned (directly or indirectly) by or for such person, and

"(B) a partnership 80 percent or more of the capital interest or profits interest in which is owned (directly or indirectly) by or for such person.

"(2) CONSTRUCTIVE OWNERSHIP.—For purposes of subparagraphs (A) and (B) of paragraph (1), the principles of section 318 shall apply, except that—

"(A) the members of an individual's family shall consist only of such individual and such individual's spouse,

"(B) paragraph (2)(C) of section 318(a) shall be applied without regard to the 50-percent limitation contained therein, and

"(C) paragraph (3) of section 318(a) shall not apply."

SEC. 302. CORRECTION OF CLERICAL ERROR IN SECTION 453B(d)(2).

Paragraph (2) of section 453B(d) (relating to liquidations to which section 337 applies) is amended by striking out "to the extent that under paragraph (1)" and inserting in lieu thereof "to the extent that under subsection (a)".

SEC. 303. CLARIFICATION OF INSTALLMENT SALE RULES WITH RESPECT TO LIKE-KIND EXCHANGES.

Subparagraph (C) of section 453(f)(6) (relating to like-kind exchanges) is amended by inserting ", when used in any provision of this section other than subsection (b)(1)," after "the term 'payment' ".

SEC. 304. TECHNICAL CORRECTIONS TO BANKRUPTCY TAX ACT OF 1980.

(a) CORRECTION OF CLERICAL ERROR RELATING TO CROSS REFERENCE.—The last sentence of subsection (e) of section 443 (relating to returns for a period of less than 12 months) is amended by striking out "section 1398(d)(3)(E)" and inserting in lieu thereof "section 1398(d)(2)(E)".

(b) CLARIFICATION OF CERTAIN TRANSFERS OF ASSETS IN SUBPARAGRAPH (G) REORGANIZATIONS.—The last sentence of subparagraph (C) of section 368(a)(2) (relating to special rules relating to definition of reorganization) is amended by striking out "or stock".

SEC. 305. MISCELLANEOUS AMENDMENTS.

(a) EFFECTIVE DATE OF SECTION 404A.—Subparagraph (E) of section 2(e)(2) of Public Law 96-603 is amended by striking out "was barred" and inserting in lieu thereof "was not barred".

(b) REDESIGNATION OF SECTION 194.—

(1) The section 194 which relates to contributions to employer liability trusts is hereby redesignated as section 194A.

(2) The table of sections for part VI of subchapter B of chapter 1 is amended by striking out the item relating to the section 194 which relates to contributions to employer liability trusts and inserting in lieu thereof the following:

"Sec. 194A. Contributions to employer liability trusts."

SEC. 306. EFFECTIVE DATES.

(a) FOR SECTIONS 301, 302, AND 303.—The amendments made by sections 301, 302, and 303 shall apply to dispositions made after October 19, 1980, in taxable years ending after such date.

(b) FOR SECTION 304.—

(1) The amendment made by subsection (a) of section 304 shall take effect as if included in the amendments made by section 3 of the Bankruptcy Tax Act of 1980.

(2) The amendment made by subsection (b) of section 304 shall take effect as if included in the amendments made by section 4 of such Act.

(c) FOR SECTION 305.—

(1) The amendment made by subsection (a) of section 305 shall take effect on December 28, 1980.

(2) The amendments made by subsection (b) of section 305 shall take effect on October 14, 1980.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Florida (Mr. GIBBONS) will be recognized for 20 minutes, and the gentleman from New York (Mr. CONABLE) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. GIBBONS).

GENERAL LEAVE

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1330

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a completely noncontroversial proposal from the Committee on Ways and Means. It is in line with our customary action each year where the Committee on Ways and Means examines those revenue acts that are before it and, on a consensus basis, makes technical corrections and clarifications that are necessary to those acts.

Mr. Speaker, as you know, and as I hope all Members know, we have an excellent staff on the Committee on Ways and Means and the joint committee staff. They cooperated together with the Treasury Department and with the private sector and with all of the Members of the Congress, particularly the Members of the Ways and Means Committee, to put this legislation together.

There is absolutely no controversy with this legislation. It has been cleared by all sides and been passed unanimously by the Committee on Ways and Means.

I will be glad to answer any questions.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Because of the scheduling, the gentleman from New York (Mr. CONABLE) was here earlier, but is now on his way back to the floor and, as I understand, will be here in a moment. But I just wanted to find out from the gentleman whether or not this was something which has the approval of the minority.

Mr. GIBBONS. Absolutely, yes sir. I can assure you unequivocally. The administration also approves of the bill.

Mr. WALKER. The administration is in support of it?

Mr. GIBBONS. The administration and the minority support the bill and, as far as I know, there is no objection.

I will be glad to describe the details of the bill.

Mr. WALKER. If the gentleman would provide us with a couple of details from the bill it might give time for the minority Member to get here and to have his views recorded on this.

I would thank the gentleman.

Mr. GIBBONS. Mr. Speaker, H.R. 6056, the Technical Corrections Act of 1982, contains technical, clerical, conforming and clarifying amendments to provisions enacted in the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, the Installment Sales Revisions Act of 1980, the Bankruptcy Tax Act of 1980, and certain other tax legislation enacted in 1980.

H.R. 6056 was introduced on April 1, 1982, by Mr. CONABLE and myself. Comments were invited on the bill and a public hearing was held by the Committee on Ways and Means on April 27, 1982. The committee approved several technical amendments on May 11, 1982, as a result of the testimony and comments received from the Treasury Department, the Internal Revenue Service, tax practitioners, and the general public.

The bill is divided into three titles. The first title provides technical amendments to the Economic Recovery Tax Act of 1981. The second title provides amendments to the Crude Oil Windfall Profit Tax Act of 1980; and the third title provides amendments to the Installment Sales Revision Act of 1980, the Bankruptcy Tax Act of 1980, and other tax legislation enacted in 1980.

Mr. Speaker, the amendments made by H.R. 6056 are designed only to make technical or clarifying changes and to rectify inadvertent drafting errors and omissions. The committee made every effort to avoid making any substantive changes to the 1980 and 1981 tax legislation.

Mr. Speaker, I urge my colleagues to approve H.R. 6056, the Technical Corrections Act of 1982.

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have before us an important piece of tax legislation which has resulted from many hours of bipartisan effort by the minority and majority members of the Committee on Ways and Means. Specifically, H.R. 6056, the Technical Corrections Act of 1982, contains a series of technical amendments to three already-enacted tax laws: the Economic Recovery Tax Act of 1981, the Crude Oil Windfall Profit Tax Act of 1980, and the Installment Sales Revision Act of 1980.

Each of these pieces of legislation effected major changes in the Internal Revenue Code. Because of their complicated makeup, it was inevitable that some clarification and corrections would be necessary to precisely delineate congressional intent and to eliminate ambiguities of the initial legislation. I believe H.R. 6056 generally accomplishes both of these desirable goals.

The importance of completing action on this legislation as soon as reason-

ably possible is also apparent. Many taxpayers are awaiting action by Congress to determine the applicability of the original pieces of legislation. I support its prompt adoption.

● Mr. MATSUI. Mr. Speaker, I rise to support H.R. 6056, the Technical Corrections Act of 1982.

This legislation makes a much needed technical correction to the Crude Oil Windfall Profit Tax Act of 1980 so as to insure that the State of California and the city of Long Beach will enjoy the full exemption from taxation afforded to governmental entities under the act. The principal beneficiary of this curative amendment will be postsecondary educational institutions as State law earmarks these oil revenues for their use and support.

The State of California and the city of Long Beach contract with a consortia of private companies to operate governmentally owned tideland oil fields. The contract, let on public bid, pays the contractors a 5-percent share of net profits. It is the application of these net profit contracts to the economic interest test, as set forth in the Windfall Profit Tax Act, which has caused this tax problem unique to California and Long Beach. H.R. 6056 cures this problem by crediting all expense oil under these net profit contracts on the basis of contract interest.

The adoption of this legislation will eliminate the current inequitable situation and will place California and Long Beach on parity with all other governmental entities in the future development of their oil interest. I urge your support of H.R. 6056 and this much needed curative amendment.●

● Mr. ANDERSON. Mr. Speaker, I rise in support of H.R. 6056, the Technical Corrections Act of 1982. H.R. 6056 exempts the State of California and the city of Long Beach from the windfall profit tax on oil. This tax has been applied to the city and State under the provisions of the Crude Oil Windfall Profit Tax Act of 1980 because of the unique "net profits" agreement the city of Long Beach and the State lands commission have with a consortium of private oil companies for production of oil on public lands in my district of California.

However, a reading of the legislative history of the Windfall Profit Tax Act of 1980 makes it abundantly clear that the intent of Congress with the Windfall Profit Tax Act was to exempt revenues to States and other governmental units from the tax if the oil revenues were used for public programs.

Mr. Speaker, by State of California law Long Beach revenues go to the public education system. I can imagine few wiser choices for spending oil revenues, which because of serendipity lie under the city of Long Beach, than to contribute to the education of future generations of Americans.

Because of a Department of Treasury ruling, the Treasury has withheld windfall profit tax money totaling nearly $50 million. However, the corrections encompassed in H.R. 6056 are applied retroactively, thereby restoring to the city of Long Beach and the State of California these moneys in a most timely fashion because of the current economic hardships facing my district. Furthermore, it is estimated that this clarification of the intent of the Windfall Profit Act will save the city and State a total of $20 million each year.

Mr. Speaker, I have for the past two Congresses introduced legislation that would accomplish this fair and much needed correction. This year, I have worked with my good friend and colleague, BOB MATSUI, who sits on the Committee on Ways and Means to insert this provision in a technical tax corrections bill, which because this is a technical correction is where this provision belongs. I am most appreciative of the contributions of my California colleagues on Ways and Means in getting this worthy provision passed.●

Mr. GIBBONS. Mr. Speaker, I have no further requests for time.

In conclusion, I want to say that the Committee on Ways and Means approved this technical corrections bill not because the committee makes a lot of errors but because we are proud of the work we do. The committee trys to be extremely accurate, and sure that taxpayers, tax practitioners, and the Government know exactly what is intended by the Congress.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MONTGOMERY). The question is on the motion offered by the gentleman from Florida (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 6056, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EARTHQUAKE HAZARDS REDUCTION ACT OF 1977 AUTHORIZATION

Mr. WALGREN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6272) to amend the Earthquake Hazards Reduction Act of 1977 to extend authorizations of appropriations, and for other purposes.

The Clerk read as follows:

H.R. 6272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 101. (a) Section 7(a) of the Earthquake Hazards Reduction Act of 1977 is amended by adding at the end thereof the following new paragraph:

"(4) There are authorized to be appropriated to the Director, to carry out the provisions of sections 5 and 6 of this Act, $1,281,000 for the fiscal year ending September 30, 1983, and such sums as may be necessary for the fiscal year ending September 30, 1984.".

(b) Section 7(b) of such Act is amended by striking out "and" after "1981;", and by inserting "; $33,843,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(c) Section 7(c) of such Act is amended by striking out "and" after "1981;", and by inserting "; $25,000,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(d) Section 7(d) of such Act is amended by striking out "and" after "1981;", and by inserting "; $475,000 for the fiscal year ending September 30, 1983; and such sums as may be necessary for the fiscal year ending September 30, 1984" before the period at the end thereof.

(e) Section 7(e) of such Act is amended by striking out "the fiscal year ending September 30, 1982" and inserting in lieu thereof "each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984".

TITLE II—MULTIHAZARD RESEARCH, PLANNING, AND MITIGATION

SEC. 201. Section 302 of Public Law 96-472 is amended by adding at the end thereof the following new subsection:

"(c) For the fiscal year ending September 30, 1983, there are authorized to be appropriated to the Director—

"(1) $2,774,000 to carry out section 301, which amount shall include—

"(A) not less that $300,000 to carry out the purposes of paragraphs (1) through (6) of such section;

"(B) such sums as may be necessary, but in any case not less than $939,000, for use by the United States Fire Administration in carrying out paragraph (7) of such section; and

"(C) not less than $1,535,000 to carry out paragraph (8) of such section with respect to those large California earthquakes which were identified by the National Security Council's Ad Hoc Committee on Assessment of Consequences and Preparations for a Major California Earthquake and with respect to other high seismic risk areas in the United States; and

"(2) such further sums as may be necessary for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Pennsylvania (Mr. WALGREN) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. WEBER) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. WALGREN).

GENERAL LEAVE

Mr. WALGREN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks on H.R. 6272.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALGREN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, at the outset I want to recognize the work of the members of the Subcommittee on Science, Research and Technology of the Science and Technology Committee, and in particular the contribution of the ranking minority member, the gentlewoman from Massachusetts, Mrs. HECKLER, and the others for their assistance in preparing this bill.

This is the third time the Earthquake Hazards Reduction Act of 1977 has been reauthorized. In addition, this year marks the third year that the Federal Emergency Management Agency has had responsibility for implementing the Earthquake Act and multihazard, research, planning, and mitigation programs.

Since both of these programs are a part of FEMA, our subcommittee authorized both programs in a single bill.

Although this authorization is not large, it is important. I want to directly address the reason the committee recommended an authorization that is $3,939,000 above the President's budget submittal, $939,000 for the multihazard, research, planning, and mitigation program, and the $3 million balance for the earthquake hazards reduction program of the U.S. Geological Survey.

The bulk of the fire programs conducted at the U.S. Fire Administration have already been authorized for fiscal year 1983. They were authorized in Public Law 97-80, which was last year's authorization bill, and these programs do not need to be reauthorized this year.

However, one program, the emergency first response program, was only authorized for fiscal year 1982 so that the committee could monitor the progress of this program during its first year of existence.

The committee has found that this program was extremely cost effective in training firefighters to respond to all types of hazards.

This program identifies and packages emergency management plans and procedures which then can be used by fire departments across the country to respond to a variety of hazards.

Although Government programs are often criticized as spending money on planning and really nothing more, I think reasonable people will agree that planning is the be all and the end all of saving lives.

If our emergency response is not planned in advance, there will be no good response. The end result will be that property and lives which would not have been lost will in fact be lost.

Since most of the agency's programs are covered by the standing 2-year authorization, no further action is required except for the extension of the emergency first response component.

Providing authorization for the full range of the USFA programs will allow the agency to use its appropriation in the most effective and productive way. That is why we bring this authorization, $939,000 above the President's budget submission, to the House floor for renewal.

At this level the authorized funding would be level to and equal with that of fiscal year 1982.

Turning to the area of earthquakes, the most vivid indication of needed action comes from the report entitled "An Assessment of Consequences and Preparation for a Major California Earthquake."

The report estimates that a repeat of the 1906 San Francisco earthquake which took 700 lives and destroyed buildings costing, in 1978 dollars, about $170 million, probably would not cause $24 billion in damages, cause up to 5,000 lives lost and 700,000 injuries. If a similar earthquake occurred in the Los Angeles area it would probably cause losses of about $45 billion and as many as 23,000 deaths.

Going east, a repeat of the New Madrid, Mo., earthquakes of 1811-12, estimated by many to have been the most violent series of earthquakes in the United States, could cause losses in the Midwest comparable with the "worst case" estimates for San Francisco or Los Angeles.

The significance of this threat is why our bill has $3 million above the President's submission for the U.S. Geological Survey to be devoted to the first phase of an earthquake prediction network. Existing instrumentation networks in sourthern California are for earthquake prediction research, not for an operational earthquake prediction.

The instrumentation and communication devices in place are not at the level of reliability that is needed for an operational system. Instrumentation networks must be geographically comprehensive and data generated must be analyzed immediately, 24 hours a day, at a central location.

At present the data from some instrumentation is collected only every few weeks. Consequently we are approaching the occurrence of a catastrophic earthquake in southern California in only a research mode.

□ 1345

Current earthquake monitoring systems in southern California are characteristic of current earthquake monitoring systems throughout the United States. By beginning to fully instrument and monitor one well-known fault area on an operational level, we as the Congress are recognizing that it is time to take the next step leading to the ability to make reasonable predictions about earthquakes for the country as a whole. California is not alone in the threat of earthquake activity. All or part of 39 States lie in regions classed as having major or moderate seismic risk. Within those 39 States more than 70 million people are vulnerable to Earth movements strong enough to threaten life and property. We have, certainly, the responsibility to take reasonable measures to anticipate the threats to their lives and property.

The earthquake hazard reduction and multihazard authorizations of this bill represent a 6.6-percent increase over the President's budget request. We believe that this sum is an effective investment in preventing life and property losses that will happen if we do not make this investment. I urge the other Members of the House to support the emergency efforts being made across the country by local firefighters in their emergency response teams and protecting against the very real hazards of earthquake and other kinds of emergencies in establishing this kind of an effort on a Federal level.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. WALGREN. I yield to the gentleman from Texas.

Mr. GONZALEZ. I thank the distinguished gentleman from Pennsylvania for yielding, and I rise in support of this effort. I wish to commend the gentleman and the subcommittee for this work. I think it is very important work. The sense of security is, as the gentleman has well put it, kind of deceptive. I was going to ask a question, but there is no question in my mind that enough is known now scientifically that the predictions are almost mathematically accurate, and the ability to predict which has been developed in the last 5 years alone shows clearly that we have very special areas of responsibility in this country, particularly in such areas as California.

I have long supported this legislation. My interest also stems from the fact that I am now chairman of the Subcommittee on Housing and Urban Development, and I have been a member of that for 20 years. We had hearings on the housing programs and their impact on lessening the destructiveness of an earthquake. Therefore, my concern is very keen. The only question I have is whether at this time, under the pressure of budgetary restrictions, we are not being a little bit too economical. Is the level of authorization we are requesting here realistic, in the gentleman's opinion?

Mr. WALGREN. We feel—I think I can speak on behalf of the committee,

or certainly some strong feelings of individual members of the committee—that this is adequate to cover the very immediate steps that we can take, and we honestly believe that out of this is going to come an awareness and a sensitivity to this problem that will make us feel that we should be taking broader steps, particularly in the housing area and the structural planning, to protect lives in such an event. As the gentleman says, we have done little, and the threat is extreme.

Mr. GONZALEZ. I commend the gentleman and his associates on the subcommittee once again for doing a very good job, despite the handicap of lack of awareness, I guess you could say. It is so hard to try to set up a climate for sympathetic consideration for something that has not happened. I commend the gentleman for his very wonderful work, very important work. This is really crucial work. I hope that the gentleman will succeed in arousing more concern and greater support. I certainly want to volunteer any kind of personal help that I, as one individual Member, could render to the subcommittee.

Mr. WALGREN. We certainly appreciate and honor that interest and commitment of the gentleman. Before I came to Congress and in my first several years here prior to becoming chairman of the subcommittee, I was not actively involved in this area. But I think the Congress as a whole deserves credit for its foresight in this area. The fact that we are doing this much I believe is an indication that the people can have confidence that there are reasonable people in the Congress who are trying to look down the road and make prudent investments in areas that affect their safety. This is one of those prudent investments.

Mr. GONZALEZ. Once again I commend the gentleman.

Mr. WALGREN. I thank the gentleman for his remarks, and I commend the gentleman for his interest in the subject.

Mr. Speaker, I yield such time as he may consume to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. I thank the gentleman for yielding this time to me.

Mr. Speaker, H.R. 6272 was jointly referred to the Committee on Interior and Insular Affairs due to our oversight responsibilities for the U.S. Geological Survey within the Department of the Interior. On May 12 of this year the Interior Committee by a unanimous voice vote ordered the bill favorably reported to the House.

The earthquake hazards reduction program, established by the Earthquake Hazards Reduction Act of 1977, provided an opportunity for participation in a national program by State and local governments, industry, universities, and other professionals. Without the direction and coordination provided in the 1977 act, the national program would lack direction in focusing on earthquake problems.

Several objectives were enumerated in the act to accomplish the ultimate goal of reducing the loss of lives and property from earthquakes: Earthquake resistent construction; earthquake prediction; development of model code; earthquake-related issue comprehension; public education; earthquake hazard mitigation research; and seismic phenomena research.

The U.S. Geological Survey carries out scientific research and engineering studies that contribute to a better understanding of earthquake hazards. Results of USGS research are communicated to others for use in construction designs for hospitals, government buildings, houses, dams, nuclear power-plant sitings, and oil pipelines, to name a few uses.

The Geological Survey is responsible for conducting five specific tasks set down in the implementation plan of the Earthquake Hazards Reduction Act. They are:

First, to conduct research on the nature of earthquakes, earthquake prediction, earthquake hazards evaluation, and induced seismicity;

Second, to prepare national seismic risk maps;

Third, to evaluate earthquake hazards on a regional basis;

Fourth, to provide data and information on earthquake occurrences and hazards; and

Fifth, to evaluate earthquake predictions with the advice of a National Earthquake Prediction Evaluation Council.

A sixth task—to acquire, analyze, and disseminate strong ground motion data—is currently performed by the Geological Survey for the National Science Foundation.

Mr. Speaker, the successful implementation of the earthquake hazards reduction program will be a valuable tool in preventing a mass catastrophe. On behalf of MORRIS UDALL, chairman of the Interior and Insular Affairs Committee and JIM SANTINI, chairman of the Mines and Mining Subcommittee, I urge my colleagues' support in reauthorizing this program.

Mr. WALGREN. Mr. Speaker, I have no further requests for time.

Mr. WEBER of Minnesota. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we all tend to assume that it is only our colleagues from California who have reason to be concerned about the dangers and destruction caused by earthquakes. While it is true that California is located in an extremely hazardous zone, the fact is that studies have shown 39 States lie in regions classed as having major and moderate seismic risk. Thus the scope of possible earthquake destruction could affect as many as 70 million American citizens. This authorization provides for an extensive earthquake hazards and risk assessment program, global seismology studies, and the operation of seismic engineering programs. In addition to scientific studies on earthquakes, this legislation also provides for multihazard planning in order that we may better cope with emergencies when devastating earthquakes occur. The possible panic and crisis situation that would exist should another major earthquake strike San Francisco or Los Angeles, point out the absolute necessity of planning now for all contingencies. The United States has been truly fortunate in the post-World War II era that no major catastrophic earthquakes have taken place in the seismically active zones under many of our major cities. We cannot continue to rely exclusively on that good fortune. This authorization helps provide the needed research and the planning and mitigation programs that can make the effects of a major earthquake less devastating to the population.

The committee has provided approximately $4 million more in this authorization than the administration has requested. This additional authorization has come primarily in two areas. First, there is $3 million more provided to fund several design studies for instrumenting fault zones in southern California. Second, $939,000 extra is authorized for the emergency first responder program. I have no particular quarrel with either of these two programs, but I do question whether they are truly needed when this Congress is working so hard to control the growth of the Federal budget. I think it best that we stand back for a couple of years and look at these types of programs and see whether further on down the road they should figure prominently in our list of high priority items. While the dollar amounts are relatively small in these instances, we all know that these are exactly the types of programs that have caused the Federal deficit to mushroom so in the last 20 years. For example, once the California earthquake design studies are completed, I am certain in future years we would see a further request for Federal funding of an extensive monitoring system. I am not saying that this is necessarily bad, but I do have some question as to whether this should be a Federal responsibility. I want to express a note of caution that this could possibly lead to substantial Federal expenditures in the future.

Mr. Speaker, I yield 6 minutes to the gentleman from Pennsylvania (Mr. WALKER), a member of the committee.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I join with the gentleman in noting that there is no particular controversy about this bill, and everybody agrees with the merits of the bill. It appears to have administration support. But I think we do need to emphasize the fact that it is a bill that comes in here over budget. It is about $4 million over budget, as the gentleman from Minnesota has pointed out. That $4 million is a relatively small amount, it is a relatively small amount as this bill goes, it is a relatively small amount as the total budget goes; but the fact is that all of these drops in the ocean are exactly what has created the ocean of debt that this Nation is now faced with. If every time we get a bill like this on the floor, with an item in it that raises the amount of money being spent over the budget request, we are in fact contributing to expanding that ocean of debt in the future. So I would hope that, as the House passes this bill—and it seems evident that the House will—we will realize that we are passing a budget buster, albeit a fairly small one, but also recognize that the administration will request of the other body that they amend the bill and try to bring that spending limit down.

I think there is one other point that needs to be made. One thing that concerns me about the procedure we are using here in bringing such bills up under this particular calendar, under the Suspension Calendar, is that we are precluded from the opportunity of making those kinds of amendments here in the House. We now see a bunch of bills being crowded onto the Suspension Calendar where probably the House should have a chance to work its will rather than taking them up under this process. I have no doubt in my mind that if this bill came up under regular procedures and an amendment was offered to eliminate the $4 million, this House would probably adopt that amendment, and it would get us within the budget. We are precluded from that opportunity. I am disappointed to see that we are now going to have a jam of bills on the Suspension Calendar which will keep us from maintaining some kind of budget control. I would hope that we would have some review of the kinds of things we are doing under the Suspension Calendar to allow this House to exercise its rights with regard particularly to budget matters.

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Mr. WEBER of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Minnesota.

Mr. WEBER of Minnesota. Mr. Speaker, I would lke to commend the gentleman for again expressing his concern; and, in a broader context, I commend the gentleman for being the watchdog of this House on budgetary matters, whether they be relatively small matters, such as the budget that we are considering today, or the larger programs when the gentleman finds the entire House filled to listen to him basically preaching the same message for pieces of legislation where the matters in excess of the budget were not a few million but tens of billions of dollars.

I would join with the gentleman in pointing out that although this bill is not going to find me in opposition, time and time again when we take up different pieces of legislation, we very rarely find a piece of legislation coming before this House which is under budget.

So these matters add up one on the other. This is how we build the size of the deficit we have.

I would also like to commend the gentleman for continuing to bring to the attention of Members the problems we face with regard to the procedures of the House and the rules under which legislation such as this are considered that make it difficult for the membership to exercise their judgment as it would like to do.

Again I do not object to this bill, but I would like to commend the gentleman for his continued vigilance in watching the taxpayers' money being spent.

Mr. WALKER. I thank the gentleman. I think the gentleman made the point well in his statement that what we are dealing with here is a situation where we have a fairly small amount of money; but I think the House needs to continue to be on notice that even these small amounts of money should be watched because in total they are a problem for our budget deficits.

● Mr. BROWN of California. Mr. Speaker, I rise in support of H.R. 6272. The bill authorizes appropriations for the Earthquake Hazards Reduction Act of 1977 and for the multihazards research planning and mitigation program for fiscal year 1983. The U.S. Geological Survey, the National Science Foundation, the National Bureau of Standards Center for Building Technology, and FEMA have key roles in carrying out the national earthquake hazards reduction program.

Mr. Speaker, as one Member from California I am acutely aware of the potential hazards of a severe earthquake. My State lives in expectation of the inevitability of such an occurrence. The Federal Emergency Management Agency (FEMA) currently assesses a 5- to 8-percent probability per year of a catastrophic earthquake in California. But California is only one of many States where earthquakes occur. Perhaps the most violent quakes on record in the United States occurred in New Madrid, Mo., in 1811 and 1812. Another event of large magnitude took place near Charleston, S.C., in 1886. Geologists believe that earthquakes are likely in more than 30 States, although the probability in any one spot is much less than that in the Pacific States.

A catastrophic earthquake in California could cause $20 to $50 billion in direct property damage and 5,000 to 25,000 fatalities. Proper prediction and response planning are critical to reduce losses and provide for recovery of an impacted community following an earthquake. Dr. Philip Abelson wrote in the October 2, 1981, Science magazine:

> Present knowledge and experience do not permit dependable and accurate forecasting of the time of an earthquake. Some of them are attended by obvious premonitory phenomena, others are not. Through observing and heeding such phenomena, the Chinese were successful in avoiding great loss of life in one instance. On another occasion, precursors were now evident and several hundred thousand lives were lost. Ultimately, there will be better understanding of the events culminating in major quake. For now, the most practical approach is to identify the likely locations and magnitudes of earthquakes and to design structures to withstand the disturbances. Around the world most of the lives lost in earthquakes have resulted from collapse of buildings.

Clearly, an earthquake prediction system can be a critical component of an earthquake program. For this reason, the authorizing committees have included funding for the U.S. Geological Survey to develop a prototype earthquake prediction network for continuous geophysical monitoring of the fault systems threatening major California population centers. Such a program could be expanded to other earthquake-prone areas of the country once working experience had been gained in California.

The nature of earthquake prediction is such that Federal involvement is critical. Prediction networks must cover wide areas, cross jurisdictional boundaries, and require great coordination. It is difficult to envision the successful establishment of a prediction network without the help of the Federal Government. This is true with most complex issues, but is especially true in a field where the Federal Government is the acknowledged leader, such as meteorology and geophysics. Ultimately, the burden of a major earthquake will fall on the Federal Government. No State can come close to coping with the billions of dollars in damages caused in the aftermath of a major earthquake.

I urge my colleagues to support the programs included in this legislation designed to improve predictive capability, prepare emergency response plans, and engage in earthquake-related research.

Another hazard of constant concern is fire. FEMA is also the coordinator of the Federal effort in preventing and controlling fire. Most of the fire pro-

grams at FEMA are conducted at the U.S. Fire Administration (USFA).

Annually, fires in this Nation cause approximately 8,000 deaths, 300,000 injuries and over $5 billion of destroyed property. If one included the total cost of meeting fire and building codes, installing protective systems, maintaining fire departments and insuring property, the total rises to a staggering $21 billion.

The national fire picture becomes more grim in light of arson statistics. The national direct loss due to arson is estimated at $1.23 billion per year. This is a figure that is comparable to losses due to other major crimes such as larceny-theft, $1.1 billion, or burglary, $1.4 billion. Beyond this, tax losses due to arson multiply these losses many times. Arson is a cruel killer. Over 700 lives are lost each year to arson. It is evident that our Nation needs increased emphasis on prevention and control of fire. However, the President's budget proposals do not include funding of the USFA. Since the creation of the USFA in 1974, it has provided a Federal focal point for development of programs to prevent and control fires. The programs of the USFA need to be continued.

Title II of this bill authorizes the multihazard, research, planning, and mitigation program at FEMA which combines programs applicable not only to earthquakes and fires but also to other hazards. Mitigation and response plans for earthquakes and fires can be applied to other hazards. Furthermore, a hazard such as an earthquake may be accompanied by other manmade and natural disasters in the course of events and a multihazards mitigation and response plan will be necessary to deal with these related problems. Considerable cost savings could be achieved by using this approach of advanced integrated planning for different hazards. It is the key to whether we simply put up with repeated loss of life and property from the many hazards that we face, or whether we move to prevent them, and to use our resources more efficiently to recover from them.

Let us work toward programs which insure the most effective and coordinated investment in reducing the costly penalty of earthquakes, fires, and other hazards.

I urge my colleagues to support H.R. 6272.●

Mr. WEBER of Minnesota. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

Mr. WALGREN. Mr. Speaker, I have no more requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman fron Pennsylvania (Mr. WALGREN) that the House suspend the rules and pass the bill, H.R. 6272.

The question was taken and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. WALGREN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill, S. 2273, to amend section 7 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) to extend authorizations for appropriations, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. WALKER. Mr. Speaker, reserving the right to object, I do so because it was my understanding that the administration is going to seek an amendment to bring this bill within the budget in the Senate. Is the action we are about to take going to preclude the administration from having the opportunity to reduce the spending by $4 million in the Senate?

Mr. WALGREN. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Pennsylvania.

Mr. WALGREN. I thank the gentleman for yielding.

Mr. Speaker, that is not my understanding although I do not profess to study what happens in the other body.

Mr. WALKER. Further reserving the right to object, let me understand the procedure that we are going through here. We have a Senate passed bill we are substituting now for the House passed bill.

Does that mean that we are going to go to conference and that we have a Senate passed bill that is within the $60 million limit that we could bring back a conference report on that would meet budget standards?

Mr. WALGREN. It is my understanding we would still be in the position to negotiate with the Senate as to what their position is and that that negotiation would occur either in a conference——

Mr. WALKER. Further reserving the right to object, does the Senate passed bill come within the $60 million of expenditures that the administration has requested?

Mr. WALGREN. It is my understanding that the Senate passed bill is the same as the President's request.

Mr. WALKER. So that would meet the $60 million standard. So what we would have then is a negotiation between the House and Senate with regard to a spending limit of $60 million or $64 million or somewhere in between; is that correct?

Mr. WALGREN. That seems to make sense.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. WALGREN)?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (3) of section 7(a) of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706(a)(3)) is amended by inserting the following immediately before the period at the end thereof: "; and for the fiscal year ending September 30, 1983, $3,100,000 to carry out the purposes of this Act".

SEC. 2. Section 7(b) of such Act (42 U.S.C. 7706(b)) is amended by striking "and" after "1981;", and by inserting "; and $30,843,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

SEC. 3. Section 7(c) of such Act (42 U.S.C. 7706(c)) is amended by striking "and" after "1981;", and by inserting "; and $25,000,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

SEC. 4. Section 7(d) of such Act (42 U.S.C. 7706(d)) is amended by striking "and" after "1981;", and by inserting "; and $475,000 for the fiscal year ending September 30, 1983" immediately before the period at the end thereof.

MOTION OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WALGREN moves to strike all after the enacting clause of the Senate bill, S. 2273, and to insert in lieu thereof the provisions of the bill, H.R. 6272, as passed by the House.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "A bill to amend the Earthquake Hazards Reduction Act of 1977 to extend authorizations of appropriations, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 6272, was laid on the table.

TECHNICAL CORRECTIONS IN HEALTH LAWS

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6355), to make technical corrections in health and other laws amended by the Omnibus Budget Reconciliation Act of 1981, and for other purposes, as amended.

The Clerk read as follows:

H.R. 6355

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That (a)(1) section 931(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out " '1980,' " in paragraphs (1), (2), and (3) and inserting in lieu thereof " '1980;' ".

(2) Section 1001(c), 1003(b), and 1005(b) of the Public Health Service Act (42 U.S.C. 300(c), 300a-1(b), 300a-3(b)) are each amended by striking out the comma after "1981" and inserting in lieu thereof a semicolon.

(b) Section 936(b)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "300m(d)(1)(B)(ii)" and inserting in lieu thereof "300m(d)(1)(B)".

(c) Section 942(i) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out " 'feasible (1)' " and inserting in lieu thereof " 'feasible (i)' ".

(d)(1) Section 963(b)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "clause (2)" and inserting in lieu thereof "clause (3)".

(2) Section 311(a)(3) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (42 U.S.C. 4577(b)(3)) is amended by striking out the period at the end and inserting in lieu thereof a comma.

(e) Section 965(a) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out paragraph (A) and by redesignating paragraphs (B), (C), and (D) as paragraphs (1), (2), and (3), respectively.

(f) Section 1101(b) of the Public Health Service Act (42 U.S.C. 300b(b)) (as in effect before its repeal by section 2193(b)(1) of the Omnibus Budget Reconciliation Act of 1981 is amended byt inserting a comma after "1981".

(g) Section 2741(a)(3) of the Omnibus Budget Reconciliation Act of 1981 is amended by striking out "and 'and' ".

SEC. 2. (a) Section 338B(e) of the Public Health Service Act (42 U.S.C. 254m-(e)) is amended by inserting before the period the following: "or under section 225 as in effect on September 30, 1977".

(b) Section 337(a) of the Public Health Service Act (42 U.S.C. 254j(a)) is amended by striking out "carrying out this subpart" and inserting in lieu thereof "carrying out this subpart (other than section 338G)".

(c) Section 338D(b) of the Public Health Service Act (42 U.S.C. 254o(b)) is amended by striking out "section 338F(b)" and inserting in lieu thereof "section 338E(d)".

(d) Section 338E(d)(1) of the Public Health Service Act (42 U.S.C. 254p(d)(1)) is amended by striking out "section 338D(c)" and inserting in lieu thereof "section 338D(b)".

(e) Section 1536 of the Public Health Service Act (42 U.S.C. 300n-5) (as amended by section 935 of the Omnibus Budget Reconciliation Act of 1981) is amended by striking out "this title and" inserting in lieu thereof "this title and—".

(f) The second sentence of section 1904(a)(1)(F) of the Public Health Service Act (42 U.S.C. 300w-3(a)(1)(F)) is amended by striking out "equipment for the systems" and inserting in lieu thereof "equipment for the systems (other than systems with respect to which grants were made as prescribed by section 1905(c)(2))".

(g) Effective October 1, 1982, section 1912(b) of the Public Health Service Act is amended to read as follows:

"(b)(1) From the remainder of the amount appropriated under section 1911 for any fiscal year, the Secretary shall allot to each State an amount which bears the same ratio to such remainder for that fiscal year as the amounts—

"(A) which would have been provided by the Secretary to the State and entities in the State under section 301 of this Act for mental health services demonstrations and under the Community Mental Health Centers Act and the Mental Health Systems Act for mental health services for fiscal year 1981 if the Secretary had obligated all the funds for such purposes available for such Acts under Public Law 96-536, and

"(B) provided by the Secretary to the State and entities in the State under the laws referred to in subparagraphs (D) and (E) of paragraph (2) for fiscal year 1980, bore to the total amount appropriated for mental health services demonstrations and mental health services for fiscal year 1981 under Public Law 96-536 for section 301 of this Act, the Community Mental Health Centers Act and the Mental Health Systems Act and the total amount appropriated for fiscal year 1980 for the provisions of law referred to in subparagraphs (D) and (E) of paragraph (2).

"(2) The provisions of law referred to in paragraph (1) are the following provisions of law as in effect on the day before the date of the enactment of the Omnibus Budget Reconciliation Act of 1981:

"(A) The Community Mental Health Centers Act.

"(B) The Mental Health Systems Act.

"(C) Section 301 of this Act.

"(D) Sections 301 and 312 of the Comprehensive Alcohol Abuse and Alcoholism, Prevention, Treatment, and Rehabilitation Act of 1970.

"(E) Sections 409 and 410 of the Drug Abuse Prevention, Treatment, and Rehabilitation Act.

"(3) For purposes of paragraph (1), the total amount appropriated under Public Law 96-536 for mental health services demonstrations under section 301 of this Act shall be deemed not to exceed $20,000,000; and if such total amount did exceed $20,000,000, the amount that would have been provided to each State and entities in each State shall be ratably reduced for purposes of paragraph (1)(A) to conform to the limit prescribed by this paragraph.

"(4) To the extent that all the funds appropriated under section 1911 for a fiscal year and available for allotment in such fiscal year are not otherwise allotted to States because—

"(A) one or more States have not submitted an application or description of activities in accordance with section 1915 for the fiscal year;

"(B) one or more States have notified the Secretary that they do not intend to use the full amount of their allotment; or

"(C) some State allotments are offset or repaid under section 1916(b)(3);

such excess shall be allotted among each of the remaining States in proportion to the amount otherwise allotted to such States for the fiscal year without regard to this paragraph.".

(h) Section 1915(c)(5) of the Public Health Service Act (42 U.S.C. 300x-4(c)(5)) is amended (1) by inserting "procedures for" before "procedural", and (2) by striking out "review procedures" and inserting in lieu thereof "review".

(i)(1) Section 1915(c)(6)(A)(i) of the Public Health Service Act (42 U.S.C. 300x-4(c)(6)(A)(i)) is amended—

(A) by striking out "for mental health services";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" each place it occurs and inserting in lieu thereof "such provisions of law".

(2) Section 1915(c)(6)(A)(ii) of such Act is amended—

(A) by striking out "for mental health servies";

(B) by inserting "for mental health services" after "fiscal year 1981";

(C) by inserting "and for mental health services demonstrations under section 301 of this Act" before "if the Secretary"; and

(D) by striking out "such Acts" and inserting in lieu thereof "such provisions of law".

SEC. 3. (a) Section 6(b)(1) of the Consumer Product Safety Act (15 U.S.C. 2055(b)(1)) is amended by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (4)".

(b)(1) Section 19(a)(7) of such Act (15 U.S.C. 2068(a)(7)) is amended by striking out "section 9(d)(2)" and inserting in lieu thereof "section 9(g)(2)".

(2) Paragraph (8) of section 19(a) of such Act is repealed and paragraph (9) and the first of the two paragraphs (10) are redesignated as paragraph (8) and (9), respectively.

(c) Section 11(c) of such Act (15 U.S.C. 2060(c)) is amended by striking out "section 10(e)(4)" and inserting in lieu thereof "subsection (f)".

(d) Section 31(b)(1) of such Act (15 U.S.C. 2080(b)(1)) is amended by striking out "The Commission" and all that follows through "Substances Act." and inserting in lieu thereof the following:

"(b)(1) The Commission may not issue—

"(A) an advance notice of proposed rulemaking for a consumer product safety rule,

"(B) a notice of proposed rulemaking for a rule under section 27(e), or

"(C) an advance notice of proposed rulemaking for regulations under section 2(q)(1) of the Federal Hazardous Substances Act,".

(e) Section 3(a) of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 147(a)) is amended by striking out ", after consultation with the Technical Advisory Committee provided for in section 6 of this Act".

(f) Section 15 of the Federal Hazardous Substances Act (15 U.S.C. 1274) (as amended by section 1211(f)(1) of the Omnibus Budget Reconciliation Act of 1982) is amended by adding at the end the following:

"(e) For the purposes of this section, (1) the term 'manufacturer' includes an importer for resale, and (2) a dealer who sells at wholesale an article or substance shall with respect to that sale be considered the distributor of that article or substance.".

(g) Section 1211(h)(4) of the Omnibus Budget Reconciliation Act of 1981 is amended (1) by striking out "by inserting, ', 'Science and Transportation' immediately after 'on Commerce', and", and (2) by striking out "12(c)(1)" and inserting in lieu thereof "12(d)(1)".

SEC. 4. (a) Section 709 of the Controlled Substances Act (21 U.S.C. 904) is amended (1) by striking out subsections (a) and (b), (2) by striking out "(c)", and (3) by amending the section heading to read as follows:

"PAYMENT OF TORT CLAIMS".

(b) The item relating to section 709 in the table of contents of the Comprehensive Drug Abuse Prevention and Control Act of 1970 is amended by striking out "Authorizations of Appropriations" and inserting in lieu thereof "Payment of Tort Claims".

SEC. 5. Section 831(b) of the Public Health Service Act (42 U.S.C. 297-1(b) is amended by inserting before the period a comma and the following: "$400,000 for the fiscal year ending September 30, 1983, and $800,000 for the fiscal year ending September 30, 1984".

SEC. 6. (a) Section 791A(b)(3)(A) of the Public Health Service Act (42 U.S.C. 295h-1a(b)(3)(A) is amended by striking out "postbaccalaureate" and inserting in lieu thereof "baccalaureate".

(b) Section 791(c)(2)(A) of such Act (42 U.S.C. 295h(c)(2)(A)) is amended to read as follows:

"(A) such application contains assurances satisfactory to the Secretary that in the school year (as defined in regulations of the Secretary) beginning in the fiscal year for which the applicant receives a grant under subsection (a) that—

"(i) at least 25 individuals will complete the graduate educational programs of the entity for which such application is submitted; and

"(ii) such entity shall expend or obligate at least $100,000 in funds from non-Federal sources to conduct such programs; and".

(c)(1) Section 709(d) of such Act (42 U.S.C. 292i(d) is amended to read as follows:

"(d) Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(2) Title VIII of such Act is amended by adding at the end the following:

"TECHNICAL ASSISTANCE

"SEC. 857. Funds appropriated under this title may be used by the Secretary to provide technical assistance in relation to any of the authorities under this title.".

(d) Section 1602(f)(2) of such Act is amended by inserting after "including" the following: "selling real property pledged as security for such a loan or loan guarantee and".

(e) Section 306(l)(2) of such Act (42 U.S.C. 242k(l)(2)) is amended by striking out subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D),(E), and (F), respectively.

(f) Section 308(d) of the such Act (42 U.S.C. 242m(d)) is amended (1) by inserting ", if an establishment or person supplying the information or described in it is identifiable," after "No information", and (2) by striking out "authorized by guidelines in effect under section 306(l)(2) or under regulations of the Secretary" and inserting in lieu thereof "such establishment or person has consented (as determined under regulations of the Secretary) to its use for such other purpose".

(g) Section 330(d)(2) of such Act (42 U.S.C. 254c(d)(2)) is amended by inserting before "and the costs" the following: ", the costs of repaying loans made by the Farmers Home Administration for buildings,".

(h) Section 207(a)(1) of such Act (42 U.S.C. 209(a)(1)) is amended by inserting "psychology," after "pharmacy,".

(i) Section 302 of the Health Planning and Resources Development Amendments of 1979 (Public Law 96-79) is repealed.

SEC. 7. (a) Title of the Public Health Service Act is amended by adding at the end the following new part:

"PART F—OTHER AGENCIES OF THE NATIONAL INSTITUTES OF HEALTH

"NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH

"SEC. 481. The National Institute for Occupational Safety and Health is an agency of the National Institutes of Health.".

(b)(1) Subsections (a) and (b) of section 22 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 671) are amended by striking out "in the Department of Health, Education, and Welfare".

(2) Subsection (b) of such section 22 is amended by adding after the first sentence the following: "The Institute shall be an agency of the National Institutes of Health.".

(3) Such section 22 is amended by striking out "Secretary of Health, Education, and Welfare" each place it occurs and inserting in lieu therof "Secretary of Health and Human Services".

SEC. 8. (a) The paragraph beginning with "Service and supply fund:" under the heading "PUBLIC HEALTH SERVICE" in the Federal Security Agency Appropriation Act, 1946, (42 U.S.C. 231) is amended by inserting ", or in advance," after "stock furnished".

(b)(1) The matter in section 1706(a) (42 U.S.C. 300u-5(a)) of the Public Health Service Act preceding paragraph (1) is amended by striking out "Health Information, Health Promotion and Physical Fitness and Sports Medicine" and inserting instead "Health Promotion".

(2) The heading to section 1706 (42 U.S.C. 300u-5) of such Act is amended to read "Office of Health Promotion".

(c) The first sentence of section 311(c)(2) (42 U.S.C. 243(c)(2)) of the Public Health Service Act is amended by striking out "forty-five days" and inserting instead "six months".

SEC. 9. Section 340(g) (42 U.S.C. 256(g)) is amended (1) by striking out "and" after "1980," in paragraph (1) and by inserting before the period in that paragraph a comma and "and $3,000,000 for the fiscal year ending September 30, 1982", and (2) by inserting "and" after "1980," in paragraph (2) and by striking out in that paragraph ", and $3,000,000 for the fiscal year ending September 30, 1982".

The SPEAKER pro tempore. Is a second demanded?

Mr. MADIGAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. WAXMAN) will be recognized for 20 minutes, and the gentleman from Illinois (Mr. MADIGAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from California (Mr. WAXMAN.)

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal purpose of H.R. 6355 is to correct errors made in drafting the various health portions of the Omnibus Budget Reconciliation Act of 1981. Public Law 97-35 was drafted last summer in considerable haste and this legislation is intended to rectify some of our grammatical and typographical mistakes.

The legislation also contains a number of additional provisions which are necessary to streamline and improve administration of various health authorities. These provisions include allowing advance payments to the National Institutes of Health's service and supply fund and extending the period of time States may receive technical assistance during health emergencies. These provisions were included at the suggestion of the Department of Health and Human Services.

In addition, the legislation contains three largely noncontroversial provisions the first of which would provide an authorization of appropriations for 2 fiscal years for the training of nurse anesthetists. These funds will help ease the current shortage of nurse anesthetists in U.S. hospitals.

The second and more controversial provision would transfer administration of the National Institute for Occupational Safety and Health to the National Institutes of Health. The shift would enhance the interaction between Federal researchers in occupational and environmental health, and improve the ability of NIOSH to obtain resources and attract qualified scientists.

The third would permit the use of community health center grants for the purpose of repaying Farmers Home Administration Act loans made for the purpose of constructing new buildings.

Mr. Speaker, the legislation was reported by unaminous voice vote of the Committee on Energy and Commerce. I urge support for the committee proposal.

Mr. MADIGAN. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass H.R. 6355. I take this action for one simple reason: This bill contains a provision which is sufficiently controversial as to violate the suspension procedure.

The principal problem with this bill is that it proposes to transfer the National Institute of Occupational Safety and Health (NIOSH) from its parent centers for disease control (CDC) to the National Institutes of Health (NIH). This amendment was not discussed in public hearings before the committee, as acknowledged in House Report 97-793.

Before discussing the problems with this transfer which cause difficulty, I want to advise the House that there has been no comparable legislation acted on by the Senate.

I oppose this transfer for a number of reasons. The principal among these is that the mandated mission of the National Institute for Occupational Safety and Health (NIOSH) is incompatible with the existing mission of the National Institutes of Health (NIH). This is so for a number of reasons:

First. NIOSH is mandated to respond to requests for health hazard

evaluations and is authorized to use warrants and subpenas for right of entry and right of access to data. NIH neither has nor depends on these field response capabilities;

Second. NIOSH is authorized to recommend health based standards to the Occupational Safety and Health Administration (OSHA) and the Mine Safety and Health Administration (MSHA), while NIH conducts or supports research on which these standards may be based;

Third. NIOSH is mandated to carry out programs to test and certify personal protective equipment. NIH is not involved in regulating industry in any manner.

In addition, the centers for disease control is the principal agency of the Public Health Service concerned with the prevention of illness and premature death. By contrast, NIH, through stimulating and supporting basic investigator initiated research, works to improve human health by acquiring new scientific knowledge. This is a clear divergence between the application of existing knowledge on the one hand and the expansion into new areas of intellectual endeavor on the other.

Further, occupational safety and health research as performed by NIOSH focuses heavily on identifying and characterizing work place conditions that cause disease or injury and on recommending technologies for prevention. This requires an emphasis on subjects not generally within the purview of NIH—such as industrial accidents, mining, and engineering—and outside the mission of NIH (regulation).

Finally, the centers for disease control operate national surveillance systems not only for infectious disease but also for chronic environmental health problems through a network of State and local public health agencies. This CDC expertise is important for the assessment of the magnitude of health problems, the monitoring of national trends, and the conduct of epidemiological studies that will assist NIOSH in identifying effective control mechanisms. NIH is not involved in such national surveillance activities.

For these reasons, it should be clear that this provision renders the bill H.R. 6355 indisputably controversial. Consideration of this provision under suspension of the rules, a procedure designed to expedite the passage of noncontroversial items, would do violence to the rules of this House. For this reason alone, if not for substantive reasons enumerated above, I urge my colleagues to oppose the motion and return this bill to the Union Calendar for consideration at a later time under the usual procedural rules of the House.

□ 1415

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Energy and Commerce, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, I thank my good friend and colleague, the gentleman from California (Mr. WAXMAN) for yielding to me on this measure.

This bill was reported by a voice vote from the Committee on Energy and Commerce. It was part of an agreement and an understanding between the majority and the minority. Our good friends and colleagues, the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Illinois (Mr. MADIGAN) came to an agreement with our friend and colleague, the gentleman from California (Mr. WAXMAN) with regard to the content of this legislation.

No controversey attached to the legislation at the time it was under consideration in the Committee on Energy and Commerce.

There are some strong arguments for all parts of the bill. First of all, the technical amendments make sense, have no controversy, and have significant merit and will make the Public Health Service function better.

Second of all, moving the National Institute for Occupational Safety and Health to NIH makes excellent good sense. First of all, the National Institute for Occupational Safety and Health is a research institution. It engages in research. It is not a regulatory body.

OSHA, the regulatory body which deals with occupational safety and health, is in the Department of Labor.

NIOSH was put, at the insistence of our former friend and colleague, the Honorable Jacob Javits, the Senator from New York, into the Department of Health and Human Services to conduct research and to separate it from the regulatory agency, OSHA; so there is no OSHA regulatory function which exists at NIOSH. NIOSH has a research grant program administered at this particular minute through the National Institute of Health's Division of Research Grants. NIOSH has a sister agency at the National Institute of Health which does similar work, the National Institute of Environmental Health Sciences.

It appears to be extraordinary good sense to move the two programs under one agency so that duplication, waste, and overlap can be eliminated, and so that the two might have close and intimate contact and coordination under the aegis of the National Institutes of Health.

As mentioned, the National Institute for Occupational Safety and Health has a grant program which is already administered through the National Institutes of Health. As mentioned, this is legislation, which comes without controversy from the Committee on Energy and Commerce, was reported by a voice vote after agreements between the majority and the minority, and certainly the gentleman from North Carolina (Mr. BROYHILL) is to be commended for his part in that agreement, as is the gentleman from Illinois (Mr. MADIGAN).

Mr. BROYHILL. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I will be glad to yield to the gentleman.

Mr. BROYHILL. I think the record needs to be corrected. I do not recall being a part of the agreement on this particular amendment. There may have been other agreements.

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. WAXMAN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman.

I was of the impression that the gentleman from North Carolina was a part of the understanding. In any event, my good friend, the gentleman from Illinois (Mr. MADIGAN) was a part of it.

Mr. BROYHILL. The gentleman from Illinois did agree on this amendment. He will have to speak for himself; but my agreement did not go to this amendment.

Mr. DINGELL. Well, I am always delighted to commend the gentleman from North Carolina, because I have the most intense respect and affection for the gentleman, as I do for my good friend, the gentleman from Illinois (Mr. MADIGAN), to whom now I happily yield.

Mr. MADIGAN. Mr. Speaker, I want to thank the gentleman for yielding.

I intend to speak on all of this later; but I think there are three things at issue. One is health planning, the other was the National Institutes of Health; the third was this technical corrections bill, originally urged upon us by the Department.

The gentleman from North Carolina, the gentleman from Michigan, and the gentleman from California, with the gentleman from California (Mr. WAXMAN) and myself, were all parties to an agreement to move those bills in a certain order and the provisions of the health planning bill were discussed and the provisions of NIH were discussed; but in fairness to the gentleman from North Carolina, while he agreed to the procedure and to the particulars of health planning and NIH, I do not believe that the particulars of this technical corrections bill were ever discussed with him; so I do not believe that the gentleman has a commitment to the provisions of the technical corrections bill. I believe

that I do, because I knew what was in it.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield to me?

Mr. DINGELL. I am delighted to yield. I just want to observe that the gentleman from Illinois has always kept his commitments to me in a most honorable fashion.

I am delighted to yield to the gentleman.

Mr. WAXMAN. I also want to add my recollections to the record. The gentleman from Illinois, the ranking minority member of our subcommittee, did agree to the substance of all that is in this proposal before us today; but we always knew that the administration opposed the transfer of NIOSH to NIH and that in agreeing to move the various health bills before our committee in a certain fashion, that we did not plan to waive the substantive arguments later down the road.

Mr. DINGELL. Mr. Speaker, I thank the gentleman.

Mr. MADIGAN. Mr. Speaker, I yield 4 minutes to the gentleman from Virginia (Mr. BLILEY).

Mr. BLILEY. Mr. Speaker, we have been asked to suspend the rules in order to consider on the floor the matter of the organizational placement of the National Institute for Occupational Safety and Health. But I must raise two warnings. In the first place, this is not a minor "technical amendment" to legislation, but rather a substantive reordering of programs that would have a significant impact on the health operations of NIOSH, a $60 million agency. And, we are being offered political shenanigans that would be sold to us under the label of improved organizational effectiveness. We should not let ourselves become victims of the hoax.

Let us examine the impact of this amendment. NIOSH is now a part of the Centers for Disease Control, which is the principal Agency of the Public Health Service concerned with the prevention of illness and premature death. NIOSH fits well in this organizational environment where the focus is on pragmatic and service-oriented health programs.

NIOSH conducts field investigations to evaluate health hazards in the workplace—an activity akin to the well know epidemic assistance provided by CDC. There are other similarities. NIOSH provides scientific recommendations to regulatory agencies as CDC does in the area of clinical laboratory practice and immunization. NIOSH carries out regulatory powers in its testing and certification of personal protective equipment, whereas CDC enforces the Nation's foreign quarantine requirements.

The amendment would move NIOSH out of this compatible organizational environment, and place it in the National Institutes of Health. Although there is some similarity between the two in that both conduct research, there is a significant difference in the focus of that research. NIOSH focuses heavily on identifying workplace hazards that cause injury or disease. This is directed research that must be related to prevention through regulation or other means. At the Bethesda campus we have, on the other hand, the Nation's premier biomedical research organization whose sole mission is to acquire new scientific knowledge. I submit that even in the one area of apparent similarity, research, there are very important differences between NIOSH and NIH. The Director of NIH has stated that the NIOSH mission is incompatible with that of NIH. Therefore, we must consider carefully the diversionary and detrimental impact that would result by the mismatch of the other mandated NIOSH activities, which can be confrontational in nature, on the basic research environment of NIH. To do this work, we, the Congress, have authorized NIOSH to use warrants and subpenas in the execution of right of entry and right of access to data. These are hardly the tools of Nobel Prize winners. I reiterate, this bill is not a technical amendment.

I contend that the motivations are purely political. The amendment is being offered as a part of a partisan political effort to reverse the move of NIOSH headquarters from the Washington area to Atlanta, Ga.

Appropriation language was passed which stopped that move midstream, with the top NIOSH leadership in Atlanta, and a dissident support staff remaining in Rockville, Md. Obviously, it is more difficult to exert day-to-day influence on an organization located more than 600 miles away. This current amendment is a blatant maneuver to deepen the disruption of NIOSH by having it report to another organization located in the Washington area—NIH. This ploy is being proposed by those who, under the cover of last year's budget conflicts and crises, slipped through an apparently innocent provision which has handcuffed an important health agency. However, this move is not simply a political ploy. The long delays and disruption caused by postponing the transfer of NIOSH to the CDC is causing serious safety hazards to America's workers. For 12 long months, the move of the NIOSH headquarters has been in limbo. This hiatus has resulted in the discontinuation or delay of program activities and in missed opportunities. For example, we are still waiting for the production of the scientific document on radio frequency microwaves. Plans to upgrade some 20 standards have for the most part been delayed and, it has been impossible to proceed with plans to improve the effectiveness of the NIOSH safety program. We cannot allow this sort of thing to continue to jeopardize the safety and health of our Nation's work force. In fact, we should take steps now to assure that last year's mistake is corrected.

Mr. MADIGAN. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I would like to thank my colleague, the gentleman from Illinois, for giving me these 3 minutes. I very much appreciate his courtesy.

Mr. Speaker, there are about 751 permanent employees of this agency, most of whom work here in the Washington area. I am sure that many of these employees will watch this debate with a great deal of interest. The reason? Because this controversy, ostensibly part of a minor technical bill, is nothing more than an illustration of how the Washington bureaucracy deals with those who seek to effect change.

One year ago, a decision was made to transfer the 10-year-old Agency from Washington, D.C., to Atlanta, Ga., and to Cincinnati, Ohio, in an effort to improve the effectiveness of the Agency.

What happens when that decision is made by management? Employees of the Agency react by saying, "Who is trying to do this to us now? What plot is afoot to deprive us of working in the Washington area where we have our families, our friends, and our children in school? We are not going to stand still for this. We will fight this move." So they organize as a part of an effort to teach those in charge of the bureaucracy, "Thou shalt not move us without our concurrence."

So employees have now fought the efforts of the administration to move this function to Atlanta where in the judgment of the administration, it belongs. Last year those opposed to the move were successful in getting an amendment to the appropriations bill which prohibited the move. So these people are now trying to prevent a move to Atlanta. We in this Chamber should not countenance this effort for two reasons: One, the current proceeding is designed for noncontroversial measures. This is certainly not one of that type. It is a controversial measure. It should have been brought up under ordinary rules, under the procedure whereby amendments could have been offered on the floor of the House.

Second, I do not believe that we in the Congress have the background and knowledge to know frankly where this activity should best be placed. I believe that the administration's position should be respected and the bill should be rejected.

□ 1430

Mr. WAXMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding this time to me.

I find the comments of the previous speaker quaint, to be kind.

In my judgment, the action of the gentleman from California (Mr. WAXMAN) and the action of the gentleman from Illinois (Mr. MADIGAN) and the full committee have been appropriate in this instance.

Mr. Speaker, I must come to the House and confess that virtually every dollar which has been added to the NIOSH budget over the past few years in the Appropriations Subcommittee has been added at my urging, because of the importance of their mission. But I must say that without significant restructuring of the bureaucratic procedures under which that organization operates, it is very difficult for me to recommend to the House additional funding for that Agency.

The fact is that CDC, in which NIOSH presently is lodged, is a fine instrument, the finest the Nation has, in terms of attacks on infectious diseases. But NIOSH is misplaced within that agency because the mission of NIOSH is not to deal with infectious diseases; it is to deal with the different kinds of diseases that have nothing whatsoever to do with the skills with which epidemiologists may have gained in tracking infectious deseases.

It seems to me, therefore, highly appropriate that the committee does what it is doing today. We do not need NIOSH to be an HEW version of OSHA. We need them to be the best scientific agency we can possibly support, and to do that I think we need them attached directly to what is, I think by common agreement in this place, to be attached to the best scientific arm in the country, which is NIH.

I simply want to say that I recognize that this issue is essentially an arcane one in terms of the average layman or in terms, even, of the average Member of this House who is not privileged to serve on the committee with jurisdiction today, or the Appropriations Subcommittee with jurisdiction in this area.

But I think what the committee is doing is terribly important. As we all know, NIOSH has been criticized on many occasions in the past for the quality of the research which it has brought to a number of the issues under its purview. This is very simply an effort to rearrange the bureaucratic structure so that NIOSH has the best opportunity possible to produce the best quality research which is used by other Government agencies.

I think the committee is absolutely right in the substance and the end process of this procedure.

Mr. MADIGAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think perhaps the most important responsibility that any Member of this body has to the institution and to the other Members of the body is that that individual be a man or woman of his or her word and that once he or she has given their word, that that word be kept, regardless of the personal or political cost.

There is some difficulty throughout this session of Congress in dealing with the legislation relating to health matters, and that difficulty primarily evolves from trying to determine exactly who the spokesman for the administration on health matters is. On one occasion, it may be a White House lobbyist, on another occasion OMB, and on another occasion someone from the Department of Health and Human Services.

The gentleman from California (Mr. DANNEMEYER) has just, in the well a few minutes ago, made a speech about one particular provision of this bill. In the committee, he and I discussed that provision of this bill before this was voted upon, before it was passed out of the committee by a unanimous voice vote.

At that point the gentleman from California showed me a letter that had been handed to him by a woman lobbyist from one of the agencies in the audience saying that the administration was opposed to this provision in this bill and I showed him a communique from the administration telling me that the package that we had agreed to dealing with NIH, dealing with the technical corrections and dealing with health planning was being supported by the spokesman for the administration with whom I was doing business as the ranking minority member of the subcommittee.

With all that having transpired, this bill and the other bills which we had agreed upon were passed out of the committee by unanimous voice vote.

Now some other spokesman from the department may come forward and say, "The administration is opposed to this one provision," or that one provision, or some other provision, but the fact of the matter is that at one point the administration had signed on to everything that we had done with regard to this entire package of bills, had put that in writing for me, and I was able to show that to the gentleman from California (Mr. DANNEMEYER) and to other members of the committee before these packages of bills were passed out of the committee by unanimous voice vote.

Now, if the administration or some individual spokesman from one agency or department of the administration not previously heard from wants to come forward and say this one little part of this bill we did not agree to, they can do that, but I am not going to do that. I am going to keep the word that I gave to the other members of the Committee on Energy and Commerce and to the other people who were involved in this, and I am going to support this bill because I do not think that there is a thing in the world wrong with it.

I think it is part of a package and that package was very important to the administration, and the administration objectives.

With regard to health planning, NIH and these other things will be very well served if the agreement made by all the ladies and gentlemen who were involved here in the beginning is kept.

Mr. Speaker, I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield back the balance of my time.

● Mr. CRAIG. Mr. Speaker, today we are considering, under suspension of the rules, H.R. 6355 which contains provisions that will organizationally transfer the National Institute for Occupational Safety and Health (NIOSH) from the Centers for Disease Control (CDC) to the National Institutes of Health (NIH). While I support many of the provisions in the bill, I cannot support the proposed transfer.

I object to this bill on three main grounds. First, there are numerous functions of NIOSH which are not compatible with NIH, specifically making field investigations in response to requests, recommending standards to regulatory agencies, and regulating of protective equipment. Why combine incompatible functions?

Second, whenever a proposed transfer is contemplated, there should be committee hearings. Neither the Energy and Commerce Committee or the Education and Labor Committee have considered the ramifications of this transfer. We all know that whenever an agency or division of any department of Government is moved from one jurisdiction to another there are additional costs involved. What are these additional costs?

Third, there appears on page 9 of the bill report some very ambiguous language. After reading carefully, I can only conclude that House committee jurisdiction for NIOSH would be transferred from Education and Labor to Energy and Commerce Committee. Why is committee jurisdiction being changed?

For these and other reasons, I ask that you oppose passage of this legislation in its present form.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 6355, as amended.

The question was taken.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6355.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO FILE SUNDRY REPORTS

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until 5 p.m. today to file sundry reports.

The SPEAKER pro tempore (Mr. WALGREN). Is there objection to the request of the gentleman from Texas?

There was no objection.

END THE PESO PANIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 60 minutes.

Mr. GONZALEZ. Mr. Speaker, several weeks ago I came to the House floor and reported that I had freshly returned from the border at Laredo, right at the beginning of what has turned out to be this financial crisis, and I reported for the first time in this House the omnibus potential thereof. The fact, there was quite a bit of chaotic conditions reflected even at the stretch of the border.

I also warned and predicted and feared what now, I fear, has been publicized quite a bit, unfortunately, always as a reaction to a crisis. It just seems that we can never, ever, anticipate; we can never have anticipatory action or planning, even.

I also brought out the fact that my continuing efforts to bring about responsibility and accountability on the part of the fiscal agent of our Government, the Federal Reserve Board—which very few people realize is a fiscal agent; they think it is the independent master—its responsibility in this evolving crisis. I want to underline the fact that today the situation is alarming. It will continue to grow in desperation and in intensity with very, very great potential for devastating damage to our own interests, both economic and political, as well as hemispheric, because Mexico, being our immediate southern neighbor, placed by destiny to share this part of the world with us, is just the one that is closer and, therefore, with these developments in the last month or so, is brought a little bit more to the level of consciousness in our country, even though not quite completely as yet.

But it is only there, and that is only the beginning. I have also brought out, but no one has reported, for weeks the basket cases of Brazil and Argentina, just to speak of two of the most critical situations that I think long ago should have called for some kind of anticipatory action on the part of not only the Congress but particularly our money managers and our responsible agencies such as the Federal Reserve Board.

At this point, commerce and industry and trade in Mexico have been devastated by that country's huge, immense financial problems.

□ 1445

I have reported for several years the fact that Mexico has had an average of unemployment reaching almost 50 percent, which today it exceeds. The rate of inflation is now about that, but it has been on an average of over 30 percent. I have also pointed out that the average age now—that is, on a median average—is 15 years in Mexico and that the emerging labor market reflected the fact that it is inescapable that we have a responsibility to evaluate and figure out on a binational basis. This has been the whole missing element.

For 20 years I have advocated that we work binationally. The problem, any problem, including the so-called illegal alien, or undocumented worker problem, cannot be resolved unilaterally. The United States acting alone cannot and never will. We would have to build a solid concrete barrier at least 30 feet high along the nearly 2,000-mile border, or we would have to have soldiers every 3 yards, and even then we probably would not succeed.

But, if we work binationally, and that is the only way it is going to be resolved, we might perhaps start, just begin. As a matter of fact, I met recently with the manager or director of housing authority of Hong Kong in the Far East, and it was most interesting to discuss with him the same problem that had agitated and victimized Hong Kong from mainland China. They had been constantly inundated with so-called illegals, and I was surprised when he told me that the problem had been brought under control during the last year, and only after the mainland China Government decided to come in and join and do something in a bilateral way. It was not until both of those entities agreed on what to do and how to do it, plus a very rigid identification or ID system in Hong Kong.

Now, I have maintained all along that it is necessary to have binational cooperation, but in an environment in which we do not even have happy relations with our northern neighbor, with Canada, I think it is easy to see how impossible that task has been for 20 years. But at this point the devastation in Mexico cannot be adequately described in words. We must not forget that this kind of economic problem and situation does not stop at the border any more than disease. For years also I have been a long-time advocate of a binational border control on disease control. Tuberculosis germs do not obey borders or rivers or mountains, and it has not been until just very lately that we have had the beginning of some realistic work along those lines.

The American border areas have been devastated by the peso panic for three reasons. First, the tremendous loss of value in the peso means that Mexican customers of American stores—and we must never forget that Mexico is our best customer, No. 1 in our trade with the world—and other businesses simply do not possess the buying power that they enjoyed a few months ago. A peso today will buy perhaps 35 percent of what it would just last winter. It is inevitable, then, that a U.S. firm or firms that were and still are very much dependent on the patronage of Mexican citizens are finding their customers suddenly unable to buy anything, even compared to anything that they used to buy.

Second, there is the fact of exchange controls, and here is where we have a big contributing factor and responsibility, which severely limit the amount of currency that Mexican citizens can take out of their country. Just last weekend the Government of Mexico limited the amount of pesos that could be taken out of the country to 5,000, or about 70 U.S. dollars. Mexicans can accordingly spend much less than they could before, and what they have to spend buys very little.

Third, there is the fact that Mexico is not repatriating pesos for dollars, at least through the normal channels. There is a lot of black market speculative effort, but not through normal channels. This means that an American merchant who accepts pesos has no reliable way of converting that currency to dollars, and of course the merchant has to pay his suppliers and employees in dollars, not in pesos.

There is nothing the United States can do about Mexican currency controls, and very little our country can do to prop up the value of the peso. However, we can take action to make the peso a currency that can be exchanged for dollars.

All our newspapers have printed about the emergency aid that we, through the Federal Reserve Board, have given Mexico. Well, this is inaccurate. We have not given Mexico any-

thing. The money we provided was to bail out our American banks. It was relief, bailout for the American banks which this administration does not draw the line on. It draws the line on American corporations. They do not want any bailouts there. They do not want any bailouts for the small businessman, but if it is a bank, why, $1 billion without questions overnight was what they did in order to save such banks as Chase Manhattan and the Hanover Manufacturers Trust, which incidentally I must report has in a very unwise way—you know, you always talk about and hear all of these people talking about the profligate spenders and the liberals, but the most conservative elements by definition are the ones that have been the unwise investors and spenders and speculators through sheer greed. Greed is what is getting us under. This is what got them under here.

The Hanover Manufacturers Trust is in Mexico out on a cliff, and is saved only at this time by American taxpayers' dollars through the Federal Reserve Board, more money than it has in its capitalization structure. If that is not a most unconservative, most speculative, most foolish type of way of doing banking business, I do not know what is. Now, we can take action to make the peso a currency that can be exchanged for dollars, and this is what I am proposing as of last week. I proposed it by requesting in writing of the Federal Reserve Board and the Secretary of the Treasury that they look into a suggestion contained in that letter, in two letters which I offer for the RECORD at this point:

WASHINGTON, D.C.,
September 10, 1982.

Hon. DONALD T. REGAN,
Secretary of the Treasury, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: I am enclosing herewith a copy of a letter I have sent to Chairman Volcker, outlining a procedure that could go a long way toward restoring commerce in American firms that are now devastated by current Mexican currency controls.

In brief, my suggestion is that the Federal Reserve agree to accept peso deposits of member banks, and exchange them for dollars at the official Mexican rate of exchange. This peso facility would be limited to amounts that are demonstrably in the normal range of peso deposits, so as to insure that it would not be used in a way that would encourage speculation or abuse. Although I have suggested that the Federal Reserve establish this facility through its swap line resources, the Treasury could create a similar facility through use of its Exchange Stabilization Fund.

The economic devastation in the Mexican border region is immense, and has been recognized by the Administration, which has offered relief through certain Small Business Administration programs. However, the need is not for loans—many firms cannot, in fact, qualify for nor benefit from loans. What is needed is a restoration of commerce, which can only be done through a program to enable a resumption of peso redemption, at reasonably stable rates. Currently, the only trade possible is through the currency black market, which is extremely risky and cannot in any way substitute for a reasonable, open and stable method of exchange.

I believe that my suggestion is prudent and workable, and I hope that you will urge its adoption by the Federal Reserve, or move for its implementation through the resources of your own Exchange Stabilization Fund.

I believe that both the Treasury and the Federal Reserve have all the authority needed to carry out this program.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

WASHINGTON, D.C.,
September 10, 1982.

Hon. PAUL A. VOLCKER,
Chairman, Board of Governors of the Federal Reserve System, Washington, D.C.

DEAR MR. CHAIRMAN: I know that you are keenly aware of the difficulties confronting Mexico, and of the circumstances that forced Mexico to adopt exchange controls. Those controls have, unfortunately, resulted in severe problems for numerous businesses and banks in the United States. My purpose in writing is to request that the Federal Reserve provide some relief to Americans who have been harmed by the emergency actions taken by the Government of Mexico.

Let me emphasize that I do not suggest any action that would damage Mexican efforts to regain financial stability, nor any action that would create opportunities for currency speculators. My request is limited to actions that would alleviate problems confronted by persons who now have great difficulty in conducting ordinary business, specifically, merchants and bankers in the border area who normally accept pesos.

Merchants in the border area today face circumstances in which their Mexican customers cannot obtain dollars, except on the black market. The merchants, themselves, cannot accept pesos except at the greatest risk, since they can only convert pesos to dollars on the black market, at rates that fluctuate enormously from day to day. In normal times, merchants could accept pesos, deposit them with their banks, and the banks then convert the pesos to dollars. Presently, however, banks can only convert pesos at the greatest risk—on the black market. Thus, border area businesses face a situation in which a great part of their regular clientele cannot obtain dollars, and the businesses cannot accept pesos unless they are willing to take the enormous risks of dealing in the black market.

I believe this situation could be resolved easily, through the intervention of the Federal Reserve. The action I suggest could restore devastated American businesses, prevent numerous bankruptcies, and restore some stability along the border area.

My suggestion is that the Federal Reserve agree to accept the peso deposits of its member banks, and credit dollars to the banks at the official Mexican rate of exchange. Pesos so acquired could be credited to the Federal Reserve's swap line, and redeemed at such time as your currency traders find it prudent to do so. Any such agreement to accept pesos, however, should be limited to amounts that banks can show they would normally handle—so as to eliminate chances that the exchange facility could be used to evade Mexican currency controls or facilitate the work of speculators. For example, the Federal Reserve might limit its commitment to accept pesos in any thirty day period to one-sixth of the amount handled by a bank in the six months from January to July, 1982. Alternatively, the peso facility might be limited to a similar average of the amount the bank handled for a business that historically accepted pesos in the course of trade. Further, the peso facility might be limited to a specified border zone, say a region within 150 miles of the border. This is the region in which businesses frequently accept pesos in lieu of dollars, and as such is typical of both the U.S. and Canadian border trade pattern.

The Federal Reserve peso facility that I suggest would enable Mexicans to resume at least some degree of their normal trade in the United States. It would free residents of the border zone of the fear and instability that is now so widespread, and it would go a long way toward curbing the black market in pesos. It would prevent numerous bankruptcies in the United States, help curb the growth of unemployment, and provide a quick, effective and low-risk way to restore commerce. Since the exchange rate that would be offered by the Federal Reserve would be only at the official Mexican rate, the risk should be prudent to take. The overall impact of such a facility should be beneficial to Mexican efforts to stabilize the value of the peso, as well as to relieve some of the disruption that has affected citizens of that country, particularly those who normally conduct business in the United States.

The suggested peso facility could easily terminate when the emergency situation has passed. In the meantime, it would do much to contain economic damage and restore confidence. There does not appear to be any statutory provision that would prevent your establishing a peso facility, and I hope that you will take whatever action you can to relieve the enormous problems that now confront border area businesses and banks.

Sincerely yours,

HENRY B. GONZALEZ,
Member of Congress.

Now, this more than anything else would end the sense of panic and doom that pervades along the border areas. When I talk about the border zone, I am not talking about right immediately across the border. I am talking about areas that extend as far in as my city of San Antonio, that is, 150 miles down the way. But in deeper terms it goes even further, to Houston, to Dallas, which has developed a tremendous Mexican trade.

This idea would enable some degree of business to go on. It would restore order to an area that very much needs to find some degree of stability.

I have suggested to Treasury Secretary Regan and Federal Reserve Board Chairman Volcker that the U.S. Treasury or the Federal Reserve agree to accept a limited amount of pesos from American banks in order that those banks can offer their commercial customers a way to redeem pesos for dollars. As long as merchants cannot take the pesos to the bank and find a ready exchange, as they have all through the years, they simply cannot take the risk of accepting pesos. But right now,

the banks cannot find a way to exchange pesos for dollars. The only ready way to end this logjam and to restore commerce to the border would be to have the U.S. Government agree to convert a limited number of pesos into dollars. This can be done within the authority of existing statutes. It can be done through the swap lines of the Fed or through the exchange stabilization fund of the Treasury. It can be done in a way that does not encourage people to evade or undermine Mexico's efforts to restore order within its own borders.

My suggestion is more fully explained in the letters that I submit for the RECORD, that I addressed as of a week ago to Secretary Regan and Chairman Volcker.

PROPOSED AMENDMENTS TO H.R. 6046, THE EXTRADITION ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CROCKETT) is recognized for 5 minutes.

● Mr. CROCKETT. Mr. Speaker, H.R. 6046, the Extradition Act of 1982, as reported out by the Committee on Foreign Affairs, fails to provide adequate legal safeguards to a person whose extradition is sought by a foreign state. Therefore, when and if the bill comes to the floor, I intend to offer a series of amendments and I intend to see that all the amendments are debated to the fullest extent possible. These amendments are attached to this statement.

Section 3194 of the bill imposes additional limitations on the availability of the political offense exception. In its present form, the political offense exception of the bill unnecessarily limits those acts that would constitute a political offense. Those limitations, in my opinion, would deprive the exception of any real meaning.

Section 3194 also codifies the current practice of allowing the Secretary of State to determine whether extradition is sought because "of such person's political opinion, race, religion, or nationality." Additionally, this section also gives the Secretary sole discretion to refuse the extradition of a person for humanitarian reasons.

I believe that these issues are too important to warrant only the Secretary's discretionary review. Thus I will offer amendments providing for judicial inquiry into these issues. At the very least other procedures of review should be incorporated into the bill. Specifically, I would suggest that the Secretary, before ordering the surrender of a person who is being sought by a foreign state, be required to give the person an opportunity to submit evidence that supports his or her claim that extradition is being sought because of the person's political opinions, race, religion, or nationality. Additionally, the Secretary of State should be required to provide the person, before he or she is extradited, with a written statement of the reasons for the Secretary's determination in regard to these civil, political, and humanitarian issues.

These additional requirements will undoubtedly extend the extradition proceedings. Nevertheless, I strongly believe that, if the Secretary is required to respond to these issues in a formal manner, our extradition laws will function more credibly and equitably.

The amendments that I will propose to deal with these issues and an explanation of the purpose of each amendment follows:

AMENDMENT A—PROTECTING FREEDOM FIGHTERS, BUT NOT TERRORISTS, FROM EXTRADITION

The purpose of the Extradition Act of 1982, to facilitate the surrender of terrorists, is laudable, but the exceptions it would make to the political crimes defense, sweep too broadly, and would endanger the very persons that the United States has historically shielded.

Both bills would make it nearly impossible for a person accused by a foreign government of a crime of violence to invoke the protection of the political crimes defense to extradition. Both bills would make it substantially easier for military juntas and autocratic regimes to recover and punish former officials of democratic governments, and would even allow Communist regimes to recapture freedom fighters against their oppression.

The problem lies with the unnecessarily broad language of Section 3194(e)(2)(E) and (F) of H.R. 6046 (and subsections (A) and (B) of the same provision in S. 1940). These subsections would deny benefit of the political crimes defense to any person charged by a foreign government with committing a crime of bodily violence or a crime involving the use of a firearm, except in "extraordinary circumstances." Neither bill defines what an extraordinary circumstance might be, but the implication is clear. If Congress passes these provisions without change, it will signal an intent to retreat radically from the current political crimes defense.

The better solution would be to enact the wanton violence standard adopted by the court in *Eain* v. *Wilkes* which authorized the extradition of an alleged PLO terrorist for the wanton and indiscriminate bombing of a marketplace. This can be accomplished by striking subsections (E) and (F) and substituting:

"(E) an offense that consists of the taking of a hostage;

(F) an offense that consists of an intentional, wanton or indiscriminate act of violence resulting in death or bodily injury to persons not taking part in armed hostilities;

(G) an offense consisting of an act of violence intended to spread terror among the civilian population;"

SUPPLEMENTARY LANGUAGE TO EXPLAIN AMENDMENT A

Subsection (e)(2) sets forth, in subparts (E), (F) and (G), offenses which are normally too heinous to merit protection under the political crimes defense to extradition. The crime of rape has been dropped from this list because it is impossible to conceive of any circumstances in which it would be entitled to the political crimes defense.

Hostage-taking is already forbidden by treaties to which the United States is a party. The taking of hostages in armed conflict is prohibited by the 1949 Geneva Conventions regarding international armed conflicts and non-international armed conflicts (Common Article 3; Civilians Convention, Article 33). Hostage-taking is also prohibited by the 1979 International Convention Against the Taking of Hostages (which has received the consent of the Senate, but will not formally take effect until 22 ratifications have been completed.) Thus subpart (E) is intended to be expressive of current, or pending legal obligations of the United States to extradite or punish hostage-takers.

However, the term "taking of a hostage" is not without ambiguity. It is here understood to mean the deliberate detention of a person for the purpose of obtaining a ransom or reward, or of securing compliance with a demand upon a government or third party, rather than the incidental detention of a person as part of an effort to escape an authoritarian nation with closed borders or to escape other forms of unjust imprisonment including imprisonment that is illegal under international law.

Subpart (F) would simply codify the *ad hoc* acts of the wanton violence standard enunciated in *Eain* v. *Wilkes*, the recent case of the alleged PLO terrorist charged with bombing a marketplace in a resort town in Israel. In that case, the magistrate interpreted the political crimes defense as not applying in those situations where the offense was particularly heinous or lacking in military justification: "Accepting that the defendant was a member of the P.L.O. organization and with motivation toward its political objective, there is nothing in the evidence which "tends" to show that this act was directed in opposition to the State of Israel and that the crime furthered the cause of the group objective. The random and indiscriminate placing of an explosive near a bus stop on a public street in any trash bin defuses any theory that the target was a military one or justified by military necessity. It was an isolated act of violence. The commission of these alleged offenses is so remote from the political objective that it could not reasonably have been believed by the offender to have a direct political effect on the government of Israel; nor was it directed at the government of Israel." *In re Extradition of Ziyad Abu Eain*, 21 Magistrate No. 79 M. 175 (N.D. Filed Dec. 18, 1979).

Under Section 3194 (e)(2)(F) and (G), the bombing of a public marketplace, the machinegunning of an airport waiting room, or an attack upon the children of occupying soldiers would be too remote from any justifiable military objective, too terrifying to presumptively innocent persons, and too contemptuous of the value of human life to warrant protection under the political crimes defense. Similarly, the recent bombing by the PIRA of a military band concert in London was too remote from the conflict in Northern Ireland, even if it was true that the musicians had been, or might again be, engaged in that conflict. Since the concert was being held for the benefit of elderly persons and children, the bombing also constituted a "wanton and indiscriminate act of violence" against "persons not taking part in armed hostilities." On the other hand, the bombing of an Army barracks or a police station relevant to the hostilities

could be considered a sort of act which warrants invocation of the political crimes defense, even if injury to persons not taking part in armed hostilities was an incidental consequence.

Subpart (F) is consistent with the norms established under Common Article 3 of the 1949 Geneva Conventions. That article protects persons taking no active part in the hostilities of a non-international armed conflict against various violations of their human rights, including violence to life and persons, murder, cruel treatment, and the taking of hostages. Among the persons protected by the Geneva Conventions who would be considered as not participating in armed hostilities under subpart (F) are wounded, sick, and shipwrecked persons, medical personnel, and prisoners (Fourth Convention, Article 4).

The term "armed hostilities" is intended to apply not only to non-international armed conflicts like the American Civil War fought by conventional armies, but to a wide range of insurrectionist activity, whether or not the established government of the territory concedes that the conflict has actually risen to the level of a non-international armed conflict. Evidence of "armed hostilities" would normally include organized, armed resistance of sufficient scale or a threat to require the government to use military or para-military forces, in addition to civil police, in an effort to suppress the resistance to its authority. Not all armed hostilities need be directed against military or police targets; resistance to private death squads and vigilante groups, and attacks on armed civilians associated with an occupying force would also qualify the accused for benefit of the political crimes defense, provided always that the violence of which he is accused was focused rather than indiscriminate, proportioned rather than excessive, and respectful rather than careless of the difference between dangerous adversaries and helpless or uninvolved persons.

Subpart (G) provides that where the violence is intended to spread terror among the civilian population the accused shall not be granted benefit of the political crimes defense. To ascertain an intent to spread terror rather than to gain a tangible advantage in armed hostilities, the court will normally have to draw inferences from the totality of the circumstances. In making this judgment, the court may look beyond the representations of the accused to the patterns of conduct and the statements of intent of the organization of which he is a part.

Finally, it is understood that governments, no less than private organizations, have engaged in wanton violence for the purpose of frightening civilian populations into surrendering their freedoms. Thus subparts (E), (F), and (G) are intended to deny benefit of the political crimes defense not only to anti-government terrorists, but to terroristic officials as well.

Amendment B—Avoiding Assistance to Foreign Persecutions: A Judicial Duty

The United States, through all its branches, has the moral and legal obligation not to serve as the long arm of foreign injustice. Both the executive and courts have a duty to make sure that requests for extradition are not subterfuges for foreign persecution, and will not result in persecution. The duty is analogous to that imposed on the executive and the courts by the Immigration and Nationality Act, which provides that persons shall not be deported if their lives or freedom would be threatened "on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h). The U.N. Protocol Relating to the Status of Refugees (19 U.S.T. 6276) contains virtually identical language to protect refugees. A similar duty should be incumbent on both the courts and the executive as they consider extradition requests.

To accomplish this end, a new subsection (D) should be added to section 3194(d)(2) of H.R. 6046 so that "The court shall not order a person extraditable after a hearing under this section unless the court finds—

"(D) the person's life or freedom would not be threatened in the requesting State on account of his race, religion, nationality, membership in a particular group, or political opinion."

In addition, subsection 3194(e)(3)(A), assigning this task to the Secretary of State, at his discretion, should be deleted. Such concerns are too important to be left to executive discretion.

Statement on Amendment B

The United States today has extradition agreements with approximately 100 countries, including some highly repressive regimes. To expect the State Department to abrogate these agreements in order to prevent injustice is unrealistic; to do so would be to lose the reciprocal benefits that these agreements afford for the recovery or ordinary criminals.

On the other hand, the United States has moral and legal obligations not to serve as the long arm of foreign injustice. In particular, the courts and the Secretary of State have the duty to make sure that requests for extradition are not subterfuges for foreign persecution. This duty is implicit in the due process clause of the Fifth Amendment and the privilege of the writ of habeas corpus. It is also analogous to the duty imposed on the executive and the courts by the Immigration and Nationality Act, which provides that persons shall not be deported if their lives or freedom would be threatened "on account of race, religion, nationality, membership in a particular social group, or political opinion." Section 243(h). The U.N. Protocol Relating to the Status of Refugees, to which the United States is a party (19 U.S.T. 6276), contains virtually identical language to protect refugees.

Accordingly, section 3194(d)(2) should be amended to impose a similar duty on both the executive and the courts as they consider extradition requests. The amendment alters the so-called "rule of non-inquiry" which forbids inquiry into the motives and capacities of the requesting State to the extent necessary to avoid complicity in foreign persecutions, but does not require either the court or the Secretary of State to deny extradition simply because foreign legal procedures differ from American legal procedures.

On its face, this change may seem to be a departure from current law; in fact it would conform current law to current practice. The rule of non-inquiry has never been absolute, see *Gallina* v. *Fraser*, 278 F.2d 77, 79 (2d Cir., cert. denied, 364 U.S. 851 (1960), and in practice it is usually disregarded when the likelihood of "victor's justice" is manifest. See. e.g., *United States* v. *Artukovic*, 170 F. Supp. 383 (S.D. Cal. 1959) (return of pro-Nazi Croatian charged with war crimes to regime dominated by Serbian Communists denied), In re Mylonas, 187 F. Supp. 716 (N.D. Ala. 1960) (return of anti-Communist Greek convicted in abstentia of embezzlement by Communist-dominated local government denied), and *Roman* v. *Diaz*, 179 F. Supp. 459 (S.D. Fla. 1959) (return of Cuban defector sought by Castro regime denied). See also, *Nicosia* v. *Wall*, 442 F.2d 1005, 1006 (5th Cir. 1971) ("the United States intends to . . . deny extradition in cases in which it is demonstrated that a fugitive's life or freedom would be threatened on account of his political opinion").

The need for this modification of the rule of non-inquiry has been recognized by the British Parliament an the legislatures of other Commonwealth nations. Reciprocal legislation typified by Britain's Fugitive Offenders Act provides that "no court shall order the return of any person to a member State of the Commonwealth if it appears that the person might be "prejudiced at his trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality, or political opinions." Fugitive Offenders Act, 1967, c. 68, s 4 (1). Thus, what is proposed here would simply bring American law into line with the established practice of English-speaking nations generally.

Amendment C—Assuring Just Treatment for the Accused: An Executive Duty

Section 3196(a) of H.R. 6046 provides that the Secretary of State "may" impose conditions on the surrender of a person found extraditable by a court where the Secretary believes that the conditions are "necessary to . . . the interest of justice." The purpose is laudable, but the duty is phrased in terms that are unnecessarily vague and discretionary.

Since it is inconceivable that Congress would vest any executive official with authority to act contrary to the interest of justice, the word "may" in the last clause of subsection 3196(a) should be changed to "small."

The term "interest of justice" is vague, and would be improved by a reference to internationally recognized standards of justice. To achieve this end, the following new sentence should be added to subsection 3196(a):

"The Secretary of State shall condition the surrender of a person ordered extraditable by a court upon such conditions as will assure compliance with international law, including international law relating to the protection of human rights, at all stages of the requesting State's legal proceedings, including pretrial detention and interrogation, trial, and punishment."

Supporting Language to Explain Amendment C

Since the Declaration of Independence was signed in 1776, Americans have recognized that all men "have certain inalienable rights, and among these are life, liberty, and the pursuit of happiness." Moreover, "when governments become destructive of these ends, it is the right of the people to alter or abolish them." These principles are also enshrined in the 140 year-old political crimes defense to extradition.

Among the universal liberties referred to in the Declaration by the Founders was the right to due process of law, which the signers particularized in their list of complaints against the King. The existence of universal rights to due process of law was also recognized by the United States when it ratified the Geneva Conventions of 1949. Article 6 of Protocol II to those conventions enumerates some of these judicial guarantees

which are "recognized as indispensible by civilized peoples," including:

a. an independent and impartial court;

b. procedures requiring that the accused be informed without delay of the particulars of the offense charged against him;

c. procedures which afford the accused before and during his trial all necessary rights and means of defense;

d. conviction based only on individual penal responsibility;

e. prohibition of ex post facto liability or penalty;

f. a presumption of innocence;

g. a right of the accused to be present at his trial;

h. a prohibition against compulsory self-incrimination; and

i. a requirement that a convicted person be informed of his judicial and other remedies.

Having been a prime mover in the movement for international human rights, the United States has a special obligation to conform its law and conduct to the norms it has espoused. The addition of a sentence to subsection 3196(a) acknowledging the obligation of the Secretary of State to "condition surrender of a person ordered extraditable by a court upon such conditions as will assure compliance with international law . . . ." is meant to be expressive of this duty.

AMENDMENT D—CLARIFYING THE RIGHT OF THE ACCUSED TO PETITION THE SECRETARY OF STATE

Both H.R. 6046 and S. 1940 recognize that an accused who has been found extraditable by a court has a right to petition the Secretary of State to refuse surrender on the ground that the foreign state is seeking extradition for a political offense or an offense of a political character, or for the purpose of prosecuting or punishing the person for his political opinions. Section 3196(a)(3). This provision codifies current practice and is laudable, but it does not go far enough.

More important than the right to reargue the political crimes defense at this stage is a right to petition the Secretary of State to impose conditions on the surrender sufficient to serve the interests of justice, to carry out the Secretary's obligation to international law, and to otherwise avoid complicity in "victor's justice" and other forms of foreign persecution. The Secretary should not be expected to recognize the need for these conditions on his own; he needs the assistance of formal submissions and arguments by the accused.

Now that judicial administration of the political crimes defense has been preserved, these formal submissions need not necessarily be presented at a formal hearing. However, if the Secretary chooses to make his decision on the basis of written evidence and arguments alone, he should be required to issue formal findings of law and fact, not only give the petitioner and his supporters faith in the integrity of the Secretary's decision, but to assure that the Secretary's analysis is thorough, careful, and uninfected by political pressures from the requesting State.

To achieve these ends, a new subsection (a) should be inserted in Section 3196:

"(a) If a person is found extraditable pursuant to section 3194, that person shall have the right to petition the Secretary of State for an order refusing surrender to the requesting state, or conditioning surrender on such conditions as will assure compliance with this act and international law and otherwise serve the interest of justice. The Secretary may, at this discretion, provide a hearing or decide the petition on the basis of written evidence and arguments alone. A final decision adverse to the petitioner shall be in writing, and shall include findings of fact and conclusions of law which are responsive to the petition. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting each of the respective findings."

AMENDMENT E—ASSURING THAT TRIAL WILL ONLY BE FOR THE EXTRADITABLE OFFENSE

It is a well settled rule of international law, called the "rule of speciality," that the requesting State may not obtain extradition on one charge and then add or substitute others. To assure that this fundamental principle of due process is not forgotten, and to assure that the Secretary of State does not leave its administration entirely to the requesting State, this rule should be codified as a standing condition on the surrender of any person ordered extraditable by the United States. This purpose may be accomplished by inserting a new subsection (b) in Section 3196 of H.R. 6046:

"(b) The surrender of a person who has been ordered extraditable shall be conditioned on the requesting State's assurance that the person will not be detained, tried, or punished in the territory of the requesting State for an offense other than that for which extradition has been granted, nor be extradited by that State to a third State."

SUPPORTING LANGUAGE TO EXPLAIN AMENDMENT E

Adding the "rule of speciality" to H.R. 6046 would simply underscore provisions already in most modern American treaties of extradition. Implicit in this general requirement is the understanding, universally recognized, that the principle of speciality does not extend to crimes committed by the accused after surrender. Similarly, it is understood that the requesting State, by agreeing to this condition, is also agreeing not to surrender the accused to a third State in connection with this or some other previous offense. In addition, it should be understood that the requesting State would not be in violation of this condition if the offense for which the accused is ordered extraditable is recharacterized in the course of trial, provided that the new characterization is based on the same set of facts contained in the extradition request (and supporting documents), and provided that the defendant would not be subject to a penalty more severe than that provided for in the case of the offense for which the accused was extradited. These understandings, as well as the general rule of speciality, are already enumerated in recent treaties of extradition. See, e.g. Extradition Treaty Between the United States and the United Mexican States, T.I.A.S. 9656, signed May 4, 1978.

AMENDMENT F

One of the primary functions of the political crimes defense to extradition is to help the United States remain neutral in foreign political conflicts.

Unfortunately, both H.R. 6046 and S. 1940 violate this principle by providing that all requests for extradition be argued by attorneys from the U.S. Department of Justice. This requirement would require the United States in all extradition cases to be on the side of the established regimes and against the alleged revolutionaries; even when the established regimes operate police states and the revolutionaries are fighting for constitutional democracy.

Given the availability of American law firms eager to represent foreign clients and the ease with which an attorney's mandate can be confirmed through modern communications, there is no practical reason to employ Justice Department attorneys in this capacity.

Accordingly, H.R. 6046 should forbid Justice Department attorneys to take sides in extradition disputes. This change may be accomplished by replacing all references to the Attorney General as a legal representative of the requesting State with "Counsel for the requesting State," and by including a new subsection within Section 3191 which expressly provides:

"The United States shall not provide legal representation to the requesting State in an extradition hearing, but the Secretary of State shall establish procedures whereby attorneys representing a requesting State may establish their authority to act on the requesting State's behalf."●

H.R. 7092, THE HIGHWAY REVENUE ACT OF 1982

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ROSTENKOWSKI) is recognized for 5 minutes.

● Mr. ROSTENKOWSKI. Mr. Speaker, I am today introducing H.R. 7092, the Highway Revenue Act of 1982, which would extend the highway trust fund and related highway excise taxes for 1 year, until October 1, 1985. This legislation has been prepared at the request of the House Committee on Public Works and Transportation as a companion to the legislation approved by the Public Works Committee authorizing highway program expenditures for fiscal year 1983. The bill will be considered by the Committee on Ways and Means on Wednesday, September 15, 1982, and if approved, will be offered on the floor as the revenue title to the Public Works Committee legislation.

H.R. 7092 contains three basic provisions. The first extends the present law tax rates for the various highway excise taxes for 1 year, through September 30, 1985. Under present law, these excise taxes are scheduled to decline or expire after September 30, 1984. The second provision extends the period during which the revenues from these taxes are deposited into the highway trust fund for 1 year, until October 1, 1985, and transfers the highway trust fund provisions to the Trust Fund Code of the Internal Revenue Code, effective October 1, 1982. In making this transfer, the trust fund language is modernized and conformed to that of other trust funds but no major substantive changes in the trust fund's purposes or operations are made or intended. The third provision permits expenditures out of the trust fund, as provided by appropriation acts, before October 1, 1985, as

authorized under prior law or by titles I and II of the Surface Transportation Assistance Act of 1982 (H.R. 6965, as introduced). Authority is also continued, as under present law, for transfers from the trust fund for the payment of refund claims, for certain income tax credits and for motorboat fuel taxes to the national recreational boating and safety improvement fund and the land and water conservation fund. In addition, the present law Byrd amendment language is transferred to the trust fund code.

In conclusion, I expect this legislation to be acted upon expeditiously by the Committee on Ways and Means, and I hope by the House as well. Legislation to provide highway authorizations for fiscal year 1983 is needed, and the proposed revenue title described above is also necessary in order to avoid triggering the trust fund apportionment limitation required by the Byrd amendment with regard to fiscal year 1983 authorizations out of the trust fund. In other words, without an extension of the highway trust fund taxes beyond September 30, 1984, the full amount of the fiscal year 1983 trust fund authorizations proposed by the Committee on Public Works and Transportation could not be made.●

TEAMSTERS' CENTRAL STATES PENSION FUND REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RANGEL) is recognized for 5 minutes.

● Mr. RANGEL. Mr. Speaker, today, I am introducing, along with my distinguished colleague, Mr. PICKLE, legislation requested by the administration to assure that trustees and administrators of certain multiemployer employee benefit plans, like the Teamsters' Central States Pension Fund, comply with conditions relating to asset management which are contained in Internal Revenue Service issued determination letters.

The Congress must give the Government agencies responsible for administering the Employee Retirement Income Security Act of 1974 (ERISA) adequate enforcement mechanisms to safeguard pension plan assets. Retirement income security must truly be a reality for the hundreds of thousands of participants in these plans who are relying on ERISA to protect their pension benefits. I intend to do all I can to insure that this confidence in ERISA is well founded. These bills are important steps toward this goal.

The legislation I am introducing today as H.R. 7094 and H.R. 7095 was proposed by the administration on July 2, 1982, and examined in detail during the July 26, 1982, hearing held by the Ways and Means Committee's Oversight Subcommittee, which I chair, to examine the Government's efforts to reform the Teamsters' Central States Pension Fund and the adequacy of enforcement remedies under ERISA. This hearing confirmed that complete reform of the fund is not a reality and that current negotiations between the Government and this fund probably have a long way to go before a comprehensive settlement is at hand. In fact, all parties—the Labor Department, IRS, the General Accounting Office, and the Central States Pension Fund itself—agreed that the fund's continuation of outside independent asset management after the expiration of the current agreement on October 3, 1982, is warranted.

What I want to do by introducing this legislation is to give the Government what it now says it urgently needs to better protect assets by having a sanction that is exclusively directed at those directly responsible for the wrongdoing, and which, unlike the present remedy of revocation of a plan's tax exemption, leaves unharmed the innocent.

The administration has told my subcommittee at the hearing that this additional enforcement sanction would give it the missing tool it needs to insure that the Central States Pension Fund continues to have truly independent asset managers after October 3 of this year. The evidence supports the need for such legislation; the fund does not oppose it.

Indeed, it was due to the weight of evidence at that July 26, 1982, hearing that the Oversight Subcommittee on August 3, 1982, issued a letter report to the chairman of the Ways and Means Committee recommending that the committee promptly consider and report the legislation requested by the administration.

It is my sincere hope that by introducing this legislation today the legislative process will move forward to insure that the Teamsters' Central States pension fund continues to have truly independent asset managers after October 3 of this year. The time in which we must act is running out. I urge my colleagues to review and support these two bills.

The importance of a continuing independent asset management arrangement is too crucial to meaningful reform of this fund to be left to chance or a bargaining process. The retirement security of over one-half of a million participants and beneficiaries in this particular fund alone is much too important to depend upon the application of the ERISA sanction of revocation, which can leave harmless the guilty, hurt the innocent and above all fail to safeguard the plan assets themselves.●

LEGISLATION TO REVISE AND REORGANIZE PORTIONS OF TITLE 46, UNITED STATES CODE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. STUDDS) is recognized for 10 minutes.

● Mr. STUDDS. Mr. Speaker, I am today introducing, for myself, Mr. JONES of North Carolina, Mr. BIAGGI, and Mr. YOUNG of Alaska, legislation to clarify, without substantive change, virtually the entire body of U.S. law dealing with merchant marine vessel safety and personnel. This legislation, which is identical to a bill introduced in the other body (S. 2660), represents the partial culmination of decades of efforts aimed at reorganizing and bringing up to date the marine safety-related statutes of the United States.

Anyone who has ever dared to rustle his or her fingers through the mystifyingly complex, redundant, chaotically organized and obsolete provisions of title 46 of the United States Code can appreciate the need for this legislation. Several generations of marine safety law currently cohabitate within the 1,610 sections of this title, and identifying the relationships between them is more difficult than defining with confidence the parentage of every alley cat currently walking the streets of Washington, D.C.

Although the legislation I am introducing today has not yet officially been endorsed by the administration, it is consistent with recommendations contained in the Department of Transportation's recent report on the roles and missions of the U.S. Coast Guard. The bill, itself, is derived from a vast amount of both past and quite recent Coast Guard efforts to make sense out of the maritime statutes the agency is charged by law with administering.

Title 46 currently contains no fewer than 13 separate sections which deal with penalties for violations of vessel inspection laws and regulations. While these 13 sections are presently scattered throughout the title, the new legislation would group them in easy-to-locate form in each chapter to which penalties apply.

Sections of law which deal with similar subjects are often now widely separated within title 46. For example, sections 221 through 236—inclusive—discuss the subject of merchant marine officers and their duties. Sections 561 through 712—inclusive—cover merchant seamen, their duties, and related laws. The new legislation groups all of these sections into a single chapter dealing with merchant marine personnel.

Several sections of title 46, including, for example, those dealing with the slave trade, are today obsolete and would be repealed by the proposed bill.

The legislation being introduced today is 206 pages long, and yet it will cover only 10 of the 39 chapters of title 46. Generally, the chapters which will be affected are those which apply most directly to vessel safety standards and to regulations affecting the responsibilities of merchant marine personnel. It is my hope that the task of completely reorganizing and simplifying this title of law can be accomplished fairly quickly in the years ahead.

I wish to emphasize that it is the intent of the sponsors of this legislation that it not have any significant substantive effect on U.S. maritime law as it currently applies to the U.S. merchant marine, and to others affected by the statutes involved. Our purpose is solely to reorganize and to clarify the law, and to eliminate provisions which are wholly obsolete. Our intent is to enact this legislation as rapidly as possible so that a framework can be established for any future changes in those laws which may be required.

The text of the bill which I am introducing today is identical to S. 2660, the measure which is currently pending before the other body. I chose to introduce the identical text in order to simplify the process of receiving public and congressional comment on the legislation. Numerous changes, primarily of a technical nature, will have to be made before final action may be taken. The Subcommittee on Coast Guard and Navigation of the Committee on Merchant Marine and Fisheries will, in cooperation with the Subcommittee on Merchant Marine, be holding a hearing on the bill on September 23.

If there is any possibility that action can somehow occur on this legislation during the few weeks remaining in this Congress, I plan to pursue that option. More likely, however, the introduction of this bill, and the initiation of hearings, will serve simply to lay the groundwork for early action in the 98th Congress. I am hopeful, for the sake of all those who have come to know, and who would like to have greater affection for, title 46, that such action does indeed occur.

● Mr. YOUNG of Alaska. Mr. Speaker, I join today with my colleague and chairman of the Coast Guard and Navigation Subcommittee and others in introducing this bill to consolidate and reenact certain of the marine safety and seaman's welfare laws of the United States.

The purpose of this bill is intended to be a codification without substantive change of the complex maze of marine safety laws administered by the Coast Guard in title 46 of United States Code. These laws relate to the safe operation of vessels generally; the inspection, regulation, and documentation of vessels; the procedures relating to marine casualties; and the laws relating to the licensing, certification, and documentation of merchant marine personnel and the manning of vessels. In addition, it includes those laws relating to the protection and relief of merchant seamen. As one can see from this list of topics, this body of law is very important to the maritime industry of the United States and therefore requires our careful attention so that unintended changes are not inadvertently made.

Further, my understanding is that the law will be revised so that it can be read and understood by everyone rather than being the exclusive domain of maritime lawyers who I understand also have difficulty in sorting out how title 46 applies. I am also pleased that we are not making any substantive change so that the existing provisions which are so important to the shipping and fishing industries, as well as maritime labor and recreational boating, will be preserved. Once the clarification and reorganization of these laws is accomplished, we will then be able to squarely and easily address and correct the problem areas that arise in the maritime laws administered by the Coast Guard.

These laws have been enacted in bits and pieces over the last 200 years. Thus, this codification which has been underway for over 15 years is overdue. I am confident that we will proceed at a pace so that the concerns of all of those in the maritime community can be heard with the ultimate goal of enacting a well organized and comprehensible body of marine safety laws for the United States.●

SPORTS COMMUNITY PROTECTION BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. STARK) is recognized for 5 minutes.

● Mr. STARK. Mr. Speaker, recently, on August 16, Congressman DON EDWARDS and I testified before the Senate Judiciary Committee in support of the Major League Sports Community Protection Act, S. 2784, which was introduced in the Senate by Senators DECONCINI, HEFLIN, SIMPSON, HUDDLESTON, and BENTSEN, and now has 20 cosponsors in the Senate.

S. 2784 has a nearly identical counterpart in the House, H.R. 6467, introduced by Representatives EDWARDS, HYDE, and myself, and it now has over 150 cosponsors. At these same hearings, a panel of distinguished mayors—Mayors Feinstein of San Francisco, Caliguiri of Pittsburgh, Berkley of Kansas City, and Halloin of Green Bay—also testified as to the urgent need for the passage of this legislation to protect pro sports fans in this country. I understand that this legislation is now strongly supported by the mayors of more than 40 cities, including, for example, Baltimore, Boston, Chicago, Dallas, Houston, Indianapolis, Jacksonville, Memphis, Milwaukee, Minneapolis and St. Paul, New Orleans, Philadelphia, Phoenix, Portland, San Antonio, Tampa, and, to be sure, Mayor Lionel Wilson of Oakland.

Now that Congress has returned from its Labor Day recess, I want again to stress the importance of this legislation and the need for prompt attention by the Congress. I am pleased that Chairman RODINO intends to schedule hearings to take place shortly before the House Antitrust Subcommittee. These hearings will further underscore the necessity for prompt passage of this legislation.

One feature of this legislation has been misunderstood. In recent weeks, there have been some questions about the scope of H.R. 6467. Some have suggested that this legislation would let professional sports leagues move teams from areas that have supported these teams without any concern for the antitrust laws. Anyone who understands my concern for the sports fan knows I would never support such legislation. All that H.R. 6467 is intended to do is to allow leagues to take steps to protect fans in areas that have supported teams and who are now faced with the loss of those teams by unilateral actions of an individual team. H.R. 6467 would only allow leagues to prevent such moves. It gives no antitrust immunity for decisions that allow such moves. I stated this in my testimony before the Senate Judiciary Committee, and I want to reconfirm it now.

Reasonable men can disagree over the meaning of words, but I want no disagreement with respect to the scope of this legislation. I thus want to reiterate that at the appropriate time I will seek revision of H.R. 6467 to replace the current language in section 2(1)(a) of H.R. 6467 with the language now contained in section 2(1)(a) of the companion Senate bill, S. 2784. As a result, the team location provision of H.R. 6467 would merely authorize leagues to enforce rules allowing a league to decide that a member club of such league shall not be relocated from its territory.

With this change, I believe the bill, when passed, could only come into play in two possible situations: First, a team could desire to move, and the league could conclude that the team should not be relocated; in that circumstance, the community's interests would have been protected, and the league's action would be authorized by this statute. Second, a team could desire to move, and the league could give its blessing to such a move; in that circumstance, if a community felt aggrieved, this bill would have no effect on the remedies available to a community or on the team's or

league's exposure to legal challenge for abandoning the territory. In short, I see no situation in which this legislation can disserve public interests.

I also want to emphasize that, apart from the legislation that Congress should enact, the Oakland-Alameda authorities have done everything in their power to keep the Raiders in Oakland and to protect the taxpayers' investment in the Oakland-Alameda Coliseum, which was built specifically for the Raiders and has major unpaid public debt service outstanding through the year 2005. Indeed, the city of Oakland was successful under California State law in establishing, through a decision of the California Supreme Court, that the city is entitled to exercise eminent domain powers to buy the Raiders and keep them in Oakland for the purpose of serving vital public interests in the Oakland community.

Now, however, it is evident that the Oakland Raiders intend to take further steps to deprive the Oakland community and its taxpayers of their rights under State law. The Raiders, assisted by Los Angeles interests who seek to take the team from Oakland to Los Angeles, have been in the California Legislature seeking special interest, retroactive amendments to the California eminent domain statute to overturn the supreme court's ruling and to preserve the Raiders' opportunity to walk out on Oakland merely for higher profits elsewhere. This punitive measure would strip the Oakland community of its right under State law to protect the multi-million-dollar taxpayer investment in the Oakland-Alameda Coliseum made at the Raiders' behest in 1965. In my view, we in the Congress have an obligation to act before the overriding public interests of communities and taxpayers can be defeated in this manner.

Congress has always urged sports leagues to keep their commitments to communities, and the Oakland community along with the NFL is attempting to do this in the Oakland Raiders' instance. Congress should in this session, therefore, legislate to give concrete effect to congressional policies requiring teams to keep their commitments to communities, and Congress should not by its inaction endorse efforts by the Raiders retroactively to amend California State law to override the eminent domain ruling of the California Supreme Court in favor of the city of Oakland. I am including in the record several recent news stories describing the efforts of the Raiders to ram these amendments to California law through the legislature in Sacramento.

Finally, I was pleased to hear recently on the August 22 edition of ABC's Sportsbeat that even Howard Cosell, an outspoken and longtime admirer of Al Davis, condemns the Raiders' move. Mr. Cosell stated that in leaving Oakland "what Davis did was morally wrong." He might have said also that it was a rip-off of taxpayers and the public.

I was also heartened when, after Mr. Cosell questioned whether any legislation on this subject should be applied to the Raiders still pending relocation, the distinguished Senator from Pennsylvania, Senator ARLEN SPECTER, vigorously supported applying the bill to the Raiders. In addition to mentioning the direct conflict between State and Federal law created by the city of Oakland's successful suit to purchase the Raiders in eminent domain, Senator SPECTER noted that Congress often has the obligation to take immediate action to correct wrongs to the public. Senator SPECTER further noted that applying the bill to the Raiders clearly would "not violate due process." This "is one of the most complex and confusing legal situations that could be formulated," SPECTER said, concluding that application of congressional action to the Raiders case "would bring clarity and finality to that mess." Senator SPECTER concluded by emphasizing what we in northern California all know; namely, that the support of the Oakland-Alameda community for the Raiders deserves protection. He put it this way:

I think if you balance the interests of the Oakland fans as opposed to the interests of the Los Angeles fans where the Raiders have not yet become established and there has not been that relationship or that fan affinity or the cheering or the familiarity with the Raiders players, that there is a great deal more of an emotional attachment between the Oakland fans and the Raiders than between the Los Angeles fans and the Raiders. The romance in Los Angeles has just gotten started. The marriage in Oakland is of long standing.

One other point, Mr. Speaker, is that I believe the Raiders' management has clearly violated the promise given to Congress in 1966 during consideration of the football merger legislation. In that legislation—both on the floor of the House and in the Senate committee report—promises were given that "the plan for an expanded league assures that all 24 of the existing professional football teams will continue to operate in their present locations."

To ignore the Oakland move is to break faith with that promise, and should not be tolerated.

We have drafted H.R. 6467 narrowly. It will do much to protect the financial well-being of many of our Nation's cities which have built stadiums with taxpayer dollars. It should be enacted in this session.

L.A. RAIDERS LOSE A ROUND IN SACRAMENTO

SACRAMENTO.—Supporters of the Oakland Raiders' move to Los Angeles failed to pass a measure that would have blocked a legal attempt to keep the team in Oakland.

Southern California lawmakers tried unsuccessfully yesterday to revive a rejected bill by Senate Republican leader William Campbell, R-Hacienda Heights, that would have prevented Oakland from using its powers of eminent domain to buy the football team.

Senate President Pro Tem David Roberti, D-Los Angeles, ruled that an attempt by Sen. Alan Robbins, D-Van Nuys, to amend the bill's provisions into another measure dealing with elections was out of order.

Robbins said he would find another bill and try to amend it at a later session.

The Campbell bill, rejected Tuesday on a 17-18 vote, needed a 27-vote, two-thirds majority to pass. Robbins tried to amend its provisions into a bill requiring only a majority vote.

[From the Oakland (Calif.) Tribune, Aug. 25, 1982]

PRO-RAIDERS BILL LOSES IN SENATE

(By Virgil Melbert)

Outvoting the powerful Los Angeles delegation 18-17, a coalition of Northern and Southern California senators killed Tuesday legislation designed to prevent Oakland from buying the Raiders football team.

While the emotional Senate vote represented the city of Oakland's first major victory in the effort to hold onto the Raiders, it may be shortlived.

Van Nuys Democrat Alan Robbins vowed to reintroduce the anti-Oakland legislation in a hijacked Assembly bill today and seek another vote when four Los Angeles senators who were missing Tuesday are back on the floor.

"The bottom line is that we'll have a bill out before the week is over," Robbins said.

Oakland Democratic Sen. Nicholas Petris, who led the battle against the Los Angeles bill, said the hijacking of an Assembly bill for a new attempt would be "highly unorthodox" and possibly could be blocked through parliamentary maneuvers.

With only a week left in the 1981-82 legislative session, Robbins took over the Los Angeles bill Tuesday morning after its author, Republican Minority Leader William Campbell of Hacienda Heights, was admitted to a Sacramento hospital with chest pains.

The Campbell bill was introduced Aug. 2 after the California Supreme Court ruled Oakland has the legal right to attempt to acquire the Raiders franchise through eminent domain proceedings. The city's suit is pending in Monterey County Superior Court.

The Campbell bill would have rewritten state law to forbid retroactive use of eminent domain by a city or county to acquire a professional sports franchise.

The bill would have to clear both houses of the Legislature before the Aug. 31 adjournment.

In its original form Tuesday, the Campbell bill was an "urgency" measure—requiring a two-thirds, 27-vote approval in the 40-member Senate so it could take effect immediately. In his first roll call, Robbins was able to muster only 13 "yes" votes.

Later, he unsuccessfully attempted to make it a simple majority-vote bill, one which would not become law until Jan. 1. Even then, he could rise only 17 of the needed 21 votes.

But, early Tuesday evening, after the Senate's presiding officer, Sen. John Foran, D-San Francisco, declared the bill dead, Robbins said the Los Angeles delegation would

amend it into an unidentified measure which had already cleared the Assembly and try for a new vote today.

Petris said he will move instead to have the bill sent to a policy committee for a hearing.

Petris said the Oakland-Alameda County Coliseum was built with public funds specifically for the Raiders with the promise that the team would remain in the community.

"There's no point in my recounting here the gory, selfish, greedy details of what the owner has done," Petris said.

Sen. John Holmdahl, D-San Leandro, charged that attempts to lure the Raiders to Los Angeles with promises of extra seats and benefits for the owners amounted to bribery with public funds.

Speaking for the bill, Robbins noted that Oakland regularly comes before the Legislature pleading for extra state support.

[From the San Francisco Examiner, Aug. 25, 1982]

RAIDERS, FERRIES TOP LEGISLATURE'S LOGJAM OF BILLS

(By Steven A. Capps)

SACRAMENTO.—Lawmakers diverted their attention to San Francisco ferryboats, Oakland-Los Angeles Raiders football and other legislative games as they crept toward the final deadline to finish this year's work.

They also sent to the governor a measure restoring lobbying powers to the Commission on the Status of Women and approved a bill that would strengthen the state's drug paraphernalia laws and, according to its author, close down "head shops."

With the Legislature's final adjournment set for Tuesday, the list of unresolved measures has grown so long the Senate has taken to holding grueling floor sessions from morning until night, with only brief breaks for meals.

In fact, after such a session Monday night, Republican leader William Campbell of Hacienda Heights was taken to the hospital complaining of chest pains. He was admitted for observation and was expected to remain there until later in the week.

Behind-the-scenes disputes between individual lawmakers—during which action on various bills has been delayed—is partly to blame for the legislative logjam, although both Assembly Speaker Willie Brown, D-San Francisco, and Senate President pro tem David Roberti, D-Los Angeles, yesterday dismissed the skirmishes as normal and not an all-out war between the houses.

"There are individual members who are arguing, but there's no war," Brown said.

One bill earlier delayed during a fight between members of the Senate and the Assembly would give legislators a pay raise. It has been stuck in the Assembly, but Brown said yesterday it's not because of a fight.

"The pay bill is not hung up because of any interhouse squabble," he said. "It's hung up because I can't get 54 votes for it."

Among the topics that were taken up yesterday:

The Raiders: By a vote split north-south rather than Republican-Democrat, the state Senate yesterday rejected a measure to finalize the Oakland Raiders' move to Los Angeles.

The Raiders bill was drafted by Campbell, but since he was in the hospital, fellow Southern California Sen. Alan Robbins, D-Van Nuys, agreed to take up the bill for him yesterday.

The bill is aimed at halting the City of Oakland from using its powers of eminent domain to force the Raiders' owners to sell the team to the city. The matter is now before a court in Monterey County.

The vote yesterday was 17-18. At least 27 votes—a two-thirds majority—are needed for the bill to take effect immediately upon the governor's signature, thus heading off court action.

But Robbins said he would try to amend the bill today to require only a simple majority of 21 votes, in which case it wouldn't go into effect until Jan. 1 following the governor's signature.

Robbins predicted he would get the votes when four absent Southern California members return to the Capitol.

"The issue is: Should a city or county have the right under eminent domain to acquire a professional sports franchise," Robbins said. "I think they should not. It is not a wise or justifiable use of public funds."

Democrat Nicholas Petris, who happens to be from Oakland, argued against the bill, saying eminent domain was the proper avenue for the city to take, especially since taxpayers there had built a stadium for the Raiders.

"The understanding at the time (the stadium was built) was that the team would stay on for a long, long time," he said. He said the reasons behind the Raiders' move to Los Angeles were "selfish" and "greedy."

"It's up to the court to determine if this is a proper public use (of eminent domain)," he said.

[From the Oakland (Calif.) Tribune, Aug. 31, 1982]

MOVE TO KILL RAIDER SUIT IS STAVED OFF

(By Virgil Meibert and Gayle Montgomery)

Eastbay legislators won another chance today to block Los Angeles legislators from killing Oakland's chances for acquiring the Raiders football team through eminent domain.

The latest action came after the Los Angeles legislators, with help from Assembly Speaker Willie Brown, scored a victory over Oakland in their effort to prevent the city from buying the Raiders.

In an Assembly Judiciary Committee hearing this morning, Assemblyman Bill Lockyer, D-San Leandro, won a ruling from Assembly Clerk James Driscoll that it would require 54 votes on the Assembly floor to get the amended anti-Oakland bill into judiciary committee.

The date for sending bills to the committee has passed and it will require a two-thirds vote of the lower house to waive that rule.

Judiciary Committee Chairman Elihu Harris, D-Oakland, attempted to stall the bill earlier by walking out of the committee when it failed to have a quorum 32 minutes after the hearing time, but Los Angeles Assembly members countered by electing a temporary chairman and continuing. At that point, Lockyer asked and received from Driscoll the 54-vote ruling.

Earlier in the day, with help from Speaker Brown, the Los Angeles legislators had won a crucial victory by beating down a Northern California challenge to the germaneness of the Los Angeles amendment.

Brown, a San Francisco Democrat, stunned Eastbay legislators by prolonging voting long enough for the Los Angeles delegation to win a five-hour Assembly floor fight shortly after 1 a.m.

Then, Brown exacted a promise from Democratic Majority Leader Mike Roos of Los Angeles that the bill—which would prevent Oakland from buying back the Raiders through an eminent domain action—will be amended so it will not apply to San Franciso and, presumably, the 49ers if they should want to move.

Twenty minutes earlier. Eastbay legislators and their allies had cheered happily on the Assembly floor when they thought they had killed the Los Angeles bills in a 38-34 vote disallowing key amendments because they weren't "germane."

But Brown ruled that the decision wasn't final, that Los Angeles legislators could continue to try to change the votes of other legislators. He had previously ruled against granting the same privilege on other bills in the post-midnight proceedings.

Ultimately, three Northern California Assemblymen—Byron Sher, D-Palo Alto, Tom Hannigan, D-Vallejo, and Stan Statham, R-Chico—switched to the Los Angeles side along with two from Southern California and Los Angeles had its victory.

Eastbay legislators, who had thought Brown was at least neutral in the feud, were shaken.

"He broke the rules at least twice to help them," said Sen. Nicholas Petris, D-Oakland. "I don't understand it."

The last-ditch battle to strip Oakland of its right to purchase the Raiders through an eminent domain lawsuit was expected to continue through today and tonight until the Legislature adjourns for the year at midnight.

Unable to budge the state Senate in the same effort last week, the powerful Los Angeles delegation switched the fight to the Assembly floor Monday evening.

Roos "hijacked" a pending bill, already approved by the Senate, dealing with municipal court clerk appointments.

He gutted the existing bill and inserted amendments prohibiting any city from using eminent domain proceedings for buying a sports franchise. The bill also stated that in legal terms a sports franchise is "not a public use for which the power of eminent domain may be exercised."

Roos' maneuver touched off a frantic bipartisan Eastbay lobbying effort throughout the evening hours to persuade legislators that the Roos amendments were not "germane" to the content of the previous bill and were therefore improper.

Oakland Democrat Harris led the effort to round up support on the Assembly floor, with the help of Assemblymen Lockyer, Gilbert Marguth, R-Livermore, Tom Bates, D-Oakland, and Bill Baker, R-Danville.

Petris, who had blocked the same bill in the Senate by protesting it was not germane, also showed up on the Assembly side.

Outside the chambers, legislators were being called out for more lobbying by Oakland City Councilman Dick Spees, city lobbyist Lynn Suter and Alameda County Democratic Party Chairwoman Mary Warren.

If approved by the Assembly, the measure would be sent back to the Senate, which would have to concur before tonight's midnight adjournment.

Petris said that if the bill comes back to the Senate he hopes there will be enough pro-Oakland votes to kill it.

If not, it would be sent to Gov. Brown to sign or veto.

Oakland was given the go-ahead to attempt to buy back the Raiders through eminent domain proceedings by the state Supreme Court in a ruling earlier this summer.

The city's only legal hurdle, in its pending lawsuit, is to prove that a sports franchise is a legitimate "public use."

The Los Angeles-backed legislation would retroactively prohibit Oakland from pursuing this lawsuit. City officials believe the eminent domain lawsuit may be the only remaining solid chance of regaining the football team.

Immediately after the Los Angeles victory early today, Brown, who was presiding, asked Roos if the bill could be amended so it would apply only to Los Angeles and Oakland.

"I'm not sure I would want to do that in San Francisco," he said.

Roos agreed to amend the bill today to limit its eminent domain restraints to Oakland and Los Angeles.

The maneuver could cost Oakland the support it has had in the voting from San Diego, Orange County and San Francisco legislators, who would like to retain the threat of eminent domain to keep sports franchises in their own communities.

Meanwhile, a judge Monday postponed start of the damages phase of the Oakland Raiders-National Football League antitrust trial from Sept. 20 until Nov. 1.

U.S. District Court Judge Harry Pregerson said the delay is necessary because attorneys need more time to prepare.

The same six-woman jury which ruled unanimously last May that the NFL had violated antitrust law by blocking the Raider's move from Oakland to Los Angeles will hear the damages phase of the trial.

The league has appealed the decision. The jury will hear arguments, then decide monetary damages due the Raiders because the NFL delayed their move.

[From the Oakland (Calif.) Tribune, Sept. 1, 1982]

L.A. BEATEN IN TRY TO HALT RAIDER SUIT

(By Gayle Montgomery and Virgil Meibert)

Outnumbered, but never outmaneuvered, a small group of Northern California legislators succeeded in knocking down the Los Angeles effort to prevent Oakland from buying the Raiders football team.

One hour before the end of the 1982 legislative session at midnight, Assembly Democrat Mike Roos of Los Angeles threw in the towel on a two-week effort to legislate an end to Oakland's move to buy the Raiders through an eminent domain action.

A last-ditch effort failed when Roos was able to get only 33 of the 54 votes (a two-thirds majority) necessary to move the Los Angeles legislation through committee, thanks to an Oakland legislator's last-minute discovery of the two-thirds requirement.

"I'm giving up," Roos said. "We needed 54 votes. I couldn't get them. We're effectively blocked."

The anti-Oakland forces were formidable. Led by Minority Leader William Campbell, R-Hacienda Heights, in the Senate, and Majority Leader Roos, in the lower house, they had the Los Angeles delegation at their disposal.

Late Monday, Roos had "hijacked" a pending bill dealing with municipal court clerk appointments, had gutted it and inserted amendments prohibiting any city from using eminent domain proceedings to buy a sports franchise.

With the unexpected aid of Assembly Speaker Willie Brown, D-San Francisco, the amendments had received narrow approval at 1 a.m. Tuesday on a vote to determine whether they were "germane" to the bill.

The revised bill was then sent to the Assembly Judiciary Committee.

After that defeat, the Northern Californians responded with ingenuity by using legislative rules to reverse the battle.

At 2 a.m. Tuesday, Assemblyman Tom Bates, D-Oakland, found an obscure rule which requires a two-thirds majority—54 votes—on the final day of a session to get a late bill into the Judiciary Committee.

Assemblyman Elihu Harris, another Oakland Democrat, started the upset Tuesday morning by walking out of the Judiciary Committee, which he chairs, when Roos was unable to get a quorum within 30 minutes after a hearing was to start on the Raider bill.

The Los Angeles group responded by appointing a temporary chairman, but was blocked immediately by Assemblyman Bill Lockyer, D-San Leandro, who brought up the 54-vote rule. It was quickly upheld by Assembly Chief Clerk James Driscoll.

That action stunned the Los Angeles group and kept Oakland's momentum rolling.

Then shortly after the full Assembly convened Tuesday, Oakland Mayor Lionel Wilson arrived and was introduced by Lockyer.

Speaker Willie Brown came back to greet the mayor and was seen engaged in a tense discussion for 15 minutes. Brown had been instrumental Monday night in keeping the anti-Oakland legislation alive, and Wilson obviously wanted no repeats.

Wilson said later that he had asked the speaker, a long-time political ally, for help. He at least got no further problems from Brown.

The Oakland Mayor and Vice Mayor Dick Spees spent all day in the Assembly, encouraging both Democratic and Republican Northern Californians to hang tough.

Walnut Creek Assemblyman Bill Baker, and Livermore Assemblyman Gilbert Marguth, both conservative Republicans, worked closely with Wilson and the Eastbay Democrats.

Former Assembly Minority Leader Carol Hallett, of San Luis Obispo, the Republican nominee for lieutenant governor, also worked closely with Eastbay legislators, along with her Democratic opponent, Leo McCarthy of San Francisco.

On the Senate side, where Sen. Nicholas Petris, D-Oakland, had earlier blocked repeated moves by Southern California legislators to shove through bills to stop the Oakland effort, the Republican leader, Campbell—as did Roos in the Assembly—conceded defeat about an hour before the session was to close.

"If it's alive, its going to need CPR to save it," Campbell said. "We're looking at a two-thirds vote over there (in the Assembly). The Oakland legislators have done a very good job. Nick Petris did a good job here, and Elihu Harris did a great job over there."

Oakland also was aided by some San Diego legislators. The San Diego votes were surprising, because the Assembly Speaker appeared to have diluted Southern California support for Oakland by asking for amendments that specifically limited the legislation to Oakland and Los Angeles. He said he did not want San Francisco held by such action.

Mayor Wilson said he felt some legislators may have been worried that the eminent domain procedure could be used to gain control of any professional team.

"Actually, it's a very narrow application." Wilson said. "It wouldn't work for the Warriors, for instance. It would have to be a very special set of circumstances."

One political figure who must have breathed a sigh of relief was Gov. Brown. As a candidate for U.S. Senate, he did not look forward to either signing or vetoing a bill that could have angered half of the state, aides conceded.

In a related action, the city of Oakland asked the state Court of Appeals Tuesday to hear arguments earlier than scheduled on reinstating a preliminary injunction against the team's transfer until the eminent domain suit can be tried.

If Oakland wins a favorable ruling, the Raiders would have time to arrange for their first home game of the National Football League season to be played at the Oakland Coliseum instead of in Los Angeles.

Oakland asked the appellate court to hear arguments Sept. 15 instead of Sept. 20, and also asked the court to stop the team's move pending a decision on the injunction.

A judge in Monterey County Superior Court, where the eminent domain lawsuit will be heard, had denied an injunction, and Oakland asked the state Supreme Court earlier this month to reverse that decision.

The high court transferred the matter to the Court of Appeals.●

NEEDED—A FOOD PROGRAM FOR MEXICO

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, the Akron Beacon Journal for Friday, September 10, contains an Associated Press article by Norm Clarke about the impact of Mexico's financial crisis on the poor in cities like Tijuana. I offer it for printing in the RECORD following these remarks.

As one who is greatly concerned about the effect of Reaganomics and budget cuts on the poor in our own country, I nevertheless believe that we also have a cause for great concern about the conditions in our neighbor to the South. As the article points out, Mexico's 100 percent inflation and three peso devaluations in 5 months have brought the condition of its impoverished masses to a breaking point. Unless there is prompt remedial action, violent outbursts and possible civil uprisings seem inevitable in Mexico. If that point is reached, there will undoubtedly be the same tendencies on the part of many in the U.S. administration to start casting about for ways of helping Mexico's authorities impose order by military force, after the fashion of El Salvador. Yet, it is obvious that Mexico's problems, like those of other countries in Central America, are fundamentally economic and social, and cannot be solved by military measures but only through economic growth and an equitable distribution of the fruits of the economy.

Obviously, a violent upheaval in Mexico would pose a very real danger to the United States. Both self interest and common morality suggest that it is time for our own administration and

the Congress to launch an immediate program to alleviate the most extreme hardship in Mexico.

Mr. Speaker, here we are with huge crop surpluses and depressed agricultural prices while our neighbors to the South are starving. Yet, as far as I know, no one in the administration has even suggested emergency action to provide food aid for Mexico. Where is the food-for-peace program? Where is the spirit of the Marshall plan? Is the administration so steeped in the dogmas of Adam Smith and its drive to cut social programs, that it is impotent to act in this kind of crisis. Even Herbert Hoover achieved his niche in world history as being the administrator of food relief to starving people in Europe during and after World War II. Maybe the administration is holding back out of fear that if it undertook a food relief program for Mexico, it might be harder to justify its efforts to cut back on food stamps for the folks back home.

On the other hand, maybe it is time the administration rethought its policy there, too. Whether it does so or not, Congress can and should act promptly to combat mass starvation in the United States and in our neighbor states.

[From the Akron Beacon Journal, Sept. 10, 1982]

FOOD CRUNCH STINGS MEXICO'S POOR

(By Norm Clarke)

TIJUANA, MEXICO.—The elderly widow, shriveled and weary, can't remember her last meal with meat. A mother of three college-age sons works for a few sacks of groceries. A man carrying an old food sack worries that Mexico's crumbling economy will break the poor.

They are among the scores who line the courtyard at the Casa de los Pobres—Tijuana's "House of the Poor"—for their only food.

Reeling from Mexico's 100 percent inflation and three peso devaluations in five months, Tijuana's impoverished masses have reached a breaking point.

"People can just take so much," said 60-year-old Gordden Cordoba, his thread-bare food sack slung over his shoulder. "We are resilient, but there is a limit."

Tijuana, a magnet to poor Mexicans because it borders California, has a population of 1 million, many poor and living in shacks. The population is double what it was five years ago.

Hard times have become a way of life, and as Mexico struggles with its worst recession in 70 years, the effects here are devastating.

Located on a trash-strewn street close to downtown Tijuana, the tiny mission sustains 150 families a week and supplies 1,000 meals a day to the down and out.

"I can't tell you how much it hurts to see this," Sister Armida, administrator of Casa de los Pobres, said Thursday.

The charity institution has been hard pressed to meet the growing numbers of hungry.

"If we opened the doors, we wouldn't have enough to feed all those who want in," the nun said in tones of resignation.

Donations are few and the budget is strained by the eroding peso, she said as the aroma of bean soup, rice and stew drifted from the mission kitchen.

"Food costs are up 50 percent. We try to serve balanced meals, but it is difficult. There is no milk to buy and meat prices are terribly high," she said.

The Mexican economy is bottoming out after a period of unparalleled prosperity. The oil boom has stopped; industry development projects have stalled. The government owes foreign banks billions of dollars and has issued currency-control regulations in an attempt to control the flow of dollars in and out of the country.

To cut expenses the government withdrew subsidies, doubling the prices of gasoline, electricity and basic foods such as tortillas.

Thousands of workers have been laid off. Unemployment affects 40 percent of the working-age population.

Tijuana is marked by stark contrasts between rich and poor. Million-dollar homes overlook miles of multi-tiered shanties that line dusty roads. Many of the shanties lack insulation or running water.

"The injustices won't end," said Manuel Medina, 72, as he leaned on his cane. "The rich will only get richer and the poor will get poorer."

Maria Nicanor, 63, trudes a mile each day through gullies and rocky, unpaved streets to work at the mission. For payment, the mother of three sons receives three sacks of groceries.

"She says it has helped her save pennies for her sons' education," Sister Armida said.

Others simply survive a day at a time.

"Some days we eat, some days we don't," said Trinidad Angeles, a widow who picked up her weekly ration Thursday. It included 1½ pounds of beans, some bread, fruit and vegetables.

"Everything is so high I can't afford anything anymore. Even the price of water has almost doubled," she said.

Asked if she had received any meat, she wearily shook her head. "Beans and chillies, that's a luxury," she said.●

PIPELINE FIASCO CARRIES SEEDS OF CATASTROPHE

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. SEIBERLING. Mr. Speaker, the Cleveland Plain Dealer for Sunday, September 12, contained a reprint of a New York Times article by George W. Ball, former Under Secretary of State, which lays out, in the most compelling way, the folly of the administration's efforts to block the construction of the Soviet-European natural gas pipeline. As Mr. Ball says, it "provides a case history of how not to conduct U.S. foreign policy."

It is bad enough that the administration's decision has already cost American industry the loss of millions of dollars of business and hundreds of jobs, and will possibly produce retaliation on the part of European countries which will cause further losses of business and jobs. If the administration's policy could truly produce a weakening of aggressive tendencies in the Soviet Union or save our allies from a dangerous dependency on Soviet gas, it might have some basis in fact. However, as Mr. Ball points out, it will achieve none of these objectives and will, indeed, be counterproductive.

In fact, it would be difficult to think of anything that has been done by any administration that has greater potential for disrupting the NATO Alliance and drastically weakening the balance of forces against the Soviet Union. To forestall such a catastrophe, Mr. Ball emphasizes that now is the time for the President to promptly alter course. If the President is unable to do so, then Mr. Ball believes Congress should take the initiative. Certainly, we have an obligation to save the Nation from a blunder of such magnitude.

The full text of the George Ball article follows these remarks:

[From the Cleveland Plain Dealer, Sept. 12, 1982]

PIPELINE FIASCO CARRIES SEEDS OF CATASTROPHE

(By George W. Ball)

Hypocrisy, self-deception and an astonishing ignorance of experience mark the Reagan administration's frenetic efforts to obstruct the building of the Soviet-European natural-gas pipleline. More importantly, those efforts show a lamentable confusion of basic philosophy on the Soviet Union and the Western alliance.

The pipeline episode provides a case history of how not to conduct U.S. foreign policy.

Although many contracts for pipeline equipment had already been signed, the United States sent a mission to Europe in March to urge the key governments there to abandon the project. The answer was a resounding no, and at the Versailles summit in early June, Reagan gave the impression that the United States would stop trying to block the deal. So it came as a bombshell when, on June 18, he extended sanctions to apply not only to U.S. companies but to the overseas subsidiaries of American companies and to non-American firms producing equipment under U.S. license. Any foreign company violating the ban, the Commerce Department announced, could be barred from obtaining merchandise and data in the United States and possibly fined. Reagan made good on the threat two weeks ago when Creusot-Loire of Paris and Dresser-France, a subsidiary of Dresser Industries of Dallas, disregarded the embargo and were barred from buying goods and services from the United States.

Though Reagan publicly justifies the blocking of the pipeline as pressure on the Polish government to ease its repressive measures, any causal connection is so obscure as to suggest mere shadow play. In the search for more convincing rationalization, he first complained that the pipeline would make Europe excessively dependent on Soviet gas. That conflicted with the considered view of European governments that it was better to accept a small degree of dependence on Moscow than to continue almost total reliance on precarious African and Middle East energy sources.

Some pipeline opponents then argued that the Russians would gain access to American technology by buying 25-megawatt compressors; others contented that the foreign exchange Moscow would derive from the project would ease the worsening Soviet economy. Finally, opponents seized on the

argument that the project was being financed at concessionary rates and was thus a form of foreign aid to the Soviet Union. There were even mutterings that the Russians would build the pipeline with slave labor.

Such a frantic search for a rationalization suggests that a vindictive desire to damage the Soviets and to discipline upstart Europeans who challenge the president's diktat motivates some pipeline opponents more than does logic.

The emphasis on hurting the Soviet Union as an end in itself is a Reagan innovation. His predecessors had followed a well-articulated policy toward Moscow: Try to maintain an essential balance of power by confining Soviet influence to the geographical boundaries set in the immediate postwar years, while exploiting opportunities to develop a modus vivendi. This policy has recognized that changes are subtly occurring on both sides, and has assumed that peace is possible so long as neither side challenges the other's vital interests.

Though that fundamental working hypothesis has served the United States for at least 30 years, Reagan has introduced an ideological bias one might call the Manichaean Heresy. Today's Manichaeans espouse the doctrinal concept that Soviet communism is the Anti-Christ—an evil element that must be rooted out if we are to have world peace. Neo-conservative intellectuals have joined the Moral Majority in sharing this view. The former have formed a pressure group called the Committee for the Free World, to which several leading members of the Reagan administration have been attached. The committee's manifesto calls on Americans to try to break the Soviet hold on Eastern Europe by denying Eastern Europe and the Soviet Union "Western loans, Western grain and—above all—Western technology."

For the Manichaeans, the Polish tragedy is merely a tactical "opportunity"—an excuse—to apply economic pressures that would, in their view, hasten the disintegration of the Soviet empire. But niggling sanctions, no matter how persistently applied, could never prove more than a marginal nuisance to the Soviets.

More sophisticated opponents of the pipeline hold a less ideological view. They object because of the foreign-exchange aspect. Denying the Kremlin a potental flow of hard currency might, they reason, constrain Soviet military expenditures.

Yet no one has convincingly shown that depriving Moscow of $1 billion in foreign exchange will force it to spend $1 billion less on weapons. Under the Soviet system, the claim of the military sector on the total resource pie is determined far less by the magnitude of the pie than by the political clout of the military leadership.

We will never weaken the Soviet will or capacity for aggession through economic pressures publicly announced. That would offend an elementary principle: No government of a great power can ever appear to yield to overt pressures. American sanctions are more likely to strengthen the aggressive tendencies in Soviet policy than to impel the leadership toward arms reduction.

While Moscow seems astonished by our obsession with the gas pipeline, it cannot help but be grateful to us for creating anger and division in the Western alliance. It is extraordinary that in only 10 years, America has drastically moved from detente to rhetorical confrontation, while Western Europe has continued to build stronger ties with the Soviet Union and Eastern Europe.

Yet more than just divergence of policy is poisoning the alliance. Reagan's intolerance of any differences and blindness to their underlying causes is also to blame. With arrogance in inverse proportion to experience, he and his administration are using crude methods to try to ride roughshod over the considered judgments and interests of allied governments.

The Germans and French did not lightly decide to participate in the pipeline project. Lacking our indigenous natural-gas reserves, they felt it only prudent to diversify their energy supplies and diminish their reliance on such uncertain sources as Algeria, Libya and Qatar. Natural gas delivered by the Yamal pipeline would not, they concluded, make them dangerously dependent on the Soviet Union—while the jobs provided by a massive construction program would greatly benefit their depressed economies.

Because they made these decisions only after careful study and extensive debate that took account of American concerns, European leaders were understandably outraged when—after agreements had been reached and contracts let—Reagan abruptly asserted that he knew best and erected roadblocks to prevent them from executing their plans.

Whenever the United States has used economic restrictions and obstructions to force its idiosyncratic policies on friends, it has had to pay for it. And so it is now. Though its greatest cost of the pipeline incident will be political—the weakening of the alliance, the erosion of our leadership, the growing doubts among our friends as to our motives and judgment—we cannot escape the large economic costs. These are likely to be far greater than the immediate losses in profit and employment resulting from the cancellation of contracts with our hard-pressed industrial companies. The thunder and lightning being generated by our action are not the mere manifestation of a localized, passing storm; they must be seen in the context of a threatening Atlantic trade war that could undo our patient effort over four decades to build a trading world in which all could prosper.

We should stop trying to play nanny to our allies before we do irreparable damage. Nothing could more help the Soviet Union than a bitter argument within the alliance that would weaken the West's cohesion. That brings us to the heart of the matter. If the U.S. government thinks that the pipeline is not a good idea, it should quietly urge that view on its allies and try to persuade them to pursue a different course. That is what alliances are all about.

If we are not to turn stupidity into catastrophe, Reagan must promptly alter course. A wise president could gracefully extricate himself. While reiterating his belief that the pipeline was a bad idea, he could announce that the United States was halting its efforts to block constuction, in recognition that maintenance of a strong Western alliance was paramount. Our partners would hail that as a statesmanlike action. If it should prove impracticable because of threats from the administration's right wing, Congress should take the initiative. It would not be the first time it had saved the nation from a presidential blunder.●

REPORT OF COMMITTEE ON THE BUDGET TO THE SPEAKER

(Mr. JONES of Oklahoma asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. JONES of Oklahoma. Mr. Speaker, I would like to submit to the RECORD the current level of spending in fiscal year 1982 as certified by the Committee on the Budget pursuant to section 311 of the Congressional Budget Act of 1974.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, D.C., September 14, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: On January 30, 1976, the Committee on the Budget outlined the procedure which it had adopted in connection with its responsibilities under Section 311 of the Congressional Budget Act of 1974 to provide estimates of the current level of revenues and spending. The Budget Committee is herewith transmitting the status report under S. Con. Res. 92, which revised the Second Budget Resolution for Fiscal Year 1982. This report, approved by the Budget Committee on September 14, 1982, reflects the Revised Second Budget Resolution of June 23, 1982, and estimates of budget authority, outlays, and revenues based on all completed action on spending measures as of the close of legislative business September 10, 1982.

Sincerely,

JAMES R. JONES,
Chairman.

REPORT TO THE SPEAKER OF THE U.S. HOUSE OF REPRESENTATIVES FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1982 CONGRESSIONAL BUDGET ADOPTED IN SENATE CONCURRENT RESOLUTION 92—REFLECTING COMPLETED ACTION AS OF SEPT. 10, 1982

[In millions of dollars]

	Budget authority	Outlays	Revenues
Appropriate level	777,672	734,100	628,400
Current level	774,462	733,004	628,600
Over resolution by			200
Under resolution by	3,210	1,096	

BUDGET AUTHORITY

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $3,210 million for fiscal year 1982, if adopted and enacted, would cause the appropriate level of budget authority for that year as set forth in S. Con. Res. 92 to be exceeded.

OUTLAYS

Any measure providing budget or entitlement authority which is not included in the current level estimate and that exceeds $1,096 million in outlays for fiscal year 1982, if adopted and enacted, would cause the appropriate level of outlays for that year as set forth in S. Con. Res. 92 to be exceeded.

REVENUES

Any measure that would result in a revenue loss that exceeds $200 million for fiscal year 1982, if adopted and enacted, would cause revenues to be less than the appropriate level for that year as set forth in S. Con. Res. 92.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., September 13, 1982.

Hon. JAMES R. JONES,
Chairman, Committee on the Budget, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311(b) of the Congressional Budget Act, this letter and supporting detail provide an up-to-date tabulation of the current levels of new budget authority, estimated outlays and estimated revenues in comparison with the appropriate levels for those items contained in the most recently agreed to concurrent resolution on the 1982 budget (S. Con. Res. 92). This report for fiscal year 1982 is tabulated as of close of business September 10, 1982 and is based on our estimates of budget authority, outlays, and revenues using the assumptions and estimates consistent with S. Con. Res. 92.

The House and Senate Budget Committees have different budget resolution assumptions regarding borrowing authority for the Commodity Credit Corporation (CCC). Borrowing authority for the CCC was provided in the 1982 Supplemental Appropriations, Public Law 97-257, and this letter includes separate calculations of current level for the House and Senate under the two different assumptions. The result is different levels of budget authority for the House and Senate calculations—revenues and outlays are identical.

CURRENT LEVEL UNDER HOUSE TREATMENT OF CCC BORROWING AUTHORITY

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	759,717	725,148	628,600
2. Entitlement authority and other mandatory items requiring further appropriation action	430	493	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses	14,315	7,363	
House current level	774,462	733,004	628,600
Second Budget Resolution, Revised, Senate Concurrent Resolution 92	777,672	734,100	628,400
House current level is:			
Over resolution by			200
Under resolution by	3,210	1,096	

CURRENT LEVEL UNDER SENATE TREATMENT OF CCC BORROWING AUTHORITY

[In millions of dollars]

	Budget authority	Outlays	Revenues
1. Enacted	759,717	725,148	628,600
2. Entitlement authority and other mandatory items requiring further appropriation action	430	493	
3. Continuing resolution authority			
4. Conference agreements ratified by both Houses	9,315	7,363	
Senate current level	769,462	733,004	628,600
2d budget resolution, revised, Senate Concurrent Resolution 92	777,672	734,100	628,400
Senate current level is:			
Over resolution by			200
Under resolution by	8,210	1,096	

Since my last report, the 1982 Supplemental Appropriation Bill, H.R. 6863, the Tax Equity and Fiscal Responsibility Act, H.R. 4961, and the Budget Reconciliation Act, H.R. 6955, have become laws—Public Law 97-257, Public Law 97-248, and Public Law 97-253, respectively.

Sincerely,

RAYMOND C. SCHEPPACH
(For Alice M. Rivlin, Director).

PARLIAMENTARIAN STATUS REPORT HOUSE SUPPORTING DETAIL, FISCAL YEAR 1982 AS OF CLOSE OF BUSINESS SEPT. 10, 1982

[In millions of dollars]

	Budget Authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	434,081	415,775
Enacted previous session (97th Congress, 1st Session)	433,290	419,316
Offsetting receipts	−112,358	−112,358
Enacted this session	19,019	9,777
Total, enacted	774,032	732,511
II. Entitlement authority and other mandatory items requiring further appropriation action:		
Grants to States for medicaid	378	441
Services to selected groups (social services)	52	52
Total entitlements	430	493
III. Continuing resolution authority		
IV Conference agreements ratified by both Houses		
Total Current Level as of Sept. 10, 1982	774,462	733,004
Second Budget Resolution, Revised, Senate Concurrent Resolution 92	777,672	734,100
Amount remaining:		
Over ceiling		
Under ceiling	3,210	1,096

Note.—Detail may not add due to rounding.

PARLIAMENTARIAN STATUS REPORT—SENATE SUPPORTING DETAIL, FISCAL YEAR 1982, AS OF CLOSE OF BUSINESS SEPT. 10, 1982

[In millions of dollars]

	Budget authority	Outlays
I. Enacted:		
Permanent appropriations and trust funds	434,081	415,775
Enacted previous session (97th Congress, 1st session)	433,290	419,316
Offsetting receipts	−112,358	−112,358
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Services to selected groups (social service)	52	52
Total entitlements	430	493
III. Continuing resolution authority		
IV. Conference agreements ratified by both Houses		
Total current level as of Sept. 10, 1982	769,462	733,004
Second Budget Resolution, Revised, Senate Concurrent Resolution 92	777,672	734,100
Amount remaining:		
Over ceiling		
Under ceiling	8,210	1,096

Note.—Detail may not add due to rounding.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOUNTAIN (at the request of Mr. WRIGHT), for the balance of the week, on account of serving as a member of the House delegation to the Inter-Parliamentary Union.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCGRATH) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 60 minutes, on September 15.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. CROCKETT, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. COELHO, for 5 minutes, today.
Mr. ROSTENKOWSKI, for 5 minutes, today.
Mr. RANGEL, for 5 minutes, today.
Mr. STUDDS, for 10 minutes, today.
Mr. STARK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MCGRATH) and to include extraneous matter:)

Mr. FINDLEY in two instances.
Mr. LEWIS in three instances.
Mr. DOUGHERTY.
Mr. KEMP.
Mr. BROYHILL.
Mr. HYDE.
Mr. SHAW.
Mr. CARMAN.
Mr. DORNAN of California.
Mr. CORCORAN.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. MONTGOMERY.
Mr. LONG of Maryland.
Mr. MOFFETT.
Mr. AUCOIN.
Mrs. SCHROEDER.
Mr. BIAGGI in three instances.
Mr. APPLEGATE.
Mr. HUBBARD.
Mr. RAHALL.
Mr. FLIPPO.
Mr. STARK.
Mr. GUARINI.
Mr. LEHMAN.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 57 minutes p.m.) the House adjourned until tomorrow, Wednesday, September 15, 1982, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4750. A letter from the Director, Administrative Office of the United States Courts,

transmitting draft of proposed legislation recommended by the Judicial Conference of the United States to amend certain provisions of title 28 of the United States Code related to jurisdiction in bankruptcy proceedings, and for other purposes; to the Committee on the Judiciary.

4751. A letter from the Executive Director, American Historical Association, transmitting the audit report of the organization for the year ended June 30, 1982, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

4752. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense articles and services to France (Transmittal No. 82-74), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4753. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain defense articles to France (Transmittal No. 82-74), pursuant to section 813 of Public Law 94-106; to the Committee on Armed Services.

4754. A letter from the Comptroller General of the United States, transmitting a report concerning the deterioration of runways at small airports because of deferred maintenance (GAO-CED-82-104, September 13, 1982); jointly, to the Committees on Government Operations and Public Works and Transportation.

4755. A letter from the Comptroller General of the United States, transmitting a report on the current status of the Great Plains coal gasification project (GAO/EMD-82-117, September 14, 1982); jointly, to the Committees on Banking, Finance and Urban Affairs, Energy and Commerce, and Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. Supplemental report on S. 2177 (Rept. No. 97-776, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee on the Judiciary. S. 907. A bill to amend sections 351 and 1751 of title 18 of the United States Code to provide penalties for crimes against Cabinet officers, Supreme Court Justices, and Presidential staff members, and for other purposes; with an amendment (Rept. No. 97-803). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 6005. A bill to discontinue or amend certain requirements for agency reports to Congress; with an amendment (Rept. No. 97-804). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5204. A bill to authorize and direct the Secretary of the Interior to accept certain lands for the benefit of the Sycuan Band of Mission Indians. (Rept. No. 97-805). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5007. A bill to provide for the designation of the Burns Paiute Indian Colony of Oregon as the beneficiary of a public domain allotment and to provide that all interests in public domain allotments in Harney County, Oreg., which are held by Indian allotees who die intestate and without heirs shall escheat to the United States to be held in trust for the benefit of the Burns Paiute Indian Colony of Oregon and added to the Burns Paiute Indian Reservation; with an amendment (Rept No. 97-806). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 7092. A bill to amend the Internal Revenue Code of 1954 to provide for a 1-year extension of the taxes which are transferred into the highway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. DE LUGO (for himself, Mr. HOLLAND, Mr. HEFTEL, and Mr. SCHULZE):

H.R. 7093. A bill to amend the Internal Revenue Code of 1954 to reduce the rate of certain taxes paid to the Virgin Islands on Virgin Islands source income; to the Committee on Ways and Means.

By Mr. RANGEL (for himself and Mr. PICKLE) (by request):

H.R. 7094. A bill to amend the Internal Revenue Code of 1954 to impose a tax on failures to adhere to conditions of determination letters relating to independent management of the assets of multiemployer plans; to the Committee on Ways and Means.

H.R. 7095. A bill to amend the Employee Retirement Income Security Act of 1974 to treat as a prohibited transaction the failure to adhere to conditions of a determination letter relating to independent management of assets by a trustee or plan administrator; to the Committee on Education and Labor.

By Mr. BROOKS (for himself, Mr. HORTON, and Mr. BONER of Tennessee):

H.R. 7096. A bill to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribution of Federal funds, and for other purposes; to the Committee on Government Operations.

By Mr. ASPIN:

H.R. 7097. A bill to amend title 10, United States Code, to include chiropractic care in the health care that may be provided to members and certain former members of the uniformed services and their dependents and to authorize chiropractors to be appointed as commissioned officers in the Armed Forces to provide such chiropractic care; to the Committee on Armed Services.

By Mr. BIAGGI:

H.R. 7098. A bill to amend the Omnibus Budget Reconciliations Act of 1982 to allow Federal law enforcement officers and firefighters who retired because of mandatory separation because of age to have cost-of-living adjustments in their retirement annuities; to the Committee on Post Office and Civil Service.

By Mr. DICKS:

H.R. 7099. A bill to repeal the provisions of the Omnibus Budget Reconciliation Act of 1982 which reduce the pay of certain Federal employees who are retired members of the uniformed services by the amount of the cost-of-living adjustments in their retired or retainer pay during fiscal years 1983, 1984, and 1985; to the Committee on Post Office and Civil Service.

By Mr. DYMALLY (for himself and Mr. MOFFETT):

H.R. 7100. A bill to authorize financial assistance for a continuing education program to secondary school science and mathematics teachers designed to increase their competency and to assist them to qualify for certification, and for other purposes; to the Committee on Education and Labor.

By Mr. JACOBS (for himself and Mr. MATSUI):

H.R. 7101. A bill to amend the Social Security Amendments of 1977 to extend for 5 more years the exemption from reduction of benefits under title II of the Social Security Act for spouses receiving Government pensions and to apply the reduction in the duration-of-marriage requirement to such exemption; to the Committee on Ways and Means.

By MILLER of California (for himself, Mr. ERLENBORN, Mr. PANETTA, Mr. PHILLIP BURTON, Mr. HARTNETT, and Mrs. FENWICK) (by request);

H.R. 7102. A bill to provide for the protection of migrant and seasonal agricultural workers and for the registration of contractors of migrant and seasonal agricultural labor and for other purposes; to the Committee on Education and Labor.

By STUDDS (for himself, Mr. JONES of North Carolina, Mr. BIAGGI, and Mr. YOUNG OF ALASKA):

H.R. 7103. A bill to consolidate and reenact certain of the marine safety and seamen's welfare laws of the United States; to the Committee on Merchant Marine and Fisheries.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

467. By the SPEAKER: memorial of the Legislature of the State of California, relative to agriculture disaster emergency loans; to the Committee on Agriculture.

468. Also, memorial of the Legislature of the State of California, relative to hospital care for military retirees; to the Committee on Armed Services.

469. Also, Legislature of the State of California, relative to Federal impact aid to California schools; to the Committee on Education and Labor.

470. Also, memorial of the Legislature of the State of California, relative to the U.S. Academy of Peace and Conflict Resolution Act; to the Committee on Foreign Affairs.

471. Also, memorial of the Legislature of the State of California, relative to radioactive waste; to the Committee on Merchant Marine and Fisheries.

472. Also, memorial of the Legislature of the State of California, relative to the Vessel Traffic Service; to the Committee on Merchant Marine and Fisheries.

473. Also, memorial of the Legislature of the State of California, relative to the 195th anniversary of the U.S. Constitution; to the Committee on Post Office and Civil Service.

474. Also, memorial of the Legislature of the State of California, relative to the New Melones Dam; to the Committee on Public Works and Transportation.

475. Also, memorial of the Legislature of the State of California, relative to tank truck vehicles; to the Committee on Public Works and Transportation.

476. Also, memorial of the Legislature of the State of California, relative to the Crude Oil Windfall Profit Tax Act of 1980; to the Committee on Ways and Means.

477. Also, memorial of the Legislature of the State of California, relative to the California raisin industry; to the Committee on Ways and Means.

478. Also, memorial of the Legislature of the State of California, relative to social security; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. DORNAN of California:

H.R. 7104. A bill for the relief of Antonio Perez-Herrera, Maria Helena Perez, Sylvia Perez, and Sergio Perez; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 7105. A bill for the relief of Henri E. Rambonnet and Jeanne Rambonnet; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2007: Mr. WALGREN.
H.R. 2222: Mr. NEAL.
H.R. 3191: Mr. FOWLER.
H.R. 4147: Mr. MARRIOTT and Mr. KEMP.
H.R. 4309: Mr. LONG of Louisiana.
H.R. 5653: Mr. MINETA.
H.R. 6190: Mr. DE LUGO and Mr. EVANS of Iowa.
H.R. 6460: Mr. EDGAR, Mr. SYNAR, Mr. PEYSER, Mr. RAHALL, and Mr. SIMON.
H.R. 6467: Mr. WILSON, Mr. PAUL, Mr. GINGRICH, Mr. CONTE, and Mr. LOWRY of Washington.
H.R. 6527: Mr. YATRON, Mr. FLIPPO, Mr. JENKINS, and Mr. JONES of North Carolina.
H.R. 6916: Mr. SCHUMER, Mr. MINETA, Mr. OBERSTAR, Mr. YOUNG of Missouri, Mr. ROSENTHAL, Mr. RAHALL, Mr. OTTINGER, Mr. YATES, Mrs. KENNELLY, Mr. BINGHAM, Mr. DWYER, Mr. BARNES, Mr. SKELTON, Mr. FLORIO, Mr. MARKEY, Mr. STARK, Mr. ROE, Mr. PHILLIP BURTON, Mr. GARCIA, Mr. HANCE, Mr. WEISS, Mr. SABO, Mr. BRODHEAD, Mr. CROCKETT, Mr. FRANK, Mr. CONYERS, Mr. APPLEGATE, Mr. PEASE, Mr. RODINO, Mr. SCHEUER, Mr. MOLLOHAN, Mr. BIAGGI, Mr. DYMALLY, Mr. SANTINI, Mrs. SCHNEIDER, Mr. FROST, Mr. LAFALCE, Mr. MATTOX, Mr. WON PAT, Mrs. CHISHOLM, Mr. CLAY, Mr. BONIOR of Michigan, Mr. ZEFERETTI, Mr. ECKART, Mrs. COLLINS of Illinois, Mr. HUGHES, Mr. EDGAR, Mr. LEHMAN, Mr. VENTO, Mr. MITCHELL of Maryland, and Mr. PRICE.
H.R. 6919: Mr. MITCHELL of Maryland and Mr. EDGAR.
H.R. 6983: Mr. MATSUI.
H.R. 7055: Mr. HOWARD, Mr. APPLEGATE, Mr. HUBBARD, Mr. KOGOVSEK, Mr. SYNAR, Mr. ANDREWS, Mr. WEISS, Mr. KINDNESS, Mr. OBERSTAR, Ms. FERRARO, and Mr. SAM B. HALL, Jr.
H.R. 7066: Mr. HUTTO and Mrs. HOLT.
H.J. Res. 166: Mr. PATMAN.
H.J. Res. 550: Mr. PEPPER.
H.J. Res. 592: Mr. WOLF, Mr. HOYER, Mr. FAZIO, and Mr. HEFTEL.
H. Con. Res. 330: Mr. MCCOLLUM, Mr. LEACH of Iowa, Mr. HERTEL, Mr. DENARDIS, Mr. BROWN of Colorado, Mr. SMITH of Pennsylvania, Mr. SMITH of Alabama, Mrs. ROUKEMA, Mr. HOWARD, Mr. MCHUGH, Mr. MARKEY, Mr. STARK, Mr. RODINO, Mr. KOGOVSEK, Mr. DAUB, and Mr. MITCHELL of New York.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5540

By Mr. MILLER of California:

—Page 36, beginning on line 9, strike out all of paragraphs (4) and (5) through line 12 on page 37, and insert in lieu thereof the following:

"(4)(A) From the amount available for making grants under this subsection the President shall reserve not more than 20 percent for the purpose of making grants to States which, as determined by the President at least semiannually on the basis of the six most recent months for which satisfactory data is available, had an unemployment rate which equalled or exceeded the national average rate of unemployment for such months multiplied by 1.35, and which are financially unable to comply with the requirements of subparagraph (B).

"(B) The remainder of the amount available for making grants under this subsection shall be used by States for making grants which shall be available to any training program in any year only upon a determination by such State that—

"(i) industries or labor organizations, or both, will contribute to each program an amount not less than—

"(I) 25 percent of the amount made available under this subsection for the training program in the first year of operation with funds provided under this subsection;

"(II) 30 percent of the amount made available under this subsection for the training program in the second year of such operation; and

"(III) 35 percent of the amount made available under this subsection for the training program in the third, fourth, and fifth year of such operation; and

"(ii) not more than 50 percent of the total cost of the training program will be provided by funds made available by the Federal Government under this subsection.

"(5) Any contribution required under paragraph (4)(B) (i) or (ii) may include 'in kind' contributions of equipment, facilities, personnel, or services to the extent that such 'in kind' contribution is utilized in conducting a training program which receives funds under this subsection. No such 'in kind' contribution may include equipment acquired under subsection (i) of this section. The criteria set forth in Attachment E of Circular A-110 (prescribed by the Director of the Office of Management and Budget on July 30, 1976), as in effect on the date of enactment of this section, shall govern the allowability of 'in kind' and cash contributions made by industries and labor organizations for purposes of paragraph (4)(B) (i) and (ii).

H.R. 6956

By Mr. DYSON:

—Page 14, line 24, strike out "$364,575,000" and insert in lieu thereof "$365,500,000".

By Mr. SCHEUER:

—On page 13, line 24, strike out "$121,204,000" and insert in lieu thereof, $154,304,000".

EXTENSIONS OF REMARKS

LET THE RECORD SPEAK ON ACID PRECIPITATION

HON. NICK JOE RAHALL II
OF WEST VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. RAHALL. Mr. Speaker, over the past few years, we have heard a great deal on the causes and effects of acid precipitation. This issue alone, aside from budgetary matters, has created the greatest amount of misinformation during the 97th Congress. During the course of our deliberations on this important issue, I have made every attempt to stick with scientific data rather than unsubstantiated claims regarding the environmental impacts of this phenomenon.

It is my hope that the record we have established during this Congress will show that science does not support a massive regulatory program aimed at reducing acid precipitation at this time. Rather, the preponderance of scientific information supports continued and accelerated study of the causes and effects of acid precipitation before final judgment can be made on how best to combat its impacts.

Many assumptions on the causes and effects of acid rain have been made by control proponents; assumptions which I question are valid. These assumptions have also been addressed by various scientific panels, among them:

Prof. Kenneth Rahn, of the University of Rhode Island, found in a study attempting to identify sources of sulfates and nitrates in New Jersey and New England that a much larger proportion came from local sources than was previously thought. This calls into question the basic thesis of the bill: that Mideastern coal-burning facilities are responsible for the acid deposition in the Northeast. Senator MITCHELL tried to shake Professor Rahn from his statement, but the Rhode Island scientist refused to alter his position.

Prof. Volker Mohnen, director of the Atmospheric Sciences Research Center in Albany, N.Y., argued forcefully in the Environment and Public Works Committee hearings that there is no linear relationship between sulfur dioxide emission reductions and acid rain in the Eastern United States. Professor Mohnen indicated that the limiting factor in the formation of acid rain is not the ambient concentration of sulfur dioxide, but the availability of oxidizing agents which determine the rate of conversion.

A technical panel sponsored by the Department of Energy, the State Department's advisory committee on environmental affairs, and the previously published Jason report of SRI International, all support the thesis that factors other than sulfur dioxide concentrations control the rate at which acid rain is formed.

A more recent draft study by Dr. Perry Samson, of the University of Michigan (for OTA), indicates the importance of nitrogen oxide and hydrocarbons in determining the sulfuric component of acid rain. This study, as well as Dr. Mohnen's work, make it appear that the production of acid rain in the Eastern United States may be insensitive to the ambient sulfur dioxide concentrations. Hence, a reduction in sulfur dioxide emissions, even one as large and costly as that proposed by the Environment and Public Works Committee, may produce no measurable decrease in acid rain in the sensitive areas of the Northeast.

A more recent study by the Edison Electric Institute (EEI) of data furnished by the State of New York shows a shift toward lower levels of acidity in Adirondack lakes during 1980 and 1981.

Similarly, a just-published report by the U.S. Geological Survey, based on the most extensive monitoring data available of trends in the acidity of precipitation and surface waters in New York, shows either no change or a slight decrease in acidity between 1965 and 1978.

Notwithstanding the domestic controversy on acid precipitation, much has been said on how this issue affects United States-Canadian relations. At this point, I would like to share with my colleagues remarks made by Carl Bagge, president of the National Coal Association, before the 64th annual meeting of the Canadian Bar Association on August 30, 1982, in Toronto. While Mr. Bagge obviously has a vested interest in seeing that acid precipitation controls are not enacted, I believe his remarks contain a great deal of merit with respect to what both nations are doing to address this issue. His remarks are as follows:

REMARKS OF CARL BAGGE

"Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

John Kennedy's words to the Canadian Parliament in 1961 ring true today. For we cannot repeal our unique partnership, our friendship, and our economic kinship.

Rowland Frazee, Chairman of the Royal Bank of Canada, recently put it this way: "We cannot change Canada's close and intricate relationship with our major trading partner, the United States. Our recession and our recovery are tied to theirs . . . In most major ways," he added, "events here depend on events there."

That's why the acid rain issue cannot be separated from economics—from the most far-reaching air quality program proposed in American history. And that's why the effects of this proposal on both our economies is part of my message today.

For it's the recognition of these effects that leads directly to the still unanswered scientific questions so closely tied to the acid rain issue. They are not a "smokescreen" as we hear so often from Ottawa. Scientific understanding—not wishful thinking, not political slogans—is the foundation for sound solutions to both human and environmental problems. And it's answers to these scientific questions that have to steer the acid rain course of our two great nations.

There are at least three plausible explanations of acid rain.

One, the "local-source" theory, holds that emissions don't regularly travel long distances before falling as dry particles or wet precipitation. Instead, acid rainfall is caused principally by sulfur and nitrogen oxides from local sources.

Also, many scientists believe that these pollutants serve as raw materials, which are converted into acid compounds by other oxidizing chemicals. Under this "catalytic theory," it's not the amount of sulfur and nitrogen oxides in the atmosphere, but the oxidants which make possible the acid content of rainfall.

Two weeks ago, the Battelle Institute announced that its scientists believe a vital chemical link to acid rain has been found—a catalyst that's common in urban smog. Battelle says that this potential breakthrough opens up an entirely new area of research.

Yet, it's the "coal plant-long transport" theory which is touted as the single cause. It's accepted by some politicians on both sides of the border, and often reported as fact by the media in Canada and the United States.

As this theory goes, acid rain is caused when sulfur dioxide from Midwestern coal-fired plants mixes with nitrogen oxides. These effluents are sent on the winds hundreds of miles where they fall as acid rain on parts of the Northeastern United States and Canada. Emissions from coal plants allegedly are directly involved in lake acidification and fish kills, harming vegetation, and linked to some human health problems.

Three theories, three possible answers, but we believe the jury is still out. I ask you to consider some of the reasons:

Scientists haven't found any sound evidence of acid rain damage to vegetation in the natural environment, and no direct link between acid rain and human health problems has been confirmed. Clearly, the most important scientific question at issue is whether there's a direct cause and effect relationship among sulfur dioxide from coal plants, acid rain, and ecosystem damage.

The recent National Academy of Sciences study, called "Atmosphere-Biosphere Interactions," is the most widely-quoted in support of this theory—basing its findings on "overwhelming circumstantial evidence."

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

One reason is the statement found on page 182: "Acid rain, due to further oxidation of sulfur and nitrogen oxides . . . from anthropogenic (man-made) sources," the author wrote, . . . "is causing widespread damage to ecosystems . . ." But here's what the same author wrote on page 142: ". . . direct cause and effect linkages between sources of acids and effects on ecosystems will not be possible for the foreseeable future."

Not even the most skillful form of press agentry can reconcile internal conflicts like these. Based on the second statement, it's impossible to draw a direct cause and effect relationship between coal plants and acid rain.

The mystery doesn't end there. Central to the "long-transport" theory is the hypothesis that effluents are travelling hundreds of miles where they are falling as acid rain in Canada and the United States.

But as it turns out, American and Canadian scientists can track emissions from a particular source only about 30 miles, not hundreds of miles. Since this is so, scientists from both nations are using computer models to help track effluents much longer distances.

The problem is, there's insufficient long-term rainfall monitoring data of reliable quality. What's more, scientists are having difficulty modeling the complexities of atmospheric phenomena, which are known to affect effluent movements. This means that the statements pinpointing how much acid rain is coming from the United States, and how much pollution is of local or distant origin, are purely hypothetical and theoretical.

Last year, in a Los Angeles Times story, an official of the Ontario Ministry of Environment admitted that computer modeling is only a "useful guideline" to help find out what's happening in the atmosphere over one year. Computer guidelines are useful. But they aren't a scientifically-proved method. And there's no justification for using these guidelines, however useful, as the basis for a multi-billion dollar regulatory program, regardless of what you've been led to believe.

One acid rain theory, as you'll recall, holds that local sources are possibly to blame for acid rain. But acid rain theorists on both sides of the border seem to get an advanced case of myopia when local sources are suggested as a possible cause of lake acidification. A case in point in the INCO smelter.

The INCO smelter is the world's largest. It's sending nearly one million tons of sulfur dioxide into the air each year from a "superstack" taller than the Sears Tower. That's one to three percent of all sulfur dioxide in the Western Hemisphere.

Yet, we read and hear that thousands of Canadian lakes are increasingly "sensitive" to acid rain from the United States. Press reports claim that by century's end 50,000 lakes "may" be dead.

Let's look at what's actually happening, rather than what might happen. A "sensitive" lake isn't an affected lake. The Canadian lakes so far identified as dead are a tiny fraction of the half-million lakes in this vast country. What's more, many of these dead lakes are found in the Sudbury area—the INCO smelter's backyard.

Canadians aren't the only ones who are looking past local pollution sources. The same myopia persists among "long-transport" theorists in the United States. The acid rain bill reported out of the Senate Environment Committee, for example, essentially ignores sulfur dioxide from oil-burning plants, and for all intents and purposes controls only coal-burning plants in 31 states on or east of the Mississippi River.

Kentucky and New York have roughly the same overall sulfur dioxide emissions. Yet, Kentucky—a large coal-burning state—would have to cut its emissions four times as much as New York—an oil-burning state.

The American coal industry isn't making light of acid rain. Acidified lakes are real, not imagined. And we are keenly aware of the economic implications of damage to Canada's environment. But inflammatory rhetoric can't replace unvarnished facts. Above all, let's get our facts straight.

There's no doubt that a large percentage of sulfur dioxide in the United States is produced from man-made sources. But if the "coal plant-long-distance transport" theory is to hold water, as sulfur dioxide levels go down, so should acid rain.

Yet, scientists aren't even sure if acid rain is increasing or decreasing. In the longest-running survey of rainfall in the United States, the United States Geological Survey found virtually no change in rainfall acidity in New York State over 13 years beginning in 1965. This is significant, because New York is one of the most often-mentioned targets of acid rain damage.

Also, EPA is reporting a 40 percent drop in sulfur dioxide concentrations over the past ten years, and a 15 percent drop in sulfur dioxide emissions in the Ohio River Basin—the alleged source of Canada's acid rain.

These cuts are all the more impressive, for as sulfur dioxide levels were falling, electric generation in the United States was rising from 888 billion kilowatt-hours to 1.4 trillion kilowatt-hours—a 56 percent jump. During that same time, coal burning by America's electric utilities shot up 65 percent.

In light of these trends, we are dismayed at Ottawa's charge that the United States isn't doing its fair share to curb air pollution. Over the past ten years, American industry—and ultimately consumers—spent nearly $160 billion on air pollution control. We are doing an outstanding job removing pollutants from our plants and our automobiles.

This doesn't imply that the coal industry has supported every tenet of America's clean air laws, any more than the Canadian Provinces welcome every pronouncement by the Ottawa Government.

It means that American people are paying willingly but dearly for clean air—some $14 billion each year to keep the Clean Air Act in force. And it's simply wrong-headed for Ottawa to suggest that our industry and our government are "footdragging" on cleaning the air, or that our government's actions aren't reflecting the wishes of the American public.

We find these allegations even harder to take, given the Ottawa Government's continued heralding of its pollution-control efforts. Again, let's look at the record.

One good example are pollution controls at the INCO smelter. These controls are offered by Canada's Environment Minister, John Roberts, and others as evidence of Canada's good faith to meet its obligations on what's called a "two way street."

In a recent interview, Mr. Roberts said that the smelter's emissions have been cut from 3,500 tons per day to 2,500 tons. "This is a significant step," he said. I agree, but how were these reductions made? Mr. Roberts gave the answer: "It was done successfully at the sacrifice of potential production at the world's largest smelter."

Isn't this a perverse kind of progress? I doubt the Canadian people—particularly in the Sudbury area where unemployment is reported at 40 percent—relish more pollution controls at the expense of this nation's already-flagging industrial performance.

The coal industry and the American people will never support clean air progress through economic stagnation. We aren't "backing away" from clean air goals. But we are also supporting greater economic growth—more jobs, and better paychecks for the working people of our country. And it's this tandem goal that's at the heart of our efforts to streamline the Clean Air Act.

And, we should remember that the United States Clean Air Act is still the world's most effective. Unlike Canada, our federally-mandated clean air laws are enforced vigorously with civil penalties and the cutoff of federal funds.

Just as important, the Clean Air Act continues to benefit both our countries. New Source Performance Standards are in force. So, as new coal plants go into service, replacing older, less efficient ones, the air will get progressively cleaner—even in the face of quickened economic growth.

On the other hand, the proponents of tighter sulfur dioxide controls got a lot of mileage out of Ontario Hydro's decision to build two scrubbers. According to press reports, an Ontario Hydro official said the building of scrubbers would likely have a "multiplier effect." In short, if Ontario Hydro "bit the bullet," perhaps utilities in the United States would jump on the bandwagon.

I'm not sure what the gentleman means. For there are already 87 scrubbers in the United States at a cost of $4 billion, plus an annual cost of $1.7 billion to keep them operating. Thirty five more scrubbers are under construction. And EPA is reporting that half of all America's coal-burning units will be outfitted with scrubbers in less than 20 years. Canada, I am quick to add, has yet to build a single utility scrubber.

I've also heard talk that Ottawa's much touted acid rain program is a ploy to increase electric power exports to the United States, which last year brought in several million dollars.

Mr. George Rejohn of the Canadian Embassy in Washington recently said, "Such silly inventions and distortions do not merit serious nor thoughtful attention."

I agree. We don't accept these conspiracy theories. But can you blame people for wondering, when Ontario Hydro cancels its first two scrubbers, and admits the decision came after the loss of potential power sales to General Public Utilities?

When you step back and take a long, hard look at all the evidence, it comes down to this: The causes and effects of acid rain are unknown. America has the best clean air record in the world. We've spent billions of dollars on clean air, and billions more are committed. Yet, despite all this—despite the sacrifices—the acid rain theorists, including the Ottawa Government, say it's not enough.

We are asked to embrace the potentially most burdensome regulatory program in American history, and are expected to have guilt feelings if we resist.

Mr. Roberts summed up the Canadian Government's view this way: American calls for more acid rain research are like saying: "We need to know which mosquitoes are

carrying malaria before we clean up the swamp."

I would only remind the honorable gentleman of Lord George's famous warning. He said: "It is very dangerous to leap a chasm in two bounds."

Can the coal industry—and the American people—possibly look past the chasm of scientific doubt and make a leap of faith to accept what in reality is a 12-million ton cut in sulfur dioxide over the next 12 years? How can we when the Department of Energy is predicting costs to industry and consumers of as much as $300 billion—over and above the present Clean Air Act—in the next 30 years? Shouldn't we be angry when electric rates in some parts of the United States are expected to rise 100 percent, placing an awesome burden on consumers, who already are strapped by the high cost-of-living?

Why shouldn't we fight this legislation? According to the United Mine Workers of America, the jobs of 89,000 mining industry employees and 225,000 jobs in related industries would be affected. Total income loss would be $6.6 billion per year. These job losses would hit in Northern Appalachia and the Midwest areas where unemployment is at 10 percent or more.

The coal industry will stand fast in opposition to this bill and let me make the reason crystal clear: Even with the billions of dollars spent, the jobs lost, and the crushing effects on our economy, there's not the slightest assurance that the acidity of rain will be affected.

Yet, when the coal industry and the U.S. Government through its State Department point to the lack of acid rain evidence, the enormous costs and job losses, we are accused by your acid rain Minister in Ottawa of engaging in "informational haze." What's more, the Ottawa Government is expressing "outrage" at our attitude, and predicts a worsening of relations between our two countries unless we come to our senses. Frankly, I believe the "outrage" is misplaced, and it's not just the weakness of the case for acid rain controls.

Your Government is openly proud of the millions of dollars spent in lobbying our Congress to enact acid ran controls. The Ottawa Government apparently believes that these tactics are successful. For after the acid rain bill was reported out of the Senate Public Works and Environmental Committee, it was followed by speeches in the Canadian Parliament calling the action a "great breakthrough."

But let's not let our wishes become the father of our thoughts. As reasonable men and women, do you actually believe that a majority of Congressman and Senators from the 31 affected states will support a bill that imposes such massive electric rate increases on their consumers with no assurance of benefit?

Is there likely to be much support for a bill that would have such devasting human dimensions, and such crucial implications for the revitalization of America's industrial and commercial heartland?

Acid rain is based on the theory of gravitation—that what goes up must come down. But don't forget Newton's law, which says: For every action there's an equal and opposite reaction. And we are reacting.

Calling to mind what Rowland Frazee said about the close and intricate relationship of our two economies, let there be no doubt: if this legislation becomes a part of the Clean Air Act, the higher energy costs, the job losses and severe overall economic effects will also affect this side of the border.

What's more, if this bill is part of the Clean Air Act, the chances are good that there will be no change in the law. This means, very frankly, that the efforts to streamline this Act—while preserving both economic growth and clean air goals—will be lost, also to the detriment of both our nations.

There is a reasonable course, and I urge you to consider it. The American coal industry believes deeply that acid rain research must be accelerated, and we are in good company.

Two weeks ago, a federal task force set up under the Acid Precipitation Act of 1980, called for more research to fill the "major gaps" of information about the causes and effects of acid rain.

Several bills are pending in Congress which would build a strong acid rain research foundation.

One bill of considerable merit, which would step up research, is sponsored by Senator Robert C. Byrd, the Senate Democratic Leader. In the House of Representatives a similar legislative approach is sponsored by Congressman Edward Madigan. His bill was approved by the House Energy and Commerce Committee by an overwhelming 27-5 margin. And, I might add, it is the only acid rain legislation approved by the House.

These bills call for more acid rain research beyond the three-year $64-million commitment of the Reagan Administration, and would augment the $32 million already spent or earmarked by the American Utility Industry.

A key element of the House bill is to restore existing acidified lakes with liming, and other methods known to be effective.

Acid rain may well be a serious problem for our two countries. But we must be certain that the cures that are prescribed actually works, that it doesn't have the side-effects of greater economic adversity and a worsening of relations between our two great nations.

How can we allow the acid rain issue to undermine the trust and cooperation between Canada and the United States, which has flourished for nearly 200 years? I urge the thoughtful members of the Canadian bench and bar through this organization to send a message to your public officials. Good common sense must replace strident rhetoric.

I'm no diplomat. But it doesn't take a statesman to see the need for voices to be lowered, and for thoughtful consideration to begin. We need to get this issue out of politics and public relations and into the laboratory where it belongs!

Let me close with these thoughts.

Churchill once said, "The farther backward you can look, the farther forward you can see." His admonition applies to the United States of America.

For many years, our domestic policy was fueled with a spirit of action, despite the financial costs. We sent men to the moon and brought them safely back to earth. We opened our hearts and our treasury to help create a better life for millions of our people. And we are still waging a war to protect the health and safety of our citizens, and to preserve a legacy of environmental quality.

We've had a large measure of success, but we've also learned some lessons from experience. For far more could have been accomplished, at far less cost, if we had tempered our burning desire to act with a proper understanding of what we were trying to get done.

Armed with the lessons of history, we are optimistic about the future—about finding solutions to both our human and environmental problems—and with good reason.

America has no lack of scientific genius. We have some of the world's best minds. America doesn't lack political will. Our record in building one of the greatest societies on earth is beyond question. And we suffer from no lack of spirit. The flame of desire to forge a better life for our children and grandchildren still burns brightly.

Yet, the acid rain debate brings into sharper focus on overriding challenge facing America. We must find a way to face the future with a relatively diminishing amount of financial resources. Like it or not, these hard choices must be made in the years to come.

This doesn't imply that the United States is ready to set aside any of its national goals. Far from it. But it means that we must meet all our goals with the resources at our command without sacrificing any one of them.

Clean air is one of America's goals. But it isn't the only one. We must also produce more energy at reasonable cost—energy needed to build economic growth and development which serves all our people. We can do it only by tackling our many goals in an efficient, and a cost-effective way, and with a full understanding that greater use of coal is essential to our success.

That's why our government—and your government—must understand the full dimensions of acid rain, before creating more bureaucracy, more costs, and an uncertain economic future for our people.

But it isn't just economic uncertainty that's at stake for our two nations. For I remind you again of what John Kennedy said to the Canadian Parliament nearly two decades ago: "Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies."

Then the President added this thought: "What nature hath so joined, let no man put asunder."

I hope, and I pray God we don't forget it.●

UNITED STATES AND THE U.S.S.R. DISCUSS REDUCTIONS IN NUCLEAR ARMS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BROWN of California. Mr. Speaker, yesterday's Los Angeles Times carried an interesting report on the status of the U.S.-U.S.S.R. strategic arms reduction talks currently underway in Geneva. While I am not privy to the details of these talks, and cannot verify the accuracy of this report, I must tell my colleagues that this news report is worth reading.

I think the time is rapidly approaching when the sincerity of the U.S. negotiating position will have to be proven. I sincerely hope our Nation demonstrates its good faith in these nuclear arms talks, and gets on with the deescalation of the nuclear arms race.

The news article follows:

[From the Los Angeles Times, Sept. 13, 1982]

U.S. WEIGHS SURPRISING SOVIET OFFER ON A-ARMS

(By Robert C. Toth)

WASHINGTON.—In its counterproposal to President Reagan's call for drastic strategic arms reductions, the Soviet Union has made a surprisingly forthcoming offer, according to U.S. officials—an offer that would cut Moscow's own missile and bomber force by 25% and the U.S. arsenal by 10%.

The Soviet move, presented at the new strategic arms reduction talks (START) in Geneva before the mid-August recess, has created a sharp division among U.S. analysts. Some see it as a sign of serious negotiating intent by Moscow. Others consider it a sophisticated ploy to buy time until domestic and international pressures force the United States to accept a compromise the Soviets would find more favorable to them.

As a result, Administration officials are approaching the Soviet formula with great caution.

"The Soviets are always less willing to consider deep reductions in their forces" than the United States, Fred C. Ikle, under secretary of defense for policy, said. "They seem somewhat less reluctant now than previously, and to that extent I'd say they appear relatively serious about the negotiations."

In a speech last May at his alma mater, Eureka College in Illinois, Reagan called for cuts of almost 65 percent in the Soviet missile strength and 50 percent in U.S. forces—down to a common ceiling of 850 missiles each. He excluded bombers and cruise missiles.

The Soviet proposal calls for a maximum of 1,800 missiles and bombers on each side, according to U.S. officials. It also calls for:

—Curbs on the giant new missile-carrying submarines being developed by both nations.

A total ban or limits on cruise missiles.

Extension of "confidence-building" measures such as giving advance warning of missile test flights.

While the Soviet offer is unacceptable as it now stands, U.S. officials said, the extent of the proposals surprised most American specialists. The Soviets had been expected "only (to) nibble at our proposal this year," as one Administration official said, while they sized up new Secretary of State George P. Shultz and waited for maneuvering over the Kremlin's leadership succession to end.

Not all Administration officials are convinced that the Soviet proposal is significant, however.

"The Soviets have done nothing more than throw (Jimmy) Carter's 1977 plan back at us," complained one official critical of the offer. "It's as if that's the most radical idea they are capable of."

In March, 1977, the Carter Administration proposed cutbacks on both sides to a common ceiling of between 1,800 and 2,000 weapons. Moscow immediately rejected the idea, but there have been recurring reports that it later regretted having done so.

The 1977 plan was shelved by the Carter Administration after the Soviet rejection, and the two sides went on to conclude the more modest second strategic arms limitation treaty, dubbed SALT II. The treaty was never ratified, however. Reagan has called it "fatally flawed," even while promising not to violate its provisions.

The new Soviet proposal has been also criticized as a mixture of "warmed-over" ideas rejected during the SALT II negotiations, along with predictable extensions of that agreement. SALT II had projected significant reductions in superpower arsenals in a SALT III treaty.

But the more optimistic view—held by a minority of U.S. analysts—is that the Soviets have made a significant overture. U.S. officials in this camp see the Soviet offer for reductions to 1,800 weapons, as well as the implicit call for some limit on total warheads for those weapons, as accepting two key principles in the Reagan plan. (Reagan called for a limit of 5,000 warheads on both sides, a cut of one-third in existing arsenals.)

"Obviously no breakthrough is imminent in the START talks," one White House aide said, "but the Soviets have certainly not closed the door to serious negotiations with this offer."

As the two proposals now stand, in terms of weapons coming into the U.S. arsenal, the Soviets want to ban or limit weapons they most fear—cruise missiles and the highly accurate D-5 ballistic missiles to be deployed on the giant Trident submarines—without making any concession to U.S. fears of specific Soviet weapon systems.

Reagan's proposal, for its part, sought much the same in reverse. It would curb just those Soviet weapons that could launch a successful surprise attack against U.S. weapons and command centers—Soviet land-based intercontinental missiles, particularly the SS-18 ICMBs with their large payloads and high accuracy—without taking into account Soviet fears of U.S. weapons.

Neither attitude is unexpected at the start of negotiations. But some U.S. officials consider it surprising that the Soviets proposed substantial cutbacks as their opening position at this juncture.

These officials say they are surprised for two reasons.

First, Moscow must be uncertain—since most U.S. officials are uncertain—whether Reagan will ultimately be willing to make the inevitable compromises between the two positions to achieve a new treaty. In the same way, Shultz's views on arms control and his influence at the White House are still largely unknown.

Second, with the Kremlin leadership in transition, contenders for the job now held by President Leonid I. Brezhnev are expected to be reluctant to make arms reduction offers that might alienate the powerful Soviet military, whose support they would need in the succession maneuvers.

Given this situation, one Pentagon official said, "the Soviet offer seems to indicate they are at least as serious about a new arms agreement at this point as we are."

Whatever the Soviet motives, the proposal that was made still has many blank spaces that U.S. diplomats will want to fill in when the START talks resume in Geneva on Oct. 6.

Chief among the questions is how the Soviets would divide up the 1,800 weapons among land-based and submarine-based missiles, bombers and cruise missiles, particularly what limits they would put on their own land-based ICBMs.

The Soviet proposal also calls for a total ban on cruise missiles before they are deployed. Soviet diplomats reminded American negotiators that if the SALT I treaty had banned multiple warheads on missiles, much of the problem of arms control now would be obviated. They thus seek to prevent cruise missiles from becoming the next intractable weapons.

However, with the United States about to start deploying more than 8,000 cruise missiles and with the Soviets themselves mounting an intensive program to catch up in this area, U.S. officials believe the Soviets would settle for only limiting the weapons in number and range. Soviet delegates have hinted as much, one official said.

In that case, he added, the Soviets would insist on counting the nuclear warheads on U.S. cruise missiles in the total warhead ceiling for strategic weapons that Reagan wants in any new agreement. In this way, he said, the Soviets have implicitly accepted the Reagan principle of a limit on total warhead numbers.●

ANOTHER VIEW OF VIOLENCE IN NORTHERN IRELAND

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BIAGGI. Mr. Speaker, in my capacity as chairman of the Ad Hoc Congressional Committee for Irish Affairs I receive hundreds of letters a month from individuals concerned about the issue of peace and justice in Northern Ireland.

Recently a Mr. Tadhg Seosemh Farrell of Toledo, Ohio, sent me a copy of an article he had published in the Catholic Chronicle of Toledo. The article is entitled "England Shares Blame for IRA Violence—Killer Plastic Bullets Denounced."

I call this article to the attention of my colleagues as I find it consistent with my longstanding position that all forms of violence in Northern Ireland whether civilian or official is wrong and stands in the way of a peaceful political solution which is so desperately needed.

The article follows:

ENGLAND SHARES BLAME FOR I.R.A. VIOLENCE—KILLER PLASTIC BULLETS DENOUNCED

(By Tadhg S. Farrell)

As Americans able to live in a civilized society, at times we seem to display a very strange capacity for demanding reprisals or revenge when what we have determined to be our very own personal conception of human decency and justice has been violated.

Without a moment's hesitation, we are ready to openly denounce, mourn, and demand retribution when we see justice being denied in one part of our world. In the same breath, we fully support military or political regimes that are guilty of the same violations of human rights or worse.

If the oppressor is viewed as "being on our side" or antagonistic to a government we consider to be the enemy, we are ready to turn our backs and suddenly become dumb, deaf, and blind. All too often this response is determined by our economic and political dealings with the perpetrators and the victims. If our ally of the moment murders innocent people, or tortures prisoners we can justify his methods—usually by a pragmatic statement that this particular regime is

fighting a communist conspiracy or terrorism.

The bombings that occurred in London on July 20 which brought the I.R.A. again to the front pages can only underscore once more the tragedy that is Northern Ireland. After the hunger strike ended last year, we were lulled into a feeling of complacency with a belief that the troubles in Ulster had somehow been made to magically disappear.

The wounds that tear this small province apart continue to fester and to infect all who come in close contract. For the Conservative Party of Margaret Thatcher, the myopic solution to the Northern Ireland problem lies in being able to blame all the violence and murder on the I.R.A.

On June 30, 1982, a high court in Belfast ordered a new inquest into the death of Julie Livingstone, 14, who was shot and killed by a British soldier on May 12 of last year. In doing so the judge stated that the soldier may have acted wrongly.

The weapon that killed her is officially called a "baton round," but by more common terminology it is referred to as a plastic bullet. When the British first introduced rubber and plastic bullets into use in Northern Ireland, they made a determined effort to convince the news media that these were "nothing more than harmless toys." Maj. Clayton, military adviser and programs director for the manufacturer, stated that the name was deliberately changed from "baton round" to give it "a slightly humorous image," and "looking back it does seem as if that aim was achieved."

One and one-half inches in diameter, four inches long, and weighing close to five ounces, this weapon of terror is fired from a hand-held rifle at a muzzle velocity approaching 180 miles per hour. The impact on a human being is the same as being hit by a 90-pound weight. Unlike its predecessor, the rubber bullet, designed to be bounced off of the pavement and merely break a leg bone, the plastic bullet is aimed directly at the person to be hit. Since the introduction of these weapons in 1971, 16 people have been killed by their use—eight of them children under 14.

In the case of Julie Livingstone, witnesses stated that Julie was walking home when they saw a British Army Saracen (armored car) traveling toward her at a high rate of speed. As it passed by Julie, the witnesses reported hearing a loud pop. As the Saracen sped away, Julie was found lying face down on the pavement mortally wounded from a head injury. A blood-stained plastic bullet was lying nearby.

Last year alone, 12 civilians were killed by plastic bullets in Northern Ireland, among them a girl of 12, a girl of 14, and two boys less than 14. Mrs. Nora McCabe, 30, was shot and killed by a plastic bullet fired at a range of less than 20 feet while she was returning from a shopping trip. She left behind a husband and three small children.

Earlier this year, Mrs. Kathleen Stewart of Belfast was brought to Toledo to speak at Christ the King Parish under sponsorship of Clan na Gael of Toledo. She had lost her 12-year-old son Brian to a plastic bullet in 1976 as he stood waiting on a corner while his family was preparing to celebrate his birthday. Two weeks later, Mrs. Stewart's two younger children were stopped on their way home from school by a British patrol. One of the soldiers asked them if they like the birthday present he had given their brother two weeks before. Laughing, he then told them he might give them the same present next year.

In the last 12 years, close to 1,000 innocent civilians have been killed in Northern Ireland by British troops or Loyalist paramilitaries. In that time not one British soldier has been brought to trial or convicted of any crime committed while on duty in Ulster.

On May 13, 1982, the European Parliament voted on a text condemning and banning the use of plastic bullets. The only group to vote against the passage was the Conservative Party of Margaret Thatcher and the Rev. Ian Paisley.

In the U.S., Congressman Mario Biaggi (D-N.Y.) has submitted House Resolution 356 which calls on the British government to end the use of plastic bullets in Northern Ireland.

As head of the Ad Hoc Committee on Irish Affairs, Congressman Biaggi has been most vocal in denouncing the violence committed by all sides in Northern Ireland. It was because of his untiring efforts in the cause of justice and peace that he was nominated for the Nobel Peace Prize to be awarded later this year.

If there is ever to be a chance for peace, it will only come when there is a change in policy on the Ulster problem. And that will only be when England realizes that it also must accept responsibility for a large portion of the violence.●

A TRIBUTE TO JAMES WILLIAM MAZZU

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. KEMP. Mr. Speaker, I wish to bring to the attention of my colleagues and the Nation a remarkable man. Cpl. James William Mazzu was a soldier who lost his life in the Korean conflict on November 30, 1950.

I am extremely proud to say that Corporal Mazzu was a member of my district. A man of many talents, Corporal Mazzu belonged to the 2d Infantry Division Bag Pipe Band and was an intelligence map designer. Corporal Mazzu was a dedicated artist who drew cartoons for his division paper.

Corporal Mazzu had a special talent for drawing cartoons depicting the Korean conflict. His colleagues appreciated his cartoons because they provided thoughtful insights into the lives of the soldiers. The cartoons are presently a valued addition to the Army Historical Center. I am grateful for and proud of Corporal Mazzu's contributions to the United States, his commendable service in the military, and his cartoons that are a reflection of that service.●

THE SALE OF SURPLUS LAND

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. AuCOIN. Mr. Speaker, I want to bring to the attention of my colleagues a letter I received from one of my constituents, Mr. Joe Reinhart of Portland, Oreg., concerning the administration's plans to sell off our public lands. The arguments made in this letter parallel exactly my own misgivings about Secretary Watt's "asset management" plan.

The concerns expressed by my constituents were repeated everywhere I went in my district during the August recess. Oregonians are proud of their heritage—they do not want America's public lands sold off for some short-term gain.

Mr. Speaker, we would be wise to heed the advice found in Mr. Reinhart's letter so as not to be accomplices in a terrible crime against our citizens. I hope my colleagues will join me in this.

PORTLAND, OREG., *August 29, 1982.*

DEAR CONGRESSMAN AuCOIN: I just finished reading a Time magazine article (Aug. 23, 1982) on the Reagan Administration's plan to sell "surplus" federal land in order to reduce the national debt. I oppose this proposal for the following reasons.

First, our short term economic problems should not dictate national policy regarding public lands. These lands should be considered part of our national heritage; a savings account. The interest from our capital investment is sustained-yield forests, national recreation and wildlife areas, and aesthetic and other intangible values. All citizens benefit from that national investment. And considering our present economic problems, once that capital reserve is withdrawn, it will not be replaced.

Second, the health of Oregon's economy is closely linked to the vitality of the timber industry. As the time article points out, large timber companies are in favor of the Administration's sell-off (or sell-out) because they have overcut their own lands for short term profits. Now, in the name of the "free market," they want to "manage" public lands. God help us. In the past few years, many small, locally owned mills have either folded or been taken over by large, national companies. I am opposed to a policy of letting out of state corporations dictate Oregon's economic decisions. Witness, for example, the commitment of Georgia-Pacific to Oregon. As a representative of this state, I ask you to make sure that our resources are available for Oregon lumber companies, not put in the hands of out of state interests.

Third, the Administration's plan is another example of the rich becoming richer at the expense of the rest of us. I ask you, who can afford to buy this land? I will tell you. Neither myself, my family, nor my friends have the money. Who can pay existing mortgages, let alone borrow at today's interest rates? Land speculators, developers, and the wealthy. The Administration's proposal, in a nut shell, is a way for the federal government to take land available for everyone's use, and put it in the control of a select group of individuals: Not very democratic.

In conclusion, everyone agrees that the federal government must balance its budget, the national debt must be reduced, and the economy started on the road to good health. And, there are undoubtedly truly "surplus" federal lands. However, I do not trust Secretary of the Interior James Watt. By using

executive orders without Congressional review, the Administration's proposal opens the door for abuse. If the Administration needs more money, it should reduce military spending and/or raise taxes again. At the very least, Congress should hold hearings on this important national question.

Thank you for your time and consideration. I eagerly await your response.

Sincerely yours,

JOE REINHART.●

THE EFFECTS OF HIGH INTEREST RATES

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1482

● Mr. HUBBARD. Mr. Speaker, as Americans throughout the country are pleading with Congress to provide relief from high interest rates and inflation, one of my constituents, Mrs. Jody Walker from Princeton, Ky., has written a thought-provoking letter to me in order to illustrate what our Nation's present economic climate is doing to small businesses. I think my colleagues will be interested in Mrs. Walker's comments. Her letter follows:

JUNE 19, 1982.

DEAR SIR: This is not a letter of complaint but rather an attempt to show you what the present economic climate and high interest rates are doing to small businessmen, and to us in particular.

Ken and I bought a Dairy Queen Brazier in Princeton, Kentucky 3 years ago. The interest rate at that time was 9%; our monthly payment of $2,000.00 included $1,100.00 interest; and the loan would have been paid off in 10 years.

In April of this year we had to refinance the business. The interest went to 17%; our monthly payment of $2,500.00 includes $2,350.00 interest; and the loan had to be extended to pay off in 15 years.

We are a small business, grossing about $280,000 per year and employing twelve. Ken and I have worked without pay for 3 years in an attempt to make the business a success.

We had hoped to be able to open another Dairy Queen in a nearby town this year, but after finding out what the interest rate would be, we are not going ahead with our plans. This keeps 12 or 15 people from finding jobs and eliminates several construction jobs. It means less sales taxes to be paid and less income taxes to be paid. We simply are not willing to pay $2,500.00 per month and have $2,350.00 applied to interest while we work for nothing. When interest rates are 17% and 18%, the small businessman pays little on principal and the entire payment is used to pay interest. As a result, the small businessman is unable to reduce his debt which prevents him from improving his building or adding new equipment. As a result companies supplying the products and services must lay people off. The small businessman pays little tax in that interest is deductible. The small businessman is hurt and the Federal Government is hurt.

This is only one small example but when you mulitiply it by all the small businesses that must pay these high interest rates, you can see it is a problem of great dimension.

In our town (Princeton, Ky.) the Ford Agency, a grocery store, a clothing store, a department store and a furniture store have all closed in the last eight months. Princeton's population is 8,500. The Federal Government must get this situation under control. I do not have the answers but I do know that if we operated our business like the Federal Government operates we would have closed down 2½ years ago. Something must be done to stop the Government from competing with individual citizens for loan money. Also, I feel a sincere effort must be made to balance the budget.

I am writing this in hopes a graphic demonstration of the effects of high interest rates will have more impact than the overall statistics.

Sincerely yours,

Mrs. JODY WALKER.

FARM LABOR CONTRACTOR REGISTRATION ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. MILLER of California. Mr. Speaker, today I am introducing, by request, the administration's recent proposals to replace the Farm Labor Contractor Registration Act with the Migrant and Seasonal Agricultural Worker Protection Act.

The negotiations which led up to the administration's proposals were long and at times frustrating. Representatives from all sides had serious concerns with the existing law that they felt needed to be addressed. Agricultural producers have long labored under the uncertainty of the 1974 FLCRA. In the past 10 years growers and producers have faced extensive private litigation and enforcement actions by the Department of Labor.

We have attempted to establish certainty during these long negotiations. That is also the goal of the administration's bill. It will answer the question "Who is responsible for the protections and duties available under the act?" with the answer, "He or she who provides the service or employs the worker—farm labor contractor or not—has the duty to protect the workers."

Certainty will benefit all parties. Agricultural employers will be relieved of the excessive burdens of FLCRA and will for the first time be sure of their duties to migrant workers. Agricultural employees will, in turn, know who is responsible for their protections, by fixing the responsibility on those who ultimately benefit from their labors—the agricultural employer. Unions, likewise, will be assured for the first time that they will not fall within the coverage of an ever-increasing maze of conflicting definitions which characterize the current law.

All of the problems of the migrant workers in this country will not disappear after this bill becomes law. Today, as always, exploitation, poor housing, and abuse all too often go hand in hand with the backbreaking work performed by the agricultural worker. As this bill is put into place, I will continue to use this subcommittee's oversight authority to investigate the effect of these changes on the lives of the migrant worker and to look for ways to insure a better quality of life for these workers and their families.

I remain concerned about another group of workers who perform the same services as those covered by this law, the temporary foreign workers brought into this country under the H-2 worker program. The Judiciary Committee this morning will begin markup of the Simpson-Mazzoli amendments to the Immigration and Nationality Act. That bill, as passed by the Senate fails to address adequately the future of the labor protections found in current regulations. If we do not insure that those protections for both the foreign and domestic workers are retained, we will have opened up a "guest worker" program under a different name. Congress cannot create a new statute, on one hand, which attempts to protect workers, while on the other hand pass another statute that weakens labor protections for workers doing similar work.

The parties that took part in the negotiation should be congratulated on their efforts to work out a compromise in a difficult area. They have recognized a problem that needed attention and have worked tirelessly to see that it is resolved.

I am introducing the administration's legislation because I believe that it should become law. I was involved in its development. I believe that it represents a positive step in the protection of migrant workers and I will continue work to see that it is enacted.●

NDANK, NDANK

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. FINDLEY. Mr. Speaker, most Americans are unaware of the tremendous stake our country has in a successful conclusion of the efforts of Assistant Secretary of State Chester Crocker to negotiate a settlement leading to a free and fair election in Namibia under the truly impartial supervision of the United Nations Resolution 435.

As a member of the Foreign Affairs Committee of the U.S. House of Representatives, I have watched with increasing concern the efforts of the Soviet empire to expand further into the southern part of Africa. Numerous committees of the Congress have in-

quired into the continuing "resource war" being conducted by Russia in its effort to gain control of the sources of oil and strategic minerals in Africa. Congressional studies show that 62 strategic minerals are extremely important to the industrial base of the United States economy. Namibia has many of these minerals, including the largest uranium mine in the world and one-sixth of all the uranium in the free world. Such other important minerals as copper, zinc, gold, diamonds, cadmium, arsenic trioxide, germanium dioxide, and possibly gas and oil are found in Namibia.

Let us hope that Dr. Crocker is not maneuvered into any kind of a cosmetic settlement which, in effect, will open the door to slow-motion domination and control of Namibia by SWAPO or some other Soviet "proxy" government of the kinds now controlling Angola, Mozambique, Ethiopia, Afghanistan, and other targets of Soviet Empire expansionism.

Any settlement which would permit even the remotest possibility of a future Soviet takeover by the terrorists of the South West Africa People's Organization (SWAPO), the Soviet-financed organization which has been conducting a guerrilla campaign against the people of Namibia for the last 15 years, would be totally unacceptable. The following lead editorial from the Wall Street Journal of August 23 states the case very well. I hope my colleagues in Congress, as well as other interested Americans, will read it carefully.

[From the Wall Street Journal, Aug. 23, 1982]

NDANK, NDANK

Among the Wolos tribesmen of West Africa, there is a popular saying: ndank, ndank. Literally translated it means slowly, slowly. Things take time. To press a matter too hard is to risk spoiling the outcome.

It's a perspective worth keeping in mind as we watch events on that often unhappy continent, particularly in Namibia. Diplomats have been pressing hard for a political settlement of the conflict between South African backed forces and guerrillas of the South West Africa Peoples Organization, or SWAPO. Our fear is that the five-nation Western "contract group" that has been ramrodding negotiations may be pushing a little too hard.

Certainly the results to date would appear meager. About a year ago there was a flurry of excitement when it was hinted that agreement had been reached on the political principles of a settlement. But it soon became clear that the parties couldn't even agree on a voting formula.

Then there were reports that one of South Africa's prime conditions for a settlement—the removal of Cuban troops from neighboring Angola where they have supplied and succored the guerrillas' assault on Namibia—might be met. The Angolans, it was said, were increasingly unhappy with the Cubans, who haven't helped much in their own fight against internal dissidents but who nonetheless are costing Angola half or more of its annual foreign exchange earnings.

But Fidel Castro, not surprisingly, promptly said he had no intention of pulling out. Even more recently there were reports of a ceasefire between South Africa and SWAPO but this too turned out to be a mirage.

It's still possible that something will be worked out sooner rather than later, we suppose. South Africa would undoubtedly like to be rid of its Namibia defense cost. The SWAPO guerrillas, who have been all but defeated militarily, might be tempted to come to terms in hopes of winning elections scheduled for next March. Most of the guerrillas come from Namibia's dominant tribe, the Ovambos.

Contact group diplomats thus have remained optimistic about the possibilities of settlement. They believe that the key to success is American pressure on South Africa combined with economic incentives to Angola and possibly even Cuba. But all this ignores that the real key to a settlement, withdrawal of Cuban troops from Angola, lies in Moscow.

Castro can't make a move without the Kremlin's consent and Angola's Marxist government would likely collapse in the face of its own guerrilla movement without Cuban protection. A Soviet signal to withdraw would come as a thunderclap, a blow to the Soviet reputation for reliability nearly as grievous as the U.S. withdrawal from Vietnam. As the Soviet Union has little to offer besides its military reliability and that of proxies such as Cuba and East Germany, it is hard to imagine such a step.

So we fear that much of the talk about an imminent settlement may reflect less the realities of the situation than the fond hopes of the Western contact group.

Chester Crocker, the U.S. assistant secretary of state who is point man in the negotiations, has played a brilliant diplomatic game so far. By tying Cuban withdrawal from Angola to a Namibian settlement he has overcome South African intransigence and shifted the spotlight of public opinion to Cuban and Russian imperialism.

But the contact group should not be too eager to force a settlement. Unless the settlement is truly in the interest of all parties, it will eventually fall apart and destabilize the area even further. The political process in Africa is a frail reed: Witness the near-coup in Kenya and the resurgence of terrorism in Zimbabwe.

Also, the SWAPO cause is not as popular in Africa as one might think from reading the newspapers. Moderate African nations are asserting themselves more vigorously in continental councils. Even some of the front line states in southern Africa would prefer an opportunity to stop the fighting and get on with their business.

By all means let the diplomacy continue but time is not necessarily on the side of the insurgents. If the insurgents perceive that we can't be hustled into agreement that they can't win by force of arms, meaningful agreement will be all the easier to reach. Ndank, ndank.●

JAPANESE TREMBLE IN FEAR OF "BIG ONE"

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BROWN of California. Mr. Speaker, the Japanese may be beating us at another game—earthquake prediction and hazard mitigation.

The Washington Post reported today that Japanese scientists have predicted Tokyo is due for a massive earthquake before the year 2000. Scientists there keep a 24-hour watch over seismic detection devices located along the ring of Japanese islands. These devices help determine when an earthquake is likely. Satellite data and other information is coordinated with this seismic information providing officials with the basis for emergency planning decisions.

I am pleased to report that earlier today the House passed the Earthquake Hazards Reduction Act reauthorization. I am satisfied with the bill and hope the Senate will defer to the House version. The upcoming HUD-independent agencies appropriations bill will be considered by the House during the next couple of days. Funding for earthquake programs conducted by the Federal Emergency Management Agency and the National Science Foundation is included in this bill, although not at the levels I would prefer to see.

A severe earthquake could disrupt not only the local area where it occurs with loss of life and property, but could have ramifications for the entire country. A catastrophic event in California for example, has been estimated to potentially cause 5,000 to 25,000 fatalities and $20 to $50 billion in damages. No one State, not even California, can sustain such a blow. The Federal Government will have to become involved if only to address the problems caused by such losses to the rest of the country.

The Japanese may have several thousand years of experience ahead of us in this area, but with a little commitment from our Government I think we can catch up.

Mr. Speaker, I include the Washington Post article for the RECORD for my colleagues to read.

[From the Washington Post, Sept. 14, 1982]

JAPANESE SCIENTISTS WARN TOKYO IS DUE TO BE HIT BY MASSIVE QUAKE

(By Tracy Dahlby)

TOKYO—A handful of Japanese civil defense experts, tiny black boxes in hand, converage on a climate-controlled room. Amid situation maps and the whir of computers, they advise the prime minister to sound a full-scale alert.

Local businessman Jiro Hatano calmly gathers up his stocks of water and dehydrated food and makes a speedy getaway, possibly to a camouflaged concrete bunker in a neighborhood garden as hordes of his fellow residents of Toyko rush to evacuation staging areas throughout the city.

This doomsday scenario, which specialists say could become a reality any day now, is not based on fear of nuclear attack or invasion but on the threat of the gigantic earthquake that is expected to devastate this congested city of 12.5 million.

Just when calamity will strike is now the subject of a sharp debate among Japanese scientists, who are busily marshaling the country's high technology to the still-murky task of quake prediction. But they generally agree that the city has now entered a danger period, making a major quake likely sometime between now and the year 2000.

"History tells us that Tokyo has been hit repeatedly by giant earthquakes," says Masahiro Kishio, assistant director of the earthquake analysis division at the national meteorological agency. "We can say with absolute certainty that the area will be hit again."

Early in the month, 100,000 residents of Tokyo took part in massive firefighting and evacuation drills in commemoration of the great Kanto earthquake of Sept. 1, 1923. It registered a magnitude of 7.9 on the open-ended Richter scale and killed 143,000 people, mostly in the ensuing firestorm, which reduced the city to a smoldering moonscape.

Should a jolt of similar magnitude rock Tokyo today, government officials estimate that at least 36,000 people would die, and another 63,000 would be seriously injured. Nearly half a million wooden houses and shops would be destroyed by fires or tidal waves, leaving 4 million people homeless.

The officials admit, however, that such calculations are extremely difficult. Tokyo now has five times more inhabitants than at the time of the Kanto quake and a population density of 26,000 people per square mile, or nearly three times that of Washington. Its sprawling cityscape is a maze of skyscrapers, apartment buildings and elevated highways built above hundreds of miles of underground shopping arcades and subway tunnels, all of which has amplified the scope for disaster.

The grim possibilities have sent tremors through Japanese officialdom and touched off massive efforts to shield the old capital from destruction. Tokyo is spending nearly $6 billion—an amount equal to half its yearly national military budget—on a current series of countermeasures including the construction of "earthquake-proof" public buildings, hospitals, schools, roads, and sewer and water systems.

More than 1 million rations of milk, rice, hardtack biscuits and a 42-day emergency supply of fresh drinking water have been stocked near five large city parks designated as official evacuation areas. A big budget for television and radio spots and printed materials is aimed at keeping the average resident well briefed on what to do when the big quake comes.

"We can't entirely prevent widespread damage, but we can try to limit it," says Kishio. "And we're fairly certain we can predict the occurrence of a major earthquake within one or two days."

Scientists keep a 24-hour watch over data from devices located at 238 stations along the volcanic spine of the Japanese islands and from one underwater cable on the seabed southwest of Tokyo for signs of the swarm of smaller tremors which are thought to presage a serious jolt.

Tokyo's subterranean water table is checked for a sudden drop that night also indicate a big quake is imminent, while photos from weather satellites are monitored for changes in the cracks in the earth's crust that are thought to run through the city's suburbs.

Should the signs point in an ominous direction, chauffeur-driven government cars will fan out through the city to pick up a half-dozen seismological experts, each fitted out with an electronic signalling device in a black box and deliver them to the situation room at the national meteorological agency. There, they must quickly decide whether to formally ask the prime minister to call a public alert.

A study of a thousand years of historical documents led the late professor Hiroshi Kawasumi of Tokyo University's earthquake research center to the theory that a major quake occurs in Tokyo roughly once every 69 years. Scholars now point out that, according to that theory, the city has already entered a critical period.

According to Hiroaki Yoshii, a senior researcher at the Japan Institute for Future Technology, who has recently completed a study on the subject, a giant-size jolt could create havoc in the country's big business circles because of the high concentration of corporate headquarters in Tokyo. "There would be a sudden shortage of funds from financial institutions to manufacturers, and a lot of business failures and corporate mergers," he says.

Major banks already have begun spreading their highly computerized operations to branch offices around the country and installing emergency communications networks. Earlier plans by the government to relocate the national capital have now been dropped because of the astronomical costs involved, Yoshii says.

Japan, as all schoolchildren here know, is a land of earthquakes and, historically, the destruction brought on by frequent giant tremors has kept a powerful hold on the popular imagination. The Hojoki, a 13th century Japanese classic, says, "For one terror following on another, there is nothing to equal an earthquake."

Today, Japan is jolted by more than a thousand tremors a year large enough to be felt by its inhabitants, many of them in Tokyo. That, and the fact that the city was destroyed both by the great Kanto quake and American firebombings in World War II, has made Tokyo residents largely fatalistic about another impending disaster. And government efforts to gird for the worst, officials complain, have failed to prompt a genuine state of readiness among the public.

"We are the kind of people who spend scads of money and time on vacations and golf," says Hatano, who sponsors a private organization to educate his fellow citizens on earthquake relief measures, "but won't give a second thought to our own individual security."●

RESTORE FULL COLA'S FOR FEDERAL LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BIAGGI. Mr. Speaker, I am introducing a bill today that would restore full cost-of-living adjustments (COLA's) for Federal law enforcement officers and firefighters, who were unfairly penalized in the recently adopted Omnibus Budget Reconciliation Act of 1982 (Public Law 97-253).

Under the Budget Reconciliation Act, which I voted against, all civil service employees who retire before age 62 would receive only half of the COLA that other Federal retirees receive. The intent of this provision is to reduce Federal spending by discouraging early retirement from the Federal Government.

However, this new law is blatantly unfair because it makes no distinction between the civil service employee who can choose his or her retirement age, and the approximately 30,000 Federal law enforcement officers and firefighters who are forced by law to retire at age 55.

My bill would correct this injustice by allowing those Federal law enforcement officers and firefighters who retire before age 62 due to the mandatory retirement law (Public Law 93-350) to receive full cost-of-living adjustments in their retirement pay.

As a former law enforcement officer, I am committed to insuring that our Nation's public safety officers receive fair and adequate compensation for the important, and often life-threatening, work they perform. The legislation I am introducing today, the "Federal Law Enforcement Officers' and Firefighters' Retirement Protection Act of 1982," is consistent with that objective.

I wish to express special thanks to the 5,000 member Federal Law Enforcement Officers' Association (FLEOA) for bringing this problem to my attention. I am hopeful that the legislative remedy I am proposing today received the prompt and favorable congressional consideration that it certainly deserves.●

THE EXPORT TRADING COMPANY ACT—A JOBS BILL THAT WILL WORK

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. HYDE. Mr. Speaker, I notice in this morning's newspapers that the House leadership will apparently seek quick consideration of a massive $1 billion "jobs bill." The news reports suggest that the legislation may be brought to the floor later this week, rushed before us because—in a quote attributed to you, Mr. Speaker—"the American people need to see action now before it is too late."

Mr. Speaker, the voters will issue this Congress its report card on November 2, and I suspect that the grades that they hand out will, in many cases, not be passing marks.

While it is certainly "too late" to enact much of the legislation our constituents had a right to expect from us when they elected us in 1980, I would humbly point out that there is no compelling reason to rush an ill-advised $1 billion jobs bill before this

body. The House of Representatives has already approved—unanimously—a jobs bill: the Export Trading Company Act. The legislation would create between 320,000 and 640,000 new American jobs in the small- to mid-sized businesses hardest hit in these tough economic times. In addition to creating many more jobs than the legislation you propose to bring to the floor, the trading company bill would give our American businesses the tools to compete more effectively in the ever more competitive world market. The jobs created by this legislation are real jobs, jobs that will last because they result from an increased demand in the private sector, not "quick fix" jobs created through increased Federal spending. The jobs created by enacting the trading company measure will not cost the taxpayers an additional dime.

Mr. Speaker, the Senate has also passed—unanimously—its version of the Export Trading Company Act, and it is awaiting action by the conference committee. Does it not make more sense to urge the conferees to complete their work on this major job-creating trade legislation than to spend precious time bringing an ill-advised, budget-busting, counterproductive, billion-dollar measure to the floor?●

PASTOR HONORED FOR 50 YEARS OF SERVICE

HON. CHARLES F. DOUGHERTY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. DOUGHERTY. Mr. Speaker, I would like to take this opportunity to extend congratulations and best wishes to both the Crescentville Baptist Church and to its pastor, Charles L. Dear. Today Pastor Dear is celebrating his 50th year of service to the East Godfrey Avenue parish.

After responding to a call to serve, Pastor Dear began his ministry at the Crescentville Baptist Church on September 14, 1932. He and his wife Velma have provided extraordinary guidance and spiritual leadership throughout the entire history of the church even during such tragic occurrences as a 1977 fire which heavily damaged the Bible School Building.

Furthermore, their combined sense of selflessness is exemplified by the unique fact that throughout their ministry at the Crescentville parish, Pastor and Mrs. Dear have lived by faith, receiving only the funds channeled directly to the support of the pastor by the church members. Because they have been so willing to give of themselves, the Lord has seen fit to bless their ministry and consequently, the church has grown considerably from the original few who first met to form a church.

It is with a grateful heart that I join with my colleagues and the entire congregation in honoring Pastor Dear for his faithful service to the ministry. May Pastor Dear continue to proclaim the riches of the word of God and may God's blessing be with him and his wife in the future that lies ahead.●

SELECTIVE SERVICE REGISTRATION: VIOLATORS MUST BE PROSECUTED

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. MONTGOMERY. Mr. Speaker, in a followup to statements I entered earlier in the CONGRESSIONAL RECORD, I want to share this Washington Post editorial of September 1, 1982.

The editorial, entitled "Politics and Draft Registration," echoes the point I made in earlier statements on this issue. Selective Service registration is the law of the land, and as the Post says, violation of the law requires prosecution.

[From the Washington Post, Sept. 1, 1982]

POLITICS AND DRAFT REGISTRATION

Should young men be tried and convicted for violating the law requiring registration for the draft? A number of thoughtful readers, some of whose comments we printed last Thursday, evidently think not. We continue to disagree, respectfully, and we think the subject is worth addressing again, especially in light of the conviction on Thursday of a second student, Benjamin Sasway, for violating the law.

Some readers complain of our characterization of the draft registration law as "about the mildest intrusion on personal liberty a government interested in maintaining the possibility of conscription can make," and they complain of our comparison between this law and laws requiring motorists to stop at stop signs. But they are unable to describe any milder intrusion, and then they say nothing that convinces us that the stop sign analogy is not apt. Governments put up stop signs and require registration for military service to protect, in different ways, the public safety. Governments have obligations to enforce these laws—to protect others and to encourage obedience—even against those who will not obey them because of a genuine religious belief that to obey such a law is wrong. The conscientiousness of that belief is a proper factor for a judge to consider in sentencing, but not one that should sway a prosecutor from bringing a case or a juror from returning a guilty verdict.

Mr. Sasway and, we suspect, most of those young men in violation of the law do not claim a religious objection. Their objections to the draft registration law are political. In a letter sent to President Carter in 1980 and which he has not repudiated since, Mr. Sasway said, "I am obligated to protest even simple registration since I feel the spirit of this mandate, like the actual conscription, is immoral and incompatible with a free society. Furthermore, I cannot allow myself to be forced into a military establishment that is too misdirected and too conservative to serve the country's interests." It is settled constitutional law that conscription is not incompatible with a free society; the argument that the military establishment is misdirected is by its very nature political. Mr. Sasway has been free, and would have been free had he registered, to try to persuade his fellow citizens that, by ordinary political means, his views are right and should be enacted into law. Violating the law requires that he be prosecuted.●

THE TOM AND JANE SHOW

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. DORNAN of California. Mr. Speaker, in the CONGRESSIONAL RECORD of July 22, 1982, I submitted an interview with Jane Fonda and Tom Hayden that appeared in Stars and Stripes which convincingly pointed out that while Tom and Jane may have changed their outward style and appearance from that of their radical stance in the 1960's and early 1970's, their ideology has not changed one iota. And what is that ideology?

I would like to submit for the RECORD statements make by Tom and Jane over the years which bear remembering. Tom and Jane should also take a good look at an article by Al Santoli entitled "Why Vietcong Flee" found in the "Extension of Remarks" of July 16, 1982, to see where twisted Hayden ideological views ultimately lead: Cambodian genocide, nearly a million boat people—over one-half dead—reeducation camps, and close to a half million Vietnamese sent to Siberian labor camps.

Ideas have consequences, Mr. Speaker, and Tom and Jane should be willing to face up to the tragic consequences of their Marxist-Leninist ideology. At this time, I would like to submit Tom and Jane's statements for the RECORD.

THE WORD ACCORDING TO TOM AND JANE

"I am the Vietcong. We are everywhere! We are all Vietcong."—Tom Hayden, Czechoslovakia, 1967.

"Of course I am a socialist."—Jane Fonda, Interview with Oriana Fallaci, McCalls, 1971.

"I'm not a do-gooder. I'm a revolutionary, a revolutionary woman."—Jane Fonda, 1971.

". . . the movement needs violence to organize its ranks and to capture people's minds."—Tom Hayden, Speech at Sequoia Union High School, Palo Alto Times, March 1, 1969.

"Somehow the idea of the Communists as enemies had been drilled into my mind. So I expected Russians to be strange people, bad people, and I saw such beautiful people instead. So much less aggressive than Americans."—Jane Fonda, The Register, August 5, 1979.

"I would think if you understood what communism was, you would hope, you would pray on your knees that we would someday become Communist."—Jane

Fonda, Speech at Michigan State University to raise money for the Black Panthers, Detroit Free Press, November 22, 1969.

"They (the POWs) all assured me that they have been well cared for. The . . . they listen to the radio. They receive letters. They are in good health."—Jane Fonda, Radio Hanoi broadcast, August 15, 1972.

"We have no reason to believe that U.S. Air Force officers tell the truth. They are professional killers."—Jane Fonda, Washington Star, April 19, 1973.

"Recently in the United States we've been doing a lot of political propaganda work among the students."—Jane Fonda, Radio Hanoi broadcast, July 26, 1972.

"Today's terrorist may be tomorrow's George Washington."—Tom Hayden, Parade Magazine, May 20, 1979.●

QUESTIONS ON H.R. 6046, THE EXTRADITION REFORM ACT OF 1982

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. STARK. Mr. Speaker, a bill has been reported to the House by the Judiciary and Foreign Affairs Committee whose stated purpose is to reform the Nation's extradition laws and to make it easier to cooperate in international efforts to deal with terrorists.

Stronger efforts to deal with terrorists and other violent criminals are clearly called for.

But in the last several days, I have received reports that the bill may seriously erode the rights of Americans and of foreigners in the United States who have struggled against repressive regimes abroad. Because of drafting problems, the bill may do much more than it originally intended. According to some, the bill would prohibit U.S. courts from reviewing extradition demands by foreign governments to insure that no demand is part of a foreign effort to suppress political dissent. Failure to provide such judicial review would be an end to the proud, 200-year tradition of the United States as a refuge for those fleeing from political dissent. Of course, we support returning terrorists, but I doubt that any American would want to be part of returning an editor of a newpaper or a religious figure who may have led a protest against his country's repressive government. One would not want to pass a bill which would enable, for example, the Soviet Union to demand the return of a Solzhenitsyn if he were to publish another book critical of the Soviet Union.

Enough questions have been raised by the bill that I hope we will have a detailed debate on what the language of the bill will actually permit. It is quite possible that as a result of that debate, a number of amendments will be in order.●

SECRETARY OF STATE SHULTZ OPPOSES TRADE EMBARGO AND SUPPORTS DRESSER INDUSTRIES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BROWN of California. Mr. Speaker, a few weeks ago I read a fascinating article by the present Secretary of State George P. Shultz, which clearly opposes the foreign policy of the Reagan administration. The speech, I should quickly add, was made before George Shultz became Secretary of State and a supporter of the Reagan foreign policy. Personally, I found the earlier speech more convincing than the present statements by Secretary Shultz.

Coincidentally, I also just came upon an editorial from Industry Week, a publication which usually gives the Reagan administration strong support, which reads very much like the views of Secretary Shultz before he became a defender of the Reagan foreign policy.

George Shultz, in his pre-Secretary role, said:

We must recognize that major commercial relationships cannot be turned on and off like a light switch; they have to be built up and sustained over a period of time.

The Industry Week editorial says:

It's time to stop using trade indiscriminately as just another pawn in the world's political chess game. It's time to think through and establish a foreign policy that is consistent with sound international economic policy and compatible with our domestic economic and social goals.

I urge Secretary Shultz, or whoever is determining U.S. foreign policy, to pay heed to the advice of George Shultz and those who must live and work in the real world.

Mr. Speaker, at this time I wish to insert in the RECORD the two articles discussed above.

[From the Washington Post, Aug. 29, 1982]

SHULTZ BACKS DRESSER, VILIFIES EMBARGOES(!)

(The following article is based on a speech that Secretary of State George P. Shultz delivered in October, 1978, when he was president of the Bechtel Corp. Last week Shultz said these views did not apply to the latest sanctions imposed by his new employer, the Reagan administration.)

(By George P. Shultz)

An extra element has been injected into international trade in the past few years, a political dimension overlaid on top of commercial transactions. This political element is a vigorous and flamboyantly administered initiative that uses foreign trade as a tactical instrument of foreign policy. I call it light-switch diplomacy.

There is apparently a belief in our government that individual trades can be turned on and off like a light switch to induce changes in the domestic and foreign policies of a host government. As a result, the position of U.S. goods in world markets is eroding as our trading partners increasingly see evidence that we cannot be counted on as a reliable supplier. The impression abroad now is, unfortunately, that the U.S. wants foreign business on our own terms and that as yet we have not figured out what those terms are.

Examples of light-switch diplomacy abound. Take this chronology involving Dresser Industries' $150 million contract to build a drill-bit plant in the Soviet Union. As a way of demonstrating our protest to Soviet treatment of dissidents, various presidential advisers urged the president [Jimmy Carter] to veto the sale.

Aug. 9 [1978]: The Commerce Dept. (reportedly with the president's blessing) approves Dresser's export license, enabling the company to go ahead with the sale.

Aug. 25: A special review panel convened at the request of the Defense Secretary advises against the "technology transfer."

Aug. 30: The president's senior advisers vote by a 3-to-2 margin to stop the deal.

Sept. 6: The president reaffirms the decision to allow the sale.

The light goes on, the light goes off, the light flickers, the light goes on. I don't know whether it is going to stay on or not but in the meanwhile it is hard to see that these manipulations have had any impact on the nature and operation of Soviet society.

Against this background, we must realize that our dependence on world trade has increased sharply. Exports and imports, considered together, are equivalent to about one-fifth of our gross national product, which is double what they represented a decade ago. Yet our share of world exports has been steadily declining. Our market share of exports of manufactured goods, for instance, has fallen almost 30 percent since the late 1950s.

Meanwhile, our appetite for imports has been voracious. These imports are not just a matter of taste and convenience. We can't just say, "Well, she doesn't need to have a handkerchief from Paris." We have come to depend on many of these imports to provide us with key commodities; oil is only the best-known example.

We must recognize that major commercial relationships cannot be turned on and off like a light switch; they have to be built up and sustained over a period of time. It takes a long time to go abroad, get positioned, and learn about how to do things there. A considerable investment is made on both sides of the transaction, and there emerges a certain interdependence that necessitates confidence in the continuing good faith of both sides. In this process of investment, a company develops what the government may regard as a bargaining chip. But if our government then takes that bargaining chip and spends it, where does that leave the company? The company has lost out, and its commercial relationship deteriorates. Who wants to deal with an unreliable supplier, especially when the supplier is not the only game in town?

We can predict, even observe, that light-switch diplomacy as it is used more and more becomes a wasting asset. Increasingly, when the diplomat flicks the switch, the light will not go on. It will not go on because private firms cannot afford the cost, cannot make the investments, to create the bargaining chips and then have the bargaining chips used. And self-respecting trading partners will not put up with it.

If light-switch diplomacy is turning off our trading partners, what then is the

proper relationship between trade and government policy?

(1) Governments should provide a stable and predictable set of rules under which trade can take place on individual and corporate initiative, as free as possible from the uncertainties inherent in the ad hoc exercise of government authority. Rules instead of authorities—rules that we can read; rules that are predictable.

(2) Traders, individual or corporate or government, must keep their bargains, and government must not place private parties in the position of breaking a bargain properly arrived at.

Certain products and countries may require special treatment on grounds of national security. But here, as elsewhere, rules are essential. If there is some product we should not sell, it should be specified. Just because a product is in an area linked to security does not mean we should just leave the whole thing open to the discretion of an ever-changing cast of characters who have access to the light switch. Ad hoc and changeable decisions add up to chaos and an environment that frustrates fruitful commercial relationships.

Outside the security-related area, rules should be kept to a minimum, be clear and consistent, and be as free as possible from the need for interpretation by government authorities.

If our government adheres to these principles, then U.S. companies can develop and uphold their reputation as reliable suppliers, a reputation essential to their success in export markets. When our government turns away from these principles, it correspondingly undermines our competitive position abroad.

[From Industrial Week, Sept. 6, 1982]

RUSSIAN PIPELINE EMBARGO SETS OMINOUS PRECEDENT

It's politics as usual in Washington. The use of trade as a political weapon or carrot by the Administration in power is not new. But now it has been elevated to new heights.

In the U.S. vs the USSR natural gas pipeline to Europe, the President has not only put sanctions on sales from U.S. firms; he has also broadened them to prohibit sales from foreign subsidiaries or licensees of U.S. multinationals.

This action sets a precedent that can only further confuse and frustrate U.S. industry's efforts to get involved in international trade, efforts which must be accelerated and expanded as we enter the era of a one-world market.

The irony of the situation is that, as foreign policy, it is inconsistent (pressure from the farm lobby keeps grain shipments going), is angering our European allies, is ineffective, and is doomed to failure. It all started with President Carter tightening exports to Russia as punishment for its invasion of Afghanistan. The Russians are still there.

President Reagan during his election campaign decried the idea of applying U.S. law overseas. Pointing to the Foreign Corrupt Practices Act, he said we can't export our morality. Now it appears he may have fallen into the same trap.

The Russians will build the pipeline. Foreign competitors stand ready and willing to supply the materials. Europeans need and want the gas the pipeline will bring them. They are angered by President Reagan's position, which they feel is an impingement on their sovereignty.

Europe's dependence on a Russian energy resource is ominous. But so is our continued dependence on foreign oil. Ill-conceived national policies and laws put the U.S. into the energy bind it's in today. That same bumbling will put U.S. industry behind the eight ball in the competitive race toward internationalization and world markets. Industry can hardly be faulted for shying away from trade if the rules keep changing.

It's time to stop using trade indiscriminately as just another pawn in the world's political chess game. It's time to think through and establish a foreign policy that is consistent with sound international economic policy and compatible with our domestic economic and social goals. And that has to include support, rather than hindrance, of the internationalization of U.S. industry.●

AN ANALYSIS OF MEDIA COVERAGE OF WAR IN LEBANON POINTS TO BIAS AGAINST ISRAEL POSITION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BIAGGI. Mr. Speaker, throughout the recent Israeli operation peace for the Galilee, I have been concerned over what I consider to be less than accurate reporting of the campaign by certain segments of the American media.

The organization Accuracy in Media Inc., of Washington, D.C., has done a detailed analysis of the media's coverage of this conflict. What emerges as a central theme was the fact that notwithstanding certain clearly biased reports by the major media of this Nation—the support of the American people for Israel continued strong.

From the outset coverage failed to fully emphasize the fundamental reasons why Israel launched the campaign. They did so to protect her citizens from the relentless attacks by PLO terrorists operating in Lebanon. It was nothing more than any nation would do to protect her people from an enemy so close to its borders.

With the evacuation of the PLO from Lebanon now complete one hopes it will signal a new peace beween Israel and Lebanon, one which will be a catalyst for a more enduring peace throughout the Middle East. I recently visited both Israel and Lebanon together with my colleagues Mr. SCHEUER and Mr. MCGRATH. While there we met with Prime Minister Begin and left convinced that he too wants a lasting peace in the Middle East but one which respects and recognizes a sovereign Israel secure and free from those who would destroy it.

I urge my colleagues to read the Accuracy in Media analysis carefully and one hopes that the bond which has united this Nation with Israel will continue undiminished. It is a relationship which has been the very cornerstone of our foreign policy over the past 30 years. A strong and sovereign Israel is vital to our own national security and our policies must be directed to insuring the maintenance of a strong State of Israel.

I now wish to insert into the RECORD the article entitled "Lies About Lebanon."

[From the AIM Report, September 1982]

LIES ABOUT LEBANON

On August 20, the day before the PLO evacuation from Beirut began, The Washington Post published a poll which indicated that 42 percent of the respondents believed the Israeli invasion of Lebanon and the removal of the PLO from that country would change things for the better. Only 22 percent thought that the change would be for the worse, while 9 percent didn't think that there would be much change, and 27 percent had no opinion.

This poll indicated that public opinion in this country was still predominantly on the side of Israel. Fifty-two percent of the respondents said their sympathies were more with Israel, while only 18 percent sided with the Arabs. The pro-Israel percentage was down by three points from March, prior to the invasion. There was a three-point increase in the number who said that they sided with neither Israel nor the Arabs.

These results are rather surprising in light of the fact that the news coverage of the Israeli invasion and editorial opinion tended to be highly critical of Israel, with considerable emphasis placed upon charges that there had been heavy civilian casualties and widespread destruction of homes. Partisans of Israel felt strongly that the media were exhibiting a pro-PLO bias.

Despite the sympathetic interviews with Yasser Arafat and photos of him kissing babies, The Washington Post/ABC poll found that the number of respondents who believed that the PLO did not represent a majority of Palestinians had climbed from 48 percent in March to 60 percent in August.

This poll suggests that the invasion and the media coverage of it did little to alter the strong pro-Israel sentiments of the American people. This raises the question of whether the coverage was less pro-PLO than it was perceived to be by partisans of Israel. Or were the American people simply not paying much attention to what the media were saying? The latter is a distinct possibility. The poll showed 60 percent of the respondents saying that they had not followed the news from Lebanon at all closely even though editors had considered it to be a top news story for two months.

THE PLO DISINFORMATION CAMPAIGN

On June 20, a full-page ad appeared in The New York Times with the bold headline: "Death and Devastation in Lebanon." In smaller type: "40,000 people killed and wounded; 700,000 people homeless." The ad charged that the Israelis had intensively bombed Beirut, Tyre and Sidon and had totally destroyed scores of small towns, villages and refugee camps. It charged that virtually every population concentration of Palestinians and Lebanese east and south of Beirut had been "subjected to terror bombing, with consequent death and dreadful injury among the most vulnerable of the civilian population—women and small children, the elderly and the ailing."

The ad was signed by 214 Americans who said they were anguished by the knowledge that this wanton destruction had been inflicted by armament supplied by the United States. The signers included a number of familiar names from the anti-Vietnam movement—Ramsey Clark, the Berrigan brothers, Dave Dellinger, Julian Bond, Pete Seeger, I. F. Stone, and Studs Terkel.

The same figures for casualties and homeless in Lebanon were used again in an ad submitted by an organization called Concerned Americans for Peace for publication in several newspapers on July 11. This ad demanded that "the killing of innocent men, women and children and the destruction of their homeland must stop." It then said that "various established organizations have created separate committees to channel aid to the war-ravaged people of Lebanon." Saying, "Some of these include," it proceeded to list the names and addresses of six well-known relief organizations, including the American Red Cross and CARE. The placement of the names and addresses of these organizations gave the impression that they were co-sponsors of the ad.

However, when these organizations were asked about the use of their names in conjunction with the ad, they all denied that they had authorized anyone to use their names. The Christian Science Monitor had taken the trouble to check this out. Finding that the use of the names of the relief organizations had not been authorized, The Monitor declined to run the ad. The Los Angeles Times ran the ad but omitted the names of the relief organizations. The New York Times, The Washington Post, The Chicago Tribune, The Atlanta Constitution and Journal, and The Dallas Times-Herald all ran the ad with the names of the relief organizations.

These newspapers also failed to check to see if there really was such an organization as "Concerned Americans for Peace." Had they done so, they would have found that the post office box address that was listed in the ad for the organization did not exist. They would also have learned that the advertising agency that placed the ad could not locate the individual who had given them the order, paying for it with cashier's checks drawn on a bank in Encino, California. The amount of money involved ran into tens of thousands of dollars. It undoubtedly came from the Middle East. Whoever placed the advertising was in all probability acting as an agent for foreign principals and should have registered with the Justice Department. Under the law, ads placed by such agents are required to reveal the identity of their principals. In this case the law was easily circumvented because the newspapers made no effort to find out the real source of the money.

There was something else the papers should have checked—the figures cited in the ad for the number of people killed, wounded and rendered homeless by the Israeli attack. The Washington Post did raise a question about the numbers. In The Post the ad was modified to say that "according to news reports" there had been 26,000 killed and wounded and 600,000 rendered homeless, reductions of 14,000 and 100,000 respectively from the figures originally submitted. The other papers accepted the higher figures without question.

EXAGGERATED CIVILIAN CASUALTIES

Even the figures used in The Washington Post, which had appeared in news stories, appear to be wild exaggerations. The New York Times reported on July 14 that visitors to southern Lebanon could easily see that the widely used figures of 10,000 dead and 600,000 homeless were "extreme exaggerations." It turned out that these figures had originated with the Red Crescent organization, which was headed by Yasser Arafat's brother.

The number of civilians killed in Tyre, Sidon and Nabatiye was only 323 according to Israeli sources. David Shipler of The New York Times reported that discussions with local officials tended to confirm the Israeli figure for those three cities. He said that the count did not include an estimated 200 civilians killed in Israeli air strikes before the invasion nor those killed in the Palestinian refugee camps. Nor do we have figures on the number killed in Beirut. However, the scale of the exaggeration of the early figures has been exposed by recent reports on the number of homeless. On August 17, Olof Rydbeck, commissioner-general of the United Nations Relief and Works Agency for Palestine Refugees, revealed that the number who had lost their homes in southern Lebanon was "at least" 60,000. That is one-tenth of the number cited in early news stories. He did not have a figure for northern Lebanon, but he estimated that it might be as much as 40,000.

While the media have been criticized for having accepted unquestioningly the exaggerated civilian casualty figures put out by the PLO, The New York Times and the UPI helped publicize another highly exaggerated figure as late as the second week in August. On August 10, The Times carried a UPI story reporting that Dr. William Monsour, chairman of the Pittsburgh chapter of the Arab Anti-Discrimination Committee, had said that 3,000 Palestinian children wounded in Israeli bombing raids on Beirut were to be flown to this country for treatment. On August 12, The Times discussed this project again, saying help was being sought to bring "as many as 3,000 severely wounded Lebanese and Palestinian children" to the U.S.

The Times did not ask Dr. Monsour the source for his figure, but another reporter did. His revealing reply was: "If that mad dog Begin goes on bombing . . . he should be in chains. Then there will be triple that number. If these war criminals go on, before we know there will be 10,000." Pressed for a source for the 3,000 number, Dr. Monsour said that the American University in Beirut "think there are 6,000." The representative of the university in New York, Bill Rice, who is handling communications for the project, said that he doubted that the figure came from Beirut. He referred the question to Janan Al-Awar of the American-Arab Anti-Discrimination Committee headquarters in Washington. Miss Al-Awar said that there were lots of wounded children in Lebanon, but she said she had no idea how many. She said that 3,000 was the number that Dr. Monsour had indicated that he could process through his medical center in Westmoreland County, Pa. It was not an estimate of the number of children who might require treatment. The UPI and The Times had given currency to another statistic that had simply been pulled out of the air.

THE PHOTO THAT LIED

On August 2, The Washington Post carried a large UPI photo of a heavily bandaged baby being fed by a nurse. The caption supplied by UPI read: "Nurse feeds a seven-month-old baby who lost both arms and was severely burned late yesterday afternoon when an Israeli jet accidently (sic) hit a Christian residential area in East Beirut during a raid on Palestinian positions to the west." The photo is said to have moved President Reagan, who mentioned it to the Israeli foreign minister when he called at the White House that day.

The Israelis made a very careful investigation of this case. They interviewed the doctor who treated the child and two nurses at the hospital. They had two Israeli doctors examine the child. They found that the child had not lost its arms. It has suffered a fracture in one arm and a superficial burn on the face. The broken arm has been placed in a cast. At the time the child was examined by the Israeli doctors it was recovering nicely.

The child has also been photographed by photographers for the Associated Press and Time magazine. They were interviewed by an Israeli journalist who reported that neither recalled anything being said about the child having lost its arms. The AP photographer has reported that the baby has been injured by the PLO shell. Confronted with the evidence that he had incorrectly described the baby's injuries, the UPI photographer is said to have insisted that there must have been two babies with the same name. The Israelis deny that this was the case. Their military investigators also confirmed that the injury resulted from PLO shelling, not an Israeli bomb.

On August 22, UPI sent out a story reporting what the Israeli government was saying both about the child's injuries and their cause. UPI Editor-in-chief H. L. Stevenson told AIM that he didn't know if the Israeli account was true or not, but he agreed to investigate the matter further. This was a change. On August 20, The Washington Post said UPI was standing by its story.

INFLAMMATORY STORIES

On August 15, the UPI provided its clients with a story by Julie Flint from Beirut that was inflammatory. "Beirut's hospitals are filled with Lebanese and Palestinians, guerrillas and civilians, who are victims of Israeli phosphorus shells, an anti-personnel weapon that produces deep burns," wrote Flint. She quoted doctors as saying there had been "hundreds of phosphorous victims." She described in gruesome detail the agony of those suffering from phosphorous burns, quoting a surgeon as saying, "Phosphorous produces the worst of all the burns. It keeps on burning. You pour water on the burn time and time again, but it doesn't go out. The skin sloughs away." Flint described one victim who had been wounded by a phosphorous shell. The doctor who treated him was quoted as saying, "We opened the bandages on the operating table and smoke came out. The man was wounded ten hours before. The leg had burned for ten hours."

Miss Flint, having described these as "anti-personnel" weapons, said Red Cross officials in Geneva had said that a 1977 protocol prohibiting the use of "inhumane weapons that cause unnecessary suffering" covered phosphorous. She also noted that a 1980 UN convention had restricted the use of incendiary weapons against military objectives in civilian areas.

The facts are different. Israeli authorities pointed out that phosphorous shells have been used by armies the world over for many years as "markers" for the artillery. The smoke they give off shows the gunners where the shells are landing and enables them to better zero in on their targets. They are not designed or used as antipersonnel weapons as Miss Flint had reported.

Loren Jenkins, writing in The Washington Post on August 20, said it was impossible to tell how many civilians had been killed or injured by phosphorous shells in Beirut. He said that hospital records did not distinguish between patients suffering from phosphorous and other burns, and pressure on hospital laboratories had made chemical analyses of the causes of burns impossible. In contrast to Miss Flint's assertion that the hospitals were "filled" with victims of phosphorous shells, Jenkins quoted the chief of surgery at the American University hospital in Beirut as saying, "Most of the serious injuries we were getting during the early part of the war were from bullets and shrapnel. In the last two or three weeks, though, we have been getting a number of serious burns patients."

ARE THE MEDIA ANTI-ISRAELI?

Israel has long had an excellent press in the United States, but it seems clear that even though the American public has not switched from being predominantly pro-Israel as a result of the invasion of Lebanon, there has been a noticeable change in the attitude of many in the media.

When a newspaper is offered an opinion ad that it doesn't agree with, the usual procedure is to go over the text with a fine-tooth comb to find factual errors or other plausible reasons for rejecting the ad. Accuracy in Media has encountered this almost every time it has sought to place ads in the Washington Post or The New York Times. Virtually every statement has to be documented.

The willingness of these and other newspapers to accept the highly inaccurate ad placed by the phoney organization, "Concerned Americans for Peace," without even checking to see whether such an organization existed or whether the respected relief agencies had authorized the use of their names is highly significant. Such controversial ads have to be approved by senior officials of the paper. The failure to give this ad the same treatment that is always given to Accuracy in Media ads is a clear indication that the senior official of these papers liked the ad's message.

This was reflected in the news stories, the photos, and the editorial pages of many of our leading newspapers, as well as in the reporting on TV. According to one count, 17 of the first 19 articles about the war in Lebanon on the Op-ed page of The New York Times were critical of Israel. The trend in The Washington Post was similar. Op-ed articles ran 20 to 4 against Israel and the editorials were 7 to 0 in the first weeks of the war.

The attitude that led the editors and publishers to accept the phoney organization's ad has also led them to accept wild exaggerations in news stories and questionable photos. Martin Peretz, the editor of the liberal New Republic magazine, was one of the first to expose those exaggerations after returning from a trip to Lebanon. Interviewed on a Washington radio talk show, Peretz was asked why professional journalists would engage in such inaccurate reporting. He replied, "Revolutionary movements . . . still seem to have some romantic cachet and way of engaging sympathy with the Western press." Martin Peretz should know. He was a leader in the anti-Vietnam movement.

The PLO is Marxist. It is backed by the Soviet Union and in turn it has given assistance to communist guerrillas in such countries as far-away Nicaragua. Those who have been responsible for distorted reporting and editorial comment supporting every communist-backed guerrilla movement in Latin America, Africa and the Far East were often restrained in dealing with the PLO and Israel. There was a lot more risk in trying to make popular heroes of the PLO than in performing that service for the Sandinistas or the guerrillas in El Salvador, Rhodesia or Southwest Africa.

The Israeli invasion of Lebanon and the resulting casualties among innocent civilians provided an opportunity for some in the media to side as openly with the communist-backed terrorists in Lebanon as they had been siding with them elsewhere in the world. Those pro-terrorist journalists have had great success in intimidating the U.S. government, deterring it from taking the forceful action necessary to administer a decisive defeat to the terrorists anywhere in the last 20 years. Israel drove them into paroxysms of rage by refusing to be capitulate under their attack. The Washington Post/ABC poll suggests that the majority of the American people also tuned them out.

WHAT YOU CAN DO

We have cited two emotion-laden inaccurate UPI reports from Lebanon. Those responsible deserve to be at least reprimanded. We suggest that you write to H. L. Stevenson, Editor-in-Chief, United Press International, 220 E. 42nd St., New York, N.Y. 10017 about the photo of the baby and phosphorous shell story by Julie Flint.●

AMENDMENT TO H.R. 6956 TO CUT FUNDING FOR CENTAUR

HON. RONNIE G. FLIPPO

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. FLIPPO. Mr. Speaker, I intend to offer an amendment to the HUD-independent agencies bill, H.R. 6956, to eliminate funding which has been added for the sole-source procurement of a Shuttle/Centaur upper stage. In a few brief paragraphs I want to outline the arguments surrounding this issue, what my amendment would do, why I feel that is the correct way to go, and then document my argument with previous letters from NASA and DOD.

The issue concerns how the United States should proceed in developing a higher energy upper stage for use with the Space Shuttle. We have the Space Shuttle which is working well, but which has limits. By design, the Shuttle will only reach orbits of a few hundred miles altitude. To go higher—for example, to go to the commercially important geostationary orbit at 22,000 miles or to the planets—an additional rocket stage is needed and this is called an "upper stage."

We usually measure the performance of upper stages in terms of the amount of weight that can be carried to geostationary orbit (GSO) 22,000 miles up. At present, we have the "inertial upper stage" (UIS) developed by the Air Force under a joint agreement with NASA which can deliver 5,000 pounds to geosynchronous orbit. The Appropriations Committee bill would provide funds for development of a different upper stage—the "Centaur" by sole-source contract which could deliver approximately 10,000 to 12,000 pounds to geosynchronous orbit. The Centaur is not new—it has been used for some time as an upper stage for expendable boosters. It would have to be substantially modified for use in the Shuttle. Significantly, the Shuttle and several spacecraft already in development would also have to be modified. All these additional modifications will be very expensive and have not been adequately considered. Depending on how you do the accounting, the added costs could be several hundred million dollars.

Centaur advocates say it would be inexpensive because it already exists. But the "already exists" argument cuts both ways. First, Centaur has to be modified to fit the Shuttle. Second, there is already existing hardware (in the Shuttle and in spacecraft in development) that would have to be modified at great cost.

Perhaps this cost would be worthwhile if we had missions that demanded the extra capability. As of now we do not. The IUS can handle all firmly planned missions. Both NASA and the Air Force have assured me of that, as the letters below confirm.

So, as of right now, we do not have a hard requirement that cannot be met by the inertial upper stage.

What of the future? Spacecraft will grow. In the late eighties needs will outgrow current IUS capabilities, although IUS may be modified slightly to meet some of this growth. But by the early 1990's spacecraft will have grown beyond the capability of Centaur (which is already near optimum design, being an older design rocket).

In addition, NASA proposes to develop the Centaur without competition, always a questionable practice. There is adequate time to conduct an open competition for the next generation upper stage and assure that we get a capability which will carry us into the mid-1990's.

My amendment would take another step toward this by deleting funds for noncompetitive Centaur procurement in 1983.

The NASA authorization bill for fiscal year 1983, H.R. 5890, which passed the House on May 13, 1982, contained funding to begin a competitive process for a new upper stage. So my amendment would conform H.R. 6956 to language the House has already passed.

My amendment was printed in yesterday's RECORD, but since it is brief, let me repeat it here;

AMENDMENT OFFERED BY MR. FLIPPO TO H.R. 6956

On page 20, line 13, strike out "$5,542,800,000" and insert in lieu thereof "$5,402,800,000", and

On page 20, line 17, insert immediately before the period the following: "*Provided*

further, That none of the funds appropriated under this heading shall be obligated or otherwise made available for the sole-source procurement of the design, development, or production of liquid-hydrogen, liquid-oxygen (Centaur) upper stages".

Finally, I want to put two letters in the RECORD. One from the Air Force outlines their needs and the tremendous extra costs of Centaur. The second, from NASA and the Air Force describes the lack of justification for Centaur. I commend these letters to your attention:

DEPARTMENT OF THE AIR FORCE,
Washington, D.C. August 16, 1982.

Hon. DON FUQUA,
Chairman, Committee on Science and Technology, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter responds to your request for an assessment of the applicability of Centaur for DOD use. Our assessment covers both Centaur performance and cost.

Currently designed DOD spacecraft will not likely grow beyond the 6000-7000 pound range which could be accommodated by improvements in the Inertial Upper Stage (IUS) performance. However, we expect the next generation of DOD spacecraft which fly in the late 1980s & 1990s will be designed with extensive survivability measures (including large maneuvering propellant reserves) which will probably increase total weight well beyond IUS capabilities. Consequently, it appears that a new higher energy upper stage (HEUS) will be required for the next generation of DOD geosynchronous spacecraft.

The Congressionally directed use of the Centaur by NASA for their Galileo and ISPM planetary exploration missions adds about $100 million to DOD IUS program costs. To be of use to DOD, the Centaur would have to be modified into a 20 foot long version to be Shuttle compatible with DOD payloads. It would cost an additional $400-900 million (above the $634M NASA Centaur budget) for DOD spacecraft to make the transition from IUS to the modified Centaur. Our situation differs from NASA's in that we have several existing—and continuing—operational spacecraft programs configured for the IUS. Thus, our cost estimates include reconfiguring the NASA planetary Centaur and the DOD spacecraft to use the 20 foot version of Centaur.

Independent of the Congressional direction to NASA on the use of Centaur, we continue to believe that DOD requirements beyond IUS capability can best by met by a competitively developed new Higher Energy Upper Stage. A Centaur derivative would, of course, be a logical alternative in the HEUS competition. We do not see how legislation which dictates specific technical upper stage decisions can be helpful in giving DOD the flexibility it needs to develop a HEUS which is both optimized for DOD missions and is cost effective.

I hope this assessment of Centaur applicability for DOD missions satisfies your needs. Please advise me if I can be of further assistance.

Sincerely,

VERNE ORR,
Secretary of the Air Force.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION,
Washington, D.C., July 13, 1982.

Hon. RONNIE G. FLIPPO,
Chairman, Subcommittee on Space Science and Applications, Committee on Science and Technology, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We urge your careful review of a major issue regarding H.R. 6685, the Urgent Supplemental. The bill, as amended by the Senate, contains direction for NASA to develop, via sole source contracts, the Centaur upper stage for its planetary missions and to cancel procurement of the Inertial Upper Stage (IUS) vehicles now being bought on an Air Force contract for these missions.

While the use of the Centaur for NASA planetary missions was cost effective a year ago, NASA has proceeded to develop these missions using the IUS for the past six months. The result is that a return to the Centaur will significantly increase mission costs. Moreover, since we have also proceeded with the procurement of the IUS vehicles and manfacturing effort has gone forward for a half a year, a NASA cancellation will increase substantially the costs of the remaining IUS vehicles for the DOD. NASA is presently discussing with contractors small improvements to existing stages to meet the near-term growth requirements for commercial payloads. If a small increase in payload capacity is required for DOD payloads, this can be similarly accommodated. Since there are no other NASA or firm DOD requirements for the Centaur upper stage prior to approximately 1988 in the 1980s, there can be no justification for these increased costs since a high energy upper stage (HEUS) can be developed when a requirement exists in the late 1980s.

We therefore believe the Nation would be better served if the Air Force and NASA are permitted to proceed with a carefully structured high energy upper stage program. This approach would be far more effective and beneficial since a HEUS would be required whether or not we develop the Centaur. The USAF and NASA have developed an agreement in principle for a joint HEUS program structured to meet commercial, scientific and military needs for the 1990s.

We therefore request your assistance to eliminate the restrictive and wasteful direction on the Centaur upper stage as was indicated in the President's first veto message.

Sincerely,

JAMES M. BEGGS,
Administrator.
VERNE ORR,
Secretary of the Air Force.●

HANDGUN BODY COUNT

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. LEHMAN. Mr. Speaker, every month more than 400 Americans are killed with handguns and more than 5,000 are wounded in crimes involving handguns. Obviously our present handgun control laws are not sufficient. A gun in every hand is not the answer to crime. Legislation that would stop the easy availability of handguns is now supported by a majority of Americans and we in Congress should listen to the cries of American citizens.

Today, though, the situation remains unchanged. The handgun body count for the month of June registered 552. It saddens me that in my own State of Florida, there were 76 handgun deaths, the highest number reported in any State. Since January, 3,773 handgun deaths have been accounted for.

The list follows:

HANDGUN BODY COUNT FOR THE MONTH OF JUNE—552

ARIZONA (9)

Grover Cockerhern, Harry Miller, Lydia Miller, Judy Music, Gus Patrick, Andrej Rudenko, Christine Snyder, John Sturges, Herbert Welday.

ARKANSAS (1)

Ezra Graham.

CALIFORNIA (46)

Norman Burkes Jr., Desiree Cain, Linda Cain, Daniel Calvillo, Dolores Campanale, Mark Campanale, Frank Civimele, Gregory Cook, Donald Davis, Melissa Davis, Michelle Davis, Thomas Davis, Victor Farias, Monte Fine, David Frederickson, Ernest Gonzales, Ira Grover, Ira Hamilton, David Harvey, Barkley Hodges, Patricia Kahn, Spec. 4 Gerald Lee.

Jay Lewis, Jennifer Lewis, Wesley Lewis, Rossano Lontoc, John Martinez, Charles Massey, Marion Massey, Timothy McDougall, Helen Parks, Jesse Perez, Joseph Ragsdale, Charles Rambert, Kenneth Roberts, Vakis Shaike, Keith Silva, Terry Taylor, Guadelupe Torres, Thomas Wilson, Richard Dawson, Keith Henderson, Unidentified male, Unidentified male, Unidentified male, Unidentified male.

COLORADO (9)

Henry Callahan, Connell Carner, Iris Daily, Robert Hernandez, Charleen Hofer, John Mays, Mildred Mays, James Tovrea, Jr., Dr. Robert Varnard.

CONNECTICUT (3)

Elsie Aviles, Rev. Robert McBride, William Siegert.

DISTRICT OF COLUMBIA (6)

Kenneth Deville, Nathaniel Haggins, Bernard Johnson, Margaret Mary Lee, Larry Ross, Rasheed Zaman.

FLORIDA (76)

Alfredo Alejo, Jose Acosta, Carson Anderson, Chester Bartley, Steven Bigham, Russell Davidson, Jr., Russell Davidson, Jesus Diaz, Anthony Felton, Ronnie Ferguson, Eunice Forehand, Jerome Gadson, James Gann, Herbert Crockett, Howard Reynolds, Helen Gerle, Jose Goday, John Gomez, Gloria Gomez, Ronald King.

Antonio Lopez, Mario Marquez, Ronald Marron, Charles Rankin, Miguel Rioseco, Dennis Byrd, Kevin Campfield, Unidentified male, Unidentified male, Unidentified male, Unidentified male, Unidentified male, Unidentified male, 42 handgun deaths from Broward and Dade Counties.

GEORGIA (10)

Carl Buffington, Constance Davis, Marvin Davis, Pierce Kidd, Charles Marshall, Jr., Grace McCree, Patricia Robinson, Kenneth Scandrett, Marshall Sims, James Vickery.

HAWAII (2)

Brandelin Urata, Unidentified male.

ILLIONOIS (61)

Esther Ammirato, Ralph Ammirato, Derrick Bailey, Mary Becman, Steven Bregin, Allan Brood, Charles Brown, Edgar Brown, Henry Brown, Taylor Brown, Mrs. Brickley, Allan Cline, Janie Cunningham, Arthur Deshazor, Rose Dowery, Alferdo Fiqueroa, Gerald Fullman, Serafin Gonzales, Earl Green, Esther Guzman, Karen Harding, Mary Harper, Werner Hartmann, Theodore Hawkins, Willie Hawkins, Phillip Hill, James Howard.

Weslie Howard, Darien Jones, Terrell Jones, Robert Love, Otis Mack, Robert Mason, George Mizique, Willie Moffett, Donald Montgomery, Jr., Walter Nizzo, Robert Norman, Otto Paris, James Peck, Jeffery Peebles, Bishop Redditt, Phoebe Richardson, Fortino Sanchez, Leo Schmidt, Mary Simmons, Derek Smith, Curtis Strickland, Larry Swisher, Phillip Thomas, Rupert Twilley, Allen Wainright, Harry Walker, Willie Watson, Petite Williams, John Zava, Unidentified female, Unidentified male, Unidentified male, Unidentified male, Unidentified male.

INDIANA (5)

Clinton Long, Gwendolyn Mason, Donald Pepkowski, Dwayne Strickland, Roosevelt Warrick, Jr.

IOWA (1)

Sandra Mysak.

KANSAS (5)

Charles Knox, John Robinson-El, Columbus Short, Mark Swanson, Shirley Taylor.

KENTUCKY (7)

Elijah Bealsey, Anna Collins, Lorene Gillespi, Kenneth James, Zachary McDaniel, Marlene Toll, Thomas Toll, Sr.

LOUISIANA (10)

Janis Burnette, John Brunette, Emitte Core, Robert Deemer, Burt McCoy, Donny Purdue, James Sargent, Robert Tedone, Michael Williams, Unidentified male.

MAINE (2)

Maxine Eaton, Jeffery Toothaker.

MARYLAND (20)

Terry Allmond, Prentis Barber, James Beale, Carl Bethea, James Bristol, Richard Bull, Gordon Gillis, Vernon Lomax, Gregory Moore, Jeffery Montgomery, Gary Nickell, Edward Owens, Gwendolyn Owens, Walter Scott, George Shelton, Theodore Sparks, Wayne Sparks, Kathy Thomas, Lori Todd, Unidentified male.

MASSACHUSETTS (1)

Joseph Mistretta, Jr.

MICHIGAN (39)

Jereune Bagget, Richard Bain, Doris Beverly, Royce Brown, Roy Bruinsma, Kathy Charobee, Judge Patrick Dennis, Darryl Dooley, Martin Ford, Bud Fuller, John Gibson, Ralph Harris, Woodrow Hankins, Karin Hanna, Thomas Harvey, Clyde Hicks.

Johnny Hinton, Cleothus Hughes, Curtis Jackson, Franckie King, Richard Lembas, Samuel Mann, Van McKinley, Ronald Jenkins, Cornell Johnson, Debra McKenzie, Leslie Nabors, Lamar Pierce, Keith Pryor, William Russell, Jr., Walter Sanders, Robert Smith, Stacey Smith, Lamorse Roberson, Darryl Sturdinant, Boyce Thompson, Lee Trimmer, Waverly Williams, Nasser Zreen.

MINNESOTA (2)

Thomas Timmers, Keith Williams.

MISSOURI (25)

Herman Allumns, Williams Bruce, Elroy Childs, Billy Dillow, Roy Fleming, John Ilewski, Darryl Ingram, William Jackson, John Johns, Daniel King, Michael Malone, Freddie Moore, Henry Moore, Clyde Nash, Jerry Oestricker, Diane Parker, William Prather, Eugene Scott, Columbus Short, Jr., Donald Stevens, Roosevelt Upchurch, Mildred Wallace, Pollard Williams, Robert Young, Unidentified male.

NEBRASKA (1)

Darrell Yates.

NEVADA (2)

David Costley, Steven Easy.

NEW HAMPSHIRE (1)

Robert Pendergast.

NEW JERSEY (6)

Donald Becker, Kevin Booker, George Garbarino, Robert Mason, Shiela Messinger, Patrick Morrisey.

NEW MEXICO (5)

Thomas Bengel, Richard Fergus, Steven Segura, Ian Smith, Charles Webster.

NEW YORK (32)

Thomas Acevedo, Mary Alcide, Denise Batista, Michael Bonserio, Jose Boyce, Garvey Bruno, Clarence Carson, Brooke Casady, Cecil Coat, Oswaldo Fiala, Fred Furino, Antonio Gracia, Leslie Hibbert, Kester Joseph, Aston Knight, Cecil Lawrence.

Edward Murray, Frances Patterson, Stuart Schulman, Thomas Semple, Larry Su, Maria Vera, Gina Whitlock, John Ivan, Angelo Spusato, Attillio Vena, Unidentified male, Unidentified male, Unidentified male, Unidentified male, Unidentified male.

NORTH CAROLINA (5)

Henderson Caldwell, Harold Marshall, Jeffrey Pack, John Phillips, Unidentified male.

OHIO (32)

Bryan Anthony, Roosevelt Arrington, Reginald Banner, Mix Bowman, Jr., Janet Boyce, Archied Brookins, William Burkebile, Randell Cook, Eron Denney, Donald Fields, Mary Finnegan, Elsee Foster, Kim Gallo, Robert Gibson, Herman Harris, Arthur Heller.

John Hobbs, Thomas Joyce, Theodore Krajc, Lorline Lilly, Kevin Merchant, Steve Pinson, Christopher Plevnik, Richard Sanders, Nathaniel Scretchine, Bruce Talmadge, Allen Tipping, Mary Walker, Weak Watkins, Unidentified male, Unidentified male, Unidentified male.

OKLAHOMA (12)

Priscilla Flanigan, Cecil Lawrence, Melissa McCauley, Robert McCauley, Jerry Miller, William Pickard, Kathleen Roberts, Ronald Roberts, James Rollins, Dale Spergen, Sandra Vess, Roger Wolf.

OREGON (1)

Paula Finan.

PENNSYLVANIA (21)

Oscar Burns, Jack Chambers, Randolph Chambers, Richard Esposito, Joseph Geiger, Charles Geist, Alexander Glenn, Veronica Griffin, Maude Hunter, Denise Moffet, Carolyn Moore, James Morris, Willis Ober, Suzanne Ober, Police Officer Pickney, Joseph Pronchik, Anthony Pronti, Nicholas Rymko, James Sipe, Unidentified male, Unidentified male.

SOUTH CAROLINA (5)

Elma Burgess, Fred Burgess, Ernest Coleman, Terry Love, Larry Riggins.

TENNESSEE (6)

Diane Estes, Gary Estes, Hazel Estes, Jackson Kilgore, Robert Walker, Marie Wetzel.

TEXAS (60)

Ernest Barnes, Rafael Barrientos, Joseph Bellows, Danny Bradley, Gregorio Bravo, Thomas Brown, Lela Burns, Bill Butterfield, James Campbell, Virginia Campbell, Ruben Campos, Daniel Canales, Jerome Chamberlain, Jr., Jose Cortez, Marcus Cruz, Francisco Ceuvas, Armando De La Rosa, Ida Dodd, Obdulio Farical, Harold Green, Robert Guinn, William Hall, Syler Handcock, Gabriel Hernandez.

Alfredo Hidalgo, Eddie Hubbard, Robert King, Dep. Sheriff Kovar, Jerry Lacey, Clarence Lee, Hilton Lewis, Thomas Linton, Eugene Martinez, Grace McCree, Joquin Mendez, Abraham Montez, Pete Munoz, Damina Olvera, Elizabeth Ortiz, Kennth Rich, Benito Rodriguez, Guadalupe Roman, Willie Rudd, Jr., John Saldana, Rudy Santellana, Christina Sauceda, Bobby Schobey, James Seay, Anado Tobias, Huong Truong, Gilberto Valdez, Tony Walls, Loren Wilder, Seadric Williams, Robert Winters, Robert Wissenger, Juan Zavala, Unidentified female, Unidentified male, Unidentified male.

UTAH (2)

Edmund Kesler, Unidentified male.

VIRGINIA (7)

Kenneth Crawford, Rudy Guillen, Jr., Larry Hoffman, Celia Lafean, Edward Lafean, Ray Peele, James Thomas.

WASHINGTON (6)

Melvin Allison, Jr, John Early, Hilton Harris, Kenneth Nye, Leonard Vanderlain, Unidentified male.

WEST VIRGINIA (4)

Mrs. Fred Burgess, Isaac Huggins, Mrs. Reba Huggins, Archie Lusk.

WISCONSIN (3)

Catherine Doetsch, Gunter Doetsch, Gunter Doetsch, II.●

TRIBUTE TO MRS. CHRIS EVERT LLOYD

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. SHAW. Mr. Speaker, I rise today to commend and congratulate an outstanding athlete and fine young woman, Mrs. Chris Evert Lloyd, winner of the 1982 U.S. Open Women's Tennis Championship.

History was in the making, though no one knew this for certain, when Mrs. Lloyd, a native of Fort Lauderdale, Fla., and Ms. Hana Mandlikova, a native of Czechoslovakia, squared off for the final match of the U.S. Open.

Throughout the 2 weeks of the Open, Mrs. Lloyd spoke of motivation and how tough it was to maintain year after year.

Her motivation and determination paid off this past Saturday as she captured the title of the U.S. Open 6–3, 6–1 before a capacity crowd at the Na-

tional Tennis Center in Flushing Meadows, N.Y.

Though history was being made at this 101-year-old tournament, Mrs. Lloyd's concentration and determination were so strong during the 1-hour-4-minute final that she had problems recalling the details of the match after she won her final volley.

Saturday's victory gave the 27-year-old Mrs. Lloyd her sixth victory at the U.S. Open. She is only the third woman to do so.

Mrs. Lloyd won her first U.S. Open in 1975 at the age of 20. She went on to win the Open in 1976, 1977, 1978, and 1980.

The victory also gave Mrs. Lloyd her 66th career victory in singles play at the Open championship, an Open record. Her record there now reads 66-6 in 12 years of play.

And finally, with this victory, she has become the first woman, ever, to win a grand slam event 9 consecutive years in a row.

Mrs. Lloyd's present addition to the anals of history further compliments the superb record this outstanding athlete and fine young woman has already established.

Mrs. Lloyd began her tennis career at the age of 6 in Fort Lauderdale, Fla., under the guidance and supervision of another pro, her father, Jimmy Evert. After winning numerous junior titles, Mrs. Lloyd turned professional and joined the pro circuit at the age of 18.

Since joining the pro tour, she has traveled worldwide, winning tournaments in the United States, Europe, and Australia. Mrs. Lloyd has triumphed in three Wimbledon and four French Open tournaments and has been ranked No. 1 worldwide in 7 of the past 8 years.

At the age of 27, Mrs. Lloyd has assured us that her career will not end here, but will continue for several more years. She has plans to play in several more tournaments in the United States and Europe and perhaps one in Australia at the end of this year.

Mrs. Lloyd, on behalf of my colleagues and myself, congratulations on a victory well earned and the new chapter in tennis history you have given to us all.●

BADGE OF ACHIEVEMENT

HON. CLARENCE D. LONG

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. LONG of Maryland. Mr. Speaker, I am delighted to announce that Mr. Christopher A. Hane of Randallstown, Md., has achieved the revered rank of eagle scout. Mr. Hane, a lifelong parishioner of the Holy Family Catholic Church, is a member of Scout Troop No. 970. I have had the pleasure of knowing Chris personally when he served as my congressional page earlier this year. I am grateful to Chris for all the good work he did on my behalf in that demanding position. It is Chris' dedication and perseverance that has earned Chris a Maryland distinguished scholarship to study international relations at the Johns Hopkins University in Baltimore.

Chris' parents, Herbert and Brigitta of 8830 Meadow Heights Drive, also deserve to be congratulated on their fine job as loving parents to Chris and his three brothers and sisters. Mr. Hane, an employee at the Health Care Finance Administration, is also a little league soccer coach, while Mrs. Hane is active with the parish school's parents association and attends community college as a business student.

Chris can be proud of this outstanding accomplishment. The rank of eagle scout is a symbol of honor which reflects the highest ideals and principles of Scouting and responsible citizenship. This badge of achievement will serve Chris well wherever he may go in life. Chris is a fine young man and I wish him much continued success.●

THE MOSCOW HELSINKI MONITORING GROUP ENDS ITS WORK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BINGHAM. Mr. Speaker, last week I received the news that the Moscow Helsinki Group announced its dissolution at a press conference on September 8 in Moscow. The announcement was made by Elena Bonner, wife of banished academician Andrei Sakharov. As a Commissioner of the U.S. Commission on Security and Cooperation in Europe, the government body charged by law with monitoring compliance with the human rights provisions of the Helsinki Final Act of 1975, I view this latest development with the utmost regret, and with genuine apprehension for the future of security and cooperation in Europe.

The Moscow Helsinki Monitoring Group, along with the several other Soviet Helsinki groups that were subsequently formed, established the goal of monitoring instances of human rights violations in the Soviet Union. As most of my colleagues are aware, it was not long before the Helsinki monitors were themselves the victims of the repression that they had set out to combat.

One of these victims is Viktor Nekipelov, a pharmacologist and writer, 53 years old, who was sentenced on June 13, 1980, to 7 years in strict regime labor camp and 5 years of internal exile for "anti-Soviet agitation and propaganda."

Born in Harbin, China, Nekipelov came to the U.S.S.R. with his parents when he was 9 years old. Two years later, in 1939, his mother vanished in the Great Purge. As he began to contact dissidents and voice his own political protests, Nekipelov became the target of official harassment in the late 1960's and early 1970's. He was arrested and tried in July of 1973 according to article 190-1 of the RSFSR Criminal Code, "slandering the Soviet state." He was sentenced to 3 years in prison. At one point during his imprisonment, Nekipelov was sent to Serbsky Institute for Forensic Psychiatry in Moscow. In his book, "Institute for Fools," Nekipelov describes the conditions in psychiatric hospitals in the Soviet Union.

Upon Nekipelov's release, the KGB repeatedly harassed his family and initiated a series of searches of his home. Denied permission to emigrate, Nekipelov has so far been unsuccessful in his attempts to leave the country. A member of the International Pen Club, he joined the Moscow group in November of 1977 and since that year, he has contributed to many samizdat petitions and articles.

Mr. Speaker, although the official work of the Moscow Helsinki Group may have been suspended, there is no doubt in my mind that the struggle for basic human rights in the Soviet Union will continue. It is imperative that the Soviet Government realize that we in the free world have not forgotten the Moscow Helsinki monitors nor their fellow countrymen who have suffered for their commitment to the ideals embodied in the Helsinki Final Act.●

RESULTS OF ANNUAL QUESTIONNAIRE FROM 10TH CONGRESSIONAL DISTRICT

HON. JAMES T. BROYHILL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BROYHILL. Mr. Speaker, every year I send to my constituents in the 10th Congressional District of North Carolina a questionnaire. These questions are based on the issues that come before me in Congress. Today I would like to share the results of the questionnaire with my colleagues.

The first question, "Do you favor higher tariffs and/or import quotas to protect American industry and American jobs, even though this would mean higher consumer prices?" found 57 percent saying "Yes" and 43 percent responding "No."

There were 84 percent who favored an amendment to the Constitution which would require a balanced budget, except in the time of a national emergency.

Nuclear power as a form of energy for the future was overwhelmingly approved by a 72-percent to 28-percent margin. This question also mentioned that adequate safeguards would be mandatory in the development of nuclear energy.

Over 70 percent of the returned questionnaires indicated that the Federal Government should not set up taxpayer-financed public service jobs to assist the unemployed.

There were two questions on the issue of abortion. The first was, "Do you think the Government should decide whether or not a woman is allowed to have an abortion?" The response was clear and overwhelmingly "No," 89 percent responded negatively. However, when asked whether taxpayers' funds should be used to pay for abortions to needy women, 72 percent said "No" and 28 percent said "Yes."

On the question of banning all handguns, 84 percent indicated that the Federal Government should not require this measure to be taken.

"Do you think the Government should require stronger health warnings on cigarette packages?" This question was polled at a 56-percent negative response to a 44-percent favorable response.

There were 60 percent of the people who favored requiring health warnings to be placed on alcoholic beverages.

On the controversial question of social security, several alternatives were mentioned. The ones receiving the most responses were borrowing funds from the general tax revenues to help bolster the program, reducing the cost-of-living increases and gradually increasing the age of retirement. Others considered were reducing the benefits uniformly and eliminating the cost-of-living increases totally.

The last question was, "How do you feel about the future of America compared to a year ago?" I was pleased to see that 35 percent of the people feel optimistic about the future. There were 30 percent who felt about the same as last year and 22 percent were pessimistic. Only 13 percent were undecided about how they felt.

I must say, Mr. Speaker, that I am pleased with the way the majority of people in my district feel about the future and how they feel about the key issues which we have to examine in Congress.●

EXTRADITION BILL FLAWED

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. CONYERS. Mr. Speaker, although I support efforts to reform the extradition process, I cannot support H.R. 6046 in its present form. This legislation, unfortunately, does not adequately protect the civil rights of persons sought for extradition. Accordingly, I plan to offer and support amendments to the bill to rectify its defects. Reform of the extradition process has been a long time in the coming, and I see no reason to rush through legislation without serious and intense debate about each of the bill's failings and about amendments to correct them.

First, the bill authorizes preventive detention for at least 10 days upon the mere request of a foreign government. This provision would affect citizens and noncitizens alike and would apply to those simply charged with, not convicted of, criminal acts. It should be remembered that many of the nations with whom we have treaty obligations to pursue extradition are repressive regimes—nations such as Haiti, Poland, and El Salvador. Thus, there is ample reason to guard zealously the rights of the persons sought. Persons sought for extradition, like criminal defendants, should be released in most instances because they need to prepare their cases and consult with counsel, and to avoid the unnecessary deprivation of liberty.

I am also concerned that the bill contains no specific limit on the time within which the Government must be ready to proceed with the extradition hearing. Such a time constraint would provide a necessary check against possible abuses by the Government. Without such a check, the person sought to be extradited could be incarcerated and languish in jail, possibly prejudiced by the loss of evidence, dimmed memories, and unnecessary anxiety.

There are other problems with the bill. For example, the definition of the traditional exception to extradition for political offenses is too narrow and does not sufficiently protect those whose alleged crimes were in fact political. Also, the bill would prohibit a court from inquiring into allegations that a foreign country is seeking extradition of a person in order to retaliate for that person's political or religious beliefs, race, or nationality.

Extradition is a very serious process, for the individuals involved and for the nations invoking our laws. We must be careful to explore all the possible ramifications of the bill. Toward that end, I look forward to and expect a vigorous debate on these and other issues.●

PUBLIC OPINION DEMANDS AN END TO THE NUCLEAR ARMS RACE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. BROWN of California. Mr. Speaker, the rise of the nuclear freeze issue has been one of the more remarkable political developments of recent years. While it is clear that a nuclear freeze, by itself, is not a meaningful goal for governmental policy, it should be equally clear that a nuclear freeze is an essential first step to meaningful nuclear arms reductions.

I recently came upon an interesting and useful discussion with public opinion analyst Lou Harris on the nuclear arms issue and public opinion in the Bulletin of the Atomic Scientists. Since this issue is of growing interest to the public, and almost certain to be a major issue in this November's election, I wanted to share this interview with my colleagues. I hope that those who still doubt the public attitudes on this subject pay special attention to this article.

[From the Bulletin of the Atomic Scientists, August/September 1982]

A TALK WITH LOUIS HARRIS

(By Jamie Kalven)

Over the past year, we have witnessed an impressive awakening of world public opinion to the dangers of the nuclear arms race. The West European movement for European Nuclear Disarmament is now finding counterparts in the United States. And more modest expressions of concern have been heard from Eastern Europe and the Soviet Union.

The American public is concerned, even scared, by the enormously high level of nuclear deployments by the Soviet Union and the United States, but they are even more worried by the belligerent rhetoric of government leaders concerning the possibility of using these weapons. Not only do Administration officials speak of "limited nuclear options," but they speak of being able to "prevail" over the Soviet Union in a "protracted" nuclear war. With the help of such comments the American public is rapidly coming to realize that we must somehow get out from under the shadow of this Damoclean sword.

One measure of their concern was the massing of more than 700,000 in the streets of New York to greet the opening of the Second United Nations Special Session on Disarmament on June 12. Other measures are provided by Louis Harris in the following sketch of American public opinion on the problem of nuclear war.

The potential political implications of Harris's findings are stunning. And the phenomenon his figures delineate has already provoked a response from Washington: the Reagan Administration's new found passion for arms control as formulated in START. But if Harris's analysis is correct, it will take more than that to deflect the rising expectations of the American people. What is a scarcely discernible tremor in 1982 could

turn into a political earthquake by 1984 unless there is measurable progress toward the elimination of any possible use of nuclear weapons as an instrument of international conflict resolution.

—BERNARD T. FELD.

"An incredible phenomenon"—these are the words public opinion analyst Louis Harris used in a recent interview with the *Bulletin* to describe his latest findings on public attitudes toward the threat of nuclear war.

Few people bring a more seasoned perspective to bear on questions of public opinion than Harris. Director of one of the most respected polling organizations in the country, he has been taking soundings on the attitudes of the American people for more than 30 years. And he says he can recall nothing quite like the "urgent hunger for peace" disclosed by his recent polls.

Consider the following findings on attitudes toward a nuclear arms freeze and toward a nuclear arms reduction agreement with the Soviet Union:

A large majority (73 to 23 percent) favors every country that has nuclear weapons banning the production, storage, and use of those weapons.

An even larger majority (86 to 11 percent) wants the United States and the Soviet Union to negotiate a nuclear arms reduction agreement.

Another large majority (81 to 16 percent) wants the United States and the Soviet Union to agree not to produce any new nuclear weapons, provided both have a rough equivalence of such weapons today.

"These results are startling and simply cannot be ignored," says Harris. And it is unlikely that they will be ignored by elected officials, in view of figures like this: 56 percent of the voters say that they would vote against a candidate for Congress who favored escalation of the nuclear arms race, even if they agreed with him on almost every other issue: while only 14 percent say they would vote for him under such circumstances.

One of the most remarkable characteristics of the public's thinking, in Harris's view, is that it goes beyond the proposals that are presently under consideration. "Perhaps the most striking number in all the research we've done on the subject," he reports, "is that by 74 to 22 percent, a big majority of the American people, say that they want all countries that have nuclear weapons to destroy them." Another large majority (66 to 31 percent) think it is immoral for any country to produce more nuclear weapons.

Harris interprets these findings to mean that if an agreement were reached between the two superpowers to freeze or reduce nuclear weapons, the public would demand further reductions, and then further reductions, beyond that, until the last nuclear weapons were eliminated.

How does he account for this phenomenon? The single most important factor, he says, is probably "a growing distrust of the rulers of the two superpowers." People have long been aware "in a passive kind of way" of the threat of nuclear destruction. But now they are "genuniely frightened"—"Frightened in an activated as opposed to a passive way"—by the perception that "the leaders of the Soviet Union and the leaders of the United States are heading toward a nuclear confrontation." This fear is reflected in the 52 to 45 percent majority of the American people who are worried that President Reagan will get us into another war. And it is reflected in the portrait of the Soviet leaders that emerges from the following figures:

A large majority of the American people (84 percent) see the Soviet Union as a threat to the security of the United States.

A 2-to-1 majority (63 to 23 percent) think that there is a likelihood over the next 40 years that the Soviet Union will attack the United States.

A substantial majority (69 to 24 percent) think the Soviet leaders would not hesitate to use nuclear arms, if they were desperate enough.

Fully 49 percent of the American people view the Soviet Union as an outright "enemy," while another 31 percent think the Soviet Union is unfriendly toward the United States even if not our enemy. Thus, an 80 to 10 percent majority see the Soviet Union as a power hostile to the Inited States. These figures reflect a marked deterioration since 1976 when a 69 to 21 percent majority saw the Soviet Union as hostile—a deterioration Harris attributes to the impact of Afghanistan and Poland. (According to Harris, only three other powers in the world are viewed with a comparable degree of suspicion: Iran is viewed as hostile by 80 to 16 percent; Libya by 66 to 22 percent; and the Palestine Liberation Organization by 73 to 15 percent.)

In sharp contrast to their feelings about the Soviet state, Harris notes, the American people "feel remarkably little hostility toward the Russian people on a people-to-people basis." Thus, while 80 percent regard the Soviet Union as a power hostile to the United States, no more than 19 percent think the Russian people are unfriendly toward the American people; and only 9 percent feel unfriendly toward the Russian people.

Harris also points out that American distrust of the Soviet Union cannot be attributed entirely to the fact that it is a communist country, for there is a major communist country which is now seen as a close ally by 15 percent of Americans and as a friendly power, if not a close ally, by another 55 percent; the People's Republic of China. Viewed in light of the fact that in 1976 a 74 to 17 percent majority saw China as a hostile power, the finding that 70 percent of the American people now regard China as a friend should serve as a reminder that the enmities that fuel the nuclear arms race may prove more temporary, more ephemeral, than they seem at the moment.

One of the central themes that emerges from Harris's findings is the strength of the American people's desire to seek areas of agreement with the Soviets. This desire is all the more striking, Harris notes, because it moves against the undertow of such deep distrust. By a "huge margin" of 78 to 7 percent, the American people believe that the Soviets only want agreements when they can gain an advantage; and by another large margin of 75 to 21 percent, they are skeptical that the Soviets will keep their end of agreements. Yet despite this, 8 out of 10 American (83 to 15 percent) think it is important for the United States to try to establish better relations with the Soviet Union.

This general attitude is reflected in strong support for a wide range of potential agreements between the two countries:

A large majority (82 to 16 percent) would like to see the START talks end in agreement.

An almost identical majority (83 to 14 percent) think it is urgent for the two countries to reach agreement on capping, limiting, or reducing nuclear arms in each country.

The desire for agreement also reaches into a number of other areas:

Nearly all Americans (90 to 5 percent) would like an agreement to help end the world's energy problems.

Another big majority (88 to 6 percent) would favor agreement on a joint undertaking to curb air and water pollution.

There is a desire for agreements on matters the Soviets are not particularly eager to negotiate:

A big majority (85 to 3 percent) would like a U.S.-Soviet agreement that would enable Jews to leave the Soviet Union more easily.

Another large majority (85 to 5 percent) would like an agreement that would give more freedom to writers and scientists within the Soviet Union.

And there is as well a desire for agreements in areas where the United States has shown a reluctance to negotiate:

A large majority (72 to 16 percent) would favor an expansion of U.S.-Soviet trade.

A plurality (49 to 32 percent) would support giving the Soviet Union a "most favored nation" status in trade.

Thus, despite their skepticism about the good faith of the Soviet government, the American people want their government to seek out as many areas of agreement with the Soviet Union as possible. Harris characterizes their attitude this way: "They're saying we've got to try it, because the alternative to having agreements is building tensions which could lead to war—and to oblivion. The alternative has become unacceptable.".

Harris cautions that this does not mean "that America has lost the will to defend itself" or that the public is moved to negotiate out of a sense of weakness. "The only kind of agreements people here want," he emphasizes, "are those which are to the mutual advantage of both parties."

It is precisely this concern with mutuality, he reports, that makes the present moment "seem particularly ripe to the American people" as a time to negotiate nuclear arms agreements with the Soviet Union. For a majority of Americans now feel that there is rough equivalence in nuclear strength between the two countries and hence that "This is the right time to do something." The shift in public opinion on this point over the last two years has been dramatic: In 1980 a 57 to 37 percent majority felt the United States was weaker than the Soviet Union. Today, by contrast, a 59 to 38 percent majority feel the United States and the Soviet Union are roughly in parity.

The public's insistence on mutuality is also apparent in the response Harris and his colleagues received when they recently asked the following question: "Would you favor or oppose the U.S. deciding to gradually dismantle our nuclear weapons before getting an agreement from other countries to do the same?" By 82 to 15 percent, people who had favored a nuclear freeze by 6 to 1 declared that they would oppose any such move. The moral, as Harris sees it, is that "the American people want to negotiate from a position of rough parity and want a freeze or reduction of nuclear weapons to leave each country in a state of rough parity." Any suggestion that the United States disarmed unilaterally, he warns, will "blight" the emerging public constituency for nuclear arms control.

What other dangers does he foresee? There is, he says, one other "very important" danger: It would, in his view, be "a

mistake" to couple the nuclear war issue with other issues—for example, to argue that money being spent on the nuclear arms race should be spent on various social programs. Such a strategy would, he argues, "weaken rather than strengthen the movement, because what you're doing then is saying to people: 'Look, in order for you to join my anti-nuclear movement, you have to agree to call for a restoration of food stamps or something.' "

He advises: "If you want to be effective on this issue, you must zero in on it. The movement is much stronger on a straight-forward, simple basis. I don't think it's an oversimplification simply to say: 'We demand that this potential scourge of humanity be halted and finally ended.' The more you diffuse the issue with a whole series of other issues, the more you weaken the movement."

In Harris's view, any such effort to integrate the nuclear war issue with other issues misconceives—and undermines—the unique strength of the movement. That strength resides in the fact that this is an issue that affects everyone equally, an issue that has aroused the common concern of people who may agree about little else.

"There is no way," says Harris, "to paint the people who are affected by this issue into a simple mold and say they check out on this or that stereotype. They don't. This cuts right across the spectrum of social and political divisions in this country. It's an idea that will not go away. It's going to be with us until the final weapons are obliterated."●

WE DO NOT NEED EXPENSIVE ALGERIAN NATURAL GAS AT A TIME OF PLENTIFUL LOWER 48 DOMESTIC SUPPLIES

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. CORCORAN. Mr. Speaker, last Friday I was joined by our colleagues CLARENCE J. BROWN of Ohio and DAN COATS of Indiana in protesting the planned import of Algerian liquefied natural gas (LNG) by Texas-based Panhandle Eastern Corp. and their subsidiary Trunkline LNG Co. The LNG was loaded over the weekend and is now enroute to Louisiana. The ship is scheduled to arrive in Lake Charles, La., on about September 26. Panhandle Eastern and Trunkline supply natural gas customers in Illinois, Indiana, Michigan, Missouri, Mississippi, and Ohio.

We object to this importation, Mr. Speaker, because the LNG will be more expensive than most lower 48 domestically produced natural gas. Especially as we approach the winter heating season, it is very poor planning on the part of Panhandle to begin importing expensive foreign natural gas, particularly at a time when domestic supplies of gas are so plentiful. We should be utilizing our less expensive and readily available lower 48 gas, but Federal law today encourages using gas found in very deep—over 15,000 feet—formations, imported liquefied gas, Canadian and Mexican gas, and Alaskan gas.

We filed our protest with the Department of Energy's Economic Regulatory Administration (ERA) and the Federal Energy Regulatory Commission (FERC). ERA has the primary responsibility for deciding whether the import or export of gas is in the public interest. FERC exercises authority over domestic rates, siting, construction, and operation of particular facilities, and the place of entry or imported gas.

Several organizations and individuals have filed protests with ERA and/or FERC. The ERA docket number is 82-12-LNG and the FERC docket number is RP-82-127-000. Organizations and individuals protesting the import of Algerian LNG include: Congressmen TOM CORCORAN, CLARENCE J. BROWN, DAN COATS, ROBERT H. MICHEL, and PAUL FINDLEY; the Illinois Commerce Commission, the Associated Natural Gas Co., the Battle Creek Gas Co., the Central Illinois Light Co., the Central Illinois Public Service Co., the Citizens Gas Fuel Co., the Michigan Gas Utilities Co., the Missouri Utilities Co., the Ohio Gas Co., the Richmond Gas Corp., the Southeastern Michigan Gas Co., the Toledo Edison Co., the Consumers Power Co., the State of Michigan, the Michigan Public Service Commission, the Michigan Consolidated Gas Co., and several businesses filing as members of the Association of Businesses Advocating Tariff Equity (ABATE).

Mr. Speaker, for the benefit of our colleagues, I would like to include in the RECORD at this point the texts of my September 10 letter to the Administrator of ERA, with which the petition was filed, the September 10 letter to Fossil and Synthetic Fuels Subcommittee Chairman PHILIP R. SHARP in which Mr. BROWN, Mr. COATS, and I ask that Panhandle be scheduled as a witness at the already scheduled Friday hearing on natural gas pipeline issues, and the Corcoran-Brown-Coats petition filed with ERA. We also filed a substantially identical petition with FERC.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 10, 1982.

RAYBURN HANZLIK,
Administrator, Economic Regulatory Administration,
Washington, D.C.

Re: Docket No. 82-12-LNG

DEAR MR. HANZLIK: Enclosed for filing on behalf of Tom Corcoran, Dan Coats, and Clarence J. Brown, Members of the United States Congress, is an original and 15 copies of a Joint Petition to Intervene in a proceeding before the ERA initiated by Consumers Power Company titled: "Petition For An Order To Show Cause Why Order Approving The Importation Of Liquified Natural Gas Should Not be Vacated And For Order Suspending License Pending Expedited Hearing." As you know, the project to which this proceeding relates involves the importation of LNG from Algeria by Trunkline LNG Company.

I and my colleagues who seek intervention in this proceeding represent constituents who either are served by companies which must purchase this very expensive natural gas or are served by companies which hold licenses to import Algerian LNG and which may seek to import LNG in the near future, pending the outcome of this case. It seems to us incredible that Trunkline would choose a time like now to commence imports of Algerian LNG. Even without the price increases attributable to Algerian LNG, Panhandle has told the natural gas consumers it serves that rates will increase as much as 40 percent this year. Virtually every natural gas pipeline in the country, now has more natural gas than it can sell and is shutting in significant amounts of domestic natural gas production. The natural gas over-supply situation has deteriorated to the point where natural gas is actually being flared in Ohio.

We support the comprehensive analysis of the legal issues set forth by Consumers Power in its petition regarding Trunkline's LNG plans. Our purpose in intervening is not, however, to add to the discussion of those issues, but to put that discussion in a broader energy policy context. We believe that this is worthwhile, even imperative, because this Trunkline proceeding is conclusive proof of a natural gas supply policy gone haywire.

To the extent that Trunkline is to blame for selecting a very high cost and unstable supply of natural gas, and trying to bring that supply in at what is surely the worse possible time, the consumers served by Trunkline and Panhandle must be protected. To the extent that Federal natural gas regulatory policy is responsible for this situation, that policy must be changed.

With the loading of Trunkline's first cargo of LNG scheduled to commence tomorrow, we urge you to act as quickly as possible on the Petition filed by Consumers.

Thank you for your consideration.

Sincerely yours,

TOM CORCORAN,
Representative in Congress.

HOUSE OF REPRESENTATIVES,
Washington, D.C. September 10, 1982.

Hon. PHILIP R. SHARP,
Chairman, Subcommittee on Fossil and Synthetic Fuels, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We are writing today to urge that you invite Panhandle Eastern Pipe Line Company and Columbia Gas Transmission Corporation to be witnesses at the already scheduled September 17 Fossil and Synthetic Fuels Subcommittee hearing on natural gas pipeline issues.

Our desire to include Panhandle and Columbia as witnesses has been spurred by Panhandle's plans to import Algerian liquified natural gas (LNG) beginning tomorrow and by recent disclosures that natural gas in Ohio shut in by Columbia is being flared. As you can see from the enclosed copies of petitions we filed today with the Department of Energy's Economic Regulatory Administration (ERA) and the Federal Energy Regulatory Commission (FERC), we oppose the importation of expensive foreign natural gas when an apparent oversupply of domestic natural gas exists. We think it would be useful to discuss this situation with Panhandle and Columbia representatives at the September 17 hearing here in Washington—

prior to the planned arrival of LNG in Louisiana.

Also enclosed for your information is a copy of very recent correspondence between Tom Corcoran and ERA regarding the role of the Federal government in connection with the import of natural gas.

We commend you on the current series of natural gas hearings being conducted by the subcommittee. As members of the subcommittee, we look forward to working with you in making the September 17 hearing even more useful by including Panhandle and Columbia as witnesses.

Sincerely,

CLARENCE J. BROWN.
DAN COATS.
TOM CORCORAN.

UNITED STATES OF AMERICA BEFORE THE ECONOMIC REGULATORY ADMINISTRATION

Consumers Power Company v. *Trunkline LNG Company and Trunkline Gas Company:* Docket No. 82-12-LNG

JOINT PETITION TO INTERVENE

Tom Corcoran, Dan Coats, and Clarence J. Brown, Members of the United States Congress, hereby petition for leave to intervene in the above-captioned proceeding pursuant to Section 1.8 of the Rules of Practice and Procedure adopted by the Federal Energy Regulatory Commission and the Economic Regulatory Administration.

Tom Corcoran represents the Fifteenth District of Illinois and is a Member of the Fossil and Synthetic Fuels Subcommittee of the Energy and Commerce Committee. Natural gas consumers in his District are served by distribution companies which are wholesale customers of Panhandle Eastern Pipeline Company (Panhandle), a corporate affiliate of Trunkline and Trunkline LNG.

Dan Coats represents the Fourth District of Indiana and is also a Member of the Fossil and Synthetic Fuels Subcommittee of the Energy and Commerce Committee. Natural gas consumers in his District are served by distribution companies which are wholesale customers of Panhandle Eastern Pipeline Company.

Clarence J. Brown currently represents the Seventh Congressional District of the State of Ohio and is the Ranking Minority Member of the Fossil and Synthetic Fuels Subcommittee of the Energy and Commerce Committee. The natural gas consumers in his District are served by wholesale customers of Columbia Gas Transmission Corporation (Columbia) which has previously been granted a license to import liquefied natural gas from Algeria (See DOE/ERA Op. No. 11, Columbia LNG Corp., Docket No. 70-14-LNG, Dec. 29, 1979), although no such import activity is currently planned.

Communications with respect to this Petition should be addressed to: Linda Gillespie Stuntz, Associate Minority Counsel, Committee on Energy and Commerce, U.S. House of Representatives, H2-564 Annex No. 2, Washington, D.C. 20515, (202) 226-3400.

Petitioners support the case against Trunkline LNG's imminent importation of Algerian LNG which has been made so well by Consumers Power Company.[1] The purpose of this petition is not to repeat the arguments set forth by Consumers but rather to present and address the fundamental question raised by Trunkline's importation of liquified natural gas from Algeria.

Why, at a time when natural gas pipelines all across the country (including Panhandle and Trunkline) are experiencing surplus deliverability of natural gas, when gas prices have risen to the point that industrial users are switching off or shutting down, is Panhandle bringing in very expensive Algerian natural gas? In other words, why would any business do something that is so economically foolish?

Although Panhandle must be held responsible for having selected such a costly and insecure supply of natural gas, the answer to this fundamental question lies in the way in which this country regulates the natural gas industry. The economic insanity of shutting in or flaring domestic gas, as is happening right now in Ohio, while more expensive imported natural gas is delivered to consumers, could only happen in an industry distorted by Federal regulation. Any regulatory structure that permits, even encourages this, must be changed.

It is this system of regulation that makes companies like Panhandle responsible for planning in 1975 how to secure the natural gas supply that will be needed in 1982. Panhandle, unfortunately, chose to meet this future supply obligation by developing the capacity to import Algerian natural gas. Not one objection was made when Panhandle sought a license to import LNG in 1976. Panhandle subsequently spent more than half a billion dollars on LNG facilities, pursuant to the terms of that license.

Now, the LNG is finally to be delivered. Panhandle's timing could hardly be worse. As it turns out, Panhandle and every other pipeline were wrong about the needs of gas consumers in 1982. The blame lies not entirely with Panhandle, however, but with a system of government regulation that encourages companies to turn to the most expensive and insecure supplies of natural gas, like LNG, rather than sensibly developing domestic national resources. This regulatory system now denies companies like Panhandle the flexibility to respond to a gas market that is changing in ways and at a speed no one could foresee.

Natural gas regulation, including the regulation of natural gas imports, needs to be changed, but not on an ad hoc basis in this proceeding. Rather, Petitioners call on the ERA and the FERC to re-examine and revise this nation's LNG policy in light of the current developments in the natural gas industry. Only in this way can the interests of consumers in adequate supplies of natural gas at sensible prices be truly protected.

CONCLUSION

A fairer and more rational natural gas supply policy must be adopted. The testimony presented at the hearings currently being conducted by the Fossil and Synthetic Fuels Subcommittee on the status of the natural gas industry should be considered by the ERA and by FERC in their review of Trunkline's activity and LNG policy generally. Petitioners stand ready to assist the ERA and FERC in arriving at a resolution of this matter which truly is "in the public interest."

Respectfully submitted,

TOM CORCORAN,
DAN COATS,
CLARENCE J. BROWN,
Members of Congress.●

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[1] Petitioners understand that United States Congressmen Robert H. Michel and Paul Findley, and a number of natural gas distribution companies from Michigan, Illinois, Missouri, Indiana and Ohio also intend to file today a Petition with the ERA to suspend Trunkline's authorization to import Algerian LNG pending final hearing and resolution of issues raised concerning the propriety of Trunkline's plans to commence Algerian LNG imports. Petitioners herein also support this effort. In addition, petitioners are today also filing a Petition to Intervene in support of the complaint filed by Michigan Consolidated Gas Company (Consolidated) before the Federal Energy Regulatory Commission (Docket No. RP82-127-000) in which Consolidated has asked the Commission to reject any tariff sheets filed by Trunkline LNG, Trunkline or Panhandle which provide for the pass through of LNG costs to their customers.

ADMIRAL RAMBONNET

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. YOUNG of Florida. Mr. Speaker, today I have introduced private legislation for the relief of Adm. Henri E. Rambonnet and his wife, Jeanne.

Admiral Rambonnet is a remarkable individual with a very colorful and unique past. Born in 1923 in the Netherlands, Admiral Rambonnet worked with the Allies in WW II as a member of the Netherlands underground resistance forces. For his brave conduct in the liberation of his country and in aiding American and British pilots shot down by the German occupying forces, his name was placed on record at the Supreme Headquarters Allied Expeditionary Force by General Dwight D. Eisenhower.

Finally able to enlist in the Royal Netherlands Navy, Admiral Rambonnet served his country with distinction for 32 years before retiring. His duties included assistant naval attaché to the Royal Netherlands Embassy at Washington, D.C., aide-de-camp to Her Majesty the Queen of Netherlands, and commander of the Benelux Channel area (COMBENECHAN) in the NATO-command line.

Admiral Rambonnet and his wife, Jeanne, have lived in the United States for 3 years now. They have many new friends, are financially secure and would like to make America their home. Unfortunately, they fall within the nonpreference category and, therefore cannot gain permanent resident status. Because they have exhausted their administrative review and because they would make fine and responsible citizens, I have decided to introduce private legislation in their behalf.

Today, when so many others come into this country illegally, with no means of support and no understanding of what it takes to become an American citizen, I believe we should accept and even encourage people like the Rambonnets to remain in the United States. They would be a credit to America.●

MARKUP ON H.R. 6514

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mrs. SCHROEDER. Mr. Speaker, today the House Judiciary Committee began markup on H.R. 6514, the Immigration Reform and Control Act of 1982. I would like to share my opening statement with my colleagues:

I want to commend Chairman PETER RODINO for scheduling this markup on H.R. 6514, the Immigration Reform and Control Act of 1982. Momentum is with this bill. The Senate passed it on August 17. Editorial boards are urging that Congress do something. However, it is not enough to change our immigration policy. Above all we have to improve our laws. That is the legacy I would like the 97th Congress to leave.

I do not think H.R. 6514 improves our immigration laws.

I agree that our current immigration "policy" is badly in need of an overhaul. I am concerned, however, that some provisions of the Simpson/Mazzoli bill may produce consequences that its supporters do not foresee—and do not desire.

The employer sanctions provisions, I believe, are particularly open to abuse. Clearly, employers should not be permitted to hire—and exploit—undocumented aliens with impunity. In their current form, however, the employer sanctions provisions of the Simpson/Mazzoli bill provide no protection against employment discrimination toward Hispanics and other minorities who are legal residents or U.S. citizens. The sanctions offer a convenient cover for an employer who wants to discriminate—he or she can simply claim that the documentation presented by an "undesirable" applicant appeared fraudulent. Even employers who hire in good faith observance of both immigration and civil rights laws may err on the side of caution when examining documents presented by minorities, especially Hispanics. I particularly fear these consequences at this time when the Reagan administration is reneging on the Federal Government's commitment to affirmative action and equality of employment opportunity.

Recent Reagan administration initiatives have set the scene for the wholesale dismantling of programs to aid minorities within Federal agencies. As chair of the House Post Office and Civil Service Subcommittee on Civil Service, I have conducted on-going oversight of equal employment opportunity in the Federal Government. We found through our questionnaires to 32 of the largest agencies that budgetary commitment to special emphasis offices in Federal agencies had decreased, including the Hispanic employment program and the minority Outreach and Upward Mobility program.

The League of United Latin American Citizens (LULAC) has prepared a brief overview of the state of equal opportunity law enforcement in the United States. Its conclusion is that no guarantee of prompt redress exists for those Hispanics who, as a consequence of the advent of employer sanctions, are wrongfully refused employment, or otherwise denied equal employment opportunity.

I have included their report in my statement:

A. THE STATE OF EEO LAW ENFORCEMENT

The Commission on Civil Rights in its June 1982 report noted that funding and staffing cuts in the EEOC have resulted in a retardation of the EEOC's progress toward providing complainants with prompt relief, addressing class and systematic discrimination problems and eliminating inconsistent equal employment requirements.

As the table below shows, EEOC's systematic spending power is $6 million (5 percent) lower than in FY 80.

EMPLOYEE SANCTIONS AND EMPLOYMENT DISCRIMINATION

EEOC Budget Totals and Totals in Constant Dollars: 1980–83 (Proposed)

[In thousands of dollars]

Fiscal year	Appropriation (annualized) [1]	In 1980 constant dollars
1980	124,562	124,562
1981	137,875	126,028
1982 (budget request)	140,389	119,041
1982 (continuing resolution)	[2] 139,889	118,617
1983 (budget request)	144,937	114,536

[1] Figures represent what EEOC could spend during a whole fiscal year under each spending ceiling.

[2] This figure does not include a $4,200,000 supplemental appropriation EEOC expects during the 4th quarter of fiscal year 1982 because this appropriation has not been enacted. Mary Stringer, supervisory budget analyst, EEOC, telephone interview, Mar. 11, 1982.

As a result of spending cuts the EEOC in FY 81 cut back the number of planned class complaint investigation of broad patterns and practices of discrimination by 13 percent, and expects to keep at this lower level in FY 83.

According to the Commission's report, the EEOC plans further cutbacks in services, such as labor force data processing. Such cutbacks would restrict the EEOC's plans to include in its targets other "employers," such as unions and apprenticeship committees that have had many discrimination charges filed against them.

Because of budgetary constraints, the EEOC in FY 83 expects to approve 14 percent fewer new suits than it approved in FY 81, even though a rising complaint load indicates a greater need for litigation. The agency may also have to reduce the number of suits it actually files in FY 83.

As the table below from the Commission's June 1982 report shows, EEOC's staff resources have been declining steadily. The agency has lost 461 authorized positions since FY 80 and is currently below its authorized level. Clerical and field office attorney positions have been affected most heavily, slowing down the production of documents and work on legal cases. The EEOC plans further cutbacks in FY 83, for expert witnesses and other support services for cases in litigation.

EEOC FULL-TIME, PERMANENT STAFF POSITIONS 1980–83 (PROPOSED)

Fiscal year	Authorized	Actual
1980	3,777	3,433
1981	3,468	3,416
1982 (request)	3,468	([1])
1982 (continuing resolution)	3,316	([1])
1983 (request)	3,278	

[1] EEOC failed to provide requested data on actual staffing levels. See Edward Morgan, Director, Office of Congressional Affairs, EEOC, letter to John Hope II, Acting Staff Director, U.S. Commission on Civil Rights, May 7, 1982.

As a consequence of staff shortages the EEOC in FY 81 estimated it would take 6½ months to resolve all Title VIII complaints on hand. With yet fewer staff on hand, its present FY 82 estimate is a month longer, and its FY 83 estimate is still another month longer.

Staff shortages have lead the EEOC to assume a progressively more passive enforcement role. Lack of sufficient funding and staffing has diminished the agencies ability to conduct federal civil rights compliance reviews. Staff allocations have lead to an emphasis on inefficient individual complaint investigation activities, albeit at the reduced level shown.

The resulting cutbacks in the EEOC's activities targeted at systemic discrimination, inevitably places the burden of initiating enforcement action on the victims of discrimination, persons often lacking the requisite resources of familiarization with the law or with the requirements of program operations. The rights of victims who do not know how to file complaints or fear reprisal for doing so, have been left unprotected.

CONCLUSION

The employer sanctions provisions presently contained within the proposed Immigration Reform and Control Act of 1982, will only further exacerbate the existing problems the current budget reductions are creating for disadvantaged and ostracized American citizens and legal residents. The consequence of the present legislation will be to erect additional barriers for people outside the American mainstream.

It should be noted that while the present budgetary cutbacks have limited the EEOC's capacity to initiate suits, the number of national origin complaints filed with the agency have been on the increase. (See table below.)

COMPLAINTS FILED WITH THE EEOC

Annual reports	Total charges	National origin charges	Percent of total
1966	6,133	143	2.3
1973	77,242	12,377	16
1976	103,067	10,622	10.3
1979	79,084	7,913	10
1980	90,325	8,568	9.5
1981	94,460	9,235	9.89

Note: Hispanic complainants comprise an overwhelming majority of the total percentage of national origin charges filed. The inability of the EEOC to adequately effectuate its mandate will have its most direct consequence on the Hispanic community, the group being now asked to bear the employment risks associated with S. 2222.

Unfortunately, in its consideration of the Simpson bill, the Senate Judiciary Committee, and consequently the full Senate, rejected all amendments that were offered to protect the civil rights of ethnic groups. I hope the

House Judiciary Committee will be more receptive toward these amendments. I believe we can have meaningful employer sanctions without diluting our long fought for and hard-won civil rights laws.

I also am concerned about the bill's provisions for legalizing the status of undocumented persons currently in the United States. While I agree that massive deportations are both undesirable and unworkable, I do not believe a legalization program should be established without equal attention to enforcement efforts that will ensure we are not beginning a tradition of amnesty.

Currently, the Simpson/Mazzoli bill simply expresses the sense of Congress that enforcement and border patrol activities of the Immigration and Naturalization Service should be stepped up, and states that Congress intends to provide adequate funding for enforcement. As we have seen in other instances, there can be many a slip between Congress's sense of what should be done and the funds that are available to carry out that intent. Unless the Simpson/Mazzoli bill includes a firm commitment to upgrade INS, its legalization provisions will only contribute to our immigration dilemma.

This lack of commitment to enforcement brings home my most serious concern with the Simpson/Mazzoli bill: many of its provisions will be totally unenforceable. I am curious as to whether the INS have prepared any draft regulations. How would enforcement work? How much would it cost? I think the answers to these questions will be crucial to the debate on this bill.

The Immigration Service cannot even carry out its current responsibilities, and suggestions that local authorities be empowered to enforce immigration laws are frightening and must be turned back. The result will not only contribute to an already growing disrespect for our Nation's laws, but will, in some circumstances, produce the worst of all worlds. We may, for example, contribute to civil rights violations in employment while failing completely to enforce sanctions against employers who should be punished.

Immigration reform is a deliberative process. It is unlikely that any mistakes we make in this attempt at comprehensive reform of our immigration laws will be corrected quickly. Therefore, I believe it is imperative that we consider all possible ramifications this reform may have. I thank Chairman RODINO for scheduling this markup so that we may do so.

I think than once my colleagues hear all the ramifications, they will agree with me that if we rush through the Simpson-Mazzoli approach to immigration in the next 2 weeks, its consequences will come back to haunt us in the future congressional session.●

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT ACT

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 14, 1982

● Mr. DYMALLY. Mr. Speaker, over the past decade, our attention and the attention of citizens across the country has turned toward a series of crises: The petroleum shortage, one outbreak of war after another, the Iranian hostage crisis, and, now, mass unemployment. And while our attention has been turned, a problem we thought we had solved 15 years ago has again built to near crisis proportions. The problem is not so dramatic as a war; it does not drain our emotional energy as did the hostage crisis; and we cannot see it on the nightly news as we can the long lines of the unemployed at soup kitchens all over the country. But it is a problem that will affect our economy and our lives profoundly if something is not done about it now.

In this technological Nation today, half the new teachers assigned to train our children in mathematics and science—half the teachers whose charge is to prepare our children to join the world of work—are unqualified to teach the science or mathematics courses they are assigned. The fruit of our failure to adequately train our teachers has been a dramatic drop in science and mathematics scholastic aptitude test scores for students over the past 10 years. At the same time, colleges which should be teaching advanced courses have had to increase by over 70 percent their offerings because so many students are unprepared for college level study of science and mathematics.

On Saturday, September 11, I attended a conference sponsored by the Congressional Caucus for Science and Technology. The theme of the conference was "The Status of Science and Mathematics Education on the Precollege Level." The keynote speaker at that conference was Mr. Donald Beilman, a long-time executive of the General Electric Co., who has just assummed the directorship of the North Carolina Microelectronics Research Center. Mr. Beilman pointed out that electronics corporation executives in the United States believe that, in large measure, the advances Japan and West Germany are making in high technology are due to the fact that they have assembled a critical mass of highly trained personnel. It is people with ideas and the ability to turn those ideas into products that are moving those countries ahead.

Anyone here who represents an area where high technology firms are located needs do nothing more than turn on the radio any time of the day and listen to the aggressive advertisements designed by each company to lure scientists, engineers, and technicians away from rival companies to be convinced that the United States is far from having this critical mass of properly trained people. And if we think the problem is bad now, it is projected that in computer sciences alone, this country will need 685,000 more trained personnel by 1990. Where are we going to get them if our schools are not supplied with teachers sufficiently trained themselves to pass their knowledge on to the next generation?

Today Mr. Moffett and I are introducing the National Science and Mathematics Teachers Development Act, a modest program to begin the upgrading of teachers skills in science and mathematics. In the early 1960's it was found that one of the fastest and most successful ways of improving teaching skills was to provide summer workshops for teachers wherein they could become informed about the latest developments in their fields. We propose to begin those programs again. They served us well when the country last faced this problem. One should not argue with success, but rather take advantage of the measures that produced that success. I hope our colleagues will take note of the serious nature of the problem we face and of the long-term impact not dealing with the problem now will have on the economic well-being of the country. I hope each of you will lend you support to the National Science and Mathematics Teachers Development Act.●

SENATE—*Wednesday, September 15, 1982*

(Legislative day of Wednesday, September 8, 1982)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Commit thy works unto the Lord, and thy thoughts shall be established.—Proverbs 16: 3.

Gracious God, as Thou has guided the leadership of this Republic through difficult days, so guide those who bear responsibility in public office today. As Thou didst direct our Founding Fathers through the temptestuous issues and explosive differences of colonial days—as Thou didst lead through the deep divisions of the Civil War—so lead us now in the way of unity and peace.

Help us to appreciate the unexcelled tapestry of American life, the diversity that is our heritage. Help us not to demand uniformity which stifles and stagnates, but to seek true unity which is possible only when diversity is respected, appreciated, and honored.

Lead us in the way of righteousness and justice dear God, through Jesus Christ, our Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BAKER. Mr. President, I ask unanimous consent that the Journal of the proceedings of the Senate be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

SENATE SCHEDULE

Mr. BAKER. Mr. President, after the recognition of the two leaders under the standing order, the Senator from Florida (Mr. CHILES) and the Senator from Arkansas (Mr. BUMPERS) will be recognized on special orders of not to exceed 15 minutes each.

After that, Mr. President, there will be a period for the transaction of routine morning business to extend not past 12 noon in which Senators may speak for not more than 5 minutes each.

At 12 noon, Mr. President, the Senate will resume consideration of House Joint Resolution 520, at which time the Baucus amendment No. 2040 will be pending. There will be a cloture vote today at 5 p.m. pursuant to the unanimous-consent order entered previously. The mandatory quorum to precede the vote on cloture has been waived by the same order.

Mr. President, it is possible that today I will ask the Senate to proceed to consideration of the Hatch amendment to the Constitution dealing with abortion. I have not yet had an opportunity to discuss that matter with Senator HATCH, who was necessarily absent from the Senate yesterday because of elections in his home State of Utah. I will try to have a further announcement on that subject during the course of the morning business period.

PROSPECT OF POST-ELECTION SESSION

Mr. BAKER. Mr. President, I just returned from a leadership meeting at the White House with the President of the United States. The legislative agenda was discussed at some length.

I must say that the principal items that must be dealt with, on which both the President and the Members of the House and Senate agreed, were the appropriation bills. It is very late now, and I despair of having all 13 of the appropriation bills passed before we go out, but certainly we should pass some of them. We must then pass a continuing resolution for those that were not covered.

The question of when that continuing resolution would expire has been discussed rather widely in the Senate and was discussed this morning. I feel constrained to advise Senators that the impression I have is that there is at least a possibility that the continuing resolution would expire, as it is now proposed by some Members, sometime in December.

If that is the case, then the answer to the anxious question so often put, "Will we have a post-election session?" is "Yes," because we simply cannot leave without doing the appropriation bills or a continuing resolution.

So, as much as I personally regret to say it, I urge Senators to consider that because of the appropriation process there is at least a substantial prospect that we may be back after the election. I will discuss that with the minority leader today. I intend to discuss it with the Speaker today. However, Senators should take first warning that there is now, in my judgment at least, the prospect of a post-election session of Congress.

Mr. President, I have no further need for my time. If anybody will still speak to me after making that dreadful announcement, I will be glad to yield the floor.

I believe the Chair wishes to make an announcement. I yield for that purpose.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDENT pro tempore. The Chair, on behalf of the Vice President, appoints the following Senators to attend the GATT Ministerial Trade Conference to be held in Geneva, Switzerland, November 21-26, 1982: The Senator from Kansas (Mr. DOLE), the Senator from Missouri (Mr. DANFORTH), the Senator from Georgia (Mr. MATTINGLY), the Senator from Texas (Mr. BENTSEN), the Senator from Hawaii (Mr. MATSUNAGA), and the Senator from New York (Mr. MOYNIHAN).

BASHIR GEMAYEL

Mr. BAKER. Mr. President, once again we learn how fragile are our hopes for a peaceful and reunited nation of Lebanon. The bomb that exploded yesterday in Beirut resulted in more than the tragic death of the young President-elect Sheik Bashir Gemayel and a number of his followers. It dealt a shattering blow to the aspirations of the Lebanese, Christian and Moslem alike, for peace. Nevertheless, after so many years, so many deaths and so much destruction, the search for peace must go on.

The efforts of Ambassador Habib to end the crisis in Beirut and the beginning efforts of Bashir Gemayel to unite Moslems and Christians in the restoration of the authority and sovereign integrity of Lebanon cannot go for naught. Beirut must not now dissolve into a new wave of bloodshed and destruction.

Over the past few months the people of Beirut have shown remarkable courage and resilience in the face of adversity. Virtually every contending faction has demonstrated the will and the ability to act in a common effort to save their country. That was, I believe, the goal of the new President-elect and he had already demonstrated his determination to pursue it. The

perpetrators of this cowardly act cannot be allowed to frustrate that goal.

The wave of recriminations and revenge that have followed similar atrocities in the past have not yet begun and we can only hope that this time they will not begin. It would be my hope that the government of President Sarkis can move rapidly to fulfill the constitutional process and perhaps thereby forestall a new round of violence. With that in mind, I would hope that President Reagan's call for all parties to honor the disengagement agreement and do everything possible to reduce tensions will be heeded.

While we extend our sympathies to the Lebanese people, we must extend as well our encouragement to those who will seek peace. I am heartened by the return to Beirut of Ambassador Morris Draper and know that I share with all my colleagues our hope that his efforts to negotiate the early withdrawal of all foreign troops from Lebanon will be successful.

ORDER OF PROCEDURE

Mr. PROXMIRE. Mr. President, will the majority leader yield to me just one moment?

Mr. BAKER. Yes, I yield.

Mr. PROXMIRE. I would like to say that the minority leader would like to have his time reserved for later.

Mr. BAKER. May I do that at this point then.

Mr. President, I ask unanimous consent that the time allocated to the minority leader under the standing order be reserved for his use at any time during the remainder of this day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INTANGIBLE MILITARY COMPARISONS

Mr. PROXMIRE. Mr. President, comparisons of military capability by static indexes may be misleading. There are times when tactics and strategies overcome superior force levels. Furthermore, a nation's economic condition and its influence in world affairs are legitimate factors in considering relative power.

Yet we hear little about these less glamorous factors in the world power equation. Instead, we hear that the Soviet Union has expanded its influence at the loss of U.S. prestige around the world.

Is this true or is it a simplification of a complex situation? In part 3 of a Defense Monitor report from the Center for Defense Information, some answers to these questions can be obtained. An examination of the weapons export policies of the United States and U.S.S.R., a search of the record for advances and setbacks in foreign policy, and an assessment of the future trends in the U.S.-U.S.S.R. relationship all provide a useful balance to the more strident rhetoric often heard about the inexorable decline of U.S. power.

Mr. President, I ask unanimous consent that the conclusion of the Defense Monitor article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE MONITOR—PART III

WEAPONS EXPORTS

The U.S. has provided weapons to about 130 of the world's 161 nations.

In the 1970's the United States sold or gave away $123 Billion in weapons, military training, and construction to foreign countries.

U.S. weapons exports rose from less than $5 Billion in 1971 to $17.4 Billion in 1980.

In his first year in office, President Reagan recommended to Congress over $25 Billion in arms sales.

U.S. arms exports in FY 1982 may total $30 Billion, far exceeding the previous record high of $17.7 Billion in 1975.

Over the past decade, the U.S. has agreed to sell or give away over 6,000 tanks, 600 artillery pieces, 3,000 military aircraft, 10,000 missiles, and 250 combat ships.

Only half of all U.S. foreign military sales since 1950 have been delivered, leaving about $55 Billion of arms in the pipeline.

Of the 41 military-dominated, repressive governments in the world, the U.S. has been a major supplier of arms to 28.

In 1980, the U.S.S.R. surpassed the U.S. in arms agreements and deliveries to the Third World for the first time.

The U.S. is still the number one supplier of weapons to the Third World if one looks at more than the past year or two. From 1978 to 1980, the U.S. sold $29.9 Billion of arms to the Third World compared to $26.6 Billion for the Soviet Union.

The U.S. is still the number one supplier of weapons to the rest of the world if exports to developed nations are included.

In 1980, all non-communist nations combined accounted for 61 percent of arms agreements with the Third World, all communist nations for 39 percent, and the U.S.S.R. alone for 36 percent.

WORLD INFLUENCE

A comprehensive study of trends of Soviet world influence in 161 countries since World War II does not support perceptions of consistent Soviet advances and devastating U.S. setbacks.

Outside Eastern Europe, Soviet influence has lacked staying power. Inability to accumulate influence in foreign countries over long periods is a dominant feature of Soviet world involvement.

Starting from a very low base of political, economic and military involvement, the Soviets worked to increase their influence around the world. Starting with influence in 9 percent of the world's nations in 1945, they peaked at 14 percent in the late 1950's, and today have influence in 12 percent of the world's nations. Of the 161 countries in the world today, the Soviets have significant influence in 19.

The Soviets have been successful in gaining influence primarily among the world's poorest and most desperate countries.

Soviet foreign involvement has to a large extent been shaped by indigenous conditions and the Soviets have been unable to command loyalty or obedience.

Soviet setbacks in China, Indonesia, Egypt, India, and Iraq dwarf marginal Soviet advances in lesser countries.

The Center for Defense Information, utilizing indexes of power developed by former C.I.A. official Ray Cline in his books on World Power Trends, has calculated this division of world power: Pro-West and China 70 percent; Soviet Union and its clients 20 percent; other 10 percent.

THE FUTURE

The Pentagon's 5-year plan calls for building a huge new arsenal of weapons which "are difficult for the Soviets to counter, impose disproportionate costs, open up new areas of major military competition and obsolescence previous Soviet investment."

The U.S. plans to deploy at least 100 MX missiles, the most modern, accurate and lethal ICBM ever built.

The U.S. is moving forward with the Trident II (D-5) missile which will give submarine-launched missiles the ability to destroy hardened missile silos for the first time.

The U.S. is building a fleet of at least one hundred B-1B bombers at a cost of about $40 billion ($400 million per plane).

The U.S. is now deploying modern, highly accurate, highly lethal ground, air, and sea launched cruise missiles. Over 9,000 will be deployed (some SLCMs will carry non-nuclear explosives but will be indistinguishable from nuclear-armed SLCMs.)

The U.S. will build an advanced technology "Stealth" bomber at tremendous cost to replace the B-1.

The U.S. will deploy the Pershing II medium range ballistic missile in 1983. It will be the most accurate missile ever built and will be able to reach the Soviet Union from bases in West Germany in 5-10 minutes.

The U.S. is substantially increasing spending on ballistic missile defense and could deploy a new system in the mid-to-late 1980's.

The Soviet Union has tested and may have deployed a crude, rocket-launched anti-satellite weapon system. The U.S. is now testing and will soon deploy a much more sophisticated anti-satellite weapon which can be launched from any modified aircraft.

The Soviet Union has stated that it will match any U.S. nuclear advance. U.S. authorities acknowledge that the Soviets are capable in the next decade of developing a new manned bomber, advanced cruise missiles, improved submarine-based missiles, super-accurate ICBMs, and new ABM systems.

GENOCIDE MAKES MANKIND AN ENDANGERED SPECIES

Mr. PROXMIRE. Mr. President, the French mathematician and philosopher, Blaise Pascal, once said that man is "the only animal with brains enough to find a cure for the diseases caused by his own folly." It is regrettably true that there are often unintentionally harmful consequences to any major political action. The test of statesmen is the degree to which they admit and correct their miscalculations. In areas like endangered species, millions of dollars are spent every year in virtually every nation on Earth to

save those creatures threatened by our encroachment into their ecosystems. The Senate in particular has accepted its duty to wildlife and we have worked most diligently to right whatever wrongs we have committed.

These legislative actions represent America in one of its finest hours; a nation which has pioneered many of the longest standing conservationist laws. Yet it is not these threatened creatures that I wish to discuss today but one species that is conspicuously absent from most of these international agreements. This unfortunate creature is man himself.

As ironic as it may seem, mankind has accepted its responsibility as keeper of the Garden of Eden only to immediately banish its own kind somewhere east of Eden. It would probably be easier to add a 21st name to the 20 already protected forms of pearly mussels than for me to push through any meaningful legislation to halt the systematic slaughter of national, ethnic, racial, and religious groups. I can say this with confidence because I have attempted for the last 15 years to persuade this body to pass just such an agreement—the Genocide Convention.

What, you may ask, is the reason for our seemingly deep-set prejudice against ourselves? What do these animals possess that would make their struggle for survival easier to champion than, let us say, the people of Uganda or East Timor? One argument is that our Nation can not embark upon the complicated and potentially dangerous course involved in an international agreement like the Genocide Convention. However, our Nation has already done so in 519 separate international treaties covering threatened and endangered species. We have gone even further in adding 240 domestically protected animals to this number including 9 types of parakeets, 10 types of mice, and 20 types of turtles. Everything from the appalachian threespine stickleback to the pigfooted bandicoot is watched over, that is, everything but man.

Some would suggest that man, the hunter, does not need the attention and protection afforded to other animals because of his fantastic powers of invention and destruction. Yet it is precisely these "human advantages" that should compel us to pursue agreements like the Genocide Convention. Today mankind's only true adversaries of equal strength come from within its own species, and consequently it is protection from our own kind that we need so badly. The Genocide Convention will not put a halt to senseless killing in the world, but it can move us closer to a world in which nations work together to prevent genocidal murder from occurring again in our lifetime. Monuments to our past inability to work together as a world community stand ominously around the globe; silent reminders of man's self-destructive potential. From the gray crematoriums of Dachau to the shallow graves around Lake Victoria, man's legacy of genocide haunts our memoires and warns us of a possible future if we do nothing. It is time, as Pascal said, to journey with other nations in finding a cure for this folly and ratify the Genocide Convention.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, I have no further need for my time under the standing order. Since the minority leader's time is reserved for his further instructions, I yield back the remainder of my time, which I believe would produce the recognition of the Senator from Florida on his special order.

RECOGNITION OF SENATOR CHILES

The PRESIDENT pro tempore. Under the previous order, the Senator from Florida (Mr. CHILES) is recognized for not to exceed 15 minutes.

CRIME AND DRUG TRAFFICKING

Mr. CHILES. Mr. President, since May, Senator NUNN and I have come to the floor of the Senate every day to speak out on crime and drug trafficking. We have spoken about our concern with the crime problems we face, and about our ever increasing alarm over the fact that the Senate has not taken action on crime fighting legislation. I believe that our alarm over the lack of activity by the Senate is well justified. On May 18, Senator NUNN and I introduced a package of proposals, S. 243, that would go a long way toward helping in the war on crime. The bill included provisions that will make it easier to fight mob violence, reforms in the bail bond system, especially as it applies to drug dealers, stiffer sentences for violent criminals and for big time drug dealers, and an overhaul of the habeas corpus laws to eliminate frivolous and repetitious appeals; 16 other Senators have joined us as sponsors of this crime fighting bill.

S. 2543 is not the only crime fighting package before the Senate. Just before Memorial Day, Senator THURMOND and Senator BIDEN, the chairman and the ranking member of the Judiciary Committee, introduced another crime fighting package, S. 2572. It contains several of the provisions in the crime package Senator NUNN and I had introduced earlier, as well as other important reforms, including a program to protect victims of crime, reforms to the insanity defense, and better asset forfeiture laws. A total of 54 Senators, over half of the Senate, have joined as cosponsors of this measure.

Mr. President, the Senate's failure to act on either of these proposals is even more disturbing when one realizes that each of these bills has been pending on the Senate Calendar since late May. In other words, the Senate could have considered either of them at any point during the last 3 months. We even went so far as to enter into a time agreement on one of the bills, S. 2572, that would enable us to consider and pass the proposal in no more than a couple of days.

Despite all of this, and despite the vital importance of action on this issue, nothing has happened. Meanwhile, the time has kept slipping away, and fewer and fewer days remain in this session. Some may believe that there already is too little time remaining to pass a bill through both Houses of Congress. I disagree with that assessment, because I believe that there is strong public momentum and support for action on crime. More important, I am concerned about the kind of message we in the Senate send to the American people if, given this special opportunity to do something about crime, we fail to act.

For the past 2 months, I have tried to focus on one particular aspect of the criminal justice system which is sorely in need of reform: The Federal habeas corpus laws. Today however, with time running short, I should like to spend a few moments discussing some of the broader issues we face in dealing with the crime problem, in order to remind my colleagues of the urgent need for action. Just last week, in an address to an international conference on drug enforcement, William Webster, the Director of the FBI underscored once again the link between illegal drug trafficking and crime. It is clear that an essential part of any fight against crime must be a full-scale attack on drug trafficking.

Recently, the Miami Herald ran a series of articles on the effects of one of the most dangerous of the illegal drugs, and sadly enough, one of the most popular illegal drugs: cocaine. I should like to share some of the findings made in those articles with my colleagues, because they point out the importance of doing something about illegal drugs.

Explosive growth is the best way to characterize the use of cocaine in the United States over the past years. Most of the cocaine used in the United States is grown in Bolivia, Colombia, and Peru and is then smuggled into the United States. In 1961, customs officials seized 8 pounds of cocaine; 10 years later, in 1971, the amount of cocaine seized jumped to 408 pounds. And 10 years after that, in 1981, 3,725 pounds of cocaine were seized by customs officials. Earlier this year, Federal law enforcement agents in Miami

seized 3,906 pounds of cocaine in one single arrest.

Mr. President, fully one-third of the amount of cocaine seized by customs agents last year was seized in the Miami area. Of course, the 3,900 pounds cocaine bust I just mentioned also occurred in Miami. Miami sadly, has become the cocaine capital of the United States, and the Herald article pointed out some of the unfortunate effects that so hand-in-hand with being a cocaine center. It is common knowledge that the crime rate and the murder rate in Miami has skyrocketed in recent years, and that Miami now has the dubious distinction of being the murder capital of the country. The Herald article showed how cocaine use has contributed to the rising crime rate in south Florida. The University of Miami conducted a study of behavior patterns of some 170 cocaine users. The study revealed the following:

60 percent of cocaine users surveyed have broken the law by selling cocaine to support their habit.

52 percent are divorced or separated because of their habit.

47 percent stole cocaine, or pulled some sort of con game to get cocaine.

31 percent stole from their families or friends.

29 percent wrote bad checks.

24 percent committed household or store burglaries.

31 percent stole from stores, and 19 percent committed robberies.

These statistics are shocking, Mr. President. They show me that the link between crime and drugs that we have heard so much about in fact is all too real. They also lend support to the notion that, by cutting off the drug traffic, and bringing the people who control it to justice, we can have a major impact on crime. In south Florida, we have a special task force, headed by the Vice President, that has helped slow the flow of drugs into south Florida. We need to expand that effort to other parts of the country. And we must also make sure that those drug dealers who are caught are not able to use legal loopholes to avoid justice. Today, drug dealers who are arrested rely on weakness in the current bail laws to buy their way out of jail. S. 2543 strengthens the bail laws as they apply to persons arrested for drug trafficking violations, and forces the person arrested to bear the burden of showing why he should be granted bail. S. 2572 contains provisions that can be used to require a person who posts a large bail bond to show where his bail funds came from. S. 2543 triples the sentences for persons convicted of smuggling large amounts of marihuana. And S. 2572 reforms the asset forfeiture laws, to make it easier for law enforcement authorities to immobilize drug trafficking organizations by seizing their assets: the ships, planes, and cash they use to do business.

Mr. President, these much needed changes could be approved by the Senate if we simply move on the crime bills now on the Senate Calendar. The need to so something about illegal drug trafficking, and the crime it creates, is clear. We in the Senate have an opportunity to make a difference, but only if we act. Time is running out, with as few as 13 days left in the session. We can make a difference, but only if we move now.

FLORIDA IN-SCHOOL DRUG EDUCATION

Mr. CHILES. Mr. President, we are all aware of the seriousness of the drug problem this Nation faces, and of the need for all of us to work together to find ways to stop drug abuse.

One of the most tragic aspects of this problem is its impact on our young people. It is essential, therefore, that we pay special attention to taking whatever steps we can to protect our children from the ravages of illegal drug use.

Most of the news we hear about illegal drugs is bad news. Today, however, I should like to share with my colleagues some good news about a success story in the effort to make young people aware of the dangers of illegal drugs. During the 1980–81 school year, Hillborough County, Fla., sixth graders took a drug prevention program. The results seem impressive, as students who took the program were found to be only half as likely to use alcohol, drugs, or cigarettes as those students who did not take the course.

I congratulate the Hillsborough, County Schools, the C. E. Mendez Foundation, which ran the program, and Elizabeth McConnell, who was the program director. But, most important, I congratulate the young people themselves for their success in avoiding all the problems that seem to go hand-in-hand with illegal drugs.

Mr. President, doing something about drug abuse is a problem for each and every one of us. I am glad to see people in Hillsborough County working together in their community to fight drug abuse.

I ask unanimous consent to have printed in the RECORD two articles published in the Tampa Tribune about the drug prevention program, and I recommend to them to my colleagues.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

STUDY: IN-SCHOOL DRUG PROGRAM PROVES EFFECTIVE

(By Patti Breckenridge)

Hillsborough County public school students who took a drug education course in 1980-81 were half as likely to use alcohol, drugs or cigarettes on campus one year later as classmates who weren't in the program, a new report indicates.

About 1 percent of the 3,635 students who took the course as sixth-graders violated school rules prohibiting substance possession and abuse as seventh-graders, a random sampling of that group showed.

But twice as many—nearly 2 percent—of the 4,534 sixth-graders who were not offered the course committed substance-related violations as seventh-graders, the report said.

"That difference is statistically significant," said Susan Turner, who coordinated the evaluation.

Armed with that favorable evaluation from testing experts in the school system, the non-profit group that runs the drug education program will ask the School Board Tuesday for money to expand.

School Superintendent Raymond Shelton said Thursday that the school system can't afford to finance that expansion.

But School Board members have final say on budget matters.

Operated by the Mendez Foundation, the drug education program was provided this year to all sixth-graders. The program's $200,000 budget was primarily supplied by private donors, but the School Board contributed $75,000 and the state less than $10,000.

Mendez officials want to extend the drug education course to ninth graders and expand their efforts in educating parents.

They say they need at least $100,000 more to do that. Even if they find additional private support, part of that sum would have to come from the School Board.

"We're kind of subtle and soft-selling people," said Charles Mendez, son of the couple who started the foundation.

"We've always felt our program was effective based on the reactions of students and their parents. But it's sometimes difficult to quantify a feeling like that.

"I think this report confirms our effectiveness."

The report is the first evaluation of the Mendez program since it started the drug education course in public schools four years ago.

Besides the findings on the course's effect on drug use, drinking and smoking on campus, the evaluation also revealed that students who take the course definitely increased their knowledge about substance abuse and retained that knowledge six months after completing the course.

A random sampling of the students who took the course during the 1980–81 school year showed a 49 percent success rate in answering questions about substance abuse before taking the course, an 87 percent success rate immediately upon completing the course and an 86 percent success rate six months after completing the course, Turner said.

The program was initially aimed at sixth-graders because that is the first time Hillsborough County public school students move from one school to another, Mendez said.

Ninth-graders face the same problem so they would be a logical group to provide a "booster" course in substance abuse and health education, he said.

But Shelton said the school system can afford to spend no more than $90,000 on the Mendez program in 1982–83, and all of that will be needed for the sixth-grade program since that age group will be much larger this year than in 1981–82.

Some School Board members may disagree.

Two months ago, both Cecile Essrig and Sam Rampello said they would like to see the Mendez program expanded.

The program's emphasis on enhancing a student's self concept—making it easier to combat peer pressure to use drugs, drink alcohol or smoke cigarettes—"is as important to education as teaching other basics," Essrig said at the time.

But at least one School Board Member said in May that he was leery about spending more money on the Mendez program.

"Drugs are definitely not the most pressing problem in schools," Sonny Palomino said. "The priority in a school system should be furnishing the best education. And I'm not sure drug education is as important as strengthening our math, science and language programs."

[From the Tampa Tribune-Times, July 4, 1982]

CHEP HELPS IMMUNIZE YOUNG AGAINST DRUGS

(By Sam Stickney)

It seems we spend more time in this business viewing with alarm than pointing with pride. This is especially true as it relates to young people and the drug scene. But important changes are occurring which substantially reduce the chances of students entering Hillsborough school systems—both public and private—falling victim to drug abuse.

In other years we have devoted much time to various approaches for dealing with youngsters who had developed a physical or psychological dependence on any of several mind-altering chemicals. There were no easy solutions. Some responded to psychological counseling, others eventually outgrew the problem, but too many become social dropouts and emotional derelicts.

Then someone had a better idea. Instead of waiting for the problem to develop and then dealing with it, why not apply that much vaunted ounce of prevention?

Elizabeth S. McConnell, program director of the C.E. Mendez Foundation, introduced a Children's Health Education Program which is destined to become known by the acronym CHEP, the sound of a young bird in its nest.

The ebullient Mrs. McConnell went into classrooms at the sixth grade level and challenged students to develop a health respect for themselves and their bodies. She talked about peer group pressures and how to resist their negative influences and, peripherally, got across the idea that becoming involved in the drug culture wasn't too cool.

She didn't saddle the kids with some heavy trip. This was fun. It was also instructional and it soon became evident that she was reaching these students in a very positive manner.

The program was enlarged and received the blessing of the Hillsborough County School Board. The CHEP report for the current school year reveals that 10,706 sixth grade students were reached. In addition, 42 presentations were made to PTAs and civic groups, a program for parents made possible through the Shimberg Foundation got under way and a ninth grade pilot program was tested.

The biggest story, however, concerns the sixth grade level. That ounce of prevention is paying impressive dividends. It works just like Mrs. McConnell said it would. The proof of this is to be found in a program evaluation of CHEP which produced these conclusions:

During the 1981-82 school year, instruction provided by the Children's Health Education Program made a substantial difference in students' knowledge about drug-related concepts and decision-making processes.

After cessation of program instruction, students retained this knowledge over a six-month time period.

Students who received instruction in the Children's Health Education Program as sixth graders in 1980-81 committed significantly fewer substance-related offenses as seventh graders than students who did not receive (this) instruction.

The report has a lot of statistics to support these conclusions, but the bottom line is that those kids who were exposed to CHEP in the sixth grade were less likely to experience a drug problem the following year than those who were not in the program.

How long this "immunity" will last remains to be seen. Perhaps reinforcement will be needed in the future. Even some of the best vaccines call for booster shots. But the encouraging news is that CHEP is working and for most of those youths who received the ounce of prevention there will be no need for a pound of cure.

Mr. CHILES. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MATTINGLY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR BUMPERS

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas (Mr. BUMPERS) is recognized for not to exceed 15 minutes.

THE CLINCH RIVER BREEDER REACTOR

Mr. BUMPERS. Mr. President, my comments this morning deal with my continuing strong opposition to the building of the Clinch River breeder reactor. This is one time when all Americans ought to be glad that sometimes the U.S. Congress operates in a very laborious, slow, and tedious way, because when breeder reactors were first discussed in this country, many people, including this speaker, thought that breeders were going to be the panacea for this country's energy problems.

All of us know that the proponents of breeder reactors highly touted the idea that breeders produced more energy than they consumed, and certainly anything that would do that looked like a panacea.

Since 1971 and 1972, when the Clinch River breeder was first discussed as a reality to be built on the Clinch River in Tennessee, more and more information has surfaced about it, and everything that anybody has heard about Clinch River since it was first an embryonic idea in some scientist's mind has indicated that we ought not to build it.

The time when the project had the greatest momentum going for it was about 1976, and happily for the country Jimmy Carter became President at that time. Jimmy Carter does not get credit for many things. He is still spoken of in denigrating ways in a lot of circles in this country. But he certainly deserves credit for his efforts to torpedo this project, and it was because of his adamant, strong opposition to it that it was not built during that period of time.

But now we are faced again with an administration which strongly supports it, indeed strongly supports all nuclear projects, to the detriment of every other sensible energy initiative.

My original opposition to the Clinch River breeder was very simple. The breeder reactor makes plutonium, and plutonium makes weapons.

I heard a scientist say this morning that the Clinch River breeder was going to generate in its lifetime enough plutonium to manufacture 1 million nuclear weapons. I forget whether he said it would do that on an annual basis or in its lifetime, but either way it is terribly devastating. So that was my first objection.

There are six countries now that have nuclear weapons, and more will get them. A lot of thoughtful people in this country think that whole situation is just a ticking time bomb. I heard on the radio as I came in this morning, that some professor at some small college has suggested that we have a big party in the year 2000 all across this country. He is proposing to spend $1.2 billion on a big party in the year 2000, if we make it to the year 2000. If we do not, of course, we are not going to need the party.

The second thing then that began to trouble me about the Clinch River project was the technology. Back in 1976 there surfaced a very secret, private, internal memo of Burns & Roe, who were the consultants for the Clinch River breeder. In that memo they said:

> We need to get out of this project at the earliest possible time because it is a turkey. The chances of success for this project are almost less than nil.

I thought, if the consultants do not think any more of the project than that, why should I? I am just an ordinary country lawyer, a layman on scientific issues, and if the knowledgeable people thought it was a bad technology and a bad location—they even said the Clinch River was a bad site—why should I continue to, support it, and why should I vote money of the American taxpayers for the project?

Then there was this original proposition: If you will recall, the utilities were going to put up about half the money." You have to understand,"

they said, "we want to put a cap on our participation of about $250 million."

But at that time, the Clinch River project was supposed to cost about $670 million. The utilities were originally talking about footing half the costs, but they only committed themselves to about $250 million.

Well now we have spent more than $1 billion, and have not turned the first spade of dirt. The utility companies have put in about $110 million, maybe more than that, but there is one thing for sure, they are not putting any more money in, and I do not blame them. They want the project but they understand what people in this body seem to never understand, and that is not to throw good money after bad.

Do not depend on the utilities to put up a dime of the next $2.5 billion to $5 billion that are going to be necessary to build and complete the Clinch River breeder.

Then why were we going to build it to begin with? What was the justification? The justification was, No. 1, it manufactures fuel you can use in light water reactors. We have about 70 of these reactors in the country right now. The Clinch River breeder would be a good, cheap, continuing source of fuel for light water reactors, because we were going to run out of uranium.

No. 2, we were going to continue to increase electrical consumption in this country. Our demand was going to increase by 7 percent annually. That is what the annual increase had been for years, and nobody had any reason to believe it would slow down.

But after the Arab oil embargo and after energy prices began to skyrocket, people in America began to conserve. And so now for the past 3 years energy consumption has increased only 2 percent a year, not 7 percent.

In addition to that, utilities all over the country are canceling plans to build light water reactors. Washington Power has discontinued the building of five nuclear reactors. Three of them were already well underway, and some of them over half completed, but they are scrapping them.

The TVA down in Tennessee is also scrapping plans for light water reactors and some construction that is already underway. So certainly there is no justification on the grounds of depleting our uranium supplies. I read in an article in the Wall Street Journal yesterday that Westinghouse is in some considerable difficulty because the price of uranium just continues to drop. While the projections I saw when the Clinch River project was first presented to me were that uranium was going to cost $100, right now it is $20, having dropped from $40, and the price still going down—so certainly we are not running out of uranium, and we do not need to supply light water reactors because none are being planned, and none are being built.

Then, of course, there is another question: If this were the best technology in the world, which it is not, would it be money well spent?

I might say that there is going to be a forum this afternoon with four of the finest physicists in the country, and each of them is going to say the technology of the Clinch River breeder is outdated. One of them said this morning that continuing the project is like buying a 1967 GTO, putting on some new tires and a stereo, and acting like you have a brand new automobile.

Senator HOLLINGS of South Carolina has called this whole project, I thought appropriately a CETA project for nuclear scientists. But even the nuclear scientists do not want it. They think it is a bad technology. I think they would rather go on foodstamps than lend their name to it.

But, in any event, the French and the Germans and the Japanese and the Russians all dived into breeder reactors. And I have heard it on this floor a thousand times: "We can't let them get ahead of us." Well, I will tell you what they are doing. In France, they are postponing the building of five additional breeders because the ones they have are turning out to present terrible safety problems for them. Their cost overruns are absolutely out of sight. And the same thing is happening in the other three countries.

Breeders are not yet a technology that is worth putting that kind of money in. The scientists say if we build the Clinch River breeder right now, when it is finished it will be 16 years out of date.

The Clinch River breeder will use what they call the loop technology. The French use what they call the pool technology. The French have completed one Phoenix, and another one is under construction and should be finished next year, way behind schedule. The pool technology the French are using is far advanced above the Clinch River breeder's loop technology and yet we have not changed one thing. We are still going right ahead just as though the scientists never said a word.

Mr. President, let me close by saying this: If this sounds parochial to you, let it. For the last 4 years I have been trying to get money out of the Congress and out of the administration to retrofit all the dams on the Arkansas River that the Corps of Engineers believe are capable of being retrofitted for hydroelectric power. There are 17 dams on the Arkansas River. Three of them are generating power right now and nine more of them are capable of generating electrical power. The Corps of Engineers says that for $800 million you can put hydropower on all of those nine dams in Arkansas that are capable of generating a total of 365 megawatts of power, and yet I cannot get this administration to put one dime into it. Not a dime. And those dams will generate 365 megawatts of power with virtually no annual operating cost because, as you know, in hydropower all you do is open the gate and let the water through. You do not feed it coal, you do not feed it uranium, you do not feed it gas, and you do not feed it oil. You just open the gate.

The cost of that project, even retrofitting existing dams, is $2,200 per megawatt. The Clinch River breeder, even if it only wound up costing $3.5 billion—and I promise you it will cost $5 billion to $10 billion—will generate electricity at a loss of $10,000 a megawatt, or about four times as much as it would take to generate power on the Arkansas River, with no comparison in terms of environmental concern or the annual operating cost. That is how insane this administration is on energy.

And there is another project in Arkansas ready to go, the best biomass project in the United States. The University of Arkansas was donated a lot of biomass equipment and technology by the Gulf Oil. Let me say something nice about Gulf. We appreciate it. And Gulf does not hear me say anything nice about them very often. But we appreciate that donation.

The University of Arkansas took that technology and started producing ethanol from 1 ton of municipal waste a day. Now they have the plans all drawn up, using virtually all proven technology, for a biomass facility in Little Rock that would use 50 tons of waste a day. If it is successful, the next phase would convert 750 tons of urban waste, wood products, cellulose products to ethanol.

The other day, I called the Secretary of Energy. He said, "Dale, there is just no money for biomass." It is a $43 million project. There are 1,150 sites in the United States that have been identified as being capable of using 750 tons of waste a day to make ethanol.

Now, if you are looking for a contribution to this country's energy independence, there would be a contribution. But instead this administration wants to put another $2½ billion into Clinch River, a turkey, obsolete technology, and not spend one dime for something that will really give this country something to think about; namely, generating a lot of ethanol from waste.

Mr. President, I did not come over just to condemn the administration's energy policies. I sound like a broken record on that. Everybody knows how I feel about that. I hope they do. I am just saying the Clinch River breeder would be a terrible mistake.

Mr. President, if you took the $2.5 billion that we are going to spend to complete the Clinch River breeder, you could put it into household weatherization in this country for conservation, and between now and the year 2000 save 48 million barrels of oil annually at a cost of $2 a barrel.

Those hydroprojects which I was talking about down in Arkansas have a life expectancy of 100 years. The Clinch River breeder, if it does not blow up first, is scheduled to last 35 years.

The only reason in the world left to build the Clinch River breeder is somebody's parochial interest or because enough arms can be twisted in here or just because there are enough people who absolutely will not change their minds about something. I think the time has come and I believe the votes are here to kill this project.

The Clinch River breeder reactor has been like Rasputin. You think you had it killed and all of a sudden it started breathing again.

I hope this time, before we go out of here in October, that the Senate ultimately and finally will kill a project that does not make any sense by any yardstick or measurement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. BUMPERS. Yes.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 12 noon, with statements therein limited to 5 minutes each.

ASSASSINATION OF PRESIDENT-ELECT BASHIR GEMAYEL

Mr. SPECTER. Mr. President, the assassination of President-elect Bashir Gemayel, the resultant danger of civil unrest in Lebanon, and the Israeli movement into West Beirut this morning, raise new and troubling issues for that area. As a result of my meetings with President-elect Gemayel in Beirut and Prime Minister Begin in Jerusalem over this past weekend, and my general assessment of the climate in Lebanon and Israel, it is my view that Israel does not intend to use the current unrest to acquire any additional power base in Lebanon.

The situation in Lebanon has been tense for many years—since the civil war between the Christians and the Moslems began some 7 years ago. The fighting was, of course, intensified as a result of the conflict between Israel and the PLO during the past 3 months.

In discussions with both President-elect Gemayel and Prime Minister Begin, it was the expectation of both men that Israel would withdraw from Lebanon as soon as Syrian and PLO forces were out of that country and Lebanese forces ready to move in. In my floor statement yesterday, I detailed President-elect Gemayel's concern that Lebanon not be pressed for an immediate peace treaty with Israel. Implicit in Mr. Gemayel's statement was his expectation that Israel intended to withdraw from Lebanon. Prime Minister Begin advised, as noted in my floor statement yesterday, that Israel would not press President-elect Gemayel for a peace treaty. Prime Minister Begin further emphasized Israel's intention to withdraw from Lebanon as soon as the Syrians and PLO departed that country.

While our conversations obviously did not contemplate the assassination of the President-elect and the attendant problems, the issues which were discussed persuaded me that Israel seeks only a stable Lebanon, has no interest in keeping military forces in Lebanon on an indefinite basis and has undertaken this morning's movements only to keep the peace and maintain order there.

The assassination of President-elect Gemayel is a tragedy for the man, his family, his country, the region, and the world. Decent men and women everywhere should deplore the assassination and take all possible action to restore stability Lebanon.

The bombing of a political party headquarters during a meeting of party officials is a despicable crime of unbelievable terrorism. It is unheard of in most countries. In Lebanon, where nearly every political party has its own army and political murders and civil warfare are almost a way of life, it is no less shocking, although characteristic. The killing of this young leader has irrevocably changed the Middle East and shattered the peace so carefully constructed by Ambassador Habib and others.

Bashir Gemayel was Lebanon's best hope to end years of internal violence and political chaos. He seemed the only leader strong enough to restore the government's control of its own territory. With this control, the 10,000 PLO fighters remaining in Lebanon could be expelled and occupation of parts of this tiny nation by Israeli and Syrian forces ended, Israel having declared its intention to leave as soon as the Syrian and PLO forces were out of the country.

Bashir Gemayel's presidency was the keystone in the arch for bringing peace to Lebanon and then to the entire region.

I saw in the face of this young man the determination to change Lebanon and in his eyes a vision for national reconciliation. In his demeanor, I felt resignation to the continuing danger of death. To his wife and family I offer my condolences, to his countrymen, my sympathy. His death affects all throughout the world who seek peace.

THE DEATH OF PRINCESS GRACE OF MONACO

Mr. SPECTER. Mr. President, the tragic and untimely death yesterday of Princess Grace of Monaco is worthy of note in our proceedings in the U.S. Senate.

I make these comments because Grace Kelly was a native of Pennsylvania and the Kelly home was two blocks from my own home in the East Falls section of Philadelphia.

Grace Kelly brought great distinction to Pennsylvania and the United States. Her achievements in Hollywood and her famed life as Princess of Monaco, as the wife of Prince Rainier and mother of three fine children, need no embellishment in these brief remarks because they have been recounted at length in today's newspaper and TV reports.

It was an extraordinary treat for all of us who had the good fortune to know her while she lived.

She was a beautiful woman in every sense of the word. Beyond her fabulous face and figure, she was talented, humane, and deeply devoted to her family.

The Kelly family is legendary in Philadelphia. Her father, John B. Kelly, Sr., amassed a fortune in the brick building business. He was a candidate for mayor of Philadelphia in the mid-1930's against the political machine, an undertaking of some magnitude, and narrowly lost.

His son, John B. Kelly, Jr., avenged slights to his father and succeeded in becoming an Olympic champion at sculling. Jack Kelly and I were at the University of Pennsylvania together, served in Philadelphia city government together and have been good friends over the years.

I know I speak for all my colleagues in the U.S. Senate in sending condolences to Prince Rainier and the children in Monaco, to the entire Kelly family in Philadelphia, and to Grace Kelly's friends and admirers everywhere.

THE RECESSION IN THE ENERGY INDUSTRY

Mr. BENTSEN. Mr. President, this is the second in a series of speeches I am delivering on the impact of the current recession on different sectors of the economy. When I last spoke to you in April on the distressed state of small business, I emphasized the need for Congress and the White House to work together in pulling the United States out of its recessionary pit. The need for action is even more urgent

today as we continue to bump along at the bottom of the worst slowdown since the Great Depression. My speech today focuses on the recession in our critical energy sector.

THE NATIONAL RECESSION

Our Nation remains in a deep recession. Over the past year, real gross national product has dived farther than at any other time since the thirties, dropping more than 5 percent in the last quarter of 1981 and again in the first quarter of this year. Latest figures show a slight increase of 1.3 percent for the second quarter due largely to inventory adjustments and it is too early to tell whether or not this means the recession has ended. We are very likely just moving sideways now. Unemployment in the United States has jumped to a postwar record of 9.8 percent, the worst since the thirties. Including discouraged workers, there are more Americans out of work as I stand here today than at any time in our Nation's history except for the Great Depression year of 1933. With industrial production almost 10 percent below last year's level and at the lowest point since 1977, unemployment may well get worse before it improves.

LAGGING ENERGY DEMAND

The decline in industrial production has magnified the nationwide decline in energy demand. One conservative estimate attributes up to 30 percent of the decrease in petroleum consumption over the past year to the national recession.

Nineteen eighty-two is the third consecutive year that total energy consumption in the United States has fallen. Oil demand across the Nation has dropped 4.2 percent with the call for petroleum products off an even larger 5.6 percent this past year. The only other time in history that we had such a consistent decrease in the demand for oil and gas was during the early years of the Great Depression. Although reduced energy consumption has been a national goal for some years now, the proper means of reduction should be through increased efficiency and conservation, not economic recession.

The lower demand for oil is reflected in the 3.2-percent drop in Texas crude oil production in 1982 compared to this same period last year. On the average, at current prices, that represents some $15 million a day in lost output across the State. And according to the Texas Railroad Commission, buyers of Texas crude dropped their August requests for crude by 7,305 barrels a day from last month's figure. This reinforces a trend that has been developing over the past few months and should leave the August average daily production figure down roughly 15,000 barrels a day from its April level. Texas oil production is expected to continue its decline in the coming months, as well, according to the magazine Texas Business, with oil, gas, and coal producers not expecting a recovery until the fourth quarter of this year or the first quarter of 1983.

The mixture of tension within OPEC, good oil and gas finds last year, energy conservation, and the recession-induced drop in demand has given birth to an oversupply of energy on world markets. The result: A steep and persistent drop in prices. Nationally, wellhead crude oil prices have dropped almost 20 percent since last year, from $34 to $28 a barrel. Texas is experiencing a similar drop, with its oil prices off from 10 to 20 percent over the past 12 months. Even more significant, many oil producers last year expected oil prices to continue their upward trend, albeit not as rapidly as had been the case between 1980 and 1981. The precipitous drop in prices caught the industry off guard, placing many energy concerns in tight straits. Firms that invested in the expectation that oil would now be in the neighborhood of $38 a barrel are caught short with that oil still around $30 a barrel. And, if we include the effects of the windfall tax, one Texas firm estimates that the effective selling price of crude is down to $23 a barrel, almost 10 percent less than the pre-decontrol price in December 1980.

Indeed, it is an appropriate time for us to reevaluate the merits of the windfall tax. With the price of oil down significantly, the justification offered by some for the tax—that undue returns are flowing to the oil industry—does not hold water. All that tax is doing now is stealing funds needed for capital expenditures and drilling exploration, the source of the industry's future growth. For that reason, I urged the Senate Finance Committee to block the administration's proposal to raise taxes on independent producers' intangible drilling costs and percentage depletion which would have sharply cut funds available for domestic drilling and capital investment.

Economic textbooks tell us that lower prices should be accompanied by some higher levels of consumption. Yet, the continuing decline in energy consumption suggests that the recession, by choking the industrial sector and forcing people out of work, is the culprit behind much of the energy sector's woes. One of the most severe effects of any recession is the sense of pessimism that it breeds. Firmer prices, brought about most effectively and most equitably by halting the march of this recession, are essential if attitudes and realities in our critical energy sector are to change.

Another destabilizing feature of the current recession is the persistently high level of interest rates. Despite the recent welcomed decline, interest costs remain too high and prospects for a genuine liquidity crisis remain far too real. Energy firms are finding it more expensive and now—after the demise of the Penn Square Bank in Oklahoma—more difficult to secure reasonable credit.

Smaller independent firms, which accounted for 87 percent of last year's drilling activity, rely almost entirely on outside capital for their drilling efforts. Yet a number of them are now being forced into the bankruptcy courts because their cash flow is insufficient to meet interest-swollen costs. It is important to remember that real interest rates still remain substantially higher than in any period in our history. An easing of the inflation rate without an accompanying decline in interest rate spells real trouble because it chokes off any chance of a recovery. And that is exactly what we have witnessed thus far in 1982.

THE ENERGY SECTOR RECESSION

The combination of lagging demand and continued tight credit markets have hit the energy industry like a blowout. In order to stay viable, energy concerns have had to take dramatic cost-reducing measures, including decreased capital spending, less exploration, lower profits, and smaller employment levels. Drilling activity by the majors is expected to be off by 20 percent this year, well below their original expectations. Business Week recently reported that drilling fund investment has dropped over 30 percent since the beginning of the year and that the major oil companies are cutting their exploration budgets for the year by 10 percent.

The Hughes Tool Co., reports that the active rotary rig count in Texas, one of the chief indicators of the oil industry's health, is down 40 percent since this time last year, to 815 from 1,362. That firm, incidentally, recently had to dismiss 10 percent of its own work force. The State's rig activity is down an even larger 44 percent from its peak of 1,451 last December, with well over 600 rigs sitting idle today. And that continues with rig activity falling from 1 percent to 3 percent a week. Nationally, rig activity has slowed almost 40 percent since it peaked at 4,530 last December, leaving around 25,000 rig workers across the country unemployed.

The great oversupply of rigs has prompted analysts to predict that no new rigs will be built over the next year or two. That is serious news for our already hard-hit rig fabricators and rig-related workers. Well completions themselves have been up fairly sharply this year, but that fact is deceptive. The rise in completions so far this year is only a carryover of the momentum built up from the robust rig activity of last year; completions are expected to drop off substantially in the coming months. Moreover, the number of SEC-registered oil and gas

programs has dropped 34 percent during the first 6 months of 1982. Private funds for leases are off over 40 percent as well.

Overall, the industrial production level for our mining sector is down over 10 percent since last year and is at its lowest point since 1979. The industrial production slowdown in fields such as iron and steel, nonelectrical machinery, and in the chemical-related sectors are, in part, a reflection of the energy slowdown. The production of nonelectrical machinery, for example, used for building exploration and drilling equipment is down almost 15 percent since last year. The industrial production index for chemicals and related products is down 10 percent since last year. And industrial production for steel and iron, a major energy user and an input into drilling equipment, is off more than 35 percent since last year, its lowest point in a decade.

Hardest hit by weak demand and interest costs are the smaller, independent energy firms. Lacking the diversified economic base of the majors, independents are having a much harder time weathering the energy recession. In the worst shape are those firms which bought modern, expensive equipment in recent years in order to stay competitive. The debt service burden on these firms is intense and many are struggling just to stay in business. Some have not, and the result has been a rash of business failures and bankruptcies over the past few months which have fallen heavily on Texas.

THE TEXAS RECESSION

The stranglehold of still excessive interest rates and diminished consumer and industrial demand in nearly every sector is squeezing the Texas economy in an unfamiliar and unprecedented manner. As I mentioned in my first speech, Texas' vibrant energy industries—the energy sector and associated industries—have always shielded that State from the worst effects of recessions in the past. Now, these same industries—once considered recessionproof—have fallen prey to the same slowdown afflicting our economy and most of the world. The recession has contributed directly and mightily to the oversupply of oil on the markets and the consequent softness in oil prices. Combined with high interest rates, that recession is crippling Texas energy concerns, from the largest conglomerates to the smallest independents. The number of business failures, layoffs, and investment cutbacks in Texas concerns me greatly. Of course, not every firm is losing money or cutting back on spending, but too many are suffering for us to sit by idly and do nothing. For every healthy Texas firm in the energy sector now, a half-dozen are trimming outlays and laying workers off.

Unemployment is at a distressing level in Texas, and reached a seasonally adjusted 7.0 percent in July. Although States in the Midwest and New England may look enviously at that figure, it is a postwar record and reflects a doubling in unemployment over the past few years. And the energy sector is at the heart of this downturn. The Texas Employment Commission reported in June that "manufacturing establishments and oil-related industries absorbed most of the (recent) unemployment (increases)." Within the manufacturing sector, the agency reported that the "most severe decline occurred in oil field machinery." Other sectors of the Texas economy dependent on energy, such as manufacturing, shipping, housing, and banking, are suffering even more with the energy sector in a recession.

Oil company bankruptcies in the Dallas area alone have jumped nearly 65 percent during the first half of 1982, compared with the same time period last year. Refinery capacity utilization has been reduced to near 60 percent, down over 5 percent since last year. The petrochemical industry is also running below its potential, with a utilization rate of about 65 percent. A number of refineries and petrochemical plants have been closed. The Texaco refinery in Port Arthur, the city's largest employer, has announced that it will be reducing its work force by 25 percent once its 4,000 employees end their strike. Port Arthur already faces an 11-percent unemployment rate.

Mr. Dave Fellers of the Texas Oil Marketers Association recently estimated that, including those firms now in trouble, about 10 percent of the marketing companies in Texas have gone out of business. In Baytown's United States Steel plant, 800 employees have been laid off because of poor demand. Unemployment compensation claims there are rising at a dramatic rate, and the Baytown Chamber of Commerce estimates that about 60 local businesses have failed during the past year. An even larger layoff occurred at Lone Star Steel's plant near Daingerfield due in part to illegal dumping of subsidized products by European producers.

As a result of slowdowns in refineries, chemical plants, and shipyards designed for building offshore oil rigs, unemployment in Orange, Tex., is over 15 percent, more than double the rate at the first of the year. Levingston Shipbuilding, one of the city's largest firms, has publicly announced that major layoffs will occur later this year unless new contracts are developed.

In Abilene, unemployment has reached a record high of 6.7 percent, up from 4.5 percent a year earlier. According to Gerald Cook, the executive director of the Abilene Industrial Foundation, about one-third of the area's oil-related manufacturing workers have been released. Those layoffs are having secondary effects throughout the area with a recovery still months away.

Oil country communities, such as Benavides in South Texas and Silverton in the Panhandle, have been hit extremely hard. Oil fields, once bustling with activity, are not being worked and many rigs are stacked. Indeed, from Midland and Odessa to Dallas to Galveston, and to Alice, the energy sector is contracting and prospects for a rapid recovery are not bright. Firms are searching for reasonable credit and communities are seeking new businesses, but neither are to be found.

DEEDS NOT TALK

This litany could not be much longer, but the evidence is clear that Texas and her energy industries are in a recession. Ending the national recession will go a long way toward restoring the health of the Texas economy and its key energy sector. Our national recession is an interest rate recession, and its cure consists of lower interest rates. Those rates began to fall considerably in August, but still remain at excessive levels. It is important that the Federal Reserve and its Chairman, Paul Volcker, accommodate these falling interest rates. The Federal Reserve must avoid the errors of last December when their return to a contractionary monetary policy stopped a promising slide in interest rates and extended the recession for at least an additional two quarters. The Fed must meet its own target growth rate for the monetary variable M_1 this year of 2.5 percent to 5.5 percent.

Congress and the President have a big role to play, as well, in the recovery. They must move promptly toward a balanced budget. The recent decline of interest rates will lop about $10 billion off the cost of financing the burgeoning national debt in fiscal year 1983. But a walloping deficit is still projected by the administration and much more must be done to slash spending. That is the best way to insure that interest rates continue moving down so they can spark a robust recovery.

The stakes in a quick recovery are larger, after all, than the economic health of one State or one industry. As the largest energy producing State, the weakening of the Texas energy industry has acute national and international ramifications. One-third of the Nation's natural gas is produced in Texas and about 30 percent of our crude oil comes from the oil fields of my State. Houston alone is home to more than 50 percent of the country's basic petrochemical manufacturing capacity. Indeed, a sluggish economy, and a weak energy exploration sector

in particular, only fosters greater dependence on foreign countries for our vital energy needs, leaving our energy-thirsty economy needlessly vulnerable to foreign political manipulation and economic disruption. The restoration of a stronger energy industry in Texas must be an urgent national priority.

PUBLIC EMPLOYEES' APPRECIATION DAY

Mr. STEVENS. Mr. President, I am pleased to join with our distinguished colleagues from Virginia, Maryland, and Arkansas in cosponsoring the resolution designating January 17, 1983, as "Public Employees' Appreciation Day."

A strong and stable civil service is integral to successful government. Policies need to change to meet the changing needs of our society. However, there must be a cadre of well-informed and competent individuals who know the system well to be able to carry out the new policies of different administrations. In recent years, the civil service has come under increasing attack from a variety of sources. Often, Federal workers find it easy to blame politicians for these attacks, but politicians only reflect the feeling of the people of this Nation. It is clear that citizens of this country are exasperated at the conduct of the Federal Government. Anti-Federal Government and Federal employee feelings are rampant today because the Federal Government has frequently overextended itself into the private lives of our Nation's citizens.

The public is unaware, however, of the great contributions made by the Federal work force to the high standard of living experienced by so many Americans. The delivery of our mail is more efficient than in any other nation in the world. Medical breakthroughs at the National Institutes of Health and other Government health organizations are so common today that often the press fails to even report them. Approximately 30 million Americans are dependent on timely social security checks to live. The processing of those checks, new applications and payments to new survivors take a tremendous amount of organization and work and yet so few problems in the system ever surface.

I could go on and on with the achievements by the Federal work force. It is one thing for Congress to know about them; it is another for the public to know. There is a need for the American public to pause and reflect on the contributions of our thousands of civil servants. A Presidential proclamation of January 17, 1983, as "Public Employee's Appreciation Day" is a good way to start.

HONEY BEE ESSENTIAL TO AMERICA'S FOOD SUPPLY

Mr. PRESSLER. Mr. President, I recently learned of the administration's plan to close the bee research laboratory in Laramie, Wyo. This facility conducts essential research on honey bees at a minimal cost to the Government. The laboratory is ideally located near the major honey-producing areas in the United States and receives financial support from the University of Wyoming. The move will actually cost money, due to the expense of moving personnel and equipment from Laramie to Tucson, Ariz. This proposal must be reconsidered by the administration, since a healthy bee industry is essential to all Americans.

The honey bee is one of the busiest and most productive creatures in the world. Honey bees not only reproduce themselves, but also pollinate several different crops and produce tons of nutritious honey. Unfortunately, the future of the domestic beekeeping industry is being threatened by honey imports. It is essential, not only to the agricultural sector, but to all America, that the honey bee be preserved in the United States.

When bees collect nectar from flowers of plants to produce honey, they also transfer pollen, the male element in the plant fertilization process, from one plant to another. This activity is necessary for the plants to be properly pollinated. There are approximately 90 crops grown in the United States which depend on bees, at least to some extent, for pollination. The estimates of the value of the crops pollinated by bees varies widely. If you consider only the fruit, vegetables, and seeds resulting from bee pollination in the United States, the estimated value would be $10 to $15 billion. However, the importance of bees goes far beyond the crops directly benefiting from bee pollination. In fact, it has been estimated that almost one-third of our total diet comes directly or indirectly from insect-pollinated plants. With food costs in the United States at over $100 billion annually, it is clear that bees are vital to the American public. Without the honey bee to pollinate crops, the diet of American consumers would be limited to nuts, cereal grains, and meat. The cost of meat products would also increase without the honey bee.

This economic point is illustrated by the fact that honey bees have come to the forefront of a debate in Great Britain on the future of the Falkland Islands. It seems that plans for improving agriculture there have been stopped cold by the fact that no honey bees can live in that climate. Without honey bees, most profitable crops cannot be grown. The British are investigating a species of hardy bee which is too well insulated to fly. Instead, it crawls from flower to flower, performing its romantic duties in a pedestrian fashion.

The honey industry is also an important sector of our national economy. There are over 200,000 beekeepers throughout the United States with over 1,600 commercial beekeepers. The beekeepers own 4.3 million colonies of honey bees, which produce about 100 million dollars' worth of honey annually. These figures do not include the thousands of people involved in the processing and distributing of honey to the American consumers.

Currently, the entire domestic beekeeping industry and American food supply are being threatened by honey imports. In recent years, honey imports have dramatically increased to the point that over 30 percent of the honey sold in the United States is imported.

Prior to the mid-1970's, honey imports averaged about 10 million pounds annually, but since 1973, honey imports have increased dramatically. Honey imports reached 77 million pounds in 1981. The low prices for honey imports are underpricing domestic honey production, which forces beekeepers to place their crop under Government loan, rather than sell their honey at a loss. In 1981, 55 million pounds of honey were placed under loan.

Under the Commodity Credit honey loan program, the producer places his honey under loan. If he is unable to sell the honey by the following July, he can turn it over to the Commodity Credit Corporation. It is estimated that 37 million pounds of surplus honey will be turned over to the CCC this year. The Department of Agriculture uses a portion of the honey for school lunch programs and other food programs, but this is no way to distribute all of the surplus honey.

The import problem has been caused because the United States has become a dumping ground for world surplus honey production. The U.S. 1-cent-per-pound tariff, imposed in 1948, has not been changed, while all other major honey-importing nations have at least a 27-percent ad valorem tariff on honey imports.

In 1976, the International Trade Commission investigated the impact of honey imports on the domestic honey industry. The ITC found that honey imports were adversely affecting the domestic industry and recommended a tariff-rate quota be imposed to control imports. Unfortunately, the recommendation was not followed and now the domestic beekeeping industry is in jeopardy.

If the beekeeping industry is to be preserved, action must be taken to control honey imports and continue an effective honey bee research program in the United States. This action is not only vital to the beekeeping industry,

but also to every American, because of the need for bees for crop pollination and an adequate food supply.

YOUNG SOUTH DAKOTAN PROMOTES DOMESTIC HONEY INDUSTRY

Mr. PRESSLER. Mr. President, in the last months, I have worked to assist the domestic honey industry, which is such a vital component of our agricultural economy. I have introduced a resolution calling for an International Trade Commission study on the adverse effects of honey imports on this important agribusiness. I have also introduced legislation, S. 2124, to provide tariff relief from unfair foreign competition. I have just recently learned of the administration's proposal to close the Bee Research Laboratory in Laramie, Wyo., and have called on the administration to reconsider this decision. This laboratory is ideally located near major honey-producing areas in the United States and provides invaluable support and assistance to the industry. Today I want to commend another South Dakotan who has been actively promoting the benefits of our domestic honey industry.

Miss Kim Mentzer of Gann Valley, S. Dak., is the reigning American Honey Princess. On behalf of the American Beekeeping Federation, Kim has been traveling across the country to speak before groups and attend community functions and State fairs. I had the opportunity to meet Kim at the South Dakota State Fair this past month and I was very impressed with her poise and intelligence. She is an excellent representative of my home State and the American honey industry. The daughter of Mr. and Mrs. Roger Mentzer of Gann Valley, Kim is a home economics education student at South Dakota State University in Brookings. I know that her experiences as the American Honey Princess this year have been a fine practical education for her. She is a credit to South Dakota and to this very important industry.

THE MARCOUX FAMILY OF THOMPSON, CONN.

Mr. DODD. Mr. President, Connecticut is honored to have one of its families named the 1982 International Knights of Columbus Family of the Year. For me, that honor takes on special significance. It is not only a Connecticut family the Knights of Columbus have recognized, but also a family I have had the pleasure of knowing over the years: the Marcoux family of Thompson, Conn.

Those of us who know Pete and Julia Marcoux and their eight children know they are a unique family. It seems there is not a community organization in Thompson that does not list a Marcoux among its members. I cannot remember any occasion when Pete or Julia or their children were not willing to help out. Certainly, the State, their town, and their neighbors have benefited greatly from their commitment and dedication. I know I have tremendous admiration and respect for their accomplishments.

That community spirit finds its roots in a homelife that apparently defies the pressures and challenges of today's world. Raising children is never easy and yet Pete and Julia have made raising eight beautiful children seem effortless. From the eldest, Stephen, 25; to Anne Marie, 24; Richard, 23; Michael 21; Maureen, 20; Patrick 18; Margaret, 16; and Julie Karen 15; the Marcoux children epitomize the very best of American youth.

The International Knights of Columbus could not have made a better choice. I share Connecticut's pride in the recognition of a State family and, add my personal congratulations to a family I am honored to have as friends.

THE ASSASSINATION OF LEBANON'S PRESIDENT-ELECT

Mr. PERCY. Mr. President, the assassination of Lebanon's President-elect Bashir Gemayel is shocking. My deepest heartfelt sympathies go to his family and to the Lebanese people who looked to him to lead their nation into an era of reconciliation and reconstruction. The death of this brilliant young man is all the more tragic because he symbolized hope for the future of Lebanon. More than any other individual, Bashir Gemayel offered the possibility of Lebanon emerging from 8 years of conflict as a secure and unified nation. With his assassination, fear for the future of Lebanon will increase greatly.

All of us, who are friends of Lebanon, share the grief of the Lebanese people. At the same time, I hope that the vision of Bashir Gemayel of a united, democratic, and tolerant Lebanon will not be a victim of the assassins. When I spoke to the President-elect on August 27, he stressed to me the need for all Lebanese to overcome past animosity and unite. He displayed considerable sensitivity to the necessity to reach out to all segments of Lebanese society. I particularly was impressed by his determination to act as President of all Lebanese and not just as the leader of a single political or confessional group.

Less than a month ago, he set forth his goals as President of Lebanon in an article in the Washington Post:

> First, any solution to the Lebanese crisis must be based on recovery of Lebanese sovereignty over the entirety of the national territory and the restoration to the Lebanese state of its full powers. Second, Israeli and Syrian forces must return to their own countries. . . . Third, the hundreds of thousands of Palestinians remaining in Lebanon must submit to and respect the authority of the Lebanese government in Lebanon. . . . Fourth, most important, and most widely recognized, the people of Lebanon must agree that force has no place in the inevitable disagreements that arise within any country. . . . [Lebanese society] must remain based upon the unity of Lebanon; the uniqueness of the Lebanese experience; and liberty, security, and justice for all Lebanese within a democratic government that guarantees all citizens' basic freedom.

Although the assassins have taken Bashir Gemayel from the Lebanese before he could begin implementing his policy of reconciliation, these hopes for Lebanon need not die with him. The Lebanese people have faced more than their share of tragedy during the past 8 years and once again will have to call on their inner strength to retain the vision of a united Lebanon.

GEORGE D. WOODS

Mr. PERCY. Mr. President, I should like to take this opportunity to pay tribute to a very dear friend, George D. Woods, who died recently at the age of 81. George embodied the best traits which our society can produce. He was a successful businessman, a devoted public servant, and a patron of the arts. During his presidency of the World Bank from 1963 to 1968, he broke new ground in increasing loans to the poorest developing countries and began lending nontraditional sectors such as agriculture and education. The farsightedness and wisdom of his approach is reflected in the strong endorsement of the World Bank's policies and loan portfolios contained in recent private sector and public studies of the World Bank.

I ask unanimous consent to have printed in the RECORD an article on George Woods published in the New York Times following his death.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 21, 1982]

GEORGE D. WOODS, 81, DIES; EX-PRESIDENT OF WORLD BANK

George David Woods, an investment banker who served as president of the World Bank from 1963 to 1968, died yesterday at his home near Lisbon. He was 81 years old and also maintained a residence in Manhattan.

Mr. Woods, a founder and eventually chairman of the board of the First Boston Corp., one of the Nation's leading investment houses, served as a director of numerous companies during, his career, including The New York Times Co.

Long after Mr. Woods had turned over the reins of the First Boston Corp. of New York, he maintained an office in New York and was sought out by executives around the world for consultation.

At his death, he was a trustee of the Ochs Trust, which holds a controlling interest in The New York Times Co.

Mr. Woods, who had lived most of his life in New York, has also been a director of the Lincoln Center for the Performing Arts in New York City and chairman of the board of the Repertory Theater of Lincoln Center.

Last night, his physician, Dr. Fred Plum, recalled that the tall, lanky Mr. Woods looked like a banker but had none of a banker's austerity. He was, Dr. Plum said, "a man of great personal wry warmth," whose business dealings led to a worldwide circle of friends.

Mr. Woods' favorite expression, according to his wife, the former Louise Taraldson, was, "You can accomplish an awful lot of good if you don't care who gets the credit."

Mr. Woods had been close to the late Nelson A. Rockefeller and for a time maintained a home at the Rockefeller estate at Pocantico Hills, N.Y.

In the late 1950's Mr. Woods, on a special assignment for the World Bank before he became its president, helped straighten out the financial chaos left in the wake of the nationalization of the Suez Canal by Egypt.

Earlier, as an executive of the First Boston Corp., he was instrumental in the financing of the Kaiser Engineering and Alumimum Co. of Canada, when other Wall Street companies were not heeding Henry J. Kaiser's pleas for help.

George David Woods, the son of a naval shipyard worker, was born in Boston on July 27, 1901. He spent his boyhood in Brooklyn, where his father, seeking work, had moved the family.

After the death of his father and with only a diploma from Brooklyn Commercial High School, Mr. Woods set out for a career on Wall Street at the age of 17. He started as an office boy in the firm of Harris, Forbes & Company and moved ahead steadily.

The banking upheavals of the 1930's saw his firm transformed into the First Boston Corporation, a leading investment-banking house. He became chairman of the board of First Boston in 1951.

His call to the World Bank first came from Eugene Black, its president from 1949 to 1962 and an old associate and friend from the days at Harris, Forbes. Mr. Black had previously asked Mr. Woods to help out on special assignments.

It was in this fashion that Mr. Woods became familiar with the workings of the World Bank, and in the summer of 1962, Mr. Black asked him to Washington for a meeting with President John F. Kennedy and C. Douglas Dillon, the Secretary of the Treasury. Mr. Woods learned that he had been chosen by the Kennedy Administration as its nominee for president of the World Bank. He accepted.

Under his stewardship, the World Bank kept on an innovative course. Mr. Woods pursued a policy of giving poor countries freer access to loans. For the first time, the bank also made loans in such areas as agriculture and education.

The World Bank's loans were made from funds raised through the sale of its bonds on the world's foremost financial markets. Mr. Woods also pressed hard for sharply increased contributions from the public treasures of the rich nations to the Bank's "easy-loan" subsidiary, the International Development Association.

A New Yorker to the core, Mr. Woods declined to take a house in Washington, keeping his New York apartment instead. When he and his wife left New York, they were likely to spend time in a house they owned in Portugal.

"This problem of development is not going to be solved in your lifetime," he once told a young questioner, "and perhaps not in the lifetime of your children. I can't say the job has been easy, but I believe in this effort."

Mr. Woods had a longstanding love affair with the New York theater. He was a backer of Broadway productions, and some of them, "Dead End" and "Sailor Beware," became hits. He was also former treasurer and director of Ringling Brothers, Barnum and Bailey Circus and helped his friend John Ringling North reorganize the circus.

In addition to his wife, Mr. Woods is survived by a sister, Grace Johnson, of Scarsdale.

According to his wife, Mr. Woods will be cremated, but, in accordance with his wishes, there will be no funeral or memorial service.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHMITT). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

If not, morning business is closed.

TEMPORARY INCREASE IN THE PUBLIC DEBT LIMIT

The PRESIDING OFFICER. The Senate will resume consideration of the unfinished business, which the clerk will state.

The bill clerk read as follows:

A House joint resolution (H.J. Res. 520), to provide for a temporary increase in the public debt limit.

The Senate resumed consideration of the joint resolution.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DECONCINI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETERANS' ADMINISTRATION ADJUDICATION PROCEDURE AND JUDICIAL REVIEW ACT

Mr. DECONCINI. Mr. President, as an original cosponsor and enthusiastic advocate of judicial review for veterans, I take particular pleasure in supporting final passage of the Veterans' Administration Adjudication Procedure and Judicial Review Act.

I commend Senator HART for his longstanding commitment to this legislation. Senator HART first introduced judicial review legislation in 1976. In 1979, he introduced a substitute measure, S. 330. With the strong support and able assistance of Senator CRANSTON, the then chairman of the Senate Veterans' Affairs Committee, this bill passed the Senate on September 17, 1979. Unfortunately, the House failed to act on that bill prior to adjournment of the 96th Congress. When S. 349 was introduced in January 1981, I was pleased to join Senators HART and CRANSTON in sponsoring this bill.

I would be remiss if I did not take this opportunity to thank Senator SIMPSON for promptly scheduling hearings on this bill and for expeditiously moving the bill through the Veterans' Affairs Committee.

Veterans are the only group of Federal beneficiaries who, after having exhausted all their administrative remedies, are denied access to the Federal courts. Under existing law, the Board of Veterans' Appeals remains the final arbiter of veterans' benefit decisions. To deny veteran claimants their due process rights is discriminatory, unfair, and reduces them to second-class citizens. Clearly, veterans should be accorded the same legal rights as other Federal claimants.

The legislation before us corrects the inequities in existing law. Under this bill veterans will be provided with limited access to the Federal courts for judicial review of final decisions of the Board of Veterans' Appeals. While an appeal can be made on both questions of law and fact, the scope of review on questions of fact has been limited to material facts that are "so utterly lacking in a rational evidentiary basis that a manifest and grievous injustice would result" if factual decisions were not set aside. By strictly limiting the court's authority on questions of fact, the Board of Veterans' Appeals will remain the expert arbiter on these questions.

In addition to judicial review, the bill contains two other provisions which should enhance the veterans' claims process. It subjects the Veterans' Administration to the formal rulemaking requirements of the Administrative Procedure Act and codifies a number of internal adjudication procedures already in use with the agency.

Finally, the bill modifies the current $10 limitation on fees attorneys may receive for representing VA claimants. The committee recognized the outstanding work veterans' service organizations do in representing VA claimants and wished to discourage attorney representation at the initial application, decision, and appeal levels. Therefore, the bill retains the $10 limit on attorneys' fees until after a claim has been denied by the Board of

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Veterans' Appeals. At that point, however, the committee believed veteran claimants might have need of the services of an attorney and the bill would permit the Administrator to approve a reasonable fee for attorneys not to exceed $500. If a claimant and an attorney enter into a contingent-fee arrangement, then attorneys fees would be limited to 25 percent of any past-due benefits awarded in the case.

This bill has been carefully constructed to preserve the informal, nonadversarial nature of VA adjudication proceedings while giving veterans the same due process rights as other Federal beneficiaries. It will go a long way toward insuring that veterans receive from the VA every benefit and service to which he or she may be entitled under the law and I urge the bill's passage.

IMMIGRATION POLICY

Mr. DECONCINI. Mr. President, the reform of the U.S. immigration laws is of major importance. Recently, this body approved S. 2222, the Immigration Reform and Control Act of 1982. While I believe that S. 2222 represents a first step in the right direction, I voted against this bill because it does not approach our present immigration problem in the balanced manner that I prefer.

One aspect of the immigration problem that I believe S. 2222 does not adequately address is its effect on and basis in foreign policy considerations. Senator GARY HART recently wrote an article concerning immigration policy as a foreign policy issue that appeared in the New York Times. While I do not necessarily agree with everything that Senator HART says in the article, I commend him for bringing to light this generally overlooked aspect of our immigration policy.

Mr. President, I ask unanimous consent that Senator HART's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 24, 1982]

IMMIGRANTS AND THE NEW BILL

(By GARY HART)

WASHINGTON.—The legislation overhauling United States immigration law that the Senate has approved focuses almost entirely on domestic issues—stricter law-enforcement, lower quotas, regularizing the status of undocumented workers already in this country. But the Senate has not fully addressed the problem that brings thousands of immigrants to our shores each year.

Immigration is not merely a domestic issue. It is also a matter of foreign policy. So even the strictest enforcement of the various elements of the Senate bill, which has been sent to the House, would have little long-term effect. Quite simply, these provisions do nothing to address the root causes of migration and the flow of refugees: economic underdevelopment, social injustice, human rights violations, population growth. Until our immigration debate addresses these serious international issues, we will never develop an adequate immigration policy.

The Haitian refugees detained in United States camps vividly illustrate this point. Although they cannot possibly think they have entered the "golden door" of economic and social opportunity, they continue to come. Life in the camps, with all its hardships, is obviously preferable to a life where social and economic opportunity are systematically denied.

There are enormous disparities between rich and poor in Haiti. Five percent of the population accumulates 50 percent of the national income. In 1980 (the last year for which data are available), Haiti's average per capita income was $275, the lowest in the Western Hemisphere. On the average, the Haitian Government spends $1 per person per year on education; it spends $18 per person per year on internal security.

According to the Organization of American States, corruption pervades all levels of Haitian government. As a result, domestic revenues and foreign aid are diverted for personal enrichment, rather than being spent on economic development.

Repression has been a fact of life in Haiti since 1957 when Francois "Papa Doc" Duvalier began his brutal regime. His successor and son, Jean-Claude "Baby Doc" Duvalier, has continued the tradition. The result has been a flood of poor, uneducated "boat people" to the United States.

Haiti is by no means alone in contibuting immigrants. From March 1979 to March 1981, the number of Central Americans and South Americans in the United States increased from roughly 840,000 to 1.002 million. In the last 18 months alone, 200,000 Salvadorans have fled to the United States. And in Southeast Asia, intolerable conditions have brought hundreds of thousands of Indochinese to the United States.

It is unrealistic to think that these trends will not continue. Unprecedented population growth has contributed to tension not only in Mexico, the Caribbean basin and Central America, but also in the Middle East and the Far East.

Entrants into the labor force in the nonindustrialized world are expected to grow by at least 700 million in the next 20 years. Moreover, migration from rural areas to already over burdened cities will increase. Add continuing civil and regional wars, famine and repression, and migration flow will become a migration flood.

Limiting our changes in immigration policy to domestic measures will thus have little impact on migration pressures from troubled areas of the world. Ultimately, our immigration problems must be managed with the cooperation and participation of other governments. The immigration factor must become an integral part of the formulation of our foreign policy, particularly as it applies to certain areas of the globe. For example, we need to recognize that our tacit support of the repressive Duvalier regime will be paid for in an influx of "boat people" to this country.

Policies that favor confrontation and military solutions must be avoided in dealing with Central American countries since such policies add to emigration pressures.

Trade and investment incentives for Mexico and the Caribbean basin should take into account their impact on the creation of jobs and demographic movements. For example, Washington might consider providing incentives to United States and Mexican firms willing to locate in northern Mexico in return for Mexican Goverment assistance in blocking illegal immigration.

Both bilateral and multilateral assistance can, if properly directed, help create jobs and slow population growth in various countries around the world.

Regardless of good-faith legislative efforts to reform domestic immigration procedures, the problems presented by immigration in the 1980's and 1990's will not be solved without a more democratic, imaginative and farsighted foreign policy.

THE CALENDAR

Mr. BAKER. Mr. President, as in morning business, I have a number of items that may be dealt with, I believe, by unanimous consent.

There are a number of items on my legislative calendar which are cleared for action by unanimous consent. I especially invite the attention of the minority leader to the following: Calendar Nos. 785, 786, 787, 788, 789, 790, and 791.

I inquire whether the minority leader is in a position to consider all or any of those items at this time.

Mr. ROBERT C. BYRD. Mr. President, those items have all been cleared on this side of the aisle.

Mr. BAKER. I thank the minority leader.

Mr. President, I ask unanimous consent that the items just identified be laid before the Senate in sequence.

Mr. ROBERT C. BYRD. Mr. President, I ask the distinguished majority leader if he will also indicate what items he would like to proceed with on the Executive Calendar.

Mr. BAKER. Mr. President, I am prepared to go forward with those items beginning on page 4, under Department of Justice, the first item being No. 937 Edward R. Camacho, of Guam, to be U.S. marshal for the district of Guam, including all those on page 5 under Department of Justice, Panama Canal Commission, and Air Force, and on page 6; then, on page 7, nominations placed on the Secretary's desk in the Air Force, U.S. Air Force, U.S. Marine Corps.

Mr. ROBERT C. BYRD. Mr. President, all of those items have been cleared on this side of the aisle. So there is no objection to proceeding with the items that the distinguished majority leader has enumerated on the Executive Calendar and on the General Calendar.

Mr. BAKER. I thank the Senator.

Mr. President, then, after we complete consideration of the items on the Legislative Calendar it would be my intention to ask the Senate to go into executive session for the purpose of considering the items that are cleared there.

WORLD FOOD DAY

Mr. BAKER. Mr. President, I ask that the Chair lay before the Senate first Calendar Order No. 785, Senate Joint Resolution 174.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 174) to authorize and request the President to designate October 16, 1982 as "World Food Day".

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

THE PROBLEM OF WORLD HUNGER AND ITS OBSERVANCE

Mr. HEINZ. Mr. President, thousands of people across the United States are planning to take part in World Food Day observances on October 16, 1982. These people belong to a broad coalition of groups interested in eradicating the problems of world hunger—farm, labor, education, industry, and antipoverty groups—all working together to find a solution to this most serious problem.

It is estimated that hunger of a chronic nature affects over 500 million people around the world today. Undernutrition and malnutrition lead to the deaths of 40,000 children every day, or almost 15 million children each year. Hunger and malnutrition are also responsible for a large number of the cases of brain damage, sterility, and other permanent physical defects. For example, over 250,000 people go blind each year due to vitamin deficiencies. These numbers are staggering, indicating the danger of ignoring this issue.

And yet, the trend in the industrialized world is to focus on our own problems, and not on those of our starving neighbors. Problems of inflation, high unemployment, and lowered productivity are hurting all of the major industrial powers, who are, as a result, focusing inward on their own problems and cutting back on efforts to aid their less fortunate neighbors. They are concentrating their efforts and funding on their own hunger and poverty problems. They are cutting back on aid to multilateral organizations interested in alleviating world hunger. They are also cutting back on direct foreign aid to the Third World. These factors magnify the problems of the Third World.

These Third World countries face a number of factors that make it increasingly difficult for them to feed their people. Most face trade imbalances, fueled in part by the price of oil. The infrastructure necessary for a healthy agricultural system, including roads, irrigation systems, food processing, and storage facilities, is to a large extent missing in many of these countries. Most of these countries now have a large pool of unemployed urban dwellers, with little chance of getting work to pay for their basic necessities, such as food. A number of these countries have targeted industrial development as their main economic goal, and have put a large amount of their precious economic resources and capital into development of industry, at the expense of the agricultural sector. Other problems include less arable land available for cultivation each year, water shortages, and rising grain prices.

This presents a bleak picture. But steps are being taken to insure that the difficulties of this problem do not exceed our capacity to solve it. The Hunger Elimination and Global Security Act (S. 1675), of which I am a cosponsor, contains provisions to insure that American food and other assistance would benefit the poorest and most hungry. Another step is the World Food Day resolution, which will help to draw attention to this ever-increasing problem facing the world.

Over 260 groups have joined the World Food Day National Committee to coordinate efforts on this issue. Last year, all 50 Governors signed proclamations designating October 16 as World Food Day, and 10 Governors have done so thus far this year. Last year, thousands of people all over the world participated in World Food Day celebrations. Greater public awareness of this issue is necessary to make a larger effort to eradicate the problem of world hunger. The World Food Day resolution does that by showing the seriousness of our intention to give our full efforts to wipe out the problem of world hunger.

● Mr. LEAHY. Mr. President, as we head into our season of harvest, and see the vast abundance of this land, we are reminded of those in the world who are not as fortunate as we are, who are hungry and have little hope of ever seeing a bountiful harvest.

To commemorate both the strength of American agriculture and the need to meet the world hunger challenge, I am once again sponsoring this World Food Day resolution. This October 16, 1982, thousands of Americans and people the world over will be marking World Food Day through religious services, civic observances, and educational activities. I applaud all of these efforts, especially the events planned in my home State of Vermont.

I am deeply committed to confronting the underlying causes of the desperate hunger and proverty that limit the lives of over 500 million men, and women and children in the world. As a member of the President's Commission on World Hunger, I am convinced that hunger can be eliminated if certain policy decisions are taken, both in the developed and developing world. I agree with the recent analysis by Martin McLaughin of the Overseas Development Council that we must pursue the following goals:

First, increased food production by small farmers in food-deficit countries; second, better distribution of available food; third, ways to sustain hungry people until they can either grow enough food or earn the income to buy it; and fourth, fairer distribution of income through land reform, increased employment in the countryside and other related measures.

I will work in the Senate to further these goals. It is in our own national interest to ease the tension that results from the pressures of poverty and hunger in the Third World. I also feel that addressing world hunger is a moral challenge as well.

All Americans can give thanks for a rich and just land where hunger is almost a horror of the past. Now it is time to help the rest of the world toward food self-reliance. I urge all Americans to observe World Food Day, and I urge my colleagues to support this resolution.●

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 174

Whereas hunger and chronic malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world are those who are suffering the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment, including blindness, because of vitamin and protein deficiencies;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas there is widespread concern that the use and conservation of land and water resources required for food production throughout the United States ensure care for the national patrimony we bequeath to future generations;

Whereas national policies concerning food, farmland, and nutrition require continuing evaluation and should consider and strive for the well-being and protection of all residents of the United States and particularly those most at health risk;

Whereas a major global food supply crisis appears likely to occur within the next twenty years unless the level of world food production is significantly increased, and the means for the distribution of food and of the resources required for its production are improved;

Whereas the United States, as the worlds's largest producer and trader of food, has a key role to play in efforts to assist nations and peoples to improve their ability to feed themselves;

Whereas the United States has a long tradition of demonstrating its humanitarian concern for helping the hungry and malnourished:

Whereas efforts to resolve the world hunger problems are critical to the security of the United States and the international community;

Whereas a key recommendation of the Presidential Commission on World Hunger was that efforts be undertaken to increase public awareness of the world hunger problem;

Whereas the first World Food Day on October 16, was supported by proclamations of the Governors of all fifty States, a resolution of Congress, a Presidential proclamation, efforts of the United States Department of Agriculture, and by more than one hundred and seventy-five national private and voluntary organizations; and

Whereas the one hundred and fifty-two nations of the Food and Agriculture Organization of the United Nations designated October 16, 1982, as "World Food Day" because of the need to alert the public to the increasingly dangerous world food situation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating October 16, 1982, as "World Food Day", and calling upon the people of the United States to observe such day with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL PATRIOTISM WEEK

The joint resolution (S.J. Res. 234) to provide for the designation of the week commencing with the third Monday in February 1983 as "National Patriotism Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed as follows:

S.J. RES. 234

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the joint resolution of November 17, 1981, Public Law 97-131, 95 Stat. 1692, is amended by striking "1982" and inserting "1983".

SEC. 2. The title of such joint resolution is amended to read as follows: "Joint Resolution to designate the week commencing with the third Monday in February 1983 as 'National Patriotism Week' ".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL AGRICULTURE DAY

The joint resolution (S.J. Res. 235) to proclaim March 21, 1983, as "National Agriculture Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 235

Whereas agriculture is this Nation's most basic industry, and its associated production, processing, and marketing segments, together, provide more jobs than any other single industry; and

Whereas the productivity of agriculture is a vital ingredient in our strength as a Nation, both domestically and on the world scene; and

Whereas, to maintain a healthy agriculture, it is necessary that all the people of the United States understand how agriculture affects their lives and well-being, and be aware of their personal stake in an abundant food and fiber supply: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1983, is hereby proclaimed "National Agriculture Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with appropriate ceremonies and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL RUNNING AND FITNESS DAY

The joint resolution (S.J. Res. 238) to designate October 9, 1982, as "National Running and Fitness Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 238

Whereas the public awareness of the need for maintaining physical fitness is becoming increasingly evident;

Whereas jogging is an excellent, convenient, and inexpensive form of exercise that provides opportunities for a graduated program of physical fitness for most individuals regardless of age, sex, or level of fitness;

Whereas numerous medical authorities believe that a regular, sensible jogging program improves the function of the cardiovascular system, reduces coronary risk factors, and serves as an advisable supplement to weight-reducing or weight-control program;

Whereas a positive correlation exists between the development of a fit body and the ability to experience an enriched and more satisfying life; and

Whereas an estimated thirty million persons all across America jog or run as a recreation activity which is beneficial and enjoyable: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation declaring October 9, 1982, as "National Running and Fitness Day", and calling upon the people of the United States and interested groups to celebrate such day by participating in fitness-related sports, seminars, and other events throughout the United States and to incorporate regular exercise into their everyday lives.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL NEWSPAPER CARRIERS APPRECIATION DAY

The joint resolution (S.J. Res. 239) designating October 16, 1982, as "National Newspaper Carriers Appreciation Day," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 239

Whereas newspapers and their availability to the citizens comprise a cornerstone of a free society and of our democracy, as affirmed under the freedom of the press clause of the first amendment to the United States Constitution;

Whereas every day more than 107 million Americans read one or more of the nine thousand three hundred and ninety-six daily, weekly, or other newspapers published in the United States;

Whereas 83 per centum of the daily newspapers printed in the United States are delivered to the homes of readers;

Whereas newspapers carriers have always played an important and vital role in the distribution of newspapers;

Whereas there are approximately one million newspapers carriers in the United States;

Whereas 90 per centum of such newspapers carriers are eighteen years of age or under; and

Whereas it is appropriate to acknowledge the too often unappreciated contribution of newspaper carriers to freedom, and to recognize their devoted efforts in delivering the paper regardless of inclement weather: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1982, be designated as "National Newspaper Carriers Appreciation Day", and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such day with appropriate celebrations and activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL DRUNK DRIVING AND DRUGGED DRIVING AWARENESS WEEK

The joint resolution (S.J. Res. 241) to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk Driving and Drugged Driving Awareness Week."

The Senate proceeded to consider the joint resolution.

Mr. HUMPHREY. Mr. President, I am pleased that the Senate has agreed to prompt passage of Senate Joint Resolution 241, which designates the week of December 12 through December 18, 1982, as "National Drunk Driving and Drugged Driving Awareness Week." I also would like to thank my colleagues for their support, particularly those 34 Senators who have joined me as cosponsors in this important effort.

Drunk driving is a problem which remains with us year after year, dulling us into acceptance of the death and destruction it causes. The current public demand for new approaches and solutions at all levels, Federal, State, and local, is heartening indeed. In particular, I applaud the volunteer efforts of citizens groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), who have played such a large part in stimulating the current initiatives.

The Senate recently unanimously approved legislation to assist State and local efforts against drunk driving. With passage of this resolution the Senate will underscore once again its support for these new efforts and provide another focus for the continued drive to raise public awareness of the dangers of drunk driving.

Of increasing concern to all of us working in the field of alcohol and drug abuse is the rising incidence of driving after drug use, either alone or in combination with alcohol. Researchers are just beginning to collect data on the effects of drugs on driving ability, but it is clear from what we now know that drug use, with or without alcohol abuse, carries an increased risk of driving ability impairment.

Our intent is to help reduce the shocking toll, in human terms and economic costs, of both drunk and drugged driving. It is my hope that selecting the week of December 12, 1982, for Drunk and Drugged Driving Awareness Week, right before the Christmas and New Years holidays and the increased socializing which often includes excessive drinking, will reduce the incidence of traffic accidents across the Nation during this holiday period.

Designation of Drunk and Drugged Driving Awareness Week will raise in the public's mind perhaps a new understanding of the risks of drugged driving and renewed appreciation of the known dangers of drunk driving. It will also provide an opportunity for governmental and private groups and businesses to develop innovative and informative messages warning against drunk and drugged driving. Finally, it will send an important message to those working in the field that this Congress supports their tireless efforts to reduce injuries and deaths on our highways from this critical national problem.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

S.J. RES. 241

Whereas traffic accidents cause more violent deaths in the United States than any other cause, over fifty thousand in 1980;

Whereas traffic accidents also play a substantial role in serious injuries in this country;

Whereas between 40 and 55 per centum of drivers who are fatally injured have alcohol concentrations in their blood above the legal limit and this figure rises to 55 to 65 per centum in single vehicle crashes;

Whereas the total societal cost of drunk driving has been estimated anywhere from $5,000,000,000 to $25,000,000,000 a year, which does not include the human suffering that can never be measured;

Whereas there are increasing reports of driving after drug use and accidents involving drivers who have used marihuana or other illegal drugs;

Whereas more research is needed on the effects of drugs on driving ability and their impact on the incidence of traffic accidents, either alone or in combination with alcohol;

Whereas an increased public awareness of the gravity of the problem of drugged driving may warn drug users to refrain from driving and may stimulate interest in increased research on the effects of drugs on driving ability and the incidence of traffic accidents;

Whereas the public, particularly through the work of citizens groups such as Mothers Against Drunk Driving (MADD) and Remove Intoxicated Drivers (RID), is demanding a solution to the problem of drunk driving;

Whereas the President has appointed a Commission on Drunk Driving to heighten public awareness and stimulate the pursuit of solutions;

Whereas many States have appointed task forces to examine the existing drunk driving program and make recommendations for a renewed, comprehensive approach;

Whereas an increase in the national awareness of the problem of drunk and drugged driving may help to sustain current efforts to develop comprehensive solutions at the State and local levels; and

Whereas the Christmas and New Year's holiday period, with more drivers on the roads and an increased number of social functions, is a particularly appropriate time to focus national attention on this critical problem: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of December 12, 1982, through December 18, 1982, is designated as "National Drunk and Drugged Driving Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that week with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL LEGAL SECRETARIES COURT OBSERVANCE WEEK

The Senate proceeded to consider the joint resolution (S.J. Res. 97) to designate the second full week in October as "National Legal Secretaries' Court Observance Week," which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, to strike "each year", and insert "1982".

So as to make the joint resolution read:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second full week in October 1982 is designated "Legal Secretaries' Court Observance Week." The President is authorized and requested to issue a proclamation calling upon Federal officials, the Governors of the several States, the chief officials of local governments, interested groups and organizations, and the people of the United States, particularly the legal community, to observe the week with appropriate activities.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The title was amended so as to read:

Joint resolution to designate the second full week of October 1982 as "National Legal Secretaries' Court Observance Week".

The joint resolution, and the preamble, are as follows:

S.J. RES. 97

Whereas, legal secretaries are an integral part of the administration of justice in the United States;

Whereas, highly skilled and highly trained secretaries make it possible for the legal system to function effectively;

Whereas, the contributions of legal secretaries to the legal system are often made outside the courtroom and many secretaries have little exposure to courtroom proceedings;

Whereas, exposure to courtroom proceedings would enrich the legal secretaries' understanding of their work; and

Whereas, the Congress of the United States recognizes and emphasizes the desirability of providing legal secretaries an opportunity to observe court proceedings: Now therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the second full week in October 1982 is designated "Legal Secretaries' Court Observance Week." The President is authorized and requested to issue a proclamation calling upon Federal officials, the Governors of the several States, the chief officials of local govern-

ments, interested groups and organizations, and the people of the United States, particularly the legal community, to observe the week with appropriate activities.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the joint resolution was passed.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose of considering nominations on today's Executive Calendar beginning with item No. 937, Edward R. Camacho, of Guam, and continuing through page 7, nominations placed on the Secretary's desk.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nominations will be stated.

DEPARTMENT OF JUSTICE

The assistant legislative clerk read the nomination of Edward R. Camacho, of Guam, to be U.S. marshal for the district of Guam.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Max E. Wilson, of North Carolina, to be U.S. marshal for the western district of North Carolina.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nomination of Herbert M. Rutherford III, of New Jersey, to be U.S. marshal for the eastern district of Virginia.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

PANAMA CANAL COMMISSION

The assistant legislative clerk read the nominations of Andrew E. Gibson, of New Jersey, and William W. Watkin, Jr., of New Jersey, to be members of the Board of the Panama Canal Commission.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

AIR FORCE

The assistant legislative clerk read the nomination of Maj. Gen. William E. Brown, Jr., to be assigned to a position of importance and responsibility designated by the President in the grade of lieutenant general.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The assistant legislative clerk read the nominations of Col. Diann A. Hale and Col. Arthur J. Sachsel, to be brigadier generals.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The assistant legislative clerk proceeded to read sundry nominations in the Air Force and Marine Corps, placed on the Secretary's desk.

The PRESIDING OFFICER. Without objection, the nominations are considered and confirmed en bloc.

Mr. BAKER. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE 75TH ANNIVERSARY OF THE WASHINGTON CATHEDRAL

Mr. BAKER. Mr. President, there is one other matter that has now been cleared for action, I believe, and that is a concurrent resolution to be offered by the distinguished Senator from Missouri (Mr. DANFORTH).

Could I inquire of the distinguished acting minority leader if he is in position to consider it at this time?

Mr. DODD. Mr. President, I am. There are no objections to consideration of this concurrent resolution on the part of the minority.

Mr. BAKER. I thank the acting minority leader.

Mr. President, I send a concurrent resolution to the desk on behalf of the Senator from Missouri and ask for its immediate consideration.

The PRESIDING OFFICER. The concurrent resolution will be stated.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 120) to commemorate the 75th anniversary of the Washington Cathedral.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to the consideration of the concurrent resolution.

Mr. DANFORTH. Mr. President, September 29 will mark the 75th anniversary of the Cathedral Church of St. Peter and St. Paul, better know to this city and the people of this country as the Washington Cathedral. This magnificent cathedral has risen on Mount St. Alban's in northwest Washington since 1907, and I have introduced this concurrent resolution today to commemorate its 75th anniversary.

The Washington Cathedral plays an important part in the spiritual life and the political life of this country. The Congress of the United States may take pride in the fact that in the late 19th century it granted a charter to the Protestant Episcopal Cathedral Foundation, leading to the construction of this stately and imposing cathedral. When one considers, for example, that the construction of Canterbury Cathedral in England took 5 centuries, the building of the Washington Cathedral seems all the more remarkable a feat.

I believe it is altogether fitting for the Congress of the United States to recognize and honor the cathedral's 75th anniversary.

Mr. President, I urge the immediate adoption of this concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 120) was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 120

Whereas the foundation stone for the Cathedral Church of Saint Peter and Saint Paul, known as the Washington Cathedral, was laid on September 29, 1907, with the President of the United States, Members of Congress, and Justices of the Supreme Court in attendance;

Whereas George Washington was the first to call for a "great church for national purposes in the capital city";

Whereas the Congress in 1893 granted a charter to the Protestant Episcopal Cathedral Foundation for religious, charitable, and educational purposes, leading to the construction of this grand Gothic cathedral;

Whereas the Cathedral is administered by the Episcopal Church, it is truly a house of prayer for all people, with its pulpit open to all faiths, seeking to serve the whole Nation, offering its ministry on behalf of all churches;

Whereas in times of trial the leaders of our Nation often have gathered there to pray and seek God's guidance;

Whereas this majestic monument to our Nation's faith in a Divine Creator dominates the physical and spiritual horizons of the City of Washington;

Whereas the Cathedral is an architectural and artistic masterpiece that will lift up the human heart for centuries to come;

Whereas the nave of this magnificent cathedral was dedicated in the year of America's two hundredth anniversary "for the reconcilliation of the peoples of the earth";

Whereas the Cathedral inspires over 500,000 American visitors each year; and

Whereas September 29, 1982, marks the seventy-fifth anniversary of this great Cathedral: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States recognizes and pays tribute to the Washington Cathedral on its seventy-fifth anniversary and to all the men and women whose especial labors have contributed to the building of this great house of worship.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Canon of the Cathedral Church of Saint Peter and Saint Paul.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. DODD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be recinded.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will continue to call the roll.

The assistant legislative clerk resumed the call of the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHMITT). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, as the Senate knows, I have been trying to find time to move to the consideration of the Hatch amendment to the Constitution. I had thought, perhaps, we could do it yesterday. I still hope we can get to that today. But for a variety of reasons—and they are good reasons—the principals involved in that debate as well as the principals involved in the debt limit/Helms debate need a little time to arrange their schedules and to consult with each other.

RECESS UNTIL 2:30 P.M.

Mr. BAKER. Mr. President, I ask unanimous consent, therefore, that the Senate stand in recess until the hour of 2:30 p.m.

There being no objection, the Senate, at 12:46 p.m., recessed until 2:30 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. JEPSEN).

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR GORTON RECEIVES GOLDEN GAVEL AWARD

Mr. BAKER. Mr. President, it has been called to my attention by the Journal Clerk that at 4 p.m. today the distinguished junior Senator from Washington (Mr. GORTON), who is now presiding, will have presided over the Senate for 100 hours, which will add his name to that very short list of Senators who have presided for 100 hours. He will be the recipient of the Golden Gavel Award. I congratulate the Senator from Washington for that accomplishment. I remember when I was a young Senator, having now recovered from being young, that I presided at great length but they did not keep track in those days. I do not know whether I received a golden gavel or not. I recall so clearly that what I know about the rules of the Senate I learned from sitting in that chair. I congratulate the Senator from Washington for his diligence and dedication to duty. I congratulate him on the award which he will receive shortly after 4 o'clock.

CONSTITUTIONAL AMENDMENT RELATIVE TO ABORTION

Mr. BAKER. Mr. President, for some days now I have indicated that at some point I intended to ask the Senate to proceed to the consideration of the Hatch constitutional amendment dealing with abortion.

I understand it is not possible to gain unanimous consent to proceed to that measure and, therefore, I will not make such a request. But at this time, Mr. President, I move that the Senate proceed to the consideration of Senate Joint Resolution 110.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Tennessee.

Mr. PACKWOOD. Mr. President, the majority leader is correct, there have been objections by Members to the unanimous-consent request. A motion to move to it would be debatable. I simply want to say that what we wanted to do on our side was to dispose of the Helms amendment first and not have it mixed up with the constitutional amendment.

I do congratulate the Senator from Utah for going through what I regard as the proper procedural route, and if we had been able to dispose of the Helms amendment and decide that issue we would have had no trouble considering it at this time. But we do not want it considered while we are in the midst of this debate.

Mr. BAKER. Mr. President, I understand the position of the Senator from Oregon. But, by the same token, I think no one is taken by surprise at this motion at this time. I had hoped to be able to do this on yesterday, but for good reasons the Senator from Utah was not able to be here, because he had a State election in his State yesterday. I do not blame him.

But, Mr. President, this has been going on for some time. I would invite Senators' attention to the fact that for a year now, I have said, that if we would forbear to offer amendments either to the Constitution or in statutory form to other pieces of legislation, particularly appropriation bills, that I would attempt to schedule a free-standing debate on these matters.

Through a variety of circumstances this was the time chosen for that debate, and this is the vehicle that was chosen for debate, that is, the debt limit bill now pending.

At one time it appeared that we might get a unanimous-consent agreement for the disposition of these matters. Also for good reasons, and I have no blame to attach to any party in this respect, that agreement was not gained, could not be entered into.

I have no criticism of any Senator. To the contrary, I assert that every Senator treated me in good faith and honesty on that subject.

But, Mr. President, we are now at a point where it is necessary to try to redeem a commitment I had made over a period of time, that is, that we were going to have a debate on abortion, and that must include debate as well on the Hatch amendment.

The Senator from Utah has been kind and generous in his cooperation. He has been patient, as indeed have the Senators from North Carolina and others who are deeply interested in this subject.

But now it is all too clear that we must get on with the business at hand. We do not have a cloture vote on the debt limit or rather on the Helms amendment until 5 this afternoon. This looks like a pretty good time to do it.

Therefore, Mr. President, I felt constrained to make this motion at this time.

Mr. HATCH. Mr. President, I appreciate the comments of both of my colleagues. I think that we came within a gnat's eyelash of being able to secure a unanimous-consent agreement whereby we could have debated my proposed constitutional amendment and had a vote up or down on it.

I had deeply wanted thorough debate on this amendment, I wanted

to see both sides discuss this matter in a full and fair manner.

Some of my distinguished colleagues have said repeatedly that we should have been properly addressing the abortion issue only through a constitutional amendment, yet here we have such an amendment reported from the Judiciary Committee, after full and complete hearings, and yet several of my colleagues remain unprepared to prevent even the semblance of a reasonable debate or fair consideration of this amendment.

They feel strongly about their positions; I understand that. I believe nevertheless that after such debate, if we had had it, a substantial majority of this body would have supported passage of this amendment. But I also want to be frank here. I have no illusions. I spent 6 years trying to get the balanced budget constitutional amendment to the floor of the Senate. We only passed that by a constitutional two-thirds majority this year and that was only after an extremely extensive debate that took almost 3 weeks.

Though a substantial majority might have supported the passage of this amendment, in all frankness, I do not believe we would have the requisite two-thirds vote at this time.

It is tragic that the opportunity which we anticipated for a full and open debate on this proposal is not going to materialize; it is now apparent that there will be a filibuster not only on the constitutional amendment itself but also on the motion to proceed. There will not be a genuine debate on this issue.

I feel a little boxed in at this point because there is simply not sufficient time remaining to deal with this matter in view of what some would call "obstructionist" devices employed by a minority on this issue. I think this effort deserves full and fair debate.

I have spent a great deal of time in recent days assessing this situation. This body has spent a great deal of time in consideration of the proposed Helms amendment to the pending debt ceiling resolution. We have already had two cloture votes and two additional ones are expected, if necessary.

I have to admit my disappointment that the most fundamental questions relating to abortion as public policy have not been given the attention they deserve during this period. We have spent far more time discussing court stripping and procedure and the constitutionality of the Helms measure that on the basic question of abortion itself. That is, does this country want to continue to assent to the Supreme Court decision of Roe against Wade, a decision which effectively legalized abortion on demand during the entire term of a woman's pregnancy, a decision which, in one fell swoop, overturned the considered judgment of the State legislatures of every State in this Union. This is the question that Congress has yet to directly address nearly a decade after the decision of Roe against Wade.

I have come reluctantly to the conclusion that this issue cannot be discussed and debated thoroughly under the present circumstances and in the present environment. The time constraints and the circumstances of the present Helms amendment debate have made that impossible, in my view.

Therefore, I would respectfully like to ask the distinguished majority leader of the Senate several questions relating to this matter. The Senator from Tennessee, in my opinion, has been under diverse and conflicting pressures from his colleagues on the subject of abortion, and I commiserate with him. It has been a difficult problem for him, and he has certainly treated everyone, fairly and objectively.

We almost had a unanimous-consent agreement where this could have been debated and voted up or down. I believe the majority leader deserves great credit for having conducted himself honorably in this matter and for having lived up to every assurance he made to all parties in this debate, certainly to me. No one should think for a minute that the majority leader has been unwilling to live up to his word in any particular.

I would like to address several questions to the majority leader, if I might.

First, could the distinguished majority leader give his assurances that this body will be given the opportunity to fully debate the issue of abortion at the earliest reasonable date possible during the 98th Congress?

Mr. BAKER. Yes, Mr. President, I can give that assurance. Indeed, the Senator from Utah has been very fair to me, and I think the very least I can do and the Senate can do is to assure him that sometime early next year, meaning in the spring, shortly after we convene, and as soon as we can arrange it within reason and at a suitable time to him, that we will call up this or a similar amendment and deal with it.

That poses some other complications, as he is aware of, that I am prepared to deal with as well if he wishes to pursue the matter.

Mr. HATCH. All right.

Would it be possible for him to assure that it not be called up prior to February 15?

Mr. BAKER. Yes, Mr. President, I can do that, too. I do not know yet what the schedule next year is going to be. I spoke to the Speaker of the House this afternoon, and we have had some preliminary discussions about whether we would be in session after the election and, if so, when we would return and when we would, in fact, get down to work in January. But I can certainly assure the Senator that I would not propose to schedule that prior to February 1.

Mr. HATCH. But sometime before or in the spring?

Mr. BAKER. Yes.

(Mr. GORTON assumed the chair.)

Mr. HATCH. Could we be assured that we will have every reasonable opportunity to debate this matter, every reasonable opportunity for Members of this body to address this issue, and every reasonable opportunity to proceed to a vote on the substance of a proposed constitutional amendment on the subject of abortion? I would like a reasonable time to try to break any filibuster, if that is the case.

Mr. BAKER. Yes, Mr. President, I agree with the Senator in making the commitment that we should have debate on the issue. I will embrace all the requirements and rules necessary to see that that happens.

I would fully expect that the Senator could pursue his debate freely, as could other Senators, and we would make very effort to bring the matter to a conclusion by a vote on the merits.

Mr. HATCH. Could we be assured that this debate will not take place under circumstances where a pending recess or some other pending legislative commitment plays an effective constraint on the opportunity for such debate? Certainly, I will cooperate with the majority leader in trying to work around any emergencies or any difficulties that could arise.

Mr. BAKER. Mr. President, it would be my intention to consult with the Senator from Utah and with, perhaps, the Senator from Oregon and others who would be on the other side, as we did in this case, to try to arrange a mutually agreeable time and circumstance. In this case, as I indicated earlier, the debt limit seemed to be the favorite vehicle for carrying this debate and it was scheduled on that basis.

But we have been on this bill now August 16, 17, 18, 19, and 20; and September 8, 9, 10, 13, 14, and 15, and this is a long time. So this debate has not been constrained by time. Indeed, we have had problems getting people over here to talk about it.

But I can assure the Senator that, just as we have in this case, I would schedule this matter so that it was at a mutually agreeable time and it would not be up against any artificial deadline or circumstance that would circumvent or circumscribe the fullness of debate.

Mr. HATCH. I appreciate that. As the distinguished majority leader knows, a constitutional amendment cannot be added to the debt ceiling. But I agree there has been sufficient time, and the distinguished majority

leader has allowed sufficient cloture votes on the Helms amendment. There has been sufficient time to debate the Helms proposal at least.

Mr. President, I assume that there will be a fair amount of notice before the proposed amendment is called to the floor next year. The distinguished majority leader has always given me that courtesy.

There is another matter, Mr. President, that I hope the distinguished majority leader will be willing to discuss with me. This is the only constitutional amendment or piece of legislation on the issue of abortion which has ever gone through the full committee process. We have made a substantial record, which I think even the distinguished Senator from Oregon has admitted is a fair and balanced record on this matter.

So if I am unable to bring the amendment through the committee process next year, because of time constraints early in the session, may I have the assurances of the distinguished Senator that we will be able to use rule XIV to get it on the calendar so that the distinguished majority leader can call it up?

Mr. BAKER. Mr. President, it has always seemed an anomaly to me that the rules provide, on one hand, that all bills go to committee, as rule XXV does, and, on the other hand, that rule XIV provides if objection is made to the proceeding beyond first reading of the bill that after the second legislative day it goes on the calendar. I am not now proposing to argue the merits of that but, as I say, it always seemed like a procedural anomaly of sorts. But it is there and I do not dispute it.

The Senator's question is: Would I assist him in getting a contitutional amendment on abortion on the calendar if he does not get it out of committee in a timely way? The answer to that is, yes. If the Senator wishes to avail himself of his right under rule XIV, which he is perfectly at liberty to do and which no one can stop him from doing, I will be happy to cooperate with him in seeing that he has full opportunity under rule XIV to do so.

There is no hidden meaning in that. It simply means if the Senator wants to put this on the calendar by rule XIV procedures, he can do so and I will make no effort to prevent it, as I have not in the past on other measures.

Mr. HATCH. The reason I raised that at this time is I would not want anybody to think we are trying to take advantage anywhere. We are giving full warning, inasmuch as we have not had, as a result of procedural and other difficulties, the time to bring up Senate Joint Resolution 110 and fully debate it at this time. Members should be put on notice that if I cannot proceed through the committee process within a reasonable period, we are going to invoke rule XIV. I appreciate the distinguished majority leader's willingness to help me on that matter.

Would my friend, the distinguished majority leader, recognize that there might be discretion on the part of the Senator from Utah, working with other Members of this body and interested outside organizations, to introduce a proposed amendment that may vary in substance from the precise amendment proposed by Senate Joint Resolution 110?

Mr. BAKER. Mr. President, my commitment to the Senator from Utah to attempt to schedule this matter in the spring after the 1st of February is a commitment to do so in respect to a constitutional amendment that he may offer dealing with abortion, and I would not presume to judge the contents. There is no requirement that it be identical in form to this measure. I extend that offer and that assurance on the basis of whatever the Senator may judge is appropriate and whatever may come out of committee or whatever he may try to take to the calendar under rule XIV.

Mr. HATCH. I thank the majority leader. I am concerned because we have been trying to debate the issue of abortion in the context of the Helms amendment to the debt ceiling bill now for a considerable period of time. It appears to me that the proposed constitutional amendment would not, in the present time context, in the remaining few days of the Senate, be given sufficient time. There would not be sufficient time to fully debate these issues.

So, with the assurance of my distinguished friend from Tennessee, the distinguished majority leader, that he has given today—and I am very grateful to him for extending these—I will observe that next spring will see the first full debate in the U.S. Senate since Roe on the issue of abortion as a matter of public policy. We will have a full and complete debate, with or without filibusters, and attempt to resolve this issue at that time.

I believe that we may have enough votes on the floor of the Senate to possibly invoke cloture on this matter. I am uncertain of that. As I have candidly remarked earlier, I do not believe that we have the requisite two-thirds votes on this constitutional amendment at this time.

Therefore, I feel that to continue to force the majority leader to allow a debate at this particular time, under these circumstances, with the pressures that are on this body, would not be in the best interest of this amendment. It would be counterproductive. So, with that, I have chosen to withdraw the amendment.

Mr. BAKER. Mr. President, I thank the Senator. I am especially grateful to him for this generous act. It would be my intention, then, Mr. President, and I do now withdraw my motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. PACKWOOD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. PACKWOOD. Mr. President, just so the RECORD is clear on this, it has not been the Hatch amendment that has caused our problem. We came very close to a unanimous-consent agreement which would have allowed a vote on the Hatch constitutional amendment and the Helms amendment as written at the time it was then written, and it fell apart through no fault of the Senator from Utah. Indeed, he has followed every proper procedure. He has gone through committee, and he is attempting to amend the Constitution with a constitutional amendment, which is the proper way to go. I do not agree with the substance of his amendment, but I congratulate him again for the meticulous hearings that he has held.

But I do want the RECORD to be clear that, while we do not want the Hatch constitutional amendment coming up today while we are dealing with the Helms amendment—and I think I can speak for those who share my view—we would be prepared to vote on the Hatch amendment as written on Friday or Monday, with 4 hours debate on each side.

I will not go further than that, because I am not going to agree to time agreements on things I do not know. But indeed, if we want to debate and vote on this subject, I want the RECORD to indicate that I have not stood in the way of that on the amendment of the Senator from Utah.

Mr. HATCH. I have never understood that to be the case. I have never thought that of the distinguished Senator from Oregon. But it was my clear understanding that whenever Senate Joint Resolution 110 was brought up, that there would be a filibuster on the amendment.

Mr. PACKWOOD. Maybe I can clarify that. That would be today, because we are in the midst of the Helms amendment.

Mr. HATCH. I understand that.

Mr. PACKWOOD. When we were within 10 seconds of a unanimous-consent agreement here one night on both the Hatch amendment and the Helms amendment, the amendment of the Senator from Utah being a constitutional amendment, the objection finally came from the Senator from North Carolina because of the wording of his statutory amendment. At that stage there was no objection.

But for that objection, we would have had a vote on the Hatch amendment.

Mr. BAKER. Will the Senator yield?

Mr. PACKWOOD. Yes.

Mr. BAKER. The Senator from Oregon is correct in saying that he would not object nor would others associated with him object to a time agreement to vote on the Hatch amendment today, tomorrow, Saturday, or Monday. But I must say, standing at this desk, that I know of others who would. Indeed, I believe there are Members on both sides of the aisle, perhaps, who have already indicated they would object to unanimous consent to proceed to this item. It would require a motion and the motion perhaps would be filibustered. I know the Senator from Connecticut (Mr. WEICKER) has indicated to me that he would filibuster. But for the information of the Senator from Oregon, there are other Senators also.

Mr. PACKWOOD. I wanted to be clear that the reason the agreement fell apart was not on that night because of objections to the Hatch amendment.

Mr. BAKER. That is absolutely correct. I commend both the Senator from Utah and the Senator from Oregon for their exchange which reflected what happened, that we did get close to an agreement. Nothing involved in the Hatch amendment stood in the way. By the same token, I want everyone to understand I am not assigning blame. It is just one of those things that happens in the course of almost every day's activities in the Senate when our hopes and aspirations with respect to time agreements are sometimes thwarted. It did not work.

The Senators are correct. Nothing involved in the Hatch amendment caused it to fall apart. Nothing asserted by the Senator from Oregon caused it to fall apart, nor the Senator from Connecticut.

Mr. HATCH. Will the Senator yield?

Mr. BAKER. I yield.

Mr. HATCH. It has been my understanding that the motion to proceed itself would be filibustered. I want to reiterate that I do not think this involved the distinguished Senator from Oregon. It has been my understanding that this amendment would be filibustered with regard both to the motion to proceed and with regard to the amendment itself. If I am incorrect on that, I would like to reconsider and proceed to a vote. If we can agree to a time limit, that will be fine with me. That is all I have ever wanted.

Mr. BAKER. If the Senator will yield, I agree absolutely with that. I will tell the Senator from Oregon and the Senator from Utah I will pursue that again to see if it is possible to do so. But the last reading I had, which was today, indicated to me that Members other than the Senator from Oregon or the Senator from Connecticut had lodged notice of their intention to object to unanimous consent to proceed to this item and at least one other Senator had indicated his desire to speak at length on the motion.

Mr. HATCH. I appreciate what the majority leader has said. I want to make it crystal clear that the only reason I am willing to withdraw this constitutional amendment today is because it is clear that there would be a filibuster on Senate Joint Resolution 110, and that a time agreement could not be reached. Otherwise, I would just as soon debate this, vote it up or down, and let the chips fall where they may. I know, having filibustered myself on occasion, that if I wanted to prevent this amendment from coming up, I could prevent it for the rest of this session of Congress. I have no doubt about it. I have no doubt others could do the same at this stage in the session.

I am unwilling to demean this amendment. I am unwilling to go through a charade, if all we are doing is wasting the time of the Senate and not ever going to have a substantive vote on the amendment. That is why I consider it so vital to get this agreement for early next year. If there is a filibuster, I want time to break it, and if I break it, I want time to have an up or down vote on the substantive amendment.

Mr. BAKER. Mr. President, for whatever it is worth—and I do not know what it is worth, maybe nothing—I think the Senator from Utah is not only correct in his decision but I think it is a wise decision to make from the standpoint of ultimate success for his amendment. I think his chances are far better under the circumstances described—and which I have acknowledged in this colloquy—after February 1 than now. But just as he was told that there would be an objection, I have been told that there would be an objection; just as he was told there would be extensive debate on the motion to proceed, I have been told that. I do not know that it ever does any good to identify Senators except to say that it is not confined just to the Senator from Oregon or the Senator from Connecticut.

I think the Senator from Utah exercised good judgment from the standpoint of getting the best shot he can have to pass this amendment. That is what he is trying to do, and he is doing it with skill and dedication. I am going to do everything I can to see that he gets an absolutely fair shuffle. I think his judgment not to pursue the matter at this time but instead under the circumstances outlined for February of next year is correct. I think it is a wise judgment to make. I think this would be proper.

Mr. HATCH. It has never been my understanding that the Senator from Oregon was going to filibuster this amendment. He has been willing to go forward with it. He and I have chatted a number of times about this. He has always been willing to go forward with it. I think he would be in favor of an up or down vote. I do not know just how many votes we would have gotten. I believe that we may have done quite well, although not the requisite two-thirds. I appreciate that.

We had an agreement, a unanimous-consent agreement, to vote this up or down after an 8-hour time limit but it failed because of the objection of another Member.

The debate early next year will be the first unencumbered, full substantive debate on the public policy of abortion in this body. I look forward to it.

Mr. BAKER. I will say, Mr. President, in conclusion, that I will make an effort once more to schedule this for Friday, Saturday, or Monday. But based on the information I have previously been given from other Senators and their staffs, I think the chances of doing that are remote.

Mr. HATCH. I thank the distinguished Senator. I would like to talk about the amendment and what we will be trying to do early next year when this is considered.

Mr. BAKER. Mr. President, I do not know who has the floor, but may I say that there will be a vote at 5 o'clock under rule XXII against further debate on the Helms amendment. I would remind Senators it will occur promptly at 5 o'clock today.

● Mrs. HAWKINS. Mr. President, I am as sorry as Senator HATCH is that the Hatch human life amendment was not debated and voted on today, nor will it be addressed before the end of the year. This is a disappointment to all those who worked hard to have a meaningful abortion debate in the 97th Congress.

Mr. President, one of my first actions as a U.S. Senator was to cosponsor a constitutional amendment to protect unborn children. I commend Senator HATCH, chairman of the Subcommittee on the Constitution for holding extensive and productive hearings on the Hatch human life amendment, Senate Joint Resolution 110. After holding 9 days of hearings and taking testimony from over 70 witnesses the Subcommittee on the Constitution voted favorably to report out the resolution. Later on March 10, 1982, the full Senate Judiciary Committee favorably reported out Senate Joint Resolution 110. This is the first proposed pro-life amendment to receive subcommittee and full committee support.

Mr. President, the constitutional issues and legal effects of this constitutional amendment have been discussed previously both in the subcommittee hearings and here on the Senate floor. I would like to briefly review them now. First, there is no dis-

agreement that a legitimate congressional response to a Supreme Court decision with which the Congress disapproves is passage of a constitutional amendment. There are several precedents for overturning decisions of the Supreme Court by constitutional amendment. For example, the 11th amendment to the Constitution was ratified in order to prevent any person from suing a State in Federal court. It was adopted after the Supreme Court took jurisdiction of just such a case, Chisholm against Georgia (1793). Further the 14th amendment passed in response to the infamous Supreme Court decision, Dred Scott against Sanford (1857) in which the court found that black individuals were noncitizens under the Constitution and, as such, were not fully entitled to the protection of the Constitution. Later, the 16th amendment establishing a Federal income tax overrode Pollock against Farmer's Loan & Trust Company (1895) which held that a Federal tax on income derived from properties was unconstitutional. And more recently the 26th amendment, giving 18 year olds the right to vote in Federal and State elections overruled the Court's decision under Oregon against Mitchell (1970) which declared the provisions of the Voting Rights Act unconstitutional.

Second, two provisions of Senate Joint Resolution 110 generate the legal effects of this legislation. The first section of Senate Joint Resolution 110 states "A right to an abortion is not secured by the Constitution." This provision overrules Roe against Wade, its companion case, Doe against Bolton, and its progeny to the extent that they held that the constitutional right to privacy creates the right to an abortion. Any Federal or State court decisions relying on Roe or Doe or upon a constitutionally founded "right to an abortion" would be reversed to the extent that the existence of such a right was a necessary predicate to the holding. However this amendment is not self-executing—it must be implemented through legislation passed by Congress or the States. Decisionmaking authority currently with the Judiciary would be restored to legislative branch—Federal and State legislatures to the extent they choose to use it.

The second provision of the amendment states:

> The Congress and the several States shall have concurrent power to restrict and prohibit abortion provided that a provision of a law of a State which is more restrictive than a conflicting provision of a law of Congress shall govern.

The plenary power granted to the Congress and the States is more than an enforcement provision. Both are given power and authority to pass whatever legislation they deem appropriate to restrict and prohibit abortions. Since this power is discretionary, neither the Congress nor the States are required to legislate. Therefore, implementation of the amendment is not guaranteed. The proviso clause is intended to resolve any unforeseen conflicts between State and Federal laws following the adoption of this amendment. When a State and Federal law conflict, the supremacy clause will be operative except when one of the two laws is more restrictive. In this case, the more restrictive law will prevail.

Adoption of the proposed human life federalism amendment, by allowing States and the Congress to legislate restrictions on abortion, more closely reflects national sentiment on the issue. Presently, due to the Supreme Court decision of Roe against Wade, a woman by invoking the right to privacy has a virtually unlimited right to have a legal abortion. As the Subcommittee on the Constitution has observed, no significant legal barriers of any kind whatsoever exist today for a woman to obtain an abortion for any reason during any stage of her pregnancy. While a minority of Americans do support abortion on demand, most people do not.

In his testimony before the subcommittee, Professor Adamek presented results of recent public opinion polls on the issue of abortion. He found that neither the opponents of all abortion nor the advocates of unrestricted abortion can claim agreement with the majority of the American people. The population can be divided into three groups: 22 percent oppose legalized abortion in virtually all circumstances, 55 percent oppose legalized abortion except for certain hardship cases such as rape, incest, the likelihood of a defective baby, or to save the life of the mother; and 23 percent want abortion to remain legal in all circumstances.

It is not surprising that the heated debate on the abortion issue has not subsided in 10 years since the current law on abortion does not reflect the opinion of 75 percent of Americans on the issue. In fact, since Roe against Wade legislatures in 19 States have petitioned Congress to call a constitutional convention to propose an antiabortion amendment and 23 State legislatures have passed memorials or requests for Congress to propose an antiabortion-related amendment to the Constitution.

Since our present abortion law is unacceptable to a large majority of Americans, the question is how the current law should be changed. The proposed human life amendment provides a valid answer. This amendment restores decisionmaking authority to the legislative branch, thereby reenfrancising all Americans interested in finding a solution to the abortion controversy. This amendment does not take an all-or-nothing approach. Rather, each of the State legislatures could enact abortion laws according to the directives of its citizenry.

I therefore encourage my colleagues to approve this amendment so that we can reestablish abortion laws that will once again enjoy the support of a majority in our country.●

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. I ask permission that I may proceed with remarks with regard to Senate Joint Resolution 110.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, on January 22, 1973, the U.S. Supreme Court handed down a decision that has since generated social division in this Nation virtually without precedent. In the case of Roe against Wade, a majority of seven on the court identified for the first time a right to abortion within the terms of the 14th amendment to the Constitution. The nature of this right, outlined in great detail in Justice Blackmun's opinion, resulted in the overturning of laws on abortion in each of the 50 States of the Union.

Prior to the Roe decision, 31 States of the Union had enacted statutes that totally protected unborn human life from the time of conception. Of the remaining 19 States that permitted aborton under limited circumstances, abortion was legal only, as a general rule, where necessary to protect the life of the mother, in cases of rape, or incest, or in cases where there was a likelihood that a child would be born with a substantial mental or physical deformity.

In only four States did anything approximating abortion on demand exist and in each of these States there were temporal limits to such a right. The most permissive of these provisions was probably that existing in the State of New York in which abortions without restrictions were permitted until only the sixth month of pregnancy.

As a result of Roe, however, a new regime was created in this country on the abortion issue—a regime more permissive with respect to abortion than had existed in any 1 of the 50 States prior to January 22, 1973. As a result of the Roe decision, a right to abortion was effectively established for the entire term of a pregnancy for virtually any reason—whether for sake of personal finances, whether for sake of social convenience, or whether for sake of individual lifestyle.

Despite misconceptions on this issue, there is relatively little informed disagreement that Roe has established a national policy on abortion without constitutional or legal restrictions of any significant kind. Let me briefly review the substance of this decision. During the first trimester of pregnancy, the plenary right to abortion is

made express by the terms of Roe. As the Court stated:

For the stage prior to approximately the end of the first trimester of pregnancy, the abortion decision and its effectuation must be left to the medical judgement of the pregnant woman's physician.

Thus, absolutely no limitation can be placed upon the abortion decision during this period. During the second trimester, however, the court recognized a public interest in abortion, an interest in protecting and preserving the health and safety of the mother. This public interest may be expressed through governmental requirements that abortions be performed within hospitals, clinics, or other licensed facilities. As the Supreme Court again stated in Roe:

For the stage subsequent to approximately the end of the first trimester, the state in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

During the second trimester, however, there remains an absence of any legislative authority to protect the unborn child. The sole authority is to insure the medical safety of the procedures of abortion.

During the final trimester of pregnancy—or approximately at the point at which the fetus reaches "viability"—a public interest finally arises in protecting the unborn life. As the Court stated in Roe,

For the stage subsequent to viability, the state, in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother.

While the general rule established by the Court in Roe might seem at last to permit some measure of protection for the unborn during the final trimester, this rule was effectively consumed by the exception—the exception in cases where the mother's "life or health" were involved. The critical element was the term "health of the mother."

In the companion case of Doe against Bolton, a case handed down the same day as Roe, the Court defined the concept of "health of the mother" as a medical judgment to be made,

In the light of all the factors—physical, psychological, and the woman's age—relevant to the well-being of the patient.

In other words, to quote Prof. John Noonan of the University of California Law School, the absolute and plenary right to abortion was curbed during the final trimester only by the "necessity of a physician's finding that she needed an abortion." It would be a rare physician who would be incapable of defending an abortion decision on the grounds that in his best medical judgment the well-being of the mother demanded it.

As Professor Noonan has summarized the nature of the restrictions placed upon the abortion right in Roe and Doe.

For the nine months of life within the womb, the child was at the pregnant woman's disposal—with two restrictions. She must find a licensed clinic after month three; and after her child was viable, she must find an abortionist who believed she needed an abortion.

Thus, I believe that it is clear that there are no significant legal barriers of any kind that exist within the United States today to a woman obtaining an abortion for any reason during any stage of her pregnancy. We can disagree, of course, upon whether or not this is good public policy but I do not believe that we can disagree that this is an accurate description of the present state of affairs in this country.

It is this rule of abortion on demand imposed upon a citizenry whose values were sharply at variance that has created nearly a decade of intense divisions and passions on the issue of abortion. During this decade, the social views of a relatively small number of individuals have reigned as the law of the land immune from even the most modest efforts at reform. In judicial decisions since Roe and Doe. The Supreme Court has amplified upon these decisions by striking down State statutes to require the consent to an abortion by the father of the unborn, statutes to require parental consent to abortions performed upon minors, statutes to insure that pregnant woman are fully apprised of alternatives to abortion, and statutes to protect live-born fetuses. The right to abortion, articulated for the first time by the Court in 1973, has proven since then to be one of the most absolute and, dare I say, impregnable rights within the Constitution. Apparently, there is virtually nothing that can effectively counterbalance this new right.

It is in response to Roe and Doe, and in response to the debate that has occurred in this country since these decisions, that I introduced Senate Joint Resolution 110, the proposed human life federalism amendment, last fall. Following introduction, 9 days of hearings were held on this measure by the Senate Judiciary Subcommittee on the Constitution. These hearings, in my view, were thorough and balanced hearings developed by the distinguished Senator from Vermont (Mr. LEAHY), and myself. On December 16 of last year, the subcommittee voted favorably to report this measure to the full Judiciary Committee, with several amendments. On March 10, the human life federalism amendment was favorably reported by the full Senate Judiciary Committee. Senate Joint Resolution 110 is the only pending measure on the subject of abortion to have gone through the regular committee process. It is the first legislation ever on the subject of abortion to be reported out of a committee of either House of Congress.

The objective of the proposed amendment is relatively simple—it would largely restore the status quo that existed in this country prior to Roe against Wade. It would overturn Roe against Wade by declaring simply that no "right of abortion" was secured by the Constitution, and clarify that the States were fully restored in their legislative authority with respect to this issue. While the authority of the Federal Government to legislate on the subject of abortion prior to the abortion decisions is a bit more difficult, I note that there are many in this body, including the distinguished Senator from Oregon (Mr. PACKWOOD) who believed that such authority existed. Clearly, there was some measure of authority in this regard derived from the commerce clause and elsewhere in the Constitution. Senate Joint Resolution 110 would establish concurrent authority to legislate in the State and Federal Governments on the subject of abortion.

Unlike most other proposed amendments on the subject of abortion—amendments which I would personally support—the human life federalism amendment would not obligate the States or Congress to legislate; it would simply restore to them the authority to do so. By deconstitutionalizing the issue of abortion, the proposed amendment would allow the legislative branches of Government a wide range of options in this area. While by the terms of the proposed amendment, the States or Congress, if they chose, could totally prohibit abortion or could totally maintain the status quo of abortion on demand, they would also be in the position to undertake legislative action that fell somewhere between these all-or-nothing propositions. For example, they could take the following actions,

First, they could place restrictions of some form upon late-term abortions;

Second, they could impose obligations upon physicians to attempt to save the lives of fetuses capable of surviving an abortion;

Third, they could place limitations upon genetic engineering and other experimental and medical research involving the use of human embryos and fetuses;

Fourth, they could require that women contemplating abortions be fully apprised of the risks of abortion and the alternatives to abortion;

Fifth, they could require some form of parental consent to abortions performed upon minors;

Sixth, they could require some form of spousal consent to abortions;

Seventh, they could establish some minimum waiting period before nonemergency abortions or require some form of professional consultation prior to an abortion;

Eighth, they could establish rights of refusal to perform abortions by physicians or nurses, or in entire hospitals;

Ninth, they could limit the trafficking or commerce in abortifacient devices;

Tenth, they could prohibit abortion generally subject to certain well-defined exceptions and safeguards; or

Eleventh, they could undertake any other form of restriction or regulation upon the abortion procedure.

In other words, the human life federalism amendment would remove the abortion debate from the extremes. No longer would this debate occur in the present context of either preserving abortion on demand, or outlawing abortion. No longer would this debate take place in the context of only two alternatives—total legalization or total prohibition.

Let me not fail to clarify my own views on the abortion issue. I am one of those who believes that abortion involves the taking of an innocent life. I am one of those who believes that abortion is a heinous procedure in which a mother allows her child's life to be terminated. I am one of those who believes that abortion is immoral—for philosophical reasons, for medical reasons, for humanitarian reasons, and—dare I say—even for religious reasons. I believe that the fetus feels pain, that it feels agony, that it feels the violence done to its body by abortion. I have supported in the past and continue to support constitutional amendments that would largely outlaw abortion.

At the same time, I believe strongly that this Nation must overcome the divisions that have wracked it since the abortion decisions. We cannot achieve this if the abortion debate continues only in the context of black and white alternatives. As deeply as I regret the fact, it is clear to me that there is no consensus in this country that views abortion in the same way that I personally view abortion. There is no consensus in this country that abortion under virtually all circumstances is wrong. I intend to continue whatever efforts I can to inform people about the immorality of abortion, and I hope that someday a consensus may emerge that is closer to my own point of view. It does not, however, exist today.

At the same time, I believe just as strongly that there is no consensus in behalf of the policy of abortion on demand that has been imposed by the Supreme Court. While the people of this Nation do not see abortion as a black, neither do they see it as a white. Public opinion poll after public opinion poll has demonstrated that the great mainstream in this country opposes abortion on demand, just as they oppose efforts to outlaw all abortion. They do not favor what the Supreme Court has given this country—limitless abortion for limitless reasons.

Perhaps the foremost objective of the proposed human life federalism amendment is to facilitate the development of a social consensus on the so-far intractable issue of abortion. The abortion issue, if it is to be elevated into one of constitutional proportions, should be elevated only through the normal consensus-building process of article V's amending provisions rather than through the process of judicial reinterpretation.

By removing the abortion controversy from the Federal Judicial Department, the human life federalism amendment would place the abortion debate within those institutions of government far better equipped to deal with this issue—the elected, representative branches of government. Because they cannot control the specific types of cases that come before them and because they are limited in their ability to fashion compromise solutions to difficult issues, the courts are an inappropriate place within which to debate abortion.

The all-or-nothing legalization of abortion on demand by Roe has done nothing but exacerbate the tensions already created by the abortion controversy. Unlike most legislative solutions in which some element of deference is paid to all major political or social or occupational groupings, the abortion issue was resolved by a small group of seven men who were totally able to disregard the passionately held views of a large segment of the American people. They did this not in response to the unequivocal demands of the U.S. Constitution, but through a decision whose jurisprudence and whose textual and historical foundations are at least as suspect as the policies that it fostered.

Senate Joint Resolution 110 would reenfranchise all the American people in fashioning a solution to the abortion controversy or, if not a solution, at least an equilibrium. This can only be done by placing this issue back within the representative branches of government where it should have remained all along, the representative branches of government where this decisionmaking responsibility was contained for the first two centuries of our Nation's existence.

If the result of doing this is that difficult legislative compromises are reached through bitter sessions of negotiation and give-and-take—compromises that are not entirely satisfactory to those on either end of the spectrum—then the issue of abortion will have been dealt with in the same manner that most other difficult matters are dealt with in a democratic system of government.

If the social divisions that have beset this country since the Roe and Doe decisions are to eventually be overcome. They will have to be overcome through a process in which all shades of opinion are considered and weighed, not simply those of a small minority of the citizenry. There is no more appropriate forum in a free society for this to be done than within the representative, legislative branches of government.

I respectfully ask those of my colleagues who disagree with me, what are the alternatives? What are the long term alternatives to something along the lines of Senate Joint Resolution 110? Can we accept a status quo imposed by a court that is so totally at odds with the deeply held views of so many citizens in this country? Can we accept a status quo in which the laws adopted by the legislatures of every State in the Union are casually overturned? Can we accept a status quo on as divisive an issue as abortion in which one point of view, one responsible point of view, is so totally ignored?

Mr. President, I respectfully suggest that we cannot accept this status quo. For the sake of the country, we must work out some other solution. It may not be a solution that I would prefer, or one that all of my friends in the right-to-live community would prefer, but we must work toward some consensus on this issue. The human life federalism amendment will permit that consensus to be pursued. Alone among the major proposals on this subjects, it will allow the development of a solution that reflects mainstream opinion in this country.

The human life federalism amendment is not a complicated proposal. It is straightforward in its approach. There are a number of questions, however, that have frequently been raised about it that I would like to address briefly. I also refer my colleagues to the committee report on the amendment, S. Rept. 97-465, which I believe offers a thorough and comprehensive overview of this measure.

IS IT APPROPRIATE TO OVERTURN CONSTITUTIONAL DECISIONS OF THE SUPREME COURT?

While there are differences among Members of this body about legitimate congressional responses to High Court decisions of which Congress disapproves, there is no disagreement that Congress is fully empowered to propose amendments to the Constitution in response to such decisions. With respect to constitutionally based decisions of the Supreme Court, I personally believe that this is the only legitimate response. There is certainly ample precedent for such a response.

On four prior occasions, the Constitution was amended in response to particular Court decisions. The 11th

amendment, prohibiting the Federal judicial power from being exercised in suits by citizens of a State against another State, was ratified in response to an action by the Supreme Court in accepting jurisdiction over such a case. *Chisholm* v. *Georgia* 2 U.S. 419 (1793). The 14th amendment, in circumstances similar to the present case, was ratified in response to the infamous Dred Scott case finding that black individuals were noncitizens under the Constitution and, as such, not fully entitled to its protections. *Scott* v. *Sandford* 60 U.S. 393 (1857). The 16th amendment, permitting the imposition of a Federal income tax, was ratified in response to a Court decision finding that an unapportioned—by State—tax violated the Constitution, *Pollock* v. *Farmer's Loan & Trust Co.*, 157 U.S. 429; 158 U.S. 601 (1895). Finally, the 26th amendment, according 18-year-olds the right to vote in Federal and State elections, was ratified following the Court's decision that Congress lacked the authority to impose such an obligation upon the States through a statute, *Oregon* v. *Mitchell*, 400 U.S. 112 (1970). In addition, serious efforts at constitutional amendment have been made in response to court decisions on the subject of child labor laws and State legislative apportionment requirements, *Hammer* v. *Dagenhart*, 247 U.S. 251 (1918); *Baker* v. *Carr*, 369 U.S. 186 (1962).

SHOULD ISSUES OF INDIVIDUAL RIGHTS BE SUBJECT TO THE LEGISLATIVE PROCESSES?

A frequent subject of criticism of the proposed amendment has been the notion that basic questions of individual rights should not be decided by a majority vote. The distinguished Senator from Oregon (Mr. PACKWOOD) was especially articulate in offering this point of view.

As an abstract proposition, I indeed agree with this. I imagine that few of our colleagues would disagree with this, whatever their perspective on the abortion matter. The fundamental rights of individuals should not be determined by referendum.

The problem, of course, is that few can agree on what precisely these "fundamental rights" are with respect to the abortion issue. Critics of the proposed amendment in the so-called "pro-choice" movement see these as the rights of the pregnant woman to determine whether or not to carry a pregnancy to term, while critics in the so-called "pro-life" movement see this as the even more fundamental right of the unborn to life itself.

In other words, there is just as much disagreement on the issue of what fundamental "rights" are involved here as there is on the issue of the morality of abortion itself. It thus begs the question to criticize the immediate amendment as one restricting individual rights. It all depends on one's perspective. While I personally believe that the paramount right involved in the abortion dilemma is the right of the unborn to live, I can only conclude that there is an absolute disagreement on this threshold question.

The purpose of Senate Joint Resolution 110 then is not to resolve the persistent question of which of these competing rights ought to be given precedence but rather to establish a balancing process for determining how this conflict will be resolved in the context of individual circumstances. In short, this balancing process is going to be one that occurs within the normal balancing process of legislative bodies.

IS NOT ABORTION A PRIVATE MATTER THAT OUGHT TO BE RESOLVED BY THE WOMAN HERSELF?

As with the question of abortion as a fundamental, individual right, the question of abortion as a purely private affair begs the basic question involved in the abortion debate. It is precisely because opponents of abortion perceive another human being to be involved in the abortion decision, that is, the unborn child, that they reject the characterization of abortion as a purely "private" matter. To allow abortion-related issues to be resolved according solely to one's own conscience is no more acceptable to those who hold this view than to allow any other physically abusive action to be judged by individual standards. As one witness testified during last year's hearings:

The death of any of our fellow humans cannot be a "private" matter subject only to the values, or lack of them, of the one who seeks or causes his or her death.

No simplistic formulation about the proposed amendment interfering with individual rights, or with decisions appropriately left to the individual, can obscure the basic truth that these propositions themselves implicitly accept the premises of a single side of the abortion debate. Only the proposed constitutional amendment can serve to facilitate a genuine resolution of the indisputably difficult issues involved in this controversy.

Mr. President, the Supreme Court's decision in Roe against Wade has been one of the most strongly criticized court decisions in the history of the country. It has been criticized not only by those who disagree with its substantive policy results, but by a host of responsible constitutional scholars who reject its jurisprudence. While the committee report discusses this in far more detail, let me simply offer some brief observations from some of these constitutional scholars. None of them, so far as I know, is or has been opposed to the policies fostered by Roe, but simply to the process by which it reached its decision.

John Hart Ely, dean of the Stanford Law School and formerly Harvard law professor, has stated that Roe is:

A very bad decision . . . it is bad because it is bad constitutional law, or rather because it is not constitutional law and gives almost no sense of an obligation to try to be . . . what is frightening about Roe is that this superprotected right to abortion is not inferable from the language of the constitution, the framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the nation's governmental structure . . . at times the inferences the court has drawn from the values the constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking.

Prof. Archibald Cox, former Solicitor General of the United States, has similarly remarked:

Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in *Roe* v. *Wade* are part of either natural law or the constitution.

Prof. Richard Epstein of the University of Chicago Law School has observed that:

Neither the mass nor the antiquity of the sources cited by the court in Roe can conceal their essential irrelevance to the constitutional inquiry on abortion.

The late Alexander Bickel of the Yale Law School commented after the Court's decision:

One is left to ask why. The Court never said. It refused the discipline to which its function is proper subject.

He proceeded to describe Justice Blackmun's opinion as more akin to a "model statute" than to a constitutional judicial decision.

Prof. Harry Wellington, former dean of the Yale Law School described the decision as "pickwickian" and concluded that:

The Court had no mandate to create new morality when elaborating the concept of liberty in the fourteenth amendment.

Prof. Arthur Miller of the Harvard Law School said of Roe against Wade:

The Supreme Court found a right to abortion without pointing to any specific words in the text of the constitution.

Perhaps the most telling criticism to the decision came in several unusually harsh dissents. Justice Byron White stated:

I find nothing in the language or history of the Constitution to support the court's judgement. The Court, simply, fashions a new constitutional right for pregnant mothers and with scarcely any reason or authority for its action invests that right with sufficient substance to override most state abortion statutes. The upshot is that the people and the legislatures of the 50 states are constitutionally disentitled to weigh the relative importance of the fetus on the one hand against a spectrum of possible impacts on the mother on the other hand. As an exercise of raw judicial power, the court perhaps has authority to do what it does today; but in my view its judgement is an improvident and extravagant exercise of the power of judicial review which the constitution extends to the court.

Also in dissent, Justice Rehnquist observed:

The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the state may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the fourteenth amendment.

Mr. President, clearly there has been a great deal of dissatisfaction with the Roe against Wade decision that has little to do with the policy substance of that decision. If Congress is ever going to exercise its article V authority to overcome a bad Supreme Court decision, it is difficult to think of a more appropriate decision with which to begin.

Once more, I ask my colleagues to ask themselves how we are going to resolve the abortion dilemma. I see no evidence, whatsoever, that the passions on this issue have subsided with the passing of years. Indeed, if anything, concern about the fruits of *Roe* has grown in the time since the court handed down its decision. Until everyone in this country is allowed input into public policy on this issue, I am convinced that we are going to see continuing divisions in this country on the abortion issue—ugly divisions that raise ugly issues about social class and religion. I hope that my colleagues will appreciate the virtues of the proposed amendment, an amendment that does not direct any substantive policy result but which simply alters the focus of decisionmaking responsibility.

Mr. President, whatever happens to the immediate amendment, the debate in this country on abortion is going to continue. I see no evidence whatsoever that it is going to continue at anything less than the level which has characterized past debate. It is long overdue that we recognize that this debate ought to take place among the democratically elected representatives of the people, not solely in the context of periodic Federal court decisions. Whatever the view of my colleagues on abortion, I hope that they will recognize that this amendment is important for reasons that have nothing to do with abortion and a great deal to do with the exercise of authority in a free society.

Mr. President, again I am disappointed that we could not have had a thorough debate and a vote up and down on this issue. While I acknowledge that we did not have 67 votes, I do think that we did have a significant number of votes. I do believe we could have invoked cloture, but it would have been difficult in the present timeframe. There is virtually no way that we would have come to a final substantive vote on this issue. As a matter of fact, we probably would have spent most of the time arguing about the motion to proceed. I do not consider that a substantive debate.

Next year, in approximately 5 or 6 months, we will be able to have a full and fair substantive debate on the first constitutional proposal on abortion ever to be approved by a committee of Congress. It will be the first such debate since the Roe against Wade decision nearly 10 years ago on the issue of abortion as public policy that is, of course, the substance of the present understanding between myself and the distinguished majority leader.

Mr. President, I ask unanimous consent to have printed in the RECORD certain material related to this matter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROE V. WADE

The U.S. Supreme Court's most consequential decision concerning the matter of abortion came in 1973 in *Roe v. Wade*.[1] That case involved the challenge by a pregnant single woman (under the pseudonym of Jane Roe) to the State of Texas' criminal abortion statute. That statute made it a crime to procure, or attempt to procure, an abortion, except on medical advice for the purpose of saving the life of the mother. It was typical of the kind of statute which had been in effect in many States for over a century. Alleging that she was unmarried and wished to have an abortion performed by a competent, licensed physician, but that she was unable to get a legal abortion because her life did not appear to be threatened by continuation of the pregnancy, the plaintiff challenged the statute as unconstitutional on a number of theories, including abridgement of her right of personal privacy under various constitutional provisions.

Before addressing itself to the constitutional questions, the Court embarked upon a review of the history of abortion from ancient to modern times. After considering abortion practices among the ancient Persians, Greeks, and Romans, it concluded that ancient religion did not bar abortion.[2] With respect to the Hippocratic Oath's famous promise, "I will not give to a woman an abortive remedy," the Court, after examining the views on abortion of various Greek thinkers, concluded that the abortion clause of the Oath represented not the prevailing view of all ancient physicians but only of a small segment of Greek opinion. Its popularity in later times was attributable, the Court found, to its being in agreement with the emerging teachings of Christianity.[3]

With respect to the common law of England, the Court found, based upon recent reexamination of the precedents that, despite the influential statement of Coke that abortion of a woman quick with child was "a great misprision, and no murder," abortion was never a common-law crime even with respect to a quick fetus.[4] After tracing the development of the statutory law of England and the United States respecting abortion from the early 19th century to recent times—a development of gradually increasing criminal liability until the late sixties and early seventies—the Court concluded that, "at least with respect to the early stage of pregnancy, and very possibly without such a limitation, the opportunity to make this choice (to have an abortion) was present in this country well into the 19th century."[5]

Footnotes at end of article.

The Court also reviewed the positions of various national professional groups (the American Medical Association, the American Public Health Association, and the American Bar Association) regarding abortion. The views of the AMA during the 19th century, the Court found, tended to coincide closely with the increasingly restrictive legislation against abortion. The views of all three organizations, it was shown, had become more permissive toward abortion by the early 1970s.[6]

The Court gave special consideration to the historical bases for enactment of the 19th century criminal abortion laws. It found no basis for concluding that such laws were the product of a Victorian social concern to discourage illicit sexual conduct. But it did find an important basis for enactment of these laws to have been concerned with abortion as a medical procedure and its potentially hazardous effects on women. It found these effects to have been lessened in modern times. Accordingly, it recognized a somewhat diminished interest of the state in restricting the availability of abortion on that ground, one which, in effect, corresponded to the degree of risk involved.

"Any interest of the State in protecting the woman from an inherently hazardous procedure, except when it would be equally dangerous for her to forego it, has largely disappeared."[7]

With respect to the State's interest in the protection of prenatal life, the Court indicated that, "recognition may be given to the less rigid claim that as long as at least potential life is involved, the State may assert interests beyond the protection of the pregnant woman alone."[8]

After this preliminary groundwork, the Court addressed itself to the principal aspect of the case. Invoking the right of privacy, to which it has given recognition in earlier cases as a right implicit in various other constitutional provisions, the Court pointed out that the right extended to activities relating to such areas as marriage, procreation, contraception, family relationships and child rearing. Leaving open the precise constitutional basis of this right, the Court held that it "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[9] As justification for this expansion of the right of privacy, the Court set forth factors relating to the "detriment" that the State would impose on the woman by entirely denying this choice to the woman, including "the distress, for all concerned, associated with the unwanted child . . ."[10] The Court nevertheless indicated that this right was not absolute, and that at some point interests of the State could become sufficiently compelling to permit it to regulate some of the factors governing the abortion decision.[11]

The Court considered two arguments offered to establish a compelling State interest justifying incursion upon the abortional freedom which the Court had just recognized as a facet of the right of privacy. The first of these was the contention that the fetus is a "person" within the meaning of the Fourteenth Amendment to the Constitution. The Court indicated that, "if this suggestion of personhood is established, the plaintiff's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment."[12]

The Court, however, found the argument to be without merit. Based upon the use of the term "person" throughout the Constitution, as well as its observation that throughout the major portion of the 19th century

prevailing abortion practices were "far freer than they are today," the Court concluded that the unborn were not "persons" within the meaning of the Fourteenth Amendment.[13]

The second argument which the Court considered was the contention that, apart from the Fourteenth Amendment, life begins at conception and the State has a compelling interest in protecting life from and after conception. Focusing primarily on the failure of the various disciplines of medicine, theololgy, and philosophy to agree on when life begins, the Court declined to resolve the question, thus leaving the argument to fail by virtue of the Court's own declination to address the threshold issue.[14]

The Court finally estabilised the parameters of the abortion liberty. The Court recognized the State as having an "important and legitimate interest in preserving and protecting the health of the pregnant woman," an interest which becomes "compelling" enough to permit some State regulation of abortion only at approximately the end of the first trimester.[15] After that point the State may enact regulations to preserve the health of the woman (by, for example, licensing abortion facilities).

The Court also found that the State has an "important and legitimate interest in protecting the potentiality of human life," and that this interest becomes "compelling" only at the point of "viability," because "the fetus then presumably has the capability of meaningful life outside the mother's womb."[16] After this point the State may restrict abortion or even prohibit it, "except where it is necessary to preserve the life or health of the mother."[17]

This recognition of a "compelling" State interest after "viability" has been viewed by some as a significant limitation upon the abortion liberty described in *Roe*. But in the accompanying case of *Doe v. Bolton*,[18] the Court defined "health" in such an expansive manner as to swallow up the State interest seemingly recognized in *Roe*. In *Doe* the Court stated: ". . . the medical judgement may be exercised in the light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient. All these factors may relate to health. This allows the attending physician the room he needs to make his best medical judgement."[19]

In Professor Noonan's words, the Court ruled that "after her child was viable, she must find an abortionist who believed she needed an abortion."[20]

FOOTNOTES

[1] 410 U.S. 113 (1973).
[2] Id. at 130.
[3] Id. at 132.
[4] Id. at 136.
[5] Id. at 140-41.
[6] Id. at 141-47.
[7] Id. at 149.
[8] Id. at 150.
[9] Id. at 153. In a later case, *Harris* v. *McRae*, 100 S. Ct. 2671 2686 (1980), the Court described the "constitutional underpinning" of *Roe* as the "Due Process Clause of the Fourteenth Amendment."
[10] Id.
[11] Id. at 154.
[12] Id. at 156-57.
[13] Id. at 158.
[14] Id. at 159.
[15] Id. at 163.
[16] Id.
[17] Id. at 165-66.
[18] 410 U.S. 179 (1973).
[19] Id. at 192.
[20] J. Noonan, A Private Choice 12 (1979).

JURISPRUDENCE OF ROE

The protection of human life is the foremost duty of government. The Declaration of Independence asserts that all men are endowed with an inalienable right to life, and that it is in order to secure this right that governments are instituted among men. Honoring this commitment, the Constitution provides in both the Fifth and Fourteenth Amendments that no person may be deprived of life without due process of law.

As a result of new scientific evidence offered to them during the 19th century relating to the nature of human reproduction, legislatures of the several States recognized the biologically human nature of the human fetus throughout pregnancy,[1] and eradicated the common law distinction between the "quickened" and "unquickened" fetus. These legislatures thus adopted criminal laws prohibiting the performance of abortion throughout the term of pregnancy.[2] These abortion laws, enacted in the same era as the ratification of the Fourteenth Amendment to the United States Constitution, acted, as with that Amendment, to affirm Thomas Jefferson's exhortation that "(t)he care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."[3]

Since the decision of the Supreme Court in *Roe v. Wade*, however, the Congress and the States have been stripped of power to protect prenatal human life. Careful scrutiny of this decision by leading constitutional scholars such as Archibald Cox, John Hart Ely and Richard A. Epstein makes it quite clear that the fault of *Roe v. Wade* lies not in the Constitution but in the Supreme Court's interpretation of it. Three principal themes emerge from the criticisms leveled against *Roe*: that the right to abortion proclaimed by *Roe* has little or no basis in the Constitution; that the Court provides little or no reasoned basis for its conclusion that prenatal life is beyond the power of the State to protect; and that *Roe* represents an extreme example of constitutional jurisprudence by which the judiciary assumed the role of a "super-legislature," imposing its view of wise public policy under the guise of constitutional interpretation.

BASIS IN CONSTITUTIONAL LAW

The first charge levied by scholars against *Roe v. Wade* is that, in the words of Professor John Hart Ely, *Roe* is: "a very bad decision . . . It is bad because it is bad constitutional law, or rather because it is not constitutional law and gives almost no sense of obligation to try to be."[4]

Professor Archibald Cox echoes this opinion when he asserts that: "neither historian, layman, nor lawyer will be persuaded that all the details prescribed in *Roe v. Wade* are part of either natural law or the Constitution."[5]

It is important to note as well what these scholars are not saying. They are not criticizing the Court for taking a controversial position on a sensitive issue nor are they disputing the morality of legalized abortion. As a necessary consequence of its position in the legal system, the Supreme Court is often confronted with difficult questions in the context of legal dispute. In the words of Professor Ely, these "difficult questions yield controversial answers."[6] In most cases, however, the Constitution provides some guidance for the proper resolution of even the most controversial of these decisions. For example, the Fourth Amendment guarantees to all citizens, the innocent and guilty alike, freedom from unreasonable searches and seizures. This overriding value leads to controversial decisions involving restraints on police officers in the apprehension of criminals. While all may not agree with the Court's particular application of the Fourth Amendment, Professor Ely points out, one cannot easily make the claim that the Court's decision lacks any foundation in the Constitution.[7]

In the case of *Roe* v. *Wade*, however, the claim is entirely justified, for the Constitution "simply says nothing, clear or fuzzy, about abortion."[8] Nor is there any support whatever in the legislative history of the Constitution to warrant the conclusion that it was intended to secure a "right to an abortion."[9]

The Court's purported "history of abortion regulation"[10] likewise offers no support for the finding within the Fourteenth Amendment of a right to abortion. As Professor Richard A. Epstein has explained, "neither the mass nor the antiquity of the sources cited by the Court can conceal their essential irrelevance to the constitutional inquiry" on abortion.[11] The only aspect of history that would have been relevant to the Court's task is a history of the genesis, purpose and adoption of the Fourteenth Amendment. But as Dean Joseph O'Meara has pointed out, *Roe* v. *Wade* contains "not a syllable" on this important question.[12]

Nevertheless, *Roe* declares that the Due Process Clause of the Fourteenth Amendment confers a right of privacy which includes the right of a woman to abort her offspring if she so chooses. Nowhere in the decision does the Court define the right of privacy; its only discusison of the subject is an assertion that the Constitution does not confer "an unlimited right to do with one's body as one pleases."[13] Yet if the right of privacy does not entitle one to do with one's *own* body what one pleases, how can it be said to protect activity that ends the life of another member of the human species? Even if the human fetus is not a person in the whole sense of the law, Ely emphasizes, "it is certainly not nothing."[14] Ely's aphorism illustrates an essential truth that should have been obvious to the Court—that "there is nothing private about an abortion."[15]

Although the right of privacy is not mentioned in the text of the Constitution, many legal scholars would agree that the courts may find such a right in the general values which certain specific provisions of the Constitution aim to protect. However, these scholars also stress that the right of privacy must be carefully defined and limited; thus, Professor Ely writes that it is entirely proper for a court to infer a general right of privacy, *"so long as some care is taken in defining the sort of right the inference will support."*[16]

Roe, however, provides neither a definition for the right to privacy nor an explanation of how that right is implicated by restrictions upon abortion. Rather, the Court simply declares that the right "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[17] Apparently, the Court thinks that this outcome is supported by the detriment imposed upon the pregnant woman by statutes which prohibit her from aborting her child. As Professor Ely notes, these detriments "ought to be taken very seriously." But, he adds, all this "has nothing to do with privacy in the Bill of Rights sense or

Footnotes at end of article.

any other the Constitution suggests." [18] Whatever one's philosophical views on this issue, it is generally agreed that the Consitiution does not provide such a unrestricted "right to privacy."

THE LIFE AND PERSONHOOD OF THE HUMAN FETUS

The discussion in *Roe* v. *Wade* of the physiological and legal status of the fetus is the most confusing portion of the opinion. The question of when life begins, the Court says, is beyond the competence of the judiciary to answer.[20] Nevertheless, the Court effectively answers that question for the legislatures and citizens of 50 States, declaring that the States may only protect unborn life after "viability." In the United States, therefore, human life—in the sense of an individual whose rights may be protected by the community—as a practical matter does not begin until at least the seventh month of pregnancy. Indeed, all existence prior to live birth is here given the status of, at most, "potential" life; and *Doe* v. *Bolton* has established that the "potential" life of even a viable unborn child cannot be regarded as comparable under the law to the emotional or social "health" of his or her mother.[21]

The Court's conclusion in this regard does not follow from any of the discussion in its opinion. That discussion attempts to answer three questions, and concludes: (1) that the unborn are not "persons" as that word is used in the Fourteeth Amendment of the United States Constitution;[22] (2) that under the common law, the unborn are not "persons in the whole sense";[23] and (3) that the question of when human life begins has been a matter of great controversy among theologians and philosophers with no consensus among them.[24] Consideration of each of these questions is necessary to demonstrate how the Court erred in addressing them, and to illustrate their inconclusiveness with respect to the question of whether the State may act to protect the human fetus.

Fourteenth amendment personhood

The Court offers two reasons for concluding "that the word 'person' as used in the Fourteenth Amendment does not include the unborn": (1) that uses of "person" elsewhere in the Constitution do not have a prenatal application;[25] and (2) that "throughout the major portion of the 19th century prevailing legal abortion practices were far freer than they are today." [26]

The first reason is unpersuasive because in none of the clauses cited by the Court does the Constitution attempt to define what a "person" is. Rather, these provisions—which include the eligibility rquirements for Federal office, the apportionment or representatives, the Extradiction and Fugitive Slave Clauses of Article IV—act only to restrict for particular purposes a broad class of persons. For example, a person must be 25 to be a Representative, 30 to be a Senator, and 35 to be the President.[27] These clauses, as Professor John D. Gorby has explained, "suggest only that there are persons, 24 years of age and younger, who are not qualified for the House, Senate or Presidency." [28] They do not imply that those less than 24 years of age are non-persons, nor do they suggest that they have become persons at birth or at any other particular stage of their development. Professor Gorby added that the other provisions cited by the Court are similarly irrelevant on this issue.[29] The Court's essay on this subject offers nothing to support the conclusion that "person" in the Fourteenth Amendment applies only post-natally.

The Court also suggests that no case has specifically held the unborn to be persons under the Fourteenth Amendment.[30] All this proves is a fact already know to all observers of *Roe v. Wade:* that the question of the constitutional status of the unborn was before the Supreme Court for the first time.[31] Moreover, as Professor Dellapenna notes, "it is difficult to visualize another context in which the question of fetal personhood could be presented. One hundred and five years without such a question being decided is not surprising when one recalls that minors were first held protected by that amendment in 1967." [32]

Thus, the Court effectively dodged the issue of fetal personhood by citing a lack of controlling precedent. The failure to address the question more fully is difficult to rationalize if, as the Court opined, the appellant's case would collapse if the unborn were held to be persons.

Finally, there is ample reason to believe that the Court's assertion of the relative availability of legal abortion during the 19th century is simply not accurate. Leading authorities are in agreement that it was a common law crime to administer any drug or perform any operation for the purpose of causing a miscarriage unless such operation were necessary to save the life of the woman.[33] During the 19th century Americans gradually codified and strengthened the common law prohibition of abortion,[34] and as Justice Rehnquist noted in his dissenting opinion, at the time of the adoption of the Fourteenth Amendment in 1868, "there were at least 36 laws enacted by state or territorial legislatures limiting abortion." [35] At least 19 of these had been passed by 1850. Nevertheless, the Court "observ(ed) . . . that throughout the major portion of the 19th century prevailing legal abortion practices were far freer than they are today." [36] As Professor Gorby concludes, if Justice Blackmun meant by this cryptic statement "that abortion was neither criminal nor subject to penal sanction—either by statute or at common law—he was wrong."[37]

With respect to the Court's denial of constitutional rights to the unborn, Professor Ely observes that "it is most intriguing" to compare the canons of construction used in reaching this conclusion with those employed in identifying the "right to an abortion" itself.[38] In making the latter holding, the Court clearly employed a high degree of imagination and innovation in construing a never-before-identified "right to an abortion" within the Due Process Clause of the Fourteenth Amendment (and perhaps elsewhere within the Constitution). In making the former conclusion, the Court employed a sort of dogged literalism, in finding that "person" could not possibly have contemplated the inclusion of the unborn.[39] Without taking sides on the appropriate method of judicial construction, I (in agreement with Professor Ely) nevertheless note that the alternating theories of construction employed by the Court in *Roe* suggest that there may have been something more involved in that decision than purely neutral criteria for constitutional interpretation.

The Court's holding that the Fourteenth Amendment could not possibly have been intended to protect the unborn may conflict with the plain meaning of the word "person," and quite possibly, with the intent of the Fourteenth Amendment. In order to decide whether an individual is protected under the Fourteenth Amendment, Congressman John Bingham of Ohio, its principal Framer, declared in 1867, "the only question to be asked of the creature claiming its protection is this: Is he a man?" [40] The Court's observations notwithstanding, this question has consistently been answered in the affirmative by American courts and legislatures with regard to the unborn.[41] Thus, in the words of Professor Noonan:

"The Fourteenth Amendment expressly declaring that no State shall "deprive any person of life" without due process of law appeared to guarantee the protection of all human beings. The Supreme Court in a stirring dictum had declared that "one's right of life" depends on the "outcome of no election." The right to life, put beyond electoral caprice, appeared to be secured by the due process clause. No student of language, no one faithful and attentive to the words of the Constitution could have supposed that the very clause which seemed to secure life could be turned inside out to mandate destruction of the States' life-protective measures . . . . The Congressmen who proposed and ratified the Fourteenth Amendment approved legislation banning abortion in the federal territories. The State legislatures which ratified the Fourteenth Amendment left in force strict statutes against abortion. How amazed these Congressmen and legislatures would have been to have been told that the Amendment they adopted could be read to eradicate the criminal laws safeguarding life. From the date of the adoption of the Fourteenth Amendment in 1868 until January 22, 1973, the traditions of the American people assured the protection of life in the womb . . ." [42]

As Professor Ely notes, even if the unborn do not have rights under the Fourteenth Amendment, this is irrelevant to the question of whether a State may restrict abortion, for "it has never been held or even asserted that the state interest needed to justify forcing a person to refrain from an activity, *whether or not that activity is constitutionally protected,* must implicate either the life or the constitutional rights of another person. Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not even mean the state cannot prohibit killing them: It does not mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest."[43]

Thus, I believe that the Court's finding of non-personhood of the unborn was a highly tenuous one. In any event, this finding in no way mandates the Court's conclusion that the States lack any compelling interest in protecting the lives of these unborn.

The common law

The theme of "personhood" was further discussed by the court in its observation that the unborn were not considered "persons in the whole sense" under the common law.[44] This observation is as tenuous as the Court's denial of personhood under the Constitution. The Court simply failed to view the history of restrictions upon abortion in perspective, with abortion first as a violation of canon and common law, then, after the demise of canon law jurisdiction over civil matters, as a common law crime,[45] and as a statutory offense.[46]

The phrase, "persons in the whole sense," is also misleading, for many categories of human beings were not given full rights under the common law—for example, infants, women and slaves. Yet, it does not follow that the common law did not protect the lives of these human beings. The unborn, Professor Epstein notes, were for

many purposes regarded as persons by the common law; furthermore, he emphasizes;

"It remains true that recent judicial trends have expanded, not limited, their rights." [47]

For example, the Court "acknowledged that unborn children have been recognized as acquiring rights or interests by way of inheritance or other devolution of property, and have been represented by guardians." [48]

In the realm of tort law, the uninterrupted trend of recent decades has been to discard the old rules and to allow the unborn child standing to sue for injuries sustained in utero. Dean Prosser has noted that:

"All writers who have discussed the problem have joined in condemning the old rule, and in maintaining that the unborn child in the path of an automobile is as much a person in the street as the mother." [49]

Thus, in terms of development of the law, the Court would have placed itself well within the mainstream by recognizing the legal "personhood" of the unborn. Instead, it chose to go against this mainstream by refusing to recognize the trend of the law's development.

The beginning of human life

It is important to distinguish between *Roe v. Wade's* holding regarding the personhood of the unborn under the Fourteenth Amendment, and the Court's subsequent discussion of theories on the beginning of human life. On the first question, the Court squarely held that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." [50] This conclusion disposed of any argument that the State might be permitted or obligated under the Amendment to protect the life of the unborn.

The second argument proposed by the State defendants in *Roe v. Wade* was that, apart from any duty under the Fourteenth Amendment, the State has a compelling interest in protecting life "from conception." [51] The Court's response here was the now famous declaration:

"We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer." [52]

The Court, however, did more than speculate as to the answer. Philosophers, theologians and physicians, Professor Epstein notes, "do not have, or pretend to have, the power to decide this question for us all." [53] But, as a practical matter, the Supreme Court exercised such a power in *Roe v. Wade*, deciding that only one theory of prenatal life would be reflected in American constitutional law: that life begins at viability, when the fetus "has the capability of meaningful life outside the mother's womb." [54] It is only at this point, fixed elsewhere in the opinion at about 24-28 weeks,[55] that the State may even begin to balance the interest in the life of the fetus against the social or emotional "well being" of the mother. This conclusion rests upon the Court's determination that until birth, "the fetus, at most, represents only the potentiality of life." [56] No other "theory of life," the Court holds, may be adopted by the State to limit the right to abortion.[57]

In considering this conclusion, one looks in vain for any reasoning from constitutional or legal (or scientific) principle. The Court discusses a variety of views which have surfaced in history on the question of when human life begins, and notes that many of these disagreed with the views that life begins at conception.[58] However, as Professor Epstein notes, none of the arguments on this question turn, or can be made to turn, on the language of the Constitution.[59] Thus, he concludes, the Court's declaration that no State may adopt a theory of life which infringes on the availability of abortions prior to the seventh month of pregnancy characterizes *Roe* as an arbitrary decision based on naked political preferences.[60] In effect, the Court decided that the State may only enforce a theory of life that is consistent with the view that life begins at viability.[61] Thus, the Court has indeed decided, for the purposes of the law, when life begins. And it did so on grounds that have no relation to the Court's function in the constitutional system of government. In recommending proposal of the immediate amendment, I take no position on the question of when human life begins but only a position on the manner in which public debate on this question has been foreclosed by the Court's action.

Conclusion

This section has attempted only to portray some flavor of the jurisprudential criticism that has been directed at the *Roe* and *Doe* decisions. In large part, this criticism has come from individuals who do not look with disfavor upon the substantive policies generated by these decisions. They simply question how these policies came suddenly to be mandated by a Constitution that had never been thought prior to 1973 to contain anything approaching the "rights" set forth in *Roe* and *Doe*. As professor Ely again has observed:[62]

"What is frightening about *Roe* is that this super-protected right (to abortion) is not inferable from the language of the Constitution, the Framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included, or the Nation's governmental structure . . . At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking."

As Professor Epstein has similarly concluded, the *Roe* decision is "symptomatic of the analytical poverty possible in constitutional litigation." [63]

Among other constitutional scholars who have been sharply critical of the jurisprudence in *Roe* are the late Alexander Bickel of the Yale Law School, Arthur Miller of the Harvard Law School, Harry Wellington, former Dean of the Yale Law School, and Archibald Cox, former Solicitor General of the United States.[64]

Perhaps even more compelling criticism of the *Roe* decision, however, has come from the Justices themselves who were in dissent in that case. In a dissent far stronger than normally seen on the Supreme Court, Justice White stated:

"I find nothing in the language or history of the Constitution to support the Court's judgment. The Court simply fashions a new constitutional right for pregnant mothers and, with scarcely any reason or authority for its action invests that right with sufficient substance to override most existing State abortion statutes. The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review which the Constitution extends to this Court." [65]

Justice Rehnquist similarly observed:

"The decision here to break the term of pregnancy into three distinct terms and to outline the permissible restrictions the State may impose in each one, for example, partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment." [66]

While fully respecting the authority of the Supreme Court to interpret the provisions of the Constitution, this Committee recognizes also the authority reposed in Congress under Article V of the Constitution to amend that document in response to what it views as wrongful or inappropriate decisions (see infra Section XI). To this end, the Senate Committee on the Judiciary in this Report recommends that the Constitution be so amended to overcome the effects of *Roe v. Wade* and its progeny and to restore authority in the legislative branches of government over the practice of abortion.

FOOTNOTES

[1] Destro, at 1278-80, 1289-90. As Professor Charles Rice has noted, at the time of the ratification of the Constitution, "the scientific facts of life in the womb were not clearly known." Rice, "The Dred Scott case of the Twentieth Century," 10 Hous. L. Rev. 1059, 1069 (1973). [Hereinafter cited as "Rice."]

[2] Id. at 1276-80. See *Gray* v. *State*, 77 Tex. Crim. 221, 224, 178 S.W. 337, 338 (1915) (construing abortion statute to abrogate the common-law quickening distinction). See also Me. Rev. Stat. c. 160, 13-14 (1840); Conn. Stat. tit. 22, 14, 16 (1821), amended by Conn. Pub. Acts, ch. 71-1 (1860). Both of these statutes abrogated the common law doctrine that held abortion to be unlawful only in the case of a "quickened" fetus. According to Destro, the history of the Connecticut statute, the Nation's first abortion law, "reveals that as medical knowledge of the unborn progressed, so did the protective ambit of the statute." Destro at 1276, n. 115, 121 and 1279-80.

In colonial times and into the nineteenth century, matters of reproductive health were dealt with by midwives, not physicians. As early as 1716, the Common Council of New York City enacted a law regulating the practice of midwifery, a law which strictly prohibited the administration of abortifacients and the performance of abortions. See Horan and Marzen, "Abortion and Midwifery: A Footnote in Legal History," in Hilgers et al. (ed.), New Perspectives on Human Abortion (1981). [Hereinafter cited as "New Perspectives."]

[3] Speech to the Republican Citizens of Washington County, Maryland (March 31, 1809), reprinted in J. Bartlett, Familiar Quotations 472-73 (14th ed. 1968).

[4] Ely. "The Wages of Crying Wolf," 82 Yale L. J. 920, 947 (1973). [Hereinafter cited as "Ely."]

[5] A. Cox, The Role of the Supreme Court in American Government 114 (1976).

[6] Ely at 927.

[7] Id.

[8] Id.

[9] Id. at 939.

[10] 410 U.S. 113, 129-152.

[11] Epstein, "Substantive Due Process By Any Other Name," 1973 Sup. Ct. Rev. 159, 167. [Hereinafter cited as "Epstein".]

[12] O'Meara, "Abortion: The Court Decides A Non-Case," 1974 Sup. Ct. Rev. 337, 352. [Hereinafter cited as "O'Meara".]

[13] 410 U.S. at 153.

[14] Ely at 931.

[15] O'Meara at 340.

[16] Ely at 929 (emphasis in original). The right of privacy has been developed in several Supreme Court decisions to protect the autonomy of the family, and later, the individual, in matters of childrearing, procreation and contraception. See *Meyer* v. *Nebraska*, 262 U.S. 390 (1923); *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925); *Skinner* v. *Okla-*

homa, 316 U.S. 535 (1942); *Loving* v. *Virginia*, 388 U.S. 1 (1967); *Griswold* v. *Connecticut*, 381 U.S. 469 (1965). Several commentators favorable to *Roe* v. *Wade* have remarked that *Roe* represents a maternal extension of the doctrine of familial privacy. See, e.g., Hemmann and Barzelay, "The Forest and the Trees: *Roe* v. *Wade* and Its Critics." 53 B.U.L. Rev. 765 (1973); Note, "Roe v. Wade. Its Impact On Rights of Choice in Human Reproduction." 5 Col. H. Rts. L. Rev. 497 (1973): Note, "In Defense of Liberty: A Look at the Abortion Decision," 61 Geo. L.J., 1559 (1973). But as one authority pointed out,

No elaborate discussion is required to expose the glaring non sequitur in the Court's argument. Plainly the fact that some family matters are constitutionally protected does not demonstrate that abortion is constitutionally protected. Nor does the added fact that abortion laws disadvantage pregnant women, establish their invalidity. Legal restrictions are placed on family autonomy in fields ranging from divorce to euthanasia despite the heavy costs thereby exacted from the individuals concernd.

Vieira, "Roe and Doe: Substantive Due Process and the Right of Abortion," 25 Hastings L.J. 867, 873 (1974).

[17] 410 U.S. at 153.

[18] Ely at 932.

[19] Id.

[20] 410 U.S. at 159.

[21] 410 U.S. 179, 192. See supra text at notes 26-7.

[22] 410 U.S. at 158.

[23] 410 U.S. at 162.

[24] 410 U.S. at 159-160.

[25] 410 U.S. at 157.

[26] 410 U.S. at 158.

[27] See Gorby, "The 'Right' to an Abortion, the Scope of Fourteenth Amendment 'Personhood,' and The Supreme Court's Birth Requirement," 1979 So. Ill. L. Rev. 1, 11-12. [Hereinafter cited as "Gorby".]

[28] Id. at 12.

[29] Id. On this method of judicial construction, cf. J. Story, Commentaries on the Constitution of the United States, § 454 (1833); T. Cooley, A Treatise on the Constitutional Limitations 62 (1868).

[30] 410 U.S. at 158.

[31] Two Federal district courts in cases which led up to *Roe* held that the unborn were not persons under the Fourteenth Amendment. *See McGarry* v. *Magee-Women's Hospital*, 340 F. Supp. 751 (W.D. Pa. 1972); *Acete* v. *Markle*, 351 F. Supp. 224 (D. Conn. 1972). Cf., however, *Steinberg* v. *Brown* in which the U.S. District Court for the Northern District of Ohio stated, "Biologically, when the spermatozoon penetrates and fertilizes the ovum, the result is the creation of a new organism which conforms to the definition of life. Once human life has commenced, the constitutional protections found in the Fifth and Fourteenth Amendments impose upon the State the duty of safeguarding it." 321 F. Supp., 741, 746-7 (1970). The Court in *Roe* was plainly wrong in its absolute statement. *Roe* was the first case to squarely present the issue of the constitutional rights of the unborn before the Supreme Court. On the subject of personhood in the legal and other senses, see generally the testimony of Professor Germain Grisez. Professor, Mount Saint Mary's College, Senate hearings, November 5, 1981. See also the outstanding work by Professor Grisez, Abortion: The Myths, the Realities, and the Arguments (1970) for a fuller discussion of these and other issues related to abortion.

[32] Dellapenna, "Nor Piety Nor Wit: The Supreme Court on Abortion," 8 Col. H.R. Law Rev. 379, 400 (1974).

[33] Perkins, Criminal Law 140 (2nd ed., 1969). See generally, Horan, et al., "The Legal Case for the Unborn Child," in Abortion and Social Justice 105 (1972).

[34] Destro. 1278-80.

[35] 410 U.S. at 174-176.

[36] 410 U.S. at 158.

[37] Gorby at 15. If, instead, the Court meant that abortion regulations in the nineteenth century were less restrictive than those of 1973, it was also wrong. Abortion statutes in force in 1973 in at least 21 States were the same as those in effect in 1868. To the extent that other statutes became more restrictive, this occurred in response to the growing awareness of the life of the unborn from the time of conception, that is, that the fetus was "quick" or alive, from that first moment. Many legislatures and jurists were already aware of this. A Pennsylvania court in 1850 wrote: "The moment the womb is instinct with embryo life, and gestation has begun, the crime [of abortion] may be perpetrated." *Mills* v. *Commonwealth*, 13 Pa. 630, 633-34 (1850). The Alabama Court of Appeals, interpreting a statute passed in 1840, wrote: "The statute's manifest purpose is to restrain after conception an unwarranted interference with the course of nature in the propagation and reproduction of human kind. . . . We are forced to concede that when in the red-hot furnace of vitality two germs, male and female, are brought together, that fuse themselves into one, a new being, crowned with humanity and and mentality, comes into life. If this be true, does not the new being, from the first day of its uterine life, acquire a legal and moral status that entitles it to the same protection as that guaranteed to human beings in extrauterine life. . . ?" *Trent* v. *State*, 15 Ala. App. 485, 496, 73 So. 834, 836 (1916).

[38] Ely at 926. Professor Rice explains that "it is the evident purpose of the Bill of Rights to protect human rights. It would seem to be clearly inconsistent with that aim to hold that a human being can be deprived of the most basic right, the right to live, by the expedient of defining him as a nonperson." Rice at 1069.

[39] See also Gorby at 22-24 and sources cited therein: "Concerning the function of the Fourteenth Amendment and the role of the word 'person' in the amendment, it can be said that the immediate political concern of the second half of the 1860s was to secure rights and freedoms and to ensure equal protection for former slaves. More generally, however, the amendment was designed to secure to all persons the fundamental rights of man, which generally include life, liberty or property, by providing the adjective right of access to the courts. There is nothing in the function of the fourteenth amendment to suggest that its scope or purpose is to protect only the born. And to the extent that an unborn can be the owner of property and is living, a Fourteenth Amendment purpose exists in the case of the unborn just as surely as it does with a born person who owns property and possesses 'life'," Gorby at 24 (footnotes omitted).

[40] Cong. Globe, 40th Cong., 1st Sess. 542 (1867). Congressman Bingham emphasized that the constitutional right to life transcended any statutory protection for human life, or lack thereof. "Bingham stated that, notwithstanding the fact that life had never 'been protected, and is not now protected, in any State of the Union by the statute law of the United States,' such a fact is not determinative of the existence of the right, for it is expressly protected in the Constitution." Destro at 1288, citing Cong. Globe, 39th Cong., 1st Sess. 429 (1865).

[41] In 1850, the Supreme Court of Pennsylvania declared, 'By the well settled and established doctrine of the common law, the civil rights of an infant en ventre sa mere are fully protected at all periods after conception." *Mills* v. *Commonwealth*, 13 Pa. 630, 631 (1850). See, e.g., sources cited in note 133. See also *State* v. *Murphy*, 27 N.J.L. 112, 114 (1858) (the mother's offense in procuring an abortion "at the common law is against the life of the child"); *Smith* v. *State*, 33 Me. 46 (1851). As Destro notes. *Murphy* and *Smith* make it clear that, in abortion statutes passed prior to the Fourteenth Amendment, "the destruction of the unborn child was, itself, the gravamen of the crime of abortion." Destro at 1276. As medicine advanced the knowledge of human embryology and fetology, legislatures passed statutes to protect unborn life before and after "quickening," thus recognizing the humanity of the unborn throughout the term of pregnancy. See note 133, supra.

[42] Senate hearings, October 5, 1981, Professor John Noonan, University of California School of Law. The quote from the Supreme Court decision is taken from *West Virginia State Board of Education* v. *Barnette*, 319 U.S. 624 (1943) at 638.

[43] Ely at 926.

[44] 410 U.S. at 162.

[45] As Destro points out, however, the common law restrictions upon abortion derived independently and did not originate in canon law. Destro, at 1275, note 110.

[46] See statutes cited in *Roe* v. *Wade*, 410 U.S. at 175 (Rehnquist, J., dissenting).

[47] Epstein at 175.

[48] O'Meara at 355. See e.g., *Burn* v. *New York City Health and Hospitals Corp.*, 31 N.Y. 2d 194, 286 N.E. 2d 2887 (1972) (Guardian ad litem appointed to represent unborn children in abortion litigation.)

[49] W. Prosser, The Law of Torts 336 (4th ed.).

[50] 410 U.S. at 158.

[51] 410 U.S. at 159.

[52] Id.

[53] Epstein at 176.

[54] 410 U.S. at 163.

[55] Id. at 160.

[56] Id. at 162.

[57] Id. For ways in which the lower Federal courts have further eroded the legal protection of viable fetuses and of children born alive during post-viability abortions, see generally Basile Uddo, "When Judges Blink, Congress Must Not Blink", The Human Life Review, Summer 1979, 42-60.

[58] 410 U.S. at 160. Several views have persisted on the question of when human life begins, and as the Court correctly notes, "there has always been strong support throughout history for the view that life does not begin until live birth." 410 U.S. at 160. The Court does acknowledge that many physicians and theologians strongly hold the opposing view that life exists from the moment of conception, but attempts to dismiss the importance of this latter position, implying that advances in science pose "substantial problems for a precise definition of this view." 410 U.S. at 167. As was ably demonstrated by the testimony presented on behalf of S. 158 to the Subcommittee on the Separation of Powers, however, those who defend the humanity of the fetus from the time of conception have a variety of compelling biological arguments for their view. Hearings before the Subcommittee on Separation of Powers on the Human Life Bill, 97th Congress, 1st Session.

[59] Epstein at 179.

[60] "[The Court] conceded that the 'potential' life of the unborn child must be taken into account in order to make the constitutional rules to govern abortions. But is there not a potential life in the unborn child from the moment of conception? And, if so, how do we take its measure? It makes no sense to hold in conclusionary terms that 'by adopting one theory of life, Texas may [not] override the rights of the pregnant woman that are at stake.' That formulation of the issue begs the important question because it assumes that we know that the woman's rights must prevail even before the required balance takes place. We could as well claim that the Court, by adopting another theory of life, has decided to override the rights of the unborn child which the law of Texas tries to protect. The Justice simply cannot strike the balance . . . unless he has some theory of life of his own which shows that there is no 'compelling' interest [in the life] of the unborn child. His exhaustive history of the abortion question indicates quite clearly that there is no consensus on the question, and it is simple fiat and power that gives his position its legal effect." Epstein at 182.

[61] The State's authority under *Roe* to protect unborn life is quite tenuous, however, even after the point of viability. See supra text at notes 26-7.

[62] Ely at 935-7.

[63] Epstein at 184.

[64] A. Bickel, The Morality of Consent (1975) (The Court in *Roe* was "not excused in transgressing all limits in refusing its own prior discipline"); A. Miller, Miller's Court (1982) ("The Supreme Court found a right to abortion without pointing to any specific words in the text of the Constitution."); Wellington, "Common Law Rules and Constitutional Double Standards," 83 Yale L.J. 221 (1973) ("Pickwickian" decisions); A. Cox, The Role of the Supreme Court in American Government (1976) ("The failure to confront the issue in principled terms leaves the option to read like a set of hospital rules and regulations . . . Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in *Roe* v. *Wade* are part of . . . the Constitution"). For scholarship drawing an analogy between the *Roe* decision and the Supreme Court's decision in Dred Scott more than a Century earlier, see e.g., Swan, "The Thirteenth Amendment Dimension of *Roe* v. *Wade*," 4 J. Juv. 1. (1980); Csank, "The Lords and Givers of Life," Human Life Rev., Spring 1977 at 77; Noonan. "The Meaning of Dred Scott," 1979 Ariz. St. L.J. 1.

[65] 410 U.S. at 221-22 (Justice White dissenting).

[66] 410 U.S. at 174 (Justice Rehnquist dissenting).

The Wages of Crying Wolf: A Comment on Roe v. Wade*

(By John Hart Ely**)

The interests of the mother and the fetus are opposed. On which side should the State throw its weight? The issue is volatile; and

it is resolved by the moral code which an individual has.[1]

In *Roe v. Wade*,[2] decided January 22, 1973, the Supreme Court—Justice Blackmun speaking for everyone but Justices White and Rehnquist[3]—held unconstitutional Texas' (and virtually every other state's[4]) criminal abortion statute. The broad outlines of its argument are not difficult to make out:

1. The right to privacy, though not explicitly mentioned in the Constitution, is protected by the Due Process Clause of the Fourteenth Amendment.[5]

2. This right "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.[6]

3. This right to an abortion is "fundamental" and can therefore be regulated only on the basis of a "compelling" state interest.[7]

4. The state does have two "important and legitimate" interests here,[8] the first in protecting maternal health, the second in protecting the life (or potential life[9]) of the fetus.[10] But neither can be counted "compelling" throughout the entire pregnancy: Each matures with the unborn child.

These interests are separate and distinct. Each grows in substantiality as the woman approaches term and, at a point during pregnancy, each becomes "compelling."[11]

5. During the first trimester of pregnancy, neither interest is sufficiently compelling to justify any interference with the decision of the woman and her physician. Appellants have referred the Court to medical data indicating that morality rates for women undergoing early abortions, where abortion is legal, "appear to be as low as or lower than the rates for normal childbirth."[12] Thus the state's interest in protecting maternal health is not compelling during the first trimester. Since the interest in protecting the fetus is not yet compelling either,[13] during the first trimester the state can neither prohibit an abortion nor regulate the conditions under which one is performed.[14]

6. As we move into the second trimester, the interest in protecting the fetus remains less than compelling, and the decision to have an abortion thus continues to control. However, at this point the health risks of abortion begin to exceed those of childbirth. "It follows that, from and after this point, a State may regulate the abortion procedure to the extent that the regulation reasonably relates to the preservation and protection of maternal health."[15] Abortion may not be prohibited during the second trimester, however.[16]

7. At the point at which the fetus becomes viable[17] the interest in protecting it becomes compelling,[18] and therefore from that point on the state can prohibit abortions *except*—and this limitation is also apparently a constitutional command, though it receives no justification in the opinion—when they are necessary to protect maternal life or health.[19]

I

A number of fairly standard criticisms can be made of *Roe*. A plausible narrower basis of decision, that of vagueness, is brushed aside in the rush toward broader ground.[20] The opinion strikes the reader initially as a sort of guidebook, addressing questions not before the Court and drawing lines with an apparent precision one generally associates with a commissioner's regulations.[21] On closer examination, however, the precision proves largely illusory. Confusing signals are emitted, particularly with respect to the nature of the doctor's responsibilities[22] and the permissible scope of health regulations after the first trimester.[23] The Court seems, moreover, to get carried away on the subject of remedies: Even assuming the case can be made for an unusually protected constitutional right to an abortion, it hardly seems necessary to have banned during the first trimester *all* state regulation of the conditions under which abortions can be performed.[24]

By terming such criticisms "standard," I do not mean to suggest they are unimportant, for they are not. But if they were all that was wrong with *Roe*, it would not merit special comment.[25]

II

Let us not underestimate what is at stake: Having an unwanted child can go a long way toward ruining a woman's life.[26] And at bottom *Roe* signals the Court's judgment that this result cannot be justified by any good that anti-abortion legislation accomplishes. This surely is an understandable conclusion—indeed it is one with which I agree[27]—but ordinarily the Court claims no mandate to second-guess legislative balances, at least not when the Constitution has designated neither of the values in conflict as entitled to special protection.[28] But even assuming it would be a good idea for the Court to assume this function, *Roe* seems a curious place to have begun. Laws prohibiting the use of "soft" drugs or, even more obviously, homosexual acts between consenting adults can stunt "the preferred life styles"[29] of those against whom enforcement is threatened in very serious ways. It is clear such acts harm no one besides the participants, and indeed the case that the participants are harmed is a rather shaky one.[30] Yet such laws survive,[31] on the theory that there exists a societal consensus that the behavior involved is revolting or at any rate immoral.[32] Of course the consensus is not universal but it is sufficient, and this is what is counted crucial, to get the laws passed and keep them on the books. Whether anti-abortion legislation cramps the life style of an unwilling mother more significantly than anti-homosexuality legislation cramps the life style of a homosexual is a close question. But even granting that it does, the *other* side of the balance looks very different. For there is more than simple societal revulsion to support legislation restricting abortion:[33] Abortion ends (or if it makes a difference, prevents) the life of a human being other than the one making the choice.

The Court's response here is simply not adequate. It agrees, indeed it holds, that after the point of viability (a concept it fails to note will become even less clear than it is now as the technology of birth continues to develop[34]) the interest in protecting the fetus is compelling.[35] Exactly why that is the magic moment is not made clear: Viability, as the Court defines it,[36] is achieved some six to twelve weeks after quickening.[37] (Quickening is the point at which the fetus begins discernibly to move independently of the mother[38] and the point that has historically been deemed crucial—to the extent *any* point between conception and birth has been focused on.[39] But no, it is *viability* that is constitutionally critical: the Court's defense seems to mistake a definition for a syllogism.

"With respect to the State's important and legitimate interest in potential life, the 'compelling' point is at viability. This is so because the fetus then presumably has the capacity of meaningful life outside the mother's womb."[40]

With regard to why the state cannot consider this "important and legitimate interest" prior to viability, the opinion is even less satisfactory. The discussion begins sensibly enough: The interest asserted is not necessarily tied to the question whether the fetus is "alive," for whether or not one calls it a living being, it is an entity with the potential for (and indeed the likelihood of) life.[41] But all of arguable relevance that follows[42] are arguments that fetuses (a) are not recognized as "persons in the whole sense" by legal doctrine generally[43] and (b) are not "persons" protected by the Fourteenth Amendment.[44]

To the extent they are not entirely inconclusive, the bodies of doctrine to which the Court adverts respecting the protection of fetuses under general legal doctrine tend to undercut rather than support its conclusion.[45] And the argument that fetuses (unlike, say, corporations) are not "persons" under the Fourteenth Amendment fares little better. The Court notes that most constitutional clauses using the word "persons"—such as the one outlining the qualifications for the Presidency—appear to have been drafted with postnatal being in mind. (It might have added that most of them were plainly drafted with *adults* in mind, but I suppose that wouldn't have helped.) In addition, "the appellee conceded on reargument that no case can be cited that holds that a fetus is a person within the meaning of the Fourteenth Amendment."[46] (The other legal contexts in which the question could have arisen are not enumerated.)

The canons of construction employed here are perhaps most intriguing when they are contrasted with those invoked to derive the constitutional right to an abortion.[47] But in any event, the argument that fetuses lack constitutional rights is simply irrelevant. For it has never been held or even asserted that the state interest needed to justify forcing a person to refrain from an activity, *whether or not that activity is constitutionally protected*, must implicate either the life or the constitutional rights of another person.[48] Dogs are not "persons in the whole sense" nor have they constitutional rights, but that does not mean the state cannot prohibit killing them: It does not even mean the state cannot prohibit killing them in the exercise of the First Amendment right of political protest. Come to think of it, draft cards aren't persons either.[49]

Thus even assuming the Court ought generally to get into the business of second-guessing legislative balances, it has picked a strange case with which to begin. Its purported evaluation of the balance that produced anti-abortion legislation simply does not meet the issue: That the life plans of the mother must, not simply may, prevail over the state's desire to protect the fetus simply does not follow from the judgment that the fetus is not a person. Beyond all that, however, the Court has no business getting into that business.

III

Were I a legislator I would vote for a statute very much like the one the Court ends up drafting.[50] I hope this reaction reflects more than the psychological phenomenon that keeps bombardiers sane—the fact that it is somehow easier to "terminate" those you cannot see—and am inclined to think it does: that the mother, unlike the unborn child, has begun to imagine a future for her-

Footnotes at end of article.

self strikes me as morally quite significant. But God knows I'm not *happy* with that resolution. Abortion is too much like infanticide on the one hand, and too much like contraception on the other, to leave one comfortable with any answer; and the moral issue it poses is as fiendish as any philosopher's hypothetical.[51]

Of course, the Court often resolves difficult moral questions, and difficult questions yield controversial answers. I doubt, for example, that most people would agree that letting a drug peddler go unapprehended is morally preferable to letting the police kick down his door without probable cause. The difference, of course, is that the Constitution, which legitimates and theoretically controls judicial intervention, has some rather pointed things to say about this choice. There will of course be difficult questions about the applicability of its language to specific facts, but at least the document's special concern with one of the values in conflict is manifest. It simply says nothing, clear or fuzzy, about abortion.[52]

The matter cannot end there, however. The Burger Court, like the Warren Court before it, has been especially solicitous of the right to travel from state to state, demanding a compelling state interest if it is to be inhibited.[53] Yet nowhere in the Constitution is such a right mentioned. It is, however, as clear as such things can be that this right was one the framers intended to protect, most specifically [54] by the Privileges and Immunities Clause of Article IV.[55] The right is, moreover, plausibly inferable from the system of government, and the citizen's role therein, contemplated by the Constitution.[56] The Court in *Roe* suggests an inference of neither sort—from the intent of the framers,[57] or from the governmental system contemplated by the Constitution—in support of the constitutional right to an abortion.

What the Court does assert is that there is a general right of privacy granted special protection—that is, protection above and beyond the baseline requirement of "rationality"—by the Fourteenth Amendment,[58] and that that right "is broad enough to encompass" the right to an abortion. The general right of privacy is inferred, as it was in *Griswold* v. *Connecticut*,[59] from various provisions of the Bill of Rights manifesting a concern with privacy, notably the Fourth Amendment's guarantee against unreasonable searches, the Fifth Amendment's privilege against self-incrimination, and the right, inferred from the First Amendment, to keep one's political associations secret.[60]

One possible response is that all this proves is that the things explicitly mentioned are forbidden, if indeed it does not actually demonstrate a disposition *not* to enshrine anything that might be called a general right of privacy.[61] In fact the Court takes this view when it suits its purposes. (On the *same day* it decided *Roe*, the Court held that a showing of reasonableness was not needed to force someone to provide a grand jury with a voice exemplar, reasoning that the Fifth Amendment was not implicated because the evidence was not "testimonial" and that the Fourth Amendment did not apply because there was no "seizure." [62]) But this approach is unduly crabbed. Surely the Court is entitled, indeed I think it is obligated, to seek out the sorts of evils the framers meant to combat and to move against their twentieth century counterparts.[63]

Thus it seems to me entirely proper to infer a general right of privacy, *so long as some care is taken in defining the sort of right the inference will support.* Those aspects of the First, Fourth and Fifth Amendments to which the Court refers all limit the ways in which, and the circumstances under which, the government can go about gathering information about a person he would rather it did not have.[64] *Katz v. United States*,[65] limiting governmental tapping of telephones, may not involve what the framers would have called a "search," but it plainly involves this general concern with privacy.[66] *Griswold* is a long step, even a leap, beyond this, but at least the connection is discernible. Had it been a case that purported to discover in the Constitution a "right to contraception," it would have been *Roe*'s strongest precedent.[67] But the Court in *Roe* gives no evidence of so regarding it,[68] and rightly not.[69] Commentators tend to forget, though the Court plainly has not,[70] that the Court in *Griswold* stressed that it was invalidating only that portion of the Connecticut law that proscribed the *use*, as opposed to the manufacture, sale, or other distribution of contraceptives. That distinction (which would be silly were the right to contraception being constitutionally enshrined) makes sense if the case is rationalized on the ground that the section of the law whose constitutionality was in issue was such that *its enforcement would have been virtually impossible without* the most outrageous sort of governmental prying into the privacy of the home.[71] And this, indeed, is the theory on which the Court appeared rather explicitly to settle:

"The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the *use* of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship. Such a law cannot stand in light of the familiar principle, so often applied by this Court, that 'a governmental purpose to control or prevent activities constitutionally subject to state regulation may not be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms.' *NAACP v. Alabama*, 377 U.S. 288, 307. Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship."[72]

Thus even assuming (as the Court surely seemed to) that a state can constitutionally seek to minimize or eliminate the circulation and use of contraceptives, Connecticut had acted unconstitutionally by selecting a means, that is a direct ban on use, that would generate intolerably intrusive modes of data-gathering.[73] No such rationalization is attempted by the Court in *Roe*—and understandably not, for whatever else may be involved, it is not a case about governmental snooping.[74]

The Court reports that some amici curiae argued for an unlimited right to do as one wishes with one's body. This theory holds, for me at any rate, much appeal. However, there would have been serious problems with its invocation in this case. In the first place, more than the mother's own body is involved in a decision to have an abortion; a fetus may not be a "person in the whole sense," but it is certainly not nothing.[75] Second, it is difficult to find a basis for thinking that the theory was meant to be given constitutional sanction: Surely it is no part of the "privacy" interest the Bill of Rights suggests.[76]

"[I]t is not clear to us that the claim . . . that one has an unlimited right to do with one's body as one pleases bears a close relationship to the right of privacy . . . ." [77]

Unfortunately, having thus rejected the amici's attempt to define the bounds of the general constitutional right of which the right to an abortion is a part,[78] on the theory that the general right described has little to do with privacy, the Court provides neither an alternative definition [79] nor an account of why *it* thinks privacy is involved. It simply announces that the right to privacy "is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." Apparently this conclusion is thought to derive from the passage that immediately follows it:

"The detriment that the State would impose upon the pregnant woman by denying this choice altogether is apparent. Specific and direct harm medically diagnosable even in early pregnancy may be involved. Maternity, or additional offspring, may force upon the woman a distressful life and future. Psychological harm may be imminent. Mental and physical health may be taxed by child care. There is also the distress, for all concerned, associated with the unwanted child, and there is the problem of bringing a child into a family already unable, psychologically and otherwise, to care for it. In other cases, as in this one, the additional difficulties and continuing stigma of unwed motherhood may be involved." [80]

All of this is true and ought to be taken very seriously. But it has nothing to do with privacy in the Bill of Rights sense or any other the Constitution suggests.[81] I suppose there is nothing to prevent one from using the word "privacy" to mean the freedom to live one's life without governmental interference. But the Court obviously does not so use the term.[82] Nor could it, for such a right is at stake in *every* case. Our life styles are constantly limited, often seriously, by governmental regulation; and while many of us would prefer less direction, granting that desire the status of a preferred constitutional right would yield a system of "government" virtually unrecognizable to us and only slighty more recognizable to our forefathers.[83] The Court's observations concerning the serious, life-shaping costs of having a child prove what might to the thoughtless have seemed unprovable: That even though a human life, or a potential human life, hangs in the balance, the moral dilemma abortion poses is so difficult as to be heartbreaking. What they fail to do is even begin to resolve that dilemma so far as our governmental system is concerned by associating either side of the balance with a value inferable from the Constitution.

But perhaps the inquiry should not end even there. In his famous *Carolene Products* footnote, Justice Stone suggested that the interests to which the Court can responsibly give extraordinary constitutional protection include not only those expressed in the Constitution but also those that are unlikely to receive adequate consideration in the political process, specifically the interests of "discrete and insular minorities" unable to form effective political alliances.[84] There can be little doubt that such considerations have influenced the direction, if only occasionally the rhetoric, of the recent Courts. My repeated efforts to convince my students that sex should be treated as a "suspect classification" have convinced me it is no easy

matter to state such considerations in a "principled" way. But passing that problem, *Roe* is not an appropriate case for their invocation.

Compared with men, very few women sit in our legislatures, a fact I believe should bear some relevance—even without an Equal Rights Amendment—to the appropriate standard of review for legislation that favors men over women.[85] But *no* fetuses sit in our legislatures. Of course they have their champions, but so have women. The two interests have clashed repeatedly in the political arena, and had continued to do so up to the date of the opinion, generating quite a wide variety of accommodations.[86] By the Court's lights virtually all of the legislative accommodations had unduly favored fetuses; by its definition of victory, women had lost. Yet in every legislative balance one of the competing interests loses to some extent; indeed usually, as here, they both do. On some occasions the Constitution throws its weight on the side of one of them, indicating the balance must be restruck. And on others—and this is Justice Stone's suggestion—it is at least arguable that, constitutional directive or not, the Court should throw *its* weight on the side of a minority demanding in court more than it was able to achieve politically. But even assuming this suggestion can be given principled content, it was clearly intended and should be reserved for those interests which, *as compared with the interests to which they have been subordinated,* constitute minorities unusually incapable of protecting themselves.[87] Compared with men, women may constitute such a "minority"; compared with the unborn, they do not.[88] I'm not sure I'd know a discrete and insular minority if I saw one, but confronted with a multiple choice question requiring me to designate (a) women or (b) fetuses as one, I'd expect no credit for the former answer.[89]

Of course a woman's freedom to choose an abortion is part of the "liberty" the Fourteenth Amendment says shall not be denied without due process of law, as indeed is anyone's freedom to do what he wants. But "due process" generally guarantees only that the inhibition be procedurally fair and that it have some "rational" connection—though plausible is probably a better word[90]—with a permissible governmental goal.[91] What is unusual about *Roe* is that the liberty involved is accorded a far more stringent protection, so stringent that a desire to preserve the fetus's existence is unable to overcome it—a protection more stringent, I think it fair to say, than that the present Court accords the freedom of the press explicitly guaranteed by the First Amendment.[92] What is frightening about *Roe* is that this super-protected right is not inferable from the language of the Constitution, the framers' thinking respecting the specific problem in issue, any general value derivable from the provisions they included,[93] or the nation's governmental structure. Nor is it explainable in terms of the unusual political impotence of the group judicially protected vis-a-vis the interest that legislatively prevailed over it.[94] And that, I believe—the predictable[95] early reaction to *Roe* notwithstanding ("more of the same Warrent-type activism"[96])—is a charge that can responsibly be leveled at no other decision of the past twenty years.[97] At times the inferences the Court has drawn from the values the Constitution marks for special protection have been controversial, even shaky, but never before has its sense of an obligation to draw one been so obviously lacking.

IV

Not in the last thirty-five years at any rate. For, as the received learning has it, this sort of thing did happen before, repeatedly. From its 1905 decision in *Lochner v. New York*[98] into the 1930's the Court, frequently though not always under the rubric of "liberty of contract," employed the Due Process Clauses of the Fourteenth and Fifth Amendments to invalidate a good deal of legislation. According to the dissenters at the time and virtually all the commentators since, the Court had simply manufactured a constitutional right out of whole cloth and used it to superimpose its own view of wise social policy on those of the legislatures. So indeed the Court itself came to see the matter, and its reaction was complete:

"There was a time when the Due Process Clause was used by this Court to strike down laws which were thought unreasonable, that is, unwise or incompatible with some particular economic or social philosophy. In this manner the Due Process Clause was used, for example, to nullify laws prescribing maximum hours for work in bakeries, *Lochner v. New York,* 198 U.S. 45 (1905), outlawing 'yellow dog' contracts, *Coppage v. Kansas,* 236 U.S. 1 (1915), setting minimum wages for women, *Adkins v. Children's Hospital,* 261 U.S. 525 (1923), and fixing the weight of loaves of bread, *Jay Burns Baking Co., v. Bryan,* 264 U.S. 504 (1924). This intrusion by the judiciary into the realm of legislative value judgments was strongly objected to at the time . . . . Mr. Justice Holmes said,

"I think the proper course is to recognize that a state legislature can do whatever it sees fit to do unless it is restrained by some express prohibition in the Constitution of the United States or of the State, and that Courts should be careful not to extend such prohibitions beyond their obvious meaning by reading into them conceptions of public policy that the particular Court may happen to entertain."

. . . The doctrine that prevailed in *Lochner, Coppage, Adkins, Burns,* and like cases—that due process authorizes courts to hold laws unconstitutional when they believe the legislature has acted unwisely—has long since been discarded. We have returned to the original constitutional proposition that courts do not substitute their social and economic beliefs for the judgment of legislative bodies, who are elected to pass laws.[99]

It may be objected that *Lochner et al.* protected the "economic rights" of businessmen where *Roe* protects a "human right." It should be noted, however, that not all of the *Lochner* series involved economic regulation;[100] that even those that did resist the "big business" stereotype with which the commentators tend to associate them; and that in some of them the employer's "liberty of contract" claim was joined by the employee, who knew that if he had to be employed on the terms set by the law in question, he could not be employed at all.[101] This is a predicament that is economic to be sure, but is not without its "human" dimension. Similarly "human" seems the predicament of the appellees in the 1970 case of *Dandridge v. Williams,*[102] who challenged the Maryland Welfare Department's practice of limiting AFDC grants to $250 regardless of family size or need. Yet in language that remains among its favored points of reference,[103] the Court, speaking through Justice Stewart,[104] dismissed the complaint as "social and economic" and therefore essentially Lochneresque.

"[W]e deal with state regulation in the social and economic field, not affecting freedoms guaranteed by the Bill of Rights. . . . For this Court to approve the invalidation of state economic or social regulation as 'overreaching' would be far too reminiscent of an era when the Court thought the Fourteenth Amendment gave it power to strike down state laws 'because they may be unwise, improvident, or out of harmony with a particular school of thought.' . . . That era long ago passed into history. . . .

"To be sure, the cases cited . . . have in the main involved state regulation of business or industry. The administration of public welfare assistance, by contrast, involves the most basic economic needs of impoverished human beings. We recognize the dramatically real factual difference between the cited cases and this one, but we can find no basis for applying a different constitutional standard. . . . It is a standard . . . that is true to the principle that the Fourteenth Amendment gives the federal courts no power to impose upon the States their views of wise economic or social policy." [105]

It may be, however—at least it is not the sort of claim one can disprove—that the "right to an abortion," or noneconomic rights generally, accord more closely with "this generation's idealization of America" [106] than the "rights" asserted in either *Lochner* or *Dandridge.* But that attitude, of course, is *precisely* the point of the *Lochner* philosophy, which would grant unusual protection to those "rights" that somehow *seem* most pressing, regardless of whether the Constitution suggests any special solicitude for them. The Constitution has little to say about contract,[107] less about abortion, and those who would speculate about which the framers would have been more likely to protect may not be pleased with the answer. The Court continues to disavow the philosophy of *Lochner.*[108] Yet as Justice Stewart's concurrence admits, it is impossible candidly to regard *Roe* as the product of anything else.[109]

That alone should be enough to damn it. Criticism of the *Lochner* philosophy has been virtually universal and will not be rehearsed here. I would, however, like to suggest briefly that although *Lochner* and *Roe* are twins to be sure, they are not identical. While I would hesitate to argue that one is more defensible than the other in terms of judicial style, there *are* differences in that regard that suggest *Roe* may turn out to be the more dangerous precedent.

All the "superimposition of the Court's own value choices" talk is, of course, the characterization of others and not the language of *Lochner* or its progeny. Indeed, those cases did not argue that "liberty of contract" was a preferred constitutional freedom, but rather represented it as merely one among the numerous aspects of "liberty" the Fourteenth Amendment protects, therefore requiring of its inhibitors a "rational" defense.

"In our opinion that section . . . is an invasion of the personal liberty, as well as of the right of property, guaranteed by that Amendment. Such liberty and right embraces the right to make contracts for the purchase of the labor of others and equally the right to make contracts for the sale of one's own labor; each right, however, being subject to the fundamental condition that no contract, whatever its subject matter, can be sustained which the law, upon reasonable grounds, forbids as inconsistent with the public interests or as hurtful to the

public order or as detrimental to the common good.[110]

"Undoubtedly, the police power of the State may be exerted to protect purchasers from imposition by sale of short weight loaves. . . . Constitutional protection having been invoked, it is the duty of the court to determine whether the challenged provision has reasonable relation to the protection of purchasers of bread against fraud by short weights and really tends to accomplish the purpose for which it was enacted.[111]

Thus the test *Lochner* and its progeny purported to apply is that which would theoretically control the same questions today: whether a plausible argument can be made that the legislative action furthers some permissible governmental goal.[112] The trouble, of course, is they misapplied it. *Roe*, on the other hand, is quite explicit that the right to an abortion is a "fundamental" one, requiring not merely a "rational" defense for its inhibition but rather a "compelling" one.

A second difference between *Lochner et al.* and *Roe* has to do with the nature of the legislative judgments being second-guessed. In the main, the "refutations" tendered by the *Lochner* series were of two sorts. The first took the form of declarations that the goals in terms of which the legislatures' actions were defended were impermissible. Thus, for example, the equalization of unequal bargaining power and the strengthening of the labor movement are simply ends the legislature had no business pursuing, and consequently its actions cannot thereby be justified.[113] The second form of "refutation" took the form not of denying the legitimacy of the goal relied on but rather of denying the plausibility of the legislature's empirical judgment that its action would *promote* that goal.

"In our judgment it is not possible in fact to discover the connection between the number of hours a baker may work in the bakery and the heathful quality of the bread made by the workman.[114]

"There is no evidence in support of the thought that purchasers have been or are likely to be induced to take a nine and a half or a ten ounce loaf for a pound (16 ounce) loaf, or an eighteen and a half or a 19 ounce loaf for a pound and a half (24 ounce) loaf; and it is contrary to common experience and unreasonable to assume that there could be any danger of such deception."[115]

The *Roe* opinion's "refutation" of the legislative judgment that antiabortion statutes can be justified in terms of the protection of the fetus takes neither of these forms. The Court grants that protecting the fetus is an "important and legitimate" government goal,[116] and of course it does not deny that restricting abortion promotes it.[117] What it does, instead, is simply announce that that goal is not important enough to sustain the restriction. There is little doubt that judgments of this sort were involved in *Lochner et al.*,[118] but what the Court said in those cases was not that the legislature had incorrectly balanced two legitimate but competing goals, but rather that the goal it had favored was impermissible or the legislation involved did not really promote it.[119]

Perhaps this is merely a rhetorical difference, but it could prove to be important. *Lochner et al.* were thoroughly disreputable decisions, but at least they did us the favor of sowing the seeds of their own destruction. To say that the equalization of bargaining power or the fostering of the labor movement is a goal outside the ambit of a "police power" broad enough to forbid all contracts the state legislature can reasonably regard "as inconsistent with the public interests or as hurtful to the public order or as detrimental to the common good"[120] is to say something that is, in a word, wrong.[121] And it is just as obviously wrong to declare, for example, that restrictions on long working hours cannot reasonably be said to promote health and safety.[122] *Roe's* "refutation" of the legislative judgment, on the other, is not obviously wrong, for the substitution of one nonrational judgment for another concerning the relative importance of a mother's opportunity to live the life she has planned and a fetus's opportunity to live at all, can be labeled neither wrong nor right. The problem with *Roe* is not so much that it bungles the question it sets itself,[123] but rather that it sets itself a question the Constitution has not made the Court's business. It looks different from *Lochner*—it has the shape if not the substance of a judgment that is very much the Court's business, one vindicating an interest the Constitution marks as special—and it is for that reason perhaps more dangerous. Of course in a sense it is more candid than *Lochner*.[124] But the employment of a higher standard of judicial review, no matter how candid the recognition that it is indeed higher, loses some of its admirability when it is accompanied by neither a coherent account of why such a standard is appropriate nor any indication of why it has not been satisfied.

V

I do wish "Wolf!" hadn't been cried so often. When I suggest to my students that *Roe* lacks even colorable support in the constitutional text, history, or any other appropriate source of constitutional doctrine, they tell me they've heard all that before. When I point out they haven't heard it before from *me*, I can't really blame them for smiling.

But at least crying "Wolf!" doesn't influence the wolves; crying "Lochner!" may. Of course the Warren Court was aggressive in enforcing its ideals of liberty and equality. *But by and large, it attempted to defend its decisions in terms of inferences from values the Constitution marks as special.*[125] Its inferences were often controversial, but just as often our profession's prominent criticism designed not to address them on their terms and contented itself with assertions that the Court was indulging in sheer acts of will, ramming its personal preferences down the country's throat—that it was, in a word, Lochnering. One possible judicial response to this style of criticism would be to conclude that one might as well be hanged for a sheep as a goat: So long as you're going to be told, no matter what you say, that all you do is Lochner, you might as well Lochner. Another, perhaps more likely in a new appointee, might be to reason that since Lochnering has so long been standard procedure, "just one more" (in a good cause, of course) can hardly matter. Actual reactions, of course, are not likely to be this self-conscious, but the critical style of offhand dismissal may have taken its toll nonetheless.

Of course the Court has been aware that criticism of much that it has done has been widespread in academic as well as popular circles. But when it looks to the past decade's most prominent academic criticism, it will often find little there to distinguish it from the popular. Disagreements with the chain of inference by which the Court got from the Constitution to its result, if mentioned at all, have tended to be announced in the most conclusory terms, and the impression has often been left that the real quarrel of the Academy, like that of the laity, is with the results the Court has been reaching and perhaps with judicial "activism" in general.[126] Naturally the Court is sensitive to criticism of this sort, but these are issues on which it will, when push comes to shove, trust its own judgment. (And it has no reason not to: Law professors do not agree on what results are "good," and even if they did, there is no reason to assume their judgment is any better on *that* issue than the Court's.) And academic criticism of the sort that might (because it should) have some effect—criticism suggesting misperceptions in the Court's reading of the value structure set forth in the document from which it derives its authority, or unjustifiable inferences it has drawn from that value structure—has seemed for a time somehow out of fashion, the voguish course being simply to dismiss the process by which a disfavored result was reached as Lochnering pure and simple. But if the critics cannot trouble themselves with such details, it is difficult to expect the Court to worry much about them either.

This tendency of commentators to substitute snappy dismissal for careful evaluation of the Court's constitutional inferences—and of course it is simply a tendency, never universally shared and hopefully on the wane—may include among its causes simple laziness, boredom and a natural reluctance to get out of step with the high-steppers. But in part it has also reflected a considered rejection of the view of constitutional adjudication from which my remarks have proceeded. There is a powerful body of opinion that would dismiss the call for substantive criticism—and its underlying assumption that some constitutional inferences are responsible while others are not—as naive. For, the theory goes, except as to the most trivial and least controversial questions (such as the length of a Senator's term), the Constitution speaks in the vaguest and most general terms;[127] the most its clauses can provide are "more or less suitable pegs on which judicial policy choices are hung."[128] Thus anyone who suggests the Constitution can provide significant guidance for today's difficult questions either deludes himself or seeks to delude the Court. Essentially all the Court *can* do is honor the value preferences it sees fit, and it should be graded according to the judgment and skill with which it does so.[129]

One version of this view appears to be held by President Nixon. It is true that in announcing the appointment of Justices Powell and Rehnquist, he described a "judicial conservative"—his kind of Justice—as one who does not "twist or bend the Constitution in order to perpetuate his personal political and social views."[130] But the example he then gave bore witness that he was not so "naive" after all.

"As a judicial conservative, I believe some court decisions have gone too far in the past in weakening the peace forces as against the criminal forces in our society. . . . [T]he peace forces must not be denied the legal tools they need to protect the innocent from criminal elements."[131]

That this sort of invitation, to get in there and Lochner for the right goals, can contribute to opinions like *Roe* is obvious. In terms of process, it is just what the President ordered.

The academic version of this general view is considerably more subtle. It agrees that the Court will find little help in the Consti-

tution and therefore has no real choice other than to decide for itself which value preferences to honor, but denies that it should necessarily opt for the preferences favored by the Justices themselves or the President who appointed them. To the extent "progress" is to concern the Justices at all, it should be defined not in terms of what they would like it to be but rather in terms of their best estimate of what over time the American people will make it [132]—that is, they should seek "durable" decisions.[133] This, however, is no easy task, and the goals that receive practically all the critics' attention, and presumably are supposed to receive practically all the Court's, are its own institutional survival and effectiveness.[134]

Whatever the other merits or demerits of this sort of criticism, it plainly is not what it is meant to be—an effective argument for judicial self—restraint. For a Governor Warren or a Senator Black will rightly see no reason to defer to law professors on the probable direction of progress; even less do they need the Academy's advice on what is politically feasible; and they know that despite the Court's history of frequent immersion in hot water,[135] its "institutional position" has been getting stronger for 200 years.

Roe is a case in point. Certainly, many will view it as social progress. (Surely that is the Court's view, and indeed the legislatures had been moving perceptibly, albeit too slowly for many of us, toward relaxing their anti-abortion legislation.) [136] And it is difficult to see how it will weaken the Court's position. Fears of official disobedience are obviously groundless when it is a criminal statute that has been invalidated.[137] To the public the *Roe* decision must look very much like the New York Legislature's recent liberalization of its abortion law.[138] Even in the unlikely event someone should catch the public's ear long enough to charge that the wrong institution did the repealing, they have heard that "legalism" before without taking to the streets. Nor are the political branches, and this of course is what really counts, likely to take up the cry very strenuously: The sighs of relief as this particular albatross was cut from the legislative and executive necks seemed to me audible. Perhaps I heard wrong—I live in the Northeast, indeed not so very far from Hyannis Port. It is even possible that a constitutional amendment will emerge, though that too has happened before without serious impairment of the Position of the Institution. But I doubt one will: *Roe v. Wade* seems like a durable decision.

It is, nevertheless, a very bad decision. Not because it will perceptibly weaken the Court—it won't; and not because it conflicts with either my idea of progress [139] or what the evidence suggests is society's [140]—it doesn't. It is bad because it is bad constitutional law, or rather because it is *not* constitutional law and gives almost no sense of an obligation to try to be.[141]

I am aware the Court cannot simply "lay the Article of the Constitution which is invoked beside the statute which is challenged and . . . decide whether the latter squares with the former." [142] That is precisely the reason commentators are needed.

"[P]recisely because it is the Constitution alone with warrants judicial interference in sovereign operations of the State, the basis of judgment as to the Constitutionality of state action must be a rational one, approaching the text which is the only commission for our power not in a literalistic way, as if we had a tax statute before us, but as the basic charter of our society, setting out in spare but meaningful terms the principles of government.[143]

"No matter how imprecise in application to specific modern fact situations, the constitutional guarantees do provide a direction, a goal, an ideal citizen-government relationship. They rule out many alternative directions, goals, and ideals." [144]

And they fail to support the ruling out of others.

Of course that only begins the inquiry. Identification and definition of the values with which the Constitution is concerned will often fall short of indicating with anything resembling clarity the deference to be given those values when they conflict with others society finds important. (Though even here the process is sometimes more helpful than the commentators would allow.) Nor is it often likely to generate, fullblown, the "neutral" principle that will avoid embarrassment in future cases.[145] But though the identification of a constitutional connection is only the beginning of analysis, it is a necessary beginning. The point that often gets lost in the commentary, and obviously got lost in *Roe, is that before the Court can get to the "balancing" stage, before it can worry about the next case and the case after that (or even about its institutional position) it is under an obligation to trace its premises to the charter from which it derives its authority. A neutral and durable principle may be a thing of beauty and a joy forever. But if it lacks connection with any value the Constitution marks as special, it is not a constitutional principle and the Court has no business imposing it.* [146] I hope that will seem obvious to the point of banality. Yet those of us to whom it does seem obvious have seldom troubled to say so.[147] And because we have not, we must share in the blame for this decision.

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[1] United States v. Vuitch, 402 U.S. 62, 80 (1971) (Douglas, J., dissenting in part).

[2] 93 S. Ct. 705 (1973).

[3] Were the dissents adequate, this comment would be unnecessary. But each is so brief as to signal no particular conviction that *Roe* represents an important, or unusually dangerous, constitutional development.

[4] *See* 93 S. Ct. at 709–10 n.2, *See* also Doe v. Bolton, 93 S. Ct. 739, 742 (1973).

[5] *Id.* at 727. But cf. note 58 *infra.*

[6] 93 S. Ct. at 727.

[7] *Id.* at 728.

[8] *Id.* at 731.

[9] The Court indicates that the constitutional issue is not to be solved by attempting to answer "the difficult question of when life begins." *Id.* at 730. *See also id.* at 725. *But see* pp. 925–26 *infra.*

[10] The suggestion that the interest in protecting prenatal life should not be considered because the original legislative history of most laws restricting abortion concerned itself with maternal health, *see* 93 S. Ct. at 725–26, is rightly rejected—by clear implication in *Roe* and rather explicitly in *Doe. Id.* at 747.

[11] *Id.* at 731.

[12] *Id.* at 725, But cf. note 117 *infra.*

[13] *See* pp. 925–26 *infra.*

[14] *See* 93 S. Ct. at 732. But *see* note 117 *infra.*

[15] 93 S. Ct. at 732. But *see* note 117 *infra.*

[16] 93 S. Ct. at 732.

[17] This, the Court tells us, is somewhere between the twenty-fourth and twenty-eighth weeks. *Id.* at 730. But cf. p. 924 *infra.*

[18] *See* p. 924 *infra.*

[19] 93 S. Ct. at 732. (Thus the statutes of most states must be unconstitutional *even as applied to the final trimester,* since they permit abortion only for the purpose of saving the mother's life. *See id.* at 709.) This holding—that even after viability the mother's life *or health* (which presumably is to be defined very broadly indeed, so as to include what many might regard as the mother's convenience, *see* 93 S. Ct. at 755 (Burger, C.J., concurring)); United States v. Vuitch, 402 U.S. 62 (1971), must, as a matter of constitutional law, take precedence over what the Court seems prepared to grant at this point has become the fetus's *life, see* p. 924 *infra*—seems to me at least as controversial as its holding respecting the period prior to viability. (Typically, of course, one is not privileged even statutorily, let alone constitutionally, to take another's life in order to have his own life, much less his health.) Since, however, the Court does not see fit to defend this aspect of its decision at all, there is not a great deal that can be said by way of criticism.

[20] The Court's theory seems to be that narrow grounds need not be considered when there is a broad one that will do the trick: "This conclusion makes it unnecessary for us to consider the additional challenge to the Texas statute asserted on grounds of vagueness." 93 S. Ct. at 732. *Compare id.* at 710 n.3, 710–11; Doe v. Bolton, 93 S. Ct. at 747; Roe v. Wade, 314 F. Supp. 1217 1223 (N.D. Tex. 1970); cases cited 93 S. Ct. at 727; and United States v. Vuitch, 402 U.S. 62 (1971), bearing in mind that the Supreme Court lacks jurisdiction to "construe" a state statute so as to save it from the vice of vagueness.

[21] *See also* Doe v. Bolton, 93 S. Ct. 739 (1973).

[22] Apparently doctors are expected or at least can be required despite the decisions, to exercise their best "medical" or "clinical" judgment (and presumably can be prosecuted if they perform abortions conflicting with the judgment). 93 S. Ct. at 747. *But cf.* United States v. Vuitch, 402 U.S. 62, 97 (Stewart, J., dissenting in part). But if it is unconstitutional to limit the justifications for an abortion to considerations of maternal life and health, what kind of "medical judgment does the Court have in mind? *See* Stone, *Abortion and the Supreme Court,* Modern Medicine (forthcoming 1973): "[T]here are no clear medical indications for abortion in the vast majority of cases. Where there are no indications, there is no room for clinical judgment."

[23] *Compare* 93 S. Ct. at 732 *with id.* at 748–51. An additional element of confusion may have been injected by Justice Douglas's indication in his concurrence with "quickening" is the point at which the interest in protecting the fetus becomes compelling. *Id.* at 759. *But see id.* at 730, where the Court distinguishes quickening from viability and holds the latter to be the crucial point. *See also id.* at 732; p. 924 *infra.*

[24] The state can require that the abortion be performed by a doctor, but that is all. *But see* note 117 *infra.* Even after the first trimester, the limits on state regulation of the conditions under which an abortion can be performed are extremely stringent. *see* Doe v. Bolton, 92 S. Ct 739 (1973)

[25] With respect to the capital punishment litigation too, the Court rejected a narrow ground of invalidation one term only to come back with a *coup de main* the next. *Compare* McGautha v. California, 402 U.S. 183 (1971) with Furman v. Georgia, 408 U.S. 238 (1972). Miranda v. Arizona, 384 U.S. 436 (1966), has something of a "guidebook" quality about it. *See* Dershowitz & Ely, Harris v. New York: *Some Anxious Observations on the Candor and Logic of the Emerging Nixon Majority,* 80 Yale L.J. 1198, 1210 (1971). United States v. Wade, 388 U.S. 218 (1967), to take but one example, has always struck me as a case where the Court starting from the entirely valid realization that trials cannot be fair if lineups are not, went a bit far in limiting the appropriate remedies. And of course many opinions have emitted confusing signals respecting what is henceforth permissible. *See, e.g.,* pp. 929–30 *infra.*

[26] The child may not fare so well either. Of course the Court requires of the mother neither sort of showing, though it may be hoping the doctors will do so. *But cf.* note 22 *supra.*

It is also probably the case, although this is the sort of issue where reliable statistics and comparisons are largely unobtainable, that a number of women have died from illegal abortions who would have lived had they been able to secure legal abortions. It is a strange argument for the unconstitutionality of a law that those who evade it suffer, but it is one that must nevertheless be weighed in the balance as a cost of antiabortion legislation. The Court does not mention it, however; and given the severe restrictions it places on state regulation of the conditions under which an abortion can be performed, it apparently did not appreciably inform its judgment.

[27] *See* pp. 926–27 *infra.*

[28] *See* pp. 926–37 *infra.* Even where the Constitution does single out one of the values for special

protection, the Court has shown an increasing tendency to avoid balancing, or at least to talk as though it were. *See* Brandenburg v. Ohio, 395 U.S. 444 (1969). *See also* United States v. Robel, 389 U.S. 258, 268 n.20 (1967); *but see* Note, *Less Drastic Means and the First Amendment*, 78 Yale L. J. 464, 467-68 (1969). *See also* United States v. O'Brien, 391 U.S. 367, 376-77 (1968); *but cf. Ely. Legislative and Administrative Motivation in Constitutional law*, 79 Yale L.J. 1205, 1340-41 (1970).

[29] 93 S. Ct. at 759 (Douglas, J., concurring).

[30] The claim that the participants are injuring their health seems at least as plausible respecting abortion. Cf. note 117 *infra*. To the extent that the use of soft drugs and homosexual activities interfere with the lives of those other than the participants, those interferences can be dealt with discretely.

[31] *Cf.* Poe v. Ullman, 367 U.S. 497, 551-53 (1961), (Harlan, J., dissenting), *quoted* in part in Griswold v. Connecticut, 381 U.S. 479, 499 (1965) (Goldberg, J., concurring), distinguishing laws proscribing homosexual acts (even those performed in the home) as not involving the "right" at stake in those cases.

[32] *See, e.g.*, Poe v. Ullman, 367 U.S. 497, 545-46 (Harlan, J., dissenting).

[33] Nor is the Court's conclusion that early abortion does not present serious physical risk to the woman involved shared by all doctors. *Cf.* note 117 *infra*.

[34] It defines viability so as not to exclude the possibility of artificial support, 93 S. Ct. at 730, and later indicates its awareness of the continuing development of artificial wombs. *Id.* at 731. It gives no sign of having considered the implications of that combination for the trimester program the Constitution is held to mandate, however.

[35] Albeit not so compelling that a state is permitted to honor it at the expense of the mother's health. *See* note 19 *supra*.

[36] Note 17 *supra*.

[37] *See* 93 S. Ct. at 716.

[38] *Id.*

[39] *Id.* at 716-20.

[40] *Id.* at 732. *See also id.* at 730: Physicians and their scientific colleagues have regarded [quickening] with less interest and have tended to focus either upon conception or upon live birth or upon the interim point at which the fetus becomes "viable." . . .

The relevance of this observation is not explained. It is, moreover, of questionable validity: This line is drawn beyond quickening, beyond the point where any religion has assumed that life begins, beyond the time when abortion is a simple procedure, and less. It is also beyond the point which would have satisfied many who, like myself, were long term supporters of the right to abortion. Stone, *supra* note 22.

[41] Logically, of course, a legitimate state interest in this area need not stand or fall on acceptance of the belief that life begins at conception or at some other point prior to live birth. In assessing the State's interest, recognition may be given to the less rigid claim that as long as the least *potential* life is involved, the State may assert interests beyond the protection of the pregnant woman alone. 93 S. Ct. at 725. *See also id.* at 730: We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point [sic] in the development of man's knowledge, is not in a position to speculate as to the answer.

The Texas statute, like those of many states, had declared fetuses to be living beings.

See id. at 709 n.1, 710 n.3; *cf. id.* at 721, 723 n.40, 729 n.55.

[42] The opinion does contain a lengthy survey of "historical attitudes" toward abortion, culminating in a discussion of the positions of the American Medical Association, the American Public Health Association, and the American Bar Association. *Id.* at 715-24. (The discussion's high point is probably reached where the Court explains away the Hippocratic Oath's prohibition of abortion on the grounds that Hippocrates was a Pythagorean, and Pythagoreans were a minority. *Id.* at 715-16.) The Court does not seem entirely clear as to what this discussion has to do with the legal argument, *id.* at 709, 715, and the reader is left in much the same quandary. It surely does not seem to support the Court's position, unless a record of serious historical and contemporary dispute is somehow thought to generate a constitutional mandate.

[43] *Id.* at 731.

[44] *Id.* at 728-30.

[45] [T]he traditional rule of tort law had denied recovery for prenatal injuries even though the child was born alive. That rule has been changed in almost every jurisdiction. In most States recovery is said to be permitted only if the fetus was viable, or at least quick, when the injuries were sustained, though few courts have squarely so held. In a recent development, generally opposed by the commentators, some States permit the parents of a stillborn child to maintain an action for wrongful death because of prenatal injuries. Such an action, however, would appear to be one to vindicate the parents' interest and is thus consistent with the view that the fetus, at most, represents only the potentiality of life. Similarly, unborn children have been recognized as acquiring rights or interests by way of inheritance or other devolution of property, and have been represented by guardians *ad litem*. Perfection of the interests involved, again, has generally been contingent upon live birth. In short, the unborn have never been recognized in the law as persons in the whole sense. *Id.* at 731 (footnotes omitted).

See also e.g., W. Prosser, Handbook of the Law of Torts 355 (3d ed. 1964).

[46] *Id.* at 728-29 (footnote omitted).

[47] *See* pp. 928-33 *infra*.

[48] Indeed it is difficult to think of a single instance where the justification given for upholding a governmental limitation of a protected right has involved the constitutional rights of others. A "free press-fair trial" situation might provide the basis for such an order, but thus far the Court has refused to approve one. *See* Ely, *Trial by Newspaper & Its Cures*, Encounter, March 1967, at 80-92.

In the Court's defense it should be noted that it errs in the other direction as well, by suggesting that if a fetus *were* a person protected by the Fourteenth Amendment, it would necessarily follow that appellants would lose. 93 S. Ct. at 728. Yet in fact all that would thereby be established is that one right granted special protection by the Fourteenth Amendment was in conflict with what the Court felt was another; it would not tell us which must prevail.

[49] *See* United States. v. O'Brien, 391 U.S. 367, 376-77 (1968). And if you don't like that example, substitute post offices for draft cards.

[50] I would, however, omit the serious restrictions the Court puts on state health regulation of the conditions under which an abortion can be performed, and give serious thought—though the practical difference here is not likely to be great—to placing the critical line at quickening rather than viability. *See* note 40 *supra*.

[51] Some of us who fought for the right to abortion did so with a divided spirit. We have always felt that the decision to abort was a human tragedy to be accepted only because an unwanted pregnancy was even more tragic. Stone, *supra* note 22.

[52] Of course the opportunity to have an abortion should be considered part of the "liberty" protected by the Fourteenth Amendment. *See* p. 935 *infra*.

[53] *See, e.g.*, Dunn v. Blumstein, 405 U.S. 330 (1972); Shapiro v. Thompson, 394 U.S. 618 (1969).

[54] *See also* Edwards v. California, 314 U.S. 160 (1941).

[55] *See* United States v. Wheeler, 254 U.S. 281, 294 (1920); Slaughterhouse Cases, 83 U.S. (16 Wall.) 36, 75 (1872); U.S. ARTS CONFED. art. IV; 3 M. FARRAND, THE RECORDS OF THE FEDERAL CONVENTION OF 1787, at 112 (1911); *cf.* The Federalist, No. 42, at 307 (Wright ed. 1961).

[56] *See* Crandall v. Nevada, 73 U.S. (6 Wall.) 35 (1867); C. Black, Structure and Relationship in Constitutional Law (1969). The Court seems to regard the opportunity to travel *outside* the United States as merely an aspect of the "liberty" that under the Fifth and Fourteenth Amendments cannot be denied without due process. *See* Zeme v. Rusk, 381 U.S. 1, 14 (1965). *Cf.* p. 935 *infra*.

[57] Abortions had, of course, been performed, and intermittently proscribed, for centuries prior to the framing of the Constitution. That alone, however, need not be dispositive. *See* p. 929 *infra* & note 97 *Infra*.

[58] The Court does not seem entirely certain about which provision protects the right to privacy and its included right to an abortion. Appellant would discover this right in the concept of personal "liberty" embodied in the Fourteenth Amendment's Due Process Clause; or in personal, marital, familial, and sexual privacy said to be protected by the Bill of Rights or its penumbras . . . or among those rights reserved to the people by the Ninth Amendment . . . 93 S. Ct. at 715.

This right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. *Id.* at 727. This inability to pigeonhole confidently the right involved is not important in and of itself. It might, however, have alerted the Court to what *is* an important question: whether the Constitution speaks to the matter at all.

[59] 381 U.S. 479 (1965).

[60] *See* NAACP v. Alabama, 357 U.S. 449 (1958), relied on the *Griswold*, 381 U.S. at 483. The *Roe* Court's reference to Justice Goldberg's concurrence in *Griswold* for the proposition that "the roots of" the right of privacy can be found in the Ninth Amendment 93 S. Ct. at 726, misconceives the use the earlier opinion made of that Amendment. *See* 381 U.S. at 492-93. A reference to "the penumbras of the Bill of Rights," 93 S. Ct. at 726, can have no content independent of a description of some general value or values inferable from the provisions involved (and therefore assignable to their penumbras). *See* San Antonio Independent School Dist. v. Rodriguez, 41 U.S.L.W. 4407, 4438 (U.S. March 21, 1973) (Marshall J., dissenting): pp. 929-30 *infra*.

[61] *See* Katz v. United States, 389 U.S. 347, 364 (1967) (Black, J., dissenting); Griswold v. Connecticut, 381 U.S. 479, 529 (Stewart, J., dissenting).

[62] United States v. Dionisio, 93 S. Ct. 764 (1973). *See also* United States v. Mara, 93 S. Ct. 774 (1973) (handwriting exemplars), also decided the same day as *Roe*, and Couch v. United States, 93 S. Ct. 611 (1973) (finding no privacy interest in records a taxpayer had turned over to her accountant) decided thirteen days earlier.

[63] [T]the proper scope of [a constitutional provision], and its relevance to contemporary problems, must ultimately be sought by attempting to discern the reasons for its inclusion in the Constitution, and the evils it was designed to eliminate. United States v. Brown, 381 U.S. 437, 442 (1965). *See also* Weems v. United States, 217 U.S. 349, 373 (1910); Reich, *Mr. Justice Black and the Living Constitution*, 76 Harv. L. Rev. 673 (1963); Note, *The Bounds of Legislative Specification: A Suggested Approach to the Bill of Attainder Clause*, 72 Yale L.J. 330 (1962).

[64] *Cf.* Fried, *Privacy*, 77 Yale L.J. 475 (1968). The Third Amendment, mentioned in *Griswold* though not in *Roe*, surely has this aspect to it as well, though it probably grew in even larger measure out of a general concern with the pervasiveness of military power.

[65] 389 U.S. 347 (1967).

[66] *Cf.* Schmerber v. California, 384 U.S. 757 (1966).

[67] Contraception and at least early abortion obviously have much in common. *See* Stone, *supra* note 22.

[68] The *Roe* opinion does not rely on the obvious contraception-abortion comparison and indeed gives no sign that it finds *Griswold* stronger precedent than a number of other cases. *See* 93 S. Ct. at 726-27; note 79 *infra*. In fact it seems to go out of its way to characterize *Griswold* and Eisenstadt v. Baird, 405 U.S. 438 (1972), as cases concerned with the privacy of the bedroom. *See* 93 S. Ct. at 730; note 79 *infra*. It is true that in *Eisenstadt* the Court at one point characterized *Griswold* as protecting the "decision whether to bear and beget a child," 405 U.S. at 453, but it also, mysteriously in light of that characterization, pointedly refused to decide whether the earlier case extended beyond use, to the distribution of contraceptives. *Id.* at 452-53. Nor is there any possibility the refusal to extend *Griswold* in this way ill-considered; such an extension would have obviated the *Eisenstadt* Court's obviously strained performance respecting the Equal Protection Clause.

[69] Admittedly the *Griswold* opinion is vague and openended, but the language quoted in the text at note 72 *infra* seems plainly inconsistent with the view that it is a case not about likely invasions of the privacy of the bedroom but rather directly enshrining a right to contraception.

[70] *See* Eisenstadt v. Baird, 405 U.S. 438, 443 (1972). *Cf.* 93 S. Ct. at 730; note 79 *infra*.

[71] Stanley v. Georgia, 394 U.S. 557 (1969), cited by the Court in *Roe*, might also be rationalized on such a theory, *cf. id.* at 565, though it reads more like a "pure" First Amendment case concerned with governmental attempts at thought control.

[72] 381 U.S. at 485–86 (emphasis in original).

[73] *See also* Poe v. Ullman, 367 U.S. 497, 548–49, 553–54 (1961) (Harlan, J., dissenting). That the Court in *Griswold* saw fit to quote Boyd v. United States, 116 U.S. 616, 630 (1886), is also significant. *See* 381 U.S. at 484–85 n.*. *See also* United States v. Grunewald, 233 F.2d 556, 581–82 (2d Cir. 1956) (Frank, J., dissenting).

The theory suggested in Poe v. Ullman, *supra*, at 551–52 (Harlan, J., dissenting), extending heightened protection to activities (though it turns out to be *some* activities, note 31 *supra*) customarily performed in the home, is also inappicable to *Roe*.

[74] Of course in individual cases the government might seek to enforce legislation restricting abortion, as indeed it might seek to enforce any law, in ways that violate the Fourth Amendment or otherwise intrude upon the general privacy interest the Bill of Rights suggests. The Court does not suggest, however, that the laws at issue in *Roe* are in any sense unusually calculated to generate such intrusions.

[75] *See* pp. 925–26 *supra*.

[76] *See* pp. 929–30 *supra*.

[77] 93 S. Ct. at 727.

[78] The Court's rejection of the "non-paternalism" argument is of course underlined by the health regulations it is prepared to allow during the second trimester, *before* the interest in protecting the fetus is cognizable. *See* p. 921 *supra*.

[79] The Court does assert that only personal rights that can be deemed "fundamental" or "implicit in the concept of ordered liberty," Palko v. Connecticut, 302 U.S. 319, 325 (1937), are included in this guarantee of personal privacy. They also make it clear that the right has some extension to activities relating to marriage, Loving v. Virginia, 388 U.S. 1, 12 (1967), procreation, Skinner v. Oklahoma, 316 U.S. 535, 541–42 (1942), contraception, Eisenstadt v. Baird, 405 U.S. 438, 453–54 (1972); *id.* at 460, 463–65 (White, J., concurring), family relationships, Prince v. Massachusetts, 321 U.S. 158, 166 (1944), and child rearing and education, Pierce v. Society of Sisters, 268 U.S. 510, 535 (1925), Meyer v. Nebraska, [262 U.S. 390, 399 (1923)].

93 S. Ct. at 726–27. The *Palko* test was stated and has heretofore been taken as a definition (of questionable comtemporary vitality) of due process generally, not of privacy. *Loving* was a case involving explicit racial discrimination and therefore decidable (and decided) by a rather straightforward application of the Equal Protection Clause. *See* Ely, *supra* note 28, at 1230. And while the *Loving* Court did, inexplicably, append a reference to due process, it did not mention privacy. *Skinner* invalidated the Oklahoma criminal sterilization act's distinction between larcenists and embezzlers. Although it too did not allude to privacy, it did suggest it was applying a higher equal protection standard than usual. Why it did so is unclear. "Faced with the possibility of a finding of cruel and unusual punishment and the virtual certainty of invalidation under the clause proscribing *ex post facto* laws, the state declined to argue the case on the theory that the . . . Act was a penal statute, and therefore tried to justify the distinction in 'regulatory terms,'" Ely, *supra*, at 1235 n.101. That being so, the state was unable to come up with even a plausible justification for the distinction. *Eisenstadt* was a case applying "traditional" equal protection standards, albeit in a less than satisfactory way. *See* Note, *Legislative Purpose, Rationality, and Equal Protection*, 82 Yale L.J. 123 (1972). The passage cited by the Court in *Roe* reiterated *Griswold's* conclusion that privacy interests are threatened by a ban on the use of contraceptives, but declined to decide whether its rationale should be extended to restrictions on distribution. *See* p. 930 *supra*. *Prince* upheld the application of a child labor law to Jehovah's Witness children distributing religious literature. It did, however, reiterate the conclusion of *Pierce* and *Meyer* that family relationships are entitled to special protection. Those two cases are products of "the *Lochner* era," *see* pp. 937–43 *infra*. The vitality of the theory on which they rested has been questioned, Epperson v. Arkansas, 393 U.S. 97, 105–06 (1968), and the Court has attempted to recast them as First Amendment cases. Griswold v. Connecticut, 381 U.S. 479, 482 (1965); *cf.* Poe v. Ullman, 367 U.S. 497, 533–34 (1961) (Harlan, J., dissenting). Even reading the cases cited "for all that they are worth," it is difficult to isolate the "privacy" factor (or any other factor that seems constitutionally relevant) that unites them with each other and with *Roe*. So the Court seems to admit by indicating that privacy has "some extension" to the activities involved, and so it seems later to grant even more explicitly.

The pregnant woman cannot be isolated in her privacy. She carries an embryo and, later, a fetus. . . . The situation therefore is inherently different from marital intimacy, or bedroom possession of obscene material, or marriage, or procreation, or education, with which *Eisenstadt, Griswold, Stanley, Loving, Skinner, Pierce,* and *Meyer* were respectively concerned. 93 S. Ct. at 730.

[80] 93 S. Ct. at 727. *See also id.* at 757 (Douglas, J., concurring).

[81] It might be noted that most of the factors enumerated also apply to the inconvenience of having an unwanted two-year-old, or a senile parent around. Would the Court find the constitutional right or privacy invaded in those situations too? I find it hard to believe it would; even if it did, of course, it would not find a constitutional right to "terminate" the annoyance—presumably because "real" persons are now involved. *But cf.* p. 926 *supra* & note 48 *supra*. But what about ways of removing the annoyance that do not involve "termination"? Can they really be matters of constitutional entitlement?

[82] *But cf.* 93 S. Ct. at 758–59 (Douglas, J., concurring).

[83] *Cf.* Katz v. United States, 389 U.S. 347, 350–51 (1967).

[84] United States v. Carolene Products Co., 304 U.S. 144, 152 n.4 (1938).

[85] This is not the place for a full treatment of the subject, but the general idea is this: Classifications by sex, like classifications by race, differ from the usual classification—to which the traditional "reasonable generalization" standard is properly applied—in that they rest on "we-they" generalizations as opposed to a "they-they" generalization. Take a familiar example of the usual approach, Williamson v. Lee Optical Co., 348 U.S. 483 (1955). Of course few legislators are opticians. But few are optometrists either. Thus while a decision to distinguish opticians from optometrists will incorporate a stereotypical comparison of two classes of people, it is a comparison of two "they" stereotypes, *viz.* "They [opticians] are generally inferior to or not so well qualified as *they* [optometrists] are in the following respect(s), which we find sufficient to justify the classification: . . ." However, legislators traditionally have not only not been black (or female); they have been white (and male). A decision to distinguish blacks from whites (or women from men) will therefore have its roots in a comparison between a "we" stereotype and a "they" stereotype, *viz.* "They [blacks or women] are generally inferior to or not so well qualified as *we* [whites or men] are in the following respect(s), which we find sufficient to justify the classification: . . ."

The choice between classifying on the basis of a comparative generalization and attempting to come up with a more discriminating formula always involves balancing the increase in fairness which greater individualization will produce against the added costs it will entail. It is no startling psychological insight, however, that most of us are delighted to hear and prone to accept comparative characterizations of groups that suggest that the groups to which *we* belong are in some way superior to others. (I would be inclined to exclude most situations where the "we's" used to be "they's," *cf.* Ferguson v. Skrupa, 372 U.S. 726 (1963), and would therefore agree that the unchangeability of the distinguishing characteristic is indeed relevant, though it is only part of the story.) The danger is therefore greater in we-they situations that we will overestimate the validity of the proposed stereotypical classification by seizing upon the positive myths about our own class and the negative myths about theirs—or indeed the realities respecting some or most members of the two classes—and too readily assuming that virtually the entire membership of the two classes fit the sterotypes and therefore that not many of "them" will be unfairly deprived, nor many of "us" unfairly benefitted, by the proposed classification. In short, I trust your generalizations about the differences between my gang and Wilfred's more than I do your generalizations about the differences between my gang and yours.

Of course most judges, like most legislators, are white males, and there is no particular reason to suppose they are any more immune to the conscious and unconscious temptations that inhere in we-they generalizations. Obviously the factors mentioned can distort the evaluation of a classification fully as much as they can distort its formation. But all this is only to suggest that the Court had chosen the right course in reviewing classifications it has decided are suspicious—a course not of restriking or secondguessing the legislative cost-benefit balance but rather of demanding a congruence between the classification and its goal as perfect as practicable. When in a given situation you can't be trusted to generalize and I can't be trusted to generalize, the answer is not to generalize—so long as a bearable alternative exists. And here, the Court has recognized, one does—the alternative of forcing the system to absorb the additional cost that case by case determinations of qualification will entail. Legislatures incur this cost voluntarily in a great many situations, and courts have on other occasions forced them to do so where constitutionally protected interests will be threatened by an imperfectly fitting classification. The unusual dangers of distortion that inhere in a we-they process of comparative generalization, the Court seems to have been telling us in the racial classification cases, also demand that we bear the increased cost of individual justice.

[86] *See* 93 S. Ct. at 708–10, 720, 723–24, 742–43, 752–55.

[87] If the mere fact that the classification in issue disadvantages a minority whose viewpoint was not appreciated by a majority of the legislature that enacted it were sufficient to render it suspect, *all* classifications would be suspect.

[88] Even if the case could be made that abortion is an issue that pits the interests of men against those of women, that alone would not bring it within a theory that renders suspect classifications based on generalizations about the characteristics of men and women. And even if there were some way to expand the theory (and I confess I cannot see what judicial remedy would be appropriate were the theory so expanded, *but see* note 85 *supra*, third paragraph) to cover all "interests of men versus interests of women" situations, it will take some proving to establish that this is one: [D]ecisions in society are made by those who have power and not by those who have rights. Husbands and boy friends may in the end wield the power and make the abortion decision. Many women may be forced to have abortions not because it is their right, but because they are forced by egocentric men to submit to this procedure to avoid an unwanted inconvenience to men. Stone, *supra* note 22.

[89] It might be suggested that legislation restricting abortion had been kept on the books by the efforts of an intense minority and did not represent the will of most legislative majorities. Though I am aware of no basis for inferring this is any truer here than it is with respect to other sorts of legislation, *see also* note 86 *supra*, it is the sort of claim that is hard to disprove. (The phenomenon described at pp. 946–47 *infra*, one of relief that the issue has been taken out of the political arena, is a very different matter.) In any event it is not the Court's job to repeal such legislation. In the first place there is nothing unusual, and I was not aware there was anything wrong, with an intense minority's compromising on issues about which it feels less strongly in order to garner support on those it cares most about. Moreover, precisely because the claims involved are difficult to evaluate, I would not want to entrust to the judiciary authority to guess about them—certainly not under the guise of enforcing the Constitution. Leaving aside the arguable case of a law that has been neither legislatively considered *nor enforced* for decades, *see* A Bickel, The Least Dangerous Branch 143–56 (1962), the Court should rest its declaration of unconstitutionality, if any, on more than a guess about how widespread and intense the support for the law "really" is.

[90] The claimed connection is often empirical, causal or normative. About all that does *not* seem to become involved is formal logic. *See* p. 941 *infra*; Ely, *supra* note 28, at 1237–49.

[91] Even this statement of the demands of "substantive due process" is too strong for many Justices and commentators, who deny that any such doctrine should exist. *See, e.g.*, pp. 937–38 *infra*.

[92] *See* Branzburg v. Hayes, 408 U.S. 665 (1972).

[93] *See* pp. 928–33 *supra*. Necessarily, a claim of this sort can never be established beyond doubt; one can only proceed by examining the claims of those values he thinks, or others have suggested, are traceable to the Constitution. It is always possible, however, that someone will develop a general theory of entitlements that encompasses a given case and plausibly demonstrate its constitutional connections. It is also possible that had the constitutional right to an abortion been developed as con-

stitutional doctrines usually are—that is incrementally, rather than by the quantum jump of *Roe*—the connection of the first step with the Constitution, and that of each succeeding step with its predecessor, would have seemed more plausible. I cannot bring myself to believe, however, that any amount of gradualism could serve to make anything approaching the entire inference convincing.

[94] The thing about permitting disparity among state laws regulating abortion that *I* find most troubling is not mentioned by the Court, and that is that some people can afford the fare to a neighboring state and others cannot. Of course this situation prevails with respect to divorce and a host of other sorts of laws as well. I wish someone could develop a theory that would enable the Court to take account of this concern without implying a complete obliteration of the federal system that is so obviously at the heart of the Constitution's plan. I have not been able to do so. *See* note 87 *supra*.

[95] *See* pp. 943-45 *infra*.

[96] *See, e.g., Abortion*, The New Republic, Feb. 10, 1973, at 9; Stone, *supra* note 22.

[97] Of course one can disagree with the lengths to which the inferences have been taken; my point is that the prior decisions, including those that have drawn the most fire, at least started from a value singled out by, or fairly inferable from, the Constitution as entitled to special protection. Whatever one may think of the code of conduct laid down in Miranda v. Arizona, 384 U.S. 436 (1966), the Constitution does talk about the right to counsel and the privilege against self-incrimination. Whatever one may think of the strictness of the scrutiny exercised in Furman v. Georgia, 408 U.S. 238 (1972), the Eighth Amendment surely does indicate in a general way that punishments are to be scrutinized for erratic imposition ("usual") and severity disproportionate to any good they can be expected to accomplish ("cruel").

Note that the claim in the text has to do with the capacity of the earlier decisions to be *rationalized* in terms of some value highlighted by the Constitution, not with the skill with which they were in fact rendered. It is now pretty generally recognized, for example, that the various "wealth discrimination" cases could better have been defended in terms of the constitutional attention paid explicitly or implicitly or implicitly to the "goods" whose distribution was in issue—the right to vote and the assurance of fair judicial procedures. *See, e.g.*, Michelman, *Foreword: On Protecting the Poor Through the Fourteenth Amendment*, 83 Harv. L. Rev. 7 (1969). Reynolds v. Sims, 377 U.S. 533 (1964), is a badly articulated opinion. Its only response to the argument made by Justice Stewart—that since an equal protection claim was involved, a rational defense of a disparity among the "weights" of votes should suffice—was simply to announce that the goals Justice Stewart had in mind were off limits. *See* Ely, *supra* note 28, at 1226-27. But even Justice Stewart could not take the equal protection mold too seriously, for he added he would not approve a plan that permitted "the systematic frustration of the will of a majority of the electorate of the State." Lucas v. Colorado Gen. Assembly, 377 U.S. 713, 753-54 (1954) (footnote omitted). Such a plan, however, could be quite "rational" in terms of the sort of goals Justice Stewart had in mind, goals that in other contexts would count as legitimate. Obviously Justice Stewart had in mind, goals that in other contexts would count as legitimate. Obviously Justice Stewart was moved to some extent by the notion that a system whereby a minority could perpetuate its control of the government was out of accord with the system of government envisioned by the framers. *See also* Kramer v. Union Free School District No. 15, 395 U.S. 621, 628 (1969) (Warren, C.J., for the Court). This was what moved the Court too, though much further. And though the Court did not give the reason, there is one: a fear that by attempting to apply Justice Stewart's "in between" standard it would become embroiled in unseemly "political" inquiries into the power alignments prevalent in the various states. *See* Deutsch, *Neutrality, Legitimacy, and the Supreme Court: Some Intersections Between Law and Political Science*, 20 Stan. L. Rev. 169, 246-47 (1968); *cf.* note 89 *supra; but cf.* Mahan v. Howell, 41 U.S.L.W. 4277 (U.S. Feb. 20, 1973). Though the point is surely debatable, the impulse is understandable, and the fight in *Reynolds*, like that in *Miranda*, turns out to be not so much over the underlying values as over the need for a "clean" prophylactic rule that will keep the courts out of messy factual disputes.

In his concurrence in *Roe*, Justice Stewart lists ten cases to prove that "the Due Process Clause of the Fourteenth Amendment covers more than those freedoms explicitly named in the Bill of Rights." 93 S. Ct. at 734. His point is obviously that the freedoms involved were given protection above and beyond the ordinary demand for a "rational" defense and therefore *Roe* is just more of the same. It is not. Schware v. Bd. of Bar Examiners, 353 U.S. 232 (1957); Aptheker v. Secretary of State, 378 U.S. 500 (1964); and Kent v. Dulles, 357 U.S. 116 (1958), are all obviously rationalizable as First Amendment cases and indeed have since been so rationalized. Concerning *Schware*, see Griswold v. Connecticut, 381 U.S. 479, 483 (1965); *cf.* United States v. Brown, 381 U.S. 437, 456 (1965). As to *Aptheker* and *Kent*, see Zemel v. Rusk, 381 U.S. 1, 16 (1965); United States v. Brown, 381 U.S. at 456. Concerning Pierce v. Society of Sisters and Meyer v. Nebraska, see note 79 *supra*. As to Shapiro v. Thompson, 394 U.S. 618 (1969), and United States v. Guest, 383 U.S. 745 (1966), see p. 927 *supra*. With respect to Carrington v. Rash, 380 U.S. 89 (1965), see the preceding paragraph of this footnote and C. BLACK, *supra* note 56. Concerning Bolling v. Sharpe, 347 U.S. 497 (1954), see note 79 *supra; but cf.* Linde, *Judges, Critics, and the Realist Tradition*, 82 YALE L.J. 227, 233-35 (1972). And *compare* Truax v. Raich, 239 U.S. 33 (1915), *with* Graham v. Richardson, 403 U.S. 365 (1971), *and* note 85 *supra*.

[98] 198 U.S. 45 (1905).

[99] Ferguson v. Skrupa, 372 U.S. 726, 729-30 (1965) (footnotes omitted). *See also* Lincoln Federal Labor Union v. Northwestern Iron & Metal Co., 335 U.S. 525, 533-37 (1949).

[100] *See* Pierce v. Society of Sisters, 268 U.S. 510 (1925); Meyer v. Nebraska, 262 U.S. 390 (1923).

[101] *E.g.*, Adkins v. Children's Hospital, 261 U.S. 525, 542-43 (1923). *See also* Adair v. United States, 208 U.S. 161, 172-73 (1908). *Cf.* Hammer v. Dagenhart, 247 U.S. 251 (1918).

[102] 397 U.S. 471 (1970).

[103] *See, e.g.*, San Antonio Independent School Dist. v. Rodriguez, 41 U.S.L.W. 4407, 4417 (U.S. March 21, 1973); Ortwein v. Schwab, 41 U.S.L.W. 3473, 3474 (U.S. March 5, 1973); United States v. Kras, 93 S. Ct. 631, 638 (1973).

[104] *But cf.* note 109 *infra*.

[105] 397 U.S. at 484-86.

[106] Karst & Horowitz, Reitman v. Mulkey: *A Teleophase of Substantive Equal Protection*, 1967 Sup. Ct. Rev. 39, 57-58; *cf.* 2 L. Pollak, The Constitution and the Supreme Court: A Documentary History 266-67 (1966).

[107] *But see* U.S. CONST. art. I, § 10; Calder v. Bull, 3 U.S. (3 Dall.) 386 (1798).

[108] *See* note 103 *supra*.

[109] 93 S. Ct. at 734. The only *"Lochner era"* cases Justice Stewart cites are *Meyer* and *Pierce*. It therefore may be he intends to pursue some sort of "economic-noneconomic" line in selecting rights entitled to special protection. *But see* text at note 105 *supra*. The general philosophy of constitutional adjudication, however, is the same. *See* text at notes 106-07 *supra*. Justice Stewart rather clearly intends his *Roe* opinion as a repudiation of his *Griswold* dissent, and not simply as an acquiescence in what the Court did in the earlier case. *See* 93 S. Ct. at 735.

Having established to his present satisfaction that the Due Process Clause extends unusual substantive protection to interests the Constitution nowhere marks as special, *but see* note 97 *supra*, he provides no further assistance respecting the difficult questions before the Court, but rather defers to the Court's "thorough demonstration" that the interests in protecting the mother and preserving the fetus cannot support the legislation involved. *But see* pp. 922-26 *supra*.

[110] Adair v. United States, 208 U.S. 161, 172 (1908). *See also id.* at 174.

[111] Jay Burns Baking Co. v. Bryan, 264 U.S. 504, 513 (1924). *See also id.* at 517; Meyer v. Nebraska, 262 U.S. 390, 399-400, 403 (1923); Adkins v. Children's Hospital, 261 U.S. 525, 529 (1923); Coppage v. Kansas, 236 U.S. 1, 14 (1915); Lochner v. New York, 198 U.S. 45, 53, 54, 56, 57 (1905); *id.* at 68 (Harlan, J., dissenting).

[112] *But cf.* note 91 *supra*.

[113] Coppage v. Kansas, 236 U.S. 1, 16-17, 17-18 (1915). *See also* Meyer v. Nebraska, 262 U.S. 390, 403 (1923); Adair v. United States, 208 U.S. 161, 174-75 (1908); Lochner v. New York, 198 U.S. 45, 57-58 (1905).

[114] Lochner v. New York, 198 U.S. 45, 62 (1905). *See also id.* at 57, 58, 59, 64.

[115] Jay Burns Baking Co. v. Bryan, 264 U.S. 504, 517 (1924). *See also* Coppage v. Kansas, 236 U.S. 1, 15-16 (1915).

[116] Note 8 *supra*.

[117] The *Lochner* approach to factual claims is, however, suggested by the Court's ready acceptance—by way of nullifying the state's health interest during the first trimester—of the data adduced by appelants and certain *amici* to the effect that abortions performed during the first trimester are safer than childbirth. 93 S. Ct. at 725. This is not in fact agreed to by all doctors—the data are of course severely limited—and the Court's view of the matter is plainly not the only one that is "rational" under the usual standards. *See* San Antonio Independent School Dist. v. Rodriguez, 41 U.S.L.W. 4407, 4420 (U.S. March 21, 1973); Eisenstadt V. Baird, 405 U.S. 438, 470 (1972) (Burgber, D.J., dissenting): The actual hazards of introducing a particular foreign substance into the human body are frequently controverted, and I cannot believe the unanimity of expert opinion is a prerequisite to a State's exercise of its police power, no matter what the subject matter of the regulation. Even assuming no present dispute among medical authorities, we cannot ignore that it has become commonplace for a drug or food additive to be universally regarded as harmless on one day and to be condemned as perilous the next. It is inappropriate for this Court to overrule a legislative classification by relying on the present consensus among leading authorities. The commands of the Constitution cannot fluctuate with the shifting tides of scientific opinion.

I suppose the Court's defense of its unusual reaction to the scientific data would be that the case is unusual, in that it involves a "fundamental" interest. It should be noted, however, that even a sure sense that abortion during the first trimester is asfer than childbirth would serve only to blunt a state's claim that it is, for reasons relating to maternal health, entitled to *proscribe* abortion; it would not support the inference the Court draws, that *regulations designed to make the abortion procedure safer* during the first trimester are impermissible. *See* 93 S. Ct. at 732.

[118] *Cf.* Meyer v. Nebraska, 262 U.S. 390 (1923); Adkins v. Children's Hospital, 261 U.S. 525, 546 (1923), Lochner v. New York, 198 U.S. 45, 53-54, 57 (1905).

[119] And even those cases that interlaced such claims with indications of a balancing test, *see* note 118 *supra*, sowed the seeds of their own reversal. *See* text at notes 120-21 *infra*. A claim that X weighs mor than Y will have little persuasive or precedential value if it is bracketed with an indefensible assertion than Y is nothing.

[120] Adair v. United States, 208 U.S. 161, 172 (1908), quoted more fully at p. 932 *supra*. *See also, e.g.*, Lochner v. New York, 198 U.S. 45, 54 (1905).

[121] Wrong, that is, if one assigns to the words anything resembling their ordinary meanings. *see, e.g.*, Daniel v. Family Insurance Co., 336 U.S. 220, 224 (1949). One can of course argue that states should also have governments of few and defined powers, that they should not be vested with broad authority to go after whatever they regard as evils. But the Federal Constitution imposes no such restraint, and according to the test accepted even at the time of *Lochner* such authority, at least as a matter of federal constitutional law, does exist.

[122] It is possible, of course, that I am here timebound, and that the wrongness of *Lochner et al.* is obvious only because a half century of commentary has made it so. While I cannot rebut this, I am inclined to doubt it. In those decisions the Court stated the applicable tests in language much the same as would be used today—language the dissents cogently demonstrated could not be reconciled with the results. That views with which one disagrees can be reasonable nonetheless was a concept hardly new to lawyers even in 1900.

[123] *But compare* 93 S. Ct. at 732 *with* Doe v. Bolton, 93 S. Ct. 739 (1973). *See also* pp. 922-26 *supra*.

[124] With respect to the Equal Protection Clause, by way of contrast, the Court has taken to claiming it is simply applying the traditional rationality standard, whether it is or not. For a more optimistic view of the development, *see* Gunther *Foreword: In Search of Evolving Doctrine on a Changing Court: A Model for a Newer Equal Protection*, 86 Harv. L. Rev. 1 (1972).

[125] *See* note 97 *supra*. The "footnote 4" argument suggested in note 85 *supra* responds not so much to any clear constitutional concern with equality for women (*but see* U.S. Const. amend. XIX) as to the

unavoidable obligation to give "principled" content to the facially inscrutable Equal Protection Clause. *See* pp. 948-49 *infra*. Virtually everyone agrees that classifications by race were intended to be and should be tested by a higher than usual standard, and that at least some others—though the nature and length of the list are seriously disputed—are sufficiently "racelike" to merit comparable treatment. *See, e.g.*, Graham v. Richardson, 403 U.S. 365 (1971). The problem thus becomes one of identifying those features of racial classifications that validly compel the deviation from the usual standard, and in turn those classifications that share those features.

[125] *See, e.g.*, Kurland, *Foreword: "Equal in Origin and Equal in Title to the Legislative and Executive Branches of Government*, Harv. L. Rev. 143, 144-45, 149, 163, 175 (1969).

[127] *See, e.g.*, A. BICKEL, *supra* note 89, at 84-92; A. Bickel, The Supreme Court and the Idea of Progress 177 (1970); Mendelson, *On the Meaning of the First Amendment: Absolutes in the Balance*, 50 Calif. L. Rev. 821 (1962).

[128] Linde, *supra* note 97, at 254.

[129] The Court will continue to play the role of the omniscient and strive toward omnipotence. And the law reviews will continue to play the game of evaluating the Court's work in light of the fictions of the law, legal reasoning, and legal history rather than deal with the realities of politics and statesmanship. Kurland, *supra* note 126, at 175.

[130] 7 Weekly Comp. of Presidential Documents 1431 (Oct. 25, 1971).

[131] *Id.* at 1432.

[132] *See generally* A. Bickel, The Supreme Court and the Idea of Progress (1970). Professor Bickel's thought is of course much richer than it is here reported. But the catchier aspects of a person's work have a tendency to develop a life of their own and on occasion to function, particularly in the thinking of others and perhaps to an extent even in the author's own, without the background against which they were originally presented. *Cf.* note 138 *infra*.

[133] *See* Hart, *Foreword: The Time Chart of the Justices*, 73 HARV. L. REV. 84, 99 (1959). *See also* A. BICKEL *supra* note 127, at 99; Kurland, *Earl Warren, the "Warren Court," and the Warren Myths*, 67 MICH. L. REV. 353, 357 (1968). *Cf.* Karst, *Invidious Discrimination: Justice Douglas and the Return of the "Natural-Law—Due-Process" Formula*, 16 U.C.L.A.L. Rev. 716, 746-48 (1969); Karst & Horowitz, *supra* note 106, at 79.

[134] *E.g.*, A. BICKEL, *supra* note 127, at 95; Kurland, *Toward a Political Supreme Court*, 32 U. CHI. L. REV. 19, 20, 22 (1969).

[135] *See generally* W. Murphy, Congress and the Court (1962); C. Warren, The Supreme Court in United States History (rev. ed. 1932).

[136] In the past several years, however, a trend toward liberalization of abortion statutes has resulted in adoption, by about one-third of the States, of less stringent laws, most of them patterned after the ALI Model Penal Code . . . . 93 S. Ct. at 720.

By the end of 1970, four other States had repealed criminal penalties for abortions performed in early pregnancy by a licensed physician, subject to stated procedural and health requirements. Alaska Stat. § 11.15.060 (1970); Hawaii Rev. Stat. § 453-16 (Supp. 1971); N.Y. Penal Code § 125.05 (McKinney Supp. 1972-1973); Wash. Rev. Code §§ 9.02.060 to 9.02.080 (Supp. 1972). . . . *Id.* at 720 n.37.

[137] As opposed to the invalidation of a police practice. *Cf.* Miranda v. Arizona, 384 U.S. 436 (1966). *See also, e.g.*, Engel v. Vitale, 370 U.S. 421 (1962).

[138] Even the headline in *The New York Times* announced: "High Court Rules Abortions Legal [sic] the First 3 Months." N.Y Times, January 23, 1973, p. 1, cols. 1-8.

[139] *See* pp. 926-27 *supra*. Of course there are some possible uses of the decision that scare me, particularly when it is considered in conjunction (a) with some of this Court's motions relating to a mother's "waiver" of AFDC assistance, *see* Wyman v. James, 400 U.S. 309 (1971), and (b) with Buck v. Bell, 274 U.S. 200 (1927), which was indeed relied on by the Court in *Roe*, 93 S. Ct. at 727, and cited without apparent disapproval in Justice Douglas's concurrence, *id.* at 759. But those are quite different cases I'm conjuring up.

[140] *See* note 136 *supra*. *But cf. Abortion*, The New Republic, Feb. 10, 1973, at 9: [I]f the Court's guess concerning the probable and desirable direction of progress is wrong, it will nevertheless have been imposed on all 50 states, and imposed permanently, unless the Court itself should in the future change its mind. Normal legislation, enacted by legislatures rather than judges, is happily not so rigid, and not so presumptuous in its claims to universality and permanence.

[141] In judicial review, the line between the "juridical" and the "legislative" mode does not run between "strict constructionists" and competing theorists of constitutional interpretation. Rather, it divides constructionists and non-constructionists, those who do and those who do not see judicial review as a task of construing the living meaning of past political decisions—a division in which the alternating libertarianism and conservatism of the late Justices Black and Harlan were on the same side. Linde, *supra* note 97, at 254-55 (footnote omitted).

[142] United States v. Butler, 297 U.S. 1, 62 (1936).

[143] Poe v. Ullman, 367 U.S. 497, 539-40 (1961) (Harlan, J., dissenting).

[144] Wright, *Professor Bickel, The Scholarly Tradition, and the Supreme Court*, 84 Harv. L. Rev. 769, 785 (1971) (footnote omitted).

[145] *See generally* Ely, *supra* note 28. Starting from a clearly unconstitutional course of action—and I have trouble seeing the unconstitutionality of a tax exemption for only Caucasian children as a controversial assumption—and attempting to explain why it is unconstitutional in terms of a theory capable of acceptable and consistent application to other areas, is a perfectly sensible way of developing constitutional doctrine. *Id.* at 1262. I might have made (even more) explicit that the action around which the search for the "principled" approach is to be centered should be one—and, to paraphrase myself, I have trouble seeing the example I chose as controversial in this regard—whose impermissibility is established by values traceable to the Constitution.

[146] *But see, e.g.*, Hart, *supra* note 133, at 99, *quoted* in part in Bickel, *Foreword: The Passive Virtues*, 75 Harv. L. Rev. 40, 41 (1961): [T]he Court is predestined . . . to be a voice of reason, charged with the creative function of discerning afresh and of articulating and developing impersonal and durable principles . . . .

But discerning constitutional principles afresh is one thing; developing them, no matter how neutral and durable, is quite another. An institution charged with looking after a set of values the rest of us have entrusted to it is significantly different from one with authority to amend the set.

[147] *But see, e.g.*, Linde, *supra* note 97. *Cf.* Bork, *Neutral Principles and Some First Amendment Problems*, 47 IND. L.J. 1, 6-11 (1971), espousing the general view of constitutional adjudication espoused here, but characterizing *Griswold* as a typical Warren Court product, *id.* at 7, in order to buttress the more general claim-equally unfair in my view—that one cannot accept that general view and at the same time generally approve the work of that Court, *Id.* at 6. *See* Griswold v. Connecticut, 381 U.S. 479, 527 n.23 (1965) (Black, J., dissenting).

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THE "RIGHT" TO AN ABORTION, THE SCOPE OF 14TH AMENDMENT "PERSONHOOD," AND THE SUPREME COURT'S BIRTH REQUIREMENT

(By John D. Gorby*)

I. INTRODUCTION

The one theme which permeates the United States Supreme Court's 1977 abortion pronouncements is that the United States Constitution does not and the federal judiciary should not preclude legislative regulation of some aspects of the abortion problem. Indeed, the decisions almost suggest that the essential nature of American society is democratic. The Supreme Court's 1979 decision holding unconstitutional a Pennsylvania statute requiring physicians performing abortion to attempt to preserve the life of the aborted fetus, if the fetus "may be viable," does not suggest the contrary, since it appears to be based on the due process concept of vagueness as applied in criminal cases and not upon any substantive expansion of the right to abort.[2] In *Maher v. Roe*,[3] the Court noted: "We should not forget that 'legislatures are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.' "[4] One paragraph later, the Court held that "the Constitution does not require a judicially imposed resolution of these difficult issues."[5] Similar language was used in *Poelker v. Doe*.[6]

"Although the Mayor's personal position [opposition] on abortion is irrelevant to our decision, we note that he is an elected official responsible to the people of St. Louis. His policy of denying city funds for abortions such as that desired by Doe is subject to public debate and approval or disapproval at the polls. We merely hold, for reasons stated in *Maher*, that the Constitution does not forbid a State or city, pursuant to democratic processes, from expressing a preference for normal childbirth as St. Louis has done."[7]

In spite of Mr. Justice Powell's suggestion in *Maher* that "[o]ur conclusion signals no retreat from *Roe* of the cases applying it,"[8] one wonders if those words of reassurance are to be taken with the same degree of seriousness as the assurance of Mr. Justice Blackmun in *Roe v. Wade*[9] that the Supreme Court was not reviving substantive due process.[10] Indeed, the dominant democratic theme of *Maher v. Roe*,[11] *Poelker v. Doe*[12] and *Beal v. Doe*,[13] the bitterness expressed by the dissenters[14] (all previous members of the *Roe* Majority),[15] the compulsion of the author of *Roe* to dissent,[16] and the continuing efforts to change *Roe* with a constitutional amendment cause one to wonder if the majority in *Colautti* would not have preferred to have followed the spirit of the dissenting opinions in *Roe* and left the entire abortion problem in the hands of the state legislatures. This approach, at least on the surface, would be consistent with recent suggestions that the judiciary return to the fourteenth amendment its intended "procedural" as opposed to "substantive" significance, defer to the "spirit of our democracy" in matters not controlled by the fourteenth amendment as originally intended, and not "govern" under the guise of interpreting the Constitution.[17]

A legislative solution to the abortion problem is necessarily based upon the premise that the Constitution is neutral about abortion and does not impose a solution, one way or another.

In this article, the existence of such a premise is denied. More specifically, this author concludes (1) that the Constitution is not neutral about abortion and does indeed impose a solution on the abortion question; (2) that, as Justice Blackmun conceded in *Roe*, if the fetus is a person under the fourteenth amendment, "the [plaintiff's] case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [fourteenth] [a]mendment;"[18] and (3) that the concept of "person" in the fifth and fourteenth amendments includes unborn human life.[19] It thus follows that the solution to the abortion problem set forth in *Roe*[20] as well as that suggested by Justices White and Rehnquist in dissent[21] are constitutionally unsound, both solutions permitting the violation of the fetus' constitutionally protected right to life without due process of law. More positively, there is substantial historical support for the notion that the due process clause was designed to guarantee access of all persons to the courts for the protection of fundamental rights,[22] that those fundamental rights refer to "life, liberty and property,"[23] and that the unborn human being, as an individual living human

[1] Footnote at end of article.

being, is a person under the Constitution and is entitled to access to the courts to protect his fundamental right to life.

Since *Roe v. Wade* is the only case in which the Supreme Court has considered the scope of constitutional "personhood" in the context of pre-birth stages of human development and is the only Supreme Court pronouncement on the subject, [24] a criticism of *Roe* will serve as a departure point for this discussion as to whether or not the fetus falls within the scope of the constitutional concept.[25]

II. THE SCOPE OF CONSTITUTIONAL PERSONHOOD: THE PRIMARY ISSUE IN THE ABORTION CONTROVERSY

That the Supreme Court accepted the scope of constitutional personhood as the primary issue in *Roe* is reflected in its statement that "[t]he appellee [Texas] and certain *amici* argue that the fetus is a 'person' within the language and meaning of the Fourteenth Amendment. . . . If this suggestion of personhood is established, the appellant's case, of course, collapses, for the fetus' right to life would then be guaranteed specifically by the [Fourteenth] Amendment." [26] No one has openly quarreled with the *Roe* Court on this point, and with good reason. The right to life represents a fundamental value in the constitutional order. Not only do both the fifth and fourteenth amendments explicitly mention "life" in their respective due process clauses, [27] but common sense dictates that the right to life is a condition precedent to the enjoyment and exercise of all other fundamental rights, including Mr. Justice Douglas' "absolute" first amendment rights; [28] it is the necessary foundation upon which all other human rights are built.[29] After all, only the living can enjoy the freedom of speech, the right peaceably to assemble, the right of assistance of counsel, the right of privacy, or even the right to decide to have an abortion. Mr. Justice Brennan expressed the idea simply in *Furman v. Georgia:* [30] "An executed person has indeed 'lost the right to have rights.'" [31] And as a general rule, only those who feel that their "right to life" is secured will dare exercise other fundamental rights.

Historically, an important purpose of American civil government has been to protect fundamental rights. Thus, history also supports the *Roe* majority reasoning that if the fetus is a person, and thus entitled to the right of life, the Court has an obligation to protect that right. John Locke, whose influence on the thinking of the founders of this nation is well known, wrote of the natural rights to life and property and that "civil government is the proper remedy for the inconveniences of the state of nature, which must certainly be great where men may be judges in their own case." [32] This principle, applied to the abortion problem, suggests that, if the unborn does enjoy a natural right to life,[33] the protection of that right should not be completely entrusted to the pregnant woman since her self-conceived interests may conflict with those of the unborn and since she could not be expected to be a fair "judge in [her] own case." [34] The solution to this problem, according to Locke, would be civil government as is the case for all conflicts between the rights of one and the interests of another. These basic ideas found their way into the Declaration of Independence in the clause to which the people of this nation so frequently rededicated themselves during the recent bicentennial year:

"We hold these truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness—That to secure these Rights, Governments are instituted among Men, . . . that whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its Foundation on such Principles. . . ." [34a]

Just fifteen years later, on December 15, 1791, at a time when natural rights theories were still dominant in American legal thought, "life" was explicitly included in the fifth amendment's due process clause.[35]

Although natural law fell out of vogue during the nineteenth century,[36] the importance of the right to life in modern political and social theory has remained nearly unscathed as evidenced by the Third Article of the Universal Declaration of Human Rights, which states: "Everyone has the right to life," [37] the Second Article of the European Human Rights Convention [38] and the arguments to abolish capital punishment expressed by Mr. Justice Brennan in *Furman v. Georgia.*[39] "The country has debated whether a society for which the dignity of the individual is the supreme value can, without a fundamental inconsistency, follow the practice of deliberately putting some of its members to death." [40] He also wrote that "[d]eath is a unique punishment in the United States. In a society that so strongly affirms the sanctity of life, not surprisingly the common view is that death is the ultimate sanction." [41]

Since the Court in *Roe* recognized the right to life issue as crucial and was fully aware of the rank of this right in the hierarchy of fundamental legal values, one would certainly expect the Court to have carefully and thoroughly studied and analyzed the scope of constitutional personhood as well as the nature of the unborn [42] to determine on the most rational basis possible whether the unborn falls within that scope. As the next section shows, the Court did no such thing.

III. THE PRIMARY ISSUE IN THE HANDS OF THE SUPREME COURT

A. Procedural background of Roe v. Wade: The unborn's "day in court"

In 1970 and in early 1971, a number of abortion cases had been appealed to the United States Supreme Court from Wisconsin,[43] Texas,[44] Georgia,[45] Louisiana,[46] Illinois [47] and North Carolina.[48]

The Illinois case was unique in that Dr. Bart Heffernan of Chicago had been appointed guardian ad litem to represent the interests of the unborn. As a result, only in the Illinois case, where standing had been recognized, was the unborn permitted to directly participate through his representative in a series of lawsuits which were to have a profound impact on his legal and constitutional rights.[49] The Supreme Court, however, set the Texas (*Roe v. Wade*) and Georgia (*Doe v. Bolton*) cases, but not the Illinois case, which was also pending before the Court, for oral arguments on December 13, 1971. Since the parties to the *Roe* and *Doe* cases were, on the one side, physicians and women challenging the constitutionality of the respective state anti-abortion statutes and, on the other side, the attorneys general defending their states' statutes, the fetus was not directly represented in the December 13, 1971, hearings. Because only seven justices heard the oral arguments, Justices Black and Harlan having left the Court one month earlier, no decisions were handed down and the cases were set for rehearing in October, 1972. In the meantime, the attorneys for the fetus, whose guardian was an actual party only in the Illinois case and had filed an amicus brief [50] one year earlier in both the Texas and Georgia cases, filed in the Supreme Court a motion for oral argument, which was denied in the summer of 1972. Shortly thereafter, they moved to consolidate for oral arguments at the rehearing the Illinois case (*Doe v. Scott*) [51] with the Texas (*Roe*) and Georgia (*Doe*) cases. This motion was also denied.[52] As a result, the fetus, not having been represented in the crucial hearings before the justices, never enjoyed his "day in court." [53]

The Supreme Court had every opportunity to hear arguments presented by the representative of the fetus that it was a "constitutional person." However, the Court chose not to take advantage of this occasion.

Before the Supreme Court on October 11, 1972, Texas argued that a fetus is a person, but quickly backed away from the logic of this position, arguing instead that the abortion problem can "be best decided by a legislature." [54] A legislative solution is in the best interests of the state since it maximizes state authority. The legislature, however, has never been permitted in Supreme Court jurisprudence to determine who is and who is not entitled to enjoy fundamental constitutional rights. Thus, in the end, Texas argued to enhance its authority and interests, not fetal rights.

One should not lightly conclude from the Supreme Court's holding in *Roe* that the concept of "person" has no prenatal significance, that the unborn was not, after all, entitled to a "day in court." Such a conclusion assumes the outcome. Furthermore, it would be sound only if one is willing to assume that the adversary process is not essential to sound judicial decision-making—an assumption hardly compatible with the common law tradition. To a great degree, judicial decisions are made legitimately only if there is an opportunity for vigorous advocacy, an opportunity not allowed the fetus in the cases thus far in which his right to personhood or, expressed differently, its right to even have rights, has been adjudicated.

B. The Supreme Court's opinion on the merits: The unborn, birth and constitutional personhood

(1) The Initial Constitutional Issue Is the Scope of Constitutional Personhood, Not "When Life Begins"

"We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer." [55]

Although the Supreme Court in *Roe* expressed concern about its ability to "resolve the difficult question of when life begins." [56] the initial constitutional dilemma the Court faced was not the factual question of when life begins but rather the legal question of the scope and meaning of the concept of "person" in the fourteenth amendment, i.e., whether the concept means living humans, individual humans, born humans, rational humans, wanted humans, humans capable of "meaningful," [57] any combination thereof or something else. In other words, what does the term "person" as used in the fourteenth amendment mean? What values was it designed to protect? If, for example, it means

all individual, living human beings, which is this writer's position,[58] the factual issue whether the fetus is an individual, living human being is presented for decision. If "life" in the biological sense is irrelevant to membership in the class of constitutional persons or if birth is an essential criterion to membership in this constitutional class, the Court in *Roe* was correct, for then it need not "speculate as to the answer [of when life begins]." [59] On the other hand, if the real problem facing the Court was a "proof problem," i.e., how to prove that a fetus has "life," simple judicial restraint should require the Court not to exclude the fetus from constitutional protection as a matter of law by creating a birth requirement as it did in *Roe* but rather to leave the ultimate question of constitutional personhood in the fetus unanswered, remand the case and ask for more "proof" on the factual question.[60]

(2) How the Supreme Court Approached the Interpretation of "Person" as Used in the Fourteenth Amendment

As stated by the Supreme Court and conceded by all parties, no prior case had been found in which the United States Supreme Court had addressed itself to the question of whether the term "person" as used in the fourteenth amendment has prenatal application.[61] Thus, for all practical purposes, the question was being presented for the first time. In absence of precedent, the only legal materials with which the Court had to work were the constitutional provisions themselves.

In *Roe* the Court, in interpreting the scope of "person" in the fourteenth amendment, applied in a very general sense only two of the several possible methods of construction.[62] The Court first considered the term "person" as used in other contexts in the Constitution and then considered the history of abortion legislation throughout the nineteenth century.

(a) *The Supreme Court's consideration of the use of the term "person" in other contexts in the Constitution*

In approximately 500 words Mr. Justice Blackmun discussed the use of the term "person" in other clauses in the Constitution and concluded that the term "has application only postnatally." [63] With this short essay he attempted to resolve the most important issue raised in the case. A brief look at these other clauses reveals that they do not provide an answer to the question of the scope of constitutional personhood. In the clauses mentioned by the Court, the concept of "person" was broad and undefined and the function of the specific constitutional clause was to limit the broader class of persons for a particular purpose. For example, for a person to be qualified to be a representative, a senator or the President, he must be twenty-five, thirty and thirty-five years of age, respectively. Quite obviously there are some who are persons but do not meet these special qualifications for a particular office. The fact that a 24-year-old is not qualified for these offices suggests only that there are "persons" who are not qualified for the House, Senate of the Presidency. The clause suggests that 24-year-olds are persons; it does not suggest when the 24-year-old became a "person," or that he became a person at birth or at any other particular state of his development. An identical criticism can be made of Mr. Justice Blackmun's apportionment clause [64] and extradition clause [65] arguments.[66] Whatever significance the use of "person" in other contexts in the Constitution has for the resolution of this problem, it seems to argue against the Court's conclusion, since all clauses mentioned restrict for particular purposes a broad class of persons. These clauses do not define "person." In any case, this approach offers nothing to support the Court's conclusion that "person" has only postnatal meaning.[67]

(b) *The Supreme Court's use of history*

(i) The Supreme Court's argument concerning criminality of abortions during the nineteenth century

Mr. Justice Blackmun observed in *Roe* that "throughout the major portion of the nineteenth century prevailing legal abortion practices were freer than they are today" [68] and was thus "persuade[d] . . . that the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." [69]

There is reason to believe that Mr. Justice Blackmun's premise concerning nineteenth century abortion practices is not valid. Briefly, the following quotes should provide some insight into the accuracy of the Supreme Court's statements about the legal status of abortion during the seventeenth, eighteenth and nineteenth centuries. Sir Edward Coke wrote in 1628:

"If a woman be quick with childe, and by a potion or otherwise killeth it in her wombe; or if a man beat her, whereby the childe dieth in her body, and she is delivered of a dead childe, this is a great misprision and no murder; but if the childe be born alive, and dieth of the potion, battery or other cause, this is murder." [70]

The Supreme Court was fully aware of this passage [71] as well as a similar one by Blackstone,[72] but concluded that "[a] recent review of the common-law precedents argues, however, that those precedents contradict Coke and that even post-quickening abortion was never established as a common law crime." [73] The Supreme Court supported this conclusion by citing with apparent approval a 1971 law review article by abortion proponent Cyril Means who, according to Justice Blackmun, suggested that Coke "may have intentionally mistated the law" possibly because he had "participated as an advocate in an abortion case in 1601" [74] and because of his desire to assert common law jurisdiction over an offense traditionally an ecclesiastical crime.[75]

Although it is possible that Coke was still zealously advocating his client's case twenty-seven years later when he published his *Institutes* in 1628, or was attempting to play politics, this cynical explanation hardly pinpoints why Sir William Blackstone, over a century later, repeated in substance the views of Sir Edward Coke in his *Commentaries of the Laws of England.*[76] It also does not explain the following comment by Professor Perkins, a foremost authority on the common law of crimes and uninvolved—as far as this winter is aware—in abortion polemics:

"[I]t was a common law misdemeanor to administer any drug or medicine or to perform an operation on a woman pregnant with a quick child for the purpose of causing a miscarriage, and thereby causing the child to be born dead unless such operation was necessary to save the life of the woman." [77]

This explanation also does not indicate why a Pennsylvania court in 1850 wrote: "The moment the womb is instinct with embryo life, and gestation has begun, the crime may be perpetrated. . . . There was therefore a crime at common law sufficiently set forth and charged in the indictment." [78] It likewise fails to explain why at least four other states reached identical conclusions with respect to a quickened fetus.[79] It also is not supported by the fact that, at the time when the fourteenth amendment was ratified in 1868, nearly every state had criminal legislation proscribing abortion.[80] Exactly what Mr. Justice Blackmun meant with his statement that "abortion practices were freer (in the nineteenth century) than today" is unclear. If he meant that abortion was neither criminal nor subject to penal sanction—either by statute or at common law—he was wrong.

(ii) The Supreme Court's argument concerning the purpose of nineteenth century abortion legislation

Justice Blackmun implied that the purpose of the anti-abortion legislation of the nineteenth century was in protecting "the woman's health rather than in preserving the embryo and fetus." [81] The Court cited a New Jersey statute, construed by an 1858 New Jersey Supreme Court case, to support this idea.[82] The history of anti-abortion legislation In New Jersey indicates that the United States Supreme Court misunderstood the statute.[83] Beyond that, however, the evidence to the contrary is quite overwhelming; this evidence clearly shows that there was considerable concern during the nineteenth century in protecting the fetus. The Supreme Court neglected to mention eleven decisions expressly stating that the protection of the life of the unborn was at least one of the purposes for the nineteenth century abortion statutes [84] and that nine others implied the same notion.[85]

The Court also failed to mention Blackstone's famous statement that "Life is . . . a right inherent by nature in every individual; and it begins in contemplation of law as soon as an infant is able to stir in the mother's womb." [86] Blackstone's first American editions appeared in 1771 and have helped explain the attitude of nineteenth century America towards unborn life. According to Harvard Law Professor Charles Haar:

"Blackstone supplied a real need in this country. Without a trained bar, lacking a tradition of learning and of legal education, America found his exposition overwhelming in force. It is powerful and direct. Its emphasis on natural law fitted in with the peculiar environment of law in America. Because of the *Commentaries* English common law became also the common law of the United States. To the link of the common language was added that of the common legal principles. The *Commentaries* were a conduit of the ideas of Locke and Montesquieu to the framers of the Federal and state constitutions. They attained the position of an oracle of law on which lawyers for generations cut their teeth; mastery of Blackstone was deemed an adequate preparation for the practice of law." [87]

A brief look at the law books used by nineteenth century law students testifies to the influence of Blackstone on nineteenth century thought. It was common for a law professor to make at least one of his contributions to legal education, and to the development of the law, by editing and commenting upon Blackstone.[88] Furthermore, Blackstone and Kent, who echoed Blackstone's words,[89] were cited as authority by those who sponsored the Civil Rights Act of 1866 as well as the fourteenth amendment.[90] The Civil Rights Act of 1866 is of considerable importance to this study since, as Professor

Berger points out in his *Government by Judiciary*, the "key to [the] meaning [of the privileges or immunities clause of the fourteenth amendment] is furnished by the immediately preceding Civil Rights Act of 1866, which, all are agreed, it was the purpose of the [fourteenth] [a]mendment to embody and protect." [91]

The development of nineteenth century medical ethics seems to parallel the legal principles of Blackstone. Very influential during the early nineteenth century was Thomas Percival's *Medical Ethics* in which the following was written: "To extinguish the first spark of life is a crime of the same nature, both against our maker and society, as to destroy an infant, a child, or a man." [92] These views explain in part the condemnation of abortion as the destruction of "human life" by the American Medical Association at its 1859 annual meeting.[93]

Further support for the idea that nineteenth century America was concerned with preserving the life of the fetus is ironically found in *Botsford v. Union Pacific Railroad*,[94] the very case which the Supreme Court cited in *Roe* as its landmark right to privacy case. Although the *Botsford* Court acknowledged a common law right to privacy which precluded a court without statutory authority from ordering a medical examination of a female plaintiff in a personal injury case,[95] it pointed out that one of two exceptions to this common law right of privacy was the writ *de ventre inspiciendo*. With this writ, the state was empowered to examine whether a woman convicted of a capital crime and sentenced to be executed was quick with child, thus overcoming her right to privacy. If she was, execution would be stayed until after the birth of the child. Here, the common law not only acknowledged a right to life in the fetus but also recognized precedence of this right over the common law right of privacy.

In light of the above it seems hard to suggest—as did the majority in *Roe*—that the concerns of the nineteenth century were exclusively about the pregnant woman and not the unborn, and difficult to argue—as did the majority in *Roe*—that the purpose of nineteenth century abortion legislation was in protecting "the woman's health rather than in preserving the embryo and fetus." Indeed, the preservation of the fetus appears to have been a major purpose. Moreover, even those courts which have indicated that preservation of maternal health was a purpose for enacting the anti-abortion statute did so against a background in which abortion of at least a quickened fetus was considered a common law crime.[96]

If Justice Blackmun meant that an unquickened fetus may not have enjoyed protection under the common law, he should have said that. The correlation, however, would be that the quickened fetus did enjoy criminal law protection, a fact which argues against the Court's conclusion that constitutional personhood has no prenatal application.[97]

In oral argument before the *Roe* court [98] as well as in the *Roe* majority opinion,[99] the Supreme Court seemed impressed by the historical fact that no case had been found in which the pregnant woman was prosecuted for allowing an abortion to be performed on herself and by the fact that the punishment for conviction under the abortion statutes was much milder than the punishment for homicide. The Court found this to suggest that the fetus was not considered a person, as was the victim in a homicide. Such a conclusion is simply not warranted since there are other valid explanations. For example, if a 12-year-old intentionally kills a born individual in Illinois, no crime has been committed since the child is not legally responsible. No one could suggest that the victim of the act was not a person because the killer was not or could not be prosecuted. If a 15-year-old intentionally kills another, but is proceeded against under the Juvenile Court Act, one could hardly argue that the victim is not a person. The explanation for this legal phenomenon is that there are special circumstances surrounding the commitment of an act, circumstances which the lawmaker may properly and reasonably consider in formulating means to protect state interests and values—in the examples given, the age and assumed immaturity of the actor; in the abortion situation, the assumed stresses on the woman burdened by an unwanted pregnancy. These factors may justify and explain different treatment of the woman or even the physician in the abortion context, just as they justify or explain different treatment of the child of tender years or even of one who kills another under severe provocation.

Although in modern jurisprudence constitutional history alone has not been allowed to dispose of every question of constitutional interpretation, this brief historical background casts doubt on the soundness of two of the Supreme Court's critical conclusions in *Roe v. Wade*: (1) that abortion was not considered a crime by most of those who supported the fourteenth amendment in 1868;[100] and (2) that the purpose of the anti-abortion laws was solely to protect the woman's health and not the life of the fetus. In addition, it casts doubt on the Court's holding that the concept of "person" does not embrace the unborn. The effect of this doubt surely is to augment the obligations of the Supreme Court to account for a requirement of birth as a condition precedent for membership in the class of constitutional persons.

(3) The Supreme Court Concluded that Constitutional Personhood Begins at Birth

Based upon the Court's conclusions concerning the postnatal use of "person" in the fourteenth amendment and upon its understanding of the history of the criminality of abortions, the Court implied, although did not explicitly state,[101] that birth is the point at which constitutional personhood begins. This conclusion becomes apparent from several other statements made in the opinion. Only one of these statements, however, will be discussed. According to the *Roe* opinion, the legal value of the unborn is, prior to viability, insignificant—if it exists at all—when it conflicts with a woman's right to privacy, which the Supreme Court in *Roe* found "includes the abortion decision."[102] Nevertheless, after viability, the state has an "important and legitimate interest in potential life."[103] This pronouncement means that any legal protection for the life of the unborn after viability depends upon whether the state "chooses" to assert its interest in protecting fetal life.[104] In other words, the existence of legal protection for the fetus at this stage of human development depends upon the mercy or interests of the state, not upon any notion of an inherent, inalienable right to life or upon a corresponding duty incumbent upon the state to protect such rights.[105] Thus, unless the Court had assumed that constitutional personhood begins at birth, this decision marks a radical departure from the liberal political philosophy of which the Constitution is a manifestation.[106] Surely the Court did not intend to suggest that the right to life of a person depends upon whether the state finds it worthwhile or expedient to allow that person to live. Assuming no far-reaching disavowal of the fundamental liberal tradition, one must conclude that the Court decided for all practical purposes that birth is a constitutional requirement for membership in the class of constitutional "persons."

(4) Two Approaches the Supreme Court Did Not Use in Interpreting "Person:" The Plain Meaning of the Term and the Function of the Term

A primary and certainly a very common method of construing a document is to give the words their natural and ordinary meaning.[107] A study of two of the most complete and authoritative dictionaries in the English language, *The Oxford English Dictionary of 1970 and Webster's Third New International Dictionary*, as well as the 1828 and 1865 editions of Daniel Webster's *An American Dictionary of the English Language*, are illuminating. All relevant definitions define "person" in terms of humanness, individual humanness, and the state of being a human being.[108] "Human" is defined in these dictionaries in terms of "man."[109] And "man" is defined in terms of "humanness" or in terms of individual membership in the human race.[110] Thus, the circle of definitions is complete. Neither the word "birth" nor anything relating to birth is mentioned, either directly or indirectly, in any of the numerous and varying definitions of "person," "human" or "human being," or "man." It is therefore understandable why the Court did not pursue the "ordinary usage" or "plain meaning" path to interpretation; nothing in these definitions state, mention, suggest or even imply that birth is part of, related to, or a condition precedent to personhood. In short, it offers no support for its birth requirement for personhood.

Concerning the function of the fourteenth amendment and the role of the word "person" in the amendment it can be said that the immediate political concern of the second half of the 1860s was to secure rights and freedoms and to ensure equal protection for former slaves.[111] More generally, however, the amendment was designed to secure to all persons the fundamental rights of man, which generally include life, liberty or property by providing the adjective right of access to the courts.[112] There is nothing in the function of the fourteenth amendment to suggest that its scope or purpose is to protect only the born. And to the extent that an unborn can be the owner of property[113] and is living,[114] a fourteenth amendment purpose exists in the case of the unborn just as surely as it does with a born person who owns property and possesses "life."[115]

IV. THE BIRTH REQUIREMENT, AVOIDANCE OF THE "LIFE" ISSUE, JUDICIAL SCIENCE AND ARBITRARINESS

There is nothing in the Consitution itself or in its history which even suggests—to say nothing about requires—that constitutional personhood begins at birth. If anything, the contrary is true. Most probably the term indicates and was understood to mean an individual human being [116]—a classification for which birth does not appear to be a criterion. Are there perhaps other rational factors not directly related to the Constitution or its history which would justify the Court's reaching beyond the strict realm of positive jurisprudence and creating a birth requirement as an essential requisite for

membership in the class of constitutional persons?

A. By Selecting Birth as an Essential Requisite of Constitutional Personhood the Supreme Court Evaded the "Life" Issue

Quoted earlier was a statement by Mr. Justice Blackmun to the effect that the judiciary should not speculate as to "when life begins" when philosophers, theologians and physicians themselves cannot, he claims, arrive at a consensus.[117] By grafting a birth requirement upon the concept of constitutional personhood, the Supreme Court hoped to avoid the necessity of making a judicial determination of "when life begins."[118] Is a Court justified in selecting an essentially arbitrary factor as a requisite to constitutional personhood to avoid the dilemma of deciding "when life begins," a quandry which, according to Mr. Justice Blackmun, philosophers, theologians and even physicians cannot resolve

B. The Principles of Legal Science Do Not Require the Supreme Court to Avoid the "Life" Issue

(1) Justice Holmes' Dissent in *Lochner* and the "Life" Issue

Perhaps the Court's reluctance to "speculate" about "when life begins" results from its expressed desire to follow "Mr. Justice Holmes' admonition in his now-vindicated dissent in *Lochner v. New York*"[119] that the individual opinions of the justices "ought not to conclude [the Court's] judgment upon the question whether statutes embodying them conflict with the Constitution."[120] What Justice Holmes seems to have said is that the justices should not sit as superlegislators and declare statutes unconstitutional which they do not like. He was not suggesting that judges should hesitate to discharge their responsibility as judges, even if this involves making difficult, and often unpopular, legal and factual determinations. After all, constitutional provisions have a legal meaning and scope regardless of what the various schools of philosophy and theology may think or even what the majority of people in a democracy thinks. Indeed, a primary purpose of a catalogue of fundamental human rights, such as the Bill of Rights, in a constitutional document is to protect those fundamental rights from the whims, predispositions or excesses of those who administer the state—and from a possible tyranny of the majority. And it is certainly the judges' responsibility to conscientiously construe those constitutional provisions. Were this not so, the predispositions or whims of administrators of state, whether executive or judicial, or the building of a majority consensus that, for example, "blacks" were not "citizens" as in *Dred Scott*,[121] or that non-Aryans were not full persons as in Nazi Germany, would be dispositive of the question of whether individual members of these minority groups are entitled to protection under the "person" concept of the Constitution. Such a solution would rub against the grain of the entire human rights movement—a movement based on the idea that there are certain fundamental rights which ought to exist by virtue of being a living human being and for no other reason[122]—as well as against the purpose of the fourteenth amendment.[123] Mr. Justice Holmes did not express a contrary idea in *Lochner*. In fact, in the paragraph following the one in *Lochner* quoted by Mr. Justice Blackmun, Mr. Justice Holmes wrote:

"I think that the word "liberty," in the Fourteenth Amendment is perverted when it is held to prevent the natural outcome of a dominant opinion, unless it can be said that a rational and fair man necessarily would admit that the statute proposed would infringe fundamental principles as they have been understood by the traditions of our people and our law."[124]

In spite of its promise to bear Holmes' famous dissent in mind, the *Roe* Court struck down a statute which was the "natural outcome of a dominant opinion,"[125] that is, the product of the domocratic process. But what is more important, the Texas abortion statute actually implemented, rather than infringed, "fundamental principles as they have been understood by the traditions of our people and our law."[126] Mr. Justice Holmes' admonition in *Lochner*, unheeded in *Roe*, simply means that the Constitution should be construed according to fundamental legal principles, not the personal predilection of judges.

(2) The Judiciary and the "Life" Issue in Non-Abortion Cases

The Court implied in the statement "when life begins"[127] that it would be improper for the judiciary to speculate as to the answer to such an inquiry. It is noteworthy that the Federal Constitutional Court of Western Germany, a court which enjoys the power of judicial review of the constitutionality of statutory enactments[128] and which occupies in the German political structure a position comparable to the United States Supreme Court, did not feel so inadequate when faced with the question whether the constitutional provision "Jeder hat das Recht auf Leben" (Everyone has the right to life) includes the unborn. In striking down a statute which allowed abortion on demand during the first trimester of pregnancy after the mother had undergone counseling, the German Constitutional Court wrote:

"In construing Article 2, Paragraph 2, Sentence 1, of the Basic Law, one should begin with its language: "Everyone has the right to life. . . ." Life, in the sense of historical existence of a human individual, exists according to definite biological-physiological knowledge, in any case, from the 14th day after conception (nidation, individuation). . . . The process of development which has begun at that point is a continuing process which exhibits no sharp demarcation and does not allow a precise division of the various steps of development of the human life. The process does not end even with birth; the phenomena of consciousness which are specific to the human personality, for example, appear for the first time a rather long time after birth. Therefore the protection of Article 2, Paragraph 2, Sentence 1, of the Basic Law cannot be limited either to the "completed" human being after birth or to the child about to be born which is independently capable of living. The right to life is guaranteed to everyone who "lives;" no distinction can be made here between various stages of the life developing itself before birth, or between unborn and born life. "Everyone" in the sense of Article 2, Paragraph 2, Sentence 1, of the Basic Law is "everyone living;" expressed in another way: every life possessing human individuality; "everyone" also includes the yet unborn human being."[129]

The sense of judicial humbleness expressed by the United States Supreme Court in *Roe* has prevented neither the English courts from deciding in a will construction case that "an infant *en ventre sa mere* [in its mother's womb], who by the course and order of nature is then living, comes clearly within the description of 'children living at the time of his decease' "[130] nor the American courts from reaching similar conclusions.[131] It has not prevented the courts from allowing recoveries in tort for prenatal injuries as did the California District Court of Appeal when it noted:

"The respondent asserts that the provisions of Section 29 of the Civil Code are based on a fiction of law to the effect that an unborn child is a human being separate and distinct from its mother. We think that it is an established and recognized fact by science and by everyone of understanding."[132]

It did not discourage the Illinois Supreme Court in a wrongful death case in which the fetus was born dead from quoting with approval the following from a New York case:

"To hold, as a matter of law, that no viable fetus has any separate existence which the law will recognize is for the law to deny a simple and easily demonstrable fact. This child, when injured, was in fact, alive and capable of being delivered and of remaining alive, separate from its mother."[133]

Nor did it discourage the Illinois Supreme Court in that case from allowing a wrongful death recovery, as have the majority of state supreme courts which have ruled upon the question of the scope of "person" in wrongful death statutes.[134] It also did not discourage the State's Attorney of Cook County, Illinois, or the State's Attorney of Will County, Illinois, from requesting that the Grand Jury return a murder indictment for the killing of a viable but unborn child.[135] In fact, the Grand Jury in the Cook County case was instructed by the State's Attorney to return a true bill only if it made a finding that the fetus was alive at the time it was shot, and died as a result of the shooting. Based upon the testimony of a pathologist, a true bill for murder was returned.[136]

In short, in areas not so politically volatile as abortion, the judiciary has not hesitated to take notice of, to consider and to hold that "life" exists before birth. In fact, *Roe* is actually unique, representing one of the few instances in which a court has refused to take cognizance of established scientific data concerning the nature of the unborn human being.

C. One of the Consequences of the Birth Requirement Is That the Nature of the Fetus as Viewed by Science Becomes Irrelevant

Regarding the nature of the unborn as viewed by science and his qualifications for constitutional personhood, the Supreme Court in *Roe* merely acknowledged its awareness of the "well-known facts of fetal development."[137] Under the dictates of the logic of the Court's birth requirement, the Supreme Court apparently felt that mere acknowledgment sufficed, and this was perhaps mentioned only to resolve any doubt one might entertain concerning the Court's awareness of these facts. The problem is, however, that the essential characteristics of man as viewed by science, characteristics which may show that the fetus is not, in any important aspect, essentially different from an infant, have become constitutionally irrelevant. Some of the more striking of these characteristics are reviewed below.

(1) Individuality[138]

The "individuality" of corporations played a primary role in the Supreme Court's holding that corporations were "persons" within the meaning of the fourteenth amendment[139] and was specifically emphasized in

the West German Constitutional Court's decision that "everyone" in the Basic Law means "every life possessing human individuality." [140] Accordingly, one would think that the United States Supreme Court, presumably desirous of basing its decisions on the results and logic of scientific inquiry and rational assessment of those results, would be interested in the scientific facts that the unborn is a genetically unique individual from the moment conception is completed,[141] has an individual circulatory system,[142] is psychologically individual,[143] and is very largely in charge of the pregnancy while the mother is merely a passive carrier.[144] However, the Supreme Court's birth requirement attempts to render these facts, universally accepted as such by the scientific community, legally irrelevant.

(2) "Cogito, Ergo Sum" [145]

If this classic idea of the rational nature of man were the key to fourteenth amendment personhood,[146] the Court should be interested to know that electro encephalographic waves have been detected from the brains of 43- to 45-day old fetuses and that conscious experience is possible soon after that date; [147] that the human fetus develops consciousness and self-awareness at approximately the twenty-eighth week of pregnancy; [148] and that the unborn hears and recognizes his mother's voice before birth.[149] One might also wonder why the American Bar Association's carefully worked out definition of death ("irreversible cessation of total brain function") [150] applies to only one end of the life spectrum. Here again, the Court's birth requirement attempts to render these factors irrelevant.

(3) Ability to Live Outside the Mother's Womb

For reasons which are not completely clear, the Supreme Court decided that, although not important for constitutional personhood, viability is an important criterion for the state's assertion of a compelling interest. In other words, the state can assert its interest in keeping the fetus alive at "viability," which the Court defined as the point at which the fetus is "potentially able to live outside the mother's womb, albeit with artifical aid." [151] The Court then noted that "[v]iability is usually placed at about seven months (twenty-eight weeks) but may occur earlier, even at twenty-four weeks."[152] Here, the Supreme Court, for reasons neither apparent nor offered, utilized scientific data in determining when a state's interest in the unborn becomes compelling enough to preclude the abortion but, because of its creation of the birth requirement, rendered the same or similar data irrelevant in its determination when the right to have constitutional rights begins. Considering that the Court placed such emphasis on the viability concept, it perhaps should be of interest that in a study of 650,000 live births in New York City, over twenty percent of the children born at less than twenty weeks gestational age survived the neonatal period.[153] The Court's figures accordingly appear to be unsound. Beyond the soundness of the data, however, the Court's decision means that prematurely born children are entitled to all the constitutional protections whereas their counterparts, who are equally individual, older, more competent and better able to survive outside a mother's womb but not fortunate enough to have been prematurely born, are without constitutional protection.

D. *The Birth Requirements Is Arbitrary*

It appears that the Supreme Court simply created the birth requirement, a requirement which appears to find no support in either the Constitution itself or in its history. Nor is support for the birth requirement found in any original reasoning by the Court. The failure of the Supreme Court to offer an explanation for its birth requirement causes one to wonder what it is about the nature of birth that makes other factors, such as those relating to the biological, intellectual and psychological nature of the fetus, of no constitutional significance. As a consequence of the Court's birth requirement, such scientific data, assuming it could be proved, as the fact that the fetus "lives," is an "individual," is a "human being" and is essentially identical to a born infant in all scientifically provable aspects have been rendered irrelevant.

This result is surprising, especially since the Supreme Court has, at least in recent years, been rather receptive in its decision-making to the methods, principles and findings of scientifically respectable disciplines other than law. *Brown v. Board of Education* [154] provides perhaps the best known example. There, the Supreme Court in its desire to "look . . . to the effect of segregation itself on public education" [155] felt no hesitation in using the behavorial sciences to determine the scope and application of the equal protection clause of the fourteenth amendment.

Brown, of course, is not unique. Since Louis Brandeis established the tradition by filing his now famous brief,[156] attorneys have attempted with considerable success to persuade judges by means of materials and data from disciplines other than the law. If, for example, members of a newly found tribe were intentionally and arbitrarily killed and their killers, upon being tried for homicide, raised the defense that the victims of the killing were not "persons" under the homicide statute, one would certainly expect the court to consider such nonlegal data as whether the members of the tribe were genetically human, biologically human, and possessed of human rationality (physiological and psychological) when it determined whether the members were entitled to protection under the criminal homicide provisions.[157]

It is precisely this tradition, a tradition of keeping judicial decisions compatible with the logic of rational assessment and scientific inquiry, which makes the Supreme Court's reluctance to give recent scientific and medical data concerning the unborn careful consideration in its decision very difficult to accept. Obviously the *Roe* Court was simply following Chief Justice Burger's admonition in *Eisenstadt v. Baird* [158] that the "commands of the Constitution cannot fluctuate with the shifting tides of scientific opinion" [159] because the Court in *Roe* did place considerable emphasis on scientific opinion in its determinations that abortion during the first trimester is safer than childbirth [160] and that viability occurs at a particular moment (twenty-four to twenty-eight weeks).[161] Whatever may have been the Court's reasoning, the effect of its birth requirement has been to render irrelevant a rational assessment of scientific data about pre-birth stages of human development as well as a scientific inquiry into the nature of pre-born human life.

V. UNWANTED PREGNANCY IN PERSPECTIVE

In light of the indications of the *Maher, Poelker* and *Beal* cases that the Court may well be retreating from *Roe* and of the temptation which must surely face the judiciary at this point to allow the abortion problem to be resolved legislatively, a careful study of the protections which the Constitution provides the fetus is required. The purpose of this article has been not only to explore the soundness of the birth requirement created by the Supreme Court in *Roe* as a requisite to membership in the class of constitutional "persons" but also to call for a reexamination of the whole issue. In brief, there is considerable evidence which suggests that the unborn is and should be considered a constitutional person, thus entitled to fourteenth amendment protections. If this be true, both the *Roe* holding as well as a legislative solution permitting abortions for reasons other than a threat to the life of the mother would have the effect of violating the unborn's right to due process of law. It would thus follow that both the judicial solution set forth in *Roe* and the legislative solution are constitutionally unsound.

A holding that the fetus is a constitutional person would have the effect of overruling *Roe v. Wade* and its progeny. The legal consequences would not, however, be as far-reaching as *Roe* itself, which had the effect of declaring century-old criminal abortion statutes invalid, cutting deeply into assumed rights of husbands [162] and parents,[163] and creating the possibility of required, at least via legislation, public financing of abortion.[164] On the other hand, the consequence of the *Roe* decision to the aborted fetus is severe and final. This result, of course, is of no great concern to the rule of law, unless the unborn does meet the criteria of constitutional personhood and the Court either because of poor reasoning or because of some unstated reason arbitrarily denied the unborn the constitutional protections due it or unless the fourteenth amendment is inadequate as a legal device to protect the fundamental rights of all members of the human family, the avowed purpose of the drafters of the fourteenth amendment. In either case, there is reason for concern, for the legal order has failed. Perhaps society has failed as well by not providing other solutions which were acceptable to women facing unwanted pregnancies. Professor John Ely obviously had a point when he wrote that "having an unwanted child can go a long way toward ruining a woman's life." [165] No one is denying the personal tragedy or the hardships involved in an unwanted pregnancy. The solution, however, should turn on what is being sacrificed to avert the tragedy and hardships. These are hard decisions.

To put these hard decisions in their proper perspective, it must be borne in mind that constitutional protection of fundamental rights never takes place in a social vacuum. Rather, the protection of the fundamental rights of one necessarily requires personal sacrifices of some significance by those against whom the right is enforced. For example, when the Illinois Supreme Court and the United States federal district court enforced the first amendment right of the American Nazi Party to march in Skokie, a sacrifice on the part of the Jewish population in Skokie was necessarily involved. Similarly, an order requiring desegregation in certain neighborhoods may have the effect of substantially reducing the market value of the property holdings of those already in the neighborhood, and the privilege against self-incrimination may, and occasionally does in the instance of a killer set free, later result in the sacrifice of the life of an innocent person. To be emphasized here is that the fundamental human rights theory necessarily implies sacrifices. All the great judicial decisions in this area

have thus been hard decisions. And the problem of the right to life of the fetus must be viewed in this context.

But courts as well as people have faced difficult problems before and have resolved them with dignity and intellectual honesty. Such was the problem in the famous case of *United States v. Holmes*,[166] where, following a shipwreck, the sailors threw fourteen passengers overboard to lighten a sinking lifeboat, and *Regina v. Dudley & Stephens*,[167] where two seamen starving after twenty days in an open boat, killed a youthful companion and fed on his flesh until they were rescued. In both of these cases the doctrine of necessity was raised as a defense to the men's actions. And "necessity" there was—nothing less than the lives of those later accused of homicide were at stake. These were hard decision for the courts, harder than the abortion decision because rarely is "necessity" in the abortion situation of the magnitude of that facing Holmes and Dudley and Stephens. Nonetheless, the courts held that "necessity cannot justify killing."

Is that what is involved in the abortion controversy? Is abortion an act of killing? The West German Federal Constitutional Court concluded that it was[168] and sought to resolve the abortion problem in a manner consistent with its understanding of the values involved and their authoritative legal principles. In its concluding paragraphs, the West German Federal Constitutional Court wrote:

"The parliamentary discussions about the reform of the abortion law have indeed deepened the insight that it is the principal task of the state to prevent the killing of unborn life through enlightenment about the prevention of pregnancy on the one hand as well as through effective promotional measures in society and through a general alteration of social concepts on the other." [169]

Would not such an approach be much more compatible with the deepest values and the authoritative ideals of this society?

FOOTNOTES

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[1] The decisions in Beal v. Doe, 432 U.S. 438. Maher v. Roe, 432 U.S. 464, and Poelker v. Doe, 432 U.S. 519, were announced by the Supreme Court on June 20, 1977, in *Beal*, the Court held that a state participating in the Medicaid Program is not required by Title XIX of the Social Security Act to fund the costs of nontherapeutic abortions, in *Maher*, the Court held, *inter alia*, that the Constitution imposes no obligation on the states to pay pregnancy related expenses and that a state does not violate equal protection by funding the costs of prenatal expenses but not nontherapeautic abortions because of the State's strong and legitimate interest in encouraging normal childbirth; in *Poelker*, the Court held that a city does not violate equal protection by excluding nontherapeutic abortions from public hospitals since the Constitution does not forbid a state or city from expressing a preference for normal childbirth.

[2] Colautti v. Franklin, 99 S. Ct. 675 (1979), decided January 9, 1979. Arguably *Colautti* does limit legislative authority in the abortion area in spite of the Courts's claim that it reaffirms the principles of Roe v. Wade, 410 U.S. 113 (1973), Doe v. Bolton, 410 U.S. 179 (1973), and Planned Parenthood v. Danforth, 428 U.S. 52 (1976), 99 S. Ct. at 682. In *Roe* the Court had observed that, in the medical and scientific communities, the fetus is considered viable if it is "potentially able to live outside the mother's womb, albeit by artificial aid," *Roe*, 410 U.S. at 160, whereas in *Colautti* the Court wrote that "[v]iability is reached when, in the judgment of the attending physician on the particular facts of the case before him, there is reasonable likelihood of the fetus' sustained survival outside the womb, with or without artificial support." 99 S. Ct. at 682. The change, if any, in the substantive law is in the degree of probability of survival required and in the focus on the particular fetus as opposed to the fetus in the abstract.

[3] 432 U.S. 464 (1977).

[4] *Id.* at 479–80.

[5] *Id.* at 480.

[6] 432 U.S. 519 (1977).

[7] *Id.* at 521. In the *Beal* decision Justice Powell, writing for the Court, expressed a similar view: "But we leave entirely free both the Federal Government and the States, through the normal processes of democracy, to provide the desired funding. The issues present policy decisions of the widest concern. They should be resolved by the representatives of the people, not by this Court." 432 U.S. at 448 n.16.

[8] 432 U.S. at 475 (1977).

[9] 410 U.S. 113 (1973). Mr. Justice Blackmun's assurance was: Our task, of course, is to resolve the issue by constitutional measurement free of emotion and of predilection. . . . We bear in mind, too, Mr. Justice Holmes' admonition in his now vindicated dissent in Lochner v. New York, 198 U.S. 45, 76 (1905): [The Constitution] is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar or novel and even shocking ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States. 410 U.S. at 117.

[10] A major criticism directed against Justice Blackmun's opinion in Roe v. Wade is that *Lochner* was in fact revived. *See, e.g.*, Mr. Justice Rehnquist's dissent in *Roe*, 410 U.S. at 174; Ely. *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 Yale L.J. 920 (1973); Tribe, *The Supreme Court, 1972 Term—Forward: Toward a Model of Roles in the Due Process of Life and Law*, 87 Harv. L. Rev. 1, 11–15 (1973); *see* text accompanying notes 119–26, *infra*, for further discussion of *Lochner* and substantive due process.

[11] 432 U.S. 464 (1977).

[12] 432 U.S. (1977).

[13] 432 U.S. (1977).

[14] Particularly that of Mr. Justice Marshall in Beal v. Doe, 432 U.S. at 454–62.

[15] Dissenting Justices Marshall, Brennan and Blackmun voted with the majority in *Roe*.

[16] Mr. Justice Blackmun, author of the *Roe* majority opinion, in his *Beal* dissent, applicable also to *Maher* and *Poelker*, wrote: The Court today, by its decisions in these cases, allows the States, and such municipalities as choose to do so, to accomplish indirectly what the Court in Roe v. Wade and Doe v. Bolton—by a substantial majority and with some emphasis, I had thought—said they could not do directly. Beal v. Doe, 432 U.S. at 462 (1977) (citations omitted).

[17] *See, e.g.*, R. BERGER, GOVERNMENT BY JUDICIARY (1977).

[18] 410 U.S. at 156–57.

[19] The Supreme Court in *Maher v. Roe* held that the state could assert an interest in what it termed "potential human life." The term "potential human life" appears to have been carefully chosen, because, by concluding that the state has an interest in potential human life, the Supreme Court hoped to avoid the necessity of deciding at least in the context of the *Maher* case when human life begins, a problem the solution to which, according to Mr. Justice Blackmun in *Roe*, has evaded philosophers, theologians and unfortunately also physicians throughout the centuries, *See Roe v. Wade*, 410 U.S. at 159. Since this paper is concerned with the scope of the "person" concept in the Constitution as opposed to those matters in which the states may assert an interest—and since the proofs are replete that embryoes and fetuses of human beings are, at least from the biological perspective, human and living—the term "unborn human life" is used. For an excellent and detailed discussion of the biological proofs, *see* Krimmel and Foley, *Abortion: An Inspection into the Nature of Human Life and Potential Consequences of Legalizing Its Destruction*, 46 U. Cin. L. Rev. 725 (1977).

[20] *Roe* permits the pregnant woman, as an aspect of her constitutional right to privacy, to decide whether or not to abort.

[21] Justices White and Rehnquist suggested in their dissent in *Bolton* which was also applied to *Roe* that the resolution of the abortion problem should be left to legislative decision. 410 U.S. at 222.

[22] *See* R. BERGER, GOVERNMENT BY JUDICIARY 18–19 (1977).

[23] *Id.* at 20. Professor Berger writes: The "privileges or immunities" clause was the central provision of the Amendment's § 1, and the key to its meaning is furnished by the immediately preceding Civil Rights Act of 1866 . . . which, all are agreed, it was the purpose of the Amendment to embody and protect. The objectives of the Act were quite limited. The framers intended to confer on the freedmen the auxiliary rights that would protect their "life, liberty, and property,"—no more. For the framers those words did not have the sprawling connotations later given them by the Court but, instead, restricted aims that were expressed in the Act. The legislative history of the Amendment frequently refers to "fundamental rights," "life, liberty, and property," and a few historical comments will show the ties between the two.

[24] *Cf.* Dred Scott v. Sandford, 60 U.S. (19 How.) 393 (1857). *Dred Scott* was decided prior to the adoption of the fourteenth amendment and involved a construction of the notion of "citizen" in the Constitution, not "person." Although the case had the effect of excluding a human group from enjoyment of constitutional privileges and immunities, a decision which resulted in profound tragedy, it did not deal with the scope of the "person" concept. In this context it is interesting to note that, despite the Court's holding in *Dred Scott*, slaves were considered to be persons under the criminal law and were held responsible under the criminal law as well as entitled to its protections. *See, e.g.*, J. KENT, COMMENTARIES ON AMERICAN LAW 253–55 (12th ed. 1973). *See also* State v. Jones, 2 Miss. (1 Walker) 39 (1820). It thus follows that the concept of "persons" in general legal usage was somewhat broader than the concept of "citizen," both terms being used in section one of the fourteenth amendment. It is also noteworthy that the Supreme Court has held that the phrase in the first section of the fourteenth amendment ("All persons born within the United States . . . are citizens of the United States") was designed to overturn *Dred Scott* and establish citizenship in the Negro. *See* Slaughter-House Cases, 83 U.S. (16 Wall.) 36 (1873).

[25] *See* text accompanying notes 101–06, *infra*.

[26] 410 U.S. at 156 (1973).

[27] It is interesting to note in this connection the contention that due process of law is the constitutional protection of the right to life. *Cf.* Bedau, *The Right to Life*, 52 THE MONIST 562 (1968). However, at the time of the adoption of the fourteenth amendment, due process was probably understood to provide both a procedure to protect such rights as "life, liberty, or property" and the only legally proper method of limiting those rights. *See* note 23, *supra*.

[28] *See* statements of Mr. Justice Douglas in Doe v. Bolton, 410 U.S. 179, 211 (1973) (Douglas, J., concurring).

[29] Compare the following statement from the Federal Constitutional Court of Western Germany in its abortion case: "Human life represents within the order of the Basic Law, an ultimate value; it is the living foundation of human dignity and the prerequisite for all other fundamental rights." Jonas and Gorby, *Translation of the German Federal Constitutional Court Abortion Decision*, 9 J. MAR. J. PROC. & PROC. 605, 642 (1976) [hereinafter cited as Jonas and Gorby, *Translation*].

[30] 408 U.S. 238 (1972).

[31] *Id.* at 290 (Brennan, J., concurring).

[32] J. LOCKE, THE SECOND TREATISE OF CIVIL GOVERNMENT, ch. 2 (T. Peardon ed. 1952).

[33] In an interesting study of John Locke's attitude toward children and particularly the unborn child, Joseph Witherspoon concludes that Locke must have considered the unborn human a "person" and entitled to enjoy the natural right to life. *See* J. Witherspoon, John Locke's Concept of the child as a Person (scheduled for publication in 1979).

[34] J. LOCKE, THE SECOND TREATISE OF CIVIL GOVERNMENT ch. 2 (T. Peardon ed. 1952).

[34a] E. DUMBAULD, THE DECLARATION OF INDEPENDENCE AND WHAT IT MEANS TODAY 157 (1950).

[35] As indicated earlier, due process, rather than creating the rights explicitly mentioned in the fifth amendment and later in the fourteenth amendment, actually provided a constitutionally acceptable means of limiting the rights. According to the prevailing political theories, the rights mentioned were natural rights which preexisted the Constitution.

[36] Nevertheless, the ideas of Blackstone, who reiterated the ideas of Locke, were cited by the supporters of both the Civil Rights Act of 1866 and the fourteenth amendment. *See* notes 86–91, *infra*, and

acompanying text; *see also* R. BERGER, GOVERNMENT BY JUDICIARY 20-22 (1977).

[37] G.A. Res. 217A(111), U.N. Doc. A/810, at 71-77 (1948).

[38] "Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provide by law." European Convention on Human Rights, signed Nov. 4 1950 (entered into force on Sept. 3, 1973). *See also* the American Declaration on the Rights and Duties of Man, Resolution XXX, adopted by the Ninth International Conference of American States, May 2, 1948, Article I of which provides: "Every human being has the right to life, liberty and security of his person." *See also* the American Convention on Human Rights, signed Nov. 22, 1969, OAS Treaty Series, Article 4(1) of which provides: "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life."

[39] 408 U.S. 238 (1972).

[40] *Id.* at 296 (Brennan, J., concurring).

[41] *Id.* at 286 (Brennan, J., concurring).

[42] The possibility exists that in the Court's eyes the major issue was not the scope of constitutional personhood as stated but rather other far-reaching problems. Some indication of this is given in the *Roe* opinion itself. At the end of the opinion, Mr. Justice Blackmun wrote: "This holding, we feel, is consistent . . . [*inter alia*] . . . with the demands of the profound problems of the present day." 410 U.S. at 165. Although he did not specifically identify these "profound problems," Mr. Justice Blackmun provided at least a hint by mentioning at the beginning of the opinion that "population growth, pollution, poverty, and racial overtones tend to complicate and not to simplify the problem." 410 U.S. and 116. If the Court's concern was to resolve or alleviate these "profound problems" by allowing population reduction via the sacrifice of unborn humans, the Court should have said so and allowed the matter to be debated on the merits of that issue rather than presenting the problem of *Roe* in terms of construing several potentially conflicting clauses of the Federal constitution which guarantee individual rights. Although such an underlying concern could perhaps explain a poorly reasoned decision by a court on the stated issues, this commentary accepts the Court's statement of issues and proceeds accordingly.

[43] Babbitz v. McCann, 310 F. Supp. 293 (E.D. Wis. 1970), *appeal dismissed*, 400 U.S. 1 (1970)—(dismissal for want of denial of injunction).

[44] Roe v. Wade, 314 F. Supp. 1217 (N.D. Tex. 1970).

[45] Doe v. Bolton 319 F. Supp. 1048 (N.D. Ga. 1970).

[46] Rosen v. Louisiana State Bd. of Medical Examiners, 318 F. Supp. 1217 (E.D. La. 1970).

[47] Doe v. Scott, 321 F. Supp. 1385 (N.D. III. 1971).

[48] Corkey v. Edwards, 322 F. Supp. 1248 (W.D.N.C. 1971).

[49] Following the intervention by Dr. Heffernan in *Doe v. Scott* (the Illinois case) a similar motion for intervention on behalf of the fetus was filed in the district court and allowed in *Doe v. Bolton*. Upon a finding by the federal district court in the *Doe v. Bolton* case that the fetus was not a "person," the district court noted in a footnote that it "does not postulate the existence of a new being with federal constitutional rights at any time during gestation." 319 F. Supp. at 1055 n.3. The guardian was thus dismissed from the lawsuit. For reason unknown, this dismissal was not appealed by the guardian ad litem and consequently the fetus' interests were not represented before the Supreme Court in either the *Roe v. Bolton* cases.

[50] Briefs Amici Curiae, 3 L. Reprints, Crim. L. Series 479 (No. 37B. 1971-72).

[51] 321 F. Supp. 1385 (N.D. III. 1971).

[52] 409 U.S. 817 (1972).

[53] A month after the *Roe v. Wade* and *Doe v. Bolton* decisions were announced in January, 1973, the Supreme Court remanded the Illinois case "for further consideration in light of *Roe v. Wade*," 410 U.S. at 950.

[54] *See generally* ORAL ARGUMENTS IN THE SUPREME COURT ABORTION DECISIONS (Sanctity of Life Publications, Ltd. 1976); *Id.* at 59.

[55] Roe v. Wade, 410 U.S. at 159 (1973).

[56] Although Mr. Justice Blackmun emphasized his uncertainty about "when life begins," it is difficult to determine from his opinion in *Roe* exactly what role this uncertainty played in the Court's conclusion that the fetus is not a constitutional person. Clearly, his unncertainty was a major factor in the Court's conclusion that the state's interest in unborn human life prior to viability was not compelling enough to overcome the woman's right to privacy. 410 U.S. at 162-64. As the text at notes 117-18, *infra*, suggests, an attempt to avoid deciding this factual question may explain at least in part the Court's birth requirement.

[57] This was used by the Supreme Court in Roe v. Wade, 410 U.S. at 163, to determine when viability begins. More recently it was used in Colautti v. Franklin, 99 S. Ct. 675, 681 (1979), impliedly in contradistinction to "momentary survival."

[58] The reasons for this belief are suggested throughout this paper. In general, the Bill of Rights as well as subsequent amendments to the United States Constitution are to be understood as setting forth as fundamental values of state certain fundamental human rights in a positive form or as a statement of an American declaration of the rights of man, at least against the state. The idea of human rights is based upon the notion that certain rights obtain by virtue of being human and may be conditioned upon no other requirement. An attempt to restrict entitlement to those rights by the creation of criteria other than mere humanness is incompatible with the idea of "human rights;" an attempt to restrict entitlement to those rights by definition is jurisprudentially permisible only if such definitions are totally rational and non-arbitrary. The fundamental issues, as suggested in the text accompanying this footnote, are: (1) Is the unborn human? (2) Is the unborn living? and (3) Is the unborn an individual entity? Since the purpose of this article is much more to expose the Supreme Court's arbitrariness in resolving the "person" issue than to develop the writer's personal views, these views have been reduced to a footnote.

[59] 410 U.S. at 159.

[60] A limited discussion of proofs presently available is included in the text accompanying notes 137-53, *infra*. *See also* Krimmel and Foley, *Abortion: An Inspection into the Nature of Human Life and Potential Consequences of Legalizing its Destruction*, 46 U. Cin. L. Rev. 725 (1977)

[61] Roe V. Wade, 410 U.S. at 157

[62] The commonly accepted approaches to the construction of legal documents very generally include interpreting the term at issue in good faith according to (1) the natural and ordinary meaning of the term: (2) the context of the whole document in which the term is found; (3) the historical background, including preparatory work; and (4) the function to be attributed to the term.

[63] 410 U.S. at 157.

[64] U.S. CONST. art. I, § 2, cl. 3. The apportionment clause restricted those to be counted in the census to "free persons," "exclud[ed] Indians not taxed" and included "three fifths of all other persons." In *Roe* Justice Blackmun asked whether a fetus had ever been counted in a census. 410 U.S. at 157 n.53. This quip appears to have been inspired by Professor Means' law review article entitled *The Phoenix of Abortional Freedom: Is a Penumbral or Ninth Amendment Right About to Arise from the Nineteenth-Century Legislative Ashes of a Fourteenth-Century Common-Law Liberty?* 17 N.Y.L.F. 335, 402-03 (1971) [hereinafter cited as Means]. In this article, published on the eve of the first oral arguments in *Roe* and with the obvious intent to influence the outcome of the abortion cases before the Supreme Court, Professor Means attempted to deal not only with the briefs and written arguments of the parties but with those of the amici as well. It is important to note that constitutional personhood in other contexts in the Constitution is not considered to be restructed by the use of the term "person" in the apportionment clause or by the political compromises made at the time of formulating the Constitution in the late eighteenth century. Whatever the clause's value, it offers no guidance in construing the word "person" in the fifth or fourteenth amendments.

It is interesting that the apportionment clause uses the term "free persons," which suggests that there are "persons" who are not "free." The *Dred Scott* decision dealt with the question of citizenship, not personhood; *see* note 24, *supra*.

[65] U.S. CONST. art. IV, § 2, cl. 2. The extradition clause provides that a "person charged . . . with Treason, Felony, or other crime . . . shall . . . be delivered up." This clause also restricts a broad and general class of "persons" for a particular purpose, in this case, those subject to extradition. It does imply that there are "persons" who do not qualify for extradition; it does not imply that those who do not qualify for extraditions are non-persons nor does it imply when this personhood began.

[66] Mr. Justice Blackmun's primary point is, to an extent, valid. Regarding most constitutional references to "persons," the concern is with postnatal matters. But does it follow that blacks or "Indians not taxed" under seven years of age are not "persons?" A member of that class would be given three-fifths of a count in the census (or none, in the case of the untaxed Indian); would be too young to run for Congress, the Senate or the Presidency; and under the common law of crimes would be incapable of committing treason, a felony, or "other crime" and thus would not be subject to extradition. This, of course, does not reflect the present state of the law. Young blacks and Indians, whether taxed or not, are clearly "persons" under the Constitution. The scope of "person" in the fourteenth amendment has never been held to be limited by eighteenth century political compromises. Nevertheless, the Supreme Court's examples certainly suggest that possibility.

[67] In fact, a glance at section one of the fourteenth amendment itself could arguably suggest that "person" has prenatal significance. The phrase in section one is "persons born or naturalized in the United States . . . are citizens of the United States." Obviously, there are persons who are not naturalized, for "naturalized" functions as an adjective which restricts the class of persons to those who qualify for citizenship. By the same reasoning, "born" functions as an adjective, limiting the class of persons to those who qualify for citizenship. Although this argument may appear superficial and, of course, does not preclude the possibility that the term "born" must be read "born . . . in the United States" as opposed to being born elsewhere, it does involve the use of person in section one of the fourteenth amendment—the very provision being construed—and it surely offers as much support for a "prenatal" construction as the *Roe* Court's analysis of the use of person does for its birth requirement.

[68] 410 U.S. at 158.

[69] *Id.*

[70] 3 E. COKE, INSTITUTES 50 (1628). Coke defined "misprision" in his INSTITUTES as a word used to describe a misdemeanor which does not possess a specific name. *Id.* at 36. *See also Roe*, 410 U.S. at 136.

[71] *See* 410 U.S. 113, 134-36 (1973).

[72] Roe v. Wade, 410 U.S. at 135 n.25, *citing* 1 W. BLACKSTONE, COMMENTARIES 129-30.

[73] 410 U.S. at 135. Mr. Justice Blackmun appears again to have relied on the study of Cyril Means, discussed at note 64, *supra*. Means argued that abortion during the fourteenth century was a "liberty" and cited two cases (The Twinslayer's Case and The Abortionist's Case) in support. Means at 335-50. Even if these two cases do reflect the state of the common law during the fourteenth century (and there is good reason to believe they do not, *see* Destro, *Abortion and the Constitution: The Need for a Life-Protective Amendment*, 63 CALIF. L. REV. 1267-73 D(1975)), it is difficult to understand how abortion could be considered a "liberty" when it was clearly a crime and punishable as such by the ecclesiastical courts. *See* Means at 346-48 and note 64, *supra*. To draw a rough analogy, if possession of cannabis were not a federal offense, would it follow that possession of cannabis is a "liberty?" Would possession also be a liberty if possession were punished by our state courts? It is significant to remember that during the fourteenth century it was commonly claimed that the law applied by the ecclesiastical courts had been "received" by the state and thus obtained its authority by being essentially a part of the law of England. *See generally* F. MAITLAND, ROMAN CANON LAW IN THE CHURCH OF ENGLAND (1898). Maitland himself was not convinced that there had really been a "reception" of canon law. *See* F. MAITLAND, *Essay on William Lyndwood*, in ROMAN CANON LAW IN THE CHURCH OF ENGLAND (1898). Nevertheless, to the extnt that everyone was subject to the canon law, that punishment of considerable severity for its violation was inflicted, that canon law was generally considered to be a "part" of English law, and that abortion was a "crime," it is very dificult to understand the "liberty" argument advanced by Means. Moreover, even if abortion were not a common law offense during the fourteenth century, the writings of Bracton (thirteeth century), Coke (seventeenth century), Hale (seventeeth century), Blackstone (eighteenth century), and Kent (nineteeth century), all of whom believed that abortion of a quickened fetus

was a crime, were instrumental in formulating the attitudes of the drafter of the fourteenth amendment toward unborn human life. There is no indication that eithteenth and nineteenth century American believed that the abortion of a quickened fetus was a "liberty." Both the cases and the commentaries suggest the contrary. With respect to the issue of whether the word "person" includes the "unborn," the ideas of eighteenth and nineteenth century America are crucial, not those of fourteenth century England. As the accompanying text points out, nineteenth century America clearly believed that an abortion of a quickened fetus was a crime. And, as the nineteenth century courts pointed out. The purpose of the common law offense was to protect unborn human life. *See* notes 78–80, 82–85, *infra*, and accompanying text.

[74] Roe v. Wade, 410 U.S. at 136 n.26.

[75] *Id.*

[76] *See* I. W. BLACKSTONE, COMMENTARIES 129–30.

[77] R. PERKINS, CRIMINAL LAW 140 (2d ed. 1969), citing cases from Massachusetts (1845), Iowa (1856) and New Jersey (1849). These cases reflected the state of the law in these states at the time of the adoption of the fourteenth amendment in 1868.

[78] Mills V. Commonwealth, 13 Pa. 630, 633–34 (1850); *see also* State v. Slagle, 83 N.C. 630, 632 (1880).

[79] Abrams v. Foshee, 3 Iowa 274 (1856); Mitchell v. Commonwealth, 78 Ky. 204 (1879); Commonwealth v. Parker, 50 Mass. 263 (1845); State v. Cooper, 22 N.J.L. 52 (1849).

[80] *See* Roe v. Wade, 410 U.S. at 175–76 n. 1 (Rehnquist, J., dissenting).

[81] 410 U.S. at 151.

[82] The case cited by the United States Supreme Court is State v. Murphy, 27 N.J.L. 112 (1858); however, the history of the law on abortion in New Jersey during the nineteenth century actually argues against Mr. Justice Blackmun's conclusions in this regard. In State v. Cooper, 22 N.J.L. 52 (1849), the Supreme Court of New Jersey formulated the issues to be whether an attempt to procure an abortion of an unquickened fetus with the mother's consent "be at all an offense or not, and whether the child be *in esse*, so that any crime can be committed against its person." *Id.* at 54. The Court emphasized that an abortion of a quick child, even with the mother's consent, was an offense at common law. In support of this, the Court cited Blackstone's comment that "[l]ife begins in contemplation of law as soon as an infant is able to stir in the mother's womb." *Id.* The Court then noted that "[i]t is not material whether, speaking with physiological accuracy, life may be said to commence at the moment of quickening, or at the moment of conception, or at some intervening periods. *In contemplation of law* life commences at the moment of quickening, at the moment when the embryo gives the *first physical proof of life*, no matter when it first received it." *Id.* (second emphasis added). The Court then concluded that the "offense of procuring an abortion seems, by the ancient common law writers, to be treated only as an offense against life." *Id.* As a result, the *Cooper* Court held that, under the common law, if the woman consented and the child had not quickened, there was no common law offense. The entire discussion of the Court, it must be emphasized, centered around the question of whether the abortion of an unquickened fetus could be a crime. (There was no mention made of the health of the mother by the *Cooper* Court.) The Court then invited the legislature, "if the good of society requires that the evil [meaning, this writer believes, no legal protection for the unquickened fetus] should be suppressed by penal inflictions," to enact legislation. *Id.* at 58. "This decision," it is noted in the official reporter, "induced the legislature to amend the criminal code, so as to make the offense in question a crime." *Id.*

[83] The statute required that the offender intend "to cause and procure the miscarriage of the woman *then pregnant with child.*" State v. Murphy, 27 N.J.L. at 113 (emphasis added). What this statute accomplished was to protect the unquickened child. Were the purpose merely to protect the woman's health, the legislature would not have required that actual pregnancy be established as a material element of the offense. It is true, as Mr. Justice Blackmun wrote in *Roe*, that the New Jersey Supreme Court in *Murphy* stated that the purpose of the statute was "to guard the health and life of the mother against the consequences of [attempts to procure abortions.]" 27 N.J.L. at 114. However, Mr. Justice Blackmun failed to mention (1) that an abortion of a quickened child was already a crime at common law in New Jersey; (2) that at least one effect of the statute was to make an abortion of an unquickened child a crime in New Jersey; (3) that before the crime could be committed, the woman must be actually pregnant with either an unquickened or quickened child; and (4) that the inducement for enacting the statute was the holding in *Cooper* in which the only "evil" discussed was the failure of the common law to provide protection of an unquickened fetus.

[84] Cases expressly holding that protection of the life of the fetus is one of the purposes of the nineteenth century abortion statutes are: Trent v. State, 15 Ala. App. 485, 73 So. 834 (1916), *cert. denied*, 198 Ala. 695, 73 So. 1002 (1917). The Alabama Court of Appeals wrote: [The statute's] manifest purpose is to restrain after conception an unwarranted interference with the course of nature in the propagation and reproduction of human kind. . . . We are forced to concede that when in the red-hot furnace of vitality two germs, male and female, are brought together, that fuse themselves into one, a new being, crowned with humanity and mentality, comes into life. If this be true, does not the new being, from the first day of its uterine life, acquire a legal and moral status that entitles it to the same protection as that guaranteed to human beings in extrauterine life . . . ? *Id.* at 486, 73 So. at 836.

According to the Kansas Comp. Laws of 1879, abortion of a quick fetus was manslaughter (Comp. Laws 1879, c. 31, p. 329) whereas an abortion of a non-quick fetus was a misdemeanor (Comp. Laws 1879, c. 31, p. 332). In State v. Miller, 90 Kan. 230, 133 P. 878 (1913), the Supreme Court of Kansas commented on the purpose of the latter statute by writing that the statute "carries the facial evidence of the legislative intent to cover the criminal machinations and devices of the abortionist in order to protect the pregnant woman and the unborn child." *See* Dougherty v. People, 1 Colo. 514 (1872); Nash v. Meyer, 54 Idaho 283, 31 P.2d 273 (1934); State v. Alcorn, 7 Idaho 599, 64 P. 1014 (1901); State v. Watson, 30 Kan. 281, I P. 770 (1883); Joy v. Brown, 173 Kan. 833, 252 P.2d 889 (1933); State v. Gedlicke, 43 N.J.L. 86 (1881); State v. Siciliano, 21 N.J. 249, 121 A.2d 490, 494 (1956); State v. Tippie, 89 Ohio St. 35, 105 N.E. 75 (1913); Bowlan v. Lunsford, 176 Okla. 115, 54 P.2d 666 (1936); State v. Ausplund, 86 Ore. 121, 167 P. 1019 (1917); State v. Howard, 32 Vt. 380 (1859); Anderson v. Commonwealth, 190 Va. 665, 58 S.E.2d 72 (1950); State v. Cox, 197 Wash. 67, 84 P.2d 357 (1938).

[85] Abrams v. Forbee, 3 Iowa 273 (1856); State v. Moore, 25 Iowa 128 (1866); Smith v. State, 33 Me. 48 (1851); Worthington v. State, 92 Md. 222, 48 Atl. 355 (1901); People v. Sessions, 58 Mich. 594, 26 N.W. 291 (1886); Montgomery v. State, 80 Ind. 338 (1881); Edwards v. State, 79 Neb. 251, 112 N.W. 611 (1907); Bennet v. Hymers, 101 N.H. 483, 147 A.2d 108 (1958); Mills v. Commonwealth, 13 Pa. St. 630 (1850); State v. Crook, 16 Utah 212, 51 P. 1091 (1898). *See generally* Horan, Gorby & Hilgers, *Abortion and The Supreme Court: Death Becomes a Way of Life*, in ABORTION AND SOCIAL JUSTICE (1972).

[86] I. W. BLACKSTONE, COMMENTARIES 129. *See* State v. Cooper, 22 N.J.L. 52 (1849) for an example of how the New Jersey Supreme Court used this passage by Blackstone to determine the scope of the common law crime of abortion.

[87] Haar, *Preface* to W. BLACKSTONE, COMMENTARIES ON THE LAWS OF ENGLAND (1962) at xxii–xxiii. An example of the influence of Blackstone on the thinking of Americans just prior to the enactment of the fourteenth amendment in 1868 can be found in the following statement by Abraham Lincoln: "The more I read [of Blackstone's Commentaries], the more intensely interested I became. Never in my whole life was my mind so thoroughly absorbed. I read until I devoured them." *Id. Cf.* Bedau, *The Right to Life*, 52. THE MONIST 550 (1968). An example of Blackstone's influence on the attitude of the judiciary to unborn human life is also reflected in an 1820 Mississippi case in which the court held that a slave was a person under the criminal law and entitled to its protections and that a slave owner could be prosecuted for the murder of his slave. The court wrote: The taking away of the life of a reasonable creature under the King's peace, with malice aforethought, express or implied, is murder at common law. Is not the slave a reasonable creature, is he not a human being, and the meaning of this phrase reasonable creature is a human being, for the killing a lunatic, an idiot, or even a child unborn, is murder, as much as the killing a philosopher, and has not the slave as much reason as a lunatic, an idiot or an *unborn child.* State v. Jones, 2 Miss. (1 Walker) 39 (1820) (emphasis added).

[88] *See, e.g.*, Professor Tucker's Blackstone; Wendell's Blackstone; Professor Cooley's Blackstone; Dean Ewell's Blackstone; Blickensdorfer's Blackstone; Dean Hammond's Blackstone's Dean Gavit's Blackstone; Dean Chase Blackstone.

[89] Kent wrote, in his COMMENTARIES ON AMERICAN LAW (12th ed. 1973), as follows: "The absolute rights of individuals may be resolved into the right of personal security, the right of personal property, the right to enjoy and acquire property. These rights have been justly considered, and frequently declared, by the people of this country, to be natural, inherent, and unalienable."

[90] *See* R. BERGER, GOVERNMENT BY JUDICIARY 20–22 (1977).

[91] *Id.* at 20.

[92] T. PERCIVAL, MEDICAL ETHICS 134–35 (Leake ed. 1827).

[93] *Minutes of the Annual Meeting 1859*, THE AMERICAN MEDICAL GAZETTE 409 (1859).

[94] 141 U.S. 250 (1891).

[95] Elevating a common law right to a constitutional right, as did the Supreme Court in *Roe* with the right to privacy, raises an additional point. In *Botsford* the Supreme Court simply asked whether it had the *authority* to order an examination of the woman without statutory authority and concluded it did not. The implication, of course, is that with statutory authority, the Court would be so empowered. In short, the Court recognized the predominance of statutory law over common law. Indeed, subsequent to *Botsford*, nearly every state, either by statute or court rule, had permitted a court to order physical examinations of injured plaintiffs in personal injury cases. Thus, the right to privacy in this context has given way to a legislatively determined greater need. By elevating the right to a constitutional level, the legislature loses, except under compelling circumstances, the power to limit the right. *Botsford* thus may stand for the notion that there is a common law right to privacy. It does not, however, stand for the notion that this right prevails over any legislative determinations that the right must yield to what it considers to be more important values, such as was the case with the criminal abortion laws.

[96] *See, e.g.*, State v. Murphy, 27 N.J.L. 112, 114 (1858). The Supreme Court of New Jersey noted that the common law "offense [of abortion] was only against the life of th child."

[97] Quickening refers to the mother's awareness of the movement of the fetus in the womb; it thus reflects maternal sensitivity, not fetal competence, and thus also tends to be an arbitrary point at which to commence constitutional personhood. One possible reason why "quickening" may have been important in criminal law is because at that point it would be possible through the mother's testimony or by reports of a mother's statements to determine if the fetus were in fact alive at the time of the infliction of the criminal act. With such testimony, one could establish the *corpus delecti* of the crime. *See* note 82, *supra*, for a discussion of State v. Cooper, 22 N.J.L. 52 (1849). As the New Jersey Supreme Court in *Cooper* points out, quickening is important in law because "at the moment the embryo gives the first proof of life." 22 N.J.L. at 54.

[98] ORAL ARGUMENTS IN THE SUPREME COURT ABORTION DECISIONS (Sancity of Life Publications, Ltd. 1976) at 20, 28, 54, 61–62.

[99] 410 U.S. at 138, 151.

[100] It should be noted that the legislatures which ratified the fourteenth amendment also, within the same general time frame, enacted the abortion statutes of the nineteenth century.

[101] Was the Court's failure to explicitly state that constitutional personhood begins at birth intentional? Although this paper proceeds on the assumption that constitutional personhood begins at birth, is it possible that in the minds of the justices there are perhaps additional conditions precedent to obtaining constitutional personhood? Can some indication of this be found in the Court's statement that the state's compelling interest in protecting the unborn begins at viability because then the fetus "has the capability of meaningful life outside the mother's womb?" 410 U.S. at 163. What does "meaningful life" mean? That life is possible outside the mother's womb? That there is potential for survival? Or does it suggest something entirely different, something related, for example, to intellectual ability, financial ability, physical ability, to the

capability of being happy, normal, loyal, healthy, or perhaps to the state of being wanted or loved or to whether a "meaningful" contribution to society can be made? Interestingly enough, since *Roe*, and likely as a consequence of *Roe*, serious suggestions have been made to postpone legal protections until even beyond birth. *See. e.g.*, Nobel Prize Winner James Watson's statement that "most birth defects are not discovered until birth. . . . [If] a child were not declared alive until three days after birth, all parents could be allowed the choice [to preserve the child's life] that only a few are given under the present system." Watson, *Children from the Laboratory*, PRISM, May 1973, at 12-13. *See also* Tooley, *Abortion and Infanticide*, 2 PHIL. & PUB. AFFAIRS 37, 44 (1972), where the author suggests that an "organism possesses a serious right to life only if it possesses the concept of a self as a continuing subject of experiences and other mental states, and believes that it is itself such a continuing entity:" Horan, *Euthanasia as Medical Management*, in DEATH, DYING AND EUTHANASIA 198-99 (D. Horan & D. Mall ed. 1977) for a discussion of several other similar suggestions.

[102] 410 U.S. at 154.

[103] *Id.* at 163.

[104] *Id.*

[105] Professor Verdoss suggests that the state has a duty to create courts to protect fundamental human rights. *See* A. Verdross, The Idea of Fundamental Human Rights (translated by this author and set for publication in 1979)

[106] *See, e.g.*, Corwin, *The "Higher Law" Background of American Constitutional Law*, 42 HARV. L. REV. 149 (1928).

[107] Although the history of constitutional decision-making suggests that the "plain meaning" approach is only one of numerous methods of interpretation, this principle of interpreting according to the literal meaning has been frequently applied by constitutional courts. In Beal v. Doe, 432 U.S. 438, 444 (1977), the Court wrote: "The starting point in every case involving construction of a statute is the language itself." *See also* E. CRAWFORD, STATUTORY CONSTRUCTION 315 (1940), where he wrote: "[T]he intention of the legislature is to be primarily ascertained from the language used in the statute, and if the language is plain and unambiguous, it must be given a literal meaning." *See also* Lake County v. Rollins, 130 U.S. 662, 670 (1889), where the Court wrote: If the words convey a definite meaning, which involves no absurdity, nor any contradiction of the other parts of the instrument, then that meaning, apparent on the face of the instrument, must be accepted, and neither the courts nor the legislature have the right to add to it or take from it. Even though scholars look upon the "plain meaning" approach as a relatively unsophisticated one and as one which distracts a person from the more important analysis of function and history, the Court has not hesitated to use "plain meaning" as an approach to construction, particularly when it serves its purposes. *See, e.g.*, Beal v. Doe, 432 U.S. at 444.

[108] THE OXFORD ENGLISH DICTIONARY (1970) provides the following relevant definitions of "person." "II. An individual human being; a man, woman, or child. IV. *Law.* A human being (*natural person*)." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY provides these relevant definitions: "I. a) an individual human being: c) a human being as distinguished from an animal or thing: 8. a being characterized by conscious apprehension, rationality, and a moral sense: 9. a living individual unit. . . ." Noah Webster's AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828) provided the following pertinent definitions of "person:" "1. An individual human being consisting of body and soul. We apply the word to living beings only, possessed of a rational value: the body when dead is not called a *person*. It is applied alike to a man, woman or child. 'A person is a thinking intelligent being'—Locke; 2. A man, woman or child, considered as opposed to things, or distinct from them; 3. A human being, indefinitely, one; a man." The 1865 version of Noah Webster's AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE defined "person" as follows: "3. The corporeal manifestation of a soul; the outward appearance, expression, & c., body. 4. A living soul; a self-conscious being; a moral agent; especially a living human being; a man, woman, or child; an individual of the human race. 'We must consider what *person* stands for; which, I think, is a thinking, intelligent being, that has reason and reflection, and can consider itself as itself, the same thinking thing in different times and planes.'—Locke 5. A human being spoken of indefinitely; one; a man."

[109] Since most of the definitions use the term "human" or "human being" to define "person," the possibly relevant definitions of "human" are given. THE OXFORD ENGLISH DICTIONARY (1970) defines "human" as "1. Of, belonging to, or characteristic of man; 2. Of the nature of man. . . ." WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY defines "human" as "1. a) of or relating to man; characteric of man 3. characteristic of or relating to man in his essential nature. . . ." N. WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGUE (1828) defined "human being" as follows: "1. Belonging to man or mankind; pertaining or relating to the race of man; 2. Having the qualities of a man." The 1865 version defined "human" as follows: "1. Belonging to man or mankind; having the qualities or attributes of a man; pertaining or relating to the race of man; 2. A human being; one of the race of man."

[110] Since "human" is often defined in terms of "man," relevant definitions of "man" are provided. THE OXFORD ENGLISH DICTIONARY (1970): "I. 1. A human being (irrespective of sex or age). . . ." WEBSTER'S THIRD INTERNATIONAL DICTIONARY: "1. a) A member of the human race; a human being; 2. b) a bipedal primate mammal (homo sapiens) . . . distinguished by notable development of the brain with a resultant capacity of articulate speech and abstract reasoning, marked erectness of body carriage . . . 2. c) Individual; one." N. WEBSTER, AN AMERICAN DICTIONARY OF THE ENGLISH LANGUAGE (1828) defined "man" as follows: "1. Mankind; the human race; the whole species of human beings; beings distinguished from all other animals by the powers of reason and speech, as well as by their shape and dignified aspect. 7. An individual of the human species." The 1865 version defined "man" as follows: "1. An individual of the human race; a human being; a person. 3. The human race; mankind; the totality of man."

[111] *See* Strauder v. W. Va. 100 U.S. 303 (1880); *see also* R. BERGER, GOVERNMENT BY JUDICIARY (1977).

[112] R. BERGER, GOVERNMENT BY JUDICIARY 20 (1977).

[113] *See* notes 100 and 101, *supra.*

[114] *See* text accompanying notes 127-36 and 137-53, *infra.*

[115] Since there are no judicial decisions on the matter, one can only speculate about how the Supreme Court would deal with an attempt by a state to deprive the unborn of his property without due process of law or just compensation.

[116] *See* notes 108-10, *supra*, and accompanying text; *see also* L. TRIBE, AMERICAN CONSTITUTIONAL LAW 893 (1977). He writes: "Human beings are of course the intended beneficiaries of our constitutional scheme." *See also* Destro, Abortion and the Constitution: The Need for a Life-Protective Amendment, 63 CALIF. L. REV. 1250 (1975).

[117] Quoted in text accompanying note 55, *supra.*

[118] It is interesting to note in this regard that in Maher v. Roe, 432 U.S. 464 (1977), the Supreme Court in discussing the existence and legitimacy of a state interest in encouraging birth, as opposed to abortion, once again avoided decision on the "life" issue. In *Maher* the Court finessed the issue by concluding that the state had an interest in "potential human life," thus making a decision about the existence of life at a particular stage unnecessary in the context of asserting state interests. 432 U.S. at 478-80.

[119] Roe v. Wade, 410 U.S. at 117; *see* note 9, *supra*, for the full text of the quotation.

[120] *Id.* Justice Holmes' argument is applicable to a similar argument made by proponents of abortion in the numerous debates on the topic. For example, at the 1975 Pierce Debates at the University of Chicago, Sybella Fritzsche, for the pro-abortion side, said: I do not believe that nine wisemen in Washington hold the truth. In our society, there is not necessarily one common binding standard for all of us, and I think the Court paid attention to that fact. They admitted that there was no absolute Truth that they could find. The Chicago Maroon,, Apr. 29, 1975. The weakness of this argument is that "in our society there . . . is one common binding standard for all of us," and that standard is the Constitution. Otherwise, our society would face the problem of the tyranny of the majority. Moreover, the "nine wiseman in Washington," not theologians, physicians or even the majority of the American people, are charged with its interpretation or the responsibility of determining its meaning and scope.

[121] *See* note 24, *supra.*

[122] *See* A. Verdross. The Idea of Fundamental Human Rights (translated by this author and set for publication in 1979), particularly his discussion of the contribution of Samual Pufendorf.

[123] Appellants in *Roe* argued that "whether the fetus is or is not a human being is a matter of definition, not fact, and we can define it in any way we wish." Brief for Appellant at 119, Roe v. Wade, 410 U.S. 113 (1972). If appellants are correct in their claim, the existence of human rights would be dependent upon the whims of the entity empowered to define "human." Moreover, the pro-abortionist claim that abortional freedom is a victory for human rights accordingly rests on a most fickle basis.

[124] Lochner v. N.Y., 198 U.S. 45, 78 (1905) (Holmes, J., dissenting).

[125] *Id.*

[126] *Id. See generally* text accompanying notes 55-115, *supra.* The fact that the *Roe* case has had ramifications beyond its direct impact on criminal abortion statutes into such areas as a father's interests in his unborn child and parents' authority to control the moral development of their minor children (*see, e.g.*, Planned Parenthood v. Danforth, 428 U.S. 52 (1975); Baird v. Bellotti, 428 U.S. 132 (1975); Wynn v. Scott, 449 F. Supp. 1302 (N.D. Ill. 1978), *appeal dismissed, direct appeal improper*, 99 S. Ct. 49 (1978), *appeal docketed*, No. 78-1262 (7th Cir. (1978)) suggests again, although indirectly, that the decision was contrary to the "fundamental principles as they have been understood by the traditions of our people and our law." At the time of the enactment of the fourteenth amendment, fathers were generally entitled to a custody of children following divorce. J. KENT, COMMENTARIES ON AMERICAN LAW (pt. IV) 205 (12th ed. 1973). Yet *Roe* and *Danforth* state that the father cannot even prevent the destruction of his unborn child. Nevertheless, parents have both the duty and the right to maintain and educate their children. To support this idea Kent noted the following: (c) In the case of *The Commonwealth v. Armstrong*, in the session of the peace of Lycoming county, Pennsylvania, in 1842, Mr. Justice Lewis, the president judge, decided, after a learned examination of the subject, that a minister of the gospel had no right, contrary to the express commands of the father, to receive an infant daughter, under the immediate guardianship of the father, from the church to which the father belonged, and in which the child was baptized and instructed, and initiate it, by baptism, into another church of a different denomination. It was held to be the right and the duty of the father, not only to maintain his infant children, but to instruct their minds in moral and religious principles, and to regulate their consciences by a course of education and discipline. All interference with the parental power and duty, except by the courts of justice, when that power is abused, is injurious to domestic subordination, and to the public peace, morals, and security. Parents, says a distinguished jurist on natural law, have the right by the law of nature to direct the actions of their children, as being a power necessary to their proper education. It is the will of God, therefore, that parents should have and exercise that power. Nay, he observes, parents have the right to direct their children to embrace the religion which they themselves approve. J. KENT, COMMENTARIES ON AMERICAN LAW (pt. IV) 203 (12th ed. 1973).

Roe, Danforth and perhaps *Bellotti* suggest that the exercise of such control over a minor child's decision to abort is unconstitutional. Does the child's right to privacy also include a right to engage in sexual relations without interference of the parents or the state? To marry at a tender age without consent of parents or court? Does it suggest, for example, that all statutory rape laws are unconstitutional? (Statutory rape laws certainly have a "chilling effect" on the minor's access to the adult population for sexual gratification.) Such possibilities for the right of privacy certainly suggest an inconsistency with fundamentals long "understood by the tradition of our people and our law."

[127] *See* text accompanying note 55, *supra*, for the full text of the quotation.

[128] Under Article 93 of the Basic Law, which is the West German Constitution, and under Sections 13, 31 and 95 of the Statute of the Federal Constitutional Court, the Federal Constitutional Court has the power to rule on the constitutionality of statutes and declare unconstitutional statutes null and void.

[129] Jonas and Gorby, *Translation* at 638.

[130] Doe v. Clarke, 2 H.Bl. 399, 400, 126 Eng. Rep. 617, 618 (1795).

[131] *See, e.g.*, Tomlin v. Laws, 30 Ill. 616, 134 N.E. 24 (1922).

[132] Scott v. McPheeters, 33 Cal. App. 2d 629, 92 P.2d 678 (1939).

[133] Chrisafogeorgis v. Brandenberg, 55 Ill. 2d 368, 372-73, 304 N.E.2d 88, 91 (1973), *quoting* Woods v. Loncent, 303 N.Y. 349, 357, 102 N.E.2d 691, 695 (1951).

[134] *see* cases cited in Chrisafogeorgis v. Brandenberg, 55 Ill. 2d at 370-71, 304 N.E.2d at 89-90.

[135] In the Cook County case of People v. Melvin Morgan (1975), as well as in a more recent Will County, Illinois, case (1978), the defendant was found not guilty because of the failure of the state to prove that the defendant caused the killing. Statement of Mr. Ralph Berkowitz, First Assistant State's Attorney of Cook County, Illinois, Spring 1975. *But cf.* Mr. Justice Douglas' concurring opinion in *Doe v. Bolton* in which he quoted from Mr. Justice Clark as follows: "No prosecutor has ever returned a murder indictment charging the taking of the life of a fetus." 410 U.S. at 218.

[136] Statement of Mr. Ralph Berkowitz, First Assistant State's Attorney of Cook County, Illinois, Spring 1975.

[137] 410 U.S. at 156.

[138] Professor Richard Stith develops a similar idea in his article entitled *The World as Reality, as Resource and as a Pretense*, 20 AM. J. JURIS. 141 (1975). He notes that "all individual life (not just human life) is distinguishable from inanimate matter (and from other nearby life) primarily in having separate systemic autonomy, a capacity to regulate and direct its own equilibrium rather than being entirely subject to external forces. Since conception is the point at which that autonomous system begins which we are until our deaths, our conceptional origin seems obvious." *Id.* at 142. Stith then cites Finnis and his article on *The Rights and Wrongs of Abortion*, 2. PHIL. & PUB. AFFAIRS 117, 144-45 (1973) for an "excellent rendition of approximately this argument."

[139] Pembina Consol. Silver Mining & Milling Co. v. Pennsylvania, 125 U.S. 181, 189 (1889).

[140] Jonas and Gorby, *Translation* at 638.

[141] Theodosins Dobzhansky wrote the following about the "genotype" of each individual: Every human being has, then, his own nature, individual and nonrepeatable. The nature of man as a species resolves itself into a great multitude of human natures. Everyone is born with a nature that is absolutely new in the universe, that will never appear again (identical twins and other identical multiple births, of course, excepted). T. DOBZHANSKY, HEREDITY AND NATURE OF MAN 37 (1966).

[142] Heffeman, *The Early Biography of Everyman*, in ABORTION AND SOCIAL JUSTICE 5 (Horan & Hilgers ed. 1972).

[143] A. GESELL, THE EMBRYOLOGY OF BEHAVIOR 172 (1945).

[144] Liley, *The Fetus in Control of His Environment* in ABORTION AND SOCIAL JUSTICE 27 (Horan & Hilgers ed. 1972).

[145] "I think, therefore I am." R. DESCARTES, DISCOURS DE LA METHODE (2d ed. 1962). Rene Descartes' (1596-1650) self-evident proposition or axiom upon which he develops his philosophy is to a large extent a classical formula, derived in part from St. Augustine, (*See* M. WEBER, HISTORY OF PHILOSOPHY 309 (1899)), but also reflective of the notion of man as a "rational animal." Glanville Williams was possibly thinking along these lines when he suggested the "seventh month as the beginning of legal protection for the fetus," since "until the brain is formed there can be no mind" and since "electric potential (brain waves) are discernible in the seventh month." G. WILLIAMS, THE SANCTITY OF LIFE AND THE CRIMINAL LAW 231 (1970). He even suggested that this solution would "practically eliminate the present social problem of abortion." *Id.* at 232. As the accompanying text points out, "brain waves" are now discernible at six weeks, before most abortions are performed. Thus, the "brain wave" approach would not appeal to the pro-abortionists.

[146] It is interesting to note that the Supreme Court of Mississippi in State v. Jones, 2 Miss. (1 Walker) 39 (1820), utilized the notion of man as a reasonable creature in determining that a slave is a person under Mississippi criminal law. This factor was also emphasized by John Locke. *See* note 108, *supra*.

[147] MEDICAL WORLD NEWS, May 30, 1969, at 18.

[148] *See* the results of recent experiments of Dr. Dominick Purpura of the Albert Einstein Medical School, Yeshiva University, reported in the N.Y. Times, May 9, 1975, at 36, col. 1.

[149] Wood, *Weightlessness: Its Implications for the Human Fetus*, 77 OBSTETRICS & GYNECOLOGY OF THE BRITISH COMMONWEALTH 333, 333-36 (1970).

[150] American Bar Association Resolution, voted and approved by the House of Delegates on Feb. 24, 1975, cited in 61 A.B.A. J. 463, 464 (1975).

[151] 410 U.S. at 160. The *Roe* Court also failed to consider the significance of an "artificial womb" which the Court recognized as a "new medical technique." *Id.* at 161. Will the development of the so-called "artificial womb" push the point of "viability" automatically back several months, perhaps to a point shortly after conception, thus allowing the state to prohibit abortions except to preserve the life and health of the mother? In other words, does the protection which the state can afford the fetus depend upon the "shifting tides of scientific opinion" after all, to use Mr. Justice Burger's phrase from Eisenstadt v. Baird, 405 U.S. 438, 470 (1972)?

[152] 410 U.S. at 160.

[153] *See* abstract of statistics contained in Horan, Gorby & Hilgers, *Abortion and the Supreme Court: Death Becomes a Way of Life*, in ABORTION AND SOCIAL JUSTICE (1972).

[154] 347 U.S. (1954).

[155] *Id.* at 492. The Supreme Court then supported its holding with studies from the behavioral sciences in its famous footnote eleven.

[156] In Muller v. Oregon, 208 U.S. 412 (1908), Louis Brandeis, then the attorney for the state of Oregon, filed a 113-page brief supporting Oregon's maximum-hour legislation for women. A great part of the brief consisted of economic and sociological data: materials not a part of the heart of the case. The Supreme Court in *Muller* explicitly made reference to this brief. Since then, briefs of this sort have come to be called "Brandeis briefs" and are frequently submitted in many different kinds of cases *Roe v. Wade* is an example of such a case. *See* P. BREST, PROCESS OF CONSTITUTIONAL DECISION MAKING: CASES AND MATERIALS 939 (1975).

[157] *Cf.* the approach of the Mississippi Supreme Court in State v. Jones, 2 Miss. (1 Walker) 39 (1820), for a discussion of how the Court could utilize scientific evidence to determine if the fetus is a living being. *See* Krimmel and Foley. *Abortion: An Inspection into the Nature of Human Life and Potential Consequences of Legalizing its Destruction*, 46 U. Cin. L. Rev. 725 (1977).

[158] 405 U.S. 438 (1972).

[159] *Id.* at 470 (Burger, J., dissenting).

[160] 410 U.S. at 163.

[161] 410 U.S. at 160.

[162] *See* Planned Parenthood v. Danforth, 428 U.S. 52 (1975), discussed at note 127, *supra*.

[163] *Id. See also* cases cited in note 127, *supra*.

[164] Maher v. Roe, 432 U.S. 464 (1977).

[165] Ely. *The Wages of Crying Wolf: A Comment on Roe v. Wade*, 82 Yale L.J. 920, 923 (1973).

[166] 26 F. Cas. 360 (1842).

[167] 14 Q.B.D. 273 (1884).

[168] The Federal Constitutional Court of West Germany wrote, in this regard, as follows: The interruption of pregnancy irrevocably destroys an existing human life. Abortion is an act of killing; this is most clearly shown by the fact that the relevant penal sanction . . . is contained in the section "Felonies and Misdemeanors against Life" and, in the previous penal law, was designated the "Killing of the Child *en ventre sa mere.*" The description now common, "interruption of pregnancy," cannot camouflage this fact. Jonas and Gorby, *Translation* at 645.

[169] Jonas and Gorby, *Translation* at 660.

A LAWYER LOOKS AT ABORTION

(By Lynn D. Wardle and Mary Anne Q. Wood)

HOW ROE V. WADE CHANGED THE LAW

In 1970 an unmarried pregnant woman filed a suit in the federal district court in Dallas, Texas, challenging the constitutionality of the Texas criminal abortion laws. Texas had adopted a statute prohibiting abortion in 1854. Originally, the statute prohibited abortions both before and after quickening. In 1856 this law was amended to include a therapeutic exception to allow abortions when the woman's life would be endangered by continuation of the pregnancy. In 1879 the law was again amended, this time to prohibit attempting or aiding an abortion. After that, however, the statue remained virtually unchanged and when "Jane Roe" (the woman wished to remain anonymous, so she used this pseudonym) filed her law suit 91 years later, Texas law still prohibited abortion "except when procured or attempted by medical advice for the purpose of saving the life of the mother."

The plaintiff alleged in her complaint that she wanted to have an abortion performed by a doctor, but that her life was not endangered by the pregnancy, and that she could not afford to travel to another state where such abortions were legal. She argued that the Texas abortion laws were unconstitutional because they abridged her right of personal privacy, and she asked the court to officially restrain the local district attorney from enforcing the Texas abortion prohibition.

After motions were filed, the three-judge federal district court ruled that the Texas abortion laws were unconstitutionally vague and overbroad. The court held that the abortion restrictions infringed the "fundamental right of single women and married persons to choose whether to have children," and declared that they could not be enforced. The court entered a declaratory judgment for the plaintiffs but denied, as unnecessary, their request for a formal order enjoining enforcement of the abortion laws.

Both the defendant (Wade, the local district attorney) and the plaintiffs (Roe and other parties who had joined her suit) immediately appealed the judgment to the United States Supreme Court.

The case was argued twice before the Supreme Court. On January 22, 1973, the Court announced its decision in *Roe v. Wade* affirming, by a vote of 7-2, the ruling of the lower court that the Texas abortion laws were unconstitutional. Justice Harry Blackmun (who had represented the world-famous Mayo Clinic when he was a practicing lawyer) wrote the opinion for the Court.

Justice Blackmun began his opinion with a lengthy historical statement to prove that "the restrictive criminal abortion laws in effect in many of the states today are of relatively recent vintage." He examined three reasons which might "explain historically" the enactment of strict abortion laws in the nineteenth century: (1) to discourage illicit sexual relations, (2) to protect maternal health, and (3) to protect prenatal life. He rejected the first justification as being unworthy of serious consideration; he noted that medical advances making early abortion possibly safer to the mother than childbirth rendered the second consideration legitimate only "when an abortion is proposed at a later stage of pregnancy", and he recognized "that as long as it least potential life [of the fetus] is involved, the state may assert interests beyond the protection of the pregnant woman alone."

The opinion then cited prior judicial decisions which ostensibly had recognized an emerging, constitutionally protected right of privacy (sheltered by the due process clause of the Fourteenth Amendment) and concluded: "This right of privacy . . . is broad enough to encompass a woman's decision whether or not to terminate her pregnancy." But the right to choose an abortion is not absolute, the Court declared. State abortion restrictions can be sustained when they are necessary to protect a compelling state interest.

Applying this standard of review to the Texas abortion laws, the Court first considered the argument that the fetus is a

"person" within the meaning of the Fourteenth Amendment. If the unborn are "persons," with a constitutionally protected "right of life," the Court noted, that would provide a "compelling" justification for the Texas abortion laws. However, examining the various usages of the word "person" in the Constitution and noting the history of the nineteenth-century abortion practices, the Court concluded that "the word 'person' as used in the Fourteenth Amendment, does not include the unborn."

The Court examined two other potentially compelling state interests—the state interest in protecting maternal health and in protecting the human life of the unborn. Because the risk to maternal health of first-trimester abortions "may be lower than mortality in childbirth," the Court concluded that any state interest in the health of the mother would provide compelling justification for abortion regulation only after the end of the first trimester of pregnancy. And because the Court perceived "a wide divergence of thinking" among theologians, philosphers, and physicians about when life begins, it concluded that the state interest in protecting the "potential life" of the unborn would become compelling only after the fetus became viable (suggested to be after 24-28 weeks of gestation) "because the fetus then presumably has the capability of meaningful life outside the mother's womb."

Therefore, the Court affirmed the district court's declaratory judgment that the Texas abortion laws were unconstitutional. The fatal flaws in the Texas laws were that they made no distinction between abortions performed early in the pregnancy and those performed later, and that they permitted abortions only when necessary to save the mother's life (without any explicit exception for her "health").

While only two Justices dissented from the Court's judgment, three other Justices filed separate concurring opinions. Mr. Justice Stewart's concurring opinion emphasized that the Court's decision was founded upon the doctrine of substantive due process, and that the due process clause of the Fourteenth Amendment protected "freedom of personal choice in matters of marriage and family life."

Chief Justice Burger agreed with the conclusion that the Texas statutes improperly prohibited the "performance of abortions necessary to protect the health of pregnant women, using the term health in its broadest medical context." He went on to state that he did not "read the Court's holding . . . as having the sweeping consequences attributed to them by the dissenting Justices."

Mr. Justice Douglas agreed that a pregnant woman has a fundamental right to "make the basic decision whether to bear an unwanted child." While the state also has a legitimate interest in protecting the woman's health and the life of the fetus "after quickening," he reasoned, any regulatory measures must be narrowly drafted and confined to the specific areas of compelling legislative concern.

Two vigorous dissenting opinions were filed. Mr. Justice White could find "nothing in the language or history of the Constitution" to support the Court's action, which he characterized as "an exercise of raw judicial power." Mr. Justice Rehnquist stressed that the policy analysis upon which the Court had based its decision was "far more appropriate to a legislative judgment than to a judicial one."

In the companion case, *Doe v. Bolton*, the Court (by the same vote, with the same justices concurring and dissenting) upheld another lower court's declaration that the Georgia abortion law, which had been revised in 1968 to follow the Model Penal Code's recommended abortion provisions, was unconstitutional. The Supreme Court's ruling in this case effectively meant that the liberalized Model Penal Code abortion provisions were unconstitutional.

The only appeal before the Court in *Doe v. Bolton* was the appeal of the plaintiffs, who had won a declaratory judgment that most, but not all, of the Georgia law was unconstitutional, but whose request for an official injunction had been denied. The Supreme Court confirmed and expanded the victory of these abortion-law opponents. While some of their privacy, vagueness, and equal-protection arguments were rejected, the Court agreed that the hospital accreditation requirements, abortion review committee requirements, mandatory medical consultation (two-doctor concurrence) provisions, and residency requirements were unconstitutional since they applied throughout pregnancy and were not justified by any compelling state interest (at least before viability).

Few, if any, other judicial opinions have had such revolutionary impact on life and law in the United States as *Roe v. Wade* and *Doe v. Bolton*. As noted in Chapter One, the practical consequences of these two Supreme Court decisions have been enormous. Equally significant have been the effects they have had on existing abortion laws and on constitutional doctrine. Four of these legal consequences deserve specific consideration here.

First, the Court resorted to the doctrine of "substantive due process" in order to decide that a woman's decision to have an abortion is a "fundamental" constitutional right. Of course, the Constitution, particularly the Bill of Rights, explicitly mentions several rights, deemed "fundamental," which historically have been given special protection by the courts. These include freedom of speech, freedom of the press, freedom of religion, freedom from unreasonable search and seizure, and some others. But freedom of abortion is not mentioned anywhere in the Constitution or in any of its amendments.

To find that a pregnant woman has a "fundamental" constitutional right to choose to have an abortion, the Court in *Roe v. Wade* cited the Fourteenth Amendment, which protects all persons against deprivation of their "liberty" without due process of law. "Liberty" is a very broad term. Previous Supreme Court decisions had interpreted this term to include constitutional protection for certain "zones of privacy" including personal decisions relating to marriage, procreation, childrearing, and contraception. The Court in *Roe v. Wade* concluded that a woman's decision whether or not to have an abortion was an equally important matter that deserved special judicial protection under the Fourteenth Amendment as a fundamental constitutional right.

This particular justification for giving special judicial protection to activities not specifically described in the Constitution is not new. In fact, for many years it was well known, and severely criticized. At one time, laissez-faire capitalism was deemed to be a special, albeit unmentioned, constitutionally protected "liberty." Between 1890 and 1934 the United States Supreme Court invalidated over two hundred progressive economic and social regulations (e.g., child labor laws, minimum wage laws, and employee health and safety regulations) because they interfered with "economic due process," that is, with laissez-faire capitalism. Eventually, this resort to substantive due process evoked enormous scholarly criticism and political pressure, and ultimately the Supreme Court not only abandoned this doctrine but tried to bury the carcass.

But substantive due process did not stay buried. In 1965 the Court resorted to the same type of reasoning to invalidate a relatively unpopular Connecticut law restricting use of contraceptives. And in *Roe v. Wade*, as Justice Stewart emphasized in his concurring opinion, there was no doubt that the Court was resurrecting substantive due process in its most potent form.

Second, by giving the right to choose abortion the specific status of a fundamental constitutional right, the Court substantially altered the respective roles of the legislature and the judiciary in supervising this activity. Fundamental rights analysis (i.e., substantive due process) seems to invite, and excuse, exceptional judicial activism.

When a court examines the constitutionality of a statute or a rule, it is exercising the power of judicial review. There are several different standards or "tests" which may be applied under judicial review. When someone claims that his or her participation in an ordinary activity is unconstitutionally restrained, the standard of judicial review is modest. The Court presumes the restrictive law or rule is constitutional, and if it finds that the law is "rationally related" to a "legitimate" governmental objective, it will uphold the law. However, if someone claims that the law interferes with their exercise of a "fundamental" constitutional right, then the standard of review is much stricter. Laws infringing upon fundamental constitutional rights will only be upheld if they are "narrowly drafted" and "necessary" to effectuate a"compelling state interest." The permissible purposes of legislation are fewer and the scope of appropriate legislative innovation is much narrower when the law infringes upon a fundamental constitutional right. The judiciary is much more aggressive in reviewing state regulation of fundamental constitutional rights. Thus, by declaring that a pregnant woman's decision regarding aboriton was part of a new fundamental constitutional right of privacy, the Supreme Court gave the courts a substantially greater role (and, conversely, left legislatures and administrative agencies substantially less authority) to regulate abortion.

Laws which unduly burden activities that are specifically mentioned in the Constitution (speech, exercise of religion, etc.) have been subject to a strict standard of judicial review for many years. Because those rights are specifically mentioned in the Constitution, legislators are forewarned that they are fundamental rights and that their legislative prerogatives in dealing with such activities are limited. But *Roe* opened up an entire new field for judicial governance.

Third, *Roe v. Wade* substantially affected federal-state relations in regard to abortion regulation. Historically, the states had the primary role in dealing with abortion. As long as there had been American states, the states had exercised the power to prohibit abortion. Laws regulating abortion differed from state to state and, by 1970, there were significant differences between them. The "rational relation" standard of judicial

review allowed, if not encouraged, this diversity. So long as a rule or statue was rationally related to a legitimate state interest it would be upheld. And there were many legitimate state interests (i.e., maternal health, prenatal life, and the historic value of respect for life) that rationally could be supported by a wide variety of abortion laws.

But in *Roe v. Wade* the Supreme Court constitutionalized abortion. Constitutional law is the supreme law of the land. By making the abortion decision a constitutionally protected fundamental right, the regulation of abortion became subject to the strict compelling state interest standard of judicial review by federal courts. The compelling state interest test of judicial review allows little room for deviation from the constitutional standard. Thus, the rational abortion laws in effect in all 50 states were overridden by the new, fundamental constitutional right of abortion privacy, which was entirely created and wholly defined by the federal judiciary. Accordingly, ultimate responsibility for abortion regulation shifted from the legislative branches of the various state governments to the judicial branch of the federal government.

Finally, the Supreme Court dramatically altered the substance of the existing abortion laws. It effectively invalidated (totally or in part) the abortion laws in effect in all 50 states. For not only were the nineteenth-century abortion laws, like those of Texas, which only allowed abortions when a woman's life was endangered, declared unconstitutional, but laws based on the modern liberal approach of the Model Penal Code, like those of Georgia, were effectively declared unconstitutional. Even routine medical regulations applicable to abortion, again like those of Georgia, were nullified.

The Court was aware that it was effectively erasing all of the abortion laws in the country. Therefore, it outlined a model of permissible abortion regulation—which may be called the "trimester rules" because they are tied to the three trimesters of pregnancy—as follows:

"(a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.

"(b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

"(c) For the stage subsequent to viability, the State in promoting its interest in the potentiality of human life may, if it chooses, regulate and even proscribe, abortion except where it is necessary, in appropriate medical judgment, for the preservation of the life or health of the mother."

For purposes of judicial review, the trimester rules created some important rebuttable presumptions regarding whether or not a compelling state interest is present. *Roe* provided that during the first trimester it must be presumed that there is not a compelling state interest for any type of abortion regulation. After the end of the first trimester, it is presumed that the state has a compelling interest for some medical regulation of abortion in order to protect maternal health. And after viability, it is presumed that the state has a compelling interest for regulations designed to protect fetal life, also. However, in each instance the presumption is rebuttable. The *Roe* trimester rules complement the strict standard of judicial review required under the *Roe* doctrine of abortion privacy.

It is popularly believed that *Roe* legalized abortion on demand only during the first trimester. This is not true, for the Court held in *Roe* that a woman's decision whether or not to have an abortion could not be regulated at all before viability, that is, before five-to-seven months' gestation. The end of the first trimester is only significant in that it marks the point at which the state may presumably regulte the medical aspects of abortion (i.e., regulate how and where the abortion procedure may be safely performed). (See Chapter Nine.) But during the second trimester, until viability, the state may not restrict or interfere with the right of the woman to choose to have an abortion for any reason, or for no reason whatever. And even after viability, the Supreme Court said, the state cannot prohibit abortions necessary to save the life or health of the mother. (See Chapter Ten). Thus, the Court effectively mandated legalized abortion on demand until viability, and, depending on the interpretation of "health," possibly afterward as well.

Roe and *Doe* did not mark the end of the abortion law revolution. The right of abortion privacy created by the Court in those two cases has been the subject of massive and intense litigation since 1973. More than 250 reported federal court decisions, and numerous state court cases, have expanded this new abortion right to extremes that were imagined by few, if any, a decade ago. So revolutionary have been the effects of *Roe* and its progeny that the public controversy over abortion no longer concerns whether broader exceptions to the old rule prohibiting abortion should be recognized by state legislators, but whether any exceptions to the rule of legalized abortion on demand will be permitted by the federal courts.

In the chapters that follow, federal judicial responses to specific questions and issues that have risen in the wake of *Roe* are examined. While these chapters demonstrate some of the extent to which the *Roe* doctrine has been carried, they contain only a sampling of the issues and cases; they describe only the tip of this judicially created iceberg.

THE SUPREME COURT AND ABORTION

Since *Roe v. Wade* and *Doe v. Bolton* were decided by the Supreme Court there has been a virtual eruption of abortion litigation in the federal courts. Approximately 250 federal court opinions have been reported in cases dealing with a great variety of abortion issues and have spawned an enormous body of law. A brief review of the federal court decisions applying this protean doctrine of constitutional law will illustrate.

All criminal laws prohibiting abortion before viability are unconstitutional and invalid. So are all criminal laws prohibiting abortion after viability that do not make exception for abortions necessary to save the life or health of the mother. State laws allowing post-viability abortions only when there is a threat to the mother's *physical* health, have also been stricken.

Laws requiring that abortions be performed by doctors are permissible, but some requiring more specific qualifications have been invalidated. Laws regulating the facilities in which abortions are performed during the first trimester often have been invalidated, and some laws requiring second-trimester abortions to be performed in hospitals also have been struck down. Some courts have held that abortion clinics can be required to meet ordinary medical health and sanitation requirements, but other courts have held that such restrictions are not applicable to first-trimester abortion clinics. Laws requiring a second medical opinion or committee approval for pre-viability abortions are invalid. Ordinary medical record keeping and reporting requirements are not unconstitutional, but if they ask too much information or do not preserve confidentiality, they have been declared to be invalid.

Restrictions on the type of abortion procedures that can be used in pre-viability abortions have been consistently invalidated by federal courts. State attempts to establish uniform, objectively applicable definitions of viability have been invalidated unless they merely repeat general conceptual statements contained in Supreme Court opinions, and even some of these have been invalidated. Laws requiring doctors to determine whether the unborn child is viable before performing an abortion have been invalidated by some courts, including the Supreme Court. So have laws requiring doctors to obtain second opinions before post-viability abortions for the purpose of preserving maternal life or health. Even laws requiring that the abortion of a viable child be performed by the method least likely to injure or kill the child have been struck down.

When the child is aborted alive, of course, he or she is entitled to the same constitutional guarantees as the woman on whom the abortion is performed (or the physician performing the abortion). Still, state laws requiring the attendance of a second physician to protect the interests of post-viability fetuses aborted alive have been invalidated by some courts. Additionally, statutory provisions for the termination of the rights of parents who approve the performance of nontherapeutic abortions have generally been invalidated, although a requirement that a local child protection agency or court be notified in the case of such an abortion has been upheld. Most laws prohibiting fetal experimentation on children aborted alive have been upheld. One statute that extended the protection of state murder laws to children aborted alive, by including them in the definition of "individuals" was invalidated.

State laws requiring that the physician performing an abortion obtain the written informed consent of the women have been upheld, or stricken, depending on the specificity required. Laws requiring only that the woman give her informed consent, without attempting to define what that means, have usually been upheld, but requirements of disclosure of specific risks of abortion or the facts of fetal development generally have been invalidated. The courts are split on whether or not state laws requiring a brief waiting period between the initial decision to have an abortion and the performance of the abortion are valid; most courts, however, have struck down such requirements.

Laws requiring spousal consent to abortion are unconstitutional. Courts are split on whether or not laws requiring spousal notification prior to an abortion are permissible. Parental consent requirements are also unconstitutional, but parental notification requirements are not, at least as applied to unemancipated minors.

Medical personnel cannot legally be forced to participate in abortions against their objections, and laws so providing are valid. It is generally held that private hospi-

tals can refuse to perform elective abortions, and state statutes affirming or protecting that right have been held to be valid. But it is not clear that public hospitals have the same right. The Supreme Court has upheld the restrictive abortion policy of one public hospital, but that case has been distinguished (i.e., its precedential weight avoided because of factual distinctions absent in the other cases) by some lower courts.

It is now clear that neither the Constitution nor the federal Medicaid Act requires the public funding of elective or nonlifesaving abortions. But state laws attempting to avoid the indirect subsidizing of abortions by refusing to give family planning grants to abortion-performing or -referring organizations have been invalidated.

Laws prohibiting the advertising of abortion are unconstitutional. Residency requirements applicable to women seeking abortions are unconstitutional. Some zoning ordinances restricting the location of abortion clinics have been invalidated; others have been upheld. Some regulations governing the disposition of aborted fetuses have been sustained; others have been struck down.

This new and rapidly growing body of law has generated confusion, public controversy, and professional criticism. The preceding chapters have noted some of these criticisms. But perhaps even more important than the unreasonable holdings of some courts in specific cases on particular issues are the broader, systemic problems created by the abortion decisions. Two general institutional dangers are posed by the abortion cases. They concern the shift in the constitutional balance of powers, and the decline in quality and craftsmanship of federal judicial decision making.

The shift in the constitutional balance of powers

The Constitution is the supreme law of the land. It prevails over any other source of law that conflicts with it.

In *Roe* v. *Wade* the Supreme Court held that a woman's right to decide whether or not to have an abortion free from governmental coercion is a fundamental right embedded in the Constitution. Of course, that is not literally true. The Constitution itself does not really guarantee any such right. The word "privacy" does not appear in the Constitution; neither does the word "abortion." Nothing in the text of the Constitution or in the history of its creation suggests that the states are powerless to prohibit or restrict abortion. Nevertheless, such is presently the law because that is what a majority of the members of the Supreme Court said the Constitution means. That is why some legal scholars believe that the most dangerous result of the abortion decisions is not the substantive rule of law created by the Court, but, rather, the potential shift in the constitutional balance of governmental powers.

The United States constitutional system is predicated on the concept that a concentration of governmental power in any one department or level of government is dangerous. Thus, the drafters of the Constitution and the Bill of Rights not only reserved to the states all sovereign powers now expressly delegated to the federal government, they also carefully divided the powers of the federal government between the legislative, executive, and judicial branches. Of those three branches, the judiciary was considered by the founding fathers to be "the least dangerous," primarily because it would only interpret, not create, legal policy.

Ironically, in many social controversies the judiciary makes the final decision and, therefore, exercises what is potentially the most powerful influence. The role of the courts to speak the final word on many controversial issues derives from the well-established authority of the judiciary to interpret the Constitution. One of the greatest sources of constitutional strength, and one of the most important reasons of its continued viability, is the generality of the language of the Constitution. All of the most prominent constitutional provisions are lacking in the kind of specificity that gives the answers to particular questions in specific situations. And this gives rise to the necessity for someone, some branch of the government, to determine what these broad, general constitutional provisions mean as they apply to specific cases.

For almost two centuries, since the landmark decision in *Marbury* v. *Madison*, the function of pouring specific content into the broad generalities of the Constitution has belonged to the courts. There are two basic reasons why the judiciary has exercised this power of constitutional interpretation. First, the Constitution is part of the nation's law, and interpretation of law is the traditional function of the courts. Judges are trained to interpret laws. Thus, judges are probably better suited to interpret the Constitution than are legislators or executive officers of the government. Second, the courts have a constitutionally imposed responsibility to check and restrain the excesses of the democratically elected branches of government. The Constitution itself contains certain explicit limitations on the rights and powers of government, probably the most famous being the Bill of Rights. It has long been recognized that in a pure democracy minority groups and interests may not be adequately protected against the "tyranny of the majority." Since federal judges are appointed, not popularly elected, and their appointments are for life, they are somewhat insulated from the pressures of the popular will. Thus, they have a special role in protecting institutional minorities and enforcing constitutional restrictions on the powers of the democratic branches of the government.

The power of the federal courts to interpret the Constitution is not unrestricted, however. The power to say what the Constitution means is subject to important limitations. In his first inaugural address, Abraham Lincoln probably expressed the reason for these limitations as well as anyone:

"If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions[,] the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal."

The most powerful check on the power of the Supreme Court to interpret the Constitution is the right of the people to amend the Constitution and thereby overturn any constitutional interpretation made by the Supreme Court. But the amending processes established by Article Five of the Constitution are extremely difficult to invoke. In fact, during the entire history of the nation, constitutional interpretations by the Supreme Court have been overturned by the adoption of an amendment to the Constitution only four or five times.

Article Three of the Constitution also gives Congress substantial power to regulate and determine the jurisdiction of the federal courts. But respect for the independence of the federal judiciary is so deeply rooted in political traditions that Congress has rarely exercised its power to restrict federal jurisdiction.

The separation of powers in the Constitution is the source of a more pragmatic restraint on judicial license. Under the Constitution, the federal judiciary is dependent upon the other branches of government if it is to function effectively. Apart from judges' salaries (which constitutionally may not be reduced during a judge's term of office), the federal judicial system depends entirely upon appropriations from Congress to perform it functions. And it depends upon the executive branch to carry out and enforce its decrees.

More important than the formal constitutional limitations on judicial power of interpretation are the restraints imposed by judges upon themselves. For while the interests of good government require that the judiciary have far-reaching power to interpret the Constitution, the interests of good government do not require that this power always be exercised to the fullest extent. Indeed, perhaps the highest manifestation of respect for power is the willingness not to use it. Federal courts have historically exercised great self-restraint in reviewing the constitutionality of legislation out of deference to the coequal dignity and constitutional responsibilities of the other branches of government.

The extraordinary record of self-restraint by the federal judiciary, especially the remarkable tradition of deference to basic policy decisions made by the legislatures, is due primarily to federal judges' respect for and commitment to the democratic principles which underlie the constitutional system of government. Still, the right of nonelected judges to overturn policy decisions made by elected representatives of the people is built into the Contitution; yet, if not exercised with sober restraint, it would violate the fundamental principle of self-government and weaken respect for the political neutrality of the judiciary, which is a key source of judicial power and authority in a democracy. It is to their credit that the federal courts, historically, have generally honored these principles. But it is on this very point that the Supreme Court has received its most severe criticism for its abortion decisions. The principle of self-government teaches that the people, through their elected representatives, should be able to establish social policy regarding abortion, and the Supreme Court abortion decisions in large measure contradict this democratic ideal.

Why should the United States Supreme Court, instead of state legislatures, establish social policy regarding abortion? Three primary justifications have been offered. First, it has been suggested that judicial action was necessary to prevent state legislatures from exceeding their constitutional authority. But constitutional history solidly refutes this notion. The states have had, and have exercised, the power to prohibit abortion for two centuries, both before and after the Constitution and the Fourteenth Amendment (with its due process guarantee) were adopted. Nor was judicial intervention necessary because the states had enacted new, excessive abortion restrictions. State abortion laws were more liberal in 1973 than they had been a century earlier

when the Fourteenth Amendment was ratified, and for a half-dozen years immediately preceding Roe the unbroken and rapidly growing trend of state legislative reform had not been to tighten abortion restrictions, but to substantially relax them.

Second, another established exception to the rule of judicial deterence to the will of the legislative majority is when judicial action is necessary to protect the rights of a minority group that is unable to protect its own interests in the political arena. Thus, in a famous footnote in a Supreme Court opinion, Justice Stone rhetorically suggested that judicial action to overturn legislation constitutionally would be proper to block invidious "statutes directed at particular religious, national or racial minorities" because "prejudice directed against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities."

In the abortion context, however, it seems that the label "discrete and insular minority" would best apply to the unborn. They are the group of human beings least capable of protecting themselves in the political arena. Unlike most other "discrete and insular minorities," such as religious or ethnic minorities, the unborn cannot vote, lobby, or exercise any political influence. They cannot even speak for themselves to plead their own cause. Yet this particular minority was the victim, not the beneficiary, of judicial intervention in the abortion cases. Not only did the Supreme Court turn its own back on these outcasts in Roe and Doe, but it also effectively ordered all other branches of government to refrain from protecting them. (In this sense, Roe and Doe represent a deviation from the liberal ideals of the American judicial tradition, reminiscent of such past judicial disasters as Dred Scott v. Sanford, which ruled that blacks were neither citizens nor persons, and Plessy v. Ferguson, which emasculated the Fourteenth Amendment by approving direct and invidious racial discrimination.)

Of course, if the rights of the unborn are disregarded, a plausible argument can be made that poor women burdened with unwanted pregnancies are a discrete and insular minority, whose interests the Court was protecting when it decided *Roe.* But the prerequisite for this position is, to say the least, troubling.

Third, it has been suggested that judicial action was necessary because religious entanglement was so great that the democratic processes were "frozen" against abortion. But the phenomenal successes that the abortion law reformers achieved in such a short time—actually persuading more than a third of the states to liberalize their abortion laws in the space of only six years—belies such an argument.

The above arguments notwithstanding, there is no real constitutional justification for the Supreme Court having usurped the right to establish social policy regarding abortion. Thus, distinguished law professor John Hart Ely chastised the Court "not so much [because] it bungles the question it sets itself, but rather [because] it sets itself a question the Constitution has not made the Court's business." Many judges, especially in the early years after *Roe* was decided, have echoed this concern. In response to a survey by a political science professor in 1975 and 1976, 165 federal judges and 84 state court judges expressed their discomfort with the abortion decisions. "Most judges in both samples labeled *Roe v. Wade* massive 'judicial legislation.'"

This is a serious criticism. In effect, the Supreme Court has been accused of exceeding the limits of its constitutional authority and of violating the constitutional principle of separation of powers by "legislating" social policy. That is probably why Justices White and Rehnquist refused to join in the judgment or the opinion of the majority in the abortion cases. Justice White succinctly articulated his objection when he dissented in *Roe* and *Doe.*

"With all due respect, I dissent. I find nothing in the language or history of the Constitution to support the Court's judgments. The Court simply fashions and announces a new constitutional right for pregnant women and, with scarcely any reason or authority for its action, invests that right with sufficient substance to override most existing state abortion statutes. *The upshot is that the people and the legislatures of the 50 States are constitutionally disentitled to weigh the relative importance of the continued existence and development of the fetus, on the one hand, against a spectrum of possible impacts on the mother, on the other hand. As an exercise of raw judicial power, the Court perhaps has authority to do what it does today; but in my view its judgment is an improvident and extravagant exercise of the power of judicial review that the Constitution extends to this Court."*

The departure from accepted standards of judicial conduct in the abortion cases

No citizens have been more distressed over the abortion decisions of the Supreme Court than admirers and defenders of the federal judical system. Many of these professionals have been deeply disturbed because the abortion decisions represent a departure from the accepted standards of performance, professionalism, and integrity in the federal judical system.

As a landmark decision of the U.S. Supreme Court, *Roe v. Wade* set a poor standard of professional craftsmanship and decision-making practices for the entire federal judicial system. The influence of that poor standard can be seen in many of the 250 or so other federal court opinions dealing with abortion.

The first and fundamental professional failing in the abortion decisions is the absence of credible legal analysis in the opinions. This is a crucial defect, for one primary characteristic of the judicial decision-making process that distinguishes it from those of the executive and legislative is the resort to and articulation of principled legal analysis to support conclusions. Professor Herbert Wechsler, in his classic dissertation on neutral principles, declared that "the virtue or demerit of a judgment turns . . . entirely on the reasons that support it and their adequacy to maintain any choice of values it decrees. . . ." Former California Supreme Court Chief Justice Roger Traynor put it this way: "A judge must do more than decree; he must reason every inch of the way."

The opinions of the Supreme Court in *Roe* and *Doe* lack this sort of principled or disciplined analysis. Thus, Professor Alexander Bickel Chastised the Supreme Court for failing to explain why the Consititution required the Court to reach its extreme result. "One is left to ask why. The Court never said. I refused the discipline to which its function is properly subject. It simply asserted the result it reached." Professor Richard Epstein observed that the Court's opinion was so poorly written that "[w]hat seemed to make sense as a matter of principle to a lot of people and a lot of lawyers is all of a sudden suspect." And Professor Archibald Cox declared: "My criticism of *Roe v. Wade* is that the Court failed to establish the legitimacy of the decision by not articulating a precept of specific abstractness to lift the ruling above the level of political judgment." In short, the opinions in *Roe v. Wade* and *Doe v. Bolton* fall below the acceptable standards of the federal judiciary and the legal profession.

Roe and *Doe* are so poorly reasoned that it has been difficult to the lower courts to give consistent application of those cases, especially in the early years. In this respect, *Roe v. Wade* and *Doe v. Bolton* have clearly lowered the standard of performance of the lower federal courts. Judicial craftsmanship and credible legal analysis are in large measure absent in most of the early, and some of the recent, lower court abortion decisions. Fortunately, credible legal analysis is more common in abortion decisions today, but still some courts are satisfied to employ mere rhetorical slogans instead of disciplined legal analysis to justify their conclusions.

The lower courts have also mimicked the doctrinalism of the Supreme Court. Thus, when new issues have arisen, they have tended to follow the example of the High Court by going to extremes. In fact, *Roe v. Wade* has become the touchstone for an increased resort to judicial activism. The judicially created constitutional doctrine of "privacy," read in light of *Roe* and *Doe,* could constitute virtually a *carte blanche* for federal judges to legislate almost anything under the pretext of interpreting the Constitution.

Since the Court gave no satisfactory justification in *Roe* and *Doe* for invalidating historic state abortion laws, some lower courts have turned to a result-oriented approach to dealing with abortion cases. That is, the analytical ambiguities and the absence of disciplined judicial analysis in the Supreme Court abortion decisions have seemed to convey the message that the result, not the reasoning, is all that really matters. And the results in the Supreme Court case have obviously been hostile to almost all attempts to regulate or restrict abortion.

This, in turn, is related to the problem of excessive resort to *stare decisis* (adherence to precedents) to resolve new issues concerning abortion. Properly followed, the doctrine of *stare decisis* insures that litigants with the same claims will be treated equally by the courts and that the administration of the ruling) in prior opinions is stultifying. And if the claims raised in a current case are not the same as those ruled on in an earlier one, it is a perversion of *stare decisis* to say that the issue in the later case is closed by the former decision.

The lower federal courts, especially in the early years, have displayed a tendency to cite *Roe* as the dispositive authority on significantly different issues than those involved in *Roe.* Instead of independently analyzing unprecedented issues, some courts have cited the Supreme Court abortion dicisions and said something like: "We do not need to independently examine this issue, for the result in this case is dictated by the Supreme Court's decision in *Roe v. Wade."* Such excessive resort to the doctrine of *stare decisis* is troubling because it causes decay or stagnation of the law and creates a substantial threat to the validity and viability of the law. The failure of lower federal courts to candidly examine, evaluate, criticize, and limit the *Roe* doctrine of abortion privacy has contributed to much of the ex-

tremism in the substantive content of the doctrine of abortion privacy as it has developed in the federal courts.

Related to the inappropriate invocation of *stare decisis* is the paucity of criticism or cautionary limitation of the *Roe* doctrine of abortion privacy by the lower courts. In light of the fact that the federal courts that considered the legality of abortion before *Roe v. Wade* were divided almost evenly, and in light of the extensive scholarly criticism of *Roe* and the political controversy that it has generated, the infrequency of dissents-in-principle or criticism of the excesses of *Roe* within the federal judicial system is surprising. It is also disturbing, for the "sheltering" of legal doctrines from the internal process of criticism and refinement within the judicial system leads to institutional instability and the crystalization of unreality in the law.

Finally, in the last two or three years there has developed a new and very serious problem in the abortion cases. This is the problem of the misuse of the Civil Rights Act provision authorizing courts to award attorneys' fees to prevailing parties.

The well-established American rule on awarding attorney's fees is that each side must bear its own legal expenses unless the parties have (1) otherwise agreed (as in a contract providing for recovery of legal fees), (2) the losing party has been guilty of bad faith, or (3) a statute explicitly authorizes the awarding of attorneys fees to the prevailing party. Obviously the first exception does not apply in abortion cases because the litigants have not contracted with each other that the prevailing party is entitled to recover attorneys fees. Likewise, the second exception does not apply. The sincerity of the litigants, the complexity of the issues, and the uncertainty of the law have provided ample justification for good faith abortion litigation. (In only one reported case did a federal court find that the position of the losing—pro-life—side was so unjustified that attorneys fees should be awarded under the bad faith exception, and on appeal the Supreme Court not only vacated that award but adopted the very substantive position which had been the basis for the lower court's finding of bad faith.)

Recently, however, several federal courts have awarded attorneys' fees to abortion activists who have succeeded in their lawsuits to invalidate certain abortion regulations or restrictions under the third exception. For instance, in one case three abortionist physicians and their abortion clinic brought suit against the Kentucky law that mandated a 24-hour waiting period prior to abortion, and required all abortions after the end of the first trimester to be performed in hospitals. The lower court held that both requirements were unconstitutional. The defendants in the case were the state of Kentucky and three pro-life physicians who voluntarily intervened in the case to defend the statute. After invalidating the law, the lower court ordered the defendants—including the three doctors—to pay the plaintiffs $38,564.55 in attorneys fees under the Civil Rights Act.

This incident is troubling for several reasons. First, an award of attorneys fees in a suit brought to establish and determine social policy on a controversial contemporary issue is tenuous under the legislative history or language of the Civil Rights Act. It is doubtful that the civil rights law was intended to be used in this context at all.

Second, to order good faith losing litigants to pay their opponent's attorneys fees smacks of penalizing groups and individuals for attempting to exercise their right of political expression. When the issue of abortion policy was decided in the legislature one side would win and the other side would lose, but each side would have to bear their own expenses of that battle. Political winners did not claim that they were entitled to public reimbursement for the expenses of the contest. If the winning side had attempted to force the losing side to pay the winning side's expenses, not only would the citizenry have been outraged, but the federal courts would have acted immediately to protect the First Amendment rights of the losers. But now that the right to resolve this issue has been taken away from the legislatures by the federal courts, some federal courts themselves, through their award of attorneys' fees, are doing just that. They are penalizing those who attempt to express their opinion and influence the establishment of political policy. And they are exercising their "discretion" to financially punish state legislatures for guessing wrong about future rulings of the federal courts on very complicated abortion issues, when the federal courts themselves have frequently been unable to correctly apply the abortion doctrine. The awarding of attorneys' fees in abortion litigation is unwise as a matter of public policy, and questionable as a matter of legislative interpretation.

The law of abortion in the United States is in need of reform. The primary problems with the current doctrine of abortion law include: (1) the federal courts have taken extreme and often inflexible positions on specific issues, such as the permissibility of specific and informed-consent requirements, parental and spousal participation consent requirements, second-trimester abortion facility restrictions, and numerous others; (2) the judiciary has created and constitutionalized a legislative social policy issue in derogation of the constitutional separation of powers and has abandoned a vulnerable and defenseless class—the unborn; and (3) the courts have largely departed from established judicial standards of professionalism and craftsmanship. The legal and political methods of achieving reforms in these areas are considered in the remaining chapters.

A PRIVATE CHOICE: ABORTION IN AMERICA IN THE SEVENTIES

(By John T. Noonan, Jr.)

The makers of the Constitution of the United States do not appear to have contemplated the subject of abortion. There is no mention of it by name or by circumlocution in the original articles or in the Bill of Rights or in any of the later amendments. If a Martian were told to examine the document carefully for a clue to the framers' intention regarding abortion, he would have to admit himself baffled. The Constitution, within its four corners, says nothing.

A Martian with a sense of history might say, "Tell me what the laws and practices and beliefs were when the Constitution was made. From them I shall infer what was intended by the framers." He would find

1. that in 1789, when the original articles were adopted, Blackstone was the bible of American lawyers, and Blackstone taught that a "person" was one "like us" who had been "formed by God" in the womb

2. that abortion, although not widely practiced because of medical difficulties in doing it safely, was a crime at common law if the pregnancy had reached the stage where movements by the child were perceptible; and if the child in the womb was injured by an abortifacient, was born alive, and died from his injury, the crime was murder

3. that the articles gave the new government no power to disturb the administration of the common law by the states

4. that in 1790, when the first ten amendments or Bill of Rights was adopted, the common law and the beliefs expressed by Blackstone were unchanged

5. that the Fifth Amendment declared the life, liberty, and property of no person should be taken by the national government except by due process of law

6. that the Ninth Amendment declared that all powers not expressly conferred upon the national government belonged to the People, thereby leaving to the People the protection of life, liberty, and property through the legislatures and courts of each state

7. that "the most important burst of anti-abortion legislation in the nation's history" occurred between 1860 and 1880, and that the Fourteenth Amendment, adopted in 1868, belongs to that era of American politics

8. that in 1868, when the Fourteenth Amendment was adopted, the common law made abortion a crime after quickening, and a number of states, including such leading Northern states as Connecticut and Pennsylvania, made abortion a crime from conception

9. that in the 1860s the federal territories of Arizona, Colorado, Idaho, Montana, and Nevada had all made it a crime to abort "a woman then big with child," and such territorial legislation was subject to the approval of the same congressmen who adopted the Fourteenth Amendment

10. that the Fourteenth Amendment imposed upon each state the obligation already imposed upon the national government not to take life, liberty, or property without due process of law

So informed, our Martian might reason: What the framers knew to be a crime at common law in the states when they made the Constitution, they did not intend to legalize; indeed the protection afforded the unborn at common law accorded with their view of the protection to be afforded persons. When the Framers reserved to the People all powers not expressly conferred upon the nation, they did not intend to disable the People from legislating to protect life; indeed, in the distribution of governmental power intended by the founders, the states were to protect life by the ordinary laws against murder, manslaughter, and abortion.

By the time the Fourteenth Amendment was enacted, our Martian would observe, every state employed the sanction of the criminal law to regulate abortion. Surely the authors of the amendment must have approved or at least accepted this practice; for nothing in their language, or in any of the debates surrounding the adoption of the amendment, suggested that the amendment aimed at the abolition of the abortion laws of the federal territories and all the states. Indeed, our Martian might suspect, the states, now under constitutional obligation not to take life without due process, might have a constitutional obligation to have laws regulating abortion.

Certainly, he would conclude, the obligation not to limit liberty without due process of law could not affect an abortion law. In a hundred ways, he could observe, the laws of the states impair your liberty. You cannot walk at will on your neighbor's grass, you cannot keep your children at will from

school, you cannot sleep with your father's wife, you cannot practice surgery without a license or perform it on a minor without the parent's consent, you cannot refuse to support the child you have conceived. In these and many other ways, liberty of private action is curtailed. It is curtailed by "due process of law," and such curtailment has never been supposed to be unconstitutional. The laws restricting abortion do not appear to differ in kind from the laws restricting trespass and incest or the laws requiring the support and education of one's children or the laws regulating surgery. There is nothing in the text of the Fourteenth Amendment to suggest that there is a liberty which no process of law may touch, restrict, or regulate. So, the Martian would conclude from the clues of history, the articles and amendments of the American Constitution do not forbid the governmental regulation of abortion.

The Martian, however, if he came to earth in the bicentennial year of the American Republic, would be wrong. For the Constitution of the United States means not only what its words say or its framers intended. It is a document, like the scriptures of a religion, whose words are sacred, but whose meaning changes as it is reinterpreted in the light of changing circumstances. Its interpreters control its meaning.

The process of interpretation is often beneficent. The framers could never have thought of television when they guaranteed the freedom of speech, but interpretation now makes that freedom include freedom to communicate electronically. The framers did nothing to provide counsel to a defendant too poor to afford a lawyer even when they adopted the Sixth Amendment guaranteeing the right to counsel. Interpretation has made that guarantee include the right of a poor man, in some circumstances, to have his lawyer furnished by the government. The Constitution has expanded beyond its letter and beyond the practice of the day it was made. When such expansion is true to the most fundamental purposes of the framers, it may be called a true development of their thought.

Every citizen is, to a degree, an interpreter of the Constitution; the President and the Congress have to be, and the courts are in a special way. By its own decisions, accepted by nearly everyone, the final interpreter is the Supreme Court of the United States. What the Supreme Court determines to be the law is the law of the land. What the Supreme Court says the Constitution means is what the Constitution means.

Such a conclusion, of course, is not as absolute as it appears. The Supreme Court can be wrong. What the Supreme Court says the Constitution means can do violence to every criterion of history and logic. Instead of developing the purposes of the framers, the Court can subvert them. The Supreme Court can find in the term "liberty" in the Fourteenth Amendment the liberty of a factory owner to work his employees more than ten hours a day, and the Court can be outrageously wrong in so finding. But the law of the land, the meaning of the Constitution as a legal document, will be what the Court says the meaning is, until it admits its error or is corrected by a constitutional amendment.

A decision of the Supreme Court, then, is the last word on the meaning of the Constitution—for the time being. The interpretation offered by the Court can last only as long as the Court is convinced that the interpretation is correct. The Court's conviction of its own correctness does not depend solely on its own precedents; otherwise there would be no change and no reversals of direction by the Court. Like it or not, the Court is engaged in an exchange with its critics, in which its critics always have the power to persuade the Court that it was wrong, or the power to persuade the President to appoint successor justices who believe the Court was wrong, or the power to persuade the country to adopt an amendment to the Constitution correcting the error of the Court.

At one time the Court thought that "liberty" in the Constitution prevented regulation by the state of the terms of employment, because any regulation interfered with the self-evident liberty of each man to set his own terms for his own work. It was contrary to the Constitution for a state to say a man could not dispose of his own body by agreeing to work ten hours a day. Twelve years later the Court said that the Constitution permitted such regulation of liberty. The change occurred not because the words of the Constitution changed but because critics persuaded the Court that it was wrong.

In the matter of abortion the words of the Constitution did not change, but on January 22, 1973, its meaning did. On that day Justice Harry Blackmum found in the Ninth Amendment's reservation of power to the People or in the Fourteenth Amendment's reference to liberty—he was not entirely sure in which—a liberty to consent to an abortion. On that date the Constitution come to mean that abortion was an American freedom.

THE SUPREME COURT AND EVOLVING PRINCIPLE

(By Alexander M. Bickel)

(Alexander M. Bickel was Sterling Professor of Law at Yale University until his death in November, 1974 (at age 49). A one-time law clerk to Justice Felix Frankfurter (1952), he was generally regarded as an influential authority on matters of constitutional law (he was chief counsel for The New York Times in the Pentagon Papers case). This article is taken from his posthumously-published book, The Morality of Consent (reprinted with permission of Yale University Press, © 1975 by Joanne Bickel.)

Since few principles are inscribed sharply in the Constitution itself, the Supreme Court speaking in the name of the Constitution fills, in part, the need for middle-distance principles that [Edmund] Burke described. It proffers, with some important exceptions, a series of admonitions, an eighteenth-century checklist of subjects; it does this cautiously and with some skepticism. It recognizes that principles are necessary, have evolved, and should continue to evolve in the light of history and changing circumstance. That—and not Hugo Black's—is the Constitution as the Framers wrote it. And that is what it must be in a secular democratic society, where the chief reliance for policy-making is placed in the political process.

The Constitution, said Justice Holmes in a famous dissent in 1905,[1] "is made for people of fundamentally differing views." Few definite, comprehensive answers on matters of social and economic policy can be deduced from it. The judges, themselves abstracted from, removed from political institutions by several orders of magnitude, ought never to impose an answer on the society merely because it seems prudent and wise to them personally, or because they believe that an answer—always provisional—arrived at by the political institutions is foolish. The Court's first obligation is to move cautiously, straining for decisions in small compass, more hesitant to deny principles held by some segments of the society than ready to affirm comprehensive ones for all, mindful of the dominant role the political institutions are allowed, and always anxious first to invent compromises and accommodations before declaring firm and unambiguous principles.

Yet in the end, and even if infrequently, we do expect the Court to give us principle, the limits of which can be sensed but not defined and are communicated more as cautions than as rules. Confined to a profession, the explication of principle is disciplined, imposing standards of analytical candor, rigor, and clarity. The Court is to reason, not feel, to explain and justify principles it pronounces to the last possible rational decimal point. It may not itself generate values, out of the stomach, but must seek to relate them—at least analogically—to judgments of history and moral philosophy. We tend to think of the Court as deciding, but more often than not it merely ratifies or, what is even less, does not disapprove, or less still, decides not to decide. And even when it does take it upon itself to strike a balance of values, it does so with an ear to the promptings of the past and an eye strained to a vision of the future much more than with close regard to the present. Burke's description of an evolution meets the case: to produce noting wholly new and retain noting wholly obsolete. The function is canalized by the adversary process, which limits the occasions of judgment and tends to structure issues and narrow their scope to manageable proportions.

In 1905, when Holmes wrote the *Lochner* dissent, the justices were grinding out annual answers to social and economic questions on the basis of personal convictions of what was wise—derived, as it happens, from the laissez-faire philosophy of Herbert Spencer. That would not do, Holmes told them, and it did not, although it took thirty years for a majority of the justices to see it, and Holmes was gone by then. None has reread Herbert Spencer into the Constitution since, but in the 1960s a majority of the justices, under Earl Warren, again began to dictate answers to social and sometimes economic problems. The problems were different—not regulation of economic enterprise, not labor relations, but the structure of politics, educational policy, the morals and mores of the society. And the answers were differently derived, not from Spencer's Social Statics, but from fashionable notions of progress. Again, it may take time before the realization comes that this will not do.

On January 22, 1973, the Supreme Court, paying formal tribute to Holmes's 1905 dissent but violating its spirit, undertook to settle the abortion issue.[2] In place of the various state abortion statutes in controversy and in flux, the Supreme Court prescribed a virtually uniform statute of its own. During the first three months of pregnancy, the Court decreed, a woman and her physician may decide on an abortion quite free of any interference by the state, except as the state requires the physician to be licensed; during the second three months the state may impose health regulations, but not forbid abortion; during the last three months, the state may if it chooses forbid as

[1] Footnotes at end of article.

well as regulate. That may be a wise model statute, although there is considerable question why the Court foreclosed state regulation of the places where the abortion is to be performed. The state regulates and licenses restaurants and pool halls and Turkish baths and God knows what else in order to protect the public; why may it not similarly regulate and license abortion clinics, or doctors' offices where abortions are to be performed?

But if the Court's model statute is generally intelligent, what is the justification for its imposition? If this statute, why not one on proper grounds of divorce, or on adoption of children? Medical evidence, the Court tells us now, shows that abortions during the first three months of pregnancy present no great risk. Well and good. It is also clear that the fetus is not a life in being at the early stages of pregnancy, is not entitled to constitutional protection, and the Constitution cannot be construed to forbid abortion. Well and good again. But the fetus is a potential life, and the Court acknowledges that society has a legitimate interest in it. So has the individual—the mother, and one would suppose also the father; an interest that may be characterized as a claim to personal privacy, which in some contexts the Constitution has been found to protect. The individual's interest, here, overrides society's interest in the first three months and, subject only to health regulations, also in the second; in the third trimester, society is preeminent.

One is left to ask why. The Court never said. It refused the discipline to which its function is property subject. It simply asserted the result it reached. This is all the court could do because moral philosophy, logic, reason, or other materials of law can give no answer. If medical considerations only were involved, a satisfactory rational answer might be arrived at. But, as the Court acknowledged, they are not. Should not the question then have been left to the political process, which in state after state can achieve not one but many accommodations, adjusting them from time to time as attitude change? It is astonishing that only two dissented from the Court's decision, although Justice Potter Stewart noted in his agreement, presumably with some discomfort, that the decision joined the long line of earlier cases imposing judicially made social policy to which Holmes had objected.[3] The dissenters were Justices Byron White and William Rehnquist. The Court's decision was an "extravagant exercise" of judicial power, said Justice White,[4] it was a legislative rather than judicial action, suggested Justice Rehnquist.[5] So it was, and if the Court's guess on the probable and desirable direction of progress is wrong, that guess will nevertheless have been imposed on all fifty states. Normal legislation, enacted by legislatures not judges, is happily less rigid and less presumptuous in claims to universality and permanence. The claim to universality and permanence is illusory, in any case, for the ongoing political process which follows upon the declaration of law is another discipline the Court is subject to. Yet the Court is not excused in transgressing all limits, in refusing its own prior discipline, for in its initial process of law formation the Court is not under the discipline of the political process. Neither the Court nor its principles directly originate there. The discipline is subsequent.

NOTES

1. *Lochner v. New York*, 198 U.S. 45 (1905).
2. *Roe v. Wade*, 410 U.S. 113 (1973); *Doe v. Bolton*, 410 U.S. 179 (1973).
3. *Roe v. Wade*, 410 U.S. at 167.
4. *Doe v. Bolton*, 410 U.S. at 221 (White, J., dissenting from *Roe* and *Doe*).
5. *Roe v. Wade*, 410 U.S. at 171.

THE SUPREME COURT AND ABORTION

(By Archibald Cox)

(Archibald Cox has been (since 1965) the Samuel Williston Professor of Law at the Harvard Law School. While he is best known to the general public as the first Watergate Special Prosecutor, he is generally considered, in legal circles, as one of the foremost living authorities on constitutional law. He served as Solicitor General of the U.S. (under Presidents Kennedy and Johnson) from 1961-65. This article is excerpted from his new book, The Role of the Supreme Court in American Government (see pp. 51-55, 112-14, and 117-18; Copyright © 1976 by *Oxford University Press, Inc.*), and is reprinted here with permission.)

In each of the abortion cases [1] a pregnant young woman was reluctant to bear the child for some personal reason involving no serious danger to life or health. In each case she lived in a State in which it would be a crime for a doctor to perform the abortion, either under a nineteenth-century law making it a crime to "procure an abortion" except "for the purpose of saving the life of the mother," or under a modern statute liberalizing the grounds for abortion but still not as permissive as the particular case would require. In each instance the young woman asked a court to enjoin the State authorities from prosecuting any doctor who might abort her, upon the ground that the threat of prosecution under the statute interfered with her exercising a form of personal liberty secured by the Fourteenth Amendment guarantee against deprivation without due process of law.

How should such a case be decided? Justice Frankfurter, Judge Learned Hand, and the other apostles of judicial self-restraint would have no trouble upholding the constitutionality of the statutes. At most, they would have said, the courts may do no more under the Due Process Clause than invalidate a law that no one could rationally believe to be related to some public interest; and no one could sensibly claim that an anti-abortion law fails this test. Justice Black would have reached the same conclusion. He had dissented in an earlier case holding that a married couple has a constitutional right to use contraceptives saying:

"I do not believe that we are granted power by the Due Process Clause or any other constitutional provision or provisions to measure constitutionality by our belief that legislation is arbitrary, capricious or unreasonable, or accomplishes no justifiable purpose, or is offensive to our own notions of "civilized standards of conduct" . . . The use by federal courts of such a formula or doctrine or whatnot to veto federal or state laws simply takes away from Congress and States the power to make laws based upon their own judgment of fairness and wisdom and transfers that power to this Court for ultimate determination . . .[2]

The Supreme Court, by a 7-2 vote, nevertheless held the anti-abortion laws unconstitutional. The Constitution, the Court said, guarantees "certain areas or zones of privacy." Having an abortion because of personal preference is an aspect of privacy. Since privacy is a "fundamental right," any State interference must be justified by some "compelling interest." That interest, the opinion continues, cannot be in the "life" of the foetus because no one cay say except by arbitrary definition when "life" begins; nor can it be the interest in "potential life" prior to the seventh month of pregnancy, for until then the foetus has no capacity for independent existence. The necessary compelling interest cannot be found in the health of the mother during the first six months of pregnancy, because medical statistics show that the dangers to health are greater in childbirth than in abortion; but the State may regulate abortion procedures during the third three months in the interest of health because of the statistically higher risks to health in that period. Oddly, but possibly because counsel did not stress the point, the opinion fails even to consider what I would suppose to be the most compelling interest of the State in prohibiting abortion; the interest in maintaining that respect for the paramount sanctity of human life which has always been at the centre of western civilization, not merely by guarding "life" itself, however defined, but by safeguarding the penumbra, whether at the beginning, through some overwhelming disability of mind or body, or at death.

Finding the medical case against abortion unpersuasive, the Court laid down three rules:

(1) During the first three months of pregnancy the State must leave the decision whether to have an abortion, and when and how to carry it out, to the woman and her doctor.

(2) During the second three months the State may not forbid abortion but may regulate the procedure.

(3) The State may prohibit abortion after six months except when necessary to preserve the life or health of the mother.

For one concerned with the proper role of the Supreme Court in American government and more particularly with the debate over judicial activism the abortion cases have three-fold significance:

First, the decisions plainly continue the activist, reforming trend of the Warren Court. They are "reforming" in the sense that they sweep away established law supported by the moral themes dominant in American life for more than a century in favour of what the Court takes to be the wiser view of a question under active public debate.

Second, the Justices read into the generalities of the Due Process Clause of the Fourteenth Amendment a new "fundamental right" not remotely suggested by the words. Because they found the right to be "fundamental" the Justices felt no duty to defer to the value judgments of the people's elected representatives, current as well as past. They applied the strict standard of review applicable to repression of political liberties.

Third, three Justices in the seven-man majority were appointed by President Nixon as "strict constructionists": Chief Justice Berger, Justice Blackmun who wrote the opinion of the Court, and Justice Powell. Only one Nixon appointee dissented. There are ample signs that the Berger Court will not respond to new libertarian and egalitarian values with all the enthusiasm of its predecessor, and also that it is more worried by some of the complexities, cross-currents, and needs for accommodation that refuse to yield to optimistic generalizations. A court more concerned with the preservation of old substantive values than the articulation of a new spirit will find fewer occasions for ren-

Footnotes at end of article.

dering activist decisions. Still, the abortion cases strongly suggest that the new Justices are not restrained by a modest conception of the judicial function but will be activists when a statute offends their policy preferences.

In the end, therefore, one comes to the question: has the Court swung around the circle back to the method which led to equating Due Process with the economics of laissez-faire? Is there any general principle which authorizes the Court to substitute its judgment for the result of the political process when dealing with abortion but not with hours of work? To read liberty of abortion into the Fourteenth Amendment but not liberty of contract? If not, which judicial method was right and which wrong? Before one proposes to judge by results and not by method, one has also to ask how a purely eclectic, result-oriented approach would affect the Court's standing and utility.

What are we to say of the Supreme Court's decision holding that the Due Process Clause forbids a State to interfere with a woman's right to an abortion? What of the judicial method?

My colleague John Ely criticizes the abortion decision on the ground that there is nothing in the Constitution that marks freedom to have an abortion as something special: "A neutral and durable principle may be a thing of beauty and a joy forever. But if he lacks connection with any value the Constitution marks as special it is not a constitutional principle and the Court has no business imposing it."[3]

My own view is less rigid. I find sufficient connection in the Due Process Clause. All agree that the clause calls for some measure of judicial review of legislative enactments, and from that point forward all must be done by judicial construct with no real guidance from the document. Nothing in the document dictates reading the federal Bill of Rights into the Fourteenth Amendment as either a source or a limitation of fundamental values, nor does the document suggest restrained review in some cases and strict review in others. The Court's persistent resort to notions of substantive due process for almost a century attests the strength of our natural law inheritance in constitutional adjudication, and I think it unwise as well as hopeless to resist it.

My criticism of *Roe* v. *Wade* is that the Court failed to establish the legitimacy of the decision by not articulating a precept of sufficient abstractness to lift the ruling above the level of a political judgment based upon the evidence currently available from the medical, physical, and social sciences. Nor can I articulate such a principle—unless it be that a State cannot interfere with individual decisions relating to sex, procreation, and family with only a moral or philosophical State justification: a principle which I cannot accept or believe will be accepted by the American people.[4] The failure to confront the issue in principled terms leaves the opinion to read like a set of hospital rules and regulations, whose validity is good enough this week but will be destroyed with new statistics upon the medical risks of childbirth and abortion or new advances in providing for the separate existence of a fetus. Neither historian, layman, nor lawyer will be persuaded that all the details prescribed in *Roe* v. *Wade* are part of either natural law or the Constitution. Constitutional rights ought not to be created under the Due Process Clause unless they can be stated in principles sufficiently absolute to give them roots throughout the community and continuity over significant periods of time, and to lift them above the level of the pragmatic political judgments of a particular time and place.

Constitutional adjudication depends, I think, upon a delicate, symbiotic relation. The Court must know us better than we know ourselves. Its opinions may, as I have said, sometimes be the voice of the spirit, reminding us of our better selves. In such cases the Court has an influence just the reverse of what Thayer feared; it provides a stimulus and quickens moral education. But while the opinions of the Court can help to shape our national understanding of ourselves, the roots of its decisions must be already in the nation. The aspirations voiced by the Court must be those the community is willing not only to avow but in the end to live by. For the power of the great constitutional decisions rests upon the accuracy of the Court's perception of this kind of common will and upon the Court's ability, by expressing its perception, ultimately to command a consensus.

NOTES

1. *Roe v. Wade*, 410 U.S. 113 (1973); *Doe v. Bolton*, 410 U.S. 179 (1973).

2. *Griswold v. Connecticut*, 381 U.S. 479, 513 (1965).

3. Ely, "The Wages of Crying Wolf," 82 Yale L.J. 920, 949 (1973), also reprinted in *The Human Life Review*, Vol. I, No. 1 (Winter 1975).

4. The rulings bringing patently offensive utterances within the First Amendment suggest that the notion may influence some Justices.

When Judges Wink, Congress Must Not Blink

(By Prof. Basile J. Uddo,[1] From Human Life Review, Summer, 1979)

(Note.—Basile J. Uddo is an associate professor at Loyola University School of Law in New Orleans. This article is based on his extended treatment of the subject ("A Wink from the Bench: The Federal Courts and Abortion") which appeared in the *"Tulane Law Review,"* February 1979 (Vol. 53, No. 2).)

When Sarah Weddington delivered those remarks at a national conferenced on abortion she gave us an insight into how the whole judicial involvement in abortion got its start: with a wink from the bench! Of course it's not surprising that *Roe* v. *Wade*[2] has its roots in such a non-decorous exchange between judge and counsel since without a strong shove by the judiciary *Roe* v. *Wade*—on its merits—would never have gotten off the ground. But, as clear as it is that personal judicial preferences created a constitutional impetus for the abortion decisions few would have predicted that the progeny of those ill-conceived decisions would have been more illegitimate, and evidence of even greater judicial bias. Today, however, it is clear that the federal judiciary's treatment of abortion litigation is uniquely accommodating to the pro-abortion position.[3] In virtually every instance—from the most minor state abortion regulation, to the more significant congressional attempts to limit federal expenditures for abortions—federal judges have shown an uncanny ability to torture the constitution into a pro-abortion document. The ensuing examples are only the tip of a very large iceberg, so large that the time clearly has come for Congress to limit the jurisdiction of the lower federal courts in abortion cases.[4]

[1] Footnotes at end of article.

I. THE PROBLEM

A. General regulations

After 1973 nearly every state attempted to respond to *Roe* v. *Wade* by finding those areas where the court might permit some degree of regulation of the abortion issue. Unfortunately, those areas were relatively narrow and would only accommodate certain *state* interests in maternal health and "potential" human life. Unlike the personal right created to protect the woman's decision to abort, no right—at any stage of pregnancy—was recognized in the fetus. Ostensibly the state had certain protectable interests in the fetus—more illusory than real—which it could promote, but the fetus itself had no rights.

The first state regulations dealt with procedural matters: the who, when, and where of the abortion. Virtually all of these regulations have been swept away by federal courts, and usually in a manner inconsistent with traditional federal practice. For example, a Utah statute was completely invalidated despite a severability clause that would ordinarily be used to separate valid from invalid provisions.[5] Moreover, the court justified its action by an appeal to what it perceived to be an impermissible "motive" on the part of Utah lawmakers. This kind of legislative mind-reading or motive analysis has always been disfavored in constitutional adjudication.[6]

Other cases relied less upon motive than upon an absurdly literal reading of *Roe* and *Doe*. Ironically one such case occurred in Chicago, a city recently shocked by the Chicago *Sun Times'* reports chronicling the "grisly" acts of what they called the abortion profiteers.[7] One wonders how much of that horror story would have been avoided had not the Seventh Circuit winked at reality when it invalidated certain board of health regulations that would have required abortion clinics to meet some minimal standards.[8] For its part the Seventh Circuit, through Judge Sprecher, felt that the abortion cases had effectively placed first trimester abortions beyond regulation. Hence the regulations, which among other things required an elevator large enough to accommodate a stretcher so that a hemorrhaging woman could be more safely and effectively transported to emergency care, were *unconstitutional.*

Another area treated mischievously (and incorrectly) by the Supreme Court was the question of viability. Here the Court selected a notion devoid of any biological significance[9] and converted it into a crucial point in deciding when a state may "protect" a fetus. Perhaps Justice Blackmun perceived the weakness in his argument and sought some comfort in a flexible definition of viability; one that encouraged states to regulate around this flexibility. Unfortunately the lower federal courts have not perceived the need for this approach.

Minnesota is one of several examples of a state that was rebuffed by the federal courts when its legislatures tried to define viability as that point at which a fetus is "able to live outside the womb even though artificial aid may be required." The state statute also said that "[d]uring the second half of its gestation period a fetus shall be considered potentially 'viable.'" Other parts of the law required a physician to certify that in his judgment an abortion on a potentially viable fetus was necessary to preserve the life or health of the mother, and required certain precautions for the possible survival of a fetus so aborted. A three-judge

federal panel rejected this definition of viability and chose instead to give inflexible significance to *Roe's* ambivalent reference to twenty-four weeks as a possible point of viability.[10]

"Using 24 weeks as the earliest point of viability places a decision to teminate pregnancy between 20 and 24 weeks in the second part of the *Roe* test. Thus at any point prior to 24 weeks and subsequent to approximately the end of the first trimester, the state may regulate only insofar as such regulations are related to maternal health".[11]

So the mere *mention* of twenty-four weeks by the Supreme Court converts a number into a talisman capable of overriding the deliberation and fact-finding of the Minnesota legislature, which reached an eminently rational and supportable conclusion. Consider, if you will, this testimony from a similar case:

"Mr. MORRIS. Doctor, as one who performs abortions I want to read you a sentence and ask you what it means to you. The sentence is, 'Viability means capability of a fetus to live outside the woman's womb albeit with artificial aid' ". . . .

Dr. MECKLENBERG. I would agree with that definition of viability. I think that it has been current. I think it is a definition that takes into account medical progress, *the fact that it is constantly changing.* My perusal of the medical literature would lead me to believe that *potential or comtinued life exists as early as 20 weeks*—not in the current edition of Eastman's Obstetrics Book, but in the previous edition, the earliest report a survivor was reported as a delivery at 20 weeks gestation. In my own experience I have—the earliest survival that I have had is a patient who was 21 weeks from the time of conception or 23 weeks from the first day of her menstrual period. The child is a year and a half old and normal.[12] [Emphasis added.]

Yet, Judge Benson concludes in the Minnesota case that "[i]n any event, under present technology, it [viability] *does not* arise prior to 24 weeks" (emphasis added).[13] That conclusion, in light of reality, is befitting a Lewis Carroll conundrum.

The special animus that many lower federal judges have shown toward abortion regulations is starkly demonstrated in a Missouri case, *Doe* v. *Poelker,*[14] where an official policy against performing elective abortions in St. Louis city-owned public hospitals was promulgated by Mayor John H. Poelker, and challenged by the plaintiff "Jane Doe." In the process of invalidating the regulation the Eighth Circuit Court panel committed a multitude of methodological and analytical mistakes, not the least of which was to conclude that somehow *Roe* v. *Wade* had converted the constitution into a document that *prohibited* a state from preferring childbirth to abortions by financing the former but not the latter. Had they stopped at that one might excuse the opinion as misguided, but two of the three-man panel—Judges Ross and Talbot Smith—continued on to *punish* Mayor Poelker.

Contrary to the common law and American federal authority, the court awarded attorney's fee to the plaintiffs. The court's justification for ignoring the clear rule against such action was the rarely invoked exception for instances where "the losing party has 'acted in bad faith, vexatiously, wantonly, or for oppressive reasons.' "[15] Now there is no doubt such an exception does exist, but its use here is unheard of! First, the exception is only to be invoked by the district court, not the appellate court, as it was here, unless the appellate court was *affirming* the lower court.[16] Here the Eighth Circuit was reversing the lower court. So the action was legitimate at the outset. But, even if the appellate court could so act it is clear that the exercise of this power is limited to *exceptional* cases. As one commentator has explained the "bad faith" exception: "But only in exceptional cases and for dominating reasons of justice can the exercise of the power... be justified."[17]

Unfortunately, even if by some magic this could have been called such an exceptional case the judges would still be wrong for going on. The question of attorney's fees was never raised at trial; it was first raised on appeal. Therefore, there was *no* fact-finding on the point in the record, *no* notice to the defendant Poelker, nor was there opportunity for proper argument on the point before any court. This sort of thing is simply not done, it violates all notions of fundamental fairness. Winking would be a compliment for what these judges had to engage in to reach their result. The Supreme Court recognized as much in a rare reversal of the Eighth Circuit's pro-abortion result.[18]

B. Spousal or parental consent

Another area left explicitly undecided in *Roe* and *Doe,* and therefore subject to state regulation, was the matter of spousal or parental consent as a prerequisite to an abortion. Regrettably, state regulations in this area have also fallen victim to the federal courts.

Spousal consent provisions suffered the more immediate and devastating treatment. In Florida, for example, a moderate requirement for spousal consent would not have applied if the husband was voluntarily living apart from the wife or the woman's life was at stake. Yet, it was declared unconstitutional.[19] More amazing than the result is the Fifth Circuit's opinion affirming the lower court's rejection of this provision. The state had asserted an interest in the marriage relationship as one justification for the consent requirement—an interest traditionally recognized. Yet, Judge Lewis Morgan speaking for the panel rather summarily concluded that this interest was narrow and did not extend to "intrafamilial decision-making processes with regard to child-bearing decisions," and therefore the "state's societal interest in this aspect of the marriage relationship [was] not sufficiently 'compelling' to justify the statute."[20] Can this be so? Is the state's interest limited only to formulation and dissolution of the relationship? Yet, long ago the Supreme Court confirmed that the state's interest extends to the need to protect the "regularity and integrity of the marriage relation."[21] So marriage as an institution—rather than as the accidental cohabitation of two individuals—is a valid concern of the state. Consequently, can the court so easily dismiss Florida's asserted interest? Surely Florida can require that important decisions affecting marriage—adoption, artificial insemination, voluntary sterilization, and, yes, abortion—be forestalled in the absence of unanimity. The *Roe* court did not say otherwise, but the Fifth Circuit plowed fresh turf and said it for them.

On the point of the possible independent rights of the father the opinion writer somewhat frighteningly reasoned that because the fetus is not a person and therefore not a child, then "a fortiori" the father's interest in the fetus is less significant than his interest in live born children, and accordingly less weighty than the woman's right to abort. Now for all the mischief that the *Roe* court did, it held no more than that the Constitution does not use the word "person" in a prenatal sense and that therefore a fetus is not a "person" under the Fourteenth Amendment. As bad as that is it does not go as far as the Fifth Circuit in deducing that a pre-born child is not a *child* for whom a father may feel and express affection and protection.[22] Clearly a father can quite reasonably be as interested in his child *in utero* as in his postnatal children, and there is nothing in constitutional law or logic that can support the conclusion that this interest is somehow less weighty than the mother's interest in a dead baby. Yet, once again, with mere words, and another wink at reality, the father becomes a menacing and unwelcomed interloper in the exclusive domain of woman and physician.

Some courts have been mildly more sensitive to the roles of parents in the decision to abort made by a minor daughter. The sensitivity is, however, limited, where it exists at all. A prime example is the continuing judicial battle over a Massachusetts statute that requires an unmarried woman under eighteen years of age to obtain the consent of her parents prior to an abortion.[23] The statute precludes a parental veto by also providing that "If one or both of the mother's parents refuse such consent, consent may be obtained by an order of a judge of the superior court for good cause shown, after such hearing as he deems necessary."[24] Surely a reasonable scheme, right? Bill Baird, whom the court called "a pioneer and advocate for the availability of abortions,"[25] among others, thought not.

Their challenge found support in the opinion of Judge Aldrich who in a most perplexing manner admits that the role of the parent in such a matter would be important and helpful, but yet, he strikes down the statute because "an appreciable number [of parents] are not [supportive], for a variety of reasons."[26] By adopting this view he effectively rejected the long tradition of viewing the parent as the one responsible for the nurture and care of the child.[27] As the Supreme Court once said of parents: "those who nurture [the child] and direct his destiny have the right, coupled with the high duty, to recognize and prepare him for additional [e.g., religious, moral, and patriotic] obligations."[28] Judges Aldrich and Freedman winked at that tradition and decided instead that hired abortionists were better suited for this role. A devilish substitution indeed, but doubly so in light of what we know about so-called abortion "counseling."

"The counseling . . . occurs entirely on the day the abortion is to be performed . . . . It lasts for two hours and takes place in groups that include both minors and adults who are strangers to one another . . . . Counseling is typically limited to a description of abortion procedures, possible complications, and birth control techniques . . . .

"The abortion itself takes five to seven minutes . . . . *The physician has no prior contact with the minor,* and on the days that abortions are being performed at the [clinic], the physician . . . may be performing abortions on many other adults and minors . . . . On busy days patients are scheduled in separate groups, consisting usually of five patients . . . . After the abortion [the physician] spends a brief period with the minor and others in the group in the recovery room . . . ."[29]

The Supreme Court, on appeal, gently reined in the district judges and admonished them to allow the state's highest court to "construe" the statute before deciding its constitutionality—something they should have done on their own. After the Massachusetts Supreme Judicial Court construed the statute as permitting nothing more than parental consultation,[30] the district court reconsidered, but found it nonetheless unconstitutional. In the process the same two judges, over the strong dissent of Judge Julian, did violence to ordinary judicial procedures and analysis. One of these transgressions deserves special mention.

Because the plaintiffs had asked for a preliminary injunction against the enforcement of the consent statute every lawyer worth his salt knows that the plaintiffs would have to *prove* a *substantial* likelihood of prevailing on the merits, and that without the injunction they would suffer *irreparable* harm. The district panel, most benevolently, seemed to relieve these plaintiffs of that duty. Judge Julian demonstrated as much when he pointed out the weaknesses in each of the plaintiffs' three major arguments on the merits and thereby destroyed any substantial likelihood of success.[31] But, more poignantly, the Julian dissent focused clearly on the requirement of irreparable harm.

"Where is the harm of members of the plaintiff class of Massachusetts minors? . . . Surely, requiring the minor to comply with minimal legal procedures, though perhaps inconvenient, or even unpleasant, does not constitute irreparable harm or injury to the minor. Only in the instance where the minor's parents and a state judge concur that an abortion would not be in the best interest of the adolescent girl would she be precluded from having an abortion. Certainly enforcement of a state statute which prevents a minor from undergoing a surgical procedure which is found by both her parents and the Court to be contrary to her own best interests, cannot sensibly be said to cause her irreparable harm.[32]

Certainly it cannot, but a majority of this three-judge court did not act sensibly.

Judge Julian also pointed out that the other plaintiffs, abortionists-physicians, would suffer only some loss of income "from the loss of business of some minors who forego having abortions, or who decide under parental guidance to have the operation at a facility other than [the plaintiffs']." [33] Clearly not ruinous or irreparable harm. In bold contrast, Judge Julian described well the true irreparable harm in this case:

"The action of this Court . . . removes for an indefinite period the only legal barrier in this state against the exploitation of pregnant adolescents by operators of unregulated and unsupervised abortion facilities who may be motivated by concerns which are far removed from the minor's own best interest. The stay granted by the majority is legally unjustified and does not serve the best interests of either the minor or the public." [34]

Consequently, two federal judges have managed to delay indefinitely the effect of a statute, enacted in November 1974, which was intended to protect vulnerable pregnant minors at a most crucial time. In the process, these judges have advanced the rather startling assumption that abortion clinics and hired abortionists are better able to protect the minor's interest than are her parents, or a state court. Why the court was so willing to assume the worst about parents and the best about abortion clinics—all contrary to the judgment of the people of Massachusetts—is indeed perplexing. The recalcitrance of this court is only thinly disguised as constitutional law.

C. Federal funds and the Hyde amendment

Perhaps the most disturbing example of how overbearing some federal courts have become in the area of abortion is the recent treatment of the Hyde Amendment by one federal judge in Brooklyn—Judge John F. Dooling.

In 1976 Congress attached an amendment to its Department of Labor/Health, Education and Welfare appropriations bill that specifically withheld any appropriation of funds for the payment of elective abortions under state Medicaid programs. The amendment carries the name of its original sponsor Representative Henry Hyde, and reads: "None of the funds contained in this Act shall be used to perform abortions except where the life of the mother would be endangered if the fetus was carried to term." [35] One of several attempts to enjoin this amendment was brought before Judge Dooling in the Eastern District of New York.[36]

The plaintiffs, among whom were included the American Civil Liberties Union and Planned Parenthood of America, asked not only that the Hyde Amendment be declared unconstitutional, but that the judge order the U.S. Treasury to reimburse states for elective abortions. The plaintiffs—and ultimately Judge Dooling—seemed undeterred by the fact that the U.S. Constitution specifically prohibits the drawing of money from the Treasury unless properly appropriated by Congress. Specifically article I, section 9, clause 7 provides "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." [37] Clearly, even if the judge found some basis for invalidating the Hyde Amendment, he had no constitutional authority to order the government to pay. Undaunted, and with an embarrassing paucity of constitutional authority, Judge Dooling decided that the plaintiffs would probably prevail at trial because the amendment was, for him, unconstitutional. Perhaps his reasoning is best illustrated by the following statement:

"Divisions between sober and God-fearing people so deep and equal deny to civil authority any power to intervene by direction or indirection, either to compel abortion as a measure of population control or to deny medical assistance to the needy who act on their own beliefs. When the power of enactment is used to compel submission to a rule of private conduct not expressive of norms of conduct shared by the society as a whole without substantial division it fails as law and inures as oppression." [38]

So, while it is oppression for substantial numbers of taxpayers to conscientiously object to the funding of abortions with their money, it is not oppression to compel their contributions to such abortions. Or, as John Noonan has said so well: "Judge Dooling adopted the argument of Planned Parenthood that, as the morality of abortion was disputed by 'Godfearing people,' the government would be required to be neutral. And 'neutrality' meant the government should be on Planned Parenthood's side and pay for abortions!" [39]

Having decided that the plaintiffs' case had merit and should be set for trial Judge Dooling showed little additional concern for the "appropriations" problem—a problem that another federal judge saw as crucial and insurmountable.[40] Consequently, Judge Dooling decided that the funds for abortions had been appropriated and that the Hyde Amendment was simply a restriction on "the circumstances in which the funds can be used to pay providers of lawful abortional services." [41] Consequently, if the Hyde "restriction" is declared unconstitutional, as he thought it would be, the already appropriated funds would simply be freed. "Payment of funds [would] follow, but not by an act equivalent to appropriation." [42]

Now to reach this conclusion Judge Dooling had to do quite a bit of winking of his own. Most notably he had to wink at the rather clear congressional rules and traditions that provide that amendments to appropriation bills are considered part of the bill and thus a limit on the appropriation itself.[43] When the Hyde Amendment was offered under House Rule XXI,[44] the Holman Rule, it was accepted as "being germane to the subject matter of the bill" and as "retrench[ing] expenditures by . . . the reduction of amounts of money covered by the bill." [45] Hence, the Hyde Amendment must be read as an explict statement by Congress that *no* funds have been appropriated for the proscribed purpose, *i.e.*, elective abortions. To invalidate the amendment and order payment—as Judge Dooling did—is nothing short of judicial usurpation of a power textually committed to Congress.

In an effort to bolster his misguided analysis of the appropriations question, Judge Dooling relied heavily upon *United States* v. *Lovett*.[46] He felt *Lovett* supported the proposition that "the section [was] a constraint on the use of *appropriated funds*, and, if the constraint [was] one that [could not] be lawfully imposed for constitutional reasons, as it was in *Lovett*, then there [was] no bar to the payment of the money for abortional services"[47] (emphasis added). Unfortunately, Judge Dooling had certainly misread *Lovett*, which did not involve the rejection of one portion of an appropriations act to reach funds otherwise appropriated by the act. Rather, Robert Lovett, an executive assistant to the governor of the Virgin Islands, and two other government employees were considered "subversives" by the Un-American Activities Committee. Because the government refused to fire them, Congress in the Urgent Deficiency Appropriations Act of 1943 [48] prohibited payment of their salaries. The three continued to work for the government and sued for their compensation in the Court of Claims. That court decided that the claimants were entitled to the money but did not order Congress to appropriate the funds.[49] The Supreme Court affirmed, and held the salary prohibition an unconstitutional Bill of Attainder, but again, no order was made to appropriate or pay funds. Unlike Judge Doolings's order, the Supreme Court respected the separation of powers and merely acknowledged compensation was due. It did not reach back to the appropriation, stripped of the salary prohibition, and order payment as though the funds had been appropriated and illegally constrained. In fact, the plaintiffs would never have been compensated had not the House—after a long debate—subsequently voted 99-98 [50] to pay the amount due under the Supreme Court decision. Clearly, Judge Dooling misunderstood *Lovett*.

Perhaps Judge Dooling's mistake would deserve less attention had he not taken two additional steps that seem particularly inappropriate. First Judge Dooling found irreparable harm sufficient to enjoin the Amendment despite an earlier order by a three-judge panel (of which Judge Dooling was a member) enjoining the State of New York

from refusing to fund elective abortions.[51] That injunction was still in effect and adequately assured that no harm, much less irreparable harm, could come to indigent women seeking free elective abortions in Judge Dooling's state. Second, and more surprising, Judge Dooling's order operated on the Secretary of HEW *throughout* the United States, a result presumably requiring a showing of irreparable harm in each state. Yet the opinion refers to only one affidavit from a New Mexico official stating that state would not pay for unreimbursed abortions.[52] Thus, in one fell swoop a single federal judge in Brooklyn had managed to thwart the expressed will of Congress—formulated after long, tedious months of difficult deliberation—throughout the entire country!

D. Roe as the Portal to Infanticide

As bad as all of these examples are the worst is yet to come. The thinking that underlies a South Carolina case, *Floyd* v. *Anders*,[53] makes *Roe* and *Doe* the portal to blatant infanticide. In that case, as the court describes it, "Louise, a young, pregnant woman wished an abortion because her expectancy interfered with her hopes and plans to go to college." [54] (And some still dare to argue that we do not have abortion on demand). Either because she lied or miscalculated, Louise understated her stage of pregnancy by eight weeks when she sought a clinic abortion. Dr. Floyd, "a physician specializing in abortions," [55] discovered the mistake prior to performing the abortion and informed the patient that being twenty weeks pregnant a hospital procedure was necessary. Five weeks later, Louise was admitted to a hospital and Dr. Floyd, knowing her stage of pregnancy, undertook a prostaglandin abortion, which produced a live male child.[56] The child, having been transferred to the hospital neonatal intensive care unit lived for twenty days before he died.

The state prosecutor sought and received grand jury indictments against Dr. Floyd for murder and performing an illegal abortion. Dr. Floyd turned to the federal courts to stop the South Carolina criminal prosecution. There he found three friends in Judges Haynsworth, Russell and Chapman, who were willing to wink at something called the "abstention doctrine."[57] That doctrine in short prohibits federal judges from interfering with state criminal prosecutions for all but the most extraordinary reasons. Judge Haynsworth thought he had such a reason because in his words, "it clearly appears that the state prosecutor was not proceeding in good faith."[58] Many federal judges, you see, are all too prone to ascribe bad faith to anyone who dares question the absolute propriety of abortion on demand.

Well much can be said about this bending of ordinary procedure, but all that need be said is that Judge Haynsworth and company were clearly wrong. As one scholar of federal procedure has said of the exception so blithely used by these judges:

"Although later Supreme Court decisions have not shed a great deal of additional light on the exceptions to Younger, [the case strengthening the abstention doctrine] what the Court has done confirms that the Court is right when it describes them as 'these narrow exceptions.'

"There is no case since Younger was decided in which the Court has found that the exception for bad faith or harassment was applicable." [59]

It is quite clear that bad faith must be clearly, extraordinarily, and affirmatively shown for a federal court to ignore the strength of the abstention doctrine. The few district court cases that have found such bad faith have consistently dealt with extremes, e.g., 100 obscenity prosecutions against the same defendants with multiple acquittals; seizing a film four times without judicial determination of its obscene nature, and similar instances of harassment.[60]

Here the South Carolina prosecutor was bringing a *single* prosecution against a man implicated in the death of a live-born infant: infanticide if you will. Here there is no doubt that a 20 day old died due to "numerous complications which arose from the child's premature birth." [61] While I am not implying Dr. Floyd's criminal guilt, which should be decided at a proper trial, is it plausible to suggest that under the circumstances the prosecution was *clearly* in bad faith for moving toward such a trial? Where is the bad faith? Well, according to the three-judge panel, through Clement Haynsworth, Jr., it inheres in the statement that "the prosecutor had not read the opinion in *Roe* v. *Wade*," [62] but had relied upon other reports and a digest prepared by a law student. From this the conclusion was reached that the prosecutor must be charged with the knowledge of what that case says, and according to Haynsworth's analysis of *Roe*, such knowledge would argue against any good faith prosecution of Floyd. Of course this is all nonsense, for even if one had never heard of *Roe* v. *Wade*, the facts of this case make it quite clear that a living child was untimely forced from his mother's womb and that action, in the opinion of the pathologist who performed the autopsy, ultimately caused the child's death. No one could seriously argue that *Roe* v. *Wade* clearly allows that sort of thing, or that one would be acting in bad faith to prosecute the doctor responsible. Common sense, if nothing else, revolts at the suggestion. Yet, that it what these judges tell us.

Their mistake is in their bizarre reading of the clearly misguided words of the abortion decisions. Consider if you will some of Judge Haynsworth's statements:

"Seemingly, the child was not viable in the sense that he could live indefinitely outside his mother's womb. . . ." [63]

Well it may come as a shock to the good judge but none of us can live "indefinitely" outside our mother's womb. Moreover, such was not the requirement of *Roe*: viability means "potentially able to live outside the mother's womb, *albeit with artificial aid*" [64] (emphasis added). Consider also this statement:

"Indeed, the Supreme Court declared the fetus in the womb is neither alive nor a person within the meaning of the Fourteenth Amendment." [65]

What audacity! Can the judge really believe that the Court, any court, could *declare* someone *not* alive? How could that declaration be explained to that child who struggled to stay alive for those twenty days; what sort of word game will deny the fact of his brief life cut short by Dr. Floyd, who forced him into that struggle before his time? Of course, *Roe* made no such declaration. Perhaps these judges did not read *Roe* either.

Finally, the judge says:

"Had he but read the [*Roe*] opinion . . ., he would have known that the fetus in this case was not a person whose life state law could legally protect." [66]

Again nonsense! This was primarily a murder prosecution and therefore not dependent upon any trimester/viability argument.[67] The state's interest here is not dependent upon *Roe* or any other case. The child was born alive and died allegedly because of what the doctor did—if that is not legally murder the South Carolina courts are perfectly capable of so deciding without the interference of three federal judges. The Supreme Court said as much when it vacated the Haynsworth judgment.[68]

If none of the prior examples of excessive and mischievous federal court involvement concern the reader, this last case certainly should. For these three judges, without dissent, made a bold and blatant leap from acceptance of abortion to the horrors of infanticide. They ignored ordinary procedures and unhesitatingly thrust themselves into a state murder prosecution and pretended that there was some legitimacy in their attempts to shield an ordinary criminal defendant from the consequences of his acts simply because the matter of abortion is involved.

II. THE RESPONSE

Having said all of this, is the conclusion that we are stuck with a federal judiciary that has been overly accommodating to the pro-abortion position, and all is lost? The answer is clearly, no. Among the many signs of wisdom that our forefathers incorporated into the Constitution there is Article III. It reads in part that "[t]he judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." [69] That latter phrase has for all time been understood to mean that Congress may grant, retain, remove, or restrict the jurisdiction of the lower federal courts of this country. The Supreme Court has on several occasions concurred in this view [70] and has recently—and almost offhandedly—done so again.

In *U.S.* v. *American Friends Service Comm.*,[71] two Quakers sought to express their conscientious objections to war by having their employer, a religious organization, cease withholding a percentage of wages under IRS regulations. The percentage was based upon the amount of federal revenue ascribed to military purposes. The employer complied, but continued to pay the full amount due to the government. Subsequently, the employer sued for a refund of amounts paid but not withheld. The employees joined in this suit, and requested, on their behalf, an injunction against IRS enforcement of its regulations. Their principal argument admitted their liability for the taxes, but objected to the "deprivation of their right to free exercise of religion under the First Amendment since [the withholding scheme] did not allow them to bear witness to their beliefs by refusing to voluntarily pay a portion of their taxes." [72] The district court [73] accepted this argument and enjoined the enforcement of the withholding provision against the employer.

The Supreme Court, with only one dissent, reversed this judgment, not on its merits, but because a jurisdictional limitation divested the courts of any power over the matter. The Anti-Injunction Act [74] provides that "no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed. . . . " This jurisdictional limitation, imposed by Congress on *all* courts, was upheld even over the strong First Amendment argument:

"[D]ecisions of this Court make it unmistakably clear that the constitutional nature of a taxpayer's claim, as distinct from its probability of success, is of no consequence under the Anti-Injunction Act." [75]

Eight members of the Court, in this *per curiam* opinion, respected Congress' authority to limit or restrict federal court jurisdiction.

Of course this is just a more recent example of the long-standing attitute of the Court to jurisdictional limitations imposed by Congress. One much more apropos is the Norris-La Guardia Act,[76] wherein Congress severely limited federal court jurisdiction in matters concerning labor relations—an area where federal courts had shown an anti-labor bias for many years. In fact the circumstances and events leading up to the Norris-La Guardia Act bear a discomforting similarity to those now developing in the abortion debate.

As with abortion, the problems leading up to the labor limitation began with several questionable—and subsequently discredited—Supreme Court and lower federal court opinions,[77] which set the stage for continual federal court involvement in labor-management relations. Prominent among these opinions [78] was one which applied the Sherman Act [79] to labor unions, and produced the anomalous result that an act primarily directed toward the social and economic ramifications of the concentration of capital became an act used most often against labor. The result was devastating to labor unions because it gave the courts the opportunity to thwart crucial union activities (e.g., strikes) by use of the dreaded labor injunction.

Subsequent attempts to correct the problem legislatively were often successful until those enactments reached the hostile courts, where they were invalidated or emasculated. This continuing era of harsh judicial intervention came to be known as a time of "government by injunction." [80] The critics of this era, both in and out of labor, were strong, but frustrated. Their voices sound very much as do the voices of critics of the present trend in abortion cases. One such voice was that of Senator Norris:

"This case and the others which I have enumerated illustrate the necessity of passing a law which cannot be nullified even by judges who have no sympathy with those who toil when their interests conflict with great aggregations of wealth. It brings to our minds the almost superhuman importance of an untarnished judiciary. A perfect law can be nullified by an unfair and biased judge." [81]

Hear also Mr. O.K. Fraenkel, a member of the New York Bar:

"Federal courts have, in too many instances, proved to be champions of capital against labor; they should show a greater regard for the realities of the situation.

"The courts, swayed by their conceptions of desirable social ends, have limited strike activities by decisions based on the doctrines of unlawful purpose and improper means. Too often they have been blind to the obvious fact that the definition of the scope of these two doctrines involves declarations of policy, ordinarily a task for the legislature rather than themselves." [82]

The problem of almost totally pro-management judicial involvement did not end until the Norris-La Guardia Act severely limited federal court jurisdiction and firmly reasserted the policy role of the Congress and states in matters of labor relations. The Supreme Court upheld the constitutionality of the Act in *Lauf* v. *E. G. Shinner & Co.*,[83] and the long and damaging era of government by injunction began to, and eventually did, subside.

So it is clear that Congress acted wisely and well in retrieving labor relations from the clutches of a hostile judiciary. Today the problem has arisen anew in the area of abortion. Congress has the power, in fact the duty, to speak firmly and clearly in this matter, and to end a similar era of government by injunction and declaration. Congress should not be deterred by cries of "opening the floodgates" or "judicial independence." The Constitution itself wisely gives this power to Congress and it was certainly intended to be used. As Alexander Hamilton said in his Federalist Paper No. 80:

"From this review of the particular powers of the federal judiciary, as marked out in the constitution, it appears, that they are all conformable to the principles which ought to have governed the structure of that department, and which were necessary to the perfection of the system. If some partial inconveniencies should appear to be connected with the incorporation of any of them into the plan, it ought to be recollected that the national legislature will have ample authority to make such *exceptions* and to prescribe such regulations as will be calculated to obviate or remove these inconveniencies.[84]

The political processes are capable of assuring that this power not be abused;[85] they have done so for over 200 years. And besides, why recoil from a legitimate use of congressional power because of the theoretical possibility of future abuse, when not to act continues to countenance a *current judicial* abuse. The time has come, Congress must not blink!

FOOTNOTES

[1] Ms. Weddington's remarks appear in *Abortion In The Seventies* (W. Hern & B. Andrikopoulos eds. 1977). pp. 77-79.

[2] 410 U.S. 113 (1973).

[3] See John Noonan, "Should Congress Investigate the Treasury's Funding of Abortion?" *The Human Life Review.* Spring 1978. Vol. IV. No. 2. p. 11; and Robert Destro, "Some Fresh Perspectives on the Abortion Controversy." *Id.*, p. 22.

[4] The reference to lower federal courts does not mean that no such power exists over the Supreme Court; it does. However, the basis and arguments for such a power are different than those focused on in this article.

[5] *Doe* v. *Rampton*, 366 F. Supp. 189 (D. Utah 1973).

[6] See, e.g. *United States* v. *O'Brien*, 391 U.S. 367, 392-86 (1968) (Chief Justice Warren's classic condemnation of motive analysis in constitutional decision-making).

[7] Chicago *Sun-Times*, Sunday, Nov. 12, 1978, 1 at cols. 1-2.

[8] *Friendship Medical Center, Ltd.*, v. *Chicago Bd. of Health*, 505 F. 2d 1141 (7th Cir. 1974), *cert. denied*, 420 U.S. (1975).

[9] "The notion of 'viability' defined in any such simple fashion is without biological and medical foundation. The word does not even appear in standard medical indexes." Germain Grisez, *Abortion: The Myths, the Realities, and the Arguments* (Corpus Books: 1970), p. 32.

[10] *Hodgson* v. *Anderson*, 378 F. Supp. 1008 (D. Minn. 1974), *rev'd in part sub nom. Hodgson* v. *Lawson*, 542 F. 2d 1350 (8th Cir. 1976).

[11] *Id.* at 1016.

[12] *Planned Parenthood Ass'n.* v. *Fitzpatrick*, 401 F. Supp. 554, 570n. 9 (E.D. Pa. 1975), *aff'd sub nom. Collauti* v. *Franklin*, 47 U.S.L.W. 4094 (Jan. 9, 1979) (quoting *Record*, Jan. 14. 14, 1975, at 82-83).

[13] 378 F. Supp. at 1016.

[14] 515 F. 2d 541 (8th Cir. 1975), *rev.'d*, 432 U.S. 519 (1977).

[15] *Id.* at 547 (quoting *Alyeska Pipeline Serv. Co.* v. *Wilderness Soc'y*, 421 U.S. 240 (1975)). The court also cited *F. D. Rich Co.* v. *Industrial Lumber Co.*, 417 U.S. 116, 129 (1974). *Neither* of these Supreme Court cases awarded attorney's fees; they only mentioned the existence of the exception relied upon by the circuit panel.

[16] See 6 Moore's *Federal Practice* para. 54.77[2], at 1711-12 (2d ed. 1976).

[17] *Id.* at 1709-10.

[18] *Poelker* v. *Doe*, 432 U.S. 519 (1977).

[19] *Poe* v. *Gerstein*, 517 F. 2d 787 (5th Cir. 1975) (declaratory judgment affirmed) *aff'd sub nom. Gerstein* v. *Coe*, 428 U.S. 901 (1976).

[20] *Id.* at 795.

[21] *Estin* v. *Estin*, 334 U.S. 541, 546 (1948).

[22] Legal tradition is contrary to the Fifth Circuit view: Courts and commentators have consistently concluded that when the average testator refers to children in his will he intends to include those conceived though not born. See generally 5 *American Law of Property* §§ 21.56, 22.42 (Casner ed. 1952).

Tort law has followed a similar rule. In discussing recovery for injury to a fetus Dean Prosser has said:

"Most of the cases allowing recovery have a involved foetus which was then viable . . . . Many of them have said, by way of dictum, that recovery must be limited to such cases, and two or three have said that the child, if not viable, must at least be 'quick.' *But when actually faced with the issue for decision, almost all of the jurisdictions have allowed recovery even though the injury occurred during the early weeks of pregnancy, when the child was neither viable nor quick.*"

W. Prosser, *Handbook of the Law of Torts* 337 (4th ed. 1971) (emphasis added).

[23] *Baird* v. *Bellotti*, 393 F. Supp. 847 (D. Mass. 1975), vacated and remanded, 428 U.S. 132 (1976), *on remand*, 428 F. Supp. 854 (D. Mass 1977), *permanent injunction granted*, 450 F. Supp 997 (D. Mass. 1978).

[24] *Mass. Ann. Laws* ch 112, § 12P(1) (Michie/Law Co-op 1974).

[25] 393 F. Supp. at 851.

[26] *Id.* at 853.

[27] See *Pierce* v. *Society of Sisters*, 268 U.S. 510 (1925).

[28] *Id.* at 535.

[29] *Planned Parenthood* v. *Danforth*, 428 U.S. 52, 91 n. 2 (1976) (Stewart, J., concurring) (citing brief in *Baird* v. *Bellotti*).

[30] *Baird* v. *Attorney Gen.*, 360 N.E. 2d 288 (1977).

[31] 428 F. Supp. at 858 (Julian J. dissenting).

[32] *Id.* at 859.

[33] *Id.*

[34] *Id.* at 860.

[35] Hyde Amendment, Pub. L. No. 94-439, § 209, 90 Stat. 1434 (1976).

[36] *McRae* v. *Mathews*, 421 F. Supp. 533 (E.D. N.Y. 1976), *vacated sub nom. Califano* v. *McRae*, 433 U.S. 916 (1977).

[37] U.S. Const. art. I, § 9, 7.

[38] 421 F. Supp. at 542.

[39] Noonan, *op cit.*, p. 16.

[40] The case was *Doe* v. *Mathews*, 420 F. Supp. 865 (D.N.J. 1976) wherein Judge Biunno concluded that even if there was a basis for an injunction (which he did not think there was) "the Secretary of the Treasury would remain bound to observe the Hyde Amendment and to refuse to draw any moneys out of the Treasury for payment of a federal share to a Medicaid State on account of elective abortions." *Id.* at 871.

[41] 421 F. Supp. at 540.

[42] *Id.* at 540-41.

[43] See, e.g., 7 C. Cannon, *Cannon's Precedents of the House of Representatives* § 1643 (1936).

[44] *Rules of the House of Representatives*, H.R. Doc. No. 663, 94th Cong., 2d Sess. 561 (1977).

[45] *Id.* at 563.

[46] 328 U.S. 303 (1946).

[47] 421 F. Supp. at 541.

[48] Pub. L. No. 78-132 § 304, 57 Stat. 450 (1943).

[49] *Lovett* v. *United States*, 66 F. Supp. 142 (Ct. Cl. 1945), *aff'd*, 328 U.S. 303 (1946).

[50] 93 *Cong. Rec.* 2973-75, 2977, 2987-91 (1947). These debates clearly reflect the proper understanding of the textually committed House power over appropriations.

[51] *Klein* v. *Nassau Co. Med. Center*, 409 F. Supp. 731 (E.D. N.Y. 1976) (*per curiam*), *vacated sub nom. Toia* v. *Klein*, 432 U.S. 902 (1977).

[52] 421 F. Supp. at 542.

[53] 440 F. Supp. 535 (D.S.C. 1977), *vacated sub nom. Anders* v. *Floyd*, 47 U.S.L.W. 3582 (March 6, 1979).

[54] *Id.* at 537.

[55] *Id.*

[56] *Id.* at 538.

[57] See generally Wright, Miller & Cooper, *Federal Practice and Procedure: Jurisdiction* § 4255 (1978). (Hereinafter cited as *Wright*).

[58] 440 F. Supp. at 537. The three-judge panel also relied upon another exception to *Younger* that would allow interference, but only if it was to enjoin the enforcement of a statute "flagrantly and patently violative of express constitutional prohibitions, in every clause sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it," *Younger* v. *Harris*, 401 U.S. at 53-54 (1971), quoting *Watson* v. *Buck*, 313 U.S. 387 (1941). The problem is that the Court hopelessly confused this *separate* exception with the bad faith exception to create in essence a third, easier to apply, exception. Consequently, the court was able to satisfy itself that abstention was not necessary without giving attention to the actual constitutionality to the Carolina law. The judges simply ignored the much heavier burden, imposed upon them by *Younger*, which requires clear and compelling reasons for applying either of the exceptions.

[59] *Wright, op. cit.*

[60] See cases collected at footnote 23 in *Wright, op. cit.*

[61] See Appellants' Jurisdictional Statement at 6, *Anders* v. *Floyd* (1977), citing the deposition of the pathologist who performed the autopsy on the child.

[62] 440 F. Supp. at 539.

[63] *Id.* at 538. Apparently Judge Haynsworth either misread or misunderstood the discussion of viability in *Planned Parenthood of Missouri* v. *Danforth*, 428 U.S. 52 (1976). That case did not redefine or overrule the *Roe* definition, but merely accepted the Missouri definition as one perhaps more liberal than that advanced in *Roe*. That *Roe* definition of potential ability to live outside of the mother, albeit with artificial aid, was clearly reaffirmed, not rewritten in *Danforth*.

[64] 410 U.S. at 160.

[65] 440 F. Supp. at 539.

[66] *Id.*

[67] In addition *Roe* made it quite clear that a state *does* have a compelling interest in a fetus' life during the third trimester, and can proscribe elective abortions in viable fetuses during that time. So even beyond the murder prosecution it is entirely possible—probable in fact—that the South Carolina abortion statute could be construed consistent with the abortion decisions and serve as a basis for proscribing abortions of the type performed in this case.

[68] *Anders* v. *Floyd*, 47 U.S.L.W. 3582 (March 6, 1979) *vacating Floyd* v. *Anders*, 440 F. Supp. 535 (D.S.C. 1977).

[69] U.S. Const. art III, § 1.

[70] *Sheldon* v. *Sill*, 49 U.S. (8 How.) 441 (1850); *Lauf* v. *E.G. Shinner* § *Co.*, 303 U.S. 323 (1938).

[71] 419 U.S. 7 (1974).

[72] *Id.* at 8.

[73] 368 F. Supp. 1176 (E.D. Penna. 1973).

[74] 26 U.S.C. § 7421(a) (1954).

[75] 419 U.S. at 11 *citing Alexander* v. *"Americans United" Inc.*, 416 U.S. 752, 759 (1974).

[76] 29 U.S.C. §§ 101-115 (1976).

[77] For a complete discussion of these cases and their effect see F. Frankfurter & N. Greene, *The Labor Injunction* (1930).

[78] *Loewe* v. *Lawlor*, 208 U.S. 274 (1908); *Gompers* v. *Bucks Stove & Ranger Co.*, 221 U.S. 418 (1911).

[79] 15 U.S.C. §§ 1-7 (1976).

[80] See *The Labor Injunction, op. cit.* p. 1.

[81] 75 *Cong. Rec.* 4510 (1932).

[82] Fraenkel, "Recent Statutes Affecting Labor Injunctions and Yellow Dog Contracts," 30 *Illinois Law Review* 854, 880-81 (936).

[83] 303 U.S. 323 (1938).

[84] *The Federalist* No. 80 (A. Hamilton) at 541 (J. Cook ed. 1961).

[85] For an excellent article arguing that the primary and proper role of the judiciary in this country is to keep open the political processes and not to define fundamental values, see Ely, "Forward: On Discovering Fundamental values," 92 *Harvard Law Review* 5 (1978).

TESTIMONY OF NATIONAL CONFERENCE OF CATHOLIC BISHOPS ON CONSTITUTIONAL AMENDMENT PROTECTING UNBORN HUMAN LIFE

INTRODUCTION

The National Conference of Catholic Bishops has testified before Congressional subcommittees on two previous occasions on the subject of abortion and the need for a Human Life Amendment: on March 7, 1974, before the Subcommittee on Constitutional Amendments of the Senate Committee on the Judiciary; and on March 24, 1976, before the Subcommittee on Civil and Constitutional Rights of the House Committee on the Judiciary.

Neither in 1974 nor in 1976 was any version of a Human Life Amendment reported out of committee and voted on by Congress. As a result, this issue has not yet been brought before the state legislatures for their own determination. It is our fervent hope that this subcommittee and this Congress will show their respect for the democratic process by making it possible for the elected representatives of the American people to consider such a constitutional amendment.

In our previous testimony we have commented on a great many aspects of the abortion debate.

In 1974, we presented a wealth of evidence on the humanity and dignity of the unborn child. We pointed to the American legal tradition which recognizes the inherent right to life of all human beings, and noted that until the Supreme Court stripped virtually all legal protection from the unborn child, the life of that child was seen as deserving of legal protection. We noted the virtually absolute character of the right to abortion created by the Court, which gave the unborn child no recourse or appeal under the law. The conclusion reached in that testimony was:

"After much consideration and study, we have come to the conclusion that the only feasible way to reverse the decision of the Court and to provide some constitutional base for the legal protection of the unborn child is by amending the Constitution. Moreover, this is a legal option consistent with the democratic process. It reflects the commitment to human rights that must be at the heart of all human law, international as well as national, and because human life is such an eminent value, the effort to pass an amendment is a moral imperative of the highest order."

On March 24 of this year, the NCCB Administrative Committee voted unanimously to reaffirm this 1974 statement.

In 1976, our testimony concentrated on reactions to the Supreme Court's abortion decisions and on the early effects those decisions had on law and society. By that time, many distinguished legal scholars, representing a wide variety of views on abortion itself, had criticized the 1973 decisions as having little or no basis in the Constitution or in American legal history. Preliminary statistics suggested that legalization did increase the number of abortions performed by making abortion more easily available and more socially acceptable. This situation produced its own threats to women's lives and health while failing to put an end to illegal abortions.

The abortion mentality was already helping to erode some physicians' respect for human life in other spheres, most noticeably in the treatment of handicapped newborns who could be classified as falling below someone's standard of "meaningful humanhood." At that time we condemned as patronizing and sometimes punitive the attitude that "abortion is good enough for the poor," as well as the general tendency to see the quick and violent "solution" of abortion as the answer to a variety of social ills which have their own appropriate and infinitely more humane solutions. We renewed our criticism of the abortion decisions themselves, observing that they had created a "new legalism . . . destructive of the human spirit." The Supreme Court had imposed this "new legalism" by replacing the facts about the beginnings of human life with new legal fictions and by failing even to recognize many of the individual and social values at stake in public policy decisions on abortion. By isolating the pregnant woman in her "right of privacy," the court had done a disservice both to her and to her child, cutting them off from the familial and societal bonds which can support and encourage life-affirming attitudes.

We responded to the claim that laws restricting abortion constitute an establishment of religion or a denial of religious freedom, pointing out that the idea of abortion as an affirmative good is a novelty created by the Supreme Court and not one maintained by any major religious denomination. While noting the complexity of the abortion issue and agreeing that it has moral and religious dimensions, we reasserted our conviction that legal protection for the unborn child can be based on a respect for human dignity and fundamental human rights commonly held by people of good will regardless of their religious affiliation.

Without repeating our 1974 and 1976 testimony in detail, we wish to take this opportunity to reaffirm our continued adamant opposition to the current public policy on abortion and our conviction that a constitutional amendment is necessary to correct this unjust and destructive policy. Over the past five years, there have been a number of developments which strengthen the case on behalf of an amendment. In addition, the arguments put forth to defend legalized abortion have changed in some ways, requiring new responses. These recent developments will be noted during the course of this testimony, which will address four important aspects of the abortion controversy:

First, the central issue of the human dignity of the unborn child, with special emphasis on the complementary roles which scientific evidence and ethical insight can play in appreciating this dignity.

Second, a review of Western and specifically American legal traditions on human rights and the protection of unborn human life, with comments on the ways in which the reasoning of the Supreme Court's abortion decisions distorted and weakened those traditions.

Third, the legal and social effects of *Roe* v. *Wade* upon American life.

Fourth, the issue of the relationship between law and morality as it applies to the abortion issue.

THE HUMAN DIGNITY OF THE UNBORN CHILD

In 1974 and 1976, we cited a wealth of scientific literature to show that individuated human life begins at conception—that is, that a unique human individual comes into existence when male sperm and female ovum successfully unite, and that all subsequent stages of development are simply phases in the continuous process of maturation into an adult human being. No new evidence has been found to contradict this simple fact, and a great deal of evidence has accumulated to confirm it. The testimony presented on this matter before the Senate Subcommittee on Separation of Powers on April 23 of this year presents a small sample of the evidence available. The Federal government itself officially acknowledges the

biological facts on this point. A 1979 publication of the Department of Health and Human Services reports:

"Life is a constantly evolving process that begins with conception and continues until death. Movement through time necessitates change and therefore is synonymous with life itself; the opposite state is stasis and death. . . . With the passage of time, the human organism grows from a single cell to a fully developed adult. . . . Life begins when a male sperm unites with a female egg. The new life created by this union starts as a single cell. . . . In relation to the total life span of the individual, the early developmental years are short and serve as the foundation for the remainder of one's life span. The needs of a child in the support of this growth and development begin before birth and continue throughout the growth years until maturity is reached."[1]

The development of new biological techniques has served to underscore the fact that new human life begins at conception. Despite the lack of a moral and legal consensus on the advisability of human in vitro fertilization experiments, there is consensus on one point: Baby Louise Brown, born in England in 1978, attracted so much publicity because her life as an individual began in a laboratory rather than in her mother's fallopian tubes. There is little point in claiming that this new life is a part of the mother's body, when it is technically possible to transfer the developing embryo into another woman's body and may soon be possible to bring a child to maturity using an "artificial womb." It is clear that from the moment of fertilization, there exists a new individual who requires nothing but a hospitable environment in which to direct its own growth and development.

Perhaps even more interesting than the strictly scientific evidence on the life of the unborn child, however, is the newfound status of the unborn child in medical practice. In 1974, when Dr. Bernard Nathanson first publicly admitted his "increasing certainty" that he had "presided over 60,000 deaths" as director of the world's largest abortion clinic, he did not attribute his new attitude to newly discovered scientific evidence that life begins at conception, for he knew that such evidence had existed for more than a century. Rather, the unborn child's humanity had been brought home to him in a new way by his experience as the director of a new perinatology unit at St. Luke's Hospital Center in Manhattan. Here, Dr. Nathanson was able to study the child in the womb for extended periods of time, to chart his or her development, to locate and correct medical problems—in short, to treat the child as a patient, and thus to realize that the child in the womb is as much a member of the human community as is a newborn infant or a mature adult. Based on his medical experience and his own thoroughly secular medical ethic, Dr. Nathanson has now concluded that legal protection should be restored to the unborn child.[2]

Dr. Nathanson's medical experiences have now been duplicated many times over. The new specialties of fetology and perinatology have advanced at a tremendous rate. Amniocentesis, fetoscopy and high-resolution sonography allow us to observe the development of the unborn child and the onset of possible medical problems long before birth. The prescribing of drugs and nutritional programs for children still in the womb is becoming commonplace, and the specialty of prenatal surgery is coming into its own.[3]

Such recent medical developments add an important human dimension to what might otherwise seem like rather abstract scientific evidence on the beginnings of human life. As Dr. John C. Fletcher noted in an editorial in The Journal of the American Medical Association, physicians are now being confronted in new ways with the inescapable reality of the unborn child as a human patient in need of care and support.[4] Our developing prenatal technologies are stripping away the veil of ignorance which some would like to maintain with regard to the humanity of this child, forcing physicians and society as a whole to appreciate the continuity between life before and after birth. Unless our society wants to be blind to the point where it can ignore the increasingly obvious status of the unborn child as a member of the human family, it must come to grips with the fact that the abortion debate is not over "when life begins". Rather, the core of the issue concerns the intrinsic dignity and value of life already in existence. We are faced with a moment of decision which cannot be avoided: We must decide whether every human being in need of medical care will be approached with instinctive concern or with the detached eye of the technician who is equally ready to cure or to kill in accordance with the whim of family or society.

The temptation to evade this all-important decision is pressing. To face the decision honestly is to admit that acceptance of abortion is a violation of the physician's most sacred vow in all circumstances "to help or at least to do no harm." Some have therefore tried to claim that science has nothing to say about the point when a human being's life begins because such terms as "human life" and "human being" have only a religious or metaphysical rather than a scientific meaning. They attempt to dissolve the ethical dilemma of abortion by re-defining the word "human" in terms of various functional abilities which make human beings worthy of respect and protection. Having concluded, then, on the basis of their own value systems, that life before birth is either valueless or of less value than the social benefits of legal abortion, they reason backward from this conclusion to deny that pre-natal life is "fully human."[5]

This evasion is not a new phenomenon by any means, for it was described in 1970 by the journal California Medicine:

"The reverence of each and every human life has been a keystone of Western medicine, and is the ethic which has caused physicians to try to preserve, protect, repair, prolong, and enhance every human life.

"Since the old ethic has not yet been fully displaced, it has been necessary to separate the idea of abortion from the idea of killing which continues to be socially abhorrent. The result has been a curious avoidance of the scientific fact, which everyone really knows, that human life begins at conception, and is continuous, whether intra- or extra-uterine, until death. The very considerable semantic gymnastics which are required to rationalize abortion as anything but taking a human life would be ludicrous if they were not often put forth under socially impeccable auspices. It is suggested that this schizophrenic sort of subterfuge is necessary because, while a new ethic is being accepted, the old one has not yet been rejected."[6]

We take some consolation in the fact that the "new ethic" for medicine has apparently still not caught on completely, since "semantic gymnastics" are still necessary; but we can only regret the confusion created when such tactics are used to avoid facing the facts.

Such attempts to deny the humanity of the unborn betray a lack of understanding of the social and moral dilemma confronting our society. We do not claim that unborn children have all the physical and social abilities proper to adults, any more than we would claim that newborn children possess all such physical and social abilities. We do claim that each human individual comes into existence at conception, and that all subsequent stages of development in which such abilities are acquired are just that—stages of growth and development in the life cycle of an individual already in existence. Each abortion destroys the life of an individual human being at an early stage in his or her development. Recognition of these facts does not automatically settle the moral and legal issue of abortion, but it does focus attention directly on the fundamental question involved: Will we treat human life as having inherent dignity and worth, or will we treat it in accordance with a sliding-scale of value in which the right to life is a privilege granted only to those with certain functional abilities?

As spiritual leaders and as representatives of an ethical tradition concerned with this question for centuries, we can give only one response to it. That response was succinctly summed up by the assembled Catholic bishops of the world at the Second Vatican Council, when they ranked abortion, murder and infanticide as "offenses against life itself" and declared that such offenses "debase the perpetrators more than the victims and militate against the honor of the creator."[7] Our witness on this point is rooted in a commitment to the sanctity of life which reaches to every level of our convictions as Christians, as believers in God the Creator, and as human beings.

As Christians we look to the gospel of Jesus Christ as our norm for faith and action. In Jesus we see that God has a special concern for the most lowly and despised human beings, and we see that each human being has infinite worth as a brother or sister of Jesus who is called to eternal life with God. Jesus is presented to us in the gospels as the paradigm of human dignity who calls to our consciences with the challenge: "As you did it to one of the least of these my brethren, you did it to me" (Mt. 25:40). At the same time we are forced to admit that, in comparison with this perfect example of humanity, each of us is a very imperfect specimen indeed; and we therefore deny that we or any human being can sit in judgment upon another and proclaim him or her to be "not fully human." The New Testament parable of the Good Samaritan teaches us that no Christian can sit back and ask "Who is my neighbor?" in an attempt to define limits to his or her obligations with respect to others. Rather, each of us has, in the words of the Second Vatican Council, "an inescapable duty to make ourselves the neighbor of every man, no matter who he is."[8] This duty moves us not only to condemn abortion as the killing of our neighbor, but also to reach out to the pregnant woman with assistance and support both for her and for her child, offering life-giving alternatives to abortion and seeking the help of private agencies and of government in responding to this human need. Finally, the gospel calls us to a mission of forgiveness and reconciliation with regard to

[1] Footnotes at end of article.

the woman who has had an abortion. Christ teaches us that the Father's mercy is always available and without limit. It is our duty to witness to this mercy toward all.

As heirs to the Judeo-Christian spiritual and ethical tradition which recognizes one Creator as Lord of all, we proclaim with Pope John Paul II that "all human life—from the moment of conception and through all subsequent stages—is scared, because human life is created in the image and likeness of God." [9] God is not the Lord only of some lives or of some stages of life, but as the Author of life itself, he is intimately concerned with the life of evey human being from its very beginning. The ethical tradition common to all Christians has always recognized this, condemning abortion at every stage despite occasional philosophical speculations concerning the time of "ensoulment." [10] Our Protestant brethren in particular have argued that speculations about "ensoulment" or "personhood" do not change the character of abortion as the destruction of a nascent human life called into existence by God.[11] We share the conviction that the deliberate destruction of innocent human life is the violation of God's commandment and the usurpation by man of divine authority over life and death. We believe that no human person has dominion over life and death, and therefore that no human individual or government has the right or the authority to dispense with unborn human life as it pleases.

Finally, as human beings committed to the common good of our society and the promotion of justice in the human community, we reject abortion as the killing of one who shares in our common humanity. Because the unborn child is undeniably a fellow human being, he or she deserves the same respect and the same protection as any other member of the human family. Simple human justice demands this much, as does the Golden Rule that calls on all human beings to treat others as they would have themselves treated. From a purely human viewpoint, therefore, the promotion of abortion is the prelude to the disintegration of all human dignity. It is the promotion of a selective justice, in which only the powerful can survive.

At every level of our convictions—as Christians, as religious leaders, and as concerned human beings—we believe the Supreme Court's abortion decisions constitute an egregious offense against human dignity. We do not suggest that every aspect of our religious convictions on this point can or should be represented in the law. But we defend our right to speak on matters of public policy precisely as religious leaders concerned with the moral and spiritual welfare of our society. We maintain that no human authority can abrogate to itself the power to classify some human lives as devoid of value, because no human authority gives human life its value. Any law which directly violates the divine law and the inherent rights of human beings, as the Supreme Court's decisions have done in this case, is itself unworthy of human respect.

Western Traditions on Human Rights and the Unborn Child

Having stated our conviction that the protection of the unborn child is a demand which our common humanity makes upon us, we also wish to emphasize that this conviction is in complete harmony with our commitment as American citizens to the defense of fundamental human rights. On this point, it is important to remember both the United States' traditional commitment to inherent human rights in general and its legislative record with respect to the protection of unborn human life.

At the root of Western jurisprudence, and especially of American law, is the conviction that governments must act according to certain commonly held moral principles and respect certain inherent rights if their laws are to be considered valid. This conviction is not restricted to one particular religious denomination, or to one particular theory concerning "natural law," but is Western civilization's alternative to arbitrary, unjust, or totalitarian government. It was in recognition of government's responsibilities to a higher law that the founders of our nation claimed the right to revolt against what they considered an unjust system of colonial law. This recognition is also what justifies America's criticism of violations of human rights by certain foreign governments. Without adherence to the idea of a higher law, all such condemnation of injustice is meaningless, because there is no independent standard by which the most abhorrent practices and policies of a legally constituted authority can be considered as either just or unjust. If human rights are grounded in human dignity, then they cannot be freely bestowed and removed by government. Instead, they call out to be recognized because they exist prior to any particular government. Laws which violate or ignore these rights therefore do not truly remove them, but instead render themselves invalid.

The articulation of such rights has been the intent of some of our most revered national and international documents. The right to life is proclaimed as the most fundamental of all rights, and is recognized as existing equally in all human beings regardless of their condition. Our Declaration of Independence recognizes the right to life as inherent and unalienable from the first moment of each human being's existence when it proclaims that "all men are created equal" with respect to this right. The fifth amendment to our Constitution states that no person shall be deprived of life or liberty without due process of law. The 13th and 14th amendments attempt to strengthen the protection of human life and to assure that no class of human beings will ever again be deprived of legal protection in the United States. The United Nations' International Covenant on Civil and Political Rights provides that "every human being has the inherent right to life," and implicitly recognizes the rights of the unborn child by rejecting the use of the death penalty upon pregnant women. The UN's Declaration of the Rights of the Child is more explicit, stating that "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth." Here the mental and physical immaturity of the unborn, so often used as arguments in favor of abortion in the current American debate, are seen precisely as reasons for providing especially strong protection to the unborn because of their helplessness and greater need for the care of others. The American Convention on Human Rights, proposed by the Organization of American States in 1969 provided: "Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life." [12]

The presumption in favor of legal protection for the unborn child created by this human rights tradition is a strong one. Since the unborn child is now recognized more clearly than ever before as a member of the human race in science and medicine, such a tradition calls on legislators to protect the right of life of the unborn child as they protect the rights of other human beings. Indeed, the only sure means for avoiding such a conclusion is to deny that membership in the human race is sufficient reason in and of itself for being considered worthy of legal protection, and thus ultimately to deny that the idea of inherent human rights is relevant to the law. This denial should be familiar to those who recall the history of the degrading institution of slavery in America and the consititutional remedies which were necessary in order to put an end to it. The same denial can be found more recently in Nazi Germany's ideal of the absolute sovereignty of the state over the individual, and in the concept of "life devoid of value" by which it gave official sanction to a program for eliminating those considered medically or socially undesirable.[13]

Beginning in 1972, this denial has also played a role in federal court decisions dealing with abortion in the United States. In that year the highest court in the state of New York admitted that the unborn were "human" and "unquestionably alive", but ruled that there was no obligation to protect them because "it is not true that the legal order corresponds to the natural order." In dissent, Judge Adrian Burke focussed directly upon this questionable disjunction between fact and law, citing the Declaration of Independence to argue that human beings are created with inherent rights. These rights, claimed Judge Burke, could not simply be over-ruled by the state in the name of whatever happens to pass for enlightened social policy at any particular time.[14] But in January of 1973 the U.S. Supreme Court accepted the approach suggested by the majority opinion in this case, handing down the first in a series of rulings in which the concept of the inherent dignity of all human beings has been denied its proper role in the law.

Many have failed to notice this feature of the 1973 abortion decisions, because they think that the Supreme Court merely found itself unable to determine which of several views on the beginnings of human life is correct. In fact, the Court said that it "need not resolve the difficult question of when life begins," and implied that it could reasonably ignore the claims of the Texas state legislature that life begins at conception, because the question of whether someone was actually a living member of the human race was not determinative of legal status as a person.[15] This position was made more explicit by a federal judge in Rhode Island later in 1973, when he cited the Supreme Court's decisions as the basis for his ruling that the existence of human life at conception is "irrelevant" to the question of public policy on abortion.[16] The result of such decisions has been the creation of a new area of law in which the natural and legal orders are separated with a thoroughness hitherto unknown in the United States, with the possible exception of early American law dealing with slavery. This is the "new legalism" which we discussed in our 1976 testimony. While claiming to promote the freedom of physicians to practice good medicine, the Supreme Court substituted legal fictions such as "meaningful life" in place of the medical facts about abortion and unborn life.

In its 1973 ruling in *Roe* v. *Wade*, the Supreme Court attempted to show that this approach to the unborn child has some basis in American legal history. American legislators, it claimed, granted little or no protection to the unborn child prior to the 19th century, and they never considered themselves as obliged to acknowledge a particular set of biological facts concerning the beginnings of life. But after eight years of research and reflection, American legal scholars and historians are still finding previously undiscovered ways in which the court's historical argument on this score is faulty.[17]

In part, the court's historical statements in *Roe v. Wade* can now be seen as relying on incomplete information. For instance, its claim that there were no civil statutes against abortion until the 19th century ignored laws of the 15th through 18th centuries regulating midwifery, in which abortions performed for any reason were prohibited.[18] More often, the Court's historical arguments involved an apparent misunderstanding of the way in which the law in each historical period has interacted with contemporaneous scientific knowledge and medical realities. Thus it mentioned that abortion was considered a crime only after "quickening" for some centuries, but it failed to appreciate that this subjective sensation on the part of the pregnant woman was given undue importance because of the primitive state of medical technology at that time.[19] The Court discussed medieval speculations concerning "delayed animation," grossly misrepresented them as having been Catholic "dogma" until the 19th century, failed to note that the Church's moral teaching always condemned abortion at every stage, and seemed oblivious of the fact that the philosophical speculations in question were based partly on Aristotelian biological ideas now totally obsolete.[20] Similarly, the Court noted the role of the American Medical Association in enacting new abortion laws in the 19th century, but simply juxtaposed its statements with the AMA's pro-abortion statements of the 1960s instead of looking carefully at the reasons behind those statements.[21] In 1859, when the AMA urged American legislatures to enact much stricter laws against abortion, it based its stance specifically on scientific evidence that human life begins at conception. In 1871, the AMA could quote with approval from Archbold's Criminal Practice and Pleadings:

"It was generally supposed that the foetus becomes animated at the period of quickening; but this idea is exploded. Physiology considers the foetus as much a living being immediately after conception as any other time before delivery, and its future progress but as the development and increase of those constituent principles which it then received. It considers quickening as a mere adventitious event, and looks upon life as entirely consistent with the most profound foetal repose and consequent inaction. Long before quickening takes place, motion, the pulsation of the heart, and other signs of vitality, have been distinctly perceived, and, according to approved authority, the foetus enjoys life long before the sensation of quickening is felt by the mother. Indeed, no other doctrine appears to be consonant with reason or physiology but that which admits the embryo to possess vitality from the very moment of conception." [22]

This position has never been contradicted by more recent AMA statements; instead, its statement of fact has been subordinated to a subjective view of social progress which has little to do with the AMA's scientific competence. A recognition of developing medical knowledge is also behind the Catholic Church's decision in the 19th century to treat all abortions from conception on as equally serious crimes against human life in the context of canon law.[23]

In other words, the history of Western law on abortion had demonstrated a clear trend toward greater and greater protection for the unborn child, based on the perceived need for such legislation and on the developing medical knowledge at a given point in time concerning life's beginnings. The Supreme Court's documentation in *Roe* v. *Wade* juxtaposed differing laws on the matter from different historical periods and argued that these differences create an irreducible pluralism which the Court cannot resolve—as though it were forced to give equal attention, for example, to modern medical knowledge and ancient Stoic philosophy.[24]

Roe v. *Wade*'s treatment of constitutional "personhood" is another example of its inadequate reflection on this entire issue. The Court simply went through the Constitution with a concordance, and concluded that most uses of the term "person" therein (with regard to voting, eligibility for presidential office, etc.) have only "post-natal application."[25] Almost all of the examples noted by the Court, in fact, apply only to adults. Yet the 14th Amendment proclaims that all persons who are either born or naturalized in the U.S. are citizens of the U.S. No court has used this wording to argue that new immigrants who are not yet naturalized are "non-persons" who can be killed with impunity—rather, it is assumed that immigrants are "persons" with an inherent right to life long before assuming the special rights and responsibilities, of American citizens. The Supreme Court interpreted this clause in the opposite sense in the case of those not yet born, as though the absence of full-fledged citizenship automatically meant the absence of any unalienable human rights.

This interpretation is imposed upon the 14th amendment from without, ignoring evidence that the amendment was intended to prevent any class of human beings from being denied the rights of persons. It is clear from the legislative history of the 14th amendment that the word "person" was not intended to distinguish between members of the human race who had rights and those who did not—on the contrary, words such as "man," "human being" and "member of the human race" were all used in Congressional debate by the framers of this amendment as common-sense synonyms for the term "person." [26] The status of the unborn child in relation to laws on abortion was not explicitly discussed during this debate; but when the AMA urged new abortion laws in 1859 and 1871 to protect the unborn child, from conception on, in all but the most extreme cases, the same state and federal legislators who ratified the 14th amendment responded promptly in recognition of their solemn responsibility to protect human life.[27] The protection of unborn life was seen as being in harmony with the basic purpose of the 14th amendment, which was, in the words of one of its Senate supporters, to "establish. . .equality before the law, and . . . give to the humblest, the poorest, the most despised of the race the same rights and the same protection before the law as it gives to the most powerful, the most wealthy, or the most haughty." [28] It is this principle of the innate equality of all members of the human race which the Supreme Court denied in the case of the unborn child, reversing the obvious trend toward protection of all human life found in American law prior to the "liberalization" of some state abortion laws in the late 1960s.

The implications of *Roe v. Wade's* principles for the legal status of human beings who are handicapped or dependent on others, or those who in any way fall below the standard of what some court or legislature may consider "meaningful life," reach far beyond the abortion issue itself. To appreciate these implications is to realize that the abortion debate is not between science and religion, or between moralism and pluralism, or between two different interpretations of scientific data. The debate is between the conviction that all human beings are inherently equal in rights and dignity, and the idea that the inherent dignity of membership in the human race should be considered irrelevant to the law. Some who agree with the Supreme Court's abortion decisions argue that legal protection should be accorded only to those who can articulate and justify their needs in the public forum; others propose a sliding-scale of rights corresponding to the possession of certain mental or physical abilities; still others eschew such considerations, arguing simply that legal abortion is necessary for the efficient pursuit of social goods and liberties and that this is sufficient reason for its acceptance. But these positions all have two things in common: They require us to reject the idea that all human beings have inherent value and inherent rights by reason of a commonly shared humanity, and they can easily be applied to the killing of other classes of human beings in addition to the unborn.

We have recognized for years that the arguments by which the Supreme Court devalued unborn life have the potential for undermining the idea of inherent human rights with regard to those already born. In its 1974 Declaration on Abortion, the Roman Catholic Church's Sacred Congregation for the Doctrine of the Faith stated that an unequivocal defense of the right to life of human beings must be grounded in the conviction that this right exists prior to any state's recognition of it, indeed that it must exist as soon as life itself comes into existence. To argue that the right to life rests instead on official legal recognition by the state, or that it exists only upon arrival at some particular stage or condition of life which the state is willing to regard as socially valuable or "meaningful," is to deny that there is such a thing as an inherent right to life at all.[29] The logical conclusion of the principles used by the Supreme Court to legalize abortion is that our own fundamental rights are held only as privileges bestowed upon us by the state. Thus when Pope John Paul II said last year that there is a "patent contradiction" in the attempt to reconcile abortion with the furthering of human dignity, his words held special significance for the situation in the United States, in which the very principles used to justify abortion involve a denial of our traditional commitment to the natural rights of mankind. With Pope John Paul we hold that "the right to life is the most fundamental right of the human being, a personal right that obliges from the very beginning," and that the attempt to deny this right with respect to the unborn child is an attack upon the fundamental rights of all of us.[30]

THE LEGAL AND SOCIAL EFFECTS OF ROE V. WADE

When *Roe* v. *Wade* and *Doe* v. *Bolton* were handed down by the Supreme Court in 1973, the public policy they created with regard to abortion was hailed by some Americans as an example of progressive social policy. Abortion advocated predicted that a variety of social benefits would soon follow. Safe and legal abortion would make unsafe "back alley" abortions a thing of the past; infant and maternal mortality rates would plummet; every child who was allowed to be born would be a "wanted child, and so the abuse and neglect of children would become less of a problem; teenage child-bearing and illegitimate children would become less of a burden upon society; etc.

Eight years later, we see no sign that the brave new world predicted in 1973 has materialized. Nor is there any reason to expect that a few more years of the same policy will eventually bear the promised fruit. Some of the more obvious failures of the current policy are as follows:

1. Initial predictions that the annual number of abortions would level out within a few years have proved overly optimistic. The estimated number of abortions performed last year is 1.5 million, and groups such as Planned Parenthood still point to a great unmet abortion "need" in many parts of the country.[31] At this point it seems clear that the "need" or "demand" for abortion is very flexible, growing every year as the current legal situation allows the "supply" to be openly and aggressively marketed to American women. As permissive attitudes toward abortion take hold, increasingly frivolous reasons are considered sufficient justification for abortion. Some genetic counselors who perform amniocentesis for the purpose of detecting genetic defects prenatally have complained about the growing number of women who wish to use amniocentesis simply to determine the sex of an unborn child, so that an abortion can be obtained if the child is not of the "right" sex.[32]

2. Despite the annual increase in the number of legal abortions, women continue to die every year from illegal abortions—that is, from abortions performed by nonphysicians. In addition, the huge number of legal abortions adds its own annual casualties to the maternal mortality statistics. It may be that the full story of this tragedy has not yet been told, since some findings suggest that the number of maternal deaths from legal abortion is under-reported.[33] Although the number of abortion-related maternal deaths has decreased since 1973, the rate of decrease is not significantly different from the annual rate at which it has dropped since 1942, due to general advances in obstetrical medicine.[34] In 1978, the noted obstetrician Denis Cavanaugh remarked that "there has been no major impact on the number of women dying in the United States since liberalized abortion was introduced," and indeed that "there has been less improvement in maternal mortality in the 1973-to-1975 period than in any other period since 1965. This suggests that approximately one million fetuses are being sacrificed each year with no evidence that it is contributing significantly to the reduction of maternal deaths in this country." [35] Since 1975, the annual number of abortion-related maternal deaths has levelled off, with the exception of 1977, when there was an increase in abortion-related maternal deaths; some legal abortions still result in the mother's death, and illegal abortions continue to be performed.[36] From the outset we have rejected the very premise on which this argument in favor of legalized abortion was based: Even if legalization did result indirectly in some preservation of life, it would be morally reprehensible to authorize the direct destruction of life in order to achieve this goal.[37] But it is now clear that this policy fails even when seen in its own callous and pragmatic terms. At this point the only way to reduce significantly the number of maternal deaths may be to restrict the actual number of abortions as much as possible, while offering comprehensive programs of care and support to women with problem pregnancies.

3. The claim that legalized abortion reduces the infant mortality rate rests on questionable reasoning. If one kills a child before birth, then obviously he or she will never appear in the official infant mortality statistics, but this can hardly be declared a social benefit. In any case, states which have shown remarkable reductions in infant mortality over the past few years have generally attributed their success to the development of better medical care for pregnant women and their children and not to abortion.[38] Some cities which have the highest abortion rates in the country, such as the District of Columbia, also have infant mortality rates which are a national scandal.[39] There may well be a cause-and-effect relationship at work here. The most reliable recent studies indicate that women who have had two or more abortions have a much higher chance that other women of having premature births in future pregnancies. In places like the District of Columbia, where a large percentage of the abortions are obtained by women who have already had at least one previous abortion, the premature birth rate which is a major cause of high infant mortality may be aggravated by the high abortion rate.[40]

4. The slogan of "every child a wanted child" seems empty in the face of a national epidemic of child abuse and neglect. Some psychologists have suggested that here, too, there may be a cause-and-effect relationship at work. Abortion may help to break down the protective instinct of mother for child which begins to form early in pregnancy. Once weakened, it tends to affect the behavior of the mother toward the other children.[41] Whatever the truth may be with respect to this particular claim, it is clear that the ideology represented by "every child a wanted child" is destructive rather than supportive of the family as a haven for the acceptance and nurturing of life.[42] When a child is seen primarily as the projection of parents' self-serving desires and needs rather than as a unique individual with intrinsic worth, the stage is set for parental disappointment and even uncontrollable anger whenever this child does not quite measure up to parents' plans or expectations. No clear link has been shown between an initially unplanned or "unwanted" pregnancy and the later "unwantedness" of the child after birth; in fact, almost every pregnant woman has ambivalent feelings about her pregnancy at one stage or another, and this is generally recognized as a perfectly normal event of pregnancy. Many of the children who end up being abused or neglected after birth are initially "wanted" and planned children who later have fallen short of their parents' standards of perfection.[43]

5. At one time it was thought by abortion advocates that legalized abortion would enable physicians to practice medicine with greater freedom from external legal restrictions, and that this would help the medical profession to devote itself more singlemindedly to the care of human beings already born. Instead, the erosion of respect for life which is promoted by a policy of abortion on demand has spread to areas of medical practice dealing with the handicapped and the terminally ill. The Hippocratic oath is as opposed to infanticide and euthanasia as it is to abortion; but this oath is now seen as "an inadequate guide" for physicians, according to a recent weekly magazine, because "modern doctors, many of whom swore to uphold its principles when they graduated from medical school, now violate it every day." [44] Physicians' professional and ethical opposition to practices such as infanticide for handicapped newborns and "assisted suicide" for the terminally ill thus becomes increasingly difficult to maintain.[45] A profound shift in the professional ethics of the physician can therefore be detected, in which the Hippocratic axiom "To help or at least to do no harm" is in danger of being replaced by the physician's role as technician, using his expertise either to kill or to cure as is demanded of him. As some physicians cease to consider themselves as involved in a sacred calling devoted to the nurturing of life, others have warned that such a trend may help to undermine public trust and respect for the medical profession as a whole. According to an editorial by Dr. Seymour Glick in a recent issue of *The New England Journal of Medicine*, the most fundamental reason for modern medicine's growing crisis of respectability is its failure to stand up "for the sanctity of life and for the dignity of human beings" in an increasingly secularized society. "Our societies must come to grips with this problem," Dr. Glick concludes, "because the problem transcends medicine; it threatens the very fabric of Western societal structure and its failure." [46]

6. Attempts to stem the tide of what is sometimes called the teenage pregnancy "epidemic" have been going on for many years. In 1963, Planned Parenthood pamphlets warned teenagers that abortion "kills the life of a baby after it has begun" and recommended contraception as a way of insuring that one need never face the prospect of abortion.[47]

When this approach did not have the desired effect, Planned Parenthood and other groups turned to abortion as a back-up to "contraceptive failure." The "epidemic" has continued, to the extent that Planned Parenthood, Inc. refers to it as "the problem that hasn't gone away." [48] Yet the response of Planned Parenthood and other groups has been to claim that more of the same approach will lower the teenage pregnancy rate, if only the government will help them to push contraception and abortion more aggressively and on a wider scale.[49] Some abortion advocates have called for mandatory abortion for teenage girls under a certain age as a way to solve this problem.[50] Yet this approach seems doomed to failure, even if it is allowed to become coercive, because it ignores the realities of teenage pregnancy and childbearing as human problems. Some teenage girls look to pregnancy, either consciously or unconsciously, as a welcome relief from a difficult or unloving home environment. Teenagers in general have little of the self-discipline required for consistent contraceptive practice, because of their romanticized attitudes toward the "spontaneity" of sex; and this lack of self-discipline is further encouraged by the offer of abortion as a quick and easy "back-up" solution.[51]

Researchers are beginning to notice that many of the problems once seen as results of teenage childbearing, such as low economic and educational achievement, may actually be factors in the social situation which contributed to the likelihood of pregnancy.[52] In short, the use of abortion as a solution to problems such as teenage pregnancy seems certain to fail even in its own pragmatic terms because it is based on a myopic view of the problem. Alternative solutions which are more complex but more respectful of human life and human dignity offer more promise in helping to solve this difficult problem.

While failing to solve the social problems once cited as justifications for the legalization of abortion, the Supreme Court's abortion decisions have created new problems in a number of legal areas. As the principles of these decisions have begun to work their way into American jurisprudence, they have provided ample evidence to support the claim that *Roe* v. *Wade* and its progency constitute a threat to the rights and dignity of all Americans. Again, only some of the most obvious examples of this can be listed here.

1. The Supreme Court's dichotomy between human beings and "persons in the whole sense," and its innovations in referring to independent or "meaningful" life as the only life deserving of legal protection, have begun to affect rulings dealing with the rights of those already born. In a 1979 abortion case, the Supreme Court ruled that a child born alive during an abortion who may be capable of surviving with medical help has no legal right to that help, because the recognition of such a right would have a "chilling effect" on the woman's right to have a late-term abortion.[53] In 1980, a New York state court cited *Roe v. Wade* to claim that terminally ill comatose patients have "in the true sense, no life" for the state to protect. This court argued that "the State's interest in preservation of the life of the fetus would appear greater than any possible interest the State may have in maintaining continued life of a terminally ill comatose patient . . . (whose) claim to personhood is certainly no greater than that of a fetus. [54] Recent court cases concerned with the right of handicapped children to medical treatment and with the new concept of "wrongful life" suggest that the 1973 abortion decisions pose a threat to all human beings who are especially helpless and dependent on others.[55]

2. As we noted above, the practice of abortion and its concomitant ideology of the "wanted child" constitute a threat to the family as a life-nurturing institution. The destructive effects of abortion on the family have been multiplied by the way in which the family is explicitly treated in recent court rulings on abortion. In *Planned Parenthood of Central Missouri* v. *Danforth*, for instance, the Supreme Court ruled that a father's rights and responsibilities with respect to his unborn child are his only by delegation of the State, instead of being grounded in the natural relationships of parenthood and the family.[56] Even in rulings which have sustained relatively weak legislation dealing with parental consent for abortions performed on minors, the courts have insisted that a court, rather than parents, shall have the final say as to whether an abortion will be performed, and perhaps even the final say as to whether parents will be notified at all.[57] The federal courts have thereby attacked that institution which the United Nations has called "the natural and fundamental unit of society . . . entitled to protection by society and the state." [58] In which such as these the family is seen primarily as a grouping of separate individuals, or as the delegated agent of the State. In treating family structures merely as restrictions upon the rights of private individuals, the Supreme Court has ignored the family's vital role in promoting these rights. For most of us, the family is that training-ground where we are first educated to the very idea of inherent human dignity and rights, because it gives us our first experience of being accepted and loved simply because we are and not because we have earned acceptance through our own achievements. By intruding upon familial prerogatives and substituting their own values for the values of the family unit, courts weaken the ability of parents to provide this kind of community for their children; and when the values of the courts are themselves questionable with regard to the principle of inherent human rights, the result can only be a weakening of society's overall commitment to human dignity.

3. Some court cases dealing with abortion have provided an opportunity for attacks on the rights of individuals and groups who disagree with the current public policy on abortion. Although "conscience clauses" protecting health care personnel and privately owned hospitals have been enacted by state and federal legislatures, these clauses have been difficult to enforce.[59] Even rulings which uphold the principle of the conscience clause have noted that the consciences of employees need not be respected if this could cause "undue hardship" to the employer wishing to provide elective abortions.[60] There have also been attempts to force church-affiliated institutions to violate the moral convictions of their sponsors by making them provide abortion services.[61]

4. In some cases courts have played an intrusive role by actually making life-and-death decisions on behalf of private individuals. This has been made possible by *Roe* v. *Wade*'s ruling that the constitutional "right to privacy" can over-rule any interest the state may have in preserving life that is not "meaningful." For instance, the right of a patient to refuse unwanted medical treatment has traditionally been seen as a common-law right to be exercised within the familial and doctor-patient relationship whenever possible. But some courts have begun to treat this area of law in terms of a constitutional right to privacy which is so personal and individual a right that it cannot be limited or exercised within those relationships, but must be adjudicated by the court itself. In cases where a patient is not competent to exercise this right on his or her own behalf, courts have attempted to make the decision by their own "substituted judgment." [62] These cases have provided an opportunity to treat all private decision-making processes in such situations as mere delegations of a power which properly belongs to the court itself.[63] This judicial trend has even been applied back to the abortion issue itself, allowing courts to order abortions for mentally retarded or incompetent women and to demand that state legislatures provide public funding for elective abortions.[64] The general idea at work in all these cases is that, since the right to privacy is a constitutional right to be defined by the state and federal courts, the courts have broad powers to facilitate the exercise of that right and even to exercise it on behalf of others. By a curious twist of reasoning, a "right to privacy" originally formulated as an alleged defense of individualism has become a very public entity indeed, and one which can be used to ignore the dignity of human individuals in the implementation of courts' value judgments on life and death. While pro-abortion groups continue to lobby against any constitutional amendment on abortion as a threat to individual freedom, we see a clear threat to freedom in this abuse of judicial power with regard to decisions concerning life and death.

When the decisions of the Supreme Court imposed an abortion policy on this country in 1973, many thought this marked the end of the public controversy over legalized abortion. The Court treated abortion simply as a medical procedure and as a matter of individual privacy, and by doing so seemed to have remove the issue from the public arena.

Eight years later, it is not possible realistically to hold such a view. While some maintain that abortion is now a private matter between a woman and her physician, the social and legal trends noted above indicate that the Supreme Court's decisions have had far-reaching effects on American society. This has happened, we believe, primarily because the court was tragically mistaken in thinking that abortion affects only a woman and her physician. Every abortion also involves the unborn child as an innocent third party. Every abortion involves the father of the child, and in many cases abortion has profound effects on friends, parents, and other members of the family. Every abortion also involves the future of the society in which it takes place, for it involves moral, psychological and emotional factors which play an important role in making up the character of that society. By ignoring the public dimension of the practice of abortion and failing to recognize it as the fundamental social problem that it is, we place ourselves among its passive victims. In the United States this public dimension has been magnified by the Supreme Court's classification of abortion as a virtually absolute constitutional right and by its direct attack on the most fundamental of all rights, the right to life itself. The potential for destructiveness inherent in such action is almost unimaginable, for it reaches to the very roots of our legal system and turns its most basic principles upside down. The right to life is replaced by the right to kill, and the very concept of inherent rights is replaced by the concept of privileges bestowed by the state upon those it considers worthy of recognition.

We do not pretend to have all the solutions to the problems which abortion has been purported to solve. Indeed, the idea that there was one quick and easy solution to these problems has been at the root of some very misguided support for our current public policy on abortion. But we do know that abortion, in addition to being a moral evil, has failed to solve society's problems, and has itself become a legal and social disaster, the consequences of which will be felt for many years to come. By reversing the current policy, we will clear the way to enable us to work together to promote the common good of all who live in our country. Without such a reversal, we fear that our society's commitment to that common good can only erode further.

THE ISSUE OF LAW AND MORALITY

The national debate on the relationship between law and morality has become close-

ly associated with the debate on abortion in recent years. Some groups that support legalized abortion have claimed that any law protecting the unborn child would be an imposition of a particular morality on a pluralistic society; and some have even claimed that it would impose specifically Roman Catholic religious beliefs on this society, thereby violating the non-establishment clause of the First Amendment. We wish to conclude our testimony with some remarks on these charges.

Our response remains fundamentally the same as in 1974, when we gave the following testimony before the U.S. Senate Subcommittee on Constitutional Amendments.

"We wish to make it clear that we are not seeking to impose the Catholic moral teaching regarding abortion on the country. In our tradition, moral teaching bases its claim on faith in a transcendent God and the pursuit of virtue and moral perfection. In fact, moral teaching may frequently call for more than civil law can dictate, but a just civil law cannot be opposed to moral teaching based on God's law. We do not ask the law to take up our responsibility of teaching morality, i.e., that abortion is morally wrong. However, we do ask the Government and the law to be faithful to its own principle—that the right to life is an inalienable right given to everyone by the Creator. . . .

"We appear here today in fulfillment of our considered responsibility to speak in behalf of human rights. The right to life—which finds resonance in the moral and legal tradition—is a principle we share with the society and the one that impels us to take an active role in the democratic process directed toward its clear and unequivocal articulation."[65]

Since our testimony in 1976, several developments have helped to underscore the exact nature of the Catholic Church's moral concern in this area and the extent to which the abortion issue reaches beyond the bounds of any particular religion's moral teaching.

First of all, the increasingly visible involvement of other religious groups in the public debate on abortion has vividly demonstrated that this is not just a "Catholic issue." The news media have directed their attention primarily to new conservative political groups led by evangelical Protestants who were previously silent on most public policy issues. In addition, however, the governing bodies of denominations such as the Lutheran Church—Missouri Synod and the Southern Baptist Convention have approved resolutions in support of a Human Life Amendment during the last two years, and other churches which had made statements in support of permissive abortion after 1973 have begun to qualify their stance.[66]

Second, the fact that a convincing case can be made against abortion on wholly secular grounds has become increasingly obvious. This case has been ably defended by many respected scholars in the realm of political philosophy and constitutional law.[67] The author of *Aborting America*, Dr. Bernard Nathanson, has articulated his opposition to abortion in terms consistent with his own non-religious humanistic convictions. All one needs in order to support laws against abortion, he notes, is a recognition of some simple biological facts and a commitment to the Golden Rule which has been taught in every civilized society.[68] Secular groups of every conceivable social and political background have enriched the public debate with the variety of their perspectives on this issue.[69]

Finally, the U.S. Supreme Court itself, in ruling upon the constitutionality of restrictions on the public funding of abortion, has reiterated the traditional judicial principle that a law with a "secular legislative purpose" does not violate the Establishment Clause of the First Amendent simply because it "happens to coincide or harmonize with the tenets of some or all religions." Noting that "laws prohibiting larceny" are not unconstitutional establishments of religion despite the fact that "the Judaeo-Christian religions oppose stealing," the Court concluded that a funding restriction on abortion is "as much a reflection of 'traditionalist' values toward abortion, as it is an embodiment of the views of any particular religion."[70] The Supreme Court's argument clearly can be applied to legislation restricting abortion in general. To its own statement on the matter we wish only to add that the word "traditionalist" is no more appropriate as a description of the Catholic Church's position on abortion than it is as a description of our position on stealing. As we have emphasized throughout this testimony, our position on abortion is perfectly consistent with modern scientific knowledge and the most progressive features of American policy on human rights in general. We do not support legal protection for the unborn child because it is "traditional" to do so, but because we totally reject the idea that social "progress" lies in a retreat from the legal and ethical principles which have given the United States its reputation as a defender of the weak against the strong.

Pro-abortion groups have also claimed that opposition to abortion is a minority view and that we are seeking to "impose" this view on the majority of the citizens of the United States. This charge is false on two counts. First of all, every major public opinion poll taken in the last eight years has shown that most Americans are opposed to legalized abortion on demand. About half of those polled would like to see abortion made illegal except for certain rare circumstances; the other half is about equally divided between those who favor abortion on demand and those who either oppose all abortion or would make an exception only to prevent the death of the mother.[71] Two-thirds of the people of our country think that abortion is morally wrong, and almost three-fourths seem to realize that the victim of even a first-trimester abortion is a living human being. Contrary to a rather popular stereotype, women are more opposed to legalized abortion than men are, and Americans who are poor or who are members of racial minorities are more opposed to abortion than the white and affluent.[72] The most recent analysis of public opinion on abortion by Judith Blake, who has researched this question since before the Supreme Court's 1973 decisions, indicates that popular support for the full extent of the Supreme Court's actions in this area is even more precarious than the above figures would seem to suggest. Her findings show that Americans who have "moderate" or ambivalent attitudes toward legalized abortion actually lean more toward the consistent anti-abortion position than toward the consistent pro-abortion position.[73] These figures do not even begin to address the point that the group whose rights are in question, that of unborn children, is totally without a voice of its own, and therefore deserves the special concern of legislators who are sworn to defend the rights of minorities against the power of the majority.

Secondly, there is no effort afoot to "impose" a law on our country from the outside, but only a drive to return this issue to the American people's elected representatives. The legalization of abortion on demand was "imposed" on this country in 1973 by seven Justices of the U.S. Supreme Court. In attempting to correct this unfair decision by constitutional amendment as provided for by our Constitution, we display our commitment to American democratic principles.

There are also some who admit that the majority view is against abortion on demand, but who defend its legalization on the basis of American "pluralism." Because no one view of abortion will ever claim the minds and hearts of all Americans, they argue, we must continue to leave the abortion decision up to each individual woman. There are several important flaws in this argument as well.

1. This "pro-choice" argument would invalidate almost all civil rights legislation if it were applied consistently. In fact, the same argument was used to defend slavery in the 19th century. Slave-owners claimed that individuals or states that wished not to engage in the practice of slavery need not do so, but they should respect the conscientious decisions of others in this controversial matter. President Abraham Lincoln's response was to point out that the law of the U.S., if it accepted such a situation, would in fact be taking the pro-slavery side by acting as though there were nothing wrong with slavery. The same response must be made today to the "pro-choice" rationale for legalized abortion.[74] To withdraw all legal protection from the unborn child in the name of "pluralism" is to say, in practice, that this child is not deserving of any public attention and his or her life is to be left to the whim of the mother. It means forgetting that we are dealing not with a purely "private" decision but with one which determines the fate of a defenseless and innocent party. As we have argued elsewhere in this testimony, the current legal situation with regard to abortion also has a number of devastating effects on government and society which call for a public response.

2. The "pro-choice" argument, in one sense, does not go far enough in its defense of pluralism. If pluralism means anything in American society, it means that we must defend the rights and freedoms of every class of human beings, regardless of age, race, sex, or condition. A law which allows the killing of any class of human beings is therefore fundamentally anti-pluralistic and "anti-choice," for it allows those human beings to be deprived of any possibility of making their own choices and expressing their own opinions in the future. A pluralism which respects only those who are currently powerful and articulate enough to put their own beliefs into practice to the detriment of others is not, in our opinion, a genuine or complete pluralism.

3. The argument also ignores another important factor in what we have come to know as American pluralism. This factor was fully recongized by that great defender of religious freedom, John Courtney Murray, when he wrote his classic work entitled We Hold These Truths:

"One idea, rooted in the American tradition, has seemed to me to be central, and therefore it has been recurrent. Every proposition, if it is to be argued, supposes an epistemology of some sort. The epistemology of the American Proposition was, I think, made clear by the Declaration of Independ-

ence in the famous phrase: 'We hold these truths to be self-evident. . . .'

For the pragmatist there are, properly speaking, no truths; there are only results. But the American Proposition rests on the more traditional conviction that there are truths; that they can be known; that they must be held; for, if they are not held, assented to, consented to, worked into the texture of institutions, there can be no hope of founding a true City, in which men may dwell in dignity, peace, unity, justice, well-being, freedom." [75]

Without this commitment to the grounding of law in an objective order of inherent rights, there is no pluralistic America; instead, there is a plurality of Americas, each committed to its own peculiar view-point concerning human rights. We see this destructive form of pluralism at work in the arguments of those who consider the beginning of human life as merely a matter of private opinion. Once one rejects the idea that human rights should be based on simple existence as a member of the human race, one is faced with an irreducible and chaotic pluralism of arbitrary opinions as to the beginnings of "personhood," "meaningful life," or "fully human" life. In this climate, as we have seen, the "personhood" of human beings already born becomes a matter of debate as well, since their membership in the human race is not sufficient reason for being granted the rights or privileges or legal "person." [76] This will be a special threat to human beings, such as handicapped infants or terminally ill patients, whose right to life is already being compromised by our legal system. We cannot allow this trend toward the elimination of the weak and defenseless to be pushed forward under the banner of American "pluralism" of "freedom of choice," any more than we would allow a re-institution of slavery under this banner. Some human choices are fundamentally destructive of the rights and dignity of other human beings, and therefore should be forbidden by law.

In calling for legal protection for the unborn child, we have no intention of asking the government to take over our own task of teaching moral principles and forming consciences. But the law does have a teaching function, exercised through legislation which forbids or discourages specific actions deemed to be destructive of the common good. In deciding whether abortion should be considered as among such actions, legislators inevitably make judgments as to the moral principles which will be reflected in the law. To some extent, the question before our legislatures is not whether they will "legislate morality"—it is whether the morality reflected in the law will be one which respects all human life or one which legitimates the destruction of particularly inconvenient and dependent human lives. In this controversy, to refuse to legislate is to allow the Supreme Court by its decisions to legislate the latter form of morality.

Conclusion

During this testimony we have touched upon many elements in the complex issue of legalized abortion. We have reaffirmed the relevance of fundamental moral principles to the debate on this issue, while pointing out the undeniable basis which our moral position has in modern biological and medical fact. We have explained the way in which our position is in harmony with the most respected principles of international and American law, as well as the ways in which the Supreme Court's abortion decisions rest upon an unjust denial of those principles. We have delineated what we see as some of the most devastating social and legal consequences of these decisions, emphasizing the point that their reversal should be an important and immediate priority for all those who are committed to promoting the good of our society. Finally, we have discussed the controversial question of law and morality as it bears on this particular issue, and responded to charges that our commitment to legal protection for the unborn child is inconsistent with a commitment to American freedom and pluralism. Our final remarks will deal with the specific legislative response which we think should be made to the situation we have described.

Our own comprehensive response to the Supreme Court's abortion decisions can be found in the Pastoral Plan for Pro-Life Activities, approved by the National Conference of Catholic Bishops on November 20, 1975, which we presented as part of our testimony before the House Subcommittee on Civil and Constitutional Rights in 1976. This response is three-pronged, including efforts in the spheres of education and pastoral care as well as in that of public policy. Within the area of legislation and public policy, we proposed a pro-life legislative program with the following elements:

(a) Passage of a constitutional amendment providing protection for the unborn child to the maximum degree possible.

(b) Passage of federal and state laws and adoption of administrative policies that will restrict the practice of abortion as much as possible.

(c) Continual research into and refinement and precise interpretation of *Roe* and *Doe* and subsequent court decisions.

(d) Support for legislation that provides alternatives to abortion.

Although we have been active in all these areas, we have restated a number of times over the past eight years that our highest legislative priority is the passage of a constitutional amendment that will reverse the Supreme Court's abortion decisions and restore legal protection to the unborn. Today we again reaffirm our commitment to such an amendment.

We have generally refrained from endorsing a specific amendment before the Congress, however. Instead, we have suggested certain guidelines that we believe should be taken into account in formulating an amendment which gives a constitutional base for the protection of unborn human life. These guidelines state that a constitutional amendment should do four things:

(1) Establish that the unborn child is a person under the law in terms of the Constitution from conception on.

(2) The Constitution should express a commitment to the preservation of life to the maximum degree possible. The protection resulting therefrom should be universal.

(3) The proposed amendment should give the states the power to enact enabling legislation, and to provide for ancillary matters such as record-keeping, etc.

(4) The right to life is described in the Declaration of Independence as "unalienable" and as a right with which all men are endowed by the Creator. The amendment should restore the basic constitutional protection for this human right to the unborn child.

Now, as in 1976, considerable controversy has raged concerning the relative merits of various proposals for an amendment. In our 1976 testimony we recognized that not every proposal was equally consonant with all of our suggested guidelines; while arguing against a pure "states' rights" amendment as an ineffective measure for giving uniform protection to the unborn in the various states, we also recognized that some proposals granting legislative authority to Congress and the states to protect unborn human life were a significant improvement on the "states' rights" approach. Similarly, on September 22 of this year we expressed great interest in the new "human life federalism amendment" recently proposed by Senator Hatch of Utah, which expressly overturns the right to abortion created by the Supreme Court in 1973 and gives concurrent power to Congress and the states to restrict and prohibit abortion.

As moral leaders we can claim no special competence at legislative draftsmanship, and so we do not claim the expertise to comment at length on the advisability and effectiveness of specific formulations. Our own guidelines have always been offered as contributions to a dialogue, in which the members of Congress were considered as the appropriate agents for the actual drafting of an amendment to be presented to the state legislatures. We take note of the fact that some recent testimony before this subcommittee indicates a possibility that the establishment of constitutional "personhood" may not be necessary at the present time for restoring effective legal protection to unborn children, and indeed that it could fail through judicial interpretation to provide effective protection. We expect that the members of the subcommittee will take expert testimony of this sort into account, and also that they will consider the political possibilities for ratification of the various proposals which confront them. Our own fundamental commitment, as stated in our 1975 Pastoral Plan, is to an amendment which will actually provide the maximum degree of protection for unborn human life that is possible.

Our appearance here today is an expression of our commitment to the American democratic process. We believe that this process was short-circuited in 1973, when the decisions of the Supreme Court overturned the abortion laws of every state in the Union in its single-minded drive to promote its own policy on abortion. We urge our elected representatives in Congress to redress this injustice as soon as possible by restoring to our legal system the power to protect human life at every stage of its existence.

FOOTNOTES

[1] *The Status of Children, Youth, and Families 1979*, U.S. Department of Health and Human Services, DHHS Publication No. (OHDS) 80-30274, pp. 29-30.

[2] Bernard N. Nathanson, M.D., with Richard N. Ostling, *Aborting America* (Doubleday 1979). Especially see Chapters 16, 20 and 26.

[3] Among the recent reports on such progress: "Successful Operation is Performed on Fetus", *The Washington Star*, July 27, 1981; "The Tiniest Patients: Surgery Before Birth", *San Francisco Examiner*, May 26 and 27, 1981; "Life of Baby is Apparently Saved by Doses of Vitamin Before Birth", *The New York Times*, May 15, 1981; R. W. Smithells et al., "Possible Prevention of Neural-Tube Defects by Periconceptional Vitamin Supplementation", *The Lancet*, February 16, 1980, pp. 339-340; Jason C. Birnholz, M.D., and Frederic D. Frigoletto, M.D., "Antenatal Treatment of Hydrocephalus", *The New England Journal of Medicine*, April 23, 1981, pp. 1021-23.

[4] John C. Fletcher, Ph.D., "The Fetus as Patient: Ethical Issues", *The Journal of the American Medical Association*, August 14, 1981, pp. 772-73.

[5] This line of argument was proposed by Dr. Leon Rosenberg of Yale University in his April 24 testimony before the Subcommittee on Separation of Powers of the Senate Committee on the Judiciary. His approach has been embraced by Dr. George Ryan of the American College of Obstetricians and Gynecologists, whose remarks on the matter were given wide public circulation by syndicated "Ann Landers" columns for September 7 and 8 of this year.

[6] Editorial: "A New Ethic for Law and Society", *California Medicine*, September 1970, p. 68.

[7] *Gaudium et Spes* (Pastoral Constitution on the Church in the Modern World), n. 27.

[8] *Gaudium et Spes*, n. 27.

[9] Pope John Paul II, Homily at the Washington Mall, October 7, 1979, in *Origins: NC Documentary Service*, October 18, 1979.

[10] Sacred Congregation for the Doctrine of the Faith, *Declaration on Abortion* (U.S. Catholic Conference 1975), n. 6 and 7 (pp. 3-4).

[11] See the references to Calvin, Thielicke, Barth, Bonhoeffer, etc. in John T. Noonan, Jr., *A Private Choice: Abortion in America in the Seventies* (The Fee Press 1979), pp. 59-61.

[12] See Dennis J. Horan et al., "The Legal Case for the Unborn Child", in Thomas W. Hilgers and Dennis J. Horan (editors), *Abortion and Social Justice* (Sheed and Ward 1972), pp. 133-34.

[13] See Noonan, *A Private Choice*, pp. 13-14, on the dichotomy between human beings and persons. On the concept of "life devoid of value" and the Nazi euthanasia program: Robert A. Graham, S.J., "The 'Right to Kill' in the Third Reich: Prelude to Genocide", *The Catholic Historical Review*, January 1976, pp. 56-76; William Brennan, *Medical Holocausts, Volume I: Exterminative Medicine in Nazi Germany and Contemporary America* (Nordland Publishing International 1980), Chapter 3; Leo Alexander, M.D., "Medical Science Under Dictatorship", *The New England Journal of Medicine*, July 14, 1979, pp. 39-47.

[14] See Noonan, *A Private Choice*, pp. 16-17.

[15] *Roe v. Wade*, 410 U.S. 113 at 159 (1973).

[16] *Doe v. Israel*, 358 F. Supp. 1197 (D.R.I., 1973). See Noonan, *A Private Choice*, pp. 17-18.

[17] In our 1976 testimony we cited criticisms of the abortion decisions by John Hart Ely, Alexander Bickel, Robert Byrn, and Archibald Cox. In his new book, *Democracy and Distrust: A Theory of Judicial Review* (Harvard University Press 1981), Professor Ely has restated his judgment that even a fairly "activist" viewpoint on judicial review fails to provide any warrant in the Constitution for *Roe v. Wade*. Liberal columnist Michael Kinsley recently voiced a growing consensus when he referred to the abortion decisions as "the one really indefensible case of judicial overreaching" in recent years (*The New Republic*, October 18, 1980, p. 15). On the Supreme Court's historical arguments, see: Joseph P. Witherspoon, "Impact of the Abortion Decisions Upon the Father's Role", *The Jurist* 1975, pp. 41-47; *idem.*, Testimony before the Senate Subcommittee on Separation of Powers, June 10, 1981; Victor G. Rosenblum, Testimony before the Senate Subcommittee on Separation of Powers, June 1, 1981. Professor Rosenblum's testimony has been reprinted by Americans United for Life as Number 11 of *AUL Studies in Law and Medicine*.

Recognition of the fact that the abortion decisions had no firm grounding in legal history began with the dissenting opinions of Justices on the court itself. Referring to the majority opinion as "an exercise of raw judicial power", Justice White declared that "I find nothing in the language or history of the Constitution to support the Court's judgment." Justice Rehnquist joined in this dissent and added his own, in which he noted that the Court's imposing of specific limits on the states for each trimester of pregnancy "partakes more of judicial legislation than it does of a determination of the intent of the drafters of the Fourteenth Amendment." See *Roe v. Wade* at 174; *Doe v. Bolton*, 410 U.S. 179 at 221-22 (1973).

[18] *Roe v. Wade* at 136. See Dennis J. Horan and Thomas J. Marzen, "Abortion and Midwifery: A Footnote in Legal History", in Hilgers, Horan and Mall (editors), *New Perspectives on Human Abortion* (University Publications of America 1981), pp. 199-204.

[19] *Roe v. Wade* at 138.

[20] *Id.* at 160-61. Philosophical speculations concerning "delayed ensoulment" have never been part of Catholic dogma. For a brief historical survey of the Church's position, see John T. Noonan, Jr., "An Almost Absolute Value in History", in Noonan (editor), *The Morality of Abortion: Legal and Historical Perspectives* (Harvard University Press 1970), pp. 1-59. The most complete study on the history of Catholic thought on this subject up to 1950 can be found in John Connery, S. J., *Abortion: The Development of the Roman Catholic Perspective* (Loyola University Press 1977). Also see *Declaration on Abortion*, n. 7 (pp. 3-4).

[21] *Roe v. Wade* at 141-42.

[22] D. A. O'Donnell and W. L. Atlee, "Report on Criminal Abortion", *Transactions of the American Medical Association* 22 (1871), p. 250. A review of the AMA abortion statements of 1859 and 1871 can be found in Brennan, *Medical Holocausts*, pp. 25-34.

[23] The "treatment" in question, it should be noted, concerns only ecclesiastical penalties in canon law. The moral teaching of the Church, as we have already noted above, has condemned abortion at every stage as a form of grave wrongdoing from the earliest years of the Christian era. The fiction that the Church has changed its moral judgment of early abortions arises, in part, from a failure to understand the distinction between moral doctrine and canon law.

[24] *Roe v. Wade* at 160.

[25] *Id.* at 157.

[26] See Witherspoon materials cited in note 17.

[27] See: Witherspoon, "Impact of the Abortion Decisions", pp. 42-45; James C. Mohr, *Abortion in America: The Origins and Evolution of National Policy, 1800-1900* (Oxford University Press 1978). Mohr notes on p. 200: "The anti-abortion policies sustained in the United States through the first two-thirds of the twentieth century had their formal legislative origins, for the most part, in the wave of tough laws passed in the wake of the doctors' crusade and the public response their campaign evoked."

[28] Speech of Senator Jacob Howard of Michigan, *Congressional Globe*, 39th Congress 1st Session (May 23, 1866), p. 2766. Cited in Witherspoon, "Impact of the Abortion Decisions," p. 47.

[29] See *Declaration on Abortion*, n. 10-14 (pp. 5-7).

[30] Pope John Paul II, Homily in Piazza Del Campo, Siena, September 14, 1980, cited in *L'Osservatore Romano* (English language edition), September 22, 1980.

[31] In 1978, researchers affiliated with the Alan Guttmacher Institute estimated that 1.3 million abortions had been performed in 1977 but that 550,000 women "in need" of abortions had been unable to obtain them ("Abortion in the United States, 1976-1977," *Family Planning Perspectives*, September/October 1978, p. 271). But early this year, the same researchers reported that "although 1.5 million women obtained abortions in 1979, an estimated 641,000 in need were unable to do so, largely because of problems of geographical and financial inaccessibility" ("Abortion in the United States, 1978-1979," *Family Planning Perspectives*, January/February 1981, p. 6). According to *The Washington Post* for October 21, 1981, the current issue of *Family Planning Perspectives* reports that the women in "need" of an abortion would number about 450,000 even if every woman in the U.S. used the most effective but most dangerous contraceptive devices.

[32] See Lynne McTaggart, "The Breakthrough that Backfired," *New York Sunday News Magazine*, February 8, 1981.

[33] See Hadley Arkes, *The Philosopher in the City: The Moral Dimensions of Urban Politics* (Princeton University Press 1981), p. 437. Professor Arkes observes that when investigative reporters from the *Chicago Sun Times* began to uncover abuses at several legal abortion clinics in Chicago, "the investigators brought in reports of twelve deaths that were attributable to four abortion clinics in their sample. Those deaths, which were uncovered in only four clinics, amounted to nearly half of the deaths that were reported officially for abortion in the nation as a whole. And if, as we suspect, the experience in Chicago can find a modest replication in New York, Detroit, Los Angeles, and other cities, the total deaths due to legal abortion may now exceed the number of deaths that were thought to occur each year as a result of illegal abortions."

[34] See *Documentation on Abortion and the Right to Life*, Volume II (Testimony of U.S. Catholic Conference before the House Subcommittee on Civil and Constitutional Rights, March 24, 1976) (U.S. Catholic Conference 1976), p. 10.

[35] Denis Cavanaugh, letter in *American Journal of Obstetrics and Gynecology*, February 1, 1978.

[36] "Abortion-Related Mortality—United States, 1977", *Morbidity and Mortality Weekly Report* (official report from the Center for Disease Control), July 6, 1979, pp. 301-4.

[37] See *Declaration on Abortion*, n. 19-20 (pp. 8-9).

[38] "Several States Showing Significant Decreases in Infant Mortality", *Ob. Gyn. News*, January 15, 1981. The remarkable advances reported here for the states of South Dakota, Florida and Alabama are attributed to better pre-natal medical and nutritional care, educational programs for pregnant women, and the development of regionalized care networks.

[39] The District of Columbia has a higher abortion rate than any state in the Union, estimated at 173.4 per thousand women aged 15-44 in 1978. This is more than six times the national average. See "Abortion in the United States, 1978-1979", *op. cit.*, pp. 10-11. The mayor of the District of Columbia has called its high infant mortality rate its "Number One health problem." See "City Infant Mortality Rate Rises", *The Washington Post*, June 17, 1981.

[40] See Levin et al., "Association of Induced Abortion With Subsequent Pregnancy Loss", *The Journal of the American Medical Association*, June 27, 1980, pp. 2495-99. Thirty-four percent of the women who obtained abortions in the District of Columbia in 1978 had obtained one or more previous abortions. This is the highest repeat abortion rate in the country, the national average being 29%. *Abortion Surveillance: Annual Summary 1978* (Center for Disease Control, U.S. Department of Health and Human Services 1979), p.4.

[41] Philip G. Ney, M.D., "Infant Abortion and Child Abuse: Cause and Effect", in David Mall and Walter F. Watts, M.D. (editors), *The Psychological Aspects of Abortion* (University Publications of America 1979), pp. 25-38.

[42] See "The Impact of Abortion" (Intervention made by Cardinal Terence Cooke of New York at the 1980 Synod of Bishops in Rome), *Origins: NC Documentary Service*, October 16, 1980, pp. 283-85.

[43] Our most eminent national authority on the problem of child abuse had already emphasized this eight years ago, and predicted that the aborting of the "unwanted child" would fail to solve the problem. See Vincent J. Fontana, M.D., *Somewhere a Child is Crying* (MacMillan 1973), pp. 239-43.

[44] Matt Clark et al., "When Doctors Play God", *Newsweek*, August 31, 1981, p. 48.

[45] In our 1976 testimony we noted the scandal caused by reports that handicapped newborns had been deprived of life-saving surgery at some hospitals simply because they were mentally retarted. Now newspapers report that physicians at some intensive-care nurseries have actually been giving lethal drug overdoses to such newborns. See Diane Brozek, "Let My Baby Die", *The Pittsburgh Press*, June 29, 1981. The candor with which physicians are willing to discuss the advisability of voluntary euthanasia or "assisted suicide" seems to be increasing. See: Dan Cryer, "Suicide and Euthanasia: Christiaan Barnard tackles controversial subjects", *The Boston Globe*, April 16, 1981; Editorial, "Overdose—Will psychiatrist please see?", *The Lancet*, January 24, 1981.

[46] Seymour M. Glick, "Humanistic Medicine in a Modern Age", *The New England Journal of Medicine*, April 23, 1981, pp. 1036-38.

[47] *Plan Your Children for Health and Happiness*, Planned Parenthood Federation of America pamphlet, 1963.

[48] Alan Guttmacher Institute, *Teenage Pregnancy: The Problem That Hasn't Gone Away* (New York 1981).

[49] See the articles on government funding of family planning services in the May/June 1981 issue of *Family Planning Perspectives*, and articles on government funding of abortion in the May/June 1980 issue, as well as the conclusions of *Teenage Pregnancy: The Problem That Hasn't Gone Away*.

[50] At the fourth annual meeting of the National Abortion Federation, held May 28-30, 1980 at the Hyatt Regency Hotel in Washington, D.C., a talk given by Jane Hodgson included the rhetorical question: "Does freedom of choice really apply to the very young? Should we sit quietly by and allow our 12-year-olds, and our 11-year-olds, possibly 10-year-olds, to make a choice which is far more harmful to her, to society, and to the ensuing generation? Shouldn't we . . . mandate against continuing pregnancy in the very young, say, those less than 14 years?". Her proposal was later endorsed by another speaker, Lonnie Meyers, who claimed that "it's time we had the guts to say that 14 is too young to have a baby." See Andrew Scholberg,

"The Abortionists and Planned Parenthood: Familiar Bedfellows", *International Review of Natural Family Planning*, Winter 1980, p. 299.

[51] See: Sister Paula Vandegaer, S.S.S., *Teenagers and Sexuality* (NCCB Committee for Pro-Life Activities 1981); "Abortion and Teenage Pregnancy", in *Respect Life!* (NCCB Committee for Pro-Life Activities 1977/78), pp. 16-21.

[52] See: "Teens, Parents, Officials Don't Agree on Impact of Teen Motherhood", *Family Planning Perspectives*, March/April 1981, pp. 81-82; Jeanne Marecek and Eugenie Flaherty, "Correlates of Teenagers' Contraceptive Use" (Study presented at the American Psychological Association convention in Montreal, September 1980). The Marecek/Flaherty study was announced in *Ob. Gyn. News* for January 1, 1981.

[53] *Colautti v. Franklin*, 439 U.S. 379 (1979). The court's finding puzzled many observers, who thought that *Roe v. Wade* had placed severe restrictions on abortions performed after the point of "viability"; but even in 1973, the court had ruled that a post-viability abortion could be performed for "health" reasons, and had interpreted "health" so broadly that temporary financial or emotional distress were sufficiently serious justifications for an abortion in the final stages of pregnancy. In their *Philadelphia Inquirer* article "Abortion: The Dreaded Complication" (August 2, 1981), Liz Jeffries and Rick Edmonds report that the problem of dealing with a child born alive during an abortion now arises hundreds of times a year in the U.S.

[54] *In re Eichner*, AD 2d, 637E, March 28, 1980 (Supreme Court: Appellate Division Second Department) at 43.

[55] "Wrongful life" suits are predicated on the idea that a handicapped child's very existence is a "wrong" for which monetary damages can be assessed. In its 1980 ruling in *Curlender v. Bio-Science Laboratories* the California Supreme Court suggested that a handicapped child should be able to sue her own parents for not having aborted her. In the same state, however, the courts denied the right of Phillip Becker, a child with Down's syndrome, to have surgery which could save his life but which is opposed by his parents. The parents had argued that they do not wish Phillip to outlive them because they are afraid of the quality of life of which he would be capable. The Supreme Court has refused to hear an appeal from this decision (*Bothman v. Warren B.*, No. 79-698; denial of cert. March 31, 1980). Another family has tried to gain temporary custody of Phillip in order to allow him the medical care he needs, but his condition may already have advanced too far for the surgery to be of help. See: George F. Will, "A Trip Toward Death", *Newsweek*, August 31, 1981, p. 72; Peter J. Riga, "Phillip Becker: Another Milestone", *America*, July 12, 1980, pp. 8-9.

[56] 428 U.S. 52 at 69 (1976).

[57] The most important cases dealing with this question are *Bellotti v. Baird*, 443 U.S. 622 (1979), and *H. L. v. Matheson*, 101 S. Ct. 1164 (1981). See the analysis by Noonan, *A Private Choice*, pp. 90-95.

[58] United Nations Declaration of Human Rights, cited by Cardinal Terence Cooke in "The Impact of Abortion", p. 284.

[59] See the analysis by Noonan, *A Private Choice*, pp. 83-86. This problem was mentioned by the Sacred Congregation for the Doctrine of the Faith in 1974, when it declared inadmissible a situation in which doctors or nurses should have to choose between the law of God and their professional situation: *Declaration on Abortion*, n. 22 (p. 9).

[60] This principle has recently been affirmed in KENNY v. *Ambulatory Centre of Miami*, 400 So. 2d 1262 (Fla. Ct. App. 1981). Here it was implied that the need to re-arrange schedules substantially in order to respect a nurse's refusal to cooperate in abortions might have been considered as "undue hardship". The lower court had ruled against the nurse without seeing evidence of any hardships of this kind.

[61] The National Conference of Catholic Bishops has filed suit against federal guidelines which could force certain employers, including the U. S. Catholic Conference, to provide abortion benefits through employees' health insurance plans and fringe benefit programs: *NCCB* v. *Bell*, U.S. District Court for the District of Columbia (Filed 1980). For comments on the threat to First Amendment rights involved in such guidelines, see George F. Will, "'Trivializing' Abortion", *The Washington Post*, August 19, 1979.

[62] Paul Ramsey has discussed this aspect of the *Eichner* case in his article "Two-Step Fantastic: The Continuing Case of Brother Fox", *Theological Studies*, March 1981, pp. 122-34. Other cases of this sort include: *Superintendent of Belchertown State School* v. *Saikewicz, 373 Mass. 728 (1977); In re Earl Spring*, No. F-2030, Mass., May 13, 1980. In its ruling in *In re Grady* (February 18, 1981), the New Jersey Supreme Court cited the famed Karen Quinlan case to uphold a right to sterilization as an exercise of the constitutional right to privacy. the court suggested that this right can override the State's interest in preserving a patient's life, and that only the courts can exercise such a right on behalf of a mentally incompetent patient.

[63] In the *Spring* case, the lower courts (probate and appeals) had ordered that Spring's attending physician, along with his wife and son, should make the decision as to whether life-prolonging treatment would be continued. The state supreme court overruled these decisions, claiming that "we disapprove shifting of the ultimate decision-making responsibility away from the duly established courts of proper jurisdiction." The court argued that it would be forsaking its own responsibilities if it tried "to delegate its resolution to some private person or group."

[64] Both *Saikewicz* and *Spring* were cited as precedents by the Massachusetts Supreme Court on February 17, 1981, when it ruled that the state of Massachusetts is required to subsidize elective abortions with public funds (*Moe v. Secretary of Administration and Finance*). Interpreted through these cases, the state constitution was said to provide more stringent requirements for actively supporting the pregnant woman's right to an abortion than are found in the U.S. Constitution. Similar chains of reasoning have been used by courts in California and Pennsylvania to mandate public funding of abortion in those states.

Court involvement in ordering abortions for mentally incompetent patients seems to be increasing. Justice Warren Burger recently refused to block an abortion ordered by the court-appointed guardian of a woman in a semi-catatonic state, despite the fact that no evidence had been presented on a medical need for the abortion. The woman in question has been fully competent earlier in her pregnancy, and had not sought an abortion (see "Justice Refuses to Bar Abortion for Sick Woman", NC News Service, March 19, 1981). In California, a court-appointed conservator almost succeeded in ordering an abortion for an unwilling 38-year-old mental patient, although all three of her sisters were adamantly opposed to the abortion and were all willing to adopt the child even if born with congenital defects. Superior Court Judge Bob Krug denied the petition for an abortion on the basis of medical risks involved in performing a second-trimester abortion, without denying that the conservator had the right to petition the court for an abortion against the wishes of the patient and her family (see Mary Sanchez, "Petition to do Abortion on Mental Patient Denied", NC News Service, March 26, 1981).

[65] *Documentation on the Right to Life and Abortion*, Volume I (Testimony of U.S. Catholic Conference before the Senate Subcommittee on Constitutional Amendments, March 7, 1974) (U.S. Catholic Conference 1974), pp. 2-3.

[66] At its 1979 national convention, the Lutheran Church-Missouri Synod approved a resolution which condemns abortion, urges its members to help secure legal protection for the defenseless unborn child, and supports efforts to enact a Human Life Amendment to the U.S. Constitution. The American Lutheran Church, which issued a statement in support of legalized abortion in 1974, approved a Statement of Judgment and Conviction at its 1980 national convention which rejects "the practice in which abortion is used for personally convenient or selfish reasons", recognizes that "an induced abortion ends a unique human life", and "deplores the alarming increase of induced abortions since the 1973 Supreme Court decisions." See the newsletter of Lutherans for Life, issues for December 1980 and February 1981. The Southern Baptist Convention, the nation's largest Protestant body with 13.4 million members, approved a condemnation of abortion at its 1980 annual meeting which includes a call for a Human Life Amendment banning abortion "execpt to save the life of the mother" (NC News Service, June 13, 1980).

[67] In addition to the works cited elsewhere in this testimony by Noonan, Witherspoon, Rosenblum, etc., see: Joseph M. Boyle, "That the Fetus Should be Considered a Legal Person", *The American Journal of Jurisprudence* 1979, pp. 59-71; chapters on legal, social and philosophical aspects of abortion in Hilgers, Horan and Mall (editors), *New Perspectives on Human Abortion*.

[68] Nathanson, *Aborting America*, chapter 23.

[69] Groups such as Democrats for Life, Libertarians for Life, Feminists for Life, and Pro-Lifers for Survival (a group opposed to abortion and nuclear arms) have helped to belie the stereotype that opposition to abortion is only a "conservative" phenomenon. See Mary Meehan's brief survey of some of these groups in "The Other Right to Lifers", *America*, January 18, 1980.

[70] *McRae v. Harris*, 100 S. Ct. 2671 at 2689 (1980).

[71] This has been the consistent finding of four Gallup polls taken over the last six years. See "Views on Abortion Show Little Change", *The Washington Post*, August 27, 1980.

[72] The most recent ABC News/Washington Post poll on abortion (Survey #34, aired June 8, 1981) shows 50% of men and only 42% of women favoring the goals of the "pro-choice" movement; 36% of women favored unrestricted abortion, compared with 45% of men. Nearly a third of the people strongly opposing legalized abortion make under $12,000 a year, with only 10% making $30,000 or more, and nearly one-quarter are black, whereas more than a quarter of those favoring legalized abortion make $30,000 a year or more. Similar results were obtained by the Connecticut Mutual Life Insurance Company when it conducted a survey on American Values in the '80's: 65% of all Americans considered abortion as morally wrong, but opposition was stronger among women, racial minorities and the poor. The ABC News/Washington Post poll showed 71% support for the idea that "a fetus becomes a human being" either at conception or at some point in the first trimester; only 11% of those polled thought that one "becomes a human being" at birth.

[73] Judith Blake and Jorge H. Del Pinal, "Negativism, Equivocation, and Wobbly Assent: Public 'Support' for the Prochoice Platform on Abortion", *Demography*, August 1981, pp. 309-320.

[74] See John T. Noonan, Jr., *Abortion in Our Culture* (NCCB Committee for Pro-Life Activities 1980).

[75] John Courtney Murray, *We Hold These Truths* (Sheed and Ward 1960), pp. viii-ix.

[76] This has already been suggested by the testimony given by Dr. Leon Rosenberg before the Senate Subcommittee on Separation of Powers earlier this year (see note 5). "Some say that life begins at conception", noted Dr. Rosenberg, "but others say that life begins when brain function appears, or when the heart beats, or when a recognizable human form exists in miniature, or when the fetus can survive outside the uterus, or when brain development is completed at two years of age." Any of these would be equally valid points for beginning to protect life, he claimed. Presumably, under the last-mentioned of these standards, some mentally retarded human beings would never become "persons" at all.

ABORTION AND THE HATCH AMENDMENT

(By Edward Bryce)

(After years of trying to defend the rights of the unborn by defining personhood, the American bishops have switched their strategy. The new proposal has sparked criticism from both prolife and prochoice groups.)

Last Sept. 21, when Senator Orrin Hatch (R., Utah) introduced a new proposal for a constitutional amendment to reverse the Supreme Court's abortion decisions, he touched off a spirited debate within the prolife movement.

The U.S. Catholic bishops, along with a number of Protestant and nondenominational groups dedicated to legal protection for unborn children, have hailed this "Human Life Federalism" amendment, which would empower Congress and the state legislatures to enact laws restriction abortion. But the proposal has come under fire from groups claiming it is a compromise of prolife principles and should be rejected in favor of allegedly more effective means of protecting the unborn. These groups, in turn, disagree among themselves concerning

which alternative proposal should be supported.

To confuse matters further, abortion rights advocates have not treated the Hatch amendment as a compromise of any kind. Instead they view it, in the words of the executive director of the National Abortion Rights Action League, as "the gravest threat to abortion rights since the 1973 Supreme Court decisions."

An understanding of this debate requires yet another look at the Supreme Court's abortion decisions. On Jan. 22, 1973, the court handed down its decisions in the abortion cases Roe v. Wade and Doe v. Bolton. The rulings instituted a national policy of legalized abortion on demand which neither proabortion legislative efforts nor referenda has been able to achieve.

Media accounts have often failed to note the radical character of these decisions. Abortion was elevated to the status of a constitutional right throughout the nine months of pregnancy. Even in the final three months—a time when the unborn child is capable of surviving indefinitely outside the womb and the interruption of pregnancy has always been considered a premature delivery rather than an abortion—no state could prohibit an abortion which an individual physician judged would promote the pregnant woman's emotional, social or financial health.

The seven justices subscribing to the majority opinion in these cases disagreed as to the exact section of the Constitution in which the new right of abortion was to be found. But they agreed that it was fundamental enough to override the state's interest in what they called the "potential life" of the unborn child and to invalidate any state action which might directly infringe upon the practice of abortion. Almost as an afterthought, they also rejected the claim that the unborn child should be treated as a "person" protected under the 5th and 14th amendments to the Constitution.

Later rulings of Federal courts have extended the abortion liberty. Laws designed to protect pregnant women's health during first-trimester abortions have been invalidated, to the chagrin of legislators trying to regulate legal but unsafe abortion mills. Third-trimester abortions were given further protection in 1979, when the Supreme Court invalidated state laws requiring medical treatment for infants born alive during abortions.

In a series of Supreme Court decisions, state laws requiring parental consent or notification for abortions performed on minors have been either overturned or substantially weakened, so that courts themselves can override parents in a variety of situations. The courts have even claimed the right to facilitate individual abortion decisions when dealing with women deemed too immature or mentally incompetent to exercise their own right of abortion.

Only in the area of abortion funding have the courts allowed legislatures to make policy decisions without judicial interference. But even here, at least one state law providing funding for "alternatives to abortion" has been ruled unconstitutional because it failed to provide funds to organizations which promote abortion.

In short, under the Supreme Court's decisions and succeeding rulings, state laws can be declared unconstitutional not only because they restrict abortion, but also because they fail to defend it against the objections of families, taxpayers and the public at large. The United States thus now has the most extreme proabortion public policy in the world. Given the important educative role that law has in a pluralistic society, this policy is a powerful force in promoting the acceptance of abortion.

After nine years, the number of abortions has reached over 1.5 million annually. Abortions outnumber live births in some American cities. Although opposition to abortion has grown, many believe abortion on demand will become a permanent fixture of American society if effective action is not taken soon. It is in this context that the Hatch amendment has been suggested, not as a perfect or cure-all solution, but as an effective means for beginning to reverse the current trend.

Most amendments proposed up to now have attempted to recognize the unborn as constitutional "persons" whose lives call for protection under the 5th and 14th amendments. But several factors cast some doubt on the wisdom of simply continuing this approach. Even the most popular of the personhood amendments has only about 30 supporters in the Senate after seven years of lobbying on its behalf by the National Right to Life Committee and other groups. That is far short of the 67 needed for a constitutional amendment.

Legal scholars have also begun to ask whether legal personhood would really provide effective protection for the unborn, especially if the Federal Courts should then seek to balance the unborn person's rights against privacy and other rights claimed for the pregnant woman. The unborn might be persons under the Constitution yet still highly vulnerable.

The Human Life Federalism amendment embodies a different approach. It reads as follows: "A right to abortion is not secured by this Constitution. The Congress and the several States shall have concurrent power to restrict and prohibit abortion: Provided, That a provision of a law of a State which is more restrictive than a conflicting provision of a law of Congress shall govern."

The chief benefits claimed for this proposal are these:

It overturns the Supreme Court abortion decisions. The chief holding of the court—that abortion has the protection of a fundamental right under the Constitution—is reversed by the first sentence of the amendment.

It provides for effective laws. The amendment gives "concurrent power" to Congress and the states to make laws against abortion. The Congress can enact a national abortion law which would prohibit abortion on demand in states which do not wish to enact their own restrictions. In states which do enact laws, both the state and Federal statutes would be valid and enforceable—except that, where the two laws were in conflict, the more restrictive would govern. Thus the amendment avoids the most serious problem with a simple states rights approach to abortion—the prospect that some states might become abortion mills—and provides the first explicit declaration of national policy against permissive abortion in American constitutional history.

It has potential for broad appeal. All major public opinion polls on abortion show the same basic phenomenon. Less than one-quarter of the American people want abortion to be illegal under all circumstances, about the same number want legalized abortion on demand, and the majority are caught in the middle, wanting abortion to be illegal except in certain conflict situations. This is not an ideal situation by any means, but it is where Americans are on the issue. The Hatch amendment therefore can appeal to all but the hardcore minority in favor of abortion on demand.

It avoids exceptions clauses in the Constitution. If this amendment, by itself, sets no minimum standard of protection for the unborn, it also sets no upper limit. No exceptions clauses are written into the Constitution which might be morally unacceptable to prolife Americans and which stand in danger of being further weakened by court interpretation.

Thus society can gradually be educated to the complete rejection of abortion as a solution to personal or social problems, and under the Hatch amendment, the new societal consensus can be enacted into law at each stage to provide increasingly effective protection to the unborn. Without providing a constitutional basis for approval of abortion under any circumstance, the amendment expresses a basic trust in the ability of the democratic process to develop laws protecting the rights of all concerned.

While sometimes conceding the potential political advantages of the Hatch amendment, some members of the prolife movement have raised serious moral and philosophical objections against it. They cite three in particular:

First, that the amendment violates Catholic morality on abortion because, in the words of a 1974 Vatican statement, it "admits in principle the liceity of abortion"; second, that it treats the unborn unfairly by failing to recognize them as persons; third, that by treating the protection of the unborn as a matter for legislative discretion instead of as a matter of mandatory directive, it denies that the unborn have an genuine right to life. The first objection is of concern mainly to Catholics, while the other two deal more generally with the moral values reflected in American constitutional law.

Plainly the U.S. Catholic bishops do not believe the amendment is contrary to Catholic moral doctrine. They would certainly not have voted overwhelmingly in favor of it at their annual meeting last November if they believed the objection had cogency.

This also is the view of theologians whose commitment to the Catholic moral position on abortion is unquestionable. They note that the 1974 Vatican Declaration on Abortion was condemning laws which promote abortion or might force people opposed to abortion to cooperate in its practice against their consciences—in other words, the kind of laws which the Supreme Court's 1973 proabortion rulings have made possible. The same Vatican declaration says it could be morally acceptable to support a law which fails to set penalties for abortions performed under some circumstances, with the understanding that the Christian's responsibility is to advocate the improvement of such laws at every stage of the legislative process.

The Hatch amendment itself makes no provision for abortions and grants the power to restrict and prohibit abortion rather than promote it. If this power is not exercised to its fullest extent at first by state and Federal legislatures, the amendment provides a means for improving this situation through the democratic process.

The second objection—that the amendment does not declare the unborn persons—rests on an interpretation of legal personhood which has been called into question by many of the prolife movements' legal schol-

ars. For instance, Dennis Horan of the Americans United for Life Legal Defense Fund says a declaration of personhood provides useful legal symbolism but might actually get in the way of effective protection for the unborn under present circumstances, because it gives proabortion Federal courts considerable latitude in setting the standard of protection.

A case in point might be the proposed Human Life Statute, which declares the unborn child a person on the basis of a factual finding that human life begins at conception. According to a Senate subcommittee which approved the proposal in September, this would not require states to adopt laws against abortions performed by private individuals, because the Constitution directly forbids only government actions contrary to due process of law. Also, courts might write exceptions into state abortion laws by balancing the due process rights of the pregnant woman against those of the unborn.

As a legal term, person is not synonymous with the philosophical concept of person, which means a human being with inherent dignity and inviolable rights. Those who insist on a law or constitutional amendment declaring the unborn to be persons mistakenly assume that the Federal courts would understand person to mean what they mean by it.

The third objective, that the Hatch amendment fails to mandate protection for the unborn, overlooks the fact that the Constitution mandates no particular standards of protecting against the private killing of any human beings. For instance, it does not spell out the exact circumstances under which a state may consider certain acts of homicide justifiable.

To be effective, even proposed constitutional amendments directly prohibiting abortion would require implementing legislation. But the only branch of government which would force recalcitrant legislatures to enact abortion laws would be the Federal courts—and they have generally shown themselves to favor abortion on demand.

Furthermore, in order to pass, such amendments also generally have to make provisions for some abortions, and these so-called exceptions might be interpreted loosely by the same Federal courts.

The only alternative to such problems seems to be a proposal like the Hatch amendment which empowers the people's elected representatives to set the standards of legal protection. If the question ultimately comes down to relying on legislatures or relying on Federal courts to provide protection for the unborn, most people who have followed the controversy in recent years would rely without hesitation on the legislatures.

Finally, there is the political dimension of the debate over the Hatch amendment. In the estimate of persons who have studied the mood of Congress carefully, it has real potential for enactment—much greater potential than any other amendment which has yet come to light. It has been introduced in the House by Rep. John Ashbrook (R., Ohio) and others. And, last Dec. 16, the Senate subcommittee on the Constitution voted 4 to 0 in its favor. This was a historic first—the first time a Congressional Committee had approved a constitutional amendment intended to undo the effects of the Supreme Court decisions.

On the other hand, prolife critics are right in pointing out that neither this proposal nor any other will be easy to pass. The difficulty is that, to some extent at least, the critics' posture can become a self-fulfilling prophecy. With the support of a united prolife movement, the Hatch amendment has solid prospects; without such support, its chances are doubtful.

Since the Supreme Court decisions of 1973, the U.S. bishops and most of the prolife movement have consistently advocated a constitutional amendment to protect unborn children. Now the question is which amendment will most effectively achieve that end. It is a question to be answered not just in light of what particular proposals say on paper or how committed prolife people might like to understand them, but in light of the complexities of legal language and likely interpretations by Federal courts with a proabortion bias.

Weighing these considerations, the bishops and many other prolife people have concluded that the Hatch amendment offers the most realistic prospect at present for giving the needed protection. It remains to be seen whether the entire prolife movement will unite behind it. Plainly 1982 will be a turning point of some kind in the continuing struggle for protection of the unborn.

ABORTING AMERICA

(Bernard N. Nathanson, M.D. with Richard N. Ostling)

THE SPECIOUS ARGUMENTS IN FAVOR OF ABORTION

I have held the opinions expressed in the previous chapter for many years; recent findings only reinforce them. However, the pro-abortionists have their own list of inadequate arguments, and examination of these is more painful, since I once mouthed so many of them myself. Still, intellectual honesty compels me to reassess them so that the abortion issue can get down to the essentials.

1. *The Teeming Masses.* We are sometimes told that abortion is necessary because of world overpopulation. The present work deals with the United States, not the developing nations, which face different cultural, economic, and medical situations from our own. Overpopulation is simply no reason to advocate widespread abortion in a nation like the U.S., and we are not going to end starvation in Ethiopia by aborting in Manhattan.

An aside on this matter of population control: It is intriguing to me that even extreme sectors of the American abortion movement do not advocate it as a primary contraceptive technique but rather as a "fallback" (a precious little euphemism) if birth control fails or is not used. There is a medical paradox here. The Pill produces a death rate far in excess of that in first-trimester abortions, yet few pro-abortionists have had the integrity or the courage to advocate abortion as "just another" birth-control method. Does not some recondite human repugnance for abortion lurk here? Even in liberated 1978, a vague stigma is attached; most women are still unable to look their gynecologists straight in the eye as they report on past abortions.

2. *Mere Tissue.* Pro-abortion spokesmen too often treat alpha as merely a chunk of tissue or an ordinary organ of the mother's body, rather like an appendix that is snipped off. One writer of this persuasion even likened alpha to the cells that flake off every morning when we brush our teeth. The biological facts of the matter will be described subsequently, but let me simply state here that this whole line of argumentation is biological nonsense, unworthy of the people who have advocated it. Alpha is an entity like no other within the woman's body.

3. *You've Seen One, You've Seen Them All.* This point is so eccentric that I would not mention it except that it appears in a book, *Unwanted Pregnancy,* written by a fellow obstetrician-gynecologist named Robert Petres, along with a Southern Presbyterian university chaplain. They dismiss the "personhood" argument on alpha, in part, because this implies that the entity in question is "unique, that he is one of a kind" and they flatly deny that this is true of alphas. "They are not unique. Laid side by side at four or five months' gestation, they are virtually indistinguishable. They are not unique in any way, shape or form." This is a simplistic argument reminiscent of the anti-abortionists' pheno-type gambit. In fact, individuality is structured into each and every alpha that is ever conceived. Its genetic code will never be repeated. Quite early in pregnancy, as we will see shortly, the bodily features and functions of alpha also become individualized. Sad but true, as you read these words some bored gynecologist may be aborting the next James Joyce.

4. *The Woman-and-Her-Doctor.* How many times have we heard this one? The "woman and her doctor" alone ought to decide on abortion. Even the Supreme Court swallowed this. This is a clever way of subtly implying professional scrutiny and endorsement for an abortion, but the phrase is wholly spurious. All one needs to do is look at the New York newspapers, where this allegedly "medical" service is advertised alongside "Madame Marie, Indian Reader," "Weight Loss—Amazing Breakthrough!" and "SINGLE? Looking for someone special?" One author has stated that abortion is no more a medical issue because doctors do it than is capital punishment a matter of electrical engineering because an electric chair is used.

Quite obviously, the mother and the mother alone makes the decision, except in the small percentage of abortions that involve true medical indications. Physicians have no special moral wisdom to impart on such non-medical decisions.

I must agree with Daniel Callahan's remarks against abortion as "medical": It may be very beneficial for a woman, but unless her life is threatened "an abortion cures no known disease and relieves no medically classifiable illness." "It may be merciful and it may be wise," but medicine does not classify a procedure as "therapeutic" when "it is not notably therapeutic for the fetus" and has a "100 percent mortality rate."

5. *Men Don't Get Pregnant.* We are told that laws against abortion were a plot by male chauvinists to oppress woman, or in the less hysterical version, that men can never understand what the pregnant woman suffers. But one day as a mother who had just given birth signed the routine consent form for a circumcision that would inflict considerable pain on her newborn boy, I asked myself: On this account, ought we not require that the father sign consent? How could a woman know what it is to have part of your penis cut off?

James Mohr's historical book points out that the original nineteenth-century feminists were universally opposed to abortion, even after antiseptics had made it a safer procedure. They considered it yet another outrage that had been inflicted upon women by men who forced them to have abortions.

Daniel Callahan objects to the argument about "men legislating for women" because abortion, child-bearing, and child-rearing have consequences for everyone in our society, of both sexes. For that matter, as a "women's issue," abortion works against the pro-choicers in that virtually every U.S. poll over the past decade has shown that women are significantly more anti-abortion than men are.

6. *Cost Benefit.* There is a current tendency, particularly in documents that ooze forth from the federal bureaucracy, to treat abortion and many other medical issues as a "cost benefit" problem. It is cheaper for our society to destroy alphas at $100 apiece than to take responsibility for aiding poor women and children. This may be good politics, perhaps, but it is hardly exemplary social morality. It reeks of the Pentagon's "body count" thinking of the Viet Nam era. Are we supposed to consider such pragmatism of alpha-elimination to be "liberal" and humanitarian? As one who sits in on hospital committee meetings, I must sadly report that this cost-benefit lingo has a lot of cachet among medical administrators who cope daily with the federal, state, and city agencies, and imbibe and recycle their repugnant jargon and accountant-like mentality. This trend is infuriating and dehumanizing.

Certain human issues are too grave to be handled in this way and must be shielded from a cost-effectiveness theory. Abortion is one of them.

7. *Social Panacea.* If the anti-abortionists would blame every social malady on abortion, the pro-abortionists propose it as the *solution* to all manner of social ills. But now that we have had several years of open abortion, what maladies have been alleviated? Liberalization has certainly brought benefits to individuals, but where is the society-wide evidence that it has reduced the welfare rolls, the curse of poverty, or illegitimacy and child abuse? (Actually, as mentioned already, reported child abuse has *risen* noticeably since abortion was legalized, and so have illegitimate births, despite the availability of abortion as an alternative.)

8. *The "Unwanted Child."* The Specter of child abuse is used as part of a broader pro-abortion argument, that every child born into this world must be "wanted," and that social evils will result if they are not. I have some important philosophical objections to the "unwantedness" line, but will limit myself here to matters of simple logic.

Would that all children were wanted. But projections of future harm from present emotions are totally unreliable. At some point in pregnancy, many children are temporarily "unwanted." For that matter, offspring are often "unwanted" at certain moments after they are born. An unwanted alpha does not always end up as a resented baby. As for battered children, there is no solid evidence that unwantedness during pregnancy produces battering. Rather, battered children appear to be the result of mistreatment of the parents when they themselves were children. Contrary to the stereotype, battering is not a problem limited to the poorer families that are of particular concern to the (usually more affluent) abortion avocates. As noted above, if anything, the statistical reports would lead one to conclude that liberal abortion laws, not strict ones, foster child abuse.

The "unwanted child" is also a myth. If alpha is carried to term, it will never be "unwanted" because of the hopeless shortage of babies available for the long list of childless couples who earnestly want to adopt them. So alpha need be "unwanted" only for the nine months between conception and birth. Adoption is difficult for the unwed mother, and more so for the widow, divorcee, or wife who becomes pregnant out of wedlock. The point is that an option does exist if we do judge alpha's survival to be even more important than the difficulties of the unwillingly pregnant woman.

9. *Psychiatric Scare Tactics.* No less than their opponents, the pro-abortionists indulge in pot psychology. The adoption solution, just mentioned, is portrayed as an unutterable trauma for the natural mother, or the psychological harm to a woman refused abortion is painted in lurid terms. Clinical proof of this is, on the whole, lacking. (For ample detail on psychological studies on both sides, see Callahan's *Abortion: Law, Choice and Morality.*) Just as I granted to the anti-abortionists, it is inarguably true that refusal of abortion or giving up of babies for adoption placement may occasion regret or remorse, mixed perhaps with more optimistic thoughts about the life that the mother has authored and preserved. But sadness is not sickness, nor a psychosis. There may indeed be emotional turmoil. This is true of all major life decisions and events, normal pregnancy and childbirth among them. The difficulties of life, however, are not psychiatric pathology and do not provide justification for a procedure if, on other grounds, it is judged to be unethical.

10. *Women's Control Over Their Own Bodies.* Leaving aside for the moment the question of whether alpha is merely "part" of the mother's body like an appendix, this principle is wrongheaded in any event. Civilized societies do not permit women absolute control over their bodies; they do not sanction such things as multilation of one's own body, drug abuse, prostitution, or suicide. Even if alpha is to be considered merely a woman's "property" and not the "person" that the anti-abortionists claim, control over property is not absolute—statutes against cruelty to animals are legitimate, including the animals that the violator owns. We cannot grant women absolute control over alpha without consideration of abortion on its own terms.

The broader claim is the the "right to privacy," which N.A.R.A.L. figured correctly was the only one that would work for us in the courts. We cited in particular the Griswold v. Connecticut ruling striking down anti-birth-control laws on privacy grounds. Justice Blackmun also cited that case in guaranteeing a "right to privacy" on abortion in 1973, but John Hart Ely of the Harvard Law School has pointed out that in Griswold the court reasoned that enforcement of the birth-control ban would have been impossible without outrageous government prying into the privacy of the home. With abortion, the conception may occur in private, but the abortion itself is "in public"—in a clinic or hospital—with various outsiders in attendance. Each act of abortion (but never each use of contraception) must be registered with the government.

There are, after all, good invasions of privacy. Society requires the white majority to respect the rights of the black minority. It does not grant parents total physical control over their offspring after birth, legislating against child abuse. Government intervenes in bodily privacy in the control of communicable diseases, and is even willing to violate parents' control and their explicit First Amendment right to religious liberty in medical-legal disputes where life is at stake (e.g., forced blood transfusions for underage Jehovah's Witnesses, or various medical procedures for children of Christian Scientists).

In the contemporary situation, the woman's "control over her body" offers her a number of options other than abortion. She can choose sexual continence, or if not continence, then contraception, or if not contraception, then sterilization, or if none of these, she can take control in making sure that the man in her life makes such a choice.

11. The Coathanger. The favorite button of the pro-abortionists is the one showing the coathanger, symbol of the self-induced abortion and the carnage that results from it, or the similar problem of botched illegal abortions done by "back-alley butchers." This is a fundamental argument; one that moved us deeply in the late 1960s, and one that could justify non-medical abortion even if no other argument stood up.

How many deaths were we talking about when the abortion was illegal? In N.A.R.A.L. we generally emphasized the drama of the individual case, not the mass statistics, but when we spoke of the latter it was always "5,000 to 10,000 deaths a year." I confess that I knew the figures were totally false, and I suppose the others did too if they stopped to think of it. But in the "morality" of our revolution, it was a useful figure, widely accepted, so why go out of our way to correct it with honest statistics? The overriding concern was to get the laws eliminated, and anything within reason that had to be done was permissible. Statistics on abortion deaths were fairly reliable, since bodies are difficult to hide, but not all these deaths were reported as such if the attending doctor wanted to protect a family by listing another cause of death. In 1967, with moderate A.L.I.-type laws in three states, the federal government listed only 160 deaths from illegal abortion. In the last year before the Blackmun era began, 1972, the total was only 39 deaths. Christopher Tietze estimated 1,000 maternal deaths as the outside possibility in an average year before legalization; the actual total was probably closer to 500.

The death of 500 women, or even 39, is a matter of the most serious concern, but this is hardly an overwhelming death rate among the millions of women of childbearing age. Depending upon the value that is placed upon alpha, it might be lopsided for a society to consider only the 500 women and ignore the 1,000,000 alphas that are legally extinguished each year.

Apart from deaths, there were the walking wounded of the abortion unjustice. Their sufferings were very real to me and to other physicians in the reform movement. In the old days there would be two or three critically ill patients in our ward from infected botched abortions at any one time, and the same in the ward of every other hospital. For this reason obstetrics-gynecology used to be a sobering specialty, and this was a major reason why its practitioners gradually accepted the change. In the middle of too many nights we had gotten a call that a woman was "miscarrying" in early pregnancy. When we would appear bleary-eyed to examine the seriously ill women it would turn out that, one way or another, she had been "started." Those were bleak nights indeed.

Why, then, do I now dismiss the whole carnage argument? Simply because technology has eliminated it.

The practice of abortion was revolutionized at virtually the same moment that the laws were revolutionized, through the widespread introduction of suction curettage in 1970. (Even before this, antibiotics and other advances had already dramatically lowered the abortion death rate.) Instead of scraping the soft wall of the pregnant uterus with a sharp instrument, the operator vacuums it out with a plastic suction curette. Though it is preferable that this be done by a licensed physician, one can expect that if abortion is ever driven underground again, even non-physicians will be able to perform this procedure with remarkable safety. No woman need die if she chooses to abort during the first twelve weeks of pregnancy. Largely due to suction curettage, the total of deaths from all abortions (legal and spontaneous "miscarriage" as well as the illegal abortions, which decreased markedly after legalization) was only 25 by 1976. Even without a suction machine, a simple combination of catheter and syringe can produce enough suction to carry out a safe early abortion.

As for the self-induced abortion, by thrusting a coathanger or other dangerous object into the womb, this will also be a thing of the past. Compounds known as prostaglandins can now be used to bring on contractions and expel alpha, and would readily be available for do-it-yourself abortions in vaginal suppository form. Prostaglandim suppositories would not provide a full abortion in most cases, but they would "start" the woman, and she could then go to her doctor to have her uterus cleaned out. Prostaglandins in general are safe for the mother's system, and besides that, there is no evidence that anything other than a spontaneous miscarriage has occurred. There are no signs of instruments in use, and the woman can command medical attention on a legitimate and legally safe basis. This may sound rather cynical, but this is what would now happen in practice if abortion were illegal.

There may be many other reasons or cases under which abortion is desirable, but this most emotional of the arguments, the one which swayed me more than any other, is now wholly invalid and obsolete.

RACHEL WEEPING AND OTHER ESSAYS ON ABORTION

(By James Tunstead Burtchaell, C.S.C.)

POLITICAL ARGUMENT: ABORTION ON DEMAND IS APPROVED BY MOST AMERICANS

A second reason for permitting abortion legally, quite apart from whether it be right or wrong morally, would be that it enjoys majority support among the public. Abortion advocates have insisted, with but few exceptions, that public opinion surveys show consistent approval of the prochoice position. How the polls have been used, and what they report regarding citizen opinion, affords another issue that will permit insight into the integrity of the proabortion argument.

Abortion advocates sometimes assert, without supportive reference, that there is majority support for legal abortion. Karen Mulhauser, for example, writing in the Newsletter of the National Abortion Rights Action League, of which she is executive director, states: "We are undisputed winners in the public opinion polls—we are the majority." Those who oppose are "the vociferous and fanatic few." Planned Parenthood speaks of a "well-organized, well-financed minority [trying] to impose their narrow moral standards on an unwilling society." Arlie Schardt, erstwhile executive director of the American Civil Liberties Union, has stated for the public record: "Despite the fact that polls show most citizens—including Catholics—favor the right to abortion, and despite the Supreme Court's finding that women have the constitutional right to abortion, the issue frightens Congress." Beverly Harrison, an abortion advocate who teaches social ethics at New York's Union Thelogical Seminary, refers in argument to "the large number of polls which show that slightly over half of the public support the Supreme Court decision." This sort of general, unreferenced claim to majority support is not in itself objectionable . . . unless it happens to be trumped up. In this instance, as one finds, the evidence not only fails to sustain the claim; it consistently suggests the contrary.

A second misuse of opinion surveys is to falsify their findings by distorted restatement. Ellie Smeal, president of the National Organization for Women, gives a typical example of this. Describing "the overwhelming feeling of the majority," she asserts that "81 percent of all Americans and 76 percent of all Catholics support the right of women to choose a safe and legal abortion." This, as we shall see below, takes considerable liberties with the reported data.

A third snag is in the polls themselves. The correct calculation of public sentiment on abortion has repeatedly been stymied by poll questions that are poorly framed. A large measure of distortion is caused, for instance, when a question is couched in terms that warm the respondent toward a particular answer. The Harris Surveys are sometimes spoilt by this sort of editorializing. When Congress was first moving to deny Medicaid funding for abortions, Harris announced that public support for the Hyde Amendment was weak. When asked, "Do you favor or oppose a ban on the use of federal Medicaid funds for poor women who couldn't otherwise pay for them?" 47 percent favored the ban, 44 percent were opposed, and 9 percent had no opinion. But when Harris reshaped the question in biased form its survey produced a different result:

[In percent]

	Yes	No	?
"The U.S. Supreme Court in its original decision was right to say whether a woman has an abortion is a decision she and her doctor should make, and the new ban interferes with the right of a pregnant woman to make that decision."	55	34	11
"The ban is wrong because poor women who cannot afford legal abortions will be forced to have unwanted children or to have dangerous illegal abortions."	51	37	12
"Such a ban is unfair, because it means that rich women, who can afford abortions, will have them while poor women, who can't afford them, will not."	51	40	9

The NARAL, which gave prominence to the more agreeable but less reliable results, described the reshaped questions as having "personalized the funding issue."

Poll results are even more obviously coached when solicited by nonprofessionals. Congressman James W. Symington of Missouri canvassed his constituency to ascertain their views on a prolife amendment. His question was as follows: "The Constitution is the basic document of our American political system. From this fundamental document our laws are derived. In our nation's history it has been altered only 26 times, and only after long debate and serious thought. Recently, several new amendments have been proposed; which, if any, would you support? An amendment to prohibit abortion under any circumstances except to save the life of the mother?"

Here, besides a strongly cautionary preamble which communicates to the voters more of the congressman's attitude than their responses are likely to convey to him of theirs, Symington skews the inquiry further by specifying only one of the amendment formulae under discussion, and that the most restrictive. Predictably, responses showed very little support: men, 18 percent; women, 21 percent.

In November 1978 the ballot in Oregon included an initiative measure to cut off state funding of abortions. Before the vote a NARAL poll sought public reaction to this statement: "The service should be available to poor women who depend on public welfare, rather than have taxes raised to pay the costs of those extra children if abortion were not permitted." Fifty-eight percent agreed. The statement, however, is obviously more appropriate as a public relations tactic than as a legitimate opinion survey instrument. It is distorted by three assumptions: (1) that abortions for which tax-supported subsidy is denied will not take place anyway; (2) that children born after such denial of funded abortion will draw state welfare payments; and (3) that tax increases will result.

A most egregious example of an opinion survey-cum-coaching was provided by the Planned Parenthood Federation of America. At the federation's annual meeting in Houston, November 1979, delegates learned from Dr. Michael Rappeport and Ms. Patricia Labaw of a survey designed to go beyond yes-or-no questions. Of the 1,500 adults interviewed nationwide by telephone, at first 34 percent thought a woman should have an abortion only if her life were in danger, and 45 percent said they disapproved of abortion. "But you ask them about the 45-year-old woman with three children whose contraception did not work or the sixteen-year-old rape victim and suddenly they favor abortion." By the end of his survey, which Planned Parenthood had commissioned, Dr. Rappeport said that 90 percent favored abortion under certain circumstances, which the story headline cited as: "Survey Shows Most Adults Favor Abortion."

Other opinion surveys yield contrived results by asking questions that are more overtly misleading. Some, for instance, have asked whether respondents support the Supreme Court decisions of 1973, but then include some misstatement of what the Court actually decreed. Most frequently a poll will describe the Court as having legalized abortion during the first three months of pregnancy. There are many examples of this, but the Harris surveys provide the most widely known example. For years Harris has asked respondents whether they favored "the U.S. Supreme Court decision in making abortions up to three months of pregnancy legal." The results, which are discolored by the question, have been widely cited on behalf of abortion freedom.

When Harris's findings are reported by the NARAL they lose their original, disqualifying detail. They become simply: "Favorable Harris Polls Demonstrating 60 percent Support for Legal Abortions." "According to Mrs. Mulhauser, the latest figures from a Harris Poll in March show that 60 percent of Americans now support the Supreme Court decision on abortion." Lawrence Lader used the Harris Survey to show "that 52 percent of Catholics approved the Supreme Court's legalization of abortion."

The United States Commission on Civil Rights, in its 1975 proabortion report, cites a 1974 Gallup Poll (identical with the erroneous Harris Survey) wherein 52 percent agreed and 48 percent disagreed that "abortions through the third month of pregnancy should continue to be legal," and concludes that "the Court is supported by a majority of the population."

Congressman Thomas M. Rees of California, an advocate of abortion choice, polled his district, "a district of good, God-fearing middle-class people," whom he described as intelligent and highly educated. His question was: "A recent United States Supreme Court decision legalizes abortions which are performed by qualified physicians during the early stages of pregnancy. This allows an abortion to be a decision made by a woman and her doctor, rather than regulated by the government. Do you favor the Court ruling?" Besides coaching his respondents towards a particular answer and misrepresenting the Court, Mr. Rees crippled his survey by a third kind of blunder that has become an unfortunate commonplace in proabortion opinion reporting: the woman-and-her-physician formula.

What *Wade* and *Bolton* handed down was exactly what the abortion movement had asked for: total freedom for abortion on demand through pregnancy. Since that state of affairs has never since 1973 enjoyed broad public approval as either morally justifiable or legally desirable, those disposed to preserve and defend it have been at pains to identify some finding in the opinion surveys which might be construed as a blanket endorsement of what the Court had decreed, without putting too fine a point on it. One such finding lay in the consistently positive response to this (or a similar) question: "If a woman wants to have an abortion, that is a matter for her and her doctor to decide, and the government should have nothing to do with it." This question, in a preelection survey conducted by the Knight-Ridder newspapers, elicited an 81 percent agreement. At first sight, a positive response would seem to endorse a complete absense of legal restrictions on abortion. Ellie Smeal, of the National Organization for Women, has presented it as such: "81 percent of all Americans and 76 percent of all Catholics support the right of women to choose a safe and legal abortion." Likewise, in November 1979, when the New York Times/CBS News Poll posed the thesis, "The right of a woman to have an abortion should be left entirly to the woman and her doctor," it drew Catholic approval of 64 percent and Protestant approval of 69 percent (down from 69 percent and 76 percent, however, in 1977). The Times headline summed up: "Catholics in Survey Endorse Abortion." Louis Harris, who has asked this question repeatedly, sees the positive response as reflective of "the majority view favoring abortion."

As Peter Skerry has pointed out, however, the woman-and-her-physician question and its interpretation in proabortion literature are both misleading: "these high rates of approval do not stand up to scrutiny." In other, very reliable, polls there have been contradictory responses. In Gallup polls of 1972 and 1974 respondents said that the law should specify when abortion is justified, rather than leave women under no constraints (54 percent vs. 39 percent in 1972; 53 percent vs. 40 percent in 1974). Numerous Gallup polls have shown strong public demand for some form of local regulation (76 percent in 1975; 74 percent in 1977; 73 percent in 1979; 71 percent in 1980). Furthermore, in several surveys from 1970 through 1975 about one-third of the public said it should be lawful for a woman to obtain an abortion without her husband's consent. In these two respects the Court and its law are at variance with the public opinion thus expressed. The public appears to wish two exceptions to the woman-and-her-physician sovereignty: it wants abortion allowed under certain conditions (thus with some purview by the government through law) and it wants a decision shared by the husband. It is difficult therefore to accept that the woman-and-her-physician responses are quite that reliable in their own right. It is still more difficult to conjure them into serving as blanket endorsements for the present law of unrestrained abortion. Possibly they are taken by respondents to disapprove of some imaginable involvement in abortion by government officials.

There is yet another presentation of poll results which would strike an observer as directly dishonest if the data were not openly displayed by the very advocates who do them violence. In May 1979 *Redbook* published an analysis of its own abortion poll, conducted through the Gallup Organization. Its principal conclusion was that "the law of the land still accords with the will of the majority," since "80 percent of Americans say abortion should be legal under any or certain circumstances."

The chief *Redbook* question was: "Do you think abortion should be legal under any circumstance, legal only under certain circumstances, or illegal in all circumstances?" The responses were as follows (to which I add other responses received by Gallup to the same questions):

[In percent]

	1975	1977	1978	1979	1980
Legal under any circumstance	21	22	22	26	25
Legal under certain circumstances	54	55	54	54	53
Illegal under any circumstances	22	19	19	17	18
No opinion	3	4	5	3	4

These responses show a stable and consistent pattern, and agree largely with other comparable surveys. Invariably they have been construed as support for Wade and Bolton, whereas they most clearly are the opposite. Citing a similar but older poll, Joseph O'Rourke, a dismissed priest who heads Catholics for a Free Choice, declared that a majority of the country, Catholics, Protestants, Jews, Democrats, and Republicans, were in favor of abortion under certain circumstances. Betty Benjamin, president of the Abortion Rights Council of Minnesota, argues: "Public opinion polls reveal that 60-88 percent of people in this country think abortion should be legal either in all or some circumstances." Those who oppose abortion freedom oppose "the rights of the majority of Americans." What O'Rourke, Redbook, and Benjamin, with many others, have done is to coalesce the two groups ("always" and "sometimes" legal) into what they see as a majority in support of the present law and the prochoice position. But what the polls relentlessly reveal is that neither the prochoice position nor the prolife position (in its strong form) enjoys more than minority support.

There are presently two polar positions on abortion being actively advocated in this country. One position asserts that abortion is immoral and ought to be illegal, except possibly to save the mother's life. This position is satisfied by only one response: "illegal under all circumstances" (though if danger to the mother's life were specified as one appropriate legalizing circumstance this response would be significantly enlarged). This position consistently enjoys the adherence of about one respondent in every five. The other polar position asserts that abortion is an entirely individual moral issue for the pregnant woman and that she ought to be legally unrestricted in obtaining it (except as her own health and safety require). This position is satisfied by only one response: "legal under any circumstances." It enjoys the adherence of about one respondent in every four. This is presently the law of the land.

The majority of Americans surveyed do not subscribe to either polar position—prolife or prochoice—as presently preached. The majority will countenance abortion in certain circumstances. And the polls are clear and consistent in disclosing what those circumstances are. Basically, the "middle group" considers what are commonly called the "hard reasons" as justifying abortion and it rejects the "soft reasons." To get some sense of this we may put the Redbook findings alongside the two most recent comparable Gallup polls.

Question (asked of those who replied they would make abortions legal under certain circumstances): "Now, thinking about the first three months of pregnancy, under which of the circumstances do you think abortions should be legal?"

[In precent]

	Redbook 1979	Gallup 1979	Gallup 1977
Woman's life is endangered	85	78	77
Woman's physical health is endangered	50	52	54
Woman's mental health is endangered	45	42	42
Chance baby will be deformed	52	44	45
Rape or incest	75	59	65
Family cannot afford to have the child	14	15	16
Don't want child	14		
No opinion		9	2

Several things must be noted here. First, this is not the total national sample responding, but that portion of the sample, the "middle group," which would allow abortion "under certain circumstances." Second, these responses hold only for first-trimester abortions. Approval falls off sharply for later abortions, as these same polls show (1977 and 1979 responses beside each other; the Redbook survey did not include this information):

[In percent]

	Trimester		
	1st	2d	3d
Woman's life is endangered	77/78	64/66	60/59
Woman's physical health is endangered	54/52	46/46	34/33
Woman's mental health is endangered	42/42	31/31	24/22
Chance baby will be deformed	44/45	39/37	28/28
Rape or incest	56/59	38/32	24/19
Family cannot afford to have the child	16/15	9/6	6/4
No opinion	2/9	9/9	20/21

What can we learn from these responses? There is clear allowance for abortion to save the mother's life. There is considerably less allowance for abortion on behalf of her physical health. For abortion after rape or incest there is fairly strong allowance, but only during the first trimester. There is in-

creasing rejection of abortion to eliminate a deformed child (especially since most such abortions require amniocentesis and must await the second trimester, by which time few would allow it). For reasons of mental health or economics there is little feeling that abortion is ever justifiable.

Obviously the largest segment of the public, the dominating swing group that wants to discriminate among reasons justifying abortion, is sympathetic towards endangerment of a mother's life and (much less emphatically) physical health, and towards pregnancy from rape or incest. Other reasons lack the approval of a majority of even this middle group. The only position, then, which this configuration of judgments comes near to approving (though it is less permissive) is that of the American Law Institute's Model Penal Code, which in its abortion provisions had been adopted by a growing number of states before 1973. This middle group does not agree with the present law of the land, enunciated in Wade and Bolton, which forbids state and federal legislatures to restrict abortion at any time during pregnancy, even the last three months if the woman claims it is for her health (understood in the widest sense). And since well over 95 percent of abortions currently performed are truly elective—that is, they occur because a child is unwanted, rather than for one of the "hard reasons" accepted by the group—this group of respondents stands at odds with current abortion law and practice.

Although the advocates of abortion on demand correctly identify their active opponents, the prolife group, as a minority no larger than themselves and perhaps a little smaller, they have failed to acknowledge another group, twice as large as either polar faction, which does not accept present abortion law. It is this group, not just the prolife faction, whose political weight can explain the various legislative frustrations the proabortion group has endured of late, and whose stable convictions regarding abortion explain its unreadiness to acquiesce in what the Supreme Court has done.

Judith Blake, the UCLA professor who has most persistently examined survey results on abortion, has long noted this. While tracing the differentiated opinions of this middle group through Gallup, NORC, and National Fertility surveys back into the 1960s, she has noted various majority opinions that go contrary to the teaching of the present Court: that human life begins at conception or at quickening, and that the unborn are persons before birth; that abortion should be unlawful without the husband's consent; that it should be lawful only in hospitals; and that it should almost never be permitted after the third month.

The fact that a national majority does not believe in unrestricted abortion has not been admitted by its advocates throughout the years of dispute over abortion funding. Indeed, the doctrine of the abortion advocates was that the legislative branch of the government was being manipulated by a vociferous minority. That the Congress should deny funding for abortion (except in the "hard" cases) simply because it was reflecting the national sentiment was something they have not been able to accept. Only lately have abortion advocates begun to admit that they represent a minority view.

In his indignant dissent from the Court's vindication of Congress's right to withhold Medicaid funds for abortions, Justice Brennan called the Hyde Amendment "a transparent attempt by the Legislative Branch to impose the political majority's judgment of the morally acceptable and socially desirable preference." Many political observers reflected that this was precisely what they thought Congress was authorized to do. Justice Blackmun, author of the *Wade* and *Bolton* opinions, took the same occasion to regret what was happening: "the Government 'punitively impresses upon a needy minority its own concepts of the socially desirable, the publicly acceptable, and the morally sound.'" Karen Mulhauser of the National Abortion Rights Action League, looking back to *Wade* and *Bolton* in 1973, has quietly acknowledged that "the country wasn't with us at that point." Patricia Roberts Harris, at the end of 1980, when her tenure as Secretary of Health and Human Services (formerly HEW) was drawing to a close, spoke out against telling young people, "in really medieval terms, you must control your sexuality," and advocated abortion freedom. She acknowledged, however, "that the cutting edge of public opinion is probably contrary to what I am saying." Linda Greenhouse, commenting on *McRae* in 1980, noted that *Wade* and *Bolton* "was as far in the van of a national consensus on abortion as the Court should prudently get." It seems, on the contrary, that the real national consensus does not think of the Court as its vanguard, and is securing for itself a belated recognition.

Before leaving this subject of public opinion on abortion, there is one constituency about whose opinion something needs to be said: women who have aborted. The female personnel of abortion facilities and of advocacy groups tend to include significant numbers of women who are veterans of abortion and whose comradeship in this experience binds them together. It may be their presumption—at least, this seems to recur in the literature of abortion advocacy—that women who have undergone elective abortion will uphold the right of other women to do the same. There is some evidence that this is not so.

Perez-Reyes and Falk report on a group of unmarried adolescent abortors who harbored opinons about the justifiability of abortion that were not entirely permissive. One third of the girls (34 percent) disapproved of abortion except for "hard" reasons—e.g., to save the mother's life or health, to avoid a handicapped child—or for serious medical need. "Apparently in a number of cases, the experience of having a[n abortion] did not result in a generalized more liberal attitude but forced the girls to rationalize their guilt by considering themselves 'exceptions' to the rule." Zimmerman's later study of a group of abortors noticed a similar phenomenon. "Abortion . . . is legal but, from the standpoint of public acceptance, it is not moral. . . . The women we studied tended to approve only under very restrictive circumstances. . . . Thus, the women appeared to retain the idea that they had committed an immoral act. In order to rescue the inconsistency between this and their moral character, they talked in terms of being forced to have an abortion, of not having had a choice. . . . They cut themselves off from future negative implications by viewing themselves as having changed. They took the position of being a different person now from when they had the abortion."

A third item for reflection comes from Japan, where, since American occupation days, abortion has been the most widely used form of birth control. One could expect that the women of a nation which may have between two and three million induced abortions annually, most of them performed for married women, would have made their accommodations of conscience on that subject long ago. Some public opinion surveys taken during the 1960s suggest it may not be so. Various polls, for example, yielded these responses:

AICHI. 59 percent felt that abortion is something "very bad", 16 percent felt that it is considerably bad, 17 percent felt that it is somewhat bad, and 8 percent thought that it could not be called something bad.

NAGOYA. 67 percent—"I think it [the fetus] is a human life from the moment it is conceived in the womb," 42 percent—[The abortion situation in Japan] is not good, 52 percent—[The abortion situation in Japan] is bad, but it cannot be helped, and 1 percent—"I don't know whether it is good or bad."

NATIONAL. 11 percent—[Abortion] should be prohibited completely, 29 percent—"I think it is something bad," and 48 percent—"I think it is not good, but it cannot be helped."

These few slips of evidence are only suggestive, not conclusive. The question they arouse is: does the massive incidence of elective abortion produce mostly partisan, sympathetic female (and feminist) veterans of the experience, or does it also produce, by abreaction, women who would not willingly send others into the experience? It is a question too difficult to answer at this time, but one cannot simply presume that abortors are, as a public opinon cohort, notably more liberal or permissive towards abortion than others.

After one has set aside the opinion polls that are valueless because the questions they ask are too vague, or invite certain responses, or misstate the issues, or draw on an unrepresentative sample; and after one has disregarded presentations of these survey results that are skewed or selective or blundering or dishonest, one confronts two facts. First, the only situation at law which would do political justice to polled majority opinion in this country over the last fifteen years would be one in which state laws permitted abortion in some circumstances and forbade it in others. The second fact is that, whether through guile or bias or self-deception, the advocates of abortion on demand have not acknowledged the first fact. It does not follow that they need agree with this majority view, but it does follow that in propounding their own more permissive views and in lobbying for them politically, they may not claim with any honesty to be representing a view that prevails in the minds of their fellow citizens.

SEQUELAE

In greatest part, this book is both an inquiry into abortion and an examination of a campaign of persuasion on its behalf, a campaign that would have us believe abortion is a necessary and therefore appropriate remedy for certain urgent problems, personal and social. The more I studied that campaign, its premises and arguments and backwash, the more I saw it as a work of dishonesty and death. Just as wife-killing would surely curb the incidence of wife-battering in America, abortion would surely curb some almost unbearable human miseries. Yet somehow each remedy, though it works, is wrong.

Nowhere in these many pages do I set forth an argument against abortion. Before embarking on this study it would not have occurred to me as necessary: why would one

need to argue that mothers and fathers and healers should not destroy their unborn young? At the end of this study I doubt that an argument against abortion is decisive, for one sets one's direction in this great matter more by the will than by the mind. In this life we acknowledge and respect those whom we are willing to accommodate. Our basic attitude towards abortion matches our readiness either to address ourselves to others' needs or to eliminate others when their needs burden us too heavily. I sense an obligation to make some simple exposition of my own understanding about abortion, but it will be more an appeal than an argument. Those who do not wish to rearrange their lives to accommodate a child will not readily be brought to see their unborn as endued with rights or as an envoy of joy—at least not by any argument. Those who know that they have nothing more satisfying to do with their lives than to give others life and its hospitality hardly need to have it explained to them that the stranger appearing unbidden at life's entryway must, before all, be bidden welcome.

I hold that the life of every fellow human must be respected, preserved, and even protected. We must defer to others' lives, not simply to gain and repay a like protection from others, nor just to avoid the penalties of the law, nor merely because every human being has a right to his or her life, a right which deserves priority over every other human right, need, or desire. We must defer for still another reason: if we deal unjust injury or violent death to others, we shall bring upon ourselves a death of the spirit—a violent death. Those who kill, die. And they die when they slay, not later.

I hold that, so far as we best can tell, a human person's life begins at conception. Neither birth nor any transition leading up to it serves as a true beginning, unless we talk biological nonsense. Of course an unborn child does not speak or work or give her or his love to others (nor does a newborn child; nor, for that matter, some people long since born). But it is terribly important that we give the basic protection of life-loyalty to all fellow humans, not only to those who suit us as valuable contributors to society. My position is that no one should have the right or power to decide what qualities or what usefulness others must have to avoid being killed. It is enough to be any human being, no matter how burdensome or troublesome, to merit the right to life.

Abortion, then—the willful and violent killing of an unborn human being—is homicide. By this neutral term I mean simply the killing of a human. We talk of accidental and deliberate and justifiable homicides. Is there such a thing as a justifiable abortion? Here I would argue that if we claim any honesty we must hew to the same principles in evaluating abortion as govern our judgments on any other form of homicide.

Some maintain that all deliberate killing is wrong. Better, they argue, to accept violence at the hands of others than to take up weapons and end ourselves as death-dealers. Others, likewise committed to life, would say that homicide could be justified under certain conditions, e.g., to protect oneself or some innocent third party from mortal, undeserved attack. On the latter view it might be justifiable to destroy a child were that clearly the only way to save his or her mother's life. But there is no consistent, responsible moral way, from either point of view, to justify the killing of innocent offspring to relieve his or her elders of any inconvenience, no matter how severe the distress.

It is no less savage to abort a deformed child than to exterminate a retarded adult. It is no more justifiable to abort a child in order to conceal adultery than to murder a witness about to give evidence in a trial. One cannot fairly allow a child to be destroyed because he or she was conceived by rape or incest, without also allowing the elimination of illegitimate children.

My argument is straightforward. Abortion is homicide: the destruction of a child. Save for the rare, rare instance when it is a mortal threat to a mother's life to carry her child to birth, there is no abortion that is not the unjust taking of another's life because it is a burden to one's own.

Someone has reckoned that a high percentage of the murders in this country find close family or business associates as victims. We have in us this strange and desperate ability, this selfish madness, to blind our mind's eye towards those nearest us, to see them as insignificant, as nothing really human. We depersonalize our victims before killing them. So with abortion.

In opposing it I am in no way insensitive to the plight of mothers who are frightened thirteen-year-olds, or are supporting six children on welfare, or are having to drop out of college because of one night's foolishness. I simply say that these are not misfortunes that justify anyone in raising his or her hand to kill. They are not trivial miseries. But to allege them as cause for abortion reminds me too much of the excuses for the massacre at My Lai, and for the bondage of the slave trade, and for the industrial poisoning at Minamata.

I do not wish to donate on Tuesday to the March of Dimes for medical research on the health of the unborn, and on Thursday to Planned Parenthood to keep crippled children from ever surviving still birth. I want no part of the insanity that sends police into the privacy of homes to stop parents from battering and scalding their four-month-old babies to death, and then uses the same force of law to guarantee the "privacy" of parents to dismember their babies four months before birth. I have no stomach for a society which sees that in many of its homes children are unwanted, and would rather exterminate the children than heal the parents. And though I try to be patient, I do become exasperated when told that since I am a Catholic I have somehow lost my civil right to make public and legal appeal for the lives of the young marked down for death, or that I am imposing my private religious notions on the majority of my fellow citizens, when it is clear to anyone willing to inquire that it is the minority of citizens that presently uses the law to kill.

Women have a right to reproductive freedom I hear it argued, and I agree: all women, even little girls yet unborn who have the right to be free to grow to the age when they in their turn can make love and have babies. Women should have control over their own bodies, it is said, and I agree; but not life-and-death control over the bodies of their children (and in the case of male children, who ever heard of a male part of a female body?). Make abortions illegal, we hear it said, and they will still go on, but in the back streets, and I agree. Yet rape goes on despite our laws; should it no longer be a crime? And if the day came when the nation was no longer willing to go on record that rape was criminal, would there not be more of it? Can anyone who knows that we record 1,500,000 abortions a year in America imagine that most of these would have occurred without the legal protections of 1973? Drive abortion underground, it is said, and young women will die by the septic coathanger. Yes, just as the young women of the Weather Underground who blew themselves up making bombs. I mourn them all, but I mourn more their innocent victims—and differently. Make abortion a criminal act, we hear it said, and only the rich will be able to afford it. Yes, but then the rich have always been better able to afford their vices. I would as soon buy abortions for the poor as buy them heroin. Abortions will go on! Why not at least see that they be done cleanly and safely? Yes, say I, and so shall hatred and murder go on, but I shall not use the tax moneys to give sniper-scopes to the Klan or dumdum bullets to the Mafia.

But back to the point, the chief point, the much-avoided point, the only point at issue: to abort is to destroy one's son or daughter.

[From the Human Life Review]

WATCHING AN ABORTION

(By Magda Denes)

(Magda Denes is a clinical psychologist who had an abortion several years ago, after which she decided to revisit the hospital to observe other abortions, as well as interview members of the medical staff, patients, family members, etc. Her new book, "In Necessity and Sorrow: Life and Death in an Abortion Hospital," is based on that research. This excerpt is taken directly from the book (beginning on page 53 and continuing through page 61) without alteration or ommission, and is reprinted with permission by the publisher, Basic Books, Inc. (Copyright 1976 by Magda Denes, all rights reserved).)

(The author is invited by "Dr Szenes" (all names except the author's are fictitious) to watch a saline abortion; she describes here what she saw, and her reactions to it and to other things she sees in the hospital.—Ed.)

"I have to get back to work, do you want to watch?"

"Very much, thank you."

"Stand here, then," he says, opening the swinging door and pointing me to a strategic corner where I can see but will not be in his way. To the girl he says, "Come in, young lady, I am Dr. Szenes. This is Dr. Denes, she'll be with us for the duration. Okay?" The girl nods, yes. He guides her to the treatment table and hands her over to the nurse who has been silently waiting. The nurse helps the girl onto the table and makes her lie down. She lifts the girl's white hospital gown to her waist and covers her thighs and genitals with a sterile disposable towelette, leaving her round protruding belly exposed. With a small gauze pad she washes the area with alcohol. Meanwhile, Dr. Szenes scrubs his hands at a tiny sink in the corner opposite to mine. "what is your name, young lady?" he asks. "Flo. Florence Sullivan." "Sullivan. Irish, eh? And how old are you?" "Well, my father was Irish. Sixteen and a half." "That's pretty young, to be going through this. When was your last period?" "June or July." "Which?" "June, I guess." "That makes you twenty-two weeks pregnant. Right?" "That's what I was told." The conversation goes on, partly to gather information, partly I suppose to reassure the girl, who looks terrified.

When he is through scrubbing, Szenes stands in front of the nurse, who holds open first a left, then a right sterile rubber glove

so that the doctor can slip his hands into them. "Now this whole thing should not hurt you," he says, again addressing the girl. "It will be uncomfortable, but it should not hurt." The nurse hands Dr. Szenes a syringe. He expels a little liquid into the air, then injects Flo, near her belly button, just under the skin, holding the syringe parallel to the girl's abdomen. About two seconds later without removing the needle he jerks the syringe upward to make the needle plunge straight down into the abdominal cavity. At this point the needle is invisible and the syringe is completely vertical in the doctor's hands. The injected liquid is 5 cc's of Novocain. Flo winces and her eyes well up, but she remains silent. Szenes smiles at her. "That was the worst part, the rest is apple pie."

The nurse sprays the area with iodine solution, tinting Flo's skin the color of brown mustard. She takes the syringe from the doctor and hands him a needle. It looks enormous. He holds it up to show me. "It is an eighteen-gauge, three-and-a-half-inch long spinal needle. We use this to tap the fetal sac. It works very well." Turning back to the patient he places the needle on the exact spot of the injection and pushes it in to the hilt in one firm fluid motion resembling the choreographed movement of a dancer. Now that the horsing around is over, Szene's first-rate professional competence is unmistakable. There is no reaction from Florence. The needle ends in a pink hub about half an inch long. Holding on to it, Szenes removes the stylet to permit the free flow of amniotic fluid. As he lifts the stylet, I see a little squirt of yellowish liquid shoot up through the pink hub. Szenes says: "That's good. We're doing very well." The nurse hands him a short, thin rubber tube, one end of which he attaches to the needle hub. To the other end of the tube he connects a large syringe. Holding it steady, he slowly pulls the plunger outward, filling the syringe with a thin liquid the color and consistency of urine. He is suctioning out the amniotic fluid. When the syringe is filled he disconnects it from the rubber tube and squirts the liquid into the corner sink. The process is repeated three times—amounting altogether to one hundred and fifty cc's of amniotic fluid removed from Flo's belly.

"How do you feel, young lady? "Fine." Flo's voice is barely audible. Her hands are clutched on her chest, and she is very pale. "Excellent, because we are almost finished. I am going to hook you up now to the saline to replace the fluid we took out. While that's going on, you'll have to tell me whether you feel anything unusual. Like if your face gets flushed or if you suddenly feel numb or very thirsty. Things like that, okay?" Flo nods. "Talking doesn't interfere with this process, you know." The intent is to console, the result is disaster. Flo breaks into racking, body-shaking sobs. Her belly heaves up and down causing the rubber tube to flop about. "Stop it," says Szenes, his voice rising. "Stop it at once, you will dislodge the needle." The nurse, who until now has not uttered a sound, puts her hand on Flo's forehead and says, "Come on, dear, it is almost over." Flo grabs a corner of her folded-up white gown, stuffs it into her mouth and bits down on it. She looks like a broken-hearted three-year-old. For the first time since I have entered the room the context of the scene reasserts itself in my mind. Riveted, I have been watching on the level of pure performance something I have not seen before. Szenes, the nurse, even Flo, have been actors in a dramatic medical procedure, for me to observe and learn first hand. But the sobbing? The hand on the forehead? The rising inflection laden with concern of potential danger? This is no instructional demonstration, and the withdrawn liquid is no urine. It is fluid essential to the life of the child whose heart is beating in the belly of this other child. This other child who lies here, terrified, heartbroken, tormented, sucking on her shirt.

Next to the treatment table there is an intravenous stand about ten feet tall with an inverted bottle hanging from each side of its crossbar. One of the bottles has a long rubber tube attached to it. Szenes removes the short tubing from the hub of the needle in Flo's belly and connects it to the long tube leading from the bottle. The bottle contains hypertonic saline solution. He checks that the flow is steady by lowering and raising the bottle a couple of times, before replacing it on the crossbar of the stand. "I want about two thousand," he says to the nurse. It is evidently her duty now to keep an eye on the amount and the evenness of the flow.

Szenes sits down at a small desk in my corner to make notes in the charts. "Look here," he says to me, pointing to a number that exceeds nine thousand. "What is it?" "The patient's number." "You mean you have done this many?" "Well, not I, the five of us. Four, really, because Dr. Marcus joined us only a couple of hundred ago. I'd say about two thousand apiece, give or take a few."

The words of a pamphlet I had picked up weeks ago come back: "As a result of the concentrated solution of saline in the uterus the fetus will not survive more than a few hours after the injection." There is no way then to assert, except by pretense, that what is being salinated in its mother's womb is not alive or not human. There is no way to say that this is not a type of murder. And yet, there is no way to say that it would not be just as surely murder more cold and vengeful, to force little Flo to give birth to her bastard.

This is no floor for self-assurance. No floor to feel good about anything.

"Okay," says Dr. Szenes, getting up and checking the bottle. "I think we can remove this now." He disconnects the bottle, retracts the needle, and the nurse puts an adhesive stip on the tiny puncture site. "Do you feel all right?" Flo nods. "You can go back to your room now. Lie down for a half-hour. Then drink two glasses of water. After that, you can walk around. Watch TV. Make phone calls, whatever you want to do. When dinner comes you must eat it all whether you like it or not. All of it. After dinner you are to stay in bed. The house doctor will come to your room and put an intravenous needle in your arm. Once that's done you may not move at all, nor eat or drink anything. The IV contains glucose to nourish you and a medicine called Pitocin to stimulate labor. If the cramps get bad you can ask the nurse for some Demerol, a pain killer. You must ask for it if you want it, because the nurses can't tell when your pains get really bad. Don't believe anyone who says it retards labor. It does nothing of the sort. With any luck, you should be all done twenty-four hours after the IV is inserted. Any questions?" Flo has climbed off the table and is adjusting her gown in the back, where it is open, in preparation for leaving. She says, "No." "Fine. Good day, young lady." Flo leaves, and Szenes sticks his head out the door: "Next please."

I look at my watch. Fifteen minutes have passed since I entered the room. I am drenched in sweat. I have a bellyache. I gather my stuff together. "Oh, you are leaving?" "Yes. I think so. Thank you very much. And I'd like to come back later if I may." "Any time, a pleasure." I walk out as I hear him begin to explain the procedure to the new girl in the room, who is black, whose name is Joan, and whose age is thirteen.

I do not get to see Flo deliver. In fact, I do not see anyone deliver for a very long time.

Once the IV is inserted the patients are confined to bed, and they deliver there, anywhere from twenty-four to thirty-six hours later. The precise moment is unpredictable. The process is exactly like giving birth to a child: cramps, water-break, fetus, placenta, end. Although I frequently hear screams from this room and that, I am somehow never in the right room at the right time. "Did your water break?" "Yes." "Then you'll deliver very soon." "Within the hour, I was told." "Oh my God, it's ten to four, I have to be in my office at four o'clock. Goodbye. Good luck." I never invent my excuses, they just come up. Repeatedly.

I decide to put an end to my stalling and spend an uninterrupted afternoon on the floor. Nothing happens, not even screaming. Toward evening I turn in desperation to one of the nurses. "Isn't anybody going to give birth today?" Before she can open her mouth, her face tells me that I have spat in the soup. "Doctor, that is not what happens here." "I am sorry, I mean deliver a baby, I mean fetus. To hell with it, nurse, I am going home. Good night."

The next afternoon I return determined, regardless of where I am at the time of delivery, to look inside the buckets.

Two doors down from the nurses' station there is a little room with several large garbage cans, each nealty marked for different types of garbage, and a medium-sized table on top of which stand paper buckets—the type in which one buys fried chicken from take-home stores. The buckets are covered with their paper lids. Attached to each lid there is a white cardboard label bearing—printed in ink—the mother's name, the doctor's name, the time of delivery, the sex of the item, the time of gestation. Inside each bucket, I have been told, there is a fetus and its placenta stored in formaldehyde. At the end of the day the buckets are transferred to the laboratory where the contents are examined for abnormalities. That done, they are collected in a large plastic bag, and a special messenger takes them to a sister hospital in possession of an incinerator. There they are burned.

I ask the nurse on duty for some rubber gloves. "What size?" she asks. I am unaware that they come in sizes. Somehow I always thought that they were one-size-fits-all stretch. I hold up my left hand to show her its size. She misunderstands the gesture and says astonished: "You want size five gloves?" No, I mean six," I answer, faking it. "I have only six and a halves." "That's fine, thank you." I have learned that with nurses I must disguise my ignorance of medical matters, otherwise they become suspicious of my right to do whatever I am doing and they put obstacles in my way.

I go into the little room, place my stuff on the floor next to the garbage cans, and pull on the gloves. Their fit is remarkable. My hands feel completely protected without any noticeable loss of agility. I enjoy very much having them on. I touch several objects at random—my pencil, the curving outside of a bucket, the edge of the table, the handle of my briefcase, my nose—and I am

delighted with the experience of false contact. My hands can gather accurate information without being in the slightest way exposed. I can touch anything, I think, and feel what it is, and yet it can not touch me. A paradise of one sidedness. I have a vague sense that there is some kind of parable hidden in the experience, but I cannot arrive at it in words. Besides, I am also a little ashamed that I can stand in this garbage-can-filled graveyard, playing with gloves.

Planting myself in front of the table, balanced, legs slightly apart, I remove with one hand the lid of a bucket. The sharp fumes of formaldehyde instantly hurt the insides of my nose and throat. The smell also brings with it the long-forgotten memory of fetal pigs. The association strikes me as unseemly; nevertheless I remember, with unwanted total recall, the misery of my sophomore year in college, when in Bio. I., every Wednesday from three to five, for six months, we dissected the fetal pig. On the first day of class the instructor brought in a huge container filled with formaldehyde and floating pigs. He fished out one pig for each student, tagged with the student's last name, giving the impression that the pig was a lost, finally returned relative, in regrettable shape. My English at the time was very poor so that it took me weeks to catch on why the pigs were so small. I thought "fetal" was a brand name like "Jersey" for cows. When I did catch on, I cut classes for a month. That entire semester I would at odd and inconvenient moments think that I could smell the burning odor of mildly decomposed flesh stored in acid.

I look inside the bucket in front of me. There is a small naked person in there floating in a bloody liquid—plainly the tragic victim of a drowning accident. But then perhaps this was no accident, because the body is purple with bruises and the face has the agonized tautness of one forced to die too soon. Death overtakes me in a rush of madness. Oh yes, I have seen this before. The face of a Russian soldier lying on a frozen snow-covered hill, stiff with death and cold—on one hand an erect, bloody stump, where someone has cut off his ring finger to get at his wedding band. Oh yes, I have seen this face before, on humans and on a castrated horse, left lying in its blood across some unrooted streetcar tracks by someone demented with hunger who thought he had found food. Oh yes, I am no stranger here—I have brains spilled on sidewalks and hearts crushed forever with one blow. Who says you can't go home again? A death factory is the same anywhere, and the agony of early death is the same anywhere.

I take the lid off all the buckets. All of them. I reach up to the shelf above this bucket graveyard tabletop and take down a pair of forceps. With them I pull aside in each bucket the placenta, which looks like a concerous mushroom shrouding the fetus. With the forceps I lift the fetuses, one by one. I lift them by an arm or a leg, leaving, as I return them again, an additional bruise on their purple, wrinkled, acid-soaked flesh. I have evidently gone mad. I carry on the examination, whose sole purpose by now is to increase the unbearable anguish in my heart. Finally, I lift a very large fetus whose position is such that, rather than its face, I first see its swollen testicles and abnormally large stiff penis. I look at the label. Mother's name: Catherine Atkins; doctor's name: Saul Marcus; sex of item: male; time of gestation: twenty-four weeks. I remember Catherine. She is seventeen, a very pretty blond girl. Not very bright. This is Master Atkins—to be burned tomorrow—who died like a hero to save his mother's life. Might he have become someday the only one to truly love her? The only one to mourn her death?

"Nurse, nurse," I shout, taking off my fancy gloves. "Cover them up."

NEW PERSPECTIVES ON HUMAN ABORTION

(Edited by Thomas W. Hilgers, M.D., Dennis J. Horan, and David Mall)

THE EXPERIENCE OF PAIN BY THE UNBORN

One aspect of the abortion question which has not been adequately investigated is the pain experienced by the object of an abortion. The subject has clearly little attraction for the pro-abortion party, whose interest lies in persuading the public that the unborn are not human and even in propagating the view that they are not alive. Indeed, in a remarkable judicial opinion Judge Clement Haynsworth has written, "The Supreme Court declared the fetus in the womb is not alive. . . ." [1] Judge Haynsworth's statement is merely a resolution of the oxymoron "potential life," which is the term chosen by the Supreme Court of the United States to characterize the unborn in the last two months of pregnancy.[2] Before that point, the unborn are referred to by the Court as alive only according to one "theory of life";[3] and as the phrase "potential life" appears to deny the actuality of life, Judge Haynsworth does not exaggerate in finding that, by definition of our highest court, the unborn are not alive. From this perspective, it is folly to explore the pain experienced. Does a stone feel pain? If you know as a matter of definition that the being who is aborted is not alive, you have in effect successfuly bypassed any question of its suffering.

It is more difficult to say why the investigation has not been pursued in depth by those opposed to abortion. The basic reason, I believe, is the sense that the pain inflicted by abortion is of secondary importance to the intolerable taking of life. The right to life which is fundamental to the enjoyment of every other human right has been the focus. That suffering may be experienced by those who are losing their lives has been taken for granted, but it has not been the subject of special inquiry or outrage. The assumption has been that if the killing is stopped, the pain attendant on it will stop too, and it has not seemed necessary to consider the question of pain by itself. In this respect those opposed to abortion have been, like most medical researchers, concentrating on a cure not for the pain but the the disease.

There are good reasons, however, for looking at the question of pain by itself. We live in a society of highly developed humanitarian feeling, a society likely to respond to an appeal to empathy. To those concerned with the defense of life, it makes no difference whether the life taken is that of a person who is unconscious or drugged or drunk or in full possession of his senses; A life has been destroyed. But there are those who either will not respond to argument about killing because they regard the unborn as a kind of abstraction, or who will not look at actual photographs of the aborted because they find the fact of death too strong to contemplate, but who nonetheless might respond to evidence of pain suffered in the process of abortion. In medical research it has proved useful to isolate pain as a phenomenon distinct from disease, so it may be useful here.[4]

The analogy of animals

The best indication that attention to the pain of the unborn may have social consequences is afforded by the example of humanitarian activity on behalf of animals. Let me offer three cases where substantial reform was effected by concentrating on the pain the animals experienced. In each case it was accepted that animals would die, whatever reform was enacted; an appeal on their behalf could not be based on an aversion to putting animals to death. The only forceful argument was that the way in which the animals were killed was cruel because it was painful to the animals.

The first case is that of trapping animals by gins—traps that spring shut upon the animal, wound it, and hold it to die over a probably protracted period. A campaign was launched in England against this method of trapping in 1928, and after thirty years Parliament responded by banning such trapping.[5] A second case is the butchering of cattle for meat. The way in which this was for centuries carried out was painful to the animal being slaughtered. A typical modern statute is the law in California which became effective only in 1968—all cattle are to be rendered insensible by any means that is "rapid and effective" before being "cut, shackled, hoisted, thrown or cast." Or, if the animals are being slaughtered for kosher use, their consciousness must be destroyed by "the simultaneous and instantaneous severance of the carotid arteries with a sharp instrument."[6] A third case: a 1972 California statute regulates in detail the methods by which impounded dogs or cats may be killed. If carbon monoxide is used, the gas chamber must be lighted so that the animal's collapse can be monitored. A newborn dog or cat may not be killed other than by drugs, chloroform, or a decompression chamber. The use of nitrogen gas to kill an older dog or cat is regulated in terms of an oxygen reduction to be reached within sixty seconds.[7] Each of these laws has a single goal: to assure that the animal not suffer as it dies.

It may seem paradoxical, if not perverse, to defend the unborn by considering what has been done for animals. But the animal analogies are instructive on three counts: they show what can be done if empathy with suffering is awakened. They make possible an *a fortiori* case—if you will do this for an animal, why not for a child? And they exhibit a successful response to the most difficult question when the pain of a being without language is addressed—how do we know what is being experienced?

The inference of pain

Our normal way of knowing whether someone is in pain is for the person to use language affirming that he or she is suffering.[8] This behavior is taken as a sign, not necessarily infallible but usually accurate, that the person is in pain. By it we can not only detect the presence of pain but begin to measure its threshold, its intensity, and its tolerability. Infants, the unborn, and animals have no conceptual language in which to express their suffering and its degree.

Human infants and all animals brought up by parents will cry and scream.[9] Every human parent becomes adept at discriminating between a baby's cry of pain and a baby's cry of fatigue or of anxiety. How do we distinguish? By knowing that babies are human, by empathizing, by interpreting the

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Footnotes at end of article.

context of the cry. We also proceed by trial and error: this cry will end if a pain is removed, this cry will end if the baby falls asleep. But animals, we know, are not human and are, in many significant ways, not like us. How do we interpret their cries or their wriggling as pain reactions if they are silent?

What we do with animals to be able to say that they are in pain is precisely what we do with the newborn and the infant: we empathize. We suppose for this purpose that animals are, in fact, "like us," and we interpret the context of the cry. We also proceed by trial and error, determining what stimuli need to be removed to end the animal's reaction.[10] We are not concerned with whether the animal's higher consciousness, its memory and its ability to understand cause and to forecast results, are different from our own, even though we know that for us the development of our consciousness, our memory, our understanding, and our sense of anticipation all may affect our experience of pain. With animals, we respond when we hear or see the physical sign we interpret as a symptom of distress.

Once we have made the leap that permits us to identify with animals, we do not need to dwell on the overt signs of physical distress. All we need is knowledge that an injury has been inflicted to understand that the animal will be in pain. Consider, by way of illustration, this passage on the cruelties of whaling: "A lacerated wound is inflicted with an explosive charge, and the whale, a highly sensitive mammal, then tows a 300-ton boat for a long time, a substantial fraction of an hour, by means of a harpoon pulling in the wound."[11] The author does not particularize any behavior of the wounded whale beyond its labor tugging the whaleboat, nor does he need to. We perceive the situation and the whale's agony. In a similar way the cruelty involved in hunting seals is shown by pointing to their being shot and left to die on the ice.[12] The pain of the dying seal is left to imaginative empathy.

We are, in our arguments about animal suffering and in our social response to them, willing to generalize from our own experience of pain and our knowledge of what causes pain to us. We know that pain requires a force inflicting bodily injury and that, for the ordinary sentient being who is not drugged or hypnotized, the presence of such a force will occasion pain. When we see such a force wounding any animal we are willing to say that the animal feels pain.

The nature of pain

If we pursue the question more deeply, however, we meet a question of mixed philosophical-psychological character. What is pain? Pain has in the past been identified with "an unpleasant quality in the sense of touch." Pain has also been identified with "unpleasantness," understood as "the awareness of harm."[13] In the analysis of Thomas Aquinas, *dolor* requires the deprivation of a good together with perception of the deprivation. *Dolor* is categorized as interior *dolor*, which is consequent on something being apprehended by the imagination or by reason, and exterior *dolor*, which is consequent on something being apprehended by the senses and especially by the sense of touch.[14] The Thomistic definition of exterior *dolor*, while general, is not incongruent with a modern understanding of pain, which requires both harmful action on the body and perception of the action. It has been observed that pain also has a motivational component: part of the pain response is avoidance of the cause of the pain.[15] In the words of Ronald Melzack, a modern pioneer in work on pain, "The complex sequences of behavior that characterize pain are determined by sensory, motivational, and cognitive processes that act on motor mechanisms."[16]

Pain, then, while it may be given a general definition, turns out upon investigation to consist of a series of specific responses involving different levels and kinds of activity in the human organism. Melzack has put forward a "gating theory" of pain, in which the key to these responses is the interaction between stimuli and inhibitory controls in the spinal column and in the brain which modulate the intensity and reception of the stimuli.[17] Melzack's theory requires the postulation of control centers, and it is not free from controversy.[18] Yet in main outline it persuasively explains a large number of pain phenomena in terms of stimuli and inhibitors.

To take one illustration at the level of common experience, if someone picks up a cup of hot liquid, his or her response may vary depending on whether the cup is paper or porcelain. The paper cup may be dropped to the ground; an equally hot porcelain cup may be jerkily set back on the table. What is often looked at as a simple reflex response to heat is modified by cognition.[19] To take a more gruesome experience, a number of soldiers severely wounded on the beach at Anzio told physicians in the field hospital that they felt no pain; they were overwhelmingly glad to be alive and off the beach. The same wounds inflicted on civilians would have been experienced as agonizing.[20] For a third example, childbirth without anesthesia is experienced as more or less painful depending on the cultural conditioning which surrounds it.[21]

As all of these examples suggest, both the culture and specific experiences play a part in the perception of pain. Memory, anticipation, and understanding of the cause all affect the perception. It is inferable that that brain is able to control and inhibit the pain response. In Melzack's hypothesis, the gating mechanism controlling the sensory inputs which are perceived as painful operates "at successive synapses at any level of the central nervous system in the course of filtering of the sensory input."[22] In this fundamental account, "the presence or absence of pain is determined by the balance between the sensory and the central inputs to the gate control system."[23]

What is the nature of the sensory inputs? There are a large number of sensory fibers which are receptors and transmitters, receiving and transmitting information about pressure, temperature, and chemical changes at the skin. These transmissions have both temporal and spatial patterns. It is these patterns which will be received as painful at certain levels of intensity and duration when the impulses are uninhibited by any modulation from the spiral column or brain.[24]

The experience of the unborn

For the unborn to experience pain there must be sense receptors capable of receiving information about pressure, temperature, and cutaneous chemical change; the sense receptors must also be capable of transmitting that information to cells able to apprehend it and respond to it.

By what point do such receptors exist? To answer this question, the observation of physical development must be combined with the observation of physical behavior. As early as the 56th day of gestation the child has been observed to move in the womb.[25] In Liley's hypothesis, "the development of structure and the development of function go hand in hand. Fetal comfort determines fetal position, and fetal movement is necessary for a proper development of fetal bones and joints."[26] If fetal bones and joints are beginning to develop this early, movement is necessary to the structural growth; and if Liley is correct, the occasion of movement is discomfort or pain. Hence, there would be some pain receptors present before the end of the second month. A physiologist places about the same point—day 59 or 60—the observation of "spinal reflexes" in the child. Tactile stimulation of the mouth produces a reflex action, and sensory receptors are present in the simple nerve endings of the mouth.[27] Somewhere between day 60 and day 77 sensitivity to touch develops in the genital and anal areas.[28] In the same period, the child begins to swallow. The rate of swallowing will vary with the sweetness of the injection.[29] By day 77 both the palms of the hands and the soles of the feet will also respond to touch; by the same day, eyelids have been observed to squint to close out light.[30]

A standard treatise on human physiological development puts between day 90 and day 120 the beginning of differentiation of "the general sense organs," described as "free nerve terminations (responding to pain, temperature, and common chemicals), lamellated corpuscles (responding to deep pressure), tactile corpuscles, neuromuscular spindles, and neurotendinous end organs (responding to light and deep pressure)."[31] But as responses to touch, pressure, and light precede this period, visible differentiation must be preceded by a period in which these "general sense organs" are functioning.

The cerebral cortex is not developed at this early stage; even at 12 to 16 weeks it is only 30 percent to 40 percent developed.[32] It is consequently a fair conclusion that the cognitive input into any pain reaction will be low in these early months. Neither memory nor anticipation of results can be expected to affect what is experienced. The unborn at this stage will be like certain Scotch terriers, raised in isolation for experimental purposes, who had no motivational pain responses when their noses encountered lighted matches; they were unaware of noxious signals in their environment.[33] But if both sensory receptors and spinal column are involved, may one say with assurance that the reception of strong sense impressions causes no pain? It would seem clear that the reactions of the unborn to stimuli like light and pressure are the motivational responses we associate with pain. We say that a sense receptor is there because there is a response to touch and a taste receptor because there is a response to taste. By the same token we are able to say that pain receptors are present when evasive action follows the intrusion of pressure or light, or when injection of a disagreeable fluid lowers the rate of swallowing. Liley is categorical in affirming that the unborn feel pain.[34] His conclusion has recently been confirmed by an American researcher, Mortimer Rosen, who believes the unborn respond to touch, taste, and pain.[35]

While the likelihood of weak participation by the cerebral cortex will work against the magnification of the pain, there will also be an absence of the inhibitory input from the brain which modulates and balances the sensory input in more developed beings. Consequently, the possibility exists of smaller and weaker sensory inputs having the

same effect which later in achieved only by larger and stronger sensations.

As the sensory apparatus continues to grow, so does the cerebral cortex: light stimuli can evoke electrical response in the cerebral cortex between the sixth and seventh months.[36] By this time there will be a substantial cerebral participation in pain perception together with the likelihood of greater brain control of the sensory input. If a child is delivered from the womb at this date, he or she may shed tears. He or she will cry.[37] As we do with other newborns, we interpret these signs in terms of their context and may find them to be signs of pain. What we conclude about the delivered child can with equal force be concluded about the child still in the womb in months six through nine: that unborn child has developed capacity for pain.

In summary, beginning with the presence of sense receptors and spinal responses, there is as much reason to believe that the unborn are capable of pain as that they are capable of sensation. The ability to feel pain grows together with the development of inhibitors capable of modulating the pain. By the sixth month, the child in the womb has a capacity for feeling and expressing pain comparable to the capacity of the same child delivered from the womb. The observation sometimes made that we don't remember prenatal pains applies with equal force to the pains of being born or the pain of early infancy. Memory, it must be supposed, suppresses much more than it recalls. If we remember nothing about life before birth or life before three or four, it may even be that some recollections are painful enough to invoke the suppressive function of our memory; life in the womb is not entirely comfortable.

The experience of pain in an abortion

The principal modern means of abortion are these. In early pregnancy sharp curettage is practiced: a knife is used to kill the unborn child.[38] Alternatively, suction curettage is employed: a vacuum pump sucks up the unborn child by bits and pieces, and a knife detaches the remaining parts.[39] In the second trimester of pregnancy and later a hypertonic saline solution is injected into the amniotic fluid surrounding the fetus. The salt appears to act as a poison;[40] the skin of the affected child appears, on delivery, to have been soaked in acid.[41] Alternatively, prostaglandins are given to the mother; in sufficient dosage they will constrict the circulation and impair the cardiac functioning of the fetus.[42] The child may be delivered dead or die after delivery.[43]

Are these experiences painful? The application of a sharp knife to the skin and the destruction of vital tissue cannot but be a painful experience for any sentient creature. It lasts for about ten minutes.[44] Being subjected to a vacuum is painful, as is dismemberment by suction. The time from the creation of the vacuum to the chief destruction of the child again is about ten minutes.[45] Hypertonic saline solution causes what is described as "exquisite and severe pain" if, by accident during an abortion, it enters subcutaneously the body of the woman having the abortion.[46] It is inferable that the unborn would have an analogous experience lasting some two hours, as the saline solution takes about this long to work before the fetal heart stops.[47] The impact of prostaglandins constricting the circulation of the blood or impairing the heart must be analogous to that when these phenomena occur in born children: they are not pleasant. If, as has been known to happen, a child survives saline of prostaglandin poisoning and is born alive, the child will be functioning with diminished capacity in such vital functions as breathing and cardiac action.[48] Such impaired functioning is ordinarily experienced as painful.

Do the anesthetics the mother has received lessen the pain of the child? It is entirely possible that some drugs will cross the placenta and enter the child's system, causing drowsiness. Anesthesia, however, is not administered to the gravida with the welfare of her child in mind, nor do the anesthetics ordinarily used prevent the mother from serious pain if she is accidentally affected by the saline solution. It may be inferred the child is not protected either. Is it possible that the abortifacient agent destroys the pain receptors and the capability of a pain response earlier than it ends the life of the unborn, so that there is a period of unconsciousness in which pain is not experienced? This is possible in curettage by knife or suction, but it would seem to occur haphazardly, since stunning the child is not the conscious aim of the physician performing the abortion. In saline or prostaglandin poisoning it seems unlikely that the pain apparatus is quickly destroyed. An observation of Melzack is of particular pertinence: the local injection of hypertonic saline opens the spinal gate, he has remarked, and evokes severe pain. At the same time, it raises the level of the inhibitors and closes the gate to subsequent injections.[49] From this it may be inferred that an unborn child subjected to repeated attempts at abortion by saline solution—the baby in the *Edelin* case was such a child [50]—suffers a good deal the first time and much less on the second and third efforts. The general observation of Melzack on the mechanism of pain is also worth recalling: any lesion which impairs the tonic inhibitory influence from the brain opens the gate, with a consequent increase of pain.[51] Any method of abortion which results first in damage to the cortex may have the initial effect of increasing the pain sensations.

From the review of the methods used, we may conclude that as soon as a pain mechanism is present in the fetus—possibly as early as day 56—the methods used will cause pain. The pain is more substantial and lasts longer the later the abortion is. It is most severe and lasts the longest when the method is saline poisoning.

Whatever the method used, the unborn are experiencing the greatest of bodily evils, the ending of their lives.[52] They are undergoing the death agony. However inarticulate, however slight their cognitive powers, however rudimentary their sensations, they are sentient creatures undergoing the disintegration of their being and the termination of their vital capabilities. That experience is painful in itself. That is why an observer like Magda Denes, looking at the body of an aborted child, can remark that the face of the child has "the agonized tautness of one forced to die too soon." [53] The agony is universal.

CONCLUSION

There are no laws which regulate the suffering of the aborted like those sparing pain to dying animals. There is nothing like the requirement that consciousness must be destroyed by "rapid and effective" methods as it is for cattle; nothing regulating the use of the vacuum pump the way the decompression chamber for dogs is regulated; nothing like the safeguard extended even to newborn kittens that only a humane mode of death may be employed. So absolute has been the liberty given the gravida by the Supreme Court that even the prohibition of the saline method by a state has been held to violate the Constitution.[54] The Supreme Court has acted as though it is believed that its own fiat could alter reality and as if the human fetus is not alive.

Can human beings who understand what may be done for animals and what cannot be done for unborn humans want this inequality of treatment to continue? We are not bound to animals to the same degree as we are bound to human beings because we lack a common destiny, but we are bound to animals as fellow creatures, and as God loves them out of charity, so must we who are called to imitate God.[55] It is a sign not of error or weakness but of Christlike compassion to love animals. Can those who feel for the harpooned whale not be touched by the situation of the salt-soaked baby? We should not despair of urging further the consciences of those who have curtailed their convenience to spare suffering to other sentient creatures.

With keener sensibilities and more developed inhibitors than animals, we are able to empathize with their pain. By the same token, we are able to empathize with the aborted. We can comprehend what they must undergo. All of our knowledge of pain is by empathy: we do not feel another's pain directly. That is why the pain of others is so tolerable for us. But if we begin to empathize, we may begin to feel what is intolerable.

We are bound to the beings in the human womb by the common experience of pain we have also known in the womb. We are bound to them as well by a common destiny, to share eternal life. As fellow wayfarers, we are bound to try to save them from a premature departure. We can begin to save them by communicating our knowledge of the suffering they must experience.

FOOTNOTES

[1] Floyd v. Anders, 440 F. Supp. 535, 539 (D. S.C. 1977).
[2] Roe v. Wade, 410 U.S. 113, 162 (1973).
[3] Id. at 163.
[4] On the usefulness of looking at pain as a separate phenomenon, see Ronald Melzack, *The Puzzle of Pain* (New York: Basic Books, 1973), pp. 9–10.
[5] C. W. Hume, *Man and Beast* (London: Universities Federation for Animal Welfare, 1962), p. 214.
[6] CAL. AGRIC. CODE § 19 (1967).
[7] CAL. PENAL CODE §§ 597 v. and w. (1978).
[8] John S. Liebeskind and Linda A. Paul, "Psychological and Physiological Mechanisms of Pain," *American Review of Psychology* 28 (1977):42.
[9] As to parentally cared-for animals, see Hume, op. cit., p. 45.
[10] Ibid., pp. 94–95.
[11] Ibid., p. 215.
[12] Ibid., pp. 215–216.
[13] Edward Boring, *Pain Sensations and Reactions* (Baltimore: The Williams and Wilkins Co., 1952), pp. v–vi.
[14] Thomas Aquinas, *Summa Theologica*, I–II, q. 35, art. 7.
[15] Melzack, op. cit., p. 163.
[16] Ibid., p. 165.
[17] Ibid., pp. 158–166.
[18] *See* Liebeskind and Paul, op. cit., p. 47.
[19] Cf. Melzack, op. cit., pp. 29–31.
[20] Ibid., pp. 29–30.
[21] Ibid., p. 22.
[22] Ibid., p. 166.
[23] Ibid., p. 171.
[24] Ibid., p. 158.
[25] A. William Liley: The foetus as personality. *Australia and New Zealand Journal of Psychiatry* 6:99, 1972.
[26] A. William Liley, "Experiments with Uterine and Fetal Instrumentation," in *Intrauterine Fetal Visualization*, ed. Michael M. Kuback and Carlo Valenti (Oxford: Excerpta Medica; New York: American Elsevier Publishing Co., 1976), p. 75.

[27] P.S. Timiras, *Developmental Physiology and Aging* (New York: The Macmillan Company, 1972), p. 153.
[28] Ibid., p. 153.
[29] Liley: The foetus as personality. Op. cit., p. 102.
[30] Trypena Humphrey, "The Development of Human Fetal Activity and Its Relation to Postnatal Behaviour," in *Advances in Child Development and Behavior*, ed. Hayne W. Reese and Lewis P. Lipsitt (New York: Academy Press, 1973), pp. 12, 19.
[31] Timiras, op. cit., p. 137.
[32] Geoffrey S. Dawes, *Fetal and Neonatal Physiology* (Chicago: Year Book Medical Publishers, 1968), p. 126.
[33] Melzack, op. cit., p. 28.
[34] Liley: Experiments with Uterine and Fetal Instrumentation. Op. cit.
[35] Mortimer Rosen, "The Secret Brain: Learning Before Birth," *Harper's*, April 1978, p. 46.
[36] Timiras, op. cit., p. 149.
[37] Paul Mussen, John Congar, and Jerome Kagan, *Child Development and Personality*, 2nd ed. (New York: Harper and Row, 1963), p. 65.
[38] Louis M. Hellman and Jack A. Pritchard, eds., *Williams Obstetrics*, 14th ed. (New York: Appleton-Century-Crofts, 1971), p. 1089.
[39] Selig Neubardt and Harold Schwelman, *Techniques of Abortion* (Boston: Little, Brown and Company, 1972), pp. 46-47.
[40] Ibid., p. 68.
[41] Magda Denes, *In Necessity and Sorrow: Life and Death in an Abortion Hospital* (New York: Basic Books, 1976), p. 27.
[42] Sultan M.M. Karim, *Prostaglandins and Reproduction* (Baltimore: University Park Press, 1975), p. 107.
[43] *See* Floyd v. Anders, 440 F. Supp. 535 (D.S.C. 1977), for a case where the child died after delivery.
[44] André Hellegers, director of the Joseph and Rose Kennedy Institute, to the author, oral communication.
[45] Id.
[46] Neubardt and Schwelman, op. cit., p. 68.
[47] Karim, op. cit., 107.
[48] *See* A.I. Csapo et al.: Termination of pregnancy with double prostaglandin input. *American Journal of Obstetrics and Gynecology* 124:1, 1976.
[49] Melzack, op. cit., 181-182.
[50] Commonwealth v. Edelin,—Mass., 359 N.E.2d 4 (1976).
[51] Melzack, op. cit., p. 171.
[52] Thomas Aquinas, *Summa contra Gentiles* 4, 52.
[53] Denes, op. cit., p. 60.
[54] Planned Parenthood v. Danforth, 428 U.S. 52 (1976).
[55] Thomas Aquinas, *Summa Theologica*, II-II, q. 25, art. 3, reply to objection 3.

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ABORTION: THE DREADED COMPLICATION

(By Liz Jeffries and Rick Edmonds)

Although abortions remain one of the major ethical controversies of our time, the fact is that an abortion has become the most common medical procedure performed on adults in the United States. More than a million and a half fetuses are aborted annually, and the number has increased about 50 percent from five years ago. At present, approximately one out of every four pregnancies is terminated by an abortion. American doctors remove more fetuses than tonsils.

But despite the intense attention the subject has received and the frequency with which the procedure is performed, something happens in a very small number of abortions, performed relatively late in the pregnancy, that no one wants to talk about. It horrifies many of the medical personnel who have encountered it.

What happens is that about once a day, somewhere in the U.S., something goes wrong and an abortion results in a live baby.

A woman's scream broke the late-night quiet and brought two young obstetrical nurses rushing to Room 4456 of the University of Nebraska Medical Center. The patient, admitted for an abortion, had been injected 30 hours earlier with a salt solution, which normally kills the fetus and causes the patient to deliver a mass of lifeless tissue, in a process similar to a miscarriage.

This time, though, something had gone wrong. When nurse Marilyn Wilson flicked on the lights and pulled back the covers, she found, instead of the stillborn fetus she'd expected, a live 2½-pound baby boy, crying and moving his arms and legs there on the bed.

Dismayed, the second nurse, Joanie Fuchs, gathered the squirming infant in loose bedcovers, dashed down the corridor and called to the other nurses for help. She did not take the baby to an intensive care nursery, but deposited it instead on the stainless steel drainboard of a sink in the maternity unit's Dirty Utility Room—a large closet where bedpans are emptied and dirty linens stored. Other nurses and a resident doctor gathered and gaped.

Finally, a head nurse telephoned the patient's physician, Dr. C. J. LaBenz, at home, apparently waking him.

"He told me to leave it where it was," the head nurse testified later, "just to watch it for a few minutes, that it would probably die in a few minutes."

This was in Omaha, in September 1979. It was nothing new. Hundreds of times a year in the United States, an aborted fetus emerges from the womb kicking and alive. Some survive. A baby girl in Florida, rescued by nurses who found her lying in a bedpan, is 5 years old now and doing well. Most die. The Omaha baby lasted barely 2½ hours after he was put in the closet with the dirty linen.

Always, their arrival is met with shock, dismay and confusion.

When such a baby is allowed to die and the incident becomes known, the authorities often try to prosecute the doctor. This has happened several dozen times in the past eight years, most recently in the case of Dr. LaBenz, who is to go on trial in Omaha this fall on two counts of criminal abortion. But interviews with nurses, some of them visibly anguished, uncovered dozens of similar cases that never reached public attention.

In fact, for every case that does become known, a hundred probably go unreported. Dr. Willard Cates, an expert on medical statistics who is chief of abortion surveillance for the Center for Disease Control in Atlanta, estimates that 400 to 500 abortion live births occur every year in the United States. That is only a tiny fraction of the nation's 1.5 million annual abortions. Still, it means that these unintended live births are literally an everyday occurence.

They are little known because organized medicine, from fear of public clamor and legal action, treats them more as an embarrassment to be hushed up than a problem to be solved. "It's like turning yourself in to the IRS for an audit," Cates said. "What is there to gain? The tendency is not to report because there are only negative incentives."

One result of the medical community's failure to openly acknowledge the problem is that many hospitals and clinics give their staffs no guidelines for dealing with abortion live births. Even where guidelines exist, they may not be followed. The doctor is seldom present when a live birth occurs, because most late abortions—those done later than the midpoint of pregnancy—are performed by the injection of a solution (the method used in the Omaha case) that slowly induces delivery of the fetus many hours later. Crucial decisions therefore fall to nurses and physician residents with secondary authority over the case.

Signs of life in the baby may or may not be recognized. At some hospitals a liveborn abortion baby is presumed dead unless it conspicuously demonstrates otherwise, by crying or waving its arms and legs. Even then, the medical personnel on the scene may let the bably die rather than try to save it.

Because they are premature, these infants need immediate care, including machine support, in order to live. Given such care, many can survive in good health, as did a pair of abortion babies born in separate incidents in Wilmington, Del., in the spring of 1979 and since adopted. Others are too premature to be saved even with the best care.

Whether they live or die, these abortion live births—and even successful, routine abortions of late-term, highly developed fetuses—are taking a heavy emotional toll on medical staffs across the country. Some physicians say they have "burned out" and have stopped doing abortions altogether. Nursing staffs at hospitals in Cleveland, Grand Rapids, Fort Lauderdale and elsewhere have rebelled at late abortions and have stopped their hospitals from performing any abortions later than the midpoint of pregnancy. Some staff members who regularly perform later abortions report having nightmares about fetuses including recurring dreams in which they frantically seek to hide fetuses from others.

In legalizing abortions in 1973, the Supreme Court said it was reserving the right to protect the life of a viable fetus—that is, one with the potential to survive outside the womb. But the court never directly acknowledged the chance of an aborted fetus being born alive. And it therefore neven gave a clear guideline for dealing with what Dr. Thomas Kerenyi, a leading New York expert on abortions, has called "the dreaded complication."

Twenty states (including Pennsylvania, New Jersey and Delaware) have no laws limiting late abortions or mandating care for live-born abortion babies. Even where such state laws exist, they have usually been found unenforceable in practice or unconstitutional.

"Everyone—doctors, attorney, state legislators—is looking for some clear guidelines concerning disposition of these infants," said Newman Flanagan, district attorney for the City of Boston. "If a baby has rejected an abortion and lives, then it is a person under the Constitution. As such, it has a basic right to life. Unfortunately, it is difficult to protect that right, because there are no guidelines addressed to this specific issue."

Medical trends indicate that abortion live births will continue. They may even become more frequent. For one thing, demand for later-term abortions is undiminished, and with the growing popularity of genetic testing to screen for fetal defects midway through pregnancy, educated and affluent women are now joining the young, the poor and the uninformed who have been, until now, the main groups seeking late abortions.

Furthermore, estimating the gestational age of a fetus in the womb—a crucial aspect of a successful abortion—remains an inexact art. In March, doctors at the Valley Abortion Clinic in Phoenix estimated that one woman was 19 to 20 weeks pregnant; days later she delivered not an aborted fetus but a 2½-pound, 32-week baby. It survived after two months of intensive care at a Phoenix hospital.

Finally, medical science in the past 10 years has greatly improved its ability to care for premature babies. Infants are becoming

viable earlier and earlier. Those with a gestational age of 24 weeks and weighing as little as 1½ pounds can now survive if given the best of care.

So long as doctors perform abortions up to the 24th week of pregnancy (as is legal everywhere in the United States under the 1973 Supreme Court ruling), it is statistically certain that some of these borderline cases will turn out to be viable babies, born alive. It happened again last May in Chicago—a 19-to-20-week estimate, a live-born, 2-pound baby boy.

By ignoring the problem of abortion live births, the courts and the medical establishment are chosing to overlook a long, well-documented history of cases: January 1969, Stobhill Hospital, Glasgow, Scotland: A custodian heard a cry from a paper bag in the snow beside an incinerator. He found a live baby. It was taken inside and cared for in the hospital's operating theater but died nine hours later. The infant's gestational age had been estimated at 26 weeks by the physician performing the abortion. It was actually closer to 32 weeks. No efforts were made to check for signs of life before the aborted baby was discarded. No charges were filed. Because the case had been written about in British medical journals, it was a matter of record—before abortion was legalized in this country—that such things could happen.

April 1973, Greater Bakersfield Hospital, Bakersfield, Calif.: A 4½-pound infant was born live following a saline abortion (induced by an injection of salt solution) performed by Dr. Xavier Hall Ramirez. Informed by phone, Dr. Ramirez ordered two nurses to discontinue administering oxygen to the baby. His instructions were countermanded by another doctor; the baby survived and later was placed for adoption. Ramirez was indicted for solicitation to commit murder. His attorney argued that a medical order based on medical opinion, no matter how mistaken, is privileged. Dr. Irvin M. Cushner of the University of California at Los Angeles, later to become a top health policy official in the Carter administration, testified that it was normal for Ramirez to expect the delivery of a dead or certain-to-die infant as the result of a saline abortion.

July 1974, West Penn Hospital, Pittsburgh: Dr. Leonard Laufe performed an abortion on a woman who contended she had been raped—though that and her account of when she became pregnant were later disputed. She had been turned down for an abortion at another hospital, where the term of her pregnancy was estimated at 26 to 31 weeks. Laufe put it as 20 to 22. The abortion, induced by an injection of prostaglandin, a substance that stimulates muscle contraction and delivery of the fetus, was filmed for use as an instructional film. The film showed the three-pound infant moving and gasping. Also, a nurse and a medical student testified that they had noticed signs of life. No charges were filed, however, after a coroner's inquest at which Laufe testified that the infant sustained fatal damage during delivery.

February 1975, Boston: Dr. Kenneth Edelin was convicted of manslaughter for neglecting to give care to a 24-week infant after a 1973 abortion at Boston City Hospital. Witnesses said Edelin held the infant down, constricting the flow of oxygen through the umbilical cord and smothering it. He was the first and only American doctor ever convicted on charges of failing to care for an infant born during an abortion. The conviction was overturned by the Massachusetts Supreme Court on the ground that improper instructions had been given to the jury. Edelin and his lawyer argued that he had taken no steps to care for the infant because it was never alive outside the womb.

March 1977, Westminster Community Hospital, Westminster, Calif.: A seven-month baby girl was born live after a saline abortion performed by Dr. William Waddill. A nurse testified that Waddill, when he got to the hospital, interrupted her efforts to help the baby's breathing. A fellow physician testified that he had seen Waddill choke the infant. "I saw him put his hand on this baby's neck and push down," said Dr. Ronald Cornelson. "He said, 'I can't find the goddamn trachea,' and 'This baby won't stop breathing.'" Two juries, finding Cornelson an emotional and unconvincing witness, deadlocked in two separate trials. Charges against Waddill were then dismissed. He had contended the infant was dying of natural causes by the time he got to the hospital.

July 1979, Cedars-Sinai Medical Center, Los Angeles: Dr. Boyd Cooper delivered an apparently stillborn infant, after having ended a problem pregnancy of 23 weeks. Half an hour later the baby made gasping attempts to breathe, but no efforts were made to resuscitate it because of its size (1 pound 3 ounces) and the wishes of the parents. The baby was taken to a small utility room that was used, among other things, as an infant morgue. Told of the continued gasping, Cooper instructed a nurse, "Leave the baby there—it will die." Twelve hours later, according to testimony of the nurse, Laura VanArsdale, she returned to work and found the infant still in the closet, still gasping.

Cooper then agreed to have the baby boy transferred to an intensive care unit, where he died four days later. A coroner's jury ruled the death "accidental" rather than natural but found nothing in Cooper's conduct to warrant criminal action.

A common thread in all these incidents is that life was recognized and the episode brought to light by someone other than the doctor. Indeed, there is evidence that doctors tend to ignore all but the most obvious signs of life in an abortion baby.

In the November 1974 newsletter of the International Correspondence Society of Obstetricians and Gynecologists, several doctors addressed a question from a practitioner who had written in an earlier issue that he was troubled by what to do when an aborted infant showed signs of life.

One was Dr. Ronald Bolognese, an obstetrician at Pennsylvania Hospital in Philadelphia, who replied:

"At the time of delivery, it has been our policy to wrap the fetus in a towel. The fetus is then moved to another room while our attention is turned to the care of [the woman]. She is examined to determine whether complete placental expulsion has occurred and the extent of vaginal bleeding. Once we are sure that her condition is stable, the fetus is evaluated. Almost invariably all signs of life have ceased."

(Bolognese recanted that statement in a 1979 interview. "That's not what we do now," he said. "We would transport it to the intensive care nursery.")

In addition, Dr. William Brenner of the University of North Carolina Medical School suggested that if breathing and movement persist for several minutes, "the patient's physician, if he is not in attendance, should probably be contacted and informed of the situation. The pediatrician on call should probably be appraised of the situation if signs of life continue."

Dr. Warren Pearse, executive director of the American College of Obstetrics and Gynecology, was asked in a 1979 interview what doctors do, as standard practice, to check whether an aborted fetus is alive.

"What you would do next [after expulsion] is nothing," Pearse said. "you assume the infant is dead unless it shows signs of life. You're dealing with a dead fetus unless there is sustained cardiac action or sustained respiration—it's not enough if there's single heartbeat or an occasional gasp."

These seemingly callous policies are based on the assmuption that abortion babies are too small or too damaged by the abortion process to survive and live meaningful lives. That is not necessarily the case, though, even for babies set aside and neglected in the minutes after delivery.

A nursing supervisor who asked not to be identified told of a abortion live birth in the mid-'70s in a Florida hospital. The infant was dumped in a bedpan without examination, as was standard practice. "It did not die," the nurse said. "It was left in the bedpan for an hour before signs of life were noticed. It weighed slightly over a pound."

The baby remained in critical condition for several months, but excellent care in a unit for premature infants enabled it to survive. The child, now 5 years old, was put up for adoption. The nursing supervisor, who has followed its progress, said she has pictures of the youngster "riding a bicycle and playing a little piano."

In the spring of 1979 two babies were born live, five weeks apart, after saline abortions at the Wilmington Medical Center. They were given vigorous care, survived and were later adopted. One had been discovered by a nurse, struggling for breath and with a faint heartbeat, after having been placed in a plastic specimen jar. The second was judged to be a live delivery and was given immediate help breathing.

A baby girl, weighing 1 pound 11 ounces, was born in February 1979 after a saline abortion at Inglewood (Calif.) Hospital. Harbor General Hospital, which is associated with UCLA and is fully equipped to care for premature babies, was called for help, but the neonatal rescue team did not respond. The infant died after three hours.

The Los Angeles Department of Health Services investigated and was told that there had been confusion over the baby's weight and that it reportedly showed poor vital signs. It was "very unusual for them not to pick up [an infant] of this size," Dr. Rosemary Leake of Harbor General told investigators.

The administrator of a New York abortion unit, asked what would be done for a live-born abortion baby, said, "The nurses have been trained in how to handle this. I'd like to think we would do everything to save it. But honestly I'm not sure."

These incidents together suggest that life in an aborted infant may or may not be recognized. If it is, supportive treatment may or may not be ordered.

Such incidents, when discovered, often provoke prosecutions. A few may seem something like murder at first blush. But on closer inspection the doctors' actions have been judged, time and again, not quite to fit the definition of a crime.

Nowhere was this more vividly shown than in the case of Dr. Jesse J. Floyd, who was indicted on charges of murder and criminal abortion by a grand jury in Colum-

bia, S.C., in August 1975. The charges were the result of an abortion a year earlier of a baby that appeared to have a gestational age of 27 to 28 weeks. It weighed 2 pounds 5 ounces and lived for 20 days.

In October 1979 the state dropped its case against Floyd. County prosecutor James C. Anders later conceded in an interview that South Carolina's abortion law was of dubious constitutionality. "In the second place," he said, "I had a reluctant witness [the infant's mother]. That and the passage of time worked against me."

A detailed record was developed in the case, as part of a federal suit that Floyd brought against Anders in which he sought to block the state prosecution. The 20-year-old mother, Louise A., lived in the small town of Hopkins, worked at a military-base commissary and had plans to enroll in a technical college. Those plans made her unwilling to have the baby she was carrying, so she presented herself for an abortion at Floyd's office in July 1974. Court records indicate that she had been told erroneously by her hometown doctor's nurse that she was not pregnant, and that she only slowly realized that she was.

Floyd found her to be past the first trimester of pregnancy, and under South Carolina law that meant an in-hospital abortion would be required. There were delays in her raising $450 for the abortion and more delays in admitting her to Richland Memorial Hospital. She was injected with prostaglandin on Sept. 4 and expelled the live baby early on the morning of Sept. 6.

"I started having real bad labor pains again," Louise recalled in her deposition, "and finally my baby was born. I called the nurse. Then about four or five of them came in the room at the time. The head nurse came in the same time the other nurses came in and she told me did I know that the baby was a seven-month baby. I told her no.

"One of the nurses said that the baby was alive. They took the baby out of the room. He never did cry, he just made some kind of a noise."

The first doctor on the scene, paged from the cafeteria, was a young resident. She did not hesitate. On detecting a heartbeat of 100, she clamped and servered the umbilical cord and had the baby sent to the hospital's intensive care unit.

"It was a shock, a totally unique emergency situation, very upsetting to all of us," the doctor, who now practices in California, said in an interview. "Some people have disagreed with me [about ordering intensive care for an abortion live birth] but that seems to me the only way you can go.

"It's like watching a drowning. You act. You don't have the luxury of calling around and consulting. You institute life preserving measures first and decide about viability later on."

Ten days after birth, the baby had improved markedly and was given a 50-50 chance of survival. Then he developed a tear in the small intestine and died of that and other complications on Sept. 26.

Louise A. never saw the child. She checked out of the hospital two days after the abortion and did not return. But she did show a passing interest in the baby's progress.

"I kept calling this nurse," Louise said in her deposition. "I would call . . . and get information from them about the baby, and they told me he was doing fine. They told me he had picked up two or three pounds. I started going to school, and one afternoon I called home and they told me the baby had died, but no one told me the cause of his death."

Floyd never saw the infant either. On the day of the abortion, his hospital privileges at Richland were withdrawn, and they have never been restored.

These circumstances presented prosecutor Anders with a difficult care. Floyd had had no physical contact with the live-born infant, nor was he issuing orders concerning its care. Nonetheless, Anders thought the doctor could be held responsible for the infant's death.

Anders pressed his murder charge using an old English common-law theory. Under this theory, willfully doing damage to a "vital" infant in the womb could be considered a crime against the fetus as a person. The abortion itself, Anders alleged, was an assault.

This line of argument is not entirely farfetched. For instance, a Camden, N.J., man was convicted of murder in 1975 after he shot a woman in the abdomen late in her pregnancy, causing the death of the twins she was carrying. But application of the theory to abortion had never been tested—in South Carolina or anywhere else.

South Carolina law in the mid-1970s prohibited third-trimester abortion unless two other doctors certified that the abortion was essential to protect the life or health of the mother. No such certifications were made for Louise. However, various Supreme Court rulings suggested that both the requirement of consultation with other doctors and the explicit definition of viability (as beginning in the third trimester) would make that law unconstitutional.

Floyd's lawyers, George Kosko of Columbia, S.C., and Roy Lucas of Washington, also filed voluminous expert affidavits on the difficulty of estimating gestational age accurately. At worst, they argued, Floyd had made a mistaken diagnosis. What proof was there that he had intentionally aborted a viable baby?

District Court Judge Robert Chapman and the Fourth Circuit Court of Appeals agreed that the prosecution was based on flimsy evidence and should be blocked. However, the Supreme Court disagreed, in a ruling in March 1979, and suggested that judgment should be withheld on constitutional matters until the state prosecution had run its course. The way was thus cleared for Anders to proceed, but with witnesses dispersed, memories fading and the legal basis for prosecution still doubtful, Anders chose to drop the case.

Floyd, 49, continues performing first-trimester abortions at his Ladies Clinic, but the loss of hospital privileges and the damage to his reputation caused his surgical practice to collapse, he said.

The long legal proceeding also seems to have had a chilling effect on abortion practice throughout South Carolina, which Anders concedes was one of his intentions.

"The main thing is the dilemma it puts the other physicians in," Floyd said in an interview. "It's just about dried up second-trimester abortions in this state. I have to send mine to Atlanta, Washington or New York."

Asked about late abortions and the risk of live births, Floyd said he thought abortions performed through the sixth month of pregnancy create "a problem to which there isn't an answer. We probably need to move back to 20 weeks. I would be reluctant to do one now after 20 weeks."

A similar case occurred about the same time in South Carolina, when Anders obtained a criminal indictment charging Dr. Herbert Schreiber of Camden, S.C., with first-degree murder and illegal abortion.

On July 18, 1976, a month after the charges had been filed, the 60-year-old doctor was found dead in a motel room in Asheville, N.C. A motel maid discovered the body slumped in a chair. Several bottles of prescription drugs were recovered from the room. Two days later the Buncombe County medical examiner ruled the death a suicide from a drug overdose.

Schreiber, who left no note, had pleaded not guilty to the charge of having killed a live baby girl after an abortion by choking or smothering her to death.

Comparing the Floyd and Schreiber cases, Anders found an irony: Schreiber "just reached in and strangled the baby," the prosecutor said his evidence showed. "I charged him with murder, and he committed suicide. If he had been willing to wait, he probably would have been OK too."

Not every doctor who performs a late abortion has to confront an aggressive prosecutor like Anders. But even those abortion live births that escape public notice raise deeply troubling emotions for the medical personnel involved. "Our training disciplines you to follow the doctor's orders," explained a California maternity nurse. "If you do something on your own for the baby that the doctor has not ordered and that may not meet with his commitment to his patient, the mother can sue you. A nurse runs a grave risk if she acts on her own. Not only her immediate job but her license may be threatened."

Nonetheless, nursing staffs have led a number of quiet revolts against late abortions. Two major hospitals in the Fort Lauderdale area, for instance, stopped offering abortions in the late 1970s after protests from nurses who felt uncomfortable handling the lifelike fetuses.

A Grand Rapids, Mich., hospital stopped late-term abortions in 1977 after nurses made good on their threat not to handle the fetuses. One night they left a stillborn fetus lying in its mother's bed for an hour and a half, despite angry calls from the attending physician, who finally went in and removed it himself.

In addition, a number of hospital administrators have reported problems in mixing maternity and abortion patients—the latter must listen to the cries of newborn infants while waiting for the abortion to work. And it has proved difficult in general hospitals to provide round-the-clock staffing of obstetrical nurses willing to assist with the procedure.

One young nurse in the Midwest, who quit to go into teaching, remembers "a happy group of nurses" turning nasty to each other and the physicians because of conflicts over abortion. One day, she recalled, a woman physician "walked out of the operating room after doing six abortions. She smeared her hand (which was covered with blood) on mine and said, 'Go wash it off. That's the hand that did it.' "

Several studies have documented the distress that late abortion causes many nurses. Dr. Warren M. Hern, chief physician, and Billie Corrigan, head nurse of the Boulder (Colo.) Abortion Clinic, presented a paper to a 1978 Planned Parenthood convention entitled "What About Us? Staff Reactions. . . ."

The clinic, one of the largest in the Rocky Mountain states, specializes in the D&E (dilatation and evacuation) method of

second-trimester abortion, a procedure in which the fetus is cut from the womb in pieces. Hern and Corrigan reported that eight of the 15 staff members surveyed reported emotional problems. Two said they worried about the physician's psychological well-being. Two reported horrifying dreams about fetuses, one of which involved the hiding of fetal parts so that other people would not see them.

"We have produced an unusual dilemma," Hern and Corrigan concluded. "A procedure is rapidly becoming recognized as the procedure of choice in late abortion, but those capable of performing or assisting with the procedure are having strong personal reservations about participating in an operation which they view as destructive and violent."

Dr. Julius Butler, a professor of obstetrics and gynecology at the University of Minnesota Medical School, is concerned about studies suggesting that D&E is the safest method and should be used more widely. "Remember," he said, "there is a human being at the other end of the table taking that kid apart.

"We've had guys drinking too much, taking drugs, even a suicide or two. There have been no studies I know of of the problem, but the unwritten kind of statistics we see are alarming."

"You are doing a destructive process," said Dr. William Benbow Thompson of the University of California at Irvine. "Arms, legs, chests come out in the forceps. It's not a sight for everybody."

Not all doctors think the stressfulness is overwhelming. The procedure "is a little bit unpleasant for the physician," concedes Dr. Mildred Hanson, a petite woman in her early 50s who does eight to 10 abortions a day in a clinic in Minneapolis, just a few miles across town from where Butler works. "It's easier to . . . leave someone else—namely a nurse—to be with the patient and do the dirty work.

"There is a lot in medicine that is unpleasant" but necessary—like amputating a leg—she argues, and doctors shouldn't let their own squeamishness deprive patients of a procedure that's cheaper and less traumatic.

However, Dr. Nancy Kaltreider, an academic psychiatrist at the University of San Francisco, has found in several studies "an unexpectedly strong reaction" by the assisting staff to late-abortion procedures. For nurses, she hypothesizes, handling tissues that resemble a fully formed baby "runs directly against the medical emphasis on preserving life."

The psychological wear and tear from doing late abortions is obvious. Philadelphia's Dr. Bolognese, who seven years ago was recommending wrapping abortion live-borns in a towel, has stopped doing late abortions.

"You get burned out," he said. Noting that his main research interest is in the management of complicated obstetrical cases, he observed: "It seemed kind of schizophrenic, to be doing that on the one hand [helping women with problem pregnancies to have babies] and do abortions."

Dr. John Franklin, medical director of Planned Parenthood of Southeastern Pennsylvania, was the plaintiff in a 1979 Supreme Court case liberalizing the limits on late abortions. He does not do such procedures himself. "I find them pretty heavy weather both for myself and for my patients," he said in an interview.

Dr. Kerenyi, the New York abortion expert, who is at Mt. Sinai Hospital, has similar feelings but reaches a different conclusion. "I first of all take pride in my deliveries. But I've seen a lot of bad outcomes in women who did not want their babies—so I think we should help women who want to get rid of them. I find I can live with this dual role."

The legal jeopardy, the emotional strain, the winking neglect with which "signs of life" must be met—all these things nurture secrecy. Late abortions take place "behind a white curtain," as one prosecutor put it, well sheltered from public view.

Only one large-scale study has been done of live births after abortions—by George Stroh and Dr. Alan Hinman in upstate New York from July 1970 through December 1972 (a period during which abortion was legal in New York alone.) It turned up 38 cases of live births in a sample of 150,000 abortions.

Other studies, including one that found signs of life in about 10 percent of the prostaglandin abortions at a Hartford, Conn., hospital, date from the mid-1970s. No one is so naive as to think there is reliable voluntary reporting of live births in the present climate, according to Dr. Cates of the Center for Disease Control.

Evidence gathered during research for this story suggests, without proving definitively, that much of the traffic in late abortions now flows to the New York and Los Angeles metropolitan areas, where loose practice more easily escapes notice.

"The word has spread," the Daily Breeze, a small Los Angeles suburban paper, said in July 1980, "that facilities in greater Los Angeles will do late abortions. How late only the woman and the doctor who performs them know."

This kind of thing is disturbing even to some people with a strong orientation in favor of legal abortion. For instance, the Philadelphia office of CHOICE, which describes itself as "a reproductive health advocacy agency," will recommend only Dr. Kerenyi's service at Mt. Sinai among the half-dozen in New York offering abortion up to 24 weeks. The others have shortcomings in safety, sanitation or professional standards, in the agency's view.

An internal investigation of the abortion unit at Jewish Memorial Hospital in Manhattan showed that six fetuses aborted there in the summer of 1979 weighed more than 1½ pounds. The babies were not alive, but were large enough to be potentially viable. A state health inspector found in June 1979 that the unit had successfully aborted a fetus that was well over a foot long and appeared to be of 32 weeks gestation. Hospital officials confirmed in an interview that later in 1979 a fetus weighing more than four pounds had been aborted.

"It's disconcerting," Iona Siegel, administrator of the Women's Health Center at Kingsbrook Jewish Medical Center in Brooklyn, said of abortions performed so late that the infant is viable. When Ms. Siegel hears, as she says she often does, that a patient turned away by Kingsbrook because she was past 24 weeks of pregnancy had an abortion somewhere else, "that makes me angry. Number one, it's against the law. Number two, it's dangerous to the health of the mother."

Though one might expect organized medicine to take a hand in bringing some order to the practice of late abortions, that is not happening.

"We're not really very pro-abortion," said Dr. Ervin Nichols, director of practice activities for the American College of Obstetrics and Gynecology. "As a matter of fact, anything beyond 20 weeks, we're kind of upset about it."

If abortions after 20 weeks are a dubious practice, how does that square with abortion up to 24 weeks being offered openly in Los Angeles and New York and advertised in newspapers and the Yellow Pages there and elsewhere?

"That's not medicine," Nichols replied. "That's hucksterism."

Cates, of the Center for Disease Control, concedes that he has ambivalent feelings about those who do the very late procedures. There is obviously some profiteering and some bending of state laws forbidding abortions in the third trimester. But since late abortions are hard to get legally in many places, Cates puts a low priority on trying to police such practices. Medical authorities leave the late-abortion practitioners to do what they will. And so, too, by necessity, do the legal authorities.

The Supreme Court framed its January 1973 opinion legalizing abortion around the slippery concept of viability. As defined by Justice Harry Blackmun in the landmark *Roe vs. Wade* case, viability occurs when the fetus is "potentially able to live outside the mother's womb albeit with artificial aid."

The court granted women an unrestricted right to abortions, as an extension to their right of privacy, in the first trimester of pregnancy. From that point to viability, the state can regualte abortions only to make sure they are safe. And only after a fetus reaches viability can state law limit abortion and protect the "rights" of the fetus.

"Viability," Blackmun wrote, after a summer spent researching the matter in the library of the Mayo Clinic, "is usually placed at about seven months (28 weeks) but may occur earlier, even at 24 weeks."

The standard was meant to be elastic, changing in time with medical advances. Blackmun took no particular account, though, of the possibility of abortion live births, or of errors in estimating gestational age.

In subsequent cases, the high court ruled that:

A Missouri law was too specific in forbidding abortion after 24 weeks. "It is not the proper function of the legislature or the court," Blackmun wrote, "to place viability, which essentially is a medical concept, at a specific point in the gestational period."

A Pennsylvania law was too vague. The law banned abortions "if there is sufficient reason to believe that the fetus may be viable." The court said it was wrong to put doctors in jeopardy without giving them clearer notice of what they must do.

State laws could not interfere with a doctor' s professional judgment by dictating the choice of procedure for later abortions or by requiring aggressive care of abortion live births.

According to a 1979 survey by Jeanie Rosoff of Planned Parenthood's Alan Guttmacher Institute, 30 states have laws regulating third-trimester abortions. Some of these laws prohibit or strictly limit abortions after the fetus has reached viability. Some require doctors to try to save abortion live-born babies. Only a few states have both types of laws.

In addition, a number of these laws have been found unconstitutional. Others obviously would be, in light of Supreme Court rulings. Virtually all the state laws would be subject to constitutional challenge if used as the basis of prosecution against an individual doctor.

New York and California, ironically, have among the strongest, most detailed laws mandating care for survivors of abortions. But these laws have proved only a negligible check on the abortion of viable babies.

"We've had a number of claims come up that a baby was born live and full effort was not given to saving it," said Dr. Michael Baden, former chief medical examiner of New York City. "We've not had cases of alleged strangulation [as with Dr. Waddill in California] and that surely must be rare. All [the doctor] has to do is nothing and the result is the same."

Alan Marrus, a Bronx County assistant district attorney, has investigated several live-birth cases and the applicable New York law. He has yet to find "a case that presented us with facts that warranted prosecution. You need an expert opinion that in fact there was life and that the fetus would have survived. Often the fetus has been destroyed—so there is nothing for your expert witness to examine."

The incidents only come to light at all, Baden and Marrus noted, if some whistleblower inside the hospital or clinic brings them to the attention of the legal authorities. The credibility of that sort of witness may be subject to attack. And even if the facts do weigh against a doctor, he has some resources left. Almost always he can claim to have made no more than a good-faith error in medical judgment.

"This is happening all over the place," said a California prosecutor. "Babies that should live are dying because callous physicians let them die." But he despairs of winning any convictions. "Nobody's as dumb as Waddill. They're smarter today. They know how to cover themselves."

Unfortunately, advances in medical technique may only aggravate the overall problem. Fetuses are becoming viable earlier and earlier, while the demand for later abortions shows no sign of abating. Some argue that Justice Blackmun's definition of viability as "usually seven months" was obsolete the day it was published. It clearly is now.

A decade ago, survival of an infant less than 3 pounds or 30 weeks gestation was indeed rare, principally because the lungs of smaller infants unaided, are too undeveloped and fragile to sustain life. Now, infants with birth weights of about 1⅔ pounds routinely survive with the best of care, according to Dr. Richard Behrman, chief of neonatology at Rainbow Babies and Childrens Hospital in Cleveland and chairman of a national commission that studied viability in the mid-1970s.

Sometimes even smaller babies make it, and the idea that most of them will be retarded or disabled is out-of-date, Behrman said. "Most . . . survive intact."

Even with the medical advances, though, some live-born infants are simply too small and undeveloped to have a realistic chance to survive. A survey last year of specialists in neonatal care found that 90 percent would not order life-support by machine for babies smaller than 1 pound 2 ounces or less than 24 weeks gestation. And on occasion, a newborn may manifest muscular twitches or gasping movements without ever "being alive" according to the usual legal test of drawing a breath that fills the lungs.

Still, it is no longer a miracle for an infant of 24 weeks development (which can be legally aborted) to be saved if born prematurely.

"It is frightening," said Dr. Roger K. Freeman, medical director of Women's Hospital at the Long Beach Memorial Medical Center in Long Beach, Calif. "Medical advances in the treatment of premature babies enable us to save younger fetuses than ever before. When a fetus survives an abortion, however, there may be a collision of tragic proportions between medicine and maternity. Medicine is now able to give the premature a chance that may be rejected by the mother."

In 1970, Freeman developed the fetal stress test, a widley used technique for monitoring the heart rate of unborn fetuses. Also, he and a colleague at Long Beach, Dr. Houchang D. Mondalou, have developed a drug, betamethzene, that matures premature lungs within days instead of weeks. The hospital claims a 90 percent success rate with infants weighing as little as 1 pound 11 ounces.

At the University of California at Irvine, work is under way on an "artificial placenta" that doctors there say could within five years, push the threshold of viability back even further.

The life-saving techniques are not exclusive to top academic hospitals, either. Good neonatal care is now broadly available across the United States. In fact, the lively issue in medical circles these days is not whether tiny premature babies can be saved, but whether it is affordable. Bills for the full course of treatment of a two-pound infant typically run between $25,000 and $100,000. To some, that seems a lot to pay, especially in the case of an abortion baby that was not wanted in the first place.

The only way out of the dilemma, it would seem, would be for fewer women to seek late abortions. Though some optimists argue that this is happening, there is evidence that it is not.

Studies show that women seeking abortions late in the second trimester are often young, poor and sexually ignorant. Many either fail to realize they are pregnant or delay telling their families out of fear at the reaction. The patients also include those who have had a change of circumstance or a change of heart after deciding initially to carry through a pregnancy; some of these women are distrurbed.

As first-trimester abortion and sex education become more widely available, the optimists' argument goes, nearly all women who choose abortion will get an early abortion. But in fact a new class of older, well-educated, affluent women has now joined the hardship cases in seeking late abortions.

This is because a recently developed technique, amniocentesis, allows genetic screening of the unborn fetus for various hereditary diseases. Through this screening, a woman can learn whether the child she is carrying is free of such dreaded conditions as Downs syndrome (mongolism) or Tay-Sachs disease, a genetic disorder that is always fatal, early in childhood.

The test involves drawing off a sample of amniotic fluid, in which the fetus is immersed in the womb. This cannot be done until the 15th or 16th week. Test cultures for the various potential problems take several weeks to grow. Sometimes the result is inconclusive and the test must be repeated. The testing also reveals the unborn child's sex and can be used to detect minor genetic imperfections.

To many women, particularly those over 35, amniocentesis seems a rational approach to minimizing the chances of bearing a defective child. A few, according to published reports, go a step further and make sure the baby is the sex they want before deciding to bear the child.

In any case, it is late in the second trimester—within weeks of the current threshold of viability—before the information becomes available on which a decision is made to abort. The squeeze will intensify as amniocentesis becomes more widely available and as smaller and smaller infants are able to survive.

The abortion live-birth dilemma has caught the attention of several experts on medical ethics, and they have proposed two possible solutions.

The simplest, advocated by Dr. Sissela Bok of the Harvard Medical School among others, is just to prohibit late abortions. Taking into account the possible errors in estimating gestational age, she argues, the cutoff should be set well before the earliest gestational age at which infants are surviving.

Using exactly this reasoning, several European countries—France and Sweden, for example—have made abortions readily available in the first three months of pregnancy but very difficult to get thereafter. The British, at the urging of Sir John Peel, an influential physician-statesman, have considered in each of the last three years moving the cutoff date from 28 weeks to 20 weeks, but so far have not done so.

But in this country, the Supreme Court has applied a different logic in defining the abortion right, and the groups that won that right would not cheerfully accept a retreat now.

A second approach, advocated by Mrs. Bok and others, is to define the woman's abortion right as being only a right to terminate the pregnancy, not to have the fetus dead. Then if the fetus is born live, it is viewed as a person in its own right, entitled to care appropriate to its condition.

This "progressive" principle is encoded in the policies of many hospitals and the laws of some states, including New York and California. As the record shows, though, in the alarming event of an actual live birth, doctors on the scene may either observe the principle or ignore it.

And the concept even strikes some who do abortions as misguided idealism.

"You have to have a feticidal dose" of saline solution, said Dr. Kerenyi of Mt. Sinai in New York. "It's almost a breach of contract not to. Otherwise, what are you going to do—hand her back a baby having done it questionable damage? I say, if you can't do it, don't do it."

The scenario Kerenyi describes did in fact happen, in March 1978 in Cleveland. A young woman entered Mt. Sinai Hospital there for an abortion. The baby was born live and, after several weeks of intensive care at Rainbow Babies and Childrens Hospital, the child went home—with its mother.

The circumstances were so extraordinary that medical personnel broke the code of confidentiality and discussed the case with friends. Spokeswomen for the two hospitals confirmed the sequence of events. Mother and child returned to Rainbow for checkup when the child was 14 months old, the spokeswoman there said, and both were doing fine.

The mother could not be reached for comment. But a source familiar with the case remembered one detail. "The doctors had a very hard time making her realize she had a child. She kept saying, "But I had an abortion.'"

How Things Sometimes Go Wrong

Of the various ways to perform an abortion after the midpoint of pregnancy, there

is only one that never, ever results in live births.

It is D&E (dilatation and evacuation), and not only is it foolproof, but many researchers consider if safer, cheaper and less unpleasant for the patient. However, it is particularly stressful to medical personnel. That is because D&E requires literally cutting the fetus from the womb and, then, reassembling the parts, or at least keeping them all in view, to assure that the abortion is complete.

Ten years ago it was considered reckless to do an abortion with cutting instruments after the first trimester of pregnancy. Now, improved instruments, more skilled practitioners and laminaria—bands of seaweed that expand when moist and are used to gently dilate the cervix, creating an opening through which to extract fetal parts—allow the technique to be used much later.

D&E is being hailed as extending the safe and easy techniques used for first-trimester abortions (cutting or vacuuming out the contents of the womb) well into the second three months of pregnancy. But there are dissenters. Dr. Bernard Nathanson, formerly a top New York City abortionist, now an anti-abortion author and lecturer, says that D&E "is a very dangerous technique in the hands of anyone less than highly skilled."

Besides, D&E puts all the emotional burden on the physician. And there are other techniques that allow the doctor, as one physician put it, to "stick a needle in the [patient's] tummy," then leave the patient to deliver the fetus vaginally as in normal childbirth and nurses to assist and clean up.

These more common methods for abortions after the midpoint of pregnancy use the instillation of either saline solution or prostaglandin. In these procedures, some of the woman's nurturing amniotic fluid is drawn out of the womb by an injection through her belly and is replaced with the abortion-inducing drug. (The amount of fluid in the womb is kept relatively constant to make sure the womb does not rupture.)

The two instillation substances work in different ways. Saline solution poisons the fetus, probably through ingestion, though the process is not completely understood. Usually within six hours, the fetal heartbeat stops. At the same time, the saline induces labor, though supplemental doses of other labor-inducing drugs often are given to speed this effect.

Prostaglandin, on the other hand, is a distillate of the chemical substance that causes muscles to move. It is thought not to affect the fetus directly but instead is potent at inducing labor. Fetal death, if it does occur, is from prematurity and the trauma of passage through the birth canal.

Each substance also has an undesired side effect. Saline, an anti-coagulant that increases bleeding, can make minor bleeding problems more serious and in rare cases even cause death. Prostaglandin, because it causes muscles to contract indiscriminately, was found to cause vomiting and diarrhea in more than half the patients in early tests. Claims that it causes fewer major complications, which made it preferred to saline by many in the mid-1970s, have now been questioned. And the high incidence of live births (40 times more frequent than with saline, according to one study) also has lessened its popularity.

But saline is not foolproof either in preventing live births. Dr. Thomas F. Kerenyi of Mt. Sinai Hospital in New York, the best-known researcher on saline abortions, said most live births result from "errors in technique"—either administering too small a dosage or getting some of it into the wrong part of the womb.

A wrong estimation of gestational age can cause either a saline or prostaglandin abortion to fail. A larger-than-expected fetus might survive the trauma of labor or might reject a dose of saline (or urea, a third instillation substance sometimes used).

And on the basis of physical examination alone, studies show, doctors miss the correct gestational age by two weeks in one case out of five, by four weeks in one case out of 100, and sometimes by more than that. Pregnancies can be dated more exactly by a sonogram, a test that produces an outline image of the fetus in the womb, but because of its cost (about $100) many doctors continue to rely on physical exams.

There is one other abortion technique, hysterotomy, but it is the least desirable of all from several points of view. Because it is invasive surgery (identical to a Caesarean section), it has a much higher rate of complication than do the instillation techniques. Usually done only after attempts to abort with saline have failed, it has the highest incidence of all of live births.

As the infant is lifted from the womb, said one obstetrician, "he is only sleeping, like his mother. She is under anesthesia, and so is he. You want to know how they kill him? They put a towel over his face so he can't breathe. And by the time they get him to the lab he is dead."

Over the years, the chief criterion in choosing between abortion of methods has been safety for the patient. Advocates of D&E contend that bleeding, perforation of the uterus and infection all occur less frequently with D&E than with other methods, Dr. Willard Cates of the Center for Disease Control in Atlanta prefers D&E. Because it can be done—unlike instillation—in the early part of the second trimester, he has said, the need for as many as 80 percent of the very late abortions could be eliminated.

How very late are abortions performed?

His own clinic at Mt. Sinai, Dr. Kerenyi said, screens patients closely to make sure they are not past the legal 24-week limit. But in theory, he said, there is nothing to prevent successful saline abortions from being performed "virtually all the way to birth. At 30 weeks, say, you would just have to draw off and inject that much more of the solution."

Most practitioners who were interviewed say they stop doing D&E at 18 to 22 weeks. But again, there appears to be nothing to prevent the technique from being used much later.

"You can do it, you can do it," an abortionist, who would talk only if not quoted by name, said of D&Es late in pregnancy. "Some son-of-a-bitch misreads a sonogram and sends me a woman 26 weeks. I've done it. You've just got to take your time and be careful. And you're not going to end up with a live birth."

"I Stood By And Watched That Baby Die"

Nurses are the ones who bear the burden of handling the human-looking products of late abortions. And when an unintentional live birth occurs, they are the first to confront the waving of limbs and the gasping.

Reluctant to talk about their experiences, most of those interviewed for this article did not want their names to be published, and out of professional loyalty, they did not even want their hospitals to be named.

They spoke of being deeply troubled by what they have seen of late abortions in American hospitals.

Linda is a nurse in her late 50s in Southern California. Hurrying out of a patient's room one day to dispose of the aborted "tissue" as nurses were taught to think of it, she felt movement. Startled, she looked down, straight into the staring eyes of a live baby.

"It looked right at me," she recalled. "This baby had real big eyes. It looked at you like it was saying. 'Do something—do something.' Those haunting eyes. Oh God, I still remember them."

She rushed the 1½-pound infant to the nursing station. She took the heart rate—80 to 100 beats a minute. She timed the respirations—three to four breaths a minute. She called the doctor.

"I called him because the baby was breathing," Linda said. "It was pink. It had a heartbeat. The doctor told me the baby was not viable and to send it to the lab. I said, 'But it's breathing' and he said, 'It's non-viable, it won't be breathing long—send it to the lab.'"

She did not follow the order. Nor did she have resources at her command to provide any live-saving care. Two hours later the infant died, still at the nursing station, still without medical treatment. It died in a makeshift crib with one hot-water bottle for warmth and an open tube of oxygen blowing near its head.

The nursing supervisor, Linda said had refused to let her put the baby in the nursery, where there was equipment to assist premature babies in distress. "She said to follow the doctor's orders and take it to the lab. I kept it with me at the station. We couldn't do an awful lot for it."

This happened eight years ago, in 1973, but Linda is still upset. "I stood by and watched that baby die without doing a thing," she said. "I have guilt feelings to this day. I feel the baby might have lived had it been properly cared for."

Jane, about 50, is the head floor nurse in an Ohio hospital. She and her fellow nurses successfully petitioned their hospital in 1978 to stop doing late abortions. Twice before that, she witnessed live births after abortions.

She recalls vividly the 16-year-old patient who phoned her mother after her abortion and said in an agonized voice, "Ma, it's out—but Ma, it's alive."

That happened in 1975. Jane still speaks of it bitterly, her eyes flashing anger.

A year earlier Jane saw the second abortion live birth in her experience. "I was called by the patient's roommate," she recalled. "When I got there the baby's head was sticking out and its little tongue was wiggling. Everybody felt they couldn't do anything until they called the doctor. It was a little thing—it only lasted about 15 minutes. But it was alive, and we did nothing. And that was wrong.

It rankles, too, that she was routinely forced to handle dead fetuses, the size and shape of well-formed premature babies.

"Because of my position," she said, "I had to pick them up off the bed and put them in a bottle of formalin [a preservative fluid]. Sometimes you had to have a very large container. Our gynecologists seemed to have a very poor ability to estimate gestational age. Time and again they would say with a straight face, 'This woman is 20 weeks pregnant' when she was actually 26 weeks."

Norma Rojo, about 35, is an obstetrical nurse at Indio Community Hospital in

Indio, Calif. She was present the night of May 3, 1980, when a 15-year-old patient delivered a live baby girl after a saline abortion.

"Get rid of it," the patient cried hysterically. "I'm sorry, Mama—get rid of it," she said, the baby alive, kicking and crying, between her legs.

Two weeks earlier the girl had been in a traffic accident that killed four others and had sought the abortion out of fear that her baby might be damaged.

The fetus, which in tests had shown a normal heartbeat of 132 to 136 in the womb, appeared healthy at birth. "She was beautiful," said Mrs. Rojo. "She was pink. There were no physical deformities. She let out a little lusty cry. She lay in a basin put there to catch the stuff. She was waving her arms and legs. You could tell she was making a big effort to live."

The nurses cut the umbilical cord, wrapped the infant in a blanket and took her to the intensive care nursery. She was put in an isolette (a life-support system) within minutes and was given oxygen.

Acting on their own, the nurses had the 1 pound 14 ounce baby transferred six hours later to Loma Linda University Medical Center, one of several hospitals in the Los Angeles area specializing in the care of very small premature infants. Four days later the baby was reported stable but had developed a complication causing hemorrhaging of the brain. Dr. David Deming of Loma Linda said then that its chances were only 50-50. He added, though, that the abortion had done little damage. "I would say there is probably no effect on her from the saline."

Eleven days after birth, the baby died. Family members indicated they were upset by the nurses' effort to save it.

"After this experience," Rojo said, "my friend [another nurse] and I are changed. We realize doctors aren't perfect. . . . I hope this is the last [abortion live birth] I ever see, but if there are any more, we will do the same thing."

[From New Perspectives on Human Abortion, Alethera Books, 1981]

A DAY IN THE LIFE OF THE FETUS

(By Sir A. William Liley, M.D., Research professor in perinatal physiology at the Postgraduate School of Obstetrics and Gynaecology, National Women's Hospital, Auckland, New Zealand.)

To anyone who thinks in purely quantitative terms, life before birth occupies a small fragment, a mere 1 percent of our earthly existence. We spend nine months—three-quarters of a year—in the uterus, and our three score years and ten—roughly three-quarters of a century—out of it. However, from a developmental point of view the picture is very different. As everyone knows, we each started life as a single cell. This single cell divided into two, the first generation of cell division; the two cells divided into four, the second generation of cell division; the four cells divided into eight, the third generation of cell division; and so on. And how many such generations of cell division are required to produce the 30 million cells which make up our adult bodies? The answer is about 45. Of these 45 generations of cell multiplication or replication, 8 have occurred by the time we implanted in the wall of our mother's uterus, 30 or nearly two-thirds have occurred by 8 weeks' gestation, 38 have occurred by 28 weeks' gestation, 41 by the time we are born, and the remaining tedious 4 occupy the whole of childhood and adolescence.

In these terms, when we allow that 41 of these 45 generations of cell division have occurred by birth, it is obvious that in developmental terms we spend 90 percent of our lives *in utero*, and for some sensory and neural structures the percentage is even higher. This factor is of supreme importance in modern obstetrics and perinatology. It emphasizes the critical importance of our health and welfare during the phase which determines so much of our future physical, psychological, and intellectual makeup, when rapidly multiplying cells are so vulnerable to noxious influences.

Even if the drama of the fetus's physical development is accepted, it would still be wrong to accept the classical view that the fetus blindly develops structures in anticipation of life and function to begin at birth. All of the evidence shows that, for whatever structure or system we care to nominate, development of structure and development of function go hand in hand. As the fetus develops structures he uses them, but most important, as a principle of growth such use is necessary for the development of the structure. In technical terms, if a function cannot be served without differentiation of the structure, equally without the stimulus of function, this structure does not differentiate properly anyway.

The most obvious demonstration of these principles is presented by fetal movement and musculoskeletal development. The classical view is well known—at about 16 to 20 weeks of pregnancy the fetus begins some random, aimless kicking movements. In point of fact, the fetus has been moving ever since he had limbs to move, from about the time of mother's second missed period (approximately the eighth gestational week). Since movements are felt not in the insensitive uterus but in the mother's abdominal wall, some 9 to 11 weeks must elapse before the woman is conscious of this movement.

Formerly, direct observation of the fetus was limited to the period beyond some 16 to 20 weeks when the baby's skeleton was opaque enough to be shown on x-rays and image intensifiers. However, we could indirectly recognize fetal activity by dramatic and rapid changes in the axis of the fetal heart on electrocardiographic recordings. Now we can observe such movement directly by ultrasound: making sonographic images by recording the echoes of sound waves.

In early pregnancy, indeed for the first two-thirds of pregnancy, the fetus is under no constraint and has plenty of room to move frequently and freely. In a relatively globular cavity he or she has no axis of stability and can lie in any position. It is only in the last 10 weeks of pregnancy, with rapid fetal growth and a steep decline in amniotic fluid volume, that the fetus is compelled to endure reduced living space. Moreover, by this stage the uterine cavity has a very definite, normally longitudinal, axis and a very definite shape—it is ovoid with the lower pole narrower than the upper pole. Faced with these physical facts the great majority of babies adopt the obvious solution of lying with their long axis in the long axis of the cavity. Furthermore, the baby is now much longer than the uterine cavity and must fold to fit in. As the usual fetal attitude is one of flexion, the majority of babies present head down: the compact head forms a smaller pole than the back, thighs, calves, and feet, and this position corresponds to the shape of the uterine cavity. If, however, the fetus elects to extend his or her legs as some 4 percent of babies do, he or she will present by the breech, since the tapering lower trunk and thighs form a smaller pole than do the head, arms, calves, and feet.

Minor variations of uterine contour, unusual locations of the placenta, and the presence of another baby may all present challenges to fetal comfort and ingenuity. Sometimes in selecting a position of comfort the baby may have chosen one which is difficult or impossible for vaginal delivery. However, babies do not lie in odd positions in late pregnancy to make life difficult for the obstetrician and dangerous for themselves and their mothers, but rather because they are trying to be as comfortable as possible.

If newborn babies are nursed naked in a warm environment, they tend to adopt—especially when asleep—the position of comfort they assumed *in utero* in late pregnancy. Thus, some babies sleep with their hands cupped under their ears, and the baby whose legs were extended *in utero* tends to sleep like a safety pin, with a foot over each shoulder.

Maternal movement and change of position, uterine contractions, and external palpation all disturb a baby and provoke fetal movement. How babies change ends in the uterus while they still have room is obvious. They propel themselves around with their legs and feet—usually walking backward—with their heads leading the movement, but occasionally walk around forward with their heads trailing. How they change sides is more subtle: first, they extend and then rotate their heads, then their shoulders, and at last their hips and legs in an elegant longitudinal spiral roll. At the mid-point of their turn they have a 180 degree spiral twist in their spine. Insofar as this is the obvious way to turn over (indeed it is the way you and I would turn over in bed or in a swimming pool), there would be nothing remarkable about it. However, according to textbooks of the development of locomotor function in the newborn or infant, this maneuver is not seen in the neonate but first appears at some 14 to 20 weeks of extrauterine life. Nevertheless, we have seen by x-rays babies moving in this way 16 weeks before birth, and I am sure it will be observed earlier by ultrasound. Hence, the real reason we do not see this behavior in the newborn is not that the baby lacks the neural coordination, the reflex pathways for this feat, but simply that a maneuver which is simple in the prenatal state of neutral buoyancy is initially impossible against the new experience of gravity.

Fetal movement is necessary for the proper development of bones, joints, and muscles. The baby wrapped up compactly with a pathologically low volume of amniotic fluid is born with a wide range of compression deformities and a severe restriction of the range of joint movement. Similar effects occur in the baby with a congenital absence of muscle or degeneration of spinal motor neurons, in which case the long bones are extremely slender, and appearance formerly common in victims of paralytic poliomyelitis.

Clinically, fetal responsiveness to touch and pressure was a nuisance with some earlier models of heart-rate monitors and pressure recorders which required bulky instruments to be strapped firmly to the mother's abdomen. The fetus would purposefully and repeatedly move to avoid the sustained pressure or a recording instrument. Equally,

fetal responsiveness is an advantage when for some diagnostic or therapeutic procedures we want a fetus to change its position a little. Continuous gentle pressure with fingertips or a knuckle provides the necessary persuasion.

The fetus responds violently to needle puncture or the injection of cold or concentrated solutions, stimuli which you and I agree are painful, children will describe as painful, and the newborn, to judge by his or her responses, finds painful. However, I have been told by advocates of abortion that we have no proof that the fetus actually feels pain. Strictly speaking, of course, they are quite correct: these is no biochemical or physiological test to tell if anyone is in pain. Pain is a peculiarly subjective and personal phenomenon, a feature which makes it very easy to bear other people's pain stoically—an important point for doctors in general and obstetricians in particular to remember. By the same reasoning we have no proof that animals feel pain, through it would seem reasonable to assume from their responses that they do. Indeed, without this assumption there would be no point in having organizations for the prevention of cruelty to animals, and I for one would be concerned that a charitable consideration we were prepared to extend to animals should be withheld from our own unborn.

It seems probable that labor and delivery are painful experiences for some babies. X-ray films taken during labor contractions show fetal limbs flailing, although this activity is not apparent to the mother or observers through a firmly contracted uterus. However, the tail end of this fetal protest is often apparent as a contraction wanes and the uterus relaxes. Similarly, of one attempts to reproduce by gentle manual compression a mere fraction of the overlap of fetal skull bones which can occur in the course of a single contraction, the newborn child protests violently. And yet it is an interesting measure of the manner in which we adults can selfishly view the world when we consider the general disregard of an infant's cries as signals of real distress.

Contrary to traditional view, the inside of a uterus in not entirely dark and certainly not silent. Light and sound reach the fetus, and his or her responses to external light and sound stimuli may be recorded as increased movement, heart rate changes, or as electroencephalographic waves. Both habituation, the fetus's eventual nonresponsiveness to repeated signals, and conditioning, the phenomenon whereby the fetus can be alerted by a first signal to anticipate a second different one, have been demonstrated.

Apart from special circumstances like close-up flash photography of the pregnant abdomen or a naked abdomen in sunshine, normal *in utero* light levels are very low and shifted far to the red end of the spectrum. In this situation, the fetus is using only his or her crude low-light intensity or rod vision; both light intensity and images are needed to practice macular or cone vision. By contrast, the fetus has been exposed to sound stimuli much richer in pattern and meaning and it is therefore not surprising that the newborn can discriminate among quite a range of phonetic values. External sound reaches the fetus, provided it is of sufficient intensity to survive the attenuation through maternal tissues. In practice, this means it must be higher than 75 to 80 decibels. Audiometric curves may be obtained from the fetus to reassure mothers, in particular deaf-mute mothers, that their babies can hear, although the variableness of fetal wakefulness and attention span naturally make such recording sessions rather protracted.

But it is not only external sound which bombards the fetus, since the uterus is a very noisy place. The loudest sounds to reach the fetus are the erratic gurgles of gas in maternal intestines. These peak at 85 to 90 decibels—about the intensity of traffic noises in a busy street. At and below 60 decibels two other and more interesting sounds occur—the maternal voice and the all-pervading blood pulses which are in synchrony with the maternal heartbeat through the great vessels supplying the uterus and placental bed.

The baby is accomplished at swallowing by birth; this is hardly surprising when we know that it has been drinking its amniotic fluid in phasic pattern from at least as early as eight weeks' gestation. Fetal swallowing contributes to fetal nutrition, and the fetus who for anatomical reasons cannot swallow *in utero* is born with a reduced birth weight. In late pregnancy, the fetal swallowing rate shows a fascinating variation from as low as 5 ml per hour to as high as 70 and occasionally 100 ml per hour.

Generally speaking, large, well-nourished babies swallow at a high rate and small, undernourished babies at a low rate although there are interesting exceptions to this rule. More consistent and interesting is the good correlation between fetal swallowing rates and independently assessed feeding performance in the newborn. The fast drinkers *in utero* are the same in the nursery; the slow drinkers *in utero* are dainty, tedious feeders in the nursery.

Some babies are also veteran thumb suckers by birth. As part of the neurological examination of the newborn, if the area around the mouth is stroked the baby turns its head to the side of the stimulus and opens its mouth. This reflex, which is known in American as the "rooting" reflex and in English as the "seeking" reflex, is clearly the mechanism by which the baby homes in on the nipple. As it is very common *in utero* for babies to lie with hands and sometimes feet close to their faces, it is not surprising that the fetus should elicit this reflex itself. Hence, it is not uncommon on prenatal x-rays to spot babies sucking thumbs, fingers (often two fingers), and occasionally toes. We have observed thumb-sucking as early as 24 weeks on x-rays and it has been photographed in the 9-week abortus. It is not surprising that parents may find this a difficult habit to break when the baby has had so much start and practice.

Fetal hiccups are a common and interesting phenomenon. They occur at a rate of some 14 to 20 per minute, in episodes which may last from half a minute to over half an hour. Many women have noticed these series of small, regular, jerky movements. Some have wondered what they were, a few have correctly guessed what they were, while others have been rather uneasy especially if there is an epileptic in the family tree. Worriers should be reassured because although fetal convulsions can occur, they appear to be exceptionally rare. On the other hand, fetal hiccups are very common. We suspect they are related to episodes of fetal swallowing, because the baby who hiccups *in utero* hiccups as a neonate usually and sometimes only after feedings. Fetal hiccupping episodes are few in the morning and show an interesting peak in the late afternoon and early evening.

A similar daily pattern is shown by episodes of so-called fetal breathing—the exercise that the baby performs with its main respiratory muscle, the diaphragm, before birth. These movements have a higher frequency than hiccups, usually some 40 to 70 per minute. Like any respiratory movements, they are affected by a number of influences, especially carbon dioxide concentration.

Variation of fetal movement is shown throughout the day, but the occurrence of hiccups is about 30 percent more frequent at night. The number of episodes per day of fetal hiccups, "breathing," and movement are similar, however, in showing a decline in the last few weeks of pregnancy. The reduced number of movements is balanced by each movement's taking longer to complete, so that in late pregnancy the baby actually spends about the same proportion of time moving as earlier.

That fetal hiccups, "breathing," and movement episodes are not uniformly distributed around the clock is an important observation: it shows that the fetus has already acquired some diurnal or circadian rhythms. That circadian rhythms are acquired and related to activity cycles is indicated by inhabitants of fishing villages whose lives revolve around the tides: their rhythms are lunar not solar, in periodicity. The fetus demonstrates several such rhythms, which shows that he or she is not indifferent to the world outside the uterus, and that his or her cycles are probably determined by the mother's activity and metabolic cycles.

This, then, is the fetus we know and care for in modern medicine. It is also the fetus we each once were ourselves. The picture has been built up of small pieces; even if we still could fit in many more pieces, the overall image is clear enough. We were not placid, dependent, fragile, nerveless vegetables who lied in a metabolic nirvana and a state of sensory deprivation.

We did not blindly develop structures in anticipation of a life and function to begin at birth, either: development of structure and development of function went hand in hand. We were active and reactive. The uterus filtered, buffered, and somewhat distorted the outside world but did not completely block it off. It is a truism to say that we are all the products of nature and nurture, but this is a truth not restricted to extrauterine life. At birth, we are the products of our nature, our genetic endowment, our nurture—our *intrauterine* environment.

L.A. CORONER, D.A. OFFICE BROUGHT IN—INVESTIGATION UNDERWAY INTO STORAGE OF 1,000 ABORTED FETUSES

(By Nick Thimmesch)

When I became acquainted with the pro-life movement in 1973, I was struck with how diverse its people were, and how they showed single-minded determination in fighting the consequences of the infamous *Roe v. Wade* decision. There were Protestants, Catholics, Jews, and non-believers in the movement. There were whites, blacks, browns, Indians, and Asian-Americans.

There were rich, poor and earnest Middle Class, Democrats, Republicans, Independents, Libertarians, young and old. In those days there were no computerized high-speed mailing lists, or fussy debates over the relative virtues of, say, a Helms bill or a Hatch amendment.

After I published "The Abortion Culture" in Newsweek, I was startled with the enthu-

siastic response from prolifers. They were desperate for any sign that anybody in the media cared, and they were hoping for any move to undo the Supreme Court's wrongdoing.

In the nine years since, the relatively small numbers of prolife activists achieved some remarkable successes, given the widespread, mainstream indifference toward abortion on demand. The establishment of the Hyde Amendment, the election of state legislators, U.S. Congressmen, and two presidents who expressed agreement with prolife goals, and an increasing public awareness of issues focusing on the value of human life—well, that's quite a record.

But people are people. Through history, those in serious, spirited movements inevitably quarrel over tactics and approaches.

It is no different in the prolife movement than it was, say, in the American revolution, or during the antislavery crusade. In recent months, in debating merits of legislation to stop abortion, prolifers have called each other names they usually reserve for the ardent pro-abortionists.

Distressed over the wrangling, I knew it was clear that we all need to be reminded of what this movement was all about.

On Feb. 4, a ghastly discovery in a backyard in Woodland Hills, California, provided the sorbering reminder. It was there that workmen, routinely dispatched to repossess a large, steel storage container, became upset and even ill from what they found.

Empty, the container weighs 4,000 pounds, but this one came in at 11,000. The workmen struggled to get it onto the back of their truck, even breaking a winch in the process.

What were its heavy contents?

They opened the container, found boxes which they also opened, and suddenly, small parts of a tiny human body fell out. It was one of 1,000 fetuses in the custody of Melvin R. Weisberg, 33, who had leased the container from the Martin Container Company.

The men went back to their boss, Nick Martin, and told him they couldn't clean out the container. One man said it smelled like a cesspool.

The forklift operator admitted that he was frightened. "It was nothing that anybody's ever seen before," he said. "It was sick, whoever did it."

Martin went to see for himself. He became disgusted. "They say they're just fetuses," he said, "but they sure looked like humans to me."

Now 1,000 unborn don't weigh 7,000 pounds, even when they are suspended in formaldehyde in plastic containers. No, the unborn were in the company of specimens of medical "waste"—cancerous growths from operations, "pap smears," other pathology lab specimens, and hundreds of printed medical records.

Some of the unborn were egg size, some were as large as four to five pounds, meaning they could have been the results of prohibited late abortions. The larger ones were in one-gallon containers; the smaller ones in jars marked "dentures."

This grisly collection of snuffed out human lives and medical "waste" was supposed to be analysed and identified by Weisberg, who had operated a pathology lab in Santa Monica. But Weisberg had gone broke, closed the business, and stored his inventory in Nick Martin's big, black container.

Weisberg had received the specimens from doctors, clinics and hospitals in half a dozen states. The labels indicated that some had been in storage since 1979.

The first reporter on the scene noted that some containers came from Planned Parenthood organizations in Missouri and California. When I called the national offices of Planned Parenthood about this, I was told that affiliates in several states had shipped Weisberg pap smears for analysis, but never fetal material. According to the Planned Parenthood's New York headquarters, one of its Minnesota facilities sued Weisberg because he never performed the promised services on the smears.

As far as Planned Parenthood is concerned, the unborn and stillborn are all medical waste, and should be dispatched with the aid of a pathology lab of the kind Weisberg ran. This clinical mentality was also expressed by the assistant coroner commenting on the "find" in Woodland Hills.

"There is no evidence of foul play," proclaimed Richard Wilson, "but there could be violations of the health code covering the disposal of medical waste."

In a way, this response is not surprising. All across America, the unborn killed in abortions are pretty much regarded as medical "waste." A spokesman for D.C. General Hospital, for example, told me that aborted babies are regarded as surgical specimens, and are incinerated with the garbage within three weeks after the abortion.

This is the same D.C. General where employees once actually sold the organs of dead babies. In 1976, it was revealed that staffers in the hospital's pathology department collected more than $68,000 from commercial firms for organs of stillborn and dead premature babies, including some from "late-term elective abortions."

A hospital official later admitted that the money earned from this commerce was used to buy a TV set for the lounge, to cover expenses for physicians attending conventions, and for soft drinks and cookies for visiting professors. It was all very tidy.

At George Washington University hospital, where President Reagan's life was saved last year, no reports of such sales, but a slightly different policy on disposal of aborted babies. At G.W.U., the aborted unborn under 20 weeks are cremated, in the words of a spokesman, "like an amputated part."

Aborted babies over 20 weeks, I was told, "are regarded as adults, and a death certificate is issued. The mother can then elect cremation or burial for the fetus."

In California, where the Los Angeles District Attorney is pondering aspects of the "find" in Weisberg's backyard, bodies and body parts must be buried in a cemetery or cremated. Moreover, California law prohibits abortion after 20 weeks, though this law hasn't been tested. The coroner impounded all of the Weisberg material, and is conducting special tests on 31 of the fetuses which are described as weighing four pounds or more, therefore 20–27 weeks, and viable.

The District Attorney is also wrestling with the question of ownership of the fetuses. Do they belong to the mothers, to the abortion clinics or hospitals from where they were shipped, or to Weisberg, their custodian?

Weisberg met with an assistant to the Los Angeles District Attorney's office last week, an event which the Los Angeles Times had breathlessly described as "Secret Meeting Set in Fetus Discovery Case." Little of the mess was untangled, and more meetings will be held. My, oh my.

Meanwhile, a group of Right to Life organizations in California have announced that it would like to claim the 1,000 unborn babies' bodies in order to bury the dead babies in an ecumenical burial service. The Los Angeles Diocese of the Catholic Church is willing to furnish a plot large enough to bury the bodies in Holy Cross cemetery. Several mortuaries have volunteered to assist the coalition in preparing the bodies.

The Rev. Donald P. Shoemaker, a Protestant minister who is on the faculty at Viola University, says he is organizing a group of clergymen including a priest, a rabbi and ministers, to conduct a non-sectarian burial service. This group has been promised by Los Angeles County Assemblyman Mike Antonivitch that he will make sure the bodies are not incinerated and are kept for burial.

Such is life and death in California, and for that matter, everywhere in the Western world which seems to be on an anti-life binge. There is so much for prolifers to do besides debate politics or the Hatch amendment.

For example, with at least 1.3 million abortions performed annually in the U.S. and millions more in the rest of the world, there is no shortage of unborn (fetal material?) for experimentation and commercial use. The Paris law journal, "Gazette du Palais," recently reported that guards at the Swiss-French border intercepted a truckload of frozen human fetuses destined for cosmetic laboratories in France.

Indeed, there is all manner of advertising these days for the magic of collagen, a gelatinous substance found in connective tissue, bone, and cartilage of fetuses and nonhuman animals. There is no suspicion that human fetal material may be used for this purpose.

Moreover, prolifers should know there is a good deal of experimentation by doctors and drug companies with unborn children destined to be aborted. The Arizona Republic in Phoenix reported last March that E.R. Squibb and Sons Laboratories was involved in an experiment utilizing unborn fetuses which would be aborted. There are countless cases where the National Institute of Health sponsored non-therapeutic experimentation on previable infants—unborn children. At one point, the government even approved such experimentation on an ethical basis.

And there is more.

What to say of the burgeoning genetic engineering business, corporations producing "life" organisms, experimenting with them, and then killing them? In vitro fertilization, use of frozen embryos, the widespread practice of amniocentesis—all raise questions right up the alley of prolifers.

How appalling to learn about the "find" in Woodward Hills, California, but it's just as appalling to read how doctors walk away from freshborn but deformed babies, so they can die. And how about the young father who wanted to decide whether to have his wife abort their child so he could use the unborn's kidneys for a transplant he desperately needed?

There is no end to it in our time. It clears the head to encounter such grisly, subhuman experience in a world which calls itself enlightened, sophisticated and industrially advanced.

With or without laws and amendments—and I agree with Cong. Henry Hyde who cosponsors all of them—people concerned with the value of human life in all of its stages will have plenty to do. Cain left his mark for all of us to deal with.

[From Human Life Review, Fall, 1981]

LATE ABORTION STATISTICS

It comes as no surprise that more people oppose late abortions than early ones. Indeed, many people believe that late abortions are still illegal, or, where they are permitted, it is due to indifference on the part of the state legislature. Even when they are informed that late abortions are legal everywhere in the U.S. and are beyond the reach of any legislature, skeptics will still reply that abortions are rarely, if ever, performed after viability. While it is certainly true that a very small proportion of all abortions occur after 20 weeks gestation, it is also true that a very small proportion of the postnatal deaths in the U.S. are homicides, yet we properly give these considerable attention.

The word "late" needs a precise definition, but there is no common agreement on its meaning in this context. Since babies have been born at 20 weeks and have subsequently developed normally, it is not unreasonable to begin a table at 21 weeks and to let the reader decide from there.

The following table was constructed using data supplied by the U.S. Dept. of Health, Center for Disease Control, in Atlanta. However, only eight states (Illinois, Kansas, Nebraska, New York, (excluding New York City), Oregon, South Carolina, Tennessee, Vermont) report abortions by single week of gestation. Since Chicago is the only large city included in this group of states, the simple extrapolation methods which I used to estimate the totals for the entire U.S. probably underestimate the actual figures. After all, a late abortion is a dangerous operation which is not socially acceptable in most circles. Big cities offer better facilities and greater anonymity. Further, the reported figures show unmistakable signs of underreporting of the gestational age. For example, the eight states reported hundreds of abortions after one week, i.e., prior to conception itself. (Gestation is measured from the last day of the last menstrual period.) The figures are for 1978, the latest available.

Gestational age in weeks from last day of menstrual period	Actual abortions reported in the eight state group beyond this age	Estimate of the total U.S. abortions beyond this age
21	1,144	9,702
22	792	6,717
23	479	4,063
24	318	2,697
25	223	1,891
26	154	1,306
27	118	1,001
28	91	772
29	66	560
39	44	373
31	26	221
32	10	85
Total	3,465	29,388

[From the Human Life Review, Winter, 1980]

THE NOBEL LECTURE

(By Mother Teresa)

It is not enough for us to say: I love God, but I do not love my neighbor. St. John says you are a liar if you say you love God and you don't love your neighbor. How can you love God whom you do not see, if you do not love your neighbor whom you see, whom you touch, with whom you live? And so this is very important for us to realize that love, to be true, has to hurt.

It hurt Jesus to love us. It hurt him. And to make sure we remember his great love, he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one, the naked one, the homeless one, the sick one, the one in prison, the lonely one, the unwanted one, and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find. It may be in your own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten, maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking towards the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people they have everything here, why are they all looking toward the door? Why are they not smiling?

I am so used to see the smile on our people, even the dying one smile. And she said: This is nearly every day. They are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten. And see—this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there? Are we there to receive them? Is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs. And I tried to find out why. Why is it like that? And the answer was: Because there is none in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace.

But I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing, direct murder by the mother herself. And we read in the scripture, for God says very clearly. Even if a mother could forget her child, I will not forget you. I have curved you in the palm of my hand. We are curved in the palm of his hand: so close to him, that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother could forget something impossible—but even if she would forget—I will not forget you.

And today the greatest means, the greatest destroyer of peace is abortion. And we who are standing here—our parents wanted us. We would not be here if our parents would do that to us.

Or children, we want them, we love them. But what of the millions? Many people are very, very concerned with the children of India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child, what is left for me to kill you and you to kill me? There is nothing between.

And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year. Have we really made the children wanted?

I will give you something terrifying. We are fighting abortion by adoption. We have saved thousands of lives. We have sent words to all the clinics, to the hospitals, police stations: please don't destroy the child; we will take the child. So every hour of the day and night it is always somebody—we have quite a number of unwedded mothers—tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful. We are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years—it is all in Calcutta—we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter, which is very beautiful, very simple. And our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby when ever we want. So clear—those people in the street, those beggars—and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us.

The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank, and said: You people who have evolved chastity, you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people.

The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition. And I told the sisters: You take care of the other there; I take care of this one that looked worse. So I did for her all that my love can do. I put her in a bed and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: thank you—and she died.

I could not help but examine my conscience before her. And I asked: What would I say if I was in her place? And my answer was very simple. I would have tried to draw a little attention to myself. I would have said I am hungry, that I am dying, I am cold, I am in pain or something. But she gave me much more—she gave me her grateful love. And she died with a smile on her face—as that man whom we picked from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without cursing anybody, without comparing anything. Like an angel—this is the greatness of our people.

And that is why we believe what Jesus has said: I was hungry, I was naked, I was home-

less; I was unwanted, unloved, uncared for—and you did it to me.

ABORTION AND PUBLIC OPINION

Public opinion polls have often been cited to support stances both for and against legalized abortion. These polls have not always given reliable or consistent information because of differences in sampling, in the phraseology of questions, and in the respondents' level of knowledge on the issues. Such problems, of course, are common in public opinion polls taken on any complex issue.

The abortion issue, however, also carries with it special complications: both sides in the dispute claim that the issue is a matter of fundamental right and therefore that the vagaries of public opinion are inadequate to express the full significance of the issue. Opponents of abortion further point out that one of the two entities most intimately involved in every abortion procedure—the unborn child—is unable to express his or her viewpoint on public policy regarding abortion. Advocates of the abortion right point out in response that the Supreme Court has treated the issue in terms of a woman's constitutional "right of privacy" and claim that the views of women should be accorded special weight regarding an issue which men do not confront in the same manner.

But even here, some knowledge of public opinion may be of help, not in assessing the objective validity of either claim, but in assessing whether most Americans would consider either as valid. Some polls, for example, suggest that, to the extent differences exist on matters of abortion policy between the sexes, women may be even more protective of the rights of the unborn than men. Women consistently place the point at which "human life begins" at an earlier stage than do men and may be even more opposed to legalized abortion than are men.[1] In fact, the very groups that are often viewed as "under-represented" within our political system, i.e., women, racial minorities, the poor, are more opposed to abortion than the rest of the population, according to many public opinion polls.[2] Concomitantly, those groups best represented within this system may be disproportionately supportive of the *Roe*-spawned abortion right. According to a recent poll conducted by the Connecticut Mutual Life Insurance Company, only 29 percent of the "political leaders" within the United States considered abortion as "morally wrong" as opposed to 65 percent of the general population.[3]

[1] Footnotes are at end of article.

Within the limits of these polls, several general observations can be made about public opinion and abortion. Professor Adamek testified on a number of these before the Subcommittee.[4] Despite differences in the wording of questions and the span of time over which the various polls were taken, Professor Adamek has identified certain patterns of response which are relatively consistent.

1. Neither the opponents of all abortion nor the advocates of unrestricted abortion can claim agreement with the majority of the American people. The population can be divided roughly into three groups: those who oppose legalized abortion in virtually all circumstances (perhaps 22%); the "middle majority" which opposes legalized abortion except for certain "hard cases" such as serious endangerment to the mother's health, rape or incest, and likelihood of serious defect in the baby (about 55%); and those who want abortion to remain legal in all circumstances (about 23%).[5]

2. Support for legalized abortion deteriorates significantly as soon as one speaks of abortion after the first trimester. There is no majority support for abortion under any circumstances after this point, except in the case of danger to the mother's life.[6]

3. Support also deteriorates as soon as one speaks in terms of specifics instead of vague generalities. For instances, one Gallup poll showed 64% support for the proposition that "the decision to have an abortion should be made solely by a woman and her physician", but another Gallup poll taken in the same year showed only 24% support for the proposition that a woman should be "able to get an abortion without her husband's consent."[7] (This kind of discrepancy occurs even within the membership of the major "abortion rights" groups: for instance, a poll of members of the National Abortion Rights Action League, not cited by Adamek, show 85% support for legalized abortion in all circumstances, but only 58% support for legalized abortion when the child is not of the preferred sex. Some legal abortions are already being performed for this reason, according to the news media.)[8]

4. Polls seeming to indicate majority approval of the Supreme Court's abortion decisions have been flawed in several respects. By keeping to vague generalities, by wording the question in a misleading or euphemistic way, and by misrepresenting the Court's decision as legalizing abortion only during the first trimester, these polls obscure the fact that the majority of Americans approve of legalization only in cases which constitute less than 5% of the abortions now performed legally in the United States.[9]

5. There is serious disagreement between the Supreme Court and the American people on the question of "when life begins" as well as on the question of when the unborn may be considered as a "human person." As mentioned above, disagreement with the effect of the Court's decision is significantly stronger among women than among men. Three polls taken in 1981, for example, indicate that a majority of the public believes that human life begins within the first trimester of pregnancy, while only 5 to 17% believes it begins at birth. A poll reported by Judith Blake in 1977 shows only 18% of men and 8% of women adopting the stance that human personhood begins at birth, while 33% of the men and 51% of the women believe that it is present at conception.[10]

A recent study by Judith Blake and Jorge Del Pinal of the University of California, based on the findings of 18 public opinion polls taken from 1965 to 1980, lends support to Adamek's most important conclusions.[11] This study also found that most Americans fall into the "middle" category, disapproving of unrestricted abortion but approving of legalization in certain rare circumstances. This study reached two additional conclusions which are of special significance for the debate over attempts to reverse the Supreme Court abortion decisions:

1. Even among the minority which supports abortion on demand, there is little support for the full extent of the Supreme Court's decisions or for the full agenda of the "prochoice" movement. This group shows no strong support for the Federal funding of abortion, for abortion without the husband's consent, or for abortion after the first trimester.[12]

2. People in the large "middle" group are "markedly more similar to respondents who are negative toward abortion than to those who are positive" when one analyzes their background characteristics and attitudes toward related issues. Abortion thus appears to take its place "at the end of a long line of issues on which 'policy' has run far ahead of the nation's will to execute."[13]

Further support for these conclusions has recently come from a somewhat unexpected source. Jeannie Rosoff, president of the Alan Guttmacher Institute which conducts research for the Planned Parenthood Federation of America, recently announced at a Planned Parenthood public impact seminar that the American people support legalized abortion only in the rare "hard cases" and that it is becoming difficult to ignore "people's genuine discomfort at the number of abortions" currently performed in the United States.[14] Most of these abortions, Rosoff noted, are performed for social, economic, age, or lifestyle reasons, and "support dwindles very, very rapidly" as soon as these are presented as justifications for a legal abortion.

Feelings on public policy regarding abortion do seem to translate into support for specific proposals designed to reverse the Supreme Court's abortion decisions. In a poll conducted by DeVries & Associates in November and December of 1974, only 25.1 percent elected to let the decisions stand; 32.8 percent thought that Congress should reverse the decision and make abortions illegal either in all circumstances or except to save the life of the mother; and 39.5 percent favored a somewhat lower level of constitutional protection for the unborn, either by having Congress make abortions illegal except in specific cases determined by law or by restoring the authority to make abortion laws to the States. Opposition to the Supreme Court's decisions is slightly higher now than in 1974, so support for these proposals would now presumably be somewhat stronger than it was in 1974.[15] If the analyses of Blake and Adamek are correct, even many of the people who claimed to support the 1973 Supreme Court decision in this 1974 poll would favor more restrictions on abortion than are currently provided for under these decisions and their progeny.

More recently, three polling organizations asked Americans whether they would support legislation that would or might make all abortions "murder." Support for such a measure ranged from 29 percent to 42 percent—apparently indicating that some in the "middle majority" will side with the anti-abortion stance even when presented in its most extreme form, if they are asked to choose between this and the present state of affairs.[16]

In order to appreciate the full significance of these findings for the proposed amendment it is necessary to understand how flexible the provisions of this amendment are. It would be difficult to see how public opinion could be cited as evidence against the proposed amendment, when its precise objective is to allow public policy to keep pace with public opinion through the democratic process. One study conducted by Market Opinion Research and the National Abortion Rights Action League, however, claims that "over half the voters interviewed believe that abortion is not an issue in which government at any level should be involved", with the implied claim that government is not presently involved in the abortion issue and that passage of a constitutional amendment would initiate this unwanted involvement.[17] But the legal reality, and the reason why opposition to the Su-

preme Court's abortion decisions has been so strong and persistent, is that these decisions press government at its most fundamental constitutional level into the service of abortion. Abortion has been singled out for special treatment by the Federal courts, to the extent that health regulations and consent requirements deemed appropriate for medical procedures of similar hazards and complexity are ruled unconstitutional in the case of a first-trimester abortion.[18] If complete absence of government involvement in this issue were really desired, this could be achieved by ratifying S.J. Res. 110 and then failing to enact any penal legislation on the matter; for under such circumstances, abortion would be neither a crime nor a constitutional right. Groups advocating legalized abortion seem to consider this as an unlikely scenario, apparently indicating a perception that the majority of Americans actually do want substantial restrictions placed on access to abortion.

If it is true, as some have claimed, that a constitutional amendment should memorialize a consensus instead of trying to create one,[19] S.J. Res. 110 has the potential for reflecting the American consensus on abortion much more accurately than the Constitution as currently interpreted by the Supreme Court does. It is true that some supporters of this measure see it as an opportunity to work toward a more complete national consensus against legalized abortion; but the amendment itself does not require such a result, and allows groups favoring abortion to conduct the same kind of lobbying efforts toward their own goal of unrestricted abortion. Indeed, the obvious fact that it is easier to block controversial legislation than to enact such would seem to give the advantage to the latter groups, if they do in fact represent the majority of the American public. Whatever the final consensus on the substantive issues involved, it would be more likely to garner public respect if it were reached through the democratic process instead of being imposed upon the public by a small number of appointed judges on the basis of highly controversial constitutional arguments. I have heard no testimony showing that respect for the Supreme Court or for Congress is likely to be boosted by Congressional refusal to report out a proposal allowing the American public to express its opinion on the matter.

FOOTNOTES

[1] On the question of "when life begins," see the Judith Blake poll of 1977 cited in Senate hearings, December 7, 1981. Professor Raymond Adamek, Kent State University. [Hereinafter cited as "Adamek."] On the question of legalized abortion: ABC News/Washington Post, 1981; Gallup, February 27-March 1, 1976; DeVries & Associates. November-December 1974. Polls which distinguish between the responses of men and women generally find opposition to legalized abortion to be 5 to 10 percent higher among the latter.

[2] This is the consistent finding of all polls which distinguish among these groups. For example, the ABC News/Washington Post poll taken in 1981 showed that almost one-third of those strongly opposing legalized abortion earn under $12,000 a year, with only 10 percent earning 30,000 or more, and that nearly one-quarter are black. More than one-quarter of those supporting legalized abortion earn $30,000 or more. Annual abortion polls taken by the National Opinion Research Center have consistently shown that black Americans are strongly opposed to abortion on demand and some have even suggested that they are more opposed to legalized abortion than Catholics are. See Andrew M. Greeley, "Black Stand on Abortion," in the New York Daily News, March 12, 1978. It seems clear that the issue of religion has often been overemphasized in the debate on abortion policy. Although some differences in survey responses seem traceable to denominational differences, intensity of church involvement and commitment to a traditional personal morality seem to be much more strongly associated with opposition to abortion than is any particular denominational affiliation. See: ABC News/Washington Post poll of 1981; Gallup polls at 1975 and 1977. This result is quite understandable in light of the fact that major Western religious denominations condemned abortion almost unanimously until recent years. See on this issue generally Grisez, Abortion: The Myths, the Realities, and the Agruments (1970), Chapter IV; J. Noonan. A Private Choice, 53-63; New Perspectives, Chapters 25-27. The U.S. Supreme Court, despite its strong commitment to the "right" of abortion, has never accepted the view that abortion restrictions violate the Religion Clauses of the First Amendment. See *Harris* v. *McRae*, 100 S. Ct. 2671 at 2689 (1980).

[3] This finding was reported in the Wall Street Journal, May 15, 1981. The same poll found the socio-demographic correlations that other polls have reported: Moral opposition to abortion is strongest among women, the poor, and racial minorities.

[4] The data analyzed include results from the National Opinion Research Center for 1972 to 1980, the Gallup Opinion Index for 1972 to 1981, and individual polls conducted by Judith Blake, ABC News/Washington Post, and CBS News/New York Times, as well as prior analyses of poll data by Blake, Donald Granberg and other sociologists. A useful summary of the issue of public opinion on abortion is contained in Duggan, "Abortion and the Opinion Polls", Supplement to Catholic League Newsletter, Vol. 8, #6.

[5] The major source for this finding is a series of five Gallup polls taken from 1975 to 1981. Similar results have been obtained by the National Opinion Research Center in eight polls taken from 1972 to 1980. See Adamek, tables 2 through 4. An ABC News/Washington Post poll taken in 1981 showed 40 percent who "generally speaking" agreed that a woman should be able to get an abortion if she wants one, but these respondents were not asked whether they supported legalized abortion in all circumstances. The 60 percent who disagreed with the statement were generally found to favor legalization only in certain rare circumstances, and this only in the first trimester. Earlier in the same poll the public's feelings about "right to life group", and "pro-choice" groups was elicited: 71 percent had heard about "the right to life" and a majority of these claimed to agree with this group's position on abortion, while only 24 percent had heard of "the pro-choice group", and 46 percent of these claimed to agree with its position on abortion. These findings do not seem to contradict those of NORC and Gallup; they are consistent with the claim that support for abortion "generally speaking" deteriorates rapidly as soon as particular circumstances are mentioned.

[6] See Adamek, table 3, based on Gallup surveys of 1978 and 1979.

[7] See Adamek, table 1. In any event, the idea that abortion decisions are currently made by "a woman and her physician" has been called a "myth" by many physicians. As Bernard Nathanson, an obstetrician and gynecologist who helped found the National Abortion Rights Action League, testified, "In virtually every instance when a woman presents herself to the doctor her mind is already made up, and the doctor is nothing more than the instrument of her will. In that there are only very few medical reasons for abortion, the vast majority of abortions are decided upon for financial, emotional or situational reasons. There is no physician input into the decision-making process in permissive abortion." Senate Hearings, October 14, 1981, Dr. Bernard Nathanson, Obstetrician and Gynecologist, St. Luke's-Roosevelt Hospital; Assistant Clinical Professor, Cornell University the author of an important work tracing his evolution on this issue, B. Nathanson with R. Ostling, Aborting America (1979).

[8] For the opinion survey of National Abortion Rights Action League members, see Granberg, "The Abortion Activists," in Family Planning Perspectives, July/August 1981, at 163. Under current constitutional law, a third-trimester abortion performed for purposes of sex selection is legal, and requires only that the physician performing the abortion believe that the birth of a child of the "wrong" sex might adversely affect the mother's "well-being." This issue was recently debated on the PBS television program "Boy or Girl: Should the Choice be Ours?, which was first aired in January of 1981 as part of a six-part series on bioethics titled "Hard Choices." Also see McTaggart, "The Break-through that Backfired," New York Sunday News Magazine, Feb. 8, 1981.

[9] See Adamek, at 4. Dr. Irvin Cushner of the University of California has testified that "something on the order of 2 percent of all of the abortions in this country are done for some clinically identifiable entity," including abortions to prevent the birth of a handicapped child; Dr. Cushner estimated that about 1 percent are performed for "physical health" reasons. Senate hearings, October 14, 1981. According to Dr. Richard Schmidt of the University of Cincinnati School of Medicine, only "a minute fraction" of the total number of abortions are currently performed for "life-saving indications," and the number of indications continues to decrease every year. Senate Hearings, October 19, 1981. As U.S. Representative Vin Weber of Minnesota testified, "Abortion has become a technique used for family planning. Millions of people find it inconvenient to have a child, or they wish to better plan their families, a sort of social engineering." Senate Hearings, December 16, 1981. Another witness, Bella Abzug of Women U.S.A., testified to the fact that some groups supporting legalized abortion now see it primarily as a "method of birth control." Senate hearings, December 16, 1981. None of the major public opinion polls show majority support for this state of affairs.

[10] See Adamek, table 6.

[11] Blake and Del Pinal, "Negativism, Equivocation, and Wobbly Assent: Public 'Support' for the prochoice Platform on Abortion", 18 Demography 309-320 (August 1981). This study is based on eight NORC surveys from 1972 to 1980, eight Gallup surveys from 1968 to 1977, and two National Fertility Surveys conducted in 1965 and 1970.

[12] Id. at 315-16.

[13] Id. at 312-16.

[14] Reported in Andrusko, "Don't Be Misled by Polls, Proabortion Leader Warns", National Right to Life News, Nov. 9, 1981, at 3. Rosoff's comments were part of an October 31 seminar in Washington, D.C. on "External Strategies: The Fight for Reproductive Rights in the 1980's."

[15] Increased opposition to the Supreme Court's abortion decisions is indicated by Gallup polls of 1974 and 1981; 46% opposition to these decisions' legalization of first-trimester abortion was recorded in the more recent poll. These questions did not deal with other aspects of the decisions, such as late-term abortion, spousal and parental consent, or medical regulations.

[16] See Adamek, table 9.

[17] Senate hearings, December 7, 1981. Barbara Bryant, Vice President, Market Opinion Research. As noted by the Chairman of the Subcommittee on the Constitution, this study was flawed in several respects: its sampling included only three American communities which do not seem representative of American opinions on abortion; questions were worded in vague, misleading or euphemistic ways; respondents were not allowed to express their views on legalization under different circumstances and for different stages of pregnancy; and some of the responses indicate internal inconsistency (for instance, 93 percent of those polled in Springfield, Massachusetts agreed that the abortion decision should be made entirely by the "consenting patient", but 26 percent expressed support for a constitutional amendment that would prohibit abortions). This poll also asked voters about three different proposals for reversing the Supreme Court's abortion decisions, including a proposal like S.J. Res. 110; but since it asked for a choice among these alternatives, rather than for a choice between each of them and the current situation of abortion on demand, it is unfortunately not very useful in gauging the political acceptability of this proposal among the American people. As noted above, only 25 percent of those polled by DeVries & Associates in 1974 elected to let the Supreme Court's decision stand, and this seems consistent with NORC and Gallup findings on support for abortion on demand.

Dr. Bryant also presented testimony on an analysis of abortion surveys which was commissioned by the National Abortion Rights Action League. This study takes at face value some of the poll results which Dr. Adamek and Judith Blake have analyzed and found wanting, but it ultimately comes to the same conclusions: most Americans want abortion to be legal only under certain extraordinary circumstances.

[18] Medical regulations designed to protect the pregnant woman in a first-trimester abortion, aside from the requirement that the abortion be per-

formed by a licensed physician, are of doubtful constitutionality under current law. A wide range of regulations and "informed consent" requirements have been invalidated by the progeny of *Roe* and *Doe*. In November and December of 1978, investigative reporters from the Chicago Sun-Times published accounts of abuses at legal abortion clinics in the city of Chicago which suggest that such clinics are seriously under-regulated.

[19] This argument has been put forward by Senator Patrick Leahy in his opening statement before the Subcommittee on October 15, 1981. Cf., however, the testimony of Dr. Adrian Rogers, former President of the Southern Baptist Convention, who observed that greater public discussion on this issue was likely to clarify the existence or nonexistence of any "consensus". Senate hearings, November 5, 1981.

ABORTION AND THE OPINION POLLS

(By Dexter Duggan)

(A sense of humor will be useful when Roper, Harris, Gallup and Yankelovich all agree that the public is overwhelmingly in favor of some notion that makes no sense at all.—Wall Street Journal, Dec. 26, 1980, with advice for President-elect Reagan.)

Bernard N. Nathanson, M.D., once a leading national champion of legally unrestricted abortion, contends in "Aborting America" that, "The American public has not yet given 'informed consent' to laissez-faire abortion."

His claim seems strongly at odds with numerous public opinion polls which convey the impression that the majority of Americans has willingly endorsed the sweeping permissive abortion decissions of the U.S. Supreme Court.

Some polls leave the impression of majority endorsement of the Court's reasoning, without explicity claiming such endorsement. Upon perusing their statistics, one learns there is no such approval.

Other polls do claim majority agreement with the Court. But these polls' questions, when examined, are revealed to have blurred, or even misrepresented, the scope and range of the Court's action.

In citing various pollsters' figures, I do not intend to imply that I agree with the accuracy of any. But I do contend that even the pollsters' own statistics do not add up to the substantial national majority approval for the Supreme Court action that is supposed to exist.

Even The New York Times, a leading editorial champion of permissive abortion, admitted in an August 18, 1980 "news analysis", "What do the American people think about abortion? It depends on how you ask them the question." When the Times/CBS News Poll questioned in a way conventionally favored by many pollsters, using language about "an amendment to the Constitution prohibiting abortions," the paper said there was only 29 percent approval for such a proposal. But when the object of the abortion was factored into the question—did people "believe there should be an amendment to the Constitution protecting the life of the unborn child"—the approval rate jumped to 50 percent.

The pollsters' "experiment suggested that not all polling questions are created equal," the Times reported. "Fully one-third of those who opposed the amendment when it was presented as 'prohibiting abortions' supported it when it was presented as 'protecting the life of the unborn child.' "

WHAT ABOUT THE CHILD?

Students of abortion polls have noticed that references to the unborn child are generally absent from their wording. The Times analysis said inclusion of the unborn "is the preferred question of the anti-abortion movement, and the results indicate why this group likes it so much." The Times refrained from pointing out that the type of wording which casts abortion as a private concern of the individual woman, with no reference to the unborn, is the preferred wording of the pro-abortion movement—and also of many professional pollsters.

A year earlier, Time Magazine had been even more straightforward about what polls were actually finding. Down in the body of a religion-department story, the January 29, 1979 issue of the news-weekly said, "... poll data indicate that about half the population agrees with the Catholic belief that human life begins at conception, and that only a minority of Americans are as liberal as the Supreme Court regarding abortion on request." Indicating that abortion opposition was not uniquely confined to Catholics, the article added, "Religious opposition to abortion, or at least to aborton on request, is more widespread than is sometimes apparent."

Perhaps the full extent of the opposition was not more "apparent" because—despite such occasional, slight acknowledgements of the true shape of things in the major media—the conventional wisdom continued to prevail. Dissenters from the Supreme Court action, it was assumed, constitute a small, even very small, minority—a minority, however, which often managed to prevail on the floor of Congress and in elections around the nation, with well-established pro-abortion incumbents being turned out by the voters in favor of anti-abortion challengers. Although the "pro-choice majority" dear to the hearts of abortion advocates was bound to reverse all this some day, that day seemed extremely slow to arrive.

Even a journal as committed to permissive abortion as Family Planning Perspectives, produced by Planned Parenthood's Alan Guttmacher Institute, published a few articles recognizing that data analysis does not support the popular media conclusions.

In FPP's Sept./Oct., 1980 issue, the article "Abortion Attitudes, 1965-1980: Trends and Determinants" acknowledged there was still a lack of majority opinion favoring abortion "for any reason." Drawing on what it regarded as reliable National Opinion Research Center (NORC) polling, the article said that as of 1980 there was still only 41 percent approval for abortion "for any reason"—the Supreme Court's position enunciated seven years earlier, perhaps, among other reasons, to respond to the demands of public opinion that were believed to exist.

Another article in the same issue of Family Planning Perspectives, "Abortion and the 1978 Congressional Elections," cited a different survey, according to which only "24-28 percent said that they believed abortion should never be forbidden." This article added that other surveys, like NORC's "show higher proportions supporting legal abortion for any reason." Although both articles agreed that polls find majority backing for abortion in certain cases, both also agreed there is no majority backing for abortion for any reason—the Supreme Court's position imposed on the nation.

The "Abortion Attitudes" article also noted that while there was clear public backing in NORC's findings for abortion for three "hard" reasons, "It is equally clear that there is no consensus as to the soft reasons; approval averages only about 50 percent in 1980. In addition, approval for the soft reasons is a more sensitive indicator of changes in public attitudes toward abortion than is approval for the hard reasons." The article explained that NORC had polled about six reasons for abortion. Three were "hard": "If the woman's health is seriously endangered by the pregnancy"; "If she became pregnant as a result of rape"; and "If there is a strong chance of a serious defect in the baby." The others were "soft": "If the family has a very low income and cannot afford any more children"; "If she is not married and does not want to marry the man"; and "If she is married and does not want any more children."

NARROW APPROVAL RANGE

Thus, the findings indicate that abortion was approved by many people only for very definite hardship reasons, not for reasons of what might be called personal preference or socioeconomic illness.

For some reason, NORC did not begin to poll about the substance of the Supreme Court decisions—abortion "for any reason"—until 1977, four years after they had been handed down. When respondents finally were questioned about abortion "for any reason" in 1977, only 38 percent were found to approve. In 1978, the figure dropped to 33 percent, then in 1980 it rose to 41 percent.

The "Abortion Attitudes" article ran counter to many assumptions made by the popular press. Despite a strong expectation in the media that support for permissive abortion is allied with political liberalism, the article said NORC data showed only "a very slight correlation between political liberalism and approval of abortion. . . . We conclude that although abortion attitudes are not completely independent of political ideology, the two are not closely related."

Now let us consider the work of the organization whose name has become virtually synonymous with the polling profession, Gallup.

The June 1980 *Gallup Opinion Index* reported, "Despite the emotional and political turmoil surrounding the issue of abortion, public opinion on the controversial topic has changed remarkably little since the Supreme Court ruled in 1973 that women have the right to have abortions performed." Gallup said its "question asked since 1973 was: 'Do you think abortions should be legal under any circumstances, legal under only certain circumstances, or illegal in all circumstances?' " Approval for legal abortion "under any circumstances" (in other words, the effect of the Supreme Court's action) grew from 21 percent in 1975 to 25 percent in 1980. Approval "only under certain circumstances" remained almost steady, dropping from 54 percent in 1975 to 53 percent in 1980. Those believing abortion should be "illegal under all circumstances" declined from 22 percent in 1975 to 18 percent in 1980. During the same period, "no opinion" went from 3 percent to 4 percent.

UNPOPULAR DECISIONS

In other words, according to Gallup's statistics, in 1975, two whole years after the Supreme Court decisions, there were more people (22 percent) against any abortion whatever (even to save the mother's life) than in favor of the Court's action (21 percent)! Yet, did you see any story reporting these poll results in those terms? Gallup itself certainly refrained from doing so.

Even by the year of the latest figures, 1980, those approving abortion for any reason were far fewer than those against abortion in some or all circumstances. Gallup has never found anything near to majority approval for what the Court

wrought. Yet, remarkably, Gallup has refrained from commenting on the obvious import here. Instead, in its interpretive commentary, Gallup highlights a different subject: Catholicism. According to the most recent findings, 22 percent of Catholics approve abortion "under all circumstances," and 55 percent "only under certain circumstances." Gallup's June 1980 *Index* explicitly calls attention to this pattern: "Although the Roman Catholic Church officially opposes abortion under all circumstances, many Catholics disagree with the Church's position on this issue. In fact, Catholic views are generally in line with those of Protestants." But Gallup fails even to raise the obvious next point: both Catholic and Protestant views are definitely out of harmony with the scope and range of the High Court's action.

The Gallup commentary seems consciously suited to conform to general media expectations: Catholics in rebellion against the institutional Church, and nothing worth noting in the fact that the majority of Americans disagree with the Supreme Court.

On occassion, Gallup has polled about one important matter other pollsters seem to have omitted, whether respondents approve abortion at the different stages of pregnancy. Many polls seem to assume that if a respondent feels few qualms about early abortion, approval can be assumed for an abortion nearer the time of birth. It must have occurred to Gallup that this assumption is incorrect.

The May, 1979 Gallup Opinion Index indicates that poll respondents were asked whether they approved of abortion for certain specific reasons, and whether they approved it for these reasons at the three different trimesters of pregnancy. The listed circumstances were threat to mother's life; threat to her mental health; possibility of fetal deformity; severe threat to mother's physical health; rape or incest; and financial hardship.

When Gallup says that a consistent majority of Americans approve of legal abortion "only under certain circumstances," we are apparently to believe that these six specified situations are the ones being talked about. Each of them could be considered to represent a hardship in some measure. That is, none appears to deal with abortion as a method of birth control, which is the reason the great majority of abortions are performed today.

Yet the results show that among the 54 percent approving abortion "only under certain circumstances," there was majority approval for first trimester abortions for only three of the six reasons, and for second and third trimester abortions only for the "life of the mother."

[In percent]

	1st trimester	2d trimester	3d trimester
Life of mother	78	66	59
Mental health	42	31	28
Fetal deformity	44	37	28
Physical health	52	46	33
Rape/incest	59	32	19
Financial	15	6	4

A comparison with results of a similar poll in 1977 shows these approval rates virtually unchanged, except that about 6 percent fewer respondents approved abortion for rape or incest. One cannot fail to notice the pronounced reluctance of respondents to approve even hardship abortions six years after the Supreme Court went far beyond such hardship situations and legalized abortion for personal preference.

In looking over all these detailed figures, it is impossible to ignore a highly significant omission in the accompanying remarks: not a single word suggested that the results amounted to a major rejection of what the Supreme Court had already legalized. Indeed, when the Index comments, "in the second and third trimesters a majority would make abortions legal only to save the life of the mother," it seems to imply that the legality of late-term abortions is still an open question. This is an impression which, intentionally or not, has been assiduously cultivated by media reports about the Supreme Court's legalization of abortion "in the first three months of pregnancy." Gallup did nothing to correct this misinformation and, in fact, seemed to promote it with such statements as, "In 1973, the Supreme Court overruled all state laws that prohibit or restrict a woman's right to obtain an abortion during her first three months of pregnancy." Not a word was added to indicate that the Supreme Court had legalized abortion beyond that period, right up until the moment of birth.

THE CATHOLIC ISSUE

Despite its failure to note this rather important point, the May, 1979 Gallup Opinion Index did manage to call attention to the attitudes of Catholics. "Although the Roman Catholic Church officially opposes abortion under all circumstances," the Index reported, "many Roman Catholics oppose the church line on this issue. In fact, Catholic views are generally in line with those of Protestants."

Left unsaid is the resulting fact that Protestants and Catholics stand jointly opposed to the scope of the Supreme Court's action. Given the misleading formulation of that statement, it is not at all hypersensitive to note the pejorative use of the term "church line," as if Catholics were discouraged from thinking for themselves.

One type of question successful in producing large majorities apparently in favor of permissive abortion is the familiar ploy of asking respondents whether abortion should be a matter decided by "a woman and her doctor." On one level, this question is so obvious (would anyone think abortion should be decided between a woman and a kindergarten child? a woman and a parking meter?) that many respondents were probably giving their assent merely to the woman-doctor conjunction. On another level, abortion advocates were fond of this type of phrasing because it subtly implies a disinterested physician's endorsement of abortion after scrutiny for a true medical justification. The obvious implication is that the physician is being seriously consulted; the woman has not decided on her own to go to a high-volume abortion clinic. Moreover, this type of question generally specifies not simply "a" doctor, but "her" doctor. The plain implication is that the doctor involved in the consultation is the patient's regular physician who has a complete knowledge of her medical history. That implication is, of course, usually wholly erroneous in the contemporary context.

The pollster using such wording is actually testing her majority endorsement for the proposition that an inconveniently pregnant customer should be able to obtain casual service from a licensed abortionist. To refer to an abortionist who the woman has probably never met before as "her doctor" is as tendentious as referring to the Racing Form as one's "financial advisor." When pollsters so carefully decline to say what they actually mean in phrasing a question, one must wonder why they avoid a straightforward phrasing—unless they fear it would produce an adverse result.

Even the woman-and-doctor concept failed to produce consistent majorities for abortion. In June, 1972, Gallup found 64 percent agreement that "the decision to have an abortion should be made solely by a woman and her physician." Yet only six months later, another Gallup inquiry found only 46 percent favoring "a law which would permit a woman to go to a doctor to end pregnancy at any time during the first three months."

Dr. Bernard Nathanson has denounced the "woman and her doctor" phrasing as "wholly spurious" but a "clever way" to imply professional medical scrutiny before the abortion decision is reached. In reality, Nathanson observed, "this allegedly 'medical' service" is touted in the abortion clinic advertisements in the classified pages, alongside the fortune tellers and dating bureaus.

ANOTHER MISCONCEPTION

Peter Skerry, writing in "*The Public Interest,*" cautioned that among the "persistent misconceptions about the continuing controversy over abortion in the United States" was the belief that antiabortion sentiment could be dismissed "as nothing but the view of a few well-financed zealots." One might think that a careful study even of findings like those above, by pollsters not known for antiabortion presumptions, would cast strong doubt on this small-zealot-group hypothesis. But not for the first time, having decided in advance how a situation ought to be, the news media have declined to cope with evidence that might disprove the favored image.

When Pope John Paul II visited the United States in October, 1979, many media leaders who editorially supported the Pope's "liberal" political views but abhorred his "conservative" moral views apparently decided that all Americans thought like the journalists. There was scant suggestion in the media that many people had been offended or thought the Pope had taken an unpopular or divisive course when he appealed for world disarmament before the United Nations or when he pointed to capitalist inequities. The Pope began to disturb the nation, it seemed, only when he opposed some of the causes close to media hearts.

The October 15, 1979 *Newsweek* candidly described the onset of the chill: "As the week wore on, and the Pope spoke out on the controversial sex issues facing the Catholic Church, the coverage on all three networks became more critical."

A major theme in the media was that American Catholics sharply disagreed with the head of their Church on moral issues. What better way to provide evidence than by the fruit of modern objectivity, the scientific opinion poll? But the evidence quickly turned chaotic.

The October 15, 1979 *Time* reported an Associated Press-NBC News Poll as finding among American Catholics that "50 percent even tolerate abortion on demand." Citing the very same poll, the October 6, 1979 *Los Angeles Times* said it revealed that "half of the Catholics polled were in favor of abortion on demand."

SYNONYMS

One might question whether "tolerate" and "in favor of" were acceptable synonyms

in this case. As a Pole, the Pope might appreciate the distinction between Eastern European citizens tolerating Russian occupation troops and actually being in favor of their presence. Yet, apart from this, it is curious that any poll respondents should be listed as approving "abortion on demand," because that term is virtually anathema to pollsters when probing public attitudes. If, indeed, the AP-NBC pollsters actually had asked people's views about "abortion on demand," they not only practiced an unusual bluntness, but also discovered a greater proportion of Catholics than of the general population approving such abortion, as measured by other opinion polls.

Indeed, AP-NBC's findings were immediately undercut by the findings of a Gallup poll. The October 8, 1979 New York Times said a "recent Gallup poll" revealed, "On abortion, 44 percent (of American Catholics) were recorded as feeling that there should be a relaxation of the church's prohibition of abortion under any circumstances." This is a proposition rather removed from either 50 percent tolerance or 50 percent support for unrestricted abortion.

The October 22, 1979 Time religion section, while carrying forward the customary received wisdom ("The Pope and his church are out of step with contemporary Americans, including many Roman Catholics, in dealing with sexuality."), did manage to cast serious doubt on the impression, put forward only a week before in the same magazine, that Catholics are receptive to "abortion on demand." "Even among relatively liberal Catholics," Time reported, "there is negligible backing for abortion on demand. In fact, no front-rank Protestant, Eastern Orthodox, Jewish or Muslim theologian has yet developed a serious argument for totally open abortion. . . ." Such a sober admission was generally lacking in media coverage.

In August, 1977, a Harris survey was released to the media, with a repetitious question that hammered home the point to respondents: abortion is legal for only the first three months of pregnancy. The wording precluded the very possibility of any additional abortion legality. The question was asked a full four years after the Supreme Court made public its abortion decisions, which have been available since then for any pollster to study and learn their full extent. The question, which Harris said drew the approval of 53 percent and the oppostion of 40 percent, was:

"In 1973, the U.S. Supreme Court decided that state laws which made it illegal for a woman to have an abortion up to three months of pregnancy were unconstitutional, and that the decision on whether a woman should have an abortion up to three months of pregnancy should be left to the woman and her doctor to decide. In general, do you favor or oppose the U.S. Supreme Court decisions making abortions up to three months of pregnancy legal?"

MISLEADING QUESTION

Aside from the question's repetitious disregard for the legal facts, it also uses the "woman and her doctor" ploy to create the assumption of medical justification. The question is no more objective than one formulated by anti-abortionists that might ask: "Do you actually favor a law that lets evil abortionists murder helpless babies?"

In the accompanying commentary under his byline, Lou Harris concluded that the 53 to 40 percent margin of approval meant, "Basically, then, public opinion appears to be entirely in line with the reasoning of the Supreme Court on the abortion issue." Ironically, in an article acknowledging that changes in wording can affect abortion poll results, the *Christian Science Monitor* referred to this Harris survey without mentioning that its wording seriously misrepresented the legal facts. On January 16, 1979, the *Monitor* stated that that Harris survey "showed 53 percent of adult Americans favoring the 1973 Supreme Court decision. That slight majority has held steady in annual Harris polls on abortion since 1973."

In his book, *"A Private Choice,"* Berkeley's Prof. John Noonan condemned Harris for "this clear misstating" of the law, an error Harris declined to correct after it had been called to his attention. Prof. Noonan also suggested that when respondents are presented with a poll question that doesn't specify a reason for the abortion, they implicitly equate "legal abortion" with abortion performed for a genuinely therapeutic reason. Noonan's reasoning seems quite valid, given that when respondents were presented with specific reasons for abortion by pollsters such as Gallup, majority abortion approval was confined to a very few serious "hard case" reasons.

POLLING TREND

During the past decade a persistent direction has emerged in the formulation of poll questions. That direction was already well established in 1976 when the National Abortion Rights Action League (NARAL) released a compilation of poll questions asked by 10 different organizations. Although NARAL refrained from pointing it out, none of the poll questions presented an accurate description of the Supreme Court's unprecedented action. Indeed, most of the questions offered no description at all, but instead polled in some other manner, such as using the spurious medical-endorsement approach of asking whether abortion should be a matter for a woman and her doctor.

None of the questions asked whether a woman should be able to seek the services of "an abortionist" or "a professional abortionist." With only one exception, none of the questions mentioned the unborn child or fetus to be destroyed by the abortion. The exception was a National Opinion Research Center survey mentioning the child in hardship contexts including an unspecified "defective" condition and poverty. None of the questions in the compilation asked whether abortion was approved for, say a "healthy, normal unborn baby." And there was certainly no question that asked, for instance, whether respondents approved of "destroying the healthy unborn baby without a serious reason, as is usually the case with abortion today," or "poisoning the unborn child with deadly saline abortion solution," or "cutting up the large healthy fetus with sharp instruments because the Supreme Court allows that upon the pregnant woman's request."

To the obvious objection that such questions would be loaded in the antiabortion direction, the appropriate response is that the professional pollsters seem to have had no objection to loading questions in the opposite direction. A 1974 Gallup question so outraged the Ad Hoc Committee in Defense of Life that the anti-abortion committee bought some newspaper advertisements to remark upon it. Although Gallup repeatedly referred in its findings to *abortion*, that word appeared nowhere in the question presented to respondents. They were asked instead about going to a doctor to "end pregnancy."

"How can you take a poll on abortion without using the word?" asked the Ad Hoc Committee. "And how accurate would it be?"

The majority of respondents no doubt knew what type of "end [to] pregnancy" they were being asked about. Still, one must wonder why the professional polling organization didn't eliminate the ambiguity when it originally formulated its wording. The article announcing the results plainly preferred the word "abortion" over the ambiguous term.

Just as the pollsters' choice of words influences poll results, so do the predispositions of journalists influence the interpretation of those results. For example, in 1979 the well-known California pollster Mervin Field released a survey announcing that a majority of California respondents, 57 percent, opposed "abortion for any reason." In his release to the media, Field said he had polled on abortion in California since 1969. The cumulative surveys, he said, "show that there was a substantial liberalization of attitudes toward abortion between 1969 and 1975. Since then, however, the trend toward liberalization has slowed markedly."

CONFLICTING RESULTS

At the same time, Lou Harris announced that 60 percent of his respondents nationwide favored the Supreme Court's abortion decisions. Since California is far from a socially conservative state, journalists there might have been expected to find the discrepancy between the two polls to be somewhat disquieting, but instead they focused on the fact that liberalization of attitudes toward legalized abortion was continuing, albeit quite slowly.

Totally sidestepping the major implications of Field's survey, the Associated Press wrote up his findings to emphasize "growing" abortion support, thus unfluencing the Los Angeles *Herald Examiner* to headline the AP dispatch, "State Poll Shows Tolerance Grows on All Abortions," while the Orange County *Register* headlined the AP story, "Poll Says Fewer Oppose Abortions."

With characteristic agility, the media had once again managed to transform a poll commentary that explicity noted a slackening of abortion approval and demonstrated a minority approving abortion on demand into yet another abortion endorsement.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABDNOR). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I am saddened that the events of today have dictated that the Senate will not be considering a constitutional amendment on the subject of abortion this year. But I rise today not to bemoan that fact, but rather to call attention to those who follow the events relative to the right to life, that this Congress has been able to go further in its efforts to protect that right than any

other Congress since the Roe against Wade decision.

Senator HATCH has done an exemplary job in guiding a constitutional amendment on this subject through subcommittee and full committee levels. That has not happened before in history.

For that exemplary achievement, the Senator from Utah has not only my thanks and admiration, but my pledge of support in the next Congress to see to it that the best constitutional amendment possible on the subject of abortion passes the Senate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum roll be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, after listening to the debate in the Senate over the past several days, I am struck by a profound irony. Over the past year and a half, I have heard a number of my colleagues—on the Senate floor, in committee meetings, and in the media—denounce excessive intrusion by Government into the lives of citizens. These colleagues have urged us to get Government off people's backs and extolled the virtues of less Government and greater individual liberty.

But as the months have passed, we have come to understand the true import of these slogans. To the reactionaries, less Government intrusion means more liberty for polluters to despoil the air and water and desecrate the wilderness. Getting Government off people's backs means tax exemptions for segregated schools, and discrimination against the minority whose skins are not white. Greater freedom means denial of a constitutional guarantee of equal rights for the majority who are women. To the reactionaries, less Government means fewer programs to help the most vulnerable in society—the elderly, the poor, the disabled, and the workers who have lost their jobs in this recession.

To paraphrase, a famous aphorism, the proponents of these narrow views believe that the rich as well as the poor should be free to sleep under bridges, to beg in the streets, and to stand in unemployment lines.

These advocates of reaction are the illegitimate descendants of one of the greatest and most progressive principles, not only in American history but in the long history of human freedom—the individual's right to privacy. As Justice Louis Brandeis wrote half a century ago:

> The makers of our constitution undertook to secure conditions favorable to the pursuit of happiness * * * they sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations.
>
> They conferred, as against the Government, the right to be let alone the most comprehensive of rights and the right most valued by civilized men. To protect that right, every unjustifiable intrusion by the Government upon the privacy of the individual, whatever the means employed, must be deemed a violation of the (constitution).

The self-proclaimed opponents of less Government interference now stand before the Senate with proposals that would increase the involvement of Government in the most private of all decisions. With breathtaking hypocrisy, they talk of taking Government off people's backs—and then fight to put Government into people's bedrooms.

Where our Constitution affirms diversity of thought and freedom of belief, they seek conformity to their own vision of America. Since the earliest colonial days, America has stood in the world for tolerance and liberty. But the false prophets of less government now demand a Government-imposed regimen of intolerance, of repression against those whose religious creed differs from theirs, and whose gender happens not to be male.

Their methods demonstrate their disdain for liberty. Time after time, they promote proposals to strip the judiciary of jurisdiction. They would subvert the very institution designed by the Founders as the central safeguard of our rights and freedom. How can they stand before us now and pledge to protect citizens from Government, when they seek to take away the most important protection of all against oppressive government?

The issue before us touches some of the most deeply personal questions in individual life. I do not believe that any woman makes the decision lightly whether to have an abortion. I have my own view, but this is an issue on which sincere and decent people hold widely differing beliefs and values. Men and women, lay persons and clerics, have conscientiously reached their own conclusions as to when, if ever, abortion is permissible.

For nearly two decades, I have served in the Senate and heard my colleagues debate whether Congess can or should decide this intensely private decision for others. I have listened carefully and thought long. And I am convinced that the issue of abortion cannot appropriately or effectively be resolved by statute or by constitutional amendment. It is, and it must remain, a matter of individual conscience.

Finally, it disturbs me very deeply that many of the proponents of these amendments have voted consistently against the help and support that can mean fewer abortions. They have cut funds for maternal and child health programs that prevent fetal disease and help a mother carry a child to term. They have cut immunization programs that protect children from crippling birth defects. They have opposed education and job training programs that give the poor and disadvantaged an alternative to despair and dependency. They have sought to cripple programs of contraceptive services for those who wish them. In the name of less Government, they turn their back on proven alternatives to abortion, and then seek to resolve the problem by the most intrusive kind of Government of all.

I am proud to have stood for Government when it has brought better health care to parents and children, better education, better jobs, and a better future. I have sought less Government and more free enterprise when that means greater efficiency and the end of outworn programs. And I am proud to have stood for less Government when it means the defense of our priceless freedoms—of thought and religion, of speech and press and assembly. Congress will never resolve the issue of abortion by Government fiat. But by defeating these amendments, Congress can begin to move beyond this issue and work for a better and more decent life for all citizens in our society.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, almost weekly, and certainly monthly, the Supreme Court renders a controversial decision which is, in many instances, highly unpopular. There are hundreds of examples: Miranda against Arizona; Roe against Wade, dealing with abortion; Furman against Georgia, dealing with the death penalty; Mapp against Ohio, the exclusionary evidence rule; Baker against Carr and Reynolds against Simms which was the one-man-one-vote decision. And there was Rostkor against Goldberg, which dealt with the all-male draft.

Congressional response to these unpopular decisions has varied. Each Member of Congress can cite several opinions of the Supreme Court in which he or she violently disagrees, and we frequently get on the stump to denounce these decisions because it brings us easy applause.

There is an old expression that it is a lot easier to bring people to their feet than to their senses. The recent common responses have been to introduce bills in Congress which would limit the jurisdiction of the lower Federal courts, the Supreme Court, or both. There are currently over 30 such bills pending in Congress which would restrict Federal court jurisdiction over the issues of abortion, prayer in

schools, and busing, and the pending issue deals with two of them.

These bills call into question the basic constitutional concepts of separation of powers and independence of the Federal judiciary. They also call into question the basic precept established by Marbury against Madison that the U.S. Supreme Court—not the President, not the Congress—has the final say on constitutional issues.

Alex de Touqueville came to this country and examined our system. He said of our provision for judicial review of constitutional questions:

I am inclined to believe this practice of the American courts to be at once the most favorable to public order . . . the power vested in the American courts of justice of pronouncing a statute to be unconstitutional forms one of the most powerful barriers that have ever been devised against the tyranny of political assemblies.

In the Federalist Papers, No. 47, James Madison underscored the importance of the separation-of-powers concept imbedded in our Constitution when he wrote that:

The accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of a one, a few, or many, and whether hereditary, self-appointed, or elected may just be pronounced the very definition of tyranny.

Separation of powers does not mean that each branch is completely independent of the other, but judicial constitutional review by an independent judiciary not beholden to the people, the legislature or the President for tenure in office or continued compensation was intended as a basic check on the power of the executive and legislative branches to invade fundamental individual rights and liberties. The importance of the protections granted article III judges by the Constitution was underscored recently by Justice Brennan's plurality opinion in Northern Pipeline Co. against Marathon Pipe Line, handed down on June 28. The central point in Justice Brennan's reasoning was the constitutional requirement that judges to whom the power to exercise broad article III jurisdiction is granted must enjoy article III protections as well. Reminding us that among the injuries and usurpations recited against the King of Great Britain in the Declaration of Independence was that the King had "made judges dependent on his will alone, for the tenure of their offices, and the amount and payment of their salaries," Justice Brennan remarked that the Constitution "commands that the independence of the judiciary be jealously guarded."

In my own State, in Cooper against Aaron, the Little Rock school desegregation case that arose in the late 1950's and which presented a classic clash between Federal and State authorities, repeated the basic Marbury against Madison precept that it is the province and duty of the Judicial Department to say what the law is. In Cooper the Court said:

This decision (*Marbury* v. *Madison*) declared the basic principle that the Federal judiciary is supreme in the exposition of the law of the Constitution, and that principle has ever since been respected by this Court and the country as a permanent and indispensable feature of our constitutional system.

These basic principles are so sensible and salutary that they hardly need justification, Yet, our history reflects that these jurisdiction-limiting efforts are not new. Court-stripping bills flourished in the late 1860's after the Civil War and in the 1930's as this Nation was fighting its way out of the Great Depression. Again, in the 1950's several bills were introduced and were given serious consideration by congressional committees. Some of them were even passed by one House of Congress.

I cannot say it loud enough or often enough: These efforts to amend the Constitution by simple majority vote were wrong in the 1860's, wrong in the 1930's, wrong in the 1950's, and wrong today.

Over the years, these efforts have been directed at reapportionment of State legislative bodies, regulation of obscenity, prayer in public schools, abortion, gender discrimination in military conscription, due process, and contempt of Congress. The first measure of recent vintage to receive serious consideration by Congress was introduced by Senator Jenner of Indiana in 1957. Jenner's bill proposed to remove from the Supreme Court's jurisdiction cases involving five different types of issues:

First, contempt of Congress. Second, programs to insure the loyalty of Government employees. Third, State subversive activities controls. Fourth, regulations promulgated by local boards of education to control the subversive activities of teachers. Fifth, the Jenner bill would have removed jurisdiction to review bar admissions practices and policies. Anyone with a sense of history recognizes immediately that all five of these provisions were intended to reverse controversial 1956 and 1957 Supreme Court opinions about cold-war loyalty and security programs.

The bill was a political response to a perceived crisis of its time. The Senate Judiciary Committee held hearings on the bill and reported a much more limited version which died on the Senate Calendar at adjournment.

Then in the early 1960's there was the effort to remove a particular subject matter from the Supreme Court's appellate jurisdiction in response to the controversial reapportionment decisions of the Baker against Carr and Reynolds against Simms cases. In 1964 Congressman Tuck of Virginia introduced a bill to remove the Supreme Court's appellate jurisdiction and the inferior Federal Court's trial jurisdiction in all cases relating to the apportionment of representation in State legislative bodies. The House Judiciary Committee refused to act on the bill and was subsequently discharged. Although the House of Representatives passed the bill, it died in the Senate without further action being taken.

In 1979, during debate on the Establishment of the Department of Education, Senator HELMS, proposed an amendment to exclude from Federal Court jurisdiction any cases drawing into question the validity of ordinances or statutes permitting voluntary prayer in public schools or other public buildings. Subsequently, the same Helms amendment was added to a separate bill which dealt with the jurisdiction of the Supreme Court. Although the Helms amendment to the Department of Education bill was reconsidered and finally tabled by the Senate, the Supreme Court jurisdiction bill with the Helms amendment attached was passed and sent to the House. The House Judiciary Committee held hearings on the school prayer amendment, but the measure never came to the House floor and it died at adjournment.

Well, this is just a very brief overview of some of the bills Congress has considered. The question is, How broad is Congress authority to eliminate or limit the jurisdiction of either the Supreme Court or the lower Federal courts?

Article 3 of the Constitution provides that "the judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." In cases affecting ambassadors, public ministers, and cases in which a State is a party, the Constitution provides that the Supreme Court is to have what is known as original jurisdiction. It is absolutely clear that Congress may not expand or curtail the Court's original jurisdiction. That was established by Marbury against Madison.

In other cases, however, the Constitution provides that the Supreme Court is to have "appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make." Although this statement seems fairly straightforward and fairly broad, the basic question is, What limits are there on the power of Congress to make exceptions and regulations to the Supreme Court's appellate jurisdiction?

The seminal case is ex parte McCardle decided by the Supreme Court in 1869. I will not go through a lengthy explanation of the facts, but while McCardle's case was on appeal to the U.S. Supreme Court, and even after it had been argued, Congress passed a bill taking away the Court's jurisdic-

tion over McCardle's case. Interestingly, the bill was passed because liberal Members were afraid that the Supreme Court, if given the opportunity, would strike down the reconstruction statutes. The Court held unanimously that Congress had effectively eliminated its jurisdiction over the McCardle case. The Court said:

> We are not at liberty to inquire into the motives of the legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words.

No one is quite sure how broadly McCardle should be read. For one thing, as the above quote indicates, the Court did not believe that it was at liberty to inquire into the motives of Congress in taking away its jurisdiction. That is hardly the rule today. The Court regularly inquires into congressional motives. Another important point about the McCardle case should be emphasized. Congress had not taken away all avenues for appealing habeus corpus cases such as McCardle's to the Supreme Court. In other words, the Court had jurisdiction under other statutes to hear McCardle's case if he had alleged jurisdiction under those statutes. And there is even language in the Court's opinion welcoming McCardle to use those other jurisdictional statutes, but there is no evidence that he ever did.

It seems to me that all we can take from the McCardle opinion is that Congress has some authority to limit the appellate jurisdiction of the U.S. Supreme Court. The case does not stand for the proposition that Congress can completely divest the court of appellate jurisdiction over certain cases. The argument that McCardle should be given a rather narrow reading has been underscored by the Supreme Court since then. Only 3 years after McCardle, the Court decided United States against Klein. Klein makes clear that Congress may not enact legislation to eliminate an area of jurisdiction for the sole purpose of controlling the results of a particular case. In other words, Congress may not decide the merits of a particular case under the subterfuge of limiting the court's jurisdiction.

There are other fairly obvious limits on Congress authority. Congress may not act in a way that violates another provision of the Constitution. The obligatory example is that Congress may not prohibit blacks from bringing cases in Federal court. To do so would violate a separate provision of the Constitution, the fifth amendment.

What about Congress authority over lower Federal courts? Lower Federal courts were not created by the Constitution. They are creatures of Congress, and several cases seem to grant Congress fairly broad authority to limit the jurisdiction of lower Federal courts. Until 1875 Congress refrained from providing the lower Federal courts with general Federal question jurisdiction. Until that time, the State courts provided the only forum for vindicating many important Federal claims.

So, there are real limits on Congress authority in this area: Defining the precise limits is another matter entirely. Every law student knows that for years Congress had by statute required a minimum dollar amount in controversy for Federal question cases. Although Congress eliminated that $10,000 requirement in 1980, I do not think that Congress power to set a minimum was ever seriously questioned by a court.

In passing the Norris-La Guardia Act many years ago, Congress successfully took away the power of Federal courts to enjoin strikes. And, it is clear that Congress has the power to condition the exercise of jurisdiction by Federal courts on the plaintiff's first presenting his claim to the State courts: The Tax Injunction Act is a good example of this. There are a host of instances in which Congress has successfully limited the power of Federal courts, but still, the precise scope of constitutional limits on Congress authority in this area are unknown.

Three Supreme Court Cases this session provide us with more guidance on these complicated issues. Over the years, the Court has made clear that when Government acts in a manner that disadvantages protected groups, especially racial minorities, it violates the due process and equal protection clauses of the Constitution. A finding of an intent to discriminate is a prerequisite to an equal protection violation but Rogers against Lodge, decided by the Court on July 1, tells us that we can infer intent from a totality of circumstances that shows clearly the effect of Government actions on minorities.

The Seattle school case, Washington against Seattle School District No. 1, decided June 30, 1982 made clear that antibusing limitations that focus solely on remedies designed to end segregation fall squarely within this principle. The voters of the State of Washington had barred local school boards from busing in order to remedy racial imbalance. School boards were left free to bus for any other reason. The Court held that this "singling out" of a racial issue for special treatment, this burdening of racial minorities through the political process, violated the equal protection clause. The limitation on busing was not based on a neutral principle of general application, which would have passed muster, but was based on race.

Finally, Justice Sandra Day O'Connor, writing for the Court in Mississippi University for Women against Hogan, underscored the principle that "Congress' power under section 5 (of the 14th amendment) * * * 'Is limited to adopting measures to enforce the guarantees of the amendment; section 5 grants Congress no power to restrict, abrogate, or dilute these guarantees.' (quoting footnote 10 of Katzenbach against Morgan) although we give deference to congressional decisions and classifications, neither Congress nor a State can validate a law that denies the rights guaranteed by the 14th amendment."

Mr. President, even aside from the constitutional limits, I am convinced that withdrawing Federal court jurisdiction over controversial issues is bad policy. I have made two statements on the Senate floor about this in just the last few months because I want the record to be absolutely clear: I strenuously object to these court-stripping bills, and I do not want either my children or my constituents to ever believe that I acquiesced in or only mildly objected to them.

What is the purpose of these bills? There might be many legitimate reasons for alleviating some of the workload of our Federal judges who all say they are overworked. It is true that, over the years, the case filings in Federal courts have steadily increased and most Federal judges have more than they can say grace over. But if this is the problem, surely there are much more efficient ways of dealing with it than by stripping the courts of jurisdiction to hear controversial constitutional issues.

I also do not hear anyone seriously suggesting as a rationale that the State courts are institutionally better equipped to deal with these controversial constitutional issues. Although the State courts are filled with hundreds of distinguished jurists who understand that they are bound to abide by the Constitution, it could not seriously be argued that these judges are institutionally better equipped than Federal judges to resolve questions of Federal constitutional law. It is clear that these court-stripping bills do not rest on this as a rationale. So, there must be some other rationale.

What other legitimate reasons might there be for these bills? Most assuredly, the Senators and Representatives who introduced these measures did not do so out of a deep and abiding concern that our most basic constitutional guarantees should be even more vigorously enforced than they are now. All of us took an oath to uphold the Constitution, and it would be consistent with that oath to introduce measures in an effort to shore up constitutional guarantees. But clearly, this is not the motivation behind these 30 bills.

The impetus for these measures is transparent. These measures are intended to weaken our basic constitu-

tional rights and liberties. I can discern no other motivation for them, and none exists. The Members of the Senate and House who support these bills do so in the belief that the State courts will be less friendly to our constitutional guarantees. I think they may be surprised. One could cite hundreds of State court decisions across the land that vigorously enforce the Constitution. As Prof. Laurence H. Tribe of Harvard University pointed out last year in testifying before a congressional committee, State courts may choose to—

Replicate the very rulings that had inspired jurisdictional restructuring, thereby freezing the law unwisely but otherwise rendering the shift from Federal to State courts too inconsequential to have been worth the effort * * *.

On the other hand, there is the danger that the State courts would move in 50 different directions and there would be no uniformity in interpreting the Constitution. We might end up with 50 separate interpretations, and such a result would be completely at odds with the intent of the Founding Fathers. It would completely destroy the constitutional fabric that has kept our Nation free, our homes secure, our rights protected, and our institutions sound for almost 200 years.

Imagine, if you will, 50 separate interpretations of the freedom of speech clause, the freedom of press clause, or the freedom of religion clause of the first amendment. Imagine the chaos if due process meant one thing in Iowa, another in California, and still another in Florida. Imagine if cruel and unusual punishment under the eighth amendment meant one thing in Arkansas and just the opposite in Tennessee. What if the right to vote under the 15th amendment was vigorously guarded by the courts in Arizona but not by the courts in New York? These are just examples, and some Members of Congress will argue that I am overstating my case.

It will never come to this, they will say. But it is my firm belief that once we erode one constitutional guarantee, the next erosion is not nearly as painful, and the next one becomes even less painful.

The lawyer Members of the Senate who have practiced in Federal courts know that most Federal courts guard the exercise of their jurisdiction jealously. Once a case is filed, the first thing any court does is try to figure out why it should be dismissed and not heard at all. The court always looks to see if the plaintiff has standing to sue. And if he does not, the case is dismissed.

The Supreme Court is careful to make sure that the plaintiff's case is not moot. A classic example of the dismissal of a case for mootness occurred earlier this year when the Supreme Court reversed and dismissed the opinion in the case of Murphy against Hunt. In that case, the plaintiff was charged with rape and detained in jail until trial under the terms of a Nebraska statute authorizing his dentention. He filed suit in Federal court claiming a violation of his eighth amendment right not to be subjected to "excessive bail." This court struck down the Nebraska statute.

When the Supreme Court agreed to hear the case, many of us who are interested in the constitutionality of preventive detention anxiously awaited a final decision on the merits. But none was forthcoming. the Supreme Court dismissed the case because the plaintiff had been convicted by the Nebraska Supreme Court and the question of pretrial detention was therefore moot. The Court could have seized upon the opportunity to decide an important question of constitutional law, but it did not do so. Again, my point is that the Federal courts jealously guard the exercise of their power.

I have never felt the courts were involved in a power grab. They decide cases when they have to, and they dismiss them when they do not.

Who are these Federal judges that the authors of these court stripping bills are so afraid of? Are they radicals? Well, as you are aware, Mr. President, most Federal court judges come from fairly conservative backgrounds. Many come from established law firms where they represented corporate and business clients. I am sure that there are exceptions, but it is clear that the great majority of them are no more liberal, nor conservative, than the American people as a whole or the Members of the U.S. Senate. They are a cross section of the lawyers that this Nation has produced over the years. They are nominated by the Members of this body and confirmed by those Members. They simply enforce our basic constitutional guarantees as they understand them.

Mr. President, all of us can point to Federal court and Supreme Court decisions with which we strongly disagree. But I ask you, should our most precious constitutional rights be subject to mere political whim, fancy, or caprice? Or should they be ultimately resolved by an independent Federal judiciary? Judicial constitutional review by an independent judiciary not beholden to the people or legislature for tenure in office of continued compensation was intended as a basic check on the power of the executive or legislative branches to invade fundamental individual rights and liberties. As Hamilton wrote in the Federalist Papers:

It could not be expected that men who had infringed the Constitution in the character of legislators would be disposed to repair the breach in the character of judges.

In the recent history of this country, Federal courts have stood as a bulwark for the protection of our basic constitutional guarantees. They have been willing to protect unpopular constitutional guarantees because the Members of this body and the Members of the House of Representatives did not have the political courage to do so. So we should support that role rather than detract from it if we are serious about keeping our oath to uphold the Constitution.

Those of us in Congress who understand the magnitude of the stakes must take a stand. The onslaught against the Constitution is one of the most, if not the most, dangerous threats to this Nation.

I ask my colleagues to take stands on all of these bills and remember Dante's great warning that:

The hottest places in hell are reserved for those who remain neutral in the face of moral questions.

Mr. President, I yield the floor.

Mr. JEPSEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. JEPSEN. Mr. President before we vote today on this—the third cloture vote on this "pro-choice" filibuster—let it be clear that this body, this Congress, and the Nation must eventually resolve once and for all the issue of abortion. Like the great moral evil of slavery, it must be addressed and resolved, so let this body work its will and make a choice by voting up or down on the question of abortion on demand.

President Reagan recently said in a letter to some of my colleagues:

It is crucial that a filibuster not prevent the Representatives of our citizens from expressing their judgment on so vital a matter.

It is time to stand and be counted on this issue.

Mr. President, attention has been focused—and properly so—on the findings section of the measure now before us. Let me say at the outset that I am in full agreement with the provisions of that section. But let me also say that the remaining sections of this comprehensive prolife legislative package also merit the consideration and the support of this body.

For those of us who have participated in the perennial and often protracted Senate struggles over the issue of taxpayer funding of abortion, the most significant of these complementary provisions may well be the section that reads:

No funds appropriated by Congress shall be used directly or indirectly to perform abortions, to reimburse or pay for abortions, or to refer for abortions, except when the life of the mother would be endangered if the child were carried to term.

This and the other funding restrictions need to be enacted now.

Finally, let the record show that the prolife movement is united behind this amendment. Let the record show that the prolife movement, bonded by the blood of our brothers and sisters, will ever continue the struggle for recognition of these inalienable rights, which in the words of John F. Kennedy, "come not from the generosity of the state but from the hand of God."

Mr. President, I yield the floor, if so desired, to the Senator from Connecticut.

Mr. WEICKER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it so ordered.

Mr. NICKLES. Mr. President, I rise in support of Senator HELM's amendment, which would permanently remove the Federal Government from financing any abortion-related activity.

The Senate and House of Representatives, together, have had over 80 abortion-related votes since 1973. By far, the majority of these ballots centered around Government involvement in the funding of abortion or abortion-related activities. Beginning in 1976 and each year thereafter, Congress has passed language which would prohibit reimbursement for abortion under the medicaid program. Although challenged before the Supreme Court, this public policy on the funding of abortion was found to be fully within the framework and prerogative of Congress.

Clearly, this is an issue which has confronted Congress consistantly since the Supreme Court legalized abortion in 1973. After much debate, Congress appears to have reached a consensus about Government involvement in the financing of abortion. The consensus is that the Government should not be involved in the financing of abortion.

Today we have an opportunity to make this consensus a part of permanent law. As each Member is well aware, the usual manner taken in restricting abortion funding is through a rider or amendment to the relative appropriations bills. This has always resulted in bogging down the fiscal process of the U.S. Government. The answer to that constant thorn is to enact as a part of permanent law a restriction on the use of Federal funds for abortion or abortion-related activities. I would hope that the Senate will adopt this bill for that end.

The bill before us today would prohibit any agency of the U.S. Government from performing abortions. This would make the Hyde language regarding the medicaid program permanent law. The bill also prohibits Federal funds from being used for abortion referrals, training in the performance of abortions, insurance contracts which reimburse for abortion, or any experimentation which relates to abortion.

The bill prohibits any institution receiving Federal funds from discriminating against prospective or present employees, students, or prospective students on the basis of their opposition to abortion. A person who refuses to counsel or assist in the performance of abortions is also protected from discrimination.

There exists tremendous controversy over the issue of abortion today. Rather than subsiding in the 9 years following the Supreme Court's decision, the clamor has grown. I, personally, believe that abortion is the taking of human life. I hope that this body will take needed action to protect the millions of lives which are perishing each year. However, whatever the outcome on the main issue of abortion, I would hope that the Senate will affirm—through permanent statute—Congress longstanding policy of not using tax dollars to finance abortions or abortion-related activities.

VOTE

The PRESIDING OFFICER. The hour of 5 p.m. having arrived, under the previous order the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on amendment number 2038 to amendment number 2031, as modified, to the committee substitute to House Joint Resolution 520, a joint resolution to provide for a temporary increase in the public debt limit:

Jesse Helms, Roger W. Jepsen, Jeremiah Denton, Paul Laxalt, Paula Hawkins, Orrin G. Hatch, Bob Kasten, Don Nickles, John P. East, Steve Symms, Strom Thurmond, Charles E. Grassley, Edward Zorinsky, Jake Garn, James Abdnor, Bob Dole, and Howard Baker.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate shall be brought to a close? The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. EXON (after having voted in the affirmative). Mr. President, on this vote I have a pair with the Senator from Oklahoma (Mr. BOREN). If he were present and voting, he would vote "nay." Having already voted "yea," I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Vermont (Mr. STAFFORD) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from Ohio (Mr. GLENN), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

I further announce that, if present and voting, the Senator from Lousiana (Mr. JOHNSTON) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 343 Leg.]

YEAS—50

Abdnor	East	McClure
Armstrong	Ford	Melcher
Baker	Garn	Murkowski
Biden	Grassley	Nickles
Boschwitz	Hatch	Nunn
Byrd, Harry F., Jr.	Hatfield	Pell
Chiles	Hawkins	Pressler
Cochran	Heflin	Proxmire
D'Amato	Helms	Quayle
Danforth	Huddleston	Randolph
DeConcini	Humphrey	Roth
Denton	Jepsen	Sasser
Dole	Kassebaum	Stennis
Domenici	Kasten	Symms
Durenberger	Laxalt	Thurmond
Eagleton	Lugar	Warner
	Mattingly	Zorinsky

NAYS—44

Andrews	Hart	Packwood
Baucus	Hayakawa	Percy
Bentsen	Heinz	Pryor
Bradley	Hollings	Riegle
Brady	Inouye	Rudman
Bumpers	Jackson	Sarbanes
Burdick	Kennedy	Schmitt
Byrd, Robert C.	Leahy	Simpson
Chafee	Levin	Specter
Cohen	Long	Stevens
Cranston	Mathias	Tower
Dixon	Matsunaga	Tsongas
Dodd	Metzenbaum	Wallop
Goldwater	Mitchell	Weicker
Gorton	Moynihan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Exon, for.

NOT VOTING—5

Boren	Glenn	Stafford
Cannon	Johnston	

The PRESIDING OFFICER. On this vote there are 50 yeas and 44 nays. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the cloture motion is rejected.

AMENDMENT NO. 2038

Mr. HAYAKAWA addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mr. HAYAKAWA. Mr. President, I move to table the second-degree amendment of my friend and colleague from North Carolina (Mr. HELMS), amendment No. 2038, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask to proceed for a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ROBERT C. BYRD. If the amendment is tabled would not the cloture motion which is scheduled for tomorrow on the amendment thereby be vitiated?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California to lay on the table the amendment of the Senator from North Carolina. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. BAKER (when his name was called). Mr. President, on this vote I have a pair with the distinguished Senator from Vermont (Mr. STAFFORD). If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." Therefore, I withhold my vote.

Mr. STEVENS. I announce that the Senator from Pennsylvania (Mr. HEINZ) and the Senator from Vermont (Mr. STAFFORD) are necessarily absent.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HEINZ) would vote "yea".

Mr. CRANSTON. I announce that the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from Ohio (Mr. GLENN), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

On this vote, the Senator from Ohio (Mr. GLENN) is paired with the Senator from Louisiana (Mr. JOHNSTON).

If present and voting, the Senator from Ohio would vote "yea" and the Senator from Louisiana would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 47, nays 46, as follows:

[Rollcall Vote No. 344 Leg.]

YEAS—47

Baucus	Hayakawa	Pell
Bentsen	Hollings	Percy
Bradley	Inouye	Pryor
Brady	Jackson	Riegle
Bumpers	Kassebaum	Roth
Burdick	Kennedy	Rudman
Byrd, Harry F., Jr.	Leahy	Sarbanes
	Levin	Sasser
Byrd, Robert C.	Mathias	Schmitt
Chafee	Matsunaga	Simpson
Cohen	Melcher	Specter
Cranston	Metzenbaum	Stevens
Dixon	Mitchell	Tower
Dodd	Moynihan	Tsongas
Gorton	Nunn	Wallop
Hart	Packwood	Weicker

NAYS—46

Abdnor	Armstrong	Boschwitz
Andrews	Biden	Chiles
Cochran	Grassley	McClure
D'Amato	Hatch	Murkowski
Danforth	Hatfield	Nickles
DeConcini	Hawkins	Pressler
Denton	Heflin	Proxmire
Dole	Helms	Quayle
Domenici	Huddleston	Randolph
Durenberger	Humphrey	Stennis
Eagleton	Jepsen	Symms
East	Kasten	Thurmond
Exon	Laxalt	Warner
Ford	Long	Zorinsky
Garn	Lugar	
Goldwater	Mattingly	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Baker, against

NOT VOTING—6

Boren	Glenn	Johnston
Cannon	Heinz	Stafford

So the motion to lay on the table amendment No. 2038 was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, if I could have the attention of the Senate, what is the pending question?

The PRESIDING OFFICER. The pending business is amendment No. 2040, offered by the Senator from Montana to amendment No. 2039, offered by the Senator from Connecticut.

Mr. BAKER. Mr. President, my hope is that we can conclude this matter today. If there are other amendments dealing with abortion, I hope we can find a way to entertain them today and dispose of them.

I am advised that the Senator from Oregon (Mr. HATFIELD) may have an amendment. Could I inquire of my friend from Oregon if that is the case?

Mr. HATFIELD. I may.

Mr. BAKER. I am told that the Senator from Alabama (Mr. DENTON) may have an amendment.

Mr. DENTON. I have an amendment but it is not on abortion.

Mr. BAKER. I thank the Senator in more ways than I can say. [Laughter.]

Mr. DENTON. I will want to offer my amendment, however.

Mr. BAKER. I will cooperate with the Senator in every way to see that he has that right.

Mr. WEICKER addresed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. WEICKER. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment is not in order.

Mr. WEICKER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. WEICKER. In order that we might establish a sequence, I ask the Chair, as I understand the Chair's response to the distinguished majority leader is that the Baucus amendment is the pending amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. Which amendment is a perfecting amendment to the Weicker amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. The amendment just tabled was the Helms perfecting amendment to the Helms prayer amendment. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. What the Senator from Connecticut attempted to do here was offer a perfecting amendment to the Helms amendment. Is it the Chair's position that that is not in order at this time, that we now revert to the Baucus perfecting amendment to the Weicker amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. WEICKER. In other words, that a perfecting amendment to the Helms amendment is not in order to be proposed at this time.

The PRESIDING OFFICER. That is correct.

Mr. BAKER. Mr. President, I do not want to rush anybody, but if we are not going to have another abortion—no. [Laughter.]

The Senator from North Carolina claims my nose grew an inch when I made that statement.

Really, if there are not going to be further abortion amendments, we now have this bill to deal with and its other ramifications. I am prepared now to go off the bill, come in in the morning, proceed with the amendment tree as it exists, and dispose of this matter. I remind my colleagues we have to get this bill passed. It is the debt limit bill and it has to happen. We have disposed of a big issue here. I do not even remember now what the Baucus amendment is, but in any event, we need to work our way up that tree and dispose of these measures so we can get to passage or, if necessary, we can dispose of it by some other means.

If nobody cares to go forward with an amendment at this time or with further debate, I am going to ask the Senate to go into a period for the transaction of routine morning business.

Mr. BAUCUS. Mr. President, will the majority leader yield for a question?

Mr. BAKER. Yes, Mr. President.

Mr. BAUCUS. Mr. President, I understand the position the majority leader is in. It is the hope of this Senator that when we do proceed to the pending question tomorrow, this Senator will be allowed to have the privilege of the floor when this amendment comes up.

Mr. BAKER. Mr. President, I have no difficulty with that. I put this request now so all Senators may hear it.

I ask unanimous consent that when the Senate resumes consideration of the pending business, the Senator from Montana (Mr. BAUCUS) be the first recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BUMPERS. Will the majority leader yield?

Mr. BAKER. I yield to the Senator from Arkansas.

Mr. BUMPERS. I would not presume to suggest something the majority leader may have already tried, but we have been on this amendment now for 2 weeks. I am curious whether it is possible to get any kind of agreement, maybe for everybody to withdraw their amendments that are pending and not offer any amendments on the debt ceiling bill, which the House is probably not going to accept anyway, and just vote up or down on the debt ceiling and get it disposed of. Is that not in th realm of possibility?

Mr. BAKER. Mr. President, I hope it is in the realm of possibility. It would gladden my heart if that were to occur. I make this statement, that I shall make every effort to advance that suggestion. At some point, we have to dispose of this bill.

I have said for some time now that this bill is available for amendment, but we have been on it for 3 weeks now. Clearly, Members cannot offer their amendments because there have been other things pending. Circumstances are such that at some point, we have to get on with the business of the Senate. That is going to be through the proposal as suggested by the Senator from Arkansas, perhaps, or with amendments dealing with them at one time or a motion to recommit with instructions. Senators should be on notice that I hope to conclude this bill sometime late tomorrow.

Mr. HELMS. Mr. President, I make a proposition to the distinguished majority leader: Why not go ahead and vote on the Helms first-degree amendment right now? Up or down or a motion to table, whatever.

Mr. Baker. Mr. President, I would do that, but I am afraid others may not.

Mr. WEICKER. Mr. President, my response to the Senator from North Carolina is that for weeks all we have heard is the articulate, eloquent arguments on the matter of abortion by my good friend from Oregon (Mr. PACKWOOD). Now the matter referred to is the matter of school prayer. The distinguished Senator from North Carolina has yet to hear from the Senator from Connecticut on that subject. I think I am at least entitled to the same amount of time on school prayer as was given to the Senator from Oregon on abortion.

Mr. HELMS. Mr. President, let me say to the Senator from Connecticut that I have just about had a surfeit of the Senator's conversation about the prayer amendment. I do not think we are going to change one vote. I do not care if we talk for 3 weeks straight, day and night, 24 hours a day. I submit, let us move on with the business of the Senate and vote up or down right now.

Mr. BAKER. I have no right to interfere, Mr. President, but let me say I really hope we can get to a vote on the remaining amendments. I have no idea that we can get a unanimous-consent agreement, but I am willing to try. We shall work on that overnight, but I think we are not likely to get that on the floor at this time.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business to extend not past the hour of 6 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, there will be no more votes tonight.

ORDER FOR RECESS TODAY UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until the hour of 9:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, Senators should be on notice that tomorrow may be a very late evening.

Now I yield the floor.

THE DISINTEGRATING PANAMA CANAL: A THREAT TO HEMISPHERIC SECURITY

Mr. HELMS. Mr. President, as chairman of the Western Hemisphere Subcommittee, I am deeply concerned by reports that I have been receiving from a number of sources on the serious deterioration of the Panama Canal in terms of its maintenance and its operational readiness. The Panama Canal is a central strategic factor within the context of the security of the Western Hemisphere. Since the ill-advised passage of the legislation relating to the Panama Canal Treaty during the Carter administration, the physical integrity of the canal has suffered greatly and our Nation's security, and the security of all the Republics of this hemisphere, has thereby been degraded.

Mr. President, I should not have to remind the Senate that the Carter administration presented these treaties for our consideration with the express commitment that these treaties would assure the operation and maintenance of the canal. Indeed, the treaties were justified by the Carter administration and its supporters who said that these treaties must be approved in order to guarantee the continued operation of the canal.

Just recently, the Washington Times newspaper has published a series of important articles analyzing conditions in the Canal Zone and the operational capabilities of the canal itself. The author, Mr. William F. Wright, a professional journalist who spent many years with UPI and who speaks the Spanish language, is an eminently qualified observer. Indeed, he made it a specialty over the years to cover events in Latin America and is thoroughly familiar with the people and cultures of Latin America.

The incisive reporting by Mr. Wright corroborates reports that I have received from a number of qualified sources on the Panama Canal concerning its deteriorating condition. The question is raised as to whether or not the Panama Canal Commission has isolated the ostensible spirit and intent of the implementing legislation relating to the Panama Canal Treaty. The Commission has imposed untrained and unqualified personnel of Panamanian nationality on an organization that was once the finest of its type in the world. Mr. Wright's reporting clearly outlines the dismal state of affairs in the canal zone and the seriously imperiled canal.

Mr. President, has the Panama Canal Commission been managing the canal's operation on a prudent basis? Or has the Commission tried to further the attempts of the U.S. State Department to placate leftist forces and opinion in Panama to the detriment of not only the long-term national security interests of the United States and Panama but also to the detriment of the long-term security interests of all the republics of the Western Hemisphere?

Our hemisphere is beset with major challenges. Soviet-Cuban expansion is proceeding apace and has not been checked by a firm U.S. policy. Relations within the hemisphere between the United States and our sister republics have been gravely damaged by the wholly inappropriate policy pursued by Washington during the crisis in the Malvinas Islands. Evidence is mounting about the disintegration of the Panama Canal which is jeopardizing the operational capabilities of the canal and hemispheric security.

Mr. President, I ask unanimous consent that three articles by Mr. Wright which appeared in the Washington Times be printed in the RECORD at this time.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, Aug. 30, 1982]

"BIG DITCH" REVISITED: SIGNS OF DETERIORATION RAMPANT

(EDITOR'S NOTE: Washington Times staff writer William F. Wright visited the Panama Canal in 1978 at the height of the Senate debate over the controversial new canal treaties. He returned there recently to find the canal hobbled by the agreements and faced with a potential exodus of American employees that could cripple the historic waterway. This is the first of a three-part report.)

(By William F. Wright)

ABOARD OVERSEAS NEW YORK, PANAMA CANAL—Capt. John Wallace steps nimbly from a motor launch and clambers up a precarious rope ladder to the deck of the Overseas New York, A red and white flag flutters up the ship's halyard signaling that a Panama Canal pilot is on board.

Wallace, 62, is making his 3,142nd transit of a waterway that to the casual eye appears little changed since the Carter administration initiated the canal's gradual turnover to Panama nearly three years ago. But Wallace urges the visitors to "take a closer look" as we begin our 50-mile passage from the Pacific to the Caribbean.

A "closer look" during the 12-hour voyage turns up unmistakeable signs that the "Big Ditch," the once-proud symbol of American ingenuity, dedication, efficency and old-fashioned patriotism, is increasingly plagued with serious and, in some cases, dangerous maintenance and operational problems, And the canal's ability to operate with reasonable efficiency in the years ahead, before Panama assumes outright ownership in the year 2000, seems to be in jeopardy with the prospect of a potentially crippling flight of much of its remaining U.S. work force.

4:30 A.M.

The first signs of change and decline greet us at the start of our trip at the Port of Balboa, formerly under U.S. jurisdiction and now controlled by Panama. A Panamanian National Guard sergeant at the gate holds our party up for several minutes while he slowly checks passports and other documents. Canal pilots say they are occasionally frisked by guards at the gate determined to show that "Panama is in charge now."

The once-spartan dockside is filthy. Stray dogs wander into the area. We find the motor launch dispatcher sound asleep atop a filing cabinet. Slumbering linesmen who will handle guide lines from our ship are sprawled everywhere. At one point after Panama assumed control of the port, wooden pilings that protect ships from the concrete pier wall had fallen into such disrepair that the Panama Canal Commission, a U.S. government agency that now operates the canal, was forced to replace them.

5:30 A.M.

Another somber sign of the times as our ship approaches Miraflores Locks, the first set of concrete-and-water stairways that will ultimately lift us 85 feet over the Continental Divide and down again—from sea level to sea level. Gone are the red, white and blue bicentennial colors that marked the canal as an American waterway before the treaties took effect. In deference to Panama, which now exercises sovereignty over the canal area, tugboats, dredges and electric locomotive "mules" that help guide ships through the locks have been scrubbed clean of the offending colors, and the tugs no longer fly the Stars and Stripes.

As we nudge into the first lock chamber, Wallace moves to the starboard wing of the bridge to better maneuver the big ship into the lock. Our beam is 105 feet. The locks are 110 feet wide, giving us a clearance of only 2½ feet on each side. Laden with 63,720 tons of Alaskan crude oil bound for a refinery on the East Coast of the United States, we sit so low in the water that at times we will have a clearance of less than a foot between our keel and the concrete floor of the lock chamber.

Mindful of some recent costly accidents in the canal, including one involving our own ship, Wallace says he now coaxes vessels through the waterway "with a great deal of circumspection, hoping for the best but prepared for the worst."

Wallace and other senior pilots deplore the lowering of qualifications for the pilot force, once considered the aristocracy of the American canal community. Pilots were previously recruited from the ranks of sea captains. Today, Panamanians need only possess a third mate's license to join the force and most of them are recruited from the canal's tugboat fleet.

Capt. Theodore Johnson, skipper of another transiting tanker, the Pennsylvania Sun, expresses concern at the pilot situation.

"When they start sending these Panamanians aboard that have only had tugboat experience, that's going to bother the hell out of me because they don't know what a big ship can do or what to do with a big ship," he says.

6:15 A.M.

We enter the first lock chamber at Miraflores. In the control house, Hubert Webster, 52, a veteran of 16 years with the canal organization, is having his own problems. A forest of cards with the word DANGER in big red letters on them covers much of his control board. Each card represents a piece of lock machinery that is out of commission. Webster says that one of the cards represents a set of backup "guard" gates that if working could prevent Miraflores Lake ahead of us from cascading over the entire locks in the kind of accident canal officials dread. He said such a catastrophe could happen if a ship struck the main gates holding the lake back with enough force to rip them from their concrete moorings.

"We could lose the whole damn lake," Webster says. "It would shut down the canal." He says the backup gates have been down for at least three weeks, a "hell of a long time" for such a critical piece of canal machinery to be out of commission.

Eight other cards represent faulty backup "rising stem" valves that control the flow of water to and from the lock chamber. Webster says that if enough main and backup valves fail to operate, the effect could be to suddenly "drydock" a ship in the lock chamber, sending it crashing to the concrete lock floor with enough force to crush her hull, rudder and propellers and damage the chamber floor.

"The reason why we have these problems is quite simple," Webster says. "We now have to give preference to hiring Panamanians who are not qualified. Maintenance suffers. How the hell can you take someone who has done little but wield a machete and train him to fix such complex machinery?"

Below on the lock wall, senior lockmaster William Melody, 41, is worrying about his blood pressure.

"Maintenance has just gone to s---," he says, using a well-worn expletive. "There is such a rush to push Panamanians in here they don't seem to care if they are qualified or not. I've become so exasperated that in the last two years my blood pressure has gone up 10 points."

Our ship begins to move out of the second lock chamber at Miraflores. Melody, Webster and another control house operator, William Benny, wave goodbye. It may be more than just a passing gesture. All three say they will probably take early retirement if the canal's American employees lose their commissary, postal and other privileges provided by the U.S. military, as they are scheduled to do in 1984.

Many other U.S. employees say they will leave also. Of the 1,711 Americans still with the canal organization (down from 3,591 when the treaties went into effect), about 550 are eligible for early retirement. Canal officials say the departure of such a large number would have a "severe" effect on the canal operation.

7:24 A.M.

We clear Miraflores Locks. Ahead lies Miraflores Lake, more maintenance-troubled locks, treacherous Gaillard Cut, concern among the canal area's American community over the sometimes harsh Panamanian National Guard now policing their neighborhoods, and dread that malaria and yellow fever could return to the region.

[From The Washington Times, Aug. 31, 1982]

PANAMANIAN GUARD TAKEOVER DISMAYS U.S. CANAL WORKERS

(EDITOR'S NOTE: This is the second of three articles on the Panama Canal, three years after the new canal treaties were signed. The writer grew up in Panama and is a veteran canal watcher.)

(By William F. Wright)

ABOARD OVERSEAS NEW YORK, PANAMA CANAL.—Capt. John Wallace surveys the jungle-fringed expanse of blue-green water from our starboard bridge. Then he breaks for breakfast in the wheelhouse and some blunt observations on a topic he says is not so digestible: the new Panama Canal treaties.

Wallace, a veteran canal pilot, is guiding our tanker through Miraflores Lake, 54 feet above sea level, in the Panama Canal. Only the throb of our engines and the chirping of birds along the banks break the early morning stillness. All seems serene. But apprehension is in the air.

Inside the wheelhouse, the talk turns to one of the changes under the new agreements that has caused the most concern among the canal's American employees and their dependents: The Panamanian National Guard's takeover of law and order in the former U.S.-controlled Canal Zone, abolished under the treaties.

"Having the *Guardia* in our neighborhoods is something that does not go down easily with a lot of people here," he says. It is a sentiment often heard during our passage through the canal.

To outsiders, the *Guardia's* presence may not seem like much to swallow, but in an area accustomed since canal-construction days to its own highly regarded U.S. police force and courts, Panama's often heavy-handed soldier-police force is viewed with considerable circumspection.

"Our people are leery and afraid to get into any kind of trouble with the *Guardia*," says Frederick A. Cotton, head of the General Services Bureau of the Panama Canal Commission, a U.S. government agency that

now operates the canal with increasing Panamanian participation.

Cotton says the former "Zonians" have reason to be concerned. He cites as an example a recent "frightening" encounter he says two teen-age daughters of U.S. canal employees had with Panamanian guardsmen. He gives this account of the incident.

The girls, Tara Brown and Maurya Ridge, were driving home at night through a forest preserve in the former Canal Zone when two off-duty guardsmen in an unmarked car and civilian clothes pulled alongside and shouted at them to stop. The girls, frightened that they would be assaulted if they stopped, speeded up. The other car, which had since picked up a uniformed guardsman, caught up with them and forced them to halt. The uniformed guardsman drew his revolver, pointed it at the girls and ordered them out of the car. The girls, by now "petrified," were detained and taken to the former Canal Zone police station in Balboa, now under National Guard control. There they were refused permission to phone their parents and to go to the bathroom. One of the girls was forced to polish a brass rail she leaned against at the station. The girls, by then in tears, were taken to night court where a Panamanian judge eventually released them—three hours after they had first been detained. No charges were filed against them.

"This is one of a number of instances where our people have been detained for hours by the *Guardia* and the *Guardia* has failed to notify the commission despite a clear treaty obligation to do so," Cotton says.

"The plain fact is our people's civil rights are being ignored," he says. "The problem is that the *Guardia* are not trained as police officers. They are, in effect, a Latin American army with all that that implies."

Cotton says such cases of alleged harassment of American residents of the old Canal Zone stem from the *Guardia's* determination to "show who's in charge now" following the end of U.S. juridiction over the area.

"It's their ball game now, and they're making sure we know it," he says.

Asked why he is speaking so openly, Cotton, born and raised in the zone and civil-affairs director in the old Canal Zone government, says he will probably take early retirement next year. Thus, he says, he does not feel as constrained to remain silent as might other U.S. canal employees with longer service to go. He notes that nearly half of the canal organization's 1,711 American employees will be eligible for early retirement within several years, "and I'm betting most of them will take it."

"They (the Panamanian government) are trying to get us to leave," Cotton says. He says a move to force such an exodus would be tantamount to Panama committing "suicide" because it would cripple the vital waterway that the little country will ultimately control (by the year 2000) under the treaties.

Another worry among the canal's American community is Panama's assumption of much of the responsibility for sanitation in the old zone, where stringent mosquito control had been a way of life since Col. William Gorgas conquered malaria and yellow fever during early construction days. In some areas of the former zone, where the grass was previously kept neatly cut, it now grows with abandon, providing breeding grounds for mosquitos that can spread disease.

8:10 A.M.

Our ship enters Pedro Miguel Locks, the second set of concrete and water stairways along our journey through the isthmus.

Ashore, senior lockmaster John Adams, 43, is seeing red over a green light. When it is working, the light signals that the gates ahead of us are clear of floating lake debris that might cause one of the gate strut arms to snap. With the light not working, Adams says he relies on "pure faith" that nothing is obstructing the gates before he orders them opened.

"I have been trying to get them to fix it for days," Adams says of Panamanian electricians hired by the canal organization since the treaties came into force, "In the old days, if you called an electrician they would come like that," he says, snapping his fingers. "We have electricians these days who I wouldn't let change a lightbulb in my home."

Adams, echoing the view of other Americans we encountered along the canal, says many Panamanians who went to work for the canal organization before the new agreements are valued, dedicated employees. But he says others hired under a treaty-mandated, pro-Panamanian employment policy, "just don't give a s——."

Capt. Wallace, our veteran pilot, says the attitude of some of the more recently hired Panamanian operators of the electric locomotives that help shepherd ships through the locks have become so lax that they are often seen "reading comics or even watching portable television sets" on the job.

9:30 A.M.

We clear Pedro Miguel Locks and enter Gaillard Cut, the nine-mile stretch through the Continental Divide that posed the greatest challenge in digging the canal more than a half a century ago. The cut still plagues the canal with landslides that disrupt traffic.

I go below to the officer's mess. Ahead lies more rumblings of discontent among the canal's U.S. work force, and a final set of locks that will take us to the Caribbean, including a lock chamber where our tanker sustained costly damage on an earlier transit.

[From the Washington Times, Sept. 1, 1982]

TWO TREATIES POSE ROUGH SAILING FOR WATERWAY

(EDITOR'S NOTE: This is the last of three articles on the Panama Canal three years after the new canal treaties were signed. The writer grew up in Panama and is a veteran canal watcher.)

(By William F. Wright)

ABOARD OVERSEAS NEW YORK, PANAMA CANAL—Capt. John Wallace moves to the port wing of our bridge to keep a watchful eye on an encroaching lock wall. The future is also closing in on this historic waterway and he doesn't like what he sees.

The 62-year-old canal pilot is nearing the end of his 3,142nd transit of the Panama Canal. The Caribbean sparkles ahead of us in the distance under clear blue skies. But Wallace sees storm clouds: the consequences of the three-year-old Panama Canal treaties.

"Things have deteriorated in every way and it's going to get worse," he says.

Wallace echoes a sentiment we have heard frequently as our ship, laden with 63,720 tons of Alaskan crude oil, has wended its way through locks and lakes on its journey from the Pacific. It is a view held almost unanimously by the American canal employees we have met along the way.

The passage has pointed up a startling irony. The treaties that were supposed to ensure the canal's continued efficient operation seem to be having the opposite effect. Our transit has turned up clear signs that the "Big Ditch," the once-proud symbol of American ingenuity, dedication and efficiency, is suffering from increasing maintenance and operational problems under the treaties. An many of the canal's remaining U.S. employees may leave before they have had enough time to train their Panamanian replacements.

1:57 P.M.

Our tanker, one of the largest vessels able to transit the canal, squeezes into the first of three chambers at Gatun Locks, the final set of concrete-and-water stairways that will lower us 85 feet to the Caribbean.

Sometimes the descent can be shaky—and costly. No one knows this better than Capt. Joe Christian, 56, one of the canal's longest-serving pilots.

Christian says he was taking the Overseas New York through Gatun Locks last April 26 when the ship fell victim to an "incredible" accident, the likes of which he says he hasn't seen in his 30 years as a canal pilot. Shaking his head and saying he still can't believe it, he gives this account.

The tanker was entering the second lock chamber when the Panamanian control house operator, thinking the ship already was completely in the lock and clear of the previous lock's concrete step, began lowering the water in the chamber. As the water dropped, the ship's stern struck the step sill, bounced up and struck it again, damaging its rudder and hull and wrenching its boilers out of alignment. Agents for the ship placed the damage at about $2.5 million, considering the high cost of taking the ship out of service for repairs. They said a claim would be filed against the Panama Canal Commission, a U.S. government agency that operates the waterway under the treaties.

Christian says a report issued by a canal commission investigating team found the control house operator at fault for failing to ensure the vessel had cleared the sill before lowering the water.

"It was negligence, pure and simple," Christian says. He says the control house operator could have averted the accident by paying attention to large sign markers along the lock wall showing graduated distances between the lock gates. He says the accident also could have been avoided if a guard gate, which when closed keeps vessels away from the sill, had been operating. The gate had been out of commission for about six weeks, he says.

Christian says the accident is symptomatic of the "serious" deterioration in the canal's operation and maintenance since the treaties went into effect three years ago. The treaties initiated, initiating the waterway's gradual transfer to Panama, which will receive outright ownership of the canal on Dec. 31, 1999.

"I reckon that on about 75 percent of my trips through the canal, something goes wrong either with a piece of machinery or because someone is not doing his job," he says. "We are being forced to hire Panamanians who just are not qualified. You can't go out and shake a palm tree and when a fellow falls out with a screwdriver in his hand, say he's an electrician."

Christian says he's so exasperated with the situation he will "most likely" leave the

canal organization in 1984, when U.S. employees are scheduled to lose their commissary, postal and other U.S. military-provided privileges. Capt. Wallace, our senior pilot on this transit, predicts that many other U.S. canal employees will also leave. "I think things are going to get so bad a lot of people won't want to stay," he says.

Dennis P. McAuliffe, head of the canal commission and former commanding general of the Panama-based U.S. Southern Command, acknowledges that such an exodus would be disastrous. "We couldn't operate the canal without them," he says.

But McAuliffe maintains that the three years the canal has been operating since the treaties came into force demonstrate that the new system of running the waterway "does work." He also contends that morale among the U.S. work force is "generally very good." Representatives of U.S. employees say otherwise.

"Morale is lower than whale s---," says James J. O'Donnell, president emeritus of the local chapter of the American Federation of Government Employees and the canal's chief power dispatcher. Joyce Payne, president of the Pacific Advisory Council representing the bulk of the American canal community, says one reason morale is low is that there is a feeling among the remaining U.S. work force that "all the commission wants to do is get rid of us" to make way for Panamanians. She says a lot of U.S. employees are afraid to speak out for fear of losing their jobs.

Fred Cotton, born and raised in the old Canal Zone and now director of the canal commission's bureau of general services, has no such qualms.

"Morale is terrible," he says. "The reason is the crappy way the commission has been treating its U.S. employees." The fact is, he says, the much-villified "Zonians" did a "fantastic job in running the canal before the treaties. Sure, we fought against the treaties but we've been trying to make them work and we've been stepped on for our trouble."

The waterway's maintenance and operational problems come at a time when the canal is struggling to cope with increasing traffic. According to the latest projections, a record 14,300 ships are expected to transit the canal this year.

Although a soon-to-be-completed interocean pipeline across the Panamanian isthmus is expected to deprive it of most of its lucrative oil traffic, canal economists say canal traffic will continue to grow in the long term.

Some senior canal officials, who asked not to be identified, already are beginning to question Panama's ability to operate a waterway vital to work shipping. An estimated 97 percent of the world's merchant fleet of some 60,000 vessels still can transit the canal.

The canal's value to the United States is even greater, especially when taken together with the Caribbean region as a whole. Nearly half of America's trade and more than half of its strategic materials pass through the canal or the Gulf of Mexico.

U.S. defense officials say the canal remains a "major asset" for the U.S. in its ability to facilitate the deployment of U.S. forces to various parts of the world. They point out that all U.S. warships except 13 of the largest aircraft carriers can transit the canal and most future U.S. warships will be specifically designed to transit the canal.

4:15 P.M.

We clear the last lock chamber at Gatun and head for the Caribbean. Capt. Wallace and three other assistant pilots who were needed to help take our big ship through the canal shake hands with the skipper on the bridge and board a launch for shore.

On shore, Wallace looks back on his long career of shepherding ships through the Panama Canal with mixed emotions.

"Every time I go through the canal, I feel proud to be part of something grand and wonderful that the U.S. accomplished against great odds," he says. "But when I think of the treaties, I think of how my country was sold out."

PANAMA TO ASSUME FULL CONTROL AT END OF THE CENTURY

The Panama Canal's gradual transfer to Panama involves two treaties. Here are their key provisions:

Panama will assume full control and ownership of the canal on Dec. 31, 1999. Until then, the canal will be operated by the Panama Canal Commission, a U.S. government agency, with increasing Panamanian participation.

The former U.S.-controlled Canal Zone has been abolished, with Panama now exercising full jurisdiction over the area.

An annual payment out of canal revenues of 30 cents per ton of cargo transiting the canal will be paid Panama until it assumes control of the canal. In fiscal 1981, this came to $56.8 million. Panama also is to receive an additional fixed annual annuity of $10 million.

The U.S. remains responsibile for the canal's defense until Panama assumes control of the waterway at the end of 1999, when U.S. forces are scheduled to withdraw from Panama.

Panama agrees to maintain the permanent neutrality of the canal after it assumes control, keeping the waterway open in war and peace to all ships.

SENATOR RANDOLPH HONORED BY AIR FORCE ASSOCIATION

Mr. FORD. Mr. President, earlier this week, the 180,000-member Air Force Association honored our colleague Senator RANDOLPH with its Presidential citation for a professional lifetime of support of commercial and military aviation.

As all of us know, this tribute is well deserved for an individual whose vision and insight has led to the development of the Nation's air transport system and strengthened our national defense.

From the start of his long and distinguished career in the Congress, Senator RANDOLPH has been a leader in legislative efforts on behalf of aviation.

As a Congressman in 1938, he sponsored the Civil Aeronautics Act on which today's air transportation system is based. In 1941, he was the first Member of Congress to introduce legislation to create a separate Air Force. Six years later, the Air Force was established as a separate entity under the National Defense Act which reorganized the Armed Forces.

While still in the House in 1945, he cosponsored the Federal Aid to Airports Act, one of the most significant aviation laws ever enacted. He was among the leaders in setting up the Civil Air Patrol, sponsored the bill to establish the National Air and Space Museum and led the fight for Federal funds for air marking and cross-wind landing gear, two safety developments of great importance to early pilots.

After his election to the Senate in 1958, Senator RANDOLPH continued to promote the cause of an air transportation system adequate to the Nation's needs. He was a major sponsor of legislation creating the airport and airway trust fund and he authored legislation establishing National Aviation Day.

Senator RANDOLPH is a member of the National Aeronautic Association and of the National Advisory Council of the Embry-Riddell Aeronautical Institute.

Congratulations are in order to the senior Senator from West Virginia on this most prestigious award and I ask unanimous consent that two articles detailing Senator RANDOLPH's accomplishments as aviation's legislative pioneer be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

AVIATION'S LEGISLATIVE PIONEER

(By J. Ponte, Jr.)

Senator Jennings Randolph (D-W. Va.) began a distinguished congressional career over 45 years ago, taking office as a member of the House of Representatives on March 4, 1933, the same day Franklin D. Roosevelt became President. But the legislator who was to become one of Congress' staunchest aviation advocates had his interest in airplanes stirred long before coming to Washington.

In the Nation's Capital this month, as he prepares to begin his fourth full Senate term at age 76, Senator Randolph is being honored as one of aviation's true friends. The National Aeronautic Association, which presented its former member with the Elder Statesman of Aviation Award in 1972, will present the senator with one of aviation's highest honors, the Wright Brothers Memorial Trophy, citing his "distinguished support of aviation in the United States by successful initiation and advocacy of major aviation legislation over more than four decades of service in Congress and as an airline executive."

"Prior to coming to Washington, D.C., I had an intense interest in aviation in West Virginia," the senator recalls. "I felt as a young man that we had peculiar problems of transportation due to the rugged terrain of West Virginia, which could favor aviation rather than hamper it. We had difficulty in establishing road systems because of the high cost and we had a rail system that mostly ran east-west, very little north-south. And so as I came into my late teens, I began to think of the possibility of aviation for strengthening the transportation system of the state."

After graduating magna cum laude from Salem College in West Virginia in 1924, Randolph worked for several years as an editor before assuming a position at Davis and Elkins College in 1926. He served as a professor of journalism and public speaking, director of athletics and college trustee until 1932—the start of his political career. Before joining Congress, the aviation-

minded Randolph had already helped in the development of the airport at Elkins, the small town that has been his West Virginia residence for over 50 years. On Nov. 17, 1973, the Elkins-Randolph County Airport was dedicated Jennings Randolph Field.

CIVIL AERONAUTICS ACT

As a member of the House, Randolph's interest and involvement with aviation heightened. The young congressman became exposed to aviation's growing pains and as his awareness of its many problems grew, so did his faith in the airplane's promise.

One of the first and certainly one of the most important pieces of legislation with which then-Representative Randolph became associated was the Civil Aeronautics Act of 1938, the law which he calls the "Magna Carta" of the airline industry. Randolph helped to write the law which chartered regulatory policy for the nation's air carriers and established what is now the Civil Aeronautics Board (CAB).

Recent legislation to deregulate the airlines, still governed by the 1938 Act, and to eventually phase out CAB has not been received enthusiastically by Randolph. "We don't want people to just jump in and take the cream of the crop. After all, [the airlines] have spent years and years developing their programs," the senator says in explaining his opposition.

Of great concern to Randolph is the possible deterioration of airline service to the country's small communities. He feels that deregulation will permit carriers to withdraw service just as freely as it would allow them to enter a profitable route. A partial solution, the senator feels, is an expanded short-haul commuter airline service. Randolph calls the present commuter network "a fine development" and predicts: "Commuters will provide a tremendously important service in the future. With our growth of population all over this country, there are areas that should be served."

AIRMAIL PICKUP PROPONENT

Senator Randolph's interest in providing air service to the nation's small communities stems from his long-standing philosophy that aviation should benefit all people. He displayed this feeling back in the airlines' early decades as an advocate of the airmail pickup system. Authored by Randolph, the Experimental Air Mail Service Act was passed in 1938 to develop a service by which mail could be picked up and delivered by air without the aircraft having to land. Dr. Lytle S. Adams had invented the pickup device, a forerunner to later sea rescue and spacecraft recovery methods, and the Randolph bill was designed to establish a test program for what would hopefully one day become a viable postal system. The pickup system would not only save time, but also enable areas without airports to enjoy airmail service.

The flights began in May 1939 and proved to be most successful, flourishing during the war years. After six years of operation, the pickup carrier, All American Aviation (which eventually became Allegheny Airlines), had logged over 5.1 million revenue miles and made nearly 296,000 pickups and deliveries. (See "Triple 'A' Airline," Air Line Pilot, March 1978.)

Naturally, the experiment's success thrilled the senator who had written an article for the January 1940 issue of Popular Aviation magazine entitled "Airmail for Punkin Center," describing the system and how it could benefit the country's small towns and rural areas. But after the war CAB felt that feederline routes, combining passengers with mail service, would better serve less populated portions of the nation. The final pickup and delivery was made in July 1949. Noting phlegmatic mail delivery as well as the country's clogged roads, Randolph feels that a similar system might improve postal service today.

SYNTHETIC FUELS

Some five years after the airmail pickup experiment began, the now-veteran congressman from West Virginia once again displayed an innovative spirit and, in this case particularly, perspicacious foresight. Randolph introduced legislation authorizing research and development of synthetic fuels derivation processes. He had been studying German methods of extracting gasoline and fuel oil from coal, oil shale and other materials and felt the United States should develop similar technology. To demonstrate the idea's feasibility. Randolph accompanied Civil Air Patrol Major Arthur C. Hyde, who flew a single-engine Stinson 175 miles from Morgantown, W. Va., to Washington, D.C., in November 1943 on fuel derived from coal.

The synthetic fuels bill passed in 1944 and some $83 million was appropriated to advance the technology. Advocating the importance of energy research for aviation as well as other requirements, Randolph prophesied when he wrote in January 1944: "We must not, for the sake of our national security, come to depend on foreign countries. We must plan for the conservation of our national oil resources and the immediate development of practical methods for the commercial production of synthetic fuels, so that it cannot be said in the future—'too little and too late.'" Nevertheless, with the end of World War II interest waned and the project was phased out in the early 1950's with funds still remaining from the original appropriation.

But Congressman Randolph still had other important aviation programs to pursue before his 12-year respite from Congress began, following a defeat in the 1946 election. These included authoring legislation to provide aeronautical training for pilots, mechanics and technicians as well as aviation courses in high schools. Randolph also spearheaded efforts to provide funds for airport improvements including the National Federal Aid to Airports Act in 1945 which he authored. As a senator in 1968, he introduced the Airport Development Act that led to the Airport and Airway Development Act of 1970, which presently funds the Airport Development Aid Program.

DEFENSE AND POSTERITY

World War II deomonstrated to the world the importance of air power, but Congressman Randolph had recognized that fact years before. "I felt that we had too much reliance in our military planning and programming on the Navy and so I introduced legislation [in April 1941] that would give greater emphasis to aircraft," he remembers, explaining his commitment to a separate Air Force even before the war began. Randolph's 1941 resolution was not adopted; however, when the National Defense Act of 1947 became law and established the Department of the Air Force, the senator's significant contribution was remembered.

Along with his many achievements in regulation, education and experimentation, Senator Randolph long sought recognition for aviation's vital role and particularly stressed the need for a place to preserve its history. In May 1939, his resolution calling for a National Aviation Day was adopted. Each year since, the President has proclaimed a date on which the nation officially salutes its aviation heritage.

In 1946, Congress approved another Jennings Randolph measure—this one to establish a National Air Museum. According to the one-time educator, the July 1976 opening of the National Air and Space Museum in Washington, D.C., was well worth the wait. He talks about the facility with understandable pride: "I walk through there sometimes and I stand and watch the people . . . and listen to the comments of fathers talking to their little children, explaining the museum's marvels. It's a great feeling."

CIVILIAN SERVICE

From 1947 until his election to the Senate in 1958, Randolph continued his involvement with aviation by serving as assistant to the president of Capital Airlines, a trunk carrier which merged with United in 1961. The former editor also served as Capital's director of public relations. During this period with the airline, he traveled Capital's route system addressing school audiences, rotary clubs, chambers of commerce and a host of other educational, civic and social organizations.

Senator Randolph, who never held a pilot's license but did solo under a student certificate, remembers having had a good rapport with Capital's pilots, some of whom accompanied him during speaking engagements. The organizer and first president (1944–1945) of the Congressional Flying Club, Randolph describes today's airline pilots as a "highly competent group of men and women dedicated not only to flying, but to serving people as well."

In the Senate, Randolph continued working in a number of important areas. Among his non-aviation legislative achievements was sponsorship of the 26th Amendment to the Constitution, ratified in 1971, which granted voting rights to 18-year-olds. Most recently, he cosponsored legislation entitling World War II WASP's (Woman Airforce Service Pilots) to veterans benefits.

Looking ahead, Senator Randolph sees many challenges for aviation, especially in improving safety to prevent catastrophes like the September San Diego crash. "I think we need to have a very careful planning program about the mix of large and small aircraft," he advises. Randolph also sees a need for an in-depth review of the entire aviation program, including the air traffic control system.

The Wright Trophy recipient for the year which marks the 75th anniversary of powered flight sees another important goal for aviation: "I think that the use of air power is not just to deter an enemy . . . I'd like to see aviation become the instrument for peace and understanding—not to separate people, but to bring them together. That has not yet been accomplished."

PIONEER EFFORTS ON CAPITOL HILL

(By W. Lawrence Graves)

Generally, candidates for Congress are ambitious, hard-driving people. Successful candidates are probably a little more ambitious and a little more hard-driving. And the competition in Congress creates a climate of intense combativeness.

One of the most successful people in congressional politics is Senator Jennings Randolph (D-W.Va.). Senator Randolph has achieved a remarkable electoral record in being elected and reelected to represent West Virginia in Congress for almost 40

years. He is also known as one of the most capable and effective legislators in Congress.

What makes Senator Randolph so special, however, is that in the hard-bitten business of congressional politics, he has compiled his successful record while being almost universally admired and loved. All who know him recognize that he is the person to emulate, and they would be proud to be even 50 percent as successful.

He is a thoroughly constructive and committed individual whose ideas may have seemed too advanced when he dreamed them; but, once implemented, they are ideas everyone wonders why he did not think of first. His career is remarkable both in his foresight in aviation and in his ability to bring his ideas to reality.

Aviation is fortunate that Senator Randolph has an unceasing dedication to its development and improvement. He is a true aviation pioneer and is one of aviation's outstanding spokesmen and leaders.

Everything Jennings Randolph has done, he had done well. And he has done it with a conscientious concern for the way in which it is achieved. (Machiavelli would not be served well by Jennings Randolph, who believes the means is as important as the end.)

He graduated magna cum laude from college and never looked back. His early and consistent involvement in aviation was so notable, he was awarded an honorary degree in aeronautical science in 1943. Among his awards and citations are six major aviation-related honors, including the Wright Brothers Memorial Trophy.

In 1946, Senator Randolph authored the legislation that led to the construction of the National Air and Space Museum in Washington, D.C. It is the busiest museum in the entire world with more than 10 million visitors last year.

General aviation is looking for fuel alternatives in 1981. In 1943 Senator Randolph flew from Morgantown, West Virginia, to Washington, D.C., in a single-engine Stinson powered by fuel derived from coal to dramatize the need for alternative fuels.

"We must not come to depend on foreign countries. We must plan for the conservation of our national oil resources and the immediate development of practical methods for the commercial production of synthetic fuels," Senator Randolph wrote, not last week, but in 1944.

He also founded and was the first president of the Congressional Flying Club.

Senator Randolph represents West Virginia, a state whose topography looks like rumpled corduroy and which uses aviation as access to the national economy. He has combined his love for his home state with his love for aviation—staying an advocate of both. His string of remarkable legislative accomplishments has left an indelible mark on West Virginia as well as aviation.

Seniority plays a role in congressional politics and with the switch in Senate control last January, from the Democrats to the Republicans, some Democratic committee chairmen, whose influence was based upon chairing of a committee or subcommittee, have lost most of that senatorial influence.

Senator Randolph, on the other hand, has always relied on his special integrity and good will for his accomplishments. His tools of political power are not lost with a committee chairmanship. Senator Randolph will continue to exercise leadership and direction in the Senate, which is all for the good.

ACID RAIN

Mr. FORD. Mr. President, Kathleen Bennett, Assistant Administrator for Air, Noise, and Radiation of the U.S. Environmental Protection Agency, recently presented valuable testimony to the Committee on Energy and Natural Resources. At a hearing focusing on the phenomenon known as acid rain and on congressional attempts to control it, Mrs. Bennett listed the major scientific uncertainties surrounding acid deposition—the deposition of acidic materials, whether wet or dry, from the air onto the surface of the Earth or upon structures or objects—despite current knowledge of it:

Currently, there is no good measure of when acidity in rain should be considered detrimental. The conventional definition is based on pure water saturated with atmospheric carbon dioxide. It has a pH of 5.6, which is, therefore, the theoretical level of "normal" rainfall. Naturally occurring precipitation may be considerably more or less acidic. Hence, at this point, there is no clear reference for developing a remedial program.

Although oxides of sulfur and nitrogen are considered to be precursors of acid deposition, the transformation processes are not yet understood. There are significant differences in the composition and acidity of rain between seasons, geographical regions, and even during and between storms. However, no clear evidence is yet available which can explain or accurately predict how precursors are transformed or why the observed variations occur.

Another uncertainty exists with regard to the transport and distribution of precursor emissions. Remote regions of the globe have rains with a low pH, as do Hawaii and Alaska. to resolve such uncertainties, better data and more accurate modeling techniques are necessary.

Additional uncertainties include the relative impact of local sources as compared to more distant sources; the role of other photochemical pollutants and how they affect acidity levels; the relative importance of the potential effects from acid deposition on different receptors (i.e., aquatics, forests, materials, etc.); and others.

Mrs. Bennett goes on to mention recent studies on the question of the long-range transport of pollutants and concludes that:

These studies, in presenting opposing theories on the cause of the acid deposition problem, emphasize the degree of the current uncertainty on a question fundamental to a regulator and the consequent need for further research.

We do need to take steps to mitigate the effects of acid deposition in the Northeast. But any control strategy that we adopt must be guaranteed to accomplish its stated goal. How can the Congress responsibly impose a multibillion-dollar pollution control program on the American people—and that is what the front-running plan will cost the taxpayer—without the assurance that the expected environmental benefits will accrue?

Mr. President, we do not yet have the solid scientific data base on which to predicate such a program. I urge my colleagues to read in its entirety Kathleen Bennett's statement before the Senate Energy Committee. I ask unanimous consent that it be reprinted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF KATHLEEN M. BENNETT

Good morning, Mr. Chairman and members of the Committee. I am Kathleen M. Bennett, Assistant Administrator for Air, Noise, and Radiation of the U.S. Environmental Protection Agency. I am pleased to appear before you to discuss the Agency's views on acid deposition as it may affect the use of fossil fuels, as well as the recent Senate Committee on Environment and Public Works' action on acid deposition.

While acid deposition is certainly not a new issue, our understanding of it has increased greatly in recent years—and so has our concern. In 1980 Congress authorized a ten-year study of the problem. The Reagan Administration is committed to resolving the issues surrounding acid deposition. President Reagan, in expressing his determination to seek reauthorization and in outlining 11 principles for Clean Air Act review, called for the acceleration of research on acid deposition—research which this Committee authorized and directed just two years ago. The President has therefore increased comprehensive acid deposition research funding by more than 70 percent from fiscal year 1981 to fiscal year 1983.

There are those who believe that the acid deposition problem is caused, for the most part, by sulfur dioxide emissions from midwestern coal-burning power plants, which are transformed into acidic compounds in the upper atmosphere, transported over long distances toward the northeast, and deposited in poorly buffered, acid-sensitive lakes. Nitrogen oxide emissions are thought to contribute to acidity as well, and ozone also apparently plays a role in the atmospheric processes. Other effects attributed to acid deposition include materials effects on marble or painted surfaces, forestry effects, crop growth, soil acidity, and heavy metal migration in drinking water supplies.

In the face of this, there is tremendous pressure to "do something"—to control the precursor emissions now, while the study continues.

Why, then, does the Administration not favor the immediate imposition of an emission control program?

At the base of the Administration policy is the fact that the Clean Air Act of 1970, with its 1977 Amendments, is already addressing all three of the precursor pollutants of concern. For instance, since the mid-1970's, the sulfur dioxide emissions from coal-fired power plants have decreased even though coal-fired electric generating capacity has been increased during the same period by almost 60 percent. The implementation of the Act through Federal ambient standards, State plans for control of new and existing sources, and new source performance standards for new plants apply to these precursor pollutants.

An apparent difficulty is that the Act is aimed at protecting against ambient effects experienced locally, and does not directly deal with secondary products of pollution that may be experienced far from the source. Given the vigorous prevention and control program already in place in this country—probably the best in the world—

the question before us is whether an additional program is necessary to protect against more distant effects.

This is why a study program is needed, and why the Clean Air Act gives us the confidence so that we need not move precipitously. The tremendous progress made in recent years in understanding the problem now enables us to ask the more practical questions that a regulatory agency must resolve in order to design an environmentally and economically effective program which can be defended before those suffering from the effects of acid deposition and those who will bear the cost of trying to remedying them.

I will first briefly describe the state of knowledge and the uncertainties requiring resolution and the need for responsible action, and then outline our analysis of the impacts that could be expected if the Senate Environment and Public Works Committee proposal were to become law.

ACID DEPOSITION—KNOWLEDGE AND UNCERTAINTIES

"Acid deposition" is a general term for the deposition of acidic materials, whether wet or dry, from the air onto the surface of the earth or upon structures or objects.

In several areas of North America, acid deposition occurs in varying degrees of severity. However, the circumstances of its formation, the nature of its effects under various conditions, and the feasibility of potential controls are the subject of widespread debate.

There is considerable information on some aspects of the emissions of oxides of sulfur and nitrogen which are considered to be the precursors of acid deposition. The majority of man-made emissions of sulfur oxides in the United States comes from utilities; the remainder comes from other combustion sources, non-ferrous smelters, and transportation sources. U.S. nitrogen oxide emissions come mainly from transportation and from utilities and industrial boilers.

Emissions tend to be highly interactive, and multiple emissions must be considered simultaneously. Both sulfur oxides and nitrogen oxides can be transformed respectively into sulfuric acid and nitric acids by reacting with moisture and other substances in the atmosphere. These transformations can take place in clouds, in rain droplets, or after deposition. Depending on a number of variables, emissions may be deposited relatively near their sources or transported over great distances.

Despite the current knowledge concerning acid deposition, a number of major scientific uncertainties remain unresolved. These include:

(1) Currently there is no good measure of when acidity in rain should be considered detrimental. The conventional definition is based on pure water saturated with atmospheric carbon dioxide. It has a pH of 5.6, which is, therefore, the theoretical level of "normal" rainfall. Naturally occurring precipitation may be considerably more or less acidic. Hence, at this point, there is no clear reference for developing a remedial program.

(2) Although oxides of sulfur and nitrogen are considered to be precursors of acid deposition, the transformation processes are not yet understood. There are significant differences in the composition and acidity of rain between seasons, geographical regions, and even during and between storms. However, no clear evidence is yet available which can explain or accurately predict how precursors are transformed or why the observed variations occur.

(3) Another uncertainty exists with regard to the transport and distribution of precursor emissions. Remote regions of the globe have rains with a low pH, as do Hawaii and Alaska. To resolve such uncertainties, better data and more accurate modeling techniques are necessary.

(4) Additional uncertainties include the relative impact of local sources as compared to more distant sources; the role of other photochemical pollutants and how they affect acidity levels; the relative importance of the potential effects from acid deposition on different receptors (i.e., aquatics, forests, materials, etc.); and others.

Presently we have an inability to monitor dry deposition, yet in many areas it clearly plays an important role in creating the adverse effects associated with so-called "acid rain." Nor can we disassociate the effects felt in overall acidity from sudden shocks or bursts of acidity that occur, for example, when accumulated acid-bearing snow melts in the spring and runs into lakes from those that occur from slow, steady, year-round dusting or rainfall. Yet understanding these proportions and relationships bears importantly on the control programs that would be appropriate.

The uncertainty surrounding acid deposition is demonstrated by the divergent conclusions reached in two recent studies. While the results of the studies are preliminary and have not yet been subject to peer review, the results are important to note. One study, conducted by the University of Rhode Island on the long-range transport of sulfate aerosols in the atmosphere, indicates that acid deposition in the Northeast may result from sulfur dioxide emissions of local origin rather than from midwestern sources. Preliminary data from receptor points in Massachusetts and Rhode Island suggest that sulfate aerosols in the atmosphere contain little trace of the "signature" of sources in the Midwest. Another recent study by the Mitre Corporation concludes that the current acid deposition problem is largely a long-range transport problem and cites recent decreases in sulfur oxide and nitrogen oxide emissions in the Northeast while acidity has increased. These studies, in presenting opposing theories on the cause of the acid deposition problem, emphasize the degree of the current uncertainty on a question fundamental to a regulator and the consequent need for further research.

NEED FOR RESPONSIBLE ACTION

Any additional remedial action must be based, at a minimum, on the reasonable certainty that it will, in fact, accomplish its intended purpose. The American people have the right to expect that their government will not impose an additional multi-billion dollar pollution control program, without first determining with some assurance that the intended environmental benefits will be achieved.

In this case, quick and simple solutions are extremely costly and unlikely to achieve the desired results. Given the length of time it has taken to recognize the magnitude and complexity of the problem and the many fundamental questions that remain to be answered, Congress wisely authorized a comprehensive research program.

Currently, in an effort to reduce uncertainties so that meaningful and effective program options can be considered, EPA is engated in a number of projects.

EPA alone has committed more than $9 million in fiscal year 1982 to its research efforts on acid deposition. The President's requested budget for fiscal year 1983 includes $11.4 million for EPA's contribution to the Interagency Task Force's acid deposition research efforts. When added to the acid deposition research budgets elsewhere in government, the total 1983 request is $22.4 million.

The three major areas of uncertainty toward which EPA's efforts are directed include:

(1) effects of acid deposition, to create a better assessment and inventory of the problem we are trying to solve . . . and the deposition level that triggers the effects;

(2) transport, transformation, and deposition processes, to understand how the problem occurs and develop the tools to relate the problem to its causes; and

(3) assessments and policy studies, to identify and specify what additional research may be warranted and to design appropriate responses to the acid deposition problem based on the state of knowledge.

SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS ACID DEPOSITION PROPOSAL

On July 22, 1982, the Senate Committee on Environment and Public Works approved an amendment to the Clean Air Act designed to address the acid deposition problem. That proposal would require a massive emission reduction program exceeding 8 million tons over a 12-year period as well as an emission restriction program which would affect all major new and modified sources of sulfur dioxide and nitrogen oxide within a 31-state region. Additionally, the proposal would require some changes to the current acid deposition research program.

RESEARCH PROGRAM

Aside from the tens of billions of dollars in additional capital outlays and operating costs that may be required to reduce emissions so drastically, the proposal ignores the scientific uncertainties and general lack of consensus surrounding this issue. We do not, therefore, support the Senate Committee on Environment and Public Works' acid deposition proposal, because our current research program is well planned, targeted and adequately financed.

The research program proposed by the Senate Committee would involve increased funding for the Federal Acid Precipitation Task Force and would require reports to Congress on research results in 1985 and 1987. The Task Force would conduct research on advanced electricity generation technologies. The National Academy of Science would be mandated to establish an independent scientific review board to consider research results and the Task Force's activities. The Board would be required to submit reports to Congress in 1986 and 1988 and recommend emission and effects reduction strategies.

EMISSION REDUCTION PROGRAM

The proposal would establish a 31-state region upon which an additional control program would be imposed. Within that region, by 1993 the proposal would require an 8 million ton sulfur dioxide reduction from 1980 actual annual levels. In addition, all existing sources or new sources since January 1, 1981, would be subject to an offset provision. Coupled with the 8 million ton reduction requirement, this offset requirement, due to a projected increase in new and existing source emissions, would result in an estimated 10-11 million ton reduction or more from otherwise projected 1995 base case sulfur dioxide emission levels

(that is, the levels that would be expected to occur if no change in the law is made). For new sources, after January 1, 1995, growth must be offset unless these sources adopt best available control technology and attain the most stringent emission limitation achieved in practice by a source in the region. These requirements would compel a number of states, such as Ohio, Missouri, Indiana, and Wisconsin, to cut their projected 1995 emissions by more than two-thirds.

The proposal includes two exceptions to its offset requirements. Increases from coal conversions with less than 1.5 pounds sulfur dioxide per million BTU's average emission rates need not be offset. New sources in states without a single source with a limit of greater than 1.2 pounds would not be required to be offset. However, it does not appear that any state could meet this qualification.

Furthermore, all of these requirements are cast in terms of reducing emissions at individual sources without regard to our real goal of minimizing adverse effects on receptor areas. If controls are determined to be needed, they should be based on the reduction needed at the receptor area to minimize the impacts rather than imposing an arbitrary constraint on individual sources.

The 8 million ton emission reductions are to be allocated among the 31 states in the region. Governors are allowed 18 months in which to negotiate a plan for allocating reductions. However the proposal fails to set forth the basis for these allocations and this deadline presumes detailed scientific and technical data which unfortunately has yet to be developed. If they do not develop such a plan, reductions would be required based upon excess emissions above the level which would result if all existing sources were emitting at 1.5 pounds SO_2 per million BTU's. The provision specifies a schedule for state plan revisions, approval, and enforceability.

The proposal includes a number of interim reductions and compliance requirements. First, existing sources, defined as of January 1, 1981, cannot increase actual sulfur dioxide and nitrogen oxide emission rates above January 1, 1981, levels unless a simultaneous offset occurs. Any switching to fuels with a higher sulfur content may trigger the need for immediate offsets. Second, all sources which were not in compliance with their state plans in effect on January 1, 1981, must be in compliance with those emission limits by December 31, 1985 or every facility owned by the operator of the non-complying source must comply with an average of 1.2 pounds. This provision effectively repeals 1981 and 1982 SIP revisions.

Finally, the proposal includes a default option. If a state does not meet its required reduction, each utility system in the state must meet a state-wide average of 1.2 pounds SO_2 per million BTU.

RAMIFICATIONS

There is no strong scientific justification for such a program—there is little conclusive evidence that it would produce dramatic reductions in acid deposition or any amelioration of its effects. It would definitely impose large costs—in terms of jobs, coal market impacts, and consumer utility rates—and unreasonable control requirements—in terms of new and existing source offset and emission reductions. Furthermore, the program as currently proposed would discourage coal conversions that would otherwise be cost effective and desirable. Although the National Academy of Sciences called for an immediate reduction in emissions from existing sources, this conclusion was reached without taking to account the considerable costs such a program would impose.

It is conceivable that policymakers in the Congress and in the Executive Branch would one day decide that these costs and impacts are justified because of the environmental results they would achieve and the consequent benefits that would flow from them. However, given the magnitude of the costs and the unlikelihood of any detectable effects, such a decision is premature.

If this proposal is enacted, most major coal-burning sources will be forced to install scrubbers or switch to lower sulfur coals. In reviewing the environmental impacts of this proposal, we noted that, as a result of it, profound shifts will occur in coal production and a number of coal-producing regions of the country would be particularly affected. Specifically, our projections show that Northern Appalachia, which in 1980 produced 185 million tons of coal, would produce 218 million tons in 1995 in our base case, that is, in the absence of any change in the law. The Senate proposal, however, would cause a greater than 50 million ton reduction in 1995 production levels or an estimated 25% decline from the levels which would occur without further controls. In the Midwest, the decline in coal production caused by the bill would be even greater. In 1980 that region produced 134 million tons of coal and is projected to produce over 200 million tons in 1995 in the absence of further control requirements. Under the Senate bill, the Midwest would suffer a decline of approximately 95 million tons or almost a 50% reduction in 1995 coal production levels. The amount of decline would be the equivalent of more than two-thirds of current production levels.

The declines in coal production which would occur in traditional coal producing areas would be even more pronounced when viewed on a state-by-state basis.

For example, in the Northern Appalachian region, Pennsylvania and Ohio are especially illustrative of the resulting declines. In 1980, 93 million tons of coal were produced in Pennsylvania and 122 million tons are projected to be produced in 1995 without additional controls. Under the Senate bill, 1995 coal production would decline by approximately 17% or 21 million tons. This decline is approximately equivalent to one-fifth of Pennsylvania's current coal production. In Ohio, 1980 production levels were 39 million tons and 1995 levels are projected to remain constant at roughly 42 million tons absent additional controls. Assuming the Senate bill requirements, production in 1995 would decline by about 60% to 16 million tons. This decline is roughly equivalent to 65% of Ohio's current coal production.

In the Midwest, Illinois produced 63 million tons of coal in 1980 and is projected, absent additional controls, to produce 97 million tons in 1995. With the Senate Committee proposal in place, production in Illinois in 1995 would decline by more than 70 percent or over 70 million tons. This reduction is larger than the State's total current level of production. The result would be a 1995 production level of about 26 million tons—well below 1980 production levels. In Indiana the situation would be similar; that State's 1980 production was 31 million tons. The State is projected to produce 46 million tons in 1995—absent additional controls. With the Senate bill in place, 1995 coal production would decline by almost 50 percent or 22 million tons. The result would be 1995 production of less than 25 million tons—also significantly below 1980 levels.

Although these shifts are offset by gains elsewhere, that provides little comfort for those regions which would be most adversely affected. These declines in coal production are more significant when related effects are considered—including miner unemployment, employment shifts, and associated declines and shifts in support employment.

Our preliminary projections indicate that the costs of such a control program would be massive—on the order of $5-6 billion per year based on 1982 dollars. The nitrogen oxide constraint alone which would preclude coal conversions is responsible for $1.6-$2.4 billion of this total. Even without the nitrogen oxide cap, cumulative costs by 2010 would total well over 30 billion dollars for utilities alone. If the nitrogen oxide constraint is retained, the cumulative cost will double to over 60 billion dollars. The cost per ton of sulfur dioxide removed would average around $500 per ton, but in some states the maximum marginal cost would be greater than $1,200 per ton removed. The average increase in annualized electricity rates in the 31 state region would be more than 4 percent with some states experiencing increases greater than 7 percent. States whose consumers would be particularly hard hit by increased electricity rates would be Florida, West Virginia, Ohio, Indiana, Wisconsin, Kentucky, Tennessee, Mississippi, and Missouri. Utility scrubber capacity would have to increase by almost 10 percent (or more, if steps are taken to protect local coal production) to meet the requirements of the proposal.

Our review of the Senate Committee proposal indicates that it would undermine utility plans to convert to coal as an alternative to using higher cost imported oil. Although uncontrolled nitrogen oxide emission rates for most powerplants are not expected to increase, reconversions from oil to coal are a notable exception. Nitrogen oxide emission rates for these units would be expected to increase—so much that this provision will prevent most of these units from reconverting. Instead, utilities operating these units will be forced to bear the high costs of continuing to burn oil.

The proponents of this proposal, in an apparent attempt to show some consistency between their proposal and the Administration's position and research effort, point out that the reduction program would not commence for another five years, thereby allowing ample time for the key scientific issues relating to control to be resolved. We do not feel that this is an accurate portrayal of how the proposal would operate.

The provision as currently drafted would define an existing source based on its January 1, 1981, emission status. Any change involving emission increases after that date would have to be offset. Therefore, new and existing sources built or modified after January 1, 1981, would be subject to a possible requirement of emissions offset—if their construction or modification would result in an emissions increase, regardless of the results of the five years of additional research.

Additionally, any source not in compliance with the state plan as in effect on January 1, 1981, must be in compliance by December 31, 1985, or every facility owned by the operator of the non-complying source must comply with an average of 1.2 pounds by December, 1985. This provision, too, is mandated without regard to its relationship to future acid deposition research results.

Some sources have received relaxation of emission limits since January, 1981, which EPA has approved as meeting all statutory requirements. This provision will require such sources to reduce emissions to meet requirements in effect in January, 1981, even though such reductions are not necessary to protect ambient air quality standards.

These requirements would become law simultaneously with enactment of this proposal—not following the conclusion of a badly needed research effort and the making of decisions based on conclusive results. We view the resulting uncertainty and expense which would be faced by countless new and existing sources as well as the States, and the shadow that would be cast over the entire state plan revision process, as dangerously disruptive and lacking any basis in sound public policy. The proposal in this area fails to recognize the realities of source planning and unwisely prejudges the conclusions of scientific inquiry. This offset provision and similar reduction provisions are drawn in such a way that they would fail to accommodate results which may be realized from research efforts.

Our projections indicate that, while the proposal calls for an 8 million ton reduction in sulfur dioxide emissions, the result will be a 10-11 million ton reduction or more below 1995 base case utility and industrial sulfur dioxide emission levels. This amounts to nearly a 50 percent decrease from base case levels in 1995.

The question then arises: what is bought by this control program? The program involves high economic and social costs with no assurance that the intended results would be realized. During the twenty-five year period between 1985 and 2010 this proposal would cost rate payers in the 31-state Eastern region well over $60 billion. Yet after 1995 the fifty per cent decline in emissions will be rapidly eroded by new growth. By the year 2010 sulfur dioxide emissions from utilities would only be 3 million tons or 18 percent lower than if no additional controls had been imposed.

SUMMARY

The economic and social effects, as well as the questionable environmental results underscore the need to ensure that any proposed control program be designed so that environmental results will be achieved, at costs commensurate with the benefits derived. Considerable doubt exists concerning the degree to which acid deposition would be mitigated by the Senate Committee's proposal. These doubts are so fundamental, and the costs so high, that a strong case exists against its enactment.

In this country, which as one of the most vigorous control programs in the world, it is not enough to throw money and greater regulations at a problem without regard to consequences. While we have made great strides in this nation to control air pollution, the Federal government and the States should be concentrating on research so that the acid deposition problem may be addressed effectively. Legislating additional costly controls is premature.

This concludes my prepared statement. I would be happy to respond to your questions.

A DECADE OF RAIL TRANSIT FOR THE BAY AREA

● Mr. CRANSTON. Mr. President, 10 years ago this month the San Francisco Bay Area Rapid Transit District—known worldwide as BART—began train service on the first all-new rail transit system to be built in the United States in 60 years. It has been a model of foresight, planning, and service. It came about through the efforts of three bay area counties—Alameda, Contra Costa, and the city and county of San Francisco. The fully automated system was 80-percent locally financed, and its opening in 1972 evidenced the bay area's commitment to a strong public transit network.

Since BART began operating, it has carried 350 million passengers more than 4.5 billion passenger miles without a passenger fatality.

There is no question that BART has been a major factor in the economic growth of the bay area since.

Today BART is carrying over 190,000 passengers every working day, 30 percent of all transbay commuters, thus relieving congestion on the bay area's freeways, bridges, and downtown parking areas by some 60,000 cars daily.

Based on today's projections, more than 250,000 passengers a day could be using BART by 1985-86, and over 300,000 passengers a day by the end of the decade.

BART has embarked on an intensive $500 million capital program designed to increase the capacity of the system, expanding the capability of the system's automatic train control system to operate more trains and to improve the system's ability to reduce the time between trains.

As Senator from California, I take great pleasure in drawing BART's decade of service to the attention of my colleagues in the U.S. Senate.

AL KELLER, JR., NATIONAL COMMANDER, THE AMERICAN LEGION

Mr. SIMPSON. Mr. President, from August 20 through August 26, one of America's great veterans' service organization—the American Legion—met in their 64th annual national convention in Chicago, Ill. As chairman of the Senate Veterans' Affairs Committee and as a member of the American Legion, it was my privilege and honor to attend a portion of the convention and to address one of its sessions. I am always impressed with the dedication of both the leadership and membership of the Legion in preserving our American value system. There are few organizations as articulate in setting forth the viewpoint of this Nation's veterans, their dependents, and survivors.

At the convention Al Keller, Jr., of Kankakee, Ill., was elected the American Legion's new national commander for 1982-83, replacing outgoing National Commander Jack W. Flynt following his outstanding year of leadership for that fine organization.

Al Keller was a gunner on a B-24 in the European theater with the Army Air Force and flew 16 combat missions in World War II. He was a prisoner of war for a short time prior to the end of the war.

His professional career includes being a cost accountant for a major corporation and an office manager and accountant for a construction company.

He began a civil service career as administrative assistant for the Kankakee County Board. He served as an accountant for the American Red Cross and returned to local government as chief deputy county clerk. Presently, he is administrative assistant for Kankakee County.

Keller has been an active Legionnaire for 28 years beginning with Post No. 85, Kankakee, which he served as post commander, and adjutant. He has also served as post service officer.

He also served the Legion's Illinois Department as district commander, department vice commander and department commander. He also served on the department's veterans' affairs and rehabilitation commission for several years.

He was a member of the Legion's National Americanism Commission until his election to national commander.

I commend and congratulate Al Keller upon assuming this extremely important position as the leader of our Nation's largest veterans' organization. I am confident that under his leadership the Legion will continue to grow and to exert the very positive influence it has always been in our communities and for our veterans in the past. I look forward to working with the new national commander as we strive to meet the legislative needs of America's veterans.

THE VETO OVERRIDE ON THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. SIMPSON. Mr. President, the veto override was a close one. You can not shave them any closer than that. It takes two-thirds to override and it was exactly that. I voted to sustain the President and resist the override.

This bill has some real duds in it. I do not refer to the very fine things such as domestic assistance, senior citizen community service employment programs, and the educational benefits which were appropriated. These benefits were all heavily funded in the last appropriation, and I would have joined others in assuring that those programs were sustained, had the veto been upheld.

No, I refer to some marvelous public works projects buried deep in the suet of that urgent supplemental. There were projects there—ones thought to have died a grisly death, now risen

from the dead like Lazarus—and they always keep creeping back into the funding picture. One of the more egregious ones is the Tug Fork project in West Virginia. It was not included in the Senate report of the bill, but it first shows up in the legislative notice as funds for "Pineville and Barbourville, Ky., and Williamson, W. Va., project components." It is unfortunate that a project of this magnitude was allowed to slip through in that fashion. It is a porkbarrel project of grotesque dimension whose funding could wind up costing the taxpayers of the United States up to $1 billion.

The Tug Fork River project has been around this place for several years now, as a project to authorize the Army Corps of Engineers to undertake flood control measures in the Tug and Levisa Forks of the Big Sandy River and Cumberland River, W. Va., Ky., and Virginia. Concern over the expenditures has been expressed, and opposition voiced over these many years, and the project has been stopped. Until now. It nearly matches the scope of the Tennessee Tombigbee Water project which is the very grandfather of bloated Federal animals that waddle around in the swamp under the cover of legislative maneuvering and gimmickery and then launch their avaricious assault on an inadequately protected Federal treasury where they graze to their fill on the green of Federal dollars. And once the gates to the Treasury are mashed down, other behomoths appear on the scene for their share and before long the special interest managerie have all been fed, and bed down for another year—fat and happy. Too bad that the rest of the Nation, those who must now do without so that others can indulge their gluttony, must now suffer the consequences—and go ploddingly back to work to generate more tax dollars before the next "feeding."

So now we go on to other things before us. I am certain that the President is greatly disappointed and yet there are many conscientious Republicans who have supported the President throughout this economic realinement, as he tries diligently to restore economic stablity to our Nation, and some of them jumped ship on this one. I do not think that will occur often in the future. Perhaps the original veto was a bit ill advised—but I did support the President because I still feel that these outlandish public works projects must be knocked off. And that is what I was up to. I will keep right on striving until this sort of waste and abuse in Government is halted. It is really a poor way to do business. I know there are many on both sides of the aisle who long to see sensible and thoughtful legislating become the order of the day.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States reported that he had approved and signed the following bills and joint resolutions:

On August 16, 1982:

S.J. Res. 190. Joint resolution to authorize and request the President to designate "National Family Week."

On August 17, 1982:

S.J. Res. 183. Joint resolution to authorize and request the President to issue a proclamation designating October 17 through October 23, 1982, as "Lupus Awareness Week."

On August 20, 1982:

S. 2154. An act to direct the Secretary of Agriculture to release a reversionary interest held by the United States in certain lands located in Christian County, Ky., so that such lands may be used for cemetery purposes; and

S.J. Res. 123. Joint resolution authorizing and requesting the President to proclaim "National Disabled Veterans Week."

On August 24, 1982:

S. 1193. An act to authorize appropriations for fiscal years 1982 and 1983 for the Department of State, the International Communication Agency, and the Board for International Broadcasting, and for other purposes; and

S. 2073. An act to repeal outdated size and weight limitations now imposed on the U.S. Postal Service.

On August 26, 1982:

S. 167. An act for the relief of Juan Esteban Ramirez.

On September 8, 1982:

S. 1119. An act to correct the boundary of Crater Lake National Park in the State of Oregon, and for other purposes; and

S. 2248. An act to authorize appropriations for fiscal year 1983 for the Armed Forces for procurement, for research, development, test, and evaluation, and for operation and maintenance, to prescribe personnel strengths for such fiscal year for the Armed Forces and for civilian employees of the Department of Defense, to authorize appropriations for such fiscal year for civil defense, to authorize supplemental appropriations for fiscal year 1982, and for other purposes.

MESSAGES FROM THE HOUSE

At 2:43 p.m., a message from the House of Representatives, delivered by Mr. Gregory, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6788. An act to amend title 38, United States Code, to clarify the period for which an employer is required to grant an employee who is a member of the National Guard or Reserve a leave of absence in order to allow the employee to perform required active duty for training.

HOUSE BILL REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 6788. An act to amend title 38, United States Code, to clarify the period for which an employer is required to grant an employee who is a member of the National Guard or Reserve a leave of absence in order to allow the employee to perform required active duty for training; to the Committee on Veterans' Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-4230. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on a Federal flood insurance prohibition for undeveloped coastal barriers; to the Committee on Energy and Natural Resources.

EC-4231. A communication from the Director of the Mineral Management Service, Department of the Interior, transmitting, pursuant to law, a request for refund of an excess royalty payment by Conoco Inc., Diamond Shamrock Corp., Oxy Petroleum, Inc.; to the Committee on Energy and Natural Resources.

EC-4232. A communication from the Secretary of State, transmitting, pursuant to law, a report concerning loan guarantees and certain other transactions involving the People's Republic of Poland; to the Committee on Foreign Relations.

EC-4233. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the 60 days prior to September 9, 1982; to the Committee on Foreign Relations.

EC-4234. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Revenue Report for July 1982"; to the Committee on Governmental Affairs.

EC-4235. A communication from the Secretary to the Council of the District of Columbia, transmitting, pursuant to law, a copy of a Council resolution entitled "Support of the Ban on Chemical Warfare Resolution of 1982"; to the Committee on Governmental Affairs.

EC-4236. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4237. A communication from the Deputy Assistant Secretary of Defense (Ad-

ministration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4238. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-4239. A communication from the acting Special Counsel, Merit Systems Protection Board, transmitting, pursuant to law, a report on the investigation into allegations made by a Federal employee of abuse of authority and improper actions representing a danger to the public health and safety at a defense contract plant; to the Committee on Governmental Affairs.

EC-4240. A communication from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Major Improvements Needed in the Bureau of Indian Affairs' Accounting System"; to the Committee on Governmental Affairs.

EC-4241. A communication from the Chairman of the District of Columbia Law Revision Commission transmitting, pursuant to law, a copy of the District of Columbia Administrative Procedure Manual; to the Committee on Governmental Affairs.

EC-4242. A communication from the Chairperson of the National Advisory Council on Indian Education transmitting, pursuant to law, the eighth annual report entitled "Indian Education: America's Unpaid Debt"; to the Select Committee on Indian Affairs.

EC-4243. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, the 1981 annual report on the National Health Service Corps; to the Committee on Labor and Human Resources.

EC-4244. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on a foreign military sale to France; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on the Judiciary, without amendment:

S. Res. 463. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2671; referred to the Committee on the Budget.

S. Res. 464. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1701; referred to the Committee on the Budget.

By Mr. THURMOND, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 675. A bill to establish a Federal Jurisdiction Review and Revision Commission.

By Mr. PERCY, from the Committee on Foreign Relations, with amendments:

H.R. 5427. An act to provide for the broadcasting of accurate information to the people of Cuba, and for other purposes (with minority views) (Rept. No. 97-544).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KENNEDY:

S. 2908. A bill to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DODD (for himself, Mr. CRANSTON, Mr. INOUYE, Mr. SARBANES, Mr. RIEGLE, Mr. MELCHER, Mr. WEICKER, Mr. CANNON, Mr. BURDICK, Mr. BIDEN, Mr. METZENBAUM, Mr. HOLLINGS, Mr. BENTSEN, and Mr. RANDOLPH):

S. 2909. A bill to authorize financial assistance for a continuing education program to secondary school science and mathematics teachers designed to increase their competency and to assist them to qualify for certification, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. TSONGAS:

S. 2910. A bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND from the Committee on the Judiciary:

S. Res. 463. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 2671; from the Committee on the Judiciary; to the Committee on the Budget.

S. Res. 464. An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1701; to the Committee on the Budget.

By Mr. DOLE (for himself, Mr. LONG, Mr. MOYNIHAN, Mr. DURENBERGER and Mr. GRASSLEY):

S. Res. 465. A resolution to express the sense of the Senate that the restoration of U.S. competitiveness in agricultural trade should be pursued through every legitimate means, and without reference to political or economic problems in nonagricultural areas; to the Committee on Finance.

By Mr. HELMS:

S. Res. 466. A resolution expressing the sense of the Senate relating to the economic crisis in Mexico; to the Committee on Foreign Relations.

By Mr. DANFORTH:

S. Con. Res. 120. A concurrent resolution to commemorate the 75th anniversary of the Washington Cathedral; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY:

S. 2908. A bill to provide for Federal support and encouragement of State, local, and community activities to prevent domestic violence and assist victims of domestic violence, to provide for coordination of Federal programs and activities relating to domestic violence, and for other purposes; to the Committee on Labor and Human Resources.

DOMESTIC VIOLENCE PREVENTION AND SERVICES ACT

Mr. KENNEDY. Mr. President, the Members of this body have long recognized the tragic problem of family violence. In 1974 we enacted the Child Abuse Prevention and Treatment Act in order to focus national attention on the increasing incidence of child abuse. Through this legislation we provided Federal assistance to States, localities, and private agencies to work with families in the prevention and treatment of abused and neglected children. The success of this program is well known. Thousands of parents and children have received counseling and other needed assistance in order to recognize and cope with the severe emotional stress that accompanies this problem.

In the last few years we have become increasingly aware of another form of family violence—spousal abuse. It is impossible to ascertain how widespread the problem has become. Shame, fear, and guilt of the victim and the abuser often results in these incidents going unreported. Agencies providing services to the victims, such as hospitals and social service agencies, lack trained personnel to recognize and report the existance of a violent home situation. While all 50 States now have mandatory reporting laws for suspected child abuse, only 12 States have similar law as concerning the abuse of adults. Despite these obstacles, it is estimated that 1.8 million women a year are victims of severe and repeated beatings in their own homes. Husbands are also the victims of abuse but the incidence is much lower.

All across the country, women's groups and community organizations have recognized the need for assisting the battered spouse. Relying heavily on volunteers and local support, they have opened thousands of shelters to give victims a place to go, with their children to escape further abuse. Once in the shelter, the abused spouse is offered counseling and other supportive services so that she can access her situation without fear. The spouse who committed the abuse is also offered counseling.

States have also recognized the need for this assistance. By mid-1980 44 States had enacted new legislation to provide some kind of help to battered spouses through direct grants or technical assistance.

The Federal role in this area has been fragmentary. In 1979 the Carter administration established the Office on Domestic Violence under the Department of Health and Human Services to coordinate Federal and State efforts and to disseminate informa-

tion. Early last year the Reagan administration abolished this office turning its back on any Federal commitment to alleviating this tragic situation.

Although other Federal programs attempt to address the needs of victims they are narrowly focused. Support services for victims is often contingent on income eligibility resulting in complicated paperwork and long delays. Direct funds for the operation of shelters are almost nonexistant.

Today I am introducing the Domestic Violence Prevention and Services Act. The bill is similar to the one we passed in the last Congress in a bipartisan effort to recognize our commitment to these families. That legislation never reached a final vote. The bill is designed to provide the necessary Federal support and encouragement to State, local, and community activities and to coordinate those programs that will assist victims of domestic violence. Federal funds will be made available through the States contingent on matching local support. The legislation establishes the Federal Inter-Agency Council on Domestic Violence to facilitate the coordination of existing Federal programs that assist victims.

The cost of these programs will be $20 million in fiscal year 1983. This money will be used to aid existing shelters and prevention efforts and to attract more support from local and private sources.

There has never been a greater need or sense of urgency for this legislation. Eleven million Americans are now out of work. Recent studies have shown that families are facing increased emotional stress from loss of jobs. Loss of work, loss of income, and the loss of one's self-image have left family members in a state of overwhelming despair. As a result the incidence of domestic violence has increased drastically.

We can no longer afford to turn away from these individuals. They need our help now. The American family is our greatest resource. We must be willing to make them our highest priority.

By Mr. DODD (for himself, Mr. CRANSTON, Mr. INOUYE, Mr. SARBANES, Mr. RIEGLE, Mr. MELCHER, Mr. WEICKER, Mr. CANNON, Mr. BURDICK, Mr. BIDEN, Mr. METZENBAUM, Mr. HOLLINGS, Mr. BENTSEN, and Mr. RANDOLPH):

S. 2909. A bill to authorize financial assistance for a continuing education program to secondary school science and mathematics teachers designed to increase their competency and to assist them to qualify for certification, and for other purposes; to the Committeee on Labor and Human Resources.

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT ACT

● Mr. DODD. Mr. President, today I am introducing legislation designed to help redress the serious shortage of qualified secondary school teachers in mathematics and science, a shortage that could have a grave impact on both our economy and our national defense.

In our contemporary world of video home recorders, personal computers, and telephoning by satellite, we tend to take technology for granted. But William Bradford did not reach Plymouth Rock in 1620 via an SST, and Priscilla Mullens did not bake the first Thanksgiving turkey in a microwave oven. But they and their successors had access to unlimited and unmatched resources. Instinct, insight, and innovation were the tools used by Americans over the centuries to harness these resources to build a modern society and way of life. Education, particularly in science and mathematics, became the vehicle for achieving our Nation's progress.

In our lifetime, advances in both basic science and applied technology have been phenomenal and the prospects for continued developments seem to be limitless.

The introduction of specialized technology has increased industrial productivity and profitability. Surgical techniques utilizing laser beams in some cases, have obviated the need for surgical incisions. Scientists are able to correct the behavior of a defective human gene, an important advance in the effort to combat genetic defects. Discoveries from space and ocean explorations may hold the key to our past and may unlock the door to our future.

Despite the obvious need for well-trained personnel to manage our increasingly sophisticated technological society, somehow we have allowed an erosion of our educational systems which produce these people. Today, we face a serious national shortage of science and mathematics teachers. According to a 1982 report of the National Science Teachers Association (NSTA), one-half of the Nation's newly hired secondary school science and mathematics teachers are unqualified to teach. They are currently employed only on an "emergency basis" because qualified teachers are not available.

Not surprisingly, the NSTA report also suggests that fewer students are entering the science and mathematics teaching areas. Moreover, one in four of the younger faculty members plans to leave teaching completely. The report projects that if the present rate of teachers leaving academe continues, the Nation will have a net loss in science and mathematics teachers of 35 percent between now and 1992.

By contrast, the Soviet Union places stronger emphasis on science and mathematics at all levels of education than does the United States, concludes the "Science and Engineering Education for the 1980's and Beyond," a report issued by the National Science Foundation and the Department of Education.

The results are predictable. First, secondary school graduates in the Soviet Union have greater preparation in science and mathematics than do high school students in the United States. Second, while the United States is graduating 27 percent more college students than the Soviet Union, only 18 percent receive degrees in science and engineering fields, compared to 53 percent in the Soviet Union. Finally, as a result of this emphasis, the Soviet Union has twice the number of scientists with advanced engineering degrees as the United States.

All of this is occurring at a time of growing need for knowledgeable and well-trained science and mathematics personnel to manage sophisticated new technology in business, industry, government, the professions, academia, and the Armed Forces.

Many high technology industries have expressed concern about the prospect of future vacancies. The American Electronics Association survey for 1981 through 1985, for example, projected that 200,000 new jobs will be available for people with bachelor of science degrees in electrical and computer software engineering during this time frame.

The New York Times featured an employment outlook in high technology in its March 28, 1982 edition. It projects 685,000 new jobs through 1990 for people trained in computers.

The introduction and increasing use of CAT scanners, ultrasound, nuclear scans, and fiberoptic instruments will mean more and more new technical jobs in medicine.

Yet, without a concentrated effort to improve science and mathematics education in our secondary schools, it is unlikely that we will be able to take advantage of the opportunities presented by these technological innovations and those to follow. Particularly at a time when we can no longer count confidently on unhampered exploitation of natural resources to meet our needs, it is essential that we move to protect our technological future.

President Harry Truman declared that no nation could maintain its leadership unless scientific and technological resources were developed to the fullest, and the work of science in universities, industries, and its own labs received generous and intelligent support.

Federal funding is the umbilical cord for the viability and promotion of research and education in science and

science-based technology. Although allocations in the private sector have increased in the areas of education and research, these do not necessarily reflect areas of national interest.

A stable long-range support system for science and mathematics education and research is a national priority. Without insuring this support, we are undermining the availability of adequately trained manpower and jeopardizing our economy, national security, and future developments of sophisticated technology.

Today, many of the brightest high school students, largely by dint of their own ability, are still able to obtain the background necessary to prepare them to continue studies in institutions of higher education. These are usually the students who are already committed to a particular vocation.

The majority of students, however, are graduating from our secondary schools with only minimal knowledge in either science or mathematics. They are not prepared to enter vocational schools, colleges, or universities.

It has been said that this century's only constant is change. The United States needs knowledgeable citizens who can intelligently adapt and manage these changes.

The scientific achievements we are witnessing today are the outgrowth of years of research. We are harvesting the fruits from scientific seeds planted 20 and 30 years ago. These are rewards resulting from careful long-range planning, as well as support on the Federal, State, and local levels.

It is useful to remember the call of the 1960's after Sputnik to "return to excellence in education by providing students with good backgrounds in science and mathematics." A similar call is needed for the 1980's.

In a written statement for the National Convocation on Precollege Education in Mathematics and Science held May 12 and 13, President Reagan warned that the education of American schoolchildren in science and mathematics had reached such a deplorable state that it threatened the Nation's military and economic security.

Mr. President, the legislation I am introducing today provides a partial answer to the needs of secondary school science and mathematics teachers. The National Science and Mathematics Teachers Development Act will establish a new program within the Department of Education. This program will provide continuing education for those teachers currently employed on an "emergency basis" and for other teachers presently engaged in teaching science and mathematics in secondary schools. It thereby seeks to create a mechanism to improve teacher competency and enable teachers to develop new teaching strategies.

Surely, better motivated, prepared, and competent teachers will better attract and train talented students on whom our technological future will ultimately depend.

Mr. President, it would be a disaster for the Congress of the United States to ignore the crucial need to upgrade the Nation's secondary school science and mathematics education systems.

The National Science and Mathematics Teachers Development Act will help strengthen the quality of science amd mathematics education, insure our national research potential, provide for qualified industrial and Armed Forces personnel, protect United States competition position in the international marketplace, and provide for a stable and healthy national economy.

Mr. President, I ask unanimous consent that the full text of the National Science and Mathmatics Teachers Development Act be printed in the RECORD.

I strongly urge my colleagues to join me in support of this legislation.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Science and Mathematics Teachers Development Act".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that—

(1) a program of science and mathematics education and research is essential in order to provide a strong economy, to contribute to ensuring national security, and to contribute to the future development of advanced technology;

(2) the strength and independence of the United States depends on the ability of the Nation to furnish adequately trained personnel in the field of advanced technology to implement the new systems of our increasingly sophisticated technological society;

(3) presently, large numbers of inadequately trained individuals are applying for advanced technological positions in private industry, including defense-related industries, and the Armed Forces, and there is an increasing difficulty in filling vacancies in such positions with qualified personnel;

(4) in order to remedy these problems, it is essential that secondary school students have better training in science and mathematics;

(5) yet, there is a serious shortage of qualified secondary school teachers in science and mathematics;

(6) one-half of the Nation's newly employed secondary school science and mathematics teachers are unqualified to teach these disciplines;

(7) moreover, fewer secondary school graduates are entering the field of teaching science and mathematics;

(8) one in four of the younger secondary school faculty in the science and mathematics fields is planning to leave teaching for a better paying position in private industry and defense-related industry; and

(9) by contrast, many industrialized countries place stronger emphasis on science and mathematics at all levels of education than does the United States and, as a result, compete more effectively in the fields of advanced technology, and international trade.

(b) It is the purpose of this Act to authorize a program for full time and part time workshops for secondary school science teachers and secondary school mathematics teachers designed to increase their teaching skills and to assist such teachers to qualify for certification in the areas of science and mathematics, and thereby encourage better science and mathematics instruction for secondary school students, increase the research potential of the United States, and provide increased numbers of qualified personnel for private industry, defense-related industries, and the Armed Forces.

DEFINITIONS

SEC. 3. As used in this Act—

(1) The term "Board" means the National Science and Mathematics Teachers Development Board established under section 4;

(2) the term "institution of higher education" means any such institution as defined in section 1201(a) of the Higher Education Act of 1965;

(3) the term "Secretary" means the Secretary of Education; and

(4) the term "State" means each of the several States and the District of Columbia.

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT BOARD ESTABLISHED

SEC. 4. (a)(1) There is established in the Department of Education the National Science and Mathematics Teacher Development Board.

(2) The functions of the Secretary under this Act shall be carried out through the Board established under this section.

(b) The Board shall be composed of—

(1) seven individuals appointed by the President, by and with the advice and consent of the Senate—

(A) one of whom shall be appointed from among individuals representative of institutions of higher education;

(B) one of whom shall be appointed from among individuals representative of the scientific community;

(C) one of whom shall be appointed from among individuals representative of secondary school mathematics teachers;

(D) one of whom shall be appointed from among individuals representative of secondary school science teachers;

(E) one of whom shall be appointed from among individuals who are representative of vocational education teachers;

(F) one of whom shall be appointed from among individuals who are representative of secondary school science and math teachers teaching in urban schools; and

(G) one of whom shall be appointed from among individuals who are representative of private industry specializing in the application of advanced technology;

(2) the Secretary of Education;

(3) the Director of the National Science Foundation;

(4) the Chairman of the National Science Board;

(5) the Director of the National Academy of Sciences;

(6) the Director of the Office of Science and Technology Policy;

(7) the Under Secretary of Defense for Research and Engineering; and

(8) the Assistant Secretary of Labor for Employment and Training.

(c) The members of the Board who are designated under clauses (2) through (8) in subsection (b) shall serve for as long as they hold the appointment by virtue of which they serve on the Board.

(d)(1) The members of the Board shall select a Chair from among the members of the Board.

(2) The members of the Board shall determine the general policies governing the operation of the Board.

(e)(1) The Board shall meet at the call of its Chair or at the request of ten or more of its members, but the Board shall meet at least four times in each calendar year.

(2) Any vacancy in the Board shall not affect its power, but shall be filled in the same manner in which the original appointment was made.

(f)(1) The members of the Board who are not otherwise employed by the Federal Government shall receive compensation at a rate equal to the daily rate prescribed for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Board and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board.

(2) The members of the Board who are otherwise employed by the Federal Government shall serve without compensation but shall be reimbursed for travel, subsistence, or other necessary expenses incurred by them in carrying out the functions of the Board.

PROGRAM AUTHORIZED

SEC. 5. (a) The Secretary shall, in accordance with the provisions of this Act, make grants to institutions of higher education for continuing education programs for secondary school teachers of science and mathematics designed to improve the skills of such teachers and to assist such teachers to qualify for certification in the field of science or mathematics, or both.

(b)(1) There are authorized to be appropriated $30,000,000 for fiscal year 1984 to carry out the provisions of this Act.

(2) Funds appropriated pursuant to paragraph (1) of this subsection shall remain available until expended.

(c) There are authorized to be appropriated such sums as may be necessary for administrative expenses related to carrying out the provisions of this Act.

APPLICATIONS

SEC. 6. Each institution of higher education in any State desiring to participate in the program authorized by this Act shall prepare and submit an application at such time, in such manner, and containing or accompanied by such information as the Secretary deems reasonably necessary. Each such application shall—

(1) provide for continuing educational programs consisting of full-time summer and part-time school year workshops for secondary school teachers of science and mathematics, together with such follow-up courses of instruction as the institution of higher education determines are consistent with the purposes of this Act;

(2) provide that the continuing education program assisted under this Act will be designed (A) to improve the skills of secondary school teachers of science and mathematics, including improved knowledge of the subject matter, communication skills, effective use of resources in the teaching of science and mathematics to secondary school students, and (B) to assist participants in the continuing educational program to qualify for certification in the field of science and mathematics or both;

(3) provide that workshops and courses offered with assistance under this Act will be conducted at locations within commuting distance of a substantial number of the secondary school teacher participants;

(4) provide procedures for identifying secondary school science and mathematics teachers who will participate in the continuing educational program assisted under this Act; and

(5) provide such fiscal control and such accounting procedures as may be necessary (A) to insure a proper accounting of Federal funds paid to the applicant under this Act, and (B) to insure the verification of the costs of the continuing education program furnished by the applicant.

(b) No application may be approved under this section unless the application has been assessed in accordance with peer review procedures.

(c) The Secretary shall expeditiously approve any application that meets the requirements of this section.

LIMITATIONS

SEC. 7. (a) Not more than 25 per centum of the funds appropriated pursuant to section 5(a) shall be available for full-time summer workshops.

(b) No grant made to a single institution of higher education under this Act may exceed $200,000.

PAYMENTS

SEC. 8. (a) From amounts appropriated under section 5(b), the Secretary shall pay, in accordance with the provisions of this Act, to each institution of higher education which has an application approved under section 6 an amount equal to the amount needed for the purposes set forth in the application.

(b)(1) Payments under this Act shall be made as soon after approval of the application as practicable.

(2) Payments under this Act may be made in installments, in advance or by way of reimbursement with necessary adjustments on account of overpayments and underpayments.●

By Mr. TSONGAS (for himself and Mr. SASSER):

S. 2910. A bill to amend title 38, United States Code, to establish new educational assistance programs for veterans and for members of the Armed Forces; to the Committee on Veterans' Affairs.

VETERANS' EDUCATIONAL ASSISTANCE ACT OF 1982

● Mr. TSONGAS. Mr. President, today I am pleased to introduce a comprehensive G.I. bill which would provide new educational assistance to individuals who serve in the military.

There is consensus among those most informed about the All-Volunteer Force that it has deteriorated over the last several years. This bill would upgrade recruits, retain outstanding military personnel, and ease the readjustment of servicemen to civilian life once they leave the military.

The Veterans Educational Assistance Act has already been introduced in the House, where extensive hearings have been held on the legislation. It is time that the Senate recognize the need for a new permanent GI bill by supporting this legislation.

Under the proposal, an individual who enlists in any branch of the military for at least 3 years would be entitled to an education stipend of $300 per month for up to 36 months.

Further, the Department of Defense would have the option of providing supplemental educational assistance for service personnel who work in hard-to-fill specialities. This provision would particularly be promising in retaining military personnel. Any branch of the military could grant a leave of absence to an individual who wants to avail himself of his benefits and return to the military with additional skills.

Another provision would have particular appeal to midcareer service personnel. After 10 years of service they could transfer educational benefits to a spouse or children. In effect, the provision would serve as investment in their children's education.

Finally, the bill includes benefits for part-time military personnel in the Reserves and the National Guard.

Mr. President, there are those who will argue that we do not need a GI bill at this time. Recruitment and retention have increased because of the current recession, and the quality of the recruits has improved. The President, who campaigned on a promise of restoring the GI bill, now states that restoration of the GI bill can wait. Others say the bill is too costly.

I submit, however, that now is indeed the time to restore the GI bill. We must not let our national security depend on the vicissitudes of the economy. If an economic crisis is the incentive provided to young and talented individuals to enlist, then we can assume that when and if the economy improves, we can expect the same problems of scarce and subquality recruits.

Nor is the President's concern about cost well founded. The Congressional Budget Office estimates the total expense of this bill to be $381 million a year from 1985 through 1989, $1.2 billion a year by 1990, and $1.4 billion a year by 1994.

Although these figures appear to be high, there are offsetting savings that the incentives for longer service would produce. In 1979, the Government Accounting Office reported that 444,000 first-team volunteers had left the service between 1974 and 1977 before completing their initial enlistments. The cost to the Federal Government was $5.2 billion.

Each case of attrition costs the Government $12,000. Dr. Charles Moskos of Northwestern University, a military sociologist, testified before the House Subcommittee on Education, Employ-

ment and Training that cutting the military attrition in half would result in manpower savings of more than $600 million a year. Further, by assisting young women and men to pursue their education, we are helping them to improve their lives and increase their productive contributions to the Nation.

An article in the Washington Post last week reported that veterans are losing Pell grants because of the way their GI benefits are computed in determining eligibility for additional Federal benefits. Several of these students will be unable to continue their education. Such a result creates the impression that those who have served their country cannot count on their country to serve them in return.

Mr. President, we cannot allow this kind of attitude to affect the ranks of our military. We need a GI bill, and we need it now.

I urge my colleagues to support this bill.●

ADDITIONAL COSPONSORS

S. 1018

At the request of Mr. CHAFEE, the name of the Senator from Georgia (Mr. MATTINGLY) was added as a cosponsor of S. 1018, a bill to protect and conserve fish and wildlife resources, and for other purposes.

S. 2420

At the request of Mr. HEINZ, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2420, a bill to protect victims of crime.

S. 2676

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2676, a bill to establish a National Hostel System Plan, and for other purposes.

S. 2695

At the request of Mr. PRYOR, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2695, a bill to require the establishment of an advocate for competition in each purchasing and contracting office of each executive agency, and for other purposes.

S. 2853

At the request of Mr. PERCY, the name of the Senator from Tennessee (Mr. BAKER) was added as a cosponsor of S. 2853, a bill to provide for the temporary duty-free treatment of imported hatters' fur, and for other purposes.

S. 2860

At the request of Mr. DANFORTH, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 2860, a bill to eliminate the retroactive application of certain provisions of Public Law 96-364.

S. 2902

At the request of Mr. THURMOND, the names of the Senator from Oklahoma (Mr. NICKLES), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Oklahoma (Mr. BOREN) were added as cosponsors of S. 2902, a bill to define the affirmative defense of insanity and to provide a procedure for the commitment of offenders suffering from a mental disease or defect, and for other purposes.

SENATE JOINT RESOLUTION 174

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. WEICKER) was added as a cosponsor of Senate Joint Resolution 174, a joint resolution to authorize and request the President to designate October 16, 1982, as "World Food Day."

SENATE JOINT RESOLUTION 178

At the request of Mr. HATCH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of Senate Joint Resolution 178, a joint resolution to authorize and request the President to proclaim the second week in April as "National Medical Laboratory Week."

SENATE JOINT RESOLUTION 200

At the request of Mr. GLENN, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of Senate Joint Resolution 200, a joint resolution to designate October 1982 as "National Car Care Month."

SENATE JOINT RESOLUTION 205

At the request of Mr. EAST, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 205, a joint resolution to designate September 1982 as "National Sewing Month."

SENATE JOINT RESOLUTION 213

At the request of Mr. TSONGAS, the name of the Senator from Texas (Mr. BENTSEN) was added as a cosponsor of Senate Joint Resolution 213, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women.

SENATE JOINT RESOLUTION 215

At the request of Mr. HATCH, the names of the Senator from Wisconsin (Mr. KASTEN), the Senator from Georgia (Mr. MATTINGLY), the Senator from Nevada (Mr. LAXALT), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to provide that the week beginning March 6, 1983, shall be designated as "Women's History Week."

SENATE JOINT RESOLUTION 220

At the request of Mr. PRYOR, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of Senate Joint Resolution 220, a joint resolution to authorize the erection of a memorial on public grounds in the District of Columbia to honor and commemorate members of the Armed Forces of the United States who served in the Korean War.

SENATE JOINT RESOLUTION 228

At the request of Mr. NUNN, the names of the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Tennessee (Mr. SASSER), and the Senator from Maine (Mr. MITCHELL) were added as cosponsors of Senate Joint Resolution 228, a joint resolution to provide for the designation of the week beginning on October 24, 1982, as "National Tourette Syndrome Awareness Week."

SENATE JOINT RESOLUTION 231

At the request of Mr. JOHNSTON, the names of the Senator from North Dakota (Mr. BURDICK), the Senator from Minnesota (Mr. DURENBERGER), the Senator from Mississippi (Mr. COCHRAN), the Senator from Montana (Mr. BAUCUS), and the Senator from Colorado (Mr. ARMSTRONG) were added as cosponsors of Senate Joint Resolution 231, a joint resolution to authorize and request the President to designate the week of October 11, 1982, through October 17, 1982, as "National Get High on Life Week."

SENATE JOINT RESOLUTION 239

At the request of Mr. ROBERT C. BYRD, his name was added as a cosponsor of Senate Joint Resolution 239, a joint resolution designating October 16, 1982, as "National Newspaper Carrier Appreciation Day."

At the request of Mr. WARNER, the names of the Senator from Tennessee (Mr. SASSER), the Senator from Oklahoma (Mr. NICKLES), the Senator from Nebraska (Mr. ZORINSKY), the Senator from North Dakota (Mr. BURDICK), the Senator from Vermont (Mr. LEAHY), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Arizona (Mr. GOLDWATER) were added as cosponsors of Senate Joint Resolution 239, supra.

SENATE JOINT RESOLUTION 241

At the request of Mr. HUMPHREY, the name of the Senator from Colorado (Mr. ARMSTRONG) was added as a cosponsor of Senate Joint Resolution 241, a joint resolution to provide for the designation of the week of December 12, 1982, through December 18, 1982, as "National Drunk and Drugged Driving Awareness Week."

SENATE JOINT RESOLUTION 244

At the request of Mr. WARNER, the names of the Senator from Montana (Mr. MELCHER), the Senator from Massachusetts (Mr. TSONGAS), the Senator from Nevada (Mr. CANNON), the Senator from Rhode Island (Mr. CHAFEE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Florida (Mr. CHILES), the Senator from Indiana (Mr. LUGAR), and the Senator from Delaware (Mr. ROTH) were added as cosponsors of Senate Joint Resolu-

tion 244, a joint resolution designating January 17, 1983, as "Public Employees' Appreciation Day."

SENATE JOINT RESOLUTION 245

At the request of Mr. ROBERT C. BYRD, the name of the Senator from California (Mr. CRANSTON) was added as a cosponsor of Senate Joint Resolution 245, a joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982.

SENATE CONCURRENT RESOLUTION 120—CONCURRENT RESOLUTION RELATING TO THE 75TH ANNIVERSARY OF THE WASHINGTON CATHEDRAL

Mr. Danforth submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 120

Whereas the foundation stone for the Cathedral Church of Saint Peter and Saint Paul, known as the Washington Cathedral, was laid on September 29, 1907, with the President of the United States, Members of Congress, and Justices of the Supreme Court in attendance;

Whereas George Washington was the first to call for a "great church for national purposes in the capital city";

Whereas the Congress in 1893 granted a charter to the Protestant Episcopal Cathedral Foundation for religious, charitable, and educational purposes, leading to the construction of this grand Gothic cathedral;

Whereas the Cathedral is administered by the Episcopal Church, it is truly a house of prayer for all people, with its pulpit open to all faiths, seeking to serve the whole Nation, offering its ministry on behalf of all churches;

Whereas in times of trial the leaders of our Nation often have gathered there to pray and seek God's guidance;

Whereas this majestic monument to our Nation's faith in a Divine Creator dominates the physical and spiritual horizons of the City of Washington;

Whereas the Cathedral is an architectural and artistic masterpiece that will lift up the human heart for centuries to come;

Whereas the nave of this magnificent Cathedral was dedicated in the year of America's two hundredth anniversary "for the reconciliation of the peoples of the earth";

Whereas the Cathedral inspires over 500,000 American visitors each year; and

Whereas September 29, 1982, marks the seventy-fifth anniversary of this great Cathedral: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States recognizes and pays tribute to the Washington Cathedral on its seventy-fifth anniversary and to all the men and women whose especial labors have contributed to the building of this great house of worship.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the Canon of the Cathedral Church of Saint Peter and Saint Paul.

SENATE RESOLUTION 463—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 463

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to consideration of S. 2671. Such waiver is necessary because S. 2671, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

This budget waiver will allow Senate consideration of S. 2671 which creates a federal commission to commemorate the Bicentennial of the Constitution. After hearings in the Constitution Subcommittee, S. 2671 was introduced by all members of the Subcommittee and approved by the Senate Judiciary Committee on a voice vote on August 4, 1982.

S. 2671 authorizes the appropriation of $300,000 for fiscal year 1983 and such sums as necessary for the subsequent years until the termination of the Commission in 1989. The $300,000 figure is less than half of the President's budget request for such a commission. The Judiciary Committee Report on S. 2671 expresses that the funding amount was left "unspecified for the years after 1983 . . . to provide the Appropriations Committee the discretion to adjust the $300,000 amount downward based on the success of the Commission's fundraising efforts." Senate Report No. 97-535, page 35.

In order to begin planning for the education and celebrative activities of the bicentennial, the Commission must get underway immediately. Delaying the inauguration of the Commission could be fatal to adequate planning of this important event. Moreover, since the appropriations bill in which this would appear has not been addressed by the Senate, this should not disrupt that budgetary process.

SENATE RESOLUTION 464—ORIGINAL RESOLUTION REPORTED WAIVING CONGRESSIONAL BUDGET ACT

Mr. THURMOND, from the Committee on the Judiciary, reported the following original resolution; which was referred to the Committee on the Budget:

S. RES. 464

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are waived with respect to the consideration of S. 1701. Such waiver is necessary because S. 1701 authorizes the enactment of new budget authority which would first become available in fiscal year 1983, and such bill was not reported on or before May 15, 1982 as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The waiver of section 402(a) is necessary to permit congressional consideration of S. 1701, the Missing Children Act. This legislation would create a national clearinghouse of information on missing children and a clearinghouse of information on unidentified dead bodies.

S. 1701 was introduced on October 6, 1981. Hearings were held on the subject of missing children on October 5, 1981, by the Subcommittee on Investigations and General Oversight of the Labor and Human Resources Committee. The Subcommittee on Juvenile Justice of the Committee on the Judiciary held hearings on April 1, 1982, on the subject of missing and exploited children. The legislation was reported by the Subcommittee on Juvenile Justice on June 30, 1982. It was reported by the Committee on the Judiciary on July 30, 1982.

If S. 1701 is not considered, it will mean a significant delay in establishing both clearinghouses of information on missing children and the unidentified dead.

The impact on the appropriations process will not be significant. The Committee anticipates that the Department of Justice will submit an amendment for additional budget authority for fiscal year 1983 in which the funding for this program can be accommodated.

SENATE RESOLUTION 465—RESOLUTION RELATING TO AGRICULTURAL TRADE

Mr. DOLE (for himself, Mr. LONG, Mr. MOYNIHAN, Mr. DURENBERGER, and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 465

Whereas net U.S. farm income in 1982 is estimated to have declined for a third consecutive year, and about 25 percent from 1981;

Whereas bumper harvests continue to place downward pressure on farm prices, despite U.S. efforts to restrain production;

Whereas increased U.S. farm exports will reduce the nation's balance of payments deficit, increase personal income and tax revenues, and provide additional employment;

Whereas America's full competitive advantage in agricultural exports is not being realized because of foreign export subsidies and other unfair trade practices, which are becoming increasingly injurious to U.S. exports, including value-added products;

Whereas the American farmer and agribusiness are finding it increasingly difficult to compete for export markets with the foreign governments which finance these unfair trade practices;

Whereas these unfair acts by foreign governments are resulting in the loss of additional jobs and tax receipts, and in increased outlays by the Treasury of the United States for farm supports: Now, therefore, be it

Resolved, That during the forthcoming Ministerial-level meeting of the General Agreement on Tariffs and Trade (GATT), the United States Government should seek every means of restoring U.S. competitiveness in agricultural trade:

(1) With particular emphasis on correcting the disparate treatment of primary and nonprimary products provided in the Agreement on Implementation and Application of Articles VI, XVI and XXII of the GATT (the Subsidies Code); and

(2) Without reference to any existing political or economic problems or disagreements in nonagricultural areas; and be it further

Resolved, That pending restoration of fair and equitable trading conditions under the GATT, it is the sense of the Senate that the United States pursue every appropriate and legitimate means to prevent further erosion of our agricultural exports, including value-added products, and to regain a fair share of foreign markets commensurate with the competitive market advantage of the American farmer; and be it further

Resolved, That in restoring U.S. competitiveness in agricultural trade, it is the sense of the Senate that the United States make available the funds necessary to assist in the competitive exportation of primary and value-added products and to counteract the continued use of foreign export subsidies and other unfair trading practices; and be it further

Resolved, That restoration of full competitiveness for U.S. farm products in export markets will serve the twin objectives of creating additional jobs and raising net farm income.

AGRICULTURAL TRADE

● Mr. DOLE. Mr. President, the United States is facing an extremely difficult period as it tries to get its economic house in order during a worldwide credit crisis, slow industrial activity and low prices for agricultural products. Additional pressures are being exerted by differences within the Atlantic alliance over construction of the natural gas pipeline between Western Europe and the Soviet Union. Finally, a number of vital issues in our international trade relations are due to be considered in coming months—issues that need to be addressed on their merits and not in relation to other problems.

THE DOLE RESOLUTION

Mr. President, in view of the seriousness of these developments, I am offering, together with Senators LONG, MOYNIHAN, DURENBERGER, and GRASSLEY, a resolution today which would encourage a clear and unambiguous approach to resolving our differences over agricultural trade. Rather than raising the already-high volume of criticism which is clouding our relations with various trading partners and competitiors, I would set out a three-point agenda to be followed in charting a long-term course for U.S. farm product exports.

Specifically, Mr. President, the resolution would:

First, urge the administration to restore U.S. competitiveness in agricultural trade by correcting the disparate treatment of primary and nonprimary products under the subsidies code of the General Agreement on Tariffs and Trade (GATT). The United States will have an opportunity to raise this issue during the ministerial-level meeting of the GATT this November in Geneva. The resolution also specifies that our efforts during GATT considerations not be influenced by any existing political or economic problems or disagreements over nonagricultural issues.

Second, depending on the outcome of the GATT ministerial and the likelihood of reestablishing fair and equitable trading conditions, the resolution expresses the sense of the Senate that the United States should use every legitimate means, including neutralization of unfair competitive advantages by our international competitors, to prevent further erosion in our farm exports.

In this effort, the resolution would give the Senate's support for making available the funds needed to restore competitive conditions and counteract export subsidies and other unfair practices.

Third, the third point emphasizes the importance of agricultural exports, including value-added products, to increased net farm income and the creation of additional jobs in our economy. Agriculture is our most productive and efficient industry, and its freedom to expand without inhibition is key to the recovery or our economy at large, including many industrial sectors such as farm machinery, steel, and food processing.

CONCLUSION

Mr. President, our differences with other major exporters of farm products over the conduct of trade under the GATT are well known and do not require further elaboration. I am sure that the administration will be making the U.S. argument as clearly and forcefully as possible in the next few months.

However, I believe it is time to indicate, as dispassionately as possible, that our domestic agricultural system has been stretched to the limit. We must either compete effectively for export markets or begin a long and painful withdrawal from our dominant position in world trade.

Mr. President, the latter course would be a serious mistake, both for the United States and its farmers and for the security of the world's future food supply. No one should forget the World Food Conference in Rome only 7 years ago when we spoke of crop shortages and famine. Everyone should know that it is the United States which is bearing this responsibility by carrying a disproportionate share of world grain reserves today.

Mr. President, I ask my colleagues for their support for this resolution as an effective way to put the Senate on record for a straightforward approach to our international disagreements over farm trade.●

SENATE RESOLUTION 466—RESOLUTION RELATING TO THE MEXICAN CRISIS

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 466

Whereas, the United States Government through numerous federal agencies, the Federal Reserve System, and through multilateral organizations is committed to the stabilization of the international economy, and to international economic development, and

Whereas, the United States Government has long-standing, close ties with the Government and People of Mexico and has long provided various forms of assistance for the economic development of Mexico, and

Whereas, the present financial and economic crisis in Mexico requires the assistance of the United States government, and

Whereas, the key principle of any United States assistance must be the future prosperity of the Mexican People: Therefore be it

Resolved, That it is the Sense of the Senate of the United States that:

The United States Government, any agency thereof, any official thereof acting as representative to any international organization shall take no action which would provide substantial assistance to the government of Mexico or any agency thereof, unless assurances have been received that the Government of Mexico has taken or will soon take the following actions:

(a) The adoption of a monetary policy aimed at stabilizing the value of the Peso to that of the United States dollar.

(b) The suspension and elimination of all exchange rate controls and controls on the international flow of capital.

(c) The restoration of financial institutions to their owners prior to the nationalization on September 1st, or such a program that would provide for the restoration of a private banking system in Mexico.

Mr. HELMS. Mr. President, the tragedy of the present monetary chaos in Mexico is the massive harm that it will cause to the people of Mexico. They do not deserve what their Government has done to them.

The United States has a responsibility in this situation, but my concern is that it will be little more than a temporary bailout—one that will appear to help Wall Street bankers more than Mexican citizens.

Mr. President, I have little sympathy for bankers who have made billions of dollars of loans to Mexico in spite of, and with full knowledge of, economic policies that inexorably led to this crisis. I think that they should bear the brunt of their losses—not the American taxpayer.

But what is the alternative? Is there a policy open to the United States that would help restore economic stability in Mexico—and, by doing so, help American consumers of Mexican goods, Mexican consumers of American goods, the economic prosperity of Mexico and general economic stability in our hemisphere?

As chairman of the Western Hemisphere Subcommittee of the Senate Foreign Relations Committee, I have seen the effects of wrongheaded economic policies in many nations of North, South, and Central America and the Caribbean. I will add, paren-

thetically, that some of those policies are those advocated by Washington through the traditional liberal-left ideology of the U.S. State Department.

Mr. President, it is tragic that we have often encouraged policies of collectivism, of socialism, of inflation, of massive taxation to permeate this hemisphere and strangle economic growth. With the loss of economic growth, we have been partly responsible for the loss of economic well-being for hundreds of millions of people who deserve better.

Because the Mexican situation is so crucial and because some action is imperative, I today offer a sense-of-the-Senate resolution to encourage debate and action that may lead to a real solution to the problems we face—a real solution to the continuing stagnation of the Mexican economy.

In many respects, the Mexican economy's problems become our problems. Mexico is sending people north at unprecedented rates, by shrinking and stagnating their own economy and making the United States the only viable alternative for millions of impoverished Mexicans to whom socialism offers nothing but destitution. Are the Mexicans glad that so many millions of their people come to the United States and send dollars back home to their families who are trying to seek out a living under socialism? Is this their answer to dollar flight out of Mexico—to follow the dollars with people who will work for them, and send them back?

Mr. President, the United States cannot and should not dictate economic policy for our neighboring nations. We cannot and should not tell the Government of Mexico or any other state what they should or should not do. But, we do have an obligation, as stewards of our own scarce resources, to see that they are not wasted on foolish schemes. If we follow past practices of U.S. financial assistance, the latter is the most likely occurrence: Mexico will be provided with a temporary bailout in spite of the likelihood that a repeat of the current financial debacle is just around the next corner.

We have a clear obligation to the American taxpayer to ask if any U.S. investment in the Mexican situation at this time will be a proper one. We have a right to insist that certain conditions are met to assure that the people of Mexico will not be subject to more destructive policies that have led to the present situation.

MONETARY STABILITY

Mr. President, the first problem that must be addressed is the Mexican peso. The Government of Mexico pumps out too many pesos and has responded to expected market forces by slapping on controls and then continuing to inflate the peso. What must be done is not what we would expect the IMF to require—that Mexico agree to certain rates of money supply growth. That nostrum has not worked for the United States—the largest economy in the world.

What we must determine is whether the Mexican Government will agree to stabilize the peso to something of value—in this case, the U.S. dollar. It must administer its monetary policy so that if the peso is falling on international markets, it must restrict the supply. If the peso is gaining on international markets, it must allow the supply to increase. In other words, it must respond to the demand for the peso internationally and domestically.

EXCHANGE CONTROLS

Accompanying this "price rule" must, of course, be the complete relaxation of international capital flow controls and exchange rate controls—other than the official readiness to redeem the peso in a fixed number of dollars.

Exchange controls are particularly destructive to a nation such as Mexico. If controls are put on, that is a signal that the peso will be worth less in the future. It is a signal that it is unwise to have capital in Mexico—and soon there is little influx, little faith in the willingness of the Government to maintain the value of the currency and little investment.

Perhaps the irony of exchange controls is that some people are still so ignorant or so ideologically committed that they ignore the dismal record of such controls.

FINANCIAL INSTITUTIONS

One key to economic growth in Mexico must be a financial system that is dependable. Until the banks were nationalized, Mexico had at least a dependable, well-managed private banking system, but now politicians are appointed as heads of financial institutions and with public ownership of banks has come public ownership of companies partially owned or controlled by the bank. Unless assurances are received that the financial institutions will be returned to private hands, so that there is a chance of rational credit allocation in Mexico and thus real economic growth, the United States should not provide added assistance.

We have seen how nationalization of any institution is an invitation to increased corruption of government officials who are suddenly in charge of new-found power and wealth. What Mexico needs is not a new dimension of government power which sends the world the signal that corruption is on the rise in Mexico—rather, Mexico needs to send signals which assure the world that a bloated, mismanaged, and corrupt image is being restrained, and redirected, to more responsible and market-oriented mechanisms.

OTHER FACTORS

Mr. President, there is much wrong with the Mexican economy that could be cured by using some commonsense. The new President of Mexico takes office December 1, and he will face massive problems, not the least of which is alienation of certain constituencies in Mexico that favored the actions leading to the present crisis and which must be undone if Mexico is to regain economic stability and to prosper.

That is why the resolution I put forth today is important. It may provide a basis for taking actions that would otherwise be politically unpalatable. The President of Mexico can take these actions and truthfully say that he "had to" because the United States would not provide needed aid without them. He can blame his actions on the U.S. Senate if he wants to, or on the Senator from North Carolina. If these actions are necessary and good for the people of Mexico, it matters not to whom he gives the blame or credit.

What is clear, however, is that if these actions are not taken—or if actions similar to them are not taken—then any assistance provided directly or indirectly by the United States is a waste of taxpayers money, and we might as well just use it to build a 40-foot wall along our southern border. Why tighten our security? Because millions of Mexican's have already "voted with their feet" against the present economic policies of the Mexican Government, and if we support those policies with added money down that vortex, then more Mexicans will be driven to find a better life in the United States.

It is doubly ironic that the policies of this body and this Nation will affect the lives of many, many Mexicans whether we act favorably on my resolution or not. If we accept it, and if these changes are implemented in Mexico, then there is a better chance that economic growth can come again to Mexico and economic well-being to its people. If we reject this resolution and allow money to go to bail out the Mexican financial situation without a change in economic policy, then we condemn more Mexicans to poverty, and we encourage more Mexicans to seek refuge in this country.

Mr. President, I ask unanimous consent that an editorial from the September 3 Wall Street Journal be printed at the conclusion of my remarks and that the text of my resolution be printed in the RECORD following the editorial.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVIEW AND OUTLOOK—STORY OF THE WEEK

Despite President Reagan's Middle East initiative, discussed below, our vote for news

development of the week goes to the bank nationalization in Mexico. Mexico is more important to our national interests than any of the quarrelsome Mideastern dominions. Many Americans fail to appreciate this, despite Mexico's proximity, population and even its oil resources. Let doubters ponder, say, the refugee problem that would be created in Texas by any insurrection south of the border.

Americans—that is, we norte-americanos—also need to understand that Mexico is a nation with a serious history and a serious heritage. Despite its current crisis and its endemic poverty, the Mexican economy had a quite credible long-term growth record even before important oil discoveries. Despite the curiosities of its political system, Mexico has managed the peaceful transfer of power at regular intervals ever since the 1920s. President Jose Lopez Portillo and Miguel de la Madrid, who will succeed him in December, are both cosmopolitan and impressive figures. For all the problems in their land, the Mexicans have much of which to be proud.

Partly because their accomplishments are not well enough understood north of the Rio Grande, though Mexicans occasionally carry their pride to self-destructive extremes. Their policies must be Mexican; whether they are sensible is less important. This is the case with the banks. Nationalization of the financial sector is firmly within the Mexican tradition of a state-directed economy. And let no outsider suggest that it is another stiff dose of the arsenic that caused the illness in the first place.

Mexico's basic economic problem is that it has outgrown its economic institutions. Now in the top 20 nations in the world in both population and gross national product, it can no longer be run as an isolated, centrally directed economy. But for political and historical reasons, it has great difficulty developing new institutions using price mechanisms and integrating itself with the world economy as befits a nation of its stature.

Two decisions during President Lopez Portillo's tenure are symptomatic. In March of 1980, Mexico decided not to go through with a tentative agreement to join GATT, the General Agreement on Tariffs and Trade. This would have introduced a measure of international competition, greatly spurring the efficiency of Mexican industry. Many of the largest enterprises favored joining, but the forces of isolation and inaction prevailed.

In June of 1981, Jorge Diaz Serrano, the head of the Mexican oil giant, Pemex, resigned in a dispute over his decision to cut oil prices. In retrospect (and for that matter at the time), Mr. Diaz Serrano's decision was clearly correct, needed to protect Mexico's markets in a time of falling energy prices. But the government was unwilling to accept the implications for its revenue and spending plans, so the Pemex head lost his job.

Mexico had an opportunity to start on basic economic reform in 1976, when it was forced to revalue the peso and go to the International Monetary Fund for a rescue. But a wave of new oil revenues swept aside reform and kept the old habits afloat. Oil income was used to subsidize consumer prices, to build steel mills in the jungle that didn't work, and to prop up the peso in the face of mounting inflation. Future revenues were pledged to back loans financing more of the same, and when the oil price broke the whole structure tottered down.

Mr. Lopez Portillo's assault on the banks is a classic case of killing the messenger. Under these conditions of course capital flees; if it can't flee through bank accounts if will flee in shoeboxes. Of course there was a run on the banks, in no small part caused by the government's decision to freeze the bank's dollar deposits and partially expropriate them with an artifically low rate for conversion into pesos. And the scapegoating of the banks, especially in conjunction with the replacement of the head of the Mexican central bank yesterday, may portend a flight into the kind of radical lefist myth-making President Lopez Portillo had previously avoided.

Mexico will no doubt be topic one this weekend at the joint annual meeting of the International Monetary Fund and the World Bank in Toronto. The IMF has more or less agreed to come up with some $4 billion to bail out Mexico's current debt, and details are under negotiation. We wonder what conditions will be attached to the loan this time. For that matter we wonder whether the IMF was consulted or even notified in advance of the bank nationalization. Perhaps the initial rescheduling agreement came too easily.

These words will no doubt be resented in Mexico, but they are spoken with no animus. It is simply that, as Mexico's resort to the IMF shows, we now live in a world so economically and financially interdependent each nation has a vital interest in the progress of every other. We see the bank nationalization as story of the week precisely because high on our wishes for the world is a prosperous and vital Mexico.

AMENDMENTS SUBMITTED FOR PRINTING

FEDERAL-AID HIGHWAY ACT OF 1982

AMENDMENT NO. 3277

(Ordered to be printed and lie on the table.)

Mr. PRESSLER submitted an amendment intended to be proposed by him to the bill (S. 2574) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes.

INTERSTATE HIGHWAYS ALLOCATION FORMULA

Mr. PRESSLER. Mr. President, today I am submitting an amendment to S. 2574, the Federal-Aid Highway Act of 1982.

This amendment deals specifically with the Interstate System resurfacing apportionment contained in S. 2574. Under the provisions of S. 2574, the apportionment formula for dividing the fiscal year 1984 amount of $1.1 billion would be based on a formula with 60 percent weight assigned to the number of actual interstate lane miles and 40 percent to the number of vehicle miles (VMT) on the Interstate System within a given State.

My amendment changes the apportionment formula so that 65 percent of the emphasis is given to lane miles and 35 percent of the apportionment is based on vehicle miles traveled.

In the State of South Dakota, there are over 2,600 lane miles of interstate highway. The costs of resurfacing, restoring, and rehabilitating these roads are enormous and are increasing dramatically every year. However, the price must be paid because the Interstate System is vital to the economy of South Dakota and the Nation.

States with high lane mileage and low VMT are hard-pressed in the current economy to resurface and restore their portions of the Interstate System. Ever increasing costs for repairs—coupled with deterioration of the interstate highways brought about by heavy use, severe temperature changes, and compaction of the roadbed—have created a funding shortfall that rural States find it difficult to cover. The importance of good roads to a rural economy cannot be denied and is ample justification for changing the apportionment formula so that those States with many miles of interstate highway to restore and resurface are given a better deal.

I ask my colleagues to support this amendment, and I urge quick consideration of the Federal-Aid Highway Act of 1982. The contract authority that will be available after the passage of S. 2574 is needed to aid the depressed construction industry throughout the country.

NOTICES OF HEARINGS

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, the Senate Committee on Government Affairs will hold a hearing on Department of Energy Labs on Tuesday, September 21, at 10 a.m., in room 3302 of the Dirksen Senate Office Building. For further information, please contact Mike Mitchell at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a hearing on Benefits to Former Presidents on Wednesday, September 22, at 10 a.m., in room 3302 of the Dirksen Senate Office Building. For further information, please contact Link Hoewing or Linda Townsend at 224-4751.

Mr. President, the Senate Committee on Governmental Affairs will hold a nomination hearing for K. William O'Connor to be a member of the Special Counsel to the Merit Systems Protection Board on Thursday, September 23, at 2 p.m., in room 3302 of the Dirksen Senate Office Building. For further information, please contact Margaret Hecht at 224-4751.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAKER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, September 16, at

10 a.m., to receive a briefing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

DEATH OF PRESIDENT-ELECT BASHIR GEMAYEL

● Mr. KENNEDY. Mr. President, I was shocked and saddened by the brutal assassination of President-elect Bashir Gemayel in Lebanon. Combined with the PLO's withdrawal from Beirut, his election by the Lebanese Parliament had given cause for new hope that Lebanon's wounds could at last begin to heal and that country rediscover its tradition of democracy and prosperity. We took heart from Bashir Gemayel's pledge to dedicate himself to unity, liberty, security, and justice for all Lebanese under a democratic government. Instead, Lebanon's recent tragic history has been compounded by yet another senseless tragedy.

What is imperative now is for all parties in Lebanon to recognize in this latest outrage the absolute futility of further resort to violence. I reiterate my total condemnation of terrorism from any quarter, which offers no solutions to problems in the Middle East. As Bashir Gemayel himself emphasized on the day of his election, force should have no place in resolving disagreements in Lebanon or any other country.

I pray for calm and restraint on all sides, and I hope that, rather than inciting further tension and death, Bashir Gemayel's murder will strengthen the resolve of the people of Lebanon to join together in an historic display of unity, in the interest of peace, democracy, and reconstruction.●

P.P.I.'S, GOODBY!

● Mr. QUAYLE. Mr. President, earlier this month, the Food and Drug Administration quietly rescinded a Carter administration proposal that would have required pharmacists to distribute patient information leaflets for a number of prescription drugs.

While I believe that consumers need to be well-informed about the benefits and potential risks of drugs, this mandatory patient package insert (PPI) program would have borrowed heavily on the regulatory mechanisms commonly associated with the FDA, and would have placed a disproportionate legal and practical burden on our Nation's pharmacists and drug manufacturers.

Drug companies would have been required to not only design and prepare the leaflets, but to deliver them to all the drug distribution centers in the country. Pharmacists would then have been required to see that every consumer received the appropriate leaflet at the time the drug was dispensed. While pharmacists bear part of the responsibility for the education of the public about prescription drugs, the PPI program would have placed an unfair burden on their shoulders.

In fact, the main reason that this program was doomed to fail was that the dispensing of patient information was all to have taken place at the time of the drug purchase, not when the drug was prescribed. A better approach is one which supplies prescribing professionals, doctors, and nurse practitioners or physician assistants, with drug information that can be given to and discussed with patients at the time of prescribing. At this point, the patient is better able to have questions resolved and be informed of correct drug use and expected results. A patient who obtains a PPI at the time of dispensing has already purchased the drug, and will find it more difficult to discuss the information with the prescribing professional.

Now that the PPI program has been scuttled, there are many private sector initiatives underway that will provide more and better information to patients at a greatly reduced cost to the public. Among the new activities are the following:

A group of health professionals, trade groups, and consumer and scientific organizations have joined FDA in forming the National Council on Patient Information and Education. The council will serve to educate patients about their need to know more about the drugs they take, and to urge physicians to provide such advice. Paul Rogers, former chairman of the House of Representatives Subcommittee on Health and the Environment will chair the council.

The American Medical Association will soon begin distributing 20 patient information leaflets through physicians at the time the prescription is written.

The American Association of Retired Persons has begun to include drug information leaflets for its members with prescriptions filled through its mail order pharmacy services.

The U.S. Pharmacopeil Convention (USP) has developed two publications called "About Your Medicines" and "Advice for the Patient," books for consumers on prescription drugs.

Many other such private sector efforts are underway or planned. FDA has established a patient education resources center to collect information about these efforts and to facilitate the exchange of information between parties involved in patient education. In addition, FDA is assisting private efforts by developing a public and health professional campaign that will emphasize doctor-patient relations as well as drug reactions and the proper use of medicines.

These alternative voluntary efforts will result in an effective national patient drug information program. While the PPI program has quietly disappeared, this new voluntary effort should be given visibility, recognition, and praise.●

AMERICAN HOSPITAL ASSOCIATION COMMITTEE FINDS THAT BUDGET CUTS HARM AMERICANS' HEALTH

● Mr. KENNEDY. Mr. President, a special committee of the American Hospital Association on Federal funding of mental health and other health services has recently released its final report on the health impact of budget cuts. The conclusions reached by the special committee, chaired by David M. Kinzer, the president of the Massachusetts Hospital Association, are sobering and deeply disturbing. The committee concluded, "The cuts (in Federal programs) have triggered a much more rapid deterioration in health status than most officials responsible for the cuts are now willing to acknowledge. . . . The most vulnerable segments of our population are being hurt most by the cuts. . . . The country is moving further away from providing a common base of 'health security' for the poor and disadvantaged. . . . A two-tier system consisting of high quality care for private payers and lower quality care for the public payers is emerging."

The report does not limit its examination of the impact of recent budget cuts in Federal programs to health programs narrowly defined. Rather, it analyzes the health consequences of a broad range of Reagan administration policies. For example, the report notes, "Some hospitals have provided evidence that cuts in food stamps and school lunch programs are sending more persons with malnutrition to hospital outpatient departments. The tensions associated with an ailing economy have increased the reported incidence of attempted suicide, traumatic injury and battered children, which has worsened in some areas because of fewer social workers assigned to deal with this problem. In the northern States, cuts in fuel assistance for the elderly were blamed for increases in reported cases of hypothermia last winter."

The report details, program by program, the devastation wrought by the Reagan administration's budget cuts. Cutbacks in AFDC have meant that 200,000 working mothers and their children will lose medicaid eligibility by the end of 1983. One million Americans have been forced off food stamps and 250,000 women and children have had WIC program benefits curtailed.

The report notes that a spokesman for the American Academy of Pediatrics has reported that one-third fewer children are being immunized as a result of higher vaccine costs and Federal budget cutbacks, and that delivery of vaccine would be reduced by "intolerably low levels" if proposed funds for 1983 are not increased.

The report also chronicles the impact of the Reagan administration's economic policies and the resulting record unemployment of the health of Americans. To cite just a few examples:

State mental health centers in Alabama, where the unemployment rate is 16 percent, report an increase in cases of stress. In Selma, a welfare office reported a sharp rise in child neglect cases among out-of-work families. A mental health center worker from Mobile reported increases in patients, in cases of depression, and in domestic problems and commented that he had never seen so many economy-related cases in 30 years of experience.

In the Detroit suburb of Dearborn, the Midwest Health Center reports a 25-percent increase in prescriptions for antidepressant and antianxiety drugs over last year's level. During one recent six-month period, the number of patients requiring psychiatric counseling had risen by 15 to 20 percent.

One of the harshest program changes has been brought about by the administration's handling of the social security disability program. The report observes:

Not only are the reductions across all programs causing hardships, but narrowly interpreted administrative procedures are permitting unjustified benefit denials. A quadraplegic in Utah was denied social security benefits because a medical note indicated she had "increased mobility"—sufficient to roll over on a mat. Meanwhile, although still a quadraplegic, she was deprived of benefits for three months while an appeal was processed. Moreover, obstruction and delays in filing procedures and eligibility decisions aggravate the problem. For example, a man 77 years old with end-stage Alzheimer's Disease in need of nursing home placement was required to produce retroactive bank statements for two years.

In Massachusetts, a man who has spent most of his life in mental institutions recently returned to the community. He lives in a rooming house and is able to get along only with substantial assistance. He remains hostile and has great difficulty relating to people. Moreover, this individual has never learned to read. On October 13, 1981, he received a letter from social security officials stating, "Because of your education, work experience and our evaluation of you, we find you ready to return to work." This man's disability benefits were terminated on November 30, 1981. A legal services lawyer is helping this individual appeal this termination.

These are but a few examples of individuals who are left with no resources and eventually find their way to emergency rooms of general hospitals. The future costs to the health care system—or to the criminal justice system, into which many of these individuals are likely to be diverted—far exceed the costs associated with a more thorough, accurate review of a recipient's disability status.

The report also considers the impact of cutbacks in medicaid and medicare. The conclusion is chilling: A growing deterioration in the quality and availability of health care available to the less well-to-do in our society. The report sounds an ominous note:

Two levels of care based on ability to pay is not only repugnant in itself but is also a betrayal of the implicit promise of the Medicare and Medicaid programs. This is especially true when two levels of clinical care result and not just two levels of amenities. The lower tier in the system is characterized by the lack of a personal physician, patterns of crisis intervention rather than ongoing care, the absence of appointment systems, lower levels of staff and support services, poor physical facilities, and so forth. The upper and lower tiers are most often correlated with higher and lower socioeconomic groups, and their existence is more manifest in urban areas. Medicare recipients with recourse to private resources supplement the gap left by lower levels of reimbursement in public programs. Such supplements may be financed by out-of-pocket payments or purchase of coinsurance.

The reductions in federal funding in response to two consecutive Reagan Administration budgets may promote the emergence of a three-tier system: higher and lower quality of care and the absence of care. The chronic mentally ill and the disabled are most likely to fall into this third tier and to be affected by the absence of care.

The special committee finds that among the foreseeable results of recent funding reduction is a major impending crisis of access to health care. The current policies of the federal government threaten to erode what was at best a fragile balance in the health delivery system as a whole.

The report is not limited to documenting the suffering and harm that has come about as a result of the Reagan administration's policies. The report offers a series of recommendations designed to reverse this dangerous trend. The recommendation include:

No further cuts in Federal funding for health services.

Meaningful reimbursement reforms including prospective payment systems that include all populations.

Community-wide and institutional local planning to ensure that access to cost-effective care exists for all.

Funding for mental health services at parity with other health services.

The report of the AHA's special committee on Federal funding of mental health and other health services is a major contribution to our understanding of the impact of budget cutbacks adopted in the last 2 years. Mr. Kinzer and his colleagues have done the Nation a great service in bringing to the public's attention a careful and informed assessment of the broad-ranging impacts of the cuts. The report is essential reading for all those involved in the development of our national health policy and all those who are concerned with the health and well-being of our citizens.

We have heard reports that the administration is contemplating even further cuts in these vital programs next year. I urge all those in the administration responsible for our human services policy to consider this report carefully before embarking on another series of harmful and shortsighted budget proposals.●

THE CLINCH RIVER BREEDER REACTOR

● Mr. HUMPHREY. Mr. President, yesterday a major debate sponsored by the Heritage Foundation was held in the Longworth Building on whether or not the Clinch River breeder reactor should be funded. Over 120 people attended and the debate was quite lively. Indeed, I only wish the debate could have been held here before the entire Senate.

Even though the Heritage Foundation has come out against Clinch River, the forum was balanced and fair. Making the case for Clinch River was Dr. David Rossin of the Electric Power Research Institute, a long-time proponent of Clinch River who previously worked at Commonwealth Edison of Illinois—the main contracting utility for the project. Joining him was Mr. Gordon Chipman, the breeder program's director at the Department of Energy and man with Hill experience as a technical adviser to Congresswoman MARILYN BOUQUARD on the House Science and Technology Committee.

On the side opposing Clinch River was Republican Congressman VIN WEBER of Minnesota and Dr. Brian G. Chow, a physist and doctor of finance, formerly with the American Enterprise Institute. Dr. Chow authored the American Enterprise Institute study the "Liquid Metal Fast Breeder Reactor: An Economic Analysis," and is now a senior research analyst with Pan Heuristics, a defense and energy research firm based in Los Angeles. Three important points emerged from the debate.

The first of these was that Clinch River will cost far more than DOE's latest estimate of $3.57 billion. Indeed, both sides made it clear that building the reactor is just the beginning. In specific, billions more must yet be spent on the infrastructure necessary to provide Clinch River with the plutonium fuel it needs. Back in 1971 keeping these fuel cycle costs out of the Clinch River estimate seemed sensible; everyone assumed that plutonium fuel and breeders would be so economical that private industry alone could provide these services and make a profit. Yet, both sides agreed that no one yet knew when breeder reactors would be more economical than existing light water reactors. They also agreed that Clinch River meant very little as a breeder demonstration project unless it was immediately fol-

lowed by an even more expensive scaled-up version of the plant, which DOE in fact is now planning to fund for next year.

The second point that surfaced during the debate was that as a demonstration plant, Clinch River might give us hands-on engineering experience relating to its own construction and operation but that advanced breeder research and development—what is needed to devise a more economical breeder—is hardly Clinch River's objective. Indeed, as one exchange made clear, building Clinch River now has as much to do with advancing an economical breeder as building the French Concorde had with advancing an economical supersonic transport: The thing might fly—which no one ever doubted—but this knowledge will not make it any more economical nor provide us with the kind of research and development necessary to design one that is. DOE has a distinct breeder research and development program. It is funded separately from Clinch River at over $300 million a year. It features its own experimental breeder and a new breeder test facility and advanced design data comes from it, not Clinch River.

The last point that the debate raised and upon which both sides agreed, is that more advanced breeder designs than Clinch River are clearly available—one specific one by Westinghouse was discussed. Yet, the proponents of Clinch River argued that Clinch River should still be built to keep DOE's breeder efforts from loosing momentum and to provide insurance against the outside chance that we will need a commercial breeder (even this design) decades before others predict.

As many of you know from my fight last year against Clinch River I find these later arguments most unpersuasive. Of the people now working on Clinch River almost all have engineering and metallurgical skills that could be used more profitably elsewhere. More important, Clinch River and near-term commercial breeders in general are a losing proposition against light water reactors and will remain so for some time.

Dr. Chow did an excellent job in explicating this point in yesterday's debate, Mr. President. The paper he presented at yesterday's debate is both brief and clear in its explanation of the economic problems facing Clinch River. I ask that the complete text of this paper be printed in the RECORD.

The paper follows:

WHY WE SHOULD NOT FUND THE CLINCH RIVER BREEDER REACTOR

(By Brian G. Chow)

Ever since the discovery of nuclear fission in the late 30's, scientists have been fascinated by the idea of a nuclear breeder which offers the potential for an essentially inexhaustible supply of energy. This fascination is at the heart of breeder enthusiasm, although, in time, other arguments have been put forth to support the breeder. However, the timing of the introduction of a new technology is governed more by its economic competitiveness than its abundance. For the same reason, we have not yet massively deployed other inexhaustible or essentially inexhaustible energy resources such as solar energy and seawater uranium.

Until recently, energy planners in the United States and abroad consistently overestimated future nuclear plant capacity and underestimated uranium resources. These estimates, coupled with overoptimistic projection of breeder plant capital and fuel cycle costs, led to the false conclusion that the need for breeders is urgent. It was under such a sense of urgency that, in 1972, President Nixon committed the federal government to build the Clinch River Breeder Reactor (CRBR) as a joint demonstration project with the electric utilities. It was considered then that the breeder would be commercialized as early as the year 1985.[1]

What has happened since 1972? The projection of U.S. nuclear plant capacity installed in the year 2000 has dropped by a factor of seven and that in the year 2020 by a factor of twelve.[2] Nuclear projections in other countries have also declined drastically. Instead of a shortage in uranium supply we now have a glut. It will not disappear soon and the Congress is now deliberating a bill to limit the uranium imports. The glut is caused not only by a reduction in uranium demand resulting from the drastic cutback in nuclear plant construction, but also by an increase in uranium supply. During the last decade, a number of geological settings which contain large economic quantities of uranium have been discovered in various places over the globe. This has greatly expanded the uranium resource base. On the other hand, the estimated reprocessing cost in real terms for the breeder fuel has jumped by a factor of four.[3] The construction cost of a breeder was thought to be $250/kwe [4] more costly than a current reactor (a lightwater reactor (LWR)) and, by the year 2006, the cost will be the same "via the economies of scale associated with a size change, and also via the classical learning effect." [5] In the latest DOE projection, it is apparent that the CRBR design will not bring the breeder construction cost near that of a current reactor—a matured breeder is estimated at $1035/kwe more.[6] In fact, since the CRBR decision in 1972, it is hard to find any key cost component that has changed in the direction more favorable to the breeder.

How do we assess the breeder in light of these significant changes? A commercial breeder will not be economically competitive with the current type reactor even with only a modest improvement of 15 percent in uranium efficiency, until the price rises to $210/lb U_3O_8[7], which is eleven times the current uranium spot price of $18.5/lb U_3O_8[8], and more than twice the $95/lb U_3O_8 figure projected by the Department of Energy's own Energy Information Administration for the year 2020.[9] The breeder is not expected to be economical until after the year 2040 or about sixty years from now. It is far too early to build a breeder demonstrator now.

One very noticeable evidence of the deteriorated breeder economics is the absence of a cost-benefit analysis in the recently released environmental impact statement of the U.S. fast breeder reactor program.[10] In the earlier statements, a cost-benefit analysis was presented and a large breeder benefit was claimed in no uncertain terms. Now, the breeder proponents prefer to argue that the future is uncertain and the breeder option should be developed as soon as possible for insurance purposes. One should note that the fuel cost in an improved lightwater reactor is less than 10 percent of the electricity delivered price for a uranium price of up to $200/lb U_3O_8, and the key advantage of a breeder is savings in fuel cost.[11] Even if the future turns out unexpectedly and extremely favorable to the breeder, the worst that can happen to the consumers is to pay a higher price for the uranium which is only a small component of the electricity price. If we adopt a ten-year delayed breeder demonstration strategy, the consumers, at worst, are to pay an electricity price higher by no more than one percent during the 1982-2050 period.[12] This is hardly unbearable and its probability of occurrence is very low.

Let us evaluate the insurance argument from the perspective of uranium supply adequacy. In the latest EIA forecasts, four nuclear capacity projections are made. Since we are interested in the unlikely event which is most favorable to the breeder, we select the highest projection of the four.[13] By the same token, let us use the domestic reserves and only those resources with 95 percent high confidence; both estimated by the Department of Energy.[14] If the highest projected nuclear capacity is exclusively supported by the light-water reactors with improvements but without breeders, we still have enough uranium to supply the lifetime requirement of all these reactors built on or before the year 2030. Therefore, there is no urgency now to build the CRBR even for insurance purposes. Let me emphasize that we have not yet included those probable resources of lower confidence level nor those possible and speculative resources of any confidence level. In fact, if the DOE's estimated mean or expected amount of uranium, instead of the high confident amount, is assumed to be available, we have enough uranium to suport even DOE's highest projected nuclear capacity without breeder participation until the year 2055.

Moreover, the taxpayers would have to pay well beyond the additional $2.3 billion to complete the CRBR. First, pioneer energy projects are prone to cost overruns.[15] Second, we will not be asked to support the CRBR alone. Fund requests for a large breeder demonstrator as a CRBR follow-on have already appeared in the FY 1984 budget proposal. We will be told to support the reprocessing, fabrication and other breeder fuel cycle facilities. We will be told that we will need all these and more in order to have in place the infrastructure of engineering, industrial and licensing experience. Since the economic breeder will not appear until far into the future, to support the breeder program as proposed by the breeder proponents will cost us handsomely and indefinitely. The total cost will likely be closer to $10 billion than to $2.3 billion. There exist more cost-effective investments such as research, development and demonstrations of improvements in the present type reactors. Because some of these improvements are retrofittable and all are based on existing reactor technology, they will penetrate the market faster than the breeder, and produce larger and quicker electricity cost savings. It is important to note that opposition to the CRBR in no way implies opposition to nuclear energy in gen-

[1] Footnotes at end of article.

eral. It seems that at present the nuclear market is so blight that the nuclear industry fears that saying anything against its long-endorsed reprocessing and breeder would put the nuclear market in further jeopardy. Quite the contrary, concentrating our resources on the improvements of current reactors which are in trouble and in need of reviving would help the nuclear industry much more than expanding our efforts on the uneconomical breeder.

Most of the breeder demonstrators and associated facilities in various countries were planned when breeder economics was anticipated to be favorable. Since substantial investments were made, an alliance was formed among groups with vested interests—some people from the nuclear industry, utilities, bureaucracy, and politics. They will continue to advocate the breeder program. But their momentum is being slowed by reality. In fact, even the French, who are the most ardent breeder supporters, no longer expect their breeder to be economical. Using France's own estimate of the plant capital cost of their "target" commercial breeder,[16] we found that it still will not be economically competitive with a 15 percent-improved light-water reactor[17] until the uranium price reaches about $300/lb U_3O_8, sixteen times the current uranium spot price and three times the EIA's projected price for the year 2020.

In sum, the CRBR was committed a decade ago under a false sense of urgency—that the uranium would soon be running out, and that the breeder construction cost would be brought down to close to that of the light-water reactor or that the uranium price would be so high that even a breeder with a substantial higher construction cost would still produce electricity at a cost no higher than that of a light-water reactor. None of these turns out to be the case. Breeder reactors based on the CRBR design will not be economical even after many units are built. Lately, Westinghouse and Burns and Roe, Inc. have proposed a new design which is drastically different from that of the CRBR, so as to have the potential of reducing significantly the breeder construction cost.[18] Whether such a design is workable remains to be seen. The message, however, is clear. We must seek alternative designs to produce an eventual economic breeder. The CRBR demonstrator cannot test these designs. For example, the Westinghouse/Burns new design calls for sodium pipe bellows, individual containment cells, primary piping nozzles in the deck instead of at the reactor vessel. Obviously, these design changes cannot be made or tested in CRBR. It is simply premature to build a demonstrator when the design remains to be determined. Other countries with breeder programs are facing the same problem. Factors affecting breeder economics have fundamentally changed over the last ten years. We have no choice but to alter our planned programs accordingly. If we proceed along the old path, the CRBR project and other breeder related projects will cost us dearly year after year for a long period of time. And, they will divert our resources from more worthy projects, such as the improvements of current nuclear reactors, and the testing of new designs and components that would have a chance leading to an economical and desirable breeder.●

FOOTNOTES

[1] U.S. Atomic Energy Commission, Proposed Final Environment Statement, Liquid Metal Fast Breeder Reactor Program, WASH-1535, (December 1974), Vol. 4, p. 11.2-33.

[2] Ibid., p. 11.2-113 and Energy Information Administration, Department of Energy, 1981 Annual Report to Congress, Volume 3: Energy Projections, February 1982, p. 110.

[3] U.S. Atomic Energy Commission, Proposed Final Statement, op. cit., p. 11.2-97, and U.S. Department of Energy, Nuclear Proliferation and Civilian Nuclear Power, Report of the Nonproliferation Alternative Systems Assessment Program, Volume 5, June 1980, p. 77.

[4] All figures here have been expressed in first quarter 1982 dollars by GNP implicit price deflator, unless explicity stated otherwise.

[5] U.S. Energy Research and Development Administration, Final Environmental Statement, Liquid Metal Fast Breeder Reactor Program, ERDA-1535, ERDA, Washington, D.C., December 1975, p. III, F-52.

[6] Energy Information Administration, Department of Energy, 1980 Annual Report to Congress, Volume 3: Forecasts, p. 287. The capital costs have been normalized to a 70 percent capacity factor.

[7] Brian G. Chow, "Reprocessing: An Uneconomic and Risky Venture," prepared testimony before the Subcommittee on International Economic Policy and Trade and the Subcommittee on International Security and Scientific Affairs, of the Committee on Foreign Affairs, August 10, 1982, p. 6.

[8] Nukem's uranium price (August 1982) is $18 to $19/lb U_3O_8 in current dollars. Nuclear Fuel, August 16, 1982, p. 13.

[9] Energy Information Administration, Department of Energy, 1980 Annual Report to Congress, op. cit., p. 177.

[10] U.S. Department of Energy, Final Environment Impact Statement, Liquid Metal Fast Breeder Reactor's Program, DOE/EIS-0085-FS, May 1982.

[11] The breeder's fuel cycle cost, however, is by means low because of reprocessing cost and much higher fabrication cost.

[12] More precisely, this is less than one percent of the total lifetime electricity delivered and discounted cost for all electricity generating power plants coming on line during the 1982-2050 period. Brian G. Chow, Timing of Breeder Demonstrations: An Economic Analysis, (Marina del Rey, California: Pan Heuristics, R&D Associates), prepared for the U.S. Arms Control and Disarmament Agency, March 16, 1981, p. 1.

[13] Energy Information Administration, 1981 Report, op. cit., Vol. 3., p. 110.

[14] Department of Energy, "Statistical Data of the Uranium Industry," GJO-100(81), January 1, 1981. Uranium is classified into two categories—reserves and resources. The resources are further classified into probable, possible and speculative resources. The 95th percentile implies a 95 percent confidence in the existence of at least the amount shown.

[15] These projects average 100 percent cost overruns. Edward W. Merrow, Kenneth E. Phillips and Christopher W. Myers, Understanding Cost Growth and Performance Shortfalls in Pioneer Process Plants (Santa Monica: Rand Corporation), 1981.

[16] "Fast Reactor Hearings for European Politicians," Nuclear News, February 1980, p. 45.

[17] In the current once-through mode where the fuel is used only once.

[18] W. H. Arnold, General Manager, Advanced Reactor Division and J. E. Sharbaugh, Fellow Engineer, of Westinghouse Electric Corporation, and W. H. Young, Vice President and C. S. Ehrman, Manager, Advanced Breeder Development, of Breeder Reactors Division, Burns and Roe, Inc., "Approach to Achieve Competitive LMFBR Capital Cost," 1982.

THE SECRETARY OF ENERGY'S ANNUAL REPORT TO CONGRESS: AN ADMISSION OF FAILURE

● Mr. KENNEDY. Mr. President, the Department of Energy has just released the Secretary's annual report to Congress for 1982. The report contains a number of disturbing indications of the administration's dangerous and unwise approach to our vital national energy concerns. I want to bring to my colleagues' attention several of the most troublesome aspects of this report.

EMERGENCY PREPAREDNESS

The report demonstrates once again the administration's refusal to take even the most minimal steps to protect the Nation from sudden and unanticipated shortages or cutoffs of energy supplies. The veto of the Standby Petroleum Allocation Act and the failure to provide an adequate fill rate for the Strategic Petroleum Reserve leave America dangerously vulnerable to disruptions of imported energy supplies. In place of careful planning, the administration offers only a blind faith that the market will somehow respond to serious shortages. At the same time, the report belittles the national consensus in favor of energy independence that has characterized the policy of the preceding three administrations—two Republican and one Democratic.

CONSERVATION

The report reaffirms the administration's indifference to energy conservation. The report observes "there is little need for Federal participation beyond helping to insure that the marketplace provides realistic price signals to energy consumers." This unwise and shortsighted policy is embodied in the administration's budget request for conservation for 1983, which slashes conservation funding by 85 percent, in effect, dismantling support for conservation.

Federal conservation programs for the elderly, for low-income individuals, for business and industry have played a vital role in reducing our dependence on foreign oil. Conservation remains the most cost-effective source of energy. The administration's cavalier indifference to these vital activities will have serious consequences for all Americans.

RENEWABLE ENERGY

The report documents in glaring details the administration's abandonment of essential support for renewable energy research and development. In the past several years, the United States had begun to take the critical first steps toward exploiting the vast potential of safe, environmentally sound and cost-effective renewable energy—Sun, wind, ocean, and thermal energy and biomass. Now the administration proposes to turn back the clock with funding reductions of up to 97 percent.

Renewable energy is the hope of our future. America's economic competitors are already moving forward aggressively in this area. The question is not whether we will tap this promising source of energy but when. We can ill afford the administration's failure to pursue this critical area of research and development.

NUCLEAR ENERGY

Nowhere is the imbalance in our national energy program more apparent than a comparison of the administra-

tion's budgetary plans for nuclear energy as compared with conservation and renewable energy. At the same time the administration proposes slashing conservation and renewable energy by 80 to 97 percent, the administration continues to propose massive funding for nuclear energy—topping $1 billion next year—including such wasteful white elephants as the Clinch River breeder reactor.

There remain serious questions which must be answered concerning reactor safety, nuclear proliferation, and waste management and disposal. Heedless policies of "hurry up" will do little to solve our Nation's energy needs, and could imperil the health and safety of our citizens.

NATURAL GAS DECONTROL

Despite the clear concerns expressed by Members of Congress of both parties, the report renews the administration's call for accelerated decontrol of natural gas—including old gas. The report ignores the devastating impact of accelerated decontrol—on inflation, on unemployment, on economic growth, and on the well-being of American consumers, particularly the elderly and the poor—while blandly asserting that "the law needs to be changed" and "all gas should be decontrolled."

The National Gas Policy Act of 1978 reflects a careful compromise designed to permit gradual decontrol while protecting the American economy and consumers from unwarranted, disruptive price hikes that would bring windfalls to a privileged few and hardship to millions. The administration should put the interests of the American people first and abandon its harmful pursuit of accelerated natural gas decontrol.

These are only a few of the more troublesome aspects of the Secretary's report. Symptomatic of the administration's rigid, counterproductive energy policies is its continued support for dismantling DOE—which, as GAO and others have concluded, would not produce cost savings—and would further cripple our efforts to develop a coherent energy policy.

Members of Congress and the American people would do well to examine the Secretary's report closely. It demonstrates vividly the total failure of this administration to develop an energy policy that would assure the Nation safe, enviromentally sound energy at a reasonable price, that would protect the most vulnerable in our society and preserve the Nation's security.●

PHILADELPHIA CITY COUNCIL SUPPORTS EXPORT TRADING COMPANY LEGISLATION

● Mr. HEINZ. Mr. President, I was pleased to note recently that the Philadelphia City Council on July 29 adopted a resolution in support of the Export Trading Company legislation (S. 734) now in conference with the House, and commending the Philadelphia Industrial Development Corp. and the Philadelphia Port Corp. for their efforts to set up such a company for small- and medium-sized business in the area.

Such action is typical of the forwardlooking attitudes of the PIDC and the port and their awareness of the potential increased exports hold for the vitality of the Port of Philadelphia and the strength of the regional economy. As a result, the enactment of this legislation will have a near-term positive impact on a major trade and industrial center in the Northeast.

Mr. President, I commend the city council, the PIDC and the port for their foresight in this regard, and I ask that the text of the resolution be printed in the RECORD.

RESOLUTION No. 867

Memorializing President Ronald Reagan and the Congress of the United States to support pending legislation enabling the creation of export Trading Companies and commending the Philadelphia Industrial Development Corporation and Philadelphia Port Corporation for developing plans for implementing an Export Trading Company for small and medium businesses in the Greater Philadelphia area.

Whereas, Current federal policy developed in the 1930's is restrictive toward world trade and does not reflect the economic realities of international markets of today, resulting in hampering United States companies and businesses in competing in the expanding world-wide markets; and,

Whereas, Current legislation is pending before Congress which would remove the restrictive barriers, thereby assisting small and medium businesses in entering the international markets; and,

Whereas, Small businesses account for nearly nine out of ten employees in Philadelphia and, given the opportunity to participate in world markets, could spark the greatest economic growth for the area in the past several decades, and simultaneously aid our struggling port business; and,

Whereas, The Philadelphia Industrial Development Corporation and the Philadelphia Port Corporation has foreseen this tremendous economic potential, and has begun developing plans for implementing an Export Trading Company in anticipation of federal legislation which will enable the Philadelphia area to be one of the leaders in this area and enhance our competition in the world market; therefore,

Resolved, by the Council of the City of Philadelphia, That we hereby memorialize President Ronald Reagan and the Congress of the United States to promptly support legislation enabling the creation of Export Trading Companies; and further,

Resolved, That the Council of the City of Philadelphia commend and support the joint activities of the Philadelphia Industrial Development Corporation and Philadelphia Port Corporation toward developing plans for the implementation of an Export Trading Company for small and medium businesses.

Resolved, That certified copies of this Resolution be forwarded to President Ronald Reagan, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, the United States Senators representing the Commonwealth of Pennsylvania, and the members of the Congressional Delegation from Pennsylvania, the Board Members and Directors of the Philadelphia Industrial Development Corporation and Philadelphia Port Corporation, as evidence of the sentiments of this legislative body.●

FIFRA REAUTHORIZATION BILL UNACCEPTABLE

● Mr CRANSTON. Mr. President, today the Senate Agriculture Committee ordered reported legislation (H.R. 5203) to reauthorize the Federal Insecticide, Fungicide, and Rodenticide Act with amendments to section 24(a) of the act. I am opposed to the changes approved by the committee.

Under current law, section 24(a) permits States to place more stringent regulations on the sale or use of federally registered pesticides and to have access to pesticide companies' data on how pesticides affect human health and the environment in making such determinations. California more than any other State has taken advantage of this provision in the law.

More importantly, California's requests for information beyond that reviewed by the Environmental Protection Agency have resulted in the State's identifying pesticide problems peculiar to local conditions and have enabled the State to develop additional pesticide use guidelines to protect the public or deny pesticide registration altogether when justified. The program has worked very well. In fact, there have been numerous instances in which California has taken action well ahead of the Federal Government to cancel registrations of chemicals subsequently found by EPA to pose unacceptable public health and safety risks. For example, California restricted, then phased out, most uses of DDD and DDT in the late 1960's because of residue problems and environmental persistence. EPA did not cancel these chemical until 1972. Again with DBCP the State of California acted first—suspending registration in 1977 when problems of infertility of manufacturing plant workers and California applicators were discovered. Subsequently the State discovered that DBCP presented a groundwater contamination problem as well.

EPA suspended DBCP 3 years later, with the action based almost entirely on California's findings.

The State's access to chemical companies data has been essential in making complete evaluations of pesticides. Under existing law, a chemical company can go to court if it feels that a State's request for data is arbitrary, capricious, or unfair. H.R. 5203 as approved by the Senate Agriculture Committee, however, shifts the

burden to the State to demonstrate that it has a concern about a pesticide. I think that the burden should remain on the companies to show that a pesticide is safe. It is totally unreasonable to require a State seeking additional data on the health and safety of a pesticide to show that a special local concern about the chemical is based on signfiicant factual information when it is the factual information the State is requesting from the chemical company. The committee approved bill sets up a catch 22 situation by requiring the State to show that its concern is based on data in order to obtain chemical company data. Moreover, a State should not be required to register a pesticide for conditional use when it has reason to question the sufficiency of the data submitted and seeks additional information. Such a requirement erodes the States ability to regulate pesticide use to insure public health and safety and adequately protect fish and wildlife.

These are just a few of my objections to the committee approved amendments to section 24(a) of FIFRA. I urge my colleagues to take a close look at the bill with these concerns in mind.●

DISSOLUTION OF MOSCOW HELSINKI MONITORING GROUP

● Mr. LEAHY. Mr. President, it was with great regret that I learned on September 8 that the Moscow Helsinki group—that small, brave group of human rights activists in the Soviet Union—has decided to cease its long, valiant struggle against official repression and has announced its dissolution. With most of its members jailed, exiled, or subjected to constant harassment, the remaining members have decided they cannot go on attempting to draw attention to Soviet Government abuses of its solemn commitments under the Helsinki Final Act of the Conference on Security and Cooperation in Europe. According to Elena Bonner, wife of Andrei Sakharov and one of only three Moscow Helsinki monitors still at liberty, the few remaining activists feared that their fellows in prison would have their sentences extended if the group continued its activities.

I would like at this time to describe the fate of one imprisoned member of the Moscow Helsinki group, Dr. Leonard Ternovsky, whose particular contribution to the human rights struggle was in exposing the use of psychiatry in the Soviet Union for political purposes. Dr. Ternovsky, a radiologist, had signed many documents in defense of political prisoners, particularly concerning Vladimir Bukovsky and others who had been confined to psychiatric hospitals for their political activities. As a result, Ternovsky soon found himself the target of KGB harassment and threats that he would be liable to legal prosecution if he did not cease his human rights activities.

After Aleksandr Podrabinek's arrest for his exposé of the Soviet abuse of psychiatry, "Punitive Medicine," Ternovosky joined the working commission to investigate the use of psychiatry for political purposes. Following a show trial in December 1980, Ternovsky was sentenced to 3 years in a general regime camp for "anti-Soviet slander." Dr. Ternovsky is married and has one daughter.

Mr. President, this tiny band of people has suffered enormously for daring to demand of their government that it accord to its citizens the most elemental human rights, and the names of some of them have become famous for unwavering courage and determination: Andrei Sakharov, in internal exile; Yuri Orlov and Anatoly Shcharansky, imprisoned in a labor camp reportedly under the most inhumane conditions; Pyotr Grigorenko and Vladimir Bukovsky, now in refuge in the West.

The dissolution of the Moscow Helsinki monitoring group follows soon after several other disturbing developments behind the iron curtain: the drastic limitation on telephone service between the Soviet Union and the free world, the suppression of the independent peace movement in Moscow, and a general upsurge in repression of religious and political dissenters.

The record of the Soviet Union regarding compliance with the human rights provisions of the Helsinki Final Act is shameful and is an indictment of the Soviet legal system. The record of its eastern European satellites is little better. Having signed the Helsinki Final Act, Moscow cannot claim foreign protests are interference in the internal affairs of the Soviet Union. We must continue to speak out against Soviet treatment of its citizens with such brutality, contempt, and fear. That is the ultimate irony: The Soviet Government and Communist Party is afraid of this handful of people, of what they might inspire in the Soviet people, afraid that, like the Polish people, the Russian people also may one day refuse to accept the dictates of the Communist Party. As a Commissioner of the U.S. Commission on Security and Cooperation in Europe, the government body charged by law with monitoring compliance with the Helsinki Final Act, I feel that the upcoming deliberations of the CSCE Review Conference in Madrid will be negatively affected by the deliberate Soviet flouting of its Helsinki pledges.

Mr. President, I ask the Members of the Senate to join me in paying tribute to the members of the Moscow Helsinki group—those in exile, those in prison or labor camp, those confined in psychiatric wards under an especially horrible kind of imprisonment, and those clinging to a precarious liberty which may be ended at any moment. These people have written a chapter of Soviet history Russians will some day look back upon with pride and wonderment.●

PROMPT PAYMENT REQUIREMENTS FOR THE FEDERAL GOVERNMENT

● Mr. PRYOR. Mr. President, after a great deal of dedicated work by people in small business, interested coalitions, and concerned Members of Congress, the Government will soon be required by law to meet a simple but nevertheless crucial standard: To pay its bills on time or pay interest on those overdue bills.

Prompt payments legislation, which I cosponsored, passed Congress earlier this year and has now been signed by the President. This important law will take effect October 1; responsible payment of Government debt is at hand.

The significance of this law cannot be overemphasized. In uncertain economic times such as these, it has too often been "business suicide" to contract with the Federal Government. A high rate of late payments on Government contracts has often forced businesses—in order to meet their own financial obligations—to put off creditors, to go into the market to borrow money at high rates of interest, or to simply refrain from doing business with the U.S. Government. None of these alternatives is acceptable.

This new law, however, will help business and help Government. It will make it possible and feasible for businesses to solicit and, more important, depend on business with the Government. As a result, competition for Government contracts should increase, causing a drop in prices for the goods and services for which the Government contracts. This would also give the taxpayer a greater return on tax dollars.

On August 25 the Office of Management and Budget published regulations to serve as guidelines for the various Federal agencies as they begin using these improved payment procedures. These regulations are specific and their message is clear: Pay the bills or pay the interest. The choice—particularly in light of budget cuts to Federal agencies—should be obvious. The Government cannot afford not to pay its bills on time.

This is but a single step among the many which must be made in the crusade to give businesses—especially small businesses—the simple right not to be abused by their own Government. Our country owes much to family businesses, to entrepreneurs, and to others who have taken on the difficult challenge of achieving productive business existence. These dedi-

cated people offer hope and inspiration to us, but they need Government's support if they are to survive and prosper.

From this point forward, we must demand the highest standard of business performance from the Government as it conducts its day-to-day business affairs. For if citizens cannot look to the U.S. Government to honor its debts and obligations, where can they look?

I will continue to work for the good of those who seek to secure a place for themselves in the marketplace. There is a great deal of reform and progress to be made—and no time to waste.●

TAIWAN

● Mr. GOLDWATER. Mr. President, a lot of what we westerners call hocuspocus or, in other words, hokey-pokey, took place in the President's reluctant recognition of the endeavors of the State Department for him to forgo responsibilities to Taiwan. One of the leaders in this movement was Mr. Richard Holbrooke, high in the echelons of the State Department, who has, repeatedly throughout his professional life, shown a complete dislike of Taiwan.

Ray Cline, a former CIA member and station chief in Taipei, has written an article on Mr. Holbrooke's activities, at least in a partial way, and I ask that it be printed in the RECORD.

The article follows:

NO WONDER HOLBROOKE IS SO FULL OF GLEE

(By Ray S. Cline)

In a long, unctuous article, Jimmy Carter's assistant secretary of state, Richard Holbrooke, patronizingly lauds President Reagan for "promising to reduce arms sales to Taiwan" ["A Laudable Flip-Flop on Taiwan," Outlook, Aug. 22]. Well, he should! He wishes he could have done it himself.

Holbrooke is the trendy young thinker of the later 1960s who persuaded Carter and Zbigniew Brzezinski to woo Peking by withdrawing U.S. defense treaty security guarantees from the 18 million Chinese people of Taiwan. Holbroooke can hardly conceal his glee at the picture of President Reagan, a sincere friend of Free China, finishing off the job Carter started in 1978. Holbrooke points out that Reagan meant to make "no change whatsoever" in his China policy by issuing the White House communique of Aug. 17, 1982, but asserts flatly that Reagan did "back down" from 1980 campaign promises and has, in fact, "changed U.S. policy." Holbrooke endorses this sacrifice of long-term principle to short-term political expediency and diplomatic double-talk.

If the words in Reagan's communique mean anything, they go a long way toward undermining the security of the Chinese people of Taiwan. They do not want their open society and prosperous economy to become part of the one-party dictatorship of the People's Republic. They will fight to prevent it. All they want is American arms to defend themselves.

All Peking's leaders want is Taiwan, a juicy geostrategic and economic plum. They have demanded that American sales of arms to defend Taiwan's freedom be stopped so Taipei will be powerless to resist Communist rule. Holbrooke claims giving in to Peking will bring the "development of common strategic and political interests" between the United States and Communist China. This claim is nonsense.

The PRC leaders routinely attack the United States as a hegemonistic superpower scarcely different from the Soviet Union, except that it is worse ideologically and weaker in arms and will. In 10 months of eyeball-to-eyeball negotiation, they never offered to do anything in the American interest. They simply threatened over and over to denounce Reagan and distance themselves further diplomatically from the United States. The White House, under State Department pressures, finally caved in, calling it a compromise. Actually, all the concessions were made by Washington at Taipei's expense. This kind of diplomacy is a sure recipe for inviting more blackmail.

Ronald Reagan as a candidate denounced Carter's sellout to Peking. He also wholeheartedly endorsed the Taiwan Relations Act of 1979 to provide arms "as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." He steadfastly declares he still does.

Most Asians, however—in fact, many Americans and most of our allies—are likely to think instead, as Holbrooke does, that the mighty United States has kowtowed to Communist China to keep up a pleasant relationship, as Carter had done before. The fuzzwords of the communiqué are openly interpreted in Peking as proving the United States has tacitly accepted Peking's claimed right to govern Taiwan. What the world sees is a tilt toward Communist dictatorship—against a free economic and political system.

Unlike Holbrooke, a lot of people are against that kind of tilt. President Reagan repeatedly says he is against it, too. He must be startled at getting applause from such an unlikely political bedfellow.●

NATIONAL COORDINATING COUNCIL

● Mr. DODD. Mr. President, I am pleased to cosponsor S. 2421, a bill introduced by Senator GLENN to establish a National Coordinating Council on Technical, Engineering, and Scientific Manpower and Education.

I believe that this bill, coupled with S. 2909, the legislation I am introducing today to improve the skills of secondary school mathematics and science teachers will go a long way toward meeting the Nation's future technological needs.

The National Coordinating Council would identify national manpower and educational needs, determine the national shortage of professional engineers, define goals, and recommend ways that deficiencies can be corrected. The Council would be established within the National Science Foundation, reporting directly to the National Science Board and preparing an annual report to the Congress.

A special 5-year engineering and scientific manpower and educational fund would be established in order to finance the Council's plans and recommendations. Moneys for grants expended from the fund would be matched with private or public sector funds. This insures that the Federal Government would not contribute more than 50 percent of the expenditures.

Almost every day there is evidence that the United States is not keeping pace with other industrialized countries—such as Japan and West Germany—in technological advances, breakthroughs in scientific research, and development of new services resulting from advances in applied research. With drastically reduced Federal funding in education and research it is highly unlikely that the United States will continue to be the foremost contender in worldwide competition in these vital areas.

According to the National Science Foundation report, "Science and Engineering Education for the 1980's and Beyond," the U.S. educational system is not mandating sufficient science or mathematics courses to meet the future technological needs of our society. By contrast, Japan, Russia, and West Germany are continuing to place far greater emphasis on these areas.

Although I have always been very proud of the advances made in education in my home State of Connecticut, I was most disturbed by the following statement from Senator GLENN's introductory remarks in the April 22 RECORD:

> In the State of Connecticut last year, there were no graduates produced that were equipped to teach high school science.

This is not a State or regional problem, but a national problem that demands our immediate attention.

In a survey conducted of 600 colleges and universities that offered teacher training programs, the National Science Teachers Association reported a 77-percent decline in the number of mathematics teachers and 65-percent decline in the number of science teachers adequately trained to teach in secondary schools. With the decline in the number of qualified teachers and the decline in the number of qualified persons going into teaching in these areas, there has been a 68-percent reduction in newly employed science teachers and an 80-percent reduction in newly employed mathematics teachers since 1971.

At the same time, there are currently few incentives for students to continue studies in science, health, or engineering when reductions in support have contributed to obsolete labs, inadequate resources, materials, equipment and supplies. Last year's budget cuts eliminated all primary and secondary school science programs of the National Science Foundation. Dr. Frank Press, president of the National Academy of Sciences, has warned "that the United States is in danger of

raising a new generation of Americans that is scientifically illiterate."

In addition, there is a growing national concern over the increasing university faculty shortages in the areas of computer science and engineering. Universities cannot compete with benefits offered by the many successful private industrial companies. As a result, many faculty members are pursuing careers within the private industrial sector. The commercialization of the academic community has become a new "brain drain."

Mr. President, recent advances in our Nation's scientific and technological capability must be sustained. For example, applications of basic research in molecular biology and genetics offer the promise of new chemical processes for industry, improvement in agriculture, as well as drugs to treat human diseases such as interferon for cancer therapy.

Major technological breakthroughs in microelectronics are leading to an explosion of new knowledge and uses of computers for our Nation's expanding informations and communications industries for defense.

Unless our country's critical needs for scientific and engineering manpower are met, these important efforts which contribute significantly to our Nation's productive capacity would be seriously jeopardized. It is therefore imperative that the necessary foundations in education be provided if we are to continue to make major progress in these important areas.

Mr. President, I strongly urge my colleagues to join me in support of this important legislation.●

FREEZE VICTORY IN WISCONSIN

● Mr. KENNEDY. Mr. President, I would like to bring the attention of my colleagues to the overwhelming victory that was won by supporters of the nuclear freeze in the State of Wisconsin on September 14, 1982. The nuclear freeze was on the State ballot in yesterday's primary election in Wisconsin, and it won by a resounding 76 percent. In addition, many analysts have attributed yesterday's record high turnout of primary voters in Madison and Milwaukee to widespread support of the nuclear freeze.

Yesterday's vote was truly an historic achievement, a major milestone in the nationwide grassroots campaign to prevent nuclear war. Over the past year hundreds of town meetings, city councils, and State legislatures have added their voices to the nationwide call to halt the nuclear arms race. This popular demand for a freeze has produced referendums on seven different State ballots for the 1982 fall elections. Aside from Wisconsin, freeze referendums will be on the ballot in Arizona, California, New Jersey, Rhode Island, Oregon, Michigan, and Montana. The nuclear weapons freeze will also be on the ballot of the District of Columbia and in over 15 cities and counties across the United States. In all, over one-quarter of the American population will be considering freeze resolutions in this fall's elections.

Yesterday the people of Wisconsin sent a message to Washington and to the world: Enough is enough! Stop the nuclear arms race before it stops the human race. In November, the message will be heard even louder and more clearly.●

MOSCOW HELSINKI GROUP DISBANDS

● Mr. LEVIN. Mr. President, last week on Wednesday, September 8, we received the disturbing and disheartening news that the Moscow Helsinki Group had been forced to disband.

The disbandment marks an end to 6 years of diligent and courageous efforts to monitor human rights transgressions in the Soviet Union. The self-styled "Public Group to Promote Observance of the Helsinki Agreements in the U.S.S.R." was founded by Yuri Orlov in May 1976, just 10 months after the signing of the Helsinki Final Act. In the late 1970's, the group was in its prime. It spearheaded a focused and well-orchestrated campaign to follow and report violations of the human rights provisions of the Helsinki accords and it provided the West with 194 documents detailing their findings.

But almost from the beginning, Soviet authorities waged a war of attrition against the tiny band of 17 dissidents. In 1978, Yuri Orlov was sentenced to 7 years in a labor camp and 5 years in internal exile. Many others, including Anatoly Shcharansky and Vladimir Slepak, are now serving terms in labor camps or internal exile. The systematic punitive measures taken by the Soviets whittled away at the group until they were reduced to only three active members, Yelena Bonner, Andrei Sakharov's wife, Naum Meiman, a 70-year-old physicist barred from emigrating, and Sofia Kalistratova, a retired 75-year-old lawyer. The war was expanded to the satellite groups in the Soviet republics of Armenia, Georgia, Lithuania, and the Ukraine where most members have been jailed.

The Soviets inflicted the final assault last Monday, September 6, when the KGB threatened to prosecute Sofia Kalistratova for "circulation of fabrications * * * which defame the Soviet state and social system." That threat coupled with threats of doubling the sentences of imprisoned members forced Ms. Bonner to issue the group's final statement, Document 195, which announced the disbandment. Document 195 concludes with the explanation, "In these circumstances the group cannot fulfill the duties it assumed, and under the pressure of the authorities is obliged to terminate its work."

I am genuinely saddened to see this handful of exceptional individuals wrested away from their human rights objectives. That they were able to persevere as long as they did is extraordinary and commendable. Monitoring a government known for its disrespect for human rights, and for its practices of persecution and repression, made their task especially difficult and dangerous.

History will remember the members of Moscow's Helsinki Group as valiant human rights activists who persisted in pursuing their goals in the face of tremendous adversity and who were able thereby to advance the cause of human rights.●

CARRIER ALERT PROGRAM

● Mr. PRYOR. Mr. President, I offer my praise to the U.S. Postal Service and the National Association of Letter Carriers for the initiation of the carrier alert program.

Under the carrier alert program, local sponsoring social service agencies such as the United Way, the Administration on Aging, and the American Red Cross will notify local post offices of customers who wish to participate in the program. The customer's letter carrier, in performing his or her daily rounds, will then be alerted to any unexplained accumulation of mail which might signify a sudden illness or accident. Through locally developed procedures, the incidence of accumulation of mail will be reported to the local social service agency for appropriate followup.

An outstanding feature of "Carrier Alert" is that it is an all volunteer program. It is also a natural extension of the care which individual letter carriers traditionally have displayed to their customers—not in just the delivery of their mail—but in their concern for their well-being. I am certain we all have heard stories of letter carriers risking their lives to save the lives of others—to save a child in a blazing building, to rescue a drowning swimmer, to provide first aid to a victim of an automobile accident. Over the years thousands of letter carriers have performed such tasks. This program will be a joint effort of management and labor of the U.S. Postal Service to maximize the positive effects of such Good Samaritan acts.

Mr. President, this nationwide effort which will engage our mail carriers in this truly humanitarian and public spirited effort comes at a most noteworthy period in our history. It is a time when America's population, 60 years and over, is increasing by three-

fourths of a million persons every 12 months. While their number is increasing by leaps and bounds, the longevity of such aged individuals is increasing as well. Carrier Alert is especially meaningful in that its target group is the elderly and the handicapped who are homebound.

Persons of advanced age are more likely to be in poor health or unable to fully cope with some daily activities. Many of these individuals also live their lives in oppressive loneliness. People age 65 and over who are living alone in their own homes number well above 7 million, and 80 percent of them are women. Over half of these elderly are over the age of 75, and of the women living alone 80 percent are widowed.

To these homebound elderly people and to the handicapped of all ages, Carrier Alert will bring some degree of reassurance into their lives, as well as a comforting sense of not being all alone.

Mr. President, I wish the U.S. Postal Service and the National Letter Carriers success in this undertaking and I ask my colleagues to join with me in commending them for their effort.●

ORDER FOR RECOGNITION OF SENATOR NUNN TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that after recognition of the two leaders under the standing order tomorrow, the Senator from Georgia (Mr. NUNN) be recognized on special order for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONFIRMATION OF NOMINATION OF HERBERT M. RUTHERFORD III

Mr. WARNER. Mr. President, I rise in support of the President's nomination of Herbert M. Rutherford III, to serve as the U.S. marshal for the eastern district of Virginia.

Mr. Rutherford, who is now serving as a deputy U.S. marshal, stood high among the several persons recommended to the President.

He has a proven record of accomplishments in law enforcement and personal security—an essential requirement for this important post. In his military service, Herb served in the Military Police Corps; later he was selected to be an adviser to the National Police Field Force.

A graduate of the FBI Academy, he has served as deputy marshal for the District of Columbia and as an inspector for the Fourth Judicial Circuit in Richmond, Va. Deputy Rutherford previously served as the chief deputy marshal for the northern district of Ohio and currently is the chief deputy marshal for the district of New Jersey.

Herbert Rutherford has specialized training in hostage negotiations, gambling technology, judicial security, and special operations group training.

He is a family man with roots in Virginia through his marriage.

Deputy Marshal Rutherford's record of experience and performance make him an outstanding candidate for the position of U.S. marshal. I urge my colleagues to support this nomination.

Mr. BAKER. Mr. President, I see no other Senator seeking recognition.

May I inquire of the minority leader if he has any further business to transact?

Mr. ROBERT C. BYRD. Mr. President, I have nothing. I thank the distinguished majority leader for his customary courtesy.

Mr. BAKER. Mr. President, I have one further matter.

ORDER EXTENDING TIME FOR BUDGET COMMITTEE TO REPORT SENATE RESOLUTION 447

Mr. BAKER. Mr. President, I ask unanimous consent that the Budget Committee have until the close of business tomorrow to report Senate Resolution 447.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I move, in accordance with the order previously entered, that the Senate stand in recess until 9:30 a.m. tomorrow.

The motion was agreed to; and at 6:01 p.m., the Senate recessed until tomorrow, Thursday, September 16, 1982, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 15, 1982:

DEPARTMENT OF STATE

Richard T. McCormack, of the District of Columbia, to be an Assistant Secretary of State, vice Robert D. Hormats, resigned.

Everett Ellis Briggs, of Maine, a Career Member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Panama.

UNITED NATIONS

The following-named persons to be Representatives and Alternate Representatives of the United States of America to the 37th session of the General Assembly of the United Nations:

Representatives:

Kenneth L. Adelman, of Virgina.

J. Bennett Johnston, U.S. Senator from the State of Louisiana.

Robert W. Kasten, Jr., U.S. Senator from the State of Wisconsin.

Jeane J. Kirkpatrick, of Maryland.

John Davis Lodge, of Connecticut.

Alternate Representatives:

Charles M. Lichenstein, of the District of Columbia.

Gordon C. Luce, of California.

Hernan Padilla, of Puerto Rico

William Courtney Sherman, of Virginia.

Jose S. Sorzano, of Virginia.

INTERNATIONAL ATOMIC ENERGY AGENCY

The following-named persons to be the Representative and Alternate Representatives of the United States of America to the 26th session of the General Conference of the International Atomic Energy Agency:

Representative:

W. Kenneth Davis, of California.

Alternate Representatives:

Richard T. Kennedy, of the District of Columbia.

Roger Kirk, of the District of Columbia.

Thomas Morgan Roberts, of the District of Columbia.

PANAMA CANAL COMMISSION

Stephen W. Bosworth, of Michigan, to be a Member of the Board of the Panama Canal Commission, vice John Alden Bushnell.

IN THE AIR FORCE

The following Air National Guard of the U.S. officers for promotion in the Reserve of the Air Force under the provisions of section 593(a) title 10 of the United States Code, as amended:

LINE OF THE AIR FORCE

To be lieutenant colonel

Maj. Carl L. Batton, xxx-xx-xxxx
Maj. Barry H. Bauer, xxx-xx-xxxx
Maj. Eugene R. Chojnacki, xxx-xx-xxxx
Maj. Walter F. Clabuesch, xxx-xx-xxxx
Maj. John T. Culverhouse, Jr., xxx-xx-x...
Maj. Robert F. Delanoy, xxx-xx-xxxx
Maj. Michael Fevola, xxx-xx-xxxx
Maj. Harold L. Johnson, xxx-xx-xxxx
Maj. William S. Lucido, xxx-xx-xxxx
Maj. Reginald A. Pinson, xxx-xx-xxxx
Maj. Joseph W. Raymond, xxx-xx-xxxx
Maj. Roy G. Stuckey, xxx-xx-xxxx
Maj. Michael H. Tice, xxx-xx-xxxx
Maj. James L. Zambo, xxx-xx-xxxx

LEGAL

Maj. Jerrold L. Nye, xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the U.S. Army, under the provisions of title 10, United States Code, section 624:

ARMY

To be colonel

Duff, John A., xxx-xx-xxxx
James, Robert B., xxx-xx-xxxx
Quinn, Richard L., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Warrender, Charles L., xxx-xx-xxxx

ARMY

To be lieutenant colonel

Grant, Thomas A., xxx-xx-xxxx
Holland, Jerald C., xxx-xx-xxxx
Huchun, Kim, xxx-xx-xxxx
Lee, Frederick W., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Abesamisroy, Concepcion M., xxx-xx-xxxx
Albaugh, Jeffrey S., xxx-xx-xxxx
Alexander, Mark V., xxx-xx-xxxx
Almarashi, Murtadha S., xxx-xx-xxxx
Alving, Barbara M., xxx-xx-xxxx
Anderson, James H., Jr., xxx-xx-xxxx
Auer, Thomas H., xxx-xx-xxxx
Baddour, Ruby T., xxx-xx-xxxx
Bain, Michael W., xxx-xx-xxxx

Baker, Frank J., xxx-xx-xxxx
Baldwin, Wade D., xxx-xx-xxxx
Baswell, Bonnie J., xxx-xx-xxxx
Batson, Pascal G., III, xxx-xx-xxxx
Bawa, Sumitra L., xxx-xx-xxxx
Belandres, Corlett P., xxx-xx-xxxx
Berman, Jonathan D., xxx-xx-xxxx
Biggers, Jackson A., xxx-xx-xxxx
Black, Jeffrey L., xxx-xx-xxxx
Blakeslee, Don B., xxx-xx-xxxx
Bloom, David A., xxx-xx-xxxx
Board, Robert J., xxx-xx-xxxx
Bomberger, James J., xxx-xx-xxxx
Boslego, John W., xxx-xx-xxxx
Brammer, Robert E., xxx-xx-xxxx
Brantner, Jim N., xxx-xx-xxxx
Brennan, Michael W., xxx-xx-xxxx
Brewer, Thomas G., xxx-xx-xxxx
Brigham, Robert A., xxx-xx-xxxx
Brown, David L., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brown, James S., xxx-xx-xxxx
Brown, John H., xxx-xx-xxxx
Bunkersoler, Antonio L., xxx-xx-xxxx
Burton, Bernard A., xxx-xx-xxxx
Calvert, William E., xxx-xx-xxxx
Carpenter, Gary B., xxx-xx-xxxx
Chang, Mark J., xxx-xx-xxxx
Charya, Raghava V., xxx-xx-xxxx
Cheatham, Wayman W., xxx-xx-xxxx
Cho, Moo H., xxx-xx-xxxx
Chung, Raymond C., xxx-xx-xxxx
Chung, Youn K., xxx-xx-xxxx
Churchill, Frank E., Jr., xxx-xx-xxxx
Ciesla, William P., xxx-xx-xxxx
Clary, Richard M., xxx-xx-xxxx
Clayton, Miles G., xxx-xx-xxxx
Cobey, Elwood A., xxx-xx-xxxx
Coger, William A., xxx-xx-xxxx
Cludro, Enid A., xxx-xx-xxxx
Cooper, Ronald H., xxx-xx-xxxx
Cornell, Floyd M., xxx-xx-xxxx
Craig, William E., xxx-xx-xxxx
Damore, Stuart, xxx-xx-xxxx
David, Cecily M., xxx-xx-xxxx
Deal, Terry D., xxx-xx-xxxx
Deal, Virgil T., xxx-xx-xxxx
DeCastro, Susan R., xxx-xx-xxxx
Deutsch, Anthony J., xxx-xx-xxxx
Dhru, Rekha D., xxx-xx-xxxx
Diallo, Thierno A., xxx-xx-xxxx
Dorn, Ronald V., III, xxx-xx-xxxx
Durant, William P., xxx-xx-xxxx
Fall, Stephen M., xxx-xx-xxxx
Farmer, Kenneth L., Jr., xxx-xx-xxxx
Faucher, Paul G., xxx-xx-xxxx
Fay, Michael J., xxx-xx-xxxx
Ferraris, Victor A., xxx-xx-xxxx
Fill, William L., xxx-xx-xxxx
Flynn, Mary M., xxx-xx-xxxx
Fortner, Bryant R., Jr., xxx-xx-xxxx
Frank, Charles G., xxx-xx-xxxx
Freeman, Sharon D., xxx-xx-xxxx
Freeman, Stephen R., xxx-xx-xxxx
Gandy, Charles L., III, xxx-xx-xxxx
Gattis, Bruce W., xxx-xx-xxxx
Gentry, Richard H., xxx-xx-xxxx
George, Robert J., xxx-xx-xxxx
Gold, Lewis F., xxx-xx-xxxx
Golden, Barbara J., xxx-xx-xxxx
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Ryan, John B., xxx-xx-xxxx
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Sikes, Randall A., xxx-xx-xxxx
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Sullivan, Cornelius J., xxx-xx-xxxx
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West, Walter C., Jr., xxx-xx-xxxx
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Wilcox, Carver G., xxx-xx-xxxx
Wilson, Frank P., Jr., xxx-xx-xxxx
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DENTAL CORPS

To be lieutenant colonel

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Angel, Elliot E., xxx-xx-xxxx
Barrowes, Kendall J., xxx-xx-xxxx
Blocker, Sloan W., xxx-xx-xxxx
Calabria, Robert D., xxx-xx-xxxx
Carleton, Ardenne S., xxx-xx-xxxx
Cecic, Peter A., xxx-xx-xxxx
Chilton, Craig A., xxx-xx-xxxx
Christensen, Loren C., xxx-xx-xxxx
Corbin, William R., xxx-xx-xxxx
Craemer, Timothy D., xxx-xx-xxxx
Davis, Richard C., xxx-xx-xxxx
Deboer, James, xxx-xx-xxxx
Doleac, Philbert C., Jr., xxx-xx-xxxx
Donley, Dennis L., xxx-xx-xxxx
Donovan, Michael G., xxx-xx-xxxx
Erley, Clyde J., xxx-xx-xxxx
Fowler, Kenneth E., xxx-xx-xxxx
Galloway, Robert H., xxx-xx-xxxx
Gangemi, Joseph A., xxx-xx-xxxx
Gordon, Mark R., xxx-xx-xxxx
Griffin, Jerre M., xxx-xx-xxxx
Hanover, Robert B., Jr., xxx-xx-xxxx
Hixson, Mark E., xxx-xx-xxxx
Hobbs, Timothy J., xxx-xx-xxxx
Hogan, Donald W., xxx-xx-xxxx
Hopkins, Truman A., II, xxx-xx-xxxx
Ingram, Timothy A., III, xxx-xx-xxxx
Johnson, Mark H., xxx-xx-xxxx
Keller, Robert L., xxx-xx-xxxx
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Kessler, Harvey P., xxx-xx-xxxx
Knights, Edward M., xxx-xx-xxxx
Kordulak, John L., xxx-xx-xxxx
Kulikowski, Bogdan M., xxx-xx-xxxx
Kulild, James C., xxx-xx-xxxx
Lalumandier, James A., xxx-xx-xxxx
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Luebke, Robert J., xxx-xx-xxxx
Lynch, Thomas J., xxx-xx-xxxx
McLaughlin, John P., xxx-xx-xxxx
Miller, Loman E., xxx-xx-xxxx
Pardoe, James D., II, xxx-xx-xxxx
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Richardson, Douglas D., xxx-xx-xxxx
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MEDICAL SERVICE CORPS

To be lieutenant colonel

Aldridge, Ronald G., xxx-xx-xxxx
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Andrews, Kenneth G., xxx-xx-xxxx
Austin, Henry M., III, xxx-xx-xxxx
Beckey, Andrew D., xxx-xx-xxxx
Bell, John W., xxx-xx-xxxx
Bentz, Curtis L., xxx-xx-xxxx
Bertsch, Marvin L., xxx-xx-xxxx
Bland, Edward C., Jr., xxx-xx-xxxx
Bogue, Ronald A., xxx-xx-xxxx
Bolyard, Marshall K., xxx-xx-xxxx
Bories, Robert F., Jr., xxx-xx-xxxx
Bosworth, Anthony B., xxx-xx-xxxx
Brandes, Bruce D., xxx-xx-xxxx
Brown, Roger L., xxx-xx-xxxx
Bryan, Roy A., Jr., xxx-xx-xxxx
Burney, James R., xxx-xx-xxxx
Butke, Kenneth P., xxx-xx-xxxx
Carano, James C., xxx-xx-xxxx
Carp, Matthew B., xxx-xx-xxxx
Cavis, Charles A., xxx-xx-xxxx
Channing, Eugene S., xxx-xx-xxxx
Churchill, Charles W., xxx-xx-xxxx
Clyde, William D., Jr., xxx-xx-xxxx
Cook, David R., Jr., xxx-xx-xxxx
Devine, Jerry P., xxx-xx-xxxx
Dievendorf, Lynn A., xxx-xx-xxxx
Donahue, Richard I., xxx-xx-xxxx
Dunn, John D., xxx-xx-xxxx
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Elmore, James H., Jr., xxx-xx-xxxx
Enloe, Edmond J., Jr., xxx-xx-xxxx
Evans, Otis D., xxx-xx-xxxx
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Finical, William D., xxx-xx-xxxx
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Fleming, Jerry M., xxx-xx-xxxx
Foster, James M., xxx-xx-xxxx
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Gaston, Gary W., xxx-xx-xxxx
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Hammack, Dan E., xxx-xx-xxxx
Hartley, William R., xxx-xx-xxxx
Haynes, Gladys R., xxx-xx-xxxx
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Higgins, Walter E., xxx-xx-xxxx
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Jackson, David C., xxx-xx-xxxx
Jewell, John S., xxx-xx-xxxx
Johnson, Carl W., xxx-xx-xxxx
Johnson, Dennis H., xxx-xx-xxxx
Johnson, Henry C., Jr., xxx-xx-xxxx
Johnson, Nicki L., xxx-xx-xxxx
Jones, Larry L., xxx-xx-xxxx
Jordan, Charles F., xxx-xx-xxxx
Keller, Larry J., xxx-xx-xxxx
Keller, Lucien F., Jr., xxx-xx-xxxx
Kelly, Dennis M., xxx-xx-xxxx
Ketterling, Lyle L., xxx-xx-xxxx
Klugman, Peter J., xxx-xx-xxxx
Knodel, Stewart E., xxx-xx-xxxx
Langan, John J., xxx-xx-xxxx
Lawson, Marvin A., xxx-xx-xxxx
Leavitt, Ronald N., xxx-xx-xxxx
Lock, John L., xxx-xx-xxxx
Mararevich, Robert, xxx-xx-xxxx
Makela, Glenn R., xxx-xx-xxxx
Manning, Frederick J., xxx-xx-xxxx
Martin, James A., Jr., xxx-xx-xxxx
Massey, Tommie R., xxx-xx-xxxx
McAdams, Spurgeon A., xxx-xx-xxxx
McAuley, Robert J., Jr., xxx-xx-xxxx
McCrary, Thomas M., xxx-xx-xxxx
McIntire, Jon C., xxx-xx-xxxx
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Michels, George N., xxx-xx-xxxx
Moa, James A., xxx-xx-xxxx
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Oaks, Stanley C., Jr., xxx-xx-xxxx
Odum, David J., xxx-xx-xxxx
Polk, Anthony J., xxx-xx-xxxx
Pollok, James L., xxx-xx-xxxx
Reichard, Douglas W., xxx-xx-xxxx
Sawallesh, Robert F., xxx-xx-xxxx
Sexton, Michael L., xxx-xx-xxxx
Sherman, Vincent R., xxx-xx-xxxx
Shoberg, John D., xxx-xx-xxxx
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Slayton, Jack R., xxx-xx-xxxx
Smullen, Melvin G., xxx-xx-xxxx
Stahl, William T., xxx-xx-xxxx
Stockand, David B., xxx-xx-xxxx
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Begg, Irene, xxx-xx-xxxx
Bridenstine, Mary W., xxx-xx-xxxx
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Dewton, Ruth E., xxx-xx-xxxx
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Goodwin, William L., Jr., xxx-xx-xxxx
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Mills, James L., Jr., xxx-xx-xxxx
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To be lieutenant colonel

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Wall, Henry G., Jr., xxx-xx-xxxx
Zotter, Jon G., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

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Asuncion, Erlinda D., xxx-xx-xxxx
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Graham, Janet V., xxx-xx-xxxx
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Gumbert, Georgiana L., xxx-xx-xxxx
Gunnell, Kenneth M., Jr., xxx-xx-xxxx
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Morgan, Barbara A., xxx-xx-xxxx
Moss, Larry W., xxx-xx-xxxx
Motta, Susan C., xxx-xx-xxxx
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Poduszczak, Edward S., xxx-xx-xxxx
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Travis, Jacklyn G., xxx-xx-xxxx
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Wieczorek, Lucie S., xxx-xx-xxxx
Williams, Bertha L., xxx-xx-xxxx

Yaryan, Barbara E., xxx-xx-xxxx
Zadzora, Timothy P., xxx-xx-xxxx
Zarnik, Paulette L., xxx-xx-xxxx
Zuber, Darlene R., xxx-xx-xxxx

ARMY

To be major

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Caruso, John J., xxx-xx-xxxx
Frament, Eugene P., xxx-xx-xxxx
Hill, Charles H., III, xxx-xx-xxxx
King, Wayne E., xxx-xx-xxxx
Smallwood, Frank S., xxx-xx-xxxx

CHAPLAIN CORPS

To be major

Demma, Gregory J., xxx-xx-xxxx

MEDICAL CORPS

To be major

Brawner, John C., xxx-xx-xxxx
Chavala, Sudarsan, xxx-xx-xxxx
Olazabal, Raul P., xxx-xx-xxxx
Skurdal, David N., xxx-xx-xxxx
Snyder, James A., Jr., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be major

Draper, Lawrence E., xxx-xx-xxxx
Krol, Stanley M., xxx-xx-xxxx

CONFIRMATIONS

Executive nominations confirmed by the Senate September 15, 1982:

PANAMA CANAL COMMISSION

Andrew E. Gibson, of New Jersey, to be a Member of the Board of the Panama Canal Commission.

William W. Watkin, Jr., of New Jersey, to be a Member of the Board of the Panama Canal Commission.

DEPARTMENT OF JUSTICE

Edward R. Camacho, of Guam, to be U.S. Marshal for the District of Guam for a term of 4 years.

Max E. Wilson, of North Carolina, to be U.S. Marshal for the western district of North Carolina for the term of 4 years.

Herbert M. Rutherford III, of New Jersey, to be U.S. Marshal for the eastern district of Virginia for the term of 4 years.

IN THE AIR FORCE

Maj. Gen. William E. Brown, Jr., xxx-xx-xxxx FR, U.S. Air Force, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601, in the grade of lieutenant general.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general, under the provisions of chapter 36, title 10 of the United States Code:

Col. Diann A. Hale, xxx-xx-xxxx FR, Regular Air Force, Nurse Corps.

Col. Arthur J. Sachsel xxx-xx-xxxx FR, Regular Air Force, Dental Corps.

IN THE AIR FORCE

Air Force nominations beginning James E. Albin, and ending James H. Young, with nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1982.

Air Force nominations beginning David S. Bowles, and Ending Mark A. Roth, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1982.

Air Force nominations beginning David S. Bowles, and ending Mark A. Roth, which nominations were received by the Senate on August 31, 1982, and appeared in the Congressional Record of September 8, 1982.

Air Force nominations beginning Gregory J. Aaron, and ending James H. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1982.

IN THE MARINE CORPS

Marine Corps nominations beginning James C. Adamson, and ending Walter R. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1982.

HOUSE OF REPRESENTATIVES—*Wednesday, September 15, 1982*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FOLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, D.C.,
September 15, 1982.

I hereby designate the Honorable THOMAS S. FOLEY to act as Speaker pro tempore on this day.

THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives.

PRAYER

The Most Reverend Andrew G. Grutka, Bishop, Diocese of Gary, Gary, Ind., offered the following prayer:

It was your confrere, ADAM BENJAMIN of northwest Indiana, who arranged for my prayerful presence here today. He earnestly looked forward to being present at this invocation. His sudden departure for the haven of souls forever vetoed all his plans along with this one.

ADAM is now in the presence of Him whose flawless way of legislating will make ADAM glow with everlasting delight. We who knew ADAM, the indefatigable, can be sure that ADAM will keep finding ways to focus the favorable attention of the Lord upon all his congressional constituents, his House confreres, his Hoosier State, and national projects, and especially on his beloved family.

If ADAM were permitted to address us now as a messenger from the haven of souls, he would emphatically plead that his confreres allow the Lord, God, to anticipate their plans and deliberations with His divine inspiration and further them with the brightness of His wisdom along with the power of His grace.

ADAM's own religious orthodoxy, now divinely enlightened, would prompt him to voice a thunderous agreement to the following words and sentiments:

Father, Creator of unfailing light, let that light shine through these Members of Congress. Let their voices resound with praises of You; let their lives proclaim Your goodness and their accomplishments give You honor.

Considerate Lord, You have favored our Nation like no other. In grateful response let it earnestly seek to be friendly with all other nations and ever strive to be kind and benevolent, even to nations that may sorely try it.

Merciful God, our country and many other countries are presently in a state of considerable imbalance and in need of an equilibrium—one that demands incentives, examples, and stabilizations.

Grant, O Lord, the Members of Congress, the patience, prudence, and perseverance to bring about this equilibrium.

Let the reechoing of our recitation of "one Nation under God" and "the Land of the Free and the Home of the Brave" bring us all closer to each other and ever nearer and dearer to God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PETRI. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Chair's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PETRI. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 305, nays 19, answered "present" 5, not voting 103, as follows:

[Roll No. 320]

YEAS—305

Albosta	Bereuter	Cheney	DeNardis	Jones (OK)	Rangel
Alexander	Bethune	Clausen	Derwinski	Jones (TN)	Ratchford
Anderson	Bevill	Clinger	Dicks	Kastenmeier	Regula
Andrews	Biaggi	Coats	Dingell	Kazen	Rinaldo
Annunzio	Billey	Coelho	Dorgan	Kennelly	Roberts (KS)
Anthony	Boggs	Coleman	Dornan	Kildee	Robinson
Archer	Boland	Conte	Dowdy	Kindness	Rodino
Ashbrook	Boner	Corcoran	Downey	Kogovsek	Roe
Aspin	Bonior	Coyne, James	Dreier	Kramer	Rogers
Atkinson	Bonker	Coyne, William	Duncan	LaFalce	Rose
AuCoin	Bowen	Craig	Dunn	Lagomarsino	Rostenkowski
Badham	Breaux	Crane, Philip	Dwyer	Leath	Roth
Bailey (MO)	Brinkley	Daniel, Dan	Dymally	LeBoutillier	Roukema
Bailey (PA)	Brodhead	Daniel, R. W.	Early	Lehman	Rousselot
Barnard	Broomfield	Dannemeyer	Eckart	Leland	Rudd
Beard	Brown (CA)	Daschle	Edgar	Lent	Russo
Bedell	Brown (CO)	Daub	Edwards (CA)	Levitas	Sawyer
Beilenson	Broyhill	Davis	Emery	Lewis	Scheuer
Benedict	Burton, Phillip	de la Garza	English	Livingston	Schulze
Bennett	Chappie	Deckard	Erdahl	Loeffler	Schumer
			Erlenborn	Long (LA)	Seiberling
			Evans (DE)	Lowery (CA)	Sensenbrenner
			Fary	Lowry (WA)	Shamansky
			Fascell	Lujan	Shannon
			Fazio	Lundine	Sharp
			Fenwick	Lungren	Shaw
			Ferraro	Madigan	Shelby
			Fiedler	Marlenee	Shumway
			Findley	Marriott	Shuster
			Fish	Martin (IL)	Siljander
			Flippo	Martin (NC)	Simon
			Florio	Martin (NY)	Skeen
			Foglietta	Matsui	Smith (IA)
			Foley	Mazzoli	Smith (NE)
			Ford (TN)	McCloskey	Smith (NJ)
			Frank	McCollum	Smith (OR)
			Frenzel	McCurdy	Smith (PA)
			Frost	McDade	Snowe
			Gaydos	McDonald	Snyder
			Gephardt	McEwen	Solarz
			Gibbons	McGrath	Spence
			Gilman	McHugh	St Germain
			Gingrich	Mica	Stark
			Glickman	Miller (CA)	Staton
			Gradison	Mineta	Stenholm
			Gramm	Minish	Stratton
			Green	Moakley	Studds
			Grisham	Molinari	Stump
			Guarini	Mollohan	Swift
			Gunderson	Montgomery	Synar
			Hagedorn	Moore	Tauke
			Hall (OH)	Moorhead	Tauzin
			Hall, Ralph	Morrison	Taylor
			Hall, Sam	Motti	Traxler
			Hamilton	Murphy	Tribie
			Hammerschmidt	Murtha	Udall
			Hance	Myers	Vento
			Hansen (UT)	Napier	Volkmer
			Hartnett	Natcher	Walgren
			Hatcher	Neal	Wampler
			Hefner	Nelligan	Watkins
			Heftel	Nelson	Weaver
			Hendon	Nichols	Weber (MN)
			Hertel	O'Brien	Weber (OH)
			Hightower	Oakar	White
			Hiler	Obey	Whitehurst
			Holland	Oxley	Whitley
			Hollenbeck	Panetta	Whittaker
			Holt	Parris	Whitten
			Hopkins	Pashayan	Williams (MT)
			Horton	Patman	Williams (OH)
			Howard	Patterson	Wilson
			Hoyer	Paul	Winn
			Hubbard	Pease	Wirth
			Huckaby	Perkins	Wolf
			Hughes	Petri	Wolpe
			Hunter	Peyser	Wortley
			Hutto	Porter	Wright
			Hyde	Price	Wyden
			Jeffries	Quillen	Yatron
			Jenkins	Rahall	Young (FL)
			Jones (NC)	Railsback	

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

NAYS—19

Barnes	Harkin	Sabo
Clay	Jacobs	Schroeder
Dickinson	Johnston	Walker
Evans (IA)	Luken	Washington
Fields	Miller (OH)	Yates
Gejdenson	Mitchell (MD)	
Goodling	Roemer	

ANSWERED "PRESENT"—5

Collins (IL)	Hawkins	Ottinger
Derrick	Oberstar	

NOT VOTING—103

Addabbo	Ertel	Michel
Akaka	Evans (GA)	Mikulski
Applegate	Evans (IN)	Mitchell (NY)
Bafalis	Fithian	Moffett
Bingham	Ford (MI)	Nowak
Blanchard	Forsythe	Pepper
Boiling	Fountain	Pickle
Bouquard	Fowler	Pritchard
Brooks	Fuqua	Pursell
Brown (OH)	Garcia	Reuss
Burgener	Ginn	Rhodes
Burton, John	Goldwater	Ritter
Butler	Gonzalez	Roberts (SD)
Byron	Gore	Rosenthal
Campbell	Gray	Roybal
Carman	Gregg	Santini
Carney	Hansen (ID)	Savage
Chappell	Heckler	Schneider
Chisholm	Hillis	Skelton
Collins (TX)	Ireland	Smith (AL)
Conable	Jeffords	Solomon
Conyers	Kemp	Stangeland
Coughlin	Lantos	Stanton
Courter	Latta	Stokes
Crane, Daniel	Leach	Thomas
Crockett	Lee	Vander Jagt
D'Amours	Long (MD)	Waxman
Dellums	Lott	Weiss
Dixon	Markey	Wylie
Donnelly	Marks	Young (AK)
Dougherty	Martinez	Young (MO)
Dyson	Mattox	Zablocki
Edwards (AL)	Mavroules	Zeferetti
Edwards (OK)	McClory	
Emerson	McKinney	

□ 1015

Mr. HEFNER changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1710. An act to authorize the use of the frank for official mail sent by the Law Revision Counsel of the House of Representatives.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 5228. An act to amend title 18 of the United States Code to implement the Convention on the Physical Protection of Nuclear Material, and for other purposes.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 205. Joint resolution to designate September 1982 as "National Sewing Month."

THE MOST REVEREND ANDREW G. GRUTKA

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, our guest Chaplain today is the Most Reverend Andrew G. Grutka, bishop of Gary, Ind.

Mr. Speaker, much I would give not to be standing in this spot today. Our dearly departed colleague, ADAM BENJAMIN, had joyfully planned to be in this place at this moment to express his gratitude to the good bishop for coming here and opening the House with his prayer. But ADAM is not here today. He is in a much better place; he is in heaven.

Bishop Grutka recently celebrated his 25th anniversary in Gary. I can see ADAM's warm smile about this occasion.

The House of Representatives, I am sure, expresses its profound gratitude to Bishop Grutka for coming here at this important time in the emotional experience of this institution, and we thank him for his kindly prayer on behalf of our departed colleague.

THE PATENT TERM RESTORATION ACT

(Mr. KASTENMEIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASTENMEIER. Mr. Speaker, the Patent Term Restoration Act will be voted on later this morning, and it will insure the continued development of lifesaving and cost-effective medicines.

Unless we act, we can expect that research and development of new pharmaceutical and chemical products may dramatically fall.

Adjusted for inflation, pharmaceutical research as a percentage of sales fell almost 35 percent from 1966 to 1980. During the same period, the effective patent term, because of regulation, declined from 14.6 years to 7.4 years in 1980, and in 1981 to 6.8 years.

Mr. Speaker, I should also add—and you will not learn this from opponents of the bill—this bill is prospective only. It cannot affect old people or consumers next year or the year after. It applies to patents issued after adoption of the act for which there are 17 years. There is no way that it can possibly negatively impact—you can speculate it might one day—until the year 2000. Until the year 2000 might these patent terms prospectively, which are 17 years, and be then extended, could possibly affect anybody negatively. In the meantime, Mr. Speaker, we will have told the pharmaceutical companies that whether or not they make management decisions on new drugs, we will have at least held out the promise that they will have a little more adequate term patent protection. That is the purpose of the bill, and that is why, overwhelmingly, the Judiciary Committee reported it out. In fact, an even more stringent bill was unanimously voted on by the Senate.

CONDEMNATION OF VIOLENCE IN LEBANON

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I join in condemning the tragic violence that occurred yesterday in the country of Lebanon. Violence anywhere in this world cannot be condoned. The events of yesterday in Lebanon and those who are responsible for killing President-elect Bashir Gemayel should be prosecuted to the fullest extent of the laws of Lebanon. We do not know who is responsible for that killing. We do not know whether it is a rival Christian faction, leftist Lebanese militias, Syrian forces, or whether it was other forces either within or from outside the country of Lebanon. No party to the fighting in Lebanon can be completely exonerated. Let us speak for peace among all factions within Lebanon. Whoever is to succeed President-elect Gemayel should be one who is able to be a moderating influence within the country of Lebanon, one who has not lived by violence in the past and one who is willing to lay down arms in an effort to talk with all factions within the country in order to rid that country of all outside foreign forces.

I have had the opportunity on many occasions over the last several years to have dinner and talk personally with President-elect Beshir Gemayel, his brother, Amin, and his father, Pierre. The latest such occasion came this past July 25 in Beirut upon my leading a delegation to the Mideast. Lengthy, personal conversation with the Gemayel brothers about Lebanese politics took place, as Beshir had just that day announced his candidacy for President of Lebanon.

To Beshir's wife and young family, to his brother, to his parents, and all his family and friends, I extend my sympathies.

PROMISES OF MODERATION IN THE MIDDLE EAST ARE FRAGILE

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, I too join my colleagues in mourning the untimely death by assassination of President Gemayel. I would like to

point up that that death indicates a problem that has occurred in the Middle East time and time again.

When moderate leaders have stood up—in Lebanon and other places in the Middle East—they have been assassinated. Moderate Arab leaders on the West Bank have periodically been assassinated by terrorists. Recently, the homes of the very people who voted for President Gemayel in Parliament were bombed and the world watched. Then the President himself was assassinated.

This administration is asking Israel to make agreements and give up solid, tangible gains—territory, security, and protection—for verbal promises that come from some of these leaders. As yesterday's tragic incidents illustrate, those kinds of promises are fragile, indeed. It is a lesson for all of us to learn.

We cannot, we must not, push Israel into making certain kinds of commitments and giving up tangible things for fragile verbal promises.

CHANCES OF A PEACE TREATY BETWEEN ISRAEL AND LEBANON DASHED YESTERDAY

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, just 23 days ago in the company of Congressmen SCHEUER and MCGRATH I was on the streets of Beirut. It was a day of jubilance and a day of danger. The jubilance was because, for the first time, a President had been elected. For the first time, there was the beginning of a semblance to government in a nation that had not had a formal government in 7 years—a nation which had been controlled by the tyrannical PLO. The danger of that election day was created by endless volleys of gunfire from countless automatic weapons and hand grenades. The contrast was genuine—the new election evoking new hopes for peace—the ever-present specter of violence so much a part of Lebanon's troubled history.

The most unfortunate consequence of President Gemayel's assassination is we may have lost the opportunity for a peace treaty to be signed between Labanon and Israel—an event which would have been such an important foundation upon which to build a lasting peace in the Middle East. One can only hope that the successor to the President-elect will follow a course of action which will revive the prospects of peace between Lebanon and Israel.

All civilized people must condemn the murder of President Gemayel—snatched from life at the young age of 34. Violence as a means of achieving a goal is reprehensible and as I said after the murder of Lord Mountbatten—I can only hope that the perpetrators of this heinous crime should be prosecuted and required to pay with their own lives.

ASSASSINATION OF GEMAYEL A COWARDLY ACT

(Ms. OAKAR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. OAKAR. Mr. Speaker, the assassination of Bashir Gemayel, whom I and Mr. RAHALL and others met not too long ago, is indeed unfortunate. It is a cowardly act of violence which, of course, is never the answer. I extend my deepest sympathy to the family of Bashir Gemayel.

As yet, we do not know who the assassins were. I think it would be extremely wrong to jump to conclusions as to who killed the young President-elect. But let us hope that the people of Lebanon who have been exploited so much can unite behind a new leader.

Let us also hope that all foreign forces leave Lebanon, quit exploiting the country, and leave it immediately. The people of Lebanon have suffered enough. They deserve to control their own destiny.

DEFEAT OF H.R. 6444, PATENT LAW RESTORATION URGED

(Mr. WAXMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, later today, we will be asked to vote on an issue on suspension, H.R. 6444, which seeks to extend the patent period for pharmaceuticals. The pharmaceutical industry argues that when the Government takes up the time during which they otherwise would receive profits from their drugs because of the drug approval process, they ought to have the patent time extended. They have an argument to make, but what they seek to do in this legislation is to extend the patent period to include the time that they take to do testing to see if the drug is safe and effective. If there were no Government agency involved, they would still have to do this testing to be sure they are not going to be hurting people and become liable for injuries.

The consequences of a longer patent period will mean that the seniors in this country who are the primary purchasers of drugs will be paying the highest possible price for those drugs. There cannot be competition with the generic equivalent until that patent period runs out.

This bill is excessive. It is going to do a great deal of harm to people on limited fixed incomes. I think it is unnecessary. If it were to be passed at all, it should be passed in a much more restrictive form.

STREAMBANK FAILURE TECHNICAL ASSISTANCE ACT OF 1982

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Ohio. Mr. Speaker, millions of acres of valuable topsoil are literally going down the river. In fact, going down just about every river in America. Streambank failure and erosion, like a cancer, undercuts highways, public facilities, and private property.

I have joined my colleague from Indiana, JOEL DECKARD, and a bipartisan group of Members representing nearly every region of the Nation in introducing today a bill that will help the private property owner in his war with erosion. The bill directs the U.S. Army Corps of Engineers to provide valuable technical assistance in methods to control erosion. Any person with riverfront property who requests such technical assistance from the corps would be entitled to it. The measure stresses prevention and good planning and it emphasizes public participation in a battle that threatens to engulf more and more property unless positive steps are taken to keep "Old Man River" within its banks.

I urge the House to act quickly on this very worthwhile bill.

PASS H.R. 6444, PATENT TERM RESTORATION BILL

(Mr. SAWYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAWYER. Mr. Speaker, I join the gentleman from Wisconsin (Mr. KASTENMEIER) in urging support of the so-called patent restoration bill that is going to be voted on here today.

This bill, in effect, puts pharmaceuticals back on a par as far as patent term is concerned with toys and every other invention. All patents have 17 years and historically by the Constitution and statute have had.

Since the advent of the Food and Drug Administration and extensive premarketing testing requirements, that amount of actual effective life of the patent on pharmaceuticals has dropped to 6.8 years in 1981.

As a result, we have seen a dramatic drop in investment in pharmaceutical research. This will not have any effect on pharmaceutical pricing until the year 2000—if ever—but will have an immediate effect in inducing more investment in R&D by the pharmaceutical companies.

REGRET EXPRESSED OVER ASSASSINATION OF PRESIDENT-ELECT GEMAYEL

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERWINSKI. Mr. Speaker, I join the other Members who have expressed regret at the news of the assassination of President-elect Bashir Gemayel in Lebanon. The assassination was a tragedy for the entire country and for the fragile hope for peace in the Middle East. He represented the best hope for reconstitution of Lebanon as a viable country, as a bastion of peace, stability, and as the economic leader in the Middle East. He also represented the foundation for the diplomatic momentum that President Reagan developed to address the entire Middle East problem.

I have just returned from Lebanon, where I met with President-elect Gemayel. I realized from our talk his great hopes for his country and the fact that he represented an opportunity for unity and the hope for the future in that troubled country. The departure of Yasser Arafat and the PLO militia was welcomed by all Lebanese, and reconstruction efforts had already begun when I was there.

It is my hope that this tragedy will not set back the efforts for reconciliation in Lebanon. Under their constitution, a Maronite will be elected President by the Lebanese Assembly. It is my hope that they will retain the fragile unity they were developing; that the Syrian and Israeli troops, and the remaining PLO militia will all leave the country; and at long last the people of Lebanon will have the peace and stability to which they are entitled. The achievement of these goals will be a tribute to Bashir Gemayel.

I only hope that a successor can be chosen who will have the strength to maintain the necessary unity which Lebanon so desperately needs at this time.

PASSAGE OF H.R. 4374, SHIPPING ACT OF 1972, URGED

(Mr. McCLOSKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCLOSKEY. Mr. Speaker, in a few minutes the House will take up the Shipping Act of 1982 which was debated on suspension on Monday. Because many of the Members were not present, I would like to stress the single argument which I think should be persuasive for passage of this bill.

The only opposition to the bill is that it expands the antitrust immunity for U.S. shipping conferences and U.S. steamship lines. That is nothing new. We gave to U.S. shipping conferences this immunity from the antitrust law back in 1914; but in a series of court decisions, that immunity has been eroded and confused.

What led the committee after 6 years of effort to come up with this compromise bill to expand antitrust immunity is that we found that U.S. exporters in U.S. shipping conferences are paying twice the freight charges that their competitors in Germany and Japan are paying to ship goods to similar markets, so that if you are a German exporter of refrigerators to West Africa, you pay half the freight rates under the monopolistic conferences accepted in Europe as you do under the open conference required by American law.

If we are to stimulate U.S. exports at the present time, we should give our shipping companies this additional and clarified immunity under the Antitrust Act closer to that given to the shipping companies of other countries under foreign law.

There is no way to extraterritorially enforce U.S. antitrust law on the high seas without unduly penalizing U.S. companies in their competition with foreign companies.

□ 1045

WAIVING POINTS OF ORDER AGAINST H.R. 6956, HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION ACT, 1983

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 559 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 559

Resolved, That during the consideration of the bill (H.R. 6956) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes, all points of order against the following provisions in said bill for failure to comply with the provisions of clause 2, rule XXI are hereby waived: beginning on page 2, line 19 through page 4, line 17; beginning on page 5, lines 5 through 25; beginning on page 6, line 22 through page 7, line 2; beginning on page 8, lines 3 through 6; beginning on page 8, line 15 through page 9, line 12; beginning on page 10, lines 1 through 10; beginning on page 13, line 7 through page 14, line 10; beginning on page 15, line 11 through page 16, line 6; beginning on page 16, line 20 through page 18, line 20; beginning on page 19, line 18 through page 22, line 10; beginning on page 22, line 20 through page 25, line 2; and beginning on page 32, lines 3 through 7; and all points of order against the following provisions in said bill for failure to comply with the provisions of clause 6, rule XXI are hereby waived; beginning on page 2, line 19 through page 3, line 15; beginning on page 4, lines 3 through 17; and beginning on page 8, lines 15 through 23.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN), and pending that, I yield myself such time as I may consume.

Mr. Speaker, the resolution (H. Res. 559) waives certain points of order which might otherwise lie during the consideration of the bill (H.R. 6956) making appropriation for the Department of Housing and Urban Development and independent agencies.

The rule waives points of order against a number of provisions under clause 2 of rule XXI, which prohibits legislation in matters reported from the Committee on Appropriations. In most cases the point of order might lie because action has not been completed on the applicable authorizing bills. Some provisions, however, are actually legislative in character.

The rule also waives points of order against three provisions which could be considered reappropriations in violation of clause 6 of rule XXI. In each case the provision simply makes necessary refinements to accommodate changed circumstances.

As is customary with rules on appropriation bills, the resolution indentifies by page and line those items to which the waivers apply and no waivers are granted on any provision other than those designated in the rule.

Mr. Speaker, I wish to commend the Committee on Appropriations for its handling of this bill, under very difficult circumstances.

As everyone knows, the private sector has been hard hit by high interest rates and—in terms of housing, economic development, and employment—the toll has been high.

But the damage has been seriously compounded by eroding certainty of the Government's commitment to assist the private sector is providing adequate housing.

Our Nation's housing programs are in serious jeopardy. Investors and localities are afraid to commit other resources when Federal policy is constantly shifting, in this area.

Mr. Speaker, the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), and his colleagues on both sides of the aisle are certainly to be commended for their efforts to use the appropriations process to address the problem of providing a coherent national commitment in the area of housing. They each would be among the first to admit that this is not an ideal vehicle for formulating policy but little option seems to be available and I commend them for accepting the additional responsibilities forced on them.

The committee has faced equally serious difficulties in other areas covered by the bill as a result of the pressures that have been placed on the budget process. Particularly, it should be noted that the Environmental Protection Administration is covered by eight separate bills. All are at various stages in the legislative process but none has been enacted.

Mr. Speaker, I am aware of only one waiver which presents any controversy at all and that provision is expected to be addressed by an amendment.

Given the budget situation in the present session, the rule is fair and provides an open and orderly procedure for handling this matter. Mr. Speaker, I urge the adoption of the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the rule has been ably explained. We are far behind in passing the appropriation measures, this measure, and other measures. As I recall, we have only passed one appropriation bill. These must still go to the Senate; so it is time to get down to business. This appropriation measure is in the neighborhood of $47 billion, but it represents a number of agencies and departments. Mr. Speaker, the waivers are necessary.

I urge adoption of the rule.

Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. CONTE) to speak out of order.

(By unanimous consent, Mr. CONTE was allowed to speak out of order.)

(Mr. CONTE asked and was given permission to revise and extend his remarks.)

REPRESENTATIVE CONTE THANKS VOTERS OF FIRST DISTRICT OF MASSACHUSETTS FOR THEIR VOTES

Mr. CONTE. Mr. Speaker, I would like to take this opportunity to thank publicly all the people of the First Congressional District—Republican, Democrat, and Independent alike—for their votes in yesterday's Massachusetts primary, which resulted in my receiving the nomination of both the Republican and Democratic Parties. From the tiniest towns in the Berkshires to the larger industrial cities, voters of my congressional district expressed their support of my candidacy for reelection to a 13th term in Congress.

Mr. Speaker, anyone who has run as a write-in candidate knows how difficult it is to be successful, but I have my workers and the Democratic and Independent voters of the First District to thank most sincerely for their support and their votes.

Again, I thank the voters of the First District of Massachusetts for allowing me to continue serving all the people, regardless of their political affiliation.

Mr. BOLAND. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I would be glad to yield to my good friend, the gentleman from Massachusetts.

Mr. BOLAND. Mr. Speaker, I want to compliment the gentleman from Massachusetts on the remarkable twin victories he won in yesterday's Massachusetts primary. I know how difficult it is to run a successful write-in campaign, and Mr. CONTE is to be congratulated for the considerable effort he expended in pursuit of the Democratic nomination. His victory was a tribute to his abilities and his record, and it certainly reflected the high regard in which he is held by the people of the First Congressional District of Massachusetts. I am familiar with the people of that area—whether they are Republican, Democratic, or Independent, they demand quality in their elected officials. It is therefore a singular honor for voters of both major parties to select the same nominee for a seat in the U.S. House of Representatives. I hope that Mr. CONTE enjoys running as a Democrat; if the experience is so pleasant that he wants to permanently join the ranks of the Democrats, he will be more than welcome.

Mr. CONTE. Mr. Speaker, I thank the gentleman. I really appreciate those kind remarks coming from the Congressman from the Second Congressional District. I have no doubt the gentleman is coming back here with a walloping majority.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I take this time just to point out that under the provisions of rule XXI of the House, the taxpayers receive some assurance that we will properly consider all of the money that goes through the House of Representatives, that it will be properly authorized and then properly appropriated. When in this rule we do as we are doing, waive rule XXI in a number of instances, we come up with a situation where when you go through and underline the bill, as I have done, you find just page after page of this bill is literally waived from points of order against it under rule XXI, which as I say, is a protection for the taxpayers of this country.

I point this out, not to criticize the Appropriations Committee, because the Appropriations Committee is doing what it has to do, given the legislative situation we find ourselves in. I point it out as a criticism of where I think we are at this point in the legislation session. Early on in this session we went days and days literally doing nothing around this body. We would have pro forma sessions when we were not doing anything at all and now we come down to the end of the session and we find ourselves having to waive the rules of the House in order to consider appropriations and we find ourselves with authorizations that have not yet passed this body. We find ourselves in a position where we are going to have billions of dollars of legislation crammed through here on almost an emergency basis and told that we have to spend this money and waive the rules of the House in order to do it.

I think the American people will find that that is the kind of spending that adds up to those mounting budget deficits that we are faced with.

Time after time that is the process in this Congress that brings about the overspending that the American people have learned is such an economic problem for the entire Nation.

So I point out that the rule we are considering here will waive rule XXI and in so doing are dropping one of the main protections the taxpayer has against irresponsible spending.

Mr. Speaker, I thank the gentleman for yielding.

Mr. QUILLEN. Mr. Speaker, the gentleman from Pennsylvania has made a good point. I think that we must get down to the business of acting of bills from the authorizing committees and the appropriation committee. I think the people of this country are tired of operating on a continuing resolution.

Let us start at this very moment, even at this late hour, and do whatever is necessary.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisons of clause 5, rule I, the Chair will now put the question on each motion on which further proceedings were postponed on Monday, September 13, and Tuesday, September 14, 1982, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4374, by the yeas and nays;

H.R. 6444, by the yeas and nays;

H.R. 6813, by the yeas and nays;

H.R. 6580, by the yeas and nays; and

H.R. 6355, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

SHIPPING ACT OF 1982

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4374, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. JONES) that the House suspend the rules and pass the bill, H.R. 4374, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 350, nays 33, not voting 49, as follows:

[Roll No. 321]

YEAS—350

Addabbo	Derwinski	Hefner
Albosta	Dickinson	Heftel
Alexander	Dicks	Hendon
Anderson	Dingell	Hertel
Andrews	Dixon	Hightower
Anthony	Donnelly	Hiler
Applegate	Dornan	Holland
Archer	Dowdy	Hollenbeck
Ashbrook	Downey	Holt
Aspin	Dreier	Hopkins
Atkinson	Duncan	Horton
AuCoin	Dunn	Howard
Badham	Dwyer	Hoyer
Bailey (MO)	Dymally	Hubbard
Bailey (PA)	Dyson	Huckaby
Barnard	Early	Hughes
Barnes	Eckart	Hunter
Beard	Edgar	Hutto
Benedict	Edwards (AL)	Hyde
Bennett	Edwards (OK)	Ireland
Bereuter	Emerson	Jacobs
Bethune	Emery	Jeffries
Bevill	English	Jenkins
Biaggi	Erdahl	Johnston
Bliley	Erlenborn	Jones (NC)
Boggs	Evans (DE)	Jones (OK)
Boland	Evans (IA)	Jones (TN)
Bolling	Fary	Kemp
Boner	Fascell	Kennelly
Bonior	Fazio	Kildee
Bonker	Fenwick	Kogovsek
Bowen	Ferraro	Kramer
Breaux	Fiedler	LaFalce
Brinkley	Fields	Lagomarsino
Brodhead	Findley	Lantos
Broomfield	Fish	Latta
Brown (CA)	Flippo	Leath
Brown (CO)	Florio	LeBoutillier
Broyhill	Foglietta	Lehman
Burgener	Foley	Leland
Burton, Phillip	Ford (MI)	Lent
Campbell	Ford (TN)	Levitas
Carman	Fowler	Lewis
Chappie	Frank	Livingston
Cheney	Frenzel	Loeffler
Chisholm	Frost	Long (LA)
Clausen	Fuqua	Long (MD)
Clay	Garcia	Lott
Clinger	Gaydos	Lowery (CA)
Coats	Gejdenson	Lowry (WA)
Coelho	Gephardt	Lujan
Coleman	Gibbons	Luken
Collins (IL)	Gingrich	Lundine
Conable	Ginn	Lungren
Conte	Gonzalez	Madigan
Conyers	Goodling	Markey
Corcoran	Gregg	Marks
Coughlin	Grisham	Marlenee
Coyne, James	Guarini	Marriott
Coyne, William	Gunderson	Martin (IL)
Craig	Hagedorn	Martin (NC)
Daniel, Dan	Hall (OH)	Martin (NY)
Daniel, R. W.	Hall, Ralph	Martinez
Dannemeyer	Hall, Sam	Matsui
Daub	Hamilton	Mavroules
Davis	Hammerschmidt	McCloskey
de la Garza	Hansen (ID)	McCollum
Deckard	Hansen (UT)	McCurdy
Dellums	Hatcher	McDade
DeNardis	Hawkins	McDonald
Derrick	Heckler	McEwen
McGrath	Rahall	St Germain
McHugh	Railsback	Stark
McKinney	Rangel	Staton
Mica	Ratchford	Stenholm
Michel	Regula	Stokes
Mikulski	Rhodes	Stratton
Miller (CA)	Rinaldo	Studds
Miller (OH)	Roberts (KS)	Stump
Mineta	Robinson	Swift
Minish	Rodino	Synar
Mitchell (MD)	Roe	Tauke
Mitchell (NY)	Roemer	Tauzin
Moakley	Rogers	Taylor
Molinari	Rose	Traxler
Mollohan	Rosenthal	Trible
Montgomery	Rostenkowski	Udall
Moore	Roth	Vander Jagt
Moorhead	Roukema	Vento
Morrison	Rousselot	Walgren
Mottl	Roybal	Walker
Murphy	Rudd	Wampler
Murtha	Russo	Washington
Myers	Sabo	Watkins
Napier	Sawyer	Waxman
Natcher	Schroeder	Weaver
Neal	Schulze	Weber (MN)
Nelligan	Schumer	Weber (OH)
Nelson	Shamansky	White
Nichols	Shannon	Whitehurst
Nowak	Sharp	Whitley
O'Brien	Shaw	Whittaker
Oakar	Shelby	Whitten
Oberstar	Shumway	Williams (MT)
Obey	Shuster	Williams (OH)
Oxley	Siljander	Wilson
Panetta	Simon	Winn
Parris	Skeen	Wolf
Pashayan	Smith (NE)	Wolpe
Patterson	Smith (NJ)	Wortley
Pease	Smith (OR)	Wright
Perkins	Smith (PA)	Wyden
Peyser	Snowe	Wylie
Porter	Snyder	Yatron
Price	Solarz	Young (FL)
Pursell	Solomon	Young (MO)
Quillen	Spence	

NAYS—33

Annunzio	Gore	Ottinger
Bedell	Gradison	Patman
Beilenson	Gramm	Paul
Bingham	Green	Petri
Crane, Philip	Hance	Scheuer
Crockett	Harkin	Seiberling
Daschle	Kastenmeier	Sensenbrenner
Dorgan	Kazen	Smith (IA)
Edwards (CA)	Kindness	Volkmer
Gilman	Leach	Wirth
Glickman	Mazzoli	Yates

NOT VOTING—49

Akaka	Evans (GA)	Reuss
Bafalis	Evans (IN)	Ritter
Blanchard	Fithian	Roberts (SD)
Bouquard	Forsythe	Santini
Brooks	Fountain	Savage
Brown (OH)	Goldwater	Schneider
Burton, John	Gray	Skelton
Butler	Hartnett	Smith (AL)
Byron	Hillis	Stangeland
Carney	Jeffords	Stanton
Chappell	Lee	Thomas
Collins (TX)	Mattox	Weiss
Courter	McClory	Young (AK)
Crane, Daniel	Moffett	Zablocki
D'Amours	Pepper	Zeferetti
Dougherty	Pickle	
Ertel	Pritchard	

□ 1115

The Clerk announced the following pair:

On this vote:

Mr. Courter and Mr. Forsythe for, with Mrs. Schneider against.

Mr. DORGAN of North Dakota and Mr. ANNUNZIO changed their votes from "yea" to "nay."

Mr. LOWERY of California and Mr. STOKES changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

PATENT TERM RESTORATION ACT OF 1982

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6444, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. KASTENMEIER) that the House suspend the rules and pass the bill, H.R. 6444, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 132, not voting 50, as follows:

[Roll No. 322]

YEAS—250

Albosta	Daniel, R. W.	Ginn
Alexander	Dannemeyer	Goodling
Andrews	Daub	Gramm
Anthony	Davis	Green
Archer	de la Garza	Gregg
Ashbrook	Deckard	Grisham
Aspin	DeNardis	Guarini
Atkinson	Derrick	Gunderson
AuCoin	Derwinski	Hagedorn
Badham	Dickinson	Hall, Ralph
Bailey (MO)	Dingell	Hall, Sam
Barnard	Dornan	Hamilton
Beard	Dreier	Hammerschmidt
Bennett	Duncan	Hansen (ID)
Biaggi	Dunn	Hansen (UT)
Bingham	Dwyer	Hatcher
Bliley	Dymally	Hefner
Boland	Edgar	Hendon
Boner	Edwards (AL)	Hightower
Bowen	Edwards (OK)	Hiler
Breaux	Emerson	Holland
Brinkley	Emery	Hollenbeck
Broomfield	English	Holt
Brown (CA)	Erlenborn	Horton
Brown (CO)	Evans (DE)	Hubbard
Broyhill	Fenwick	Hughes
Campbell	Fiedler	Hunter
Carman	Fields	Hutto
Chappie	Fish	Hyde
Cheney	Flippo	Ireland
Clausen	Florio	Jeffries
Clinger	Foley	Jenkins
Coats	Ford (TN)	Johnston
Coelho	Fowler	Jones (NC)
Coleman	Frenzel	Jones (OK)
Conte	Frost	Jones (TN)
Corcoran	Fuqua	Kastenmeier
Coughlin	Garcia	Kazen
Coyne, James	Gejdenson	Kemp
Craig	Gephardt	Kennelly
Crane, Philip	Gibbons	Kindness
Daniel, Dan	Gilman	Kramer

Latta
Leath
LeBoutillier
Lehman
Lent
Levitas
Lewis
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Madigan
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Mazzoli
McCloskey
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
McKinney
Michel
Miller (OH)
Minish
Mitchell (NY)
Montgomery
Moore
Moorhead
Morrison
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nichols
O'Brien
Oxley
Parris
Pashayan
Patman
Paul
Perkins
Petri
Porter
Price
Pursell
Quillen
Railsback
Ratchford
Regula
Rhodes
Rinaldo
Roberts (KS)
Robinson
Rodino
Roe
Rogers
Rose
Roth
Roukema
Rousselot
Rudd
Sawyer
Scheuer
Schneider
Schulze
Sensenbrenner
Shamansky
Sharp
Shelby
Shumway
Shuster
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith (OR)
Solomon
Spence
Staton
Stenholm
Stratton
Stump
Swift
Synar
Tauke
Tauzin
Taylor
Trible
Vander Jagt
Volkmer
Walgren
Walker
Wampler
Watkins
Weber (MN)
Weber (OH)
White
Whitehurst
Whitley
Whittaker
Whitten
Wilson
Winn
Wolf
Wolpe
Wortley
Wright
Wylie
Yatron
Young (FL)
Young (MO)

NAYS—132

Addabbo
Anderson
Annunzio
Applegate
Bailey (PA)
Barnes
Bedell
Beilenson
Benedict
Bereuter
Bevill
Boggs
Bolling
Bonior
Bonker
Brodhead
Burgener
Burton, Phillip
Chisholm
Clay
Collins (IL)
Conable
Conyers
Coyne, William
Crockett
Daschle
Dellums
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dyson
Early
Eckart
Edwards (CA)
Erdahl
Evans (IA)
Fary
Fascell
Fazio
Ferraro
Findley
Foglietta
Ford (MI)
Frank
Gaydos
Gingrich
Glickman
Gonzalez
Gore
Gradison
Hall (OH)
Hance
Harkin
Hawkins
Heckler
Heftel
Hertel
Hopkins
Howard
Hoyer
Huckaby
Jacobs
Kildee
Kogovsek
LaFalce
Lagomarsino
Lantos
Leach
Leland
Long (LA)
Long (MD)
Lowry (WA)
Markey
Martinez
Matsui
Mavroules
McCollum
Mica
Mikulski
Miller (CA)
Mineta
Mitchell (MD)
Moakley
Molinari
Mollohan
Motti
Nelson
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Peyser
Rahall
Rangel
Roemer
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Schroeder
Schumer
Seiberling
Shannon
Shaw
Simon
Smith (IA)
Smith (PA)
Snowe
Snyder
Solarz
St Germain
Stark
Stokes
Studds
Traxler
Udall
Vento
Washington
Waxman
Weaver
Williams (MT)
Wirth
Wyden
Yates

NOT VOTING—50

Akaka
Bafalis
Bethune
Blanchard
Bouquard
Brooks
Brown (OH)
Burton, John
Butler
Byron
Carney
Chappell
Collins (TX)
Courter
Crane, Daniel
D'Amours
Dougherty
Ertel
Evans (GA)
Evans (IN)
Fithian
Forsythe
Fountain
Goldwater
Gray
Hartnett
Hillis
Jeffords
Lee
Mattox
McClory
Moffett
Pepper
Pickle
Pritchard
Reuss
Ritter
Roberts (SD)
Santini
Savage
Skelton
Smith (AL)
Stangeland
Stanton
Thomas
Weiss
Williams (OH)
Young (AK)
Zablocki
Zeferetti

The Clerk announced the following pairs:

On this vote:

Mrs. Bouquard and Mr. Courter for, with Mr. Weiss against.

Mr. Forsythe and Mr. Ritter for, with Mr. Zeferetti against.

Mr. Young of Alaska and Mr. McClory for, with Mr. Akaka against.

Mr. Daniel B. Crane and Mr. Butler for, with Mr. Reuss against.

Mr. Thomas and Mr. Smith of Alabama for, with Mr. Pepper against.

Mr. MICA changed his vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

FEDERAL BOAT SAFETY ACT AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6813, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6813, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 250, nays 137, not voting 45, as follows:

[Roll No. 323]

YEAS—250

Addabbo
Albosta
Anderson
Andrews
Annunzio
Anthony
Aspin
AuCoin
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Bennett
Bethune
Bevill
Biaggi
Bingham
Boggs
Boland
Boner
Bonior
Bonker
Bowen
Breaux
Brinkley
Brodhead
Broomfield
Brown (CA)
Burton, Phillip
Campbell
Carman
Carney
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Collins (IL)
Conyers
Courter
Coyne, James
Coyne, William
Crockett
D'Amours
Daschle
Davis
de la Garza
Deckard
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emery
Erdahl
Evans (DE)
Fary
Fascell
Fazio
Fenwick
Ferraro
Fiedler
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Ginn
Glickman
Gore
Gradison
Guarini
Gunderson
Hall (OH)
Hamilton
Hammerschmidt
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Holland
Hollenbeck
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Jones (NC)
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
LeBoutillier
Lehman
Leland
Lent
Levitas
Livingston
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Madigan
Markey
Marks
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McGrath
McHugh
McKinney
Mica
Michel
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Murtha
Napier
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patterson
Pease
Petri
Peyser
Price
Pursell
Rangel
Ratchford
Regula
Rinaldo
Rodino
Roe
Roemer
Rose
Rosenthal
Rostenkowski
Roth
Roukema
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Shaw
Shelby
Shuster
Siljander
Simon
Smith (IA)
Smith (NJ)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence
St Germain
Stark
Staton
Stokes
Studds
Swift
Synar
Tauzin
Traxler
Udall
Vander Jagt
Vento
Volkmer
Walgren
Wampler
Washington
Waxman
Weaver
Weber (OH)
White
Whitley
Williams (OH)
Wirth
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)

NAYS—137

Alexander
Applegate
Archer
Ashbrook
Atkinson
Badham
Bailey (MO)
Beard
Benedict
Bereuter
Bliley
Brown (CO)
Broyhill
Burgener
Chappie
Cheney
Coats
Conable
Conte
Corcoran
Coughlin
Craig
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Derwinski
Dickinson
Dornan
Dreier
Duncan
Dunn
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Fields
Findley
Fish
Frenzel
Gibbons
Gilman
Gingrich
Gonzalez
Goodling
Gramm
Green
Gregg
Grisham
Hagedorn
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Heckler
Hendon
Hiler
Holt
Hopkins
Hunter
Hyde
Jeffries
Johnston
Jones (OK)
Jones (TN)
Kazen
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leach
Leath
Lewis
Loeffler
Lujan
Lungren
Marlenee
Marriott
Martin (IL)
Martin (NC)
McCollum
McCurdy
McDade
McDonald
McEwen
Miller (OH)
Moorhead
Morrison
Motti
Murphy
Myers
Natcher
Nelligan
O'Brien
Oxley
Parris
Pashayan
Patman
Paul
Perkins
Porter
Quillen
Rahall
Rhodes
Ritter
Roberts (KS)
Robinson
Rogers
Rousselot
Rudd
Schulze
Sensenbrenner
Shumway
Skeen
Smith (NE)

Smith (OR)	Trible	Whitten
Stenholm	Walker	Williams (MT)
Stratton	Watkins	Wilson
Stump	Weber (MN)	Winn
Tauke	Whitehurst	Wylie
Taylor	Whittaker	

NOT VOTING—45

Akaka	Evans (GA)	Pritchard
Bafalis	Evans (IN)	Railsback
Blanchard	Fithian	Reuss
Bolling	Forsythe	Roberts (SD)
Bouquard	Fountain	Roybal
Brooks	Goldwater	Santini
Brown (OH)	Gray	Skelton
Burton, John	Hillis	Smith (AL)
Butler	Jeffords	Stangeland
Byron	Lee	Stanton
Chappell	Mattox	Thomas
Collins (TX)	McClory	Weiss
Crane, Daniel	Moffett	Young (AK)
Dougherty	Pepper	Zablocki
Ertel	Pickle	Zeferetti

□ 1130

The Clerk announced the following pairs:

On this vote:

Mr. Akaka and Mr. Zeferetti for, with Mr. Butler against.

Mr. Pepper and Mr. Forsythe for, with Mr. Daniel B. Crane against.

Mr. Young of Alaska and Mr. McClory for, with Mr. Thomas against.

Mr. STRATTON, Mrs. HECKLER, and Messrs. DUNCAN, FRANK, RITTER, ATKINSON, FISH, TRIBLE, and KAZEN changed their votes from "yea" to "nay."

Messrs. ROEMER, CARMAN, and FRANK changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

SAILING SCHOOL VESSELS ACT OF 1982

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6580, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. STUDDS) that the House suspend the rules and pass the bill, H.R. 6580, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 154, not voting 42, as follows:

[Roll No. 324]

YEAS—236

Addabbo	Bingham	Carney
Anderson	Boggs	Chisholm
Andrews	Boland	Clay
Annunzio	Boner	Coelho
Ashbrook	Bonior	Coleman
Aspin	Bonker	Collins (IL)
AuCoin	Bowen	Conte
Bailey (PA)	Breaux	Conyers
Barnard	Brinkley	Courter
Barnes	Brodhead	Coyne, James
Bedell	Broomfield	Coyne, William
Beilenson	Brown (CA)	Crane, Philip
Bennett	Broyhill	Crockett
Bevill	Burton, Phillip	D'Amours
Biaggi	Carman	Daschle
Davis	Hopkins	Perkins
de la Garza	Horton	Petri
Deckard	Howard	Peyser
Dellums	Hoyer	Price
DeNardis	Hubbard	Quillen
Derrick	Huckaby	Rangel
Dicks	Hughes	Ratchford
Dingell	Hutto	Rhodes
Dixon	Hyde	Rinaldo
Donnelly	Jacobs	Rodino
Dougherty	Jones (NC)	Roe
Dowdy	Jones (TN)	Roemer
Downey	Kastenmeier	Rose
Dunn	Kennelly	Rosenthal
Dwyer	Kildee	Rostenkowski
Dymally	LaFalce	Roth
Dyson	Lantos	Roukema
Early	Leath	Roybal
Eckart	LeBoutillier	Rudd
Edgar	Lehman	Russo
Edwards (CA)	Leland	Sabo
Emery	Lent	Savage
Evans (DE)	Levitas	Sawyer
Fary	Long (LA)	Scheuer
Fascell	Long (MD)	Schneider
Fazio	Lowry (WA)	Schumer
Ferraro	Luken	Seiberling
Fiedler	Lundine	Shamansky
Fields	Markey	Shannon
Fish	Marks	Shumway
Flippo	Martinez	Simon
Florio	Matsui	Smith (IA)
Foglietta	Mavroules	Smith (PA)
Foley	Mazzoli	Snowe
Ford (MI)	McCloskey	Solarz
Ford (TN)	McDade	St Germain
Fowler	McDonald	Stark
Frank	McGrath	Stokes
Frost	McHugh	Stratton
Garcia	Mica	Studds
Gaydos	Mikulski	Swift
Gejdenson	Miller (CA)	Synar
Gilman	Mineta	Tauzin
Ginn	Minish	Traxler
Gonzalez	Mitchell (NY)	Udall
Gore	Moakley	Vento
Gray	Molinari	Volkmer
Green	Mollohan	Walgren
Guarini	Montgomery	Washington
Gunderson	Murtha	Waxman
Hagedorn	Natcher	Weaver
Hall (OH)	Neal	White
Hall, Ralph	Nelson	Whitten
Hall, Sam	Nichols	Williams (MT)
Hamilton	Nowak	Williams (OH)
Harkin	Oakar	Wilson
Hawkins	Oberstar	Wirth
Heckler	Obey	Wolpe
Heftel	Ottinger	Wright
Hertel	Panetta	Wyden
Hightower	Patman	Yates
Holland	Patterson	Yatron
Hollenbeck	Paul	Young (MO)
Holt	Pease	

NAYS—154

Albosta	Derwinski	Hansen (UT)
Alexander	Dickinson	Hartnett
Anthony	Dorgan	Hatcher
Applegate	Dornan	Hefner
Archer	Dreier	Hendon
Atkinson	Duncan	Hiler
Badham	Edwards (AL)	Hunter
Bailey (MO)	Edwards (OK)	Jeffries
Beard	Emerson	Jenkins
Benedict	English	Johnston
Bereuter	Erdahl	Jones (OK)
Bethune	Erlenborn	Kazen
Bliley	Evans (IA)	Kemp
Brown (CO)	Fenwick	Kindness
Burgener	Findley	Kogovsek
Campbell	Frenzel	Kramer
Chappie	Fuqua	Lagomarsino
Cheney	Gephardt	Latta
Clausen	Gibbons	Leach
Clinger	Gingrich	Lewis
Coats	Glickman	Livingston
Conable	Goodling	Loeffler
Corcoran	Gradison	Lott
Coughlin	Gramm	Lowery (CA)
Craig	Gregg	Lujan
Daniel, Dan	Grisham	Lungren
Daniel, R. W.	Hammerschmidt	Madigan
Dannemeyer	Hance	Marlenee
Daub	Hansen (ID)	Marriott
Martin (IL)	Rahall	Stangeland
Martin (NC)	Railsback	Staton
Martin (NY)	Regula	Stenholm
McCollum	Ritter	Stump
McCurdy	Roberts (KS)	Tauke
McEwen	Robinson	Taylor
McKinney	Rogers	Trible
Michel	Rousselot	Vander Jagt
Miller (OH)	Schroeder	Walker
Moore	Schulze	Wampler
Moorhead	Sensenbrenner	Watkins
Morrison	Sharp	Weber (MN)
Motti	Shaw	Weber (OH)
Murphy	Shelby	Whitehurst
Myers	Shuster	Whitley
Napier	Siljander	Whittaker
Nelligan	Skeen	Winn
O'Brien	Smith (NE)	Wolf
Oxley	Smith (NJ)	Wortley
Parris	Smith (OR)	Wylie
Pashayan	Snyder	Young (FL)
Porter	Solomon	
Pursell	Spence	

NOT VOTING—42

Akaka	Evans (GA)	Pepper
Bafalis	Evans (IN)	Pickle
Blanchard	Fithian	Pritchard
Bolling	Forsythe	Reuss
Bouquard	Fountain	Roberts (SD)
Brooks	Goldwater	Santini
Brown (OH)	Hillis	Skelton
Burton, John	Ireland	Smith (AL)
Butler	Jeffords	Stanton
Byron	Lee	Thomas
Chappell	Mattox	Weiss
Collins (TX)	McClory	Young (AK)
Crane, Daniel	Mitchell (MD)	Zablocki
Ertel	Moffett	Zeferetti

□ 1145

The Clerk announced the following pairs:

On this vote:

Mr. Akaka and Mr. Zeferetti for, with Mr. Butler against.

Mr. Forsythe and Mr. Daniel B. Crane for, with Mr. McClory against.

Mr. CONTE changed his vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

TECHNICAL CORRECTIONS IN HEALTH LAWS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 6355, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. WAXMAN) that the House suspend the rules and pass the bill, H.R. 6355, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 227, nays 165, not voting 40, as follows:

[Roll No. 325]

YEAS—227

Addabbo	Barnes	Bonker
Albosta	Bedell	Bowen
Alexander	Beilenson	Breaux
Andrews	Biaggi	Brodhead
Annunzio	Bingham	Brown (CA)
Applegate	Boggs	Burton, Phillip
Aspin	Boland	Carney
AuCoin	Boner	Chisholm
Bailey (PA)	Bonior	Clay

Clinger	Heftel	Pease
Coelho	Hertel	Perkins
Coleman	Hightower	Petri
Collins (IL)	Hollenbeck	Peyser
Conte	Holt	Price
Conyers	Horton	Pursell
Courter	Howard	Quillen
Coyne, James	Hughes	Rahall
Coyne, William	Jacobs	Rangel
Crockett	Jones (NC)	Ratchford
D'Amours	Jones (TN)	Regula
Daschle	Kastenmeier	Rinaldo
Davis	Kazen	Ritter
de la Garza	Kennelly	Rodino
Deckard	Kildee	Roe
Dellums	Kogovsek	Rosenthal
DeNardis	LaFalce	Rostenkowski
Derrick	Lantos	Roth
Derwinski	Leach	Roukema
Dicks	Lehman	Roybal
Dingell	Leland	Russo
Dixon	Lent	Sabo
Donnelly	Long (LA)	Savage
Dorgan	Long (MD)	Sawyer
Dougherty	Lowry (WA)	Scheuer
Dowdy	Lujan	Schneider
Downey	Luken	Schroeder
Dwyer	Lundine	Schumer
Dymally	Madigan	Seiberling
Dyson	Markey	Shamansky
Early	Marks	Shannon
Eckart	Martin (IL)	Sharp
Edgar	Martin (NC)	Smith (IA)
Edwards (CA)	Martinez	Smith (PA)
Emery	Matsui	Snowe
Erdahl	Mavroules	Solarz
Evans (DE)	Mazzoli	St Germain
Fary	McDade	Stark
Fascell	McEwen	Stokes
Fazio	McGrath	Studds
Fenwick	McHugh	Swift
Ferraro	Mica	Synar
Findley	Mikulski	Tauke
Florio	Miller (CA)	Tauzin
Foglietta	Mineta	Traxler
Foley	Minish	Udall
Ford (MI)	Mitchell (NY)	Vander Jagt
Ford (TN)	Moakley	Vento
Frank	Mollohan	Volkmer
Frost	Moore	Walgren
Fuqua	Mottl	Washington
Garcia	Murphy	Waxman
Gaydos	Murtha	Weaver
Gejdenson	Myers	Whitten
Gephardt	Natcher	Williams (MT)
Gilman	Neal	Williams (OH)
Gonzalez	Nelligan	Wilson
Gore	Nelson	Wirth
Gradison	Nowak	Wolf
Gray	Oakar	Wolpe
Green	Oberstar	Wright
Guarini	Obey	Wyden
Hall (OH)	Ottinger	Wylie
Hance	Panetta	Yates
Harkin	Parris	Yatron
Hawkins	Pashayan	Young (MO)
Heckler	Patterson	

NAYS—165

Anderson	Coats	Fowler
Anthony	Conable	Frenzel
Archer	Corcoran	Gibbons
Ashbrook	Coughlin	Gingrich
Atkinson	Craig	Ginn
Badham	Crane, Daniel	Glickman
Bailey (MO)	Crane, Philip	Goodling
Barnard	Daniel, Dan	Gramm
Beard	Daniel, R. W.	Gregg
Benedict	Dannemeyer	Grisham
Bennett	Daub	Gunderson
Bereuter	Dickinson	Hagedorn
Bethune	Dornan	Hall, Ralph
Bevill	Dreier	Hall, Sam
Bliley	Duncan	Hamilton
Bouquard	Dunn	Hammerschmidt
Brinkley	Edwards (AL)	Hansen (ID)
Broomfield	Edwards (OK)	Hansen (UT)
Brown (CO)	Emerson	Hartnett
Broyhill	English	Hatcher
Burgener	Erlenborn	Hefner
Campbell	Evans (IA)	Hendon
Carman	Fiedler	Hiler
Chappie	Fields	Holland
Cheney	Fish	Hopkins
Clausen	Flippo	Hubbard
Huckaby	McKinney	Siljander
Hunter	Michel	Simon
Hutto	Miller (OH)	Skeen
Hyde	Molinari	Skelton
Jeffries	Montgomery	Smith (NE)
Jenkins	Moorhead	Smith (NJ)
Johnston	Morrison	Smith (OR)
Jones (OK)	Napier	Snyder
Kemp	Nichols	Solomon
Kindness	O'Brien	Spence
Kramer	Oxley	Stangeland
Lagomarsino	Patman	Staton
Latta	Paul	Stenholm
Leath	Porter	Stratton
LeBoutillier	Railsback	Stump
Levitas	Rhodes	Taylor
Lewis	Roberts (KS)	Trible
Livingston	Robinson	Walker
Loeffler	Roemer	Wampler
Lott	Rogers	Watkins
Lowery (CA)	Rose	Weber (MN)
Lungren	Rousselot	Weber (OH)
Marlenee	Rudd	White
Marriott	Schulze	Whitehurst
Martin (NY)	Sensenbrenner	Whitley
McCloskey	Shaw	Whittaker
McCollum	Shelby	Winn
McCurdy	Shumway	Wortley
McDonald	Shuster	Young (FL)

NOT VOTING—40

Akaka	Fithian	Pickle
Bafalis	Forsythe	Pritchard
Blanchard	Fountain	Reuss
Bolling	Goldwater	Roberts (SD)
Brooks	Hillis	Santini
Brown (OH)	Hoyer	Smith (AL)
Burton, John	Ireland	Stanton
Butler	Jeffords	Thomas
Byron	Lee	Weiss
Chappell	Mattox	Young (AK)
Collins (TX)	McClory	Zablocki
Ertel	Mitchell (MD)	Zeferetti
Evans (GA)	Moffett	
Evans (IN)	Pepper	

The Clerk announced the following pairs:

On this vote:

Mr. Akaka and Mr. Pepper for, with Mr. Butler against.

Mr. Zeferetti and Mr. Weiss for, with Mr. Smith of Alabama against.

Mr. Reuss and Mr. Mitchell of Maryland for, with Mr. Thomas against.

Mr. STRATTON changed his vote from "yea" to "nay."

Mrs. KENNELLY and Mrs. BOGGS changed their votes from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

REAPPOINTMENT AS MEMBERS OF CONGRESSIONAL AWARD BOARD

Mr. MICHEL. Mr. Speaker, I have today reappointed as members of the Congressional Award Board for new terms in accordance with section 4(a) of Public Law 96-114:

Mr. William R. Bricker of New York, N.Y.; and Ms. Roberta van der Voort of Kansas City, Mo.; and appointed Mr. John G. McMillian of Washington, D.C., to fill the vacancy caused by the expiration of the term of Mr. Swearingen.

PERMISSION FOR SUBCOMMITTEE ON POSTAL PERSONNEL AND MODERNIZATION OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE TO SIT TODAY DURING 5-MINUTE RULE

Mr. LELAND. Mr. Speaker, I ask unanimous consent that the Subcommittee on Postal Personnel and Modernization of the Committee on Post Office and Civil Service be permitted to sit this afternoon during proceedings under the 5-minute rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERSONAL EXPLANATION

Mr. COURTER. Mr. Speaker, regrettably I missed the first two votes today because of some fog in the New Jersey area, and, therefore, I wish to have the RECORD reflect that had I been here I would have voted yes on H.R. 4374, the Shipping Act of 1982, and yes on H.R. 6444, the Patent Term Restoration Act of 1982.

□ 1200

CONFERENCE REPORT ON S. 923, PRETRIAL SERVICES ACT OF 1982

Mr. HUGHES. Mr. Speaker, I call up the conference report on the Senate bill (S. 923) to amend chapter 207 of title 18, United States Code, relating to pretrial services.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of September 8, 1982.)

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. HUGHES) will be recognized for 30 minutes, and the gentleman from Michigan (Mr. SAWYER) will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. HUGHES).

Mr. HUGHES. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to be able to bring this important legislation to the floor of the House for a final vote. The conference bill is a combination of language from both the House and the Senate passed bills. The substance of the bill is essentially the same as that of the bill passed by this body on May 11 of this year. The language changes were adopted to clarify the intent of the bill, and to make absolutely clear that wherever possible, pretrial services are to be provided at no additional cost.

As discussed during debate on passage of the original bill, the 10 demonstration pretrial services agencies now in existence have shown that the information and assistance they provide to the courts have dramatically reduced the rates of pretrial rearrests and failures to appear in Federal courts. In addition, they have contributed to the reduction of unnecessary pretrial detention costs, and have assured the detention of defendants who should not be released pretrial.

S. 923 will provide for pretrial services throughout the Federal judicial system. I urge you to support the conference report on S. 923.

Mr. Speaker, I reserve the balance of my time.

Mr. SAWYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the conference report on S. 923, the Pretrial Services Act of 1982. I believe that it is absolutely imperative that pretrial services be made available to Federal judges in this country. Although I have some reservations about some of the mechanics involved in providing pretrial services under this conference report, the need for these services was amply demonstrated in testimony before the Subcommittee on Crime and by the recent experience in southern Florida.

I am encouraged by the fact that my amendments to the Pretrial Services Act were retained in this conference report. Those amendments require providers of pretrial services to provide Federal judges with information relating to the danger that the defendant may pose to any other person or the community. Under current law, judges are permitted to consider this factor in capital cases, when the defendant is awaiting sentencing or appeal, and where that factor has a bearing in noncapital cases on the defendant's likelihood to appear before the court when required. I believe this information will go a long way toward protecting the community and allowing judges to make informed decisions in that respect.

Mr. Speaker, one of the issues which arose during this body's consideration of the Pretrial Services Act involved the many problems presented by the Bail Reform Act of 1966 which it implements. Many of our colleagues have expressed concern that the Pretrial Services Act constitutes only a band-aid on the problem of bail crime and that it fails to remedy the substantial underlying problems in the Bail Reform Act. My bill, H.R. 4963, is designed to correct those problems. Unfortunately, that bill has not been processed with the same promptness enjoyed by the Pretrial Services Act. However, a light glimmers at the end of the tunnel. I am advised that the full Committee on the Judiciary may consider my bill on Tuesday, September 21 and I am hopeful that, with the strong support of proponents of reforms such as the gentleman from New Jersey (Mr. HUGHES), the bill will be favorably reported to this body.

As my colleagues are aware, there are precious few legislative days remaining in this Congress and I call upon all of them for their support and assistance in getting my bill to the floor of the House as soon as possible. As the primary sponsor of H.R. 4362, I have been showered with inquiries from my colleagues about the status of this important legislation. They have been contacted by many of their constituents urging them to do something about the problem of bail crime. I believe that this body should be permitted to vote upon the issue of preventive detention and I trust that they will have the opportunity to do so within the next few weeks.

Mr. Speaker, again I urge my colleagues to vote in favor of the conference report on S. 923. To the extent that there are problems in the mechanics of the bill, I am confident that they will be uncovered in the course of vigorous oversight by the subcommittee

Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I rise in very strong opposition to the conference report on S. 923, the Pretrial Services Act of 1982. In my judgment, the version passed by this body in May was a bad bill. The conference report, which incorporates many provisions from the other body's bill, is even worse.

Mr. Speaker, during this Congress and the last, the Members of the Judiciary Committee on both sides of the aisle have expressed two fundamental concerns about the pretrial services program. First, in recognition of the urgent need to reduce Federal Govenment spending, we were concerned about the cost of this program. For that reason, the committee adopted, and this body approved, a specific dollar authorization of appropriations for 2 fiscal years. This provision served not only as a limitation on appropriations for this program, but as a sunset provision. After 2 fiscal years, continuation of the program would be contingent upon a reevaluation by the Congress and appropriate adjustments. Unfortunately, the conference report does not mandate such a reevaluation. Instead, it provides for an open-ended authorization until the end of time.

Our second concern over this bill related to districts which preferred not to participate in the pretrial services program. Like some of my colleagues, I have been advised by Federal district court judges that pretrial services are not needed or wanted in their districts. For that reason, in both this Congress and the last, our committee insisted upon limiting pretrial services to districts that wanted them. This conference report, by contrast, mandates the provisions of pretrial services in all judicial districts. Our repeatedly voiced suspicions about the inevitable proliferation of pretrial services in this country have been confirmed at long last.

Of course, Mr. Speaker, as the gentleman from Michigan (Mr. SAWYER) has pointed out, our colleagues on both sides of the aisle have consistently voiced their concerns about the fact that this Congress has processed a money bill in this area, but has so far failed to correct the alarming deficiencies in the Bail Reform Act of 1966. This is a matter of great concern to our constituents who are harrassed and intimidated by the criminal element in this country which makes use of the revolving door created by the Bail Reform Act in their activities. Support for a reform measure like the bill introduced by my colleague from Michigan is substantial. Not only has the Senate Judiciary Committee reported such legislation, but it is the centerpiece of the President's omnibus crime package. I sincerely hope that my colleagues will enjoy an opportunity in the next few weeks to consider the bail reform bill on this floor. Otherwise, we will have once again subscribed to the notion that problems can be solved simply by throwing money at them.

Mr. Speaker, once again, I call upon my colleagues to vote against the conference report on S. 923. This bill contains none of the fiscal precautions which were found in the original House bill. In my estimation, it is sheer folly to force these services on districts which do not want them.

Mr. SAWYER. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I support the conference committee report on S. 923, but I am disappointed that the improvements that the House Committee on the Judiciary made in the bill were removed in conference. These improvements included specific dollar limitations on appropriations which encouraged the use of people who are already employed by the Federal Government as probation officers to perform pretrial services. I think that we have here an open-ended authorization which will encourage the hiring of additional personnel who will specialize in pretrial services. This could burgeon into another bureaucracy.

Now, that being said, I still want to support the concept underlying the bill. When people come into the criminal justice system as defendants initially, it is useful to the system and to the community to have some knowledgeable people interview them and investigate their backgrounds before

they go to trial, because that information, which might have been useful to the judge, is ordinarily not available to him.

We must try to keep people out of the criminal justice system, and we must get people in the system that ought to be there and ought to be convicted. But the sooner we get to the problems of criminality and the accused, the sooner we can try to save human beings from being put into the criminal justice system who perhaps ought not to be there. The idea is good; the concept is good. I urge my friend, the chairman of the subcommittee, the gentleman from New Jersey, to exercise vigorous oversight over the operation of this new and worthwhile program.

Mr. SAWYER. Mr. Speaker, I have no futher requests for time, and I yield back the balance of my time.

Mr. HUGHES. Mr. Speaker I yield myself such time as I may consume.

Just briefly, I want to respond to the concerns of my colleague. First of all, there are sufficient moneys in the budget now to run the program. Second of all, it is an authorization bill, not an appropriation bill. And, third, the other body insisted that we utilize for an extended period of time the probation services, and it was on that basis that we relented. But I share the concerns of my colleague and I assure him that we are going to press vigorous oversight. The fact remains however, that it is a good bill, and a strong anticrime measure. I urge my colleagues to support it.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to my colleague, the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I have been informed that in the conference to discuss the working out of the details of this legislation, the Republican House Members were excluded. And I certainly do not blame the Members of the majority party in the House for doing their thing, but I would like to record my sharp disappointment at the Members of the other body who are of the same party as the minority in the House for not including the House Members in the conference so that they might negotiate and have some input.

I just think it was wrong, and I would like to go on record as protesting that procedure.

Mr. HUGHES. I understand my colleague's concern and I share that concern. We do not operate in our committee that way. In fact, the gentleman from Michigan, Mr. HAL SAWYER, the ranking minority member, could not be a better partner in developing our committee's legislative initiatives.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 367, nays 20, not voting 45, as follows:

[Roll No. 326]

YEAS—367

Addabbo	Daub	Hall, Ralph
Albosta	Davis	Hall, Sam
Alexander	de la Garza	Hamilton
Anderson	Deckard	Hammerschmidt
Andrews	Dellums	Hance
Annunzio	DeNardis	Hansen (UT)
Anthony	Derwinski	Harkin
Applegate	Dicks	Hartnett
Archer	Dingell	Hatcher
Aspin	Dixon	Hawkins
Atkinson	Dorgan	Heckler
AuCoin	Dornan	Hefner
Bailey (PA)	Dougherty	Heftel
Barnard	Dowdy	Hertel
Barnes	Downey	Hightower
Beard	Dreier	Hiler
Bedell	Duncan	Holland
Beilenson	Dunn	Hollenbeck
Benedict	Dwyer	Holt
Bennett	Dymally	Hopkins
Bereuter	Dyson	Horton
Bethune	Early	Howard
Bevill	Eckart	Hoyer
Biaggi	Edgar	Hubbard
Bingham	Edwards (AL)	Huckaby
Bliley	Edwards (CA)	Hughes
Boggs	Edwards (OK)	Hunter
Boland	Emery	Hutto
Boner	English	Hyde
Bonior	Erdahl	Ireland
Bonker	Erlenborn	Jacobs
Bouquard	Evans (DE)	Jenkins
Bowen	Evans (IA)	Jones (NC)
Breaux	Fary	Jones (OK)
Brinkley	Fascell	Jones (TN)
Brodhead	Fazio	Kastenmeier
Broomfield	Fenwick	Kazen
Brown (CA)	Ferraro	Kemp
Brown (CO)	Fiedler	Kennelly
Broyhill	Findley	Kildee
Burgener	Fish	Kindness
Burton, Phillip	Flippo	Kogovsek
Byron	Florio	Kramer
Campbell	Foglietta	LaFalce
Carman	Foley	Lagomarsino
Carney	Ford (TN)	Lantos
Chappie	Fowler	Latta
Cheney	Frank	Leach
Chisholm	Frenzel	LeBoutillier
Clausen	Frost	Lehman
Clay	Fuqua	Leland
Clinger	Garcia	Lent
Coats	Gaydos	Levitas
Coelho	Gejdenson	Lewis
Coleman	Gephardt	Livingston
Collins (IL)	Gibbons	Loeffler
Conable	Gingrich	Long (LA)
Conte	Ginn	Long (MD)
Corcoran	Glickman	Lott
Coughlin	Gonzalez	Lowery (CA)
Courter	Goodling	Lowry (WA)
Coyne, James	Gore	Lujan
Coyne, William	Gradison	Luken
Craig	Gray	Lundine
Crockett	Green	Lungren
D'Amours	Gregg	Madigan
Daniel, Dan	Grisham	Markey
Daniel, R. W.	Guarini	Marks
Dannemeyer	Hagedorn	Marlenee
Daschle	Hall (OH)	Marriott
Martin (IL)	Pease	Smith (PA)
Martin (NC)	Perkins	Snowe
Martin (NY)	Petri	Snyder
Martinez	Peyser	Solarz
Matsui	Porter	Solomon
Mavroules	Price	Spence
Mazzoli	Quillen	St Germain
McCloskey	Rahall	Stangeland
McCollum	Railsback	Stark
McCurdy	Rangel	Staton
McDade	Ratchford	Stenholm
McEwen	Regula	Stokes
McGrath	Rhodes	Stratton
McHugh	Rinaldo	Studds
McKinney	Ritter	Swift
Mica	Roberts (KS)	Synar
Michel	Roberts (SD)	Tauke
Mikulski	Rodino	Tauzin
Miller (CA)	Roe	Traxler
Miller (OH)	Roemer	Trible
Mineta	Rogers	Vander Jagt
Minish	Rose	Vento
Mitchell (MD)	Rostenkowski	Volkmer
Mitchell (NY)	Roth	Walgren
Moakley	Roukema	Walker
Molinari	Rousselot	Wampler
Mollohan	Roybal	Washington
Montgomery	Rudd	Watkins
Moore	Russo	Waxman
Moorhead	Sabo	Weaver
Morrison	Savage	Weber (MN)
Mottl	Sawyer	Weber (OH)
Murphy	Scheuer	White
Murtha	Schneider	Whitehurst
Myers	Schroeder	Whitley
Napier	Schulze	Whittaker
Natcher	Schumer	Whitten
Neal	Seiberling	Williams (OH)
Nelligan	Shamansky	Wilson
Nelson	Shannon	Winn
Nichols	Sharp	Wirth
Nowak	Shaw	Wolf
O'Brien	Shelby	Wolpe
Oakar	Shumway	Wortley
Oberstar	Shuster	Wright
Obey	Siljander	Wyden
Ottinger	Simon	Wylie
Oxley	Skeen	Yates
Panetta	Skelton	Yatron
Parris	Smith (AL)	Young (FL)
Pashayan	Smith (IA)	Young (MO)
Patman	Smith (NE)	
Patterson	Smith (NJ)	

NAYS—20

Ashbrook	Fields	Leath
Badham	Gramm	McDonald
Bailey (MO)	Gunderson	Paul
Crane, Daniel	Hansen (ID)	Sensenbrenner
Crane, Philip	Hendon	Stump
Dickinson	Jeffries	Taylor
Emerson	Johnston	

NOT VOTING—45

Akaka	Evans (IN)	Pritchard
Bafalis	Fithian	Pursell
Blanchard	Ford (MI)	Reuss
Bolling	Forsythe	Robinson
Brooks	Fountain	Rosenthal
Brown (OH)	Gilman	Santini
Burton, John	Goldwater	Smith (OR)
Butler	Hillis	Stanton
Chappell	Jeffords	Thomas
Collins (TX)	Lee	Udall
Conyers	Mattox	Weiss
Derrick	McClory	Williams (MT)
Donnelly	Moffett	Young (AK)
Ertel	Pepper	Zablocki
Evans (GA)	Pickle	Zeferetti

□ 1215

Mr. DANIEL B. CRANE and Mr. HANSEN of Idaho changed their votes from "yea" to "nay."

Mr. WEBER of Minnesota changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1230

GENERAL LEAVE

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6956, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATION BILL, 1983

Mr. BOLAND. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6956) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New York (Mr. GREEN) and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was not objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 346, nays 5, answered "present" 1, not voting 80, as follows:

[Roll No. 327]

YEAS—346

Albosta	Bailey (PA)	Bouquard
Alexander	Barnard	Bowen
Anderson	Barnes	Breaux
Andrews	Bedell	Brinkley
Annunzio	Beilenson	Brodhead
Anthony	Benedict	Broomfield
Applegate	Bennett	Brown (CA)
Archer	Bereuter	Brown (CO)
Ashbrook	Bevill	Broyhill
Aspin	Billey	Burgener
Atkinson	Boner	Burton, Phillip
AuCoin	Bonior	Byron
Bailey (MO)	Bonker	Campbell
Carman	Hagedorn	Napier
Carney	Hall, Ralph	Natcher
Chappie	Hall, Sam	Neal
Cheney	Hamilton	Nelligan
Chisholm	Hammerschmidt	Nelson
Clausen	Hance	Nowak
Clinger	Hansen (ID)	Oakar
Coats	Hansen (UT)	Oberstar
Coelho	Harkin	Obey
Coleman	Hartnett	Oxley
Collins (IL)	Hatcher	Panetta
Conable	Hawkins	Parris
Conte	Heckler	Pashayan
Conyers	Hefner	Patman
Corcoran	Heftel	Patterson
Coughlin	Hightower	Pease
Courter	Holland	Perkins
Coyne, James	Holt	Petri
Coyne, William	Hopkins	Peyser
Craig	Horton	Porter
Crane, Daniel	Howard	Price
Crane, Philip	Hoyer	Quillen
D'Amours	Hubbard	Rahall
Daniel, R. W.	Huckaby	Railsback
Dannemeyer	Hughes	Rangel
Daschle	Hunter	Ratchford
Daub	Hutto	Regula
Davis	Hyde	Rhodes
de la Garza	Ireland	Rinaldo
Deckard	Jacobs	Ritter
Dellums	Jenkins	Roberts (KS)
Derwinski	Jones (NC)	Roberts (SD)
Dicks	Jones (OK)	Robinson
Dingell	Jones (TN)	Rodino
Dixon	Kastenmeier	Roe
Donnelly	Kazen	Roemer
Dorgan	Kennelly	Rogers
Dornan	Kildee	Rose
Dougherty	Kindness	Rosenthal
Dowdy	Kogovsek	Rostenkowski
Downey	Kramer	Rousselot
Dreier	Lagomarsino	Roybal
Duncan	Lantos	Rudd
Dunn	Latta	Russo
Dwyer	Leach	Sawyer
Dymally	Leath	Scheuer
Dyson	Lehman	Schneider
Early	Leland	Schroeder
Eckart	Levitas	Schulze
Edgar	Lewis	Schumer
Edwards (AL)	Livingston	Seiberling
Edwards (CA)	Loeffler	Sensenbrenner
Edwards (OK)	Long (LA)	Shamansky
Emerson	Long (MD)	Shannon
English	Lott	Sharp
Erdahl	Lowery (CA)	Shaw
Erlenborn	Lowry (WA)	Shelby
Evans (DE)	Lujan	Shumway
Evans (IA)	Luken	Shuster
Fary	Lundine	Siljander
Fascell	Madigan	Simon
Fazio	Markey	Skeen
Fenwick	Marlenee	Smith (AL)
Ferraro	Marriott	Smith (IA)
Fiedler	Martin (IL)	Smith (NE)
Fields	Martin (NY)	Smith (NJ)
Findley	Martinez	Smith (PA)
Fish	Matsui	Snowe
Flippo	Mavroules	Snyder
Florio	Mazzoli	Solomon
Foglietta	McCloskey	Spence
Foley	McCollum	St Germain
Ford (TN)	McCurdy	Stangeland
Fowler	McDade	Stark
Frank	McEwen	Staton
Frenzel	McGrath	Stenholm
Frost	McHugh	Stokes
Fuqua	McKinney	Stratton
Garcia	Mica	Studds
Gaydos	Michel	Swift
Gejdenson	Mikulski	Synar
Gephardt	Miller (CA)	Tauke
Gibbons	Miller (OH)	Tauzin
Ginn	Mineta	Taylor
Glickman	Minish	Traxler
Gonzalez	Mitchell (MD)	Trible
Goodling	Mitchell (NY)	Vander Jagt
Gore	Moakley	Vento
Gradison	Mollohan	Volkmer
Gramm	Montgomery	Walgren
Gray	Moore	Walker
Green	Moorhead	Wampler
Gregg	Morrison	Washington
Grisham	Mottl	Watkins
Guarini	Murphy	Weaver
Gunderson	Myers	Weber (MN)
Weber (OH)	Winn	Wylie
White	Wirth	Yates
Whitehurst	Wolf	Yatron
Whitley	Wolpe	Young (FL)
Whittaker	Wortley	Young (MO)
Williams (OH)	Wright	
Wilson	Wyden	

NAYS—5

Badham	McDonald	Paul
Johnston	Molinari	

ANSWERED "PRESENT"—1

Ottinger

NOT VOTING—80

Addabbo	Fithian	Nichols
Akaka	Ford (MI)	O'Brien
Bafalis	Forsythe	Pepper
Beard	Fountain	Pickle
Bethune	Gilman	Pritchard
Biaggi	Gingrich	Pursell
Bingham	Goldwater	Reuss
Blanchard	Hall (OH)	Roth
Boggs	Hendon	Roukema
Boland	Hertel	Sabo
Bolling	Hiler	Santini
Brooks	Hillis	Savage
Brown (OH)	Hollenbeck	Skelton
Burton, John	Jeffords	Smith (OR)
Butler	Jeffries	Solarz
Chappell	Kemp	Stanton
Clay	LaFalce	Stump
Collins (TX)	LeBoutillier	Thomas
Crockett	Lee	Udall
Daniel, Dan	Lent	Waxman
DeNardis	Lungren	Weiss
Derrick	Marks	Whitten
Dickinson	Martin (NC)	Williams (MT)
Emery	Mattox	Young (AK)
Ertel	McClory	Zablocki
Evans (GA)	Moffett	Zeferetti
Evans (IN)	Murtha	

□ 1245

So the motion was agreed to.

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 6956, with Mr. LEVITAS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 30 minutes, and the gentleman from New York (Mr. GREEN) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield myself such time as I might require.

Mr. Chairman, I would hope we can complete consideration of the 1983 HUD-independent agencies appropriations bill today. The Senate is ready to move on this bill. If both bodies act expeditiously, we can bring a conference agreement back to the House sometime this month. That is what I would like to see happen—a separate appropriation bill sent to the President—and one he can sign.

The Committee on Appropriations recommends $46,995,739,000 in new

budget authority for the Department of Housing and Urban Development and the 17 independent agencies funded in this bill.

Before I get into the details of the bill, let me run over where we stand in comparison to our section 302 allocation and the President's budget.

The table on page 48 of the committee's report shows how the HUD bill compares with the section 302 allocation. As you can see, we are under our allocation by $9.6 billion in budget authority. That occurs because the committee made a decision to defer all action on the major accounts dealing with the subsidized housing programs. We believe it is premature to make recommendations in this area for 1983 primarily because of two factors:

First, the authorizing legislation has not passed the House or Senate yet; and

Second, the administration is currently looking again at exactly what it wants to do in the area of subsidized housing in 1983.

So it is our feeling that we should not make any recommendations in this area until we see what the bottom line of that legislation will be. Now that is the major reason that we are about $9.6 billion under in budget authority.

In the area of outlays, the bill has also come in under the 302 allocation. In total, we are under by about $2 billion. That is made up of $1.3 billion in mandatory outlays and about $700 million in discretionary outlays.

We are under in mandatory outlays largely because when CBO estimated the outlay impact of the $2.4 billion appropriated for EPA construction grants in the urgent supplemental—it over-estimated the outlay impact of that money for fiscal year 1983 by at least $1 billion. However, let me quickly add that offsetting that erroneous estimate is the fact that the HUD subcommittee has been given no allocation in outlays for what we expect will be about $800 million in additional requirements for veterans compensation programs in 1983. Additionally, the budget assumed over $230,000,000 in legislative savings in VA entitlement programs in 1983. Legislation has passed saving only $65 million. Thus, the subcommittee needs another $165 million for VA entitlement programs. So it would appear that the two more or less balance each other out.

In the area of discretionary outlays, we are under by about $700 million. The difference between what we have approved and our ceiling is largely made up of discretionary outlays that will be associated with decisions we ultimately make on the assisted housing programs that are being deferred.

That is the picture in terms of 302 allocation. Now as you also can see by the table on page 2 of the report we are about $353 million above the President's budget request in budget authority. We are approximately $310 million above the administration's request in outlays.

So it is true that we are over the President's budget. But the fact is that it was impossible to come in under that budget—because in one or two areas his request was so low, that regardless of your party affiliation—it would be very difficult to support the request. I am not even sure the President is supporting the February budget submission.

For example, let us look at the appropriation for public housing operating subsidies which is on page 4 of the committee's report. The President recommended $1,075,000,000 in 1983. You will notice that the 1982 appropriation was approximately $1,350,000,000. We added $275 million to the President's request to restore the 1983 funding to the 1982 level. But, and this is important, if you were to take the current performance funding system formula and simply pencil out what should be provided in this account—we would have appropriated something like $1,550,000,000.

But we did not do that. Instead, for the past 12 months the HUD Subcommittee has made an effort to change the performance funding formula so that those housing authorities that are doing a good job in conserving fuel will be rewarded and those that are not will be penalized. After a number of false starts, we think we have the Department and the public housing authorities on the same track—and we expect to be able to save some money in fiscal year 1983 from these efforts. We do not know how much money can be saved. After the new funding formula is implemented, we can get a look at what is needed. A supplemental appropriation can be made at that time. So we did not provide an additional $200 million above what you see here, but the bottom line is that we are still $275 million above the President's budget.

Now we had to find some ways to offset the increase. One way that we are recommending is a reduction of $100 million in the urban development action grant program. Let me say first that the HUD subcommittee has been one of the strongest supporters of the UDAG program. In fact, this subcommittee insisted last year that the program be funded and that it be funded as a separate program and not wrapped into the Community Development Block Grant account.

But we have some very reliable information which indicates that the Department cannot give away the money for UDAG small cities. The fact is that there are just not enough quality small city UDAG applications to fund. And it is also true that when we first looked into this problem we found that HUD expects to carry forward in fiscal year 1983 approximately $100 million of unused small city UDAG funds.

Now if we go ahead and appropriate the entire $440 million that was requested—then you would have a situation where the small cities would receive $110 million (which is 25 percent) plus the carryover of $100 million. In short, we could expect to have by the end of fiscal year 1983 an excess in the small cities area of $125 million.

We felt that that did not make much sense—and we reduced this appropriation for 1 year only and have included bill language which would allocate nearly all of the balance of $340 million to the large cities.

What does that mean? It means that no one—large cities or small cities—will get anything less than what they would have gotten if we appropriated the full amount of the request. The fact is the full request of $440 million could not be used—and it was our judgment that we could offset part of the increase for operating subsidies by this rather painless reduction.

If and when money is required to meet the demand for small cities UDAG applications, the committee will give favorable consideration to such supplemental funding.

Now let us turn to another area where the President's request was simply not realistic—and that is the funding for the Environmental Protection Agency which is described on pages 12, 13, 14, 15, and 16 of the report. Here is the important point. EPA's operating budget was reduced in 1982 below 1981 by approximately $268 million—roughly a 20-percent cut. On top of that the President proposed an additional reduction of $125 million or 12 percent for 1983. That would represent a 32-percent cut over a 2-year period.

I would never argue that any agency of this Government could not stand a cut. But you cannot cut the Environmental Protection Agency by 32 percent and expect it to administer the myriad of environmental laws that Congress has put on the books. It is just that simple. It cannot be done.

So the committee restored approximately $73 million. We put back $12.5 million in the research and development account. We also added $6.9 million for salaries and expenses and $53 million for abatement, control, and compliance activities.

But our biggest priority in EPA was for State grants. On pages 13 and 14 of the report you can see that we added back a total of $47.5 million of the $55 million that had been deleted from the State grant area for 1983. That was the committee's highest priority—and from what I have been hearing from the constituent groups—it was their highest priority.

Now, again, to offset this increase and some other increases for NASA and the National Science Foundation we are recommending a reduction in the substantial increase for civil defense activities in the Federal Emergency Management Agency.

Let me make one thing very clear—both myself and the committee are on record of having made the point that if the administration came forward with a plan to spend a signficant amount of money for a new civil defense thrust—we would give that request very careful consideration. But my friends, the plan that they came forward with is one that I just cannot support. I do not want to go into all the details about the plan here but briefly, it is based on the concept of crisis relocation. In other words, what FEMA proposes is to move roughly 60 to 65 percent of the population from approximately 450 high-risk areas to so-called "host" areas. The plan, of course, assumes that we will have about 4 to 7 days' advance warning—that the population in the high-risk areas will cooperate and will want to move—that the host areas will be equipped to handle the millions of people moving into these areas—and that the Russians will not launch an attack just about the time everybody has gotten into their cars and are stalled in an enormous traffic jam somewhere between Springfield and Amherst.

Now we could stand here for hours, arguing over whether or not there will be any survivors in a nuclear war or whether or not this plan is actually destabilizing. While those are important issues, and while I personally feel that this plan could be destabilizing—I do not believe that that is what the committee needs to look at. What we need to decide is, is it worth spending $4.2 billion, at a minimum, to institute this plan? And—will the plan work after we have spent the money?

My judgment is that it will not work. I may not be able to prove that it will not work—but anyone who has spent 6 to 7 hours trying to get to the beach from Washington in a drive that normally takes maybe 3 hours should have some idea of the problem. In the case of getting to the beach, we are talking about moving 100,000 people. This plan calls for moving 90 percent of the metropolitan area of Washington. Think about that for a minute—and I feel you would agree the plan is flawed.

Now let us talk for a minute about one or two other areas where we have added money above the President's budget.

First, for NASA, we have added $193 million—which is primarily made up of an additional $32 million for aeronautics; $23 million for planetary mission operations; $22 million for a new advance communications satellite and finally, $140 million for Centaur Upper Stage development.

Second, the committee recommended an increase of $40 million for the National Science Foundation. Of that amount, $25 million is targeted for Science Education activities—which for all practical purposes the administration is again requesting no funds—and $15 million for the primary research and related activities function of the Foundation.

Finally, Mr. Chairman, we have provided modest increases for certain programs of the Veterans' Administration. We have added $16.7 million to medical care for an additional 500 nurses and some additional community nursing beds. Also, in the area of medical research we have added $17.2 million for what I believe—and I think the committee would agree—is some of the best spent money in the Federal budget. VA medical research returns substantially greater benefits than the total dollar investment. And I believe that it is an area that we can add money to and be assured it will be well spent.

So, I feel that the bill we have brought to you today is a reasonable recommendation. We are well under our 302 allocation for the first budget resolution. We are a little over the President's budget request—but I tried to explain to you why we felt that some increases were required in various areas—and how we attempted to offset those increases with one or two major decreases.

Mr. Chairman, this is a good bill—and I believe that it is one the President can sign.

Mr. CONTE. Mr. Chairman, will the gentleman yield to me?

Mr. BOLAND. Mr. Chairman, I am very pleased to yield to my distinguished colleague from Massachusetts who, incidentally, won the Democratic nomination for the U.S. Congress yesterday afternoon.

I am very pleased to yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the chairman of the subcommittee a question.

I understand that the committee has not provided funds for subsidized housing programs in this bill. Instead they have explicitly deferred action in this area until further direction is provided by the authorizing committee regarding the content of authorizing legislation. Is that correct?

Mr. BOLAND. The gentleman is correct. The committee believes that it would not be appropriate to make any recommendations in connection with subsidized housing programs for fiscal year 1983 until we see the outcome of significant new housing authorization legislation now before the Congress.

The committee has deferred action on four accounts which comprise the principal thrust of the subsidized housing program: First, annual contributions for assisted housing; second, rent supplement (rescission of indefinite contract authority); third, low-rent public housing—loans and other expenses (by transfer); and fourth, Government National Mortgage Association, special assistance functions fund (Ginnie Mae tandem program).

Those areas have not been included in this bill because of lack of authorization.

Mr. CONTE. I thank my colleague and would like to make a further inquiry. The bill we have before us today is approximately $9.6 billion below the 302(b) allocation for discretionary accounts which the committee has adopted for programs in the HUD/independent agencies subcommittee's jurisdiction.

Can we have the gentleman's guarantee to the House that when the committee deems it appropriate to propose funding for subsidized housing programs, the level of funding provided will be no more than $9.6 billion in total new budget authority for fiscal year 1983, and that any contingent rescissions, for example in the rent supplement program, will not serve to offset higher appropriations in achieving the overall level of $9.6 billion?

Mr. BOLAND. I can assure the gentleman and the House that it is my intention to recommend no more than $9.6 billion in new budget authority for fiscal year 1983 for subsidized housing programs, under the conditions you have just described.

□ 1300

Mr. CONTE. I, in turn, Mr. Chairman, can assure the gentleman in the well and my good friend, EDDIE BOLAND, and the Members of the House, that the administration supports the House passage of the bill, and if not radically changed by the Senate we will have a signature on this one.

Mr. BOLAND. I am delighted with the assurance of the gentleman from Massachusetts. That gives me occasion to say this might be an appropriation bill that will be signed because it will meet the test the President has suggested with reference to funding for fiscal year 1983 for the Department of Housing and Urban Development and the 17 independent agencies included in this bill.

I thank the gentleman from Massachusetts.

Mr. CONTE. In closing, I want to take this opportunity to congratulate the gentleman in the well for his leadership, not only on this bill, but down through the years in the Appropriations Committee.

Mr. BOLAND. Mr. Chairman, I am pleased to yield such time as he may desire to the distinguished gentleman from New Jersey (Mr. FLORIO).

Mr. FLORIO. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this legislation, particularly the amendments to be offered by the gentleman from New York (Mr. SCHEUER) and the gentleman from Tennessee (Mr. GORE).

Mr. Chairman, the House will consider three amendments offered by Mr. GORE and Mr. SCHEUER to the HUD-independent agencies bill today which I believe are critical to EPA's continuing viability as a regulatory agency.

Over the past 1½ years we have witnessed a rather systematic and cold-blooded attempt to destroy EPA's inner structure of professional staff, emasculate the major regulatory programs, and cast the States adrift.

Fortunately, I believe that the Congress, the regulated community, and certainly the American people are waking up to this catastrophe and are prepared to stop the destruction and restore the resources needed to insure that EPA can operate an effective and efficient environmental program. The three amendments which will be offered today are important steps in this process.

Mr. Chairman, my subcommittee has jurisdiction over three major EPA programs, including the Resource Conservation and Recovery Act, the Toxic Substances Control Act, and Superfund. We monitor EPA's progress in implementing the programs very carefully. I can say without any reservation that additional funds are needed for salaries, research and development, and State grants in each of the areas.

Perhaps a few illustrations of how these funds would be used would be helpful.

EPA has just begun the effort to issue permits to the over 10,000 hazardous waste treatment, storage, and disposal facilities around this country. Only last week this House passed overwhelmingly a bill which requires EPA to adhere to a rigid timetable for granting these permits. It is our responsibility to insure that EPA has an adequately trained, professional staff to write and monitor these permits. Without sufficient personnel and resources, the permit writing process will bog down hopelessly and American industry will be unable to obtain needed approval for new construction and upgrading of old facilities. It is clear to me that the present budget needs to be augmented in order to make sure that the permitting and compliance program works effectively.

I urge support for the amendment which will provide additional funds for the salaries and expenses of personnel engaged in permitting and enforcement work. Enforcement is the backbone of all of these programs and these funds will help assure that our environmental laws are properly adhered to.

I know that Mr. SCHEUER is going to offer an amendment to restore at least part of the funds which were slashed from the research and development account. I support this attempt because I know that basic research and development into environmental control technology and monitoring equipment to measure the impact of pollution on public health and the environment is absolutely essential if we are to continue to make progress toward cleaning up our environment and protecting it from further damage. No farsighted person could oppose the development of the science which will ultimately save us from further degradation of the environment and our quality of life.

Perhaps the cruelest budget cuts of all have come in the area of State grants. The administration's original request cut almost 20 percent across the board from State grants from all programs. I know that the Appropriations Committee restored some of that and the Gore-Schneider amendment will improve the picture even more. The fact is that the States are about to be gifted with the responsibility of running many of the air, water, and hazardous waste programs themselves. It is unfair to tell the States they must take on these tasks and cast them adrift with minimal resources. To do that is to deny them the ability to have an effective program and ultimately to cause more harm to the public health and the environment.

All of these amendments are worthy of your support and I hope you will join me in voting in favoring them.

Mr. BOLAND. Mr. Chairman, I reserve the balance of my time.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished chairman of our subcommittee has, as always, very lucidly and accurately explained what is a very complicated piece of legislation, and I shall not bore the House by trying to gild the lily and repeat what he has already explained so carefully. I thought that it might be more useful in the time that I am consuming simply to emphasize where we are under the budget process and what the consequences are of what we do this afternoon.

As has been explained by the distinguished subcommittee chairman and by the colloquy between him and the distinguished ranking minority member of the full committee, the subcommittee has produced a bill which is approximately $9.6 billion under the section 302(b) allocation to this subcommittee which the subcommittee expects $9.6 billion to provide for housing—a subsequent bill. For the sake of those who may not be totally familiar with Appropriations Committee procedures, under the Budget Act the Appropriations Committee is allocated in the first budget resolution an amount of money covering all the funds to be appropriated that are called for by the first budget resolution, and, pursuant to section 302(b) of the Budget Impoundment and Control Act, the Appropriations Committee, by vote of the committee, then allocates that money among its subcommittees. So, in order to stay within the limit that the Appropriations Committee granted to the subcommittee, we can spend only $9.6 billion in the housing appropriation bill that we will be producing later in the session. I hope that will be shortly after the Banking Committee has produced a housing bill.

I want to be very explicit, that in order to stay within the 302(b) limit, that $9.6 billion represents an amount that is already less than the first budget resolution contemplated for the housing items that were enumerated by the distinguished chairman of the subcommittee. So, in a very real sense, the subcommittee has already chosen to take some of the budget authority that was available for housing purposes as contemplated by the first budget resolution and made that funding available elsewhere in this appropriations bill; particularly, as the distinguished chairman has pointed out, in the additional appropriations that the subcommittee has recommended above and beyond what the administration has requested with respect to EPA.

Now, I know that there are many Members who are concerned at the levels for various agencies in this appropriation bill, and in particular those for EPA. I want to say very candidly that I do share their concerns and I sympathize with those concerns. At the same time, I would ask them to sympathize with the subcommittee's situation and the situation that all of us in this House face as we consider this bill this afternoon because we have already taken funding from housing in order to give increases to EPA and elsewhere in this bill. Every Member should understand that, since it is only the housing piece that is not in this bill of the 302(b) allocation to this subcommittee, any amendment to increase spending this afternoon is in essence going to take funds away from housing assistance, because this subcommittee has committed itself and those Members who were listening to the distinguished chairman of the subcommittee and the distinguished ranking minority Member of the full Appropriations Committee heard it just a couple of minutes ago to stay within that allocation. Therefore if this bill

balloons by reason of amendments to it this afternoon, the amount that this committee will have to apply to the housing programs will shrink by the same amount.

So, I think all Members, as we go about our business this afternoon when we enter the 5-minute rule and start considering amendments, ought to be very clear that any amendment they vote for to increase funding for anything else has the effect of reducing what will be left to this subcommittee to provide for assisted housing.

Again, were we not subject to those kinds of constraints, not only would I be supporting some of the amendments that have been noticed to be offered this afternoon, I would be offering some of them myself. But we do have to operate under those constraints as part of the budget procedure that this House has enacted for itself in the Budget and Impoundment Control Act of 1974, and I hope that the House will abide by them as we do our work this afternoon.

Mr. BOLAND. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I just want to compliment the gentleman from New York (Mr. GREEN) for the work he has done on this subcommittee. I do not know of any other subcommittee that has enjoyed the nonpartisan support that this subcommittee on appropriations has, and it is due to the willingness of the gentleman from New York to adhere to his own principles of spending for the various agencies that are in this bill. We have always come to general agreement on spending for the agencies in this bill.

BILL GREEN's advice has been a great help to the subcommittee. He has willingly given this committee a great deal of his time, his effort, and his talent—and he has plenty of talent.

The distinguished gentleman from New York served on the Banking Committee before joining the Appropriations Committee. His expertise and knowledge there was helpful to that committee and, I must say, is certainly helpful to this committee. I appreciate the services he renders to this committee.

Mr. Chairman, I yield such time as he might desire to the gentleman from Alabama (Mr. FLIPPO).

Mr. FLIPPO. Mr. Chairman, with a great deal of reluctance, I rise in opposition to H.R. 6956. However, I must oppose the direction and funding contained in this appropriations which is contrary to H.R. 5890, the NASA fiscal year 1983 authorization legislation which has been passed by the House. At the appropriate time I plan to offer an amendment to reduce the NASA research and development appropriations by $140 million which has been added above the President's request and the NASA authorization action to support the sole-source procurement of a Shuttle/Centaur upper stage.

The urgent supplemental recently signed into law included language directing that NASA develop, via sole-source contracts, the Centaur upper stage for its planetary missions and cancel procurement of the inertial upper stage vehicles being bought on an Air Force contract for the Galileo and International Solar Polar missions. This action was opposed by NASA, the Air Force, and the Office of Management and Budget. While this action had minimal impact in fiscal year 1982, the implications for the fiscal year 1983 budget are significant.

The fiscal year 1983 HUD-Independent Agencies appropriations bill would continue support to the sole-source procurement of Centaur by adding $140 million more than was included in the fiscal year 1983 NASA authorization already passed by the House. The Centaur development and required orbiter and launch pad modications will cost more than $634 million for two NASA missions. The Air Force has estimated that to meet Air Force requirements an additional $400-$900 million above the NASA estimate would be required to reconfigure the NASA version of Centaur and to modify DOD spacecraft for use on a short version of Centaur. Therefore, I believe the Nation would be better served if NASA is allowed to proceed with the Galileo and International Solar Polar missions utilizing an Inertial Upper Stage and if the Air Force and NASA are permitted to proceed with a carefully structured high energy upper stage program. This approach would be far more effective and beneficial since a high energy upper stage would be required in the future whether or not we develop the Centaur.

Recent communications from NASA and DOD suggest that NASA and the Air Force have cut a deal for a joint Centaur development program. But this change in agency position in itself is not justification for a sole-source procurement. The planned NASA missions can be accomplished with the Inertial Upper Stage and therefore sole-source is not required. The Air Force requirements are in the late eighties and beyond; therefore, there is adequate time for an orderly competitive procurement. I urge my colleagues to oppose the upper stage direction being mandated by the Appropriations Committee without prior authorization.

Mr. GREEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the distinguished chairman of our subcommittee for his very generous words, and express to the House what a privilege it has been for me to work with him in this Congress on the work of this subcommittee. His understanding of the work of an extraordinarily diverse group of agencies, his understanding of the workings of this House, and his concern for the members of his subcommittee has been something that I have deeply appreciated, and I would be remiss if I did not express that appreciation on the floor.

Mr. Chairman, I now yield such time as he may consume to my predecessor as the ranking member on the minority side of the subcommittee, the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I thank my colleague from New York for yielding me this time. I just simply take it to congratulate the very distinguished chairman of the subcommittee, the gentleman from Massachusetts, as well as my colleague from New York, for the bill that they are bringing before this House. It is a product of a great deal of work. It is a very complicated bill, and yet it has been brought in a position to be within the section 302 allocation, and in a position to be supported by the administration.

I was particularly pleased that the distinguished chairman of the subcommittee indicated that the housing operating assistance for low-income housing had been increased above the budget, because what we are faced with in this area to provide is that while we may be able to defer some expenditures for some new programs, it is awfully important to keep the housing that we have presently operating, and operating in a decent way and operating under decent conditions.

□ 1315

So that is a tradeoff that we have to make sometimes in this budgetary process. Where we reduced UDAG grants, those were grants for new projects, and perhaps we have to defer some of those new projects for a period of time. But we cannot take projects and installations that are currently there and let them decay and be operated poorly.

Again, Mr. Chairman, I offer my congratulations to both the subcommittee chairmen and the ranking minority member for a very good bill. I urge its support.

Mr. BOLAND. Mr. Chairman, I yield such time as he might desire to the distinguished gentleman from Michigan (Mr. TRAXLER), a member of the subcommittee.

Mr. TRAXLER. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the severe budget limitations that Congress has imposed upon itself are forcing us to make many program reductions, and while I appreciate the need to reduce Federal spending, I am becoming increasingly concerned that while we are cutting spending in many programs, we are

not sufficiently mindful of the need that we have for many of these programs.

A case in point is the fiscal 1983 appropriation for the Environmental Protection Agency, as proposed by H.R. 6956, the fiscal 1983 HUD-independent agencies appropriations bill. The situation is so critical that it prompted me to offer supplemental views in the report on this legislation.

President Reagan succeeded in obtaining a 20-percent reduction in EPA funding last year, and he seeks another 12-percent reduction this year. The Appropriations Committee has made valiant efforts to restore as much funding for EPA programs as the committee, in its collective judgment, felt prudent.

But while the restoration is good news, I am fearful that it is like telling a drowning man that help is on the way only to have the help arrive too late. Our restorations in salaries and expenses and research and development are important. However, even with these restorations, these programs will be $10.1 million and $33.1 million, respectively, below the fiscal 1982 appropriation.

With our environmental challenges mounting, it is pure folly to reduce the programs that can help us identify ways to improve our environment. While businesses are trying to comply with our various environmental laws, to cut staff at EPA will only make it more difficult for American business to receive timely review of the many certification requests that have to be approved by EPA before business can move forward with its many projects.

I am not, Mr. Chairman, attempting to justify each and every environmental law currently on the books. I think it is important to keep in mind that we can reach a balance between our many economic and environmental concerns based upon scientific fact, as we are currently trying to do with proposed revisions in the auto emission standards imposed by the Clean Air Act. But if we simply cut the EPA budget without adequate attention to the value provided by a responsibly funded EPA, we will doom many of our efforts to secure a healthy environment at a reasonable cost.

I truly wish that our committee could have provided greater restorations for EPA activities. But the restraints of the budget resolution have presented us with our current situation and limit our options. It is for this reason that I have to date supported the action of the Appropriations Committee and why, in the absence of a responsible alternative, I will continue to support the bill as reported.

In addition, Mr. Chairman, I would like to comment on the committee's decision to add $40 million to the budget of the National Science Foundation. Emphasis in this increase is given to science education and to restoring some of the previously made cuts in the social and behavioral sciences. I would like to comment further on the latter.

This committee worked hard and long to produce an acceptable compromise between our urgent needs to invest in scientific understanding and the need to be sensitive to fiscal constraints. The increases in the social and behavioral sciences are modest, and are not even enough to restore these areas to their 1980 levels.

It would be a mistake to seriously underinvest in exactly the kind of basic research and development needed to restore the vigor of our economy and the capacity of our society to adapt to the massive changes that are underway. I strongly support the recommendations of this committee, especially as it relates to the increased resources provided for NSF programs in the social and behavioral sciences.

As this body knows full well, the problems that we face as a Nation are dominantly economic, social, and behavioral issues, and they cannot be better understood or eventually resolved unless we increase our capacity to understand, analyze, and interpret these issues. The administration request was far too low to permit that urgently needed increase in economic and social knowledge, and the committee has recommended a modest, but critical, expansion of support in these areas.

I might note that research in the social and behavioral sciences is especially important during periods when major changes in social and economic policy are in process. This administration has adopted a set of policies designed to change significantly the way in which our economy and society function. If we cut away our capacity to monitor and understand what is happening in the economy and in our society, neither the administration nor this body will be able to judge the success or failure of those policies.

VETERANS' ADMINISTRATION BUDGET

I am pleased to support the committee's recommendation for an increase of $17.2 million for medical and prosthetic research in the Veterans' Administration budget. This small VA medical research budget, totaling $155 million, represents only 1.9 percent of the total medical budget today. In 1970, it represented almost 3.5 percent of that budget.

I can neither understand nor support the administration's position in cutting this budget. The VA has a long tradition of excellence in patient care, medical education, and medical research. The three are inseparably linked, and a proper balance must be maintained. If research in the VA is damaged beyond repair by these drastic cuts, the system will lose many of its high-quality physicians—men and women engaged in the care of veterans, the teaching of future generations of health professionals, and the development of new medical knowledge.

I fully support the restortion of these funds. The impact of allowing the cuts to go through would have a disastrous effect on the VA medical care system.

Mr. BOLAND. Mr. Chairman, I yield such time as he might desire to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I thank and compliment the distinguished chairman of the subcommittee, the gentleman from Massachusetts (Mr. BOLAND), for doing a very efficient job under very trying circumstances, and I compliment as well the ranking minority member and my former colleague on the Banking Committee and, I believe, the Housing Subcommittee as well.

As the subcommittee chairman has well noted, the bill does not provide for funding the major housing production programs pending action on an authorization bill for those functions for which our committee has the responsibility.

The authorization bill was reported out of committee on a very timely basis last May. It was one of the first authorization bills approved by the committee. It is most unfortunate—and some of us have been auguished because of it—that it has not yet reached the floor for consideration. I want to assure my colleagues that we will bring the bill forward as soon as possible.

We are facing difficulties with the authorization bill, primarily and really mostly because the administration has until now adamantly opposed any kind of authorization that provides for housing production of any kind. They are opposed to new construction of public housing units; they are opposed to any funds for assisting the construction of multifamily units for moderate income families; they are opposed to any kind of assistance for home ownership; and they are opposed to any kind of housing stimulus program. They are even opposed to emergency mortgage assistance, even though the foreclosure rate on mortgages today is at the highest level ever reached.

I have been working to see whether it will be possible to bring forward a consensus bill for housing, and with that, I wish to note the very cooperative spirit of the ranking minority member of the subcommittee, the gentleman from Ohio (Mr. STANTON), who at this very time is attempting to meet with and negotiate with the White House and the Office of Management and Budget.

Now, this would be a bill that would provide less than the original bill reported from my committee. It is less than what I feel the Nation really needs and demands, but it would be a bill that would conform as closely and as reasonably to the budget resolution as possible. It would nevertheless be a bill that keeps intact our historic and bipartisan commitment to housing programs.

Our negotiations would be faster if the administration—and that is mostly Mr. Stockman—were not so adamant and fanatic in its position. Yet I am confident that we will be able to bring forward a good bill and do it as soon as possible.

Housing has been devastated, as everyone knows, by the economic forces of the past several years. There is not now any reasonable prospect for a sound recovery in housing, despite the fact that demand is strong and rising and we have a critical need, because the fact is that mortgage money is scarce and interest rates are still far beyond reach and mortgage conditions written into contracts place more risk on buyers than they can prudently assume.

We are in the midst of high unemployment and great uncertainly. These are times that normally would call for a major effort to stimulate housing production, but today the reality is that we confront an administration that believes the best way to cure a very sick patient is to inflict more cuts and apply more leeches.

Mr. Chairman, I want to assure the House that we will have a housing bill this year. It will be as comprehensive as possible, and it will hopefully be a bill that will be supported by every single Member who is concerned about housing and by every Member who realizes that jellybeans are no substitute and never will be substitute for workable policies.

Mr. DUNN. Mr. Chairman, I rise in support of this appropriation bill, H.R. 6956, and especially of the funding levels in it for the National Science Foundation.

The National Science Foundation maintains programs to encourage badly needed long-term, high-risk research. This research is accomplished by means which train future generations of scientists and engineers. There is a remarkably high return for this country in these programs. The broad impact of NSF science, engineering, and social science research and education programs in our economic and strategic interests is great in comparison to this relatively small part of the budget.

NSF programs conform well to the administration's view that long-term, high-risk research and resultant training are proper goals for Government expenditure. Indeed, the President's own budget requests an increase in funds for the NSF over last year's level. Nevertheless, I cannot agree with the administration's low figures for behavioral and social science research and for science and engineering education. Likewise, I must also object to alternatives which replenish these directorates by draining funds for all research activities.

The $1.1 billion contained in this appropriation bill for the National Science Foundation are an important investment in the economic and technological future of our country. Universities rely on these funds in carrying out their essential work, in remaining the research backbone of the Nation.

I urge my colleagues to support this funding level in this HUD-independent agencies appropriation for fiscal 1983, and oppose any weakening amendments.

● Mrs. SCHNEIDER. Mr. Chairman, 1 month ago, this House decided by nearly a 100-vote margin to increase the funding for the Environmental Protection Agency's research program to last year's appropriations level. At that time, it was made clear that such an increase was modest indeed, given the EPA's new responsibilities with regard to toxic wastes, and given the magnitude of the cuts in EPA's budget between 1981 and 1982.

If we want to reaffirm the commitment we made 1 month ago to the EPA budget and environmental protection, we must vote today to bring the appropriations for EPA's research closer to the fiscal year 1982 appropriations level. When we debated this issue previously, I think we made obvious a contradiction in EPA research policy. On the one hand, the Agency, is committed to improving the quality of scientific research that it uses to support our environmental standards. That is a goal that all of us can enthusiastically endorse.

At the same time, however, the Agency is cutting exactly those long-term research projects that keep the EPA in the forefront of environmental science. The point is obvious: If the Agency is going to focus its entire environmental program on short-term regulatory needs, the quality of its science will inevitably deteriorate. That point has been underscored by the American Chemical Society, which represents 125,000 chemists and engineers, and which has enthusiastically endorsed the amendment to restore appropriations for EPA research. Let me quote directly from the society's letter:

The Scheuer amendment would increase funding for extramural research, an area slated for drastic cuts by administration, thereby allowing the agency to draw upon qualified, creative experts outside EPA who can assist in solving environmental problems. The extramural program is critical because it is open to the entire scientific community, including many of the best environmental scientists, some of whom have become discouraged by their inability to have their work supported by funding through the EPA laboratories. The proposed additional funds will allow EPA to increase its long-range research on emerging environmental problems. It would be shortsighted to wait until such problems reach crisis proportions before attempting to develop the information that is needed for appropriate policies and regulations. A lack of fundamental information is a major reason the Agency has failed to meet some of the regulatory deadlines established by Congress. In summary, the American Chemical Society believes that the House would be wise to accept the Scheuer amendment.

I include the full text of the American Chemical Society's letter of endorsement at this point in the RECORD, and I ask that my colleagues support this important amendment.

AMERICAN CHEMICAL SOCIETY
Washington, D.C., September 14, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, D.C.

DEAR CONGRESSMAN WHITTEN: The American Chemical Society has a long-standing record for promoting the use of good science as the basis of regulatory decision-making. Research is needed to insure the integrity of environmental laws, regulations, and policies. This letter is to inform you of the Society's support for the amendment which Congressman James Scheuer, chairman of the Subcommittee on Natural Resources, Agriculture Research and Environment, is expected to offer to the HUD-Independent Agencies appropriations bill for fiscal year 1983.

Congressman Scheuer, whose subcommittee has been reviewing in detail the research and development efforts of the Environmental Protection Agency, proposes to increase funding for EPA's appropriation for "Research and Development" from $121 million, as recommended by the Committee on Appropriations, to $146 million. It is our understanding that, even with this amendment, the total EPA appropriations would still remain within the first budget resolution's allocation.

The Scheuer amendment would increase funding for extramural research, an area slated for drastic cuts by the Administration, thereby allowing the agency to draw upon qualified, creative experts outside EPA who can assist in solving environmental problems. At the same time, the agency will continue to support research which is more appropriately conducted in-house.

The extramural program is critical because it is open to the entire scientific community, including many of the best environmental scientists, some of whom have become discouraged by their inability to have their work supported by funding through the EPA laboratories. In contrast to previous selection processes, under the extramural program all proposals received would be subjected to peer review by panels of top scientists and engineers in the environmental field, and only those containing the most competent research will be recommended. Such reviews are so stringent that typically only 30 percent or less of the proposals are recommended for support. Once a proposal is recommended by a review panel, it is then reviewed internally by EPA to insure that the work is relevant to the mission and current priorities of EPA. The

result of these two levels of review is that the nation obtains the most competent, relevant research per dollar in the recommended fields.

The extramural program has funded a number of excellent studies of important atmospheric problems, such as carcinogenic materials in the atmosphere, and chemical and meteorological studies related to acid rain and the development of receptor models for atmospheric particles (which promise to be more reliable than presently used dispersion models for identifying air pollution sources). Projects funded in the water pollution field include development of a master analytical scheme for organic constituents in water, and development and validation of methods for analysis for priority pollutants.

Finally, the proposed additional funds will allow EPA to increase its long-range research on emerging environmental problems. It would be short-sighted to wait until such problems reach crisis proportions before attempting to develop the information that is needed for appropriate policies and regulations. A lack of fundamental information is a major reason the agency has failed to meet some of the regulatory deadlines established by Congress.

In summary, the American Chemical Society believes that the House would be wise to accept the Scheuer amendment. Good fiscal management of the funds appropriated, coupled with sound strategies for research and development, would help EPA meet its responsibilities. The American Chemical Society is a nonprofit scientific and educational organization with a membership of over 125,000 chemists and chemical engineers. These comments are endorsed by the Society's Board of Directors.

Sincerely,

ROBERT W. PERRY,
President.●

● Mr. ZEFERETTI. Mr. Chairman, I wish to bring to my colleagues' attention one small provision of H.R. 6956, Department of Housing and Urban Development-independent agencies appropriations bill for fiscal year 1983, but a paramount provision which is vital to our efforts in fighting this Nation's alarming fire death toll and property losses.

The provision to which I am referring is the addition of $6 million earmarked for the U.S. Fire Administration (USFA). As you are probably aware, the Reagan administration in its original budget request did not request any funding for the USFA in fiscal 1983. Fortunately, the House Appropriations Committee saw fit not to devastate the U.S. Fire Administration and included in H.R. 6956 $6 million for the USFA. Let me also take this opportunity to point out the forceful efforts of my colleague, DOUG WALGREN, chairman of the Science, Research and Technology Subcommittee, in leading the fight to save the U.S. Fire Administration.

Without doubt, we have come far and have many accomplishments in our Naiton's fire prevention programs. We cannot, therefore, let Reaganomics destroy these efforts to bring fire, death, and casualty loss to a minimum. We must support the U.S. Fire Administration and we must support the $6 million in funding to keep the USFA a viable and working instrument in our fire prevention efforts.

Thank you, Mr. Chairman, for giving me this chance to express my support for this valuable funding and important program.●

● Mr. MOFFETT. Mr. Chairman, I want to commend the distinguished chairman and the members of the HUD-Independent Agencies Subcommittee for their fine work on H.R. 6956, the fiscal year 1983 appropriations legislation. I am particularly glad to see that adequate moneys have been earmarked for the National Science Foundation's reasearch functions. Obviously, the subcommittee recognizes the vital link between scientific research and the stimulation of our Nation's depressed economy.

Today's appropriations bill contains important additional support for social and behavioral science research under the NSF. Research sponsored by social and behavioral science helps to deal with problems in such areas as economic productivity, capital formation, savings behavior, learning, and cognitive development, and many others. The National Science Foundation's social and behavioral science programs support large scale data cases that provide information for scholars, for policymakers, and for the Library of Congress own Congressional Research Service, among others.

H.R. 6956 also provides an additional $25 million for science and engineering education. The growing gap in our Nation's research, science, engineering, and math capabilities is well documented, and must be of grave concern to all of us here who profess to be forward thinking individuals. This concern was noted in an article published earlier this year on "The Growing Science Gap" by D. Allen Bromley, a nuclear physicist, chairman of the board and immediate past president of the American Association for the Advancement of Science:

We have the urgent problem of developing scientific literacy on the part of our citizenry. Over 80 percent of our citizens receive their last exposure, if any, to mathematics and science during their high shcool years. In a society, such as ours, of growing technological sophistication where the questions of consequance increasingly have scientific and technological aspects, if our public cannot at least appreciate the nature of the issues, quite apart from contributing to their resolution, they inevitably will tend to become alienated from the society. (Hartford Courant, January 27, 1981.)

It was the Sputnik crisis several decades past that prompted this Nation to undertake a concerted educational effort to become technologically competitive. Today, we are in no less of a crisis and the need for scientifically and technically trained citizens is surely as urgent. In this respect, the HUD-independent agencies appropriations bill's $25 million for science and engineering education is a significant and necessary step in reversing our downward trend in science literacy.

The National Science Foundation took its fiscal lumps last year, as did so many important Federal initiatives. At the present time, the social and behavioral science research programs are still being funded at less than 40 percent of their appropriation level in fiscal year 1980. Still, the moneys for these programs contained in today's bill are essential for tomorrow's scientific development and I applaud the chairman for his foresight in this regard.●

● Mr. STARK. Mr. Chairman, on the appropriation for the Federal Emergency Management Agency, in future years, I hope that the committee can give more attention to the need for funding of the Earthquake Hazards Reduction Act of 1977.

The administration keeps requesting increases in FEMA for war civil defense purposes. The horrors which would be caused by a nuclear war would be so extensive that I question whether they can ever be prepared for even with a national commitment to a massive program costing hundreds of billions.

There are more certain disasters facing us, however, which FEMA could help moderate—but which this budget does not address.

Yesterday, we debated the authorization of money for the Earthquake Hazards Reduction Act. The Science and Technology Committee's report on that legislation noted that, and I quote:

Recently, several reports have been released which highlight the growing importance of and need for a coherent National Earthquake Hazards Reduction Program. A 1981 FEMA Report, "An Assessment of the Consequences and Preparations for a Catastrophic California Earthquake: Findings and Actions Taken," found that this Nation is essentially unprepared for the next catastrophic earthquake that is expected in California within the next 30 years. Moreover, the U.S. Geological Survey issued a report which stated:

"If an earthquake should occur today on the Newport-Inglewood fault near Los Angeles, it would probably cause losses of about $45 billion to buildings and as many as 23,000 deaths * * *. A repeat of the 1811-12 New Madrid, Mo. earthquake has been estimated to cause (roughly) comparable losses."

Our Nation, with extensive population growth and settlement in large cities located over seismically active zones, has been fortunate to date. However, it is only a matter of time before this nation experiences another damaging and quite possibly catastrophic earthquake.

I believe we need to do much more to detect pending large earthquakes and warn citizens of peak danger periods. Many areas of our country face the same earthquake dangers as Japan, yet compared to Japan, we are

doing little to prepare for this emergency. The Washington Post of September 14 reported on Tokyo's $6 billion effort to construct earthquake-proof public structures. In Japan, scientists keep a 24-hour watch over data from detection devices located at 238 stations along the volcanic spine of the Japanese islands. The water tables are continually checked for sudden changes, and satellites monitor the Tokyo area for Earth changes that could warn of a killer quake.

In sum, I believe that we would be wise to invest more of our limited civil defense funds into detection, warning, and countermeasures to deal with major earthquakes.

Today's appropriations bill is a cut of $1.4 million below the amount we authorized yesterday, and $400,000 below the administration's request. FEMA advises me that these cuts will be felt in three areas.

First, earthquake preparedness projects will be reduced by $795,000—from $1,750,000 to $955,000. This will curtail the development of earthquake vulnerability analyses and contingency and mitigation plans for the southern California earthquake preparedness project, the Central United States, Hawaii, Alaska, Puget Sound, San Francisco, and Boston.

Second, support of the Building Seismic Safety Council's efforts to develop and deploy improved building codes and designs will be reduced by $100,000—from $600,000 to $500,000.

Third, support of efforts to develop and disseminate earthquake hazard information to the public will be reduced by $225,000—from $570,000 to $345,000.

I fear these are penny-wise, but pound-foolish savings. In a year of $155 billion deficits, I do not propose increases in spending. But next year, I urge the committee to give more attention to this pending emergency and to find funds within the administration's budget for increased earthquake detection and mitigation.●

● Mr. CORRADA. Mr. Chairman, the fiscal year 1983 HUD-independent agencies appropriations bill before us today is a measure which will continue some of the critical programs of the Department of Housing and Urban Development and other agencies.

I rise in support of this legislation. It is one of the first major appropriations bills to reach the House floor as we approach the end of the fiscal year and, if enacted, will give our local communities the funds necessary to continue the community development block grant activities that are ongoing activities of many large and small cities throughout the Nation and in Puerto Rico.

I am pleased to note that at a time when we have seen serious cutbacks in many domestic programs, the committee recomends essentially the same level of funding for the CDBG program in fiscal year 1983, including $3.4 billion for this activity, only a slightly lesser amount than that for fiscal year 1982.

In Puerto Rico, 9 of our larger municipalities receive direct funding for CDBG activities and the other 69 municipalities share in the small cities program. The amounts appropriated in H.R. 6956 will mean an estimated $107 million in Federal financial assistance to all the municipalities in Puerto Rico to carry on a wide range of community development and housing activities at the local level.

A companion program in this bill, providing incentives to the private sector to stimulate urban development, is the urban development action grant, or UDAG program. Puerto Rico has made an increasingly effective use of UDAG funds to carry out a variety of local development projects.

While the total amount of funds appropriated for UDAG constitutes a reduction to $340 million from the present level of funding of $435 million, the committee's action in adding a carryover of an estimated $100 million in unused UDAG funds will help our island's communities considerably and will allow the program to continue to operate in fiscal year 1983 more or less at the same level it has this year.

Other provisions in this bill to maintain and continue subsidized housing projects which are already in process, is welcome news to those of us who have consistently supported the HUD programs to help low- and moderate-income families to an adequate level of living.

I note that some major housing subsidy programs go unfunded in this legislation and I am hopeful that the House Banking, Finance and Urban Affairs Committee will, in the near future, provide the authorizing means to continue such traditional and time-tested programs as section 8 low-income housing, section 235 and others.

Mr. Chairman, the legislation before us today is a sound, sensible, and reasonable measure. It merits all of our support.●

● Mr. ROYBAL. Mr. Chairman, I rise in support of the fiscal year 1983 HUD appropriations bill because it contains funding of great interest and importance to the elderly in our Nation. Not only does it provide funding for the section 202 program which is specifically designed to develop housing for the elderly and handicapped, but it also contains funding for the congregate housing services program.

Funding is this bill is minimal for the congregate housing services program and provides only for refunding of the projects which were started in 1979. This money will allow these projects to continue providing services to the elderly until the HUD evaluation of this program is completed.

I will continue to advocate funding for this important congregate housing program because it has been proven without a doubt that it saves money and is a more effective way of providing services to the frail and impaired elderly.

As chairman of the Subcommittee on Housing and Consumer Interests of the Select Committee on Aging, I have received much testimony which documents that it costs approximately $4,000 a year per person to provide supportive services and shelter to the elderly as compared to over $7,000 a year for the Government's portion of nursing home costs or other institutions. Total nursing home costs averaged $13,000 in 1979. HUD data shows that it costs $9.85 per day to provide supportive services to the elderly participating in the CHSP. This amount of less than $10 per day includes all grant dollars and local contributions, including fees for participants. The actual cost to the Federal Government is about $6.15 per day.

These figures clearly prove that to provide services to the elderly through this program, which allows them to remain at home and in their community, is considerably less expensive than if these same elderly persons were to be institutionalized.

We must proceed with measures that assure continuation of the section 202 program and the congregate housing services program, not only for 1983, but beyond.

Therefore, I urge all my colleagues to vote in support of H.R. 6956.●

● Mr. WEISS. Mr. Chairman, I support increased Federal funding of basic research in the social and behavioral sciences and science education.

Last year, the President recommended that the budget of the Directorate of Biological, Behavioral and Social Sciences at the National Science Foundation be cut 75 percent, virtually eliminating NSF's program in the social and behavioral sciences. Happily, Congress saw fit to restore to the NSF budget more than half of the recommeded reduction. Unfortunately, despite that restoration, this important area of scientific inquiry now receives only half the support it did in 1980.

Some misunderstand what comprises research in the social and behavioral sciences. In general, the value of this kind of research is not appreciated. Although some say that social science is just "commonsense," the fact is that social and behavioral research has provided us with much information about society and human behavior that runs counter to conventional wisdom.

For example, because about 8 percent of American households receive some sort of welfare payments each

year, while 10 percent are classified as below the poverty line, it has long been assumed that there exists a poor and dependent underclass amounting to something like 10 percent of the population. However, a very different conclusion is suggested by studies of income change. These longitudinal studies show that although 8 percent of American households did receive welfare during a typical year, about 25 percent received welfare during at least 1 year during the 1970's. Actually, only 0.7 percent were found to have been dependent on welfare throughout that decade.

These studies also contradict another view about welfare dependency. The data show that welfare dependency does not mean that recipients do not work. The studies suggest that most people who receive welfare also work, and that most welfare recipients get more than half their income from work rather than welfare. As a result of this research, we now know that families move on and off of welfare roles, utilizing Government support in times of crisis, whether it be the illness of the family's breadwinner or his or her temporary unemployment.

Facts such as these, which result from social science research, can inform our decisions and deliberations and lead to more reasoned and humane congressional decisions.

The additional $9 million earmarked, in part, by the Appropriations Committee for NSF's research in the behavioral and social sciences represents a small but important investment in better understanding how our society and our economy functions. The additional $25 million earmarked for NSF's programs in science education will help assure that this Nation will continue to have a trained pool of scientists and mathematicians and that our citizens will have the requisite skills to function in our increasingly technological society.●

● Mr. HAMMERSCHMIDT. Mr. Chairman, I rise in support of H.R. 6956, the appropriations bill for fiscal year 1983 which funds a number of agencies, including the Veterans' Administration. The Appropriations Subcommittee on HUD and Independent Agencies has brought us a good bill with respect to veterans and the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from New York (Mr. GREEN) deserve our commendation.

Mr. Chairman, the amount of money recommended for the Veterans' Administration medical care program is most noteworthy. It is $545 million over 1982 up to a total of over $7½ billion. In these times of fiscal restraint this is a very adequate amount and I am confident it will provide VA with sufficient funds to continue to carry out its excellent medical program for the veterans of our country.

Mr. Chairman, I am also most pleased to note that funding for medical research has been recommended for an increase. Under the provisions of H.R. 6956, this appropriation will go up from $128 million in 1982 to $155 million in 1983. Research in VA is essential if its medical program is to flourish. It aids greatly in recruitment of good doctors, but even more importantly, its achievements in medical science are of great benefit to the nationwide practice of medicine.

Mr. Chairman, this bill provides funds that relate to a number of matters that have had considerable attention by the Committee on Veterans' Affairs. Under the leadership of our distinguished chairman, the gentleman from Mississippi (Mr. MONTGOMERY), we have been most cost conscious, and we have met our obligations under the reconciliation instructions. In doing so, however, we have not damaged the fundamental structure of veterans' benefits. In fact, we have improved that structure by such things as passing legislation calling for increased compensation for service-connected disabled veterans and recruitment aids for nursing personnel such as scholarship and premium pay. These matters are addressed in a positive manner by the appropriations bill before us.

Again, Mr. Chairman, I commend Mr. BOLAND and Mr. GREEN and the entire subcommittee. This is a bill we can all support while being very confident that it carriers out fully our Nation's commitments to our veterans and their dependents.●

● Mr. NELSON. Mr. Chairman, I rise today in support of the Appropriations Committee recommendation for funding of the National Science Foundation.

NSF is this country's primary basic science organization. Its policies and programs reflect national priorities in science research. Last year, the administration attempted to discredit the Foundation's research programs in the social and behavioral sciences by proposing cuts in their budgets of up to 75 percent. This attack on an area of scientific research that provides us with essential information on human factors in technological and economic development was later described by George Keyworth, the President's science adviser, as having shown "poor judgment." The committee's bill would restore some of the funds for social and behavioral science research that were lost during last year's appropriation. This restoration of funds would signal the Congress commitment to the importance of learning more about how technological and economic developments are affecting our citizens.

The bill also includes additional funding for NSF's program in science education. The administration's proposal to dismantle this program at a time when studies are documenting how much less science and mathematics training our children are receiving and how few college graduates are becoming science and math teachers, demonstrates poor judgment in my opinion. Our children must receive solid training in mathematics and science if they are to become productive members of American society and if we, as a nation, are to maintain our status as a world leader.

I wholeheartedly support the committee's proposed appropriation for the National Science Foundation.●

● Mr. GORE. Mr. Chairman, I wanted to emphasize my strong support for the National Science Foundation funding provision included in H.R. 6956. The committee's bill provided additional funding for NSF's program in the social and behavioral sciences and for its program in science education.

Last year, the administration singled out NSF's program in the social and behavioral sciences for cuts of up to 75 percent, cuts that were large enough to destroy these programs. The Appropriations Committee wisely rejected this proposal. The cuts were later described by George Keyworth, the President's Science Adviser, as displaying "poor judgment." (See Washington Post, Dec. 2, 1981.)

It is unwise, if not downright foolish, for us to ignore the human factors in technological development. The most sophisticated machines are useless if the people manning them are ill trained or poorly motivated. Moreover, how are we to assure that our children will be able to participate productively in the America of the future if we neglect the science and math education they are receiving today?

I supported the Appropriations Committee recommendation for increased funding for the National Science Foundation. Research in the social and behavioral sciences is essential if we are to understand how rapid technological advances are affecting our citizens and improvements in science education are essential for our children to be able to face the future.●

● Mrs. SCHROEDER. Mr. Chairman, today we are considering H.R. 6956, the HUD-independent agencies appropriations for fiscal year 1983. Included in this bill is a $728 million appropriation for the Federal Emergency Management Agency (FEMA). The discharge of one of FEMA's responsibilities raises an issue we should be aware of.

FEMA is the brainchild of the civil defense folly called crisis relocation. This plan, which follows the Reagan policy of anything you can do I can do better toward the Russians, is a $4.2 billion, 4-year plan designed to evacuate likely nuclear attack target areas and relocate millions of Americans to areas considered safe from nuclear

attack or fallout and hospitable to the hordes of these nuclear refugees.

The crisis relocation plan would be laughable if it wasn't so dangerous. It gives people a false sense of security. It takes people away from shelter, leaving them more vulnerable to nuclear attack. And its cost far outweighs its benefits.

City, county, and State officials privately concede that the plan is unworkable, impractical, and foolish. But many jurisdictions make no move to abandon the plan foisted on them by FEMA because they are afraid FEMA has tied crisis relocation funding to other civil defense money, such as assistance for natural disaster cleanup. They have a valid point.

I recently asked FEMA if local jurisdictions would jeopardize their eligibility for other funds if they vetoed their local crisis relocation plan. FEMA's vague and roundabout response is worth sharing. It suggests that legislative clarification is needed to give these jurisdictions guidance:

FEDERAL EMERGENCY
MANAGEMENT AGENCY,
Washington, D.C., September 2, 1982.

Hon. PATRICIA SCHROEDER,
Member, U.S. House of Representatives, Denver, Colo.

DEAR MS. SCHROEDER: This responds to your letter of July 16, 1982, to Louis O. Giuffrida, Director of the Federal Emergency Management Agency (FEMA), on civil defense funding and Agency policy regarding communities or States that refuse to participate in crisis relocation planning.

With respect to your questions concerning the funding structure for civil defense, the materials enclosed illustrate the major civil defense program elements categorized by appropriation. They also indicate whether States and local communities are direct recipients and, if so, what percentage of the program funding is provided by the Federal Government.

As to whether civil defense funds may be withheld if a State or locality refuses to participate in crisis relocation planning, the Federal Civil Defense Act of 1950 (the Act) provides that communities participate in crisis relocation planning and other civil defense activities on a completely voluntary basis. FEMA does not have the authority and does not intend to mandate in any way participation in any civil defense program for any community. To the contrary, through our regional offices in Denver and other cities we work with the States and their local jurisdictions to assure that the emergency preparedness programs of each community are improved as much as possible within the funds made available by the Congress.

To date, we have published no regulations designed to implement a policy of denying any community its eligibility to receive other forms of Federal emergency financial assistance should that community, through its leadership, refuse to undertake crisis relocation planning. There are, however, requirements in Section 205 of the Civil Defense Act that the Director, FEMA, establish priorities and standards for a national civil defense program which are made applicable to States and local communities in the Federal funding of functions and activities authorized in the Act, including assistance for salaries and administrative costs for civil defense officials. Necessarily, the Director, in setting such standards, must look to legislative mandates for programs, found particularly in Title V of the Act, and to priorities established by the President. Both the civil defense program approved by President Reagan and forwarded to Congress as part of his Fiscal Year 1983 budget, and the legislative program endorsed by Congress in 1980 and called for in Title V of the Act, state that emergency relocation readiness shall be a key element of the nation's planning for population protection in case of nuclear attack.

In light of the statutory provisions at Sections 205, 207 and in Title V of the Act and the priorities established by President Reagan, it is possible that a community's rejection of crisis relocation planning could raise questions as to the authority and practicality of continuing other civil defense assistance programs in that jurisdiction, particularly where the community action is not in accord with Federal and State determinations that crisis relocation planning for that jurisdiction is essential for overall national emergency planning goals. Again, the Agency has not as yet issued any particular rulemaking on this issue; however, where a State or community refuses to participate in or undertake civil defense programs, such as crisis relocation, that action may be found to be inconsistent with the requirements of the Act and the national program objectives established by the Director. Should that occur, that jurisdiction's eligibility for other forms of financial assistance under the Civil Defense Act could be questioned under the terms of the Act itself.

We sincerely hope that this letter responds to the questions raised by your constituent communities in Colorado. FEMA is attempting to work closely with each State and its respective communities to improve all aspects of emergency readiness and response. We are confident that questions of participation and eligibility can be worked out. Of necessity, we are charged by the President and the Congress to carry out the program called for in the Civil Defense Act which does place continuing emphasis on emergency planning for a nuclear attack.

Sincerely,

JOHN E. DICKEY,
ASSISTANT ASSOCIATE DIRECTOR,
Emergency Management Programs Office.●

● Mr. ZEFERETTI. Mr. Chairman, I rise in support of the amendment of my colleague, Representative THOMAS DASCHLE, to H.R. 6956 to appropriate $25 million in fiscal year 1983 for the veterans' small business loan program.

As you know, the Congress passed and the President signed into law the Veterans' Health Care, Training and Small Business Loan Act. While this legislation represented a major accomplishment for Vietnam-era veterans suffering from agent orange exposure and for the continuation of "storefront" readjustment counseling, the small business loan program aspect of this law has become nothing more than a mere dream. President Reagan did not want the readjustment counseling program, but Congress funded it. The President did not want the small business loan program, and now we have a chance to fund that vital program.

The act, as signed into law, authorized appropriations of $25 million for a small business loan program to be administered by the Veterans' Administration. Disabled and Vietnam-era veterans would be eligible for small business loans, if they had not received assistance from the Small Business Administration. Unfortunately, President Reagan has not requested any funding, either in fiscal 1982 or fiscal 1983, for the loan program.

The amendment being offered by Mr. DASCHLE would make available the necessary $25 million in funding for the loan program. It would finally make this dream come true, and it would help make the dreams of many veterans who want to start their own businesses come true.

At a time when we must be very careful with taxpayers' money, this program can give us a good return on our investment. First, it will help put disabled and Vietnam-era veterans into the productive mainstream. Second, those businesses pay taxes and employ people. While the numbers may be small, the businesses will only bear positive fruits in our communities. And, finally, it will assure all veterans that Congress remains committed to helping those who have served our Nation.

Mr. Chairman, I wholeheartedly support Mr. DASCHLE's amendment to H.R. 6956 to provide the needed $25 million for the veterans' small business loan program. And I strongly urge my colleagues in the House to stand with me in support of the amendment and vote for its approval.●

● Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment to H.R. 6956 offered by the distinguished gentleman from Alabama, Mr. FLIPPO. This amendment would delete the $140 million in fiscal year 1983 funding for the continued integration of the Centaur upper stage into the space shuttle. I oppose this amendment because the evidence regarding whether the Centaur or the inertial upper stage should be developed by NASA is strong and clear.

This is a controversial issue, Mr. Chairman, which the HUD Appropriations Subcommittee has examined in great detail. It has been thoroughly explored by our subcommittee in hearings with NASA. On the basis of evidence presented in these hearings, I am convinced that Centaur can best meet the interplanetary needs of NASA. Moreover, once developed for NASA, Centaur can also address the national security interests of the Department of Defense and respond to commercial applications as well.

Centaur is a tested and proven program which has consistently demonstrated its technical capabilities and reliability. The Centaur was chosen by NASA in early 1981 as the preferable

vehicle for both the Galileo and international solar polar missions and this decision was upheld by the General Accounting Office. While the use of Centaur will require delaying the Galileo and international solar polar launches to May 1986 from September 1985, the total timetable for Galileo will be shortened by 1 to 1½ years because of Centaur's higher payload capability. It makes ultimate sense, on both technical and economic grounds, to continue with this program which, with minor modifications, can be adapted for integration into the space shuttle.

The Shuttle/Centaur integration program has been in full development for over a year now. We have already spent approximately $40 million on this effort with total project costs estimated at $634 million. If the Flippo amendment is adopted, not only will our current investment in Centaur be lost, but also we will be committing ourselves to more expensive and unproven alternatives. The costs of the alternative inertial upper stage have escalated from $150 million to $700 million, yet the inertial upper stage does not exceed the lift capabilities nor the specifications of Centaur. The development of a new high energy upper stage would cost even more—$1 to $1.5 billion—and would not be operational until the 1990's.

Additionally, Mr. Chairman, with the adoption of the Flippo amendment, we will lose the considerable expertise of the Lewis Research Center in Cleveland, Ohio and the jet propulsion laboratory in Pasadena, Calif. in the research and development of Centaur. I personally know of the worldwide acclaim which the Lewis Research Center has received in its work in aeronautics, communications and energy. It would be a great loss to the Lewis Research Center and to the space program if NASA is directed to the inertial upper stage in lieu of Centaur.

Mr. Chairman, in my estimation, cancellation of Centaur at this point in time would be highly counterproductive and could jeopardize the Galileo and international solar polar missions. The Congress has already spoken on this issue with the adoption of the fiscal year 1982 urgent supplemental appropriations bill which appropriates $80 million for Centaur's use with the space shuttle in launching NASA's planned interplanetary missions. We ought to maintain this policy decision by rejecting the Flippo amendment. I urge you to support the fiscal year 1983 HUD-independent agencies appropriations bill as reported, which will allow for the continued development of Centaur and continued progress in our Nation's space program.●

Mr. FAZIO. Mr. Chairman, I endorse the Appropriations Committee recommendations for the budget of the National Science Foundation. The Foundation's budget is an important measure of the value the Nation places on science and technology. The committee is recommending an appropriation for NSF that recognizes how vital scientific research is to our future.

Particularly important is the fact that the committee's bill increases the budget for such critical areas as social and behavioral science research and science education. In both areas, we must increase rather than decrease our national commitment. For example, we face problems of unemployment, declining productivity, and an inadequately trained labor force—all of which can be better understood and dealt with through research in the social and behavioral sciences.

At a time when our problems are mounting faster than our ability to solve them, it makes sense to invest in research in those areas that can shed light on both the problems and the possible solutions.

● Mrs. SCHNEIDER. Mr. Chairman, I rise in strong support of the gentleman from Tennessee, Mr. GORE's, amendment restoring funding to the State grants program. It is clear that we cannot increase State responsibility for managing environmental programs far beyond their current means and simultaneously decrease Federal financial support for these programs.

A survey of States' environmental management programs conducted by the National Governors' Association this year indicates that Federal support retains a key role in these programs, even where States have been able to increase their own support. Federal funds provide in aggregate terms: 45 percent of State air budgets; 46 percent of State water quality budgets; 48 percent of State water supply budgets; and 69 percent of State hazardous waste budgets.

Only a small number of States expect to be able to make up for a significant reduction in Federal support by increasing State funds, in the face of their own fiscal constraints. Most will not be able to rely on permit fees, for example, as they have no existing statutory authority to collect fees.

A large number of States indicate they are considering completely eliminating or not accepting delegation of important environmental protection activities, particularly in the air program. In addition, many will reduce activities in proportion to the reduction in Federal support for these programs. According to NGA this "reflects the States' belief that they have already streamlined their budgets and further savings cannot be achieved without actual reductions in personnel and equipment." I would like to submit part of the NGA report for the RECORD if there is no objection.

Although I addressed these concerns to the EPA Administrator when she appeared before the Science Committee, I was unable to receive a satisfactory response.

Federalism should be cooperative. While joint responsibility for environmental protection between the State and Federal Government is a good idea, we should be working with the States to determine what there budgets can and cannot handle. We should move gradually toward abdicating Federal financial support for these programs until the States have had a chance to better prepare for their expanded authority.

The level of funding provided for in this amendment brings the State grants program up to the fiscal year 1982 funding level. Last year's 13-percent cut produced drastic reductions in personnel and services in these agencies and I feel strongly that this amendment is necessary to avoid any further reductions in these vital programs.

I include the following:

NATIONAL GOVERNORS' ASSOCIATION,
Washington, D.C. September 13, 1982.

DEAR MEMBER OF CONGRESS: As you consider the HUD-Independent Agencies Appropriations Bill (HR 6956), which contains fiscal year 1983 funding for the Environmental Protection Agency, I wanted to inform you of the National Governors' Association's support for funding the state environmental management grant programs at fiscal year 1982 levels. We are pleased that the Appropriations Committee has added $47.5 million to the Administration fiscal year 1983 request. However, this amount is still approximately $8 million short of the fiscal year 1982 levels.

This reduction from last year's levels comes at a time when states are struggling to assume increased responsibilities with fewer resources. At the same time, the problems of controlling toxic pollutants in the nation's air and water are becoming increasingly complex. In addition, while NGA policy does not address the general funding levels needed for the effective functioning of EPA, a number of states have expressed concern over the reductions in EPA's research and develoment budget from fiscal year 1982 levels: The results of R&D activities are important for state regulatory efforts.

We appreciate your serious consideration of our views.

Sincerely,
GOV. JOHN D. ROCKEFELLER IV,
Chairman, Committee on Energy and Environment.

THE STATE OF THE STATES: MANAGEMENT OF ENVIRONMENTAL PROGRAMS IN THE 1980s

(By Thomas W. Curtis and Peter Creedon, NGA Committee on Energy and Environment)

FOREWORD

In the past decade, environmental management has been a primary concern of the state governments, with the states working in partnership with the federal government to develop and implement a wide variety of environmental quality programs. The com-

mitment to a sound and healthy environment continues to be an important priority for states in the 1980s.

This report profiles the development and support of the state environmental programs, and looks at changes the states anticipate in the near future in the face of proposed reductions in the level of federal support for environmental programs. I hope that it will promote a better understanding of how the states manage environmental quality and how states are likely to adapt to the changing fiscal environment of the 1980s.

As governors, we must continue our efforts to ensure the best and most effective management of programs aimed at providing our citizens a safe and healthy environment.

JOHN D. ROCKEFELLER IV,
Chairman, National Governors' Association, Committee on Energy and Environment.

BACKGROUND

The landmark environmental legislation enacted in the 1960s and 70s helped establish a state-federal partnership in the management and protection of environmental quality. The partnership involved a division of responsibility for environmental programs, with the Environmental Protection Agency providing funds to help state agencies develop and administer federally mandated programs for managing air and water quality, hazardous waste, pesticides, and water supply. In fiscal year 1982, the federal assistance for these management programs totaled $227.8 million, and represented approximately 50 percent of total state expenditures on these activities. These figures do not include state or federal expenditures for sewage treatment plants.

For fiscal year 1983 the administration has proposed reducing funds that support state management of environmental programs by 20% and may propose further reductions in future years. In proposing these cuts, the Environmental Protection Agency has assumed that all environmental programs are now adequately funded and that improved management practices can reduce the cost of environmental programs without lowering the quality of environmental protection. Although states have indicated a willingness to assume greater responsibilities for environmental program management, the proposed 20% cutback comes at a time when most state budgets are reflecting the twin effects of last year's federal budget cuts and the continued recession. At least two-thirds of the states are experiencing revenue shortfalls from earlier projections. Virtually every state legislature meeting this year has raised taxes and/or made significant cutbacks in government activities while straining to cope with major reductions in federal support for human service programs. At the same time, the states have already absorbed inflation related "budget cuts" in environmental programs because of relatively flat funding over the past several years and an actual reduction in funding in FY 1982. State environmental program managers have streamlined their programs over the past several years and eliminated inefficiencies. This situation increases the difficulty of absorbing even relatively small cutbacks in federal support.

In order to assess the ways in which states will respond to the proposed reductions in federal support, the National Governor's Association Committee on Energy and Environment chaired by Governor Jay Rockefeller of West Virginia, undertook a survey of states' management of environmental programs, in cooperation with the State and Territorial Air Pollution Program Administrators (STAPPA), the Association of State and Interstate Water Pollution Control Administrators (ASIWPCA), and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO). The survey focused on sources of funds for environmental programs, with particular regard to permit fees and other non-federal sources, and on changes in management practices that the states anticipate if federal support is reduced. The survey covers state air program grants under section 105 of the Clean Air Act; water quality management grants under section 106 and 205(g) of the Clean Water Act; hazardous waste management grants under section 3011 of the Resource Conservation and Recovery Act; and water supply management grants under section 1443 of the Safe Drinking Water Act.

SUMMARY OF FINDINGS

The survey strongly suggests that in most states a 20 percent reduction in federal support would require curtailment in a number of environmental protection activities by a level at least proportionate to the reduction in federal support. Because states may still be required to respond to federal mandatory requirements, the activities most likely to be curtailed by the states include resource intensive activities such as monitoring of ambient pollution levels, monitoring of compliance by emission sources, permitting, technical support, and enforcement, in all environmental media (air, water quality, and hazardous waste). A significant number of state agencies would seriously consider eliminating, not accepting delegation of, or returning to the federal government several environmental protection activities. This particularly applies to air programs, including PSD permitting, control of toxic pollutants, vehicle inspection and maintenance programs, and the development of emission trading systems. Some of these activities, such as emission trading systems, air quality banking, and bubble programs, could substantially reduce the cost of compliance for emission sources, but increase the states' cost for environmental program management. The survey also suggests that personnel reductions may in many states increase the time required for sources subject to regulation to obtain permits. The survey suggests that in the short run most states will not be able to increase non-federal sources of funds, including state appropriations and collections from permit fee systems, to make up for the reduction in federal support. Finally, most states suggest a strong need to increase their efforts in certain areas, such as toxic pollutant control, if increased resources were available. Such expanded activities will not be possible in the face of reduced federal support.

FINDINGS

The survey has revealed a number of facts germane to the debate about how, and how much, federal support for state environmental management activities could be reduced without reducing the ability of states to adequately implement federal environmental programs. The salient findings include the following facts:

Federal support plays an important role in environmental program management. While the figures vary widely from state to state, in aggregate terms federal funds provide about 45 percent of state air program budgets, about 46 percent of state water quality program budgets, about 69 percent of state hazardous waste program budgets, and about 48 percent of state water supply program budgets. The states have increased their support of environmental programs as the programs progress from the planning stage to implementation, but federal support remains important.See Table I.

Only a small number of states expect to be able to make up for a 20 percent reduction in federal support by increasing state funds, in the face of their own severe financial constraints. Six states hope to be able to make up at least part of the reduction in air program funds. Three states indicate the possibility of increased support to make up for at least part of the reduction in water quality grants, 11 states hope to replace at least part of the reductions in hazardous waste grants, and 6 states hope to make up for at least some of the reduction in support for water supply programs. Given the continuing pressures on state budgets, these figures may be optimistic.

Most state environmental agencies will not be able to rely on permit fees to provide funds for environmental programs, at least in the short run. Many states do not have existing statutory authority to collect permit or processing fees. About 21 states and territories currently charge for air quality permits, but in only 10 are the funds available to the permitting agency. In only 9 states and territories are water quality permit fees available to the permitting agency; only 7 hazardous waste agencies collect and keep permit fees, and only 2 water supply agencies actually keep permit fees. In other states that charge permit fees, revenues are deposited in the state general fund. Indeed, in most states it has historically been considered good public policy to place such revenues in the general fund to avoid the appearance of conflict of interest between regulators and emission sources. Given the budget pressures in most states, collections may not go to the environmental management agency even where permit fee programs are established or fees are increased. See Tables II–V.

Most states suggest the need to increase their efforts in a number of key environmental protection activities, if resources are available. The survey indicates that in the face of reduced federal support it will be impossible for states to develop more vigorous programs in these areas without retrenchment elsewhere. Those areas most frequently mentioned by the states as needing increased effort if federal funds for environmental programs were increased include:

Air: increased toxic emissions control, increased inspections and monitoring, increased enforcement, development of bubble and controlled trading systems, and increased staff for permit processing;

Water Quality: development of groundwater management mechanisms, increased water quality monitoring and bio-assay analysis, enhancement of toxic pollutant control programs, increased resources for sewage treatment plant operator training and technical assistance, and strengthening the NPDES permitting program;

Hazardous Waste: increased investigations of uncontrolled and abandoned waste sites, increased compliance monitoring, increased enforcement, increased efforts to protect groundwater, and increased staff for permit processing;

Water Supply: increased monitoring and inspections of municipal water systems, increased resources for water treatment plant operator training, increased technical assist-

ance, and increased resources for small and non-community water supply protection.

A significant number of states expect a delay in the time necessary to process and issue permits under federal environmental statutes as a result of the reduction in federal support for environmental program management. In other states, many of which are subject to mandatory time limits for issuing permits, the quality of permit review is expected to decline. About 27 states have indicated they expect the time necessary to issue air permits to increase by an average of about 24 percent. About 18 states also expect water quality permitting time and about 19 states expect hazardous waste permitting time to increase.

These figures are tentative because many states are not yet certain whether or by how much their permit processing time will be increased by cuts in program budgets.

A large number of state agencies indicate that they are considering completely eliminating, not accepting delegation of, or turning back to the federal government certain important environmental protection activities, particularly in the air program. At least 11 states may eliminate or turn back PSD permitting in the air program, and 7 states may eliminate their activities to control toxic air emissions. At least 10 states indicate they will not have the resources to develop air emissions bubble and banking systems, which can reduce compliance costs for the business community but which increase the costs to state regulatory agencies. These findings raise questions about the states' capacity to assume programs for which they currently do not have delegation, such as hazardous waste management and underground injection control, in which the Administration would like the states to assume greater responsibility.

In addition, a large number of states have indicated that they may reduce certain environmental management activities proportionately to the reduction in federal support or more. This reflects the states' belief that they have already streamlined state programs and that significant further savings cannot be expected from management changes alone. Many states indicate that budget reductions will require actual reductions in personnel and equipment. At least 36 states indicate that they will reduce ambient air quality monitoring proportionately to the reduction in federal budget support or more; 25 states will reduce water quality monitoring proportionately or more; 20 states will reduce hazardous waste monitoring proportionately to the reduction in federal support or more. Other important activities including enforcement, toxic air pollutant control, general and PSD permitting, determinations of source compliance, technical support, and the development of emission trading systems will also be reduced at least proportionately to the federal cuts in significant numbers of states. In addition, program development, including the development of 1982 air program implementation plans for both mobile and stationary sources, will be curtailed proportionately to the federal cuts or more in a number of states. See Tables VI-IX.

TABLE I.–FISCAL YEAR 1982 FEDERAL SUPPORT OF ENVIRONMENTAL PROGRAMS

[Percent of total program costs]

	Air	Water quality	Hazardous waste	Water supply
Alabama	60	76	75	62
Alaska	53	35	40	45
Arizona	48	81	77	81
Arkansas	54	55	75	75
California	10	38		
Colorado	32	50	58	56
Connecticut	60	79	100	
Delaware	59	64	75	67
Florida	24	13	89	48
Georgia	44	51	75	43
Hawaii	59	48	85	61
Idaho		79	82	76
Illinois	63	35	79	61
Indiana	57	32	75	0
Iowa	71	62	62	0
Kansas	75	52	73	66
Kentucky	42	38	83	28
Louisiana	50	17	59	29
Maine	62	58	100	62
Maryland	45	56	65	87
Massachusetts	62	64	48	41
Michigan	38	51	69	45
Minnesota	52	54	41	44
Mississippi	60	51	59	75
Missouri	64	85	64	65
Montana	68	87	86	79
Nebraska	75	86	75	60
Nevada	52	64	68	60
New Hampshire	74	90	39	70
New Jersey	45	56	24	19
New Mexico	61	25	75	51
New York	67	45	58	
North Carolina	51	44	74	54
North Dakota	51	68	75	75
Ohio	26	25	75	35
Oklahoma	62	70	66	47
Oregon	26	42	79	0
Pennsylvania	47	36	58	28
Rhode Island	73	75	100	75
South Carolina	49	31	60	36
South Dakota	74	69	83	0
Tennessee	40	35	58	58
Texas	30	35	75	45
Utah	75	56	71	53
Vermont	75	78	100	62
Virginia	44	14	73	46
Washington	51	66	73	55
West Virginia	52	68	75	51
Wisconsin	52		75	
Wyoming	56	56		
American Samoa				
Guam				
Puerto Rico	77	56	72	75
Virgin Islands				
District of Columbia				
Northern Mariana Islands				

TABLE II.—AIR QUALITY PERMITTING FEES

	Does the agency have authority to collect air permitting or processing fees?	Does the agency actually collect air permitting fees?	Does the State intend to develop authority or collect fees in the near future?	Is the fee available to the permitting agency?	What percent of the agency's operating budget is provided by the fee?
Alabama	Yes	No			
Alaska	Yes	No			
Arizona	Yes	Yes		No	
Arkansas	No		Yes fiscal year 1983		
California	Yes	Yes		Local agencies	Varies.
Colorado	Yes	Yes		Yes	
Connecticut	Yes	No	Yes fiscal year 1983		
Delaware	Yes	No	Yes		
Florida	Yes	Yes		Currently no	
Georgia	Yes	No			
Hawaii	Yes	Yes		No	
Idaho					
Illinois	Yes	No	Proposed		
Indiana	Yes	Yes		No	
Iowa	Yes	No			
Kansas	No				
Kentucky	Yes	Yes		Yes	5 percent.
Louisiana	Yes	Yes		Yes	12 percent.
Maine	Yes	Yes		No	
Maryland	Yes	No	Yes fiscal year 1983		
Massachusetts	No		Yes fiscal year 1983		
Michigan	Yes	Yes		Yes	45 percent.[1]
Minnesota	No				
Mississippi	No		No		
Missouri	Yes	Yes		No	
Montana	Yes	No	No		
Nebraska	Yes	No	No		
Nevada	Yes	Yes		No	
New Hampshire	Yes	Yes		Yes	7 percent.
New Jersey	Yes	Yes		No	
New Mexico	Yes	No	Investigating		
New York	Yes	Yes		Yes	NA.[2]
North Carolina	Yes	No	No		
North Dakota	Yes	Yes		Yes	11 percent.
Ohio	Yes	Yes		No	
Oklahoma	Yes	Yes		Yes	Under 1 percent.
Oregon	Yes	Yes		Yes	47 percent.
Pennsylvania	Yes	No	Proposed 1983		
Rhode Island	Yes	No	No		
South Carolina	Yes	No	No		
South Dakota	No				

TABLE II.—AIR QUALITY PERMITTING FEES—Continued

	Does the agency have authority to collect air permitting or processing fees?	Does the agency actually collect air permitting fees?	Does the State intend to develop authority or collect fees in the near future?	Is the fee available to the permitting agency?	What percent of the agency's operating budget is provided by the fee?
Tennessee	Yes	No	No		
Texas	Yes	No	Yes fiscal year 1983		
Utah	Yes	Yes		No	
Vermont	No		Considering		
Virginia	Yes	No	No		
Washington	No		Will propose 1983		
West Virginia	No				
Wisconsin	Yes	No	Proposed fiscal year 1984		
Wyoming	No		No		
American Samoa					
Guam	No				
Puerto Rico	Yes	Yes		Yes	
Virgin Islands					
District of Columbia					
Northern Mariana Islands					

[1] Program will be phased out by fiscal year 1985.
[2] Program recently authorized and has not yet generated any revenue.

TABLE III.—WATER QUALITY PERMITTING FEES

	Does the agency have authority to collect water quality permitting fees?	Does the agency actually collect water quality permitting fees?	Does the State plan to develop authority or collect fees in the near future?	Is the fee available to the permitting agency?	What portion of the agency's operating budget is provided by the fee?
Alabama	No		No		
Alaska	No		No		
Arizona		No			
Arkansas	No		Yes, 1983		
California	Yes	Yes		Yes	10 percent.
Colorado	Yes	Yes		Yes	12 percent.
Connecticut	No				
Delaware	Yes	No	Yes fiscal year 1983		
Florida	Yes	Yes		Currently no	
Georgia	No		No		
Hawaii	Yes	Yes		No	
Idaho	Yes	No			
Illinois	Yes		Yes		
Indiana	Yes	Yes		No	
Iowa	Yes	No			
Kansas	Yes	Yes		No	
Kentucky	Yes	No	Yes		
Louisiana	Yes	Yes		Yes	7 percent.
Maine	Yes	Yes		No	
Maryland	Yes	Yes		No	
Massachusetts	Yes	No	Yes		
Michigan	Yes	Yes		Yes	32 percent [1]
Minnesota	No		No		
Mississippi	No				
Missouri	Yes	Yes		Yes	Under 1 percent.
Montana	No		No		
Nebraska	Yes	No	Investigating		
Nevada	Yes	Yes		Yes	Under 1 percent.
New Hampshire	No		No		
New Jersey	Yes	Yes		Yes	100 percent.
New Mexico	No				
New York	Yes	Yes		Yes	Under 1 percent.
North Carolina	No				
North Dakota	No		No		
Ohio	Yes	Yes		No	
Oklahoma	Yes	Yes		Yes	Not available.
Oregon	Yes	Yes		Yes	24 percent.
Pennsylvania					
Rhode Island	No		Proposed		
South Carolina	No				
South Dakota	No				
Tennessee	No		No		
Texas	Yes	Yes		No	
Utah	No		Considering		
Vermont	Yes	Yes		Yes	Under 1 percent.
Virginia	No				
Washington	Yes	No	No		
West Virginia	Yes	Yes		No	
Wisconsin					
Wyoming	No		No		
American Samoa					
Guam	No				
Puerto Rico	Yes	Yes		Yes	
Virgin Islands					
District of Columbia					
Northern Mariana Islands	Yes	Yes		No	

[1] Program will be phased out by 1985.

TABLE IV.—HAZARDOUS WASTE PERMITTING FEES

	Does the agency have authority to collect hazardous waste permitting or processing fees?	Does the agency actually collect such fees?	Does the State intend to develop authority or collect such fees in the near future?	Are fee collections available to the permitting agency?	What portion of the agency's operating budget is provided by the fees?
Alabama	No		No		
Alaska	No		No		
Arizona	No				
Arkansas	Yes	No	Yes		
California					
Colorado	Yes	No	Yes, fiscal year 1984		
Connecticut	No				
Delaware	Yes	No	Yes, 1983		
Florida	Yes	No			
Georgia	No		No		

TABLE IV.—HAZARDOUS WASTE PERMITTING FEES—Continued

	Does the agency have authority to collect hazardous waste permitting or processing fees?	Does the agency actually collect such fees?	Does the State intend to develop authority or collect such fees in the near future?	Are fee collections available to the permitting agency?	What portion of the agency's operating budget is provided by the fees?
Hawaii	Yes	Yes		No	
Idaho	Yes	No	Proposed		
Illinois	Yes	Yes			
Indiana	Yes	No	No		
Iowa	No				
Kansas	Yes	Yes		No	
Kentucky	Yes	Yes		No	
Louisiana	Yes	Yes		Yes	59 percent.
Maine	Yes	No	Proposed		
Maryland	Yes	Yes		No	
Massachusetts	Yes	Yes		No	
Michigan	Yes	Yes		No	
Minnesota	No		Yes		
Mississippi	No		No		
Missouri	Yes	Yes		Yes	6 percent.
Montana	Yes	No	No		
Nebraska	Yes	No	Investigating		
Nevada	Yes	No	Developing		
New Hampshire	Yes	Yes		Yes	NA.
New Jersey	Yes	Yes		No	
New Mexico	Yes	No	Possible		
New York	No		do		
North Carolina	No		(1)		
North Dakota	No		Investigating		
Ohio					
Oklahoma	No		No		
Oregon	Yes	Yes		Yes	13 percent.
Pennsylvania					
Rhode Island	Yes	Yes		Yes	NA.
South Carolina	No				
South Dakota	No				
Tennessee	Yes	Yes		Yes	27 percent.
Texas	Yes	Yes		No	
Utah	No		Possible		
Vermont	No				
Virginia	Yes, phase III	No			
Washington	No		Maybe, 1983		
West Virginia	Yes	Yes		Yes	NA.
Wisconsin	Yes	Yes		Yes	11 percent.
Wyoming					
American Samoa					
Guam	No				
Puerto Rico	Yes	Yes		Yes	
Virgin Islands					
District of Columbia					
Northern Mariana Islands					

[1] Permit fees might be considered if Federal support is cut.

TABLE V.—WATER SUPPLY PERMITTING FEES

	Does the agency have authority to collect water supply permitting or processing fees?	Does the agency actually collect such fees?	Does the State intend to develop authority or collect fees in the near future?	Is the fee available to the permitting agency?	What portion of the agency's operating budget is provided by the fee?
Alabama	Yes	No			
Alaska	No				
Arizona	No				
Arkansas	Yes	Yes		No	
California					
Colorado	No				
Connecticut					
Delaware	No				
Florida	Yes	Yes		No currently	
Georgia	No				
Hawaii	No				
Idaho	No		No		
Illinois	Yes	No	Yes		
Indiana	Yes	No	No		
Iowa	No				
Kansas	Yes, lab fees	Yes		No	
Kentucky	Yes	No	No		
Louisiana	No				
Maine	No		No		
Maryland	Yes	No			
Massachusetts	Yes	Yes		Yes	Under 1 percent.
Michigan	No				
Minnesota	Yes	Yes		No	
Mississippi	No		No		
Missouri	No		No		
Montana	No		No		
Nebraska	Yes, lab fees	Yes		Yes	15 percent.
Nevada	Yes	No	Yes, fiscal year 1984		
New Hampshire	Yes, lab fees	Yes		Yes	(1).
New Jersey	No		Investigating		
New Mexico	No		No		
New York					
North Carolina	No		No		
North Dakota	No				
Ohio					
Oklahoma	No				
Oregon	Yes	Yes		Yes	3 percent.
Pennsylvania					
Rhode Island	No		No		
South Carolina	No				
South Dakota	No				
Tennessee	No				
Texas	No				
Utah	Yes	No	Yes, fiscal year 1984		
Vermont	No		Possible		
Virginia	No		No		

TABLE V.—WATER SUPPLY PERMITTING FEES—Continued

	Does the agency have authority to collect water supply permitting or processing fees?	Does the agency actually collect such fees?	Does the State intend to develop authority or collect fees in the near future?	Is the fee available to the permitting agency?	What portion of the agency's operating budget is provided by the fee?
Washington	No		Seeking		
West Virginia	No		Seeking		
Wisconsin					
Wyoming					
American Samoa					
Guam	Yes	Yes		No	
Puerto Rico	No				
Virgin Islands					
District of Columbia					
Northern Mariana Islands	No				

[1] Half of the revenue goes to the Sate general fund while the other half goes to the agency to buy new lab equipment.

TABLE VI.—STATES' RESPONSE TO A 20 PERCENT REDUCTION IN FEDERAL SUPPORT

Environmental program activity	Air programs (number of States)		
	Eliminate activity	Reduce proportionately to budget	Not reduce activity
General permitting	2	27	12
PSD permitting	11	21	11
Compliance determination	1	33	5
Enforcement against non-complying sources	1	26	13
Toxic emission control	7	14	9
Ambient air quality monitoring	1	36	2
Emissions "bubbles"	8	17	9
Emissions "banking"	10	14	4
1982 SIP development (stationary)	3	16	3
1982 SIP development (mobile)	4	14	3
I/M	4	8	6
Other	0	12	2

TABLE VII.—STATES' RESPONSE TO A 20-PERCENT REDUCTION IN FEDERAL SUPPORT

Environmental program activity	Water quality programs (number of States)		
	Eliminate activity	Reduce proportionately to budget	Not reduce activity
Program development	0	26	7
Permitting	1	17	6
Compliance monitoring	0	25	4
Enforcement	0	20	7
Technical support	0	19	5
Other	2	10	2

TABLE VIII.—STATES' RESPONSE TO A 20-PERCENT REDUCTION IN FEDERAL SUPPORT

Environmental program activity	Hazardous waste programs (number of States)		
	Eliminate activity	Reduce proportionately to budget	Not reduce activitity
Program development	2	21	8
Permitting	1	16	7
Compliance monitoring	1	20	6
Enforcement	1	15	9
Technical support	1	19	5
Other	2	12	1

Table IX.—STATES' RESPONSE TO A 20 PERCENT REDUCTION IN FEDERAL SUPPORT

Environmental program activity	Water supply programs (number of States)		
	Elimate activity	Reduce proportionately to budget	Not reduce activity
Program development	1	11	8
Permitting	0	4	12
Compliance monitoring	0	12	7
Enforcement	1	16	3
Technical support	2	8	9
Other	0	4	1

● Mr. STOKES. Mr. Chairman, I want to express my strong support of H.R. 6956, the HUD-Independent Agencies Appropriations Act for fiscal year 1983. This measure would appropriate $47 billion in new budget authority for important national programs which address the housing and community development needs of our Nation, protect the environment and public health, serve over 30 million veterans and their families, and provide for a variety of other valuable activities.

Mr. Chairman, H.R. 6956 is an austere bill. In my opinion, it is too austere in many respects. The overall amount of spending recommended in this bill for fiscal year 1983 provides virtually no increase over the current year's fiscal year 1982 level. Within the totals, there are some increases and decreases, but, overall, this bill recommends only the minimum amounts necessary to address the critical national problems which the programs funded through this measure are designed to address. Recognizing the budget constraints which are facing us, however, I strongly urge you to support the passage of H.R. 6956.

I would like to call the attention of my colleagues to several items in the housing portion of the bill. Most glaring by its omission is the fact that the committee has not made any funding recommendations regarding the assisted housing programs. I would like to emphasize that the absence of any funding recommendations in this regard is solely because no authorizing legislation has been enacted yet. Moreover, the legislation reported by the Senate and House Banking Committees are very different in their approach to what housing programs should be authorized for fiscal year 1983.

Thus, the committee has reserved $9 billion in budget authority for assisted housing in fiscal year 1983 and will consider funding for the housing programs when we have a better sense of how the authorizing legislation will be structured. I am certainly committed to having a strong Federal housing program next year, and I believe that my colleagues on the committee are equally as committed.

In other areas of the HUD budget, the committee has taken the responsible action of restoring some of the ill-conceived budget reductions recommended by the President. The committee has recommended $3.5 million for the housing counseling program which the president proposed to terminate. This valuable program saves more than it costs by providing comprehensive default and prepurchase counseling to homeowners. Many of these homeowners are faced with high mortgage deliquency rates or foreclosure.

Additionally, the committee has recommended $1.35 billion for public housing operating subsidies in fiscal year 1983. The administration's budget request to cut public housing operating subsidies to $1.075 billion was simply irresponsible given that public housing authorities are entitled to received $1.6 billion under HUD's own funding formula. The $1.35 billion provided in H.R. 6956 strikes a middle ground. It will help to protect our Federal investment in over 1.2 million units of public housing by providing minimally adequate funds to operate and maintain these units. The committee has also agreed to recommend supplemental funds for public housing operations should this action become recessary, and I commend Chairman BOLAND for his recommendation in this regard.

In the area of community and economic development, H.R. 6956 provides $3.445 billion for community development block grants, $340 million for urban development action grants, and $15.5 million for the Neighborhood Reinvestment Corporation. These amounts will maintain current program levels in these activities which are vital to State and local ef-

forts to conduct housing rehabilitation and neighborhood improvements projects. These activities help to preserve and revitalize our Nation's communities and will continue with the funds provided in this bill.

A recent HUD survey documented once again that housing discrimination remains a serious and pervasive problem around the country. A total of $5.7 million is recommended in the bill to continue a Federal fair housing effort which assists State and local agencies in rooting out housing discrimination where it exists.

Mr. Chairman, for our national space program, H.R. 6956 provides a total of $5.334 billion for the research and development acitvities of the National Aeronautics and Space Administration (NASA). The Lewis Research Center in Cleveland, Ohio—world renowned for its work in areonautics—will play a major role in implementing the committee's recommendations in the areas of the space shuttle, the Centaur upper stage development and the aeronautics research program.

The committee's recommendations for the National Science Foundation (NSF) are worth taking note of as well. Nearly everyone agrees that the future of America depends on the advancement of scientific knowledge, improved technology and enhanced productivity. The NSF plays a critical role in this regard by underwriting scientific and technological research and related activities. Accordingly, H.R. 6956 includes $1.109 billion for the NSF. This amount is desparately needed to prevent our Nation from becoming "technologically and scientifically illiterate".

Mr. Chairman, everyone should be aware that the prestigious National Academy of Sciences recently labeled science and math education in this country "scandalous." The committee has taken a very small step to address this growing problem by reversing the Reagan administration's illogical recommendations to terminate NSF precollege science education programs. The committee has recommended $40 million for NSF science education activities. This is not nearly enough to fully address the science crisis confronting us, but I urge your support of this meager increase.

Mr. Chairman, I would also like to commend Chairman BOLAND for his recommendations regarding the Veterans Medical Center, Wade Park Division, in Cleveland, Ohio. H.R. 6956 includes $9.75 million for the construction of a new clinical addition at the Wade Park facility. This project is urgently needed to alleviate extant safety and health violations present at the current facility. The VA declined to request the necessary funds which, for a small price, will address a grave need among the veterans in Cleveland for a safe and healthy environment in which to receive medical care.

H.R. 6956 is a bill responsive to the vital interests of this Nation. I urge you to support its passage.●

The CHAIRMAN. Does the gentleman from New York (Mr. GREEN) desire recognition?

Mr. GREEN. Mr. Chairman, I had had one further request for time, but I do not see the gentleman on the floor, so if the gentleman from Massachusetts has any Members who are seeking time, I will defer to him.

Mr. BOLAND. Mr. Chairman, I have no further requests for time.

Mr. GREEN. Then, Mr. Chairman, I yield back the balance of my time.

Mr. BOLAND. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read title I of the bill.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that title I be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order against title I?

The Chair hears none.

Are there amendments to title I?

AMENDMENT OFFERED BY MR. SILJANDER

Mr. SILJANDER. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236 of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $9,538,000,000.

The Clerk read as follows:

Amendment offered by Mr. SILJANDER: On page 2, after line 18, add the following:

"MORTGAGE INTEREST REDUCTION PAYMENTS"

For mortgage interest reduction payments; $250,000,000 to be derived from funds available under section 305 of the National Housing Act, as amended (12 U.S.C. 1720) and to remain available until expended. Such amount shall be made available under the terms and conditions of the following paragraphs:

(a) For purposes of this section

(1) The terms "employee pension benefit plan", "fiduciary", "party in interest", "participant", "beneficiary", "employer", "employee organization", and "investment manager" have the meanings given such terms in section 3 of the Employee Retirement Income Security Act of 1974.

(2) For purposes of this section, the term "control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

(3) the term "established financial institution" means an investment manager described in section 3(38) of the Employee Retirement Income Security Act of 1974 with respect to a plan, a savings and loan association subject to regulation by the Federal Home Loan Bank Board, a housing agency of a State, or a bank.

(4) the term "Secretary" means the Secretary of Housing and Urban Development; and

(5) the term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, the Federated States of Micronesia, and any other territory or possession of the United States.

(b)(1) a bond is eligible for interest reduction payments under this section if it is—

(A) purchased by an employee benefit plan described in sub-section (a) of this amendment.

(B) a mortgage revenue bond which is sold to the plan by a housing agency of a State (or other similar functioning agency in States without housing agencies).

(2) a bond in which the funds obtained from the sale of which are used exclusively for the making of mortgages under this title to finance the purchase of dwellings described in subsection (e), or for contracting under subsection (f), to make such mortgages.

(3) a bond in which the rate of return is equal to the rate of return of tax-exempt mortgage revenue bonds.

(c)(1)(A) Subject to subsection (3), the Secretary may make monthly interest reduction payments to any housing agency of a State, with respect to a mortgage which is eligible under subsection (d), to assist an individual seeking to acquire a dwelling unit by using the proceeds of such mortgage.

(B) The amount of the monthly payment made under paragraph (A) with respect to a mortgage may not exceed the difference between the base interest rate of the bond issue sold plus the allowable maximum yield under the Mortgage Revenue Bond Act of 1981, as amended, and an interest rate of 11.75 percent for the year during which the payment is made.

(2) The Secretary may not make any additional monthly payment under subsection (1) with respect to a mortgage if the Secretary has made such payments with respect to the mortgage over a period of time of at least 7 years.

(3) The Secretary may not make any monthly payments under subsection (1) during a month if the Secretary determines that the rate of interest in subsection (1)(B) during such month is less than 11.75 percent for the year or is more than 15.75 percent for the year.

(d)(1) For purposes of subsection (d)(1), a mortgage, the proceeds of which are used to acquire a dwelling unit, is eligible for monthly interest reduction payments if the Secretary determines that—

(A) the terms of the loan or mortgage are consistent with customary practices in the residential mortgage industry, including—

Appropriate requirements concerning the income levels and credit worthiness of the borrower;

Fair market value appraisals of the collaterals;

Loan to value ratios; and

Title, hazard, and private mortgage insurance;

(B) such mortgage is—

Evidenced by a written note the terms of which are (i) at least as favorable to the housing agency as the terms of a loan involving unrelated parties and (ii) consistent with customary practices in the residential mortgage industry; and

Secured by a duly recorded first lien on the dwelling unit to be financed by the mortgage;

(C) the housing agency has adopted in writing reasonable proceedures, consistent with customary practices in the residential mortgage industry, designed to insure that the mortgage will be serviced in a diligent and systematic manner, including collecting mortgage payments, assuring that the taxes and insurance premiums for the dwelling unit under the mortgage are paid and making all decisions relating to, handling, and foreclosures.

(D) the principle obligation of the mortgage does not exceed the average cost of a dwelling unit bought in the United States;

(E) the mortgage is made to assist in the acquisition of an owner-occupied unit which is constructed, or is first owned after July 1, 1982, and which is not constructed as a dwelling unit for more than four families;

(F) the mortgage is to be paid over a period of time not to exceed 30 years beginning on the date the mortgage is made; and

(G) the mortgage may be renegotiated after a period of time of not more than 7 years beginning on the date the mortgage is made for a new amount of interest based on the prevailing interest rates in the residential mortgage market on the date of renegotiation.

(e)(1) Any housing agency of a State may contract with any established financial institution to make or administer any mortgage for which a monthly interest reduction payment is made under subsection (d)(1).

(2) The Secretary shall insure that—

(A) any mortgage for which a monthly interest reduction payment is made under subsection (d)(1) is eligible under subsection (e);

(B) the fee for administering any mortgage for which a monthly interest reduction payment is that which is set forth in the Mortgage Revenue Bond Act of 1981, as amended.

(C) the interest on any mortgage for which a monthly interest reduction payment is made under subsection (d)(1) does not exceed 12 percent for each year of the principal of the loan or mortgage.

(3)(A) Any housing agency of a State receiving monthly interest reduction payments under subsection (d)(1) with respect to a mortgage shall maintain for the duration of such mortgage records necessary to enable the person described in paragraph (B) to determine whether the requirements of this section have been met.

(B) The records referred to in paragraph (1) must be unconditionally available at their customary location for examination during normal business hours by any duly authorized employee or representative of the Department of Housing and Urban Development, the Department of Labor, or the Internal Revenue Service.

(f) Upon disposition by the homeowner of any property assisted pursuant to this subsection, the Secretary shall provide for the recapture of an amount equal to the lesser of (i) the amount of assistance actually received under this subsection, or (ii) an amount equal to at least 50 percent of the net appreciation of the property, as determined by the Secretary. For the purpose of this paragraph, the term "net appreciation of the property" means any increase in the value of the property over the original purchase price, less the reasonable costs of sale and the reasonable costs of improvements made to the property.

(g) The Secretary shall allocate between the housing agencies of the States, not withstanding any other provision of law regarding States without mortgage revenue bond authority, the amount of any funds appropriated for a fiscal year under the authorization contained in this section—

(1) one-half of the amount is allocated among the States on the basis of the population of each State; and

(2) one-half of the amount is allocated among the States on the basis of the unemployment rate of each State for the last period of 3 months occurring before such allocation.

(h) The Secretary shall issue final regulations to carry out this section, allocate amounts between the States under subsection (g), and make commitments to make monthly interest reduction payments under subsection (d)(1), not later than the date occurring 30 days after the date of the enactment of the first Act appropriating funds under the authorization contained in this section.

Mr. SILJANDER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. BOLAND. Mr. Chairman, reserving the right to object, I reserve a point of order on the amendment, and I would appreciate it if the subcommittee could have a copy of the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Massachusetts (Mr. BOLAND) reserves a point of order on the amendment.

Is there objection to the request of the gentleman from Michigan?

Mr. GREEN. Mr. Chairman, reserving the right to object, I, too, wish to reserve a point of order on the amendment.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The point of order of the gentleman from New York (Mr. GREEN) is reserved.

Is there objection to the request of the gentleman from Michigan?

There is no objection.

Mr. SILJANDER. Mr. Chairman, this amendment is due some explanation. The amendment is a revolutionary idea. It is consistent with a bill I introduced, the Housing-Auto Recovery Act of 1982, which has over 145 cosponsors, including the leadership of both the Democratic and Republican Parties.

What the bill basically does is to allow public and private pension funds to invest in revenue mortgage bonds, which would be an historical first. These mortgage revenue bonds, in the amount of $10 million, would then be issued to each State housing administration based on two simple criteria. One would be unemployment and the second population. Banks in the normal HUD process would obtain revenue bonds and issue 12 percent new housing start loans to the consumer.

Mr. Chairman, may I add that the concept of $10 billion of private sector money infused into new housing starts at this time—in one of the most depressed industries in the country—could create up to 2 million new jobs, and, according to a congressional study, 2 million new jobs could create a revenue base for the 1983 fiscal year of an additional $50 billion.

We are talking about an amendment that would cost the taxpayer approximately $100 million to $200 million in additional investment. The return would be anywhere from $30 billion to $50 billion.

Mr. Chairman, we have come to a point in this country, with such high unemployment—in my home State of Michigan, for example, with over 15 percent—that we need to deal with the cause for this heavy unemployment nationwide, the depressed housing industry. We are offering a viable alternative to other proposals that have not succeeded in this Congress. We are offering a proposal that is a private sector initiative. We are offering a proposal that needs timely discussion and deserves to be addressed immediately.

Mr. Chairman, it is a very simple concept. It is one that deserves bipartisan support. I urge the support of this amendment to the Housing and Urban Development appropriations bill.

Mr. TRAXLER. Mr. Chairman, will my distinguished colleague, the gentleman from Michigan, yield?

Mr. SILJANDER. I yield to the gentleman from Michigan.

Mr. TRAXLER. Mr. Chairman, I want to commend my colleague, the gentleman from Michigan (Mr. SILJANDER), for the introduction of his bill, which he now is offering as an amendment. And as the gentleman will recall, I am proud to be a cosponsor of it as a bill.

I want to salute the gentleman for his persistent efforts to alleviate the horrendous unemployment problem that exists in our State and to a certain extent across the Nation as well.

Mr. Chairman, the gentleman deserves the commendation of all of us for this effort. I join with him, and I congratulate him on that effort.

Mr. SILJANDER. Mr. Chairman, I thank the gentleman from Michigan.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman from Massachusetts.

Mr. BOLAND. Mr. Chairman, I want to commend the gentleman from Michigan (Mr. SILJANDER) on his position, and I understand the reason why he has offered this particular amendment. I am also aware of the problems that the State of Michigan has. Our whole subcommittee understands it, and I sympathize with the amendment.

However, Mr. Chairman, I insist on my point of order, and I make a point of order against the amendment.

The CHAIRMAN. The Chair will point out that the gentleman from Michigan (Mr. SILJANDER) still controls the time.

Does the gentleman from Michigan (Mr. SILJANDER) yield back the balance of his time?

Mr. SILJANDER. Mr. Chairman, I would like to request an additional minute of my own time.

The CHAIRMAN. The gentleman from Michigan (Mr. SILJANDER) still has time.

Mr. SILJANDER. Mr. Chairman, let me say to my colleague that I appreciate the concern on the point of order.

We have attempted to take out of this housing bill, as best we know legislatively, an amendment to the HUD bill that would be in order and proper. I would certainly hope that my colleagues would not further object to it on a point of order.

We believe that this is consistent with the bill, and we believe that, especially in a time of economic crisis such as we are in, we have finally found something that we can support in a bipartisan way and within an ideological framework.

Mr. Chairman, I certainly encourage the subcommittee chairman, the honorable gentleman from Massachusetts (Mr. BOLAND) to withdraw his point of order.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. SILJANDER) has expired.

Does the gentleman from Massachusetts (Mr. BOLAND) insist on his point of order?

Mr. BOLAND. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. BOLAND. Mr. Chairman, I reluctantly insist on the point of order under the circumstances.

This is not the place to offer this kind of an amendment. This is a far-reaching amendment. It is one that ought to be considered by the legislative committee. Clearly, the amendment is legislation on an appropriations bill, and it violates clause 2 of rule XXI.

So, Mr. Chairman, in short, the amendment is not authorized.

The CHAIRMAN. Does the gentleman from New York (Mr. GREEN) wish to be heard on the point of order?

Mr. GREEN. Yes, Mr. Chairman.

I, too, would like to commend the gentleman from Michigan (Mr. SILJANDER) for offering this amendment and for bringing to the attention of the House the very real problems and bringing to the House an ingenious program. However, it is plain as one reads the bill, that it imposes extensive duties on the Secretary in the form of implementing the mortgage interest reduction program that is contemplated by the bill. There are long sections explaining the responsibilities of the Secretary and the requirements that he review instruments to be issued in connection with the bill and to make payments.

Mr. Chairman, it seems that is plainly imposing additional duties on the Secretary, and thereby it is legislation in an appropriations bill.

The CHAIRMAN. Does the gentleman from Michigan (Mr. SILJANDER) desire to be heard on the point of order?

Mr. SILJANDER. No, Mr. Chairman.

The CHAIRMAN (Mr. LEVITAS). The Chair is prepared to rule.

The Chair has examined the amendment offered by the gentleman from Michigan (Mr. SILJANDER) in light of the point of order raised by the gentleman from Massachusetts (Mr. BOLAND).

The amendment is an extensive amendment providing for definitions, providing for determinations to be made by the Secretary, and providing for allocation formulas and a variety of other items which appear to the Chair clearly to be legislation and thereby a violation of rule XXI.

Accordingly, the point of order of the gentleman from Massachusetts (Mr. BOLAND) is sustained.

□ 1330

The CHAIRMAN. Are there further amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $544,963,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913).

AMENDMENT OFFERED BY MR. GORE

Mr. GORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GORE: Page 13, line 18, strike out "$544,963,000" and insert in lieu thereof "$555,106,000".

Mr. GORE. Mr. Chairman, I want to begin by paying my respects to the chairman of this subcommittee, and note that there are few Members of this House with whom I would less like to disagree. However, I think Members of Congress on both sides of the aisle understand that this is a matter of great importance to the country because EPA in my judgment is having its effectiveness destroyed by the budget actions of the last 2 years.

The subcommittee, which I respect greatly, has put a little more money in above what the Budget Director, David Stockman, recommended. But the amount of money that has been put back in is still way below what the budget level was last year and still way below what the budget resolution provides for.

I might add that this is at a time when the responsibilities the EPA is being asked to perform are increasing significantly and the American people are demanding stronger enforcement of our environmental laws.

Let me also say that this additional money I am asking to add in this amendment is targeted at the enforcement program at EPA.

There has been a 79-percent decline in the number of enforcement cases referred to EPA headquarters from the regional offices and a 69-percent decrease in the number of referrals from EPA to the Department of Justice.

In terms of actual numbers, the EPA's civil litigation referrals to the Department of Justice fell from 252 cases in 1980 to only 79 in 1981. The record so far this year indicates that there will be even fewer in this calendar year.

In enforcement area after enforcement area we see this dramatic decline resulting in flagrant violators of the law going unpursued and unprosecuted.

What are we going to do about it? Are we going to look at the additional responsibilities added to EPA as the hazardous waste legislation begins to take effect, as TOSCA and other laws take effect, and then say that they need fewer people to do more work? That is not what the American people would like to see.

A recent Harris poll last week asked this question: Do you want to see vigorous enforcement of these environmental laws, and it then listed a number of them. The results were 85 percent to 10 percent, and this is not a partisan issue, I might add, because Members on both sides of the aisle

have supported strong environmental legislation in the past.

I would say to my colleagues on the Republican side of the aisle that this is an issue where your constituents would have you separate yourselves from the record of disastrous damage being done by this administration to the environmental laws, to EPA, and to the enforcement of the environmental laws.

Let us talk about the numbers and the facts and the figures. The first budget resolution for fiscal year 1983 sets the appropriation level and a 4.8-percent pay increase. On EPA's 1982 operating budget $551 million was allocated for this item. The administration recommended a very, very sharp cut in that for this year. The committee added a little bit back in and the committee says that it provides additional funding for 300 positions.

But let me just point out some of the problems with the committee report.

I understand that the subcommittee is under a great deal of pressure in this budget year. But their calculations assume an average of $26,000 per position. EPA's comptroller, on the other hand, assumes a higher figure.

The CHAIRMAN. The time of the gentleman from Tennessee (Mr. GORE) has expired.

(By unanimous consent Mr. GORE was allowed to proceed for 5 additional minutes.)

Mr. GORE. They have assumed this higher figure because they have to budget in their accounting tables for overhead, for benefits, and for other operating expenses. The EPA's comptroller then uses the figure of $45,000 per position.

Thus, according to EPA's Comptroller, roughly half, or 153 positions, would be funded by the committee's action.

However, the committee also did not take into account an anticipated pay raise, not to make up for inflation, not nearly that much, but a small pay raise to 8,645 full-time slots. That is the OMB ceiling for fiscal year 1983, which will cost approximately $10.8 million.

What the committee assumes is that this additional cost will be funded through a supplemental, but last year EPA reprogramed $15 million out of the R&D budget to cover this expense.

Additionally, in order to meet OMB's personnel ceilings for fiscal year 1983, EPA anticipates RIF'ing 300 to 400 personnel. Again, the estimate on the cost of a RIF per person is from $10,000 to $12,000 per RIF. This requires another $3.6 million out of the salaries and expenses account.

So when you add it all up the actual pay raise and RIF costs will absorb nearly $15 million of a budget account which is already being cut from 1981 levels that were themselves inadequate.

Now let us talk about what this issue is really all about. One of the chemical industry magazines, Chemical Week, had an editorial recently where they said, speaking for responsible people within the industry, and I quote:

In a highly competitive industry companies cannot afford to spend their resources on environmental protection, however, well conceived the rules—

And this is the key part—

unless they perceive that those are backed up by credible enforcement policy.

That is the key point.

I go on to quote:

Without an effective EPA, industry's contribution to pollution, which has been diminishing, is bound to grow again. In the long run the American people will not stand for it.

That is really the issue. Are we going to acquiesce as a Congress in the destruction of EPA's ability to enforce the laws which come under their jurisdiction? When EPA comes to us, as they have in hearings before the Commerce Committee, and says, "We cannot possibly get out these new regulations you have asked us to get out, we cannot possibly speed up the enforcement of these cases because we do not have the people," are we going to reply, "Well, that is just too bad, we cannot do anything about it"? Or are we going to say we will solve that problem?

I had a discussion with the head of the enforcement office just before it was reorganized, and he said, "We have done a study and we have found that we need immediately 27 new investigators for hazardous waste dump sites," and this is the Anne Gorsuch EPA saying that they need these new investigators and my colleagues know that they have taken what many Americans regard as a very lax attitude.

How many of those 27 new investigators have they hired 6 months later? Three.

"Why," I asked in the last hearing. They say, "Because we do not know what action the Congress is likely to take on funding and on the budget."

It is up to us, I say to my colleagues, what direction are we going to take.

What I am proposing in this amendment is that we bring it up within the budget resolution to the fiscal year 1982 levels. It does not even account for the ravages of inflation on the ability of this Office to do its work. But let us at least bring it up to the 1982 levels and stay within the budget resolution. Let us not slash it lower than the budget resolution allows us to do.

I ask my colleagues to support this amendment and I yield back the balance of my time.

□ 1345

Mr. BOLAND. Mr. Chairman, I rise in opposition to the amendment. It is with some reluctance that I do so because I have great respect for the gentleman from Tennessee, who serves with distinction in this body and on the Science and Technology Committee, as well as on the House Permanent Select Committee on Intelligence.

First of all, in response to the gentleman with respect to additional pay costs and any requirements that are essential, I think we can assure him—I am sure the gentleman from New York would agree with me—that we will take care of any requirements for overhead or added pay costs in a supplemental. We have always done that. Ever since I have been sitting on this committee we have had supplementals which have taken care of some of the overhead costs and also the pay costs.

The average salary is about $31,000 in 1983. When we compute the costs of 300 positions, we know that new people will be brought in at less than the average salary because they will be at lower grades.

Mr. Chairman, there will be other amendments offered to this section of the bill. First of all, let me indicate to the committee what this committee has done vis-a-vis the EPA budget in salaries and expenses, research and development, and abatement, control, and compliance.

As chairman of this subcommittee, in conjunction with members of the committee and also the ranking minority member, we offered a compromise package to the authorizing committees, but under no circumstances was that accepted. So I thought perhaps I would offer substitutes both to the salary and expenses amendment of the gentleman from Tennessee; the research and development amendment to be offered by the gentleman from New York (Mr. SCHEUER); and whoever offers the amendment on abatement, control, and compliance.

We have already increased funds for these three EPA accounts in this bill by $72.4 million over the budget estimate. We were willing to add some $17.5 million to research and development, another $3.6 million to salaries and expenses, and $2.6 million to abatement, control, and compliance. But that was not acceptable, and I do not quarrel with that. They have their own position on this.

With respect to salaries and expenses, Mr. Chairman, this committee added $6.9 million, which provided for some 300 additional positions for fiscal year 1983. That brought the total to $545 million for the S&E account in the EPA.

The amendment of the gentleman from Tennessee would add $10.1 mil-

lion, which would add another, perhaps, 300 employees.

But the fact of the matter is that we did add some 300 positions and $6.9 million. We think that the committee's position is reasonable. We think it is justified. And I think that we have a good chance of convincing OMB to release the 300 positions.

As the gentleman from Tennessee well knows, and as everyone else in this body well knows, the Congress is not the last arbiter on how many positions are going to be allocated by the respective agencies of this Government. The final arbiter is the Office of Management and Budget. As I have indicated, we think we have a good chance of convincing OMB that this addition ought to be taken by OMB and that the 300 positions provided for in this bill ought to be approved.

Further increases, such as proposed by the gentleman's amendment, will have little likelihood of actually making it to the agency, and it may very well jeopardize the 300-plus positions that we have in this bill.

Again, let me say that I think the increase provided in the bill represents a reasonable middle ground which gives the EPA the best chance of maintaining essential personnel levels and, consequently, I urge defeat of the gentleman's amendment.

Mr. GORE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Tennessee.

Mr. GORE. Is it not true that in the calculations of the amount in the total bill for EPA, you have included some $40 million in an incremental increase in the amount collected from the private fees or taxes on chemical producers in the Superfund bill?

There are two separate accounts. One is the relatively small Government contribution; the other is the much larger contribution by chemical producers. If that amount were not included the way it is, the entire category would be significantly lower.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

(On request of Mr. GORE and by unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. GORE. If that amount were taken out, in other words, you have taken the amount in the private fund collected from companies—no public funds involved there—and that is the only thing that has pushed it over the 1982 levels overall. And, even so, it is only $5 million above the 1982 levels. Is that not correct?

Mr. BOLAND. That is correct. But in the accounts the gentleman is interested in, this committee did add $72.4 million. That is the botton line. The addition that was made by this committee is $72.4 million in these three particular accounts. I think that is a significant figure.

Mr. GORE. If the gentleman will yield further, in the account that is in question, in 1982 the figure was $555 million, and the figure in this year's bill is $545 million. That is not only below the 1982 level but below the level in the budget resolution by that amount. This amendment would bring it up to the 1982 level and up to the level of the budget resolution. So it is really below, is it not?

Mr. BOLAND. That is true; the amendment would bring the funding up to the 1982 level. The budget resolution, however, does not go to individual appropriation accounts. I think the gentleman is a realist, perhaps as much as anyone else in this body. Some of the personnel reductions proposed result from changes in programs such as shifting administration of the construction grants program to the States. That action allows for a reduction in the number of employees.

You could add millions of dollars in this particular account for additional personnel. That does not mean you are going to get the positions. The gentleman understands that thoroughly.

Mr. GORE. If the gentleman will yield further, that is absolutely true. And the same administration is now saying that there is going to be another 1,000 personnel slots lost. Now, what are we going to say? Are we going to say, "OK, that is just fine with us"? Why do we not bring it up to our own budget resolution, well within the budget, at least to last year's level, so that we can say to them, when they come to us and say they are going to continue the process of destroying EPA's abilities, "Look, we have given you the same amount you had last year for this function; we are within the budget resolution; you tell us whether you can do the job or not. If you do not need them, then that is one thing. But do not blame it on us."

Let us give them what they need and then try to hold their feet to the fire and make them enforce the law.

Mr. BOLAND. I am trying to be a realist here. As I say, you can put all of the money in the world you want in here for personnel, but if OMB does not approve, the positions are gone. So we have put enough money in here to at least add 318 positions for fiscal year 1983. We think they will do it. We think they will agree to provide the additional positions. That is the bottom line. The gentleman has made his argument, and I understand it thoroughly. But the problem is—let me respond to the gentleman—the number of people who are working at EPA is not controlled by your committee or my committee. You can spend all the time you want talking about the Budget Committee and the authorizing committee, but I do not know of any particular instance where the Members of this body would want the Appropriations Committee to walk lock step with the Budget Committee or with the authorizing committee.

Mr. GORE. If the gentleman will yield further, the gentleman has described the importance of realism in dealing with OMB. We had an earlier discussion about the RIF money that is not accounted for in this bill.

Last year, did the OMB permit the use of the supplemental funds for those RIF's? Or did they, as they will almost certainly do this year, reprogram the RIF money out of the enforcement activities and out of the ongoing programs from OMB?

Mr. BOLAND. That was done.

Mr. GORE. Well, why is it not calculated for this time? We are asking for more of the same kind of damage to be done to EPA. We ought to tell them and not let them tell us.

Mr. BOLAND. I have indicated to the gentleman—I have said it once, I will say it again—that if there is additional funding necessary for pay costs, we will provide it in the supplemental for pay costs or any overhead costs which impact upon the——

Mr. GORE. What about RIF's?

Mr. BOLAND. We have assurances on the funding of any RIF in 1983.

Mr. GORE. OMB said you could not do it last year. They took it out of the programs.

Mr. BOLAND. Well, I think the Congress, this body, has some jurisdiction in this area. If we make moneys available in the supplemental——

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has again expired.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would first like to begin by concurring in the remarks of the subcommittee chairman that, of course, the subcommittee will deal, as it traditionally has done, with the problems that the pay increase and its absorption create for the agencies within our area of responsibility.

The second point I would like to make, since I think the subcommittee chairman has covered the issue very clearly, is that when you get down to the Appropriations Committee level, you cannot consider the budget process just in terms of what is in the first budget resolution. I think everyone has to understand that and what consequences flow from it, because the first budget resolution does indeed set targets for various kinds of activities.

But it is also true that under the Budget and Impoundment Control Act of 1974, that first budget resolution, in essence, provides a lump sum to the Appropriations Committee. The Appropriations Committee under section 302(b) of that act, then votes a divi-

sion to that lump sum among the various subcommittees. Each subcommittee then has to live within its section 302(b) allocation. That may lead to some consequences that are different from those contemplated by the targets in the first budget resolution, but they are, nonetheless, results that are called for under the 1974 Budget and Impoundment Control Act.

As I said during the general debate we find ourselves in this committee in the situation where, if amendments which increase the amounts above those recommended by the Appropriations Committee pass on the floor today, we are going to be faced with resulting reductions in housing. We have not included a major housing element in this bill for lack of action on the part of the authorizing committee. However, when we come to deal with that, either when the authorizing committee has passed the housing bill or, for lack of it, we seek some other procedure to deal with the problem, as we will if that committee does not act, then, because of that section 302(b) limitation and the commitment which was made by the chairman of the subcommittee to the ranking minority member of the full committee during general debate, we are going to be faced with the fact that any dollar added today that survives the conference is going to be subtracted from the money made available for housing assistance.

What we have done in putting together this bill was within the limits of the section 302(b) allocation given us by the full Appropriations Committee, and that was a matter that was debated with some heat within the full Appropriations Committee. We have tried as best we could within those limitations to deal with all of the elements that this subcommittee deals with.

When you are talking of housing, for example, we are talking about $9.6 billion of budget authority for housing which the subcommittee has left itself to have available. That is an appropriation that used to run $30 billion a year. And we are going to have less than one-third of that available for housing assistance.

So we have had to face some very difficult choices. I do not like what has happened with respect to EPA. I am not happy with that. But we on the subcommittee have to make those choices. And if this House is going to live up to the budget process, it has to make those choices. Are we to take a housing program that has been cut by two-thirds and cut it still further? That is the issue we truly face this afternoon. I only ask that Members who, like myself, are very sympathetic to more funding for EPA—as I said, if I did not face those constraints, I would be offering this amendment, because I would have priority on the floor to do it—understand that issue.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also rise to speak against the amendment, very regretfully. I have a great deal of respect for my colleague from Tennessee. I support the goals that he supports. But speaking as a member of the authorizing committee in the housing area, housing has been just cut to smithereens in the last 2 years. The Appropriations Committee, led by the able chairman from Massachusetts, and the able ranking minority member from New York, have done what I think is to make the best of a bad situation. First, they have brought an appropriations bill to the floor. The alternative, a continuing resolution, would simply allow Presidential manipulation, and the President has shown a desire and an ability to cut housing more than he has any other program.

Second, if the money goes to EPA, it can now only come out of one place, and that is housing. Housing cannot afford further cuts.

As worthy as some of these other amendments are—and certainly I consider myself a strong supporter of EPA—to take funds out of the hide of housing to feed EPA would be unfair and a misallocation of priorities.

□ 1400

So I really rise for two purposes: First, to salute the chairman of the Appropriations Subcommittee and the ranking minority member for doing the best they can; and I think they have done a magnificent job in trying to save what little housing is left and, second, to regretfully oppose the amendment because we are in a rob Peter to save Paul situation.

Mr. HOLLENBECK. Mr. Chairman, I rise in strong support of my colleague from Tennessee's amendments for increased Environmental Protection Agency funding. I do so because of my firm belief that we cannot cut EPA funds at a time when the Agency's responsibilities have been greatly expanded. Just recently, Congress affirmed its overwhelming support for environmental protection through passage of a strengthened Federal Insecticide, Fungicide and Rodenticide Act, the Resource Conservation and Recovery Act, and the Environmental Research, Development and Demonstration Act. In order to implement these programs effectively, it is imperative that EPA staff and resources be adequate to the task.

As currently written, H.R. 6956 sets funding levels for the EPA's operating programs at $1,033.75 million. This appropriation level is $54 million less than the targets agreed for this budget function by the House and Senate in the first budget resolution. I cannot accept this.

I urge my colleagues to join me in supporting the amendments to bring each of EPA's three program accounts up to the 1982 appropriation levels. The amounts in each amendment are within the parameters established earlier by the budget resolution. In the first amendment, we would restore $10.1 million to EPA salaries and expense accounts to offset the massive cutbacks in enforcement personnel and EPA staff responsible for promulgating regulations and permits. Second, I ask your support for an amendment which would recover $33 million of cuts in EPA research and development funds. Without an adequate R&D budget, we cannot provide the information necessary for the implementation of environmental laws or make the right environmental policy decisions on acid rain or toxic wastes. Without this money, we would be jeopardizing our ability to make prudent decisions concerning our natural environment.

Finally, I ask that you vote with me to restore $8.4 million to the State grants program. Last year, as you may recall, these programs suffered a 13-percent cut forcing drastic reductions in State pollution control programs. Once again, this amendment, like the others, would merely bring funding for this program back to the 1982 appropriation levels.

While $54 million is surely less than the amount required to complete the full job, House support for these proposals will convey to the Environmental Protection Agency and the American public our determination and continued commitment to protecting public health and the environment. I urge you to join me in supporting these worthwhile amendments.

● Mr. ZEFERETTI. Mr. Chairman, I rise in support of the Gore amendments to HUD-Independent Agencies appropriations for fiscal year 1983. When the current administration came to Washington, vowing to dismantle environmental regulations opposed by business and industry groups, environmental activists assumed Congress would comply with administration and business interests. Instead, those of us in Congress believing that environmental regulations should be based first upon health rather than economic considerations have been scoring important victories. To date, however, the massive cuts in the Environmental Protection Agency budget have proved an exception to this rule.

While the EPA's congressionally mandated workload has nearly doubled in recent years, the agency's budget was reduced over 17 percent in 1982, and this cut ignores the toll of inflation. Without an adequate restoration of funds for fiscal year 1983,

the agency could lose an additional 1,100 employees, environmental research will be reduced another 22 percent after last year's cut of 39 percent, enforcement actions will be reduced by 275 work-years, and illegal dumping operations are likely to once again increase rapidly.

In addition, risk assessments of hazardous pollutants will be cut back to a fraction of previous levels; congressionally mandated timetables for issuance of essential regulations will be so backlogged that billions of gallons of toxic wastes will be dumped in our rivers, lakes, and streams; and State grants will be cut $8.4 million on top of last year's 13-percent reduction.

Clearly, the level of funding provided in the committee bill is woefully inadequate for the Agency to carry out its mandated duties of protecting the environment and safeguarding public health. In fact, Congress should be expanding the EPA budget to fulfill the congressional mandates of the many antipollution laws the Agency must by law administer. That is why I strongly urge my colleagues to support the Gore amendments to restore $10.1 million in salaries and expenses and $8.4 million in the abatement and compliance account.

The Gore amendment adding $10.1 million to the salaries and expenses account for enforcement and inspection is especially vital. Without adequate funding and personnel, enforcement of environmental laws is an impossible task. At a time when an overwhelming majority of the American people demand stronger enforcement of environmental laws, it is absolutely essential that Congress provide the funds necessary to follow the people's mandate. I urge my colleagues to support the Gore amendments.●

● Mr. BEDELL. Mr. Chairman, I rise to urge my colleagues' support for the Gore amendment restoring $10 million to the EPA budget for salaries and expenses in fiscal year 1983. This amendment will add money to an Agency facing a dangerous depletion of manpower, while remaining within the limits mandated by the 1983 budget resolution.

EPA faces a great loss of experienced personnel next year—up to 1,100 employees according to some estimates. This loss of staff will seriously hamper the Agency's ability to issue final regulations and permits in carrying out the will of Congress.

Such losses to the staff of EPA could not come at a worse time. Administrator Gorsuch has stated that much of the needed research on environmental problems has been completed, and what remains is the formulation and implementation of the programs to achieve the environmental quality we must have. While I question her confidence in the state of environmental research, I agree that much of what needs completion in our environmental agenda requires a staff able to promulgate environmental regulations.

But EPA cannot honestly expect to promulgate the necessary rules for carrying out the intent of Congress on a timely basis without a strong, experienced staff.

As many of you know, I have for some time been involved in energy matters before Congress, among which has been the development of a program for waste oil recovery. While Congress passed legislation in 1978 to encourage the reuse of this costly resource, the EPA has not begun to issue regulations on the safe recovery of waste oil. Though the legislation required EPA to issue such regulations by October of 1981, Administrator Gorsuch has stated that no regulations are expected before the summer of 1983.

We cannot expect EPA to carry out the necessary research, rule promulgation, and permit issuances when we vote to cut the funds supporting these vital activities.

The problems I have experienced in overseeing EPA's progress toward issuing waste oil regulations are by no means isolated. Regulations on the permitting of new and existing waste dump sites under the Resource Conservation and Recovery Act (RCRA), passed in 1976, were only recently issued this summer. EPA must give final permits by 1986 to 9,977 waste sites currently on interim status—with a staff of 178 working on this program it will be a miracle if they meet this deadline. In addition, Congress recently passed strong amendments to RCRA which will necessitate EPA regulate small generators of hazardous waste and underground injection of waste.

It is obvious to me that EPA cannot begin to meet its congressionally mandated deadlines at current staff levels. It would certainly be a grave mistake to call for reduced funding in the salaries and expenses of this Agency today.

Restoring the needed $10 million for EPA salaries and expenses will give the Agency a greater ability to fulfill its duties, while remaining within the constraints of the 1983 budget resolution. A commitment to fiscal responsibility and a clean, healthy environment are not mutually exclusive. I urge my colleagues to support the Gore amendment. Thank you.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GORE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

□ 1415

QUORUM CALL VACATED

The CHAIRMAN. One hundred Members have appeared. A quorum of the Committee of the Whole is present. Pursuant to clause 2, rule XXIII, further proceedings under the call shall be considered as vacated.

The Committee will resume its business.

The pending business is the demand of the gentleman from Tennessee (Mr. GORE) for a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RESEARCH AND DEVELOPMENT

For research and development activities, $121,204,000, to remain available until September 30, 1984.

AMENDMENT OFFERED BY MR. SCHEUER

Mr. SCHEUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCHEUER: on page 13, line 24, strike out "$121,204,000" and insert in lieu thereof, "$146,204,000".

Mr. SCHEUER. Mr. Chairman, the amendment that we are offering is a truly modest proposal. In effect, it increases the appropriation of the Appropriation Committee by $25 million.

Now, I want to express my admiration for the outstanding leadership that the chairman of the subcommittee has provided and that the ranking minority member, my colleague, the gentleman from New York, has provided.

It is with the greatest reluctance that I make this proposal. I want to emphasize what a very modest proposal it is. I want to emphasize that even adding on $25 million would still leave the budget for R&D $8 million under the budget proposal, $8 million under the 1983 authorization proposal for EPA and, indeed, $8 million under this year's appropriation, $8 million under the 1982 appropriation.

So we are not only not making an adjustment of eroding effects of inflation of 9 or 10 percent from 1982 to 1983, but we are actually cutting the 1982 appropriation.

Now, Mr. Chairman, in effect, what I am saying is that the research and development function of EPA has been cut. It has been savage, more than any other agency activity over the last several years. In fiscal year 1981, R&D

was funded at $254 million. The current fiscal year 1982 appropriation is also $154 million, a 39-percent reduction from the 1981 level.

Now, for fiscal year 1983, the administration is requesting a $108 million reduction on top of the 1982 reduction, or a 30-percent reduction from fiscal year 1982.

Now, assuming a 7-percent annual rate of inflation, this request for $154 million comes out in real dollar terms to $94.1 million, $94 million in 1981 dollars and, therefore, represents a reduction in real dollar funding from 1981 to 1983 of 63 percent. These Draconian cuts in EPA R&D threaten the very foundation of environmental protection in this country and they threaten the very ability of EPA to regulate on a sensible cost effective basis the very kind of fine tuning and regulatory process that industry has been calling for.

Now, this just seems terribly counterproductive. We are ravaging the ability of the EPA to produce the information necessary to have cost-effective and intelligent administration of the environmental laws and we are ravaging the ability of EPA to make sensible, sound, cost-effective, economic environmental policy decisions on such desperate problems, problems that are piling up over the long run of acid rain, of ground water pollution, of indoor air pollution, hazard wastes, and toxic pollution.

Now, it just does not make sense to rob the regulatory agency that is mandated with making decisions that are going to cost industry billions and billions of dollars to comply with, to rob them of the ability to make intelligent, cost-effective judgments, that do not impose unnecessary burdens on our industry; but the only way that EPA can carry out its function is to give them a minimally adequate appropriation.

Now, Congress apparently agreed to this, because the issue was debated on August 17 of this year when EPA research authorizations were considered and the House overwhelmingly rejected the President's request, this so-called 63-percent reduction from 1981 to 1983, rejected by 314 to 94.

Now, this current authorization increases the President's request by $45.5 million, a minor request, when one considers the magnitude of cuts already made in this program.

The CHAIRMAN. The time of the gentleman from New York has expired.

(By unanimous consent, Mr. SCHEUER was allowed to proceed for an additional 5 minutes.)

Mr. SCHEUER. Now, my amendment would add the $25 million, bringing the total appropriation up to $146.3 million and, of course, the funds would be spent in accordance with directives provided in the legislation authorizing such funds.

Now, specifically, the allocation would be as follows: $4 million for health research to identify cancer-causing pollutants in air and water; $4 million for environmental monitoring to gather the data needed to evaluate our environmental programs and to detect serious problems in need of action; $3.1 million would be for ecological research to understand the effect of pullution on our crops and in the oceans and on our natural resources; $900,000 for the Chesapeake Bay program to help protect the rich and valuable Chesapeake Bay, a program that our colleague, the gentleman from Maryland (Mr. DYSON) has been so assiduously promoting and diligently supporting; $6 million for community technology development to assist American industry in meeting sensible, cost-effective environmental regulations, to the benefit of our industry; and $7 million for long-term research to improve our understanding of environmental problems and to develop the experts and scientists who will provide sensible and cost-effective solutions to such pressing problems as acid rain, ground water pollution, and hazardous wastes.

Now, these increases and the research they would support have been recommended by the Science and Technology Committee over months and months of hearings and extensive investigations and oversight hearings of EPA research requirements.

This amendment would help preserve a basis for issuing sound environmental regulations, enabling our administrators to come up with cost-effective regulations that are not silly, that are fine tuned to meet the minimum needs of our environment and health and for helping industry to develop ways to meet regulations and to make only the necessary investments in antipollution technology.

Now, we think this is EPA's mission and we think that the $25 million that we have asked that is under the 1982 appropriation, under the 1983 authorization and under the 1983 budget resolution, is minimally needed and that it ought to be passed by this House.

The amendment, I think, is sound. It is minimum and I urge my colleagues to join me in voting for this amendment.

I will repeat the remarks that I made earlier of my utmost respect and high regard for the chairman of this subcommittee and the ranking minority member, the gentleman from New York. I feel very hesitant and reluctant to bring this amendment, but I feel that it is utterly necessary to fulfill the basic legislatively mandated mission of the EPA.

Mr. DYSON. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to my colleague, the gentleman from Maryland.

Mr. DYSON. Mr. Chairman, I rise in support of Mr. SCHEUER's amendment. The amendment includes $900,000 for the Chesapeake Bay program and I would like to take a moment to explain the purpose of this funding.

A 6-year $27 million study of the Chesapeake Bay by the Environmental Protection Agency is now being completed.

Research findings have identified three areas of serious concern: toxics, nutrient enrichment, and bay grasses. The findings, which are now being finalized, indicate that the main stem of this 195-mile-long estuary is losing oxygen. In addition, the upper reaches of the main tributaries are considerably more stressed than scientists have thought. All of these trends—the decline of the bay grasses; the increased nutrient enrichment and attendant loss of oxygen; and the continued loading of toxic chemicals and heavy metals into bay waters—portend serious problems by the end of this century.

Given the EPA findings, it is essential that we have a shared Federal and State commitment to assure the clean up of the Chesapeake Bay. A strong Federal presence on the bay must be maintained because of the interstate boundaries of the watershed. Moreover, it is critical that EPA's participation and expertise in the Chesapeake Bay be continued so that there can be a swift, orderly transition from the research phase into the implementation phase in 1983.

Management of the Chesapeake Bay is also a responsibility of the State governments of Maryland, Virginia, and Pennsylvania. Representatives of the three States have served on the Chesapeake Bay program's management committee. In addition, the States, particularly Maryland and Virginia, have been participants in and have made contributions to the research studies funded by the program. At present, an institutional arrangement to carry on this State/Federal partnership is being developed. The States have pledged their support for such an institutional structure, and have expressed their willingness to share in the costs.

I am including for the RECORD a breakdown of the necessary funding for EPA's participation next year. Basically, it is as follows: First, the bay program has generated an excellent baseline against which future research can measure trends and tell whether water quality is declining or improving, $250,000 is needed annually to maintain the computer base, a proportion of which will be defrayed by the States. Second, it is essential that an EPA Chesapeake Bay Liaison Office be located physically on the bay. The

progress to date in interstate coordination of water quality and water resource issues will be hampered without such an office. Thus, it is important to continue the five present positions in Annapolis.

CHESAPEAKE BAY PROGRAM BUDGET, FISCAL YEAR 1983

1. Cost of maintaining the data base—Federal, $125,000.

The Chesapeake Bay program has assembled on computer a massive historical data base which is being used to define trends in water quality variables and living resources over a 30 year time period for the Bay and its tributaries. This water quality data base has conducted a water quality review of data from 1940 to the present.

2. The resource user program—Federal, $75,000.

The resource user program, which evolved from public participation efforts, is a key element in the implementation of alternative control strategies because it involves those entities such as agriculture and manufacturing who need to understand the impact of their activities on the Chesapeake Bay and what alternative corrective actions they can take.

3. Monitoring program—Federal, $400,000.

A monitoring program is the most important in order to determine the effectiveness of alternative corrective actions to improve water quality on the Chesapeake Bay (i.e., evaluating improvements in water quality and aquatic species productivity in the Bay).

4. Core EPA Liaison Office—Federal, $300,000.

There is a need to continue the technical expertise that has been developed over the course of the EPA study on the Chesapeake Bay, in order to assure that the information is transferred to the appropriate state regulatory agencies.

Total Federal appropriation needed—$900,000.

Approximately $300,000 is needed for this purpose. Third, it is important to utilize the knowledge gained to improve water quality in the bay. This can only be done through a carefully designed water quality monitoring program. Approximately $600,000 is needed to design and put into place such a program. Here again, the States indicated their willingness to cost-share for approximately $200,000. Finally, it is important to actively involve bay users in developing and implementing the strategies necessary to correct problems which have been identified by the bay program. A public awareness program is critical to this implementation phase. Approximately $100,000 is needed for this purpose.

I must emphasize that this funding is not for a continuing study on the Chesapeake Bay, but for the transfer of the results of the Chesapeake Bay study to the States for purposes of properly managing and preserving the Chesapeake Bay. This Federal assistance is intended to cover only 1 year, after which the States would assume responsibility for supporting this Chesapeake Bay program.

The CHAIRMAN. The time of the gentleman from New York (Mr. SCHEUER) has expired.

(By unanimous consent, Mr. SCHEUER was allowed to proceed for an additional 2 minutes.)

Mrs. HOLT. Mr. Chairman, will the gentleman yield?

Mr. SCHEUER. I yield to the gentlewoman from Maryland.

Mrs. HOLT. Mr. Chairman, I thank the gentleman for yielding.

I certainly rise in support of this amendment. I think, as the gentleman from Maryland has said, we are in danger of having wasted the millions of dollars that we have spent in studying the Chesapeake Bay, one of the greatest natural resources that we have in this country.

The studies under the EPA's Chesapeake Bay program are coming to an end after 6 years. The results of the studies can provide us with a benchmark against which we can measure any future changes in the water quality of the Nation's largest estuary. I am rising in support of the amendment to H.R. 6956, because it would provide the $925,000 we need to maintain the data base that has been assembled during the $25 million study. We need continuing EPA involvement to help us monitor corrective actions to improve water quality in the bay and we also need a core EPA liaison office to work with State agencies as the technical information that has been gathered during the study is transferred to the State level. Without the $925,000, we may have wasted the millions of dollars we have put into the Chesapeake Bay program. I urge that the amendment be adopted.

Mr. SCHEUER. Mr. Chairman, I thank the gentlewoman for her support.

Mr. BOLAND. Mr. Chairman, I rise to oppose the amendment. I do it rather reluctantly, because I am aware of the time and effort that the gentleman from New York has put into this particular activity within the Science and Technology Committee.

I think the membership ought to look at the figures with respect to the R&D activity. The 1983 budget requests $108.7 million. This bill carries $121.2 million. That is an increase of $12.5 million over the budget request. This amendment would provide for an additional $25 million in R&D and would raise this figure to $146 million.

Mr. Chairman, it occurs to me that the arguments that have been used by those who want increases in these activities, these particular accounts within the EPA, are all predicated and based upon 1982 funding.

Our position on this bill, on the Environmental Protection Agency and the other agencies of Government, is that we have to look at the total spectrum and we have to determine whether or not there are other areas that have suffered as a result of reductions in the 1983 budget estimates. And, of course, other areas have suffered as much or more.

I think all agencies have to share the burden, not EPA alone, but all agencies. Our concern, as has been so well brought out by the gentleman from New York, the ranking member of this subcommittee and his colleague, the gentleman from New York (Mr. SCHUMER), is that we have to have some concern about programs that touch the living conditions of millions of people throughout the United States, such as the assisted housing programs. We are vitally concerned with that.

□ 1430

Our concern with putting additional funds into this bill, as everyone realizes, is whether or not we are going to get a bill that is going to be signed by the President. We have all heard him on television and his reaction to the bill on which his veto was overridden by this House. Members all know his concern with other bills which will be going to the White House—specifically, the 13 appropriations bills. That is also our concern. I am sure it is the concern also of the membership of this entire House and the committee members.

Much of the reduction below 1982 in R&D, as I understand it, is tied to research areas which are nearing completion or, justifiably, are being rescheduled or redirected.

For example, research is nearing completion on the effluent guidelines program and on diesel particulates, as well as the initial Superfund research. Reductions also appear possible in the synfuel area, since commercialization of this technology has gotten off to a slower start than was originally expected.

I am satisfied that the increase provided in this bill will fund the essential—I am talking about the essential—R&D programs, especially in the high-priority areas, $121.2 million is a lot of research money. It would occur to me, Mr. Chairman, that this is sufficient to run the research and development program of the Environmental Protection Agency for fiscal year 1983.

The figure does not satisfy anybody. It does not really satisfy me, and does not satisfy the authorization committee. But we have to make some hard choices this year. Everyone recognizes that. It seems to me the hard choices ought to be spread across all of the agencies in this bill, and we have tried to do that equitable and reasonably.

So, Mr. Chairman, I oppose the amendment offered by the distinguished gentleman from New York.

● Mr. ZEFERETTI, Mr. Chairman, I rise in support of the Scheuer amendment to HUD-Independent Agencies

appropriations for fiscal year 1983. Few issues facing Congress are more complex and critical to our Nation than the quality of the environment in which we live. Considering the fact that environmental protection was not addressed as an important issue until the 1970's, progress made in this area has been spectacular, at least until the current administration came to power.

Throughout the 1970's, Republicans and Democrats alike cooperated in assuring every American the right to a clean environment. Tragically, it has become apparent that the Reagan administration has abandoned this commitment. Between the EPA Administrator, Anne Gorsuch, and James Watt, the Secretary of the Interior, this administration's environmental policies represent no less than a blueprint for the destruction to a safe and clean environment.

Nothing more clearly displays this administration's lack of concern over the environment than the savage attacks on the Environmental Protection Agency's budget. Clearly, the level of funding provided in the committee bill is woefully inadequate for the Agency to carry out its mandated duties of protecting the environment and safeguarding public health. In fact, this Congress should be expanding the EPA budget to fulfill the congressional mandates of the many antipollution laws the Agency administers. That is why I strongly urge my colleagues to support the Scheuer amendment to restore funds for EPA's research and development programs.

Since taking office, this administration's top EPA officials have consistently and repeatedly demanded that environmental regulations and policies be based upon sound scientific research. But unless this amendment is passed, funding for EPA's research and development program will have been cut by 60 percent over 2 years. The consequences of such a budget reduction could be catastrophic for the health of millions of Americans.

Environmental research, if adequately supported, will result in the achievement of environmental goals vigorously supported by an overwhelming majority of the American people. In addition, pollution control represents an investment in industries affected by environmental legislation. EPA research activities are designed to develop appropriate control strategies for these industries. Without this capability, public health and environmental quality will deteriorate under the pressure of mounting pollution discharges.

Considerable progress has been made over the last decade in cleaning up this Nation's air and water, in addition to safeguarding the health of Americans. I am proud of these accomplishments and deeply dismayed over the course of this administration's environmental policies. In adopting the Scheuer amendment, this House has the opportunity to show its resolve in maintaining adequate funding for EPA research and development. Mr. Chairman, I urge my colleagues to vote aye.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. SCHEUER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SCHEUER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names.

[Roll No. 328]

Albosta	Coleman	Fazio
Alexander	Collins (IL)	Fenwick
Anderson	Conte	Ferraro
Andrews	Conyers	Fiedler
Annunzio	Corcoran	Fields
Anthony	Coughlin	Findley
Applegate	Courter	Fish
Ashbrook	Coyne, James	Flippo
Aspin	Coyne, William	Florio
Atkinson	Craig	Foglietta
AuCoin	Crane, Daniel	Foley
Badham	Crane, Philip	Ford (MI)
Bailey (MO)	Crockett	Ford (TN)
Bailey (PA)	Daniel, R. W.	Fowler
Barnard	Dannemeyer	Frank
Barnes	Daschle	Frenzel
Beard	Daub	Frost
Bedell	Davis	Fuqua
Beilenson	de la Garza	Garcia
Benedict	Deckard	Gaydos
Bennett	Dellums	Gejdenson
Bereuter	DeNardis	Gingrich
Bevill	Derrick	Ginn
Biaggi	Derwinski	Glickman
Bingham	Dickinson	Gonzalez
Bliley	Dicks	Goodling
Boggs	Dingell	Gore
Boland	Donnelly	Gradison
Boner	Dorgan	Gramm
Bonior	Dougherty	Gray
Bonker	Dowdy	Green
Bouquard	Downey	Gregg
Bowen	Dreier	Guarini
Breaux	Duncan	Gunderson
Brinkley	Dunn	Hagedorn
Brodhead	Dwyer	Hall (OH)
Broomfield	Dyson	Hall, Ralph
Brown (CA)	Early	Hall, Sam
Brown (CO)	Eckart	Hamilton
Broyhill	Edgar	Hammerschmidt
Burgener	Edwards (AL)	Hance
Burton, Phillip	Edwards (CA)	Hansen (ID)
Byron	Edwards (OK)	Hansen (UT)
Campbell	Emerson	Harkin
Carman	Emery	Hartnett
Carney	English	Hatcher
Chappie	Erdahl	Hawkins
Cheney	Erlenborn	Heckler
Chisholm	Evans (DE)	Hefner
Clausen	Evans (IA)	Heftel
Clinger	Evans (IN)	Hendon
Coats	Fary	Hertel
Coelho	Fascell	Hightower
Hiler	Mikulski	Schumer
Hillis	Miller (CA)	Seiberling
Holland	Miller (OH)	Sensenbrenner
Hollenbeck	Mineta	Shamansky
Holt	Minish	Shannon
Hopkins	Mitchell (NY)	Sharp
Horton	Moakley	Shaw
Howard	Molinari	Shelby
Hoyer	Mollohan	Shumway
Hubbard	Montgomery	Shuster
Huckaby	Moore	Siljander
Hughes	Moorhead	Skeen
Hunter	Morrison	Skelton
Hutto	Mottl	Smith (AL)
Hyde	Murphy	Smith (IA)
Ireland	Murtha	Smith (NE)
Jacobs	Myers	Smith (NJ)
Jeffords	Natcher	Smith (OR)
Jeffries	Neal	Smith (PA)
Jenkins	Nelligan	Snowe
Johnston	Nelson	Snyder
Jones (NC)	Nichols	Solarz
Jones (OK)	Nowak	Solomon
Jones (TN)	O'Brien	Spence
Kastenmeier	Oakar	St Germain
Kazen	Oberstar	Stangeland
Kemp	Obey	Stark
Kennelly	Ottinger	Staton
Kildee	Oxley	Stenholm
Kindness	Panetta	Stokes
Kogovsek	Parris	Stratton
Kramer	Pashayan	Studds
LaFalce	Patman	Stump
Lagomarsino	Patterson	Swift
Lantos	Paul	Synar
Leach	Pease	Tauke
LeBoutillier	Perkins	Taylor
Lehman	Petri	Traxler
Leland	Peyser	Trible
Lent	Porter	Udall
Levitas	Price	Vander Jagt
Lewis	Pursell	Vento
Livingston	Quillen	Volkmer
Loeffler	Rahall	Walgren
Long (LA)	Railsback	Walker
Lott	Rangel	Wampler
Lowery (CA)	Ratchford	Washington
Lowry (WA)	Regula	Watkins
Lujan	Rhodes	Waxman
Luken	Rinaldo	Weber (MN)
Lundine	Ritter	Weber (OH)
Lungren	Roberts (KS)	White
Madigan	Roberts (SD)	Whitehurst
Markey	Robinson	Whitley
Marlenee	Rodino	Whittaker
Marriott	Roemer	Whitten
Martin (IL)	Rogers	Williams (MT)
Martin (NC)	Rose	Williams (OH)
Martin (NY)	Rosenthal	Wilson
Martinez	Rostenkowski	Winn
Matsui	Roth	Wolf
Mavroules	Roukema	Wolpe
Mazzoli	Rousselot	Wortley
McCloskey	Roybal	Wright
McCollum	Rudd	Wyden
McCurdy	Russo	Wylie
McDade	Sabo	Yates
McEwen	Sawyer	Yatron
McGrath	Scheuer	Young (FL)
McHugh	Schneider	Young (MO)
Mica	Schroeder	Zablocki
Michel	Schulze	

□ 1445

The CHAIRMAN. Three-hundred seventy-four Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. SCHEUER) for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. The Chair will remind Members that this is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 131, noes 263, not voting 38, as follows:

[Roll No. 329]

AYES—131

Addabbo	Fuqua	Oakar
Andrews	Gejdenson	Oberstar
Aspin	Gibbons	Obey
Barnes	Gingrich	Ottinger
Bedell	Gore	Pease
Beilenson	Gray	Perkins
Bevill	Guarini	Petri
Bonior	Gunderson	Peyser
Bouquard	Hall (OH)	Rangel
Brodhead	Harkin	Rinaldo
Brown (CA)	Hawkins	Rodino
Burton, Phillip	Heckler	Roe
Chisholm	Hertel	Rosenthal
Clay	Hollenbeck	Roybal
Coelho	Holt	Russo
Collins (IL)	Howard	Savage
Conyers	Hoyer	Scheuer
Courter	Hughes	Schneider
Crockett	Jeffords	Schroeder
Deckard	Kastenmeier	Seiberling
Dellums	Kildee	Sensenbrenner
DeNardis	LaFalce	Sharp
Derrick	Leach	Simon
Dingell	Leland	Smith (AL)
Downey	Lent	Smith (IA)
Dwyer	Lewis	Smith (NJ)
Dymally	Long (MD)	Solarz
Dyson	Lowry (WA)	Solomon
Eckart	Luken	Stark
Edgar	Martin (NY)	Stokes
Edwards (CA)	Martinez	Studds
Emery	Matsui	Tauke
Evans (IA)	McGrath	Udall
Fary	McHugh	Vento
Fenwick	McKinney	Volkmer
Ferraro	Mikulski	Walgren
Flippo	Miller (CA)	Washington
Florio	Mineta	Waxman
Foglietta	Minish	Weber (MN)
Ford (MI)	Moakley	Wirth
Ford (TN)	Molinari	Wolpe
Fowler	Mottl	Wyden
Frank	Nelson	Yates
Frost	Nowak	

NOES—263

Albosta	Coleman	Fish
Alexander	Collins (TX)	Foley
Anderson	Conable	Frenzel
Annunzio	Conte	Garcia
Anthony	Corcoran	Gaydos
Applegate	Coughlin	Gephardt
Archer	Coyne, James	Ginn
Ashbrook	Coyne, William	Glickman
Atkinson	Craig	Gonzalez
AuCoin	Crane, Daniel	Goodling
Badham	Crane, Philip	Gradison
Bailey (MO)	Daniel, R. W.	Gramm
Bailey (PA)	Dannemeyer	Green
Barnard	Daschle	Gregg
Beard	Daub	Hagedorn
Benedict	Davis	Hall, Ralph
Bennett	de la Garza	Hall, Sam
Bereuter	Derwinski	Hamilton
Bethune	Dickinson	Hammerschmidt
Biaggi	Dicks	Hance
Bingham	Donnelly	Hansen (ID)
Bliley	Dorgan	Hansen (UT)
Boggs	Dornan	Hartnett
Boland	Dougherty	Hatcher
Boner	Dowdy	Hefner
Bonker	Dreier	Heftel
Bowen	Duncan	Hendon
Breaux	Dunn	Hightower
Brinkley	Early	Hiler
Broomfield	Edwards (AL)	Hillis
Brown (CO)	Edwards (OK)	Holland
Broyhill	Emerson	Hopkins
Burgener	English	Horton
Byron	Erdahl	Hubbard
Campbell	Erlenborn	Huckaby
Carman	Evans (DE)	Hunter
Carney	Evans (IN)	Hutto
Chappie	Fascell	Hyde
Cheney	Fazio	Ireland
Clausen	Fiedler	Jacobs
Clinger	Fields	Jeffries
Coats	Findley	Jenkins
Johnston	Morrison	Shumway
Jones (NC)	Murphy	Shuster
Jones (OK)	Murtha	Siljander
Jones (TN)	Myers	Skeen
Kazen	Napier	Skelton
Kemp	Natcher	Smith (NE)
Kennelly	Neal	Smith (OR)
Kindness	Nelligan	Smith (PA)
Kogovsek	Nichols	Snowe
Kramer	O'Brien	Snyder
Lagomarsino	Oxley	Spence
Lantos	Panetta	St Germain
Latta	Parris	Stangeland
LeBoutillier	Pashayan	Staton
Lehman	Patman	Stenholm
Levitas	Patterson	Stratton
Livingston	Paul	Stump
Loeffler	Porter	Swift
Long (LA)	Price	Synar
Lott	Pursell	Tauzin
Lowery (CA)	Quillen	Taylor
Lujan	Rahall	Traxler
Lundine	Railsback	Trible
Lungren	Ratchford	Vander Jagt
Madigan	Regula	Walker
Markey	Rhodes	Wampler
Marlenee	Ritter	Watkins
Marriott	Roberts (KS)	Weber (OH)
Martin (IL)	Roberts (SD)	White
Martin (NC)	Robinson	Whitehurst
Mavroules	Roemer	Whitley
Mazzoli	Rogers	Whittaker
McCloskey	Rose	Whitten
McCollum	Rostenkowski	Williams (MT)
McCurdy	Roth	Williams (OH)
McDade	Roukema	Wilson
McDonald	Rousselot	Winn
McEwen	Rudd	Wolf
Mica	Sabo	Wortley
Michel	Sawyer	Wright
Miller (OH)	Schulze	Wylie
Mitchell (NY)	Schumer	Yatron
Mollohan	Shamansky	Young (FL)
Montgomery	Shannon	Young (MO)
Moore	Shaw	Zablocki
Moorhead	Shelby	

NOT VOTING—38

Akaka	Evans (GA)	Moffett
Bafalis	Fithian	Pepper
Blanchard	Forsythe	Pickle
Bolling	Fountain	Pritchard
Brooks	Gilman	Reuss
Brown (OH)	Goldwater	Santini
Burton, John	Grisham	Stanton
Butler	Leath	Thomas
Chappell	Lee	Weaver
D'Amours	Marks	Weiss
Daniel, Dan	Mattox	Young (AK)
Dixon	McClory	Zeferetti
Ertel	Mitchell (MD)	

The Clerk announced the following pairs:

On this vote:

Mr. Zeferetti for, with Mr. Pepper against.

Mr. Dixon for, with Mr. Reuss against.

Mr. DAVIS changed his vote from "aye" to "no."

Mrs. HECKLER and Mr. DENARDIS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1500

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

ABATEMENT, CONTROL AND COMPLIANCE

For abatement, control and compliance activities, $364,575,000, to remain available until September 30, 1984: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913) or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009.

AMENDMENT OFFERED BY MR. GORE

Mr. GORE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GORE: Page 14, line 3, strike out "$364,575,000" and insert in lieu thereof "$369,075,000".

Mr. GORE. Mr. Chairman, I might say to my colleagues that I am going to try a little bit different approach on this amendment than I did on the first one that I offered. I want to try to get along with the subcommittee chairman this time. I have consulted with him in advance, and I think we have worked this matter out.

For the benefit of my colleagues who have looked at the notice of this amendment in the RECORD, let me explain that I had originally intended to offer an amendment restoring some $8.4 million to this budget category. This compromise amendment that has been worked out restores some $4.5 million in this category.

This is an extremely important program. It targets the State grants, it targets the operator training for waste water treatment, and, in addition, we seek, at the request of the gentleman from Maryland (Mr. DYSON) to insure a smooth transition of the Chesapeake Bay study.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the chairman of the subcommittee.

Mr. BOLAND. Mr. Chairman, I appreciate the gentleman's yielding, and I am pleased at his remarks. I am a little regretful that we were not able to go along in the other areas.

Mr. GORE. So am I now.

Mr. BOLAND. But someday we will make the adjustment.

Mr. Chairman, as the gentleman from Tennessee (Mr. GORE) has indicated, we have agreed to $3.6 million, plus a $900,000 addition for the Chesapeake Bay effort that the gentleman from the Eastern Shore in Maryland (Mr. DYSON) and the gentlewoman from Maryland (Mrs. HOLT), are interested in.

We are delighted to take the amendment. As the gentleman from Tennessee has indicated, abatement, control and compliance is one of the most significant functions of the EPA. Most of it is in grants to States. With the $3.6 million, plus the $900,000, we will have added more than $57 million for abatement, control and compliance above the budget request.

I might say that part of the $3.6 million is to maintain operator training for waste water treatment facilities at the 1982 level. We think that is advisable, and for my part, on this side of

the subcommittee, we are delighted to take that amendment.

Mr. GORE. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. BOLAND) for his support.

Mr. WIRTH. Mr. Chairman, will the gentleman yield?

Mr. GORE. I am glad to yield to my colleague, the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, I am delighted to hear that the subcommittee chairman is supporting the gentleman's amendment, and I am sorry the previous amendment was not voted on favorably and adopted. However, I think this is a step in the right direction, and I want to commend the gentleman from Tennessee (Mr. GORE) for his persistence in this area.

Mr. Chairman, I also want to comment in support of Representative SCHEUER's amendment increasing the funding levels for EPA's research and development activities, and also in support of an amendment Representative GORE will offer restoring EPA's salaries and expense appropriations to the fiscal year 1982 levels. As chairman of the Budget Committee's energy and environment task force, I have been particularly concerned over the across-the-board reductions the Reagan administration has sought for EPA. At a time when EPA's workload is doubling, President Reagan and Anne Gorsuch have attempted to cut EPA's budget in half. With the proposed cuts it is doubtful EPA can effectively administer its hazardous waste, clean air, clean water, and the toxic waste program.

Research and development activities are perhaps the most important function of any environmental protection effort. Discovering the levels at which we can coexist safely with the pollution our society creates is of the greatest importance to all people, and as a government we have an inviolate duty to pursue all obtainable information. I realize many of my colleagues share this view, but they also have budgetary concerns that must be given due consideration. The Scheuer amendment balances both these concerns—it adds needed funding for research and development programs while staying within the limits of the fiscal year 1983 first budget resolution.

Both the Scheuer and the Gore amendments will have the positive effect of maintaining EPA's ability to enforce our environmental laws. This is important because de facto substantive changes can occur under the guise of fiscal belt tightening. If Congress is prepared to undo much of the legislation it enacted in the 1970's, it should do so directly, and not through the budget process. If the administration and this Congress does not intend to effect substantive changes in EPA's responsibilities, then the Scheuer and Gore amendments should be supported, and EPA should be given adequate funding to implement its statutory mandate.

Mr. GORE. Mr. Chairman, I appreciate the comments of my colleague, the gentleman from Colorado, (Mr. WIRTH).

Mr. ECKART. Mr. Chairman, will the gentleman yield?

Mr. GORE. I am glad to yield to the gentleman from Ohio.

Mr. ECKART. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I applaud the gentleman on offering his amendment, particularly on behalf of northeastern industrial States, such as mine. I would point out the terrible difficulties that we have in these industrial areas of attempting a cleanup of older areas. The State grant additions that are envisioned in the adoption of this amendment, with the consent of the subcommittee chairman, are important to Ohio, particularly as it relates to several projects in northeastern Ohio.

Mr. Chairman, this is a good amendment, and I appreciate the subcommittee chairman's agreeing to it.

Mr. GORE. Mr. Chairman, I thank my colleague, the gentleman from Ohio (Mr. ECKART), for his support.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. GORE. I yield to the ranking minority member of the subcommittee, and I am sorry that I did not see him standing earlier or I would have yielded before.

Mr. GREEN. Mr. Chairman, I join with the subcommittee chairman in accepting this amendment. I am glad that on this one at least we were able to work out the differences.

This is an area that the committee, by increasing funding over the budget estimate from $250 million to $300 million, has been very concerned with. I think this is a constructive amendment, and I am delighted that we are able to accept it.

Mr. GORE. I thank the gentleman from New York (Mr. GREEN).

Mr. DYSON. Mr. Chairman, will the gentleman yield?

Mr. GORE. I am delighted to yield to the distinguished gentleman from Maryland, who has been very persistent on this Chesapeake Bay matter.

Mr. DYSON. Mr. Chairman, I rise in support of Mr. GORE's amendment. The amendment includes $900,000 for the Chesapeake Bay program and I would like to take a moment to explain the purpose of this funding.

A 6-year $27 million study of the Chesapeake Bay by the Environmental Protection Agency is now being completed.

The EPA studied three areas of serious concern: Toxics, nutrient enrichment, and bay grasses. The findings, which are now being finalized, indicate that the main stem of this 195-mile-long estuary is losing oxygen. In addition, the upper reaches of the main tributaries are considerably more stressed than scientists have thought. All of these trends—the decline of the bay grasses; the increased nutrient enrichment and attendant loss of oxygen; and the continued loading of toxic chemicals and heavy metals into bay water—portend serious problems by the end of this century.

Given the EPA findings, it is essential that we have a shared Federal and State commitment to assure the cleanup of the Chesapeake Bay. A strong Federal presence on the bay must be maintained because of the interstate boundaries of the watershed. Moreover, it is critical that EPA's participation and expertise in the Chesapeake Bay be continued so that there can be a swift, orderly transition from the research phase into the implementation phase in 1983.

Management of the Chesapeake Bay is also a responsibility of the State governments of Maryland, Virginia, and Pennsylvania. Representatives of the three States have served on the Chesapeake Bay program's management committee. In addition, the States, particularly Maryland and Virginia, have been participants in and have made contributions to the research studies funded by the program. At present, an institutional arrangement to carry on this State/Federal partnership is being developed. The States have pledged their support for such an institutional structure, and have expressed their willingness to share in the costs.

I am including for the RECORD a breakdown of the necessary funding for EPA's participation next year. Basically, it is as follows: First, the bay program has generated an excellent baseline against which future research can measure trends and tell whether water quality is declining or improving; $250,000 is needed annually to maintain the computer base, a proportion of which will be defrayed by the States. Second, it is essential that an EPA Chesapeake Bay Liaison Office be located physically on the bay. The progress to date in interstate coordination of water quality and water resource issues will be hampered without such an office. Thus, it is important to continue the five present positions in Annapolis.

Approximately $300,000 is needed for this purpose. Third, it is important to utilize the knowledge gained to improve water quality and maintain the health of aquatic resources in the bay. This can only be done through a carefully designed water quality monitoring program. Approximately $600,000 is needed to design and put into place such a program. Here again, the States indicated their willingness to cost-share for approximately $200,000. Finally, it is important to actively in-

volve bay users in developing and implementing the strategies necessary to correct problems which have been identified by the bay program. A public awareness program is critical to this implementation phase. Approximately $75,000 is needed for this purpose.

I must emphasize that this funding is not for a continuing study on the Chesapeake Bay, but for the transfer of the results of the Chesapeake Bay study to the States for purposes of properly managing and preserving the Chesapeake Bay. This Federal assistance is intended to cover only 1 year, after which the States would assume responsibility for supporting this Chesapeake Bay program.

Mr. Chairman, I would like to include at this point a breakdown of the proposed Chesapeake Bay program budget for fiscal year 1983:

CHESAPEAKE BAY PROGRAM BUDGET FOR FISCAL YEAR 1983

1. *Cost of maintaining the data base:* Federal $125,000. The Chesapeake Bay program has assembled on computer a massive historical data base which is being used to define trends in water quality variables and living resources over a 30 year time period for the Bay and its tributaries. This water quality data base has conducted a water quality review of data from 1940 to the present.

2. *The resource user program:* Federal $75,000. The resource user program, which evolved from public participation efforts, is a key element in the implementation of alternative control strategies because it involves those entities such as agriculture and manufacturing who need to understand the impact of their activities on the Chesapeake Bay and what alternative corrective actions they can take.

3. *Monitoring program:* Federal $400,000. A monitoring program is the most important in order to determine the effectiveness of alternative corrective actions to improve water quality on the Chesapeake Bay (i.e., evaluating improvements in water quality and aquatic species productivity in the Bay).

4. *Core EPA Liaison Office:* Federal $300,000. There is a need to continue the technical expertise that has been developed over the course of the EPA study on the Chesapeake Bay, in order to assure that the information is transferred to the appropriate state regulatory agencies.

Total Federal appropriation needed: $900,000.

Mr. DYSON. Mr. Chairman, I thank the gentleman from Tennessee (Mr. GORE) for yielding, and I thank him for this amendment on behalf of generations yet to come who will benefit from the use of the Chesapeake Bay.

The CHAIRMAN pro tempore (Mr. DONNELLY). The question is on the amendment offered by the gentleman from Tennessee (Mr. GORE).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; and including not to exceed (1) $1,779,000,000 for Space Shuttle, (2) $1,815,000,000 for Space Flight Operations, (3) $115,000,000 for Space Transportation Systems—Upper Stages, (4) $88,000,000 for Space Transportation Systems Operations—Upper Stages, (5) $137,500,000 for the Space Telescope, (6) $34,500,000 for the Gamma Ray Observatory, (7) $92,600,000 for Project Galileo, (8) $4,000,000 for a Space Station, (9) $55,000,000 for Performance Augmentation, without the approval of the Committees on Appropriations, $5,542,800,000, to remain available until September 30, 1984: *Provided*, That none of the funds in this or any other Act shall be used for the development of a fifth space shuttle orbiter without the approval of the Committees on Appropriations.

AMENDMENT OFFERED BY MR. FLIPPO

Mr. FLIPPO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLIPPO: On page 20, line 13, strike out "$5,542,800,000" and insert in lieu thereof "$5,402,800,000", and

On page 20, line 17, insert immediately before the period the following: ": *Provided further*, That none of the funds appropriated under this heading shall be obligated or otherwise made available for the sole-source procurement of the design, development, or production of liquid-hydrogen, liquid-oxygen (Centaur) upper stages".

□ 1510

Mr. FLIPPO. I will not take up a great deal of time congratulating the distinguished chairman from Massachusetts. He knows very well I have very high regard for him and the work that he and his subcommittee have done and his support for research and development over the years.

My concern here today is that I believe that the action of this subcommittee, and previous actions in the supplemental, and further compounded by the action that the subcommittee is proposing today, is about to start the Nation down the wrong pathway on an upper stage development.

Let me be very explicit about what this amendment that I am offering will do.

The amendment that I am offering will reduce the appropriation for NASA by $140 million. That is for the elimination of the Centaur upper stage that is propsed in this subcommittee action.

As my colleagues know, I am the chairman of the Subcommittee on Space Science and Applications and as I come before you it has generally been my position to ask for greater funds for NASA. But I am here today because this is an important amendment.

Let me explain essentially what we are talking about. The Space Shuttle gets us from Earth to lower Earth orbit and that is all that it can do. The real payoff in space in many cases is in geosynchronous orbit, so we need some type of vehicle to go from lower Earth orbit to geosynchronous orbit.

There are essentially two Federal agencies that have a great deal of interest in space. That is the U.S. Air Force and NASA.

What we are talking about in this bill is the NASA portion of that. So NASA's problem is how do they go from lower earth orbit to geosynchronous orbit and what is the most effective and efficient way to do that to fulfill its mission.

In the first place, NASA has two missions to fulfill there. It has the Galileo and it has the International Solar Polar Mission.

So to find the most effective way for NASA to carry out that mission the subcommittee which I have the privilege to chair has been looking at this issue for more than 2 years. We felt that the most appropriate thing for NASA to do would be to acquire two of the IUS's that have been developed by the Air Force. IUS is an upper stage, a means of going from lower earth orbit to geosynchronous orbit.

The IUS is already built. It is here. It is now. The development costs are sunk there. It is real. It is tangible. It is in Florida now being outfitted and it will fly next month. It is not a pig in a poke.

Our subcommittee wanted NASA to buy two of these real vehicles and equip them with a kick stage and carry out its mission, Galileo, and ISPM. It can do that for approximately $200 million.

The alternative to that, and what NASA has been talking about for a long time is an upper stage that is called Centaur. Centaur has been around for a number of years, in the neighborhood of 25 years. But what is required in order to meet this mission is really two different vehicles.

Two years ago NASA and the Air Force were working together on an upper stage and the upper stage that they were working on was called the IUS and it got into cost problems so NASA pulled away from it and said we will develop Centaur for our own purposes.

Our subcommittee looked at that, the authorizing committee, and said "We do not think this Nation can afford to build an upper stage for the military and another upper stage for civilian purposes." It said, "NASA, you

and the Air Force sit down and come up with an upper stage that both parties can use."

They went back and studied and studied and they came back to us and they said, "We cannot do that." The Air Force, in order to meet our requirements, said they must have a 20-foot Centaur and in order to meet NASA's requirements they must have a 26-foot or a 28-foot Centaur.

That is not the Centaur that is in existence today. Those are two new development programs that would be required by that action.

The first bill to come before this House this year was the NASA authorization bill and it did not contain any authorization for Centaur and it was passed by this House by a very large margin. It is now in conference committee.

Then, following that action, a few days ago we had the urgent supplemental come along and this committee decided that they did not want to go forward with IUS. So they mandated that NASA could not spend any of those funds.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. FLIPPO) has expired.

(By unanimous consent, Mr. FLIPPO was allowed to proceed for 5 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I will be delighted to yield to the gentleman.

Mr. ROUSSELOT. I appreciate my colleague yielding.

As I understand it, you prefer the IUS; is that correct?

Mr. FLIPPO. If the gentleman will let me complete my statement I will be happy to tell the gentleman.

Mr. ROUSSELOT. You prefer that?

Mr. FLIPPO. If I might regain my time, let me complete my statement.

Mr. ROUSSELOT. I will get you 10 minutes, if necessary, but since you mentioned the IUS I thought I would have a little colloquy here.

Has that been tested?

Mr. FLIPPO. It will fly next month. It is scheduled to fly next month.

Mr. ROUSSELOT. So the IUS has not been tested.

Mr. FLIPPO. Yes, it has been tested, time after time after time.

Mr. ROUSSELOT. Not really.

Mr. FLIPPO. No. The Centaur has not been tested.

Mr. ROUSSELOT. The Centaur has been tested 66 times.

Mr. FLIPPO. I would tell the gentleman that the Centaur that we are talking about has not been tested. It is not even built.

Mr. ROUSSELOT. We will get to that, but let me review some of the other reasons this amendment should be turned down:

First, NASA supports Centaur funding.

Second, the Air Force has withdrawn its reservations stated in Secretary Orr's letter of August 16, 1982, and now support Centaur development.

Third, NASA/DOD joint study supports Centaur development.

Fourth, inertial upper state (IUS) cannot meet our high energy upper stage requirements for NASA, DOD, and commercial missions beyond the 1985-86 timeframe; Centaur can.

Fifth, failure to develop Centaur for Shuttle now will result in an increasing loss of business to foreign competition.

Sixth, competing a new upper stage program now will result in unnecessary expenditures of $1 to $1.5 billion, take 2 years longer to complete, and yield no significant performance improvement.

Seventh, the scientific integrity of the Galileo mission to Jupiter will be significantly enhanced by Centaur.

Eight, changing back to IUS for the international solar polar mission will seriously jeopardize NASA's credibility with its foreign partners, most notably the European Space Agency.

Mr. FLIPPO. Yes, we will get to that. You know it does not exist today. It does not exist today.

I have a one-track mind so if I might conclude my statement along that track so I will not foreget what it was I was talking about before the gentleman made his point.

The Subcommittee on Appropriations mandated in the last urgent supplemental that NASA could not spend any of its money to acquire these IUS's to carry out its mission and it mandated that NASA go forward with the development of these two Centaur programs that NASA and the Air Force has testified before my committee time after time would cost $634 million, not $200 million, $634 million as a minimum. That would be a sole source procurement, not a competitive upper stage, but a sole source procurement, that they must go forward with.

The mission we are trying to deal with is in the late 1980s. It is not now, so there is plenty of time for a competitive upper stage.

My colleagues will hear many people talk about what is the Air Force's position. Let me tell you what the administration's position is as represented by a letter dated September 14 and sent to the honorable chairman of the full committee, DON FUQUA, and signed by David Stockman. He says that the proposed amendment, Flippo amendment, "is fully consistent with the budget requests the President submitted to Congress last February. As you know, the administration proposed termination of the Centaur program and use of the joint NASA/Air Force IUS for Galileo and ISPM."

That is the administration position, whatever NASA or anyone else may say.

Now, it is important what NASA says and it is important what the Air Force says. So let me tell you. Here is a letter signed by Verne Orr, the Secretary of the Air Force, and by Jim Beggs. They were opposed to the action of the subcommittee when it went through on the supplemental. This letter is dated July 13 and it goes on to say it opposes the action of the subcommittee very strongly and avidly and says that they have no requirements that the IUS cannot handle.

This is signed by both Verne Orr and Jim Beggs. They say the most beneficial thing would be to go forward with the IUS's and with the high energy upper stages.

Here is a recent letter dated August 16 from Verne Orr to Mr. JAMIE WHITTEN and it says that—

> The congressionally-directed use of the Centaur by NASA for their Galileo and ISPM plenatary exploration missions adds about $100 million to DOD IUS program costs. To be of use by DOD the Centaur would have to be modified into a 20-foot long version to be Shuttle compatible with DOD payloads.

Here is the important thing. The Secretary of the Air Force said that this action would cost between $400 million and $900 million additional in order "for DOD spacecraft to make the transition from" existing, "IUS to the modified Centaur."

So that is the position. That is the position of the Air Force dated August 16, and the position of the Air Force and NASA dated July 13.

□ 1520

Now, Mr. Chairman, you will be told in this debate that they have received some change of mind, that all of a sudden, like last Saturday, they had a vision, and they decided that that was not the way to go. They decided on Saturday night, after all these years of study, that they could now come up with a different viewpoint. Well, that is what the Air Force and NASA says.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. FLIPPO) has expired.

(By unanimous consent, Mr. FLIPPO was allowed to proceed for 2 additional minutes.)

Mr. FLIPPO. I just want to tell you this story. I know you will be interested in it.

Down in Alabama, during the Depression, there were not many jobs there. There was one little job open for a biology teacher in a small town there. This fellow went to apply for that job. It was a rather conservative school board there. They said to him, "Do you teach the Bible theory, or do you teach that new theory of evolution?" And he knew if he answered that board incorrectly that he would not get that job. So he thought long and hard about it. Finally he said to

the board, "Well, I can teach it either way."

And that is the way NASA is and that is the way the Air Force is on this issue. They can teach it either way, just whatever you want. If the chairman of this distinguished committee—and I was in the Air Force—called me, or if he implied if his committee wanted, if they wanted a letter, I would get it to them. And that is the way Air Force and NASA is. Gentlemen, that is the wrong course to take on this. We need to eliminate this and bring it back within the budget that the President is talking about and reduce this by $140 million.

Mr. HOLLENBECK. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I yield to the distinguished gentleman from New Jersey.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. FLIPPO) has again expired.

(On request of Mr. HOLLENBECK and by unanimous consent, Mr. FLIPPO was allowed to proceed for 5 additional minutes.)

Mr. HOLLENBECK. Mr. Chairman, I rise in support of the amendment proposed by the distinguished gentleman from Alabama. As the ranking minority member of the Subcommittee on Space Science and Applications, I share the same concerns over the upper stage decision with the chairman of the subcommittee.

Throughout the fiscal year 1983 NASA authorization hearings, my colleagues on the subcommittee and I repeatedly asked NASA and the Air Force if they had any missions planned through the late 1980's that would require the 10,000 pounds to geosynchronous orbit capability of the liquid-fueled Centaur upper stage. Their answer was a resounding: No. The Air Force-designed solid-fueled IUS is completely adequate to fulfill both the Department of Defense requirements, and meet the two NASA planetary missions to Jupiter and the Sun with the assistance of a kick stage.

My colleagues on the Appropriations Committee tell me that the Air Force will require the Centaur upper stage for missions that they cannot discuss. So, Mr. Chairman, this is our dilemma: If the DOD and NASA both testified that they did not have any mission requirements for a Shuttle-launched Centaur upper stage, and the existing IUS could be used for the classified and NASA Galileo and International Solar Polar Missions, it is the consensus of the Science and Technology Committee that there is no need to develop this upper stage. I believe that we should take a close and careful look at the needs, mission requirements, and capability for a new high energy upper stage that would meet the space launch demands of the late 1980's through the year 2000 and beyond.

The IUS and Centaur upper stage issue has continued to flip-flop during the last several fiscal years. We are now rapidly approaching the time where if we change our minds one more time, we will jeopardize the two civilian planetary exploration programs.

I just learned that yesterday the Air Force decided to support the Centaur. Mr. Chairman, this is a decision of convenience. Why, after testifying repeatedly that the IUS would meet DOD launch requirements through the late 1980's, has the Air Force reversed their decision? Why, after studying launch mission requirements for the IUS, the Air Force decided yesterday that it needed Centaur? I for one simply do not accept the gentleman from Massachusetts' unsupported contentions regarding an intelligence mission. This is a preposterous conclusion, and I personally abhor these last-minute reversals in philosophy. Especially, I note yet another attempt by the DOD to get a "free ride." This, on top of their already bloated budget—a budget deplorably unchecked by the administration and a Secretary totally oblivious to the damage he is doing to our economy by wielding a "shovel" instead of a "knife."

I repeatedly questioned NASA's decision to change, once again, from Centaur back to IUS during the 1983 authorization hearings. I did so because of NASA's previous testimony. However, NASA subsequently testified, along with DOD, that the IUS can easily meet their launch requirements through the end of the decade.

Mr. Chairman, I also disapprove of the sole-source procurement of the Centaur upper stage. I believe that a competition should be opened to all aerospace industries for a new high energy upper stage. This new upper stage could be best for the space program, as well as the most cost effective.

I urge my colleagues to support the amendment by the gentleman from Alabama and eliminate the $140 million of additional funds to NASA for what appears to be a wasteful use of tax dollars for an unnecessary upper stage: Centaur.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I would like to remind the gentleman of a 1981 joint NASA-DOD study which concluded, on page 95 of a report requested by him and his committee:

> The Centaur is the only vehicle capable of meeting near term NASA planetary requirements, particularly the need for a Galileo combined Orbiter/Probe mission on a direct trajectory to Jupiter in 1985. The Centaur will satisfy the future envisioned and proposed NASA planetary missions through the mid-1990's. The Centaur can also be adapted to meet both current and projected NASA and DOD earth-orbiting requirements and its early availability could provide considerable enhancement to DOD mission capabilities.

On that point, in the same study, it was projected that there will be DOD requirements in 1990 of lifts to geosynchronous orbit in excess of 8,000 pounds. I would ask the gentleman: Will IUS provide that lift?

Mr. FLIPPO. In response to the gentleman, first of all, the point he made about the only available vehicle, you are talking about a direct trajectory. There is another method to go except by a direct trajectory.

Mr. HUNTER. The slingshot approach.

Mr. FLIPPO. And as far as the availability is concerned, the Centaur is not available. The IUS is available. It is real. It is tangible. The Centaur is a development program, and it is not there.

In regard to the DOD mission for the 1990's, I am not knowledgeable in the DOD mission. I can only tell you about what was testified before my committee by Pete Aldrich, Under Secretary of the Air Force and he stated that the Air Force had no known requirements above the 5,000-pound capability.

Now, if you want to go way out there, then, yes, there will be needs for higher lift capability, bigger than IUS can be grown, and that is why we probably need a high energy upper stage down the road. But there is no reason to do it by sole source procurement. We have got plenty of time to complete it. I appreciate the gentleman's pointing that out. We can complete that.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding. I have tremendous respect for the gentleman and I have often agreed with him, Mr. Chairman. I am sorry that we do not agree on this issue.

I did want to make a point in response to the gentleman from New Jersey, who indicated that now the Air Force has changed its mind, et cetera, that, in a letter to the chairman of the House Committee on Science and Technology, November 2, 1981, both the Deputy Administrator of NASA and the Secretary of the Air Force agreed that "NASA should undertake the adaptation of the Centaur to be used in the Shuttle and to support the near-term Galileo mission and the mid-term high energy requirements of NASA-DOD and commercial users."

I understand the Air Force had some problems with that.

The CHAIRMAN pro tempore. The time of the gentleman from Alabama (Mr. FLIPPO) has again expired.

(On request of Mr. WINN and by unanimous consent, Mr. FLIPPO was allowed to proceed for 5 additional minutes.)

Mr. WINN. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I yield to the gentleman from Kansas, a gentleman who has followed this for many, many years, and who was the ranking minority Member on this subcommittee for a long time.

Mr. WINN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Alabama.

I think at this stage, in this hour of the testimony today, that we should call this the flip-flop provision of this bill. The flip-flop was done by NASA and the Air Force within the last few days. I think many Members of this committee realize this. Those of us who have been briefed in the last few hours, have been given information that many Members listening to me and sitting on the floor might not be aware of. I am not going to debate the merits of the Centaur and the IUS. I am saying that we better look at the budget, because we already have an appropriation bill here, handled by the gentleman from Massachusetts, that is over the President's budget. Our President told us again the other day on public television that he is going to veto any appropriation bill that is over the budget. What we are doing here or the attempt to do here, if we do not protect and support the gentleman from Alabama, is to add additional money to the budget. I am concerned that we are going to lose the Galileo program, if we do not go along with what the authorization committee supports, and not necessarily what the most convenient decision by the Air Force and NASA may be in the last few hours.

Mr. Chairman, as the gentleman from Alabama has pointed out, NASA, the Air Force, and the OMB have been opposed to the sole-source procurement of Centaur for launching the Galileo and Solar Polar spacecraft which was directed by the recently signed urgent supplemental. We had every indication that the President would resist the action proposed in the supplemental and indeed the President's first veto message labelled the action on the Centaur upper stage as restrictive and wasteful. As we all know the President was finally forced to accept the Centaur language to avoid the unacceptable alternative of closing down a number of important Government activities and the action was purported to have no significant budgetary impact in fiscal year 1982. Well, the action may not have had significant budget impact in 1982 but today we can certainly see a significant budget impact in fiscal year 1983 through an increase of $140 million to the President's request.

Mr. Chairman, there is no justification for the sole-source procurement of a Centaur upper stage for only two NASA missions. These missions can be performed using the inertial upper stage with a kick stage as proposed in the President's fiscal year 1983 budget request.

NASA has stated that the Centaur development and orbiter and launch pad modifications will cost $634 million with recent indications that this total runout cost can be expected to increase by 10 percent. I must also point out that the Air Force cannot use the NASA version of the Centaur. The Air Force claims they need a shorter vehicle and would have to modify several spacecraft already under development and procurement. And how much would these additional costs be? The Air Force claims an additional $400 to $900 million.

I believe the Appropriations Committee has rushed to judgment on this issue. I believe we should take a more careful look at the need for a high energy upper stage. If the requirements justify such a stage, then we should pursue a carefully structured program with a normal competitive procurement process. Certainly the Centaur contractor could enter such a competition and we as a Nation could be assured of the most effective and efficient stage.

Again, I urge my colleagues to support the amendment of the gentleman from Alabama who serves with distinction as the chairman of the authorizing Subcommittee on Space Science and Applications and eliminate the $140 million of additional funds for NASA.

□ 1530

Mr. BURGENER. Mr. Chairman, will the gentleman yield?

Mr. FLIPPO. I would be delighted to yield to the gentleman from California.

Mr. BURGENER. Mr. Chairman, I thank the gentleman for yielding.

In the gentleman's earlier presentation he cited letters of evidence from NASA and the Air Force. For those of us who do not serve on the gentleman's committee or Chairman BOLAND's subcommittee, it is difficult for us to follow changes in position.

It seems logical to me that the most recent position for those of us who are not on the committee and hear the daily arguments, the most recent position would be the official position. The most recent position as I understand it—and I will wait to hear from Chairman BOLAND—is that NASA and the Air Force support this.

If so, I would like to have that either corrected or defined. It would seem to me if the gentleman would cite letters in evidence earlier, it would be quite appropriate and quite fair and reasonable for the side in opposition to the gentleman's amendment to cite later evidence.

Mr. FLIPPO. I think the gentleman has made a very good point. I would hope to clarify that.

I do have a chronological statement about how this thing has gone over the years that I would like to present to the Members. I received a letter this morning from NASA and the Air Force that they were now in support of the Centaur—the nonexistent Centaur, I might add—today. But 2 weeks ago, they were not. They were not. They fought hard and I will be glad to show the Members the letter that they sent to the chairman of this committee when they were opposing the action of the Appropriations Subcommittee in the urgent supplemental.

So it is a very good point. But my point is that OMB's position, however, is quite clear. OMB's position and the administration's position is in support of my amendment, as I indicated, and that is today and that has not been refuted and cannot be refuted.

So the Air Force and NASA support it. OMB opposes it and supports mine.

The letters follow:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., September 14, 1982.

Hon. DON FUQUA,
Chairman, Committee on Science and Technology, U.S. House of Representatives, Washington, D.C.

DEAR DON: I am responding to your letter of August 16, 1982, in which you requested the views of the Administration on a proposed amendment to H.R. 6956, the HUD-Independent Agencies Appropriations Act of 1983.

The proposed amendment would delete funding for the NASA Centaur upper stage program and release the statutory mandates and prohibitions contained in the recently-enacted Urgent Supplemental Appropriations Act. These restrictions force NASA to terminate its participation in the joint NASA-Air Force Inertial Upper Stage program and mandate development of the Centaur upper stage for use in the Galileo and International Solar Polar missions.

The proposed amendment is fully consistent with the budget requests the President submitted to Congress last February. As you know, the Administration proposed termination of the Centaur program and use of a joint NASA-Air Force Inertial Upper Stage for Galileo and ISPM.

It is important to note that the Administration is now obligated by law to proceed with the Centaur program pursuant to the Urgent Supplemental Appropriations Act. As Chairman of the committee with legislative jurisdiction over NASA, I assume that you have weighed the consequences of reversing current congressionally-mandated upper stage policy and believe that the beneficial effects of restoring the Administration's original requested program outweigh any harm that might result from prolonging

the uncertainty in the upper stage programs.

I share the concern voiced in your letter that carrying out the mandates in the urgent supplemental bill will force Congress to exceed both the President's budget and the congressional budget resolution for fiscal year 1983 and subsequent years. We estimate that carrying out the Centaur mandate will generate additional NASA funding needs of $49 million in fiscal year 1982. Centaur will also add at least $140 million to fiscal year 1983 and comparable amounts in subsequent years unless severe reductions are made in other NASA programs. Adoption of the amendment proposed by Representative Flippo would, as you note, permit Congress to stay within the budget without making severe offsetting reductions in NASA programs other than Centaur.

I would of course be pleased to provide any further information on this matter that you might require.

Sincerely,

DAVID A. STOCKMAN,
Director.

July 13, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: We urge your careful review of a major issue regarding H.R. 6685, the Urgent Supplemental. The Bill, as amended by the Senate, contains direction for NASA to develop, via sole source contracts, the Centaur upper stage for its planetary missions and to cancel procurement of the Inertial Upper Stage (IUS) vehicles now being bought on an Air Force contract for these missions.

While the use of the Centaur for NASA planetary missions was cost effective a year ago, NASA has proceeded to develop these missions using the IUS for the past six months. The result is that a return to the Centaur will significantly increase mission costs. Moreover, since we have also proceeded with the procurement of the IUS vehicles and manufacturing effort has gone forward for a half a year, a NASA cancellation will increase substantially the costs of the remaining IUS vehicles for the DOD. NASA is presently discussing with contractors small improvements to existing stages to meet the near-term growth requirements for commercial payloads. If a small increase in payload capacity is required for DOD payloads, this can be similarly accommodated. Since there are no other NASA or firm DOD requirements for the Centaur upper stage prior to approximately 1988 in the 1980's, there can be no justification for these increased costs since a high energy upper stage (HEUS) can be developed when a requirement exists in the late 1980's.

We therefore believe the Nation would be better served if the Air Force and NASA are permitted to proceed with a carefully structured high energy upper stage program. This approach would be far more effective and beneficial since a HEUS would be required whether or not we develop the Centaur. The USAF and NASA have developed an agreement in principle for a joint HEUS program structured to meet commercial, scientific and military needs for the 1990's.

We therefore request your assistance to eliminate the restrictive and wasteful direction on the Centaur upper stage as was indicated in the President's first veto message.

Sincerely,

VERNE ORR,
Secretary of the Air Force.
JAMES M. BEGGS,
Administrator.

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., July 13, 1982.

Hon. RONNIE G. FLIPPO,
Chairman, Subcommittee on Space Science and Applications, Committee on Science and Technology, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We urge your careful review of a major issue regarding H.R. 6685, the Urgent Supplemental. The Bill, as amended by the Senate, contains direction for NASA to develop, via sole source contracts, the Centaur upper stage for its planetary missions and to cancel procurement of the Inertial Upper Stage (IUS) vehicles now being bought on an Air Force contract for these missions.

While the use of the Centaur for NASA planetary missions was cost effective a year ago, NASA has proceeded to develop these missions using the IUS for the past six months. The result is that a return to the Centaur will significantly increase mission costs. Moreover, since we have also proceeded with the procurement of the IUS vehicles and manufacturing effort has gone forward for a half a year, a NASA cancellation will increase substantially the costs of the remaining IUS vehicles for the DOD. NASA is presently discussing with contractors small improvements to existing stages to meet the near-term growth requirements for commercial payloads. If a small increase in payload capacity is required for DOD payloads, this can be similarly accommodated. Since there are no other NASA or firm DOD requirements for the Centaur upper stage prior to approximately 1988 in the 1980's, there can be no justification for these increased costs since a high energy upper stage (HEUS) can be developed when a requirement exists in the late 1980's.

We therefore believe the Nation would be better served if the Air Force and NASA are permitted to proceed with a carefully structured high energy upper stage program. This approach would be far more effective and beneficial since a HEUS would be required whether or not we develop the Centaur. The USAF and NASA have developed an agreement in priniciple for a joint HEUS program structured to meet commercial, scientific and military needs for the 1990's.

We therefore request your assistance to eliminate the restrictive and wasteful direction on the Centaur upper stage as was indicated in the President's first veto message.

Sincerely,

VERNE ORR,
Secretary of the Air Force.
JAMES M. BEGGS,
Administrator.

NATIONAL AERONAUTICS
AND SPACE ADMINISTRATION,
Washington, D.C., September 14, 1982.

Hon. RONNIE G. FLIPPO,
Chairman, Subcommittee on Space Science and Applications, Committee on Science and Technology, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter responds to your letter of September 3, 1982, requesting data on Centaur and HEUS (High Energy Upper Stages).

Subsequent to the signing of Public Law 97-216, the fiscal year 1982 Urgent Supplemental, and as a consequence of your letter and a similar letter from Chairman Boland, the U.S. Air Force has continued to study requirements for a high energy upper stage in the mid to late 1980's. It appears, based on new information, that it would be advantageous from both a technical and cost point of view to plan on using a short version of the Centaur (Cryogenic Upper Stage G) starting in 1987. Thus, it is advantageous for the Air Force to initiate development of this stage in consonance with the NASA schedule for a long Centaur (Cryogenic Upper Stage G[1]). This joint program will, of course, minimize both development and operating costs for both the U.S. Air Force and NASA, and will ensure the availability of a short Centaur without modification of either the Shuttle program or upper stage through the mid-1990's.

NASA will, of course, continue to require the long version of the Centaur for the Galileo and International Solar Polar missions. In order to most efficiently construct a development program we would propose to make the short Centaur the baseline program and to develop the long Centaur on a schedule compatible with the 1986 Galileo and ISPM launch. This has the additional advantage of providing a flexible set of options for both NASA and Air Force future program requirements.

The Air Force and NASA are presently negotiating a Memorandum of Agreement which should be ready for signature by the end of this month. That agreement will recognize a NASA requirement for timely development of the long Centaur for the 1986 planetary missions, and the near-term funding requirements accordingly reflect NASA's schedule demands.

We believe that the joint program described above will result in the most efficient development of a high energy upper stage and will succeed in minimizing the transition costs since separate transitions to an IUS and then to a high energy upper stage would be avoided. Moreover, it will provide the benefits of scale to both NASA and the Air Force since our operational requirements can be aggregated.

We are prepared to provide any additional details you may require, including budget figures which, at the present time, are not yet fully developed.

It is most difficult to develop a thorough and complete set of options and cost them on short notice. We can provide the following considerations:

1. We have not completed a Phase B on a HEUS at this time. It is most difficult to estimate costs without requirements and attendant industry studies. It should be possible to develop a low non-recurring cost HEUS for three-quarters to $1 billion if requirements are minimized. If reusability and refuelability are added, the non-recurring cost could exceed $1.5 billion.

2. The Orbiter/KSC Modifications for Centaur are about $150-175 million.

3. The IUS Growth development has been performed by the USAF and can be obtained from them.

4. The Spacecraft Modifications are best estimated by the USAF since their payloads are most affected.

5. We do have preliminary revised estimates for the long Centaur which are provided below. The estimates of development costs for a short Centaur are still being worked at a staff level and have not been adequately reviewed.

6. IUS Growth and IUS Impacts are best estimated by the USAF.

NASA would be most pleased to do a thorough comparison study along the lines

shown in your letter, but it will require a few months to complete.

With respect to a run-out cost comparison of IUS and Centaur, there have been some cost increases based on the submissions by the Centers for the Centaur. These increases are still under review by the Headquarters staff and the Centers involved. We should point out that since July 18, 1982, we have not engaged in further IUS planetary development activities and have been pursuing Centaur. Consequently, there may be increases in the development cost of IUS if NASA were again directed to reverse course due to time lost in proceeding with Centaur as the upper stage baseline.

The following table shows an estimate of the Centaur and IUS.

PLANETARY UPPER STAGES PROGRAM ESTIMATES

[In millions of dollars]

	Fiscal year—			EAC
	1983	1984	1985	
Centaur version	150–160	190–210	120–140	630–680
IUS version	80–90	80–90	40–50	300–330

It should be realized that the planetary spacecraft effort is about $80 million higher for IUS than Centaur. It should also be pointed out that there would be costs incurred (probably on the same order of Centaur—$150–$175 million) for orbiter and KSC modifications for any future high energy stage. In summary, this joint program will provide NASA and DOD with a superior upper stage which will have performed to geosynchronous orbit two to three times that of the currently available IUS.

Sincerely,

JAMES M. BEGGS,
Administrator.

AUGUST 16, 1982.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We have been asked by Representative Don Fuqua, Chairman of the House Committee on Science and Technology, to provide him with an assessment of the applicability of the Centaur Upper Stage for DOD Space Shuttle launches. We are providing the following assessment of Centaur performance and cost to Chairman Fuqua.

Currently designed DOD spacecraft will not likely grow beyond the 6000-7000 pound range which could be accommodated by improvements in the Inertial Upper Stage (IUS) performance. However, we expect the next generation of DOD spacecraft which fly in the late 1980's and 1990's will be designed with extensive survivability measures (including large maneuvering propellant reserves) which will probably increase total weight well beyond IUS capabilities. Consequently, it appears that a new higher energy upper stage (HEUS) will be required for the next generation of DOD geosynchronous spacecraft.

The Congressionally directed use of the Centaur by NASA for their Galileo and ISPM planetary exploration missions adds about $100 million to DOD IUS program costs. To be of use to DOD, the Centaur would have to be modified into a 20 foot long version to be Shuttle compatible with DOD payloads. It would cost an additional $400-900 million (above the $634M NASA Centaur budget) for DOD spacecraft to make the transition from IUS to the modified Centaur. Our situation differs from NASA's in that we have several existing—and continuing—operational spacecraft programs configured for the IUS. Thus, our cost estimates include reconfiguring the NASA planetary Centaur and the DOD spacecraft to use the 20 foot version of Centaur.

Independent of the Congressional direction to NASA on the use of Centaur, we continue to believe that DOD requirements beyond IUS capability can best be met by a competitively developed new Higher Energy Upper Stage. A Centaur derivative would, of course, be a logical alternative in the HEUS competition. We do not see how legislation which dictates specific technical upper stage decisions can be helpful in giving DOD the flexibility it needs to develop a HEUS which is both optimized for DOD missions and is cost effective.

I hope this assessment of Centaur applicability for DOD missions satisfies your needs. Please advise me if I can be of further assistance.

Sincerely,

VERNE ORR,
Secretary of the Air Force.

DEPARTMENT OF THE AIR FORCE
Washington, August 16, 1982.

Hon. DON FUQUA,
Chairman, Committee on Science and Technology, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This letter responds to your request for an assessment of the applicability of Centaur for DOD use. Our assessment covers both Centaur performance and cost.

Currently designed DOD spacecraft will not likely grow beyond the 6,000-7,000 pound range which could be accommodated by improvements in the Inertial Upper Stage (IUS) performance. However, we expect the next generation of DOD spacecraft which fly in the late 1980's and 1990's will be designed with extensive survivability measures (including large maneuvering propellant reserves) which will probably increase total weight well beyond IUS capabilities. Consequently, it appears that a new higher energy upper stage (HEUS) will be required for the next generation of DOD geosynchronous spacecraft.

The Congressionally directed use of the Centaur by NASA for their Galileo and ISPM planetary exploration missions adds about $100 million to DOD IUS program costs. To be of use to DOD, the Centaur would have to be modified into a 20 foot long version to be Shuttle compatible with DOD payloads. It would cost an additional $400-900 million (above the $634M NASA Centaur budget) for DOD spacecraft to make the transition from IUS to the modified Centaur. Our situation differs from NASA's in that we have several existing—and continuing—operational spacecraft programs configured for the IUS. Thus, our cost estimates include reconfiguring the NASA planetary Centaur and the DOD spacecraft to use the 20 foot version of Centaur.

Independent of the Congressional direction to NASA on the use of Centaur, we continue to believe that DOD requirements beyond IUS capability can best be met by a competitively developed new Higher Energy Upper State. A Centaur derivative would, of course, be a logical alternative in the HEUS competition. We do not see how legislation which dictates specific technical upper stage decisions can be helpful in giving DOD the flexibility it needs to develop a HEUS which is both optimized for DOD missions and is cost effective.

I hope this assessment of Centaur applicability for DOD missions satisfies your needs. Please advise me if I can be of further assistance.

Sincerely,

VERNE ORR.
Secretary of the Air Force.

CHRONOLOGICAL EPISODE

January 1981—NASA made a unilateral decision to pursue the sole-source procurement of a modified Centaur for two NASA missions: Action opposed by Air Force and House Science and Technology Committee.

November 1981—NASA/Air Force submitted joint report on Upper stage requirements:

NASA requirement for two missions.

Air Force had no firm requirements.

January 1982—NASA announced a decision to terminate Centaur procurement and plans to launch Galileo and ISPM using the Inertial Upper Stage being developed by the Air Force: NASA Administrator stated in testimony before the Subcommittee on Space Science and Applications that the sole-source procurement for development of Centaur was not justified for only two missions.

February 1982—Under Secretary of the Air Force testified that there were no Air Force requirements for the Centaur upper stage: "We investigated a Centaur configuration and found that it does not envelop the Defense payload requirements."

June 24, 1982—President's veto message on Urgent Supplemental: Opposed language mandating minimum spending levels for certain NASA programs that will severely disrupt two important scientific missions and lead to the waste of more than $150 million.

July 13, 1982—Joint letter from Administrator of NASA and Secretary of the Air Force:

Use of Centaur no longer cost effective for NASA planetary missions.

No other NASA or firm DOD requirements.

Nation would be better served by proceeding with a carefully structured high energy upper stage program.

A high energy upper stage would be required whether or not we develop Centaur.

July 18, 1982—Urgent Supplemental signed into law (included direction that NASA proceed with sole-source procurement of Centaur).

August 16, 1982—Secretary of Air Force letter:

New higher energy upper stage required for next generation of DOD spacecraft.

Currently designed DOD spacecraft can be accommodated by small improvements in the Inertial Upper Stage.

Would cost an additional $400-$900 million above NASA costs for DOD spacecraft to make the transition for IUS to the modified Centaur (20 foot version).

DOD requirements can best be met by a competitively developed new Higher Energy Upper Stage.

Mrs. SCHNEIDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Appropriations Committee's decision to provide funding for procurement of the Centaur high-energy

upper stage rocket. I hope Members of the House have had the opportunity to read the Science magazine article, "Centaur Wars," which I believe correctly summarizes the issues we face today. As the Science article makes clear, our space program is going to require the Centaur sooner or later. The Centaur will provide twice the payload lift capability of the inertial upper-stage rocket we must depend on today. That capability will be critical to giving us the ability to lift heavier satellites into orbit, and could greatly enhance the value of the Galileo Jupiter Mission. Postponing procurement of the Centaur will only delay the delivery of this vital component of our space program, and would add hundreds of millions of dollars in costs to its development.

In October of 1981, NASA and the Air Force released a report recommending that NASA develop the Centaur. I quote directly from the Science magazine article describing the reaction of the space and scientific community to that recommendation:

It was a popular move: The planetary science community liked Centaur because it would allow Galileo to get to Jupiter faster and carry more fuel to encounter more satellites. NASA's advanced planners, meanwhile, liked Centaur because of its legacy for future planetary missions. "Our biggest problem is always getting there," says one. "IUS is spotty, but Centaur has more than enough power to go anywhere but the far outer solar system." The communications industry liked Centaur because of its lifting ability to geosynchronous orbit. Orbital communications traffic is expected to grow 30-fold by the end of the century, and the trend in the industry is to centralize more and more equipment on bigger and bigger satellites. the combination of the shuttle plus the two-stage IUS will lift only some 3,000 kilograms to Geosynchronous orbit, however, whereas the Centaur would increase that limit to between 5,000 and 10,000 kilograms. The NASA front office liked Centaur because it could be ready by 1986, when Europe's Ariane series is expected to surpass the 3,000 kilogram IUS limit. Without a High Energy Upper Stage of some sort, the shuttle could be shut out of a very lucrative market. The Air Force, although irritated at NASA's withdrawal from the IUS project, at least had a foreseeable need for the Centaur.

I include the full text of the Science magazine article at this point in the RECORD, and I ask my colleagues to support procurement of the Centaur as provided by the House Appropriations Committee:

CENTAUR WARS

(BY M. MITCHELL WALDROP)

Even as the Europeans are moving aggressively forward with their Ariane rocket (p. 1010), Washington has once again bogged down in bickering over the one tool that would do the most to keep the space shuttle competitive.

That tool is the high energy upper stage, or HEUS, a booster that would carry heavy payloads from the shuttle's maximum orbit of 1000 kilometers to the geosynchronous orbit at 35,900 kilometers, or even into interplanetary space. A long-simmering controversy has reemerged in recent weeks: Should the National Aeronautics and Space Administration (NASA) go ahead now and adapt an existing rocket, the Centaur? Or should the agency wait and build a totally new vehicle later, when the budget crunch has eased?

Arcane though it sounds, the issue has ignited a free-for-all between feuding congressional committees, the aerospace lobby, the Reagan White House, the Air Force, and NASA, with the latter caught mostly in the middle. At stake is the shuttle's viability as a launch vehicle for the massive new communications satellites being developed for the latter half of the decade—as well as the viability of any new NASA plans to send spacecraft into remote parts of the solar system.

Also at stake is the sanity of the scientists and engineers in charge of the Galileo orbiter/probe mission to Jupiter: the $850-million Galileo, currently NASA's only approved planetary mission, is once again being whipsawed from one launch configuration to another, and its scientific productivity is once again under a cloud.

The problem goes back to the original plan for upper stages, formulated in the mid-1970's. The idea was to use solid-fueled devices because of their convenience and safety. The Air Force agreed to build a two-stage, solid-fueled booster for launching moderate-sized payloads. This booster came to be known as the Inertial Upper Stage, or IUS. NASA agreed to develop a third solid-fueled stage to be added on for occasional high-energy missions such as Galileo or the International Solar Polar Mission.

Unfortunately, developing that third stage turned out to be more difficult than anyone had imagined. By 1980 it was becoming clear that the IUS contractor, Boeing, would not be able to deliver a vehicle powerful enough to launch Galileo to Jupiter. So the mission was reconfigured: instead of a single launch in 1982 there would be a dual launch in 1984, with the orbiter and probe traveling separately.

Even so, when Boeing still had not resolved the third stage problems by the beginning of 1981, NASA terminated the third stage and announced that henceforth the agency's HEUS needs would be met with the Centaur.

It was a popular move: the liquid oxygen/liquid hydrogen burning Centaur had been a reliable NASA workhorse for more than a decade. It was far more powerful than the IUS, and at the same time more gentle. Its slowly building thrust would be kinder to spacecraft than the instant jolt of a solid rocket. Best of all, as a liquid fueled rocket the Centaur could be turned on and off as needed; once ignited, the IUS, like all solid boosters, would have to burn out like a skyrocket.

The planetary science community liked Centaur because it would allow Galileo to get to Jupiter faster and carry more fuel to encounter more satellites. The mission was quickly reconfigured for a single Centaur launch in 1985. NASA's advanced planners, meanwhile, liked Centaur because of its legacy for future planetary missions. "Our biggest problem is always getting there," says one. "IUS is spotty, but Centaur has more than enough power to go anywhere but the far outer solar system."

The communications industry liked Centaur because of its lifting ability to geosynchronous orbit (GEO). Orbital communications traffic is expected to grow 30-fold by the end of the century, and the trend in the industry is to centralize more and more equipment on bigger and bigger satellites. The combination of the shuttle plus the two-stage IUS will lift only some 3000-kilograms to GEO, however, whereas the Centaur would increase that limit to between 5000 and 6,000 kilograms.

The NASA front office liked Centaur because it could be ready by 1986, when Europe's Ariane series is expected to surpass the 3000-kilogram IUS limit. Without a HEUS of some sort, the shuttle could be shut out of a very lucrative market.

The Air Force, although irritated at NASA's withdrawal from the IUS project, at least had a foreseeable need for Centaur. In the late 1980's and the 1990's, Soviet antisatellite technology is expected to advance to the point that the Pentagon's own geosynchronous communications satellites will have to be "survivable." Among other things this means having a large propellant reserve for evasive maneuvers, which means weight, which means a HEUS of some sort to get the things up there.

But the White House Office of Management and Budget (OMB) did not like Centaur. It had nothing to do with the vehicle's merits, it was simply that extensive modifications would have to be made in the shuttle and its launch pad to handle Centaur's cryogenic fuel. Moreover, the booster's own fuel tank would have to be shortened and widened to fit it into the shuttle's payload bay. All this meant that money would have to be added to NASA's upcoming budgets, and in the budget-slashing frenzy of 1981, OMB was not about to do it.

Thus, NASA was ordered to drop Centaur from its fiscal year 1983 budget request, which went to Congress in February 1982. Galileo was reconfigured for a 1985 launch on a two-stage IUS, using a trajectory that would delay its arrival at Jupiter until 1989, and allow enough fuel for only half as many satellite encounters when it did arrive.

First, however, Congress had to approve the budget. Senator Harrison H. Schmitt (R-N.M.), Chairman of the Senate's subcommittee on science, technology, and space, was outraged at the Centaur decision and said so often. Both the House and Senate Appropriations Committees, although quieter were equally convinced that the need for a HEUS was real, and that dropping the Centaur now would be false economy. But Representative Ronnie G. Flippo (Ala.), chairman of the House subcommittee on space science and applications, sided with the White House. And there matters stood for 6 months: three of the relevant committee for Centaur, one against.

In July, however, the Centaur proponents made an end run. In the Emergency Supplemental Appropriations Bill, signed by President Reagan on 18 July, there appeared language restoring $140 million for Centaur development in NASA's 1982 budget, and ordering both NASA and Boeing to stop work on the two-stage IUS's for Galileo and the International Solar Polar Mission. (The Air Force IUS program, of course, continues unchanged.)

The scientists were overjoyed. The two missions were reconfigured for 1986 launches aboard Centaur.

In late August, however, the opposing side counterattacked. When the FY 1983 NASA appropriations came up to a vote on the House floor (as part of the HUD-Independent Agencies Bill), Flippo and Representative Don Fuqua (D-Fla.), chairman of the

full Science and Technology Committee, offered an amendment that would kill Centaur and order NASA back to the IUS. The vote was promptly postponed until after Labor Day, but the showdown could come any time after 8 September.

Flippo and Fuqua explained themselves in a letter to their House colleagues, dated 16 August. They cited the cost of the Centaur modifications ($140 million this year and a total of $634 million), the limited usefulness of the vehicle (just two NASA missions), and the poor example of sole source procurement (presumably the modified Centaurs would be purchased from the traditional Centaur contractor, General Dynamics, instead of being put out for competitive bidding). Far better, they said, to go with the IUS now and let the Air Force and NASA build a new HEUS later.

That same day Fuqua received a supporting letter from Secretary of the Air Force Verne Orr. It would cost still another $200 million to $350 million to modify the Centaur for (classified) Air Force needs, he said. Besides, he too was uncomfortable with sole source procurement.

Centaur supporters, however, find the explanations unconvincing. A planetary scientist within NASA, who prefers not to be quoted by name, pointed out to *Science* that Flippo and Fuqua did not include the cost savings to NASA that accrue from having Galileo spend less time in space. Ground operations will cost roughly $40 million per year. Moreover, all the cost of launch pad and shuttle modifications for cryogenics handling are charged to Centaur, even though similar modifications would be required for any liquid-fueled HEUS. "The net cost of Centaur over IUS would be closer to $50 million or $100 million," he says. "And for that you get more science on Galileo, the legacy for inter planetrary missions, and the potential for commercial uses."

• • • (In fact, the cost of a new HEUS has been estimated at about $1.5 billion.)

Besides, he says, the Air Force indulges in sole-source procurement all the time. And if Orr does not want to use Centaur, nobody is forcing him. The Air Force still has its IUS's.

So what is going on? It must be said that Flippo's district includes NASA's Marshall Space Flight Center in Huntsville, Alabama. Marshall is the lead center for the IUS work, and will be the lead center for any new HEUS. However, the Centaur would continue to be handled out of NASA's Lewis center in Cleveland, as it has been for 20 years. Thus, there are jobs involved for Marshall.

It is also true that every aerospace company except General Dynamics has been lobbying hard against Centaur. "If they shoot down Centaur now, they all get a shot at a new HEUS," says a staffer in the office of Representative Bill Lowery (R-Calif.). Since General Dynamics assembles the Centaurs in Lowery's San Diego district, he has been in the thick of the fight. The Air Force, Lowery's assistant suggests, has a similar reason for opposing Centaur: "If Centaur is defeated, I guarantee you that a year from now the Air Force will be back asking for HEUS studies of its own—without having to share it with NASA." That is why the Air Force has been trying to whip up support for its position on the Armed Services committees, he says.

NASA, meanwhile, is split on the issue. In the late 1980's or 1990's the agency would like to build a reusable orbital transfer vehicle (OTV) that would ferry spacecraft from low earth orbit to GEO and back again. Eventually the vehicle might even be manned. From that point of view the Centaur is a dead end, because modifying it to be an OTV would cost more than starting from scratch. On the other hand, the Centaur would be an excellent HEUS in the interim.

The Galileo team could live with either an IUS launch or the Centaur, but they want a final decision on something. The endless flip-flops have been agonizing, wasteful, and demoralizing. Besides, work on the Galileo IUS ceased in July. If the Centaur is canceled now, the whole program will be months behind schedule.

NASA headquarters has managed to stay fairly neutral in all this (perhaps in part because administrator James M. Beggs was formerly a vice president of General Dynamics). Soon however, the agency will officially come out in favor of Centaur on the basis of its usefulness in scientific missions and the need to compete with Ariane. The various divisions are now drawing up lists of specific missions that could utilize Centaur, and the agency is talking to the Air Force about ways of sharing the cost.

Given the forces arrayed against Centaur, however, it seems unlikely that its fate will be decided anytime soon.

Mr. GEJDENSON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHNEIDER. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. I thank the gentlewoman for yielding.

Mr. Chairman, I would like to commend the gentlewoman on her statement. I think it takes the long view which will benefit the American taxpayer and the science that we are looking to develop in outer space.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think when the gentleman from Alabama spoke of the recent decision by NASA and the Air Force to execute the Centaur program jointly, spoke of that in somewhat disparaging terms, the gentleman was really looking at the situation in the wrong way, because this Congress, and specifically the Appropriations Committee and the House Armed Services Committee, have been working for years to try to get the services and the agencies of our Government to work together, to have more joint programs, and more cooperative programs. Often we have seen these agencies tied up in what I would call turf battles where everybody wanted to develop their own private system.

In allowing the services to go their separate ways, we have encouraged redundant research and development, all to the detriment of the taxpayers. We would often maintain parallel programs which essentially accomplished the same thing; and when Congress moved to require agencies to work together, to have joint programs, and to cooperate, we were met with great resistance.

I will have to tell the Members, Mr. Chairman, I was very, very happy to see the Air Force and NASA finally come together. If they did so because of the actions of the Appropriations Committee, then more power to that committee.

I would like to quote what I think is a most important paragraph in this letter that was written jointly by Edward Aldridge, Under Secretary of the Air Force and Jim Beggs, Administrator of NASA:

> We believe that the joint program described above will result in the most efficient development of a high energy upper stage and will succeed in minimizing the transition costs mentioned by Secretary Orr in his August 17 letter, since separate transitions to IUS and then to a high energy upper stage would be avoided.
>
> Moreover, it would provide the benefits of scale to both the Air Force and NASA since their operational requirements can be aggregated.

I would say, Mr. Chairman, in this time of budgetary constraints, it is absolutely necessary that we move NASA and the Air Force to work together in our space programs. Taking this first step, I think, is very beneficial. It is something that had to be taken if we are going to move ahead in a cost-effective manner.

Second, Mr. Chairman, I would like to talk about what I think is the real crux of this matter. Let us talk about capability of payload. That is really the name of the game. That is the only reason IUS has had as much trouble—aside from the 500-percent cost overruns—as it has had. The IUS can carry about 5,500 pounds. They can modify it by the end of the 1980's to carry a little bit more, around 6,500 pounds.

Centaur, which has flown over 40 times successfully—can carry in excess of 13,000 pounds. Let me tell the Members, payload, whether one is talking commercial, or talking defense is the name of the game.

Let me give the Members an example of one country that realizes how important payload is. Let us look at the commercial area. The Intelsat and the commercial payloads on Intelsat have gone up rapidly. Let me give an example. In the late 1960's, Intelsat 1 and 2 were 350 pounds. By mid-1970, they were up to 1,500 pounds. It took a fivefold increase.

In the early 1980's, it was up to 2,200 pounds. By 1986, Intelsat 6 will be up to 4,400 pounds, and it is projected Intelsat 7 in 1990, will be 9,000 to 12,000 pounds. That is an excess of twice what IUS can carry.

Who is responding to this commercial market? The French are responding with Ariane. Let me tell the Members what they have done with Ariane: Ariane 1, carries 2,500 pounds; Ariane 2 and 3, 3,000 pounds; Ariane 4, 5,000 pounds, in 1986. Ariane 5, which will be fielded in 1989, will carry 8,500 pounds; and Ariane 5 was planned to

only go to 7,000 pounds, but they have changed recently at great expense to get that extra 1,500 pounds, to go from 7,000 to 8,500. They want to capture that commercial market.

Let me tell the Members also that the Department of Defense in this report, the joint NASA-DOD report, has also indicated they are going to be requiring well beyond 8,000 pounds lift capability by 1990.

The only way we can accommodate our DOD and NASA requirements and accommodate the requirements of the commercial users is to go with Centaur.

I would suggest, Mr. Chairman, that we move ahead on this joint program. It is going to be good for the country, for the Air Force, and for NASA. We are finally getting them to work together.

I would ask that we defeat this amendment and proceed with the Centaur program.

The CHAIRMAN pro tempore (Mr. DONNELLY). The time of the gentleman from California (Mr. HUNTER) has expired.

(At the request of Mr. DREIER and by unanimous consent, Mr. HUNTER was allowed to proceed for 5 additional minutes.)

Mr. DREIER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman for yielding.

We are talking about two particular missions for either the Centaur or the IUS. I was wondering if the gentleman could tell me what particular advantage there is to the Centaur over the IUS for the Solar Polar mission?

Mr. HUNTER. Let me tell the gentleman—these are the two missions incidentally that were mentioned by the gentleman from Alabama (Mr. FLIPPO).

Let me raise my exhibit here. We have the Sun here, we have Earth over here, and Jupiter over here; and basically this is a mission around the Sun where we can observe the Sun from angles in excess of 70°. What occurs is the Centaur, because it has more power than the IUS, can remain in this area greater than 70°, much longer than the IUS can, for scientific observation.

It can remain in that area for 200 days because it has enough power that it can travel further away from the Sun and stay within that sector for a longer period of time. The IUS can only stay there for about 100 days. That is one scientific advantage of the Centaur on Solar Polar.

Mr. DREIER. If the gentleman will yield further, if we could look at the other mission that was being discussed, I am curious to know what the disparity on the Galileo mission would be comparing Centaur to IUS.

Mr. HUNTER. Let me briefly go over the Galileo mission. This is a mission the gentleman from Alabama (Mr. FLIPPO) described. The gentleman said while it may be true that IUS does not have the capability of making a direct shot to Jupiter, they can in fact make an indirect shot. What we must do with IUS is slingshot around the Earth to gain the power to be able to make it to Jupiter. What that means is although IUS will launch earlier, about 1985, they are not going to complete the amendment until 1990. They have to go out here, pull around the Earth, and slingshot out to Jupiter.

When they do that, the vehicle that is launched is going to have to use some of its own power. Because of that, when it gets there, the vehicle is only going to be able to make 8 satellite encounters.

The Centaur we can launch in 1986. It will be there in 1988. In other words, even though it launches a year later, it will arrive a year earlier than the IUS, and it will be able to encounter 11 satellites because it will have plenty of power, plenty of fuel, plenty of payload capability.

Mr. DREIER. I thank the gentleman.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Alabama (Mr. FLIPPO).

Mr. Chairman, the issue really is very, very clear. One should really ask what are the advantages, technologically and economically, in terms of our national security, in terms of the project that has been tried and tested.

In all those issues, the pluses fall on the side of the Centaur. Indeed, the Centaur has been the work horse in this area for more than a decade and has consistently demonstrated its technological capabilities and cost effectiveness.

□ 1540

Now we see as they did initially, the Air Force and NASA, both agree that the Centaur project should be maintained. Centaur has demonstrated its reliability; its reliability of performance is 97 percent.

The IUS, as my friend, the gentleman from California pointed out earlier, has never been flown. In addition Centaur is more cost-effective.

The total estimated cost of this project is $634 million, whereas it will cost by estimates more than a billion dollars to develop the IUS as an alternative high energy upper stage.

Centaur can carry almost three times more the payload weight into orbit than the IUS can. This is very important just in terms of securing our competitive lead in this area of technology over our nearest competitor, France. Their French-built Ariane space launched vehicle will be commercially available to lift 9,500 pounds by 1986 and 1987, of course, only the Centaur will surpass that ability to lift, whereas the IUS does not.

Congress and the President have already approved legislation in the urgent supplemental, signed into law in July, that appropriates $80 million for the Centaur's use with the Space Shuttle in launching NASA's two planned missions in 1986; $40 million of that money has been spent.

In addition, according to Associate Administrator for Space Science and Applications at NASA: "The performance of shuttle Centaur is adequate to satisfy all Science and Applications launch requirements to the end of this century."

It is about time our country plans ahead. We ought not to take the short-term immediate really political avenue, we ought to be thinking and planning ahead so that we can save our taxpayers money and in addition to that still maintain our excellence in the areas of technology.

In reference to cost, I notice that the distinguished minority leader from the Space and Technology Committee mentioned that the IUS would save money. That is simply really in many ways not true. The shuttle Centaur cost is $14,000 per pound of payload, whereas the IUS cost per pound of payload is $40,000.

Now, $80 million has already been appropriated for continued development of the upper stage program of the Centaur, of which $40 million has actually been spent.

Are we going to retract that and just allow those people to have those contracts and just forget the entire $40 million the taxpayers have already spent on this project?

The cost of the Centaur launch, in 1986, is estimated at $49.8 million, compared to an IUS cost of $71.4 million; so again, it is even more cost effective in that area.

Centaur, in addition, would provide a flight time of 26 months for NASA's Galileo mission and would guarantee 11 satellite encounters. By comparison, the IUS would need 54 months to reach Jupiter and would result in only six satellite encounters.

Again, the IUS is inferior in terms of its capabilities.

Cancellation of the Centaur project during the fiscal year 1983 budget year would be highly counterproductive and wasteful, because both the Galileo and Solar Polar missions would be jeopardized.

The result of this cancellation, as has been noted in many "Dear Colleague" letters would be to antagonize our European partners who have jointly agreed to take part in the international Solar Polar mission, and

both NASA and the GAO and the Air Force have approved sole source procurement for Centaur.

In addition to this, people have talked about vested interests and regional interests and so on. Well, I do not think that ought to be discounted. I make no apologies about the fact that this means jobs for our area. Lewis Research Center is an integral planner and developer of the Centaur. More than 150 jobs would be lost and millions of dollars in revenues. Our great dedicated Federal employees are second to none in this area of technology. They deserve to continue the project.

The CHAIRMAN. The time of the gentlewoman from Ohio has expired.

(At the request of Mr. ROUSSELOT, and by unanimous consent, Ms. OAKAR was allowed to proceed for 3 additional minutes.)

Ms. OAKAR. Mr. Chairman, I thank the gentleman.

In addition to being a far superior project, as I have tried to evidence, this project means additional jobs, not only for the great State of Ohio, members from California, Arizona, Arkansas, Connecticut, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, and Wisconsin, should have an interest. Not only that, the Northeast-Midwest Members ought to be pretty close to agreeing on the fact that we do not want to lose any more jobs for our region. We cannot afford to. Studies have pointed out that in the Northeast-Midwest, our States are the ones to lose whenever there are defense-related projects and we cannot afford to have that happen again, particularly when we have the superior project and it has already been tried and tested.

□ 1550

So, my friends, really in the interest of our national security, our space science, our U.S. preeminence in commercial space operations, fiscal responsibility, et cetera, support the continued efforts of Congress and the space science community to continue the Centaur integration into the Space Shuttle, support the chairman of the Appropriations Committee and the minority leader of that committee, and the Committee on Intelligence of the House and the Committee on Intelligence in the Senate, the Senate Commerce Committee and the Committee on Appropriations of the Senate and the Committee on Appropriations of the House in assuring that this Centaur project continues, that we not delete money from this project, and that we think of our own national security.

Mr. ROUSSELOT. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I would be happy to yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague yielding.

Mr. Chairman, I appreciate the very complete detail the gentlewoman has given about the Centaur project. One of the things she mentioned that occurred to me might have some extra importance is that she has mentioned that the Centaur has the capability of carrying three times as much as the other project that has been deleted.

Now, does that accrue to the benefit of the commercial development as well as our defense needs?

Ms. OAKAR. That is very definitely true. I mentioned the French-built Ariane, which will have the capability of lifting 9,500 pounds. The IUS cannot come close to competing in terms of that capability. But the Centaur already has the capability of almost 14,000 pounds in terms of payload weight.

Mr. ROUSSELOT. 14,000 pounds?

Ms. OAKAR. Yes, almost 14,000. As a result, we will remain competitive. I think most Americans are a little tired of the situation of not remaining competitive and losing jobs to other countries.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. ROUSSELOT and by unanimous consent, Ms. OAKAR was allowed to proceed for 2 additional minutes.)

Ms. OAKAR. I think Americans are tired of seeing the Japanese, the West Germans, and other countries taking over our jobs, our projects, because technologically in some areas they have surpassed us. Is it not time we think of the future? Is it not time we think of our own commercial competitiveness beyond our national security and, of course, beyond the fact that it is by far the superior project?

Mr. ROUSSELOT. If the gentlewoman will yield further to me, do I understand that retaining this project in the appropriation bill is important for our ability to compete in space development? Is that not correct?

Ms. OAKAR. Absolutely.

Mr. ROUSSELOT. I appreciate the point the gentlewoman has made, Mr. Chairman.

Mr. MOTTL. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I would be happy to yield to my colleague from Ohio.

The CHAIRMAN. The time of the gentlewoman has again expired.

(On request of Mr. MOTTL and by unanimous consent, Ms. OAKAR was allowed to proceed for 3 additional minutes.)

Mr. MOTTL. I thank the gentlewoman for yielding.

Mr. Chairman, first of all I would like to commend the gentlewoman from Cleveland for giving her outstanding statement in opposition to this amendment.

Mr. Chairman, I rise to speak against the amendment. I am disappointed that the Science and Technology Committee, normally such a strong supporter of NASA programs and policies, would take a position that would essentially have NASA play second fiddle to the Air Force. I understand the gentleman from Alabama's problems and his great concerns about where the NASA work should be done. Nevertheless, I am stunned that the parent committee, which sired NASA as an agency nearly 25 years ago, would take a position which shortchanges their great organization.

The issue, I believe, is clear. If NASA is not allowed to have the lead and go-ahead, the development of Centaur into a second stage for the Shuttle, a so-called Tug, they will have to depend on Air Force development and their high energy missions will be compromised to Air Force requirements. The DOD is the agency that most benefits if this amendment is passed and NASA needs come in a clear second. I am puzzled that the Science and Technology Committee which on one hand has shown increasing concern about the military emphasis of the NASA role in Shuttle should take the position that NASA should effectively function as a military support organization in the development of space technology. The track record of NASA-Lewis Research Center in developing the Centaur with the General Dynamics Corp. was impressive and the Atlas/Centaur and the Titan/Centaur vehicles have outstanding launch records for a wide variety of payloads.

There is no question that the modifications for storing propellants—which is really the Shuttle "Tug" development for Centaur—is straightforward for the NASA-Lewis/General Dynamics team. Instead, however, this amendment would arrest that important development activity, and have the agency wait on the Air Force and its contractors to develop a high-energy second stage available a decade later for NASA needs. I am afraid that is what the amendment means and with great reluctance I must oppose it. Thank you.

Mr. BURGENER. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I yield to the gentleman from California.

Mr. BURGENER. I thank the gentlewoman for yielding.

Mr. Chairman, I commend the gentlewoman for her position and wish to associate myself with her remarks.

We have been fighting the battle of the letters here today. There are two lead agencies involved here, NASA and the Air Force. It is my understanding that some years ago they were togeth-

er, and until very recently they were apart, and now they are together again on this thing.

Let me quote one line from today's letter, the most recent of all: "It appears based on new information"—and that is the key phrase—"that it would be advantageous from both the technical and cost point of view to plan on using a short version of the Centaur."

It has been argued here before that the Centaur has flown many, many times and that the size is not all that relevant. So it would seem to me if they are together again, it is the best of all worlds technologically and economically to go with them, and I urge that the amendment be defeated.

Mr. FLIPPO. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I yield to the gentleman from Alabama.

Mr. FLIPPO. I thank the gentlewoman for yielding.

Mr. Chairman, perhaps I can shed a bit of light on the gentleman's concern. He states a very good point about them being together.

If I might point out, August 16 the Secretary of the Air Force wrote a letter.

The CHAIRMAN. The time of the gentlewoman from Ohio has again expired.

(On request of Mr. FLIPPO and by unanimous consent, Ms. OAKAR was allowed to proceed for 1 additional minute.)

Mr. FLIPPO. Mr. Chairman, will the gentlewoman yield further to me?

Ms. OAKAR. I yield to the gentleman from Alabama.

Mr. FLIPPO. Mr. Chairman, on August 16, the Secretary of the Air Force, in a letter to DON FUQUA, said that the Centaur would cost an additional $400 million to $900 million above NASA's cost for DOD spacecraft to make the transition for the IUS to the modified Centaur, and it is the 20-foot Centaur that they are talking about now.

He concludes by saying that DOD requirements can best be met by competitively developed new higher energy upper stage.

Now, that was on August 16. The gentleman made the point that the most current letter is now a refutation of that, they say, because new information has come forth. What is the new information? What has happened since August 16?

Please ask yourself that question. What would cause them to go back together and change their position?

Ms. OAKAR. Mr. Chairman, if I may reclaim my time, the gentleman from Alabama (Mr. FLIPPO) and I know that on November 2, 1981, when the further talks concerning this entire project were underway, the Air Force and NASA both agreed that Centaur was to be used for the Shuttle.

The CHAIRMAN. The time of the gentlewoman has again expired.

(On request of Mr. HUNTER and by unanimous consent, Ms. OAKAR was allowed to proceed for 2 additional minutes.)

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentlewoman for yielding.

Mr. Chairman, I appreciate the gentlewoman's comments about the need for us to develop commercial users of the STS. I point out that the joint NASA-DOD study requested last year indicated that at this time there are no commercial companies planning to use IUS.

While Intelsat is planning up through, I believe, Intelsat-6, to use Ariane, they have indicated that if we go ahead with Centaur they will, in fact, use Centaur for Intelsats 7 and beyond. That prognosis was included in the report that the gentleman from Alabama requested last year.

Mr. Chairman, I thank the gentlewoman for yielding.

Ms. OAKAR. Mr. Chairman, the gentleman is right.

Mr. ECKART. Mr. Chairman, will the gentlewoman yield to me?

Ms. OAKAR. I yield to the gentleman from Ohio.

Mr. ECKART. I thank the gentlewoman for yielding.

Mr. Chairman, the gentlewoman from Ohio has done a more than thorough job in delineating clearly for the Members the economic, military security advantages for proceeding with the Centaur program under its current form in the manner recommended by the committee and in opposition to the Flippo amendment.

In a way, the question is, in our economic consideration, foreign cars or, as the gentlewoman pointed out, foreign rockets.

The American economy, the American working people everywhere need a government that is responsive and sensitive to their needs. The failure to develop the Centaur as currently envisioned in the proposal by the gentleman from Massachusetts will result in an increasing loss of business to foreign competition.

□ 1600

That is the bottom line, and it is indeed rare when there is a confluence of politics and public policy that has taken place today. I urge rejection of the Flippo amendment for the purposes of preserving jobs for American workers everywhere.

Mr. DICKS. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Alabama, and commend him for his effort to save both time and taxpayer money. The bill before us today contains $140 million for further development of the Centaur. Yet the House, in passing the NASA authorization bill for the coming year, agreed to fund the inertial upper stage, or IUS, and not the Centaur. That was a decision based on several important facts.

IUS is a program which is ready to go. In fact, it will be aboard the Shuttle flight scheduled to depart in January 1983.

The Centaur will increase the cost of the Space Shuttle, and I want to make sure my friend from California is here to hear this, by $1 billion to $1.5 billion.

The Centaur will delay two important NASA projects, the Galileo and the International Solar-Polar Mission (ISPM) by several years.

There is no guarantee that the Centaur can meet our long-term space needs. In fact, there is no certainty that Centaur can meet the needs even of Galileo and ISPM.

IUS can be acquired for substantially less money than Centaur. To develop Centaur at this point would be to waste the dollars we have already invested in the development of IUS. It would cost us as much to cancel the IUS program at this point as it would to go ahead and build the two units necessary for Galileo and ISPM.

IUS can be ready to go sooner than Centaur. To delay ISPM, which is a joint venture with our European allies, would put a further strain on our international relations.

IUS is "manrated," or capable of carrying men as well as equipment and machinery. IUS will serve NASA's needs through 1987, while Centaur will not.

According to the Defense Department, Centaur does not "envelope DOD requirements," while IUS does.

In short, IUS fulfills the needs both of NASA and DOD more quickly, more cheaply, and more safely. Its technology is more up-to-date; its capabilities more in keeping with the current focus on the space program. It is, in fact, the only alternative available which can meet our projected launch dates for Galileo and Solar-Polar. We can have it cheaper and faster, and get an end product which truly meets our needs for at least 5 years into the future.

I believe we should support Mr. FLIPPO in his efforts, and vote for his amendment.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding. I would like to comment on his statement to the effect that we could get

underway with the Solar-Polar Mission and Galileo Mission faster with IUS. It is a fact that we will start the Galileo Mission earlier—that would be 1985—with IUS as opposed to 1986 with Centaur.

However, because IUS is so weak that it has to slingshot around the Earth before it can get enough power to get to Jupiter, it will not finish the mission until 1990, and the Centaur can finish the mission by 1988. So, the Centaur will complete the mission in excess of a year earlier, and while the IUS will be slingshotting around the Earth to get power, we are going to be paying $40 million to $50 million to monitor the activities of that vehicle while it is flying for that extra year.

Mr. FLIPPO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alabama.

Mr. FLIPPO. Mr. Chairman, I would point out that NASA has two missions, the ISPM and Galileo Mission. If we proceed with Centaur, the cost to NASA alone would be $634 million. That would be an average cost for two missions, I believe, of $317 million for transporation costs for each of those. If we do it under IUS, the cost is in the neighborhood of $200 million, and you can then have $100 million cost of transportation for each one.

So, I would suggest to the gentleman that if we really look at the hard cost, the hard costs are in favor of doing it under the existing IUS, and not under the to-be-made Centaur we are talking about.

Mr. DICKS. Is it not true, though, that we really can save the taxpayers some money, and we are hearing all this rhetoric—important rhetoric, and rhetoric that I agree with—about the necessity of balancing the Federal budget or getting expenditures under control; is not this amendment the gentleman has offered a chance to do that?

Mr. FUQUA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by the distinguished gentleman from Alabama (Mr. FLIPPO). First of all, I want to say that I have the highest and utmost regard for my good friend of long time, the gentleman from Massachusetts (Mr. BOLAND), chairman of the subcommittee, and the ranking minority member and the members of the appropriations subcommittee. Rarely, do we have items of disagreement, but in this case we do.

I might say, Mr. Chairman, that I come here with clean pockets. None of these things are built in my district, unfortunately, so I think I can take somewhat of an objective view, as I have always tried to do, and look at it in what is best for the people that are picking up the tab for this, the taxpayers and the American people. The bottom line is the dollars involved.

Centaur has a very excellent record. It is a very fine vehicle, but it must undergo substantial modification before it can be flown inside the Space Shuttle for several reasons. One is size to fit the cargo bay. It must be reduced in length and increased in width. Also, the Shuttle must be adapted to take care of cryogenic-type of propellant it uses. The IUS is already under development and will be flying in January on the STS 6 mission and was designed for the Space Shuttle.

I am sure both of them are very good vehicles and both of them will take care of the missions that we have before us. If they would not do that, then I would be down here asking for something else. The only two missions NASA has are the Galileo and the ISPM mission, and NASA has repeatedly told the Committee on Science and Technology over the last 2 years and before that, it could satisfactorily care for those missions.

Some mention was made, "Well, they should work together." As a matter of fact, the NASA and Air Force have been working together—many years ago and by the way we are not militarizing NASA—many years ago when the Space Shuttle was under development the question was, Who was going to do what part? Would the Air Force buy certain Space Shuttles? The decision was made at the highest levels of Government that NASA would provide the orbital vehicles and all the component parts connected with that. The Air Force would provide the interim upper stage and develop the launch facility on the west coast at Vandenberg Air Force Base. That decision was made before many Members even thought about running for Congress, probably about 10 or 12 years ago.

Where are we today? The bottom line is that earlier this year we passed a NASA authorization bill overwhelmingly in this House that said we would go with the IUS (the interim upper stage). Now, we have a problem. We are in conference with the Senate right now. We have already had to put $49 million in fiscal year 1982. That was in the supplemental for the Centaur. Where did that come from? Well, it has got to come out of the hide of NASA.

□ 1610

Now, in this bill we are asking for another $140 million in 1983 and another $140 million-plus in 1984, and where is that money coming from? It may come out of the project that my friend, the gentleman from California, is interested in. It may come out of Galileo. It may come out of some of the other programs that NASA has, the ISPM and the aeronautical programs. I say that the Members had better think of that, those who represent the Lewis Research Center. That could be in jeopardy because we put money in for this Centaur.

The Langley Research Center and Ames Research Center in California could very dramatically be affected by what happens on this amendment.

I say to the Members, you can vote any way you want. I have no vested interest in it. But I want the House to know now that we are sending a signal, because if you vote to keep the Centaur in with the additional money, $140 million, then, when we come back from conference, we will be $140 million over the budget request. We are within it now, but we will be that much over. But I say, you put yourself on the line if that is what you want. If that is what you want, I am a big enough boy that I can buy it.

But I want the Members to know what they are doing, and I say to them, "don't be misled." That is what you are doing, going $140 million over the budget, and that is the bottom line.

They are both good vehicles. I love all of them. They are fine people, and I could not say any more nice things about the NASA Centers and all the people who work in them. I wish they were in my district, but they are not.

But that is what you are doing, and furthermore, in the letter from the Director of OMB Mr. David Stockman, he went on to say this. This was dated yesterday and written to me. He said he is still opposed to the language in the appropriation bill, and he said that there would be severe reductions in other NASA programs.

The CHAIRMAN. The time of the gentleman from Florida (Mr. FUQUA) has expired.

(By unanimous consent, Mr. FUQUA was allowed to proceed for 2 additional minutes.)

Mr. FUQUA. Mr. Chairman, he said that it is fine if we want to do it, but there will be other reductions in NASA programs so that we can keep that budget within the President's budget.

I think it is not a very complex argument. Either we want to stay within the President's budget or, if we want to go over by $140 million this year and $140 million next year—and that is what we are talking about—that is what we will do, then, and that is the vote.

The Committee on Science and Technology has looked at this for over 2 years. We did not come in yesterday and change our minds or come in the day before or come in on August 16. We even asked that there be a study between NASA and the Air Force. We still have to build a high energy upper stage. Whether we go with IUS or

Centaur, we still have to have a high energy upper stage.

The Air Force is already going to use the IUS for its programs, so instead of having two programs, we will have three. If that is the way we want to spend the money, then that is your choice, but I want the Members to know what they are doing. They are going to cause us to have to come back with the budget $140 million over.

Mr. Chairman, I urge the adoption of the Flippo amendment.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have no parochial interest in this matter. Sometimes I wish I had never heard of IUS or HEUS or Centaur or any one of them.

But the fact of the matter is that this committee has carefully looked at this program, not yesterday and not last month, but as far back as 3 years ago, back to 1979, when at that time NASA made the decision to go with IUS, the inertial upper stage, to launch Galileo and the International Solar Polar Mission.

At the time we asked NASA to get a look at the cost of the IUS as compared to some other system and Boeing quoted the cost of IUS at $18 million in 1979. Now, one IUS costs $60 million.

Here we have a vehicle, the Centaur, that has been flown more than 65 times. There have been three failures, three faults, but it has had some 30 continuous successful flights. It has the finest rocket engines—I believe it is the RL-10—that have been developed by industry for space flight—not a single failure.

I can understand the position of the Committee on Science and Technology, but I think it comes too late. This item was in the urgent supplemental. We did not put it in. It was put in by the Senate because we thought that we ought not to pounce upon the preserve of the Committee on Science and Technology. And they do a great job under direction of the gentleman from Florida (Mr. FUQUA) and also of the subcommittee chairman, the gentleman from Alabama, who chairs the Subcommittee on Space Science and Applications.

There has been a great deal of discussion and meetings in the past 3 years between NASA and the DOD on the question of an upper stage, and there have been some questions raised by some Members here as to why the DOD comes so late to the Centaur program.

The gentleman from Alabama (Mr. FLIPPO) says that he questions new information not available to NASA and DOD. Well, there has been new information, and based upon the new information, the DOD came to its conclusions and to an agreement with NASA yesterday. That new information resulted from the STS-4 Shuttle mission and recent tests on that flight. Those tests indicated there was contamination in the orbiter bay that would require additional shielding for some payloads.

What are the payloads? Well, I cannot tell you here. I know what they are. Some of the other Members do, too, as well as the managers on the part of the Air Force who concern themselves with the classified program. They are the most sensitive, perhaps the most important, and certainly from the point of view of national security, they are the missions that prompted the Air Force to reach the decision that Centaur was the best way to go. I am not talking about the top people; I am talking about the program managers, the technical people who have been looking at this program, not just in the last month or so but for many months. They came to the decision to go the Centaur route.

Concerning the $140 million, the chairman of the legislative committee says that that $140 million will be taken out of the hide of NASA or taken out of the hide of some of the other programs in NASA. That is not so. We provided the $140 million in this bill for NASA. We do not take it out of anybody's hide. But it is a program that deserves the funding and it is a program that enjoys a high priority in this Nation.

What about OMB? OMB just released $49 million in the 1982 budget for this program. How does OMB feel about it? I do not know how Mr. Stockman feels about it, but I do know something about this.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

(By unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. Mr. Chairman, what I do know is that OMB does not oppose this new joint program. That issue was raised, as to whether or not OMB supports this new joint agreement.

I want to assure the members of this committee that I have no idea what the implication or what the purpose of the letter is that was read here from OMB. But what I do know is that OMB told NASA and the DOD yesterday that they would support the joint agreement.

An argument has been made here about competitive versus sole source procurement. The GAO looked at Centaur last year and that GAO report indicated that there was no necessity for any competition in this area; the Centaur filled the bill.

There is some concern about whether or not the cost of this program is going to be as great as some Members have indicated. The Committee on Science and Technology has indicated that somewhere along the line there will have to be an HEUS, a high energy upper stage. Do the Members know what it will cost?

□ 1620

These are not my figures. These are the figures of NASA and people in DOD. They say from $1.5 billion to $2 billion.

The claim is made here that Centaur G, the 20-foot Centaur, that the Air Force will require more than just the Centaur G to lift its payload into a geosynchronous orbit.

No one really knows that, but that is the argument that those who oppose Centaur are making now, that somewhere down the road, and maybe it will, but it is a way down the road, perhaps at a time when we can afford $1.5 billion or $2 billion. But we have the Centaur now. It is here. It can propel, as has been said so many times by so many Members here, up to 14,000 pounds in a geosynchronous orbit, and that is clearly something the IUS cannot do.

Mr. FUQUA. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to my friend from Florida.

Mr. FUQUA. I appreciate my friend for yielding.

As I said, I have the utmost respect for the gentleman from Massachusetts and we agree together about 99.9 percent of the time on things that we have a mutual interest in.

But one of the questions I have is on the gentleman's statement that the Air Force had suddenly recognized that they had requirements that would require a Centaur vehicle. Are we talking about a 20-foot Centaur or 28-foot Centaur?

Mr. BOLAND. We are talking about a 20-foot Centaur.

Mr. FUQUA. How much is the Air Force planning to pay for that since they have the payload requirements and not NASA?

Mr. BOLAND. The Air Force would not like to pay for it at all, of course, and that will present a problem. But I think that can be ironed out.

That has been a problem, as the gentleman knows, as he is familiar with one of the amendments on the other side with respect to the $409 million that the Senators put in to have the Air Force pick up that tab that NASA now pays. We can meet that problem.

The problem here is you have a vehicle that will get Galileo to Jupiter. It may be launched a year later, but as compared to the IUS and the kick stage, it will get there a year earlier.

So dismiss from your mind the fact that it is going to injure the Galileo program. The gentleman from Florida would not permit it, nor would I permit, any money to be taken away

from Galileo or the International Solar Polar Mission.

At least that has been my pledge and view, and I am sure it is the gentleman's pledge and view.

Mr. FUQUA. Here again, though, if there is a requirement for the Air Force, NASA is going to be stuck with picking up the bill and that is one of the problems we have and why we think we should go ahead with the IUS rather than the Centaur.

The Air Force has gotten a free ride, as the gentleman knows, for many of the development costs that they have used, and here again NASA is getting stuck.

I am afraid that it is going to come out of some of the other NASA programs.

Mr. BOLAND. Let me answer that point that NASA is going to get stuck with the whole bill. That is not my information.

My information is they will split it and that 50 percent will be paid by the Air Force and 50 percent by NASA.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

(At the request of Mr. HUNTER and by unanimous consent Mr. BOLAND was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield.

Incidentally, I want to commend the gentleman for his scholarship on both the Galileo and the International Solar Polar Mission and the flights they take and why Centaur. I felt the gentleman did an excellent job.

Mr. HUNTER. I thank the gentleman.

I would like to point out that in the joint letter sent today by the Under Secretary of the Air Force and James Beggs they indicated that the U.S. Air Force and NASA will split the development costs. They stated further that—

While we have not yet fully completed the negotiation of memoranda of agreement, that work is in progress and should be completed by the end of September.

I have great faith in the Science and Technology Committee's ability and the Appropriation Committee's ability to monitor that agreement and that negotiation.

I thank the gentleman for yielding.

Mr. FLIPPO. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Alabama.

Mr. FLIPPO. In regard to the gentleman's point, I think it is a very important point. The only agreement between the Air Force and NASA is to agree to split the cost on the 20-foot Centaur that NASA is not going to use. Only the Air Force would be using the 20-foot Centaur so it is not a big deal for the Air Force to yield, to agree to split the cost on something that NASA is not going to use.

But NASA must incur the cost of the 28-foot Centaur and I present that for the gentleman's clarification.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has again expired.

(At the request of Mr. ROUSSELOT and by unanimous consent Mr. BOLAND was allowed to proceed 3 additional minutes.)

Mr. NELSON. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I would yield first to the gentleman from Florida, a member of the Science and Technology Committee.

I understand there is a split within that committee and I am delighted to see it.

I yield to the gentleman from Florida.

Mr. NELSON. I thank the gentleman for yielding.

I just want to state for the record that there is a difference of opinion, regardless of the great respect that I have for the chairman of the subcommittee and the chairman of the full committee.

I support the gentleman from Massachusetts' position and oppose the Flippo amendment.

The reasons have been well stated here. But I would just underscore the fact that in the development of a high energy upper stage we are talking about an additional cost to the tune of $1 billion to $1.5 billion of probable additional costs that we could avoid by going ahead with the Centaur.

So I would underscore that.

Mr. ROUSSELOT. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from California.

Mr. ROUSSELOT. I appreciate my colleague, chairman of the subcommittee, yielding and I appreciate the way he has brought to the House the information we need to make an appropriate judgment on this amendment.

Is not part of the answer to the question of our colleague from Alabama that $80 million has already been appropriated for the continued development of the Centaur in July of this year in the supplemental appropriation. So a portion of the gentleman's concern is answered because the House has already appropriated dollars for that.

His genuine point that he has tried to make with my colleague from California (Mr. HUNTER) that even though the Air Force and NASA have arrived at this agreement, his concern is that there will not be adequate dollars. My understanding is that we are already well on the way toward the $140 million and, as has been pointed out, the Air Force has agreed now that they will be responsible to pick up part of the cost on this project.

Is that not correct?

Mr. BOLAND. That is true.

Mr. ROUSSELOT. I wonder if the gentleman could elaborate a little bit, since he is chairman of the Intelligence Committee. Is there a value to be received in that area in this project?

Mr. BOLAND. The value that will be received in that area is extemely high, let me say.

Mr. ROUSSELOT. Extremely high?

Mr. BOLAND. Extremely high.

Mr. ROUSSELOT. I appreciate my colleague yielding, and especially for placing emphasis on the last point relating to the intelligence value.

Mr. BOLAND. Incidentally, let me say that that particular agreement comes as a result of what some of the Air Force needs are in the future in some areas.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. GREEN. Mr. Chairman, I have two reasons to claim disinterestedness as to this amendment. One, as far as I know there is no procurement in my district that relates to either of the vehicles, unfortunately.

Also I have no prior commitment to one side or the other through my role in this House or otherwise, since I am new to the Appropriations Committee and this subcommittee in this Congress.

So, for me, as this controversy has unfolded this year, the look has been a completely fresh and unbiased one.

I think the Members who have preceded me, because many of them have worked on this for many years, have laid out all of the technical details and the history; I would not presume to try to go over the ground that they have gone over so well.

But I think it might be helpful to my colleagues simply to state that having gone through all of the technical detail and complications that have followed this issue over the years, it seems to me that where one comes out ultimately is that the IUS is basically a very limited capacity vehicle because of its thrust limitations and, in terms of the future, its future is not for long.

□ 1630

Whereas the Centaur, because of its much greater thrust, essentially gives us much broader opportunities over a period of years. The Galileo mission, plainly, would be improved by the Centaur because of the greater thrust. The more rapid time in which the mission could be completed from launch to completion reduces the possibilities of things going wrong, and that is simply illustrative of the benefits that the Centaur appears to have over the IUS to this newcomer to the issue.

So it seems to me that the Centaur in terms of long-run economies and

long-run potential really offers far more than the IUS, with its obvious limitations. I would, therefore, hope that the members of this committee would defeat the amendment.

Mr. DERWINSKI. Mr. Chairman, will the gentleman yield for an observation?

Mr. GREEN. I yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Chairman, I rise in opposition to the amendment. It appears that once again we are managing to create ways to irritate our European allies.

This amendment would adversely affect the International Solar Polar Space Mission (ISPM). This mission is supposed to be an internationally cooperative mission between the United States and our European friends.

The last time we downgraded this mission, the Europeans were very upset. Let us look at the history:

Original agreement with our European allies was for the United States and Europeans to develop their own spacecraft and fly on a solid booster, called the IUS (inertial upper stage).

The first problem was a lack of performance of the IUS causing NASA to change boosters and use Centaur, a more capable liquid stage, causing a delay in the program.

Next, the United States renegged on supplying one of the spacecraft.

Third, the administration decided to go back to the IUS for shuttle because of budget pressures, causing a degraded ISPM mission.

Fourth, the Congress directed that Centaur be used for the ISPM mission in order to get a full science return from this important international cooperative effort.

All of these problems caused a considerable loss of faith on the part of our European allies in the U.S. commitment to this joint effort.

This amendment would make this situation even worse by reverting once again to the less capable IUS booster which would cause unnecessary degradation to this important international mission.

We have upset our friends in Europe enough on this issue. It is for these reason I support my good friend from Massachusetts and rise in opposition to this amendment. I urge your support of the Appropriations Committee bill.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think probably everything has been said that needs to be said on this issue, and I am somewhat hesitant to address it further; but I will risk that.

I am a member of the Science and Technology Committee and I have shared in some of the debate on this issue over the years. I think that the views arrived at in the Science and Technology Committee are thoroughly justifiable on every ground at the various stages that they have been reached. I do not happen to agree with the amendment offered by the gentleman from Alabama, my esteemed chairman of the Space Subcommittee, but I think that is because events have moved beyond the situation which originally justified the position that he is taking.

The real fault in this situation is that there has been a failure to adequately define the range of missions which was needed and which was to be met by either Centaur or IUS, or the future high-energy upper stage. There really has been a failure to adequately plan and define the missions. And this is the main factor that has caused consternation within the scientific community and within the other communities that are concerned with this matter. The scientific community, the community involved in planetary exploration, has always favored the Centaur for a number of reasons, including the ones that have been mentioned here. It is a liquid fuel rocket which is maneuverable, which can be started and stopped, something that the IUS cannot be and, as a consequence, it can access a great many more satellites in the Galileo Mission than the IUS, as well as getting to Jupiter earlier than IUS. So there has never been any doubt in the minds of the planetary scientists. What they have doubted is whether there was really a commitment to planetary science by this administration or by whatever administration, because it has seemed to have a declining priority.

Now, what has developed most recently is a new urgency about defining missions; first, the civilian commercial missions, and, second, the intelligence missions referred to by the distinguished chairman of the subcommittee who is also the chairman of the Select Committee on Intelligence.

Obviously, there have been new and fairly rapid developments in both of these areas. In the intelligence area I am not bound by the same need for secrecy as the chairman. I can report what I see in the open press; and the open press says that we must have in the near future reconnaissance and communication satellites which are hardened, are heavier, and are maneuverable, more than the present generation, and, therefore, require a greater boosting capacity. We have only come to this decision in the fairly recent past. In the civilian commercial sector, frankly, NASA has not known where it was going. There were no particular policies or guidance coming to it from this administration until quite recently. It is becoming clear, because of international forces—and there are many—not only the competitive forces that we are getting from the French and the Japanese, but pressures from the underdeveloped nations which are urging us to move rapidly toward a new generation of large communication satellite platforms or satellite antennae farms which can be put in the geostationary orbit. Such satellites would be very heavy, but would substantially reduce the number of geostationary slots required for projected communications traffic. I am sure that most of you who have followed the international aspects of this know that we are being condemned by many nations for preempting all the present geostationary orbital slots with our existing generation of communication satellites.

So we are now being forced to move rapidly—and NASA is well aware of this, as are other agencies of the Government—into a new generation of much more massive, but more efficient communication satellites, which will require the heavier boosting capacity.

The CHAIRMAN. The time of the gentleman from California (Mr. BROWN) has expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 5 additional minutes.)

Mr. BROWN of California. The point that I am making here and trying to illustrate is that we have quite recently come to recognize the need for a set of more clearly defined missions. We are moving toward that. It is reflected in the flip-flops that are taking place within the administration as to which way they want to go on the IUS or the Centaur.

Now, the fact of the matter is, we can probably use beneficially the IUS for a short period of time to meet existing and planned missions. Beyond that, we will need a heavier boost capability which the Centaur can provide for another reasonably limited period of time, and beyond that we are still going to need the high energy upper stage, and we had better start preparing for it. It is going to be expensive, as the chairman has said.

But what I would like to get across to the Members here is the realization, the exciting realization, that we really are on the verge of a space age which is going to require a great deal more activity and more sophisticated activity in space than we even dream of now. We should not think of this great space program as something static, as a program where the present generation of anything is going to suffice. Progress in space is going to take more than we have in the way of booster capacity, and that "more" will be the high-energy upper stage, and probably several future generations of that.

I hope that what we are seeing reflected in this debate today is a new indication of an awareness of the importance of better planning and better mission definition in the space program. It is because of my own sense

that such is the case—and the new position taken by NASA and the Air Force reflects that—that I reluctantly am going to oppose the amendment of the gentleman from Alabama and urge that the Appropriations Committee be supported in their recommendation that we continue with the Centaur, for all of its obvious virtues.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, since there is a question about OMB's position, I have just had the opportunity to speak to the Director of the Office of Management and Budget, Mr. Stockman, who wanted to make it clear that OMB favors the cancellation of Centaur and going ahead with IUS, and that they are still standing behind their letter and that they have not taken a position of neutrality on this issue.

□1640

Mr. MINETA. I appreciate the gentleman's bringing that to us.

Mr. Chairman, I rise in support of the amendment offered by our colleague, the gentleman from Alabama (Mr. FLIPPO), that continues funding the inertial upper stage (IUS) for use in the Galileo and International Solar Polar Missions and that deletes funding for Centaur.

There are four major reasons why this amendment should be adopted. First, replacing the $715 million IUS with the Centaur would lessen the return on the investment that has already been made in the IUS.

Second, the Centaur is nonexistent at this point and would undoubtedly delay the proposed mission, the Galileo, in 1985.

Third, the Centaur has several significant problems in physical compatibility with the existing spacecraft and Shuttle, and it also has operational problems that have been documented by NASA.

But the most important drawback of the Centaur is the notion of legislating a technical decision, as well as violating the competitive bidding procedure by dictating a sole source contract for the Centaur. Mandating the outcome of the competitive bidding procedure really is an unacceptable method for determining the technical merits of a product.

I would like to ask my colleagues to consider these arguments carefully and to prevent a legislative fiat that wastes funds, overturns sound management and technical decisions, and produces questionable results.

Mr. LOWERY of California. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, as a member of the House Space Science and Applications Subcommittee, I must take strong exception to the amendment offered by my chairman, the gentleman from Alabama (Mr. FLIPPO). However, before I continue, I would like to thank the gentleman from Alabama for his fine efforts as chairman of the Space Science Subcommittee. The gentleman has done an excellent job.

It has been suggested here today, and I would like to summarize a few points, it has been suggested today that there are some parochial constituent interests, and there are. I do not think that comes as any shock or any surprise to anyone, be it a Boeing in Seattle, Wash., or a General Dynamics in San Diego, Calif., or a Marshall Space Center in Huntsville, Ala.; put the parochial interests aside, because the debate has been on the merits of this issue, I would like to assure my colleagues that my opposition to this amendment is founded on sound principles of fiscal responsibility and what I consider after a year and a half of intense study on the Space Subcommittee to be in the best interests of our civilian space program, our telecommunications industry, and our national security.

To begin, let me offer a bit of pertinent upper-stage history. Last year the Space Science Subcommittee, as you have heard, directed NASA and the Defense Department to conduct a joint study to determine our needs for a high energy upper stage. This is that study, Upper Stage Alternatives for the Shuttle Era, A NASA-DOD report to Congress. We have had it for over a year.

The study concluded that NASA should begin developing a Centaur for Space Shuttle use. Since the report's completion, nothing significantly has changed to warrant deleting Centaur from NASA's budget. In fact, on page 81 of this report that we commissioned, it specifically rejects the end effect of the Flippo amendment; namely, an IUS/Galileo combined mission.

Fortunately, the President accepted the urgent supplemental last July 18 and sustained the funding for the Centaur high energy upper stage integration into the Shuttle. The President's acceptance is consistent with NASA's 1982 authorization and appropriation bills and recognizes the technical superiority of Centaur as well as the fact that Centaur integration obviates the need for an otherwise redundant $1 to $1½ billion for an Air Force high energy stage program for military and intelligence uses which we will have need for in the 1987 timeframe.

Mr. Chairman, I would like to briefly outline four compelling reasons why the House should support the NASA/Air Force recommendations and reject the Flippo amendment.

First, IUS cannot meet our high energy upper stage requirements for NASA, DOD, and commercial missions beyond the 1985-86 timeframe. Our high priority space missions are increasingly finding weight to be a limiting factor. The IUS can currently lift only 5,000 pounds, compared to the 10,000 to 14,000 pounds provided by Centaur.

Second, the failure to move decisively now to develop a high energy upper stage for Shuttle will result in an increasing loss of business to foreign competition, specifically the French Ariane. The Ariane vehicle will lift approximately 9,500 pounds to geosynchronous orbit by 1986-87, thus exceeding IUS capabilities. Without Centaur, the United States will lose this commercial market.

Third, development of a "new" high energy upper stage, coupled with the decision to fly Galileo and the international Solar Polar mission with an IUS will cost taxpayers at least $700 million to $800 million more than Centaur, take at least 2 years longer to complete, and yield no significant performance improvement. Indeed, it has been estimated that a brandnew stage, as I say, will cost between $1 and $1½ billion and will basically involve reinventing the Centaur.

Fourth and finally, launching Galileo and Solar Polar on Centaur has a number of critical advantages over using IUS for these missions. Centaur would provide a flight time of 26 months for NASA's Galileo mission and would guarantee 11 satellite encounters, compared to a flight time of more than double, 54 months, and 6 satellite encounters for an IUS launch, plus the increased risk of the increased time.

In the case of Solar Polar, Centaur restores the maximum possible mission, as well as NASA's credibility with its foreign partners, most notably the European Space Agency. It is very likely that another change in launch vehicles will cause our international friends to question our resolve and ultimately conclude that NASA is an unreliable partner. Such an attitude may devastate our future plans for cooperative space ventures of the solar system.

The CHAIRMAN. The time of the gentleman from California has expired.

(At the request of Ms. OAKAR, and by unanimous consent, Mr. LOWERY of California was allowed to proceed for 2 additional minutes.)

Mr. LOWERY of California. In sum, Mr. Chairman, I ask my colleagues to consider the following:

First, the findings and conclusions of the NASA/DOD joint study.

Second, the cost and performance comparisons of IUS and Centaur.

Third, the clear threat from foreign competition to our space program.

Fourth, the unacceptably high costs of developing a new high energy upper stage.

Finally, the integrity of the Galileo mission to Jupiter and the International Solar Polar Mission.

In light of these important considerations, I urge my colleagues to oppose the Flippo amendment and continue Centaur integration into the Space Shuttle.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. LOWERY of California. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I want to congratulate the gentleman on a very precise and concise statement that really truly outlines the rational reasons why we should be supporting Centaur.

Also, I want to add, if I may, there has been a lot of debate about whether Mr. Stockman agrees with the project or disagrees. I am not sure that I know the answer. I am not sure anyone does.

We do know for a fact that the President signed into law the supplemental appropriation bill in July that included $80 million for Centaur and that $40 million of that $80 million has already been spent for the Centaur project.

Mr. LOWERY of California. I thank the gentlewoman. She is absolutely correct.

Developing Centaur today will save the taxpayers money. The need is clearly there. For the first time we have the Air Force telling us that they have a need for more than 5,000 pounds of lift capability to geosynchronous orbit in the 1987 timeframe. Now, Centaur can lift 10,000 to 14,000 pounds to geosynchronous orbit, and for the first time we are seeing the Air Force come to the table with money for a high energy upper stage. They have wanted Centaur developed. Now they are finally bringing money to the table so that we can meet those very critical intelligence missions that the chairman of the Intelligence Committee, the gentleman from Massachusetts (Mr. BOLAND) outlined earlier.

If I might make just one final point. We have heard a lot about the configuration. Centaur is proven. Forty consecutive successful missions, only 2 failures out of 66 launches; a 97-percent success ratio, the changes are in the fuel tank configuration to meet the specifications for the Shuttle bay. There is no change in the engines.

The CHAIRMAN. The time of the gentleman from California has again expired.

(By unanimous consent, Mr. LOWERY of California was allowed to proceed for 1 additional minute.)

Mr. LOWERY of California. There is no change in the Centaur engine. There is no change in the electronics. There is no change in the guidance system, no change in the avionics; merely a change in the physical configuration of the fuel tank.

It is a proven bird. It has served this Nation well. Let Centaur continue to serve the Nation and her taxpayers.

The CHAIRMAN. The time of the gentleman from California has again expired.

(At the request of Mr. BADHAM, and by unanimous consent, Mr. LOWERY of California was allowed to proceed for 3 additional minutes.)

Mr. BADHAM. Mr. Chairman, will the gentleman yield?

Mr. LOWERY of California. I yield to the gentleman from California.

Mr. BADHAM. Mr. Chairman, I thank the gentleman for yielding.

I have been concerned about the debate here and about the very programs that we have under consideration.

I understand that the IUS is now already 2½ years behind schedule and is 500 percent in an overrun situation; whereas on the other hand, the Centaur has extremely high credibility, has a 40-for-40 success rate, or 100 percent, and it underran in contract costs and it is an available vehicle and it has very high credibility. Does the gentleman concur with that?

Mr. LOWERY of California. The gentleman is correct.

Mr. BADHAM. I think, therefore, that it would be very simple to make the decision on which way we should vote on this with the program that has high credibility, proven efficiency, and has a higher thrust of almost three times the thrust that the IUS is projected to have.

I thank the gentleman for yielding. I support him in opposition to the amendment.

For those of us who have followed the "upper stage for Space Shuttle" debate over the past several years, there is a growing sense of frustration over the inaccuracies of official schedule and cost estimates.

Let us consider the credibility of the IUS program. The IUS is over 2½ years behind schedule and has experienced a 500-percent overrun. The fact is that the IUS is a national disgrace. But . . . there are still those who would change from the Centaur back to the IUS for two expensive science missions.

What kind of credibility does the Centaur program have? How about 40 consecutive launches at a success rate of 100 percent? What about cost? The last program evolution that the Centaur went through was its integration into the Titan vehicle. The Centaur underran the contract price by 5.7 percent. The Centaur has credibility.

When you add on top of these competitive histories the technical superiority of the Centaur which can lift 14,000 pounds into space versus 5,000 pounds for the IUS, my vote on this issue becomes simple.

I will vote for a 5.7-percent underrun and against a 500-percent overrun.

I will vote for a proven 100-percent success rate and against a vehicle that has never flown.

I will also vote for a program that remains on schedule and against a program that is over 2½ years late.

In short, I will vote for the Centaur which is credible and against the IUS that can only be described as incredible.

Mr. DREIER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, on the simple question of performance, Centaur is unquestionably the best choice for NASA's near term Galileo and International Solar Polar Missions. If the Shuttle-Centaur integration is allowed to continue, Centaur promises, first, greater payload capability; greater operational flexibility; a proven flight record; and, therefore, less mission risk.

NASA realized this when it chose Centaur as the sole Shuttle upper stage in January 1981. In October 1981, the joint NASA-DOD report on upper stage alternatives for the Space Shuttle also recognized Centaur as the only satisfactory upper stage for these two missions.

More important, if Centaur is scrapped, it will cost the taxpayer between $1 and $1.5 billion for the development—not the integration, procurement, or deployment, but only the development—of a new high energy upper stage, and once made operational that new stage will not outperform Centaur. It seems foolish to lose a proven and dependable program now that will be necessary in the future.

It seems even more foolish to replace that proven program with one that will cost over $1½ billion.

Last, let me add that switching upper stage systems now would deal an unfortunate blow to our space program and our commercial opportunities in space. What the space program needs is consistent policy support, not inconsistent reversals, and I strongly urge my colleagues to join me in pressing for the continued integration of Centaur into the Space Shuttle program, and I urge my colleagues also to strongly oppose this amendment.

Mr. PEASE. Mr. Chairman, I rise in support of the HUD-Independent Agencies appropriation bill for fiscal year 1983 as it was reported from committee with respect to funding for the Centaur high-energy upper-stage vehicle.

There is considerable controversy over this project; however, the facts remain clear and speak for themselves.

To begin, the Centaur is the sole source upheld by GAO in August 1981. It is the only available upper-stage that can meet both NASA and military requirements over the next 10 or 15 years.

In addition, development of the Centaur was approved in the urgent supplemental appropriations bill and work is now underway to integrate the vehicle in the Shuttle payload bay. On September 14, the Department of Defense and NASA reached agreement on a joint development program for the Centaur which will have significant benefits to both NASA and the Department of Defense. For NASA, it means that the cost of Centaur will be reduced. For DOD, it means acquiring an upper stage that will insure that this Nation's most sensitive military payloads can be flown without any weight limitations.

Although opponents of this project have claimed that NASA, the Air Force, and the Office of Management and Budget oppose Centaur development, Centaur was the sole source procurement approved by NASA in early 1981. In fact, in October 1981, NASA and the Air Force released their "Upper Stage Alternatives for the Shuttle Era"—a report specifically recommending that NASA develop the Centaur. While OMB originally resisted Centaur funding, primarily due to near-term budget constraints, they no longer oppose its development—particularly since the urgent supplemental allocated $80 million for Centaur and we have already invested $37.5 million to date.

I believe our country is better off by staying with the Centaur project. I intend to continue my support for this vehicle for technical, economical, and national security reasons.

● Mr. McGRATH. Mr. Chairman, I rise in opposition to the amendment of Mr. FLIPPO and I would like to point out some commercial concerns that should affect this debate.

The trend of commercial communications satellites is for continued growth in mass as more communications capability continues to be developed, is offered to the user community and, in fact, is expected by the consumer. This trend holds true for projected increased traffic in voice, data, secure data, video, image transfer, teleconferencing, and television direct to home broadcast services.

The satellite growth trend is further encouraged as the desirable positions in the geosynchronous orbital arc become filled and approach saturation. Current proposals before the ITC and the FCC to reduce the spacing between satellites help alleviate this problem but do not provide a permanent solution. The need for larger spacecraft with large multifed antenna systems, higher power, and advanced switching and time sharing techniques continues to be recognized by advanced communications systems planners.

These growth trends require a launch capability greater than that offered any existing Shuttle upper stages other than the Centaur. The Centaur's capability to provide low-thrust placement in the geosynchronous orbit also becomes desirable as the growth spacecraft appendages become larger and more flexible.

As a practical matter, the commercial communications community shows little interest in the IUS because of its prohibitive cost, growth limitations, and lack of versatility.

The alternative launch capability would be a growth Ariane launch vehicle produced by a European consortium and launched from Kourou, French Guiana. The Ariane vehicle is projected to exceed the Shuttle IUS capability by 1986. An unrecognized need by the United States to satisfy the growth commercial communication community has already resulted in several American companies contracting with Ariane for launch services and a need to reverse this trend is clearly evident.

Several American companies and an international consortium have expressed direct interest in being assured that the Centaur will continue to be developed for integration in the Shuttle.

NASA Associate Administrator Edelsen, in his previous position as senior vice president of Comsat General Corp., expressed his interest in a letter to Dr. Hans Mark, NASA Deputy Administrator, and in fact included remarks on the Shuttle/Centaur in a presentation before the House Committee on Space Science and Applications on September 5, 1979.

The president of Direct Broadcast Satellites Corp., one of the accepted applicants before the FCC for providing direct-to-home satellite television expressed his support for Centaur in a letter to our colleague, RONNIE FLIPPO.

In a letter to Dr. Hans Mark, Deputy Administrator for NASA, Mr. K. M. Chitre of the Intelsat Corp. disclosed some of Intelsat's long-range plans and reiterated his continuing interest in the Shuttle/Centaur integration program.

These desires are strengthened by the history of reliability the Centaur has experienced and the positive return on investment that the using companies experienced.

A new, different, high energy upper stage with its usual accompanying schedule delays and cost growth is not the answer for a commercial user who sees his future requirements satisfied by the existing Shuttle/Centaur.

I, therefore, support the position of the committee, Mr. BOLAND, and oppose the Flippo amendment.●

□ 1655

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama (Mr. FLIPPO).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FLIPPO. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 316, not voting 39, as follows:

[Roll No. 330]

AYES—77

Anderson	Hatcher	Roberts (KS)
Aspin	Heftel	Roe
Barnard	Holland	Roemer
Bennett	Hollenbeck	Roukema
Bevill	Hopkins	Russo
Biaggi	Hubbard	Scheuer
Bouquard	Huckaby	Schroeder
Breaux	Ireland	Shelby
Chappie	Jenkins	Shumway
Dicks	Jones (NC)	Smith (AL)
Dingell	Jones (OK)	Snowe
Downey	Kastenmeier	Snyder
Edwards (AL)	Lagomarsino	Swift
Emerson	Leath	Synar
Fascell	Lehman	Taylor
Fazio	Levitas	Volkmer
Fenwick	Lowry (WA)	Walgren
Fiedler	Lujan	Walker
Flippo	Matsui	Weaver
Foley	Mica	White
Fuqua	Mineta	Whitley
Gephardt	Moore	Whittaker
Ginn	Nichols	Winn
Glickman	Oberstar	Wolf
Goodling	Obey	Wyden
Harkin	Rinaldo	

NOES—316

Addabbo	Coleman	Emery
Albosta	Collins (IL)	English
Alexander	Collins (TX)	Erdahl
Andrews	Conable	Erlenborn
Annunzio	Conte	Evans (DE)
Anthony	Conyers	Evans (IA)
Applegate	Corcoran	Evans (IN)
Archer	Coughlin	Fary
Ashbrook	Courter	Ferraro
Atkinson	Coyne, James	Fields
AuCoin	Coyne, William	Findley
Badham	Craig	Fish
Bailey (MO)	Crane, Daniel	Florio
Bailey (PA)	Crane, Philip	Foglietta
Barnes	Crockett	Ford (MI)
Beard	D'Amours	Ford (TN)
Bedell	Daniel, Dan	Fowler
Beilenson	Daniel, R. W.	Frank
Bereuter	Dannemeyer	Frenzel
Bethune	Daschle	Frost
Bingham	Daub	Garcia
Bliley	Davis	Gaydos
Boggs	de la Garza	Gejdenson
Boland	Deckard	Gibbons
Bonior	Dellums	Gingrich
Bonker	DeNardis	Goldwater
Bowen	Derrick	Gonzalez
Brinkley	Derwinski	Gore
Brodhead	Dickinson	Gradison
Broomfield	Donnelly	Gramm
Brown (CA)	Dorgan	Gray
Brown (CO)	Dornan	Green
Broyhill	Dougherty	Gregg
Burgener	Dowdy	Grisham
Burton, Phillip	Dreier	Guarini
Byron	Duncan	Gunderson
Campbell	Dunn	Hagedorn
Carman	Dwyer	Hall (OH)
Carney	Dymally	Hall, Ralph
Cheney	Dyson	Hall, Sam
Clausen	Early	Hamilton
Clay	Eckart	Hammerschmidt
Clinger	Edgar	Hance
Coats	Edwards (CA)	Hansen (ID)
Coelho	Edwards (OK)	Hansen (UT)

Hartnett	McEwen	Roybal
Hawkins	McHugh	Rudd
Heckler	McKinney	Sabo
Hefner	Michel	Sawyer
Hendon	Mikulski	Schneider
Hertel	Miller (CA)	Schumer
Hightower	Miller (OH)	Seiberling
Hiler	Minish	Sensenbrenner
Hillis	Mitchell (MD)	Shamansky
Holt	Mitchell (NY)	Shannon
Horton	Moakley	Sharp
Howard	Moffett	Shaw
Hoyer	Molinari	Shuster
Hughes	Mollohan	Siljander
Hunter	Montgomery	Simon
Hutto	Moorhead	Skeen
Hyde	Morrison	Skelton
Jacobs	Mottl	Smith (IA)
Jeffords	Murphy	Smith (NE)
Jeffries	Murtha	Smith (NJ)
Johnston	Myers	Smith (OR)
Jones (TN)	Napier	Solarz
Kazen	Natcher	Solomon
Kemp	Neal	Spence
Kennelly	Nelligan	St Germain
Kildee	Nelson	Stark
Kindness	Nowak	Staton
Kogovsek	O'Brien	Stenholm
Kramer	Oakar	Stokes
LaFalce	Ottinger	Stratton
Lantos	Oxley	Studds
Latta	Panetta	Stump
Leach	Parris	Tauke
LeBoutillier	Pashayan	Tauzin
Leland	Patman	Traxler
Lent	Patterson	Udall
Lewis	Paul	Vander Jagt
Livingston	Pease	Vento
Loeffler	Perkins	Wampler
Long (LA)	Petri	Washington
Long (MD)	Peyser	Watkins
Lott	Porter	Waxman
Lowery (CA)	Price	Weber (MN)
Luken	Pursell	Weber (OH)
Lundine	Quillen	Whitehurst
Lungren	Rahall	Whitten
Madigan	Railsback	Williams (MT)
Markey	Rangel	Williams (OH)
Marlenee	Ratchford	Wilson
Marriott	Regula	Wirth
Martin (IL)	Rhodes	Wolpe
Martin (NC)	Ritter	Wortley
Martin (NY)	Roberts (SD)	Wright
Martinez	Robinson	Wylie
Mavroules	Rodino	Yates
Mazzoli	Rogers	Yatron
McCloskey	Rose	Young (FL)
McCollum	Rosenthal	Young (MO)
McCurdy	Rostenkowski	Zablocki
McDade	Roth	
McDonald	Rousselot	

NOT VOTING—39

Akaka	Ertel	Pritchard
Bafalis	Evans (GA)	Reuss
Benedict	Fithian	Santini
Blanchard	Forsythe	Savage
Bolling	Fountain	Schulze
Boner	Gilman	Smith (PA)
Brooks	Lee	Stangeland
Brown (OH)	Marks	Stanton
Burton, John	Mattox	Thomas
Butler	McClory	Trible
Chappell	McGrath	Weiss
Chisholm	Pepper	Young (AK)
Dixon	Pickle	Zeferetti

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. McGrath against.

Mr. Thomas for, with Mr. Zeferetti against.

Messrs. UDALL, EDWARDS of Oklahoma, GUARINI, MORRISON, MARTINEZ, GRISHAM, EDWARDS of California, and JONES of Tennessee changed their votes from "aye" to "no."

Mr. LUJAN and Mr. WEAVER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

DIRECT LOAN REVOLVING FUND

During 1983, within the resources available, gross obligations for direct loans are authorized only for specially adapted housing loans and obligations for such loans shall not exceed $1,000,000 (38 U.S.C. chapter 37).

AMENDMENT OFFERED BY MR. DASCHLE

Mr. DASCHLE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DASCHLE: Page 32, after line 7, insert the following:

SMALL BUSINESS LOAN REVOLVING FUND

To carry out the purposes of the "Veterans' Administration Small Business Loan Revolving Fund", as authorized by law (Public Law 97-72, title III), $25,000,000.

Mr. DASCHLE. Mr. Chairman, I have an amendment at the desk. Mr. Chairman, the amendment I am offering to H.R. 6956, the HUD/independent agencies appropriations bill will provide $25 million for the revolving business loan program in the Veterans' Administration authorized in Public Law 97-72, but not yet funded. The purpose of this amendment is to provide a modest, direct, and guaranteed loan program for disabled and Vietnam veterans seeking to start a business. This amendment will fulfill a pledge made by Congress last year to initiate a business loan program in the VA where funding will be available strictly for veterans.

Oversight hearings in the 96th and beginning of the 97th Congress confirmed that the Small Business Administration was not following through with a congressional mandate established in Public Law 93-237, which stated that veterans were to receive special consideration from the SBA when applying for loans or technical assistance relative to starting or owning a business. Repeatedly, SBA assured the Subcommittee on Special Investigations that special consideration would be provided and repeatedly it was not.

Thus, the able chairman of the House Veterans' Affairs Committee, SONNY MONTGOMERY, last year introduced legislation to authorize a 5-year $25 million revolving business loan program within the Veterans' Administration. The program is limited to Vietnam veterans and veterans disabled 30 percent or more. This modest effort was overwhelmingly endorsed last year by the House of Representatives and Senate and signed into law by the President.

Since passage of this legislation last year, the unemployment rate of veterans of the Vietnam era has increased by over 40 percent to approximately 700,000. Clearly, there is a need for this program and clearly the Veterans' Administration is the best place to provide loans to veterans.

Mr. Chairman, this legislation is needed to reaffirm the commitments made last year. I have been besieged with calls about this program as I am sure many of my colleagues have. Unfortunately, I have had to relay the fact that even though the President had signed this legislation into law, there was no money available. Many cannot understand this apparent contradiction and feel that once again their Government has let them down. This amendment will not by itself improve the situation for most of the 700,000 unemployed Vietnam-era veterans in our country, but it will offer an opportunity for a few to participate in the American dream and start their own business.

Mr. Chairman, I am inserting letters of support from the Veterans of Foreign Wars, American Legion, and Disabled American Veterans:

VETERANS OF FOREIGN WARS OF THE UNITED STATES,
Washington, D.C., August 16, 1982.

To: All Members of the U.S. House of Representatives.

From: Arthur J. Fellwock, national commander-in-chief, Veterans of Foreign Wars of the United States.

Subject: Appropriation for the veterans small business revolving loan fund.

It is our understanding that Mr. Daschle and other members intend to offer an amendment to H.R. 6956, the Department of Housing and Urban Development and Independent Agencies Appropriations for FY 1983, to provide a one-time appropriation of $25 million for the veterans small business loan program authorized by Public Law 97-72.

Funds appropriated for this program, as provided in Public Law 97-72, are to assist Vietnam-era and certain service-connected disabled veterans, who continue to suffer a significantly higher unemployment and underemployment rate than their non-veteran peers.

It should be noted that Small Business Administration programs in this area have not produced meaningful results and that the VA successfully administered a similar program for many years.

We therefore request, on behalf of the 1.9 million men and women of the Veterans of Foreign Wars and all veterans, that you support and vote for the passage of Mr. Daschle's amendment.

Sincerely,

ARTHUR J. FELLWOCK,
National Commander-in-Chief.

DISABLED AMERICAN VETERANS,
Washington, D.C., August 16, 1982.

Hon. THOMAS A. DASCHLE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DASCHLE: This letter is in reference to the upcoming floor action on H.R. 6956—making appropriations for HUD and various independent agencies including the Veterans Administration.

At the outset, let me state that the Disabled American Veterans strongly favors the adoption of your proposed amendment to H.R. 6956 that would provide full funding

($25 million) for the VA Small Business Loan Program for Vietnam Era and certain more seriously impaired service-connected disabled veterans.

As you know, last year the Congress enacted Public Law 97-72 which, among other things, established a Small Business Loan Program for veterans of the Vietnam Era, as well as extending its provisions to service-connected veterans evaluated by the Veterans Administration as 30 percent or more disabled. The new program was essentially created in response to the Small Business Administration's failure to comply with a 1974 mandate (P.L. 93-237) requiring that agency to give "special consideration to veterans of the Armed Forces of the United States and their dependents and survivors."

Today, nearly eight years later—and, it would seem, in response to your efforts to adequately fund the VA program—the Small business Administration has finally embarked on a program to enforce the provisions of Public Law 93-237. Frankly, we are unconvinced of the Small Business Administration's commitment to make the 1974 law a successful program for America's veterans and their dependents.

In our view, when combined with SBA's "foot-dragging" on the original 1974 program, failure to fully fund the VA's Small Business Loan Program under Public Law 97-72 serves only to foster the belief that the Administration and the Congress remains unsympathetic to the needs of Vietnam Era and disabled veterans.

Accordingly, we favor the adoption of your amendment to add some $25 million to H.R. 6956 to fully fund the Small Business Loan Program under Public Law 97-72. On behalf of the more than 700,000 members of the Disabled American Veterans, I wish to thank you for your sincere efforts on behalf of America's veterans.

Cordially,

EDWARD G. GALIAN,
National Commander.

THE AMERICAN LEGION,
Washington, D.C., August 16, 1982.

Hon. THOMAS DASCHLE,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE DASCHLE: With the understanding that the HUD-Independent Agencies Appropriations bill, H.R. 6956, is due for House floor consideration very soon the American Legion takes this opportunity to lend its full support for your VA small business loan amendment. The addition of $25 million to H.R. 6956 is entirely appropriate recognizing that the VA small business loan program established last year has never been funded.

Moreover, as enacted in P.L. 97-72, this modest program was authorized for a period of five years ending on September 30, 1987. Already, nearly 25 percent of the new program's life has expired without a single business loan having been made.

It is our belief that Congress intended this program to be funded at the time it was authorized despite and perhaps even because of the economic hard times that are gripping the nation. Apart from the inherent promise small business investment holds for economic recovery and the creation of new jobs, Congress has long recognized the failure of the Small Business Administration in honoring its obligation to provide veterans with special consideration in their small business loan applications.

In the Legion's judgment Congress was wise to create a small business loan program within VA last year and would be equally wise to fund the program as soon as possible. We applaud your efforts on behalf of veterans, Mr. Daschle, and we look forward to assisting you in this matter to the greatest possible extent.

Sincerely,

E. PHILIP RIGGIN,
Director, National Legislative Commission.

□ 1720

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened with interest to the distinguished gentleman from South Dakota, Mr. TOM DASCHLE, on this particular amendment. I must say that I have some problems with accepting the amendment for a small business loan program to be administered by the Veterans' Administration for a number of reasons.

First of all, the Small Business Administration is the better place in which to lodge this particular program—for the administration of the program itself. The Small Business Administration has some 120 field offices throughout the United States, many more than the VA has.

The SBA is now set up to administer small business loans.

I would agree with the gentleman that in past years insufficient attention has been paid to Vietnam veterans by the Small Business Administration. This resulted, of course, in the authorization of $25 million for small business loans targeted specifically to Vietnam veterans. That passed this House overwhelmingly under suspension, as I remember.

I would prefer, and I think the program itself would be better administered by the SBA. Let me repeat again, because of the expertise it has in this area.

If this program were lodged with the Veterans' Administration it would necessitate additional personnel. It would also necessitate developing some expertise in the VA to administer the program.

I think we have a solution to what the gentleman hopes to attain. But it requires a little bit of finessing by this subcommittee and by the Appropriations Committee with respect to the 302 allocation of funds that are given to the 13 subcommittees.

This would be a program that would be better lodged under the jurisdiction of the Commerce, Justice, State, and Judiciary Subcommittee. The problem there is that the subcommittee does not have enough 302 ceiling remaining to include this program within its allocation.

I have talked with the gentleman from Iowa, Mr. SMITH, chairman of that subcommittee, and I have indicated to him that I would be willing to transfer some of the 302 allocation from the HUD-Independent Agencies Subcommittee to the Commerce, Justice, State, and Judiciary Subcommittee and that would satisfy him.

I do not want to misdirect the gentleman because the Commerce-Justice bill may not get by in this session. It might very well have to be wrapped up into a continuing resolution.

I think we can meet that problem, though, and we might include it in a continuing resolution.

Another area in which we can pursue this is in conference. Hopefully, if the other body puts the $25 million in the Commerce-Justice bill we can get the House to agree.

That about covers the question. The nub of the issue again is that this program would be better lodged with the SBA.

If the gentleman is willing to withdraw his amendment then I will make every effort to see that this program is funded under the Commerce, Justice, State, and Judiciary bill with the agreement, of course, of the chairman of that subcommittee accepting the allocation that we are willing to transfer to his subcommittee. I will also make every effort to be sure that this program is taken care of in the continuing resolution or in the conference agreement with the other body on the Commerce, Justice, State, and Judiciary appropriation bill.

Mr. DASCHLE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I am delighted to yield to the gentleman from South Dakota.

Mr. DASCHLE. Could I ask if the gentleman has obtained the support of the chairman of the Small Business Subcommittee on this proposal and also the chairman of the Appropriations Committee? Have they indicated a willingness to go along with this plan?

Mr. BOLAND. I must indicate that I have not conversed with the chairman of the Small Business Committee on this matter. The only area on which I thought there was real concern was the $25 million appropriation for it, and it occurred to me that the chairman of that subcommittee dealing with funding for the SBA would be the person to communicate with.

I have done that and he has indicated his willingness to accept an allocation from our subcommittee to his subcommittee in order to take care of that $25 million.

I do not know what the position of the Veterans' Committee is. I assume that it would be agreeable, though I am not sure.

Mr. DASCHLE. I thank the Chairman. I sincerely hope that we can get unanimous support by all committees involved. The Chairman has given me sufficient confidence that we will find this worthy program and with those

assurances I would be willing to withdraw the amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts (Mr. BOLAND) has expired.

(At the request of Mr. DASCHLE and by unanimous consent Mr. BOLAND was allowed to proceed for 3 additional minutes.)

Mr. DASCHLE. I would also hope that the Veterans' Affairs Committee might have oversight hearings sometimes next year in order to insure that this earmarked funding is indeed utilized for this purpose.

With that assurance I would withdraw the amendment.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I will be delighted to yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Chairman, I would like to commend the gentleman from South Dakota for offering his amendment at this time. I think it is up to the gentleman from South Dakota to decide whether or not he wishes to withdraw.

I simply want to stand as the chairman of the Subcommittee on Education, Training, and Employment, and one of the authors of this particular provision, along with the gentleman from South Dakota. It seems to me that the Small Business Adminstration has had a disastrous record even though on several occasions they have been directed to target some of their limited resources to aid those who are Vietnam era veterans in establishing a loan program for them and helping them to get into the mainstream of our society.

It was the intention of our committee that because the Small Business Administration had done such a poor job that perhaps there were persons over within the administration of the VA who could in fact, with their increased sensitivity to Vietnam era veterans' needs, focus attention on the $25 million loan program and commit those funds in a targeted way to those many Vietnam veterans who are looking for reasonable rates for loans to establish new, entrepreneurial small businesses.

So I commend the gentleman from South Dakota and would urge that whether or not the VA cares for it, or the Small Business Administration cares for it, that we not find ourselves back here a year from now finding that while moneys were allocated, nothing again has been done.

The Vietnam-era veteran has waited too long for these limited resources.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from South Dakota which would provide funds for the veterans' small business loan program as authorized by Public Law 97-72.

During the 97th Congress, the House Veterans' Affairs Subcommittee on Education, Training, and Employment has conducted seven hearings on the employment and economic needs of Vietnam-era and disabled veterans.

The result of this study has clearly indicated that a significant segment of the Vietnam veteran population has not been able to fully take advantage of economic opportunities within the Nation's business and working place.

The Congress clearly expressed its intent through the passage of Public Law 97-72 with the authorization of a small business loan program within the Veterans' Administration to extend targeted assistance to this group.

The overwhelming passage of that provision within the House and Senate was based on three major points:

First, the Small Business Administration was unwilling and, in fact, incapable of providing special consideration for veterans' small business loans as required by law.

Second, the primary agency within the Federal Government for the implementation of all veterans programs and services is the Veterans' Administration.

Third, a modest small business loan program within the Veterans' Administration designed for Vietnam-era and disabled veterans would only restore for this target group the same type of assistance that was extended to World War II and Korean war veterans.

Mr. Chairman, recently the administration admitted its mistake, on pressure from our subcommittee and many other Members of Congress, and revised its restrictive regulations governing the extension of job training benefits also included in Public Law 97-72. Legislation currently pending in the Congress will fully extend that benefit again to undertrained and underemployed Vietnam-era veterans as originally intended by the Congress.

I believe it is unfortunate that we have to re-do most of what was fought long and hard for last year in order to see provisions of law fully implemented. However, in the absence of any movement to fund the small business loan program from other quarters, I believe we have no choice but to support the amendment before us today.

Mr. Chairman, I wish to commend the gentleman from South Dakota for offering this amendment. As chairman of the Vietnam Veterans in Congress he is in a unique position to understand and to fight for the rights of all those who served with him in the Armed Forces during the Vietnam era. I urge my colleagues to support the amendment.

Mr. BOLAND. In response to the gentleman from Pennsylvania, I am not sure that the Small Business Administration has not paid much attention to the applications of the Vietnam veterans. I have a note before me indicating that SBA put out $24 million to Vietnam veterans.

Both of you are in a much better position than I to justify that or indicate whether that is so.

Mr. EDGAR. If the gentleman will yield further, they have done some but in terms of their total allocation it has not been the commitment over the years. The additional $25 million we were hoping would be on top of what the Small Business Administration had done. But they do not have a record of being in advocacy.

Mr. BOLAND. Let me give my assurance to the gentleman from South Dakota and the gentleman from Pennsylvania that I will do everything that I possibly can to be sure that a program targeted directly at Vietnam veterans is set up and that the moneys will be administered by the Small Business Administration.

I am sure that we can get a look at that, as the gentleman has indicated, at the end of the year or sometime during the coming year. If the SBA is not carrying out the direction of the Congress then, we can take another look at it.

Mr. ECKART. Mr. Chairman, Vietnam veterans of this country face difficult unemployment problems throughout the country.

At the same time, Mr. Chairman, we have reduced veterans benefits by a piecemeal process. This year has already seen elimination of correspondence courses for education, the placement of new fees on veterans applying for a VA guaranteed home loan, and the reduction of the age of majority for children to 18, for purposes of obtaining veterans benefits.

Veterans from the Vietnam era should now be approaching the most productive years of their lives. Congress, realizing the conditions of unemployment and reduced business vitality, last year passed, and the President signed, a $25 million revolving fund loan program for the use of Vietnam veterans and disabled veterans. The funds were to assist them to acquire, expand, or start their own businesses, through loan guarantees or direct loans.

The Congress, in a move I wholeheartedly agree with, decided to put a sunset provision in the program, bringing it to an end in 5 years.

The program has not, to this date, been funded, so it has not begun. Nearly a year out of the 5 has gone by, and the Veterans' Administration has not even begun to draw up regulations for the program.

For our disabled veterans, and veterans who served in Vietnam, the Nation's rewards to them have been few. This small measure would lead to financial independence, and greater

strength in our national economy for veterans.

Mr. Chairman, we need to reverse the lack of action from the executive branch. The Congress has spoken that the program is needed. The failure of the Veterans' Administration to fund this program is a "head in the sand" approach to our current economic condition. Mr. Chairman, we should stop the foot dragging of the bureaucrats who have effectively vetoed this program without our consent and pass the Daschle amendment.

□ 1730

Mr. DASCHLE. Mr. Chairman, if there are no other comments, I ask unanimous consent at this time to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. MONTGOMERY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, to follow up on the colloquy on the amendment that has just been withdrawn by the gentleman from South Dakota, I want to assure him that if I do have the privilege next year of chairing the Subcommittee on Oversight and Investigations, I will certainly try to assure that Vietnam veterans receive their fair share of loans from SBA for small business purposes.

The gentleman from South Dakota as well as the gentleman from Pennsylvania are exactly right. The Small Business Administration has not done a very good job in making loans to Vietnam veterans. Its batting average with the Vietnam veteran is very low. SBA has done a very poor job. I hope what we have said here today to the SBA will have a positive effect and the agency will do more for Vietnam veterans.

Mr. Chairman, I had planned to support the amendment offered by the distinguished gentleman from South Dakota (Mr. DASCHLE), a very able member of the Committee on Veteran's Affairs.

Mr. DASCHLE is a Vietnam veteran; and since being elected to the Congress, he has been a leader in this body in working to enhance the lives of Vietnam veterans. Mr. DASCHLE is known as an activist when it comes to Vietnam veterans, and I am sure the amendment he had planned to offer would have received the strong support of our colleagues. I think the efforts of the distinguished chairman of the subcommittee to have funds available for small business loans to be made through the Small Business Administration is a step in the right direction and will have a positive impact on the ability of Vietnam veterans who seek help in the future.

Mr. Chairman, let me also take this time, since this is the section of the bill on funding for veterans and for their families to commend the very able chairman of the subcommittee, the distinguished gentleman from Massachusetts (Mr. BOLAND), and the ranking minority member of the subcommittee, the distinguished gentleman from New York (Mr. GREEN), for the tremendous work they have done for our Nation's veterans in bringing this bill to the floor.

These are tough times, and most programs are having to absorb large reductions. Our Committee on Veterans' Affairs recently reached agreement with the other body on several cost-saving provisions affecting veterans' programs. However, the reductions we have made will not result in a substantial adverse impact on benefits and services for veterans. What is good about this appropriation bill, Mr. Chairman, is the appropriation for fiscal year 1983 for the veterans' hospital and health care program.

Early this year there seemed to be a strong feeling in the Congress that all discretionary programs should be frozen at the fiscal year 1982 level and that the freeze should continue for 3 years. This would have been disastrous for the Veterans' Administration, and I am delighted that the Appropriations Committee has seen fit to appropriate the funds that were suggested by the Veterans' Affairs Committees and authorized in the first concurrent budget resolution.

The appropriation for medical care for the coming year, although not overly generous, is adequate. In addition, the appropriation for medical and prosthetic research will support an average employment of 4,454. This funding level confirms the strong feelings of the Congress that the VA research programs are vital in providing quality medical care.

I am pleased that the account for medical administration and miscellaneous operating expenses contains $300,000 for 13 staff years to administer the "Roberts" nurse scholarship program. This program is going to be a great help in solving the critical shortage of nurses that exists in the private as well as the public sector. The $12 million that will be used to fund the Roberts scholarship program for VA nurses in fiscal year 1982 and 1983 will mean that the program will be implemented at the pace expected by the authorizing committees.

Finally, Mr. Chairman, it should be noted that the construction program approved by the Appropriations Committee closely tracks the recommendation of the administration and the Veterans' Affairs Committee. I am most pleased to note that the funds for the new replacement medical center in Minneapolis are contained in this bill, as well as $3 million for the design and site preparation for a new outpatient clinic in Los Angeles. The administrator should proceed with the design and site preparation for this project since the current leasing arrangement will terminate in a few years. The leasing agreement will not be extended.

Mr. Chairman, this is a good appropriation bill as it relates to veterans' programs, and I want to again commend Mr. BOLAND and Mr. GREEN, the distinguished chairman and ranking minority member of the subcommittee, and the very able chairman and ranking minority member of the full committee, Mr. WHITTEN and Mr. CONTE, as well as all the Members of the Appropriations Committee, for the work they have done for the veterans of our Nation. I can assure my colleagues that the funding levels contained in the bill for VA programs are adequate, and I am sure that veterans throughout the country will be very pleased with what the committee has done in their behalf.

I thank the gentleman from Massachusetts (Mr. BOLAND) and members of his excellent staff for a job well done. This bill will be a tremendous help to our Veterans.

Mr. BOLAND. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman very much for his remarks, and I know that the gentleman from New York feels the same way about the leadership that the gentleman from Mississippi has given to the Veterans' Affairs Committee. We want to commend the gentleman and his staff for the work they have done in this area.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from New York.

Mr. GREEN Mr. Chairman, I would like to join in the remarks of the gentleman from Massachusetts and express my appreciation for the kind remarks of the gentleman from Mississippi (Mr. MONTGOMERY) and also for the privilege of being able to work with him on these very important matters relating to veterans.

Mr. MONTGOMERY. Mr. Chairman, I thank both the chairman of the committee and the ranking minority member. You never get enough money for any program, but we have certainly been treated fairly by the subcommittee of the Committee on Appropriations which handles the veterans' programs.

● Mr. HAMMERSCHMIDT. Mr. Chairman, I appreciate the gentleman from South Dakota efforts, however. On the one hand it would have merely provided modest funds for a provision of law that this body legislated just last year. But on the other hand, I

fear that we may well have made a mistake by the passage of that legislation and perhaps we ought to wait a while to see if we really ought to fund it and if it was and is really needed. In this connection, let the record show that last year I supported this effort.

Mr. Chairman, we are talking about $25 million to provide small business loans or guarantees to a very few Vietnam veterans and a very few disabled veterans. In 1983, if this amendment passes, the total number of such loans would probably not exceed 250 or 300. It occurs to me that we might lead a much larger number of veterans to great expectations that have no real chance of materializing. In addition, the Small Business Administration is the proper agency for this type of endeavor. They have not done a very good job in the past, but it is my understanding they are trying to improve in the field of priority for veterans and I think they need and deserve another chance.

Mr. Chairman, the administration opposes this amendment and I must agree that in these times of great fiscal restraint that it is concerned with a new veterans program that should not command our priority attention and so I believe the gentleman of South Dakota is wise in withdrawing his amendment.●

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of title II.

The Clerk proceeded to read title III.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

Are there any amendments to title III?

If not, the Clerk will read.

The Clerk proceeded to read title IV.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that title IV be considered as read and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Are there any points of order against title IV?

Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. WYDEN

Mr. WYDEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WYDEN: Page 42, immediately after line 18, insert the following new section:

SEC. 416. No funds appropriated by this Act may be obligated or expended to issue, promulgate, implement, administer, or enforce any standard or rule under sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408 and 7409, which changes the national ambient air quality standards for carbon monoxide to permit multiple days of allowable exceedances on an annual basis as described in 47 Federal Register 26407.

Mr. WYDEN. Mr. Chairman, today I am offering an amendment to H.R. 6956 to prevent what charitably could be called vodoo environmental protection.

Just 1 year ago, EPA Administrator Anne Gorsuch released 11 principles President Reagan adopted for rewriting the Clean Air Act, including 1 supporting existing health-based ambient standards.

Many of us were very pleased at the President's support for current health stadards, the cornerstone of the Clean Air Act.

Recent administrative rulemaking activities, however, suggests our sense of relief may have been premature.

The EPA is in the final approval stages of a proposal to weaken the national health standards for carbon monoxide pollution by an average of 33 percent nationwide.

The health implications of this proposed relaxation are very serious.

Carbon monoxide (CO) is a colorless, ordorless but poisonous gas that interferes with the transportation of oxygen from the lungs to the rest of the body.

For persons with cardiovascular disease and arteriosclerosis, increased levels of CO means aggravation of their disease.

For pregnant mothers it means possible physical and mental retardation of their unborn child.

All told, the health of some 7.7 million pregnant mothers, children, elderly, and persons with chronic respiratory and heart disease would be threatened by relaxation of CO standards.

Here is how the EPA's proposed relaxation would work. Under current regulations, an area is allowed to exceed the existing daily average CO standard of 9 parts per million only one time per year.

Under the proposed change, this standard could be exceeded five times per year.

On the surface, this relaxation may not sound too significant.

The facts shows it is—that is why the American Heart Association, the American Lung Association and the American Public Health Association oppose it and support my amendment.

EPA cites the desire to help the States as one of their key reasons for advocating this relaxation; yet, over 15 of 25 States and localities that officially commented on the proposal oppose it.

At a Health and Environment Subcommittee hearing I chaired in Oregon on August 27, distinguished elected officials, State and local public health officials, public health groups and health scientists all testified against the proposed relaxation.

So why does EPA want this change? One reason may be because it makes attainment of national CO standards easier on paper.

If the proposed change is accepted, for example, the projected number of areas still in violation of the CO health standard by 1987 would drop overnight from 60 to 15.

In short, the proposed change is an administrative sleight of hand.

The problem in all this is that pretending we have attained health standards for CO would not make it so. Shuffling figures around on paper would not make the air any cleaner for the 60 million Americans that still breathe air worse than the national health standards—and it would not make the adverse health effects they suffer any less.

Frankly, Mr. Chairman, I find EPA's proposal astonishing—particularly in light of the data it has before it.

To come up with this proposal, EPA had to blatantly ignore an EPA-funded 1981 study on the health effects of CO which clearly shows that 61 percent of persons with heart disease—or 4.7 million people—could be adversely affected by this change.

Even EPA has not questioned the accuracy of this study, although it chooses to reject its results.

EPA also had to ignore its own 1980 review of the CO standard which concluded that the existing 9 parts per million standard should be maintained.

Mr. Chairman, the facts show there is no justification for relaxing the CO standard.

By prohibiting the EPA from using any funds appropriated in this act to issue, promulgate, implement, administer or enforce any health-threatening changes in the CO health standard, my amendment will send a clear message to the EPA that the Members of Congress do not believe in simply waving the wand to make our problems go away—that we live in the real world where results are what counts.

My amendment does not prevent EPA from revising the CO health standard. It only prevents it from revising it in a manner that would weaken the public health protections of the current standard.

A vote to adopt this amendment will send a clear message to the American people that we will not tolerate rule changes that will threaten their health and well-being.

I urge my colleagues to support my amendment and join me in sending this no-nonsense message to the EPA and the American people.

Finally, I wish to thank Chairman BOLAND and the ranking minority member Mr. GREEN for their assistance.

Mr. BOLAND. Mr. Chairman, I rise in support of the amendment.

I think it is most important that we understand exactly what this amendment would accomplish. First, it does not tie the hands of EPA by precluding a change in the carbon monoxide health standard. This amendment simply would require that EPA make any such change openly and in a straightforward manner and not by manipulating the complex scientific yardstick used in setting the standard.

Without a doubt, there are some very serious health problems at stake here. I believe these problems should be met head on, not simply defined out of existence. That is what EPA wants to do.

The EPA proposal to move to a 5-day exceedance under the nine parts per million standard would loosen the carbon monoxide standard substantially. Overnight the air would be declared safe for carbon monoxide in two-thirds of the current nonattainment areas. Just changing the method for figuring the carbon monoxide health standard does not make the air any safer to breathe.

This use of a standard permitting 5 exceedance days per year is unprecedented and unorthodox. However, I do not believe this amendment would preclude a three exceedance in 3 years approach, similar to the ozone standard.

Mr. Chairman, under those circumstances, I support the gentleman's amendment. I think the gentleman has made a good case for it.

Mr. GREEN. Mr. Chairman, I move to strike the requisite number of words, and I rise to support the amendment.

Mr. Chairman, I recognize on this and at least one other amendment which I believe is pending at the desk we are seeing to some degree the frustrations arising because of the difficulties of reauthorizing the Clean Air Act. I do not think we should deny that that is why these amendments are coming to an appropriations bill. I must say I would prefer that we could get a Clean Air Act on the House floor and let the House act its will in some sort of coordinated way. Clean air is an issue where there are very considerable interrelations among its many aspects, and it is, therefore, desirable to have an omnibus approach rather than the piecemeal approach we are inevitably going to get from these amendments to appropriations bills.

Having said that, it does seem to me that this amendment is essentially trying to hold the status quo, as I understand it, and would, of course, give way if we were subsequently to produce a Clean Air Act reauthorization that provided for some different standard. That does seem to be an appropriate thing to do while an omnibus approach to the problems of clean air is worked out first by the Energy and Commerce Committee and then, we hope, by the full House.

As an opponent of weakening the Clean Air Act, I therefore support the amendment.

Mr. BROYHILL. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Chairman, my opposition to this amendment is based on the fact that under the Clean Air Act Congress has required the Environmental Protection Agency to periodically review and as appropriate to revise the air quality standards.

It is a fact, as the gentleman from Oregon (Mr. WYDEN) has stated, that a review of the existing ambient carbon monoxide standard is currently underway.

I might point out that the carbon monoxide standard was established in 1971 and it is only logical that it be reviewed based on new scientific evidence.

The gentleman has mentioned several public statements that have been made with respect to these proposed versions which have been proposed by the agency.

I would like to have the gentleman's attention and ask him if he could tell the Members how many comments were filed on this CO standard inasmuch as he has passed out a sheet characterizing the results of those comments as being all against the proposed changes in the standard.

Would the gentleman have any idea how many comments were filed on the CO standard?

Mr. WYDEN. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Oregon.

Mr. WYDEN. The number of comments is about 25, and a strong majority opposed the actions being advanced by the Environmental Protection Agency.

Mr. BROYHILL. If I can reclaim my time, the fact is I have just checked with the agency, and I find that the comment period has been open for 2 years and if stacked, the comments would be several feet thick. The sheet that the gentleman has been handing out provides comments of carefully selected States and counties.

I would ask the gentleman were there other comments in support of the proposed standard.

Mr. WYDEN. If the gentleman will yield further, the comments I referred to were in response to the revised proposals dated June 18, 1982. They are the comments of States and localities around the country.

Mr. BROYHILL. There were a number of comments in support of the proposed changes. I know the gentleman is familiar with the Clean Air Scientific Advisory Committee which we call CASAC. This is an independent scientific review group. I know the gentleman is familiar with the fact that the CASAC has been considering this issue for 3 years and has made recommendations with respect to this particular standard and has reached a consensus that a multiple exceedance has not only scientific, but also administrative merit.

Mr. WYDEN. I would like to read a letter sent by the Clean Air Advisory Committee or a small portion of it on August 31, 1982, because they have advocated a multiple exceedance approach which my amendment does not prohibit; but they in no manner endorse the 5-day exceedance approach. In fact, on August 31, they caution that five exceedances were a danger.

Mr. BROYHILL. May I reclaim my time on that basis. I am not standing up here and defending the five exceedance per year approach.

All I am saying is that under the Clean Air Act we have mandated the Agency to periodically review these standards, and this review is presently ongoing. What the gentleman is doing here in his amendment is prohibiting the Agency from carrying out its legislative mandate.

Mr. WYDEN. In no way do we prohibit EPA action with respect to a carbon monoxide standard. We are prohibiting the spending of funds on one particular action, an action which amounts to a 33-percent increase in carbon monoxide in this country. That is all we are prohibiting.

Mr. BROYHILL. Is the gentleman saying he does not object to a multiple exceedance standard?

Mr. WYDEN. It so happens there are a number of multiple exceedance approaches that I think would be attractive that would give State and local governments some flexibility. All we are doing in this amendment is prohibiting the expenditure of public funds on one particular alternative.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, does the gentleman oppose the use of a statistical standard?

Mr. WYDEN. If the gentleman will continue to yield, would the gentleman repeat the question.

Mr. BROYHILL. Does the gentleman oppose the use of a statistical standard such as presently used for the ozone standard?

Mr. WYDEN. No. It so happens that the ozone model is one that is attractive, but the ozone model is not a five exceedences per year model. An ozone

model is one that allows one exceedence per year.

□ 1750

Mr. BROYHILL. My concern here is that we are again by legislative mandate trying to write standards into law.

I must admit that the gentleman's amendment has been very adroitly written and drawn in such a way as to be within the rules of the House. But it does give me concern that amendments of this kinds are changing previous law which has mandated an agency to review and if necessary to revise various standards based on good science. It seems to me that the gentleman is trying to tie the hands of the agency.

I am glad to see that the gentleman would agree that perhaps some changes in this standard should be made and could be made. I just hope that the gentleman's amendment is not going to tie the hands of the agency to that extent. I am concerned that it will. That is why I oppose the gentleman's amendment. I think that it is too strictly written and will tie the hands of the agency so strictly that they can make absolutely no changes in the standard itself.

The gentleman apparently is interpreting his amendment otherwise; is that correct?

Mr. WYDEN. Mr. Chairman, if the gentleman will yield, that is absolutely right.

I want to repeat that we in no way restrict the agency's options. They have a number of options in front of them for being more flexible, for adopting approaches that deal with the various regions of the country; and in no way does this restrict their options.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment of the gentleman from Oregon.

Mr. Chairman, it is rather amusing to hear the gentleman from North Carolina express this alarm that the gentleman from Oregon might be changing other law which mandates an agency to do something and tying an agency's hands. I think the people down at the Federal Trade Commission must be having a good chuckle over that comment, because I do not think there is any doubt that the gentleman from North Carolina has tried to do that in this body.

The gentleman is offering a critical amendment. It is not that complicated, really. It relates to the 9 million people suffering from heart disease. It relates to the asthmatics. It relates to the unborn. It relates to a number of people in this country who suffer greatly from carbon monoxide emissions.

I think the gentleman has done an excellent job on the amendment. I hope we get to a vote soon. I hope today is the only discussion we have about carbon monoxide this year and that we do not have a gutting of the Clean Air Act coming along later on.

I congratulate the gentleman for his amendment.

Mr. SWIFT. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. Oh, I would be happy to yield to my friend, the gentleman from Washington.

Mr. SWIFT. Mr. Chairman, I thank the gentleman very much.

I would simply like to add that it seems to me that to accuse this amendment of tying the agency's hands is ridiculous on the surface. It is not going to do that at all. The agency, however, has mounted a direct and concerted attack on the carbon monoxide standards of clean air.

For the gentleman from North Carolina to suggest that the Congress should have nothing to say about an agency which independently decides to set itself off on that course of lowering the quality of the air standards of this country is, first of all, inconsistent with where we normally hear the gentleman coming from in terms of bureaucrats who decide they are going to do their own thing rather than paying attention to what Congress and the people of the United States want; but beyond that, it seems to me that the gentleman from Oregon has offered something here which Congress can reassert what it originally intended, and that was not for the EPA to reduce the air quality standards of the United States.

I thank the gentleman for yielding.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to point out to clarify this debate that this discussion of multiple exceedences is not, as the gentleman from Washington has alluded to, an all-out attack on the CO standard, but it is a scientific method of trying to provide for a national ambient air quality standard that is realisitic for CO. The multiple exceedence idea was supported by the Clean Air Science Advisory Committee. The Clean Air Science Advisory Committee reached a consensus that a multiple exceedence standard has both a scientific as well as an administrative merit. From a scientific point of view, the approach recognizes that there is a random like character of meteorological events; administratively it reduces the element of chance in determining compliance with the standard.

In recommending that EPA adopt the multiple exceedence standard, the committee notes that an increase in the number of allowable exceedences may relax the existing standard if the standard level remains unchanged; but the salient feature here is that with multiple exceedences could come—and this is what is being discussed—a CO standard which could result in greater protection of public health.

Now, in order to provide protection to the public health with an adequate margin of safety, EPA should scientifically and medically consider which standard over a period of time would minimize CO exceedences. For example, studies done show that the 9-parts-per-million standard level taken over an extended period of time with potentially five exceedences actually provides for a lesser CO exposure than 12 parts per with one violation.

Now, I know that we are in an election year and any talk of trying to look at some of the demerits, some of the problems of the Clean Air Act, immediately bring on charges of gutting the Clean Air Act. Well, nothing could be further from the truth.

Not only is the Clean Air Science Advisory Committee active here, but the EPA Science Advisory Boards are active.

Now, these are concepts which have been developed by scientists, by medical and public health specialists; these are not an attempt, as the gentleman from Washington has stated, to mount an all-out attack on the CO standard. This is to make some intelligent air quality regulations to the American people.

A standard that focuses on a more stable value, perhaps such as the fifth, but not necessarily highest expected 8-hour concentration, would tend to reduce the impact of some unusual weather event and could be used to provide a more predictable, more understandable, more meaningful, perhaps even higher quality CO standard for this country.

I doubt if many Members of this Congress—and this is really the key point—feel that they have either the scientific or the medical expertise to second guess the Clean Air Science Advisory Committee on this issue, the Science Advisory Boards on this issue.

I think the amendment by the gentleman from Oregon (Mr. WYDEN) is simply inappropriate. It would set a terrible precedent for how Congress handles complex scientific issues.

Mr. WIRTH. Mr. Chairman, I rise on behalf of Representative WYDEN's amendment to the HUD-independent agencies appropriations bill. This amendment prevents the Environmental Protection Agency (EPA) from devoting its resources to raising the primary national ambient air quality standard for carbon monoxide (CO). As my colleagues know, under the Clean Air Act EPA must establish and revise ambient air quality standards as appropriate. The standards are set at levels that protect the public health with an adequate margin of safety—in other words, the CO standard is in-

tended to make our air safe to breathe.

On May 5 I joined with several of my colleagues from the Energy and Commerce Committee in releasing two EPA documents that proposed a relaxation in the CO standard. The revised standard in the EPA's draft final rule would raise carbon monoxide pollution by an average of 33 percent nationwide. In some already severely polluted urban areas like my own home, the Denver metropolitan area, the new, weakened standard may permit increases of up to 50 percent in CO levels.

In the back door fashion we have grown accustomed to under the Reagan administration's EPA, the proposed change in the CO level is not the product of open and clear debate. Instead, it is subtle, technical, and equally effective at reaching EPA's ultimate goal. If EPA implements the change suggested in its draft final rule, both the 9 parts per million (PPM) level of the 8-hour primary standard and the 35 parts per million level of the 1-hour primary standard would be unchanged. Instead, EPA plans to increase the allowable exceedances of those standards from once per year to five times per year, and to liberalize the data requirements the State must meet. In short, the EPA proposal is one of the most cynical abuses of administrative power I have seen in 8 years in the House.

Higher levels of CO will result in greater health risks for all Americans. Of course, the greatest impact will be felt by the 7.7 million Americans suffering from cardiovascular diseases. For these people, ordinary exposure to higher levels of CO can routinely lead to angina attacks, and the risk of fatal heart attacks is correspondingly increased. Perhaps the most respected researcher in CO's health effects, Dr. W. S. Aronow, has found that blood concentrations of only 2 percent CO compounds produced observable symptoms in individuals suffering from heart ailments. Under the draft final rule, 2.7 to 3 percent is officially considered the lowest level for which protection is necessary, and 2.5 percent provides an adequate margin of safety.

The new standard would pose a special danger to unborn children. Pregnant mothers who breathe high levels of CO can affect their fetus' mental and physical growth. The general population will also face higher risks through this mere administrative action—the health danger that the 60 million Americans living in CO nonattainment areas would not be solved. It is simply ignored.

For the 10 million people living in high altitude areas the relaxed standard presents an extraordinary danger. Studies have shown that both CO exposure and high altitudes reduce the oxygen available to human tissues. For tissues with high oxygen requirements, such as exercising muscles, the heart, and the brain, the risk is severe. For those Americans living in high altitude areas, there is little comfort in knowing EPA did not hold the combined effects of the high altitude and CO factors to be a significant consideration.

EPA's action on the CO standard is both consistent, and extraordinary, when contrasted to other environmental and energy policies of the Reagan administration. I say extraordinary because of the immediate danger the change in the CO standard presents for millions of Americans. None of us would choose to breathe dirty air, but we have little choice, for despite the administration's claims, Government is the only institution which now insures we have clean air to breath. By retreating from our national commitment to clean air, EPA is acting most irresponsibly.

I urge my colleagues to support the Wyden amendment. As Representative WYDEN pointed out, the amendment does not prevent EPA from reviewing the CO health standard. Rather, it limits EPA to changes that do not pose a significant threat to the public welfare.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon (Mr. WYDEN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

AMENDMENT OFFERED BY MR. WALGREN

Mr. WALGREN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALGREN: Page 42, immediately after line 18, insert the following new section:

SEC. 417. None of the funds appropriated by this Act may be obligated or expended to promulgate, issue, prescribe, implement, administer, make, or enforce any finding, rule, order, or sanction under the Clean Air Act on any State or political subdivision thereof for failure to adopt, implement, conduct, or enforce a vehicle emission control inspection and maintenance program. Nothing in this section shall be construed to preclude the use of funds for the purpose of providing technical assistance under the Clean Air Act to any State or political subdivision thereof or to terminate in accordance with such Act any sanction imposed under such Act for such a failure.

□ 1800

Mr. WALGREN. Mr. Chairman, this amendment would prohibit the use of EPA funds to mandate automobile emission inspection and maintenance programs during fiscal year 1983.

The amendment would, in effect, provide a 1-year moratorium on the imposition by the Federal Government of automobile inspection and maintenance with respect to emissions.

I believe this kind of moratorium is only reasonable in view of the massive resistance to auto I&M programs by the public and in view of the fact that the Congress is presently considering changes in the Clean Air Act, which may change completely the circumstances under which any such auto I&M program would be considered appropriate.

It should be understood that this amendment would not prevent any State that chose to have an I&M program from having such a program; but it would prevent the EPA from forcing States to adopt I&M programs by threatening to cut off Federal funds or to ban all new construction.

Under the present Clean Air Act, States that cannot meet the December 1982 deadline for national ambient air standards for ozone and carbon monoxide can request an extension. But they can receive that extension only if the State agrees to establish an inspection and maintenance program for automobile emissions. And if the States refuse, Federal sanctions must be applied and these sanctions include the withholding of Federal highway funds, Federal sewer funds, air quality funds and, worst of all, the imposition of a ban on construction of new facilities or major modifications of other industrial plants.

This is a very unpopular program. In Pennsylvania, for example, the State legislature refused to appropriate funds for an inspection and maintenance program and then even overrode a veto by the Governor in order to protect their constituents from the expense and inconvenience of an automobile inspection and maintenance program.

EPA has now published in the Federal Register notice that it may impose a construction ban on Pittsburgh and other areas of the State of Pennsylvania. But Pennsylvania is not alone in being under the gun of this kind of mandate by EPA. In April of this year, EPA notified 11 States that they intend to impose sanctions for their failure to require automobile emissions inspection and maintenance. These States include: North Carolina, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, Wisconsin, Texas, Missouri, and Nevada.

I am asking my colleagues to stop I&M for 1 year because I just do not believe that an I&M program forced by the Federal Government can be effective. I do not think it will result in significant improvement in air quality because it will be so easily circumvented.

Federal mandates that are little understood are usually vigorously resisted. The results are paper programs, replete with loopholes—programs that are unable to be enforced.

I would add that anyone who has seen the little brass plugs available at auto supply stores that very simply

bypass the collecting manifold for most emissions systems will know how easy it is to bypass emission control systems. Many States who do not want I&M do the least possible, and the result is a program that does not significantly contribute to clean air.

THE WALGREN AMENDMENT WILL HELP PENNSYLVANIA

On I&M, Pennsylvania is probably in a unique situation. In 1978, the State signed a consent decree agreeing to implement I&M, but in 1981, the general assembly refused to appropriate funds for it; the legislature then overrode the Governor's veto. A Federal judge has ordered that Pennsylvania lose $91 million in highway funds. The State's lawsuit requesting judicial relief has not been successful even though it has been appealed all the way to the U.S. Supreme Court.

The district court decision makes clear that the sanctions now imposed on Pennsylvania can only be lifted by modifying the 1978 consent decree. The decree specifically provides that—

Jurisdiction is retained by this court for the purpose of enabling any party to apply to the Court at any time * * * for the modification or termination of any of the provisions herein upon a showing of changed circumstances and good cause.

The State's request to modify the decree to eliminate the I&M requirement has been denied. In denying that request the district court stated that—

There has been no change in the Clean Air Act * * * upon which the present consent decree rests. In effect, the Court is saying that to satisfy the "changed circumstances" test of the consent decree, the requirements of Federal law must be changed.

Ideally, the basic statute should be changed. It is not certain that we will be able to do that. With $91 million at stake, Pennsylvania needs help now.

I believe that the adoption of my amendment would create "changed circumstances" by changing Federal clean air policy and would meet the requirement established by the U.S. district court.

I have obtained from the Congressional Research Service a legal opinion that my amendment would achieve a changed Federal policy regarding the imposition of sanctions on States which chose not to enact I&M. The opinion notes, "Your amendment would effectively bar EPA/DOT from withholding highway, Clean Air Act, and sewage treatment plan money on account of I/M-related noncompliance." It also says that "the fact that the proposed restriction on use of H.R. 6956 funds undermines a mandate contained in a substantive (nonappropriation) statute in no way lessens its force and validity. There is no reason why Congress if it so wishes, cannot do by a provision in an appropriations act what it could do in a separate act."

Thus, I believe that approval of this amendment would represent a change in Federal policy of which the Federal judge in the Pennsylvania case could take note.

I&M puts the responsibility for air cleanup on the wrong person, the car owner. The auto industry is the one who should manufacture clean cars with emission devices that work and that last. Effective testing and certification by the manufacturer should insure that purchasers get cars with good emissions equipment that will continue to function.

I believe that good government, in addition to politics, is the art of the possible and to run roughshod over public opinion is to create public resistance and that can truthfully end up destroying necessary public support for reasonable environmental regulations that are important to everyone. There is no question that automobile emission inspection, in the eyes of the public, is an extremely unpopular program.

Under these circumstances, clearly, a 1-year moratorium before proceeding down this road, is the only prudent way for the Congress to proceed.

I urge my colleagues to support the amendment.

The CHAIRMAN. The Committee will rise informally.

ENROLLED BILLS SIGNED

The SPEAKER resumed the chair.

The SPEAKER. The Chair lays before the House the following enrolled bills and Senate joint resolution:

H.R. 1710. An act to authorize the use of frank for official mail sent by the Law Revision Counsel of the House of Representatives;

H.R. 3620. An act transferring certain Federal property to the city of Hoboken, N.J.;

H.R. 3835. An act for the relief of Rutherford K. Clarke and his wife Ida T. Clarke;

H.R. 6068. An act to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for the fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes;

S. 2582. An act to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes; and

S.J. Res. 194. Joint resolution to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution.

The SPEAKER. The Committee will resume its sitting.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1983

The Committee resumed its sitting.

The CHAIRMAN. For what purpose does the gentleman from New York (Mr. GREEN), the ranking member of the Subcommittee of the Committee on Appropriations, rise?

Mr. GREEN. Mr. Chairman, I rise in opposition to the amendment.

This is very similar, Mr. Chairman, to an amendment which was defeated last year during consideration of last year's HUD-Independent Agencies appropriations bill, and I hope that the House will give the same fate to this amendment.

Unlike the previous amendment, which essentially sought to hold the status quo in place while the Clean Air Act was under consideration, this amendment seeks to make a major weakening of our Clean Air Act and regulations through this appropriations bill. Essentially what it wants to do is to take out the enforcement of the requirements that States, under certain circumstances, have to have vehicle emission control inspection and maintenance programs.

I happen to think that where you have an air pollution problem, that kind of a program is a very important part of the process of cleaning up our air.

I very much hope that Members of this House would not use the vehicle of a rider on an appropriations bill to weaken our clean air legislation through the vehicle of this amendment. The fact of the matter is that what we have done in Clean Air Act amendments in the past to improve the quality of the air by restrictions on motor vehicles will, to all intents and purposes, be significantly dissipated if this amendment is allowed to pass, at least for the period of time it takes effect; and from the fact that this is the second year in which it is offered, it seems rather obvious that its sponsors intend this to be an ongoing thing.

Again, it seems to me that if we ought to make changes in the Clean Air Act, the vehicle through which the House should consider them is the Clean Air Act itself. I only can express my hope that we can, in the Committee on Energy and Commerce, and then in the full House, at some point proceed to consideration of that act. But plainly, this would be a serious weakening of the present legislation.

I think that is wrong, and I do not think it should be done by a rider on an appropriations bill.

Mr. HOLLENBECK. Mr. Chairman, will the gentleman yield to me?

Mr. GREEN. I yield to the gentleman from New Jersey.

Mr. HOLLENBECK. I thank the gentleman for yielding.

Mr. Chairman, for the past 5 years my home State of New Jersey has operated a popular and cost-effective program to clean up its air—the in-

spection and maintenance program for automobiles. Polls in our State have found that automobile owners are willing to help do their part to clean up our air by participating in the program.

But I have been disappointed that other cities and States which violate national health standards for automobile pollutants have not adopted this program. The present Clean Air Act requires that cities, which need until 1982 to meet the national ambient health standards for carbon monoxide and ozone, must adopt an inspection and maintenance program.

Today, I urge my colleagues to join with me in voting against the amendment to H.R. 6956 which attempts to block EPA enforcement of requirements for State inspection and maintenance programs. I believe that EPA enforcement of I&M programs is a crucial deterrent in preventing the deterioration of national air quality standards. What is more, inspection and maintenance programs are working quite effectively. I have reviewed EPA projections which State that auto I&M programs are critical in determining whether areas attain air quality standards.

Cooperation between States and the EPA has reduced hydrocarbon emissions by as much as 20 percent and carbon monoxide by up to 36 percent a steady increase in auto use. We simply cannot ignore the very real contributions which I&M programs are making in the fight for clean air. And I fail to see why we should reward inaction and gross disregard for the public health and welfare.

Finally, the amendment before us this afternoon does not change the law requiring State auto inspection programs. It merely eliminates EPA's ability to enforce this statute opening the way for enforcement by the courts. I believe that leaving a program mandated but unadministered creates a tension in the law which would no doubt lead to a rush of citizen lawsuits and a depreciable decrease in air quality.

We cannot afford to gut a program which is effective in maintaining national air quality standards. I urge my colleagues to join me in voting against the amendment to eliminate I&M enforcement by the EPA. A vote against this amendment is a vote for the environment.

Mr. GREEN. I thank my colleague from New Jersey for his comments, Mr. Chairman.

This is an area which has concerned me deeply—when I was in our State legislature a sponsor of legislation which put on the books what I think is one of the first State laws in the country requiring a State inspection program to include automobile air pollution control equipment inspections.

I would hate to see the House today make this major step backward.

Mrs. FENWICK. Mr. Chairman, will the gentleman yield to me?

Mr. GREEN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the gentleman's remarks and those of my colleague from New Jersey (Mr. HOLLENBECK). I, too, was the author of clean air/clean water legislation in my State assembly and have cared about this for a long time.

Mr. GREEN. I thank the gentlewoman for her comments.

□ 1810

Mr. BAILEY of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to begin by complimenting the gentleman from Pennsylvania (Mr. WALGREN) for bringing this amendment up, for the foresight in trying to at least do something about a problem that I think needs, for the benefit of the House, to be properly outlined.

The vehicle, incidentally, which Mr. WALGREN has decided to try and use today is necessary because we have tried to get a hearing for some amendments which we thought could constructively change the law before the Committee on Interstate and Foreign Commerce. We had a great deal of help from the chairman of the committee, the gentleman from Michigan (Mr. DINGELL), and I would like to thank him also. But, we are now left here today with this route, and we have been working on this problem for 2 to 3 years now and we do not have much alternative.

The State of Pennsylvania presently suffers under a consent decree. To give the Members an example of the absurdity with which this law has been applied to us, in a four-county area, should a resident of one of the affected counties who lives in the furthest boundaries of the affected district drive out of it to work, that person is subject to an inspection. Should someone who lives outside of that area, yet drives into it to work and spends most of his traveling time within the affected area but not reside within it, that person is not affected by an inspection requirement.

Data indicates that the degree to which it would perhaps, if fully enforced, affect the peak period emissions within the affected consent-decree areas as a result of this law, which might affect emissions during peak periods, is up to 4 percent. Meanwhile, elderly citizens with older automobiles, automobiles that mechanically are leaving our roads because of attrition, in the face of and facing the lack of those very industrial standards that Mr. WALGREN referred to, do not have recourse to that new car, but are subject instead to a consent decree that burdens them unfairly.

Interstate traffic, of course, is not affected. Traffic moving through that area on interstate highways is not affected.

The intent of the law is good. Its application is very unfair. It impacts on those least able to pay. It impacts on those who by accident of residence happen to fall within the confines of the decree.

I have personally, 2 years ago or so, spoken with Judge Bechtel, whose private opinions were that the law was very unreasonable, but he was confined by the way it was written.

I would hope that the Members of this House would understand that the way to deal with this difficulty is to get back to the authorizing committee and rewrite the law the way it should be written. But, that the avenue available to Mr. WALGREN and the rest of us in Pennsylvania is precisely the one we have chosen because we have no other choice, and that is to deny the funds necessary to make the enforcement possible of a very unfairly applied but well-intentioned law.

I thank the Chairman.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to commend Mr. WALGREN of Pennsylvania for his bipartisan effort to bring this amendment to the attention of the committee, and I am proud to be one of eight Members—four Democrats and four Republicans—who have signed a "Dear Colleague" letter to our colleagues asking them to adopt this amendment when the time for a vote comes.

I think it is appropriate to say at the outset that this legislation of mandatory inspection and maintenance is a part of the Federal Clean Air Act, and is applicable to 29 States of the Union and the District of Columbia. If a Member represents one of those States in this body, he should carefully listen to this debate because his citizens will sooner or later be impacted by what this means to them. The States that now have it in operation are Rhode Island, New York, New Jersey, Georgia, Colorado, Arizona, Virginia, Washington, and Oregon.

The ones that are on the line to get it very soon by way of this mandate of Federal law are Connecticut, Massachusetts, District of Columbia, Delaware, Maryland, Pennsylvania, Kentucky, North Carolina, Tennessee, Illinois, Indiana, Michigan, Ohio, Wisconsin, Texas, New Mexico, Missouri, Utah, California, Nevada, and Idaho.

In 1981, last year, we had a vote on the floor of the House on a substantially identical amendment. That vote

was 177 for and 184 against. It came on a Thursday afternoon. The total vote was 361. We had a substantial number of the Members not voting, and I think it is appropriate today that we have a full expression of the House on how this matter should be resolved. I would have preferred, frankly, to have the authorization action on the Clean Air Act which the Commerce Committee, on which I serve, has been working lo these many months here in 1982, but for a variety of reasons we are not able to get that bill to the floor of the House for consideration this year because, frankly, there are some deep philosophical differences of opinion on what it should contain, but I can say to the members of the committee that on the issue that is involved right now on mandatory inspection and maintenance of motor vehicles, by the hammer of the Federal Government, on that issue in the subcommittee which considered this matter, by record vote, the subcommittee voted 14 to 6 to in effect adopt the amendment that is now pending before the committee.

In addition, when the matter came before the full committee, the full Committee on Energy and Commerce voted 25 to 12 by a record vote to adopt the amendment now pending before the committee. The point of these votes is this: We are doing something here on an appropriation measure, but we are doing something that expresses the concensus of the members of the policy committee that has considered this legislation.

Now, what is the benefit of inspection and maintenance? One can find studies all over the map reflecting some of the reductions in smog to be anticipated if we inspect every motor vehicle in America. The Automobile Club of Southern California has produced some credible studies indicating that if we adopt annual mandatory inspection and maintenance in southern California, we can reduce hydrocarbons in that region of the country by 3.6 percent. We will reduce oxides of nitrogen by 2.2 percent.

Now, that is a pretty modest reduction for the cost, which is a relevant question. What do we have to pay for it? Well, we have 7.3 million motor vehicles in southern California, and every motorist, if such a law is adopted, is going to have to spend $11 a year to have his or her car inspected. Now, statistically, 46 percent of those vehicles will fail when they are tested, and that has meaning to those people who are in the category of failing because they have to come back and have them test it again, and for those motorists it is going to cost them an additional $47. So, 3.6 million motor vehicle owners in southern California will have the privilege of paying $47 a year plus the privilege of standing in line twice, plus the privilege of discussing with some motor repairman whether or not the work should be done.

Mr. CHAIRMAN. The time of the gentleman from California has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. This cost to the motorists of just southern California, and we represent roughly 12 percent of the motor vehicles in the Nation, comes to some $211 million a year—$210.7 million a year, to be precise.

□ 1820

So if we extrapolate that nationwide we would have a factor of at least 10 times that for the cost nationwide on the consumers of this Nation for a modest reduction in smog.

Is it really worth it?

I mention this because I think it deserves repeating time and time again. There is nothing in the pending amendment that precludes any State from adopting annual inspection and maintenance of motor vehicles if it chooses to do so. We are not dealing with that.

All we are saying here today is shall we continue the Federal mandate which says to the States of the Union, independent of what their legislature says, if you do not do this, friends, in those States of the Union, some 30, if you do not do this you are going to lose highway funds, you are going to lose sewer construction funds, you are going to have a construction ban imposed on your region of the country precluding any economic development of any type at all.

In conclusion, just let me make this observation: I think that the prudent thing for us to do is to adopt this amendment, to tell the EPA that they may not use the appropriated funds in this bill for the purpose of enforcing a measure which the people of this country do not want, which has marginal benefit in terms of smog reduction, which is going to place a regulatory burden on all of the automobile owners of our country.

I think the prudent thing for us to do is to adopt the amendment.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment as I did last year and the House rejected the amendment last year as well. We should follow the precedent again this year.

What we have before us is an attempt to legislate the Clean Air Act on an appropriation bill by telling EPA they cannot use money to enforce the law.

Let me begin by explaining what the automobile inspection and maintenance, or I&M, as it is usually called, is all about.

Automobiles emit harmful pollutants such as carbon monoxide and hydrocarbons which are known as causes of chest pain and aggravation to cardiovascular diseases.

Because of the Clean Air Act automobile manufacturers have designed and produced cars that emit less of those pollutants.

The 1983 cars that are now being certified emit 90 percent less hydrocarbons and carbon monoxide than pre-1970 cars.

But experience has shown that even though we are manufacturing cleaner cars, cars get dirtier on the road because of poor maintenance by motorists. Often drivers neglect to have their cars kept in tune. Some even remove the pollution control equipment altogether or poison it by using leaded gasoline.

That is why Congress in 1977 decided that motorists had to be given an incentive to maintain their cars properly and we adopted this requirement of inspection and maintenance in areas that would not be able to meet the clean air standards for health, protection of the public health by 1982.

Now we have I&M as a reality in 10 areas of the country including the States of Rhode Island and New Jersey. In my own State of California I am proud to announce they have adopted an I&M program this last month.

Experience clearly shows that the program is successful. It works. It reduces the auto fleet emissions of hydrocarbons by 20 percent and carbon monoxide by 36 percent.

The real issue, if there is controversy over whether I&M works or not, is one to be resolved by the authorizing committee, not to offer a proposal here to deny EPA funds to enforce the law.

Will it help the people in Pennsylvania who do not like the I&M program there? I do not believe it will. The courts there are the ones who impose this requirement on Pennsylvania, not the EPA. To deny EPA funds will not deny the court the ability to carry out the law.

Furthermore, I want to point out that even the administration, which vigorously opposes the I&M requirement, has opposed this amendment because they do not believe this is the way to deal with these issues through an appropriation bill.

This amendment does nothing to deal constructively with the I&M program. It is going to confuse the legal situation.

EPA will be told by the Congress not to spend the money to enforce the law but a lawsuit will be brought because the law is clear that I&M must be part

of a program where the air is dirty. So EPA will be forced by the courts.

I do not think we are doing anything constructive along these lines.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I am glad to yield to the gentleman from Pennsylvania.

Mr. EDGAR. I would like to commend the gentleman for his comments.

I may be one of the few members of the Pennsylvania delegation to oppose this amendment and I do so reluctantly.

In Pennsylvania we do have a problem but I think the gentleman is correct in stating that this amendment will not alleviate the pain on Pennsylvania. The signing of the consent decree back in 1977 in my opinion will in fact mean that this amendment will not take away from the courts jurisdiction their obligation to administer the law which is in place.

I think it is important for the State legislature to proceed in a careful and concise way with putting in place an operation and maintenance system for air quality in the five-county metropolitan area of Philadelphia and in Pittsburgh because a priority over and above the crankiness of the State legislature is that we have clean air for our generation and for future generations.

Mr. WAXMAN. I appreciate the gentleman's comments and want to commend him on his courage. I know the people in the Pennsylvania delegation seem to be quite agitated about this whole issue, but this is really not the place to solve Pennsylvania's problems. We ought to deal with it in the Clean Air Act reauthorization which I would have hoped we would have had on the floor at some point.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to my colleague from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. I thank my colleague for responding.

Would the gentleman from California be kind enough to give the source of the spokesman from the administration who the gentleman from California says is opposed to this amendment?

Mr. WAXMAN. Yes; I have a letter in my hand which I will share with the gentleman and in fact make a part of the RECORD.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(At the request of Mr. BAILEY of Pennsylvania and by unanimous consent, Mr. WAXMAN was allowed to proceed for 2 additional minutes.)

Mr. WAXMAN. This is a letter from the U.S. Environmental Protection Agency dated September 13, 1982:

DEAR MR. CHAIRMAN: In view of the approaching debate on H.R. 6956, and in response to your letter of August 25, 1982, I thought you would like to have the enclosed position statement.

The administration sets out their position agreeing with the gentleman on the substance but disagreeing with the gentleman on amending the appropriations bill.

I will be pleased to share this with the gentleman and make it a part of the RECORD.

Mr. DANNEMEYER. Does the gentleman interpret that letter as a position of this administration in opposition to this amendment?

Mr. WAXMAN. I will share this, and I do. I do understand that that is their position.

Mr. DANNEMEYER. If the gentleman would be kind enough to put that letter in the RECORD I think it will speak for itself.

The administration cannot, in my humble opinion, by any stretch of the imagination be concluded to be in opposition to this amendment on the basis of the letter before the gentleman from California.

Mr. WAXMAN. I would like to quote from their position.

In most cases sanctions would be instituted only after EPA makes a finding that a State plan or the implementation of it is deficient. Since the amendment, by prohibiting expenditure of funds, would stop EPA from making such a finding on I&M programs it would prevent any new sanctions from occurring as a result of EPA action. It is possible, however, that sanctions could be imposed by the courts as a result of citizen suits, which would not be prevented by this amendment. In a recent case in Pennsylvania—

As was the case of concern here—

A District Court judge enjoined the U.S. Department of Transportation from awarding highway funds in areas of the State which have not implemented an I&M program, as a result of a citizens suit.

They say:

Since the amendment prohibits all expenditures of funds by EPA regarding failure to adopt an I&M program the amendment may have two additional effects:

One, for those areas of the country in which sanctions have already been imposed, EPA might be unable to conduct a rulemaking to remove those sanctions.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

(At the request of Mr. DANNEMEYER and by unanimous consent Mr. WAXMAN was allowed to proceed for 1 additional minute.)

□ 1830

Mr. WAXMAN. I do want to read one sentence which I think is key. The administration's position paper indicates:

To provide this flexibility in a proper context, any amendment should be directed to the provisions of the Clean Air Act itself in the authorization process rather than to an appropriations measure.

The complete letter is as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, D.C., September 13, 1982.

Hon. Henry A. Waxman,
Chairman, Subcommittee on Health and the Environment, Committee on Energy and Commerce, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: In view of the approaching debate on H.R. 6956, and in response to your letter of August 25, 1982, I thought you would like to have the enclosed position statement.

I hope this will be of some assistance.

Sincerely,

LELAND E. MODESITT, JR.,
Director, Office of Legislation.

RESTRICTIONS ON IMPOSING SANCTIONS OF THE CLEAN AIR ACT FOR FAILURE TO IMPLEMENT I/M

ADMINISTRATION'S POSITION ON I/M

The Administration is opposed to the mandatory requirement for I/M. Requiring its use in all areas of nonattainment nationwide, without regard to local circumstances and needs, is inappropriate. The States should be allowed more flexibility to choose among available strategies, including I/M, in devising their air quality attainment and maintenance plans. To provide this flexibility in a proper context, any amendment should be directed to the provisions of the Clean Air Act itself in the authorization process rather than to an appropriations measure.

EFFECT OF PROPOSED RESTRICTION

In most cases, sanctions would be instituted only after EPA makes a finding that a state plan or the implementation of it is deficient. Since the amendment, by prohibiting expenditure of funds, would stop EPA from making such a finding on I/M programs, it would prevent any new sanctions from occurring as a result of EPA action. It is possible, however, that sanctions could be imposed by the courts as a result of citizen suits, which would not be prevented by this amendment. In a recent case in Pennsylvania, a district court judge enjoined the U.S. Department of Transportation from awarding highway funds in areas of the State which had not implemented an I/M program, as a result of a citizen suit.

Since the amendment prohibits all expenditures of funds by EPA regarding failure to adopt an I/M program, the amendment may have two additional effects:

1. For those areas of the country in which sanctions have already been imposed, EPA might be unable to conduct a rulemaking to remove those sanctions.

2. The Agency is currently involved in processing 1982 SIP revisions. The amendment might prevent EPA from taking regulatory action on that portion of a SIP revision related to I/M, unless it were approvable, because the amendment prohibits use of funds for rules or sanctions relating to failure to implement I/M. EPA is now reviewing the 1982 SIPs and some may be determined to have deficiencies.

Mr. DANNEMEYER. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. DANNEMEYER. Is it not correct to say that the EPA, within the last few days, has issued a position which states that "the Administration is opposed to the mandatory require-

ment for I&M?" Is that not a correct statement of fact?

Mr. WAXMAN. It is a correct statement to say that they would like to see the Clean Air Act amended, but they are specifically saying to us in this position paper they do not want to see the appropriations process used to amend the Clean Air Act because it is going to lead to a great deal of confusion for them to figure out how to enforce the law, to be faced with citizens' suits, and to have otherwise their activities disrupted.

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. I just have one question.

Does the gentleman have a figure on the percentage, the effect that the program would supposedly have on emissions in the Pittsburgh area? Does the gentleman have any figures on the affected Pennsylvania areas?

Mr. WAXMAN. No, I do not have the figures on that.

Mr. JAMES K. COYNE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of this amendment today. And, of course, I am pleased to hear the comments of many of my colleagues from other parts of the country when they speak in glowing terms of their own States' commitment to clean air and clean water and a better environment. As a Pennsylvanian, I would like to add my own voice to those who are proud of the track record of this Nation over the past 10 or 15 years and, furthermore, I would like to say that Pennsylvania holds a candle second to no other State in this country with regard to our own commitment to clean air. In fact, I invite any of you to come to Pennsylvania and compare it to the State that we had 20 years ago and tell me if you can think of any other part of the country that has advanced as our State already has.

At the same time, I want to point out that what we have here today is an example of a bureaucratic agency perhaps cutting off its nose to spite its face. The EPA, of course, is committed or tries to be committed to improving air quality standards across the country; but in this particular case it appears that if this amendment is not enacted quickly, Pennsylvania will be faced with a hardship where many of its own programs and the Federal Government's programs to improve our air quality will be set back for at least a year if not longer. Millions of dollars of EPA programs will be held up. And if this is allowed to happen, clearly our own Commonwealth's track record of improving its air quality will be forced to turn backward.

I think we must support this amendment. It has bipartisan support. I am pleased to join with the overwhelming majority of the other Members from the Commonwealth of Pennsylvania to pledge my support for this amendment and at the same time to continue to pledge my support for improving air quality in our Commonwealth.

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. JAMES K. COYNE. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. I thank the gentleman for his fine statement. Also, I would like to comment on the remarks we had earlier about the impact of the State's decision and the effect of this particular amendment on the ability of the court to enforce the consent decree in Pennsylvania. And it would alter that ability. I would like to join the gentleman, particularly in regard to his remarks about the progress we have made.

Mr. WALGREN. Mr. Chairman, will the gentleman yield?

Mr. JAMES K. COYNE. I yield to the gentleman from Pennsylvania.

Mr. WALGREN. Particularly on the point of Pennsylvania's relationship, this amendment, of course, is one that has both local and national elements to it, and it should not be decided just on the case of Pennsylvania. But we have heard some opinion as to whether or not it would be effective in helping Pennsylvania avoid mandatory inspection and maintenance. In my view, it clearly would. And I would like to simply quote from the Court's decree which says that the Court specifically states—

> Jurisdiction is retained by this Court for the purpose of enabling any party to apply to the Court at any time for the modification or termination of any of the provisions herein upon a showing of changed circumstances.

I would submit that if this National Government goes on record that we should have a moratorium of 1 year so that we could evaluate in the direction of how fast and how we should proceed, that that would be a changed circumstance that any court in the land would respect.

Mr. JAMES K. COYNE. I thank my colleague from Pennsylvania.

Of course, I would also like to add that all of us would prefer not to be using this process to be making this statement on the floor of the House. We do not have any more time. The State of Pennsylvania is running out of time, and we are looking forward to a deadline where we really do not have any opportunity to pursue perhaps a more traditional legislative course to make the statement we would prefer to make.

Mr. MOFFETT. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. EDGAR. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. I thank the gentleman for yielding.

Mr. Chairman, I wanted to ask the gentleman who was in the well previously exactly what this amendment would do.

As I understand the amendment, the amendment forbids EPA from prosecuting cases of I&M, but in no way touches the fact that Pennsylvania is going to lose $90 or so million because Pennsylvania has not complied with the consent decree it signed back in 1977.

So it is my impression that, while this may stop future prosecutions and future efforts by the courts to shut down States that do not comply, the State of Pennsylvania will in fact have the obligation to comply or lose this October 1 the kind of money in the neighborhood of $91 million. I have checked that with Drew Lewis, the Secretary of Transportation here, and also the State secretary of transportation.

Mr. MOFFETT. Mr. Chairman, I hope we defeat this amendment. It is obvious that there is not as much of an appetite in this Chamber at this moment and in this year as there might have been in the past for imposing things on the States, and that is not all bad, that kind of change; but there are some areas where we have to take responsibility and we have to assert leadership from a national legislature, and this is really one of them.

This amendment, with all due respect to its author, the gentleman from Pennsylvania, for whom I have the greatest respect, is really an example of the New Federalism of environmental control.

The gentleman from California (Mr. DANNEMEYER) talks about, "Well, they can do it if they want to." We all know what the track record was before the enactment of the 1977 clean air amendments, what the track record was under a voluntary program. Almost no State availed itself of this opportunity.

This is never pleasant, imposing deadlines. And we have discussed the deadline on Pennsylvania here today. There have been deadlines on other States. It is never pleasant. It is a tremendous hassle for the States. It puts the legislature on the spot. But it is aimed at a very important goal that is perfectly consistent with the Clean Air Act in the 1977 amendments.

If we adopt this amendment we are sentencing communities to unhealthy air for an unlimited period of time. It is as simple as that. You can talk about, "Well, there are other alternatives, and we can do it some other way," but we all know what the direc-

tion of the markup has been in the Commerce Committee. And I think there is no question that we are, in fact, handing out a sentence.

Finally, we are saying that it is not a choice of either cleaner cars or nothing. It is a choice of: Do you want to take your chunk out of the automobile? Or do you want to take it out of factories and other sources?

And it could well be that if we do not make progress with regard to hydrocarbon pollution, for example, through the inspection and maintenance program, we run the very real risk of damaging economic growth; because if cars do not control their pollution, factories and other sources will certainly have to.

Take a look at the list. And the gentleman from Pennsylvania (Mr. Bailey) was looking for a list. This is one I will be happy to share with him in a moment. But there is a real difference, a world of difference between where we find attainment by a variety of communities—I believe in 29 States—under the inspection and maintenance program and without the inspection and maintenance program. And it comes from an EPA which I think has been less than dedicated to a strong Clean Air Act implementation.

I know in Stamford, Conn., for example, there is a world of difference between reaching attainment with I&M and reaching it without. We are in danger of becoming the CO capital of the world, the Los Angeles of the East, if the gentleman from California will excuse the expression. And we need an inspection and maintenance program. It is not pleasant to insist that it happen, but I think we have to do it.

□ 1840

Mr. BAILEY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. I thank the gentleman for yielding.

I hope the gentleman will understand. I recognize the gentleman in the well as someone who probably is as or more sincere than anyone in this body when it comes to environmental concerns. I think the gentleman has a good track record.

I also would wager a friendly bet that yielding to his judgment, were he to evaluate the consent decree under which Pennsylvania now labors, that the gentleman would reach the conclusion that it is rather counterproductive and quite frankly, the legislation that all of us introduced that dealt with strict industrial standards went more to the heart of the problem.

I think the gentleman would probably be far more supportive than that.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MOFFETT) has expired.

(At the request of Mr. BAILEY of Pennsylvania and by unanimous consent, Mr. MOFFETT was allowed to proceed for 1 additional minute.)

Mr. BAILEY of Pennsylvania. If the gentleman will yield further, I think if the gentleman had an opportunity to go over the consent decree that he would agree with us there are wider obligations and unfortunately we were stuck with this procedural route.

Mr. MOFFETT. I understand that. I think we all know something about what it means to be stuck with a certain procedural route that may not be pleasant. My point is this is not a free ride in one direction. If we do not do this, we end up paying for it in health costs.

I do not want to be overly dramatic, but the infants in an area that does not reach attainment now and reaches it 5 years later do and can suffer some damage.

Mr. BAILEY of Pennsylvania. I am glad to learn the gentleman supports us in our efforts to spend these limited resources more wisely. I thank the gentleman.

Mr. ATKINSON. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, in 1978 there were some 9 million automobiles coming off the assembly lines in this country. Twenty-five percent of these failed to meet the standards. So we are asking the motoring public to do what the manufacturing process has not done.

In addition to that, there is not a real good scientific method for testing. I went to region 3 in Philadelphia and asked them the question. They said there is not. They said it is still on the drawing boards at Ann Arbor and costs them $18,000 to produce a piece of equipment that would properly test.

I had a town hall meeting in Richland, Pa., in my congressional district to show this is not a Pennsylvania question only. A lady stood up and said she was in the Carolinas and she brought her car into a testing area. She tested it there and it failed. She took it outside the garage and sprayed the exhaust system with heavy perfume, brought it back through, and it passed.

So it just proves to me that is about the most unscientific thing that could be done.

In my view, the recommendation and the amendment offered by the gentleman from Pennsylvania (Mr. WALGREN) asking for a 1-year delay is certainly in order.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment. It is a good amendment and it should be adopted. Last year I opposed the amendment because I felt that the Committee on Energy and Commerce could amend this rigid and I believe unworkable provision to the Clean Air Act along the lines suggested by the National Commission on Air Quality.

The committee in its deliberations on clean air legislation did so. However, we have been unable to bring the bill to the floor in a timely fashion as I had hoped.

I no longer oppose this amendment. I believe the amendment is needed to afford the States the needed flexibility in achieving the clean air requirements of the act by the deadlines established in the act. The amendment will not in any way weaken the clean air requirements of the law. The amendment does not preclude the States from adopting an inspection and maintenance program. It only precludes EPA from requiring such program for a period of 1 year.

Some have suggested this amendment would bar EPA from lifting sanctions already imposed. That is not true. The amendment precludes EPA from enforcing sanctions against a State, and I quote, "for failure to adopt, implement, conduct, or enforce" an I&M program. It does not in any way affect whatever EPA authority exists under the Clean Air Act to terminate sanctions imposed by EPA for a failure to comply with the inspection and maintenance requirements of the act.

The act does not specifically provide authority for terminating sanctions. Indeed, I am uncertain about the basis for EPA taking such action. This amendment does not affect whatever meager authority EPA retains on such termination.

I support and I believe it is necessary that we should have a fair, a clear, a consistent, and ongoing inspection program where it may be needed for the most seriously polluted areas of the country.

However, the present law and its implementation has not provided such program. Inspection and maintenance is required regardless of the seriousness or term of the pollution problem. Indeed it is fair to observe that many areas in the country under the law as it is now constituted will be compelled to spend not millions or thousands but hundreds of millions of dollars to establish a program where it is unnecessary to achieve clean air quality after a very brief period of time.

The adopted program exempts many vehicles that are heavy polluters such as trucks, buses, and older cars. Certainly if cleanup is to occur, this is one of the beginning points where cleanup should be commenced. It places dollar limits on the repairs that benefit fleet owners, commercial users, the more affluent while individuals such as the oc-

casional driver and the poor are compelled to pay.

Some States have adopted biennial programs which raises extreme doubts about the effectiveness of clean air. I would observe that the State of New Jersey, whose program has just been lauded for its popularity, was the subject of comment in a press release put out by the Governor and the attorney general wherein New Jersey has found it necessary to go to a biennial program, and the reason? Because motorists are being compelled to wait long periods of time—up to 3½ hours in line—to try and deal with the problems of inspection and maintenance, because the State has not been able to establish a program that will deal more expeditiously with the concerns of the State.

Beyond this, there are some other things that need to be observed.

The National Commission on Air Quality made recommendations about eliminating the inflexibility of the program now in law which was written more in enthusiasm than in knowledge. The Commission's recommendations, if adopted, will move us toward air quality; and if we are not able to deal with that question statutorily by legislative behavior, then at least we can prevent excessive hardship from being imposed upon the people by a provision of law that is uniformly recognized as being both excessive, inflexible, imposing hardships, and contributing only modestly to our progress in clean air.

I believe that since we are finding it enormously difficult to deal with the matter legislatively, we should at least deal with it on the basis of handling the matter under the appropriations law by withholding the funds.

I urge the adoption of the amendment. I believe that it is good, it is desirable, it is just, and it is fair. It meets the problems of the Nation and will not impair air quality.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Michigan.

Mr. DUNN. Mr. Chairman, I thank the ranking member from Michigan for yielding to me and would like to say I strongly endorse what the gentleman in the well is saying.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(At the request of Mr. DUNN and by unanimous consent Mr. DINGELL was allowed to proceed for 1 additional minute.)

Mr. DUNN. If the gentleman will continue to yield, the gentleman in the well should be recognized as one of the original coauthors of the Clean Air Act. For him to endorse this as good policy should be good enough for all of us. I thank the gentleman for his leadership in this role.

Mr. DINGELL. I thank my dear friend. I would observe my colleagues in Pennsylvania like Mr. BAILEY and the author of the amendment have a legitimate complaint that should be met by the House.

Mr. BOLAND. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. WILLIAM J. COYNE. Mr. Chairman, will the gentleman yield?

Mr. BOLAND. I yield to the gentleman from Pennsylvania.

Mr. WILLIAM J. COYNE. Mr. Chairman, I rise in opposition to this amendment, a measure which makes light of the established committee process of this body while attempting to strike at the heart of the Clean Air Act.

If a Member has a disagreement with a portion of the Clean Air Act, a public law supported by more than 80 percent of the American people, according to recent polls, the House floor appropriations process is not the place to express that disagreement. The many complicated issues associated with the renewal of the Clean Air Act have been considered by the House Energy and Commerce Committee for months. It is in that forum, and in the House debate on the reauthorization of this very important act, that objections to specific provisions should be heard.

I am not sure of the purpose of this amendment, coming as it does in the midst of debate over an appropriations bill. Do the sponsors believe that by cutting off funds for a program they do not approve, that somehow their objections will be met?

Surely they know this is not the case. Funding sanctions in effect for areas in violation of clean air standards would not be lifted. Individual citizens will retain the right to sue for enforcement of the law where there are violations of emissions standards. If we are to relax the antipollution effort as it relates to autos, we can only expect the number of such suits to multiply, thereby turning over enforcement of the law to the courts.

The buck should stop with the Congress, which authorizes antipollution laws, and the administration, whose duty it is to enforce those laws. By agreeing to this amendment, we would be passing the buck to the courts. The air would not be less polluted, the basic law would not be changed, and the arguments over the inspection and maintenance program's effectiveness would continue. We risk, however, having those arguments ultimately settled in court if we strip the EPA of its ability to enforce existing law.

I believe the inspection and maintenance program of the EPA has proved effective in reducing pollution. According to a 1981 EPA study, estimates of emissions reductions average over a year included a 20-percent reduction in hydrocarbons and a 36-percent reduction in carbon monoxide. Carbon monoxide, we should remember, can cause chest pains and cardiovascular diseases. Hydrocarbons can lead to asthma, eye irritation, and breathing difficulty.

The inspection and maintenance program is also cost effective. A 1981 EPA update showed the cost of inspection to range from $17 in Portland, Oreg., to $30 in California.

Cutting off funds for this program will mean a rise in air pollution from automobiles. If we are to maintain our current clean air standards, we can then expect to hear demands for more stringent controls on industry. By relaxing our antipollution effort for mobile vehicles—the largest single source of pollution in the United States—we encourage more comprehensive controls on industries such as steel. This is an uninviting prospect indeed for an industry already hard pressed by imports and a general economic slowdown.

Mr. Chairman, by cutting off funds for a Federal antipollution effort, the advocates of this amendment argue in favor of States rights when it comes to controlling automobile emissions, conditions do indeed vary from State to State, and flexibility is an important part of the Clean Air Act. A retreat to States rights when it comes to reducing air pollution would undermine, however, one of the most basic rights of the entire population—the right to breathe clean air.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mr. BOLAND. Mr. Chairman, I join with the distinguished ranking minority member of the subcommittee in opposing this amendment. We have been over this course before. It is a retread of the amendment that was defeated last year. I associate myself with the remarks of the distinguished gentleman from California (Mr. WAXMAN) and the distinguished gentleman from Connecticut (Mr. MOFFETT) in opposing this amendment.

While the amendment would restrict EPA's activities, it does nothing to change the statutory requirement for inspection and maintenance programs in nonattainment areas. The requirement to implement I&M programs, and the sanctions for failure to do so, can still be enforced by citizen suits.

I am well aware of the funding sanctions currently in effect in Pennsylvania and I can understand that the gentleman would hope to provide some relief. But, let me assure you that this amendment would not, in any way, solve the problem of sanctions in Pennsylvania. The amendment is ineffective and at most will only serve to muddy the waters and confuse States over their legal responsibilities. In-

spection and maintenance programs are now in operation in 10 States and will soon be initiated in at least 5 others.

And, the track record to date with inspection and maintenance is most encouraging. Initial fears that inspection and repair costs would be exorbitant and that the public would strongly reject I&M programs have proven wrong in cities across the country. The costs have been within acceptable levels and the benefits in reduced emissions have been substantial. In comparison to other techniques for reducing emissions—from both mobile and stationary sources—inspection and maintenance is a high payoff, cost effective strategy. I appreciate that in some areas of the country this is not a popular program. And I understand that the authorizing committees in both bodies have been carefully reviewing changes to fine tune inspection and maintenance requirements, and better tailor them to address the areas with the most serious pollution problems. This emphasizes the complexity of the issue and the need to undertake changes with care and deliberation. This is not the time and this bill is not the place to attempt to change inspection and maintenance.

I urge defeat of the amendment.

□ 1850

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I would like to clear the air, if that is possible, on a few items that I know are very important to many of the people who will be called upon to make a difficult decision on this issue.

For one, this is the only provision of the Clean Air Act which actually mandates a process by which standards are to be met. By doing away with this provision for a 1-year period, in order to wait on overall action by the proper committee, in doing away with that we are not changing the standard. The State still has to meet the requisite ambient air quality standards. All other provisions of the Clean Air Act allow this kind of flexibility.

The gentlemen from Connecticut said that if it does not come out of autos, it will come out of factories.

Well, maybe there are States in this Union which feel that such a balance can be arrived at more effectively, more cost effectively and with less inconvenience to motorists.

Let us not make any mistakes here. There are 29 States involved to a greater or a lesser degree. We are talking about 44 million cars. That is large hornet's nest of dissatisfied motorists.

The irony is that many of these 29 States will meet the standards by the requisite date with or without the automobile inspection and maintenance program.

The fact remains, and this is so important, that there are certain areas which do need an automobile inspection and maintenance program and we are not arguing with it; but to say that Beverly Hills, Calif., should have the same air quality control program as Bethlehem, Pa., is making a serious mistake.

In Ohio, the Ohio EPA in a report to the general assembly found that a motor emissions I&M program will produce a relatively small improvement in air quality in Ohio at a relatively high cost.

Recent studies performed by the Illinois and Texas environmental agencies strongly disagree with previous estimates concerning the inspection's ability to reduce tailpipe emissions and challenge the program's overall costs and benefits. Each of these agencies recommended against adoption of an I&M program, although it must be admitted that all noted that such adoption might be a prudent action solely because of the possibility of Federal sanctions.

So that is the motivation in many of these 29 States—rush to judgment, push your motorists and consumers through the strainer, because otherwise Uncle Sam is going to cut off your Federal money, including air cleanup moneys, sewage moneys to make for a cleaner environment.

In other States, fraud and abuse runs rampant where this program is forced on the public. For example, in Rhode Island, a study done by the State attorney general's office showed that required emissions inspections are actually conducted less than 50 percent of the time. Many of these emissions inspections are conducted on a cursory basis, simply to put up with the existing law and have no positive effect, other than to financially burden consumers and motorists and inconvenience them.

The gentleman from Pennsylvania (Mr. BAILEY) made a point that many of the cars that are going to see a negative effect on these tests are going to be the older cars and they are going to be owned by the poorer citizens. The repair on these cars will be extremely costly to those who can least afford it.

You know, if you have looked at what your own motorists are thinking about such a program and if you are in one of these 29 States, think of what the consumer must pay.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

(By unanimous consent, Mr. RITTER was allowed to proceed for an additional 30 seconds.)

Mr. RITTER. Mr. Chairman, I urge Members in these 29 States consider what their motoring public thinks about an additional inspection burden on their automobiles. In my district, in response to a questionnaire, some 89 percent of the motorists said they did not think it would contribute to air quality in our region.

So when it comes to a vote, let us give those motorists a chance to have their voices heard in Washington.

Mr. GAYDOS. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I wish to fully endorse and affirm the remarks made by my colleague, the gentleman from Michigan (Mr. DINGELL).

I think the point was well taken when a Member indicated that the gentleman from Michigan (Mr. DINGELL) in all his career in this House has been unequalled as far as his position on clean air is concerned and all the ramifications thereof; so I think that endorsement is important in itself and is illustrative of how the Pennsylvania delegation feels.

In conclusion, I want to make this point. Pennsylvania has always been in the vanguard of all the States, and I say that advisedly, all the States as far as the clean air act precepts are concerned and also the initial adoption of the Clean Air Act as we have grown to know it.

I think Pennsylvania now needs and it is obvious the need has been met, as illustrated by our many colleagues who have said that Pennsylvania deserves this consideration at this time; so I would ask our colleagues to support the position as set forth by the gentleman from Michigan (Mr. DINGELL) and the Pennsylvania delegation.

Mr. FRENZEL. Mr. Chairman, will the gentleman yield?

Mr. GAYDOS. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Mr. Chairman, I thank the gentleman for yielding. I merely wanted to agree with the gentleman and say that it is not only the State of Pennsylvania, but all the States of the Union who deserve the amendment.

I thank the gentleman.

I strongly support the Dannemeyer amendment, which attempts to strike a provision to force States to institute vehicle emission control programs by withholding Federal funds from States which do not have programs.

Absent this amendment, we will have another situation like the seatbelt interlock or the mandatory airbags.

It is not a bad idea to impose Federal standards. It is a remarkably lousy idea to force States to create specific programs whether the States want them or not.

The Dannemeyer amendment should be passed.

Mr. WIRTH. Mr. Chairman, I rise in opposition to this amendment forbid-

ding EPA from enforcing the Clean Air Act's requirement that automobile inspection and maintenance (I&M) programs be established in areas that violate air pollution standards. This effort, which prohibits EPA from using its funds to enforce the I&M program, is another in a series of actions to undercut our Nation's environmental laws in an indirect fashion. My colleagues are well aware of the strong public support for many of our Nation's environmental laws; from clean air to wilderness protection, the public has made its voice heard. That voice is very clear, and the message is simple. The public is telling Congress to keep its hands off environmental laws.

Already this year there have been efforts to significantly weaken the Clean Air Act, the Endangered Species Act, the Wilderness Act of 1964, the Federal Insecticide, Fungicide, and Rodenticide Act, and the Clean Water Act. Last week the House overwhelmingly affirmed its commitment to the safe disposal of hazardous waste with the passage of the reauthorization of the Resource Conservation and Recovery Act. Despite this strong support, an attempt is now being made to weaken one of the most important sections of the Clean Air Act by barring EPA from using funds to enforce a legislative program.

I urge all my colleagues to oppose the Walgren-Dannemeyer amendment. The substance of this amendment is not appropriate for an appropriations bill. Rather, the merits of the I&M programs should be debated in the Energy and Commerce Committee as it reviews amendments to the Clean Air Act. If the committee sends a bill repealing the I&M requirement to the House floor for a vote, then this body will be meeting the merits of the question directly. That is the best way to proceed on this issue; by repealing the program by withholding funds, we not only lose the benefit of a thoughtful discussion of the merits, but we also cheat the American people by avoiding an issue that deserves our careful attention.

● Mr. BROWN of California. Mr. Chairman, I rise in opposition to the Dannemeyer-Walgren amendment to H.R. 6956, the HUD-independent agencies appropriations bill.

The Dannemeyer-Walgren amendment would prohibit the Environmental Protection Agency from expending funds to enforce Clean Air Act provisions requiring States to implement motor vehicle inspection and maintenance (I&M) programs for nonattainment areas. Although the intent of this amendment is clearly to prevent EPA from requiring implementation of I&M, the effect of the amendment may be completely different. Let me cite an example in my own State of California.

The State of California has encountered considerable difficulty in devising an acceptable I&M program. This is largely due to questions of management, not substance. For the past several years the Environmental Protection Agency has strictly enforced the sanctions required under law for States not complying with the mandated inspection and maintenance programs. Just last month, due to the tireless efforts of State Senator Robert Presley, the California Legislature approved an I&M program. It seems ironic after taking this action that the EPA should change the ground rules just as these sanctions were to be lifted. But even more astonishing is the possibility that if this amendment passes, EPA may be actually be prohibited from lifting the sanctions against California.

Inspection and maintenance is a major policy issue that ought to be resolved in the context of the Clean Air Act reauthorization. The administration opposes the amendment because of the administrative nightmares it could cause. This is especially significant in light of the fact that the administration would favor such a change in the Clean Air Act reauthorization. My own view is that I&M works, and is one of the ways we can work for cleaner air. I have pointed out before in debate on this same issue that my district is the second most air polluted region in the country. Let us not send the wrong signal to States like California that have implemented these programs by voting for this amendment. The public supports the Clean Air Act and has shown its willingness to pay for cleaning up the air. Let us start with I&M.●

Mrs. SCHROEDER. Mr. Chairman, my home district of Denver, Colo., still has a severe air pollution problem: According to the Council on Environmental quality, the fourth worst in the country. It took the threat of EPA sanctions to get the Colorado State Legislature to pass an inspection and maintenance program. Today that progran is in place and working. Without the EPA's power to impose sanctions, I fear the air in Denver would have been allowed to continue to deteriorate. Shackling EPA's power to enforce the Clean Air Act will undermine this program as well as other inspection and maintenance programs already implemented.

The citizens of Colorado, Illinois, California, and those of every other State in the Union have a right to breath air that is not harmful to their health. The fight for clean, breathable air is an obtainable goal, but it is far from being won. Let us not stop the march in midstride. I urge my colleagues to reject this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALGREN).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALGREN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 184, answered "present" 1, not voting 47, as follows:

[Roll No. 331]

AYES—200

Albosta	Foley	Murphy
Alexander	Ford (MI)	Murtha
Anderson	Frenzel	Myers
Annunzio	Fuqua	Napier
Anthony	Gaydos	Natcher
Applegate	Gephardt	Nelligan
Archer	Ginn	Nichols
Ashbrook	Goldwater	O'Brien
Aspin	Goodling	Oxley
Atkinson	Gramm	Pashayan
Badham	Grisham	Patman
Bailey (MO)	Guarini	Paul
Bailey (PA)	Hagedorn	Perkins
Barnard	Hall, Ralph	Petri
Beard	Hall, Sam	Porter
Bereuter	Hamilton	Pursell
Bevill	Hammerschmidt	Quillen
Bliley	Hansen (ID)	Rahall
Bonker	Hansen (UT)	Regula
Bouquard	Hartnett	Ritter
Bowen	Hatcher	Roberts (KS)
Breaux	Hefner	Robinson
Brodhead	Hendon	Rogers
Broomfield	Hertel	Roth
Broyhill	Hightower	Rousselot
Burgener	Hiler	Rudd
Byron	Hillis	Sawyer
Campbell	Holland	Sensenbrenner
Carman	Hopkins	Sharp
Chappie	Hubbard	Shaw
Cheney	Hunter	Shelby
Clinger	Hutto	Shumway
Coats	Hyde	Shuster
Collins (TX)	Ireland	Siljander
Conable	Jeffries	Skeen
Corcoran	Jenkins	Skelton
Coughlin	Johnston	Smith (AL)
Coyne, James	Jones (NC)	Smith (NE)
Craig	Jones (OK)	Smith (OR)
Crane, Daniel	Jones (TN)	Snyder
Crane, Philip	Kazen	Spence
Daniel, Dan	Kemp	Stangeland
Daniel, R. W.	Kindness	Staton
Dannemeyer	Lagomarsino	Stenholm
Daschle	Latta	Stump
Daub	Leath	Tauzin
Davis	Loeffler	Taylor
de la Garza	Lott	Udall
Dickinson	Luken	Vander Jagt
Dingell	Lungren	Volkmer
Dornan	Madigan	Walgren
Dougherty	Marlenee	Walker
Dowdy	Marriott	Wampler
Dreier	Martin (IL)	Watkins
Duncan	Martin (NC)	Weber (OH)
Dunn	McCollum	White
Dyson	McCurdy	Whitehurst
Edwards (AL)	McDade	Whittaker
Edwards (OK)	McDonald	Whitten
Emerson	McEwen	Williams (OH)
English	Michel	Wilson
Erlenborn	Mikulski	Winn
Evans (IN)	Miller (OH)	Wright
Fiedler	Mollohan	Yatron
Fields	Montgomery	Young (FL)
Findley	Moore	Young (MO)
Flippo	Morrison	

NOES—184

Addabbo	Bennett	Brinkley
Andrews	Biaggi	Brown (CA)
AuCoin	Bingham	Brown (CO)
Barnes	Boggs	Burton, Phillip
Bedell	Boland	Carney
Beilenson	Bonior	Clausen

Clay	Hollenbeck	Parris
Coelho	Horton	Patterson
Coleman	Howard	Pease
Collins (IL)	Hoyer	Peyser
Conte	Huckaby	Price
Conyers	Hughes	Railsback
Courter	Jacobs	Rangel
Coyne, William	Jeffords	Ratchford
Crockett	Kastenmeier	Rhodes
D'Amours	Kennelly	Rinaldo
Deckard	Kildee	Rodino
Dellums	Kogovsek	Roe
DeNardis	Kramer	Roemer
Derrick	LaFalce	Rose
Dicks	Lantos	Rosenthal
Dixon	Leach	Rostenkowski
Donnelly	LeBoutillier	Roukema
Dorgan	Leland	Roybal
Downey	Lent	Russo
Dwyer	Levitas	Sabo
Dymally	Lewis	Savage
Early	Livingston	Scheuer
Eckart	Long (LA)	Schneider
Edgar	Long (MD)	Schroeder
Edwards (CA)	Lowery (CA)	Schumer
Emery	Lowry (WA)	Seiberling
Erdahl	Lujan	Shamansky
Evans (DE)	Lundine	Shannon
Evans (IA)	Markey	Smith (IA)
Fary	Martin (NY)	Smith (NJ)
Fascell	Martinez	Snowe
Fazio	Matsui	Solarz
Fenwick	Mavroules	Solomon
Ferraro	Mazzoli	St Germain
Fish	McCloskey	Stark
Florio	McHugh	Stokes
Foglietta	McKinney	Stratton
Ford (TN)	Mica	Studds
Fowler	Miller (CA)	Swift
Frank	Mineta	Synar
Frost	Minish	Traxler
Garcia	Mitchell (MD)	Vento
Gejdenson	Mitchell (NY)	Washington
Gibbons	Moakley	Waxman
Glickman	Moffett	Weaver
Gonzalez	Molinari	Weber (MN)
Gore	Moorhead	Williams (MT)
Gradison	Mottl	Wirth
Green	Neal	Wolf
Gregg	Nelson	Wolpe
Gunderson	Nowak	Wyden
Hall (OH)	Oakar	Wylie
Harkin	Oberstar	Yates
Hawkins	Obey	Zablocki
Heckler	Ottinger	
Heftel	Panetta	

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—47

Akaka	Fithian	Reuss
Bafalis	Forsythe	Roberts (SD)
Benedict	Fountain	Santini
Bethune	Gilman	Schulze
Blanchard	Gingrich	Simon
Bolling	Gray	Smith (PA)
Boner	Hance	Stanton
Brooks	Holt	Tauke
Brown (OH)	Lee	Thomas
Burton, John	Marks	Trible
Butler	Mattox	Weiss
Chappell	McClory	Whitley
Chisholm	McGrath	Wortley
Derwinski	Pepper	Young (AK)
Ertel	Pickle	Zeferetti
Evans (GA)	Pritchard	

□ 1910

The Clerk announced the following pairs:

On this vote:

Mr. Boner of Tennessee for, with Mr. Zeferetti against.

Mr. Thomas for, with Mr. Akaka against.

Messrs. EDWARDS of California, GIBBONS, STRATTON, RHODES, LONG of Maryland, MITCHELL of Maryland, SMITH of Iowa, FORD of Tennessee, and MINISH changed their votes from "aye" to "no."

Messrs. HERTEL, BRODHEAD, and FOLEY changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. FRENZEL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 6956. As many Members will understand, this subcommittee bill actually exceeds by several hundreds of millions of dollars in budget authority the programmatic assumptions which underlay the budget resolution.

□ 1920

It is not unusual for the Appropriations Committee to fund discretionary items more than the budget assumptions would have called for and then later to come at us with supplementals which then tend to raise the total outlays, as well as later in the year, beyond the ranges we have approved in the budget.

However, Mr. Chairman, in this case the distinguished subcommittee chairman from Massachusetts (Mr. BOLAND) has met with administration representatives and has agreed, as he stated earlier on the floor, to restrict the housing supplemental to the level of not more than $9.6 billion which in fact would make his total appropriation within all of the limits of the budget resolution and all of the programmatic assumptions, as I understand them, as they were passed by this House.

I would prefer a smaller appropriation and yet, because I think this is a signal achievement of the Appropriations Committee and of the gentleman from Massachusetts in prenegotiating and trying to obviate a possible veto of this bill, I want to congratulate the gentleman and the distinguished ranking member also from Massachusetts.

I would suggest that we should all vote for this bill as a sign of encouragement for future negotiations and cooperation and to encourage the committee and its members to indulge in the same sort of conduct in the future as they work their way through the appropriations bills.

Again, Mr. Chairman, I congratulate the chairman of the subcommittee and all of its members for a splendid job.

Mr. CONTE. Mr. Chairman, will the gentleman yield?

Mr. FRENZEL. I now yield to the distinguished gentleman from Massachusetts, recently endorsed by both parties, and thereby elected.

Mr. CONTE. I thank the gentleman.

I just want to commend the gentleman for his remarks and say that I did have a colloquy earlier today with the very able chairman of the subcommittee, EDDIE BOLAND, and based upon that colloquy we have had the assurance of the White House that they will sign this bill.

Hopefully the other body will not tamper too much with it and mess it up and pass it down to the President, because this will be the first appropriation bill signed by the President this year.

Mr. FRENZEL. I yield back the balance of my time.

Mr. BOLAND. Mr. Chairman, I rise to strike the requisite number of words.

I am pleased to inform the membership of the Committee that there are no more amendments pending at the desk. If there are no more amendments in the pockets of Members, that will conclude the bill.

Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. LEVITAS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6956) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1983, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DANNEMEYER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 343, nays 38, not voting 51, as follows:

[Roll No. 332]

YEAS—343

Addabbo	Annunzio	Atkinson
Albosta	Anthony	AuCoin
Anderson	Applegate	Bailey (MO)
Andrews	Aspin	Bailey (PA)

Barnard	Ford (TN)	McCollum
Barnes	Fowler	McCurdy
Beard	Frank	McDade
Bedell	Frenzel	McEwen
Beilenson	Frost	McHugh
Bereuter	Fuqua	McKinney
Bevill	Garcia	Mica
Biaggi	Gaydos	Michel
Bingham	Gejdenson	Mikulski
Bliley	Gephardt	Miller (CA)
Boggs	Gibbons	Miller (OH)
Boland	Ginn	Mineta
Bonior	Glickman	Minish
Bonker	Goldwater	Mitchell (MD)
Bouquard	Gonzalez	Mitchell (NY)
Bowen	Goodling	Moakley
Breaux	Gore	Moffett
Brinkley	Gradison	Molinari
Brodhead	Green	Mollohan
Broomfield	Gregg	Montgomery
Brown (CA)	Grisham	Moore
Broyhill	Guarini	Morrison
Burton, Phillip	Gunderson	Mottl
Byron	Hagedorn	Murphy
Campbell	Hall (OH)	Murtha
Carman	Hall, Ralph	Myers
Carney	Hall, Sam	Napier
Chisholm	Hamilton	Natcher
Clausen	Hammerschmidt	Neal
Clay	Hansen (UT)	Nelligan
Clinger	Harkin	Nelson
Coats	Hartnett	Nichols
Coelho	Hatcher	Nowak
Coleman	Hawkins	O'Brien
Collins (IL)	Heckler	Oakar
Conable	Hefner	Oberstar
Conte	Heftel	Obey
Conyers	Hendon	Ottinger
Corcoran	Hertel	Oxley
Coughlin	Hightower	Panetta
Courter	Hiler	Parris
Coyne, James	Hillis	Pashayan
Coyne, William	Holland	Patman
Craig	Hollenbeck	Patterson
Crockett	Hopkins	Pease
D'Amours	Horton	Perkins
Daniel, Dan	Howard	Petri
Daniel, R. W.	Hoyer	Peyser
Daschle	Huckaby	Porter
Daub	Hughes	Price
Davis	Hunter	Pursell
de la Garza	Hutto	Quillen
Deckard	Hyde	Rahall
Dellums	Ireland	Railsback
DeNardis	Jacobs	Rangel
Derrick	Jeffords	Ratchford
Dickinson	Jenkins	Regula
Dicks	Jones (NC)	Rhodes
Dingell	Jones (OK)	Rinaldo
Dixon	Jones (TN)	Ritter
Donnelly	Kastenmeier	Roberts (KS)
Dorgan	Kazen	Robinson
Dornan	Kemp	Rodino
Dougherty	Kennelly	Roe
Dowdy	Kildee	Rogers
Downey	Kogovsek	Rose
Duncan	Kramer	Rostenkowski
Dunn	LaFalce	Roth
Dwyer	Lagomarsino	Roukema
Dymally	Lantos	Rousselot
Dyson	Leach	Roybal
Early	Leath	Rudd
Eckart	LeBoutillier	Sabo
Edgar	Lehman	Savage
Edwards (AL)	Leland	Sawyer
Edwards (CA)	Lent	Scheuer
Emerson	Livingston	Schneider
Emery	Long (LA)	Schumer
Erdahl	Long (MD)	Seiberling
Erlenborn	Lott	Shamansky
Evans (DE)	Lowry (WA)	Shannon
Evans (IA)	Lujan	Sharp
Evans (IN)	Luken	Shaw
Fary	Lundine	Shelby
Fascell	Lungren	Shuster
Fazio	Madigan	Siljander
Fenwick	Markey	Skeen
Ferraro	Marriott	Skelton
Fiedler	Martin (IL)	Smith (AL)
Findley	Martin (NC)	Smith (IA)
Fish	Martin (NY)	Smith (NE)
Flippo	Martinez	Smith (NJ)
Florio	Matsui	Snowe
Foglietta	Mavroules	Snyder
Foley	Mazzoli	Solarz
Ford (MI)	McCloskey	Spence
St Germain	Volkmer	Wilson
Stangeland	Walgren	Winn
Stark	Wampler	Wirth
Staton	Washington	Wolf
Stokes	Watkins	Wolpe
Stratton	Waxman	Wright
Studds	Weaver	Wyden
Stump	Weber (MN)	Wylie
Swift	Weber (OH)	Yates
Synar	White	Yatron
Tauzin	Whitehurst	Young (FL)
Taylor	Whittaker	Young (MO)
Traxler	Whitten	Zablocki
Vander Jagt	Williams (MT)	
Vento	Williams (OH)	

NAYS—38

Archer	English	McDonald
Ashbrook	Fields	Moorhead
Badham	Gramm	Paul
Bennett	Hansen (ID)	Roemer
Brown (CO)	Hubbard	Russo
Chappie	Jeffries	Schroeder
Cheney	Johnston	Sensenbrenner
Collins (TX)	Kindness	Shumway
Crane, Daniel	Latta	Smith (OR)
Crane, Philip	Levitas	Solomon
Dannemeyer	Lewis	Stenholm
Dreier	Loeffler	Walker
Edwards (OK)	Marlenee	

NOT VOTING—51

Akaka	Fithian	Reuss
Alexander	Forsythe	Roberts (SD)
Bafalis	Fountain	Rosenthal
Benedict	Gilman	Santini
Bethune	Gingrich	Schulze
Blanchard	Gray	Simon
Bolling	Hance	Smith (PA)
Boner	Holt	Stanton
Brooks	Lee	Tauke
Brown (OH)	Lowery (CA)	Thomas
Burgener	Marks	Trible
Burton, John	Mattox	Udall
Butler	McClory	Weiss
Chappell	McGrath	Whitley
Derwinski	Pepper	Wortley
Ertel	Pickle	Young (AK)
Evans (GA)	Pritchard	Zeferetti

□ 1940

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 562, URGENT SUPPLEMENTAL APPROPRIATIONS FOR DEPARTMENT OF LABOR, 1982

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. 97-810) on the resolution (H. Res. 582) providing for the consideration of the joint resolution (H.J. Res. 562) making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982 which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST H.R. 7019, TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-811) on the resolution (H. Res. 583) waiving certain points of order against the bill (H.R. 7019) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2177, COLORADO RIVER BASIN PROJECT ACT

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 97-812) on the resolution (H. Res. 584) providing for the consideration of the bill (S. 2177) to amend title III of the Colorado River Basin Project Act, Public Law 90-537 (82 Stat. 885), as amended by Public Law 95-578 (92 Stat. 2471), and Public Law 96-375 (94 Stat. 1505), which was referred to the House Calendar and ordered to be printed.

A TRIBUTE TO GRACE KELLY

(Mr. FOGLIETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Speaker, rarely does the world have the opportunity to observe a public figure who personifies the title of Princess with such dignity and grace. Princess Grace of Monaco was such a figure. Her passing yesterday leaves a void in the lives of everyone she touched that shall never be filled. It is with a very deep sadness that I rise to pay my respects to her, to her family, to the people of Monaco, and the people of Philadelphia, the city she called home for many years. As a woman, she had no peer. She personified dignity, style, and intelligence. She represented her new nation well, and earned the trust and respect of the entire international community. In every situation, from the simplest public ceremony to the most intricate diplomatic function, she was unfailingly gracious, courteous, and unpretentious. But she was more than just gracious, she was a talented, capable advocate of her beliefs and concerns. She was an extraordinary individual. The pressures of stardom from her film career were great. The responsibilities that that career created kept her constantly in the spotlight, constantly the focus of attention. Although she never disappointed her fans in her public life, she never allowed her career to endanger the devotion to her family life, which was so important to her. She found time to be a mother, a wife, a spokeswoman, and an example to everyone of the meaning of intelligence, beauty, and

charm. Princess Grace, a dear friend and a bright light in every corner of the world, was a unique and wonderful person. We are the poorer for her passing as we were the richer for her presence in our lives.

THE LESSON IN BASHIR GEMAYEL'S DEATH

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, we all mourn the tragic assassination yesterday of Bashir Gemayel, the President-elect of Lebanon. Compounding Gemayel's loss is the fact that his murder may have ended more than just the life of a promising, pro-Western moderate Arab leader.

Bashir Gemayel's death represents another major setback for hopes of peace in the entire region and represents, once again, the pattern that has become all too familiar in the deadly poison and complicated politics of the Middle East.

Gemayel, like Egypt's Sadat before him, was pragmatic, moderate, staunchly pro-American and increasingly amenable to reaching a peaceful accord with Israel. Gemayel was an enemy to the radical Arab factions, particularly the Palestine Liberation Organization and the Syrians. And so he was murdered.

Just 23 days ago, at the very moment of Gemayel's election by the Lebanese National Assembly, I stood in the streets of Beirut and saw the effect of his charisma and the hope his election held out for the people of his war-torn nation. Two of my colleagues, Representative MARIO BIAGGI and Representative RAY MCGRATH, stood in the street with me as all around us the air was punctuated with crackling Kalashnikow machinegun fire, teenage children running ecstatically up the sidewalks, people hanging from every window and spilling out of cars to catch a glimpse of Gemayel sweeping past on his way to the National Assembly to accept their nomination. Hope was in the air, mixed with genuine relief that peace and a stable government might be restored at last.

Now Gemayel is gone, and the hope may also be gone.

There are lessons in this tragedy for the United States and clear implications for the wider concerns of an overall Middle East peace.

It is time for the Reagan administration and the United States to stop publicly pointing the finger at Israel as the sole instigator of unrest in the Middle East. This has become the principle indoor activity for the United Nations and radical Arab States in other world forums. It is unseemly for the United States to appear to be sinking to this simplistic and unrealistic course. Moreover, it is downright counterproductive.

Gemayel's death underscores, once again, the fragile nature of moderation in the region—particularly for leaders who oppose the murderous policies of the radical Arab States and the PLO. His death illuminates the stark reality that assassination is a high probability risk for any moderate Arab leader who seeks accommodation with Israel.

It is one thing for the United States aggressively to pursue peace plans in consultation with the only stable, democratic country in the region, our ally Israel. It is quite another to attempt to superimpose master plans for territorial reorganization that are orchestrated halfway around the world in Washington not with Israel but rather with Jordan, Saudia Arabia, and others who have been degrading the Camp David process since its inception.

Even if Israel were to disappear entirely from the face of the Earth, the fervent historical wish of her neighbors, violence and diplomacy by assassination will still be the order of the day throughout the turbulent Arab world.

The history of the Near and Middle East is violence. Murder is the political weapon of choice. From Israel's first breath as a sovereign state it has been surrounded by the thunder of gunfire. The endless wars launched from neighboring Arab countries, the terrorists, the bombings in crowded markets, the children lost as school buses were dynamited, the shelling of villages that produced an entire generation of people who think a bomb shelter is a basic room in any house—these are Israel's history.

For the Arab States, violence with or without Israel as an excuse—is endemic. Perennial conflict and bloodshed between Shi'ite and Sunni Moslems, civil wars between Christians and Moslems in Lebanon, bloody fighting between King Hussein's Bedouin tribesmen and the West Bank Arabs, deadly confrontations between leftist Moslems and rightist Moslems are background noise to the assassinations of Anwar Sadat and Bashir Gemayel. As war rages between Iraq and Iran, the decades old murderous enmities among Egyptians, Syrians, and Libyans, continues unabated.

No, the Arab world does not need Israel as a reason to be engulfed by violence.

All the evidence of the past 50 years, so vividly underlined by yesterday's assassination, suggests that moderate Arab leadership, inclined toward peaceful coexistence with Israel, is an endangered species.

Israel knows, as do the Arabs, that any agreement, any treaty, is subject to the bomb and the bullet at the hands of the PLO and its radical allies throughout the Arab world. Murder, assassination and political violence is an integral part of the political mix in the Middle East.

When President Reagan presented his peace plan for the Middle East it failed to take into account this vital equation. Leaving aside the obvious difficulties in the method and timing of President Reagan's proposals, we are left with a plan that essentially asks Israel to trade away her security on the marginal hope that moderates, whether Fahd of Saudi Arabia, Hussein or Jordan, or even Bashir Gemayel of Lebanon, will survive. The surrender of land, vital to Israel's physical security, is forever—while the promises of moderate Arab leaders is a transitory moment between gunshots.

Is it any wonder that the Israeli Government appears reluctant to negotiate giving up territory in the hopes that moderate Arab leaders will be in a position to deliver on promises of lasting peace and security for Israel?

The message for the United States is that simplistic quick-fix solutions which ignore the almost incomprehensibly bloody history of the last thousand years and the murderous legacy of hatred that nurtures the Arab radical's approach to Israel is to not contribute to the solution but instead become a major part of the problem.

Israel has been described as a country that is one bomb wide. No country in such a position is going to compromise the modest security it has won at such a terrible cost to its own people.

For the Reagan administration to expect this is to ignore history and reality.

OPPOSING TRANSFER OF NIOSH TO NIH (H.R. 6355)

(Mr. JOHNSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSTON. Mr. Speaker, we have been asked to suspend the rules in order to consider on the floor the matter of the organizational placement of the National Institute for Occupational Safety and Health. But I must raise two warnings. In the first place, this is not a minor technical amendment to legislation, but rather a substantive reordering of programs that would have a significant impact on the health operations of NIOSH, a $60 million agency. And, we are being offered political shenanigans that would be sold to us under the label of improved organizational effectiveness. We should not let ourselves become victims of the hoax.

Let us examine the impact of this amendment. NIOSH is now a part of the Centers for Disease Control, which

is the principal agency of the Public Health Service concerned with the prevention of illness and premature death. NIOSH fits well in this organizational environment where the focus is on pragmatic and service-oriented health programs. NIOSH conducts field investigations to evaluate health hazards in the workplace—an activity akin to the well-known epidemic assistance provided by CDC. There are other similarities. NIOSH provides scientific recommendations to regulatory agencies as CDC does in the area of clinical laboratory practice and immunization. NIOSH carries out regulatory powers in its testing and certification of personal protective equipment, whereas CDC enforces the Nation's foreign quarantine requirements.

The amendment would move NIOSH out of this compatible organizational environment, and place it in the National Institutes of Health. Although there is some similarity between the two in that both conduct research, there is a significant difference in the focus of that research. NIOSH focuses heavily on identifying workplace hazards that cause injury or disease. This is directed research that must be related to prevention through regulation or other means. At the Bethesda campus we have, on the other hand, the Nation's premier biomedical research organization whose sole mission is to acquire new scientific knowledge. I submit that even in the one area of apparent similarity, research, there are very important differences between NIOSH and NIH. The Director of NIH has stated that the NIOSH mission is incompatible with that of NIH. Therefore, we must consider carefully the diversionary and detrimental impact that would result by the mismatch of the other mandated NIOSH activities, which can be confrontational in nature, on the basic research environment of NIH. To do this work, we, the Congress, have authorized NIOSH to use warrants and subpenas in the execution of right of entry and right of access to data. These are hardly the tools of Nobel Prize winners. I reiterate, this bill is not a technical amendment.

I contend that the motivations are purely political. The amendment is being offered as a part of a partisan political effort to reverse the move of NIOSH headquarters from the Washington area to Atlanta, Ga. More than a year ago, the NIOSH headquarters was transferred to Atlanta, Ga. However, appropriation language was passed which stopped that move midstream, with the top NIOSH leadership in Atlanta, and a dissident support staff remaining in Rockville, Md. Obviously, it is more difficult to exert day-to-day influence on an organization located more than 600 miles away. This current amendment is a blatant maneuver to deepen the disruption of NIOSH by having it report to another organization located in the Washington area—NIH. This ploy is being proposed by those who, under the cover of last year's budget conflicts and crises, slipped through an apparently innocent provision which has handcuffed an important health agency. For 12 long months, the move of the NIOSH headquarters has been in limbo. This hiatus has resulted in the discontinuation or delay of program activities and in missed opportunities. For example, we are still waiting for the production of the scientific document on radio frequency microwaves. Plans to upgrade some 20 standards have for the most part been delayed and, it has been impossible to proceed with plans to improve the effectiveness of the NIOSH safety program. We cannot allow this sort of thing to happen again. In fact, we should take steps to assure that last year's mistake is corrected.

A TRIBUTE TO THE LATE HONORABLE KEITH SEBELIUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. ROBERTS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. ROBERTS of Kansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the life, character, and public service of our late colleague, Hon. Keith Sebelius.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. ROBERTS of Kansas. Mr. Speaker, I have taken this special order today in behalf of our former colleague Keith Sebelius who passed away September 5. I am joined in this special order by my good friend and colleague, Mr. WINN, the dean of our Kansas congressional delegation.

One week ago today, funeral services were held for Keith in his hometown of Norton, Kans. The services represented a genuine outpouring of affection and love for Keith Sebelius, the public servant and the man.

Mr. Speaker, I have had the privilege of working for Keith during his tenure in the Congress. And, having this privilege, afforded me the opportunity to know Keith as a close personal friend, a mentor, and in such a way that we enjoyed a father-son relationship. My deepest sympathies are extended to Keith's wife, Bette, his sons Gary and Doug, and their families. My family and I share in their sense of personal loss.

We have been blessed with many fine public servants in Kansas, but with Keith, his record, his service, and most of all his relationship with people was something unique and special. Since his passing, leading newspapers in Kansas have eulogized his service and his contributions and his memory. In accurate and eloquent terms, they describe his life in full. Following my remarks, I will include editorials from the Wichita Eagle, the Larned Tiller & Toiler, the Hutchinson News, and the Topeka Capital-Journal. And a personal biography. These columns, editorials, and eulogies are representative of many others published in newspapers throughout Kansas.

Mr. Speaker, when I think of Keith Sebelius, I think of his impressive record of public service, his legislative accomplishments, but the one attribute that I feel was so special and unique was the example he set for me and for others. In working for Keith you were not just a staff member, you were a member of a family. And, throughout his entire career, through demanding and tough times in Kansas and here in Washington, I never once saw Keith Sebelius lose his temper. He was truly a Christian in practice.

Even during his battle with his personal illness, when he was receiving treatment in the early morning hours and going through a very difficult time, he did not complain or he did not rail against his fate. He was, in fact, a source of inspiration and hope to those who were around him.

What a wonderful tribute to a man that can be said he was truly beloved by all who knew him. For you see, Mr. Speaker, the more you knew Keith, the better you liked him. He never sought higher office or desired anything other than being the best Congressman he could be. It was the way he went about the job of fulfilling that responsibility that was so special.

For myself with memories that will last my lifetime, for fellow staff members whose lives he touched and whose memories of him are so special and unique, for the citizens he represented so well, our feelings can be summed up with the words that were on a sign in front of the Norton High School during the day of his funeral services. With flags in Norton at half staff, with businesses closed, with hundreds of friends attending the services, the sign simply read, "Goodbye Keith, thanks for everything."

The editorials follow:

BIOGRAPHY OF KEITH G. SEBELIUS

Keith Sebelius of Norton, served six terms in the U.S. House of Representatives from the First Congressional District of Kansas. The district is comprised of 57 counties, takes in 60% of the state and is known as the "Big First."

Representing the nation's largest wheat producing district, the Congressman was appropriately a member of the House Committee on Agriculture and the ranking minority member of the Livestock and Grains Sub-

committee. He authored numerous amendments to farm bills enacted by Congress and was the principal sponsor of major farm legislation.

Sebelius was instrumental in locating one of the first Youth Conservation Corps Projects at Fort Hays Kansas State College.

His interest in conservation, water resources and national parks led him to seek membership on the Interior Committee. He was the ranking minority member of the National Parks and Insular Affairs Subcommittee. He played a leading role in enlarging the Indiana Dunes Lakeshore and expanding the nation's wilderness system.

Sebelius' goal was to help make government more responsive to the needs of rural America. His legislative programs dealt primarily with agriculture, small business, senior citizens, postal service, health care and government programs as they apply to rural areas.

Before entering the U.S. House of Representatives, Sebelius served six years in the Kansas State Senate.

In 1968, he was elected to the 91st Congress and has returned in five successive elections. He led the Republican ticket in Kansas in 1976 with over 73% of the vote. Sebelius received the Wheat Man of the Year award from the Kansas Association of Wheatgrowers in 1975. He has received several Watchdog of the Treasury awards from the National Association of Businessmen and several Man of the Year awards from the National Federation of Independent Businessmen for service to small businessmen in Kansas.

Born and reared in Almena, Sebelius graduated from Fort Hays Kansas State College. He received his law degree from George Washington University Law School. Sebelius served in the Army during World War II and was recalled during the Korean Conflict. After WWII, he returned home to practice law in Norton County where he became active in civic and political affairs. He served as city councilman, city attorney and mayor of Almena. He was elected Norton County Attorney and served as Norton's city attorney.

Sebelius and his wife, Bette, also a native of Almena, had two sons, Gary and Doug. Gary graduated from Georgetown University Law School and is a lawyer in Topeka. Doug graduated from Washburn University Law School in Topeka and is currently in practice with his father in Norton. Both sons are graduates of Kansas State University.

Sebelius served as lay leader, president of the Board of Trustees and Sunday School teacher of the United Methodist Church, and past commander of the Kansas American Legion.

He was a member of the Board of Directors of Valley Hope Alcohol Treatment Association, member of the Endowment Association of that Fort Hays Kansas State University and was past president of the Fort Hays Alumini Association, and member of the advisory board on National Parks, U.S. Department of Interior.

[From the Wichita Eagle Beacon, Sept. 12, 1982]

SEBELIUS WAS A KANSAS'S KANSAN

(By George Neavoll)

I'm sorry Keith, I never called.

I had been going to, and in fact, I did try a couple of times.

But, each time, the secretary in his law office said Keith Sebelius was out, either away on business or taking care of some party work.

Keith always was a workhorse for the Republican party, and seldom turned down any request for him to lend his name and his efforts to assure a GOP victory at the next election.

I remember the time a couple of years ago I heard him speak to the gathered faithful at Kansas Day activities in Topeka. His longtime administrative assistant Pat Roberts, had been elected the fall before to take his place in Washington, and he was exhorting party workers to take advantage of the country's swing toward Republicanism after four years of Democratic rule.

Now that the Grand Old Party had regained the White House and held a majority in the House of Representatives, he said, it was "time to plant the potatoes" of fiscal responsibility, and get the country back on the road to economic recovery.

His voice broke a couple of times, as he alluded to his own mortality. But Keith Sebelius was a man of faith, and if his bout with cancer ever scared him—and I'm sure it must have—he never let it show.

That was the same year Keith was named Kansan of the Year by the Native Sons and Daughters of Kansas.

A more appropriate honor never was bestowed. If anyone ever epitomized the heat and soul of Kansas, it was Keith Sebelius He was a "straightshooter," as they used to say, and he was the same before presidents or plains folks.

He knew his sprawling 1st district constituency as perhaps no one did before or since, and he was at home wherever a human being hung his—or her—hat.

Keith was a politician, first, last and always, and knew the importance of the political process in changing things for the better. He was a Republican, but he was as much at ease among Democrats as among his party colleagues. And the Democrats—though some probably would have been reluctant to admit it when he was in public life—loved him in return.

His modus operandi, when the time came for him to announce his candidacy for another election, was to mount the courthouse steps in his hometown of Norton, and tell the people why he wanted to invest another part of his life in their future.

The last time he did that was in May 1978, as he was contemplating his sixth term in Congress. "My primary goal," he said then, "will be to continue to work to make government more responsive to our needs in our rural and small community areas, to fight for that fair shake we have not been getting."

If anything summarized Keith Sebelius' attitude toward government, and the role of the public servant in a position of authority, that was it. He saw government as the means for an informed people to assure their livelihoods and the quality thereof.

He was the champion of the American farmer, and never tired of telling the world outside Western Kansas of the problems the farmer faced as he attempted to feed a world that sometimes seemed to think food on the table originated in the supermarket.

Keith was one of the first people I contacted when we moved to Kansas, and soon after that, when he was in Wichita to address some group, we got together for lunch.

I wanted advice on how an outsider such as myself might best get to know Kansas and the Kansas people, and particularly how to inform myself on the farm problem.

"The thing to remember about the farmer," he said then, as best I remember the conversation, "is that no one person speaks for him. If 20 farmers get together, you'll get 20 different views on the farm problem and how to deal with it. That just demonstrates the complexity of the situation."

It was my first insight into how hard some of the solutions to the farmer's plight might be, and why more hadn't been done to address it.

Good government and agriculture were only two of Keith's many abiding interests. Another was the preservation of the nation's natural and historic heritage in the National Park System.

He was ranking minority member of the House Interior Committee's national parks subcommittee at the time of his retirement, and one of his last acts was helping shepherd through the House a critical package of land additions to the Indiana Dunes National Lakeshore. Keith knew of my interest in the dunes, since I had lived in both Indiana and neighboring Michigan, and had editorialized many times on their behalf.

After he left office, and was appointed to the National Park System Advisory Board, he wrote me a little note informing me of that, and scribbled on the back: "I'll try to look out for Indiana Dunes for you."

I'm sure he did that, to the extent that he could, just as he looked out for the interests of all his people, of whatever political persuasion or philosophical stripe.

He was indeed a Kansan's Kansan, and no son or daughter of this state could aspire to a greater task than to emulate the life of the man from Norton.

He's gone from among us now, but the example he set will live forever. Rest well, dear friend. You planted some good potatoes.

[From the Larned Tiller & Toiler, Sept. 9, 1982]

A LOOK AT KEITH

(Editor's note: The following editorial was written by Lee Musil of Burdett, who served as agriculture assistant to Congressman Sebelius in Washington from 1976-1979.)

Keith Sebelius was a politician in the finest sense of the word. During his years of campaigning and representing, he acquired admiration and respect based on honesty and trust rather than back biting and intimidation.

He set a fine Christian example for his staff and Congressional colleagues. He never lost his temper; he never held a grudge. He insisted that his staff give proper respect to all members of Congress, whether they were Republican or Democrat, and always preface their names with "Congressman" or "Mr."

He prided his office in providing the best constituent services of the Kansas Congressional delegation. His staff size was leaner than most but extremely dedicated and was among the lowest in personnel turnovers of any Congressional office. He made it clear that we were not working for the glory of Keith Sebelius but for the people of the big First.

He was amazingly efficient with his time management. I have never been associated with a more punctual person. Despite the intense demands of his time, I can never remember him missing a roll call of the Agriculture Committee.

One time after a crucial vote, he was asked if he considered himself a follower or a leader. "Both," he said. "I try to follow the wishes of my district as much as possi-

ble but there are times when I must take a tough stand that I know will be in the long range best interest of my people."

When once accused of being too parochial in his voting, he replied, "If I don't represent the best interests of the Big First, nobody else will."

Another time he was asked if he considered himself an important person. "No, I don't feel important," he said. "My hometown people wouldn't ever let me."

Henry C. Clausen, sovereign grand commander of the Scottish Rite Bodies of Freemasonry, has said, "Modesty with our superiors is a duty; with our equals a courtesy; and with our subordinates, nobility." Keith Sebelius, himself a 33rd-degree Mason, was truly noble to those who knew him. We of the First District can be deeply grateful for the footprints he has left in the sands of time.

[From the Topeka Capital-Journal]

KEITH G. SEBELIUS

Keith G. Sebelius, the former Congressman from Western Kansas, who died last week after a long battle with cancer, didn't care whether he made headlines. He just cared whether he helped make good legislation.

He didn't have that magical quality called charisma. He just had the trust of his colleagues and his constituents.

He wasn't regarded as an eloquent speaker. He just had that rare ability to be a good listener.

He was not especially innovative. He just was able to get both sides to agree when before they couldn't.

He didn't have his name on a lot of bills and laws. He just attended all the committee meetings, always cast his vote, always kept his appointments.

He wasn't showy about being a congressman, just effective.

When he first learned he had cancer, Sebelius scheduled his cobalt treatments at 6 a.m. so he wouldn't miss any time on the job. Throughout his illness he worked despite considerable pain, but never complained, never lost his temper, noted his long-time aide and eventual successor in the House of Representatives, Pat Roberts.

Though many people remember Sebelius as a congressman primarily and properly concerned with laws regarding agriculture, he played an influential role in much of the legislation dealing with the National Park System. Here again, it was his ability to get environmentalists and industry to see eye to eye that resulted in laws being passed where a stalemate appeared likely.

Among the crowd of people at Republican Keith Sebelius' funeral last week were many prominent Kansas Democrats—including one whom Sebelius had defeated in an election.

That was not a "political compromise" of the kind in which Sebelius was so skilled. It was simply a fitting farewell tribute to a good congressman, and a good man.

[From the Hutchinson News, Sept. 8, 1982]

KEITH SEBELIUS

Keith cares.

With those two words, Keith Sebelius carved a niche in the history of Kansas. Used in one of his campaigns for Congress, the slogan was simple. Yet it carried the message of a dedicated man, with undoubted clarity.

When Mr. Sebelius died this week, agriculture lost one of its most valued friends. Kansas lost a good citizen. Thousands of folks lost a friend.

During the 12 years he spent in Washington, Mr. Sebelius carried the concerns of his beloved "Big First" district on his sleeve, as well as in his heart. He once wore a bread wrapper to remind big-city representatives that farmers were not reaping the benefits of spiraling food costs.

Keith Sebelius was not a recognized speaker, but the sincerity with which he approached the nation's problems was recognized as an eloquence all its own. His strength rested in his ability to reason and compromise without giving up the ideals in which he believed.

When the time came for him to return to his hometown of Norton, he did so with grace. He was retiring from Congress, he announced, but not from involvement in the things that had interested him all his life.

One of the areas he served well during his congressional tenure was the national park system. Interior Secretary James Watt recognized his interest and appointed him to the national park advisory board.

His office motto was: "Smother them with the milk of human kindness."

The motto wasn't born of political motivation, but of belief in its message.

The belief, the service and the life which it embraced will remain a part of the heritage of the state he loved so well, so long, and so effectively.

□ 1950

Mr. ANDERSON. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Speaker, it is with deep sorrow in which I rise today to participate in this special order for our departed friend and former colleague from Kansas First Big District, Keith G. Sebelius.

For over a decade, Keith epitomized the role of a Member of Congress through his dedicated hard work both for his constituents in Kansas and the Nation. And, I had the distinct privilege in serving with Keith through his tenure in this Chamber.

A graduate of Fort Hays Kansas State College and George Washington University Law School, Keith served his country in both World War II and the Korean conflict. Thereafter, he served as city councilman, mayor, city attorney, county attorney, State senator (6 years), and legislative council (4 years). Also, he became a member of the Kansas Department of Economic Development and the Capital Area Planning Commission.

It was through his diligent efforts on two committee assignments—Agriculture and Interior and Insular Affairs—in which he gained our tremendous respect. Although I represent a large metropolitan area in southeast Los Angeles which, of course, is not directly involved in the developments of these two committees, I came to admire Keith for his efforts on behalf of our Nation's farmers and rural America. In his 12 years in Congress, Keith did more in influencing legislation for America's heartland than many Members accomplish in their lifetime in Washington. Through his position as a leading minority member of the Agriculture Committee, Keith not only introduced legislation for the farm community but, most importantly, he usually got it enacted into law. When Keith retired at the end of the 96th Congress, America's farmers truly lost one of their strongest allies.

However, Keith also directed much of his energies toward the protection of our country's wilderness areas. In his capacity as a senior member of the Interior Committee, Keith was a consistent and strong advocate for conservation. In fact, he was instrumental in establishing one of the first Youth Conservation Corps projects at his alma mater, Fort Hays State University.

In recognition of his contributions and efforts, Keith was the recipient of numerous awards and honors by many distinguished organizations. For example, he was named as "Wheat Man of the Year" award by the Kansas wheatgrowers in 1975; five "Man of the Year" awards by the National Federation of Independent Businessmen; and five "Watchdog of the Treasury" awards from the National Association of Businessmen.

Mr. Speaker, as you well know, when one enters service in the House he or she does not earn a respectable image through lackadaisical efforts; they earn it. Keith was one of those who genuinely earned this respect from Members on both sides of the aisle. His contributions to the betterment of America were countless. We can only hope that those who are elected to Congress in the future will be of the same high caliber that Keith was.

My wife, Lee, joins me in extending our heartfelt condolences to Keith's wife, Bette, and their two sons, Gary and Doug.

Mr. WINN. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I yield to my colleague, the gentleman from Kansas.

Mr. WINN. Mr. Speaker, on September 5, 1982, the State of Kansas and the United States lost a true and loyal friend. Those of us in the Kansas delegation had the privilege of knowing and working with this fine human being. Keith Sebelius epitomized the public servant. He was dedicated to the people he represented in the "Big First District" of Kansas. On his retirement from Congress he returned to spend his last days with the people he knew and loved. I would like to repeat my floor comments of July 30, 1980 when our former colleague retired, but I will not.

Keith has spent the last 2 years fighting a losing battle with cancer, and now he has left us.

Keith was a pillar of strength in his defense of the Nation's farmers and rural Americans. Each of us know that his priority list had always been headed by a deep concern for the future of American agriculture—an industry whose health and survival are critical to the continued vitality of the country. During his 12 years in the Congress I frequently called on Keith for his counsel on matters concerning agriculture and he was always there and with the answer that was right. His love and work for our National Park System is well known, and after retirement the President had the good judgement to appoint Keith to serve on the National Park Service Advisory Council which he did as unselfishly as he had always served.

He was a good person. He was hard working, dedicated, honest and honorable and a great family man. People of his caliber do not come along every day. Joan and I were proud to call him our friend, and our heartfelt sympathy goes out to Bette, and Keith's sons Doug and Gary.

Mr. Speaker, I ask that along with the many editorials that have been written about our former colleague, Keith Sebelius, that two be placed in the RECORD; one from the Kansas City Star, which is titled "Unpretentious Lawmaker Left Worthy Legacy," and another from the Olathe Daily News.

I would also like at this time to include a letter written to me, Mr. Speaker, from our former colleague from the Fourth Congressional District, Garner E. Shriver, who was a very close friend of our deceased colleague, Keith Sebelius.

At the same time, I would like to include along with my remarks the remarks of Congressman GENE TAYLOR from the State of Missouri:

[From the Kansas City Star]

UNPRETENTIOUS LAWMAKER LEFT WORTHY LEGACY

(By Stephen C. Fehr)

TOPEKA.—"When you go into a restaurant, if you don't eat the rolls, mess them up a little."

Keith Sebelius of Norton in northwest Kansas came up with that maxim for wheat farmers, who were a major part of his constituency in the 12 years he represented the 1st District of western Kansas as its Republican U.S. representative.

Tearing up a roll, Mr. Sebelius reasoned, would mean that the restaurant couldn't serve it again. More rolls require more wheat.

Mr. Sebelius died Sunday of cancer at the age of 65, leaving a legacy of fighting for farmers and the rural way of life that was the dominant characteristic of the 61-county district, one of the nation's largest. Western Kansans know the district as the "Big First."

Though Mr. Sebelius wasn't much of a force in Congress—he never had any of his own legislation approved in 12 years—he was one of the most loved members of the Kansas delegation. Genuine and homespun, Mr. Sebelius was unpretentious and seemingly immune to Potomac fever, an affliction that causes politicians forget their home state.

"I may not go down in history for writing a lot of hallmark legislation on everything under the sun, but the ones I've worked on have done something," Mr. Sebelius said in a candid self-appraisal when he retired in 1981. "I think I've helped farmers, and I think the national park system is better because I was here."

The practical impact of Mr. Sebelius's death on Kansas politics will be minimal. He had built up a network of supporters throughout the heavily Republican district who worked to make his seat secure. When he retired, his Washington assistant, Pat Roberts, capitalized on knowing everyone in that network and won the seat.

[From the Olathe (Kans.) Daily News, Sept. 8, 1982]

KEITH SEBELIUS

Every year that he served in Congress, Keith Sebelius at least once, and more often twice, would visit each of the 57 Western Kansas counties that he represented in Washington. Those ten or 12-day tours were exhausting to all who travelled with Keith—but not the congressman.

Sebelius, who died Sunday at Norton after a two-year fight with cancer, was a passionate conservative and selfless servant through his long political career—from his election to local offices in Almena, a defeat in campaigning for Congress in 1958, election to the Kansas Senate in 1962 and then to the U.S. House in 1968 where he served until 1980 when he declined to seek reelection to a seventh term.

Sebelius' political passion was twofold: his was a deep belief that each citizen bears a responsibility in private life and in community life as great as any responsibility the government may have to shape that life and community. And he believed that the state is best served by letting the individual express himself. That is why he insisted upon the grueling tours of Western Kansas, that is why he always stopped to listen for long hours; and he always remembered what he heard when he returned to Washington.

Sebelius was never infected by the power games and tawdry mechanics of some colleagues and many lobbyists that swarmed Capitol Hill. He insisted that his constituents, not political action committees or well-heeled influence peddlers, were the best and most influential lobbyists. For that, he was criticized at times for not playing the game, for being out-of-step.

When he retired from politics two years ago, Sebelius did what few other members of Congress do when they retire; he returned to his home in the district that elected him. He loved his work in Congress but he was never attracted to the city of Washington, never tempted to peddle his contacts or experience for the quick buck.

Sebelius often said he never felt important because his hometown people wouldn't let him. But he was important because he was of a rare breed of public servants that continues to diminish. He was important because he will be missed.

SEPTEMBER 15, 1982.

Hon. LARRY WINN, Jr.,
Congressman, Third District of Kansas, Rayburn Building, Washington, D.C.

DEAR LARRY: I was saddened by the death of my good friend, Keith Sebelius. I appreciated the prompt notification from your office of Keith's untimely passing.

It was my privilege to serve in the House of Representatives with Keith over a period of eight years, and I know of no member with whom I have served who was more conscientious, more devoted to the interests of his constituents and the citizens of his state than Keith.

There was no pretentiousness about Keith Sebelius. He was the same pleasant, cheerful, friendly person day after day. He was honest and straight forward in his relations with all. He displayed to those who knew him the qualities of fairness, dedication, service and belief in the strength of America.

As a legislator he had many interests. As a member of the Agriculture Committee of the House he had a real understanding of all phases of farming, ranching and rural life. He diligently and successfully worked to solve the tremendous problems of Agriculture and related industries.

Keith was greatly interested in his other committee assignment—the Interior and Insular Affairs Committee. I have often heard him speak with pride of our Nation's great system of Parks and the work of the National Park Service. He took the time and made the effort to visit many of our national parks.

Keith had a distinguished service record as an enlisted man and officer during World War II and the Korean conflict. He was very active in our State in veterans' organizations and before coming to Washington was Department Commander of the Kansas American Legion.

It is well known that Keith was a champion in securing and defending the rights and benefits of veterans, their survivors and dependents. He was a patriot who gave freely and unselfishly of his time.

I know that for his wife, Bette, and his sons, Gary and Doug and their families, there is and will continue to be a tremendous loss. Our sympathies go out to them. I, too, have sustained a loss as have all of Keith's friends and acquaintances. His memory and good work will indeed live on for years to come.

Sincerely,

GARNER E. SHRIVER.

Mr. TAYLOR. Mr. Speaker, it is with sincere regret that we speak today about our former colleague Keith Sebelius of Kansas. No more dedicated or knowledgeable Member ever served in this House and no Member more strongly felt his obligation to district, State, and Nation than did Keith.

I considered Keith to be a close personal friend and a man of wise counsel who could always be depended upon to get to the heart of any issue and then vote his conscience which usually proved to be the proper vote. No Member of Congress had a deeper concern for American agriculture. His perceptions of the importance of the family farm and his articulate presentation on behalf of American farmers earned for him the recognition of the "Farmers Best Friend in the House of Representatives."

We are going to miss Keith Sebelius. We have lost a friend and the Nation has lost a public servant who served his people with integrity and statesmanship in the many offices he held.

To his family and many friends I extend my condolences.

Mr. WHITTAKER. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I yield to my friend and colleague, the gentleman from Kansas.

Mr. WHITTAKER. Mr. Speaker, I want to thank my colleague, the gentleman from Kansas, for yielding.

Mr. Speaker, it seems like only yesterday that I stood in this well to pay honor to Keith Sebelius on his retirement and to sadly proclaim that a true friend of American agriculture would not be answering the first quorum call of the 97th Congress.

It was my first term in Congress and I had grown to rely on Keith for his sound advice and his guidance during difficult moments. As I stepped into the well with mixed emotions, I was saddened by the thought that we would be losing one of our most able and hard-working Members, but heartened by the realization that Keith had served Kansas and the Nation for a good long time and had earned the opportunity to return to Norton to spend more time with Betty and his family and the people in Kansas he had served so well.

Many of my colleagues who followed on that special day in July of 1980 recounted his many accomplishments, and justly praised his efforts on behalf of agriculture and the Kansas farmer. It was a proud day for Keith and a proud day for Kansas, and I know for a fact that Keith was both honored and moved by the tributes paid and by the friendship and comradery exhibited that day.

Keith's retirement was tragically cut short just 10 days ago, but those of us who knew him well realize he made the most of the short time he had left in his beloved hometown of Norton. Above all else, Keith will be remembered by all who came into contact with him as a true and loyal friend and a dedicated public servant who in his retirement did not turn his back on the Nation and institution he so loved. He was always there with a helping hand, an encouraging word, or a sound piece of advice for a freshman colleague.

Mr. Speaker, I thank the gentleman for this opportunity, and at this time I would like to reiterate the comments from the Wichita, Kans., Eagle-Beacon editorial previously entered in the RECORD by my colleague, Mr. WINN.

□ 2000

Mr. JEFFRIES. Mr. Speaker, will the gentleman yield to me?

Mr. ROBERTS of Kansas. I am glad to yield to the gentleman from Kansas.

Mr. JEFFRIES. Mr. Speaker, I fear all of the appropriate adjectives have already been used to describe our dear departed colleague Keith Sebelius, whose recent death brought sadness to us all. He has been called wise, thoughtful, understanding, direct, honest, fair, and down-to-earth, and all of them are accurate.

But, Keith Sebelius was more than that. He was one of nature's true nobleman, a quiet, thoughtful man whose everyday life was an example for all of us—a man who exhibited great courage in the final days of his exemplary life, accepting the will of the Lord without complaint.

When I decided to run for Congress several years ago, Keith Sebelius was one of the first people with whom I talked. I reached him at his home in Norton, Kans., and his wise counsel was helpful to me then, and has remained so through the years. He was always friendly and willing to discuss the issues honestly and forthrightly, as he saw them.

I am sure Keith understands how difficult this is for all of us today as we struggle down here to find the words to express our deep appreciation for all he has done, and for all he has meant to us, but I am sure he knows of the love and affection we feel for him and his family.

This great Nation, the State of Kansas, and the U.S. Congress were all enriched because Keith Sebelius passed our way. Only if we fail to live up to the ideals and principles that guided his life will we have failed this truly great man.

I thank God for the opportunity to have known and served in the U.S. House of Representatives with my fellow American and Kansan, Keith Sebelius.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield to me?

Mr. ROBERTS of Kansas. I yield to my colleague and friend, the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Speaker, as was stated by my other colleagues from Kansas, Keith Sebelius was liked by everyone; he was a friend to everyone. Everyone who served in this House could call him his friend.

To my personal experience, he was more than that. He was a teacher. It is no secret that when I first came to Congress I did not know much about set-asides, target prices, summer fallow, and Keith was not only kind but he was generous in the hours that he would spend with me instructing me on things that were at that time foreign to me.

He would be pleased to know that his successor in the well today, Mr. ROBERTS, is doing a good job of continuing that instruction, which means Keith did a darn good job teaching him as well.

In addition to that, it is no secret that the majority party in Kansas is not the party with which I am affiliated. But when I came to Congress, Keith was most helpful to me in assuring me that the fact that I was not a member of the same party as he was would make no difference, particularly when it affected issues involving Kansas, agricultural issues, and other issues on which we could reach some consensus. It is also no secret that Keith knew more about our national park system than most forest rangers or Department of Interior employees. He did not brag about it a lot, but I do know it myself from talking with Interior Department people that he was an expert in those areas.

He did not try to climb the ladder of fame. He was not a man of headlines. But let me make no mistake about it, he was a darned good politician. I thought Keith Sebelius was able to deal with the most aggressive, the most meek, the most manipulative, and the most gentle Members of Congress. He had this kind of charming quality about him that he was able to speak forthrightly and honestly and with a smile on his face, and was able to get done far more for his district than a lot of the more aggressive Members were able to get for theirs. He was a true representative of the district, but he was no robot.

He was a leader and a statesman for his country on issues that at times were not altogether that popular, but he knew he had to do for America.

I would close, Mr. Speaker, that when Mr. Madison, Mr. Hamilton, and Mr. Jefferson got together and decided what kind of human beings ought to fill this institution in which we serve—a combination of a Representative of the folks at home but an independent leader on issues that are necessary for this country—I think they had in mind a man like Keith Sebelius.

Mr. JONES of Tennessee. Mr. Speaker, will my colleague yield to me?

Mr. ROBERTS of Kansas. I am glad to yield to my colleague and friend, the gentleman from Tennessee.

Mr. JONES of Tennessee. I want to thank my friends, PAT ROBERTS and LARRY WINN, Mr. Speaker, for obtaining this special order today to pay tribute to our former colleague, Keith Sebelius. He was a man for whom I had great respect both personally and professionally. He was a great friend and a distinguished Member of this body.

Keith and I arrived on the scene here in the Congress in the same year, and we were neighbors over in the Longworth Building the first 2 years that we were here. I learned to respect him very much, and I learned to have a lot of respect for him, as DAN GLICKMAN has just mentioned, because he knew the story about agriculture.

I served for many years with Keith on the House Committee on Agriculture. While we represented different parts of the country and different political parties, I always found him to be very cooperative and sincere in his efforts on behalf of the farmers of this country.

He was dedicated to assuring that farmers operated in a climate conductive to their survival. He brought constructive comment to any issue before us relating to agriculture.

On the personal side, he was a man who commanded great respect and admiration. He conducted his work and his life with dignity and always dealt with others with the same respect and dignity.

He was straightforward, without being offensive. He was sensitive to the feelings and self-respect of others.

The State of Kansas and this great Nation will miss Keith Sebelius, his wisdom and his guidance. I will miss him as a sincere and dear friend.

I am so proud of the fact that within the last 30 days, when he was ill, I called him on the telephone and had a very good visit with him while he was lingering there, no doubt awaiting death, as he knew that he was.

I want to extend to his family my deepest regrets and sympathy, my sincere sympathy, for the loss of Keith Sebelius.

Mr. LAGOMARSINO. Mr. Speaker, will the gentleman yield to me?

Mr. ROBERTS of Kansas. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, we were all saddened on Labor Day to learn of Keith Sebelius' passing. But our sadness was tempered with gratitude at having had the opportunity to know Keith and to serve with him in the House, and with fond memories of that time.

Keith was something of an institution in a body already replete with high achievers. His efforts on behalf of wheat farmers and the First District of Kansas are well known. Perhaps less well-known to the general public was his work on behalf of our national parks and his solid contributions to all the legislative deliberations of Congress.

Keith was something of a mentor to me when I first arrived on the Hill. His office was in Longworth near mine and we both served on the Interior Committee. Keith eventually became the ranking Republican on the National Parks and Insular Affairs Subcommittee, and it was on that subcommittee that I got to know him well.

He took an interest in everything. He instigated the new areas study program for the Park Service and the inventory program, now known as the State of the Parks report. Many individual park bills and the historic omnibus parks bill unmistakably bear his stamp. It was said that he visited more units of the park system personally than any Member of Congress, and I believe it. In fact it was on several of those trips I was privileged to make with Keith that I came to truly appreciate his depth of knowledge of the parks system and his thorough and conscientious efforts to improve and preserve it. His was an old-fashioned kind of conservationism—the best kind—which respected the beauty and unity and function of our natural resources.

Keith was a hard worker who believe in the motto that if you are unhappy about something, you should not complain, you should try to improve it. That is what he did. He improved all our lives, and the Nation is better for having had him in its service. Norma and I join all the Members of the House in extending our condolences to Bette and the family, and our appreciation for all that Keith did.

□ 2110

Mr. ROBERTS of Kansas. I thank my colleague.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I will be happy to yield to my colleague and good friend from Iowa.

Mr. BEDELL. Mr. Speaker, I want to thank the gentleman for setting up this special order.

It was my pleasure to serve on the Agriculture Committee with our good friend, Keith Sebelius. As with some of the other Members who have spoken, I was in the other party, but it was very clear that Keith never really cared whether you were a Republican or whether you were a Democrat. Keith was there to try to do the best he could for the farmers of our great land.

But, I think he did more than that on that committee. In my opinion, one reason there was a limited amount of partisanship on the committee, and the reason the committee worked for the good of the farmers, was to a great extent because of the example that Keith Sebelius set for the rest of us. It was certainly my pleasure to know him personally. I many times say that what we accomplish in life is not really measured as much by the honors we may receive as by the example we set for others.

Certainly, if there was ever anyone that set an example for me and for many of the other colleagues in the House, it was Keith Sebelius. I think he would, however, be pleased to know that since he is not here. one of his prize students, PAT ROBERTS, is here carrying on for him and carrying on in that same fine tradition. I am sure Keith would be pleased, PAT, that you are here carrying on for his area in the State of Kansas.

Mr. ROBERTS of Kansas. I thank the gentleman for his comments.

Mr. WAMPLER. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I am happy to yield to my good friend, the gentleman from Virginia (Mr. WAMPLER).

Mr. WAMPLER. Mr. Speaker, when I first became a Member of this body in 1953 a distinguished Kansan, the late Clifford R. Hope, was a Member of this body, and he was chairman of the House Committee of Agriculture. When I returned to the Congress for the second time in 1967 a distinguished Kansan, then the Representative from western Kansas, now our senior U.S. Senator from Kansas, was a Member of this body, Senator DOLE. Then our dear friend Keith Sebelius, and now PAT ROBERTS, so I have been privileged, Mr. Speaker, to have the opportunity to serve with the last four Representatives of that great district.

Mr. Speaker, I have lost a very dear and close friend, and the American farmer has lost a strong advocate, with the passing of Keith G. Sebelius some 10 days ago. I served in the House with Keith Sebelius for the 12 years that he served here. I served on the Committee on Agriculture with him during that entire period.

Mr. Speaker, I must say in all candor that I know of no more articulate advocate or any greater friend of the American farmer than Keith Sebelius. A beloved husband and father, he was a thoroughly honest and decent individual whom I have missed since he retired 2 years ago to take up the practice of law once again in his home in Norton, Kans.

Mr. Speaker, Keith Sebelius took his civic obligations seriously, and he served in a variety of capacities as a public servant during his career. He was a city councilman, mayor, city attorney, county attorney, State senator, and held a variety of other appointed positions in his home State of Kansas. Moreover, since his retirement from Congress in 1980, he served on an advisory committee of the U.S. Department of Agriculture.

My friend, Keith Sebelius, served his country during World War II and again during the Korean conflict, and also served for a number of years in the U.S. Army Reserve. He was a graduate of George Washington University Law School. He practiced successfully in his native Kansas for a number of years in private practice before coming to Congress, and relished the idea of returning to that law practice upon his retirement from the House.

We who served on the Committee on Agriculture had great admiration for Keith Sebelius's grasp of agricultural issues, which dominate the district that Keith served for so many years. His constituents in that district were well served, and the interests of Americans generally were well served by the

legislative endeavors of Keith Sebelius during his terms in Congress.

I and others who have served with him will sorely miss him. He was a good friend and an articulate and much-admired Member of this body.

Mr. Speaker, I wish to extend my condolences to his wife, Betty, and sons, and to all those in Kansas and throughout this country who mourn his loss.

I thank the gentleman for yielding to me.

Mr. ROBERTS of Kansas. I thank my colleague.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. ROBERTS of Kansas. I will be happy to yield to my friend and colleague from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding, and I thank the gentleman from Kansas for taking this special order.

Mr. Speaker, as has been noted, on September 5 of this year the State of Kansas and the Nation lost a great citizen and public servant, and all of us who had the pleasure and privilege of serving with him in the 1968 through 1980 sessions lost a valued colleague.

Keith Sebelius served his district and our Nation extremely well in this House for 12 years. He left his mark on many pieces of legislation and earned warm friendships on both sides of the aisle. Keith Sebelius consistently displayed sound judgment in his goals, his statements, and his actions. His actions were very widely noted as being consistent with the best interests and needs of his Kansas constituents, and the best interests and needs of his country. It is not an easy balance to achieve.

Keith Sebelius and this Member served together on the Committee on Interior and Insular Affairs, and as members of National Park and Insular Affairs Subcommittee during the 96th Congress we represented adjacent districts in Kansas and Nebraska. Through that period that we served together this first-term Member developed a deep and sincere respect for his knowledge, his ability, and his leadership that led me to consider him to be one of the most valuable Members of the House of Representatives. There was certainly no Member more helpful to me during my first term in Congress. There was certainly no Member whose advice I sought more frequently, and he gave it freely and willingly, and I might say he gave it with a great deal of humility.

Keith Sebelius brought many fine qualities to this institution—integrity, leadership, dedication. His contributions in the area of agriculture and national parks were invaluable and will be lasting. It is significant that during the week of his death that the Interior Committee's Subcommittee on Public Lands and National Parks began markup of the national parks legislation, to which he contributed so much insight and energy.

While Keith Sebelius made many contributions to agriculture, an area in which I relied upon him for advice so often, I want to mention a few of his many contributions on the House Committee on Interior and Insular Affairs. He had a particular fondness for the national park system, and prided himself on the fact that he believed that he had personally visited more of the 333 units of the national park system than had any other Member of Congress. Undoubtedly that was true, and it gave him an insight which benefited us all.

During the last 4 years of his congressional career, he served as the ranking minority member on this subcommittee, and during that time he helped assemble some of the most significant legislative achievements in the history of our national park system. That certainly is no exaggeration, the most major significant item being the Omnibus National Parks and Recreation Act of 1978, something he started, called the "State of the Parks" bill which we are now considering and hope to institutionalize.

While Keith made major contributions in assembling and moving key bills to protect specific national park sites around the country, he also devised some major generic efforts which have already had wide-ranging impacts on the entire national park system. He authored the "section 8" new area studies process, which was designed to constitute a professional methodology for systematically identifying and evaluating potential new units for the national park system and reporting on such candidates to the Congress. That process also embodied further emphasis and visibility for national natural and historic landmarks. Following that, he instituted the inventory and study process to identify and assess ongoing and impending damage and threats to national park system units a survey conducted by the National Park Service and finally evolving into the "State of the Parks" report, issued in May, 1980. That report revealed some rather shocking insights into some very troublesome damage and threats affecting our national park system. As an outgrowth of that effort, the Interior Committee is currently marking up major legislation to address this very issue.

I visited with Keith during the last year and a half several times on the telephone and wrote him. He continued his interest in what we were doing in the many areas that had been his concern for so long. Keith Sebelius served his State and his country with distinction and respect. He brought honor and dignity to his position. We are all better because he was here.

I share with my colleagues the sense of loss. May God comfort his family, his wife Betty, his sons Gary and Doug, his brothers and sisters. Those of us who knew him and worked with him will always remember him fondly. We will sorely miss him.

In conclusion, I would like to say that we in the Great Plains were and are proud of Keith Sebelius. He epitomizes what we like to think are some of the best characteristics of our region and our people. In the words of the popular ballad, he was a "Big, big man."

He possessed an uncommon degree of commonsense. He approached his job in the U.S. House of Representatives with integrity, high principle and good will toward the common man.

I thank his wife Betty and family for sharing this man with the American Nation. This world is better because Keith Sebelius passed this way. That should be a dominant goal in all of our lives.

Thank you, Keith Sebelius.

□ 2020

Mr. ROBERTS of Kansas. Mr. Speaker, I thank the gentleman for his comments, and I yield to my colleague and friend from Montana (Mr. MARLENEE).

Mr. MARLENEE. Mr. Speaker, if I had to summarize the service of Keith Sebelius into a single sentence, it would be that of Socrates, who stated, "No man qualifies as a statesman who is entirely ignorant of the problems of wheat." With that statement in mind I believe that we have lost one of the great statesmen of the modern era. With the passing of Keith Sebelius the country has lost a man of vision, a symbol of rural America; a liaison between the agricultural industry and the people it serves. It goes without saying that Keith was a most ardent supporter of farmers and ranchers. I had the pleasure of having "Mr. Wheat" travel with me through my congressional district during my freshman year in Congress. His unwavering stand and forthrightness quickly became evident to all the producers who had the pleasure to meet and chat with this great advocate of rural America.

We all know the feeling of wonderment, unease, and uncertainty that freshman Congressmen experience during our first few months in this body. I had the unique opportunity to serve with Keith on two committees—Agriculture and Interior. He took two of the most precious commodities of a Congressman—time and energy—to further teach me the committee process, to fully understand floor procedure, and to better serve the people of my district. Keith did this for me and for all the freshmen who served on either of these committees.

Often we get caught by the daily rush of activities in Congress. We move a day at a time without the foresight to stop, assist our colleagues, and improve on the programs that we have implemented to serve the farmer. Not Keith Sebelius. He shared his time with other Members. But more important, he always took the time to listen and work with the farmers from his State and throughout the West. He was a man who found the time to stop, listen, and help those about him.

Let me touch briefly on one other point. Often those of us who serve on the Agriculture Committee and come from rural areas think of Keith only as a proponent of the American farmer. While a strong advocate and voice for American agriculture, he also served with distinction on the Interior Committee.

Dedicated to improving rural living, Keith worked within the Interior Committee for the establishment of policies that would assist agriculture and protect the natural heritage of the West. Keith fought to expand water resources, promoted and improved health care to rural areas, and advocated agricultural export expansion and improved trade. His foresight is evident in the fact that he argued against any constraints on agricultural development during formation of the Alaska Lands Act. Today Alaska is well on its way to having a viable small grains industry.

Yes, Keith will be remembered for a lot of things. But most of all I will remember him as a compassionate man who was never vindictive, who was never devious, who was never mean, who was never abrasive. But he was always effective, he was truly a representative of the people of Kansas. The country, the world, needs more men like Keith. God bless his family. God bless his memory.

Mr. ROBERTS of Kansas. Mr. Speaker, I thank my colleague and I yield to my friend and colleague, the gentleman from Indiana (Mr. JACOBS).

Mr. JACOBS. I thank the gentleman for yielding.

I incorporate by reference every good thing that was ever said about Keith Sebelius. We know him as a legislator, everybody who served with Keith. We know him to have been efficient, partly because of his kindliness and mostly because of his immense intellect.

But I know Keith Sebelius as a person who had a sturdiness of justice and a faultless sense of fairness. When all about you are losing their heads and blaming it on you, if you can keep your head—he was such a person. And when the moment of opportunity for shortcuts in politics, either on the campaign trail or in this Chamber, presented themselves to Keith Sebelius, the door was shut and he shunned such opportunity to a fault.

Even when it perhaps hurt his own political prospects, he was fair, he was warm, he was human. He did not want to hurt or see anyone else hurt, any one of God's children on this Earth.

If anybody ever went to Heaven, Keith Sebelius is there with that big, warm grin, looking down on this Chamber now.

I thank the gentleman for yielding.

Mr. ROBERTS of Kansas. Mr. Speaker, I thank my colleague.

I now yield to my colleague and good friend, the chairman of the Agriculture Committee, the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. I thank the gentleman for yielding to me and I have come to join with my other colleagues, both from the House and the Committee on Agriculture, who had the privilege to know and work with Keith Sebelius.

I did not have the privilege to have him here since I have become chairman of the Agriculture Committee. But I did see him afterward and he rejoiced with me and regretted that he was not here as I assumed the chairmanship.

But part of assuming the chairmanship is the fact that for whatever ill or good that my service will be, it has been as a part of those who have touched my life along the way. Certainly Keith Sebelius did that, through his diligence in the committee, through his interest for his country, but most of all exemplary to all of us was his dedication to his oath of office and his dedication to rural America and the farm sector which he so ably represented and for whom he worked so hard all the years that he was here.

I guess some of us remember fondly that even while working hard, as this job is, and even while working long hours, which we do, he never lost his sense of perspective and/or humor.

In the late hours of the night many times when we needed a little reawakening of our endeavor, always there was Keith to come in either with an amendment, or breaking into debate to bring us that lighthearted interruption that brought us back to reality and to the work that we would be doing.

So I know that it is repetitious to say we will miss him. But I think probably it is more important to remember that the contribution he made for his State, for his constituency, for America, and for the people of the world will be there and he cared. He cared deeply.

I know many times we discussed hunger and the countries that needed assistance. We traveled together. I traveled with him. I traveled to Kansas with him. We visited his constituency.

If any man can be categorized as, "He never had met someone that was not a friend," that was Keith, that he either patted someone on the back or had a joke or had a kind word. If he did not do it, they did it to him, expecting that generosity and bigheartedness that he had.

So I join my colleagues with sadness but yet with pride and with the hope that generations henceforth will remember, and even what we say here tonight will be recorded forever in the history of our country, that we had a man named Keith Sebelius who served and who served well and who left many friends who admired and respected him.

I thank my colleague for yielding.

Mr. ROBERTS of Kansas. Mr. Speaker, I thank the chairman of the Agriculture Committee.

● Mr. FOLEY. Mr. Speaker, it is with a deep sense of loss that I recently heard of the death of my good friend and colleague Keith Sebelius.

Keith was a champion of the farmer and was a leader in the effort to make Government more responsive to the needs of rural America. It was a great privilege to work with Keith during his 12 extremely productive years in Congress. No one cared more deeply about the American farm family and its wrenching problem of debt cost and income than did Keith Sebelius. As ranking minority member of the Livestock and Grains Subcommittee and on the Family Farm and Rural Development Subcommittee he was a tireless worker for American agriculture.

Keith had an unlimited faith in this country and its ability to do anything that needed to be done. The memory of his leadership and spirit will continue to serve as an inspiration to many of us in the Congress. Heather joins me in expressing our heartfelt sympathy to Betty Sebelius and all the other members of the Sebelius family.●

● Mr. JONES of North Carolina. Mr. Speaker, the late Keith Sebelius was my friend. I am grateful to be able to make this statement, and I can prove this by relating a favor he rendered me during the 95th Congress. I was chairman of the Subcommittee on Tobacco, Oilseeds and Rice, and frankly, we had a difficult time getting people to serve on this particular subcommittee, and this was particularly true of the minority side. To complete the required number of members, at my suggestion Keith offered to serve. This, in spite of the fact that not 1 pound of tobacco was grown in his district or State, and certainly there was no political advantage to be gained for him. So, I can only conclude it was an act of friendship. Later on the subcommittee went into the States of Georgia, North Carolina, and South Carolina to hold field hearings, and as I recall, Keith attended each of these meetings and participated in the hearings. And being the fine gentleman that he was,

made some very kind remarks about the Democratic member in whose district the hearing was being held.

I mention this one instance merely to show the kind of man Keith Sebelius really was. He will be missed, and to his family I express my sincere sympathy.●

● Mr. RHODES. Mr. Speaker, I was saddened to learn of the death, on September 5, of our former colleague, Keith Sebelius of Kansas. As a native Kansan, I have a particular fondness for the Kansas delegation, and Keith was a fine member of that special group.

As was widely noted upon his retirement from the House at the end of the 96th Congress, Keith Sebelius was a dedicated Member of this body who served his constituents and his country well.

He was known for his tireless efforts on behalf of the farmers in his district and for all Americans in his concern for the preservation of our national parks.

I am pleased to have had the opportunity to work with Keith for the 12 years he served in this House, and was sorry to see him leave the Congress.

Also, I am sorry that his retirement years were cut so short, but I am grateful for the opportunity to have known and worked with him.

Mrs. Rhodes joins me in extending sympathy to Mrs. Sebelius and to Gary and Doug Sebelius.●

● Mr. YOUNG of Florida. Mr. Speaker, it is with great sadness that we take this time to honor our friend and former colleague from Kansas, Keith Sebelius.

No one better exemplified the hard work ethic of rural Americans than Keith, who for 12 years staunchly supported the American farmers and the people of Kansas "Big First" Congressional District. Little if any agricultural legislation passed through this body during the past decade without Keith playing a major role.

With the same determination he used in helping our Nation's farmers, Keith also sought to preserve and protect our country's natural beauty. As a member of the Interior Committee, he helped expand our national park and wilderness systems, and promoted the need for all Americans to conserve our national resources, especially our precious water supply. It is fitting that one of the last actions this body took before his retirement in 1980, was the naming of the Keith Sebelius Lake behind the Norton Dam in Kansas. The Keith Sebelius Lake shall stand forever as a tribute to this great American, who served the people of his beloved State of Kansas so well.

More important than his work in Congress, was Keith's devotion to his wife Bette and his sons Gary and Doug. Having known Keith as a friend and colleague, I share with his family, and all Americans, in the loss of this great man, whose service and achievements shall stand as an inspiration to those who in the future will serve the State of Kansas and our country.●

● Mrs. SMITH of Nebraska. Mr. Speaker, I feel privileged to join my colleagues in memorializing the late Keith Sebelius who died last week at the age of 65.

All of us were shocked to learn that our beloved friend and former colleague had passed away. I commend his friend and successor, the gentleman from Kansas, Representative PAT ROBERTS, for arranging this time so that we can say what is in our hearts about this man.

Keith Sebelius was a fighter who did not lose many of the battles in which he participated. He fought for his Kansas constituents and won. He fought for a strong agriculture and won. He fought for high moral principles and won the admiration of all who came in contact with him. But he lost to the one adversary who did not fight fairly—the killer cancer. The knowledge that he was suffering from this disease caused his premature retirement from this body 2 years ago. Since then he has made a characteristically valiant fight only to have life slip away.

This House was ennobled by the presence of Keith Sebelius. He was a friendly, open, sincere, dedicated, and decent man. I do not think he had an enemy. Everyone I know on both sides of the aisle here liked him and respected him. He added an important dimension to this position—representative of the people.

He was a special friend of mine. Because of the similarity of our agricultural districts that adjoined each other along the Kansas-Nebraska border, we had much in common. We represented the same kind of constituents. They were in the same high-risk business of providing food and fiber for this Nation and countries overseas. They needed special attention and special representation in an economy that had been transformed from agrarian to one highly industrialized in nature. The voice of agriculture was being drowned by the deafening whir of industrialization. Those of us representing agriculture had to stick together and fight together and make ourselves heard.

Keith Sebelius and I sought each other out when I came to Congress. He knew the ropes. He knew how to get attention for agriculture's needs. He took me in tow and let me profit from his experience. I leaned on him and learned from him. I could not have had a better teacher. He had been an effective spokesman for agriculture over a span of many years. Keith Sebelius knew how to go along and how to get along. He had a practical philosophy that served him well in this give-and-take business where the art of compromise is the art of winning. Keith Sebelius may not have coined the phrase but he adopted it and used it to good advantatge: "50 percent of something is better than 100 percent of nothing," he said many times in hammering out critical provisions in farm bills.

All agriculture benefited from his service and his leadership. His closest disciple was his assistant PAT ROBERTS who won the seat when Keith retired and who now represents his Kansas constituents and agriculture with the same understanding, the same practical know-how, and the same distinction that made Keith Sebelius one of the best.

Even though Keith Sebelius has been taken from us, his spirit lives on here and he has left an indelible stamp upon the House of Representatives. He will be long remembered for his kindness and his decency, and all the other sterling qualities that elevates a good man to a cut above his peers.

When I am faced with a thorny problem or a decision on what is best for agriculture and the welfare of the country, I often ask myself: "What would Keith Sebelius do?" When I apply his guidelines and think things through the way he did, I know I will be on target. Keith Sebelius set a high standard. Measuring up to that standard will make all of us better representatives of the people.●

● Mrs. HECKLER. Mr. Speaker, it was with sadness that I learned last week of the passing of our former colleague, Keith Sebelius of Kansas. I commend the gentlemen from Kansas, Mr. PAT ROBERTS and Mr. WINN, for arranging this special order to eulogize this splendid man.

When Keith retired from the House at the end of the 96th Congress, the accolades were many and varied. He earned the admiration of those from both parties, of varying philosophies, from all regions.

Those accolades were well deserved and are well remembered, as we again pay tribute to Keith Sebelius, this time in celebration of his life and in mourning for its end.

Keith and I served together on the House Agriculture Committee, a setting in which he—"Mr. Wheat"—taught me a great deal about production levels, price supports, soil conservation, and commodity prices. Although we—the farm activist and the consumer supporter—did not always agree, we always respected each other's motivation, position, and constituency.

In an amusing aside, Keith often advised his urban colleagues—many of whom were on diets—to do our part for the farm economy by "mussing up the rolls" when we went out to dinner,

so that restaurants would not serve them again, thereby saving flour—that is, wheat. We always remembered to "muss up the rolls," for Keith.

It was under Keith's patronage that I visited Kansas, took a ride on a tractor through the wheat fields, and talked to farmers about agricultural policy. For a Representative whose usual background consists of high-tech companies around Boston, jewelery manufacturing plants in the Attleboro area, and apparel firms in Fall River, my trip to Kansas was indeed instructive.

I remember Keith Sebelius in his role on the Agriculture Committee, respected by his colleagues. I remember Keith Sebelius in the wheatfields of Kansas, loved by his constituents. Whether in Washington of Kansas, he served this country ably. He will be missed by all those whose lives he touched.●

● Mr. LUJAN. Mr. Speaker, it is never a pleasant task to note the passing of a friend. However, the memory of this friend is a pleasant one. Keith Sebelius was also a very pleasant person. We came to this House together in the 91st Congress in 1968. We served together on the House Interior and Insular Affairs Committee. While Keith earned a reputation as Mr. Wheat and Mr. Agriculture, this Nation can be grateful that he was also Mr. National Park. As the ranking Republican on the National Parks and Insular Affairs Subcommittee, the omnibus parks bill, the most comprehensive national parks bill ever passed by the Congress, had the firm imprint of Keith Sebelius. He prided himself in maintaining an intimate knowledge of the operations of each of our national parks. This knowledge helped to preserve and protect much of the pristine beauty within our borders.

Keith's retirement in 1980 left a big vacancy in the Congress and on the Interior and Agriculture Committees. But he also left a legacy for each of us. He was a hard working and dedicated Member of this House. He was a kind man, a thoughtful man, a pleasant man. The State of Kansas and this Nation are well aware that Keith Sebelius served them. I am one of many that are saddened that his advice and experience are no longer available to us. But I am heartened that his example is strongly in front of each of us.●

● Mrs. HOLT. Mr. Speaker, it was with great sadness that I learned of the death of our former colleague, Keith Sebelius, who represented his big First District of Kansas with great ability for 12 years. It was my privilege to be his friend and colleague for 8 years.

Keith Sebelius always gave us a sense of having that solid, practical approach to issues that characterizes the great American heartland. He believed in hard work and living within our means, and he had a strong sense of honor.

As a city councilman, mayor, and State legislator before he came to Congress, our friend had a keen knowledge of State and local government and used that knowledge to good advantage in the Congress. He was a veteran of both World War II and the Korean war and was devoted to our country with a strong sense of duty and patriotism.

Keith Sebelius and I shared similar interests in many issues, and I always enjoyed working with this fine man. Those of us who knew him were enriched by the experience, and I know the House joins me in expressing condolences to his family.●

● Mr. CONTE. Mr. Speaker, it was with profound remorse and a deep sense of loss that I learned of the recent death of a former colleague and good friend, Keith Sebelius.

Keith was a man of his word, a hard worker and a much respected individual—as is evidenced by his long and impressive record as a public servant. Before being elected to Congress in 1968, Keith faithfully served his Nation as a U.S. Air Force Lieutenant in both World War II and the Korean conflict. He then served his home State of Kansas in various elected positions including city councilman, mayor and State senator.

While serving his State and Nation as Congressman from the "Big First District" of Kansas, Keith distinguished himself as a champion of agricultural and conservation interests in America. Keith believed that the maintained health and survival of the American agricultural industry was critical to the continued vitality of the country and fought courageously for our country's farmers. With equal vision and courage, Keith fought for the preservation and protection of our Nation's resources and was instrumental in making our National Parks System superior to that of any of the world.

Although the rolling hills of Massachusetts are not the same as the ranging wheat fields one finds in Kansas, and although the problems faced by that State are not identical to those faced by the other 49, Keith always took an interest in the resolution of all pressing concerns. I am personally thankful for his tireless efforts in behalf of small business as well as those aimed at reducing waste in Federal spending.

We will miss you Keith, but we are thankful for the time you spent with us and honored to have been associated with such a fine man.●

● Mr. ROE. Mr. Speaker, it is with much sadness in my heart that I rise today to salute the memory of my good friend Keith Sebelius.

Two years ago I had the honor of serving as the vice chairman of the National Alcohol Fuels Commission. Keith Sebelius was also a member of that commission. Together, we traveled the United States examining our potential for developing alcohol fuels as a prime energy source for this Nation.

Let me tell you this; there was not another member of that commission who devoted more time to its objectives of making our Nation energy independent.

No matter where the commission held its meetings, be it Florida or New Jersey, Keith Sebelius was there ready to work. He had a great way of dealing with people which made them feel at ease. For he truly loved, as Lyndon Johnson used to say "to press the flesh."

I am proud to say that during the time we served together on the Alcohol Fuels Commission, Keith and I became very close friends. Though we came from different parts of the Nation and represented different political parties in Congress, we both shared the same goals for a better America.

His retirement from Congress left a great void here, but his untimely death is indeed a great tragedy to the people of Kansas and all those who were fortunate enough to know him.●

● Mr. SUNIA. Mr. Speaker, I would like to join my colleagues in paying tribute and honor to the late Honorable Keith Sebelius.

American Samoa did not have a seat in Congress during Mr. Sebelius' last term in Congress. We did have a government office downtown whose major function was to lobby on the Hill. During the last 2 years of the existence of that office, we did have occasion to call on Mr. Sebelius for assistance and as has been his practice he extended a helping hand to our concerns. It is hard to forget one who can give so unselfishly of his time. This is only one of the areas that he spent his time with.

On behalf of the people of American Samoa, I am here to pay respects to one of America's great men, a true giant of dedication, integrity, and service to his fellow men, the late Honorable Keith Sebelius. May God's choicest blessings rest upon his family and loved ones at this time of loss. Thank you.●

● Mr. WOLF. Mr. Speaker, it was with deep sadness that I learned of the recent death of Keith Sebelius, a former Representative from Kansas who served his district and State with honor and distinction in the 12 years he was a Member of the House prior to his retirement in 1980.

I had the privilege of working with Keith when I served at the Department of the Interior from 1971-75. He was a fine gentleman, a man of integri-

ty, a concerned and conscientious Member of Congress.

As the ranking member of the National Parks and Insular Affairs Subcommittee, Keith was a champion of the national park system. He personally visited as many park units as he could all across the country to see firsthand our unique natural resources. He was dedicated to preserving this land for future generations in our national park system and he wanted to make our park system the best that the American people could possibly have.

He also was a friend of agriculture and a champion of the farmer, a leader in the effort to make Government more responsive to the needs of rural America.

Keith Sebelius based his career in public service on fairness, honesty, compassion and understanding and earned his place as truly one of the outstanding Members ever to serve in Congress.

I join my colleagues in honoring the memory of Keith Sebelius and express my deepest sympathy to his family and friends in Kansas.●

● Mr. SHUMWAY. Mr. Speaker, I am pleased to have this opportunity to pay tribute to our former friend and colleague, Keith Sebelius.

Keith had already completed a decade of dedicated service in the House of Representatives when I was first sworn in in 1979. I was rapidly convinced of his legislative wisdom and leadership ability simply through my daily contact with him in routine House proceedings. However, as we moved further into the congressional session, Keith Sebelius was to become a sound adviser, a master of congressional strategy, and a reliable friend and ally to me concerning an issue of paramount importance to my district. Keith served as ranking minority member of what was then named the House Interior Subcommittee on National Parks and Insular Affairs. Thanks to Keith's interest, involvement, and representational abilities, an effort to prevent full utilization of a $340 million dam constructed in my congressional district was averted. Keith helped make possible hearings on the issue, and he also went out of his way to make sure that the cross-country journey of some 25 concerned Californians was not made in vain. His assistance helped make the testimony of those individuals possible, and overcame seemingly insurmountable odds.

Keith Sebelius remained a good friend and sound adviser throughout our mutual tenure in the House. I have missed his presence here since he left the Congress, and I will miss him even more now. However, he has left strong and positive memories with all those who were privileged to know and work with him.

I extend my deepest sympathies to Keith Sebelius' family, as well as every best personal regard.●

● Mr. MAZZOLI. Mr. Speaker, I am deeply saddened at the loss of my good friend, former colleague, and former Longworth Building neighbor, Hon. Keith Sebelius of Kansas.

I knew Keith well as a result of our being next-door neighbors in the Longworth Building for 4 years. Through the years as we served together in Congress, my admiration and esteem for Keith continually increased.

Many times, as we walked to and from the House floor together, we talked about legislative affairs, but we also talked about things in general. In either case, Keith was a gracious, thoughtful, and insightful companion.

As a Congressman, he rendered true service to the State of Kansas and to his constituency. Keith was an asset to the House and was deeply respected by all.

I express my sympathy to his family. Keith will be missed by all.●

● Mr. SENSENBRENNER. Mr. Speaker, the sad occasion of the passing of former Congressman Keith Sebelius is, understandably, difficult for family, friends, and colleagues to accept. But, we can all be comforted in knowing his presence will continue to be felt as we call to mind his accomplishments here in the House of Representatives.

I was fortunate enough to serve in the 96th Congress with Keith. As a Representative from an agricultural State myself, I frequently looked to Keith for guidance on farming issues during my freshman term in office. Keith Sebelius had a remarkable understanding and appreciation of the American farmer which he so aptly demonstrated in his committee assignment and on the House floor. When Keith retired following the 96th Congress, the "Big First" district of Kansas, as well as all rural Americans, lost a great spokesman and friend in Washington. Through Keith's leadership, though, our unsurpassed agricultural productivity and the improved standard of living of our farmers will be a constant reminder of Keith's 12 years of service in Congress.

The integrity of Keith Sebelius benefited this institution. For this we are all grateful and will sorely miss Keith.●

● Mr. SHUSTER. Mr. Speaker, Keith Sebelius was a devoted son of western and central Kansas and a man of the people from whom he came, and to whom he dedicated an adult lifetime of devoted public service: councilman, mayor, city attorney, county attorney, State senator, and legislative councilman capped by more than a decade of faithful, diligent service in the Congress.

Born during World War I, Keith Sebelius was of a unique American generation which, having been assured by their elders that, in that great war, the world had been made safe for democracy and, therefore, there would be no more wars, moved, uncomplainingly, from devastating economic depression to military service in a second, more devastating, global war. And, like a few of that generation, Keith Sebelius served again, a decade later, in the Korean conflict.

Even as he knew the worst and the best of American times, he knew military responsibility which began as a private and concluded as a major. Even as he knew Congress as a freshman, he knew Congress as a senior Member, distinguished and respected by those he served and by those with whom he served.

As he served, so faithfully, the people of the First District of Kansas, he served, at once, the Kansas farmer and, as an intelligent and powerful advocate of the farmer's needs and problems, he served the Nation in peace as effectively as he had twice served in war.

Keith Sebelius was missed in retirement, and now he is mourned in death; yet, the legacy of patriotism, service, and leadership which he has left remains an inspiration, a guiding light, for all of us who were privileged to serve here with him and to enjoy him as a good friend and an able colleague.

I send my condolences to his wife, his children, his grandchildren—and to the people of the First District of Kansas—who loved him dearly.●

● Mr. LATTA. Mr. Speaker, I appreciate the thoughtfulness of my colleague. Mr. PAT ROBERTS, in providing time this afternoon to pay tribute to our former colleague, Keith Sebelius. I first met Keith when he came to Congress in 1968. He was a true friend and a hard-working Member of the House. His staunch defense of the principles which he held dear was based upon a genuine concern to preserve the freedoms upon which our Nation was built.

Keith was also a friend of the Nation's farmers, rural Americans and senior citizens. Each and every one of us who served with Keith during those 12 years knew of his great concern for the future of American agriculture. Not only was Keith a well respected Member of the House Agriculture Committee, but he also served with the highest abilities on the House Interior Committee.

Keith believed in America. He was a man of high principle, and he was never reluctant to speak out on issues that were important to him. I am proud that I had the opportunity to share his friendship and I would like to extend my deepest sympathies and

condolences to his family. Their loss is shared by all of us who knew this fine American.●

● Mr. ADDABBO. Mr. Speaker, I am sure that my esteemed colleagues share my sense of loss with the death of our good friend, Keith Sebelius. He was a dedicated, patriotic, and compassionate man.

Although Keith's district was rural and mine, urban, I always felt that Keith shared a camaraderie with every Member of the House, regardless of his or her interests or constituency. He was an exemplary Representative of his district, yet he had national vision. He saw beyond his native wheat fields and helped shoulder the problems of struggling laborers, be them farmers or autoworkers in Detroit. More importantly, he looked beyond labels and saw what concerns the farmer and city dweller shared.

Keith Sebelius championed the interests of the elderly, small businesses, and conservation in rural and urban areas. In another sense, by insuring the well-being of his district, our Nation's breadbasket, he insured that people both in America and abroad would be well nourished and free from the torment of hunger.

Keith drew strength from his difficult childhood and realized that, with effort, the world could be made better. This Chamber was graced with his fortitude, charm, and vision. I hope that we will retain his spirit and values in our work.●

● Mr. PHILLIP BURTON. Mr. Speaker, today I must, with great personal sadness, speak about a former colleague, a friend, a leader, and a good man; Keith G. Sebelius.

Keith spent 12 years in the House of Representatives and for 10 years was a member of the Interior Committee and finally was the ranking member of the Subcommittee on National Parks and Insular Affairs where I had the opportunity and the pleasure to work with him on national parks legislation. He was dedicated to achieving the best national park system in the world and spent endless hours seeking to craft such truly outstanding law as that which established the Redwoods National Park expansion, the Boundary Waters Canoe Area Wilderness, the Lake Tahoe Preservation Act, the Pine Barrens Area, and numerous national trails, wild and scenic rivers as well as many other national park units.

He was born and raised in the State of Kansas and perhaps because of growing up in the open spaces of the heartland of America, always seemed to have a vision of the greatness of the Nation's land, its mountains, its rivers, its coasts, and all of the values that were inherent in our land. He wanted to be sure that future generations of Americans would be able to see some of these things, to know what the land had been like, free from development and destruction. I can think of no greater tribute to Keith Sebelius than to honor his vision and dedication to preserving some of this land as a part of the national park system so that we all might gain something of value.

Mr. Speaker, I am sorry that Keith is gone and offer my deepest condolences to his lovely wife, Bette, to his children and his many friends who, as I will, shall miss his calm reason and his great wisdom.●

● Mr. CLAUSEN. Mr. Speaker, I am deeply saddened over the death of a very close friend and colleague, Hon. Keith Sebelius.

Keith was an extremely warm, friendly, and outgoing man. He represented his constitutents in the State of Kansas very ably, and he was always available to anyone who wanted to see him.

I had the pleasure of serving with Keith for many years on the Committee on Interior and Insular Affairs. We worked on many pieces of legislation together, and he was always a most helpful and accommodating individual in working out some tough problems.

The greatest amount of Keith's interest in Interior Committee matters was devoted to national park issues. He served with distinction for 4 years as the ranking minority member on the Subcommittee on National Parks and Insular Affairs. During that period he helped guide a major volume of legislation which has perfected and expanded our national park system. Keith was particularly helpful to me personally during that period in trying to work out an acceptable solution to the Redwood National Park expansion legislation, as the park is located in my congressional district.

Keith had a very deep feeling for the importance of our national park system, and he initiated a number of items that have resulted in some very important changes in the expansion and protection of the system.

Ever since his recent retirement from the Congress and his absence from the committee, his absence has been most apparent. We shall miss him all the more now that we will not be able to call on him for continued counsel.

Keith was a good and trusted friend, and I shall miss him a great deal. To his wife, Bette, and his two sons Gary and Doug, we, the Clausen family, extend our deepest sympathy. You have much to be proud of as history looks back on the extraordinary record of congressional service. Keith Sebelius provided for his district in Kansas and the people he loved so much.

Like the tall redwood trees in my California congressional district, Keith Sebelius will stand as a giant in the forest of great men who have provided leadership for our country.

We shall remain eternally grateful to the family for sharing this kind, congenial, brilliant, and dedicated human being, Keith Sebelius of Kansas.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to Hon. Keith G. Sebelius, former Member of Congress from the First Congressional District of the State of Kansas, who died on September 5, 1982. Congressman Sebelius' death is a tremendous loss to the people of Kansas and of this Nation, whom he served with distinction.

Keith Sebelius, a veteran of World War II and the Korean war, began his career in public service as a city councilman, and also served as a city attorney, county attorney, mayor of the city of Almena, and State senator. Representing western and central Kansas for six terms in the House of Representatives until his retirement in 1980, Congressman Sebelius served as the second ranking Republican on the House Agriculture Committee, where he earned the reputation as one of the most knowledgeable Members of Congress on agricultural issues. He also was the ranking minority member of the Subcommittee on National Parks and Insular Affairs of the House Interior Committee.

Mr. Speaker, Keith G. Sebelius' dedication to high standards was an inspiration to his friends and fellow citizens, and his devotion to public service will long be remembered by those of us who had the privilege of working with him.

Mrs. Annunzio and I extend our deepest sympathy to his wife, Bette, and his two sons Gary and Doug.●

● Mr. WHITEHURST. Mr. Speaker, I was deeply saddened this past week to learn of the passing of our former colleague and my dear friend Keith Sebelius. Keith and I were "classmates," coming here as freshman Members of the 91st Congress in January 1969. I will always remember this great Kansan, whose heart was as big as his stature. He embodies the finest virtues of mid-America, his strength seeming to come from the rich soil of the State where he was born.

Keith loved America and his native State. He represented both with untiring dedication and extraordinary ability. He was surely a friend of the American farmer, and on more than one occasion I was moved to vote for an amendment or a bill because of his persuasion.

Never pretentious, always open and approachable, Keith was a friend to everyone. I never heard him speak an unkind world about a colleague. By believing in the best in everyone else, he made all of us want to stand taller to earn his respect.

I regretted his retirement from Congress, and I mourn his death along with all of his friends both here in

Washington and back in the State he loved and served so well.●

● Mr. PEYSER. Mr. Speaker, it was with much sadness that I learned of the death of our former colleague and my good friend, Keith Sebelius.

Keith and I had a unique relationship for a good many years in the Congress. He was one of the strongest supporters of the agriculture community and fought for them at every opportunity. On a number of occasions, Keith had me speak to some of his constituents so that they could hear what I viewed to be the other side of the coin.

While we were on opposite sides of many issues, we never let this interfere with our friendship. I was sorry when Keith left the Congress and am deeply sorry now to learn of his death.●

● Mr. YATRON. Mr. Speaker, I am honored to have this opportunity to say a few good words about a former colleague, Keith Sebelius. I was deeply saddened by his untimely death and I want to express my sincere condolences to his fine family.

I had the privilege of entering the House of Representatives with Keith Sebelius in 1969. For the next 12 years, until his retirement, Keith represented the First District of Kansas with integrity, courage, and tremendous effectiveness. He always gave freely of his time, talent, and energy to make life richer and more rewarding for his constituents and the American people.

Keith Sebelius represented the largest wheat-producing congressional district in the United States and he was a recognized expert on farm issues. Many Members, including myself, frequently turned to Keith for counsel and advice on agricultural matters. His judgment was sound and recommendations trusted.

I am grateful for the opportunity to have served with Keith Sebelius during his tenure in this body. He was a decent, dedicated, capable, and respected legislator, who always tried to do what was best for his country. His passing is a sorrowful occasion for all of us who served with him.●

● Mr. COUGHLIN. Mr. Speaker, it is with a deep sense of loss that I join my colleagues today in paying tribute to our late friend, Hon. Keith G. Sebelius. He was one of this body's most distinguished former Members and I was shocked to learn of his death on September 5.

When I began my congressional service on the 91st Congress in January 1969, Keith Sebelius was one of my freshman classmates. We had a small class that year which gave us newly elected members an opportunity to form close working relationships and friendships with our fellow freshmen Congressmen. In the years following 1969, I was impressed continuously by Keith's intelligence, commitment, and sincerity. It was a privilege to work with him and to be able to call Keith a friend.

Diligently serving the First Congressional District of Kansas for 12 years, Keith repeatedly sought to give rural America a strong voice in Congress by advocating legislative programs that dealt with agriculture. His success in formulating these programs was far-reaching, and Keith appropriately became heralded as the champion of the farmer and rural interests.

Recognizing the multifaceted needs of our Nation, however, Keith also sought to foster conservation programs through his work in committees and worked tirelessly to insure that our national parks were preserved and enhanced. Keith, moreover, was a strong advocate for small business and senior citizens.

The death of any individual with whom we have been privileged to share a friendship is a deep and long-term personal loss. Even though Keith had retired from the Congress, it is hard to believe that we can no longer benefit from his intelligence and compassion. I will miss him sorely and extend my heartfelt condolences to his wife, Bette, and to his sons and their families.●

● Mr. McCLORY. Mr. Speaker, it is with a sense of personal loss that I take part in this final tribute to my long-time friend and our former colleague, Keith Sebelius of Kansas. No person who has graced the halls of this great body addressed himself in behalf of his constituents with greater conviction than Keith Sebelius of Kansas' First Congressional District. Yet, in articulating his strong and reflective views—frequently on issues related to American agriculture—Keith Sebelius maintained a calm and reserved composure which gave added weight to his words and views.

A most competent lawyer, Keith Sebelius made contributions in various fields of activity before his election to the Congress in 1968. Keith had a distinguished record in the military service as a veteran of both World War II and the Korean conflict. He served his city of Norton, Kans., as a member of the city council and as its mayor. He was both city attorney and county attorney of Norton County. His 6 years as State senator in the Kansas legislature helped equip him for the distinguished service which he rendered in behalf of his congressional district and of the Nation during the time that we knew him.

Mr. Speaker, in mourning the loss of Congressman Sebelius let me also express on my own behalf as well as in behalf of my wife Doris our respect, affection, and deep sympathy to his wife Bette and to all members of his family.●

● Mr. MONTGOMERY. Mr. Speaker, I was saddened to hear of the death of my good friend and former colleague, Keith Sebelius. He came to the House of Representatives in 1969, 2 years after I first came to serve in the 90th Congress.

I had the privilege to become good friends with Keith and our interests were the same in a number of areas. I still have several of Keith's key rings that he always enjoyed giving to his friends.

He was thoughtful and nice to everyone and I never saw him become agitated or lose his temper. He was always a gentleman.

Keith Sebelius will be remembered as a warm, kind man, and as an effective and respected leader in the House of Representatives.

Before coming to Washington, Keith distinguished himself in a number of positions in service to the people of Kansas. He was a Kansas State senator for 6 years in addition to holding positions of county attorney, city councilman, city attorney and mayor of his hometown of Almena.

He represented the people of the First District of Kansas well during his six terms here in Washington. I am honored to have had the opportunity to serve with this fine American.●

Mr. ROBERTS of Kansas. Mr. Speaker, the memory of Keith Sebelius has indeed been well served by the comments by my colleagues.

I yield back the balance of my time.

THE LATE HONORABLE ADAM BENJAMIN, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. JACOBS) is recognized for 60 minutes.

GENERAL LEAVE

Mr. JACOBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the life, character, and public service of the late Honorable ADAM BENJAMIN, JR.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

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Mr. JACOBS. Mr. Speaker, Edwin Markham wrote, on the death of Abraham Lincoln:

And when he fell in whirlwind, he went down
As when a lordly cedar, green with boughs,
Goes down with a great shout upon the hills,
And leaves a lonesome place against the sky.

ADAM BENJAMIN has passed from the sounds of our voices, and he has left a lonesome place in this Chamber that will last for a long, long time. Those who loved ADAM here—and I think

without exception that describes every Member of the House of Representatives who ever served with ADAM and the others who toil with us in the Nation's Capital—will feel the lonesome place tomorrow and tomorrow again.

Mr. Speaker, as part of my remarks I am including editorials from two Indianapolis newspapers, and proceedings from the CONGRESSIONAL RECORD of September 8, 1982:

[From the Indianapolis News, Sept. 8, 1982]

ADAM BENJAMIN, JR.

For anyone who follows Indiana politics, news of the untimely death of 1st District Congressman Adam Benjamin Jr. comes as shocking and sad news.

During his tenure with both the Indiana General Assembly and the U.S. House of Representatives, the 47th-year-old Lake County Democrat was regarded as a legislator's legislator by colleagues on both sides of the political aisle.

A West Point graduate proud of his Assyrian heritage, Benjamin was elected to the Indiana House of Representatives in 1966, where he was named outstanding freshman Democratic representative at the conclusion of his first term. He was re-election to the Indiana Senate, where he served until 1976.

Benjamin is regarded as one of the most conscientious legislators of the Legislature. He not only was the only state legislator since former Sen. Russell Bontrager, R-Elkhart, to read every bill crossing his desk, Benjamin scrutinized the legislation with a lawyer's eye and was quick to spot a loophole, an error or a legislative wolf in sheep's clothing.

His crowning piece of legislation was undoubtedly the 1975 Medical Malpractice Act. Working around the clock, Benjamin achieved what many thought impossible by creating a consensus among lawyers, doctors and insurance carriers on how to avert soaring malpractice insurance premiums while still protecting legitimate claims by medical consumers. That legislation still stands as a model for other states.

In 1976 Benjamin successfully challenged incumbent Congressman Ray Madden for the 1st District seat in the Democratic primary. When he went to Congress, Benjamin was quickly recognized as one of the brightest of the crop of "Watergate class" freshment and was named chairman of the Legislative Branch Subcommittee of the House Appropriations Committee.

He won landslide re-elections in 1978 and 1980. Political observers here and in Washington predicted that as his seniority increased so would his rise to top leadership positions.

In an age of media politicians, Benjamin was a rarity. Prematurely balding, wearing wing-tipped shoes too large for his height, Benjamin advanced not on charisma but on intelligence, hard work, perserverance and genuine warmth. Those shoes will be hard to fill.

[From the Indianapolis Star, Sept. 9, 1982]

ADAM BENJAMIN

The quick mind, cheerful industry and warm humanity of Rep. Adam Benjamin were taken too early from the Indiana scene. The promise of greater accomplishment was strong.

Those who knew this extraordinary man will give thanks even while they mourn his death at 47. His delight in working at what he saw as the public interest was unquenchable and often contagious.

The Star joins thousands of others in extending sympathy to the family of the congressman. It is easy and true to say that he worked too hard; yet that characteristic was a product of vision, an enormous curiosity that led to conviction about what needed to be done—and what realistically could be achieved.

In the Indiana General Assembly his service in both House and Senate was marked by unsurpassed mastery of the content of bills before members. Many a proposal which got a searching second glance from him ended with an important amendment, or went down to defeat, because of the power of his clear and compelling debate. "The great amender," they called him, a term that echoed both affection and respect from both sides of the aisle.

Truly he was driven by a desire for accomplishing good, and surely many millions benefited. In Congress he worked with passion to advance the interests of his district, including the steel industry, and he brought benefits to rail transportation in Indiana.

When a newspaper asked his platform in his successful 1976 run for Congress, Benjamin answered, in part, with this statement: "Reduction of the size and improvement of the effectiveness in all levels of government; making all government officials accountable for their expenditure of public funds."

Nominated by the Democrats over incumbent union friend Ray Madden, he was denied endorsement that fall by the state AFL-CIO, a serious thing in Lake County. It was the first time that had happened to a Democrat for Congress in the merged group's history—perhaps because he had been lawyer for a steelworker in a suit against his union. But three steelworker locals backed him.

Benjamin's nearly unsleeping eye for detail in budgets and flaws in bills promised much further good on the Washington scene.

Adam Benjamin came from one of the smallest of the minorities that make up the bewildering ethnic patchwork of the Calumet, the Assyrians. West Point graduate, Marine, Army paratrooper, attorney and friend of thousands, he was a comet of the still broad, still inviting American sky of opportunity for those who will strive.

[From the Congressional Record, Sept. 8, 1982]

THE LATE ADAM BENJAMIN, JR.

Mr. HAMILTON. Mr. Speaker, with deepest regret I inform the Members of this House of the death of our colleague, Adam Benjamin. I extend my most heartfelt condolences to his wife, Patricia, and his children, Adam, Alison, and Arianne.

All of us who knew him are grateful for his life and the contributions he made to his friends, community, State, and Nation. His life, from West Point to Congress, was in the highest, finest tradition of public service.

Adam was an extremely effective legislator. I know of no one who was so quick to master the procedures of the House and use them for the benefit of his constituents. He set a record by becoming the chairman of an appropriations subcommittee in his second term. There used to be a saying at the Indiana Statehouse that Adam Benjamin was the only member of the general assembly who read all the bills. That gives some indication of the respect his fellow legislators had for Adam's legislative skill. Adam's drive for self-improvement enabled him to study for a master of law degree to teach academic courses while carrying on his duties as a Member of Congress.

Adam believed in, and lived for, representative government. He came from his constituents; he was a part of them; and he worked hard for them. Their problems and hopes, troubles and ambitions were his as well. Their welfare was his primary concern. He thought constantly of how he might serve them better. Adam had pride in his work as a politician and legislator. He believed it was the politician's job to make the country work, to provide stability, to accommodate different points of view, to develop a consensus, and to meet the needs of people.

He believed that a politician's work is the chief means of achieving justice for all persons.

His death cut short a brilliant career in the House of Representatives. We will miss him as a friend, politician, and legislator. All of us who knew him will be able to hold our heads a little higher because he contributed, as few are able to do, to making this House, as well as representative government, work better. His loss will be deeply felt by all of us who knew and worked with him.

The funeral for Adam will be at 10 a.m. Friday, September 10. It will be held at the Sts. Constantine and Helen Greek Orthodox Cathedral, 8000 Madison Street, Merrillville, Ind. Visitation hours will be Thursday, September 9, from 12 noon to 10 p.m., at the funeral home of Stilinovich, Palmer, Wiatrolik, 4201 Broadway, Gary, Ind. A delegation will depart from the House steps at approximately 7:30 a.m. on Friday, September 10, for Gary, Ind., returning immediately upon conclusion of services in Indiana.

Mr. MYERS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON, I yield to the gentleman from Indiana.

Mr. MYERS. Mr. Speaker, we all were shocked and saddened with the news yesterday morning of the loss of our dear friend, Adam Benjamin. We all learned to know him, some more recently than some of the rest of us from Indiana. Adam was one of the hardest working Members of Congress, as he had been a hard working State legislator. With his passing, he will be missed here in this House. We offer our condolences and our prayers to Pat and his children. The loss will be to our Nation to lose a very valuable, caring, and nice person that Adam was.

Mr. JACOBS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. JACOBS. Mr. Speaker, I thank the dean of our delegation for his contribution. Sadness and the understanding of death lie very heavily across this Chamber on this Wednesday. We had a colleague amongst us who was quick, alive, warm, friendly, and smiling just a few days ago. We are reminded that no person is an island. Particularly in this Chamber, we are a part of one another, and how childish our selfish tragedies seem at a time like this. Death ends a life, but it does not end a relationship, which will continue on in our hearts and in our minds. It does not make any difference whether it is a chamber of commerce person or a labor person in Indiana who speaks of Adam Benjamin. The regard is high and is immense for his scholarship, for his fairness and for his just plain friendliness.

There is an old advertisement that says, "Nobody doesn't like Sarah Lee." And, as you shall soon see by the remarks that are to follow, nobody didn't like Adam Benjamin.

Mr. HILLIS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. HILLIS. I thank the gentleman for yielding.

Mr. Speaker, it was with great shock and with great sadness that I learned of this tragic event, the passing of our colleague. I had first gotten to know Adam when we went to the Indiana general assembly together in 1967 and served in the house where we sponsored a good number of bills together. As I got to know Adam and worked with him we became quite good friends. He typified, as the gentleman said, everything that is good about politics and good about government. He was a symbol there. We used to call him Mr. Clean because of what he stood for and how he conducted himself. I would say in public service I have known many fine people and many great people. Adam is of that category, probably the most ethical man in politics that I have ever known.

Mr. HAMILTON. I thank the gentleman for his remarks.

Mr. SHARP. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. SHARP. I appreciate the gentleman yielding.

Mr. Speaker, I want to join my colleagues in recognizing our distinguished Hoosier colleague, who was a model, I think, for many of us as legislators. He certainly was an exceptional public servant who did honor to our people and honor to this Institution.

Mr. COUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. COUGHLIN. I want to join in mourning the passing of Adam Benjamin. There was no more dedicated or hardworking Member of this House.

He served as the chairman of the Transportation Appropriations Subcommittee, of which I am the ranking minority member. We sat shoulder to shoulder through countless hours of hearings, mark-ups and conferences with the other body.

Adam sought solutions, not contention. He sought results, not showmanship. He was a champion of his people in his district. He was a giant of a man, a block of granite.

The people of Indiana have lost a great Congressman; the Congress has lost a fine subcommittee chairman, and I have lost a friend.

Mr. HAMILTON. I thank the gentleman for his remarks.

Mr. FITHIAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. FITHIAN. I thank the gentleman for yielding.

Mr. Speaker, I had the privilege and the pleasure to share in the representation of Adam's home county, Lake County. I think the best way to describe Adam Benjamin is to say that he was a legislator's legislator. And the best phrase I know of to describe Adam's life's work is that "he got things done," a tremendously effective person who knew no hours limitations on himself. His long hours contributed to democracy and and to this House. We shall all miss him in Indiana, and we shall miss him in this House. The nation has lost a great legislator. I extend my heartfelt condolences to the family of our late and great colleague, Adam Benjamin, Jr.

Mr. HILER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. HILER. I thank the gentleman for yielding.

Mr. Speaker, I, too, was deeply shocked and saddened by Adam's passing. As first-term Congressman from the other party, quite often you do not know what kind of relationships that you will be able to develop over time. But having the opportunity to fly with Adam many, many times to and from Chicago I got to know Adam as a friend and as a fellow Congressman. I think in those trips to and from Washington I learned a great deal not only about his dedication to his family, whether it was the last time I talked to him and he was the next day going to a baseball game with his children, or whether it was on Sunday afternoons or Sunday evenings hurrying to catch a plane, when we had been at the same parade, or at the same function, so that he could be here first thing Monday morning to get the job done here. Indiana will certainly miss Adam Benjamin. The northwest Indiana sector had a fine Representative. and whoever follows him will have very large shoes to fill. I, as a new Member of Congress, will miss Adam as well.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I thank the gentleman for yielding and I express my gratitude to him for taking this time to relate to one of the great friends I have had in the Congress.

Mr. Speaker, as was pointed out earlier, I, too, flew from Washington to Chicago, and I developed a truly wonderful friendship with Adam. I never thought that it would so suddenly end.

As a man, Adam was tough, he was generous and he was loving. As a Congressman, his achievements were as stunning as they were profound. Adam was shrewd, he was honest, and he was effective. The effectiveness of the man was that he defeated one of the most powerful Members of Congress for that seat in Indiana. His rise on the Appropriations Committee was nothing less than miraculous. Adam was a man certainly of national stature. Yet his dedication to his constituents ran very deep. Adam Benjamin won many, many battles for Gary, and I am just happy to say that in winning those battles some of the victory spilled over into Chicago. He was a de facto member of the South Side of the city of Chicago because what was good for Gary and Indiana and Illinois was also good for my city. He also expected and received support from the Illinois delegation. I am proud of that. Adam was a West Pointer and a marine. He was intensely proud of his family. He was a great storyteller and a magnificent person to share a martini with at week's end. Only in his death do we sadly recognize the national achievement and the personal wealth that were in one person, Adam Benjamin. I express to his family my deepest sympathy.

Mr. COATS. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Indiana.

Mr. COATS. I thank the gentleman for yielding.

Mr. Speaker, I think our colleagues are witnessing today the deep respect and admiration that both sides of the aisle have had for Adam Benjamin. His loss is tragic. My first reaction was that Adam is as close to irreplaceable in Congress as any person that I have known here. Even though I am a freshman from the party opposite of Adam's, that was no barrier to his taking me under his wing, putting his hand on my shoulder, helping me to understand the legislative process, and working with me together for the good of Indiana and for the good of this Nation. I will miss him greatly. My deep sympathies are extended to his family. Adam's loss is a loss to all of us.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. Mr. Speaker, as a Congressman who has served on the Appropriations Committee and in the Steel Caucus and as one who was born in Indiana, I hope my colleagues will let me share their pride in Adam and their sorrow over his death. He had a penetrating, no-nonsense mind. In the words of the E.F. Hutton ads, when Adam spoke, people listened. We shall miss him very, very much.

Mr. BEDELL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Iowa.

Mr. BEDELL. Mr. Speaker, I came to know Adam Benjamin because my son, who was a political consultant, was involved in his first campaign in which he was elected to the Congress. When I had my office over in the Cannon Office Building, it would not matter whether I went home at 7 or 11 o'clock at night; I went by Adam's office, and every time I went by his office, no matter how late it was, Adam was in there working. I never experienced anyone who spent the hours at night working that Adam did, for his constituents and for this House of Representatives. We will certainly miss him very much.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman yielding.

May I pick up on the remarks of the gentleman from Iowa, because I have known Adam Benjamin over the relatively short period of time that he served in this body. I can tell you that he lived to work. When I have been driving home in the immediate neighborhood, there was Adam at 8:30, 9 o'clock, just walking slowly back to his apartment. When I came back to work the next morning at 7:30, quarter to 8, there was Adam Benjamin walking more briskly back to his office again.

Having served with him on the Subcommittee on Appropriations, I can certainly attest to the industrious manner with which he approached any subject. If it was the Capitol Grounds around here that needed repair, he wanted to see it firsthand, to make absolutely sure that the expenditure of a few thousand dollars was justified. I did not know about the fact that he came from a legislature with the kind of a reputation for having read every bill that came before the legislature, but I can fully understand that, having served the brief period of time that I served with him.

I guess at this time there really is no center aisle because those of us on our side appreciate just as much as those of you on the majority side what a contribution Adam Benjamin has made to this House of Representatives. Seeing him operate, an "in-house" man at times, but also so well versed

in the legislative ways, he brought credit to this House of Representatives. Each of us could take just a leaf from his book in how to conduct our lives on the floor of this House, on and off the floor. We are certainly going to miss Adam. I consider him one of those new-found friends, now lost, that I got to know in the House of Representatives, and I guess that is what makes this such a great place to have the opportunity to serve with people about whom we feel so strongly, and I certainly want to extend my unbounded sympathy to his wife and children in their hour of bereavement.

Mr. JONES of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Oklahoma.

Mr. JONES of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I believe the gentleman from Indiana has effectively summarized the characteristics of Adam Benjamin that made him so beloved to all of us who had the opportunity to work with him. I was particularly privileged to have served with Adam on the Budget Committee. Some of the traits that have been discussed already were the ones that stand out in my mind about Adam, particularly the hard worker attitude that he had.

When I first came to this institution, one of the oldtimers told me that around this place knowledge is power, which means that if you do your homework fairly and effectively, people will come to you to seek information. If you are honest with them, you gain a stature of power that is not measured by title or by office. Clearly Adam Benjamin was one of the most powerful people in this body because he was a prodigious worker who did his homework very effectively. And when you talked to him about an issue, he did not color the facts; he gave it to you straight. He was honest, he was independent. That made him a powerful and beloved individual. Another characteristic of Adam was his independence, the fact that he was a strong Democrat, and yet he crossed the aisle many times and voted for Republican amendments when he thought that was in the best interest of the country.

Obviously, he had strong support from labor, organized labor, and working people, and yet a few months ago when I was in Gary at his request to speak to the chamber of commerce group there, it was obvious that he had very strong support and respect among management and the business community.

It is this honesty and independence and hard work that made him stand out as a most effective legislator and a most effective national leader.

I will miss him very deeply as a friend. The Budget Committee and the whole process of the budget will miss him very deeply, because he did do his homework and he was effective.

I extend my very deepest sympathies to his family and friends.

Mr. CONTE. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. CONTE. Mr. Speaker, with a profound sense of shock and sorrow, I join my colleagues in paying a last tribute to Adam Benjamin. As a human being, and as a Member of this House, Adam embodied everything that was decent and good.

He was a caring person, with a deep sense of fairness and justice, and he was a warm personal friend of many Members of this House.

He was an exceptional legislator and public servant, who served with high distinction in the Indiana Legislature, and who in only three terms came to be recognized as one of the most respected and effective Members of the House. He was, in a word, a legislator's legislator, noted for his diligence, his knowledge of the procedures and the business of the House, and his skill in using the art of the possible to make good things happen.

In the House, there is no higher distinction than to be an effective chairman of an appropriations subcommittee. Adam earned that distinction on two appropriations subcommittees during his three terms on the committee.

It was my privilege to serve with Adam during his chairmanship of the Transportation Subcommittee. I served on that subcommittee for many years. I have a strong personal commitment to many of those programs, and I have had many deep and rewarding associations with members of that subcommittee.

Adam mastered the programs and the personalities of that subcommittee, and became one of the most effective members and chairmen in its history. I am deeply grateful for the opportunity I had to serve with him, and to share his high abilities as a legislator, and his warmth and depth as a human being.

His ability and his depth and his warmth will be missed by this House and each of its Members. His public service will be missed by this country. I send my heartfelt condolences to Mrs. Benjamin and his family.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentleman.

I certainly want to join the gentleman from Indiana in extending my sympathy to Adam's beautiful family. He was a wonderful father and husband and spoke of them very, very often.

Adam was a friend and classmate. I remember when we came in together to this fine body, he gave our class many innovative, creative ideas.

I think Adam was one of those public servants who very seldom would make headlines, but he was one of the most quietly effective and decent people for whom this country could hope.

In addition to that, he not only served Gary, Ind., so effectively and beautifully, and unselfishly, he also was very generous with his time for other constituencies. I know that the people of the city of Cleveland, Ohio, our mayor and Congressman STOKES, myself, and others, are especially grateful for the hard work that he performed on our behalf in terms of the supplemental bill that we will be taking up shortly.

So all of us will miss Adam tremendously, but we will remember him. I believe for me, anyway, he will always be a prototype and a model of what a public official should be.

Mr. FARY. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

[Mr. FARY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BOLLING. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Missouri.

Mr. BOLLING. Mr. Speaker, I thank the gentleman for yielding.

I learned about Adam Benjamin before he got here. He had the reputation in Indiana and in the Indiana Legislature for being the classic inside man. He was a real pleasure to work with. I had the privilege of working with him from the very beginning and it was fascinating to watch him move in ways that most people do not, to get to the core of the House.

I doubt very much whether most people understand how potent he was in the first few months that he was here. He knew his way around in a way that was almost unbelievable in 6 months and he was a force and an influence in a year. His power and influence for good and for his State grew monthly. He was one of the most extraordinary Members I have ever seen in this institution and I doubt that even his close friends fully understand how much influence he had.

The country is going to miss Adam Benjamin. The institution is going to miss Adam Benjamin. The district and the State that he represented are going to miss him and I have nothing but the deepest sympathy for his family, because I know they will miss him, too.

Mr. HAMILTON. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I thank the gentleman.

Adam occupied the same corridor as I do in the Cannon Building, two offices down. No matter what time I left that office, 7 o'clock, 8 o'clock, 9 o'clock, 10 o'clock, Adam's light was still on; no one in his office, just Adam sitting at his desk poring over legislation, working on issues long after every other Member of Congress had gone home. He worked very, very hard. He worked too hard. He worked harder than any man I have ever met in any field of endeavor.

I am very sorry to see him pass, because he was one of the most honest, tough, ethical people that I have ever met. He was somebody who if he had worked a little less hard could have been with us another 20 years or 25 years serving this institution and would have left a record that would have been unparalleled because of his ability to understand how this place worked and how to make it work for the issues and the beliefs that he held very dearly.

I will miss him very much, because he was a good friend of mine, and I believe the Congress and the people of this country will miss him just as much.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Mississippi.

Mr. WHITTEN. Mr. Speaker, I subscribe to the many wonderful statements that have been made on the untimely passing of our friend, Adam Benjamin.

On the Appropriations Committee, I do not know of anyone who applied himself more closely, who was more effective and who did it with as little fanfare as did Adam Benjamin. Notwithstanding all the work that he did in so many fields, if ever there was a need for a volunteer, Adam was willing to take that on, too.

So I say again that I subscribe to the many things said here and I add to it that his untimely passing leaves a void that is going to be difficult to fill and nobody will ever take his place, actually, but it will take two or three to take up the load that he carried.

I extend my deepest sympathy to his family. He leaves a monument and a mark here that all of us might well try to emulate.

Mr. SIMON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Illinois.

Mr. SIMON. Mr. Speaker, I want to join my colleagues in paying tribute to Adam Benjamin.

Our colleague, the chairman of the Appropriations Committee, summarized it well when he said that Adam Benjamin did things with little fanfare. He was not a meteor out there. He was not doing things because it might make television tomorrow. He was a solid, substantial legislator, who contributed in a very meaningful way to what goes on in this body.

Our colleague, the gentleman from Missouri (Mr. Bolling) was correct when he said this institution, this House, is going to miss him.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I wish to join my colleague, the gentleman from Indiana, and my other friends and colleagues in expressing sympathy to the family of Adam Benjamin.

We came to Congress together. He was a good friend, which of course was strengthened by the fact that he was educated in my district during his younger life.

He worked hard and he was what we call a real work horse, as opposed to a show horse. This institution is all the finer because of it. This country is all the better off because of Adam Benjamin.

I know that his memory will linger with us for many, many years.

Mr. GINN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Georgia.

Mr. GINN. Mr. Speaker, I thank the gentleman for taking this time to give those of us who knew and loved Adam Benjamin the opportunity to express our deepest and sincerest sympathy to his family.

Late yesterday afternoon, having lost the governorship in my State, I boarded a plane in Atlanta to return to Washington to complete my career in the Congress. I picked up a paper and opened it up and first learned of Adam's death.

It suddenly dawned on me that all I have lost was an election, but that Adam's wife has lost a husband. His children has lost a great father. His district and his State have lost a tremendous Representative and this Congress and this country have lost, I think, one of the finest men who ever served in this body.

I was a fellow Appropriations Subcommittee chairman with Adam. No Member, to my knowledge, did his work more effectively, as has been pointed out, with less fanfare, but with more dignity and effectiveness than did Adam Benjamin.

I extend my deepest sympathy to his family and to his district and to his State.

I think the highest compliment I can pay Adam Benjamin is to say that he will truly be missed. I am a better person in having known my friend, Adam Benjamin.

Mr. RITTER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentelman from Pennsylvania.

Mr. RITTER. Mr. Speaker, I thank the gentleman.

I would like to express my deepest sympathies to the family of Adam Benjamin.

I was fortunate to get to know Adam Benjamin as a member of the executive committee of the Steel Caucus and I watched him as a leader of that caucus. I listened and learned as he handled a wide variety of issues of critical importance to this Nation's steel industry. I grew to respect his ability and to admire him greatly.

It has been said that he operated without fanfare, that he was concerned with substance—that is so true. He was the kind of Congressman that we would hope for on both sides of the aisle—for the benefit of the body and for the benefit of the American people.

Adam Benjamin was also a kind and affectionate human being. He did not seem to have, and if he had them, I never saw them—any partisan bones in his body. He would work with Members of this side of the aisle just as well as he would work with Members of his own party. Respect and friendship were in surplus from his fellow Members.

He will certainly be missed by his colleagues on the Steel Caucus and throughout this House. I heard some people talking the other day about what a Congressman has to do to achieve national recognition. You would think that national recognition would come to a Congressman who worked and achieved the way Adam Benjamin did. That is not exactly the way things work out, but when people ask Members of Congress who they admire and who they respect and who they would like to emulate, certainly the name of Adam Benjamin would stand tall before all of us as a name to remember.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Speaker, I thank the gentleman for yielding.

I join my colleagues in expressing my condolences to the family of my dear departed friend, Adam Benjamin, with whom I had the privilege of serving on the Appropriations Committee.

Like others who have expressed their admiration for Adam today, I respected Adam for his quiet courage and the dedicated manner in which he went about his work in service to his Nation.

I was taught as a child at my mother's knee that loyalty was the greatest virtue, and I believe that Adam demonstrated loyalty to the people that he worked for, to the Nation that he served, and to the family that he loved. He will be dearly missed in Congress. While his lights in the office in the Cannon Building will be darkened, the light that Adam Benjamin shone here in Washington will long be remembered.

Mr. MCDADE. Mr. Speaker, will the gentleman yield to me?

Mr. HAMILTON. I yield to the gentleman from Pennsylvania.

Mr. MCDADE. I thank my colleague for yielding.

Mr. Speaker, I was shocked, as all of us were, to read of the untimely passing of our dear friend Adam Benjamin. I want to join my colleagues on both sides of the aisle in paying tribute to a distinguished and dedicated Member of this body. Adam's life will always stand as a great symbol for all of us to strive for in achieving excellence, in attempting to achieve excellence as we go about our legislative duties.

I do not know of a finer man than Adam. Adam was a marvelous man to deal with. He knew all of the intricate details of every piece of legislation that he handled, and others.

Mr. Speaker, I used to enjoy talking with him about Hoosier hysteria and Hoosier mania and how all the teams were doing which represented that great part of this Nation, which he so ably represented. He was a fine gentleman.

I was doubly saddened to read that he had come back to town to put his son into school; to have it happen in such a way as that is the height of pain, I am sure, for he and his family.

The Nation is poorer for his loss. This House is poorer for his loss.

I want to extend my deepest condolences to his survivors and I thank the gentleman for taking the time to permit us to pause to pay tribute to a truly great American, the late Adam Benjamin.

Mr. MCCLORY. Mr. Speaker, joining in this final tribute to our colleague, Congressman Adam Benjamin, Jr., of the First District of Indiana, I must first indicate the deep shock which accompanied the report of his unexpected and abrupt passing.

Mr. Speaker, my association with Congressman Benjamin was far more intimate than that which I have experienced with most of my colleagues in this body. As a Representative in Congress from the great steel-producing area of Gary, Ind., Adam Benjamin and I worked closely together as members of the Steel Caucus. Adam's consideration of the views and interests of others and his ability to organize and apply the joint efforts of those of us who were having similar economic problems were among his special talents.

Mr. Speaker, Adam Benjamin has been one of the harder working Members of the Congress who earned the respect and enjoyed the friendship of those on both sides of the political aisle. In recalling his service and his useful life in our Nation, I take this occasion also to express my respect and deep sympathy to his widow, Patricia, and to all members of his family.

Mr. WIRTH. Mr. Speaker, I want to express my deep sorrow at the passing of our distinguished and well-loved colleague, Adam Benjamin. His sudden death is a great personal loss for me and a great loss as well for the Congress and the Nation it serves.

Adam was a legislator in every good sense of the word. His ability to move complex legislation through the House—building coalitions, crafting compromises, and giving all affected parties a fair say in the final product—exemplified the best in our democratic traditions and in our legislature process.

As we worked together closely on legislation, Adam and I developed a friendship that has ended too soon. My heart goes out to Adam's family and to the people of Indiana in this time of sorrow. I know that we in the House will not soon forget the contributions Adam Benjamin has made to our institution and to the American people.

Mr. ANNUNZIO. Mr. Speaker, like so many of my colleagues, I was stunned yesterday at the tragic news of the untimely death of my distinguished colleague and good friend from Indiana, Adam Benjamin.

During the last 6 years he served in the Congress, representing the First District of Indiana, I had the opportunity to work with him, to get to know him, and I became one of his great admirers.

He was a loyal, staunch, and dedicated Member of the House of Representatives. He reflected credit on the House, for he was

a tireless worker in behalf of his constituents, his State, and his beloved America.

As chairman of the Congressional Steel Caucus, as a member of the House Budget and Transportation Committees, as a member of the Democratic Steering and Policy Committee and the Democratic Caucus Committee on Party Effectiveness, and later, as a member of the Appropriations Committee and chairman of the Subcommittee on Transportation of the Appropriations Committee, he give inspired leadership to this body which will be remembered for years to come.

He was a 1958 graduate of the U.S. Military Academy, earned his law degree from Valparaiso University in 1968, and before coming to Congress, he served as a State senator in the Indiana Legislature from 1971 to 1977, and prior to that, he served as a State representative from 1967 to 1971.

Those of us who had the privilege of knowing Adam Benjamin as a friend and colleague deeply mourn his passing, and our hearts go out to his bereaved family. Mrs. Annunzio joins me in extending our heartfelt sympathy to Adam's devoted wife, Patricia, and his three children, Adam III, Alison, and Arianne, on their great loss.

Mr. O'BRIEN. Mr. Speaker, I knew Adam because we represented adjoining districts, we served together on the Steel Caucus, and we served together on the Appropriations Committee.

He was a model of what a Congressman should be.

No issue was too complex, nor constituent case too small, to escape his study. Everything that affected the lives of his constituents affected his life. He was totally dedicated to their service.

This was illustrated by his mastery of the problems of the steel industry. Adam had a knowledge of the workers, the management, the plants, and the equipment that would have made a Wall Street analyst envious.

Why did he know these things? Because in Adam's district the steel industry is the economic mainstay. And, to his great personal anguish, hundreds upon hundreds of steel workers are out of work.

Adam made their concern his own. He could have paid lip service to their plight, and probably have been seen as doing enough. But that was not Adam. He had to learn the industry—top to bottom, inside and out—so that he would truly act in the best interest of those unemployed workers.

This is just one example of the kind of Congressman he was. There are many more.

What we have gained by his working among us is inestimable. What we have lost by his passing is clear: He was a voice of reason and conciliation, of compassion and responsibility.

I valued his counsel greatly. I will miss him every day.

Mr. CLAUSEN. Mr. Speaker, I would like to take this opportunity to pay tribute to the late Adam Benjamin, Jr., our colleague from Indiana. I know that many of the Members gathered here share my sadness at his sudden and untimely death.

Adam Benjamin will long be remembered by his colleagues in the House, Indiana State legislators and local elected officials, and by more than anyone else his constituents for his tireless efforts on their behalf. The words dedication and self-sacrifice come to the minds of his friends and associates when his name is mentioned. I was privileged to serve with Adam on the Congressional Steel Caucus, of which he was chairman—his leadership there will be sorely missed. Known for his mastery of detail and his in-depth knowledge of the problems facing steel and other heavy industries, he was an effective spokesman for the interests of the industrial Midwest.

Adam Benjamin earned an engineering degree from the U.S. Military Academy at West Point, and his law degree from Valparaiso University of Indiana. As well, he lectured on the social sciences and budget studies at Georgetown University, from which he was to have been awarded a master's degree in comparative and international law. He was first elected to the House of Representatives in 1976, and has served on the House Appropriations and Budget Committees, holding the chairmanship of the Subcommittee on Transportation of the Appropriations Committee.

Mr. Speaker, it is with great honor and respect that we mark the passing of Adam Benjamin, Jr. No words can fully express the emptiness we all feel and the void which he has left. Our prayers go out to his family, for we know what a loss they have suffered, and pray that God will give them strength.

Mr. HAMILTON. Mr. Speaker, I thank the Members for their several contributions.

Mr. Speaker, I offer a privileged resolution (H. Res. 579) on the death of the Honorable Adam Benjamin, Jr.

The Clerk read the resolution, as follows:

"H. RES. 579

"Resolved, That the House has heard with profound sorrow of the death of the Honorable Adam Benjamin, Jr., a Representative from the State of Indiana.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

"Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

"Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

"Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased."

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DECKARD. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to our colleague (Mr. DECKARD) from the Eighth Congressional District of Indiana.

Mr. DECKARD. I thank the gentleman for yielding.

Mr. Speaker, the sorrow that all of us have felt over the passing of ADAM BENJAMIN weighs heavily still today.

ADAM was a man who, to a degree rare in public life, earned the deep respect of all who knew him. It was my honor and pleasure to have had his friendship since 1967, when he and I were first elected to the Indiana Legislature. Since that time, more than any other person I have known, he exemplified the ideals of public service.

The grief of his family is, of course, beyond measure, but only those who knew of ADAM's work can know how profound is the Nation's loss as well.

In all matters ADAM BENJAMIN was a man of honor and humanity. He was my friend and I will miss him greatly.

Mr. JACOBS. I thank the gentleman for his contribution.

Ms. FERRARO. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentlewoman from New York.

Ms. FERRARO. I thank the gentleman for yielding.

Mr. Speaker, sometimes, when I think about the composition of this House, and the divergent backgrounds and interests of the Members, I am amazed at how much is accomplished. What makes it possible for us to get things done is the willingness of Members to make the effort necessary to understand the problems facing Americans from areas which differ from their own. That kind of cooperation is the essence of governing in a Nation as large and diverse as ours.

The death of ADAM BENJAMIN deprives this House of a man who exemplified the best of this spirit of cooperation and the willingness to understand other people's problems. On several occasions, I had the opportunity to discuss with this gentleman from Indiana transportation issues of special concern to New York City. I was consistently gratified at the effort he made to understand the problem and craft an effective solution. It was just obvious that he really cared, that he was really dedicated to helping people and making things work.

It may sound corny, but there is no other way to say it—ADAM BENJAMIN was a truly nice man. I will miss him, and this House will miss him.

Mr. JACOBS. I thank the gentlewoman for her contribution.

Mr. DE LA GARZA. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Texas.

Mr. DE LA GARZA. I thank my distinguished colleague for yielding.

Mr. Speaker, I join my colleagues in paying tribute to a great American whom we in the House had the honor and privilege of serving with. ADAM BENJAMIN was a dedicated Member of Congress in the few short years that he was here. It may even seem inappropriate that I might mention the fact that, to many who criticize, to many who make light of the efforts of the Members of Congress, I think ADAM BENJAMIN would probably exemplify the fact that the dedicated Members, the 99.9 percent of the Members of the House who serve and serve well, work with such diligence and such ardor that, for some of them, as I think it was for ADAM BENJAMIN, eventually it caused his death—the long hours and the work and the frustra-

tion many times that we have as we serve.

He was not only dedicated to his constituency. I am very happy to recall the many times that he, in his very important position as chairman of the Subcommittee on Appropriations, was helpful to many of his colleagues, not only in passing legislation, not only in assisting with their problems, but with counsel and advice in areas of interest to the individual Member. He was one who would never say "no" to time request, to request for counsel or request for advice. Having served his country in the armed service, as well, he again offered his service to his country in the legislative field.

I know that the people of Indiana and the people in his constituency will miss him because of his dedication and his effort in their behalf.

I would like to mention a personal note concerning a young man in his constituency who was killed in Vietnam, a young man who, by accident, happens to share the same name of de la Garza. ADAM BENJAMIN visited me about that and became so interested in the fact that here was this young man, in the prime of his life, who had served and who had lost his life in Vietnam. His interest in looking into the events that led to the young man's untimely death eventually resulted in the posthumous awarding of the Congressional Medal of Honor to Emilio de la Garza of East Chicago, Ind., and it was, I am convinced, through the efforts of ADAM BENJAMIN, feeling that this young man had performed above and beyond the call of duty, and this was, of course, verified by the respective chains of command that that type of award has to go through. He was very proud and happy that he had done this. But he was that kind of a man who would work with a Member on one of his problems, but yet the lowliest of his constituents were as important to him in his efforts as he legislated and as he counseled and as he served their needs as far as the Government is concerned.

So I join with my colleagues, in that we will miss ADAM BENJAMIN, but this House and this country will be the better for his having served here. Of course, we extend to his family and to his friends and to his constituency our heartfelt condolences. But we are satisfied that his service will make this a better country and make this a better House of Representatives.

Mr. JACOBS. The Indiana delegation expresses its gratitude to the chairman.

Mr. RAHALL. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from West Virginia.

Mr. RAHALL. I thank my colleague, the gentleman from Indiana, for yielding.

Mr. Speaker, first of all, I would like to thank our colleagues in the Indiana congressional delegation for providing the Members this opportunity to pay tribute to a fine man, and a wonderful Member of this body, ADAM BENJAMIN, who passed away last week.

It was not only an honor to come to Congress at the same time as ADAM, but it was a pleasure to have him as a next-door neighbor on the fourth floor of the Cannon House Office Building.

The point has been made on a number of times already, but I would like to stress again, that a night did not go by—or for that matter many weekends—that ADAM BENJAMIN was not in his office well into the evening and early mornings. A show horse he was not—but most definitely a workhorse he was.

Perhaps his physical stature did not match his personality, of a warm and decent man who saw concerns and needs of people that had to be met and he worked tirelessly to improve their situations.

He served on the Appropriations Committee with great distinction, and led its Subcommittee on Transportation with great skill. But even more importantly I believe, he was the driving force behind the Congresssional Steel Caucus.

It was due to ADAM's able leadership of the Steel Caucus that it became a power and positive force for an industry that has long been a foundation of America's economy. Not only did his district, which centered around the steel city of Gary, benefit from his efforts in this area, but the entire Nation benefited as well. As a Representative from one of the Nation's largest coal producing regions—coal that is used to produce steel—I was well aware of ADAM's positive impact in this area.

Men like ADAM BENJAMIN come along once in a great while. When they are gone, they are deeply missed. I know that I can safely say that ADAM BENJAMIN will be deeply missed by his family, his friends, and his colleagues here in the House of Representatives.

□ 2040

Mr. JACOBS. Mr. Speaker, I thank the gentleman for his contribution.

Mrs. KENNELLY. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY. I thank my colleague from Indiana for yielding.

Mr. Speaker, I was stunned to learn last week of the tragic and untimely death of our colleague, Representative ADAM BENJAMIN, JR.

While I have only been a Member of Congress a short time, I have been here long enough to realize that ADAM BENJAMIN was a remarkable man. He was remarkable not only because he was extremely hard working and intelligent, but because he combined his obvious talents with a warm and gracious personality and a genuine concern for helping others.

I became acquainted with ADAM soon after I was elected to Congress. I had requested a meeting with him to discuss an important transportation problem in my district. Although I was the newest Member of the House, I could not have been accorded greater courtesy or respect than if I had been the Speaker himself. In all of my dealings with ADAM, he was straightforward and modest, low key and persuasive.

I will miss ADAM very much and wish to extend to his family my deepest sympathies.

Mr. JACOBS. I thank the gentlewoman for her contribution.

Mr. EVANS of Indiana. Mr. Speaker, will be gentleman yield?

Mr. JACOBS. I yield to the gentleman from Indiana.

Mr. EVANS of Indiana. Mr. Speaker, I am pleased to be able to participate in this special order for ADAM BENJAMIN this evening, and it is true, as so many people both on the floor of the House and really throughout this Nation, particularly in his home State of Indiana, have stated so often in the last week that ADAM had a tremendous impact on this Nation, on his district, and that he had and was living already a very bright future here in Congress.

Those statements are true; but even more, ADAM was really the leading force in northwestern Indiana in trying to revitalize that area of our State economically, in terms of jobs for the citizens of ADAM's own district and those of several surrounding congressional districts.

It is seldom that we see Members of the House, I think, take that kind of a leading role in terms of increasing the economic strength of their own congressional districts to the extent that ADAM did.

Often I would be working in my office until 11 or 12 at night and, as has already been stated again many times, ADAM would be working in his office until the wee hours of the morning; but sometimes we would take a break and walk up the street to perhaps get a sandwich.

I know when I walked to my apartment only a block away from ADAM's last Wednesday night, and then when I walked back to my office on Thursday morning, I walked past ADAM's apartment knowing that I was not going to see him again, to be able to share that walk back to the office nor to walk back and forth from the Cannon Building's fourth floor with ADAM to the floor of the House or back to our offices after we had an opportunity to vote.

I think ADAM was certainly one of the most open and most friendly of

Members of the U.S. Congress that I have ever had the privilege of knowing here in my 8 years. He would do anything that he possibly could to help a colleague. I know he did so repeatedly for me and for many others.

Just this afternoon I stopped by his congressional office and in closing up that particular office suite on the fourth floor of the Cannon Building, his staff was still hard at work for constituents back home. I know he had that kind of a dedicated staff not only in his Washington office but in his district office and also among his subcommittee staff of the Transportation Subcommittee.

ADAM's loss certainly is a loss in my opinion that will never be replaced in terms of magnitude or quality here on the floor of the House again. I know that his family, his friends, his colleagues, his district, his State, his Nation have suffered a tremendous loss, and as I and my wife, Darlene, were driving to ADAM's funeral last Friday morning from Indianapolis, I heard a song being sung on the car radio and simply its title was "Thank you for Being a Friend." That is what I would like to say at this time, ADAM. Thank you for being a friend.

Mr. JACOBS. I thank the gentleman for his excellent contribution.

Mr. GAYDOS. Mr. Speaker, will the gentleman yield?

Mr. JACOBS. I yield to the gentleman from Pennsylvania.

Mr. GAYDOS. Mr. Speaker, as closely as I worked with our late colleague ADAM BENJAMIN on the Steel Caucus, and as much as I respected him, there is much about him I did not know because his talk was of work and not of himself.

For example, he was relentless in his search for useful knowledge and he had an unquenchable curiosity about the way things work.

But I do not know if he read philosophy.

However, I do know his approach to public life matched to the letter a maxim of a 19th century French philosopher, who said, "You can only govern men by serving them. The rule is without exception."

Around Gary and northwest Indiana they were well governed when ADAM BENJAMIN had a hand in it. And the same is true for the Executive Committee of the Congressional Steel Caucus, of which he was chairman.

I do not know if ADAM BENJAMIN was a religious man.

But I do know his personal style matched word for word the admonition from Ecclesiastes in the Old Testament:

Whatsoever thy findest to to, do it with thy might . . .

ADAM BENJAMIN's time in the House of Representatives was marked by considerable service given with his might, which was substantial.

As a founder of the Steel Caucus, and a sustaining force, ADAM had an unspoken rule—never retreat, always advance. I do not know if he learned the rule in the Marines as an enlisted man or at West Point or as a young officer in the 101st Airborne; but he learned it well and he applied it with diligence as he moved from local government to State government to National Government and up in the National Government, always serving.

No meeting was too early for ADAM BENJAMIN and no crisis happened too late. He just was always there. It was never inconvenient for ADAM to drop what he was doing—and you never found him doing nothing—to go to the White House or the Department of Commerce or the International Trade Commission to work on a problem.

Unfailing is the only word to describe him.

One of his last official acts was to straighten out a punitive and discriminatory application to the steel industry of last month's tax bill.

He did it between 6 p.m. and 10 p.m., 1 hectic day before adjournment.

ADAM was never at a loss for long, and here he met and exceeded an ancient measure set down by the Roman historian Tacitus for judging the quality of a man:

Reason and calm judgement are the qualities especially belonging to a leader.

ADAM BENJAMIN was a leader.

When you work day in and day out with a man, month in and month out, year in and year out, you come to understand his strength and his shortcomings.

ADAM BENJAMIN had very few flaws and they all were minor.

He had much strength, and as the Book of Proverbs says:

Iron sharpeneth iron; so a man sharpeneth the countenance of his friends.

The sharp edge of the Steel Caucus will be different because ADAM is not with us to apply his particular honing; so will that of the House; so will that of the Congress.

The highest tribute we can give him is to see that the edge is only different and not less sharp.

And most important in my mind is this: We must always advance, never retreat.

□ 2050

Mr. JACOBS. Mr. Speaker, I thank the gentleman from Pennsylvania for his eloquent remarks as well.

I shall do nothing out of malice. What I deal in is too vast for malice.

The words are those of Abraham Lincoln. They might have been descriptive words of our colleague, ADAM BENJAMIN, as well.

ADAM was a workaholic, who strangely and maybe miraculously never seemed to be in a hurry. He always had time. He always had time to be stopped on the street, to be stopped in the Chamber. He always seemed to have a relaxed gait.

Another quotation from Lincoln is, "I have not willingly planted a thorn in any man's bosom." That is an adequate description of the kindliness of our dear departed colleague.

It has been said that ADAM served in the U.S. Marine Corps as an enlisted man. Later he accepted an appointment to West Point and did his State and his country honor as a student there and still later served in the U.S. Army as an officer in the 101st with great distinction.

He came home to Indiana; back home again in Indiana he got through law school, practiced law for a while, sniffed out the political fever and went down to Indianapolis from Gary to represent his community in the State legislature. There is something sort of Lincolnesque about this.

ADAM very quickly as a freshman representative developed a reputation about which much has been said in the past week or so for reading every bill. Now, most of us will tell you that is physically impossible, it is; so another miracle by ADAM BENJAMIN.

He helped other legislators by pointing out errors in their legislation, but always in a kindly way, so that I do not know of anybody who knows of anybody else who ever took offense at his suggestions for improvement.

Later he became a State senator in Indiana and served with the same distinction. It did not make any difference whether it was the Indiana State Chamber of Commerce as a representative or whether as a representative of the AFL-CIO or the Auto Workers, the acclaim was always the same: "He is decent. He is informed. He is industrious. He is a good guy." Nobody did not like ADAM BENJAMIN.

We went to the funeral the other day near Gary, Ind., on Friday and we saw a beautiful ceremony. Our colleague, Mr. HAMILTON from Indiana, gave a sterling tribute, which will appear in the RECORD, I believe. Others spoke as well. The ceremony was beautiful, reassuring, comforting.

The 45 or so House Members who formed the delegation, including Members who are in the Chamber now, that attended the ceremony went there with a special kind of pain that comes with the unanticipated loss of a dear friend.

We can almost see ADAM walking on to this floor from that corner of the Chamber even now, always with a grin or a smile.

We went there, and the ceremony, I think, did a lot of good for a lot of people who attended it. At the graveside there, there were the two little girls, ADAM's daughters, and the young man, Adam Benjamin III, who had come here so recently to Washington, D.C., to be enrolled over at George-

town Prep, no doubt looking forward to this marvelous time through those difficult teenage years with his father to guide him. That will not be possible at all now. Others will help him, I am sure; but there was the widow, Patricia, a study in dignity and strength. As she sat by the graveside, the young man, Adam Benjamin III, stood there and somehow the two of them reminded us of nothing so much as the sad occasion of the death of John F. Kennedy, when the widow showed such dignity and such leadership, really, in sorrow for the Nation and when little John-John stood at attention and saluted his father's casket as it passed by. There was Adam Benjamin III. He never sat down at the graveside. He stood erect, the son of a soldier, next to his mother, lending strength to her. He will go on where his father leaves off, without a doubt.

Then, as our colleague from Indiana has pointed out, the staff from the congressional office which ADAM had so nobly and well led was there, and as our colleague, Mr. EVANS, has pointed out, that staff continues to do the work of the district. And they were hurt. They were hurt very hard.

I believe that the ceremony and the strength of Mrs. Benjamin, ADAM'S widow, gave them strength to carry on as they are quite nobly.

Now, for anyone who may read this RECORD 1 year from now or 10 or 100 years from now and suspect that this is dutiful rhetoric by colleagues who are expected to do that, let me give you a quote from Will Rogers who was ill once. He emerged from the hospital to say,

> People couldn't have been any nicer to me if I had died.

We expect grand and wonderful things to be said even of us when we pass on by our friends and by our colleagues, and that usually happens. I do not mean those words are empty. I just mean to say that the same words that you will read in cold print 100 years from now or however long, whichever scholar we are addressing henceforth in this RECORD, and before it all is chiseled in stone and becomes cold, unquick and unlifelike and unwarm, know this: That the same things that you will read in this RECORD now were on the record every day that ADAM was here, on the record from his friends to one another, to him. His appreciation did not begin with his untimely death. It was there and very much a part of him and very much a part of us throughout his career and throughout the time that we were privileged to know and be inspired by him.

● Mr. WHITTEN. Mr. Speaker, I subscribe to the many wonderful statements that have been made on the untimely passing of our friend, ADAM BENJAMIN.

On the Appropriations Committee, I do not know of anyone who applied himself more closely, who was more effective and who did it with as little fanfare as did ADAM BENJAMIN. Notwithstanding all the work that he did in so many fields, if ever there was a need for a volunteer, ADAM was willing to take that on, too.

An indication of the legislative skills which ADAM developed in the Indiana Legislature is the fact that he was elected to the Appropriations Committee on 1977 within weeks of his election to Congress. He selected assignments on the Legislative, Transportation, and District of Columbia Subcommittees.

ADAM was a tireless worker who soon earned the respect of his colleagues. In the 96th Congress, he was elected chairman of the Legislative Branch Subcommittee. He also served on the Transportation Subcommittee. ADAM became chairman of the Transportation Subcommittee at the beginning of the 97th Congress. Other assignments included the Energy and Water Development and Legislative Subcommittees.

So I say again that I subscribe to the many things said here and I add to it that his untimely passing leaves a void that is going to be difficult to fill. Nobody will ever take his place, actually, but it will take two or three to take up the load that he carried.

I extend my deepest sympathy to his family. Although ADAM served only a relatively short time in the House of Representatives, he leaves a monument and mark here that all of us might well try to emulate.●

● Mr. YATRON. Mr. Speaker, it is with great sadness that I join with my colleagues here today to honor a friend and fellow Member of the House of Representatives, ADAM BENJAMIN.

For almost 6 years, Congressman BENJAMIN was a talented, able, and effective legislator whose accomplishments will be long remembered by the people of northwest Indiana, and by us who had the privilege to serve with him. Without a doubt, he was respected and admired by his colleagues in the House, regardless of their party affiliation or political inclination.

I had the opportunity to serve with ADAM BENJAMIN on the Congressional Steel Caucus, which he founded. I was able to witness and appreciate his many unique legislative skills. He was truly one of the driving forces behind legislative initiatives to resolve the problems facing America's steel industry, and he worked indefatigably to resuscitate this critical sector of our economy.

I am shocked and deeply saddened by the loss of this great man. ADAM BENJAMIN'S tenure will continue to be an example to me and to others, of what dedicated public service really means. It goes without saying that he will be greatly missed by all of us in this body.●

● Mr. FARY. Mr. Speaker, as Congress reconvened from the district work period, we learned of the death of our colleague, ADAM BENJAMIN. He was a dear friend to all those whose lives he touched, and he will be sorely missed.

ADAM and I became close friends shortly after his arrival to Congress in 1976, traveling together frequently on Midway Airlines from Chicago's Southside. I think the fact that we had many things in common enabled us to develop a quick and lasting friendship. We were both Democrats who represented a Midwestern district, and had a long record of public service in our respective State legislatures. We were both keenly interested in transportation issues, he as chairman of the Transportation Subcommittee of the House Appropriations Committee and I, as a member of the House Public Works and Transportation Committee. ADAM, along with Congressman GLENN ANDERSON, then chairman of the Aviation Subcommittee, was instrumental in helping restore airline service to Midway Airport located in my congressional district in Chicago.

The true testament to ADAM though, is that aside from any common interests, he could befriend anyone. ADAM was an approachable, sensitive, warm person who genuinely liked people, regardless of their ideology or party affiliation. I am sure that is exactly how he became such a successful and respected leader in his community.

Coupled with his personal charm, ADAM was also one of the most tireless, dedicated workers of this body. The stories of his late night and weekend work hours have almost become legend in his relatively short tenure here. The industry and commitment which he brought to his job will be hard to match for many years by those of us remaining. As if the role of a Congressman were not demanding enough, ADAM still found the time and energy to better himself by attending Georgetown for a masters of law degree. I trust that our House leaders and fellow Members recognized immediately this inherent perserverence and dependability, when ADAM was awarded a seat on the powerful Appropriations Committee.

Mr. Speaker, this body is composed of a variety of Members who span a broad range of stature. I am sure, with time, it will become evident that ADAM BENJAMIN made his mark as a giant amongst us. I offer my heartfelt condolences to his entire family.●

● Mr. ROBERTS of South Dakota. Mr. Speaker, ADAM BENJAMIN'S passing brings to mind my service in South Dakota's Senate and the few months I have been privileged to serve in this

House. Regardless of partisanship, Americans are looking earnestly for elected representatives who will work with diligence and integrity. ADAM BENJAMIN typified those qualities. His career and the potential he had in Congress spoke eloquently of the honor and duty he felt serving here.

In his freshman term, ADAM BENJAMIN was entrusted with the unenviable task of chairing the Legislative Appropriations Subcommittee. In a body that will give itself a backdoor pay increase at the drop of a hat, Mr. BENJAMIN consistently showed an interest for sensible projects and care for the public purse. Throughout his career, his friendliness and generosity matched his ethical quality.

It will be impossible to replace ADAM BENJAMIN with a House Member of equal intelligence, dedication, and ethics. This body will miss him in the extreme, and our country is at a serious loss.

I am sure you would join me, as my colleagues, in hoping that other men like ADAM BENJAMIN continue to come our way.●

● Mr. PEYSER. Mr. Speaker, I know we all share a sense of great loss with the sudden and untimely passing of our colleague, ADAM BENJAMIN. There was no one in the Congress more devoted to serving the people of this country and doing the very best job that he could than ADAM. He was a good friend and will be deeply missed by all of us.●

● Mr. HILLIS. Mr. Speaker, it is always difficult to accept the death of a friend, particularly when that death is sudden and without warning. When I first heard that my friend ADAM BENJAMIN had died, I felt a great sense of personal loss. In the last week and a half, since his passing, I have thought a lot about ADAM and realize that my loss is more than just a personal one. As a legislative body the House of Representatives has lost a great legislator and leader.

ADAM BENJAMIN was a legislator's legislator. A Congressman's Congressman. He exemplified what we should all like to believe a Congressman to be. He served his constituency and protected their interests with great vigor. Perhaps his work in forming the Steel Caucus best illustrated his efforts to work for the interests of his constituents.

For those of who were lucky enough to know ADAM BENJAMIN before he was elected to the Congress, his record of excellence here came as no surprise. I first met ADAM when we served in the Indiana House of Representatives together. When ADAM became chairman of an Appropriations Committee subcommittee in just his second term in the House, it came as no surprise. When he formed the Steel Caucus to work toward solving the problems of the steel industry which is so important to his district, it came as no surprise.

Whenever you talk about ADAM BENJAMIN the one word most often used to discribe him is honest. He was that and much more. He was generous with his time and friendship. He cared deeply about his fellowman and used his influence in the Congress to better their lives. ADAM was an effective Member. His energy was endless in working for passage of bills he felt important to his constituents. But regardless of how busy he was or how full his schedule, ADAM would always find time to talk to you if you needed advice, or if you needed help, or just a friend to pass a few minutes with.

No Member of Congress is absolutely irreplacable. However, the passing of ADAM BENJAMIN creates a great void in the House. It will be a long time before we will again be blessed with someone with the unique qualities of ADAM BENJAMIN.

I extend my heartfelt condolences to his wife Patricia, and his children, Adam, Alison, and Arianne. My prayers are with them at this difficult time.●

● Mr. ADDABBO. Mr. Speaker, I rise to express my shock and great dismay at the untimely death of our colleague, the Honorable ADAM BENJAMIN of Indiana. When anyone dies at age 47, it is a distinct waste and is particularly sad because of the years that are lost. In the case of ADAM, the loss is not only a personal one for family and friends who knew and loved him, there is a distinct and tragic loss to the Nation. ADAM BENJAMIN was the sort of man who would have been returned to serve in this House for another two or three decades. The benefits to our Nation will never be recovered, no matter how well a successor may serve.

It is no surprise to anyone who knew him that ADAM did so well during his time in the House. His West Point training stood him in good stead for his was a logical and comprehensive mind, able to grasp concepts quickly and to devise solutions where others saw no hope. He was a straightforward, sincere man whose word was indeed his bond, and who knew when to charge and when to stand firm. And we who were his colleagues on the House Appropriations Committee saw his intense determination to master subjects and to put his imprint on legislation.

Very few Members become subcommittee chairmen in their second term in the House. ADAM was one of those. He assumed the chairmanship of the Legislative Appropriations Subcommittee and he quickly became the most knowledgeable member of the committee in that area. We were seeing the same thing with transportation appropriations at the time of his death. Another year or so and there would have been few people in this country who would have known as much about the country's transportation system as he would have.

ADAM had one quality that always stood him in good measure—he was fair. If he had a problem with something you wanted, he said so, and if it were possible to persuade him differently, you would always have the opportunity to try. We in New York City had some squabbles with ADAM in recent months about subway cars but there was never a time during that long battle when he did not provide either the New York delegation or the city's representatives opportunities to present their side of the matter.

I could say a number of things about ADAM because I worked closely with him during the years he served here, and he was a personable companion as well as a good friend. But if I had to summarize in just a few words about how I felt about him, I would tell anyone who wanted to know that this country needs more Adam Benjamins. So does this Congress.

I know that the sadness that we feel in this house is nothing compared to the sense of loss felt in his house by his wife Pat, his son Adam III, and daughters Alison and Arianne. My sympathies to all of them and to all of his many friends and supporters of Gary, Ind.●

● Mr. RHODES. Mr. Speaker, I join with my colleagues today in paying tribute to Congressman ADAM BENJAMIN, whose untimely death over the Labor Day weekend was a shock to us all.

Although ADAM served in the House only three terms, his achievements during this short time were notable. His efforts on the Appropriations and Budget Committees were well known and highly respected.

The people of the first district, too, benefited immeasurably from his tireless efforts on their behalf.

The distinction with which ADAM BENJAMIN served in the U.S. Congress, was a natural continuation of his lifetime of dedicated public service. A graduate of the U.S. Military Academy, a veteran of the U.S. Marine Corps and the Army, a member of the Indiana House of Representatives and the Indiana Senate, were significant chapters in his life, providing him with the challenges and commitments he sought.

All those who had the opportunity to know ADAM and to work with him, have to be saddened by the shortness of his life, but impressed with its richness.

He will be missed by his colleagues, his constituents, his family and his friends.

Mrs. Rhodes joins me in extending sincere sympathy to Mrs. Benjamin and his son, Adam, and daughters, Alison and Arianne.●

● Mr. FORD of Michigan. Mr. Speaker, I was deeply saddened by the death of my colleague and close friend, ADAM BENJAMIN, JR. His untimely death is an immense loss to the Congress, to Indiana and to the country.

I had the pleasure of working with ADAM on numerous occasions, particularly in our struggle to reverse the erosion of the American steel industry. In only his third term, ADAM had moved to the forefront of this important issue. His dedication to the elimination of the burdens on unemployed workers in the United States was unsurpassed.

ADAM'S hard work and integrity gained him the respect of Members on both sides of the aisle. Through his knowledge and determination, he quickly rose to the chairmanship of the Subcommittee on Transportation of the Appropriations Committee. ADAM'S political career seemed limitless, and I am proud to have had the opportunity to serve with him. I wish to extend my sincerest sympathies to his family and let them know that my thoughts and prayers are with them.●

● Mr. SAM B. HALL, JR. Mr. Speaker, it would be difficult to imagine a more sad and tragic event than the untimely passing of our dear friend ADAM BENJAMIN. He was one of the most devoted, hard-working people you would ever hope to meet, and it is the greatest possible honor for me to be able to say that he was my friend. More important, he was a friend of every working man and woman in this country.

Our colleague, JOE GAYDOS, summed it up best in his eulogizing statement when he said of ADAM BENJAMIN: "Unfailing is the only word for him."

ADAM was a fighter. He could roll up his sleeves and take charge as well as any person imaginable. He loved this country, and he believed fervently that people ought to have jobs, good jobs, and productive jobs.

When America's steel industry fell on difficult times, ADAM BENJAMIN jumped into the fray. He was instrumental in setting up the Steel Caucus, and the American steel industry will forever be in his debt.

Several weeks ago the terrible plight of our domestic steel industry hit my congressional district like a bombshell when Lone Star Steel was forced to lay off some 4,000 of the hardest working people to be found anywhere on the globe. I knew then that as long as friends and colleagues like ADAM BENJAMIN existed we would fight this thing together; that we would push for any and all measures to rescue America's steel from unfair, outrageous foreign competition. His loss hurts our cause, but what he started is sufficient incentive to press on.

To his family I can only say that ADAM made this a better Congress. He had a positive influence on all of us, and we ask to share in your grief.●

● Mr. REGULA. Mr. Speaker, I want to thank the gentleman from Indiana for reserving this time to pay tribute to our colleague ADAM BENJAMIN. With his untimely death the first District of Indiana and the country lost a dedicated and effective representative, his wife and children have lost a devoted family man, this body has lost one of its most able and hardworking legislators and I have lost a very good friend.

I had the honor and privilege to serve with ADAM on the Executive Committee of the Budget and Appropriations Committees. Whether we were tackling the macroeconomic problems of formulating a budget resolution, or grappling with how best to handle the problem of subsidized steel imports, ADAM always knew the issue and could offer constructive suggestions, if not always the solution.

ADAM achieved his success and derived the respect of his colleagues in large part because of his sense of fairness and his ability to compromise, He embodied Edmund Burke's philosophy of good government and that was that "All government—indeed every benefit and enjoyment, every virtue and every prudent act—is founded on compromise and barter."

ADAM'S reputation as a tireless worker was well known among all of his colleagues, Few could compare with him for the sheer energy and intensity he brought to his job. He was one of the most knowlegeable legislators, both on the procedures of the House and the substance of the issues debated.

We who know and worked with ADAM have learned from his example. We can all be proud of the image and example set by our late colleague.

ADAM exemplified the best of politics and politicians. He believed strongly in this institution and in our system of representative government.

He had already made a distinguished name and career for himself and had a bright future before him which was tragically cut short.

Thinking of ADAM, I am reminded of FDR's views on politicians and I quote:

The future lies with those wise political leaders who realize that the great public is interested more in Government than in politics.

For the great public and ADAM'S memory we should all try to follow the fine example of politician, legislator, leader, and human being that ADAM BENJAMIN left in the memories of those who were fortunate enough to know him. Those of us whose lives he touched are all richer for the experience and ADAM will be sorely missed by us all.●

● Mr. HUGHES. Mr. Speaker, I am deeply, deeply saddened by the death of our friend and colleague from Indiana, ADAM BENJAMIN.

Not only in the House of Representatives but also as a representative and senator in the Indiana State Legislature, and in the U.S. Marine Corps and the U.S. Army, ADAM BENJAMIN gave of himself generously. ADAM was a hard worker, an extremely diligent and conscientious man who devoted his life to public service.

ADAM always had a ready smile and a warm hello. His perseverance and industriousness were never harsh; rather, he displayed an easygoing attitude, and went out of his way to accommodate his colleagues. His work for Hoosiers and for national concerns was carried out with insight and care.

A concerned and effective legislator, ADAM BENJAMIN had a truly remarkable career. To his wife, Patricia, and his children, Adam, Alison, and Arianne, I offer my deepest condolences. As an earnest, industrious lawmaker and a true friend, he will be sadly missed.●

● Mr. DONNELLY. Mr. Speaker, I join in mourning the death of our colleague and friend, ADAM BENJAMIN. This House and this country are richer for ADAM'S years of service, and we are substantially poorer for his untimely passing.

I had the privilege of sitting next to ADAM for the last 2 years on the Budget Committee, and I was awed by his capacity for long hours of hard work and his mastery of detail. He brought the same tireless dedication to every task he undertook.

ADAM enjoyed his work in the House. He was a skillful legislator who took as his reward an intense personal satisfaction from doing his job well for the benefit of his district and his country. He was content to work quietly, without generating headlines or attracting the television cameras. He was not the kind of Congressman whose name is a household word outside his district, but he was precisely the kind of Congressman more people should have known about. His diligence and integrity and ability brought credit to this historic institution.

ADAM BENJAMIN earned my unqualified respect as a Congressman, I am fortunate to be able to say he was also a dear friend. I join ADAM'S friends and colleagues in expressing my condolences to his family.●

● Mr. COELHO. Mr. Speaker, it is with a deep sense of loss that I join my colleagues in paying a final tribute to a higly respected and greatly admired colleague and friend, ADAM BENJAMIN. Through his diligent work and highly respected ideals he earned the admiration and respect that only those possessed with such a strong sense of commitment and dedication obtain. It is with a great sense of pride that I recall that ADAM visited my district in California several years ago, for which I am grateful. For me his death has left not only the professional loss felt for a distinguished col-

league, but also a great loss for those people in his district in Indiana he so well represented, as well as personal grief for a cherished and esteemed friend. With these thoughts in mind, I wish to extend my deepest and most sincere sympathies to his wife and family.●

● Mr. CORRADA. Mr. Speaker, it is with a deep sense of sadness that I join today in paying tribute to a good friend and colleague, the Honorable ADAM BENJAMIN. ADAM'S untimely death last week will be deeply felt by all of us who knew him well and called him our friend.

We were both first elected to the Congress in 1976 and as Members of the 95th Congress New Members Caucus became good friends. ADAM was a conscientious and hard-working Member who faithfully represented the interests of his constituents and his Nation. As chairman of the Subcommittee on Transportation of the Committee on Appropriations, ADAM was deeply interested in the problem of mass transit and the need for long and careful planning tailored to meet the needs of a growing nation.

ADAM always showed great interest and concern about Puerto Rico and was very helpful to me on numerous occasions. He will be sorely missed and we all have lost a good and faithful friend.

My wife Beatriz joins me in expressing our deep sympathy to Patricia Benjamin and to their three children. My prayers are with them for the eternal rest of a proud native of Indiana, Congressman ADAM BENJAMIN.●

● Mr. WOLF. Mr. Speaker, I join today in expressing deep sadness in the untimely passing of our colleague from Indiana, ADAM BENJAMIN.[1]

Because our offices were near, I got to know ADAM well over the past 20 months. We would often walk together to come to the House Chamber to vote. From our conversations during those times together, I gained a respect for ADAM BENJAMIN as a dedicated, conscientious Member of Congress who worked hard and long hours for the people he represented.

ADAM BENJAMIN also was a good friend of the people of the Washington metropolitan area. As the chairman of the House Transportation Appropriations Subcommittee, he was sensitive to such local issues as National Airport and the Metro system. He understood our concerns and he was always willing to listen and work with us to serve the best interests of the area's citizens.

We will miss him. I would like to extend my deepest sympathies to his family and many friends in the First District of Indiana.●

● Mr. UDALL. Mr. Speaker, I wish to express my sadness and deep regret at the loss of our friend and colleague, ADAM BENJAMIN. ADAM was a thoughtful, fair, and wise legislator, whose advice and support I valued inestimably.

His hard work and excellent counsel will be sorely missed by the Appropriations and Budget Committees on which he served. The Congress, the citizens of Indiana, and the Nation have benefited greatly from his compassionate and courageous leadership.

ADAM will be remembered by all of us in the House as a good friend, public servant, and fine human being.●

● Mr. BOLAND. Mr. Speaker, I was profoundly shocked and saddened by the news of the death of ADAM BENJAMIN.

There is no minimizing the extent of this tragedy. His wife and children have lost a loving husband and father, the people of the First Congressional District of Indiana have lost a dedicated and effective spokesman, and we have lost a distinguished colleague and friend.

I had the pleasure and privilege of serving with ADAM on the Appropriations Committee. No member of that committee worked harder, was more able, or more interested in the quality of the committee's work than he. Although ADAM had only chaired an Appropriations subcommittee for a short time, he was extremely effective in that role, and was recognized as one of the most effective subcommittee chairmen. The diligence, dependability, and great capacity for productive effort that earned him the approval of his constituents also earned him the respect of not only the members of the Appropriations Committee, but all of those Members of Congress who were familiar with his work.

Mr. Speaker, we will sorely miss ADAM BENJAMIN'S ability and wise counsel in the days ahead. I want to extend my sincere sympathy to his wife, Patricia, and to their children, Adam III, Alison, and Arianne. I hope they can take some small comfort in the fact that ADAM BENJAMIN will not be forgotten by the Congress in which he served, nor the people of Indiana for whom he served.●

● Mr. CONTE. Mr. Speaker, it is at this time that I would like to join my colleagues in expressing deep personal sympathy over the sudden death of our fellow Congressman from the great State of Indiana, ADAM BENJAMIN.

During his brief tenure here in the House which began in 1976, ADAM distinguished himself as a knowledgeable and respected leader. I had both the honor and the privilege of serving closely with him on the Appropriations Committee. As chairman of the Transportation Subcommittee, ADAM quickly familiarized himself with its policies and goals. Moreover, his courteous, friendly personality allowed him to work in close cooperation with the other subcommittee members.

In short, ADAM typified everything that a good House Member should be—hard working, diligent, and always willing to accommodate or assist other Members in their efforts. As we all know, such traits are vital in leadership roles and, unfortunately, are too often the exception rather than the rule.

These may sound like incredible achievements for a relative newcomer to Congress; but examining ADAM'S record of service to his Nation and home State prior to 1976, one could have easily anticipated such shining results. It seems only fitting, therefore, that I should mention ADAM'S service both in the U.S. Marine Corps and the U.S. Army. Equally, ADAM distinguished himself as a willing and capable doer in the Indiana House of Representatives and the Indiana Senate.

It has been said that all great man are simple and good. ADAM was just that. Integrity, dedication, and warmth of personality are rare qualities, but even rarer when combined in any one individual. ADAM was able to combine these traits and thus rise accordingly in the congressional ranks. It is for this reason that I feel personally honored and privileged to have worked with ADAM. It is for this reason that the people of his district, his State, and his country will miss him dearly.

I would also like to take this opportunity to extend my deepest condolences to ADAM'S wife and family.●

● Mr. BEVILL. Mr. Speaker, all of us were shocked and deeply saddened by the unexpected death of our friend and colleague, ADAM BANJAMIN, Jr., of the First District of Indiana.

I considered it a personal honor to serve with ADAM on the Appropriations Committee, and to have him as a member of the Energy and Water Development Subcommittee. I was extremely impressed with his thorough preparation, his hard work and his undestanding of the complexities of the appropriations and budgetary process of the country.

I also held ADAM in the highest regard for the tremendous leadership he provided for the Congressional Steel Caucus. His perseverance and his dedication to the people of America's steel industry helped to form a strong congressional group which has actively sought to improve the conditions for steel, one of the pillars of America's economy.

His death is a personal tragedy for his loving family and it is also a tragedy for the entire Nation, because ADAM BENJAMIN was a Congressman who had a great deal to offer to all the people. His brief, yet beneficial career in the Congress of the United States set an

example of excellence for all of us to follow. ADAM BENJAMIN will be missed by this body.●

● Mr. YOUNG of Florida. Mr. Speaker, We were all shocked to learn last week of the untimely death of our friend and colleague ADAM BENJAMIN.

ADAM and I served together on the Appropriations Committee for 6 years, and during that time worked together on many transportation issues, including providing adequate funding for our Nation's highways and the Coast Guard. Few jobs are more difficult than allocating limited resources to a rapidly expanding transportation system which includes highways, waterways, and airports, however through long hours of work and with a thorough understanding of each of our Nation's transportation needs, ADAM carried out this task.

Although his chairmanship of the Appropriations Subcommittee on Transportation involved ADAM in matters of national importance, he still found the time to serve the people of Indiana's First Congressional District. Even before he was elected to this body in 1976, ADAM dedicated himself to improving his hometown of Gary, Ind., and its surrounding communities. He served the area in many capacities, including schoolteacher, zoning administrator, executive secretary to the mayor, and State representative and senator.

We share the loss of ADAM with his wife Patricia and their children Adam III, Alison, and Arianne. Their loss of a husband and a father will be shared by all the American people, who have lost a great leader.●

● Mr. HOWARD. Mr. Speaker, I would like to take this opportunity to join my colleagues in paying tribute to ADAM BENJAMIN. It is very difficult to explain the tremendous loss I felt, and I am sure that the same can be said about my colleagues from both sides of the aisle, when I learned of ADAM's untimely death.

I was fortunate enough to be able to work closely with ADAM on transportation issues and soon realized the drive and commitment he had for the job. I do not think this Chamber has witnessed a Representative, who in such a short period of time, achieved the enormous respect of his colleagues. ADAM obtained this level of respect through hard work and dedication.

My deepest sympathies are extended to ADAM's wife, Patricia, three children, Adam, Alison, and Arianne, and his mother, Margaret. They deserve a special tribute because they gave up so much of him, so the rest of us could have the honor of working with this fine gentleman.

This Chamber will certainly miss ADAM BENJAMIN, but his presence will be felt for a long time to come. If anybody needed to look for a role model for the "perfect legislator," you would be hard pressed to find one better than ADAM BENJAMIN.●

● Mr. SHUSTER. Mr. Speaker, the sudden, untimely death of ADAM BENJAMIN was a great loss: Not alone to the family which he loved so dearly, but to Indiana and the Nation which, as Marine, soldier, and legislator, he served with enormous intelligence, energy, and dedication.

Even as, in 1967, ADAM BENJAMIN'S reputation as a most unusual and able public servant preceded his arrival in the Indiana State Legislature, that reputation, greatly enhanced by 4 years of service in both the State house and senate, preceded his arrival in the Congress in 1977.

In my work with the Surface Transportation Subcommittee of the Committee on Public Works and Transportation, I was privileged to work closely with ADAM in his role as a strong, but fairminded, chairman of the Transportation Subcommittee of the Committee on Appropriations.

He was a powerfully effective advocate of the people of the Second District of Indiana whom he served so diligently; yet he had the great capacity to appreciate the needs and problems of others about the Nation and, certainly, he was an enlightened and effective supporter of the Nation's highway and mass transportation needs and systems.

Many have served longer in the Congress than ADAM BENJAMIN; but few have worked harder, nor longer, nor have accomplished more per day of service. Many have gained greater renown; but few have earned, in so short a time, the enormous measure of professional respect and personal affection: a respect, an affection, which transcended the partisan political lines which, as the unexpected swift demise of ADAM BENJAMIN reminds us, must pale in the recognition of how truly fragile, how tenuous, the thread and span of mortal life can really be.

It is a recognition which, at once, inspires a greater balance of values, and a greater level of humility than, perhaps, is sometimes demonstrated. If, as we do, we find cause to mourn our sudden loss in this body, we know that it can be as nothing in consideration of that of his widow and children to whom I offer heartfelt condolences.●

● Mr. WHITLEY. Mr. Speaker, ADAM BENJAMIN and I were elected to Congress together in 1976 and became Members of the "95th class."

Although ADAM, as the Representative of a midwestern industrial area and I as Congressman from a very rural southern district might have appeared on the surface to have had little in common, we became fast friends.

His good nature and keen sense of humor were always prevalent, and he took my jokes and ribbing in the spirit they were intended.

But there were no jokes between us where the vital interests of our districts and our areas were concerned. On several occasions, he spoke to me about issues very important to him and in every instance I felt that I could, I supported him on these issues. I will never forget the critical (to my district) vote on preserving the tobacco price support and production control program last year when ADAM, knowing it would be a difficult vote for his constituents to understand, supported me in a matter of the utmost concern to the economic lifeblood of my district.

With his office just down the hall from mine, we often walked to the floor together when the bell rang for a vote or quorum call. It is hard for me to realize and accept that no longer when the bell rings will I be pausing to wait for him to catch up so that we can share a few pleasant moments together as a break from the heavy responsibilities of a long day.

I did not know ADAM's wife or family, but to them, I convey my sincerest sympathy. Although you did not know me, I knew ADAM and will miss him more than most.

May God's grace and serenity sustain you as you adjust yourselves, as I adjust myself, to an existence that no longer involves the company and companionship of this good and able man.●

● Mr. DWYER. Mr. Speaker, it is with a deep sense of loss that I join today in this special order for ADAM BENJAMIN.

His untimely passing has left a void in this Chamber and on the Appropriations Committee, where I had the honor of working with him for the last year and a half.

As member, subcommittee chairman, and spokesman for the people of Indiana's First District, ADAM BENJAMIN epitomized the type of representative to which we all aspire. He advanced the interests of not only his constituents, but our entire Nation as well in many key areas, most notably transportation, through his able leadership as chairman of that subcommittee.

His swift rise to the chairmanship of that important subcommittee is indicative of his skill as a legislator and the deep respect with which he was held by his colleagues.

ADAM BENJAMIN set a fine example of solid and effective leadership for his peers. He will be sorely missed to be sure, but we have been fortunate to have a man of his caliber in our midst.●

● Mr. APPLEGATE. Mr. Speaker, at this time, I would like to take this opportunity to say a few words about my colleague, ADAM BENJAMIN, who suddenly died last week. His death was a stunning blow to all of us, particularly those who had the pleasure of working

with him on the Congressional Steel Caucus.

ADAM was a man of tireless commitment. As chairman of the executive committee of the Congressional Steel Caucus, he was dedicated to improving the conditions of the Nation's ailing steel industry as well as insuring that its workers did not join the growing ranks of the unemployed.

ADAM was a man of integrity and his word was his honor—no higher praise can be given. He was respected by his colleagues for his intelligence, qualities of leadership, lack of pretense, and his attention to detail. He was a polite and softspoken man whose ability to interact effectively with his colleagues was a talent admired by all.

ADAM BENJAMIN had genuine concern for all he served. His presence will be missed, but he will not be forgotten.●

● Mr. MYERS. Mr. Speaker, there are too few real leaders in the United States today, and that is why the death of our colleague, ADAM BENJAMIN, is such an especially tragic loss.

ADAM's leadership qualities were well known to all his colleagues who worked with him. First, he was an extraordinarily hard worker. He simply outlearned and outprepared almost all other Members. Second, he had a gifted intellect that enabled him to understand the complicated issues that he worked with, and to make judgments that will be proven correct in history.

ADAM was also honest, fair, and reliable to a degree that is truly exceptional today. Everyone who knew ADAM BENJAMIN grew to expect much of him; no one was ever let down.

But what impressed me most about him, and what we will miss most in his absence from this body, was his strong heart. In the generation taught to be go-getters ADAM was a go-giver. He was so generous with his time and his help, and he spent his substantial power and influence so graciously and for such good, that few standing in this Chamber did not directly benefit from his friendship. He lived to serve others, never needing to worry about serving himself.

Mr. Speaker, America had lost a great leader, Congress has lost a great worker, Indiana has lost a great servant, and I have lost a great friend.

Carol and I join the thousands of the Benjamin family friends in extending our deep-felt sympathy and our prayers to his wife, Pat, the children, and ADAM's mother.●

● Mr. DERWINSKI. Mr. Speaker, the untimely passing of ADAM BENJAMIN has cost the House of Representatives one of our most effective Members. Since ADAM's district in Indiana bordered my district in Illinois, many problems called for cooperation between us. I can personally attest to the unusual effectiveness and influence he had.

I developed a great admiration for ADAM. He was a West Point graduate, he excelled in his service to his constituents, and he was a leader in the Indiana Legislature before coming to Washington. In his brief congressional career, he made his mark more rapidly than most and he will be sorely missed by his constituents, his colleagues, and his country.

ADAM was a warm, genuine, and friendly man; the kind of friend you could sit and enjoy pleasant moments with, as well as turn to when you needed advice in troublesome periods. He leaves a young family; and my wife, Pat, joins me in expressing our sincerest regrets to them. I want ADAM's wife, Patricia, and his children to know that he has left memories with all of us they can be proud of and, despite his premature passing, he will be remembered in only the most positive fashion.●

● Mr. CLAY. Mr. Speaker, each Member of this body has been touched by the untimely death of Congressman ADAM BENJAMIN. Today, in profound sadness, and with the deepest respect and admiration, we honor the memory and service of a great statesman and an outstanding American.

ADAM BENJAMIN was a man of high intelligence and dedication to principle. He loved America and believed in the workings of Congress. Congressman BENJAMIN served his constituents with devotion. Capable of honest advocacy, ADAM BENJAMIN represented the people, trusted their wisdom and venerated the principles of democracy. He was devoted to humanity and always giving a part of himself to the betterment of his fellowman. It was my privilege to have served in the House with Congressman BENJAMIN, he was a leader of unquestioned integrity and a model public figure.

I extend my thoughts and prayers and deepest sympathy to Congressman BENJAMIN's widow and children. May they find strength and peace in the days ahead.●

● Mr. LEHMAN. Mr. Speaker, it would be difficult to describe my dismay at the news of ADAM BENJAMIN's sudden death, but I know that it is not necessary. All who knew him share my shock at this tragedy.

ADAM BENJAMIN, JR., was an exceptional man. Strong yet compassionate, effective and always fair, ADAM gave all of himself to his family, to his constituents, to this House, and to the Nation. His generosity and his commitment were reflected in his hard work, and I believe it is accurate to say that he gave his life for his country, just as surely as if he had died under arms.

This is a time when our country needs leaders of ADAM's caliber, with ADAM's special qualities. A leader we cannot spare has fallen.

The Congress has lost one of its best, and I have lost a true friend. We will all miss ADAM; we owe it to him to continue working to fulfill his goals and to maintain his ideals.●

● Mr. AUCOIN. Mr. Speaker, ADAM BENJAMIN was a trusted friend and colleague to us all. His death is a tragic loss to his family, to this body, and to the constitutents he represented so well.

Many of my colleagues here today knew ADAM when he ws just learning the ropes. I did not really get to know him until more recently, over the last few years, when his accomplishments were many. I was privileged to serve on the transportation appropriations subcommittee which ADAM chaired, and I grew to respect his knowledge, ability, and perhaps most of all his fairness.

He was an outstanding representative, tireless in his efforts, absolutely committed to serving our great country. He was, in the best sense of the word, a public servant.

In his inaugural address, President Kennedy spoke of the demands of public office. He said:

> And when at some future date the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage * * * Second, were we truly men of judgment * * * Third, were we truly men of integrity * * * Finally were we truly men of dedication?

ADAM BENJAMIN was all of these things.

In a job where it is all too easy to get caught up in our own issues and our own personal projects, ADAM always had time to help his colleagues. A few months ago when I had to spend some time in the hospital for my own health, ADAM was there—offering to do whatever he could to help me out.

Few of us could have carried the load ADAM did. A seat on the Budget or Appropriations Committee is demanding. He did both and was in his office long after most of us had gone home.

ADAM worked hard, too hard. We will all miss him. I extend my deepest sympathies to his wife and family.●

● Mr. ALBOSTA. Mr. Speaker, it was with profound shock and sorrow that my wife Dorothy and I learned of the sudden and unexpected death of ADAM BENJAMIN, JR. It is always so tragic when death takes from us one of our friends and colleagues.

ADAM was a quiet but effective legislator. He was trustworthy and reliable. He worked long hours and diligently for his people. These are all traits which we all admire and seek to emulate. Most of all, ADAM BENJAMIN was a friend and loyal colleague.

It was in this last capacity that I came to know ADAM best. When another Member of Congress was unable at the last minute to come to my dis-

trict for a special event, it was ADAM to whom I turned. Not only did he come on short notice and with little preparation, but he also turned out to be a big hit with my constituents.

ADAM was just that type of guy. You could always count on him in a pinch and you knew his word was good as gold. He did everything thoroughly and you knew that when ADAM BENJAMIN spoke, he knew what he was talking about.

It is particularly painful to lose ADAM at this time because he was definitely one of the promising Members of Congress who was sure to fulfill his potential as a leader in Congress. In just three terms, the vast majority of Members came to know and respect ADAM's wisdom, analytical mind, and ability to get a job done and have it done well.

As a member of the Appropriations Committee, ADAM clearly understood the importance of building and maintaining America's roads, highways, bridges, ports, and mass transit systems. He had the vision that is needed to be a leader in making this country's transportation system work for everyone.

We shall miss ADAM BENJAMIN and all that he stood for in our minds. It is not often that we have the opportunity to work with people of ADAM's ability. While he may have left us physically, his example will be with us for many years, as will his accomplishments.

Dorothy and I extend to his family our heartfelt sympathies.●

● Mr. SHUMWAY. Mr. Speaker, I was deeply saddened to learn of the passing of our friend and colleague, ADAM BENJAMIN, and I appreciate having this opportunity to pay tribute to his memory today.

While our membership in this 435-Member organization produces a mutual camaraderie to some degree, I am always pleased to encounter a colleague with a genuinely warm and friendly attitude. Such was the case with ADAM BENJAMIN. He was the most cogenial of men, and the most open of Members, encouraging friendship and ever ready to offer a listening ear. He was, to me personally, a kind and thoughtful individual, one with whom I wish there had been more time in which to become better acquainted.

Thus, I shall miss ADAM BENJAMIN now that he is no longer with us, and I shall certainly preserve the fine memories which he left behind. I extend my most heartfelt condolences to his wife and children, and to all those who have been saddened by his loss.●

● Mr. STOKES. Mr. Speaker, I would like to thank my distinguished colleague, the gentleman from Indiana, Mr. JACOBS for taking this special order so that we can pay tribute to our deceased colleague and friend, ADAM BENJAMIN, JR. Mr. Speaker, this is indeed a sad occasion for me and Members on both sides of the aisle. Today, we formally join with the people of Indiana in mourning the death of our friend and a true friend of the American people.

His death leaves a tremendous void in this legislative body. Mr. Speaker, Congressman ADAM BENJAMIN gave every ounce of his energy, intelligence, and ability every waking moment for the well-being of the people of this great Nation. He was, in the truest sense of the word, a master statesman whose leadership was revered by Members of both political parties.

ADAM BENJAMIN was elected to represent Indiana's First Congressional District in 1976. I think that we can candidly say that he served the best interest of the people of that district.

Mr. Speaker, on a more personal note, I had the distinct pleasure of serving with Congressman BENJAMIN on the House Appropriations Committee. I was impressed by his actions on that committee. I found his skill in manuvering through the often tedious appropriations process to be extraordinary. He was so skilled and committed to his task on that committee, that he developed a reputation as being one of the most hard-working members of the House Appropriations Committee.

Mr. Speaker, just as important, every member of that committee regarded ADAM BENJAMIN as being a fair-minded and cooperative individual. Recently, through his role as the chairman of the House Transportation Appropriations Subcommittee, ADAM BENJAMIN supported the efforts of Congresswoman MARY ROSE OAKAR and myself to secure needed funds for the terminal tower project in Cleveland. Probably more than any other person, he provided the impetus for the inclusion of funding for the terminal tower project in the fiscal year 1982 supplemental appropriations bill. My major regret is that he did not live to see this House override the President's veto of that bill in which he helped to provide funds for this project in Cleveland.

Mr. Speaker, this is just one of many acts of kindness that ADAM BENJAMIN did for his colleagues. It was his ability as a legislator and acts like this that endeared him to Members on both sides of the aisle. We shall miss his leadership especially at a time when the skill he displayed in the appropriations process is so greatly needed in this Nation.

Again, I express my condolences to ADAM's wife, his family, and the residents of the First Congressional District of Indiana. I know that the spirit and magnitude of the Character of ADAM BENJAMIN will live on in our hearts and minds.●

● Mr. SHARP. Mr. Speaker, we have all suffered a great loss and are saddened by the death of our colleague ADAM BENJAMIN. He was a tireless worker and an unselfish person who represented his constituents, State, and Nation well. All of my colleagues have mentioned the long hours and dedication that ADAM put into his work. We can all use him and his record as a way to measure our own accomplishments. I am struck by the thought that we know our days are limited on this Earth, and ADAM realized that there was so much to do that he carried on with his work as if there were no tomorrows.

I was fortunate to have gotten to know ADAM when he was first elected to the Congress in 1976. We were friends and I am a better person for having known him. ADAM was always willing to talk and share with me some of his ideas and thoughts. As chairman of the Appropriations' Subcommittee on Transportation, he was an integral part of my efforts to continue passenger rail service to my district. My district directly benefited from his leadership.

We will miss ADAM BENJAMIN in this Chamber. But more importantly this Nation will miss his leadership and sense of fairness during the coming years. Perhaps Kahlil Gibran said it best when he wrote in "The Prophet:"

When you part from your friend, you grieve not; For that which you love most in him may be clearer in his absence, as a mountain to the climber is clearer from the plain.

ADAM BENJAMIN will not be forgotten.●

● Mr. GORE. Mr. Speaker, it is with great sadness that I rise to pay tribute to ADAM BENJAMIN, my late colleague from Indiana.

ADAM BANJAMIN was a dear friend, and a gentleman who was respected for his honesty, energy, and outstanding integrity. He was a warm, generous man with a deep concern for the public welfare. He rapidly gained a reputation as a strong, uncompromising figure in his pursuit of fair and effective representation and he emerged, in only three short terms, as a leader in Congress.

A true public servant in the fullest sense of the term, ADAM gave not only of his time, but of himself. ADAM BENJAMIN was a dedicated and effective legislator who had strong ideas on what was right and reasonable in Government, and he pursued those goals without pause or compromise. His years here were full of achievement and distinction, as he commenced his congressional career with an appointment to the prestigious Appropriations Committee and, only 2 years later, was asked to chair the Legislative Subcommittee of Appropriations.

ADAM BENJAMIN will be sorely missed by all who were privileged to know him—his family, his friends, and the

people he represented. What he might have yet achieved, had his time not been cut so sadly short, can only be imagined. What he was, what he accomplished, and what he meant to each of us, will not be soon forgotten.●

● Mr. JACOBS. Mr. Speaker, the following is a tribute to our fallen colleague ADAM BENJAMIN. A tribute was issued from the Indiana Washington office and written by the Governor's representative in Washington, Mr. Don M. Newman. Mr. Newman enriches the RECORD by his beautiful words about ADAM.

ADAM BENJAMIN

All who knew him grieve at his untimely death. There is a deep sense of loss, both personally, for we lost a good friend; and politically, for the First District, Indiana, and our country lost a great patriot.

Adam was the epitome of the hardworking Hoosier Congressman. His long hours of dedicated toil in behalf of his District, his State, and his country is common knowledge.

His monumental devotion to duty encompassed not only attempted resolution of his District's problems, but also attempted resolution of any meritorious State problem which was brought to his attention. It did not matter to Adam if the beneficiaries of his efforts were in parts of Indiana far removed from the First District—if he could help, he did help.

He treated people with deep respect and genuine affection; and it was easily reciprocated. He was unpretentious, honest, unassuming and democratic. It was part of his style to close his staff meetings by polling his young industrious, and intelligent staff on their opinions. It assured them in a very direct way that he sincerely valued their significant contributions. His quick expression of appreciation was part of his nature.

A few days ago, Governor Orr received a letter from Adam thanking him for an appointment he had made upon Adam's recommendation. The letter was dated Saturday, September 4. One of the Congressman's last acts was to extend his appreciation to his Governor for a small favor. It was typical.

Adam Benjamin did touch our lives in a special way. It is fitting that we remember and appreciate him for his fine works. But also, perhaps we could pay him the higher compliment of stretching to enhance our own character and contribution with more of his strong attributes: an Adam Benjamin industriousness, an Adam Benjamin integrity and an Adam Benjamin devotion to duty.●

● Mr. MURTHA. Mr. Speaker, when Congressman ADAM BENJAMIN died recently, the House of Representatives lost one of its finest Members, and I lost one of my closest friends.

ADAM was a man who served the House in its finest tradition. He cared about the people he represented and worked hard for them. He was a man of his word. He understood the congressional system, and worked within it for the benefit of the people. He brought to Government a deep concern, a caring that what we did was not only possible within the limits of Congress, but beneficial to the people it would affect.

I worked most closely with ADAM on the Steel Caucus. We would not have been able to adopt the "trigger pricing" system without his help. We would not have been able to obtain the "safe harbor leasing" tax provision for the steel industry without ADAM's leadership. We would never have established the communication among Congress, union steel leaders, and the steel industry had it not been for the work and diligence of ADAM.

In addition, I worked with him on the Appropriations Committee, where he provided leadership on the Legislative Subcommittee and most recently the Transportation Subcommittee. ADAM had a keen eye for appropriation detail, and fought for budgets that were fair and equitable. In working with him on a transportation project in my own area, I found him to be a quick study, and, as always, he grasped the heart of the project and was able to help move it forward.

Personally, ADAM was a source of strength to all of us. He made us more compassionate, he made sure we worked for and remembered the public good, and when the situation called for it, his sense of humor would not only relax us, but also show us the perspective of the issue we were considering.

It can truly be said that ADAM will be sincerely missed by the House in the months and years ahead. Personally, I already miss him.●

● Mr. BARNES. Mr. Speaker, like all of my colleagues, I was deeply saddened to learn of the death of Indiana Congressman ADAM BENJAMIN. Representative BENJAMIN was a conscientious and respected Member of the House, who served his constituents and his country with great distinction.

With Representative BENJAMIN'S death, the residents of the Washington, D.C. area have lost a true friend, for he was a strong supporter of our Metro subway in his capacity as chairman of the Appropriations Subcommittee on Transportation. His support for Metro was certainly reflected in the bills reported out of committee during his tenure as chairman, and those who ride the subway today are the beneficiaries of Mr. BENJAMIN'S efforts.

I would like to share with my colleagues an article from the September newsletter of the National Association of Railroad Passengers, which underscores Congressman BENJAMIN'S contributions to progress in mass transit and in the transportation field generally:

ADAM BENJAMIN, JR.

Congress lost one of its most dedicated and respected members over the Labor Day weekend, with the death of Indiana Democratic Rep. Adam Benjamin, Jr., 47. We who seek a balanced transportation system for the United States lost a valued friend.

Rep. Benjamin was a hard-working, conscientious, and personable man who spent many evenings and weekends working in his congressional office. Those who phoned his office after 6 or 7 PM were often startled to find the congressman himself at the other end of the line. Said Republican Indiana Lt. Gov. John Mutz, "No one worked as many hours for his constituents." Such praise from the GOP side comes as no surprise, for his devotion to his work won him respect from all quarters. Upon learning of Benjamin's death, Sen. Richard Lugar (R-IN) said, "Adam Benjamin was a distinguished Hoosier legislator whose mastery of detail and faithfulness to duty produced solid achievement. . . . I will miss him deeply as a strong legislative ally and as a gracious friend."

Benjamin had a genuine interest in seeing Amtrak and mass transit succeed. As a member, and later as chairman of the House Appropriations Subcommittee on Transportation, he provided invaluable help to public transportation.

Primarily because of Adam Benjamin, Amtrak stations exist today in Hammond and Michigan City; major capital improvements have been completed for Amtrak's Chicago-Valparaiso commuter service (which is attracting ever-increasing passenger loads); and America's last interurban rail transit line, the 88-mile Chicago, South Shore & South Bend, is now receiving desperately needed new equipment. A founder of the U.S.-Japan Rail Congress, Benjamin was a strong proponent of Amtrak's Emerging Corridors, and his particular interest in the Chicago-Indianapolis-Cincinnati corridor may yet rescue Conrail's Shelbyville line for future passenger service. Benjamin shared NARP's belief in the "Cardinal," and played an important role in the train's restoration. The congressman elevated the importance of Amtrak's recent labor agreements by personally attending, along with Rep. Norman Lent (R-NY), the signing of the new contracts. Benjamin worked for rail improvements not only in Indiana, but across the land, and largely because of his work earlier this year, Amtrak is off to a good start in the FY '83 appropriations process.

Congressman Benjamin suffered from high blood pressure and apparently died of heart failure. Many who knew him well concur with East Chicago, IN, Mayor Robert Pastrick (D), who lamented that Benjamin "worked himself to death."

Like his constituents and congressional colleagues, we feel a tremendous loss and sadness.●

THE PLIGHT OF EDITA GABERMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. EMERSON) is recognized for 5 minutes.

● Mr. EMERSON. Mr. Speaker, today I rise to tell my colleagues of the plight of a certain Soviet Jewish family.

In 1972, Edita Gaberman, an elderly widow, applied to emigrate to Israel with three of her children. They were refused on the grounds that one son, Mendel, had served in the Soviet Army. Today, they continue to be refused, even though Mendel, who served in a construction unit along the

Vladivostok-Moscow Road, completed his military service in 1971.

Mrs. Gaberman has one daughter, three grandchildren, and a sister who already live in Israel. This family longs for reunification, but they cannot see each other, because all that they have received from the Soviet Government is an unconscionable obstruction of their dreams.

I have written to Mr. Anatoly Dobrynin, the Soviet Ambassador to the United States, advising him that I support the Gabermans and requesting that he aid and assist them in obtaining emigration visas.

Mr. Speaker, there are very few Soviet citizens who do not want exit visas, but there are no other people on Earth who have suffered the repression of a tyrannical government as have Soviet Jews. It is government policy to persecute members of the Jewish faith and to encourage their ostracism. American citizens often take for granted the religious freedom we enjoy in our great Nation. However, we need only to ponder the plight of Soviet Jews to make us realize just how lucky we all are. The courage and fortitude that has been shown by Soviet Jews is an inspiration to free men and women throughout the world. I urge my colleagues to work and pray for the right of Soviet Jews, like the Gaberman family, to emigrate and free themselves from the anti-Semitic policies of the Government of the Union of Soviet Socialist Republics.●

WISCONSIN VOTERS SUPPORT NUCLEAR WEAPONS FREEZE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

● Mr. KASTENMEIER. Mr. Speaker, on Tuesday, September 14, Wisconsin citizens had the opportunity to vote on the following referendum:

Shall the Secretary of State of Wisconsin inform the President and the Congress of the United States that it is the desire of the people of Wisconsin to have the Government of the United States work vigorously to negotiate a mutual nuclear weapons moratorium and reduction, with appropriate verification with the Soviet Union and other nations?

With almost complete returns in, Wisconsin citizens assumed the leadership of the nationwide grassroots movement which is aimed at ending the nuclear arms race by approving the referendum by a decisive margin of 378,717 to 119,971.

The President, who is opposed to the campaign to obtain a mutual freeze and verifiable nuclear arms reduction between the United States and the Soviet Union, should pay attention to the powerful message cast by the people of Wisconsin. That message is that the American people are repudiating the nuclear arms race and are demanding the achievement of a real nuclear weapons disarmament between the United States and the Soviet Union.

I believe the Wisconsin vote moves us closer to the day when the threat of a nuclear holocaust will no longer exist and when we can devote our vast resources to the means of enriching, not destroying, human life.●

COMMITTEE ON ENERGY AND COMMERCE TO SEEK RULE LIMITING GERMANE AMENDMENTS TO H.R. 6995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes.

● Mr. DINGELL. Mr. Speaker, pursuant to the rules for the Democratic Caucus, notice is hereby given that the Committee on Emergy and Commerce is seeking a rule which would limit germane amendments to the bill H.R. 6995 which was reported from the committee on September 15, 1982:

COMMITTEE ON ENERGY AND COMMERCE,
Washington, D.C., September 13, 1982.

Hon. RICHARD BOLLING,
Chairman, Committee on Rules, House of Representatives, H-312, The Capitol, Washington, D.C.

DEAR MR. CHAIRMAN: The following bill has been favorably reported by the Committee on Energy and Commerce:

H.R. 6995—To authorize appropriations for the Federal Trade Commission for fiscal years 1983 thru 1985, and for other purposes.

A copy of the bill is enclosed. The report on this bill is expected to be filed tomorrow.

It would be greatly appreciated if you would schedule a hearing before the Rules Committee on this bill as soon as possible. It is requested that a one-hour modified open rule be granted, making in order the following three amendments:

1. An amendment which would conform to the text of H.R. 3722 as introduced on May 28, 1981 by Mr. Luken and Mr. Lee;

2. An amendment in the nature of a substitute for #1 above to be offered by Mr. Florio and Mr. Broyhill; and

3. An amendment to be offered by Mr. Madigan regarding the establishment of information disclosure and certification requirements applicable to the sale of used motor vehicles.

Because it was not possible to report the bill until after May 15, I also request a waiver of Section 402(a) of the Budget Act.

This request only represents the views of the Committee on Energy and Commerce. The bill has been jointly referred to the Committee on Rules which has some concerns that it may wish to address. We fully expect that any rule granted will reflect those concerns.

With kind regards.

Sincerely,

JOHN D. DINGELL,
Chairman.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. DERRICK) is recognized for 5 minutes.

● Mr. DERRICK. Mr. Speaker, I was unavoidably detained and was unable to vote on S. 923, the conference report on the Pretrial Services Act. Had I been available I would have voted "yea."●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

● Mr. OBERSTAR. Mr. Speaker, I was necessarily absent during the session of September 8, 1982. Had I been present I would have voted "nay" on the Gramm and Dannemeyer amendments to H.R. 6307, rollcall votes 308 and 310 and "yea" on approving the Journal and final passage of H.R. 6307, the Resource Conservation and Recovery Act of 1983, rollcall votes 306 and 311.●

FACTFINDER REPORTS ON GPO SALARY CONTROVERSY

(Mr. GAYDOS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. GAYDOS. Mr. Speaker, over the past several months, many Members of Congress have expressed their sincere concern about the level of compensation for employees of the Government Printing Office. The Public Printer, Mr. Danford L. Sawyer, Jr., has engaged in a very active media campaign to convince Members of Congress and the general public that GPO craft employees are paid 22 percent more than allegedly similar craftsmen in the private sector and Federal agency printing operations. A true and serious controversy has arisen with too much uncritical and face value acceptance of Mr. Sawyer's position.

However, current law, the Kiess Act of 1924 (44 U.S.C. 305), provides for a means to subject Mr. Sawyer's position to rigorous analysis. Under the Kiess Act, when the Public Printer and the GPO labor unions fail to reach an agreement concerning wages, salaries, and compensation, an appeal may be made by either party to the Joint Committee on Printing whose decision on this matter is final. Both parties having failed to reach any agreement appealed their cases to the Joint Committee on Printing. To assist the committee in discharging its responsibilities under the Kiess Act, the Joint Committee on Printing appointed an independent factfinder, acceptable to both management and labor at GPO. The independent factffinder, Mr. Frederick U. Reel, an expert in collective bargaining matters whose name

was provided by the Federal Mediation and Conciliation Service, conducted extensive hearings and accepted briefs from both parties. For example, in his preliminary statement the factfinder states:

The ensuing hearings consumed seven days, including three night sessions, yielding a transcript of 2,140 pages, and over 150 exhibits, many of them consisting of multi-pages of charts and financial data, largely relating to wage rates, cost-of-living increases, and job descriptions. Opening briefs, exclusive of voluminous appendices, totaled 173 pages, and reply memoranda, filed by each party, exceeded 40 pages, exclusive of further extensive appendices. All parties were represented by counsel of long experience and unusual ability in labor relations matters. They were able to agree on one point: that the instant proceeding was, in their experience, uniquely complex.

On September 9, the factfinder forwarded his written findings of fact and nonbinding recommendations to the joint committee. On September 23, the joint committee will meet to make its final decision.

At this time, I am submitting the factfinder's "Opinion and Recommendations" into the RECORD in order to make it available for all my colleagues to closely examine. As a member of the Joint Committee on Printing, I have not made my final decision on the matter. However, I strongly urge my colleagues to study the opinion of a seasoned professional with lengthy experience in labor-management relations who conducted arbitration-style proceedings which were fair to all parties. It was only in this forum, and through this process, that Mr. Sawyer's position on GPO craft wages has been subjected to challenge and critical analysis. Accordingly, this document is submitted for the RECORD, as follows:

CONGRESS OF THE UNITED STATES, JOINT COMMITTEE ON PRINTING

FACT FINDING HEARING IN RE: JOINT BARGAINING COMMITTEE OF UNIONS, GPO, AND THE INTERNATIONAL ASSOCIATION OF MACHINISTS FRANKLIN LODGE 2135 AND THE GOVERNMENT PRINTING OFFICE

Hearings held July 12, 14, 15, August 4-7, 1982, before Frederick U. Reel, Fact Finder.

APPEARANCES

For the Joint Council: George B. Driesen, Esq.

For the IAM: Winn Newman, Esq.

For the GPO: Garrett Brown, Esq., General Counsel; Lawrence W. Kennelly, Esq., and Neal Fine, Esq.

OPINION AND RECOMMENDATIONS

Preliminary statement

This proceeding arises as a result of an impasse between the Government Printing Office and those of its employees represented by the Joint Bargaining Committee of GPO Unions or by the International Association of Machinists.

44 U.S.C., Section 305, known as the "Kiess Act," provides among other things, that wage rates in the Government Printing Office shall be determined through collective bargaining by a committee selected by the affected trade and the Public Printer, and that the mutually agreed upon wage level shall become effective "upon approval by the Joint Committee on Printing." Section 305(a) further states, in relevant part:

"When the Public Printer and the committee representing the trade fail to agree as to wages, salaries, and compensation, either party may appeal to the Joint Committee on Printing, and the decision of the Joint Committee is final. . . ."

The immediate preceding Agreement between the present parties expired June 18, 1982, and in anticipation thereof the parties met some weeks prior thereto to present their respective positions relative to a new agreement. An impasse quickly developed, and each party appealed to the Joint Committee on Printing, which in turn referred the matter to the undersigned Fact Finder, selected by agreement of the parties. The ensuing hearings consumed seven days, including three night sessions, yielding a transcript of 2,140 pages, and over 150 exhibits, many of them consisting of multi-pages of charts and financial data, largely relating to wage rates, cost-of-living increases, and job descriptions. Opening briefs, exclusive of voluminous appendices, totaled 173 pages, and reply memoranda, filed by each party, exceeded 40 pages, exclusive of further extensive appendices. All parties were represented by counsel of long experience and unusual ability in labor relations matters. They were able to agree on only one point: that the instant proceeding was, in their experience, uniquely complex.

This complexity has its genesis in two main sources: the hybrid character of the GPO itself which is in part a publisher of a daily paper and in part a publisher of other books, pamphlets, and documents. It is, in short, both a newspaper plant and a job printing plant. Its employees are also hybrids, resembling in part government employees with respect to such matters as retirement, leave, and length of workweek, but resembling private employees with respect to bargaining over many other matters, including wage rates. The anomalous character of the GPO employees is further heightened by the presence in some other government agencies of employees performing ostensibly similar tasks with respect to the printing operations of these agencies. These employees are "regular" federal employees subject to federal wage scales, but in many respects their tasks and skills bear only superficial resemblance to those required of GPO employees.

Although past bargaining negotiations under the Kiess Act have found the parties in disagreement over the nature and extent of wage increases (for example, in 1979 before Fact Finder Bloch, GPO recommended a 5.5-percent increase, and the Joint Council recommended a 9-percent increase; Block recommended an increase of 6.8 percent), the "bargaining" this year found the parties pursuing hopelessly divergent positions. From the outset, GPO took the position that the wage rates should be sharply reduced to bring them into conformity with the federal wage scale for jobs bearing similar titles at other agencies. In general terms, this would have amounted to reducing wage rates at GPO by over 20 percent. During the course of discussions, GPO modified its proposal only to the extent of phasing in the reductions over a three year period. At the outset of the hearing before the Fact Finder, GPO further modified its proposal by offering to accept whatever adjustment in federal wage rates is to be made in October 1982 as a result of an OPM study of wage rates in the printing and lithographic industry in the Washington, D.C., area. In essence, however, GPO has continued to insist that its wage rates be brought into complete conformity with the federal wage system. To the unions such insistence on a substantial wage cut is tantamount to not "bargaining" at all. Their proposals, advanced in concrete terms only after negotiations had virtually collapsed in the light of GPO's position, are essentially for a 12 percent increase (Machinists—one year contract) and for two annual increases of 8.2 percent and 5 percent, respectively (Joint Bargaining Committee—two year contract), together with cost-of-living increases.

The essential issue before the Fact Finder, therefore, is whether the wage rates at GPO should be increased or decreased, and to what extent. Also at issue is the duration of the new Agreement, whether one, two, or three years. In addition, the Joint Bargaining Committee proposed a number of changes in fringe benefits, none of which were the subject of extensive testimony, and the GPO urged a change in the present arrangement for shift premiums. These matters will be discussed separately at the end of this Opinion.

I. The GPO proposal

The basic thrust of the GPO proposal is that the wages of its employees should be brought into exact conformity with the wages of employees whom GPO terms the "counterparts" of its employees in other federal agencies. The wages of these other employees are set under the "federal wage system" and in essence are set by the OPM acting on, and normally accepting, reports and recommendations by the Federal Prevailing Rate Advisory Committee. The extent to which GPO advocates complete comformity of rates is demonstrated by its expressed readiness to accept whatever rates the Committee prescribes for the printing and lithographic industry in the Washington, D.C., area, even though the rates themselves will not be promulgated until October 1982.

In the Fact Finder's view, this proposal is fatally defective as a matter of law, and also rests on a factual premise—that GPO work is basically comparable to that done at other federal agencies, or to that done in the private industry which formed the basis for the proposed federal system rates—which is completely erroneous.

The effect of the GPO proposal is to substitute the federal wage system rates for wage rates arrived at by collective bargaining at the GPO. Acceptance of this proposal would mean that in the future both GPO and the employees and their unions would accept the wage rates determined for them by another body. Undoubtedly, the Congress could provide by legislation that this be done. But up to now Congress has not seen fit to do so. Instead it has provided for nearly 60 years in the Kiess Act that the GPO wage rates be set by negotiation, subject to review in the event of impasse by the Joint Committee on Printing. The record indicates that the present head of GPO has expressed the view that that Act should be repealed, and legislation to accomplish that result has recently been suggested on the Senate floor. Such repeal, however, cannot be accomplished by the Fact Finder, or by the GPO in the guise of this proceeding. Indeed, it may well be that even if the unions and the GPO mutually agreed to such a proposal, that agreement would be invalid as contrary to the express policy of

existing legislation. Be that as it may, certainly the effort of GPO to accomplish such a result in the face of firm opposition by the unions cannot be countenanced under the statute. In another context, such an effort by an employer to insist to the point of impasse in "bargaining negotiations" on the surrender of statutory rights would be viewed as a violation of the most elementary principles of the nation's basic labor relations legislation.

Having already stated that imposition of the wage structure here sought by GPO rests within the power of Congress, the Fact Finder would not presume in this Opinion to express any view as to the wisdom of such legislation. However, insofar as the record in this proceeding sets forth conflicting views as to the factual premises on which the GPO proposal rests, the Fact Finder deems it appropriate, and indeed incumbent upon him, to make factual findings resolving the conflicts of testimony and of approach revealed by this record.

The GPO relies on the fact that a number of other government agencies operate their own printing facilities and employ craftsmen whose titles and job descriptions resemble those at the GPO. Most of the other facilities are within the Department of Defense, although some other agencies, such as the National Labor Relations Board, also operate a printing facility. Comparison between GPO and these other facilities, however, reveals substantial, indeed overwhelming, differences of both degree and kind. For example, GPO has approximately 2,700 production employees, the average number in the other federal printing plants is from 25 to 35. GPO receives 1,000 requisitions per day and runs in excess of 4 billion production units per year. The next largest plant is the defense printing service, with about one-tenth that volume, and it in turn is not typical of the others. The time constraints at GPO, with the pressure of the daily Congressional Record and the daily Federal Register, have no parallel at the other federal agencies. No other federal printing facility maintains its own engineering staff, and none has such complicated machinery or requires such immediate repair service as does GPO. It is, of course, quite true that in some instances the quality of work required at other highly specialized printing facilities is even higher than that required at GPO, such as, for example, the printing of five color nautical and aeronautical charts, or the printing of four-color illustrations for medical textbooks produced at Walter Reed. These highly specialized jobs, of course, are not turned out under the pressures and volume which are a regular part of the work at GPO. The plant doing the pathology work, for example, has 15 employees, and so far as the record shows operates under no time constraints. The great bulk of the work of other federal printing facilities is what is known in the trade as "quick and dirty," meaning that they exist primarily to satisfy the needs of the agency for quick reproduction and distribution of internal material so that "If you can read it, run it."

The impact on employees of this difference between the work at GPO and the work at other federal printing facilities is enormous. It may perhaps best be illustrated by the vast difference in hiring standards. When GPO hires a printer or other craftsman in the printing industry it resorts to the roster maintained by OPM. To obtain a place on that roster a prospective employee must have completed an apprenticeship (normally, four years) and have had at least one year of journeyman experience. The employees doing printing work at Bolling Air Force Base, the Pentagon, and the Department of Health and Human Services were not journeymen, had served no apprenticeship, and were trained on the job. Similarly at the Defense Mapping Agency, the only prerequisite to the hiring of a pressman is that he have a high school education, as distinguished from the apprenticeship and journeyman experience required at GPO.

The record also establishes the greater demands on GPO employees as contrasted with those at other federal printing facilities in terms of familiarity with and ability to operate many different types of machinery and equipment. GPO has approximately 75 presses, including 19 different varieties and ten different makes. At Defense Mapping Agency, for example, there are eight presses and two different makes. This difference perhaps helps explain why Defense Mapping can train "on the job" while GPO must start with experienced employees who have knowledge as to each of the presses he may be called upon to operate. Also, at Defense Mapping typesetting is done line by line to be stripped in for maps and charts whereas GPO typesets an entire job. Similarly, Defense Mapping has a production requirement of 5,100 to 6,000 keystrokes per hour as contrasted with GPO's standard of 14,000. Finally, because of time pressures at GPO the journeyman operator must assume responsibility for actions requiring judgment which in the other facilities could be referred to higher supervision for deliberation.

The time pressure factor is of peculiar significance because the record establishes that it is totally ignored by the classification experts responsible for the wage rates under the federal wage system. To them, the setting of a page of the Congressional Record and the setting of a page in an NLRB decision involve similar tasks and skills and call theoretically for the same compensation. The fact that the Record may not go to press till 3 a.m. and must be available the same morning whereas an NLRB decision may be delayed a day, a week, or a month with no concern or inconvenience to anyone is not a factor to be weighed in job description. This, the Fact Finder believes, is more revealing as to the thought processes of classification experts than it is helpful in determining proper wage rates at the GPO.

The long and short of it is that the GPO is not remotely comparable to any other federal printing facility. As long as GPO has as its primary task, perhaps its raison d'etre, the printing and publishing of the daily Congressional Record, the Federal Register, and such other rush printing as it must undertake for the Congress, any attempt to equate its operations or its wage structure with that of other existing federal printing facilities must be viewed as either ill-informed or unconcerned with the quality of GPO work and with its capacity to continue to furnish the service Congress has heretofore required of it.

II. The appropriate wage level

Rejection of the GPO wage proposal as legally and factually unsound does not, of course, dictate acceptance of the wage proposals advanced by the unions. The Fact Finder is directed to recommend appropriate wage rates in light of the following factors:

(a) What is in the interest of the Government and just to the persons employed;

(b) The wage and fringe benefits available in the public and private sectors to employees possessing similar skills and training;

(c) The Washington area average Consumer Price Index for goods and services since the last contract; and

(d) Any other factors which in his professional judgment are normally or traditionally taken into consideration in the determination of wages and other benefits in the collective bargaining process.

Unfortunately, only the third of those factors is capable of objective determination. The others involve highly subjective judgments, for even the determination of the value of wage and fringe benefits in the public and private sectors is a subject upon which divergent philosophies and approaches produce divergent results. The normal difficulties in determining appropriate wage adjustments as between contesting parties are accentuated by certain factors peculiar to the GPO.

To begin with, the GPO occupies a unique position in the Government in that it is intended to be at least a self-sustaining if not profitable operation. It charges its customers, including the Congress, for its services. The GPO also occupies a unique position in the printing and publishing industry. It publishes not only the equivalent of a daily newspaper, or indeed two if one includes the Federal Register, but also numerous other pamphlets, documents, and books, which it offers for sale. Although as a newspaper publisher it does not compete with others in the field, it does have competition in the other areas in which job printing shops are able to publish similar books and pamphlets. The GPO reports that it has been losing business to such competing establishments, some of which are able to sell certain services to the Government at rates lower than those charged by GPO. This results in part from GPO's wage scale, but the wage scale is necessarily affected by GPO's function as a "newspaper publisher," a factor not affecting the wage rates of its job printing competitors. Determination of "what is in the interest of the Government and just to the persons employed" in this particular context is manifestly difficult to say the least.

Somewhat similar problems arise in any attempt to equate GPO wages and fringe benefits with those in the private sector. The Congress is, of course, well acquainted with the thorny path leading to "comparability." Efforts to balance the advantages of social security on the one hand and the Government's retirement program on the other have led to endless disagreement, duly reflected in the present record. The somewhat more secure tenure which, at least until very recently, has attached to federal as distinguished from private employment must be accorded some weight in the scale. But to these routine, if difficult, problems of equating the two areas of employment must be added others peculiar to the GPO on the one hand and the printing and publishing business on the other. Reference has already been made to the fact that GPO employees are in part analogous to newspaper employees and in part analogous to employees in job printing establishments. Comparison with either set of private employees is therefore not wholly just or equitable.

In addition, the Joint Bargaining Committee emphasizes that most of the wage rates in the private sector of this industry are based on a 35 hour week, and GPO employees work a 40 hour week. This is true. But the argument that to achieve a true com-

parison one must augment the private scale by five overtime hours at time and one-half (or in some cases three hours at double time) is overstated. It leads, of course, to increasing the private weekly wage by over 20 percent above that stated in the private agreements But not all these agreements provide for time and one-half over 35 hours, and, more important, they do not in fact normally work a 40 hour week or much in excess of 35 hours, and the wage rates are set with that fact in mind. Thus, while some allowance should be made for the longer workweek at GPO, the allowance should not be as great as that urged by the unions.

As was the case in the similar hearing conducted by Fact Finder Bloch in 1979, each party put in evidence tending to support its position as to whether the GPO employees are receiving more or less compensation than their counterparts in the private sector. The GPO insists that such "counterparts" do not embrace newspaper employees, stating that in the past ten years the GPO and the Joint Bargaining Committee have never utilized rates paid by newspapers as a means of establishing GPO rates. The Joint Bargaining Committee refers to newspaper rates as "most clearly comparable to GPO" and "the closest analog to GPO in the private sector." Moreover, an exhibit offered by GPO tends to establish a close relationship between the rate for compositors at GPO and that paid at the Washington Post, the GPO rate was 4 cents lower in 1980 but 3 cents higher in 1981. Assuming, however, that the "counterparts" are to be found in the job printing industry, either in the Washington area or in other large cities, each side presented, as it did to Fact Finder Bloch, charts "proving" that GPO wages were either too high or too low, depending on the result desired by the advocate. As the previous Fact Finder observed, the exhibits, properly analyzed and discounted for variations inherent in the rates (such as the 35 hour workweek referred to above) lead to the conclusion that GPO employees are neither significantly ahead nor do they lag behind their private sector counterparts; they are "in a generally equivalent position."

One highly significant factor which requires the Fact Finder to discount both the GPO figures showing its wage rates to be higher than those in the private sector and the union figures showing the reverse is the differing approach which each side takes to the value of the federal retirement program. GPO figures the total valuation of that program to be 36.46 percent of salary, of which employees contribute seven percent. The remaining 29.46 percent of the cost is, according to GPO, a part of the real compensation of employees, to be figured in, along with other nonwage items such as the value of vacations. The Joint Bargaining Committee, on the other hand, points out that the GPO figures for the private sector do not include the value of the social security system which is inapplicable to GPO employees. The Fact Finder must necessarily agree that the GPO figures are skewed to that extent. But the Fact Finder cannot take the next step with the Joint Bargaining Committee and discount entirely the value of the federal retirement program. Plainly that program is of more value to an employee than mere coverage by social security, and indeed many (but by no means all) labor agreements in the private sector in the printing industry provide for supplemental pensions precisely because social security does not serve the same purpose as a full retirement program. The Fact Finder must therefore reject the figures on this issue from both sides. The percent divergence between federal retirement and social security also existed in 1979 when Fact Finder Bloch found the GPO and private sector employees to be in a relatively equivalent position.

Finally, both sides cite scripture—in this case, the Consumer Price Index—to their purpose. GPO introduced figures tending to show that its wage rates have kept pace with the CPI since 1967, the base year. The unions respond that most of the wage gains were in the early and mid-1970s, and that for the past several years the wage increases have not matched the increased cost of living. This point was conceded by a Management Analyst called as a GPO witness; he testified on cross-examination that since 1976 wage rates at GPO "have increased less rapidly than the cost of living has increased."

Although the Fact Finder in this proceeding is not bound to approve the result reached by the Joint Committee on Printing in 1979, when it accepted Fact Finder Bloch's recommendations, or by the rates set in the 1980 agreement, the Fact Finder is persuaded after a review of this extensive record that the wage rates in both cases were reasonable and just. Certainly, if grave injustices had been perpetrated in those agreements, this proceeding could have served as the vehicle to correct those errors for the future. However, recognizing that each side could adduce statistics tending to show that the wage rates heretofore in effect have been too low or too high, the Fact Finder is satisfied that the rates, last changed in December 1981, were fair and equitable at that time. The question remains as to what, if any, future adjustments should be made.

The national economic picture, although still fraught with great uncertainty, has changed significantly since Fact Finder Bloch's 1979 report. A sharp increase in unemployment has been matched with a marked decline in the rate of inflation. Although predictions vary as to future changes in the cost of living, there appears to be general agreement that the CPI-W will continue to increase at a rate well below the "double digit inflation" which existed in the late 1970s. The considerations which led Fact Finder Bloch to reject a cost of living allowance and which led the parties in 1980 to place a low "cap" on such allowances, have largely ceased to exist.

The last increase at the GPO occurred in mid-December 1981, and was responsive to the CPI-W for September 1981 (the CPI-W appears for every odd-numbered month, but is necessarily not issued until several weeks after the end of the last covered month). The CPI-W for the Washington area rose from 275.7 in September 1981 to 283.8 in March 1982, an increase of approximately three percent. Continuation of the wage policy followed for the past two years, which in the Fact Finder's view has achieved and maintained a proper level for GPO rates, calls for a three percent increase effective with the pay period immediately preceding June 18, 1982, and the Fact Finder so recommends. Between March 1982 and July 1982, the CPI-W for Washington rose from 283.8 to 286.3, an increase of slightly less than one percent. In all probability, the increase in CPI-W between March and September 1982 will be between one and two percent. The Fact Finder recommends that as of the pay period immediately preceding December 18, 1982, the GPO rates should be readjusted to reflect the percentage increase in the CPI-W for Washington between March and September 1982.

In the Fact Finder's view all predictions as to the future rate of inflation warrant a continuation of the same formula for semiannual adjustments for the pay period immediately preceding June 8, 1983, and for December 18, 1983, based on the CPI-W for the Washington area in March and September 1983. The Fact Finder sees no reason to impose a "cap" on these increases; if the cost of living should take an unexpected but substantial rise to the degree it reached in the 1970s, corresponding wage increases would seem to be appropriate.

The Fact Finder is well aware of the criticisms, advanced particularly by the Machinists Union, of using past increases in the cost of living as a measure of future wages. There is some merit to the suggestion that the wage increase lags behind the increased cost of living. The device here proposed is, however, to be found in many labor agreements. Efforts to anticipate increases, or to provide for increases coupled with "takeaways" if the increases do not materialize are either speculative or too disruptive. The Fact Finder therefore recommends a two year agreement (not one year, as proposed by the Machinists, which is too short a period and would require resumption of negotiations in a scant six months, nor three years as proposed by GPO which is too long to predict trends in these uncertain times), with cost of living increases based on the CPI-W for March 1982, September 1982, March 1983, and September 1983, to be effective as stated above in the June and December following the index month.

III. Additional contentions of the GPO

The GPO urges that the existing shift differentials (15 percent above the base rate payable on both the second and third shifts) be replaced by the more conventional government differential of seven and one-half percent for the second shift and ten percent for the third shift. The record shows that the present differential has existed for over 20 years. It is a deeply ingrained way of life at the GPO. It may have its genesis in the peculiarly heavy burden imposed on the second and third shifts by the printing of the Congressional Record. In the other government agencies the somewhat lower premiums for those shifts reflect the inconvenience of the hours, not the particularly burdensome work. In the Fact Finder's view, the GPO has shown insufficient basis for changing this long established differential. Any such dislocation as GPO recommends might well cost more in terms of disrupting morale or in necessitating other upward adjustment of rates than it would achieve in slight superficial economies.

GPO also challenges the existing "linkage" between the wage rates of its maintenance force and the rates of its production employees. It contends that the special technical considerations advanced for differentiating between production employees at GPO and those at other government facilities do not apply to the maintenance forms. To a substantial degree, the Fact Finder must reject this contention as contrary to facts established on the record. Particularly with respect to the Machinists, and to related crafts such as Welders, the complex machinery at GPO has no counterpart in the other federal agencies. Indeed, GPO Machinists have been required to repair the

equipment of other government printing facilities, including that of the Department of Defense, because the agency Machinists lacked the ability to perform the work. There is also some evidence that the work of the Electricians at GPO demands skills beyond those required at other agencies, and that the Painters likewise are called upon for tasks not performed by their alleged counterparts elsewhere in the Government. As to other crafts, the record is not fully developed. Apparently most private printing plants contract out their maintenance work, so no comparison can readily be made between such plants and the GPO in terms of maintenance rates. The GPO presented its Exhibit 85 dealing with craft rates in the Washington area only moments before the close of the hearing. Manifestly, the primary thrust of GPO's position and of the Unions' response to that position went to the general substitution of the federal wage system for the collective bargaining provided by the Kiess Act. With the record as to "linkage" of certain crafts (other than Machinists, Electricians, and Painters) basically undeveloped, and in view of the comparatively few employees outside those stated crafts who would be affected, the Fact Finder will not at this time recommend any change in the long accepted principle which links craft rates at GPO to the compositor rate. This is not to state, however, that the Fact Finder accepts the argument of the Joint Bargaining Committee that the rates for these crafts at GPO are below the average for such crafts in Washington or in other cities. That argument rests on the fundamental error of the Joint Bargaining Committee in totally rejecting the costs (and the advantages to the employees) of the federal retirement program. It also gives insufficient weight to the regularity of federal employment, as compared with the sporadic nature of employment in construction work. The Fact Finder suggests that the entire issue of rates for this small segment of employees could well be explored in depth in some future negotiations. Apparently this has never been done; Fact Finder Bloch's report shows some separate consideration of GPO Machinists (who as indicated above, as well as in Bloch's report, are clearly entitled to maintain whatever wage advantage they may enjoy over their alleged "counterparts" elsewhere in the Government), but as to other crafts the "linkage" has apparently not heretofore been challenged. The fact that the parties on this occasion concentrated on other more far-reaching and fundamental issues leaves the Fact Finder with an insufficient record on which to recommend any departure from the long-established practice.

GPO's objection to certain post-hearing evidence appearing in the guise of appendices to the briefs is well-taken. Appendices C and D to the brief of the Joint Bargaining Committee, Appendix F to the brief of the Machinists, and Appendices 1 and 2 to the brief of the GPO have been disregarded. The Fact Finder has not carefully examined the various labor agreements submitted by the Machinists as an Appendix, but in the absence of challenge to their authenticity would not exclude them.

IV. Additional proposals of the Joint Bargaining Committee

Although the parties at the hearing concentrated on the basic wage dispute, the proposal of the Joint Bargaining Committee included a number of fringe benefits which the GPO opposed. The proposal for premium pay for Saturdays and Sundays as such should be rejected. Of course, if work on these days extends an employee's workweek beyond 40 hours, the employee will be paid overtime. If, however, those are regularly scheduled and not overtime days, the Fact Finder recommends against any change in the present pattern of paying straight time rates for those days.

The Fact Finder also recommends rejection of the proposal that Dr. Martin Luther King's birthday be declared an "administrative leave day off" for GPO employees. No reason is shown for giving GPO employees leave days not enjoyed by other federal employees. The decision whether to honor Dr. King's memory and his contribution to American life by declaring the anniversary of his birthday to be a federal holiday is one to be made by appropriate authority for all federal employees, not by a single government agency. Speaking for himself, the Fact Finder would only add that he regards January 15 as a singularly poor date for an additional holiday, and he would favor honoring Dr. King's contribution to, and vision of, American life by an annual observance of the date of Dr. King's "I have a dream" speech as "Martin Luther King Day."

The proposal that hazardous weather or emergency situation days be paid at overtime rates should be rejected. GPO employees are not entitled to special consideration above that given other federal employees in these respects. To the extent that their obligation to work on such occasions may exceed that of other federal employees, it should be noted that their compensation already takes into account some differences between their responsibilities and those of others in federal employ. The Joint Bargaining Committee itself describes these occasions as "rare."

No evidence was presented supporting the proposal that "all job related education . . . be compensated for by the GPO." The Fact Finder, not having been apprised of the scope of the proposal or of the necessity for it, recommends its rejection.

The Joint Bargaining Committee advanced two proposals relating to health benefits, namely (1) securing by GPO and the Joint Bargaining Committee of a supplemental insurance policy for each employee designed to restore recent benefits cuts, with the cost to be borne by the employees in the form of deductions from wages; (2) the obtaining for each employee of the Blue Cross Prescription, Eye, and Dental Plan, with the cost of $21.75 per month to be borne by the GPO. These proposals surfaced on May 18, 1982, a date which represents the termination of any real negotiations between these parties. The first of these proposals would appear to be unobjectionable, although there is some suggestion in the record that OPM has no present regulations permitting allotments from pay for private insurance. The matter was insufficiently explored, either before or at the hearing, to permit the Fact Finder to make a firm recommendation. The parties may explore the matter further if either so desires, and may be able to reach a supplemental agreement thereon. The evidence fails to support the proposal that GPO assume the cost of an additional insurance program.

The Joint Bargaining Committee proposed that "Employees in the Carpentry, Pipe/Sheet Metal, Electrical/Power and Masonry sections" receive a hazardous duty premium of 25 percent when engaged in any of the following activities:

a. Erecting and working off scaffolding.

b. Working when life lines or safety belts are required.

c. Working where there is unstable footing.

d. Working at extreme height.

e. Dealing with high tension voltage.

A comparable provision with respect to Painters was recommended by Fact Finder Bloch and approved by the Joint Committee in 1979. Apparently the matter was the subject of evidence in the 1979 proceeding: no evidence was introduced before the present Fact Finder on the appropriate differential or on what constitutes hazardous work. The GPO, however, expressed a readiness to pay whatever differential is provided under the U.S. Code and the Code of Federal Regulations for hazardous work by these employees. This offer, of course, was a part of GPO's general effort to place these employees under the federal wage system for all purposes. In the light of these facts, and primarily to place these crafts on the same level as that achieved by the Painters in 1979, the Fact Finder recommends that they be awarded hazardous pay to the degree and in the situations in which other federal employees in related occupations receive such a differential.

The Joint Bargaining Committee proposed that employees detailed to a higher graded position for more than two days be paid at the higher rate. Such provisions are common in the private but not in the public sector. In all matters except basic wage rates, GPO employees have the advantages (and occasional disadvantages) of other federal employees, conforming in such basic matters as leave and retirement. Under the circumstances the Fact Finder will not recommend that the provisions governing details should be altered to conform to the practice in the private sector.

The proposal to increase the basic level of Bindery Workers pay from 65 to 70 percent of the journeyman Bookbinder pay is insufficiently supported in the evidence to warrant its recommendation. The generalized proposal to continue all terms previously agreed to appears to be both vague and unnecessary and is not recommended.

V. Conclusions and recommendations

1. The proposal of the GPO to conform GPO wage rates to those in the federal wage system should be rejected as contrary to existing policy, and as resting on the fallacious premise that the GPO is comparable to other government printing facilities.

2. The proposals of the unions for substantial general wage increases should likewise be rejected. If reasonable allowance be made for the cost and value of the federal retirement program, the wage rates provided in the 1979 and 1980 settlements were not out of line with wage rates in the printing and publishing industries.

3. A two year agreement, effective June 18, 1982, should be entered into with provision for cost-of-living wage adjustments effective on the pay periods commencing closest to June 18, 1982, December 18, 1982, June 18, 1983, and December 18, 1983. The adjustment effective in June 1982 shall be a three percent wage increase. Subsequent adjustments should reflect the percentage increase in the CPI-W for the Washington area for the appropriate six month period between the preceding March and September (for the December adjustments) and September and March (for the June 1983 adjustment).

4. Existing fringe benefits, such as shift premiums, which have been the subject of varying proposals by the parties shall remain unchanged, except that

(a) Hazardous pay, to the extent appropriate under federal legislation and federal regulations covering employees in the executive branch of the Government, shall be paid GPO employees in the Carpentry, Pipe/Sheet Metal, Electrical/Power, and Masonry sections of the GPO.

(b) The parties may wish to negotiate during the life of the Agreement here recommended with respect to the securing of supplemental insurance coverage to restore recent cuts in benefits, it being understood that the cost of any such insurance will be borne by the employees.

FREDERICK U. REEL,
Fact Finder.

SEPTEMBER 9, 1982.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORSYTHE (at the request of Mr. MICHEL), on account of pinched nerve in back.

Mr. MCCLORY (at the request of Mr. MICHEL), for the week of September 13, on account of official business.

Mr. BUTLER (at the request of Mr. MICHEL), for week of September 13, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS of Texas, for 30 minutes, today.

Mr. KEMP, for 60 minutes, today.

Mr. EMERSON, for 5 minutes, today.

Ms. FIEDLER, for 60 minutes, on September 16.

(The following Members (at the request of Mr. GLICKMAN) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 5 minutes, today.

Mr. KASTENMEIER, for 5 minutes, today.

Mr. DINGELL, for 5 minutes, today.

Mr. DERRICK, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GAYDOS, and to include extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,904.

Mr. PEASE to insert statement prior to vote on Flippo amendment.

Mr. WIRTH, to revise and extend his remarks on the Walgren amendment and Wyden amendment, and to have his remarks appear before vote on each amendment.

Mr. ECKART, to revise and extend his remarks immediately after the remarks of Mr. DASCHLE prior to withdrawal of Daschle amendment.

Mr. FAZIO, to revise and extend his remarks.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. CARMAN.
Mr. BROOMFIELD in three instances.
Mr. BROWN of Ohio.
Mr. LEWIS in three instances.
Mr. FINDLEY.
Mr. SCHULZE.
Mr. DORNAN of California.
Mrs. FENWICK.
Mr. GILMAN in two instances.
Mr. DUNN.
Mr. MORRISON.
Mr. VANDER JAGT.
Mr. CONTE in two instances.
Mr. GOODLING.
Mr. LAGOMARSINO.
Mr. HYDE.
Mr. COLLINS of Texas in two instances.
Mr. SAWYER in two instances.
Mr. MCDADE.
Mr. COLEMAN.
Mr. PORTER.
Mr. CRAIG.
Mr. RITTER in two instances.

(The following Members (at the request of Mr. GLICKMAN), and to include extraneous matter:)

Mr. KASTENMEIER.
Mr. CONYERS.
Mr. DERRICK.
Mr. MARTINEZ.
Mr. DOWNEY.
Mr. WEISS.
Mr. PEYSER.
Mr. HUBBARD.
Mr. HAMILTON.
Mrs. CHISHOLM.
Mr. FAUNTROY.
Mr. SUNIA.
Mr. SOLARZ.
Mr. BENNETT.
Mr. COELHO.
Mr. ASPIN.
Mr. GORE in two instances.
Mr. WASHINGTON.
Mr. FLORIO.
Mr. MOTTL.
Mr. LAFALCE.
Mr. BEDELL.
Mr. PHILLIP BURTON.
Mr. MAZZOLI.
Mr. DE LUGO.
Mr. MOFFETT in two instances.
Mr. SKELTON in two instances.
Mr. EDGAR.
Mr. BOLAND.
Mr. WAXMAN.
Mr. DIXON.
Mr. WHITLEY,
Mr. MCDONALD in five instances.
Mr. CORRADA in two instances.
Mr. DWYER.
Mr. STARK.
Mr. STUDDS.
Mr. SAM B. HALL, JR.
Mrs. SCHROEDER in two instances.
Mr. BAILEY of Pennsylvania.
Mr. JONES of North Carolina.
Mr. ZEFERETTI in four instances.
Mr. UDALL.
Mr. FORD of Tennessee.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 205. Joint resolution to designate September 1982 as "National Sewing Month"; to the Committee on Post Office and Civil Service.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and a joint resolution of the Senate of the following titles:

S. 2582. An act to amend the act to establish a Permanent Committee for the Oliver Wendell Holmes Devise, and for other purposes; and

S.J. Res. 194. Joint resolution to provide for the appointment of Nancy Hanks as a citizen regent of the Board of Regents of the Smithsonian Institution.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1710. An act to authorize the use of frank for official mail sent by the Law Revision Counsel of the House of Representatives;

H.R. 3620. An act transferring certain Federal property to the city of Hoboken, N.J.;

H.R. 3835. An act for the relief of Rutherford K. Clarke and his wife Ida T. Clarke; and

H.R. 6068. An act to authorize appropriations for fiscal year 1983 for intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, for the Central Inteligence Agency retirement and disability system, to authorize supplemental appropriations for the fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes.

ADJOURNMENT

Mr. EVANS of Indiana. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock p.m.), the House adjourned until tomorrow, Thursday, September 16, 1982, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

4756. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting notice of the proposed conversion to contractor performance of the grounds maintenance function at the Naval Supply Center, Pearl Harbor, Hawaii, pursuant to section 502(b) of Public Law 96-342; to the Committee on Armed Services.

4757. A letter from the District of Columbia Auditor, transmitting a revenue report for July 1982, pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

4758. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a report on the adequacy of measures to prevent U.S. citizens from promoting or serving international terrorism, pursuant to section 719(b) of Public Law 97-113; to the Committee on Foreign Affairs.

4759. A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting a copy of Deputy Secretary Stoessel's letter of July 15, 1982, to accompany the report of July 20, 1982, that a substantial violation of the mutual defense assistance agreement of July 23, 1952, may have occurred during the series of military operations which began on June 6, 1982, when Israeli forces entered Lebanon, pursuant to section 3(c)(2) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4760. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense articles and services to Pakistan (Transmittal No. 82-90), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

4761. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

4762. A letter from the Deputy Assistant Securetary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

4763. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

4764. A letter from the Deputy Assistant Secretary of Defense, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a (o); to the Committee on Government Operations.

4765. A letter from the Under Secretary of the Interior, transmitting notice to change the holding of offshore oil and gas lease sale No. 71 in the Diapir Field, Alaska, by 1 month to October 1982, pursuant to section 8(a)(8) of the Outer Continental Shelf Lands Act, as amended; to the Committee on Interior and Insular Affairs.

4766. A letter from the Director, Minerals Management Service, Department of the Interior, transmitting notice of the proposed refund of $370,232.18 to the Shell Oil Co., Chevron U.S.A. Inc., Conoco Inc., and Cabot Corp. for excess royalty payment, pursuant to section 10(b) of the Outer Continental Shelf Lands Act of 1953; to the Committee on Interior and Insular Affairs.

4767. A letter from the Chairman, Interstate Commerce Commission, transmitting a report on the effects of the Motor Carrier Act of 1980 on trucking service to small communities, pursuant to section 28 of Public Law 96-296; to the Committee on Public Works and Transportation.

4768. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of proposed modifications for design and construction of a component ablator facility, pursuant to section 3 of Public Law 97-96; to the Committee on Science and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RODINO: Committee on the Judiciary. H.R. 6978. A bill to provide for the appointment of U.S. bankruptcy judges under article III of the Constitution, and for other purposes; with an amendment (Rept. No. 97-807). Referred to the Committee of the Whole House on the State of the Union.

Mr. KASTENMEIER: Committee on the Judiciary. H.R. 6816. A bill to eliminate diversity of citizenship as a basis of jurisdiction of Federal district courts (Rept. No. 97-808). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 6995. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act, and for other purposes. (Rept. No. 97-809, Pt. I). Ordered to be printed.

Mr. BONIOR of Michigan: Committee on Rules. House Resolution 582. A resolution providing for the consideration of House Joint Resolution 562, joint resolution making an urgent supplemental appropriation for the Department of Labor for the fiscal year ending September 30, 1982. (Rept. No. 97-810). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 583. A resolution waiving certain points of order against H.R. 7019, a bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes. (Rept. No. 97-811). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 584. A resolution providing for the consideration of S. 2177, a bill to amend title III of the Colorado River Basin Project Act, Public Law 90-537 (82 Stat. 885), as amended by Public Law 95-578 (92 Stat. 2471), and Public Law 96-375 (94 Stat. 1505) (Rept. No. 97-812). Referred to the House Calendar.

SUBSEQUENT ACTION ON REPORTED BILLS SEQUENTIALLY REFERRED UNDER TIME LIMITATION

Under clause 5 of rule X, the following actions were taken by the Speaker:

The Committees on the Judiciary and on Merchant Marine and Fisheries discharged from the further consideration of the bill (H.R. 3809) September 15, 1982.

The Committees on the Judiciary and on Merchant Marine and Fisheries discharged from the further consideration of the bill (H.R. 5016) September 15, 1982.

The Committees on the Judiciary and on Merchant Marine and Fisheries discharged from further consideration of the bill (H.R. 6598) September 15, 1982.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 7106. A bill to regulate interstate commerce by protecting the rights of consumers, dealers, and end users; to the Committee on Energy and Commerce.

By Mr. BAILEY of Pennsylvania:

H.R. 7107. A bill to amend the Tariff Schedules of the United States to establish an equal and equitable classification and duty rates for various cordage products of virtually identical characteristics; to the Committee on Ways and Means.

By Mr. D'AMOURS (for himself, Mr. ANDREWS, Mr. BEDELL, Mr. BEVILL, Mr. BIAGGI, Mr. BROWN of Colorado, Mr. CHAPPELL, Mr. COURTER, Mr. DANIEL B. CRANE, Mr. DAVIS, Mr. FIELDS, Mr. FRANK, Mr. FORSYTHE, Mr. GARCIA, Mr. SAM B. HALL, JR., Mr. HARKIN, Mrs. HECKLER, Mr. JEFFRIES, Mr. JONES of Tennessee, Mr. KASTENMEIER, Mr. KILDEE, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KRAMER, Mr. LEE, Mr. LUJAN, Mr. LUKEN, Mr. MAVROULES, Mr. MCCURDY, Mr. MCKINNEY, Mr. MITCHELL of New York, Mr. NOWAK, Ms. OAKAR, Mr. PATTERSON, Mr. PAUL, Mr. PRICE, Mr. RAHALL, Mr. RATCHFORD, Mr. REUSS, Mr. ROBERTS of South Dakota, Mr. RODINO, Mr. ROE, Mr. ROUSSELOT, Mrs. SCHROEDER, Mr. SCHUMER, Mr. SHARP, Mr. WALGREN, Mr. WHITEHURST, Mr. WILLIAMS of Ohio, Mr. WILLIAMS of Montana, Mr. WON PAT, Mr. WYDEN, Mr. YOUNG of Alaska, Mr. ZABLOCKI, and Mr. ZEFERETTI):

H.R. 7108. A bill to repeal sections 301 through 308 of the Tax Equity and Fiscal Responsibility Act of 1982, which impose withholding on interest and dividends; to the Committee on Ways and Means.

By Mr. DASCHLE:

H.R. 7109. A bill to amend the Military Selective Service Act to provide that retired members of the Armed Forces may serve as members of local boards of the Selective Service System; to the Committee on Armed Services.

H.R. 7110. A bill to amend title 38, United States Code, to establish a presumption of service connection for the disease of soft-tissue sarcoma manifesting in veterans who served in Vietnam during the Vietnam era; to the Committee on Veterans' Affairs.

By Mr. LEATH of Texas (by request):

H.R. 7111. A bill to prohibit the purchase of grain and cotton at certain inadequate or excessive prices; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. LEBOUTILLIER:

H.R. 7112. A bill to provide for special prison facilities in Alaska for certain State and Federal offenders; to the Committee on the Judiciary.

By Mr. MICA:

H.R. 7113. A bill to provide for the appointment of a Special Federal Crime Coordinator within the Department of Justice in

special emergency situations; to the Committee on the Judiciary.

By Mr. MILLER of Ohio (for himself, Mr. DECKARD, Mr. WORTLEY, Mr. LAGOMARSINO, Mr. GRADISON, Mr. DAUB, Mr. EMERSON, Mr. STOKES, Mr. LUKEN, Mr. RATCHFORD, Mr. APPLEGATE, Mr. BOWEN, Mr. BONKERS, Mr. JENKINS, Mr. WALGREN, Mr. FORD of Tennessee, Mr. HAMILTON, Mr. MCEWEN, and Mr. RAHALL):

H.R. 7114. A bill to direct the Secretary of the Army, acting through the Chief of Engineers, to provide technical assistance for streambank failure and erosion control; to the Committee on Public Works and Transportation.

By Mr. PRICE (for himself, Mr. ZABLOCKI, Mr. DICKINSON, and Mr. BROOMFIELD) (by request):

H.R. 7115. A bill to authorize the transfer of nine naval vessels to certain foreign governments; jointly, to the Committees on Armed Services and Foreign Affairs.

By Mr. ROE:

H.R. 7116. A bill to amend the Internal Revenue Code of 1954 to permit an exemption of the first $10,000 of retirement income received by a taxpayer under a public retirement system or any other system if the taxpayer is at least 65 years of age, is disabled, or is handicapped; to the Committee on Ways and Means.

By Mr. SAWYER (for himself, Mr. FISH, Mr. MOORHEAD, Mr. HYDE, Mr. KINDNESS, Mr. LUNGREN, Mr. SENSENBRENNER, Mr. SHAW, Mr. HAGEDORN, Mr. SOLOMON, and Mr. MOLINARI):

H.R. 7117. A bill to reform the use of the insanity defense in Federal criminal cases, to insure the admissibility of evidence when obtained by law enforcement authorities acting in good faith, and to define circumstances justifying Federal intervention in State criminal proceedings; to the Committee on the Judiciary.

By Mr. SHANNON (for himself and Mr. MARTIN of North Carolina):

H.R. 7118. A bill to amend the Tariff Schedules of the United States to correct an anomaly in the rate of duty applicable to textile fabrics, articles, and materials coated, filled, or laminated with rubber or plastics; to the Committee on Ways and Means.

By Mr. STENHOLM:

H.R. 7119. A bill to provide for the operation of a Southwest Collegiate Institute for the Deaf; to the Committee on Education and Labor.

By Mr. GOODLING:

H. Con. Res. 406. Concurrent resolution expressing the sense of the Congress that the various factions in Lebanon should not respond to the assassination of President-Elect Gemayel with violence; to the Committee on Foreign Affairs.

By Mr. BOLLING:

H. Res. 581. Resolution to amend the Rules of the House of Representatives to establish an Office of the Historian in the U.S. House of Representatives; to the Committee on Rules.

By Mr. BAILEY of Pennsylvania:

H. Res. 585. Resolution expressing the sense of the House of Representatives with respect to any enabling legislation which may arise concerning Puerto Rican statehood; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII,

479. THE SPEAKER presented a memorial of the Senate of the State of Michigan, relative to the senior aides program for 1983; to the Committee on Education and Labor.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. HARTNETT introduced a bill (H.R. 7120) to clear certain impediments to the licensing of the yacht *Ellen Ruth* for employment in the coastwise trade, which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 808: Mr. LELAND.

H.R. 1292: Mr. ANTHONY.

H.R. 1506: Mr. MCDADE.

H.R. 1918: Mr. DOWDY.

H.R. 2129: Mr. BARNARD.

H.R. 2205: Mr. WAXMAN.

H.R. 2493: Mr. MOTTL.

H.R. 2500: Mr. DE LUGO.

H.R. 3722: Mr. WHITTEN, Mr. HANSEN of Idaho, Mr. MOORE, Mr. BROWN of Colorado, Mr. ECKART, Mr. HUTTO, Mr. LATTA, Mr. HERTEL, Mr. SKELTON, Mr. YOUNG of Missouri, Mr. FASCELL, Mr. LEBOUTILLIER, Mr. LANTOS, and Mr. JOHNSTON.

H.R. 4309: Mr. BONIOR of Michigan and Mr. KILDEE.

H.R. 4449: Mr. SMITH of Alabama.

H.R. 4588: Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. BOLAND, Mr. PHILLIP BURTON, Mr. CORRADA, Mr. CROCKETT, Mr. DAUB, Mr. DENARDIS, Mr. DREIER, Mr. EMERY, Mr. ERDAHL, Mr. ERTEL, Mr. FLORIO, Mr. FOGLIETTA, Mr. GARCIA, Mr. GOODLING, Mr. LONG of Maryland, Mr. MCGRATH, Mr. MILLER of California, Mr. MINETA, Mr. MOAKLEY, Ms. OAKAR, Mr. OXLEY, Mr. PICKLE, Mr. ROYBAL, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHROEDER, Mr. VENTO, Mr. WAXMAN, Mr. WEISS, Mr. WIRTH, Mr. WOLF, Mr. YATES, Mr. MCKINNEY.

H.R. 4931: Mr. EVANS of Iowa, Mrs. ASHBROOK, Mr. DAN DANIEL, Mr. STUMP, Mr. MARTIN of New York, Mr. TAUZIN, and Mr. HUNTER.

H.R. 5163: Mr. GARCIA.

H.R. 5471: Mr. DAUB, Mr. PEASE, and Mr. TAYLOR.

H.R. 5489: Mrs. SMITH of Nebraska.

H.R. 5507: Mr. APPLEGATE.

H.R. 5588: Mr. MARRIOTT.

H.R. 5735: Mr. DYMALLY, Mr. MINETA, Ms. FERRARO, and Mr. ZEFERETTI.

H.R. 6142: Mr. FITHIAN and Mrs. SMITH of Nebraska.

H.R. 6356: Mr. RANGEL and Mr. SCHEUER.

H.R. 6463: Mr. DANIEL B. CRANE.

H.R. 6492: Mr. GAYDOS, Mr. MCKINNEY, Mr. OBERSTAR, Mr. RUDD, Mr. ST GERMAIN, and Mr. TRAXLER.

H.R. 6529: Mr. YATES, Mr. VOLKMER, Mr. MARRIOTT, and Mr. CRAIG.

H.R. 6591: Mr. NOWAK.

H.R. 6864: Mr. PATMAN, Mr. YATRON, Mr. LOWRY of Washington, Mr. WHITLEY, Mr. TAUKE, Mr. HOYER, Mr. DYSON, Mr. BADHAM, and Mr. BARNARD.

H.R. 6932: Mr. NELLIGAN, Mr. FAZIO, Mr. WORTLEY, and Mr. VANDER JAGT.

H.R. 6976: Mr. ROUSSELOT, Mrs. HECKLER, and Mr. MICA.

H.R. 7005: Mr. ANTHONY.

H.R. 7020: Mr. LAGOMARSINO.

H.R. 7048: Mr. EDGAR, Mr. O'BRIEN, Mr. LEACH of Iowa, Mr. OBERSTAR, Mr. ROSE, Mr. EVANS of Iowa, Mr. MARKEY, Mr. KILDEE, Mr. BROWN of California, Mr. PEPPER, Mr. SOLARZ, Mr. FAUNTROY, Mr. SCHEUER, Mr. MOFFETT, Mr. GUNDERSON, Mr. DOUGHERTY, Mr. WYDEN, Mr. WORTLEY, Mr. WAXMAN, Mr. STOKES, Mr. HUGHES, Mr. LEBOUTILLIER, Mr. STUDDS, Mr. ZEFERETTI, Mr. WON PAT, Mr. TAUKE, Mr. BINGHAM, Mr. FLORIO, Mr. PANETTA, Mr. GREEN, Mr. FRENZEL, Mr. BONIOR of Michigan, Mr. RATCHFORD, and Mr. MITCHELL of Maryland.

H.R. 7085: Mr. GARCIA.

H.R. 7101: Mr. PICKLE.

H.J. Res. 144: Mr. RATCHFORD.

H.J. Res. 183: Mr. SKEEN, Mr. TRAXLER, Mr. SUNIA, Mr. MCGRATH, Mr. SCHEUER, Mr. STUMP, Mr. DASCHLE, Mr. FARY, Mr. FAUNTROY, Mr. BAILEY of Pennsylvania, Mr. EMERY, Mr. HANSEN of Idaho, Mr. HOYER, Mr. MINETA, Mr. KRAMER, Mr. WINN, Mr. WHITEHURST, Mr. CLAUSEN, Mr. BENEDICT, and Mr. LOWERY of California.

H.J. Res. 415: Mr. HEFTEL.

H.J. Res. 492: Mr. MARTINEZ, Mr. LEHMAN, Mr. LOWERY of California, Mr. CORRADA, Mr. PEPPER, Mr. FOUNTAIN, Ms. MIKULSKI, Mr. FRENZEL, Mr. WEBER of Ohio, Mr. WORTLEY, Mr. HUGHES, Mr. GONZALEZ, Mr. EDGAR, Mr. DOUGHERTY, and Mr. MINISH.

H.J. Res. 496: Mr. MOORHEAD, Mr. SIMON, Mr. LOWRY of Washington, Mr. GRAMM, Mr. MONTGOMERY, Mr. MATTOX, Mr. HOLLENBECK, Mr. MILLER of California, Mr. STARK, Mr. HERTEL, Mr. NAPIER, Mr. DIXON, Mr. TAYLOR, Mr. HIGHTOWER, and Mr. WEBER of Minnesota.

H.J. Res. 504: Mr. ATKINSON.

H.J. Res. 523: Mr. HERTEL, Mr. HAWKINS, Mr. OTTINGER, Mr. NEAL, Mr. MINETA, Mr. EMERY, Mr. ROBINSON, and Mr. TAYLOR.

H.J. Res. 537: Mr. ADDABBO, Mr. AKAKA, Mr. ALEXANDER, Mr. ANDREWS, Mr. ANNUNZIO, Mrs. ASHBROOK, Mr. ATKINSON, Mr. BAFALIS, Mr. BAILEY of Pennsylvania, Mr. BARNARD, Mr. BENEDICT, Mr. BENNETT, Mr. BEVILL, Mr. BINGHAM, Mr. BLANCHARD, Mrs. BOGGS, Mr. BONER of Tennessee, Mr. BROOKS, Mr. BURGENER, Mr. JOHN L. BURTON, Mrs. BYRON, Mr. CAMPBELL, Mr. CHAPPELL, Mr. CHAPPIE, Mrs. CHISHOLM, Mr. CLAUSEN, Mr. CLAY, Mr. CLINGER, Mr. CORCORAN, Mr. CORRADA, Mr. COURTER, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DINGELL, Mr. DORNAN of California, Mr. DWYER, Mr. DYMALLY, Mr. DYSON, Mr. EDWARDS of Alabama, Mr. FARY, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mrs. FENWICK, Ms. FIEDLER, Mr. FISH, Mr. FITHIAN, Mr. FLIPPO, Mr. FLORIO, Mr. FOLEY, Mr. FORD of Tennessee, Mr. FOUNTAIN, Mr. FRANK, Mr. FRENZEL, Mr. FUQUA, Mr. GEPHARDT, Mr. GILMAN, Mr. GINN, Mr. GOLDWATER, Mr. GRISHAM, Mr. GUARINI, Mr. HANCE, Mr. HATCHER, Mrs. HECKLER, Mr. HEFNER, Mr. HERTEL, Mr. HOLLENBECK, Mrs. HOLT, Mr. HORTON, Mr. HOYER, Mr. HUCKABY, Mr. IRELAND, Mr. KEMP, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEVITAS, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. LOTT, Mr. LOWRY of Washington, Mr. LUNGREN, Mr. MCDADE, Mr. MCDONALD, Mr. MCEWEN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MINETA, Mr. MINISH Mr. MOAKLEY, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MORRISON, Mr. MOTTL, Mr. MURPHY, Mr. NEAL, Mr. NELLIGAN, Ms. OAKAR, Mr. OTTINGER, Mr. PANETTA, Mr. PATTERSON, Mr. PEPPER, Mr. PEYSER, Mr. PRICE, Mr. PURSELL, Mr. RAHALL, Mr. REUSS, Mr. RINALDO, Mr. RODINO, Mr. ROTH,

Mr. SAVAGE, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SHAW, Mrs. SNOWE, Mr. SOLARZ, Mr. STANGELAND, Mr. STANTON of Ohio, Mr. STOKES, Mr. STRATTON, Mr. SWIFT, Mr. SYNAR, Mr. TAUKE, Mr. TRIBLE, Mr. WALGREN, Mr. WEAVER, Mr. WEBER of Ohio, Mr. WEISS, Mr. WHITEHURST, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WON PAT, Mr. WYDEN, Mr. YATRON, Mr. YOUNG of Missouri, and Mr. ZEFERETTI.

H.J. Res. 545: Mr. ST GERMAIN, Mr. ROYBAL, Mr. HUGHES, Mr. LEHMAN, Mr. AKAKA, Mr. HOWARD, Mr. BINGHAM, Mr. DIXON, Mr. HOLLENBECK, Mr. SEIBERLING, Mr. RODINO, and Mr. FLORIO.

H.J. Res. 546: Mr. PATTERSON and Mr. WATKINS.

H.J. Res. 552: Mr. MATSUI and Mr. PEYSER.

H.J. Res. 558: Mr. WALKER, Mr. FROST, Mr. FOGLIETTA, Mr. MONTGOMERY, Mr. FLORIO, Mr. HORTON, Mr. HOYER, Mr. WINN, Ms. OAKAR, Mrs. MARTIN of Illinois, Mr. DORGAN of North Dakota, Mr. WORTLEY, Mr. ANDREWS, Mr. SIMON, Mr. CORRADA, Mrs. HECKLER, Mr. OBERSTAR, Mr. DAUB, Mr. MADIGAN, Mr. EDWARDS of California, Mr. WAXMAN, Mr. MARRIOTT, and Mr. STANGELAND.

H.J. Res. 566: Mr. FISH, Mr. HUGHES, Mr. MARRIOTT, Mr. PICKLE, Mr. SHUSTER, and Mr. TAUKE.

H.J. Res. 583: Mr. ROBERTS of South Dakota, Mr. SNYDER, Mr. EVANS of Iowa, Mr. PERKINS, Mr. BROYHILL, Mr. MOLLOHAN, Mr. YOUNG of Alaska, Mr. FISH, Mr. ST GERMAIN, Mr. LEE, Mr. ADDABBO, Mr. RUDD, Mr. HUBBARD, Mr. GUNDERSON, Mr. KEMP, Mr. DORGAN of North Dakota, Mr. D'AMOURS, Mr. BEREUTER, Mr. HAMMERSCHMIDT, Mr. SMITH of Alabama, Mr. TAUKE, Mr. AKAKA, Mr. NEAL, Mr. HOPKINS, Mr. CHENEY, Mr. DUNCAN, Mr. RATCHFORD, Mr. ANTHONY, Mr. DAUB, Mr. LAGOMARSINO, Mr. BAILEY of Pennsylvania, Mr. MCCLORY, Mr. LIVINGSTON, Mr. SANTINI, Mr. ROGERS, Mr. SIMON, Mr. JONES of North Carolina, Mr. LEBOUTILLIER, Mr. WON PAT, Mr. YATRON, Mr. PEPPER, Mr. RAHALL, Mr. BROWN of Colorado, Mr. HARTNETT, Mr. FORD of Tennessee, Mr. SHELBY, Mr. FLIPPO, Mr. MCHUGH, Mr. MOLINARI, Mr. FORSYTHE, and Mr. WORTLEY.

H.J. Res. 585: Mr. MINETA, Mr. ROBERT W. DANIEL, Jr., Mr. WORTLEY, Mr. GRISHAM, Mr. CLAUSEN, Mr. MCCOLLUM, and Mr. ENGLISH.

H.J. Res. 591: Mr. BOWEN.

H. Con. Res. 3: Ms. FERRARO.

H. Con. Res. 321: Mr. ALBOSTA, Mr. BARNES, Mr. DELLUMS, Mr. DENARDIS, Mr. FOGLIETTA, Mr. GARCIA, Mr. GEJDENSON, Mr. GREEN, Mr. LOWRY of Washington, Mr. MARKEY, Ms. MIKULSKI, Mr. MOAKLEY, Mr. OBERSTAR, Mr. STUDDS, and Mr. WIRTH.

H. Con. Res. 334: Mr. SMITH of Alabama, Mr. NAPIER, Mr. MCCURDY, and Mr. SHELBY.

H. Con. Res. 336: Mr. DAUB, Mr. HALL of Ohio, and Mr. WHITEHURST.

H. Con. Res. 356: Mr. GARCIA.

H. Con. Res. 378: Mr. DERWINSKI.

H. Res. 421: Mr. BROWN of Ohio, Mr. DORGAN of North Dakota, Mrs. HECKLER, Mr. HOWARD, Mr. HUGHES, Mr. LATTA, Mr. MOLLOHAN, Mr. MURTHA, Mr. SOLOMON, and Mr. DERRICK.

H. Res. 424: Mrs. COLLINS of Illinois, Mr. ERTEL, Mr. EVANS of Delaware, and Mr. TRAXLER.

H. Res. 443: Mr. SMITH of Pennsylvania, Mr. CONYERS, Mr. KILDEE, Mr. WIRTH, Mr. STOKES, Mr. ROE, Mrs. COLLINS of Illinois, Mr. SCHEUER, Mr. LEACH of Iowa, and Mr. HERTEL.

H. Res. 558: Mr. CLINGER, Mr. ZEFERETTI, Mr. SOLARZ, Mrs. SNOWE, Mr. MAVROULES, Mr. HATCHER, Mr. FAZIO, Mr. LOWRY of Washington, Mr. RAHALL, Mr. EMERY, Mr. LANTOS, Mr. ST GERMAIN, and Mr. YATRON.

PETITIONS, ETC.

Under clause 1 of rule XXII,

591. The SPEAKER presented a petition of the International Typographical Union, Colorado Springs, Colo., relative to the social security system; which was referred to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3432

By Mr. HANCE:

(To the amendment in the nature of a substitute.)

—In the last sentence of section 304(a), strike out ", or the Arkansas River Basin,".

H.R. 6046

By Mr. CONYERS:

(Parts I and II.)

—Page 21, line 23, strike out "(1)".

Page 22, beginning in line 3, strike out "with this" and all that follows through "3150." in line 18 and insert in lieu thereof "with chapter 207 of this title.".

Page 22, strike out line 10 and all that follows through line 18 on page 27.

Page 6, line 10, strike out "(1)".

Page 6, strike out line 21 and all that follows through line 14 on page 7.

Page 16, strike out line 11 and all that follows through line 14 on page 17 and insert in lieu thereof the following:

"(3) The court may order the person sought to be extradited detained pending the disposition of an appeal under this section.

H.R. 6956

By Mr. WYDEN:

—Page 42, immediately after line 18, insert the following new section:

SEC. 416. No funds appropriated by this Act may be obligated or expended to issue, promulgate, implement, administer, or enforce any standard or rule under sections 108 and 109 of the Clean Air Act, 42 U.S.C. 7408 and 7409, which changes the national ambient air quality standards for carbon monoxide to permit multiple days of allowable exceedances on an annual basis as described in 47 Federal Register 26407.

H.R. 6995

By Mr. BROYHILL:

—Page 2, after line 14, insert the following new subsection:

"(c) The amendment made in subsection (a) shall not have any force or effect, and shall not be taken into account, in connection with the enforcement of any State law which prevents persons, partnerships, or corporations subject to the jurisdiction of the State from engaging in unfair acts or practices."

Page 1, line 7, insert "(a)" after "SEC. 2.".

(Substitute amendment for the amendment by Mr. LUKEN or Mr. LEE.)

—Page 2, after line 23, insert the following new section (and redesignate the following sections accordingly):

STATE ACTION

SEC. 5. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Commission shall not have any authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action.".

Page 5, line 7, strike out "section 26 and section 27" and insert in lieu thereof "section 27 and section 28".

Page 5, after line 19, insert the following new section (and redesignate the following sections accordingly):

COMMISSION JURISDICTION REGARDING PROFESSIONALS

SEC. 8. (a) The Federal Trade Commission Act, as amended in section 7, is further amended by inserting after section 24 the following new section:

"SEC. 25. (a) Except as provided in subsection (b), the Commission shall not use its authority under section 5 or section 18 to prohibit unfair acts or practices engaged in by professionals in a particular State if such use of authority would result in the invalidation, in whole or in part, of any State law of such State which establishes—

"(1) training, education, or experience requirements for the licensure of professionals; or

"(2) permissible tasks or duties which may be performed by professionals.

"(b) In any case in which the use of authority under section 5 or section 18 by the Commission to prohibit unfair acts or practices engaged in by professionals in a particular State may result in the invalidation of any State law of such State specified in subsection (a), the Commission may use such authority regardless of whether such use of authority would result in such invalidation if the Commission——

"(1) finds that such State law (A) authorizes or prescribes any commercial or business act or practice; and (B) adversely affects or is likely to adversely affect competition; and

"(2) in determining whether such act or practice is an unfair act or practice under section 5(a)(1), takes into account (in weighing countervailing benefits to consumers or to competition under section 5(a)(1)(B)(ii)) benefits to the public health, safety, and welfare which result from any State law under which such act or practice is authorized or prescribed.

"(c) For purposes of this section:

"(1) The term 'professional' means any person who—

"(A) in the performance of his occupation, is subject to licensure or certification under State law; and

"(B) as a prerequisite for such licensure or certification under State law, has (i) received a degree from an accredited institution of higher learning; or (ii) successfully completed a course of specialized training at an accredited education or training facility for health professions personnel operated as an integral part of a hospital.

"(2) The term 'State law' means a statute of a State, and a rule or regulation duly promulgated by a State agency.".

(b) Section 5(b) of the Federal Trade Commission Act (15 U.S.C. 45(b)) is amended—

(1) by inserting after the third sentence thereof the following new sentences: "In any case which may result in an invalidation of State law under section 25, the State attorney general of any State shall be allowed to intervene and appear in such proceeding if the State attorney general certifies that any State law (as defined in section 25(c)(2)) of the State involved would be subject to

such invalidation. For purposes of the preceding sentence, the term 'State attorney general' means the chief legal officer of a State, and includes the Corporation Counsel of the District of Columbia."; and

(2) by inserting after the fifth sentence thereof the following new sentence: "In the case of an order which would result in an invalidation of State law under section 25, such order shall be accompanied by a written statement of the findings made by the Commission under section 25(b)(1) and of the manner in which the Commission has complied with the requirement established in section 25(b)(2).".

(c)(1) Section 18(b)(1)(D) of the Federal Trade Commission Act (15 U.S.C. 57a(b)(1)(D)) is amended by inserting "(i)" after "with", and by inserting before the period at the end thereof the following: "; and (ii) in the case of a final rule which would result in an invalidation of State law under section 25, a written statement of the findings made by the Commission under section 25(b)(1) and of the manner in which the Commission has complied with the requirement established in section 25(b)(2)".

(2) Section 18(c) of the Federal Trade Commission Act (15 U.S.C. 57a(c)) is amended by adding at the end thereof the following new paragraph:

"(6)(A) In the case of a proposed rulemaking which may result in an invalidation of State law under section 25, the State attorney general of any State shall be considered to be an interested person for purposes of this subsection and subsection (b)(1)(B) if the State attorney general certifies that any State law (as defined in section 25(c)(2)) of the State involved would be subject to such invalidation.

"(B) For purposes of this paragraph, the term 'State attorney general' means the chief legal officer of a State, and includes the Corporation Counsel of the District of Columbia.".

(3) Section 18(e)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(e)(1)(B)) is amended by inserting "the statement required by subsection (b)(1)(D)(ii)," after "purposes,".

Page 5, line 22, strike out "section 6" and insert in lieu thereof "section 7 and section 8".

Page 5, beginning on line 22, strike out "section 24" and insert in lieu thereof "section 25".

Page 5, line 24, strike out "Sec. 25." and insert in lieu thereof "Sec. 26.".

Page 14, line 21, strike out "Section 26" and insert in lieu thereof "Section 27".

Page 14, line 22, strike out "section 6" and insert in lieu thereof "section 7".

Page 16, line 7, strike out "section 6" and insert in lieu thereof "section 7".

Page 16, line 8, strike out "amendment" and insert in lieu thereof "amendments", and insert ", section 4, and section 8" after "section 2".

Page 16, line 13, strike out "and".

Page 16, after line 13, insert the following new subparagraph (and redesignate the subsequent subparagraph accordingly):

"(B) rulemakings initiated under any authority contained in section 6(g) of such Act (15 U.S.C. 46(g)) on or after such date of enactment; and".

Page 16, line 19, strike out "amendment" and insert in lieu thereof "amendments".

Page 17, line 1, strike out "section 4" and insert in lieu thereof "section 5".

Page 17, line 23, strike out "section 25" and insert in lieu thereof "section 26".

Page 17, line 24, strike out "section 7" and insert in lieu thereof "section 9".

Page 18, line 13, strike out "section 25(c)" and insert in lieu thereof "section 26(c)".

Page 18, line 15, strike out "section 7" and insert in lieu thereof "section 9".

Page 18, line 23, strike out "section 25(f)(2)" and insert in lieu thereof "section 26(f)(2)".

Page 18, line 24, strike out "section 7" and insert in lieu thereof "section 9".

By Mr. DANNEMEYER:

—Page 14, line 25, strike out "$66,080,000" and insert in lieu thereof "$60,838,000".

Page 15, line 1, strike out "$70,705,000" and insert in lieu thereof "$55,100,000".

Page 15, line 2, strike out "$75,654,000" and insert in lieu thereof "$54,600,000".

By Mr. LUKEN:

—Page 15, after line 24, insert the following new section (and redesignate the following section accordingly):

MORATORIUM ON COMMISSION REGULATION OF PROFESSIONALS

SEC. 10. (a)(1) The Federal Trade Commission shall not investigate, issue any order concerning, prescribe any rule or regulation with respect to, or take any other action against any State regulated profession until the Congress takes the actions specified in paragraph (2).

(2) The prohibition established in paragraph (1) shall apply until the Congress enacts legislation which expressly provides that—

(A) the Commission has jurisdictional authority with respect to professions; and

(B) the authority of the Commission preempts the authority of States to regulate professions.

(b) Any decision, finding, or other administrative action made or taken by the Commission which—

(1) occurs during the period beginning on May 28, 1981, and ending on the date of the enactment of this Act; and

(2) is based in whole or in part on any activity specified in subsection (a)(1);

shall, upon such date of enactment, be vacated and have no force or effect.

(c) Nothing in this section shall be construed as placing a moratorium upon, or otherwise affecting, the enforcement of any cause of action by the Attorney General of the United States arising under the Sherman Act (15 U.S.C. 1 et seq.) or the Clayton Act (15 U.S.C. 12 et seq.).

(d) For purposes of this section:

(1) The term "Commission" means the Federal Trade Commission.

(2) The term "professions" means organizations, associations, or other categories of professionals.

(3) The term "professional" means any individual engaged in the performance of work—

(A) requiring advanced knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning (as distinguished from knowledge acquired by a general academic education, from an apprenticeship, or from training in the performance of routine mental, manual, mechanical, or physical activities);

(B) requiring the consistent exercise of discretion and judgment in its performance;

(C) which is predominantly intellectual and varied in character (as distinguished from routine mental, manual, mechanical, or physical work); and

(D) which is of such character that the output produced or the result accomplished by such work cannot be standardized in relation to a given period of time.

(4) The term "State regulated profession" means any profession which is subject to any licensure, certification, or regulation by a State.

EXTENSIONS OF REMARKS

ON A VISIT TO LOS ANGELES COUNTY BY: HIS EXCELLENCY, YOSHIO OKAWARA, AMBASSADOR OF JAPAN TO THE UNITED STATES

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DIXON. Mr. Speaker, I rise to report to the House concerning a very unique event that took place in the County of Los Angeles on August 13, 1982 relative to this great Nation's relationship with the Government of Japan.

On August 13, 1982 the Los Angeles County Board of Supervisors hosted a luncheon and community reception for His Excellency, Yoshio Okawara, Ambassador Extraordinary and Plenipotentiary of Japan to the United States.

The five members of the Los Angeles County Board of Supervisors: chairman, Peter Schabarum; Kenneth Hahn; Edmund Edelman; Dean Dana; and Michael Antonovitch, each expressed their personal greetings to His Excellency in recognition of the importance of leading Government officials to publicly recognize the value of good relations between the United States and Japan. Further, in greeting His Excellency, the Los Angeles County Board of Supervisors emphasized how a continuous and recipricol friendship between the United States and Japan through the County of Los Angeles, can greatly enhance the world economy through a process of cultural communication and understanding.

Throughout the day, by a motion of the board of supervisors, the colors of Japan were proudly flown side-by-side with Old Glory, over the Hall of Administration, representing the second time in the county's history that the Japanese flag was flown, the first time being during the visit of His Majesty, Emperor Hirohito of Japan in 1974.

That evening, during the Sayonara Banquet of the Japanese American Citizens League's 27th Biennial National Convention, at which His Excellency was the keynote speaker, Los Angeles County Supervisor Kenneth Hahn presented Ambassador Okawara with a resolution signed by each supervisor acknowledging Ambassador Okawara's contributions to strengthen United States-Japan relations. It was at this time that His Excellency, Yoshio Okawara, delivered the following message, before the delegates and guests of the JACL.

ADDRESS BY HIS EXCELLENCY YOSHIO OKAWARA AMBASSADOR OF JAPAN

My wife and I cherish this opportunity to be with you. As you know, I travel frequently and widely around this vast country, meeting with a great variety of Americans who, in one way or another, have an interest in Japanese-American relations, and are part of the complex fabric of mutual understanding and cooperation, on which our partnership rests. These are very educational and rewarding experiences for me. I was extremely impressed and delighted to find so many of our friends and relatives as respected citizens of the United States and active members of local communities in various corners of this country—in mid-West, Sun Belt, Eastern Heartland and so on.

There is no group of Americans, I am sure, with a deeper interest than yours in the success of this partnership. Nor is there any group of Americans that has done more than you to build this partnership on solid foundations.

The Issei who came to these shores one, two or three generations ago—your parents or grandparents—brought with them something of Japan that they grafted onto the American experience. Their way was seldom easy, and their hardships were severe. Yet they persisted, confident that they had a contribution to make in return for the rewards that life in America could offer them, and their children. Nothing is more descriptive and revealing about them than the stories in the now classical book "Nisei", written by Mr. Bill Hosokawa.

Professor Reischauer wrote in his foreword to Mr. Hosokawa's book, "No immigrant group encountered higher walls of prejudice and discrimination than did the Japanese * * *. None retained greater faith in the basic ideals of America or showed stronger determination to establish their rights to full equality and justice * * *. None showed greater loyalty to the United States * * *."

Indeed, many of those trans-Pacific pioneers made unique and lasting contributions to America in the fields of agriculture, business, professions and arts. Not the least of their contributions was that they gave to America a second generation, native born, and advantaged by growing up in American communities and in the American education system. But the Nisei also faced hardships of grudging acceptance and, when our two nations were at war, the most poignant hardship of having their loyalty as American citizens questioned.

It is a tribute to the fortitude of Issei, Nisei, and Sansei alike—and to the basic sense of justice and fair play of the American nation—that those darkest days are now far behind us, and that the scars are at last healing. You have earned positions of leadership in all areas of American life, providing a governor of a great state, five members of Congress, distinguished scholars, musicians and artists, journalists, fine teachers and other public servants, and above all, a model of good and loyal citizenship.

You have much to be proud of, and the country your ancestors came from is proud of your accomplishments.

It is in this spirit that I want to report to you this evening on the present state of Japanese-American relations. You are entitled to my candid appraisal.

It would be dishonest to pretend that there are no problems or differences whatsoever between our two countries, or that the problems that do exist are insignificant. The problems are real, and they are important. At the other extreme, it would be quite irresponsible to suggest that our current differences—whether in the economic field or over defense budgeting—are so serious that they threaten the stability of the Japanese-American partnership. This is simply not so, nor does any responsible public official in either government believe it is so.

These days we hear much about the "family disputes" in the U.S.-European relations. In the Japanese-American alliance, a "divorce" or even a separation is unthinkable.

The trade problem—specifically, how to deal with the chronic U.S. deficit in our bilateral trade—is a serious question because, in the first place, it concerns the basic structure and performance of our two giant and closely intertwined economies. In the second place, how we resolve our current trade frictions is bound to have wide repercussions throughout the world economy, because of the leading roles the United States and Japan play in world trade, investment and technology development.

Moreover, the present sluggish state of the world economy, causing high unemployment, continuing inflationary pressures, and the high cost of capital makes it extremely difficult to grapple with these complex issues. In each major trading nation, policy makers are under powerful political pressure to cushion the domestic economy against external forces that are viewed as threats to domestic jobs.

The most dangerous temptation is to try to insulate domestic jobs from foreign trade competition. This is the protectionist route the world followed in the early 1930s, and it led straight to the disaster of the Great Depression, as shrinking world trade smothered economic growth around the world. The rebirth of protectionist pressures, especially in Western Europe and also in the United States, is the clearest warning that we must find sensible, free-market solutions to Japanese-American trade problems if we are to restore dynamic growth to our own economies, and to preserve an open and expanding world economy.

As recently as 30 years ago, Japan's economy was less than 5 percent of the then giant American economy. Today the American giant is more than five times larger than it was in 1950, but the Japanese economy has grown even faster, making Japan's GNP nearly half that of the United States. Japan now generates 10 percent of world GNP and accounts for 10 percent of world trade. The United States and Japan together provide nearly one-third of world product and world trade.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Throughout these three decades, our two countries have been each other's principal overseas trading partners, in a two-way exchange that is now valued at $60 billion a year. To a great extent this trade has been complementary. Japan, which must import half the calories it consumes, has consistently been the American farmer's best overseas customer buying $7 billion in 1981. Resource-poor Japan has also been a ranking importer of American coal, minerals, forestry products and other basic materials. Japan has also been a major market for American exports of manufactured goods, which now constitute over 40 percent of Japan's total imports from the United States.

In return, the United States has long been the largest market in the world for the goods Japan is capable of exporting, manufactured products.

As both our economies prospered, and our two-way trade doubled in value each five years, the areas where our manufactured exports are in competition with each other have also grown. Once it was textiles, and now it is products of high technology industry. The competition between industrial economies has traditionally been a powerful stimulant for invention, innovation, greater manufacturing efficiency, lower prices to the consumer, and rising standards of living. This has unquestionably been true of the Japanese-American economic relationship, which is both complementary and competitive.

For the last decade and a half, however, our two-way trade has been imbalanced in Japan's favor. As our trade has grown, so has the U.S. deficit in this trade, and this situation has created periodic frictions between us. In purely economic terms, the imbalance should be no cause for alarm, as long as a deficit with one partner can be offset by a surplus with another. A realistic measure of a nation's trade performance is its overall trade balance with all its trading partners.

An even more realistic measure would take account, not only of merchandise trade, but also of trade in "invisibles"—the international flow of capital which results from investment, repatriated profits on foreign investment, royalties and license fees, tourist expenditures, and so on. By this measure, the United States usually outperforms Japan. Last year the U.S. had a healthy surplus in its invisible trade with Japan, and the combined U.S. current account balance was in surplus with the world.

However, in a time of worldwide recession, underutilized manufacturing capacity, and high unemployment, politics carries more weight than economic principles. The only way to fend off political pressure for trade protectionism is to find other ways of reducing the trade gap. We have, in fact, been working hard on different approaches.

First, the Japanese Government has taken extraordinary steps to cut tariffs and reduce other import barriers in order to make the Japanese market one of the most open and accessible markets in the entire industrialized world. Japan's trade-weighted average tariffs are lower than those in the United States, and much lower than in Western Europe. We have also eliminated a number of sensitive tariffs and import quotas. And we have simplified import procedures, streamlined testing requirements and established an Office of Trade Ombudsman to deal promptly with any complaints of discrimination against imports. We are determined to internationalize the domestic market.

Second, we are making strenuous efforts to promote expanded U.S. exports to Japan. We are providing advice and marketing assistance to U.S. manufacturers interested in selling to Japan. In a different context, Japanese industries are providing technical assistance to help modernize U.S. steel, automobile, machine tool and other industries. Japanese investment in U.S. plants, now in excess of $10 billion, is creating American jobs and adding to the U.S. GNP. A growing number of Japanese plants in the United States are also now exporting U.S.-made goods to Japan and the world. And the seven largest Japanese trading companies operating in the United States now account for about 10 percent of U.S. exports to the world.

All these measures together are strengthening Japanese-American economic interdependence by helping to strengthen the competitiveness of American products, at home and in world trade.

There is another point I want to refer you to. Japan and our mutual trading partners in Western Europe have been concerned with the excessively high U.S. interest rates. These interest rates, which have artificially overvalued the U.S. dollar, are one of the contributing factors to current U.S. trade deficits with Japan. An overvalued dollar means overpriced U.S. goods, and therefore a loss of price competitiveness for American exports.

High U.S. interest rates have also complicated the tasks of Japan and other American trading partners in efforts to restore vitality and growth to our respective domestic economies. The capital we need to maintain and expand our domestic plant has been fleeing to U.S. money markets for speculative purposes that contribute little to world economic health. We hope that recent cuts in the U.S. official discount rate are the beginning of a healthier trend, and that they will continue.

I have given you perhaps a more technical explanation of our current economic concerns than you bargained for. However, I believe it is very important to put these questions into perspective.

It is not just our economic relations that are involved in the Japanese-American partnership. Our two nations are also political allies, sharing the same commitments to democracy and the peaceful preservation of an open world society. As you are well aware, Japan has been the most faithful member of the U.S. allies in supporting the U.S. in Iranian hostages, Afghanistan and Poland. The closest friendly relations with the U.S. being the pivotal importance for Japan, the Japanese Government is committed to play a role conducive to the status which Japan has attained. Not only do we cooperate as partners, exchange goods, influence each other artistically, and join each other in common adventures of science, scholarship and the frontiers of the human mind and spirit. We also share values which give meaning to our lives. We need each other because we have so much to offer each other.

Last month, when Japan's Grand Kabuki was on its very successful tour of New York, Knoxville and Washington, I was deeply gratified by the enthusiastic response—indeed, the standing ovations—that American audiences gave this unique Japanese art form. The stories were unfamiliar, the gestures and their meanings were exotic, as was the music, yet tens of thousands of Americans were enraptured. They recognized the universal values that unite the human race and are at the core of both Japanese and American culture.

The stimulating articles on Japanese culture by the recent New York Times were captioned "Culture of Japan blossoming in America" and "Things Japanese Excite Americans' Imagination," It reports "the reason given for why Japanese culture has captured the American imagination range from Japanese economic might to the success of James Clabell's "Shogun."

The tremendous success of Grand Kabuki can be seen against this background.

The first generation of Japanese Americans, your ancestors, would have been pleased and proud of those hours of deep sharing.

Now that the relationship between our two nations has attained the level of maturity and can properly be viewed in the global perspective, the bonds of friendship across the Pacific will be further strengthened with the intertwining of political, economical and cultural threads.

May I conclude my address by once again expressing my appreciation of your contributions over the past decades to the ever closer U.S.-Japan friendship and extending my very best wishes for your continued success.●

MARITIME SAFETY ACT, H.R. 7038

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. JONES of North Carolina. Mr. Speaker, shortly before the district work period, I introduced legislation, H.R. 7038, to promote maritime safety on the high seas and navigable waters of the United States. This legislation is the result of extensive hearings and investigations conducted by the Committee on Merchant Marine and Fisheries during the 97th Congress.

Two major marine casualties, the disappearance of the SS *Poet* in October 1980 and the sinking of the semisubmersible drilling vessel the *Ocean Ranger* in February 1982 have prompted the introduction of this measure. It is my hope that we can receive substantive input from the administration and the marine industry on the concepts put forth, and refine them for enactment during the next Congress.

The first part of the bill is a result of our hearing on the *Ocean Ranger.* When this vessel sank on February 14, killing 85 men, it was operating without the legally required certificate of inspection issued by the Coast Guard. Although the company was aware the certificate of inspection had expired, the *Ocean Ranger* continued to drill off the coast of Newfoundland for almost 2 months. The only penalty under present law for operating without a certificate of inspection is a $500 fine—hardly a financial burden on a vessel leased for approximately $100,000 per day.

The second part of H.R. 7038 stems from our hearings on the SS *Poet*. The SS *Poet* was a 522-foot cargo vessel, which was carrying 13,500 tons of corn and a crew of 34 men when it departed Philadelphia, Pa. on October 24, 1980. At some unknown time after departure, on its way to Port Said, Egypt, the SS *Poet* disappeared without a trace. The owner of the SS *Poet* did not notify the U.S. Coast Guard of his concern for the safety of his vessel and crew until he had not heard from the vessel for a full 10 days. With such a delayed notice there was scarce opportunity for the Coast Guard to assist the vessel if it had been in danger. Earlier notice by the owner to the Coast Guard may have alerted the Coast Guard in time to locate and assist the vessel.

Subsequent to the hearings on these two tragic incidents, the Merchant Marine and Fisheries Committee staff studied present laws and procedures in order to determine whether changes or additions to the present laws might improve maritime safety and help to prevent similar tragic accidents from occurring in the future. H.R. 7038 is a product of these studies.

H.R. 7038 is basically comprised of three sections. The first section imposes stricter requirements and penalties on shipowners, agents, or operators who operate a vessel without a valid certificate of inspection. The second section imposes a notification requirement on a shipowner, agent, or operator to report to the U.S. Coast Guard if more than 48 hours have elapsed since the owner, agent, or operator has heard from the vessel. The master is also required to report to the owner every 48 hours. Only those required to report to the U.S.-flag merchant vessel location filing system (USMER) are covered by this section. However, any vessel owner who has reason to believe his vessel is imperiled is required to notify the Coast Guard. The third section of H.R. 7038 allows the Coast Guard to investigate and act upon acts of incompetency committed by any licensed officers on vessels of the United States.

Throughout the proposed bill, civil penalties for violations of the certificate of inspection requirements are increased to match more appropriately the penalty costs with the value of today's dollar. Communication requirements between the vessel owner, master, and the U.S. Coast Guard are also proposed on the basis of new present day communications capabilities. H.R. 7038, therefore, updates some of the marine safety laws to meet today's marine environment.

The intent of H.R. 7038 is to improve the marine safety environment without imposing onerous burdens upon the industry. The law is written in a manner which will require proper oversight of a vessel's well-being and which will include adequate enforceable civil penalty provisions. However, the notice and reporting requirements are not complicated or time consuming and the penalty sections are flexible.

As chairman of the Committee on Merchant Marine and Fisheries, I look forward to waorking with the administration, industry representatives, and other interested maritime groups on this bill, and I expect that progress will be made toward the betterment of marine safety throughout the world.●

REGULATORY REFORM ACT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DERWINSKI. Mr. Speaker, with the controversies caused by issues which lend themselves to partisan rhetoric, we certainly must not overlook the long-range significance of regulatory reform.

Basically, this subject is above partisanship. Most Americans would subscribe to the principle that the less cumbersome the bureaucracy, the better.

Therefore, I call the attention of the Members to an article by Senator PAUL LAXALT on the need to enact legislation called for in the Regulatory Reform Act.

[From the Christian Science Monitor, Aug. 24, 1982]

DON'T DELAY BIPARTISAN REGULATORY REFORM

(By Paul Laxalt)

During all the activity on tax and budget bills, an important bipartisan legislative effort in our campaign against inflation and against increasing consumer prices has been quietly moving forward. Unfortunately, enactment of this legislation, known as the Regulatory Reform Act, may be threatened by delay in House action on this bill as this session of Congress nears its end. Such a delay is not in the best interests of this country, and everyone should urge his congressional representative to help move this bill now.

Under the sponsorship of Senators Patrick Leahy, William Roth, Thomas Eagleton, myself, and 77 other senators, the Senate in March unanimously (94-0) passed the Regulatory Reform Act. This measure enhances our efforts to secure cleaner air and water, safe workplaces, and the like, while reducing the economic excesses of federal regulation which fuel inflation. The act achieves this by modifying the regulatory process to produce more effective regulation—regulation that will be more certain to accomplish important public goals without unnecessary economic burdens.

Since the American people strongly support regulatory reform, every sensible politician must support it. Yet legislation to achieve such reform involves complicated and highly technical issues of law and statutory drafting.

Senators Leahy, Roth, Eagleton, and I hold the relevant leadership positions on the committees responsible for regulatory reform legislation. Together, we grappled with the important details of regulatory reform. After fourteen months of drafting, revision, and compromise, we came up with a balanced package of procedural changes which we, and as it turned out the rest of our Senate colleagues, concluded was a common-sense approach to regulatory reform.

We wrote provisions in the Regulatory Reform Act that will require agencies to publicly evaluate their regulatory proposals in terms of what their likely good and bad effects will be. This not only involves the public in rule-making, but ensures that regulations will be publicly justified by what they can realistically be expected to achieve. To make agencies more accountable, we provided a limited presidential and judicial oversight of the process, circumscribed by the need to avoid endless delays and to preserve congressionally mandated policies. Finally, the full Senate added a provision to allow Congress to review agency rules.

After the Senate passed the measure, House Speaker O'Neill said he had every intention of bringing the House regulatory reform bill (HR 746) to the House floor. I applaud the Speaker's commitment to continue this bipartisan effort. Yet time is running short in this Congress to make good on this commitment. Only a few short weeks remain after the August recess before Congress adjourns for the elections. Acknowledgment of his support of this bill to Congress is now essential.

Enactment of this legislation will require that the House preserve the balanced approach of the consensus Senate bill. True bipartisan regulatory reform will die if the Speaker merely gives the House members the opportunity to vote for a watered-down regulatory reform bill just before the elections, and then presents the Senate with a weak House bill on a take-it-or-leave-it basis.

From my perspective, rank-and-file House members of both parties want to be a part of the outstanding effort represented by the Senate bill, a bill carefully developed over the past four years by two administrations and bipartisan work in both houses of Congress. They recognize that, with the costs of regulation now estimated at over $100 billion a year—inflating already high consumer prices—the American public cannot afford further congressional delay.

[Paul Laxalt, Republican Senator from Nevada, is chairman of the Senate Subcommittee on Regulatory Reform.]●

A TRIBUTE TO MR. LAWRENCE R. BENTLEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. LEWIS. Mr. Speaker, on September 30, 1982, the Chino Valley Chamber of Commerce and the Dairy Committee of California are honoring Mr. Lawrence R. Bentley as "Special Dairy Award Winner" of the year. We would like to take this opportunity to join with the chamber and the dairy committee in honoring Mr. Bentley and commend him to the House of

Representatives for his devoted community leadership and service.

Larry Bentley began his 54-year career in the dairy industry in 1928. He worked for Adohr on a home delivery route with a horse and wagon in Beverly Hills, Calif., for an excellent salary of $135 per month. Work began at 2:45 a.m. when Mr. Bentley would load the milk onto his wagon. Since the horse knew the milk route as well as Mr. Bentley did, he could often doze from the Adohr Creamery until his horse stopped in front of the first customer's house. The animal was very well behaved and did not really need to be driven. When the horse felt Mr. Bentley leave the wagon with a milk carrier full of milk, it would stop until he returned. If Larry served three or four houses in a row on foot, the horse would follow by Mr. Bentley's voice commands.

In 1932, Mr. Bentley was transferred to Westwood where part of the University of California had just been built. There Mr. Bentley delivered milk in a 1930 Model A Ford truck because houses were too far apart for the conventional use of horse and wagon.

Mr. Bentley and another Adohr driver were the first LA milkmen from a major milk company to deliver milk in the daylight hours.

In 1935 Mr. Bentley became a member of the Creamery Yellow Dog Society whch is a play group for the dairy industry. he organized the first "Dairy Fieldman" group in the Los Angeles area, which consisted of field representatives from each LA area creamery. Mr. Bentley was the first dairy chairman for the March of Dimes from 1956 to 1961 and 1 year, with the Secretary of Agriculture, Ezra Benson, as a guest, raised approximately $9,000 for that charity.

From 1949 to 1976 he was in charge of the dairy industry milking parlor at the Los Angeles County Fair and often put on cow milking, butter churning, and milk drinking contests there and at other county fairs.

Mr. Bentley was the southern director of the California Dairy Industry Association and twice served as master of ceremonies for the southern section dairy princess contest. On many occasions Mr. Bentley was the chairman of the dairy roadside appearance program and for the dairy milk flavor clinic.

From retail milk sales, Mr. Bentley went on to be a foreman, then promoted to supervisor, and finally went into production and quality control. On January 2, 1973, Mr. Bentley went to work for Alta-Dena Dairy on their quality control and has been there ever since.

In the 54 years that Mr. Bentley has been in the dairy industry, he has never missed a payday.

Mr. Speaker, it is an honor to recognize Mr. Lawrence R. Bentley today and commend him to the House of Representatives for his countless contributions to our society and the dairy industry. He is a truly fine individual who has in countless ways enhanced his community through his hours of selfless civic service.●

POLITICS AND THE PIPELINE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. McDONALD. Mr. Speaker, our President is correct in his stand against the Soviet gas pipeline to Europe, and our European friends are wrong in their opposition. Helping the Soviets with this pipeline does not make any sense economically or from a security point of view. The Soviets can, and will, shut off this gas supply for political reasons as they have used trade as a political weapon on previous occasions. Loaning money to the Soviets to complete this pipeline is just throwing good money after bad, to say nothing of Western participation in a project being built partially by slave labor, which includes political dissidents and those imprisoned for religious beliefs. Mr. John O'Sullivian recently summed up all these reasons in a "personal view" column in the London Daily Telegraph of August 23, 1982. I commend it to the attention of my colleagues who may still feel the President is wrong on this issue.

[From the Daily Telegraph, Aug. 23, 1982]

POLITICS AND THE PIPELINE

Curiouser and curiouser grows the dispute over the Siberian natural gas pipeline. All the politicians and commentators in Western Europe are for it, all the arguments against it. It is as if the Continent had become one vast Flat Earth Society.

To recap: First, the project is justified on the grounds of creating employment. But if we think it sensible to subsidise job creation, why not subsidise ourselves directly instead of going through the Soviet middleman? As things stand many of the jobs created will be in Siberia rather than Sunderland. And the Russians rather than ourselves will have the finished product.

Secondly, Western Europe is increasing its energy dependence on and thus its political vulnerability towards the Soviet Union far more than I suggested in an earlier column. When the pipeline is completed, the share of Europe's total energy needs (gas, coal and oil) supplied by the Soviet bloc will amount to something like one-third. I also stated last month that the Soviet Union had cut off key energy supplies for political reasons on three occasions since 1945. A correspondent corrects me. He points out that, if threats to cut off supplies are also taken into account, the accurate figure is eight times.

Those occasions were: in 1948 against Yugoslavia, in 1961 against Albania, in 1956 against Israel and Hungary, in 1962 against China, in 1968 against Czechoslovakia, in 1980 when the U.S.S.R. threatened Europe and Japan with the loss of Soviet fuel supplies if they supported United States sanctions over Afghanistan (which, significantly, they failed to do) and, finally, last year when the Politburo threatened to cut off Poland's oil supply unless Solidarity were crushed.

Thirdly, the pipeline is a vast foreign aid project whereby a consortium of European banks and companies will provide a well-armed and hostile power with government-guaranteed low-interest loans. This makes no sense at all. This is also worth bearing in mind when you next hear one of the European heads of government criticise the Reagan Administration for policies that keep interest rates high. Nothing is better designed to push up interest rates than borrowing $15 billion at 15 per cent, from the capital markets in order to lend it at a mere 8 per cent, to the Soviets. Yet that is what the French and West German Governments are doing.

Finally, the project's advocates overlook various alternatives which lack the political drawbacks of the Siberian pipeline, such as: Norway's natural gas reserves, American coal reserves (which could supply at least one third of West Europe's energy needs). And even the Nigerian pipeline which could absorb capital and engineering skills at least equal to those required by the Siberian pipeline.

What arguments are there on the other side? Only the petulant complaint that, if President Reagan is opposed to the pipeline, what right has he to sell the Russians grain. With the substance of this criticism I agree. But the European governments support the grain sales in public. If Mr. Reagan is inconsistent and only half-right, they are splendidly consistent and wholly wrong. And anyway, to slit one's wrists because Mr. Reagan has shot himself in the foot is hardly repartee.

In short, the West Europeans have risen above politics, economics, strategy and simple prudence in their decision to go ahead with the pipeline. What inspires them? Is it perhaps an idealistic vision that commerce will lead to peace and international understanding?

Their idealism, if so, will have to be armour-plated in view of the growing evidence that slave labour, including political prisoners, and Vietnamese indentured labour are being used in the pipeline's construction.

The International Association for Human Rights, based in West Germany, announced in June that they had received reports from contacts in the Soviet Union that more and more prisoners sentenced to hard labour were being used to construct the Siberian gas pipeline.

"A number of well-known political prisoners," the statement went on, "have likewise been forced into labouring on (it)." Among them were a psychiatrist, a Ukrainian writer, two Civil Rights activists and two Baptist ministers.

Hard labour camps have been set up along the route of the pipeline, prisoners are housed in wagons which offer little protection from the elements in areas where winter temperatures reach lows of −30 to −40 degrees centigrade, they are transported daily to and from the construction sites under the watch of guard dogs.

How do we know that such reports are true? It is, of course, impossible to be absolutely certain when dealing with a totalitarian society which attempts to enforce com-

plete control of news and information. But there are certain common sense guidelines.

To begin with, the use of slave labour in major construction projects is quite standard in the Soviet Union. In the construction of the White Sea Canal in the 1930s, over a quarter of a million slave workers perished. And as late as the 1970s, concentration camp labour was employed to build the Baikal Amur railway along the Chinese border.

Even so, the Soviet Union is still short of labour for such projects. Last year, Mr. Brezhnev delivered a speech in which he stated that the U.S.S.R. needed 400,000 additional workers to develop new oil and gas fields in Western Siberia.

This perhaps explains the import of Vietnamese labour into the Soviet Union. The Soviets naturally argue that importing Vietnamese labour is a foreign aid programme of technical training, that the workers are well-paid, and that they live in pleasant climates where "melons and watermelons grow" (ISVESTIA).

Reports by refugees and some letters from concentration camps, where former South Vietnamese army officers are "re-educated," tell a different story. These suggest that such prisoners are being, in effect, transported to Siberia for hard labour.

Again, are such stories from such sources believable? An argument on what point is now raging within the American State Department. But it is worth remembering that similar reports by Cambodian refugees about the genocide in their country in 1975, widely disregarded at the time, turned out to be the plain truth.

Of course, there are civilian Vietnamese going to the U.S.S.R. as well. Is their departure voluntary? Some Western diplomats believe so, arguing that Siberia is actually quite attractive compared to the spartan conditions of Vietnam now that the American oppressors have been driven out.

But what are the conditions to which they are going? They are separated from their families for two periods of three years, and they receive only 40 per cent, of an already low wage, the remainder going to the Soviet Government in payment of the Vietnamese war-debt of $1.6 billion.

I am certainly prepared to believe in the hideousness of Communist Vietnam. But if its citizens prefer Siberia, separation from their families and very low wages to remaining at home, conditions there must be, quite literally, unbelievably bad. You may prefer, as I do, to believe that the Vietnamese who go to the U.S.S.R. do not do so of their own free will.●

THE 75TH ANNIVERSARY OF SOUTH PLAINFIELD VOLUNTEER FIRE DEPARTMENT

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DWYER. Mr. Speaker, I recently had the honor of participating in Labor Day festivities in the borough of South Plainfield, N.J., commemorating the 75th anniversary of the founding of the South Plainfield Volunteer Fire Department.

The borough is most proud of this dedicated force and rightly so. Beginning with just a hose cart that had to be pulled by hand for several years, the company established a tradition of outstanding community service that has been maintained throughout its 75-year history.

Today, the volunteer company houses eight engines, including an aerial ladder truck, two power wagons, and several pumpers.

Most important, however, are the individuals who volunteer their time, their skills, and their courage to protect the security and safety of their fellow residents.

The members of the South Plainfield Volunteer Fire Department—past and present—symbolize the best in community service and commitment. We owe a huge debt of gratitude to these individuals and the members of the volunteer fire companies across the Nation who do so much to enhance our quality of life.

On the occasion of their 75th anniversary, and on behalf of our congressional district, I would like to offer the members of the South Plainfield Volunteer Fire Department our humble and profound thanks for a job well done.●

REPORTER CLOSING A BLOW TO OUR COMMUNITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. WAXMAN. Mr. Speaker, On August 25, 1982, the Los Angeles Reporter, a weekly newspaper in my district for nearly a half century, published its last issue. The death of a community institution such as the Reporter is an event of major importance to the people whose lives it touches. The following statement, which reflects my personal feelings, was printed on the front page of the final Reporter.

Though I have never had any financial interest or managerial role in the Waxman Reporter Publications, these papers have played a role in my life since earliest childhood.

As a youngster, I took tremendous pride in what my late Uncle, Al S. Waxman, and my Aunt Ruth had accomplished for our community. Many of my own feelings about the Democratic Party and progressive government came directly either from the paper or from my aunt and uncle.

The Reporter Publications began in Boyle Heights as the "Eastside Journal." In those days the Los Angeles Times was not the first-rate, balanced, nationally recognized paper it is today. Years ago, the Times was a narrow, partisan, reactionary publication whose news columns were often as blatantly slanted as its editorials. Most of the other papers were no better. My uncle stood up against the Times and every other right-wing force—no matter how big.

The Waxman Publications were resolute in support of the Democratic Party, the trade union movement (in a town which was known as ferociously anti-labor), ethnic minorities—Blacks, Jews, and Latinos—who were the victims of an openly prejudiced power elite. My aunt, Ruth Waxman Faierman, worked on the paper for an incredible 48 years. At one time or another, she personally handled every task required to publish the paper.

After my uncle's untimely passing, many were skeptical about the future of the Reporter Publications. Their doubts were unjustified. As long as was humanly possible, Ruth Waxman Faierman saw to it that the paper came out every week. She maintained the high standards she and my uncle had held to all through the years. The news columns were open to every charity, every political group, and every candidate with a legitimate message for the community. Elected officials like myself were given free space each week to report to our constituents.

Over the years many voters came to count on the Reporter Publications for election advice. Everyone knew that candidates endorsed by my uncle or aunt, or ballot propositions approved by them, reflected their values of integrity, compassion and commitment to human rights.

The demise of the Reporter Publications creates a vacuum which will probably never be filled. Without the Reporter it will be almost impossible for local officeholders, churches, temples, and neighborhood merchants to communicate with people in a limited geographical area. The metropolitan dailies will not print the schedule of bingo games for the City of Hope, nor will they announce the opening of a new store on Fairfax Avenue. Certainly, they will pay no attention to such neighborhood problems as an unsafe intersection or homeowners who feel a business establishment is violating their rights to peace and privacy.

I salute Ruth Faierman for all she has done for our community over a half century. I wish her and her husband, Neach Faierman, good health. I very much hope that my aunt will continue to be actively involved in community affairs. We all stand to benefit enormously from her sincerity, integrity, intelligence and talent.●

NFL PLAYERS ASSOCIATION STRIKE

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, as we are all aware there is a very real possibility that the football season might be interrupted by a strike this year. I think we can all agree that this would be most unfortunate. It is my great hope that the NFL and the NFL Players Association will be successful in arriving at a satisfactory collective bargaining agreement.

Bills currently pending before Congress dealing with an antitrust exemption for the NFL has already involved us in some of the issues facing professional football today. I am confident that we will not act hastily in this area especially when the league and the

union are involved in intense negotiations.

I am including in the RECORD today a recent article concerning the problems faced by the players and the league.

The article written by Dave Kindred appeared in the Washington Post on August 20, 1982:

PLANTATION MENTALITY NOT HELPING NFL OWNERS

If the pro football players go on strike, it is the owners' fault. The owners have botched this. Call them arrogant, call them imperious, call them fools.

The 28 owners have a money machine cranking out millions of dollars, even billions. Yet these totalitarians who would take urine samples of players, who would fine players for shaking hands, who would deny players the right to work where they want to—these owners would throw sand into the gears of their money machine before they would do the right thing for the players who make the machine turn so smoothly.

The right thing is to treat the players as valued employes with legitimate complaints. As baseball owners learned in a senseless half-summer of a strike, there is nothing to be gained any more by treating professional athletes as indentured servants who ought to be grateful for any scraps from the massah's table. The courts have ruled for players, and against leagues, in virtually every freedom-issue case over the last decade. The tide is running against the plantation owners, and they'll be in over their heads soon if they don't do the right thing.

The right thing at this moment is to get back to the negotiating table with the players union representatives. Out of obstructionism, the owners' negotiators refuse to meet the union people at a training camp site. If they have to meet at midfield during a Redskins scrimmage in Carlisle, the owners' men should do it. By the petty fining of last week, by the refusal even to negotiate, the football owners are repeating the baseball mistake of welding the players' union into a clenched fist.

Once upon a time, the football players may have been divided about a strike. Two months ago, they may not have been sold on Ed Garvey's percentage-of-gross concept. But the owners offered the players no alternative plan. And now the sense—at this typewriter, anyway—is that the players are willing to strike in support of Garvey's plan if for no other reason than it is the only one anybody has proposed.

The players properly perceive management's refusal to offer a realistic plan as evidence the owners believe the union will crumble on its own. Such perception has made the union stronger. By doing nothing, the owners did a lot—for the union.

It is a fact, of course, that the owners have submitted a counterproposal to Garvey's idea that the players should get 55 percent of all money taken in. But because the owners consider Garvey's plan an insult, they replied in kind. The owners' proposal is a microscopically improved version of the current compensation system that has shackled players to their teams and kept salaries below the levels to which they would rise in a free market.

The owners should come to the bargaining table with a new proposal. Somewhere between Garvey's percentage-of-gross idea and the chaos of total freedom (even we romantics acknowledge the need for some restraints in sports), there ought to be a middle ground.

On a shelf in Garvey's office, there is a foot-square block of stone.

Etched into the stone is a percentage sign.

Chances are, although Garvey is too stubborn to admit it, he would be happy to hear a proposal from the owners that would enable him to turn that stone around and carve a dollar sign in the other side. And chances are the owners, who have acknowledged that the players are underpaid, would go a long way with any proposal that raised salaries without tying the raises to a fixed percentage of gross.

So why doesn't someone suggest something?

At the moment, the National Football League doesn't suggest anything because it has a leadership crisis. Every time it goes into court, it comes out a loser. It lost every round in federal court to Al Davis and then, in a demonstration of unmitigated gall, went to the Congress of the United States asking for legislation to reverse that court's decision.

Earlier, the foundering lords of football missed their opportunity to divide the players' union by not giving dissident players an alternative proposal before the union's March convention. Lately, the league commissioner, Pete Rozelle, has come to Congress with an antitrust exemption bill that, if passed would be followed, he said, by expansion of the league.

Rozelle has admitted that such expansion teams were "dangling" before the eyes of influential senators. This is the sort of dangling that politicians interpret as a payoff. You give me my new law, we give you a football team. Rozelle smoothly denied any such connection.

The commissioner was not so smooth Monday on Capitol Hill. Under fire from Strom Thurmond, the crustly old South Carolina Republican whose state neither has nor lusts for pro football, Rozelle said the league needed legislation because it would be impossible to draw up guidelines on when a team could leave a city.

You couldn't pin it on how they have done financially, Rozelle began.

"They would . . . That can be juggled. A team can arrange its figures in a way to show losses for several straight years."

Had Garvey stuck bamboo shoots under Rozelle's shining nails, he could not have elicited a more helpful quotation. It long has been Garvey's contention that owners aren't telling the whole truth about money, and now comes Rozelle saying figures "can be juggled."

With leadership so bewildered it gives this kind of comfort to its adversary, the NFL is headed for a strike that doesn't have to happen. It is time for the owners to make a conciliatory gesture to the players, to offer a plan that is more than a sarcastic reply to an insult from Garvey.

They offer free agency to all players after three seasons. Garvey says free agency won't work because teams will not bid on players, there being (in his estimation) no economic incentive to win under the lazy comforts of the NFL's share-the-wealth socialism. To guarantee that free agency works, Garvey should demand binding arbitration contract disputes; if a player asks for $500,000 a year and the team offers $200,000, a neutral arbitrator should decide the issue.

There should be no compensation rules at all. The right of first refusal, under which the NBA and NHL work, is safeguard enough if a team wants to keep its quality players.

All this may not increase the salaries of undistinguished right guards as much as Garvey's 55 percent plan would. But with free agency, right of first refusal and binding arbitration, football players soon enough would be paid what they're worth.●

HONORING MR. FRED TROOST, DAIRYMAN OF THE YEAR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. LEWIS. Mr. Speaker, I would like to take this opportunity to recognize one of the truly fine men in my congressional district who is a shining example of the American success story, Mr. Fred Troost.

A native of Iowa, Mr. Troost moved to Artesia, Calif., where he began his dairy business with 120 milking cows. Through hard work and perseverance, his business grew to 800 cows on 130 acres in Mira Loma, Calif., where it has become a family enterprise.

A community leader, Mr. Troost has been a member of various local civic organizations. He served as president of the board of education of Bellflower Christian Schools for 2 years and served an additional 6 years as a member of the board. Mr. Troost served 9 years on the board of education of Ontario Christian School, 3 as president. He devoted many hours in helping the elderly through his service on the Board of Inland Home for the Aged where he was chairman for 2 years. He was a member of the city council of Dairy Valley, now known as Cerritos, for 6 years, and served 1 year as mayor. One of the highlights of his public service career was working as mayor of Artesia for 1 year. In addition, Mr. Troost was on the city council of Artesia for 6 years.

His leadership in dairy-related organizations has greatly benefited the dairy industry. Mr. Troost was a member of the board and past chairman of the Milk Producers Council in Artesia and Ontario for the past 15 years. On the State level, he served as a member of the board of the League of California Milk Producers for 8 years, 2 years as vice chairman. Under the Gonsalves Milk Pooling Act, Mr. Troost administered the law as chairman and member of the California Producer Review Board. He was State representative for the Animal Health Committee and representative to the Milk Advisory Board dealing with animal health research.

Mr. Troost and his lovely wife, Anne, are the parents of 6 children and the grandparents of 15.

Mr. Speaker, it is an honor to recognize Mr. Fred Troost today and com-

mend him to the House of Representatives for his countless contributions to all segments of our society. He is living proof that the American dream is alive and well in our country today.●

ALL THE UMP TRIED TO DO WAS CALL A PERFECT GAME

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BEVILL. Mr. Speaker, one of my constituents from the Fourth District of Alabama, Mr. G. V. Timmons, of Carrollton, Ala., recently sent me an article from the Birmingham Post-Herald, which I would like to share with my colleagues.

It deals with Little League Baseball, but also has an important lesson for all of us in how to live life.

ALL THE UMP TRIED TO DO WAS CALL A PERFECT GAME

(By Dave Johnson)

EVANSVILLE, IND.— During a Little League game in Evansville recently, fans and umpires got into a shouting match over some questionable calls during a game between two teams of 9- to 12-year-olds.

"It was pretty ugly," one witness said. "The kids heard some pretty filthy language."

What happened to Donald Jensen 10 years ago this baseball season still serves as a reminder of what can happen when winning becomes more important than anything else.

Jensen was struck in the head by a thrown bat while umpiring a boy's Little League game in Terre Haute.

He continued to work the game, but afterward a doctor order him into the hospital for observation. While there, Jensen wrote the following letter.

"Dear parent of a Little Leaguer:

"I am an umpire. I don't do it for a living, but only on Saturdays and Sundays for fun.

". . . I've played the game, coached it and watched it. But, somehow, nothing takes the place of umpiring. Maybe it's because I feel deep down that I'm providing a fair chance for all the kids to play the game without disagreements and arguments.

"With all the fun I've had, there still is something that bothers me about my job. Some of you folks don't understand why I'm there. Some of you feel I'm there to exert authority over your son. For that reason, you often yell at me when I make a mistake, or encourage your son to say things that hurt my feelings.

"How many of you really understand that I try to be perfect? I try not to make mistakes. I don't want your son to feel he got a bad deal from an umpire.

"Yet, no matter how hard I try, I can't be perfect.

"I've counted the number of calls I made in a six-inning game today. The total number of decisions, whether on bases and balls or safes and outs, was 146.

"I tried my best to get them all right, but I'm sure I missed some. When I figured my percentage on paper, I could have missed eight calls and still got about 95 percent of the calls right. In most occupations, that percentage would be considered excellent. If I were in school, I would receive an 'A' for sure. But your demands are higher than that.

"Let me tell you more about my game today.

". . . There was one real close call that ended the game. A runner for the home team was trying to steal home to a passed ball. The catcher chased the ball down and threw to the pitcher covering the plate. The pitcher made the tag and I called the runner out.

"As I was taking off my equipment and getting ready to leave, I overheard one of the parents comment: 'It's to bad the kids have to lose games because of rotten umpires. That was one of lousiest calls I've ever seen.'

"Later, at the concession stand, a couple of the kids were telling their friends, 'Boy, the umpires were lousy today. They lost the game for us.'

". . . The purpose of Little League is to teach baseball skills to young men. Obviously, a team which does not play well in a given game, yet is given the opportunity to blame that loss on an umpire for one call or two, is being given the chance to take all responsibility for the loss from its shoulders.

"A parent or adult leader who permits the young player to blame his failures on an umpire, regardless of the quality of the umpire, is doing the worst kind of injustice to that youngster. Rather than learning responsibility, such an attitude is fostering an improper outlook toward the ideals of the game itself. This irresponsibility is bound to carry over to future years.

"As I sit here writing this letter, I am no longer as upset as I was this afternoon. This afternoon, I wanted to quit umpiring. But, fortunately, my wife reminded me of another situation that occurred last week.

"I was umpiring behind the plate for a pitcher who pantomimed his displeasure at any call on a borderline pitch that was not in his team's favor. One could sense he wanted the crowd to realize he was a fine, talented player who was doing his best to get along, but that I was a black-hearted villain who was working against him.

"This kid continued for two innings, while at the same time yelling at his own players who dared to make a mistake. For two innings, the manager watched this. When the kid returned to the dugout to bat in the top of the third, the manager called him aside.

"In a loud enough voice that I was able to overhear, the lecture went like this: 'Listen, son, it is time you make a decision. You can be an umpire, an actor, or a pitcher. But you can only be one at a time when you are playing for me. Right now, it is your job to pitch. And you are basically doing a lousy job.

"Leave the acting to the actors, the umpiring to the umpires, or you won't do any pitching here. Now, what is it going to be?"

"The kid chose the pitching route and went on to win the game. When the game was over, the kid followed me to my car. Fighting his hardest to keep back the tears, he apologized for his actions and thanked me for umpiring his game. He said he had learned a lesson that he would never forget.

"I can't help but wonder how many more fine young men are missing their chance to develop into outstanding ballplayers because their parents encourage them to spend time umpiring, rather than working harder to play the game as it should be played."

The following morning, Donald Jensen died of a brain concussion.●

VALERY LERNER

HON. JAMES L. NELLIGAN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. NELLIGAN. Mr. Speaker, I rise to point out to my colleagues the plight of Valery Lerner, a Soviet Jew who has been repressed by the totalitarian regime in the U.S.S.R.

Lerner's parents and brother emigrated to Israel in 1971. At that time, Lerner and his wife and son also decided to leave the U.S.S.R. for Israel in order to keep the Lerner family together. During this time, Lerner was employed as an engineer and economist in the finance and planning department of a tool factory. He resigned from this position when he and his wife applied for an exit visa to Israel in order to avoid a rejection based on the confidential nature of the position.

In 1976, after waiting the required 5 years from his resignation date at the factory job, Lerner and his wife applied for a permit to go to Israel. They were denied the permit.

Eleven years have passed since Lerner and his wife began attempts to emigrate to Israel. Lerner's numerous appeals to various Soviet authorities have been in vain, and he and his wife have since been dismissed from their jobs.

The situation for Soviet Jewry is desperate. Along with 46 of my colleagues, I have joined the 97th Congressional Class for Soviet Jewry, which aims to recognize the plight of Prisoners of Conscience who are seeking to emigrate from the Soviet Union. Despite the fact that the Soviets are a signatory to the Helsinki accords, they have been flagrant in their violation of human rights. I believe it is important to bring this tragic case to the attention of my colleagues.●

NATIONAL SCIENCE AND MATHEMATICS TEACHERS DEVELOPMENT ACT

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MOFFETT. Mr. Speaker, my friend and colleague MERV DYMALLY is today introducing legislation essential to the future development of American technology. I am honored to be joining Representative DYMALLY, and my Connecticut colleague in the Senate, CHRIS DODD, in this effort to increase science and mathematics literacy in our Nation.

The National Science and Mathematics Teachers Development Act is

designed to promote such literacy through providing continuing education opportunities for secondary school science and math teachers who need to improve current skills and qualifications in those areas. I have heard from scores of school administrators in Connecticut on the desperate need for qualified science and math teachers in our State's secondary schools. It is reported that some 50 percent of the Nation's newly hired secondary school science and math teachers are not qualified to teach in these areas. Without such qualified teachers, how can science and math literacy be conveyed to our children—our hope for a future of increased national productivity and economic security?

The time to prepare for the future is now. Reports of the growing science gap in the United States are legion and we must begin to reverse this ominous downward trend now. The link between an educated populace and a healthy economy is clear. Ironically, the administration is cutting back on support for public education and research, exacerbating our future ability to compete in the world technological market.

When I testified before the Postsecondary Education Subcommittee this spring on the administration's proposed education cuts, I noted the warnings sounded by two eminent members of the science and education communities. I think it is worth repeating their remarks today, for they have a very significant bearing on the need to promote technological literacy in our secondary schools and institutions of higher education. Columbia University President Michael I. Sovern stated, in the New York Times Magazine (February 7, 1982):

> Our foreign trade pattern resembles that of an underdeveloped country: we export raw materials in abundance and import more manufactured goods than we sell abroad. All this cannot be isolated from the fact that over the past 15 years, Japan and West Germany have doubled their output of scientists and engineers.
>
> Tolerance of this erosion of our ability to compete in the world runs counter both to the Reagan agenda and to a long and wise tradition. Since World War II, the Government has pursued a bipartisan policy rooted in the recognition that the nation's well-being depends on a national commitment to the quality of its universities. Federal support produced the rapid growth of graduate schools and the consequent surge to international pre-eminence of American university research. The federal government has recognized that scientific and technological competitions with other nations are won or lost on American campuses.

D. Allen Bromley, a nuclear physicist and president of the American Association for the Advancement of Science put the issue this way, in the Hartford Courant (January 27, 1982):

> We have the urgent problem of developing scientific literacy on the part of our citizenry. Over 80 percent of our citizens receive their last exposure, if any, to mathematics and science during their high schools years. In a society, such as ours, of growing technological sophistication where the questions of consequence increasingly have scientific and technological aspects, if our public cannot at least appreciate the nature of these issues, quite apart from contributing to their resolution, they inevitably will tend to become alienated from the society.

It is clear to me that the pressing need in the Nation for skilled workers requires a solution at the high school level; we must staff our schools with teachers qualified in the science and mathematics areas. By providing teachers with full-time summer workshops and part-time weekend yearly programs to improve educational skills in science and math, as today's legislation does, we will help insure a continuum of technological advancement in the U.S.

The health of our economy demands this response. The Dymally-Dodd legislation represent a wise investment in our future, one which will aid not only industrial productivity but our national security. The cost of this legislation is modest—an authorization level of $30 million in fiscal year 1984. Considering its potential, however, this investment could reap vast cost-savings in future years. The Defense Science Board Task Force has concluded that a continuing shortage of skilled labor is a major factor in the spiraling costs and increased leadtime required to complete defense contracts.

So let us move now to secure technological literacy among our citizenry in the years to come. The National Science and Mathematics Teachers Development Act is essential to this goal.●

PATRICIA A. HICKMAN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SKELTON. Mr. Speaker, I take this opportunity to congratulate Patricia A. Hickman of Blue Springs, Mo., for being selected by the Department of Transportation, Federal Aviation Administration, to receive the Secretary's Award for Excellence. This award is being presented at the 15th annual departmental awards ceremony to be held on September 14, 1982, in Washington, D.C.

Mrs. Hickman is a program analyst for the Federal Aviation Administration and has served that department outstandingly for 7 years. In her nomination summary, she has been called a self-starter with much initiative and her dedication to her work has increased the efficiency and effectiveness of the Federal Aviation Administration, Central Region, in Kansas City, Mo.

The Secretary's Award for Excellence is reserved for those employees whose performance not only exceeds normal requirements, but is outstanding and deserves special commendation. Certainly, I can think of no person better fitting this description than Mrs. Hickman and I want her to know how proud we are that she is a Missourian.●

A TRIBUTE TO MR. WAYNE LYNCH

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. LEWIS. Mr. Speaker, on September 30, 1982 the Grayback District of the California Inland Empire Council, Boy Scouts of America is honoring Mr. S. Wayne Lynch as their distinguished citizen of the year. Congressmen GEORGE BROWN of California and I would like to take this opportunity to join with the Grayback District Boy Scouts in honoring Mr. Lynch and commend him to the House of Representatives for his devoted community leadership.

A native Californian, Wayne Lynch was born in Garden Grove, Calif. He attended Monmouth College, Ill., Western Union College, Iowa, and the University of Iowa, completing his education in the School of Business at the University of California at Los Angeles. He also did graduate work at the University of Southern California.

During World War II, Mr. Lynch served 3½ years as a naval aviator. Following the war, he began his career with the Southern California Gas Co. in October 1945. He progressed through the company in various marketing assignments. From 1968 through 1972 he worked in land development for the parent company, Pacific Lighting Corp., returning to the Southern California Gas Co. as inland division manager.

An active community leader, Mr. Lynch has belonged to numerous organizations in the Inland Empire. His memberships include: Past president and chairman of the board of the San Bernardino Air Force Association; past president, San Bernardino Chamber of Commerce; board of directors, Executive Committee, president, Military Affairs Committee, Inland Action, Inc.; past director and Executive Committee member, Boy Scouts of America; past vice president, San Bernardino County Taxpayers' Association; board of directors, World Affairs Council; member, American Gas Association, and Pacific Coast Gas Association; advisory board, Bank of Redlands, founding president of San Bernardino Tournament of Roses Association, Inc.; cochairman, All-America City

Committee and named one of the leading citizens in the Inland Empire Magazine for the past 2 years.

Mr. Lynch and his lovely wife, Gloria, are the parents of two daughters and one son.

Mr. Speaker, we take great pride in commending to our colleagues, Mr. S. Wayne Lynch, a friend and a truly fine individual who has, in countless ways, enhanced his community through hours of selfless civic service. With great respect we honor Mr. Lynch and commend him to the House of Representatives.●

THE WAR AGAINST DRUNK DRIVERS

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DORNAN of California. Mr. Speaker, in the September 13 issue of Newsweek magazine, there appeared an in-depth article on drunk driving which is must reading for every concerned American. According to the reporters, 52,600 Americans have died at the hands of drunk drivers during the past 2 years—more than were killed in Vietnam in combat over 11 years. Over the past decade, a staggering one-quarter of 1 million Americans have perished on the Nation's highways as a result of drunk driving. On the average, about 3 Americans are killed and 80 injured by drunk drivers every hour of every day. Alcohol-related crashes are by far the single biggest killer of Americans between the ages of 16 and 24. The steps currently being undertaken in the several States and nationwide to combat this senseless slaughter on our highways is the subject of this excellent article which I should at this time like to submit for the RECORD.

THE WAR AGAINST DRUNK DRIVERS

The horror of those seconds will forever haunt Cindy Ferguson. She was driving her three sons—the identical twins Tommy and Tony and her baby, Lee—to a party, when suddenly her Vega was smashed from behind. A tremendous explosion hurled her, Tony and Lee onto the street. Cindy raced back to the car and pulled Tommy's burning body from the wreck, throwing herself on him to smother the flames. A friend, Steve Willoughby, remained trapped inside, screaming, a halo of fire encircling his face. As Cindy lay there on top of her son, the other driver approached her. But when she pleaded for help, he staggered away.

Willoughby, 20, and Lee Ferguson, two, died on that Memphis street. Tommy, five, was in critical condition for six months with burns over 65 percent of his body. He has lost almost all use of his kidneys and most of his hearing. He has had 100 operations already and faces 14 years of reconstructive surgery.

The other driver suffered a broken nose. Despite at least seven drunk-driving arrests in four years, he had never spent a day in jail. His 5- to 10-year sentence for second-degree murder provided little solace for Mrs. Ferguson. But her nightmare was primarily responsible for Tennessee passing one of the toughest drunk-driving laws in the nation—despite concerns that it would overcrowd the courts and prisons. "I was more concerned," said state Sen. Curtis Person, its sponsor, "about the overcrowding of hospitals, morgues and cemeteries."

Drunk driving is a national epidemic, what one reformer calls America's "socially accepted form of murder" (chart, page 37). More Americans have died at the hands of drunk drivers during the past two years than were killed in Vietnam; on average, about three Americans are killed and 80 are injured by drunk drivers every hour of every day. The drunken slaughter over the past decade is a staggering one-quarter of a million Americans—the entire population of Rochester, N.Y. Safety experts say that one out of two Americans will be victimized by a drunk driver in his lifetime, hardly surprising when the National Highway Traffic Safety Administration (NHTSA) contends that up to 10 percent of all drivers on weekend nights are legally intoxicated.

But finally, outraged Americans are trying to put an end to the carnage. In a major break with past public policy, which concentrated on highway-safety conditions and protective devices such as air bags, a coast-to-coast crusade aims at getting drunk drivers themselves off the roads. A recent Gallup poll indicated that fully 77 percent of all Americans support mandatory prison sentences even for first-time offenders. President Reagan has declared the campaign a national priority, and Congress is considering bills that would award money to states that crack down.

FAILED EXPERIMENT

Already 27 state legislatures this year have passed their own versions of the toughest drunk-driving bill in the nation, and more legislation is pending in others. Twenty states have boosted the legal drinking age, reversing a Vietnam-era trend toward lower drinking ages that made alcohol-related crashes by far the single biggest killer of Americans between the ages of 16 and 24. In New Jersey the average number of persons killed annually by 18- to 20-year-old drivers climbed by 176 percent after the state lowered its drinking age to 18. "Statistics have shown us that kids can't handle alcohol," says New Jersey state Sen. C. Louis Bassano, sponsor of a bill to raise the drinking age to 21. "It's an experiment that has failed."

Liquor is so integrated into the nation's social and economic fabric that until recently, drinking and driving was an almost untouchable political issue. But the drunk driver who kills isn't usually the social drinker who has had one beer too many (box, page 36). The NHTSA reports that the average blood alcohol concentration of a drinking driver killed in a crash is .20—twice the rate for legal intoxication in most states. Still, judges, juries, prosecutors and legislators, most of whom drink socially, have tended to view the drunk driver with "there but for the grace of God, go I" sympathy (page 38). The result: loopholed laws that have been cumbersome to enforce, wholesale plea bargaining (California charged only 5,000 people with reckless driving in 1978, but permitted 80,000 drivers to plead guilty to it) and judgments of the lecture-and-slap-on-the-wrist variety (Idaho arrested 1,800 persons for drunk driving last year, convicted one-third of them and jailed just two). Explains NHTSA administrator Raymond Peck, "The well-scrubbed father of four standing before the judge doesn't look anything like the falling-down drunk that was pulled out of the wreck."

TIME BOMBS

America's tacit acceptance of drinking and driving has the effect of loosing time bombs on the nation's highways. An example was a Georgia man who, after his 13th conviction for driving while drunk, was sentenced to just one year in prison. Thus, he was drunk and on the road again 20 months later when he crashed and killed himself. Or consider the case of William Rowan. Rowan was once sentenced to 45 days in jail, a mild penance for a California driving record that carried six convictions for drunk or reckless driving, two for hit and run. Last March, after leaving a downtown Santa Ana bar, Rowan drove onto a sidewalk, killing four-year-old David Gunderman, who was waiting for the ice-cream man. After hitting the child, Rowan slumped in his seat and lit a cigar. Police measured his blood alcohol content at .27.

Campaigns against drunk driving have always had sobering truths on their side; what they lacked was a real constituency. All that may have changed one spring afternoon in 1980, when 13-year-old Cari Lightner of Fair Oaks, Calif., was struck from behind and killed by a hit-and-run driver as she walked to a church carnival. Cari's mother was stunned to learn that the driver, a 47-year-old man who had two previous drunk-driving convictions and was out on bail on a third arrest, had spent only two days in jail previously and was unlikely to wind up there for killing Cari. Candy Lightner quit her real-estate job and launched Mothers Against Drunk Drivers (MADD), giving the public outcry against drunk driving the constituency it has always needed—the victims.

In the past, says Edward Kunec, a NASA official who joined MADD in Virginia after his 20-year-old son was killed by a drunk driver last summer, "people who had these tragedies closeted themselves and said it was fate or the will of the Lord. Now people are coming out of the closet—and they are angry." In just two years, MADD has grown to 83 chapters in 29 states. Remove Intoxicated Drivers-USA (RID), founded in New York under similarly tragic circumstances, went national last year and now boasts 55 chapters in 29 states. The anger that is the movement's glue has made these organizations aggressively self-righteous and militant. "You can't be too strident," explains RID national coordinator Doris Aiken. "I don't know how you can tell someone nicely that they are incompetent to drive." Aiken warns those who view this campaign as a fad that will soon fade: "The pendulum will not swing back. There is an endless supply of victims."

The legal system often transforms the victims' grief into outrage. Paul Lawler, 15, died five days after a van barreled off a Massachusetts highway and into a restaurant entrance, pinning him against the restaurant wall. The drunk at the wheel was on probation for his third drunk-driving conviction. He was sentenced to four and a half years in prison—including the then maximum of two and half years for vehicular homicide—and is eligible for parole next July, just two years after the accident. "I was under the impression anyone arrested for this kind of thing would have the book thrown at him," says Paul's mother, Carol

Lasler, who now heads the Greater Boston chapter of MADD. "I didn't know vehicular homicide was a misdemeanor."

Mark and Bonnie Schuett turned the death of their four-year-old daughter, Kelly, who was killed as she walked near her home in quiet Ixonia, Wis., into a statewide *cause cèlèbre*. The driver, a 29-year-old man with a prior drunk-driving arrest, pleaded no contest to driving while intoxicated and was given a suspended five-day jail sentence and fined $284. His license was revoked for a year—but was actually restored after 90 days because he took treatment at an alcohol-abuse center. "This man got away with hitting and killing my child," says Mrs. Schuett. "Her life means more than a $284 fine." As a result of the Schuett's lobbying effort, a new Wisconsin law went into effect last May that permits the state to suspend the license of anyone arrested for an alcohol-related driving offense—even before a trial. "Maybe we've saved somebody else's life," says Mrs. Schuett. "But I'm still angry."

GUILT

If anger fuels the movement, guilt is its motor oil. Thomas and Dorothy Sexton recall going to court to witness the trial of the man whose blood alcohol content was .26 when he killed the Sextons' 15-year-old son, Tom. They saw a car thief sentenced to two years in jail, while their son's killer—who pleaded guilty to homicide by a motor vehicle—was sentenced to two years' probation and fined $200. "We painfully relate our experience and say, 'If you don't want that to happen to you, let's do something'," says Sexton, a U.S. Department of Agriculture scientist who is now active in Maryland's MADD chapter. "I'm convinced if I had been involved in something like this five years ago, Tom would be alive today."

The movement's approach to the drunk-driving problem is essentially punitive. While legislation varies from state to state, it usually makes driving with .10 blood alcohol content (three beers or glasses of wine or shots of whisky consumed by a 150-pound man in two hours) a crime. In addition, many of the new laws makes prison mandatory, if not for the first offense, certainly for the second. They often increase penalties for drivers who refuse the blood alcohol test and require that all convictions—regardless of the court disposition—be listed on a driver's record.

Many states are delighted by the preliminary results of the new laws. In Maryland, drunk-driving arrests by state police have gone up 45 percent and highway fatalities down almost 20 percent since its law went into effect. Maine, which last year began mandatory jail sentences for first-time offenders, has experienced a 47 percent reduction in alcohol-related fatalities. Oregon has had the most experience—its crackdown began in 1971—and the most success. During the '70s, highway fatalities dropped 6 percent and Oregon's fatality rate declined 35 percent despite the presence of 46 percent more drivers and 62 percent more vehicles on the road.

Success may be due to more than tough laws. Oregon has coupled its legal effort with a media campaign that urges Oregonians to report drunk drivers to a special telephone hot line. One hot-line spokesman is Donny Durrant, a former logger who had lost his license four times for drunk driving before he drove off the road at 85 mph and broke his neck. Durrant, now a quadriplegic, says in a TV message: "I wish someone had gotten me off the road before I had the accident which drastically changed my life."

Other states are backing their legislation with a variety of programs. South Dakota places highway signs reading, "X marks the spot . . . think!" at the almost 600 locations where drivers have lost their lives since 1979. Some states have considered efforts to stigmatize the drunk driver publicly. One Pennsylvania legislator proposed a special red license plate for all drivers convicted of driving while intoxicated—a modern-day scarlet letter. Local police in both Maryland and Massachusetts have gone so far as to use roadblocks, called "sobriety checkpoints," to deter and detect drunk drivers, though the Massachusetts effort has been ruled unconstitutional by a state court. Many states, however, complain that the new laws overtax their increasingly limited resources. Maine was the only state to include in its crackdown legislative package a new tax on liquor, which is expected to produce $2 million to $3 million annually that will be earmarked for treatment and prevention of alcohol problems.

COURT WATCH

The anti-drunk-driving campaigners are pressuring the courts as well as the legislators. One such group keeps constant watch in North Carolina's Forsyth County District Traffic Court. "People walk up to us and tell us things have changed," says Sandra Nicastro, one of the group's court fixtures. "Lawyers have told their clients, 'I don't think I can get you off this time because that lady's sitting there listening'." Some judges need little encouragement to get tough. Maine judges have meted out an average jail sentence of eight days to drunk drivers under the state's new laws—four time the permitted minimum. And a Mecklenburg County, N.C., judge may have set a new standard when he sentenced a drunk driver, who had eight prior arrests but had caused no injuries, to three years in jail.

Many safety experts insist crusaders should be focusing on automobiles and highways, not on drivers. H. Laurence Ross, a sociology professor at State University of New York at Buffalo, who has studied crackdowns on drunk driving, says deterrence only works for the short term when the problem is treated as a moral one rather than a safety question. In a new book, he writes: "A vehicle and highway that are safe for an alcohol-influenced driver are also safe for a driver who has a heart attack, who dozes off, who drops a lighted cigarette on his lap, who fails to see a stop sign. . . ."

Others are convinced that the lock-'em-up approach is meaningless unless it's combined with therapy. "I don't think the tougher laws will stop the hard-core alcoholics," says Col. Tom Anderson, director of the state police in Alaska, which has had a mandatory prison law since 1978. "It's a mess," agrees Arthur Snowden II, director of the state's court system. "We're just putting people in high-priced jails . . . just taking them off the street is not going to solve the problem." But Maryland district court Judge David Bates thinks he knows the solution. Bates gives drunk drivers the maximum permissible sentence, then waives it if they are willing to enter an appropriate education or treatment program. While it is hard to measure the success of Bates' approach because probationary sentences weren't included on drivers' records until last year, Bates says only 149 of the 5,697 drivers referred to the program dropped out or had their probation revoked.

But putting drunks behind bars does take them off the road in a way revoking their licenses never did. Many of those convicted in the past simply drove without a license. Others easily obtained licenses in other states: a Federal Highway Administration study reported that Ohio in 1977 had issued 1.3 million more licenses than there were driving-age Ohioans. Clarence Busch, who inadvertently launched MADD when he killed Cari Lightner, moved to Wisconsin last fall and obtained a license within a few days. The National Driver Register, a computerized roster of drivers whose licenses have been suspended, revoked or denied, was established in 1960 to remedy such problems. But states can communicate with it only by mail, and with 84,000 inquiries coming in daily, the system is cumbersome and slow.

NO QUESTIONS ASKED

Still, there are signs of reform that just a few years ago would have been unimaginable. One is Students Against Drunk Drivers (SADD), which began as a high-school project in suburban Wayland, Mass., and has been replicated already by students in 150 other schools. In Wayland, 900 students signed SADD contracts with their parents, promising to call home at any hour when a sober ride home is not available. In return, parents pledge "to come and get you at any hour, any place, no questions asked and no argument at that time . . ." Montgomery County, Md., had a surprise for students heading to senior year-end festivities. The boys found a note tucked in their rented tuxedos counseling, "Friends don't let friends drive drunk," and providing a hot-line number that provided free rides home. And in rural Truman, Minn., the high school spent $79 for a breath-testing device for its prom after rowdy drunks disrupted last year's festivities. The machine is now kept in the school vault for use during school hours.

Anti-drunk-driving crusaders hope that breath-testing devices will become as much a fixture on the social scene as the shaker and stirrer, and a number of bars and restaurants have installed them. Anthony Ravosa, a defense attorney who has defended many clients against drunk-driving charges, offers a breath test to customers in his South Hadley, Mass., Riverboat Restaurant and provides courtesy rides home to those who flunk it.

Ravosa's gesture may ultimately prove to be more than simply humanitarian. The Massachusetts Supreme Judicial Court says an establishment can be liable for serving too much booze to a customer, and earlier this year it upheld a $50,000 verdict against a Milford tavern that served "six or more" white russians to a customer who was "obviously intoxicated." That customer later drove off the road killing nine-year-old John Cimino.

HOW DRUNKS GET OFF

Defense attorney Randy Taylor parades around the courtroom, his arms pinned behind him by handcuffs. After several minutes of histrionic discomfort he compels the cop on the witness stand to remove the cuffs and place them on the defendant, a man charged with driving while intoxicated (DWI). Then Taylor seizes his client and bullies him about. Wasn't that how the police acted when they arrested him? he asks the witness. Finally, the Dallas lawyer shoves his client into a chair and barrels up to the cop: "Isn't it true you said, 'Shut up,

you s.o.b.!' and kicked him in the leg?" And Taylor wins an acquittal.

"That's the way you get your client off," Taylor says. "The single most important factor in the typical DWI case is trying to make the jury put themselves in the place of the defendant." Taylor knows few restraints. On one occasion, after pleading his woman client guilty of DWI, he implored the jury, "The government wolves are really howling for blood tonight, waiting to put this poor little girl in jail for 30 days, taking her away from her husband." Then he put the cuffs on her, and she broke down and wept, attesting to the humiliation she had suffered. Despite a prior DWI conviction just 30 days before this arrest, she was sentenced to only three days in jail. Another time Taylor concluded his summation by stage-whispering to his client's four children, "Kids, I've done everything I can for your daddy." Pointing to the jury, he said, "Now it's up to these folks here." The defendant, who Taylor admits was probably guilty, was acquitted in 15 minutes.

The concept of "there but for the grace of God go I" has been the cornerstone of DWI legal defense ever since drunks started stepping on the gas. While the appeal is emotional, its foundation is solidly statistical: a recent Gallop poll reveals that four out of 10 Americans admit to having driven after drinking. But the extraordinary public campaign against drunk driving is having its impact even on jurors who may understand—from personal experience—the drunk driver's plight. The Texas Criminal Defense Lawyers Project recently has sponsored two special programs on DWI defense. Its program notes read: "The public has come to view DWI as a pernicious force in their communities and are demanding stiffer penalties . . . this institute is designed to teach you how to effectively represent your client . . ." Among the tactics garnered from the program and talks with top defense attorneys:

Challenge the evidence. Breath-analysis tests should not be accepted as gospel. Force the prosecution to prove that the testing machine was in good working order, that its chemicals had been tested and that its operator had proper qualifications. The tests aren't foolproof. Some people such as diabetics, who have certain chemicals in their breath, or denture wearers, who trap alcohol fumes along their gums, trigger false positive readings. If a blood sample was taken, make sure to request it; if it no longer exists, claim that it was purposely destroyed.

Track down witnesses. Find people who were with the defendant before he got behind the wheel and get them to testify about how sober he was. Attorney F. Lee Bailey's acquittal on DWI charges in California stemmed partly from testimony about his sober behavior on the evening of his arrest by people who were at the restaurant where Bailey dined.

Get the insurance company involved. Insurers tend to see cases as business problems, not moral issues, and are often anxious to settle damage matters expeditiously. Don't assume that the victim's families want vengeance; often they just want the case to go away too.

Visit the scene of the arrest. Since it can take up to six months between the arrest and the trial, the arresting officers can often be tripped up on details about the location. "If they [make mistakes]," says Taylor, "I can argue, 'Well, if you can't remember this, why can you remember anything else better?'"

Try to talk with the police—and hope you fail. When the police won't cooperate, argue that the witness is hostile, biased and has an ax to grind.

Carefully consider the choice between judge and jury. Taylor opts for a jury 95 percent of the time. He says, "I can manipulate the jury's minds more than I can a trial judge who's been on the bench 15 years and seen all my tricks." But cases that revolve around complex points of law may best be left to a judge.

The courtrooms are the ultimate battleground in the war on drunk driving. And to win the war, reformers must find ways to force jurors and judges to sympathize with the victims of drunk drivers, instead of the defendants.

DRIVING WHILE INTOXICATED

There was something absurd about drinking on an abandoned Schenectady airport runway while surrounded by police, but I wanted to find out how alcohol affected my driving skills. So I drank my gin and tonic next to an unmarked trooper car. As my bartender, Sgt. Henry Michelin, put it: "Just like the neighborhood bar—someplace to lean and drink."

An average male guinea pig—5 feet 10, 170—I had arranged to take on a difficult state-police driving course both sober and drunk. I supplied the gin and tonic, the state police provided a car. The course requires precise maneuvering around hard rubber cones—forward and backward. Scoring combines the time taken to complete the course with a five-second penalty for each mistake—such as flattening a cone. And a passing tally for troopers is 2 minutes 17 seconds. My blood alcohol level was measured by a preliminary-breath-test (PBT) device the size of a cigarette pack.

After eight practice runs through the course, I had whittled my time down from 3 minutes 10 seconds to a passing score, and it was time to begin drinking. My first gin and tonic—containing three ounces of 80-proof booze—placed my blood alcohol level 45 minutes later at .07 (70 milligrams of alcohol per decaliter of blood), high enough in New York to be charged with driving while impaired by alcohol. At this point I was slightly lightheaded, but I did't feel uncoordinated. My driving score told a different story. Not only did I add 1 minute 12 seconds to my previous, sober record, but my score was 19 seconds over my very first attempt.

WRETCHED

During my first post-drink attempt, I unconsciously tried to compensate for my condition through caution—a tactic that experts say is common among drunk drivers. In my case it didn't work: it took me longer and I made many more mistakes. This drop-off in performance was intensified by two more drinks, each containing one ounce of gin, which put my blood alcohol level at .11, or enough to be charged with driving while intoxicated or driving with a blood alcohol level of .10 or more. Now I could easily tell that I was uncoordinated. I stumbled slightly when I walked and I flunked the touch-your-nose-with-your-finger test. My driving ability plummeted from poor to wretched. My score—4 minutes 26 seconds—was almost double my final sober result. "You have no business being in an automobile out on the road," said Sergeant Michelin.

While impairment due to alcohol varies from person to person and even, depending on circumstances, for the same individual, experts say that driving skills are significantly diminished at a blood alcohol level of .10. That's why many states have adopted .10 as the limit for determining when someone has been driving while intoxicated. However, Robert Pandina, acting director of the Center of Alcohol Studies at New Jersey's Rutgers University, argues that there is impairment at lower levels as well. Pandina explains that the .10 standard is "a kind of compromise that recognizes that this is a drinking society."

WIDE AWAKE

Contrary to old wives and drinking buddies, nothing will temper the effects of alcohol except the passage of time—about two hours for every ounce consumed. Food slows the release of alcohol into the bloodstream without blunting its effect, and exercise and coffee will only produce a "wide-awake drunk"—someone alert enough to spot trouble but unable to do anything about it. That was clear enough to me as I rode with Sergeant Michelin back to town; my slow-motion brain couldn't keep up with the rush-hour traffic on the highway. I couldn't help remembering the times when I had been this drunk and driven, and the thought scared the hell out of me.●

LEGISLATION INTRODUCED TO AMEND THE INTERNAL REVENUE CODE OF 1954 TO PROVIDE ASSISTANCE AND WORK INCENTIVES FOR THE DISABLED AND HANDICAPPED

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, the Internal Revenue Code has become one of the Nation's most pervasive vehicles of social policy. The Congress has drafted and redrafted its sections to reflect society's rewards to those who are productive, to give individuals relief because of some specified financial burdens, and to provide revenue with which to finance our common concerns. But the Congress has generally failed to use the code to recognize the contributions and needs of the vast majority of disabled citizens in our country.

Much of the Congress failure to provide tax relief for disabled persons and incentives to aid in their gainful employment is of historical origins. However, two recent societal changes, or trends, necessitate that Congress modernize the code to recognize disabled individuals. The first is the unprecedented numbers of disabled persons who are living independent of institutions, at a considerable cost savings to the Government and society. This phenomenon enhances the quality of life for the individual, though it also adds to his personal stresses, largely in the form of greater personal expenses. I believe that the provisions of the Tax Code need to be amended to assist such individuals without burdening the Public Treasury in the manner

and degree as did previously emphasized institutionalization.

A second change has led to greater opportunities for disabled persons, once considered unemployable, to now make economic contributions to society. Several factors have led to this much desired end. Better medical care and improved rehabilitation services that have greatly extended the life expectancy of disabled persons and have expanded their ability to participate in society is one. Another is that industrial production has become increasingly automated, thereby requiring less physical labor and providing a larger number of employment opportunities for those with physical disabilities. In sum, improved adaptation to disabilities and modernized employment opportunities make many persons with disabilities employable, whereas they were less likely to be gainfully employed only a decade or more ago.

Combined with these major societal changes are efforts to reduce personal reliance on public assistance. While this is a commendable goal, it's unrealistic for us to disregard several facts as we consider budget-cutting legislation. First, disabled persons most often reenter the work force through new types of jobs at low-paying entry levels. Second, they face greater personal work-related expenses. And, third, they face formidable architectural barriers. When eliminating or curtailing the availability of essential services, we must recognize the need for personal financial relief so that the disabled individual can more nearly become self-reliant. I've introduced several bills this session that amend the Internal Revenue Code to help disabled persons become self-reliant. These measures are based on many years of observation and study by me and the Paralyzed Veterans of America.

These measures will not suffice as the sole economic support needed by many disabled persons. But we know that amendments to the Internal Revenue Code could be used to provide disabled individuals with significant relief from their disability-related expenses. In fact, one of my bills allows disabled persons to offset their extraordinary work-related expenses. In addition, we must enact greater incentives for seriously disabled persons to return as productive members of the work force. This can be accomplished, in part, by removing architectural barriers, so that the disabled can have access to places of employment and commerce. Persons who have total and permanent disabilities can, with proper and adequate incentives and assistance, return to the work force and thereby reduce the Government's income maintenance programs. But, first, places of employment must be accessible. This is the goal of H.R. 6460, which I would like to describe in detail.

The most fundamental aspect of any approach to increasing employment opportunities for disabled persons is removing architectural barriers that impede their movement. H.R. 6460 helps achieve that goal by amending section 190 of the Internal Revenue Code.

H.R. 6460

A bill to amend the Internal Revenue Code of 1954 to increase the amount allowed to be deducted each taxable year for expenses incurred in connection with the elimination of architectural and transportation barriers for the handicapped and elderly from $25,000 to $100,000, and to make permanent the allowance of such deduction

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (c) of section 190 of the Internal Revenue Code of 1954 (relating to expenditures to remove architectural and transportation barriers to the handicapped and elderly) is amended by striking out "$25,000" and inserting in lieu thereof "$100,000".

(b) Subsection (c) of section 2122 of the Tax Reform Act of 1976 (90 Stat. 1915) is amended by striking out ", and before January 1, 1983".

(c) The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1981.

As many of my colleagues know, section 190 of the Internal Revenue Code currently provides a tax deduction for expenses incurred in making publicly used, but privately owned, facilities accessible to elderly and disabled persons. The maximum allowable deduction under current law is $25,000, but that expires on December 31, 1982. H.R. 6460 increases the allowable maximum deduction to $100,000 and makes it available permanently. By doing so, the bill provides two incentives to businessmen to make necessary site alterations. By increasing the amount of the deduction, the bill gives an important incentive to individuals or corporations with several sites or extensive alterations. And by making the deductions permanent, it allows businessmen time for long-term planning.

Senator BOB DOLE, an outstanding spokesman for the handicapped and disabled, has introduced identical legislation in the Senate and I am very proud to be the House sponsor of his bill. Both he and I recognize the growing number of elderly and disabled citizens who would participate as customers and employees if only architectural barriers could be overcome. Both our bills provide a mechanism for achieving that goal.

The second measure I have introduced, H.R. 7074, is modeled on the double personal tax exemption that offsets an individual's expenses due to blindness or advancing age. Where these persons are gainfully employed, they experience greater expenses because of extraordinary transportation costs and the necessary equipment or supplies without which they would remain unemployed. My bill extends the double personal tax exemption to the disabled.

An itemization of average disability-related expenditures is helpful in understanding the need for the double personal income tax exemption. In 1980, the Paralyzed Veterans of America conducted a survey of some catastrophically disabled persons, all of whom were permanently and totally disabled because of spinal cord injuries or dysfunctions. They reported the following average expenses that generally are not incurred by able-bodied persons. Or, if they are, they are much lower:

Adaption of residence—$5,947 (one-time).
Attendant services—$3,548 (annual).
Health care—$2,164 (annual).
Homemaker services—$1,962 (annual).
Prosthetic devices—$1,129 (annual).
Extra employment-related expenses—$912 (annual).
Therapy/counseling—$893 (annual for initial years of disability).

Each disabled person surveyed had not incurred all of the expenses listed above, and it should be noted that adaption of a residence is not an annual expense. However, let me stress that many disabled persons hire someone to perform commonplace home and personal maintenance activities for them throughout the remainder of their lives. Other studies complement the findings of PVA's survey, including one financed by the Federal Government to determine the price society pays for disabilities.

That study, "Statistical Information Pertaining to Some of the Most Commonly Asked Questions About Spinal Cord Injury," clearly showed that disability is financially devastating to the individual and to society. The study showed that the average spinal cord injured person is young and lives 25 years after the onset of the disability. At least $250,000 in productivity, as measured in personal earnings, is taken from society each time a person becomes paralyzed and does not return to gainful employment. As such, every effort should be made to encourage and assist in returning these individuals to the workplace.

In fact, my bill to provide for a double personal income tax exemption would partly achieve this goal. It would, as I mentioned, help offset the large personal expenses incurred by disabled persons. A double exemption, like that already granted to blind and aged individuals, would clearly help those who are paralyzed or have other permanent disabilities meet their extraordinary work-related expenses. The double exemption, like improved accessibility, would provide an added stimulus for reemployment.

H.R. 7074

A bill to amend section 151 of the Internal Revenue Code of 1954 to provide an additional exemption for disabled individuals who need assistance in the form of attendant care services or medical devices in order to be employed or whose disabilities are so severe that such assistance would not enable such individuals to be employed

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL PERSONAL EXEMPTION FOR DISABLED TAXPAYER OR SPOUSE

(a) ALLOWANCE OF DEDUCTION FOR DISABILITY OF TAXPAYER OR SPOUSE. Subsection (d) of section 151 of the Internal Revenue Code of 1954 (relating to deductions for personal exemptions) is amended by inserting "or disabled" after "blind" each place it occurs in paragraphs (1) and (2) of such subsection.

(b) DEFINITION OF DISABLED.—Subsection (d) of section 151 of such Code (relating to deductions for personal exemptions) is amended by adding at the end thereof the following new paragraph:

"(4) DISABILITY DEFINED.—

"(A) For purposes of this subsection, an individual is disabled only if such individual has any physical or mental impairment (other than blindness but including a hearing impairment) which—

"(i) has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death, and

"(ii) constitutes or results in a functional limitation to the empoyment of such individual.

"(B) For purposes of this paragraph—

"(i) the term 'functional limitation to employment' means a limitation sufficiently severe so as—

"(I) to require assistance (in the form of attendant care services, medical devices, equipment, or prostheses, or similar items or services as determined by the Secretary in regulations) for an individual in order for such individual to engage in employment, or

"(II) to prevent an individual from engaging in any substantial gainful activity even though such individual is receiving assistance described in subclause (I); and

"(ii) the term 'physical or mental impairment' means an impairment which results from an anatomical, physiological, or psychological abnormality which is demonstrable by medically acceptable clinical or laboratory techniques."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 151 of such Code (relating to deductions for personal exemptions) is amended by inserting in the heading of such subsection "OR OTHER DISABILITY" after "BLINDNESS".

(2) Paragraph (1)(C) of section 3402(f) of such Code (relating to withholding exemptions) is amended by striking out "(relating to the blind)" and inserting in lieu thereof "(relating to blindness or other disability)".

(d) EFFECTIVE DATES.—

(1) The amendments made by subsections (a), (b), and (c)(1) shall apply to taxable years beginning after December 31, 1982.

(2) The amendment made by subsection (c)(2) shall apply to payments of wages made after December 31, 1982.

The third bill I have introduced, H.R. 7075, would provide severely disabled individuals tax relief similar to that now granted to older Americans. That is, H.R. 7075 provides an $125,000 exclusion from capital gains taxes of the sale of a home or principal residence when a person is forced to sell his home as the result of his disability or the disability of a member of his family. Congress has seen the need for extending such an exemption to Americans who have reached age 55, and only recently reaffirmed its support for this provision by increasing the amount of the exclusion from $100,000 to $125,000.

Newly disabled persons are often forced to sell their homes for two reasons: First, the medical expenses arising from a disability can be devastating. This situation is compounded by the loss of the individual's savings and his ability to continue earning a pay check. At such times, disabled persons are often forced to sell their homes in order to pay medical expenses and/or to reduce the expenses associated with maintaining their homes. Regrettably, under existing law, a large portion of their sales gain is taken through taxation, even though they have a clear and urgent need for these funds.

Second, disabled persons often find that their existing residences are of limited use because of their need for accessible housing. These persons do not want to part with their homes, but the practical need for accessibility requires the purchases of a new residence. Again, disabled persons must bear a tax burden to which they would not be subjected if it were not for their disabilities. Many must rent apartments, where routine maintenance chores are taken care of by the apartment owner. Others seek accessible homes, though delays in locating a new home often preclude reinvestment. In both instances, disabled persons are subject to capital gains tax on the income realized from the sale of the original residence.

H.R. 7075 amends section 121 of the Internal Revenue Code to allow a homeowner to exclude from capital gains taxation the first $125,000 realized from the sale of his principal residence whenever the sale is prompted by the owner's disability or the disability of a family member. In the case of the owner's disability, this amendment would be an acceleration of the existing one-time exclusion which would be realized when the owner reached age 55. Further, the bill clearly states the conditions by which the sale of a residence is considered to be the result of the homeowner's disability or the disability of a family member.

H.R. 7075

A bill to amend the Internal Revenue Code of 1954 to provide a one-time exclusion of gain from the sale of a principal residence by a taxpayer who engages in such sale because he or a member of his family has become disabled, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO SECTION 121 TO PERMIT ONE-TIME EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE BY DISABLED INDIVIDUAL

(a) IN GENERAL.—Paragraph (1) of subsection (a) of section 121 of the Internal Revenue Code of 1954 (relating to one-time exclusion of gain from sale of principal residence by individual who has attained age 55) is amended to read as follows:

"(1) the taxpayer—

"(A) has attained age 55 before the date of such sale or exchange, or

"(B) has engaged in such sale or exchange because he (or a member of his family) has become disabled; and".

(b) SPECIAL RULES.—Subsection (d) of section 121 of such code (relating to special rules) is amended by adding at the end thereof the following new paragraphs:

"(9) SALE OR EXCHANGE BECAUSE OF DISABILITY OF TAXPAYER.—A taxpayer shall be treated as having met the conditions of subparagraph (B) of subsection (a)(1) if the sale or exchange referred to in such subparagraph is completed within the 2-year period beginning on the date the disability of the taxpayer (or the member of the taxpayer's family) was first determined by a physician (as such term is defined in the first sentence of paragraph (2) of section 8101 of title 5, United States Code), or reasonably should have been determined, to exist, unless it appears to the Secretary that such sale or exchange was entered into by the taxpayer for a reason which is unrelated to such disability.

"(10) MEMBER OF FAMILY DEFINED.—

"(A) The term 'member of the taxpayer's family' means the spouse or a child of the taxpayer if such spouse or child has as his principal place of abode the home of the taxpayer and is a member of the taxpayer's household.

"(B) The term 'child' has the meaning given it in section 151(e)(3).

"(11) DISABILITY DEFINED.—

"(A) For purposes of this section, an individual is disabled only if such individual has any physical or mental impairment (including blindness or a hearing impairment) which—

"(i) has lasted or can be expected to last for a continuous period of not less than 12 months or can be expected to result in death, and

"(ii) except in the case of a child of the taxpayer, constitutes or results in a functional limitation to the employment of such individual.

"(B) For purposes of this paragraph—

"(i) the term 'functional limitation to employment' means a limitation sufficiently severe so as—

"(I) to require assistance (in the form of attendant care services, medical devices, equipment, or prostheses, or similar items or services as determined by the Secretary in regulations) for an individual in order for such individual to engage in employment, or

"(II) to prevent an individual from engaging in any substantial gainful activity even though such individual is receiving assistance described in subclause (I); and

"(ii) the term 'physical or mental impairment' means an impairment that results from an anatomical, physiological, or psychological abnormality which is demonstrable by medically acceptable clinical or laboratory techniques."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Paragraph (1)(C) of section 121(d) of such Code (relating to special rules) is amended by striking out "the age, holding and use requirements" and inserting in lieu thereof "the age or disability and the holding and use requirements".

(2) The heading of section 121 of such Code is amended by inserting "or become disabled" after "age 55".

(3) The item relating to section 121 in the table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting "or become disabled" after "age 55".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1982.

The fourth bill, which I will soon be introducing, will amend the Internal Revenue Code to provide that reasonable expenses incurred in making a principal residence accessible be treated as a deduction from income during the year in which the expense is incurred. As many of my colleagues know, when a family member or income earner becomes disabled, the existing primary residence can be made accessible. In fact, in many cases, the family prefers to modify the home rather than purchase a new one. But, under existing law, the improvements necessary for accessibility are not tax deductible until the sale of the home, at which time there is a capital gains exclusion. The bill I will be introducing will change this section of the code and provide a family with income tax relief at the time when it is most needed.

The four bills I have described will provide both assistance and incentives to the disabled in their effort to return to work. As I mentioned, the societal costs of disability have received great attention during the past few years. The 96th Congress, in passing such legislation as the Social Security Disability Amendments of 1980, emphasized society's need for returning persons with disabilities to gainful employment. But, as the Congress considers future legislation reducing or eliminating programs assisting the disabled, I think it is important that we do not reverse our past efforts by creating disincentives to returning the disabled to the workplace. We must continue to help these individuals become self-reliant. My bills recognize the special needs of employable disabled persons. They amend the Internal Revenue Code to reflect more accurately the societal changes that have occurred and to make self-reliance a reality for the disabled. I urge my colleagues to join me in enacting the measures.●

STAND BY YOUR GUNS!

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. LAGOMARSINO. Mr. Speaker, much of the media attention on the Reagan administration decision to block sale of U.S. technology for the Soviet natural gas pipeline has focused on the harm that decision has reportedly had for American business and for our Western European allies. However, the following commentary by Marvin Stone from the September 13 edition of U.S. News and World Report offers the opinion that the President has a strong case for his action.

I urge my colleagues to give serious consideration to the merits of this argument.

[From U.S. News & World Report, Sept. 13, 1982]

STAND BY YOUR GUNS!

(By Marvin Stone)

Rarely in his 19 months in office has President Reagan been under such criticism as that brought on by his decision to get tough with American and Western European firms that are supplying vital components to the Soviets for a natural-gas pipeline.

Major U.S. newspapers have joined European critics in charging that the President made a decision harmful not only to American business interests but also to allied unity.

Is this another case of Reagan's being stubborn? Or is he being steadfast in following a course that he and many others consider to be in the interests of both Europe and the U.S.?

We think the President has a strong case for his action. The deals Reagan is trying to stop not only are supplying the Soviets with the equipment needed to build the pipeline but are doing so on easy credit terms. And when the pipeline is finished, Moscow stands to reap some 8 billion dollars a year in hard currency by supplying a Western Europe that will have become dependent on gas from Siberia. No wonder the Kremlin is gloating.

The President's position is that it doesn't make sense for Western European countries—which spend billions of dollars on NATO defenses against Russia—to hand over Western technology to Russia at cut-rate prices.

A little background: Reagan first spoke out against the pipeline at an economic summit meeting in Ottawa in July, 1981. At that time, he offered to arrange alternate supplies of energy to Western Europe if it would back off the pipeline deal. He ran into a brick wall of opposition by heads of state anxious to preserve contracts worth billions to concerns in their countries.

Last December, after the Soviets encouraged the Communist regime's harsh crackdown in Poland, the President put into effect a mild form of sanctions against Moscow. He banned American companies from selling equipment for the pipeline until the Soviets used their influence to lift martial law in Poland. The repression in Poland still goes on.

Then, at Versailles in June, Reagan thought he had made a deal with the same leaders: If they would cut back on the easy credits being given Communist countries and set up firm guidelines for sales of high-technology products to the Soviet Union, he would reconsider his attempt to block the pipeline.

But both West Germany and France soon made it clear they wouldn't go along with such a deal. It was little wonder that Reagan was both grieved and angered. His next move: He extended the ban on pipeline sales to include American subsidiaries abroad and foreign companies manufacturing under American licenses.

Then, in August, came the showdown. A French-based subsidiary of a U.S. firm—acting under orders from the French government—defied the ban and shipped pipeline equipment to Russia. Reagan promptly forbade any American company to do any business with that subsidiary or with a French firm also involved in the deal. On September 1, the sanctions were eased somewhat, but the impasse continues—with everyone looking for a way out.

What should Reagan do now? Back down, his critics say. But we agree with Senator Dan Quayle (R-Ind.) who says: "The President should not consider lifting the sanctions until the Europeans agree to a binding, long-term accord" on deals with the Communist bloc.

"First," says Quayle, "there must be no subsidization of financial credits on any future sales to the East. Second, there must be strict adherence and enforcement of the restrictions placed on the exportation of high-technology goods to the East. . . .

"Such a consensus could rejuvenate the Western Alliance, unravel the confusion about U.S. foreign-trade policy with the Soviets and quell the increasing calls from both sides of the Atlantic for protectionist measures."

President Reagan has generated a much needed debate on East-West relations that is long overdue. Some good can come of it if the President will stand by his guns.●

CHESTER COUNTY, PA., ALL-STARS

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SCHULZE. Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues an 11-girl team of the Big League Division of Girls Little League Softball, who recently worked their way to the Pennsylvania State championships.

These young women became the State champs the hard way—with zeal, team work, and the moral support of their families and communities. With each win, they found it necessary to travel to other parts of the State, but their financial resources for these trips were practically nonexistent. Whenever it seems that money problems would stand in the way of their next competition and their hopes were flagging, they managed to put together sufficient funds to go one more

round, and their perseverance ultimately paid off. Congratulations to the Chester County District 23 All-Stars for winning against the odds, and for demonstrating that there really is no better formula for success than good, old-fashioned hard work and dedication. We are proud of the accomplishments of: Joan Duffy, Malvern; Michelle Edens, Malvern; Terry Edwards, Malvern; Anne Galloway, Elverson; Mary Louise Gibney, Berwyn; Linda Lear, Paoli; Cynthia Lowry, Malvern; Jodi Moulder, Malvern; Renee Rexrode, Pottstown; Sherry Werner, Spring City; Kris Zimmerman, West Chester; Team Manager John Werner; Team Coach Don Mittica.●

EFFECT OF NEW FEDERALISM ON THE CHILDREN OF CONNECTICUT

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MOFFETT. Mr. Speaker, last Wednesday, September 8, I coordinated a forum at St. Joseph College in West Hartford, Conn., on the effect of the New Federalism on the children of my State. This event was hosted by St. Joseph College and the University of Connecticut Graduate School of Social Work Student Organization. Both schools offer distinguished curricula in the fields of child development and welfare; the willingness of St. Joseph College and the UCONN School of Social Work to present the child welfare forum reflects a spirit and commitment to Connecticut children and their families of which I am very proud. It was truly an honor to be a part of that event.

I must say that I have rarely had the opportunity to hear such eloquent and timely testimony as was presented by the forum's panel of witnesses. They represent service providers in a wide range of child and family services, from day care to public education to juvenile justice and handicapped services. Although the witnesses provide a host of different services, they all voiced a common belief: The Federal role in meeting the needs of children must be maintained in order to preserve and continue the gains made by State, local, public, and private sources of aid. The partnership is essential. As one witness stated:

It becomes clearer and clearer as one confronts the myriad of problems that families face today, that no single agency or even coalition of public and private agencies within the State, can provide all of the supports necessary to assure the health and welfare of our children.

I was joined in receiving testimony at the forum by two of my House colleagues who have demonstrated a deep and abiding commitment to the welfare of children, Representatives BARBARA KENNELLY and GEORGE MILLER. I know it is not necessary to recount to this body how very important these two Members are to the promotion of quality child care in the United States. The forum was equally as meaningful and informative to Representatives KENNELLY and MILLER, I know, as it was to me; Congressman MILLER will be going before the Rules Committee tomorrow, hearing the messages he received from the forum witnesses, in support of his proposal to establish a Select Committee on Children, Youth, and Families in the House of Representatives.

Over the next several days, I will be submitting to the RECORD the testimony presented before the forum on the effect of the New Federalism on the children of Connecticut, in the order it was received. The scope, the depth, and the clarity of the testimony demands our fullest attention—and must prompt us to take immediate action to protect the welfare of our Nation's most vulnerable population, our children.

Following are the opening statements to the forum by Congresswoman KENNELLY and myself. Congressman MILLER's statements will follow in tomorrow's RECORD. On the following consecutive days, the distinguished witness' testimony will be printed.

Statements of Hon. BARBARA KENNELLY and Hon. TOBY MOFFETT attached:

STATEMENT OF CONGRESSWOMAN BARBARA B. KENNELLY

This forum is a welcome opportunity for Congressman George Miller, Toby Moffett, and myself to discuss the impact of the new federalism on Connecticut children with individuals who are closely involved with both private sector and government programs serving children here in our state. I am very grateful to the staff of St. Joseph College and the members of the University of Connecticut Graduate School of Social Work Student Organization for co-hosting this forum, and for their sustained efforts on behalf of child and family welfare.

The Reagan Administration has many commendable goals—the development of a strong partnership between Washington and State and local governments, the encouragement of volunteer efforts to help solve America's social problems, and the preservation of a reliable "safety net" to protect those in need. I don't think any of us have any quarrel with those goals, but we are deeply concerned about the way in which the Administration proposes to achieve them.

Despite the Administration's goals, there has been a systemmatic effort to reduce or eliminate those programs which constitute an important investment in our children and their future. The Administration claims to be working to root out waste and fraud, but it has consistently targeted programs which are cost-effective, well-managed, and successful. The Administration claims to be interested in improving the relationship between federal and state and local governments, but it has proposed legislation and regulations that are more administratively onerous than what was previously in effect.

I am afraid this Administration has assumed that official indifference can serve as official policy. I am worried about the impact this seeming indifference will have on our children, and on the future we leave them. We cannot hope to maintain this country's prominence in the changing world economy without continuing our strong commitment to developing the potential of our nation's children to the fullest. The irony is that this Administration would have our children pay twice: in lost opportunities today, in higher social costs tomorrow.

It is currently difficult in the Congress to assess the impact of the Administration's budget cuts on families and to enunciate an alternative policy. The overlapping jurisdictions of the congressional committee system do not lend themselves to a comprehensive overview. Congressman George Miller, with whom it is a honor and a pleasure to be here today, is working to establish a select committee on children, youth and families to fill this need. It is an effort which I am strongly supporting.

At present, the public and the Congress must be vigilant in defending the progress we have made in reducing the infant mortality rate, in assuring equal education opportunity to handicapped children, and in providing community-based solutions to problems of the juvenile justice system. As you all know, one of the most articulate defenders of this progress has been Congressman Toby Moffett, someone who needs no introduction to those who truly care about the needs of our children.

STATEMENT OF HON. TOBY MOFFETT

I am pleased to be here at today's forum. The very setting of this event is significant to the future of child and family services in Connecticut. St. Joseph College, now celebrating its 50 year anniversary, has been a leading force in the development of comprehensive child and family services. I want to offer my sincere thanks to the staff of St. Joseph College and the University of Connecticut Graduate School of Social Work Student Organization for hosting today's forum. By providing us with this opportunity to weigh the impact of the New Federalism on Connecticut's children, St. Joseph and the UCONN School of Social Work once again display their commitment to ensuring child and family welfare.

Franklin Delano Roosevelt once said, "We have always known that heedless self-interest was bad morals. We know now that it is bad economics. I think that this statement is appropriate to the supply-side fallacy embraced by President Reagan. It has been one year since the President's economic policy became the law of the land, a policy which rewards the wealthy of our nation at the expense of the poor and the vulnerable. Children didn't vote for this game plan. They didn't have any say at all. Yet, $10 billion in children's services were sacrificed last year so that the Reagan Administration could keep the world "safe for hypocrisy." What else can one label the policy of a President who purports to be pro-family? The glue that helps keep so many families together is being destroyed—compensatory education for the disadvantaged, juvenile justice and delinquency prevention, day care services, child nutrition, health, and other programs vital to the development of the nation's children.

Who are the victims of the New Federalism? They are children. Children comprise

the majority of Americans suffering from poverty, living and partly living, in the words of T. S. Eliot. Who are the welfare "cheats" the President claims to be ridding from the system? 70 percent of them are children, the poorest of the poor.

It seems extraordinary that in this day and age American children could be wanting, but the sad reality is that it is true. One in seven children has no regular source of health care; two out of five is not fully immunized; one out of three has never been to a dentist. Our infant mortality rate is not even among the ten lowest rates in the world. 90 out of 10,000 Japanese children die before their first birthday, but 130 out of 10,000 American children do. Twice as many nonwhite American infants die during their first year of life as white infants.

Clearly, there is a genuine and huge need for comprehensive children services in this nation. But the Administration has determined that the federal government should end its partnership with state and private sources in providing these services, services with proven records of effectiveness. In many cases, the federal support is modest and may appear on paper to be an insignificant amount. But to the local service provider, those modest funds are essential. The partnership is essential. The responsibility is shared.

And what are these programs facing budget cuts or extinction? They are, by and large, exemplary, effective, and cost effective initiatives which should be expanded rather than curtailed. The supplemental food program known as WIC for nutritionally at-risk pregnant women and their children works—WIX mothers have one-third the low-birth weight babies as do similar non-WIC mothers. The Title I education program for disadvantaged children works—Title I children progress faster in their classes than do similar non-Title I pupils. Head Start for preschoolers works—Head Start children are less likely to drop out of school than their low-income counterparts, need less special educational services, and demonstrate gains in achievement scores that persist over time.

Where is the waste, fraud, and abuse in these programs? There is none. These are lean programs that save taxpayer dollars. These are wise social investments. But despite their demonstrated effectiveness, children services are now being dismantled, suddenly and drastically. How are the children of Connecticut faring under the New Federalism? That's what we have joined together today to find out.

Connecticut may be one of the highest per-capita income states in the nation. But recent Census data indicates that, since 1970, the number of children living in poverty has jumped by over 27 percent. Who will speak for these children? Today's panel of witnesses represents some of the most active defenders of child and family services in our state. I am glad to welcome the panel and am eager to hear from them on how our children are faring under the New Federalism. But first, it is my distinct pleasure and privilege to introduce my friend and colleague from California who will be chairing this forum, Congressman George Miller.

George Miller, I know, is no stranger to this assemblage. George is recognized nationwide as an outspoken advocate and leading spokesman in Congress on issues affecting child and family services. He is one of the ranking Members of the powerful House Education and Labor Committee; this 97th Congress, he was elected Chairman of the Labor Standards Subcommittee where he recently fought and won the battle against weakening our Child Labor Laws. His legislative accomplishments on behalf of the nation's children include the extension of the WIC program; the Adoption Assistance and Child Welfare Act; the Child Abuse Prevention and Treatment Act; major progressive amendments to the school lunch and rehabilitation acts; and much more. Congressman Miller is currently working on establishing in the House of Representatives a Select Committee on Children, Youth, and Families, an effort which I am actively supporting. Members of the audience, Congressman George Miller.●

THE STATE OF THE ECONOMY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. GILMAN. Mr. Speaker, as we approach the end of the 97th Congress, it is appropriate that we review the state of the economy in our 26th Congressional District during this period. We entered the year 1981 in the middle of a long term economic downturn. Nationally, the inflation rate stood at 12.3 percent and the prime interest rate stood at 21.5 percent. Savings were down sharply from levels earlier in the Carter administration. Taxes were up sharply, as was Government spending. Our economic problems were the result of long term factors in our economy: The problems of decreasing productivity, erratic monetary policy, insufficient incentives for savings and investments, high taxes, and a bloated public sector.

When the Reagan administration came into office in the beginning of 1981, it offered a bold new plan for economic recovery; but the program was designed for the long term, and there was recognition that it could not work overnight even if it was enacted speedily, which it was not. In evaluating the progress of this new policy, we must understand that it cannot be judged on the basis of its performance in bringing about an early reversal or the Carter recession—that was not promised. What that economic recover program serves to do is to try to promote a long term, stable recovery. The administration's economic recovery program featured tax and spending cuts, regulatory relief, and monetary restraint. It was designed to bring down inflation and to provide long term growth in the economy.

The factors which brought on our present recession, which we are now recovering from, were not transient factors but deep-rooted problems. Encouraging individual initiative and the private sector, as a whole, to become the engine of a strong economy, which is the main thrust of the Reagan program, is a long-term process.

What is the impact of the first year and one-third of the Reagan program. First, inflation is down sharply. This is the most beneficial aspect of the program for those on fixed incomes and for the elderly in general because they can protect themselves least from its effects. The benefits of cutting the inflation tax on the bank accounts of seniors far outweighs by nearly unimaginable proportions any reductions in Government-affected benefits that may have touched seniors. In general, for the population as a whole, after-tax income is headed sharply upward—a combination of higher real wages and lower taxes, and let us not forget the tax cut. Interest rates are headed downward and personal savings are moving upward. Peoples investments are headed out of the money markets into more directly productive investments.

Unemployment, the last of the ill effects of the recession, is still unacceptably high; nevertheless, in our own region, unemployment is down and total employment is up compared to a year ago. Add that to the very good news on inflation, interest rates, and especially taxes, I think that it is fair to conclude that a good beginning is being made. We should resist the temptation to label the residual effects of the 1980 Carter recession as a fault of the Reagan economic program.

Restoring a healthy economic climate is a complicated and long-term process and must be accomplished in the fairest, most painless way possible. Too many are suffering and struggling to make ends meet in our Nation today, and that is why I opposed those portions of the President's economic plan, which I thought were incompatible with the best interests of the people in our area of New York. This included my vote against the recently adopted tax bill to raise revenues of $98 billion over 3 years and against cuts in programs crucial to the well-being of low- to middle-income Americans.

It is important we recognize that a lot more needs to be done to bring about a full recovery. In that regard, we should thoroughly examine each new idea in this direction to improve the programs carefully and sympathetically, but we should not retreat. We are on the right road. Let us remind ourselves, when someone suggests a return to the old high taxing, high spending policies of yesterday, is not that how we got into this mess to begin with?●

HAROLD "RIC" RICHTERMAN

HON. GREGORY W. CARMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. CARMAN. Mr. Speaker, it is with great pleasure that I salute Harold "Ric" Richterman, of Syosset, N.Y., winner of this year's prestigious Ambrose M. Shotwell Award.

The award, presented each year since 1939 by the American Association of Workers for the Blind, honors individuals who have devoted themselves to helping blind people become independent through rehabilitation services.

Ric is currently director of the rehabilitation services division of National Industries for the Blind (NIB), where he assists sheltered workshops in developing vocational evaluation and prevocational training programs. He also assists them in grant writing, placement and in developing and presenting board-orientation programs. He joined NIB in 1969 following a 21-year affiliation with the Industrial Home for the Blind in Brooklyn, N.Y.

During the more than 30 years involvement in the field of blindness, Ric has served as technical consultant to the Department of Health, Education, and Welfare, and has held memberships and committee posts with AAWB, the American Foundation for the Blind, the Helen Keller National Center for Deaf/Blind Youths and Adults, and the National Rehabilitation Association.

In 1971, he received AAWB's John H. McAulay Award, presented to the individual most instrumental in the placement of blind people, and later received the association's Leadership and Service in Work for the Blind Award. The National Accreditation Council gave him its Outstanding Service Award, and he also received the New York State Association of Workers for the Blind Award in recognition of distinguished service in the rehabilitation of blind people.

A graduate of the Savage School for Physical Education and Iowa State Teachers College with a B.A. in education, Ric earned his M.A. in vocational counseling from New York University.

I am sure that all of my colleagues will join with me in congratulating Harold "Ric" Richterman on this latest milestone in his long and distinguished career devoted to serving the disabled of our country.●

NATIONAL CAPITAL BUDGET

HON. BOB EDGAR

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. EDGAR. Mr. Speaker, the subcommittee on Economic Development, of the House Committee on Public Works, began an important series of hearings on the question of developing a National Capital Budget. Chaired by Congressman JIM OBERSTAR, the subcommittee heard from Pat Choate, senior policy analyst for economics, TRW, Inc. Congressman BILL CLINGER and I coauthored H.R. 6591 to established a National Capital Budget. Mr. Choate's statement which follows should be helpful to all Members of the House in carefully considering this important issue. The statement follows:

TESTIMONY OF PAT CHOATE, SENIOR POLICY ANALYST FOR ECONOMICS, TRW INC., BEFORE THE SUBCOMMITTEE ON ECONOMIC DEVELOPMENT OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, THE HOUSE OF REPRESENTATIVES, THE NINETY-SEVENTH CONGRESS, WASHINGTON, D.C., SEPT. 14, 1982

Mr. Chairman and Members, it is a privilege to testify before the Subcommittee on Economic Development on a topic of vital importance to our nation—the rebuilding of America's public works.

Between last fall when I last appeared here and today, the issue of deteriorating public works has moved to the forefront of national attention. There is a growing awareness that the economic renewal of our nation is heavily dependent on rebuilding the basic public facilities that underpin the economy. There is also a growing awareness that the quality of life of all citizens is now threatened because of public works decline.

In significant measure, this expanded public awareness is due to the work of this Subcommittee under the leadership of Mr. Oberstar, the Wednesday Group's work under the leadership of Mr. Clinger, and the Northeast-Midwest Congressional Coalition's work under the leadership of Mr. Edgar.

I am particularly pleased to testify today on an important piece of legislation: namely, the Federal Capital Investment Budget Act of 1982 (H.R. 6591) which would create a national capital budget and an assessment of the nation's public facilities. This legislation is critically important because it would create the basic planning and management tools America lacks, but needs, to rebuild its deteriorating public facilities.

INADEQUATE PLANNING AND MANAGEMENT TOOLS

As hearings of this Subcommittee have documented, the problem of decaying public facilities is extensive. It is also national in scope: deteriorating facilities are found in all parts of America—North, South, East, West, rural, urban, and suburban.

While there is growing awareness, perhaps even a national consensus, that America's basic public facilities are wearing out and that new actions will be required, the federal government lacks the basic planning and management tools needed to confront the challenge.

Specifically, annual federal public works expenditures are made in the absence of even the most basic information and policies—the United States has no inventory of its public facilities; there is no assessment of the condition of existing facilities; there are few standards for the services to be provided by public facilities; there are no investment strategies or investment priorities; there is no uniform estimate of future investment requisites; there is no basic agreement between the federal, state and local governments on the allocation of public works authorities and responsibilities for the financing, construction and operation of specific types of projects; and there is virtually no federal oversight over those federal public works expenditures that are made.

These management weaknesses are important because the federal government is the dominant force in America's public facilities: half of all public works expenditures originate with the federal government, and federal regulations and matching requirements largely define the use of the other fifty percent financed by state and local governments.

The principal capital budgeting tool the federal government uses is "Special Analysis D of the Budget of the United States Government." Yet, the General Accounting Office in its report to the Congress, "Federal Capital Budgeting: A Collection of Haphazard Practices," concludes that this tool is ineffective for overall capital analysis. It presents outlays and is compiled after agency officials make their budget decisions. As such, it is not designed or used as a management tool or resource from which policymakers can infer or analyze federal capital investment policies or practices. The GAO notes that "Special Analysis D" is deficient in five basic ways:

Off-budget activities are excluded—such as the U.S. Postal Service;

It does not accurately portray the magnitude of capital investment activity since outlays from one category are netted against receipts from the same category. Gross figures are not presented.

Not all capital stock is represented since the analysis covers only three fiscal years. GAO notes that three years is far too short a time span to accurately account for additions to capital assets or their depreciation and disposal.

There is no consistent definition of physical capital; thus, individual federal agencies define physical capital they choose. GAO reports that in one agency the same item may be considered as capital and in another as a current item. For example, GAO reported that the General Services Administration considers capital investment as all new construction, alterations, and major repairs except for one-to-one replacements and equipment. Yet, the Corps of Engineers defines capital as basically the construction of water projects—new construction.

Finally, the GAO reports that Special Analysis D has a very unfocused and misleading categorization system. Specifically, outlays are classified as being that type of activity (capital or current outlay) in which the majority of funds in an overall program is used. Thus, if 51 percent of a discretionary program, such as the Community Development Block Grant program of HUD, is used for operating expenses, then the entire program is classified as a current expenditure even though several billion dollars of the program go for capital items. Clearly such classification practices seriously distort what is and is not being expended on capital items.

The limitations of Special Analysis D are important and significant because as the GAO notes, "except for this special analysis, the federal government does not practice capital budgeting in a comprehensive way."

Because of the inadequacy of present federal public works practices, important and unwanted policy and administrative side-effects are created.

First, no overall view is taken of the nation's public works needs, the role of the respective levels of government in meeting these needs, or how individual federal investments relate to each other or to any long term strategy.

Second, in the absence of clearly documented needs and well articulated priorities, mis-priorities are created in the nation's public works expenditures.

Third, the short term is favored over the long term. However, many of the nation's most important public works challenges, such as rebuilding the Interstate Highway System and assuring adequate supplies of clean water will take a decade or more to finance and complete.

Fourth, in the absence of a coherent national public works investment strategy, which identifies investment needs and how to meet them, aggregate public infrastructure investment requisites cannot be systematically and thoughtfully considered against aggregate social and defense investment requirements—two areas which do have consolidated budgets and long term investment estimates. Moreover, as public facility investments were ignored and deferred in the 1960s and the 1970s in order that the limited public funds could be used to finance a growing menu of social expenditures, similarly public works investments will likely be ignored and deferred in the 1980s because of rising defense expenditures—particularly if these public facility needs are not clearly and systematically specified.

Finally, disordered federal public works practices create major obstacles to effective management of state and local public works activities. Since the federal financing dominates state and local public works activities, the federal government's short term focus, start and stop financing, and bias to new construction over rehabilitation, operation and maintenance expenditures makes coherent state and local policymaking and program administration almost impossible.

NEW PLANNING AND MANAGEMENT TOOLS

Difficult and important choices on public works must be made. These choices will profoundly influence the national economy, local economies and the quality of life of virtually all Americans. The principal barrier to making such choices in a considered manner is: (a) the absence of reliable information; and (b) the absence of a framework for the legislative and administrative decisions that must be made.

The creation of a systematic capital budgeting process—by creation of a comprehensive Special Analysis of Federal Capital Expenditures and a formal National Capital Budget—can provide such a framework. Such a framework is needed to permit the explicit and systematic consideration of:

1. The aggregate requirements for domestic non-defense public works investments in comparison to other claims such as social programs.

2. The relationship of public works investments to social, economic development and national defense objectives.

3. The impacts of government regulatory actions on public works investments and operations.

4. The consequences of allocations of the limited public works funds as between new construction, rehabilitation of existing facilities and operation and maintenance.

5. The social and equity issues associated with the distribution of public works funds among and between the various regions.

6. The consequences of varying allocations of public works responsibilities between the federal, state and local governments.

7. The sources, consequences and alternative financing sources for public works projects and their operation.

8. The use of annual public works expenditures as a countercyclical device of economic policy.

A special analysis of capital expenditures

The first step in fostering an improved capital budgeting process is the creation of a comprehensive special capital analysis in the annual Budget of the United States Government. This special analysis would provide the basic information for public works decisions by both the Executive and Legislative Branches.

Accordingly, to be most useful this special analysis would ideally chronicle the following:

(a) An estimate of aggregate capital investments (construction and rehabilitation) required to provide specific levels of specific public works services over several discrete periods of time such as one, five and ten years.

(b) An estimate of aggregate operation and maintenance investment requirements.

(c) The identification of sources of financing.

(d) Identify Federal public works investment priorities.

(f) Identify how the proposed annual capital expenditures contained in the proposed budget would relate to the nation's longer term needs and the federal government's longer term public works investment strategies.

Initially, the special analysis might include only domestic civil works and exclude defense facilities and equipment. (Attachment 1).

If a Special Analysis is to be created, better information is required including:

(a) A uniform national set of standards of service to measure the specific level of service provided by specific types of public works facilities, such as roads, sewer systems and water treatment systems;

(b) An inventory of the nation's public facilities;

(c) An assessment of the physical condition of these public facilities;

(d) An assessment of the levels of service being produced by these facilities;

(e) An estimate of the costs, over discrete periods of time, to continue specific present, higher and lower levels of service;

(f) A public works evaluation system that can be used for oversight of federal public works activities by the Executive and Congressional Branches;

The Federal Capital Investment Budget Act of 1982 would meet virtually all of these needs. Equally important, this Act appropriately places responsibility for the preparation of this information in the premier data and information agency of the Federal Government: the Department of Commerce.

A capital budget

While there can be many interpretations of what a capital budget is, ultimately it is merely the resultant of the capital budgeting process—documenting proposed actions of final decisions.

The capital budget can be created in a variety of ways. The most direct and most efficient way would be for the Office of Management and Budget, as the central budget office, to distinguish in the Annual Budget of the United States by functional category, agency and program between capital and operational authorities, outlays, deficits, surpluses, and revenues. This will permit the President and the Congress to view federal capital expenditures in terms of:

(a) Aggregate capital investments;

(b) Aggregate investments in specific types of public works projects such as bridges or highways or sewer treatment systems;

(c) Aggregate investments in specific types of public works activities such as new construction, rehabilitation, repair, maintenance and operations; and

(d) Agency investments by types of public works projects and by related activities—new construction, rehabilitation, repair, maintenance and operation.

At the same time, it would be useful for the Executive Branch to, where possible, identify sources of financing—general funds, trust funds, or other means.

A federal capital budget can be created within the context of the unified budget, much as the credit budget operates within the context of the unified budget. To move beyond the short-term, annual focus of present practices, long term projections, such as up to 10 years, ideally would be prepared on anticipated capital and related operational expenditures.

The capital budget can be displayed in a variety of means, including as a part of the existing budget or, as several states such as Pennsylvania do, as a distinct document.

A national capital budget can be built on the existing budget process without a more sweeping reform and improvement in federal budgeting processes. Most important, federal capital investments can be better planned and managed without making *any* structural changes or consolidations in existing Federal agencies or Congressional Committees.

The Federal Capital Investment Budget Act of 1982 offers a pragmatic route to creating these badly needed new planning and management tools for the federal government's public works investments.

CONCLUSION

A primary cause of the decline of America's public facilities is the disordered public works policies, institutions and programs of the federal government. This disorder must be corrected. The most fundamental step in bringing long term direction and coherence to the nation's public works activities is to create a new Special Capital Analysis in the Annual Budget of the Federal Government and a National Capital Budget.

The creation of this special analysis will facilitate the preparation of better information, and provide a framework for the consideration of the many difficult financial and federalist choices that must be made. The capital budget will be the resultant of the larger process of making these choices.

Both the special analysis and the capital budget can be created without a reassignment of authorities in either the Executive or Legislative Branches and without a major reform of existing budgeting processes. The Federal Capital Investment Budget Act of 1982 (H.R. 6591) would create both these pragmatic planning and management tools. These tools are badly needed if America is to rebuild its basic public works.

Thank you for the opportunity to testify before this Committee.

ATTACHMENT 1—SELECTED DOMESTIC PUBLIC FACILITIES

Education facilities: 1. Public Schools; 2. Public Libraries.

Energy Facilities: 1. Direct Generation; 2. Suppliers.

Fire Safety: 1. Facilities; 2. Equipment.

Health: 1. Clinics and Hospitals; 2. Emergency Vehicles; 3. Specialized Equipment.

Justice: 1. Law Enforcement Facilities; 2. Jails and Prisons.

Recreation: 1. Facilities.

Solid Waste: 1. Collection Facilities and Equipment; 2. Disposal Facilities and Equipment.

Telecommunications: 1. Radio/Television Facilities; 2. Disaster Preparedness Facilities and Equipment.

Telecommunications; 1. Radio/Television Facilities; 2. Disaster Preparedness Facilities and Equipment.

Transportaion; 1. Highways, Roads, Bridges and Related Facilities; 2. Rail Facilities and Equipment; 3. Port, River and Inland Water Facilities and Equipment; 4. Airport Facilities and Equipment; 5. Pipeline Facilities.

Water Supply: 1. Water Storage Facilities; 2. Water Transport Facilities; 3. Water Treatment and Distribution Facilities.●

DISSOLUTION OF THE MOSCOW HELSINKI GROUP

HON. MILLICENT FENWICK

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mrs. FENWICK. Mr. Speaker, at a news conference on September 8 in Moscow, the dissolution of the Moscow Helsinki Group was announced by Elena Bonner, wife of banished Nobel Prize winner Andrei Sakharov. This is a dismaying development. As one of the original Commissioners of the U.S. Commission on Security and Cooperation in Europe, the government body charged with monitoring compliance with the human rights provisions of the 1975 Helsinki Final Act. I have followed closely the work of the courageous Moscow Helsinki monitors since the group was formed in May 1976. That the group found it necessary to disband "under pressure from the authorities" is a matter of profound regret and one which bodes ill for the future of security and cooperation in Europe.

The Moscow Helsinki Monitoring Group, along with several other Soviet Helsinki Groups that were subsequently formed, established the goal of monitoring compliance with the human rights provisions of the Helsinki Final Act in the Soviet Union. Their right to undertake such actions is endorsed in Principle VII, respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, where the participating states "confirm the right of the individual to know and act upon his rights in this field." As most of my colleagues are aware, only a brief time after the formation of the group, the Helsinki Monitors were themselves made the victims of the repressions that they had begun to highlight and oppose.

One of those victims is Tatiana Osipova, a computer specialist. This 29-year-old mother was sentenced on April 2, 1981, to 5 years in a general regimen camp and 5 years of internal exile for "anti-Soviet agitation and propaganda."

Osipova became a member of the Moscow Group in November 1977. In 1977 and 1978, she co-authored two "samizdat" articles on political repression in the U.S.S.R. with fellow group member, Viktor Nekipelov. Her husband, Ivan Kovalev, is a member of the Moscow Group as well. She has been the subject of KGB harassment and searches during her years as a human rights activist. In March 1979, she was forced to leave her position as a computer programer at the Moscow Oblast Pedagogical Institute.

Mr. Speaker, although the formal work of the Moscow Helsinki Group has been suspended, I am convinced that the long, difficult struggle for basic human rights will continue. Most of its members, nearly all of whom are now imprisoned or exiled, were aware when they committed themselves to their task that they faced an uphill battle involving much pain and suffering.

It is imperative that we, in this Congress, make clear to the authorities of the Soviet Union that the free world will not soon forget the sacrifices of the Helsinki Monitors—whose only offense was a commitment to Helsinki ideals.●

NATIONAL STRATEGIC MATERIALS AND MINERALS ASSESSMENT PROGRAM

HON. RAY KOGOVSEK

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. KOGOVSEK. Mr. Speaker, I am pleased to have introduced on September 9, 1982, H.R. 7084, legislation to establish a national strategic materials and minerals assessmant program for the United States. This legislation has been greatly needed by our country for some time, and the demand for this type of program is growing on a daily basis. Article after article has appeared in the press in regard to the country's concern about the availability of strategic materials and minerals resources. Yet, the Federal Government continues to operate under a system of "reacting to crisis," rather than "advanced planning" in order to avoid such crisis.

Several pieces of legislation have been introduced during the 96th and 97th Congress, which raise concern about the continued availability of our natural resources for national security, industrial base, and economic security purposes of the United States. The legislation I am referring to, in most cases, removes certain areas of the country from mineral exploration and development. This, in and of itself, is not bad, because we must take measures which will protect our resources. However, although such legislation states that, "resource assessments shall continue," there is no mechanism in the law that will allow such work to be done. In fact, not only has this country relaxed its efforts to locate and classify its essential resources, in many instances, such efforts have been obstructed by the same hands that have called for its initiative.

Yet, in all the legislation that is being passed in Congress, very few proposals call for the expansion of knowledge and research to determine exactly what this country has for natural resources. We know our resources are vast. We also know that the United States holds strategic and essential resources. However, we have little idea about where it is, or how much we have. This traditionally has been left to the hands of private entities, and is often restricted as proprietary information. However, even this will no longer be available in many instances. Thus, when Congress acts in the future, we will be acting as an uninformed body. Furthermore, when a crisis comes about, and our national security, industrial base, or economic well-being is in jeopardy, Congress reaction, as an uninformed body, will have the propensity to adversely impact those measures we have enacted over the past 10 years to protect our natural resources. To make my point clear, imagine Congress reaction to a situation in which the United States was in battle, we have a critical shortfall of a strategic mineral, and it was known only that the resource might be somewhere within a 100-mile radius of Rocky Mountain National Park. I am sure you can imagine what would happen to the park.

Mr. Speaker, this type of situation does not have to occur, and Congress should no longer have to make uninformed decisions. We have only to use the tools and mechanisms that are already in existence. One of those tools is the Department of Energy facility at Grand Junction, Colo. The mechanism is the legislation I have introduced.

My bill proposes to transfer the uranium resource assessment program, including the Grand Junction facility and personnel, from the Department of Energy to the Department of the Interior. Furthermore, it would expand the URA program to also in-

clude essential materials and minerals as determined by the Federal Emergency Management Agency. Additionally, it will direct the Secretary of the Interior to:

First, develop an indepth evaluation of domestic and international strategic minerals and materials resources supply and demand.

Second, implement a specific program to coordinate ongoing efforts of minerals and materials assessment for this country.

Third, establish a managerial framework for continued assessments of strategic materials and minerals supply.

Fourth, establish an early warning system to notify the President and Congress of potential strategic materials and minerals shortfalls.

Fifth, provide recommendations to the President and Congress, including stockpiling and conservation, to offset potential shortfalls.

Protections are provided in the legislation to insure that laws such as the Wilderness Act, the Forest Management Act, and the Federal Land Policy and Management Act are not conflicted by this proposal. Furthermore, my bill is not a mechanism to start opening up withdrawn areas to development. It only provides a mechanism to determine what resources we have on the public lands and where they are.

Mr. Speaker, I strongly urge my colleagues to join me in enacting this very important piece of legislation, and establish a program to decrease the vulnerability of our national security, economic well-being, and industrial base in America.

The bill follows:

H.R. 7084

A bill to provide for the establishment of a National Strategic Materials and Minerals Coordination Program, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "National Strategic Materials and Minerals Assessment Act of 1982".

(b) The Congress finds that the United States lacks known domestic resources from which to produce, in necessary quantities, certain materials and minerals essential to its national security, industrial base, and economic well being. The Congress therefore declares that it is in the National interest to:

(1) Develop an in-depth evaluation of domestic and international strategic materials and minerals resources supply and demand.

(2) Implement a specific program to coordinate ongoing efforts of strategic materials and minerals assessment for this country.

(3) Establish a managerial framework for continued assessments of strategic materials and minerals supply.

(4) Take positive action that will promote our national security, help ensure a healthy and vigorous economy, create American jobs, decrease the Nation's strategic minerals and materials vulnerability, and protect our natural resources and environment.

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "Secretary" means the Secretary of the Interior; and

(2) "strategic materials and minerals" means those natural resources essential to the security, industrial base, and economic well-being of the United States, as determined by the Federal Emergency Management Agency.

TRANSFER OF JURISDICTION

SEC. 3. All programs, functions, responsibilities and personnel of the Uranium Resource Assessment Program, as established under the authority of the Department of Energy, shall be transferred to the Department of the Interior. Such transfer shall include the Grand Junction Facility, Grand Junction, Colorado, and all operating funds remaining in the Uranium Resource Assessment Program on the date of enactment of this Act.

MINERALS AND MATERIALS ASSESSMENT

SEC. 4. (a) The Secretary shall establish a National Strategic Minerals and Materials Assessment Program within the Department of the Interior, for purposes of carrying out the provisions and goals of this Act. Such program shall utilize the management framework and personnel of the Uranium Resource Assessment Program.

(b) The duties and functions of the Secretary under this Act shall include, but not be limited to, activities which—

(1) monitor, evaluate, and coordinate on a continuing basis the programs and activities of the Federal Government so as to carry out the provisions of this Act;

(2) identify and classify the Nation's areas of potential strategic material and mineral deposits on the public lands;

(3) identify policy conflicts with respect to resource management and strategic materials and minerals supply;

(4) establish periodic reviews of strategic materials and minerals issues including resource assessment, supply and demand, stockpiling, and conservation; and

(5) establish an Early Warning System which will monitor the conditions of supplies and demands for strategic materials and minerals. Such Early Warning System shall be designed to notify the President and the Congress of strategic material and mineral shortfalls in a timely manner, and to provide recommendations to alleviate such shortfalls.

PUBLIC LANDS

SEC. 5. (a) The Secretary shall conduct continuing strategic materials and minerals assessments of the public lands in such a manner that will not be injurious to fish and wildlife, water sheds, cultural resources, habitat, or other resources of the public lands.

(b) Nothing in this Act shall be construed to amend, repeal, or modify any provision of the Wilderness Act (16 U.S.C. 1131 et seq.) or the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.), except as provided in this subsection:

(1) The Secretary may initiate strategic materials and minerals assessments on public lands withdrawn from mineral entry to the extent that such assessments can be accomplished with minimal surface disturbance.

(2) Any materials and minerals assessment on the public lands shall occur with the consultation and cooperation of the agency having management jurisdiction over such lands and resources.●

VOTE "NO" ON THE EXTRADITION ACT, H.R. 6046

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MOFFETT. Mr. Speaker, I am very disturbed that H.R. 6046, the Extradition Act of 1982, may soon be coming up for a vote on the House floor.

This legislation is intended to improve our ability to crack down on international terrorism. This is certainly a laudable goal, and one which I strongly support. However, H.R. 6046 has not received the careful consideration and analysis which should be demanded of such a wide-ranging proposal. As a result, the bill contains serious flaws which would undermine both the rights of Americans and our efforts to promote democracy and human rights abroad.

This legislation would eliminate the "political crimes defense" in extradition cases, if the defendant is charged with a crime of violence or conspiracy to commit violence. Thus, a contrived charge by a foreign government could secure extradition of a political refugee residing in this country. The legislation grants the State Department sole authority to deny an extradition request, if it determines that the request is politically motivated.

These proposed changes could lead to the imprisonment, torture and murder of many Filipinos, Salvadorans, and others who have fled repressive regimes and sought refuge in the United States. For example, Benigno Aquino, a leading opponent of the Marcos regime in the Philippines and an associate at Harvard University's School of International Affairs, is one of over a dozen political refugees which the Marcos regime wants extradited. He has been charged with planning bombings in the Philippines, although the evidence against him is far from convincing. By stripping the courts of their power to prevent the extradition of political refugees, Aquino and others could become geopolitical pawns of the State Department.

Given the administration's record of certifying human rights progress in El Salvador, when exactly the opposite is true, and lauding democracy in the repressive regimes of the Philippines and Chile, the State Department simply cannot be trusted to make objective determinations on extradition cases. Narrow and sometimes questionable political considerations could take precedence over the lives of men and women who have fled persecution.

I am equally concerned that H.R. 6046 may violate our country's constitutional principles. By placing a legal

matter which belongs in an impartial judicial system into the highly politicized executive branch, this bill violates our system of checks and balances. Further, the bill allows the detention of both foreign residents and U.S. citizens without charges, at the request of a foreign government.

We need to step up our efforts to fight terrorism. But it is not necessary for us to take police-state measures. Nor is it necessary for us to aid foreign dictatorships in persecuting those who seek to promote democracy and human rights in their native lands. H.R. 6046 could yield both of these results.

The changes sought by H.R. 6046 need a great deal more study. Further, we must receive assurances that civil liberties and human rights will not be sacrificed in the name of fighting international terrorism. I intend to oppose H.R. 6046 in its present form, and I strongly urge my colleagues to do the same.●

PROBLEM PARENTS AND PROBLEM ABORTIONISTS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. HYDE. Mr. Speaker, one of my favorite columnists, John Lofton, has written a typically interesting column in the August 30, 1982, Washington Times.

He discusses, with insight and candor, the anomaly of Planned Parenthood's claim to involve parents with adolescents who consult them and their legal efforts to bar parents from prior information about abortions for minors. I urge my colleagues to carefully read the following column:

THIS KIND OF SILENCE IS FAR FROM GOLDEN

(By John Lofton)

On Wednesday, the day after tomorrow, in Indiana, a state law was to go into effect which would have required that parents be notified at least 24 hours before an abortion is performed on their minor daughter. But, Planned Parenthood is seeking a preliminary injunction to stop this law from being enforced because it "unduly burdens the right of minors to freely make and effectuate a decision to terminate pregnancy—a fundamental right of privacy."

Now, the first thing this legal action does is make a liar out of this organization's chief lawyer. On the CBS television program "Up To The Minute" several months ago, Harriet Pilpel, general counsel of the Planned Parenthood Federation of America, declared flatly: "Every Planned Parenthood affiliate I know makes every effort to involve the parents with any adolescent who consults them."

But, in fact, this is obviously not true. What the Planned Parenthood people in Indiana are attempting to do is deny parents any legal right to know if their minor child is about to get an abortion.

The second thing the lawsuit in question does is to allude to a right that simply does not exist: the absolute right of a minor to privacy. When I asked Ann McFarren, executive director of Planned Parenthood Associates of Northwest Indiana where such an absolute right comes from, she replied:

"It's our interpretation that this is the statement of the Supreme Court and it is one of the things we're seeking to get clarification on that still hasn't been clearly delineated."

Me: But your suit clearly implies that an absolute right of privacy already exists for minors. When has the Supreme Court ever so ruled?

McFarren: "Well, it hasn't excluded this either. And this is one of the things our suit will help clarify."

This is, of course, double-talk. What the Indiana Planned Parenthood groups are trying to do is not *clarify* any absolute right of privacy for minors, but *create* such a right.

Noting that their suit makes no distinction among minors, I ask: Are you really serious when you say that parents have no legal right to know, in advance, if their 10-, 11-, or 12-year-old daughter is about to get an abortion?

McFarren: (Pause) "I guess I'm feeling you're pushing for absolutes and if I had to go absolute one way or the other I suppose I would be pushed into that position yes."

McFarren says that the difference between us is that I seem to be able to "very easily" distinguish what ought to be absolute whereas she views the world as "a little more complex than that." She adds that while parental involvement is preferable in "most situations," there are times when such involvement is "detrimental" to both parents and "the patient" (this is what Planned Parenthood people call 10-, 11- or 12-year-old girls).

But, McFarren *is* an absolutist. When it comes to the legal right of parents to know if their minor daughter is about to get an abortion, she is absolutely against any such right for any parents. Period.

Now, I don't doubt for a minute that if some parents did know, in advance that their minor daughter was about to get an abortion this would complicate the situation. But even so, in my judgment, all parents of all minors should still have this right. After all, what is at stake here is simply prior notification, not parental permission.

The fascinating thing is that the Ann McFarrens of the world can see the possibility of problem parents, but they never seem to consider the possibility of problem abortionists. And they do exist. A series of articles in the Chicago Sun-Times in 1978, titled "The Abortion Profiteers," revealed the following about Windy City clinics:

Dozens of abortion procedures were performed on women who were not pregnant;

An alarming number of women suffered such severe internal damage that all their reproductive organs had to be removed;

Some doctors performed abortions in only two minutes not even waiting for the anesthetic to take effect;

Some counselors were paid not to counsel but to sell abortions with sophisticated pitches and deceptive promises; and

Some referral services, for a fee, sent women to a disreputable Detroit abortionist whose dog, to one couple's horror, accompanied a nurse into the operating room and lapped blood from the floor.

It is into this potentially monstrous maelstrom that the Planned Parenthood crew would hurl our minor daughters without even letting us know.

What the Planned Parenthood mindset represents is a throwback to the Dark and Middle Age concept of children as "miniature adults"—a dangerously naive notion written about in horrifying detail in a new book "The Disappearance of Childhood" (Delacorte Press) by Neil Postman, professor of media ecology at New York University. Says Postman:

"The liberal tradition (or as the Moral Majority contemptuously calls it, secular humanism) has had pitifully little to offer in this matter. For example, in opposing economic boycotts of TV sponsors, civil libertarians have taken the curious position that it is better to have Procter & Gamble's moral standards control television's content than Queen Victoria's. In any case to the extent that a political philosophy can influence cultural change, the liberal tradition has tended to encourage the decline of childhood by its generous acceptance of all that is modern and a corresponding hostility to anything that tries to 'turn back the clock.' But in some respects the clock is wrong, and the Moral Majority may serve as a reminder of a world that was once hospitable to children and felt deeply responsible for what they might become."

To those of you who might say you don't care what Planned Parenthood is trying to do I would say: you ought to because you are paying for their unceasing efforts to destroy the American family. During the past five years, the Planned Parenthood Federation, at the international level, has had its snouth thrust deeply into the public trough to the tune of $49.9 million worth of your hard-earned federal tax dollars and mine. To finance its 188 U.S. affiliates, Planned Parenthood has gotten $248.3 million in federal tax dollars.

You'd think that with this kind of support from so many parents the folks at Planned Parenthood would allow parents to plan something.●

WORLD PRAISES PRESIDENT'S FOREIGN POLICY INITIATIVES

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BROOMFIELD. Mr. Speaker, President Reagan's recent initiatives in the Middle East and elsewhere have captured headlines around the world and won new respect for American foreign policy among our allies and adversaries.

A recent article by the Christian Science Monitor's distinguished correspondent Joseph C. Harsch praised the efforts of the President and his new Secretary of State George Shultz as "rational, coherent, orthodox—and professional."

Headlined, "From Peking to Palestine, Reagan's Policies Gain Applause," Mr. Harsch singles out the Middle East peace initiative as the centerpiece of the administration's new foreign policy efforts. He said:

It was the smooth professionalism of the new Middle East initiative that most im-

pressed, and surprised, the diplomatic world.

Clearly something new has been added to the foreign policy operation in Washington—that something, presumably, being the quiet, common-sense approach of the new Secretary of State, George Shultz.

Mr. Speaker, I commend the following full text of this excellent assessment of U.S. diplomacy to anyone concerned about the course of U.S. foreign policy.

FROM PEKING TO PALESTINE, REAGAN'S POLICIES GAIN APPLAUSE

(By Joseph C. Harsch)

President Ronald Reagan of the United States is doing well with his "new start" toward peace in the Middle East.

It was denounced in Moscow as being "pro-Israel" and by Israeli Prime Minister Menachem Begin in Tel Aviv as being "anti-Israel." It was welcomed by the opposition Labor Party in Israel and has been given a mixed but generally favorable reception by the Jewish community in the US.

It was treated as an interesting basis for fresh thinking among the moderate Arab countries—particularly by Jordan, Saudi Arabia, and Egypt. And even the more radical Arab leaders at the summit in Fez, Morocco, carefully refrained from rejecting it.

In the allied capitals of Western Europe, diplomats and politicians looked up in startled approval—and not only at the "new start" for the Middle East, which they recognized as being a well-tailored, well-balanced, and professionally launched operation.

They also noted with equal approval that President Reagan was backing away from his efforts to block the Siberian gas pipeline, and had also succeeded in getting his relations with mainland China back on the road opened up by Richard Nixon and traveled by Gerald Ford and Jimmy Carter.

It almost seemed over the past week that Washington foreign policy had suddenly become rational, coherent, orthodox—and professional.

It was the smooth professionalism of the new Middle East initiative that most impressed, and surprised, the diplomatic world. Clearly something new has been added to the foreign policy operation in Washington—that something presumably being the quiet, common-sense approach of the new secretary of state, George Shultz.

The story of how it was done began to surface during the past week. Here are some of the things that came out.

The details of the American position which the President set forth in his speech of September 1 had been worked out after consultations with Arab leaders in the Middle East, with opposition party leaders in Israel, with leaders of the American Jewish community at home, and with the chief foreign policy experts of previous administrations. These included Henry Kissinger from Nixon-Ford days, and Zbigniew Brzezinski and Mr. Carter himself from the Carter era.

One result was that when the President spoke, a great deal of support had already been arranged, and came into view. Mr. Carter was in print the following day approving what the President proposed and contradicting the Begin contention that the "new start" was a departure from Camp David. On the contrary, said Mr. Carter, who was there, it accorded in every detail with the letter and intent of Camp David.

The disapproval of Moscow was, of course, not prearranged in Washington. But it was a welcome though unintentional assist. To have Moscow call the President's program "pro-Israel" helped to neutralize the Begin contention that it was unfriendly to Israel.

The planning included a surprise for Mr. Begin. A letter, giving details, went to him on August 31. He was reported to be furious at not having had previous warning and not having been "consulted." The reproach fell on deaf ears at the White House, which remembers painfully that Mr. Begin invaded deep into Lebanon without consulting Washington and continued the bombing of west Beirut well after the President had said publicly that he wanted the bombing stopped and that he had "lost patience."

Besides, said White House officials, if Mr. Begin is told of such moves in advance, he is liable to "leak" the facts and launch his own counter-propaganda operation before Washington gets moving. Mr. Begin in this case was surprised. There was the expected "leak" from his offices. His spokesman claimed that Camp David had been betrayed.

But the White House moved the Reagan speech up by one day. The President's proposals got the top headlines. Mr. Begin's objections came second. And, ever since, news of support for or interest in the President's plan has been keeping pace with Mr. Begin's attack on it. The Reagan White House is learning how to play the public relations game against Mr. Begin, a past master in this department.

What prospects for progress along the lines the President has now proposed?

Mr. Begin obviously has not the slightest intention of giving up his own plan, which calls for Israel in effect annexing all of the "occupied territories."

The Arabs under Mr. Begin's plan would end up in a condition much like that of the blacks in South Africa when squeezed into "tribal homelands." The Arabs would have local control over their own fragmented communities but no true "self-determination."

This is the exact opposite of the intention of Camp David and of the new Reagan proposals.

Which concept will prevail?

Mr. Begin has the armed forces to hold control over the area. So long as he is prime minister, he will presumably keep a tight grip on all the occupied territories. And the White House has specifically renounced the idea of putting "pressure" on him by withholding weapons and aid.

But does that literally mean no pressure?

Once before Washington wanted a military withdrawal by Isreal. That was at the end of the 1956 Suez "crisis." Israeli troops occupied the entire Sinai Peninsula. President Eisenhower wanted them back behind their prewar lines.

Mr. Eisenhower did not apply overt "pressure." He did not cancel existing deliveries. He just refused to talk to any Israeli government official about such things as oil—until they pulled their troops back out of Sinai. They did.

In this case, Mr. Begin faces an immediate challenge in the Knesset. The cost of his invasion of Lebanon has been heavy. Israel will be wanting replacements for lost equipment and funds to keep its economy going. Mr. Reagan can afford to let time work inside the political fabric of Israel.

He is offering Israel a new chance to get peace with its Arab neighbors in exchange for territory. The urge for peace may grow inside Israel and among Israel's American supporters to the point where Mr. Begin will either give in or be replaced by a new leadership in Israel. Polls within Israel suggest this is already happening.

Meanwhile, Mr. Reagan has walked back from his hard-line stand on the pipeline affair. And the presence of Richard Nixon in Peking this past week testifies to the fact that U.S.-China relations are back on track after the Taiwan detour of last year.●

SOCIETY OF PLASTICS ENGINEERS ANNIVERSARY; FRANK S. MARRA HONORED

HON. JIM DUNN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DUNN. Mr. Speaker, I would like to take this opportunity to congratulate the Society of Plastics Engineers, a group founded in Michigan and about to celebrate its 40th anniversary on September 21. I would also like to recognize and congratulate Frank S. Marra of Bloomfield Hills, Mich., who will be honored as the SPE Detroit chapter's 1982 outstanding member during the anniversary celebration.

Now headquartered in Brookfield Center, Conn., the SPE was founded in 1942 by the late Fred O. Conley during a meeting at Tam-O-Shanter Country Club in Orchard Lake, Mich. What started as an organization of 132 members has grown through the past 40 years into a worldwide association with 84 chapters and close to 25,000 members.

The SPE represents the engineering side of the plastics industry, with "plastics" being one of the most important and growing industries in the United States. The SPE and its members have worked closely with the automotive industry in weight reduction programs to aid the energy conservation programs of the U.S. Government. Robert D. Forger, the executive director of SPE, and Thomas W. Haas, SPE's 1982–83 president, will both discuss the history and future of the SPE at its 40th anniversary celebration, to be held at Tam-O-Shanter Country Club, the site of its original founding.

In addition, the Detroit section will honor Frank S. Marra, president of the D-M-E Co., as its 1982 outstanding member. A listing of Mr. Marra's accomplishments during the past 35 years shows that he is truly deserving of this honor.

Mr. Marra worked as a co-op toolmaker while in vocational high school and was in the U.S. Naval Reserves from 1945–46. He received a degree in mechanical engineering from Lawrence Institute of Technology in 1949 and served in the U.S. Navy in 1950 during the Korean war.

He joined D-M-E as a sales manager in 1949 and later became advertising and marketing manager and executive vice president at the company. In 1968, he was named president and general manager and 2 years later became a senior vice president and director for the plastics group of the VSI Corp., which had purchased D-M-E in 1961. Mr. Marra became an executive vice president of VSI Corp. on October 1, 1981, and it was recently announced that he will become president and chief operating officer of VSI, effective October 1 of this year.

His contributions to the SPE began in 1950 and have continued to the present. In 1958 he was a Detroit section vice president and from 1959 to 1964 served on the Detroit section board of directors. He has been a cochairman and member of the National SPE Credentials Committee since 1961. In 1978, Mr. Marra became a charter member of the board of directors SPE Moldmakers and Mold Design Division and the I. T. Quarnstrom Foundation. Since 1977, he has also been a member of the SPE Moldmakers' Division Policy Board. He has spoken at conferences thoughout the United States and Canada and has received several awards, including the national certificate of merit in 1974 and a distinguished member award in 1979. Mr. Marra and his wife, Phyllis, have three children and live in Bloomfield Hills, Mich.

Mr. Speaker, thank you for letting me have this time to recognize an outstanding organization and one of its finest individuals. I offer my sincere congratulations and admiration for their past accomplishments and want to extend my best wishes for a prosperous future.●

HISPANIC AEROSPACE WORKERS CONSORTIUM HONORS FIRST HISPANIC ASTRONAUT

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MARTINEZ. Mr. Speaker, when America's first astronauts ventured into space nearly a quarter century ago, the hearts and minds of people around the world went with them. The same is true today and we are all delight in the successes of the Space Shuttle missions.

It is only fitting, then, that as we celebrate National Hispanic Heritage Week, we pay tribute to the first astronaut of Hispanic descent. I am speaking of Dr. Franklin R. Chang, who is currently a member of the NASA team.

Dr. Chang is being honored this coming Sunday, September 19, by the Hispanic Aerospace Workers Consortium, an organization of employees at Rockwell International in Los Angeles. The consortium was established to provide a communication link among Hispanic employees regarding job opportunities, resources, and general information relevant to Rockwell Hispanic employees. They also work with students in helping them to prepare for the type of background that high technology companies such as Rockwell are looking for.

The Hispanic Aerospace Workers Consortium has a number of other objectives, as well, establishing liaison and lines of communication with other minority communities, legislative representatives, and the community in general.

When Dr. Chang makes his first flight on the Space Shuttle in the near future, he will carry with him the hopes and aspirations of 20 million Hispanic people. Dr. Chang was selected as an astronaut candidate by NASA in 1980. Since then, he has completed the 1-year training and evaluation period making him eligible for assignment as a mission specialist on future Space Shuttle flight crews.

Dr. Chang has a remarkable background. Born in 1950 in San Jose, Costa Rica, he was graduated from the University of Connecticut in 1973 with a bachelor's degree in mechanical engineering. In 1977, he received a doctorate in applied physics from the Massachusetts Institute of Technology. At MIT, Dr. Chang became involved in the U.S.-controlled fusion program and did extensive research in the design and operation of fusion reactors.

After finishing at MIT, Dr. Chang joined the technical staff of the Charles Stark Draper Laboratory. His work there was geared strongly toward the design and integration of control systems for fusion reactor concepts and experimental devices. In 1979, Dr. Chang developed a novel concept to guide and target fuel pellets in an inertial fusion reactor chamber and, more recently, has been engaged in the design of novel magnetic systems for energy recovery and impurity control in fusion powerplants. He has presented numerous papers at technical conferences and in scientific journals.

In addition to his scientific work, Dr. Chang has worked as a house manager in an experimental community residence for deinstitutionalizing chronic mental patients. More recently, he became involved as an adviser with a rehabilitation program for Hispanic drug users.

Today, I am sure you will join me in saluting Dr. Chang and the Hispanic Aerospace Workers Consortium, and wishing them continued success.●

COLUMBIA: NO GEM IN OHIO

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BROWN of Ohio. Mr. Speaker, all of us are aware that the price of natural gas to our consumers is increasing at alarming rates. We are reminded of this in every day's mail. Our constituents may not realize it, but the bizarre and Byzantine natural gas law passed in 1978 by this Congress at the request of President Carter is to blame. How else could prices go up 40 percent when demand for gas is down by a dramatic amount? After all, we have seen the demand for oil fall over the last 2 years and the price has fallen accordingly. This is understandable. Sellers of oil keep lowering the price in order to induce reluctant consumers to buy. Oil prices were down by 9.7 percent in June 1982 from their January 1981 level.

Natural gas prices still go up, completely oblivious to the reality that the demand for natural gas is decreasing with every price increase. Instead of leveling off, prices go up still further because the pipelines which buy the natural gas from producers can pass through the ever-escalating price of gas to their consumers automatically without being subject to the natural resistance of the market or regulation. How is this possible? Why, it is the gift of Congress—the Natural Gas Policy Act of 1978 which provides incentives for a pipeline to buy gas at a price higher than the real world of the market can support. The NGPA has many fundamental flaws—flaws which led me in 1978 to plead for its rejection by this House.

At this point in the RECORD, Mr. Speaker, I would like to include an article from a newspaper in my State of Ohio, the Licking Countian, on my efforts to bring some sense to the Columbia Gas Transmission Corp., the pipeline company which delivers gas to Ohio. Ms. June Martin, its author, does a very good job of telling a complicated story in an understandable and very readable manner. As a newspaper editor myself, I compliment her journalistic skills.

Thank you, Mr. Speaker.

[The Licking (Ohio) Countian, July 23, 1982]

COLUMBIA: CADILLAC PRICES

(By June Martin)

Columbia Transmission Corporation, the pipeline supplier of Columbia Gas of Ohio, is stopping production of over 9000 gas wells in Ohio due to surplus on the market. The kicker is that Columbia is buying high priced gas from Louisiana and Oklahoma. Storming the walls of this utility kingpin is Representative Clarence "Bud" Brown, candidate for governor on the Republican ticket.

Filing a "friend of the court" brief with the Federal Energy Regulatory Commission, Brown complained that Columbia has been one of the highest purchasers of expensive deregulated gas, both by volume and by price and plans on passing the cost to the consumer. He also charged that while buying from "deep gas" producers of the Southeastern United States, Columbia has forced Ohio gas wells to be shut in. Following a 44-day shut-in in 1981, Columbia required producers to shut their wells for 90 days this summer or reduce production by half for a period of 180 days. This Ohio gas would be substantially cheaper than the prices Columbia has been paying to Louisiana or Oklahoma producers.

Columbia meanwhile contends that in order to get secure and sufficient supplies of natural gas, it must engage in the bidding war with other pipelines for unregulated gas and pay amounts in excess of $10 per MCF (million cubic feet). However, for six months, ending February 28, 1982, just over 9 percent of Columbia's gas supply purchases from producers were of section 107 uncontrolled gas at an average cost of $8.39 per MCF. During the same period 35 percent of Columbia's purchases from gas producers were of section 104 "old" controlled gas at an average cost of $1.53 per MCF.

Also, Columbia has its own deregulated gas production, and it would be interesting to know how much Columbia is buying its own "deep gas" at Cadillac prices, rolling those costs through to consumers and dumping that Cadillac gas to off-system purchasers at Chevy prices.

Brown claims that unlike Transcontinental and Michigan-Wisconsin pipelines, Columbia has done nothing to ease the burdens its has placed on the consumers it serves. Since May 1, Transco has cut the costs of its 107 gas purchases in half by refusing to take any more $6–$10 gas. It has done this by exercising all the market-out clauses which it has in its gas purchase contracts. Michigan-Wisconsin has also exercised market-out clauses and has reduced its 107 gas costs by roughly $3 per MCF.

Strangely, Columbia cannot follow Transco's lead because Columbia did not negotiate with producers for any market-out rights prior to June 1, 1985. Since Columbia refuses to make its 107 contracts public, it is not known to what extent Columbia could reduce its "deep gas" purchase costs. This failure to use contractual safeguards which would have alleviated the damage caused by Columbia's own misjudgement in the amount of gas the corporation would need, makes it the responsibility of the corporation, and not that of the Ohio consumers, contends Brown.

If Columbia would do what Transco had done, Ohio gas consumers would receive less of an increase in cost and Ohio gas producers would sell gas instead of shutting it in, because a good deal of Ohio gas is competitive at $5 MCF.

Back in March, Brown testified before the Columbia Gas hearing of FERC in Columbus. At that time he pointed out our country's strange dual market of regulated and deregulated gas prices, which has caused serious market ordering problems.

President Carter's Natural Gas Policy Act (NGPA), guarantees pipelines the right to pass through to customers the costs incurred in purchasing, as long as those prices are not the result of fraud or abuse. The mechanism for this pass through is the "purchased gas adjustment." The issue in the Columbia case is whether they should be permitted to pass to consumers the cost of purchasing high priced gas when there appears to be little or no economic justification for Columbia to incur this cost. The corporation itself projects a surplus of supply through 1985.

Marketing problems have been created by the NGPA's part regulated and part deregulated pricing structure. For example, currently regulated well-head gas prices are far below the prices that gas would bring in a free market. Depending upon how much of this federally priced regulated cheap gas a pipeline has, it can afford to bid up the price of unregulated gas supplies because the price consumers pay is the average cost of all of a pipeline's gas over a given time. Thus prices for gas in the narrow deregulated categories are far above prices that would prevail in a free market where all producers of gas had to compete against each other for sales and all pipelines competed freely with each other for the least expensive sources of natural gas.

For example, the average well-head price of gas was $1.91 per MCF in Sept. 1981 (equivalent to $11 per barrel of crude oil). Much regulated gas is being sold at prices below this; however, because it is selling at prices put under contract years ago when gas was less costly to find. Uncontrolled gas is frequently selling for more than $9 per MCF (equivalent to crude oil cost $50 barrel). The only apparent constraint on prices pipelines seem willng to pay for gas in unregulate categories is the pipeline's ability to sell gas at its average price. If that average price gets too high, industrial and residential consumers might choose to switch to oil.

The net effect of this strange dual market is that the benefit of price controlled gas is not going to customers, but to producers of unregulated gas who are receiving prices that are higher than market prices would be without this patchwork of regulations—a benefit not enjoyed by the shut-in Ohio producers.

As the ranking Republican on the House Energy and Power Subcommittee, Brown strongly opposed the NGPA when it was approved in 1978, arguing that "if there ever was a legislative proposal that embraced all the flaws, it is this bill."●

THE WORSENING PLIGHT OF SOVIET JEWRY

HON. ANTHONY TOBY MOFFETT

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MOFFETT. Mr. Speaker, the past several months have brought intensified Soviet persecution of Jews, particularly those wishing to emigrate.

This year, Jewish emigration from the Soviet Union has averaged less than 250 people per month. This is the lowest level in over 10 years. Harassment of Jews and attacks on Jewish study and cultural groups have increased dramatically. Only a few days ago, Soviet officials arrested Feliks Kochubievski, a Jew who has been waiting for an exit visa for over 4 years. Charged with distributing anti-Soviet articles, Mr. Kochubievski joins dozens of other Jewish prisoners of conscience in the Soviet Union who have been imprisoned for their determination to practice their faith and to make Israel their home.

Like many of the tens of thousands of Jewish refuseniks, Mr. Kochubievski has been denied the right to family reunification guaranteed by the Helsinki accords, which the Soviet Union has signed. He has two sons in Israel. Like many of his fellow refuseniks, he was dismissed from his job for his desire to emigrate. And like many other refuseniks, he may serve a prison sentence, possibly in a hard labor camp, for speaking out on behalf of his cultural and civil rights.

Against this backdrop of deepening despair, it is heartening that the House Foreign Affairs Subcommittee on Human Rights today approved House Concurrent Resolution 336, legislation which I introduced earlier this year to urge the Soviets to adopt a more humane emigration policy. The Human Rights Subcommittee staff and the National Conference on Soviet Jewry deserve special thanks for their diligent efforts to get this resolution passed. This resolution, which also calls upon the President to discuss Soviet Jewry at upcoming summit talks, grain and trade negotiations, and other appropriate opportunities, is a modest step toward reversing the dismal plight of Soviet Jews. I hope that the full Foreign Affairs Committee and the House will now act quickly to approve this resolution.

It is hard for those of us who take our freedom for granted to understand the ruthless repression which Jewish refuseniks must bear. They are systematically denied academic and career opportunities, and enjoy no freedom of religion, emigration, or cultural expression. We in Congress must continue to speak out on behalf of these brave people, who cling to their cultural heritage in spite of the consequences. And we must continue to press the Soviets to pursue a more humane and civilized emigration policy.●

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS, HOUSE VETERANS' AFFAIRS COMMITTEE

HON. RONALD M. MOTTL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MOTTL. Mr. Speaker, a hearing on agent orange was held this morning by the House Veterans' Affairs Subcommittee on Oversight and Investigations. I would like to submit for the RECORD my colleague TOM DASCHLE'S opening statement.

STATEMENT OF REPRESENTATIVE TOM DASCHLE

Mr. Chairman I appreciate your willingness to hold these hearings today and allow me to be a participant.

In my four years in the Congress I have not faced an issue as frustrating and perplexing as Agent Orange. Nonetheless, a major step forward was achieved last year with the passage of legislation (Public Law 97-72) approving priority health care and medical treatment for Vietnam Veterans suffering from the effects of Agent Orange. The House of Representatives and Senate unanimously agreed that this was a necessary and reasonable step to assure Vietnam Veterans of our commitment to their concerns until the various scientific studies shed more light on the complexities of this issue.

From the beginning I have had doubts about the Veterans' Administration's ability and commitment to fulfill the mandate in Public Law 96-151, which ordered the VA to conduct an epidemiological study into the effects of Agent Orange on Vietnam Veterans. Unfortunately, my worst fears have come true and I believe that certain parties in the VA are deliberately trying to delay the Agent Orange study. Mr. Chairman, this study was ordered nearly three years ago and it hasn't even begun. I believe the reason the VA is delaying the inception of this study is that they do not want to face the ultimate decision of compensating Vietnam Veterans and their families. This is evidenced by the fact that the VA has still not developed a statutory framework for the resolution of veterans claims, despite the fact that a number of scientific studies outside the VA will be completed within the next several months. To add insult to injury, the VA has admitted that it will be 1988 or 1989 until this study is completed. This is unacceptable and I am outraged.

This past March, two scientific review panels, the Office of Technology Assessment (OTA) and the White House Agent Orange Work Group Science Panel approved a protocol design for the VA study as well as an exposure index developed by the Army Agent Orange Task Force. The exposure index will be used in selecting study cohorts of veterans who were or were not exposed to the herbicide during their service in Vietnam. Virtually every relevant agency in the Federal government is represented on the Science Panel or the Work Group, including the Departments of Defense, Labor, Health and Human Services, Agriculture, EPA, OMB, National Cancer Institute, Center for Disease Control. National Institute of Occupational Safety and Health (NIOSH), National Institute of Environmental Health Sciences (NIEHS), OTA, the VA and others.

Despite the approval of all these agencies, the VA decided in May, four months after submitting the second protocol design to the Science Panel and OTA, that yet another scientific review was necessary. This additional review, conducted by the National Academy of Sciences is still underway.

Then, in July, the VA announced to the Science Panel that the exposure index previously agreed to needed further refinement. Today, six months after the initial agreement on the index had been reached, and two months after announcing their dissatisfaction to the Science Panel, the VA has still not finalized and sent to the DOD the changes they now seek to make so the Army Agent Orange Task Force can continue their process of cohort selection.

The VA has had innumerable problems since this effort first began including the rejection of the initial protocol design. I believe these problems have been the direct result of a lack of in-house expertise in this area. At this very moment the VA still does not have an epidemiologist on board and I believe that many of their problems are directly related to this lack of in-house expertise. A full time epidemiologist should be hired immediately so that crucial decisions relative to the study are made by an expert in the field.

Mr. Chairman, the delays in this study are an unconscionable affront to the dignity of Vietnam Veterans and their families. Vietnam Veterans will not stand for it, the American people will not stand for it and the U.S. Congress most certainly will not stand for it. Unless the VA decides on final exposure criteria as well as whether to include a third cohort of veterans who didn't serve in Vietnam within 7 days of this hearing and begin a planned pilot study within 30 days, I believe that this committee should take action to relieve the VA of all responsibilities relative to this long delayed study. I am having legislation drafted at this moment to achieve this end.

Finally, it is time to take action with respect to compensating Vietnam Veterans with soft tissue cancers. Three Swedish epidemiological studies have documented increased soft tissue cancer rates in Swedes exposed to herbicides containing dioxin. In addition, a National Institute of Safety and Health (NIOSH) dioxin registry has revealed significantly higher rates of soft tissue cancers in U.S. industrial workers exposed to dioxin. Considering this plethora of scientific data and the fact that soft tissue cancers are exceedingly rare in young age groups, compensation is not out of order.

Mr. Chairman, Vietnam Veterans deserve better than to wait until 1988 or 1989 for the VA to provide answers. Every other government body now conducting research on Agent Orange, including the Air Force and Center for Disease Control, will be providing clues to the specific hazards of Agent Orange no later than the end of next year. Even the Australian government, which sanctioned their own studies long after Congress was forced to order a study, expect to complete all their efforts next year.

As Franklin Delano Roosevelt once said, "The only limits on the realization of tomorrow are our doubts today." Mr. Chairman, there already exist too many doubts about this study to allow these delays to go on.●

WHAT THE THREE SISTERS PREDICT FOR THE CLINCH RIVER REACTOR

HON. SID MORRISON

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. MORRISON. Mr. Speaker, since the beginning of the nuclear age, the United States has been the world leader in the peaceful uses of the atom. Today, all the industrialized countries of the world have strong nuclear power programs in place. In addition, they are committed to the development and commercialization of advanced nuclear breeder technology.

Although the United States took an early lead in breeder development, France, the United Kingdom, and the Soviet Union have been operating demonstration plants since the 1970's. West Germany is now building an intermediate-sized demonstration plant, and Japan will soon begin construction of its own loop-type plant. A consortium of European partners, led by France, will operate the 1,200-megawatt Superphenix by 1984 and the Soviets are designing a 1,600-megawatt plant.

Despite the broad base of foreign actual breeder operating experience, technologically the United States still leads all other countries, due partially to the experience gained from the fast-flux test facility in my district. In designing the first U.S. demonstration plant, the Clinch River breeder reactor, American scientists have incorporated features and innovations no other country can claim. In fact, Europe and Japan have shown interest in incorporating some of our technology in their breeder plants. And yet, there are those, under the guise of being fiscally conservative, who would have us abandon this leadership and continue to rely on foreign entities to supply our energy needs.

I believe it is especially appropriate that today, while the Clinch River foes rally around to defeat this important project, Members on both sides of the issue take time to read Llewellyn King's editorial from the August 26 Energy Daily. It provides background and insight that I believe will be helpful.

WHAT THE THREE SISTERS PREDICT FOR THE CLINCH RIVER REACTOR

(By Llewellyn King)

Access to Washington from Virginia, where much of its working population lives, is made more difficult because of a shortage of bridges across the Potomac. As man's works go, bridges are among the most benign, fitting into the landscape and enhancing rather than detracting from the environment. The world would be poorer without the Golden Gate, Sydney Harbor, the Bridge of Sighs, the Chesapeake Bay Bridge, or even, yes, the Brooklyn Bridge. Therefore, for a long time it was planned to build a sixth bridge into Washington from northern Virginia to be called the Three Sisters Bridge. But it was not to be. Even after some of the pilings were sunk in the late 1960s, a coalition of assorted activists under the banners of environmentalism, civic action and consumerism, waged a bitter fight that resulted in abandonment of the facility.

The arguments covered now familiar landscape: it would be too expensive, it would destroy community life in Washington, it would damage the river, Washington would become another Los Angeles, and many more. The activists won and there is no bridge.

The result is that northern Virginia commuters sit in long lines, particularly on the George Washington Parkway which would have been most relieved by the bridge. They burn gasoline and pollute the air. Addition-

ally, two ugly satellite communities have grown up on the western bank of the Potomac, Rosslyn and Crystal City. Now a candidate for mayor of Washington is actually proposing busing city workers to jobs that have been forced out into the surburban communities.

The architects of this urban error are not to be found; gone on, no doubt, to defend the people's interest elsewhere.

The saga of the Three Sisters Bridge is brought to mind by the fate of the Clinch River Breeder Reactor which may be sealed next month on the floor of the House of Representatives. Rep. Claudine Schneider (R-R.I.), a freshman congresswomen, is leading a fight to delete funding for the breeder and so terminate a project that has been a central part of the nation's nuclear strategy for a decade and half. The matter at issue is not so much the merits or otherwise of Clinch River, but a case of how a determined bunch of activists can take it upon themselves to force a contrived conclusion to a national project.

The Clinch River Breeder Reactor has had a troubled history and I have been among its critics for many years. The project was conceived as a partnership between the utility industry and the government by the former Atomic Energy Commission. At its inception, Clinch River, in the cost estimates of the day, would have been a financially shared project. As it stands today, the demonstration breeder is a project nearly totally financed by the Treasury with a utility contribution of only $270 million. The world has changed around Clinch River in every respect: the cost of money the need for power, projections of uranium resources, the future of the nuclear option itself and the ability of the utility industry as presently constituted to purchase breeders in their second generation. It is not hard to make a case for re-examining the project and particularly for re-examining its financing. But its detractors, who are led by a coalition of environmentalists of a neo-Luddite persuasion, are not concerned with giving it a trial before its execution. Schneider says she is 95 percent certain that she has the votes to do the dastardly deed while the Congress is considering a continuing resolution to finance the government. If Schneider is right, Clinch River will be put away in an offhand way by congressman acting not on the considered evidence for the continuation of the project in the new realities of 1982, but reacting to the cumulative lobbying power of those who are ideologically opposed to nuclear power and who have made Clinch River the target of their vengeance since the inception of the project.

An article in The Congress Watcher, a publication of the Ralph Nader organization, explains how it was done. The publication says: "One of the primary causes for alarm among congressional backers of the project is the grassroots organizing campaign instituted by Congress Watch in concert with the National Taxpayers Coalition Against Clinch River. The campaign targeted twenty-five 'key' incumbents in the northeast and midwest who voted for Clinch last year for intensive local lobbying. Grassroots activity is also being encouraged in 200 other districts around the country.

"The purpose of the campaign was to generate enough constituent and media/editorial pressure to convince the Representatives to withdraw their support for CRBR. To do this, the coalition assigned an organizer to each of the target districts. There, organizers brought together coalitions of labor, peace, and environmental groups in opposition to the reactor, encouraged local opposition candidates to take public stands against Clinch and challenge the incumbent on his pro-Clinch voting record, and generated local letter-writing campaigns, telephone and telegram trees and constituent meetings with the Representatives.

"To fuel the fight, the coalition provided the districts with background information; buttons, bumper stickers, and brochures were sent to those indicating an interest in working locally against the Breeder. Often, one or two district residents acted as local coordinators, handling the details of press conferences, setting up preliminary meetings between local groups and organizers, and working with local media."

The preceding is eloquent testimony to how a bunch of ideologues dedicated to a single purpose can manipulate the Congress to a course of action that its instigators will later claim reflects the will of the people.

It is no way to bring great projects to fruition. It is a way to litter the landscape with the ruins of many beginnings and no conclusions, and it is an appalling way of preparing for the future. It is also an egregious waste of the talent and money already spent.

I've argued in the past that a demonstration breeder reactor should have been built expeditiously on a government site and examined for its licensability retrospectively but not licensed in the conventional way. That way a considerable amount of money would already have been saved, the reactor would be operating and the technical experience would be part of the world's sum of knowledge. But despite the protestations to the contrary of its critics, the nuclear community, going back to its earliest days when weapons manufacture was wrested from the Pentagon, has had a recalcitrant strain of egalitarianism.

It was the hated Joint Committee on Atomic Energy that conceived the radical concept of public participation in licensing. For example, there is no public participation in the issuance of an airworthiness certificate for a jetliner, and jetliners have a more palpable bearing on the health and safety of the public than do remotely-located reactors.

Likewise, it was the Atomic Energy Commission, painted by its critics as the embodiment of public insensitivity, which insisted that the first demonstration breeder reactor should be licensed and should be designed to demonstrate that breeder reactors can be licensed according to the prevailing licensing regime, a many-splendored thing.

It is in large measure because of these publicly-minded criteria that the road for CRBR has been so bumpy.

The project, insofar as it exists, does so in a series of warehouses around Knoxville for want of regulatory approval of site preparation. Considering its difficulties, it has shown stunning endurance. President Carter tried to stop it and the Congress funded it. Even among nuclear supporters it has had its telling critics including, in and out of office, James Schlesinger. It is not universally loved in industry and because, for the Carter years, it had to be financed against the will of the Administration, it has not been honestly evaluated for some time. In the nearest thing to such an evaluation—a General Accounting Office report in July—it received a surprising bill of health. In short, GAO said finish it.

The Administration and the Congress need to take a new look at Clinch River; at its future in view of the unravelling of the nuclear power program, and the expectations for uranium supply. It also needs to be assessed for its technological contribution. But most of all, it needs to be looked at in terms of how it can be financed (should the decision to proceed be in the affirmative) off the budget in order to protect it from the wrath of the white-wine-and-quiche crusaders who, if they lose this year, will be back next year and the year after.

The figures do not look all that bad; in fact, they are quite encouraging. While its critics have pointed to the massive (and there's no denying that) escalation in price, they fitfully ignore the corresponding increase in the price of electricity which makes the project close to economically viable.

Schneider says that the project will cost $7.5 billion and Westinghouse, the prime contractor, is talking in the region of $3.2 billion. Estimates of the value of the electricity which will be produced and sold to the Tennessee Valley Authority extend over the life of the plant from $3 billion to $8 billion. For a demonstration plant, that does not sound like a turkey. If these figures can be substantiated, a case can be made for continuing the project and for financing it with a loan guarantee, or possibly even a bond sale, or some mixture of these devices.

But no case for or against CRBR can be made without some consideration for its international impact. Europe and Japan stand to gain marginally useful technological data from Clinch River. Because of its flexible design it allows for relatively easy interchange of heat exchangers. This could help other nations with less flexible designs, which have suffered major heat exchanger problems. Similarly, the denser U.S. breeder fuel will prove of interest to reprocessors who do not know what the characteristics of the fuel would be.

But that is by the by. The central issue to our allies is one of dependability in partnership. There are already discussions between Japan, Germany, the United Kingdom and other interested governments on future breeder cooperation. The big machines to come cry out for multinational development, but the United States has been establishing itself as an unreliable partner, a maverick ally, a skittish bedfellow. While political machinations among governments are routine—who could forget General de Gaulle?—disbelief in the contract-worthiness of the U.S. is growing.

Confidence, which was eroded by the Carter Administration when it reversed two decades of breeder and reprocessing policy, has taken a new hammering in the matter of the Soviet gas pipeline. If Congress contrives to extinguish the CRBR, it is reasonable for our allies to conclude that you cannot trust us in the long haul; that America has no longevity.

For a host of reasons, more deliberation needs to go into the future of CRBR than for it to be throttled in a quick amendment to a money bill by a Congress which is scrambling to go home to deal with its own longevity problem.●

MODERNIZATION OF THE NATIONAL DEFENSE INDUSTRIAL BASE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BENNETT. Mr. Speaker, from Maj. Gen. J. Milnor Roberts, AUS (retired), executive director of the Reserve Officers Association, I have received the following resolution which I am pleased to insert in the RECORD at this point:

MODERNIZATION OF THE NATIONAL DEFENSE INDUSTRIAL BASE

Whereas there is more to national defense than having well-trained personnel equipped with superior weapon systems; and

Whereas our industrial base is an integral part of our national security posture and a strong industrial base is an important deterrent to conflict; and

Whereas without a responsive industrial base, both our weapon systems' capabilities and our flexibility to respond to national security interests and sustain a desired level of activity are severely impaired; and

Whereas the U.S. defense industry is hard-pressed to meet even the current, relatively modest, procurement goals of the military services; and

Whereas over the past decade thousands of subcontractors have deserted the defense business while major defense producers have failed to invest adequately in new technology; and

Whereas studies have shown that many problems exist in the ability of our industries to reach swiftly to the need for increased defense production, thus highlighting a weakness in our combat sustainability: Now, therefore, be it

Resolved, That the Reserve Officers Association of the United States urges the Congress to pass legislation to encourage and assist in the modernization of the Nation's industrial base to strengthen our defense capabilities and ensure national security.●

AIR POLLUTION: IT HURTS MORE THAN PEOPLE

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BROWN of California. Mr. Speaker, I would like to take the opportunity to comment on the continuing concern about air pollution. There has been an enormous amount of time and effort spent in the debate on where the line is drawn between public need versus public desire when setting air quality standards.

It has often been suggested that the cost of reducing the concentration of air pollutants far exceeds the cost of that pollution to the community. While a finite dollars and cents figure could not be placed on the benefits of clean air, we do not need to rely on the esthetic aspects of clean air as justification for air quality controls.

In the past year especially, several reports have brought to our attention the monetary importance of clean air, and the economic damage induced by dirty air. Earlier this year, the Office of Technology Assessment (OTA), in a preliminary study of the effect of ozone pollution on a number of popular crops, reports startling figures of economic loss. In California alone, the damage to crops due to ozone and other airborne pollutants has been estimated at close to the $1 billion mark. Also to be considered in the costs of allowing this pollution to continue are the secondary costs to society produced due to the death of species in restricted areas, the reduction in the growth of forests and the damage done to our lakes and streams—and consequently aquatic life—due to acid rain.

Because of the documentation of the importance of these ecological factors, George M. Woodwell, in an article in the Christian Science Monitor, suggests that ecological damage should be considered in setting air quality standards. I would like to urge my colleagues to review and consider Mr. Woodwell's perspective outlined in the following article, and keep it in mind during the coming debates and action on the Clean Air Act. Perhaps this might help us all sort out the forest from the trees when defining our priorities for air quality regulation.

[From the Christian Science Monitor, Sept. 9, 1982]

NEEDED: A CLEAN AIR ACT STRONG ENOUGH TO PROTECT PLANTS

(By George M. Woodwell)

How clean must we keep the air?

The answer has been made complicated; it need not be. It is determined by the requirements for life—by the physical, chemical, and biotic conditions that are required to support living systems. These include not only man himself but those other organisms upon which man depends. It is not determined by partial cost-benefit analyses, or by compromise among competing polluters.

Standards for air quality are derived from two sources: (1) effects on man and (2) effects on other living systems. Criteria based on effects on man are less stringent than those based on effects on plants. This is because plants are more sensitive than people to low-level air pollution. This relationship is true in virtually every circumstance except for ionizing radiation, where standards for protection of man are adequate to protect all other organisms.

It is not surprising that those who may profit from pollution call for relaxed standards on the grounds that hazards to human health are small. Such arguments are largely irrelevant. The most important and demanding criteria are those derived from populations of plants and the factors that affect them. If plants are protected, people will be free of both direct and indirect effects of air pollution.

The costs to industry may be high, but the costs of failure to protect people and plants are far higher. The most immediate issue is the strengthening of the Clean Air Act, now up for renewal in the US Congress, and the governmental apparatus required to carry it.

Consider the Northeastern United States. There has been an increase over the last three decades in both the acidity of rain over North America and the area affected by the acidification. Effects are concentrated in the Northeast. All the acidity is not deposited in rain. A substantial fraction—one-third to one-half—apparently arrives as sulfur dioxide on small particles. It is removed from the air on to surfaces, including leaves, where it is converted to acid.

Other changes include increases in exposure of plants to a variety of contaminants such as ozone and heavy metals. All are produced as a result of the heavy use of fossil fuels in industrialized areas to the west and south. New England bears the brunt of the effects because the storm tracts commonly pass through it.

Effects of this atmospheric chemistry are sufficiently complicated and difficult to measure to provide ample basis for discussion among scientists and equivocation by others. The most clearly definced effect of acid rain is the acidification of lakes and streams in areas where the bedrock contains little limestone. Such areas have granitic rocks, their metamorphic equivalents or sedimentary rocks that have a low alkalinity and therefore little capacity for neutralizing acids.

Most of New England falls in this category. Its lakes, streams, and ground water are turning acid. The effect is the loss of freshwater fisheries in lakes and streams, the virtual sterilization of the water bodies. High acidity in wells mobilizes aluminum and other metals containing lead from minerals in the ground and in pipes. Aluminum is toxic to plants and certain animals, including fish. Lead and other heavy metals are toxic to people as well.

In certain instances, the additions of the nitrogen and sulfur associated with the acidification have caused increases in growth of trees. There is, however, substantially no basis for assuming that the acid-leaching of forests or agricultural crops by the more acid rains will produce any effect in the longer term apart from imporverishment in essential nutrients, reduction in rates of growth, reductions in agricultural yields, and the loss of species and yields from forests. These effects are in part directly due to the acidification and in part due to increased incidence of diseases favored by any generalized stress.

The effects of ozone and other components of photochemical smog compound the problem. The national standard for ozone was set in 1971 as 0.08 p.p.m. The EPA reported that, in 1977, all but one of the 34 monitoring stations in New England reported violations of the standard. The standard was increased in 1979 to 0.12 p.p.m. The probability was 95 percent or more that ozone concentrations exceed the new standards in 1977 and 1980 over extensive areas in the United States, including the Eastern US from south of Washington to Portland, Maine. Many plant species are sensitive to photoxidant damage at concentrations below the current standard.

Evidence for the effects of air pollution on forests is accumulating rapidly. Damage has been shown in stands of white pine along the Blue Ridge Parkway in western Virginia. An average reduction in growth of 40 percent was measured for the period 1955-77. A similar reduction in the growth of pitch pine has been reported in New Jersey over approximately the same period. Other trees showing severe declines in vigor, even widespread mortality, over extensive areas

in New England include the beech, the red spruce, the white ash, and the white and yellow birches. Insect and disease organisms are known to increase under air pollution, and it would be surprising to discover that the problems observed in forests in the Northeast are not caused by the combination of air pollutants now present.

The pattern of change to be expected in the terrestrial vegetation under this series of stresses is well known. These transitions are under way: losses of forest productivity, shifts in species, losses of tree species, all accompanied by losses of freshwater fisheries and the acidification of ground water, with toxic consequences for man.

The evidence is that agricultural yields in the Ohio River Basin are being reduced significantly and that photosynthesis by forests over large areas is also being reduced. A measure of this is seen in the magnitude of reductions in solar energy captured by plants and made available by both agriculture and forests. These range upward to as much as 40 percent in certain circumstances. A general 20 percent reduction in the magnitude of these resources would not be surprising.

If the reduction applies to all of New England's forests, it would, in energy terms, amount to the output of between fifteen and thirty 1,000-megawatt power plants, or 135 to 270 billion kilowatts a year. Valued as electricity, it would be worth $7 billion to $14 billion. This is a substantial subsidy for the New England states to be paying from their forests and pastures and cultivated fields in the interests of industrialization elsewhere.

These statements may appear as mere assertions by an overly sensitive scientist. Each statement, however, can be documented in detail from the extensive literature now available on air pollution and on biotic effects. While none of these statements are beyond argument, the weight of evidence is that our regulatory system, as it stood before it was cut by the present administration, was inadequate to protect the public's vital interests. The proposals to weaken the Clean Air Act further promise still greater erosion of the capacity of the nation to support people.

How clean must we keep the air? Clean enough for green plants.●

HOPES FOR A NEW YEAR OF PEACE AND PROSPERITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SOLARZ. Mr. Speaker, on Friday at sunset millions of Jews throughout the world will begin the celebration of the Jewish New Year, 5743. The sounding of the ram's horn on Rosh Hashanah marks the arrival of the high holy days. These 10 days which culminate in Yom Kippur are the most solemn time of the year in our religious calendar.

Rosh Hashanah is a time to remember and to reflect, not only on the events of the past year, but on the fundamental issues: the creation of the world, the meaning of one's existence, and the wonder of God's enduring covenant with Israel.

Following our ancient traditions, millions of Jews will pause in prayer, fasting, and ritual observances to put their lives in perspective and to renew their commitments to the tenets of their faith, so that by Yom Kippur their names may be written into the Book of Life.

But these holy days are also a time of thanksgiving and hope. We take time to thank our God for the gift of life, for our religious and cultural heritage which enriches our existence, and to marvel at the survival of the Jewish community despite thousands of years of persecution, oppression, and the almost demoniacal campaigns of murderous fanatics who sought to destroy our people. But the people of Israel live, and during this holy season they pray longingly for the time when all Jews will be able to live in peace and security, and for the day when the survival and prosperity of the nation of Israel is assured.

May I take this opportunity to extend to you, Mr. Speaker, and to all my colleagues and friends, a very special "Shannah Tova" and a new year of peace and prosperity for you and our great Nation.●

SOVIETS LINKED TO ASSASSINATION ATTEMPT OF POPE

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. RITTER. Mr. Speaker, I would like to submit two newspaper articles for the benefit of my colleagues on the new evidence beginning to surface linking the Soviet KGB to the assassination attempt of the Pope last year. These articles summarize an NBC special to be aired at 10 p.m. on Tuesday, September 21, 1982. I urge my colleagues in the Congress to try and watch that program.

I recently called for hearings to be held in the Helsinki Commission focusing on this issue and would strongly encourage my colleagues to attend this hearing at 9:30 a.m. on Thursday, September 23, in room 2172, Rayburn House Office Building.

[From the New York Times, Sept. 15, 1982]

NBC NEWS LINKS SOVIET TO ATTEMPT ON POPE'S LIFE

NBC News reported yesterday that it had found evidence suggesting that Pope John Paul II was the target of an assassination attempt with the knowledge and perhaps the assistance of Soviet and Bulgarian intelligence agencies.

NBC News said the Pope was targeted because of his support of the solidarity movement in Poland. The report also said that the Pope had sent a handwritten letter to Leonid I. Brezhnev, the Soviet leader, in 1980 in which the Polish-born Pope said he would abdicate the papacy and lead the resistance if Soviet troops invaded Poland.

The letter, reportedly delivered by a Vatican envoy, instigated a secret shuttle mission between Moscow, Rome and Warsaw that led eventually to a temporary easing of the Soviet attitude toward Solidarity, NBC News said.

It said its report came after a nine-month investigation by the correspondents Marvin Kalb and Bill McLaughlin. The network released details of the investigation today in advance of the airing of a documentary, "The Man Who Shot the Pope—A Study in Terrorism." It is scheduled to be broadcast Sept. 21.

In an article in the September issue of Reader's Digest, Claire Sterling, author of "The Terror Network," said the shooting of the Pope in St. Peter's Square in May 1981 was in retaliation for the Pope's support of Solidarity. Mrs. Sterling also maintained that the shooting had the backing of the Soviet Union, which she said acted through the Bulgarian intelligence organization.

[At the time of Mrs. Sterling's article, the Moscow radio broadcast a denunciation of the allegations, saying, "The absurdity and unfoundedness of this claim are obvious."]

NBC News traced what it called an unbroken line from Mehmet Ali Agca, the Turkish gunman convicted for the shooting of the Pope to organized crime elements in Turkey, the Bulgarian secret service and the K.G.B., the Soviet intelligence agency.

"A Soviet connection is strongly suggested, but it cannot be proved," Mr. Kalb said.

The correspondent said "it seems safe to conclude" that Mr. Agca had "been drawn into the clandestine network of the Bulgarian secret police and, by extension, the Soviet K.G.B."

ESCAPED FROM PRISON IN TURKEY

NBC news said bank records showed that Mr. Agca deposited $10,000 two months before the assassination of a Turkish newspaper editor, Abdi Ipecki. Mr. Agca was convicted of the murder but later escaped from a maximum security prison in Turkey. In addition, Mr. Agca had large sums of money deposited for him in Turkish banks while he was a student at Istanbul University.

NBC News said that Mr. Agca appeared to have been backed financially at every step of the way by organized crime in Turkey and that the Bulgarian secret service has strong ties to the Turkish syndicate.

NBC News quoted Vladimir Sakharov, a former K.G.B. agent who defected, as saying that information held by the Bulgarians would also be known by the K.G.B.

[Special for USA Today, Sept. 15, 1982]

SOVIETS PLOTTED TO KILL THE POPE, NBC REPORTS

The Soviet Union "responded with bullets" to Pope John Paul II's handwritten plea for Soviet troops to stay out of Poland, NBC News Correspondent Marvin Kalb said Tuesday.

Kalb offered that explanation for the attempted assassination of the pope by a Turkish terrorist in St. Peter's Square on May 13, 1981, after a press screening of an NBC "white paper" suggesting Soviet complicity.

The documentary—*The Man Who Shot the Pope:* A Study in Terrorism—reveals for the first time that the pope sent a special envoy to the Kremlin the previous August bearing what Kalb describes as "an extraordinary handwritten letter, in Russian," for Soviet President Leonid Brezhnev.

"It said though the pope was the head of a universal church, he was still a Pole, and

deeply affected by events in Poland," says Kalb in the documentary, airing at 10 p.m. EDT next Tuesday.

"If the Russians moved against Poland," Kalb said, quoting directly from the letter, "the pope said he would 'lay down the crown of St. Peter' and return to his homeland to stand shoulder to shoulder with his people."

Kalb believes the letter, supplied by a source whom Kalb was "pledged not to identify," convinced the Soviet Union to keep troops out of Poland and made it possible for Solidarity leader Lech Walesa to sign the Gdansk Agreement establishing the first independent trade union in a Communist country.

The pope paid the price, according to the documentary, when outraged Soviet officials then hatched the plot kill him.

The plot quickened after Pope John Paul II met with Walesa in January of last year at the Vatican, says NBC, after the pope "approved of plans to send millions of dollars to Solidarity, and to stiffen the spine of the Catholic Church in Eastern Europe."

Kalb attributes his material in part to "western intelligence sources," otherwise unidentified, but defends his judgment at the outset. "NBC News has accumulated a great deal of evidence, some of it, to be sure, circumstantial," says Kalb. "A Soviet connection is strongly suggested, but it cannot be proved."

The documentary reports that Mehmet Ail Agca, the terrorist convicted of attempting to kill the pope, was linked to a "Turkish Mafia" closely connected with the Bulgarian secret police and the Soviet KGB.

"I certainly believe that any 007 at the service of any government would have an easy job trying to harm the pope," Vatican Cardinal Silvio Oddi told Kalb. "If—and what—secret service did the job, I don't know. We suspect. We think. We are trying to prove."

Kalb reports, moreover, that the "people who know the pope best" say he believes he is still threatened by the Soviets.

With the help of Agca's hired hand, Solidarity has been crushed, martial law imposed, and, Kalb concludes: "The Russians have checkmated the pope."●

AN INCENTIVE EMBODIED IN OUR CONSTITUTION

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. PORTER. Mr. Speaker, one of the provisions our Founding Fathers saw fit to embody and protect in the Constitution, specifically in article I, section 8, provides that Congress shall have the power:

To promote the progress of science and the useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

Under the patent system that was instituted in 1790, an inventor was granted a limited, 17-year monopoly on his invention in exchange for its disclosure to the public. The theory behind the patent system is that some incentive is needed to spur on innovative research and the investment of private risk capital. A patent provides such an incentive by giving the developer and marketer a limited exclusive market position in which they can hope to recoup their development costs and possibly make a profit.

Moreover, the principle behind the inclusion of the patent system in the Constitution has been historically proven. Our country in 1790 was exclusively agricultural, wholly dependent on Europe for its machines and manufactures. Many feel that the principle of patent protection has been instrumental in our Nation's evolution from where it stood in 1790 into the most successful industrialized Nation in the world.

Over the last 20 years, however, certain fields of endeavor have been less equal than others in terms of the duration of patent life. In 1962, the hypnotic drug thalidomide, which was available in the United States only as an experimental drug but received widespread use during the late 1950's in many countries, was pointed to as producing congenital defects in offspring. The furor created by this tragic finding led not only to increased caution among physicians about the use of drugs in pregnant women but also stimulated the congressional enactment of far more stringent drug testing requirements than had previously been the case. One of the results of the testing regulations, however, has been that a new drug, which prior to 1962 required only 1 year between patenting and getting FDA approval, now requires over 7, resulting in less than a 10-year patent life.

The question that is raised by this result is not only one of fairness and equity to all fields of endeavor, but of the need so well understood by our Founding Fathers—to promote progress and innovation in this country. Producing a drug today now entails 10 years, $70 million and a failure rate of 90 percent. Although the safety of the public should clearly receive the highest consideration, given the present high cost of producing a drug, and the tremendous contributions to medical progress such a discovery can make, it seems pointless and even counterproductive not to give this field of endeavor the same protection as is guaranteed other products.

For these reasons I intend to support H.R. 6444, the Patent Term Restoration Act, which would extend the patent term by the period of time required by the Food and Drug Administration to review and approve a new drug or medical device up to 7 years.

At a time when it seems realistic to expect that the Federal Government's ability to fund biomedical research appropriations may not be able to increase as quickly as in previous years, it seems unwise not to do our utmost to provide the private sector with the incentive embodied in our Constitution to continue the development of new products and treatments. To do otherwise will only jeopardize our country's ability to retain and use the ingenuity that is ours ultimately to provide for the public good.●

EXPLANATION OF ADDITIONAL WEEKS OF UNEMPLOYMENT COMPENSATION AS PROVIDED IN H.R. 4961, THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT

HON. HAROLD E. FORD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. FORD of Tennessee. Mr. Speaker, in order to assist my colleagues in answering constituent inquiries about the Federal supplemental benefits program contained in H.R. 4961, I am putting in the RECORD an explanation of this new program. Present law is described followed by an explanation of the Federal supplemental benefits program provided by H.R. 4961 and a chart showing the estimated maximum number of weeks of benefits that will be payable to unemployed workers in each of the States for the first quarter of fiscal year 1983. I realize that this explanation may not answer all of the questions that may come up about this program. I encourage my colleagues to contact the staff of the Subcommittee on Public Assistance and Unemployment Compensation at extension 5-1025 for further information.

PRESENT EXTENDED BENEFITS PROGRAM

Under present law, up to 26 weeks of State financed unemployment compensation benefits are payable to unemployed individuals who meet the qualifying requirements of State law. In 9 States, claimants may receive more than 26 weeks of State benefits.

Under the permanent Federal-State extended benefits program (EB), additional weeks of unemployment compensation are payable to individuals who exhaust their State benefits during periods of high unemployment. Extended benefits are financed 50 percent from State trust funds and 50 percent from Federal unemployment trust funds.

Until September 25, 1982, extended benefits are payable in a State when, over the most recent 13-week period, the State insured unemployment rate (IUR) averages at least 4 percent and, in addition, is at least 20 percent higher than the average State IUR during the comparable period in the previous 2 years. When the 20-percent factor is not met, a State, at its option, may provide extended benefits when the State IUR reaches 5 percent.

Forty States have adopted this optional State trigger.

The IUR is calculated by dividing the number of workers receiving State benefits by the number of workers covered by the State unemployment compensation program. Prior to last year's Reconciliation Act, workers receiving both State benefits and those receiving extended benefits were included in the calculation. Last year's act dropped extended benefits claimants from the calculation. In addition to this change in calculating the IUR, the Reconciliation Act increases the EB trigger rate effective September 25, 1982. On that date, both EB triggers will be increased 1 percent. In other words, after this date, extended benefits will be payable in a State when the State IUR equals 5 percent or greater—rather than 4 percent—and is 20 percent higher than it was during the comparable period in the previous 2 years; or, at its option, when the IUR equals 6 percent—rather than 5 percent—regardless of the IUR in previous years. The change in the calculation of the IUR has had the effect of lowering State IUR rates and consequently made it more difficult for States to remain on the EB program. The increase in the trigger rates effective September 25, 1982, will make it even more difficult for States to qualify for the EB program.

FEDERAL SUPPLEMENTAL BENEFITS PROVIDED IN H.R. 4961

H.R. 4961 provides up to an additional 10 weeks of benefits to unemployed workers in any State in which extended benefits have been payable since June 1, 1982. These benefits will be available even if the State has triggered off the EB program since that date. It should be pointed out that these Federal supplemental benefits—and administrative costs—will be paid entirely out of general revenues. A simple extension of EB, which is financed 50 percent from State trust funds, would have placed a severe financial burden on a number of State trust funds that have outstanding loans to the Federal Government for past EB payments.

In States that have not at anytime since June 1, 1982, met the EB triggers, but have an IUR of 3.5 percent or greater, jobless workers will receive up to an additional 8 weeks of benefits. Those in States with an IUR of less than 3.5 percent will receive up to an additional 6 weeks of benefits. These provisions of H.R. 4961 recognize that the current unemployment problem is national in scope, and unemployed workers in all States need additional help.

The Federal supplemental benefits will be payable for weeks of unemployment between September 12, 1982, and March 31, 1983. In order to be eligible for these benefits, an individual must have exhausted his regular State benefits and any extended benefits to which he is entitled, and first, his benefit year must end on or after June 1, 1982, or second, he must have been eligible for extended benefits for any week beginning on or after June 1, 1982.

When an individual is determined to be eligible for State unemployment compensation benefits, he generally has 52 weeks, known as the benefit year, in which to collect the benefits to which he is entitled. In most States the benefit year begins with the first week for which a valid claim for benefits was filed. Therefore, in most States, if an individual first filed a valid claim for unemployment compensation benefits for a week beginning on or after June 1, 1981, he should be eligible for Federal supplemental benefits. This is because his benefit year will end on or after June 1, 1982.

If an individual's benefit year ends before June 1, 1982, but he was eligible to receive extended benefits for any week beginning on or after June 1, 1982, he will be eligible to receive Federal supplemental benefits.

EFFECT OF FEDERAL SUPPLEMENTAL BENEFITS PROVISION OF H.R. 4961 ON THE MAXIMUM NUMBER OF WEEKS OF UNEMPLOYMENT COMPENSATION BENEFITS PAYABLE TO UNEMPLOYED WORKERS [1]

State	Present law		H.R. 4961	
	Regular State benefits	Projected extended benefits [2]	Projected Federal supplemental benefits	Total
Alabama	26	0	10	36
Alaska	26	13	10	49
Arizona	26	[3] 13	10	[3] 49
Arkansas	26	0	10	36
California	26	0	10	36
Colorado	26	0	6	32
Connecticut	26	0	6	32
Delaware	26	0	10	36
District of Columbia	34	0	6	40
Florida	26	0	6	32
Georgia	26	0	6	32
Hawaii	26	0	8	34
Idaho	26	13	10	49
Illinois	26	0	10	36
Indiana	26	0	10	36
Iowa	26	0	10	36
Kansas	26	[3] 13	10	[3] 49
Kentucky	26	0	10	36
Louisiana	28	0	10	38
Maine	26	0	10	36
Maryland	26	0	10	36
Massachusetts	30	0	10	40
Michigan	26	13	10	[3] 49
Minnesota	26	0	10	36
Mississippi	26	13	10	49
Missouri	26	0	10	36
Montana	26	0	10	36
Nebraska	26	0	6	32
Nevada	26	0	10	36
New Hampshire	26	0	6	32
New Jersey	26	0	10	36
New Mexico	26	[3] 13	10	[3] 49
New York	26	0	8	34
North Carolina	26	0	10	36
North Dakota	26	0	6	32
Ohio	26	13	10	49
Oklahoma	26	0	6	32
Oregon	26	13	10	49
Pennsylvania	30	13	10	[4] 49
Puerto Rico	20	13	10	43
Rhode Island	26	13	10	49
South Carolina	26	13	10	49
South Dakota	26	0	6	32
Tennessee	26	0	10	36
Texas	26	0	6	32
Utah	36	0	10	46
Vermont	26	0	10	36
Virginia	26	0	6	32

EFFECT OF FEDERAL SUPPLEMENTAL BENEFITS PROVISION OF H.R. 4961 ON THE MAXIMUM NUMBER OF WEEKS OF UNEMPLOYMENT COMPENSATION BENEFITS PAYABLE TO UNEMPLOYED WORKERS [1]—Continued

State	Present law		H.R. 4961	
	Regular State benefits	Projected extended benefits [2]	Projected Federal supplemental benefits	Total
Virgin Islands	26	0	10	36
Washington	30	13	10	[4] 49
West Virginia	28	13	10	[4] 49
Wisconsin	34	0	10	44
Wyoming	26	0	6	32

[1] Weeks of benefits are based upon the State's projected insured unemployment rate (IUR) for the 1st quarter of fiscal year 1983.
[2] Extended benefits (EB) payable under EB triggers effective Sept. 25, 1982.
[3] State will trigger off of EB before end of quarter.
[4] No individual worker can receive more than 39 weeks of regular State and extended benefits.

EXTRADITION ACT OF 1982

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. STUDDS. Mr. Speaker, the House is expected soon to consider H.R. 6046, the proposed Extradition Act of 1982. Although I have not personally formed a final judgment about how I may vote on this measure, I have become aware of a number of questions which have been raised about specific aspects of the bill. Many of these questions are discussed in the attached essay which was written by Mr. Christopher Pyle, and which appeared in the New York Times on August 11.

I am particularly concerned about the provisions of the extradition bill which would authorize the arrest and detention of an individual solely on the basis of an accusation, unsupported by evidence, put forward by a foreign government; by the narrow definition of political offense which is adopted by the bill; and by the extent to which responsibilities of a judicial nature are placed in the hands of political officials from the Department of State.

As I say, I have a good deal of respect for the Committee on the Judiciary and for the authors of H.R. 6046. I am hopeful that when the House does debate this legislation, careful consideration will be given to the controversial provisions of the bill, and a full and thoughtful debate will be held on a series of amendments which I understand will be offered.

The following essay by Christopher Pyle discusses the extradition legislation in a manner which I believe should be of interest to my colleagues.

The article follows:

[From the New York Times, Aug. 11, 1982]

RUINING EXTRADITION

(By Christopher H. Pyle)

SOUTH HADLEY, MASS.—For more than two centuries, the United States has provided a refuge to which opponents of authoritarian regimes could flee without fear that they would be returned to stand trial for political offenses. That policy may be about to end.

Under either of the extradition bills now cleared for debate in Congress, persons charged with political crimes would be stripped of their legal defense and United States courts would be turned into the long arms of foreign persecution.

The purpose of the bills—to facilitate the return of terrorists—is manifestly worthwhile. However, both bills are so badly written that they would endanger the very persons that American law governing extradition has always shielded: critics of foreign regimes, former freedom fighters against authoritarian rule, former officials of regimes that the United States once supported.

For example, both bills provide for the arrest of an accused person without any proof that he is guilty of a crime. A mere allegation by a foreign dictatorship, coupled with a promise to produce evidence sometime in the future, would be sufficient to cause the United States Government to jail the accused for months. No United States prosecutor has this power of arbitary detention, but under these bills, Albania, Rumania, South Africa, El Salvador and about 90 more countries with which we have extradition agreements would have it, and could use it to bring about the imprisonment of their critics within the United States.

Under current law, no American court will allow a person to be extradited if it can be shown that he or she is really being sought for "an offense of a political character." Each bill would, in its own way, destroy this defense.

The Senate bill, which the Administration favors, would do so by stripping the courts of jurisdiction over the political crimes defense. Instead, the accused would have to raise his claim with the State Department, which could then decide whether protecting him from persecution is worth the risk of alienating the foreign government involved.

The State Department's motive for supporting this bill is clear. It wants to be able to swap alleged criminals with foreign countries the same way that children trade baseball cards: "We'll give you one terrorist if you give us three embezzlers."

The House bill seems more protective of political refugees than the Senate bill because it would keep in the courts the power to decide the political crimes defense. However, the appearance is deceptive, because the House bill would forbid the courts to regard as political, and hence not extraditable, any offense involving bodily violence or a conspiracy to commit bodily violence. There is a tiny exception for crimes committed under "extraordinary circumstances," but the bill does not say what they might be. All that is clear is the political message: Protecting foreign revolutionaries from return to authoritarian regimes should be a rare, not common occurrence.

As if to emphasize a preference for authoritarian regimes, both bills would forbid the courts to question whether a request for extradition was really a subterfuge for persecution. Nor would the courts be allowed to hear evidence that the charges against the accused resulted from torture or to deny extradition on the ground that the requesting regime is notorious for brutal interrogations, unjust trials or cruel punishment. Judgments of this sort would be left to the State Department, which currently pretends that El Salvador protects human rights.

The Administration claims that the courts should be denied the power to look into foreign injustice in order to assure the neutrality of the United States in foreign political conflicts. However, there can be no doubt where the Justice Department's sympathies would lie; both bills would require its lawyers to represent all foreign governments in their extradition requests. The United States would be neutral—on the side of whoever happens to be in power.

In anticipation of this legislation and a treaty to implement it, the Marcos dictatorship is requesting the extradition of more than a dozen of its opponents now living in the United States. One of those charged with plotting in the United States to support bombings in the Philippines is Benigno Aquino Jr., an associate at Harvard University's School of International Affairs who ran against President Ferdinand E. Marcos in the last free election. The only "evidence" against Mr. Aquino comes from the confession of an alleged coconspirator who later recanted, claiming he had been tortured. However, if either bill now before Congress passes, that evidence will be sufficient to send this democratic politician back into the hands of the dictator he opposed.●

TRIBUTE TO JOHN NEAFSEY, NEW JERSEY LEGION COMMANDER

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. FLORIO. Mr. Speaker, I would like to take this opportunity to pay tribute to an outstanding American, John M. Neafsey, of Gloucester City N.J.

Mr. Neafsey is being installed as commander for the American Legion in New Jersey. This honor follows a long history of active participation in the Legion as well as service to his Nation and community.

John has been commander of both the Fairview No. 71 Post and the Camden County organization of the Legion. He is currently serving the Legion on the national level as vice chairman of the Americanism council and on the legislative council.

John is also a member of the Veterans of Foreign Wars, the Free and Accepted Masons, the Knights of Columbus, and other groups.

John's military service began in September 1940, when he joined the 157th Field Artillery. He transferred to the U.S. Army Air Force in 1943, serving in the 2d, 3d, and 15th Air Forces. He was discharged in September 1945.

Married to the former Evelyn Davis, he is father to three daughters, Evelyn, Doris, and Annamae, and a son, Charles. Mr. and Mrs. Neafsey have six grandchildren. John Neafsey has been employeed by the U.S. Postal Service for the last 18 years.

I know that John Neafsey will serve with distinction and honor as commander of the American Legion's New Jersey Department. My best wishes go out to him, his family, and his fellow Legionnaires.●

EARLY WARNING

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. ASPIN. Mr. Speaker, I understand that the Transportation appropriations bill for fiscal year 1983 may be considered shortly by the House. I am, therefore, inserting into the RECORD a cost analysis of that bill prepared by the staff of the Budget Committee. The cost analysis uses data provided by the Congressional Budget Office.

This bill, like the three other appropriations bills that I have discussed previously, is within its discretionary budget authority targets provided through the budget process and thus not subject to delayed enrollment. In addition, the mandatory budget authority provided in the bill is within the 302(b) targets agreed to by the Appropriations Committee pursuant to the act and the first budget resolution. The budget resolution does not assume the need for future supplementals that would exceed these targets.

The subcommittee does exceed its outlay targets, however. It is not possible to know exactly why this occurred since outlays are an estimate, but it is likely that the Appropriations Committee action provides a different program mix than those assumed in their 302 subdivision. To the extent that the spending mix has been altered, it is likely that faster first-year spending means lower outlays in 1984 and 1985—I believe this phenomenon has no long-run significance.

EARLY WARNING SUMMARY: H.R. 97-7019, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATION BILL, FISCAL YEAR 1983

Floor action: Tentative, Thursday, September 16, 1982

Scorekeeping: The functional totals included in the First Budget Resolution conference report are allocated to the appropriate House committees in accordance with Section 302(a) of the Budget Act. Each committee then divides the 302(a) allocation among its subcommittees or programs and reports its subdivisions back to the House in a 302(b) report. It is this 302(b) report that the House Budget Committee uses to "score" a spending bill.

Scoring of this bill: Using the 302(b) report, the Budget Committee makes several comparisons to determine whether or not a spending bill is within the targets of the First Budget Resolution. In scoring a spend-

ing bill, the Budget Committee pays particular attention to programs over which a committee has funding discretion. For example, the Appropriations Committee is bound by existing law and generally cannot effectively reduce amounts required for the funding of mandatory programs. Many of these comparisons are for informational purposes only; the only procedural sanction is deferred enrollment which causes a conference report to be held at the desk if the discretionary budget authority exceeds its target.

(1) Discretionary Programs in Bill: The bill equals the subcommittee's total for budget authority and thus would not be subject to the deferred enrollment provisions of the Budget Resolution. The bill is over the allocation for outlays by $244 million.

(2) Mandatory Programs in Bill: The bill is under the subcommittee's total for budget authority by $43 million and over the outlay total by $476 million.

(3) Overall Bill Total: The bill is under the subcommittee's budget authority total by $43 million and over the outlay total by $720 million.

(4) Credit Targets: The bill is under the subcommittee's total.

(5) Supplemental Amounts Which May Be Required: Future anticipated funding requirements also in the Subcommittee's jurisdiction if added to this bill would not breach the Subcommittee's 302(b) budget authority allocation but would further breach the Subcommittee's 302(b) outlay allocation.

For additional details see the attached early warning report.

EARLY WARNING ADDITIONAL DETAIL HOUSE BUDGET COMMITTEE

Bill: H.R. 7019 Department of Transportation and related agencies appropriation, fiscal year 1983.

STAFF ANALYSIS

Committee: Appropriations.

Subcommittee: Transportation.

Floor Manager: Mr. Lehman (Florida).

Ranking Minority Member: Mr. Coughlin (Pennsylvania).

Scheduled: Tentative, Thursday, September 16, 1982.

I. Description of bill: This bill provides appropriations for the Department of Transportation and several other smaller independent agencies.

II. Comparison with target for discretionary appropriatons action: Pursuant to the Budget Act and HBC scorekeeping, the subcommittee has *two* targets: one for discretionary programs and one for mandatory programs. Since the Appropriations Committee is bound by existing entitlement law, it generally cannot effectively change the amounts required for the funding of mandatory programs. The Subcommittee's target for discretionary programs is therefore the main focus for this Early Warning report. That target is specified in the report of the Appropriations Committee made pursuant to Sec. 302(b) of the Budget Act, in which the Appropriations Committee subdivided to subcommittees the amounts allocated to it in the First Budget Resolution for Fiscal Year 1983.

Further, if the conference report on this appropriation bill, combined with any other fiscal year 1983 appropriations that the subcommittee may have enacted this session, were to cause the target for discretionary budget authority to be breached, then the bill would be subject to the "deferred enrollment" provision of Section 4 of the Fiscal Year 1983 First Budget Resolution (or held at the desk and not sent to the President for signature).

The summary table below shows that the subcommittee is equal to its discretionary targets for budget authority and over in outlays. The numbers in the summary table could change as a result of floor amendments, Senate action, conference action on this bill, or possible future supplemental appropriations. Possible future supplementals are discussed in Section IV below.

III. Summary table:

[In millions of dollars]

	Budget authority	Outlays
The amounts shown below are only for discretionary 1983 spending by this subcommittee:		
1. Discretionary amounts in bill	10,815	8,244
2. Prior action		
3. Total action to date	10,815	8,244
4. 302(b) target	10,815	8,000
5. Over(+)/Under(−)		+244
6. Amounts assumed but not yet considered		
7. Over(+)/Under(−)		+244
The amounts shown below are only for mandatory programs that are funded by this subcommittee:		
8. Mandatory amounts in bill	384	380
9. Prior action		11,052
10. Total	384	11,432
11. 302(b) target	427	10,956
12. Over(+)/Under(−)	−43	+476
13. Supplemental amounts needed	39	31
14. Over(+)/Under(−)	−4	+507
The amounts shown below are for the bill total and include both discretionary and mandatory amounts:		
15. Total amounts in bill	11,199	8,624
16. Prior action		11,052
17. Total	11,199	19,676
18. 302(b) total target	11,242	18,956
19. Over(+)/Under(−)	−43	+720
20. Supplemental amounts	39	31
21. Over(+)/Under(−)	−4	+751

Note.—Detail may not add due to rounding.

IV. Explanation of over/under: Since the assumptions behind a committee's 302(b) subdivision are not required to be provided to the House, the House Budget Committee is unable to give a definitive answer to the question of where a particular bill is over or under a committee's 302(b) subdivision. The Budget Committee can only compare the items in the bill to the assumptions contained in the budget resolution. It is important to note that the line item assumptions in the budget resolution are not binding on a committee.

In state transfer grants-highways is $212 million in budget authority and $35 million in outlays above the assumptions in the budget resolution.

Urban mass transportation funding is $148 million in budget authority over the resolution assumptions and $62 million in outlays under the resolution assumptions.

Funding for FAA operations is over the budget resolution assumptions by $152 million in budget authority and $132 million in outlays.

Funding for FAA facilities and equipment is over the budget resolution assumptions by $113 million in budget authority and $12 million in outlays.

Funding for Coast Guard operating expenses is over the budget resolution assumptions by $164 million in budget authority and $128 million in outlays.

Funding for Coast Guard acquisition, construction and improvements is under the budget resolution assumptions by $407 million in budget authority and $52 million in outlays.

V. Credit: The First Budget Resolution contains targets for credit program amounts. As with budget authority and outlays, the Appropriations Committee is allocated amounts for credit program levels, and subdivides those amounts among subcommittees. For comparative purposes, the table below shows the bill, plus items not yet acted on, and the credit subdivisions.

	Direct loan obligations	Primary guarantee commitments	Secondary guarantee commitments
1. Credit program limits in the bill	2	337	
2. Limits assumed in the budget resolution not acted upon in the bill and other amounts not subject to limit	466	−280	
3. Possible total for subcommittee	468	57	
4. Credit subdivisions	550	125	3
5. Over(+)/Under(−)	−82	−68	−3

The great majority of direct loan activity under the jurisdiction of this subcommittee is not subject to limit. This occurs because (1) guaranteed loans purchased by the FFB are not subject to limit, and (2) direct loans incurred because of default on guaranteed loans are not subject to limit. In the aggregate the direct loan, primary loan guarantee and secondary loan guarantee commitment activity under the jurisdiction of this subcommittee, including activity not subject to annual appropriations limits, is less than the credit subdivisions allocated to this subcommittee. The largest credit program under the subcommittee's jurisdiction is rail rehabilitation and improvement loan guarantees. The bill limits the program to $275 million, which is $5 million more than the level assumed in the budget resolution.

VIII. Definitions of terms in summary table, section III:

Line 1. Discretionary amounts in bill: discretionary fiscal year 1983 appropriations in H.R. 7019.

Line 2. Prior action: the fiscal year 1983 budget authority and outlays for this committee that were appropriated in prior bills.

Line 3. Total action to date: line 1 plus line 2.

Line 4. 302(b) target for discretionary appropriations set by the Appropriations Committee pursuant to the Budget Act.

Line 5. Over(+)/Under(−): line 3 minus line 4.

Line 6. Amounts assumed but not yet considered: these are amounts assumed in fiscal year 1983 budget resolution for which funding has been deferred by the Appropriations Committee, probably until next spring's supplemental appropriations bill.

Line 7. Over (+)/Under(−): line 5 plus line 6.

Line 8. Mandatory amount in bill: funding for mandatory programs (entitlements).

Line 9. Prior action: outlays from budget authority enacted for years prior to fiscal year 1983, plus permanents and advance appropriations assigned to the Appropriations Committee.

Line 10. Total: line 8 plus line 9.

Line 11. 302(b) target: the target for mandatory amounts set by the Appropriations Committee. The target set by the Appropriations Committee includes the effect of assumed authorizing legislation that would change the level of mandatory programs.

Line 12. Over (+)/Under(−): line 10 minus line 11.

Line 13. Supplemental amount needed: amounts for any new entitlement legislation assumed in the budget resolution and to fund mandatory items in the bill at the level estimated in the budget resolution.

Line 14. Over (+)/Under(−): line 12 plus line 13.

Lines 15. through 21. These lines equal the sum of lines 1 and 8, lines 2 and 9, etc., respectively.●

PER DIEM ALLOWANCES FOR MEMBERS OF CONGRESS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. LaFALCE. Mr. Speaker, I have long believed that Members of the U.S. Congress who have their principal home in the district they represent should be given a per diem allowance for legislative days in Washington, D.C.

I recently requested information from the National Conference of State Legislatures regarding the award of per diem living expenses to State legislators. I would like to share this information with my colleagues.

The following States give the following per diem living expenses during the State legislative session: Alabama, $65 up to 105 calender days, unvouchered; Alaska, $60 unvouchered; Arizona, $40; $20 for Maricopa legislators, unvouchered; Arkansas, $44, vouchered; California, $46, unvouchered; Colorado, $40; $20, for Denver Metropolitan legislators, unvouchered; Connecticut, receive no per diem, $2,000 annually, unvouchered; Florida, $50, unvouchered; Georgia, $44, unvouchered; Hawaii, $20 for legislators outside of Oahu, unvouchered; $2,500 annual allowance for incidental expenses; Idaho, $44; $25 if legislator lives at home in capital city, unvouchered; Illinois, $36, unvouchered; Indiana, $50, unvouchered; Iowa, $30; $15 for Polk County legislators, unvouchered; Kansas, $50 unvouchered; Kentucky, $75, unvouchered; Maine, $35 for 7-day week meals and housing or $17 per day meals; mileage up to $20 per day, vouchered; Maryland, $50 maximum, vouchered; Michigan, total of $5,200 in 1981, unvouchered; Minnesota, $27, $17 for metropolitan legislators, unvouchered; Mississippi, $44 for actual daily attendance, none for Jackson legislators, unvouchered; Missouri, $35 for actual daily attendance, unvouchered; Montana, $40 for 7-day week, unvouchered; Nevada, $44, unvouchered; New Mexico, $40, vouchered; New York, up to $55, vouchered; North Carolina, $55, unvouchered; North Dakota, $70, unvouchered; Oklahoma, $35; only mileage during session if legislator lives at home, vouchered; Oregon, $44, unvouchered; Pennsylvania, $58, vouchered; South Carolina, $50 subsistence, vouchered; South Dakota, $50 for 5-day week, unvouchered; Tennessee, $66.47, unvouchered; Texas, $30, unvouchered; Utah, $15 expense allowance, unvouchered; Vermont, $45 if housed in capital; $17.50 if legislator lives at home, unvouchered; Virginia, up to $50 but no more than $44 as allowed by IRS, unvouchered; Washington, $44, unvouchered; West Virginia, $30 lodging, or up to $30 travel expenses if commuting; Charleston legislators $20 for meals but no other expense, unvouchered; Wisconsin, $30, $15 if legislator lives inside Madison, unvouchered; Wyoming, $44, unvouchered.●

EXTRADITION REFORM ACT OF 1982

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. FAUNTROY. Mr. Speaker, it is with strong concern that I rise in opposition to H.R. 6046, the Extradition Reform Act of 1982. While I am strongly supportive of efforts to modernize and reform our extradition procedure so that they protect the civil liberties of those who face extradition because they are charged with serious crimes, I must oppose the bill because it has provisions which would prohibit the courts from reviewing extradition demands by foreign governments.

Court review is necessary to insure that the demand for extradition on the part of a foreign government is not merely an effort to supress political dissent. Additionally, the bill would permit individuals, both U.S. citizens and foreign nationals, to be detained without bail on the basis of only an allegation by a foreign government that an extraditable crime has been committed. Our history as a nation has been enhanced through the refuge we have provided on many occasions to victims of regimes which have a pattern and practice of human rights violations. H.R. 6046, while not deliberately seeking to overturn this proud tradition, is unfortunately drafted so broadly that it could endanger the very persons that our tradition of refuge has always shielded: Opponents of totalitarian and authoritarian regimes, be they U.S. citizens or foreign nationals.

My understanding is that a number of my colleagues will be offering amendments to H.R. 6046 which would alter the most objectionable provisions of this legislation.

I would urge my colleagues to give the most careful consideration to H.R. 6046 to alter the following provisions:

Require the court to hold an individual for at least 10 days based upon a mere request of a foreign government with no supporting evidence, unless the person can affirmatively demonstrate that he or she should be released;

Define the longstanding political crime exception to extradition so narrowly as to exclude in almost all circumstances crimes which in any was include violent conduct; and

Prohibit a court from inquiring into allegations that a State is seeking extradition of a person for the purpose of prosecuting such person because of his or her political opinions, race, religion, or nationality.

Consider just a few situations in which the courts would have no choice but to act:

A foreign government's mere, unsubstantiated allegation that an American citizen had, on a visit to that country, conspired to commit a violent act, coupled with a promise to produce evidence at a later date, would compel that the person be held without bail for for at least 10 and perhaps for more than 60 days.

A leading critic of a foreign dictatorship could be extradited based on allegations that he engaged in violent acts, without having the opportunity to demonstrate that the charges were a mere subterfuge to punish him for his political view or that he would be subjected to arbitrary detention or torture if extradited.

An individual who used violence to escape from a foreign prison where he was being tortured or who used force directed at military units as part of an uprising against a repressive regime would be unable to claim the political exception to extradition which has traditionally been the hallmark of American extradition law.

It is not sufficient that the executive branch could decline to file a complaint or to extradite in a particular case of manifest injustice. Every administration is under enormous pressure from its allies to extradite political opponents of the regime and to ignore evidence of torture or lack of due process. The recent decision by the Reagan administration to certify that the Government of El Salvador is not violating international human rights standards is but one recent manifestation of this continuing phenomenon.

In addition, I submit for your additional information a recent letter published in the New York Times by Christopher Pyle, a constitutional law and civil liberties scholar:

[From the New York Times, Aug. 11, 1982]

RUINING EXTRADITION

(By Christopher H. Pyle)

SOUTH HADLEY, MASS.—For more than two centuries, the United States has provided a refuge to which opponents of authoritarian regimes could flee without fear that they

would be returned to stand trial for political offenses. That policy may be about to end.

Under either of the extradition bills now cleared for debate in Congress, persons charged with political crimes would be stripped of their legal defense and United States courts would be turned into the long arms of foreign persecution.

The purpose of the bills—to facilitate the return of terrorists—is manifestly worthwhile. However, both bills are so badly written that they would endanger the very persons that American law governing extradition has always shielded: critics of foreign regimes, former freedom fighters against authoritarian rule, former officials of regimes that the United States once supported.

For example, both bills provide for the arrest of an accused person without any proof that he is guilty of a crime. A mere allegation by a foreign dictatorship, coupled with a promise to produce evidence sometime in the future, would be sufficient to cause the United States Government to jail the accused for months. No United States prosecutor has this power of arbitrary detention, but under these bills, Albania, Rumania, South Africa, El Salvador and about 90 more countries with which we have extradition agreements would have it, and could use it to bring about the imprisonment of their critics within the United States.

Under current law, no American court will allow a person to be extradited if it can be shown that he or she is really being sought for "an offense of a political character." Each bill would, in its own way, destroy this defense.

The Senate bill, which the Administration favors, would do so by stripping the courts of jurisdiction over the political crimes defense. Instead, the accused would have to raise his claim with the State Department, which could then decide whether protecting him from persecution is worth the risk of alienating the foreign government involved.

The State Department's motive for supporting this bill is clear. It wants to be able to swap alleged criminals with foreign countries the same way that children trade baseball cards: "We'll give you one terrorist if you give us three embezzlers."

The House bill seems more protective of political refugees than the Senate bill because it would keep in the courts the power to decide the political crimes defense. However, the appearance is deceptive, because the House bill would forbid the courts to regard as political, and hence not extraditable, any offense involving bodily violence or a conspiracy to commit bodily violence. There is a tiny exception for crimes committed under "extraordinary circumstances," but the bill does not say what they might be. All that is clear is the political message: Protecting foreign revolutionaries from return to authoritarian regimes should be a rare, not common occurrence.

As if to emphasize a preference for authoritarian regimes, both bills would forbid the courts to question whether a request for extradition was really a subterfuge for persecution. Nor would the courts be allowed to hear evidence that the charges against the accused resulted from torture or to deny extradition on the ground that the requesting regime is notorious for brutal interrogations, unjust trials or cruel punishment. Judgments of this sort would be left to the State Department, which currently pretends that El Salvador protects human rights.

The Administration claims that the courts should be denied the power to look into foreign injustice in order to assure the neutrality of the United States in foreign political conflicts. However, there can be no doubt where the Justice Department's sympathies would lie; both bills would require its lawyers to represent all foreign governments in their extradition requests. The United States would be neutral—on the side of whoever happens to be in power.

In anticipation of this legislation and a treaty to implement it, the Marcos dictatorship is requesting the extradition of more than a dozen if its opponents now living in the United States. One of those charged with plotting in the United States to support bombings in the Philippines is Benigno Aquino Jr., an associate at Harvard University's School of International Affairs who ran against President Ferdinand E. Marcos in the last free election. The only "evidence" against Mr. Aquino comes from the confession of an alleged coconspirator who later recanted, claiming he had been tortured. However, if either bill now before Congress passes, that evidence will be sufficient to send this democratic politician back into the hands of the dictator he opposed.●

TAX INCREASES VERSUS REDUCED SPENDING

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. HUBBARD. Mr. Speaker, I have received an excellent letter from one of my constituents, attorney Wayne B. Youngblood of Mayfield, Ky., in response to the tax increase package which recently passed the Congress and was signed into law by the President. Mr. Youngblood strongly urges Members of Congress to reduce Government spending and show the citizens of this Nation that they are fiscally responsible. Reckless disregard of the ever-growing deficit must not be tolerated. I would like to share his letter with my colleagues. The letter follows:

WAYNE B. YOUNGBLOOD,
Mayfield, Ky., August 19, 1982.

Hon. CARROLL HUBBARD,
Washington, D.C.

DEAR CONGRESSMAN HUBBARD: I just heard your floor speech on the 10 P.M. news tonight concerning the "tax increase." Although I very much favored the "tax increase" bill, I was elated to hear your reason for opposing it. I too agree that we need to balance the budget by reducing spending; however, everyone else seems to be saying that that's not possible or that the Congress will never reduce spending that much. In the past, I favored the tax cut (and I've opposed tax increases) solely because I wanted to keep the pressure on the need to reduce spending. However, this current year's projected deficit just seems to me to be making our long-term goal of eliminating the national debt that much harder. With this $100 million package, with perhaps more spending cuts with your help, and with economic recovery; the next three years look great to me.

It's my view that gradual economic recovery over a few years is the best we can hope for. That slow but steady method will, in my view, teach us a lot of economic lessons along the way and leave our country with a very efficient and sound springboard for long-term growth.

I'm thrilled that you and so many others in Congress seem to agree that we must reduce spending. I'd like to see another "massive" spending reduction (I thought the last one just whittled!), and most of the government employees dislocated by it could be shifted to a collection function rather than their current "hand-out" function. I'm very much for firm enforcement of the tax laws we do have. When our country makes it clear to all that we'll never again live beyond our means with deficits year after year, I sincerely believe that we'll see an outpouring of financial and patriotic support from our citizenry. There's millions of patriotic Americans who realize that we're all heirs of the greatest country in the world; but in the past no one wanted voluntarily to throw good money in a treasury being spent with reckless disregard. The Congress seems to be talking fiscal responsibility now; when we make further progress in cutting out all the nonsensical programs in the budget, I think we'll see a degree of cooperation unseen since WWII.

Thanks for listening, and please advise if ever I can be of any help.

Sincerely,

WAYNE B. YOUNGBLOOD.●

SOVIET EXPANSION

HON. DON RITTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. RITTER. Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD an article that is well worth the attention of my colleagues and should be read by every Member in this Congress. It is an excellent article written by our colleague MICKEY EDWARDS who zeros in on the real essence of the Soviet expansion issue.

The article follows:

SOVIET EXPANSION AND CONTROL OF THE SEA-LANES

(By Mickey Edwards)

Americans felt the pinch some years back when an Arab embargo cut down the flow of oil to U.S. shores. Consider how much greater the impact might be if the expanding Soviet Navy were to cut the sea-lanes which bring oil and many other vital resources to our shores.

Soviet expansion is a growing threat to the unhindered use of the world's sea-lanes, the vital threads by which nations are linked in a web of interdependence. Anything less than global access to the world's waterways places the United States in serious jeopardy. Let us, then, consider specific examples of Soviet expansion and the likely consequences for the West if it goes unchecked.

MIDDLE EAST

The 1979 invasion of Afghanistan compels us to recognize anew the centuries-old Russian desire for warm-water ports. With the southern border of Afghanistan 350 miles from the Arabian Sea, Soviet aircraft based in southern Afghanistan are now some 500

miles closer to the sea-lanes serving the Persian Gulf. At present, the Soviets are moving to upgrade the airports at Herat, Shindand, and Farah to the south into full-fledged advance air bases. In fact, Soviet aircraft are now closer to strategic points in the Persian Gulf than they would be if based in Tehran.

The ports at Gwadar in southwestern Pakistan and Chah Bahar in southeastern Iran beckon the Soviets enticingly. Naval bases in this area would provide ready access to the Gulf of Oman and the Strait of Hormuz, which lies at the entrance to the Persian Gulf. The strait is a vital "choke point" through which about 60 percent of the oil destined for Western Europe moves everyday. About 77 ships a day (roughly one ship every 19 minutes) negotiate the narrow strait. Most of them are oil tankers. Since both the eastbound and westbound shipping channels are located in Oman's territorial waters, this conservative, pro-Western country is responsible for guarding the increasingly vulnerable waterway. The Omani Navy numbers around 15 ships.

The Soviet Union could obtain a corridor to the Arabian Sea if political instability grows in the area adjacent to Afghanistan's southern border. They key area is Baluchistan, a volatile and disputed territory which straddles southeastern Iran and southwestern Pakistan and whose inhabitants spill over into Afghanistan. Throughout the last decade, the Baluchis have tried to form a separate state that would be independent of both Iran and Pakistan. The separatist movement on the Iranian side has been picking up steam in recent months.

An independent Baluchistan would almost certainly need the support of an ally powerful enough to guarantee its security against Iran and Pakistan. In such an event, the Soviets could present themselves as a logical choice, possibly under the guise of a legitimate Afghan Government. The southern flank of a separate pro-Soviet Baluchistan would contain the port towns of Gwadar, Chah Bahar, Pasni, and perhaps Karachi. As much as 700–800 miles of seacoast would thus be included in the new state. Advanced air bases in southern Afghanistan coupled with access to ports on the Arabian Sea would give the Soviets a double-fisted threat to Persian Gulf oil. The Soviet Union would also possess greatly enhanced ability to neutralize U.S. naval forces in the area.

Considerations that make a drive for autonomy in Baluchistan more likely are beginning to receive careful attention in Western intelligence circles. A guerrilla organization among radical Baluchi nationalists has been forming for at least a year. In addition, there have been reports, so far unconfirmed, that the Soviets have been using Afghan intermediaries to supply arms to Baluchis in Iran. To the extent that the regime of President Babrak Karmal strengthens its control over Afghanistan, it will be increasingly able to give attention to exploiting separatist movements south of its border.

When we turn our attention west of Afghanistan, the picture is just as bleak, for that way lies Iran. Within weeks of the invasion, Soviet forces were concentrated in western Afghanistan, along the Iranian border. The strongholds of the anti-Soviet Afghanistan rebel tribesmen are located in the north and east, away from Iran. The air bases previously mentioned are within 100 miles of the Iranian border, and they are being rapidly expanded. Hundreds of tanks—perhaps as many as 3,000—have been reported in the region. Soviet troops there are supported by sophisticated weapons, including armored personnel carriers, multiple-rocket launchers, self-propelled artillery, and mobile anti-aircraft guns. Clearly, Soviet forces are in position and equipped for a thrust into Iran should Moscow give the word. The justification available to the Soviets is the same they used for Afghanistan—that poltical instability in a bordering country threatens the security of the U.S.S.R.

Even apart from a military strike against Iran, the Soviets are now in a more favorable position than before to support subversion in both Iran and Pakistan and to hasten the destablization of the progressively fragile Khomeini government. One analyst who warned of the possible invasion of Afghanistan last fall warns that radical Afghan expatriates now living in Iran are in a position to play the role of Soviet surrogates in the event of a civil war in Iran.

Perhaps the situation would not be quite so ominous if Afghanistan represented the only staging point for Soviet aspirations in the Middle East. But, in fact, the Soviet Union is resolutely involving itself in countries all around the perimeter of the Persian Gulf. For example, there is evidence of a growing military presence in South Yemen, a completely Marxist, pro-Soviet country strategically located near the mouth of the Red Sea and bordering Oman. Intelligence reports have indicated that a number of Soviet surface warships and nuclear submarines have docked in South Yemen. In addition, Soviet destroyers, based in Yemen and outfitted with sophisticated electronic listening devices, have been prowling the Strait of Hormuz. East Germans virtually run the internal security system of the South Yemeni Government.

Furthermore, some analysts have assembled evidence to support the chilling contention that there are already three Cuban battalions in South Yemen. A possible role for these troops is indicated by intelligence reports that the Soviets have been shipping first-rate armored equipment to South Yemen—equipment that is much too sophisticated for their Arab clients: combat carriers, battle tanks, and anti-aircraft vehicles. This is precisely the same kind of modern equipment the Soviets have introduced into Cuba. In the wake of the Afghanistan situation, we seem to have forgotten about that infamous Soviet combat brigade in Cuba, but this is equipment the Soviets have been training the Cubans to use.

A mobile armored force in South Yemen, manned by trained personnel, is well suited for a quick strike against Oman. The size of the Omani Army is such that it could not reasonably be expected to resist such an attack. Additionally, Oman has already been plagued with insurgency problems of its own. Chiefly with British help, the Sultan of Oman was able in 1974 to defeat guerrillas in Oman's Dhofar province along the frontier it shares with South Yemen. These guerrillas were trained and armed in South Yemen and so indirectly supported by the Soviet Union. A renewed Dhofar insurgency, aided and supported by the South Yemenis, could set the stage for an attack by Cuban-manned armored divisions. Obviously, a Soviet or pro-Soviet presence in Oman would be an excellent staging point for more ambitious Russian projects in the area. One must bear in mind that many of the regimes in the Middle East are politically very fragile and vulnerable. The destabilization of the region around the Arabian peninsula could very well contribute to the destabilization of other moderate Arab governments, such as the one in Saudi Arabia.

That this is not mere speculation can be appreciated by taking a careful look at the attempted takeover of the Grand Mosque in Saudi Arabia in November 1979. For understandable reasons, the Saudis have tried to put a calm face on the episode. But European intelligence sources state that 70 to 80 of the 500 attackers received training from both Cubans and Russians in South Yemen and that Yemenis participated in the assault. Units of the South Yemen Army, supported by Soviet bloc advisors, were mobilized along the Saudi and North Yemeni borders. Large stockpiles of Soviet arms were established just inside the border. A prominent British analyst has gone so far as to say that all this was part of a large-scale plan that was to involve similar uprisings in other Saudi cities.●

"HEALTH FOR THE WHOLE FAMILY" SALUTING NATIONAL OSTEOPATHIC MEDICINE WEEK

HON. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. COLEMAN. Mr. Speaker, 1 week is set aside each September to honor the people involved with the medical profession that offers patients something more—osteopathic medicine. This year, September 12 to 18 has been designated as "National Osteopathic Medicine Week."

More than 20,000 osteopathic physicians practice in States throughout the Nation, caring for 20 million Americans. The vast majority of DO's provide primary care and more than half of all osteopathic physicians practice in towns with populations of less than 50,000 people, often providing medical care to families in rural communities.

There are more than 200 osteopathic hospitals in 31 States. These hospitals have close to 25,000 beds available and employ nearly 70,000 people. Osteopathic hospitals treated over 800,000 people last year as inpatients, accounting for some 6 million patient days. Another 3 million Americans were seen as outpatients.

The osteopathic profession emphasizes primary care—general practice—in its medical school curricula and continuing professional education. However, many DO's are specialists, covering all areas of medical specialization from anesthesiology to neurology and urologic surgery.

The osteopathic profession is founded on the philosophy of treating the whole person, not just the symptom or disease, because what happens in one part of the body can affect other parts. The osteopathic physician pays particular attention to joints, bones, muscles, and nerves. Osteophatic ther-

apy, the profession's "something more," often improves circulation and a normal blood supply and nerve function can enhance the body's natural healing process.

Today, we hear so much about the rising cost of health care. Osteopathic medicine emphasizes wellness and preventive care, and this approach contributes to keeping health care costs down. An important osteopathic premise is that a healthy state is the natural state of the body. However, when illness invades, the osteopathic physician considers it an invasion of the whole patient, not just an organ or a limb. Osteopathic medicine is patient oriented, not disease oriented.

Founded over 100 years ago by Dr. Andrew Taylor Still, osteopathic medical principles are built on the fact that the body is an integral unit, a whole, and the structure of the body and its functions work interdependently. To the osteopathic physician and the osteopathic hospital, each patient is unique.

It is my distinct privilege to represent the Sixth District of Missouri, the birthplace of osteopathic medicine. The first osteopathic medical school, the American School of Osteopathy, was chartered in Kirksville in 1892. Known today as the Kirksville College of Osteopathic Medicine, it is 1 of 15 such schools in the Nation. The University of Health Sciences in Kansas City, Mo., also contributes to the more than 1,000 osteopathic physicians who graduate each year from osteopathic medical schools. Many of these physicians will serve in rural areas and in communities with few physicians in relation to the population, thereby filling a crucial gap in the delivery of medical care to the American people.

We in Missouri are particularly proud of our many osteopathic hospitals. These include such fine hospitals as the Kirksville Osteopathic Health Center, a 254-bed facility with residency and intern training programs. Last year more than 40,000 inpatients and outpatients were treated at the health center.

Osteopathic physicians have made significant contributions to the practice of medicine. Osteopathic hospitals, many of which are located in small communities, serve the needs of their communities and provide quality, professional health services to the people who rely on them.

I am pleased to recognize and honor all those who are associated with osteopathic medicine.●

LAW ENFORCEMENT AGENCIES COOPERATE IN MARIHUANA ARREST

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SKELTON. Mr. Speaker, often we hear harsh criticisms leveled against our law enforcement officials for not catching criminals, bungling cases, and working against rather than with each other. I take this opportunity to inform my colleagues of an incident in my district which shows that local, State, and National enforcement agencies can, and do work together and, at least in this instance, the result has been a clean, successful arrest operation.

Recently, in Camdenton, Mo., the local detectives were tipped off as to where stolen street signs could be located. Upon checking into this information, they also found marihuana plants being grown on the premises. With the help of State and National officials, an arrest was made.

The result of this successful operation is that another avenue by which our young people are exposed to drugs has been closed. In an age when drugs are so readily available to destroy the minds of our young, it is gratifying to know that we have officials capable of stopping the spread of this poison.

I congratulate Sheriff Larry Whitten, Carl L. Hicks, Patrolman T. E. Simmons, Sergeant Herb Thomas, and all who aided in the arrest on this successful undertaking and thank them for their dedication which makes life safer for all Missourians.●

VETO OVERRIDE OF SUPPLEMENTAL APPROPRIATION

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. FORD of Michigan. Mr. Speaker, there is simply no question about the importance of the action taken by the Representatives to override the President's veto of the supplemental appropriations bill. The conference report on the Supplemental Appropriations Act of 1982 contains a wide range of programs, all of which are essential to our constituents. The measure is in no way a "budget buster." In fact, this appropriation is almost $2 billion below the administration's fiscal year 1982 supplemental request. The funding provided in H.R. 6863 is below the fiscal year 1982 budget resolution by $8.1 billion in budget authority and $1.1 billion in outlays.

When President Reagan vetoed this measure, he nullified a number of major programs that in one way or another affect almost every citizen of my district. One of the major programs included in the bill is unemployment compensation. The bill provided benefits for up to 133,000 additional Michigan recipients which were authorized in the tax bill and $2 million for my State's program administration.

In the area of health, $122 million is appropriated to the States for the medicaid program, $6 million is appropriated for childhood immunization programs, with $1.5 million for tuberculosis vaccinations. For mental health, Michigan is targeted for $3 to $4 million in special projects and education, in addition to funding for the handicapped.

Of the $210.6 billion for senior citizen employment programs, $8 million is slated for Michigan's seniors.

In this critical period when students are finalizing their student aid for this academic year, the $217 million for student assistance is absolutely necessary. Michigan would receive $5.3 million for Pell grants and $2.8 million in supplemental educational opportunity grants, for a total of some $8.1 million. So that students' academic careers are not distrupted and so that we keep our pledge to provide financial assistance to them, it is imperative that the supplemental be approved.

In elementary and secondary education, the $148 million total contains $19 million for Michigan in compensatory education funds to offset the administration's decision to use outdated census data which cuts back on Michigan's funding. There are also $26.5 million in handicapped education, $2.5 million in vocational education, and $4.8 million for continuing education, which offset excessive cutbacks education programs have been forced to endure during the past 2 years. As the National School Boards Association noted to me in a letter encouraging my support for the override:

> Those programs are major success stories; they are neither wasteful nor unnecessary.

It is clear to me that President Reagan's objections to the bill focused not on its spending total, but on its spending priorities. He simply did not like the choices we made. He believes that we have chosen to spend too much on social programs and too little on defense. Indeed, we have established spending priorities in this bill which contrast sharply with his intentions to continue adding massive amounts to the Pentagon's budget and to make deep cuts in domestic programs.

The House did a good job in passing the conference report and funding the social programs that the President wants to cut. I have been back in my congressional district every weekend and I can assure my colleagues that there are very few citizens who feel we should trade our children's health and

education, jobs and medicaid assistance for our elderly, or aid to unemployed workers for unnecessary increases in defense programs. We have done the best thing for our Nation by overriding this veto.●

SOFT TISSUE CANCERS AND VIETNAM VETERANS

HON. THOMAS A. DASCHLE
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DASCHLE. Mr. Speaker, during a hearing this morning before the House Veterans' Affairs Subcommittee on Oversight and Investigations we again witnessed the Veterans' Administration's unwillingness to agree to establish a framework for the resolution of veterans' claims due to agent orange exposure. Vietnam veterans were in effect told by the Veterans' Administration that no matter how much evidence is compiled, how conclusive it may be, their claim, if attributed to agent orange, will not be approved.

As such, I am compelled to introduce legislation to establish a presumption that soft tissue cancers appearing in Vietnam veterans are related to their service in Vietnam and therefore are compensable. There is an abundance of human data documenting the increased cancer risk to individuals exposed to dioxin, the chemical contaminant in agent orange. It is time to take action.

Following are summaries of these studies that I believe my colleagues will find of interest:

[From Pesticide and Toxic Chemical News, Feb. 13, 1980]

EPIDEMIOLOGICAL STUDIES LINK 2,4,5-T EXPOSURE TO CANCER IN HUMANS, EPA SAYS

A "growing body" of epidemiological evidence establishes a "clear association" between exposure to 2,4,5-T and dioxin and carcinogenic effects in humans, EPA asserted in its prehearing risk brief in the 2,4,5-T and silvex cancellation hearing (See separate stories).

According to EPA's Dorothy E. Patton, Office of General Counsel (OGC), four separate Swedish studies, with a fifth one expected to be published soon, link exposure to 2,4,5-T and TCDD to types of human cancer. She said the latest evidence by Swedish scientists L. Hardell and A. Sandstrom show "statisically significant increases in the risk of malignant mesenchymal tumors of the soft tissues (soft-tissue sarcomas) related to occupational exposure to phenoxy herbicides and to occupational exposure to chlorophenols."

Patton observed in a case-control study of the risk of soft-tissue sarcomas in a population in northern Sweden which includes forestry, sawmill and paper pulp workers, the researchers found that individuals previously exposed to 2,4,5-T and 2,4-D had a relative risk for soft-tissue sarcomas 5.3 times greater than unexposed individuals.

Moreover, she noted that soft-tissue sarcomas are a rare variety of cancer and the case control study by the two researchers "is generally recognized as the most effective epidemiologic method for documenting the relationship between a particular causative factor and a rare type of tumor."

In yet another case control study in a different population in southern Sweden, her brief said, researchers M. Eriksson, L. Hardell, N. Bern and T. Moller found "that individuals previously exposed to phenoxy herbicides had a relative risk for soft-tissue sarcomas 6.8 times greater than unexposed individuals, thus, she noted, confirming and replicating the studies of the other Swedish researchers.

In two separate epidemiological studies of "cohort" railroad workers exposed to 2,4,5-T and TCDD, the EPA brief said each study "documented a statistically significant increase in the incidence of stomach cancers among among such workers."

Cohort studies compare the incidence of disease among a group previously exposed to a chemical compared with a group not exposed to the chemical or exposed to a lesser degree.

Patton noted that in a recent update of an "inconclusive study of mortality and tumor incidence in a cohort study of Swedish railroad workers "by O. Axelson, C. Edling, H. Kling, K. Anderson, C. Hogstedt and L. Sundell, the researchers found "a significant excess incidence of stomach cancer among those workers first exposed to phenoxy herbicides more than ten years earlier."

The update was based on an earlier study by O. Axelson and L. Sundell in 1974 called "Herbicide Exposure, Mortality and Tumor Incidence: An Epidemiological Investigation on Swedish Railroad Workers."

She noted that in the update by Axelson, et al., the individuals exposed to phenoxy herbicides had observed incidence of stomach tumors 6.1 times greater than expected after allowing for a ten-year induction period. Furthermore, Patton argued that in a study of a cohort of workers exposed to TCDD at an accident in a trichlorophenol plant in Ludwigshafen, German, German researchers found "an excess incidence of stomach cancer among exposed workers."

Patton asserted these studies indicate that exposure to TCDD or preparations containing TCDD "has been clearly associated with an excess risk of stomach cancer in humans."

Using the findings of the EPA's Alsea study, coupled with the latest epidemiological studies, Patton concluded:

"Statistically significant increases in the risk of cancer and reproductive disorders have been documented in six separate human populations. These same types of adverse health effects have also been observed in experimental animals exposed to 2,4,5-T, silvex and/or TCDD. This combination of positive epidemiological findings and corroborative animal data provides a sound basis for the conclusion that exposure to pesticide products containing 2,4,5-T or silvex constitutes a human health hazard...

"The quality, quantity and variety of data demonstrating that the continued use of 2,4,5-T and silvex contaminated with TCDD presents risks to human health is unprecedented and overwhelming."

In previous cancellation hearings such as heptachlore/chlordane which led to the cancellation of the pesticide, she argued, cancellation was based on carcinogenic evidence in rodent test systems with other toxic effects in test animals not available

[From the Lancet, Jan. 31, 1981]

2,4,5-T, TRICHLOROPHENOL, AND SOFT TISSUE SARCOMA

SIR: Case-control studies from Sweden demonstrate relative risks of 6·2 and 5·1 for occupational exposure to phenoxy herbicides and chlorophenols among cases of soft tissue sarcoma. To estimate whether this excess risk can be detected among workers in the United States, we reviewed reports of four exposed cohorts (refs 3-5 and J. A. Zack unpublished) studied by epidemiologists from Dow Chemical U.S.A. and the Monsanto Company. Of the 105 deaths reported in the four cohorts, 3 (2·9 percent) were due to soft issue sarcoma. In rough comparison, for 1975 only 0·07 percent of deaths in U.S. males aged 20–84 years were due to soft tissue sarcoma (ICD 171, 8th revision).

The workers from the four U.S. cohorts were exposed either to the phenoxy herbicide 2,4,5-trichlorophenoxyacetic acid (2,4,5-T) or to 2,4,5-trichlorophenol (TCP), a feedstock for 2,4,5-T. Both 2,4,5-T and TCP are contaminated with the toxic dioxin isomer 2,3,7,8-tetrachlorodibenzo-*p*-dioxin (TCDD) which has been found to be carcinogenic in laboratory animals.

Zack and Suskind describe a male with chloracne after exposure in a TCP process accident at Monsanto Co. in 1949. He died in 1978 at age 58 with malignant fibrous histiocytoma of soft tissue origin. (In the paper by Zack and Suskind this case is coded as ICD 173·9; however, when the diagnosis was presented to our consulting nosologist, ICD 171 was the code of choice.) Cook et al. reported a male who worked on TCP production at Dow Chemical U.S.A. and had facial dermatitis; no diagnosis of chloracne was made. He died of fibrosarcoma in 1975 at age 53. Case 3 (J. H. Zack, unpublished) worked on 2,4,5-T synthesis at Monsanto Co. and died in 1972 at age 49 of a generalised liposarcoma. No history of chloracne was reported. Only one cohort, reported by Ott et al. of 2,4,5-T workers at Dow, contained no case of soft tissue sarcoma.

None of the four cohorts individually resulted in a reported excess risk for soft tissue sarcoma. When combined, however, the three cases from the four cohorts suggest a common pattern. This finding supports the concept of combining small cohorts of workers with a common occupational exposure for analyses. Such an effort to assemble an exposure registry of all people in the U.S. who have worked at the synthesis of 2,4,5-T is underway at the National Institute for Occupational Safety and Health (N.I.O.S.H.) the mortality experience of the combined cohort will be analysed retrospectively and followed up prospectively. This approach will provide greater statistical power than would be available for any subgroup of the registry analysed alone. N.I.O.S.H. has also embarked on a case-control study for soft tissue sarcoma to review occupational risk factors such as exposure to the phenoxy herbicides and chlorophenols, and to test further the results obtained in the Swedish case-control studies.

Industry-wide Studies Branch, Division of Surveillance, Hazard Evaluations and Field Studies, N.I.O.S.H., Cincinnati, Ohio.

P. A. HONCHAR,
W. E. HALPERIN.

[From the New England Journal of Medicine, May 6, 1982]

THORACIC SOFT-TISSUE SARCOMA IN VIETNAM VETERANS EXPOSED TO AGENT ORANGE

TO THE EDITOR: Case-control studies from Sweden report a fivefold to sixfold increased risk of soft-tissue sarcoma in lumberjacks exposed to herbicides containing phenoxyacetates. Long-term follow-up studies in cohorts of industrial workers employed in the manufacture of these chemicals have disclosed seven cases of soft-tissue sarcoma to date. On the basis of studies in laboratory animals, it is currently thought that dioxin (2,3,7,8-tetrachlorodibenzo-*p*-dioxin), an impurity present in these chemicals, may be the carcinogen. However, more follow-up and further studies are needed to define the true risk of malignant disease and the actual carcinogenic substance or substances involved.)

In Vietnam, where approximately 2 million troops were stationed for various periods between 1962 and 1971, nearly 45 million kg of Agent Orange and other defoliants were used. Follow-up of the veterans and their families to date has not revealed any serious untoward effects of such exposure, except for chloracne. So far there has been no excess incidence of cancer of any kind. We now report three cases of thoracic soft-tissue sarcoma in persons who served in Vietnam and were exposed to Agent Orange.

Patient 1 worked in Vietnam as a member of a helicopter-rescue unit of the United States Air Force in areas where defoliants were used during 1966 and 1967. In July 1979, at the age of 46, he underwent resection of a right upper-lobe lung lesion, which was diagnosed as inflammatory fibrous histiocytoma. He died in July 1981 with progressive lung and brain lesions.

Patient 2 was a United States Marine in Vietnam during 1966 and 1967, stationed in areas where defoliants were being used. Twice he was "completely soaked with Agent Orange." In December 1979, at the age of 32, he underwent a left pneumonectomy for a mediastinal fibrosarcoma. In June 1981, pulmonary metastases developed. He is currently receiving combination chemotherapy.

Patient 3 was in the United States Army in Vietnam in 1971, serving in areas where the defoliants were used. In January 1981, at the age of 31, he was evaluated for a left pleural effusion. At exploratory thoracotomy in August 1981, a pleural/diaphragnatic leomyosarcoma was noted and resected.

Soft-tissue sarcomas are rare neoplasms. If there is a true risk of these neoplasms in veterans who served in Vietnam, follow-up studies should be able to define it. If there is an increased risk of malignant disease in these veterans, then a more critical question that has to be addressed is: Are the defoliants causative, or is some other unidentified environmental factor responsible, acting alone or in concert with the defoliants?

P. RAVI SARMA, M.D.,
JULIAN JACOBS, M.D.,
Emory University, School of Medicine.●

THE DEATH OF BASHIR GEMAYEL

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BROOMFIELD. Mr. Speaker, it was with great sorrow and shock that I learned of the tragic assassination of Lebanese President-elect Bashir Gemayel. His demise is a loss not only for Lebanon, but for the entire Middle East.

This talented and promising young man had already begun to restore the power and the authority of the central Lebanese Government; he had begun to reconcile the various warring political and religious factions in his country. Just a few days ago, he made a nationwide appeal for Christians and Moslem communities to work together to rebuild Lebanon. I am confident that had he lived, he would have been an effective and dynamic President. In the end, however, he became the unfortunate victim of the violence and civil strife which he was attempting to stop.

I am sure that all of my colleagues here in this Chamber will join me in urging all of the concerned parties in Lebanon to exercise restraint. Let us hope that in spite of this event President Sarkis and future leaders of Lebanon will continue Mr. Gemayel's efforts to achieve rapprochement between the Muslims and Christians and restore the delicate political balance that has, until recently, existed in Lebanon. I strongly believe that the road to stabilization in Lebanon must continue to be followed.

Let us also hope that this mindless tragedy in Beirut will not undo the historic and valuable achievements of Ambassador Philip Habib, and that the march toward peace in the war-torn Middle East will continue. Bashir Gemayel would have wanted it so.●

COATED FABRIC TARIFF

HON. JAMES M. SHANNON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SHANNON. Mr. Speaker, I am pleased to introduce, on behalf of myself and the gentleman from North Carolina (Mr. MARTIN), legislation to restore the traditional tariff treatment of coated fabric. By doing this, we intend to preserve an American industry which contributes well over $1 billion a year to our national product and provides tens of thousands of American jobs.

Since adoption of the tariff schedules of the United States in 1963, imitation leather and other plastic and rubber-coated, filled and laminated fabrics were classified as textile products for tariff purposes under schedule 3, series 355 of the tariff schedules. Schedule 3 is entitled "Textile Fibers and Textile Products," and series 355 refers specifically to textile materials "whether coated or filled."

The recent decision of the Court of Customs and Patent Appeals in *U.S.* v. *Elbe Products Corp.*, 655 F. 2d 1107 (1981), decided over the objection of the Treasury Department, has eroded the longstanding classification of these products. In Elbe Products the court held that imitation leather products consisting of plastic coating over fabric were properly classified not under schedule 3, series 355, but under schedule 7 (specified products; miscellaneous and nonenumerated products), series 771 (materials "almost wholly of" rubber or plastic).

The Treasury Department has consistently argued against this result, and the Customs Service has consistently classified imitation leather and other coated fabrics under schedule 3. However, as a result of Elbe Products, the Department on March 25, 1982, issued a ruling paper establishing for customs purposes the new rule under which virtually all imitation leather must be reclassified under series 771. Other coated, laminated, or filled textile materials must also be reclassified.

If this reclassification is allowed to stand, the continued existence of our domestic industry, which has long relied on the established tariff treatment of its products, will be in severe jeopardy.

The fabrics in schedule 3 receive a duty rate as high as 13 percent plus 10 cents per pound. Fabrics reclassified to schedule 7 receive between 3.7 percent and 5.3 percent. In addition, when fabrics are reclassified to schedule 7, imports from developing countries—such as Taiwan, Korea, Mexico, Venezuela, and Brazil—become eligible under the generalized system of preferences for duty-free entry to this country. Unless action is taken now to reverse this reclassification, the results for the American industry will be tragic.

Mr. Speaker, our bill is narrowly drawn to achieve no more than a reinstatement of the tariff treatment which these fabrics have traditionally received and on which American manufacturers have relied for decades. I hope for its quick and favorable consideration.

H.R. 7118

A bill to amend the Tariff Schedules of the United States to correct an anomaly in the rate of duty applicable to textile fabrics, articles and materials coated, filled or laminated with rubber or plastics

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part 12 of schedule 7 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after headnote 1 of part 12 headnote the following new headnote:

"2. This part does not cover textile fabrics, articles or materials coated or filled, or laminated, with rubber or plastics or rubber or plastics materials, which are covered in part 4C of Schedule 3. The determination as to whether such textile fabrics, articles or materials are covered in part 4C of Schedule 3

shall be made without regard to headnote 1(vii) of part 4C of Schedule 3."

SEC. 2. Subpart C of part 4 of Schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after headnote 2 of subpart 4C headnotes the following new headnote:

"3. In determining whether fabrics, articles and materials are 'of textile materials' and covered by this subpart, the nontextile coating or filling and nontextile laminating substances shall be disregarded."

SEC. 3. Headnote 5 of Schedule 3 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended to read as follows:

"5. For the purposes of parts 5, 6, and 7 of this schedule and parts 1 (except subpart A), 4, and 12 of schedule 7, in determining the classification of any article (other than an article which is a fabric provided for in part 4C of this schedule) which is wholly or in part of a fabric coated or filled, or laminated, with nontransparent rubber or plastics (which fabric is provided for in part 4C of this schedule), such article shall be regarded not as a textile material but as being wholly of rubber or plastics to the extent that the nontransparent rubber or plastics forms either the outer surface of such article or the only exposed surface of such fabric."

SEC. 4. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.●

JOHN GARDNER DEAD AT 49

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. McDADE. Mr. Speaker, John Gardner, the novelist, poet, and teacher whose readers throughout the Nation and the world have been growing in number for more than 10 years, has been a resident of Susquehanna County in northeastern Pennsylvania for a number of years.

In a tragic accident, Mr. Gardner was killed Tuesday in a motorcycle accident near his rural home. He was 49 years of age. His untimely death came as a shock to the innumerable fans his works have attracted, as well as to the literary and academic communities in both of which he has been a figure of great interest and respect.

Mr. Gardner, while not a Pennsylvanian by birth, was born not far away in Batavia in Genesee County in northwestern New York. His father was a dairy farmer; his mother a school teacher. He was deeply rooted in our section of the country. His writings tell us more of people and places we know.

Head of the creative writing program at the State University of New York at Binghamton since 1978, he had previously taught at colleges and universities in California, Illinois, Michigan, Ohio and Vermont. His own education was at Washington University in St. Louis, Mo. (BA) and the State University of Iowa (MA and Ph. D.).

His novels—"Grendel" (1971), "The Sunlight Dialogues" (1972), "October Light" (1976), which won the Nation Book Critics' Circle Award, "Mickelsson's Ghosts" (1982), and others—totaled more than two dozen in number. He also wrote plays, numerous stories, poems, librettos, an epic poem, and works of criticism, including his important 1978 book, "On Moral Fiction."

A writer like John Gardner is a man like others, yet one apart. We do not fully understand him, but he shows us more about ourselves.

We are glad that John Gardner lived among us for awhile. We deeply regret the accident that took him from the world.●

BILLS AGAINST DRUNK DRIVERS TO BE INTRODUCED

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SAWYER. Mr. Speaker, most of us probably know of a teenager who was tragically maimed or killed in a drunk-driving accident. Last year alone over 25,000 Americans died in accidents involving alcohol—over 25,000 senseless and avoidable deaths.

This week the House of Representatives will be voting on two bills that could effectively reduce these horrible deaths.

One bill, the false identification bill, which I introduced in April, would penalize persons who purposely use the mails to provide minors with I.D.'s that have false birthdates, enabling minors to buy alcohol illegally. Violators could face a year in prison, $1,000 fine, or both.

The second bill, the Surface Transportation Assistance Act of 1982 embodies the provisions of H.R. 6170 which would provide highway trust fund funds to States that establish effective alcohol safety programs. Among other provisions, this 3-year program encourages statewide networks to identify repeat offenders and gives the courts broad power to recommend various punishments for offenders.

With the rising occurrence of these types of accidents, I think it is imperative that the Congress seriously address this problem by passing these two bills.●

PERSONAL EXPLANATION

HON. CLAUDINE SCHNEIDER

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SCHNEIDER. Mr. Speaker, unfortunately, due to fog in the Providence area, I was absent for the first two votes today. Had I been present, I would have voted "Aye" on approval of the Journal and "No" on H.R. 4374, the Shipping Act; I request unanimous consent that the record so reflect.●

MORE ON CHEMICAL WARFARE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DORNAN of California. Mr. Speaker, the damning evidence on the use of chemical warfare by the Soviet Union and its client states continues to mount. In a recent article by the Washington Post, a Soviet soldier captured by Afghan freedom fighters has alleged that Soviet forces in Afghanistan are using chemical weapons against the freedom fighters. The captured Soviet soldier said that he had seen three different kinds of chemical weapons stored by the Soviets: Picric acid which affects the eyes and respiratory system and causes burning of the skin; various asphyxiation gases; and a chemical agent referred to as "smirch" which is fired from helicopter gunships as well as jet aircraft.

In another article that appeared in the Wall Street Journal, Dr. Milton B. Amayun, a private Philippine missionary physician, who spent 2 years working in a Laotian refugee camp, concluded that the refugees were suffering from the effects of chemical attacks by Vietnamese and Laotian forces.

Mr. Speaker, I submit these articles for the RECORD in the hopes that the world will understand that the Soviet Union and its Communist client states will use any means, including the horror and barbarity of chemical warfare, to crush the human spirit.

[From the Washington Post, Sept. 9, 1982]

SOVIET SOLDIER TELLS OF CHEMICAL ARMS USE

(By Aernout Van Lynden)

ISLAMABAD, PAKISTAN, Sept. 8—A Soviet soldier, held by Afghan rebels fighting the Soviet-backed regime in Kabul, has alleged that Soviet forces in Afghanistan are using chemical weapons against the guerilla insurgents.

Anatoly Sakharov, who said he is a 19-year-old conscripted soldier from Saransk, about 500 miles east of Moscow, said that he had seen specially stored chemical weapons at two of the four major Soviet air bases in Afghanistan—at Kabul and at Kunduz in the northern part of the country.

Sakharov said that he had never witnessed the use of chemical weapons but that on several occasions he had seen Russian soldiers who had been contaminated by gas used against the guerrilla insurgents. The soldiers, returning from combat operations, had been affected by burns, specifically in and around the eyes, and had some breathing problems, he said.

Sakharov, who was presented by the rebels to journalists yesterday for a three-

hour interview just inside the Afghan border, said he had been held by the resistance since the beginning of last month, when he had walked off the Soviet air base in Kunduz intending to defect. He said in a prepared statement that he was willing to join the rebels and realized that the Afghan people want the Soviet troops to leave.

Sakharov's comments could not be independently confirmed. It seemed unlikely that the generally unsophisticated Afghan resistance groups had forced him to make his statement, although he may have done so in hope of increasing his chances of eventually securing his freedom from the insurgents. He filled out an International Red Cross identification card and said he was aware that five Soviet prisoners held by the rebels had been transferred to detention in Switzerland this year under a Red Cross and inter-governmental program.

Sakharov said that the three different kinds of chemical weapons he had seen stored were picric acid, which affects the eyes and respiratory system and causes burning of the skin; various asphyxiation gases, and a chemical agent he referred to as "smirch."

The picric and asphyxiant gases were contained in cylinders of a "dense, yellowish" color, Sakharov said. The gas or fluid is released from the cylinders from aircraft through a vent, which is clearly visible from the outside. "Smirch," he said, is contained in rockets fired for the most part by the helicopter gunships and occasionally from aircraft, including supersonic jets. He said these rockets had certain structural differences from ordinary high-explosive rockets.

Sakharov cited a conversation he said had taken place on June 2 with a member of one of the MI-24 helicopter gunship crews stationed at Kabul. The crewmember had told him that earlier that day his crew had been ordered to go into action after a successful rebel attack on a Soviet convoy on the road between Kabul and the Soviet Union. They had been ordered to use gas masks and when they had caught up with some of the rebels, fleeing into the mountains, chemical gases had been used against the guerrillas.

Allegations of Soviet use of chemical weapons against both the rebels and Afghan civilians since the Soviet invasion of Afghanistan in December 1979 have made repeatedly by refugees crossing the border into Pakistan, but the evidence has remained largely circumstantial.

The credibility of the charges also has been challenged because of U.S. government involvement in investigations of the use of chemical weapons by the Soviets in Afghanistan and by their Vietnamese allies in Laos and Cambodia. The U.S. charges have been used to buttress President Reagan's efforts to start production of nerve gas weapons and other chemical arms.

A 36-page special U.N. report about the use of chemicals in Afghanistan, which was leaked to the press earlier this year, was unable to come up with conclusive evidence. It did, however, include reports from doctors working in refugee camps in Pakistan who had said that on several occasions after several attacks on villages, "bodies had quickly decomposed, and limbs had separated from each other when touched."

Sakharov's testimony on the effects of "smirch," the first on the subject from a Soviet soldier fighting in Afghanistan, tallies closely with the doctors' description.

Sakharov, who appeared nervous but in good health during the interview, said he had been conscripted into the Army at the beginning of April and arrived in Kabul on May 17. After serving for two months at staff headquarters in Kabul, he was transferred to the air base in Kunduz.

He said he received basic training in Tashkent, with additional training after his arrival in Kabul. It was in Kabul that he underwent the standard training given to all Soviet soldiers in nuclear, biological and chemical warfare.

Sakharov said that they had been told their destination before leaving Tashkent and that the soldiers had been given some background on Afghanistan and its way of life. He had, however, not been told who precisely the enemy would be. The conscripts chatted and joked with each other about the rebels and seemed to have used the term dushman as a sort of equivalent of the American soldiers' "gook" in Vietnam.

The lean, 5 foot 10 inch blond soldier, who was wearing a military cap with the distinctive red star and golden hammer and sickle, was somewhat unclear on how he fell into the hands of the rebels. He described the atmosphere as "oppressive" at the two bases where he served, and he seemed to have had major disciplinary problems. The soldiers had not been allowed to leave the barracks, and there was little entertainment, he said.

[From the Wall Street Journal, June 22, 1982]

DOCTOR WHO TREATED ASIAN REFUGEES FINDS EVIDENCE OF CHEMICAL WARFARE

(By Gerald F. Seib)

WASHINGTON.—Like his colleagues, the doctor was highly skeptical of reports that refugees in Southeast Asia had been victims of chemical warfare.

But after misdiagnosing hundreds of refugees as victims of tuberculosis and other lung diseases, he reconsidered. He listened more closely as the refugees told of mysterious attacks in Laos, and he began doing research. In the end, the doctor and his colleagues concluded that the refugees were indeed suffering the effects of chemical attacks. "We named the disease poison gas syndrome," he recalls.

That, in a nutshell, is the experience of Dr. Milton B. Amayun, a private Philippine doctor who spent two years working at a Laotian refugee camp in Thailand. He recently laid out his story in a report submitted to a House Foreign Affairs subcommittee studying the Reagan administration's charges that Soviet-equipped troops have been methodically using chemical weapons in Laos and Cambodia.

Dr. Amayun's story is a vivid case study of how outsiders are piecing together information suggesting that chemical warfare is being waged by Vietnamese and Laotian forces in Laos and Vietnamese forces in Cambodia. Like others who have struggled with the mysterious evidence, Dr. Amayun can't completely prove the case. In his report, which hasn't been made public yet, and a telephone interview, he acknowledges many questions he can't answer. He can't, for example, prove that the chemicals being used are the rare mycotoxins the State Department has singled out.

But Dr. Amayun's report fits into a pattern of evidence that has led the State Department to wage a public campaign against what it says are Soviet-inspired "yellow rain" chemical attacks. Congressional staffers familiar with the issue consider Dr. Amayun's story significant for several reasons. He seems an impartial source, because congressional staffers sought him out to make the report, without prompting from the State Department. The doctor isn't a government employee or even an American, so he apparently hasn't any political motives.

Dr. Amayun is a physician for World Vision International, a missionary organization that provides medical help around the globe. He began working in the Ban Vinai refugee camp, situated in Thailand about seven miles from the Laotian border, in 1979.

The camp had just swelled to 42,000 refugees fleeing the fighting in Laos between the Soviet-supported Laotian government and rebel forces. Practically all the refugees in the camp were members of the Hmong highland tribe, which has resisted government control.

Early in his duty, Dr. Amayun found that each day he was seeing 20 to 30 patients suffering from respiratory difficulties. They complained of coughing that produced bloody discharges, weight loss, anorexia and general malaise. Dr. Amayun and his colleagues decided they had a rash of tuberculosis and paragonimiasis, another lung disease, on their hands.

So in January 1980 they initiated a "major TB program," his report says. Six laboratory technicians were recruited to do mass screenings. A pathologist and tuberculosis nurse were brought in. The camp established a system to methodically diagnose and treat the diseases.

But after months of screening, laboratory technicians found that out of several hundred cases only 25 patients had tuberculosis and 30 had paragonimiasis.

"It was at this point," Dr. Amayun reported, "that we began to listen more carefully to the explanation given by the refugees for their malady: 'colored dust from the skies that kills.'"

The doctors began doing careful interviews of the refugees, a step passed over earlier because of, among other things, a formidable language barrier between the Hmongs and outsiders. In almost every "unexplainable" respiratory case, Dr. Amayun contends, it turned out that victims had a story of killer dust or smoke. In the interviewing process, doctors heard stories of orphaned children, animals killed instantly and poisoned streams.

So Dr. Amayun, who had become camp medical coordinator, opened a file of suspected gassing victims. He called in other doctors from refugee committees, the U.S. Embassy, the Canadian Embassy and World Vision. Most, he contends, were convinced that chemical attacks were taking place.

One outsider was notably unconvinced. The local representative of the United Nations High Commission for Refugees was "openly skeptical of the reports," Dr. Amayun says in his report. The U.S. government has been similarly frustrated in attempts to arouse U.N. interest. In an interview, Dr. Amayun says the U.N. is slow to respond "mainly because its findings would mean an indictment of some countries."

In the end, Dr. Amayun concluded that "chemicals have been used against the Hmong intermittently since 1976." He isn't sure exactly which chemicals. The symptoms are unfamiliar enough that Dr. Amayun suspects the U.S. may be right in charging that rare trichothecene mycotoxins are being used. But "I couldn't identify mycotoxins because even now few doctors know what the effects of mycotoxins are," he says.

Dr. Amayun left the refugee camp in the spring of 1981 and currently is at World Vi-

sion's offices in California. He says other doctors are similarly convinced chemical warfare is being conducted. But because they weren't as familiar with the Hmong, or are afraid of making political waves, some are more reluctant to speak up than he is.

"I feel responsible because the Hmong are voiceless," he says. "They have few advocates in this.●

BOY SCOUT TROOP 29 CELEBRATES ITS 50TH ANNIVERSARY

HON. PHILLIP BURTON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. PHILLIP BURTON. Mr. Speaker, on October 1, 2, and 3, 1982, Boy Scout Troop 29, under the sponsorship of the San Francisco Buddhist Church, will celebrate its 50th anniversary. I would like to call to the attention of my colleagues the accomplishments of troop 29 and commend the troop on their achievements and successes in the Scouting program.

Although many of the important documents concerning the history of troop 29 were lost when Japanese-American families were interned during World War II, through the memories and recollections by the Scouts of that era, and the recovery of several old photographs of the troop during its early days, it has been possible to reconstruct part of the troop's historical past.

This troop, which has served the San Francisco community for almost half a century, began modestly in 1932. Headed by Mr. Mikio Fujimoto, and centered in the basement of an old Victorian-styled home, this dynamic organization promptly gained international recognition, when its drum and bugle corps performed at the World Exposition in 1939.

Unfortunately, the troop was disbanded during World War II as a result of the tragic internment of Japanese Americans during this time. However, the troop's moral responsibilities and teachings passed on to its participants, as many former Scouts joined and served in the U.S. Armed Forces to defend our Nation during that time of crisis.

Indeed, the troop had been so successful prior to the war that many Japanese Americans after the war felt the reorganization and the rebuilding of Boy Scout Troop 29 was a top priority in educating the Japanese Americans of this Nation.

Once the effort was made, troop 29 prospered. In its 50-year history, over 350 families have sent their children to participate and become part of the Boy Scout program in troop 29. This troop has dedicated itself to bettering the community in which it thrives and can point to an impressive 52 members who have attained the prestigious rank of Eagle Scout.

The troop has made three trips to Japan—in 1965, 1974, and 1982—to participate in the Boy Scout World Jamborees. Their trips have been invaluable in promoting a good will relationship between the Scouts of Japan and the Scouts of this country.

Today, the proud tradition of troop 29 lives through the effective leadership of Scoutmaster Art Sawada. Scouting is an institution in our society which stresses the ideals and values of trust, courtesy, and self-reliance. These principles are exemplified in troop 29 as led by Mr. Sawada.

This year, as troop 29 celebrates its "Golden Anniversary," I wish to extend to them my heartfelt congratulations on their past achievements and wish them the best of luck in the decades ahead.●

OPPOSITION TO THE MARCOS STATE VISIT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. WEISS. Mr. Speaker, the official state visit of Philippine President Ferdinand Marcos is an affront to the basic tenets of American foreign policy. The Marcos regime has conducted 17 years of injustice, repression, denial of human rights, and the militarization of the region. Since 1974 U.S. Presidents have gradually encouraged improved ties with Marcos, but President Reagan is now breaking with that process and welcoming Marcos with open arms and full support.

Our Nation's global role is hurt by this visit. The President of the United States has turned his back on human rights in the Philippines.

More than 2 weeks ago I was joined by four of our colleagues in calling on President Reagan to cancel the planned visit. Since then, four other Members of the House of Representatives have added their support. Our concern is spelled out in the "Statement of Opposition to the Marcos State Visit" that appears below.

I urge my colleagues to carefully consider the implications of the Marcos visit for our relations with other repressive leaders, and thus our international effectiveness at pursuing foreign policy that reflects the values of our Nation:

STATEMENT OF OPPOSITION TO THE MARCOS STATE VISIT

The projected state visit of Philippine President Ferdinand Marcos should distress all those concerned with struggling for a foreign policy which truly serves the interests of peace, justice, and human rights.

The visit does not have the character of a "normal courtesy" accorded a foreign chief of state. Rather, it marks the culmination of a process of "normalization" with a repressive ally. Over the last year and a half, the Reagan administration has thrown its support fully behind Marcos, in spite of the latter's well-known and documented violations of human rights. This administration has even gone so far as declaring that these abuses are imaginary, as did Vice President George Bush when he lauded Marcos last year as an "adherent to democratic rights and processes."

Marcos' record, however, cannot be expunged. A recent confidential U.S. Embassy Report itself admits that cases of "salvaging" or unofficial executions carried out by the military have increased in many areas. U.S. military aid—now totalling over $100 million annually—goes to fuel an abusive military, many of whose members, according to the same report, engage in banditry and kidnapping. Torture and other abuses continue to be so prevalent that Amnesty International has declared the month of September as a period to spotlight human rights violations in the Philippines.

The policy of support for the Marcos government which successive administrations since Richard Nixon's have followed is a record we as American legislators are deeply ashamed of. Currently, this policy is justified under the rubric of "national security." We ask, however: What "security interests" are served by propping up an unpopular dictator? Whose interests are advanced by a policy of aggressive militarism that consists of backing isolated regimes such as those in El Salvador and the Philippines, whose only function is to thwart their people's desire for justice, national sovereignty, and equality?

What is deeply alarming is that the Reagan administration has now taken a major step towards extending Marcos' martial law to the Filipino community in the United States by negotiating an Extradition Treaty with the Philippines, the main purpose of which, the regime has openly admitted, is to send back Marcos' U.S.-based political foes. This move has gone hand-in-hand with the convening of a Federal Grand Jury to indict so-called "Filipino terrorists" under the Neutrality Act. And, as if these developments were not disturbing enough, evidence is now surfacing that the murder of two anti-Marcos labor union activists in Seattle in 1981 was the fruit of closer coordination between U.S. and Philippine security agencies.

The costs of this policy of backing Marcos and other dictators are borne not only by the Filipino people and the Filipino community in the U.S. Curtailing the rights of a sector of the population to free speech and political assembly may inevitably lead to curtailing the rights of all. Moreover, the working people and the poor of this country have to bear the brunt of economic costs of this policy, with the transfer of billions of dollars from the social budget to the ever-escalating defense budget.

It is high time that we as legislators take the lead in forging a new policy toward the Philippines, one based on equality, justice, and mutual respect among peoples—not on domination and support for repression.

An important first step in this process is to strongly protest and oppose the state visit of Ferdinand Marcos. This will not make up for our government's record of consistent support for the dictatorship. But it will, we hope, contribute to forging a new, enlightened, and equal relationship between

the people of the Philippines and the people of the United States.

The institution of emergency rule by Mr. Marcos on August 31 is a blatant repudiation of any expectation that the Marcos regime will ever democratize. Emergency rule is nothing but a pretext to reimpose martial law, which was lifted in name last year. This development makes it all that more imperative for President Reagan to cancel the invitation for a state visit.

Ted Weiss, Ron Dellums, Bob Edgar, Fortney Stark, Walter E. Fauntroy, Tom Harkin, Berkley Bedell, James Oberstar, Sam Gejdenson, Members of Congress.●

OPPOSITION TO THE EXTRADITION ACT OF 1982

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mrs. SCHROEDER. Mr. Speaker, I rise to express my opposition to H.R. 6046, the Extradition Act of 1982.

You will notice that the general tendency to label bills as "reform" has been resisted in this case and for good reason.

This bill takes some serious steps backward particularly in the narrowing of the definition of a political offense. However, from my point of view, what is even more troubling is the failure of this legislature to make the necessary reforms in the existing law.

In light of the alliances that the administration is making and strengthening with dictatorships around the world and its refusal to acknowledge systematic violations of human rights in countries such as El Salvador, we urgently need reform of the extradition laws.

Specifically, we need to assure the the rights of persons in the United States—citizens and aliens alike—are protected by the courts and are not dependent on the good will of the Secretary of State and the Attorney General.

Extradition reforms would: Apply the Bail Reform Act to those held for extradition, reversing the current presumption against bail and insuring that people will not be held in American jails because of the mere assertion of a foreign government that they had committed extraditable offenses; permit the courts to consider allegations that a person being extradited would be accorded due process rather than leaving such determinations to a Secretary of State who believes that Salvadoran peasants receive appropriate due process; and permit the courts to consider allegations that the request for extradition is a subterfuge and the person will be imprisoned because of political views or peaceful political activity. Again, such determinations cannot be left to the Secretary of State.

Mr. Speaker, it is far too late in the session to give this issue the careful attention it deserves. I hope that H.R. 6046 will not be scheduled. If it is, I intend to insist that it be fully debated and that a series of amendments be considered which will make this into genuine reform legislation while eliminating the further erosion of rights contained in the bill.●

SOCIAL SECURITY QUESTIONS AND ANSWERS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, September 15, 1982, into the CONGRESSIONAL RECORD:

SOCIAL SECURITY QUESTIONS AND ANSWERS

In recent meetings I have held in the Ninth District, social security is still a prime topic of discussion. Hoosiers want to know about the outlook for the trust funds, and they ask questions on almost every other aspect of the program. These are some of the most frequently heard questions, and my responses:

Question. Why isn't something being done about social security for prisoners?

Answer. Much has been done. A few years ago, reports indicated that some 30,000 prisoners were receiving $60 million every year in social security benefits. Although these figures were very exaggerated, Congress recognized the problem and passed a law in 1980 to deny disability and student benefits to felons. The number of beneficiaries in prison was actually 6,000 to 7,000 in 1980. Approximately 80% of them were receiving disability or student benefits and have since been dropped from the rolls. The remaining prisoners have been receiving retirement benefits primarily, which would be terminated by bills now pending in Congress.

Question. Are the trust funds being used to pay welfare benefits?

Answer. No. By law, the trust funds cannot be used for any purpose other than the payment of social security benefits to families who have paid into the system. The misconception that welfare benefits are paid arises from the fact that the Social Security Administration handles a welfare program called Supplemental Security Income (SSI). However, SSI is funded by general tax revenue, not by the trust funds.

Question. Is it true that the trust funds loaned large sums of money to the Defense Department during World War II—sums which have never been repaid?

Answer. No. The trust funds have always invested their surplus monies in government securities. There has always been full and timely repayment of these securities—with interest.

Question. How realistic is the proposal to end the yearly payment of $700 million in social security benefits to aliens living outside the United States?

Answer. There are problems with it. For the most part, these benefits go to people who paid the pay roll tax when they worked in the United States. Ending their benefits might be seen as an attempt to deprive them of something they had earned. Some experts have questioned how much could be saved in any case, since millions of dollars collected from aliens would have to be returned and current contributions from aliens would have to be stopped. Moreover, such a move by the United States could prompt other nations to retaliate and cut off the sizeable pensions they are paying to American citizens.

Question. If a person pays into social security for years, how can his account possibly come up short when he begins to draw on it?

Answer. Social security is not set up like a savings account, in which a person's deposits accumulate slowly and then are withdrawn during retirement. From the beginning, it has been a "pay-as-you-go" system, with taxes paid in almost immediately paid out in the form of benefits. A person is paying the retirement benefits of his parent's generation; his retirement benefits will be paid by his children's generation.

Question. Can a person expect to get back in benefits as much as he paid in?

Answer. In general, yes. Past and present retirees will get the greatest return on investment because of their smaller pay roll deductions. For example, someone reaching 65 years of age in 1981 who paid the maximum tax throughout his working life contributed $14,700, a sum which he and his wife will get back during his first year or more of retirement. Overall, the average retired person today can hope to collect benefits five times as great as his contribution, plus interest. Even though the size of the return will greatly decline for those who retire in future years, the average younger worker is still expected to recover more in benefits than he paid in. In addition, his participation in social security may include survivors' and disability benefits and medical care in retirement.

Question. Why aren't government employees included in social security?

Answer. At present, some 10 percent of the labor force is not covered by social security. This includes 3 million federal civilian employees and 4 million workers in state and local government. When the system was set up in 1935, federal civilian employees were not included because they already had their own retirement system and were not considered to be as needy as older workers in commerce and industry. Employees of state and local governments were not included because of the questionable constitutionality of a compulsory federal tax affecting other governmental entities. The participation of state and local government workers was made voluntary, and currently about two thirds of them are covered. It is widely known that Congress will soon consider mandatory coverage for state and local government workers and for federal civilian employees.

Question. Why are benefits reduced when retirees decide that they want to work?

Answer. As the law is now written, retirees aged 65 to 71 years lose 50 cents in benefits for every dollar they earn in excess of $6,000 per year. Proponents of this "earnings test" say that it preserves the integrity of social security by ensuring that benefits replace income lost because of retirement. Also, elimination of the test would cost the system more than $8 billion per year. Beginning in 1983, the maximum age at which the test applies will drop to 69 years.

Question. Who determines whether retirees will get a cost-of-living increase each year?

Answer. Retirees are entitled to a cost-of-living increase by law, not by presidential edict. This law states that there will be an increase whenever inflation exceeds 3 percent per year. President Reagan wanted to change the law and delay the increase, but he withdrew his plan when he encountered stiff opposition in Congress.●

EXTRADITION: A CIVIL LIBERTIES PROBLEM

HON. SHIRLEY CHISHOLM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mrs. CHISHOLM. Mr. Speaker, I wish to bring to my colleagues' attention some serious reservations which I have about H.R. 6046, the Extradition Act of 1982.

The bill as reported from the House Judiciary Committee not only fails to correct the current deficiencies in the extradition process but also narrows the scope of judicial review. This provision creates the risk that authoritarian regimes could in collaboration with the executive branch deprive foreigners and American citizens of their constitutional rights. Already we can see a dangerous precedent in the naming of persons for extradition to the Philippines before the Senate has even ratified the United States-Philippine Extradition Treaty. In addition, the asylum case of Dennis Brutus raises the possibility of a political opponent of the South African Government being faced with persecution because of his outspoken views. As indicated by the above examples, this legislation could clearly be used as a subterfuge to punish political opponents for their views.

I would hope that the house will not rush to judgment on H.R. 6046 but will instead give due consideration to the perfecting amendments to be offered by the gentleman from Michigan (Mr. CROCKETT) when this bill is brought to the floor. In this regard, Mr. Speaker, I would like to commend the following editorial from the New York Times of August 11 by Prof. Christopher Pyle of Mount Holyoke College for my colleagues' attention.

[From the New York Times, Aug. 11, 1982]

RUINING EXTRADICTION

By Christopher H. Pyle

SOUTH HADLEY, MASS.—FOR MORE THAN TWO CENTURIES, THE UNITED STATES HAS PROVIDED A REFUGE TO WHICH OPPONENTS OF AUTHORITARIAN REGIMES COULD FLEE WITHOUT FEAR THAT THEY WOULD BE RETURNED TO STAND TRIAL FOR POLITICAL OFFENSES. THAT POLICY MAY BE ABOUT TO END.

Under either of the extradition bills now cleared for debate in Congress, persons charged with political crimes would be stripped of their legal defense and United States courts would be turned into the long arms of foreign persecution.

The purpose of the bills—to facilitate the return of terrorists—is manifestly worthwhile. However, both bills are so badly written that they would endanger the very persons that American law governing extradition has always shielded: critics of foreign regimes, former freedom fighters against authoritarian rule, former officials of regimes that the United States once supported.

For example, both bills provide for the arrest of an accused person without any proof that he is guilty of a crime. A mere allegation by a foreign dictatorship, coupled with a promise to produce evidence sometime in the future, would be sufficient to cause the United States Government to jail the accused for months. No United States prosecutor has this power of arbitrary detention, but under these bills, Albania, Rumania, South Africa, El Salvador and about 90 more countries with which we have extradition agreements would have it, and could use it to bring about the imprisonment of their critics within the United States.

Under current law, no American court will allow a person to be extradited if it can be shown that he or she is really being sought for "an offense of a political character." Each bill would, in its own way, destroy this defense.

The Senate bill, which the Administration favors, would do so by stripping the courts of jurisdiction over the political crimes defense. Instead, the accused would have to raise his claim with the State Department, which could then decide whether protecting him from persecution is worth the risk of alienating the foreign government involved.

The State Department's motive for supporting this bill is clear. It wants to be able to swap alleged criminals with foreign countries the same way that children trade baseball cards: "We'll give you one terrorist if you give us three embezzlers."

The House bill seems more protective of political refugees than the Senate bill because it would keep in the courts the power to decide the political crimes defense. However, the appearance is deceptive, because the House bill would forbid the courts to regard as political, and hence not extraditable, any offense involving bodily violence or a conspiracy to commit bodily violence. There is a tiny exception for crimes committed under "extraordinary circumstances," but the bill does not say what they might be. All that is clear is the political message: Protecting foreign revolutionaries from return to authoritarian regimes should be a rare, not common occurrence.

As if to emphasize a preference for authoritarian regimes, both bills would forbid the courts to question whether a request for extradition was really a subterfuge for persecution. Nor would the courts be allowed to hear evidence that the charges against the accused resulted from torture or to deny extradition on the ground that the requesting regime is notorious for brutal interrogations, unjust trials or cruel punishment. Judgments of this sort would be left to the State Department, which currently pretends that El Salvador protects human rights.

The Administration claims that the courts should be denied the power to look into foreign injustice in order to assure the neutrality of the United States in foreign political conflicts. However, there can be no doubt where the Justice Department's sympathies would lie; both bills would require its lawyers to represent all foreign governments in their extradition requests. The United States would be neutral—on the side of whoever happens to be in power.

In anticipation of this legislation and a treaty to implement it, the Marcos dictatorship is requesting the extradition of more than a dozen of its opponents now living in the United States. One of those charged with plotting in the United States to support bombings in the Philippines is Benigno Aquino Jr., an associate at Harvard University's School of International Affairs who ran against President Ferdinand E. Marcos in the last free election. The only "evidence" against Mr. Aquino comes from the confession of an alleged co-conspirator who later recanted, claiming he had been tortured. However, if either bill now before Congress passes, that evidence will be sufficient to send this democratic politician back into the hands of the dictator he opposed.

(Christopher H. Pyle teaches constitutional law and civil liberties at Mount Holyoke College.)●

THE VIOLENT CRIME CONTROL ACT

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. SAWYER. Mr. Speaker, on Saturday, September 11, 1982, President Reagan announced that he was sending to Congress a second package of anticrime measures. I am pleased to introduce that package, the Criminal Justice Reform Act of 1982, in this body today.

As the ranking Republican on the Subcommittee on Crime, I concur in the President's view which he expressed on Saturday that Americans are sadly losing faith in our criminal justice system. The President correctly observed that the primary responsibility for dealing with violent career criminals rests with State and local authorities. However, there are steps that the Federal Government can take within our constitutional system to address the problem of violent crime and to thereby restore the confidence of the American people in the legal system.

The package which I am introducing today has three titles. The first makes important modifications in the insanity defense and is similar in many ways to the provisions contained in the Violent Crime Control Act which I introduced last November. Although the insanity defense is raised in relatively few cases, the John Hinckley case is a stunning illustration of the tragedy which ensues when the defense operates unjustly. It is imperative that the Federal Government correct the potential which currently exists for criminals to escape the punishment which they justly deserve.

Title II of the bill modifies the exclusionary rule which has been promulgated under the fourth amendment. Like H.R. 5971, which I introduced earlier this year with the support of the chairman of the Subcom-

mittee on Crime (Mr. HUGHES), it would provide that evidence obtained as a result of a search or seizure which is otherwise admissible as evidence shall not be excluded in a Federal court proceeding if the search or seizure was undertaken by the law enforcement officer in a reasonable, good faith belief that it was in conformity with the fourth amendment, even if the courts later rule it was not. The bill also provides that a showing that the evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a belief, unless the warrant was obtained with intentional and material misrepresentation. This modification codifies recent case law in this area and honors the rationale underlying the exclusionary rule. As the Supreme Court noted in Elkins against United States, the "basic postulate of the exclusionary rule * * * is * * * to deter—to compel respect for the constitutional guaranty in the only effectively available way—by removing the incentive to disregard it." 364 U.S. 206, 217 (1960). Unfortunately, the exclusionary rule has become so complex that even the greatest legal minds can strongly disagree as to its applicability in a particular factual situation. It should come as no surprise, then, when the police officer's judgment on the constitutionality of his actions is subsequently overruled by the courts. Where the officer acts within a reasonable, good faith belief that his search or seizure was constitutional, he needs no further incentive to act legally. A subsequent reversal by the courts will serve only to demoralize him, embolden the criminal, and endanger the public. The provisions in this bill, like my bill, will address the problems created by the exclusionary rule, while preserving its intended benefits.

Title III of the bill would amend title 28 of the United States Code governing petitions for habeas corpus relief. Our Federal courts are currently overwhelmed by petitions for habeas corpus relief, particularly from State prisoners. Although such relief should, of course, be available where there has been manifest injustice, all too frequently these petitions are without merit. The President has recommended various changes which will discourage the filing of unmeritorious claims. Included among his recommendations are restrictions on the availability of Federal habeas corpus relief where a State defendant has failed to raise a claim properly in State proceedings, a statute of limitations on the filing of petitions for habeas corpus relief, authority for the Federal court to deny a habeas corpus petition on the merits notwithstanding the petitioner's failure to exhaust State remedies, and provisions according greater deference to full and fair State decisions. These provisions, along with recent decisions of the Supreme Court, should have a beneficial impact on the Federal courts' caseloads, while preserving the rights of prisoners.

Mr. Speaker, this package is the second that the President of the United States has sent to this Congress. Unfortunately, the first package, like my own Violent Crime Control Act, is languishing in committee. The gentleman from New Jersey (Mr. HUGHES) and I have been successful in moving various individual crime bills through this body, including legislation to criminalize the misuse of false identification documents and a bill to criminalize violent attacks on Cabinet officers and other high Government officials, which were just passed this week. Other significant measures, and particularly my bill, H.R. 4362, which would provide limited authority for the Federal courts to detain dangerous criminals prior to trial, have not been processed with the same speed. I urge the committee leadership to move these measures promptly during the closing weeks of this Congress so that effective crime legislation will be the landmark of the 97th Congress.●

THANK YOU TO SPONSORS OF CONGRESSIONAL FOSTER CHILDREN REDSKIN GAME

HON. WALTER E. FAUNTROY

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. FAUNTROY. Mr. Speaker, on Friday, August 27, 1982, the First Annual Congressional Foster Children Redskin Game was played at R. F. K. Stadium.

Thanks to the generosity of the Members and their staffs listed below, 80 District of Columbia foster children got to see their first Redskins game.

On behalf of those children, the District of Columbia Department of Human Services and the citizens of the District of Columbia, thank you for your generosity.

Hon. Howard Wolpe and Staff; Hon. Joseph P. Addabbo and Staff; Hon. Steny H. Hoyer, Hon. Lynn Martin and Staff; Hon. Gerry E. Studds and Staff; Hon. Norman F. Lent; Hon. Tony P. Hall and Staff; Mary Ann Green (staff); Hon. John Breaux and Staff; Hon. Robert A. Roe and Staff; Hon. L. A. (Skip) Bafalis; Lucy McLelland and Staff; Marsha and Roger Runningen (staff); Hon. Lindy Boggs and Staff; Hon. Martin Frost; Hon. Jack Edwards Staff; Hon. John Edward Porter; Hon. Claude Pepper and Staff.

Hon. Wyche Fowler Staff; Susie Rudolph (staff); House Republican Whip Staff; Edward C. Sylvester, Jr. (staff); Hon. Bill Chappel and Staff; Karen L. Jefferson (staff); Hon. Tom Hagedorn and Staff; Hon. Jamie Whitten and Staff; Hon. David Bonior and Staff; Hon. Joseph D. Early and Staff; Hon. Ray Kogovsek and Staff; Hon. Harold Washington; Hon. Joseph G. Minish and Staff; Hon. Buddy Roemer and Staff; Hon. Olympia Snowe and Staff; Hon. R. H. Mollohan; Grace DeMaio (staff).

Hon. Tom Tauke and Staff; Hon. Peter A. Peyser and Staff; Hon. Don Ritter and Staff; House Budget Committee Staff; Hon. Anthony C. Beilenson and Staff; Hon. Bill Goodling and Staff; Shelley Goomas, Kris Solberg, Doug Richardson (staff); Hon. Wes Watkins and Staff; Hon. Marty Russo; Hon. Michael G. Oxley and Staff; Hon. Ron Mazzoli and Staff; Cynthia Simmons and Kack Harrison (staff); Senator Robert Kasten and Staff; Hon. Stewart McKinney and Staff; Nelson Rimensnyder (staff); Hon. Eugene Atkinson; Senator Ernest F. Hollings and Staff; Hon. Walter E. Fauntroy and Staff; Committee on Veterans' Affairs; Hon. Steve Gunderson and Staff.●

WATER SUBJECT TO CONGRESSIONAL REGULATIONS

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BEDELL. Mr. Speaker, I note with great interest an article in the September 12 Washington Post entitled "Wheat Farmer Stuns the West With Water Suit." It depicts the background of the case leading to the recent Supreme Court ruling in Sporhase against Nebraska that water is an article of commerce subject to congressional regulation.

Declaring water to be an article of commerce overturns the longstanding ruling by Justice Holmes in 1908 that water is a special resource not to be subject to a traditional commerce clause analysis. Rather, it should be treated, he reasoned, as a resource which is protected in the public's interest and not put up on the auction block to be made available to the highest bidder. Indeed, Congress has deferred to the States the responsibility to conserve and preserve their water resources, believing they are better suited to consider this delicate matter.

The Sporhase decision may begin to erode the established and complex system of State law regulating the use of these resources, particularly in the water-scarce western region of these resources, particularly in the water-scarce western region of our country. I am extremely concerned that the decision may open the door to wholesale transfers of water across State lines to the detriment of the legitimate right of our States to protect its water resources. The Supreme Court may well have given credence to the old saying that only money can make water run uphill.

Sporhase, in declaring water to be an article of commerce, gives Congress the authority to regulate it. A greater need now exists for the legislation I have introduced to protect shared-

water resources. H.R. 5278, cosponsored by 24 of our colleagues, would prevent sales or transfers of interstate water resources unless the affected drainage basin States formed a compact and consented to the sale or transfer. This legislation provides a framework for the resolution of conflict, and treats all affected parties equally.

Mr. Speaker, I include the Post article in the RECORD for our colleagues to review.

[From the Washington Post, Sept. 12, 1982]

WHEAT FARMER STUNS THE WEST WITH WATER SUIT

(By Dale Russakoff)

HOLYOKE, COLO., September 11.—He is a lifelong wheat farmer with an eighth-grade education. He files his legal documents in a cardboard fruit crate labeled "Pears Net Wt. 9 lbs." One of his lawyers is a self-described "country hick" and the other is fresh out of Creighton Law School in Omaha.

Yet Joy Sporhase, who says he is "proud to live in a country where you can go straight to the top," singlehandedly has shaken much of the West, upsetting the precarious legal system that guards the region's most precious resource: water.

All he wanted was to irrigate his Colorado corn and bean fields with water from his well just over the state line in Nebraska.

But nothing concerning water in the West is quite so simple. Sporhase stumbled onto a Nebraska law banning the shipment of underground water into Colorado. He fought it all the way to the Supreme Court. On July 2, he won.

Now *Sporhase v. Nebraska* has grown into something greater than one farmer's fight to irrigate his land. A dozen western states have laws similar to Nebraska's and most of them are in jeopardy.

The laws are part of an intricate legal system that rations the West's water between farmers and industry, and between states. Where there is water, there is wealth. Therefore, this system has shaped the West, and anything that challenges the system threatens the region's economic order.

Some politicians and interest groups predict that the Sporhase case could set off a "water rush," allowing huge energy companies to reach across state lines and guzzle water needed by farmers, toppling agriculture as the region's No. 1 livelihood.

Others say the impact will be gradual at most, that Sporhase is only the first in a series of cases that could reshape the distribution of the West's water profoundly.

As they pore over the ruling, these people often wonder at the upheaval caused by one hard-headed farmer whose land happened to straddle a state line.

"Sometimes," said water rights attorney Paul Bloom, "the most absurdly localized circumstances produce cosmic law. That's what you learn in law school. It's called precedent."

That's where Joy Sporhase, 65, came in. (Joy traditionally is a man's name in the Sporhase family). He didn't even intend to buy the farm. He and his son-in-law and partner, Delmar Moss, went to a farm auction near here in 1972 planning to buy some cattle. The land also was up for sale, and the highest bidder had offered $145 an acre.

"I thought to myself, heck, if it ain't gonna bring any more than that, why not buy it?" Sporhase recalled. He bid $146.

"Before we knew it, we'd bought a farm," he said. Word of the spur-of-the-moment purchase traveled fast to town, where Sporhase's wife, Gladys, was shopping. "Somebody said two crazy guys bought a farm, and I just knew it had to be them," she recalled.

The land covered 640 acres: 140 in Colorado and 500 in Nebraska, across the gravel road that is the state line at that point. It had a well, a fairly unremarkable contraption sitting 55 feet inside Nebraska. The former owner had written on his Nebraska well registration form that he intended to use the well to irrigate his land on both sides of the state line, and no one ever questioned him about it.

The well was routinely assigned the number G-33893 on Jan. 18, 1971—a number and a date that since have become part of the history of American water law. "See that?" Sporhase said as he pulled the registration form out of his fruit crate, pointing to the rough, handprinted words.

Several years later, Sporhase and Moss built a $47,000 sprinkling system to dribble water from the Nebraska well on their Colorado corn and bean fields. They contend that they notified state officials of their plan and were not warned against it.

"We were minding out own business," Sporhase said, "and here comes our first letter in the mail." He pulled the 1976 letter from the state Department of Water Resources from the crate. It referred to the 1971 registration form and the plan to pipe water from well No. G-33893 into Colorado. The letter threatened legal action if Sporhase and Moss persisted. "State law prohibits such activity," it said.

"We couldn't see where in the heck it made any difference," Sporhase said. "We owned the land on both sides of the line. The water sure wasn't paying any attention to where the line was. When Delmar went to Korea and my son went to Vietnam, it didn't make any difference what state the boys were from, did it?"

By an accident of geography, Sporhase and Moss found themselves at the center of the West's water troubles. Their farm sits atop a rock formation known as the Ogallala acquifer, the largest underground water source in the country, which now is drying up at an alarming rate.

The acquifer, which traps water like a sponge, supplies water for 15 million acres of farmland from South Dakota to Texas. At the current rate of use, it will dry up within 40 years, according to one study.

The states that depend on the acquifer have written volumes of rules and laws to try to keep what water remains to themselves. Colorado bans the export of underground water. Nebraska outlaws piping water from the acquifer to any state that in turn bans piping it into Nebraska.

Sporhase applied to Colorado for a permit to drill a well on that side of the line, but was turned down because state officials said the acquifer was already overused in his area. This meant he would have to let his 140 Colorado acres go dry, devaluing the land from $168,000 to $56,400.

Instead, the two farmers defied the Nebraska warning and continued to irrigate their Colorado land. When Nebraska filed suit as promised, Sporhase went straight to his lawyer, Dick Dudden of nearby Ogallala, Neb.

Dudden still recalls the day his fiesty farmer-client stormed into the office and vowed: "If I have to take my case to the U.S. Supreme Court, I'm going to do it."

The state won its case in Chase County, Neb., and again, when the farmers appealed, in the Nebraska Supreme Court. On Sept. 5, 1981, the farmers were forced to shut down operation of their well.

Then the initiative shifted to Dudden, who describes himself as a "country hick lawyer." Dudden, who had never before tried to take a case to the high court, bought a primer, "The United States Supreme Court," to learn how to apply for a hearing.

He also consulted a Denver firm whose attorneys had experience in Supreme Court appeals. They suggested that the farmers base the appeal on a technicality: that underground water is an "article of commerce."

Dudden assigned Ed Steenburg, his newest employe who had just graduated from Creighton Law School in Omaha, to spend the next month drafting the application to the court.

It was Steenburg's first case, and he worked 16-hour days and seven-day weeks, with Dudden going over one draft after another until at last the job was done. The application was filed under Dudden's name since Steenburg hadn't yet practiced the required three years to take a case to the high court.

On Nov. 28, 1981, Dudden received a call from a small Colorado weekly, The Yuma Pioneer, asking for reaction to a wire service report that the Supreme Court had agreed to hear the case. He thought it was a mistake. Then came a call from The Denver Post, and he began to believe it. Ten days later a post card arrived from the Supreme Court saying: "Sporhase vs. Nebraska. Probable jurisdiction noted."

Officials in western and midwestern states and almost every interest group that uses their water reacted with alarm. Seventeen briefs were filed in opposition to the farmers, only one in favor.

The abstruse argument that water was an article of commerce was obviously an explosive one. Western states have treated water differently from every other natural resource because of its importance to life.

They have divided the region's rivers and streams among themselves through complex formulas; sanctioned by the Supreme Court and interstate compacts. They have further divided their own water supplies among farmers, businesses, towns, wildlife, forests and other "beneficial uses."

Now Sporhase was arguing that water was part of the interstate commerce system, subject to regulation from Washington.

The briefs filed against Sporhase give a glimpse of what was at stake. A group of farmers called it a potential vehicle for the energy industry to siphon off water needed for agriculture; environmentalists saw in it a threat to state conservation programs that protect wildlife and forests; railroad interests perceived a boost to interstate coal pipelines—projects that need thousands of gallons of water and that threaten to break the rail lines' hold on the coal transportation business.

The only brief filed on the Sporhase-Moss side came from El Paso, which wants to pipe water from nearby New Mexico to meet its development demands but faces a New Mexico law similar to Nebraska's.

While the West debated these sweeping issues, the two farmers anxiously waited.

The hearing was scheduled for March 30, a Tuesday, but the Sporhases and the Mosses, the Duddens and the Steenburgs arrived on the Friday before. Dudden's father flew in from Phoenix. His son came down from Pennsylvania State University. Spor-

hase's two granddaughters came along, as did some of his neighbors from Holyoke.

Joy Sporhase and his clan had never before been to Washington, and they spent the next three days on a nonstop tourist whirl. They took pictures of everything, later placing the snapshots in a brown leather scrapbook, which sits next to their Bible on the living room coffee table. At the front of the book is a picture of the Sporhases and their grandchildren standing on the front steps of the Supreme Court.

Joy Sporhase say he will never forget how he felt walking into the court's hearing room that morning. "It was the first time I ever had knots in my stomach and I'm not even scared of the devil," he said. "You just sat there and said to yourself: Here you are, clear at the top."

After the hearing, Sporhase and Moss went home to their farm to tend their fields of dryland wheat, the crop they substituted for irrigated corn and beans after their water was cut off. In the western states, officials and interest groups awaited the decision as if it was a verdict.

The July 2 ruling was not as broad as some opponents had feared, or as some supporters had hoped. The court did conclude that water is an article of interstate commerce, meaning Nebraska cannot ban its export to Colorado, throwing into doubt similar provisions in a dozen other states.

But the 7-to-2 ruling upheld the rest of Nebraska's water law, including the state's right to regulate water use to ensure conservation. The justices said a state still could ban water exports if the ban is "narrowly tailored" to the goal of conserving water.

For Joy Sporhase, that was plenty. But for most western state officials it was too much.

"Ouch!" was the reaction of Nebraska Gov. Charles Thone. Officials predicted a flood of spinoff lawsuits, one for each time a state denies water exports in the name of conservation. The conservation programs in some states are so sketchy that officials said they will have trouble defending export bans even if they are justified.

About a dozen legislatures now are considering new or amended water laws, and some environmentalists have predicted optimistically that the ruling could lead to more sophisticated conservation programs throughout the region.

The anxiety comes in part from what David Aiken, a water law specialist at the University of Nebraska, calls the specter of "a full social and political transformation." If water is part of interstate commerce, several officials asked, will it eventually be put on the market for the highest bidder? How can farmers compete with oil companies? Will farmland eventually go out of production?

"For every water right sold to an energy company, the agrcultural base is reduced, the political influence of farmers declines," Aiken said.

Attorneys for the energy industry said they see no dramatic transformation from Sporhase, although several said the case fits into the pattern of changes reshaping the West.

Edward W. Clyde of Salk Lake City, who has practiced water law for four decades, said the case improves the position of coal pipelines and other energy interests "only slight;" since a welter of other legal hurdles remain. He said he does not expect Congress to invoke the ruling to intervene in state water regulation.

Sporhase still hasn't received a permit to irrigate his Colorado acres. The court sent the case back to Nebraska with instructions to remove the export ban from the state's water law. Until that is done, state officials contend they cannot authorize Sporhase to pump water out of Nebraska. The farmer is considering a return trip to court.

On a recent day, Sporhase drove out to his well and parked his pickup on the state line. The sprinkler sat idle on the Colorado side, amid a field of dry wheat stubble. The well sat idle on the Nebraska side, overgrown with sunflowers and firebrush weeds.

Sporhase stood on the state line, leaned against his truck with the bumper sticker "Farmers Feed America. Do You?" and looked with pride and some consternation at his well.

"The day we stood up here at that auction and bid on this land," he said, "who ever would've thought we'd get into all this?"●

FULL CONSIDERATION DESERVED

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. VANDER JAGT. Mr. Speaker, I am delighted to have learned that positive action now is being reported on H.R. 5133, more popularly known as local or domestic content legislation. It is my understanding that the House Committee on Energy and Commerce is expected momentarily to report the bill and refer it to our Subcommittee on Trade of the House Committee on Ways and Means for further hearings. Of equal importance, Chairman SAM GIBBONS, of the Subcommittee on Trade, has strongly indicated his willingness to call hearings on the measure as quickly as possible.

As my colleagues know, this legislation has particular meaning and impact on our automobile industry and, of course, on all of our autoworkers. At the same time, grave doubts have been raised as to the overall effect of this legislation and the distinct possibility of retaliatory trade restrictions by overseas trading partners in other areas of our economy.

We do have the benefit of exhaustive studies on this issue. Among others, one is by the United Auto Workers (UAW); another by the U.S. Chamber of Commerce, as well as our own Congressional Budget Office. In recent days, another comprehensive study has been completed by the Heritage Foundation here in Washington. The uniqueness of the Heritage study is that it comments on and includes pertinent points from the other major studies mentioned above.

Because this is an issue which the House quite likely will consider before adjournment, I strongly recommend each Member obtain a copy of the Heritage Foundation report from their Washington office.

On a more personal basis, let me mention—simply to emphasize the importance of this legislation—a very recent experience of mine. During my annual congressional mobile office tour in our Ninth Congressional District, I scheduled a number of visits to communities within Muskegon County. At each of these stops, a large group of citizens representing the UAW made their presence known and their support of this legislation. They, in essence, were "petitioning" their Congressman in behalf of this bill. They did so, let me stress, in the finest tradition. They were courteous, they were determined, and they were effective. The plight of our autoworkers is real and is great. Auto imports have had a tremendous impact on one of our Nation's great industries. It is time—past time really—for this Congress to consider this issue.

I am pleased, therefore, that further hearings are planned and I am pleased that the House leadership intends, according to its announcements, to move swiftly. I admit that I have reservations as to the possible effects of this legislation on other workers and other businesses—but only hearings will clarify this matter.

One final comment, and that is I further understand that the original bill, H.R. 5133, has just recently been greatly altered by its chief sponsor, Congressman RICHARD OTTINGER, so that the new version would make compliance "fairer and more realistic" for foreign-based companies. A Detroit News article on this development also is included:

[From the Detroit News, Sept. 3, 1982]

TIMETABLE REVAMPED—DOMESTIC-CONTENT AUTO BILL EASED

(By John E. Peterson)

WASHINGTON.—The chief sponsor of a UAW-backed bill aimed at prodding foreign auto makers to build U.S. plants is easing some of the measure's requirements.

Rep. Richard L. Ottinger, D-N.Y., unveiled a substitute "domestic content" bill yesterday that he hopes will win House passage before the fall elections. The bill, however, apparently has little chance in the Senate.

Ottinger said the new version would make compliance "fairer and more realistic" for foreign-based companies such as Volkswagen and Honda that are committed to high-volume U.S. production.

Yet Ottinger's revised bill, if enacted, would force Japan's Toyota and Nissan (Datsun) to transfer much of their production to the United States or reduce the levels of their U.S. sales.

The original domestic-content bill would have required companies with annual U.S. sales of 500,000 or more cars to produce 90 percent of their value in the United States by 1985.

The new bill, drafted by Ottinger after consultations with UAW President Douglas Fraser, would delay the 90-percent requirement to 1986 and apply it only to companies selling 900,000 or more cars and light trucks a year in the United States.

Under the earlier bill, companies with annual sales of between 100,000 or 200,000 vehicles would have needed 25 percent U.S. content and those with sales between

200,000 to 500,000 would have needed 75 percent. The new bill would require 1 percentage point of domestic content for each 10,000 units sold, starting at 10 percent for 100,000 units.

At present sales levels, only general Motors, Ford and Chrysler would have to build cars with 90 percent local content, and they already do, said an Ottinger aide.

But Toyota and Nissan would have to increase the American-made parts in their U.S.-sold cars from the current 5 percent to nearly 75 percent by 1986 to maintain their present U.S. sales levels.

Though the Senate is likely to defeat the measure and President Reagan probably would veto it if it reached his desk, House Speaker Thomas P. O'Neill of Massachusetts has urged fellow Democratic leaders to secure passage before the November elections, according to knowledgeable Capitol Hill sources.

"Tip is convinced that passage of this bill will allow a number of vulnerable Democratic members from industrialized areas to pick up enough added votes to put them over the top," one O'Neill aide said. "Even though Senate passage is doubtful, they'll be able to go home and say, 'Look, we're trying to do something to get people back to work.' "

The bill's chances of Senate passage, however, "are just about nonexistent," said an aide to Democrat Wendell Ford of Kentucky, the measure's chief sponsor in the Senate.●

LEGISLATION INTRODUCED TO ESTABLISH A UNIFORM TARIFF SCHEDULE CLASSIFICATION AND DUTY RATE FOR IDENTICAL CORDAGE PRODUCTS

HON. DON BAILEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. BAILEY of Pennsylvania. Mr. Speaker, in recent years, the volume of importations into the United States of foreign-made cordage products has substantially increased, adversely affecting and injuring the United States cordage industry. This increase is due, in part, to the preferred tariff treatment accorded certain of these products because of an inadvertent and unintentional discrepancy in the custom laws. Because of this discrepancy, importations of plastic cordage (polypropylene, polyolefins, and copolymers) of identical characteristics and uses are classified under differing tariff schedule categories at substantially differing duty rates.

Cordage manufactured from plastic material which falls within the dimensional requirements of a strip is classified as "cordage." However, if the cordage is manufactured from plastic materials over 1 inch in width, such materials cease to be considered as textile fibers. Instead, it is considered as plastic and so classified under the tariff schedules. The reason behind this difference in classification is that the current definition of "cordage," as contained in schedule 3, part 2, headnote 1(a), restricts "cordage" to ". . . assemblages of textile fibers or yarns . . ." Importations of cordage manufactured from plastic material over 1 inch in width cannot be considered, under the dimensional requirements imposed for strips, as " . . . assemblages of textile fibers or yarns . . ." and, therefore cannot be classified as "cordage." Consequently, such cordage made from plastic material is classified by the Customs Service under schedule 7, part 12, subpart D, item 774.55 as "Articles Not Specially Provided for of Rubber or Plastics: Other" at a duty rate of 7.3 percent ad valorem.

The result is that two identical importations of polypropylene cordage of identical characteristics and use are classified under differing tariff schedule categories at substantially differing duty rates merely because one product was manufactured from plastic material over 1 inch in width while the other was not. The following two letters from the U.S. Customs Service clarify the basis for the difference in classification.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
Washington, D.C. April 28, 1982.

DEAR —— ——: This is in reply to your letter of January 27, 1982, concerning the tariff status of certain polypropylene twine. Five samples were submitted.

Each of the samples was submitted to our laboratory for analysis. Each was composed of polypropylene film which had been fibrillated and then twisted. All five samples were under 0.01 inch in thickness. Two of the samples, 375 Natural and 450 Natural, were determined to have been made from strips over 1 inch in width. The other three samples were determined to have been made from strips which were under 1 inch in width.

Headnote 3(c), Subpart 1E, Schedule 3, Tariff Schedules of the United States (TSUS), defines the term "plexiform filaments" as flexible filaments each of which consists of a network or plexus of fine fibers and which are suitable for the manufacture of textiles. All five samples are considered to be plexiform filaments. This office has previously ruled that plexiform filaments which are derived from strips over 1 inch in width do not constitute textile materials for tariff purposes.

Merchandise as represented by the three samples of twine which are derived from plastic strips 1 inch or less in width are classifiable under the provision for cordage of man-made fibers, measuring under 3⅛₆ inch in diameter, in item 316.55, TSUS, with duty at the column 1 rate of 10 cents per pound plus 13.8 percent ad valorem. Merchandise as represented by the two samples which are dervied from plastic strips over 1 inch in width are classifiable under the provision for other articles not specially provided for, of plastics, in item 774.55, TSUS, with duty at the column 1 rate 7.3 percent ad valorem. Merchandise classifiable in item 774.55, TSUS, may be entitled to duty-free entry under the Generalized System of Preferences (GSP), if a product of Taiwan, upon compliance with all applicable regulations.

For your information, the procedure whereby an American manufacturer petitions the Commissioner of Customs to change the classification of certain merchandise is set out in section 516, Tariff Act of 1930, as amended (19 U.S.C. 1516). Copies of this law and the relevant Customs Regulations are enclosed. If you believe that the classifications above are not correct, you may take action under section 516(a) of this law.

Sincerely,

HARVEY B. FOX,
Director, Classification and Value Division.

Enclosure.

DEPARTMENT OF THE TREASURY,
U.S. CUSTOMS SERVICE,
New York, N.Y., February 11, 1982.

DEAR —— ——: In your letter of January 22, 1982, you requested the tariff classification for polypropylene twine from Portugal, Korea, or Taiwan.

Five samples of polypropylene twine, ranging form 375 to 1100 feet per pound, were submitted with your inquiry. The twine is produced from extruded polypropylene film which has been slit into strips. These strips are then fibrillated and twisted into cordage.

The tariff classification of this type of merchandise is determined by the dimensions of the individual strips prior to fibrillation. Cordage which is produced from strips not over one inch in width is considered to be of man-made fiber textile material. Strips which are over one inch are considered plastic for tariff purposes. As it is quite difficult to determine the exact original width of a strip after it has been fully fibrillated, we cannot state with absolute certainty which of your samples fall into each category. We would therefore suggest that you check with your suppliers to ascertain the exact width of the strips prior to fibrillation.

After examining each of the five items, it is our opinion that at least three of the samples are produced from strips under one inch in width. If this is in fact the case, then samples (C) 900 natural, (D) 1000 black, and (E) 1100 hemp are classified under the provision for cordage of man-made fibers measuring under 9/16 inch in diameter, in item 316.55, Tariff Schedules of the United States, with duty at 10 cents per pound plus 13.8 percent ad valorem.

Due to the larger size and extensive fibrillation of items (A) 375 natural and (B) 450 natural, we are unable to determine the width of the strips from which these samples were produced. If strips under one inch were fibrillated, then classification would be under TSUS item 316.55, as discussed above. However, if these two twines are produced from polypropylene strips over one inch in width, they are classifiable under the provision for articles not specifically provided for, of plastics, in item 774.55, TSUS, and dutiable at 7.3 percent ad valorem.

Cordage of man-made fibers may be subject to import restraints (quotas) based on international trade agreements. Import restraints are imposed by the U.S. Customs Service under directives of the Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, D.C. 20230. Polypropylene twine, produced in Korea of Taiwan and classified in TSUS item 316.55, requires a visa for category 605. Due to the changeable nature of these restraints, you are advised to contact your local Customs office prior to importation of this merchandise to determine the current status of such restraints.

Articles classifiable under item 774.55, TSUS, which are the products of Portugal

or Korea are entitled to duty free treatment under the Generalized System of Preferences (GSP) upon compliance with all applicable regulations. Taiwan is currently excluded from this duty exemption. However, the recently published ten month figures for items included under GSP indicate that, effective March 31, 1982, Taiwan may regain its duty-free status for tariff item 774.55.

This ruling is being issued under the provisions of Section 177.1(a)(1) of the Customs Regulations [19 C.F.R. 177.1(a)(1)].

Sincerely,

JOHN J. MARTUGE,
Area Director, New York Seaport.

Foreign manufacturers have taken full advantage of this discrepancy in the Customs laws. They have been certain that the cordage they produce for export to the United States is constructed of plastic material over 1 inch in width in order to obtain the advantages of the lower duty rates. As a consequence, they are afforded an unfair economic advantage over the domestic cordage industry. The situation is further aggravated by the fact that item 774.55 receives General Systems of Preferences treatment. This means that importations of cordage entering under item 774.55 from certain designated beneficiary countries receive duty-free status. Additionally, there are quota restrictions on cordage entered under Items 316.55, 316.58, 348.00, and 348.05, but no quota restrictions on cordage entered under item 774.55. Therefore, not only is the foreign manufacturer receiving the benefits of a lower duty or no duty for cordage made from plastic material entered under item 774.55, but he is also totally circumventing the quota restrictions imposed on other item categories.

It does not appear that such diverse and inequitable treatment was intended by the Congress when the tariff schedules were drafted, particularly when its direct effect is to seriously harm the United States cordage industry. The legislation I am introducing today will remedy this unfair situation. The legislation will amend the tariff schedules and result in all like cordage made from plastic material to be identically classified at the same duty rate regardless of the dimensions of the plastic material from which it is manufactured. The changes required in the tariff schedules are minor and will have the sole effect of affording all like importations of cordage identical treatment by the Customs Service. I urge my colleagues to join me in correcting the unfair treatment afforded the U.S. cordage industry under the U.S. tariff schedule.

I have included the text of the bill and ask that it be printed in the CONGRESSIONAL RECORD at the conclusion of my introductory statement.

The material follows:

H.R. 7107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) in recent years various cordage products of virtually identical characteristics and use have been and are being imported into the United States;

(2) due to an insignificant variation in the size of the material from which these cordage products are manufactured, such products may be and have been imported under distinctly different classifications in the Tariff Schedules of the United States carrying substantially differend duty rates;

(3) the dimensions of the material from which the cordage products are manufactured has no effect on the finished products in terms of overall characteristics or use, and the finished products as imported into the United States are identical;

(4) in the drafting of such Tariff Schedules it was not the intention of Congress to have two identical products classified under varying provisions of the Tariff Schedules at differing duty rates;

(5) foreign manufacturers of cordage have been and are using this discrepancy in the Tariff Schedules to enter their products into the commerce of the United States at duty rates lower than those intended for cordage products;

(6) such action by foreign manufacturers has resulted in serious and substantial economic harm and injury to the United States cordage industry; and

(7) immediate measures are required to rectify this inequitable situation in the Tariff Schedules and to prevent further harm to the United States cordage industry.

(b) PURPOSE.—It is the purpose of this Act to provide for identical classification and duty rates under the Tariff Schedules of the United States for importation of cordage products which are identical in character but which may have been manufactured from like materials of varying dimensions.

SEC. 2. AMENDMENTS TO TARIFF SCHEDULES.

(a) Part 2 of schedule 3 of the Tariff Schedules of the United States is amended—

(1) by amending headnote 1(a) thereto by inserting "plastics or man-made materials," immediately after "assembleges of textile fiber or yarns,"; and

(2) by amending the superior heading to items 316.55 and 316.58 by inserting", Plastics or other man-made materials" immediately after "Of man-made fibers".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the enactment of this Act, but not before October 1, 1982.●

HUMAN RIGHTS IN SOUTH AFRICA

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 15, 1982

● Mr. DOWNEY. Mr. Speaker, we have heard nothing but assurances from the Reagan administration and the South African Government that human rights conditions are improving in South Africa.

In fact, when the Ad Hoc Monitoring Group on Southern Africa wrote to South African Ambassador Sole about the admission of several detainees into the psychiatric ward of a Durban hospital, he intimated that the hospitalization was the result of a conspiracy to give publicity to conditions of detention, and that the detainees had faked their illness.

Yet others disagree. Last week, I received a letter from an organization called the Detainees' Parents Support Committee. This group is composed of parents who are trying to find out why their children have been detained by the South African police. They wrote in refutation of Ambassador Sole's letter.

So that the whole story is told, I would like to have this document inserted into the CONGRESSIONAL RECORD.

JOHANNESBURG,
August 24, 1982.

Congressman THOMAS DOWNEY,
U.S. Congress,
Washington, D.C.

DEAR SIR, We beg to refer to a letter sent to you some months back by the then South African Ambassador to your country, Mr. Donald Sole, dealing with the state of health of Political Detainees in South Africa and in which he claimed that most detainees had "faked" ill-health.

In refutation of this allegation this Committee drew up a carefully researched document setting out the truth of the matter. This memorandum was duly forwarded to you through Consular channels, but we have been given to understand that it has not reached you. We now therefore send you this enclosed copy direct through the post, and will also have it channelled through the American Press.

The recent death in detention of Mr. Moabi Dipale, after only three or four days in the hands of the Security Police underscores this issue sufficiently not to require any further comments.

Yours faithfully,

(For the D.P.S.C.)

[Memorandum]

REPLY TO THE SOUTH AFRICAN AMBASSADOR AT WASHINGTON, MR. DONALD SOLE, CONCERNING THE HEALTH OF DETAINEES

PREAMBLE

Prominent American politicians expressed concern at the conditions of incarceration of detainees held for interrogation by the South African Police. This followed the death in detention of Dr. Neil Aggett on the 5/2/1982 and the hospitalization of a number of other persons held in solitary confinement in terms of South African security legislation.

On the 12th May, it was reported that Mr. Sole, South African Ambassador to Washington, had released a statement to the effect inter alia that the hospitalizations of detainees were as a result of a conspiracy by unnamed persons to give publicity to conditions of detention and that the detainees had faked their illness. (Rand Daily Mail 12/5/82)

This Memorandum deals with the following:

(1) The source of the information supplied to Mr. Sole.

(2) The medical ethics involved in the release of the "information" contained in the statement.

(3) The inaccuracy of the contents of the said statement.

(4) The effects of solitary confinement on the health of a detainee.

(5) The request for an independent inquiry into the medical condition of the particular detainees mentioned in Mr. Sole's statement, as well as the medical treatment of detainees generally.

1. MR. SOLE'S SOURCE

The source of Mr. Sole's information was revealed in Parliament by Mr. Pik Botha, Minister of Foreign Affairs, on 20.5.82. He informed Parliament that Mr. Sole had obtained his information from the South African Police, the very agency which was responsible for the detention and interrogation of the detainees. (The Star, 20.5.82)

2. THE DISCLOSURE OF THE MEDICAL STATE OF DETAINEES

2.1 On March 5th, 1982 the Minister of Justice informed Parliament that it was questionable whether it was ethically justifiable "to publicly discuss" the psychiatric condition of detainees. (Hansard, 5.3.82, Column 23). The Department of Health has itself stated that "Permission for the disclosure of a diagnosis may be given only by the patient, next of kin or the medical practitioner in Court under protest". ("Special Areas of Primary Health", p. 33)

2.2 Mr. Sole's statement represents a turnabout on the part of the South African Government. In summary, representatives of the South African Government have seen fit to publicly disclose confidential medical information, which information was based on reports given to them by the Security Police. That this information itself has been refuted by the medical practitioners involved in treating the detainees, underscore the unreliability of the source of the information.

3. THE INACCURACY OF MR. SOLE'S STATEMENT

Mr. Sole's allegations are refuted as follows:

3.1 Mr. Sole alleged that the detainees were all hospitalized at almost the same time, which was when they had access to their families. Furthermore, Mr. Sole stated that there was a conspiracy to highlight mental illness which coincided with a campaign by the detainees relatives to publicise the conditions under which the detainees were being held.

In reply it must be pointed out that:

(a) all communications between detainees and relatives were supervised and controlled by, and in the presence of Security Police;

(b) the dates of hospitalization reveal no pattern of simultaneous hospitalization. The detainees referred to by Mr. Sole were hospitalised on dates which range from 20.11.81 to 16.3.82;

(c) some of those hospitalised received no family visits;

(d) the Parents' Support Committee reject strongly the suggestion that they conspired to induce their children to fake mental illness;

(e) it was the world wide concern at the death of Dr. Neil Aggett which induced the authorities to refer certain detainees to hospital who should have been taken there earlier.

(f) it is difficut to conceive of a conspiracy between the detainees who were held incommunicado in separate prisons up to 600 kilometers apart.

3.2 Mr. Sole has stated that 7 of the 9 detainees were faking mental illness. He stated in one instance that a psychiatrist could find nothing seriously wrong with detainees Mr. Pravin Gordhan and Mr. Sam Kikine. However, the psychiatrist, Dr. C. S. Levisohn, who treated these detainees has refuted this claim. He has stated that he could not understand where Mr. Sole had obtained his information for this was not what he had reported to the District Surgeon or the Commissioner of Police. (Natal Mercury 15.5.82) As Mrs. Gordhan has stated "The fact that Pravin was . . . admitted for psychiatric treatment by doctors appointed by the State is sufficient evidence of the truth." (Rand Daily Mail, 13.5.82).

3.3 Another example cited by Mr. Sole is that of Thozamile Gqeta, whom he alleges was released because of his mental condition and yet was able to continue his activities without let up or any sign of mental disturbance.

Mr. Gqeta, a prominent trade unionist, was detained on several occasions in 1980 and 1981. On some of these occasions he was maltreated and kept in solitary confinement for long periods of time. In October 1981 his mother and Uncle were killed when their house was burnt down under sinister circumstances. When Mr. Gqeta and his girlfriend were returning from his mother's funeral, she was shot dead by Ciskei Police. Shortly afterwards, he was detained yet again. It was at this point that he suffered such severe depression that doctors opposed his continued detention. When his brother visited him in hospital he reported that Thozamile was unrecognizable. A spokesman for the South African Allied Workers Union, (SAAWU) stated (22.5.1982) that when Mr. Gqweta was released, his mental condition was so poor, he received extensive and regular psychiatric treatment. He was too weak to continue his work for the union even had he wished to.

3.4 With regard Mrs. Levitan, Mr. Sole implies that she too faked mental illness and that "A psychiatrist indicated he could find little wrong with her." However, Mrs. Levitan was never admitted to a psychiatric ward, but was hospitalized twice as a result of a physical complaint.

3.5 In his disclosure, Mr. Sole stated that "Mrs. Mbatha suffered from high blood pressure (she is very obese) and has been treated in hospital for this condition". This statement is inaccurate. The facts of Mrs. Mbatha's illness are more revealing. In the first instance, Mrs. Mbatha is not obese. She was detained in October 1981. The police compelled her to take her 2 year old child with her. Subsequently, the police forcibly took the child away without revealing where they were going to place her. They taunted Mrs. Mbatha by informing her that the child would be placed in an institution for "Communist children" administered by the Security Police. Later Mrs. Mbatha became ill. Her first request to see a doctor was ignored. Approximately five days later, she was taken to a district surgeon who diagnosed high blood pressure, prescribed medication and instructed the Police to bring Mrs. Mbatha back within a week. The Security Police neglected to administer the medication and to take Mrs. Mbatha back to the district surgeon as instructed.

Mrs. Mbatha's condition deteriorated over the next fortnight until she collapsed suffering inter alia from partial paralysis. Mrs. Mbatha was only hospitalized 5 days later after the district surgeon had seen her condition. While she was in the hospital, the Security Police threatened her and accused her of shamming.

3.6 Mr. Sole claims that "detainees are able to give the utmost publicity to what in most cases turned out to be unfounded claims of illness."

In reply, we must point out that—

(a) the State has enacted legislation which serves to prevent detainees, their relatives and the press from giving publicity to the conditions of detention, the health of a detainee, or the methods of interrogation. (The Police Act, The Terrorism Act, the Prisons Act.) In terms of Section 6 of the Terrorism Act not even a parent is entitled to know if a detainee has been hospitalized. To us, the major cause for concern is not the publicity given to the conditions of detainees, but on the contrary, the secrecy surrounding their detentions.

(b) There is no public access to the complaints made by the detainee to the police, the Inspector, the magistrate or the district surgeon. Until such access exists there can be no guarantee that the detainee's complaints will be acted upon. The case of Mrs. Mbatha is evidence of the potential for neglect where the detainee is dependent on the will of her captors to see that he or she receives medical attention. This would appear to be aggravated where the authorities' attitude, as exemplified by the attitude of Mr. Sole's informants, is one of skepticism towards the complaints of detainees.

3.7 Mr. Sole states that the comparison between the treatment of detainees in South Africa and the use of psychiatric hospitals followed by other countries is not relevant.

We believe that this assertion should be qualified. In the first place we would point out that the clinical independence of the doctor treating a detainee patient has not been accepted by the South African Authorities. A detainee has no right to see a doctor of his choice. Even a decision of the State appointed doctor concerning the medical treatment of a detainee may be overruled by the Security Police. (See the record on the Biko inquest). Furthermore, communications between the detainee and the doctor have been relayed back to the Security Police.

Secondly we believe that the widespread use of detention in solitary confinement for long periods of time with or without exposure to the Security Police's methods of interrogation can have, and has had, profound psychological effects on the human mind. It is artificial to distinguish this form of mental treatment on the basis that it does not take place in a hospital. Such treatment is no less sinister because it takes place in a police station and detainees are merely treated in a hospital.

As regards the coupling of solitary confinement with drastic methods of interrogation, we refer to the words of the legal representative instructed by the Minister of Law and order. Mr. Schabort opposed the publication of a statement made by Dr. Neil Aggett 14 hours before he died, and in which he stated that he had been blindfolded, punched, kicked, electrically shocked and kept awake for days at a time. Mr. Schabort argued that publication of this statement was not in the national interest because it "would disclose the working methods and techniques of the Security Police". (The Star, 3.6.1982)

4. SOLITARY CONFINEMENT AND MENTAL HEALTH

4.1 The implications of Mr. Sole's statement are that solitary confinement per se

poses no threat and has no effect on mental health. This view is shared by the Minister of Law and Order, Mr. Le Grange, who has stated in Parliament that solitary confinement is not mental torture. It should be pointed out here that solitary confinement for lengthy periods up to and sometimes exceeding a year is widespread practice in South Africa. Its use is mostly confined to persons detained without charge under legislation dealing with the 'security of the State'. (See 'Report on the Report of the Rabie Commission'—Centre for Applied Legal Studies—page 102.)

4.2 Professor C. J. Vorster of the Rand Afrikaans University does not share the view of the Minister of Law and Order. He has stated that solitary confinement is a severe form of mental torture. (Rand Daily Mail 11.2.1982) Professor Vorster stated that it is accepted worldwide amongst academics that solitary confinement or stimulus deprivation is at the same level as physical torture. Professor S. J. Saunders, Principal of the University of Cape Town, has stated "there is absolutely no doubt whatsoever that solitary confinement such as that experienced by detainees held in South Africa under Section 6 of the Terrorism Act, may result and frequently will result in serious psychological changes which will impair the detainee's ability to arrive at the truth" This view is shared by Professors Albino and Mathews of Natal University. ('The permanence of the temporary' SALJ, 1 966, p.23)

The Viljoen Commission of Inquiry into the Penal System of South Africa described solitary confinement and spare diet "as a form of punishment which cannot be tolerated in a civilized society."

4.3 Professor Vorster reviewing literature on the effects of solitary confinement has said that the effects of this treatment include hallucinations, disorientation, anxiety, delusions, susceptibility to persuasion or propaganda, and severe depression. (Rand Daily Mail, 11.2.82)

5. REJECTION OF MR. SOLE'S STATEMENT AND THE CALL FOR AN INDEPENDENT INQUIRY INTO THE TREATMENT OF DETAINEES

Mr. Sole's statement ought to be rejected in the first instance because of its inaccuracy and the unrealiability of its source and secondly because it implies that detention in solitary confinement is not a threat to the mental health of detainees. In this way, the South African Police and Mr. Sole seek to justify its prevalent use.

The detainees concerned see Mr. Sole's allegations in a serious light and accordingly have agreed, together with their doctors, to publicly refute Mr. Sole's allegations and to grant access to their medical records to any independent inquiry which wishes to establish the correctness of Mr. Sole's allegations. However, it is not only the cases of these particular detainees that need to be examined, but the practice of solitary confinement in South Africa and the existence or otherwise of adequate safeguards to guarantee the safety and health of detainees. The media has drawn attention to the tragic death of Dr. Neil Aggett. However, Neil Aggett was not the first person to die while detained under Security Legislation in recent years. He was the 50th.

APPENDIX

Medical Access to the Detainees:

(1) Only State appointed doctors have access to detainees.

(2) The detainee has no choice in what doctor he may see. After the death in detention of Dr. Neil Aggett, the Detainees Parents' Support Committee and its Health sub-Commission demanded that an independent panel of doctors chosen by the DPSC have the right of access to all detainees. The State refused to accede to this demand.

(3) There is not enforceable right by relatives of detainees to information relating to the health of the detainee.

(4) There is no routine psychiatric examination of persons held in solitary confinement.

(5) There is no guarantee that a decision by a doctor will not be overruled by the Security Police.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, September 16, 1982, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 17

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To continue oversight hearings on America's role in the world coal export market.
3110 Dirksen Building

10:00 a.m.
Foreign Relations
To hold hearings on the nomination of William R. Graham, of California, to be a member of the General Advisory Committee of the U.S. Arms Control and Disarmament Agency.
4221 Dirksen Building
Judiciary
Separation of Powers Subcommittee
To hold hearings on the Joint China Communique, Taiwan Relations Act and documentation of separations of powers.
5110 Dirksen Building

SEPTEMBER 20

9:30 a.m.
Foreign Relations
Arms Control, Oceans, International Operations, and Environment Subcommittee
To hold hearings on the militarization of space and arms control.
4221 Dirksen Building

10:00 a.m.
Judiciary
To resume oversight hearings on Government merger enforcement policy, focusing on the legal and economic basis for horizontal merger policy.
2228 Dirksen Building

2:00 p.m.
Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
6226 Dirksen Building

2:30 p.m.
Foreign Relations
To hold hearings on the nominations of Jay F. Morris, of Maryland, to be Deputy Administrator, Agency for International Development, and Edward A. Curran, of Maryland, to be Deputy Director, Peace Corps.
4221 Dirksen Building

SEPTEMBER 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
Foreign Agricultural Policy Subcommittee
To hold hearings on U.S. agricultural exports of processed and value-added products, focusing on the history of these exports as well as potential benefits of increased export volume.
324 Russell Building
Select on Indian Affairs
To hold hearings on S. 2847, proposed Indian Housing Act.
6226 Dirksen Building

10:00 a.m.
*Governmental Affairs
To resume hearings on S. 2562, transferring certain activities of the Department of Energy to the Department of Commerce.
3302 Dirksen Building
Judiciary
Business meeting, to consider pending calendar business.
2228 Dirksen Building
Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on the effects of alcohol consumption during pregnancy.
4232 Dirksen Building

10:15 a.m.
Foreign Relations
To hold hearings on the nominations of Edwin J. Feulner, Jr., of Virginia, to be a member of the U.S. Advisory Commission on Public Diplomacy, and W. Scott Thompson, of Massachusetts, to be an Associate Director of Broadcasting, U.S. Information Agency.
4221 Dirksen Building

10:30 a.m.
Veterans' Affairs
To hold hearings to receive American Legion legislative recommendations for fiscal year 1983.
318 Russell Building

11:00 a.m.
Foreign Relations
Business meeting, to consider pending treaties and nominations.
4221 Dirksen Building

2:30 p.m.
Foreign Relations
To hold hearings on the nominations of Theodore C. Maino, of California, to be Ambassador to the Republic of Botswana, Peter D. Constable, of New York, to be Ambassador to the Republic of Zaire, and Robert B. Oakley, of Louisiana, to be Ambassador to Somali Democratic Republic.
4221 Dirksen Building

3:30 p.m.
Foreign Relations
Closed meeting, to consult with officials on the Strategic Arms Reduction Talks (START).
S-116, Capitol

SEPTEMBER 22

9:30 a.m.
Labor and Human Resources
To hold hearings on the Department of Labor's need for additional assistance to combat organized crime.
4232 Dirksen Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Soil and Water Conservation Subcommittee
To hold hearings on proposed legislation authorizing funds for soil and water conservation programs of the Department of Agriculture.
324 Russell Building

Energy and Natural Resources
Business meeting, on pending calendar business.
3110 Dirksen Building

Foreign Relations
To hold hearings on the nominations of William A. Hewitt, of Illinois, to be Ambassador to Jamaica, and Everett E. Briggs, of Maine, to be Ambassador to Panama.
4221 Dirksen Building

Governmental Affairs
To hold hearings to review proposals providing benefits to former Presidents and their families.
3302 Dirksen Building

Judiciary
To resume hearings on the impact of the Boulder, Colo. decision, relating to potential antitrust liabilities for local governments.
2228 Dirksen Building

2:00 p.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee.
To hold hearings on S. 2061, providing for the conservation, rehabilitation, and improvement of natural and cultural resources located on public and Indian lands, and H.R. 4861, establishing the American Conservation Corps.
3110 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

3:00 p.m.
Foreign Relations
European Affairs Subcommittee
To hold hearings on United States-Soviet research studies.
4221 Dirksen Building

SEPTEMBER 23

9:00 a.m.
Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 2801, providing for the withdrawal of certain lands in the national wilderness preservation system and certain other lands from mineral leasing.
3110 Dirksen Building

Office of Technology Assessment
Board meeting, to discuss pending business matters.
EF-100, Capitol

9:30 a.m.
*Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To resume oversight hearings on America's role in the world coal export market.
5302 Dirksen Building

Judiciary
Criminal Law Subcommittee
To hold hearings on S. 1747, relating to the purchase of prison-made products by Federal departments, to allow in certain cases, the purchases of similar products from small businesses.
2228 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings on the alleged use of false identification to penetrate Federal programs.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold hearings on S. 2863, to extend Federal employees compensation benefits to all Federal jurors, to provide the awarding of attorney fees for court appointed attorneys, and to expand the method of serving jury summons.
6226 Dirksen Building

1:00 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on refugee consultation.
Room to be announced

2:00 p.m.
Governmental Affairs
To hold hearings on the nomination of K. William O'Connor, of Virginia, to be Special Counsel of the Merit Systems Protection Board.
3302 Dirksen Building

Judiciary
Security and Terrorism Subcommittee
To hold hearings on S. 2255, proposed Antiterrorism and Foreign Mercenary Act.
3110 Dirksen Building

SEPTEMBER 24

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on airline labor protection relating to mergers, acquisitions, and intercarrier transactions.
235 Russell Building

10:00 a.m.
Judiciary
Courts Subcommittee
To resume hearings on S. 1529 and S. 2035, bills establishing the National Court of Appeals, and to begin hearings on S. 1403 and S. 1874, bills to reform and improve the annuity program for survivors of Federal justices and judges.
2228 Dirksen Building

SEPTEMBER 27

9:30 a.m.
Finance
To hold hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

SEPTEMBER 28

9:30 a.m.
Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Environment and Public Works
Business meeting, on pending calendar business.
4200 Dirksen Building

Governmental Affairs
Permanent Subcommittee on Investigations
To resume hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on local 28, Oakland, Calif., local 19, San Jose, Calif., local 86, Reno, Nev., and local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Business meeting, to consider pending calendar business
2228 Dirksen Building

SEPTEMBER 29

9:30 a.m.
*Commerce, Science, and Transportation
To hold hearings on S. 1626, to reform and improve the regulation of oil pipelines.
235 Russell Building

Finance
To continue hearings on proposals providing for a flat-rate income tax, and a simplified income tax with lower rates and fewer exemptions from the general rate.
2221 Dirksen Building

10:00 a.m.
Governmental Affairs Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on local 28, Oakland, Calif., local 19, San Jose, Calif., local 86, Reno, Nev., and local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
To resume hearings on S. 2784, proposed Major League Sports Community Protection Act.
2228 Dirksen Building

10:30 a.m.
Governmental Affairs Federal Expenditures, Research and Rules Subcommittee
To resume oversight hearings on the implementation of the Paperwork Reduction Act (Public Law 96-511).
5110 Dirksen Building

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

SEPTEMBER 30

9:30 a.m.
Judiciary
Juvenile Justice Subcommittee
To hold hearings on proposed assistance to State and local law enforcements to reduce criminal case backloads.
5110 Dirksen Building

10:00 a.m.
Governmental Affairs
Permanent Subcommittee on Investigations
To continue hearings to investigate alleged involvement of organized crime and mismanagement of funds in the hotel and restaurant workers union (HEREIU), focusing on local 28, Oakland, Calif., local 19, San Jose, Calif., local 86, Reno, Nev., and local 30, San Diego, Calif.
3302 Dirksen Building

Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the indemnification of and contributions to Government contractors.
2228 Dirksen Building

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 2655, providing an alternative source of financial assistance for social security student benefit recipients.
4232 Dirksen Building

1:30 p.m.
Judiciary
Immigration and Refugee Policy Subcommittee
To hold hearings on Presidential immigration emergency powers.
2228 Dirksen Building

OCTOBER 6

10:00 a.m.
Judiciary
Agency Administration Subcommittee
To hold oversight hearings on the accessibility of the judicial system.
2228 Dirksen Building

CANCELLATIONS

SEPTEMBER 16

10:00 a.m.
Governmental Affairs
To hold oversight hearings on certain activities of the General Services Administration.
3302 Dirksen Building

SEPTEMBER 23

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the use of computer matching in certain federal agencies.
3302 Dirksen Building